

Weber County Alternative Access Application

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

Date Submitted /Completed	Application Fee: \$350.00	Receipt Number (Office Use)	File Number (Office Use)
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Application Type

- Flag lot access strip
- Access by Private Right of Way
- Access at a location other than across the front lot line

Property Owner Contact Information

Name of Property Owner(s) Bret & TAMRA HARPER		Mailing Address of Property Owner(s) 4215 WEST 400 South OGDEN, UTAH 84404	
Phone 801-731-6810	Fax —		
Email Address (required) btharper81@yahoo.com		Preferred Method of Written Correspondence <input checked="" type="checkbox"/> Email <input type="checkbox"/> Fax <input checked="" type="checkbox"/> Mail	

Authorized Representative Contact Information

Name of Person Authorized to Represent the Property Owner(s) Bret Harper		Mailing Address of Authorized Person 4215 WEST 400 South OGDEN, UTAH 84404	
Phone 801-731-6810	Fax —		
Email Address (required) btharper81@yahoo.com		Preferred Method of Written Correspondence <input checked="" type="checkbox"/> Email <input type="checkbox"/> Fax <input checked="" type="checkbox"/> Mail	

Property Information

Project Name HARPER ESTATES SUBDIVISION	Total Acreage 2.22	Current Zoning A-1
Approximate Address 1125 South 400 WEST	Land Serial Number(s) 15-059-0019	
Proposed Use NEW HOME CONSTRUCTION		

Project Narrative

Would like to apply for a Alternative Access by private right of way for a Z Lot Subdivision. Would provide for a private roadway down the south property line. We have a limited amount of frontage, with no probable way of additional frontage being available. All utility's are available.

Basis for Issuance of Flag lot access strip

The land use authority shall determine whether or not it is feasible or desirable to extend a street to serve a parcel(s) or lot(s) at the current time, rather than approving a flag lot.

Sec. 108-7-30. - Flag lots

- (a) Criteria to be used in determining feasibility or desirability of extending a street shall include, but not be limited to topography, boundaries, and whether or not extending a road would open an area of five acres or more in Western Weber County and ten acres or more in the Ogden Valley for development.
- (b) The lot area exclusive of the access strip shall be a minimum of three acres.
- (c) Each lot shall access a street by means of its own fee title access strip. Successive stacking of lots on the same access strip is not permitted.
- (d) No access strip shall exceed 800 feet in length.
- (e) A maximum of two flag lot access strips may be located adjacent to each other.
- (f) No flag lot shall be allowed which proposes to re-subdivide or include within it (including the access strip) any portion of an existing lot in a recorded subdivision. No subdivision shall be vacated, re-subdivided, or changed in order to meet the requirements of this section.

Please provide information to support your request for a flag lot access strip outlining how the request meets the criteria listed above.

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:

Sec. 108-7-31. - Access to a lot/parcel using a private right-of-way or access easement:

Criteria.

- 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. The lot/parcel is a bona fide agricultural parcel that is actively devoted to an agricultural use that is the main use and is the subject parcel of an approved agri-tourism operation; or
- c. 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.

Conditions.

- a. It shall be demonstrated 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; and
- b. The landowner of record or authorized representative shall agree 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.

Please provide the following information to support your request for access to a lot/parcel using a private right-of-way or access easement:

- 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.

Basis for Issuance of Access to a lot/parcel 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:

Sec. 108-7-32. - Access to a lot/parcel at a location other than across the front lot line.

- (1) 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.
- (2) It shall be demonstrated 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.

Please provide the following information to support your request for Access to a lot/parcel at a location other than across the front lot line:

- 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.
- 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), Bret & TAMRA HARPER, 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. I (We) understand that an approval of an alternative access application does not grant a legal right to access property that I(we) currently do not own.

Bret Harper Property Owner Tamra J. Harper Property Owner

Subscribed and sworn to me this 29 day of August, 2017.

Michelle Taylor Butler Notary



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.

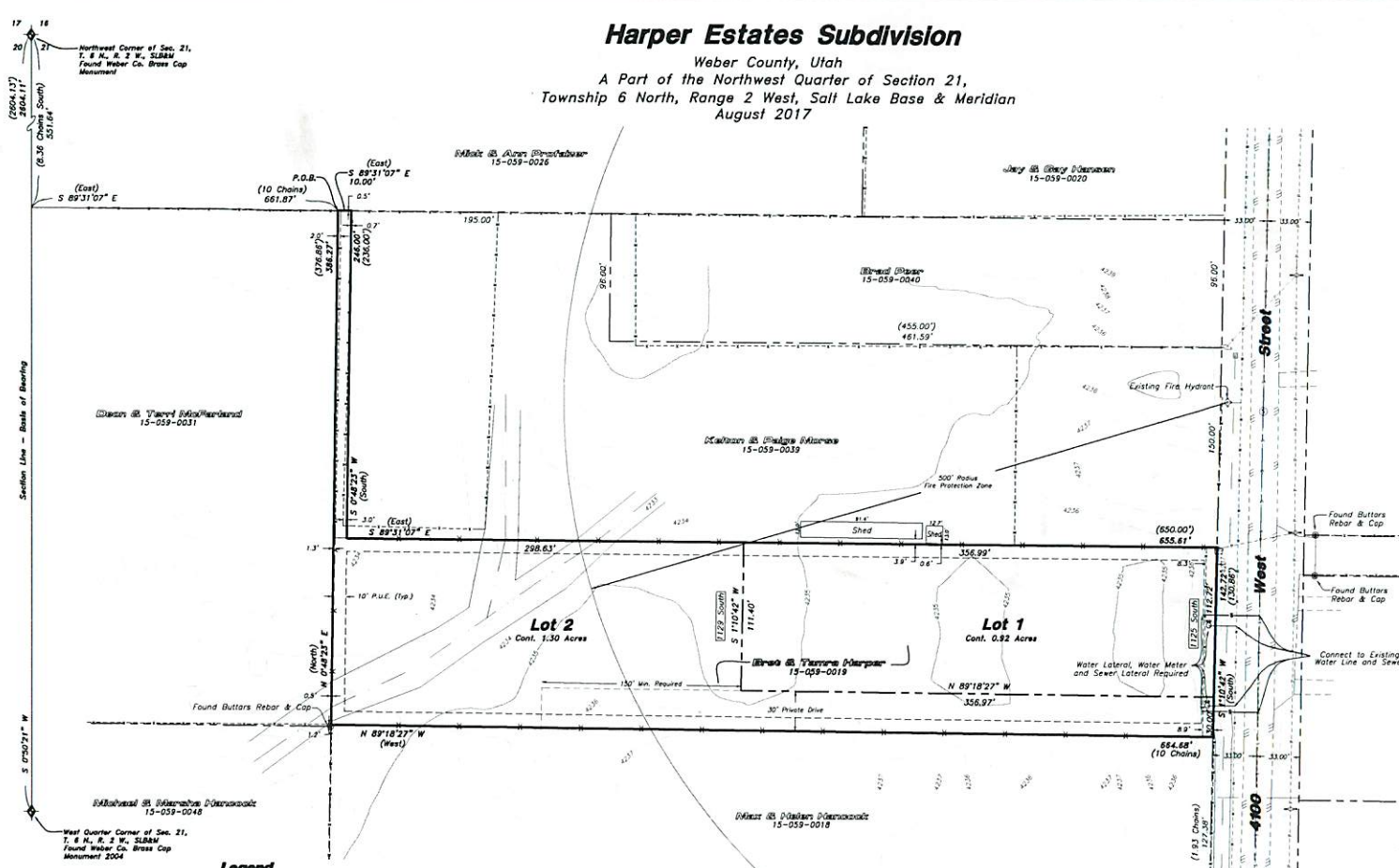
_____ Property Owner Tamra J. Harper Property Owner

Dated this 29 day of August, 2017, personally appeared before me Bret, the signer(s) of the Representative Authorization Affidavit who duly acknowledged to me that they executed the same.

_____ Notary

Harper Estates Subdivision

Weber County, Utah
A Part of the Northwest Quarter of Section 21,
Township 6 North, Range 2 West, Salt Lake Base & Meridian
August 2017



SURVEYOR'S CERTIFICATE

I, K. Greg Hansen, do hereby certify that I am a Registered Professional Land Surveyor in the State of Utah in accordance with Title 58, Chapter 22, Professional Engineers and Land Surveyors Act; and I have completed a Survey of the property described on this plan in accordance with Sections 17-23-17 and have verified all measurements, and have placed monuments as represented on this plan, and have hereby subdivided said land into two (2) lots, known hereafter as Harper Estates Subdivision in Weber County, Utah, and has been correctly drawn to the designated scale and is true and correct representation of the herein described lands included in said Subdivision, based upon data compiled from records in the Weber County Recorder's Office and from said survey made by me or under my supervision on the ground. I further hereby certify that the requirements of all applicable statutes and ordinances of Weber County Concerning Zoning Requirements regarding lot measurements have been complied with.

Signed this _____ day of _____, 2017.

K. Greg Hansen P.L.S.
Utah Land Surveyor License No. 167819



NARRATIVE

The purpose of this survey was to subdivide, establish and set the property corners of the parcels as shown and described hereon. The survey was ordered by Bret Harper. The Right-of-Way for 4100 West Street was established by surveyed observations in the field of the existing centerline of 4100 West Street and offsetting 25.00 feet east and 33.00 feet west. There was a 10.00 foot error of closure in the deed for the subject property. The north line of the subject property fits the survey fence line if the error of 10.00 feet is added to the second coil changing the distance from 236.00' to 246.00'. There is a 512.00 foot gap in the deeds along the south boundary of the Subject Property Tax ID No. 15-059-0019 after adding 10.00 feet to the second coil in the deed. The fence lines both north and south of the subject parcels fall in harmony with adjoining deed descriptions. The boundary for the subject property is controlled by the following: The East line of the "Acre" is the West Right-of-Way line of 4100 West Street, the South boundary is an existing fence line which falls in harmony with the North line of Property Tax ID No. 15-059-0018 and the West boundary is the East line of Property Tax ID No. 15-059-0031. The control used to establish the property corners was the existing Weber County Survey Monumentation surrounding Section 21, T4N, R2W, S288M. The Bobs of bearing is the West line of the Northwest Quarter of said Section which bears South 75°02'1" West, Utah North, State Plane, Calculated N.A.D.83 Bearing.

AS SURVEYED BOUNDARY DESCRIPTION

A PART OF THE NORTHWEST QUARTER OF SECTION 21, TOWNSHIP 6 NORTH, RANGE 2 WEST OF THE SALT LAKE BASE AND MERIDIAN.

BEGINNING AT A POINT LOCATED 551.64 FEET SOUTH 00°50'21" WEST (8.38 CHAINS SOUTH BY RECORD) ALONG THE WEST LINE OF SAID NORTHWEST QUARTER AND 861.67 FEET SOUTH 89°31'07" EAST (10 CHAINS EAST BY RECORD) FROM THE NORTHWEST CORNER OF SAID SECTION 21;

RUNNING THENCE SOUTH 89°31'07" EAST 10.00 FEET (EAST BY RECORD) TO THE WEST LINE OF KELTON AND PARCE MORSE PROPERTY TAX ID NO. 15-059-0039;

THENCE ALONG THE BOUNDARY OF SAID MORSE PROPERTY THE FOLLOWING TWO (2) COURSES: (1) SOUTH 00°48'23" WEST 246.00 FEET (SOUTH 236.00 FEET BY RECORD) TO AN EXISTING FENCE LINE; AND (2) SOUTH 89°31'07" EAST 655.61 FEET (EAST 650.00 FEET BY RECORD) ALONG SAID EXISTING FENCE LINE TO THE WEST RIGHT-OF-WAY LINE OF 4100 WEST STREET; THENCE SOUTH 01°10'42" WEST 142.72 FEET (SOUTH 130.86 FEET BY RECORD) ALONG SAID WEST RIGHT-OF-WAY LINE TO AN EXISTING FENCE LINE; THENCE NORTH 89°18'27" WEST 564.66 FEET (WEST 10 CHAINS BY RECORD) ALONG SAID EXISTING FENCE LINE TO THE EAST LINE OF DEON AND TERRI MCKAYLAND PROPERTY TAX ID NO. 15-059-0031;

THENCE NORTH 00°48'23" EAST 386.27 FEET (NORTH 378.69 FEET BY RECORD) ALONG SAID EAST LINE TO THE POINT OF BEGINNING, CONTAINING 2.22 ACRES.

OWNER'S DEDICATION AND CERTIFICATION

Know all men by these presents that we, the undersigned Owners of the above described tract of land having caused the same to be subdivided into lots and streets, as shown on this plan and name said Bret Harper, Estates Subdivision and hereby dedicate, grant and convey, in perpetuity, pursuant to the provisions of 17-27a-602, Utah code, without condition, restriction or reservation to Weber County, Utah, all those parts or portions of said tract of land designated as streets the same to be used as public thoroughfares forever, and also dedicate to Weber County these certain strips or easements for public utility and drainage purposes as shown hereon. The same to be used for the installation, maintenance and operation of public utility service lines and drainage as may be authorized by the Governing Authority in witness we have here unto set our signature this _____ day of _____, 2017.

Bret D. Harper _____ Date _____

Tamra F. Harper _____ Date _____

ACKNOWLEDGMENT

State of Utah
County of Weber

On this _____ day of _____, 2017, Bret D. Harper and Tamra F. Harper, Husband and Wife as Joint Tenants, personally appeared before me, the undersigned Notary Public in and for said State of Utah, who duly acknowledged to me they signed it freely and voluntarily and for the purpose therein mentioned.

Notary Public
Bret Harper 400 South Ogden, Utah 84404 (801) 340-9021

WEBER COUNTY ENGINEER

I hereby certify that the Required Public Improvement Standards and Drawings for this Subdivision Conform with the County Standards and the amount of the Financial Guarantee is Sufficient for the installation of these improvements.

Signed this _____ day of _____, 2017.

Weber County Engineer

WEBER COUNTY PLANNING COMMISSION APPROVAL

This is to certify that this Subdivision Plan was duly Approved by the Weber County Planning Commission.

Signed this _____ day of _____, 2017.

Chairman, Weber County Planning Commission

WEBER COUNTY ATTORNEY

I have Examined the Financial Guarantees and Other Documents Associated with this Subdivision Plan, and in my Opinion they Conform with the County Ordinance Applicable Thereto and now in Force and Effect.

Signed this _____ day of _____, 2017.

Weber County Attorney

WEBER-MORGAN HEALTH DEPARTMENT

I hereby certify that the Solls, Parcelation Rates, and Site Conditions for this Subdivision have been Investigated by this Office and are Approved for On-Site Wastewater Disposal System.

Signed this _____ day of _____, 2017.

Weber-Morgan Health Department

WEBER COUNTY SURVEYOR

I hereby certify that the Weber County Surveyor's Office has Reviewed this Plan for Mathematical Correctness, Section Corner Data, and for Harmony with the Loss and Monuments on Record in County Offices. The Approval of this Plan by the Weber County Surveyor does not Relieve the Licensed Land Surveyor who Executed this Plan from the Responsibilities and/or Liabilities Associated Therewith. Signed this _____ day of _____, 2017.

Weber County Surveyor

WEBER COUNTY COMMISSION ACCEPTANCE

This is to Certify that this Subdivision Plan, the Dedication of Streets and other Public Ways and Financial Guarantees of Public Improvements Associated with this Subdivision, Thereon are Hereby Approved and Accepted by the Commissioners of Weber County Utah.

Signed this _____ day of _____, 2017.

Chairman, Weber County Commission

Legend

	Subject Property Line		Telephone Pole
	Interior Property Line		Fire Hydrant
	Secondary Property Line		Water Meter
	Contour		Water Valve
	Easement/Right-of-Way Line		Sewer Manhole
	Section Line		Power Pole
	Existing 10' Contour		Tree Line Perimeter
	Existing 15' Contour		Storm Drain Catching
	Fence Line		Water Line Existing
	Other Features		Sewer Line Existing
	Top Bank		Telephone Line Existing
	Storm Drain Catching		One Line Existing
	Water Line Existing		Four-Gate Line Existing
	Sewer Line Existing		Edge of Asphalt Paving
	Telephone Line Existing		
	Section Corner		

Notes:

1- ALL PUBLIC UTILITY EASEMENTS (PUE'S) ARE 10.00 FEET WIDE UNLESS NOTED OTHERWISE.

2- SCHEDULE "B" ITEMS 7-13 DO NOT AFFECT THE SUBJECT PROPERTY.

3- A TEMPORARY EMERGENCY VEHICLE TURNAROUND IS REQUIRED ON LOT AS PER THE CODES AND STANDARDS OF WEBER COUNTY.

HANSEN & ASSOCIATES, INC.
Consulting Engineers and Land Surveyors
538 North Main Street, Brigham, Utah 84302
Visit us at www.hansen.net
Bingham City System
(435) 723-3441 (801) 399-4005 (435) 723-2722
Celebrating 60 Years of Business



Weber County Corporation

Weber County
2380 Washington Blvd
Ogden UT 84401

Customer Receipt	
Receipt Number	53766

Receipt Date
08/31/17

Received From:
Bret Harper

Time: 14:11
Clerk: tbennett

Description	Comment	Amount
Harper Estates	Subdivision Fees <i>350 for all access</i>	\$920.00
Harper Estates	Subdivision Fees	\$280.00
Harper Estates	Subdivision Fees	\$450.00

Payment Type	Quantity	Ref	Amount
CREDIT CARD			

AMT TENDERED: \$1,650.00
 AMT APPLIED: \$1,650.00
 CHANGE: \$0.00