

Moab Planning Commission Agenda Item
RIM ROCK ROAD ROW VACATION
Meeting Date October 13, 2022

Title: Public Hearing, Consideration and Possible Recommendation of Ordinance #2022-16, An Ordinance Approving the Vacation of the Abandoned Right-of-Way known as Rim Rock Road on property located at 1492 S (Aggie Blvd.) and Highway 191 Moab, Utah (parcel# 01-0018-0002).

Disposition: Public Hearing, Discussion and Possible Action

Staff Presenter: Anna Anglin, Planning & Zoning Administrator
Cory P. Shurtleff, Planning Director

Attachment(s):

- Exhibit 1: Draft Ordinance #2022-16
- Exhibit 2: Vicinity Map
- Exhibit 3: Recorded County ROW
- Exhibit 4: Aggie BLVD ROW
- Exhibit 5: Vacation of ROW ORD No 2022-16

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 #2022-16, An Ordinance Approving the Vacation of Right-of-Way, known as Rim Rock Road on property located 1492 S (Aggie Blvd.) and Highway 191 Moab, Utah.

Applicant: GWC Capital, Brook Cole (Developer)

Background:

Brook Cole with GWC Capital, on behalf of the State of Utah School and Institutional Trust Lands, submitted the City of Moab Petition to Vacate Application on October 13, 2022, for the abandoned street Right-of-way relinquishment called rim Rock Road found on the property at 1492 S (Aggie Blvd.) and Highway 191 Moab, Utah (parcel# 01-0018-0002).

Project Summary:

Location: 1492 S Highway 191 (Aggie Blvd), Moab UT
Property Owner: State of Utah School and Institutional Trust Lands
Applicant: GWC Capital, Brook Cole (Developer)
Parcel Size: 195.25 Acres

Current Zone: C-4 General Commercial & R-4 Manufactured Housing Residential

Narrative Summary:

Moab City acquired a right-of-way easement across the subject property in 1985. However, in 2018, the Aggie BLVD ROW was recorded with the County and the previous ROW easement was no longer required. At the time the ROW was changed, the previous (Rim Rock Road) ROW was not vacated. The applicants are petitioning to vacate the ROW to facilitate the proposed Aggie Townhome Phase II development. The Proposed development is a residential development consisting of 12 twin home structures with a total of 24 units. The property is currently a vacant lot that is part of a much larger proposed development for the new Utah State University Campus. The property to the northwest is currently vacant but is proposed to be the Aggie Apartments Phase I, which is under review for development. All other surrounding parcels are vacant. This property was annexed into the City in 2012 as part of the SITLA/ USU future development. The project is also petitioning for a zoning amendment and a Site Plan Review as well.

The City of Moab's municipal code is silent on the process to relinquish a public ROW 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 right-of-way was never used and the new Aggie Blvd. was placed in a different location, 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 ROW easement. The relinquishment of the easement will not affect any of the neighboring properties due to the rerouting of the Aggie BLVD in 2018.

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 Public Right-Of-Way relinquishment.