

MEMO

Date: October 28, 2025

To: Weber County Commission

From: Felix Lleverino

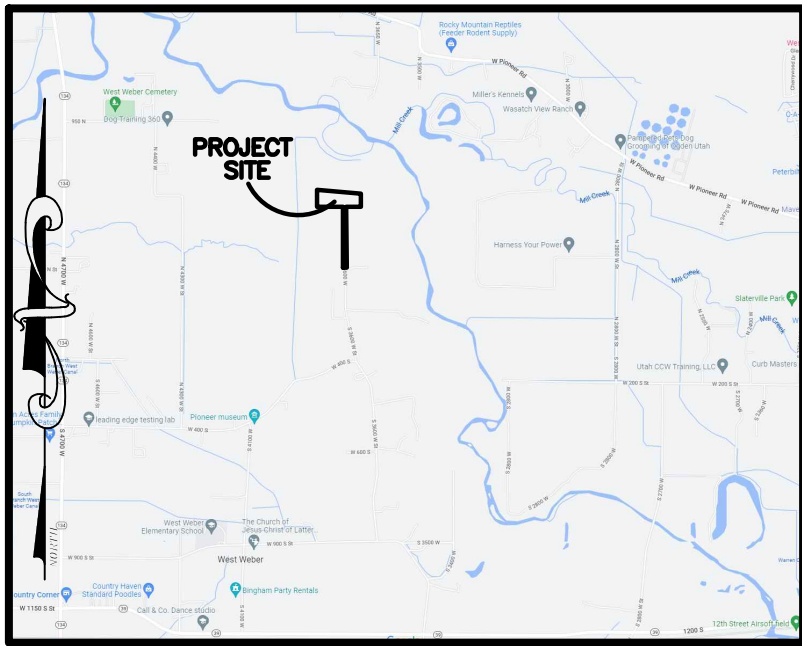
The owner of property located at 700 North 3600 West is requesting approval of a Private Road within a Public Right-of-Way Covenant that gives them the ability to access their property via a temporary private street built over a parcel that is deeded to the county for future conversion to a public street. The two-lot subdivision plat called Luxury at the Legends will deed a 30' by 1588' access strip to the county for the alignment of 3600 West Street to continue northward, and will dedicate 33' by 1,003' for the public right-of-way alignment of 700 North Street.

The subdivision plan showing the parcel for which this agreement pertains is in Exhibit A. The covenant that requires approval from the County Commissioners is included as Exhibit B.



LUXURY AT THE LEGENDS

PART OF THE EAST HALF OF SECTION 9, TOWNSHIP 6 NORTH, RANGE 2 WEST, SALT LAKE BASE & MERIDIAN, U.S. SURVEY
WEBER COUNTY, UTAH
AUGUST, 2025



VICINITY MAP
NOT TO SCALE

NOTES

- AGRICULTURE IS THE PREFERRED USE IN THE AGRICULTURAL ZONES. AGRICULTURAL OPERATIONS AS SPECIFIED IN THE LAND USE ORDINANCE FOR A PARTICULAR ZONE ARE PERMITTED AT ANY TIME INCLUDING THE OPERATION OF FARM MACHINERY AND NO ALLOWED AGRICULTURAL USE SHALL BE SUBJECT TO RESTRICTION ON THE BASIS THAT IT INTERFERES WITH ACTIVITIES OF FUTURE RESIDENTS OF THIS SUBDIVISION." (AMD. ORD. #3-82, JANUARY 26, 1982; ORD., #2002-3, MARCH 05, 2002)
- DUE TO THE TOPOGRAPHY AND THE LOCATION OF THIS SUBDIVISION ALL OWNERS WILL ACCEPT RESPONSIBILITY FOR ANY STORM WATER RUNOFF FROM THE ROAD ADJACENT TO THIS PROPERTY UNTIL CURB AND GUTTER IS INSTALLED.

BASIS OF BEARINGS

A LINE BEARING SOUTH 89°15'28" EAST BETWEEN SAID CENTER AND WITNESS MONUMENT FOR THE EAST QUARTER OF SECTION 9, TOWNSHIP 6 NORTH, RANGE 2 WEST, OF THE SALT LAKE BASE AND MERIDIAN WAS USED AS THE BASIS OF BEARINGS FOR THIS PLAT.

BOUNDARY DESCRIPTION

A PART OF THE EAST HALF OF SECTION 9, TOWNSHIP 6 NORTH, RANGE 2 WEST, OF THE SALT LAKE BASE AND MERIDIAN, BEGINNING AT A POINT ON THE SOUTH LINE OF THE NORTHEAST QUARTER OF SAID SECTION 9 BEING LOCATED ALONG SAID SOUTH LINE SOUTH 89°15'28" EAST 300.32 FEET FROM THE CENTER QUARTER CORNER OF SAID SECTION 9; RUNNING THENCE NORTH 0°02'46" EAST 415.59 FEET; THENCE SOUTH 83°59'27" EAST 442.90 FEET; THENCE SOUTH 82°48'56" EAST 571.68 FEET; THENCE SOUTH 0°51'31" WEST 310.76 FEET TO SAID SOUTH LINE; THENCE ALONG SAID SOUTH LINE NORTH 89°15'28" WEST 391.46 FEET; THENCE SOUTH 0°46'47" WEST 1588.91 FEET; THENCE NORTH 89°03'30" WEST 29.82 FEET; THENCE NORTH 0°46'24" EAST 1588.80 FEET TO SAID SOUTH LINE; THENCE ALONG SAID SOUTH LINE NORTH 89°15'28" WEST 581.96 FEET TO THE POINT OF BEGINNING.

CONTAINING 9.54 ACRES MORE OR LESS.

NARRATIVE

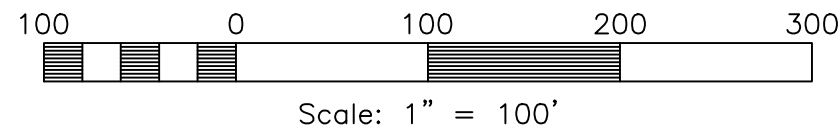
BRASS CAP MONUMENTS WERE FOUND FOR THE SOUTHEAST CORNER, THE SOUTH QUARTER CORNER AND CENTER OF SECTION 9, TOWNSHIP 6 NORTH, RANGE 2 WEST, SALT LAKE BASE AND MERIDIAN, U.S. SURVEY. A BRASS CAP WITNESS MONUMENT WAS FOUND FOR THE EAST QUARTER CORNER OF SAID SECTION.

A RECORD OF SURVEY PREPARED BY GARDNER ENGINEERING FOR CARISA HIPWELL, DATED SEPTEMBER 13, 2021, AND FILED SEPTEMBER 17, 2021; A PROPERTY SURVEY PREPARED BY GREAT BASIN ENGINEERING FOR KENNETH HIPWELL, DATED DECEMBER 7, 2000, AND FILED DECEMBER 19, 2000; A PROPERTY SURVEY PREPARED BY LANDMARK SURVEYING, INC. FOR CLAUDE BLANCH, DATED NOVEMBER 25, 2005, AND FILED NOVEMBER 14, 2006; AND A SURVEY PLAT FOR BRENT HIPWELL SUBDIVISION PREPARED BY HANSEN & ASSOCIATES, INC. DATED MAY 5, 2022, AND FILED MAY 18, 2022 WERE USED AS REFERENCE FOR THIS SURVEY.

BOUNDARIES OF THE PARCELS WERE ESTABLISHED BY INFORMATION OF RECORD AND FOUND EVIDENCE OF OCCUPATION ON THE GROUND.

LEGEND

- = SECTION CORNER
- = FOUND GARDNER ENGINEERING REBAR
- = SET 5/8" REBAR AND PLASTIC CAP STAMPED "REEVE & ASSOCIATES"
- = BOUNDARY LINE
- = LOT LINE
- = ADJOINING PROPERTY
- = SECTION TIE LINE
- = EXISTING DITCH/POND
- = EXISTING FENCELINE
- = TEST PIT LOCATION



Scale: 1" = 100'

SURVEYOR'S CERTIFICATE

I, **JASON T. FELT**, DO HEREBY CERTIFY THAT I AM A PROFESSIONAL LAND SURVEYOR IN THE STATE OF UTAH IN ACCORDANCE WITH TITLE 58, CHAPTER 22, PROFESSIONAL ENGINEERS AND LAND SURVEYORS ACT; AND THAT I HAVE COMPLETED A SURVEY OF THE PROPERTY DESCRIBED ON THIS PLAT IN ACCORDANCE WITH SECTION 17-23-17 AND HAVE VERIFIED ALL MEASUREMENTS, AND HAVE PLACED MONUMENTS AS REPRESENTED ON THIS PLAT, AND THAT THIS PLAT OF **LUXURY AT THE LEGENDS** 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 SAID SURVEY MADE BY ME ON THE GROUND. I FURTHER CERTIFY THAT THE REQUIREMENTS OF ALL APPLICABLE STATUTES AND ORDINANCES OF **WEBER COUNTY** CONCERNING ZONING REQUIREMENTS REGARDING LOT MEASUREMENTS HAVE BEEN COMPLIED WITH.

SIGNED THIS _____ DAY OF _____, 20____.

9239283

UTAH LICENSE NUMBER



OWNERS DEDICATION AND CERTIFICATION

WE THE UNDERSIGNED OWNERS OF THE HEREIN DESCRIBED TRACT OF LAND, DO HEREBY SET APART AND SUBDIVIDE THE SAME INTO LOTS AND STREETS AS SHOWN ON THE PLAT AND NAME SAID TRACT **LUXURY AT THE LEGENDS**, AND DO HEREBY DEDICATE AND CONVEY THE LAND DESIGNATED AS PRIVATELY OPERATED AND MAINTAINED STREET TO WEBER COUNTY FOR THE PURPOSE OF FUTURE CONVERSION TO A PUBLIC STREET AT A TIME THE GOVERNING BODY DETERMINES A PUBLIC STREET IS NECESSARY. TO BE USED AS A PUBLIC ROADWAY AND UTILITY EASEMENT TO BE MAINTAINED BY THE OWNERS OF LOT 1 AND 2, AND DO HEREBY GRANT AND DEDICATE A PERPETUAL RIGHT AND EASEMENT OVER, UPON AND UNDER THE LANDS DESIGNATED HEREOF AS PUBLIC UTILITY, STORM WATER DETENTION PONDS, DRAINAGE EASEMENTS AND CANAL MAINTENANCE EASEMENT, THE SAME TO BE USED FOR THE INSTALLATION MAINTENANCE AND OPERATION OF PUBLIC UTILITY SERVICE LINES, STORM DRAINAGE FACILITIES, IRRIGATION CANALS, OR FOR THE PERPETUAL PRESERVATION OF WATER CHANNELS IN THEIR NATURAL STATE WHICHEVER IS APPLICABLE AS MAY BE AUTHORIZED BY THE GOVERNING AUTHORITY, WITH NO BUILDINGS OR STRUCTURES BEING ERRECTED WITHIN SUCH EASEMENTS, AND DO HEREBY DEDICATE TO PUBLIC USE ALL THOSE PARTS OR PORTIONS OF SAID TRACT OF LAND DESIGNATED AS STREETS, THE SAME TO BE USED AS PUBLIC THOROUGHFARES.

SIGNED THIS _____ DAY OF _____, 20____.

CC&A OF UTAH INC

ACKNOWLEDGMENT

STATE OF UTAH)ss.
COUNTY OF _____)

ON THE _____ DAY OF _____, 20____, PERSONALLY APPEARED BEFORE ME, THE UNDERSIGNED NOTARY PUBLIC, _____ (AND) _____, BEING BY ME DULY SWORN, ACKNOWLEDGED TO ME THEY ARE _____ OF CC&A OF UTAH INC, AND THAT THEY SIGNED _____ AND
THE ABOVE OWNER'S DEDICATION AND CERTIFICATION FREELY, VOLUNTARILY, AND IN BEHALF OF CC&A OF UTAH INC FOR THE PURPOSES THEREIN MENTIONED.

COMMISSION EXPIRES

NOTARY PUBLIC

NOTE #2

USE OF A STREET LABELED AS "PRIVATELY OPERATED AND MAINTAINED STREET" IS RESERVED FOR THE EXCLUSIVE AND PRIVATE USE OF THE ADJOINING LOT OWNERS UNTIL AND UNLESS THE GOVERNING BODY ASSUMES PUBLIC RESPONSIBILITY FOR THE STREET.

DEVELOPER:

CORTNEY VALENTINE
1120 CANYON RD #24
OGDEN, UT 84404

SOUTH QUARTER CORNER OF SEC. 9, T.6N., R.2W., S.L.B.&M., U.S. SURVEY (FOUND WEBER COUNTY SURVEY BRASS CAP MONUMENT, STAMPED 1988)

WEBER COUNTY PLANNING COMMISSION APPROVAL

THIS IS TO CERTIFY THAT THIS SUBDIVISION PLAT WAS DULY APPROVED BY THE WEBER COUNTY PLANNING COMMISSION. SIGNED THIS _____ DAY OF _____, 20____.

CHAIRMAN, WEBER COUNTY PLANNING COMMISSION

WEBER COUNTY ENGINEER

I HEREBY CERTIFY THAT THE REQUIRED PUBLIC IMPROVEMENT STANDARDS AND DRAWINGS FOR THIS SUBDIVISION CONFORM WITH THE COUNTY STANDARDS AND THE AMOUNT OF THE FINANCIAL GUARANTEE IS SUFFICIENT FOR THE INSTALLATION OF THESE IMPROVEMENTS.

WEBER COUNTY ENGINEER

WEBER COUNTY COMMISSION ACCEPTANCE

THIS IS TO CERTIFY THAT THIS SUBDIVISION PLAT, THE DEDICATION OF STREETS AND OTHER PUBLIC WAYS AND FINANCIAL GUARANTEE OF PUBLIC IMPROVEMENTS ASSOCIATED WITH THIS SUBDIVISION, THEREON ARE HEREBY APPROVED AND ACCEPTED BY THE COMMISSIONERS OF WEBER COUNTY, UTAH. SIGNED THIS _____ DAY OF _____, 20____.

CHAIRMAN, WEBER COUNTY COMMISSION

ATTEST

TITLE

WEBER COUNTY SURVEYOR

I HEREBY CERTIFY THAT THE WEBER COUNTY SURVEYOR'S OFFICE HAS REVIEWED THIS PLAT AND ALL CONDITIONS FOR APPROVAL BY THIS OFFICE HAVE BEEN SATISFIED. THE APPROVAL OF THIS PLAT BY THE WEBER COUNTY SURVEYOR DOES NOT RELIEVE THE LICENSED LAND SURVEYOR WHO EXECUTED THIS PLAT FROM THE RESPONSIBILITIES AND/OR LIABILITIES ASSOCIATED THEREWITH

SIGNED THIS _____ DAY OF _____, 20____.

WEBER COUNTY SURVEYOR

WEBER COUNTY ATTORNEY

I HAVE EXAMINED THE FINANCIAL GUARANTEE AND OTHER DOCUMENTS ASSOCIATED WITH THIS SUBDIVISION PLAT, AND IN MY OPINION THEY CONFORM WITH THE COUNTY ORDINANCE APPLICABLE THERETO AND NOW IN FORCE AND AFFECT. SIGNED THIS _____ DAY OF _____, 20____.

WEBER COUNTY ATTORNEY

WEBER-MORGAN HEALTH DEPARTMENT

I HEREBY CERTIFY THAT THE SOILS, PERCOLATION RATES, AND SITE CONDITIONS FOR THIS SUBDIVISION HAVE BEEN INVESTIGATED BY THIS OFFICE AND ARE APPROVED FOR ON-SITE WASTEWATER DISPOSAL SYSTEMS. SIGNED THIS _____ DAY OF _____, 20____.

DIRECTOR, WEBER-MORGAN HEALTH DEPARTMENT

Weber County Recorder

Entry No. _____ Fee Paid _____
_____ Filed For Record
And Recorded, _____
At _____ In Book _____
Of The Official Records, Page _____
Recorded For: _____

Weber County Recorder

Deputy.

**PRIVATE ROAD WITHIN A PUBLIC RIGHT-OF-WAY AREA
(TO RUN WITH THE LAND)**

This Covenant is entered into this _____ day of _____, 20____ between _____, hereafter referred to as Grantor, and Weber County, Grantee, hereafter referred to as County.

WHEREAS, Grantor has applied for approval from the County for a subdivision, which requires conformity with the Uniform Land Use Code of Weber County, Utah (LUC). If an applicant meets the specific criteria and conditions outlined in LUC §106-1-5.10 and §106-1-8.020 the subdivision plat may be forwarded to the Land use Authority for final approval; and

WHEREAS, this development is planned to contain private streets. In the Weber County Planning Area, the County, and in some cases the applicant, may find benefit from a street being temporarily or permanently private. In those cases, the Land Use Authority may require or an applicant may volunteer a proposed street to be privately owned or privately operated and maintained, Section 106-2-2.020 (b). The County finds that circumstances exist to support the approval of a private streets within a public right-of-way; and

WHEREAS, the conformity with applicable land use codes is only feasible or practical at this time through a private street within a public right-of-way;

NOW, THEREFORE, conditions of approval for a private road within a public right-of-way, found in Section 106-2-2.020 (b) **Responsibility for construction.** The applicant shall pay for and construct the private street.

Ownership. The final plat shall dedicate the land under the private street to the County for the purpose of future conversion to a public street at a time the governing body determines a public street is necessary, if ever.

Street-parcel configuration. The parcel being dedicated to the county shall be the length of the private street and extend to adjacent developable land or another street regardless of whether the private street infrastructure does. The parcel shall be the same width required for a public street right-of-way, and be configured at a grade that will not create an unreasonable burden for future street-building and connectivity given typical grading and construction methods.

Operation, maintenance, and use. Except after the county assumes responsibility for the street, if ever, the operations and maintenance of the installed private street improvements shall be the sole responsibility of the owners of each lot gaining access from the private street. The Land Use Authority may allow these owners to restrict access to the street by the general public, except county officials conducting official county business on a county-owned street-parcel.

Building setback standards. The minimum building setbacks shall be measured from the boundary of the county-owned street-parcel.

Construction standards. Unless otherwise required by the local Fire Authority or County Engineer, a private street shall be constructed to public street standards.

Privately operated and maintained street plat note. "Privately operated and maintained street" is reserved for the exclusive and private use of the adjoining lot owners until and unless the governing body assumes public responsibility for the street."

Recording requirements. At the time of final plat recording, the applicant shall record a covenant to run with the land that provides that:

1. The owners of all lots that gain access from the private street are solely and equally responsible for operations and maintenance of the street.
2. If applicable, that by purchasing a lot that gains access from a private street, the owner acknowledges that the street-parcel is owned in fee by the governing body for possible future public street purposes, but that the governing body assumes no responsibility or liability for the street or for the uses thereof or thereon until and unless, if applicable, the governing body assumes responsibility for it.
3. The owner is responsible for disclosing the nature of the street to prospective purchasers, renters, or lessees.
4. The landowner of record or authorized representative agree to pay a proportionate amount of the costs associated with improving or restoring the street to operational public street standards at the time the governing body assumes

responsibility for it; and agrees to not protest the creation of a special assessment area or other similar revenue generating mechanism the governing body deems necessary to bring the private street to operational public street standards.

The legal description of Grantor's subject property and Right-of-Way location is as follows:

PARCEL A

PART OF THE SOUTHEAST QUARTER OF SECTION 9, TOWNSHIP 6 NORTH, RANGE 2 WEST, SALT LAKE BASE & MERIDIAN, U.S. SURVEY, DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT BEING 882.28 FEET SOUTH 89°15'28" EAST ALONG THE SECTION LINE FROM THE CENTER OF SAID SECTION 9 (CENTER OF SAID SECTION 9 BEING NORTH 89°15'28" WEST 2497.00 FEET FROM THE EAST QUARTER CORNER OF SAID SECTION 9); THENCE SOUTH 89°15'28" EAST 30.00 FEET; THENCE SOUTH 00°46'47" WEST 1588.91 FEET; THENCE NORTH 89°03'30" WEST 29.82 FEET; THENCE NORTH 00°46'24" EAST 1588.81 FEET TO THE POINT OF BEGINNING.

CONTAINING 47,520 SQUARE FEET OR 1.091 ACRES.

See attached plat map

By _____
GRANTOR

Date

On the _____ day of _____, 20____, appeared before me _____,
Grantor, and acknowledged that it had executed the above Covenant.

NOTARY PUBLIC

Residing at _____, Utah

BOARD OF COUNTY COMMISSIONERS OF WEBER COUNTY

By _____

Sharon Bolos, Chair

Commissioner Bolos	Voting
Commissioner Froerer	Voting
Commissioner Harvey	Voting

ATTEST:

Ricky Hatch, CPA
Weber County Clerk