

Weber County Access Exception Permit Application

Application submittals will be accepted by appointment only. (801) 399-8791, 2380 Washington Blvd. Suite 240, Ogden, UT 84401

Date Submitted /Completed 04/17/2013	Fees (Office Use) 225.00	Receipt Number (Office Use)	File Number (Office Use) AE2013-03
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Application Type

<input checked="" type="checkbox"/> Access by Private Right of Way	<input type="checkbox"/> Access at a Location Other Than Across the Front Lot Line
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Property Owner Contact Information

Name of Property Owner(s) Matthew & Laura Rasmussen		Mailing Address of Property Owner(s) 2927 Melanie Lane Ogden, UT 84403
Phone 801-668-4197	Fax	
Email Address (required) msrasma@msn.com		Preferred Method of Written Correspondence <input checked="" type="checkbox"/> Email <input type="checkbox"/> Fax <input type="checkbox"/> Mail

Authorized Representative Contact Information

Name of Person Authorized to Represent the Property Owner(s) Matthew		Mailing Address of Authorized Person
Phone	Fax	
Email Address (required)		Preferred Method of Written Correspondence <input type="checkbox"/> Email <input type="checkbox"/> Fax <input type="checkbox"/> Mail

Property Information

Project Name Calais Lower Lot(s)	Total Acreage Approx. 3 acres	Current Zoning
Approximate Address Intersection 2900 East & Melanie Lane	Land Serial Number(s) 07-574-0001	
Proposed Use Single Family Residence(s)		

Project Narrative

Proposed that owner deed land to Weber County for further control of retention pond. Weber County would grant right-of-way easement for 20'-25' access road as per schematic.
(see also enclosed letter). Purposed easement is to provide access for intended two lots. Property + easement exchange with Weber County will take place at recording of subdivision.

Basis for Issuance of Access at a location other than across the front lot line

Access to lots/parcels at a location other than across the front lot line may be approved as the primary access, subject to the following criteria:

The applicant demonstrates that special or unique boundary, topographic, or other physical conditions exist which would cause an undesirable or dangerous condition to be created for property access across the front lot line as follows:

Access via exchange of land with Weber County proposed. Existing road creates some traffic hazard. Weber County would receive land which would allow it to more fully control retention pond and spring run-off.

☐ Attach proof that appropriate and legal access exists due to historic use, court decree, or the execution of an easement, right-of-way, or other instrument capable of conveying or granting such right.

Basis for Issuance of Access by Private Right of Way

Lots/parcels which do not have frontage on a street, but which have access by a private right-of-way or access easement may, under certain circumstances, use a private right-of-way or access easement as the primary access. Approval is subject to the applicant demonstrating compliance with the following criteria and conditions:

- a. The lot/parcel is a bona-fide agricultural parcel that is actively devoted to an agricultural use that is the main use; or
- b. Based on substantial evidence, it shall be shown that it is unfeasible or impractical to extend a street to serve such lot/parcel. Financial adversity shall not be considered; however, circumstances that may support an approval of a private right-of-way/access easement as access to a lot/parcel may include but not be limited to unusual soil, topographic, or property boundary conditions.

Please explain the substantial evidence:

☐ Attach proof to this application that the agricultural parcel or other lot/parcel has appropriate and legal access due to historic use, court decree, or the execution of an easement, right-of-way, or other instrument capable of conveying or granting such right.

☐ The landowner of record or authorized representative agrees to pay a proportionate amount of the costs associated with developing a street if, at any time in the future, the County deems it necessary to have the landowner replace the private right-of-way/easement with a street that would serve as a required access to additional lots. The agreement shall be in the form considered appropriate and acceptable to the office of the Weber County Recorder and shall recite and explain all matters of fact, including a lot/parcel boundary description, which are necessary to make the agreement intelligible and show its successive nature.

Property Owner Affidavit

I (We), Matthew Shane & Laura M. Rasmussen, 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.

Matthew Rasmussen

Property Owner

[Signature]

Property Owner

Subscribed and sworn to me this 20th day of May, 2013.

Julie Simpson

Notary



JULIE ANN SIMPSON
Notary Public • State of Utah
Commission # 580211
COMM. EXP. 09-20-2013

Authorized Representative Affidavit

I (We), _____, the owner(s) of the real property described in the attached application, do authorized as my (our) representative(s), _____, 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.

Property Owner

Property Owner

Dated this ____ day of _____, 20 __, personally appeared before me _____, the signer(s) of the Representative Authorization Affidavit who duly acknowledged to me that they executed the same.

Notary

PROPOSAL TO WEBER COUNTY PLANNING & ENGINEERING

I, Matt Rasmussen, legal owner of parcel # 07-574-0001 propose to grant a section of land on my North-NorthWest property line to Weber County in order that Weber County might more fully control the perimeter and contours of the adjoining retention pond. This pond serves as an overflow basin which often fills to near capacity in the spring due to rain, storm drainage, and any leakage from the spring in Spring Canyon. It protects several properties on the lower portion of Melanie Lane from damage that could arise from uncontrolled water flows.

The berm which encircles the pond falls partially within the survey of this private parcel #07-574-0001. A significant amount of ground (including both interior and exterior berm slopes and crest on SSE border) would be granted to Weber county which would preserve it in perpetuity from any compromising excavation or disturbance and would allow comprehensive maintenance of the earthwork without fear of private interest objections. Weber County has a compelling interest in securing full rights to their retaining structure and would benefit by the provision of access to the pond by having ready ingress/egress for maintenance, cleaning, and inspection. This section of land will be reviewed and accepted by the County Engineer and County Surveyor.

In consideration for the applicant's concession, applicant requests that Weber County designate an easement to the southwesterly property line as shown in engineering drawings whereby applicant and assignees might access the parcel's land.

Applicant would bring unpaved road into conformance with planning and engineering's guidance on final development.

This would entitle Weber county to ownership of land which allows it full control of its retention pond while providing only easement for access less than or equal land square footage. Applicant wishes Weber County to have an equivalent or superior outcome in this exchange.

Matt & Laura Rasmussen

May 23, 2013



WEBER COUNTY CMS RECEIPTING SYSTEM
OFFICIAL RECEIPT

cms314a
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*** REPRINT ***

Date: 23-MAY-2013

Receipt Nbr: 1883

ID# 12102

Employee / Department: ANGELA - 4181 - PLANNING

Monies Received From: MATT RASMUSSEN

Template: PUBLIC WORKS

Description: BOA

The following amount of money has been received and allocated to the various accounts listed below:

Total Currency	\$	225.00
Total Coin	\$.00
Total Debit/Credit Card	\$.00
Pre-deposit	\$.00
Total Checks	\$.00
Grand Total	\$	225.00

Account Number	Account Name	Comments	Total
2013-08-4181-3419-0550-000	ZONING FEES		225.00
TOTAL \$			225.00

Check Amounts

Total Checks:

Total Check Amounts: \$.00

*** SAVE THIS RECEIPT FOR YOUR RECORDS ***