

Midway City Council
20 September 2022
Regular Meeting

Whimsy Willow Subdivision /
Plat Amendment



Midway

CITY COUNCIL MEETING STAFF REPORT

DATE OF MEETING: September 20, 2022
NAME OF PROJECT: Whimsy Willow
NAME OF APPLICANT: Kevin Payne
AGENDA ITEM: Plat Amendment of Lot 2
LOCATION: 405 West 1120 North
ZONING DESIGNATION: RA-1-43 zone

ITEM: 11

Kevin Payne is requesting a Plat Amendment of lot 2 of the Whimsy Willow Subdivision. The proposal would add 0.33 acres to lot 2. The property is located at 405 West 1120 South in the RA-1-43 zone.

BACKGROUND:

Kevin Payne is proposing a plat amendment to the Whimsy Willow Subdivision. The property is located at 405 West 1120 North and is in the RA-1-43 zone. The proposal is to adjust the southern lot line of Lot 2 to the south by adding 0.33 acres from the Vincent property (OWC-1199-1-003-044). Lot 2 will increase from 3.87 acres to 4.2 acres. The Vincent parcel is currently five acres and would decrease to 4.67 acres. The applicant would also like to have the flexibility to adjust the amount of property added to Lot 2 to 0.33 acres or amount less than 0.33 acres, but not to increase the amount adjusted by more than 0.33 acres. The Vincent parcel is currently in the process of annexation and may be in the City limits soon. If the annexation is approved, the property, along with two other parcels, will become the Vincent subdivision and

would contain three lots. Since the Vincent Parcel is not currently in the City limits and the plat amendment may not be recorded until the annexation plat is recorded.

The proposal does not create any additional lots and therefore should not have an impact on traffic, water, or sewer. The adjustments to the property lines should not impact existing sewer and water laterals that are installed to the lots.

ANALYSIS:

A plat amendment is usually 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. Subsection 9a-608(5)(a) states “a land use authority may consider at a public meeting an owner’s petition to vacate or amend a subdivision plat if the petition seeks to:

- (iii) adjust the lot lines of adjoining lots or parcels if the fee owners of each of the adjoining lots or parcels join in the petition, regardless of whether the lots or parcels are located in the same subdivision;

With that being said, a lot line adjustment is an administrative action, according to state law, as long as the 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.”

No public street, right-of-way, or easements will be vacated. The 10’ public utility easement that runs along the boundary of lot 2 will be adjusted so that it continues to run along the newly aligned boundary line.

The duration of a plat amendment approval shall be for one year from the date of approval of the amendment by the City Council. Should the amended plat not be recorded by the County Recorder within the one-year period of time, the plat amendment’s approval shall be voided, and approval must be re-obtained, unless, upon request by the applicant and on a showing of extenuating circumstances, the City Council extends the time limit for recording, with or without conditions. Such conditions may include, but are not limited to, provisions requiring that: (a) each extension will be for a one-year period only, after which time an annual review must be requested by the applicant and presented before the City Council; and/or (b) no more than three one-year extensions will be allowed. The granting or denying of any extension, with or without conditions, is within the sole discretion of the City Council, and an applicant has no right to receive such an extension.

PLANNING COMMISSION RECOMMENDATION:

Motion: Commissioner Bouwhuis: I make a motion that we recommend approval of the plat amendment of lot 2 of the Whimsy Willow Subdivision. The proposal would add 0.33 acres to lot 2. The property is located at 405 West 1120 South in the RA-1-43 zone. We approve the findings in the staff report with no conditions.

Seconded: Commissioner Ream

Chairman Nicholas: Any discussion on the motion?

Chairman Nicholas: All in favor.

Ayes: Commissioners: Ream, Bouwhuis, Wardle, Osborne, Lineback, Garland and Simons

Nays: None

Recused:

Motion: Passed

POSSIBLE FINDINGS:

- Lots 2 will continue to conform to the requirements of the RA-1-43 zone.
- State law requires a land use authority to approve a lot line adjustment if the exchange will not result in a violation of any land use ordinance, no violations have been identified
- State law states a plat amendment may be considered by the land use authority at a public meeting
- No public street, right-of-way, or easement will be vacated or altered
- The Vincent Parcel is not currently in the City limits so the plat amendment may not be recorded until the annexation is recorded.

ALTERNATIVE ACTIONS:

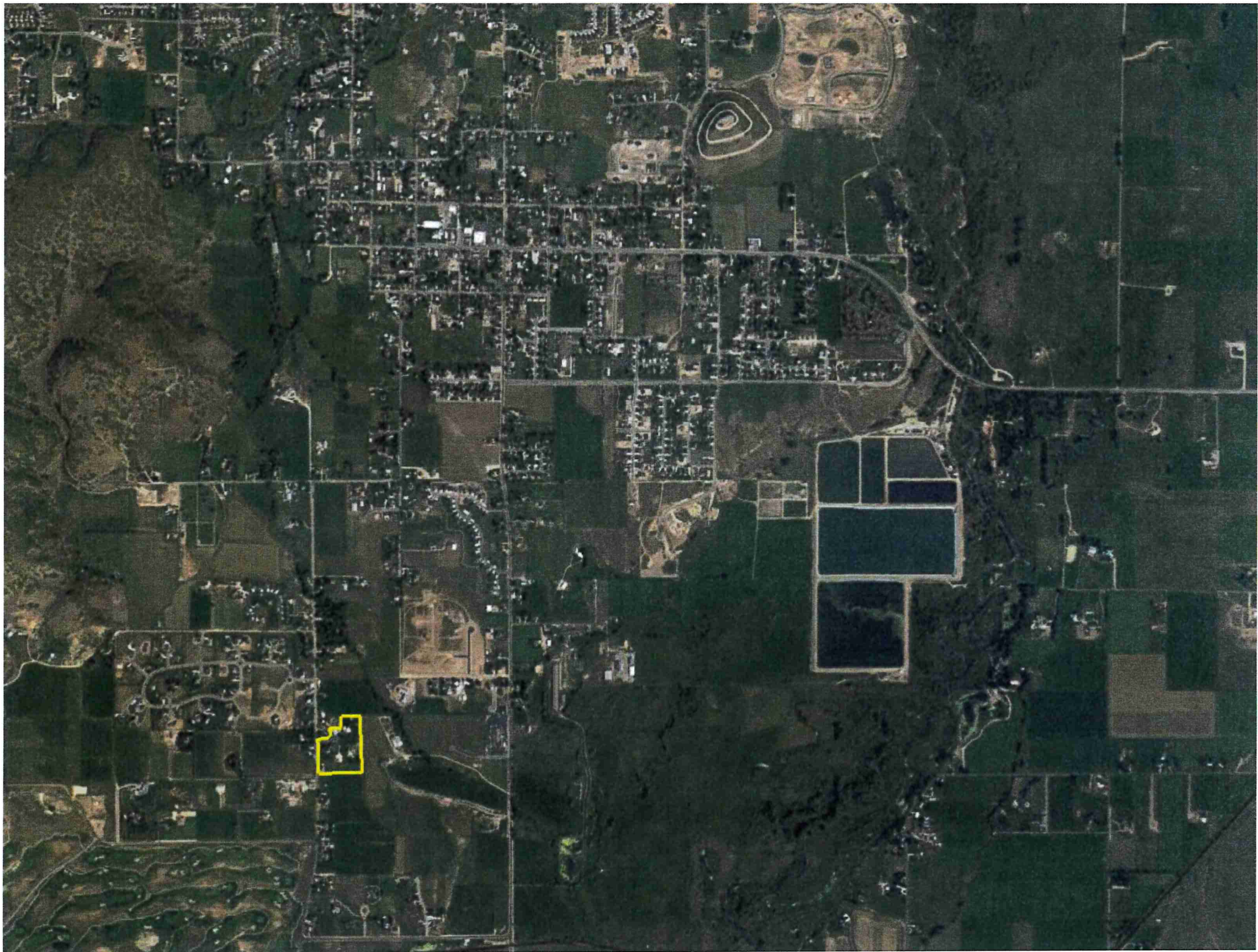
1. Approval (conditional). This action can be taken if the City Council finds there is good cause to approve the proposal.
 - a. Accept staff report
 - b. Reasons for approval (findings)
 - c. Place condition(s) if needed

2. Continuance. This action can be taken if the City Council finds 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

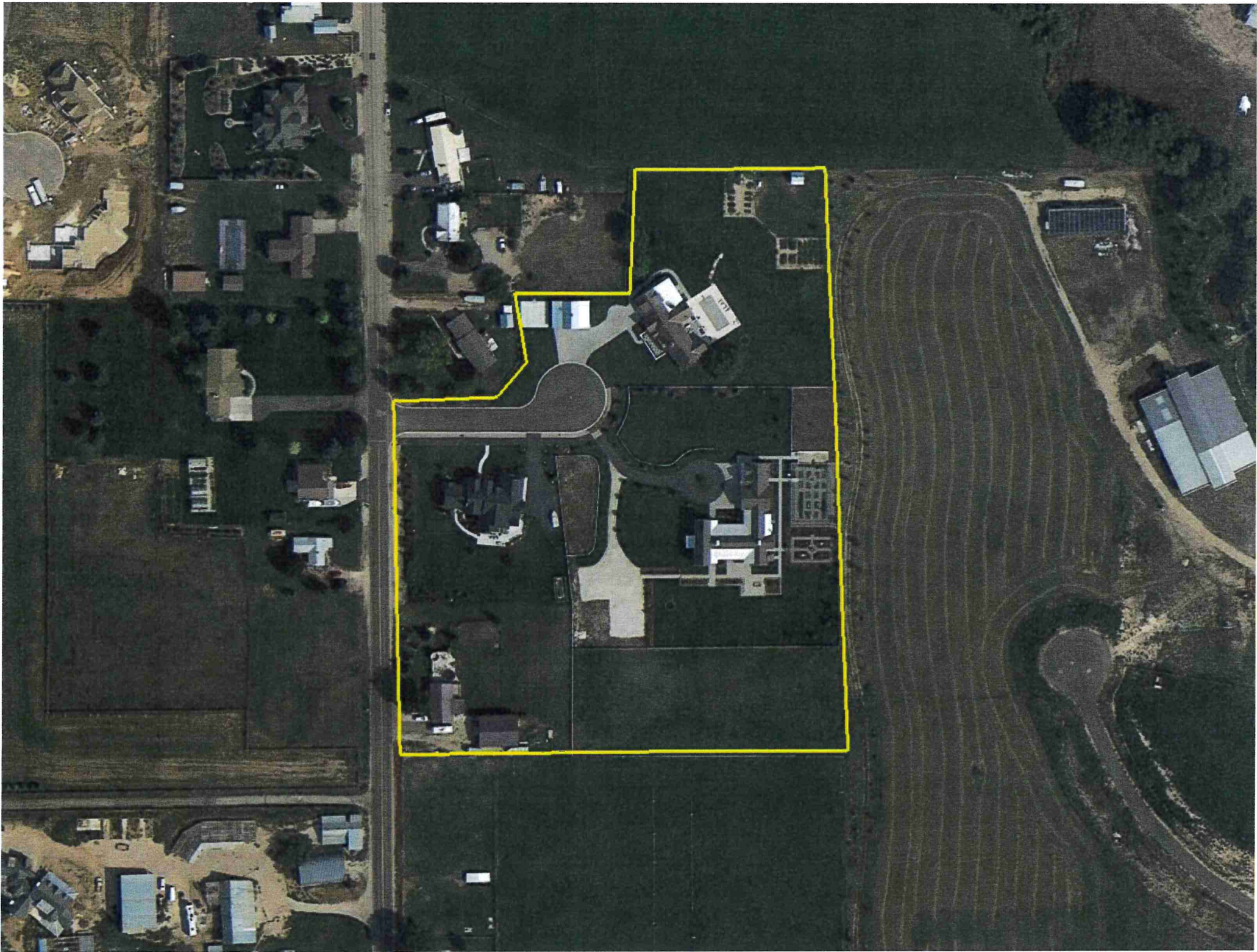
3. Denial. This action can be taken if the City Council finds that the request does not meet the intent of the ordinance.
 - a. Accept staff report
 - b. List accepted findings
 - c. Reasons for denial

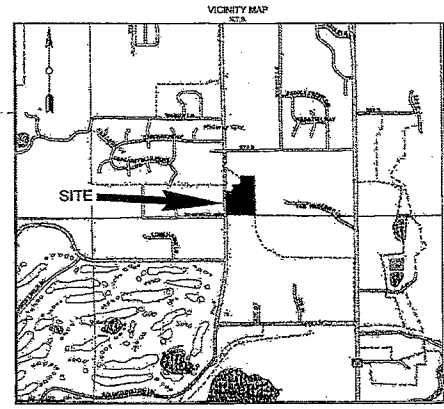
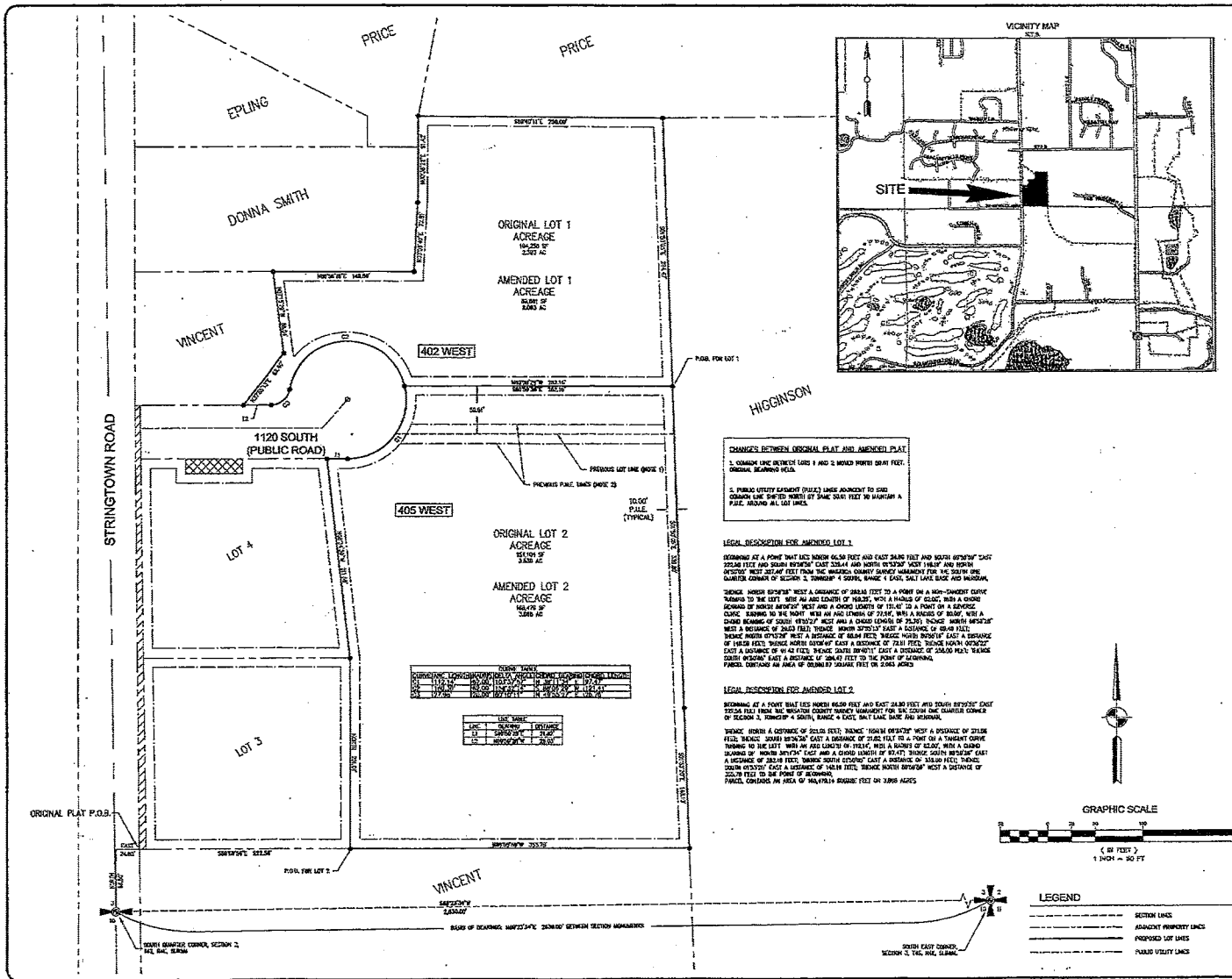
PROPOSED CONDITIONS:

None









CHANGES BETWEEN ORIGINAL PLAT AND AMENDED PLAT

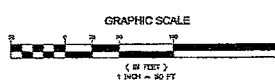
1. CHANGE LINE BETWEEN LOTS 1 AND 2. WOUND NORTH 80° 00' 00" WEST 100.00 FEET.
2. PUBLIC UTILITY EASEMENT (P.U.E.) LINE ADJUSTMENT TO 10.00' PALE (TYPICAL). COMMON LINE SHIFTS NORTH BY SAME SAID FEET TO MAINTAIN A P.U.E. WIDTH OF ALL LINES.

LEGAL DESCRIPTION FOR AMENDED LOT 1

BEGINNING AT A POINT THAT LIES NORTH 65.00 FEET AND EAST 24.00 FEET AND NORTH 80° 00' 00" WEST 100.00 FEET AND SOUTH 80° 00' 00" WEST 100.00 FEET FROM THE SOUTHWEST CORNER OF SECTION 3, TOWNSHIP 4 SOUTH, RANGE 4 EAST, SALT LAKE BASIN AND THENCE

LEGAL DESCRIPTION FOR AMENDED LOT 2

BEGINNING AT A POINT THAT LIES NORTH 65.00 FEET AND EAST 24.00 FEET AND NORTH 80° 00' 00" WEST 100.00 FEET FROM THE SOUTHWEST CORNER OF SECTION 3, TOWNSHIP 4 SOUTH, RANGE 4 EAST, SALT LAKE BASIN AND THENCE



- LEGEND**
- SOLID LINE: SECTION LINE
 - DASHED LINE: ADJACENT PROPERTY LINES
 - DOTTED LINE: PROPOSED LOT LINES
 - DASHED LINE WITH CROSS-TICKS: PROPOSED UTILITY LINES

ORIGINAL PLAT BOUNDARY DESCRIPTION

BEGINNING NORTH 65.00 FEET AND EAST 24.00 FEET FROM THE SOUTHWEST CORNER OF SECTION 3, TOWNSHIP 4 SOUTH, RANGE 4 EAST, SALT LAKE BASIN AND THENCE

BASIS OF BEARINGS

THE BASIS OF BEARINGS FOR THIS SURVEY WAS ESTABLISHED AS NORTH 80° 00' 00" WEST BETWEEN THE WILSON COUNTY SHIPYARD BOUNDARY AT THE SOUTHWEST CORNER AND THE SOUTH 60'-CORNER CORNER OF SECTION 3, TOWNSHIP 4 SOUTH, RANGE 4 EAST, SALT LAKE BASIN AND NEARBY, BY COORDINATE WITH UTM COORDINATE 1983 CENTRAL ZONE MARKING.

SURVEYOR'S CERTIFICATE

IN ACCORDANCE WITH SECTION 10-10-403 OF THE UTAH CODE, I HEREBY CERTIFY THAT I AM A PROFESSIONAL LAND SURVEYOR HOLDING LICENSE NUMBER 10078 IN ACCORDANCE WITH TITLE 20, CHAPTER 22, OF THE PROFESSIONAL ENGINEERS AND PROFESSIONAL LAND SURVEYORS LICENSING ACT.

I FURTHER CERTIFY THAT I HAVE COMPLETED A SURVEY OF THE PROPERTY DESCRIBED ON THIS PLAT IN ACCORDANCE WITH SECTION 10-10-403 OF THE UTAH CODE, AND HAVE VERIFIED ALL MEASUREMENTS, AND BEING THAT ALL MONUMENTS ARE REPRESENTED ON THIS PLAT.

Kevin P. Payne
PROFESSIONAL LAND SURVEYOR
DATE: 7-12-17

OWNER'S DEDICATION

KNOW ALL MEN BY THESE PRESENTS THAT I, THE UNDERSIGNED OWNER OF THE TRACT OF LAND SHOWN AND DESCRIBED ON THIS DEDICATION PLAT, HAVE CHOOSE THE SAME TO BE SURVEYED INTO LOTS, SQUARES AND EASEMENTS TO BE RESPECTED BY ME AS THE WHOLEY WHOLE SUBDIVISION, AND HEREBY I DEDICATE FOR THE PERPETUAL USE OF THE PUBLIC ALL PARCELS OF LAND SHOWN ON THIS PLAT AS INTENDED FOR PUBLIC USE.

Kevin P. Payne DATE: 6/29/17
William Garry Medcalf DATE: 6/29/17
Kevin V. Medcalf DATE: 6/29/17

ACKNOWLEDGEMENT

STATE OF Utah COUNTY OF Wasatch

ON THIS 29th DAY OF July, 2017, I, THE UNDERSIGNED NOTARY PUBLIC, IN AND FOR SAID COUNTY OF Wasatch, IN SAID STATE OF Utah, HAVE PERSONALLY APPEARED BEFORE ME, THE UNDERSIGNED NOTARY PUBLIC, IN AND FOR SAID COUNTY OF Wasatch, IN SAID STATE OF Utah, THE SIGNER OF THE ABOVE OWNER'S DEDICATION, AND AFTER BEING DULY SWORN, ACKNOWLEDGED TO ME THAT THEY DID SIGN THE OWNER'S DEDICATION FREELY AND VOLUNTARILY.

Kevin P. Payne NOTARY PUBLIC

ACKNOWLEDGEMENT

STATE OF Utah COUNTY OF Wasatch

ON THIS 29th DAY OF July, 2017, I, THE UNDERSIGNED NOTARY PUBLIC, IN AND FOR SAID COUNTY OF Wasatch, IN SAID STATE OF Utah, HAVE PERSONALLY APPEARED BEFORE ME, THE UNDERSIGNED NOTARY PUBLIC, IN AND FOR SAID COUNTY OF Wasatch, IN SAID STATE OF Utah, THE SIGNER OF THE ABOVE OWNER'S DEDICATION, AND AFTER BEING DULY SWORN, ACKNOWLEDGED TO ME THAT THEY DID SIGN THE OWNER'S DEDICATION FREELY AND VOLUNTARILY.

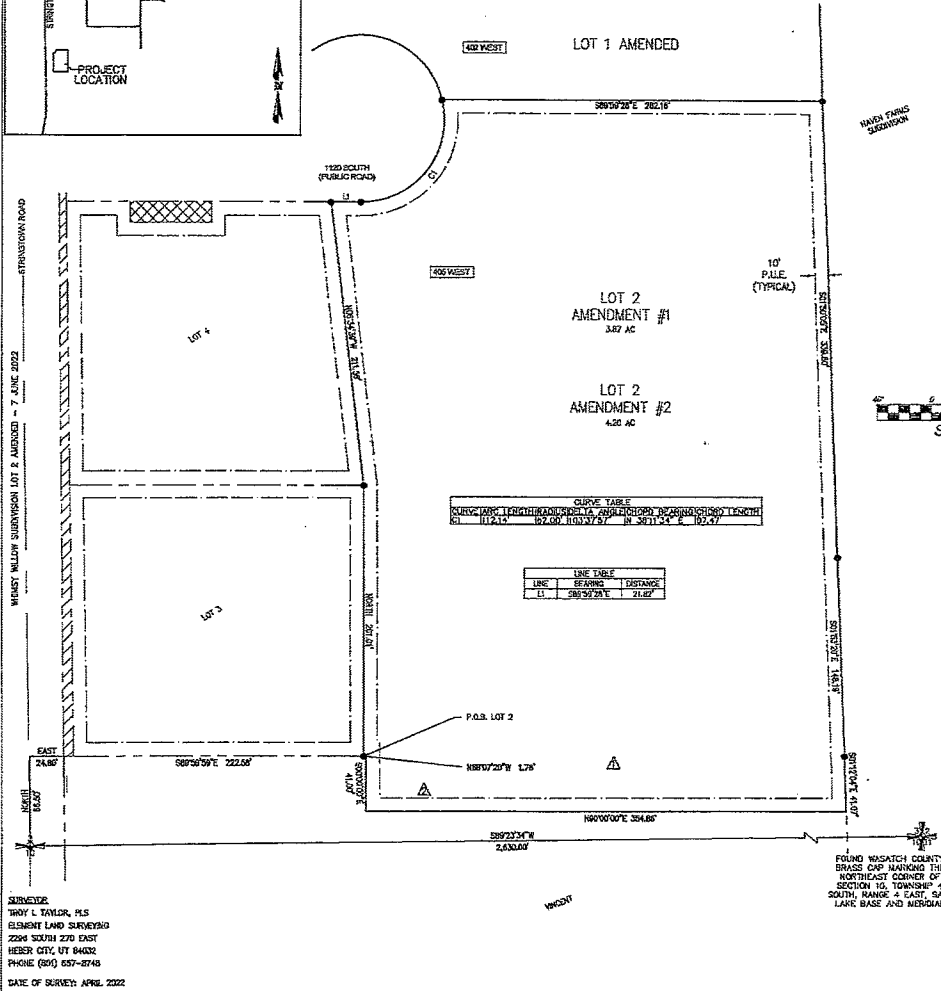
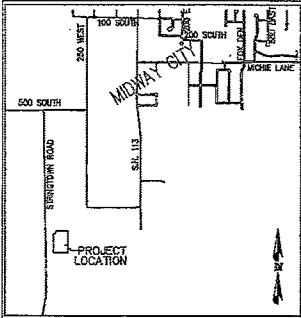
Kevin P. Payne NOTARY PUBLIC

ADMINISTRATIVE BODY

Colleen C. Fenner 6-29-17
Colleen C. Fenner ATTORNEY
Kevin P. Payne COUNTY SURVEYOR
Kevin P. Payne PLANNING DIRECTOR
Kevin P. Payne ENGINEERING
Kevin P. Payne RECORDER
Kevin P. Payne COUNTY CLERK
Kevin P. Payne COUNTY ENGINEER
Kevin P. Payne COUNTY HEALTH OFFICER
Kevin P. Payne COUNTY JUDICIAL CLERK
Kevin P. Payne COUNTY MANAGER
Kevin P. Payne COUNTY READER
Kevin P. Payne COUNTY TREASURER
Kevin P. Payne COUNTY CLERK
Kevin P. Payne COUNTY ENGINEER
Kevin P. Payne COUNTY HEALTH OFFICER
Kevin P. Payne COUNTY JUDICIAL CLERK
Kevin P. Payne COUNTY MANAGER
Kevin P. Payne COUNTY READER
Kevin P. Payne COUNTY TREASURER

PROJECT L15-037	PROJECT WHIMSY WILLOW SUBDIVISION AMENDED SUBDIVISION PLAT AMENDING LOTS 1 & 2	LOCATED IN THE SOUTHEAST 1/4 OF SECTION 3, TOWNSHIP 4 SOUTH, RANGE 4 EAST, SALT LAKE MIDWAY, UTAH	OWNER DMD REVENUE INC BC SCALE 1" = 50' NORTH ARROW 03/29/2017	DESIGNED BY Summit Engineering Group Inc. REGISTERED CIVIL ENGINEERING NO. 10200-0001-0001-0001-0001 U.S. PROFESSIONAL ENGINEER NO. 10200-0001-0001-0001-0001	RECORDED BY DATE FOR BY
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WHIMSY WILLOW SUBDIVISION - LOT 2 SECOND AMENDMENT
 LOCATED IN THE SOUTHEAST QUARTER OF SECTION 3, TOWNSHIP 4 SOUTH, RANGE 4 EAST, SLAB



SURVEYOR'S CERTIFICATE

IN ACCORDANCE WITH SECTION 10-9-803 OF THE UTAH CODE, I, TROY L. TAYLOR, DO HEREBY CERTIFY THAT I AM A PROFESSIONAL LAND SURVEYOR HOLDING LICENSE NUMBER 685419 IN ACCORDANCE WITH TITLE 86, CHAPTER 22, OF THE PROFESSIONAL ENGINEERS AND PROFESSIONAL LAND SURVEYORS LICENSING ACT.
 I FURTHER CERTIFY THAT I HAVE COMPLETED A SURVEY OF THE PROPERTY DESCRIBED ON THE PLAT IN ACCORDANCE WITH SECTIONS 17-25-17 OF THE UTAH CODE, AND HAVE VERIFIED ALL MEASUREMENTS, AND HAVE PLACED MONUMENTS AS REPRESENTED ON THE PLAT.

DATE _____ SURVEYOR (SEE SEAL BELOW) _____

BASIS OF BEARINGS

THE BASIS OF BEARING FOR THIS SURVEY WAS ESTABLISHED AS SOUTH 89°23'34" WEST BETWEEN THE WASATCH COUNTY SURVEY MONUMENTS AT THE SOUTHEAST CORNER AND THE SOUTH ONE-QUARTER CORNER OF SECTION 3, TOWNSHIP 4 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN, IN CONFORMANCE WITH UTAH COORDINATE 1983 CENTRAL ZONE BEARINGS.

BOUNDARY DESCRIPTION

BEGINNING AT A POINT THAT IS 215.00 FEET NORTH AND 215.00 FEET SOUTH 89°23'34" EAST 222.68 FEET FROM THE WASATCH COUNTY SURVEY MONUMENT FOR THE SOUTHWEST CORNER OF SECTION 3, TOWNSHIP 4 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN.
 THENCE NORTH A DISTANCE OF 262.18 FEET; THENCE NORTH 0°23'34" WEST A DISTANCE OF 215.00 FEET; THENCE SOUTH 89°23'34" EAST A DISTANCE OF 215.00 FEET TO A POINT ON A CURVED BOUNDARY TURNING TO THE LEFT WITH AN ARC LENGTH OF 164.00 FEET WITH A RADIUS OF 62.00 FEET; WITH A CHORD BEARING OF NORTH 89°13'34" EAST AND A CHORD LENGTH OF 87.47 FEET; THENCE SOUTH 89°23'34" EAST A DISTANCE OF 262.68 FEET; THENCE SOUTH 0°23'34" EAST A DISTANCE OF 215.00 FEET; THENCE SOUTH 89°23'34" EAST A DISTANCE OF 41.07 FEET; THENCE WEST A DISTANCE OF 264.00 FEET; THENCE WEST A DISTANCE OF 41.07 FEET; THENCE NORTH 89°23'34" WEST A DISTANCE OF 178 FEET TO THE POINT OF BEGINNING.
 PARCEL CONTAINS AN AREA OF 4.20 ACRES

OWNER'S DEDICATION

KNOW ALL MEN BY THESE PRESENTS THAT, THE UNDERSIGNED OWNER(S) OF THE PROPERTY DESCRIBED HEREON, HAVE CAUSED THE SAME TO BE SUBDIVIDED INTO LOTS, PUBLIC STREETS, EASEMENTS AND HEREBY DEDICATE THOSE AREAS LABELED AS PUBLIC STREETS AND EASEMENTS FOR THE CONSTRUCTION AND MAINTENANCE OF PUBLIC UTILITIES AND EMERGENCY VEHICLE ACCESS.

DATED THIS _____ DAY OF _____, A.D. 20____
 KEVIN PARRIS

ACKNOWLEDGMENT

STATE OF UTAH }
 COUNTY OF WASATCH } S.S.
 ON THE _____ DAY OF _____, A.D. 20____, PERSONALLY APPEARED BEFORE ME _____ WHO DULY ACKNOWLEDGED TO ME THAT HE/SHE HAS EXECUTED THE SAME IN THE CAPACITY INDICATED.
 MY COMMISSION EXPIRES: _____ NOTARY PUBLIC

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.
 _____ DAY OF _____, A.D. 20____
 APPROVED _____ MAYOR ATTEST _____ CLERK-RECORDER
 APPROVED _____ CITY ENGINEER APPROVED _____ CITY ATTORNEY

PLANNING COMMISSION APPROVAL

THIS APPROVED THIS _____ DAY OF _____, A.D. 20____ BY THE
 _____ MIDWAY CITY PLANNING COMMISSION
 PLANNING DIRECTOR _____ CHAIRMAN, PLANNING COMMISSION

WHIMSY WILLOW

LOT 2 SECOND AMENDMENT
 MIDWAY CITY, WASATCH COUNTY, STATE OF UTAH
 SOUTHEAST QUARTER OF SECTION 3, TOWNSHIP 4 SOUTH, RANGE 4 EAST, SLAB
 SCALE 1" = 40 FEET

COUNTY RECORDER

COUNTY SURVEYOR'S CERTIFICATE
 APPROVED AS TO FORM ON THIS DAY OF _____, 20____

 COUNTY SURVEYOR

SURVEYOR
 TROY L. TAYLOR, PLS
 ELEMENT LAND SURVEYORS
 2298 SOUTH 270 EAST
 HERRI CITY, UT 84002
 PHONE (801) 657-8740
 DATE OF SURVEY: APRIL 2022