

Alley Policy

Approved by the Council on 12/13/01 --- ITEM A8

E.1 DISPOSITION OF CITY'S PROPERTY INTEREST IN ALLEYS

The Salt Lake City Council supports the legal disposition of Salt Lake City's real property interests, all or in part, with regard to alleys subject to the substantive and procedural criteria which follow.

A. Modes of Disposition

The City may dispose of its entire legal interest in an alley by closure and sale or by vacation. It may dispose of less than its entire legal interest by, for example, revocable permit, license or joint use agreement (hereinafter referred to as "partial disposition").

B. Policy Considerations for Closure and Sale, Vacation, or Partial Disposition

The City will not consider disposing entirely or partially of its interest in an alley unless it receives a petition in writing which positively demonstrates that the disposition satisfies at least one of the following policy considerations.

1. Lack of Use. The City's legal interest in the property, for example, appears of record or is reflected on an applicable plat, but in fact it is evident from inspection that the alley does not exist.
2. Public Safety. The property is contributing to crime, or unlawful activity or unsafe conditions.
3. Urban Design. The property does not serve as a positive urban design element.
4. Community Purpose. The petitioners are proposing restricting the general public from use in favor of a community use such as a community play area or garden.

C. Processing Petitions

There will be three phases for processing petitions under this section involving, respectively, the City Administration, the City Planning Commission, and the City Council.

1. Threshold Determination. The City Administration will determine whether or not the petition meets the following requirements:
 - a. procedural: The petition must:
 - (1) bear the signatures of no less than 80% of neighbors owning a fee simple interest in a property which abuts the subject property;
 - (2) affirm that written notice has been given to all fee simple owners of property within and contiguous with the block or blocks within which the subject property is located;
 - (3) provide documentation that the proposal has been reviewed by the appropriate Community Council or Neighborhood organization;
 - (4) show that the necessary City processing fee has been paid.

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- b.** substantive: If the petition meets the procedural requirements, the Administration will determine that:

 - (1)** The City Police and Fire Departments and the City Transportation Division and all other relevant City Departments and Divisions have no objection to the disposition of the property;
 - (2)** The petition meets at least one of the policy considerations stated in B of this section;
 - (3)** The petition must not deny sole access or required off-street parking to any property;
 - (4)** The petition will not result in any property being land locked; and
 - (5)** The disposition will not result in a use which is otherwise contrary to the policies of the City, for example, applicable master plans and other adopted statements of policy which address, but are not limited to, mid-block walkways, pedestrian paths, trails, and alternative transportation uses.

- 2.** City Administration.

 - a.** The Administration will deny the petition if it does not meet the requirements stated in B 1 of this section; or
 - b.** The Administration:

 - (1)** may for appropriate consideration, grant a partial disposition if the petition meets the requirements stated in B 1 of this section; or
 - (2)** if it concludes that vacation or closure and sale is the appropriate disposition, refer the petition to the Planning Commission for review and recommendation to the City Council for final consideration.

- 3.** City Council. The City Council will consider petitions for vacation or closure and sale which have been referred to it by the Administration as required by law. In addition to the consideration set forth above, the City Council:

 - a.** will not act favorably on a petition if an opposing abutting property owner intends to build a garage requiring access from the property, has made application for a building permit anytime before the Council acts favorably on the petition, and completes construction within 12 months of issuance of the building permit;
 - b.** is more likely to act favorably on a petition for disposition of an entire property rather than a small segment of it;
 - c.** will be sensitive to potential uses of the property for rear access to residences and for accessory uses;
 - d.** will follow the requirements of applicable law with regard to any requirement for consideration; and
 - e.** in the case of a property in a non-residential area, require payment of fair market value based on the value added to abutting properties by the disposed City property and the current use of the abutting property or its proposed new use.