

SALT LAKE CITY ORDINANCE

No. 59 of 2021

(Vacating a portion of city-owned alley situated adjacent to properties located at 968 East Elm Avenue, 974 East Elm Avenue, 980 East Elm Avenue, and 2188 South 1000 East Street)

An ordinance vacating a portion of an unnamed, city-owned alley adjacent to properties located at 968 East Elm Avenue, 974 East Elm Avenue, 980 East Elm Avenue, and 2188 South 1000 East Street, pursuant to Petition No. PLNPCM2020-00999.

WHEREAS, the Salt Lake City Planning Commission held a public hearing on March 10, 2021 to consider a request made by Jonas and Danielle Sappington ("Applicants") (Petition No. PLNPCM2020-00999) to vacate a portion of an unnamed, city-owned alley adjacent to properties located at 968 East Elm Avenue, 974 East Elm Avenue, 980 East Elm Avenue, and 2188 South 1000 East Street on behalf of four property owners whose land abuts the portion of alley proposed to be vacated; and

WHEREAS, two accessory structures have been placed or erected in the subject portion of alley without authorization by Salt Lake City Corporation; and

WHEREAS, the subject portion of alley is situated within the Fairmount Springs Addition subdivision; and

WHEREAS, pursuant to Utah Code Subsection 72-5-105(2), when a public right-of-way is vacated by a local governmental entity with the authority to do so, ownership of the vacated right-of-way vests in the abutting property owners, with each receiving half of the width of the former right-of-way; and

WHEREAS, the unauthorized structures placed or erected within the subject portion of alley are situated on the centerline of the alley; and

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Book - 11268 Pg - 3419-3428
RASHELLE HOBBS
RECORDER, SALT LAKE COUNTY, UTAH
SALT LAKE CITY RECORDS
PD BOX 145455
SALT LAKE CITY UT 84114
BY: DHA, DEPUTY - W/ 10 P.

WHEREAS, at its March 10, 2021 hearing, the planning commission voted in favor of forwarding a positive recommendation to the Salt Lake City Council on Applicants' petition to vacate the portion of alley described herein; and

WHEREAS, following a public hearing on this matter, the city council finds that the city's interest in the portion of city-owned alley described herein is not presently necessary for use by the public and that vacating a portion of that unnamed, city-owned alley will not be adverse to the general public's interest; and


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

SECTION 1. Vacating City-Owned Alley. That a portion of an unnamed, city-owned alley adjacent to properties located at 968 East Elm Avenue, 974 East Elm Avenue, 980 East Elm Avenue, and 2188 South 1000 East Street, which is the subject of Petition No. PLNPCM2020-00999, and which is more particularly described on Exhibit "A" attached hereto, is hereby 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 vacation is also subject to any existing rights-of-way or easements of private third parties. **This ordinance does not authorize any structure(s) that may have been placed or erected in the portion of alley described herein and does not provide an exception to applicable regulations regarding any such structures. Additionally, this ordinance does not affect the distribution of vacated right of way as established in Utah Code Subsection 72-5-105(2).**

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 19th day of October, 2021.


Amy Fowler (Oct 21, 2021 09:44 MDT)
CHAIRPERSON

ATTEST:


Cindy Truhman (Oct 26, 2021 16:02 MDT)
CITY RECORDER



Transmitted to Mayor on Oct 21, 2021.

Mayor's Action: Approved. Vetoed.


Erin Menchenhall (Oct 24, 2021 13:38 MDT)
MAYOR


Cindy Truhman (Oct 26, 2021 16:08 MDT)
CITY RECORDER

(SEAL)

Bill No. 59 of 2021
Published: _____.

Ordinance vacating alley adjacent to Elm Ave


APPROVED AS TO FORM
Salt Lake City Attorney's Office

Paul Nielson (Oct 21, 2021 09:09 MDT)

EXHIBIT “A”

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

A portion of a 16' wide public alleyway that is to be vacated. Said alleyway is located in Block 2, Fairmount Springs Addition, as recorded in Book 'F', Page 88 in the Salt Lake County Recorder's office. Said alleyway vacation described to wit:

Beginning at the Northeast Corner of Lot 13, Block 2, said Fairmount Springs Addition, and running thence along the north line of said Lot 13 and it's extension N89°40'W 152.5 feet; thence N8°32'50"W 16.19 feet to the Southwest Corner of Lot 7, Block 2, said subdivision; thence S89°40'E 155 feet to the Southeast Corner of Lot 12, Block 2, said subdivision; thence S00°20'W 16 feet to the point of beginning.


Ordinance 59 of 2021 - Elm Avenue Alley Vacation


Final Audit Report


2021-10-26


Created:	2021-10-21
By:	Thais Stewart (thais.stewart@slcgov.com)
Status:	Signed
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"Ordinance 59 of 2021 - Elm Avenue Alley Vacation" History


-  Document created by Thais Stewart (thais.stewart@slcgov.com)
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 Agreement completed.

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Ordinance 59 of 2021 - Elm Avenue Alley Vacation

Final Audit Report

2021-10-26

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CERTIFICATION

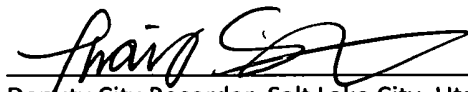
**STATE OF UTAH,
City and County of Salt Lake,**

I, Mais Stewart Deputy City Recorder of Salt Lake City, Utah, do hereby certify that this document is a full, true and correct copy of **Ordinance 59 of 2021** closing and vacating a portion of an alley situated adjacent to properties located at 968 E. Elm Avenue, 974 E. Elm Avenue, 980 E. Elm Avenue and 2188 S. 1000 E., pursuant to Petition No. PLNPCM2020-00999.

Passed by City Council action of Salt Lake City, Utah on October 19, 2021.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of said City, this 12th day of November 2021.




Deputy City Recorder, Salt Lake City, Utah

This ordinance affects the following parcels and each is vested in ½ of the adjoining vacated alley along the centerline of the vacated alley pursuant to the attached map and legal description:

Parcel No:	Address:
16-20-137-004	968 E. Elm Avenue
16-20-137-005	974 E. Elm Avenue
16-20-137-006	980 E. Elm Avenue
16-20-137-023	2188 S. 1000 E.

Map of alleyway vacation:



-POOR COPY-
CO. RECORDER

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