

MEMORANDUM

To: Weber County Commission
From: Steve Burton, Planner
Date: November 18, 2022
Subject: Jacquelyn Estates Cluster Subdivision Open Space Easement Vacation

Commissioners,

A request for approval of the subdivision plat amendment for the Jacquelyn Estates Cluster Subdivision is on the commission agenda on November 29, 2022. The staff report and staff recommendation are included in your packet for this meeting. Because this proposal includes a request for the County to vacate the open space easement that was granted by the original developer, the Commission will also need to hold a public hearing and consider the open space easement vacation.

All six lot owners wish to turn the common area into part of each individual lot owner's property. This can only happen if the commission vacates the existing open space easement on the common area. An ordinance has been prepared for the vacation and is attached to this memo.

Feel free to reach out to me if you have any questions.

Thank you,
Steve Burton
Planner



ORDINANCE NO. _____

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF
WEBER COUNTY VACATING THE EXISTING OPEN SPACE EASEMENT LOCATED ON THE
COMMON AREA PARCEL IN JACQUELYN ESTATES CLUSTER SUBDIVISION PHASE 1

WHEREAS, Tanner King, Cheltzie King, Kevan Hodson, Aleshia Hodson, Michael Kevan Hodson, Andrea Hodson, Dallas Jay Buck, Michelle Buck, Brandon J Lipham, Brindy M Lipham, Richard H Gonzales, and Brittany Gonzales the owners of the common area parcel in Jacquelyn Estates Cluster Subdivision Phase 1 have filed a petition to vacate the open space easement, that was granted to the County when the original subdivision plat recorded; and

WHEREAS, after providing proper public notice, a public hearing was held before the Weber County Commission on _____, 2022, regarding the vacation of the easement; and

WHEREAS, the Western Weber County Planning Commission has offered a positive recommendation for the vacation of the open space easement; and

WHEREAS, the Commission finds that good cause exists to vacate the open space easement in that it will not substantially affect the Western Weber General Plan and that neither the public interest nor any person will be materially injured;

NOW THEREFORE, the Board of County Commissioners of Weber County vacates the following as depicted in **Exhibit A** and as described below:

Existing open space easement on the entirety of the Common Area parcel in the Jacquelyn Estates Cluster Subdivision Phase 1, as recorded in the office of the Weber County Recorder.

Adopted and ordered published this _____ day of _____, 2022.

Board of County Commissioners
of Weber County

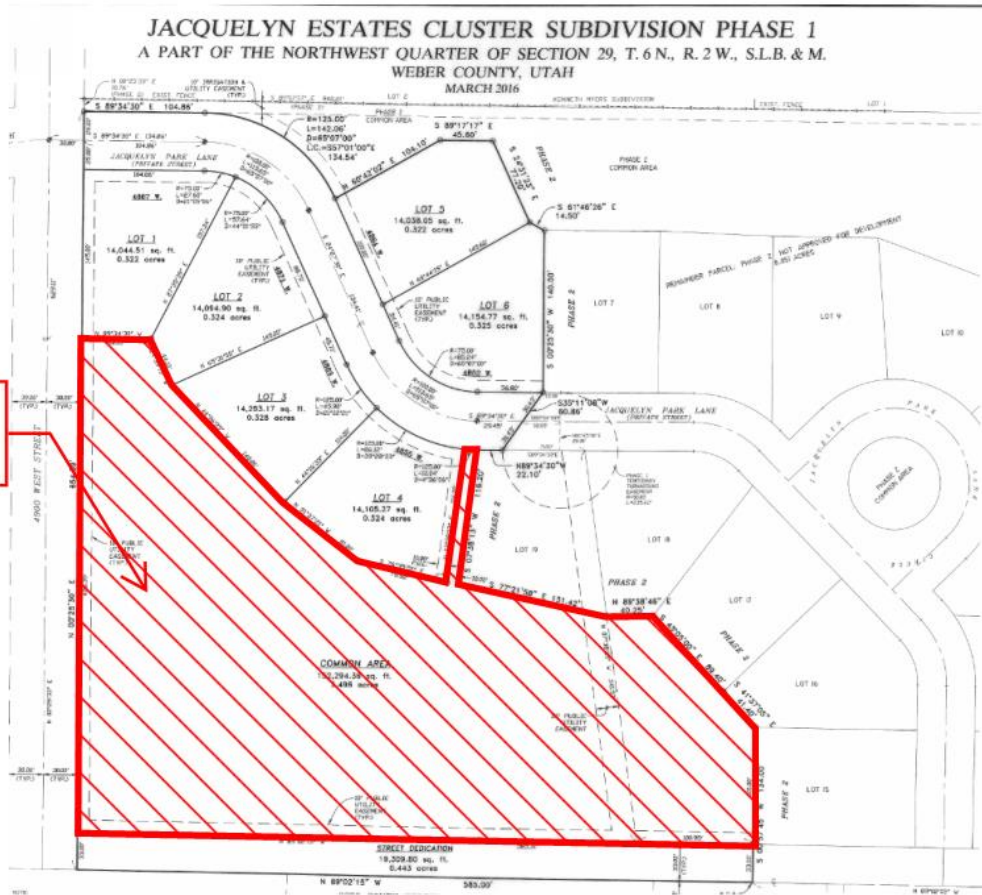
By _____
_____, Chair

Commissioner Harvey Voted _____
Commissioner Froerer Voted _____
Commissioner Jenkins Voted _____

ATTEST:

Ricky Hatch, CPA
Weber County Clerk

Exhibit A:



We hereby grant and convey to **Jacquelyn Estates HOA Inc.** Owners Association, all those parts or portions of said tract of land designated as Common Areas to be used for recreational and open space purposes for the benefit of each member of **Jacquelyn Estates HOA Inc.** in common with all others in the subdivision and grant and dedicate to the governing entity a perpetual Open Space Right and Easement on and over the Common Areas to guarantee to the governing entity that the Common Areas remain open and undeveloped except for recreational, parking and open space purposes as may be approved by the governing entity.

We hereby grant and dedicate a perpetual right and easement over, upon and under the lands designated hereon as public utility, storm water detention pond(s), drainage easement(s), and canal maintenance easement(s), the same to be used for the installation maintenance and operation of public utility service line(s), storm drainage facilities, irrigation canal(s) or for the perpetual preservation of water channels in their natural state whichever is applicable and as may be authorized by the governing authority, with no buildings or structures being erected within such easements.