



Date: April 24, 2023
To: Weber County Board of County Commissioners
From: Scott Mendoza
Community Development Department
Agenda Date: May 2, 2023
Subject: **Request for approval of an access easement granted to the State of Utah,
Division of Facilities Construction and Management**
Attachments: A – Vicinity Map
B – Proposed Access Easement

Summary:

Weber County, during the years of 2008-2014, purchased approximately 14.5 acres north of the existing Sheriff's Office Complex, in Ogden. In 2015, the County created a two-lot subdivision and sold Lot 1 to the State of Utah which then built a youth detention center on the lot. Construction of the center was completed in 2018.

As a condition of the property sale, the County made a commitment to grant the State an easement across Sheriff Complex property so that the detention center staff could have access to a gate located at the southeast corner of the State's lot. The overall intent of the access easement is to allow the State to construct and maintain a road that entirely surrounds the youth center. The perimeter road is in place but the County has not prepared and officially considered granting the easement until now.

If granted, the easement will be located over a majority of the existing asphalt road that lies along (parallels) the northerly line of the Sheriff's Complex property. The easement is "non-exclusive", is limited to 30 feet in width, and may have its location adjusted by the County if ever necessary. See Attachment A for a vicinity map and general location of the easement. See Attachment B for the draft easement, which includes a legal description and illustration.

Attachment A



Attachment B

1 of 4

When recorded return to:
State of Utah, DFCM Real Estate
Attn: Lee Fairbourn
4315 South 2700 West, 3rd Floor
Taylorsville, Utah 84129

Parcel ID No. 12-101-0010

ACCESS EASEMENT

Weber County, hereinafter referred to as “Grantor,” does hereby convey and warrant to State of Utah, Division of Facilities Construction and Management, hereinafter referred to as “Grantee,” for good and valuable consideration, the receipt and adequacy of which is hereby acknowledged, a non-exclusive and perpetual right-of-way and access easement thirty (30) feet in width, to access property owned by GRANTEE, said right-of-way and access easement, hereinafter called the FACILITIES, being situated in Weber County, State of Utah, over and through a parcel of the GRANTOR’S land lying within a strip more particularly described and illustrated as follows:

See Exhibit “A” attached hereto and by this reference made a part hereof.

TO HAVE AND HOLD the same unto the GRANTEE, its successors and assigns, with the right of ingress and egress in the GRANTEE, its officers, employees, agents and assigns to enter upon the above-described property as a means to access GRANTEE’S property. GRANTOR shall have the right to use the above-described property, provided such use shall not interfere with the GRANTEE’S ability to access GRANTEE’S property, or any other rights granted to the GRANTEE hereunder.

GRANTOR shall not build or construct, or permit to be built or constructed, any building or other improvement which results in obstructing or otherwise preventing the GRANTEE from accessing its property, over or across this right-of-way and easement, without the written consent of GRANTEE. GRANTOR retains the right to perform regular maintenance or redevelop the area described in Exhibit A so long as GRANTEE’S access is maintained or GRANTEE consents in writing to a temporary closure due to maintenance or redevelopment. This right-of-way and easement grant shall be binding upon, and inure to the benefit of, the successors and assigns of GRANTOR and the successors and assigns of the GRANTEE, and may be assigned in whole or in part by GRANTOR or GRANTEE.

Attachment B
2 of 4

IN WITNESS WHEREOF, Grantor has executed these presents on the ____ day of _____,
2023.

BOARD OF COUNTY COMMISSIONERS
OF WEBER COUNTY

By _____
Gage H. Froerer, Chair

Commissioner Harvey voted _____
Commissioner Bolos voted _____
Commissioner Froerer voted _____

ATTEST:

Ricky D. Hatch, CPA
Weber County Clerk/Auditor

This ____ day of _____, 2023.

Attachment B

3 of 4

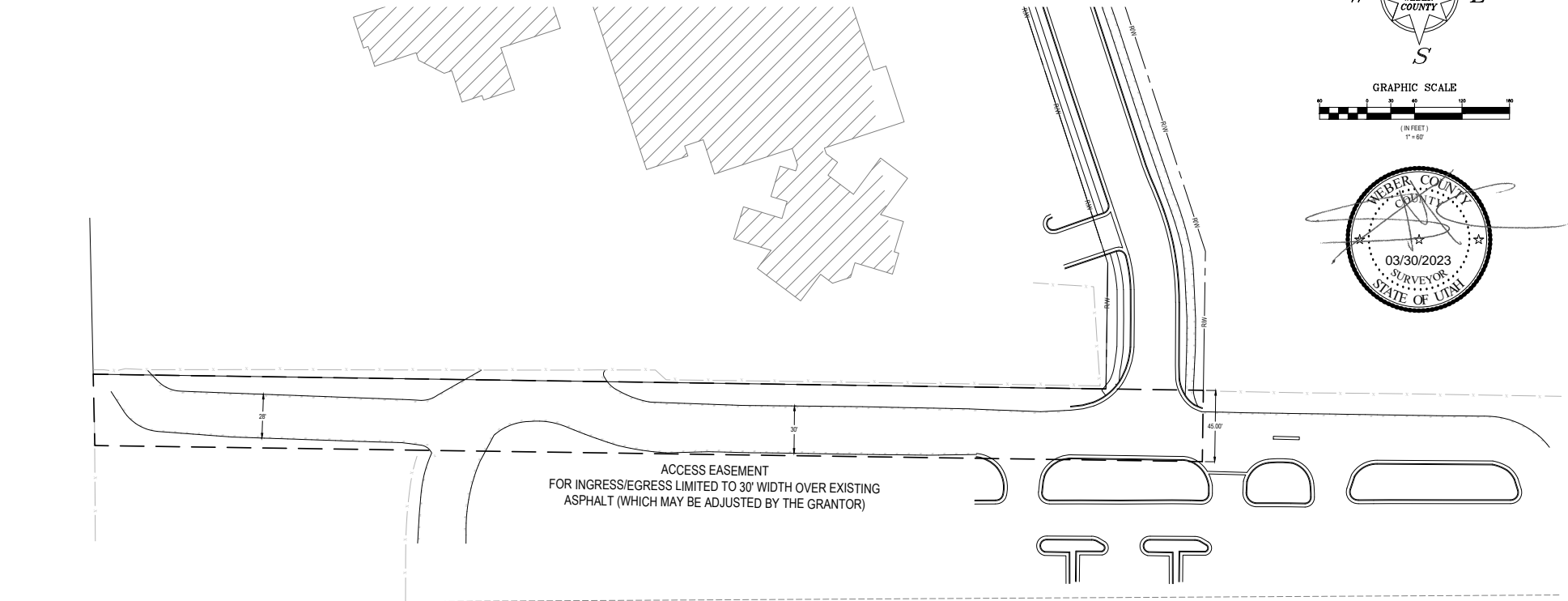
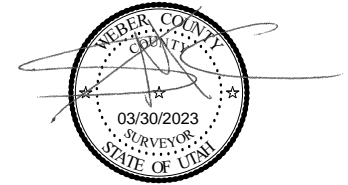
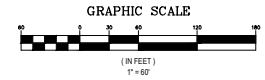
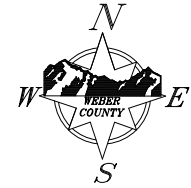
Exhibit A

1 of 2

30' Wide Access Easement through Parcel 12-101-0010

A PERPETUAL NON-EXCLUSIVE ACCESS EASEMENT LOCATED IN THE EAST HALF OF SECTION 19, TOWNSHIP 6 NORTH, RANGE 1 WEST, SALT LAKE BASE & MERIDIAN FOR INGRESS AND EGRESS LIMITED TO 30 FEET IN WIDTH OVER THE EXISTING ASPHALT, THE LOCATION OF WHICH MAY BE ADJUSTED BY THE GRANTOR, WITHIN THE NORTHERLY 45 FEET OF THE GRANTOR'S PROPERTY BETWEEN DEPOT DRIVE AND THE WESTERLY LINE OF THE GRANTOR'S PROPERTY. SAID EASEMENT BEING MORE PARTICULARLY DEFINED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF THE DETENTION CENTER SUBDIVISION RECORDED JULY 16, 2015, AS ENTRY NUMBER 2747868, IN BOOK 77, PAGES 80 - 81, SAID POINT LIES 84.46 FEET SOUTH $00^{\circ}49'52''$ WEST ALONG THE SURVEY LINE OF DEPOT DRIVE, AND 31.06 FEET SOUTH $89^{\circ}10'05''$ EAST FROM THE OGDEN CITY MONUMENT AT STATION 1+84.46 OF DEPOT DRIVE (NOTE: THE BASIS OF BEARINGS FOR THIS DESCRIPTION IS NORTH $18^{\circ}06'53''$ WEST BETWEEN OGDEN CITY MONUMENTS ALONG THE SURVEY LINE OF DEPOT DRIVE AT STATIONS 1+84.46 AND 8+28.17), SAID POINT ALSO LIES 1081.25 FEET SOUTH, AND 850.26 FEET EAST FROM THE OGDEN CITY MONUMENT AT 12TH STREET AND 760 WEST; AND RUNNING THENCE SOUTH $00^{\circ}49'52''$ WEST 45.00 FEET; THENCE NORTH $89^{\circ}10'05''$ WEST 699.67 FEET TO A POINT ON THE WEST LINE OF THE GRANTOR'S PROPERTY; THENCE NORTH $01^{\circ}16'11''$ WEST 45.03 FEET ALONG SAID WEST LINE TO THE SOUTHWEST CORNER OF SAID DETENTION CENTER SUBDIVISION; THENCE SOUTH $89^{\circ}10'05''$ EAST 701.32 FEET ALONG THE SOUTH LINE OF SAID SUBDIVISION TO THE POINT OF BEGINNING.



DRAFT



WEBER COUNTY

2380 Washington Blvd. Suite 370 Ogden, Utah 84401
PHONE: (801) 399-8020
FAX: (801) 399-8316