



COUNCIL STAFF REPORT

CITY COUNCIL *of* SALT LAKE CITY

TO: City Council Members

FROM: Brian Fullmer, Policy Analyst

DATE: October 8, 2019

**RE: ORDINANCE TO TEMPORARILY CLOSE A PORTION OF 2100 SOUTH
BETWEEN APPROXIMATELY 6000 WEST AND 1,500 FEET EAST OF 7200 WEST**

Item Schedule:

Briefing: September 17, 2019

Set Date: September 17, 2019

Public Hearing: October 8, 2019

Potential Action: October 15, 2019

BRIEFING SUMMARY

At its September 17 briefing, the Council expressed support for the temporary closure. Council Members asked about previous efforts to curtail illegal activity in the area, what plans are for a long term solution and how the proposed closure will be enforced. Representatives from the Mayor's Office, Salt Lake City Police, Salt Lake City Transportation and the Salt Lake County Health Department were present to answer.

Individual agencies worked on solutions utilizing cameras and reporting what incidents were observed, but there has not been a collaborative effort. Quality of camera images was poor due to a lack of power for streetlights to illuminate the area. Cameras were quickly damaged or removed, and the remote location provided time for those observed participating in the illegal dumping to leave the area before officers arrived.

Both the Utah Department of Natural Resources and West Valley City are considering options to increase traffic on this stretch of road so more people would be in the area to observe illegal activity.

The Administration's proposal calls for a hard closure of the road with jersey barriers at approximately 6500 West and 6900 West. There are no active property access points in this area. Under the plan signs would be placed alerting drivers of the closure ahead and providing directions to businesses.



The following information was provided for the September 17, 2019 Council briefing. It is provided again below for background purposes.

ISSUE AT-A-GLANCE

The Council will be briefed about the Administration's proposal to temporarily close a portion of 2100 South between approximately 2,400 feet west of the SR-201 frontage road (roughly 6000 West) and 1,500 feet east of 7200 West (approximately 7000 West) as shown in Attachment A.

If approved by the Council, this section of 2100 South will be closed for one year or until mitigation efforts are completed. At the conclusion of the temporary closure period or once unsafe conditions are mitigated, the Mayor will direct this section of 2100 South to be reopened.

This area is regularly used for illegal dumping of tires and other solid waste. The area's isolated location and lack of street lighting make it an attractive place for illicit activity. The Salt Lake County Health Department reported a cleanup effort last year resulting in removal of more than 130 tons of solid waste and nearly 4,000 tires at a cost exceeding \$50,000. The County Health Department further noted this area is an environmentally sensitive wetland and dumped items reportedly caused environmental degradation. In addition, uncontained tires and refuse create a habitat to produce and harbor mosquitos and rodents.

The Utah Division of Wildlife Resources, Salt Lake County Health Department, West Valley City and Salt Lake City Police Department Community Intelligence Unit Sergeant all sent letters supporting the temporary closure. These letters are included on pages 8 – 11 of the Administration's transmittal.

Goal of the briefing: *To review the proposed street closure, address questions Council Members may have and prepare for a public hearing.*

POLICY QUESTIONS

1. The Council may wish to ask the Administration whether affected area businesses have been contacted and if they are supportive of the closure.
 - a. What type of coordination with businesses will happen during the temporary closure (e.g., detour and "business access" signage)?
2. Is the Council supportive of closing the subject section of 2100 South?

ADDITIONAL INFORMATION

If approved by the Council, the following changes will occur during the temporary 2100 South street closure:

- Access to 2100 South businesses between approximately 6100 West and 7200 West will change, but not be eliminated.
- A hard closure of 2100 South will be between approximately 6500 West and 6900 West where no active accesses to businesses are located.
- Access to businesses located between 6100 and 6500 West will be from entering the frontage road at 5600 West, then turning onto 2100 South at 6100 West.
- Access to 2100 South businesses between 6900 West and 7200 West will be from 7200 West.
- Full access to Bland Recycling (6451 West 2100 South) will be from entering the frontage road at 5600 West. This access route accommodates all vehicle sizes. (There is a limited turning radius when using the frontage road from 7200 West, so larger vehicles would access via 5600 West.)

TEMPORARY STREET CLOSURE PROCESS

The process for temporary street closures is outlined in Section [72-5-104](#), *Utah State Code*: Vacating a street, right-of-way, or easement.

- (1) Except as provided in Subsections (3) and (7), all public highways, streets, or roads once established shall continue to be highways, streets, or roads until formally abandoned or vacated by written order, resolution, or ordinance resolution of a highway authority having jurisdiction or by court decree, and the written order, resolution, ordinance, or court decree has been duly recorded in the office of the recorder of the county or counties where the highway, street, or road is located.
- (2)
 - (a) For purposes of assessment, upon the recordation of an order executed by the proper authority with the county recorder's office, title to the vacated or abandoned highway, street, or road shall vest to the adjoining record owners, with one-half of the width of the highway, street, or road assessed to each of the adjoining owners.
 - (b) Provided, however, that should a description of an owner of record extend into the vacated or abandoned highway, street, or road that portion of the vacated or abandoned highway, street, or road shall vest in the record owner, with the remainder of the highway, street, or road vested as otherwise provided in this Subsection (2).
 - (c) Title to a highway, street, or road that a local highway authority closes to vehicular traffic under Subsection (3) or (7) remains vested in the city.
- (3)
 - (a) In accordance with this section, a state or local highway authority may temporarily close a class B, C, or D road, an R.S. 2477 right-of-way, or a portion of a class B, C, or D road or R.S. 2477 right-of-way.
 - (b)
 - (i) A temporary closure authorized under this section is not an abandonment.
 - (ii) The erection of a barrier or sign on a highway, street, or road once established is not an abandonment.
 - (iii) An interruption of the public's continuous use of a highway, street, or road once established is not an abandonment even if the interruption is allowed to continue unabated.
 - (c) A temporary closure under Subsection (3)(a) may be authorized only under the following circumstances:
 - (i) when a federal authority, or other person, provides an alternate route to an R.S. 2477 right-of-way or portion of an R.S. 2477 right-of-way if the alternate route is:
 - (A) accepted by the highway authority; and
 - (B) formalized by a federal permit or a written agreement between the federal authority or other person and the highway authority;
 - (ii) when a state or local highway authority determines that correction or mitigation of injury to private or public land resources is necessary on or near a class B or D road or portion of a class B or D road; or
 - (iii) when a local highway authority makes a finding that temporary closure of all or part of a class C road is necessary to mitigate unsafe conditions.
 - (d)
 - (i) If a local highway authority temporarily closes all or part of a class C road under Subsection (3)(c)(iii), the local highway authority may convert the closed portion of the road to another public use or purpose related to the mitigation of the unsafe condition.
 - (ii) If a local highway authority temporarily closes all or part of a class C road under Subsection (3)(c)(iii), and the closed portion of road is the subject of a lease agreement between the local highway authority and another entity, the local highway authority may not reopen the closed portion of the road until the lease agreement terminates.
 - (e) A highway authority shall reopen an R.S. 2477 right-of-way or portion of an R.S. 2477 right-of-way temporarily closed under this section if the alternate route is closed for any reason.
 - (f) A temporary closure authorized under Subsection (3)(c)(ii) shall:
 - (i) be authorized annually; and
 - (ii) not exceed two years or the time it takes to complete the correction or mitigation, whichever is less.
- (4) To authorize a closure of a road under Subsection (3) or (7), a local highway authority shall pass an ordinance to temporarily or indefinitely close the road.

- (5) Before authorizing a temporary or indefinite closure as described in Subsection (4), a highway authority shall:
- (a) hold a hearing on the proposed temporary or indefinite closure;
 - (b) provide notice of the hearing by mailing a notice to the Department of Transportation and all owners of property abutting the highway; and
 - (c) except for a closure under Subsection (3)(c)(iii):
 - (i) publishing the notice:
 - (A) in a newspaper of general circulation in the county at least once a week for four consecutive weeks before the hearing; and
 - (B) on the Utah Public Notice Website created in Section 63F-1-701, for four weeks before the hearing; or
 - (ii) posting the notice in three public places for at least four consecutive weeks before the hearing.
- (6) The right-of-way and easements, if any, of a property owner and the franchise rights of any public utility may not be impaired by a temporary or indefinite closure authorized under this section.
- (7) (a) A local highway authority may close to vehicular travel and convert to another public use or purpose a highway, road, or street over which the local highway authority has jurisdiction, for an indefinite period of time, if the local highway authority makes a finding that:
- (i) the closed highway, road, or street is not necessary for vehicular travel;
 - (ii) the closure of the highway, road, or street is necessary to correct or mitigate injury to private or public land resources on or near the highway, road, or street; or
 - (iii) the closure of the highway, road, or street is necessary to mitigate unsafe conditions.
- (b) If a local highway authority indefinitely closes all or part of a highway, road, or street under Subsection (7)(a)(iii), and the closed portion of road is the subject of a lease agreement between the local highway authority and another entity, the local highway authority may not reopen the closed portion of the road until the lease agreement terminates.
- (c) An indefinite closure authorized under this Subsection (7) is not an abandonment.

Attachment A



*Aerial view of the proposed street closure showing barrier locations.
(Image from the Administration's transmittal.)*