REQUEST FOR COUNCIL ACTION

Presenter: Larry Gardner
Meeting Date Requested: 12/16/2020
Department: Community Development
Date Final Action Required: 12/16/2020
Meeting Type: ☐Work Session ☒Public Hearing ☐Business Item ☐Other:
Action Requested: ☐Provide Information ☐Request Feedback ☒Decision ☐Other:
Time Requested: **Total Time**: 20 minutes

Approval Signatures

Submitter: Larry Gardner (Dec 9, 2020 09:18 MST)
Dept. Head: Scott Langford (Dec 9, 2020 09:43 MST)
Reviewed as to Form: Duncan Murray (Dec 9, 2020 09:28 MST)
Executive:
Council Office:
Council Committee: N/A

1. **AGENDA SUBJECT:**
   Request to vacate the entirety of 6300 West Street, 9350 South Street and 6370 West Street of the Dannon Way Industrial Park subdivision plat recorded January 2, 2019.

2. **PURPOSE FOR COUNCIL TIME:**
   Road vacation request.

3. **SUMMARY:**
   The road vacation request is made because the planned use of the property has changed. The recorded Dannon Way Industrial Park subdivision plat is currently being amended from an 11 lot industrial subdivision to a 2 lot industrial subdivision. The roads dedicated on the recorded plat are no longer required. No part of the original 11 lot subdivision has been constructed. No utility lines, telecommunications lines, or other facilities, structures, or equipment has been placed in the right-of-way of any of the referenced roads. The amended plat and road vacation requests will facilitate the construction of two warehouses on the property.

4. **TIME SENSITIVITY / URGENCY:**
   Urgent. If roads are not vacated, construction may be halted.

5. **BUDGET IMPACT:**
   None.

6. **STAFF RECOMMENDATION:**
   Staff recommends approval of the road vacation request.

7. **PLANNING COMMISSION RECOMMENDATION:**
   Planning Commission hearing is not required.

8. **MOTION RECOMMENDED:**
   Motion to approve Ordinance No. 20-46 an ordinance to vacate the entirety of 6300 West Street, 9350 South Street and 6370 West Street on the Dannon Way Industrial Park subdivision plat recorded January 2, 2019.

9. **MAYOR RECOMMENDATION** *(if applicable)*
   N/A

10. **PACKET ATTACHMENT(S)** *(if larger than 25 mb, embed electronically)*
    Ordinance No. 20-46

11. **OTHER INFORMATION** *(if applicable)*

BACKGROUND DISCUSSION:

The purpose of this Ordinance is to vacate all of 6300 West Street, 9350 South Street and 6730 West Street in the Dannon Way Industrial Park subdivision plat. The streets are no longer needed because the subdivision is being amended. All of the property affected by this vacation is under the same ownership; namely, Kachina Sub, LLC. While the streets have not been constructed, they have been dedicated to the city as part of a legally recorded plat. The vacation will remove any reference of the dedication to the city. The city has not expended any funds associated with the street dedication. Good cause exists to vacate the road and the vacation will not be contrary to the public interest.

According to State statute (Utah Code Ann. Sections 10-9a-207, -208, -608, -609, and -609.5) and the West Jordan City Code (Sections 5-2-5, 14-3-6, 14-3-10, 15-3-9, and 15-3-10), the property owners have two legal options to complete the process of vacating a dedicated public street:

1. Have approved and record an Amended Plat (a road vacation plat) for Dannon Way Industrial Subdivision; or
2. Have approved by the City Council and record an Ordinance to Vacate the entirety of the dedicated streets within the Dannon Way Industrial subdivision.

If the city council approves the vacation, it must either cause that a plat is recorded with the County or that an ordinance is recorded with the county.

The Ordinance to Vacate option is the quickest and least expensive option; state law and City ordinances do not allow for a quicker option under the circumstances. The filing fee covers the costs of public notice, drafting the Ordinance, and recording it with the County Recorder. Approval of the Ordinance (and recording it with the County) will vacate the streets and have the same effect as recording of a street vacation plat.

THE CITY OF WEST JORDAN, UTAH

Ordinance No. 20-46

AN ORDINANCE TO VACATE THE ENTIRETY OF 6300 WEST STREET, 9350 SOUTH STREET AND 6370 WEST STREET ON THE DANNON WAY INDUSTRIAL PARK SUBDIVISION PLAT RECORDED JANUARY 2, 2019

WHEREAS, the City of West Jordan ("City") adopted West Jordan City Code ("City Code") in 2009; and

WHEREAS, Utah Code Ann. Sections 10-9a-207, -208, -608, -609, and -609.5 and City Code Sections 5-2-5, 15-3-9, and 15-3-10 authorize the City to accept and act upon a petition to vacate a right of way easement or other similar easement, by giving notice and placing the petition on the agenda for a public hearing and action during a City Council meeting; and

WHEREAS, the current owner of all of the property contained in the Dannon Way Industrial Park Subdivision (located in the City), Kachina Sub, LLC, has filed a complete petition and filing fee with the City requesting that the City vacate the entirety of 6300 West Street, 9350 South Street and 6370 West Street; and

WHEREAS, after all public notices (required by state law and City ordinances) were first provided for, the City Council has held a public hearing (to obtain public input) and a public meeting on December 16, 2020 regarding the petition requesting the vacation of the entirety of 6300 West Street, 9350 South Street and 6370 West Street; and

WHEREAS, the City Council has reviewed the petition for vacating vacate the entirety of 6300 West Street, 9350 South Street and 6370 West Street and has found that good cause exists for the vacation because the streets are no longer needed for and the Dannon Way Industrial Park Subdivision, which is being amended from eleven lots to two lots, neither of which will be served by the vacated streets; and

WHEREAS, neither the public interest nor any person will be materially injured by the vacation; and the vacated streets no longer serves a public purpose; and

WHEREAS, the City Council finds it to be in the best interest of the public health, safety, and welfare to adopt this Ordinance to Vacate.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF WEST JORDAN, UTAH AS FOLLOWS:

Section 1. **Findings.** The City Council finds that:

a. Good cause exists for the vacation of the entirety of 6300 West Street, 9350 South Street and 6370 West Street on the Dannon Way Industrial Park Subdivision Plat; and

b. Neither the public interest nor any person will be materially injured by said vacation; and
c. The referenced streets no longer serve a public purpose.

Section 2. **Vacation of the entirety of 6300 West Street, 9350 South Street and 6370 West Street. The City hereby grants the petition and entirely and completely vacates, as a public right of way, 6300 West Street, 9350 South Street and 6370 West Street on the Plat for Dannon Way Industrial Park Subdivision (see Vacation Plat – Exhibit "B").** A copy of the Original Plat Map depicting the streets to be vacated is attached hereto as Exhibit "A", and a copy of the Amended Plat Map without the vacated streets is attached hereto as Exhibit "C."

Section 3. City Staff to Ensure that this Ordinance is Recorded. The City staff shall ensure that this Ordinance is recorded with the Salt Lake County Recorder.

Section 4. Severability Clause. If any provision this Ordinance is declared to be invalid by a court of competent jurisdiction, the remainder shall not be affected thereby.

Section 5. Effective Date. This Ordinance shall become effective immediately upon posting or publication as provided by law if any of the following occur:

a. The Mayor signs the Ordinance as provided by law; or
b. The Mayor vetoes the Ordinance as provided by law and at the City Council's next meeting following the Mayor's veto the City Council passes the Ordinance over the Mayor's veto by an affirmative vote of at least five (5) City Council members; or
c. The Mayor fails to sign the Ordinance within fifteen (15) days after the City Council presents the Ordinance to the Mayor.

PASSED BY THE CITY COUNCIL OF WEST JORDAN, UTAH, THIS 16TH DAY OF DECEMBER 2020.

CITY OF WEST JORDAN

By: _____
Christopher McConnehey
Council Chair

ATTEST:

_____
Cindy M. Quick, MMC
Council Office Clerk

(continued on the following page)

Voting by the City Council	**"YES"**	**“NO"**
Council Member Kelvin Green	☐	☐
Council Member Zach Jacob	☐	☐
Council Member Chad R. Lamb	☐	☐
Council Chair Chris McConnehey	☐	☐
Council Member David Pack	☐	☐
Council Member Kayleen Whitelock	☐	☐
Council Member Melissa Worthen	☐	☐

PRESENTED TO THE MAYOR BY THE CITY COUNCIL ON _____.

Mayor’s Action: _____ Approve _____ Veto

By: _____ _____
Mayor Dirk Burton Date

ATTEST:

_____
Tangee Sloan
City Recorder

STATEMENT OF APPROVAL OF PASSAGE (check one)

_____ The Mayor approved and signed Ordinance No. 20-46.

_____ The Mayor vetoed Ordinance No. 20-46 on _____ and the City Council timely overrode the veto of the Mayor by a vote of _____ to _____.

_____ Ordinance No. 20-46 became effective by operation of law without the Mayor’s approval or disapproval.

_____
Tangee Sloan
City Recorder

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CERTIFICATE OF PUBLICATION

I, Tangee Sloan, certify that I am the City Recorder of the City of West Jordan, Utah, and that the foregoing ordinance was published/posted in the Salt Lake Tribune, on the _____ day of _____, 20_____, pursuant to law.

_____
Tangee Sloan
City Recorder

EXHIBIT "A"
ORIGINAL PLAT FOR DANNON WAY INDUSTRIAL PARK SUBDIVISION

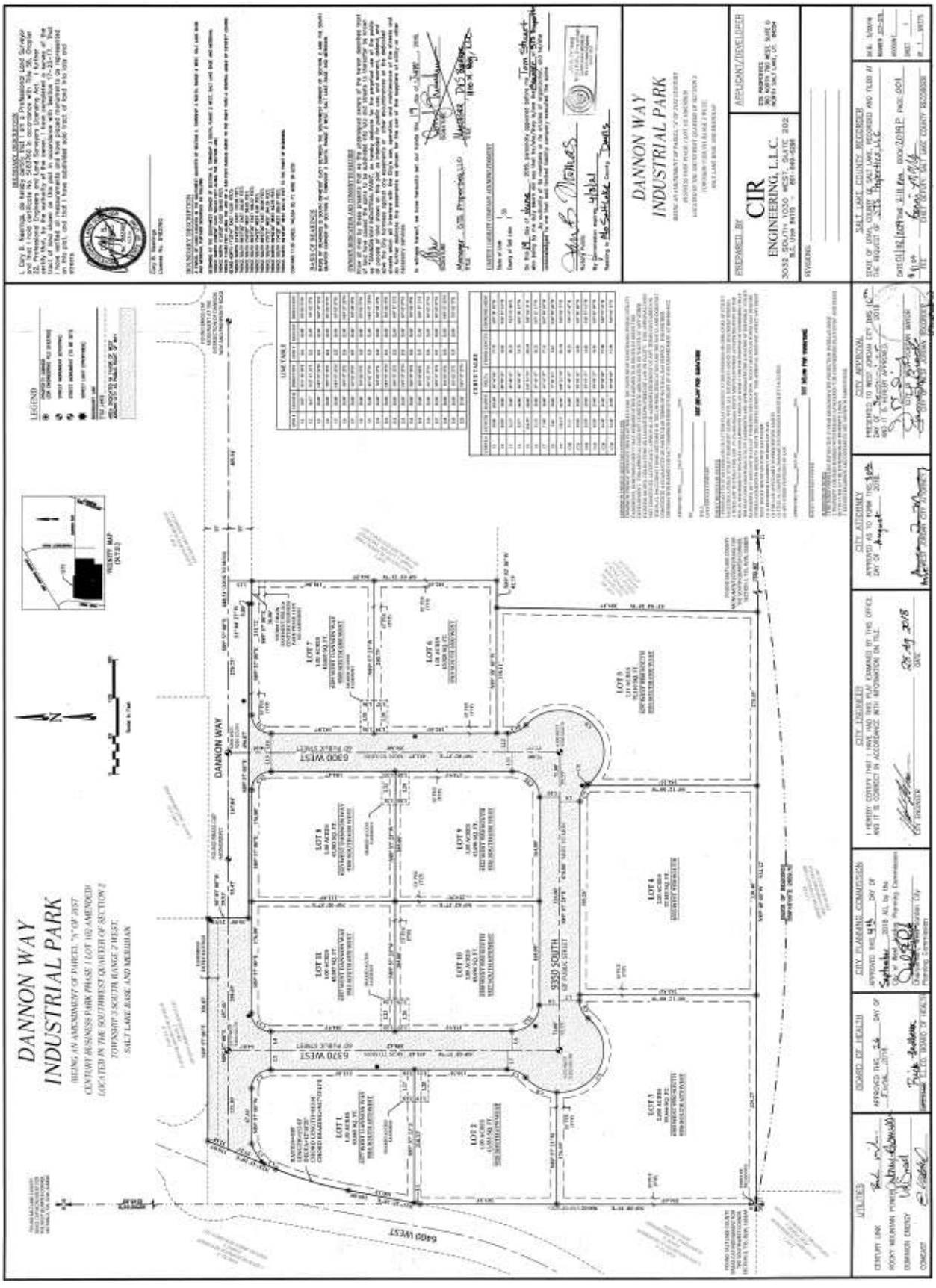


EXHIBIT "B"
VACATION PLAT

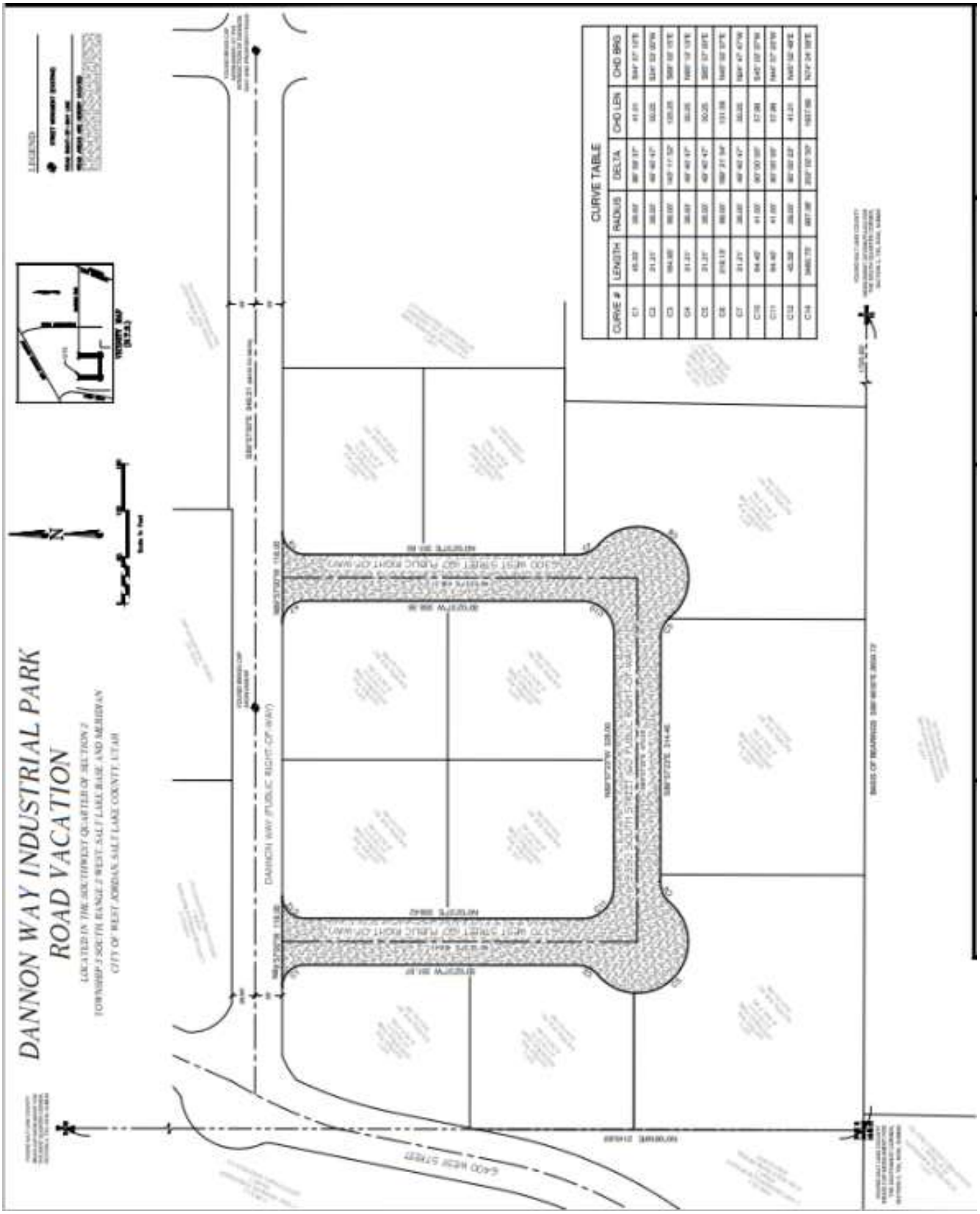
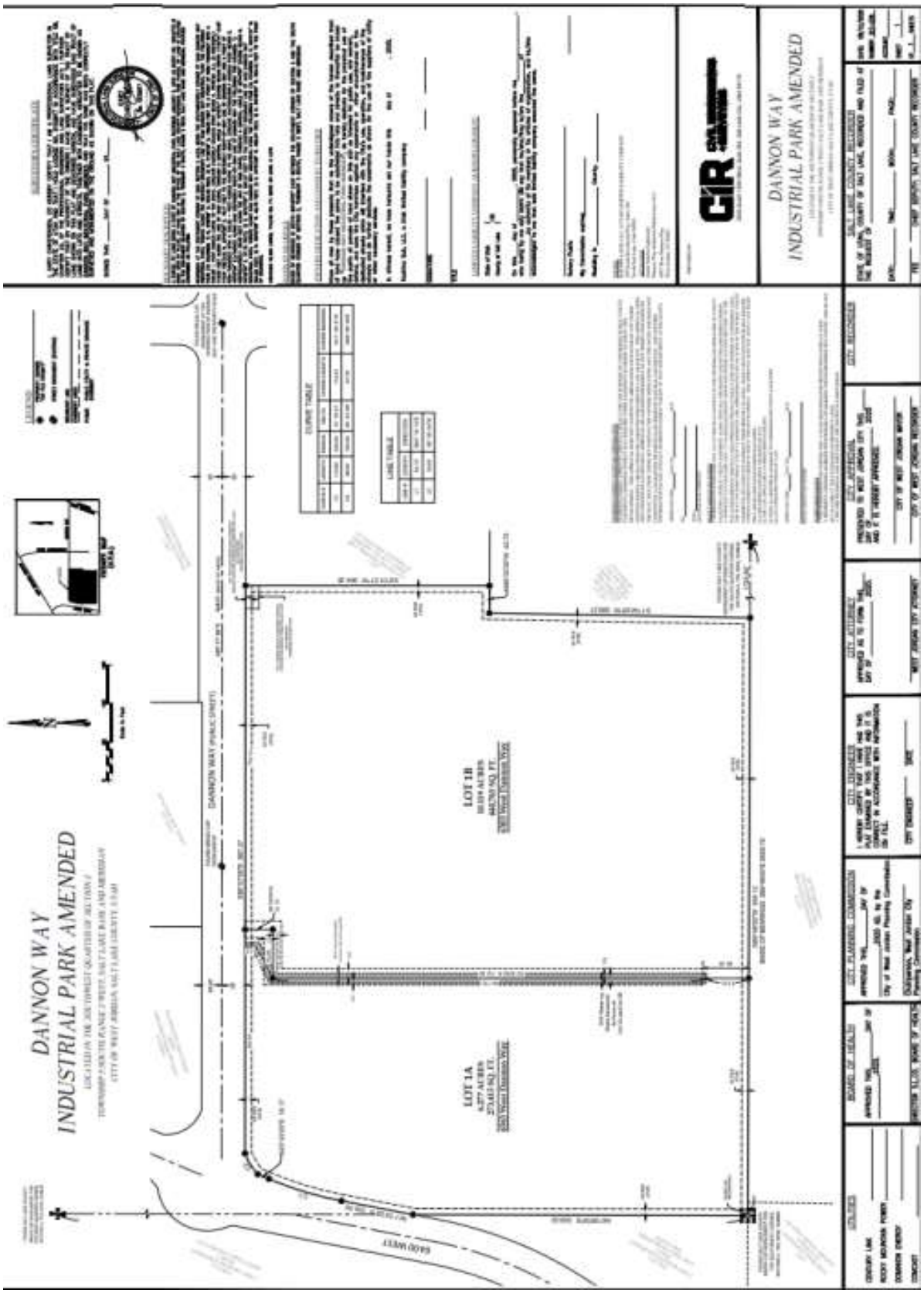


EXHIBIT "C"
AMENDED PLAT FOR DANNON WAY INDUSTRIAL PARK SUBDIVISION



6c - Dannon Way Street Vacation CC Staff Report and Ordinance

Final Audit Report 2020-12-09

Created:	2020-12-09
By:	Cindy Quick (Cindy.quick@westjordan.utah.gov)
Status:	Signed
Transaction ID:	CBJCHBCAABAAuzup3Y19s1WQ-aEVUX5i3sdiOT2Jd2VY

"6c - Dannon Way Street Vacation CC Staff Report and Ordinance" History

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2020-12-09 - 4:13:55 PM GMT

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Signature Date: 2020-12-09 - 4:18:54 PM GMT - Time Source: server- IP address: 207.225.200.66

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Signature Date: 2020-12-09 - 4:43:49 PM GMT - Time Source: server- IP address: 23.169.64.16

Adobe Sign

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Document e-signed by Alan Anderson (alan.anderson@westjordan.utah.gov)

Signature Date: 2020-12-09 - 10:43:52 PM GMT - Time Source: server- IP address: 207.225.200.66

Agreement completed.

2020-12-09 - 10:43:52 PM GMT