JACQUELINE M. BISKUPSKI Mayor



CITY COUNCIL TRANSMITTAL

Patrick Leary, Chief of Staff

Date Received: October 8 Date sent to Council: October 8, 200

TO: Salt Lake City Council Charlie Luke, Chair

DATE: October 1, 2019

FROM: Jennifer McGrath, Department of Community & Neighborhoods, Deputy Director

SUBJECT: PLNPCM2018-00468 – Fern Subdivision Alley Vacation

STAFF CONTACT: Anna Anglin, Principal Planner, <u>anna.anglin@slcgov.com</u> (801) 535-6050

DOCUMENT TYPE: Ordinance

RECOMMENDATION: Adopt the ordinance to vacate the Fern Subdivision alley, as recommended by the Planning Commission.

BUDGET IMPACT: None.

BACKGROUND/DISCUSSION:

Kathleen Bratcher, a property owner residing at 1019 East Logan Ave. has initiated a petition to vacate an alley known as the Fern Subdivision Alley to the west and north of her property. The alley runs north along the western portion of the applicant's property line for approximately 126'. Then runs 336' east to the eastern edge of 1053 E. Logan Avenue. Then runs south between 1053 E. and 1059 E. Logan Ave. 126'. The alley is recorded on the Fern Subdivision plat. The alley is adjacent to 1059 E Logan Avenue and property to the north fronting on Wood Avenue neither of which are part of this subdivision.

The petitioner originally asked that just the alley adjacent to her property be vacated, however, when the application went through departmental review, it was recommended the entire alley be vacated due to lack of use and multiple encroachments on the alley. Vacating the entire alley follows the city preference for disposing of an entire alley. Because the application was changed to vacate the entire alley by the City, if approved by the City Council, the City will provide the property description for the alley. In addition, the City installed a sewer main for 1059 East Logan Avenue in the east arm of the alley. To allow access to the sewer, the City will write an easement for it to remain when ownership is transferred to the abutting property at 1053 East Logan Avenue.



The petition bears the signatures of over 80% of the property owners as required by Section 14.52.030 A.1 of City Ordinance and meets the *Policy Considerations for Closure, Vacation, or Abandonment of City Owned Alleys*: (14.52.020) of the Salt Lake City Ordinance due to lack of use. The platted alley is not used as an alley and there is no sign that it physically exists. Encroachments into the space make it impassable. In addition, Planning Commission found that the petition meets the eight (8) factors found in Section 14.52.030B: *Processing Petitions – Public Hearing and Recommendation from the Planning Commission*.

PUBLIC PROCESS:

- Notice of petition was sent to the Sugar House Community Council on July 18, 2018. No comments were received.
- Planning Division Open House held on October 18, 2018. Notice sent to all residents and property owners within 300' of the alley.
- Planning Commission Public Hearing held on June 12, 2019.

RELEVANT ORDINANCES:

14.52.020: Policy Considerations for Closure, VACATION or Abandonment of City Owned Alleys: The City will not consider disposing of its interest in an alley, in whole or in part, unless it receives a petition in writing which demonstrates that the disposition satisfies at least one of the following policy considerations:

A. Lack of Use: The City's legal interest in the property appears of record or is reflected on an applicable plat; however, it is evident from an on-site inspection that the alley

does not physically exist or has been materially blocked in a way that renders it unusable as a public right-of-way.

- **B.** Public Safety: The existence of the alley is substantially contributing to crime, unlawful activity or unsafe conditions, public health problems, or blight in the surrounding area.
- **C.** Urban Design: The continuation of the alley does not serve as a positive urban design element.
- **D.** Community Purpose: The Petitioners are proposing to restrict the general public from use of the alley in favor of a community use, such as a neighborhood play area or garden.

Salt Lake City Code, Section 14.52.030B: Processing Petitions – Public Hearing and Recommendation from the Planning Commission.

B. Public Hearing And Recommendation From The Planning Commission: Upon receipt of a complete petition, a public hearing shall be scheduled before the planning commission to consider the proposed disposition of the city owned alley property. Following the conclusion of the public hearing, the planning commission shall make a report and recommendation to the city council on the proposed disposition of the subject alley property. A positive recommendation should include an analysis of the following factors:

1. The city police department, fire department, transportation division, and all other relevant city departments and divisions have no reasonable objection to the proposed disposition of the property;

2. The petition meets at least one of the policy considerations stated above;

3. Granting the petition will not deny sole access or required off street parking to any property adjacent to the alley;

4. Granting the petition will not result in any property being landlocked;

5. Granting the petition will not result in a use of the alley property which is otherwise contrary to the policies of the city, including applicable master plans and other adopted statements of policy which address, but which are not limited to, mid-block walkways, pedestrian paths, trails, and alternative transportation uses;

6. No opposing abutting property owner intends to build a garage requiring access from the property, or has made application for a building permit, or if such a

permit has been issued, construction has been completed within twelve (12) months of issuance of the building permit;

7. The petition furthers the city preference for disposing of an entire alley, rather than a small segment of it; and

8. The alley property is not necessary for actual or potential rear access to residences or for accessory uses.

These policies were evaluated in the Planning Commission staff report and considered by the Planning Commission (see Attachment E of the staff report) and forwarded a positive recommendation to City Council.

EXHIBITS:

- 1. Project Chronology
- 2. Notice of City Council Hearing
- 3. Planning Commission- June 12, 2019 Public Hearing
 - A. Hearing Notice and News Paper Notice
 - B. Staff Report
 - C. Agenda and Minutes
- 4. Original Petition
- 5. Mailing List

SALT LAKE CITY ORDINANCE No. of 2019

(Vacating a city-owned alley abutting properties located at 1597 and 1615 South 1000 East Street and between 1019 and 1053 East Logan Avenue)

An ordinance vacating an unnamed city-owned alley abutting properties located at 1597 and 1615 South 1000 East Street and between 1019 and 1053 East Logan Avenue, pursuant to Petition No. PLNPCM2018-00468.

WHEREAS, the Salt Lake City Planning Commission held a public hearing on June 12, 2019 to consider a request made by Kathleen Bratcher, who owns property at 1019 East Logan Avenue ("Applicant") (Petition No. PLNPCM2018-00468) on behalf herself and other property owners to vacate an unnamed city-owned alley; and

WHEREAS, at its June 12, 2019 hearing, the planning commission voted in favor of forwarding a positive recommendation on said petition to the Salt Lake City Council; and

WHEREAS, the alley in question appears on the Fern Subdivision plat recorded February 19, 1907, but there is no evidence that the alley has ever been improved or used as an alley; and

WHEREAS, although several other lots abut the unnamed alley, only those lots located at 1597 South 1000 East Street, 1615 South 1000 East Street, 1019 East Logan Avenue, 1025 East Logan Avenue, 1029 East Logan Avenue, 1033 East Logan Avenue, 1039 East Logan Avenue, 1041 East Logan Avenue, 1049 East Logan Avenue, and 1053 East Logan Avenue have reversionary interests in the alley in the event that the city vacates the alley because those abutting parcels are in the Fern Subdivision and other abutting parcels are not. Thus, as explained in <u>Fries v. Martin</u>, 154 P.3d 184 (Utah Ct. App. 2006), ownership of the alley would revert to only those abutting lots within the subdivision that created it upon vacation; and

1

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

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

SECTION 1. <u>Vacating a City-Owned Alley</u>. That an unnamed, city-owned alley abutting properties located at 1597 and 1615 South 1000 East Street and between 1019 and 1053 East Logan Avenue, which is the subject of Petition No. PLNPCM2018-00468, and which is more particularly described on Exhibit "A" attached hereto, hereby is vacated and declared not presently necessary or available for public use.

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

SECTION 3. <u>Effective Date</u>. This Ordinance shall become effective on the date of its first publication and shall be recorded with the Salt Lake County Recorder.

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

_____, 2019.

CHAIRPERSON

ATTEST:

CITY RECORDER

2

Transmitted to Mayor on ______.

Mayor's Action: _____Approved. _____Vetoed.

MAYOR

CITY RECORDER

(SEAL)

Bill No. _____ of 2019. Published: _____.

Ordinance vacating alley 1019 to 1059 Logan Ave

	OVED AS TO FORM
Salt La	ake City Attorney's Office
Date:_	September 19, 2019
By:	Cant -
Pa	ul C. Nielson, Senior City Attorney

EXHIBIT "A"

Legal Description of City-Owned Alley to be Vacated:

Beginning at the South East Corner of Lot 14, FERN SUBDIVISION, as recorded at the S.L. County Recorders Office as Plat Entry Number: 218960, Book E, Page 030, a part of Lot 20, Block 16, Five Acre Plat A, Big Field Survey, located in the Northeast Quarter of Section 17, Township 1 South, Range 1 East, Salt Lake Base & Meridian, thence following the west side of an alley North 123.55 feet to the north line of FERN SUBDIVISION, thence following the north side of said alley East 348 feet, thence following the east side of said alley South 123.55 feet to the north line of Logan Avenue, thence West 10 feet to the south east corner of Lot 1 of said FERN SUBDIVISION, thence along the west side of the alley North 116.55 feet to the north west corner of Lot 1 of said FERN SUBDIVISION, thence along the south side of the alley West 328 feet to the north west corner of Lot 13 of said FERN SUBDIVISION, thence along the south west corner of Lot 13 of said FERN SUBDIVISION and the north line Logan Avenue, thence West 10 feet to the south east corner of Lot 14 of said FERN SUBDIVISION and the point of beginning. Contains 4,767 sq. ft. or 0.109 acres.

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3. Planning Commission Record

- A. Original Notice and Postmark
- B. Staff Report of June 12, 2019
- C. Agenda and Minutes of June 12, 2019
- 4. Original Petition
- 5. Mailing List

1. Project Chronology

PROJECT CHRONOLOGY

PETITION: PLNPCM2018-00468 – Fern Subdivision Alley Vacation

June 19, 2018	Petition for the alley vacation received by the Planning Division.
July 18, 2018	Petition assigned to Anna Anglin, Principal Planner, for staff analysis and processing.
July 18, 2018	Information about the project was sent to the Chair of the Sugar House Community Council informing them of the petition.
August 16, 2018	The 45-day comment period for Recognized Organizations ended. The SHCC Chair did not comment on the petition.
October 4, 2018	Issued notice to all abutting neighbors and property owners within 300' of the alley for open house on October 18, 2018.
October 18, 2018	Petition was presented at the Planning Division Open House.
May 31, 2019	Public notice posted on City and State websites and sent via the Planning list serve for the Planning Commission meeting of June 12, 2019. Public hearing notice mailed.
May 31, 2019	Public hearing notice sign with project information and notice of the Planning Commission public hearing physically posted on the property.
June 12, 2019	Planning Commission Public Hearing. The Planning Commission reviewed the petition, conducted a public hearing and voted unanimously to forward a positive recommendation to the City Council for the alley vacation request.

2. Notice of City Council Hearing

NOTICE OF PUBLIC HEARING

The Salt Lake City Council is considering Petition **PLNPCM2018-00468**, a request by Kathleen Bratcher to vacate the Fern Subdivision Alley. The platted alley is impassable due to numerous encroachments and shows no sign of use as an alley. The western portion runs 126' north and south the western side of 1019 East Logan Avenue. The northern portion of the alley runs east and west 336' from the applicant's property at 1019 East Logan Avenue to 1053 East Logan Avenue and then follows the east property line of 1053 East Logan Avenue 126' north and south. The alley is recorded on the Fern Subdivision and is adjacent to property on the north and east which are not part of the subdivision. The subject property is located in the R-1-5000 zoning district and is located in council district 5, represented by Erin Mendenhall.

As part of their study, the City Council is holding an advertised public hearing to receive comments regarding the petition. During this hearing, anyone desiring to address the City Council concerning this issue will be given an opportunity to speak. The hearing will be held:

DATE:

- **TIME:** 7:00 p.m.
- PLACE: Room 315 City & County Building 451 South State Street Salt Lake City, Utah

If you have any questions relating to this proposal or would like to review the file, please call Anna Anglin at 801-535-6050 between the hours of 8:00 a.m. and 5:00 p.m., Monday through Friday or via e-mail at <u>anna.anglin@slcgov.com</u>

The City & County Building is an accessible facility. People with disabilities may make requests for reasonable accommodation, which may include alternate formats, interpreters, and other auxiliary aids and services. Please make requests at least two business days in advance. To make a request, please contact the City Council Office at council.comments@slcgov.com, 801-535-7600, or relay service 711.

3A. Planning Commission - Original Notice and Postmark



SALT LAKE CITY PLANNING DIVISION 451 S STATE STREET ROOM 406 PO BOX 145480 SALT LAKE CITY UT 84114-5480



RETURN SERVICE REQUESTED

STATE MAIL 06/03/2019

Anna Anglin - Salt Lake City Planning Division PO Box 145480 Salt Lake City, Utah 84114

3411435480 8900



Salt Lake City Planning Division 451 S State Street, Room 406, PO Box 145480, Salt Lake City, Utah 84114-5480

Salt Lake City Planning Commission Wednesday, June 12, 2019, 5:30 p.m. City and County Building 451 S State Street, Room 326

A public hearing will be held on the following matter. Comments from the Applicant, City Staff and the public will be taken.

Fern Subdivision Alley Vacation at approximately 1019 East Logan Avenue -Kathleen Bratcher, who lives at 1019 East Logan Avenue is proposing to vacate the alley that is to the west and north of her property. The western portion runs 126' north and south along her property line. The northern portion of the alley runs east and west 336' from the applicant's property to 1053 E. Logan Avenue and then follows 1053 E. Logan's eastern property line 126' north and south. The alley is recorded on the Fern Subdivision and is adjacent to property on the north that is not part of the subdivision. The subject property is located in the R-1-5000 zoning district and is located in council district 5, represented by Erin Mendenhall. (Staff Contact: Anna Anglin at 801-535-6050 or anna.anglin@slcgov.com) Case Number PLNPCM2018-00468

Salt Lake City Corporation complies with all ADA guidelines. People with disabilities may make requests for reasonable accommodations no later than 48 hours in advance in order to attend this meeting. Accommodations may include: alternative formats, interpreters, and other auxiliary aids. This is an accessible facility. For additional meeting information, please see <u>www.slegov.com</u> or call 801-535-7757; TDD 535-6220.

3B. Planning Commission Staff Report – June 12, 2019



Staff Report

PLANNING DIVISION DEPARTMENT OF COMMUNITY & NEIGHBORHOODS

To: Salt Lake City Planning Commission

From: Anna Anglin, Principal Planner, 801-535-6050, anna.anglin@slcgov.com

Date: June 12, 2019

Re: PLNPCM2018-00468 – Fern Subdivision Alley Vacation – Between 1019 East and and 1059 East Logan Avenue

ALLEY VACATION

PROPERTY ADDRESSES: The alley abuts nineteen (19) individual properties as follows:

1. 1019 East Logan Ave. (Petitioner's Property)

2-9. Logan Ave- 1025; 1029; 1033; 1039; 1041; 1049; 153; and 1059

10-12. 1595; 1597; & 1615 S 1000 East

13-19. Wood Ave – 1020; 1026; 1032; 1034; 1044; 105 and 1056.

MASTER PLAN: Central Community Master Plan ZONING DISTRICT: R-1/5000 – Single-Family Residential

REQUEST: Kathleen Bratcher, a property owner residing at 1019 East Logan Ave. has initiated a petition to vacate an alley known as the Fern Subdivision Alley to the west and north of her property. The alley runs north along the western portion of the applicant's property line for approximately 126'. Then runs 336' east to the western edge of 1053 E. Logan Avenue. Then runs south between 1053 E. and 1059 E. Logan Ave. 126'. The alley is recorded on the Fern Subdivision and is adjacent to1059 E Logan Avenue and property to the north that is not part of this subdivision or any other subdivision.

The Planning Commission's role in this application is to provide a recommendation to the City Council for the alley vacation request. The City Council will make the final decision on this application.

RECOMMENDATIONS: Based on the findings and analysis in this staff report, Planning Staff recommends that the Planning Commission forward a positive recommendation to the City Council for the Fern Subdivision Alley Vacation.

ATTACHMENTS:

A. <u>Subdivision Plat</u>**B.** <u>Photos</u>

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- C. Project Narrative & Petition
- D. Existing Conditions & Zoning
- E. Analysis of Standards
- F. Public Process and Comments
- G. Department Review Comments

PROJECT DESCRIPTION:

The Fern Subdivison alley is highlighted on the aerial photo below in green. The alley is located north of Logan Ave, and south of Wood Ave. at approximately 1600 South and between 1000 East and 1100 East just north of the Sugar House area. The alley runs north to south along the western portion of the applicant's property line and is about ten feet wide and 126' long. The portion of the alley that abuts the north property line of the applicant's property runs 336' east to west to 1059 E. Logan Avenue and is approximately seven feet wide. The alley right-of-way then follows north to south between 1053 E. and 1059 E. Logan Ave. and is 126' long and ten feet wide (10'). The alley is recorded on the Fern Subdivision and is adjacent to property on the north that is not part of the subdivision or any other subdivision.

The applicant's reason for the request is due to a portion of the alley functioning as their driveway and off-street parking. They were prompted to apply for the alley vacation after receiving notice from the Salt Lake City Real Estate Services Division on April 20, 2018 that their driveway was half a portion of a public alleyway. There is no physical evidence of the alleys existence only what is on the subdivision plat recorded in 1906. The applicant's narrative as well as the petition bearing the signature of abutting property owners are included in <u>Attachment C</u> of this report. The small alley indicated on the aerial photo below that appears to run east-west between 1595 and 1597 South 1000 East was vacated February 8, 2000 and is not part of this application request.



KEY CONSIDERATIONS:

The key considerations listed below have been identified through the analysis of the project, neighbor and community input, and department review comments.

Consideration 1: Property Owner Consent

Section 14.52.030 A.1 specifies "The petition must bear the signatures of no less than eighty percent (80%) of the neighbors owning property which abuts the subject alley property." There is a total of nineteen (19) properties that abut the alley and seventeen (17) property owners signed the petition. The property owners residing at 1025 and 1033 E Logan Avenue did not sign the petition in support of vacating the alley but have not submitted or voiced any concerns to staff. In total, 89% of abutting property owners have signed the petition in support of the vacation making this ordinance requirement met.

This item is also addressed in <u>Attachment C: Project Narrative & Petition</u> and in <u>Attachment E:</u> <u>Analysis of Standards.</u>

Consideration 2: Creation/History of the Alley and Disposition if Vacated

The alley is recorded on the Fern Subdivision plat and the City lists it as a public alleyway and recognizes it as City property. The Fern Subdivision was recorded as a plat in 1906. The parcels that are part of the Fern subdivision are 1597 and 1615 S 1000 East and the eight properties that are in-between the two north/south arms of the alley from 1019 thru 1053 East Logan Ave. The parcels to the north adjacent to the alley and the property at 1059 East Logan Avenue all fall outside of the recorded Fern subdivision plat.

According to the Salt Lake City Attorney's Office, alleys that are dedicated as part of a subdivision must be conveyed to owners within that subdivision if they are vacated. Case law in the Utah courts have supported this position. This means the property owners adjacent to the alley on Wood Avenue and the property at 1059 East Logan Avenue would not get a portion of the alley when it is vacated.

Any encroachments into the alley by neighboring properties outside of the subdivision will need to be negotiated with the property owners within the subdivision to split the alley property between them or to convey it to the other party in whole or in part. This would be a private transaction outside of the purview of the City.

Consideration 3: Condition of the Alley

Approximately half of the western arm of the alley which is closest to Logan Ave (southern half) up to the existing fence has been used as the applicant's driveway for many years. There are also mature trees and telephone poles in this portion of the alley. At the fence line, the alley has been incorporated into the neighboring property at 1595 S 1000 East, who is also a part of the Fern Subdivision plat. It appears

that the neighbor at 1615 S 1000 East shares the drive approach with 1019 E Logan Ave to access their off-street parking as well. The curb cut is concrete and meets City standards. Both driveways are dirt and covered in wood chips. The alley appears to be used as the driveway for 1019 E Logan Ave. However, when the alley is vacated the western arm will be split between 1615 S. 1000 East and 1019 E Logan Ave. and between 1019 E Logan Ave. and 1597 S 1000 East for the northern portion of the alley.

The eastern arm of the alley that runs between 1053 and 1059 East Logan Avenue has been used as the driveway for 1053 East Logan Avenue and could potentially have some of their detached garage encroaching into the alleyway. A portion of the 1059 East Logan Ave. house appears to be encroaching into the alley as well. This will all need to be surveyed to find out where the structures are in proximity to the property lines. Both the western and eastern arms of the alley are partially utilized as driveways and have some encroachments into them. In addition, Public Utilities stated there is a sewer lateral for 1059 E Logan Ave. that goes through the alley and would either require that portion of the alley to be vacated in favor of 1059 E. or an easement needs to be recorded.

The northern portion of the alley has been incorporated into the adjacent neighbors' yards and outdoor living areas. There are existing fences and accessory structures that are encroaching into the alley by most adjacent properties. It appears that the garages at 1025 E Logan Ave and 1050 E Wood Ave. may encroach into the alley way. There is no remaining visible or physical evidence of the alley's existence. (See attachment B)

The applicant originally requested that just the portion of the alley adjacent to their property be vacated. But after reviewing the application and receiving feedback from the City Surveyor, along with planning staff visiting the location where the alley is located, we prompted the applicant to include the entire alley to be vacated do to the number of encroachments. Vacating the entire alley is also in keeping with the considerations when vacating an alley.

Consideration 4: Future Public Uses for the Alley

One issue that comes up with proposals to vacate alleys are questions about the alley serving other potentially beneficial uses in the area. These elements could include trails for instance to help facilitate alternative transportation and as a positive urban design element.

The Fern Subdivision is in the *Central Community Master Plan*. The future land use map designates this area as Low Density Residential. The area is identified as the *East Central South Neighborhood* and calls out to preserve and protect the existing low-density residential uses.

The alley runs east/west along the long axis of the block. Both Logan Avenue and Wood Avenue have existing sidewalks on both sides of the street to facilitate east/west pedestrian traffic and there is no public right of way that connects Wood Ave to Logan Ave. midblock. As such, this alley is not necessary to create an alternative trail to connect 1000 E and 1100 E or Logan Ave to Wood Ave. Due to the width, the alley would not meet city engineering standards for full vehicular access and, as such, would only be considered for pedestrian or trail access, if it existed.

The alley runs through an established residential area that is made up of single-family homes. There is no anticipated change to this composition identified in the Central Community Master Plan and the

area is unlikely to change significantly over time. The alley is no longer in physical existence and the Master Plan supports the continuation of low-density residential uses for the area.

DISCUSSION:

The petition has been reviewed against the City's policy considerations for alley closures located in Chapter 14.52.020 as well as the analysis factors found in 14.52.030.B. The closure of the alley meets all the analysis factors for an alley vacation. The alley is currently used as the adjacent property owners back yards and have fences along with some accessory structures encroaching into it. The closure is supported by most adjacent property owners. City policies and the relevant Master Plan do not include any policies that would oppose the closure of this alley. As such, staff is recommending that the Planning Commission transmit a positive recommendation to the City Council for the alley vacation for the following reasons:

- 1. The majority of the adjacent property owners have signed the petition and support the closure of the alley.
- **2.** It is beneficial for the surrounding property owners because most of them have fences and accessory buildings that would have to be moved or removed due to the alley encroachments if the alley were to remain in place.
- **3.** The alley does not physically exist and is incorporated into the private property of the adjacent neighbors.
- 4. The Master Plan does not oppose to the closure of the alley.

NEXT STEPS:

Chapter 14.52 of the Salt Lake City Code regulates the disposition of City owned alleys. When evaluating requests to close or vacate public alleys, the City considers whether or not the continued use of the property as a public alley is in the City's best interest. Noticed public hearings are held before both the Planning Commission and City Council to consider the potential adverse impacts created by a proposal. Once the Planning Commission has reviewed the request, their recommendation is forwarded to the City Council for consideration. The City Council has final decision authority with respect to alley vacations and closures.

ATTACHMENT A: FERN SUBDIVISION PLAT



ATTACHMENT B: PHOTOS Alleyway looking South at 1019 E Logan



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Alley looking north at 1019 E Logan Ave.



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Alleyway in between 1053 and 1059 E. Logan Ave.

Northern arm of alley running along the property lines between 1019 E and 1053 E Logan Ave. Adjacent to the properies north facing Wood Ave.



(Facing east)

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Facing North at 1053 E Logan



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ATTACHMENT C: PROJECT NARRATIVE & PETITION

On the following pages are the project narrative and the petition signed by 17 of the required 19 owners of property abutting the alley requesting the closure of the Fern Subdivision Alley. There were two adjacent property owners (at 1025 and 1033 E Logan Avenue) that did not sign the petition. These individuals have not voiced any opposition to the closure however.

May 20, 2018

Olga Pinney Real Property Agent, SLC Corp 451 South State Street, Rm 425 Salt Lake City, UT 84114-5640

Re: Salt Lake City Right-of-Way (Alley) Encroachment Parcel #16-17-253-019

Dear Ms. Pinney and SLC Corp Office of Real Estate,

My name is Kathleen Bratcher. My husband, Richard Kerr, and I own the home on 1019 East Logan Ave. We are sending this letter explaining why we are requesting an alley closure. This request is being made in response to a letter we received on May 05, 2018, from the office of Olga Pinney.

We purchased this property August 1999 and have been using the half-an-alley next to our home as offstreet parking. One of our neighbors who grew up in this neighborhood, Sylvia Rimmach, told us in the sixty years that she has lived in this neighborhood, that she has witnessed all residents of this home use the same half-an-alley as an off-street parking space. I understand now that we were unknowingly encroaching on an alley and are wanting to remedy the situation as soon as possible. We had no ill intent.

When I use the term, "half-an-alley," it is because the north side of the through-alley is already closed. The alley has not been a usable piece of through traffic for at least sixty years. Richard and I are in an agreement with all our surrounding neighbors and are willing to split the property within the Salt Lake City's existing guidelines.

I have included the signed, "Petition to Vacate the Alley," along with the outlined and dotted Sidewell map.

We, (our neighbors, and Richard and I) would like to replace the aged fence at some point. The new fence will reflect the new property lines, as defined by the office of Salt Lake City, Real Estate Services.

Please feel free to contact me, Kathleen Bratcher at (801) 879-6924 if you have any questions or concerns. Again, we look forward to resolving this situation.

Thank you for your consideration in this matter.

Kathler Bretch

Kathleen Bratcher 1019 East Logan Ave Salt Lake City, UT 84105

May 15, 2019

Anna Anglin Planning Counter 451 South State Street, Rm 215 Salt Lake City, UT 84114-5640

Re: Salt Lake City Right-of-Way (Alley) Encroachment Parcel #16-17-253-019 Case number PLNPCM2018-00468

Dear Ms. Anna Anglin and SLC Corp Planning Counter,

My name is Kathleen Bratcher. My husband, Richard Kerr, and I own the home on 1019 East Logan Ave. We are sending this letter explaining why we are requesting an alley closure. This request is being made in response to a letter we received on May 05, 2018, from the office of Olga Plnney.

We submitted an Alley Vacation or Closure Application last year, dated May 03, 2018, with the required signatures of our neighbors along the Logan Ave alley. In August 2018, we received an email from Anna Anglin requesting more information, which I collected and submitted in person to Ms. Anglin. Once it was approved, our neighbors and I received a postcard from the Salt Lake Planning Division notifying and inviting stakeholders to the monthly open house, scheduled on Oct. 18, 2018.

I attended the open house, as did one of my neighbors, Joshua B. Lenart, who lives on the next street north of us, on Wood Ave. He was concerned that he would have to demolish his garage if his property line was moved. At the meeting, Angela suggested we have the entire length of the Logan Ave alley surveyed from 1000 East to 1100 East by the same engineering firm who did our initial survey, when we submitted the original application for closure. In talking to the firm, it was made very clear that the cost of such survey is considerably difficult and cost prohibitive. We still need a way to illustrate that there are long-standing structures that were built over sixty years ago, assuming without the knowledge of Salt Lake City Corp.

We purchased this property August 1999 and have been using the half-an-alley next to our home as off-street parking. One of our neighbors who grew up in this neighborhood, Sylvia Rimmach, told us in the sixty years that she has lived in this neighborhood, that she has witnessed all of residents of this home use the same half-an-alley as an off-street parking space. I understand now that we were unknowingly encroaching on an alley and are wanting to remedy the situation. We had no ill intent.

When I use the term, "half-an-alley," it is because the north side of the through-alley is already closed. And has been for at least sixty years. Richard and I are in an agreement with all our surrounding neighbors and are willing to split the property within the Salt Lake City's existing guidelines.

We, (our neighbors, and Richard and I) would like to replace the aged fence at some point. The new fence will reflect the new property lines, as defined by the office of Salt Lake City, Real Estate Services. Please feel free to contact me, Kathleen Bratcher at (801) 879-6924 if you have any questions or concerns. Again, we look forward to resolving this situation.

Thank you for your consideration in this matter.

Signature on File

Kathleen Bratcher 1019 East Logan Ave Salt Lake City, UT 84105

PETITION TO VACATE OR CLOSE AN ALLEY Name of Applicant: Kathleen A. Bratcher Address of Applicant: 1019 East Logan Ave Parcel #16-17-253-019 Date: 2018 05 03 As an owner of property adjacent to the alley, I agree to the proposed vacation or closure. I understand that if my property is a commercial business or a rental property with more than three (3) dwelling units, I will be required to pay fair market value for my half of the alley. Print Name Address 6LC 84160 Date 5-3-18 ROGER 000 EAST 50 15975.1000E HBUTH ING Jark 84105 Date Signotu 1020 018 Date Addre Signature Ma 1049 LOGAN AVE lim 2018 JE COLOP Date Paul Nom Signat PROPERTY OWNERS 1053 M Date PP 1059 Logan 3 2018 21 MANN Ave 00500 192 LOTS 1019E AVE 2.18 5 SAN Date Signature 1029 NO Date JOGA P SIREWELU Agnutur Dote Print Nam Sionature Toho 0941 innotur MAP. Frint Name Address Signature Dote Updated 7/1/17 •

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PETITION TO VACATE OR CLOSE AN ALLEY Name of Applicant: CHARD KERR A+h 55 Address of Applicant: Date: 8

As an owner of property adjacent to the alley, I agree to the proposed vacation or closure. I understand that If my property is a commercial business or a rental property with more than three (3) dwelling units, I will be required to pay fair market value for my half of the alley.

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JACQUELINE M BISKUPSKI Mayor



DEPARTMENT & COMMUNITY and NEIGHBORHOODS HOUSING AND NEIGHBORHOOD DEVELOPMENT ELAL ESTATE SERVICES

April 30, 2018

Richard Kerr and Kathleen Bratcher 1019 E Logan Ave. Salt Lake City, UT 84106

Re: Salt Lake City Right-of-Way (Alley) Encroachment Parcel #16-17-253-019

Dear Mr. Kerr & Mrs. Bratcher:

This letter is written in regards to the property located at 1019 East Logan Avenue. It has come to our attention that an encroachment into the public right-of-way (alley) exist at the above referenced property. Inasmuch as you do not have a contract for the private use of public property, public way encroachments are regulated, licensed and only allowed by written agreement, we are seeking your cooperation to resolve this issue.

Until this is resolved, your encroachments are considered illegal per city ordinance §18.32.125 and further action will be taken by the City if not resolved immediately. If you have any questions regarding this notice please contact the Salt Lake City Real Estate Services at your earliest convenience so we may assist you.

Sincerely, **Olga** Pinney

Real Property Agent Salt Lake City Corporation Real Estate Services (801) 535-7184 <u>Olga.pinney@slegov.com</u>

Enclosure(s)

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ATTACHMENT D: EXISTING CONDITIONS & ZONING

ADJACENT LAND USE

The property lies within a residential area. All properties that are adjacent to the alley and in the immediate vicinity to the west of 1000 East are zoned R-1/5000 – Single Family Residential. To the east of the alleyway, the zoning becomes RB – Residential Business and is dominated by retail uses and development. This is shown on the zoning map below.

None of the property owners have indicated a need to access their rear yard via the alley.



ATTACHMENT E: ANALYSIS OF STANDARDS

14.52.020: Policy Considerations for Closure, VACATION or Abandonment of City Owned Alleys: The City will not consider disposing of its interest in an alley, in whole or in part, unless it receives a petition in writing which demonstrates that the disposition satisfies at least one of the following policy considerations:

- **E.** Lack of Use: The City's legal interest in the property appears of record or is reflected on an applicable plat; however, it is evident from an on-site inspection that the alley does not physically exist or has been materially blocked in a way that renders it unusable as a public right-of-way.
- **F.** Public Safety: The existence of the alley is substantially contributing to crime, unlawful activity or unsafe conditions, public health problems, or blight in the surrounding area.
- **G.** Urban Design: The continuation of the alley does not serve as a positive urban design element.
- **H.** Community Purpose: The Petitioners are proposing to restrict the general public from use of the alley in favor of a community use, such as a neighborhood play area or garden.

Discussion:

The application leans toward **Policy Consideration A** – **Lack of use** as the main driving factor for the alley vacation request. There is no visible evidence of an alley at this location. There are trees, fences, and other structures where the alley is described to be and is now used as part of the adjacent neighbor's backyard areas.

Staff routed this petition to the Salt Lake City Engineering Department (SLCPD) for comments and it was recommended the entire alley be vacated. The original application was to vacate only the portion of the alley adjacent to the applicant's property. But due to the alley no longer being functional, it is recommended the entire alley be vacated.

Finding: The alley meets the requirements to be fully vacated due to lack of use. It is evident that the alley has not functioned as one for many years now and there is no need to preserve a right-of-way. All property owners access their off-street parking from the street and the alley itself has been incorporated as a portion for the adjacent property's backyard.

Salt Lake City Code, Section 14.52.030B: Processing Petitions – Public Hearing and Recommendation from the Planning Commission.

Upon receipt of a complete petition, a public hearing shall be scheduled before the Planning Commission to consider the proposed disposition of the City owned alley property. Following the conclusion of the public hearing, the Planning Commission shall make a report and recommendation to the City Council on the proposed disposition of the subject alley property. A positive recommendation should include an analysis of the following factors:
Factor	Finding	Rationale
 The City Police Department, Fire Department, Transportation Division, and all other relevant City Departments and Divisions have no objection to the proposed disposition of the property; 	Complies with conditions	Staff requested input from pertinent City Departments and Divisions. Comments were received from Public Utilities, Transportation and Engineering. The Salt Lake City Surveyor noted that there is no functioning alley in existence at this location and the entire alley should be vacated and incorporated into the adjacent properties. However, a legal description written by a licensed surveyor for the entire alleyway is required when application is submitted with the City's Real Estate Service group. In addition, the sewer lateral for 1059 E Logan Ave which is in the alley right-of-way will need to be addressed through an agreed easement or ownership will need to be conveyed to them. (See attachment G).
2. The petition meets at least one of the policy considerations stated above;	Complies	The proposed alley closure satisfies the Lack of Use policy considerations of 14.52.020 for the petition to be processed. See the discussion and findings in the previous section of this report for more details.
3. The petition must not deny sole access or required off-street parking to any adjacent property;	Complies	None of the properties that abut the alley appear to use it for access to their off-street parking or access to their property, aside from 1019 E Logan Ave; 1615 S 1000 East, and 1053 E Logan Ave. As such, none will be denied vehicle access due to the closure of the alley.
4. The petition will not result in any property being landlocked;	Complies	No properties would be rendered landlocked by this proposal.
5. The disposition of the alley property will not result in a use which is otherwise contrary to the policies of the City, including applicable master plans and other adopted statements of policy which address, but which are not limited to, mid-block walkways, pedestrian paths, trails, and alternative transportation uses;	Complies	The petitioner is requesting closure of the alleyway to come into compliance with the City Real Estate Service group. The method of disposition for low density residential areas is to vacate the alley to properties adjacent to it that are within the same recorded subdivision. The neighbors to the north are not in the same subdivision. The alley in its entirety would be given to the houses facing Logan Street and 1615 S 1000 E and 1597 S 1000 East and then incorporated into their backyard as they are currently being used. The applicant and

		property owner at 1615 S 1000 East will need to come to an agreement and address the current off-street parking arrangement through ownership or easement.
6. No opposing abutting property owner intends to build a garage requiring access from the property, or has made application for a building permit, or if such a permit has been issued, construction has been completed within 12 months of issuance of the building permit;	Complies	No abutting property owners have opposed the alley vacation. No applications for a permit have been made.
7. The petition furthers the City preference for disposing of an entire alley, rather than a small segment of it; and	Complies	The applicant initially requested a partial closure to the alley that is in adjacent to their west property lines. However, the City Engineering Division stated that since there is no physical evidence of the alley's existence, it should be entirely vacated to reflect the current physical use of the land. The application was changed to complete vacation of the alley.
8. The alley is not necessary for actual or potential rear access to residences or for accessory uses.	Complies	The alley has ceased to be used for functional access to the back of properties and no property owners have indicated that the access is necessary for that purpose. The exception is for the applicant's property at 1019 E Logan Ave, 1615 S 1000 East, and 1053 E Logan Ave.

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ATTACHMENT F: PUBLIC PROCESS AND COMMENTS

Public Notice, Meetings, Comments

The following is a list of public meetings that have been held, and other public input opportunities, related to the proposed project:

- Notice of the project and request for comments sent to the Chair of the Sugar House Community Council on July 18, 2018 in order to solicit comments.
- Staff did not receive any comments from the Sugar House Community Council
- Staff held an open house on October 18, 2018 and sent notice to all residences and property owners within 300' of the alley. There was one concern raised at the open house by the property owner at 1026 E Wood Ave. He wasn't sure if his accessory building was in the alley right-of-way (see attached)
- The 45-day recognized organization comment period expired on August 16, 2018

Notice of the public hearing for the proposal included:

- Public hearing notice mailed on: May 31, 2019,
- Public hearing notice sign posted on the property: May 31, 2019
- Public notice posted on City and State websites & Planning Division list serve: June 1, 2019

P	OPEN HOUSE UBLIC COMMENT FORM October 18, 2018	A S S S S S S S S S S S S S S S S S S S
		Planning and Zoning Division Department of Community and Economic Development
	Logan Street Alley Vacation-PLNP	
Name:	JOSTUA LENART	
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Please provide your contact information so we can notify you of other meetings or hearings on this issue. You may submit this sheet before the end of the Open House, or you can provide your comments via e-mail at <u>anna.anglin@slcgov.com</u> or via mail at the following address: Anna Anglin, Salt Lake City Planning Division, PO Box 145480, Salt Lake City, UT 84114-5480.

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ATTACHMENT G: DEPARTMENT REVIEW COMMENTS

The proposed alley closure request was sent out for internal review. The following comments were received:

Engineering – Public Way Assets (Victoria Ostradicky)

This alleyway is not passable by either a car or by walking. Looking at the aerial view of the alley, it seems to me that almost everybody is encroaching into the alley. So, to clear it, why don't we close the whole alley. If we don't, because it is encroachment into public way, we would have to send everybody a letter telling them that they are encroaching into public right of way. This would create a lot of work for the property management and also make some people upset. People who don't agree with a vacation, they would have to think twice, if they are encroaching. Also, if this will go through, they need the legal description written by a licensed surveyor. The one included in the document wouldn't do.

Public Utilities (Jason Draper)

No utility issues with the proposed alley vacation around 1019 E Logan. If the entire alley is vacated, there is a sewer lateral for 1059 E Logan that goes through the alley and would either require that portion of the alley to be vacated in favor of 1059 or an easement needs to be recorded.

Transportation (Michael Barry)

Transportation does not object to closing the alley.

Fire Code (Ted Itchon)

The property has fire department access from Logan Ave and the closure would not be a hardship.

3C. Planning Commission Agenda & Minutes for June 12, 2019

SALT LAKE CITY PLANNING COMMISSION MEETING AGENDA In Room 326 of the City & County Building June 12, 2019, at 5:30 p.m. (The order of the items may change at the Commission's discretion)

FIELD TRIP - The field trip is scheduled to leave at 4:00 p.m.

<u>DINNER</u> - Dinner will be served to the Planning Commissioners and Staff at 5:00 p.m. in Room 126 of the City and County Building. During the dinner break, the Planning Commission may receive training on city planning related topics, including the role and function of the Planning Commission.

PLANNING COMMISSION MEETING WILL BEGIN AT 5:30 PM IN ROOM 326 APPROVAL OF MINUTES FOR MAY 22, 2019 REPORT OF THE CHAIR AND VICE CHAIR REPORT OF THE DIRECTOR

PUBLIC HEARINGS

- Subdivision/Planned Development Amendment at approximately 1570 S Main Moda on Main Brock Loomis of J.F. Capital is requesting approval from the City to create an 11-unit residential subdivision for the previously approved Planned Development at 1570 S. Main. The configuration of two multi-family buildings with a combined total of 11 units has not changed, however each unit is now being proposed on its own sellable lot with shared common space. The project requires approval for the amended Planned Development and the subdivision. The following two petitions are associated with this request:
 - a. Preliminary Subdivision Plat A request to subdivide and reconfigure three parcels into 11 new parcels with shared common yard and parking areas. Case number PLNSUB2019-00133
 - b. Planned Development Amendment A request to amend the Planned Development approval to address the creation of 11 lots that do not independently have street frontage, yards setbacks, or the minimum lot size of 10,000 square feet in the CC Zone but are part of a larger common lot which meets the standards. Case number PLNSUB2018-00057

The subject property is located in Council District 5 represented by Erin Mendenhall. (Staff contact: Eric Daems at 801-535-7326 or <u>eric.daems@slcgov.com</u>).

- 2. Planned Development and Conditional Building and Site Design Review at approximately 45 South 600 West - A request by Auggie Wasmund, from C.W. Urban, for a Planned Development and Conditional Building and Site Design Review (CBSDR) to build a four story 48-unit residential building at approximately 45 S 600 West in the Gateway Mixed Use (G-MU) zoning district. Planned Development approval is required for all new construction in the G-MU zoning district. The applicant is also requesting a reduction of parking lot landscaping through the Planned Development process and the proposed exterior building materials require approval through the CBSDR process. The subject property is within Council District 4 represented by Ana Valdemoros (Staff Contact: Amy Thompson at 801-535-7281 or <u>amy.thompson@slcgov.com</u>) Case numbers PLNSUB2019-00128 and PLNPCM2019-00129
- Fern Subdivision Alley Vacation at approximately 1019 East Logan Avenue Kathleen Bratcher, who lives at 1019 East Logan Avenue is proposing to vacate the alley that is to the west and north of her property. The western portion runs 126' north and south along her property line. The northern

portion of the alley runs east and west 336' from the applicant's property to 1053 E. Logan Avenue and then follows 1053 E. Logan's eastern property line 126' north and south. The alley is recorded on the Fern Subdivision and is adjacent to property on the north that is not part of the subdivision. The subject property is located in the R-1-5000 zoning district and is located in council district 5, represented by Erin Mendenhall. (Staff Contact: Anna Anglin at 801-535-6050 or anna.anglin@slcgov.com) **Case Number PLNPCM2018-00468**

- 4. Sugar Alley Conditional Building and Site Design Review at approximately 2188 S Highland Drive - Ben Lowe, representing the property owner Sugarhouse Dixon, LLC, has requested Conditional Building and Site Design Review approval to build an eight- story mixed-use building at 2188 S Highland Drive. The development is proposed to be approximately 85' in height and include 186 apartments and 16,000 square feet of retail space. Buildings over 50' in height in the Sugar House Business District-1 zone are required to go through the Conditional Building and Site Design Review process, and as the building exceeds this height it is proceeding through this process. Through this process applicant is also seeking a modification to a 15' upper floor step-back requirement for the north-east portion of their building that faces Highland Drive. The property is in the Sugar House Business District-1 (CSHBD-1) zone and is in Council District 7, represented by Amy Fowler. (Staff contact: Daniel Echeverria, daniel.echeverria@slcgov.com or 801-535-7165) Case number PLNPC2019-00264
- 5. Sugar House Business District Design Standards Text Amendment A request by the Mayor to amend the Sugar House Business District (CSHBD) zoning district regulations. The amendments would apply additional design standards to development in the zone. Design standards include regulations pertaining to such things as windows, entrances, and building materials. Currently, there are a limited number of design standards for small developments in Sugar House, whereas large developments have many more standards to comply with. The proposed additional design standards are meant to bridge this gap and help ensure that new small buildings support a high quality, pedestrian oriented environment in Sugar House. Other miscellaneous related changes and clarifications to the zoning code are also included in the amendments. The proposal affects both the CSHBD-1 and CSHBD-2 zoning districts. The zone is located within Council District 7, represented by Amy Fowler. (Staff Contact: Daniel Echeverria, <u>daniel.echeverria@slcgov.com</u> or 801-535-7165) Case number PLNPCM2018-00210

The files for the above items are available in the Planning Division offices, room 406 of the City and County Building. Please contact the staff planner for information, Visit the Planning Division's website at www.slcgov.com /planning for copies of the Planning Commission agendas, staff reports, and minutes. Staff Reports will be posted the Friday prior to the meeting and minutes will be posted two days after they are ratified, which usually occurs at the next regularly scheduled meeting of the Planning Commission. Planning Commission Meetings may be watched live on SLCTV Channel 17; past meetings are recorded and archived, and may be viewed at <u>www.slctv.com</u>. The City & County Building is an accessible facility. People with disabilities may make requests for reasonable accommodation, which may include alternate formats, interpreters, and other auxiliary aids and services. Please make requests at least two business days in advance. To make a request, please contact the Planning Office at 801-535-7757, or relay service 711.

SALT LAKE CITY PLANNING COMMISSION MEETING City & County Building 451 South State Street, Room 326, Salt Lake City, Utah Wednesday, June 12, 2019

7:22:10 PM

Fern Subdivision Alley Vacation at approximately 1019 East Logan Avenue - Kathleen Bratcher, who lives at 1019 East Logan Avenue is proposing to vacate the alley that is to the west and north of her property. The western portion runs 126' north and south along her property line. The northern portion of the alley runs east and west 336' from the applicant's property to 1053 E. Logan Avenue and then follows 1053 E. Logan's eastern property line 126' north and south. The alley is recorded on the Fern Subdivision and is adjacent to property on the north that is not part of the subdivision. The subject property is located in the R-1-5000 zoning district and is located in council district 5, represented by Erin Mendenhall. (Staff Contact: Anna Anglin at 801-535-6050 or anna.anglin@slcgov.com) Case Number PLNPCM2018-00468

Anna Anglin, Principal Planner, reviewed the petition as outlined in the Staff Report (located in the case file). She stated Staff recommended that the Planning Commission forward a positive recommendation to the City Council.

The Commission and Staff discussed the following:

- Whether there was a survey conducted regarding what utility lines are in the alley
- Whether the gas line was included as part of a condition
- Clarification as to who would be responsible for conducting a survey

Kathleen Bratcher, applicant, provided explanation for the petition and was available for questions from the Commission.

The Commission and Applicant discussed the following:

- Clarification was requested on the subdivision
- Clarity on how the city enforces surveys required by property owners

PUBLIC HEARING 7:34:28 PM

Chairperson Bachman opened the Public Hearing;

Alan Bloom – Provided feedback regarding his view on the petition.

Seeing no one else wished to speak; Chairperson Bachman closed the Public Hearing.

MOTION <u>7:36:08 PM</u>

Commissioner Bell stated, based on the findings and analysis in the staff report, testimony, and discussion at the public hearing, I move that the Planning Commission transmit a positive recommendation to the City Council for the Fern Subdivision Alley Vacation, file PLNPCM2018-00468 for the reasons listed in the staff report.

Commissioner Scheer seconded the motion. Commissioners Lyon, Barry, Clark, Hoskins, Scheer and Bell voted "Aye". The motion passed unanimously.

4. Original Petition



Alley Vacation or Closure

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afkb@msn.com				801-879-6924
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Signature of Owner or Agent: Cuthly Bratch

Undated 7/1/17

Date: 05/03/2018

		SUBMITTAL REQUIREMENTS
Staff Review	X X X X X X	 Please include with the application: (please attach additional sheet) 1. A letter explaining why you are requesting this alley vacation or closure. 2. A Sidwell map showing the area of the proposed alley vacation or closure. On the map please: a. Highlight the area of the proposed alley vacation or closure. b. Indicate with colored dot the property owners who support the petition. c., Submit one paper copy and a digital (PDF) copy of the map e mailed to object of the proposed alley vacation or closure. 3. A written description with measurements of the proposed alley vacation or closure. A final legal description prepared by a licensed engineer will be required later.
	x	 4. The name, address and signatures of all abutting property owners who support the petition. Petition must include the signatures of no less than 80% of the abutting property owners. Signatures should be from the property owners and not from the property renters. You may use the form attached to this application or provide your own form with signatures.

WHAT IS AN ALLEY VACATION OR CLOSURE?

As part of the subdivision process, early developers were required to create alleys which were then deeded to the City. They were used for coal delivery, garbage pickup and other services. They also allowed access to garages. Today, the City is officially the owner of these alleys. In situations where it can be demonstrated that there is an over-riding public purpose for vacating the alley, the City may relinquish its property interest in the alley.

When an alley is next to or abuts a single family or duplex residential property, the City vacates the alley, divides it in half, and the property is conveyed to the abutting property owners. If an alley is next to or abuts a non-residential, or multifamily residential (3 or more dwelling units) property, the City may close the alley and then sell the land at fair market value to the abutting property owners.

WHAT THE CITY CONSIDERS BEFORE VACATING OR CLOSING AN ALLEY

- The City police department, fire department, transportation division, and all other relevant City departments have no reasonable objection to the proposed disposition of the property;
- 2. Granting the petition will not deny sole access or required off-street parking to any property adjacent to the alley;
- 3. Granting the petition will not result in any property being landlocked;
- 4. Granting the petition will not result in a use of the alley property which is otherwise contrary to the policies of the City, including applicable master plans and other adopted statements of policy which address, but which are not limited to, mid-block walkways, pedestrian paths, trails, and alternative transportation uses;
- 5. No opposing abutting property owner intends to build a garage requiring access from the property, or has made application for a building permit, or if such a permit has been issued, construction has been completed within 12 months of issuance of the building permit;
- 6. The petition furthers the City preference for disposing of an entire alley, rather than a small segment of it; and
- 7. The alley property is not necessary for actual or potential rear access to residences or for accessory uses.

INCOMPLETE APPLICATIONS WILL NOT BE ACCEPTED

Updated 7/1/17

May 20, 2018

Olga Pinney Real Property Agent, SLC Corp 451 South State Street, Rm 425 Salt Lake City, UT 84114-5640

Re: Salt Lake City Right-of-Way (Alley) Encroachment Parcel #16-17-253-019

Dear Ms. Pinney and SLC Corp Office of Real Estate,

My name is Kathleen Bratcher. My husband, Richard Kerr, and I own the home on 1019 East Logan Ave. We are sending this letter explaining why we are requesting an alley closure. This request is being made in response to a letter we received on May 05, 2018, from the office of Olga Pinney.

We purchased this property August 1999 and have been using the half-an-alley next to our home as offstreet parking. One of our neighbors who grew up in this neighborhood, Sylvia Rimmach, told us in the sixty years that she has lived in this neighborhood, that she has witnessed all residents of this home use the same half-an-alley as an off-street parking space. I understand now that we were unknowingly encroaching on an alley and are wanting to remedy the situation as soon as possible. We had no ill intent.

When I use the term, "half-an-alley," it is because the north side of the through-alley is already closed. The alley has not been a usable piece of through traffic for at least sixty years. Richard and I are in an agreement with all our surrounding neighbors and are willing to split the property within the Salt Lake City's existing guidelines.

I have included the signed, "Petition to Vacate the Alley," along with the outlined and dotted Sidewell map.

We, (our neighbors, and Richard and I) would like to replace the aged fence at some point. The new fence will reflect the new property lines, as defined by the office of Salt Lake City, Real Estate Services.

Please feel free to contact me, Kathleen Bratcher at **Contract Please** if you have any questions or concerns. Again, we look forward to resolving this situation.

Thank you for your consideration in this matter.

Kathlen Bretch

Kathleen Bratcher 1019 East Logan Ave Salt Lake City, UT 84105

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Parcel #16-17-253-019 Alley Closure

Written Description with measurements of the proposed alley closure.

For frames of reference, we have enclosed a printed copy of a boundary survey we paid for this past January, performed by Horrocks Engineers. The outlined area is the alleyway we wish to close.

Our home faces south. For clarity in the following description, "south," refers to the front of the property (Logan Ave side), and "north" refers to be abutting property line and alleyway we are proposing to be closed.

All the below measurements were completed by my husband and myself working as a team and are approximate.

The numbers 1.) to 3.) descriptions and measurements below correlate to the and numbered areas on the enclosed survey map.

- North/south length of alley, measured from the southern side of the property, (i.e. northern edge of sidewalk) to the wooden fence in the backyard (abutting line) – 114.25 feet Outlined in blue on map.
- North/south side length from true, surveyed property line (measured from set survey cap) to wooden fence (abutting line) – 5.83 feet Outlined in red on map.

The fence was already installed, and already aging, when I purchased the property in 1999.

 East/west length of alley, measured on southern side of property, west neighbor's existing fence to survey cap set – 20.33 feet Outlined in purple on map.









PETITION TO VACATE OR CLOSE AN ALLEY Name of Applicant: Kathleen A. Bratcher Address of Applicant: 1019 East Logan Ave Parcel #16-17-253-019 Date: 2018 OF 03

As an owner of property adjacent to the alley, I agree to the proposed vacation or closure. I understand that if my property is a commercial business or a rental property with more than three (3) dwelling units, I will be required to pay fair market value for my half of the alley.

Print Name Address Date 6LC 84160 Signature ROGER 000 EAST 5-3-18 1615 Print Name 5 750. Mark HBUTTING 164 Date 1020E. May ve 018 2000 Date 1049 MA 201 8 lin COLOP Date Signa PROPERTY OWNERS 018 053 Date PF 3 2018 2 105 Ave an Date DOLL 22.18 1019E ogan ave 5 Dote Sionature 102 Date NO INE OGAI SIDEMELU Dot onatur Date Print Nom Signature 10 ignature Dat MAP. Frint Name Address Signature Date Updated 7/1/17 •

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PETITION TO VACATE OR CLOSE AN ALLEY 127 1 2. Name of Applicant: INARD KERR Athles Address of Applicant: Date: 8 8

As an owner of property adjacent to the alley, I agree to the proposed vacation or closure. I understand that if my property is a commercial business or a rental property with more than three (3) dwelling units, I will be required to pay fair market value for my half of the alley.

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5. Mailing List

Name 980 BRYAN LLC AIR VIEW SERVICE INC ASZMANN, JOSEPH G BAIRD, JENNIFER BAIRD, JENNIFER BATES, DANIEL & JOSALYN; JT BATHEN, JOHN C **BENTLEY, ANNABEL & PATRICK** M: JT BERNHISEL, ASHLIE A BEVACQUA, BRUCE & PAULA; JT BICKNELL, RACHEL M; TR BIEGING, ERIK & KAISER, JENNIFER; JT BLAKE, GARRY L BLUHM, ALAN & PAMALA; TRS **BRATCHER, KATHLEEN A &** KERR, RICHARD P; JT **BROWN, ROBERT B & LILIAN M** BRYAN WOOD CONDM COMMON AREA MASTER CARD: BURTON, STEPHEN M CARL, PAULA E; TR (PEC REV LIV TRUST) CLAYTON, ANDREA; TR (AC TR) CORTEZ, ALEX & JANET F; TC COYNE, DAVID; JT MILLER, OLIVIA: JT CROFT, ROGER G DEMKOV, JAMES S & CASSIDY; JT DONNER, PETER N EICHENBERGER, PAUL EMIGRATION CREEK LLC FOLEY, DANIEL P & FOX-FOLEY, MARISSA; JT FROST, KATHRYN A; TR GARDNER, JOHN P ET AL GARDNER, NOEL C & CONNIE L: TRS (G FAM TR) **G-BAR VENTURES LLC GIANNOPOULOS INVESTMENTS** LC GORDON, WILLIAM J GREIS, PATRICK & HIRSHBERG, ELIOTTE; JT HAAG, MICHELLE L HAINES, JAMES R; TR HAK, KATE HALE, ABBEY & DRUMOND, TYLER: JT

Address1 980 E BRYAN AVE 1646 S 1100 E 1059 E LOGAN AVE 10 BROADRICK RD PO BOX 521237 1067 E WOOD AVE 1033 E LOGAN AVE 1066 E BRYAN AVE

2740 E WILSHIRE DR 1020 E LOGAN AVE 1621 S 1000 E 1029 E LOGAN AVE

1598 S 1000 E 1053 E LOGAN AVE 1019 E LOGAN AVE

1038 E BRYAN AVE 4285 S PARKVIEW DR

2686 E SKYLINE DR 1020 E WOOD AVE

1038 E LOGAN AVE 1036 E LOGAN AVE 1056 E WOOD AVE

1615 S 1000 E 1041 E 1700 S

1034 E BRYAN AVE 1050 E BRYAN AVE 6860 CANYON DR 2112 COUNTRY COVE CT

1045 E 1700 S 2050 S 1400 E 1026 E LOGAN AVE

1570 S 1100 E 2537 S 1900 E

PO BOX 521563 1384 E YALE AVE

1568 S 1100 E 6931 S 825 E 1034 E WOOD AVE 976 E BRYAN AVE

Address2

SALT LAKE CITY, UT 84105-2310 SALT LAKE CITY, UT 84105-2440 SALT LAKE CITY, UT 84105-2409 SINGAPORE, 43947-5 SALT LAKE CITY, UT 84152-1237 SALT LAKE CITY, UT 84105-2411 SALT LAKE CITY, UT 84105-2409 SALT LAKE CITY, UT 84105-2402

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SALT LAKE CITY, UT 84105-3421 ST GEORGE, UT 84790 SALT LAKE CITY, UT 84105-2410

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SALT LAKE CITY, UT 84105-2441 MIDVALE, UT 84047 SALT LAKE CITY, UT 84105-2412 SALT LAKE CITY, UT 84105-2310 HARPER, PETER HICKEN, DREW D & PAISLEE; TRS (D&PHFL TRUST) HIGGINS, TRINA A HINNERS, SARAH J & PASKO, CHRISTOPHER P; JT HOFFMAN, BENGTA HUTCHISON, WARREN J & BECKY W; JT J&DWT ET AL JENSEN, JAN D JOHNSON, DAVID E & ANDERSON, SUSAN M; TRS KING, RAYMOND LENART, JOSHUA & TANNER; JT MORAHAN, JUSTINE & LEBEDA, KEITH T; TC NAY, CATRINA Y & TRAVIS W; JT NEIL PAYNE VELSEY FAM TR THORNTON, RICHARD N; TR NELSON, TRENT L & LAURA Q; JT NETMENDERS LLC NIELSON, WILLIAM F OLSON, KEVIN **OPHEIKENS, STEVEN C &** ROBYN R; TRS (O FAM TRUST) PAUL & KAREEN SWENSON FAM TR ET AL PEDERSEN, BRENT S PINE, TIMOTHY A POCOCK, DOROTHY V; TR POOLE, CHRISTOPHER PRICE, NICKOLAS W; JT PRICE, CARLY; JT REDFORD, DONNALEY E Resident Resident

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1050 E WOOD AVE 1648 S 1000 E

1066 E WOOD AVE 1056 E LOGAN AVE

3553 E SUTTON CIR

PO BOX 526434 1589 S 1000 E

1118 S WINDSOR ST 1026 E WOOD AVE 1594 S 1000 E

1590 S 1000 E 864 GRAND AVE

1044 E BRYAN AVE 955 E LOGAN AVE 1032 E LOGAN AVE 1028 E BRYAN AVE 1025 E LOGAN AVE

1064 S 1100 E

1602 S 1000 E 1049 E LOGAN AVE 1435 S EL REY ST 1600 S 1100 E 986 E BRYAN AVE

1633 S 1000 E 979 E LOGAN AVE 981 E LOGAN AVE 1606 S 1000 E 1640 S 1000 E #1 1640 S 1000 E #2 1640 S 1000 E #3 1640 S 1000 E #4 1620 S 1000 F 1573 S 1000 E #A 1573 S 1000 E #B 1573 S 1000 E #C 1573 S 1000 E #D 1007 E WOOD AVE 1575 S 1000 E 1022 E BRYAN AVE

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COTTONWOOD HTS, UT 84121-6150 SALT LAKE CITY, UT 84152-6434 SALT LAKE CITY, UT 84105-2379

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Resident

Resident

Resident	1032 E WOOD AVE	Salt Lake City, UT 84105-2412
Resident	1060 E WOOD AVE	Salt Lake City, UT 84105-2412
Resident	1072 E WOOD AVE	Salt Lake City, UT 84105-2412
Resident	1041 E LOGAN AVE	Salt Lake City, UT 84105-2409
Resident	1043 E LOGAN AVE	Salt Lake City, UT 84105-2409
Resident	1069 E LOGAN AVE	Salt Lake City, UT 84105-2409
Resident	1592 S 1100 E	Salt Lake City, UT 84105-2454
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Resident	1604 S 1100 E	Salt Lake City, UT 84105-2414
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Resident	1624 S 1100 E	Salt Lake City, UT 84105-2440
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Resident	1068 E BRYAN AVE	Salt Lake City, UT 84105-2402
Resident	1069 E WOOD AVE	Salt Lake City, UT 84105-2411
Resident	1630 S 1000 E	Salt Lake City, UT 84105-2359
Resident	1019 E 1700 S #1	Salt Lake City, UT 84105-3428
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Resident	1019 E 1700 S #5	Salt Lake City, UT 84105-3428
Resident	1019 E 1700 S #6	Salt Lake City, UT 84105-3428
RIMMASCH, SYLVIA & MARK H; JT	1597 S 1000 E	SALT LAKE CITY, UT 84105-2379
ROGERS, DAVIS J & VANESSA H; JT	105 W SUMMER ST	OJAI, CA 93023
ROMBOY, RODERICK P & CONNIE J; JT	1067 E LOGAN AVE	SALT LAKE CITY, UT 84105-2409
SCHLAUDERAFF, CALEB; ET AL	PO BOX 2222	SHELTON, WA 98584-5051
SIMPSON, GREGORY & JILLIAN; JT	1040 E LOGAN AVE	SALT LAKE CITY, UT 84105-2410
SJ COMMERCIAL RENTALS, LLC	5334 S CASTLEGATE DR	MURRAY, UT 84117-7363

SMITH, LONDA F & DE LA CRUZ, ANA M; JT SNOW, JINNY LEE; TR (JLS REV TR) STEELE, CHRISTOPHER & WANG, CHANG H; JT SUMSION, JOSEPH E & ANN H; JT THOMAS, FRANK L; TR TRAYNHAM, LEE E WHITEHALL, LLC WINTERS, ALAN R & BRIDGETTE A; JT WJM REAL ESTATE, LLC WOODRUFF, ALYSIA YORK FAMILY PARTNERSHIP, THE Anna Anglin - Salt Lake City **Planning Division**

1070 E BRYAN AVE

4285 S PARKVIEW DR

1047 E 1700 S

1039 E 1700 S

1044 E WOOD AVE 818 N QUINCY ST APT2103 3505 S LITTLE FARM LN 1024 E BRYAN AVE

1487 E ARLINGTON DR 1039 E LOGAN AVE 2257 S 1100 E

PO Box 145480

SALT LAKE CITY, UT 84105-2402

SALT LAKE CITY, UT 84124-3446

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SALT LAKE CITY, UT 84105-2412 ARLINGTON, VA 22203-2086 SALT LAKE CITY, UT 84109-3432 SALT LAKE CITY, UT 84105-2402

SALT LAKE CITY, UT 84103-4427 SALT LAKE CITY, UT 84105-2409 SALT LAKE CITY, UT 84106-2320

Salt Lake City, Utah 84114