

Bond Case Briefs

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Potter v. South Salt Lake City

Supreme Court of Utah - June 5, 2018 - P.3d - 2018 WL 2710974 - 2018 UT 21

Objectors sought judicial review of city council's decision to close a portion of two city streets.

The District Court dismissed objectors' claim, and they appealed.

The Supreme Court of Utah held that:

- Automobile dealership's petition to vacate portions of two public streets was not defective on the basis it failed to include the names and addresses of all property owners whose land was adjacent to the public streets being vacated;
- There was no reasonable likelihood that alleged defects in petition to vacate had any effect on city's decision to vacate portions of two public streets, and thus, objectors failed to demonstrate prejudice, as required to overturn city's land use decision; and
- A party challenging a land use decision is not required to prove that the city's decision "would have been different" absent the violation of city law, but instead, it is enough for the challenging party to show that there is a reasonable likelihood that the legal defect in the city's process changed the outcome of the proceeding, modifying *Springville Citizens*, 979 P.2d 332.