



Staff Report to the Weber County Commission

Weber County Planning Division

Synopsis

Application Information

Application Request:	A public hearing to consider and take action on a request to vacate a portion of the Old Snowbasin Road, a dedicated public thoroughfare located at approximately 5923 Snowbasin Road.
Type of Decision:	Legislative
Agenda Date:	Tuesday, January 3, 2017
Applicant:	Roger Dutson
File Number:	EV2016-06

Property Information

Approximate Address:	5923 Snowbasin Road
Project Area:	1.6069 Acres
Zoning:	Forest Valley Zone (FV-3)
Existing Land Use:	Vacant
Proposed Land Use:	Vacant
Parcel ID:	N/A
Township, Range, Section:	T6N, R1E, Sec 23

Adjacent Land Use

North:	Forest/Residential	South:	Forest/Residential
East:	Forest/Residential	West:	Forest/Residential

Staff Information

Report Presenter:	Ronda Kippen rkippen@co.weber.ut.us 801-399-8768
Report Reviewer:	SM

Background and Summary

The Ogden Valley Planning Commission, after holding a public hearing on December 6, 2016, has forwarded a positive recommendation to vacate a portion of the Old Snowbasin Road, a dedicated public thoroughfare located at approximately 5923 Snowbasin Road.

The applicant submitted a request to vacate a portion of the "Old Snowbasin Road" that is dedicated to Weber County as a public thoroughfare (see Exhibit A for the application, narrative and maps). The subject area is adjacent to the applicant's current residence and is approximately 1.6069 acres. This property has been dedicated and recorded with the Weber County Recorder's Office as Dedication Plat Entry# 782835 Book 22 Page 56 on July 11, 1979 (see Exhibit B for Dedication Plat). The applicant has been working with the Weber County Engineering Department regarding the vacation. The County Engineer does not see a need for the County to retain this property for any type of maintenance purposes.

Currently the applicant gains access to Lot 1 across the subject property to be vacated and has adequate frontage for Lot 1 of the Dutson Subdivision along the Old Snowbasin Road. If the County is willing to vacate this portion of the public thoroughfare, the applicant will proceed with an application to amend all of Lot 1, in the Dutson Subdivision; which is the applicant's current residence. The plat amendment will combine the 1.6069 acre parcel with the applicant's existing 6.9 acre lot and the applicant has committed to dedicate a public right of way along areas of the Old Snowbasin Road that are necessary for roadway maintenance purposes. Based on this commitment, the County Engineer has given a positive recommendation for the vacation of the subject property.

The requested area to be vacated is identified in "red" on the attached Exhibit C. The public thoroughfare that has been dedicated along the Old Snowbasin Road may be vacated by ordinance to relinquish the public interest in this area (see Exhibit E). The review, consideration and noticing of the requested street vacation has been done in compliance with Utah Code §17-27a-609.5 and §17-27a-208. Written approvals from the applicable review agencies have been obtained prior to this petition being forwarded for review and consideration by the planning commission.

Summary of Suggested County Commission Consideration

The County Commission will need to determine if there will be any reason that the public's interest should not be relinquished by vacating the public interest in the subject property dedicated as a public thoroughfare. Utah Code §17-27a-609.5 states that *"The legislative body may adopt an ordinance granting a petition to vacate some or all of a public street, right-of-way, or easement if the legislative body finds that:*

- (a) good cause exists for the vacation; and*
- (b) the public interest or any person will not be materially injured by the proposed vacation."*

Conformance to the General Plan

The transportation goal in the Ogden Valley General Plan *"is to ensure that Ogden Valley has a transportation system that enhances mobility and connectivity, reduces congestion, and meets air quality standards without disturbing existing land uses"*. Old Snowbasin Road is an existing local road that is not currently nor proposed to be a collector or arterial thoroughfare into the Ogden Valley. The vacation of the subject property that is currently part of the public thoroughfare known as Old Snowbasin Road will not reduce the existing streetscape design nor have a negative effect on the "Active Transportation Plan" outlined in the Ogden Valley General Plan for a "Proposed Category 2: Bike Lane" (see the 2016 Ogden Valley General Plan pages 28-34).

Planning Commission Recommendation

The Ogden Valley Planning Commission recommends approval of the request to vacate a portion of the Old Snowbasin Road, a dedicated public thoroughfare (street) located at approximately 5923 Snowbasin Road. This recommendation for approval is subject to all review agency requirements and is based on the following condition:

1. The applicant will submit an application for a plat amendment for all of Lot 1 in the Dutson Subdivision to combine the 1.6069 acre parcel with the existing 6.9 acre lot.
2. The ordinance to vacate the subject property will be recorded with the Weber County Recorder's Office in conjunction with the Dutson Subdivision plat amendment.

The recommendation is based on the following findings:

1. Vacating the proposed public thoroughfare will not have a negative effect on the Ogden Valley General Plan.
2. Based on the proposed subdivision amendment to dedicate to Weber County additional public right of way for maintenance purposes along Old Snowbasin Road, good cause exists to vacate the portion of the public thoroughfare.
3. The public interest or any person will not be materially injured by the proposed vacation.
4. The proposed vacation will not be detrimental to the public health, safety, or welfare.
5. The proposed vacation will not deteriorate the environment of the general area so as to negatively impact surrounding properties and uses.

Exhibits

- A. Application with Narrative and Aerial Map
- B. Dedication Plat
- C. Map of area to be vacated
- D. Public Comment received to date
- E. Proposed Vacation Ordinance

Location Map



Exhibit A-Application, Narrative and Aerial Map


Weber County Vacation Application		
Application submittals will be accepted by appointment only. (801) 399-8791. 2380 Washington Blvd. Suite 240, Ogden, UT 84401		
Date Submitted / Completed	Fees (Office Use)	Receipt Number (Office Use)
Requesters Contact Information		
Name <i>ROGER DUTSON</i>		Mailing Address <i>5923 Snow Basin Rd HUNTSVILLE, UT 84317</i>
Phone <i>801-721-3512</i>	Fax <i>N/A</i>	
Email Address <i>rogerdutson@yahoo.com</i>	Preferred Method of Written Correspondence <input checked="" type="checkbox"/> Email <input type="checkbox"/> Fax <input checked="" type="checkbox"/> Mail	
Property Information		
Address		Land Serial Number(s) <i>20-055-0042</i>
Vacation Request <input type="checkbox"/> Easement <input checked="" type="checkbox"/> Road <input type="checkbox"/> Subdivision <input type="checkbox"/> Subdivision Lot		Current Zoning <i>FV-3</i>
Subdivision Name <i>DUTSON SUBDIVISION</i>		Lot Number(s) <i>LOT 1</i>
Project Narrative <i>See Exhibit A for description of area to be vacated. The area is a portion of a fan shaped widening of OLD SNOW BASIN ROAD, recorded as Plat Book 22, Page 56 of the County Plat Records.</i>		
Property Owner Affidavit		
I (We), <i>ROGER & ANITA DUTSON (TRUST)</i> depose and say that I (we) am (are) the owner(s) of the property identified in this application and that the statements herein contained, the information provided in the attached plans and other exhibits are in all respects true and correct to the best of my (our) knowledge.		
<i>Roger S. Dutson, Trustee</i> (Property Owner)		<i>Anita S. Dutson, Trustee</i> (Property Owner)
Subscribed and sworn to me this <i>9</i> day of <i>Sep</i> , 20 <i>16</i> . <i>State: Utah County: Weber</i>		 <i>Eileen Sawyer</i> (Notary)

Exhibit A-Application, Narrative and Aerial Map

Authorized Representative Affidavit

I (We), ROGER & ANITA DUTSON TRUST the owner(s) of the real property described in the attached application, do authorize me as my (our) representative(s), ROGER & ANITA DUTSON, TRUSTEE to represent me (us) regarding the attached application and to appear on my (our) behalf before any administrative or legislative body in the County considering this application and to act in all respects as our agent in matters pertaining to the attached application.

Roger S. Dutson Trustee
(Property Owner) ROGER DUTSON, TRUSTEE

Anita S. Dutson Trustee
(Property Owner) ANITA DUTSON, TRUSTEE

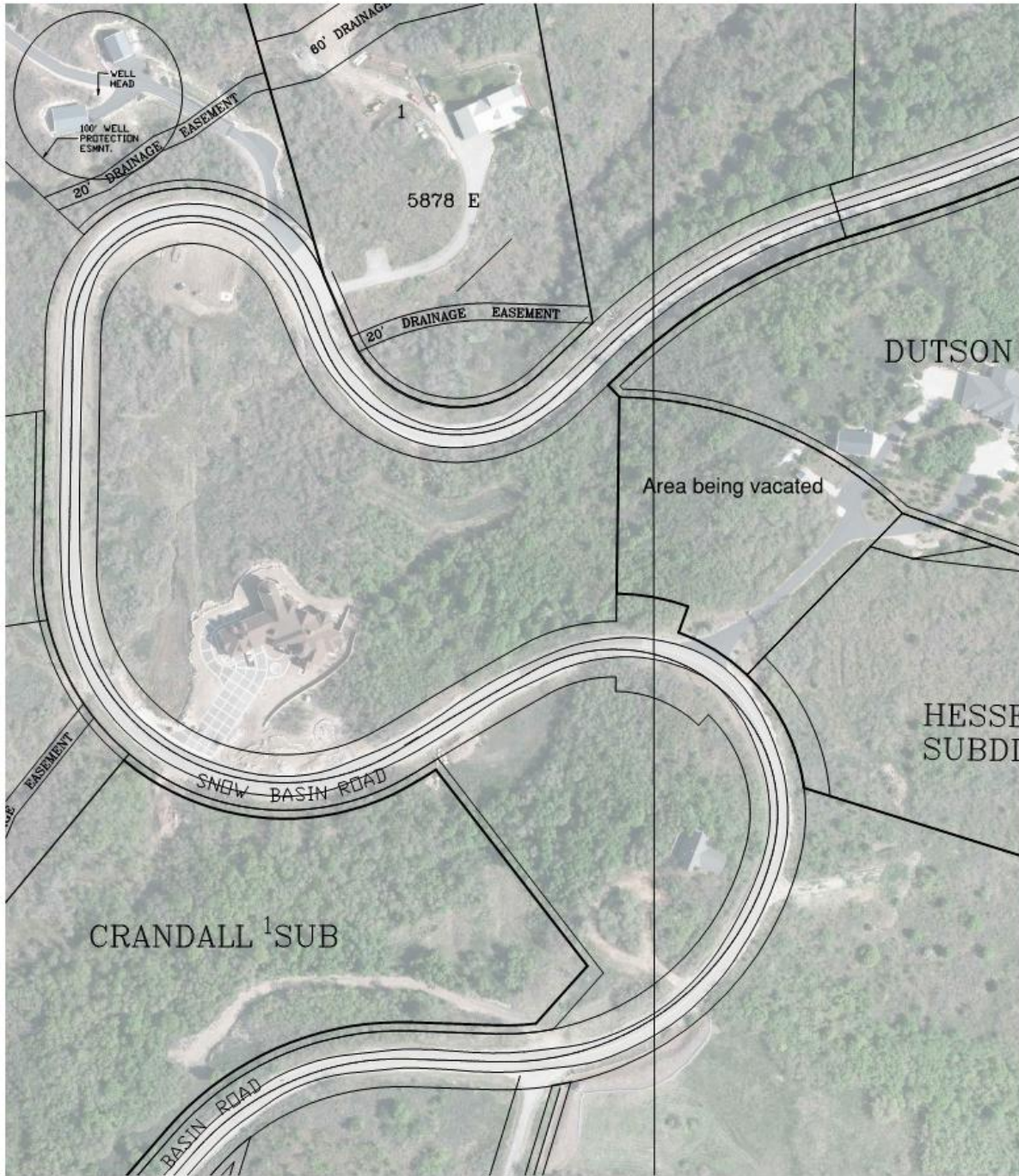
Dated this 9 day of Sep, 20 16, personally appeared before me Roger & Anita Dutson, the signer(s) of the Representative Authorization Affidavit who duly acknowledged to me that they executed the same.

State: Utah
County: Weber

NOTARY PUBLIC
EILEEN SAWYER
680764
My Commission Expires
January 26, 2019
STATE OF UTAH

Eileen Sawyer
(Notary)

Exhibit A-Application, Narrative and Aerial Map



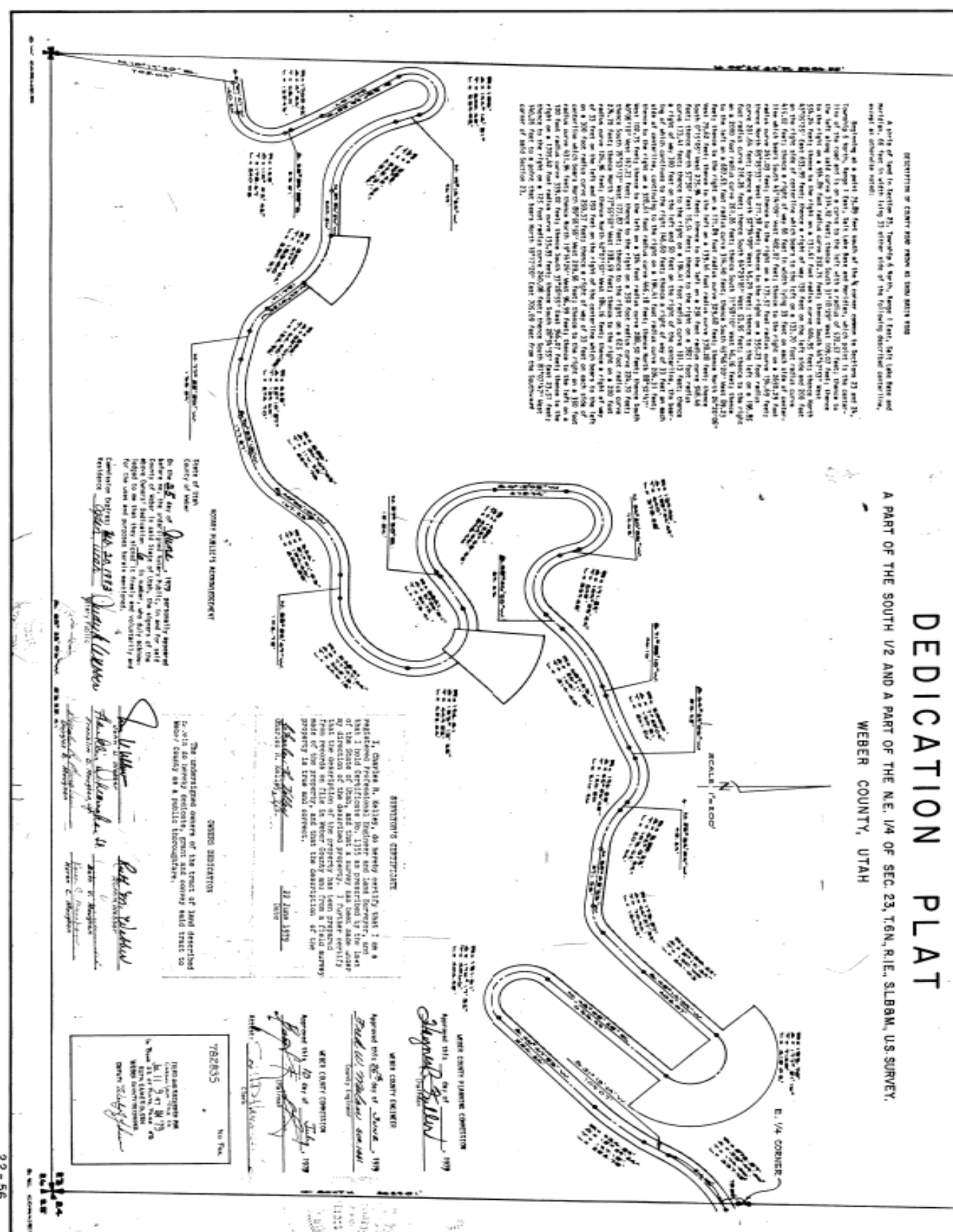
DESCRIPTION OF COUNTY ROAD FROM US 8900 SECTION 20

A part of road in Section 20, Township 6 North, Range 1 East, Salt Lake Merit and ...

Beginning at a point 74.80 feet south of the N corner corner to Section 20 and 25 ...

DEDICATION PLAT

A PART OF THE SOUTH 1/2 AND A PART OF THE N.E. 1/4 OF SEC. 23, T.6N., R.1E., S.188M., U.S. SURVEY, WEBER COUNTY, UTAH



PLATEHOLDER'S CERTIFICATE

I, CHRISTA B. KEITH, do hereby certify that I am a Registered Professional Engineer and Road Designer, and ...

WEBER COUNTY ENGINEER
Approved this 28th day of March 1998
Sharon K. Blythe
County Engineer

WEBER COUNTY COMMISSION
Approved this 10th day of July 1998
David W. Peterson
County Commissioner

Approved this 10th day of July 1998
Sandra M. Peterson
County Commissioner

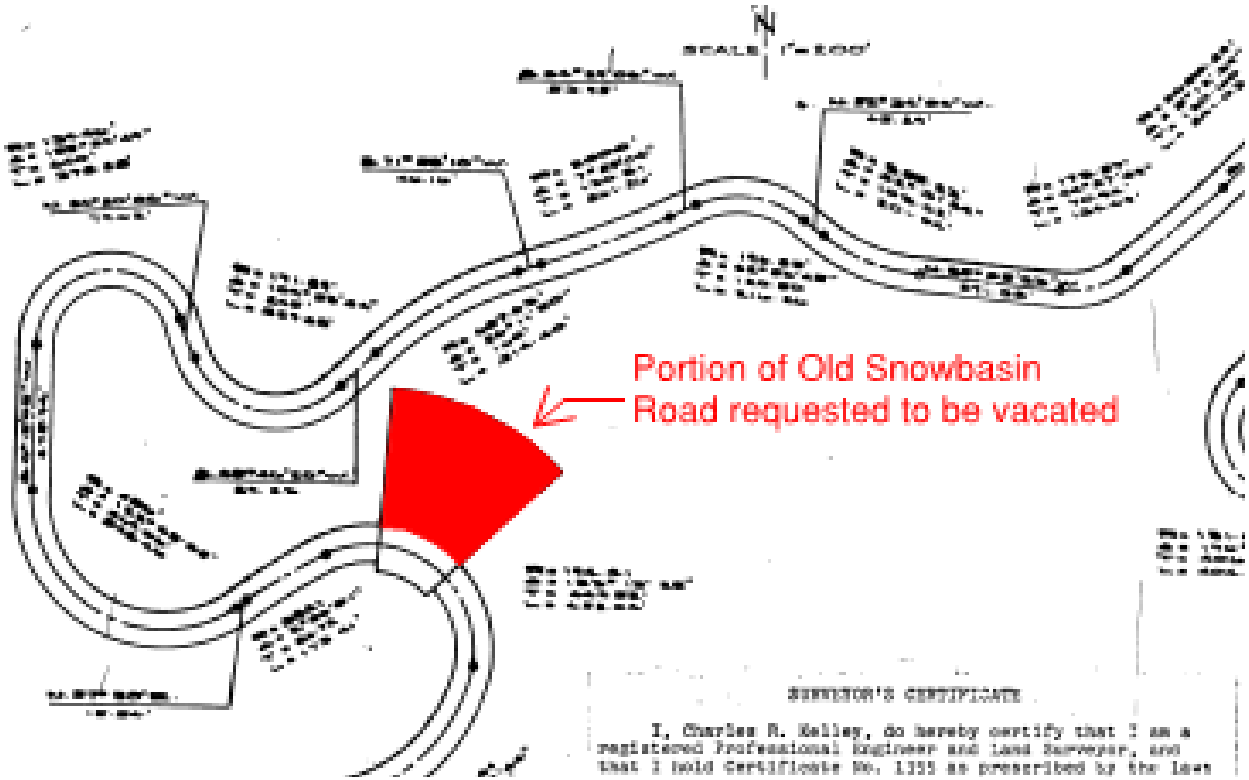
Approved this 10th day of July 1998
Robert E. Peterson
County Commissioner

Approved this 10th day of July 1998
Doreen M. Peterson
County Commissioner

782835 No. 764
1998-03-28
11 3 41 AM '98
WEBER COUNTY ENGINEER
DAVID W. PETERSON
COUNTY ENGINEER

Sharon B. Keith, 1998, personally prepared ...
Sandra M. Peterson, 1998, personally prepared ...
Robert E. Peterson, 1998, personally prepared ...
Doreen M. Peterson, 1998, personally prepared ...

Exhibit C-Area to be Vacated with Legal Descriptions



Vacating description for a portion of "Old Snow Basin Road" as dedicated by document recorded as Plat book 22 page 56 of the records of Weber County Recorder being more particularly described as follows:
 A tract of land located in the Southeast Quarter of Section 23, Township 6 North, Range 1 East, Salt Lake Base and Meridian, said tract being described as follows;
 BEGINNING at point on the Northerly (Left) dedicated right of way of said "Old Snow Basin Road", said point being where the right of way width changes from a 66 foot width (33 feet on each side of the centerline) to a width described as being "a right of way 300 feet on the left and 50 feet on the right of the centerline" on said dedication plat, which point is located approximately 3131.37 feet North 58°55'08" East to the centerline of said "Old Snow Basin Road" and 66.00 feet North 00°42'22" East (radial to the arc of a curve on the centerline described in said plat record as a curve " to the right on a 194.41 foot radius curve . . . the bearing of which continues to the right 146.60 feet", FROM the monumented location of the Southwest corner of said Section 23;
 RUNNING thence along said right of way and continuing radial to said curve North 00°42'22" East 234.00 feet;
 Thence along the arc of a curve to the Right being concentric to said centerline curve a distance of 372.82 feet having a radius of 494.41 feet and chord bearing and distance of South 67°41'25" East 364.05 feet more or less along said right of way;
 Thence continuing along said right of way being radial thereto South 43°54'46" West 267.00 feet to a point being 33 feet radial distant northeasterly from the centerline of said Old Snow Basin Road;
 Thence leaving said right of way of record and along the arc of a curve to the Left 96.11 feet having a radius of 227.41 feet and a chord bearing and distance of North 58°11'44" West 95.40 feet, said curve being concentric with the centerline of said road and 33.00 feet radially distant from said centerline;
 Thence North 19°41'48" East 33.00 feet radial to the centerline of said curve;
 Thence along the arc of a curve to the Left 86.31 feet having a radius of 260.41 feet and a chord bearing and distance of North 79°47'56" West 85.92 feet, said curve being concentric with the centerline of said road and 66.00 feet radially distant from said centerline, to the point of beginning.
 Containing 1.6069 acres, more or less.

Weber County Planning Office
Attn: Ronda Kippen
2380 Washington Blvd Ste 240
Ogden, Utah 84401

November 15, 2016

Re: Dutson Petition to Vacate Road Easement
5923 Snow Basin Road, Huntsville, Utah

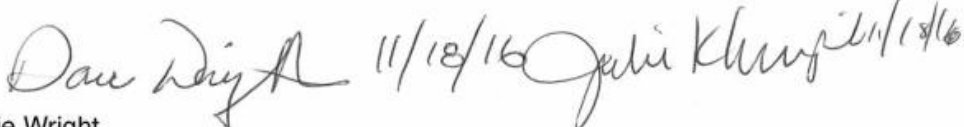
Dear Planners,

We own the home and property immediately to the West of the fan shaped Weber County road easement parcel which our neighbors, the Dutson's (Roger and Anita Dutson Trust), have asked the County to vacate. We have seen their Petition to Vacate and a Map of the area involved.

We fully support their request for the county to vacate that portion of the easement as they have requested and we have no objection to their petition which we understand will still provide Weber County with a substantial road easement and sufficient public utility easements. Additionally, we have no desire to receive any of the easement area which they have petitioned the county to vacate.

We are aware there is a public hearing scheduled before the Ogden Valley Planning Board, in the Weber County Commission chambers, 2380 Washington Blvd, Ogden, Utah, at 5:00 PM, on December 6, 2016.

Thank you.


Dan and Julie Wright
JD Investments, property owners
6150 Snow Basin Road
Huntsville, Utah 84317

Ordinance _____

An ordinance of Weber County vacating any interest that Weber County or the general public may have obtained to a portion of the “Old Snowbasin Road”, dedicated as a public thoroughfare and recorded on July 11, 1979 in the Weber County Recorder’s Office (Entry # 782835 Book 22 Page 56)

Whereas, the owner of Lot 1 in the Dutson Subdivision, has requested the vacation of any interest that Weber County or the general public may have obtained in a portion of the “Old Snowbasin Road” (see Exhibit A) which has been dedicated as a public thoroughfare and recorded on July 11, 1979 in the Weber County Recorder’s Office (Entry # 782835 Book 22 Page 56); and

Whereas, the portion of the public thoroughfare known as the “Old Snowbasin Road” is currently being used to provide access to Lot 1 of the Dutson Subdivision; and

Whereas, the vacation of the portion of the public thoroughfare known as the “Old Snowbasin Road” will not have a negative effect on the Ogden Valley General Plan; and

Whereas, the owner of Lot 1 in the Dutson Subdivision is in the process of a plat amendment of the Dutson Subdivision to dedicate to Weber County additional easements for maintenance purposes along Old Snowbasin Road, showing good cause exists to vacate the portion of the public thoroughfare; and

Whereas, the vacation of the portion of the public thoroughfare known as the “Old Snowbasin Road” will not impact the width or travel surface of the public thoroughfare; and

Whereas, the vacation of the portion of the public thoroughfare known as the “Old Snowbasin Road” will not materially injure the public interest or any person; and

Whereas, the vacation of the portion of the public thoroughfare known as the “Old Snowbasin Road” will not adversely affect the public health, safety, or welfare; and

Whereas, the vacation of the portion of the public thoroughfare known as the “Old Snowbasin Road” will not deteriorate the environment of the general area so as to negatively impact surrounding properties and uses; and

Whereas, the Weber County Board of Commissioners, after appropriate notice, considered the vacation of any interest that Weber County or the general public may have obtained in a portion of the “Old Snowbasin Road” which has been dedicated as a public thoroughfare and recorded on July 11, 1979 in the Weber County Recorder’s Office (Entry # 782835 Book 22 Page 56);

Exhibit E- Proposed Vacating Ordinance

Now Therefore, the Weber County Board of Commissioners ordains as follows:

Any interest that Weber County or the general public may have obtained to the portion of the “Old Snowbasin Road” described in Exhibit A, dedicated as a public thoroughfare and recorded on July 11, 1979 in the Weber County Recorder’s Office (Entry # 782835 Book 22 Page 56), is hereby vacated.

Adopted and ordered published this ____ day of _____, 2017 by the Weber County Board of Commissioners,

Commissioner Harvey	Voting _____
Commissioner Gibson	Voting _____
Commissioner Ebert	Voting _____

_____, Chair

ATTEST:

Ricky D. Hatch, CPA Weber County Clerk/Auditor

Exhibit A

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