

# SALT LAKE CITY COUNCIL STAFF REPORT

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**DATE:** December 24, 2003

**SUBJECT:** Petition No. 400-03-15 – request by Ronald Lee Lindquist that the City vacate a portion of the alley located adjacent to 2337 South 500 East and 2322 Park Street.

**AFFECTED COUNCIL DISTRICTS:** District 7

**STAFF REPORT BY:** Marge Harvey

**ADMINISTRATIVE DEPT:** Community and Economic Development

**AND CONTACT PERSON:** Janice Lew, Planning Division

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## **NEW INFORMATION:**

During the November 20 briefing, a question was raised regarding the exact location of the alley closure. It was noted that much of the alley is functional and is used by abutting property owners for rear access to their property. This petition requests to vacate only a small portion of the alley (approximately 25 feet) adjacent to the point where the alley comes to a dead end. The area being vacated is currently overgrown with trees. Access to the alley by all other abutting property owners will not be affected.

## **POTENTIAL MOTIONS:**

1. ["I move that the Council"] **Adopt an ordinance vacating a portion of the alley located adjacent to 2337 South 500 East and 2322 Park Street.**
2. ["I move that the Council"] **Not adopt an ordinance vacating a portion of the alley located adjacent to 2337 South 500 East and 2322 Park Street.**

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The following information was provided previously. It is provided again for your reference.

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**KEY ELEMENTS:** The proposal is presented as a new ordinance.

1. The Planning Commission recommends that the City Council consider vacating the alley subject to the following conditions:
  - a) The vacation is subject to all existing right-of ways and easements of all public utilities now located on, under or over the alley property.
  - b) Future development of the property is subject to compliance with all relevant City standards and ordinances.

- c) The alley property is divided in half, and the property is conveyed to the abutting property owners, according to Utah Code, Title 10-8-8.5.
2. The petitioner states that the alley is a dumping place, attracts other undesirable activity and no longer functions as a positive urban design element. (Please refer to the Planning staff report Exhibit 1 for comments from the Police Department.)
3. The public benefit of the alley has already been compromised by its termination in a dead end and the previous partial vacation of the northern portion of the alley that limits access through the block.
4. The appropriate City divisions have reviewed this request and have no objections to the proposed alley vacation and disposition of the property.
5. All abutting property owners are in favor of the vacation.
6. The Sugar House Community Council reviewed the proposal in February, 2003 and a motion to approve the motion failed when the Chair voted to break a tie. Those who opposed the proposal expressed the following concerns:
  - a) The petitioner may build another home on the property.
  - b) The whole alley should be vacated.
  - c) There should be more public good with the vacation of the alley.
7. Planning staff notes that it is not physically possible to build another home on the property and no other comments in opposition have been received.

#### **MASTER PLAN AND POLICY CONSIDERATIONS:**

1. The Council's recently adopted alley vacation/closure policy requires petitioners to demonstrate 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, safe 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 neighborhood play area or garden.
2. The Planning staff report notes the following:
  - a) The value of the alley as a positive urban design element has been compromised by its termination in a dead end and the partial vacation of the northern portion of the alley that already limits public access through the block.
  - b) The petition meets considerations B and C. The proposed vacation would create a private alley that the petitioner could then maintain and properly secure to keep out undesirable activity.
3. The Sugar House Master Plan, adopted in November of 2001, indicated that the City Council's alley vacation policy adopted in 2002, will be used to evaluate each new request.

4. The Sugar House Future Land Use Map, included in the Sugar House Master Plan, identifies this area within the Low Density Residential category. The alley has not been designated for a future trail in the Open Space Master Plan. These uses noted in the plan will not be affected by this proposal.
5. It has been the City's policy not to vacate an alley if it would deny a property owner required access to the rear of their lot.
  - a. Scott and Christie Randle, owners of property abutting the alley, have no interest in their half of the alley and have entered into an agreement with Ronald and Sherrie Lindquist to convey their rights and interests to Mr. and Mrs. Lindquist.
  - b. The properties abutting the alley are accessible from driveways located along their street frontage; maintaining access to the alley by owners of the abutting property owners should not be an issue.

**BUDGET RELATED FACTS:** The proposal has no budget impact.

**CHRONOLOGY:**

- February 5, 2003                      Petition presented to the Sugar House Community Council.
- May 13, 2003                         Letter sent to property owners within block informing them of the petition and requesting comments.
- July 29, 2003                        Notice sent to property owners within block for August 13, 2003 Planning Commission public hearing.
- August 13, 2003                     Planning Commission hearing.

CC: Rocky Fluhart, David Nimkin, DJ Baxter, Ed Rutan, Lynn Pace, Chief Dinse, Chief Querry, LeRoy Hooton, Rick Graham, Alison Weyher, Louis Zunguze, Brent Wilde, Doug Wheelwright, Janice Lew, Annette Daley, Janice Jardine, Lehua Weaver