

Weber County Access Exception Permit Application

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

Date Submitted /Completed

3/12/14

Fees (Office Use)

Receipt Number (Office Use)

File Number (Office Use)

Application Type

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)

David M Clapier

Mailing Address of Property Owner(s)

7310 S 950 W
Willard, UT 84340

Phone

801-510-3568

Fax

Email Address (required)

Nessmuck 4473@msn.com

Preferred Method of Written Correspondence

Email Fax Mail

Authorized Representative Contact Information

Name of Person Authorized to Represent the Property Owner(s)

Same above.

Mailing Address of Authorized Person

Phone

Fax

Email Address (required)

Preferred Method of Written Correspondence

Email Fax Mail

Property Information

Project Name

Shanghai subdivision

Total Acreage

3.64

Current Zoning

F-40

Approximate Address

156 N Highway 150, Eden UT

84310

Land Serial Number(s)

200170003

Proposed Use

Residential

Project Narrative

Applicant has less than the required frontage along Highway 150 to meet the County requirement to acquire a Land Use permit. Applicant does have existing private right-of-way or easements. Applicant requests access exception because applicant's parcel does not meet minimum requirement for frontage.

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:

- 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. 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. Please explain the substantial evidence:

Applicant has existing driveway from Highway 158 to parcel. Driveway is graded and sloped away to east for drainage. Driveway is relatively flat with an estimated slope angle of 1-2%. Substrate is gravel and has been maintained over the course of 50 yrs.

ORWA

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.

N.A. Parcel is surrounded by U.S. Forest Service land.

Property Owner Affidavit

I (We), _____, 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 _____ Property Owner

Subscribed and sworn to me this ____ day of _____, 20 ____.

_____ Notary

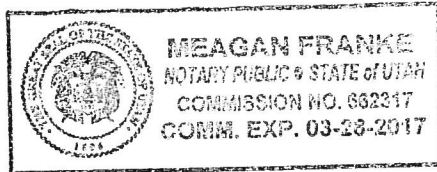
Authorized Representative Affidavit

I (We), THE CLADIER'S, the owner(s) of the real property described in the attached application, do authorized as my (our) representative(s), DAVID M CLAPIER, 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.

Clapier _____ Property Owner _____ Property Owner

Dated this 17th day of March, 20 14, personally appeared before me David M. Clapier, the signer(s) of the Representative Authorization Affidavit who duly acknowledged to me that they executed the same.

Meagan Franke _____ Notary



~~Basis for Issuance of Access 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:

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 as follows:

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.

20-017-0001 (20-017-0005)

PLATTED ENTERED MICROFILMED

E# 1128659 BK1592 PG2135
DOUG CROFTS, WEBER COUNTY RECORDER
08-JAN-91 354 PM FEE \$8.00 DEP SM
REC FOR: FRED_FROERER

7410

QUIT CLAIM DEED

DAVID M. CLAPIER, KEITH BRADLEY CLAPIER, BARTON J. CLAPIER, and KURT H. CLAPIER, joint tenants with full rights of survivorship, Grantors hereby QUIT-CLAIMS to OGDEN RIVER WATER USERS' ASSOCIATION, a Utah corporation, Grantee, FOR THE SUM OF TEN DOLLARS & OTHER GOOD & VALUABLE CONSIDERATION the following described tract of land in Weber County, State of Utah:

A parcel of land in the SE 1/4 of the NE 1/4 of Section 16, Township 6 North, Range 1 East, Salt Lake Base & Meridian being more particularly described as follows:

Beginning at a point being N 0°48'30" E 200.86 feet along the East line of said Section 16 as shown on that survey by Bingham Engineering for the Ogden River Water Users Association, dated May 31, 1990, and West 936.06 feet from the East quarter corner of said Section 16 as shown on said survey; thence N 43°00' W 64.22 feet to a 5/8" iron rod; thence N 46°24'17" E 216.42 feet to a 5/8" iron rod; thence N 80°47'40" E 33.00 feet to a 5/8" iron rod; thence S 54°07'12" E 45.00 feet to a fence corner; thence S 50°33' E 4.00 feet along a fence; thence S 47°00' W 253.04 feet to the point of beginning, containing 0.37 acres, more or less.

WITNESS the hands of said Grantors this 14 day of December, 1990.

David M. Clapier
Grantor David M. Clapier

Keith B. Clapier
Grantor Keith Bradley Clapier b/k/a Keith B. Clapier

Barton J. Clapier
Grantor Barton J. Clapier

Kurt H. Clapier
Grantor Kurt H. Clapier

STATE OF UTAH)
: ss

COUNTY OF WEBER)
On the day of 14, Dec., 1990, personally appeared before me DAVID M. CLAPIER, KEITH BRADLEY CLAPIER, BARTON J. CLAPIER, and KURT H. CLAPIER, the signers of the within instrument, who duly acknowledged to me that they executed the same.

Rozlinda NerdaHL
NOTARY PUBLIC
Residing at Ogden, Utah
Commission expires 1-10-93

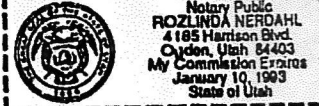


EXHIBIT "1"

For
0.37 acre
piece

EXHIBIT "A"

GRANTOR: OGDEN RIVER WATER USER'S ASSOCIATION

GRANTEE: DAVID M. CLAPIER, KEITH BRADLEY CLAPIER, BARTON J. CLAPIER and KURT H. CLAPIER

Quit Claim Deed Dated December 27, 1990.

PARCEL 1: A parcel of land in the SE 1/4 of the NE 1/4 of Section 16, Township 6 North, Range 1 East, Salt Lake Base & Meridian being more particularly described as follows:

Beginning at a point being N 0°48'30" E 361.41 feet along the East line of said Section 16 as shown on that survey by Bingham Engineering for the Ogden River Water Users Association, dated May 31, 1990, and West 692.86 feet from the East quarter corner of said Section 16 as shown on said survey; thence S 38°32' W 29.08 feet to a 5/8" iron rod in a fence line; thence N 50°33' W 54.76 feet along said fence; thence leaving said fence N 47°00' E 35.96 feet to a 5/8" iron rod; thence S 43°00' E 50.00 feet to the point of beginning, containing 0.04 acres, more or less.

RESERVING unto Grantor, its successors and assigns, the following ten (10') foot wide drain easement for the purpose of installation maintenance and placement of a pipeline and associated works:

A parcel of land in the SE 1/4 of the NE 1/4 of Section 16, Township 6 North, Range 1 East, Salt Lake Base & Meridian to be used as a drain easement, being more particularly described as follows:

Beginning at a point being N 0°48'30" E 397.98 feet along the East line of said Section 16 as shown on that survey by Bingham Engineering for the Ogden River Water Users Association, dated May 31, 1990 and West 727.48 feet from the East quarter corner of said Section 16 as shown on said

S# 1128660 BK1592 P62138

survey, said point also being a 5/8" iron rod; thence S 43°00' E 10.00 feet; thence S 47°00' West 34.64 feet to a fence line; thence N 50°33' W 10.09 feet along said fence; thence N 47°00" E 35.96 feet to the point of beginning, containing 0.01 acre, more or less.

PARCEL 2: TOGETHER with the following Right of Way Easement across Grantors property:

A parcel of land in the SE 1/4 of the NE 1/4 of Section 16, Township 6 North, Range 1 East, Salt Lake Base & Meridian to be used as a right of way easement being more particularly described as follows:

Beginning at a point being N 0°48'30" E 361.41 feet along the East line of said Section 16 as shown on that survey by Bingham Engineering for the Ogden River Water Users Association, dated May 31, 1990 and West 692.86 feet from the East quarter corner of said Section 16 as shown on said survey, said point also being a 5/8" iron rod; thence S 49°27' E 42 feet more or less, to the northerly edge of the pavement on Highway 162; thence S 40°33' W 29.07 feet along said northerly edge; thence N 49°27' W 40.98 feet, more or less to a 5/8" iron rod; thence N 38°32' E 29.08 feet to the point of beginning, containing 0.03 acres, more or less.

111

20-017-0004 (20-011-0004)
ABS. ONLY PLATTED VERIFIED
20-017-0004 ENTERED

E# 1128680 3K1592 PG2136
DOUG CROFTS, WEBER COUNTY RECORDER
08-JAN-91 355 PM FEE \$10.50 DEP SM
REC FOR: FRED.FROERER

QUIT CLAIM DEED

OGDEN RIVER WATER USERS' ASSOCIATION, a Utah Corporation, Grantor hereby QUIT-CLAIMS to DAVID M. CLAPIER, KEITH BRADLEY CLAPIER, BARTON J. CLAPIER, and KURT H. CLAPIER, joint tenants with full rights of survivorship, Grantees, FOR THE SUM OF TEN DOLLARS & OTHER GOOD & VALUABLE CONSIDERATION the following described tract of land in Weber County, State of Utah:

See attached Exhibit "A"

WITNESS, the hand of said Grantor this 27th day of December, 1990.

ATTEST:

OGDEN RIVER WATER USERS' ASSOCIATION

LeeAnn M. Fuller
LEEANN FULLER, SECRETARY

James N. Randall
JAMES N. RANDALL, PRESIDENT GRANTOR

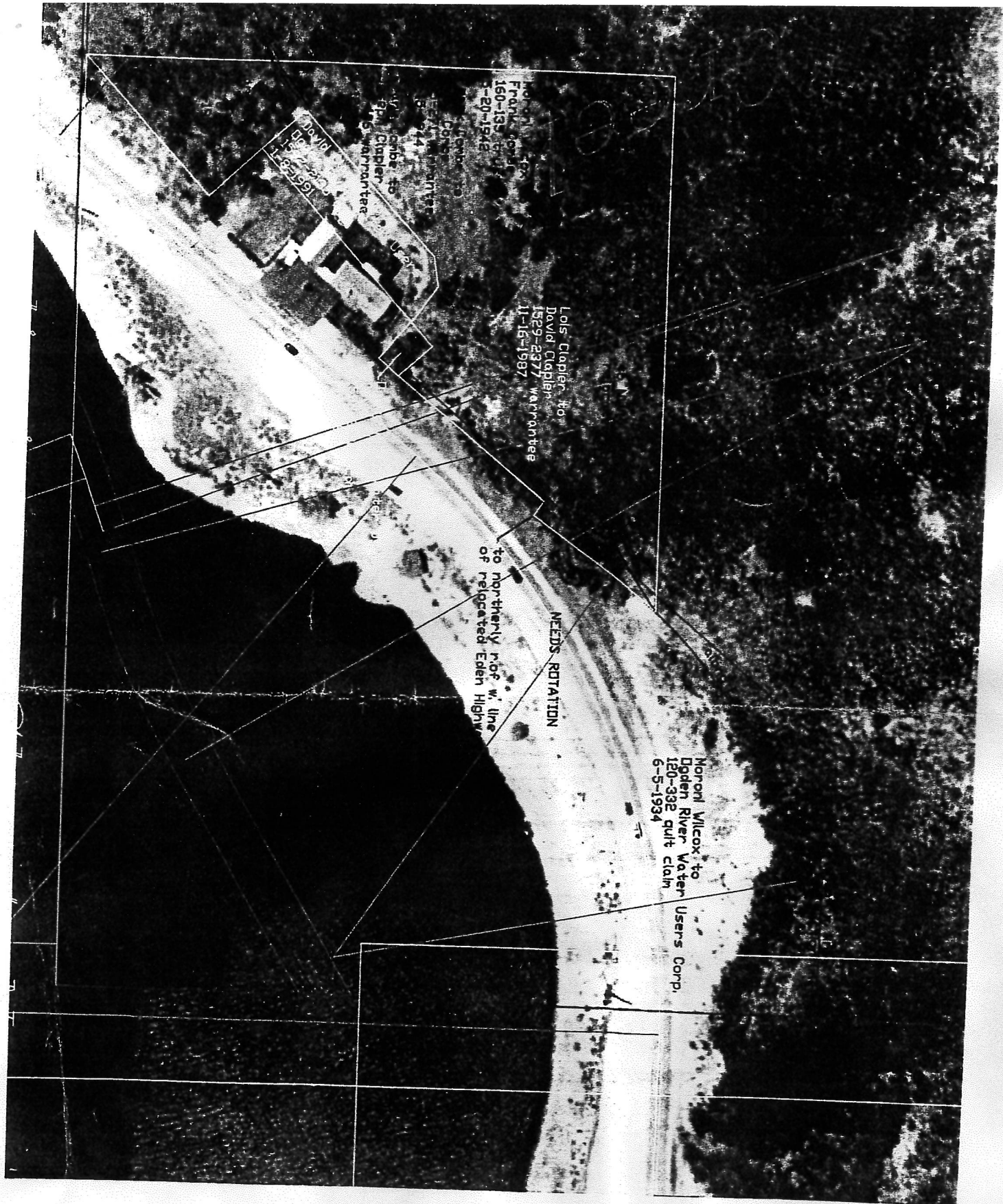
STATE OF UTAH)
) ss
COUNTY OF WEBER)

On the 27th day of December, 1990, personally appeared before me James N. Randall, President and LeeAnn Fuller, Secretary, of Ogden River Water Users' Association, the signer of the within instrument, who duly acknowledged to me that they executed the same by authority of the resolution of said Association's Board of Directors and that said corporation executed same.

Residing At:
My Commission Expires: SEPT. 22, 1993

Terel H. Grimley
NOTARY PUBLIC
TEREL H GRIMLEY
Notary Public
STATE OF UTAH
My Commission Expires
September 22, 1993
471 W 2nd St, Ogden, UT 84401

For
copy see
filed



John ...
Frank ...
150-135 ...
-20-1948

John ...
1929-2377
warrantee

John ...
1929-2377
warrantee

to northerly r of w. line
of relinquished Eden Highw

NEEDS ROTATION

Moroni Wilcox to
Eden River Water Users Corp.
150-382 quit claim
6-5-1934

1" = 284'



WEBER COUNTY CMS RECEIPTING SYSTEM
OFFICIAL RECEIPT

*** Save this receipt for your records ***

Date: 17-MAR-2014

Receipt Nbr: 2869

ID# 18964

Employee / Department: ANGELA - 4181 - PLANNING
Monies Received From: DAID CLEPIER
Template: PUBLIC WORKS
Description: ACCESS EXCEPTION

The following amount of money has been received and allocated to the various accounts listed below:

Total Currency	\$	<u> </u>	.00
Total Coin	\$	<u> </u>	.00
Total Debit/Credit Card	\$	<u> </u>	.00
Pre-deposit	\$	<u> </u>	.00
Total Checks	\$	<u> </u>	225.00
Grand Total	\$	<u> </u>	<u>225.00</u>

Account Number	Account Name	Comments	Total
2014-08-4181-3419-0550-000	ZONING FEES		225.00
TOTAL \$			225.00

Check Amounts

225.00

Total Checks: 1

Total Check Amounts: \$ 225.00

*** SAVE THIS RECEIPT FOR YOUR RECORDS ***