



Landmark Surveying, Inc.

A Complete Land Surveying Service
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October 29, 2020

Weber County Planning
2380 Washington Blvd.
Ogden, Utah 84401 Suite 240

RE: Vue de Valhalla subdivision department reviews.

To whom it may concern:

The following is the required written response to the review items noted as obtained from Frontier. If you have any questions please let me know.

Respectfully,

Ernest D. Rowley, PLS, CFedS

Principle Owner - Landmark Surveying, Inc.

ernest@LandmarkSurveyUtah.com

3498 1st review written response letter 09-29-2020.docx

SURVEY REVIEW RESPONSE:

1st Redline 2020609

1. Dimensions at the end of the road.

RESPONSE: Done.

2. See address review for address.

RESPONSE: The addresses provided in this review have been added.

3. 1' holding strip per pinecreek subdivision.

RESPONSE: the holding strip has no bearing or effect on this subdivision. The other subdivisions are shown only to provide information for a following surveyor to be able to retrace this plat and to give an indication to surveyors of where and how I have retraced them and tied to them. Pin creek sub was recorded in November 2000, 20 years ago. Most holding strip agreements expire after 10 or 15 years, therefore it probably no longer valid. Still, it has no effect on this plat or subdivision.

4. Subdivisions that include lots that are partially or completely in the flood plain shall show the floodplain/floodway boundaries. And base flood elevations in 1ft increments in the flood area OR in lieu of providing base flood elevations designate areas as “non-buildable for residential or commercial structures: WCO 106-1-8 (c)(6) WCO 106-1-8(c)(1)

The existing location, widths, and other dimensions of all existing or platted land drains, culverts, watercourses, wetlands, streams, corridor setbacks, flood plain within and immediately adjacent (within 30') to the tract of land to be subdivided.

RESPONSE: The Zone A lines have been added to the plat. They are digitized from FEMA FIRM panel 228 of 600 Map Number 49057C0228F revised June 2, 2015, there are no base flood elevations for this area. It is also my understanding that the flood zone is in the process of being modified so that they can be removed from the plat and we will not need to show “non-buildable” areas.

5. The existing location widths, and other dimensions of all existing or platted easements within and immediately adjacent (within 30') to the tract of land to be subdivided. See entry #2531444 Subject to right of way for future road over South 50'.

RESPONSE: The following note was on the first review citing a different document than is now cited (I have included my previous response to document 2209661 for clarification of the “50ft” strip being referenced again).

As to document 2531444, this is an agreement between Picther and the County to build the roads being proposed in this plat. I would bring your attention to the Exhibit B attached to this document where it shows that the road easement being referenced is that which is being proposed to be built in this plat. It is not on the south of the property.

Previous response to the 50 foot easement on the south is as follows:

The existing location widths, and other dimensions of all existing or platted easements within and immediately adjacent (within 30') to the tract of land to be subdivided. See entry #2209661 Subject to right of way for future road over South 50'

RESPONSE: This easement appears to have originated in this document. Because there is no grantee named for the easement listed herein the easement would be invalid.

See 23 Am.Jur. Deeds § 19. Generally: “A transaction involving the transfer of title to real estate presupposes the participation of two or more parties – that is, a grantor and a grantee [fn1: Deslauriers v. Senesac, 331 Ill. 437, 163 N.E. 327, 62 A.L.R. 511 (1928).] and in order that an instrument may operate as a deed conveying land or an interest or estate therein, there must be both a grantor and a grantee. [fn2: Deslauriers v. Senesac,

331 Ill. 437, 163 N.E. 327, 62 A.L.R. 511 (1928); Hogsed v. Gillett, 60 Mont. 437, 199 P. 907 (1921); Allgood v. Allgood, 134 S.C. 233, 132 S.E. 48 (1926); City Bank of Portage v. Plank, 141 Wis. 653, 124 N.W. 1000 (1910).]”

It is my professional opinion that this right of way was not properly created with a grantee named or designated and therefore does not need to be shown on the plat.

The 25 feet on the north which is also mentioned in the deed may not be 25 feet in width. The statement is assuming that the public has already obtained a right of way for the “county road” but the width would still be limited to the prescriptive use width, be it more or less than the stated assumption of 25 feet. This is also because there is no formal dedication provided for in this document for the strip.

ENGINEERING REVIEW RESPONSE:

Review #2 dated 10-6-2020

1. Per the County subdivision ordinance, a preliminary plan is required to be submitted with the subdivision application.
 1. The preliminary plan shall be prepared in conformance with the requirements of this ordinance and all other County codes and regulations regulating the subdivision of land.
 1. The location, widths and other dimensions of all existing or platted streets and other important features such as water courses, exceptional topography, easements and buildings within or immediately adjacent to the tract to be subdivided.

RESPONSE: They are shown. If you see something specific that needs to be addressed please provide more detailed information.

2. The linetype used on the drawing for the stream setback is the same as the street centerline.

RESPONSE: Yes it was (not sure why that was a concern since it was clearly labeled) but has been changed.

3. Plans or written statements prepared by a licensed civil engineer regarding the width and type of proposed pavement, location, size, and type of proposed sanitary sewers **[this development is intended to be on septic systems and will be part of the site plans for the house construction]** or other sewage disposal facilities, proposed water mains and hydrants **[shown on sheet 2 of the design drawings]** and other proposed storm water drainage facilities **[shown on sheet 2]** and other proposed improvements such as sidewalks, planting and parks and any grading of individual lots. **[no other such improvements are proposed]**

RESPONSE: see bold inserts.

2. 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: By others.

3. 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: See Note 7 on the subdivision plat.

4. The title report lists an easement agreement, Entry number 2531444, which needs to be shown on the plat or removed from the title report.

RESPONSE: See survey response item 5 above.

5. A geotechnical report needs be completed for the subdivision.

RESPONSE: By others.

6. The required stream setback is a 50-foot from the highwater mark each side of the stream that will need to be shown. *The current setback is from the stream centerline.*

RESPONSE: Corrected.

7. The civil drawings show the roadway improvements encroaching on the stream. Approval of a stream alteration permit will need to be submitted to make the proposed improvements.

RESPONSE: The construction is not intended to encroach into the Mean High Water Line of the stream. Do this still require a permit and if so to whom is the permit required to be submitted?

8. Because soil conditions vary throughout the county, it is now necessary to provide an engineered pavement design showing required sub-base, road-base, fabric, and asphalt thickness as needed for soil type. Asphalt thickness shall not be less than 3 inches. The county engineer is now requiring a minimum of 8" of 4" minus sub-base and 6" road-base. Compaction tests on both will be required. The cross-section of the roadway improvements is missing the depths of materials based on the geotechnical report.

RESPONSE: Adjusted to county standard.

9. An excavation permit is required for all work done within the existing right-of-way.

RESPONSE: Acknowledged.

10. The plat includes a stray line the length of the roadway half-width that crosses the "E" in 3825 E.

RESPONSE: It is not a stray line, it is existing fencing.

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

RESPONSE: Acknowledged.

12. The roadside swale will need to drain into a retention area or into the lots, but not into an irrigation ditch.

RESPONSE:

13. The profile of Carol Street will need to include the existing grade to the north to show how it lines up with the proposed grade.

RESPONSE: Added.

14. A Storm Water Construction Activity Permit is required for any construction that:

1. disturbs more than 5000 square feet of land surface area, or
2. consist of the excavation and/or fill of more than 200 cubic yards of material, or
3. requires a building permit for which excavation or fill is a part of the construction, and less than five acres shall apply for a county permit.

RESPONSE: Acknowledged.

15. The State now requires that a Utah Discharge Pollution Elimination Systems (UPDES) permit be acquired for all new development. A copy of the permit needs to be submitted to the county before final approval. Permits can now be obtained online thru the Utah State Department of Environmental Quality at the following web site: <https://deq.utah.gov/water-quality/updes-ereporting#construction>. The contact information for the responsible person will need to be included on the plans.

RESPONSE;

16. After all items have been addressed a wet stamped copy of the improvement drawings will be required.

RESPONSE; Lynn Wall uses a printed stamp on the drawings. We respectfully request continuing to use that stamp procedure.