



Staff Report

Coalville City
Community Development Director

To: Coalville City Planning Commission
From: Don Sargent, Community Development Director
Date of Meeting: June 20, 2022
Re: Street Vacation Petition – Portion of 50 West Street
Action: Public Hearing and Possible Recommendation

50 West Street Vacation Petition

REQUEST: Review, discuss, and conduct a public hearing on a petition of vacation of a portion of 50 West Street for a possible recommendation to the City Council.

BACKGROUND: The petitioner, BJK Investments of Utah, LLC (Craig Vernon) filed a petition for a public street vacation of a portion of 50 West at approximately 180 South Main Street as shown on the Aerial Map as *Attachment A*. The petitioner would like to maintain the continued use of the private driveway through the property for the Valley View Mobile Home Park.

Attachment B includes the application for the street vacation request with associated supporting information for reference.

Attachment C includes the public notice that was published for the street vacation petition.

ANALYSIS: *Attachment D* includes Section 10-3-180 of the development code identifying the process and procedures for street vacations. Staff does not have a recommendation for or against the street vacation. The Planning Commission is to consider the following questions in reviewing street vacation petitions:

1. Is there good cause for the action?
2. Will the action be detrimental to the public interest?

RECOMMENDATION: Staff recommends the Planning Commission review and discuss the street vacation petition, conduct a public hearing, and consider making a recommendation to the City Council.

ATTACHMENTS

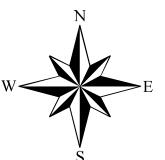
- A.** Aerial Map
- B.** Application with Supporting Information
- C.** Public Notice
- D.** Section 10-3-180



Aerial Map

Summit County Parcel Viewer Application
Printed on: 6/13/2022
Imagery courtesy of Google

$$1 \text{ in} = 94 \text{ feet}$$



This drawing is neither a legally recorded map nor a survey and is not intended to be used as such. The information displayed is a compilation of records, information and data obtained from various sources, including Summit County which is not responsible for its accuracy or timeliness.

Update: July 2021



APPLICATION for
PUBLIC STREET CLOSURE/ VACATION within
COALVILLE CITY:

For Office Use Only:

Application Date: Monday May 23 2022

PC Approval Date: _____ CC Approval Date: _____

Community Development Director Review Date: _____ Initial: _____

Expiration Date: _____ Denial Date: _____

Fee Paid: \$ 400.00 UCT# 5080 Receipt #: _____

Project Name: 50W Street

Project Address or Area: Block 40

Name of Applicant: BJK Investments of Utah, LLC

Address of Applicant: PO Box 861 Coalville, UT 84017

Phone: 435-655-5008 Cell: _____

Email: mugs.bv@gmail.com Fax: na

Please include with the application:

- 1. A letter explaining why you are requesting this street closure. Please include a statement explaining why the street closure is consistent with proposed public policy. If applicant is not a property owner adjacent to the street, please include the applicant's interest in the request.
- 2. The cost of first class postage for each address within 450 ft. is due at time of application. Please do not provide postage stamps.

- 3. The name, address and signatures of all owners of property abutting the subject alley who support the petition. You may use the sample petition accompanying this application or provide your own. Please note that the property owners must sign (not occupants who rent) and the petition must include the signatures of no less than 80 percent of the abutting property owners.

- 4. A property ownership map (known as a Sidwell map) showing the area of the subject alley or street vacation and a survey map containing and highlighting the current street/alley that you want to vacate and the property owners on either side that will be requesting the property if it is vacated. **Will not accept hand drawn maps.**

On the map, please provide:

- a. An overlay of an Arial map to indicate where it is within the City or an electronic file available to the City Engineer in order to overlay the survey.

- b. Highlight the subject alley and indicate with a colored circle or dot, the property owners who support the petition.
- c. Indicate any easements within or near the requested street/alley vacation.
- d. Show building/structures on the properties on either side of the street/alley

5. If applicable, a signed, notarized statement of consent from property owner authorizing applicant to act as an agent.

✓ 6. Filing fee of \$400, as well as notification and publication fees, due at time of application.

Please answer the following questions and have the property owners next to the street or alley that is being vacated sign the petition below. Use an additional sheets if necessary.

Please describe you're proposed use of this property:

*Continued use as a private drive
for Valley View Mobile Home Park*

Specifically describe how your proposal meets the standards for approval as stated in the applicable Zoning Ordinance:

Notice: Additional information may be required by the project planner to ensure adequate information is provided for staff analysis. All information submitted as part of the application may be copied and made public including professional architectural or engineering drawings which will be made available to decision makers, public and any interested party.

If you have any questions regarding the requirements of this application, please contact the Community Development Director prior to submitting the petition.

File the complete application at:

Coalville City Hall
10 North Main Street
Coalville, Utah 84017



Signature of Property Owner or Representative: _____ Date: 3/23/22

Petition to Close a Street

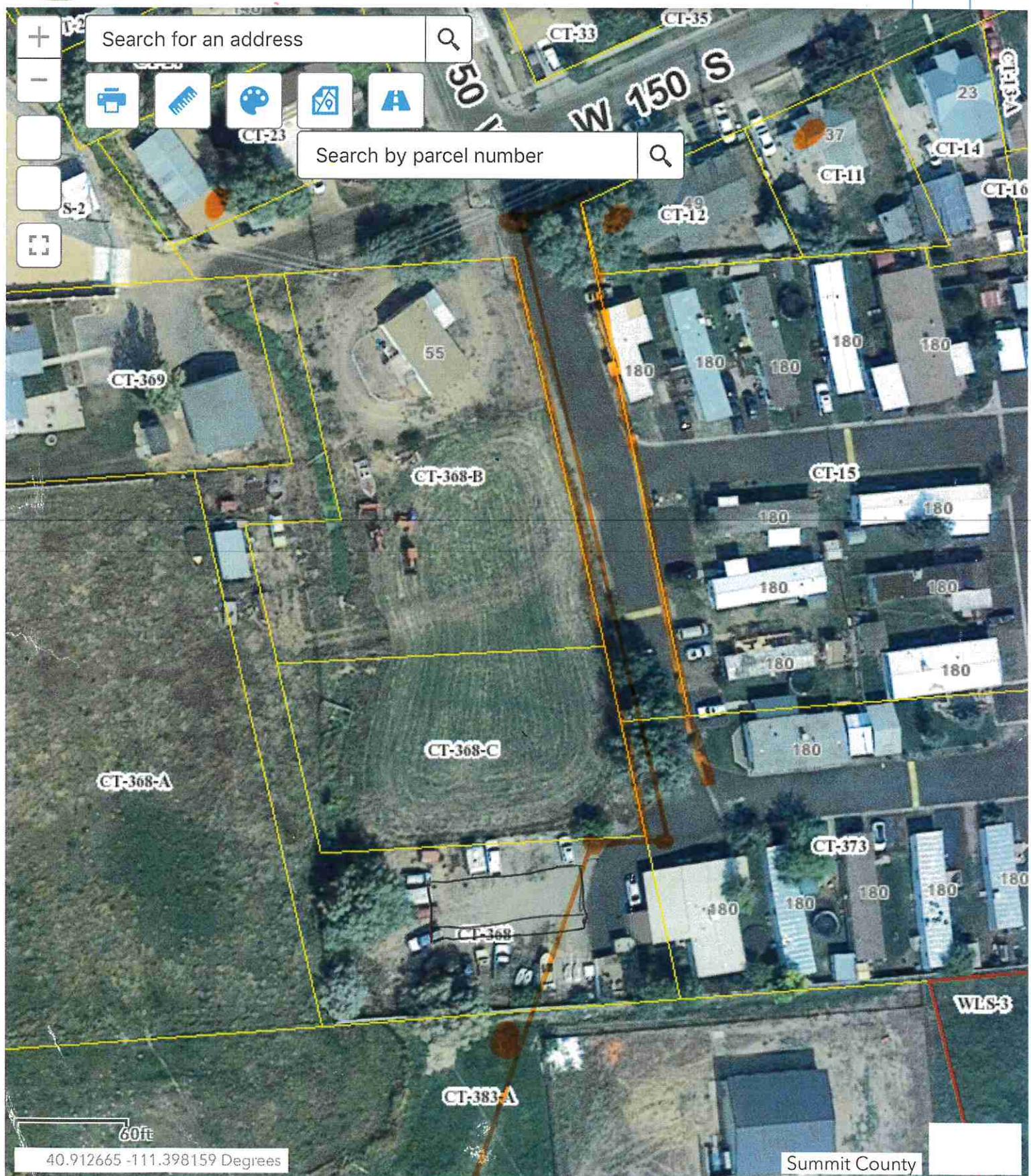
Petitioner: **BJK Investments of Utah, LLC**
Address: **L. Craig Vernon, President**
202 B Avenue, Evanston, Wyo 82930

Date: **May 17, 2022**

As an owner of property adjacent to the street, I agree to the proposed vacation or closure. I understand that if I have not been paying property taxes for this property and/or my property is a commercial business or a rental property with more than three (3) dwelling units, I will be required to pay fair market value for my half of the alley.

Print Name	Address	Signature	Date
Troy Prescott	P.O. Box 712 49W 150 S	Troy Prescott	5/17/22
David E. Wilde	P.O.Box 560 280 S. Bacon Hill Dr. PO BOX 570	David E. Wilde	5/17-22
Teresa Deforest	148 S. 50 W.	Teresa Deforest	5-17-22
Ben Dixon	37W 150S	Ben Dixon	5-17-22

Summit County Parcel Viewer



May 23, 2022

To: Coalville City Mayor Marsh and Coalville City Council

From: L. Craig Vernon rep: BJK Investments of Utah, LLC

Re: Request to Vacate 50 West as it goes through the Valley View Mobile Home Park

To our knowledge and research we have found no information regarding 50 West as it is on the property of the Valley View Mobile Home Park. Is it a dedicated street, a platted street or a vacated street?

The property known as the Valley View Mobile Home Park has utilized this street as an ingress and regress access since 1977. Since that date there has never been a reason for the owners to believe that 50 West was not a private drive and has been used as such for the past 45 years.

The owners have maintained the street, eg: asphalt, snow removal, curb and gutters, speed bumps etc. with no expectations that Coalville City would have any reason to be responsible for that piece of 50 West.

We are asking Coalville City to vacate and grandfather in the existing road as it sits on the property and allow the owners to continue the use of it under the same conditions it has always been in since the Valley View was built.

Portions of 50 West, as you know, have already been vacated South of the Valley View and that makes the street basically worthless from 150 South to the South end of Coalville City property.

Our goals are to:

1. Secure a vacated and grandfathered in access for the tenants of the Valley View off of 150 South.
2. Prevent more traffic from entering the park. Perhaps to access the

ATTACHMENT C

PUBLIC HEARING NOTICE
COALVILLE CITY PLANNING COMMISSION

APPLICATION FOR A STREET VACATION
PORTION OF 50 WEST
ADJOINING PARCEL CT-15 AND THROUGH PARCEL CT-373
VALLEY VIEW MOBILE HOME PARK, 180 SOUTH MAIN
BJK INVESTMENTS OF UTAH, LLC

Public notice is hereby given that the Coalville City Planning Commission will hold a Public Hearing on Monday, June 20, 2022 to review, discuss, receive comment, and possibly take action on the proposed application to vacate a platted street adjoining the property owned by BJK Investments of Utah, LLC, Valley View Mobile Home Park, located at approximately 50 West 150 South, Parcel CT-15, and through Parcel CT-373 conveying the vacated property to the respective property owners. The hearing will begin at 6:00 P.M. at the Coalville City Hall located at 10 North Main.

The Street Vacation application requires a recommendation from the Planning Commission to the City Council. All interested persons are invited to attend. Anyone wishing to make public comment may comment at the public hearing meeting or file written comment within ten days of the meeting to be read into the public minutes. Questions, comments, or correspondence should be addressed to Coalville City.

For further information, please contact Nachele Sargent, City Recorder, at Coalville City Hall, 10 North Main, PO Box 188, Coalville, UT 84017, 435-336-5981, cityhall@coalvillecity.org.

In compliance with the Americans with Disabilities Act, individuals needing special accommodations (including auxiliary communicative aids and services) during these hearings should notify the City Hall at least three days prior to the hearing to be attended.

Posted: May 27, 2022 - Coalville City Hall, Coalville City Website, Utah Public Notice Website

Published: May 27, 2022, June 3, 2022, June 10, 2022, June 17, 2022 - Summit County News

Noticed: May 27, 2022 - Property Owners within 300 feet

ATTACHMENT D

10-3-180 STREET VACATIONS:

A. Procedure. The following procedures shall apply to any requests for the vacation of a public street or right-of-way:

1. Utah State Law governs the procedure by which a public street or right-of-way may be vacated or closed. State Law also specifies the method of public notice, and who must be noticed.
2. Staff reviews the request, including the City's Transportation Engineer and City Surveyor, and makes a recommendation to the Land Use Authority and Legislative Body.
3. The City notifies in writing all owners or operators of underground facilities and utility facilities who have facilities within the boundaries of the street to be vacated, closed or name changed.
4. The Land Use Authority will hold a public meeting to consider the Vacation/Closure/Name Change, and forward a recommendation that considers the following:
 - a. there is good cause for the action; and
 - b. the action will not be detrimental to the public interest.

5. Notice of the Public Hearing is published. Public Notices are required if all adjacent property owners of the subject street have not jointly filed the application for street vacations and closures.

The Public Notice must run in the newspaper once a week for four consecutive weeks prior to the hearing date.

6. The Legislative Body will hold a public hearing to consider the Vacation/Closure request and take one of four actions:
 - a. approve the request as a "vacation";
 - b. approve the request as a "closure";
 - c. remand the request to the Land Use Authority or staff for further research and study; or
 - d. deny the request (the street remains public and is not vacated or closed).

For a Street Name Change, the Legislative Body may:

- a. approve the name change,
- b. deny the name change, or
- c. remand to the Land Use Authority for further study.

7. If the Street or Right-of-Way is "Vacated", then new legal descriptions are prepared by the City Surveyor to deed the street equally between all abutting property owners to the centerline of the street. The new legal descriptions are attached as an exhibit to the ordinance adopted by the Legislative Body approving the Vacation.
8. If the Street or Right-of-Way is "Closed", the legal description is attached as an exhibit to the ordinance adopted by the Legislative Body approving the Closure. The street becomes Real Property that can be sold or developed. Closed streets are often sold to interested persons at market value.
9. If the Name of the Street is changed, the old and new names will appear as an exhibit, along with a legal description of the section of street to be renamed as an exhibit to the ordinance approving the change.
10. The Ordinance adopting the street vacation/closure/name change is recorded with the Summit County Recorder. If recorded as a Vacation, then legal descriptions for adjacent properties will be amended to include the adjacent portion of the street. The County Tax Maps will be amended to reflect the change, and the wording "Vacated" will generally appear on the maps, often with the ordinance number adopting the vacation. If recorded as a Closure, the County will assign a parcel tax identification number, and the City may then sell or transfer the real property, or keep the property for other public uses. If recorded as a Name Change, the county will notify the Post Office of the new street name, and Coalville City will erect new street signs to reflect the new street name.
11. For street name changes. If the street name being changed was originally a coordinate name (i.e., 500 South),
 - a. The new street sign will include the street coordinate in addition to the new street name.
 - b. The coordinate will be in a smaller font and appear subordinate to the new name.For name changes from all other types, only the new name will appear, along with the appropriate coordinate (if applicable).
12. Street Vacation/Closure/ Name Changes generally take 8-12 weeks to process. The process can be shorter or longer, depending on the request and the issues raised at the hearing.