



City of Green River  
City Council Meeting  
Agenda Documentation

Preparation Date: November 12, 2018	Department: Community Development
Meeting Date: November 20, 2018	Department Head: Laura Leigh
	Presenter: Jason Brown

**Subject:**

*A Public Hearing on the petition to vacate a portion of the North 3<sup>rd</sup> East Street right-of-way. The purpose of the public hearing is to allow citizens the opportunity to provide comments on the petition.*

**Background/Alternatives:**

*The petitioner, Duane Crider, is requesting that the City of Green River vacate a ten (10) foot strip of the North 3<sup>rd</sup> East right-of-way which is adjacent to 259, 279, and 291 North 3<sup>rd</sup> East. Please see the attached location map. When reading this report, you will see that this is a corrective situation to clear up the record of the history of this parcel's dimensions and the adjacent right-of-way.*

*On August 9, 2018, the City of Green River received a request from Duane Crider (Crider Rentals, LLC), for a lot line adjustment of the property which consists of four (4) legal descriptions: Lot 1, Block 2 of the Original Town of Green River; Lot 2, Block 2, of the Original Town of Green River; Lot 1, Block 5 of the Gardner Addition; and, Lot 2, Block 5 of the Gardner Addition. Within these legally described parcels, there exists three non-conforming residential structures and a detached garage. To clean up the situation, the property owner requested a lot line adjustment to reduce the property down to two lots, one of which would have one residential structure and the other with two residential structures and a detached garage. Please review the attached Record of Survey Lot Line Adjustment documents.*

*During the review of the Lot Line Adjustment, it was noted that there was a discrepancy in the lot dimensions between the new survey and the recorded land ownership information obtained by Sweetwater County. The surveyed Lot Line Adjustment showed a lot dimension of 130 feet while the county's information showed a lot dimension of only 120 feet. This triggered more investigation, which concluded that there exists a discrepancy between the historical record of the property and the recorded record of the property.*

*The following is a brief outline of the findings:*

- *The Original Town of Green River plat does not have not lot dimensions or right-of-way dimensions. However, by taking measurements, it appears that the North 3<sup>rd</sup> East right-of-way is 80 feet wide. The document was created in 1877. There is a more recent note on the document that the plat was not a legal plat of record, however, it has been*

historically utilized as such for legal descriptions. The 80-foot right-of-way would indicate that the lot dimension is 120 feet.

- The Gardner Addition plat was recorded in 1920 and shows a 60-foot right-of-way. The 60-foot right-of-way would indicate that the lot dimension is 130 feet.
- At some point in the early 1980's, a third-party surveyor prepared a document for the county. This document was never recorded as an official land record, but it was utilized frequently by the county to assist with land determinations in the older area of Green River. This document, although not recorded, reflects what appears to be a 70-foot right-of-way.
- It should be noted that in all of the deeds of record for this property, no lot dimensions are provided, only lot and block information.

The Sweetwater County mapping office would like to see this record cleaned up prior to recording a Lot Line Adjustment, thereby, necessitating a vacation. It is apparent that this issue has been looked at before, but nothing has been recorded. The petitioner's surveyor, Will Dolinar of WHS, has been working closely with the Sweetwater County mapping office to create the required legal descriptions to satisfy the County's requirements for "resolving" this matter.

A Development Review Committee (DRC) was held on September 28, 2018 in which the overall recommendation of the Development Review Committee is to approve the vacation to document the historical record. It was further recommended that the vacated area include a public utility easement (PUE).

The Planning and Zoning Commission reviewed this request on October 10, 2018. The Planning and Zoning Commission voted unanimously to recommend approval of the proposed vacation with the condition that the area vacated remain as a Public Utility Easement.

At the October 16, 2018 City Council meeting, the City Council set the public hearing date for Tuesday, November 20, 2018. Public Hearing Notice was given by advertisement in the Green River Star on October 24, 2018, October 31, 2018, and November 7, 2018. As required by state statute, the notice stated that any person objecting to the proposed vacation shall file his objections with the city clerk in writing at least twenty-four hours before the time of the hearing, and, any resident of the city, having filed his objections, may appear at the hearing and protest the proposed vacation. Any other resident of the city may appear at the hearing and offer evidence in support of the proposed vacation.

After the public hearing, if the governing body finds that the vacation is in the best interest of the city, it may approve the vacation by resolution. If it is passed to vacate the street and alley, the vacated property is then distributed by Quit Claim Deed to the adjacent property owner(s).

Note that this is only the Public Hearing for this item. Action on this item will be made by Resolution later within this agenda.

**Attachments:**

Public Hearing Notice

Location Map

Legal Description & Survey (Exhibits A and B)

*Lot Line Adjustment Documents*

**Fiscal Impact:**

*None*

**Staff Impact:**

*None – however, having a clear recorded land record will help future staff.*