



## NOTICE AND AGENDA

### SOUTH OGDEN CITY COUNCIL MEETING

Tuesday, August 2, 2016 – 6:00 p.m.

Notice is hereby given that the South Ogden City Council will hold their regular City Council Meeting, Tuesday, August 2, 2016, beginning at 6:00 p.m. in the Council Chambers located at 3950 So. Adams Avenue, South Ogden, Utah. Any member of the council may be joining the meeting electronically.

#### I. OPENING CEREMONY

- A. **Call to Order** – Mayor James F. Minster
- B. **Prayer/Moment of Silence** -
- C. **Pledge of Allegiance** – Council Member Bryan Benard

- II. **PUBLIC COMMENTS** – This is an opportunity for comment regarding issues or concerns. No action can or will be taken at this meeting on comments made.

*Please limit your comments to three minutes.*

#### III. RECOGNITION OF SCOUTS AND STUDENTS

#### IV. CONSENT AGENDA

- A. Approval of July 19, 2016 Council Minutes
- B. Declaring Certain Items as Surplus to the City's Needs

#### V. DISCUSSION / ACTION ITEMS

- A. Consideration of **Ordinance 16-12** – Amending Title 11 of the City Code by Making Corrections to Remove the City Council from the Subdivision Approval Process

#### VI. DISCUSSION ITEMS

- A. Discussion on School Resource Officer
- B. Discussion on Fox Chase Subdivision
- C. Report/Discussion on South Ogden Days

**VII. REPORTS**

- A. Mayor
- B. City Council Members
- C. City Manager
- D. City Attorney

**VIII. COUNCIL COMMUNICATION/DIRECTION TO CITY MANAGER**

**IX. RECESS CITY COUNCIL MEETING AND CONVENE INTO AN EXECUTIVE SESSION**

- A. Pursuant to UCA §52-4-205 1(a) to Discuss the Character, Professional Competence, or Physical or Mental Health of an Individual
- B. Pursuant to UCA §52-4-205 1(d) to Discuss the Purchase, Exchange, or Lease of Real Property

**X. ADJOURN EXECUTIVE SESSION, RECONVENE CITY COUNCIL MEETING AND ADJOURN**

Posted and emailed to the State of Utah Website [July 29, 2016](#)

The undersigned, duly appointed City Recorder, does hereby certify that a copy of the above notice and agenda was posted at the Municipal Center (1<sup>st</sup> and 2<sup>nd</sup> floors), on the City's website ([southogdencity.com](http://southogdencity.com)) and emailed to the Standard Examiner on July 29, 2016. Copies were also delivered to each member of the governing body.

  
Leesa Kapetanov, City Recorder

In compliance with the Americans with Disabilities Act, individuals needing special accommodations (including auxiliary communicative aids and services) during the meeting should notify the City Recorder at 801-622-2709 at least 48 hours in advance.

**FINAL ACTION MAY BE TAKEN ON ANY ITEM ON THIS AGENDA**



## MINUTES OF THE SOUTH OGDEN CITY COUNCIL MEETING

TUESDAY, July 19, 2016 – 6:00 P.M.  
COUNCIL CHAMBERS, CITY HALL

### COUNCIL MEMBERS PRESENT

Mayor James Minster, Council Members Brent Strate, Sallee Orr, Bryan Benard, Russell Porter, and Adam Hensley

### STAFF MEMBERS PRESENT

City Manager Matt Dixon, City Attorney Ken Bradshaw, Police Chief Darin Parke, Assistant to the City Manager Doug Gailey, and Recorder Leesa Kapetanov

### CITIZENS PRESENT

Jim Pearce, Jerry Cottrell, Walt Bausman, Joyce Hartman, Cody Petersen

## I. OPENING CEREMONY

### A. Call To Order

Mayor Minster called the meeting to order at 6:03 pm and entertained a motion to convene. (Note: Council Members Hensley and Benard had not yet arrived to the meeting and were not present for this vote).

**Council Member Porter moved to convene as the South Ogden City Council, followed by a second from Council Member Orr. In a voice vote Council Members Orr, Porter, and Strate all voted aye.**

### B. Prayer/Moment Of Silence

The mayor invited those present to participate in a moment of silence.

### C. Pledge Of Allegiance

Council Member Strate led everyone in the Pledge of Allegiance.

The mayor then opened the meeting for public comments, reminding those present that no action would be taken on comments made that evening and comments should be limited to three minutes.

## II. PUBLIC COMMENTS

**Jerry Cottrell, 5765 S 1075 E** – (Note: Council Member Hensley entered the meeting at this time). Mr. Cottrell read a letter of appreciation from the Ogden Amateur Radio Club (see Attachment A). He also commended Council Member Orr and her husband Rick who had stopped by to learn about the group.

46 **Walt Bausman, 5792 S 1075 E** – (Note: Council Member Benard entered the meeting right before Mr.  
47 Bausman began his comments). Mr. Bausman remarked concerning the 401(k) match which was on the  
48 agenda for discussion. He wondered why it was not part of the budget passed the previous month and  
49 why there wasn't a current financial statement so they could see how it would affect the city's budget.  
50  
51

52 **III. RECOGNITION OF SCOUTS/STUDENTS PRESENT**

53 Mayor Minster invited any scouts or students present to come forward. Dax Peterson, Troop 334, was  
54 there to fulfill a requirement for his Communications Merit Badge. His father Cody Peterson was also  
55 present. Council Member Porter presented both with a South Ogden City pin.  
56

57 **IV. CONSENT AGENDA**

58 **A. Approval of July 5, 2016 Council Minutes**

59 The mayor asked if there were any corrections or comments concerning the minutes of the last  
60 meeting. There was no response from the Council. The mayor called for a motion.  
61

62 **Council Member Orr moved to approve the consent agenda. Council Member Benard**  
63 **seconded the motion. The voice vote was unanimous in favor of the motion.**  
64  
65

66 **V. DISCUSSION ITEMS**

67 **A. Discussion on Strategic Plan**

68 City Manager Dixon asked the Council not to focus on the action plans in the strategic plan as he  
69 was working with each department head to complete them. However, he did ask that they look  
70 at the goals of the strategic plan to see if they were defined enough or if there were other goals  
71 they wanted to add.

72 Mr. Dixon read through each goal and gave the Council updates concerning them. The Council  
73 in turn asked questions and made comments. Instruction was given to staff to look into a grant  
74 for trails, etc., check into the landscaping of the Harrison Blvd./Hwy. 89 island, provide prices  
75 for the signs created by Mr. Vlastic, find out what the school district was planning for the school  
76 crossing at Eastwood and Skyline Drive, provide a list of problem code enforcement issues, and  
77 schedule a meeting with developers to see how the City could attract development. Mr. Dixon  
78 concluded the discussion by encouraging the Council to check the strategic plan often to see what  
79 progress was being made.  
80

81 **B. Discussion on School Resource Officer**

82 City Manager Dixon referred the Council to Chief Parke's staff report contained in their packet  
83 and turned the time to Council Member Strate who had requested this item be placed on the  
84 agenda. Mr. Strate began by saying he wanted staff to gather information on what it would look  
85 like to place code enforcement under the administration instead of the police. He then said he  
86 would like an officer in the junior high full time, including during extracurricular events, and an  
87 officer in the elementary schools. Council Member Orr stated that it was up to the school district  
88 to ask for what they needed or wanted as far as a school resource officer (SRO). Council

89 Member Benard agreed. The school district was the expert on what they needed and Mr. Benard  
90 wondered why the City was looking at doing more when they hadn't asked for more. There was  
91 discussion among the Council concerning having a SRO in all of the schools in the City. Chief  
92 Parke informed the Council the current SRO spent most of his time at the junior high school  
93 when it was in session, doing code enforcement research and other deskwork at the school as  
94 much as possible. Council Member Strate said he wanted more information to see if moving  
95 code enforcement under administrative supervision instead of police would allow the SRO to  
96 spend more time at the school. Council Member Benard pointed out that whether code  
97 enforcement was done by non-law enforcement was an entirely different question than talking  
98 about a current SRO, his time, and whether to have him spend more time at the schools than what  
99 the school district was asking for.

100 City Manager Dixon asked if this was a budget neutral decision, would there be enough of the  
101 Council willing to support having the SRO spend more time in the schools; if not, it would not  
102 make sense to gather additional information. Council Member Orr pointed out that having the  
103 SRO spend more time at the elementary schools would mean he would spend less time than he  
104 was now at the junior high school. Chief Parke agreed and pointed out the junior high had the  
105 most potential for trouble. Council Member Strate said he would just like more police presence  
106 at the elementary school; how that happened could be many ways. He suggested officers be out  
107 patrolling the schools when children were coming to and from school. Chief Parke said plans  
108 had already been made to have a large police presence during at least the first week of school and  
109 agreed that officers should be in school zones monitoring traffic or in the schools as children  
110 were coming to and from school.

111 City Manager Dixon asked the Council for direction on this issue. Council Member Orr said she  
112 was happy with officers spending time at the elementary schools as their schedules allowed.  
113 Council Member Strate said Principal Proffer had originally brought up the idea of having a  
114 police presence in the schools so the children would get to know the officers and not be afraid of  
115 them. Chief Parke said he would be happy to meet with Mr. Proffer. Mr. Dixon said he would  
116 work with the Chief to see if they could schedule a time for patrol officers to be at the school.  
117 He would also gather information on if other cities managed code enforcement through  
118 administration instead of police.

### 119 120 **C. Discussion on Re-Instating 401(k) Match**

121 City Manager Dixon reminded the Council the City had offered a 401(k) match until 2011, but  
122 due to budget constraints it had been discontinued. He said the benefit cost the City from  
123 \$25,000 to \$30,000 a year. Council Member Hensley had requested that it be put on the agenda  
124 for discussion.

125 Council Member Hensley said in talking to some employees, he had been surprised to find the  
126 City did not offer a 401(k) match and wanted to see how other council members felt about it.  
127 His long term goal was to empower employees and make them want to work here. Council  
128 Member Strate said he had been an advocate of a 401(k) match back in 2012 when he had first  
129 taken office and still felt the same. At the time, he was told that employees would rather have a  
130 raise rather than the benefit of a 401(k) match. Council Member Benard said he was not in favor

131 of it because only a select few employees participated in it. He also felt that any extra monies  
132 should be used to bring all employees to within 90% of the average salary range.  
133 The Council discussed the pros and cons of providing a 401(k) match. Council Member Porter  
134 said the issue came down to whether the match was the best use of \$30,000. City Manager  
135 Dixon said the employees appreciated that the Council was having the discussion. He suggested  
136 the department directors come back with feedback from their employees about the issue.  
137

#### 138 **D. Discussion on Showing Support for Law Enforcement**

139 Council Member Hensley had also requested this item be put on the agenda. He said that in light  
140 of national events, he would like the Council to do something to show their support of law  
141 enforcement. Council Member Strate commented there was a real problem in society and views  
142 towards law enforcement. Council Member Orr asked Chief Parke to comment on the matter.  
143 Chief Parke said the department had been seeing a lot of support from the community the past  
144 few weeks because of unfortunate national events. People had sent cards, letters, and food to the  
145 police offices. He pointed out that May 15 had been designated as National Police Officer  
146 Memorial Day and that whole week was designated as National Police Week; it would be a good  
147 time to acknowledge law enforcement. He was open to any other suggestions.

148 The Council discussed different ideas as how to acknowledge and support the City's policemen,  
149 including a proclamation, an event where the community could come, etc. They also discussed  
150 the need for law enforcement to connect with the community and bridge an ever widening gap.  
151 City Manager Dixon said he and the Chief would discuss what they thought were the best ways to  
152 accomplish what the Council had discussed and come back with suggestions for the Council.  
153 Council Member Hensley asked that it be done sooner rather than later.

154 Chief Parke expressed his and the departments appreciation for the outpouring of support from  
155 the community and asked that it be made a part of the record.  
156

157 At this point, Council Member Orr suggested the agenda be amended to facilitate everyone's  
158 time better. The mayor agreed. He said they would hear Chief Parke's report and then move  
159 into the work session.  
160

### 161 **VI. QUARTERLY REPORTS**

#### 162 **A. Chief Parke – Ordinance Enforcement**

163 The Chief gave ordinance enforcement statistics for the quarter ending in June pointing out that  
164 most of the incidents were reported by officers. Only ten of the cases required more than the  
165 initial contact, and three citations were issued.

166 Council Member Orr asked that the number to report ordinance violation issues be put in the  
167 newsletter. Council Member Strate also asked that information concerning the dedication of the  
168 new Burch Creek Elementary be put in the newsletter.  
169

170 The mayor then called for a motion to recess City Council meeting and move into a work session.  
171  
172

### 173 **IX. RECESS CITY COUNCIL MEETING AND CONVENE INTO A WORK SESSION**

174 **A. Discussion on City’s Ordinance for Residential Facilities for Disabled Persons with Dan**  
175 **McDonald**

176 **At 8:08 pm, Council Member Benard moved to recess City Council meeting and convene**  
177 **into a work session. The motion was seconded by Council Member Strate. The voice**  
178 **vote was unanimous in favor of the motion.**

179 (Note: the Council took a short break and moved into the EOC room for the work session. The  
180 mayor and all members of the Council were present for the work session, as well as City Manager  
181 Dixon, Assistant to the City Manager Doug Gailey, City Attorney Ken Bradshaw, and City  
182 Recorder Leesa Kapetanov and Dan McDonald, legal consultant for the City. Residents Jerry  
183 Cottrell and Walt Bausman were also present).

184 City Manager Dixon began the work session by turning the time to Dan McDonald, whom the  
185 City had hired to review and amend the existing ordinance for residential facilities for disabled  
186 persons. Mr. McDonald reviewed the changes he had made to the existing ordinance, pointing  
187 out that wherever Group Living Arrangements (GLA’s) were allowed, Residential Facilities for  
188 Disabled Persons (RFDP’s) would also be allowed. He had also included in the ordinance a  
189 process to request a reasonable accommodation. A Development Review Committee (DRC)  
190 would determine if and how a reasonable accommodation would be allowed. The DRC usually  
191 consisted of the planning director, fire marshal, building inspector, city attorney, etc. Mr.  
192 McDonald needed direction from the Council as to where GLA’s, and therefore RFDP’s should  
193 be allowed.

194 The council discussed the various zones where GLA’s were currently allowed and where they  
195 were located. The consensus of the Council was to allow GLA’s in R-4 and R-5 residential  
196 zones, as well as in all the commercial zones. They also determined that in the 40<sup>th</sup> Street/City  
197 Center FBC (Form Based Code) area, GLA’s should be allowed everywhere but in the Edge  
198 Zone. Mr. McDonald said he had not looked at the FBC when reviewing the rest of the code,  
199 and he would need to look at it and make some recommendations.

200 The Council then discussed who should be on the DRC to determine reasonable accommodation.  
201 Mr. McDonald said he did not recommend that any council member’s sit on the DRC; that way,  
202 no public clamor could be exerted. He also said that some very technical issues needed to be  
203 considered when granting reasonable accommodation and it was helpful to have people on the  
204 committee who had knowledge about the issues. He suggested that the city manager or his  
205 designee be a member of the DRC as it would allow the City to call an expert such as a doctor,  
206 licensed clinical social worker, psychologist or lawyer to the committee. The committee should  
207 always have a planner, building official, public safety representative, attorney, and fire marshal  
208 on it.

209 City Manager Dixon said he felt staff and Mr. McDonald had enough information to draft the  
210 code and bring it to the Council for their consideration.

211  
212 **B. Discussion on City’s Policy to Remove the Council from All Administrative Decisions**

213 City Manager Dixon reminded the Council of a previous discussion concerning this matter. At  
214 that time there seemed to be some of the Council who had changed their minds and did not favor  
215 removing themselves from all administrative decisions. Council Member Benard stated that

216 every attorney they had consulted had advised them to remove themselves from all  
217 administrative decisions and he agreed with them. Council Member Porter also agreed and  
218 reiterated they had been advised it was best for the City to only involve themselves in legislative  
219 matters. Council Member Orr said she would like to revisit the chart Mr. Dixon had created  
220 showing all the administrative and legislative decisions the Council was involved in. Mr. Dixon  
221 said he would update it and bring it back for the Council to look at. Staff would put the  
222 subdivision ordinance amendments back on the next agenda for the Council to consider.  
223 Mayor Minster had stepped out of the room momentarily, so Mayor Pro Tem Porter began  
224 conducting the meeting. He called for a motion to leave the work session and reconvene as the  
225 South Ogden City Council.

226  
227 **Council Member Hensley moved to close the work session and reconvene as the City**  
228 **Council, followed by a second from Council Member Orr. Council Members Strate, Orr,**  
229 **Hensley and Porter voted aye, with Council Member Benard voting nay.**  
230

231 **VI. QUARTERLY REPORTS (continued)**

232 Mayor Pro Tem Porter then invited Assistant to the City Manager Doug Gailey to give his quarterly  
233 employee recognition report.

234 Mr. Gailey reported staff had been looking for ways to make recognition of outstanding employees  
235 easier for the department heads. They had decided to purchase gift cards to hand out to an employee  
236 immediately when they were observed going above and beyond, rather than having to go through the  
237 process to requisition money. Mr. Gailey said they had also set a cap of \$100 for the amount of the  
238 gift cards; if department directors wanted to give out more, they would have to get approval from the  
239 city manager. The Council asked that they get a report of who had received cards.

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243 **VII. COUNCIL REPORTS**

244 **A. Mayor** – still had not returned to the meeting. Mayor Pro Tem Porter stated they would not do  
245 the “Council Communication/Direction to the City Manager” that evening due to the lateness of  
246 the hour. Council members could email any concerns they had to City Manager Dixon. Mr.  
247 Porter then gave each council member an opportunity to report.

248 **B. City Council Members**

249 **Council Member Strate** – nothing to report.

250 **Council Member Hensley** – nothing to report.

251 **Council Member Benard** – nothing to report.

252 **Council Member Orr** – said she had attended the Mountain Ridge Barbeque and the  
253 Communities That Care Resource and Assessment meeting. She then informed  
254 everyone there would be a Community Board meeting on July 28. The next SOBA  
255 meeting would be on August 3.

256 **Council Member Porter** – said he would not be able to attend the August 2 council meeting.

257 **A. City Manager** – reminded the Council the next Town Hall Meeting was scheduled for  
258 Thursday, September 15. The Council discussed the date and location of the meeting.  
259 (Mayor Minster joined the meeting at this time). They determined that because of the  
260 Utah League of Cities and Towns Conference during the week of the 15<sup>th</sup>, they would  
261 hold the Town Hall Meeting on September 22 at 6 pm in the community room located  
262 at the Old City Hall.

263 **B. City Attorney** – nothing to report.

264 At this point Mayor Minster reported he and City Manager Dixon sat on the Transfer  
265 Station Advisory Board. He said the Transfer Station was in very bad shape and they  
266 had formed the Board to help come up with a plan to make things better.  
267 Unbeknownst to the Board, the County Commission had been working on a deal with a  
268 company named New Era where they would buy into a facility in southern Utah  
269 County and ship all the waste from Weber County there. It would cost the County 1.2  
270 million dollars. The mayor said there were too many problems with this proposal and  
271 many on the board did not agree with it, including himself and City Manager Dixon.  
272 They felt there were better ways to deal with the problem, including involving the  
273 private sector.

274 The mayor then reported the firefighters had held a barbeque at the Senior Center that  
275 had gone very well. Many of the staff had also attended the Mountain Ridge Barbeque.

276

277 **VIII. RECESS CITY COUNCIL MEETING AND CONVENE INTO AN EXECUTIVE SESSION**

278 Mayor Minster called for a motion to enter into a closed executive session.

279

280 **At 10:30 pm, Council Member Benard moved to recess as the City Council and convene into a**  
281 **closed executive session pursuant to the statute. The motion was seconded by Council Member**  
282 **Porter. All present voted aye.**

283 (Note: The closed executive session was held in the EOC with the mayor, all members of the Council,  
284 City Manager Dixon, and City Attorney Bradshaw present).

285 At 10:43 pm, Mayor Minster called for a motion to close the executive session.

286 **Council Member Porter moved to close the executive session, reconvene city council meeting and**  
287 **adjourn, followed by a second from Council Member Hensley. The voice vote was unanimous in**  
288 **favor of the motion.**

289

290 I hereby certify that the foregoing is a true, accurate and complete record of the South Ogden City Council  
291 Meeting held Tuesday, July 19, 2016.

292

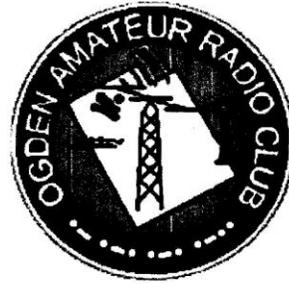
293   
294 Leesa Kapetanov, City Recorder

295 Date Approved by the City Council \_\_\_\_\_

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**ATTACHMENT A**  
Handout from Mr. Cottrell

Ogden Amateur Radio Club  
PO Box 3353  
Ogden, UT 84409-1353



July 5, 2016

Mayor James F. Minster  
3950 Adams Ave  
South Ogden, UT 84403

Mayor and City Council of South Ogden City,

The purpose of this letter is to express our appreciation to the City of South Ogden for providing the 40th Street Park for the Ogden Amateur Radio Club's (OARC) 2016 Field Day activities on June 25th and 26th. Not only did the City waive the customary daily use fees, but it also approved a special event permit that allowed overnight use. We know that our overnight use resulted in changes to the norm but we are pleased to report that everything went flawlessly! We appreciate the fact that the watering was suspended during our use, the restrooms were left unlocked for our use, and the police periodically checked on our members throughout the night.

We are also pleased that Council Member Orr and her husband, Rick, took the time to stop by to learn more about our capabilities. While we all hope that no emergency occurs that would require our communications capabilities, we were happy to be able test and demonstrate our abilities to support the community under simulated disaster conditions.

We appreciate your support in this matter.

Sincerely,

Gil Leonard  
President, OARC

# memo

south ogden city

To: Matthew Dixon, City Manager  
From: Brian Minster  
Date: July 12, 2016  
Re: Surplus Property

In accordance with current City policies, I am requesting that the following property currently within the possession of this department be declared surplus to City needs:

No. of Items	Description of Property	Value of Property (or min. bid amnt. acptd)	How Value Was Determined*	Recommended Means of Disposition** (trade, sale by bid, lease, salvage, destruction, donation)
21	Panasonic Toughbook CF-52	\$100.00 ea.	Market per eBay	Sale by bid or salvage
10	Dell Desktop Computer	\$40.00 ea.	Market per eBay	Sale by bid or salvage
7	3Com 4400 Switch	\$30.00 ea.	Market per eBay	Sale by bid or salvage
2	Cisco Catalyst 2960	\$50.00	Market per eBay	Sale by bid or salvage
8	Dell Monitors	\$35.00	Market per eBay	Sale by bid or salvage
4	HP Printers	\$90.00	Market per eBay	Sale by bid or salvage
8	Misc Keyboards	\$5.00	Market per eBay	Sale by bid or salvage
6	Misc Computer Mouse	\$3.00 ea.	Market per eBay	Sale by bid or salvage
1	Mac Mini	\$100.00	Market per eBay	Sale by bid or salvage
1	3Com Access Point	\$25.00	Market per eBay	Sale by bid or salvage
1	3Com 3016	\$60.00	Market per eBay	Sale by bid or salvage
2	Cannon Scanner	\$85.00 ea.	Market per eBay	Sale by bid or salvage
2	Dell Docking Station	\$12.00	Market per eBay	Sale by bid or salvage
3	Dell Laptops	\$0.00	Damaged	Salvage
3	Dell Server	\$100.00 ea	Market per eBay	Sale by bid or salvage
13	Dell Desktops	\$50.00	Market per eBay	Sale by bid or salvage
1	Audio Splitter	\$50.00	Market per eBay	Sale by bid or salvage
1	CRT Display Monitor	\$25.00	Market per eBay	Sale by bid or salvage
1	Video Recorder	0.00	Damaged	Salvage
1	Barracuda Web Filter	\$50.00	Market per eBay	Sale by bid or salvage
1	Barracuda Spam Filter	\$20.00	Market per eBay	Sale by bid or salvage
1	3Com Telephone System with 87 phones	\$2040.00	Market per eBay	Sale by bid or salvage
1	HighRelay Backup Bay	\$200.00	Market per eBay	Sale by bid or salvage

\* Value of property shall be estimated by evaluation by a qualified and disinterested appraiser, through professional publications and valuation services, or through an informal market survey conducted by the Director of Finance.

\*\*Sales of City property shall be based, whenever possible, on competitive sealed bids. The Director of Finance, in consultation with the City Manager, may waive the competitive bidding requirement when the value of the property has been estimated by an alternate method and the value is considered negligible in relation to the costs of sale by bid, sale by bidding procedure is deemed unlikely to produce a competitive offer, or circumstances indicate that bidding on the property will not be in the best interests of the city.

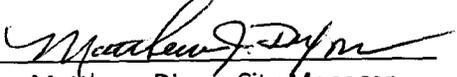
# memo

south ogden city

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City Manager's findings:

I find that the above items are surplus to the needs of South Ogden City and the proposed disposition of this property is approved.

  
Matthew Dixon, City Manager

7/13/16  
Date



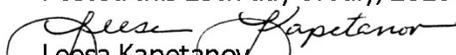
# Notice of Surplus Property

Notice is hereby given that Brian Minster, Communication Systems Administrator, has requested that the following property be declared surplus, and that Matthew Dixon, City Manager, has verified that the following items are surplus to the city's needs and will be utilized or disposed of as noted:

No. of Items	Description of Property	Value of Property (or min. bid accepted)	How Value Was Determined*	Recommended Means of Disposition** (trade, sale by bid, lease, salvage, destruction, donation)
21	Panasonic Toughbook CF-52	\$100.00 ea.	Market per eBay	Sale by bid or salvage
10	Dell Desktop Computer	\$40.00 ea.	Market per eBay	Sale by bid or salvage
7	3Com 4400 Switch	\$30.00 ea.	Market per eBay	Sale by bid or salvage
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8	Dell Monitors	\$35.00	Market per eBay	Sale by bid or salvage
4	HP Printers	\$90.00	Market per eBay	Sale by bid or salvage
8	Misc Keyboards	\$5.00	Market per eBay	Sale by bid or salvage
6	Misc Computer Mouse	\$3.00 ea.	Market per eBay	Sale by bid or salvage
1	Mac Mini	\$100.00	Market per eBay	Sale by bid or salvage
1	3Com Access Point	\$25.00	Market per eBay	Sale by bid or salvage
1	3Com 3016	\$60.00	Market per eBay	Sale by bid or salvage
2	Cannon Scanner	\$85.00 ea.	Market per eBay	Sale by bid or salvage
2	Dell Docking Station	\$12.00	Market per eBay	Sale by bid or salvage
3	Dell Laptops	\$0.00	Damaged	Salvage
3	Dell Server	\$100.00 ea.	Market per eBay	Sale by bid or salvage
13	Dell Desktops	\$50.00	Market per eBay	Sale by bid or salvage
1	Audio Splitter	\$50.00	Market per eBay	Sale by bid or salvage
1	CRT Display Monitor	\$25.00	Market per eBay	Sale by bid or salvage
1	Video Recorder	0.00	Damaged	Salvage
1	Barracuda Web Filter	\$50.00	Market per eBay	Sale by bid or salvage
1	Barracuda Spam Filter	\$20.00	Market per eBay	Sale by bid or salvage
1	3Com Telephone System with 87 phones	\$2040.00	Market per eBay	Sale by bid or salvage
1	HighRelly Backup Bay	\$200.00	Market per eBay	Sale by bid or salvage

Any member of the city council may make a written request for a hearing concerning this surplus property within fifteen days of posting of this notice, with such hearing taking place before, after, or in conjunction with a regularly scheduled city council meeting.

Posted this 15th day of July, 2016

  
 Leesa Kapetanov  
 City Recorder

**ORDINANCE NO. 16-12**

**AN ORDINANCE OF SOUTH OGDEN CITY, UTAH, REVISING, AMENDING AND READOPTING TITLE 11 OF THE CITY CODE, REMOVING THE CITY COUNCIL FROM THE SUBDIVISION APPROVAL PROCESS AND MAKING CERTAIN OTHER “HOUSEKEEPING” CHANGES TO TITLE 11; MAKING NECESSARY LANGUAGE CHANGES TO THE CITY CODE TO EFFECT THOSE CHANGES; AND ESTABLISHING AN EFFECTIVE DATE FOR THOSE CHANGES.**

**Section 1 - Recitals:**

WHEREAS, SOUTH OGDEN City (“City”) is a municipal corporation duly organized and existing under the laws of Utah; and,

WHEREAS, the City Council finds that in conformance with Utah Code (“UC”) §10-3-717, and UC §10-3-701, the governing body of the city may exercise all administrative and legislative powers by resolution or ordinance; and,

WHEREAS, the City Council finds that in conformance with UC §10-3-717, and UC §10-3-701, the governing body of the city has previously adopted a City Code which deals with Subdivisions and the required approval process for them within the city and related issues; and,

WHEREAS, the City Council finds that South Ogden City Code, at Title 11, in part, deals with certain Subdivisions and the required approval process for them and other development issues within the zones of the city and that certain changes should be made thereto based on advice and recommendation of the city Planning Commission and in conformance with the authority granted to the City by UCA Title 10; and,

WHEREAS, the City Council finds it is in the public interest to manage and regulate the procedures governing these Subdivisions and the required approval process for them and development issues as an administrative and ministerial function, rather than as a legislative function; and, ,

WHEREAS, the City Council finds that the Planning Commission and City staff should manage and process the regular, day-to-day review and approval of subdivisions found to conform to the City’s Subdivision requirements as legislatively established by the City Council; and, ,

WHEREAS, the City Council finds that certain other “housekeeping” changes should be made to Title 11; and,

WHEREAS, the City Council finds that the requirements and provisions contemplated by this Ordinance, should be effective upon passage of this Ordinance; and,

WHEREAS, the City Council finds that the public safety, health and welfare is at issue and requires action by the City as noted above;

**NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF SOUTH OGDEN CITY, UTAH that**

Title 11, Subdivision Regulations, and the required approval process for them Is Amended And Readopted As Set Out In **Attachment "A"**, Incorporated Fully Herein By This Reference.

**Section 2 - Repealer of Conflicting Enactments:**

All orders, ordinances and resolutions regarding the changes enacted and adopted which have been adopted by the City, or parts, which conflict with this Ordinance, are, for such conflict, repealed, except this repeal shall not be construed to revive any act, order or resolution, or part, repealed.

**Section 3 - Prior Ordinances and Resolutions:**

The body and substance of all prior Ordinances and Resolutions, with their provisions, where not otherwise in conflict with this Ordinance, are reaffirmed and readopted.

**Section 4 - Savings Clause:**

If any provision of this Ordinance shall be held or deemed or shall be invalid, inoperative or unenforceable such reason shall not have the effect of rendering any other provision or provisions invalid, inoperative or unenforceable to any extent whatever, this Ordinance being deemed the separate independent and severable act of the City Council of South Ogden City.

**Section 5 - Date of Effect**

This Ordinance shall be effective on the 2<sup>nd</sup> day of August, 2016, and after publication or posting as required by law.

DATED this 2<sup>nd</sup> day of August, 2016

SOUTH OGDEN, a municipal corporation

by: \_\_\_\_\_  
Mayor James F. Minster

Attested and recorded

\_\_\_\_\_  
Leesa Kapetanov  
City Recorder

# **ATTACHMENT "A"**

## **ORDINANCE NO. 16-12**

An Ordinance Of South Ogden City, Utah, Revising, Amending And Readopting Title 11 Of The City Code, Removing The City Council From The Subdivision Approval Process And Making Certain Other "Housekeeping" Changes To Title 11; Making Necessary Language Changes To The City Code To Effect Those Changes; And Establishing An Effective Date For Those Changes.

02 Aug 16

# Title 11

## SUBDIVISION REGULATIONS

### Chapter 1

#### GENERAL PROVISIONS; DEFINITIONS

##### 11-1-1: PURPOSE AND INTENT:

A. Specified: The underlying purpose and intent of this title is to promote the health, safety, convenience and general welfare of the inhabitants of the city in the matter of subdivision of land and related matters affected by such subdivision.

B. Evidence Of Best Interest: Any proposed subdivision and its ultimate use shall be supported by the general plan.

C. Variations, Exceptions: Where unusual topographical or other exceptional conditions exist, variations and exceptions from this title may be made by the planning commission. (Ord. 16-04, 1-19-2016, eff. 1-19-2016)

##### 11-1-2: SCOPE:

A. Compliance Required: No person shall subdivide any tract of land located wholly or in part in the city, except in compliance with this title.

B. Sales, Exchanges Of Land: No person shall sell or exchange or offer to sell or exchange any parcel of land which is a part of a subdivision of a larger tract of land, nor offer for recording in the office of the county recorder any deed conveying such a parcel of land, or any interest, unless such subdivision has been created under this title; provided, this title shall not apply to any lot or lots forming a part of a subdivision created and recorded prior to the effective date of the initial subdivision regulations adopted by the city on August 10, 1955. (Ord. 16-04, 1-19-2016, eff. 1-19-2016)

##### 11-1-3: DEFINITIONS:

The words and terms defined in this chapter shall have the meanings indicated. Words used in the present tense include the future; words in the singular number include the plural; and words in the plural include the singular. Words not included herein but defined elsewhere in the city ordinances shall be construed as defined therein. The word "shall" is mandatory.

**ALLEY:** A public thoroughfare with a minimum easement width of twenty feet (20') but which otherwise meets the requirements of the city's "Public Works Standard Drawings, Details And Technical Specifications". Alleys shall be approved only in accordance with the provisions of subsection [11-3-1B9](#) of this title. See also definition of Street, Public Or Public Alley.

**BLOCK:** The land surrounded by streets and other right of way, other than an alley, or land designated as a block on any recorded subdivision plat.

**BONA FIDE DIVISION OR PARTITION OF AGRICULTURAL LAND FOR AGRICULTURAL DEVELOPMENT**

**PURPOSE:** The division of a parcel of land into two (2) or more lots or parcels, none of which is less than five (5) acres in area; and provided, that no dedication of any street is required to serve any such lots or parcels of agricultural land so created.

**CITY:** South Ogden City, Utah.

**CITY COUNCIL:** City council of South Ogden City, Utah.

**CITY ENGINEER:** Any registered civil engineer appointed by the city manager to accomplish the objectives of this title; provided, that no such person may serve the city and a subdivider in the city simultaneously where the engineer would have to check his own work or the work of a member of his firm regarding any subdivision in the city.

**EASEMENT:** That portion of a lot or lots reserved, granted or arising in behalf of and for the present or future use by a person or agency other than the legal owner or owners of the property or properties. The easement may be for use under, use on, or use above the lot or lots.

**LOT:** A parcel of land comprising a unit within a subdivision or a unit of land for building development or transfer of ownership, with such yards, open spaces, lot width and area as required by the zoning title of South Ogden City having frontage upon street or upon right of way approved by the planning commission and/or the board of adjustment.

**LOT COMBINATION:** The altering of a subdivision plat by joining two (2) or more of an owner's contiguous, residential lots into one lot.

**LOT RIGHT OF WAY:** An easement of not less than sixteen feet (16') wide reserved by the lot owners as private access to serve the lots through which it passes.

**MASTER STREET PLAN:** A plan, labeled "master street plan of the city of South Ogden", approved by the city council upon recommendation of the planning commission.

**OFFICIAL MAP:** A map adopted by the city council under Utah code section 10-9a-407 as may, from time to time be amended.

**PARCEL OF LAND:** A contiguous quantity of land, in the possession of, or owned by, or recorded as the property of the same claimant or person.

**PERSON:** Any individual, corporation, partnership, firm or association of individuals however styled or designated.

**PLANNING COMMISSION:** The South Ogden City planning commission.

**PLAT VACATION:** The elimination of a plat, in whole or in part, which vacation may apply to subdivided lots, roads, alleys, easements, and other areas depicted or dedicated on the plat.

**PROPERTY LINE ADJUSTMENT:** The adjustment of a mutual boundary line between the owners of adjacent parcels described by either a metes and bounds description or as a lot within a recorded plat.

**PROTECTION STRIP:** A strip of land running parallel and adjacent to a public street and the abutting private property, created to control the access of property owners abutting the street.

**STREET:** A thoroughfare dedicated to the public and accepted by proper public authority, or a thoroughfare of standard width which has become a public thoroughfare by right of use and which affords the principal access to the abutting property.

**STREET, ARTERIAL:** A street existing or proposed, which serves or is intended to serve as a major trafficway and is designated on the master street plan, may be classified a controlled access highway, major street, parkway or other equivalent term to identify those streets comprising the basic structure of the street plan.

**STREET, COLLECTOR:** A street, existing or proposed, of considerable continuity which is the main means of access to the major street system.

**STREET, CUL-DE-SAC:** A terminal street provided with a turnaround.

**STREET, HALF:** Half street means a right of way dedicated for a new street by a developer along such developer's perimeter property line equal to only one-half ( $1/2$ ) of the total right of way width required by this code. Dedication of a "half street" presumes future dedication of a corresponding amount of right of way from adjoining land in order to provide the total right of way required for a proposed street. The dedication of additional right of way along an existing street is not considered a "half street". Approval and construction of half streets is not allowed in the city.

**STREET, MARGINAL ACCESS (FRONTAGE ROADWAY):** A street which is parallel to and adjacent to a limited access major or minor arterial street and which provides access to abutting properties and provides protection from through traffic.

**STREET, PRIVATE:** A street, existing or proposed, within a subdivision and/or planned residential development reserved by dedication unto the subdivider, lot owners or homeowners' association; to be private access to serve the lots and homes within the subdivision and/or planned residential development. Any private street shall be maintained by the subdivider or other private agency.

**STREET, PUBLIC OR PUBLIC ALLEY:** Any street or alley, including a right of way or public access easement, that was dedicated as a public thoroughfare by means of recordation of a subdivision plat or street dedication plat. It also includes public streets or alleys, rights of way, and public access easements established by use or conveyed to the city, or its predecessor, by deed, declaration, legislative act or other instrument of conveyance other than a subdivision plat or street dedication plat.

**STREET, STANDARD RESIDENTIAL:** A street, existing or proposed, which is supplementary to a collector street and of limited continuity which serves or is intended to serve the local needs of a neighborhood.

**SUBDIVISION:** A. The division of any tract, lot or parcel of land owned as an undivided tract by one individual, or entity, or by joint tenants or tenants in common or by the entirety, into two (2) or more lots, plots or other divisions of land for the purpose, whether immediate or future, of sale or of building development; provided, that the term shall not include a bona fide division or partition of agricultural land for agricultural development purposes. The word "subdivide" and any derivative thereof shall have reference to the term "subdivision", as herein defined.

B. For these regulations, a subdivision of land shall include: 1) the dedication of a road, highway, or street through a tract of land, regardless of area, which may create a division of lots or parcels constituting a "subdivision"; 2) resubdivision of land heretofore divided or platted into lots, sites or parcels.

SUBDIVISION, CLUSTER<sup>1</sup>: A subdivision of land in which the residential lots have areas less than the minimum lot area of the zone in which the subdivision is located, but which complies with the cluster subdivision provisions of the zoning title and in which a significant part of the land is privately reserved or dedicated as permanent open space to provide an attractive low density character for the residential lots in the subdivision.

SUBDIVISION, PRUD: A planned residential unit development is a residential development planned as a complete, single complex. It incorporates a definite development theme which includes the elements of usable open spaces, diversity of lot design or residential use, amenities, a well planned circulation system, attractive entrances and similar elements as part of the design. Incorporating one or two (2) of these elements into a development does not make that development a PRUD. The combination of all of these elements is necessary for the development to be considered and approved as a PRUD.

ZONING ORDINANCE: The zoning ordinance of South Ogden City as adopted by the city council of South Ogden City, on January 8, 1980, as amended from time to time. (Ord. 16-04, 1-19-2016, eff. 1-19-2016)

Footnotes - Click any footnote link to go back to its reference.

[Footnote 1](#): See [title 10, chapter 12](#) of this code for zoning provisions.

## **Chapter 2**

### **PLAT PROCEDURES**

#### **11-2-1: PRELIMINARY PLAT:**

A. Preliminary Information: Each person who proposes to subdivide land in the city shall confer with the planning commission staff before preparing any plats, charts or plans to become familiar with the city subdivision requirements and existing master plans for the territory in which the proposed subdivision lies and to discuss the proposed plan of development of the tract.

B. Preliminary Plan Filing: A preliminary plan shall be prepared in conformance with the "Public Works Standard Drawings, Details And Technical Specifications" and rules and regulations contained herein and the current required number of copies thereof shall be submitted to the planning commission for approval or disapproval. One print shall be delivered by the planning commission to each of the affected entities such as the city departments, power company, gas company, telephone company, and other public service utility providers, school district, service district, UDOT, etc., for their information and recommendations. A public hearing notice of the date, time, location, and project information shall be published ten (10) days prior to the hearing or mailed to the adjoining property owners to provide a minimum three (3) day notice before the planning commission.

#### **C. Preliminary Plan Requirements:**

1. All drawings and/or prints shall be clear and legible, and drawn according to professional engineering practices. The preliminary plan shall be drawn to a scale not smaller than one

hundred feet to the inch (1" = 100'), on a twenty four inch by thirty six inch (24" x 36") sheet and shall show:

- a. The proposed name of the subdivision (such name must be cleared through the county recorder's office).
  - b. Its location as forming a part of a larger tract or parcel, where the plat submitted covers only a part of the subdivider's tract or only a part of a larger vacant area. In such case, a sketch of the prospective future street system of the unplatted parts shall be submitted, and the street system of the part submitted shall be considered in the light of adjustments and connections with the future street system of the larger area and other surrounding areas.
  - c. Sufficient information to locate accurately the property shown on the plan.
  - d. The names and addresses of the subdivider, the engineer or surveyor of the subdivision, and the owners of the land immediately adjoining the land to be subdivided.
  - e. Contours at intervals of one foot (1'), or as otherwise approved.
  - f. The boundary lines of the tract to be subdivided shall be indicated.
  - g. The location, widths and other dimensions of all existing or platted streets and other important features such as railroad lines, watercourses, exceptional topography, utility conduits, and buildings within or immediately adjacent to the tract to be subdivided.
  - h. Existing sanitary sewers, storm drains, water supply mains, culverts and natural drainage channels within the tract and immediately adjacent thereto.
  - i. The locations, widths and other dimensions of proposed public streets, private streets, alleys, utility easements, parks, other open spaces and lots, with proper labeling of spaces to be dedicated to the public or designated as private streets.
2. Plans or written statements regarding the proposed stormwater drainage facilities and other proposed improvements, such as planting and parks, and any grading of individual lots.

D. Preliminary Plan Approval: The preliminary plan shall be reviewed by the planning commission which shall act on the plan as submitted or modified within sixty (60) days after its presentation. If approved, the planning commission shall express its written approval with or without conditions. If the preliminary plan is disapproved, the planning commission shall indicate its disapproval in writing and list the reasons for such disapproval. Approval of the preliminary plan shall be authorization for the subdivider to proceed with preparing the final plat improvement drawings and specifications for the minimum improvements required by this title and the "Public Works Standard Drawings, Details And Technical Specifications".

E. Time Limitation: Approval of the preliminary plan by the planning commission shall be valid for a maximum period of one year after approval, unless upon application of the subdivider, the planning commission grants an extension. If the final plat has not been submitted within the one year or approved extended period, the preliminary plan must again be submitted to the planning commission for reapproval; however, preliminary approval of a development shall not be voided; provided, that the final plat of the first section is submitted for final approval within the one year period.

F. Grading Limitation: No large scale excavation, grading or regrading shall take place on any land for which a subdivision preliminary plan has been submitted until such plan has been given preliminary approval by the planning commission. (Ord. 16-04, 1-19-2016, eff. 1-19-2016)

## 11-2-2: FINAL PLAT:

### A. Tentative Final Plat Required:

1. Prior to the submission of the final plat, the subdivider shall submit two (2) copies of the tentative final plat to the planning commission, who shall check the tentative final plat against the requirements and conditions of approval of the preliminary plan, and refer one copy to the city engineer for checking.
2. The planning commission shall return one copy of the checked tentative final plat to the subdivider indicating thereon any changes required by the planning commission and/or the city engineer.

### B. Final Plat Required:

1. After compliance with the provisions of section [11-2-1](#) of this chapter, the subdivider shall submit a final plat with the current required number of copies thereof to the planning commission. Such plat shall be accompanied by a "letter of certification" by the subdivider's engineer and/or surveyor, indicating that all lots meet the requirements of the zoning title.
2. The final plat and accompanying information shall be submitted to the planning commission at least ten (10) days prior to a regularly scheduled planning commission meeting to be considered at the meeting.

C. Final Plat Requirements: The final plat shall be clear and legible, and drawn according to professional engineering standards. Size of drawing shall be twenty four inches by thirty six inches (24" x 36") with one-half inch ( $\frac{1}{2}$ " ) border on top, bottom and right sides, left side border shall be one and one-half inches ( $1\frac{1}{2}$ " ).

The plat shall be so drawn that the top of the sheet faces either north or east, whichever accommodates the drawing best. The plat shall be made to a scale large enough to clearly show all details, in any case not smaller than one hundred feet to the inch (1" = 100'), and the workmanship on the finished drawing shall be neat, clean cut and legible. The plat shall be signed by all parties mentioned in subsection C7 of this section, duly authorized and required to sign, and shall contain the following information:

1. The subdivision name, and the general location of the subdivision, in bold letters at the top of the sheet.
2. Where a subdivision complies with the cluster subdivision provisions of the zoning title and this chapter, the final plat shall indicate underneath the subdivision name, the words "cluster subdivision".
3. A north arrow and scale of the drawing, and the current date.
4. Accurately drawn boundaries, showing the proper bearings and dimensions of all boundary lines of the subdivision. These lines should be slightly heavier than street and lot lines.
5. The names, widths, lengths, bearings and curve data on centerlines of proposed streets, alleys and easements; also the boundaries bearing and dimensions of all portions within the subdivision as intended to be dedicated to the use of the public; the lines, dimensions bearings and numbers of all lots, address of lots within the subdivision. All lots are to be numbered consecutively under a definite system approved by the planning commission. The street naming/numbering and lot addressing shall be provided by the city engineer and written on the plat by the subdivider's engineer and/or surveyor.
6. Parcels of land to be dedicated as public park, stormwater detention basins or to be permanently reserved for private common open space shall be included in the lot numbering system and shall also be titled "public park" or "private common open space", whichever applies.

7. The standard forms approved by the planning commission for all subdivision plats lettered for the following:

- a. Description of land to be included in subdivision, with total acres.
- b. Land surveyor's certificate of survey.
- c. Owner's dedication certificate.
- d. Notary public's acknowledgment.
- e. Planning commission's certificate of approval.
- f. City engineer's certificate of approval.
- g. City attorney's certificate of approval.

8. A three inch by three inch (3" x 3") space in the lower right hand corner of the drawing for recording information.

D. Construction Drawings: Construction drawings shall conform with South Ogden City "Public Works Standard Drawings, Details And Technical Specifications" and as stated in subsection [11-2-3C](#) of this chapter.

E. Engineer's Cost Estimate: The subdivider shall cause to be prepared by a qualified engineer, not in the employ of the city, a complete cost estimate, which shall indicate a list of all the required construction items, quantities and estimated unit bid prices and/or lump sum bid prices. This estimate shall be submitted to the city engineer with the plat and construction drawings to assist the city engineer in determining the escrow amount or other agreements required of the developer. (This estimate shall include any contingencies and/or inflation factors as determined applicable by the city engineer.)

F. Approval Of Final Plat:

1. Prior to approving and signing the final plat, the planning commission shall submit the plat for approval to the city engineer who shall collect all checking fees from the subdivider and who shall check the engineering requirements of the drawings, and determine the escrow amount, or other agreements, to assure construction of the improvements where necessary. After approval and signature by the city engineer, the plat shall be submitted to the planning commission for approval and signing by the chair. The plat and financial guarantee shall be submitted to the city attorney for his/her approval. The final plat, bearing all official approvals as above required, shall be deposited in the office of the county recorder for recording at the expense of the subdivider who shall be notified of such deposit by the office of the county recorder. No building construction shall be started until recording of the final plat.
2. No plats shall be recorded in the office of the county recorder and no lots identified in such plat shall be sold or exchanged unless the plat is approved, signed and accepted by the city.
3. At the time of recording, the subdivider shall pay all costs associated with supplying a reproducible mylar of the plat for filing in the office of the city engineer. (Ord. 16-04, 1-19-2016, eff. 1-19-2016)

11-2-3: FILING:

A. General: This section summarizes the procedure required by the city for submitting preliminary and final plats, utility construction drawings and other supporting data to construct subdivisions within the corporate limits of the city.

B. Preliminary Plat: The following procedure shall be followed in submittal and review of the preliminary plat:

1. Master Plan Review: A review shall be made by the subdivider with the planning commission to determine the master plan requirements for the area proposed to be subdivided.
2. Engineer's Report: After completion of his review, the city engineer will prepare and transmit to the planning commission a report summarizing the requirements for utilities and surface improvements, with results of his review of the preliminary plat.
3. Approval/Rejection:
  - a. After completion of its review, the planning commission shall approve, reject or conditionally approve the preliminary plat.
  - b. Approval or conditional approval is authorization for the subdivider to proceed with preparation of the final plat.

C. Final Plat: The following procedure shall be followed in submittal and review of the final plat:

1. Plat Submittal: Copies as required by staff, shall be submitted to the planning commission.
2. Fees: There shall be paid to the city by the owners or developers of the land petitioning for subdivision approval such sum of money as the planning commission and finance director require to cover engineering review and field inspection costs. Fees shall be paid to the city treasurer as per adopted fee schedule which may be amended from time to time by the city council.
3. Construction Drawings: Drawings as required by the city engineer showing engineer proposed construction shall be sent to the city engineer for approval.
4. Subdivision Agreement: An agreement between the city and subdivider shall be approved by the city attorney. This agreement shall include the city engineer's approved estimate of improvement costs, which shall be the basis for determination of the amount of required security to cover said improvements.
5. Notice Of Approval: After review and approval of the planning commission, city engineer and city attorney, the subdivider will be notified by the planning commission that the plat has been approved.
6. Recording: The plat shall be recorded by the city recorder within a period of seven (7) days after all required signatures have been obtained. The owners or developers shall pay all recording fees, with the cost to provide the city with a reproducible mylar copy of the recorded plat.
7. Construction: Construction of improvements shall not proceed until recording of the plat has been accomplished.
8. Intermediate Inspection: At completion of construction, the city engineer shall make an inspection of all improvements and shall inform the subdivider of the results of the inspection. "As built drawing" prints shall be submitted to the city engineer prior to his making this inspection.
9. Final Inspection: One year after completing construction of improvements (date of intermediate inspection), a final inspection shall be made by the city engineer. The results shall be made known to the planning commission and subdivider and if all work is satisfactory, a recommendation will be made to release the escrow or other security held by the city. (Ord. 16-04, 1-19-2016, eff. 1-19-2016)

11-2-4: MINIMUM IMPROVEMENTS REQUIRED:

For a statement of the improvements required for development within the city, see section [11-4-1](#) of this title, adopting development standards and specifications for the city and providing that such standards shall be on file with the city engineer. (Ord. 16-04, 1-19-2016, eff. 1-19-2016)

## Chapter 3

### DESIGN STANDARDS

#### 11-3-1: GENERAL PROVISIONS:

##### A. Relation To Adjoining Street System:

1. The arrangement of streets in new subdivisions shall make provision for the continuation of the existing streets in adjoining areas (or their proper protection where adjoining land is not subdivided) where deemed necessary by the planning commission for public requirements. The street arrangement must not cause unnecessary hardship to owners of adjoining property when they plat their own land and seek to provide for convenient access.
2. Minor streets shall approach the major or collector streets at an angle of not less than eighty degrees (80°).

##### B. Street Widths, Cul-De-Sacs, Easements, Etc.:

1. Street Dedication: All streets in subdivisions in the city shall be dedicated to the city.
2. Arterial And Collector Streets: Arterial and collector streets shall conform to the width designated on the master street plan wherever a subdivision falls in an area for which a master street plan has been adopted. For territory where such street plan has not been completed when the preliminary plan is submitted to the planning commission, arterial and/or collector streets shall be provided as required by the planning commission, with minimum widths according to "Public Works Standard Drawings, Details And Technical Specifications".
3. Standard Residential Streets And Terminal Streets: Standard residential streets and terminal streets shall have a minimum width as required by the "Public Works Standard Drawings, Details And Technical Specifications".
4. Terminal Streets (Cul-De-Sacs):
  - a. Terminal streets (cul-de-sacs) shall be designed and constructed under "Public Works Standard Drawings, Details And Technical Specifications".
  - b. Where a street remains only temporarily as a dead end street, an adequate asphalt/road base temporary turning area shall be provided as stated in the "Public Works Standard Drawings, Details And Technical Specifications" to remain and be available for public use so long as the dead end condition exists.
5. Marginal Access Streets (Frontage Roadway): Marginal access streets (frontage roadway) of not less than sixty feet (60') in right of way width shall be required paralleling all limited access arterial streets, unless the subdivision is so designed that lots back onto such limited access streets, and shall be designed and constructed under "Public Works Standard Drawings, Details And Technical Specifications".
6. Half Streets: Half streets proposed along a subdivision boundary or within any part of a subdivision shall not be approved.
7. Street Cross Section Standards: All proposed streets shall conform to the city street cross section standards stated in the "Public Works Standard Drawings, Details And Technical Specifications" as recommended by the planning commission and adopted by the city council.
8. Street Grades: Except where due to special circumstances, street grades over any sustained length shall not exceed the following percentages:
  - a. On arterial and collector streets, eight percent (8%);
  - b. On standard residential and private streets, twelve percent (12%).
9. Alleys: Alleys shall have a minimum easement width of twenty feet (20'). Alleys may be required in the rear of business lots, but will not be accepted in residential blocks except under unusual conditions where such alleys are found to be necessary by the planning commission.

The alley cross section shall be approved by the planning commission, following the "Public Works Standard Drawings, Details And Technical Specifications" as closely as possible.

10. Protection Strips: Where subdivision streets parallel contiguous property of other owners, the subdivider may place in trust a protection strip of not less than one foot (1') in width between the street and adjacent property; provided, that an agreement with the city and approved by the city attorney has been made with the subdivider, contracting to place in trust the one foot (1') or larger protection strip free to the city, to be dedicated for street purposes upon payment by the then owners of the contiguous property to the subdivider or their heirs, of a consideration named in the agreement, such consideration to be equal to the current cost of the street improvements properly chargeable to the contiguous property, plus the value of one-half ( $\frac{1}{2}$ ) the land in the street at the time of the agreement, until time of subdivision of such contiguous property.

C. Blocks:

1. The maximum length of blocks shall be one thousand three hundred feet (1,300') and the minimum length of blocks shall be five hundred feet (500'). Blocks over eight hundred feet (800') in length may, at the discretion of the planning commission, be provided with a dedicated walkway through the block at approximately the center of the block. Such walkway shall be not less than ten feet (10') in width and shall be fenced.

2. The width of blocks shall allow two (2) tiers of lots, or as otherwise approved by the planning commission because of design, terrain or other unusual conditions.

3. Blocks intended for business or industrial use shall be designed specifically for such purposes with adequate space set aside for off street parking and delivery facilities.

D. Lots:

1. Arrangement And Design: The lot arrangement and design shall be such that lots will provide satisfactory and desirable sites for buildings, and be properly related to topography, and to existing and probable future requirements.

2. Area And Width: All lots must conform to the minimum area and width requirements of the zoning title for the zone in which the subdivision is located; or

a. Except as otherwise permitted by the city's appeal authority; or

b. In accordance with cluster subdivision provisions of the zoning title.

3. Abutting On A Public Street: Each lot shall abut on a public street, dedicated by the subdivision plat or an existing publicly dedicated street, or on a street which has become public by right of use with the asphalt width meeting the requirements of "Public Works Standard Drawings, Details And Technical Specifications". Interior lots having frontage on two (2) streets shall be allowed access on only one street except where unusual conditions make such other design undesirable and then only with planning commission approval. (The planning commission shall cause a note to be placed on the plat indicating the no access side.)

4. Flag Lots: Flag lots shall be approved by the hearing officer after a recommendation by the planning commission has been provided. A lot or lots not having frontage or not having adequate frontage (flag lot) on a street, as required by the zoning title for the zone in which the subdivision is located, may nevertheless be included within a subdivision, provided the following requirements are met:

a. The planning commission determines that it is impractical to extend streets to serve such lots.

b. The area of the right of way shall be in addition to the minimum lot area requirements of the zone in which the lot is located.

- c. The grade of any portion of the right of way shall not exceed fifteen percent (15%).
  - d. Lots so created shall be large enough to comply with all yard and area requirements of the zone in which the lot is located.
  - e. The building setback line shall be established and approved by the planning commission and indicated on the plat.
5. Corner Lots: Corner lots shall have extra width sufficient for maintenance of required building lines on both streets.
6. Side Lines: Side lines of lots shall be approximately at right angles or approximately radial to the street line. Lot lines not radial shall be so noted on the final recording plat.
7. Remnants: All remnants of lots below the minimum size left over after subdividing a larger tract must be added to adjacent lots, rather than allowed to remain as nonconforming or unusable parcels.
8. Parcels In Separate Ownership: Where the land covered by a subdivision includes two (2) or more parcels in separate ownership and the lot arrangement is such that a property ownership line divides one or more lots, the land in each lot so divided shall be transferred by deed to either single or joint ownership before approval of the final plat, and such transfer certified to the planning commission by the county recorder.
9. Natural Drainage And Other Easements: The planning commission may require that easements for drainage through this and adjoining property be provided by the subdivider, and easements of not less than fourteen feet (14') in width for water, sewers, drainage, power lines and other utilities shall be provided in the subdivision when required by the planning commission.

E. Parks, School Sites And Other Public Places:

- 1. In subdividing property, the planning commission shall give consideration to suitable sites for schools, parks, playgrounds and other areas for similar public use.
- 2. Such sites shall be indicated on the preliminary plan, in accordance with the city's adopted comprehensive plan and shall be referred to the ~~city council and/or~~ school board for their concurring approval.
- 3. If approved, the site shall be indicated on the approved preliminary subdivision plan in order that the city council and/or school board and subdivider may commence negotiations in exercising the option on the site granted by the subdivider to the city and/or school board. If annexation is required as part of the subdivision approval process, site acquisition negotiations may occur during annexation of the land to the city under the then current annexation ordinance of the city<sup>1</sup>.

F. Cluster Subdivision; Special Provisions:

- 1. Design Standards:
  - a. The design of the preliminary and final plat of the subdivision in relation to streets, blocks, lots, common open spaces and other design factors shall be in harmony with the intent of zoning regulations, elements of the master plans adopted by the city council, and design standards recommended by the planning commission and approved by the city council.
  - b. Streets shall be so designed as to take advantage of open space vistas and to create drives with a rural or open space character.
- 2. Provision For Common Open Space:
  - a. The subdivider of a cluster subdivision shall submit plans of landscaping and improvements for the common open space. He shall also explain the intended use of the open space and provide detailed provisions of how the improvements thereon are to be

- financed and the area maintained. A cluster subdivision must meet the requirements of the zoning title, must assure proper use, construction and maintenance of open space facilities, and must result in a development superior to conventional development in terms of its benefits to future residents of the subdivision, surrounding residents and the general public.
- b. The planning commission may place whatever additional conditions or restrictions it may deem necessary to ensure development and maintenance of the desired residential character, including plans for disposition or reuse of property if the open space used is not maintained in the manner agreed upon or is abandoned by the owners.
3. **Guarantee Of Common Open Space Improvements:** As assurance of completion of common open space improvements, the subdivider, at the request of the planning commission, shall be required to file with the city a bond or cash surety, or other agreement, in a form satisfactory to the city attorney guaranteeing such completion within two (2) years after such filing. Upon completion of the improvements for which a bond or cash surety, or other agreement, has been filed, the subdivider shall call for inspection by the city engineer, such inspection to be made within thirty (30) days from the request. If inspection shows that landscaping and construction have been completed in compliance with the approved plan, the bonds therefor shall be released. If the bonds are not released, refusal to release and reasons therefor shall be given the subdivider in writing.
4. **Continuation Of Common Open Space:** As assurance of continuation of common open space approved by the planning commission, the subdivider shall grant to the city an "open space easement" on and over the common open space prior to recording the final plat, which easement will not give the general public the right of access but will provide that the common open space remains open.
5. **Maintenance Of Common Open Space, Etc.:**
- a. To ensure maintenance of the common open space and other improvements where so required, the subdivider, prior to recording the final plat, shall cause to be incorporated under the laws of the state, a lot/homeowners' association. By proper covenants running with the land and through the articles of incorporation and bylaws of the association it shall provide that:
- (1) Membership in the association shall be mandatory for each lot/home purchaser, their grantees, successors and assigns.
  - (2) The common open space restrictions shall be permanent and not just for a period of years.
  - (3) The association must maintain liability insurance, paying general property taxes and maintaining recreational and all other facilities.
  - (4) All lot owners shall pay their pro rata share of the costs of upkeep, maintenance and operation.
  - (5) Any assessment levied by the association may become a lien on the real property of any lot owner which may be foreclosed and the property sold as on sales under execution.
  - (6) The association shall be able to levy and to adjust assessments on the lot owners to meet current conditions. (Ord. 16-04, 1-19-2016, eff. 1-19-2016)

#### 11-3-2: SUBDIVISION IMPROVEMENTS REQUIRED:

A. **Required; Time Limit:** The owner of any land to be platted as a subdivision shall, at their own expense, install all improvements within a two (2) year timetable following the date of recording of the final plat under the public works specifications adopted by the city council, except for septic tanks (see subsection A2b of this section), which must be installed according to the specifications in

"Public Works Standard Drawings, Details And Technical Specifications" and under the inspection of the Weber-Morgan County health department.

1. Water Lines: Where an approved public water supply is reasonably accessible or procurable, the subdivider shall install water lines, to provide the water supply to each lot within the subdivision, including laterals to the property line of each lot. The location and size of water mains shall be approved by the city engineer.
2. Sewage Disposal:
  - a. Where a public sanitary sewer is within three hundred feet (300') or is otherwise close enough in the opinion of the planning commission after recommendation of the city engineer, to require a connection, the subdivider shall connect with such sanitary sewer and provide adequate lateral lines to the property line of each lot. Such sewer connections and subdivision sewer systems shall comply with the regulations and specifications of, and shall be approved by, the planning commission and city engineer.
  - b. Where a public sanitary sewer is not reasonably accessible, the subdivider shall obtain approval from the state department of health for sewage disposal with a septic tank and drainfield for each of the lots. Subdividers shall furnish to the board of health a report of percolation tests completed on the property proposed for subdivision under the regulations of the Utah state department of public health governing individual sewage disposal systems as adopted. A tentative final plat of the subdivision shall accompany the report showing thereon the location of test holes used in completing the tests. Percolation tests shall be completed and reports prepared and signed by a qualified registered sanitarian or a licensed engineer not in the employ of the city. Written approval from the board of health shall be submitted to the planning commission before consideration of the final plat. Design of an individual system will be such that when a public sanitary sewer system is installed, the private system can connect to the public sanitary sewer system.
  - c. Notwithstanding anything to the contrary in this subsection, should there be a conflict between the requirements of this subsection and the requirements of section [8-3-1](#) of this code (adopting the wastewater control rules and regulations of the Central Weber sewer improvement district), the requirements of section [8-3-1](#) of this code, for such conflict, shall control.
3. Stormwater: The planning commission will require the subdivider to manage and dispose of stormwater per the city engineer's recommendations and any citywide stormwater management plan. If easements are required across abutting property to permit drainage of the subdivision, it shall be the responsibility of the subdivider to acquire such easements.
4. Street Grading And Surfacing: All public streets shall be graded under the "Public Works Standard Drawings, Details And Technical Specifications" adopted by the city council.
5. Curbs And Gutters: Curbs and gutters shall be installed on existing and proposed streets by the subdivider under the "Public Works Standard Drawings, Details And Technical Specifications" adopted by the city council.
6. Street Drainage And Drainage Structures: Street drainage and drainage structures shall be required where necessary in the opinion of the planning commission after recommendation by the city engineer under the "Public Works Standard Drawings, Details And Technical Specifications" adopted by the city council.
7. Sidewalks: Sidewalks shall be required and installed under the "Public Works Standard Drawings, Details And Technical Specifications" adopted by the city council.
8. Monuments: Permanent monuments shall be accurately set and established at such points as are necessary to definitely establish all lines of the plat except those outlining individual lots.

Monuments shall be of a type shown on the "Public Works Standard Drawings, Details And Technical Specifications" and all subdivision plats shall be tied to a survey monument of record.

9. Street Trees: Street trees are to be provided as required in approved development plans and following approval from and by the city's urban forestry commission<sup>2</sup>.

10. Fire Hydrants: Fire hydrants shall be installed. Such fire hydrants shall be of the type, size, number and installed in such locations as determined by recommendation of the fire department and/or city engineer and contained in the "Public Works Standard Drawings, Details And Technical Specifications".

11. Street Signs: The city will furnish and install necessary street signs. The cost will be charged to the subdivider (see "Public Works Standard Drawings, Details And Technical Specifications").

12. Fencing Of Hazards: A solid board, chainlink or other nonclimbable fence not less than six feet (6') nor greater than seven feet (7') in height shall be installed on both sides of existing irrigation ditches or canals which carry five (5) second feet or more of water, or bordering open reservoirs, railroad rights of way or nonaccess streets, and which are within or adjacent to a subdivision, except where the planning commission determines that park areas including streams or bodies of water shall remain unfenced (see "Public Works Standard Drawings, Details And Technical Specifications").

13. Staking Of Lots: Survey stakes shall be placed at all lot corners to completely identify the lot boundaries on the ground.

14. Street Lighting: Street lighting shall be installed by the subdivider/developer in such locations as determined by the city engineer (see "Public Works Standard Drawings, Details And Technical Specifications").

B. Guarantee Of Improvements: See "Public Works Standard Drawings, Details And Technical Specifications" on file in the South Ogden public works department or online at [southogdencity.com](http://southogdencity.com).

1. In lieu of actual installation of the improvements required by this chapter, the subdivider may guarantee the installation thereof by one of the methods specified:

a. The subdivider may furnish and file with the city recorder a bond with corporate surety, or irrevocable letter of credit by a financial institution approved by the city finance director and city attorney, in an amount equal to the cost of the improvements plus ten percent (10%) contingency/inflation factor for improvements not previously installed, as estimated by the city engineer, to assure the installation of such improvements within two (2) years immediately following the approval of the subdivision plat by the ~~city council~~ [planning commission](#), and to secure the ten percent (10%) guarantee amount for one year beyond the date of conditional final acceptance of improvements. The bond required by this subsection shall be approved by the finance director and city attorney.

b. The subdivider may deposit in escrow with an escrow holder approved by the finance director and city attorney an amount of money equal to the cost of improvements, plus ten percent (10%) contingency/inflation factor, as estimated by the city engineer, for improvements not then installed, under an escrow agreement conditioned upon the installation of the improvements within two (2) years from the approval of the subdivision plat by the ~~city council~~ [planning commission](#), as aforesaid. The escrow agreement aforesaid shall be approved by the finance director and city attorney and shall be filed with the city recorder to secure the ten percent (10%) guarantee amount for one year beyond the date of conditional final acceptance of improvements.

2. The planning commission may prescribe by administrative rule or regulation, forms and procedures to ensure the orderly, regular and efficient processing of applications for approving a proposed subdivision and the strict compliance with the requirements of this subsection.
3. Whenever the subdivider develops a subdivision a portion at a time, such development shall be in an orderly manner and in such a way that the required improvements will be provided for the full, effective practical use and enjoyment thereof by the lessees or grantees of any of the lands subdivided within the time hereinbefore specified.
4. If the developer defaults, fails or neglects to satisfactorily install the required improvements within two (2) years from the date the final plat is recorded, the city may declare the bond or escrow deposit forfeited, and the city may install or cause the required improvements to be installed using the proceeds from the collection of the bond or escrow to defray the expense thereof. The planning commission may, but shall not be required, upon proof of difficulty, extend the completion date for a maximum period of one additional year.

C. Engineering Checking Fees: There shall be paid to the city by the owners of the land petitioning for subdivision approval such sums of money as the planning commission may require to cover engineering review and field inspection costs per adopted fee schedule which may be amended from time to time by the city council. Fees shall be paid to the city treasurer.

D. Inspection Of Improvements: The building official and city engineer shall inspect or cause to be inspected all buildings, structures, streets, fire hydrants and water supply, and sewage disposal systems and other improvements during construction, installation or repair. All concrete forms are to be inspected and approval given prior to the placement of any concrete. Excavations for fire hydrants and water and sewer mains and laterals shall not be covered over or backfilled until such installations shall have been approved by the city engineer, nor shall any pavement on any street be laid unless the city engineer has been notified of the intention and the time and place of the paving and unless the engineer has approved the paving of the street in all its aspects. If any such installation is covered before being inspected and approved, it shall be uncovered after notice to uncover has been issued to the responsible person by the building official and if any paving of any street is done without prior notification and approval of the city engineer, then the subdivider and any other responsible person would be liable for any costs incurred by the city in inspecting, repairing or replacing said pavement, whenever such inspection, repair or replacement shall result from inadequate paving by the subdivider or other responsible person. (Ord. 16-04, 1-19-2016, eff. 1-19-2016)

#### 11-3-3: GUARANTEE OF WORK:

See "Public Works Standard Drawings, Details And Technical Specifications".

The subdivider shall warrant and guarantee (and post bond or other security as required by this title) that the improvements provided, and every part thereof, will remain in good condition from the construction completion inspection report by the city engineer for a period as specified in "Public Works Standard Drawings, Details And Technical Specifications". The subdivider shall make all repairs to and maintain the improvements, and every part thereof, in good condition during the warranty period with no cost to the city. The subdivider shall agree that the determination for necessity of repairs and maintenance of the work rests with the city engineer. His decision upon the matter shall be final and binding upon the subdivider, the guarantee required shall extend to and include, but shall not be limited to, the entire street base, all pipes, joints, valves, backfill, compaction, and the working surface, curbs and sidewalks, as determined by the city engineer. (Ord. 16-04, 1-19-2016, eff. 1-19-2016)

#### 11-3-4: ENFORCEMENT AND PERMITS:

The building official shall issue no permit unless the plans for the proposed erection, construction, reconstruction, alteration or use fully conforms to all provisions of this title. No officer of the city shall grant any permit or license for any building, structure or land, when such land is a part of a subdivision not been approved and recorded in the county recorder's office. Any license or permit issued in conflict with this title shall be null and void. (Ord. 16-04, 1-19-2016, eff. 1-19-2016)

Footnotes - Click any footnote link to go back to its reference.

[Footnote 1](#): See [title 1, chapter 8](#) of this code.

[Footnote 2](#): See [title 7, chapter 2](#) of this code.

## **Chapter 4 IMPROVEMENTS**

#### 11-4-1: STANDARDS AND SPECIFICATIONS ADOPTED BY REFERENCE:

The standards and specifications for subdivision improvements, including any amendments thereto, are adopted by this reference as if fully set forth. Said standards and specifications are on file in the city engineer's office. (See "Public Works Standard Drawings, Details And Technical Specifications".) (Ord. 16-04, 1-19-2016, eff. 1-19-2016)

## **Chapter 5 SUBDIVISION AMENDMENTS, ALTERATIONS AND VACATIONS**

#### 11-5-1: PLAT AMENDMENTS, ALTERATIONS AND VACATIONS; CITY COUNCIL AUTHORITY:

A. The land use authority may consider and approve any proposed vacation, alteration, or amendment of a recorded subdivision plat as provided under this chapter and Utah Code Annotated section 10-9a-608 as amended.

B. The city council may, with or without petition, consider and approve any proposed vacation of a public street or alley, after public hearing and notice as provided in this chapter and Utah Code Annotated section 10-9a-609.5 or future amended section. (Ord. 16-04, 1-19-2016, eff. 1-19-2016)

#### 11-5-2: STANDARDS AND PROCEDURES:

A. Compliance With Zoning Title And Subdivision Title Requirements: Any amendment, alteration, or vacation of a recorded subdivision plat shall comply with the zoning title. Approving an amended subdivision plat shall comply with the standards and procedures for approving a new subdivision plat, except for those procedural requirements waived in this title.

B. Preliminary Plat Approval:

1. Besides the petition requirements under section [11-5-3](#) of this chapter, any information or documents otherwise required for preliminary plat approval for any proposed amended subdivision plat that:

- a. Requires the additional dedication of any land for street or other public purposes; or
- b. Creates over five (5) new additional lots.

2. Under such circumstances, the petitioner shall meet with the city planner prior to submission of the petition to determine what additional documents or information will be necessary to adequately review the proposal.

C. Resubdivision: Whenever an owner or developer desires to vacate all or a portion of a recorded subdivision plat for the resubdivision of land, the owner or developer shall first, or concurrently therewith, obtain approval for the new or resubdivided plat by the same procedures prescribed for the subdivision of land.

D. Approval And Recording: All subdivision amendments shall be approved by recording an amended plat in the office of the Weber County recorder meeting all requirements of this title for approving a final plat, except where approval by another instrument is authorized.

E. Waiver Of Requirement To File Amended Plat: Filing an amended plat shall not be required to implement a subdivision amendment, alteration or vacation under the following circumstances:

1. A property line adjustment approved by staff.
2. The vacation of an easement, other than a public access easement, dedicated to the city may be approved by recording of a deed signed by the mayor, following approval by the city council, quitclaiming any interest the city may have in the described easement.
3. The vacation of an entire subdivision plat, where the resubdivision of the property is not intended, may be approved by recording a resolution duly adopted by the city council containing a legal description of the entire subdivision.

F. Planning Commission Review: All petitions to vacate, ~~alter or amend~~ a subdivision plat shall be reviewed by the planning commission and its recommendations made to the city council. [All petitions to alter or amend a subdivision plat shall be reviewed and approved by the planning commission.](#)

G. Required Owner Signatures: Any amended plat, or conveyance document effectuating a property line adjustment, shall be signed and acknowledged by all owners of the real property which is the subject of the amended plat or property line adjustment.

H. Effective Period Of Approval: Approval of a petition to amend a plat shall be valid for twelve (12) months, unless, upon application of the subdivider, the planning commission grants an extension upon showing good cause. If the amended plat has not been recorded within twelve (12) months, or the end of any approved extended period, the amended plat must be submitted anew for approval. A final plat, shall be recorded within one month after receiving approval from the city. If a final plat is not recorded within one month after receiving final approval, the approval shall be null and void and the petitioner must again submit for final approval. (Ord. 16-04, 1-19-2016, eff. 1-19-2016)

#### 11-5-3: PETITION REQUIREMENTS:

A. A fee owner of land, as shown on the last county assessment roll, in a subdivision laid out and platted as provided in this title may file a written petition with the city to have some or all of the plat vacated, altered, or amended. A separate petition is required if the applicant proposes to vacate a public street or alley as part of the vacation, alteration or amendment of a plat. A petition to vacate, alter or amend a plat shall be made on forms provided by the department, upon payment of fees as required. A petition shall include at a minimum:

1. The name and address of each owner of record of the land in the entire plat.

2. The signature of each of these owners within the plat who consents to the petition.
3. The name, address, telephone number, fax number and e-mail address of the designated contact person.
4. A copy of the recorded plat to be amended, and a current copy of the Weber County ownership plats depicting the subdivision and the adjacent properties.
5. Copies of the proposed amended plat as determined by staff.
6. A recent title report covering the property, which identifies ownership, easements of record, liens or other encumbrances, and verifies payment of taxes and assessments. Such requirement may be waived by the staff if the city attorney determines that the ownership records of Weber County or other documentation of ownership provided by the petitioner will be adequate.
7. Any additional information or documents required to adequately review the proposed amendment, alteration or vacation.

B. Unless an amended plat is not required under this chapter, a copy of the proposed amended plat is required.

C. No petition shall be accepted unless accompanied by the fee required. Regardless of the outcome of any action on the petition, the petitioner will have no right to a refund of any monies, fees, or charges paid to the city nor to the return of any property or consideration dedicated or delivered to the city except as may have been agreed to or approved by the city in writing, specific to the petition.

D. To determine whether all owners in the subdivision have signed a petition or an amended plat, ownership may be determined as of the petition requesting the amendment, alteration or vacation. (Ord. 16-04, 1-19-2016, eff. 1-19-2016)

#### 11-5-4: CRITERIA:

The vacation, alteration, or amendment of a recorded subdivision plat may be approved upon a finding there is good cause for the vacation, alteration, or amendment and on such terms and conditions as are reasonable to protect public health, safety, and welfare, or as is necessary to meet the requirements for new subdivisions. (Ord. 16-04, 1-19-2016, eff. 1-19-2016)

#### 11-5-5: NOTICE:

A. Except for a lot combination or a property line adjustment involving unsubdivided properties, notice of a proposed subdivision vacation, alteration, or amendment shall be made by:

1. Mailing the notice to each record owner of property within three hundred feet (300') of the property that is the subject of the proposed plat change, and all record owners of property subject to the change, addressed to the owner's mailing address appearing on the rolls of the Weber County assessor at least ten (10) calendar days before a public meeting or public hearing where the matter will be considered. The notice shall include:

- a. A statement that anyone objecting to the proposed plat change must file a written objection to the change within ten (10) days of the notice;
- b. A statement that if no written objections are received by the city within the time limit, no public hearing will be held; and
- c. The date, place, and time when a public meeting or public hearing, if one is required, will be held to consider a vacation, alteration, or amendment without a petition when written objections are received or to consider any petition that does not include the consent of all landowners as required.

2. Posting the date, place, and time of the public meeting or public hearing, in lieu of mailing, on the property proposed for subdivision vacation, alteration or amendment in a visible location, with a sign of sufficient size, durability, and print quality reasonably calculated to give notice to passersby, or as may otherwise be required by law.

B. The public meeting or, if required, the public hearing will be held within forty five (45) days after the petition is filed. A public hearing will be required, if:

1. Any owner within the plat notifies the city of the owner's objection in writing within ten (10) days of the date of the notice;
2. All of the owners in the subdivision have not signed the revised plat; or
3. Any owner of property within three hundred feet (300') of the property that is the subject of the proposed plat change notifies the city of their objection in writing within ten (10) days of the date of the notice. (Ord. 16-04, 1-19-2016, eff. 1-19-2016)

#### 11-5-6: STREET OR ALLEY VACATIONS:

A. Procedure:

1. Any person desiring to have a public street or alley vacated as part of a subdivision amendment or as a separate action shall file a petition to that effect following the requirements of Utah code section 10-9a-609.5, or any successor legislation thereto.
2. The action of the planning commission and city council in vacating some or all of a public street or alley, howsoever acquired by the city, shall be accomplished following the requirements of Utah code section 10-9a-609.5, or any successor legislation thereto. (Ord. 16-04, 1-19-2016, eff. 1-19-2016)

#### 11-5-7: PLAT VACATION BY CITY:

A. Planning Commission Recommendation: The planning commission, on its own motion, may recommend that the plat of any recorded subdivision be vacated when:

1. No lots within the approved subdivision have been sold within five (5) years from the date that the plat was recorded;
2. The developer has breached a subdivision improvement agreement or otherwise failed to install the required public improvements and the city cannot obtain funds with which to complete construction of public improvements, except that the vacation shall apply only to lots then owned by the developer or its successor;
3. The plat has been of record for over five (5) years and the planning commission determines that the further sale of lots within the subdivision presents a threat to public health, safety and welfare, except that the vacation shall apply only to lots then owned by the developer or its successor.

B. Procedure: Upon motion of the planning commission to vacate the plat of any previously approved and recorded subdivision, the proposed vacation shall be referred to the city council, which may approve the vacation of the subdivision plat, by way of an adopted resolution, containing a legal description of the entire vacated subdivision, after notice and public hearing as provided in this chapter. The approved resolution shall be recorded in the records of Weber County.

C. Authority Not Restricted: The authority granted herein shall not be interpreted to restrict the power of the city to approve, without petition, other amendments, alterations or vacations of recorded subdivision plats. (Ord. 16-04, 1-19-2016, eff. 1-19-2016)

11-5-8: PROPERTY LINE ADJUSTMENTS:

A. A property line adjustment may be approved by ~~the city council~~[staff](#) after the required notice and public hearing, that:

1. No new lot, dwelling unit, or remnant parcel will result from the property line adjustment;
2. The adjoining property owners have agreed, or intend to agree, to the property line adjustment through means of a recorded agreement or an agreement suitable for recording; and
3. The adjustment does not result in violation of applicable zoning requirements.

B. The conveyance document effecting the property line adjustment shall recite the descriptions of both the original parcels or lots and the parcels or lots created by the adjustment or exchange of title, and be signed and acknowledged by the owners.

C. If ~~the city council~~[staff](#) approves a property line adjustment, a notice of approval shall be recorded in the Weber County recorder's office, either as an attachment to the conveyance document or as a separate document, in a form suitable for recording, approving such conveyance document.

D. The city engineer shall review and approve the legal descriptions used in the conveyance document. The city attorney shall review and approve the form of the conveyance documents for compliance with this chapter and the requirements of state law. (Ord. 16-04, 1-19-2016, eff. 1-19-2016)

# City Council Staff Report

**Subject:** School Resource Officer and Crossing guard  
**Author:** Darin Parke  
**Department:** Police  
**Date:** August 2, 2016

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## **Recommendation**

This is an update on action taken. No recommendation is given.

## **Background**

School Resource Officer (SRO) activity at the elementary schools, and a school crossing guard in the County's intersection of Eastwood and Skyline were discussed in the July 19, 2016, council meeting.

I was given the task to contact relevant parties for additional information, and did so on July 21, 2016. Elected officials were sent an email with the following information, and a suggestion of making note of the information in the next council meeting so the information could be formally recorded.

## **Analysis**

Skyline and Eastwood. 7/20/16

I spoke with the Sheriff and Lt. Talbot of WCSO today about the school crossing at Skyline and Eastwood. Following our conversation Lt. Talbot will begin work today on putting a crossing guard at that location. He was kind enough to agree to keep me informed as the process goes along. It will take some time for him to work out the logistics, and I will continue to relay information to the council.

Burch Creek Elem. 7/20/16

I met with Principal Proffer today. It was a very good conversation about several issues including school routes, crossings, and police presence. His main intent is to express an opportunity for officers to intermittently interact with the students. We are arranging to have the SRO stop in once in a while, and more regularly for a patrol officer be present as school starts, if not otherwise committed. Mr. Proffer will let us know when they have an assembly, and provide a few minutes for an officer to talk to the kids about a particular topic, such as what to do if they come across a gun, or other safety concerns. I have already arranged for officers to be present during the first week of school to help with directing cars to the appropriate drop off locations. I intend to speak with the Principal of H. Guy elementary also.

**Significant Impacts** None

## CODE ENFORCEMENT & 401k BENEFIT SURVEY RESULTS

City	Code Enforcement under Public Safety	Code Enforcement Other	City 401k Benefit
Springville	Only complaints within ROW	Community Development	1% match
Heber	Yes - POST certified		No
American Fork	Yes - civilian		No match just 3% offered, employees can use for 401k, or to pay premiums, etc.
Sandy	No	Community Development	only for tier 2 employees, 50% match up to 2%
Brian Head	Yes - POST certified		50% match up to 3%
South Salt Lake	No	Urban Livability Div. non-sworn	2% match
Kaysville	No	Zoning Enforcement (planning)	No
Price	Yes - special function not LEO		No
Taylorsville	No	Administratively	No
Harrisville	No	Administratively	
Santa Clara	No	Building Official	No
Orem	Yes - POST certified		up to 4% match for 457 (in lieu of SS)
Bountiful	No	Planning Department	No
Spanish Fork	Yes - POST certified		No
Murray	Yes - II POST, I not		No match - 4.20% for career employees, 3% fire & police
St. George	No	Legal Department (a division)	No
West Valley	No	Community Preservation Dept.	
Centerville	Yes - depends (see next column)	Assistant Planner, Drainage Utility Supervisor, Police, Public Works, depending on violation type	No
Provo	No	Community Development (planning techs)	dollar per dollar up to 2%
South Jordan	No	Building Department	civilian employees 50% match up to 1.5%
Eagle Mountain	No	Community Development	up to 6.2%, city does not contribute to Social Security
Herriman	No	Planning & Engineering Department	city contributes the social security amount and will match up to 3.5% beyond that amount, if employee participates
Roosevelt	Yes - POST certified		No
Lehi	Yes - POST certified		No
West Valley City	No	Separate from Police Department	city provides money to 401k but no match required
Hurricane	No	Building Inspection	No
Clinton	No	Fire-(fire hazards), PD-(safety issues), PW-(street ROW issues), Community Development-(zoning issues)	tier I = 7.04% contribution (no match), tier II = 1.5% contribution & city match 50% up to 3%
West Bountiful	No	Tried many options - are now considering Police Department	No
Pleasant Grove	Yes - POST certified		No

### Code Enforcement Summary

41%	12 of 29 - all or some under Police Department
38%	11 of 29 - all or some under Planning/Community Development Departments
10%	3 of 29 - Building Department
7%	2 of 29 - Administration Department
3%	1 of 29 - Legal Department



## MEMORANDUM

March 22, 2016

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**TO:** Matthew J. Dixon, City Manager

**FROM:** Mayor Minster and South Ogden City Council

**RE:** Fox Chase Park Information

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You requested information regarding Fox Chase Subdivision. Please see the following:

- 05/20/1994 Staff recommends that the PC not approve the preliminary subdivision plan. The recommendation noted that the developer wanted to maintain ownership of the wetlands. Staff recommended the City obtain ownership and develop a park/preserve where these wetlands existed.
- 06/09/1994 The boundaries of the subdivision changed based on Army Corp of Engineers delineation of the wetlands. The revised plans showed a 6' walkway with a 4' concrete sidewalk around the wetlands which was to be designated as a park. The pathway and wetlands were to be dedicated to the City.
- 07/14/1994 Final approval of Phase I of the Fox Chase Subdivision. Mentions wetlands will be designated as a park and deeded to the City. Wetlands would not be changed but there would be a park in the area where there was heavy foliage. The park would be completed as a part of Phase II. The subdivision was approved with one of the four conditions being that future owners receive notice that the wetlands would be permanent.
- 09/08/1994 Final approval of Fox Chase Phase II. Wetlands, roads, parks, etc. would be dedicated to the city via the Owner's Dedication on the plat.
- 04/01/1997 Letter from City Engineer, Mark Miller, to Ken Jones, City Planner stating the developer of Fox Chase would like the city to allow them to build the path around the wetlands out of crushed stone/slag in lieu of concrete. The concern was that the concrete would buckle and crack, etc. due to the amount of water and wet conditions surrounding the wetlands. City engineer's letter indicates that he believes the sidewalk could be properly constructed so as to avoid or minimize damage from the

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South Ogden City, UT 84403

[SouthOgdenCity.com](http://SouthOgdenCity.com)

wetland area and that either concrete or crushed stone, if submerged would require considerable maintenance.

- 08/28/1997 The issue was brought up in the PC meeting. It was determined that the PC and CC would go on a field trip to see the area before making a decision.
- 10/09/1997 Discussed in PC meeting. Motion to not install concrete walk but require monies be put in escrow for one year and at that time, if desired, the developer would put in the sidewalk.
- 05/14/1998 Ken Jones asked about the development of the sidewalk in PC meeting. Mr. Jones indicated that the CC did not require a sidewalk and that the CC would make a decision at the time the bond comes up for release.
- 06/25/1998 Ken Jones, City Planner, mentions that there still was the monies being held for the walk, if needed to address complaints from owners of Lot #35. He mentions the improvements must be made before the city can accept the improvements. The PC decided to hold the monies and make the final decision before releasing the bond. There was discussion about the city selling the property back to the homeowners.
- 7/7/1998 Letter from FCA, LLC and to residents and city staff who attended a meeting. This letter acknowledges that FCA was never planning to construct swing sets or park benches, etc. Also addresses the PC's decision to escrow the monies for the improvements.
- 7/8/1998 Letter from FCA, LLC to the City. Letter indicates that the residents had determined the city should reconsider its decision not to construct walkways, open space, etc. Residents recommended walkways be constructed of "soft" surfacing not concrete. Shows they did escrow monies for the walkway.
- 7/21/1998 Minutes from CC meeting. Planner Jones reviewed several options with the council. One option being to construct the walkway with natural mulch materials, as recommended by the developer and residents. He also mentioned that if the walkway is built and the wetland area proved to be too difficult to maintain the walkway the city could let the walkway be reclaimed by the wetlands. The minutes indicate that the council agreed that a walkway should be built from natural materials and be maintained by the residents.

SOUTH OGDEN CITY PLANNING COMMISSION

ACTION REQUEST

Date MAY 20, 1994

Name LEE BURBIDGE Phone \_\_\_\_\_

Address SALT LAKE CITY

Project Location (If Different Above Address) \_\_\_\_\_

1300 EAST 5600 SOUTH

Project Description FOX CHASE SUBDIVISION

Action Requested PRELIMINARY APPROVAL

Staff Recommendation I WOULD "NOT" RECOMMEND PRELIMINARY APPROVAL.

THERE ARE TOO MANY MAJOR ISSUES WHICH MUST BE ANSWERED BEFORE PRELIMINARY SHOULD BE GIVEN. THE FOLLOWING CONCERNS NEED TO BE ADDRESSED:

1. ARMY CORP SHOULD BE CONSULTED AS PER WHAT THEY FEEL IS WET- LANDS. THE DEVELOPER WANTS TO MAINTAIN OWNERSHIP OF THE WET-LANDS. I WOULD SUGGEST THE CITY OBTAIN OWNERSHIP AND DEVELOP A PARK/PRESERVE WHERE THESE WETLANDS EXIST.

THE ENTRANCE INTO THIS DEVELOPMENT FROM THE EAST MUST BE MASTER PLANNED AS IT RELATES TO THE COMMERCIAL AREA OF HINCKLEY PROPERTY (FUTURE ALBERTSONS AND OTHERS).

## SOUTH OGDEN PLANNING COMMISSION

DATE: June 9, 1994

PRESENT: Nancy Farrell, Chmn.  
Carlyle Shaw  
Gary Gibson

Karen Fairbanks  
Jean Stevenson

CONSULTANTS: Scott Nelson

Val Hale

EXCUSED: Lou Johnson  
Craig Barker

Dale Stratford

GUESTS: Lee Burbidge  
Ken Gardner  
Frank Gee  
Rich Haws  
Jenial R. Shakib  
Nasser Shakib  
Roger Wynn

6309 Jamestown Circle  
5150 Wash. Blvd.  
129 N. Country Ln-Fruit Heights  
38 W. Jersey Circle  
1247 E. 5600 S.  
1247 E. 5600 S.  
2151 E. 6225 S.

The Public Work Meeting began at 6:30 p.m.  
The Public Meeting began at 7 p.m.

### ITEMS OF DISCUSSION

1. Approval of Minutes
2. Fox Chase Subdivision - Preliminary Approval, Lee Burbidge
3. Chimney Hill Ridge PRUD Subdivision, Phase 7 - Final Approval - Ken Gardner
4. Review of Comprehensive Plan
5. Public Petitions
6. Working Reports

1. Approval of Minutes - Tabled

2. Fox Chase Subdivision - Preliminary Approval, Lee Burbidge

Lee Burbidge, Fox Chase Subdivision, has walked the proposed site with the Army Corp of Engineers, and they have designated the wetlands. Because this designation differs from that shown on the plat presented at the last meeting, the boundaries of the subdivision have changed. On the revised site plan the road grades are improved. This revised plat is shown with a 6 ft walkway with a 4 ft. concrete sidewalk around the wetlands; this will be designated as a park. The pathway and the wetlands will be dedicated to the city.

Mr. Burbidge has coordinated the road in his plat with the commercial development to the east, and the connections are indicated on this revised plat.

Mr. Burbidge requested permission to leave the existing sidewalk along 5700 So. as it is, instead of moving it back into the development as was originally indicated. This will allow them to leave more natural land and the lots will require less fill to develop.

Com. Fairbanks moved that we grant final approval of Heritage Place PRUD, Phase I, with the addition in the restrictive covenants of a building permit being required for the placement of future storage sheds. Seconded by Com. Johnson. All Members voted Aye. The motion Passed.

4. Final Approval - Fox Chase Subdivision, Phase I

Lee Burbidge requested final approval for Fox Chase Subdivision, Phase I. Since appearing before the Commission, the developers have been to the Board of Adjustments for approval of the flag lots and variance of setbacks and to the City Council requesting approval to leave the existing sidewalks on 5700 So. All issues were approved.

The developer was requested to change the zone to R-1-10. This will be done as soon as the purchase of the property is completed. This will protect the property owners and help maintain the integrity of the development.

These will all single family homes. Because of the wetlands, the density will be about 2 homes per acre. The wetlands will be designated as a park and deeded to the city.

Val Hale asked if the wetlands will be changed and was assured that they would be left pristine. There will also be a park. The park area now has heavy foliage and will not require much development. It will be completed in Phase 2.

Scott Nelson recommended approval of this development with the recommendation that lots 1 and 13, which have frontage on 2 streets, be designated "no access" on 5600 South. There will be a note on the plat indicating that a walkway will be developed in the next phase and that wetlands will remain in their natural condition. A uniform fence will be designated for the development.

Mr. Barker stated that the Ogden Valley Land Trust is interested in maintaining the designated wetlands throughout Weber County.

Com. Johnson moved that we grant final approval to Fox Chase Subdivision, Phase I, with the following conditions: 1) that future owners receive notice of the permanent wetlands condition; 2) that the rezoning of the subdivision to R-1-10 be completed; 3) access be restricted on lots 1 and 13 along 5600 South; 4) fencing along the rear of these yards be restricted as to size and color. Seconded by Com. Fairbanks. There were 3 Ayes with Com. Stevenson voting No because of the safety consideration of the driveways accessing 5600 south and the safety problems of people walking on 5600 South because of snow being stacked on the sidewalks where there is no other stacking room. The motion Passed.

5. Final Approval - Crown Pointe Subdivision, Phase 1, PRUD

Bob Anderson requested final approval of Crown Pointe Subdivision located at 5200 So., and Glasmann Way. This is in an R-3 zone, and the density will be just under 6 units per acre. Mr. Anderson brought a photograph showing the color scheme of the project. The common areas will be mainly grass with some rock work.

3. **Fox Chase Subdivision - Phase 2 - Final Approval**

Lee Burbidge, representing Fox Chase Subdivision, requested final approval of Phase 2. The developers have worked to meet all requirements of the city and the corps of engineers. Phase 2 contains 38 lots (all the remaining lots in the development which were not included in Phase 1). They are including the required fresh water pond. Mr. Burbidge stated that they have met all the stated requirements.

Val Hale said that he and Scott Nelson have discussed this at great length, and they would recommend approval.

Craig Barker pointed out the flag lots and stated that these need Council approval as well as Board of Adjustments approval. The lots that back on HWY 89 should have no access to Hwy 89—lots 34-37 and 38. The areas deeded to the city—wetlands, roads, parks, etc.—will be done by owner's dedication. There will be fencing guidelines established .

Mr. Frank VanDerStappen asked who will be responsible for upkeep of the sidewalks, wetlands, etc. He was informed that these will all be deeded to the city, and the city will be responsible for the upkeep.

Com. Stevenson requested information about road grades. She was informed that 12% is the maximum grade. At the top and bottom of the main road, it flattens out. On the top, two cars can be stacked at the intersection on the flat grade.

**Com. Fairbanks moved that we recommend final approval for Fox Chase Subdivision, Phase 2, with the condition that there be no access to Hwy 89 on lots 34-39.** Seconded by Com. Johnson. All members voted Aye. The motion passed.

Com. Stevenson voted Aye after expressing that she has many concerns about this subdivision such as the steep lots and street grades, safety concerns, and the feeling that it should be maintained in its natural state as a habitat for the deer and other animals for the enjoyment of the South Ogden Citizens.

4 **Public Petitions**

Marilyn Blakeley asked when and if Viking Drive will be paved. Her road is in really bad condition and needs to be repaved. She also had some concern about sidewalks. There is still one lot in her area which does not have a sidewalk. Val Hale said that sidewalks are required in all new developments and that the road will probably be repaved when the new development is completed.

5. **Working Reports**

a. **Chairman Farrell** - Discussed the Main Point Commercial development. There will be a meeting on September 22, 1994. Commissioners Farrell and Fairbanks will be excused; Com. Shaw will be conducting.



MEMORANDUM

CONSULTING ENGINEERS

To: Ken Jones

From: Mark T. Miller, P.E.   
Jones & Associates Consulting Engineers

RE: Foxchase Subdivision Walkway Path

Date: April 1, 1997

The developer of Foxchase Subdivision has requested that the City allow them to place an aggregate (crushed stone/slag) walkway throughout the park area in lieu of the sidewalk that was required as part of the improvement plan. The walk path is near the water surface and he is concerned that the sidewalk will break apart through soil expansion due to frost action.

His engineer, Ken Gardner, has provided us with a detail of the proposed walkway. Please review and decide whether the decision requires action from the Planning Commission. From our perspective, if the sidewalk were constructed per City Standards with proper subgrade compaction and base placement, it should function properly, provided it is not within the saturated soils. We would recommend placement high enough above the expected water surface to separate the walk path from the wet areas. If such placement is not possible, we question the feasibility of constructing any type of walk path through wet or submerged areas.

The developer has suggested that the aggregate surface path would function better and would require less maintenance than the concrete walkway. The City does not currently remove snow from sidewalks within park boundaries unless they are along a Public right-of-way, so snow removal would not occur regardless of the type of walkway construction. Replenishing the aggregate surface would however be easier than replacing concrete walkway sections. The aggregate walk would also provide a more natural looking amenity. We suspect that yearly, or bi-yearly maintenance would be required to supplement the surface with new crushed stone. Regardless of which surface the Planning Commission would prefer, we recommend it to be constructed beyond the limits of the water surface. We do not agree with the idea that one would function better than the other due to the proximity of water. If submerged or inundated, both would require considerable maintenance.

If you have any questions, do not hesitate to call.

Dale Chase, wanted to know about the two lots for Joe Colosimo. There are two lots because the road divides the property in two. His concerns about the traffic on Hwy 89 and Harrison. Mr. Jones indicated there will be a light put in, and the green time will be proportioned to meet the traffic needs.

**Comm. Parkinson made a motion regarding Ridgeline Park Commercial Subdivision, that we approve this subdivision with two lots, and that we change Skyline Drive Road to intersect with 1550 E. Comm. Sandidge seconded the motion. All members voted aye. The motion carried.**

4. **Fox Chase Subdivision** - requirement for a paved walk around the wet area is requested to be eliminated. When the subdivision went through, the developer proposed a walkway around the wetlands. In approving it, the city required it be a concrete walkway. Because it is in the wetlands, it has been requested that it not be made of concrete. The Engineer and Public Works director feel it should be a soft walkway, a bark-chip or gravel walk. It is also possible just to leave it alone, and let the trail be worn by use. Another possibility is to have the contractor grade it; and if it is not worn by use, let it grow back in. A wooden walkway was suggested. The problem is upkeep of the walkway becoming a liability to the city. Another suggestion was putting a 6' fence in to deter dumping of grass and rubbish.

It was also mentioned that the city look at deeding back the property to the home owners.

**The commissioners suggested having a field trip with the City Manager to look at this property before making a decision.**

**Comm. Parkinson made a motion for the City Council and Planning Commission to set a time for a field trip. Comm. Call seconded the motion All voted aye. The motion carried.**

It was decided that the Commission would meet at 5:30 on September 25th. A notice will be posted.

Comm. Stevenson indicated that they didn't want a sidewalk on the southwest side of 1275 E. because they were planning on the concrete walk at the bottom of the wetlands. If the contractors don't have to put the walk in, can they then require a sidewalk on the street? Mr. Jones suggested they may want to have the money put in escrow for two years to build the walkway if in two years they feel it is warranted. The money could then be refunded if they feel it is not used enough. Again, this will

be decided after the field trip.

5. Special Items:

Agenda Item #8, revision of the bonding provisions of the Subdivision Ordinance.

The City Engineer suggests that there also be a letter of credit included in the ordinance. It is being used now, it just is not in the ordinance. All approval and signatures must be made on the plat before it is recorded. No lots may be sold before a plat is recorded. The attorney has reviewed this and feels good changing the lien provision.

**Comm. Sandidge made a motion to approve the changes as noted, and to enter this into the record so that it can be perused by any interested party. Comm. Parkinson seconded the motion. All members voted aye. The motion carried.**

6. Mr. Harwood asked how the City can make property owners responsible for the upkeep of their property. Comm. Sandidge read from an article indicating House Bill 72, 1992, which is a law designed to punish neglectful property owners. It is a matter of record.
7. **Comm. Sandidge made a motion to adjourn. Comm. Parkinson seconded the motion. All members voted aye. The meeting adjourned at 7:30 p.m.**

End of meeting:

Prepared by:



Robin Lemieux, Secretary

Comm. Stevenson recommended they move Item #7 to the next meeting. All members voted aye. This item is moved to the next meeting.

5. **Agenda Item #8, Fox Chase Subdivision** - the requirement for a paved walk around the wet area is requested to be eliminated. Comm. Parkinson mentioned that the cost of the sidewalk would be put in escrow for 5 years until it was decided if they wanted the walk. If not, the money would be returned at that time. A bond would be posted. If it was put in escrow it would be interest bearing. If not, there would be no interest earned.

It was recommended that the money be put into a one year bond and before the bond is released to see if they want additional time to decide. This would be attached to the bond. The money would be in escrow for the entire project That not used would be returned. Comm. Spencer also questioned diverting the ownership back to the homeowners. Mr. Jones suggested letting the residents live with this for a year to see if the landowners wanted it back. The City may find that they want to keep the wet lands as public property.

**Comm. Hale made a motion that we not require the sidewalk be put in the Fox Chase Subdivision around the wet lands but hold the money within a bond for not less than one year and at that time review this to see if the sidewalks should be put in. This will be attached to the bond. Comm. Parkinson seconded the motion. All members voted aye. The motion passed.**

6. Agenda Item #6, new hospital site in Ogden City adjacent to South Ogden City on the Glassman Property. Discussion of a recommendation for the City Council.

McKay-Dee Hospital has been looking for a new site to build on in the community because of earthquake concerns with the current building, and because in the long run, the present building does not meet their needs. They decided on the Glassman Farm property in Ogden. IHC applied to Ogden City to amend the master plan and zone map. They asked for a change in zoning from an R-2 zone to a PI zone. On October 1, Ogden Planning Commission had a meeting and discussed this proposal. Mr. Jones and Councilman Rounds went to the meeting. The city requested 60 days but were given 30 days to give their input. This is due the first week of November. There was a preliminary draft of a traffic study at the Ogden Planning Committee meeting.

SOUTH OGDEN CITY PLANNING COMMISSION  
PUBLIC MEETING MINUTES

May 14, 1998

Councilman Garwood made an overview of the proposal for Glassman Park. There will be restrooms, a picnic area, and volleyball court. There will be a creek and a few ponds.

Comm. Boyer asked about the amount of parking. There will be five parking spots near the restrooms, all other parking will be on the street. After a discussion about safety, it

was decided to put a "no parking" sign on the west side of the street until such time that a crosswalk is built.

6. Mr. Eilertson has to come back to the Commission for zoning. He must reapply.
7. The minutes for April 9, 1998 were discussed. **Comm. Spencer made a motion to accept the previous meeting minutes as corrected. Comm. Sandidge seconded the motion.** All members voted aye. **The motion passed.**
8. **Comm. Spencer asked about the Fox Chase development. Mr. Jones noted that the City council didn't require a sidewalk. They didn't want to make a decision at that time. They will look at this issue when the bond comes up for release.**
9. A discussion was held about the business going into the Skyline development. There will be two gas stations. Tres Banderos will be going in next to Albertson's.
10. Comm. Stevenson noted that the car lot on 39th and Washington did not yet have landscaping. Mr. Jones said he would get a letter out to him.
11. Comm. Stevenson also indicated she had been getting phone calls from concerned neighbors about the Combe subdivision. Some homes were having windows put in the back of the homes overlooking their neighbor's yards. This had been discussed in previous meetings.
12. The meeting was adjourned at 7:30 p.m.

Minutes prepared by:



Robin Lemieux  
Secretary

SOUTH OGDEN CITY PLANNING COMMISSION  
PUBLIC MEETING MINUTES  
June 25, 1998

Comm. Stevenson asked about the open space at the north side of the property. This is supposed to be a detention pond.

There should be no problem with the Fire Department approval as the walls are metal, and there are no combustible materials or electricity.

The Commissioners would like to see 2 to 3 trees on the back side of the building. These were not in the drawing. The shaded area on the drawing indicates the 10% area for landscaping.

There will be the apartment on the south side. There will be two handicapped spaces for parking. The entry pads will be far enough off the street to prevent a car with a trailer from sticking out into the street while they are punching in their codes. The area between the frontage road and Harrison is owned by UDOT. It is not certain whether they will put in landscaping or not.

The signage will be on the building.

**Comm. Spencer made a motion that we approve the site plan as presented subject to approval of zoning changes and the City Departments requirements, and that the visible exterior walls be finished in masonry or block. Comm. Sandidge seconded the motion. All members voted aye. The motion passed.**

3. **Ken Jones and Greg Boyer were** sent copies of a letter from the home owner of the Fox Chase Subdivision, Lot #35. They had not been satisfied with the promises of the developer. They had not put in the hard separation between the wet lands and the subdivision. If they don't want a sidewalk, what separates them? Mr. Jones said he should contact the developer and put his concerns in writing, which they did not do until just recently. Mr. Jones did not foresee a lawsuit, but he expected changes would be made. There is the money from the bond set aside for the walk still in place. These improvements must be made before the City accepts the improvements.. The Commissioners decided to hold the bond and make the final decision before releasing it. This issue should be worked out by the group.

Again the issue of the City selling this property back to the Home Owners Association was discussed.

4. **Comm. Spencer made a motion to accept the meeting minutes for May 28, 1998 and June 11, 1998 with the noted corrections. Comm. Sandidge seconded the motion. All members voted aye. The motion passed.**

**Fox Chase Associates, L.L.C.**

**P.O. Box 680946**

**Park City, Utah 84068**

**July 7, 1998**

Thank you for your attendance and participation at the June 30<sup>th</sup> Fox Chase owners meeting. We hope you came away from that meeting with a more complete understanding of the causes with respect to delays in completion of the subdivision's improvements. As Ken Jones stated, this was largely due to the City – not Fox Chase Associates, L.L.C. (FCA).

As discussed at that meeting, on behalf of the owners who took part in last night's meeting, we are in the process of preparing a first draft of a letter to the Planning Commission and City Council of South Ogden City (more on that subject later in this letter). However, we felt that given the nature of the memo you distributed to "All Neighbors in Fox Chase" that we should first address and respond to the comments and statements you made in that document.

Your bullet 1 – FCA has never said, or intimated, that it would abdicate the responsibility of constructing the retaining wall adjoining your lot. One of FCA's primary obligations is to mitigate encroachment into the wetlands at that location. That mitigation also provides you with the retention you need for your driveway.

Your bullet 2 – Creation of an association gives Fox Chase owners a cohesive mechanism to address the concerns you addressed in that paragraph of your memo. Absent an association, there would be no formal vehicle to elect or appoint an ongoing architectural control committee, so that addressing perceived violations of any type would be up to individual owners, not the group of owners collectively. The decision to participate, or not, in the enforcement of the covenants would however be up to individual owners.

Your bullet 3 – (i) No plans have every been proposed for FCA to construct swing sets or park benches nor has any member or principal of FCA made such representation. We have however told the City that we would be willing to support a reasonable plan to construct such improvements, as we believe these improvements could be a benefit to the residents of South Ogden as a whole. (ii) As to the other improvements and aspects of the subdivision, we remain prepared to construct them, as per the original permits, as soon as the City gives FCA the go ahead. (iii) As a mechanism to insure that the improvements could be built should the City change its direction in the future, FCA suggested to the City that the budgeted funds be escrowed. The Planning Commission's decision reflects its agreement with our suggestion. (iv) The wetlands erosion mitigation is equally important to FCA as the retention issues related to your driveway. It is incorrect to assume that FCA might be inclined to eliminate that component of the development.

Your bullet 4 – The land currently belongs to the City -- not FCA -- and not an association. FCA still owns 15 lots in the subdivision and all of the weed control, entry monument signage and overall clean up of the subdivision is being completed at FCA's expense, even though it is not FCA's responsibility. We are doing so to preserve the values of our remaining lots, and in the process we are enhancing the value of your property as well. By the way, on a continuing basis FCA has gone to great lengths to maintain the City's wetlands adjoining your property. From what we are told by our engineers and landscapers, the majority of the debris you referred to in your memo has principally come from the construction of your home.

Your bullet 5 - (i) As previously stated, FCA remains ready to complete the subdivision improvements as originally approved by the various authorities. We have submitted several other possible alternatives to the City and other lot owners, all of which are financially neutral to FCA in terms of what decision the City makes. This eliminates any conflicts of interest FCA may have in this regard. (ii) The expiration of the permit you referenced does not impact the walkway. (iii) Please make note, as a part of the overall approval process for the subdivision, the dedication of the land you reference, to South Ogden City, was made by FCA in 1994. (iv) As to the City's motives, we believe they wish to increase the satisfaction of residents, not to avoid liability, as your memo seems to infer.

Page Three

Your bullet 6 – (I) The owners can elect to form an association, when and if the owners believe doing so is in their best interest. (ii) We were all told at last week's meeting that maintenance by the City is based on availability of resources. (iii) If not the owners, through an association or some other vehicle, then who will maintain and enforce the covenants?

Our perception is that Ken Jones left last night's meeting with a clear understanding as to the desires of the Fox Chase residents in attendance. His suggestion to the attendees was that as owners we should let our feeling be known to the City. He went on to say that this did not guarantee an outcome but rather it was given as a recommendation as to how best, as a group, we should proceed.

Since many of last night's attendees could not commit to attend future meetings with the City, FCA volunteered to draft a letter, to the City, expressing our collective concerns. We will do so as soon as reasonably possible and then route that draft, for comment, to all attendees who gave us a return FAX, email, or mailing address. Comments should then be returned to us for inclusion in the final draft. In turn, we will distribute this final letter to the City and the owners who participated in the editing process. As we may not be able to incorporate everyone's comments, to that extent the final draft does not completely embody your thoughts, we would encourage you to amend or develop your own correspondence with the City. We especially encourage all interested parties to attend and participate in the public hearings in this regard.

Sincerely,

Mark J. Sletten

Mark J. Sletten  
Co-Manager

CC: Fox Chase Lot Owners  
Ken Jones – South Ogden City  
Robert C. Dillon, Esq.

**Fox Chase Associates, L.L.C.**  
**P.O. Box 680946**  
**Park City, Utah 84068**

July 8, 1998

Mr. Ken Jones  
Planner  
South Ogden City  
560 39<sup>th</sup> Street 84403

RE: FOX CHASE SUBDIVISION

Dear Ken:

Thank you for attending and participating in the June 30, 1998 meeting of the Fox Chase lot owners. As you will recall, the owners in attendance (see the CC list at the end of this letter), made a unanimous recommendation that the City reconsider its decision not to construct and/or maintain the walkways, open space and park. All of these items were included with the original entitlements and approvals for the Fox Chase subdivision, Phases I and II (the "Subdivision"), and universally the attendees request that they be constructed as originally conceived. There is one exception that is described in the following paragraph.

The exception is that the lot owners recommend that the walkway not be constructed of cement, but rather of a "soft" surface similar to that which is used on the walking paths in and around Ft. Bonaventure. This design would include the engineering as originally designed for a walkway constructed of cement. This specifically affects the area where lot 35 adjoins City property (walkway and wetlands). The owners would also like input to the process of deciding what park improvements, if any, are constructed.

As the developer and the largest owner of lots in the Subdivision, we agree with the consensus reached at the meeting. We remain committed to construct the improvements as originally approved by the City and other agencies. As you know, we have escrowed the funds necessary for completion of the walkway. To the extent there are cost savings available from a change in the materials used to construct the walkway, we will leave those residual funds with the City for use in the ongoing maintenance of same.

Thank you for your assistance on this matter. I understand that the matter has been scheduled for the meeting of the City Council at 6:00 P.M. on Tuesday, July 21, 1998. We

**Page Two**  
**Mr. Ken Jones**  
**July 8, 1998**

will advise the lot owners of the meeting and I believe you can expect a sizeable turnout.  
Thank you and best regards.

Sincerely,



Mark J. Sletten  
Co-Manager

CC: Lee Burbidge  
Robert C. Dillon, Esq.  
Attendees:

Wes Peterson  
Dave Fowles  
Kim Fowles  
Brent Hampton  
Cindy Hampton  
Chris Johnson  
Rod Fifield  
Kent Singleton  
Janette Singleton  
Victor Sarkozi  
Cindy Sarkozi  
Michael Phillips  
Sandi Phillips  
Neal Wilson  
Don McKay  
Stephen Nagle  
Ann Walters

Lot Owners Not In Attendance:

V. L. Barker  
Nancy Barker  
Karen Wilson  
Bryan Cherry  
Harrington Properties  
Haws. Ltd.  
Gregory Kissel  
David Longfellow Construction  
C.F. Olsen Homes  
John S. Peterson  
William H. Pingree  
Arnold Schaer  
Colleen Schwartz  
SLI Commercial Real Estate  
John Ulibarri  
Preston A. Wood  
Chantel Wood

involved constructing a retaining wall on the lower part of the road because of the steep terrain. Both also involved the acquisition of property needed to complete the roadway.

John Bradley asked if there were any disadvantages to extending Edgewood Drive westward. Mr. Jones stated that other than the costs involved, there were not. He also replied that most of the traffic would be local residents who frequent other roads in the area. He also surmised that the proposed extension would not become as heavily traveled as 40<sup>th</sup> Street. It would be more of a convenience for area residents who frequently traveled east and west through the area.

Fire Chief Rod Matteucci commented that the Fire Department Consultant recommended the City try to establish another east/west roadway in the City. This would make it easier for emergency vehicles who have to travel so far south before they can turn eastward. It would also reduce response time in an emergency.

Council Member Richins suggested Council Members study the estimated costs projected for the project to determine if impact fees could pay for the project. He felt the roadway should be constructed no matter what the cost to alleviate traffic from other roadways. Council Member Garwood concurred.

Council Member Wright felt the terrain was too steep and believed a new road would only contribute to additional traffic on Adams Avenue.

John Bradley felt the roadway was clearly needed, but was concerned about the topography in the area and the effect it would have on the Burch Creek.

### **DISCUSSION ON FOX CHASE SUBDIVISION SIDEWALKS**

A discussion was held between Council Members and the public on proposed sidewalks (walkway) for the Fox Chase Subdivision. Ken Jones stated that the project had been a difficult one and that the City was still holding a \$21,000 bond for the walkway. He further explained the developer and residents had met previously to discuss the sidewalk/walkway issue. In September 1997, the Planning Commission decided the walkway matter should be considered when the bond was requested for release. The developer, Ken Burbidge was at that point now.

Residents of Fox Chase recently held a meeting with their developer. Mr. Jones was also in attendance. The residents requested the City authorize a "soft" surface path rather than a concrete walk as originally designed. The residents also made an unanimous recommendation that the City reconsider its decision not to construct and/or maintain the walkways.

Mr. Jones pointed out several walkway alternatives. They included having the walk built of concrete as originally required. He explained the City Engineer and Public Works Department felt the concrete would be too difficult to maintain because of the freezing and thawing of the wetland area, and that construction would be difficult. Secondly, the walk could be built from a natural mulch material as suggested by residents and the developer. Third, possibly building the walkway only on the north part of the

subdivision. Lastly, build the walkway, but if the wetland area proved too difficult to maintain, let the walk be reclaimed by the wetland.

Council Member Richins stated he felt there should be a soft walkway in the subdivision and that it should be constructed as soon as possible. Council Member Garwood agreed and stated he strongly believed the developer had let the subdivision turn into a weed patch, he had not installed any street signs, and had let the vacant lots become fire hazards. He did mention the area finally had street lights after many requests from residents. Mr. Jones explained the developer was working on a "punch list" and most of the items mentioned by Mr. Garwood were on his list to be completed.

Sandra Wright stated she was against cement sidewalks. John Bradley agreed but added he was not opposed to a walkway out of natural materials.

Developer Lee Burbidge addressed Council Members and informed them he had hired a full time landscaper for the subdivision. He also reported he had been having problems with the City inspector.

City Manager Linda Hamilton commented she felt the subdivision was an eyesore. She was also concerned about who would maintain the walkway because the Parks Department could barely take care of what they had now due to the number of employees in the department. Council Member Richins asked if the City could hire additional employees in the maintenance department. Public Works Director Miller stated it was taking more and more time to maintain all of the small parcels around the City. He further explained that Parks Director Jon Anderson couldn't keep up with all the work involved because he did not have enough personnel.

Dave Fowles, 5627 South 1275 East – stated he felt frustrated living in Fox Chase. He explained there were a lot of weeds in their subdivision. He further explained he and his wife had purchase their lot after seeing and hearing about how the developer was going to develop the area. There were suppose to be two lakes (ponds) and a walkway in the subdivision. He has not been able to complete his landscaping because of where the proposed walkway is suppose to go.

Council Members agreed that the developer, Mr. Burbidge, should be required to complete the Fox Chase subdivision as he proposed, and that he install the walkway. Council Members also agreed the walkway should be constructed from natural materials and be maintained by the residents.

#### ACCEPT WARRANT REGISTER

**Sandra Wright moved to accept the June 1998 warrant register with a second from John Bradley. Approved by all.**

# FOX CHASE SUBDIVISION PHASE 2

PART OF THE SW 1/4 OF SECTION 15  
AND PART OF THE NW 1/4 OF SECTION 22  
TSN, RIW, SLB & M, U.S. SURVEY  
SOUTH OGDEN CITY  
WEBER COUNTY, UTAH  
MARCH 1995

Δ	RADIUS	LENGTH	TANGENT	CHORD	CHORD BEARING
16°19'37"	127.22	36.25	18.25	36.13	N 66°12'10" W
35°40'12"	120.00	74.71	38.61	73.51	N 03°06'47" W
100°14'36"	200.00	349.92	239.38	306.96	N 71°50'21" W
24°32'30"	230.00	98.52	50.03	97.77	N 33°59'18" W
25°02'34"	170.00	74.5	37.75	73.71	S 33°41'16" E
25°44'49"	230.00	103.35	52.56	102.49	N 34°05'24" W
49°57'25"	100.00	87.19	46.58	84.46	N 74°35'25" E
30°05'55"	100.00	52.53	28.89	51.93	S 69°22'55" E
65°03'10"	210.00	238.43	133.92	223.83	S 17°48'21" E
02°28'57"	130.00	5.56	2.78	5.56	S 11°33'26" E
27°38'59"	130.00	62.73	31.99	62.13	S 68°36'23" E
01°46'03"	130.00	4.01	2.01	4.01	N 81°18'54" W
30°58'48"	130.00	70.29	36.03	68.44	N 62°18'40" E
17°12'46"	130.00	38.29	19.68	38.81	S 58°12'54" W
25°02'34"	140.00	61.19	31.09	60.7	S 33°44'16" E
49°59'41"	15.00	13.09	6.99	12.88	S 70°13'10" W
52°54'21"	55.00	50.79	27.37	49	N 68°45'50" E
59°58'52"	55.00	53.71	29.21	51.6	N 14°20'14" E
55°56'52"	55.00	53.71	29.21	51.6	N 41°38'38" W
55°56'52"	55.00	53.71	29.21	51.6	S 82°28'31" W
59°14'27"	55.00	56.87	31.27	54.37	S 24°50'52" W
49°59'41"	15.00	13.09	6.99	12.88	N 20°13'29" E
15°42'57"	260.00	71.32	35.88	71.09	N 53°36'18" W
03°30'02"	260.00	15.89	7.95	15.88	S 45°12'47" E
49°57'47"	70.00	61.04	32.61	59.13	S 74°35'14" W
30°05'55"	70.00	36.77	18.82	36.35	N 63°25'25" W
104°28'12"	15.00	27.55	19.36	25.72	N 01°54'19" E
29°58'41"	55.00	28.78	14.73	28.45	S 39°08'54" W
59°55'20"	55.00	57.52	31.7	54.94	N 05°48'06" W
74°01'44"	55.00	71.06	41.47	68.22	S 72°48'38" E
41°23'29"	55.00	39.73	20.78	38.87	N 49°04'45" E
11°38'50"	15.00	28.84	23.09	25.16	N 85°48'26" E
40°12'04"	180.00	126.3	65.87	123.72	S 17°08'07" E
11°43'20"	180.00	36.83	18.48	36.76	S 08°51'35" W
23°01'41"	150.00	60.29	30.36	59.88	S 03°12'25" W
23°54'38"	150.00	62.6	31.76	62.14	S 20°15'45" E
46°40'58"	120.00	97.77	51.78	95.09	N 08°37'10" W
38°59'27"	170.00	115.69	60.18	113.47	S 77°32'05" W
43°58'28"	170.00	129.38	68.01	126.28	N 51°09'59" W
17°58'43"	170.00	52.35	26.39	52.15	N 50°32'24" W
09°32'48"	260.00	43.32	21.71	43.27	N 28°29'27" W
14°59'42"	260.00	68.05	34.22	67.85	N 38°45'42" W
29°28'59"	230.00	118.33	60.51	117.03	S 67°27'01" E
61°42'12"	15.00	18.15	8.86	15.38	N 78°28'13" E
38°21'36"	55.00	36.82	19.13	36.14	S 64°45'56" W
70°29'26"	55.00	67.87	38.86	63.48	N 60°48'33" W
47°00'14"	55.00	45.12	23.92	43.87	N 02°33'43" W
61°42'12"	15.00	18.15	8.86	15.38	N 09°24'42" W
18°32'45"	230.00	74.45	37.55	74.12	S 30°59'25" E
00°59'56"	200.00	3.49	1.74	3.49	N 22°13'01" W
23°32'34"	200.00	82.18	41.68	81.6	N 34°29'16" W
25°02'34"	200.00	87.42	44.42	86.72	N 33°41'16" W
22°47'18"	200.00	79.54	40.3	79.02	N 32°36'37" W
02°57'33"	200.00	10.33	5.17	10.33	N 45°29'02" W
07°05'30"	150.00	18.57	9.29	18.55	S 27°01'08" W
08°34'42"	170.00	25.45	12.75	25.43	S 27°43'45" W

**DELINEATED WETLANDS - SPECIAL CONDITIONS**

- NO FILLING, DREDGING, MINOR GRADING, PLACEMENT OF TOPSOIL, OR OTHER ACTS THAT WOULD ALTER THE TOPOGRAPHY ARE ALLOWED.
- NO CONSTRUCTION OR INSTALLATION OF ANY BUILDINGS OR OTHER STRUCTURES SHALL BE PERMITTED.
- THE EXISTING VEGETATION SHALL NOT BE TRIMMED, REMOVED OR OTHERWISE MODIFIED.
- NO GRAZING OF ANIMALS WILL BE ALLOWED.
- NOTHING CAN BE DONE TO CHANGE THE CHARACTER OF THE AREA.
- ANY ADDITIONAL PLANTING IN THE AREA SHALL BE LIMITED TO THE USE OF BENEFICIAL NATIVE VEGETATION OF SPECIES ADAPTED TO A WETLANDS ENVIRONMENT.

**SOUTH OGDEN CITY  
PLANNING COMMISSION APPROVAL**

APPROVED THIS 8 DAY OF SEP A.D., 1994 BY  
THE SOUTH OGDEN CITY PLANNING COMMISSION.

*Ray S. Jankell*  
CHAIRMAN

**SOUTH OGDEN CITY  
PUBLIC WORKS DIRECTOR**

I HAVE EXAMINED THE FOREGOING PLAT OF FOX CHASE SUBDIVISION NO. 2 AS IT PERTAINS TO THE IMPROVEMENT STANDARDS AND ORDINANCES NOW IN FORCE, AND IN MY OPINION, IT COMPLIES WITH SUCH DEVELOPMENT REQUIREMENTS.

*Shel Z. Moore* March 8, 1995  
DATE  
PUBLIC WORKS DIRECTOR

**SOUTH OGDEN CITY ATTORNEY**

I HAVE EXAMINED THE FOREGOING PLAT AND DESCRIPTION OF FOX CHASE SUBDIVISION NO. 2 AND IN MY OPINION, THEY CONFORM WITH THE CITY ORDINANCES APPLICABLE THERETO AND NOW IN FORCE AND EFFECT.

March 9, 1995  
DATE  
*Richard E. Steine*  
CITY ATTORNEY

**SOUTH OGDEN CITY ENGINEER**

I HAVE EXAMINED THE FOREGOING PLAT OF FOX CHASE SUBDIVISION NO. 2 AND CONCUR WITH THE LEGAL DESCRIPTION AND LINES OF SURVEY AS THEY ARE PRESENTED. IN MY OPINION THIS PLAT MEETS THE APPLICABLE ORDINANCES PREREQUISITE TO APPROVAL BY THE SOUTH OGDEN CITY COUNCIL.

*John A. Nelson* 1995  
DATE  
CITY ENGINEER

**SOUTH OGDEN CITY  
APPROVAL AND ACCEPTANCE**

THIS IS TO CERTIFY THAT THIS PLAT AND THE DEDICATION OF THIS PLAT, ALONG WITH THE DEDICATION OF ALL STREETS, EASEMENTS AND PUBLIC IMPROVEMENT GUARANTEE WERE DULY APPROVED AND ACCEPTED BY THE CITY COUNCIL OF SOUTH OGDEN CITY, UTAH.

THIS 4th DAY OF March, 1995

*George S. Smith*  
MAYOR

ATTEST: *Laura Jean-Loren*  
CITY RECORDER

**ACKNOWLEDGEMENT**

STATE OF UTAH }  
COUNTY OF WEBER } SS

ON THIS 3rd DAY OF March, 1995, SSK

PERSONALLY APPEARED BEFORE ME, THE UNDERSIGNED NOTARY PUBLIC IN AND FOR SAID COUNTY OF WEBER, IN SAID STATE OF UTAH, THE SIGNERS OF THE ABOVE OWNERS' DEDICATION, TWO IN NUMBER, WHO DULY ACKNOWLEDGED TO ME THAT THEY SIGNED IT FREELY AND VOLUNTARILY AND FOR THE USES AND PURPOSES THEREIN MENTIONED.

*Judith A. Johnson*  
NOTARY PUBLIC

**OWNER'S DEDICATION**

WE, THE UNDERSIGNED OWNERS OF THE HEREON DESCRIBED TRACT OF LAND, HEREBY SET APART AND SUBDIVIDE THE SAME INTO LOTS AND STREETS AS SHOWN ON THIS PLAT AND NAME SAID TRACT:

FOX CHASE SUBDIVISION PHASE 2

AND HEREBY DEDICATE, GRANT AND CONVEY TO SOUTH OGDEN CITY, WEBER COUNTY, UTAH ALL THOSE PARTS OR PORTIONS OF SAID TRACT OF LAND DESIGNATED AS STREETS, THE SAME TO BE USED AS PUBLIC THOROUGHFARES FOREVER, AND ALSO DEDICATE TO SOUTH OGDEN CITY THOSE CERTAIN STRIPS AS EASEMENTS FOR PUBLIC UTILITY AND DRAINAGE PURPOSES AS SHOWN HERE THE SAME TO BE USED FOR THE INSTALLATION, MAINTENANCE AND OPERATION OF PUBLIC UTILITY SERVICE LINES AND DRAINAGE AS MAY BE AUTHORIZED BY SOUTH OGDEN CITY, AND ALSO DEDICATE, GRANT AND CONVEY TO SOUTH OGDEN CITY, WEBER COUNTY, UTAH ALL THOSE PARTS OR PORTIONS OF SAID TRACT OF LAND DESIGNATED AS PARK AREA, JURISDICTIONAL WETLANDS AND PERIMETER WALKWAY.

SIGNED THIS 3rd DAY OF March, 1995

*Lee E. Burdige*  
LEE E. BURDIGE, MANAGING MEMBER - FOX CHASE ASSOCIATION, L.L.C.

Prepared By: *Gardner Engineering*

**COUNTY RECORDER**

ENTRY NO. 133521 FEE PAI  
#1010 FILED FOR RECORD AT  
RECORDED 10-MARCH-95  
12:11 PM IN BOOK 89 OF 01  
RECORDS, PAGE 55. RECORD  
FOR FOX CHASE  
*Dana Crofts*  
COUNTY RECORDER  
BY: *Glenn Hill*  
DEPUTY

## SURVEYOR'S CERTIFICATE

I, KEN E GARDNER, DO HEREBY CERTIFY THAT I AM A REGISTERED LAND SURVEYOR, AND THAT I HOLD CERTIFICATE NO. 154270, AS PRESCRIBED UNDER THE LAWS OF THE STATE OF UTAH. I FURTHER CERTIFY THAT BY AUTHORITY OF THE OWNERS I HAVE MADE A SURVEY OF THE TRACT OF LAND SHOWN ON THIS PLAT AND DESCRIBED BELOW AND THAT THE REFERENCE MARKERS SHOWN ON THIS SUBDIVISION PLAT ARE LOCATED AS INDICATED AND ARE SUFFICIENT TO RETRACE OR RE-ESTABLISH THIS SURVEY, THAT THE INFORMATION SHOWN HEREIN IS SUFFICIENT TO ACCURATELY ESTABLISH THE LATERAL BOUNDARIES OF THE BELOW DESCRIBED TRACT OF REAL PROPERTY AND OF EACH OF THE LOTS LOCATED ON SAID TRACT AND THIS SUBDIVISION PLAT COMPLIES WITH THE PROVISIONS OF THE ORIGINAL SUBDIVISION REGULATIONS OF SOUTH OGDEN CITY.

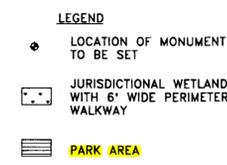
### BOUNDARY DESCRIPTION

BEGINNING AT A POINT 365.75 FEET EAST AND 363.09 FEET NORTH FROM THE N.W. CORNER OF SECTION 22, TSN, RIW, SLB & M, SAID POINT BEING ON THE SOUTH LINE OF 5600 SOUTH STREET

COURSES:

NORTHEASTERLY	122.60 FT.	ALONG A CURVE TO THE LEFT ON 5600 SOUTH: R=511.34, DELTA=13°44'16", T=61.60' CH=122.31', CHB=N 49°54'19" E THENCE;
N 43°02'12"E	160.49 FT.	ALONG THE S. LINE OF 5600 SOUTH THENCE
S 51°19'14"E	107.67 FT.	ALONG FOX CHASE SUBD. PHASE 1; THENCE
N 40°52'19"E	100.07 FT.	ALONG FOX CHASE SUBD. PHASE 1; THENCE
S 51°19'14"E	114.92 FT.	ALONG FOX CHASE SUBD. PHASE 1; THENCE
N 37°09'32"E	70.11 FT.	ALONG FOX CHASE SUBD. PHASE 1; THENCE
N 74°54'26"E	52.22 FT.	ALONG FOX CHASE SUBD. PHASE 1; THENCE
S 59°29'07"E	69.65 FT.	ALONG FOX CHASE SUBD. PHASE 1; THENCE
N 82°51'22"E	46.40 FT.	ALONG FOX CHASE SUBD. PHASE 1; THENCE
S 64°39'02"E	65.57 FT.	ALONG FOX CHASE SUBD. PHASE 1; THENCE
S 59°19'45"E	99.80 FT.	ALONG FOX CHASE SUBD. PHASE 1; THENCE
S 62°49'19"E	103.52 FT.	ALONG FOX CHASE SUBD. PHASE 1; THENCE
S 59°29'07"E	129.97 FT.	ALONG FOX CHASE SUBD. PHASE 1; THENCE
S 81°40'35"E	116.38 FT.	ALONG FOX CHASE SUBD. PHASE 1; THENCE
N 81°46'05"E	111.64 FT.	ALONG FOX CHASE SUBD. PHASE 1; THENCE
S 10°20'13"E	75.13 FT.	ALONG FOX CHASE SUBD. PHASE 1; THENCE
S 28°34'05"E	88.40 FT.	ALONG FOX CHASE SUBD. PHASE 1; THENCE
S 74°21'58"W	194.28 FT.	ALONG MAIN POINT S. SUBD. NO. 4, PH 1; THENCE
S 15°58'02"E	82.83 FT.	ALONG MAIN POINT S. SUBD. NO. 4, PH 1; THENCE
S 39°40'37"W	16.78 FT.	ALONG MAIN POINT S. SUBD. NO. 4, PH 1; THENCE
S 50°19'57"E	69.21 FT.	ALONG MAIN POINT S. SUBD. NO. 4, PH 1; THENCE
SOUTHEASTERLY	272.49 FT.	ALONG A CURVE TO THE RIGHT: R=240.00', DELTA=65°03'10", T=153.05' CH=258.09', CHB=S 17°48'21" E THENCE;
SOUTHEASTERLY	56.03 FT.	ALONG A CURVE TO THE LEFT: R=90.00', DELTA=35°40'12", T=28.86' CH=55.13', CHB=S 07°04'47" E THENCE;
SOUTHEASTERLY	26.44 FT.	ALONG A CURVE TO THE LEFT: R=15.00', DELTA=10°00'37", T=18.20' CH=23.15', CHB=S 71°27'19" E THENCE;
NORTHEASTERLY	44.80 FT.	ALONG A CURVE TO THE RIGHT: R=157.22', DELTA=18°19'38", T=22.55' CH=44.65', CHB=N 66°12'10" E THENCE;
S 15°38'02"E	60.00 FT.	THENCE;
SOUTHWESTERLY	27.70 FT.	ALONG A CURVE TO THE LEFT: R=97.22', DELTA=19°19'38", T=13.95' CH=27.61', CHB=S 66°12'10" W THENCE;
S 58°02'21"W	133.35 FT.	THENCE;
SOUTHWESTERLY	79.73 FT.	ALONG A CURVE TO THE RIGHT: R=230.00', DELTA=19°46'19", T=40.08' CH=78.98', CHB=S 67°55'31" W THENCE;
S 26°19'35"W	91.16 FT.	THENCE;
S 57°48'10"W	241.21 FT.	TO THE NORTH LINE OF HWY 89; THENCE
N 41°38'07"W	316.09 FT.	ALONG THE NORTH LINE OF HWY 89; THENCE
N 43°40'16"W	213.10 FT.	ALONG THE NORTH LINE OF HWY 89; THENCE
N 48°06'18"W	212.87 FT.	ALONG THE NORTH LINE OF HWY 89; THENCE
N 49°30'17"W	244.41 FT.	ALONG THE NORTH LINE OF HWY 89; THENCE
N 23°28'46"E	214.60 FT.	THENCE;
N 51°19'14"W	285.44 FT.	TO THE POINT OF BEGINNING CONTAINS: 21.18 ACRES

BASEIS OF BEARING: S 89°09'44" E  
ALONG THE SECTION LINE



### LINE DATA

LINE	BEARING	LENGTH
L1	S 70°33'19" W	45.90'
L2	S 77°29'57" W	55.46'
L3	S 77°34'31" W	54.57'
L4	S 81°36'20" W	6.13'
L5	S 81°36'20" W	31.67'
L6	N 77°59'07" W	13.75'
L7	S 86°51'42" W	47.35'
L8	N 77°59'07" W	17.47'
L9	N 72°28'01" W	25.49'
L10	N 57°18'41" W	66.56'
L11	S 32°50'59" E	92.04'
L12	N 32°50'59" W	29.51'
L13	N 71°59'44" W	33.68'
L14	N 41°34'05" W	63.34'
L15	N 69°23'19" W	60.60'
L16	N 69°23'19" W	60.07'
L17	S 48°15'08" W	31.39'
L18	S 87°42'39" E	76.05'
L19	S 53°57'22" W	10.97'
L20	S 53°57'22" W	38.41'
L21	S 21°29'46" W	25.69'
L22	N 44°19'06" E	38.38'
L23	N 04°38'50" W	45.65'
L24	S 04°38'50" W	29.21'
L25	S 01°30'32" W	66.01'
L26	S 34°15'22" W	70.69'
L27	S 59°33'05" W	54.45'
L28	N 19°34'23" E	72.66'
L29	S 06°24'47" W	42.90'
L30	S 06°24'47" W	42.90'
L31	S 27°23'58" W	32.66'
L32	N 51°25'28" E	8.76'
L33	N 43°44'27" E	76.48'
L34	N 16°13'50" E	35.59'
L35	N 57°45'33" E	44.24'
L36	N 29°22'39" E	29.21'
L37	N 57°45'33" E	47.31'
L38	N 34°21'29" W	34.85'
L39	N 43°30'31" W	44.05'
L40	N 02°23'28" W	20.51'
L41	N 21°21'54" W	25.59'
L42	N 00°59'33" W	23.37'
L43	N 38°28'39" W	59.81'
L44	N 47°24'42" W	45.03'
L45	N 68°05'27" W	111.04'
L46	N 62°18'27" W	64.19'
L47	N 43°44'27" E	55.37'
L48	N 62°18'27" W	79.25'
L49	N 43°44'27" E	70.42'
L50	N 07°16'20" W	49.66'
L51	N 05°28'04" W	31.44'
L52	N 29°03'36" W	21.19'
L53	N 04°00'22" W	40.60'
L54	N 51°23'27" E	16.85'
L55	N 15°49'34" W	53.33'
L56	N 15°49'34" W	15.57'
L57	N 48°57'48" W	20.42'
L58	N 48°57'48" W	18.98'

NOTE: THE LOWEST PERMISSIBLE BASEMENT ELEVATION SHALL BE 4748.00 ( ONE FOOT ABOVE THE 100 YEAR STORM WATER SURFACE ELEVATION)



# FOX CHASE SUBDIVISION PHASE 2

LOTS 18-36

IN SOUTH OGDEN CITY

SCALE 1" = 60'

SEE PAGE 464

TAXING UNIT: 27

SEE PAGE 4

SEE PAGE 4

SEE PAGE 465

SEE PAGE 85

FOR COMPLETE ENG DATA SEE ORIGINAL DEDICATION PLAT IN BOOK 39, PAGE 55 OF RECORDS.

10' UTILITY & DRAINAGE EASEMENTS EACH SIDE OF PROPERTY LINES AS INDICATED BY DASHED LINES EXCEPT AS OTHERWISE SHOWN

