

24 March 2023

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

Attention : Felix Lleveromo

RE: Hansen Subdivision (Burdock Point Subdivision)

Dear Felix,

We have reviewed the comments made by Weber County Planning, Engineering and Surveyor and have the following response:

Engineering Review:

1. We have received a can and will serve letter from the Sewer and Water District and paid for the water and sewer connections, therefore, we believe annexing into the Water and Sewer district has either already been done or is not necessary.
2. Being as the rest of Via Monaco Drive doesn't have curb & gutter, rather a rock swale, we opt for the deferral option and will sign the necessary documentation.
3. The previously submitted preliminary plan shows the culvert in the swale at the existing access to the property from Via Monaco Drive, it is labeled as proposed but does currently exist.
4. Note has been added to the plat stating, "Due to the topography and the location of this subdivision all owners accept responsibility for any storm water runoff from the road adjacent to this property until curb and gutter is installed".
5. Correct, the road we have been using to access the property is private. Schlaff Subdivision also accesses the same road and was not required to ask permission for use, setting a precedence. Since we purchased the property in 1995, we've accessed the future road with our horses & vehicles. At the time of purchase, Ron Cantanzaro required us to allow use of our property for a public temporary turn-around. In 2013 Via Monaco Drive was dedicated and became part of the Summit at Ski Lake HOA, our gate and access remained in place and when they graded and paved the Via Monaco Drive, we installed a culvert in the gravel swale, at our access location which is still in-place today, that location is shown on the preliminary plan as well as the existing culvert as previously mentioned in item No. 3. Per Utah's Prescriptive Road Statute 72-5-104 of the Utah Code which provides that a road crossing private property (which was the case when we purchased our property and began using the "road") becomes a public right-of-way if it is used by the public continuously for at least 10 years. See below for imagery showing a well-traveled path through our property onto what is currently Via Monoco Drive since 1995. We have been using that road for 28 years, therefore a letter from the current owners of the private road approving our use and access to our lot is not necessary.



1993 Google Earth Imagery



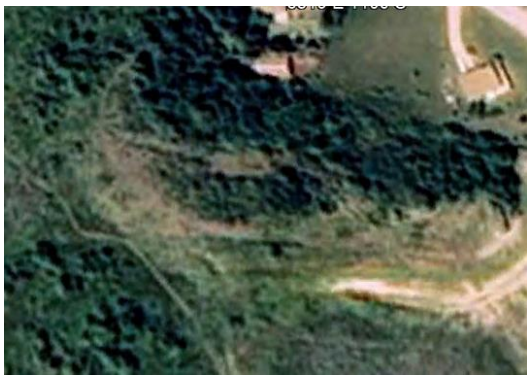
1995 Google Earth Imagery



2003 Google Earth Image



2006 Google Earth Image



2009 Google Earth Image



2011 Google Earth Image



2014 Google Earth Image



2017 Google Earth Image



2018 Google Earth Image



2020 Google Earth Image



2021 Google Earth Image



2022 Google Earth Image



Current Geo Gizmo Image

Planning Review #1:

1. Final plat with the required final subdivision elements as shown in Weber County Land Use Code Title 106-1-8.20 have been added.
2. A note has been added referencing the existing geologic study prepared by CMT Engineering Laboratories Project Number 19413 dated January 9, 2023 is available for review at Weber County Planning Office.

Planning Review #2:

Analysis Section of the Report Reviewer:

Access and Frontage: This entire property fronts on a private road called Via Monaco Drive. The owner of this property is responsible to become part of the homeowners association and be subject to responsibilities of the Summit at Ski Lake HOA. No ROW dedication is needed for this development.

- Schlaff Subdivision also has its entire frontage along the private road and has not been required to become part of the HOA, therefore setting a precedence.
- Our subdivision is independent of The Summit at Ski Lake, not an amendment of such, as is Schlaff Subdivision.
- The Summit at Ski Lake, per www.summitatskilake.com, consists of 32 homesites with a minimum of one acre each. Each property has a view corridor of the lake, valley, and surrounding mountains. Currently the neighborhood has 23 homes and 9 unimproved lots. No improved community facilities exist such as a pool or clubhouse. The neighborhood has common property at the gated entrance to the community and has private roads within the neighborhood. The gate, roads, and common property are maintained by the homeowners' association. The gate is above our proposed subdivision, Weber County Roads Department plows the road to the gate, we installed our own culvert, our subdivision is over 2 acres as our request for 2 – 1 acre lots was denied.
- We have had continuous access to the road since 1995 (as explained & demonstrated in the engineering review) giving us a prescriptive right to the now private road

The above four reasons are why we should not be required to join the Summit at Ski Lake HOA.

Surveyor Review #1:

1. Address has been added to the plat.

Surveyor Review #2:

1. The subdivision name has been changed from Hansen Subdivision to Burdock Point Subdivision.
2. The Owners Dedication has been revised as redlined.
3. The Owners Dedication Signature block has been revised From Dave Pete Hansen to David P. Hansen and Chris M. Hansen.
4. The bearing in the description has been changed to match the bearing along the east section line.
5. Square footage of lot has been changed from 92,782.8 to 92,960.1
6. The existing location, widths, and other dimensions of all existing or platted streets has been added to the plat.
7. Surveyor's Certificate subdivision name has been changed to Burdock Point Subdivision in two places.

Please review the updated subdivision plat.

Sincerely,

Dave & Chris Hansen

Dave & Chris Hansen