




CITY COUNCIL TRANSMITTAL


Patrick Leary, Chief of Staff

Date Received: July 25, 2017
Date sent to Council: July 25, 2017

TO: Salt Lake City Council
Stan Penfold, Chair

DATE:

FROM: Mike Reberg, Community & Neighborhoods Director 

SUBJECT: Resolution extending the time period to satisfy the conditions listed on the ordinance closing and vacating a portion of West Capitol Street adjacent to properties located at approximately 686 and 690 North West Capitol Street.

STAFF CONTACT: Joel Paterson, Zoning Administrator (801) 535-6141
joel.paterson@slcgov.com

DOCUMENT TYPE: Resolution

RECOMMENDATION: That the City Council consider adopting the resolution.

BUDGET IMPACT: If the conditions of Ordinance 56 of 2016 are met, Salt Lake City would sell the property to the developer for fair market value of the land.

BACKGROUND/DISCUSSION: On August 16, 2016 the City Council voted to adopt an ordinance closing and vacating a portion of West Capitol Street adjacent to properties at approximately 686 and 690 North West Capitol Street. That ordinance (Ordinance 56 of 2016) expires on August 16, 2017. The developer would like the time frame extended for an additional two years to August 16, 2019.

The initial request was made by the applicant in conjunction with a subdivision application for the property on the east side of West Capitol Street. While this partial street closure and vacation narrows the width of the right-of-way, this segment of West Capitol Street will be improved and the pavement width will be widened with the development of the proposed subdivision. The proposed street closure will result in a more consistent right-of-way width for this section of West Capitol Street.

The ordinance imposes certain conditions and requires that those conditions be met within one year from the date that the ordinance was approved. The applicant, is requesting to extend the timeframe of Ordinance 56 of 2016 in order to satisfy the conditions listed in the ordinance.

Since the Council gave their approval, the developer has been working on the engineering design details of the subdivision. The subdivision approved by the Planning Commission in conjunction with the proposed street closure required a significant amount of excavation and transporting of material away from the site. As a result, the developer is proposing to revise the preliminary subdivision approval to reduce the amount of excavation required and the impact to the surrounding neighborhood and streets due to hauling operations. Because of this the applicant has requested an extension of the deadline sufficient to satisfy the conditions of Ordinance No. 56 of 2016.

PUBLIC PROCESS: A request to extend the time period to meet the conditions of the original ordinance does not require additional public process. Petition PLNPCM2015-00438 to close and vacate a portion of West Capitol Street followed the typical public process. The petition was presented to the Capitol Hill Community Council on July 29, 2015. The Planning Commission held a public hearing and forwarded a positive recommendation to the City Council on December 9, 2015. The City Council held a briefing on May 10, 2016 and adopted Ordinance 56 of 2016 on August 16, 2016.

EXHIBITS:

1. Ordinance 56 of 2016
2. Vicinity Map

RESOLUTION NO. _____ of 2017

A resolution extending the time period for satisfying the conditions set forth in Ordinance 56 of 2016.
(Closing and vacating a portion of West Capitol Street adjacent to properties located at approximately 686 and 690 North West Capitol Street)

WHEREAS, the city council enacted Ordinance No. 56 of 2016 on August 16, 2016; and

WHEREAS, that ordinance imposed certain conditions and required that those conditions be met within one year from the date that the ordinance was approved; and

WHEREAS, the applicant is continuing work towards developing the property and requires additional time to achieve those ends; and

WHEREAS, the applicant has requested an extension of the deadline to satisfy the conditions of Ordinance 56 of 2016 in order to continue its efforts; and

WHEREAS, the city council finds that there is good cause to extend the deadline in the ordinance;

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

SECTION 1. The deadline set forth in Section 5 of Ordinance 56 of 2016 shall be and hereby is extended from August 16, 2017 to August 16, 2019 for the applicant to satisfy the conditions set forth in Section 3 of that ordinance.

DATED this _____ day of _____, 2017.

Passed by the City Council of Salt Lake City, Utah, this _____ day of _____, 2017.

SALT LAKE CITY COUNCIL

By: _____
CHAIRPERSON

ATTEST AND COUNTERSIGN:

CITY RECORDER

HB_ATTYY-#62653-v1-Resolution_extending_time_on_Ordinance_56_of_2016.docx

APPROVED AS TO FORM Salt Lake City Attorney's Office Date: <u>July 19, 2017</u> By: <u>Paul C. Nielson</u> Paul C. Nielson, Senior City Attorney

1. Ordinance 56 of 2016

SALT LAKE CITY ORDINANCE

No. 56 of 2016

(Closing and vacating a portion of West Capitol Street adjacent to properties located at approximately 686 and 690 North West Capitol Street)

An ordinance closing and vacating a portion of West Capitol Street adjacent to properties located at approximately 686 and 690 North West Capitol Street, pursuant to Petition No. PLNPCM2015-00438.

WHEREAS, the Salt Lake City Planning Commission held a public hearing on December 9, 2015 to consider a request made by Bruce Baird and Uterra Corp. Real Estate ("Applicants") (Petition No. PLNPCM2015-00438) on behalf of the owner, 641 Victory, LLC, to close a portion of West Capitol Street adjacent to properties located at approximately 686 and 690 North West Capitol Street in order to accommodate a development project; and

WHEREAS, at its December 9, 2015 hearing, the planning commission voted in favor of forwarding a positive recommendation on said petition to the Salt Lake City Council; and

WHEREAS, the city council finds after holding a public hearing on this matter, that the city's interest in the portion of city-owned public right-of-way described below is not presently necessary for use by the public and that closing and vacating a portion of that city-owned right-of-way will not be adverse to the general public's interest; and

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

SECTION 1. Closing and Vacating City-Owned Right-of-Way. That a portion of West Capitol Street adjacent to properties located at approximately 686 and 690 North West Capitol Street, which is the subject of Petition No. PLNPCM2015-00438, and which is more particularly described on Exhibit "A" attached hereto, hereby is, closed and vacated and declared not presently necessary or available for public use.

SECTION 2. Reservations and Disclaimers. The above closure and vacation 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 is also subject to any existing rights-of-way or easements of private third parties.

SECTION 3. Conditions. This proposed street closure and vacation is conditioned upon the following:

- 1) The proposed method of disposition of the street property shall be consistent with the method of disposition expressed in Chapter 2.58 – City Owned Real Property of the Salt Lake City Code; and
- 2) Applicants shall comply with all city departmental comments concerning street closure provided in the planning division staff report on this matter dated December 9, 2015.
- 3) Any retaining wall constructed along the east side of West Capitol Street in conjunction with the proposed subdivision called Victory Road Twinhomes shall be setback a minimum of two feet from the edge of the public right-of-way. The two foot area between the right of way and the retaining wall shall be landscaped, maintained and water for plantings provided by the property owners of the land in which the landscaping is planted.
- 4) The subdivider of Victory Road Twinhomes shall ensure that plantings are provided along the top of all retaining walls along the east side of West Capitol Street. The subdivider shall ensure that water is provided to the plantings and the property owners of the land on which the plantings are located maintain the landscaping.

SECTION 4. 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 conditions identified above have been met as certified by the city's real property manager as to conditions 1 and 2 set forth in Section 3 herein.

SECTION 5. Time. If the conditions identified above have not been met within one year after adoption, this ordinance shall become null and void. The city council may, for good cause shown, by resolution, extend the time period for satisfying the conditions identified above.

Passed by the City Council of Salt Lake City, Utah this 16th day of August, 2016.

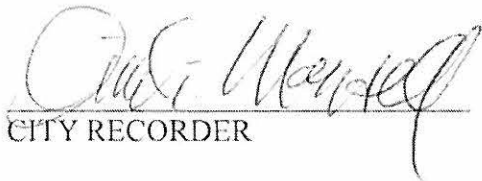

CHAIRPERSON

ATTEST:


CITY RECORDER

Transmitted to Mayor on August 30, 2016.

Mayor's Action: X Approved. Vetoed.


CITY RECORDER


MAYOR



(SEAL)

Bill No. 56 of 2016.

Published: _____

IIB_ATTYY-#50964-v3-Ordinance_vacation_portion_of_W_Capitol_Street.DOCX

APPROVED AS TO FORM
Salt Lake City Attorney's Office

Date: August 18, 2016

By: 
Paul C. Nielson, Senior City Attorney

EXHIBIT "A"

Legal description of the portion of
West Capitol Street to be closed:

West Capitol Street Vacation (11.5' width)

Beginning at the Southwest Corner of Lot 6, CAPITOL VIEW, a subdivision of Lots 1, 2, 3, 4, 5 and 6, Block 33 Plat "E", Salt Lake City Survey and running thence South 89°59'13" West 13.48 feet to a point 11.50 feet perpendicular to the Westerly Boundary Line of said Capitol View Subdivision; thence North 31°29'29" West 435.00 feet parallel to said Westerly Boundary Line of said Capitol View Subdivision; thence North 89°59'13" East 13.48 feet to the Northwest Corner of Lot 22 of said Capitol View Subdivision; thence South 31°29'29" East 435.00 feet along said Westerly Boundary Line of said Capitol View Subdivision to the point of beginning. Contains 5,002 Square Feet or 0.115 Acres.

West Capitol Street Vacation – North (11.5' width)

Beginning at the Southwest Corner of Lot 23, CAPITOL VIEW, a subdivision of Lots 1, 2, 3, 4, 5 and 6, Block 33 Plat "E", Salt Lake City Survey and running thence South 89°59'13" West 13.48 feet to a point 11.50 feet perpendicular to the Westerly Boundary Line of said Capitol View Subdivision; thence North 31°29'29" West 60.00 feet parallel to said Westerly Boundary Line of said Capitol View Subdivision; thence North 89°59'13" East 13.48 feet to the Northwest Corner of said Capitol View Subdivision; thence South 31°29'29" East 60.00 feet along said Westerly Boundary Line of said Capitol View Subdivision to the point of beginning. Contains 690 Square Feet.

2. Vicinity Map

