



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 foot public utility easement located along the southwest lot line of Lot 1 of Highland Cove Estates Subdivision.

Agenda Date: Tuesday, September 29, 2020

Applicant: Joby Shock

File Number: EV2020-02

Property Information

Approximate Address: 2081 Ryan Circle, Ogden

Project Area: 0.27 Acres

Zoning: R-2

Existing Land Use: Residential

Proposed Land Use: Residential

Parcel ID: 07-395-0001

Township, Range, Section: T5N, R1W, Section 23, NW

Adjacent Land Use

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

Staff Information

Report Presenter: Scott Perkes
sperkes@co.weber.ut.us
 801-399-8772

Report Reviewer: SB

Background and Summary

The applicant has submitted a request to vacate the 10 foot public utility easement along the southwest property line of Lot 1 of Highland Cove Estates Subdivision. The purpose of the proposed vacation is to allow a detached garage to be located closer to the rear lot line, in accordance with the minimum rear yard setback for accessory buildings (1 foot). The applicant has submitted several letters from utility providers in the area that release claim to the subject easement (Questar, RMP, and Uintah Highlands Improvement District) (see **Exhibits D, E, & F**). The Weber County Engineering Department has submitted a review on this request indicating that they have no concerns with vacating the easement. With the surrounding area having been developed back in early to mid-1990s, potential future use of the existing easement is unlikely. As such, the public utility easement along the front property line is the only utility easement necessary on this lot.

The applicant has proposed to vacate the public utility easement by ordinance. Under the state code, Section 17-27a-609.5, 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) neither the public interest nor any person will be materially injured by the vacation.

The following is staff's analysis of the vacation request.

Analysis

General Plan: Vacating this easement is not anticipated to have a negative effect on the Southeast Planning Area Comprehensive Land Use Master Plan (1971).

Additional Consideration: The Highland Cove Estates Subdivision was recorded on March 11, 1992. During subdivision approval, the developer proposed to have 10 foot public utility easements on three sides of each corner lot in the subdivision for potential utility placement. However, utilities serving this lot and other adjacent lots on Ryan Circle were only placed within the easement that fronts the lot on Ryan Circle. Upon review, the public utility easements along the side and rear of this lot have been deemed unnecessary by the county review agencies. The county is unaware of any utilities within the easements that are proposed to be vacated.

Notices have been provided as outlined in state code Section 17-27a-208. No responses from the surrounding public or other possibly affected entities have been received to date.

Staff Recommendation

Staff recommends approval of the request to vacate the 10 foot public utility easement along the southwest property line of Lot 1 within Highland Cove Estates Subdivision. This recommendation for approval is based on the following findings:

1. Vacating the proposed easement will not have a negative effect on the Southeast Planning Area Comprehensive Land Use Master Plan.
2. The public interest or any person will not be materially injured by the proposed vacation.
3. The proposed vacation will not be detrimental to the public health, safety, or welfare.
4. The proposed vacation will not deteriorate the environment of the general area so as to negatively impact surrounding properties and uses.

Exhibits

- A. Vacation Application
- B. Highland Cove Estates Subdivision Plat (Recorded)
- C. Draft Vacation Ordinance
- D. Rocky Mountain Power Release Letter
- E. Questar Gas Release Letter
- F. Uintah Highland Improvement District Release Letter

Area Map



Weber County Vacation Application

Exhibit A

Application submittals will be accepted by appointment only. (801) 399-8791. 2380 Washington Blvd. Suite 240, Ogden, UT 84401

Date Submitted / Completed	Fees (Office Use)	Receipt Number (Office Use)
----------------------------	-------------------	-----------------------------

Requesters Contact Information

Name <u>Joby Shock</u>	Mailing Address <u>2081 Ryan Circle Ogden, ut 84403</u>
Phone <u>801-920-5870</u>	Fax <u>—</u>
Email Address <u>JobyShock@gmail.com</u>	Preferred Method of Written Correspondence <input checked="" type="checkbox"/> Email <input type="checkbox"/> Fax <input type="checkbox"/> Mail

Property Information

Address <u>2081 Ryan Circle Ogden, ut 84403</u>	Land Serial Number(s) <u>Parcel # 07350001 07395001</u>
Vacation Request <input checked="" type="checkbox"/> Easement <input type="checkbox"/> Road <input type="checkbox"/> Subdivision <input type="checkbox"/> Subdivision Lot	Current Zoning <u>R-2</u>
Subdivision Name	Lot Number(s)

Project Narrative

Vacate Current 10' P.U.E. Along South Property line. After vacation approval a detached Garage will be placed over P.U.E. I Reached out to Rocky Mountain Power, Dominion Energy and Uintah Highland Improvement District. (see attached letters) Rocky mountain Power and Dominion Energy Provided letters Indicating the P.U.E. ~~was~~ is of no use to them. I'm still waiting for a letter from Uintah Highlands.

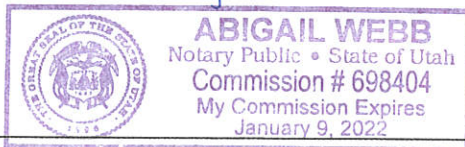
Property Owner Affidavit

I (We), Joby Shock Megan Shock, 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.

Joby Shock
(Property Owner)

Megan Shock
(Property Owner)

Subscribed and sworn to me this 13th day of July, 20 20.



Abigail Webb
(Notary)

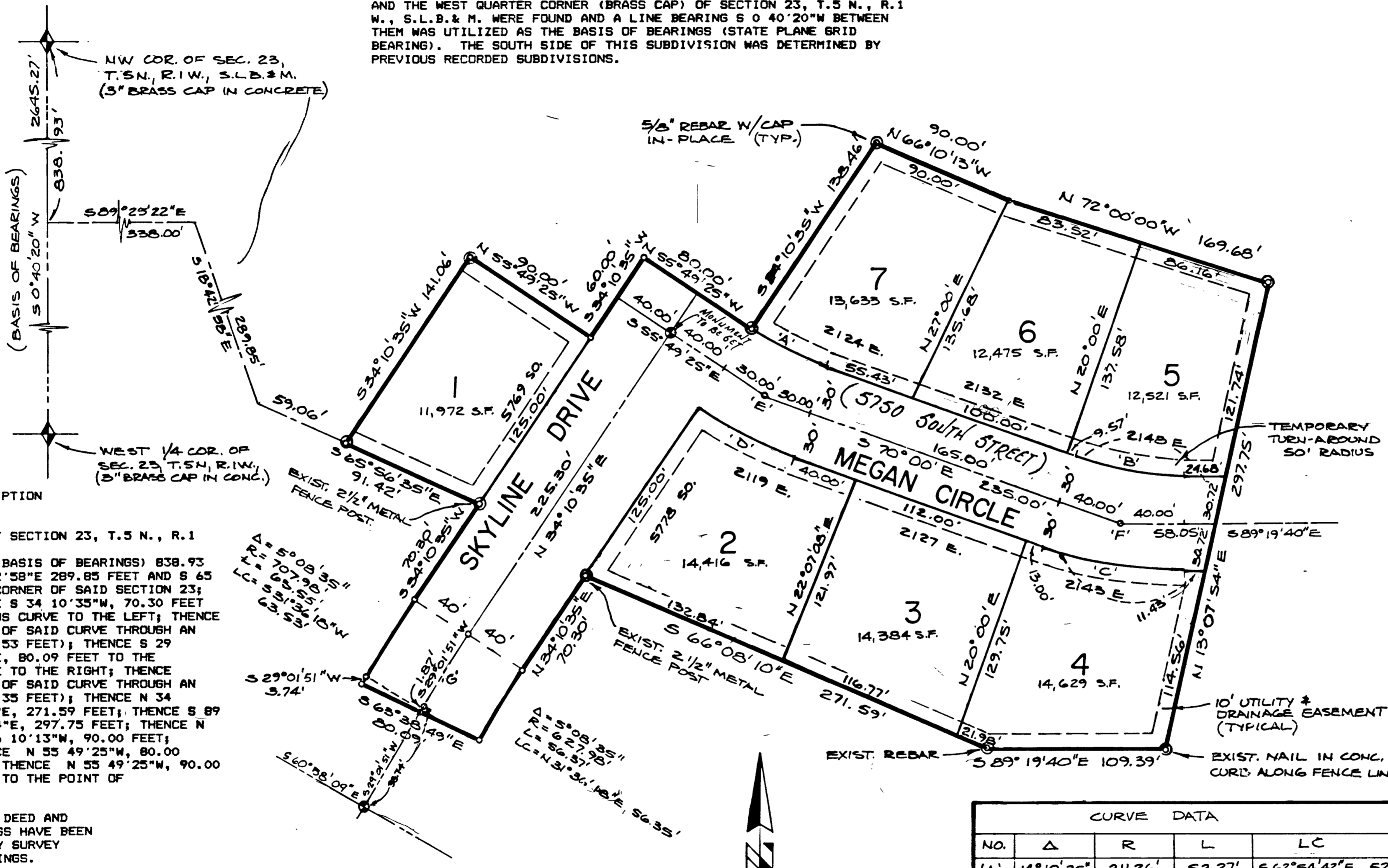
HIGHLAND COVE ESTATES SUBDIVISION

Exhibit B

A PART OF THE NW.1/4 OF SEC. 23, T.5N., R.1W., S.L.B.&M. WEBER COUNTY, UTAH

NARRATIVE

THIS SURVEY WAS REQUESTED BY SCOTT WATERFALL IN ORDER TO SUBDIVIDE THE PARCEL INTO LOTS. THE NORTHWEST CORNER (BRASS CAP) AND THE WEST QUARTER CORNER (BRASS CAP) OF SECTION 23, T.5 N., R.1 W., S.L.B.& M. WERE FOUND AND A LINE BEARING S 0 40'20"W BETWEEN THEM WAS UTILIZED AS THE BASIS OF BEARINGS (STATE PLANE GRID BEARINGS). THE SOUTH SIDE OF THIS SUBDIVISION WAS DETERMINED BY PREVIOUS RECORDED SUBDIVISIONS.



BOUNDARY DESCRIPTION

A PART OF THE NORTHWEST QUARTER OF SECTION 23, T.5 N., R.1 W., S.L.B.& M. DESCRIBED AS FOLLOWS: BEGINNING AT A POINT S 0 40'20"W (BASIS OF BEARINGS) 838.93 FEET, S 89° 25' 22"E 338.00 FEET, S 18° 42' 58"E 289.85 FEET AND S 65° 56' 35"E 59.06 FEET FROM THE NORTHWEST CORNER OF SAID SECTION 23; THENCE S 65° 56' 35"E, 91.42 FEET; THENCE S 34° 10' 35"W, 70.30 FEET TO THE BEGINNING OF A 707.98 FOOT RADIUS CURVE TO THE LEFT; THENCE SOUTHWESTERLY 63.55 FEET ALONG THE ARC OF SAID CURVE THROUGH AN ANGLE OF 5° 08' 35" (LC=S 31° 36' 18"E, 63.53 FEET); THENCE S 29° 01' 15"W, 3.74 FEET; THENCE S 63° 38' 49"E, 80.09 FEET TO THE BEGINNING OF A 627.98 FOOT RADIUS CURVE TO THE RIGHT; THENCE NORTHEASTERLY 56.37 FEET ALONG THE ARC OF SAID CURVE THROUGH AN ANGLE OF 5° 08' 35" (LC=N 31° 36' 18"E, 56.35 FEET); THENCE N 10° 35'E, 70.30 FEET; THENCE S 66° 08' 10"E, 271.59 FEET; THENCE S 89° 19' 40"E, 109.39 FEET; THENCE N 13° 07' 54"E, 297.75 FEET; THENCE N 72° 00' 00"W, 169.68 FEET; THENCE N 66° 10' 13"W, 80.00 FEET; THENCE S 34° 10' 35"W, 138.46 FEET; THENCE N 55° 49' 25"W, 80.00 FEET; THENCE S 34° 10' 35"W, 60.00 FEET; THENCE N 55° 49' 25"W, 90.00 FEET; THENCE S 34° 10' 35"W, 141.06 FEET TO THE POINT OF BEGINNING. CONTAINS 3.18 ACRES.

NOTE: BEARINGS IN PARENTHESIS ARE FROM DEED AND SUBDIVISION PLATS AS RECORDED. BEARINGS HAVE BEEN ROTATED TO REFLECT CURRENT WEBER COUNTY SURVEY RECORDS, USING U.S. GEODETIC GRID BEARINGS.

WEBER COUNTY ATTORNEY
I HEREBY CERTIFY THAT THE REQUIREMENTS OF ALL APPLICABLE STATUTES AND ORDINANCES PREREQUISITE TO APPROVAL BY THE WEBER COUNTY COMMISSION OF THE FOREGOING PLAT AND DEDICATIONS HAVE BEEN COMPLIED WITH. DATED 11th DAY OF February 1992.
Mark R. Scott

CURVE DATA				
NO.	Δ	R	L	LC
A	14° 10' 35"	211.26'	52.27'	S 62° 54' 42"E 52.14'
B	19° 19' 40"	204.90'	69.12'	S 79° 39' 58"E 68.79'
C	19° 19' 40"	264.90'	89.36'	S 79° 39' 58"E 88.94'
D	14° 10' 35"	271.26'	67.12'	S 62° 54' 42"E 66.95'
E	14° 10' 35"	241.26'	59.69'	S 62° 54' 42"E 59.54'
F	19° 19' 40"	234.90'	79.24'	S 79° 39' 58"E 78.86'
G	5° 08' 35"	667.98'	59.96'	N 31° 36' 18"E 59.94'

RE
REEVE ENGINEERING CO.
CIVIL AND ENVIRONMENTAL ENGINEERING
LAND PLANNING AND SITE DESIGN
LAND SURVEYING
OGDEN, UTAH

WEBER COUNTY PLANNING COMMISSION
APPROVED BY THE WEBER COUNTY PLANNING COMMISSION ON THE 10 DAY OF Feb, 1991.
D.L. Hancock
CHAIRMAN

WEBER COUNTY SURVEYOR
I HEREBY CERTIFY THAT I HAVE CAREFULLY INVESTIGATED THE LINES OF SURVEY OF THE FOREGOING PLAT AND LEGAL DESCRIPTION OF THE LANDS EMBRACED THEREIN AND FIND THEM TO BE CORRECT AND TO AGREE WITH THE LINES AND MONUMENTS ON RECORD IN THIS OFFICE AND IN COMPLIANCE WITH THE REQUIREMENTS OF WEBER COUNTY ORDINANCES. SIGNED THIS 31st DAY OF January, 1992.
Mark R. Scott

WEBER COUNTY ACCEPTANCE
THIS IS TO CERTIFY THAT THIS PLAT AND DEDICATION OF THIS PLAT WERE DULY APPROVED AND ACCEPTED BY THE COMMISSION OF WEBER COUNTY, UTAH, THIS 11th DAY OF MARCH, 1991.
ATTEST: *Brenda Halston*
TITLE: *Adm. Asst.*

WEBER COUNTY ENGINEER
I HEREBY CERTIFY THAT THE REQUIREMENTS OF ALL APPLICABLE STATUTES AND ORDINANCES PREREQUISITE TO APPROVAL BY THE ENGINEER OF THE FOREGOING PLAT AND DEDICATIONS HAVE BEEN COMPLIED WITH. DATED THIS 11 DAY OF February, 1991.
Centra Christensen

WEBER COUNTY RECORDER
ENTRY NO. 1170153 FEE PAID \$23.00 FILED FOR RECORD AND RECORDED MAR 11 1992, AT 4:18 PM IN BOOK 35 OF OFFICIAL RECORDS, PAGE 25. RECORDED FOR R. SCOTT WATERFALL.
Doug Crofts
WEBER COUNTY RECORDER
BY: *Julie Brunke*
DEPUTY

SURVEYOR'S CERTIFICATE

I, JOHN P. REEVE, A REGISTERED PROFESSIONAL SURVEYOR IN THE STATE OF UTAH, DO HEREBY CERTIFY THAT THIS PLAT OF HIGHLAND COVE ESTATES SUBDIVISION IN WEBER COUNTY, UTAH, HAS BEEN DRAWN CORRECTLY TO THE DESIGNATED SCALE AND IS A TRUE AND CORRECT REPRESENTATION OF THE HEREIN-DESCRIBED LANDS INCLUDED IN SAID SUBDIVISION, BASED UPON DATA COMPILED FROM RECORDS IN THE WEBER COUNTY RECORDER'S OFFICE AND FROM A SURVEY MADE BY ME ON THE GROUND. I FURTHER CERTIFY THAT THE REQUIREMENTS OF ALL APPLICABLE STATUTES AND ORDINANCES OF WEBER COUNTY CONCERNING SURVEY REQUIREMENTS REGARDING LOT MEASUREMENTS HAVE BEEN COMPLIED WITH, AND THE LOTS MEET THE SITE DEVELOPMENT STANDARDS FOR THE ZONE IN WHICH THEY ARE LOCATED.

SIGNED THIS 1 DAY OF AUGUST, 1991.

3492

UTAH LICENSE NUMBER

SIGNATURE

JOHN P. REEVE

OWNER'S DEDICATION AND CERTIFICATION

WE, THE UNDERSIGNED, OWNERS OF THE HEREOF-DESCRIBED LAND, HEREBY SET APART AND SUBDIVIDE THE SAME INTO LOTS AND STREETS, AS SHOWN ON THIS PLAT, AND NAME SAID TRACT HIGHLAND COVE ESTATES SUBDIVISION, AND HEREBY DEDICATE, GRANT, AND CONVEY TO WEBER COUNTY, UTAH, ALL THOSE PARTS OR PORTIONS OF SAID TRACT OF LAND DESIGNATED AS STREETS, THE SAME TO BE USED AS PUBLIC THOROUGHFARES FOREVER, AND ALSO DEDICATE TO WEBER COUNTY THOSE CERTAIN STRIPS AS EASEMENTS FOR PUBLIC UTILITY AND DRAINAGE PURPOSES, AS SHOWN HEREON, THE SAME TO BE USED FOR THE INSTALLATION, MAINTENANCE, AND OPERATION OF PUBLIC UTILITY SERVICE LINES AND DRAINAGE, AS MAY BE AUTHORIZED BY WEBER COUNTY.

THE UNDERSIGNED HEREBY CERTIFY THAT THIS SUBDIVISION HAS MET ALL THE REQUIREMENTS OF WEBER COUNTY ORDINANCES.

SIGNED THIS 7 DAY OF February, 1991.

Scott Waterfall

ACKNOWLEDGEMENT

STATE OF UTAH
COUNTY OF Weber } ss.

ON THE 7th DAY OF February, 1992, PERSONALLY APPEARED BEFORE ME, THE UNDERSIGNED NOTARY PUBLIC, *Scott Waterfall* (AND *Centra Christensen*), SIGNER(S) OF THE ABOVE OWNER'S DEDICATION AND CERTIFICATION, WHO BEING BY ME DULY SWORN, DID ACKNOWLEDGE TO ME He SIGNED IT FREELY, VOLUNTARILY, AND FOR THE PURPOSES THEREIN MENTIONED.

April 1994
COMMISSION EXPIRES
NOTARY PUBLIC

Centra Christensen
NOTARY PUBLIC

ACKNOWLEDGEMENT

STATE OF UTAH
COUNTY OF _____ } ss.

ON THE _____ DAY OF _____, 19____, PERSONALLY APPEARED BEFORE ME _____ AND, BEING BY ME DULY SWORN, ACKNOWLEDGED TO ME THEY ARE _____ OF SAID CORPORATION AND THAT THEY SIGNED THE ABOVE-OWNER'S DEDICATION AND CERTIFICATION FREELY, VOLUNTARILY, AND IN BEHALF OF SAID CORPORATION FOR THE PURPOSES THEREIN MENTIONED.

COMMISSION EXPIRES

NOTARY PUBLIC

ORDINANCE NO. _____

**AN ORDINANCE OF WEBER COUNTY VACATING
A TEN FOOT PUBLIC UTILITY EASEMENT
ON LOT 1 OF HIGHLAND COVE ESTATES SUBDIVISION**

WHEREAS, [Joby & WF Megan Shock], the owner/s of Lot 1 of Highland Cove Estates Subdivision, has filed a petition to vacate a 10-foot wide public utility easement (“PUE”) located along the southwest property line of Lot 1 of Highland Cove Estates Subdivision; and

WHEREAS, after providing proper public notice, a public hearing was held before the Weber County Commission on Tuesday, September 29, 2020, regarding the vacation of the PUE; and

WHEREAS, Weber County’s Engineering Department has been notified and has provided written approval of the vacation of the PUE; and

WHEREAS, the Commission finds that good cause exists to vacate the PUE in that it will not substantially affect the 1971 South East Planning Area Master 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:

An existing ten-foot wide public utility easement located along the southwest property line of Lot 1 of Highland Cove Estates Subdivision, as platted and recorded in the Weber County Recorder’s Office.

Adopted and ordered published this _____ day of _____, 2020.

Weber County Commission

By _____
Gage Froerer, Chair

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

ATTEST:

Ricky Hatch, CPA
Weber County Clerk

Space above for County Recorder's use
Parcel ID # 07-395-0001

DISCLAIMER OF UTILITY EASEMENT

The undersigned, Rocky Mountain Power, a division of PacifiCorp, 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 1, Highland Cove Estates Subdivision, located in the Northwest quarter of Section 23, Township 5 North, Range 1 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 THEREOF, this disclaimer and release of any right, title, or interest has been duly executed on August 3, 2020.

Rocky Mountain Power,
A Division of PacifiCorp

By:  _____
Authorized Representative

REPRESENTATIVE ACKNOWLEDGEMENT

Exhibit D

STATE OF Utah)

) ss.

County of Salt Lake)

On this 3 day of August, 2020, before me, the undersigned Notary Public in and for said State, personally appeared Harold Dudley (representative's name), known or identified to me to be the person whose name is subscribed as Row Manager (title/capacity in which instrument is executed) of He and acknowledged to me that (he/she/they) executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.



Harold Dudley
(Notary Signature)

NOTARY PUBLIC FOR Utah (state)

Residing at: Salt Lake (city, state)

My Commission Expires: July 31, 2023 (d/m/y)

Space above for County Recorder's use
PARCEL I.D.# 07-395-0001

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 1, Highland Cove Estates Subdivision, located in the Northwest quarter of Section 23, Township 5 North, Range 1 West, Salt Lake Base and Meridian, Weber County, Utah; said Subdivision recorded in the Office of the County Recorder for Weber County, Utah.

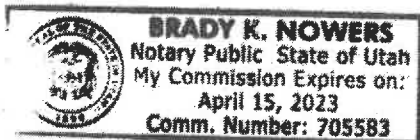
IN WITNESS WHEREOF, this disclaimer and release of any right, title or interest has been duly executed on April 30, 2020.

QUESTAR GAS COMPANY,
Dba Dominion Energy Utah

By: *Yukav Jenkins*
Authorized Representative

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

On April 30, 2020, personally appeared before me *Yukav Jenkins*, 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.



Brady K. Nowers
Notary Public

Uintah Highlands Improvement District

Exhibit F

2401 East 6175 South
Ogden, UT 84403-5344
Phone: 801-476-0945
Fax: 801-476-2012
uhid1@qwestoffice.net

June 19, 2020

Joby & Megan Shock
2081 Ryan Circle
Ogden, UT 84403

Dear Mr. & Mrs. Shock:

At the board meeting last night, the board of trustees reviewed the existing 10 ft. public utility easement (PUE) located on the back of lot of parcel # 07-395-0001, Lot 1, Highland Cove Estates Subdivision, and discussed your request to vacate the district's interest in the existing easement (PUE).

This letter is to notify you that Uintah Highlands Improvement District is not currently using this easement and therefore abandons and vacates its interest in the existing 10 ft. public utility easement (PUE) on the back of the lot of your property, at 2081 Ryan Circle, Ogden, UT 84403, Lot 1, Highland Cove Estates Subdivision, parcel # 07-395-0001.

Uintah Highlands Improvement District maintain its rights to locate or maintain its facilities within or upon all other existing utility easements located upon this property, other than those specifically listed above.

If you have any questions, please feel free to contact our office.

Sincerely,



Uintah Highlands Board of Trustees
William J. Galbraith, III, Chairman