



Staff Report to the Weber County Commission

Weber County Planning Division

Synopsis

Application Information

Application Request: A public hearing to consider and take action on a request to vacate 5 feet of a 15 foot public utility and drainage easement, located along the north boundary of lot 45 Highlands Bluff Estates Subdivision Phase 5.

Agenda Date: Tuesday, August 2, 2022

Applicant: Kyle Cragun, Authorized Representative

File Number: VAC 2022-03

Property Information

Approximate Address: 2028 E 6225 S, So. Ogden, UT, 84403

Project Area: 0.35 acres

Zoning: RE-15 Zone

Existing Land Use: Residential

Proposed Land Use: Residential

Parcel ID: 07-421-0001

Township, Range, Section: T5N, R1W, Section 19 Qtr Section 22 SE

Adjacent Land Use

North: Residential	South: 6225 South St.
East: Residential	West: Residential

Staff Information

Report Presenter: Tammy Aydelotte
taydelotte@webercountyutah.gov
801-399-8794

Report Reviewer: SB

Background and Summary

The applicant has requested to vacate 5 feet of a 15 foot public utility easement located along the north lot boundary of lot 45, Highlands Bluff Estates Subdivision Phase 5. The applicant is requesting the vacation to allow for a swimming pool 10 feet from the rear lot boundary.

Summary of County Commission Considerations

The County Commission will need to determine if there will be any detrimental impacts caused by vacating the proposed portion of an existing public utility easement. Utah Code §17-27a-609.5 states that *“The legislative body may adopt an ordinance granting a petition to vacate some or all of a public street, right-of-way, or easement if the legislative body finds that:*

- (a) good cause exists for the vacation; and*
- (b) the public interest or any person will not be materially injured by the proposed vacation.*

Conformance to the General Plan

Vacating a portion of the identified easement is not anticipated to have a negative effect on the West Central Weber General Plan.

Staff Recommendation

Staff recommends approval of the request to vacate the southern 5 feet of the existing 15 foot public utility easement along the northern lot boundary. This recommendation for approval is subject to all review agency requirements.

The recommendation is based on the following findings:

1. Vacating the proposed public utility easement will not have a negative effect on the Ogden Valley General Plan.
2. Based on the proposed subdivision amendment, good cause exists to vacate the easement.
3. The public interest or any person will not be materially injured by the proposed vacation.

Exhibits

- A. Easement Vacation Application with Narrative
- B. Utility Letter – Weber Basin Water Conservancy District
- C. Proposed Vacation Ordinance

Location Map

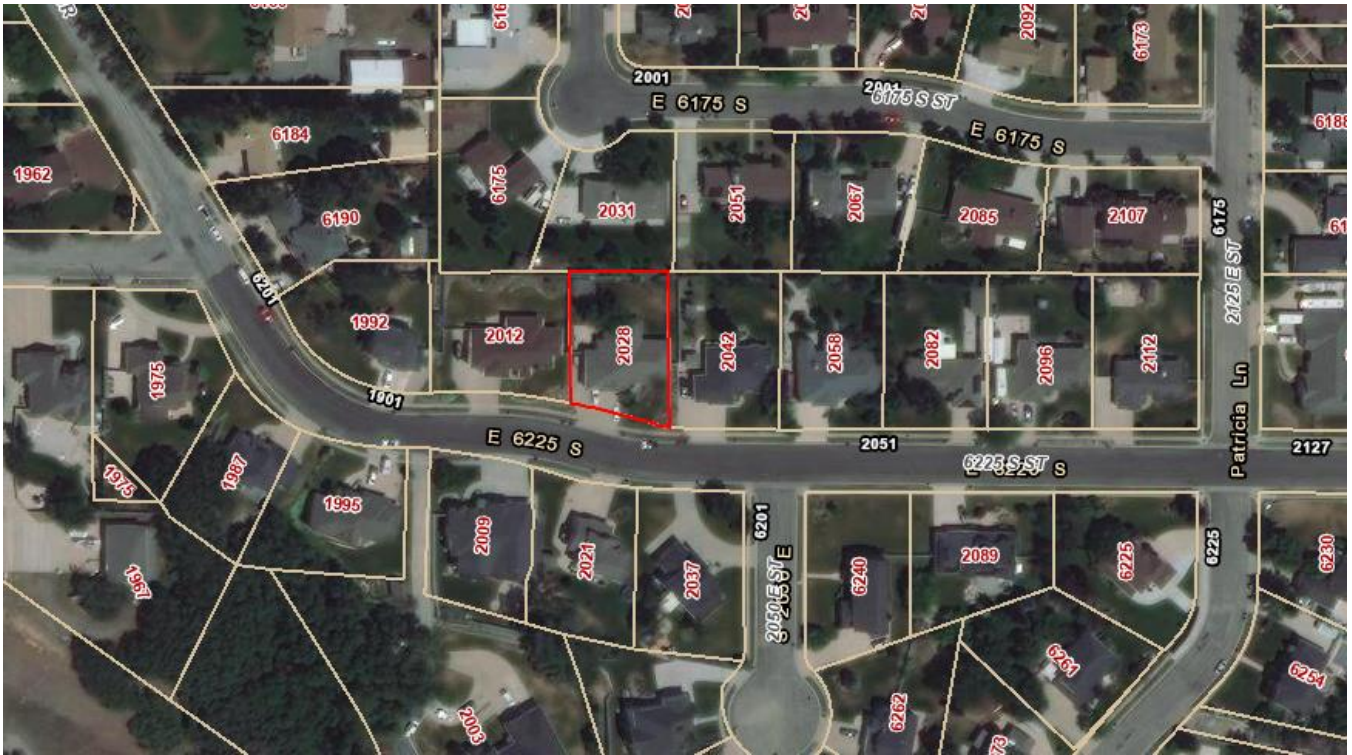


Exhibit A – Easement Vacation Application with Narrative

Stephens-Kirby-Vacations

[+ Add Follower](#)[✎ Change Status](#)[✎ Edit Project](#)

Address: 2028 E 6225 S, South Ogden, UT, 84403
Maps: [County Map](#), [Google Maps](#)
Project Type: Vacations
Sub Type: Vacations
Created By: [Larry's Pools & Spas](#)
Created On: 7/7/2022
Project Status: Accepted
Status Date: 7/14/2022
File Number: VAC 2022-03
Project Manager: [Tammy Aydelotte](#)

[Application](#)[Documents](#) 5[Comments](#) 1[Reviews](#) 0[Followers](#) 8[Status](#)[Notifications](#)[Payments](#) 1

Application

[+ Add Building](#)[+ Add Parcel](#)[+ Add a Contractor](#)[✎ Edit Application](#)[Print](#)

Project Description Installation of an in ground, 20x44, vinyl liner swimming pool. 8' Deep.

Property Address 2028 E 6225 S
South Ogden, UT, 84403

Property Owner Kirby Stephens
801-721-8131
kandrstep@gmail.com

Representative Kyle Cragun
801-430-1908
krucra@gmail.com

Accessory Dwelling Unit False

Current Zoning

Subdivision Name

Number of Lots

Lot Number

Lot Size

Frontage

Culinary Water Authority

Secondary Water Provider

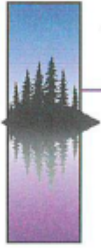
Sanitary Sewer Authority

Nearest Hydrant Address

Signed By Representative, Kyle Cragun

Parcel Number

[✖ Remove](#) 074210001 - [County Map](#)



WEBER BASIN WATER CONSERVANCY DISTRICT

2837 EAST HIGHWAY 193 • LAYTON, UTAH • PHONE (801)771-1677 • SLC (801) 359-4494 • FAX (801) 544-0103

Scott W. Paxman, PE
General Manager/CEO

July 6, 2022

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Kirby Stephens
2028 E. 6225 S.
Ogden, UT 84403

Dear Mr. Stephens,

District staff has reviewed your request to release a 5 foot portion of an existing 15 foot public utility easement (PUE) located on the back property line of parcel #07-427-0001, Lot 45, Highland Bluff Estates Subdivision – Phase 5.

Based on the staff review Weber Basin Water Conservancy District will release interest in the southern 5 feet only of the existing easement as recorded and will grant the variance request. The District does have infrastructure in the area. Based on current records and information on file the District will be able to continue operation and maintenance of the existing 4" irrigation line with the remaining 10 foot easement.

Sincerely,

A handwritten signature in black ink, appearing to read 'Brad Nelson', written in a cursive style.

Brad D. Nelson, PE
Assistant General Manager/CTO

ORDINANCE NO. ____

**AN ORDINANCE OF WEBER COUNTY VACATING
A PUBLIC UTILITY EASEMENT IN THE WILLOW GREENE ESTATES SUBDIVISION**

WHEREAS, the Owner has filed a petition to vacate five feet of a fifteen-foot public utility easement along the north property line of lot 45, Highland Bluff Estates Phase 5 Subdivision, as described in Exhibit A of this ordinance; and

WHEREAS, after providing proper public notice, a public hearing was held before the Weber County Commission on August 2, 2022, regarding the vacation of the public utility easement; and

WHEREAS, Weber County’s Engineering Department has been notified and has provided written approval of the vacation of the portion of the public utility easement; and

WHEREAS, the Commission finds that good cause exists to vacate the public utility easement, and 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 portion of public utility easement, as described in Exhibit A of this ordinance.

Adopted and ordered published this 2nd day of August, 2022.

Weber County Commission

By _____

Scott Jenkins, Chair

Commissioner Jenkins Voted _____

Commissioner Froerer Voted _____

Commissioner Harvey Voted _____

ATTEST:

Ricky Hatch, CPA

Weber County Clerk

Exhibit A

The south 5 feet of the 15 foot public utility easement running along the northerly lot line located within lot 45 of the Highland Bluff Estates Subdivision, less and excepting any portion lying within the 10 foot public utility easement running along the east portion of said lot.