



# COUNCIL STAFF REPORT

CITY COUNCIL of SALT LAKE CITY

**TO:** City Council Members

**FROM:** Brian Fullmer, Policy Analyst

**DATE:** April 15, 2025

**RE:** Alley Vacation – Alley Section Adjacent to 1409 South Edison Street  
(PLNPCM2024-00439)

Item Schedule:

Briefing: March 18, 2025

Set Date: March 25, 2025

Public Hearing: April 15, 2025

Potential Action: May 6, 2025

## BRIEFING UPDATE

During a March 18, 2025 briefing the Council discussed potentially connecting the subject alley through to a separate alley (not included in this proposal) if property owned by the State of Utah between the two alleys is redeveloped at some point. Planning staff reminded the Council no alley exists on that property, and one would need to be dedicated connecting to the northern alley if the property is redeveloped in the future. Planning staff also noted the Utah Power & Light facility immediately north of the State of Utah property blocks that alley so a future connection to 1300 South would not be feasible.

***The following information was provided for the March 18, 2025 Council briefing. It is included again for background purposes.***

## ISSUE AT-A-GLANCE

The Council will be briefed about a proposal to vacate an approximately 11-foot by 52-foot alley segment between the applicant's property at 1409 South Edison Street, and property at 1404 South 200 East in City Council District Five. The alley begins at Cleveland Avenue and dead ends at the applicant's north property line where it meets a concrete wall around property owned by the State of Utah.

If approved by the City Council, the alley property would be divided and given to the two abutting property owners. Both owners are supportive of the alley vacation.

Planning staff recommended the Planning Commission forward a *positive* recommendation to the City Council. The Commission reviewed this petition at its November 13, 2024 meeting and held a public hearing at which no one spoke. Commissioners discussed the potential for the adjacent State of Utah



property being redeveloped at some point and benefits of an alley serving the property. **The Commission voted unanimously to forward a *negative* recommendation to the City Council for the proposed alley vacation.**

**Goal of the briefing:** Review the alley closure and determine if the Council supports moving forward with the proposal.



Aerial image showing separate alleys (in purple) north and south of State of Utah property (outlined in red). (An alley was never platted on the State property.) The subject alley vacation segment is indicated by a green check mark. A red "X" indicates where the north alley is blocked adjacent to Utah Power & Light property outlined in blue. A second red "X" indicates where Edison Street south of 1300 South terminates at the State property. Image courtesy of Salt Lake City Planning Division

### ADDITIONAL INFORMATION

A gate blocking the alley at the south end of the applicant's property was illegally constructed by a previous owner many years ago. The applicant did not realize the alley property was not his until he received a zoning enforcement notice for blocking the alley. Property owners to the south use the alley to access their properties and garages. This use will not be affected if the subject alley segment is vacated.

During the Planning Commission briefing Commissioners expressed a desire for the applicant to be able to use the alley property while preserving options for future connectivity to the north. They asked about an easement that would accomplish this. The Attorney's Office said that is a possibility but would be a process separate from the subject alley vacation.

A different alley runs between the north side of the State of Utah property mentioned above and 1300 South. It is worth noting that an alley was not platted on the State property, so the two alley sections never connected to form a complete alley through the block between Cleveland Avenue and 1300 South. Utah Power & Light has a power facility adjacent to the State of Utah property that blocks the alley north of the State property.

Rocky Mountain Power has an easement on the full length of the alley from Cleveland Avenue to the applicant’s property. This allows the company to service its overhead power lines. Access to these lines will need to be maintained if the Council adopts the alley vacation request.

**City Department Review**

Attachment G of the Planning Commission staff report includes comments from City department review of the proposal. These are summarized below. Please see the staff report for additional information.

During City review of the petition, the Engineering Division said it is generally opposed to vacating public rights-of-way. The existing Rocky Mountain Power easement was also discussed and the requirement to maintain access for the company to service its lines. No other responding departments or divisions expressed concerns with the proposal.

**KEY CONSIDERATIONS**

Planning staff identified three key considerations during analysis of these proposals which are found on pages 5-6 of the Planning Commission staff report and summarized below. For the complete analysis please see the staff report.

**Consideration 1 – Property Owner Consent**

City code requires a minimum of 75% of property owners abutting alleys being considered for vacation sign a petition expressing support. As noted above, there are two properties abutting the subject alley segment and both property owners signed the petition.

**Consideration 2 – Policy Considerations**

Planning staff found the proposed alley vacation satisfies the Lack of Use policy consideration included in the table below.

**Consideration 3 – Master Plan Considerations**

Planning staff reviewed how the proposed alley vacation aligns with the *Central Community Master Plan* and *Plan Salt Lake*. Both plans support connectivity and circulation within neighborhoods. Alleys can help provide these connections, but because the subject alley does not connect through the block between Cleveland Avenue and 1300 South, it only serves abutting property owners. And as noted above, the proposed vacation would impact the two property owners next to the alley segment.

**ANALYSIS OF STANDARDS**

Attachment E (pages 13-15 of the Planning Commission staff report) includes factors to consider when reviewing alley vacation requests. The following is a summary of what is in the staff report. Please see the report for additional information.

Factor	Finding
14.52.020 - The City will not consider disposing of its interest in an alley, in whole or in part, unless it receives a petition in writing which demonstrates that the disposition satisfies at least one of the following policy considerations:	Complies Planning staff found the alley vacation request is consistent with policy consideration <b>A – Lack of Use.</b>

<p><i>A - Lack of Use-</i> The City's legal interest in the property appears of record or is reflected on an applicable plat; however, it is evident from an on-site inspection that the alley does not physically exist or has been materially blocked in a way that renders it unusable as a public right-of-way.</p> <p><i>B - Public Safety-</i> The existence of the alley is substantially contributing to crime, unlawful activity or unsafe conditions, public health problems, or blight in the surrounding area.</p> <p><i>C - Urban Design-</i> The continuation of the alley does not serve as a positive urban design element.</p> <p><i>D - Community Purpose-</i> The petitioners are proposing to restrict the general public from use of the alley in favor of a community use, such as a neighborhood play area or garden.</p>	
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Section 14.52.030.B *Salt Lake City Code* directs the Planning Division to analyze factors in the following table. Planning staff found the proposed alley meets six of the eight factors.

Factor	Planning Staff Finding
The City Police Department, Fire Department, Transportation Division, and all other relevant City Departments and Divisions have no objection to the proposed disposition of the property.	<b>Does not comply.</b> The Engineering Division noted it generally opposes any vacation of public rights-of-way.
The petition meets at least one of the policy considerations stated above.	Complies with Policy Consideration A – Lack of Use.
The petition must not deny sole access or required off-street parking to any adjacent property.	Complies
The petition will not result in any property being landlocked.	Complies
The disposition of the alley property will not result in a use which is otherwise contrary to the policies of the City, including applicable master plans and other adopted statements of policy which address, but which are not limited to, mid-block walkways, pedestrian paths, trails, and alternative transportation uses.	Complies
No opposing abutting property owner intends to build a garage requiring access from the property, or has made application for a building permit, or if such a permit has been issued, construction has been completed within 12 months of issuance of the building permit.	Complies
The petition furthers the City preference for disposing of an entire alley, rather than a small segment of it; and	<b>Does not comply.</b> The request is to vacate only a segment of the alley.
The alley is optional for actual or potential rear access to residences or for accessory uses.	Complies

## PROJECT CHRONOLOGY

- July 12, 2024 – Petition submitted to Salt Lake City Planning Division.
- July 18, 2024 – Petition assigned to Diana Martinez, Senior Planner.



- August 21, 2024 –
  - Early notification sent to the Liberty Wells Community Council Chair.
  - 45-day input period begins.
- August 22, 2024 – Early notification letter sent to abutting property owners and tenants within 300 feet of the alley segment requested to be vacated.
- October 7, 2024 – 45-day comment period for recognized organizations ends.
- November 1, 2024 – Public hearing notice signs with project information posted at the applicant's address and at the beginning of the alley on Cleveland Avenue.
- December 13, 2023 – Planning Commission held a public hearing and forwarded a unanimous negative recommendation to the City Council for the proposed amendments.
- November 14, 2024 – Ordinance requested from Attorney's Office
- February 21, 2025 – Ordinance received from Attorney's Office.
- March 4, 2025 – Transmittal received in City Council Office.

## **ALLEY CLOSURE PROCESS**

The alley closure process is dictated by Chapter 14.52 *Salt Lake City Code* which is included below for reference.

### **14.52.010: DISPOSITION OF CITY'S PROPERTY INTEREST IN ALLEYS:**

The City supports the legal disposition of Salt Lake City's real property interests, in whole or in part, with regard to City owned alleys, subject to the substantive and procedural requirements set forth herein. (Ord. 24-02 § 1, 2002)

### **14.52.020: POLICY CONSIDERATIONS FOR CLOSURE, VACATION OR ABANDONMENT OF CITY OWNED ALLEYS:**

The City will not consider disposing of its interest in an alley, in whole or in part, unless it receives a petition in writing which demonstrates that the disposition satisfies at least one of the following policy considerations:

- A. Lack Of Use: The City's legal interest in the property appears of record or is reflected on an applicable plat; however, it is evident from an on site inspection that the alley does not physically exist or has been materially blocked in a way that renders it unusable as a public right-of-way;
- B. Public Safety: The existence of the alley is substantially contributing to crime, unlawful activity, unsafe conditions, public health problems, or blight in the surrounding area;
- C. Urban Design: The continuation of the alley does not serve as a positive urban design element; or
- D. Community Purpose: The petitioners are proposing to restrict the general public from use of the alley in favor of a community use, such as a neighborhood play area or garden. (Ord. 24-02 § 1, 2002)

### **14.52.030: PROCESSING PETITIONS:**

There will be three (3) phases for processing petitions to dispose of City owned alleys under this section. Those phases include an administrative determination of completeness; a public hearing, including a recommendation from the Planning Commission; and a public hearing before the City Council.

A. Administrative Determination Of Completeness: The City administration will determine whether or not the petition is complete according to the following requirements:

1. The petition must bear the signatures of no less than seventy five percent (75%) of the neighbors owning property which abuts the subject alley property;
2. The petition must identify which policy considerations discussed above support the petition;
3. The petition must affirm that written notice has been given to all owners of property located in the block or blocks within which the subject alley property is located;
4. A signed statement that the applicant has met with and explained the proposal to the appropriate community organization entitled to receive notice pursuant to title 2, [chapter 2.60](#) of this Code; and
5. The appropriate City processing fee shown on the Salt Lake City consolidated fee schedule has been paid.

B. Public Hearing And Recommendation From The Planning Commission: Upon receipt of a complete petition, a public hearing shall be scheduled before the Planning Commission to consider the proposed disposition of the City owned alley property. Following the conclusion of the public hearing, the Planning

Commission shall make a report and recommendation to the City Council on the proposed disposition of the subject alley property. A positive recommendation should include an analysis of the following factors:

1. The City Police Department, Fire Department, Transportation Division, and all other relevant City departments and divisions have no reasonable objection to the proposed disposition of the property;
2. The petition meets at least one of the policy considerations stated above;
3. Granting the petition will not deny sole access or required off street parking to any property adjacent to the alley;
4. Granting the petition will not result in any property being landlocked;
5. Granting the petition will not result in a use of the alley property which is otherwise contrary to the policies of the City, including applicable master plans and other adopted statements of policy which address, but which are not limited to, mid block walkways, pedestrian paths, trails, and alternative transportation uses;
6. No opposing abutting property owner intends to build a garage requiring access from the property, or has made application for a building permit, or if such a permit has been issued, construction has been completed within twelve (12) months of issuance of the building permit;
7. The petition furthers the City preference for disposing of an entire alley, rather than a small segment of it; and
8. The alley property is not necessary for actual or potential rear access to residences or for accessory uses.

C. Public Hearing Before The City Council: Upon receipt of the report and recommendation from the Planning Commission, the City Council will consider the proposed petition for disposition of the subject alley property. After a public hearing to consider the matter, the City Council will make a decision on the proposed petition based upon the factors identified above. (Ord. 22-19, 2019; Ord. 58-13, 2013; Ord. 24-11, 2011)

#### **14.52.040: METHOD OF DISPOSITION:**

If the City Council grants the petition, the City owned alley property will be disposed of as follows:

A. Low Density Residential Areas: If the alley property abuts properties which are zoned for low density residential use, the alley will merely be vacated. For the purposes of this section, "low density residential use" shall mean properties which are zoned for single-family, duplex or twin home residential uses.

B. High Density Residential Properties And Other Nonresidential Properties: If the alley abuts properties which are zoned for high density residential use or other nonresidential uses, the alley will be closed and abandoned, subject to payment to the City of the fair market value of that alley property, based upon the value added to the abutting properties.

C. Mixed Zoning: If an alley abuts both low density residential properties and either high density residential properties or nonresidential properties, those portions which abut the low density residential properties shall be vacated, and the remainder shall be closed, abandoned and sold for fair market value. (Ord. 24-02 § 1, 2002)

#### **14.52.050: PETITION FOR REVIEW:**

Any party aggrieved by the decision of the City Council as to the disposition of City owned alley property may file a petition for review of that decision within thirty (30) days after the City Council's decision becomes final, in the 3rd District Court. (Ord. 24-02 § 1, 2002)