



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 public utility easement in Rolling Drive, a dedicated private street and a public utility easement located along the southern most subdivision boundary line adjacent to Lot 107 in the Summit Eden Phase 1D Subdivision.

Agenda Date: Tuesday, February 2, 2016

Applicant: SMHG Phase 1, LLC

File Number: EV 2016-01

Property Information

Approximate Address: Rolling Drive, Summit Eden Phase 1D

Project Area: .3179 Acre

Zoning: Ogden Valley Destination and Recreation Resort Zone (DRR-1)

Existing Land Use: Ski Resort

Proposed Land Use: Resort Development

Parcel ID: Part of 23-131-0021

Township, Range, Section: T7N, R2E, Section 8

Adjacent Land Use

North:	Ski Resort	South:	Ski Resort
East:	Ski Resort	West:	Ski Resort

Staff Information

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

Report Reviewer: SM

Background and Summary

The applicant has submitted a request to vacate two public utility easements in the Summit Eden Phase 1D Subdivision (see Exhibit A for the application and narrative). The applicant is currently in the process of amending and restating Summit Eden Phase 1D Subdivision (see Exhibit B for the proposed plat amendment). As part of the subdivision amendment, Rolling Drive along with the applicable temporary private slope easement will be removed from the subdivision plat and a Development Parcel consisting of approximately 3.21 acres will be created. The requested areas to be vacated are identified in "yellow" on the attached Exhibit C and have been dedicated and recorded with the Weber County Recorder on Dedication Plat Entry# 2672946 and Utility Easement Entry# 2672956 (see Exhibit D for original Summit Eden Phase 1D Subdivision Plat). The private road and the other private easements referred to in the applicant's narrative, including the slope easements and utility easements, will be vacated by a separate documents and recorded with the Weber County Recorder's office; however, the public utility easement that has been dedicated within the private street and the public utility easement located along the southern most subdivision boundary line adjacent to Lot 107 may be vacated by ordinance to relinquish the public interest in these areas to allow for future development (see Exhibit E for the Vacating Ordinance). The review and consideration of the requested easement vacation has been done in compliance with Utah Code §17-27a-609.5. Written approvals from the applicable review agencies and utility providers have been obtained and are made part of this report as Exhibit F. The proposal to vacate the public utility easements is subject to receiving approval of Summit Eden Phase 1D Amendment 1 Subdivision.

Summary of County Commission Considerations

The County Commission will need to determine if there will be any detrimental impacts caused by vacating the proposed public utility easements. 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

Vacating the identified easements will not have a negative effect the Ogden Valley General Plan.

Staff Recommendation

Staff recommends approval of the request to vacate the public utility easement that has been dedicated within the private street known as Rolling Drive and the public utility easement located along the southern most subdivision boundary line adjacent to Lot 107 in Summit Eden Phase 1D Subdivision. This recommendation for approval is subject to all review agency requirements and is based on the following conditions:

1. The ordinance to vacate the public utility easements will be recorded in conjunction with the Summit Eden Phase 1D Amendment 1 Subdivision Plat.

The recommendation is based on the following findings:

1. Vacating the proposed public utility easement and slope easement will not have a negative effect on the Ogden Valley General Plan.
2. Based on the proposed subdivision amendment, good cause exists to vacate the easements.
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. Easement Vacation Application with Narrative
- B. Proposed Summit Eden Phase 1D Amendment 1 Subdivision plat
- C. Easements to be vacated
- D. Original Summit Eden Phase 1D Subdivision plat
- E. Vacating Ordinance
- F. Utility providers and review agency comments and approvals

Location Map



Exhibit A-Easement Vacation with Narrative

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 JEFF WERBELLOW	Mailing Address 3632 N. WOLF CREEK DR EDEN, UT 84310
Phone 435-646-7002	Fax N/A
Email Address JW@SUMMIT.CO	Preferred Method of Written Correspondence <input checked="" type="checkbox"/> Email <input type="checkbox"/> Fax <input type="checkbox"/> Mail

Property Information

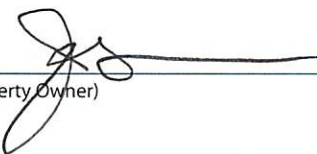
Address APPROX 5740 N. SUMMIT PASS	Land Serial Number(s) ALL OF SUMMIT EDEN PHASE 1D RECORDED AS ENTRY # 2672946
Vacation Request <input checked="" type="checkbox"/> Easement <input checked="" type="checkbox"/> Road <input checked="" type="checkbox"/> Subdivision <input checked="" type="checkbox"/> Subdivision Lot	Current Zoning DRR-1
Subdivision Name SUMMIT EDEN PHASE 1D	Lot Number(s) 96-115, K, L, O, N

Project Narrative


SEE ATTACHED LETTER DATED 1/7/2016 FROM RICK EVERSON TO RONDA KIPPEN.

Property Owner Affidavit

I (We), JEFF WERBELLOW, 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.



(Property Owner)



(Notary)

Subscribed and sworn to me this 7th day of January, 2016.

Exhibit A-Easement Vacation with Narrative

Authorized Representative Affidavit

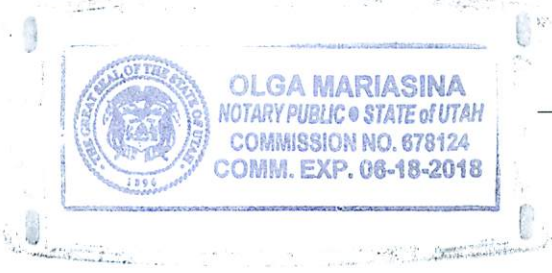
I (We), JEFF WEILBELOW, the owner(s) of the real property described in the attached application, do authorized as my (our) representative(s), RICK EVERSON, to represent me (us) regarding the attached application and to appear on my (our) behalf before any administrative or legislative body in the County considering this application and to act in all respects as our agent in matters pertaining to the attached application.

[Signature]

(Property Owner)

(Property Owner)

Dated this 7th day of January, 20____, personally appeared before me Olga Mariasina, the signer(s) of the Representative Authorization Affidavit who duly acknowledged to me that they executed the same.



[Signature]

(Notary)



January 7, 2016

Ronda Kippen
Weber County Planner

RE: Narrative for Vacation of Summit Eden Phase 1D

Ms. Kippen-

It has been my pleasure working with you on the various projects at Powder Mountain. This letter is to summarize the request to vacate and replace Summit Eden Phase 1D.

SMHG Phase I LLC, declarant of Summit Eden Phase 1D (recorded as entry #2672946), desires to vacate the entire subdivision and simultaneously replace it with a new plat titled "Summit Eden Phase 1D Amendment 1." After our discussions with you and other staff members, it was concluded that since we were making changes throughout the entire subdivision boundary, and expanding the boundary, it would be easier to vacate and replace rather than trying to amend so many areas. Below is a summary of the changes:

- Lots 96-115 to be vacated
- Open Space Parcels K, L, O, N to be vacated (totaling less than 0.1 acre of open space)
- Rolling Drive, private road, to be vacated including public utility within right of way
- Daybreak Ridge and Meridian Ave stay in the same alignment on the new plat
- Adding approximately 3.8 acres to the new plat to the north and south ends
- All land within new plat to be (4) development parcels to be further subdivided later
- Terminating (3) easements that were associated with Rolling Drive which are no longer needed. These are separately recorded documents, and will have easement terminations prepared to be recorded.
 - Slope Easement, entry 2672961
 - Slope Easement, entry 2672963
 - Utility Easement, entry 2672956
- Adjusting (2) existing easements so they are outside of Meridian Ave. These are separately recorded documents, and will have easement revisions prepared
 - Access & Grading Easement, entry 2672964
 - Slope Easement, entry 2672960

Sincerely,

A handwritten signature in blue ink, appearing to read "Rick Everson".

Rick Everson, Project Representative
rick@wattsenterprises.com
801-897-4880

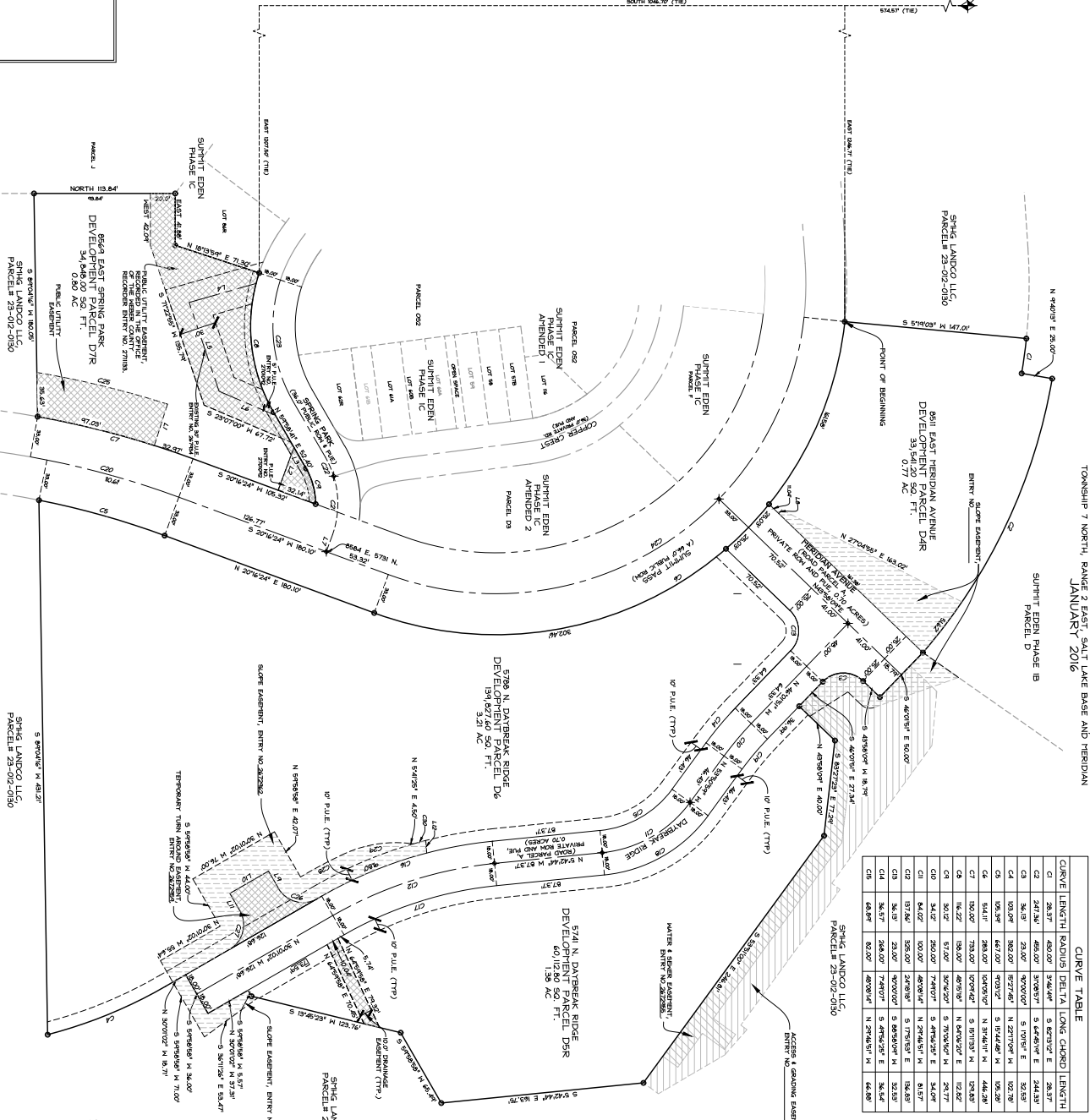
Exhibit B-Proposed Summit Eden Phase 1D Amendment 1

SUMMIT EDEN PHASE 1D - AMENDMENT 1

LOCATED IN THE NORTHEAST 1/4 OF SECTION 8,
 TOWNSHIP 7 NORTH, RANGE 3 EAST, SALT LAKE BASE AND MERIDIAN
 JANUARY 2016

- LEGEND**
- BOUNDARY LINE
 - LOT LINE
 - SECTION LINE
 - QUARTER SECTION LINE
 - COUNTY LINE
 - ADJOINER DEED LINES
 - NO ACCESS LINE
 - AREA TIE LINES
 - CALCULATED SECTION CORNER AS NOTED
 - SECTION CORNER AS NOTED
 - STREET MOUNTAIN
 - SET 5/8" X 7/8" REBAR WITH PLASTIC CAP STAMPED "NOTICE END"
 - EASEMENT AS NOTED
 - EASEMENT AS NOTED
 - EASEMENT AS NOTED
 - SLOPE EASEMENT AS NOTED

SHHG PHASE 1, LLC,
 3633 N. WOLF CREEK DR.,
 EDEN, UT, 84310



CURVE TABLE

CURVE	LENGTH	RADIUS	DELTA	LONG CHORD	LENGTH
C1	281.37	495.00	376.64°	672.97° E	281.37
C2	242.38	495.00	376.64°	672.97° E	242.38
C3	341.51	231.00	376.64°	672.97° E	244.53
C4	105.24	380.00	376.64°	672.97° E	32.55
C5	105.24	380.00	376.64°	672.97° E	32.55
C6	105.24	380.00	376.64°	672.97° E	32.55
C7	105.24	380.00	376.64°	672.97° E	32.55
C8	105.24	380.00	376.64°	672.97° E	32.55
C9	105.24	380.00	376.64°	672.97° E	32.55
C10	105.24	380.00	376.64°	672.97° E	32.55
C11	105.24	380.00	376.64°	672.97° E	32.55
C12	105.24	380.00	376.64°	672.97° E	32.55
C13	105.24	380.00	376.64°	672.97° E	32.55
C14	105.24	380.00	376.64°	672.97° E	32.55
C15	105.24	380.00	376.64°	672.97° E	32.55

CURVE TABLE

CURVE	LENGTH	RADIUS	DELTA	LONG CHORD	LENGTH
C16	105.24	380.00	376.64°	672.97° E	32.55
C17	105.24	380.00	376.64°	672.97° E	32.55
C18	105.24	380.00	376.64°	672.97° E	32.55
C19	105.24	380.00	376.64°	672.97° E	32.55
C20	105.24	380.00	376.64°	672.97° E	32.55
C21	105.24	380.00	376.64°	672.97° E	32.55
C22	105.24	380.00	376.64°	672.97° E	32.55
C23	105.24	380.00	376.64°	672.97° E	32.55
C24	105.24	380.00	376.64°	672.97° E	32.55
C25	105.24	380.00	376.64°	672.97° E	32.55
C26	105.24	380.00	376.64°	672.97° E	32.55
C27	105.24	380.00	376.64°	672.97° E	32.55
C28	105.24	380.00	376.64°	672.97° E	32.55
C29	105.24	380.00	376.64°	672.97° E	32.55
C30	105.24	380.00	376.64°	672.97° E	32.55

LINE TABLE

LINE	LENGTH	DIRECTION
L1	36.00	S 72.00° W
L2	36.00	S 72.00° W
L3	36.00	S 72.00° W
L4	36.00	S 72.00° W
L5	36.00	S 72.00° W
L6	36.00	S 72.00° W
L7	36.00	S 72.00° W
L8	36.00	S 72.00° W
L9	36.00	S 72.00° W
L10	36.00	S 72.00° W
L11	36.00	S 72.00° W
L12	0.00	N 90.00° W

Sheet 2 of 2

RECORDED & FILED AT THE STATE OF UTAH, COUNTY OF HERRING, REQUEST OF: NIVS WATER VENTURELLINE, MEMBER COUNTY RECORDER

DATE: _____ TYPE: _____
 BOOK: _____ PAGE: _____
 FILE # _____

Ordinance _____

An ordinance of Weber County vacating a public utility easement in Rolling Drive, which is a dedicated private street, and a public utility easement located along the southern most subdivision boundary line adjacent to Lot 107 in the Summit Eden Phase 1D Subdivision.

Whereas, SMHG Phase 1, LLC, the owner of Summit Eden Phase 1D, has filed a petition to amend and restate Summit Eden Phase 1D; and

Whereas, SMHG Phase 1, LLC, the owner of Summit Eden Phase 1D, has filed a petition to vacate two public utility easements located within Summit Eden Phase 1D; and

Whereas, a 10 foot public utility easement located in a dedicated private street known as Rolling Drive and a 10 foot public utility easement located along the southern most subdivision boundary adjacent to Lot 107 have been deemed unnecessary based on a new subdivision configuration; and

Whereas, after providing proper public notice, a public hearing was held on February 2, 2016 regarding the vacation of the aforementioned public utility easements in Summit Eden Phase 1D; and

Whereas, the Weber County Engineering Division has been notified and has provided written approval of the public utility easement vacation; and

Whereas, the applicable utility providers have been notified and have provided approval of the public utility easement vacation; and

Whereas, the private street along with the required improvements have not been installed within the dedicated public utility easements; and

Whereas, a subdivision plat has been prepared to amend and restate Summit Eden Phase 1D to remove the private street and associated public utility easements; and

Whereas, the vacation of the public utility easements will not substantially affect the health, safety, and welfare of the general public; and

Now Therefore, the Weber County Board of Commissioners ordains and vacates the following public utility easements:

See Attached "Exhibit A"

Passed, adopted, and ordered published this _____ day of _____, 2016, by the Weber County Board of Commissioners.

Commissioner Gibson	Voting _____
Commissioner Bell	Voting _____
Commissioner Ebert	Voting _____

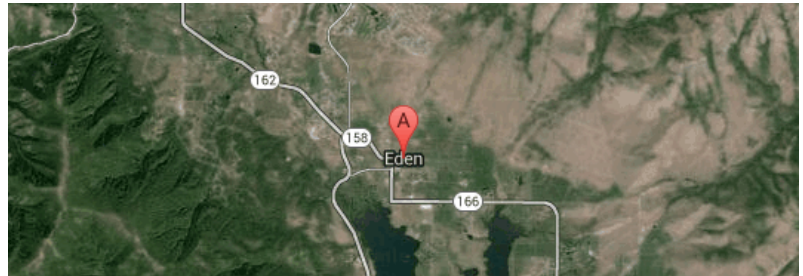
Kerry W. Gibson, Chair
ATTEST: _____
Ricky D. Hatch, CPA Weber County Clerk

Exhibit F-Rocky Mountain Power Approval

- [Add a Review](#)
- [Add a Timer](#)
- [Add a File](#)
- [Edit](#)
- [Edit Map](#)
- [Hold](#)
- [Complete](#)

Vacate PUE in Rolling Drive Private Street

Address: 470 N Summit Pass, Eden, Ut 84310
 Category: Vacations
 Maps: [Project Map](#) | [Google Maps](#)
 Project Manager: Ronda Kippen
 Applicant: Rick Everson
 File Number: EV 2016-01
 Receipt: 621
 Status: Active
 Planning Commission: Ogden Valley
 Zones: DRR-1
 Vacation Type: Easement
 Submitted: 2016-01-13



Map and marker location are approximate.

Notes
Files
Reviews
Parcels
Timers
Related Projects
Ordinances
Followers
Notifications

A request to vacate the PUE located in a private street known on the dedication plats as Rolling Drive in the Summit Eden Phase 1D Subdivision. The private street and improvements have not been installed to date and Summit Eden Phase 1D will be amended and restated to remove the dedicated private street in a separate application. The easement vacation is strictly for the public utility easements located in the private street and a public utility easement located along the southern most subdivision boundary line adjacent to Lot 107 in the Summit Eden Phase 1D Subdivision.

Comments and Correspondences

1 - 2 of 2

- Karl Sewell**
Thu, Jan 14th 2016, 09:03

RMP - need more information
- Karl Sewell**
Wed, Jan 20th 2016, 11:31

RMP approves the change as stated above.

<< Oldest | < Older | Newer > | Newest >>

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Exhibit F-Rocky Mountain Power Approval

Kippen,Ronda

From: Sewell, Karl [Karl.Sewell@rockymountainpower.net]
Sent: Thursday, January 14, 2016 9:48 AM
To: Kippen,Ronda
Cc: Rick Everson
Subject: FW: Vacate PUE in Rolling Drive: RMP more info request

Ronda,

RMP is ok with this change.

Thanks

Karl Sewell
Operations Manager
1438 W 2550 S
Ogden, Utah 84401
(801) 629-4310
fax (801) 629-4379
karl.sewell@rockymountainpower.net



From: Sewell, Karl
Sent: Thursday, January 14, 2016 9:46 AM
To: 'Rick Everson'
Cc: Ronda Kippen (rkippen@co.weber.ut.us)
Subject: RE: Vacate PUE in Rolling Drive: RMP more info request

Thanks Rick

That does clear it up. I did not see any detail on Miradi.

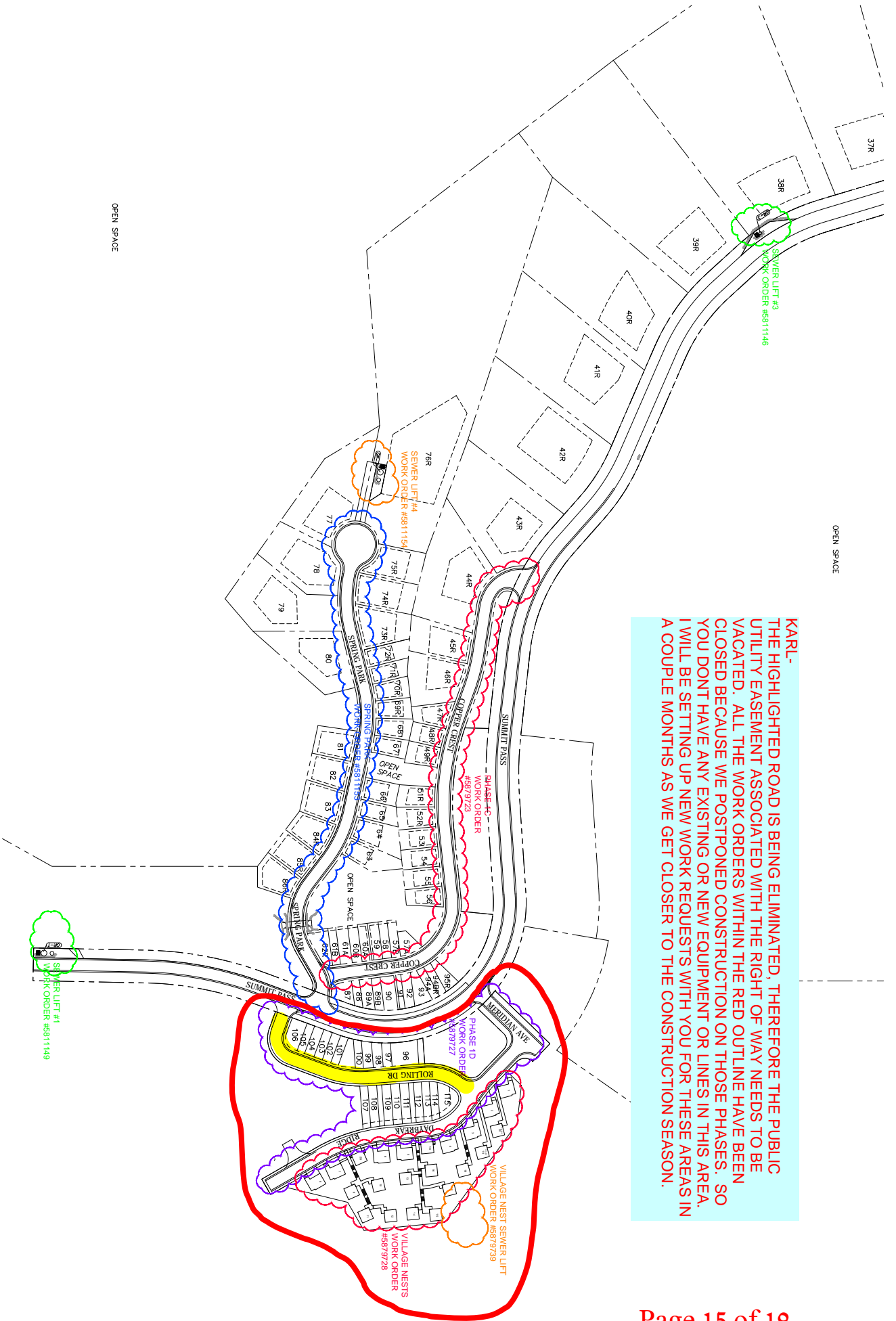
Karl

From: Rick Everson [<mailto:rick@wattsenterprises.com>]
Sent: Thursday, January 14, 2016 9:29 AM
To: Sewell, Karl
Cc: Ronda Kippen (rkippen@co.weber.ut.us)
Subject: [INTERNET] Vacate PUE in Rolling Drive: RMP more info request

This message originated outside of Berkshire Hathaway Energy's email system. Use caution if this message contains attachments, links or requests for information. Verify the sender before opening attachments, clicking links or providing information.

Good morning Karl-

I saw your request for more information on this in Miradi. Please see attached map and written explanation, I think this will clear it up. If you still have any questions please give me a call so we can discuss.



KARL - THE HIGHLIGHTED ROAD IS BEING ELIMINATED, THEREFORE THE PUBLIC UTILITY EASEMENT ASSOCIATED WITH THE RIGHT OF WAY NEEDS TO BE VACATED. ALL THE WORK ORDERS WITHIN THE RED OUTLINE HAVE BEEN CLOSED BECAUSE WE POSTPONED CONSTRUCTION ON THOSE PHASES. SO YOU DONT HAVE ANY EXISTING OR NEW EQUIPMENT OR LINES IN THIS AREA. I WILL BE SETTING UP NEW WORK REQUESTS WITH YOU FOR THESE AREAS IN A COUPLE MONTHS AS WE GET CLOSER TO THE CONSTRUCTION SEASON.

Exhibit F- Weber County Engineering Approval

Engineering Review 1

Project: Vacate PUE in Rolling Drive Private Street
User: Dana Shuler
Department: Weber County Engineering Division
Created: 2016-01-15 08:30:47
Modified: 2016-01-15 08:30:47
Approved: Yes

Notes

I have had a chance to review the plan(s) and have the following comment(s):

1. The engineering division has no concerns with this project.

I have tried to address all items of concern from the Engineering Department. However, this review does not forego other items of concern that may come to this department's attention during additional reviews or during construction of improvements. If you have any comments or questions concerning this review, feel free to contact me.

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Exhibit F- PMWSID Conditional Approval

<input type="button" value="Edit"/>	<input type="button" value="Delete"/>	<input type="button" value="Add a File"/>	<input type="button" value="Email"/>
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Review 1 – Conditional

Project: Vacate PUE in Rolling Drive Private Street
User: PMWSID Engineer
Department: Powder Mountain Water & Sewer District
Created: 2016-01-15 08:50:45
Modified: 2016-01-15 08:50:45
Approved: Yes

Notes

PMWSID has no objections to this PUE vacation, provided that the proposed plat for 1D Amended and Restated is approved and recorded as it is currently designed. Any changes to 1D Amended and Restated will constitute a new review on PMWSID's part.

If you have any questions, please contact me at 801-399-8761.

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Exhibit F-Weber County Surveyor's Approval

Survey Review

Project: Vacate PUE in Rolling Drive Private Street
User: Daniel Milligan
Department: Weber County Surveyor's Office
Created: 2016-01-19 14:59:53
Modified: 2016-01-19 14:59:53
Approved: Yes

Notes

The Recorder/ Surveyor office has no concerns with this project.

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Exhibit F-Weber County Fire Districts Approval

<input type="button" value="Edit"/>	<input type="button" value="Delete"/>	<input type="button" value="Add a File"/>	<input type="button" value="Email"/>
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Weber Fire Comments

Project: Vacate PUE in Rolling Drive Private Street
User: Brandon Thueson
Department: Weber County Special Events, Weber Fire District
Created: 2016-01-25 11:28:52
Modified: 2016-01-25 11:28:52
Approved: Yes

Notes

Weber Fire District has no issues with this.

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