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When Recorded Return to:

City of West Jordan
Attention: City Recorder
8000 South Redwood Road
West Jordan, Utah 84088

For Recording Purposes Do
Not Write Above This Line

THE CITY OF WEST JORDAN, UTAH
A Municipal Corporation

ORDINANCE NO. 25-27

AN ORDINANCE FOR APPROXIMATELY 20.60 ACRES OF PROPERTIES LOCATED AT APPROXIMATELY 5600 WEST 8600 SOUTH, IDENTIFIED AS THE MERCED CREEK DEVELOPMENT;

APPROVING PARTIAL STREET VACATIONS FOR THE MERCED CREEK DEVELOPMENT; AND

APPROVING SURPLUS OF CITY REAL PROPERTY FOR THE MERCED CREEK DEVELOPMENT

WHEREAS, the City of West Jordan ("**City**") adopted the Comprehensive General Plan ("**General Plan**") in 2023, as amended, which provides for a general plan land use map ("**General Plan Land Use Map**"), which is periodically updated; and the City adopted the West Jordan City Code ("**City Code**") in 2009, as amended, which provides for a zoning map for the City ("**Zoning Map**"), which is periodically updated; and

WHEREAS, an application was made by The Boyer Company, L.C., a Utah Limited Liability Company (referred to as "**Applicant**") and Sawtell Properties LLC, Boyer Airport Center II, L.C., Boyer West Jordan Residential, L.C., Yale Kilgore Investments LLC, and Kick Creek, L.L.C., each a Utah Limited Liability Company (all referred to collectively as "**Property Owner**"), for approximately 20.60 acres of real property, located at approximately 5600 West 8600 South and identified as **Assessor's Parcel Numbers 26-02-226-004 ("Parcel 1"), 26-02-226-006 ("Parcel 2"), 26-02-226-002 ("Parcel 3"), 26-02-200-044 ("Parcel 4"), 26-02-226-007 and 26-02-226-008 ("collectively Parcel 5"), Parcels 1 through 5 comprising approx. 19.34 acres, 26-02-200-021 ("5600 W. Vacated Parcel", approx. 0.17 acres), and a parcel currently with no assigned "active" Parcel Number ("8600 S. Vacated Parcel", approx. 1.09 acres)** (collectively referred to as the "**Property**" or "**Merced Creek Development**"), for, in part, a request for a Master Development Agreement (which includes a Master Development Plan), subject to a rezone, general plan land use map amendment, and other conditions precedent ("**Application**", "**MDA**", and "**Map Amendments**"); and

WHEREAS, on May 20, 2025, the Application was considered by the West Jordan Planning Commission ("**Planning Commission**"), which held a public hearing and made a ***positive*** recommendation to the West Jordan City Council ("**City Council**") concerning the MDA and Map Amendments, based upon the criteria in City Code Sections 13-7C-6 and 13-7D-6; and

WHEREAS, a public hearing was held before the City Council on June 24, 2025 concerning the MDA and Map Amendments; and

WHEREAS, the Applicant has agreed to and has executed a master development agreement that will govern the development of the Property ("**MDA**"), should the City Council, in its sole legislative discretion, choose to adopt the Map Amendments; and

WHEREAS, the City Council has reviewed, considered, and approved the MDA, subject to the conditions precedent set forth therein, including but not limited to the approval of the Map Amendments; and

WHEREAS, the City Council has also reviewed, considered, and approved the Map Amendments; and

WHEREAS, one of the conditions precedent set forth in the MDA, which is necessary for the Merced Creek Development to comply with the City Code, is the vacation of the "5600 W. Vacated Parcel" (approx. 0.17 acres) and the "8600 S. Vacated Parcel" (approx. 1.09 acres), each of which is only a "partial" vacation of the total right-of way, collectively referred to as "**Partial Street Vacations**"; and

WHEREAS, another condition precedent set forth in the MDA, which is necessary for the Merced Creek Development to comply with the City Code (in particular, City Code Section 3-1-19C) is the process to hold a public hearing to potentially declare as "surplus" the "8600 S. Vacated Parcel", which is a "Significant Parcel" (pursuant to City Code Section 3-1-2), referred to herein as "**Surplus of the 8600 S. Vacated Parcel**"; however, the "5600 W. Vacated Parcel" is not a "Significant Parcel" and does not have a requirement to be declared to be "surplus" after a public hearing; and

WHEREAS, a public hearing was held before the City Council on June 24, 2025 concerning the Partial Street Vacations and the Surplus of the 8600 S. Vacated Parcel; and

WHEREAS, the City Council has also reviewed and considered, and now desires to approve the Partial Street Vacations and the Surplus of the 8600 S. Vacated Parcel; and

WHEREAS, in its sole legislative discretion, the City Council now finds it to be in the best interest of the public health, safety, and welfare of the residents of the City to approve the Partial Street Vacations and the Surplus of the 8600 S. Vacated Parcel.

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

Section 1. Findings and Determinations. For the Property, the City Council makes the following ***findings*** regarding the ***Partial Street Vacations*** and determines that:

a. Good cause exists for the Partial Street Vacations;
b. The public interest and the interests of persons will not be materially injured by the Partial Street Vacations;
c. No right-of-way or easement of any parcel or lot owner is impaired by the Partial Street Vacations;
d. No rights of any public utility and no public utility easements are impaired or affected by the Partial Street Vacations;
e. No rights of any culinary water authority or sanitary sewer authority are impaired by the Partial Street Vacations; and the City is the culinary water authority and sanitary sewer authority in the area and shall reserve the right in any subsequent real property sales agreement regarding any necessary culinary water authority and sanitary sewer authority easements or rights; and this Ordinance shall serve as the written notice from the City to itself and its operators required by Utah Code Section 10-9a-609.5(2)(b);
f. This Ordinance regarding Partial Street Vacations is being used in lieu of a plat or amended

plat process (Utah Code Sections 10-9a-603 through 10-9a-609 inclusive), as authorized by Utah Code Section 10-9a-609.5;

g. The Applicants, the Property Owners, and the City are the only "signers" of the "Petition" required by Utah Code Section 10-9a-609.5(a and c), and they, collectively, are deemed to have "signed" the "Petition" for Partial Street Vacations by having signed the Application, the MDA, the public hearing notices, this Ordinance, and related documents; and

h. In addition to the regular general notice provided for the public hearing for the Partial Street Vacations, nearby landowners (within 300 feet) have been provided personal notice, by regular U. S. Mail, of said public hearing.

Section 2. Partial Street Vacations and the Surplus of the 8600 S. Vacated Parcel. For the Property, the ***Partial Street Vacations*** and the ***Surplus of the 8600 S. Vacated Parcel are approved***, as per the legal descriptions in "Attachment A", which is attached hereto.

Section 3. Recording this Ordinance with the Salt Lake County Recorder's Office. The Mayor is authorized to ensure that this Ordinance, together with "Attachment A", which includes the legal descriptions for "5600 W. Vacated Parcel" (approx. 0.17 acres) and the "8600 S. Vacated Parcel" (approx. 1.09 acres), is recorded with the Salt Lake County Recorder's Office.

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

Section 5. Effective Date. This Ordinance 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 24TH DAY OF JUNE 2025.

CITY OF WEST JORDAN

Chad Lamb (Jun 25, 2025 14:03 MDT)

Chad Lamb
Council Chair

ATTEST:

Cindy M. Quick, MMC
Council Office Clerk

[See the following pages.]

Voting by the City Council	**"YES"**	**"NO"**
Chair Chad Lamb	☒	☐
Vice Chair Kayleen Whitelock	☒	☐
Council Member Bob Bedore	☒	☐
Council Member Pamela Bloom	☒	☐
Council Member Kelvin Green	☒	☐
Council Member Zach Jacob	☒	☐
Council Member Kent Shelton	☒	☐

PRESENTED TO THE MAYOR BY THE CITY COUNCIL ON JUNE 25, 2025

Mayor's Action: X Approve _____ Veto

By: _____ Jun 25, 2025
Mayor Dirk Burton Date

ATTEST:

_____
Tangee Sloan, CMC
City Recorder

STATEMENT OF APPROVAL OF PASSAGE (check one)

X The Mayor approved and signed Ordinance No. 25-27.

_____ The Mayor vetoed Ordinance No. 25-27 on _____ and the City Council timely overrode the veto of the Mayor by a vote of _____ to _____.

_____ Ordinance No. 25-27 became effective by operation of law without the Mayor's approval or disapproval.

_____
Tangee Sloan
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 30 day of June, 2025. 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
City Recorder

Attachment A to
ORDINANCE NO. 25-27

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APPROVING PARTIAL STREET VACATIONS FOR THE MERCED CREEK DEVELOPMENT; AND

APPROVING SURPLUS OF CITY REAL PROPERTY FOR THE MERCED CREEK DEVELOPMENT

LEGAL DESCRIPTIONS
PREPARED FOR MERCED CREEK,
INCLUDING FOR THE "5600 W. VACATED PARCEL" (APPROX. 0.17 ACRES)
AND THE "8600 S. VACATED PARCEL" (APPROX. 1.09 ACRES)

Ordinance No. 25-27 Approving Partial Street Vacations and Surplus of City Real Prop

Final Audit Report 2025-06-30

Created:	2025-06-25
By:	Cindy Quick (Cindy.quick@westjordan.utah.gov)
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"Ordinance No. 25-27 Approving Partial Street Vacations and Surplus of City Real Prop" History

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