

Midway City Council
5 May 2020
Regular Meeting

Yeiser Property /
Connect to Culinary Water

Memo



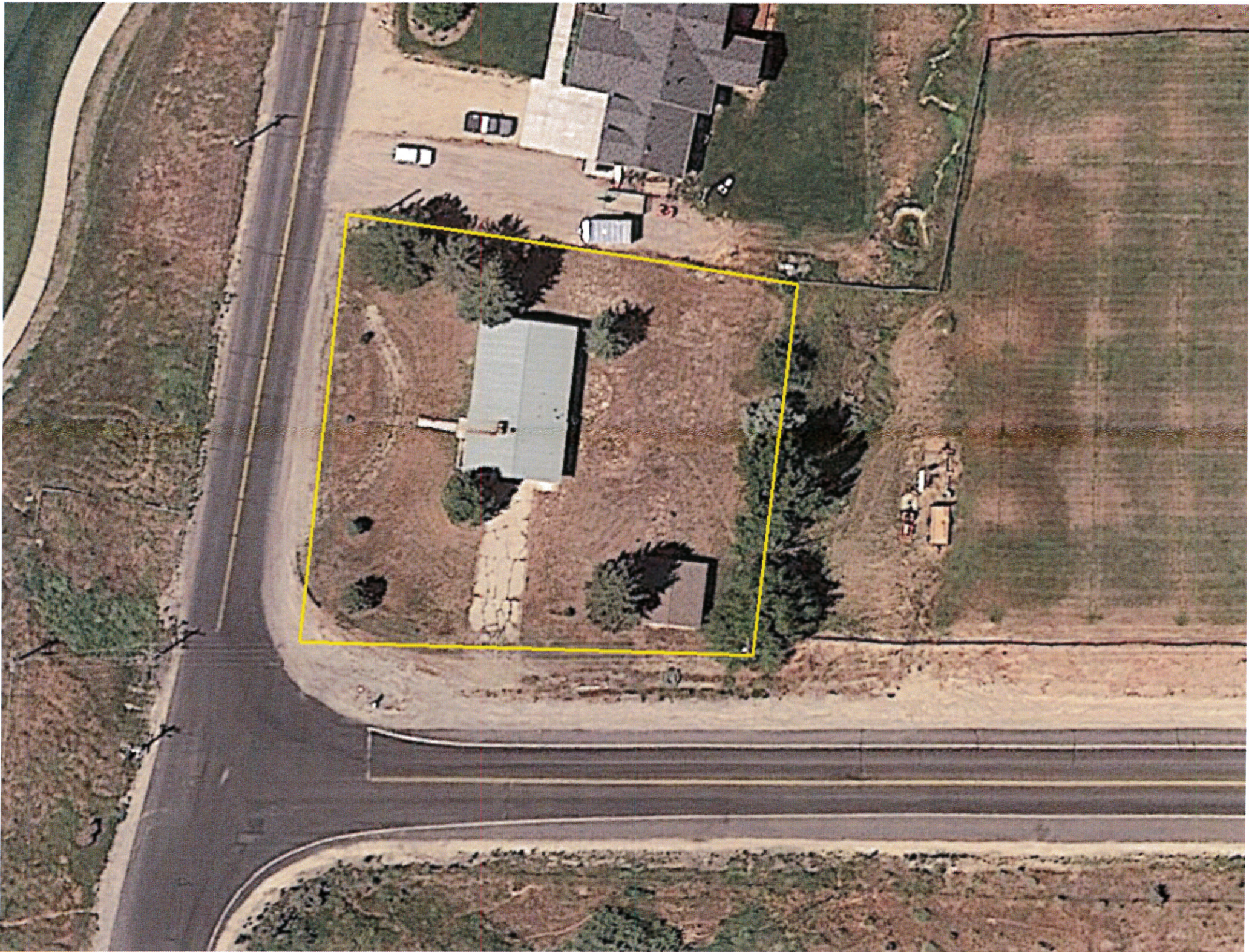
Date: May 5, 2020
To: Midway City Council
From: Michael Henke
Re: Ted and Angela Yeiser culinary water connection petition

David Bellessa, agent for Ted and Angela Yeiser, has requested a culinary connection to the City's water system. The property is not located in the city limits, but it is within the City's growth boundary. The 0.88-acre lot is located at the corner of Tate Lane and Stringtown Road and is bordered by the Farms at Tate Lane subdivision on the north and east boundaries. The Yeiser lot is in Wasatch County's jurisdiction and there is a dwelling on the property.

Granting access to the City's culinary system is a discretionary item that the City Council may consider. If approved, the Yeisers would need dedicate water rights, pay water impacts fees, connection and inspection fees to the City. Also, the City requires a rate payer, with property in the County, to pay one and a half times the rate of a rate payer in the City limits. They would also have to comply with any other requirements that the City Council requires.

In recent years, the City has required annexation for a property owner to connect to the City's water system if possible. This has been required with the goal that all users of the water system are in the City limits. It appears that the Yeiser parcel cannot annex into the City because of its distance from the City boundary and the fact that several properties lie in between their property and the City boundary. It is unlikely that the Farms at Tate Lane, which is already connected to City water, will annex into the City and this property, on its own, cannot force the annexation of the surrounding subdivision.

According to the City's policy, if a property cannot be annexed, then the decision to allow a connection to the City's water system is at the discretion City Council.





75 North 100 West
 P.O. Box 277
 Midway, Utah 84049
 Phone: 435-654-3223
 Fax: 435-654-4120
 midwaycityut.org

Request to be on a City Council Agenda

Name: David Bellessa Organization: Summit Sotheby's Intrn'l Realty

Phone: 435-222-4390 Email: davidbellessa@gmail.com

Mailing Address: 625 N. Homestead Drive City: Midway

State: UT Zip: 84049

Reason for Request:

My name is David Bellessa. I am a real estate agent and represent Ted and Angela Yeiser in ~~marketing their property located at the corner of Stringtown Rd. and Tate Lane (1795 S. 442~~ W.) for sale. The property has a well which is certified for one culinary hookup, and 0.25 acre of outside irrigation. Total water quantity per year is 1.2 acre feet that can be transferred to the Midway City well. The Yeisers have a Deed of Water Rights for the well. The Yeisers are requesting permission to hook into Midway City water, and if approved, agree to transfer the well to Midway City.

Attached are:

Property Survey, Water Right Details, Proof Of Appropriation Of Water, Certificate of Appropriator

Approval to hook into existing Midway City water line is for Ted and Angela Yeiser or a future property owner.

Please Note:

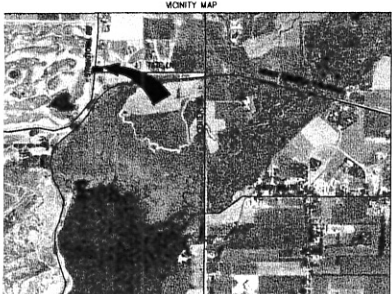
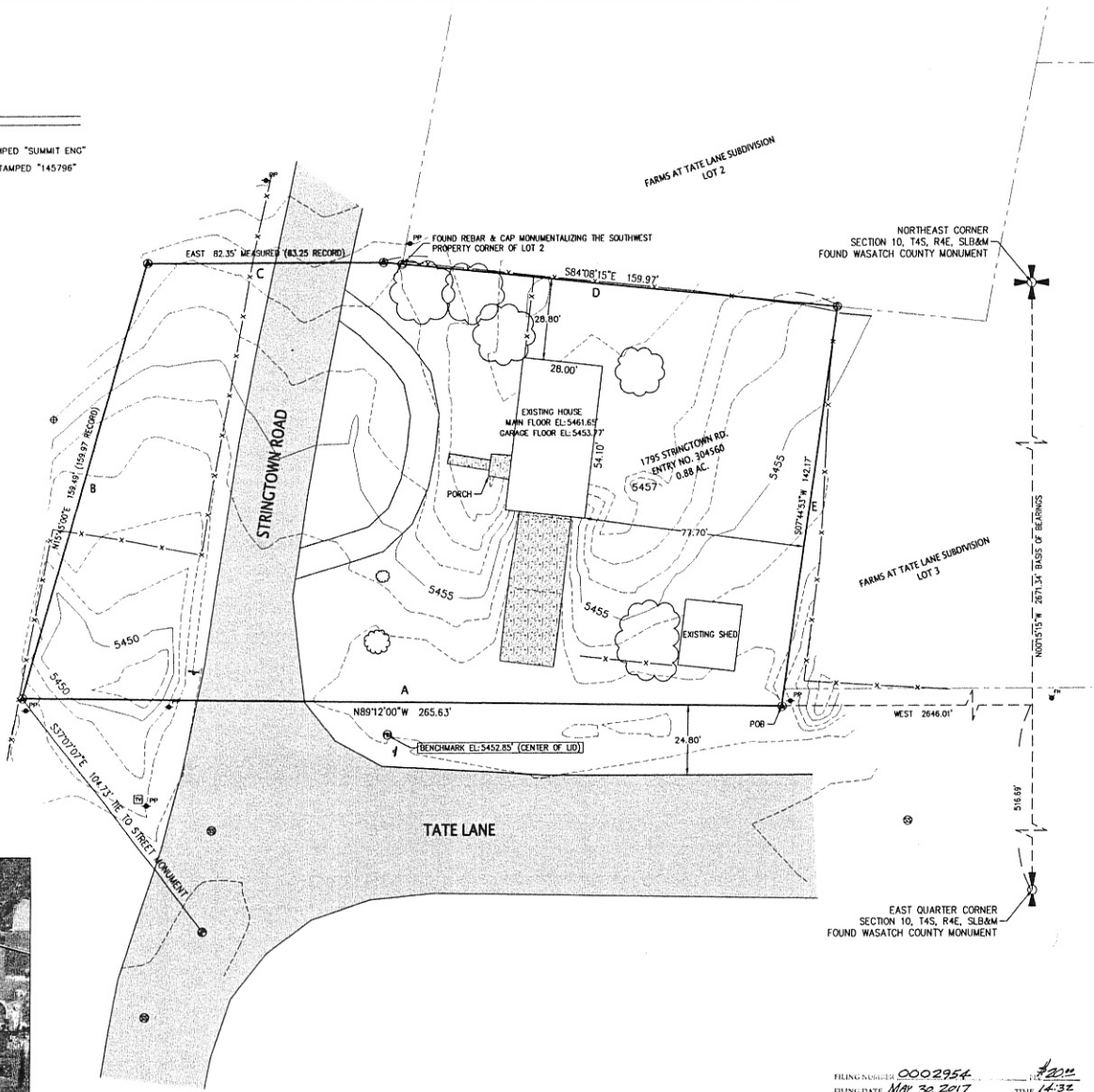
1. This is a general application. Specific applications are required for land use approvals, conditional use permits, etc.
2. Return this completed application to the city recorder's office or email to bwilson@midwaycityut.org.
3. You will be notified within 2 weeks if your request to be on the agenda is approved or declined.
4. City council regular meetings are held on the 2nd and 4th Wednesdays of each month at 6:00 p.m. in the Midway Community Center (160 West Main Street). City council work meetings are held the same days at 10:00 a.m. in the Midway City Office Building (75 North 100 West). Your item will be considered at both meetings.
5. Please provide supplemental information for your item no later than the Thursday before the meeting. This information will be provided to the Council prior to the meeting.

For Office Use Only		
Date Received: _____	Date Approved: _____	Meeting Date: _____



LEGEND

- SET REBAR AND CAP STAMPED "SUMMIT ENG"
- FOUND REBAR AND CAP STAMPED "145796"
- STREET MONUMENT
- QUIET MANHOLE
- SEWER MANHOLE
- CABLE BOX
- STOP SIGN
- 4" PIPE (UNKNOWN USE)
- PINE TREE
- FIRE HYDRANT
- POWER POLE
- PROPERTY BOUNDARY
- EXISTING FENCE
- MAJOR CONTOURS
- MINOR CONTOURS
- ADJACENT PROPERTY LINES
- GRAVEL ROAD
- ASPHALT
- CONCRETE



FILING NUMBER: **0002954**
 FILING DATE: **MAY 30 2017** TIME: **14:32**
 DRAFTER: **SUMMIT ENGINEERING GROUP, INC.**
 SURVEYED FOR: **TED YEISER**

SURVEYOR'S CERTIFICATE

1. I, BRIG CHRISTENSEN, CERTIFY THAT I AM LICENSED AS A PROFESSIONAL LAND SURVEYOR IN THE STATE OF UTAH (REG. NO. 143796) IN ACCORDANCE WITH TITLE 58, CHAPTER 22, PROFESSIONAL ENGINEERS AND PROFESSIONAL LAND SURVEYORS LICENSING ACT. I FURTHER CERTIFY THAT:
2. THE LAND SURVEYED LIES WITHIN SECTION 10, TOWNSHIP 4 SOUTH, RANGE 4 EAST, SALT LAKE BASIN AND MERIDIAN, WASATCH COUNTY, UTAH, AND THE SURVEY WAS COMPLETED DURING WAGON ROAD.
3. THIS PLAT COMPLIES WITH APPLICABLE STATUTES OF THIS STATE AND ANY LOCAL ORDINANCES IN EFFECT ON THE DATE THAT THE SURVEY WAS COMPLETED, AND THE SURVEY WAS CONDUCTED IN ACCORDANCE WITH TITLE 17, CHAPTER 23, PARAGRAPH 12, OF THE UTAH CODE.
4. THE MONUMENTS DEPICTED AS FOUND AND/OR SET ON THE PLAT ARE OF THE CHARACTER SHOWN, OCCUPY THE POSITIONS INDICATED, AND ARE OF SUFFICIENT DURABILITY.

BOUNDARY DESCRIPTION

TITLE DESCRIPTION:
 BEGINNING NORTH 535.11 FEET AND EAST 10.87 FEET FROM THE CENTER OF SECTION 10, TOWNSHIP 4 SOUTH, RANGE 4 EAST, SALT LAKE BASIN AND MERIDIAN, (S&M) CENTER OF SECTION BEING SOUTH 29.40 FEET AND EAST 264.41 FEET FROM THE MONUMENT AT THE NORTHEAST CORNER OF SAID SECTION, THENCE NORTH 89°12' WEST 265.63 FEET; THENCE NORTH 15°45' EAST 159.97 FEET; THENCE EAST 82.35 FEET; THENCE SOUTH 84°08'15" EAST 159.97 FEET; THENCE SOUTH 07°45'21" WEST 142.17 FEET TO THE POINT OF BEGINNING.

SURVEYED DESCRIPTION:
 BEGINNING NORTH 00°15'15" WEST 316.69 FEET ALONG THE SECTION LINE AND WEST 264.01 FEET; THENCE NORTH 89°12'00" WEST 265.63 FEET; THENCE NORTH 15°45'00" EAST 159.49 FEET; THENCE EAST 82.35 FEET; THENCE SOUTH 84°08'15" EAST 159.97 FEET; THENCE SOUTH 07°45'21" WEST 142.17 FEET TO THE POINT OF BEGINNING.

CONTAINING 0.88 ACRES.

BASIS OF BEARINGS

THE BASIS OF BEARINGS FOR THIS SURVEY IS NORTH 00°15'15" WEST 267.34 FEET BETWEEN THE WASATCH COUNTY MONUMENTS FOR THE EAST QUARTER CORNER OF SECTION 10, TOWNSHIP 4 SOUTH, RANGE 4 EAST, SALT LAKE BASIN AND MERIDIAN, IN CONFORMANCE WITH UTAH STATE PLANE COORDINATE SYSTEM 1983 CENTRAL ZONE BEARINGS.

SURVEY NARRATIVE

THIS SURVEY WAS PERFORMED FOR THE PURPOSE OF DETERMINING THE PHYSICAL LOCATION OF THE BOUNDARY OF THE SUBJECT PROPERTY IN ANTICIPATION FOR FUTURE DEVELOPMENT.

BASED FOR LOCATION WAS THE BOUNDARY ESTABLISHED FOR LOTS 2 AND 3 OF THE FARMS AT TATE LANE SUBDIVISION AS EVIDENCED BY THEIR PHYSICAL MONUMENTATION. A FOUND REBAR AND CAP SET BY THE ORIGINAL SURVEYOR OF SAID SUBDIVISION WAS USED BY THE EAST QUARTER CORNER OF SUBJECT PROPERTY. THE TITLE DESCRIPTION DOES NOT CLOSE, THEREFORE A CLOSURE WAS FORGED FROM THE NORTHEAST CORNER OF SUBJECT PROPERTY AS SHOWN BY LINES B, C, D, AND E AND C AND E MATCH THE SPACING, AND DISTANCES, SIZES D AND E ARE IN AGREEMENT WITH THE "FARMS AT TATE LANE SUBDIVISION" OFFICIAL PLAT BOUNDARY.

SUBJECT PROPERTY RECORD DESCRIPTION IS REFERENCED TO THE C CORNER OF SECTION 10 BECAUSE OF THE UNCERTAINTY OF THE LOCATION OF SAID C CORNER AND BECAUSE TITLE DOES NOT CLOSE, IT WAS DEEMED APPROPRIATE TO LOCATE SUBJECT PROPERTY BASED ON THE ADJOINING PROPERTY BOUNDARY LINES (CONCURRENT BOUNDARIES HAVE IDENTICAL BEARINGS).

BRIG CHRISTENSEN
 PROFESSIONAL LAND SURVEYOR
 DATE: **5-20-17**

GENERAL NOTES

1. THIS SURVEY DOES NOT GUARANTEE TITLE TO LAND, NOR IS IT PROOF OF OWNERSHIP, NOR IS IT A LEGAL INSTRUMENT OF CONVEYANCE. FURTHERMORE, ANY SURVEY BOUNDARIES SET IN CONJUNCTION WITH THIS SURVEY ARE NOT INTENDED TO REPRESENT EVIDENCE OF OWNERSHIP OF THE SUBJECT PROPERTY OR ITS ADJACENTS. THE GENERAL INTENT OF THIS SURVEY IS TO PORTRAY WHERE POSSIBLE THE RECORD TITLE LINES OF THE SUBJECT PROPERTY AND TO SHOW THEIR RELATIONSHIP TO ANY EVIDENCE OF USE AND/OR POSSESSION.
2. IN THE EVENT THAT THIS SURVEY DETERMINES THAT THE CREATION OF A NEW/REVISED LEGAL DESCRIPTION IS ADVISABLE AND NECESSARY TO AID THE RESOLUTION OF ANOTHER BOUNDARY CONFLICT, IT SHOULD BE UNDERSTOOD THAT SUCH A LEGAL DESCRIPTION SHOULD NOT BE SHOWN AND PROVIDED HEREON, DOES NOT AUTOMATICALLY REPLACE OR EXTINGUISH RECORD TITLE LINES AND SHOULD NOT BE USED IN INSTRUMENTS OF CONVEYANCE BY ANY PARTY FOR THE BOUNDARY LINES OF FUTURE DEVELOPMENTS UNLESS THE BOUNDARY LINES OF SUCH A LEGAL DESCRIPTION, AS WELL AS INSTRUMENTS, HAVE BEEN ESTABLISHED AND AGREED UPON BY APPLICABLE AND LEGAL MEANS TO WHICH RELEVANT PARTIES. TO HELP PREPARE SUCH AGREEMENTS, SOLICITATION OF COMPETENT LEGAL COUNSEL IS STRONGLY RECOMMENDED.
3. IN THE EVENT THAT THIS SURVEY WAS PERFORMED FOR THE PURPOSE OF PARCELING PROPERTY ACCORDING TO DIRECTIONS FROM THE CLIENT, UNDER NO CIRCUMSTANCES SHOULD THE PARCELING OF PROPERTY AS SHOWN HEREON AND DESCRIBED BY LEGAL DESCRIPTION ABOVE BE INTERPRETED AS REPRESENTING A LEGAL SUBDIVISION OF LOTS OF RECORD, SANCTIONED OR APPROVED BY CITY OR COUNTY GOVERNMENT OFFICES. INSTEAD, THIS SURVEY AND ANY INFORMATION PROVIDED HEREON ARE INTENDED MERELY TO CREATE A NEW RECORD LOT OF RECORD STATUS AND ASSOCIATIVE DEDICATIONS AND LINES NO CLAIM AS TO LOT CONFORMANCE BY STATE, PROPERTY OWNERS AND PROSPECTIVE BUYERS ARE ADVISED TO CONTACT CITY AND COUNTY PLANNING OFFICES FOR INFORMATION AND INSTRUCTION PERTAINING TO ISSUES OF LOT CONFORMANCE AND REQUIREMENTS FOR DEVELOPMENT.
4. THIS SURVEY REPRESENTS OPINIONS BASED ON FACTS AND EVIDENCE. AS THE EVIDENCE CHANGES OR IF NEW EVIDENCE IS DISCOVERED OR RECORDED, THEN THE SURVEYOR RESERVES THE RIGHT TO MODIFY OR ALTER HIS OPINIONS PERTAINING TO THIS SURVEY ACCORDING TO THIS NEW EVIDENCE.
5. SURVEYOR HAS MADE NO INVESTIGATION OR INDEPENDENT SEARCH FOR ENCUMBRANCES, RESTRICTIVE COVENANTS, OWNERSHIP TITLE EVIDENCE, OR ANY OTHER FACTS THAT AN ACCURATE AND CURRENT TITLE SEARCH MAY DISCLOSE. FURNISHING AND ABSTAINANCE OF TITLE, FROM TITLE COMMITMENT, FROM RECORDS OF TITLE SEARCHES WERE FURNISHED THE SURVEYOR, THERE MAY EXIST OTHER DOCUMENTS OF RECORD THAT WOULD AFFECT THIS PARCEL.
6. THIS SURVEY DOES NOT PURPORT TO DETAIL THE LOCATIONS OF ANY OR ALL ENCUMBRANCES OR RIGHTS-OF-WAY OF RECORD AND USE.
7. THIS PLAT MAP DOES NOT PURPORT TO SHOW, EITHER IN FACT OR BY CIRCUMSTANCE, ANY OR ALL UTILITY COMPANY PIPES, WELLS, ETC., EITHER IN SERVICE OR ABANDONED, THAT MAY EXIST ON OR NEAR THE SUBJECT PROPERTY. FURTHERMORE, ANY INDICATION AS TO THE LOCATION OF UNDERGROUND UTILITIES THAT MAY BE SHOWN ON THIS PLAT MAP IS BASED STRICTLY ON OBSERVABLE SURFACE EVIDENCE AND FOR VERBAL EXPLANATIONS. ALSO, FOR THIS SURVEY NO UTILITY MAPS OF RECORD WERE AVAILABLE TO THE SURVEYOR TO HELP DETERMINE THE PROPER LOCATION OF UNDERGROUND UTILITIES. INSTEAD, ONLY BY DEDUCTION CAN THE EXACT LOCATION OF UNDERGROUND UTILITIES BE DETERMINED. CONTRACTORS, BUILDERS, AND EXCAVATORS ARE ADVISED TO VERIFY THE LOCATION AND EXTENSION OF ALL EXISTING UTILITIES PRIOR TO CONSTRUCTION AND/OR EXCAVATION BY CONTACTING CORRESPONDING UTILITY COMPANIES (FOR BLUE STAGES OF UTAH CALL 1-800-662-4111).

RECORD OF SURVEY

PREPARED FOR:
TED YEISER
 PROJECT:
1795 STRINGTOWN ROAD

LOCATED IN THE NORTHWEST 1/4
 OF SECTION 10, TOWNSHIP 4
 SOUTH, RANGE 4 EAST, SLB&M
 WASATCH COUNTY, UTAH

DRAWN BY: **BSM**
 REVIEWED BY: **BC**
 SCALE: **1" = 20'**
 ISSUE DATE: **3/9/2017**

 Summit Engineering Group Inc.
 Structural • Civil • Surveying
 36 WEST CENTER • SUITE 202 • OREM
 UT 84057 • (801) 226-8851
 P. 801-226-8770 • F. 801-226-8851

UTAH STATE BOARD OF PROFESSIONAL ENGINEERS AND SURVEYORS
 BRIG CHRISTENSEN
 LICENSE NO. 143796
 EXPIRES 12/31/2018
 STATE OF UTAH

2954

Water Right Details for 55-1225

Utah Division of Water Rights

4/20/2020 9:06 AM

(WARNING: Water Rights makes NO claims as to the accuracy of this data.)

Water Right: 55-1225

Application/Claim: A35856

Certificate: 7455

Owners:		
Name: Ted M. (jr) and Angela K. Yeiser		
Address: 1795 South 442 West Midway UT 84049		
		Interest: 100%
Remarks: joint tenants		

General:		
Type of Right: Application To Appropriate	Source of Info.: Certificate	Status: Certificated
Quantity of Water: 0.015 CFS		
Source: Underground Water Well		
County: Wasatch		
Common Description:		
Proposed Det. Book: 55-10	Map: *	Pub. Date:
Land Owned by Appl.:	County Tax Id#:	
Distribution System:		

Dates:		
Filing:		
Filed: 01/27/1964		
Priority: 01/27/1964	Decree/Class:	
Advertising:		
Publication Began:	Publication End:	Newspaper:
Protest End Date:	Protested: Not Protested	Hearing Held:
Approval:		
State Eng. Action: Approved	Action Date: 06/25/1964	
Recon. Req. Date:	Recon. Req Action:	
Certification:		
Proof Due Date:	Extension Filed Date:	
Election or Proof:	Election/Proof Date:	
Certificate Date: 09/20/1966	Lapsed, Etc. Date:	Lapsed Letter
Wells:		
Prov. Well Date:	Well Renov. Date:	

Points of Diversion:		
Points of Diversion - Underground:		
(1) N 645 ft. E 2569 ft. from W4 corner, Sec 10 T 4S R 4E SLBM		
Well Diameter: 6 in.	Depth: 76 to ft.	Year Drilled: 1964 Well Log: Yes Well Id#:
Elevation:	UTM: 459170.652, 4481927.795 (NAD83)	
Source/Cmnt:		

Water Uses:

Water Uses - Group Number: 402063

Water Rights Appurtenant to the following use(s):

55-1225(CERT),

Water Use Types:

Irrigation-Beneficial Use Amount: 0.25 acres Group Total: 0.3 Period of Use: 05/01 to 10/15
 Comments:

Domestic-Beneficial Use Amount: 1 EDUs Group Total: 1 Period of Use: 01/01 to 12/31
 Comments:

Place Of Use:	North West				North East				South West				South East				Section Totals
	NW	NE	SW	SE	NW	NE	SW	SE	NW	NE	SW	SE	NW	NE	SW	SE	
Sec 10 T 4S R 4E SLBM				0.3													0.3
Group Acreage Total :																0.3	

Use Totals:

Irrigation sole-supply total: 0.25 acres for a group total of: 0.3 acres
 Domestic sole-supply total: 1 EDUs for a group total of: 1 EDUs

Other Comments:

MAP NUMBER: Sec. 3, 4, 9, 10, T4S, R4E, SLBM