



Staff Report

Coalville City
Community Development Director

To: Coalville City Council and Mayor
From: Don Sargent, Community Development Director
Date of Meeting: July 26, 2022
Re: Street Vacation Petition – Portion of 50 West Street
Action: Work Session

50 West Street Vacation Petition

REQUEST: Continue the review and discussion of a petition to vacate a portion of 50 West Street.

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 access to the Valley View Mobile Home Park.

Attachment B includes the basis for the petition to vacate the street from the petitioner.

Attachment C includes a survey map of 50 West Street with associated property boundaries, existing utility lines, and other information.

Attachment D includes a copy of a letter received by an adjacent property owner which was previously distributed to the Planning Commission and City Council.

ANALYSIS: Attachment E includes Section 10-3-180 of the development code identifying the process and procedures for street vacations. The following questions are to be analyzed in reviewing street vacation petitions:

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

On June 20, 2022, the Planning Commission conducted a public hearing and recommended approval of the street vacation to the City Council with the following findings:

1. There is good cause for the action as the street has been maintained for over 45 years as a private driveway access for the Valley View Mobile Home Park.

2. The action will not be detrimental to the public interest because the street solely serves the Valley View Mobile Home Park with limited improvements and is not being accessed or used for any other public purpose.

On July 11, 2022, the City Council conducted a public hearing on the petition. It was the decision of the City Council to schedule the petition on their July 26th Work Session for continued review and discussion in preparation for a continued public hearing and possible action at their August 8th City Council Meeting.

RECOMMENDATION: Staff recommends the City Council review and discuss the street vacation petition and provide any direction to Staff and/or petitioner for preparation of the continued public hearing and possible action on August 8, 2022.

ATTACHMENTS

- A.** Aerial Map
- B.** Basis for Petition
- C.** Survey Map
- D.** Adjacent Property Owner Letter
- E.** Section 10-3-180 of the Development Code

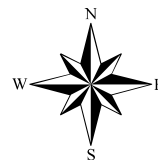


Aerial Map

Summit County Parcel Viewer Application

Printed on: 6/13/2022

Imagery courtesy of Google



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.

1 in = 94 feet



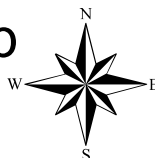
1 in = 188 feet

Context Aerial Map

Summit County Parcel Viewer Application

Printed on: 7/20/2022

Imagery courtesy of Google



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.

ATTACHMENT B

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

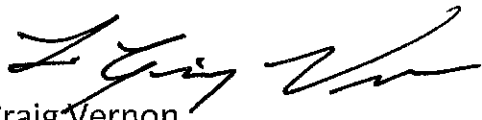
property to the West should it ever be developed. The streets within the Valley View are not built to handle more traffic.

3. Use the existing fence line to the West and make that the West boundary between the Valley View and the Clare Wilde property. Basically the street would stay just like it is.

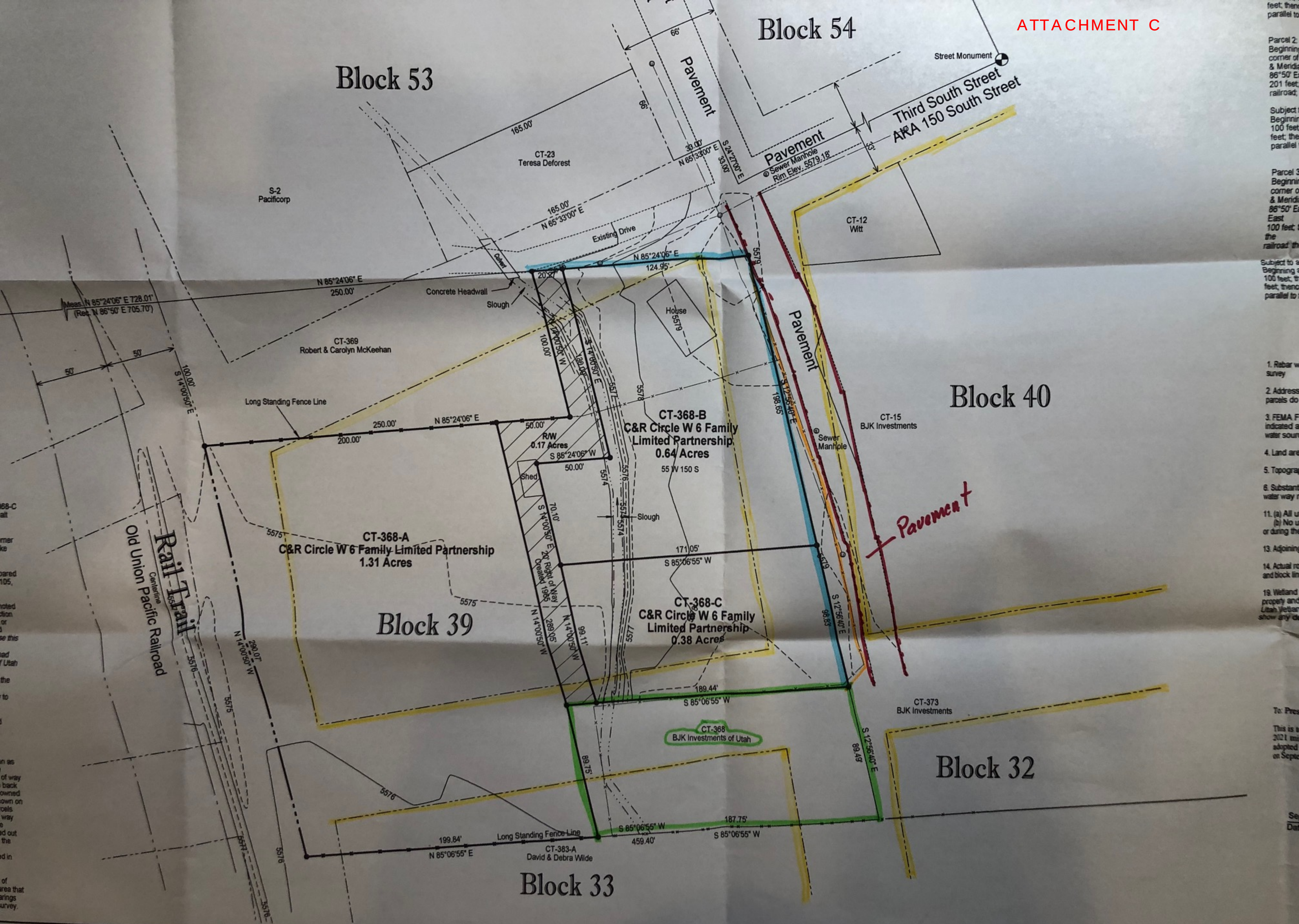
In summary we are asking for the existing street known as 50 West, South of 150 South be vacated and designated to a private drive for the property known as Valley View Mobile Home Park.

We thank you for your time and attention to this request.

Sincerely,

A handwritten signature in black ink, appearing to read "L. Craig Vernon". The signature is fluid and cursive, with the first name "L. Craig" and the last name "Vernon" clearly distinguishable.

L. Craig Vernon



ATTACHMENT D

June 8, 2002

To: Mayor Mark R. Marsh
Coalville City Council
Coalville City Planning & Zoning

Re: Response to application and request from BJK Investments (aka Craig Vernon) for
Coalville City to vacate and abandon portions of 50 West.

To Whom it may concern:

Historically, I was born and raised in Coalville many years ago, when the Union Pacific railroad was in operation and actually ran by our property (and Councilman Geary's father was my Little League baseball coach!) Our forefather was also one of the original settlers of Coalville...bit of history there! Our family (C & R Family Trust) currently owns and runs a farm operation on both Hobson Lane / and West Hoytsville Road.

Having recently learned of a request by BJK Investments (aka Craig Vernon) to have Coalville City vacate/abandon 50 West, we respectfully submit the following information on our behalf:

Our property is currently listed as parcels CT-368-A, B & C and is directly west "over" the fence that separates BJK Mobile Home park from ourselves. It has been in our (Wilde) family since the 1930's, and has various uses, most often some phase of agriculture. In the last few years, Coalville City has opted to zone it "Commercial," perhaps for the expected growth of the town. In the past, it has been zoned part town historical, freeway exposure, commercial. In it's present zoning of "Commercial" it provides the town of Coalville a "gateway property" to the town for people exiting the freeway and is, quite likely, one of the last remaining commercial parcels presently available for an attractive development for the town and therefore would require adequate access to it, perhaps from 50 West.

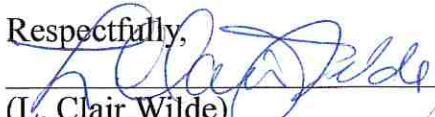
In the 40 years (+ -) BJK mobile home park has been our neighbor, there has been, to our knowledge, absolutely no mention or concern on their part to have Coalville City vacate said street. It has been only since they have learned of our desire to use the land as "Commercial" that this has occurred.

As per BJK's letter to you (dated May 23, 2002), I reference their "goal" Item #2 listed at the bottom of the page: "Prevent more traffic from entering the "park" (Translation: using city street 50 West) and "Perhaps to access the property to the west (ours) should it ever be developed". That statement alone, as well as conversation with BJK representatives, clearly indicates a maneuver on their part to prevent, block and deny us our rights to any future usage or access to a commercial venture of our property. It could "land-lock" or block access to our property and not only deny us our rights to develop our property our way, but also make it difficult to sell to anyone other than BJK, for which they have already made offers that are unacceptable, sub-standard and considerably lower than appraised prices and market value.

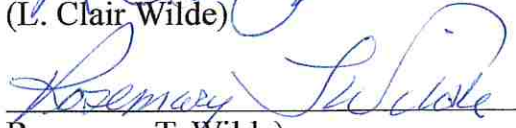
It is our hope, as a family organization and in the interest of Coalville City and it's potential growth and development, that you as a group of planners and individuals will give careful, thoughtful and long-term consideration to our request to NOT abandon nor vacate 50 West as it now exists.

Thank you in advance for considering our request.

Respectfully,



(L. Clair Wilde)



Rosemary T. Wilde)

(For and in behalf of C & R Family Trust, Circle W-6 FLP)

lcwilde@msn.com

(801) 946-2658

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.