

SALT LAKE CITY ORDINANCE
No. _____ of 2002

(Amending the Salt Lake City Code to provide a
procedure for the disposition of City owned alleys)

AN ORDINANCE AMENDING THE SALT LAKE CITY CODE TO PROVIDE
A PROCEDURE FOR THE DISPOSITION OF CITY OWNED ALLEYS.

WHEREAS, the Salt Lake City Council had previously adopted a policy dealing
with the disposition of City owned alleys; and

WHEREAS, the City Code currently contains a section dealing with the
disposition of City owned real property, but that section does not specifically address the
issues relating to the disposition of City owned alleys; and

WHEREAS, the City Council finds that this ordinance is in the best interest on
the City.

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

SECTION 1. Chapter 14.52 of the Salt Lake City Code entitled "Disposition of
City Owned Alleys," shall be and hereby is enacted to read as follows:

Chapter 14.52
DISPOSITION OF CITY OWNED ALLEYS

Sections:

- 14.52.010** **Disposition of City's property interest in alleys.**
- 14.52.020** **Policy considerations for closure, vacation or abandonment of
City owned alleys.**
- 14.52.030** **Processing Petitions.**
- 14.52.040** **Method of Disposition.**
- 14.52.050** **Appeals.**

14.52.010 Disposition of City’s property interest in alleys.

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

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, 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; or

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.

14.52.030 Processing Petitions.

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

A. Administrative Determination of Completeness.

The City administration will determine whether or not the petition is complete according to the following requirements:

1. The petition must bear the signatures of no less than 80 percent of the neighbors owning property which abuts the subject alley property;

2. The petition must identify which policy considerations discussed above support the petition;
3. The petition must affirm that written notice has been given to all owners of property located in the block or blocks within which the subject alley property is located;
4. A signed statement that the applicant has met with and explained the proposal to the appropriate neighborhood organization entitled to receive notice pursuant to Title 2, Chapter 2.62 of the Salt Lake City Code; and
5. The appropriate City processing fee has been paid.

B. 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 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 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 property is not necessary for actual or potential rear access to residences or for accessory uses.

C. Public Hearing before the City Council.

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

14.52.040 Method of Disposition.

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

A. Low Density Residential Areas.

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

B. High Density Residential Properties and Other Nonresidential Properties.

If the alley abuts properties which are zoned for high density residential use or other non-residential uses, the alley will be closed and abandoned, subject to payment to the City of the fair market value of that alley property, based upon the value added to the abutting properties.

C. Mixed Zoning.

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

14.52.050 Petition for Review.

Any party aggrieved by the decision of the City Council as to the disposition of City owned alley property may file a petition for review of that

decision within 30 days after the City Council's decision becomes final, in the Third District Court.

SECTION 2. Effective Date. This ordinance shall become effective on the date of its first publication.

Passed by the City Council of Salt Lake City, Utah, this _____ day of _____, 2002.

CHAIRPERSON

ATTEST AND COUNTERSIGN:

CHIEF DEPUTY CITY RECORDER

Transmitted to Mayor on _____.

Mayor's Action: _____ Approved. _____ Vetoed.

MAYOR

CHIEF DEPUTY CITY RECORDER

(SEAL)

Bill No. _____ of 2002.

Published: _____.