



MEMORANDUM

TO: Mayor and City Council

FROM: Matthew J. Dixon, City Manager

RE: **November 30, 2020 Special Council Meeting**

DISCUSSION/ACTION ITEMS

- Vacating Lincoln Ave. between 36th Street and Riverdale Road. Over the last couple of years the city has worked with a couple different developers interested in trying to redevelop the property on the east side of Lincoln Ave. between 36th Street and Riverdale Rd. The Seasons on Riverdale is now the third group to try and make a project work on this property. One of the objectives the city has been trying to accomplish with each developer has been to try and master plan the development in order to not only provide new development (housing and commercial) but to also include some additional parking for Costco. As a part of trying to make this happen, it has been proposed that the city council consider closing this section of Lincoln Ave. as a public street – making the property available for development as parking for new development and Costco. The council has been presented with two possible ways to make this happen.

One option was to close Lincoln Ave to vehicle traffic and lease the property to the developer for use with his parking needs as well as construction of parking for Costco employees. The second option has been to have the city simply vacate the property, have the property owners (developer and Costco property owner) swap property and then build the needed parking for both projects.

On June 2, 2020, following a public hearing and discussion, the city council voted (5-0) to approve a non-binding Letter of Intent (Res. 20-14) showing the cities support of the project and willingness to close Lincoln Ave. This allowed the developer to know the city was at the table and willing to help make this happen, IF his project kept moving forward.

In August of 2020, the developer provided a Letter of Intent from Costco showing their need for parking and willingness to lease parking from the developer IF the parking were constructed and made available to them.

On September 1, 2020, the city council as the Governing Body and as the CDRA Board voted to approve Lease Agreements for use of Lincoln Ave. as parking for the development and Costco.

Since the September meeting the developer has submitted his financing request to HUD in hopes they would finance the project. He learned recently that HUD will not accept a lease agreement for use of Lincoln and instead want to see that he owns the property. Although not successful all year in working out

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South Ogden City, UT 84403

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a deal with the Costco property owner, the developer (Season on Riverdale) recently has been able to get the property owner to the table to work this out so the vacation and land swap and project plans can move forward. This is why it is now being proposed that the city switch to the option wherein the street would be vacated instead of leased. Below are some of the pros and cons as requested by Councilmember Orr for the city to vacate this portion on Lincoln Ave. Certainly, this is not an exhaustive list and there are possibly many other items that could be listed under both lists.

Pros:

- Costco picks up close to 100 parking stalls for their employees providing some relief to their operational headaches and challenges thus keeping them happy to remain located at this location
- eliminates city's responsibility to plow and maintain that portion of Lincoln Ave
- helps this area of the city see new investment (\$34M) in housing and economic growth
- helps support local area businesses (i.e. Macey's, Criddle's, Walgreen's, etc.)
- attracts new interest for additional investment in the area around it
- project will generate some good building permit, impact and other fees for the city

Cons:

- eliminates a connection between 36th Street and Riverdale Rd.
- city utilities in Lincoln Ave may be more difficult to work on over time as maintenance needs arise
- traffic will increase in the area – although the Traffic Impact Study shows the area can easily accommodate the additional traffic
- some citizens are generally against growth of multi-family housing and could view this as a bad/negative thing for the city

Note that the effective date of the vacation is January 15, 2021. This will provide some time for the developer to finalize agreements with neighboring property owners and for HUD to make their determination as to the financing of this project. In the unlikely event that the project does not get funded or that the property owners are unable to finalize the required agreements before the end of the year, the city council would be able to revisit the vacation of this street on Jan. 05, 2021.

- Consideration of Resolution 20-39 – Approving 2020 Moderate Income Housing Report. As a part of South Ogden City's efforts to comply with Senate Bill 34 from the 2019 legislative session regarding Affordable Housing, the city is required to approve this report showing what, if any, progress we are making in regards to helping address the state-wide challenges surrounding housing affordability. Staff will review this report with the council, answer questions, and ask for your vote to approve this report so we can submit prior to the deadline (Dec. 1). Mark Vlasic, City Planner, will be assisting with this discussion during the meeting.



**NOTICE AND AGENDA
SOUTH OGDEN CITY
SPECIAL COUNCIL MEETING**

MONDAY, NOVEMBER 30, 2020, 6 PM

Notice is hereby given that the South Ogden City Council will hold a special council meeting at 6 pm Monday, November 30, 2020. The meeting will be located at City Hall, 3950 Adams Ave., South Ogden, Utah, 84403, in the city council chambers. The meeting is open to the public; however, the city will abide by all COVID-19 restrictions in place at the time of the meeting, including social distancing, wearing of masks, and number of people allowed to gather in one place. Some members of the council may be attending the meeting electronically. The meeting will also be streamed live over www.facebook.com/southogden.

CITY COUNCIL MEETING AGENDA

I. OPENING CEREMONY

- A. Call to Order** – Mayor Russell Porter
- B. Prayer/Moment of Silence** -
- C. Pledge of Allegiance** – Council Member Susan Stewart

II. PUBLIC HEARING

To Receive and Consider Comments on the Proposed Vacation of Lincoln Avenue between 36th Street and Riverdale Road

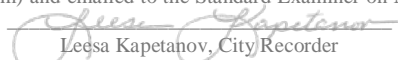
III. DISCUSSION / ACTION ITEMS

- A. Consideration of Ordinance 20-23** – Vacating Lincoln Avenue between 36th Street and Riverdale Road
- B. Consideration of Resolution 20-39** – Approving 2020 Moderate Income Housing Report

IV. ADJOURN

Posted to the State of Utah Website November 25, 2020

The undersigned, duly appointed City Recorder, does hereby certify that a copy of the above notice and agenda was posted at the Municipal Center (1st and 2nd floors), on the City's website (southogdencity.com) and emailed to the Standard Examiner on November 25, 2020. Copies were also delivered to each member of the governing body.


Leesa Kapetanov, City Recorder

In compliance with the Americans with Disabilities Act, individuals needing special accommodations (including auxiliary communicative aids and services) during the meeting should notify the City Recorder at 801-622-2709 at least 48 hours in advance.



OFFICE OF THE CITY RECORDER

November 20, 2020

To Whom It May Concern:


You are receiving this letter because you own property that is accessed by Lincoln Avenue between 36th Street and Riverdale Road in South Ogden City (see map on other side.) The city is considering vacating this portion of Lincoln. If the city does vacate Lincoln, half the road will be given to the adjoining property owners on either side.

A public hearing to consider the vacation of Lincoln will be held on Monday, November 30, 2020 at 6 pm during a special South Ogden City Council Meeting. The meeting will be held at City Hall, 3950 Adams Ave., South Ogden, UT, 84403, in the city council chambers. Anyone interested is invited to attend and offer comment or respond in writing. Written comments will be accepted before the meeting by emailing lkapetanov@southogdencity.gov or mailing them to address above. Only those written comments received before the meeting will be made a part of the public record.

The city will abide by all COVID-19 restrictions in place at the time of the meeting, including social distancing, the wearing of masks, and number of people allowed to gather at one place.

If you have any questions, feel free to call me at 801-622-2709.

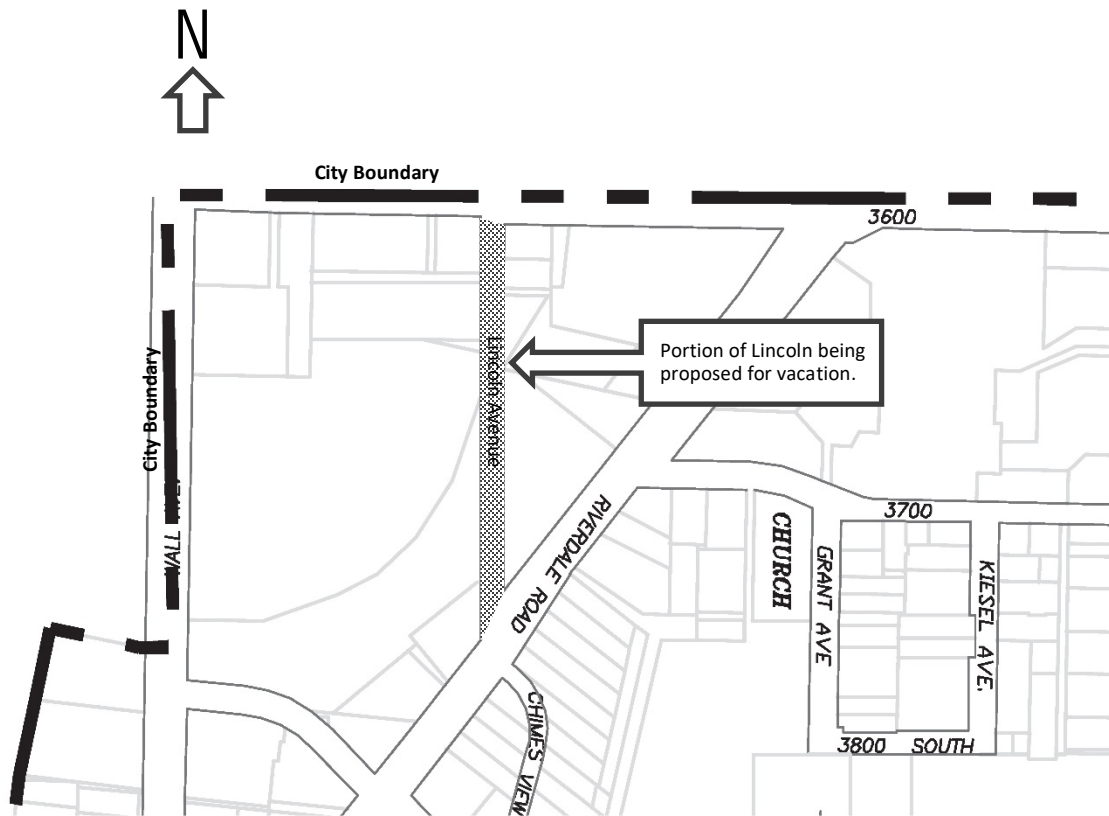
Sincerely,


Leesa Kapetanov, CMC
South Ogden City Recorder

E lkapetanov@southogdencity.gov
O 801-622-2709
F 801-622-2713

3950 Adams Ave., Ste. 1
South Ogden, UT 84403

southogdencity.gov





OFFICE OF THE CITY RECORDER

November 20, 2020

To Whom It May Concern:


You are receiving this letter because you have been identified as an entity that may possibly be affected by the proposed vacation of Lincoln Avenue between 36th Street and Riverdale Road in South Ogden City (see map on other side.)

A public hearing to consider the vacation of Lincoln will be held on Monday, November 30, 2020 at 6 pm during a special South Ogden City Council Meeting. The meeting will be held at City Hall, 3950 Adams Ave., South Ogden, UT, 84403, in the city council chambers. Anyone interested is invited to attend and offer comment or respond in writing. Written comments will be accepted before the meeting by emailing lkapetanov@southogdencity.gov or mailing them to address above. Only those written comments received before the meeting will be made a part of the public record.

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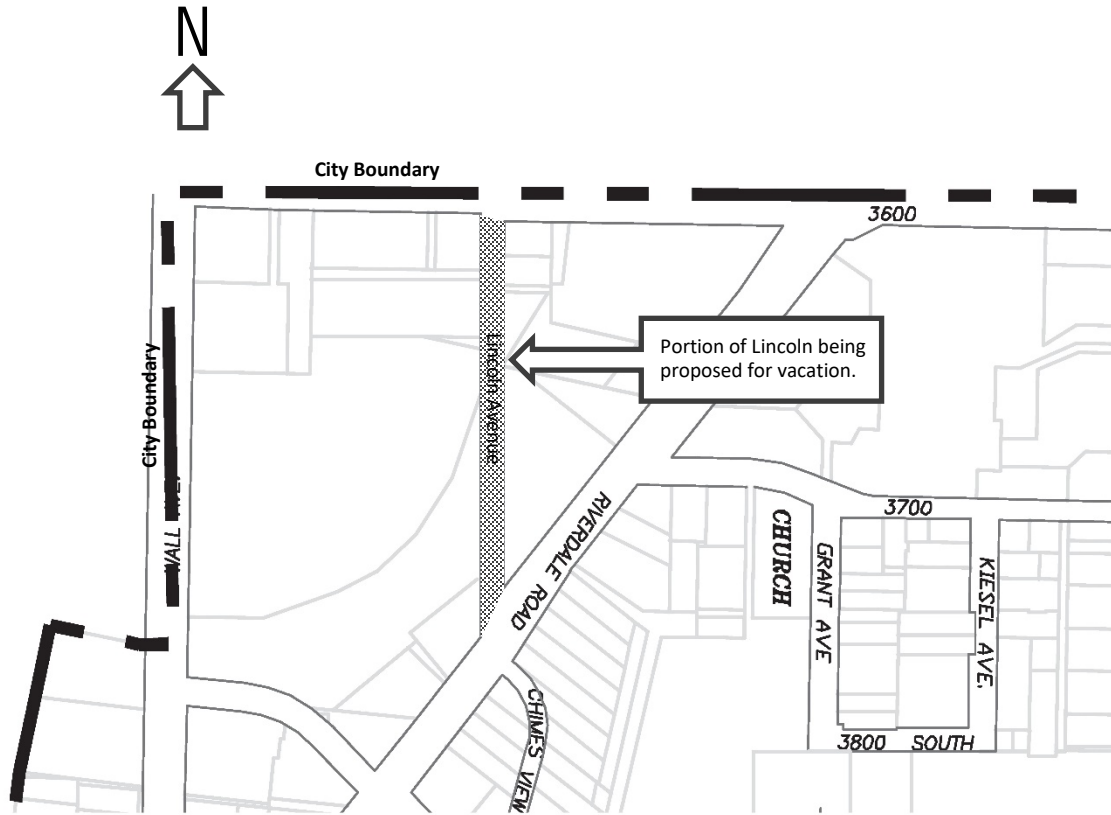
Sincerely,


Leesa Kapetanov, CMC
South Ogden City Recorder

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South Ogden, UT 84403

southogdencity.gov



ATTACHMENT “A”

ORDINANCE NO. 20-23

An Ordinance Of South Ogden City, Utah, Vacating Portions Of Unused Rights-Of-Way
Of Lincoln Avenue Between 36th Street And Riverdale Road; And Establishing An
Effective Date.

30 Nov 20

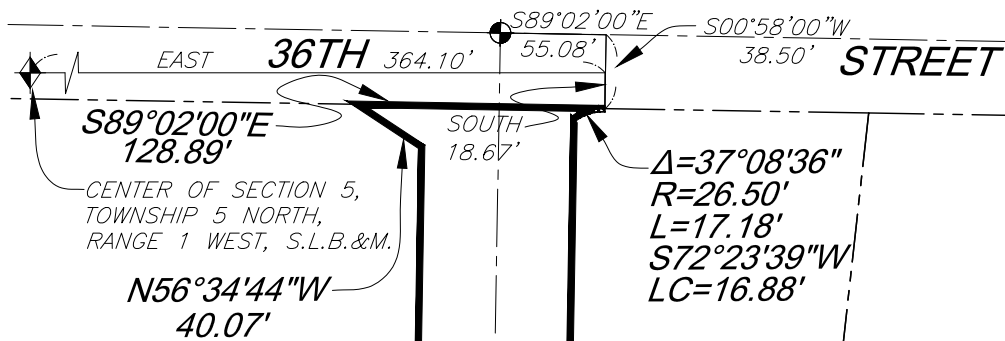
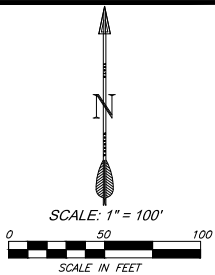
[Attachment to be provided by City Recorder]

LEGAL DESCRIPTION

A PART OF THE NORTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 5, TOWNSHIP 5 NORTH, RANGE 1 WEST, SALT LAKE BASE AND MERIDIAN, U.S. SURVEY, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE SOUTH RIGHT OF WAY LINE OF 36TH STREET, SAID POINT BEING LOCATED SOUTH 89°02'00" EAST 55.08 FEET AND SOUTH 00°58'00" WEST 38.50 FEET FROM THE OGDEN CITY MONUMENT LOCATED AT THE INTERSECTION OF 36TH STREET AND LINCOLN AVENUE, SAID POINT ALSO BEING LOCATED EAST 364.10 FEET AND SOUTH 18.67 FEET FROM THE CENTER OF SAID SECTION 5, SAID POINT ALSO BEING A POINT OF NON-CURVATURE WITH A 26.50 FOOT RADIUS CURVE TO THE LEFT; RUNNING THENCE THE FOLLOWING TWO (2) COURSES AND DISTANCES ALONG THE EAST RIGHT OF WAY LINE OF SAID LINCOLN AVENUE: (1) 17.18 FEET ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 37°08'36" (CHORD BEARS SOUTH 72°23'39" WEST 16.88 FEET) TO A POINT OF NON-TANGENCY; (2) SOUTH 00°58'53" WEST 871.51 FEET TO A POINT ON THE NORTH RIGHT OF WAY LINE OF RIVERDALE ROAD, WHICH POINT IS 49.5 FEET PERPENDICULAR FROM THE CENTERLINE OF SAID ROAD; THENCE SOUTH 38°21'00" WEST 129.88 FEET ALONG SAID NORTH RIGHT OF WAY LINE TO THE WEST RIGHT OF WAY LINE OF SAID LINCOLN AVENUE; THENCE THE FOLLOWING TWO (2) COURSES AND DISTANCES ALONG SAID WEST RIGHT OF WAY: (1) NORTH 00°58'00" EAST 958.59 FEET; (2) NORTH 56°34'44" WEST 40.07 FEET TO THE SOUTH RIGHT OF WAY LINE OF 36TH STREET; THENCE ALONG SAID SOUTH RIGHT OF WAY LINE SOUTH 89°02'00" EAST 128.89 FEET TO THE POINT OF BEGINNING.

CONTAINS 73,707 SQUARE FEET OR 1.692 ACRES, MORE OR LESS.



A PART OF THE NORTHWEST QUARTER OF THE
SOUTHEAST QUARTER OF SECTION 5, TOWNSHIP 5 NORTH,
RANGE 1 WEST, SALT LAKE BASE AND MERIDIAN, U.S.
SURVEY, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

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LINE OF 36TH STREET, SAID POINT BEING LOCATED
SOUTH 89°02'00" EAST 55.08 FEET AND SOUTH 00°58'00"
WEST 38.50 FEET FROM THE OGDEN CITY MONUMENT
LOCATED AT THE INTERSECTION OF 36TH STREET AND
LINCOLN AVENUE, SAID POINT ALSO BEING LOCATED EAST
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TW LIMITED LIABILITY CO.
05-122-0026
ENTRY 2144687

RIVERDALE
COMMERCIAL, LLC
05-122-0029
ENTRY 3070547

SEASONS ON RIVERDALE, LLC
05-122-0028
ENTRY 3083065

RIVERDALE
COMMERCIAL, LLC
05-137-0011
ENTRY 3083064

ROAD TO
BE VACATED

RIVERDALE
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Ⓐ
3810CAPO, LLC
05-136-0026
ENTRY 2525817

Ⓑ
BARREY J BIGLER
TRUST AGREEMENT
05-136-0025
ENTRY 2178726

Ⓒ
G43, LLC
05-136-0023
ENTRY 3085944

YFP OGDEN, LLC
05-139-0125
ENTRY 2691140

STEVEN FARNSWORTH
05-137-0008
ENTRY 1742632

EXHIBIT A

LEGEND

- EASEMENT BOUNDARY
- EXISTING PARCEL LINES
- CENTERLINE
- FOUND SECTION CORNER
- STREET MONUMENT

ORDINANCE NO. 20-23

AN ORDINANCE OF SOUTH OGDEN CITY, UTAH, VACATING PORTIONS OF UNUSED RIGHTS-OF-WAY OF LINCOLN AVENUE BETWEEN 36TH STREET AND RIVERDALE ROAD; AND ESTABLISHING AN EFFECTIVE DATE.

SECTION I - RECITALS

WHEREAS, the City of South Ogden City (“City”) is a municipal corporation duly organized and existing under the laws of Utah; and,

WHEREAS, in conformance with Utah Code (“UC”) §10-3-717, the governing body of the city may exercise all administrative powers by resolution; and,

WHEREAS, in conformance with UC §10-3-702, the governing body of the city may pass any ordinance to regulate, require, prohibit, govern, control or supervise any activity, business, conduct or condition authorized by State law or any other provision of law; and,

WHEREAS, the City Council finds that in conformance with UC Title 10-8-8 it may pass an ordinance to vacate, narrow, or change utility easements within the city or otherwise manage or dispose of city property; and,

WHEREAS, the City Council finds that in conformance with UC Title 10, on its own initiative, it may enact an ordinance declaring a street, alley, or a part of a street or alley or utility easement is vacated; and,

WHEREAS, the City Council finds, and has determined, in conformance with UC Title 10, that: there is good cause for the vacating the easements and or rights of way described and, further, that the vacating or narrowing of these easements and or rights of way will not be detrimental to the public interest; and,

WHEREAS, the City Council finds that in conformance with UC Title 10, that notice of the intention of the City Council to vacate this easement, or part, has been given as provided in the UC §10-9a-609.5, or other applicable statute or requirement; and,

WHEREAS, the City Council finds that in conformance with UC Title 10, that intention of the governing body of the city to vacate the easements and or rights of way described, and the notice required for action on such question has been properly published as required preceding action; and,

WHEREAS, the City finds that certain exigencies of city governmental operations require these actions be taken;

SECTION II - EASEMENT/RIGHTS-OF-WAY VACATED

Now Therefore, Be It Ordained By The City Council Of South Ogden City That The Portions Of Unused Rights-Of-Way Of Lincoln Avenue Between 36th Street And Riverdale Road, And More Particularly Described In **Attachment "A"** Should Be And The Same Are Hereby Vacated And Abandoned Subject Only To The Exceptions As Otherwise Provided Therein.

Be It Further Ordained, That Notwithstanding The City's Vacation And Relinquishment Of The Easements And Or Rights Of Way As Described Above, Nothing Herein Shall Be Deemed Or Construed To Act So As To Diminish, Restrict Or Extinguish The Right Of Way And Easements Otherwise Existing Appurtenant To These Vacated Easements, If Any, Of Any Lot Owner Or The City, Nor Shall The Franchise Rights Of Any Public Utility Be Impaired Thereby. Specifically, The Street Easement And Right-Of-Way Is Vacated And The City Retains All Utility Easements Undiminished Or Changed.

That the foregoing recitals are incorporated herein.

SECTION III - PRIOR ORDINANCES AND RESOLUTIONS:

The body and substance of any prior Ordinances and Resolutions, with their specific provisions, where not otherwise in conflict with this Ordinance, are reaffirmed and readopted.

SECTION IV - REPEALER OF CONFLICTING ENACTMENTS:

All orders, ordinances and resolutions regarding the changes enacted and adopted which have been adopted by the City, or parts, which conflict with this Ordinance, are, for such conflict, repealed, except this repeal shall not be construed to revive any act, order or resolution, or part repealed.

SECTION V - SAVINGS CLAUSE:

If any provision of this Ordinance shall be held or deemed or shall be invalid, inoperative or unenforceable such reason shall not render any other provision or provisions invalid, inoperative or unenforceable to any extent whatever, this Ordinance being deemed the separate independent and severable act of the City Council of South Ogden City.

SECTION VI - DATE OF EFFECT

This Ordinance shall be effective on the 15th day of December, 2020, and after publication or posting as required by law.

DATED this 30th day of November, 2020

SOUTH OGDEN, a municipal corporation

by: _____
Russell Porter, Mayor

Attested and recorded

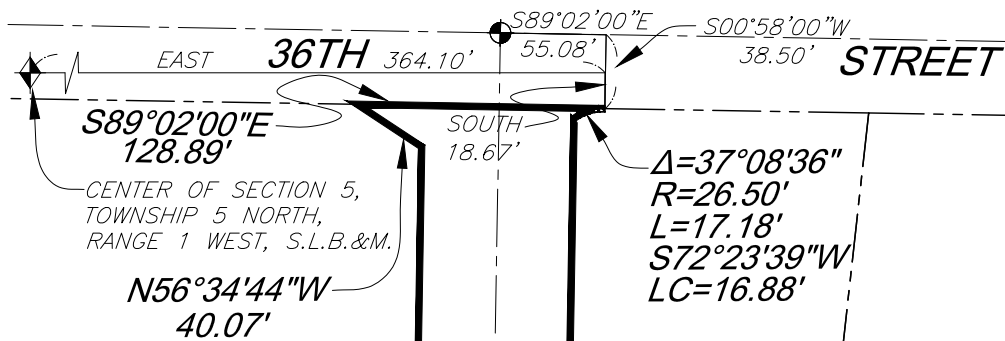
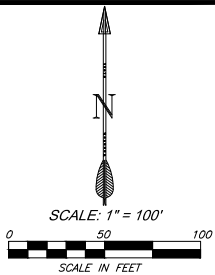
Leesa Kapetanov, CMC
City Recorder

ATTACHMENT “A”

ORDINANCE NO. 20-23

An Ordinance Of South Ogden City, Utah, Vacating Portions Of Unused Rights-Of-Way
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30 Nov 20



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- EASEMENT BOUNDARY
- EXISTING PARCEL LINES
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Resolution No. 20-39

**RESOLUTION OF SOUTH OGDEN CITY APPROVING A REPORT ON THE
REVIEW AND FINDINGS OF THE CITY'S MODERATE-INCOME HOUSING
PLAN ELEMENT OF THE GENERAL PLAN, AND PROVIDING THAT THIS
RESOLUTION SHALL BECOME EFFECTIVE IMMEDIATELY UPON
POSTING AND FINAL PASSAGE.**

WHEREAS, the City Council finds that the City of South Ogden ("City") is a municipal corporation duly organized and existing under the laws of Utah; and,

WHEREAS, the City Council finds that in conformance with Utah Code ("UC") § 10-3-717 & § 10-9a-408, the governing body of the city may exercise all administrative powers by resolution including, but not limited to receiving a Report on the Review and Findings of the City's Moderate Income Housing Plan Element of the General Plan; and,

WHEREAS, the City Council finds it necessary to address Moderate Income Housing Plan Elements of the General Plan and related housing needs within the city consistent with state and federal requirements; and,

WHEREAS, the City Council finds that the city has created a South Ogden City Moderate Income Housing Plan Element of the General Plan to meet the requirements of state and federal agencies and for protecting the public; and,

WHEREAS, the City Council finds that creating such a Moderate Income Housing Plan and Elements of the General Plan will materially assist in providing services to meet the city's health and safety needs through effective management of a Moderate Income Housing Plan; and,

WHEREAS, the City Council finds that City now desires to further those ends by Approving a Report on the Review and Findings of the City's Moderate Income Housing Plan Element of the General Plan to provide for and effectively manage such services; and,

WHEREAS, the City Council finds that the public convenience, health, and necessity requires the actions contemplated,

**NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF
SOUTH OGDEN AS FOLLOWS:**

**SECTION II - SOUTH OGDEN CITY REPORT ON THE REVIEW AND FINDINGS
OF THE CITY'S MODERATE-INCOME HOUSING PLAN ELEMENT OF THE
GENERAL PLAN AS PROVIDED AT UC §10-9a-408 APPROVED.**

The South Ogden City Report On The Review And Findings Of The City's Moderate Income Housing Plan Element Of The General Plan (UC §10-9a-408) Is Adopted And Approved And Is Attached Hereto As **Attachment "A"**, And By This Reference Fully Incorporated. The City Manager Is Authorized To Sign And The City Recorder

Is Authorized To Attest, Any And All Documents Necessary To Effect This
Authorization And Approval.

The foregoing recitals are fully incorporated herein.

SECTION III - PRIOR ORDINANCES AND RESOLUTIONS

The body and substance of all prior Resolutions, with their provisions, where not otherwise in conflict with this Resolution, are reaffirmed and readopted.

SECTION IV - REPEALER OF CONFLICTING ENACTMENTS

All orders, and Resolutions regarding the changes enacted and adopted which have been adopted by the City, or parts, which conflict with this Resolution, are, for such conflict, repealed, except this repeal will not be construed to revive any act, order or resolution, or part repealed.

SECTION V - SAVINGS CLAUSE

If any provision of this Resolution be held or deemed or shall be invalid, inoperative or unenforceable such will render no other provision or provisions invalid, inoperative or unenforceable to any extent whatever, this Resolution being deemed the separate independent and severable act of the City Council of South Ogden City.

SECTION VI - DATE OF EFFECT

This Resolution will be effective on the 30th day of November, 2020, and after publication or posting as required by law.

**PASSED AND ADOPTED BY THE CITY COUNCIL OF SOUTH OGDEN CITY,
STATE OF UTAH**, on this 30th day of November, 2020.

SOUTH OGDEN CITY

Russell Porter
Mayor

ATTEST:

Leesa Kapetanov, CMC
City Recorder

ATTACHMENT "A"

Resolution No. 20-39

Resolution Of South Ogden City Approving A Report On The Review And Findings Of The City's Moderate Income Housing Plan Element Of The General Plan (Utah Code §10-9a-408), And Providing That This Resolution Shall Become Effective Immediately Upon Posting And Final Passage.

30 Nov 20

[Attachment to be provided by City Recorder]