

Subject: Partial Street Vacation of 840 East & Street Name Change; 9270 South 840 East; [Quarry Bend, Community #7]; MISC-03-17-5288

Background: Planning Commission considered the above application at its meeting of April 20, 2017. In his motion forwarding a positive recommendation to the City Council, Commissioner Haymore added a third condition that the legal department verify compliance with City ordinances regarding properties that abut the vacated street. During the Planning Commission discussion, the question that arose was whether property owners abutting the vacated street must consent to the vacation. In considering the issue, I reviewed both City ordinances and State law.

Sandy City Ordinances: If there is a petition to vacate some or all of a public street, Land Development Code 15A-30-06.5 requires the name and address of owners of record of land that is “adjacent to the public street.” It requires signature of each of those owners who consents to the vacation. It does not mandate that every adjacent property owner sign, nor does it require any minimum number of property owners who must consent. The applicant is an adjacent property owner who consents. Therefore, the requirement of 15A-30-06.5 has been met.

Pursuant to Land Development Code 15A-30-06.5 approval is based on two findings: “1. good cause exists for the vacation; and 2. Neither the public interest nor any person will be materially injured by the vacation.” The City Council is not required to adopt a specific finding about property owners abutting the vacated street. Though not required, it was noted by staff that the two other properties that share a property line with the street to be vacated: (1) are not located within the subdivision; (2) do not have access to the street to be vacated; and (3) are aware of but did not express disapproval of the vacation.

Utah Code: Utah Code §10-9a-609.5 appears to be very similar if not identical language to Land Development Code 15A-30-06.5. It also does not state that each adjacent property owner is required to sign or consent.