



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 a 10' public utility easement within lot 4 of Valley Lake Estates No 1.

Agenda Date: Tuesday, April 12, 2022

Applicant: Troy Cutrubus, Owner

File Number: EV 2022-01

Property Information

Approximate Address: 6770 E 950 S, Eden, UT

Project Area: 1.55 acres

Zoning: FV-3 Zone

Existing Land Use: Residential

Parcel ID: 20-037-0005

Township, Range, Section: T6N, R1E, Section 24

Adjacent Land Use

North: Residential	South: Residential
East: Residential	West: Residential

Staff Information

Report Presenter: Felix Lleverino
fleverino@co.weber.ut.us
801-399-8767

Report Reviewer: SB

Background and Summary

The applicant is requesting to vacate a ten-foot public utility easement through the middle of lot 4 of Valley Lake Estates No. 1.

Rocky Mountain Power and Questar Gas provided a written acceptance letter for the petition to vacate the ten-foot public utility easement through the middle of lot 4 of Valley Lake Estates No. 1. A Notice of Public Hearing was sent to the Lakeview Water Company.

A vacation ordinance, seen in Exhibit B, is the chosen instrument to execute the vacation. Weber County Engineering has provided written consent to the public utility easement vacation request. The Weber County Attorney has reviewed the ordinance and approved it.

Summary of County Commission Considerations

The County Commission will need to determine if there will be any detrimental impacts caused by vacating the proposed public utility easements. 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 the identified easement will not contradict the Ogden Valley General Plan.

Staff Recommendation

Staff recommends approval of the request to vacate the ten-foot public utility easement that runs through the middle of lot 4 of Valley Lake Estates No. 1. This recommendation for approval is subject to all review agency requirements.

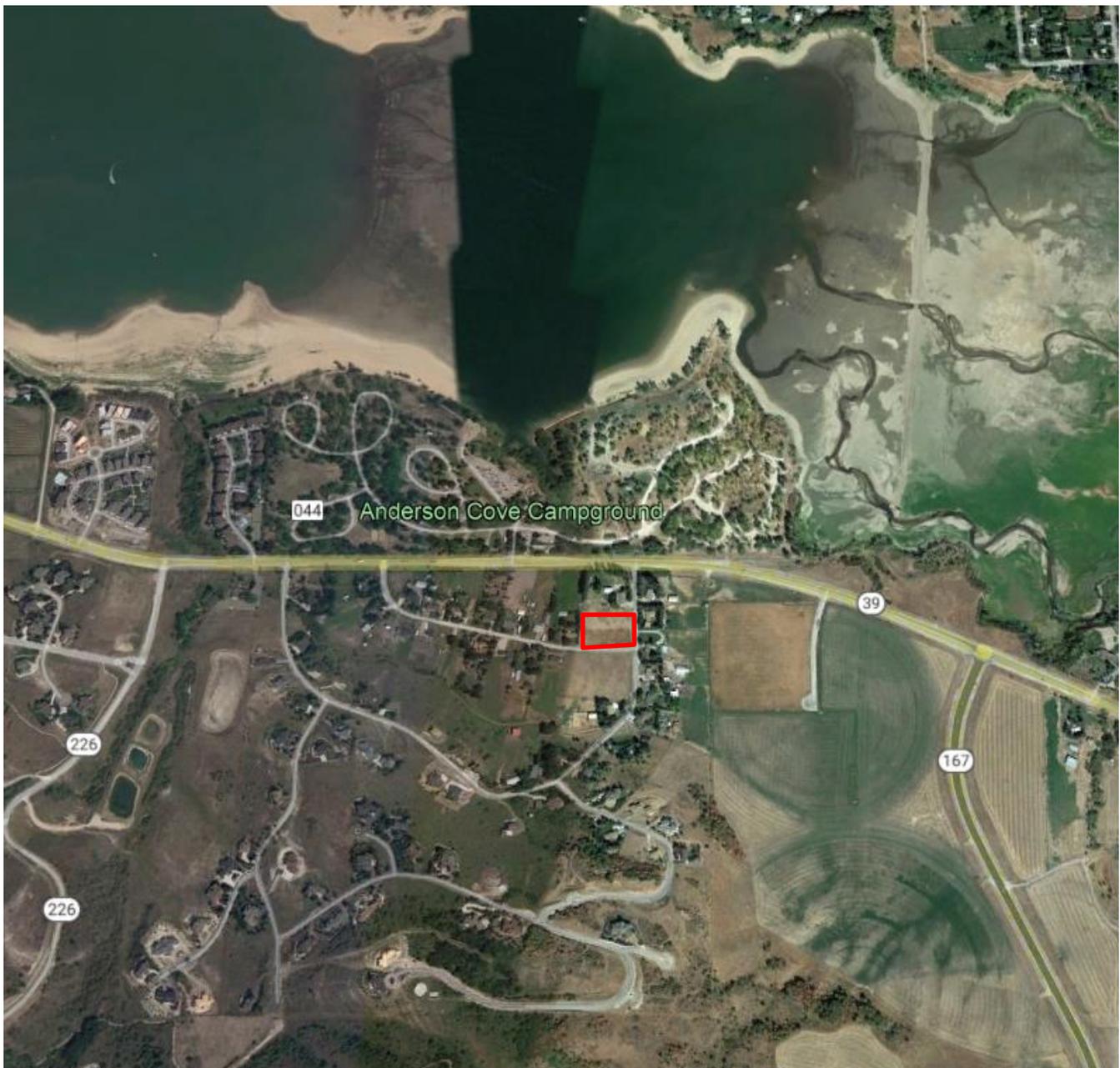
The recommendation is based on the following findings:

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. Vacation Ordinance

Location Map



Weber County Vacation Application

Application submittals will be accepted by appointment only. (801) 399-8374. 2380 Washington Blvd. Suite 240, Ogden, UT 84401

Date Submitted / Completed <i>3/11/2022</i>	Fees (Office Use)	Receipt Number (Office Use)
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Requesters Contact Information

Name <i>TROY CUTRUBUS</i>		Mailing Address <i>P.O. Box 10172 OGDEN, UT. 84409</i>
Phone <i>801-430-2346</i>	Fax <i>801-337-2252</i>	
Email Address <i>TROY@CUTRUBUS.COM</i>		Preferred Method of Written Correspondence <input checked="" type="checkbox"/> Email <input type="checkbox"/> Fax <input type="checkbox"/> Mail

Property Information

Address <i>6770 E 950 S. HUNTSVILLE, UT 84317</i>	Land Serial Number(s) <i>200370055</i>
Vacation Request <input checked="" type="checkbox"/> Easement <input type="checkbox"/> Road <input type="checkbox"/> Subdivision <input type="checkbox"/> Subdivision Lot	Current Zoning
Subdivision Name <i>VALLEY LAKE ESTATES No.1</i>	Lot Number(s) <i>4</i>

Project Narrative
*UTILITY EASEMENT VACATION SOUTH TO NORTH
 RUNNING THROUGH THE MIDDLE OF LOT 4, -*

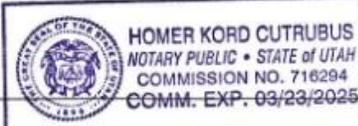
Property Owner Affidavit

I (We), *TROY CUTRUBUS*, 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.

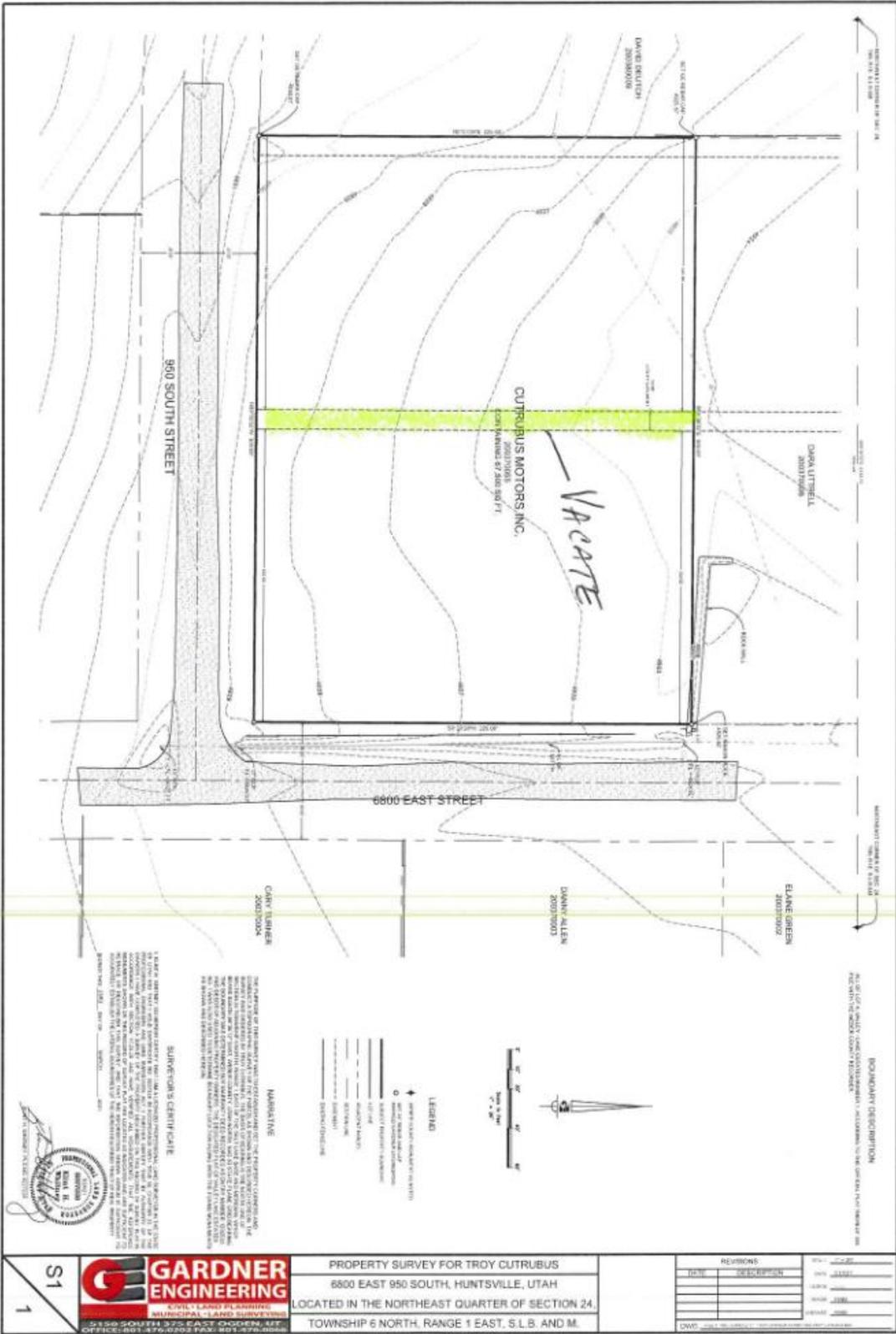

 (Property Owner)

 (Property Owner)

Subscribed and sworn to me this *11th* day of *MARCH*, 20*22*.




 (Notary)



GARDNER ENGINEERING
 CIVIL AND LAND PLANNING
 MUNICIPAL LAND SURVEYING
 5150 SOUTH 700 EAST CLOVER PARK UTAH
 OFFICE: 801-476-0203 FAX: 801-476-0204

SURVEYOR'S CERTIFICATE
 I, CLAY BARBER, SURVEYOR, DO HEREBY CERTIFY THAT THE PROPERTY DESCRIBED IN THE ABOVE PROPERTY SURVEY WAS SURVEYED BY ME OR UNDER MY CLOSE PERSONAL SUPERVISION AND THAT THE SURVEY WAS MADE IN ACCORDANCE WITH THE UTAH SURVEYING ACT AND THE UTAH PROFESSIONAL SURVEYING BOARD RULES AND REGULATIONS. I AM A LICENSED SURVEYOR IN THE STATE OF UTAH. MY LICENSE NUMBER IS 12345. THE SURVEY WAS COMPLETED ON 10/26/2010. THE SURVEY WAS MADE IN ACCORDANCE WITH THE UTAH SURVEYING ACT AND THE UTAH PROFESSIONAL SURVEYING BOARD RULES AND REGULATIONS. I AM A LICENSED SURVEYOR IN THE STATE OF UTAH. MY LICENSE NUMBER IS 12345.

PROPERTY SURVEY FOR TROY CUTRBUS
 8800 EAST 950 SOUTH, HUNTSVILLE, UTAH
 LOCATED IN THE NORTHEAST QUARTER OF SECTION 24,
 TOWNSHIP 6 NORTH, RANGE 1 EAST, S.L.B. AND M.

REVISIONS	
DATE	DESCRIPTION

ORDINANCE NO. _____

AN ORDINANCE OF WEBER COUNTY VACATING A 10' PUBLIC UTILITY EASEMENT IN THE VALLEY LAKE ESTATES NO. 1

WHEREAS, the Owner has filed a petition to vacate a ten-foot public utility easement that runs through the middle of lot 4, Valley Lake Estates No 1, as depicted in Exhibit A of this ordinance; and

WHEREAS, after providing proper public notice, a public hearing was held before the Weber County Commission on April 12, 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 public utility easement vacation; and

WHEREAS, the Commission finds that good cause exists to vacate the public utility easement, and that it will not substantially affect the Ogden Valley 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 ordains as follows: the ten-foot public utility easement that runs through the middle Lot 4, Valley Lake Estates is hereby vacated, as depicted in Exhibit A of this ordinance.

This Ordinance shall be effective 15 days after publication in the Standard Examiner.

Adopted and ordered published this 12th day of April, 2022.

Weber County Commission

By _____

Scott Jenkins, Chair

Commissioner Jenkins Voted _____

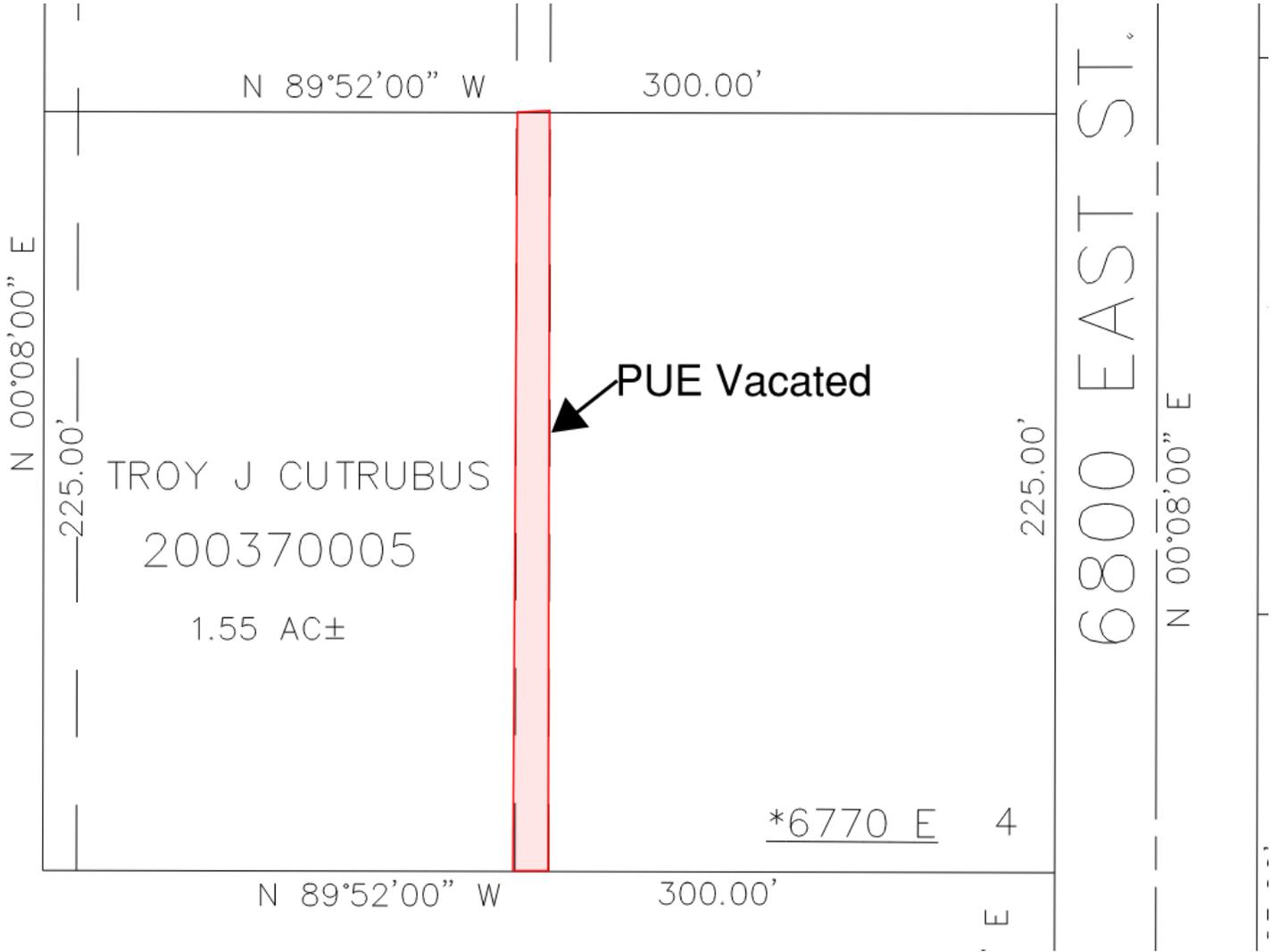
Commissioner Harvey Voted _____

Commissioner Froerer Voted _____

ATTEST:

Ricky Hatch, CPA
Weber County Clerk

Exhibit A



Recorder's Plat 20-037