




## CITY COUNCIL TRANSMITTAL

  
Lisa Shaffer (Sep 21, 2022 16:37 MDT)

Lisa Shaffer, Chief Administrative Officer

Date Received: 9/21/2022

Date sent to Council: 9/21/2022

TO: Salt Lake City Council  
Dan Dugan, Chair

DATE: September 21, 2022

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



SUBJECT: Alley Vacation at approximately 925 S 1200 W, Petition PLNPCM2021-00806

STAFF CONTACT: Krissy Gilmore, Senior Planner, [Kristina.Gilmore@slcgov.com](mailto:Kristina.Gilmore@slcgov.com), 801-535-7780

DOCUMENT TYPE: Ordinance

**RECOMMENDATION:** That the City Council follows the Planning Commission's recommendation to approve the ordinance to Vacate the Alley located at approximately 925 S 1200 W with the condition that the method of disposition of the alley property shall be consistent with the method of disposition outlined in Section 14.52.040 – Method of Disposition and Chapter 2.58 City Owned Real Property of the Salt Lake City Ordinance.

**BUDGET IMPACT:** None.

### BACKGROUND/DISCUSSION:

Jordan and Elizabeth Frandsen, property owners at 925 S 1200 W, are asking to vacate an approximately 150-foot-long section of platted alley adjacent to the property. The alley is part of two alleys forming a backward “L” shape, one leg of which runs east/west from 1200 West Street, and one leg runs north/south from 900 South to the 9 Line Trail. The proposal is to vacate the east/west alley segment and incorporate the vacant land into the neighboring property. The total area of the proposed vacation is approximately 2,100 square feet. The remaining east/west portion of the alleyway was previously vacated in 1981. The north/south portion of the “L” shape is not included in this petition and would remain open. With their positive recommendation, at the suggestion of the Attorney's Office, the Planning Commission recommended a condition that the method of disposition for the alley shall be consistent with the method of disposition outlined

in Section 14.52.040 – Method of Disposition and Chapter 2.58 City Owned Real Property of the Salt Lake City Ordinance.



## **PUBLIC PROCESS:**

- The Planning Division provided a 45-day comment period notice to the Poplar Grove Community Council on August 23, 2021.
- Staff sent an early notification announcement of the project to all residents and property owners living within 300 feet of the project site providing notice about the proposal and information on how to give public input on the project on August 23, 2021.
- The Planning Commission held a Public Hearing for this request on October 27, 2021. By a vote of 7-1, they forwarded a positive recommendation to the City Council for the proposed Alley Vacation.

## **Planning Commission (PC) Records**

[PC Agenda for October 27, 2021 \(Click to Access\)](#)

[PC Minutes of October 27, 2021 \(Click to Access\)](#)

[PC Staff Report for October 27, 2021 \(Click to Access Staff Report\)](#)

## **EXHIBITS**

1. **Chronology**
2. **Notice of City Council Hearing**
3. **Petition Application**

SALT LAKE CITY ORDINANCE

No. \_\_\_\_\_ of 2022

(Vacating a portion of city-owned alley situated adjacent to properties located at 925 South 1200 West Street and 929 South Navajo Street)

An ordinance vacating a portion of an unnamed, city-owned alley adjacent to properties located at 925 South 1200 West Street and 929 South Navajo Street, pursuant to Petition No. PLNPCM2021-00806.

WHEREAS, the Salt Lake City Planning Commission held a public hearing on October 27, 2021 to consider a request made by Jordan and Elizabeth Frandsen (“Applicants”) (Petition No. PLNPCM2021-00806) to vacate a portion of an unnamed, city-owned alley adjacent to properties located at 925 South 1200 West Street and 929 South Navajo Street; and

WHEREAS, at its October 27, 2021 meeting, the planning commission voted in favor of forwarding a positive recommendation on said petition to the Salt Lake City Council; and

WHEREAS, the portion of alley that is the subject of this petition was dedicated to public use in the Second Burlington Subdivision plat, recorded in 1909, and is situated on the perimeter of that subdivision; and

WHEREAS, the general rule prescribed by Utah Code Section 72-5-105 is that abutting owners on each side of a vacated right-of-way vest with title to half of the width of the vacated right-of-way, however, as explained in Fries v. Martin, 154 P.3d 184 (Utah Ct. App. 2006), when a vacated right-of-way is situated on the perimeter of a subdivision, title to the entire width of that right-of-way vests only in the abutting property owners within the subdivision; 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. Vacating City-Owned Alley. That an unnamed, city-owned alley adjacent to properties located at 925 South 1200 West Street and 929 South Navajo Street, which is the subject of Petition No. PLNPCM2021-00806, and 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 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 closure 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 and shall be recorded with the Salt Lake County Recorder.

Passed by the City Council of Salt Lake City, Utah this \_\_\_\_\_ day of \_\_\_\_\_, 2022.

\_\_\_\_\_  
CHAIRPERSON

ATTEST:

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

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

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

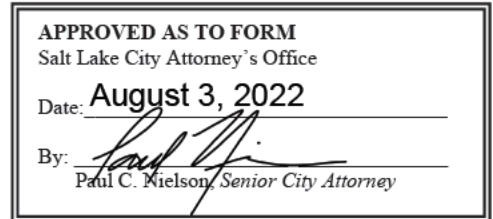
\_\_\_\_\_  
MAYOR

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

(SEAL)

Bill No. \_\_\_\_\_ of 20xx  
Published: \_\_\_\_\_.

Ordinance vacating alley adjacent to 925 S 1200 W



# EXHIBIT “A”

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

THE FOLLOWING DESCRIPTION IS IN ACCORDANCE WITH THE OFFICIAL SALT LAKE CITY ATLAS “PLAT 35” AND THE “SECOND BURLINGTON ADDITION” SUBDIVISION PLAT RECORDED OCTOBER 11, 1909 AS ENTRY NO. 255916 IN BOOK “F” OF PLATS, PAGE 22.

BEGINNING AT THE SOUTHWEST CORNER OF LOT 88, SECOND BURLINGTON ADDITION, AS RECORDED AND ON FILE IN THE OFFICE OF THE SALT LAKE COUNTY RECORDER, AND RUNNING THENCE EAST 148.0 FEET TO THE SOUTHEAST CORNER OF LOT 88 OF SAID SUBDIVISION; THENCE SOUTH 16.0 FEET; THENCE WEST 148.0 FEET; THENCE NORTH 16.0 FEET TO THE POINT OF BEGINNING.

CONTAINS: 2,368 SQUARE FEET or 0.054 ACRES.

## **1) CHRONOLOGY**

## **PROJECT CHRONOLOGY**

**Petition:** PLNPCM2021-00806

<b>August 13, 2021</b>	Application for an Alley Vacation accepted.
<b>August 17, 2021</b>	Petition PLNPCM2021-00806 was assigned to Krissy Gilmore, Senior Planner, for staff analysis and processing.
<b>August 23, 2021</b>	Notice sent to Recognized Community Organizations informing them of the petition. Early notification of the project was also sent to property owners and residents within 300 feet of the proposal.
<b>October 15, 2021</b>	Planning Commission public hearing notices emailed to interested parties and residents/property owners who requested notice. Agenda posted to the Planning Commission website and the State of Utah Public Notice webpage.
<b>October 22, 2021</b>	Planning Commission Staff Report posted.
<b>October 27, 2021</b>	Planning Commission held a public hearing and made a positive recommendation to the City Council to approve the proposed alley vacation.
<b>May 17, 2022</b>	Alley vacation legal description from a licensed engineer was provided by the applicant and reviewed by the City Engineering Division.
<b>May 25, 2022</b>	Draft ordinance sent to Attorney's Office
<b>August 3, 2022</b>	Final ordinance received from Attorney's Office



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

## **NOTICE OF PUBLIC HEARING**

The Salt Lake City Council is considering Petition **PLNPCM2021-00806**— Jordan and Elizabeth Frandsen, property owners, have initiated a petition to vacate an approximately 150-foot section of platted alley to the south of their property. The alley is part of two alleys forming a backward "L" shape, one leg of which runs east/west from 1200 West, and one leg runs north/south from 900 South to the 9 Line Trail. The proposal is to vacate an east/west alley segment and incorporate the vacant land into the neighboring property. The total area of the proposed vacation is approximately 2,100 square feet. Information on this proposal can be found in the staff report prepared for the Planning Commission accessible from this link - <http://www.slcdocs.com/Planning/Planning%20Commission/2021/10.%20October/00806.1200%20W%20Alley%20Vacation.Staff%20Report.pdf>

As part of their study, the City Council is holding two advertised public hearings 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 second public hearing. The hearing will be held electronically:

**DATE:**        **Date #1 and Date #2**

**TIME:**        **7:00 p.m.**

**PLACE:**       **Electronic and in-person options.**  
                 **451 South State Street, Room 326, Salt Lake City, Utah**

**If you are interested in participating in the Public Hearing, please visit our website at <https://www.slc.gov/council/> to learn how you can share your comments during the meeting. 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 Krissy Gilmore at 385-535-7780 between the hours of 8:00 a.m. and 5:00 p.m., Monday through Friday or via e-mail at [Kristina.gilmore@slcgov.com](mailto:Kristina.gilmore@slcgov.com).

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.

### **3) PETITION APPLICATION**



# Alley Vacation or Closure

SALT LAKE CITY PLANNING

## OFFICE USE ONLY

Received By:

Date Received:

Project #:

Project Name:

## PLEASE PROVIDE THE FOLLOWING INFORMATION

Location of the Alley:

South of applicant property, adjacent to Nine Line Walking trail, Individual Plat 12

Name of Applicant:

Jordan & Elizabeth Frandsen

Phone:

Address of Applicant:

925 S 1200 W, Salt Lake City, UT 84104

E-mail of Applicant:

Cell/Fax:

Applicant's Interest in Subject Property:

☒ Owner

☐ Contractor

☐ Architect

☐ Other:

Name of Property Owner abutting the alley (if different from applicant):

*See Petition Signature Page*

E-mail of Property Owner:

*Same as above*

Phone:

*Same as above*

**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 \$265

Plus additional fee for required public notices 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.

Signature of Owner or Agent:

*Jordan L. Frandsen*

Date:

*02 Aug 2021*

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## SUBMITTAL REQUIREMENTS

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Staff Review

☐☒

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

☐☒

1. A letter explaining why you are requesting this alley vacation or closure.
2. A Sidwell map showing the area of the proposed alley vacation or closure. On the map please:

☐☒

a. Highlight the area of the proposed alley vacation or closure.

☐☒

b. Indicate with colored dot the property owners who support the petition.

☐☒

c. Submit a digital (PDF) copy of the map.

☐☒

3. A written description with measurements of the proposed alley vacation or closure.

- A final legal description prepared by a licensed engineer will be required later.

☐☒

4. The name, address and signatures of all abutting property owners who support the petition.

- Petition must include the signatures of no less than 75% of the abutting property owners.
- Signatures should be from the property owners and not from the property renters.
- You may use the form attached to this application or provide your own form with signatures.

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### WHAT IS AN ALLEY VACATION OR CLOSURE?

As part of the subdivision process, early developers were required to create alleys which were then deeded to the City. They were used for coal delivery, garbage pickup and other services. They also allowed access to garages. Today, the City is officially the owner of these alleys. In situations where it can be demonstrated that there is an over-riding public purpose for vacating the alley, the City may relinquish its property interest in the alley.

When an alley is next to or abuts a single family or duplex residential property, the City **vacates** the alley, divides it in half, and the property is conveyed to the abutting property owners. If an alley is next to or abuts a non-residential, or multifamily residential (3 or more dwelling units) property, the City may **close** the alley and then **sell** the land at fair market value to the abutting property owners.

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### WHAT THE CITY CONSIDERS BEFORE VACATING OR CLOSING AN ALLEY [Section 14.52.020](#)

1. The City police department, fire department, transportation division, and all other relevant City departments have no reasonable objection to the proposed disposition of the property;
2. Granting the petition will not deny sole access or required off-street parking to any property adjacent to the alley;
3. Granting the petition will not result in any property being landlocked;
4. 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;
5. 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;
6. The petition furthers the City preference for disposing of an entire alley, rather than a small segment of it; and
7. The alley property is not necessary for actual or potential rear access to residences or for accessory uses.

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### INCOMPLETE APPLICATIONS WILL NOT BE ACCEPTED

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☒ 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.

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August 2, 2021

To Whom It May Concern:

My name is Jordan Frandsen. My wife, Elizabeth, and I recently purchased a home at **925 S 1200 W**, here in Salt Lake City. The property sits at a dead end, abutting the Nine-Line walking path. There is an alley behind the property, parallel to 1200 W, which is accessible from 900 S. Within the last two years, the city blocked access to the alley from 1200 W. It is listed as an active public right-of-way, but there is no way to access it from the street anymore. **We would like to request closure of this alley to the public and officially annex it to our property because it can no longer function as an alley due to the city's beautification process.** When we moved in, garbage had been accumulating there, as well as signs of use by unsheltered individuals. If we are able to annex it, we plan to use it as a family garden and would like to run sprinkler lines to this area, as well as put up a gate at either end. I have already been working to maintain the area, clearing garbage, weeds and overburdened trees that grew along my driveway and the alley.

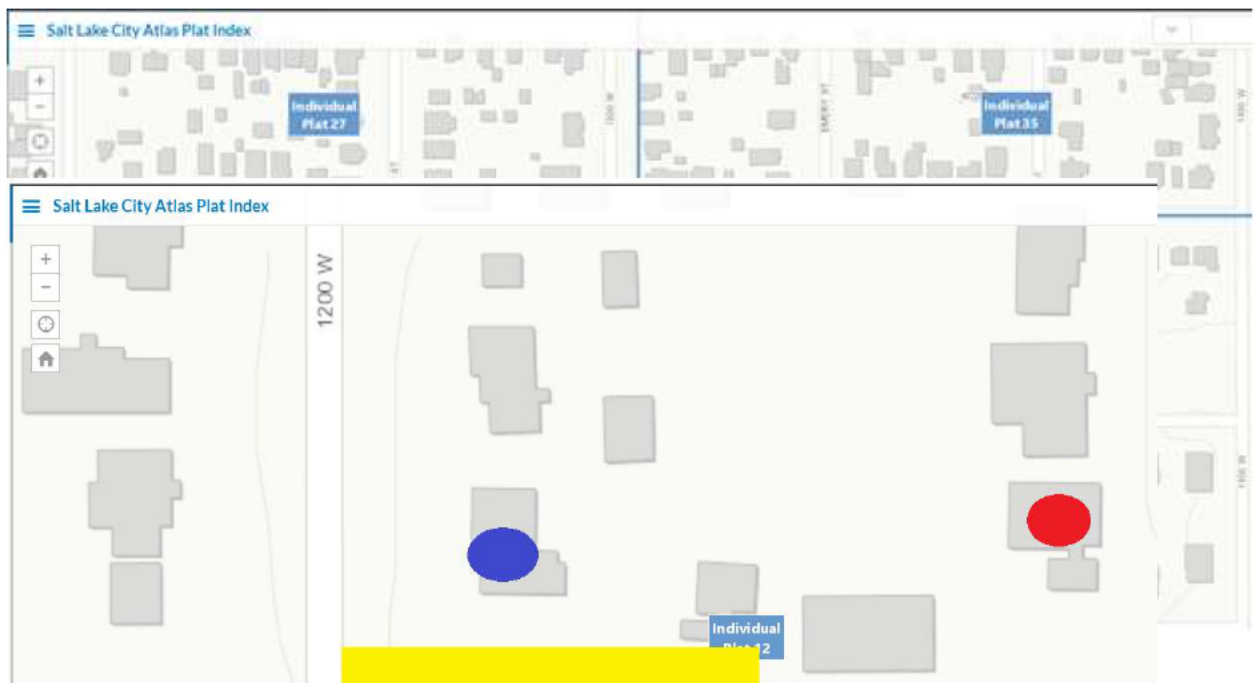
Here is a snap shot of the current zoning map, which has not been updated since the construction of the curbing and sidewalks to the Nine Line:



Here is a picture of the current access from 1200 W, with the curbing restricting vehicle access to this property:

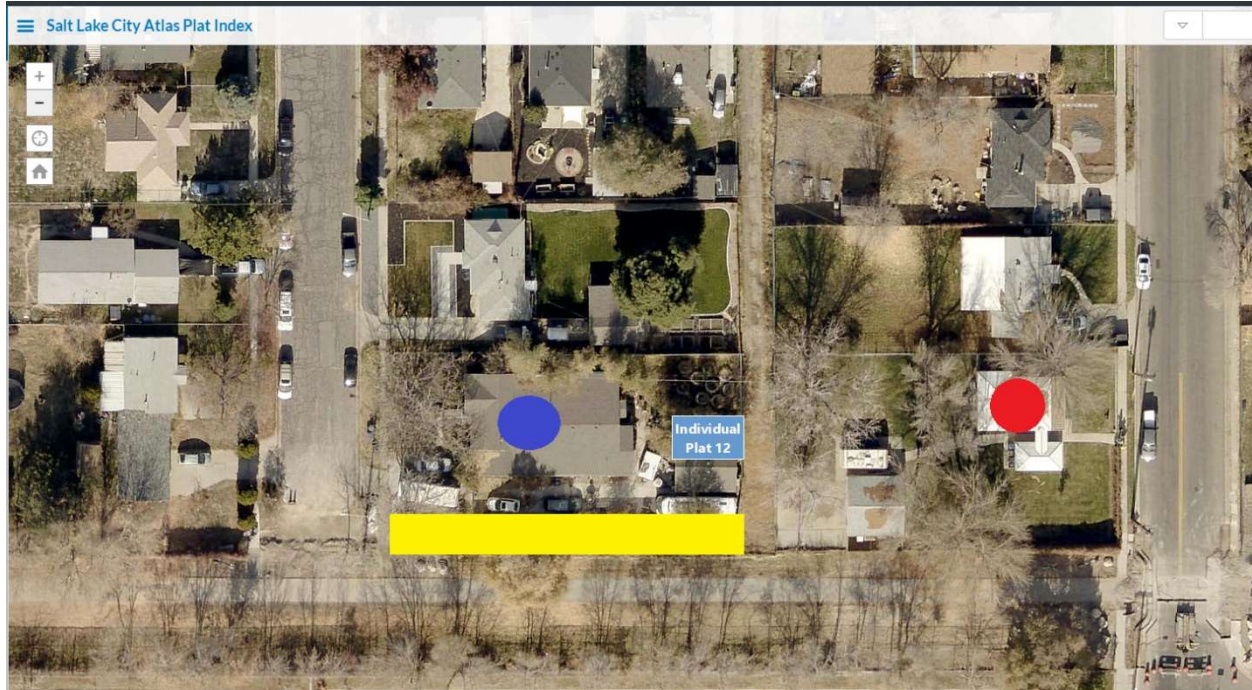


**Location/Description of Alley:** South of applicant property, the alley is a dead-end with no access from 1200 W. The city closed access during the beautification process of streets abutting the Nine Line walking trail. The only access is from the alley from 900 S. No other neighbors use or access the alley. Blue dot is the applicant property. Red dot indicates neighbors that have signed the application. Yellow highlights the location of the alley. **Alley dimensions are 14.5ft-16ft wide (depending on where**





measurement is taken) by 151 feet long. Maps taken from <https://maps.slcgov.com/mws/atlasplats-lg.htm>



Thank you for taking the time to review this application. My family and I look forward to beautifying this space once the alley is formally closed.

Jordan Frandsen