

SALT LAKE CITY COUNCIL STAFF REPORT

DATE: March 17, 2004

SUBJECT: Petition No. 400-04-43 – Menlo Associates requesting to close a portion of 300 South Street (between approximately 5100 West and 5200 West)

STAFF REPORT BY: Jennifer Bruno, Policy Analyst

AFFECTED COUNCIL DISTRICTS: District 2

**ADMINISTRATIVE DEPT:
AND CONTACT PERSON:** Community and Economic Development
Cheri Coffey, Planning Programs Supervisor

NOTICE REQUIREMENTS: Newspaper advertisement once a week for 4 weeks prior to the Public Hearing

KEY ELEMENTS:

- A. An ordinance has been prepared for Council consideration that would close a portion of 300 South Street between approximately 5100 West and 5200 West and declare the portion surplus property for sale to the petitioner.
- B. Key points from the Administration's transmittal are the following:
 - 1. The subject property was deeded to the City as a condition of subdivision approval for a radio tower facility in 1994. The use no longer exists and the subject property has never been used as a public right-of-way or developed as a street. The area has been developed in such a way that this right-of-way will not be needed in the foreseeable future.
 - 2. The portion of 300 South is a 66 foot x 627 foot right-of-way (.95 acres).
 - 3. The petitioner owns the property directly to the north of the subject portion of 300 South. The petitioner is not associated with the previous subdivision approval.
 - 4. The petitioner is requesting the portion of the street be closed, the property declared surplus and the property be sold to them at a fair market value to incorporate the property as part of a future development.
 - i. The surplus area would be used as a storm water detention basin for future development on the applicant's property.
- C. The petitioner's property is zoned Light Industrial M-1. The surrounding properties are also zoned Light Manufacturing.
- D. Surrounding land uses include:
 - 1. Utilities to the east (Natural Gas Transfer Station and Electric Utility Substation)
 - 2. A distribution warehouse to the west is.
 - 3. Vacant land to the north and the south.
- E. The Planning staff report notes the following findings of fact:
 - 1. The unimproved right-of-way requested by the applicant is adjacent to the applicant's property.
 - 2. Public Utilities has reviewed the proposal and determined that there is no need for easements of existing public utilities, as there are none.
 - 3. There is good cause for the action, as the applicant has planned the requested property to be used as storm water detention in conjunction with future development.

4. The action will not be detrimental to public interest. The right of way proposed for closure is no longer included in the Transportation plan for the City. Adjacent property owners have alternative access points.
- F. All necessary City departments and divisions reviewed the proposal and recommended approval of the street closure subject to City standards and specific requirements.
1. The Transportation Division has no objections to the subject street closure. It recommends that the extension of the 5200 West right of way to the south is a more plausible projection than the 300 South extension.
 2. The Engineering Division noted that directly east of the proposed closure of 300 South lies the Kern River Natural Gas transmission Line. Therefore, it appears very unlikely that 300 South would be extended further eastward, and the proposed closure would not affect the transportation network of the surrounding area.
 3. Public Utilities has no objections to the street closure. They have reviewed their records and determined that they do not have any facilities within this subject right-of-way.
 4. As per city ordinance, the City Property Manager has determined the value of compensation required. In this case, the Property Manager has determined that the fair market value of the surplus property is \$17,300.
 5. The Fire Department had no objection with the proposed street closure.
- G. On January 12, 2005, the Planning Commission voted to recommend to the Council approval of the street closure and that the property be disposed of according to the criteria in the Salt Lake City Code, Section 2.58. No negative comments were received at the Public Hearing.
- H. As noted by the Administration, both the Utah Code and local ordinances regulate review and approval of street closure applications and the disposition of surplus property. The Planning Commission must consider and make a recommendation to the Mayor regarding the disposition of the surplus property. According to Salt Lake City Code, the City shall retain title to the surplus property until the land is sold at fair market value or other acceptable compensation is provided. In addition, this section of the Code requires that the City Council be offered an opportunity to request a public hearing prior to the final disposition of the surplus property by the Mayor.

MATTERS AT ISSUE /POTENTIAL QUESTIONS FOR ADMINISTRATION:

Council Members may wish to consider adjusting the Council's street closure policy to ensure a consistent policy direction with streets and alleys. (Please refer to the next section for the Council's street closure policy.) Planning staff has indicated to Council staff that the current street closure procedure does not require Community Council notification and review. (Currently, the Planning Commission agenda is mailed to Community Council Chairs. A Planning Commission hearing notice is mailed to property owners within a 300-foot radius of a proposed street closure.) During the Council's alley policy discussions, Council Members adopted the following modifications for alley closures or vacations:

1. Shift the focus to consideration of a proposed request with demonstrated public benefit rather than supporting closure/vacation whenever possible.
2. Require an evaluation and documented demonstration of public interest versus private interest. The standard should be to demonstrate an over-riding public purpose, rather than an over-riding private interest.
3. Include neighborhood and community council review and comment as part of the public process prior to the Administration formalizing their recommendation to the City Council.

MASTER PLAN AND POLICY CONSIDERATIONS:

- A. The Council's street closure policy includes the following:
 - 1. It is Council policy to close public streets and sell the underlying property. The Council does not close streets when that action would deny all access to other property.
 - 2. The general policy when closing a street is to obtain fair market value for the land, whether the abutting property is residential or commercial.
 - 3. There are instances where the City has negotiated with private parties to allow the parties to make public improvements in lieu of a cash payment. The Council and the Administration consider these issues on a case-by-case basis.
 - 4. There should be sufficient public policy reasons that justify the sale and/or closure of a public street, and it should be sufficiently demonstrated by the petitioner that the sale and/or closure of the street would accomplish the stated public policy reasons.
 - 5. The City Council should determine whether the stated public policy reasons outweigh alternatives to the sale or closure of the street.
- B. The subject property is located in an industrial area in the Northwest Quadrant which does not have a specific master plan.
- C. At the time of the acquisition in 1994, the Transportation Master Plan (adopted 1995) called for an eastward extension of 300 South beyond the RC Willey distribution center site to provide access to surrounding properties not yet developed. The Major Street Plan of the Transportation Master Plan was amended in 1996 and the designation of 300 South east of 5200 West was changed to a local street classification. Local streets and areas are allowed to be developed as needed to access surrounding properties and are not mapped on the Major Street Plan. Since the Kern River Gas Transmission Company developed the entire abutting property to the east, it eliminated any need to extend 300 South farther east.
- D. The purpose of the Light Industrial District M-1 is to provide an environment for light industrial uses that produce no appreciable impact on adjacent properties and desire a clean attractive industrial setting.
- E. The Council's adopted growth policy states: It is the policy of the Salt Lake City Council that growth in Salt Lake City will be deemed the most desirable if it meets the following criteria:
 - 1. is aesthetically pleasing;
 - 2. contributes to a livable community environment;
 - 3. yields no negative net fiscal impact unless an overriding public purpose is served; and
 - 4. Forestalls negative impacts associated with inactivity.

BUDGET RELATED FACTS:

The Administration's transmittal notes that the City would receive cash compensation in the amount of \$17,300, tentatively agreed upon as the fair market value. The City-owned property to be sold is a 66 foot x 627 foot right-of-way (.95 acres). Consistent with City policy, the Property Management Division recommended that the property be declared surplus and sold at fair market value. The Administration found the following:

- 1. Ownership interest in these two streets is minimal.
- 2. Fair market value of the land contained in these two private streets is also minimal.

CHRONOLOGY:

Please refer to the Administration's transmittal for a complete chronology of events relating to the proposed text amendment.

- October 28, 2004 Petition assigned to Planning
- January 12, 2005 Planning Commission hearing
- January 21, 2005 Ordinance requested from the City Attorney's office.
- February 3, 2005 Received final ordinance from the City Attorney's office.
- March 11, 2005 Council Transmittal received.

cc: Rocky Fluhart, Sam Guevara, Chief Dinse, Chief Querry, Rick Graham, LeRoy Hooton, Tim Harpst, Max Peterson, Louis Zunguze, Brent Wilde, Doug Wheelwright, Cheri Coffey, Barry Esham, Marge Harvey, Janice Jardine

File Location: Community Development Dept., Planning Division, Street Closures, Menlo Associates, 300 South (between approximately 5100 West and 5200 West)

A. LOUIS ZUNGUZE
PLANNING DIRECTOR

BRENT B. WILDE
DEPUTY PLANNING DIRECTOR

DOUGLAS L. WHEELWRIGHT, AICP
DEPUTY PLANNING DIRECTOR

SALT LAKE CITY CORPORATION
COMMUNITY DEVELOPMENT
PLANNING AND ZONING DIVISION

ROSS C. ANDERSON
MAYOR

COUNCIL TRANSMITTAL

TO: Rocky Fluhart, Management Services Director

DATE: March 4, 2005

FROM: Louis Zunguze, Community Development Director

RE: **Petition No. 400-04-43:** A Petition by Menlo Associates requesting that the City close a portion of 300 South Street between approximately 5100 West and 5200 West and declare the portion surplus property for sale to them.

STAFF CONTACT: Cheri Coffey, Planning Programs Supervisor 535-6188

RECOMMENDATION: The City Council hold a briefing and schedule a Public Hearing regarding the street closure.

DOCUMENT TYPE: Ordinance

BUDGET IMPACT: If approved the City will sell the property to the applicant for fair market value. The tentative agreed upon fair market value price is \$17,300.00.

DISCUSSION: *Issue Origin:* The applicant owns property to the north of the subject portion of 300 South. In 1994, the subject property was deeded to the City as a condition of subdivision approval for a radio tower facility. The radio tower facility was erected on the property, but the use no longer exists. The applicant is a new owner of the property and not associated with the previous subdivision approval. The area is zoned Light Manufacturing "M-1". The applicant's property is directly east of the RC Willey Distribution Warehouse.

The subject property was never developed as a street. The applicant is now requesting that the street be closed, the property declared surplus and the property be sold to them at fair market value, so it could once again be part of the applicant's property.

Analysis: This portion of 300 South is a 66 foot x 627 foot right-of-way (0.95 acres) that has never been developed as a street. All applicable City departments were informed of the proposal and none had any concerns with the closure. The applicant has been working with representatives of the City's Property Management Division to determine an acceptable purchase price for the property should the City Council decide to approve the petition. A tentative agreement in the amount of \$17,300.00 has been reached.

City Council Policy and Master Plan considerations

Transportation Master Plan: In 1994, the Transportation Master Plan's Major Street Plan identified an eastward extension of 300 South beyond 5200 West. In 1996, the plan was amended and the designation of 300 South east of 5200 West was changed to a local street. Local streets are not mapped on the Major Street Master Plan and are allowed to be developed as needed to service surrounding properties. Since that time, Kern River Gas Company developed the entire property abutting to the east including a gas transmission line compressor station developed in 2003. City Departments have noted that it is very unlikely that 300 South would be extended eastward through the Kern River property therefore, the requested action would eliminate any need to extend 300 South farther east than 5200 West.

Public Process: The Planning Commission held a Public Hearing on January 12, 2005 and passed a motion to transmit a favorable recommendation to the City Council to close the street and sell the surplus property to the applicant. No adverse comments were noted at the meeting.

Relevant Ordinances:

Applicable regulations include:

Utah State Code, Title 10-8-8 to 10-8-8.5 regarding Street Vacations;

Utah State Code, Title 10-9-305 regarding Public uses to conform to the general plan and

The proposal will have to comply with Salt Lake City Code, Section 2.58- Sale of Real Property- Notice and Hearing.

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 - Petition 400-04-43**

1. CHRONOLOGY

PROJECT CHRONOLOGY

- October 28, 2004. Received application.
- November 8, 2004. Routed to departments for input.
- December 28, 2004 Sent Notices for the Planning Commission Public Hearing
- January 12, 2005 Planning Commission public hearing. The Planning Commission passed a motion to send a favorable recommendation to the City Council to close this portion of the street.
- January 21, 2005 Requested the City Attorney's Office prepare an ordinance.
- January 21, 2005 Requested the City Surveyor's Office review the legal description.
- February 2, 2005 Received feedback from the City Surveyor's Office regarding the legal description.
- February 3, 2005 Received final ordinance from the City Attorney's office

2. ORDINANCE

SALT LAKE CITY ORDINANCE

No. _____ of 2005

(Closing and abandoning of a portion of 300 South between 5100 and 5200 West)

AN ORDINANCE CLOSING AND ABANDONING A PORTION OF 300 SOUTH FROM APPROXIMATELY 5100 WEST TO 5200 WEST, PURSUANT TO PETITION NO. 400-04-43.

WHEREAS, the City Council of Salt Lake City, Utah, finds after public hearings that the City's interest in the portion of an unimproved right-of-way described below is not necessary for use by the public as a street and that closure and abandonment of this portion of the street will not be adverse to the general public's interest; and

WHEREAS, the title to the closed and portion of the street shall remain with the City until sale for fair market value.

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

SECTION 1. A portion of 300 South from approximately 5100 West to 5200 West, which is the subject of Petition of No. 400-04-43, and which is more particularly described on Exhibit A" attached hereto, be, and the same hereby is, closed and abandoned and declared no longer needed or available for use as a street.

SECTION 2. Reservations and disclaimers. The above closure and abandonment is expressly made subject to all existing rights-of-way and easements of all public utilities of any and every description now located on and under or over the confines of this property, and also subject to the rights of entry thereon for the purposes of maintaining, altering, repairing, removing or rerouting said utilities, including the City's water and sewer facilities. Said closure and abandonment is also subject to any existing rights-of-way or easements of private third parties.

SECTION 3. Conditions. This street closure and abandonment is conditioned upon payment, by petitioner, to the City, of fair market value of that portion of the street, or its equivalent, and title to the street shall remain with the City until sale for fair market value, or the receipt of the equivalent value, in accordance with Salt Lake City Code Chapter 2.58.

SECTION 6. Effective Date. This Ordinance shall become effective on the date of its first publication and shall be recorded with the Salt Lake County Recorder. The City Recorder is instructed not to publish or record this ordinance until the condition identified above has been met, as certified by the Salt Lake City property manager.

Passed by the City Council of Salt Lake City, Utah this _____ day of _____, 2005.

CHAIRPERSON

ATTEST:

CHIEF DEPUTY CITY RECORDER

Transmitted to Mayor on _____.

Mayor's Action: _____ Approved. _____ Vetoed.

MAYOR

CHIEF DEPUTY CITY RECORDER

(SEAL)

Bill No. _____ of 2005.

Published: _____.

APPROVED AS TO FORM
Salt Lake City Attorney's Office
Date Feb. 7, 2005
By Melannie King

G:\Ordinance 05\Closing a Portion of Street at 300 South between 5100 and 5200 West - 01-28-05 draft.doc

EXHIBIT A

A 66.00 foot right of way being 33.00 feet on each side of and parallel and adjacent to the following described centerline: beginning at a point which is North 0 deg. 15'00" West 33.00 feet along quarter Section line and North 89 deg. 51'46" East 33.00 feet from the center of Section 1, Township 1 South, Range 2 West, Salt Lake Base and Meridian and running thence North 89 deg. 51'46" East 627.00 feet parallel to quarter Section line to the East line of the West half of the Southwest quarter of the Northeast quarter of said Section 1.

Sidwell 14-01-200-013

**3. CITY COUNCIL
HEARING NOTICE**

NOTICE OF PUBLIC HEARING

The Salt Lake City Council is considering Petition 400-04-43, a request by Menlo Associates, LLC to close an unimproved right-of-way located at 300 South between approximately 5100 West and 5200 West. The applicant is also requesting that the property be declared surplus and the City allow the applicant to purchase the property at fair market value to be incorporated into their property to the north.

As part of their study, the City Council will hold an advertised public hearing to receive comments regarding the petition. During this hearing, the Planning staff may present information on the petition and anyone desiring to address the City Council concerning this issue will be given an opportunity to speak. The hearing will be held:

DATE:

TIME:

PLACE: Room 315
City and County Building
451 South State Street
Salt Lake City, Utah

If you have any questions relating to this proposal, please attend the meeting or call Cheri Coffey at 535-6188 between the hours of 7:30 a.m. and 5:30 p.m., Monday through Friday. If you are the owner of rental property, please inform your tenants of the public hearing.

4. MAILING LABELS

HAIGHT, D BRUCE JR & ANGELA B; ET AL
845 OAK GROVE AVE
Suite 210
MENLO PARK, CA 94025-

MENLO ASSOCIATES, LL
845 OAK GROVE AVE
Suite 210
MENLO PARK, CA 94025-

KERN RIVER GAS TRANS CO
PO BOX 71400
Suite
SALT LAKE CITY, UT 84171-0400

JLS PROPERTIES, L L
2511 S WESTTEMPLE ST
Suite
SALT LAKE CITY, UT 84115-3060

SORTECH, LLC
2511 S WESTTEMPLE ST
Suite
SALT LAKE CITY, UT 84115-3060

RC WILLEY HOME FURNI
2301 S 300 W
Suite
SOUTH SALT LAKE, UT 84115-251

RC WILLEY HOME FURNI ET AL
2301 S 300 W
Suite
SOUTH SALT LAKE, UT 84115-251

SORTECH, LLC
2511 S WESTTEMPLE ST
Suite
SOUTH SALT LAKE, UT 84115-306

Cheri Coffey
625 E Wilson Ave
SLC UT 84105

Mike Harman, Chair
Poplar Grove Cam. Council
1044 W 300 S
SLC UT 84104

5. PLANNING COMMISSION
a. Original Agenda and Postmark

**AGENDA FOR THE
SALT LAKE CITY PLANNING COMMISSION MEETING
In Room 326 of the City & County Building at 451 South State Street
Wednesday, January 12, 2005, at 5:45 p.m.**

The Planning Commission will be having dinner at 5:00 p.m., in Room 126. During the dinner, Staff may share general planning information with the Planning Commission. This portion of the meeting will be open to the public.

- 1. APPROVAL OF MINUTES** from Wednesday, December 21, 2004
- 2. REPORT OF THE CHAIR AND VICE CHAIR**
- 3. REPORT OF THE DIRECTOR**
- 4. PUBLIC NOTICE AGENDA – Salt Lake City Property Conveyance Matters:**
 - a. Salt Lake City Public Utilities and Holliday Water Company – Holliday Water Company is requesting five standard utility permits to allow new water lines to be installed at five different locations along the Jordan and Salt Lake Canal right-of-way. These locations are outside the Salt Lake City limits at:
 - 2175 East Arbor Lane (approx 4800 S.)
 - 1968 East Sycamore Lane (approx 4700 S.)
 - 1930 East 4675 South
 - 1876 East 4625 South
 - 1802 East Osage Orange Ave. (approx 4425 S.)
 - b. Salt Lake City Property Management Division and 9th East Investments, L.L.C. – 9th East Investments L.L.C. is requesting a lease to allow a continued overhead encroachment, in the form of an awning canopy structure, into the 700 South Street right-of-way, for the property located at 863 East 700 South, in a Neighborhood Commercial “CN” zoning district.
 - c. Salt Lake City Property Management Division and Howa Properties, Inc. – Howa Properties is requesting a lease to allow three proposed overhead encroachments in the form of three awning canopy structures, into the South Temple and 300 West Street right-of-ways, as a part of the new building proposed at 279 West South Temple, in the Central Business District “D-1” zoning district.
 - d. Salt Lake City Public Utilities and Double JAC Investments L.L.C. – Double JAC is requesting a storm water drainage easement to use a portion of the City owned Lee Drain property, a City storm water drainage canal, for private development generated storm water detention and drainage. The Lee Drain property is located at approximately 1580 South Pioneer Road in a Light Industrial “M-1” zoning district. (Staff – Doug Wheelwright at 535-6178)
- 5. PUBLIC HEARINGS**
 - a. **PUBLIC HEARING** – Petition No. 400-02-42, by the Salt Lake City Planning Commission requesting to rezone the properties at 238 West 600 North and 250 West 600 North from Moderate Density Multi-family “RMF-35”, to Special Development Pattern Residential, “SR-1”. The request also

Salt Lake City Corporation complies with all ADA guidelines. If you are planning to attend the public meeting and, due to a disability, need assistance in understanding or participating in the meeting, please notify the City 48 hours in advance of the meeting and we will try to provide whatever assistance may be required. Please call 535-7757 for assistance.

PLEASE TURN OFF CELL PHONES AND PAGERS BEFORE THE MEETING BEGINS. AT YOUR REQUEST A SECURITY ESCORT WILL BE PROVIDED TO ACCOMPANY YOU TO YOUR CAR AFTER THE MEETING. THANK YOU.

(over)

includes amending the Future Land Use Map of the Capitol Hill Community Master Plan to identify the properties as low-density residential rather than medium density residential. The request is to implement policies of the Capitol Hill Community Master Plan relating to historic preservation and retention of existing housing units. There is no development project relating to this petition. (Staff – Cheri Coffey at 535-6188 & Andrei Lubomudrov at 535-7645).

b. PUBLIC HEARING – Petition No. 400-02-43, initiated by the Planning Commission in 2002, to correct zoning errors that occurred during the Zoning Re-write process. Several parcels were designated in the wrong land use zone, or not all of the parcels that belong to a use were zoned together, thereby creating split-zone properties.

1. 1640 S West Temple St. (split zoning) – Proposed zoning change: RMF -35 to CB.
2. 628 E. Milton Ave (incorrect zone) – Proposed zoning change: PL to R-1-5000.
3. 652 E. Milton Ave (Incorrect zone) – Proposed zoning change: PL to R-1-5000.
4. 1266 W. 400 S. (split zoning) – Proposed zoning change: CN to R-1-5000.
5. 1214 W. 400 S. (split zoning) – Proposed zoning change: CN to R-1-5000.
6. 1179 S. Navajo St. (split zoning) - Proposed zoning change: R-1-5000 to CB.
7. 1254 W. 500 N. (split zoning) – Proposed zoning change: R-1-7000 to CN.
8. 551 E. 400 S. (split zoning) – Proposed zoning change: RMF-35 to CC.
9. 362 S. 600 East. (split zoning) – Proposed zoning change: RMF-35 to CC.
10. 780 S. 900 West. (split zoning) – Proposed zoning change: R-1-5000 to CB.
11. 762 S. 900 West. (incorrect zone) – Proposed zoning change: CB to R-1-5000.
12. 1399 S. – 1413 S. 700 East. (split zoning) – Proposed zoning change: R-1-5000 to CN.
13. 963 E. 500 South. (split zoning) – Proposed zoning change: RMF-35 to CN.
14. 448 S. 900 East. (split zoning) – Proposed zoning change: RMF-35 to PL.
15. 2738 S. 2000 East. (split zoning) - Proposed zoning change: RMF-35 to CB.
16. 427 E. Cottage Ave. (split zoning) – Proposed zoning change: RMF-35 to OS.
17. 655, 613 and 651N Columbus (incorrect zone) – Proposed zoning change: OS to R-2.
- 17a. City property adjacent to 613 N Columbus (incorrect zone) - Proposed zoning change: OS to R-2
18. 15 S. 2400 West. (incorrect zone) – Proposed zoning change: OS to CC.
19. 1167 E. South Temple (incorrect zone) – Proposed zoning change: PL to SR-1.
20. 1530 S. Main Street (split zoning) – Proposed zoning change: RMF-35 to CC.
21. 2200 S. Texas (split zoning) - Proposed zoning change: PL to R-1-7000.
22. 1486 S. 1100 East. (split zoning) – Proposed zoning change: R-1-5000 to RB.
23. 1480 S. 1100 East. (split zoning) – Proposed zoning change: R-1-5000 to RB.

(Staff – Marilynn Lewis at 535-6409)

* **c. PUBLIC HEARING** – Petition No. 400-04-43, by Menlo Associates, LLC, requesting that the City close and declare as surplus property a 66 foot by 627 foot section of unimproved public street right-of-way known as 300 South, between 5200 West Street and approximately 5100 West, and that the City sell that portion of 300 South Street to Menlo Associates as the abutting property owner. (Staff – Janice Panichello at 535-6260 or janice.panichello@slcgov.com)

Salt Lake City Corporation complies with all ADA guidelines. If you are planning to attend the public meeting and, due to a disability, need assistance in understanding or participating in the meeting, please notify the City 48 hours in advance of the meeting and we will try to provide whatever assistance may be required. Please call 535-7757 for assistance.

PLEASE TURN OFF CELL PHONES AND PAGERS BEFORE THE MEETING BEGINS. AT YOUR REQUEST A SECURITY ESCORT WILL BE PROVIDED TO ACCOMPANY YOU TO YOUR CAR AFTER THE MEETING. THANK YOU.

Division
, Rm 406
JT 84111

POSTAGE
METERS PERMITTED
NO POSTAGE
NECESSARY
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IN THE
UNITED STATES

SALT LAKE CITY
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JANICE PANICHELDO
SLC PLANNING
451 S STATE RM 406
SLC UT 84111

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PLANNING COMMISSION
b. Staff Report

DATE: December 22, 2004

TO: Salt Lake City Planning Commission

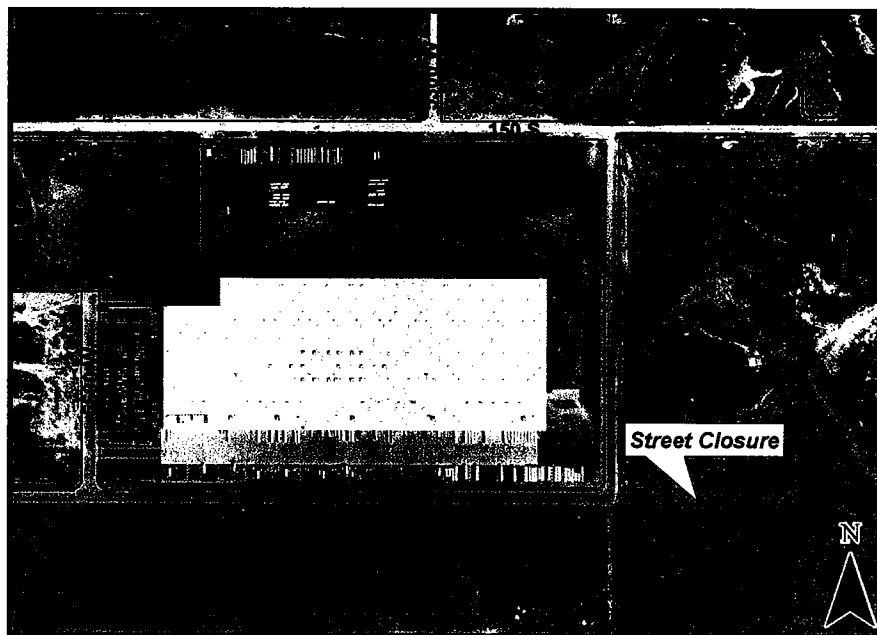
FROM: Janice Panichello
Associate Planner
Telephone: 535-6260
E-mail: janice.panichello@slcgov.com

RE: Staff Report for the January 12, 2004, Planning Commission Meeting

CASE NUMBER: 400-04-43

APPLICANT: Menlo Associates, LLC

STATUS OF APPLICANT: The applicant is owner of the property north of the proposed Street Closure.



PROJECT LOCATION: 300 South, east of 5200 West

PROJECT/PROPERTY SIZE: 0.95 acres,
66 ft. x 627 ft. unimproved street right-of-way

COUNCIL DISTRICT: District 2, Van Blair Turner

COMMUNITY COUNCIL: Poplar Grove

REQUESTED ACTION: The applicant is requesting a Street Closure of unimproved right-of-way, 66 ft. x 627 ft., located at 300 South, east of 5200 West, and is also requesting that the City surplus this property and allow the applicant to purchase the property at fair market value as the abutting property owner. The surplus area would be used as a storm water detention basin for future development on the applicant's property.

APPLICABLE LAND USE REGULATIONS:

Salt Lake City Code, Section 2.58 – Sale of Real Property – Notice and Hearing.
Utah State Code, Title 10-8-8 to 10-8-8.5 – Street Vacations
Utah State Code, Title 10-9-305 – Public uses to conform to general plan

SURROUNDING ZONING

DISTRICTS: Light Industrial M-1

SURROUNDING LAND USES: North : Vacant
South: Vacant
East: Utilities (Natural Gas Transfer Station and Electric Utility Substation)
West: Distribution Warehouse

MASTER PLAN SPECIFICATIONS:

1. **COMMUNITY MASTER PLAN:** This property is located in an industrial area in the Northwest Quadrant which does not have a specific master plan.
2. **SALT LAKE CITY TRANSPORTATION MASTER PLAN:** *“Local streets provide for direct access to residences and businesses which they serve and for short distances or local traffic movements.”*

Discussion: 300 South Street, east of 5600 West Street, provides access to the Menlo Associates property, the R.C. Willey Furniture Warehouse, and three vacant industrial lots. Properties to the east have public access from 150 South Street and are primarily gas and electric transfer stations (Kern River Gas and Utah Power & Light). The Transportation Division has indicated that, while 5200 West Street may be extended to the south in the future, there are no future plans to extend 300 South Street to the east through the various utility properties.

3. **FUTURES REPORT:** *Built Environment Subcommittee – “Maintain an integrated, continuous transportation system so that private automobiles, service vehicles, and emergency vehicles can travel to, through, and around the city.”*

Discussion: Properties east of the Menlo Associates are primarily utility transfer stations. Access through these properties is not desired by the utilities (due to development of the property and for security purposes). Alternative routes provide access for traffic to and through this industrial area.

SUBJECT PROPERTY HISTORY: The subject property was acquired by the City in 1994 as a condition of subdivision approval for a radio transmitter site. At that time, 300 South was designated as a future collector street. The current street master plan does not now include 300 South as a current or proposed collector street. The area has been developed in such a way that this dedication is not needed now or in the foreseeable future. The lot at the east end of the right-of-way is a natural gas transfer station that has access on 150 South, and no need for a public street in this location. The applicant has worked with the SLC Property Management Department staff to determine an acceptable purchase price for the property.

ACCESS: 300 South from 5600 West to 5200 West is approximately 0.5 miles long and provides secondary access to five properties that have primary access on 5600 West. 5200 West intersects 150 South, which provides additional access to 5600 West. The requested right-of-way is part of a fenced vacant lot, and there is no indication that this right-of-way area has ever been used as any type of access (i.e. there is no evidence of a dirt road, path, etc.) at 300 South east of 5200 West.

PROJECT DESCRIPTION: Petition No. 400-04-43, Menlo Associates, LLC, is a request for a street closure of the 0.95 acre unimproved right-of-way parcel, located at 300 South, which extends east 627 feet from 5200 West, adjacent to the south of the applicants' property. The applicant is also requesting that the City surplus this right-of-way and allow the applicant as the abutting property owner to purchase the surplus right-of-way at fair market value. The surplus area would be used as a storm water detention basin for future development on other areas of the lot. The applicant has worked with the SLC Property Management Department staff to determine an acceptable purchase price for the property.

COMMENTS, ANALYSIS AND FINDINGS:

1. **COMMENTS:** Staff requested comments from applicable agencies. Staff received comments from the following:
 - a) **Transportation:** The Transportation Division is in agreement with the proposed closure of this area of 300 South at this time. With future development in this area, the agreement to dedicate and develop public roadway as required is a standard requirement of the City applicable to property owners. Transportation recommends that possible extension of 5200 West right of way to the south is a more plausible projection and should be noted in the development and marketing of this property.

- b) **Property Management:** Property Management and the applicant have reached agreement in determining the fair market value for the right-of-way proposed for street closure and declaration of surplus.
- c) **Public Utilities:** The Public Utilities Department reviewed their records and determined that Public Utilities currently does not have any facilities within this subject right-of-way. Based on this review, Public Utilities finds it acceptable to vacate this area of right-of-way. Public Utilities advised that as the lots in this area develop, it will be the responsibility of the land owner(s)/ developers to provide utility infrastructure and property interests as needed to support any proposed development.
- d) **Engineering:** The Engineering Division noted that directly east of the proposed closure of 300 South lies the Kern River Natural Gas transmission line Compressor Station property (5000 West to 5100 West) which was developed in 2003. It appears very unlikely that 300 South would be extended eastward through the Kern River property even if the proposed section of 300 South were to be built. Consequently, it appears that the proposed closure of 300 South between 5100 West and 5200 West will not adversely affect the transportation network of the surrounding area. If the applicant owns property along 5200 West (including any property south of 300 South) that does not already have a dedicated 33' half width, future dedication of 5200 West should be required as part of this approval. With this condition, we do not object to the proposed street closure.
- e) **Police:** The Police Department had no comment on the proposed street closure.
- f) **Fire:** The Fire Department reviewed and had no objection to the street closure request.
- g) **Community Council:** The property is located within the boundaries of the Poplar Grove Community Council, however street closures do not require Community Council notification prior to the public hearing before the Planning Commission.
- h) **Permits:** Permits had no comment on the proposed street closure.

2. ANALYSIS AND FINDINGS

The 0.95 acres of land south of the applicants' property was dedicated as a right-of-way as part of a 1994 minor subdivision. At that time, 300 South was a proposed future collector, however the updated streets master plan no longer shows 300 South between 5200 West and I-80 to be a current or proposed collector street. Local streets are allowed to be developed as needed to provide access to private property.

Utah Code and Salt Lake City ordinances regulate the review and approval of street closure applications.

10-8-8. Streets, parks, airports, parking facilities, public grounds and pedestrian malls.

They may lay out, establish, open, alter, widen, narrow, extend, grade, pave or otherwise improve streets, alleys, avenues, boulevards, sidewalks, parks, airports,

parking lots or other facilities for the parking of vehicles off streets, public grounds, and pedestrian malls and may vacate the same or parts thereof, by ordinance.

10-8-8.1. Request for action to vacate, narrow, or change name of street or alley -- Hearing -- Ordinance.

(1) A person owning a lot in a city may request that a street or alley in the immediate vicinity of the lot be vacated, narrowed, or the name changed.

(2) Following such a request, the governing body of a city may declare by ordinance that a street or alley is vacated or narrowed or the name of a street or alley is changed if the governing body:

(a) notifies in writing and consults with the owners or operators of the underground facilities, as defined in Section 54-8a-2, and utility facilities within the street or alley;

(b) holds a hearing; and

(c) determines that:

(i) there is good cause for the action; and

(ii) the action will not be detrimental to the public interest.

Findings:

1. The unimproved street right-of-way requested by the applicant to be closed is in the vicinity (adjacent) to the applicant's property.
2. Owners and operators of underground facilities and utilities have been notified in writing, and the Public Utilities Division has reviewed the proposal.
3. A public hearing is being held before the Planning Commission, and a public hearing will be held before City Council.
4. There is good cause for the action. The applicant has requested the street closure and surplus of the right-of-way to be able to use this section of the property for storm water detention in conjunction with future development. Gas lines cross the property underground to the north, and using this southern area for drainage will allow more alternatives for development of that lot and minimize subsurface activity near gas lines.
5. The action will not be detrimental to the public interest. The right-of-way proposed for closure is no longer included in the transportation plan for the City. Adjacent property owners have access to their properties from 150 South, 5600 West or 300 South (west of the proposed street closure).

10-8-8.3. Notice required -- Exception.

Notice of the intention of the governing body to vacate any street or alley, or part thereof, shall in all cases be given as provided in the next section, except when there is filed with the governing body written consent to such vacation by the owners of the property abutting the part of the street or alley proposed to be vacated, in which case such notice shall not be required.

10-8-8.4. Notice -- How given.

No street or alley shall be so vacated, unless notice of the pendency of the petition and prayer thereof, and the date of the hearing thereon, if such petition is filed, or of the intention of the governing body of the city to vacate, and the date of the hearing on such

question if no petition is filed, be given by publishing in a newspaper published or of general circulation in such city once a week for four consecutive weeks preceding action on such petition or intention, or, where no newspaper is published or of general circulation in the city by posting the notice in three public places therein four consecutive weeks preceding such action, and by mailing such notice to all owners of record of land abutting the street or alley proposed to be vacated addressed to the mailing addresses appearing on the rolls of the county assessor of the county wherein said land is located. Action thereon shall take place within three months after the completion of notice.

Findings: Notice requirements for publishing and posting as delineated in 10-8-8.4 are necessary as signatures of all abutting property owners were not submitted by the applicant. Neighboring property owners were mailed notice of the public hearing before the Planning Commission. The property was also posted with a public notice sign placed upon the subject property. Notice requirements will be completed prior to the public hearing before City Council.

10-8-8.5. Effect of vacation or narrowing of street or alley.

The action of the governing body vacating or narrowing a street or alley which has been dedicated to public use by the proprietor shall operate to the extent to which it is vacated or narrowed, upon the effective date of the vacating ordinance, as a revocation of the acceptance thereof, and the relinquishment of the city's fee therein by the governing body, but the right of way and easements therein, if any, of any lot owner and the franchise rights of any public utility shall not be impaired thereby.

10-9-305 (2) Effect of the plan on public uses.

(2)(a) Before accepting, widening, removing, extending, relocating, narrowing, vacating, abandoning, changing the use, acquiring land for, or selling or leasing any street or other public way, ground, place, property, or structure, the legislative body shall submit the proposal to the planning commission for its review and recommendations.

Salt Lake City Code, Chapter 2.58 City-Owned Real Property

Chapter 2.58, Sections 2.58.010-2.58.060, governs the city processes and requirements for the disposition of real property.

Discussion: Salt Lake City Code Section 2.58 regulates the disposition of surplus property. State law (Utah Code Title 10-9-305) requires public hearings before both the Planning Commission and the City Council to consider the potential impact of losing the public benefit of the street or right-of-way. If the right-of-way is approved for surplus, the applicant must make payment of fair market value as determined by the City's Property Management Division in accordance with Chapter 2.58 of the Salt Lake City Code. The Property Management Division and other City Departments and Divisions have reviewed the proposal and recommended approval of the street closure. The applicant has agreed to all conditions of approval of the various departments/divisions prior to the closure Ordinance being recorded, and a fair market value has been determined and agreed upon by the applicant and the City Property Management Division.

ATTACHMENT 1

APPLICATION



Street Closure

10:15-10:30

FOR OFFICE USE ONLY

Petition No.	400-04-43	
Receipt No.	620615	Amount \$ 300.00
Date Received	10/27/04	
Reviewed by	[Signature]	

Date OCTOBER 22, 2004

Location of the subject street 5200 WEST AND 300 SOUTH

Name of Applicant MENLO ASSOCIATES, LLC Phone 650 323-8481

Address of Applicant 845 OAK GROVE AVE., #210, MENLO PARK CALIFORNIA 94025

E-mail address of Applicant DHAIGHT885@AOL.COM ~~X000~~ / Fax 650 323-8485

Please include with the application:

1. A letter explaining why you are requesting this street closure. Please include a statement explaining why the street closure is consistent with proposed public policy. If applicant is not a property owner adjacent to the street, please include the applicant's interest in the request.
2. The names and addresses of all property owners within four-hundred fifty (450) feet—exclusive of streets and alleys in any direction—from the border of the subject street. The name, address and Sidwell number of each property owner must be typed or clearly printed on gummed mailing labels. Please include yourself and the appropriate Community Council Chair. Additional names and addresses may be required. **The cost of first class postage for each address is due at time of application. Please do not provide postage stamps.**
3. The name, address and signatures of all abutting property owners who support the petition. You may use the sample petition accompanying this application or provide your own. **Please note that the property owners must sign and not occupants who rent.**
4. A property ownership map (known as a Sidwell map) showing the area of the proposed street closure. On the map please:
 - a. Highlight the subject section of street
 - b. Indicate with a list of the property owners and write their name on the sidwell map identifying the property they own.
5. Filing fee of \$300.00, due at time of application.

If you have any questions regarding the requirements of this petition, please contact a member of the Salt Lake City Planning staff (535-7757) prior to submitting the petition.

Sidwell maps and names of property owners are available at:

Salt Lake County Recorder
2001 South State Street, Room N1600
Salt Lake City, UT 84190-1051
Telephone: (801) 468-3391

File the complete application at:

Salt Lake City Planning
451 South State Street, Room 406
Salt Lake City, UT 84111
Telephone: (801) 535-7757

Signature of Applicant
of authorized agent

MENLO ASSOCIATES, LLC [Signature]
Title of agent

SALT LAKE CITY PLANNING

MENLO ASSOCIATES, L.L.C.
845 Oak Grove Ave., Suite #210
Menlo Park, CA 94025
(650) 323-8481

October 22, 2004

Ms. Jackie Gasparik
Salt Lake City Corporation, Planning Division
451 South State Street, Room 406
Salt Lake City, UT 84111

Re: Street Closure

Dear Jackie:

Enclosed is the Street Closure application for 300 South east of 5200 West we've been discussing. Please let me know immediately if I have made any errors.

The neighbors are easy to identify. There are really three entities: RC Willey, Kern River Gas and Sortech, LLC. Sortech, or its affiliates, own three of the parcels I have highlighted on the map.

I thought of one more matter. Assuming this closure goes through I want to combine the parcel we will acquire into our other parcel. In other words, I want to end up with a single lot rather than a big parcel and a skinny parcel. We did a similar action on another parcel several years ago and I seem to recall that this wasn't very difficult to do.

Please keep me posted on any meetings or other action I need to cover so we might move through this process as quickly as possible.

Sincerely,

MENLO ASSOCIATES, L.L.C.



David B. Haight, III
Manager

DBH/tbj

Enclosures

MENLO ASSOCIATES, L.L.C.
845 Oak Grove Ave., Suite #210
Menlo Park, CA 94025
(650) 323-8481

September 20, 2004

Ms. Linda Cordova, Property Manager
Salt Lake City Corporation
451 South State Street, Room 225
Salt Lake City, UT 84111

RE: .95 Acre near 5200 West 300 South

Dear Ms. Cordova:

Menlo Associates, L.L.C. is interested in purchasing .95-acre of raw land currently owned by the Salt Lake City Corporation. This property is located at 5200 West and 300 South in Salt Lake City and was acquired by the city about 15 years ago for a possible extension of 300 South. That extension is now unnecessary and the site is probably surplus to the city's needs.

We purchased the adjoining 18.24-acre parcel on June 30, 2004. The price was \$36,500 per acre. Our interest in acquiring this site is for future drainage uses. The .95-acre parcel is 66.00 feet wide and 627.03 feet long. The site is impacted negatively by two wide gas line easements that cross the property.

We want to petition the city to sell this land to us for the cash price of \$15,275.00. Here is how we arrived at that price:

The centerline of the Kern River Gas easement is an average of 165' from the western edge of the property. The width of that easement is 50'. The restrictions of this easement greatly limit the uses within this area. We consider this area a total loss as well as the land between this easement and 5200 West. Given the 15' setback requirement the amount of usable land is too small to be able to do any significant industrial development on it. A second gas line easement in favor of Wycal Pipeline runs the entire 627' length of property impacting 36' of the 66' width. Again, the impacted area has significant development restrictions.

We calculate 70% of the site is impacted directly or indirectly by an easement. Those portions of land were discounted by a blended average of 67% assuming some areas are a total loss to the easements and other areas have some surface value. Consideration was also given to the unusual and irregular shape of the lot and the fact that the most valuable area of the land does not have road frontage.

Ms. Linda Cordova, Property Manager
Salt Lake City Corporation
Page 2

Current Value (.95 acre. x \$36,500/acre):	\$34,675
Less: Impacted Areas (.95 acre x 70% land area x 67% discount):	<\$19,400>

Net Price:	\$15,275

We have enclosed copies of our recent survey and an aerial photo that is less than a year old for your benefit.

Sincerely,

MENLO ASSOCIATES, L.L.C.



David B. Haight, III
Manager

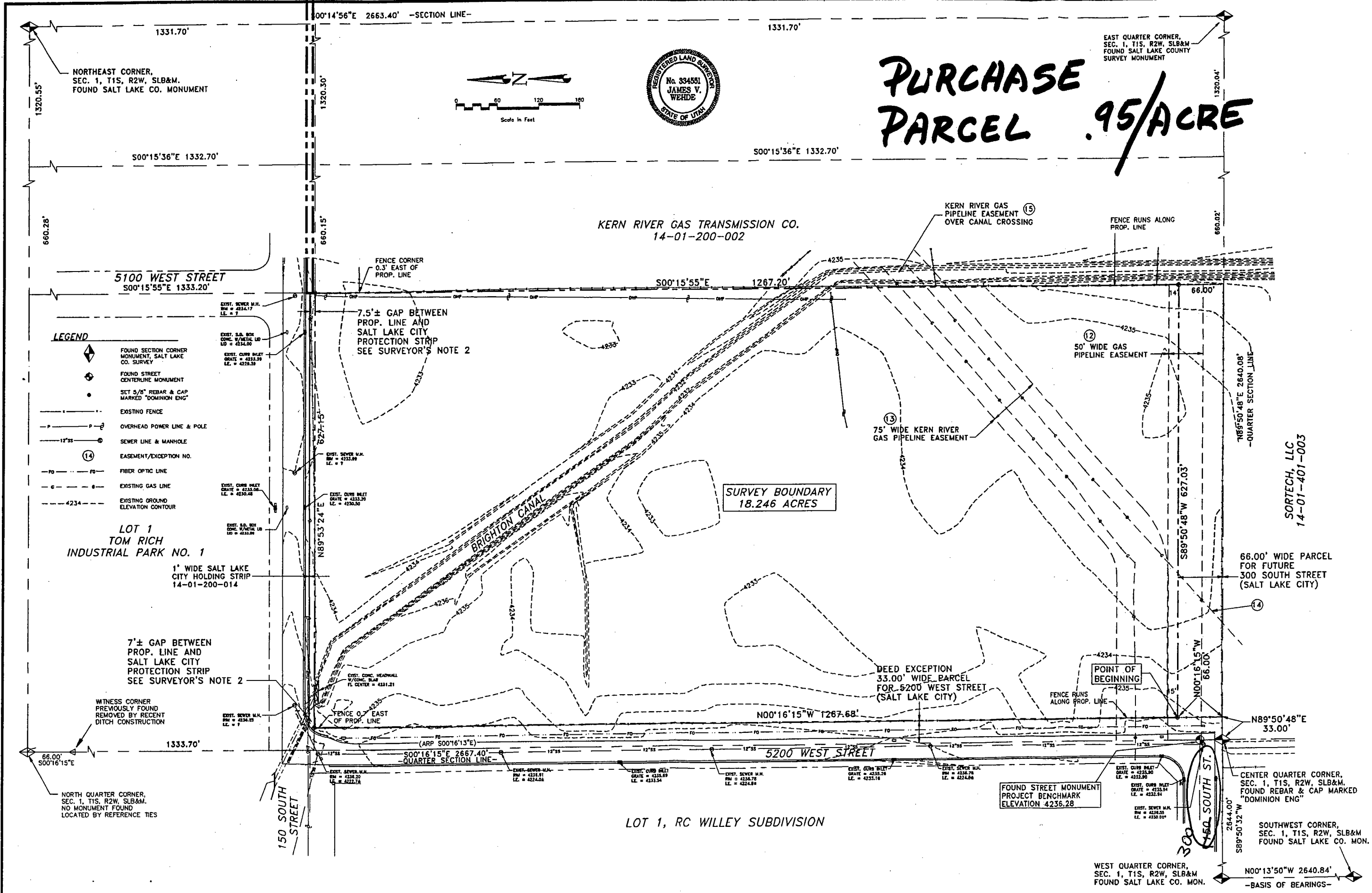
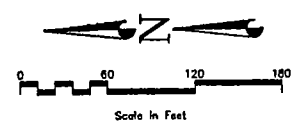
DBH/tbj

Enclosures

ATTACHMENT 2

SITE PLAN

PURCHASE PARCEL .95/ACRE



- LEGEND**
- FOUND SECTION CORNER MONUMENT, SALT LAKE CO. SURVEY
 - FOUND STREET CENTERLINE MONUMENT
 -
 - EXISTING FENCE
 - OVERHEAD POWER LINE & POLE
 - SEWER LINE & MANHOLE
 - EASEMENT/EXCEPTION NO. 14
 - FIBER OPTIC LINE
 - EXISTING GAS LINE
 - EXISTING GROUND ELEVATION CONTOUR

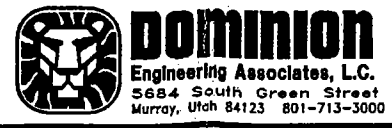
LOT 1 TOM RICH INDUSTRIAL PARK NO. 1
 1' WIDE SALT LAKE CITY HOLDING STRIP 14-01-200-014
 7'± GAP BETWEEN PROP. LINE AND SALT LAKE CITY PROTECTION STRIP SEE SURVEYOR'S NOTE 2
 WITNESS CORNER PREVIOUSLY FOUND REMOVED BY RECENT DITCH CONSTRUCTION

LOT 1, RC WILLEY SUBDIVISION

SORTECH, LLC
 14-01-401-003

DRAWN	JVW 04/04	CHECKED	GC 04/04
DESIGNED	JVW 04/04		
APPROVED	JVW 04/04	JVW	
	DATE	PROJECT MANAGER	

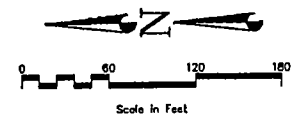
HAIGHT AND ASSOCIATES
 SALT LAKE CITY, UTAH



NE 1/4, SECTION 1, T1S, R2W, SLB&M
 ALTA/ACSM LAND TITLE SURVEY

PROJECT NO.	814		
SHEET NO.	2 OF 2		
FILE NAME:	HACTEAST		
SCALE:	1"=60'		
NO.	REVISIONS	BY	DATE

EASEMENTS



EAST QUARTER CORNER,
SEC. 1, T1S, R2W, SLB&M
FOUND SALT LAKE COUNTY
SURVEY MONUMENT

KERN RIVER GAS TRANSMISSION CO.
14-01-200-002

SURVEY BOUNDARY
18.246 ACRES

SORTECH, LLC
14-01-401-003

- LEGEND**
- FOUND SECTION CORNER MONUMENT, SALT LAKE CO. SURVEY
 - FOUND STREET CENTERLINE MONUMENT
 -
 - EXISTING FENCE
 - OVERHEAD POWER LINE & POLE
 - SEWER LINE & MANHOLE
 - EASEMENT/EXCEPTION NO. 14
 - FIBER OPTIC LINE
 - EXISTING GAS LINE
 - EXISTING GROUND ELEVATION CONTOUR

LOT 1
TOM RICH
INDUSTRIAL PARK NO. 1

7'± GAP BETWEEN
PROP. LINE AND
SALT LAKE CITY
PROTECTION STRIP
SEE SURVEYOR'S NOTE 2

WITNESS CORNER
PREVIOUSLY FOUND
REMOVED BY RECENT
DITCH CONSTRUCTION

NORTH QUARTER CORNER,
SEC. 1, T1S, R2W, SLB&M.
NO MONUMENT FOUND
LOCATED BY REFERENCE TIES

DEED EXCEPTION
33.00' WIDE PARCEL
FOR 5200 WEST STREET
(SALT LAKE CITY)

POINT OF
BEGINNING

CENTER QUARTER CORNER,
SEC. 1, T1S, R2W, SLB&M.
FOUND REBAR & CAP MARKED
"DOMINION ENG"

SOUTHWEST CORNER,
SEC. 1, T1S, R2W, SLB&M
FOUND SALT LAKE CO. MON.

WEST QUARTER CORNER,
SEC. 1, T1S, R2W, SLB&M
FOUND SALT LAKE CO. MON.

N00°13'50"W 2640.84'
-BASIS OF BEARINGS-

P:\HAIGHT SURVEY\HAIGHTEASTALTA.DWG

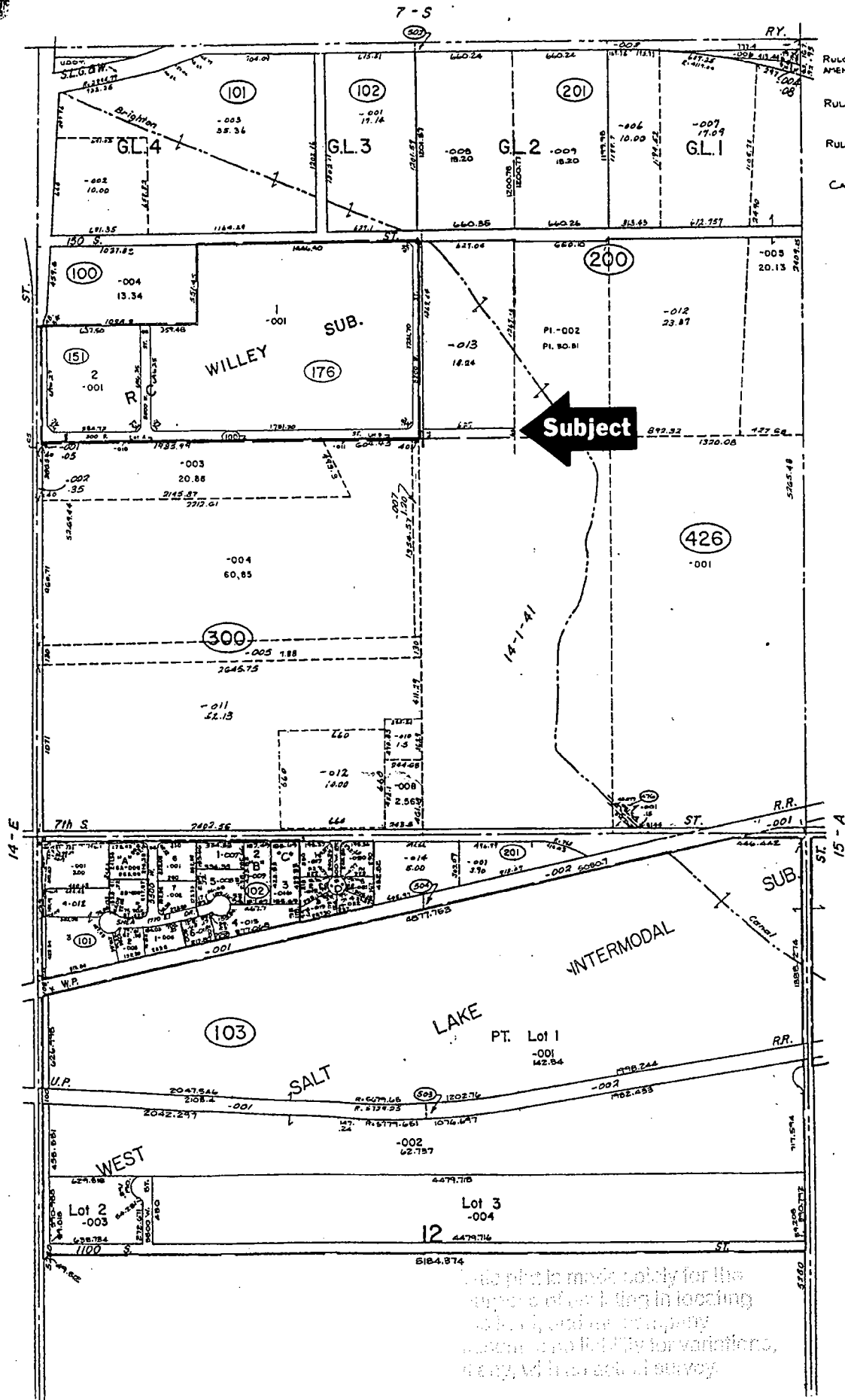
DRAWN	JVW 04/04	CHECKED	GC 04/04
DESIGNED	JVW 04/04	DATE	
APPROVED	JVW 04/04	JVW	PROJECT MANAGER

HAIGHT AND ASSOCIATES
SALT LAKE CITY, UTAH



NE 1/4, SECTION 1, T1S, R2W, SLB&M
ALTA/ACSM LAND TITLE SURVEY

PROJECT NO.	814
SHEET NO.	2 OF 2
FILE NAME:	HAGTEAST
SCALE:	1"=60'



- 'A' RULON INDUSTRIAL PARK No. 1 AMENDED LOT 5
- 'B' RULON INDUSTRIAL PARK No. 2
- 'C' RULON INDUSTRIAL PARK No. 2 AMENDED
- 'D' CAL-LITE INDUSTRIAL SUB.

SALT LAKE COUNTY, Utah
 PREPARED BY SALT LAKE COUNTY RECORDER
 This plat is subject to the provisions of the Utah Subdivision Map Act, Chapter 67, Utah Code, and to the provisions of the Utah Subdivision Map Act, Chapter 67, Utah Code, and to the provisions of the Utah Subdivision Map Act, Chapter 67, Utah Code.

This plat is made solely for the purpose of recording the location of the boundaries of the parcels shown hereon and is not to be construed as a warranty of any kind.

ATTACHMENT 3

DEPARTMENTAL COMMENTS

MEMORANDUM

TO: Orion Goff Permits Office
Craig Smith Engineering
Brad Larsen Fire Department
Kim Guess Police – Community Support (District 2)
Brad Stewart Public Utilities
Barry Walsh Transportation
John Spencer Property Management

FROM: Janice Panichello Planning

DATE: November 8, 2004

RE: Petition 400-04-43. Street Closure and Surplus of 0.95 acres of right-of-way at 300 South, east of 5200 West.

- Enclosed please find information relating to the above referenced proposed Street Closure. The subject property was acquired by the City in 1994 as a condition of subdivision approval. The area has not, however, been developed in such a way that this dedication is needed now or in the foreseeable future. The applicant is requesting that the City surplus this right-of-way and allow the applicant to purchase the surplus right-of-way. The applicant has worked with the SLC Property Management Department staff to determine an acceptable price for the property.

Please provide comments relative to your area of expertise.

I would appreciate receiving your written comments by Tuesday, November 23rd. If you do not have any comments, please send me an e-mail to that effect. If I do not receive your comments by November 23rd, I will assume you have none.

If you have any questions, please email me or call me at 535-6260. Thank you.

Panichello, Janice

From: Panichello, Janice
Sent: Wednesday, November 10, 2004 8:21 AM
To: Harpst, Tim; Hooton, Leroy; Graham, Rick; Querry, Chuck; Dinse, Rick; Boskoff, Nancy; Campbell, Tim; Clark, Luann; Fluhart, Rocky; Dobbins, David; McFarlane, Alison; Oka, Dave; Rutan, Ed
Cc: Goff, Orion; Smith, Craig; Larson, Bradley; Guess, Kim; Stewart, Brad; Walsh, Barry; Spencer, John
Subject: Street Closure Petition
Categories: Program/Policy
Attachments: deptmemo street closure.doc

The Planning Division is currently reviewing Petition 400-04-43, a request for a Street Closure for 0.95 acres of right-of-way abutting the applicant's property at 5200 West 300 South. The applicant is also requesting that the City surplus this right-of-way and allow the applicant to purchase this property. This e-mail and additional materials have been sent to appropriate city staff who have been asked to review the technical details of the project and respond in writing with any comments they have. If you would like to review details of the proposed project, please let me know by November 17th, and I will forward the specific information to you for your comments.

If you have any questions, please contact me at 535-6260.

Thank you. – Janice Panichello

Panichello, Janice

From: Walsh, Barry
Sent: Monday, November 15, 2004 6:11 PM
To: Panichello, Janice
Cc: Young, Kevin; Smith, Craig; Stewart, Brad; Spencer, John; Wheelwright, Doug; Gasparik, Jackie
Subject: RE: Street Closure Petition
Categories: Program/Policy

November 15, 2004

Janice Panichello, Planning

Re: Pet 400-04-43. Street closure of 300 South right-of-way, east of 5200 West about 627 feet.

Janice

The Division of transportations review comments are as follows:

In coordination with the area development and the area master plan concept we are in agreement with the proposed closure of this area of 300 South at this time. With future development in this area, the agreement to dedicate and develop public roadway as required is a standard requirement of the City by property owners.

We do recommend that possible extension of 5200 West right of way to the south is a more plausible projection and should be noted in the development and marketing of this property.

The drawing dated 04/04 project 814 sheet 2 of 2 needs to have "300 South St." re-labeled, it shows "150 South St." at the Center Quarter Corner Section.

Sincerely,

Barry Walsh

Cc Kevin Young, P.E.
Craig Smith, Engineering
Brad Stewart, Utilities
John Spencer, Property Management
Doug Wheelwright, Planning
Jackie Gasparik, Planning
File

From: Panichello, Janice
Sent: Wednesday, November 10, 2004 8:21 AM
To: Harpst, Tim; Hooton, Leroy; Graham, Rick; Querry, Chuck; Dinse, Rick; Boskoff, Nancy; Campbell, Tim; Clark, Luann; Fluhart, Rocky; Dobbins, David; McFarlane, Alison; Oka, Dave; Rutan, Ed
Cc: Goff, Orion; Smith, Craig; Larson, Bradley; Guess, Kim; Stewart, Brad; Walsh, Barry; Spencer, John
Subject: Street Closure Petition

The Planning Division is currently reviewing Petition 400-04-43, a request for a Street Closure for 0.95 acres of right-of-way abutting the applicant's property at 5200 West 300 South. The applicant is also requesting that the City surplus this right-of-way and allow the applicant to purchase this property. This e-mail and additional

11/16/2004

MENLO ASSOCIATES, L.L.C.
845 Oak Grove Ave., Suite #210
Menlo Park, CA 94025
(650) 323-8481

Via Facsimile (801-535-6690)

October 21, 2004

Ms. Linda Cordova, Property Manager
Salt Lake City Corporation
451 South State Street, Room 225
Salt Lake City, UT 84111

RE: .95 Acre near 5200 West 300 South

Dear Ms. Cordova:

Earlier today, I spoke with John Spencer and Matt Williams of your department regarding the value of the above-mentioned land that we wish to acquire from Salt Lake City. We agreed that a value of \$17,300.00 (Seventeen Thousand Three Hundred Dollars) would be an acceptable price for both sides. We also agreed that an appraisal of this site would be time consuming, costly and unnecessary.

Therefore, we will proceed with this purchase based on the above assumptions. I will submit a Street Closure application with Jackie Gasparik of the Planning Division as soon as possible.

Your assistance and cooperation as well as that of John and Matt are appreciated very much.

Sincerely,

MENLO ASSOCIATES, L.L.C.



David B. Haight, III
Manager

DBH/tbj

RE: PETITION 400-04-43. PROPOSED STREET CLOSURE OF 300 SOUTH BETWEEN 5100 WEST AND 5200 WEST

Transportation Division

From: Walsh, Barry
Sent: Mon 11/15/2004 6:11 PM
To: Panichello, Janice
Cc: Young, Kevin; Smith, Craig; Stewart, Brad; Spencer, John; Wheelwright, Doug; Gasparik, Jackie
Subject: RE: Street Closure Petition

November 15, 2004

Janice Panichello, Planning

Re: Pet 400-04-43. Street closure of 300 South right-of-way, east of 5200 West about 627 feet.

Janice

The Division of transportations review comments are as follows:

In coordination with the area development and the area master plan concept we are in agreement with the proposed closure of this area of 300 South at this time. With future development in this area, the agreement to dedicate and develop public roadway as required is a standard requirement of the City by property owners.

We do recommend that possible extension of 5200 West right of way to the south is a more plausible projection and should be noted in the development and marketing of this property.

The drawing dated 04/04 project 814 sheet 2 of 2 needs to have "300 South St." re-labeled, it shows "150 South St." at the Center Quarter Corner Section.

Sincerely,

Barry Walsh

Cc Kevin Young, P.E.
Craig Smith, Engineering
Brad Stewart, Utilities
John Spencer, Property Management
Doug Wheelwright, Planning

Engineering Division

From: Weiler, Scott
Sent: Wed, December 1, 2004 2:34 PM
To: Panichello, Janice
Cc: Johnston, Richard; Smith, Craig; Walsh, Barry; Stewart, Brad
Subject: RE: Street closure and surplus request petition 400-04-43

Janice,

Directly east of the proposed closure of 300 South lies the Kern River Compressor Station property (5000 W. to 5100 W.) which was developed in 2003. It appears very unlikely that 300 South would be extended eastward through the Kern River property even if the proposed section of 300 South were to be built. Consequently, it appears that the proposed closure of 300 South between 5100 W. and 5200 W. will not adversely affect the transportation network of the surrounding area. If the applicant owns property along 5200 West (including any property south of 300 South) that does not already have a dedicated 33' half width, dedication of 5200 West should be required as part of this approval. With this condition, we do not object to the proposed street closure.

Scott Weiler

Property Management

From: Cordova, Linda
Sent: Monday, November 29, 2004 1:16 PM
To: Panichello, Janice
Cc: Spencer, John
Subject: RE: Street closure and surplus request petition 400-04-43

Other than paying the \$17,300 for purchase of that portion of the street closure, I think we have no other issues.

Public Utilities

From: Garcia, Peggy
Sent: Thu 11/18/2004 3:28 PM
To: Panichello, Janice
Cc: Niermeyer, Jeff; Greenleaf, Karryn; Snelling, Jeff; Stewart, Brad
Subject: Petition 400-04-43, Street Closure and Surplus of 0.95 acres of right-of-way at 300 South, east of 5200 West

Janice,

According to our records Public Utilities currently does not have any facilities within this subject right-of-way. With this understanding Public Utilities finds it acceptable to vacate this existing subject right-of-way. As these areas develop it will be the responsibility of the land owner(s)/ developers to provide utility infrastructure and property rights as needed to support proposed development. Please contact Jeff Snelling at 483-6889 if you have any questions.

Peggy Garcia
Contracts Supervisor
Salt Lake City Public Utilities
(801) 483-6727

Fire Department

From: Larson, Bradley
Sent: Thu 11/11/2004 11:13 AM
To: Panichello, Janice
Subject: RE: Street Closure Petition

Janice,

Please consider this note as Fire Department approval for the above named request. Please feel free to contact me should you have any questions or need further assistance.

Thank you.

Brad Larson
Deputy Fire Marshal

Panichello, Janice

From: Butcher, Larry
Sent: Monday, November 15, 2004 11:06 AM
To: Panichello, Janice
Cc: Giraud, Elizabeth; Goff, Orion; Brown, Ken; Hardman, Alan; Michelsen, Alan
Subject: Petitions 400-04-43 & 400-04-46
Categories: Program/Policy

Janice:

My comments are as follows:

Pet. 400-04-43

I have no comment on the proposed street closure.

Pet. 400-04-46

I have no specific comments related to the proposed text amendment to allow "commercial indoor recreation" in the BP zone. However, the proposed planned development will require a detailed review once we receive adequate plans from the applicant.

Larry

Panichello, Janice

From: Panichello, Janice
Sent: Monday, November 29, 2004 12:27 PM
To: Cordova, Linda
Cc: Spencer, John
Subject: Street closure and surplus request petition 400-04-43
Categories: Program/Policy

Before I schedule the street closure/surplus petition for a Planning Commission hearing, I thought I'd check with you to see if Property Management has any outstanding issues for this request. If there are outstanding issues, is there a time that we could meet to discuss the petition? Thanks for your help!

(Request by Menlo Associates/David Haight to vacate, and allow the applicant to purchase, the right-of-way on 300 South, east of 5200 West.)

Janice Panichello
Planning Department

Panichello, Janice

From: Spencer, John
Sent: Monday, November 08, 2004 3:06 PM
To: Panichello, Janice
Subject: RE: Menlo street vacation application
Categories: Program/Policy

Janice,

Property Management received a letter from Mr. Haight regarding the monetary consideration for the City owned parcel. His offer was based on a formula that identified several easements that encumber the property. In reviewing his initial offer, Property Management determined the methodology used was slightly flawed in its approach. After discussing our concerns with Mr. Haight during a conference call, both parties agreed to an adjustment in the sales price resulting in an agreed price of \$17,300.

If you have further questions, you may contact Linda Cordova, Property Manager @ 6308.

Regards,

John

From: Panichello, Janice
Sent: Wednesday, November 03, 2004 2:22 PM
To: Spencer, John
Cc: Williams, Matthew
Subject: Menlo street vacation application

Hi, John,

I just started working in Planning last week and was assigned this week the request by the Menlo Associates (David Haight) to vacate the section of road (300 South, 5200 West) immediately south of their property. A letter in the file (dated October 21, 2004) from David Haight to Linda Cordova indicates that he spoke with you and Matt Williams and that you agreed that the \$17,300 purchase price proposed by Menlo Associates is acceptable to the City. Jackie Gasparik (who had been working on the pre-app phase of this application) said that she had the impression from Mr. Haight that your office had either sent Mr. Haight a letter verifying your agreement with the proposed purchase and verifying the acceptability of the purchase price. If so, could I please pick up a copy of the letter? Thanks for your help! - Janice Panichello (x6260)

11/9/2004

Panichello, Janice

From: Panichello, Janice
Sent: Monday, November 29, 2004 12:13 PM
To: Larson, Bradley
Subject: street closure petition 400-04-43
Categories: Program/Policy

Just wanted to make sure that you received the site plans this time for the proposed vacation of the right-of-way at 300 S east of 5200 West. If you did receive them, do you know the time frame when you'll be able to get comments to me? (I'm hoping to schedule this for the first Planning Commission meeting in January, and the applicant is eager to get this moving along.) Thanks for your help! - Janice Panichello

A. LOUIS ZUNGUZE
PLANNING DIRECTOR

BRENT B. WILDE
DEPUTY PLANNING DIRECTOR

DOUGLAS L. WHEELWRIGHT, AICP
DEPUTY PLANNING DIRECTOR

SALT LAKE CITY CORPORATION

COMMUNITY DEVELOPMENT
PLANNING AND ZONING DIVISION

ROSS C. ANDERSON
MAYOR

MEMORANDUM

TO: Lynn Curt, City Surveyor

FROM: Cheri Coffey, Planning Division

DATE: January 21, 2005

RE: Petition No. 400-04-43: Street Closure of 300 South east of 5200 West.

Attached please find information relating to the above referenced petition. This is a request by Menlo Associates, LLC, requesting the City Council close approximately 627 feet of the unimproved 66 foot right-of-way of 300 South, which abuts their property to the north and to declare the right-of-way as surplus land and allow the applicant to purchase the property. The subject property was acquired by the City in 1994 as a condition of subdivision approval. The area has not, however, been developed in such a way that this dedication is needed now or in the foreseeable future.

On January 12, 2005, the Planning Commission passed a motion to transmit a favorable recommendation to the City Council to close the street, declare it surplus and sell it to the applicant at fair market value.

Please review the attached legal description to determine if it is accurate. The final legal description will be attached to the Ordinance the City Attorney's Office is preparing.

I would appreciate receiving your written response by Friday February 4, 2005.

If you have any questions, please call me. (6188). Thank you.

Coffey, Cheri

From: Curt, Lynn
Sent: Wednesday, February 02, 2005 3:35 PM
To: Coffey, Cheri
Subject: Petition #400-04-43

Cheri,

I have reviewed the legal you sent for the proposed street closure. This description is the same as shows up in the warranty deed for what was dedicated previously.

The description as it is in the petition and the deed needs to be modified to fit the 33 foot strip that was dedicated east of the 1/4 section line for 5200 West. Otherwise this closure as the description is written will effect a portion of 5200 West that I don't think is intended to be closed.

Please let me know if you have questions.

Lynn C. #7973

A. LOUIS ZUNGUZE
PLANNING DIRECTOR

BRENT B. WILDE
DEPUTY PLANNING DIRECTOR

DOUGLAS L. WHEELWRIGHT, AICP
DEPUTY PLANNING DIRECTOR

SALT LAKE CITY CORPORATION
COMMUNITY DEVELOPMENT
PLANNING AND ZONING DIVISION

ROSS C. ANDERSON
MAYOR

MEMORANDUM

TO: Melanie Reif, ^{CC}Attorney's Office

FROM: Cheri Coffey, Planning Division

DATE: January 21, 2005

RE: Petition No. 400-04-43: Street Closure of 300 South east of 5200 West.

Attached please find information relating to the above referenced petition. This is a request by Menlo Associates, LLC, requesting the City Council close approximately 627 feet of the unimproved 66 foot right-of-way of 300 South, which abuts their property to the north and to declare the right-of-way as surplus land and allow the applicant to purchase the property. The subject property was acquired by the City in 1994 as a condition of subdivision approval. The area has not, however, been developed in such a way that this dedication is needed now or in the foreseeable future.

On January 12, 2005, the Planning Commission passed a motion to transmit a favorable recommendation to the City Council to close the street, declare it surplus and sell it to the applicant at fair market value.

Please prepare a draft ordinance for City Council action. I have included a map identifying the street. The City Surveyor is reviewing the legal description, which will be included in the ordinance as Attachment A.

I would appreciate receiving the ordinance by February 4, 2005.

If you have any questions, please call me at x6188 or Doug Wheelwright at x6178.

Thank you.

cc: file

PLANNING COMMISSION
c. Minutes

**SALT LAKE CITY PLANNING COMMISSION MEETING
In Room 325 of the City & County Building
451 South State Street, Salt Lake City, Utah
Wednesday, January 12, 2005**

Present from the Planning Commission were Chairperson Tim Chambless, Vice Chairperson Laurie Noda, Babs De Lay, Prescott Muir, Kathy Scott and Jennifer Seelig. John Diamond, Craig Galli and Peggy McDonough were unable to attend.

Present from the Planning Division Staff were Planning Director Louis Zunguze, Deputy Planning Director Brent Wilde, Deputy Planning Director Doug Wheelwright, Planning Programs Supervisor Cheri Coffey, Senior Planner Elizabeth Giraud, Intern Andrei Lubomudrov, Principal Planner Marilynn Lewis, Senior Planner Joel Paterson, Principal Planner Doug Dansie and Acting Planning Commission Secretary Deborah Martin. Deputy City Attorney Lynn Pace was also present.

A roll is being kept of all who attended the Planning Commission Meeting. Chairperson Chambless called the meeting to order at 5:48 p.m. Minutes are presented in agenda order and not necessarily as cases were heard by the Planning Commission. Tapes of the meeting will be retained in the Planning Office for a period of one year, after which they will be erased.

Planning Commission Members voting during the meeting of January 12, 2005 are as follows: Commissioner Noda, Commissioner De Lay, Commissioner Muir, Commissioner Scott and Commissioner Seelig. Commission Chambless, as Chairperson, did not vote.

- c. PUBLIC HEARING – Petition No. 400-04-43, by Menlo Associates, LLC, requesting that the City close and declare as surplus property a 66 foot by 627 foot section of unimproved public street right-of-way known as 300 South, between 5200 West Street and approximately 5100 West, and that the City sell that portion of 300 South Street to Menlo Associates as the abutting property owner.
(Staff – Janice Panichello at 535-6260 or janice.panichello@slcgov.com)**

(This item was heard at 6:02 p.m.)

Mr. Wheelwright, substituting for Ms. Panichello, explained that the subject parcel is located east of the RC Willey Warehouse site at 300 South and 5500 West, and the entire area is zoned Industrial M-1. The subject property was acquired by Salt Lake City in 1994 as a condition of subdivision approval for a radio tower facility. Mr. Wheelwright noted that the radio tower facility was erected on the property, but the use no longer exists. He then explained that at the time of acquisition, the Transportation Master Plan called for an eastward extension of 300 South beyond the RC Willey site to provide access to surrounding properties that were not yet developed. In 1996, the Major Street Plan of the Transportation Master Plan was amended and the designation of 300 South east of 5200 West was changed to a local street. Local streets are not mapped on the Major Street Plan and are allowed to be developed as needed to access surrounding properties. Also since that time, the Kern River Gas Transmission Company developed the entire property abutting to the east, so it eliminated any need to extend 300 South farther east. Mr. Wheelwright added that the subject section of 300 South was only acquired and was never developed as a street. City policies and ordinances allow closure of a street right-of-way should it be determined that it no longer serves a public purpose. Planning Staff recommends that the subject property be closed and sold to the owner of the abutting property, Menlo Associates.

Responding to questions from Commissioner Scott, Mr. Wheelwright explained that the property now owned by Kern River Gas was originally configured as a large single Agricultural Use parcel with the

potential to be subdivided into smaller parcels. Subsequently the Gas Company is using the entire parcel for a compressor station. 300 South adjacent to the RC Willey site and 5200 West are City streets.

Commissioner Seelig asked about the status of a Northwest Quadrant Master Plan, which does not exist at this time. Mr. Wheelwright explained that Mayor Anderson stated in his State of the City speech that he intends to seek funding for a Northwest Quadrant Master Plan during the next budget cycle.

There was no one from the public or the respective community council to speak to the issue.

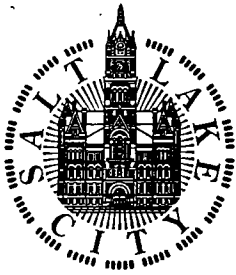
The meeting was closed to public comment and there was no further discussion.

Motion for Petition #400-04-43 Based on the analyses and the findings of fact presented in the Staff Report, Commissioner Noda moved for the Planning Commission to forward a favorable recommendation to the Salt Lake City Council to approve the street closure of the unimproved right-of-way of 300 South located east of 5200 West, and to declare the right-of-way as surplus land and allow it to be sold at fair market value to the abutting property owner to the north, Menlo Associates, LLC. Commissioner De Lay seconded the motion, all voted aye; the motion passed.

6. ORIGINAL PETITION

PETITION CHECKLIST

<u>Date</u>	<u>Initials</u>	<u>Action Required</u>
<u>10/28/04</u>	<u>NDH</u>	Petition delivered to Planning
<u>10/28/04</u>	<u>NDH</u>	Petition assigned to: <u>Janice Parrichello</u>
<u>1/12/05</u>	<u>_____</u>	Planning Staff or Planning Commission Action Date
<u>✓</u>	<u>CC</u>	Return Original Letter and Yellow Petition Cover
<u>✓</u>	<u>CC</u>	Chronology
<u>✓</u>	<u>CC</u>	Property Description (marked with a post it note)
<u>✓</u>	<u>CC</u>	Affected Sidwell Numbers Included
<u>✓</u>	<u>CC</u>	Mailing List for Petition, include appropriate Community Councils
<u>✓</u>	<u>CC</u>	Mailing Postmark Date Verification
<u>✓</u>	<u>CC</u>	Planning Commission Minutes
<u>✓</u>	<u>CC</u>	Planning Staff Report
<u>✓</u>	<u>CC</u>	Cover letter outlining what the request is and a brief description of what action the Planning Commission or Staff is recommending.
<u>✓</u>	<u>CC</u>	Ordinance Prepared by the Attorney's Office
<u>✓</u>	<u>CC</u>	Ordinance property description is checked, dated and initialed by the Planner. Ordinance is stamped by Attorney.
<u>Cheri Coffey</u>	<u>_____</u>	Planner responsible for taking calls on the Petition
<u>_____</u>	<u>_____</u>	Date Set for City Council Action <u>_____</u>
<u>_____</u>	<u>_____</u>	Petition filed with City Recorder's Office



Street Closure

10:15-10:30

FOR OFFICE USE ONLY

Petition No.	<u>400-04-43</u>
Receipt No. <u>6205115</u>	Amount \$ <u>300.00</u>
Date Received	<u>10/27/04</u>
Reviewed by	<u>JJ</u>

Date OCTOBER 22, 2004

Location of the subject street 5200 WEST AND 300 SOUTH

Name of Applicant MENLO ASSOCIATES, LLC Phone 650 323-8481

Address of Applicant 845 OAK GROVE AVE., #210, MENLO PARK CALIFORNIA 94025

E-mail address of Applicant DHAIGHT885@AOL.COM ~~XOX~~ / Fax 650 323-8485

Please include with the application:

1. A letter explaining why you are requesting this street closure. Please include a statement explaining why the street closure is consistent with proposed public policy. If applicant is not a property owner adjacent to the street, please include the applicant's interest in the request.
2. The names and addresses of all property owners within four-hundred fifty (450) feet—exclusive of streets and alleys in any direction—from the border of the subject street. The name, address and Sidwell number of each property owner must be typed or clearly printed on gummed mailing labels. Please include yourself and the appropriate Community Council Chair. Additional names and addresses may be required. **The cost of first class postage for each address is due at time of application. Please do not provide postage stamps.**
3. The name, address and signatures of all abutting property owners who support the petition. You may use the sample petition accompanying this application or provide your own. **Please note that the property owners must sign and not occupants who rent.**
4. A property ownership map (known as a Sidwell map) showing the area of the proposed street closure. On the map please:
 - a. Highlight the subject section of street
 - b. Indicate with a list of the property owners and write their name on the sidwell map identifying the property they own.
5. Filing fee of \$300.00, due at time of application.

If you have any questions regarding the requirements of this petition, please contact a member of the Salt Lake City Planning staff (535-7757) prior to submitting the petition.

Sidwell maps and names of property owners are available at:

Salt Lake County Recorder
 2001 South State Street, Room N1600
 Salt Lake City, UT 84190-1051
 Telephone: (801) 468-3391

File the complete application at:

Salt Lake City Planning
 451 South State Street, Room 406
 Salt Lake City, UT 84111
 Telephone: (801) 535-7757

Signature of Applicant
of authorized agent

MENLO ASSOCIATES, LLC By: [Signature]
 Title of agent MR.

SALT LAKE CITY PLANNING

MENLO ASSOCIATES, L.L.C.
845 Oak Grove Ave., Suite #210
Menlo Park, CA 94025
(650) 323-8481

October 22, 2004

Ms. Jackie Gasparik
Salt Lake City Corporation, Planning Division
451 South State Street, Room 406
Salt Lake City, UT 84111

Re: Street Closure

Dear Jackie:

Enclosed is the Street Closure application for 300 South east of 5200 West we've been discussing. Please let me know immediately if I have made any errors.

The neighbors are easy to identify. There are really three entities: RC Willey, Kern River Gas and Sortech, LLC. Sortech, or its affiliates, own three of the parcels I have highlighted on the map.

I thought of one more matter. Assuming this closure goes through I want to combine the parcel we will acquire into our other parcel. In other words, I want to end up with a single lot rather than a big parcel and a skinny parcel. We did a similar action on another parcel several years ago and I seem to recall that this wasn't very difficult to do.

Please keep me posted on any meetings or other action I need to cover so we might move through this process as quickly as possible.

Sincerely,

MENLO ASSOCIATES, L.L.C.



David B. Haight, III
Manager

DBH/tbj

Enclosures



Salt Lake City Corporation

CED Planning Division
451 South State Rm 406
Salt Lake City UT 84111
801-535-7757

OPEN
Invoice#: 062005115
Date: 10/28/2004

Received From:

Menlo Associates LLC
 845 Oak Grove Avenue Suite 210
 Menlo Park, CA 94025

Prepared by:

Diana Hansen

Description	No	C. Center	Object	Project	Activity	Amount
Is requesting a Street Closure at 5200 West & 300 South. Ck. #1167	1	0600100	125111	-	-	\$300.00
TOTAL AMOUNT						\$300.00
PAYMENT TYPE						CHECK

REMARKS

Petition No. 400-04-43

By Menlo Associates, LLC

Is requesting a Street Closure at
5200 West & 300 South.

Date Filed _____

Address _____