



Staff Report

PLANNING DIVISION
DEPARTMENT of COMMUNITY and NEIGHBORHOODS

To: Salt Lake City Planning Commission

From: Mayara Lima, Principal Planner
(801) 535-7118 or mayara.lima@slcgov.com

Date: July 10, 2019

Re: PLNPCM2019-00400 – Washington Street Alley Vacation

Alley Vacation

PROPERTY ADDRESS AND PARCEL ID:

The alley abuts 8 properties:

- 255 W Brooklyn Ave (15-12-406-004)
- 259 W Brooklyn Ave (15-12-406-013)
- 269 W Brooklyn Ave (15-12-406-017)
- 1026 S Washington St (15-12-406-005)
- 1040 S Washington St (15-12-406-007)
- 1040 S Washington St (15-12-406-015)
- 1050 S Washington St (15-12-406-016)
- 1050 S Washington St (15-12-406-018)

MASTER PLAN: Central Community Master Plan

ZONING DISTRICT: CG General Commercial District

REQUEST: Kevin Theobald, property owner of 6 of the above listed parcels, is requesting to vacate the alley adjacent to his properties. The alley runs west of Washington Street and dead ends at the UTA owned railroad line. The intent of the request is to incorporate the alley into the adjacent properties.

The Planning Commission's role in this application is to provide a recommendation to the City Council for the alley vacation request. The City Council will make the final decision on this application.

RECOMMENDATION: Based on the information in this staff report and the policy considerations for alley vacations, Planning Staff recommends that the Planning Commission forward a positive recommendation to City Council with the following condition:

- Parcels 1040 S Washington St (15-12-406-015) and 1050 S Washington St (15-12-406-018) must be consolidated into the abutting properties in order to eliminate landlocked parcels.

ATTACHMENTS:

- [Vicinity Map](#)
- [Property Photographs](#)
- [Application Materials](#)
- [Analysis of Standards](#)

- E. [Public Process and Comments](#)
- F. [Department Review Comments](#)

PROJECT DESCRIPTION: The subject alley is 15 feet wide and approximately 253 feet long. It runs west of Washington Street towards an UTA abandoned railroad line, where it dead ends before reaching 300 W. The applicant owns 6 parcels adjacent to the alley and his family owns another parcel, bringing their ownership to a total of 7 out of the 8 parcels abutting the alley. They would like to vacate the entire alley to incorporate it into their adjacent properties.



The applicant justifies the request with the argument that the alley has not been used as a public right of way for at least the past 20 years and that it attracts criminal activities and creates an unsafe condition. The applicant’s narrative as well as the petition bearing the signatures of abutting property owners is included in [Attachment C](#) of this report.

KEY CONSIDERATIONS:

Consideration 1: Lack of Use and Public Safety Claims

Aerial photographs show that the property has not been used as an alley for several years. The last photograph found documenting the entire alley unobstructed was registered in 1997.



Image 1 - 1997 aerial photograph shows the entire alley unobstructed

Between then and 2002, the west portion of the alley started being used for storage of vehicles and/or vehicle parts.

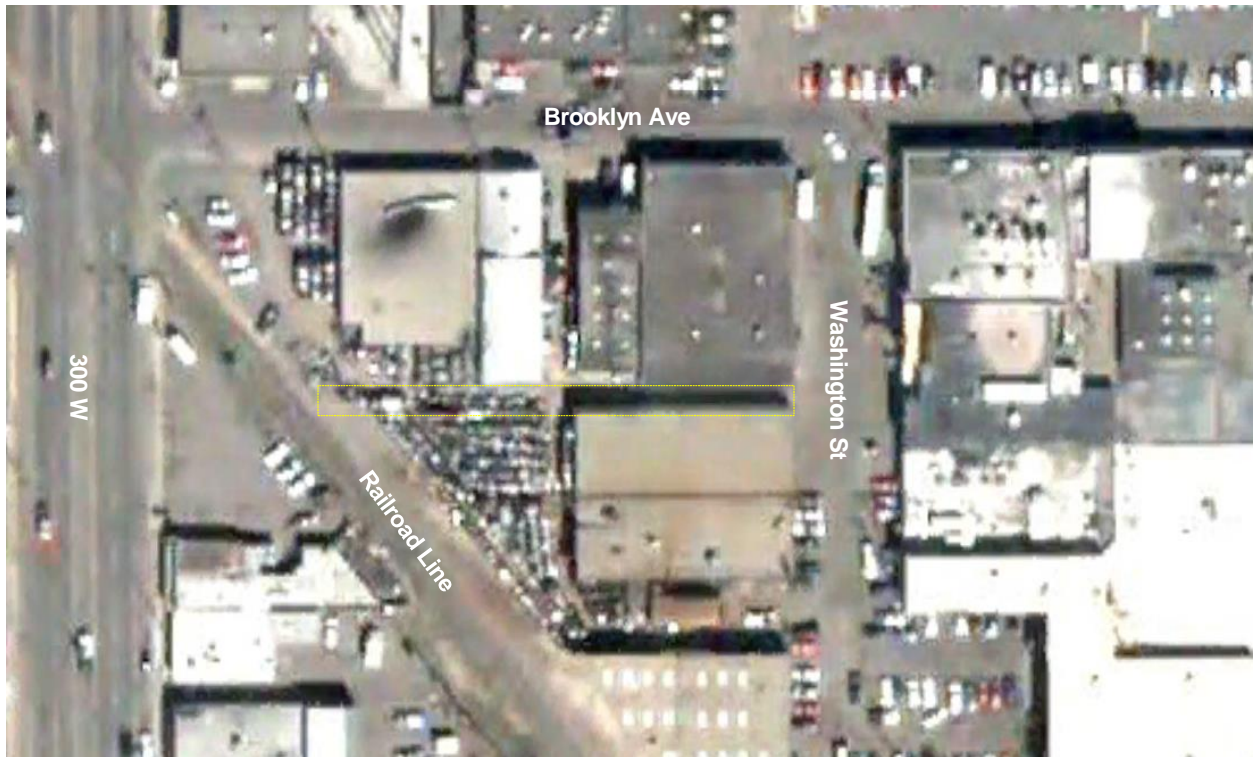


Image 2 - 2002 aerial photograph documents encroachments on the west portion of the alley

The storage of vehicle parts expanded into the east portion sometime around 2010, effectively occupying the entire alley. Also around 2010, a fence was installed parallel to Washington Street to block access from the east end of the alley. Later, a fence was installed on the west end of the alley.



Image 3 - 2010 aerial photograph show the entire alley used for open storage and fence installed on east end of the alley

In considering the applicant's claims to justify the disposition of the alley, staff recognizes that the fence blocking the access to the alley on both ends and the storage encroachments that occurred over time may have contributed to the lack of use of the right of way. Likewise, the fences and the unauthorized use of the alley as storage of vehicle parts raise questions regarding the applicant's public safety claims and whether the alley has in fact contributed to criminal activities and unsafe conditions in recent years. With the alley being closed off to public access it is unlikely that the existence of such alley is substantially contributing to crime and unsafe conditions today. Other factors such as land uses and existing conditions surrounding the alley may have more to do with safety claims than the alley itself.

Consideration 2: Connectivity and Future Public Use

Alleys that run through the interior of blocks provide connections between uses, improve vehicular flow and create opportunities to improve multi-modal transportation and urban design. The subject alley however, does not provide any significant pedestrian or vehicular connection. The alley dead ends at an abandoned railroad line purchased by UTA for potential future light rail development, and the alley's only connection to the road network is from a dead end street. Washington Street ends approximately 220 feet south of the alley and it is visually and functionally more like a private driveway and parking area than a public right of way.

The properties surrounding the alley are zoned CG, General Commercial. The purpose of the CG zoning district is to provide an environment for a variety of commercial uses, some of which may involve outdoor storage, heavy commercial, low intensity manufacturing and warehouse uses. The Central Community Future Land Use Map supports the current zoning, calling for Regional Commercial/Industrial uses in the area. These surrounding uses are less likely to take advantage of the alley as a multi-modal route or urban design element. Although the alley could be used for service and access of adjacent properties, the property owners have not expressed any interest in utilizing it in such a way because access is generally allowed from Brooklyn Avenue and Washington Street.

Consideration 3: Landlocked Parcels

Two of the properties adjacent to the alley do not have frontage on a public street. Vacating the alley would effectively landlock parcels 15-12-406-015 and 15-12-406-018, addressed 1040 S Washington St and 1050 S Washington St respectively.



Image 4 – Map highlighting landlocked parcels

Given that the applicant and his family own these parcels and the abutting ones, the issue can be resolved by consolidating parcels. The plans submitted by the applicant and included in [Attachment C](#) show that the applicant's intention is to consolidate all the parcels south of the alley. Therefore, staff recommends the consolidation of these properties as a condition of approval of the alley vacation request.

DISCUSSION:

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.

While the fence blocking access and the storage encroachments may have contributed to the lack of use of the alley, it offers no significant pedestrian or vehicular connectivity to justify its existence. The alley does not serve as an urban design element to the area and it is unlikely that it will serve such purpose due to the current and future uses of the area. The alley currently leads to an abandoned railroad line, which is not a place staff believes should be activated in its current state and that is unlikely to be in the future if it remains open.

In compliance with the applicable policies, the alley is not being used as a public right of way and the vacation is supported by all the adjacent property owners. Furthermore, City policies and the Central Community Master Plan do not include any policies that would oppose the vacation of this alley.

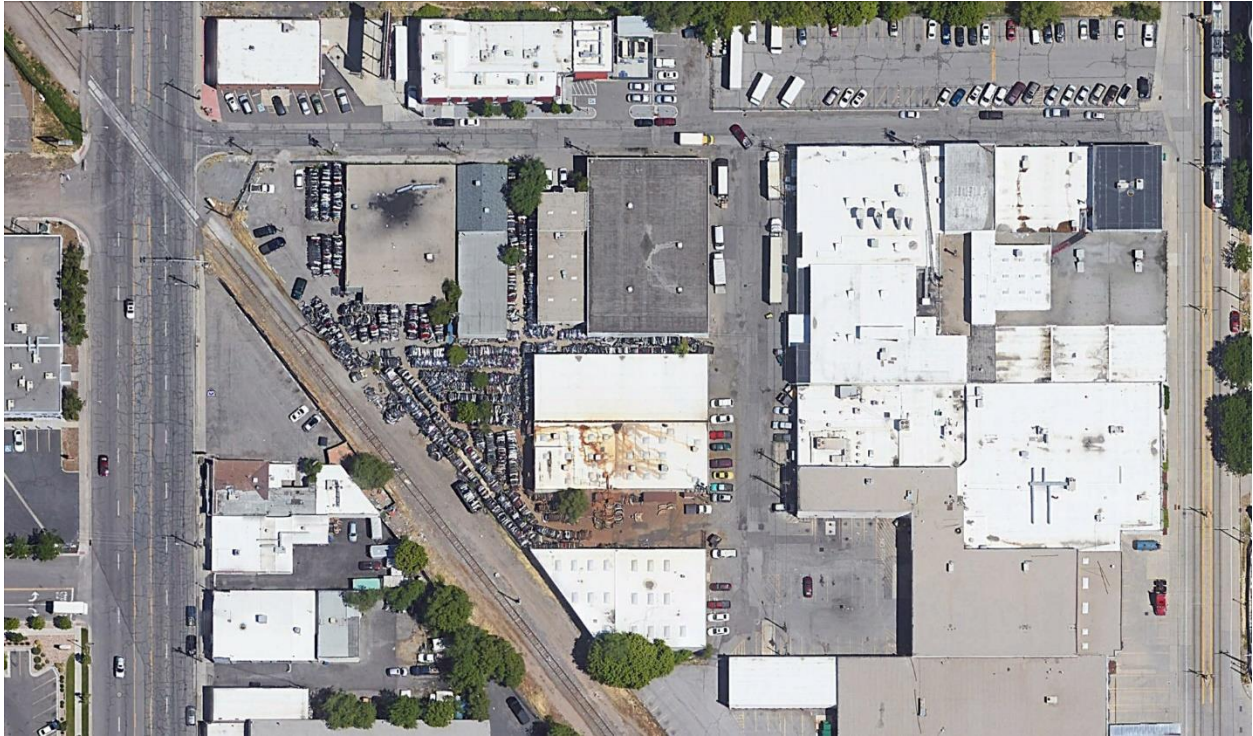
NEXT STEPS:

After the Planning Commission reviews the request, their recommendation will be forwarded to the City Council for consideration. The City Council will make the final decision with respect to this alley vacation request.

ATTACHMENT A: VICINITY MAP



ATTACHMENT B: PROPERTY PHOTOGRAPHS



Aerial view of the alley and surroundings.



View from above looking east of 300 W.



View from above looking west of Washington Street.



Street view of Washington Street from Brooklyn Avenue. The alley is located between the first two buildings on the right.

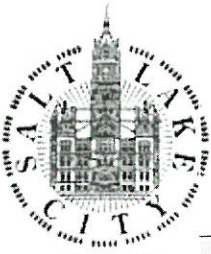


Closer view of the alley from Washington Street. The fence installed on the east end of the alley is visible.



View of the east end of the alley.

ATTACHMENT C: APPLICATION MATERIALS



Alley Vacation or Closure

SALT LAKE CITY PLANNING

OFFICE USE ONLY		
Received By: <u>CHRIS EARL</u> PLNPERM 2019-00400	Date Received: <u>5/2/2019</u>	Project #: <u>PLNPERM 2019-00400</u>

Project Name: WASHINGTON STREET ALLEY

PLEASE PROVIDE THE FOLLOWING INFORMATION

Location of the Alley: 1038 Washington St SLC Utah 84101

Name of Applicant: Salt Lake Chrome Plating Phone: 801-550-8869

Address of Applicant: 1050 Washington St., SLC Utah 84101

E-mail of Applicant: [Redacted] Cell/Fax: [Redacted]

Applicant's Interest in Subject Property:
 Owner Contractor Architect Other:

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

E-mail of Property Owner: [Redacted] Phone: [Redacted]

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 \$253
- 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: [Signature] Date: 3/8/19

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

PETITION TO VACATE OR CLOSE AN ALLEY

Name of Applicant:

Salt Lake Chrome, Junior Ent., X-Perisive Ent.

Address of Applicant:

235-259 269 Brooklyn Ave, 1038, 1050, 1060 Washington St.

Date:

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.

Print Name

Address

Signature

Date

Kevin Theobald 1030 Washington St [Signature] 4/23/19

Print Name

Address

Signature

Date

Charlie Fricks 1039 Washington [Signature] 4/23/19 4/23/19

Print Name

Address

Signature

Date

LEE CRAYK 1027 Washington [Signature] 4/30/19

Print Name

Address

Signature

Date

Print Name

Address

Signature

Date

Print Name

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Salt Lake City Corp.
Planning Division

Re: Petition for alley vacation

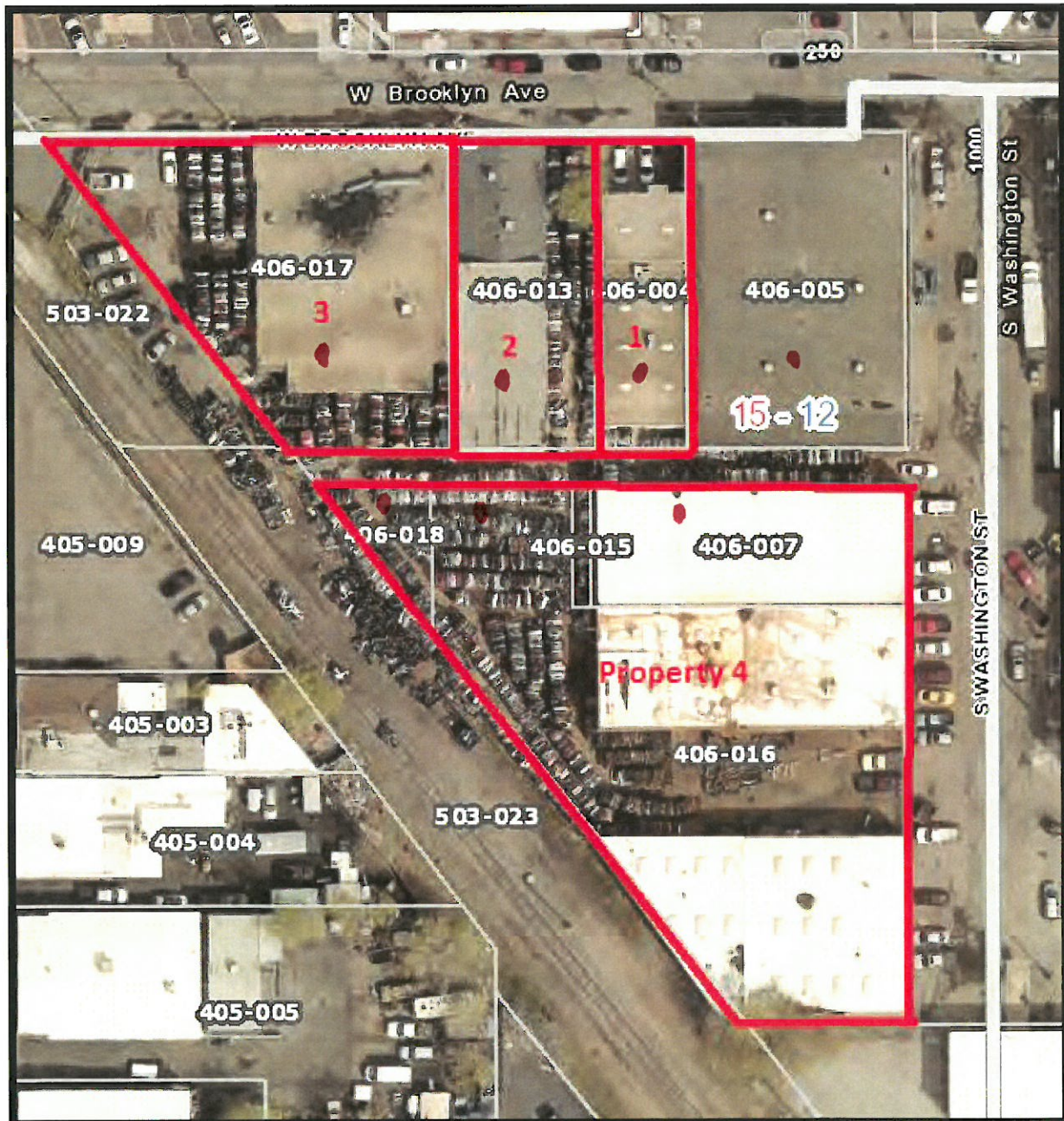
To whom it may concern,

The alley vacation is required to consolidate/connect several pieces of property owned by X-Pensive Enterprises in anticipation of a sale. Policy considerations "lack of use", "public safety", "urban design" and "community purpose" are all applicable.

1. To the best of our knowledge, city departments have no objection to the abandonment.
2. The petition meets all of the policy considerations.
3. Access to the property and off street parking requirements will not be changed by this petition.
4. Granting the petition will not create landlocked property.
5. To the best of our knowledge, this petition will not violate city plans.
6. The one(1) abutting property owner(other than X-Pensive Enterprises) has agreed to this petition.
7. This petition is for the entire alley as shown on the accompanying map.
8. This alley has seen decades of not being used for rear access. There are no residences that can be reached by this alley.

Valuation Overview:

The subject comprises seven parcels, five of which are improved. One of the parcels is improved with two buildings. The highest and best use conclusion is that the property would likely be sold in four property areas, identified herein as Property 1 (parcel 15-12-406-004); Property 2 (parcel 15-12-406-013); Property 3 (parcel 15-12-406-017) and Property 4 (parcel 15-12-406-007, -015, -016 & -018). Property 4 comprises two vacant parcels that would likely be needed for continued use of the two buildings on parcel -016 and one building on parcel -007. Parcel -007 could potentially be sold independently but would lack parking and the concluded highest and best use is to sell the three south buildings together. There is an alley that separates the three south buildings on Property 4 and Properties 1, 2 and 3.



PLAT MAP



Kevin Theobald
Salt Lake Chrome Plating
1050 Washington Street
Salt Lake City, UT 84101

05/13/2019

Mayara Lima
Principal Planner
Department of Community and Neighborhoods
Salt Lake City Corporation
451 S. State Street, Room 406,
Salt Lake City, Utah 84114

Dear Mayara,

In response to your email seeking more clarification regarding the request to vacate the alley at 1038 S Washington Street, please see below for my responses:

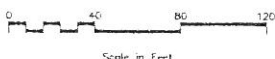
- X-PENSIVE ENTERPRISES I LC, X-PENSIVE ENTERPRISES II LC, X-PENSIVE ENTERPRISES III LC, and JUNIOR ENTERPRISES are companies jointly-owned by Kevin Theobald and Heidi Theobald, whom own parcels 1, 2, 3, 4, and 5. Parcel 6 is owned jointly by Kevin Theobald and Heidi Theobald. Parcel 7 is owned jointly by Heidi Theobald and Charlie Fricks. Please see attached boundary exhibit for parcel map.
- The alley vacation is not required.
- It does not meet *all* policy considerations, but it does meet two:
 - Lack of use: Public use of alley has not happened for at least 20 years, that we know of.
 - Public safety: It does attract criminal and unlawful activity, unsafe conditions, and public health concerns. Vagrants and homeless are often spotted using the alley as a place to stay. Drug-use needles, used condoms, and trash are left behind.
- Our intention is to get a lot line adjustment for parcel 5 and consolidate parcel 4 with parcel 5, so parcel 4 will not be landlocked. Please see attached boundary exhibit for parcel map.
- The length of the alley is approximately 253.48 feet on the southern property line. Please see attached boundary exhibit for approximate measurements.

Thank you for your consideration,

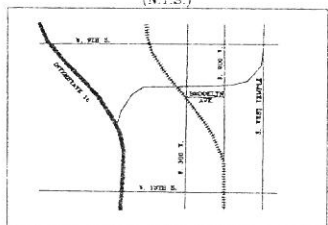

Kevin Theobald

BOUNDARY EXHIBIT
 LOCATED IN THE SOUTHEAST QUARTER OF SECTION 12
 TOWNSHIP 1 SOUTH, RANGE 1 WEST, SALT LAKE BASE
 AND MERIDIAN

FOUND STREET MON.
900 S / 300W



VICINITY MAP
(N.T.S.)



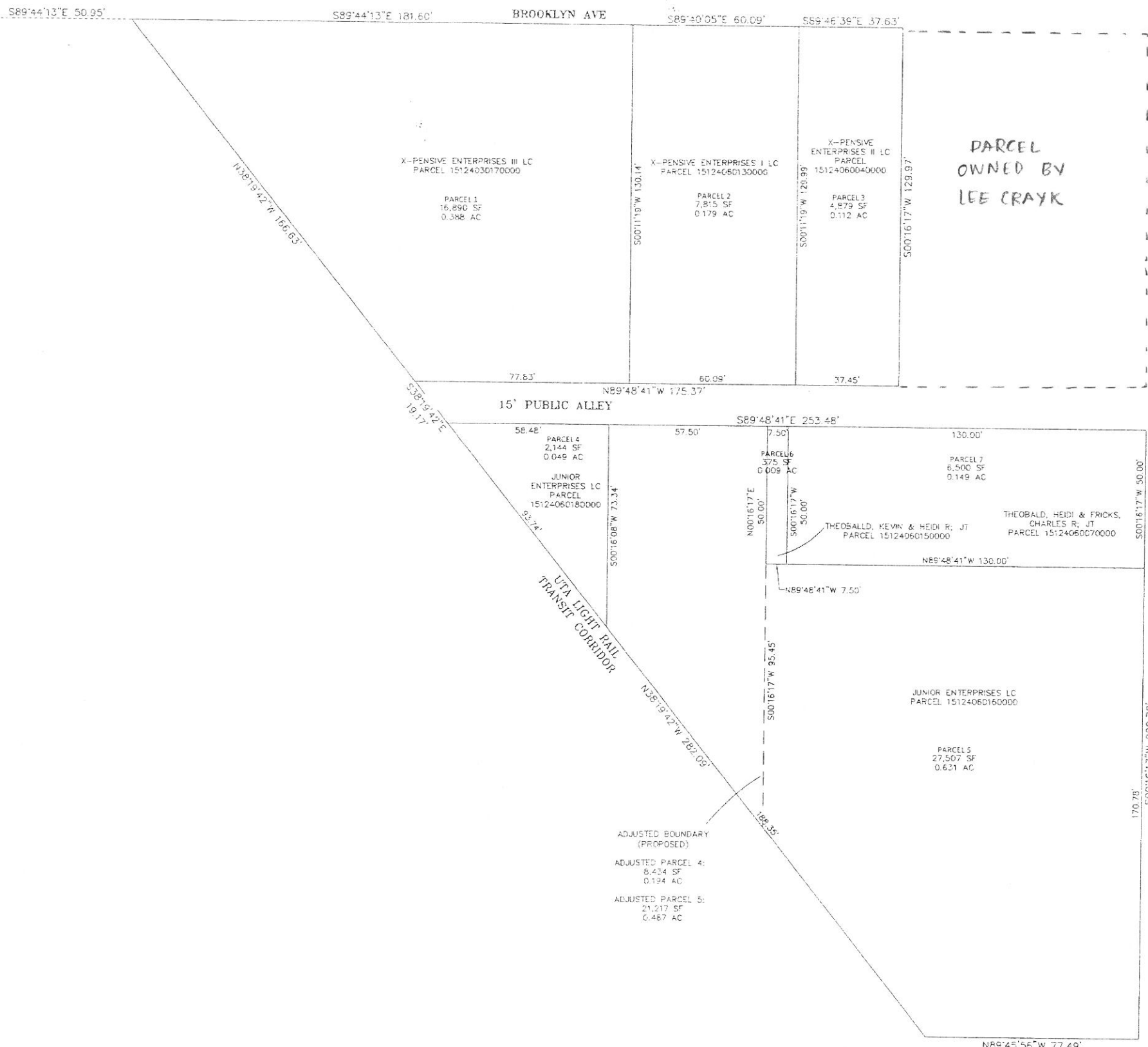
(BASIS OF BEARINGS)

S00°13'48"W 2290.51'

1202.56'

S 300 W

FOUND STREET MON.
300 W / PAXTON AVE.



SURVEYOR'S CERTIFICATE

I, THE UNDERSIGNED, HEREBY CERTIFY THAT I AM A PROFESSIONAL LAND SURVEYOR AND THAT I HOLD LICENSE NO. _____ AS PRESCRIBED UNDER THE LAWS OF THE STATE OF UTAH. I FURTHER CERTIFY THAT THIS SURVEY IS A CORRECT REPRESENTATION OF THE LAND SURVEYED AND HAS BEEN PREPARED IN CONFORMITY WITH THE MINIMUM STANDARDS AND REQUIREMENTS OF THE LAW.

AS SURVEYED DESCRIPTION

PARCEL 1:
 COMMENCING AT A POINT ON THE SOUTHERLY LINE OF BROOKLYN AVENUE AND ON THE EASTERLY LINE OF THE EASTERLY LINE OF THE UTA LIGHT RAIL TRANSIT CORRIDOR WHICH IS SOUTH 00°12'28" WEST A DISTANCE OF 100.91 FEET ALONG A STREET MONUMENT FOUND AT THE INTERSECTION WITH 400 S IN THE NORTHEAST QUARTER OF SECTION 12, TOWNSHIP 1 SOUTH, RANGE 1 WEST, SALT LAKE BASE AND MERIDIAN; AND SOUTH 89°41'13" EAST A DISTANCE OF 50.95 FEET ALONG SAID SOUTHERLY LINE OF BROOKLYN AVENUE; THE POINT OF BEGINNING, THENCE ALONG SAID SOUTHERLY LINE OF BROOKLYN AVENUE, SOUTH 89°41'13" EAST A DISTANCE OF 164.46 FEET TO A POINT HEREINAFTER KNOWN AS POINT "A"; THENCE DEPARTING SAID SOUTHERLY LINE OF BROOKLYN AVENUE, SOUTH 00°11'09" EAST A DISTANCE OF 134.14 FEET TO A POINT ON THE NORTHERLY LINE OF A 15 FOOT PUBLIC ALLEY; THENCE CONTINUING ALONG SAID NORTHERLY LINE OF THE PUBLIC ALLEY, NORTH 89°41'13" EAST A DISTANCE OF 7.13 FEET TO A POINT ON SAID EASTERLY LINE OF THE TRANSIT CORRIDOR TO A POINT HEREINAFTER KNOWN AS POINT "C"; THENCE DEPARTING SAID NORTHERLY LINE OF THE PUBLIC ALLEY, AND CONTINUING ALONG SAID EASTERLY LINE OF THE TRANSIT CORRIDOR, NORTH 38°19'42" WEST A DISTANCE OF 106.63 FEET TO THE POINT OF BEGINNING.

PARCEL 2:
 BEGINNING AT POINT "A" ON SAID SOUTHERLY LINE OF BROOKLYN AVENUE, THENCE CONTINUING ALONG SAID SOUTHERLY LINE OF BROOKLYN AVENUE, SOUTH 89°41'13" EAST A DISTANCE OF 86.05 FEET TO A POINT HEREINAFTER KNOWN AS POINT "B"; THENCE DEPARTING SAID SOUTHERLY LINE OF BROOKLYN AVENUE, SOUTH 00°11'09" EAST A DISTANCE OF 129.99 FEET TO A POINT ON SAID NORTHERLY LINE OF THE PUBLIC ALLEY; THENCE CONTINUING ALONG SAID NORTHERLY LINE OF THE PUBLIC ALLEY, NORTH 89°41'13" EAST A DISTANCE OF 86.05 FEET, THENCE DEPARTING SAID NORTHERLY LINE OF THE PUBLIC ALLEY, SOUTH 00°11'09" EAST A DISTANCE OF 130.14 FEET TO POINT "A".

PARCEL 3:
 BEGINNING AT POINT "B" ON SAID SOUTHERLY LINE OF BROOKLYN AVENUE, THENCE ALONG SAID SOUTHERLY LINE OF BROOKLYN AVENUE, SOUTH 89°41'13" EAST A DISTANCE OF 37.63 FEET, THENCE DEPARTING SAID SOUTHERLY LINE OF BROOKLYN AVENUE, SOUTH 00°11'09" WEST A DISTANCE OF 129.99 FEET TO A POINT ON SAID NORTHERLY LINE OF A 15 FOOT PUBLIC ALLEY; THENCE CONTINUING ALONG SAID NORTHERLY LINE OF THE PUBLIC ALLEY, NORTH 89°41'13" EAST A DISTANCE OF 37.65 FEET, THENCE DEPARTING SAID NORTHERLY LINE OF THE PUBLIC ALLEY, NORTH 00°11'09" EAST A DISTANCE OF 129.99 FEET TO POINT "B".

PARCEL 4:
 COMMENCING AT A POINT ON THE SOUTHERLY LINE OF THE PUBLIC ALLEY WHICH IS SOUTH 38°19'42" EAST A DISTANCE OF 19.77 FEET ALONG SAID EASTERLY LINE OF THE TRANSIT CORRIDOR FROM POINT "C"; THE POINT OF BEGINNING, THENCE ALONG SAID SOUTHERLY LINE OF THE PUBLIC ALLEY, SOUTH 89°41'13" EAST A DISTANCE OF 58.48 FEET TO A POINT HEREINAFTER KNOWN AS POINT "D"; THENCE DEPARTING SAID SOUTHERLY LINE OF THE PUBLIC ALLEY, SOUTH 00°11'09" WEST A DISTANCE OF 73.34 FEET TO A POINT ON SAID EASTERLY LINE OF THE TRANSIT CORRIDOR; THENCE CONTINUING ALONG SAID EASTERLY LINE OF THE TRANSIT CORRIDOR, NORTH 38°19'42" WEST A DISTANCE OF 63.74 FEET TO THE POINT OF BEGINNING.

PARCEL 5:
 BEGINNING AT POINT "D" ON SAID SOUTHERLY LINE OF THE PUBLIC ALLEY, THENCE ALONG SAID SOUTHERLY LINE OF THE PUBLIC ALLEY, SOUTH 89°41'13" EAST A DISTANCE OF 57.50 FEET TO A POINT HEREINAFTER KNOWN AS POINT "E"; THENCE DEPARTING SAID SOUTHERLY LINE OF THE PUBLIC ALLEY, SOUTH 00°11'09" WEST A DISTANCE OF 50.00 FEET, THENCE SOUTH 89°41'13" EAST A DISTANCE OF 137.50 FEET TO THE WESTERLY LINE OF WASHINGTON STREET, THENCE ALONG SAID WESTERLY LINE OF WASHINGTON STREET, SOUTH 00°11'09" WEST A DISTANCE OF 100.00 FEET, THENCE DEPARTING SAID WESTERLY LINE OF WASHINGTON STREET, NORTH 00°11'09" WEST A DISTANCE OF 77.49 FEET TO A POINT ON SAID EASTERLY LINE OF THE TRANSIT CORRIDOR; THENCE CONTINUING ALONG SAID EASTERLY LINE OF THE TRANSIT CORRIDOR, NORTH 38°19'42" WEST A DISTANCE OF 183.39 FEET, THENCE DEPARTING SAID EASTERLY LINE OF THE TRANSIT CORRIDOR, NORTH 00°11'09" EAST A DISTANCE OF 73.34 FEET TO POINT "D".

PARCEL 6:
 BEGINNING AT POINT "E" ON SAID SOUTHERLY LINE OF THE PUBLIC ALLEY, THENCE ALONG SAID SOUTHERLY LINE OF THE PUBLIC ALLEY, SOUTH 89°41'13" EAST A DISTANCE OF 7.50 FEET TO A POINT HEREINAFTER KNOWN AS POINT "F"; THENCE DEPARTING SAID SOUTHERLY LINE OF THE PUBLIC ALLEY, SOUTH 00°11'09" WEST A DISTANCE OF 50.00 FEET, THENCE NORTH 89°41'13" WEST A DISTANCE OF 7.50 FEET, THENCE NORTH 00°11'09" EAST A DISTANCE OF 50.00 FEET TO POINT "E".

PARCEL 7:
 BEGINNING AT POINT "F" ON SAID SOUTHERLY LINE OF THE PUBLIC ALLEY, THENCE ALONG SAID SOUTHERLY LINE OF THE PUBLIC ALLEY, SOUTH 89°41'13" EAST A DISTANCE OF 130.00 FEET TO A POINT ON SAID WESTERLY LINE OF WASHINGTON STREET; THENCE DEPARTING SAID SOUTHERLY LINE OF THE PUBLIC ALLEY, AND CONTINUING ON SAID WESTERLY LINE OF WASHINGTON STREET, SOUTH 00°11'09" WEST A DISTANCE OF 50.00 FEET, THENCE DEPARTING SAID WESTERLY LINE OF WASHINGTON STREET, NORTH 89°41'13" WEST A DISTANCE OF 130.00 FEET, THENCE NORTH 00°11'09" EAST A DISTANCE OF 50.00 FEET TO THE POINT OF BEGINNING.

BASIS OF BEARING

BASIS OF BEARING IS SOUTH 00°13'48" WEST BETWEEN FOUND STREET MONUMENTS AT THE INTERSECTION OF S 900 W AND 400 S, AND THE INTERSECTION OF S 300 W AND PAXTON AVENUE IN THE EAST HALF OF SECTION 12, TOWNSHIP 1 SOUTH, RANGE 1 EAST, SALT LAKE BASE AND MERIDIAN.

SURVEYOR'S NARRATIVE:

THE BOUNDARY FOR THE PROPERTIES REFERENCED IN THE TITLE COMMITMENT BEING SURVEYED FOR THE CLIENT WERE FOUND BASED ON BEST AVAILABLE EVIDENCE IN THE FIELD. EXISTING TITLE AND PHYSICAL BOUNDARIES WERE TAKEN INTO CONSIDERATION IN THE LOCATION OF THE BOUNDARY. THE PURPOSE OF THIS SURVEY IS TO RETRACE THE BOUNDARIES OF THE PROPERTIES SHOWN ACCORDING TO OFFICIAL RECORDS AND FOUND MONUMENTS. EXISTING SURVEY MONUMENTS FOUND AS SHOWN.

FLOODPLAIN:

SUBJECT PROPERTY LIES WITHIN ZONE X (OTHER AREAS) AREA OF MINOR FLOOD HAZARD. AS SET FORTH BY FIRM FLOOD INSURANCE RATE MAP, MAP NUMBER 9905000202, LAST PRINTED EFFECTIVE DATE, 06/02/2012, FIRMETT, EXAMINED 05/06/2016 AT 10:46 AM.

GENERAL NOTES:

1. NO ATTEMPT HAS BEEN MADE AS A PART OF THIS SURVEY TO OBTAIN OR SMOG DATA CONCERNING EXISTENCE, SIZE, DEPTH, CONDITION, CAPACITY OR LOCATION OF UNDERGROUND UTILITIES OR MUNICIPAL PUBLIC SERVICE FACILITIES. FOR INFORMATION REGARDING THESE UTILITIES OR FACILITIES CONTACT THE APPROPRIATE AGENCIES.



555 2nd St., Suite 210 Lakewood CO, 80228
 Ph: (303) 688-5452 Fax: (303) 688-2165
 EMAIL: info@sam.biz

Recorder

REV. 0
03/06/19

SCALE 1"=20'

BNDY

BOUNDARY EXHIBIT

SOUTHEAST QUARTER SECTION 12,
TOWNSHIP 1S, RANGE 1W, SLB&M

KEVIN THEOBALD
SALT LAKE CHROME/JUNIOR ENTERPRISES/
X-PENSIVE ENTERPRISES

ATTACHMENT D: ANALYSIS OF STANDARDS

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 applicant cites policy considerations A – Lack of Use and B – Public Safety in his narrative. The applicant states that public use of the alley has not happened for at least 20 years. In addition, he argues that the alley attracts criminal and unlawful activity and creates unsafe conditions and public health concerns.

Finding: The proposed alley vacation complies with policy consideration A – Lack of Use, as discussed in Consideration 1 of this staff report. Policy consideration B – Public Safety was not evident from an on site inspection. The consideration is questionable since the alley has been closed off and no additional information was provided to support the argument.

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:

Factor	Finding	Rationale
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;	Complies	Staff requested input from pertinent City Departments and Divisions. Engineering objected to the disposition of the alley, finding no community benefit in the request and reasoning that the existing fences and unauthorized use of the right of way have contributed to the lack of use and diminished the value of the alley. Staff addressed Engineering’s concern in Consideration 1 of this staff report. The department comment is included in Attachment F . All other divisions

		found no issues with the proposal or provided no comments.
2. The petition meets at least one of the policy considerations stated above;	Complies	The proposed alley vacation satisfies the Lack of Use policy consideration of 14.52.020.
3. The petition must not deny sole access or required off-street parking to any adjacent property;	Complies with conditions	As discussed in Consideration 3 of this staff report, two of the properties adjacent to the alley do not have frontage on a public street. These properties do not have primary uses and are accessory to the abutting properties. Given that these parcels operate with the abutting parcels and are owned by the applicant, the approval of the alley vacation must be conditioned on the consolidation of abutting properties to eliminate landlocked parcels.
4. The petition will not result in any property being landlocked;	Complies with conditions	Two properties adjacent to the alley are currently landlocked. Staff recommends the approval of the alley vacation request on the condition that these parcels be on the consolidated with the abutting properties.
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;	Complies	One of the initiatives of the Plan Salt Lake is to promote increased connectivity through mid-block connections. However, as discussed in Consideration 2 of this report, this alley does not provide a significant pedestrian or vehicular connection. The Central Community Master Plan does not include any policy that would oppose the vacation of the alley.
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;	Not applicable	The applicant owns 6 of the adjacent properties. The other two abutting property owners signed the petition in favor of vacating the alley.
7. The petition furthers the City preference for disposing of an entire alley, rather than a small segment of it; and	Complies	The applicant is requesting to vacate the entire alley.
8. The alley is not necessary for actual or potential rear access to residences or for accessory uses.	Complies	There are no residences adjacent to the alley and the alley is not serving as access to any of the abutting properties.

ATTACHMENT E: PUBLIC PROCESS AND COMMENTS

The following is a list of public meetings that have been held, and other public input opportunities, related to this project:

Public Notices:

- Notice of the project and request for comments sent to the Chairs of the Ball Park and Central 9th Community Councils on May 14, 2019 in order to solicit comments. Both requested that the applicant and staff present the project at their meetings.
 - The applicant and staff attended the Central 9th Community Council on June 5, 2019. The attendees took a vote at that meeting and were unanimously in support of the request.
 - Staff attended the Ball Park Community Council on June 6, 2019. The attendees took a vote at that meeting and were generally in support of the request.
- Open House notice was mailed on June 12, 2019.
- Open House was held at the Sorenson Unity Center at 1383 S 900 W on June 20, 2019. Staff did not receive any comments at the meeting.

Public Hearing Notice:

- Public hearing notice mailed on June 28, 2019.
- Public hearing notice posted on City and State websites on June 28, 2019.
- Sign posted on the property on June 28, 2019.

Public Comments:

- At the time of the publication of this staff report, no public comment was received. Any comments received after the publication of this staff report will be forwarded to the Commission.

ATTACHMENT F: DEPARTMENT REVIEW COMMENTS

Engineering – Scott Weiler

Engineering opposes the proposed closure/vacation of the alley for the following reasons:

- They argued that the public has not used the alley in 20 years. Using Google Maps, it was noted that it would be pretty hard for the public to use the alley since they fenced it off and have used it for storage of vehicles,
- They note that criminal activities have been occurring in the alley. My suggestion is to remove the fence and clear out the vehicle debris to see if it affects the criminal activity,
- By their derelict use of the ROW, they have diminished the value of the alley. For this diminished value, they will pay to own the alley. Since it is community property, I do not believe the community receives a benefit from this vacation.

If the city does choose to vacate the alley, the City Engineer's suggestion is to determine the increased value to the properties surrounding the alley and that increase plus the land value of the alley should be the selling price.

Transportation, Fire, Building, Zoning and Public Utilities found no issues with the request.

Real Estate Services, Sustainability and Police provided no comments.