

MILLCREEK, UTAH
ORDINANCE NO. 26-01

AN ORDINANCE VACATING AND REMOVING THE “PLANNED UNIT DEVELOPMENT (P.U.D.)” AND “OPEN SPACE” DESIGNATIONS; AND FURTHER VACATING AND REMOVING LOTS 1, 2, AND 10 FROM “THE WOODS AT ROSECREST P.U.D. SUBDIVISION”

WHEREAS, the Millcreek City Council (“Council”) met in a regular meeting on January 12, 2026, to consider, among other things, vacating and removing the Planned Unit Development (P.U.D.) and Open Space designations and further removing Lots 1, 2, and 10 from The Woods at Rosecrest P.U.D. Subdivision, as depicted in EXHIBIT A, whereby Lots 1, 2, and 10 now being designated as metes and bounds parcels, as described in EXHIBIT B; and

WHEREAS, Utah Code Section 10-20-812.(3) provides in part that a legislative body may vacate a subdivision or a portion of a subdivision by recording in the county recorder's office an ordinance describing the subdivision or the portion being vacated; and

WHEREAS, Utah Code Section 10-20-812.(1) provides in part, that the Land Use Authority may approve the vacation or amendment of a plat by signing an amended plat showing the vacation or amendment if the Land Use Authority finds that 1) there is good cause for the vacation or amendment and 2) no public street or municipal utility easement has been vacated or amended; and

WHEREAS, Utah Code Section 10-20-811, provides that a fee owner of land, as shown on the last county assessment roll, in a subdivision that has been laid out and platted as provided in this part may file a petition with the land use authority to request a subdivision amendment; and

WHEREAS, Millcreek Code Section 18.15.020, in harmony with Utah Code 10-20-81, requires a formal public engagement process in the form of a public meeting, held by Millcreek’s Planning Director, as the Land Use Authority for Minor Subdivision Amendments and/or a public hearing held by the City Council; and

WHEREAS, All landowners within the subdivision, including owners of Lots 1, 2, & 10 and authorized representatives of the Home Owner’s Association, have petitioned to amend and vacate portions of the subdivision by providing signed and notarized affidavits, and

WHEREAS, on October 29, 2025, the City Staff gave notice of the date, place, and time of the required public meeting held by the Land Use Authority as required by both Utah Code and Millcreek Code; and

WHEREAS, on November 18, 2025, a public meeting was held by the Planning Director, as the designated Land Use Authority, to consider among other things, that “good cause exists” to vacate and remove the Planned Unit Development (P.U.D.) and Open Space designations and, further vacate and remove Lots 1, 2, & 10 from The Woods at Rosecrest P.U.D. Subdivision; and

WHEREAS, the Planning Director made a positive recommendation to vacate, amend and remove as previously described based on the following findings: **1)** Millcreek Code has since been revised and updated, thus removing Planned Unit Developments from the Millcreek Code and, **2)** the property has since been rezoned whereby all lots within the subdivision now meet the minimum lot size requirements of the newly established underlying zone and, **3)** the open space as required by the original approval was insufficiently sized and poorly located whereupon the adjacent landowner of Lot 8, with further consensus and approval of the HOA, has agreed to assume ownership and maintenance of said open space area by absorbing through property consolidation, the previously designated open space parcel and, **4)** all owners have agreed that Lots 1, 2, & 10 do not functionally utilize any of the private infrastructure or facilities and thereby have little to no reason to further participate in or be a part of the HOA; and

WHEREAS, the Planning Director also found that no public street or municipal utility easement is proposed as being vacated or amended; and

WHEREAS, on December 30, 2025, City Staff gave further notice of the date, place, and time of a second public meeting; and

WHEREAS, the City Council, acting in their legislative capacity held public hearing on January 12, 2026, to considered among other things, 1) whether there is good cause for the vacation or amendment and 2) to ensure that no public street or municipal utility easement is being vacated or amended; and

WHEREAS, based on the same findings made by City Staff and, as recommended by the land use authority, the City Council finds that good cause exists and no public street or municipal easement is being vacated or amended and that no material injury will be caused as a result of vacating and removing the Planned Unit Development (P.U.D.) and Open Space designations removing Lots 1, 2, & 10 from The Woods at Rosecrest P.U.D. Subdivision.

NOW, THEREFORE, BE IT ORDAINED by the Council that The “Planned Unit Development (P.U.D.)” & “Open Space” designations are hereby vacated and removed and Lots 1, 2, & 10 are hereby vacated and removed from the The Woods at Rosecrest P.U.D. Subdivision, as depicted in EXHIBIT A whereby Lots 1, 2, & 10 are now designated as metes and bounds parcels, as described in EXHIBIT B. The Mayor and Recorder are hereby directed to record a copy of this ordinance in the Office of the Salt Lake County Recorder.

PASSED AND APPROVED on this 12th day of January 2026.

MILLCREEK COUNCIL

By: _____
Cheri Jackson, Mayor

ATTEST:

Elyse Sullivan, City Recorder

Roll Call Vote:

Jackson	Yes	No
Catten	Yes	No
DeSirant	Yes	No
Handy	Yes	No
Uipi	Yes	No

CERTIFICATE OF POSTING

I, the duly appointed recorder for Millcreek, hereby certify that:
ORDINANCE 26-01: AN ORDINANCE VACATING AND REMOVING THE “PLANNED UNIT DEVELOPMENT (P.U.D.)” AND “OPEN SPACE” DESIGNATIONS; AND FURTHER VACATING AND REMOVING LOTS 1, 2, AND 10 FROM “THE WOODS AT ROSECREST P.U.D. SUBDIVISION” was adopted the 12th day of January 2026 and that a copy of the foregoing Ordinance 26-01 was posted in accordance with Utah Code 10-3-711 this ____ day of January, 2026.

Elyse Sullivan, City Recorder

EXHIBIT B
(Legal Description)

LOT 1

Lot 1, Woods at Rosecrest PUD Subdivision being more particularly described as follows:

Beginning at the Southeast corner of the former Lot 1 of Woods at Rosecrest Subdivision, said point also being North 00°30'21" East 367.24 feet and North 89°48'00" East 1123.55 from the found street monument at the intersection of 3300 South Street and 2300 East Street, said street monument being North 00°05'30" East 1145.40 feet from the South Quarter Corner of Section 27, Township 1 South, Range 1 East, Salt Lake Base and Meridian; and running; thence North 00°27'16" East 105.83 feet to the southerly line of Lot 6 of the former Woods at Rosecrest PUD Subdivision; thence North 89°48'00" East 56.43 feet along the southerly line of said Lot 6; thence South 11°40'00" East 107.97 feet to the northerly right-of-way line of 3225 South Street; thence South 89°48'00" West 79.10 feet along the northerly right-of-way line of 3225 South Street to the point of beginning.

LOT 2

Portion of Lot 2, Woods at Rosecrest PUD Subdivision being more particularly described as follows:

Beginning at the Southeast corner of the former Lot 1 of Woods at Rosecrest Subdivision, said point also being North 00°30'21" East 367.24 feet and North 89°48'00" East 1123.55 from the found street monument at the intersection of 3300 South Street and 2300 East Street, said street monument being North 00°05'30" East 1145.40 feet from the South Quarter Corner of Section 27, Township 1 South, Range 1 East, Salt Lake Base and Meridian; and running; thence South 89°48'00" West 79.10 feet along the northerly right-of-way line of 3225 South Street; thence North 1°18'37" West 103.75 feet to an existing vinyl fence; thence North 88°20'43" East 82.35 feet along existing vinyl fence; thence South 00°27'16" East 105.83 feet to the point of beginning.

LOT 10

Lot 10, Woods at Rosecrest PUD Subdivision being more particularly described as follows:

Beginning at the Southeast corner of the former Lot 10 of Woods at Rosecrest Subdivision, said point also being North 00°30'21" East 367.24 feet and North 89°48'00" East 965.55 feet and North 11°52'00" West 315.48 feet and South 88°42'18" East 79.86 feet and South 87°54'36" East 32.78 feet and North 25.00 feet from the found street monument at the intersection of 3300 South Street and 2300 East Street, said street monument being North 00°05'30" East 1145.40 feet from the South Quarter Corner of Section 27, Township 1 South, Range 1 East, Salt Lake Base and Meridian; and running; thence North 00°39'20" West 159.67 feet to the Lambourne Avenue right of way; thence South 84°53'36" East 102.13 feet along the Lambourne Avenue right of way; thence South 152.45 feet to the southwest corner of said Lot 10; thence North 88°55'12" West 99.92 feet to the point of beginning.