



# SALT LAKE CITY TRANSMITTAL

**To:**  
Salt Lake City Council Chair

**Submission Date:**  
02/24/2025

**Date Sent to Council:**  
03/04/2025

**From:**

**Department\***  
Community and Neighborhood

**Employee Name:**  
Martinez, Diana

**E-mail**  
[diana.martinez@slc.gov](mailto:diana.martinez@slc.gov)

**Department Director Signature**

*Tanny Hunsaker*

**Chief Administrator Officer's Signature**

*Jill Love*

**Director Signed Date**  
03/03/2025

**Chief Administrator Officer's Signed Date**  
03/04/2025

**Subject:**  
PLNPCM2024-00439 Alley Vacation of a Portion of City Near 1409 S. Edison Street

**Additional Staff Contact:**  
John Anderson  
[john.anderson@slc.gov](mailto:john.anderson@slc.gov)

**Presenters/Staff Table**  
Diana Martinez, Senior Planner  
[diana.martinez@slc.gov](mailto:diana.martinez@slc.gov)

**Document Type**  
Ordinance

**Budget Impact?**  
☐ Yes  
☒ No

**Recommendation:**  
Denial recommendation to the City Council from the Planning Commission

**Background/Discussion**  
See first attachment for Background/Discussion

**Will there need to be a public hearing for this item? \***

☒ Yes  
☐ No

**Public Process**  
City Council Briefing, Hearing and Decision

This page has intentionally been left blank



## CITY COUNCIL TRANSMITTAL

### BACKGROUND/DISCUSSION:

Salt Lake City has received a request from Davis Oatway, the owner of 1409 S. Edison Avenue, to vacate a portion of the alley adjacent to his rear yard. Mr. Oatway is seeking to vacate an 11' x 52' section of the alley that has not been used and does not continue further north. The alleyway begins at Cleveland Avenue and ends at the point equal to Mr. Oatway's north property line.

The State of Utah owns the property to the north, which was never platted with an alley along its east property line. Adjacent to the north of the State property is a Utah Power & Light Company power facility -which blocks access to the alley in front of it.

Planning staff recommended approval of the alley vacation because the portion of alley being requested to be vacated has not been used in over a decade and a half and lack of use is one consideration that may qualify an alley to be vacated.

The Planning Commission discussed the possibility of the State property being redeveloped in the future and the prospect of an alley that could continue from Cleveland Avenue to 1300 South may be included in any future development.

### PUBLIC PROCESS:

**Early Notification**—On August 21, 2024, the Liberty Wells Community Council Chair was sent the 45-day required notice for recognized community organizations. The Council did not comment on this request. On August 22, 2024, a notice of the proposal was mailed to all property owners and tenants within 300 feet of the property. One neighbor called in favor of the proposal.

**Planning Commission Meeting** – The Planning Commission heard the petition on November 13, 2024. The Planning staff recommended approval of the application based on the lack of use of the portion of the alley requested to be vacated. The Planning Commission voted 7 to 0 to recommend the City Council deny the proposed alley vacation request.

### PLANNING COMMISSION (PC) RECORDS:

- a) [Planning Commission Meeting -November 13, 2024](#)
- b) [Staff report for Planning Commission -November 13, 2024](#)
- c) [Youtube Video of Planning Commission meeting 11/13/2024](#) -start time 1:14:56
- d) [Planning Commission Meeting Minutes](#)

### EXHIBITS:

- 1. Project Chronology
- 2. Notice of the City Council Hearing
- 3. Original Petition
- 4. Ordinance

This page has intentionally been left blank

## PROJECT CHRONOLOGY

**Petition:** **PLNPCM2024-00439- Alley vacation request to vacate a portion of alleyway adjacent to 1409 S. Edison Street**

July 12, 2024	Petition for the Alley Vacation was accepted by Salt Lake City Planning Division.
July 18, 2024	Petition PLNPCM2024-00439 was assigned to Diana Martinez, Senior Planner, for staff analysis and processing.
August 21, 2024	Early notification was sent to the Liberty Wells Community Council Chair, providing information about the proposal and how to give public input on the project. Beginning of 45- day input and comment period.
August 22, 2024	An early notification letter was sent to all abutting property owners and tenants within 300 feet of the portion of the alleyway requested to be vacated.
October 7, 2024	End of 45-day Recognized Community Organization notice period.
November 1, 2024	Public hearing notice signs with project information and notice of the Planning Commission public hearing physically posted at the applicant's address and at the beginning of the alleyway on Cleveland Avenue.
November 13, 2024	Planning Commission holds a public hearing and makes a recommendation to deny the proposed alley vacation.

This page has intentionally been left blank

## NOTICE OF CITY COUNCIL HEARING

The Salt Lake City Council is considering Petition **PLNPCM2024-00439**, Davis Oatway is requesting approval to vacate a portion of the public alley located east of 1409 S. Edison Street. The portion of alley is approximately 11 feet by 52 feet, starting at a point approximately 220 feet from Cleveland Avenue. If approved, this alley section would be divided and given to the two property owners abutting the portion of the vacated alley. The subject property is located within Council District 5, represented by Darin Mano.

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

**DATE:**

**TIME:**

**PLACE:** 451 South State Street 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 Diana Martinez at 801-535-7215 or via e-mail at [diana.martinez@slc.gov](mailto:diana.martinez@slc.gov). The application details can be accessed at <https://citizenportal.slcgov.com/>, by selecting the “planning” tab and entering the petition number **PLNPCM2024-00439**.

The City and County Building is an accessible facility. People with disabilities may make requests for reasonable accommodation no later than 48 hours in advance in order to participate in this hearing. Please make requests at least two business days in advance. 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.

This page has intentionally been left blank



# ALLEY VACATION OR CLOSURE

## IMPORTANT INFORMATION



### CONSULTATION

Available prior to submitting an application. For questions regarding the requirements, email us at [zoning@slcgov.com](mailto:zoning@slcgov.com).



### SUBMISSION

Submit your application online through the [Citizen Access Portal](#). Learn how to submit online by following the [step-by-step guide](#).



### REQUIRED FEES

- **\$303** filing fee.
- Additional required notice fees will be assessed after application is received.

## APPLICANT INFORMATION

### PROJECT NAME (OPTIONAL)

1409 S Edison Street Alley Vacation Request

### LOCATION OF ALLEY

On the East side of the property

### REQUEST

That Salt Lake City vacates the land in the alley East of our property that dead-ends into a State of Utah owned concrete property wall.

### NAME OF APPLICANT

Davis Oatway

### PHONE

[REDACTED]

### MAILING ADDRESS

1409 South Edison Street Salt Lake City, UT 84115

### EMAIL

davis oatway@gmail.com

### APPLICANT'S INTEREST IN PROPERTY (\*owner's consent required)

☒ Owner ☐ Architect\* ☐ Contractor\* ☐ Other\*

### IF OTHER, PLEASE LIST

### NAME OF PROPERTY OWNER (if different from applicant)

BRIANNA BINNEBOSE & DAVIS OATWAY

### PHONE

### MAILING ADDRESS

1409 S. Edison St. Salt Lake City, UT 84115

### EMAIL

davis oatway@gmail.com; brianna.binnebose@gmail.com

## OFFICE USE

### CASE NUMBER

### RECEIVED BY

### DATE RECEIVED

**DISCLAIMER:** 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.

## ACKNOWLEDGMENT OF RESPONSIBILITY

1. 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.
2. By signing the application, I am acknowledging that I have read and understood the instructions provided 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.
3. 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.
4. 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.

NAME OF APPLICANT

Davis Oatway

EMAIL

davis oatway@gmail.com

MAILING ADDRESS

1409 South Edison Street Salt Lake City, UT 84115

PHONE

[REDACTED]

APPLICATION TYPE

Alley vacation request

SIGNATURE

DAVIS OATWAY

Digitally signed by DAVIS OATWAY  
Date: 2024.04.18 20:44:08 -0600

DATE

04/18/24

## LEGAL PROPERTY OWNER CONSENT

If the applicant is not the legal owner of the property, a consent from property owner must be provided. Properties with a single fee title owner may show consent by filling out the information below or by providing an affidavit.

**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.

LEGAL DESCRIPTION OF SUBJECT PROPERTY

[REDACTED]

NAME OF OWNER

BRIANNA BINNEBOSE & DAVIS OATWAY

EMAIL

[REDACTED]

MAILING ADDRESS

1409 S. Edison St. Salt Lake City, UT 84115

SIGNATURE

X [Signature]  
X [Signature]

DATE

11/13/2024  
11:13:24

1. If a corporation is fee titleholder, attach copy of the resolution of the Board of Directors authorizing the action.
2. If a joint venture or partnership is the fee owner, attach copy of agreement authorizing action on behalf of the joint venture or partnership.
3. If a Home Owner's Association is the applicant then 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.

**DISCLAIMER:** 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.

This page has intentionally been left blank

SALT LAKE CITY ORDINANCE

No. \_\_\_\_\_ of 2025

(Vacating a portion of a city-owned alley situated adjacent to properties located at 1409 S. Edison Street and 1404 S. 200 E.)

An ordinance vacating a portion of an unnamed city-owned alley adjacent to properties located at 1409 S. Edison Street and 1404 S. 200 E. pursuant to Petition No. PLNPCM2024-00439.

WHEREAS the Salt Lake City Planning Commission (“Planning Commission”) held a public hearing on November 13, 2024 to consider a request made by Davis Oatway, an adjacent property owner, to vacate a portion of an unnamed city-owned alley adjacent to properties located at 1409 S. Edison Street and 1404 S. 200 E.; and

WHEREAS, at its November 13, 2024 meeting, the Planning Commission voted in favor of forwarding a negative 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 alley 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. Closing and Vacating City-Owned Alley. That a portion of an unnamed, city-owned alley, which is more particularly described on Exhibit “A” attached hereto, hereby is vacated and declared not presently necessary or available for public use.

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 alley, 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. Effective Date. This ordinance shall become effective on the date of its first publication.

Passed by the City Council of Salt Lake City, Utah this \_\_\_\_\_ day of \_\_\_\_\_, 2025.

\_\_\_\_\_  
CHAIRPERSON

ATTEST:

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

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

Mayor's Action: \_\_\_\_\_Approved. \_\_\_\_\_Vetoed.

\_\_\_\_\_  
MAYOR

---

CITY RECORDER

(SEAL)

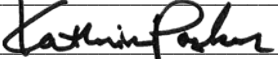
Bill No. \_\_\_\_\_ of 2025

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

Ordinance Vacating Alley Near 1409 S Edison\_v1

**APPROVED AS TO FORM**  
Salt Lake City Attorney's Office

Date: February 21, 2025

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

# EXHIBIT “A”

Legal description of the portion of the unnamed, city-owned alley to be vacated:

COMMENCING AT THE NORTHWEST CORNER OF THE DESCRIBED PARCEL; SAID POINT BEING NORTH 00°13'05" EAST, ALONG THE EDISON STREET CENTERLINE, 287.10 FEET AND SOUTH 89°50'12" EAST 36.50 FEET, TO NORTHWEST CORNER OF BLOCK 7 OF THE CAPITOL AVENUE ADDITION LOTS 5-6-7-8-17-18 BLK 12, 5 ACRE PLAT “A” BIG FIELD SURVEY BOOK B, PAGE 105, SALT LAKE COUNTY RECORDERS OFFICE, RECORDED NOV 23, 1900; THENCE SOUTH 89°50'12" EAST 142.00 FEET, FROM THE STREET MONUMENT AT CLEVELAND AVE AND EDISON STREET, A FOUND BRASS CAP, TO THE NORTHWEST CORNER OF THE EXISTING ALLEY AND THE TRUE POINT OF BEGINNING; THENCE SOUTH 89°50'12" EAST 15.00 FEET, TO THE EASTERLY RIGHT OF WAY OF AN ALLEY WAY; THENCE ALONG SAID RIGHT OF WAY SOUTH 00°13'05" WEST 50.00 FEET; THENCE NORTH 89°50'12" WEST 15.00 FEET TO THE WESTERLY RIGHT OF WAY OF A SAID ALLEY WAY; THENCE ALONG SAID RIGHT OF WAY NORTH 00°13'05" EAST 50.00 FEET TO THE POINT OF BEGINNING.

CONTAINS 750 SQ. FT. OR 0.02 ACRES

This page has intentionally been left blank