

Midway City Council
16 July 2019
Regular Meeting

Pot Rock Place /
Plat Amendment



CITY COUNCIL MEETING STAFF REPORT

DATE OF MEETING: July 16, 2019
NAME OF PROJECT: Pot Rock Place
NAME OF APPLICANT: Summit Engineering Group
AGENDA ITEM: Plat Amendment of Lots 1 & 2
LOCATION: 225 East 600 North
ZONING DESIGNATION: R-1-22 zone

ITEM: 10

Summit Engineering Group Inc., agent for Nathan and Valoy Eaton, is proposing a plat amendment for a lot line adjustment for lots 1 and 2 of Pot Rock Place. The proposal would shift the common boundary line so the driveway that accesses the dwelling on lot 1 is contained entirely within lot 1. The property is located at 255 East and 600 South and is the R-1-22 zone.

BACKGROUND:

Summit Engineering Group is proposing a plat amendment to the Pot Rock Place Subdivision that would adjust the lot line between lots 1 and 2 of the two-lot subdivision. The purpose for the plat amendment is to adjust the lot line so that the driveway that accesses the dwelling on lot 1 is entirely contained on lot 1. Currently the driveway for lot 1 is partially on lot 2 which could create several complications in the future if the driveway remains on both lots.

Pot Rock Place was recorded on January 25, 1995 and is a two-lot subdivision. The lots are relatively large as compared to the minimum lot size of the R-1-22 zone which is 22,000 sq. ft. Lot 1 is 32,783 sq. ft. and lot 2 is 39,227 sq. ft. With the proposed adjust, both lots will still comply with the land use requirements for the R-1-22 zone for frontage, width and acreage. If approved lot 1 will be 34,412 sq. ft. (0.79 acres) and lot 2 will be 37,461 sq. ft. (0.86 acres).

The proposal is to not alter the public utility easement that was recorded along the boundary line between the two lots. The public utility easement will remain in its current location, but a section of the easement will be entirely within the area of lot 1 of the plat amendment is approved.

ANALYSIS:

A plat amendment is a legislative item and City Council is not obligated to allow any changes even if they feel that the applicant met the requirements of the Code. With that being said, a lot line adjustment is an administrative action according to state law as long as both properties comply with the land use ordinance. Utah law states that “owners of record of adjacent parcels...may exchange title to portions of those parcels if the exchange of title is approved by the land use authority in accordance with Subsection (5)(b). Utah Code 10-9a-608(5)(a). Subsection (5)(b) states that “the land use authority shall approve an exchange of title under Subsection (5)(a) if the exchange of title will not result in a violation of any land use ordinance.”

PROPOSED FINDINGS:

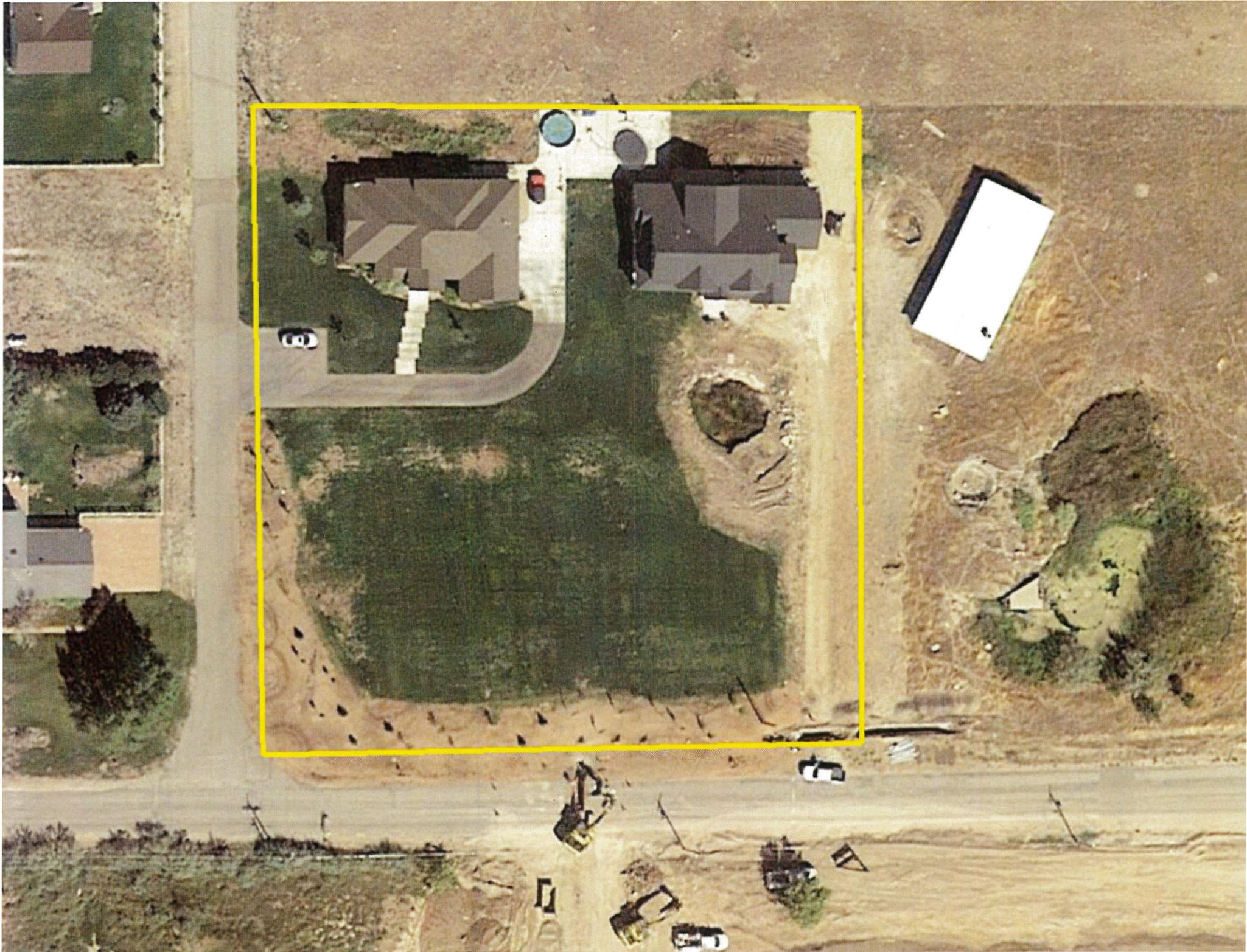
- Both lots will continue to comply with the frontage, width and acreage requirements of the R-1-22 zone
- No public street, right-of-way, or easement will be vacated or altered

ALTERNATIVE ACTIONS:

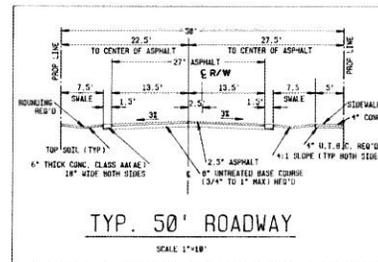
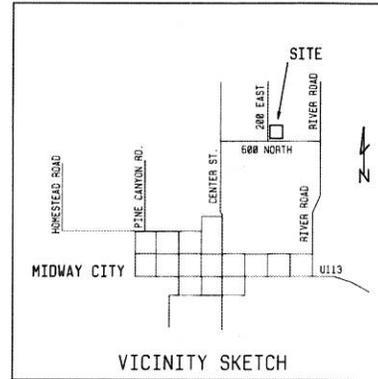
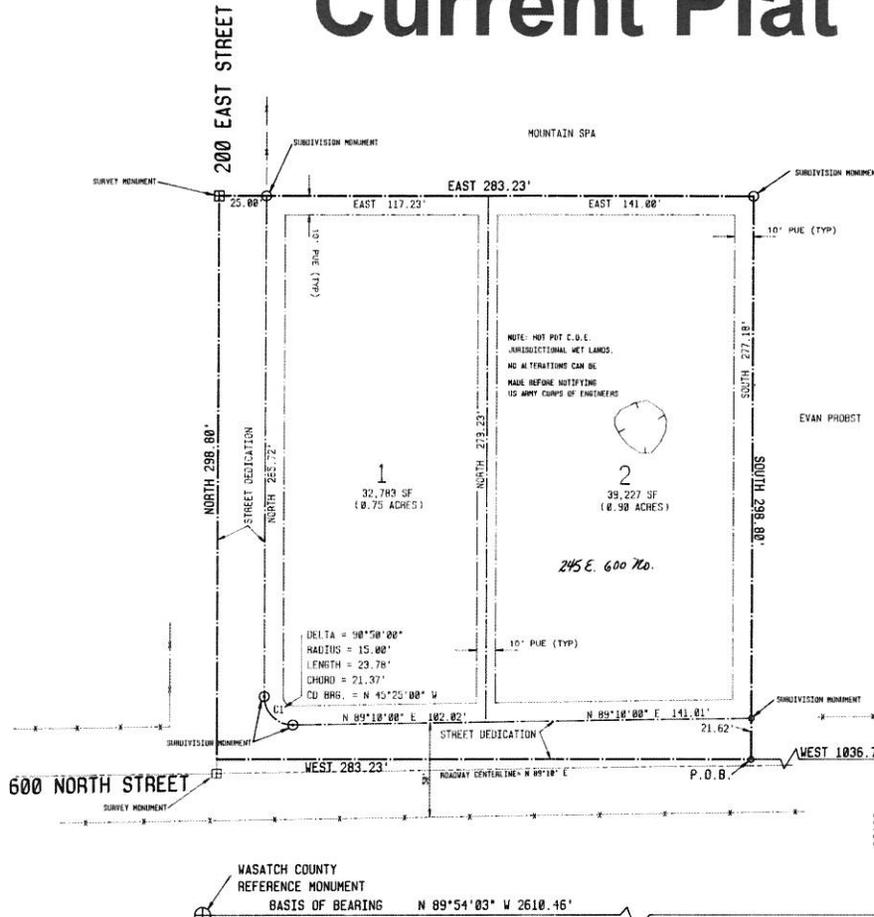
1. Approval (conditional). This action can be taken if the City Council feels there the proposal complies with the land use ordinance.
 - a. Accept staff report
 - b. Reasons for approval (findings)
 - c. Place condition(s) if needed

2. Continuance. This action can be taken if the City Council feels that there are unresolved issues.
 - a. Accept staff report
 - b. List accepted findings
 - c. Reasons for continuance
 - i. Unresolved issues that must be addressed
 - d. Date when the item will be heard again

3. Denial. This action can be taken if the City Council feels that the request does not comply with the ordinance.
 - a. Accept staff report
 - b. List accepted findings
 - c. Reasons for denial



Current Plat



SURVEYOR'S CERTIFICATE

I, BING CHRISTENSEN, DO HEREBY CERTIFY THAT I AM A REGISTERED LAND SURVEYOR, AND THAT I HOLD CERTIFICATE NO. 1000 AS PRESCRIBED UNDER THE LAWS OF THE STATE OF UTAH. I FURTHER CERTIFY THAT THE DESCRIPTION BELOW CORRECTLY DESCRIBES THE LAND UPON WHICH WILL BE CONSTRUCTED POT ROCK PLACE SUBDIVISION.

Bing Christensen
BING CHRISTENSEN
DATE: 11.29.93

BOUNDARY DESCRIPTION

COMMENCING WEST 1036.77' FROM THE SOUTH 1/4 CORN OF SECTION 26, T 3 S., R 4 E., SLB&M, SAID SOUTH 1/4 CORNER BEING N 8°21'00" W 53.56 FEET FROM A WASATCH COUNTY REFERENCE MONUMENT LOCATED IN THE APPROXIMATE CENTER OF RIVER ROAD 55 FEET MORE OR LESS SOUTH OF 600 NORTH STREET IN MIDWAY, UTAH; THENCE WEST 283.23 FEET; THENCE NORTH 298.80 FEET; THENCE EAST 283.23 FEET; THENCE SOUTH 298.80 FEET TO THE POINT OF BEGINNING.

CONTAINS 1.943 ACRES

ACCEPTANCE BY MIDWAY CITY

THE CITY COUNCIL OF MIDWAY CITY, WASATCH COUNTY, STATE OF UTAH, HEREBY APPROVES THIS SUBDIVISION AND ACCEPTS THE DEDICATION OF STREETS HEREON SHOWN.

THIS 29 DAY OF November, 1993

Patricia J. Payne
CITY ENGINEER

APPROVED: *David D. Hoff* ENGINEER ATTEST: *Clifford W. Dwyer* CLERK-RECORDER

APPROVED: *Walter A. Wood* ATTORNEY

OWNER'S DEDICATION

KNOW ALL BY THESE PRESENTS THAT THE UNDERSIGNED OWNER(S) OF THE DESCRIBED TRACT OF LAND BELOW, HAVING CAUSED THE SAME TO BE SUBDIVIDED INTO LOTS AND STREETS TO HEREINAFTER BE KNOWN AS POT ROCK PLACE SUBDIVISION DO HEREBY DEDICATE FOR PERPETUAL USE OF THE PUBLIC ALL PARCELS OF LAND SHOWN ON THIS PLAT AS INTENDED FOR PUBLIC USE, AND DO WARRANT, DEFEND, AND SAVE THE MUNICIPALITY HARMLESS AGAINST ANY EASEMENTS OR OTHER INCUMBRANCES ON THE DEDICATED STREETS WHICH WILL INTERFERE WITH THE MUNICIPALITY'S USE, OPERATION, AND MAINTENANCE OF THE STREETS AND DO FURTHER DEDICATE THE EASEMENTS AS SHOWN.

IN WITNESS WHEREOF, WE HAVE HEREUNTO SET OUR HANDS THIS 29 DAY OF November, 1993

SIGNED: *Kyle K. Probst* SIGNED: *Randa C. Probst*

ACKNOWLEDGEMENT

STATE OF UTAH } S.S.
COUNTY OF WASATCH }

ON THE 29 DAY OF November, A.D. 1993, PERSONALLY APPEARED BEFORE ME *Kyle K. Probst* and *Randa C. Probst*, WHO BEING DULY SWORN DID SAY THAT HE (THEY) IS (ARE) THE Owner(s).

AND THAT THE WITHIN AND FOREGOING INSTRUMENT WAS SIGNED BY HIMSELF (THEM), AND SAID *Kyle K. Probst* & *Randa C. Probst* DULY ACKNOWLEDGED TO ME THAT HE (THEY) EXECUTED THE SAME.

MY COMMISSION EXPIRES 7-22-95
MY RESIDENCE IS HARRIS CITY

NOTARY PUBLIC - *Doreen Johnson*

POT ROCK PLACE SUBDIVISION

MIDWAY CITY, WASATCH COUNTY, STATE OF UTAH

EXEMPT NO. 177388 WITH 125495 1550 3100
RECORDED BY: *KYLE PROBST* SNA 201-210
PEGGY SULSKA

Wasatch County Health Dept.
800 West 1000 South
Midway City, Utah 84042
801-730-2700

Paul D. Wright

Randa C. Probst
MIDWAY SANITATION DISTRICT

PLANNING COMMISSION APPROVAL

APPROVED THIS 29 DAY OF November, 1993 BY THE MIDWAY CITY PLANNING COMMISSION

Patricia J. Payne SECRETARY
Clifford W. Dwyer CHAIRMAN, PLANNING COMMISSION

AREA OF ROAD DEDICATION = 0.29 ACRES

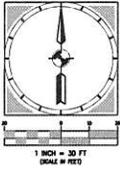


PLANNING COMMISSION APPROVAL

APPROVED THIS 29 DAY OF November, 1993 BY THE MIDWAY CITY PLANNING COMMISSION

Patricia J. Payne SECRETARY
Clifford W. Dwyer CHAIRMAN, PLANNING COMMISSION

Patricia J. Payne CITY ENGINEER
Bing Christensen SURVEYOR
Clifford W. Dwyer NOTARY PUBLIC
Clifford W. Dwyer CLERK-RECORDER



POT ROCK PLACE SUBDIVISION AMENDED

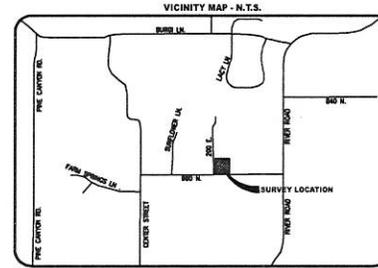
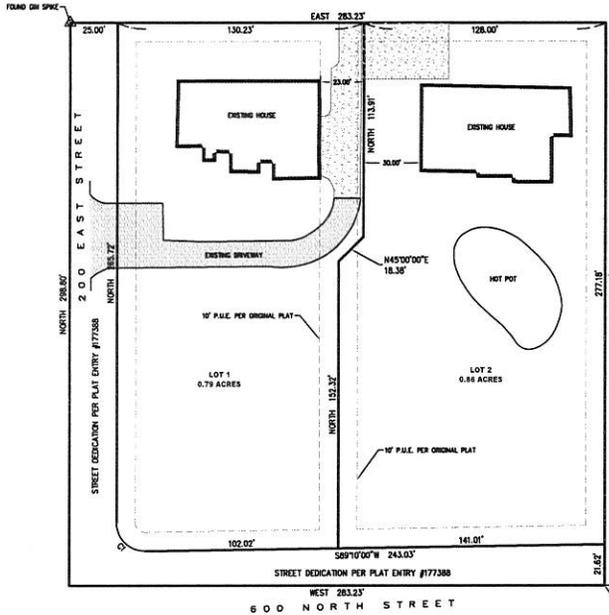
1/4" = 30'	1/8" = 15'	1/16" = 7.5'	1/32" = 3.75'
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LEGEND

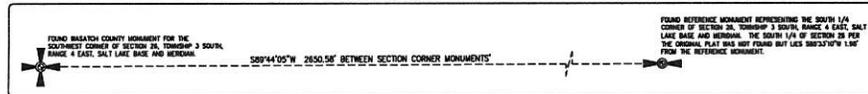
▲ FOUND ON SPICE IN ASPHALT

PLAT NOTES:

1. THE PURPOSE OF THIS PLAT AMENDMENT IS TO AMEND THE COMMON LINE BETWEEN LOTS 1 AND 2 AS SHOWN HEREON. THE EXISTING DRIVEWAY FOR LOT 1 WAS BUILT ONTO LOT 2 BUT WILL NOW BE PART OF LOT 1.
2. ORIGINAL MONUMENTATION AS PER THE ORIGINAL PLAT (SEE ENTRY #177388) NO LONGER EXISTS. THE SOUTH 1/4 CORNER WAS RECOVERABLE AS SHOWN ON SEVERAL RECORDS OF SURVEY (SEE PLATS #1344, 304, 298, 245, 3078, 3071, AND OTHERS) AS BEING S89°37'00" W LINE FROM AN EXISTING WASATCH COUNTY REFERENCE MONUMENT. SAID REFERENCE MONUMENT WAS USED TO HELP LOCATE THE ORIGINAL PLAT BOUNDARY. THE OTHER WASATCH COUNTY REFERENCE MONUMENTS AS SHOWN ON THE ORIGINAL PLAT ARE EITHER OBLITERATED OR NO LONGER RECOVERABLE. A TRIP IS PROMISED AS SHOWN HEREON FROM THE EXISTING WASATCH COUNTY REFERENCE MONUMENT AT THE SOUTH 1/4 CORNER OF SECTION 26, TO THE EXISTING WASATCH COUNTY MONUMENT FOR THE SOUTHWEST CORNER OF SECTION 26, TOWNSHIP 3 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN FOR RE-TRACEMENT PURPOSES.



SOUTH 1/4 CORNER OF SECTION 26, TOWNSHIP 3 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN, NOT FOUND. EXISTING WASATCH COUNTY REFERENCE MONUMENT LIES S89°37'00\"/>



POT ROCK PLACE SUBDIVISION AMENDED

MIDWAY CITY, UTAH

LOCATED IN THE SOUTHWEST 1/4 OF SECTION 26, TOWNSHIP 3 SOUTH, RANGE 4 EAST, SLB&M

WASATCH COUNTY, UTAH

SURVEYOR'S CERTIFICATE

I, BRIG CHRISTENSEN, DO HEREBY CERTIFY THAT I AM A PROFESSIONAL LAND SURVEYOR, AND THAT I HOLD CERTIFICATE NO. 249796 AS PRESCRIBED UNDER THE LAWS OF THE STATE OF UTAH. I FURTHER CERTIFY BY AUTHORITY OF THE OWNERS, THAT I HAVE MADE A SURVEY OF THE TRACT OF LAND SHOWN ON THIS PLAT AND DESCRIBED BELOW, AND HAVE SUBDIVIDED SAID TRACT OF LAND INTO LOTS AND EASEMENTS.

NAME: BRIG CHRISTENSEN
DATE: _____

BASIS OF BEARINGS

BASIS OF BEARINGS FOR THIS PROJECT WAS ESTABLISHED AS SOUTH 89°44'05\"/>

BOUNDARY DESCRIPTION

COMMENCING WEST 109.77' FROM THE SOUTH 1/4 CORNER OF SECTION 26, T.3 S. R.4 E. SLB&M; SAID SOUTH 1/4 CORNER BEING N. 21°58' W. 51.56' FEET FROM A WASATCH COUNTY REFERENCE MONUMENT LOCATED IN THE APPROXIMATE CENTER OF RIVER ROAD 25 FEET MORE OR LESS SOUTH OF 600 NORTH STREET IN MIDWAY UTAH; THENCE WEST 283.23' FEET; THENCE NORTH 58.88' FEET; THENCE EAST 283.23' FEET; THENCE SOUTH 258.80' FEET TO THE POINT OF BEGINNING; CONTAINING 1.943 ACRES.

OWNER'S DEDICATION AND CONSENT TO RECORD

WE, THE UNDERSIGNED OWNERS OF ALL THE REAL PROPERTY DEPICTED ON THIS PLAT AND DESCRIBED IN THE SURVEYOR'S CERTIFICATE ON THIS PLAT, HAVE CAUSED THE COMMON LINE BETWEEN LOT 1 AND LOT 2 TO BE AMENDED AS SHOWN HEREON.

NATHAN EATON DATE _____ STACEY K. EATON DATE _____
LOT 2 LOT 2
VALDY EATON DATE _____
LOT 1

OWNER'S ACKNOWLEDGMENT

STATE OF UTAH, COUNTY OF WASATCH, I, _____, 2020 PERSONALLY APPEARED BEFORE ME, THE UNDERSIGNED NOTARY PUBLIC, THE SIGNER OF THE ABOVE OWNER'S DECLARATION, WHO DID NOT ACKNOWLEDGE TO ME, THAT HE WAS 60 (1) HOURS AND VOLUNTARILY AND FOR THE USES AND PURPOSES THEREIN MENTIONED.
NOTARY PUBLIC _____ BY COMMISSION EXPIRES _____

ACCEPTANCE BY MIDWAY CITY

THE CITY COUNCIL OF MIDWAY CITY, WASATCH COUNTY, STATE OF UTAH, HEREBY APPROVES THIS SUBDIVISION AND ACCEPTS THE DEDICATION OF LOTS, EASEMENTS, STREETS AND PUBLIC RIGHTS-OF-WAY HEREON SHOWN.
APPROVED: MAYOR DATE _____ ATTEST: CITY RECORDER DATE _____
APPROVED: CITY ENGINEER DATE _____ APPROVED: CITY ATTORNEY DATE _____

MIDWAY SANITATION DISTRICT

CHAIRMAN DATE _____

MIDWAY IRRIGATION COMPANY

CHAIRMAN DATE _____

PLANNING COMMISSION APPROVAL

CHAIRMAN, PLANNING COMMISSION DATE _____

WASATCH COUNTY SURVEYOR

APPROVED AS TO FORM
SURVEYOR DATE _____ REG # _____

PLANNING DIRECTOR APPROVAL

DATE _____

WASATCH COUNTY RECORDER

ENTRY # _____ DATE _____ TIME _____
FEE: _____ BOOK: _____ PAGE: _____ FOR: _____
BY _____ WASATCH COUNTY RECORDER PEGGY FOLY SALSBERG

L19-115
SHEET 1 OF 1
ISSUE DATE 8-28-18
Summit Engineering Group Inc.
SUG
100-200-NEED 771-420-184-1851

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POT ROCK PLACE SUBDIVISION AMENDED
MIDWAY CITY, UTAH
LOCATED IN THE SOUTHWEST 1/4 OF SECTION 26, TOWNSHIP 3 SOUTH, RANGE 4 EAST, SLB&M
WASATCH COUNTY, UTAH