

Project Title: Disposition of City Owned Rights Of Way
Amendments

Petition No.: TBD

Version: Department Routing

Date Prepared: April 23, 2025

Recommended by Planning Commission: Pending

APPROVED AS TO FORM

Salt Lake City Attorney's Office

Date: _____

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

This proposed ordinance makes the following amendments (for summary purposes only):

- Section 1. Deletes the existing chapter 14.52 A
- Makes technical changes
- Makes changes to references associated with the amended sections

Underlined text is new; text with strikethrough is proposed to be deleted. Modifications made as part of the Planning Commission recommendation are highlighted in yellow. All other text is existing with no proposed change.

Section 1: Amends the list of chapters at the beginning of chapter 14 as follows:

TITLE 14

STREETS, SIDEWALKS AND PUBLIC PLACES

**Accommodation Of Bicyclists And Pedestrians At All City Owned Transportation Facilities In The
Public Right-Of-Way 14.06**

Street And Building Numbering System 14.08

Monuments 14.10

Street And Sidewalk Use 14.12

Sidewalk Use Restrictions 14.20

Streets And Sidewalks; Unlawful Acts 14.28

Construction, Excavation And Obstructions In The Public Right-Of-Way 14.32

News Racks 14.36

Sidewalk Entertainers And Artists 14.38

Utility Poles And Wires 14.40

Railroads 14.44

Decorative Street Lighting Program 14.48

Disposition Of City Owned ~~Alleys~~Rights of Way 14.52

Dedication Of Private Streets To Public Ownership 14.54

Wireless Facilities In The Public Way 14.56

Section 1: Deleting the existing text of Title 14.52 Disposition of City Owned Alleys.

~~CHAPTER 14.52 DISPOSITION OF CITY OWNED ALLEYS~~

~~SECTION:~~

~~14.52.010: Disposition Of City's Property Interest In Alleys~~

~~14.52.020: Policy Considerations For Closure, Vacation Or Abandonment Of City Owned Alleys~~

~~14.52.030: Processing Petitions~~

~~14.52.040: Method Of Disposition~~

~~14.52.050: Petition For Review~~

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30 ~~14.52.010: DISPOSITION OF CITY'S PROPERTY INTEREST IN ALLEYS:~~

31 ~~The City supports the legal disposition of Salt Lake City's real property interests, in whole or in part, with~~
32 ~~regard to City owned alleys, subject to the substantive and procedural requirements set forth herein.~~

34 ~~14.52.020: POLICY CONSIDERATIONS FOR CLOSURE, VACATION OR ABANDONMENT OF~~
35 ~~CITY OWNED ALLEYS:~~

36 ~~The City will not consider disposing of its interest in an alley, in whole or in part, unless it receives a~~
37 ~~petition in writing which demonstrates that the disposition satisfies at least one of the following policy~~
38 ~~considerations:~~

39 ~~A. Lack Of Use: The City's legal interest in the property appears of record or is reflected on an~~
40 ~~applicable plat; however, it is evident from an on-site inspection that the alley does not physically exist or~~
41 ~~has been materially blocked in a way that renders it unusable as a public right-of-way;~~

42 ~~B. Public Safety: The existence of the alley is substantially contributing to crime, unlawful activity,~~
43 ~~unsafe conditions, public health problems, or blight in the surrounding area;~~

44 ~~C. Urban Design: The continuation of the alley does not serve as a positive urban design element; or~~

45 ~~D. Community Purpose: The petitioners are proposing to restrict the general public from use of the alley~~
46 ~~in favor of a community use, such as a neighborhood play area or garden.~~

48 ~~14.52.030: PROCESSING PETITIONS:~~

49 ~~There will be three (3) phases for processing petitions to dispose of City owned alleys under this section.~~
50 ~~Those phases include an administrative determination of completeness; a public hearing, including a~~
51 ~~recommendation from the Planning Commission; and a public hearing before the City Council.~~

52 ~~A. Administrative Determination Of Completeness: The City administration will determine whether or~~
53 ~~not the petition is complete according to the following requirements:~~

54 ~~— 1. The petition must bear the signatures of no less than seventy five percent (75%) of the neighbors~~
55 ~~owning property which abuts the subject alley property;~~

56 ~~— 2. The petition must identify which policy considerations discussed above support the petition;~~

57 ~~— 3. The petition must affirm that written notice has been given to all owners of property located in the~~
58 ~~block or blocks within which the subject alley property is located;~~

59 ~~— 4. A signed statement that the applicant has met with and explained the proposal to the appropriate~~
60 ~~community organization entitled to receive notice pursuant to title 2, [chapter 2-60](#) of this Code; and~~

61 ~~— 5. The appropriate City processing fee shown on the Salt Lake City consolidated fee schedule has~~
62 ~~been paid.~~

63 ~~B. Public Hearing And Recommendation From The Planning Commission: Upon receipt of a complete~~
64 ~~petition, a public hearing shall be scheduled before the Planning Commission to consider the proposed~~
65 ~~disposition of the City owned alley property. Following the conclusion of the public hearing, the Planning~~
66 ~~Commission shall make a report and recommendation to the City Council on the proposed disposition of~~
67 ~~the subject alley property. A positive recommendation should include an analysis of the following factors:~~

68 ~~— 1. The City Police Department, Fire Department, Transportation Division, and all other relevant City~~
69 ~~departments and divisions have no reasonable objection to the proposed disposition of the property;~~

70 ~~— 2. The petition meets at least one of the policy considerations stated above;~~

71 ~~— 3. Granting the petition will not deny sole access or required off street parking to any property~~
72 ~~adjacent to the alley;~~

73 ~~— 4. Granting the petition will not result in any property being landlocked;~~

74 ~~— 5. Granting the petition will not result in a use of the alley property which is otherwise contrary to~~
75 ~~the policies of the City, including applicable master plans and other adopted statements of policy which~~
76 ~~address, but which are not limited to, mid block walkways, pedestrian paths, trails, and alternative~~
77 ~~transportation uses;~~

78 ~~— 6. No opposing abutting property owner intends to build a garage requiring access from the property,~~
79 ~~or has made application for a building permit, or if such a permit has been issued, construction has been~~
80 ~~completed within twelve (12) months of issuance of the building permit;~~

7. The petition furthers the City preference for disposing of an entire alley, rather than a small segment of it; and

8. The alley property is not necessary for actual or potential rear access to residences or for accessory uses.

C. ~~Public Hearing Before The City Council:~~ Upon receipt of the report and recommendation from the Planning Commission, the City Council will consider the proposed petition for disposition of the subject alley property. After a public hearing to consider the matter, the City Council will make a decision on the proposed petition based upon the factors identified above.

14.52.040: METHOD OF DISPOSITION:

If the City Council grants the petition, the City owned alley property will be disposed of as follows:

A. ~~Low Density Residential Areas:~~ If the alley property abuts properties which are zoned for low density residential use, the alley will merely be vacated. For the purposes of this section, "low density residential use" shall mean properties which are zoned for single family, duplex or twin home residential uses.

B. ~~High Density Residential Properties And Other Nonresidential Properties:~~ If the alley abuts properties which are zoned for high density residential use or other nonresidential uses, the alley will be closed and abandoned, subject to payment to the City of the fair market value of that alley property, based upon the value added to the abutting properties.

C. ~~Mixed Zoning:~~ If an alley abuts both low density residential properties and either high density residential properties or nonresidential properties, those portions which abut the low density residential properties shall be vacated, and the remainder shall be closed, abandoned and sold for fair market value.

14.52.050: PETITION FOR REVIEW:

Any party aggrieved by the decision of the City Council as to the disposition of City owned alley property may file a petition for review of that decision within thirty (30) days after the City Council's decision becomes final, in the 3rd District Court.

Section 2: Adopting the following text for Title 14.52 Disposition of City Owned Rights of Way.

14.52 Disposition of City Owned Alleys Rights of Way

14.52.010 Purpose:

The purpose of this chapter is to establish a process for the city council to decide if a city owned right of way should be closed or vacated. The decision to close or vacate a city owned right of way is at the discretion of the city council.

14.52.020 Applicability

This chapter applies to any petition to close or vacate city owned rights- of-way except subdivision amendments that involve closing or vacating, in part or in full, city owned rights of way, which are subject to the requirements in Title 20 Subdivisions.

14.52.030 Definitions

A. The following definitions apply to the terms found in this chapter.

1. Alley: a public right of way that provides access to real property for the purpose of providing services. An alley is not considered a street for the purpose of this title if the alley is not officially named by the city and if certified addresses do not use the alley in the certified address of a property.

2. City Owned: A right of way that is subject to the jurisdiction of Salt Lake City.

131 3. Closure: the act of eliminating the thoroughfare nature or passageway access of the general
132 public to a city owned right of way while retaining public ownership of the property

133
134 4. Rights of Way: a public thoroughfare, regardless of the name, that are dedicated to the city
135 including streets, alleys, roads, highways, paths, and other land that owned and managed by a
136 government entity.

137
138 5. Vacation: the act of eliminating, in full or in part, city ownership of a right of way.
139

140 14.52.040 Application Requirements

141 A. Eligibility to Apply

142 1. The mayor may initiate a petition to close or vacate a city owned right of way by signature on a
143 document that includes the purpose for the closure or vacation and describing the specific
144 location.

145
146 2. The city council may initiate a petition to close or vacate a city owned right of way by adopting
147 a legislative intent.

148
149 3. A property owner who owns land that abuts a public right of way may request to close or
150 vacate a city owned right of way by submitting a petition and all application materials as provided
151 for in this chapter.

152
153 B. Petition requirements:

154 1. A petition submitted by a property owner that is not the city council or the mayor shall include
155 the following information:

156 a. A completed application on a form provided by the planning director.

157
158 b. The signatures of at least 75% of the property owners owning property that abut the right
159 of way that is proposed to be closed or vacated.

160
161 c. A written description of the purpose and reasons for the proposed closure or vacation.

162
163 d. An signed affidavit from the applicant that (1) all owners abutting the right of way have
164 received a written notice of the applicant's desire to close or vacate the right of way, and (2)
165 all operators of utilities located within the bounds of the right of way have received a written
166 notice of the applicant's desire to close or vacate the right of way.

167
168 e. A description of any existing structure that may be located within the right of way,
169 including the address of the abutting property where the structure may be located.

170
171 f. A map of the proposed right of way that is subject to the closure or vacation that includes
172 the dimensions of the approximate width, length, and area of the proposal.

173
174 g. A written explanation of how the proposed closure or vacation aligns with the factors in
175 14.52.050.

176
177 h. All required fees as outlined in the consolidated fee schedule.

178
179 2. If a petition is initiated by the mayor or the city council, then such petition shall identify the
180 department that will submit to the planning director:

a. The name and address of each owner of record of land that is adjacent to the right of way that is to be closed or vacated or accessed exclusively by or within 300 feet of the right of way.

b. Proof of written notice to operators of utilities located within the bounds of the right of way sought to be vacated or closed.

c. The signature of each owner of record identified in subsection 2a that consents to the vacation or closure.

14.52.050 Process to Close or Vacate City Owned Rights of Way

A. Application Submittal: The petition shall be submitted to the planning director. After receiving the petition, the planning director shall determine if the application is complete. An application may only be deemed complete if all petition requirements have been submitted and fees paid. If an application is not complete, the director shall provide the applicant with a list of items that must be submitted for the petition to be complete. The list shall be made in writing. The applicant shall have 45 days to provide the missing information. If the missing information is not provided within 45 days, the petition shall be considered void and closed and the fee refunded. A void or closed petition may be resubmitted provided all submittal requirements are provided.

B. Public Engagement Period: all petitions to close or vacate a city owned right of way shall be subject to the public engagement requirements in 21A.10.

C. Public Hearing: The planning commission shall hold a public hearing prior. Notice of the public hearing shall be subject to the public hearing requirements in 21A.10. Notice shall also be provided to the Utah Department of Transportation as required in Utah Code 72-5-105(5)(b).

D. Planning Commission Recommendation: After a public hearing, the planning commission shall forward a recommendation to the city council regarding the proposed closure or vacation. The recommendation shall be based on the applicable factors listed in this chapter and the evidence, or lack of evidence, presented to the commission. The commission may recommend approval, approval with modifications or conditions, or denial of the petition. If the commission does not act within 90 days of the public hearing, the recommendation shall be considered a denial and forwarded to the city council for decision.

E. City Council Public Hearing: The city council shall hold a public hearing before deciding on a petition to close or vacate a city owned right of way. The public hearing shall be noticed in the same manner as described in 14.52.040.C. After a public hearing is held, the city council may approve, approve with modifications or conditions, or deny the petition.

F. Exceptions: The provisions of this section are not required if the city is closing or vacating a right of way in accordance with Utah Code.

14.52.060 Factors for Closing or Vacating City Owned Rights of Way: The following factors should be considered when deciding a petition to close or vacate a city owned right of way. A decision to close or vacate a city owned alley is a matter committed to the legislative discretion of the city council and is not controlled by any one factor and not all factors will be applicable to every petition.

A. Lack Of Use: The City's legal interest in the property appears of record or is reflected on an applicable plat; however, it is evident from an on site inspection that the alley does not physically exist for the purpose of providing access. When determining if lack of use exists, the city shall consider:

232 1. The lack of evidence of physical use. A gate, fence, or other similar obstruction installed to
233 prevent access to the right of way that has been installed without approval from the city shall not
234 be considered evidence of lack of use;

235
236 2. Evidence that the right of way never functioned to provide access to properties that abut the
237 right of way;

238
239 3. The presence of accessory buildings, mature trees, or other similar items that can be readily
240 identifiable from photographs, aerial or satellite images, or other records that demonstrate the
241 item has been within the boundaries of the right of way prior to the year 2000.

242
243 B. Public Safety: The existence of the right of way is substantially contributing to crime, unlawful
244 activity, unsafe conditions, public health problems, or blight in the surrounding area. A closure or
245 vacation will not have a detrimental impact on the ability to provide emergency access to the right of
246 way or properties abutting the right of way;

247
248 C. Community Purpose: The petitioners are proposing to convert the purpose of the alley in favor of
249 a community use, such as a neighborhood play area or garden;

250
251 D. Impact on General Plan: The proposed closure or vacation does not negatively impact connectivity
252 for future development that may occur based on the general plan as defined in Title 19. For this
253 factor, the following may be considered:

254 1. The closure or vacation does not impact any future active transportation project by requiring
255 new drive approaches on a public street that would result in increased conflict points with the
256 active transportation infrastructure or limits the ability of the city to install active transportation
257 infrastructure.

258 2. The closure or vacation reduces the ability to use the city owned right of way to improve
259 overall connectivity in the vicinity based on the scale and intensity of future land use identified in
260 the general plan.

261
262 3. If the right of way is specifically identified in the general plan on a map or with policies that
263 indicate the alley right of way should be used for current or future connectivity, including a
264 midblock walkway, pedestrian path, trail, service area, access to parking, or alternative
265 transportation uses.

266
267 4. The closure or vacation will not jeopardize the ability to implement any policy, action, or any
268 aspect of the adopted general plan.

269
270 5. The closure or vacation will not result in a dead end or cul-de-sac in area where street
271 connectivity is identified in a general plan or when continuing the street promotes access to
272 property for future development identified on the applicable future land use map.

273
274 E. Impact to Property. The proposed closure or vacation will not result in a parcel or lot being
275 deprived of access or landlocked or impact any development plans or permits on properties that
276 intend to use the right of way for a public purpose, including accessing private property.

277
278 F. Public Utilities: If the right of way contains public utilities or is considered essential to access
279 public utility infrastructure, legally binding agreements are provided to ensure maintenance, including
280 replacement or upgrading of the infrastructure, and access to the infrastructure. Agreements shall
281 ensure emergency access to make repairs to any infrastructure within the right of way.

G . The existing dimensions of the right of way are not necessary to provide safe and reasonable public access and reducing the size of the right of way is consistent with the other listed factors.

14.52.070 Disposing of closed or vacated city owned rights of way

A. If a vacation of a city owned right of way is approved by the city council, the area vacated shall be

1. If the right of way was created by a recorded subdivision, the vacated right of way shall be split down the centerline with each side of the right of way being deeded to the abutting property between the lot lines. If property owners want to negotiate a different configuration, the individual property owners shall be responsible for creating the necessary legal descriptions and providing them to the city to be recorded with the Salt Lake County Recorder;

2. If the right of way is ~~is vacated and~~ was created by a recorded subdivision but not all abutting properties are within the boundaries of the recorded subdivision that the right of way is, the vacated right of way shall be deeded to the abutting properties that are within the boundaries of the recorded subdivision;

3. If the right of way is not part of a recorded subdivision, the vacated right of way shall be split down the-centerline with each side of the right of way being deeded to the abutting property between the lot lines. If property owners want to negotiate a different configuration, the individual property owners shall be responsible for creating the necessary legal descriptions and providing them to the city to be recorded with the Salt Lake County Recorder;

4. For vacations proposed by the city, the vacated land may be converted to a lot(s) or parcel(s) for future development.

5. If the right of way is partially vacated, the vacated portion may be combined with properties on one side of the right of way, both sides of the property, or create a new lot or parcel.

6. Any other method authorized by Utah law.

B. Method of Disposition

1. Vacation Adjacent to Low Density Residential Areas: If the right of way property abuts properties which are designated on a future land use map that is part of the adopted general plan as having a future density of less than 25 dwelling units per acre, the right of way will merely be vacated.

2. Vacation Adjacent to High Density Residential Properties And Other Nonresidential Properties: If the right of way abuts properties which are designated as having any other future land use designation other than low density residential as described in paragraph 14.52.070.-B.1, the right of way will be vacated, subject to payment to the City of the fair market value of that right of way property, based upon the value added to the abutting properties.

3. Vacation Adjacent to Mixed Zoning: If a right of way abuts both low density residential properties as defined in 14.52.070.B.1 and any other future land use designation, those portions which abut the low density residential properties shall be vacated without requiring payment, and the remainder shall be vacated and sold for fair market value.

4. Exchanges. The city may consider a land transfer of the right of way area that is subject to a proposed vacation with other land that serves a public purpose or provides a public benefit as determined by the city council.

5. Closures. The city may choose to close the right of way and maintain the use of the land for another public purpose as authorized by applicable state code. Closures sought by a private property owner may be subject to a lease or development agreement to reflect the maintenance responsibilities of the property.

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14.52.080 Appeals

Any party aggrieved by the decision of the City Council as to the disposition of City owned rights of way may file a petition for review of that decision within 30 days after the City Council's decision becomes final, in the 3rd District Court.