



Landmark Surveying, Inc.

A Complete Land Surveying Service
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June 3, 2020

Weber County Engineering
2380 Washington Blvd.
Ogden, Ut 84401

RE: Engineering comments expressed in email dated May 29, 2020

To whom it may concern:

The following are items that were sent to me regarding review comments from the engineering department on the Cazier Subdivision platting.

If you have any questions please let me know.

Respectfully,

Ernest D. Rowley, PLS, CFedS

Principle Owner - Landmark Surveying, Inc.

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4031 engineering review 1.docx

TO: Weber County Engineering
FROM: Landmark Surveying, Inc

REGARDING: Cazier Subdivision – engineering department review comments.

1. Please show how wide the prescriptive use road is on 4100 West.

RESPONSE: My clients deed does not encroach into the “fenced” area of the street. As to my determination of the width of a prescriptive use road begin shown on this plat, I respectfully decline to do so. It is not within the scope of this project to determine such for such type of road and placing my opinion on the plat as the road width may bring liability in which I can not accept. As I’m sure you know the determination of the existence of a prescriptive use road is governed by UCA 72-5-104 and contains several items that must be determined, namely (but not limited to):

(2) continuously used as a public thoroughfare for a period of 10 years.

COMMENT: even though it may be obvious that the street has existed for such period of time I have not inquired regarding nor have access to county road maintenance information to confirm such. Also, our courts have not limited the determination of public use to just maintenance matters other evidences are required.

(3) continuous use incorporates different types of uses whether that is as “frequent as the public finds convenient or necessary and may be seasonal or follow some other pattern.” Such conditions are not part of the scope of the work for this one lot subdivision.

(7) (a) “The burden of proving dedication under Subsection (2) is on the party asserting the dedication.

COMMENT: Mr. Cazier is not making any representation as to the status of the road. This request is coming from the county and as I read this section of Utah code the burden of proving that this is a prescriptive use road (as well as the width) would be the county’s responsibility and provide such evidence.

(9) “The scope of a right-of-way described in Subsection (8)(a) is that which is reasonable and necessary to ensure safe travel according to the facts and circumstances.”

COMMENT: This definition of width is highly fact intensive, sometimes requiring a judicial determination. However, the width question can not even be dealt with until it has been determined that the prior part of the code has been met, if possible.

If the county will provide sufficient proof of the statutory dedication for the highway and a determination that complies with subparagraph (9) as to the width I will be more than happy to place that information on the plat. But, again, where neither my client nor I have made a representation as to the status of the road and only holding the property line to be on the existing fence line as his deed describes I do not believe this is a matter that I can or should be compelled to address.

2. Show existing and proposed sanitary sewers, storm drains, water supply mains, water wells, land drains, and culverts within the tract and immediately adjacent thereto.

RESPONSE: It is my understanding that Mr. Cazier has communicated with county engineering and they are not asking for such items to be included on the subdivision plat. Therefore, this item is not being addressed. As a side note, the subdivision plat is a title document and such items would be inappropriate to include.

3. The proposed subdivision will need to have curb, gutter and sidewalk as per the county commission. As a bare minimum there will need to be a deferral on the curb, gutter and sidewalk, which has been signed by the developer prior to final approval.

RESPONSE: This is not a survey matter and should be done by the developer.

4. A note will need to be added to the plat stating: “Due to the topography and the location of this subdivision all owners will accept responsibility for any storm water runoff from the road adjacent to this property until curb and gutter is installed.”

RESPONSE: This is not a survey matter and should be done by the developer.

5. Please provide plans for the sewer, culinary and secondary water connections.

RESPONSE: It is my understanding that Mr. Cazier has communicated with county engineering and they are not asking for such items to be included on the subdivision plat. Therefore, this item is not being addressed.

6. We will need letters from the utility companies approving the plans for the sewer and water.

RESPONSE: It is my understanding that Mr. Cazier has communicated with county engineering and they are not asking for such items to be included on the subdivision plat. Therefore, this item is not being addressed.

7. Please show the nearest fire hydrant location.

RESPONSE: Again, this is not an appropriate item to include on the subdivision title document. This is a design item that should be addressed at the time a building permit is requested and placed on other drawings. That said the nearest hydrant location that I know of is located on the north of 1250 South Street about 200 feet west of the southwest corner of this subdivision. I have shown a symbol at that location.

8. All improvements need to be either installed or escrowed for prior to recording of the subdivision.

RESPONSE: It is my understanding that Mr. Cazier has communicated with county engineering and they are not asking for such items to be included on the subdivision plat. Therefore, this item is not being addressed.

9. We will need an excavation permit for the work that will be done in the ROW.

RESPONSE: It is my understanding that Mr. Cazier has communicated with county engineering and they are not asking for such items to be included on the subdivision plat. Therefore, this item is not being addressed.