

City Council Staff Report



MAPLETON

Date:

10/20/21

Applicant:

Chad Wilkinson

Location:

1200 S 800 W

Prepared By:

Sean Conroy, Community
Development Director

Public Hearing:

Yes

Attachments:

1. Application
Information.

REQUEST

Consideration of an ordinance vacating approximately 19,000 square feet of undeveloped right-of-way at approximately 1200 South and 800 West.

BACKGROUND/DESCRIPTION

On June 14, 1991, the City issued a building permit for a new home on a five acre parcel located at 1147 South and 800 West. As a condition of the permit, the applicant dedicated a strip of property to Mapleton City for the future 1200 South right-of-way (ROW). A half width portion of the 1200 South ROW has been constructed just east east of applicant's property and a full width portion of 1200 South has been constructed just west of the applicant's property connecting to 800 West.

Based on the alignment of the portions of 1200 South that have been constructed, the ROW dedicated to the City in 1991 is not in the correct location. The future road alignment is now almost completely on the neighbor's property to the south. The applicant is requesting that the City vacate the 1991 ROW for the following reasons:

- 1) The ROW is not in the correct location; and
- 2) The applicant's fence line is actually south of the ROW within the boundary of the neighbor to the south's property. The applicant would like to do a fence line agreement with the neighbor to the south, but can't because the ROW separates the actual fence line from his property line.

EVALUATION

Utah Code Section 10-9a-609.5 governs petitions to vacate a public ROW. Staff has included below the required findings for a ROW vacation followed by a brief staff response:

(a) good cause exists for the vacation; and

Response: Because the ROW does not align with the actual 1200 South alignment, there is no need for the City to own and maintain this property. If and when either of the property owners north or south decides to further development, 1200 South would get developed in it's proper alignment at the cost of the developer.

(b) neither the public interest nor any person will be materially injured by the vacation.

Response: Staff has not identified any negative impacts from the proposed vacation.

RECOMMENDATION

Adopt the attached ordinance.

ORDINANCE NO. 2021-

AN ORDINANCE VACATING APPROXIMATELY 1,900 SQUARE FEET OF
UNDEVELOPED RIGHT-OF-WAY AT APPROXIMATELY 1200 SOUTH AND 800 WEST.

WHEREAS, in 1991, the City required the property owner to dedicate approximately 1,900 square feet of land to the City for the future construction of 1200 South as a condition of a building permit issuance; and

WHEREAS, the dedicated right-of-way is not in the correction location for the future construction of 1200 South; and

WHEREAS, the City Council finds that there is good cause for the vacation and that the vacation will not materially injure the public or private interest.

NOW THEREFORE, BE IT RESOLVED by the City Council of Mapleton, Utah, to vacate approximately 1,900 square feet of right-of-way as described in exhibit "A" and to transfer it to Utah County Parcel #27:004:0118.

PASSED AND ORDERED PUBLISHED BY THE CITY COUNCIL OF MAPLETON, UTAH,

This 20th Day of October, 2021.

Dallas Hakes
Mayor

ATTEST:

Camille Brown
City Recorder
Publication Date:
Effective Date:

Exhibit “A”





1991 Deeded
ROW - out of
alignment

existing fence line

Existing segment
of 1200 S

Existing segment
of 1200 S