



Staff Report to the Weber County Commission

Weber County Planning Division

Synopsis

Application Information

Application Request: Public hearing to consider and take action on a request to vacate a 10-foot public utility easement located along the rear (south) lot line, and a request to reduce a 20-foot ground water and utility easement down to 10-feet on the side (west) lot line, on Lot 1 of Hunter Place Subdivision.

Agenda Date: Tuesday, June 8, 2021

Applicant: Jeremy Shaw

File Number: EV 2021-03

Property Information

Approximate Address: 4209 W 2475 S, Taylor

Project Area: 0.94 Acres

Zoning: A-1

Existing Land Use: Residential

Proposed Land Use: Residential

Parcel ID: 15-304-0001

Township, Range, Section: T6N, R2W, Section 28, SW

Adjacent Land Use

North: Residential	South: Residential
East: Residential	West: Agriculture

Staff Information

Report Presenter: Scott Perkes
sperkes@co.weber.ut.us
801-399-8772

Report Reviewer: SB

Background and Summary

The applicant has submitted a request to vacate a 10-foot public utility easement located along the rear (south) lot line, and a request to reduce a 20-foot ground water and utility easement down to 10-feet on the side (west) lot line, on Lot 1 of Hunter Place Subdivision. The purpose of the proposed vacation is to allow a future pole barn to be located closer to the rear and side (South & West) lot lines, in accordance with the minimum rear yard and side yard setbacks for large accessory buildings (1-foot rear & 10-foot side).

The applicant has proposed to vacate and reduce the easements, respectively, by ordinance. Under the state code, Section 17-27a-609.5, 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) neither the public interest nor any person will be materially injured by the vacation.

The following is staff's analysis of the vacation request.

Analysis

General Plan: Vacating this easement is not anticipated to have a negative effect on the West Central Weber County General Plan.

Agency Reviews: The Weber County Engineering Division has submitted a review on this request indicating that they have no concerns with vacating the rear (south) lot line easement and reducing the side (west) yard easement from 20 feet down to 10 feet. Utilities providing service to the existing home on the lot have been installed within the front (north) lot line easement. The existing 20-foot side (west) lot line easement is intended for both ground water and utilities. This easement extends northward in the subdivision as a 10-foot easement. As such, Engineering has recommended that the existing 20-foot easement be reduced down to 10-feet to match the continuation of the easement northward.

Public & Affected Entity Notice: Notices have been provided as outlined in state code Section 17-27a-208. No responses from the surrounding public or other possibly affected entities or utility providers have been received to date.

Staff Recommendation

Staff recommends approval of the request to vacate a 10-foot public utility easement located along the rear (south) lot line, and a request to reduce a 20-foot ground water and utility easement down to 10-feet on the side (west) lot line, on Lot 1 of Hunter Place Subdivision. This recommendation for approval is based on the following findings:

1. Vacating and reducing the proposed easements will not have a negative effect on the West Central Weber County General Plan.
2. The public interest or any person will not be materially injured by the proposed vacation.
3. The proposed vacation will not be detrimental to the public health, safety, or welfare.
4. The proposed vacation and reduction will not deteriorate the environment of the general area so as to negatively impact surrounding properties and uses.

Exhibits

- A. Hunter Place Subdivision Plat (Recorded)
- B. Draft Vacation Ordinance

Area Map



HUNTER PLACE SUBDIVISION

PART OF THE SOUTHWEST QUARTER OF SECTION 28, T. 6 N., R. 2 W., S. L. B. & M.

WEBER COUNTY, UTAH

MAY 2001

SURVEYOR'S CERTIFICATE

I, O. NEIL SMITH, A REGISTERED LAND SURVEYOR IN THE STATE OF UTAH, DO HEREBY CERTIFY THAT THIS PLAT OF HUNTER PLACE SUBDIVISION IN WEBER COUNTY, UTAH HAS BEEN CORRECTLY DRAWN TO THE DESIGNATED SCALE AND IS A TRUE AND CORRECT REPRESENTATION OF THE FOLLOWING DESCRIPTION OF LANDS INCLUDED IN SAID SUBDIVISION BASED ON DATA COMPILED FROM RECORDS IN THE WEBER COUNTY RECORDER'S OFFICE AND OF A SURVEY MADE ON THE GROUND.

SIGNED THIS 27 TH DAY OF FEBRUARY, 2001.

137231
LICENSE NO.



[Signature]
SIGNATURE

OWNER'S DEDICATION

WE, THE UNDERSIGNED OWNERS OF THE HEREIN DESCRIBED TRACT OF LAND, DO HEREBY SET APART AND SUBDIVIDE THE SAME INTO LOTS AND STREETS AS SHOWN ON THE PLAT AND NAME SAID TRACT HUNTER PLACE SUBDIVISION AND DO HEREBY GRANT AND DEDICATE A PERPETUAL RIGHT AND EASEMENT OVER, UPON AND UNDER THE LANDS DESIGNATED ON THE PLAT AS PUBLIC UTILITY, STORM WATER DETENTION PONDS, DRAINAGE AND CANAL MAINTENANCE EASEMENTS, THE SAME TO BE USED FOR THE INSTALLATION, MAINTENANCE AND OPERATION OF PUBLIC UTILITY SERVICE LINES, STORM DRAINAGE FACILITIES, IRRIGATION CANALS OR FOR THE PERPETUAL PRESERVATION OF WATER DRAINAGE CHANNELS IN THEIR NATURAL STATE WHICHEVER IS APPLICABLE AS MAY BE AUTHORIZED BY WEBER COUNTY, UTAH WITH NO BUILDINGS OR STRUCTURES BEING ERECTED WITHIN SUCH EASEMENTS, AND ALSO DEDICATE, GRANT AND CONVEY TO WEBER COUNTY, UTAH ALL THOSE PARTS OR PORTIONS OF SAID TRACT OF LAND DESIGNATED AS STREETS THE SAME TO BE USED AS PUBLIC THROUGHFARES FOREVER.

SIGNED THIS 5 DAY OF July, 2001.

[Signature]
DON C. STAKER - OWNER

ACKNOWLEDGEMENT

STATE OF UTAH
COUNTY OF WEBER

ON THE 5 DAY OF July, 2001, PERSONALLY APPEARED BEFORE ME, THE UNDERSIGNED NOTARY PUBLIC, IN AND FOR SAID COUNTY OF WEBER IN THE STATE OF UTAH, THE SIGNER(S) OF THE ABOVE OWNER'S DEDICATION, IN NUMBER, WHO DULY ACKNOWLEDGED TO ME THEY SIGNED IT FREELY AND VOLUNTARILY AND FOR THE PURPOSES THEREIN MENTIONED.

MY COMMISSION EXPIRES: 3-14-2005
NOTARY PUBLIC - STATE OF UTAH
2000 WASHINGTON BLVD. STE 240
COURT HOUSE BLVD
COURT HOUSE BLVD
COMM EXP 3-14-2005

BOUNDARY DESCRIPTION

PART OF THE SOUTHWEST QUARTER OF SECTION 28, T. 6 N., R. 2 W., S. L. B. & M.

BEGINNING AT A POINT LOCATED N 00° 28' 37" E 587.40 FEET ALONG THE SECTION LINE FROM THE SOUTHWEST CORNER OF SECTION 28, T. 6 N., R. 2 W., S. L. B. & M., RUNNING THENCE N 00° 28' 37" E 85.04 FEET ALONG THE CENTERLINE OF 4300 WEST STREET, THENCE S 89° 31' 23" E 33.00 FEET TO THE SOUTHERLY RIGHT OF WAY LINE OF AN EXISTING CANAL, THENCE N 61° 26' 42" E 297.50 FEET ALONG SAID RIGHT OF WAY LINE TO THE NORTH LINE OF THE C. EARL STAKER TRUSTEE PROPERTY, THENCE S 89° 31' 23" E 1021.81 FEET TO AN EXISTING FENCE LINE MARKING THE EAST LINE OF SAID STAKER PROPERTY, THENCE S 00° 14' 31" W 550.00 FEET ALONG SAID EAST LINE, THENCE N 89° 10' 03" W 150.00 FEET, THENCE S 00° 14' 31" W 275.00 FEET TO THE CENTERLINE OF 2550 SOUTH STREET, THENCE N 89° 10' 03" W 572.83 FEET ALONG SAID CENTERLINE TO A POINT WHICH IS S 89° 10' 03" E 595.50 FEET ALONG THE SECTION LINE FROM THE SOUTHWEST CORNER OF SAID SECTION 28, THENCE N 00° 49' 57" E 275.00 FEET, THENCE N 89° 10' 03" W 150.00 FEET, THENCE N 00° 49' 57" E 310.97 FEET TO AN EXISTING FENCE LINE, THENCE N 88° 59' 13" W 449.15 FEET ALONG SAID FENCE LINE TO THE POINT OF BEGINNING.

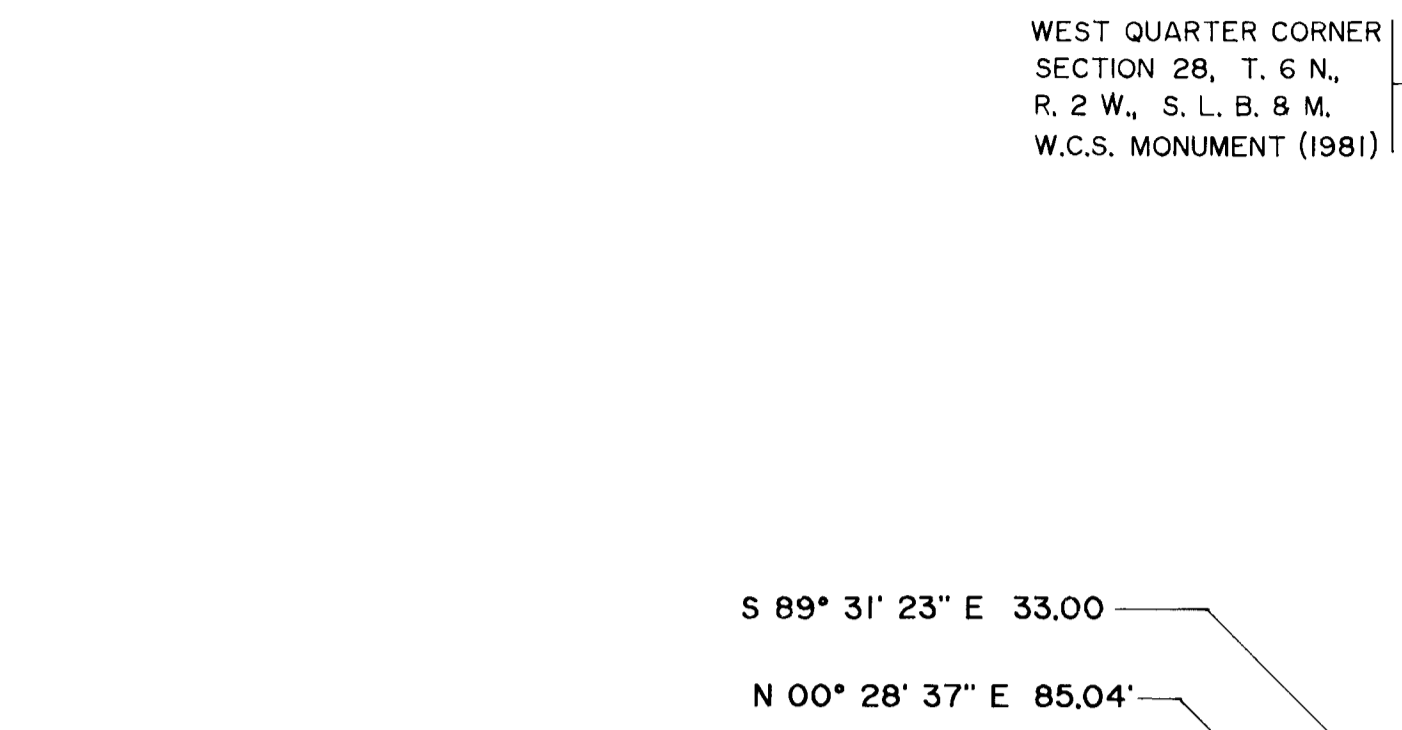
CONTAINS 16.353 ACRES.

BASIS OF BEARING IS THE WEST LINE OF THE SOUTHWEST QUARTER OF SECTION 28, T. 6 N., R. 2 W., S. L. B. & M. AS N 00° 28' 37" E MARKED BY WEBER COUNTY BRASS CAP MONUMENTS.

NARRATIVE:

THIS SURVEY WAS MADE AT THE REQUEST OF MR. LYNN MUIRBOOK FOR THE PURPOSE OF CREATING 13 BUILDING LOTS OUT OF A LARGER PARCEL AND TO ACCURATELY MARK THEIR LINES ON THE GROUND. A 5/8" REBAR WITH CAP STAMPED "ONESCO INC." IS TO BE SET FOR CORNERS.

PREPARED BY:
ONESCO ENGINEERING, INC.
105 SKYLINE DRIVE
BRIGHAM CITY, UTAH 84302
TEL. (801) 399-1224
(435) 723-7498



NO.	DELTA	RAD	ARC	TAN	CHORD	CHORD BRNG
(1)	38° 34' 16"	110.00	74.05	38.49	72.66	N 69° 42' 05" W
(2)	09° 55' 56"	140.00	24.27	12.17	24.24	N 84° 01' 15" W
(3)	28° 38' 20"	140.00	69.98	35.74	69.25	N 64° 44' 07" W
(4)	38° 34' 16"	140.00	94.25	48.99	92.48	N 69° 42' 05" W
(5)	38° 34' 16"	80.00	53.86	27.99	52.84	S 69° 42' 05" E
(6)	21° 57' 13"	140.00	53.65	27.15	53.32	S 61° 23' 34" E
(7)	16° 47' 53"	140.00	41.04	20.67	40.90	S 80° 46' 07" E
(8)	38° 45' 06"	140.00	94.69	49.24	92.89	S 69° 47' 30" E
(9)	38° 45' 06"	110.00	74.40	38.69	72.99	N 69° 47' 30" W
(10)	38° 45' 06"	80.00	54.11	28.13	53.08	N 69° 47' 30" W

LOT	AREA (S.F.)	ADDRESS
(1)	40,790	4209 WEST 2475 SOUTH ST.
(2)	41,682	4193 WEST 2475 SOUTH ST.
(3)	41,602	4165 WEST 2475 SOUTH ST.
(4)	44,438	2497 SOUTH 4150 WEST ST.
(5)	44,438	4194 WEST 2550 SOUTH ST.
(6)	50,960	4166 WEST 2550 SOUTH ST.
(7)	42,046	2529 SOUTH 4150 WEST ST.
(8)	40,134	4121 WEST 2475 SOUTH ST.
(9)	40,134	4110 WEST 2475 SOUTH ST.
(10)	40,287	4132 WEST 2475 SOUTH ST.
(11)	40,808	4156 WEST 2475 SOUTH ST.
(12)	40,272	4180 WEST 2475 SOUTH ST.
(13)	57,061	2460 SOUTH 4200 WEST ST.
(14)	40,251	2459 SOUTH 4200 WEST ST.
(15)	42,13	4213 WEST 2475 SOUTH ST.
(16)	42,54	4254 WEST 2475 SOUTH ST.

- NOTES:
- "BECAUSE OF WATER TABLE AND SEPTIC TANK REQUIREMENTS, BASEMENT INSTALLED ON THESE LOTS COULD BE MORE EXPENSIVE THAN NORMAL."
 - CULINARY WATER CONNECTIONS ON BOTH STREETS TO BE HOT TAP STAINLESS STEEL VALVES ON TOP OF TEE.
 - A 10.00 FOOT PUBLIC UTILITY, DRAINAGE AND IRRIGATION EASEMENTS ON EACH SIDE OF PROPERTY LINE AS INDICATED BY DASHED LINES OR AS OTHERWISE SHOWN.
 - (NR) - NON-RADIAL.
 - THIS PLAT COMPLIES WITH EXISTING ZONING ORDINANCE.
 - LOCATION OF SURVEY MONUMENT (S) TO BE SET UPON COMPLETION OF IMPROVEMENTS.
 - LOT (C) - HOUSE MUST FACE 4150 WEST STREET.
 - ALL CULINARY WATER LATERALS MUST BE 1" DIA.
 - A 5/8" REBAR WITH CAP STAMPED "ONESCO INC." TO BE SET FOR LOT CORNERS.

WEBER COUNTY PLANNING COMMISSION APPROVAL

THIS IS TO CERTIFY THAT THIS SUBDIVISION PLAT WAS DULY APPROVED BY THE WEBER COUNTY PLANNING COMMISSION ON THE 19 DAY OF June, 2001.

[Signature]
CHAIRMAN, WEBER COUNTY PLANNING COMMISSION

WEBER-MORGAN HEALTH DEPARTMENT

I HEREBY CERTIFY THAT THE SOILS, PERCOLATION RATES, AND SITE CONDITIONS FOR THIS SUBDIVISION HAVE BEEN INVESTIGATED BY THIS OFFICE AND ARE APPROVED FOR ON-SITE WASTEWATER DISPOSAL SYSTEMS.

SIGNED THIS 26 DAY OF June, 2001.

[Signature]
DIRECTOR, WEBER-MORGAN HEALTH DEPARTMENT

WEBER COUNTY COMMISSION ACCEPTANCE

THIS IS TO CERTIFY THAT THIS SUBDIVISION PLAT, THE DEDICATION OF STREETS AND OTHER PUBLIC WAYS AND FINANCIAL GUARANTEE OF PUBLIC IMPROVEMENTS ASSOCIATED WITH THIS SUBDIVISION, THEREIN ARE HEREBY APPROVED AND ACCEPTED BY THE COMMISSIONERS OF WEBER COUNTY, UTAH THIS 26th DAY OF June, 2001.

[Signature]
CHAIRMAN, WEBER COUNTY COMMISSION

WEBER COUNTY SURVEYOR

I HEREBY CERTIFY THAT THE WEBER COUNTY SURVEYOR'S OFFICE HAS REVIEWED THIS PLAT FOR MATHEMATICAL CORRECTNESS, SECTION CORNER DATA AND FOR HARMONY WITH LINES AND MONUMENTS ON RECORD IN COUNTY OFFICES. THE APPROVAL OF THIS PLAT BY THE WEBER COUNTY SURVEYOR DOES NOT RELIEVE THE LICENSED LAND SURVEYOR WHO EXECUTED THIS PLAT FROM THE RESPONSIBILITIES AND/OR LIABILITIES ASSOCIATED HEREWITH.

SIGNED THIS 8 DAY OF June, 2001.

[Signature]
DATE

WEBER COUNTY ENGINEER

I HEREBY CERTIFY THAT THE REQUIRED PUBLIC IMPROVEMENT STANDARDS AND DRAWINGS FOR THIS SUBDIVISION CONFORM WITH COUNTY STANDARDS AND THE AMOUNT OF THE FINANCIAL GUARANTEE IS SUFFICIENT FOR THE INSTALLATION OF THESE IMPROVEMENTS.

SIGNED THIS 3rd DAY OF July, 2001.

[Signature]
SIGNATURE

WEBER COUNTY ATTORNEY

I HAVE EXAMINED THE FINANCIAL GUARANTEE AND OTHER DOCUMENTS ASSOCIATED WITH THIS SUBDIVISION PLAT AND IN MY OPINION THEY CONFORM WITH THE COUNTY ORDINANCE APPLICABLE THERETO AND NOW IN FORCE AND EFFECT.

SIGNED THIS 2nd DAY OF June, 2001.

[Signature]
SIGNATURE

CORPORATE ACKNOWLEDGEMENT

STATE OF UTAH
COUNTY OF WEBER

ON THE ___ DAY OF ___, 2001 PERSONALLY APPEARED BEFORE ME, THE UNDERSIGNED NOTARY PUBLIC, IN AND FOR SAID STATE AND COUNTY ___ AND AFTER BEING DULY SWORN ACKNOWLEDGED TO ME ___ IS/ARE PRESIDENT OF SAID CORPORATION AND THAT ___ SIGNED THE OWNER'S DEDICATION FREELY, VOLUNTARILY AND IN BEHALF OF SAID CORPORATION AND FOR THE PURPOSES THEREIN MENTIONED.

MY COMMISSION EXPIRES: ___

SIGNATURE

LOT			CENTERLINE			
LOT NO.	BEARING	DIST.	NO.	BEARING	DIST.	
(12)	(1)	N 89° 10' 03" W	12.87	(A)	N 50° 24' 57" W	67.96
(13)	(1)	N 00° 28' 37" E	25.35	(B)	N 89° 10' 03" W	42.87

TEST HOLE ELEV.	
NO.	GROUND TOP WATER
1	4255.48 BOT. DRY
2	53.69 49.49
3	51.98 48.62
4	50.51 47.36
5	52.65 49.34
6	49.59 45.80
7	48.67 44.62
8	51.07 47.08
9	49.19 45.48
10	46.79 42.72
11	48.03 45.52
12	45.11 39.75
13	44.27 38.28

COUNTY RECORDER

ENTRY NO. 1781074 FEE PAID \$43.00 FILED FOR RECORD AND RECORDED 05-July-2001 AT 12:35 pm IN BOOK 54 OF OFFICIAL RECORDS, PAGE 21 FOR Don C. Staker Deputy County Recorder

[Signature]
DEPUTY

WEBER COUNTY ENGINEER

I HEREBY CERTIFY THAT THE REQUIRED PUBLIC IMPROVEMENT STANDARDS AND DRAWINGS FOR THIS SUBDIVISION CONFORM WITH COUNTY STANDARDS AND THE AMOUNT OF THE FINANCIAL GUARANTEE IS SUFFICIENT FOR THE INSTALLATION OF THESE IMPROVEMENTS.

SIGNED THIS 3rd DAY OF July, 2001.

[Signature]
SIGNATURE

ORDINANCE NO. _____

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF WEBER COUNTY VACATING A TEN FOOT WIDE PUBLIC UTILITY EASEMENT AND REDUCING A TWENTY FOOT WIDE GROUND WATER AND UTILITY EASEMENT DOWN TO TEN FEET IN WIDTH ON LOT 1 OF HIGHLAND COVE ESTATES SUBDIVISION

WHEREAS, Jeremy Shaw, the owner of Lot 1 of Hunter Place Subdivision, has filed a petition to vacate a 10-foot wide public utility easement located along the south property line of Lot 1 of Hunter Place Subdivision; and

WHEREAS, Jeremy Shaw, the owner of Lot 1 of Hunter Place Subdivision, has filed a petition to reduce a 20-foot wide ground water and utility easement down to 10-feet in width located along the west property line of Lot 1 of Hunter Place Subdivision; and

WHEREAS, after providing proper public notice, a public hearing was held before the Weber County Commission on Tuesday, June 8, 2021, regarding the proposed easement vacation and easement reduction; and

WHEREAS, Weber County's Engineering Department has been notified and has provided written approval of the proposed easement vacation and easement reduction; and

WHEREAS, the Commission finds that good cause exists to vacate the 10-foot wide public utility easement in that it will not substantially affect the 2003 Western Weber County General Plan and that neither the public interest nor any person will be materially injured;

WHEREAS, the Commission finds that good cause exists to reduce the 20-foot wide ground water and utility easement down to 10-feet in width in that it will not substantially affect the 2003 Western Weber County General Plan and that neither the public interest nor any person will be materially injured;

NOW THEREFORE, the Board of County Commissioners of Weber County vacates the following:

An existing 10-foot wide public utility easement located along the south property line of Lot 1 of Hunter Place Subdivision, as platted and recorded in the Weber County Recorder's Office.

NOW THEREFORE, the Board of County Commissioners of Weber County reduces the following:

An existing 20-foot wide ground water and utility easement down to 10-feet in width located along the west property line of Lot 1 of Hunter Place Subdivision, as platted and recorded in the Weber County Recorder's Office.

Adopted and ordered published this _____ day of _____, 2021.

Board of County Commissioners
of Weber County

By _____
James Harvey, Chair

Commissioner Harvey	Voted	_____
Commissioner Froerer	Voted	_____
Commissioner Jenkins	Voted	_____

ATTEST:

Ricky Hatch, CPA
Weber County Clerk