

ORDINANCE NO. 23-28

**AN ORDINANCE TO VACATE COMMERCE STREET
AT APPROXIMATELY 4950 WEST 7800 SOUTH TO ACCOMMODATE
THE VILLAS AT STONE CREEK DEVELOPMENT
IN THE PLANNED COMMUNITY (PC) ZONING DISTRICT**

WHEREAS, the City of West Jordan (“**City**”) adopted West Jordan City Code (“**City Code**”) in 2009; and the City Council of the City (“**Council**” or “**City Council**”) desires to vacate a certain street right of way that has never been constructed as a street and that does not have any water, sewer, or other utility lines, facilities, or infrastructure placed therein; and

WHEREAS, Utah Code Ann. Sections 10-9a-207, -208, -608, -609, and -609.5, and City Code Sections 15-2-5G, 15-3-9B3, and 15-3-10 authorize the City to accept and act upon a petition to vacate a right of way, by giving notice and placing the petition on the agenda for a public hearing and action during a City Council meeting; and

WHEREAS, the current owner of all of the property contained in the Villas at Stone Creek Development (“**Development**” located in the City), Peterson Development, Co. (“**Developer**”), has filed a complete petition and filing fee with the City requesting that the City vacate Commerce Street at approximately 4950 West 7800 South, which is located in the Development (“**Petition**”, “**Vacated Street**”, and “**Villas Street Vacation**”); and

WHEREAS, the Planning Commission of the City (“**Planning Commission**”) held a public hearing and provided a recommendation on July 18, 2023, regarding the Villas Street Vacation; and

WHEREAS, the City Council has reviewed the Petition for the Villas Street Vacation and has held a public hearing on August 23, 2023, regarding the Villas Street Vacation; and

WHEREAS, the City Council finds that the Vacated Street is no longer needed for the Development or for the City and that said street right of way has never been constructed as a street and does not have any water, sewer, or other utility lines, facilities, or infrastructure placed therein; and

WHEREAS, the City Council finds that neither the public interest nor any person will be materially injured by the Villas Street Vacation; and the Vacated Street no longer serves a public purpose; and

WHEREAS, the City Council finds it to be in the best interest of the public health, safety, and welfare of the residents of the City to grant the Petition and to adopt this Ordinance to Vacate.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF WEST JORDAN, UTAH AS FOLLOWS:

Section 1. Findings. The City Council finds that:

- a. Good cause exists for the Villas Street Vacation; and
- b. Neither the public interest nor any person will be materially injured by said Villas Street Vacation;
- c. The Vacated Street does not have any water, sewer, or other utility lines, facilities, or infrastructure placed therein; and
- d. The Vacated Street no longer serves a public purpose.

(See the following pages)

Section 2. Vacation of Commerce Street. The City Council hereby grants the petition and entirely and completely vacates, as a public right of way, Commerce Street, as depicted in “Attachment 1 (which includes the 1-page “Vicinity Map”, the 1-page “Road Vacation Drawing”, and the 1-page “Legal Description” of the Vacated Street).

Section 3. City Staff to Ensure that this Ordinance is Recorded. The City staff shall ensure that this Ordinance to Vacate is recorded with the Salt Lake County Recorder.

Section 4. Severability. If any provision of this Ordinance to Vacate is declared to be invalid by a court of competent jurisdiction, the remainder shall not be affected thereby.

Section 5. Effective Date. This Ordinance to Vacate shall become effective immediately upon posting or publication as provided by law and upon (i) the Mayor signing the Ordinance, (ii) the City Council duly overriding the veto of the Mayor as provided by law, or (iii) the Mayor failing to sign or veto the Ordinance within fifteen (15) days after the City Council presents the Ordinance to the Mayor.

PASSED BY THE CITY COUNCIL OF THE CITY OF WEST JORDAN, UTAH, THIS 23 DAY OF AUGUST 2023.

CITY OF WEST JORDAN

By: 

Christopher McConnehey
Council Chair

ATTEST:

Cindy M. Quick, MMC
Council Office Clerk

Voting by the City Council

	"YES"	"NO"
Council Chair Christopher McConnehey	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Council Vice-Chair Pamela Bloom	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Council Member Kelvin Green	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Council Member Zach Jacob	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Council Member David Pack	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Council Member Kayleen Whitelock	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Council Member Melissa Worthen	<input checked="" type="checkbox"/>	<input type="checkbox"/>


(Continued on the following pages)

PRESENTED TO THE MAYOR BY THE CITY COUNCIL ON AUGUST 24, 2023.

Mayor's Action: X Approve Veto

By: Dirk Burton Aug 24, 2023
Mayor Dirk Burton Date

ATTEST:

 Tangee Sloan 


Tangee Sloan, CMC
City Recorder

STATEMENT OF APPROVAL/PASSAGE (check one)

 X The Mayor approved and signed Ordinance No. 23-28.

 The Mayor vetoed Ordinance No. 23-28 on _____ and the
City Council timely overrode the veto of the Mayor by a vote of _____ to _____.


 Ordinance No. 23-28 became effective by operation of law without the
Mayor's approval or disapproval.

 Tangee Sloan 

Tangee Sloan, CMC
City Recorder

CERTIFICATE OF PUBLICATION

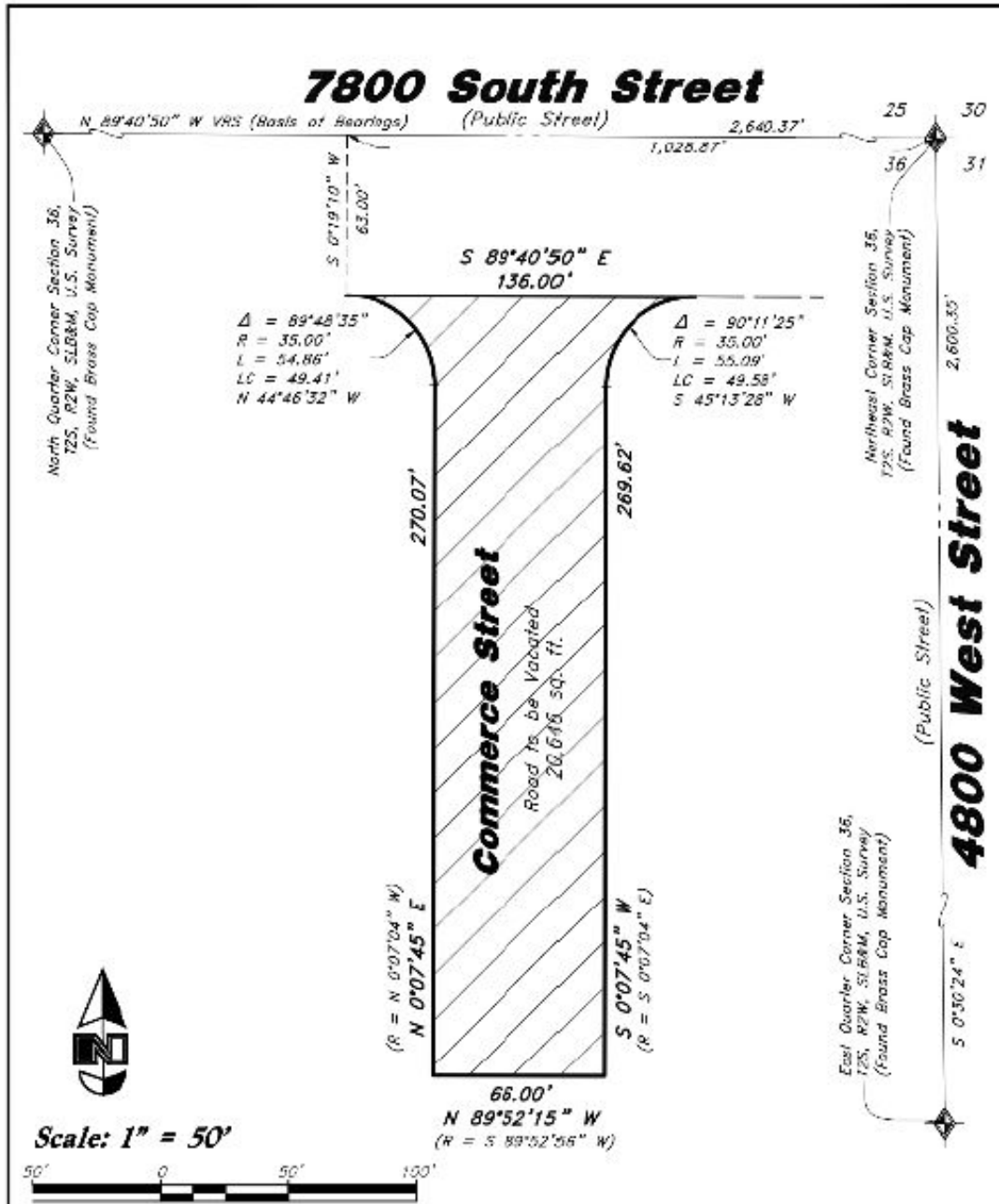
I, Tangee Sloan, certify that I am the City Recorder of the City of West Jordan, Utah, and that a short summary of the foregoing ordinance was published on the Utah Public Notice Website on the 28th day of August 2023. The fully executed copy of the ordinance is retained in the Office of the City Recorder pursuant to Utah Code Annotated, 10-3-711.

 Tangee Sloan 

Tangee Sloan, CMC
City Recorder

(Attachment on the following pages)

1-page "Road Vacation Drawing"



ROAD VACATION DRAWING

ANNA
 2018 North Redwood Road, Salt Lake City, Utah 84116
 (801) 521-5529 - ANNAengineering.com

Commerce Street Vacation
Villas at Stone Creek
 7800 South 4800 West
 West Jordan City, Utah

1	Designed By: NM
	Drafted By: TC/DK
	Client Name: Petersen Development
	21-109 Road Vacation EX
	18 May, 2023

1-page "Legal Description" of the Vacated Street

Villas at Stone Creek Commerce Street Road Vacation

18 May, 2023

Vacating all of Commerce Street as previously dedicated with Market Square at Stone Creek Commercial Subdivision Phase 1 recorded as Entry No. 7642240 in Book 2000P at Page 121, of Official Records of Salt Lake County, located in the Northeast Quarter of Section 36, Township 2 South, Range 2 West, Salt Lake Base and Meridian, U.S. Survey, in West Jordan City, Salt Lake County, Utah:

Beginning at a point on the South Line of 7800 South Street, located 1028.87 feet North $89^{\circ}40'50''$ West along the Section Line to the Northwest corner of said Subdivision; and 63.00 feet South $0^{\circ}19'10''$ West along Westerly line of said Subdivision from a Brass Cap Monument found marking the Northeast Corner of said Section 36; and running thence South $89^{\circ}40'50''$ East 136.00 feet along said South Line to a point of curvature; thence Southwesterly along the arc of a 35.00 foot radius curve to the left a distance of 55.09 feet (Center bears South $0^{\circ}19'10''$ West, Central Angle equals $90^{\circ}11'25''$ and Long Chord bears South $45^{\circ}13'28''$ West 49.58 feet) to a point of tangency on the Westerly line of Lot 1 of said Subdivision; thence South $0^{\circ}07'45''$ West (South $0^{\circ}07'04''$ East record) 269.62 feet along said Westerly line and a Southerly extension thereof; thence North $89^{\circ}52'15''$ West (South $89^{\circ}52'56''$ West record) 66.00 feet; thence North $0^{\circ}07'45''$ East (North $0^{\circ}07'04''$ West record) 270.07 feet to a point of curvature; thence Northwesterly along the arc of a 35.00 foot radius curve to the left a distance of 54.86 feet (Central Angle equals $89^{\circ}48'35''$ and Long Chord bears North $44^{\circ}46'32''$ West 49.41 feet) to said South line of 7800 South Street and the point of beginning.

**Contains 20,646 sq. ft.
or 0.474 acre**











Ordinance No. 23-28 Commerce Street Road Vacation


Final Audit Report


2023-08-26


Created:	2023-08-24
By:	Cindy Quick (Cindy.quick@westjordan.utah.gov)
Status:	Signed
Transaction ID:	CBJCHBCAABAAQAIh_igtqWaO_emkx1mfL7twHmoDM8I5


"Ordinance No. 23-28 Commerce Street Road Vacation" History


-  Document created by Cindy Quick (Cindy.quick@westjordan.utah.gov)
2023-08-24 - 9:07:04 PM GMT- IP address: 73.98.254.78
-  Document emailed to chris.mcconnehey@westjordan.utah.gov for signature
2023-08-24 - 9:10:27 PM GMT
-  Email viewed by chris.mcconnehey@westjordan.utah.gov
2023-08-24 - 9:22:09 PM GMT- IP address: 173.226.103.219
-  Signer chris.mcconnehey@westjordan.utah.gov entered name at signing as Christopher McConnehey
2023-08-24 - 9:22:56 PM GMT- IP address: 173.226.103.219
-  Document e-signed by Christopher McConnehey (chris.mcconnehey@westjordan.utah.gov)
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Signature Date: 2023-08-24 - 9:41:34 PM GMT - Time Source: server- IP address: 73.98.254.78
-  Document emailed to dirk.burton@westjordan.utah.gov for signature
2023-08-24 - 9:41:35 PM GMT
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 Signer dirk.burton@westjordan.utah.gov entered name at signing as Dirk Burton
2023-08-24 - 9:42:36 PM GMT- IP address: 174.247.145.137

 Document e-signed by Dirk Burton (dirk.burton@westjordan.utah.gov)
Signature Date: 2023-08-24 - 9:42:38 PM GMT - Time Source: server- IP address: 174.247.145.137

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Signature Date: 2023-08-26 - 2:47:13 PM GMT - Time Source: server- IP address: 73.3.107.85

 Agreement completed.
2023-08-26 - 2:47:13 PM GMT