



## Staff Report to the Weber County Commission

Weber County Planning Division

### Synopsis

#### Application Information

**Application Request:** Public hearing to consider and take action on a request to vacate a 10-foot public utility easement located along the rear (south) lot line, and a request to reduce a 20-foot ground water and utility easement down to 10-feet on the side (west) lot line, on Lot 1 of Hunter Place Subdivision.

**Agenda Date:** Tuesday, June 8, 2021

**Applicant:** Jeremy Shaw

**File Number:** EV 2021-03

#### Property Information

**Approximate Address:** 4209 W 2475 S, Taylor

**Project Area:** 0.94 Acres

**Zoning:** A-1

**Existing Land Use:** Residential

**Proposed Land Use:** Residential

**Parcel ID:** 15-304-0001

**Township, Range, Section:** T6N, R2W, Section 28, SW

#### Adjacent Land Use

<b>North:</b> Residential	<b>South:</b> Residential
<b>East:</b> Residential	<b>West:</b> Agriculture

#### Staff Information

**Report Presenter:** Scott Perkes  
[sperkes@co.weber.ut.us](mailto:sperkes@co.weber.ut.us)  
801-399-8772

**Report Reviewer:** SB

### Background and Summary

The applicant has submitted a request to vacate a 10-foot public utility easement located along the rear (south) lot line, and a request to reduce a 20-foot ground water and utility easement down to 10-feet on the side (west) lot line, on Lot 1 of Hunter Place Subdivision. The purpose of the proposed vacation is to allow a future pole barn to be located closer to the rear and side (South & West) lot lines, in accordance with the minimum rear yard and side yard setbacks for large accessory buildings (1-foot rear & 10-foot side).

The applicant has proposed to vacate and reduce the easements, respectively, 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 West Central Weber County General Plan.

**Agency Reviews:** The Weber County Engineering Division has submitted a review on this request indicating that they have no concerns with vacating the rear (south) lot line easement and reducing the side (west) yard easement from 20 feet down to 10 feet. Utilities providing service to the existing home on the lot have been installed within the front (north) lot line easement. The existing 20-foot side (west) lot line easement is intended for both ground water and utilities. This easement extends northward in the subdivision as a 10-foot easement. As such, Engineering has recommended that the existing 20-foot easement be reduced down to 10-feet to match the continuation of the easement northward.

**Public & Affected Entity Notice:** Notices have been provided as outlined in state code Section 17-27a-208. No responses from the surrounding public or other possibly affected entities or utility providers have been received to date.

## Staff Recommendation

Staff recommends approval of the request to vacate a 10-foot public utility easement located along the rear (south) lot line, and a request to reduce a 20-foot ground water and utility easement down to 10-feet on the side (west) lot line, on Lot 1 of Hunter Place Subdivision. This recommendation for approval is based on the following findings:

1. Vacating and reducing the proposed easements will not have a negative effect on the West Central Weber County General 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 and reduction will not deteriorate the environment of the general area so as to negatively impact surrounding properties and uses.

## Exhibits

- A. Hunter Place Subdivision Plat (Recorded)
- B. Draft Vacation Ordinance

## Area Map

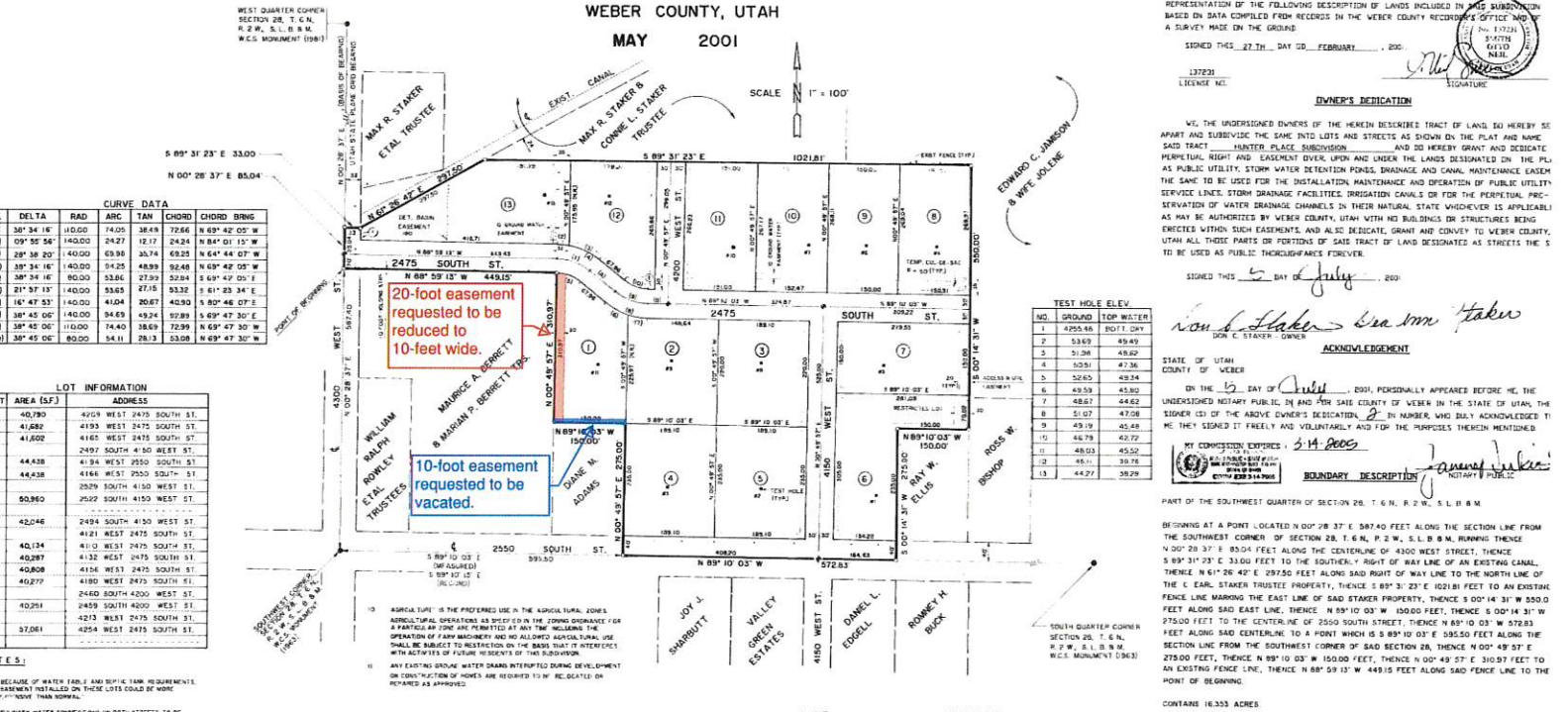


# HUNTER PLACE SUBDIVISION

PART OF THE SOUTHWEST QUARTER OF SECTION 28, T. 6 N., R. 2 W., S. L. B. 8 M.

WEBER COUNTY, UTAH

MAY 2001



**CURVE DATA**

NO.	DELTA	RAD	ARC	TAN	CHORD	CHORD BRNG
1	38° 34' 16"	160.00	74.25	38.41	72.66	N 89° 42' 09" W
2	09° 55' 56"	140.00	24.27	12.17	24.24	N 84° 01' 15" W
3	29° 38' 20"	40.00	6.96	3.74	6.925	N 64° 44' 07" W
4	39° 34' 16"	140.00	74.25	38.41	72.66	N 69° 42' 09" W
5	38° 34' 16"	160.00	74.25	38.41	72.66	S 69° 42' 09" E
6	21° 37' 13"	160.00	83.63	27.15	83.32	S 61° 23' 34" E
7	16° 47' 53"	140.00	41.04	20.67	40.90	S 60° 46' 07" E
8	38° 45' 06"	140.00	74.69	38.24	72.99	N 69° 47' 30" E
9	38° 45' 06"	140.00	74.69	38.24	72.99	N 69° 47' 30" W

**LOT INFORMATION**

LOT	AREA (SF)	ADDRESS
1	40,780	4909 WEST 2475 SOUTH ST.
1,682	41,682	4193 WEST 2475 SOUTH ST.
41,602	41,602	4165 WEST 2475 SOUTH ST.
44,428	44,428	4194 WEST 2550 SOUTH ST.
44,428	44,428	4166 WEST 2550 SOUTH ST.
50,960	50,960	3929 SOUTH 4100 WEST ST.
42,046	42,046	3929 SOUTH 4100 WEST ST.
40,134	40,134	4110 WEST 2475 SOUTH ST.
40,287	40,287	4132 WEST 2475 SOUTH ST.
40,808	40,808	4156 WEST 2475 SOUTH ST.
40,277	40,277	4180 WEST 2475 SOUTH ST.
40,291	40,291	2440 SOUTH 4200 WEST ST.
40,291	40,291	2459 SOUTH 4200 WEST ST.
37,061	37,061	4213 WEST 2475 SOUTH ST.
37,061	37,061	4254 WEST 2475 SOUTH ST.

**TESTS:**

BECAUSE OF WATER TABLE AND SEPTIC TANK REQUIREMENTS, EASEMENTS WERE PLACED ON THESE LOTS TO BE MORE THAN NORMAL.

GLASSY WATER CONNECTIONS ON BOTH STREETS TO BE MET FOR SEPTIC TANKS. VALUES ON TOP OF TEE.

4. 15' REAR PUBLIC UTILITY EASEMENT AND EASEMENTS ON EACH SIDE OF PROPERTY LINE AS INDICATED BY SPOKE LINES OF AS SHOWN.

5. 10' REAR EASEMENT WITH EXISTING ZONING ORDINANCE.

6. LOCATION OF SURVEY MONUMENT (S) TO BE SET.

7. LOCATION OF MONUMENTS.

8. LOT (S) HOUSE MUST FACE 4100 WEST STREET.

9. ALL GLASSY WATER LATERALS MUST BE 1" DIA.

10. 5' REAR WITH CAP STAMPEDED ONED INC. TO BE SET FOR LOT CORNER.

**SURVEYOR'S CERTIFICATE**

I, O. NEAL SMITH, A REGISTERED LAND SURVEYOR IN THE STATE OF UTAH, DO HEREBY CERTIFY THAT THIS PLAT OF HUNTER PLACE SUBDIVISION IN WEBER COUNTY, UTAH HAS BEEN CORRECTLY DRAWN TO THE DESIGNATED SCALE AND IS A TRUE AND CORRECT REPRESENTATION OF THE FOLLOWING DESCRIPTION OF LANDS INCLUDED IN THIS SUBDIVISION BASED ON DATA COMPILED FROM RECORDS IN THE WEBER COUNTY RECORDS OFFICE AND ON A SURVEY MADE ON THE GROUND.

SIGNED THIS 27<sup>TH</sup> DAY OF FEBRUARY, 2001.

13729  
LICENSE NO.

*[Signature]*  
SIGNATURE

**OWNER'S DECLARATION**

WE, THE UNDERSIGNED OWNERS OF THE HEREIN DESCRIBED TRACT OF LAND, DO HEREBY SEPARATE AND SUBDIVIDE THE SAME INTO LOTS AND STREETS AS SHOWN ON THE PLAT AND NAME SAID TRACT "HUNTER PLACE SUBDIVISION" AND DO HEREBY GRANT AND DEEDICATE PERPETUAL RIGHT AND EASEMENT OVER UPON AND UNDER THE LANDS DESIGNATED ON THE PLAT AS PUBLIC UTILITY, STORM WATER DETENTION POND, DRAINAGE AND CANAL, MAINTENANCE EASEMENT WITHIN SUCH EASEMENTS, AND ALSO DEEDICATE, GRANT AND CONVEY TO WEBER COUNTY, UTAH ALL THOSE PARTS OR PORTIONS OF SAID TRACT OF LAND DESIGNATED AS STREETS TO BE USED AS PUBLIC THROUGHFARES FOREVER.

SIGNED THIS 5<sup>TH</sup> DAY OF JULY, 2001.

*[Signature]*  
DON C. STAKER, OWNER

**ACKNOWLEDGMENT**

STATE OF UTAH  
COUNTY OF WEBER

ON THE 15<sup>TH</sup> DAY OF JULY, 2001, PERSONALLY APPEARED BEFORE ME, THE UNDERSIGNED NOTARY PUBLIC IN AND FOR SAID COUNTY OF WEBER IN THE STATE OF UTAH, THE SIGNER(S) OF THE ABOVE OWNERS' DECLARATION, IN NUMBER, WHO JOINTLY ACKNOWLEDGE THAT HE(S) SIGNED IT FREELY AND VOLUNTARILY AND FOR THE PURPOSES THEREIN MENTIONED.

MY COMMISSION EXPIRES: 2-14-2005

*[Signature]*  
JAMES WILKINSON, NOTARY PUBLIC

**BOUNDARY DESCRIPTION**

PART OF THE SOUTHWEST QUARTER OF SECTION 28, T. 6 N., R. 2 W., S. L. B. 8 M.

BEGINNING AT A POINT LOCATED N 00° 28' 37" E 587.40 FEET ALONG THE SECTION LINE FROM THE SOUTHWEST CORNER OF SECTION 28, T. 6 N., R. 2 W., S. L. B. 8 M., RUNNING THENCE N 00° 28' 37" E 850.4 FEET ALONG THE CENTERLINE OF 4300 WEST STREET, THENCE S 89° 31' 23" E 33.00 FEET TO THE SOUTHERLY RIGHT OF WAY LINE OF AN EXISTING CANAL, THENCE N 61° 26' 42" E 297.50 FEET ALONG SAID RIGHT OF WAY LINE TO THE NORTH LINE OF THE EARL STAKER TRUSTEE PROPERTY, THENCE S 89° 31' 23" E 1021.81 FEET TO AN EXISTING FENCE LINE MARKING THE EAST LINE OF SAID STAKER PROPERTY, THENCE S 00° 14' 31" W 550.0 FEET ALONG SAID EAST LINE, THENCE N 89° 10' 03" W 150.00 FEET, THENCE S 00° 14' 31" W 275.00 FEET TO THE CENTERLINE OF 2550 SOUTH STREET, THENCE N 89° 10' 03" W 428.83 FEET ALONG SAID CENTERLINE TO A POINT WHICH IS S 89° 10' 03" E 555.50 FEET ALONG THE SECTION LINE FROM THE SOUTHWEST CORNER OF SAID SECTION 28, THENCE N 00° 49' 37" E 278.00 FEET, THENCE N 89° 10' 03" W 150.00 FEET, THENCE N 00° 49' 37" E 310.97 FEET TO AN EXISTING FENCE LINE, THENCE N 89° 58' 12" W 449.15 FEET ALONG SAID FENCE LINE TO THE POINT OF BEGINNING.

CONTAINS 16.333 ACRES.

<p><b>WEBER-NORGAN HEALTH DEPARTMENT</b></p> <p>I HEREBY CERTIFY THAT THE WELL PERCOLATION DATA, AND SITE CONDITIONS FOR THIS SUBDIVISION HAVE BEEN INVESTIGATED BY THIS OFFICE AND ARE APPROVED FOR ON-SITE WASTEWATER DISPOSAL SYSTEMS.</p> <p>SIGNED THIS 26<sup>TH</sup> DAY OF JUNE, 2001.</p> <p><i>[Signature]</i> DIRECTOR, WEBER-NORGAN HEALTH DEPARTMENT</p>	<p><b>WEBER COUNTY SURVEYOR</b></p> <p>I HEREBY CERTIFY THAT THE WEBER COUNTY SURVEYORS OFFICE HAS REVIEWED THIS PLAT FOR MATHEMATICAL CORRECTNESS, SECTION CORNER DATA AND FOR HARMONY WITH LINES AND MONUMENTS ON RECORD IN COUNTY OFFICES. THE APPROVAL OF THIS PLAT BY THE WEBER COUNTY SURVEYORS OFFICE DOES NOT RELIEVE THE LICENSED LAND SURVEYOR WHO EXECUTED THIS PLAT FROM THE RESPONSIBILITIES AND/OR LIABILITIES ASSOCIATED WITH THE SAME.</p> <p>SIGNED THIS 26<sup>TH</sup> DAY OF JUNE, 2001.</p> <p><i>[Signature]</i> SALE</p>	<p><b>WEBER COUNTY ENGINEER</b></p> <p>I HEREBY CERTIFY THAT THE REQUIRED PUBLIC IMPROVEMENT STANDARDS AND DRAWINGS FOR THIS SUBDIVISION CONFORM WITH COUNTY STANDARDS AND THE AMOUNT OF THE FINANCIAL GUARANTEE IS SUFFICIENT FOR THE INSTALLATION OF THESE IMPROVEMENTS.</p> <p>SIGNED THIS 26<sup>TH</sup> DAY OF JULY, 2001.</p> <p><i>[Signature]</i> SALE</p>	<p><b>WEBER COUNTY ATTORNEY</b></p> <p>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 THEREIN AND NOW IN FORCE AND EFFECT.</p> <p>SIGNED THIS 26<sup>TH</sup> DAY OF JUNE, 2001.</p> <p><i>[Signature]</i> SIGNATURE</p>	<p><b>CORPORATE ACKNOWLEDGMENT</b></p> <p>STATE OF UTAH COUNTY OF WEBER</p> <p>ON THE 15<sup>TH</sup> DAY OF JULY, 2001, PERSONALLY APPEARED BEFORE ME, THE UNDERSIGNED NOTARY PUBLIC, IN AND FOR SAID STATE AND COUNTY AND AFTER BEING JOINTLY SWORN ACKNOWLEDGED TO ME, JAMES WILKINSON, PRESIDENT OF SAID CORPORATION AND THAT SAID CORPORATION AND I, IN BEHALF OF SAID CORPORATION, HAVE FREELY AND VOLUNTARILY SIGNED THIS INSTRUMENT FOR THE PURPOSES THEREIN MENTIONED.</p> <p>MY COMMISSION EXPIRES: _____</p> <p>_____ SIGNATURE</p>	<p><b>COUNTY RECORDER</b></p> <p>ENTRY NO. 13729 OF 1633 ACRES RECORDED 05 JULY 2001 13729 PAGES IN BOOK 25 BY OFFICIAL RECORDER PAUL M. JENKINS FOR DON C. STAKER COUNTY CLERK BY _____ DEPUTY</p>	
<p><b>WEBER COUNTY PLANNING COMMISSION APPROVAL</b></p> <p>THIS IS TO CERTIFY THAT THIS SUBDIVISION PLAT WAS DULY APPROVED BY THE WEBER COUNTY PLANNING COMMISSION ON THE 19<sup>TH</sup> DAY OF JUNE, 2001.</p> <p><i>[Signature]</i> CHAIRMAN, WEBER COUNTY PLANNING COMMISSION</p>	<p><b>WEBER COUNTY COMMISSION ACCEPTANCE</b></p> <p>THIS IS TO CERTIFY THAT THIS SUBDIVISION PLAT, THE DEDICATION OF STREETS AND OTHER PUBLIC WORKS AND FINANCIAL GUARANTEE OF PUBLIC IMPROVEMENTS ASSOCIATED WITH THIS SUBDIVISION, THEREON ARE HEREBY APPROVED, AND ACCEPTED BY THE COMMISSIONERS OF WEBER COUNTY, UTAH THIS 26<sup>TH</sup> DAY OF JUNE, 2001.</p> <p><i>[Signature]</i> CHAIRMAN, WEBER COUNTY COMMISSION</p>					

ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF WEBER COUNTY VACATING A TEN FOOT WIDE PUBLIC UTILITY EASEMENT AND REDUCING A TWENTY FOOT WIDE GROUND WATER AND UTILITY EASEMENT DOWN TO TEN FEET IN WIDTH ON LOT 1 OF HIGHLAND COVE ESTATES SUBDIVISION**

**WHEREAS**, Jeremy Shaw, the owner of Lot 1 of Hunter Place Subdivision, has filed a petition to vacate a 10-foot wide public utility easement located along the south property line of Lot 1 of Hunter Place Subdivision; and

**WHEREAS**, Jeremy Shaw, the owner of Lot 1 of Hunter Place Subdivision, has filed a petition to reduce a 20-foot wide ground water and utility easement down to 10-feet in width located along the west property line of Lot 1 of Hunter Place Subdivision; and

**WHEREAS**, after providing proper public notice, a public hearing was held before the Weber County Commission on Tuesday, June 8, 2021, regarding the proposed easement vacation and easement reduction; and

**WHEREAS**, Weber County's Engineering Department has been notified and has provided written approval of the proposed easement vacation and easement reduction; and

**WHEREAS**, the Commission finds that good cause exists to vacate the 10-foot wide public utility easement in that it will not substantially affect the 2003 Western Weber County General Plan and that neither the public interest nor any person will be materially injured;

**WHEREAS**, the Commission finds that good cause exists to reduce the 20-foot wide ground water and utility easement down to 10-feet in width in that it will not substantially affect the 2003 Western Weber County 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 vacates the following:

**An existing 10-foot wide public utility easement located along the south property line of Lot 1 of Hunter Place Subdivision, as platted and recorded in the Weber County Recorder's Office.**

**NOW THEREFORE**, the Board of County Commissioners of Weber County reduces the following:

**An existing 20-foot wide ground water and utility easement down to 10-feet in width located along the west property line of Lot 1 of Hunter Place Subdivision, as platted and recorded in the Weber County Recorder's Office.**

Adopted and ordered published this \_\_\_\_\_ day of \_\_\_\_\_, 2021.

Board of County Commissioners  
of Weber County

By \_\_\_\_\_  
James Harvey, Chair

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

ATTEST:

\_\_\_\_\_  
Ricky Hatch, CPA  
Weber County Clerk