



Date: September 29, 2022  
To: Weber County Board of County Commissioners  
From: Scott Mendoza  
Community Development Department  
Agenda Date: October 11, 2022  
Subject: **Request for approval of a grant of utility easement to the State of Utah, Division of Facilities Construction and Management**  
Attachments: A – Vicinity Map  
B – Proposed Utility Easement

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**Summary:**

Weber County owns property described as Lot 2 of the Detention Center Subdivision. Lot 2 is located at 709 West and 12<sup>th</sup> Street, in Ogden City. The State of Utah, Division of Facilities Construction and Management (DFCM) is planning to install a communication line in between the State's existing Mill Creek Youth Center and its Weber Valley Youth Center. Mill Creek is located on the north side of 12<sup>th</sup> Street, in Business Depot Ogden, and the Weber Valley facility is located on the south side of 12<sup>th</sup> Street at 1305 South 700 West (Depot Drive).

To allow for the installation of the communication line, DFCM will need to run a conduit under and through the county's property (Lot 2), near the existing sidewalk that runs along the westerly side of Depot Drive. See Attachment A for a vicinity map.

DFCM is requesting that Weber County grant a 20 foot wide nonexclusive utility easement for the purpose of constructing and operating a communication line. The easement will remain in effect for as long as the communication line is in use. The triggering event for any termination of the easement will be either (1) written notice of abandonment from the Grantee or the Grantee's successors, or (2) non-use of the communication line by the Grantee or the Grantee's successors for a period of one year. See Attachment B for the proposed easement and its other terms and conditions.



## **Attachment B**

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

Parcel No. 12-261-0002

### **GRANT OF UTILITY 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 nonexclusive utility easement for the express purpose of constructing, operating, repairing and maintaining a communication line as permitted by the Grantor in the exclusive discretion of Grantor, over, across, through and under the property of the Grantor situated in Weber County, State of Utah, said easement more specifically described in Exhibit A.

Also granting to the Grantee a right of ingress and egress to and from and along said easement and with the right to operate, maintain, repair, replace, augment and/or remove the communication line as deemed necessary by the Grantee. The easement granted herein is subject to the conditions that the Grantee shall undertake, perform and complete all work permitted hereby in a good and workmanlike fashion, and in accordance with all applicable governmental and private regulations and covenants; that the Grantee shall restore, as soon as reasonably practicable, all property of the Grantor which has been disturbed or affected by the Grantee’s work; and that the Grantee shall indemnify, defend and hold harmless the Grantor, its assigns and successors against any and all liability caused by the negligent and/or wrongful acts of the Grantee, its contractors or agents, during the construction, operation or maintenance of the communication line provided for herein.

The easement granted herein shall last as long as the communication line is in use by the Grantee or the Grantee’s successors. More specifically, the triggering event for termination will be either (1) written notice of abandonment from the Grantee or the Grantee’s successors or (2) non-use of the communication line by the Grantee or the Grantee’s successors for a period of one year.

**Attachment B**  
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BOARD OF COUNTY COMMISSIONERS  
OF WEBER COUNTY

By \_\_\_\_\_  
Scott K. Jenkins, Chair

Commissioner Harvey voted \_\_\_\_\_  
Commissioner Froerer voted \_\_\_\_\_  
Commissioner Jenkins voted \_\_\_\_\_

ATTEST:

\_\_\_\_\_  
Ricky D. Hatch, CPA  
Weber County Clerk/Auditor

This \_\_\_\_\_ day of \_\_\_\_\_, 2022.

DRAFT

## Attachment B

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### EXHIBIT A

A NONEXCLUSIVE EASEMENT 20 FEET IN WIDTH THROUGH PART OF A PARCEL OF LAND LOCATED IN THE EAST HALF OF SECTION 19, TOWNSHIP 6 NORTH, RANGE 1 WEST, SALT LAKE BASE & MERIDIAN FOR THE PURPOSE OF INSTALLATION, MAINTENANCE, INSPECTION, AND EVENTUAL REPLACEMENT OF A LIGHTLINK COMMUNICATIONS LINE. SAID EASEMENT RUNS 30.50 FEET TO 50.50 FEET PARALLEL TO AND PERPENDICULARLY DISTANT SOUTHWESTERLY OF THE DEPOT DRIVE MONUMENT LINE ALSO BEING THE EAST 20 FEET OF LOT 4 OF THE PROPOSED DETENTION CENTER SUBDIVISION 1ST AMENDMENT, SAID EASEMENT BEING FURTHER DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF LOT 1 DETENTION CENTER SUBDIVISION, RECORDED JULY 16, 2015 AS ENTRY NUMBER 2747868, IN BOOK 77, PAGES 81 – 82, SAID POINT BEING 74.63 FEET SOUTH 18°06'53" EAST ALONG THE MONUMENT LINE OF DEPOT DRIVE (THE BASIS OF BEARING BEING SOUTH 18°06'53" EAST 643.71 FEET AS MEASURED BETWEEN THE TWO SOUTHERN DEPOT DRIVE MONUMENTS), AND 30.50 FEET SOUTH 71°53'07" WEST; AND RUNNING THENCE ALONG THE NORTHERLY LINE OF SAID LOT 1 SOUTH 72°01'43" WEST 20.00 FEET TO A POINT ON AN OFFSET LINE BEING 50.50 FEET PERPENDICULARLY DISTANT SOUTHWESTERLY OF THE MONUMENT LINE OF DEPOT DRIVE; THENCE ALONG SAID OFFSET LINE THE FOLLOWING FIVE (5) COURSES: 1) NORTH 18°06'53" WEST 70.45 FEET TO THE POINT OF CURVATURE OF A TANGENT 155.50-FOOT RADIUS CURVE TO THE LEFT, 2) 68.02 FEET ALONG THE ARC OF SAID CURVE TO THE LEFT THROUGH A DELTA ANGLE OF 25°03'44" (CHORD BEARING AND DISTANCE BEING NORTH 40°41'22" WEST 67.48 FEET), 3) NORTH 53°13'14" WEST 39.77 FEET TO THE POINT OF CURVATURE OF A TANGENT 221.50-FOOT RADIUS CURVE TO THE RIGHT, 4) 202.48 FEET ALONG THE ARC OF SAID CURVE TO THE RIGHT THROUGH A DELTA ANGLE OF 52°22'31" (CHORD BEARING AND DISTANCE BEING NORTH 27°01'58" WEST 195.50 FEET), 5) NORTH 00°50'43" WEST 105.98 FEET TO A POINT ON THE SOUTHERLY RIGHT OF WAY LINE OF 12TH STREET (SR 39); THENCE ALONG SAID RIGHT OF WAY LINE SOUTH 88°43'42" EAST 20.01 FEET TO A POINT ON AN OFFSET LINE BEING 30.50 FEET PERPENDICULARLY DISTANT SOUTHWESTERLY OF THE MONUMENT LINE OF DEPOT DRIVE; THENCE ALONG SAID OFFSET LINE THE FOLLOWING FIVE (5) COURSES: 1) SOUTH 00°50'43" EAST 105.24 FEET TO THE POINT OF CURVATURE OF A TANGENT 201.50-FOOT RADIUS CURVE TO THE LEFT, 2) 184.19 FEET ALONG THE ARC OF SAID CURVE TO THE LEFT THROUGH A DELTA ANGLE OF 52°22'31" (CHORD BEARING AND DISTANCE BEING SOUTH 27°01'58" EAST 177.85 FEET), 3) SOUTH 53°13'14" EAST 39.77 FEET TO THE POINT OF CURVATURE OF A TANGENT 175.50-FOOT RADIUS CURVE TO THE RIGHT, 4) 78.58 FEET ALONG THE ARC OF SAID CURVE TO THE RIGHT THROUGH A DELTA ANGLE OF 25°39'11" (CHORD BEARING AND DISTANCE BEING SOUTH 40°23'38" EAST 77.92 FEET), 5) SOUTH 18°06'53" EAST 72.21 FEET TO THE POINT OF BEGINNING.

CONTAINS 9,667 SQUARE FEET, OR 0.222 ACRES.



