

PLANNING COMMISSION STAFF REPORT

Petition PLNPCM2009-00434 Jefferson Street Partial Street Closure North of 800 South (Approx. 140 West) July 8, 2009



Planning and Zoning Division
Department of Community &
Economic Development

Applicant:

Jefferson Partners LLC

Staff:

Kevin LoPiccolo, Planning
535-6003
kevin.lopiccolo@slcgov.com

Tax ID:

15-12-230-043, 15-12-230-038
15-12-211-023,024,029,030,042

Surrounding Zoning:

D-2 (Downtown Support)

Council District:

Council District #4,
Councilmember Luke Garrott

Surrounding Land Uses:

Mark Miller Auto Dealership

Applicable Land Use Regulations:

Salt Lake City Code:
Chapter 2.58 City Owned Real
Property

Utah Code:

Section 10-8-8

Master Plans:

Central Community Master Plan

Notification

Notice mailed on June 23, 2009
Signs posted on June 25, 2009
Agenda posted on website/newspaper
June 23, 2009

Attachments:

- A. Map of Proposed Street Closure
- B. 1990 Ordinance(Jefferson St)
- C. Department/Division
Comments
- D. Applicant's Letter

REQUEST

Jefferson Partners is requesting Salt Lake City close the remaining 330 feet of Jefferson Street (approximately 140 West) running north from 800 South and declare it surplus property.

The applicant is requesting the additional land so the property can be incorporated and used as part of the Mark Miller auto dealership.

PUBLIC NOTICE

Notice was mailed to all property owners within four hundred and fifty feet (450') radius of the subject property on June 23, 2009, fourteen (14) days prior to the scheduled public hearing. An announcement was also sent to all those on the City's Listserve and was posted on the City's website.

STAFF RECOMMENDATION

Staff recommends that the Planning Commission declare the property surplus and transmit a favorable recommendation to the City Council to close the subject street and recommend to the Mayor to sell the property to the applicant at a value determined by the Property Management Division.

1. All requirements and comments outlined in this staff report and attached as Exhibit C shall be met.
2. Prior to City Council consideration the applicant will work with the City Property Management Division to obtain a compensation price for the subject property.
3. Compliance with City Code 2.58 which regulates the disposition of City owned real property.

VICINITY MAP



PROJECT HISTORY/DESCRIPTION

On August 14, 1990, the Salt Lake City Council adopted Ordinance No. 73, (Attachment B) which closed Jefferson Street in the interior of the block between 700 and 800 South, West Temple and 200 West.

The applicant was advised by First American Title Insurance Company that there has never been a Deed recorded whereby Salt Lake City conveyed its interest in this portion of Jefferson Street that runs approximately 330 feet north of 800 South that was closed by Ordinance No. 73. The applicant would like to acquire the land contained in what is still Jefferson Street and eliminate any potential title problem that may exist regarding the part of Jefferson Street that was closed by Ordinance No. 73.

The closure of Jefferson Street is consistent with City's policies, since the applicant owns all of the land adjacent to Jefferson Street and Jefferson Street is no longer needed to supply access or utilities to any of the land previously served by the street.

COMMENTS

City Department/Division Comments:

The application material was routed to applicable Departments on May 12, 2009, for a request to close the remaining portion of Jefferson Street. Comments received from pertinent City Departments and Divisions are found on Attachment C of this staff report. Comments that have been received by Planning are summarized below.

Property Management – The City must receive consideration for the street closure, but such would reflect the City's claim of only prescriptive rights on this portion of Jefferson Street and would be adjusted to reflect any utility easement which may be retained by the City as part of the closure.

Public Comments

Planning Staff has not received any public inquiries regarding this application request to close the remaining portion of Jefferson Street.

STAFF ANALYSIS AND FINDINGS

Master Plan Discussion:

Central Community Master Plan, adopted in 2005

The plan identifies the geographic location of the downtown and describes the city's downtown as the "central place" for the Wasatch Front. There is no language on street closures in this area.

Salt Lake City Transportation Master Plan or Major Street Plan, adopted in 2006

The subject street is identified as a "local" street in the Transportation Master Plan. Local streets provide direct access to and from abutting property. Local streets are usually one lane in each direction meant to carry traffic over short distances at low speed.

Street Closure Guidelines:

Salt Lake City Council Policy and Guidelines for Street Closures

The Planning Commission will need to review the street closure request and make findings based on the following guidelines:

1. **It is the policy of the City Council to close public streets and sell the underlying property. The Council does not close streets when the action would deny all access to other property.**

Analysis: The portion of street proposed no longer is needed to supply access or utilities to any of the land that was previously served by Jefferson Street.

Finding: Closing the subject street will not deny access to the adjacent properties. The underlying property would be sold at a value determined and the property would be incorporated into the applicant's property.

2. **The general policy when closing a street is to obtain fair market value for the land, whether the abutting property is residential, commercial or industrial.**

Analysis: The applicant is the sole abutting property owner of the portion of the street in question. The applicant is committed to purchasing the portion of street after it is declared surplus property.

Finding: The right-of-way will be sold at a value to be determined by the Salt Lake City Property Management Division.

3. **There should be sufficient public policy reasons that justify the sale and/or closure of a public street and it should be sufficiently demonstrated by the applicant that the sale and/or closure of the street will accomplish the stated public policy reasons.**

Analysis: The Salt Lake City Transportation Master Plan identifies Jefferson Street as a local street.

Finding: The closure of this section of Jefferson Street will have no significant impacts on the public in general nor adjacent landowners since all of the surrounding property is owned by the applicant.

4. **The City Council should determine whether the stated public policy reasons outweigh alternatives to the closure of the street.**

Analysis: By closing this portion of the road a better definition of the property should be maintained.

Finding: Staff finds the following reasons outweigh alternatives to the closure of the street:

- I. The Salt Lake City Transportation Master Plan does not identify this street and there are no plans to extend or otherwise improve it;

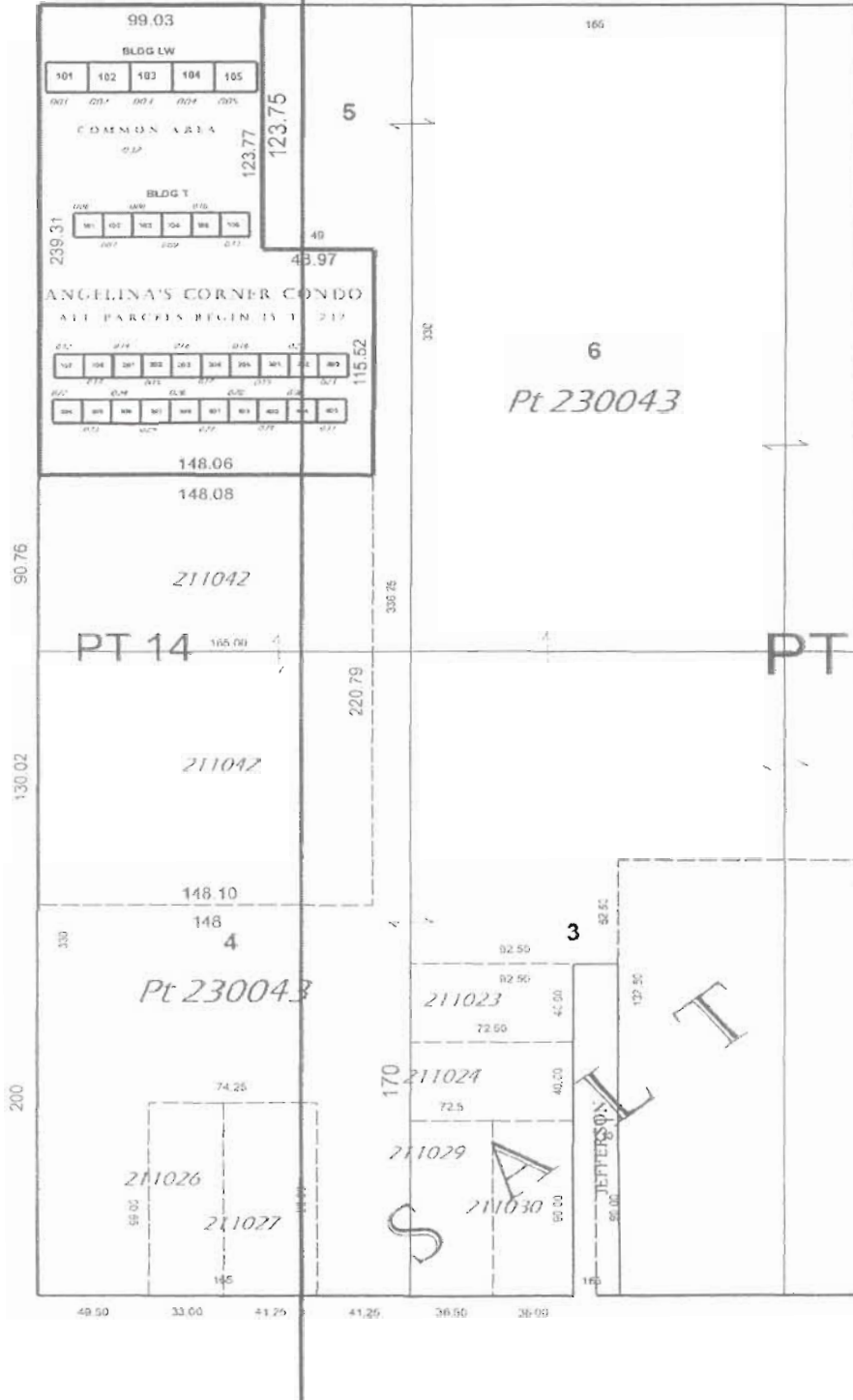
2. Closing and selling the surplus property could eliminate nuisance activity i.e. suspicious loitering and vehicle abandonment;
3. Closing and selling the surplus property will provide the applicant with the means for a better development;
4. The closure of this street has no negative impact on property access.
5. The applicant is the only abutting property owner.

Attachment A

Map of Proposed Street Closure

ST

700 SO



Attachment B

1990 Jefferson Street Closure Ordinance

STATE OF UTAH,

City and County of Salt Lake,

ss.

NO FEE

5105174
31 JULY 91 04:29 PM
KATIE L. DIXON
RECORDER, SALT LAKE COUNTY, UTAH
SL CITY RECORDER
REC BY: KARMA BLANCHARD, DEPUTY

I, Christine R. Meeker, City Recorder of Salt Lake City, Utah, do hereby

certify that the attached document is a full, true and correct copy of Ordinance no. 73 of 1990
closing Jefferson Street in the interior of the block between 700 and 800 South and
West Temple and 200 West

passed by City Council/Executive Action of Salt Lake City, Utah, August 14, 1990
as appears of record in my office.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of said City,
this 29 day of July, 1991.



Christine R. Meeker
Deputy City Recorder

Published May 9, 1991 1991

5105174

BK6341PG2649

SALT LAKE CITY ORDINANCE
No. 73 of 1990
(Closing Jefferson Street in the interior
of the block between 700 and 800 South
and West Temple and 200 West
Pursuant to Petition No. 400-823-90)

AN ORDINANCE CLOSING JEFFERSON STREET IN THE INTERIOR OF
THE BLOCK BETWEEN 700 AND 800 SOUTH AND WEST TEMPLE AND 200 WEST
IN SALT LAKE CITY, UTAH.

WHEREAS, the City Council of Salt Lake City, Utah, finds
after public hearing that the City's interest in the public
street described below is not necessary for use by the public as
a street and that closure of said street will not be adverse to
the general public's interests nor will title to the closed
street transfer without subsequent documentation.

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

SECTION 1. That the public street known as Jefferson
Street which is more particularly described below, be, and the
same hereby is, closed and declared no longer to be needed or
available for use as a public right-of-way and the title thereto
shall remain with the City until it is sold for fair market value
which may be received by the City in the form of completed curb,
gutter, sidewalk, landscaping or other public capital
improvements to be installed on Blocks 14 and 15 as determined by
the City Planning Director.

BR 6341 PG 2650

JEFFERSON STREET

Beginning at the South East corner of Lot 4, Block 14, Salt Lake City Survey Plat A; thence East 72.5 feet more or less to the Western edge of Jefferson Street, thence North along the Western edge of Jefferson Street 170 feet more or less to the point of beginning; thence North 80.0 feet; thence East 10.0 feet; thence North 40.0 feet; thence West 10.0 feet; thence North 40.0 feet; thence East 20.0 feet (the width of Jefferson Street right-of-way); thence South 160.0 feet; thence West 20.0 feet to the point of beginning. Contains 0.07 acres.

ik
paz.
10/20

SECTION 2. RESERVATIONS AND DISCLAIMERS. The above closure is expressly made SUBJECT TO all existing rights-of-way and easements of all public utilities of any kind and every description now located on and under or over the confines of the above-described 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; and all of them. Said closure is 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. The City Recorder is instructed to not publish this ordinance until and unless the mayor shall certify that the Petitioner has provided appropriate guarantees for payment of the cost of Jefferson Street in a form acceptable to the City Attorney. Further, the Mayor must certify that petitioner has acquired all of the frontage to Jefferson Street which is being closed by this Ordinance. In the event the conditions are not met within a year

this ordinance shall be void and of no effect and the City Recorder is instructed not to publish it.

Passed by the City Council of Salt Lake City, Utah, this
14th day of August, 1990.

Alan Hardman
CHAIRPERSON

ATTEST:

[Signature]
CITY RECORDER

APPROVED: _____
Sgt. _____
Date 8/14/90
By [Signature]

Transmitted to Mayor on August 14, 1990.

Mayor's Action: 8/14/90 Approved. _____ Vetoed.

[Signature]
MAYOR

ATTEST:

[Signature]
CITY RECORDER

BRB:ap

Bill No. 73 of 1990

Published: May 9, 1991

STATE OF UTAH,

City and County of Salt Lake,

ss.

I, *Christine R. Meeker*

NO FEE

5105174
31 JULY 91 04:29 PM
KATIE L. DIXON
RECORDER, SALT LAKE COUNTY, UTAH
SL CITY RECORDER
REC BY: KARMA BLANCHARD, DEPUTY

City Recorder of Salt Lake City, Utah, do hereby

certify that the attached document is a full, true and correct copy of. *Ordinance no. 73 of 1990*
closing Jefferson Street in the interior of the block between 700 and 800 South and
West Temple and 200 West

passed by City Council/Executive Action of Salt Lake City, Utah, *August 14,* 19. *90*
as appears of record in my office.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of said City,
this *29* day of *July*, 19. *91*



Christine R. Meeker

Deputy City Recorder

Published *May 9, 1991* 19. *91*

BK 6341 pg 2649

Rec'd
11-12-91

Attachment C

Department/Division Comments

Transportation

LoPiccolo, Kevin

From: Walsh, Barry
Sent: Thursday, May 14, 2009 11:22 AM
To: LoPiccolo, Kevin
Cc: Young, Kevin; Smith, Craig; Stewart, Brad; Itchon, Edward; Spencer, John; Butcher, Larry
Subject: Pet PLNPCM2009-00434 Jefferson st closure

Follow Up Flag: Follow up
Flag Status: Flagged

Categories: Program/Policy

May 14, 2009

Kevin LoPiccolo, Planning

Re: petition PLNPCM2009-00434 to close the remaining portion of Jefferson Street between 700 and 800 South.

The division of transportation review comments and recommendations are as follows:

We recommend approval subject to the removal of the existing drive access on 800 South as per current development review plans proposals and in keeping with past closure approval for Petition 400-724 letter dated 5/11/1989.

Sincerely,

Barry Walsh

Cc Kevin Young, P.E.
Craig Smith, Engineering
Brad Stewart, Public Utilities
Ted Itchon, Fire
John Spencer, Property Management
Larry Butcher, permits
File

Property Management

LoPiccolo, Kevin

From: Williams, Matthew
Sent: Thursday, May 21, 2009 2:48 PM
To: LoPiccolo, Kevin
Cc: Spencer, John; Lucas, Duran
Subject: Petition PLNPCM 2009-00434 - closure of remaining portion of Jefferson St..

Importance: High

Follow Up Flag: Follow up
Flag Status: Flagged

Categories: Confidential

Property Management has no concerns regarding the petition to close the remaining portion of Jefferson Street. Property Management notes that the City must receive consideration for the closure, but such would reflect the City's claim of only prescriptive rights in this portion of Jefferson and would be adjusted to also reflect any utility easements which may be retained by the City as part of the closure.

Matt Williams
Salt Lake City Corporation
Real Property Agent
801-535-6447

LoPiccolo, Kevin

From: Hardman, Alan
Sent: Friday, May 15, 2009 9:55 AM
To: LoPiccolo, Kevin
Cc: Butcher, Larry
Subject: PLNPCM2009-00434 Jefferson street closure

Follow Up Flag: Follow up
Flag Status: Flagged

Categories: Program/Policy

Hi, Kevin,

Our office has no zoning issues with the street closure. I posted this comment in Accela.

Alan

Fire Dept

LoPiccolo, Kevin

From: Ellis, Martha
Sent: Friday, June 19, 2009 1:46 PM
To: LoPiccolo, Kevin
Cc: Shannon, Tom
Subject: RE: Jefferson Street Closure

Categories: Other

I have viewed this site and do not see an issue with the request from the Fire Department's perspective. ME

Division Chief Martha Ellis
Salt Lake City Fire Marshal
305 E. 200 South
SLC, UT 84111
801-550-0127
martha.ellis@slcgov.com

From: LoPiccolo, Kevin
Sent: Thursday, June 18, 2009 11:19 AM
To: Ellis, Martha
Subject: RE: Jefferson Street Closure

Chief, the application request will be heard by the Planning Commission on July 8, 2009. The Commission will only make a recommendation on this matter and the City Council will approve or deny the request at their meeting.

Do you have any comments regarding the street closure? If so, email them to me.

Thanks,

Kevin LoPiccolo
Planning Program Supervisor

From: Ellis, Martha
Sent: Thursday, June 11, 2009 2:36 PM
To: LoPiccolo, Kevin
Subject: Jefferson Street Closure

Kevin, Just wondering if a determination has been made regarding the Jefferson Street closure. Could you let me know what the status is on that request.

Division Chief Martha Ellis
Salt Lake City Fire Marshal
305 E. 200 South
SLC, UT 84111
801-550-0127
martha.ellis@slcgov.com

Attachment D

Applicant's Street Closure Letter

Attached to Street Closure Application
Regarding Jefferson Street

1. The names, addresses, telephone numbers, fax numbers, and email addresses for the Applicants are as follows:

Jefferson Partners LLC, a Utah Limited Liability Company, and Thomas Partners LLC, a Utah Limited Liability Company

c/o Mark Miller (Manager)
730 South West Temple
Salt Lake City, UT 84101
Telephone: 801-560-0595
Fax: 801-487-7790
Email: markmiller@markmiller.com

c/o Charles L. Maak (Attorney)
Parr Brown Gee & Loveless
185 South State Street, Suite 800
Salt Lake City, UT 84111
Telephone: 801-532-7840
Fax: 801-532-7750
Email: cmaak@parrbrown.com

2. The property owners are the same as the Applicants.

3. The Applicants own all of the property that surrounds and is adjacent to Jefferson Street. The County Tax Numbers (i.e., the "Sidwell Numbers") for the property owned by the Applicants are as follows:

15-12-230-043-0000
15-12-230-038-0000
15-12-211-024-0000
15-12-211-030-0000
15-12-211-029-0000
15-12-211-023-0000
15-12-211-042-0000

4. The property owned by the Applicants (which surrounds Jefferson Street) is currently used as the new, relocated "Mark Miller Toyota" automobile dealership and as a Saturn automobile dealership. After Jefferson Street has been vacated as a City street and the land within it sold and deeded to the Applicants, Applicants plan to incorporate the Jefferson Street land into and use it as part of the existing automobile dealerships.

5. Accompanying this Application is a "Sidwell Map" that shows Jefferson Street and surrounding land. On the Sidwell Map the location of Jefferson Street has been highlighted in yellow. Note that the highlighted area extends farther into the City block than the Sidwell Map shows Jefferson Street to extend. See Paragraphs 7 and 8 below for an explanation of this.

6. Also accompanying this Application is a Survey (done by Bush & Gudgeon, Inc., identified as File No. 48035, and certified on January 28, 2009 by Randy D. Smith, a Professional Land Surveyor) that shows: (a) All of the land owned by the Applicants (the boundaries of which have been highlighted in red); (b) The location of Jefferson Street (highlighted in yellow); and (c) A legal description of Jefferson Street. The legal description of Jefferson Street is as follows:

BEGINNING 72.5 feet West (South 89°57'29" West as surveyed) of the Southeast Corner of Lot 3, Block 14, Plat "A," Salt Lake City Survey, and running thence North 20 rods (North 0°00'55" West 333.08 feet as surveyed); thence West 20 feet (South 89°57'23" West as surveyed); thence South 20 rods (South 0°00'55" East 333.08 as surveyed); thence East 20 feet (North 89°57'29" East as surveyed) to the POINT OF BEGINNING.

7. On August 14, 1990, the Salt Lake City Council adopted Ordinance No. 73, which closed a portion of Jefferson Street located within the interior of the City block bounded by 700 South, 800 South, West Temple, and 200 West Streets. That Ordinance was recorded in the office of the Salt Lake County Recorder on July 31, 1991, as Entry No. 5105174 in Book 6341 at Page 2649. A copy of the recorded Ordinance accompanies this Application.

8. Applicants have been advised by First American Title Insurance Company (which is the Title Company that has assisted the Applicants in connection with their purchase of a number of parcels within the subject City block) that there has never been a Deed recorded whereby Salt Lake City conveys its interest in that part of Jefferson Street that was closed by Ordinance No. 73. Consequently, it is possible that the City may still have or may make some claim to that part of Jefferson Street. The Applicants would like this Street Closure Application to apply to all of Jefferson Street located within the subject City block, request that the City close and vacate the entirety of Jefferson Street -- including the part that was vacated by the City via Ordinance No. 73, and request that the City then sell and convey to the Applicants all of the land now or formerly contained within Jefferson Street. This approach, in addition to allowing the Applicants to acquire the land contained in what is still Jefferson Street, should eliminate the title problem that may now exist regarding the part of Jefferson Street that was closed by Ordinance No. 73.

9. The legal description of Jefferson Street set forth at the end of Paragraph 6 above includes both what is still considered Jefferson Street and the part of Jefferson Street that was closed and vacated in 1990.

10. Prior to the filing of this Application, the Applicants were advised by Salt Lake City officials that if Jefferson Street is closed, the City will be willing to sell Jefferson Street to the Applicants for 25% of the fair market value of the land within Jefferson Street. (In these discussions no differentiation was made between the land still considered to be part of Jefferson Street and the land contained in the part that was vacated in 1990. Presumably a lower purchase price would be indicated for the part vacated in 1990, since there is a question regarding who

now owns that part.) This arrangement is acceptable to the Applicants. When the City sells and conveys the Jefferson Street land, the Applicants prefer that it be sold and conveyed only to Jefferson Partners LLC, rather than part being sold and conveyed to each of the Applicants. (Thomas Partners LLC is a wholly-owned subsidiary of Jefferson Partners LLC.)

11. The closure of Jefferson Street is consistent with public policy and with the City's policies, since the Applicants own all of the land adjacent to Jefferson Street and since Jefferson Street is no longer needed to supply access or utilities to any of the land previously served by the street.

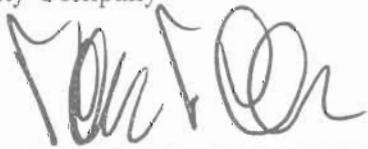
12. The Applicants shall immediately pay to the City, when they learn of the amount, the cost of first class postage for mailing to the address of each owner who owns property within 450 feet of Jefferson Street.

IN WITNESS WHEREOF, Applicants have signed this Street Closure Application on the 10 day of April, 2009.

JEFFERSON PARTNERS LLC, a Utah
Limited Liability Company

By 
Mark Miller, Manager

THOMAS PARTNERS LLC, a Utah Limited
Liability Company

By 
Mark Miller, Manager