



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, by ordinance, a five foot wide public utility easement along the northern property line of lot 28 of the Wolf Creek Subdivision No. 2.

Agenda Date: Tuesday, June 6, 2023

Applicant: Robert Baxter

File Number: VAC 2023-02

Property Information

Approximate Address: 4972 E Aspen Ln, Eden

Project Area: 1.24 acres

Zoning: F-V3 Zone

Existing Land Use: Residential

Parcel ID: 22-019-0007

Adjacent Land Use

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

Staff Information

Report Presenter: Steve Burton
sburton@webercountyutah.gov
801-399-8766

Report Reviewer: RG

Background and Summary

The applicant is requesting to vacate the five foot utility easement located along the northern property line of lot 28 of the Wolf Creek Subdivision No. 2. The applicant's home was built over a utility easement and the applicant has submitted a subdivision plat amendment to adjust the boundary line. The plat amendment shows the easement being vacated, and Utah Code requires that a public easement be vacated by ordinance, if approved by the legislative body.

Notices have been mailed to affected entities including utility companies in the area, as required by Utah Code. A vacation ordinance is included in this report as exhibit A. The county Engineering Division has approved of the proposed easement 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 contradict the Ogden Valley General Plan, as there are no utilities currently in the five foot utility easement.

Staff Recommendation

Staff recommends approval of the request to vacate the five foot public utility easement located along the northern property line of Lot 28 of the Wolf Creek Subdivision No. 2.

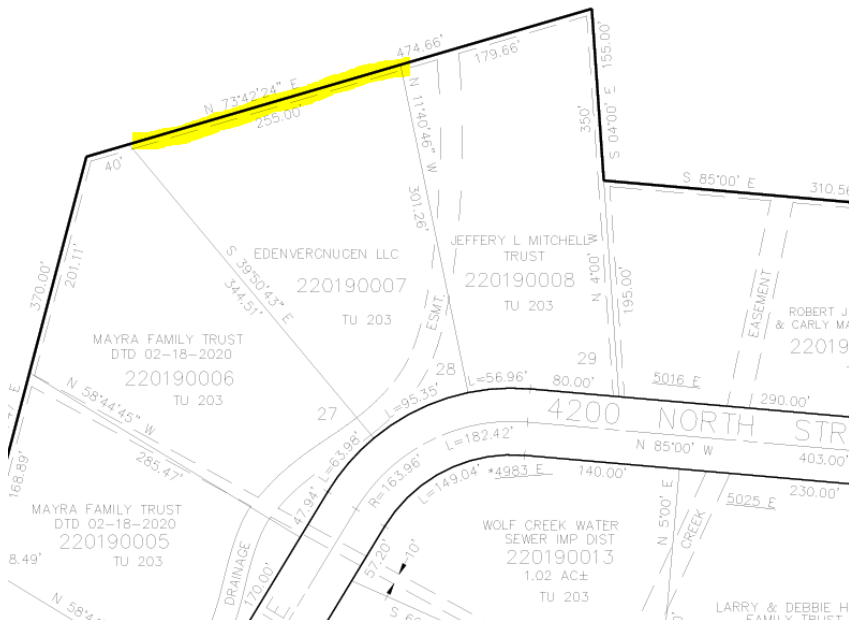
The recommendation is based on the following findings:

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.

Exhibits

A. Proposed vacation rdinance

Location Map



ORDINANCE NO. _____

AN ORDINANCE OF WEBER COUNTY VACATING THE FIVE FOOT WIDE PUBLIC UTILITY EASEMENT ALONG THE NORTHERN PROPERTY LINE OF LOT 28 OF THE WOLF CREEK SUBDIVISION NO. 2

WHEREAS, the owner has filed a petition to vacate the five foot wide public utility easement located along the northern property line of lot 28 of the Wolf Creek Subdivision No. 2, as depicted in Exhibit A of this ordinance; and

WHEREAS, after providing proper public notice, a public hearing was held by the Weber County Commission on June 6, 2023, regarding the vacation of the public utility easements; 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 five foot wide public utility easement along the northern property line of lot 28 of Wolf Creek Subdivision No. 2 is hereby vacated, as depicted in Exhibit A of this ordinance.

Adopted and ordered published this 6th day of June 2023.

Weber County Commission

By _____,
_____, Chair

Commissioner Froerer Voted _____

Commissioner Harvey Voted _____

Commissioner Bolos Voted _____

ATTEST:

Ricky Hatch, CPA
Weber County Clerk

Exhibit A

Easement vacated by
this ordinance, on lot
28

