**Staff Report**

**DEPARTMENT of COMMUNITY and NEIGHBORHOODS**

To: Salt Lake City Planning Commission  
From: Katia Pace, 801 535-6354, kasia.pace@slcgov.com  
Date: June 14, 2023  
Re: PLNPCM2022-01128 Alley Vacation – at approximately 268 W Paxton Avenue

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**Alley Vacation**

**ADDRESSES & PARCEL NUMBER OF PROPERTIES ADJACENT TO THE ALLEY:**
1. 1161 S 300 West  
2. 268 W Paxton Avenue  
3. 274 W Paxton Avenue  
4. 260 W Paxton Avenue  
5. 254 W Paxton Avenue  
6. 244 W Paxton Avenue  
7. 240 W Paxton Avenue  
8. 218 W Paxton Avenue  
9. 216 W Paxton Avenue  
10. 1125 S 300 West

**MASTER PLAN:** Central Community Master Plan  
**ZONING DISTRICT:** CG (General Commercial District)  
**COUNCIL DISTRICT:** Council District 5, represented by Darin Mano

**REQUEST:**
This is a request from RCB Rental Properties and Little Garage, Inc. to vacate the north-south portion of the “L” shaped alley between 1161 South 300 West and 268 West Paxton Avenue. The alley is part of the Harrington, Donnelly and Newell’s Subdivision. The applicant is requesting the alley vacation because the alley has become a nuisance, contributing to unsafe conditions.

**RECOMMENDATION:**
Based on the findings listed in the staff report, it is the Planning Staff’s opinion that the project does not meet the applicable standards and therefore recommends that the Planning Commission forward a negative recommendation to the City Council.

**ATTACHMENTS:**
A. Vicinity Map  
B. Subdivision & Atlas Map  
C. Application & Proposed Easement  
D. Analysis of Standards  
E. Public Process & Comments  
F. Department Review Comments
**BACKGROUND & CURRENT CONDITIONS:**

The “L” shaped alley running between 1161 South 300 West and 268 West Paxton Avenue is part of the Harrington, Donnelly and Newell’s Subdivision. The subdivision was created in 1890 and the eastern end of the alley, across from the railroad tracks and with access to 200 West, was vacated in 1960. The north-south portion of the alley is 12 feet wide, and the east-west portion is 25.7 feet wide. The entire block of the alley is zoned CG (General Commercial), and the land use of the abutting properties is mostly commercial, multi-family and one single-family dwelling.

The applicants at 268 West Paxton Avenue (RCB) and 1161 S 300 West (Little Garage) are partners. There are no fences between their property and the alley. Currently, this portion of the alley is indistinguishable from their parking lot.

*The yellow line shows the entire alley, and the red dotted line (on top of the yellow line) shows the proposed alley vacation.*

*View of the proposed alley vacation from Paxton Avenue.*
**Applicant’s Justification**

When Little Garage at 1161 South Parcel was purchased in 2015, the property owner noticed a sharp increase in the homeless population in the area. Camps in the alleyway were a common occurrence, making it difficult to access his business. Theft was then (and still is) a persistent problem in the area. Little Garage regularly takes care of 20 to 50 vehicles on its property. In 2020 these issues prompted the property owner to install a gate to prevent homeless people from camping in the alley. Subsequently, the primary access to the east-west portion of the alley became from the property at 1125 S 300 West (shown as #10 on the graphic below).
**Abutting property owners:**

1. 1161 S 300 West - THERALD & RYAN BUSHMAN (petitioner)
2. 268 W Paxton Avenue - RCB RENTAL PROPERTIES (petitioner)
3. 274 W Paxton Avenue - RCB RENTAL PROPERTIES (petitioner)
4. 260 W Paxton Avenue - RCB RENTAL PROPERTIES (petitioner)
5. 254 W Paxton Avenue - RCB RENTAL PROPERTIES (petitioner)
6. 244 W Paxton Avenue - PAXTON HOLDINGS
7. 240 W Paxton Avenue - JAMES C YEATES
8. 218 W Paxton Avenue - PAXTON PLACE
9. 216 W Paxton Avenue - M-SHOT HOLDINGS
10. 1125 S 300 West - KPR ASSOCIATES
11. 1095 S 300 West - REALTY INCOME PROPERTIES 5

The yellow line shows the entire alley, and the red dotted line (on top of the yellow line) shows the proposed alley vacation.

**Alley Access**

Instead of accessing the east-west alley from the north-south portion of the alley, access has been mostly from 300 West through the property at 1125 S 300 West. The reason is likely due to the gate installed on the north-south alley and subsequent personal use by the applicant.

The following information details how each abutting property owner utilizes the alley.

- **Properties 1 and 2** abut the north-south alley, and the owners are the applicants for this petition. The existing alley is mostly used for their personal use.
- **Properties 3, 4 and 5** are owned by the applicant also. These properties use Paxton Avenue as the primary access to their property.
- **Property 6** uses the alley to access the property even though it can also be accessed from Paxton Avenue. This property owner has agreed to the proposed vacation if there were an easement that would make access from 300 West official.
• **Property 7** is a single-family dwelling, and the alley is the only access to its off-street parking. This property has a fence that blocks the alley access further east.

View of 240 W Paxton Avenue (# 7) front and back.

• **Properties 8 and 9** do not access the alley. These properties are fenced off from the alley with no access to it and fenced from the east of 240 W Paxton Avenue.

• **Property 10** has a small portion of the southwest parcel that abuts the alley. This property encroaches into the alley by partly using it for parking. This property is also the primary vehicular access to the east-west alley, cars using the east-west alley come in from 300 West into this property. This property owner has agreed to give access to the east-west alley through an easement if the north-south access is vacated (see below for additional information on the easement).

• **Property 11** is not part of the subdivision plat and has no access to the alley.

**Proposed Easement**
The only alternative to keeping the entire alley open is an easement. The applicants have proposed to provide access to the east-west alley through an easement. The easement would be from 1125 S 300 West and would make the access that is being used now official.

Shows the proposed private easement with dash lines.
KEY CONSIDERATIONS

Issue 1. Loss of Access
The off-street access to the property at 240 W Paxton Avenue is through the alley. This is a narrow lot that has no access to the rear of their lot from Paxton. The only alternative to keeping the entire alley open is an easement. The applicants have proposed to provide access to the east-west alley through an easement. The property at 240 W Paxton Avenue is opposed to having the north-south portion of the alley vacated.
According to the City Attorney’s Office, the request with the easement is not legally prohibited but it’s not something that Planning Staff should recommend for approval due to (1) the need to maintain access to the east-west portion of the alley and (2) even if a private easement were able to be obtained from the adjoining property owner, such an easement interest would be inferior to the City’s current interest in the dedicated alley.

**Issue 2. Property owner Support**

The property owner at 240 W Paxton Avenue has sent an email stating that he is opposed to the proposed alley vacation. The previous property owner of 244 W Paxton Avenue also was opposed to this proposal, however, the property recently changed ownership and the new property owner is in favor of the proposed alley vacation only if an easement is secured to continue his access to his property from the alley. Copies of the emails can be found on Attachment E of this staff report.

Out of the eleven properties that abut this alley seven property owners either signed the petition or sent an email supporting it. Three of the properties don’t access the alley and did not reach out with an opinion.

**Issue 3. Master Plan Considerations**

A key factor used to analyze an alley vacation addresses whether the vacation would 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. The following master plans are applicable to the subject alley:

- **Central Community Master Plan**, adopted in 2005.
  - The plan does not address alley vacations.
- **Plan Salt Lake**, adopted in 2015.
  - GUIDING PRINCIPLE/A beautiful city that is people focused.
    - Promote increased connectivity through mid-block connections.

Plan Salt Lake promotes increased connectivity through mid-block connections. However, this alley is not needed for a midblock connection since it dead ends at the railroad right-of-way.

**Issue 4. Future Public Use of the Alley**

There are three apparent options for how the City Council can take action regarding this alley:

1. To leave it as it is, open in its entirety. That requires no action. The applicant would need to ensure that the north-south portion of the alley is clear for vehicular access.
2. Partially vacate a portion of the alley. That’s the option that reflects this request. The north-south portion of the alley would be sold at fair market value to the applicant. This would require an easement agreement from the property to the north at 1125 S 300 West.
3. Vacate the entire alley. This option would require that the alley be sold to the abutting property owners at fair market value and an easement be placed for access to the properties requiring it. However, this is not a viable option because not all the property owners are interested in purchasing the portion of the alley that abuts their property.

**DISCUSSION:**

Staff finds that the applicants have a legitimate reason to create a safer environment for their businesses and to vacate this portion of the alley. However, vehicular access is the principal function of an alley. The access to the east-west alley has been mostly from 300 West through the property at 1125 S 300 West. The reason for
that might be because the north-south alley has been gated and used for the applicant's personal use. The property owners have had to adapt to no alley access because of the gate.

The property owner at 240 W Paxton Avenue needs to continue to access his required off-street parking and he is opposed to this alley vacation. A private easement to the east-west portion of the alley is not an ideal solution because it leaves a piece of public right-of-way landlocked from the remainder public street system.

Due to a number of the issues identified above, Planning Staff recommends that the Planning Commission forward a negative recommendation for this alley vacation request to the City Council.

**NEXT STEPS:**

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 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 from a proposal. Once the Planning Commission has reviewed the request, their recommendation is forwarded to the City Council for consideration. The City Council has final decision authority regarding alley vacations and closures.

An alley vacation means that Salt Lake City vacates its interest in the alley as City property and declares it surplus property. If the abutting property is zoned for high density, commercial or industrial use the City sells the property at fair market value to the abutting property owners.
Abutting property owners:
1. 1161 S 300 West – THERALD & RYAN BUSHMAN (petitioner)
2. 268 W Paxton Avenue – RCB RENTAL PROPERTIES (petitioner)
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10. 1125 S 300 West – KPR ASSOCIATES
11. 1095 S 300 West – REALTY INCOME PROPERTIES 5
Attachment C
Application & Proposed Easement
November 28, 2022

SUBMITTED VIA SLC CITIZEN ACCESS PORTAL
Salt Lake City Council
Salt Lake City Planning Commission
451 South State Street
P.O Box 145480
Salt Lake City, Utah 84114

Re: RBC Properties’ Petition to Vacate Alleyway

To Whom it May Concern:

This law firm represents RCB Rental Properties, LLC ("RCB") and Little Garage, Inc. (collectively, "RCB"). RCB petitions Salt Lake City (the “City”) to vacate an alleyway running through its property located at 1161 South 300 West (the “1161 South Parcel”) and 268 West Paxton Avenue (the “268 West Parcel”). As described more fully below, the character and use of the Property and neighboring parcels have changed dramatically since the alley was originally created in the late 1800s. As a consequence, the alley has not been used for access to neighboring properties since at least the 1980s. Instead of being used for access, homeless people frequently camped in the area, particularly in the mid-2010s. This activity led to theft in the surrounding area and disrupted RCB’s business, which prompted RCB to install a gate and pave the alley. RCB did so with the surrounding owners’ blessing. The alley no longer serves any useful purpose and has not been used for decades. Vacating it is consistent with the City Code, and RCB asks the City to grant this petition and vacate the alley.

Background

In 1955, Little Garage opened a full-service auto repair shop located at 1161 South 300 West. Therald Bushman, the former owner of Little Garage, purchased the 1161 South building in 1987. The building is immediately west of an alley created in the late 1800s. The original subdivision plat depicts an alleyway used to access the northern portion of several narrow residential lots to the east of Little Garage. But by the 1980s, the alley was used
exclusively by Little Garage’s customers and employees to access the western portion of the 1161 South Parcel and the east side of the 268 West Parcel. A copy of the subdivision plat is attached as Exhibit A.

Paxton Garage acquired the 268 West Parcel in the early 1990s. Paxton Garage built a fence on the east side of the alley following the purchase. For the next 35 years, Little Garage continued to use and maintain the alley to access the east side of the 1161 South Parcel. For example, Little Garage paved the alley in 2003 and has provided snow removal services. No one else used the alley.

Ryan Bushman acquired Little Garage in 2015 from his father, Therald. Ryan immediately noticed a sharp increase in the homeless population in the area. Ryan and his employees often found camps erected by homeless people in the alleyway, making it difficult for them to access Little Garage. Theft was then (and still is) a persistent problem in the area. Little Garage regularly takes care of 20 to 50 vehicles on its property. Its livelihood depends on being able to assure customers that their vehicles are secure. These issues prompted Ryan to ask neighboring property owners whether they had any objections to him installing a gate to prevent homeless people from camping in the alley. All the surrounding owners agreed. Ryan installed a gate on the north end of the alley in about 2020.

Ryan and RCB eventually purchased the 268 West Parcel from Paxton Garage. With ownership of all parcels bordering the alley, RCB no longer had any need for the fence on the eastern boundary of the alley. RCB took down the fence in 2020, around the same time it installed the gate. Below is an aerial photograph showing the 1161 South Parcel and the 268 West Parcel, with the approximate area of the alley highlighted in yellow:
RCB and the owner to the north have paved portions of the alley, but the remaining portions of the alley are still unimproved. No property owners have complained about the gate RCB installed, likely because none of them have ever needed to use the area between the 1161 South Parcel and the 268 West Parcel to access their properties.

**Petition to Vacate Alleyway**

RCB petitions the City to vacate the portion of the alley between the 1161 South Parcel and the 268 West Parcel. Under section 14.52.020, the “City will not consider disposing of an interest in an alley” unless the petition “satisfies at least one of” four “policy considerations”—lack of use, public safety, urban design, or community purpose. *See* Salt Lake City Code, § 14.52.020. A “lack of use” exists if the alley “appears of record or is reflected on an applicable plat,” but “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.” *Id.* § 14.52.020.A. Public safety warrants vacation of an alley if the “alley is substantially contributing to crime, unlawful activity, unsafe conditions, public health problems, or blight in the surrounding area.” *Id.* § 14.52.020.B. Finally, if “the continuation of the alley does not serve as a positive urban design element,” the City may consider vacating the alley. *Id.* § 14.52.020.C.

If one of these policy considerations supports vacating an alley, the City will consider the petition and vacate the alley based on an analysis of eight additional factors:

1. The City Police Department, Fire Department, Transportation Division, and all other relevant City departments and divisions have no reasonable objection to the proposed disposition of the property;
2. The petition meets at least one of the policy considerations stated above;
3. Granting the petition will not deny sole access or required off street parking to any property adjacent to the alley;
4. Granting the petition will not result in any property being landlocked;
5. 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 . . . ;
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 twelve (12) months of issuance of the building permit;
7. The petition furthers the City preference for disposing of an entire alley, rather than a small segment of it; and
8. The alley property is not necessary for actual or potential rear access to residences or for accessory uses.

See City Code § 14.52.030.B.

The policy considerations and additional factors weigh in favor of vacating the alley. Beginning with the policy considerations, the alleyway should be vacated for lack of use, public safety, and urban design. For at least the past 35 years, no one has used the alley to access the northern portion of the properties bordering Paxton Avenue. Instead, it has been used exclusively by Little Garage, RCB, and their predecessors to access the 1161 South Parcel and the 268 West Parcel. Currently, this portion of the alley is indistinguishable from a parking lot and does not appear to “physically exist.” See City Code §14.52.020.A. As noted above, public safety also supports vacating the alley due to the history of crime and homeless camps in the area. Had RCB not taken down the fence and installed a gate on the northern edge of the alley, there would likely still be homeless people camping between the businesses. If RCB is forced to remove the gate, such activity may return. Finally, the continued existence of the alley serves no “urban design element.” Id. § 14.52.020.C. The character and use of the surrounding area has changed dramatically since the alley was created in the late 1800s. There are no longer residences built on narrow lots that need a back alley to access parking or accessory garages.

The additional eight factors in section 14.52.030.B also weigh in favor of vacating the alley. As noted above, this petition meets three of the four policy considerations outlined in section 14.52.020. Next, granting the petition “will not result in any property being landlocked,” nor will it “deny sole access or required off street parking to any property adjacent to the alley.” Id. § 14.52.030.B. 3, 4. All the properties bordering the alley have access from Paxton Avenue. Most of the alley is also unimproved, and no one other than RCB uses it for access. A parcel map and aerial photograph from the Salt Lake County Recorder's Office confirming these facts is attached as Exhibit B. For similar reasons, the “alley property is not necessary for actual or potential rear access to residences or for accessory uses.” Id. 14.52.030.B.8. Additionally, vacating the easement will not “result in a use of the alley property which is otherwise contrary to the policies of the City.” The alley is not used as a walkway, pedestrian path, trail, or other form of alternative transportation. See City Code § 14.52.030.B.5. RCB is also unaware of any plans to build a garage that would require the alleyway for access. Id. § 14.52.030.B.6.

That leaves one final factor—whether the “petition furthers the City preference for disposing of an entire alley, rather than a small segment of it.” RCB does not ask the City to dispose of the entire alley. Instead, it asks for the City to vacate only the portion of the alley between the 1161 South Parcel and the 268 West Parcel. Attached as Exhibit C is a map showing the area of the alley that RCB requests the City to vacate. While the City prefers to dispose of an entire alleyway, doing so here is unnecessary to further the other policies
expressed in City ordinances. The unvacated portion of the alley extends into a parking lot north of the 1161 South Parcel. Even though no one has used this portion of the alley for access in many years, to the extent any City departments believe the alley is necessary for emergency access, vacating the alley between 1161 South and 268 West will not inhibit emergency vehicles from accessing the remaining alleyway through the parking lot. Notably, the owner of that parcel has signed this petition and does not object to only part of the alley being vacated.

RCB’s petition complies with other requirements in the City Code. Enclosed are the signatures of at least 75% of the property owners who abut the portion of the alley RCB asks to be vacated. The names, addresses, and signatures of these owners are attached as Exhibit D. Colored dots on Exhibit B identify which property owners have signed the Petition. A check paying the applicable fee has also been submitted concurrently with this petition.

**Conclusion**

In sum, all but one of the eight factors weighs in favor of granting this petition. The alley has not been used for access in at least 35 years, and no property owner is currently using the alley for access. Vacating the alley is consistent with three of the four policy considerations identified in the City Code, including the promotion of public safety in the area. On balance, the applicable factors weigh decisively in favor of vacating the alley. RCB accordingly requests that the City grant the petition.

Submitted this 28th day of November, 2022.

BENNETT TUELLER JOHNSON & DEERE

/ s/ Ryan M. Merriman
H. Craig Hall
Ryan M. Merriman
*Attorneys for RCB Rental Properties, LLC and Little Garage, Inc.*
EXHIBIT A
EXHIBIT B
This map was created by the office of the Salt Lake County Assessor, in July 7, 2022.

The information depicted here is to be taken as an approximate fit in regards to the spatial position of the layers presented. This map is not intended to represent an actual field Survey of, nor establish the actual relation between, any of the layers depicted here.
EXHIBIT C
Description of the Proposed Alley Vacation or Closure

An area of land approximately 12.3 feet wide between parcel no. 15-12455-013 and parcel no. 15-12455-005, which extends approximately 165.1 feet north from the southern boundary of those parcels before terminating approximately 30 feet from the northern boundary of parcel no. 15-12455-013 into parcel no. 15-12405-106.

This area is outlined in yellow on the second page of this Exhibit.
This map was created by the office of the Salt Lake County Assessor, in Salt Lake City, Utah. The information depicted here is to be taken as an approximate fit in regards to the spatial position of the layers presented. This map is not intended to represent an actual field Survey of, nor establish the actual relation between, any of the layers depicted here.

Esri, HERE, GeoTechnologies, Inc., County of Salt Lake, Bureau of Land Management, Utah AGRC, Esri, HERE, Garmin, GeoTechnologies, Inc., July 18, 2022
EXHIBIT D
Name of Applicant:
RCB Rental Properties, LLC c/o Bennett Tueller Johnson & Deere

Address of Applicant:
1161 South 300 West, Salt Lake City, Utah 84101

Date:
7/27/2022

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.

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<td>Phillip Gibbons</td>
<td>1125 S 300 W</td>
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<td>Linda Gibbons</td>
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<td>Kevin Inkley</td>
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<td>Chris Bushman</td>
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<td>Ryan Bushman</td>
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27
PETITION TO VACATE OR CLOSE AN ALLEY

Name of Applicant:
RCB Rental Properties, LLC c/o Bennett Tueller Johnson & Deere

Address of Applicant:
1161 South 300 West, Salt Lake City, Utah 84101

Date:
7/27/2022

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.

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Updated 8/16/2021
NEW 25.00 FOOT WIDE EASEMENT:

Commencing at the brass cap well monument in the center line of 300 West Street and Lucy Avenue; Thence North 00°01'06" West 578.67 feet coincident with the center line of 300 West Street; Thence North 89°56'40" East 48.00 feet to the True Point of Beginning; Thence North 00°01'06" West 25.00 feet coincident with the east right of way of 300 West Street; Thence North 89°56'46" East 67.01 feet to a point of curvature; Thence easterly 149.68 feet along the arc of a 512.50 foot radius curve to the right (center bears South 00°03’14" East) through a central angle of 16°44'00" to a point of tangency; Thence South 73°19'14" East 26.35 feet to a point on the south line of Lot 5, Block 23, Five Acre Plat A, Big Field Survey; Thence South 89°56'40" West 108.25 feet coincident with said lot line to a point on the arc of a 487.50 foot radius curve; Thence westerly 64.74 feet along the arc of said 487.50 foot radius curve to the left (center bears South 07°33’17" West) through a central angle of 07°36'31" to a point of tangency; Thence South 89°56'46" West 67.03 feet to the point of beginning.
VACATION PARCEL, 12.00 FOOT WIDE RIGHT OF WAY, BY SURVEY:

Commencing at the brass cap well monument in the center line of 300 West Street and Lucy Avenue; Thence North 00°01'06" West 408.70 feet coincident with the centerline of said 300 West Street; Thence North 89°58'18" East 48.00 feet; Thence North 89°56'40" East 112.00 feet to the True Point of Beginning; Thence North 00°01'06" West 140.00 feet; Thence North 89°56'40" East 12.00 feet coincident with the prolongation of the north line of Lot 23, Block 2, Harrington, Donnelly and Newell's Subdivision, according to the official plat thereof, on file and of record in the office of the Salt Lake County Recorder, State of Utah, to the Northwest corner of said Lot 23; Thence South 00°01'06" East 140.00 feet to the Southeast corner of said Lot 23; Thence South 89°56'40" West 12.00 feet coincident with the north right of way of Paxton Avenue to the point of beginning.
Attachment D
Analysis of Standards for Alley Vacations

Salt Lake City Code, Section 14.52: Disposition of City Owned Alleys
Chapter 14.52 of the Salt Lake City Code regulates the disposition of City owned alleys. When evaluating requests to vacate public alleys, the City considers whether the continued use of the property as a public alley is in the City's best interest. Once the Planning Commission has reviewed the request, their recommendation is forwarded to the City Council for consideration. The City Council has final decision authority with respect to alley vacations.

Alley Vacation requests must fulfill one of four policy considerations found in section 14.52.020 of City Code: Lack of Use, Public Safety, Urban Design, or Community Purpose. Requests are also reviewed against the factors found in 14.52.030.B.

Section 14.52.020: Policy Considerations
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:

<table>
<thead>
<tr>
<th>Factor</th>
<th>Finding</th>
<th>Rationale</th>
</tr>
</thead>
<tbody>
<tr>
<td>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 onsite 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;</td>
<td>The proposed alley vacation does not comply with consideration A - Lack of Use.</td>
<td>Access to the alley is still necessary for the property at 240 W Paxton Avenue. The alley is the only access to its off-street parking. The east-west alley can only be accessed by the north-south alley. Even if a private easement were able to be obtained from the adjoining property owner, such an easement interest would be inferior to the City's current interest in the dedicated alley.</td>
</tr>
<tr>
<td>B. Public Safety: The existence of the alley is substantially contributing to crime, unlawful activity, unsafe conditions, public health problems, or blight in the surrounding area;</td>
<td>The proposed alley vacation complies with consideration B - Public Safety</td>
<td>The alley contributes to crime, unlawful activity, unsafe conditions, and blight to the neighborhood.</td>
</tr>
<tr>
<td>C. Urban Design: The continuation of the alley does not serve as a positive urban design element; or</td>
<td>The proposed alley vacation complies with consideration C - Urban Design</td>
<td>Since the alley dead ends at the railroad right-of-way, the alley does not serve as a connectivity through the mid-block. It does not serve as a positive urban design element.</td>
</tr>
<tr>
<td>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.</td>
<td>The proposed alley vacation complies with consideration D - Community Purpose</td>
<td>The proposed alley vacation does not restrict the public from using the alley in favor of community use. The only use for the alley is vehicular access.</td>
</tr>
</tbody>
</table>
Section 14.52.030B:
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. For a positive recommendation an analysis of the following factors should be included:

<table>
<thead>
<tr>
<th>Factor</th>
<th>Finding</th>
<th>Rationale</th>
</tr>
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</table>
| 1. The city police department, fire department, transportation division, and all other relevant city departments and divisions have no reasonable objection to the proposed disposition of the property; | Does not comply | Staff requested input from appropriate City Departments and Divisions. The two relevant comments were from the Engineering and the Police departments. Engineering opposes the proposed alley vacation for the following reasons:  
• Unless 100% of the abutting property owners agree to the vacation of the entire alley, then Engineering doesn’t support vacating only a portion of the entire alley. The property owner to the north of the alley could eventually prevent access to the east-west portion of the alley from the north, which would deny a Paxton property owner from accessing that portion of the alley not vacated.  
Police is not opposed or for the alley vacation, but it does offer advice on how to keep the property safer:  
• Based on one of the factors for the proposal being that the alley is a nuisance I would recommend that should this alley vacation be granted it be contingent on the property owners having a concept or plan to deal with criminal and nuisance issues in the alleyway. Plans to fence off or restrict access would be acceptable. If public access should need to remain, I recommend creating a suitable lighting plan to draw more public view to the area and a waste removal plan to make sure there is no dumping, or refuse left to create further hazard.  
Transportation is opposed to the alley vacation for the following reason:  
• Though widening and moving the access to the alley from Paxton Avenue to 300 West improves the current and possible future use of the alley, an easement for access is insufficient. A full alley right of way dedication to connect to 300 West would be required before Transportation can recommend approval of the proposed vacation. |
| 2. The petition meets at least one of the policy considerations stated above; | Complies       | The proposed alley vacation satisfies considerations B, C and D stated above.                                                                 |
| 3. Granting the petition will not deny sole access or required off street parking to any property adjacent to the alley; | Does not comply | Access to the alley is still necessary for the property at 240 W Paxton Avenue. The alley is the only access to its off-street parking. The east-west alley can only be accessed by the north-south alley. Even if a private easement were able to be obtained from the adjoining property owner, such an |
easement interest would be inferior to the City's current interest in the dedicated alley.

<table>
<thead>
<tr>
<th>4. Granting the petition will not result in any property being landlocked;</th>
<th>Does not comply</th>
<th>The east-west portion of the alley will become landlocked if the north-south portion is vacated.</th>
</tr>
</thead>
</table>

| 5. 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; | Complies | Plan Salt Lake promotes increased connectivity through mid-block connections. However, this alley is not needed for a midblock connection. |

| 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 twelve (12) months of issuance of the building permit; | Does not comply | The property owner at 240 W Paxton Avenue is opposed to this request because he will lose access to his off-street parking if the north-south portion of the alley is vacated. |

| 7. The petition furthers the city preference for disposing of an entire alley, rather than a small segment of it; and | Does not comply | The proposal is for the north-south segment of the alley to be vacated. The east-west portion of the alley would remain open. |

| 8. The alley property is not necessary for actual or potential rear access to residences or for accessory uses. | Does not comply | Access to the alley is still necessary for the property at 240 W Paxton Avenue. |

**Section 14.52.040: Method of Disposition**

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

**Findings:** The properties abutting the portion of the alley requested to be vacated are zoned CG (General Commercial). Therefore, if the alley is vacated the property would be sold to the applicants at fair market value.
Attachment E
Public Process & Comments

Public Notice and Meetings
The following is a list of public meetings that have been held, and other public input opportunities, related to the proposed project:

- Notice of the project and request for comments sent to the Chair of the Ballpark Community Council on December 21, 2022, to solicit comments.
- No public comments were submitted by the Ballpark Community Council.
- Staff sent an early notification announcement of the project to all residents and property owners located within 300 feet of the project site on December 21, 2023, providing notice about the project and information on how to give public input on the project. The property owner at 240 W Paxton Avenue has sent an email stating that he is opposed to the proposed alley vacation. The previous property owner of 244 W Paxton Avenue also was opposed to this proposal, however, the property recently changed ownership and the new property owner is in favor of the proposed alley vacation only if an easement is secured to continue his access to his property. Copies of the emails are attached to this report.
- The 45-day recognized organization comment period expired on February 6, 2023.

Public Hearing Notice:
- Public hearing notice mailed: June 1, 2023
- Public notice posted on City & State websites & Planning Division list serve: June 1, 2023
Katia,

My name is Jake Copinga. I own the property located on 244 W Paxton Ave. I received a letter regarding the vacation of the alley accessing the rear of my property. If this alley is vacated, I will lose legal access to the rear of the property. We have illegally accessed the property in the past off third west because the alley simply was full of cars and auto related equipment. Because I had a relationship with the past owner and an understanding that if I ever was not able to access the property through 3rd west that they move their equipment. We absolutely use the back access.

How can I get involved to stop the vacation.

Thanks, Jake
Hi my names is James Yeates and I am the owner of the property on 240 west Paxton avenue. I have concerns with this as if this easement is taken away I will no longer have access to my garage. My number is [redacted]. I have attached an screen shot which contains the case number.
Dear Sirs:

My name is Ray Thom and I am the new owner of the property at 244-250 West Paxton Avenue in Salt Lake City, Utah. I was contacted by Ryan Merriman concerning the proposed alley/easement closure that runs between the properties 1161 South 300 West and 268 West Paxton Avenue. After reviewing all the petition documents, I will agree to the closure of the alley, if and only if, the attached proposed new proposed easement right-of-way is approved since I will need access to the alley that runs along the North side of my property. Please feel free to contact me if you have any questions. Thank you for your time.

--
Thom Investments, LLC
Ray Thom
Salt Lake City, UT
Attachment F
Department Review Comments

PLANNING DEPARTMENT (Katia Pace at katia.pace@slcgov.com)
See analysis of standards on Attachment D.

FIRE (Douglas Bateman at douglas.bateman@slcgov.com)
No fire comments. Any future development or building permit application may result in comments being generated.

POLICE (Andrew Cluff at andrew.cluff@slcgov.com)
Based on one of the factors for the proposal being that the alley is a nuisance I would recommend that should this alley vacation be granted it be contingent on the property owners having a concept or plan to deal with criminal and nuisance issues in the alleyway. Plans to fence off or restrict access would be acceptable. If public access should need to remain, I recommend creating a suitable lighting plan to draw more public view to the area and a waste removal plan to make sure there is no dumping, or refuse left to create further hazard.

PUBLIC UTILITIES (Kristeen Beitel at kristeen.beitel@slcgov.com)
Public Utilities has no issues.

TRANSPORTATION (Jena Carver at jena.carver@slcgov.com)
Transportation does not recommend approval of this vacation. Though widening and moving the access to the alley from Paxton Avenue to 300 West improves the current and possible future use of the alley, an easement for access is insufficient. A full alley right of way dedication to connect to 300 West would be required before Transportation can recommend approval of the proposed vacation.

BUILDING CODE (Heather Gilcrease at heather.gilcrease@slcgov.com)
There are no building code concerns for this proposal.

ENGINEERING (Scott Weiler at scott.weiler@slcgov.com)
Unless 100% of the abutting property owners agree to the vacation of the entire alley, then Engineering doesn’t support vacating only a portion of the entire alley. The property owner to the north of the alley could eventually prevent access to the east-west portion of the alley from the north, which would deny a Paxton property owner from accessing that portion of the alley not vacated.

PROPERTY MANAGEMENT (Shellie Peterson at shellie.peterson@slcgov.com)
No comments, other than notify me if there’s a condition to dispose of property per ordinance 2.58.