

ERIN MENDENHALL  
Mayor



DEPARTMENT of COMMUNITY  
and NEIGHBORHOODS  
Blake Thomas  
Director

**CITY COUNCIL TRANSMITTAL**

Jill Love

Jill Love (May 9, 2024 09:16 MDT)

Jill Love, Chief Administrative Officer

05/09/2024

**Date Received:** \_\_\_\_\_

**Date sent to Council:** 05/09/2024

**TO:** Salt Lake City Council  
Victoria Petro, Chair

**DATE:** 05/08/24

**FROM:** Blake Thomas, Director, Department of Community & Neighborhoods

Handwritten signature of Blake Thomas.

**SUBJECT:** PLNPCM2023-00482 Request to vacate a portion of 700 South

**STAFF CONTACT:** Cassie Younger, Senior Planner,  
[cassie.younger@slcgov.com](mailto:cassie.younger@slcgov.com), 801-535-6211; or  
Wayne Mills, Planning Manager  
[wayne.mills@slcgov.com](mailto:wayne.mills@slcgov.com), 801-535-7282

**DOCUMENT TYPE:** Ordinance

**RECOMMENDATION:** The City Council adopt the proposed ordinance

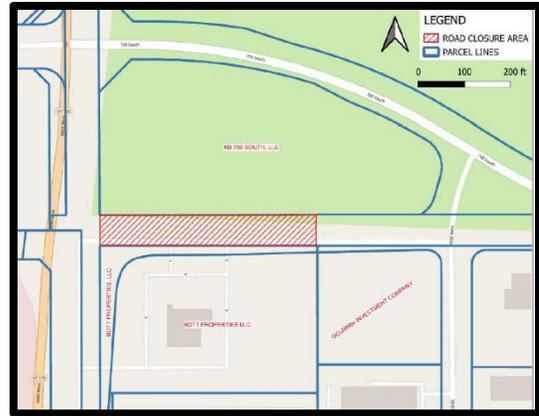
**BUDGET IMPACT:** None

**BACKGROUND/DISCUSSION:**

Brent Bateman, representing the property owner, is petitioning to vacate the portion of 700 South in front of their property at 717 South 5600 West. The applicant intends to use this property for private use for his business, a truck rental facility.

The applicant's property is located on the corner of 5600 West and 700 South. 5600 West was reconstructed from a two to five-lane highway in 2020, and UDOT abandoned the old portion of 5600 West that lies adjacent to the applicant's property. The City now owns the portion of 5600

West that was abandoned, but it is a city-owned parcel and not maintained as a road. This has resulted in the subject portion of 700 South becoming a dead-end roadway that provides access to three properties. Please refer to the Staff Report linked below for further details.



In July of 2023, the petition was routed for comments among city departments. The Department of Public Utilities opposed the vacation petition due to a 12” and 24” public water main and a 36” sewer main located within this section of 700 South. They stated that an easement would not provide enough protection for Public Utilities in this area. The other city departments were not opposed to the request if certain conditions were met. The Fire Department stated that there must be access to the fire hydrant at the end of the road and that any gate installed would need to provide Fire Department access. The Transportation Division would require a sign placed along the portion of 700 South that would remain open providing notice that the street is a dead-end. The Engineering Division recommended approval of the request as long as there is an easement given to Public Utilities.

The applicant had offered a broad easement to Public Utilities, and provided a sample easement in their submittal. Public Utilities remained firm in their position that “easements are not a replacement of property ownership when it comes to working on, replacing or accessing our infrastructure.” Planning staff recommended denying this petition based on these comments from Public Utilities.

On February 28<sup>th</sup> 2024, the Planning Commission held a public hearing and discussed this petition. After discussing the issues with staff and the applicant, the Commission voted to recommend approval of the vacation to the City Council with the condition “that an easement at least equally as broad in purpose and scope as the easement contained the Staff Report” would be recorded against the property.

#### **PUBLIC PROCESS:**

- The Planning Division provided a 45-day comment period notice the Poplar Grove Recognized Community Organization on July 7, 2023.
- Notice was sent to property owners within 300’ of the applicant’s property informing them of the petition.
- An online open house has been on the Planning Division’s website since July 12, 2023.
- Public noticing of the Planning Commission hearing was completed on February 15, 2024.
- A public hearing was held for this item at the February 28, 2024 meeting. The Planning Commission voted to recommend the City Council approve the vacation request with the condition they give Public Utilities an easement as presented in their submittal in the Staff Report.

**Planning Commission (PC) Records**

- a) [PC Agenda of February 28, 2024](#)
- b) [PC Minutes of February 28, 2024](#)
- c) [Video recording of PC Meeting February 28, 2024 \(Minute 1:13:35\)](#)
- d) [Planning Commission Staff Report from February 28, 2024](#)

**EXHIBITS:**

1. Chronology
2. Notice of City Council Hearing
3. Applicant's Materials
4. Mailing List

SALT LAKE CITY ORDINANCE

No. \_\_\_\_\_ of 2024

(Vacating a portion of 700 South situated adjacent to property located at 717 S 5600 W)

An ordinance vacating a portion of 700 South adjacent to property located at 717 S 5600 W, pursuant to Petition No. PLNPCM2023-00482.

WHEREAS, the Salt Lake City Planning Commission (“Planning Commission”) held a public hearing on February 28, 2024 to consider a request made by Brent Bateman, representing the property owner, to vacate a portion of 700 South adjacent to property located at 717 S 5600 W, which right-of-way portion is as legally described on Exhibit A (“Right-of-Way”); and

WHEREAS, at its February 28, 2024, meeting the Planning Commission voted in favor of forwarding a positive recommendation on said petition to the Salt Lake City Council (“City Council”); and

WHEREAS, the City Council finds after holding a public hearing on this matter that there is good cause for the vacation of the Right-of-Way, and neither the public interest nor any person will be materially injured by the proposed vacation.

NOW, THEREFORE, be it ordained by the City Council of Salt Lake City, Utah:

SECTION 1. Vacating Right-of-Way. That the portion of 700 South adjacent to property located at 717 S 5600 W, which right-of-way portion is as legally described on Exhibit A, is hereby vacated and declared not presently necessary or available for public use. Pursuant to

Utah Code 72-5-103, the north half of the right-of-way shall pass to Parcel 14-01-351-002-0000 and the south half shall pass to Parcel 14-12-101-001-0000.

SECTION 2. Reservations and Disclaimers. The above vacation is expressly made subject to all existing rights-of-way and easements of all public utilities of any and every description now located on and under or over the confines of this property, and also subject to the rights of entry thereon for the purposes of maintaining, altering, repairing, removing or rerouting said utilities, including the city's water and sewer facilities. Said vacation is also subject to any existing rights-of-way or easements of private third parties.

SECTION 3. Condition of Vacation. The vacation set forth herein is conditioned upon the owner of Parcel 14-01-351-002-0000 and Parcel 14-12-101-001-0000 executing and delivering to the city, within 90 days of adoption of this Ordinance, an easement, in a form approved by the city attorney, for any existing public utilities within the Right-of-Way.

SECTION 4. Effective Date. This Ordinance shall become effective on the date of its first publication and shall be recorded with the Salt Lake County Recorder. The Salt Lake City Recorder is instructed to not publish this Ordinance until the condition set forth in Section 3 is satisfied as certified by the Salt Lake City Planning Director or his designee.

SECTION 5. Time. If the condition set forth in Section 3 is violated then this Ordinance shall become null and void. The City Council may, for good cause shown, extend the time period for satisfying the condition in Section 3 by resolution.

Passed by the City Council of Salt Lake City, Utah this \_\_\_\_\_ day of \_\_\_\_\_, 2024.

\_\_\_\_\_  
CHAIRPERSON

ATTEST:

\_\_\_\_\_  
CITY RECORDER

Transmitted to Mayor on \_\_\_\_\_.

Mayor's Action: \_\_\_\_\_ Approved. \_\_\_\_\_ Vetoed.

\_\_\_\_\_  
MAYOR

\_\_\_\_\_  
CITY RECORDER

(SEAL)

Bill No. \_\_\_\_\_ of 2024

Published: \_\_\_\_\_.

Ordinance vacating 700 S adjacent to 717 S 5600 W

**APPROVED AS TO FORM**

Salt Lake City Attorney's Office

Date: May 2, 2024

By: *Katherine Pasker*  
Katherine Pasker, *Senior City Attorney*

# EXHIBIT “A”

Legal description of Portion of 700 S to be vacated:

A PORTION OF 700 SOUTH STREET RIGHT-OF-WAY LOCATED IN THE SOUTHWEST QUARTER OF SECTION 1, AND THE NORTHWEST QUARTER OF SECTION 12, TOWNSHIP 1 SOUTH, RANGE 2 WEST, SALT LAKE BASE AND MERIDIAN. MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE SOUTH RIGHT-OF-WAY LINE OF 700 SOUTH STREET, SAID POINT BEING SOUTH 00°01'17" WEST 33.00 FEET ALONG THE SECTION LINE AND SOUTH 89°53'22" EAST (PARALLEL WITH THE NORTH LINE OF SAID SECTION 12) 40.00 FEET; THENCE SOUTH 89°53'22" EAST (PARALLEL WITH AND 33.00 FEET PERPENDICULARLY DISTANT FROM THE NORTH LINE OF SAID SECTION 12) 471.45 FEET ALONG SAID SOUTH RIGHT-OF-WAY LINE; THENCE NORTH 00°01'17" EAST 66.00 FEET TO THE NORTH RIGHT-OF-WAY LINE OF 700 SOUTH STREET; THENCE NORTH 89°53'22" WEST (PARALLEL WITH AND 33.00 FEET PERPENDICULARLY DISTANT FROM THE SOUTH LINE OF SAID SECTION 1) 471.60 FEET ALONG SAID NORTH RIGHT-OF-WAY LINE; THENCE SOUTH 00°06'16" EAST 66.00 FEET TO THE POINT OF BEGINNING.

CONTAINING 0.71 ACRES OR 31,121 SQFT. MORE OR LESS

## **1) CHRONOLOGY**

## **PROJECT CHRONOLOGY**

**Petition:** PLNPCM2023-00482

- June 26, 2023** Application for Street Vacation was received.
- July 3, 2023** Petition PLNPCM2023-00482 was assigned to Cassie Younger, Senior Planner, for staff analysis and processing.
- July 7, 2023** Notice was sent to the Poplar Grove Recognized Community Organization informing them of the petition.
- Notice was sent to property owners within 300' of the applicant's property.
- July 12, 2023** The proposal was posted for an online open house. The proposal can still be viewed online.
- August 21, 2023** The 45-day public comment period for Recognized Organizations ended.
- October 27, 2023** Meeting with applicant, Planning, Public Utilities, and Engineering staff to discuss the petition. Public Utilities stated their opposition but said they would check with city's maintenance crew to see if an easement would be acceptable.
- January 19, 2024** Public Utilities confirmed that an easement would not be sufficient and restated their opposition to the vacation.
- February 15, 2024** Agenda posted to the Planning Commission website and the State of Utah Public Notice webpage.
- Property owners within 300' of the applicant's property were notified of the public hearing.
- The applicant posted signs on the property of the public hearing.
- February 23, 2024** Planning Commission Staff Report was posted.
- February 28, 2024** Planning Commission held a public hearing and made a recommendation to the City Council to approve the proposed street vacation.
- March 14, 2024** Staff requested Ordinance from the Attorney's Office

**May 2, 2024**

Ordinance received from Attorney's Office

## **2) NOTICE OF CITY COUNCIL HEARING**

## **NOTICE OF PUBLIC HEARING**

The Salt Lake City Council is considering **Petition PLNPCM2023-00482**, a request by Brent Bateman, representing the property owner at 717 South 5600 West to vacate a portion of 700 South. The subject portion of 700 South abuts the north side of the applicant's property. If the street is vacated, it will be sold to the applicant at fair market value and converted to private use.

As part of their study, the City Council is holding an advertised public hearing to receive comments regarding the petitions. During the hearing, anyone desiring to address the City Council concerning this issue will be given an opportunity to speak. The Council may consider adopting the ordinance the same night of the public hearing. The hearing will be held:

**DATE:**

**TIME:** 7:00 pm

**PLACE:** 451 South State Street, Room 326, Salt Lake City, Utah

**\*\* This meeting will be held in-person, to attend or participate in the hearing at the City and County Building, located at 451 South State Street, Room 326, Salt Lake City, Utah. For more information, please visit [www.slc.gov/council](http://www.slc.gov/council). Comments may also be provided by calling the 24-Hour comment line at (801) 535-7654 or sending an email to [council.comments@slcgov.com](mailto:council.comments@slcgov.com). All comments received through any source are shared with the Council and added to the public record.**

If you have any questions relating to this proposal or would like to review the file, please call Wayne Mills at 801-535-7282 between the hours of 8:00 a.m. and 5:00 p.m., Monday through Friday, or via e-mail at [wayne.mills@slcgov.com](mailto:wayne.mills@slcgov.com),

The application details can be accessed at <https://citizenportal.slcgov.com/>, by selecting the "Planning" tab and entering the petition number PLNPCM2023-00482

People with disabilities may make requests for reasonable accommodation, which may include alternate formats, interpreters, and other auxiliary aids and services. Please make requests at least two weeks in advance. If you need to make a request, please contact the City Council Office at [council.comments@slcgov.com](mailto:council.comments@slcgov.com), (801)535-7600, or relay service 711.

### **3) APPLICANT'S MATERIALS**



# Street Closure

SALT LAKE CITY PLANNING

### OFFICE USE ONLY

Received By:	Date Received:	Project #:
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Project Name:

### PLEASE PROVIDE THE FOLLOWING INFORMATION

Name/Location of the Street:  
West 700 South

Name of Applicant: Bott Properties, LLC	Phone: 801-375-6600
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Address of Applicant:  
717 S 5600 W Salt Lake City, UT 84104

E-mail of Applicant: brent.bateman@dentons.com	Cell/Fax: n/a
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Applicant's Interest in Subject Property:

Owner     Contractor     Architect     Other:

Name of Property Owner abutting the street (if different from applicant):  
KB 700 South, LLC

E-mail of Property Owner: brent.bateman@dentons.com	Phone: 801-375-6600
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**Please note** that additional information may be required by the project planner to ensure adequate information is provided for staff analysis. All information required for staff analysis will be copied and made public, including professional architectural or engineering drawings, for the purposes of public review by any interested party.

### AVAILABLE CONSULTATION

Planners are available for consultation prior to submitting this application. Please email [zoning@slcgov.com](mailto:zoning@slcgov.com) if you have any questions regarding the requirements of this application.

### WHERE TO FILE THE COMPLETE APPLICATION

Apply online through the [Citizen Access Portal](#). There is a [step-by-step guide](#) to learn how to submit online.

### REQUIRED FEE

Filing fee of **\$428**  
Plus, additional fee for required public notices. Noticing fees will be assessed after application is submitted.

### SIGNATURE

➔ If applicable, a notarized statement of consent authorizing applicant to act as an agent will be required.

	Date: 6/20/23
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## ACKNOWLEDGEMENT OF RESPONSIBILITY

This is to certify that I am making an application for the described action by the City and that I am responsible for complying with all City requirements with regard to this request. This application will be processed under the name provided below. By signing the application, I am acknowledging that I have read and understood the instructions provided by Salt Lake City for processing this application. The documents and/or information I have submitted are true and correct to the best of my knowledge. I understand that the documents provided are considered public records and may be made available to the public. I understand that my application will not be processed until the application is deemed complete by the assigned planner from the Planning Division. I acknowledge that a complete application includes all of the required submittal requirements and provided documents comply with all applicable requirements for the specific applications. I understand that the Planning Division will provide, in writing, a list of deficiencies that must be satisfied for this application to be complete and it is the responsibility of the applicant to provide the missing or corrected information. I will keep myself informed of the deadlines for submission of material and the progress of this application. I understand that a staff report will be made available for my review prior to any public hearings or public meetings. This report will be on file and available at the Planning Division and posted on the Division website when it has been finalized.

APPLICANT SIGNATURE	
Name of Applicant: Bott Properties, LLC	Application Type: Street Closure
Mailing Address: 717 S 5600 W Salt Lake City, UT 84104	
Email: brent.bateman@dentons.com	Phone: 801-375-6600
Signature: /s/ Brent Bateman	Date: 6/20/23

## AFFIRMATION OF SUFFICIENT INTEREST

I hereby affirm that I am the fee title owner of the below described property or that I have written authorization from the owner to pursue the described action.

FEE TITLE OWNER SIGNATURE	
Legal Description of Subject Property: n/a	
Name of Owner: Bott Properties, LLC and KB 700 South, LLC	
Mailing Address: 717 S 5600 W Salt Lake City, UT 84104	Street Address:
Signature: /s/ Brent Bateman	Date: 6/20/23

The following shall be provided if the name of the applicant is different than the name of the property owner:

1. If you are not the fee owner attach a copy of your authorization to pursue this action provided by the fee owner.
2. If a corporation is fee titleholder, attach copy of the resolution of the Board of Directors authorizing the action.
3. If a joint venture or partnership is the fee owner, attach a copy of agreement authorizing this action on behalf of the joint venture or partnership
4. If a Home Owner's Association is the applicant than the representative/president must attach a notarized letter stating they have notified the owners of the proposed application. A vote should be taken prior to the submittal and a statement of the outcome provided to the City along with the statement that the vote meets the requirements set forth in the CC&Rs.

**Be advised that knowingly making a false, written statement to a government entity is a crime under Utah Code Chapter 76-8, Part 5. Salt Lake City will refer for prosecution any knowingly false representations made pertaining to the applicant's interest in the property that is the subject of this application.**

## SUBMITTAL REQUIREMENTS

Staff Review

**Please include with the application:** (please electronically attach additional sheets)

- |                          |                                     |  |
|--------------------------|-------------------------------------|--|
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | 1. A letter explaining why you are requesting this Street Closure.   |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | 2. A Sidwell map showing the area of the proposed Street Closure. On the map please:   |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | a. Highlight the area of the proposed Street Closure.  |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | b. Indicate the property owners abutting the proposed Street Closure.  |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | c. Submit a digital (PDF) copy of the map.   |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | 3. A written description with the width and length measurements of the proposed Street Closure. <ul style="list-style-type: none"><li>• A final legal description prepared by a licensed engineer will be required later.</li></ul>  |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | 4. The name, address and signatures of all abutting property owners who support the petition. <ul style="list-style-type: none"><li>• You may use the form attached to this application or provide your own form with signatures.</li><li>• Signatures should be from the property owners and not from the property renters.</li></ul> |

→ Please be aware that once the City closes the street it will then sell the property at fair market value to the abutting property owners.

## INCOMPLETE APPLICATIONS WILL NOT BE ACCEPTED

BB I acknowledge that Salt Lake City requires the items above to be submitted before my application can be processed. I understand that Planning will not accept my application unless all of the following items are included in the submittal package.



## NOTICE OF AUTHORIZATION

To whom it may concern,

We, BOTT PROPERTIES, LLC, a Utah limited liability company, and KB 700 SOUTH, LLC, a Utah limited liability company, (collectively, the "Parties") on this 14th day of June, 2023, do hereby grant permission and authorization to BRENT BATEMAN of Dentons Durham Jones Pinegar PC, to draft and submit an application for street closure with the Salt Lake City Planning Commission on our behalf.

IN WITNESS WHEREOF, the Parties have executed this notice of authorization effective as of the date as set forth above.

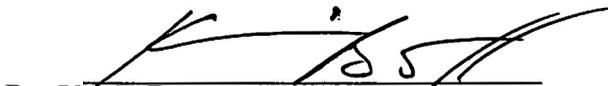
BOTT PROPERTIES, LLC

A handwritten signature in black ink, appearing to read 'K Bott', is written over a horizontal line.

By: Kevin Bott

Its: Manager

KB 700 SOUTH, LLC

A handwritten signature in black ink, appearing to read 'K Bott', is written over a horizontal line.

By: Kevin Bott

Its: Manager

June 20, 2023

Salt Lake City Planning Commission

To whom it may concern:

I am writing this letter on behalf of my client in compliance with the directions provided in the Salt Lake City Planning Commission street closure application.

My client is requesting the closure of the street located at West 700 South (the "Street") which intersects with 5600 West. Allow me to provide a bit of background on the requested closure.

The Utah Department of Transportation ("UDOT") recently completed a project known as SR-172, 5600 W. Railroad Crossing (PIN 14413) (the "Project") which, among other things, created a bridge or overpass above the railroad tracks, which tracks now cross under the newly developed SR-172, 5600 West, and rendered the former 5600 West in that location impassible. As such, the Street also saw a drastic lack of use after completion of the Project, as the now replaced 5600 West no longer connected to any street and other larger roads were available for traveling south.

Due in part to this lack of use, on September 16, 2021, UDOT signed a settlement agreement (the "Agreement") with my client to abandon 5600 West. UDOT presented the Agreement to the transportation commission where it was accepted.

With the completion of the Project and the abandonment of 5600 West by UDOT, the Street lack of use has drastically increased.

As such, my client is requesting the closure of the Street as the lack of use of the Street is readily apparent. Closure of the Street would permit my client to maintain and care for the Street as well as would officially relieve Salt Lake City of any responsibility for its upkeep.

Very truly yours,

**DENTONS DURHAM JONES PINEGAR P.C.**



Brent Bateman

:DDJPP

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Project: SR-172; 5600 W. Railroad Crossing PIN: 14413  
Project Location: 5600 W (SR-201 to I-80)  
County of Property: SALT LAKE Tax ID/Sidwell Nos.: 14121010070000  
14013510020000  
Property Address(es): 707-717 South 5600 West, Salt Lake City, UT 84104  
700 South 5552 West, Salt Lake City, UT 84104  
Owner(s): BOTT PROPERTIES, LLC, and KB 700 SOUTH, LLC

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### **SETTLEMENT AGREEMENT AND RELEASE OF ALL CLAIMS**

This Settlement Agreement and Release (the "Agreement") is entered into by and between BOTT PROPERTIES, LLC ("**BP**"), KB 700 SOUTH, LLC ("**KB**"), and the UTAH DEPARTMENT OF TRANSPORTATION, an agency of the State of Utah ("**UDOT**"), together referred to as the "Parties" herein.

#### **RECITALS**

WHEREAS, on September 16, 2021, the parties and their counsel met and conferred at the above-referenced property (the "Property") to evaluate and attempt to resolve BP's claims concerning just compensation, damages, losses and/or other injury regarding UDOT's construction of a project known as SR-172, 5600 W. Railroad Crossing (PIN 14413) near BP's property near the above addresses;

WHEREAS, UDOT has not acquired and does not intend to acquire any property or property interests from BP or KB, including but not limited to, any access rights it claims to public rights-of-way abutting its properties;

WHEREAS, it is in the parties' mutual interest to abandon a portion of the public right-of-way abutting the western boundary of the BP property, more particularly described in attached Exhibit A (the "Subject Property");

WHEREAS, UDOT staff will present the proposed abandonment to the Transportation Commission ("Commission"), which the parties acknowledge the Commission may accept, reject or modify;

WHEREAS, UDOT's efforts to seek abandonment of the Subject Property represents sufficient consideration for purposes of this Agreement;

NOW, THEREFORE, in accordance with the above recitals, in consideration of the covenants and conditions set forth below, the Parties hereby agree as follows:

## AGREEMENT

1. Actions of the Parties.
  - a. UDOT will make reasonable efforts to present the proposal to abandon the Subject Property to the Commission. If the Commission does not approve the proposal, this agreement shall be null and void and the parties agree to resume settlement negotiations.
  - b. By execution of this Agreement, BP and KB acknowledge that any amounts owing to either entity as a result of the Project or its construction are nominal, de minimus, and that no compensation is due. BP and KB hereby release all claims of any type or kind against UDOT arising out of or relating in any way to the Project or its construction. The execution hereof constitutes a complete and final settlement, accord and satisfaction of any such claims, whether known or unknown.
  
2. No Admission. This Agreement is a full and complete compromise and settlement of disputed claims and issues solely between UDOT, BP and KB as defined herein. This Agreement is not intended as and shall not constitute or be construed as an admission to any claim or allegation on the part of either of the Parties.
  
3. Entire Agreement. This Agreement and its exhibits contain the entire agreement between UDOT, BP and KB with respect to the matters described herein and fully supersedes any and all prior or contemporaneous agreements or understandings between the parties concerning the subject matter covered. This Agreement shall not be modified, altered or otherwise changed except in a writing executed by the Parties hereto which expressly states that it is an amendment of this Agreement. This Agreement shall be deemed to have been drafted in its entirety by all Parties hereto.
  
4. Choice of Law. This Agreement shall be governed by the laws of the State of Utah in all respects, including, but not limited to, matters of construction, validity, enforcement, and interpretation.
  
5. No Assignment. Each party hereto represents and warrants that there has been no assignment or other transfer to any person, corporation, partnership, or any entity of any kind whatsoever of any interest in the Subject Property, or any claims, actions, causes of action, demands, rights, damages, costs, expenses, compensation or any other interest which it has, or may have had, at any time whatsoever against the other party which arise out of or pertain to in any way the subject matter of this Agreement.
  
6. Fees and Costs. In entering into this Agreement, the parties hereto agree that each party will bear its own costs and attorney's fees incurred as a result of the Action and this Agreement.
  
7. Authority to Execute and Bind. UDOT, BP and KB warrant and represent that each person whose signature appears hereon has been duly authorized and has full authority to

execute this Agreement on behalf of the entity for whom such signature is indicated. This Agreement may be executed in one or more counterparts, each of which shall be deemed to be an original, but all of which together shall constitute one and the same instrument.

8. Severability. Any provision of this Agreement which is determined by a court of competent jurisdiction to be invalid or unenforceable shall be invalid or unenforceable only to the extent of such determination, which shall not invalidate or otherwise render ineffective any other provision of this Agreement.

9. Successors and Assigns. This Agreement shall be binding upon and inure to the benefit of the Parties and their respective heirs, executors, administrators, representatives, successors and assigns.

IN WITNESS WHEREOF, this Agreement has been read and executed by the undersigned on the dates indicated below.

UTAH DEPARTMENT OF TRANSPORTATION,  
an agency of the State of Utah

By: [Signature]  
Title: \_\_\_\_\_  
Date: \_\_\_\_\_

BOTT PROPERTIES, LLC,

By: E: it'  
Title: Qwtwr  
Date: 10/3 -WZ/

KB 700 SOUTH, LLC

By: \_\_\_\_\_  
Title: (t)ATte: J.....C.  
Date: \_\_\_\_\_

# Exhibit A

(Legal Description of Subject  
Property to be Abandoned)

## EXHIBIT A

### DESCRIPTION FOR THAT EASTERLY PORTION OF 5600 WEST STREET (SR-172) TO BE ABANDONED, LYING JUST SOUTH OF 700 SOUTH STREET

A portion of 5600 West Street (SR-172), situate in the NW1/4 NW1/4 of Section 12, T.1S., R.2W., S.L.B.&M., in Salt Lake County, Utah, more particularly described as follows:

Beginning at a point in the westerly section line of said Section 12, which point is 54.10 feet S.00°15'31"W. along said section line from the Northwest Corner of said Section 12; and running thence N.89°57'57"E. 165.42 feet to the existing easterly right of way line of 5600 West Street (SR-172) at the beginning of a 169.00-foot radius non-tangent curve to the left (Note: Radius bears S.00°02'03"E.); thence along said existing easterly right of way line the following four (4) courses: (1) westerly 45.17 feet along the arc of said curve through a central angle of 15°18'45" (Note: Chord to said curve bears S.82°18'35"W. for a distance of 45.03 feet) to a point of compound curve having a radius of 54.00 feet; thence (2) southwesterly 52.45 feet along the arc of said curve through a central angle of 55°38'59" (Note: Chord to said curve bears S.46°49'43"W. for a distance of 50.41 feet) to a point of compound curve having a radius of 169.00 feet; thence (3) southerly 45.17 feet along the arc of said curve through a central angle of 15°18'45" (Note: Chord to said curve bears S.11°20'51"W. for a distance of 45.03 feet) to a point of non-tangency; thence (4) S.04°04'22"W. 212.24 feet; thence N.89°40'07"W. 61.43 feet to a point in said westerly section line; thence N.00°15'31"E. 295.92 feet along said westerly section line to the point of beginning. The above description contains 22,103 square feet in area or 0.507 acre, more or less.

Together with and subject to *any* and all easements, rights of way and restrictions appearing of record or enforceable in law and equity.



WHEN RECORDED, MAIL TO:  
Utah Department of Transportation  
Right of Way, Fourth Floor  
Box 148420  
Salt Lake City, Utah 84114-8420

14018186 B: 11373 P: 6763 Total Pages: 6  
09/20/2022 11:50 AM By: jorgensen Falls: \$0.00  
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**Resolution**  
Salt Lake County

Tax ID No. 14-11-200-009  
PIN No. 14413  
Project No. F-0172(32)7  
Parcel No. 127

**Abandonment of a Portion of Roadway Route 172, between 700 South & 800 South, Salt Lake County, Utah (Realignment of 5600 West)**

**Whereas**, Utah Code § 72-3-102(4) states the Department of Transportation has jurisdiction and control over all state highways;

**Whereas**, Utah Code § 72-4-104(2) states that when a state highway is realigned, the former portion of it may be abandoned by the department if it no longer serves the purpose of a highway;

**Whereas**, with the completion of Project No. F-0172(32)7 (SR-172, 5600 W. Railroad Crossing), sections of the existing State Route 172 were realigned to the west between station 112+65 and 115+61 of said project;

**Whereas**, the roadway that operated as a portion of State Route 172 is no longer used for said route due to the realignment;

**Whereas**, this former portion of the state highway no longer serves the purpose of a state highway; and

**Whereas**, Utah Code § 72-5-105(1) provides that once a public highway is established, it continues as a highway until abandoned by resolution of a highway authority having jurisdiction;

**IT IS THEREFORE PROPOSED** by Robert Stewart, Region 2 Director, in concurrence with Region 2 Right-of-Way and Operations officials, as well as Charles A. Stormont, Director of the Right-of-Way Division, that the right-of-way for that portion of State Route 172 should be officially abandoned.

**NOW THEREFORE**, be it resolved as follows:

1. The Utah Department of Transportation abandons a portion of the public right-of-way no longer used for State Route 172 to the adjoining record owner(s) in accordance with Utah Code § 72-5-105(2), said portion of former State Route 172 being described as described in the attached Exhibit A and as shown in the attached Exhibit B.



STATE OF UTAH )

COUNTY OF Utah ss.

On the date first above written, before me, Diana Leka, a notary public, personally appeared Heather Barthold, proved on the basis of satisfactory evidence to be the person whose name is subscribed to this instrument, and acknowledged to me she executed the same.

Witness my hand and official seal.

  
\_\_\_\_\_  
Notary Public (seal)

NOTARY PUBLIC  
MICHAEL DERYL DAVIS  
COMM.# 715099  
MY COMMISSION EXPIRES  
NOVEMBER 06, 2024  
STATE OF UTAH

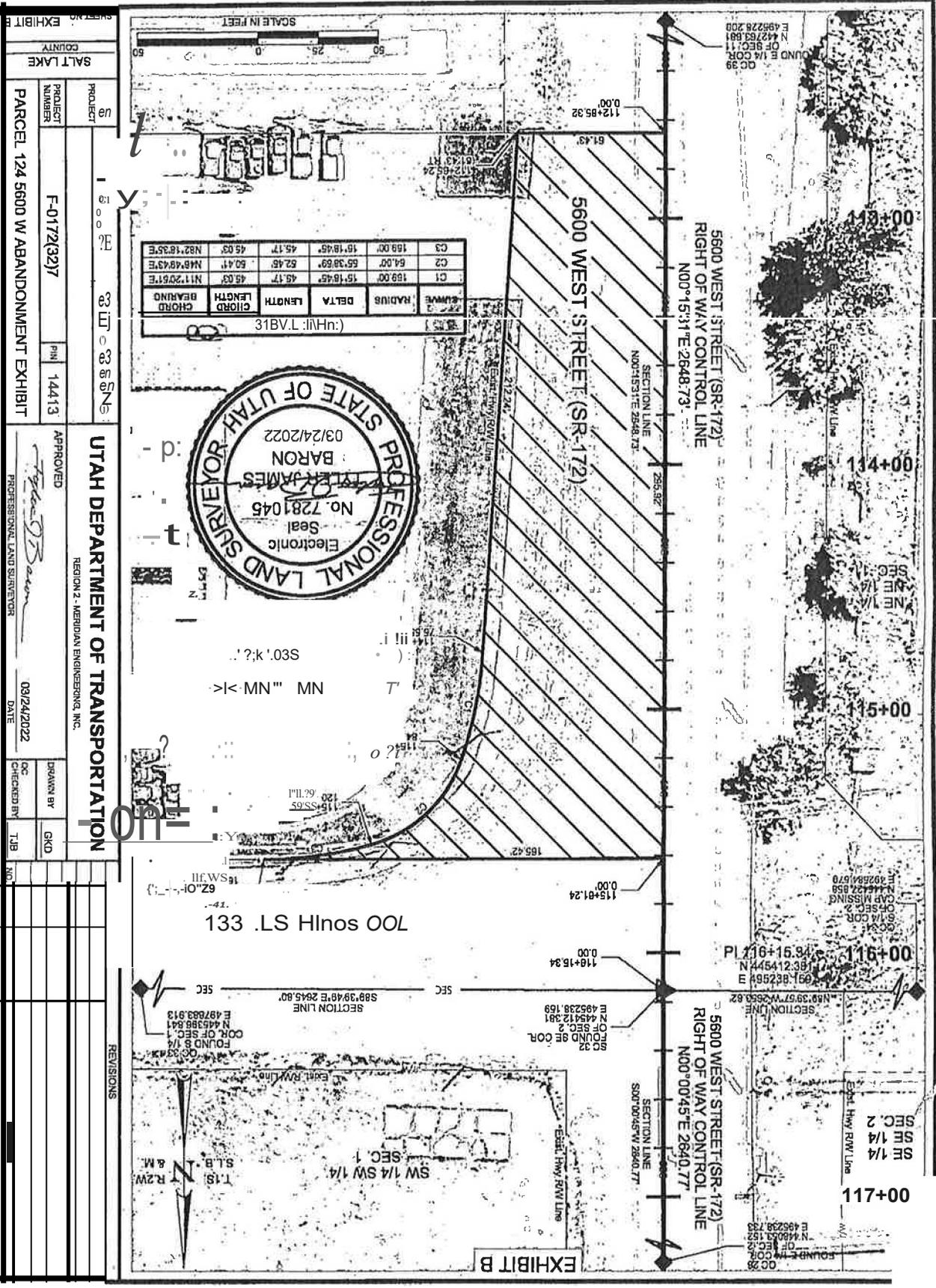
EXHIBIT A

DESCRIPTION FOR THAT EASTERLY PORTION OF 5600 WEST STREET (SR-172) TO BE  
ABANDONED, LYING JUST SOUTH OF 700 SOUTH STREET

A portion of 5600 West Street (SR-172), situate in the NW1/4 NW1/4 of Section 12, T.1S., R.2W., S.L.8,&M., in Salt Lake County, Utah, more particularly described as follows:

Beginning at a point in the westerly section line of said Section 12, which point is 54.10 feet S.00°15'31"W. along said section line from the Northwest Corner of said Section 12; and running thence N.89°57'57"E. 165.42 feet to the existing easterly right of way line of 5600 West Street (SR-172) at the beginning of a 169,00-foot radius non-tangent curve to the left (Note: Radius bears S.00°02'03"E.); thence along said existing easterly right of way line the following four (4) courses: (1) westerly 45.17 feet along the arc of said curve through a central angle of 15°18'45" (Note: Chord to said curve bears S.82°18'35"W. for a distance of 45.03 feet) to a point of compound curve having a radius of 54.00 feet; thence (2) southwesterly 52.45 feet along the arc of said curve through a central angle of 55°38'59" (Note: Chord to said curve bears S.46°49'43"W. for a distance of 50.41 feet) to a point of compound curve having a radius of 169.00 feet; thence (3) southerly 45.17 feet along the arc of said curve through a central angle of 15°18'45" (Note: Chord to said curve bears S.11°20'51"W. for a distance of 45.03 feet) to a point of non-tangency; thence (4) S.04°04'22"W, 212.24 feet; thence N.89°40'07"W. 61.43 feet to a point in said westerly section line; thence N.00°15'31"E. 295.92 feet along said westerly section line to the point of beginning, The above description contains 22,103 square feet in area or 0,507 acre, more or less.

Together with and subject to any and all easements, rights of way and restrictions appearing of record or enforceable in law and equity.



STATION	CHORD BEARING	CHORD LENGTH	RADIUS	DELTA	LENGTH
C1	N11°20'17"E	45.03	189.00'	18°18'45"	45.17
C2	N48°48'37"E	60.41	64.00'	65°38'67"	62.48
C3	N82°18'35"E	45.03	189.00'	18°18'45"	45.17



**UTAH DEPARTMENT OF TRANSPORTATION**  
 REGION 2 - MERRIAM ENGINEERING, INC.

PROJECT: U8  
 PROJECT NUMBER: F-0172(32)7  
 COUNTY: SALT LAKE  
 PARCEL: 124 5600 W ABANDONMENT EXHIBIT

APPROVED: [Signature]  
 DATE: 03/24/2022

DRAWN BY: GKD  
 CHECKED BY: TJB

UTAH DEPARTMENT OF TRANSPORTATION  
 REGION 2 - MERRIAM ENGINEERING, INC.

133 LS Hnos 00

SECTION LINE  
 S89°39'48"E 2645.80'

SECTION LINE  
 E49°23'169"

SECTION LINE  
 N44°54'12.381"

SECTION LINE  
 N89°39'67"W 2653.82'

SECTION LINE  
 S00°00'45"W 2640.77'

5600 WEST STREET (SR-172)  
 RIGHT OF WAY CONTROL LINE  
 N00°15'31"E 2648.73'

5600 WEST STREET (SR-172)  
 RIGHT OF WAY CONTROL LINE  
 N00°00'45"E 2640.77'

117+00  
 SE 1/4  
 SEC 1/4  
 SEC 2

115+00  
 SECTION LINE  
 N44°54'12.381" E 4454.12381'

114+00  
 SECTION LINE  
 N89°39'67"W 2653.82'

113+00  
 SECTION LINE  
 S00°00'45"W 2640.77'

112+85.32  
 SECTION LINE  
 N00°15'31"E 2648.73'

61.43  
 SECTION LINE  
 N00°15'31"E 2648.73'

0.00  
 SECTION LINE  
 N00°15'31"E 2648.73'

112+85.32  
 SECTION LINE  
 N00°15'31"E 2648.73'

**Utah Transportation Commission Meeting  
Agenda Item Fact Sheet**

**Commission Meeting Date:** September 16, 2022

**Agenda Item#:** 10

**Agenda Item Title:**

SR-172 (5600 W) between 700 S & 1100 S, SLCAbandonment

**Presented By:** Charles A. Stormont, Director of Right of Way

**Background:**

SR-172: 5600 S

- Location and brief description: SR-172 (5600 W) railroad overpass realignment. SR-172 was realigned when the railroad overpass was built between 700 Sand 1100 Sin Salt Lake City. This realignment occurred to keep the mainline over the railroad tracks open during construction. Since the new alignment of SR-172 is open and operating, the old alignment no longer serves the purpose of a state highway and is proposed to be abandoned.
- Land size: 22,103 square feet in area or 0.507 acres
- Purpose: The area of SR-172 (5600 S) to be abandoned is surrounded by private property to the east and Salt Lake City property to the west. The Salt Lake City property contains the city's sewer and water lines. The property to the south is owned by the railroad and will have barrier and fencing installed to keep people from trespassing and fouling the track. The property to the north ties into SR-172 alignment. By abandoning the fonner alignment, the property ownership will revert in accordance with applicable state law, and relieve the Department of ongoing maintenance and liability for actions on the area that is proposed to be abandoned.

**Attachments:**

Legal Description, map and Resolution

**Commission Action Requested:**

For Infonnation/Review Only

For Commission Approval

**Motion Needed for Approval:**

Approval for abandonment of former SR-172 (5600 W) between 700 S & 1100 Sin Salt Lake City, as presented.

**Fact sheet prepared by:** Charles A. Stormont

**Date Submitted:** 8/24/22

**Fact sheet reviewed by\_senior leader:** Robert Stewart

# Department Review Comments

## PLNPCM 2023- 00482

This proposal was reviewed by the following departments. Any requirement identified by a City Department is required to be complied with.

### **Building:** Comments provided by Bryan Romney

- 1 There are no building code issues with this proposal.

### **Engineering:** Comments provided by Scott Weiler

SLC Engineering supports the proposed street closure application for a portion of 700 South adjacent to the Barco property. Engineering's comments are:

- 2
- The parcel owner on the corner of 700 South/5500 West (752 S. 5500 West) might want the City to continue to maintain 700 South along its frontage of 700 South. In fact, on June 27th, Great Basin Cabinetry had a DRT to discuss its proposed development on that vacant lot, including access directly onto 700 South. Engineering recommends that the street vacation not extend past the east property line of the applicant's (Barco) property.

- 3
- A utility easement will be required for Public Utilities.

The next two comments are related to the property description and came from Chris Donoghue:

- 4
- current ties call for 32.94' and 39.87'. The offsets to the public r/w are 33' and 40'. So those ties need to change.
- 5
- I do not like the east boundary of the vacation they are requesting. It creates 2 weird public r/w boundaries with the 2 radiuses of 5500 West. I would prefer them to cut the vacation back to the property boundary between the 2 parcels on the south.

### **Fire:** Comments provided by Seth Hutchinson

- 6
- Access to the fire hydrant, on this section of road, must be maintained for fire department use. Any gates that may be installed must have an FD Knox Lock, or if it is an electric gate an EKnox, for fire department access. Other than these things, I see no issues with this proposal.

Reviewed by Seth Hutchinson, phone (801) 535-7164. If you have any questions email is the preferred method of contact: [seth.hutchinson@slcgov.com](mailto:seth.hutchinson@slcgov.com)

### **Sustainability:**

- 7 Sustainability does not have comments for PLNPCM2023-00482.

### **Transportation:** Comments provided by Jena Carver

- 8 I would not support closing this without more information on the "abandonment" of 5600 W and some sort of shared access easement for the property to the north to use the private road. Does the property

to the north have to be involved in the closure. My understanding of street vacation law is that property owners on each side of the street get first right of refusal to buy the right-of-way.

- 9 Applicant will need [neighboring property's] signatures and will need to show how the properties are going to be accessed. They will still need a cross access easement unless they combine the properties. I also need some assurance from UDOT that they don't need the access to the old 5600 West.
- 10 The property to the north [ 5552 W 700 S ] cannot have access to 700 S to the north, this property must be accessed from the south side of the parcel onto 700 S. A cross access or lot consolidation would be necessary to move forward with the application .

**Public Utilities:** Comments provided by Kristeen Beitel

- 11 Public Utilities **opposes the street vacation**. There is a 12" public water main, 24" public water main, and 36" public sewer main that run through this roadway. This roadway needs to remain a public right of way for access to these facilities. An easement will not provide enough protection for SLCDPU access in this area.

-Kristeen Beitel

When we install and maintain facilities in the public ROW, which is standard practice, it is with the intent that we will have the access needed to access and maintain the infrastructure. It is not in the best interest of PU to agree to release the Public ROW ownership. We have found that easements are not a replacement of property ownership when it come to working on, replacing or accessing our infrastructure.

- 12 The UDOT project that closed this access was not favorable to PU and has caused a loss of access to our critical facilities in this area. It was intended that this section of ROW would remain as such to allow for our access to the facilities in not only the 700 South but also the 5600 West section that has been closed off.

I agree with Kristeen that **no closure** of the street should be allowed and sold to the adjacent properties. I am happy to visit when I return to the office in a few weeks.

- Karryn Greenleaf

**Urban Forestry:** Comments provided by Rick Nelson

- 13 No Comments.

**Zoning:** Comments provided by Cassie Younger

- 14 The Council does not allow street closure when it would deny all access to another property. Transportation is not allowing 5552 W 700 S access from the north, only to the south on 700 S, so a cross access would be needed, or modification of the request. 720 S 5500 W also is in the development process and planned on having access off 700 S.

Real Estate Services is working on a valuation for the street property. The applicant will need to pay fair-market value for the land.

September 29, 2023

Via – [cassie.younger@slcgov.com](mailto:cassie.younger@slcgov.com)

Cassie Younger  
Salt Lake Public Utilities  
1530 S. West Temple St.  
Salt Lake City, UT 84115

Dear Cassie:

This letter is in response to the Department Review Comments that we received from you with respect to my client's street closure application for a portion of 700 South adjacent to the Barco property. I will respond to each of the items on the Department Review Comments sheet, attached hereto. I have added numbers to the Department Review Comments sheet for clarity.

**Building**

1. No response needed.

**Engineering**

2. Applicant agrees to the street vacation not extending past the applicant's east property line.
3. Applicant agrees to enter into such a utility easement. Please see the proposed easement, attached.
4. Applicant agrees to such change.
5. Same as #2, above.

**Fire**

6. Applicant agrees to these requirements. If applicant places a fence at the end of the abandoned area, applicant will install and maintain and fire department-approved lock, as stated.

**Sustainability**

7. No response needed.

**Transportation**

8. Attached please find the UDOT abandonment of 5600 West. If any further information about that abandonment is needed, please let me know. Regarding the property to the North, that property is also owned by the Applicant. Applicant owns both sides of this section of the old 700 South, although in different entities. If a shared access agreement, an authorization letter, or anything else is needed for the property to the North of the proposed abandonment that can be easily obtained. The properties are expected to be consolidated following abandonment.

9. Same as above. The neighboring property is also owned by the applicant. Both properties will be accessed by the stubbed off 700 S. UDOT has maintained ownership of the portions of 5600 West that they need in their abandonment resolution.
10. The property to the north is owned by Applicant, and will be accessed by the stub of old 700 S. If the road is abandoned, a lot consolidation is intended.

### **Public Utilities**

11. Please see the proposed attached *very broad* easement that will maintain the current right of way as an unobstructed drivable surface, and will permit Salt Lake City to access the area and its utilities beneath the surface as needed. It is the intent of the applicant that the drivable surface remain in better condition than it is now, so that customers may use it to access the applicant's business. It is the intent that Salt Lake City have no impediments to the use and access of its underground utilities, and the easement for those utilities remain public.
12. Applicant will also extend its easement to the 5600 West property, allowing SLPU full access to the facilities in 5600 West. The attached form can be used or any form that the City prefers.

### **Urban Forestry**

13. No response needed.

### **Zoning**

14. The street closure will not deny or impair or reduce access to another property. As stated above, the property to the North is owned by applicant, who intends to continue to access its land through the remaining stub of 700 South. The applicant will provide a full and unimpeded easement to the City to access its utilities on both 700 South and 5600 West. 720 South 5500 West will also be able to maintain access off of 700 South because the applicant agrees to end the abandonment at applicant's East boundary.

**DENTONS DURHAM JONES PINEGAR P.C.**

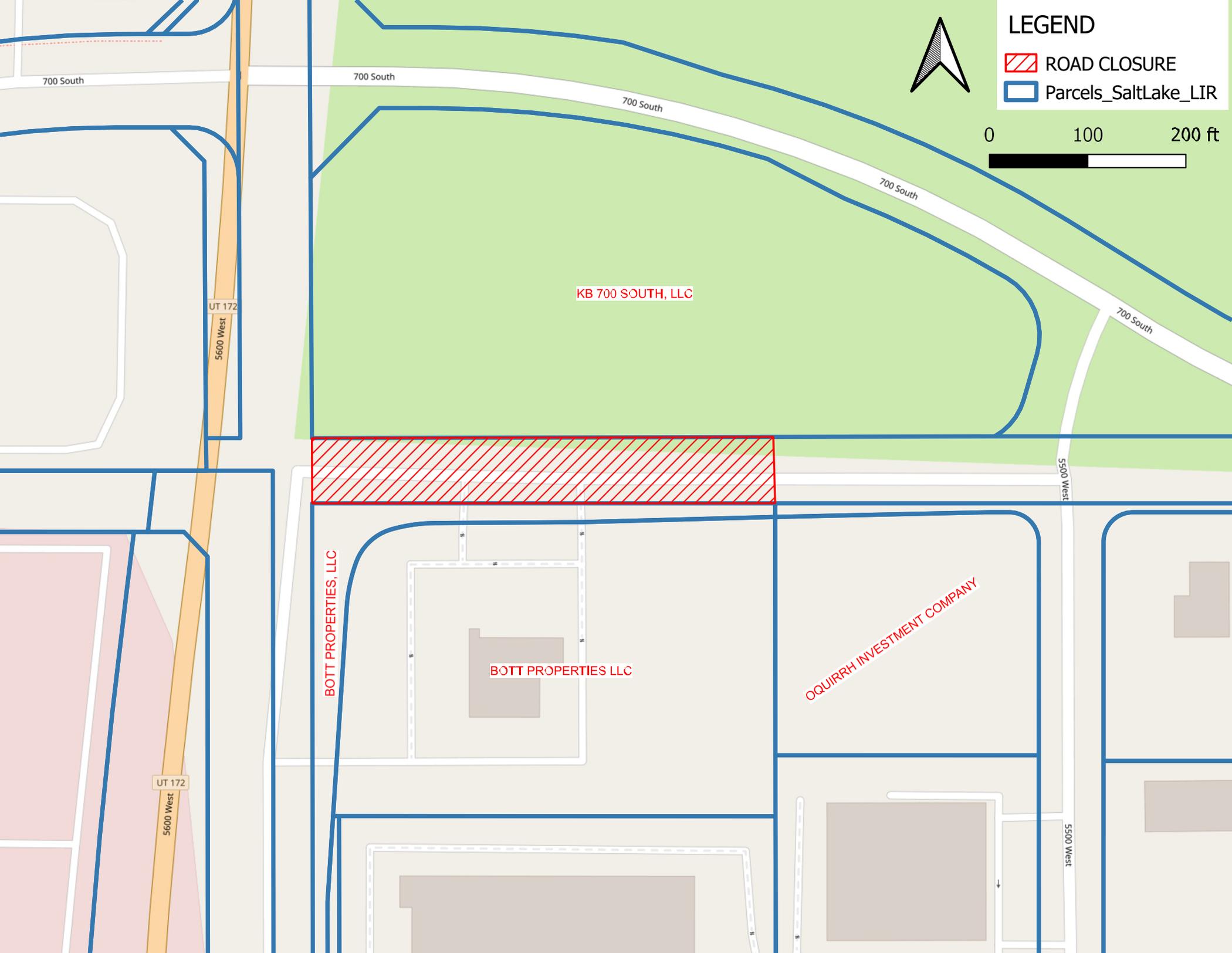


Brent N. Bateman

# LEGEND

 ROAD CLOSURE

 Parcels\_SaltLake\_LIR



KB 700 SOUTH, LLC

BOTT PROPERTIES, LLC

BOTT PROPERTIES LLC

OQUIRRH INVESTMENT COMPANY

700 South

700 South

700 South

700 South

700 South

UT 172

5600 West

5500 West

UT 172

5600 West

5500 West

WHEN RECORDED, MAIL TO:

Salt Lake City Corporation  
451 S State St.  
Salt Lake City, UT 84111

*Affecting a portion of Tax Parcel No: 14121010070000*

**PUBLIC UTILITY EASEMENT**

For Mutual Consideration, the receipt of which is hereby acknowledged:

**BOTT PROPERTIES, LLC**, a Utah limited liability, as **Grantor**, of 707 S 5600 W, Salt Lake City, Utah 84104, hereby grants unto **SALT LAKE CITY CORPORATION**, as **Grantee**, of 451 S State St, Salt Lake City, Utah 84111, a non-exclusive public utility easement along the entire length and width of former 700 South and former 5600 West (prior to abandonment), as shown on the attached map and description attached hereto as Exhibit A. The purpose of this easement is to allow Salt Lake City to use, access, uncover, maintain, and update the public utility facilities and other utilities presently within the easement area, and to allow Grantee to exercise all the rights, obligations and limitations to which public utility easements are subject.

Grantee is authorized the right to dig up the public utility easement area, access the easement area at any hour of any day, and any other right needed to service, maintain, and access the 12” public water main, 24” public water main, and 36” public sewer main, including any future improvements or additions, found in the public utility easement area.

Grantor reserves the right to use the public utility easement area for any purpose that does not obstruct or interfere with the easement rights granted herein.

**WITNESS**, the hand of said Grantor, this \_\_\_\_ day of \_\_\_\_\_, 2023.

**BOTT PROPERTIES, LLC:**

\_\_\_\_\_  
[●], Manager

STATE OF \_\_\_\_\_ )  
 )ss.  
COUNTY OF \_\_\_\_\_ )

On the \_\_\_\_ day of \_\_\_\_\_, 2023, personally appeared before me \_\_\_\_\_, the signer of the within and foregoing instrument, whose identity is personally known to me or proved to me on the basis of satisfactory evidence, and who, by me duly sworn (or affirmed) that he executed the same as the Manager of Bott Properties, LLC

\_\_\_\_\_  
Notary Public  
My Commission Expires:

**ACCEPTANCE OF PUBLIC UTILITY EASEMENT**

The Salt Lake City Corporation, a municipal corporation of the State of Utah, hereby accepts the above Public Utility Easement, and in consideration thereof agrees that it will utilize and maintain the same for purposes consistence therewith.

Dated this \_\_\_\_ day of \_\_\_\_\_, 2023.

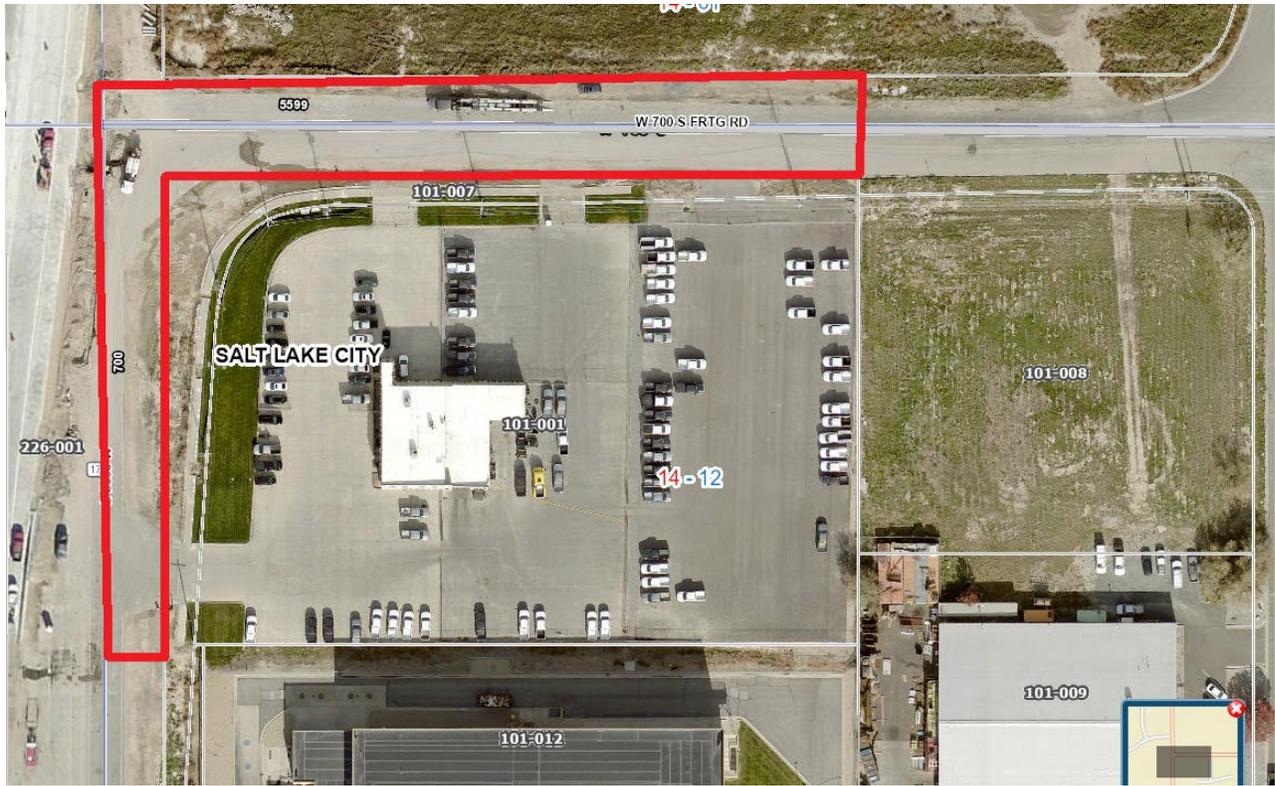
SALT LAKE CITY CORPORATION:

By: \_\_\_\_\_  
Its: Mayor

ATTEST:

By: \_\_\_\_\_  
Its: City Recorder

Exhibit A  
Easement Area



#### **4) MAILING LIST**

OWN_FULL_NAME	OWN_ADDR	OWN_CITY	OWN_STAT	OWN_ZIP
PROPERTY RESERVE, INC	50 S MAIN ST	SALT LAKE CITY	UT	84101
KB 700 SOUTH, LLC	111 S MAIN ST	SALT LAKE CITY	UT	84111
OEMETA, INC	5655 W 610 S	SALT LAKE CITY	UT	84104
UTAH DEPARTMENT OFTRANSPORTATION	PO BOX 148420	SALT LAKE CITY	UT	84114
Current Owner	875 E 2ND ST	RENO	NV	89502
Current Owner	PO BOX 148420	SALT LAKE CITY	UT	84114
WARRCO LLC	4908 HEIDI WY	ERDA	UT	84074
UNION PACIFIC RAILROADCOMPANY	1400 DOUGALS ST STOP 1640	OMAHA	NE	68179
UNION PACIFIC RAILROADCOMPANY	1400 DOUGLAS ST MAIL STOP	OMAHA	NE	68179
Current Owner	4990 S FAIRBROOK LN	HOLLADAY	UT	84117
Current Owner	PO BOX 148420	SALT LAKE CITY	UT	84114
Current Owner	PO BOX 145460	SALT LAKE CITY	UT	84114
BOTT PROPERTIES LLC	717 S 5600 W	SALT LAKE CITY	UT	84104
BERTOCH & ASSOCIATES LC	9471 S MCVEA CT	SOUTH JORDAN	UT	84009
ABRACADABRA, LLC	5495 W SHEA DR	SALT LAKE CITY	UT	84104
BOTT PROPERTIES, LLC	717 S 5600 W	SALT LAKE CITY	UT	84104
OQUIRRH INVESTMENT COMPANY	752 S 5500 W	SALT LAKE CITY	UT	84104
THOMAS, DENNIS W	752 S 5500 W	SALT LAKE CITY	UT	84104
ABRACADABRA, LLC	5495 W SHEA DR	SALT LAKE CITY	UT	84104
MCI TELECOMMUNICATIONSCORPORATI	500 CLINTON CENTER DR	CLINTON	MS	39056
GYGI PROPERTIES LLC	721 S 5500 W	SALT LAKE CITY	UT	84104
MLP ANDERSON FAMILYPROPERTIES LLC	368 W 2725 S	BOUNTIFUL	UT	84010
UNION PACIFIC RAILROAD CO	1400 DOUGLAS ST STOP 1640	OMAHA	NE	68179
Current Occupant	5448 W 700 S	Salt Lake City	UT	84104
Current Occupant	5552 W 700 S	Salt Lake City	UT	84104
Current Occupant	5653 W 610 S	Salt Lake City	UT	84104
Current Occupant	5633 W 700 S	Salt Lake City	UT	84104
Current Occupant	850 S 5600 W	Salt Lake City	UT	84104
Current Occupant	862 S 5600 W	Salt Lake City	UT	84104
Current Occupant	5521 W SHEA DR	Salt Lake City	UT	84104
Current Occupant	725 S 5600 W	Salt Lake City	UT	84104
Current Occupant	720 S 5500 W	Salt Lake City	UT	84104
Current Occupant	5463 W SHEA DR	Salt Lake City	UT	84104
Current Occupant	5545 W SHEA DR	Salt Lake City	UT	84104
Current Occupant	751 S 5500 W	Salt Lake City	UT	84104
Current Occupant	886 S 4800 W	Salt Lake City	UT	84104
Cassie Younger	1168 N Colorado St	SALT LAKE CITY	UT	84116