

# Staff Report

PLANNING DIVISION  
COMMUNITY & ECONOMIC DEVELOPMENT

To: Salt Lake City Planning Commission  
From: Doug Dansie, 801-535-6182, doug.Dansie@slcgov.com  
Date: March 23, 2016  
Re: PLNPCM2015-00941 Cornell Alley Closure

## Alley Closure

**PROPERTY ADDRESS:** 1528 and 1542 W North Temple  
**PARCEL ID:** alley bisects 08-34-452-011; and lies between 08-34-452-011 and 08-34-401-015  
**MASTER PLAN:** Northwest Community  
**ZONING DISTRICT:** TSA-MUEC-C Transit Station Area Mixed Use Employment Center Core  
Also, Airport Flight Path Protection Zone C

**REQUEST:** Power Station Investments, LLC, owners of property at 1528 W North Temple (and are in the process of purchasing the property located at 1542 W North Temple), are requesting an alley vacation adjacent to the subject property. There are two portions to the alley; one runs along the west side of the main property (located at 1528 W North Temple) and along the east side of a secondary parcel (1542 W North Temple), the other portion of the alley bisects the main parcel (1528 W North Temple). The subject ally property is currently unimproved. The main property is the site of the former Diamond Lil's restaurant.

There is a former street/alley right-of-way to the north of the property that is being used as a canal /retention basin by Public Utilities; this is NOT part of the request.

**RECOMMENDATION:** Based on the information in this staff report, Planning Staff recommends that the Planning Commission transmit a favorable recommendation for the proposed alley vacation.

The following motion is provided in support of that recommendation:

*Based on the findings and analysis in the staff report and public comment, I move that the Planning Commission transmit a favorable recommendation to the City Council to approve PLNPCM2015-00941, Cornell Alley Closure.*

### ATTACHMENTS:

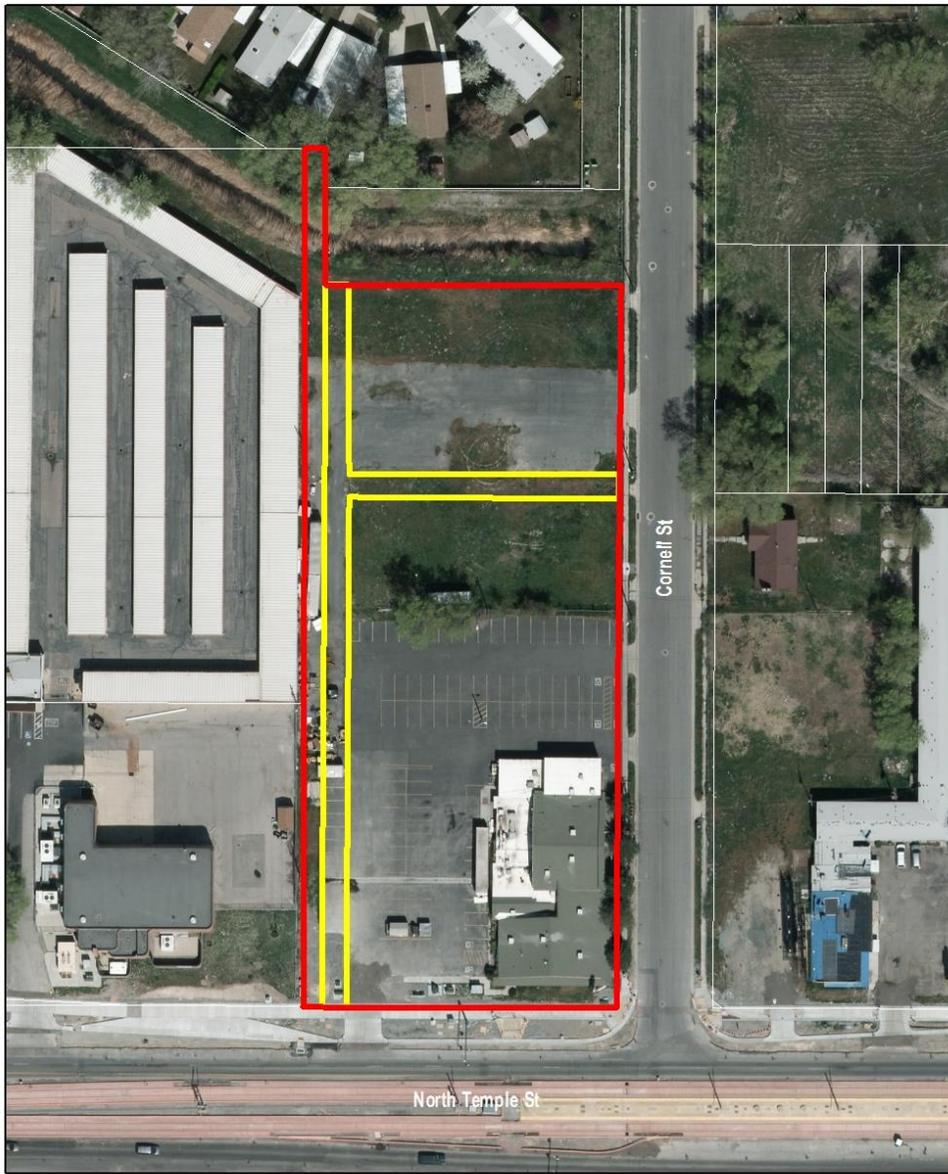
- A. Zoning Map
- B. Site Photos
- C. Additional Applicant Information
- D. Existing Conditions
- E. Excerpts from the Master Plan
- F. Analysis Of Standards
- G. Public Process And Comments
- H. Department Review Comments
- I. Motions

**PROJECT DESCRIPTION:**

Power Station Investments, LLC, owners of property at 1528 W North Temple and 1542 W North Temple, are requesting an alley vacation. The applicant would like to close a T shaped alley that bisects the property (one parcel ID number and property description) in an east/west direction and also lies between the two properties (1528 W North Temple and 1542 W North Temple) in a north/south direction.



General location



- Petitioner's Property
- Proposed Alley to be Vacated

### Specific location

#### **DISCUSSION:**

The site is the former location of the Diamond Lil's restaurant. The developer is proposing to build a mixed-use residential project on the site adjacent to the Power Station (Cornell light rail station), although exact plans have not been finalized and no proposal has been submitted. The request to close and vacate the alley is part of the process of clearing up the title to the property so that it is developable. The main property would still be able to develop with the alley not vacated; however the size and shape of the parcel to the west of the alley is only 16 feet wide and is difficult, if not impossible, to develop if not combined with the larger parcel and the main parcel would be divided into two portions.

The alley presently does not physically exist in a functional format (it is a "paper" alley) that accommodates either vehicles or pedestrians. No other properties are presently using the alley. The alley does not provide

pedestrian access to any larger pedestrian trail way (see master plan attachment) that is not better served by Cornell Street, approximately 180 feet to the east. Any project that meets zoning criteria would focus pedestrian activity on Cornell and North Temple Streets, which are highly visible because of the adjacent light rail stop. Preliminary conceptual plans for the site indicated the potential to place a parking structure (behind the main building) on portion of the existing alley. Internal circulation would be on-site, eliminating the need for the alley.

A portion of the alley/street to the north end of the project is NOT being proposed for vacation, as Salt Lake City Public Utilities is using the area as detention and the land is not critical to the development of the former Diamond Lil's site.

While the primary responsibility of the Planning Commission is to determine if the property is surplus and should be sold (not the monetary value of the sale), it should be noted that the developer and Salt Lake City Public Utilities are working to potentially exchange properties so that the City would acquire a larger, better shaped, site for the detention basin north of the site, while the developer would receive a more developable site free from the encumbrance of the alley.

**PUBLIC INPUT:**

There is presently no development proposed for this site, however the zoning is consistent with the master plan designation; Transit Station Area Mixed Use Employment Center Core, which would allow for a mixed-use residential building 75 feet in height. Any project that meets the zoning requirements would be allowed as an over-the-counter permit.

The Jordan Meadows Community Council (in which the site is located) voted unanimously to support the alley closure. The Poplar Grove Community Council board (adjacent to the south) expressed no concerns. The Fairpark Community Council (within 600 feet to the east) expressed concerns that economic development in the area in general would encourage the owners of the nearby mobile home park to redevelop, leaving manufactured home owners without rental spaces.

**NEXT STEPS:**

The Planning Commission can forward a positive or negative recommendation to the City Council regarding the proposal. The City Council has final decision making authority for alley closures. The City Council will hold a public hearing and make a decision to either approve or deny the request based on compliance with the alley closure standards.

If the City Council approves the request, the portion of the alley that is closed will be sold to the abutting property owner at fair market value. The owner of the property will be responsible for paying to modify any public infrastructure that is impacted by the alley closure.

If the City Council denies the request, the alley configuration will remain the same.

# ATTACHMENT A: ZONING MAP

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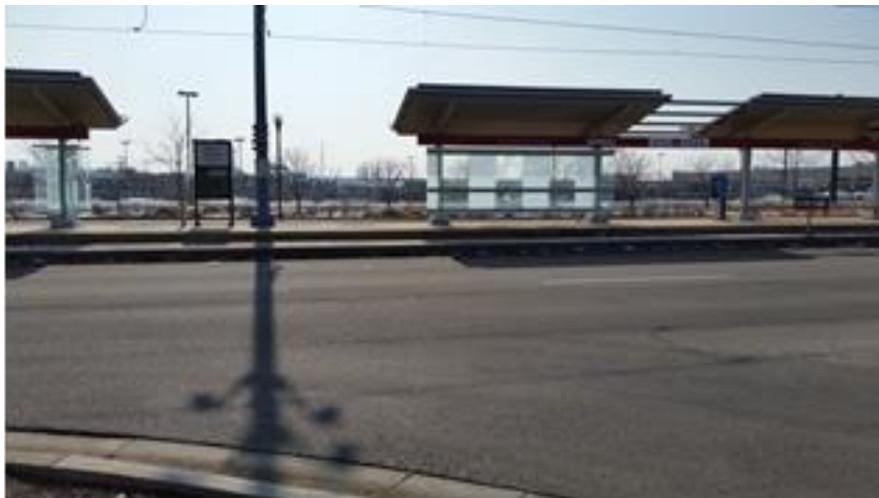
Zoning of the site

## ATTACHMENT B: SITE PHOTOS

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Google earth photo showing the Diamond Lil's building to the right.  
The alley is to the left side of the site and also behind the building.



South of site - North Temple



Alley location is through this parking lot



Photos of site from North Temple



Photos of north portion of the site from Cornell



Detention basin



East side of Cornell





Motel, billboard and vacant lot to the east

# **ATTACHMENT C: ADDITIONAL APPLICANT INFORMATION**

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# Alley Vacation or Closure

SALT LAKE CITY PLANNING

### OFFICE USE ONLY

Project #: P/NPCM2015-00941	Received By: A Anglin	Date Received: 11/13/15
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Project Name: Cornell Alley Vacate

### PLEASE PROVIDE THE FOLLOWING INFORMATION

Location of the Alley: See Attached legal description

Name of Applicant: Power Station Investments LLC	Phone: 435 901 2321
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Address of Applicant:  
PO Box 682925 Park City, UT 84068

E-mail of Applicant: hendel3e@icloud.com	Cell/Fax:
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Applicant's Interest in Subject Property:

Owner     Contractor     Architect     Other:

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

E-mail of Property Owner: hendel3e@icloud.com	Phone:
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➔ 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 call (801) 535-7700 if you have any questions regarding the requirements of this application.

### WHERE TO FILE THE COMPLETE APPLICATION

Mailing Address: Planning Counter PO Box 145471 Salt Lake City, UT 84114	In Person: Planning Counter 451 South State Street, Room 215 Telephone: (801) 535-7700
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### REQUIRED FEE

- ➔ Filing fee of \$243.
- ➔ Plus additional fee for required public notices

### SIGNATURE

➔ If applicable, a notarized statement of consent authorizing applicant to act as an agent will be required.

Signature of Owner or Agent:

Blake Henderson

Date:

11-13-15

SUBMITTAL REQUIREMENTS

Staff Review

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Please include with the application: (please attach additional sheet)

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 one paper copy and 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 80% 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.

WHAT IS AN ALLEY VACATION OR CLOSURE?

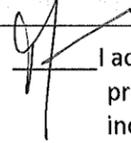
As part of the subdivision process, early developers were required to create alleys which were then deeded to the City. They were used for coal delivery, garbage pickup and other services. They also allowed access to garages. Today, the City is officially the owner of these alleys. In situations where 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.

**WHAT THE CITY CONSIDERS BEFORE VACATING OR CLOSING AN ALLEY**

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.

**INCOMPLETE APPLICATIONS WILL NOT BE ACCEPTED**

 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.

**PETITION TO VACATE OR CLOSE AN ALLEY**

Name of Applicant: Power Station Investments LLC (Blake Henderson)  
Address of Applicant: P.O. Box 680925 Park City UT 84068  
Date: 11-13-15

As an owner of property adjacent to the alley, I agree to the proposed vacation or closure. I understand that if my property is a commercial business or a rental property with more than three (3) dwelling units, I will be required to pay fair market value for my half of the alley.

<i>Print Name</i>	<i>Address</i>	<i>Signature</i>	<i>Date</i>
<u>Power Station Investments LLC</u>	<u>P.O. Box 680925</u>	<u></u>	<u>11-12-15</u>
<i>Print Name</i>	<i>Address</i>	<i>Signature</i>	<i>Date</i>
<u>P.O. Box 680925</u>	<u>Park City UT 84068</u>		
<i>Print Name</i>	<i>Address</i>	<i>Signature</i>	<i>Date</i>
<i>Print Name</i>	<i>Address</i>	<i>Signature</i>	<i>Date</i>
<i>Print Name</i>	<i>Address</i>	<i>Signature</i>	<i>Date</i>

**PRELIMINARY LEGAL DESCRIPTION OF ALLEYS TO BE VACATED**

**ALLEY NORTH OF LOT 15**

Beginning at the Northeast corner of Lot 15, Block 2, Agricultural Park, Plat B; thence along the north line of said Lot 15 South  $89^{\circ}58'38''$  West a distance of 185.00 feet; thence North  $00^{\circ}01'56''$  West a distance of 15.00 feet; thence along the south lines of Lots 16 through 22 of said Block 2, Agricultural Park, Plat B North  $89^{\circ}58'38''$  East a distance of 185.00 feet to the Southeast Corner of said Lot 22; thence South  $00^{\circ}01'56''$  East a distance of 15.00 feet to the point of beginning.

**ALLEY WEST OF LOT 7**

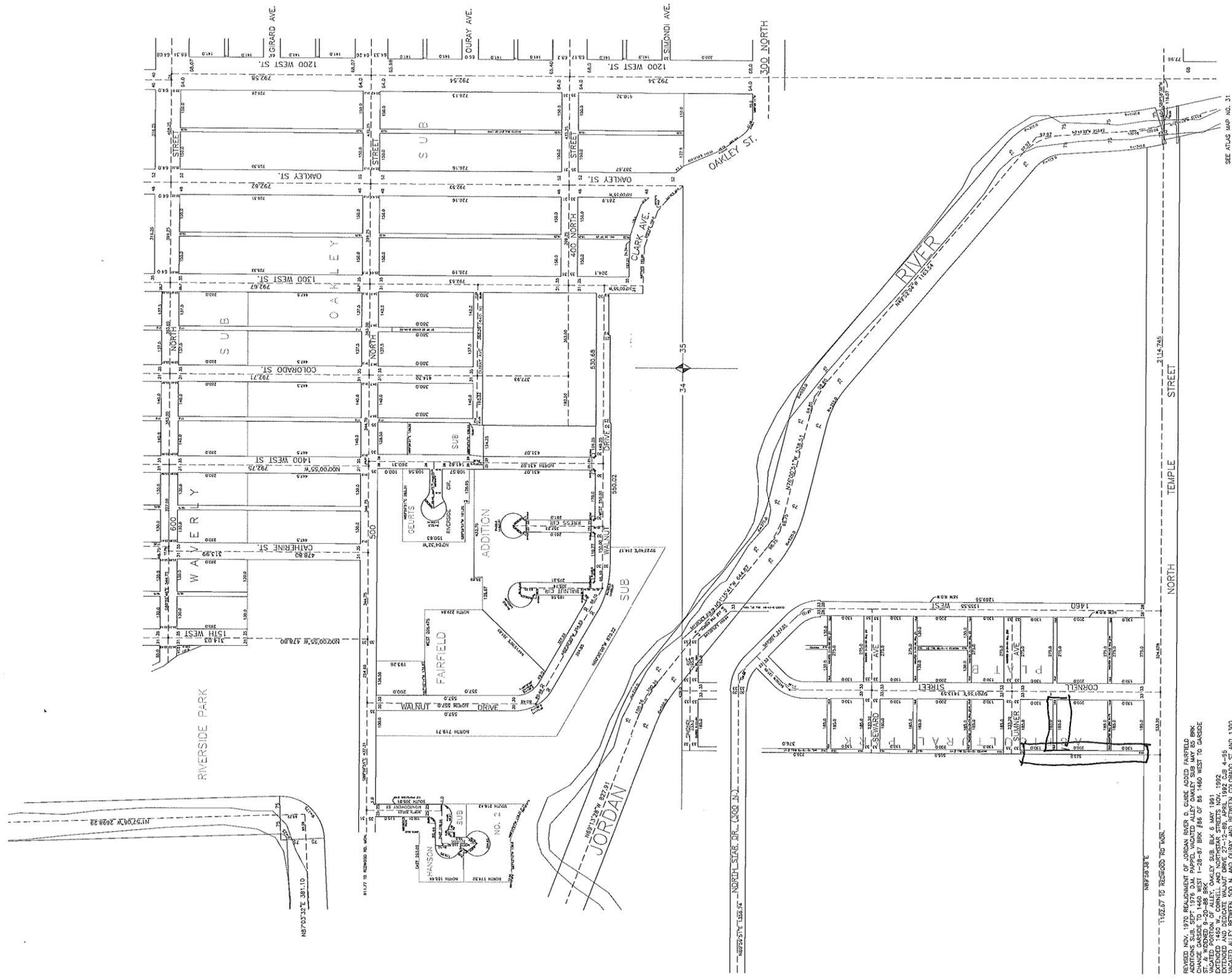
Beginning at the Southwest corner of Lot 7, Block 2, Agricultural Park, Plat B; thence along the west line of said Lot 7 North  $00^{\circ}01'56''$  West a distance of 490.00 feet to the Northwest corner of Lot 16 of said Block 2, Agricultural Park, Plat B; thence South  $89^{\circ}58'38''$  West a distance of 15.20 feet; thence South  $00^{\circ}01'56''$  East a distance of 490.00 feet; thence North  $89^{\circ}58'38''$  East a distance of 15.20 feet to the point of beginning.

To Whom It may Concern,

Power station is the owner on both sides of the Alley and would like to vacate the land to facilitate community and city wanted development.

Also the Alleys do not have the ability to communicate or access other areas, so they are of no use to the public or city.





SEE ATLAS MAP NO. 31

SEE ATLAS MAP NO. 42

REVISED NOV. 1976 REALIGNMENT OF JORDAN RIVER D. CHUBB ADDED FAIRFIELD BRK. CHANGING GARSDALE TO 1460 WEST 1-28-87 BRK #84 OF SS 1460 WEST TO GARSDALE ST. & WIDENED 9-20-88 BRK. OAKLEY SUB. BRK. 5 MAY 1981. EXTENDED 1465 W. CORNELL AND NORTHWAY STREETS NOV. EXTENDED AND DEDICATE WALNUT DRIVE 27-12-89. APRIL 1992 CUB 4-95 WEST 9-4-83 RWH #6 OF 1813

To: Nick Norris  
Doug Dansie  
From: James Pietramali  
Subject: Vacate Alley ways

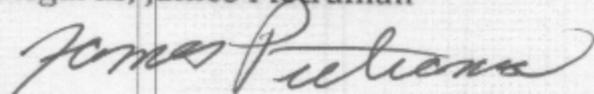
Date: February 1, 2016

I am the executor and past Director and Secretary of the now defunct Campet Corporation. Campet Corp. was the owner of the strip land (Parcel 2, entity # 718665-0142, Tax ID # 08-34-401-015) that runs parallel and adjacent to the alley asking to be vacated.

I have also been the individual on the property tax records and I have been the individual paying the taxes for over 10 years.

I do not object to the vacation of the alley / alley's in questions. I do not want to control or want to purchase any of the alley / alleys in question. I also plan to sell the strip land in question to the Power Station Investments LLC. Power Station Investments has the land under contract to purchase. We are working through some title issues but all parties are in agreement to sell and purchase. I think the alley land is best served by being part of the Power Station land.

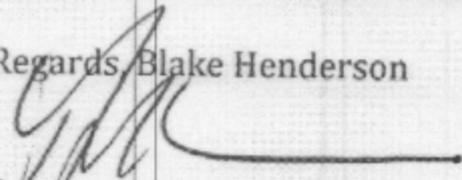
Regards, James Pietramali



Executor, director and Secretary  
Campet Corp.

Power Station Investments confirms we have the property under contract and fully intend to close as soon as we get a couple of administrative title issue resolved. These are not deal breaker issues.

Regards, Blake Henderson



Owner and Manager  
Power Station Investments

File No.: 56387  
Date: March 08, 2016  
Buyer/Borrower: Power Station Investments, LLC, a Utah limited liability company  
Seller: Campet Corporation, a Utah corporation

## LIMITED LIABILITY COMPANY AFFIDAVIT

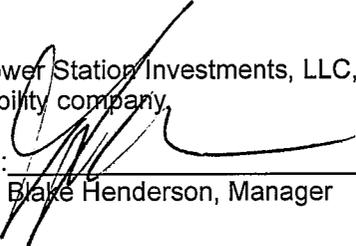
COME(S) NOW the following manager(s)/member(s) of Power Station Investments, LLC, a Utah limited liability company (the "Company") who, after first being duly sworn, hereby represent as follows:

1. The signature(s) of the undersigned are the only signature(s) necessary to bind the Company.
2. The Company has been properly formed under Utah law and is in effect at the date of this Affidavit.
3. The terms of the articles of organization and the operating agreement provide for and allow the Company to enter into the transaction referred to above and authorize the undersigned to sign all documents and perform those acts associated with the consummation of said transaction.
4. The undersigned have no knowledge of any claims, suits of investigations challenging the existence or validity of the Company nor do the undersigned have any knowledge of any claims or allegations by any party challenging the authority of the undersigned to act for and bind the company.

This Affidavit is given for the purpose of inducing Landmark Title Company and its underwriter to issue its policy or policies of title insurance under the above referenced order number, which policy or policies would not have been issued except in reliance upon this affidavit.

Date: March 08, 2016

Power Station Investments, LLC, a Utah limited liability company

By:   
Blake Henderson, Manager

File No.: 56387  
Date: March 08, 2016  
Buyer: Power Station Investments, LLC, a Utah limited liability company  
Seller: Campet Corporation, a Utah corporation  
Property: 1550 West North Temple Street, Salt Lake City, UT 84116

## TAX PRORATION INSTRUCTION LETTER

The undersigned hereby acknowledge that the exact amount of the general property taxes to be assessed against the above described property for the year 2016 is currently undetermined.

In lieu of a general property tax proration based upon the exact 2016 tax figure, the undersigned hereby authorize and instruct Landmark Title Company to use the **(No prorations per agreement)** tax figure in the preparation of all documents involved in the above described sale, without liability for variance, if any, in the 2016 tax figure as finally assessed.

The undersigned agree to adjust or prorate among themselves any difference between the figure used by Landmark Title Company in preparation of the closing documents described above and the actual 2016 general property tax figure, as finally assessed.

In the event a new tax or assessment against the subject property or a modification of either is made or discovered subsequent to the execution of this document, the undersigned agree to pay, in accordance with the proration date established by the documents prepared under this order number, any such additional amounts.

If said amounts are not paid when due and Landmark Title Company or its underwriters are compelled because of their legal obligations to pay said taxes or assessments, the undersigned agree to reimburse Landmark Title Company or its underwriters, upon demand, for all amounts expended, together with interest thereon at the rate of eighteen per cent (18%) per annum, as well as all attorney's fees, court costs and related expenses incurred and expended in collecting said amounts, either before or after judgment.

The undersigned hereby represent that they have advised Landmark Title Company, in writing and prior to closing, of any pending appeal of taxes or assessments, notices received during the last calendar year relating to taxes or assessments, abatements granted or applied for or any other tax information not shown in the documents prepared by Landmark Title Company which may be relevant to the settlement process.

Date: March 08, 2016

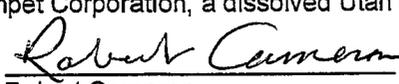
BUYER(S):

Power Station Investments, LLC, a Utah limited liability company

By:   
Blake Henderson, Manager

SELLER(S):

Campet Corporation, a dissolved Utah corporation

By:   
Robert Cameron  
Its: Vice President

File No.: 56387  
Date: March 08, 2016  
Buyer: Power Station Investments, LLC, a Utah limited liability company  
Seller: Campet Corporation, a Utah corporation  
Lender:  
Property Address: 1550 West North Temple Street, Salt Lake City, UT 84116  
Your File No.:

## SETTLEMENT DISCLOSURE

The undersigned parties have retained Landmark Title Company to serve as Escrow Agent in the closing of the transaction described above. In addition to the terms of any other escrow instruction, agreement or document executed by some or all of the parties named herein in conjunction with the closing of this transaction, the undersigned acknowledge and agree to the following:

- 1. Approval of Settlement Statements and Closing Documents** We hereby acknowledge that we have received, reviewed and approved the Settlement Statements prepared by Escrow Agent and that the information contained therein conforms to our agreement. We further acknowledge that we have received, reviewed and approved the form and substance of all other closing documents prepared by Escrow Agent or any other party, and that our signatures on those documents confirm our acceptance of the documents as written. All closing documents requested by us, our attorneys or other representatives have been executed during the closing process and properly delivered to the Escrow Agent or other appropriate recipient.
- 2. Designation of Tenancy** Buyer hereby confirms that the deed or deeds prepared by Escrow Agent have been reviewed by Buyer and correctly show the manner in which Buyer wishes to hold title. Specifically, the name of the Grantee is shown correctly and, if multiple Grantees are shown, the tenancy designation is correct. Buyer further confirms that an attorney or other advisor has been consulted for advice regarding the manner in which title is to be held.
- 3. Legal Description of the Subject Property** We have provided to Escrow Agent all relevant information regarding the location of the real property to be dealt with in this transaction. We have also carefully examined and proofread for accuracy all plats, surveys and documents submitted by any party at closing to determine that the correct property has been shown and that the legal description of that property is accurate. In the event this transaction includes more than one parcel of real property, we have verified that all of the applicable parcels have been reported to Escrow Agent and included in the legal description used in the closing documents and the Commitment for Title Insurance.
- 4. Water Rights** Seller represents that all water shares, rights or interests appurtenant to, or used in connection with the subject property have been disclosed to Buyer. Buyer represents that he has inspected or reviewed the interests in water disclosed by Seller and is satisfied therewith. All documents required by Seller, Buyer or a water district, company or agency for the effective transfer of such water shares, rights or interests will be delivered to Escrow Agent by the appropriate party. Escrow Agent shall have no responsibility or liability for preparing documents required to describe, establish or transfer any water shares, rights or interests. Escrow Agent makes no representation as to the quality, quantity or validity of any water shares, rights or interests transferred as part of this transaction. Buyer and Seller agree to pay all charges and assessments on the water shares, rights or interests in accordance with the terms of their sales contract.
- 5. Authorization to Record and Disburse** We hereby authorize and instruct Escrow Agent to record those documents designated at closing for recording and to disburse in accordance with the terms of the Settlement Statements those funds deposited with Escrow Agent.
- 6. Compliance** We acknowledge that we have instructed Escrow Agent to prepare the Settlement Statements and other closing documents in accordance with (i) the terms of a Real Estate Purchase Contract or comparable sales agreement executed by us and, (ii) such other written instructions as may be delivered by us to Escrow Agent prior to or at settlement. We agree to cooperate with Escrow Agent in correcting any clerical errors in the Settlement Statements or other closing documents discovered after settlement and in furnishing any additional information or executing additional documents which may be necessary to complete this transaction. We acknowledge that Escrow Agent has been authorized and instructed by us to contact various lending institutions, taxing authorities, improvement districts, and owner's associations for the purpose of obtaining financial information to be used by Escrow Agent in preparing the prorations, payoffs, and other figures which will appear on the Settlement Statements. If, for any reason, including the negligence of Escrow Agent, the figures that appear on the Settlement Statements executed at closing are found to be incorrect or inaccurate based upon the terms of the Real Estate Purchase Contract or other agreements signed by Seller and Buyer, we agree to promptly pay to Escrow Agent, upon demand, the amounts necessary to correct the error.
- 7. Interest on Funds in Escrow** We instruct Escrow Agent to deposit all funds received in escrow into an account insured by the Federal Deposit Insurance Corporation, which shall be specifically labeled as a "Trust Account". We authorize Escrow Agent to transfer said deposits to an interest bearing "sweep" account created and maintained in accordance with State of Utah Insurance Department guidelines and applicable Utah law. The funds deposited in the sweep account may be

invested only in U.S. Governments obligations. Escrow Agent shall reimburse the depositing party for any loss in the value of the funds so invested, regardless of the cause of the decline in value. All interest earned on said deposits shall be paid to and retained by Escrow Agent unless the party depositing said funds otherwise instructs Escrow Agent. In the event Buyer or Seller elects to be paid the interest earned on the funds deposited with Escrow Agent, written notice shall be given to Escrow Agent and a fee of \$50.00 shall be paid to Escrow Agent by the requesting party to compensate Escrow Agent for the cost of calculating the interest earned and filing the appropriate income tax forms.

- 8. **Utilities** We understand that charges for public utility services furnished to the property including, but not limited to, water, gas, electricity, telephone, cable television, and internet connections have not been collected or prorated at settlement. Buyer and Seller agree to promptly pay their respective shares of any utility bills, based upon their agreement regarding use and possession of the subject property. Buyer and Seller shall execute those documents required by the utility companies to have the accounts transferred to the name of the Buyer effective on the date the Buyer takes possession of the subject property.
- 9. **Homeowner's Association Dues, Assessments and Approval of Sale** Seller represents that he has fully disclosed to Buyer all assessments, levies, charges, fees or dues that are now due, pending or under consideration by the Homeowner's Association involved with the subject property. Buyer represents that he has conducted such investigations as he deems appropriate into the nature and amount of any such assessments, levies, charges, fees or dues and is satisfied therewith. The undersigned are satisfied with the manner in which the charges described in this paragraph have been allocated on the Settlement Statements. Buyer has further satisfied himself that any approval process required by the Homeowner's Association has been completed, any rights of first refusal have been waived and that the Homeowner's Association has no objection to the Buyer's acquisition of title to the subject property.
- 10. **Legal and Tax Advice** The undersigned acknowledge that they have had the opportunity to seek advice regarding the legal and tax consequences of this transaction and to have the attorney and accountant of their choice review the Settlement Statements and other closing documents prepared by Escrow Agent or any other party. The undersigned have not asked for nor received legal or tax advice from Landmark Title Company, its officers, directors, or employees.
- 11. **Capacity** We represent that we have the authority to act for and bind the entities named in the Settlement Statements and closing documents.

Dated this 8th day of March, 2016.

BUYER(S):  
Power Station Investments, LLC, a Utah limited liability company

By: [Signature]  
Blake Henderson, Manager

Contact Phone # 435 907 2321  
Email: brnde13c@icloud.com

Contact Phone # \_\_\_\_\_  
Email: \_\_\_\_\_

Contact Phone # \_\_\_\_\_  
Email: \_\_\_\_\_

Contact Phone # \_\_\_\_\_  
Email: \_\_\_\_\_

SELLER(S):  
Campet Corporation, a dissolved Utah corporation

By: [Signature]  
Robert Cameron  
Its: Vice President

Contact Phone # 480-632-6221  
Email: bob@Cameronfp.com

Contact Phone # \_\_\_\_\_  
Email: \_\_\_\_\_

Contact Phone # \_\_\_\_\_  
Email: \_\_\_\_\_

Contact Phone # \_\_\_\_\_  
Email: \_\_\_\_\_

File No.: 56387  
Date: March 08, 2016  
Buyer: Power Station Investments, LLC, a Utah limited liability company  
Seller: Campet Corporation, a Utah corporation  
Property: 1550 West North Temple Street, Salt Lake City, UT 84116

## TITLE EXCEPTION AGREEMENT

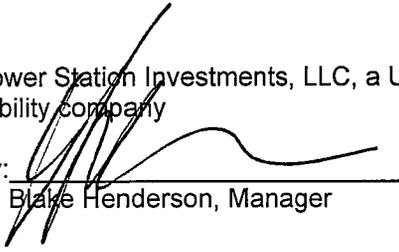
The undersigned hereby acknowledge receipt of the Commitment for Title Insurance prepared by Landmark Title Company as agent for Stewart Title Guaranty Company, under the File Number designated above. We have reviewed the terms of the Commitment, and have consulted our attorney or other advisor with respect to any questions we may have regarding the Commitment or the policy to be issued pursuant to the terms of the Commitment.

We hereby agree that the following title exceptions, which now appear in the Commitment will remain on the final Policy of Title Insurance to be issued in favor of the proposed insured named in the Commitment: 1 through 18, inclusive.

In addition, we consent to the inclusion in the policy of any new liens, encumbrances or interests created by us at the time of closing.

We further acknowledge that a representative of Landmark Title Company has reviewed the Commitment with us and answered any questions we may have had with respect to the form or content of the Commitment.

Power Station Investments, LLC, a Utah limited liability company

By:   
Blake Henderson, Manager

# **ATTACHMENT D: EXISTING CONDITIONS**

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## **Adjacent Land Uses**

The subject alley is adjacent to properties zoned TSA-MUEC-C, Transit Station Area Mixed Use Employment Center-Core. All adjacent properties along North Temple are zoned the same. The property to the north and west of the site is zoned MH Mobile Home Park. The property to the immediate west is office and storage units and the property to the immediate east (across Cornell) is a budget motel, vacant and a billboard.

## **Applicable Master Plan Policies**

The subject parcels and alley are located within the Northwest Community Master Plan, adopted in 1992; however a North Temple Boulevard Master Plan, adopted August 10, 2010, supersedes the Community Plan. The vision for the Cornell Station is to create a vibrant pedestrian oriented area that is easily accessible by mass transit and automobile.

The proposal meets the master plan by specifically meeting policy 2 (see attachment E), by creating a site for mixed use building that increases housing in the area, while simultaneously responding to the needs of transit riders by placing commercial space at the ground level adjacent to the light rail stop.

The master plan generally encourages higher density compact mixed-use buildings on North Temple that take advantage of transit access. The developer is willing to build a structure that meets the purpose of the zoning district (see attachment E) and the subsequent criteria. Because North Temple has traditionally developed as low intensity automobile uses, this would be the first transit oriented development along the stretch of North Temple between the Jordan River and Redwood Road.

The alley itself has not been developed as a usable alley and is actually paved as part of the parking lot for the former Diamond Lil's. Its location is near enough to Cornell Street that it would be duplicitous for pedestrian use if developed as such. Encouraging pedestrian use on the alley would arguably decrease the market for pedestrian activity on Cornell, particularly since the alley does not have an effective northern terminus. Cornell Street provides pedestrian access from North Temple LRT to the State Office complex along the Jordan River. The masterplan identifies the potential for the canal north of the property to provide access between Cornell and Redwood Road. Because the developer and SLC Public Utilities are discussing a land trade to increase the size of the detention basin, this alley closure proposal positively effects the proposal for an east/west trail along the canal.

# ATTACHMENT E: Excerpt from the Master Plan

## Vision



The Cornell Station will become a well-maintained, pedestrian-friendly neighborhood with safe, accessible streets and a mix of residential, commercial and office uses that are well connected to nearby amenities through a series of improved sidewalks, streets, paths and the Airport Light Rail Line. The Cornell Station Area will become a great place to work that is supported by a mix of uses, including housing, to provide employees, residents, and visitors with a range of options on how they commute, where they eat, and opportunities to live close to where they work.

The following policies are intended to help make the vision a reality:

1. **Mobility:** Improve the pedestrian environment to create a walkable transit-oriented neighborhood.
2. **Compact Mix of Uses:** Allow for a more intense, compact mix of uses around Cornell and 1460 West streets.
3. **Placemaking:** Create safe, vibrant and useful public spaces.

The Cornell Station's location in Salt Lake City's neighborhoods and rail system.



Specific Master Plan policies are as follows:



The policies for the Cornell Station Area are based on the future vision for the station area, which was developed through a series of workshops with property owners, stakeholders, and city staff. The policies incorporate the Transit-Oriented Development Principles outlined in the Introduction to the *North Temple Boulevard Plan*. These policies will guide future infrastructure improvements and land use decisions and will provide the regulatory framework for development. Each policy has a number of specific strategies and action items that will foster and implement the policy.

### Policy #1: Mobility

*Improve the overall mobility within the station area, with a focus on the pedestrian environment to create a walkable transit-oriented neighborhood with improved connections.*

Mobility refers to the manner in which people get from one place to another. Providing people with transportation options is key principle for transit-oriented development. This means providing safe, comfortable and interesting facilities for pedestrians, bicyclists and other similar modes of travel while also providing appropriately designed and located facilities for motor vehicles. Mobility is critical to the function of a neighborhood. It affects the business community, which relies on motor vehicles as the primary mode of transportation for a significant number of customers and daily needs, such as deliveries and residents who may need an automobile to travel to work, school or for daily needs.

### Strategy 1-B: Improve connections for all modes of transportation.

- a. Require the creation of a street network that connects land locked parcels to North Temple and allows cross access between adjacent properties.
- b. Establish standards for parking of alternative transportation modes, including motorized scooters and bicycles.
- c. Establish maximum parking standards for all new development.
- d. Find creative and unique solutions for instances where placing sidewalks may be difficult, such as when mature trees, utility structures, etc. require modifications to the design and placement of the sidewalk.
- e. Work with the Utah Department of Transportation to install a traffic signal at the intersection of Redwood Road and 300 North in order to encourage pedestrian activity between the station platform and the Jordan Meadows neighborhood.



Walkable streets are more active and provide pedestrians and bicyclists with safer public spaces.

### Strategy 1-A: Develop design guidelines that focus on creating a pedestrian-friendly environment while accommodating automobiles.

- a. Develop land use regulations that require all new buildings and other new development to be oriented to the pedestrian with windows and doors opening to the street and appropriate walkways leading to the sidewalk.
- b. Use a performance based point system to insure new development incorporates an acceptable level of design as outlined in the design guidelines for the station area.



Buildings close to the sidewalk, active ground floor uses, appropriate landscaping and quality materials help create a pedestrian friendly environment.

### Strategy 1-C: Design, build and improve streets throughout the station area to accommodate all users, with emphasis placed on the safety and security of the pedestrian and bicyclist.

- a. Build streets with complete infrastructure that includes vehicle travel lanes, bicycle lanes, parking when space allows, curb and gutter, park strips when appropriate and adequate width sidewalks.
- b. Design streets with the safety of pedestrians and bicyclists in mind. Include clearly marked sidewalks, appropriate crossing signals, bulb-outs at anticipated pedestrian routes, and adequate street and sidewalk lighting.

### Strategy 1-D: Enhance the North Temple / Redwood Road intersection.

- a. Work with the Utah Department of Transportation to identify functional and pedestrian safety improvements for the intersection.
- b. Make necessary public improvement to the Redwood Road intersection to improve the visual appearance of the intersection.
- c. Include features that are aimed at improving pedestrian and bicycle safety in and around the intersection.
- d. Find creative ways to create a barrier, such as a low fence, in places where a park strip does not separate the sidewalk and the street.

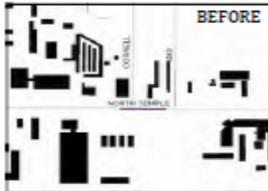
**Policy #2: Compact Mix of Uses**

*Allow for a more intense, compact mix of uses around Cornell Street and 1460 West.*

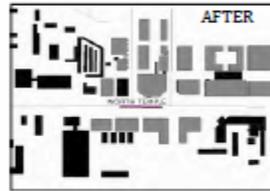
Successful transit-oriented station areas include a mix of uses, including commercial, office, residential and in some cases, light industrial. The uses are arranged and placed in areas where they can take full advantage of the light rail station.

**Strategy 2-A: Create standards that produce compact, dense and intense development closer to the station.**

- a. Establish standards for minimum lot coverage, building setbacks and building design that will create a vibrant, active and safe pedestrian environment
- b. Use zoning incentives to promote vertical mixed use in the Core Area.
- c. Remove barriers and unnecessary processes that impede desired development and land uses in the station areas.
- d. Establish maximum parking requirements for future development.
- e. Over time, replace surface parking with structured parking.
- f. Require the removal of billboards as properties redevelop and prohibit new billboards in the station area.



Spread-out development pattern.



Compact development pattern.

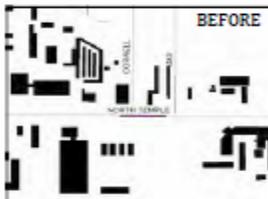
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Spread-out development pattern.



Compact development pattern.

**Strategy 2-B: Identify transit-friendly land uses that are appropriate in the station area.**

- a. Permit land uses that are generally considered transit friendly within the core area.
- b. Identify and prohibit those land uses that negatively impact the development of the station areas as an employment center.
- c. Establish development standards that increase the level of compatibility between conflicting uses through appropriate building and site design standards.

**Strategy 2-C: Increase the residential density within the station area.**

- a. Allow for high density housing, in a variety of building types, within the core area. Set a goal of establishing a minimum of 20 dwelling units per acre within the core area.
- b. Allow for a mix of housing types and densities within the transition area. Set a goal of establishing a minimum of 10 dwelling units per acre within the core area.



Mixed use development should take advantage of proximity to light rail stations.

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Mixed use development should take advantage of proximity to light rail stations.



The existing pathways (green) are not connected to the station platform. Creating new pathways (orange) will improve the overall connectivity within the station area.

**Strategy 3-C: Create a series of pathways throughout the station area.**

- a. Create a pathway along the existing canal that runs between the station platform and Redwood Road.
- b. All pathways should be designed to accommodate walking, bicycling and other non-motorized forms of transportation and be designed to be safe, comfortable and attractive for users of all ages.
- c. New development adjacent to the pathways should be designed to increase the natural surveillance of the pathway.



Signs identifying neighborhoods or districts can come in various forms and sizes to match the place's character.



**Strategy 3-D: Identify the station area by using unique markers and monuments at the east and west boundaries of the station area.**

- a. A distinctive welcoming entrance or marker should be created at the Jordan River that demarcates the end of the Cornell Station Area and the beginning of the Fairpark Station Area and vice versa.
- b. A distinctive entrance feature or monument should be created at both corners of the intersection of Redwood Road and North Temple to announce the beginning of the Cornell Station.

**Key Projects & Follow-up Actions**

The vision of the North Temple Boulevard requires catalyst projects. Catalyst projects are those projects, big or small, that will have noticeable, positive changes on the community and encourage further development. Potential projects and follow up items that will have a significant positive impact on the community may include the following projects.

**Rezone the Station Area**

In order to fully capture the benefit of the Airport Light Rail Line and to capitalize on the large public investment, the area should be rezoned to more of a transit friendly zoning district. The future zoning districts should reflect the station area boundary maps with the core, transitional and stable areas. The zoning regulations should also promote transit-oriented development by simplifying processes and having clear standards. Incentives should be used to promote a vertical mix of uses



**Build a "Signature Project" at North Temple and Cornell**

The property between Cornell and 1460 West is an ideal spot for a signature transit-oriented development which incorporate the best practices for these type of developments, and serve as a model for other development within the station area. Depending on the design and the mix of uses, such a project could address a number of the challenges identified earlier: redeveloping run down properties, reducing crime, reducing the auto-oriented uses.

**Create a Multi-Use Path along Canal**

A canal that cuts diagonally from North Temple to Redwood Road could provide an alternative pedestrian and bicycle route around the North Temple and Redwood Road intersection and between the station platform and nearby neighborhoods. This intersection despite the light rail line, will continue to be a heavily-used vehicular intersection, which generally conflicts with the goal of making the corridor more pedestrian friendly.

### Signalize Intersection at 300 North and Redwood Road

This intersection is a major access point to the State Office Buildings. Salt Lake City should work with UDOT to install a traffic signal at this intersection. Doing so would improve the overall connectivity of the station area and could also be a significant pedestrian crossing between the Jordan Meadows neighborhood and the Jordan River Parkway. It would also reduce the walking distance between safe pedestrian crossings on Redwood Road.

### Reconfigure and Activate the Rocky Mountain Power Street Frontage

Rocky Mountain Power plays a significant role in the Cornell Station Area. Their site includes a large amount of street frontage on North Temple that is mostly occupied by surface parking and outdoor storage, uses which are inconsistent with the vision for the Cornell Station Area. The City should work with Rocky Mountain Power to explore ways that they could reconfigure their site to meet their operational needs as well as develop the portions of their property that front on North Temple in a manner that is consistent with the vision for the station area. This may include locating future buildings along the frontage that could accommodate future growth and needs, such as additional office space, customer service facilities, employee cafeterias, etc.

### Increase Code Enforcement

During the planning process, the City has received numerous complaints about property maintenance in the vicinity of the Cornell Station. Improving the appearance of the run down properties in the area is vital to changing the perception of the station area. The City should take a comprehensive, multi-disciplinary approach to cleaning up these properties.

There are four key CPTED (Crime Prevention Through Environmental Design) principles:

1. **Natural Surveillance:** Someone is less likely to commit a crime if they think someone will see them do it. Eyes on the street, lighting and landscaping are important for increasing natural surveillance.
2. **Natural Access Control:** This principle includes using walkways, fences, lighting, signs, landscaping and paving materials to clearly guide people to primary entrances.
3. **Territorial Reinforcement:** This principle includes clearly marking where public space ends and private space begins. This principle is closely related to natural access control and can utilize many of the same ideas to implement.
4. **Maintenance:** Neglected and poorly maintained properties are more likely to attract other crimes. This principle addresses the "broken window theory" which suggests if one nuisance is allowed to continue, it will lead to other nuisances and an eventual decline.

### Demonstrate Alternative Energy Projects

Given the influence of the Rocky Mountain Power facility on North Temple and the City's overall goal of increasing the use of renewable energies, the area around the Rocky Mountain Power facility presents an opportunity to create a demonstration project for alternative energy. Light rail is generally considered a better use of energy than other forms of motorized transportation and incorporating an alternative energy theme would help make the Cornell Station unique. Such projects may include solar arrays, energy efficient buildings (such as the Department of Natural Resources on North Temple), or using solar panels at the stations to help offset the power needed for lights or ticket machines on the station platform.



A solar array at the Gateway development in Salt Lake City.

### Increase Police Presence

Due to the overall concern towards crime along North Temple, an increased police presence in the corridor is important. The City should use a multi disciplinary approach to address crime in the area. Furthermore, development regulations should include crime prevention through environmental design principles (CPTED), which are aimed at using building and site design to reduce the opportunities for crime to occur.



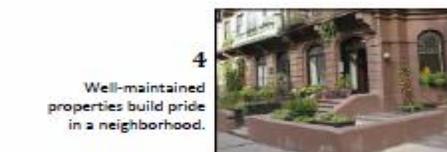
- 1 Adequate street lighting is important for natural surveillance.



- 2 Easily identified entrances direct the flow of people.



- 3 Clearly marking public and private space creates a sense of ownership.



- 4 Well-maintained properties build pride in a neighborhood.

The TSA Transit Station Area district purpose statement is as follows:

Mixed Use Employment Center Station (TSA-MUEC): A mixed use employment station is an area with a high concentration of jobs that attract people from the entire region. These areas generally start with a campus style development pattern and are dominated by a single type of use that generally employs a high number of people. Buildings are often large scale in nature and may have large footprints. New development occurs on vacant parcels. Redevelopment occurs on surface parking lots, underutilized land, or as additions to existing buildings as businesses expand. The primary mode of circulation is by automobile, but the area is served by at least two (2) types of mass transit which provides alternative modes of transportation for employees. Land uses that support the employment centers such as retail sales and service and restaurants are located throughout the station area and should occupy ground floor space in multi-story buildings oriented to the pedestrian and transit user. A mix of housing types and sizes are appropriate to provide employees with the choice to live close to where they work. Building types should trend toward more flexible building types over time. The area is likely to have large blocks and lacks a consistent street network. Connectivity for all modes of travel is important due to the limited street network. The following stations are considered to be mixed use employment center stations: 1950 West, 2200 West, and the Cornell light rail stations

## **ATTACHMENT F: ANALYSIS OF STANDARDS**

Chapter 14.52 of the Salt Lake City Code regulates the disposition of City owned alleys. When evaluating requests to close or vacate public alleys, the City considers whether or not the continued use of the property as a public alley is in the City's best interest. Noticed public hearings are held before both the Planning Commission and City Council to consider the potential adverse impacts created by a proposal. Once the Planning Commission has reviewed the request, their recommendation is forwarded to the City Council for consideration.

The Planning Commission must also make a recommendation to the Mayor regarding the disposition of the property. If the Commission recommends that the alley property be declared surplus, the property should be disposed of according to Section 2.58 City-Owned Real Property of the Salt Lake City Code.

The City Council has final decision authority with respect to alley vacations and closures. A positive recommendation from the Planning Commission requires an analysis and positive determination of the following considerations:

### **Salt Lake City Code, Section 14.52.020: Policy Considerations for Closure, Vacation or Abandonment of City Owned Alleys**

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

- 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 or has been materially blocked in a way that renders it unusable as a public right-of-way.
- B. Public Safety:** The existence of the alley is substantially contributing to crime, unlawful activity or unsafe conditions, public health problems, or blight in the surrounding area.
- C. Urban Design:** The continuation of the alley does not serve as a positive urban design element.
- D. Community Purpose:** The Petitioners are proposing to restrict the general public from use of the alley in favor of a community use, such as a neighborhood play area or garden.

**Discussion:** The subject alley is proposed to be vacated due to lack of use (Item A). Although platted, the alley does not physically exist. The alley also bisect the adjacent property making it difficult to build upon as a single functional unit

The master plan indicates a history of crime issues in the area needing to be reduced by better design. Elimination of this particular portion of the alley facilitates a better designed development which will provide more "eyes" on the remaining portion (retention basin) (Item B).

The portion of the alley/street to the north of the property is NOT proposed to be closed, but is proposed to remaining part of the City land inventory to be used as water retention and also is capable of being integrated into a pathway leading to Redwood Road as identified by the master plan. Vacating other portions of the alley do not affect these issues. However negotiations with SLC Public Utilities to exchange the alley for increased area surrounding the detention basin would facilitate the pathway from Cornell to Redwood Road and facilitate better wastewater management.

The petitioners are proposing to build a structure that meets the masterplan, provides for increased pedestrian activity and facilitates a land trade for a larger detention basin to the north of the property. Therefore the proposal benefits both the larger neighborhood and the residents of the proposed new development. (Item C and D).

The proposed closure facilitates development consistent with the master plan (Item C).

The new development will provide mixed-use consistent with the master plan, activating the light rail station and providing security for the overall neighborhood (Item D)

**Finding:** The proposed alley vacation complies with Policy considerations.

**Salt Lake City Code, Section 14.52.030B: Processing Petitions – Public Hearing and Recommendation from the Planning Commission.**

Upon receipt of a complete petition, a public hearing shall be scheduled before the Planning Commission to consider the proposed disposition of the City owned alley property. Following the conclusion of the public hearing, the Planning Commission shall make a report and recommendation to the City Council on the proposed disposition of the subject alley property. A positive recommendation should include an analysis of the following factors:

**1. The City Police Department, Fire Department, Transportation Division, and all other relevant City Departments and Divisions have no objection to the proposed disposition of the property;**

**Discussion:** Staff requested input from pertinent City Departments and Divisions. Comments were received from the Fire, Zoning and Transportation Divisions. None had objection to the proposal.

Public Utilities reiterated their desire to retain the north portion (outside the area being requested for closure).

**Finding:** The petition has received no objection form SLC department and Public Utilities would like to continue to work with the petitioner to trade land for a better retention basin layout.

**2. The petition meets at least one of the policy considerations stated above;**

**Discussion:** The proposed alley vacation satisfies all of the criteria for Section 14.52.020 as identified in the discussion above.

**Finding:** The petition meets at least one of the policy considerations stated in Section 14.52.020 of the Salt Lake City Code.

**3. The petition must not deny sole access or required off-street parking to any adjacent property;**

**Discussion:** The property is serviced by driveways other than the alley. The property to the west (1442 W North Temple) is a small strip of land that is being purchased by the petitioner to be integrate into the larger parcel, therefore no property will be denied access.

**Finding:** Closing the alley will not deny access or required off-street parking to any owner of property adjacent to the alley.

**4. The petition will not result in any property being landlocked;**

**Discussion:** The property to the west (1442 W North Temple) is actually an undevelopable strip of land that has little value except in its aggregation value to the larger parcel. Leaving

the alley intact actually creates more of a landlocked parcel than closing the alley would.

**Finding:** No parcel will be landlocked

5. **The disposition of the alley property will not result in a use 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;**

**Discussion:** The proposed alley vacation is being requested to accommodate a mixed-use building that will meet the zoning requirements of the TSA-MUEC-C Transit Station Area Mixed Use Employment Center Core Zoning District, which are consistent with the North Temple Boulevard Master plan. The proposed alley vacation may result in the increase in size of the detention basin to the north if the City Council and/or Administration includes a potential land trade in the terms of sale.

**Finding:** The proposed alley vacation meets this standard.

6. **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;**

**Discussion:** None of the abutting property owners currently have a permit or are anticipating construction of a garage.

**Finding:** The proposed alley vacation meets this standard.

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

**Discussion:** Only those portions of the alley that serve no public purpose are proposed to be vacated. The remaining portions (containing the water detention basin to the north end of the property) are fully accessible from Cornell Street and function independently from the portions of the alley being proposed for closure

**Finding:** The proposal meets this standard.

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

**Discussion:** The alley is not required for access to any present residential use.

**Finding:** The proposed alley vacation meets this standard.

## **ATTACHMENT G: PUBLIC PROCESS AND COMMENTS**

### **Notice of the public hearing for the proposal included:**

The site is within the Jordan Meadows Community Council, and within 600 feet of the Fairpark and Polar Grove Community Councils.

The Jordan Meadows Community Council met March 9, 2016 and voted unanimously to endorse the alley vacation (approximately 11 votes)

The Poplar Grove Community Council board met and reviewed the information. There were no concerns regarding the vacating of this alley.

The Fairpark Community Council met on February 24, 2016 and voted, with a split vote (unverified 7-6), to oppose the alley closure, citing concerns that economic development in the area would encourage the owners of the nearby mobile home park to redevelop, leaving manufactured home owners without rental spaces (Many of their concerns were associated with another development to the north that is more directly adjacent to the mobile home park).

Public hearing notice mailed: March 10, 2016. Three phone calls requesting clarification were received after mailing.

Public hearing notice posted: March 8, 2016.

Public notice posted on City and State websites and Planning Division list serve: March 10, 2016

## **ATTACHMENT H: DEPARTMENT REVIEW COMMENTS**

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**Transportation-** Michael Barry ([michael.barry@slcgov.com](mailto:michael.barry@slcgov.com) or 801-535-6147)

No objections from Transportation

**Zoning** – Greg Mikolash ([greg.mikolash@slcgov.com](mailto:greg.mikolash@slcgov.com) or 801-535-6181)

No zoning issues at this time.

**Fire** – Ted Itchon ([edward.itchon@slcgov.com](mailto:edward.itchon@slcgov.com) or 801-535-6636)

No Comment

**Public Utilities** – Jason Draper ([jason.draper@slcgov.com](mailto:jason.draper@slcgov.com) or 801-483-6751)

There is a drainage canal at the end of this easement. We need to make sure that we have access to this canal after the alley is vacated. We have access from Cornell Street and it looks like from the legal description that they are not extending into the canal area. I would like a better map showing the proposed vacation to determine if we have any problems. (map was provided)

# ATTACHMENT I: MOTIONS

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## **Alternative Motion (Not Consistent with Staff Recommendation):**

Based on the information in this staff report, I move that the Planning Commission transmit a negative recommendation to the City Council for the proposed alley closure subject as the proposal does not comply with the following standards:

(The Planning Commission shall make findings on the standards as listed below.)

- 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 or has been materially blocked in a way that renders it unusable as a public right-of-way.
  - B. Public Safety:** The existence of the alley is substantially contributing to crime, unlawful activity or unsafe conditions, public health problems, or blight in the surrounding area.
  - C. Urban Design:** The continuation of the alley does not serve as a positive urban design element.
  - D. Community Purpose:** The Petitioners are proposing to restrict the general public from use of the alley in favor of a community use, such as a neighborhood play area or garden.
1. The City Police Department, Fire Department, Transportation Division, and all other relevant City Departments and Divisions have no objection to the proposed disposition of the property;
  2. The petition meets at least one of the policy considerations stated above;
  3. The petition must not deny sole access or required off-street parking to any adjacent property;
  4. The petition will not result in any property being landlocked;
  5. The disposition of the alley property will not result in a use 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;
  6. 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;
  7. The petition furthers the City preference for disposing of an entire alley, rather than a small segment of it; and
  8. The alley is not necessary for actual or potential rear access to residences or for accessory uses.