



G R E A T E R S A L T L A K E

Municipal Services District

Greater Salt Lake Municipal Services District - Planning & Development Services
2001 S. State Street #N3-600 • Salt Lake City, UT 84190 • (385) 468-6700

File # EXP2023-000929

STORM DRAIN & PUBLIC UTILITY EASEMENT VACATION SUMMARY AND RECOMMENDATION

Public Body: Copperton Metro Township Council

Meeting Date: January 17, 2024

Parcel ID: 26-08-354-014-0000

Acreage: 0.21 Acres

Current Zone: R-1-6 (Single-Family Residential, 6,000 SF Minimum).

Property Address: 8652 West Equinox Circle.

Request: Proposed Storm Drain & Public Utility Easement Vacation.

Planner: Jeff Miller

Applicant Name: Gerry Alder

PROJECT DESCRIPTION

Gerry Alder is requesting approval to vacate and reduce the existing storm drain and public utility easement located along the rear lot line from 15 feet in width to 10 feet.

The home located on the property was damaged extensively by a significant flash flooding event in August of 2022. The proposed reduction for the existing storm drain and public utility easement will allow for the potential opportunity to add a future addition onto the existing home, and is justified by recent work done by Kennecott to reduce the potential for flash flooding events impacting the subject property. We have measured the existing storm drain culvert on the property, and it will remain within the proposed 10-foot easement.

Kennecott (Rio Tinto) has made some additional grading and drainage changes to their property, with the addition of a retention pond, which should reduce the need for the current drainage infrastructure located on this property.

***Continued on the next page.**

Request: Proposed Storm Drain & Public Utility Easement Vacation.

SITE & VICINITY DESCRIPTION (see attached map)

This subject property is located at the end of a residential cul-de-sac on the north side of State Highway (which is the main road that goes through Copperton). To the north and west of the subject property is a large area of parcels owned by Kennecott Copper in either the A-2 (Agricultural), M-2 (Industrial), or R-1-6 (Single-Family, 6,000 SF Minimum) Zones. The rest of the properties to the south of the subject property are located within the R-1-6, R-1-8, R-2-8 or R-2-6.5 (Residential) Zones.



ISSUES OF CONCERN/PROPOSED MITIGATION

Planning Staff has not identified any issues of concern with the proposed storm drain and public utility easement vacation.

NEIGHBORHOOD RESPONSE

Planning Staff has not received any comments from the surrounding neighbors or general public as of the completion of this staff report. Any comments that are received will be forwarded to the Copperton Metro Township Council for review and will be summarized on January 17, 2024.

Request: Proposed Storm Drain & Public Utility Easement Vacation.

STAFF ANALYSIS

Planning Staff has found that the proposed storm drain and public utility easement vacation complies with state code, the land use ordinance, and the general plan.

COUNCIL MOTION

The Council has three options with respect to this application for the requested Vacation Request:

- Option 1: Approve the vacation request as proposed; or
- Option 2: Approve the vacation request with conditions as amended.
- Option 3: Deny the proposed vacation request.

EXHIBITS

- A. Aerial Map.
- B. Site Plan with proposed setbacks for easement.
- C. Ordinance (with exhibit showing the proposed vacation).

EXP2023-000929: Request approval to vacate and reduce the existing Storm Drain & Public Utility Easement.

Parcel: 8652 W. Equinox Circle (26-08-354-014-0000)



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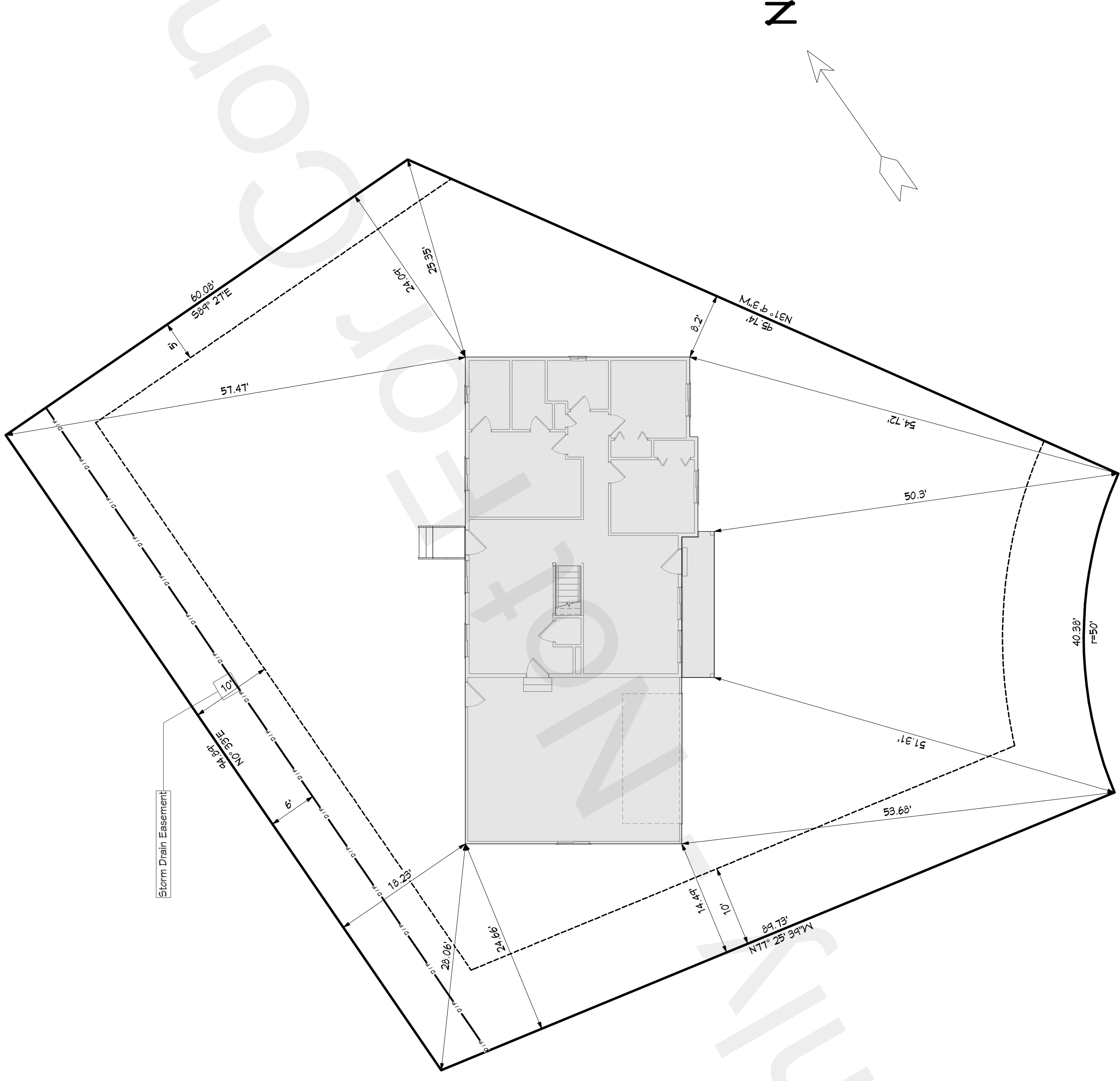
Client: **Gerry & Ranuta Alder**
8652 West Equinox Circle Coperton, Utah
Coppercrest Subdivision Lot 11

Sheet Title: **Site Plan**

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265 N Main St. Ste. D #142
Kaysville, Utah, 84051

Plan Number: **23-008**
Date: **10/11/23**
Page Number:
Project Number: **C-1**



Storm Drain Easement

COPPERTON METRO TOWNSHIP

Ordinance No. 2024-01-01

Date: January 17, 2024

**AN ORDINANCE OF THE COPPERTON METRO TOWNSHIP COUNCIL
VACATING AND AMENDING THE 15' STORM DRAIN AND PUBLIC
UTILITY EASEMENT SITUATED ALONG THE WESTERN BOUNDARY OF
THE PROPERTY AT 8652 WEST EQUINOX CIRCLE (PARCEL# 26-08-354-
014-0000).**

RECITALS

WHEREAS, the Copperton Metro Township (“**Copperton**”) is a municipality and has authority to vacate a municipal utility easement in accordance with Utah Code Ann. § 10-9a-609.5 and Copperton Municipal Code Section 18.18.050; and

WHEREAS, the plat for the Coppercrest Subdivision dedicated a “15’ Storm Drain and Public Utility Easement” that burdens Lot 11 and Lot 12 of the subdivision (the “**Easement**”); and

WHEREAS, in accordance with Utah Code Ann. § 10-9a-609.5 and Copperton Municipal Code Section.18.050 a petition has been filed to vacate and amend the Easement by reducing the established easement from 15 feet in width to 10 feet in width along the western boundary of the property at 8652 West Equinox Circle, also known as Lot 11 or Parcel 26-08-354-014-0000 (the “**Petition**”); and

WHEREAS, flooding and heavy rains have required certain repairs and upgrades to the property at 8652 West Equinox Circle (the “**Property**”) including within the Easement; and

WHEREAS, drainage, grade changes, and the installation of a retention pond on a neighboring parcel has eliminated the need for the storm drain and the Easement; and

WHEREAS, in accordance with Utah Code Ann. § 10-9a-609.5(4), the Council may adopt an ordinance granting the Petition if it finds that good cause exists for the Vacation and neither the public interest nor any person will be materially injured by the Vacation (the “**Ordinance**”); and

WHEREAS, in accordance with Utah Code Ann. § 10-9a-609.5(3), the Copperton Council (the “**Council**”) held a duly noticed public hearing on January 17, 2024, and determined that good cause exists to vacate and amend a portion of the Easement.

BE IT ORDAINED BY THE COPPERTON METRO TOWNSHIP COUNCIL as follows:

1. The Copperton Council finds as follows:
 - a. A Petition has initiated the process to vacate and amend a portion of the Easement.
 - b. The Council has held a duly noticed public hearing and determined that good cause exists to vacate and amend the Easement by reducing the established easement from 15 feet in width to 10 feet in width along the western boundary of the property and that neither the public interest nor any person will be materially injured by the Vacation.
2. The Copperton Council hereby grants the Petition and vacates the Easement as amended.
3. In accordance with the Utah Code Ann. § 10-9a-609.5 (6), this Ordinance operates as a revocation of the acceptance of and the relinquishment of Copperton's fee in the vacated Easement and may not be construed to impair any right-of-way or easement of any parcel or lot owner or the rights of any public utility, or the rights of a culinary water authority or sanitary sewer authority.
4. Copperton staff are authorized to take such actions as may be necessary to accomplish the purposes of this Ordinance.
5. All orders, ordinances, and resolutions regarding the subject matter of this Ordinance that have been adopted by the Copperton Council, 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, that has been previously repealed.
6. The body and substance of all prior ordinances and resolutions, with their specific provisions, where not otherwise in conflict with this Ordinance, are reaffirmed and readopted.
7. 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 whatsoever, this Ordinance being deemed the separate, independent, and severable act of the Copperton Council.
8. The description of the Easement is the "15' Storm Drain Easement" depicted in the Coppercrest Subdivision Plat, recorded as entry #7527010 in the records of the Salt Lake County Recorder's Office and amended as attached per **Addendum 1**, which burdens the

following parcel:

a. PARCEL# 26-08-354-014-0000, also known as Lot 11 of the Coppercrest Subdivision or 8652 W. Equinox Circle, Copperton, Utah 84006.

9. Effective Date. This Ordinance will take effect immediately upon posting and publication as required by law.

PASSED AND ADOPTED this 17th day of January 2024.

COPPERTON METRO TOWNSHIP COUNCIL

By Sean Clayton, Mayor

Voting:

Councilmember Bailey voting
Councilmember Clayton voting
Councilmember Olsen voting
Councilmember Severson voting
Councilmember Stitzer voting

ATTEST

APPROVED AS TO FORM:



Lannie Chapman, Clerk/Recorder

Metro Township Attorney

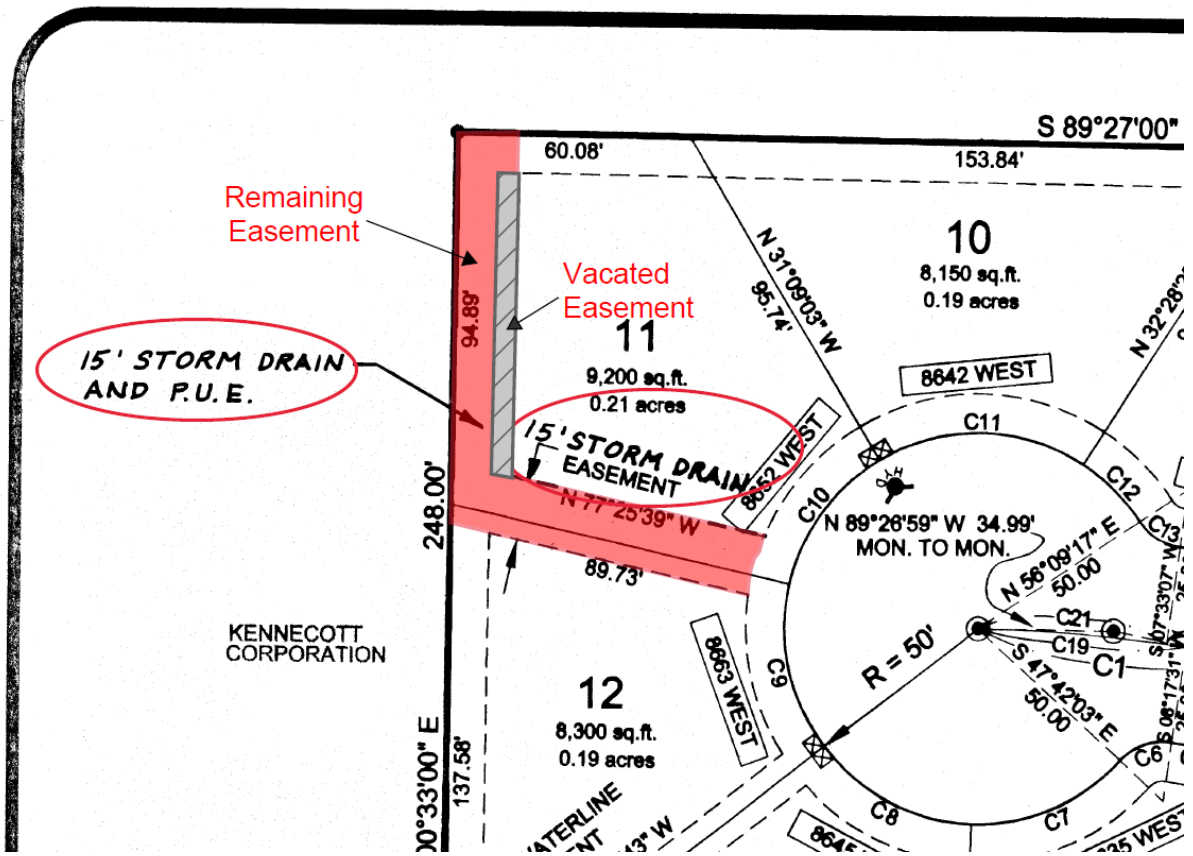
(Complete as Applicable)

Date ordinance summary was posted to the Copperton website, the Utah Public Notice website, and in a public place within Copperton per Utah Code §10-3-711: _____
Effective date of ordinance: _____

ADDENDUM A

Coppercrest Subdivision Plat Easement Exhibit

Exhibit "A"



**SUMMARY OF
COPPERTON METRO TOWNSHIP
ORDINANCE NO. 2024-01-01**

On January 17, 2024, the Copperton Metro Township Council enacted Ordinance No. 2024-01-01 to vacate and amend the Easement by reducing the established 15' Storm Drain and Public Utility easement from 15 feet in width to 10 feet in width along the western boundary of the property at 8652 West Equinox Circle (Parcel # 26-08-354-014-0000).

By: Sean Clayton Mayor

ATTEST

Lannie Chapman, Clerk

Voting:

Councilmember Bailey voting
Councilmember Clayton voting
Councilmember Olsen voting
Councilmember Severson voting
Councilmember Stitzer voting

A complete copy of Ordinance No. 2024-XX-XX available in the office of the Copperton Metro Township Clerk, 2001 South State Street, N2-700, Salt Lake City, Utah.