



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 north side public utility easement within lot 2 of the Gardens of Eden Subdivision.

Agenda Date: Tuesday, December 12, 2023

Applicant: Ardith Stitt, Owner

File Number: VAC 2023-05

Property Information

Approximate Address: 2138 N 5700 E, Eden, UT, 84310

Project Area: .98 acres

Zoning: AV-3 (Agricultural Valley) Zone

Existing Land Use: Residential

Parcel ID: 22-080-0002

Township, Range, Section: T7N, R1E, Section 35

Adjacent Land Use

North: Residential	South: Residential
East: Residential	West: 5700 East Street

Staff Information

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

Report Reviewer: SB

Background and Summary

The applicant is requesting to vacate the north side public utility easement within lot 2 of the Gardens of Eden Subdivision.

The vacation ordinance, which is the instrument that will need to be signed by the County Commission chair that will implement the public utility easement vacation, is located on page 4 of this staff report. Weber County Engineering has provided written consent to the public utility easement vacation request.

Eden Waterworks does not have a water line within the easement.

Rocky Mountain Power consents to the vacation.

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 Ogden Valley General Plan.

Staff Recommendation

Staff recommends approval of an ordinance to vacate the public utility easement within lot 2 of the Gardens of Eden 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 Ogden Valley 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 owner has agreed to deed to the county a new 10' public utility easement at the property line.

Exhibits

- A. Narrative by the owner
- B. Vacating Ordinance
- C. 10' Public Utility Easement Deed

Location Map



Exhibit A - Narrative

Lot #2 in Garden of Eden Subdivision

The Blue State shows wires along the East fence line on the back of our lot. It shows gas line at the house to the street.

It does not show any lines on the North side of our property.

This is where the 10 foot easement is and where we would like to build our pole barn, 5 feet from the fence.

As there are no lines where we would like to build, the easement should be vacated.

Ordinance to be signed: See next page

ORDINANCE NO. _____

AN ORDINANCE OF WEBER COUNTY VACATING THE SIDE PUBLIC UTILITY EASEMENT WITHIN LOT 2 OF THE GARDENS OF EDEN SUBDIVISION

WHEREAS, the owner has filed a petition to vacate the side public utility easement within lot 2 of the Gardens of Eden 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 December 12, 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 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 side public utility easement within lot 2 of the Gardens of Eden 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 12th day of December 2023.

Weber County Commission

By _____

Gage Froerer, Chair

Commissioner Froerer Voted _____

Commissioner Bolos Voted _____

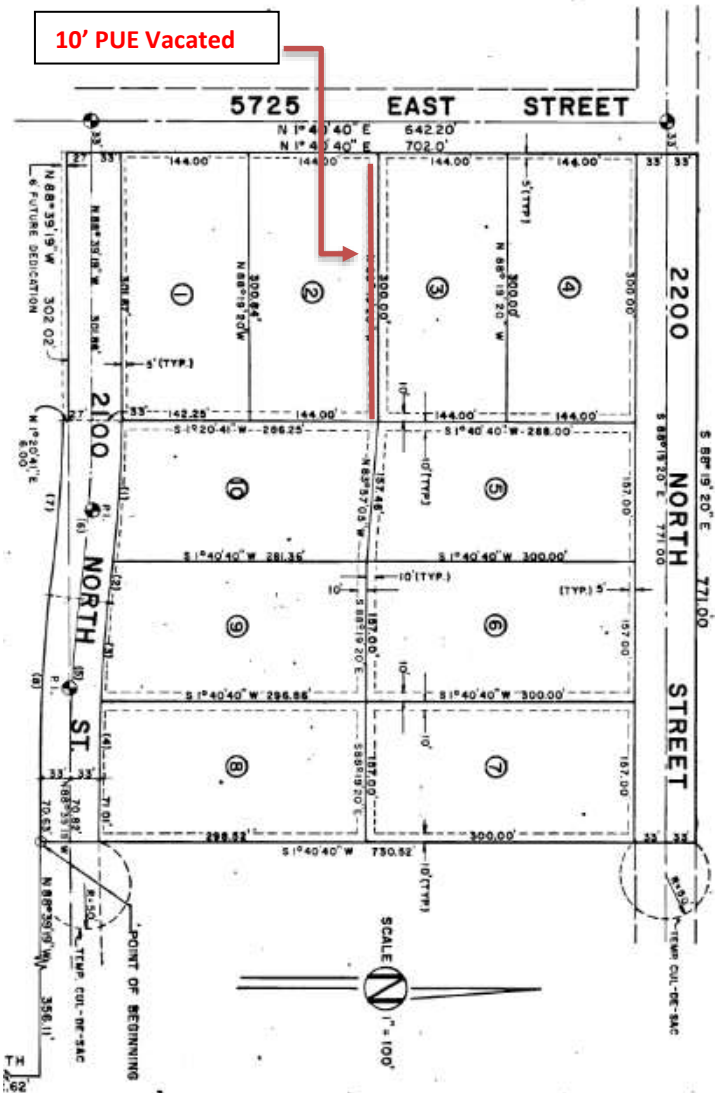
Commissioner Harvey Voted _____

ATTEST:

Ricky Hatch, CPA
Weber County Clerk

Exhibit A

GARDENS OF EDEN SUBDIVISION
 A PART OF SECTION 35, T7N, R1E., S.L.B. 8M., U.S. SURVEY
 EDEN, UTAH



DESCRIPTION

A PART OF THE SW 1/4 OF SECTION 35, T7N, R1E., S.L.B. 8M., BEGINNING AT A POINT 1292.62 FEET NORTH AND 3561.11 FEET N88°39'19" W FROM THE SOUTH 1/4 CORNER OF SAID SECTION 35, AND RUNNING THENCE N88°39'19" W 70.63 FEET TO A POINT OF TANGENCY WITH A 1507.70 FOOT RADIUS CURVE TO THE RIGHT, THENCE WESTERLY 2041.6 FEET ALONG THE ARC OF THE SAID CURVE TO A POINT OF TANGENCY WITH A 600 FOOT RADIUS CURVE TO THE LEFT, THENCE N172°04'24" E 600 FEET, THENCE S88°19'57" W 302.02 FEET, THENCE N1°40'40" E 702.00 FEET, THENCE S88°19'20" E 771.00 FEET, THENCE S1°40'40" W 730.52 FEET TO THE POINT OF BEGINNING. CONTAINS 12.618 ACRES.

LOT NO.	ADDRESS	AREA
1	2116 NORTH 5725 EAST	45,417 S.F.
2	5754 EAST 2100 NORTH	43,260 S.F.
3	2138 NORTH 5725 EAST	43,260 S.F.
4	2182 NORTH 5725 EAST	43,200 S.F.
5	2184 NORTH 5725 EAST	43,200 S.F.
6	5755 EAST 2200 NORTH	46,188 S.F.
7	5915 EAST 2200 NORTH	47,100 S.F.
8	5941 EAST 2200 NORTH	47,100 S.F.
9	5942 EAST 2100 NORTH	48,085 S.F.
10	5756 EAST 2100 NORTH	48,517 S.F.

CURVE DATA

NO.	Δ	RAID.	ARC	TAN	CHORD
1	3°34'42"	1507.70	152.98	77.85	152.48
2	1°50'49"	1507.70	46.60	24.30	46.60
3	4°30'24"	1441.70	109.20	54.62	109.18
4	3°35'07"	1441.70	86.02	43.02	86.01
5	7°45'31"	1474.70	159.69	100.00	159.54
6	7°46'31"	1441.70	159.69	100.00	159.54
7	7°45'31"	1441.70	159.69	97.76	159.54
8	7°45'31"	1507.70	204.16	102.24	204.01

Exhibit A

A public utility easement (PUE) 10 feet in width along the northerly property line measuring 290.00 feet, more or less, within the real property more particularly described as follows and/or shown on Exhibit "A" attached and by this reference made part hereof:

Legal Description:

Lot 2, Gardens of Eden Subdivision, Weber County, Utah