

Moab Planning Commission Agenda Item
NAVTEC EASEMENT RELINQUISHMENT
Meeting Date June 9, 2022

Title: Public Hearing, Consideration and Possible Recommendation of Ordinance #2022-10, An Ordinance Approving Relinquishment of the Abandoned Sewer Main Easement on property located at 315 N Main Street, Moab UT 84532.

Disposition: Public Hearing, Discussion and Possible Action

Staff Presenter: Cory P. Shurtleff, Planning Director

Attachment(s):

- Exhibit 1: Draft Ordinance #2022-10
- Exhibit 2: Vicinity Map
- Exhibit 3: Recorded County Easement
- Exhibit 4: Relinquishment of Easement ORD No 2022-10

Options:

1. Positive Recommendation with or without modifications
2. Continue action on the item and give specific direction to the applicant and staff as to additional information needed.
3. Negative Recommendation to the City Council

Motion for Recommendation: I move that the City of Moab Planning Commission Recommend Moab City Ordinance #2022-10, An Ordinance Approving Relinquishment of the Abandoned Sewer Main easement on property located at 315 North Main Street, Moab UT 84532.

Applicant: NAVTEC Expeditions

Background:

NAVTEC Expeditions, applicant, submitted the City of Moab Petition to Vacate Application on April 20, 2022, for the Abandoned Sewer Main easement relinquishment found on the property at 315 North Main Street, Moab UT; Parcel #01—0001-0076.

Project Summary:

Location: 315 North Main Street, Moab UT
Property Owner: Brian Martinez
Applicant: NAVTEC Expeditions
Parcel Size: 0.57 Acres
Current Zone C-3 Central Commercial Zone

Narrative Summary:

Moab City acquired a sewer main easement across the subject property in March 1940 which was never utilized. The current tenants on the property are petitioning to vacate

the easement so they can use the area of the property the easement occupies for new construction.

The City of Moab's municipal code is silent on the process to relinquish a public utility easement. By default, the process to vacate a dedicated street, right of way, or easement is governed by statute, U.C.A. 10-9a-609.5. of the Utah State Code. The criteria are listed below followed by a response or analysis by city staff as follows:

10-9a-609.5.(4) The legislative body may adopt an ordinance granting a petition to vacate some or all of a public street or municipal utility easement if the legislative body finds that:

- (a) Good cause exists for the vacation.
- (b) Neither the public interest nor any person will be materially injured by the vacation.

Since the easement was never used, it is not necessary for the City to retain it. The applicant is asking to have it removed so they can have full use of their property without being hindered by an unused City owned utility easement. The relinquishment of the easement will not affect any of the neighboring properties due to the lack of use of the easement.

Process: Easement Vacation:

10-9a-609.5(5) If the legislative body adopts an ordinance vacating some or all of a public street or municipal utility easement, the legislative body shall ensure that one or both of the following is recorded in the office of the recorder of the county in which the land is located:

- (a) a plat reflecting the vacation; or
- (b) (i) an ordinance described in Subsection (4);
 - (ii) a legal description of the public street to be vacated.

See attached ordinance for method of recording the utility easement relinquishment.