



Staff Report to the Weber County Commission

Weber County Planning Division

Synopsis

Application Information

Application Request: An ordinance and public hearing to consider and take action on a request to vacate the west public utility easement within lot 15 of the Cameron Village Cluster Subdivision.

Agenda Date: Tuesday, November 21, 2023

Applicant: Bobby Rosson, Owner

File Number: VAC 2023-04

Property Information

Approximate Address: 2321 S 3925 W, Ogden UT, 84401

Project Area: 15,000 sq. ft.

Zoning: Agricultural A-1

Existing Land Use: Residential

Parcel ID: 15-689-0015

Township, Range, Section: T6N R2W, Section 28

Adjacent Land Use

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

Staff Information

Report Presenter: Felix Lleverino
fleverino@webercountyutah.gov
801-399-8767

Report Reviewer: SB

Background and Summary

The applicant is requesting to vacate the west public utility easement within lot 15 of the Cameron Village Cluster Subdivision.

This vacation will be implemented by ordinance, which is the instrument that will need to be signed by the County Commission Chair. Weber County Engineering has provided written consent to the public utility easement vacation request. The Weber County Attorney has reviewed the vacating ordinance and approved of the language.

The Taylor West Weber Water District has provided written consent to encroach into that area of the property because the district does not have plans to use the easement area.

The Dominion Energy Gas Company disclaims and releases their rights are access the easement area.

Rocky Mountain Power consents to the vacation of the public utility easement along the west of this property.

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 conflict with the Wester Weber General Plan.

Staff Recommendation

Staff recommends approval of an ordinance to vacate the west public utility easement within lot 15 of the Cameron Village Cluster Subdivision. 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 is not contrary to the Western Weber General Plan.
2. Good cause exists to vacate the public utility easements
3. The public interest or any person will not be materially injured by the proposed vacation.
4. The County Engineering Department consents to the easement vacation.

Exhibits

- A. Vacating Ordinance
- B. Taylor West Weber Water Letter
- C. Dominion Energy Letter
- D. Rocky Mountain Power Letter

Location Map



ORDINANCE NO. _____

AN ORDINANCE OF WEBER COUNTY VACATING THE WEST PUBLIC UTILITY EASEMENT WITHIN LOT 15 OF THE CAMERON VILLAGE CLUSTER SUBDIVISION

WHEREAS, the owner has filed a petition to vacate the west 10' public utility easement within lot 15 of the Cameron Village Cluster Subdivision, 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 November 21, 2023, 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, 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 ordains as follows: the west 10' public utility easement within lot 15 of the Cameron Village Cluster Subdivision 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 21st day of November 2023.

Weber County Commission

By _____

Gage Froerer, Chair

Commissioner Froerer Voted _____

Commissioner Bolos Voted _____

Commissioner Harvey Voted _____

ATTEST:

Ricky Hatch, CPA
Weber County Clerk



**2815 WEST 3300 SOUTH
WEST HAVEN, UTAH 84401
801-731-1668
10/20/2023**

Weber County Planning Commission
2380 Washington Boulevard
Ogden, Utah 84401

To Whom It May Concern:

This letter is to inform you that Taylor West Weber Water Improvement District does not use the utility easement at the rear property line of 2321 S. 3925 W. Ogden Utah. We do not have any plans to use said easement in the future. Therefore, we will allow for an encroachment of the rear easement on the said property.

A handwritten signature in blue ink, appearing to read "Ryan Rogers", with a long horizontal flourish extending to the right.

Sincerely,

Ryan Rogers-Manager
Taylor West Weber Water District

Space above for County Recorder's use
PARCEL I.D.# 156890015

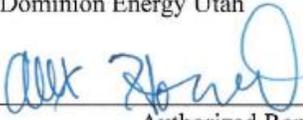
DISCLAIMER OF UTILITY EASEMENT

The undersigned, QUESTAR GAS COMPANY dba Dominion Energy Utah, Grantor, hereby disclaims and releases any rights, title or interest which it may have in and to the following-described real property in Weber County, Utah, to-wit:

All public utility easements, excepting the easement(s) or portion of easement(s) running adjacent and parallel to the street(s), located within Lot 15, Cameron Village Cluster Subdivision, located in the Southwest quarter of Section 28, Township 6 North, Range 2 West, Salt Lake Base and Meridian, Weber County, Utah; said Subdivision recorded in the Office of the County Recorder for Weber County, Utah.

IN WITNESS WHEREOF, this disclaimer and release of any right, title or interest has been duly executed on October 24, 2023.

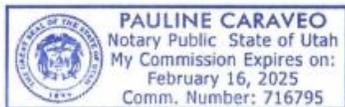
QUESTAR GAS COMPANY
Dba Dominion Energy Utah

By: 
Authorized Representative

STATE OF UTAH)
) ss.
COUNTY OF SALT LAKE)

On October 24, 2023, personally appeared before me Alex Howard, who, being duly sworn, did say that (s)he is an Authorized Representative for QUESTAR GAS COMPANY dba Dominion Energy Utah, and that the foregoing instrument was signed on behalf of said corporation pursuant to a Delegation of Authority.


Notary Public





Monica Cintas
Permitting and Research Agent
1407 W. North Temple, Suite 110
Salt Lake City, UT 84116
(801) 220-2512

November 6, 2023

PROPERTY ADDRESS:
2321 South 3925 West
Ogden, Utah 84401

PARCEL: 15-689-0015

PARTIAL VACATION OF UTILITY EASEMENT

To Whom It May Concern:

The undersigned, Rocky Mountain Power, a division of PacifiCorp, Grantor, hereby agrees to a partial vacation of Public Utility Easement in the following described real property in Weber County, Utah, to-wit:

A Public Utility Easement (PUE) along the West property line of lot 15 located in the Cameron Village Cluster Subdivision, measuring one hundred (100) feet in length and ten (10) feet in width.

As consideration, you agree to hold Company harmless from any and all claims for personal injuries or damages to property when such injuries or damages, directly or indirectly, arise out of the existence, construction, installation, maintenance, condition, use or presence of your structures upon said easement. Company shall not be responsible for any damages to structures or property located on said easement. You also waive any right you may have to a trial by jury in respect of litigation directly or indirectly arising out of, under or in connection with this agreement and you waive any right to consolidate any action in which a jury trial has been waived with any other action in which a jury trial cannot be or has not been waived.

Sincerely,



Monica Cintas