

SALT LAKE CITY ORDINANCE
No. 26 of 2016
(Vacating a portion of the air rights above an alley that transects property
located at 1068 South Jefferson Street)

An ordinance vacating a portion of the city's air rights above an alley that transects property located at 1068 South Jefferson Street, pursuant to Petition No. PLNPCM2015-00918.

WHEREAS, the Salt Lake City Planning Commission held a public hearing on February 10, 2016 to consider a request made by Alec Harwin ("Applicant") (Petition No. PLNPCM2015-00918) to vacate a portion of the city's air rights above an alley that transects the Applicant's property located at 1068 South Jefferson Street in order for Applicant to construct a pedestrian walkway above the alley; and

WHEREAS, at its February 10, 2016 hearing, the planning commission voted in favor of forwarding a positive recommendation on said petition to the Salt Lake City Council; and

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

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

SECTION 1. Vacating City-Owned Air Rights. That a portion of the city's air rights above an alley that transects the Applicant's property located at 1068 South Jefferson Street, which is the subject of Petition No. PLNPCM2015-00918, and which is more particularly described on Exhibit "A" attached hereto, hereby is, vacated and declared not presently necessary or available for public use.

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06/20/2017 02:46 PM \$0.00
Book - 10569 Pg - 5414-5418
GARY W. OTT
RECORDER, SALT LAKE COUNTY, UTAH
SL CITY RECORDER
PO BOX 145455
SALT LAKE CITY UT 84114
BY: SSP, DEPUTY - MI 5 P.

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

SECTION 3. Conditions. This proposed vacation of city air rights is conditioned upon the following:

1. The proposed method of disposition of the alley property air rights shall be consistent with the method of disposition outlined in Section 14.52.040 (Method of Disposition) and Chapter 2.58 (City Owned Real Property) of the *Salt Lake City Code*.
2. The closure is subject to payment to the city of the fair market value of the air rights of the alley property.
3. The alley must continue to be open to vehicular and pedestrian movement.

SECTION 4. Effective Date. This Ordinance shall become effective on the date of its first publication and shall be recorded with the Salt Lake County Recorder. The city recorder is instructed not to publish or record this ordinance until the conditions identified above have been met as certified by the director of the Salt Lake City Planning Division.

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

Passed by the City Council of Salt Lake City, Utah this 7th day of June, 2016.


CHAIRPERSON

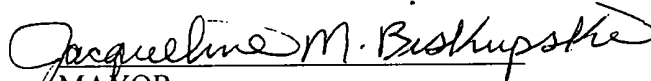
ATTEST:

CITY RECORDER



Transmitted to Mayor on June 9, 2016

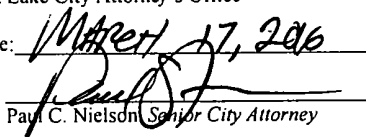
Mayor's Action: Approved. Vetoed.


MAYOR


CITY RECORDER

(SEAL)

Bill No. 26 of 2016.
Published: June 23, 2017.

APPROVED AS TO FORM
Salt Lake City Attorney's Office
Date: March 17, 2016
By: 
Paul C. Nielson, Senior City Attorney

HB_ATTYY-#51651-v1-Ordinance_vacating_air_rights_central_ninth_lofts.DOCX

EXHIBIT "A"

Legal description of the portion of
air rights above a city-owned alley to be vacated:

A part of the Northeast Quarter of Section 12, Township 1 South, Range 1 West, Salt Lake Base and Meridian, U.S. Survey, Salt Lake City, Salt Lake County, Utah

Beginning at a point on the West line of Lot 11, Block 1, Thorn Subdivision, Salt Lake City, Salt Lake County, Utah, being 28.68 feet North 0°01 '20" West along said West line of Lot 11 from the Southwest corner thereof, said Southwest corner being 179.27 feet South 89°57'08" West along the Center line of Goltz Avenue and 22.45 feet North 0°02'52" West from the Salt Lake City Monument at the intersection of said Goltz Avenue and Jefferson Street, and running thence due West 20.00 feet (Elevation 4248.6') to the East line of Lot 10, said Block 1, Thorn Subdivision; thence North 0°01 '20" West 13.42 feet (4248.6') along said East line of Lot 10 and the East line of Lot 9, said Block 1, Thorn Subdivision; thence due East 20.00 feet (4248.6') to the West line of Lot 12, said Block 1, Thorne Subdivision; thence South 0°01 '20" East 13.42 feet (4248.6') along said West line of Lot 12 and Lot 11, to the point of beginning.
Contains: 268 sq.ft.

Inclusive of all that volume of space which lies above an elevation of 4248.6 feet, as measured vertically from the North American Vertical Datum of 1988, (NAVD 88) using Salt Lake City Monument at 900 South and 200 West with a posted elevation of 1289. 798m (4,231.61 ft) and formed by projecting vertically upwards, the above described boundary.

CINDI L. MANSELL
CITY RECORDER

SALT LAKE CITY CORPORATION

City Recorder

JACQUELINE M. BISKUPSKI
MAYOR

CERTIFICATION

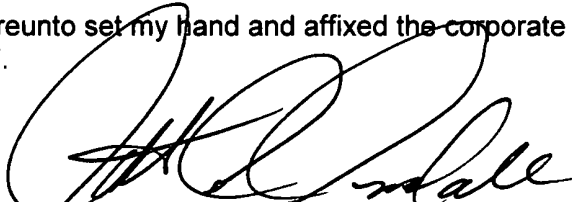
STATE OF UTAH,
City and County of Salt Lake,

I, Scott C. Crandall, Deputy City Recorder of Salt Lake City, Utah, do hereby certify that this document is a full, true and correct copy of **Ordinance 26 of 2016** vacating a portion of the City's air rights above an alley that transects property located at 1068 South Jefferson Street pursuant to Petition No. PLNPCM2015-00918.

Passed by City Council action of Salt Lake City, Utah on June 7, 2016.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of said City, this 20th day of June, 2017.




Deputy City Recorder, Salt Lake City, Utah

LOCATION: 451 SOUTH STATE STREET, ROOM 415, SALT LAKE CITY, UTAH 84111
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