



3200 W 300 N, West Point, UT 84015
801.776.0970

WEST POINT CITY COUNCIL MEETING NOTICE & AGENDA

ELECTRONIC MEETING
December 15th, 2020

Mayor
Erik Craythorne
Council
Gary Petersen, Mayor Pro Tem
Jerry Chatterton
Andy Dawson
R. Kent Henderson
Annette Judd
City Manager
Kyle Laws

THIS PUBLIC MEETING WILL BE HELD ELECTRONICALLY IN ACCORDANCE WITH THE DECEMBER 3, 2020 WRITTEN DETERMINATION:

PURSUANT TO UTAH CODE ANN. 52-4-207(4), We, the undersigned Mayor and Planning Commission Chair of West Point City, hereby determine that conducting City Council and Planning Commission meetings at any time during the next 30 days at an anchor location presents a substantial risk to the health and safety of those who may be present at the anchor location. The World Health Organization, the President of the United States, the Governor of Utah, and the Davis County Health Department have all recognized that a global pandemic exists related to the new strain of the coronavirus, COVID-19. Further, according to information from state epidemiology experts, Utah is currently in an acceleration phase, which has the potential to overwhelm the state's healthcare system.

This written determination will expire thirty days from the date it is signed.

The original of this Written Determination is on file in the City Recorder's office. An electronic copy is also available on the City website at www.westpointcity.org.

The public may monitor or listen to the meeting electronically and provide public comment when appropriate by following the instructions below:

- Join Zoom Meeting at: <https://us02web.zoom.us/j/83967927732> or
- Connect via Telephone: Dial 1(669) 900-6833 and enter Meeting ID: 839 6792 7732

Members of the public may also participate in the Citizen Comment item via email prior to the meeting

Comments must be received prior to the 7PM City Council Meeting

- Email: carnold@westpointcity.org
- Subject Line: Must be designated as "Citizen Comment – December 15, 2020 City Council Meeting"
- Email Body: Must include First & Last Name and Address and a succinct statement of your comment.

ADMINISTRATIVE SESSION

6:00 PM – OPEN TO THE PUBLIC

1. Code Enforcement Update – Mr. Bruce Dopp pg. 5
2. Discussion Regarding the Sale of Real Property to UDOT – Mr. Kyle Laws pg. 8
3. Discussion Regarding Public & Private Utilities – Mr. Boyd Davis pg. 43
4. Other Items

GENERAL SESSION

6:30 PM – OPEN TO THE PUBLIC

1. Call to Order
2. Prayer (Please contact the City Recorder to request meeting participation by offering a prayer or inspirational thought)
3. Communications and Disclosures from City Council and Mayor
4. Communications from Staff
5. Citizen Comment (If you wish to make comment to the Council, you are encouraged to email your comments prior to the meeting using the instructions above. If you have joined the electronic meeting, use the "raise hand" icon if on a computer or dial *9 to indicate that you would like to make a comment. When it is your turn, the meeting host will unmute you. Please do not repeat positions already stated. Public comment is a time for the Council to receive new information and perspectives)
6. Consideration of Approval of the Minutes from the November 17, 2020 West Point City Council Meeting pg. 46
7. Consideration of Approval of Resolution No. 12-15-2020A, Authorizing the Sale of Real Property to the Utah Department of Transportation – Mr. Kyle Laws pg. 8
8. Consideration of Approval to Remove the Sun Meadows Subdivision from Warranty – Mr. Boyd Davis pg. 32
9. Consideration of Approval of Ordinance No. 12-15-2020A, Amending WPCC Section 15.20.165 Regarding Setback Requirements for Private Driveways and Alleys in the R-4 Zone – Mr. Boyd Davis pg. 33
 - a. Public Hearing
 - b. Action
10. Consideration of Approval of Ordinance No. 12-15-2020B, Amending WPCC Sections 15.15.120 and 17.75.030 Regarding Maximum Height Restrictions for Accessory Buildings and Accessory Apartments – Mr. Boyd Davis pg. 39
 - a. Public Hearing
 - b. Action
11. Motion to Move Into a Closed Session

CLOSED SESSION

1. Motion to Open Closed Session
2. Call to Order and Roll Call
3. Discussion Regarding the Purchase of Real Property, Pursuant to UCA §52-4-205(1)(d)

12. Motion to Adjourn the General Session

SPECIAL JOINT MEETING OF THE WEST POINT CITY COUNCIL & PLANNING COMMISSION

7:30 PM – OPEN TO THE PUBLIC

The public may monitor or listen to the meeting electronically by following the instructions below:

- Join Zoom Meeting at: <https://us02web.zoom.us/j/88078449111> or
- Connect via Telephone: Dial 1(669) 900-6833 and enter Meeting ID: 880 7844 9111

1. Call to Order
2. Discussion Regarding Land Use Ordinances
3. Motion to Adjourn

Amended this 14th day of December, 2020



CASEY ARNOLD, CITY RECORDER

If you plan to attend this meeting and, due to disability, will need assistance in understanding or participating therein, please notify the City at least twenty-four (24) hours prior to the meeting and we will seek to provide assistance.

TENTATIVE UPCOMING ITEMS

Date: 01/05/2021

Administrative Session – 6:00 pm

1. Discussion Regarding the FY2020 Audit Report – Mr. Ryan Harvey
2. Discussion Regarding the Sunview Estates Subdivision Phase 2 – Mr. Boyd Davis

General Session – 7:00 pm

1. Consideration of Approval of the FY2020 Audit Report for West Point City – Mr. Ryan Harvey
2. Consideration of Approval to Remove the Zaugg Legacy Subdivision from Warranty – Mr. Boyd Davis
3. Consideration of Approval to Remove the Craythorn Homestead Subdivision Phase 1 from Warranty – Mr. Boyd Davis
4. Consideration of Approval to Place the Craythorn Homestead Subdivision Phase 3 on Warranty – Mr. Boyd Davis

Date: 01/19/2020

Administrative Session – 6:00 pm

1. Discussion Regarding SR-108 Widening Project – Utah Department of Transportation

General Session – 7:00 pm

Date: 02/01/2021

Administrative Session – 6:00 pm

General Session – 7:00 pm

1. Youth Council Update

Date: 02/16/2021

Administrative Session – 6:00 pm

General Session – 7:00 pm

Date: 03/02/2021

Administrative Session – 6:00 pm

General Session – 7:00 pm

1. Youth Council Update

Date: 03/16/2021

Administrative Session – 6:00 pm

General Session – 7:00 pm

Date: 04/06/2021

Administrative Session – 6:00 pm

General Session – 7:00 pm

1. Youth Council Update

Date: 04/20/2021

Administrative Session – 6:00 pm

General Session – 7:00 pm

Date: 05/04/2021

Administrative Session – 6:00 pm

1. Discussion Regarding the FY2021 Amended Budget and FY2022 Tentative Budget for West Point City and All Related Agencies – Mr. Ryan Harvey

General Session – 7:00 pm

1. Youth Council Update

Date: 05/18/2021

Administrative Session – 6:00 pm



WEST POINT CITY 2020 CALENDAR

2020

IMPORTANT DATES

JANUARY

SUN	MON	TUE	WED	THU	FRI	SAT
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JULY

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FEBRUARY

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MARCH

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SEPTEMBER

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NOVEMBER

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DECEMBER

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JANUARY

- 1 New Year's Day - CLOSED
- 9 Planning Commission - 6 PM
- 10-11 City Council Planning & Visioning Session
- 13 Senior Lunch - 11:30 AM
- 20 MLK Jr. Day - CLOSED
- 21 City Council - 6 PM
- 23 Planning Commission - 6 PM

JULY

- 3-4 PARTY AT THE POINT EVENTS
- 6 Independence Holiday - CLOSED
- 7 City Council - 6 PM
- 9 Planning Commission - 6 PM
- 13 Senior Lunch - 11:30 AM
- 21 City Council - 6 PM
- 23 Planning Commission - 6 PM
- 24 Pioneer Day - CLOSED

FEBRUARY

- 4 City Council - 6 PM
- 10 Senior Lunch - 11:30 AM
- 12 Council/Staff Lunch - 11:30 AM
- 13 Planning Commission - 6 PM
- 17 President's Day - CLOSED
- 18 City Council - 6 PM
- 27 Planning Commission - 6 PM

AUGUST

- 4 City Council - 6 PM
- TBD Summer Party - 6:30 PM
- 13 Planning Commission - 6 PM
- N/A Senior Dinner - CANCELED
- N/A MOVIE IN THE PARK - CANCELED
- 18 City Council - 6 PM
- 27 Planning Commission - 6 PM

MARCH

- 3 City Council - 6 PM
- 3 PRESIDENTIAL PRIMARY ELECTION
- 12 Planning Commission - 6 PM
- 16 Senior Lunch - 11:30 AM
- 17 City Council - 6 PM
- 26 Planning Commission - 6 PM

SEPTEMBER

- 1 City Council - 6 PM
- 7 Labor Day - CLOSED
- 10 Planning Commission - 6 PM
- 11 MOVIE IN THE PARK - CANCELED
- 14 Senior Lunch - CANCELED
- 15 City Council - 6 PM
- 24 Planning Commission - 6 PM

APRIL

- 7 City Council - 6 PM
- 9 Planning Commission - 6 PM
- 11 EASTER EGG HUNT - 10 AM
- 13 Senior Lunch - 11:30 AM
- 21 City Council - 6 PM
- 23 Planning Commission - 6 PM

OCTOBER

- 1 CEMETERY CLEANING
- 6 City Council - 6 PM
- 8 Planning Commission - 6 PM
- 12 Employee Training - CLOSED
- 14 Council/Staff Lunch - 11:30 AM
- 16 HALLOWEEN CARNIVAL - 7 PM
- 19 Senior Lunch - 11:30 AM
- 20 City Council - 6 PM
- 22 Planning Commission - 6 PM

MAY

- 5 City Council - 6 PM
- 7 CEMETERY CLEANING
- 8-9 SPRING CLEAN UP
- 8-9 TAKE PRIDE IN WEST POINT
- 14 Planning Commission - 6 PM
- 18 Senior Lunch - CANCELED
- 19 City Council - 6 PM
- 25 Memorial Day - CLOSED
- 28 Planning Commission - 6 PM

NOVEMBER

- 3 ELECTION DAY
- 9 FLAGS ON VETERANS' GRAVES
- 11 Veterans Day - CLOSED
- 12 Planning Commission - 6 PM
- 16 Senior Lunch - 11:30 AM
- 17 City Council - 6 PM
- 26-27 Thanksgiving - CLOSED
- 30 CITY HALL LIGHTING - 6 PM

JUNE

- 2 City Council - 6 PM
- 6 MISS WEST POINT ONLINE PAGEANT
- 11 Planning Commission - 6 PM
- 15 Senior Lunch - 11:30 AM
- 16 City Council - 6 PM
- 25 Planning Commission - 6 PM
- 30 GENERAL PRIMARY ELECTION

DECEMBER

- 1 City Council - 6 PM
- 4 Christmas Party - 7 PM
- 6 CHILD REMEMBRANCE DAY
- 10 Planning Commission - 6 PM
- 14 Senior Lunch - 11:30 AM
- 15 City Council - 6 PM
- 16 Staff Christmas Party
- 18 CEMETERY LUMINARY - 4 PM
- 24-25 Christmas - CLOSED

*UPDATED AS OF November 12, 2020



WEST POINT CITY 2021 CALENDAR

2021

IMPORTANT DATES

JANUARY

SUN	MON	TUE	WED	THU	FRI	SAT
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JULY

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FEBRUARY

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AUGUST

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MARCH

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SEPTEMBER

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APRIL

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OCTOBER

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MAY

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NOVEMBER

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JUNE

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DECEMBER

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JANUARY

1	New Year's Day - CLOSED
5	City Council - 6 PM
11	Senior Lunch - CANCELED
14	Planning Commission - 6 PM
18	MLK Jr. Day - CLOSED
19	City Council - 6 PM
28	Planning Commission - 6 PM
TBD	City Council Planning & Visioning Session

JULY

2-3	PARTY AT THE POINT EVENTS
5	Independence Holiday - CLOSED
6	City Council - 6 PM
8	Planning Commission - 6 PM
12	Senior Lunch - CANCELED
20	City Council - 6 PM
22	Planning Commission - 6 PM
23	Pioneer Day Holiday - CLOSED

FEBRUARY

2	City Council - 6 PM
8	Senior Lunch - CANCELED
11	Planning Commission - 6 PM
15	President's Day - CLOSED
16	City Council - 6 PM
25	Planning Commission - 6 PM

AUGUST

TBD	Summer Party
3	City Council - 6 PM
12	Planning Commission - 6 PM
17	City Council - 6 PM
20	MOVIE IN THE PARK - DUSK
20	Senior Dinner - 5:30 PM
26	Planning Commission - 6 PM

MARCH

2	City Council - 6 PM
11	Planning Commission - 6 PM
15	Senior Lunch - CANCELED
16	City Council - 6 PM
25	Planning Commission - 6 PM

SEPTEMBER

6	Labor Day - CLOSED
7	City Council - 6 PM
9	Planning Commission - 6 PM
13	Senior Lunch - 11:30 AM
17	MOVIE IN THE PARK - DUSK
21	City Council - 6 PM
23	Planning Commission - 6 PM

APRIL

TBD	EASTER EGG HUNT - 10 AM
6	City Council - 6 PM
8	Planning Commission - 6 PM
12	Senior Lunch - CANCELED
20	City Council - 6 PM
22	Planning Commission - 6 PM

OCTOBER

TBD	HALLOWEEN CARNIVAL - 7 PM
4	Senior Lunch - 11:30 AM
5	City Council - 6 PM
7	CEMETERY CLEANING
11	Employee Training - CLOSED
13	Council/Staff Lunch - 11:30 AM
14	Planning Commission - 6 PM
19	City Council - 6 PM
28	Planning Commission - 6 PM

MAY

TBD	TAKE PRIDE IN WEST POINT
4	City Council - 6 PM
6	CEMETERY CLEANING
13	Planning Commission - 6 PM
17	Senior Lunch - CANCELED
18	City Council - 6 PM
27	Planning Commission - 6 PM
31	Memorial Day - CLOSED

NOVEMBER

2	ELECTION DAY
6	FLAGS ON VETERANS' GRAVES
11	Veterans Day - CLOSED
15	Senior Lunch - 11:30 AM
16	City Council - 6 PM
25-26	Thanksgiving - CLOSED
29	CITY HALL LIGHTING - 6 PM

JUNE

TBD	MISS WEST POINT PAGEANT
1	City Council - 6 PM
10	Planning Commission - 6 PM
14	Senior Lunch - CANCELED
15	City Council - 6 PM
24	Planning Commission - 6 PM

DECEMBER

3	Christmas Party - 7 PM
6	CHILD REMEMBRANCE - 7 PM
7	City Council - 6 PM
9	Planning Commission - 6 PM
13	Senior Lunch - 11:30 AM
17	CEMETERY LUMINARY - 4 PM
21	City Council - 6 PM
23	Planning Commission - 6 PM
24-27	Christmas Holiday - CLOSED
31	New Year's Holiday - CLOSED

*UPDATED AS OF December 1, 2020

City Council Staff Report

Subject: Status of Code Enforcement in West Point
Author: Bruce Dopp
Department: Community Development
Date: December 10, 2020



Background

In order to achieve the highest quality of health, safety and the continuing beauty of the City of West Point, it is necessary to establish achievable and measurable goals for the enforcement of the ordinances established for that purpose. These goals will change from time to time depending on seasons and circumstances. If properly applied these goals will assure the continuing quality of life for the residents of the City. The day to day operation of code enforcement is driven by the following objectives:

1. Timely acknowledgement of citizen complaints with follow up to ensure satisfaction.
2. Establish priorities to make sure that health and safety issues are addressed as a top priority.
3. Ensure that staff is always courteous and respectful in dealing with complaints.
4. Pro-Active enforcement. Code Enforcement Officer spends at least 50% of working hours patrolling the City. Code Enforcement Officer needs to be visible to residents.
5. Establish “Best Practices” for code enforcement through communication with other cities, continuing education and involvement with county and state agencies.

Analysis

During the period of June to December 2020 Code Enforcement efforts have been focused on the following areas.

Tree Trimming Project

From September 14 to Sept 21, I conducted the annual tree trimming project to prepare for the winter snow plowing season. I patrolled the City and found 19 trees in various parts of the City in violation of tree trimming ordinances which require trees to be trimmed 13.5 feet above the curb and 7 feet above the sidewalk. I issued courtesy and/or 14 Day Notices on these residences and secured 100% compliance. Last year’s project resulted in many more notices, but most trees that I observed last year were not grown out enough to be in

violation. This is a very worthwhile project that I plan to continue each fall.

Fall Clean-Up

On October 23rd and 24th the City sponsored the annual Fall Clean-up. We used the City Newsletter, Facebook and Twitter accounts to advertise this event. Eighteen Foot dumpsters were in place in each of the three City parks beginning on Thursday evening. During the two-day event, more dumpsters were filled than ever before. (22). I personally monitored the dumpsters at each park and received very positive feedback from several citizens. Public works employees assisted in the clean-up and did an excellent job in making sure the dumpsters were crushed down for proper hauling. This project continues to grow and becomes more popular each year.

Winter Parking

Education of residents was the primary consideration for actions taken during November. On November 9th 10th and 11th I patrolled to City to measure compliance. Newsletter articles were published in the City Newsletter alerting residents of the requirement to refrain from parking on the streets from November 1st until the end of February. The articles also instructed residents to trim trees so that snow plows could clean streets without damaging equipment or trees.

311 Courtesy Notices were placed on windshields of vehicles during these early morning patrols informing residents that it is illegal to park on the street beginning November 1st. All of these vehicles were illegally parked. The notices also warned residents that citations could follow if they continue to park illegally.

Beginning December 1st, Davis County Sheriff's Department began issuing citations. As I receive complaints, I forward the information to Lt. Cox who coordinates the issuance of citations for illegal winter parking. A few tickets have been issued since Dec 1st but we expect more as winter progresses.

I usually do another round of early morning patrols to measure compliance and alert Davis County Sheriff of trouble spots. I will conduct this patrol during either December or early January this year.

Junk Cars

Most years I do a junk car project in spring or fall to eliminate inoperable or unregistered vehicles in the City. Because of Covid-19 issues, Davis County Sheriff notified the City that these violations would not be prosecuted because DMV was so restricted and backlogged

that they could not handle the volume. This restriction has not been lifted to date. I still issue courtesy notices but do not proceed with citations.

I will continue this project when the new ordinance is completed and approved.

Other Miscellaneous Complaints and Issues (Yard Debris, Business Licensing)

Courtesy Notices Issued-----75

Courtesy Notices Complied With-----69

Recommendations

Winter parking will continue to be a priority for the rest of the snow months. A cooperative effort with the Davis County Sheriff's office should bring this effort into even better compliance. While we will never completely eliminate the problem, I believe the educational efforts have been very effective.

Significant Impacts

None

City Council Staff Report



Subject: Sale of Property – Trail for West Davis Highway
Author: Kyle Laws
Department: Executive
Date: December 15, 2020

Background

UDOT has presented to the City an offer package to purchase property along the corridor for the new West Davis Highway. This property is the existing trail from 700 S. to a point north near the golf course and totals 4.67 acres. They have presented an appraisal that the offer is based on and would like the City to consider this offer and respond.

Analysis

The appraisal and offer for this section of the trail is for \$210,300. The West Davis Highway project will replace the trail in a new location as part of the project. Staff sees no reason why we wouldn't entertain and accept this offer.

Our City Attorney has reviewed the offer and found it acceptable in form and order and reminded Staff that we have a right to request a second appraisal. Staff does not believe this is necessary and has requested a resolution be prepared.

Recommendation

Staff recommends Council approve Resolution No. 12-15-2020A, authorizing the sale of real property to the Utah Department of Transportation.

Attachments

Resolution No. 12-15-2020A
Statement of Just Compensation & Associated Documents
Map

RESOLUTION NO. 12-15-2020A

A RESOLUTION AUTHORIZING SALE OF REAL PROPERTY TO THE UTAH DEPARTMENT OF TRANSPORTATION.

WHEREAS, the Utah Department of Transportation (UDOT) is in the process of acquiring rights of way for construction of West Davis Highway Project. (Project); and,

WHEREAS, UDOT desires to acquire from West Point City (City) 4.67 acres of real property to be used in connection with construction of the Project; and,

WHEREAS, UDOT has tendered to the city an offer to Purchase Right of Way (Offer); and,

WHEREAS, the City finds the Offer to be fair and reasonable,

NOW THEREFORE, BE IT RESOLVED BY THE WEST POINT CITY COUNCIL as follows:

1. OFFER, the Offer from UDOT to purchase 4.67 acres of real property for a price of \$210,300.00 be and the same is accepted.
2. ACCEPTANCE, The Mayor and City Recorder are authorized and directed to sign and accept the offer and any and all other documents necessary to complete the sale to UDOT.
3. EFFECTIVE DATE, this resolution shall be effective immediately upon passage and adaption

PASSED AND ADAPTED this 15th day of December, 2020.

West Point City

Erik Craythorne
Mayor

Attest:

Casey Arnold

City Recorder



**Utah Department of Transportation
Right of Way Division
Statement of Just Compensation**

Project No: S-R199(229) Parcel No.(s): 687

Pin No: 11268 Job/Proj No: 72698 Project Location: West Davis Corridor
 County of Property: DAVIS Tax ID / Sidwell No: 12-039-0041
 Property Address: Approx 700 South Bluff Road WEST POINT UT, 84015
 Owner's Address: 3016 West 300 North, West Point, UT, 84015
 Owner's Home Phone: Owner's Work Phone: (801)776-0970
 Owner / Grantor (s): West Point City
 Grantee: Utah Department of Transportation (UDOT)/The Department

The following information is the basis for the amount estimated by Utah Department of Transportation to be just compensation.

Parcel No.	Type of Interest Acquired	Size Units	Price Per Unit	Property % Use	County
687	Land	4.67 ACRES	\$45,000	100 Special Use Proj	DAVIS
VALUE OF THE TAKING					
687	----->	4.67 ACRES	\$45,000	100 x Factor 1 =	Value \$210,285.00
OTHER COSTS					
687	Rounding				\$15.00
NET AMOUNT:					\$210,300.00

Utah Department of Transportation declares that this offer is the amount that has been established by UDOT as just compensation and is in accordance with applicable State laws and requirements. Just compensation is defined as the fair market value of the property taken, plus damages, if any, to the remaining property, less any benefit which may accrue to said property by reason of the construction of the highway.

DATE: 11/15/2020

Shannon Wixom (Consultant/Realtor) / Acquisition Agent



State of Utah

GARY R. HERBERT
Governor

SPENCER J. COX
Lieutenant Governor

DEPARTMENT OF TRANSPORTATION

CARLOS M. BRACERAS, P.E.
Executive Director

JASON E. DAVIS, P.E.
Deputy Director of Engineering and Operations

TERIANNE S. NEWELL, P.E.
Deputy Director of Planning and Investment

November 5, 2020

West Point City
3016 West 300 North
West Point, UT 84015

Dear West Point City:

The Utah Department of Transportation (UDOT) has prepared an offer to purchase your property, which is located at Approx 700 South Bluff Road, West Point, UT 84015 and has assigned parcel number(s) 687 to help identify your property during this process. The property has been valued using standard valuation methods. Based on those methods, UDOT hereby makes an offer to purchase your property for \$210,300.00.

Although this letter is provided as part of an attempt to negotiate with you for the sale of your property or an interest in your property without using the power of eminent domain, UDOT may use that power if it is not able to acquire the property by negotiation. Because of that potential, the person negotiating on behalf of UDOT is required to provide the following disclosures to you:

- * You are entitled to receive just compensation for your property.
- * You are entitled to an opportunity to negotiate with UDOT over the amount of just compensation before any legal action will be filed.
- * You are entitled to an explanation of how the compensation offered for your property was calculated.
- * If an appraiser is asked to value your property, you are entitled to accompany the appraiser during an inspection of the property.
- * You are entitled to discuss this case with the attorneys at the Office of the Property Rights Ombudsman. The office may be reached at 801-530-6391, or at Heber M. Wells Building, 160 East 300 South, Salt Lake City, UT, 84111.
 - * The Office of the Property Rights Ombudsman is a neutral state office staffed by attorneys experienced in eminent domain. Their purpose is to assist citizens in understanding and protecting their property rights. You are entitled to ask questions and request an explanation of your legal options.
- * If you have a dispute with UDOT over the amount of just compensation due to you, you are entitled to request free mediation or arbitration of the dispute from the Office of the Property Rights Ombudsman. As part of mediation or arbitration, you are entitled to request a free independent valuation of the property.
- * Oral representations or promises made during the negotiation process are not binding upon the entity seeking to acquire the property by eminent domain.



State of Utah

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DEPARTMENT OF TRANSPORTATION

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Deputy Director of Engineering and Operations

TERIANNE S. NEWELL, P.E.
Deputy Director of Planning and Investment

I will be pleased to visit with you or your representative to discuss this offer and to answer any questions you might have about the acquisition process. Please review all the enclosed documents:

- * Ombudsman's Acquisition Brochure - Your Guide to Just Compensation
- * Offer to Purchase
- * Statement of Just Compensation
- * Right of Way Contract
- * Deed(s) and/or Easement(s)
- * Map and legal description

I will be calling you to discuss the enclosed documents and to answer any questions you may have regarding this UDOT Project. If you don't hear from me in the next couple of days it might mean that I have been unable to locate a good telephone number for you. As that may be the case, please give me a call and leave your contact phone number and best time for me to contact you. My contact information is on my business card and also printed below. For your records please make yourself a copy of the documents you are signing before sending them back.

If you are in agreement with our offer, please sign and initial the contract, offer to purchase, all deed(s) and/or easement(s). All deed(s) and/or easement(s) must be signed and notarized. Once all of the required documents have been signed and approved by UDOT, closing documents will be prepared. Please note the signed documents must be approved by the UDOT Director of Right of Way before they will be a final enforceable contract. Upon receipt of the signed documents, a check will be issued payable to you after all applicable liens have been paid. This payment along with a copy of the fully executed contract will be returned to you in approximately six weeks. If you have any questions about the closing or acquisition process, please contact me at your earliest convenience.

On behalf of UDOT, I look forward to working with you.

Sincerely,

Shannon Wixom (Consultant/Realtor)
801-430-5713
Acquisition Agent / Right of Way Division
Utah Department of Transportation

OFFER TO PURCHASE RIGHT OF WAY

Pin: 11268 Project No: S-R199(229)

Owner Name: West Point City

Property Address: Approx 700 South Bluff Road, WEST POINT, UT 84015

Parcel No: 687

Authority No: 72698

Tax Id: 12-039-0041

Project Location: West Davis Corridor

The Utah Department of Transportation hereby makes you an offer of \$210,300.00 as Just Compensation for your property and/or easement(s) on your property.

This is the approved value for the parcel of land described in the Project shown above.

Utah Department of Transportation declares that this offer has been established by the Department as Just Compensation and is in accordance with applicable State laws and requirements. Just Compensation is defined as the fair market value of the property acquired. This amount is based on the land, improvements and any fixtures considered to be real property.

The public use for which the property or property right is being acquired herein, may include but is not limited to the following possible uses: the construction and improvement of a highway, which may include interchanges, entry and exit ramps, frontage roads, bridges, overpasses, rest areas, buildings, signs and traffic control devices, placement of utilities, clear zones, maintenance facilities, detention or retention ponds, environmental mitigation, maintenance stations, material storage, bio fuel production, slope protections, drainage appurtenance, noise abatement, landscaping, and other related transportation uses.

This letter is not a contract to purchase your property. It is merely an offer to purchase the property and/or purchase easement(s) on your property for \$210,300.00. Along with this Offer attached are the Statement of Just Compensation, Executive Summary of Property Owner's Rights, and the Agency's Brochure. Your signature is for the purpose of verifying that you have actually received these items. Signing this document does not prejudice your right to have the final amount determined through Condemnation proceedings in the event you do not accept this Offer. Information regarding your rights is explained in the agency's brochure.

Information about the acquiring process and procedures is included in the Agency's Brochure, which has been given to you. Other information regarding your rights as a property owner was also given to you with this offer. If you have questions regarding this offer or information given to you, please contact me, Shannon Wixom (Consultant/Realtor). I can be reached at 801-430-5713.

Receipt: Please sign below to indicate you have received the following documents:

Ombudsman's Acquisition Brochure - Your Guide to Just Compensation

Offer to Purchase & Offer Letter

Statement of Just Compensation

Right of Way Contract

Deed(s) and/or Easement(s)

Map and legal description

Date: _____ By: _____
Signature of Grantor/Owner

Date: _____ By: _____
Signature of Grantor/Owner

Date: _____ By: _____
Shannon Wixom (Consultant/Realtor) / Acquisition Agent



Utah Department of Transportation

Right of Way Contract

Fee Simple Acquisition - Strip

Project No: S-R199(229) Parcel No.(s): 687

Pin No: 11268 Job/Proj No: 72698 Project Location: West Davis Corridor
 County of Property: DAVIS Tax ID(s) / Sidwell No: 12-039-0041
 Property Address: Approx 700 South Bluff Road WEST POINT UT, 84015
 Owner's Address: 3016 West 300 North, West Point, UT, 84015
 Primary Phone: 801-776-0970 Owner's Home Phone: Owner's Work Phone: (801)776-0970
 Owner / Grantor (s): West Point City
 Grantee: Utah Department of Transportation (UDOT)/The Department

IN CONSIDERATION of the foregoing and other considerations hereinafter set forth, it is mutually agreed by the parties as follows:

The Grantor hereby agrees to convey and sell by Quit Claim a parcel(s) of land known as parcel number(s) 687 for transportation purposes. This contract is to be returned to: Shannon Wixom (Consultant/Realtor), Right of Way Agent c/o Utah Department of Transportation, 4501 South 2700 West, P.O. Box 148420, Salt Lake City, UT 84114-8420.

1. Grantor will transfer property free of all liens and encumbrances except recorded easements.
2. Grantor agrees to transfer property free of all debris and any hazardous materials (including paint or other household products.)
3. Grantor shall leave the property in the same condition, as it was when this contract was signed. No work, improvement, or alteration will be done to the property other than what is provided for in this agreement. Grantor agrees to maintain the property until the Department takes possession.
4. Grantor agrees to pay any and all taxes assessed against this property to the date of closing.
5. The Department shall pay the Grantor and or other parties of interest for the real property in the deed(s) and/or easement(s) referenced above.
6. "Transportation Purposes" is defined as follows: The public use for which the property or property right is being acquired herein, may include but is not limited to the following possible uses: the construction and improvement of a highway, which may include interchanges, entry and exit ramps, frontage roads, bridges, overpasses, rest areas, buildings, signs and traffic control devices, placement of utilities, clear zones, maintenance facilities, detention or retention ponds, environmental mitigation, maintenance stations, material storage, bio fuel production, slope protections, drainage appurtenance, noise abatement, landscaping, transit, project caused statutory relocations, and other related transportation uses.
7. The Grantor(s) is aware that Utah Code Ann. Sect. 78B-6-520.3 provides that in certain circumstances, the seller of property which is being acquired for a particular public use, is entitled to receive an offer to repurchase the property at the same price that the seller received, before the property can be put to a different use. Grantor(s) waives any right grantor may have to repurchase the property being acquired herein, and waives any rights Grantor(s) may have under Utah Code Ann. Sect. 78B-6-520.3.
8. Grantor shall indemnify and hold harmless Grantee from and against any and all claims, demands and actions, including costs, from lien holders or lessees of the property.
9. Upon execution of this contract by the parties, Grantor grants the Department, its contractors, permittees, and assigns, including but not limited to, utilities and their contractors, the right to immediately occupy and commence construction or other necessary activity on the property acquired for the state transportation project.

Additional Terms:

CONFIRMATION OF AGENCY DISCLOSURE. Buyer and Seller acknowledge prior written receipt of agency disclosure provided by their respective agent that has disclosed the agency relationships confirmed below. At the signing of the Purchase Contract;

Buyer's Agent Shannon Wixom, represents purchaser.
 Buyer's Brokerage WLC CONSULTING, LLC represents purchaser.

Total Selling Price \$210,300.00



Utah Department of Transportation

Right of Way Contract

Fee Simple Acquisition - Strip

Project No: S-R199(229) Parcel No.(s): 687

Pin No: 11268 Job/Proj No: 72698 Project Location: West Davis Corridor
 County of Property: DAVIS Tax ID(s) / Sidwell No: 12-039-0041
 Property Address: Approx 700 South Bluff Road WEST POINT UT, 84015
 Owner's Address: 3016 West 300 North, West Point, UT, 84015
 Primary Phone: 801-776-0970 Owner's Home Phone: Owner's Work Phone: (801)776-0970
 Owner / Grantor (s): West Point City
 Grantee: Utah Department of Transportation (UDOT)/The Department

Grantor's Initials

Grantor understands this agreement is an option until approved by the Director of Right of Way.
 Grantors acknowledge and accept the percent of ownership listed below and agree that the portion of the total selling price they each receive, will correspond with their respective percent of ownership.

_____ This Contract may be signed in counterparts by use of counterpart signature pages, and each counterpart signature page shall constitute a part of this Contract as if all Grantors signed on the same page.

Percent	Date
_____ 100% _____ West Point City	_____ _____

Right of Way Agents

_____ Shannon Wixom (Consultant/Realtor) / Acquisition Agent

_____ Dian McGuire / Team Leader

_____ Approved by Director of Right of Way

WLC CONSULTING

801-430-5713

Shannon Wixom/Real Estate Agent

AGENCY DISCLOSURE

Utah Real Estate Licensees are required by law to disclose which party they represent in this Real Estate Transaction. The purpose of this AGENCY DISCLOSURE FORM is to set forth the Agency relationships which exist relevant to the purchase, exchange, sale or lease of property located at

Approx. 700 South Bluff Road, Syracuse, UT

AGENCY RELATIONSHIP OF SELLER'S SALES EXECUTIVE

Licensees who are engaged by and act as the sales executive only of the Seller are known as a Seller's Sales Executive. A Seller's Sales Executive has the following duties and obligations:

EA015

The principal/branch broker and sales executive agree to act as sales executive for the Seller and will work diligently to locate a buyer for the property. As the Seller's Sales Executive they will act consistent with their fiduciary duties to the Seller of loyalty, full disclosure, confidentiality, and reasonable care. The Seller understands, however, that the principal/branch broker and sales executive may be acting as a limited sales executive representing both the Seller and the prospective Buyer at the same time. Limited agency is allowed under Utah law only with informed consent of the Seller and of the prospective Buyer.

As a limited sales executive, the principal/branch broker and sales executive have a duty of honesty and fair dealings to both Buyer and Seller.

AGENCY RELATIONSHIP OF BUYER'S SALES EXECUTIVE

Licensees who are engaged by their acts as the Sales Executive only of the Buyer are known as Buyer's sales executives. A Buyer's sales executive has the following duties and obligations:

The principal/branch broker and sales executive agree to act as sales executive for the Buyer and will work diligently to locate a property acceptable to the Buyer, and to assist the Buyer in negotiation the acquisition of a property. As the Buyer's sales executive, they will act consistent with their fiduciary duties to the buyer of loyalty, full disclosure, confidentiality, and reasonable care. The Buyer does, however, understand that the principal/branch broker and sales executive may now, or in the future, agree to act as sales executive for a Seller who may want to negotiate with the Buyer on the sale or lease of the Seller's property. Then the principal/branch broker and sales executive may be acting as a limited sales executive because they would be representing both the Buyer and the Seller at the same time. Limited agency is allowed under the Utah Law only with the informed consent of the Buyer and of the Seller. As a limited sales executive the principal/branch broker and sales executive have a duty of honesty and fair dealing to both Buyer and Seller.

DESIGNATED SALES EXECUTIVE

When WLC Consulting represents both Buyer and Seller, one or more licensees may be designated as either Buyer or Seller's sales executives. Designated sales executives are licensees affiliated with the same brokerage who, with the written consent of Seller and Buyer, represent the Seller or Buyer exclusively in the same real estate transaction. In every Designated-sales executive transaction within one office, the Principal Broker and Branch Broker are Limited Sales Executives but the Designated Sales Executive(s) are not limited sales executives and owe the same duties to their respective clients as do a Seller's sales executive or a Buyer's sales executive. If the transaction involves two different offices of WLC Consulting brokerage, the principal broker is a limited sales executive, and the branch brokers and individual sales executives are designated Seller's or Buyer's Sales Executives.

UNREPRESENTED PARTY

As set forth above, the Broker/Agent owe duties to the party they represent, which are not owed to an unrepresented party. You are entitled to secure your own representation, but you may also choose to be unrepresented in the real estate-transaction.

CONFIRMATION OF AGENCY IN THIS TRANSACTION

I/We understand the different types of agency and our rights in each, and choose the following agency relationships:

Seller/Lessor's Agent], [Buyer/Lessee's Agent], [Limited Agency for Both], [Unrepresented Party _____ Initials].

I Shannon Wixom, hereby certify that I clearly explained the agency relationship(s) described above and / or provided the Agency Disclosure to the parties for review explaining that I Shannon Wixom (Real Estate Agent) represent the Buyers.

Shannon Wixom 11/15/2020
Signature of Sales Agent Date Signature of Sales Agent

AT THE TIME OF SIGNING OF THIS DISCLOSURE

Listing Sales Executive _____
Represents () Seller () both Buyer and Seller as a limited agent

Listing Branch Broker _____
Represents () Seller () both Buyer and Seller as a limited agent

Listing Principal Broker _____
Represents () Seller () both Buyer and Seller as a limited agent

Selling Sales Executive Shannon Wixom
Represents (X) Buyer () both Buyer and Seller as a limited agent

Selling Branch Broker _____
Represents () Buyer () both Buyer and Seller as a limited agent

Selling Principal Broker Wendy Hansen
Represents (X) Buyer () both Buyer and Seller as a limited agent

FAXED COPIES ARE TO BE CONSIDERED ORIGINALS

Buyer(s) Signature Date

Seller(s) Signature Date

Buyer(s) Signature Date

Seller(s) Signature Date

Buyer's Sales Agent Signature Date

Seller's Sales Executive Signature Date

OWNERSHIP RECORD

Title by: KJB

Date: April 2020

County: Davis

Parcel No.: R199:687

Type Ownership: Government

Tax ID No.: 12-039-0041

Project No.: S-R199(229)

PIN No.: 11268

Recorded Owners: West Point City

Address: 3016 West 300 North, West Point, Utah 84015

Property Address: Approx 700 South Bluff Road, West Point, Utah 84015

Entry No.	Book	Page	Type Instr.	Date Signed	Date Recorded
2392663	4616	337	Vacation Ordinance	06 June 2006	16 Sept 2008

Description:

PART OF THE NORTHEAST QUARTER OF SECTION 6 AND PART OF THE SOUTH HALF AND PART OF THE NORTHWEST QUARTER OF SECTION 5, T4N, R2W, SLBM. AN 80.00 FOOT WIDE STRIP OF LAND KNOWN AS BLUFF ROAD THE SIDES OF WHICH ARE PARRALLEL TO AND 40.00 FEET EACH SIDE OF THE FOLLOWING DESCRIBED CENTER LINE BEGINNING AT A POINT 157.14 FEET N 89°43'04" W ALONG THE NORTH LINE OF SAID SECTION 6 AND 33.00 FEET SOUTH TO THE SOUTH RIGHT OF WAY LINE OF 300 NORTH STREET FROM THE NORTHEAST QUARTER OF SAID SECTION 6; THENCE AS FOLLOWS: S 18°17'19" E 203.56 FEET ALONG THE EXISTING CENTER LINE OF BLUFF ROAD; THENCE S 22°08'37" E 849.28 FEET ALONG THE EXISTING CENTER LINE OF BLUFF ROAD; THENCE S 24°11'50" E 841.35 FEET ALONG THE EXISTING CENTER LINE OF BLUFF ROAD; THENCE S 28°24'45" E 862.05 FEET ALONG THE EXISTING CENTER LINE OF BLUFF ROAD; THENCE S 31°32'17" E 1761.54 FEET ALONG THE EXISTING CENTER LINE OF BLUFF ROAD; THENCE S 34°57'25" E 1197.46 FEET ALONG THE EXISTING CENTER LINE OF BLUFF ROAD; THENCE S 37°27'22" E 245.37 FEET ALONG THE EXISTING CENTER LINE OF BLUFF ROAD TO THE NORTH LINE OF 700 SOUTH STREET AND TO A POINT 91.39 FEET S 89°53'03" E AND 33.00 FEET NORTH FROM THE SOUTHWEST OF SAID SECTION 5.

WEST POINT CITY RESERVES A 40 FT EASEMENT CENTERED ON THE ABOVE DESCRIBED CENTERLINE (20 FT ON EACH SIDE) TO BE USED BY THE PUBLIC AS A RECREATIONAL TRAIL ALONG WITH ALL RIGHTS OF INGRESS AND EGRESS TO SAID TRAIL. WEST POINT CITY ALSO RESERVES A PUBLIC UTILITY AND DRAINAGE EASEMENT IN THE SAME LOCATION TO BE USED FOR THE PURPOSES DEEMED NECESSARY BY THE CITY.

Calculated area: The above described tract of land contains 9.52 acres.

Grantor: West Point City

Subject to a Right of Way Easement, Signed on April 24, 2012, Recorded May 07, 2012 as Entry No. 2659939 in Book 5516 at Page 804, from Richard H. Thornley, Trustee of the Richard H. Thornley Family Trust dated the 5th day of February, 1999, and Karen F. Thornley, Trustee of the Karen F. Thornley Family Trust dated the 5th day of February, 1999 to PacifiCorp, an Oregon Corporation, d/b/a Rocky Mountain Power its successors and assigns.

Abstract- Serial Number: 12-039-0041

Abstract	
Serial Number:	12-039-0041
Tax District:	64
Exempt:	Yes
Tax Name & Address for Tax Year ADDYR:	WEST POINT CITY 3016 WEST 300 NORTH WEST POINT, UT 84015
Situs Address:	null null null
Parcel Dates:	09/16/2008 to
Acres:	9.52

Dedication Plat	
Plat:	null

Parent / Child

Legal Description

BLUFF ROAD 300 NORTH TO 700 SOUTH: PART OF THE NE 1/4 OF SEC 6 & PART OF THE S 1/2 & PART OF THE NW 1/4 OF SEC 5-T4N-R2W, SLB&M. AN 80.00 FT WIDE STRIP OF LAND KNOWN AS BLUFF ROAD THE SIDES OF WH ARE PARALLEL TO & 40.00 FT EACH SIDE OF THE FOLLOWING DESC CENTER LINE BEG AT A PT 157.14 FT N 89°43'04" W ALG THE N LINE OF SD SEC 6 & 33.00 FT S TO THE S R/W LINE OF 300 NORTH STR FR THE NE 1/4 OF SD SEC 6; TH AS FOLLOWS: S 18°17'19" E 203.56 FT ALG THE EXISTING CENTER LINE OF BLUFF ROAD; TH S 22°08'37" E 849.28 FT ALG THE EXISTING CENTER LINE OF BLUFF ROAD; TH S 24°11'50" E 841.35 FT ALG THE EXISTING CENTER LINE OF BLUFF ROAD; TH S 28°24'45" E 862.05 FT ALG THE EXISTING CENTER LINE OF BLUFF ROAD; TH S 31°32'17" E 1761.54 FT ALG THE EXISTING CENTER LINE OF BLUFF ROAD; TH S 34°57'25" E 1197.46 FT ALG THE EXISTING CENTER LINE OF BLUFF ROAD; TH S 37°27'22" E 245.37 FT ALG THE EXISTING CENTER LINE OF BLUFF ROAD TO THE N LINE OF 700 SOUTH STR & TO A PT 91.39 FT S 89°53'03" E & 33.00 FT N FR THE SW OF SD SEC 5. WEST POINT CITY RESERVES A 40 FT EASEMENT CENTERED ON THE ABOVE DESC CENTERLINE (20 FT ON EACH SIDE) TO BE USED BY THE PUBLIC AS A RECREATIONAL TRAIL ALG WITH ALL RIGHTS OF INGRESS & EGRESS TO SD TRAIL. WEST POINT CITY ALSO RESERVES A PUBLIC UTILITY & DRAINAGE EASEMENT IN THE SAME LOC TO BE USED FOR THE PURPOSES DEEMED NECESSARY BY THE CITY. CONT. 9.52 ACRES

Party	KOI	Entry Number	Book & Page	Inst.Date	Rec.Date & Time	Consideration	Vesting Doc.	See Also	XRefs (Book & Page)
NORTH DAVIS FIRE DISTRICT FILED IN OFFICE Grantor: NORTH DAVIS FIRE DISTRICT, Grantee: CLEARFIELD CITY, Grantee: WEST POINT CITY, Grantee: SUNSET CITY	CERTIFICATE	3163714	7276-184	05/20/2019	06/04/2019 09:58	\$0.00		90150002	3226632
Grantor: WEST POINT CITY Grantee: COMMUNITY DEVELOPMENT AND RENEWAL AGENCY OF WEST POINT CITY WEST POINT CITY WEST POINT CITY	ORDINANCE	2824219	6105-72	08/19/2014	09/18/2014 10:24	\$0.00		120230001	
Grantor: PACIFICORP DBA Grantor: ROCKY MOUNTAIN POWER Grantee: BANK OF NEW YORK MELLON ROCKY MOUNTAIN POWER ROCKY MOUNTAIN POWER	NOTICE	2786115	5937-185	01/06/2014	01/17/2014 10:55	\$0.00		10370021	2755231
Grantor: THORNLEY, RICHARD H TR Grantor: THORNLEY,	R/W AND EASEMENT GRANT	2659939	5516-804	04/24/2012	05/07/2012 13:56	\$0.00		120390005	

ORDINANCE NO. 06-06-06A

**AN ORDINANCE VACATING BLUFF ROAD
AND PROVIDING FOR AN EFFECTIVE DATE.**

12-37-0078
pt 12-037-0078

0041, 0016, 0001, 0017, 0043, 0021, 0073, 0082
WHEREAS, the West Point City Council considers it desirable to vacate Bluff

Road; and,

pt 12-039-0040, 0005

WHEREAS, a public hearing has been held in connection with the proposed

vacation of said Bluff Road,

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF WEST
POINT CITY, STATE OF UTAH, as follows:**

Section 1: VACATION OF BLUFF ROAD

The West Point City street known as Bluff Road is hereby vacated and from
and after the effective date of this Ordinance shall no longer be a City street. Bluff
Road is located in West Point City, Davis County, State of Utah and is more
particularly described as follows:

See Attachment "A"


E 2392663 B 4616 P 337-339
RICHARD T. MAUGHAN
DAVIS COUNTY, UTAH RECORDER
09/16/2008 11:39 AM
FEE \$0.00 Pgs: 3
DEP RTT REC'D FOR WEST POINT CITY

Section 4: EFFECTIVE DATE


This Ordinance shall become effective immediately upon passage and adoption and
publication of a Summary thereof as required by law.

PASSED AND ADOPTED by the City Council of West Point City, State of Utah, in
regular session assembled the 6th day of June, 2006.

**WEST POINT CITY,
A Municipal Corporation**

By: 
JOHN PETROFF, JR.
Mayor

ATTEST:


TAMARA A. SUZUKI,
City Recorder



ATTACHMENT "A"

BLUFF ROAD 300 NORTH TO 700 SOUTH

PART OF THE NORTHEAST QUARTER OF SECTION 6 AND PART OF THE SOUTH HALF AND PART OF THE NORTHWEST QUARTER OF SECTION 5, T4N, R2W, SLBM. AN 80.00 FOOT WIDE STRIP OF LAND KNOWN AS BLUFF ROAD THE SIDES OF WHICH ARE PARRALLEL TO AND 40.00 FEET EACH SIDE OF THE FOLLOWING DESCRIBED CENTER LINE BEGINNING AT A POINT 157.14 FEET N 89°43'04" W ALONG THE NORTH LINE OF SAID SECTION 6 AND 33.00 FEET SOUTH TO THE SOUTH RIGHT OF WAY LINE OF 300 NORTH STREET FROM THE NORTEAST QUARTER OF SAID SECTION 6; THENCE AS FOLLOWS:

- S 18°17'19" E 203.56 FEET ALONG THE EXISTING CENTER LINE OF BLUFF ROAD; THENCE
- S 22°08'37" E 849.28 FEET ALONG THE EXISTING CENTER LINE OF BLUFF ROAD; THENCE
- S 24°11'50" E 841.35 FEET ALONG THE EXISTING CENTER LINE OF BLUFF ROAD; THENCE
- S 28°24'45" E 862.05 FEET ALONG THE EXISTING CENTER LINE OF BLUFF ROAD; THENCE
- S 31°32'17" E 1761.54 FEET ALONG THE EXISTING CENTER LINE OF BLUFF ROAD; THENCE
- S 34°57'25" E 1197.46 FEET ALONG THE EXISTING CENTER LINE OF BLUFF ROAD; THENCE
- S 37°27'22" E 245.37 FEET ALONG THE EXISTING CENTER LINE OF BLUFF ROAD TO THE NORTH LINE OF 700 SOUTH STREET AND TO A POINT 91.39 FEET S 89°53'03" E AND 33.00 FEET NORTH FROM THE SOUTHWEST OF SAID SECTION 5.

WEST POINT CITY RESERVES A 40 FT EASEMENT CENTERED ON THE ABOVE DESCRIBED CENTERLINE (20 FT ON EACH SIDE) TO BE USED BY THE PUBLIC AS A RECREATIONAL TRAIL ALONG WITH ALL RIGHTS OF INGRESS AND EGRESS TO SAID TRAIL . WEST POINT CITY ALSO RESERVES A PUBLIC UTILITY AND DRAINAGE EASEMENT IN THE SAME LOCATION TO BE USED FOR THE PURPOSES DEEMED NECESSARY BY THE CITY.

16/4

E 2659939 B 5516 P 804-807
RICHARD T. MAUGHAN
DAVIS COUNTY, UTAH RECORDER
05/07/2012 01:56 PM
FEE \$16.00 Pgs: 4
DEP RT REC'D FOR ROCKY MOUNTAIN POW
ER

When recorded return to:
Rocky Mountain Power
Lisa Louder/ Skip McDonnell
1407 West North Temple Ste. 110
Salt Lake City, UT 84116

Project Name: West Point-Gentile 138kV Transmission
Project Tract Number: 16
WO#: 10034904
RW#: 20110215

RIGHT OF WAY EASEMENT

For value received, Richard H. Thornley, Trustee of the Richard H. Thornley Family Trust dated the 5th day of February, 1999, and Karen F. Thornley, Trustee of the Karen F. Thornley Family Trust dated the 5th day of February, 1999 ("Grantor"), hereby grants to PacifiCorp, an Oregon Corporation, d/b/a Rocky Mountain Power its successors and assigns, ("Grantee"), an easement for a right of way for the construction, reconstruction, operation, maintenance, repair, replacement, enlargement, and removal of electric power transmission, distribution and communication lines and all necessary or desirable accessories and appurtenances thereto, including without limitation: supporting towers, poles, props, guys and anchors, including guys and anchors outside of the right of way; wires, fibers, cables and other conductors and conduits therefore; and pads, transformers, switches, vaults and cabinets, along the general course now located by Grantee on, over, or under the surface of the real property of Grantor in Davis County, State of Utah, more particularly described as follows and as more particularly described and/or shown on Exhibit A attached hereto and by this reference made a part hereof:

Assessor Parcel No. 12-039-0005 + 004 1

A right of way described as follows:

A parcel of land situate in the Southwest Quarter of Section 5, Township 4 North, Range 2 West, Salt Lake Base and Meridian, Davis County, Utah. The boundaries of said parcel are described as follows, to wit:

Beginning at a point on the Northeasterly line of the Grantor's Land which is 1,482.69 feet N.0°07'06"E along the quarter-section line and 893.97 feet N.89°52'52"W from the South Quarter Corner of said Section 5 and running thence N.89°51'38"W 69.28 feet; thence N.31°48'24"W 713.09 feet to the west line of Grantors land; thence N.00°00'00"E 94.87 feet along said west line; thence S.31°48'24"E 765.96 feet; thence S.89°51'38"E 9.30 feet to said Northeasterly line; thence S.32°40'05"E 59.49 feet along said Northeasterly line to the point of beginning. The above-described parcel contains 38,942 square feet or 0.8940 acre.

Together with the right of access to the right of way from adjacent lands of Grantor for all activities in connection with the purposes for which this easement has been granted; and together with the present and (without payment therefore) the future right to keep the right of way and adjacent lands clear of all brush, trees, timber, structures, buildings and other hazards which might endanger Grantee's facilities or impede Grantee's activities.

At no time shall Grantor place, use or permit any equipment or material of any kind that exceeds twelve (12) feet in height, light any fires, place or store any flammable materials (other than agricultural crops), on or within the boundaries of the right of way. Subject to the foregoing limitations, the surface of the right of way may be used for agricultural crops and other purposes not inconsistent, as determined by Grantee, with the purposes for which this easement has been granted.

Grantee shall, within a reasonable period of time, reasonably repair any damages caused to Grantor's land resulting from the reconstruction, operation, repair, replacement, or maintenance of Grantee's facilities as near as reasonably possible to its pre-construction condition.

The rights and obligations of the parties hereto shall be binding upon and shall benefit their respective heirs, successors and assigns.

Dated this 24 day of April, 2012.

GRANTOR:

Richard H. Thornley, Trustee of the Richard H. Family Trust dated the 5th day of February, 1999, and Karen F. Thornley, Trustee of the Karen F. Thornley Family Trust dated the 5th day of February, 1999,

By: Richard H. Thornley
Richard H. Thornley

Its: Trustee

By: Karen F. Thornley
Karen F. Thornley

Its: Trustee

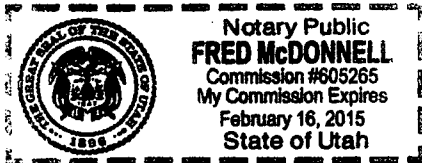
Acknowledgment by Trustee, or Other Official or Representative Capacity:

State of Utah

County of Davis

On this 24th day of April, 2012, before me, the undersigned Notary Public in and for said State, personally appeared Richard H. Thornley, known or identified to me to be the person whose name is subscribed as trustee of the of the Richard H. Thornely Family Trust dated the 5th day of Fevruary, 1999 and acknowledged to me that he executed the same.

Fred C. McDonnell



NOTARY PUBLIC FOR UTAH
Residing at: SALT LAKE CITY, UTAH
My commission expires: FEBRUARY 16, 2015

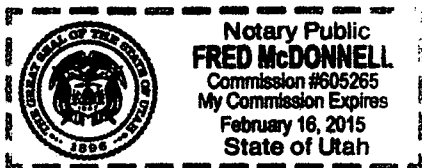
Acknowledgment by Trustee, or Other Official or Representative Capacity:

State of Utah

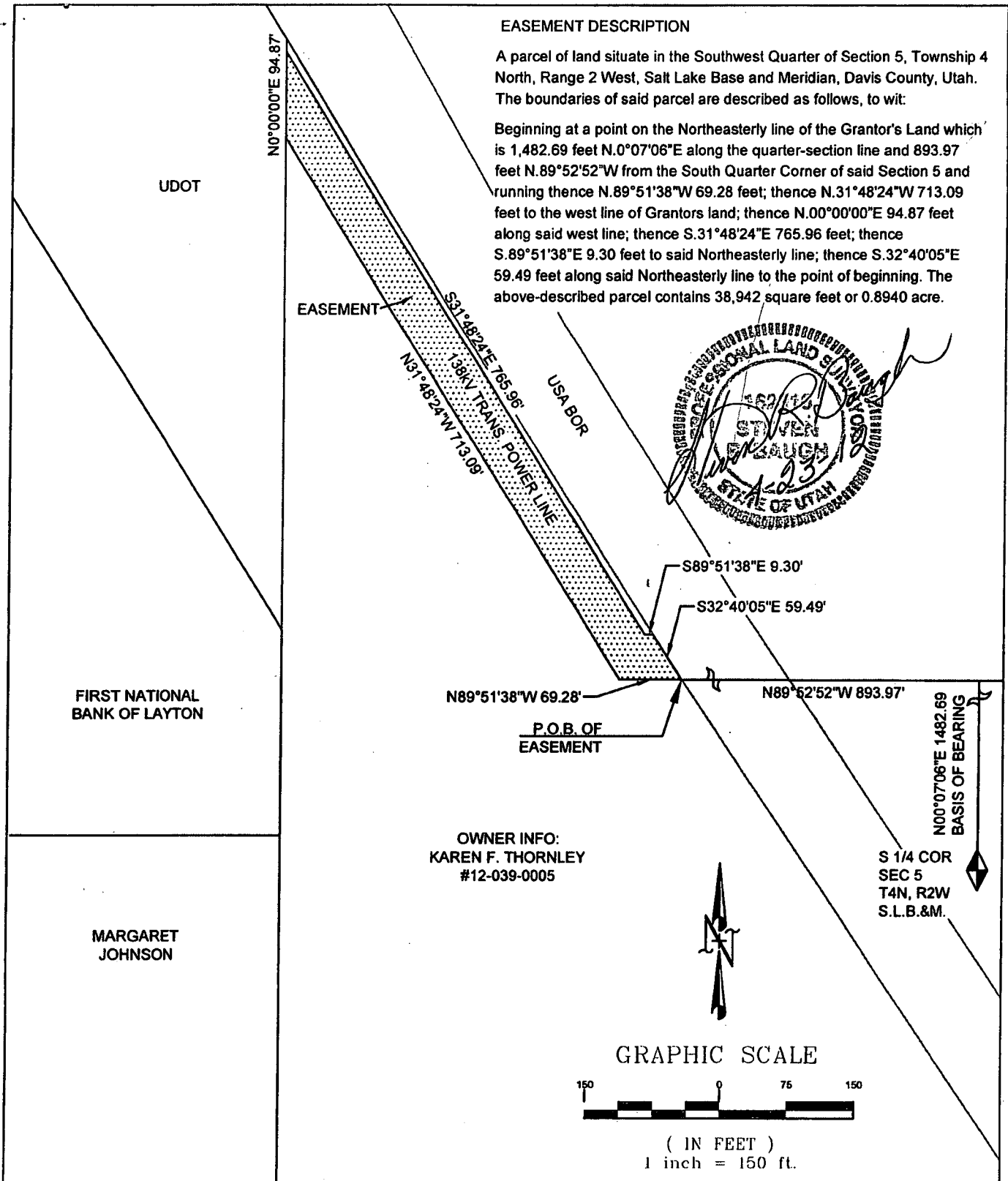
County of Davis

On this 26th day of April, 2012, before me, the undersigned Notary Public in and for said State, personally appeared Karen F. Thornley, known or identified to me to be the person whose name is subscribed as trustee of the Karen F. Thornely Family Trust dated the 5th day of Fevruary, 1999 and acknowledged to me that he executed the same.

Fred C. McDonnell



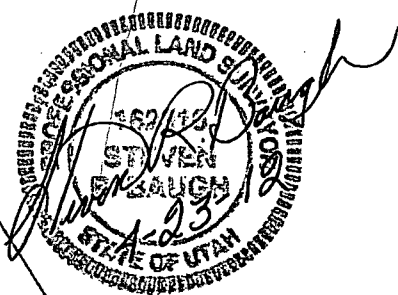
NOTARY PUBLIC FOR UTAH
Residing at: SALT LAKE CITY, UTAH
My commission expires: FEBRUARY 16, 2015



EASEMENT DESCRIPTION

A parcel of land situate in the Southwest Quarter of Section 5, Township 4 North, Range 2 West, Salt Lake Base and Meridian, Davis County, Utah. The boundaries of said parcel are described as follows, to wit:

Beginning at a point on the Northeasterly line of the Grantor's Land which is 1,482.69 feet N.0°07'06\"E along the quarter-section line and 893.97 feet N.89°52'52\"W from the South Quarter Corner of said Section 5 and running thence N.89°51'38\"W 69.28 feet; thence N.31°48'24\"W 713.09 feet to the west line of Grantors land; thence N.00°00'00\"E 94.87 feet along said west line; thence S.31°48'24\"E 765.96 feet; thence S.89°51'38\"E 9.30 feet to said Northeasterly line; thence S.32°40'05\"E 59.49 feet along said Northeasterly line to the point of beginning. The above-described parcel contains 38,942 square feet or 0.8940 acre.



OWNER INFO:
KAREN F. THORNLEY
#12-039-0005

MARGARET JOHNSON

FIRST NATIONAL BANK OF LAYTON

UDOT

GRAPHIC SCALE



(IN FEET)
1 inch = 150 ft.

THIS DRAWING SHOULD BE USED ONLY AS A REPRESENTATION OF THE LOCATION OF THE EASEMENT BEING CONVEYED. THE EXACT LOCATION OF ALL STRUCTURES, LINES AND APPURTENANCES IS SUBJECT TO CHANGE WITHIN THE BOUNDARIES OF THE RIGHT OF WAY HEREIN GRANTED

REV 11/16/11	DATE: 7/22/11	DESC. RMP-116 CLEARFIELD EASEMENTS	BY SRB	CHK JJC	APP KT
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TEC ELECTRICAL CONSULTANTS, INC.
SALT LAKE CITY, UTAH
880 West 700 South Woods Cross, UT 84087 (801) 282-9954

EXHIBIT A
RIGHT OF WAY EASEMENT
RICHARD H. & KAREN F. THORNLEY
TO ROCKY MOUNTAIN POWER
SW QUARTER SECTION 5, T.4.N., R.2.W.
SALT LAKE BASE & MERIDIAN

ROCKY MOUNTAIN POWER
A DIVISION OF PACIFICORP

SHEET 1 OF 1

SCALE 1" = 150'

WHEN RECORDED, MAIL TO:
Utah Department of Transportation
Right of Way, Fourth Floor
Box 148420
Salt Lake City, Utah 84114-8420

Quit Claim Deed

(CITY)
Davis County

Tax ID No. 12-039-0041
PIN No. 11268
Project No.S-R199(229)
Parcel No. R199:687

West Point City, a municipal corporation of the State of Utah, Grantor, hereby QUIT CLAIMS to the UTAH DEPARTMENT OF TRANSPORTATION, Grantee, at 4501 South 2700 West, Salt Lake City, Utah 84114, for the sum of TEN (\$10.00) Dollars, and other good and valuable considerations, the following described parcel of land in Davis County, State of Utah, to-wit:

A parcel of land in fee being part of an entire tract of property, situate in the SW1/4 SE1/4 and the SE1/4 SW1/4 and the NE1/4 SW1/4 of Section 5 Township 4 North, Range 2 West, Salt Lake Base and Meridian incident to the construction of SR 67 West Davis Highway, known as Project No. S R199(229). The boundaries of said parcel of land are described as follows:

Beginning in the existing northerly right of way line of 700 South Street, which point is 91.39 feet S.89°53'03"E. along the Section line and 33.00 feet North from the South Quarter corner of said Section 5; and running thence N.89°53'03"W. 50.47 feet along said existing northerly right of way line to the westerly boundary line of said entire tract; thence along said westerly boundary line the following three (3) courses and distances: (1) N.37°27'22"W. 215.47 feet; (2) thence N.34°57'25"W. 1199.53 feet; (3) thence N.31°32'17"W. 1041.07 feet to the West One-Sixteenth (1/16th) line of said Section 5; thence N.00°05'50"E. 152.52 feet along said 1/16th line to the easterly boundary line of said entire tract; thence along said easterly boundary line the following four (4) courses and distances: (1) S.31°32'17"E. 1168.54 feet; (2) thence S.34°57'25"E. 1195.41 feet; (3) thence S.37°27'22"E. 244.30 feet; (4) thence S.00°39'46"W. 24.54 feet to the existing northerly right of way line of 700 South Street; thence N.89°53'03"W. 31.35 feet along said existing northerly right of way line to the point of beginning as shown on the official map of said project on file in the office of the Utah Department of Transportation.

Map of Trail need for West Davis Highway Project



City Council Staff Report

Subject: Subdivision Warranty – Sun Meadows
Author: Boyd Davis
Department: Community Development
Date: December 15, 2020



Background

The Sun Meadows Subdivision is located at 3600 W 800 N. It was placed on warranty on November 19, 2020 and has now completed the required one-year warranty period. The developer is requesting that it be removed from warranty.

Analysis

An inspection of the improvements in the Subdivision was done in anticipation of the end of the warranty period. A punch list of items that needed to be repaired/replaced before the end of the warranty period was given to the developer. All the items listed on the punch list have been completed.

Recommendation

Staff recommends that the Sun Meadows Subdivision be removed from warranty.

Significant Impacts

None

Attachments

None

City Council Staff Report

Subject: Front Yard Setbacks R-4 Zone
Author: Boyd Davis
Department: Community Development
Date: December 15, 2020



Background

In July, the City Council approved new setback requirements for the R-4 zone, however there were some unanswered questions about the setback requirements along private lanes, alleys, or driveways. The Council approved the setbacks and decided that they would be applied the same to all street types but asked to discuss the private lanes again at a future meeting.

Analysis

The R-4 zone is most used for townhouse or patio home projects. These types of residential units typically have smaller setbacks than single family homes. The newly revised standards for West Point City allow a 20' setback to the front face of the building and a 25' setback to the garage. Other cities have varying requirements for setbacks for townhouses. Layton requires 12-18' front setback depending on the type of road. Syracuse requires a 20' setback and Clinton requires a 30' setback.

The new requirement in West Point City has a standard of 25' to the garage, which emphasizes the importance of the driveway length. However, there was a question as to whether that should be the same requirement on all roads, or if that could be varied by road type. Staff feels that it could vary by road type but the road types need to be better defined. The following are proposed definitions, with some additional changes recommended by the Planning Commission:

Alley: A private street with curb and gutter on both sides that provides access to the rear of residential or commercial buildings with a minimum width of 25 feet measured from the back of curb to the back of curb. Alleys do not provide access to more than 15 lots or units. Units or lots that have rear access from an alley also have frontage on a public road or a private road.

Private Lane: A private street with curb and gutter on both sides that provides access to the front of residential or commercial buildings with a minimum width of 25' measured from the back of curb to back of curb. Private lanes do not provide access to more than 15 units or lots.

Private Road: A private street with a minimum of 50' right-of-way that includes curb, gutter, and sidewalk on both sides and meets the requirements found in the public works standard drawings. Private roads may terminate at a dead end but will be provided with a dedicated turnaround and will be no longer than 600' in length. Private Roads do not provide access to more than 30 units or lots.

Public Road: A public roadway with a minimum of 60' right-of-way that meets the requirements found in the public works standard drawings.

Based upon these definitions the following front setbacks are proposed in the R-4 zone:

Road Type	Setback to Building	Setback to Garage
Alley	8'	8'
Private Lane	20'	20'
Private Road	20'	25'
Public Road	20'	25'

The Planning Commission held a public hearing regarding these changes at their last meeting and received no comments. The changes were approved unanimously.

After the discussion at the last Council meeting, a limit of 30 lots was added to the definition of the private road. Council also asked to have a continued discussion about the setbacks and wanted to know the Planning Commission's reason for recommending a 5' setback on alleys. The reason was that the Planning Commission felt that the driveways on alleys should not be used for parking. They felt that anything larger than 5' could potentially be used as parking and may tempt people to park with part of the vehicle in the roadway. After the discussion, the Council decided to allow an 8' setback. That change is reflected in the attached ordinance. The Council also asked that the definition be clarified to state that the width of private lanes and alleys is measured from the back of the curb. This is also reflected in the ordinance.

Recommendation

Staff recommends approval of Ordinance 12-15-2020A.

Significant Impacts

None

Attachments

Ordinance 12-15-2020A

ORDINANCE NO. 12-15-2020A

**AN ORDINANCE AMENDING WEST POINT
CITY CODE SECTIONS 17.10.020, 16.05.030 &
17.25.080 DEFINING ROAD TYPES AND
ESTABLISHING SETBACKS FOR MULTI-
FAMILY DEVELOPMENTS**

WHEREAS, the West Point City Council for and on behalf of West Point City, State of Utah (hereinafter referred to as the “City”) has determined to amend Sections **17.10.020, 16.05.030 & 17.25.080**, and

WHEREAS, a public hearing was duly held and the interested parties were given an opportunity to be heard; and,

WHEREAS, the City Council has duly considered said amendments; and,

WHEREAS, the City Council, after due consideration of said amendments, has concluded that it is in the best interest of the City and the inhabitants thereof that said amendments be adopted;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF WEST POINT CITY, UTAH as follows:

Section One: Adoption of New Provisions in section 17.10.020

The following definitions shall be added or amended in Sub Section 17.10.020. All other definitions shall remain unchanged. (Strike through text indicates text being removed from the code, and red text indicates new additions).

~~“Alley” means a public right-of-way less than 30 feet wide.~~

“Alley” means a private street with curb and gutter on both sides that provides access to the rear of residential or commercial buildings with a minimum width of 25 feet measured from the back of curb to the back of curb. Alleys do not provide access to more than 15 lots or units. Units or lots that have rear access from an alley also have frontage on a public road or a private road.

“Private Lane” means a private street with curb and gutter on both sides that provides access to the front of residential or commercial buildings with a minimum width of 25’ measured from the back of curb to back of curb. Private lanes do not provide access to more than 15 units or lots.

“Private Road” means a private street with a minimum of 50’ right-of-way that includes curb, gutter, and sidewalk on both sides and meets the requirements found in the public works standard drawings. Private roads may terminate at a dead end but will be provided with a dedicated turnaround and will be no longer than 600’ in length. Private Roads do not provide access to more than 30 units or lots.

Section Two: Adoption of New Provisions in section 16.05.030

The following definitions shall be added or amended in Sub Section 16.05.030. All other definitions shall remain unchanged. (Strike through text indicates text being removed from the code, and red text indicates new additions).

~~“Alley” means a public thoroughfare less than 20 feet wide.~~

“Alley” means a private street that provides access to the rear of residential or commercial buildings with a minimum width of 25 feet (back of curb to back of curb) with curb and gutter on each side. Alleys do not provide access to more than 15 lots or units. Units or lots that have rear access from an alley will also have frontage on a public road or a private road.

“Private Lane” means a private street that provides access to the front of residential or commercial buildings with a minimum width of 25 feet (back of curb to back of curb) with curb and gutter on each side. Private lanes do not provide access to more than 15 units or lots.

“Private Road” means a private street with a minimum width of 50 feet (back of sidewalk to back of sidewalk) with curb, gutter, and sidewalk on both sides and meets the requirements found in the public works standard drawings. Private roads may terminate at a dead end but will be provided with a dedicated turnaround and will be no longer than 600’ in length. Private Roads do not provide access to more than 30 units or lots.

Section Three:

Adoption of New Provisions in section 17.25.080

The category named “PRINCIPAL STRUCTURES SETBACKS” of section 17.25.080 “Zone regulations chart” shall be changed to read as follows. The remainder of the table shall remain unchanged. (Strike through text indicates text being removed from the code, and red text indicates new additions).

ZONING CLASSIFICATION	A-5	A-40	R-1	R-2	R-3	R-4	R-5	N-C	C-C	R-C	P-O	R/I-P
PRINCIPAL STRUCTURES SETBACKS												
Min. Front Yard Setback Residential/Nonresidential	30'	30'	30'	25'/30' ⁴	25'/30' ⁴	25' -	20'	20'	20'	20'	20'	20'
Min. Distance to Garage – Public Road	-	-	-	-	-	25'	-	-	-	-	-	-
Min. Distance to Front Plane of Building – Public Road	-	-	-	-	-	20'	-	-	-	-	-	-
Min. Distance to Garage – Private Lane	-	-	-	-	-	25'	-	-	-	-	-	-
Min. Distance to Front Plane of Building – Private Lane	-	-	-	-	-	20'	-	-	-	-	-	-
Min. Distance to Garage – Private Lane	-	-	-	-	-	20'	-	-	-	-	-	-
Min. Distance to Front Plane of Building – Private Lane	-	-	-	-	-	20'	-	-	-	-	-	-
Min. Distance to Garage – Alley	-	-	-	-	-	8'	-	-	-	-	-	-
Min. Distance to Rear Plane of Building – Alley	-	-	-	-	-	8'	-	-	-	-	-	-
Min. Front Yard Setback Arterial Street	40'	40'	40'	40'	40'	40'	20'	20'	20'	20'	20'	20'
Min. Side Yard Setback (interior) One Side	10'	10'	10'	10'	8'	8'	8'	0'	0'	0'	10'	10'
Total	20'	20'	20'	20'	16'	16'	16'	0'	0'	0'	20'	20'
Min. Side Yard (Corner Lot) Street Side	20'	20'	20'	20'	20'	20'	20'	20'	20'	20'	20'	20'
Arterial Road (Corner Lot)	30'	30'	30'	30'	30'	30'	30'	20'				
Min. Side Yard between R-5 and A-5, A-40, R-1s, and R-2	-	-	-	-	-	25'	25'	-	-	-	-	-
Min. Rear Yard Setback	30'	30'	30'	25'/30' ⁴	25'/30' ⁴	20'	20'	10'	10'	10'	10'	10'
Distance between Structures on Same Lot (Nonresidential)	-	-	-	-	-	-	10'	10'	10'	10'	10'	10'
Distance between Structures on Adjacent Lot (Nonresidential)	-	-	-	-	-	-	10'	10'	10'	10'	10'	10'

Section Four: Ordinances to conform with amendments

The West Point City Director of Community Development is hereby authorized and directed to make all necessary changes to the West Point City Code to bring the text into conformity with the changes adopted by this Ordinance.

Section Six: Severability

In the event that any provision of this Ordinance is declared invalid for any reason, the remaining provisions shall remain in effect.

Section Seven: Effective Date

This Ordinance shall take effect immediately upon passage and adoption and publication of a summary as required by law.

DATED this ___ day of _____, 20__.

WEST POINT CITY, a Municipal Corporation

By: _____
Erik Craythorne
Mayor

ATTEST:

Casey Arnold
City Recorder

City Council Staff Report



Subject: Height of Accessory Buildings
Author: Boyd Davis
Department: Community Development
Date: December 15, 2020

Background

For many years, the City Code has contained a section limiting accessory buildings to one story. However, this has become problematic because there is no clear definition of what constitutes a “story”. In addition, there are many “one-story” accessory buildings that are as tall as, or taller than, a two-story building. Staff is recommending that the limit to one story be replaced with a limit on the total height of the building.

Analysis

There are a couple of different sources that we have relied upon for to determine if an accessory building has a second story. First, the building code states that a “mezzanine” or a “loft” does not count as a second story. Therefore, if a plan is submitted that appears to have a second story but is actually a loft that is open to the lower floor, it is granted approval.

Second, if the second story is in the truss space or attic space then it is considered a “bonus room” and not counted as a second story. This is very similar to standard home construction where bonus rooms are not counted in the square footage of the house unless it meets certain criteria. These “bonus rooms” in accessory buildings can be difficult to determine if it is actually in the truss space or not. Often the plans will include a short “pony wall” above the first floor before the trusses begin. The pony wall can be anywhere from a couple of feet tall to several feet tall. There is no standard of how tall the pony wall can be before it becomes a second floor, however we do consider an 8 ft wall a second story.

In addition to the confusion caused by the definitions we often are faced with a dilemma when we deny a building permit for an accessory building because it has two stories and the applicant claims that it is shorter than his neighbors building that is only one story. It does seem odd to allow a single story building that is taller than a two story building. The impact is the same whether or not it has a second level.

Because of these issues, Staff believes it would be better to simply have a limit on the overall height of the structure rather than number of stories. The code currently limits the height of accessory buildings to the same height as the house on lots of 15,000 SF. On larger lots they are limited to 30'. We recommend that these limits remain unchanged, but that the limit to one story be removed.

As this was discussed with the Planning Commission, they brought up a concern about accessory buildings that are used as apartments. They felt that it may be uncomfortable to have a window on

a two-story apartment close to the property line. They discussed several ideas such as limiting accessory apartments to one-story, but in the end, they felt it would be better to simply require additional setback. They recommend the following:

17.75.030(I)

An accessory building may be used as an apartment but must maintain a minimum distance of 5' from the principal dwelling ~~and 10' from the rear property line~~. Side yard setbacks must adhere to the residential setback standards for side yards and corner lots the same setback as the principal structure. ~~The accessory building shall be set back from the rear property line as specified in the table below:~~

Roof Height (feet)	Up to 15	15+ to 30
Minimum Rear Setback (feet)	10	15

The City Council had similar concerns about apartments on a second story and asked to have more discussion on this item. This issue could be resolved by restricting apartments to the first level only or requiring that apartments be limited to one story only. Detached apartments could be prohibited altogether, but it should be noted that it was just recently added to the code and was listed as one of the City's goals in the affordable housing plan. That plan can be changed, but we must select goals from a list given by the state.

Regardless of the resolution of the apartment issue, the problem remains with clearly defining a second story on a shed. Staff is seeking direction from the Council on a better policy for the height of sheds independent of the accessory apartment issue.

After discussion at the last Council Meeting, it was determined that apartments will only be allowed in newly constructed accessory buildings. Converting an existing accessory building into an apartment will be prohibited. In addition, the code has been amended to state that on lots under 20,000 sq. ft. the accessory building shall not be taller the home.

Recommendation

Staff recommends approval of Ordinance 12-15-2020B

Significant Impacts

There are no significant impacts at this time.

Attachments

Ordinance 12-15-2020B

ORDINANCE NO. 12-15-2020B

**AN ORDINANCE AMENDING WEST POINT
CITY CODE SECTIONS 15.15.120 & 17.75.030
DEFINING ROAD TYPES AND ESTABLISHING
SETBACKS FOR MULTI-FAMILY
DEVELOPMENTS**

WHEREAS, the West Point City Council for and on behalf of West Point City, State of Utah (hereinafter referred to as the “City”) has determined to amend Sections **15.15.120 & 17.75.030**, and

WHEREAS, a public hearing was duly held and the interested parties were given an opportunity to be heard; and,

WHEREAS, the City Council has duly considered said amendments; and,

WHEREAS, the City Council, after due consideration of said amendments, has concluded that it is in the best interest of the City and the inhabitants thereof that said amendments be adopted;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF WEST POINT CITY, UTAH as follows:

Section One: Adoption of New Provisions in section 15.15.120(C)

Sub Section 15.15.120(C) shall be changed to read as follows. (Strike through text indicates text being removed from the code, and red text indicates new additions).

C. Accessory buildings on a lot of ~~15,000~~ **20,000** square feet or less shall have a roofline equal to or less than the residential dwelling on the same lot.

Section Two: Adoption of New Provisions in section 15.15.120(C) to (K)

Sub Sections 15.15.120(C) to (K) shall be changed to read as follows. (Strike through text indicates text being removed from the code, and red text indicates new additions).

~~G. Accessory buildings shall be limited to one story.~~

H.G. Accessory buildings on a vacant lot shall not be allowed except in agricultural zones.

I. H. No part of any accessory building (including eaves and overhangs) shall be closer than one foot from an adjoining property line. For all accessory buildings above 25 feet, an additional one-foot setback is required.

~~J. I.~~ Living space in any accessory building may be permitted as set forth in the “accessory apartment” code, Chapter 17.75 WPCC. [Ord. 08-01-2017B § 1].

~~K. J.~~ Other Structures. Additional structures such as pergolas, green houses, awnings, carports, tents, arbors, and trellises occur to provide outdoor spaces for relaxation and storage. The following apply to each structure type:

Section Three: **Adoption of New Provisions in section 17.75.030(I)**

Sub Section 15.15.120(C) shall be changed to read as follows. (Strike through text indicates text being removed from the code, and red text indicates new additions).

I. ~~An existing accessory building shall not be converted into an apartment nor shall an apartment be added or attached to an existing accessory building.~~ **An new** accessory building may be ~~used~~ **constructed** as an apartment, but must maintain a minimum distance of five feet from the principal dwelling, 10 feet from the side and rear property lines and, if on a corner lot, must adhere to the residential setback standards for corner lots. [Ord. 08-04-2020C § 1; Ord. 08-01-2017B § 1].

Section Four: **Ordinances to conform with amendments**

The West Point City Director of Community Development is hereby authorized and directed to make all necessary changes to the West Point City Code to bring the text into conformity with the changes adopted by this Ordinance.

Section Six: **Severability**

In the event that any provision of this Ordinance is declared invalid for any reason, the remaining provisions shall remain in effect.

Section Seven: **Effective Date**

This Ordinance shall take effect immediately upon passage and adoption and publication of a summary as required by law.

DATED this ___ day of _____, 20__.

WEST POINT CITY, a Municipal Corporation

By: _____
Erik Craythorne
Mayor

ATTEST:

Casey Arnold
City Recorder

City Council Staff Report



Subject: Private Utilities
Author: Boyd Davis
Department: Community Development
Date: December 15, 2019

Background

The proposed townhouse project in the Bluff View Subdivision will have all private roads. This has naturally led to the question of who will maintain the roads and underground utilities. On the surface, it seems that all utilities and the road should be maintained by the owners of the private roads. In this case, the roads will be owned by the Homeowner's Association. However, our City Code does not address private utilities, so we have had to turn to other sources for advice. This report will outline the information that Staff has researched and our recommendation for this project.

Analysis

This is not the first project in the City with private roads, however, this is the largest project with private roads in the City. On previous projects, such as Yalecrest, the question of private utilities was never formally addressed, although staff informed the developers that the utilities in the private lanes and alleys would be maintained by the HOA and they did not dispute that. Those utilities and roads have been maintained by the HOA.

On previous projects, such as Yalecrest, the private utilities are very short and were not as great of a concern as the utilities in the Bluff View Project. In the Bluff View Project, they will have waterlines, sewer lines, and storm drain lines in the roads. Staff believes that all of these utilities can and should be maintained by the HOA, with exception of the waterline, which will be explained later. The HOA will also be responsible for the maintenance of the asphalt and the curb, gutter, and sidewalks.

As staff reviewed the private utilities, our first thought was that the HOA should maintain all of the utilities and the road because that is what private means. However, after reviewing the waterline and after talking with other cities, there are some risks involved with allowing a private entity to maintain a public water system. For this reason, and a few others listed below, we are recommending that the waterline be maintained by the City while the road and utilities be maintained by the HOA. Below is a list of additional reasons for keeping the waterline public:

- There is risk that the HOA could damage or contaminate the entire system.
- The HOA is not equipped to repair leaks and would likely not have the proper oversight if a contractor did the work for them.

- Private systems will have one master meter for the entire development, but it is best to have individual meters at each townhouse to maintain accountability.
- Without individual meters we are not able to shutoff the water for non-payment.

Recommendation

No action is required at this time, but staff recommends that the water line be public and that it be owned and maintained by the City. We recommend that the HOA be responsible for repairing the road in the event of a water leak. The City would repair the water leak, backfill the hole, and leave it for the HOA to patch the asphalt. We recommend that each unit have an individual water meter and that the residents be billed individually by the City. We also recommend that this be formalized in a development agreement.

Significant Impacts

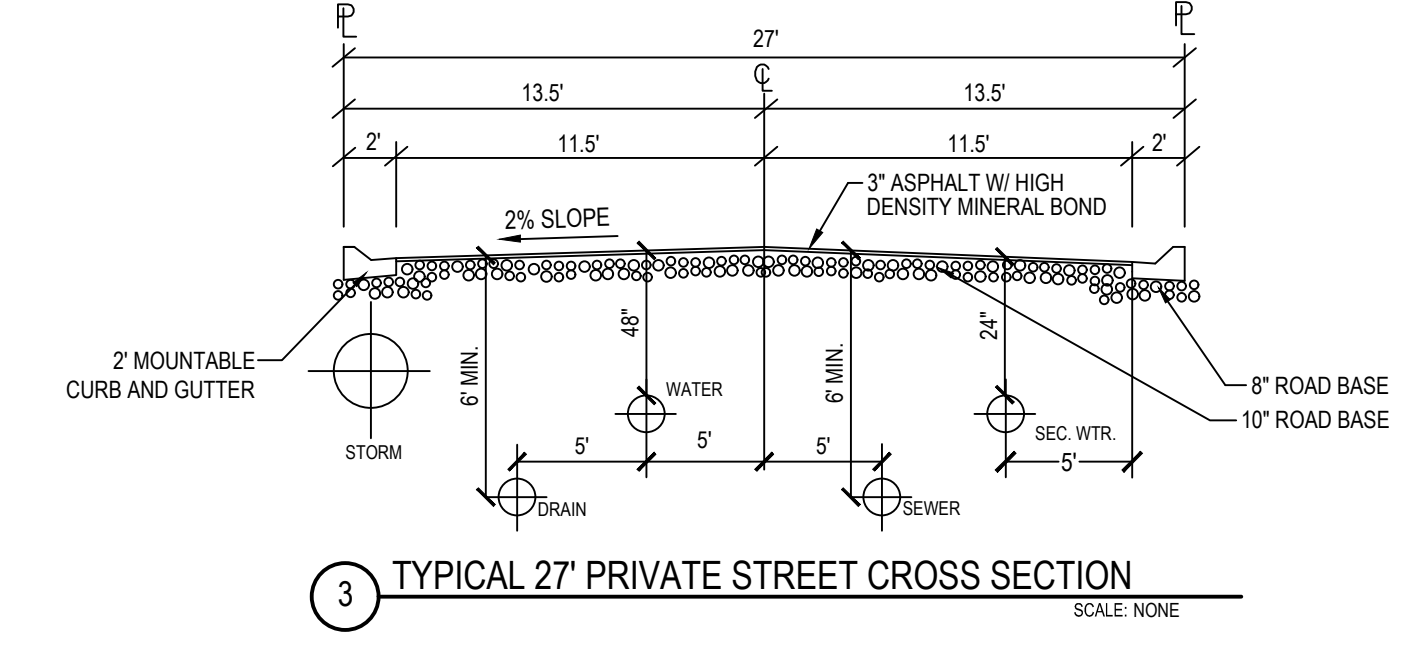
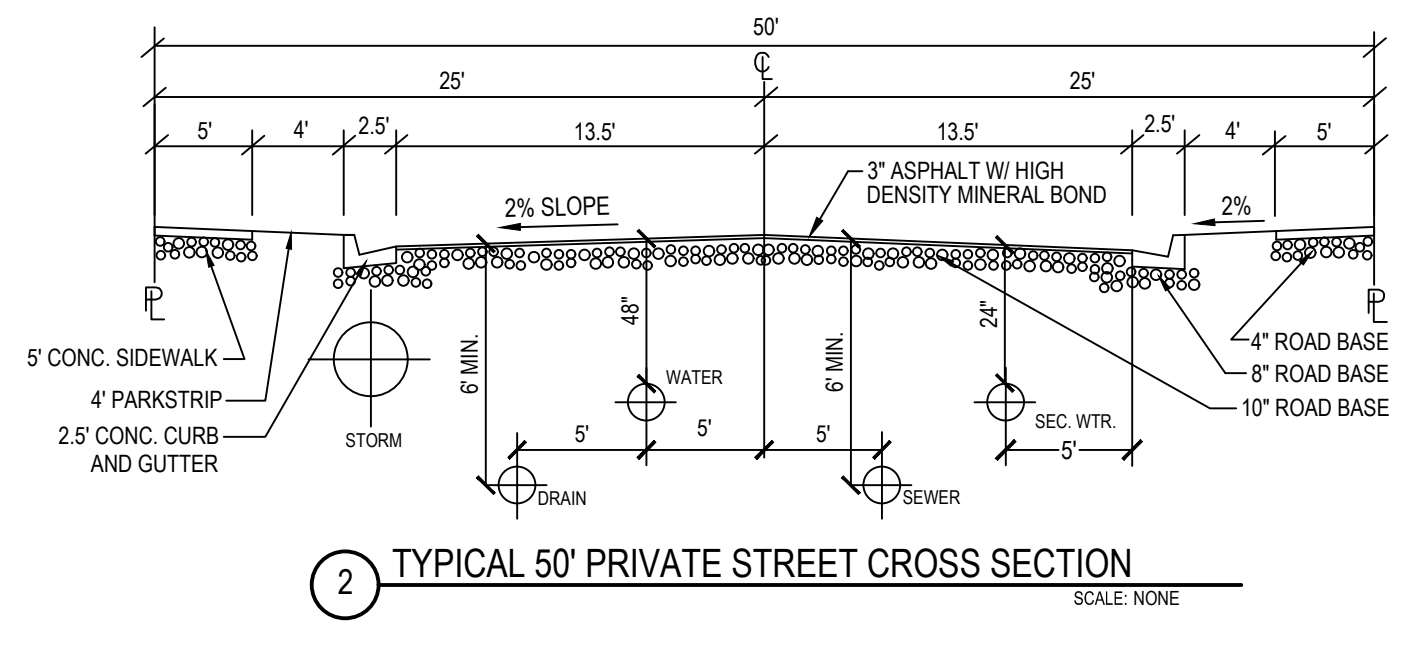
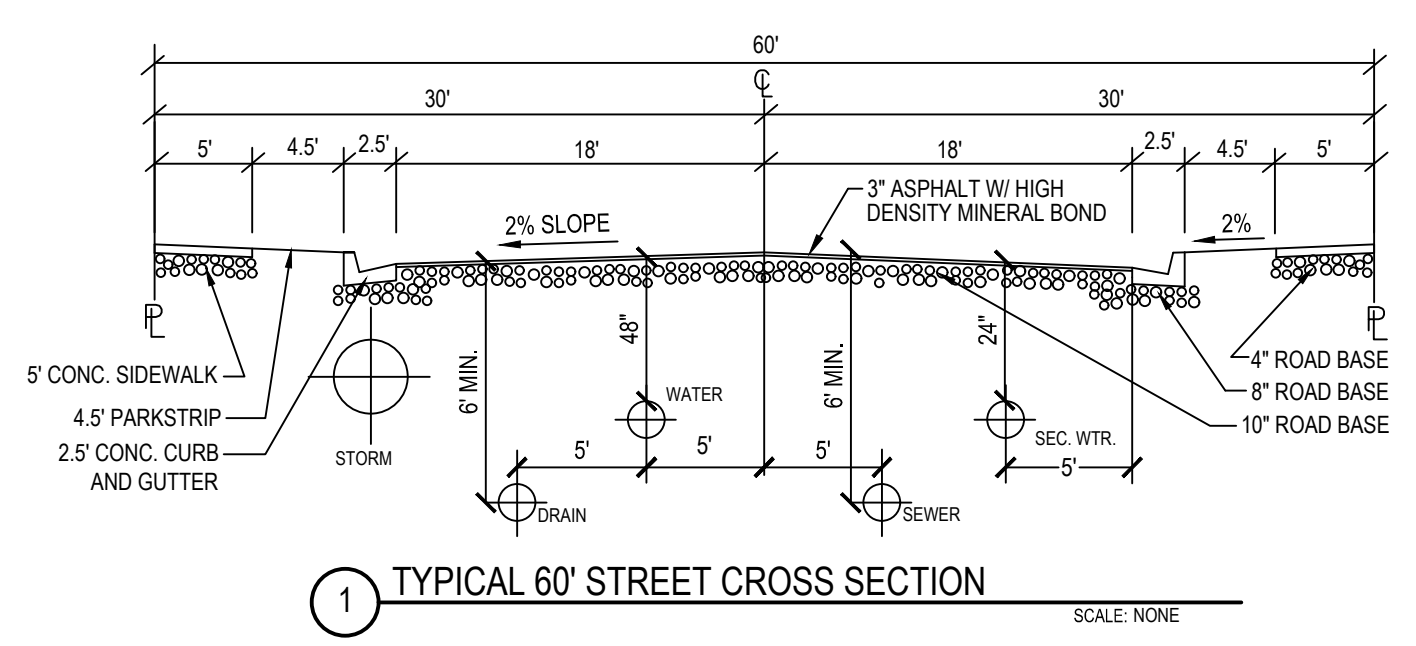
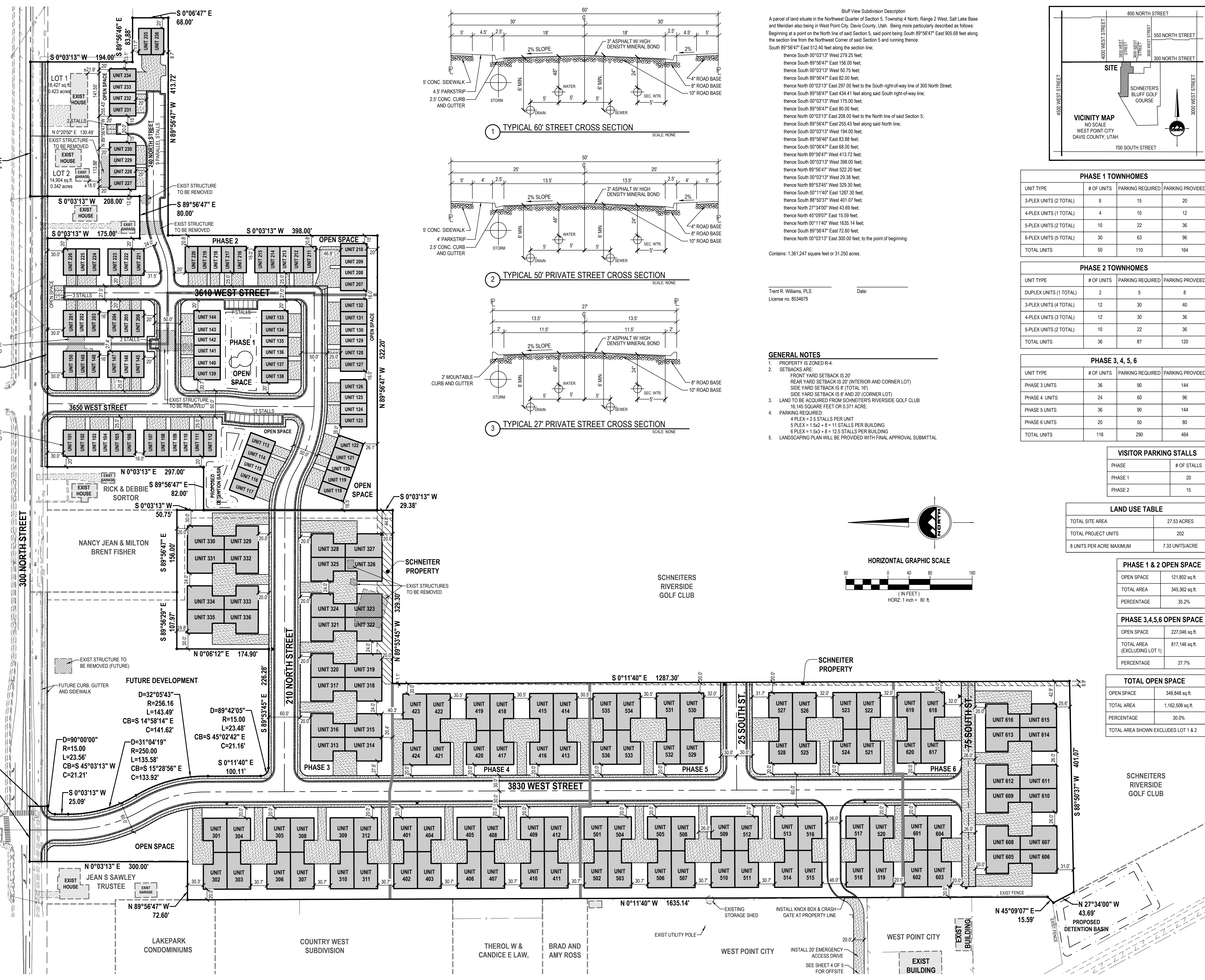
The City will be required to pay for the maintenance of the waterline, however the residents will be paying the same fees as all other residents in the City that cover those costs. Alternatively, if the waterline were private, we would likely need to reduce their fee to offset the maintenance.

Attachments

Site Plan

811
CALL BLUESTAKES
@ 811 AT LEAST 48 HOURS
PRIOR TO THE
COMMENCEMENT OF ANY
CONSTRUCTION.

BENCHMARK
NORTH QUARTER CORNER
SECTION 5
TOWNSHIP 4 NORTH, RANGE 2 WEST
SALT LAKE BASE AND MERIDIAN
ELEV = 4297.17'

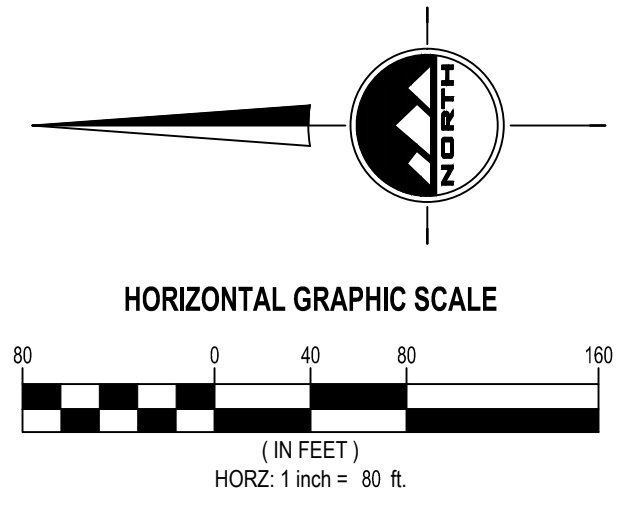


Bluff View Subdivision Description
A parcel of land situate in the Northwest Quarter of Section 5, Township 4 North, Range 2 West, Salt Lake Base and Meridian also being in West Point City, Davis County, Utah. Being more particularly described as follows:
Beginning at a point on the North line of said Section 5, said point being South 89°56'47" East 905.68 feet along the section line from the Northwest Corner of said Section 5 and running thence:
South 89°56'47" East 512.40 feet along the section line;
thence South 00°03'13" West 275.25 feet;
thence South 89°56'47" East 156.00 feet;
thence South 00°03'13" West 50.75 feet;
thence South 89°56'47" East 434.41 feet along said South right-of-way line;
thence South 00°03'13" West 175.00 feet;
thence South 89°56'47" East 80.00 feet;
thence North 00°03'13" East 208.00 feet to the North line of said Section 5;
thence South 89°56'47" East 255.43 feet along said North line;
thence South 00°03'13" West 194.00 feet;
thence South 89°56'47" West 413.72 feet;
thence South 00°03'13" West 398.00 feet;
thence North 89°56'47" West 522.20 feet;
thence South 00°03'13" West 29.38 feet;
thence North 89°53'45" East 329.30 feet;
thence South 00°11'40" East 1287.30 feet;
thence North 27°34'00" West 401.07 feet;
thence North 45°09'07" East 15.59 feet;
thence North 00°11'40" West 1635.14 feet;
thence South 89°56'47" East 72.60 feet;
thence North 00°03'13" East 300.00 feet, to the point of beginning.

Contains: 1,361,247 square feet or 31.250 acres.

Trent R. Williams, PLS Date: _____
License no. 8034679

- GENERAL NOTES**
- PROPERTY IS ZONED R-4.
 - SETBACKS ARE:
FRONT YARD SETBACK IS 20'
REAR YARD SETBACK IS 20' (INTERIOR AND CORNER LOT)
SIDE YARD SETBACK IS 6' (TOTAL 16')
SIDE YARD SETBACK IS 8' AND 20' (CORNER LOT)
 - LAND TO BE ACQUIRED FROM SCHNEITERS RIVERSIDE GOLF CLUB
16,145 SQUARE FEET OR 0.371 ACRE.
 - PARKING REQUIRED:
4 PLEX = 2.5 STALLS PER UNIT
5 PLEX = 1.5x2 + 8 = 11 STALLS PER BUILDING
6 PLEX = 1.5x3 + 8 = 12.5 STALLS PER BUILDING
LANDSCAPING PLAN WILL BE PROVIDED WITH FINAL APPROVAL SUBMITTAL.



PHASE 1 TOWNHOMES

UNIT TYPE	# OF UNITS	PARKING REQUIRED	PARKING PROVIDED
3-PLEX UNITS (2 TOTAL)	6	15	20
4-PLEX UNITS (1 TOTAL)	4	10	12
5-PLEX UNITS (2 TOTAL)	10	22	36
6-PLEX UNITS (5 TOTAL)	30	63	96
TOTAL UNITS	50	110	164

PHASE 2 TOWNHOMES

UNIT TYPE	# OF UNITS	PARKING REQUIRED	PARKING PROVIDED
DUPLEX UNITS (1 TOTAL)	2	5	8
3-PLEX UNITS (4 TOTAL)	12	30	40
4-PLEX UNITS (3 TOTAL)	12	30	36
5-PLEX UNITS (2 TOTAL)	10	22	36
TOTAL UNITS	36	87	120

PHASE 3, 4, 5, 6

UNIT TYPE	# OF UNITS	PARKING REQUIRED	PARKING PROVIDED
PHASE 3 UNITS	36	90	144
PHASE 4 UNITS	24	60	96
PHASE 5 UNITS	36	90	144
PHASE 6 UNITS	20	50	80
TOTAL UNITS	116	290	464

VISITOR PARKING STALLS

PHASE	# OF STALLS
PHASE 1	20
PHASE 2	15

LAND USE TABLE

TOTAL SITE AREA	27.53 ACRES
TOTAL PROJECT UNITS	202
8 UNITS PER ACRE MAXIMUM	7.33 UNITS/ACRE

PHASE 1 & 2 OPEN SPACE

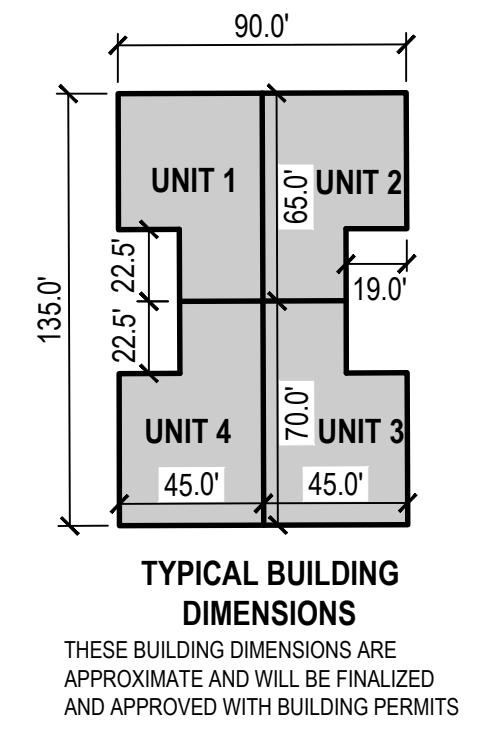
OPEN SPACE	121,802 sq. ft.
TOTAL AREA	345,362 sq. ft.
PERCENTAGE	35.2%

PHASE 3,4,5,6 OPEN SPACE

OPEN SPACE	227,046 sq. ft.
TOTAL AREA (EXCLUDING LOT 1)	817,146 sq. ft.
PERCENTAGE	27.7%

TOTAL OPEN SPACE

OPEN SPACE	348,848 sq. ft.
TOTAL AREA	1,162,508 sq. ft.
PERCENTAGE	30.0%
TOTAL AREA SHOWN EXCLUDES LOT 1 & 2	



ENSIGN
THE STANDARD IN ENGINEERING

LAYTON
919 North 400 West
Layton, UT 84041
Phone: 801.547.1100

SALT LAKE CITY
Phone: 801.255.0529

TOOELE
Phone: 435.843.3590

CEDAR CITY
Phone: 435.865.1453

RICHFIELD
Phone: 435.896.2983

WWW.ENSIGNENG.COM

FOR:
NH&B, LLC
P.O. BOX 2000
LAYTON, UTAH 84041

CONTACT:
BRYAN BAYLES
PHONE: 801-634-2129

BLUFF VIEW SUBDIVISION
PRELIMINARY PLAT - NOT TO BE RECORDED
3830 WEST 300 NORTH
WEST POINT, UTAH

PROFESSIONAL ENGINEER
No. 5049039
1-21-2020
GARIBOLDI HESS PRESTON

NO.	DATE	REVISION	BY
1		FOR REVIEW	
2			
3			
4			
5			
6			
7			
8			

PRELIMINARY SITE PLAN

PROJECT NUMBER: 7941B PRINT DATE: 7/27/20
DRAWN BY: MELMER CHECKED BY: C.PRESTON
PROJECT MANAGER: C.PRESTON

1 OF 5

December 15, 2020