

Midway City Council  
6 April 2021  
Regular Meeting

Ordinance 2021-09 /  
Saddle Creek Ranch PUD  
Vacation



**Midway**

**CITY COUNCIL MEETING STAFF REPORT**

**DATE OF MEETING:** April 6, 2021

**NAME OF PROJECT:** Saddle Creek Ranch PUD – Plat Vacate

**NAME OF APPLICANT:** Matt Watkins, DPW Heber Inc.

**AGENDA ITEM:** Plat Vacation

**LOCATION:** 970 South and 250 West

**ZONING DESIGNATION:** R-1-22 zone

**ITEM: 13**

Saddle Creek Ranch PUD / Plat Vacation – Discuss and possibly approve a plat map vacation of the Saddle Creek Ranch PUD located at approximately 970 South 250 West (Street Lane) (Zoning is R-1-22).

**BACKGROUND:**

Matt Watkins, representative for DPW Heber Inc., has made a request to vacate the Saddle Creek Ranch PUD plat so that they can record a redesigned subdivision plat with new road alignments, building lots and open spaces. The existing PUD plat contains fifty-seven building pads. The proposed development will be a standard subdivision known as Saddle Creek and will contain thirty-six lots.

On May 7, 2019, the applicant received revised master plan approval for the development in addition to preliminary and final approval for phase one. They are currently seeking preliminary approval for phases two and three. Prior to recording a new subdivision plat, the applicant needs to vacate the existing plat. Road alignments for the existing plat were originally grubbed in, but no infrastructure or improvements were installed. The existing plat included ROW dedications for both 970 South and 250 West as well as public trail easements, which will be vacated if the plat vacation is approved. These ROW dedications along with new trails easements will be required with the recording of the new subdivision plat.

The applicant's revised master plan does not include a 2.36-acre area that is located along the north boundary of the current subdivision plat. If this plat vacation is approved, the applicant will be required to connect that remainder parcel to an adjacent parcel, so that a non-conforming parcel is not created. This will need to be completed before the phase 2 plat of the revised master plan is recorded or within 90 days of the plat vacation being finalized, whichever occurs first.

A plat vacation is a legislative item, and the City Council is not obligated to allow the vacation even if they feel that the applicant is complying with the requirements of the Code. This decision is entirely at the discretion of the City Council.

#### **ANALYSIS:**

The Saddle Creek Ranch PUD Plat was recorded on September 9, 2007. It contained fifty-seven building pads on 34.35 acres. By vacating the plat, the landowner is then allowed to re-subdivide the property using the existing zoning which, in the case, is R-1-22. The applicant's revised master plan includes thirty-six building lots, which is a twenty-one unit decrease from the currently recorded PUD plat. A decrease in density will reduce traffic and impacts on City and school district services.

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

#### **PROPOSED FINDINGS:**

- A master plan amendment for Saddle Creek was approved on May 7, 2019 and for any of the new plats to be recorded for that approved plan the existing plat must be vacated.

- Density and traffic will decrease if the existing plat is vacated, and the proposed plats are recorded.
- Public streets, right-of-way, and easements will be vacated or altered as part of this amendment and would need to be rededicated as part of the future plat recording.

#### **ALTERNATIVE ACTIONS:**

1. Approval (Conditional). This action can be taken if the City Council feels there is good cause to approve the proposal.
  - a. Accept staff report
  - b. Reasons for approval (findings)
  - c. Place condition(s) if needed
2. Continuance. This action can be taken if the City Council feels that there are unresolved issues.
  - a. Accept staff report
  - b. List accepted findings
  - c. Reasons for continuance
    - i. Unresolved issues that must be addressed
  - d. Date when the item will be heard again
3. Denial. This action can be taken if the City Council feels that the request does not meet the intent of the ordinance.
  - a. Accept staff report
  - b. List accepted findings
  - c. Reasons for denial

#### **PROPOSED CONDITIONS:**

1. The 2.36-acre remanent piece needs to be combined with an adjacent parcel before the phase 2 plat of the revised master plan is recorded or within 90 days of the plat being vacated, whichever occurs first.

# **Exhibits**

**Exhibit 1 – Location Maps**

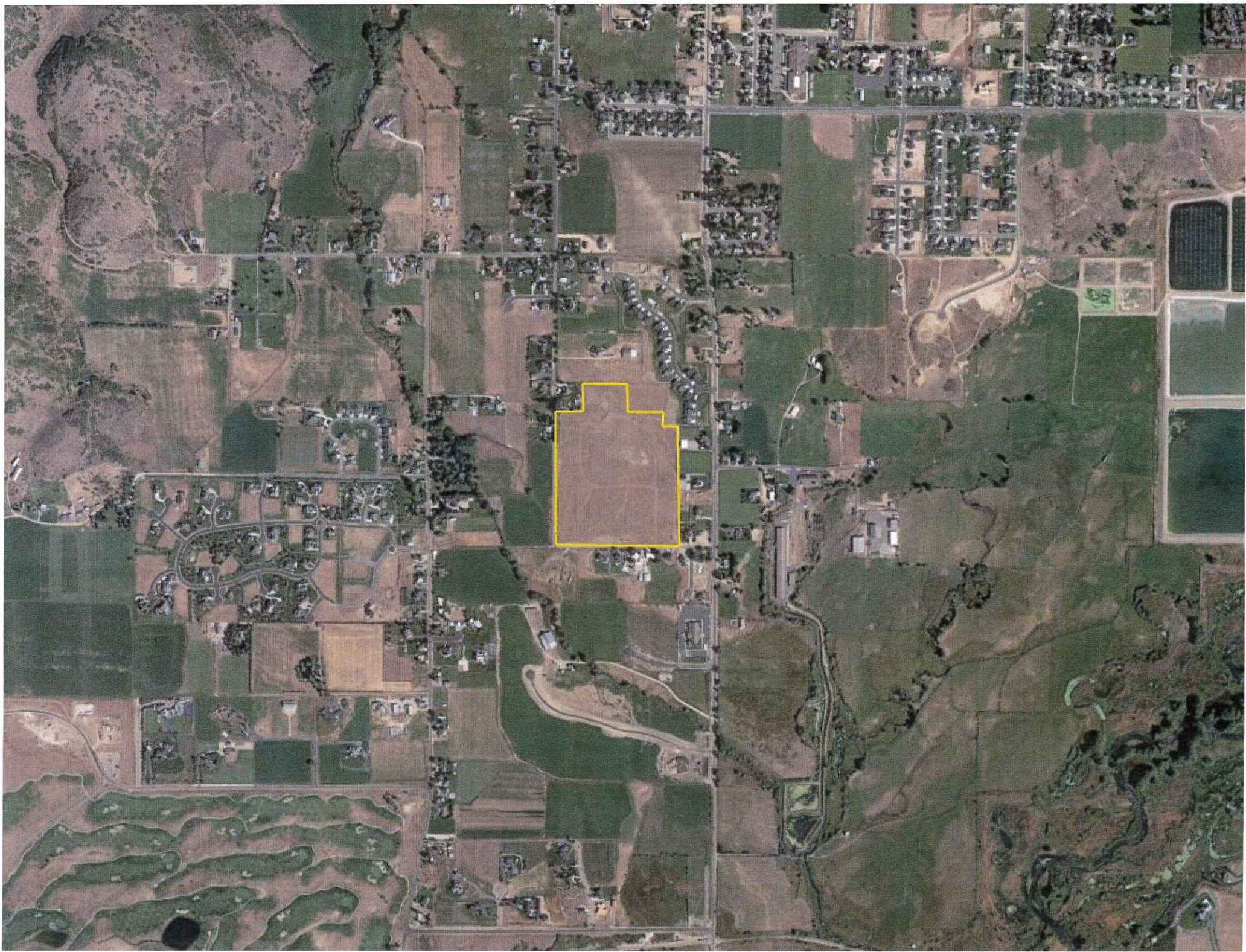
**Exhibit 2 – 2.36 Acre Remnant Parcel**

**Exhibit 3 – Existing Saddle Creek Ranch Plat**

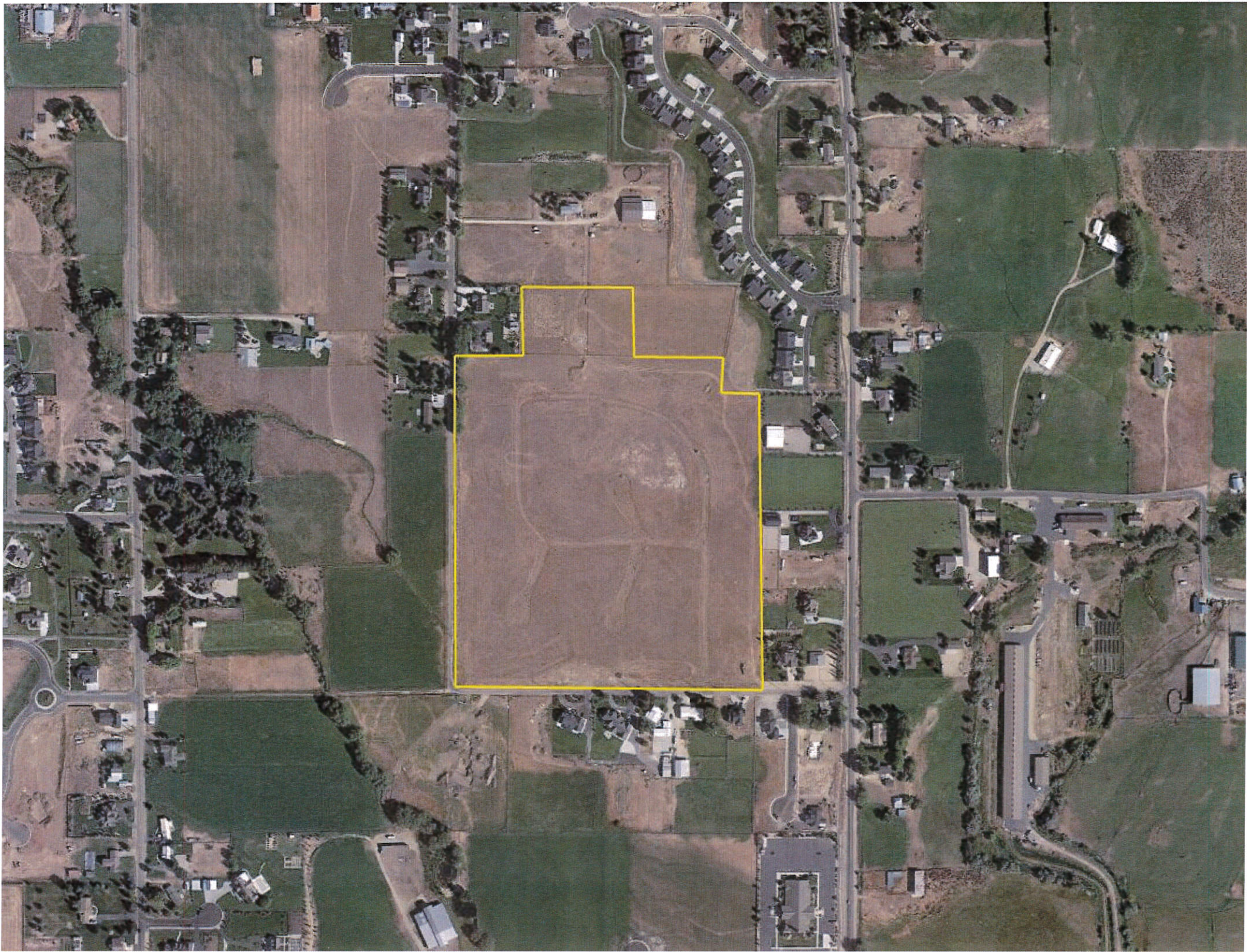
**Exhibit 4 – Approved Amended Master Plan**

# **Exhibit 1**

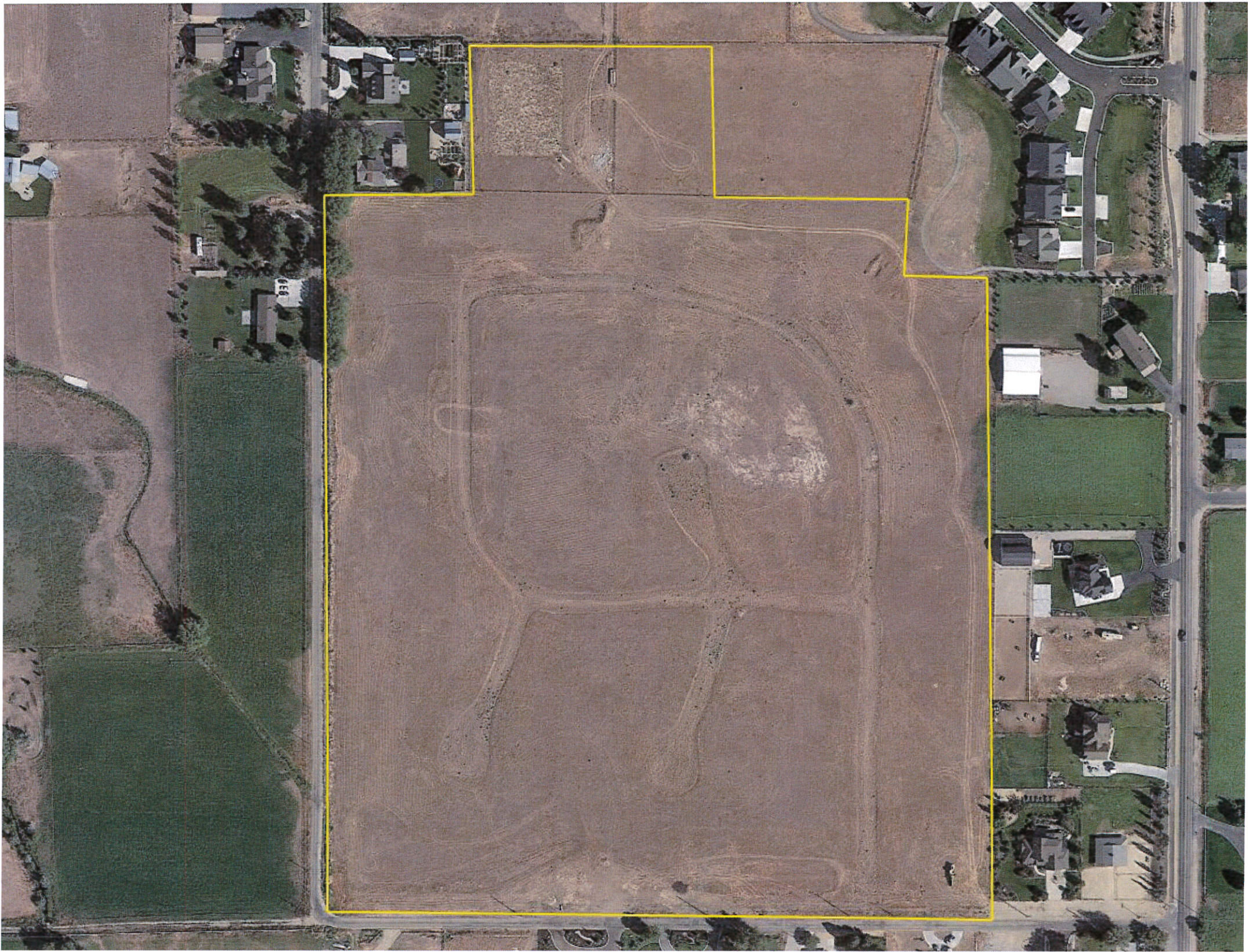








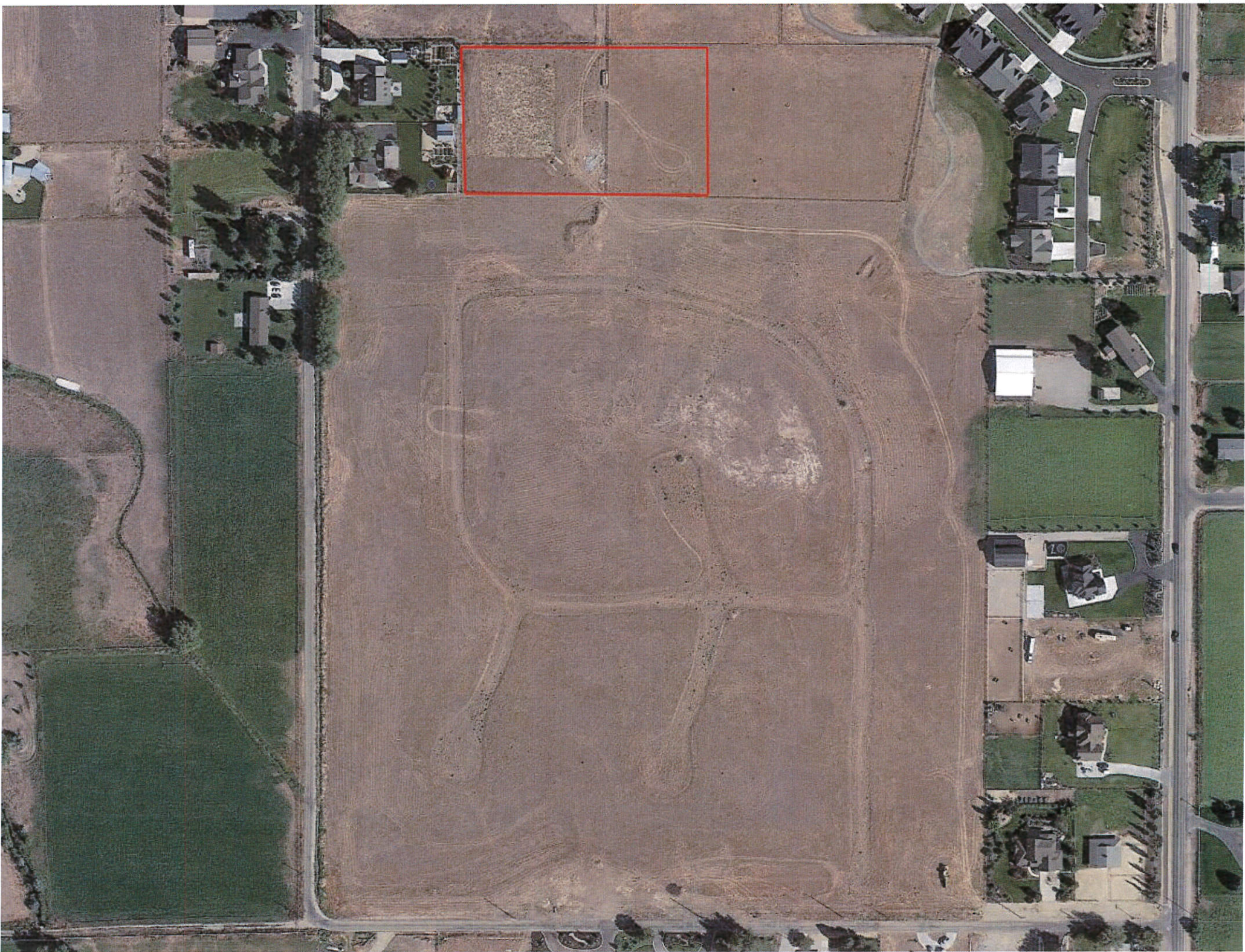






# **Exhibit 2**







# Exhibit 3



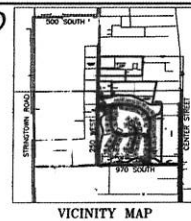
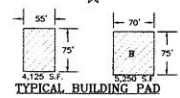
BUILDING PAD COORDINATES											
PT	NORTHING	EASTING	PT	NORTHING	EASTING	PT	NORTHING	EASTING	PT	NORTHING	EASTING

# SADDLE CREEK RANCH PUD

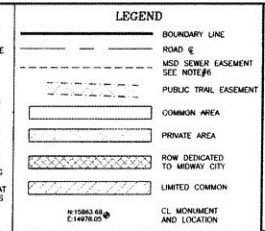
PART OF THE NORTHEAST QUARTER AND SOUTHEAST QUARTER OF SECTION 3, TOWNSHIP 4 SOUTH, RANGE 4 EAST, SALT LAKE BASIN AND MERIDIAN MIDWAY, UTAH

## FINAL PLAT

SCALE 1"=100'



- NOTES**
- ALL STREETS, DRIVES, AND COMMON AREAS ARE PUBLIC AND PRIVATE UTILITY EASEMENTS AND ACCESS EASEMENTS FOR MAINTENANCE OF SAID UTILITIES.
  - A 50'x100' AREA HAS BEEN RESERVED FOR THE CLUBHOUSE AND POOL. THE TRACING AND SIZE FOR THE CLUBHOUSE AND POOL WILL BE DETERMINED BY THE DEVELOPER.
  - SETBACK: 20 FEET FROM SIDEWALK.
  - ROW DEDICATED TO MIDWAY CITY: 1.59 ACRES.
  - THE STORM DRAINAGE COLLECTION SYSTEM WITHIN SADDLE CREEK RANCH PUD IS TO BE MAINTAINED, OPERATED, AND REPAIRED BY THE HOMEOWNERS ASSOCIATION.
  - MIDWAY SEWER DISTRICT (MSD) SHALL HAVE THE RIGHT TO INSTALL, MAINTAIN, AND OPERATE THEIR EQUIPMENT ABOVE AND BELOW GROUND AND ALL OTHER RELATED FACILITIES WITHIN THE SEWER EASEMENTS IDENTIFIED ON THIS PLAT MAP AS MAY BE NECESSARY OR DESIRABLE IN PROVIDING SEWER SERVICE WITHIN AND WITHOUT THE LOTS IDENTIFIED HEREIN, INCLUDING RIGHT OF ACCESS TO SUCH FACILITIES AND THE RIGHT TO REQUIRE REMOVAL OF ANY OBSTRUCTIONS INCLUDING STRUCTURES, TREE AND VEGETATION THAT MAY BE PLACED WITHIN THE EASEMENT AT THE LOT OWNERS EXPENSE, OR THE UTILITY MAY REMOVE SUCH STRUCTURES AT THE LOT OWNERS EXPENSE, AT NO SUCH TIME MAY ANY PERMANENT STRUCTURES BE PLACED WITHIN THE EASEMENT OR ANY OBSTRUCTION WHICH INTERFERES WITH THE USE OF THE EASEMENT WITHOUT THE PRIOR WRITTEN APPROVAL OF MSD.



### SURVEYOR'S CERTIFICATE

I, Brian G. Lyon, a Registered Land Surveyor, hold Certificate No. 276617, as prescribed by the laws of the State of Utah, and do hereby certify that by the authority of the owner, I have made a survey of the tract of land shown on this plat, which is accurately described therein, and have subdivided said tract of land into lots and streets to be hereafter known as SADDLE CREEK RANCH PUD.



### LEGAL DESCRIPTION

Part of the Southeast Quarter and Northeast Quarter of Section 3, Township 4 South, Range 4 East, Salt Lake Basin and Meridian monumented with a Woodstock County Surveyor Brian Cap (East Quarter Corner monumented with a 2000 square N 00°05'10" W 255.425 feet along the South line of bearing) thence N 00°05'10" W 1333.50 feet along the east line of the Southeast Quarter of said Section 3 to the Southeast Corner of the Northeast Quarter of the Southeast Quarter of said Section 3; thence S 89°00'01" W 350.05 feet along the South line of the North Half of the Southeast Quarter of said Section 3 to the point of beginning and running thence S 89°00'01" W 1134.95 feet (West 1134.95 feet, by Record) along said south line of the north half of the Southeast Quarter of said Section 3; thence N 00°24'40" W 1253.76 feet (North 1004.36 feet, by Record), thence along an existing fence line the next four courses: 1) thence S 89°34'27" E 175.19 feet; 2) thence N 89°34'34" E 67.76 feet; 3) thence N 00°05'54" E 119.00 feet; 4) thence N 01°22'37" W 129.24 feet; thence N 89°37'31" E 407.26 feet; thence S 00°05'19" E 268.21 feet; thence S 89°11'03" E 344.66 feet; thence S 10°43'24" W 133.26 feet; thence S 89°59'25" E 176.15 feet (East 160.05 feet, by Record); thence S 00°05'19" E 1099.23 feet to the point of beginning, containing 34.35 acres.

### RESERVATION OF COMMON AREA

THE OWNER, HAS DESIGNATED HEREIN CERTAIN COMMON AREAS INTENDED FOR THE USE BY THE OWNERS, THEIR GUESTS, AND INVITES, AND AREA HEREBY RESERVED FOR THEIR COMMON USE AND ENJOYMENT AS PROVIDED IN THE DECLARATION OF COVENANTS AND RESTRICTIONS OF SADDLE CREEK RANCH PUD RECORDED IN BOOK \_\_\_\_\_ BEGINNING AT PAGE \_\_\_\_\_ AS ENTRY NO. \_\_\_\_\_

### OWNERS DEDICATION

KNOW ALL BY THESE PRESENTS THAT THE UNDERSIGNED OWNERS OF THE ABOVE-DESCRIBED TRACT OF LAND, HAVE CAUSED THE SAME TO BE SUBDIVIDED INTO LOTS, PUBLIC STREETS, PRIVATE STREETS, EASEMENTS, LIMITED COMMON, AND COMMON AREA AND IN ACCORDANCE WITH THE TERMS AND CONDITIONS OF THE DECLARATIONS HEREBY DEDICATE THOSE AREAS LABELED AS PUBLIC STREETS, PRIVATE STREETS, SEWER EASEMENTS, PUBLIC TRAIL EASEMENTS, AND COMMON AREAS, FOR THE CONSTRUCTION AND MAINTENANCE OF PUBLIC UTILITIES AND EMERGENCY VEHICLE ACCESS.

IN WITNESS WHEREOF, WE HAVE HEREUNTO SET OUR HAND THIS 20th DAY OF August, 2007.

Snake Creek Ranch, LLC

Richard R. Arnold

### LIMITED LIABILITY ACKNOWLEDGEMENT

STATE OF UTAH, COUNTY OF WASATCH, on this 22nd day of August, 2007, Richard R. Arnold, Jr., who being by me duly sworn and del.

NOTARY PUBLIC, My Comm. Expires 12/31/2008, do hereby certify that the foregoing instrument was signed and acknowledged by the undersigned in my presence and that the undersigned is a duly qualified and duly sworn Notary Public for the State of Utah.

### PLANNING COMMISSION APPROVAL

APPROVED THIS 30th DAY OF July, 2007 BY THE MIDWAY CITY PLANNING COMMISSION

DIRECTOR-SECRETARY CHAIRMAN, PLANNING COMMISSION

### WASATCH COUNTY RECORDER

ENTRY NO. 325552 DATE 9-05-07 TIME 11:12 AM. FEE PAID \$100.00 RECORDED FOR SNAKE CREEK RANCH LLC BOOK NO. 945 PAGE NO. 18-190 M.GILES L.P. PAINTER DEPUTY COUNTY RECORDER COUNTY RECORDER

LOT	ADDRESS	LOT	ADDRESS
1	797 S. SADDLE CREEK DR.	30	915 S. SCENIC VIEW CT.
2	805 S. SADDLE CREEK DR.	31	919 S. SCENIC VIEW CT.
3	811 S. SADDLE CREEK DR.	32	920 S. SCENIC VIEW CT.
4	817 S. SADDLE CREEK DR.	33	916 S. SCENIC VIEW CT.
5	825 S. SADDLE CREEK DR.	34	900 S. SCENIC VIEW CT.
6	831 S. SADDLE CREEK DR.	35	894 S. SCENIC VIEW CT.
7	837 S. SADDLE CREEK DR.	36	860 S. TIMBERLINE DR.
8	843 S. SADDLE CREEK DR.	37	850 S. TIMBERLINE DR.
9	851 S. SADDLE CREEK DR.	38	840 S. TIMBERLINE DR.
10	857 S. SADDLE CREEK DR.	39	826 S. TIMBERLINE DR.
11	865 S. SADDLE CREEK DR.	40	816 S. TIMBERLINE DR.
12	871 S. SADDLE CREEK DR.	41	800 S. TIMBERLINE DR.
13	879 S. SADDLE CREEK DR.	42	787 S. SADDLE CREEK DR.
14	885 S. SADDLE CREEK DR.	43	841 S. TIMBERLINE DR.
15	893 S. SADDLE CREEK DR.	44	829 S. TIMBERLINE DR.
16	901 S. SADDLE CREEK DR.	45	815 S. TIMBERLINE DR.
17	909 S. SADDLE CREEK DR.	46	797 S. TIMBERLINE DR.
18	917 S. SADDLE CREEK DR.	47	794 S. SADDLE CREEK DR.
19	925 S. SADDLE CREEK DR.	48	804 S. SADDLE CREEK DR.
20	933 S. SADDLE CREEK DR.	49	812 S. SADDLE CREEK DR.
21	941 S. SADDLE CREEK DR.	50	820 S. SADDLE CREEK DR.
22	949 S. SADDLE CREEK DR.	51	828 S. SADDLE CREEK DR.
23	957 S. SADDLE CREEK DR.	52	836 S. SADDLE CREEK DR.
24	965 S. SADDLE CREEK DR.	53	844 S. SADDLE CREEK DR.
25	973 S. SADDLE CREEK DR.	54	852 S. BARBARO CT.
26	981 S. SADDLE CREEK DR.	55	830 S. BARBARO CT.
27	989 S. SADDLE CREEK DR.	56	834 S. BARBARO CT.
28	997 S. SADDLE CREEK DR.	57	850 S. BARBARO CT.
29	1005 S. SADDLE CREEK DR.	58	154 W. WATASH WAY
30	1013 S. SADDLE CREEK DR.	59	865 S. TIMBERLINE DR.

CURVE	LENGTH	RADIUS	CHORD BEARING	CHORD LENGTH
C1	50.70	500.00	5°49'29"	80.72094"E
C2	140.61	500.00	16°20'47"	149.15
C3	50.40	500.00	5°49'29"	80.72094"E
C4	140.61	500.00	16°20'47"	149.15
C5	193.7	250.00	5°29'34"	193.7
C6	236.53	500.00	5°29'34"	236.53
C7	218.41	250.00	5°29'34"	218.41
C8	96.78	250.00	27°43'29"	187°42'44"E
C9	29.19	500.00	4°02'27"	58°48'15"E
C10	179.30	450.00	22°51'18"	180°48'35"E
C11	97.62	150.00	27°17'22"	181°57'43"E
C12	28.15	450.00	2°33'37"	90°10'18"E
C13	61.30	500.00	7°01'29"	187°34'18"E
C14	31.94	150.00	12°12'03"	189°50'26"E
C15	62.44	250.00	17°48'13"	180°38'31"E
C16	54.22	250.00	12°23'35"	180°19'49"E
C17	61.30	250.00	4°56'59"	182°28'29"E
C18	31.57	200.00	30°27'18"	144°54'21"E

**UTILITY APPROVAL**

APPROVED BY THE FOLLOWING UTILITIES

Midway Irrigation Company 8/6/2007

Midway Sanitation District 8/7/2007

**ACCEPTANCE BY MIDWAY CITY**

THE CITY COUNCIL OF MIDWAY CITY, WASATCH COUNTY, STATE OF UTAH, HEREBY APPROVES THIS PLANNED UNIT DEVELOPMENT AND ACCEPTS THE DEDICATION OF EASEMENTS AND PUBLIC RIGHTS-OF-WAY HEREON SHOWN.

THIS 30th DAY OF July, 2007

APPROVED: Mayor ATTEST: Clerk-Recorder

APPROVED BY: J. M. K. 9-05-07

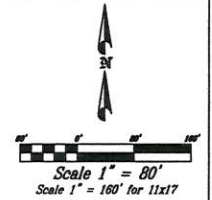
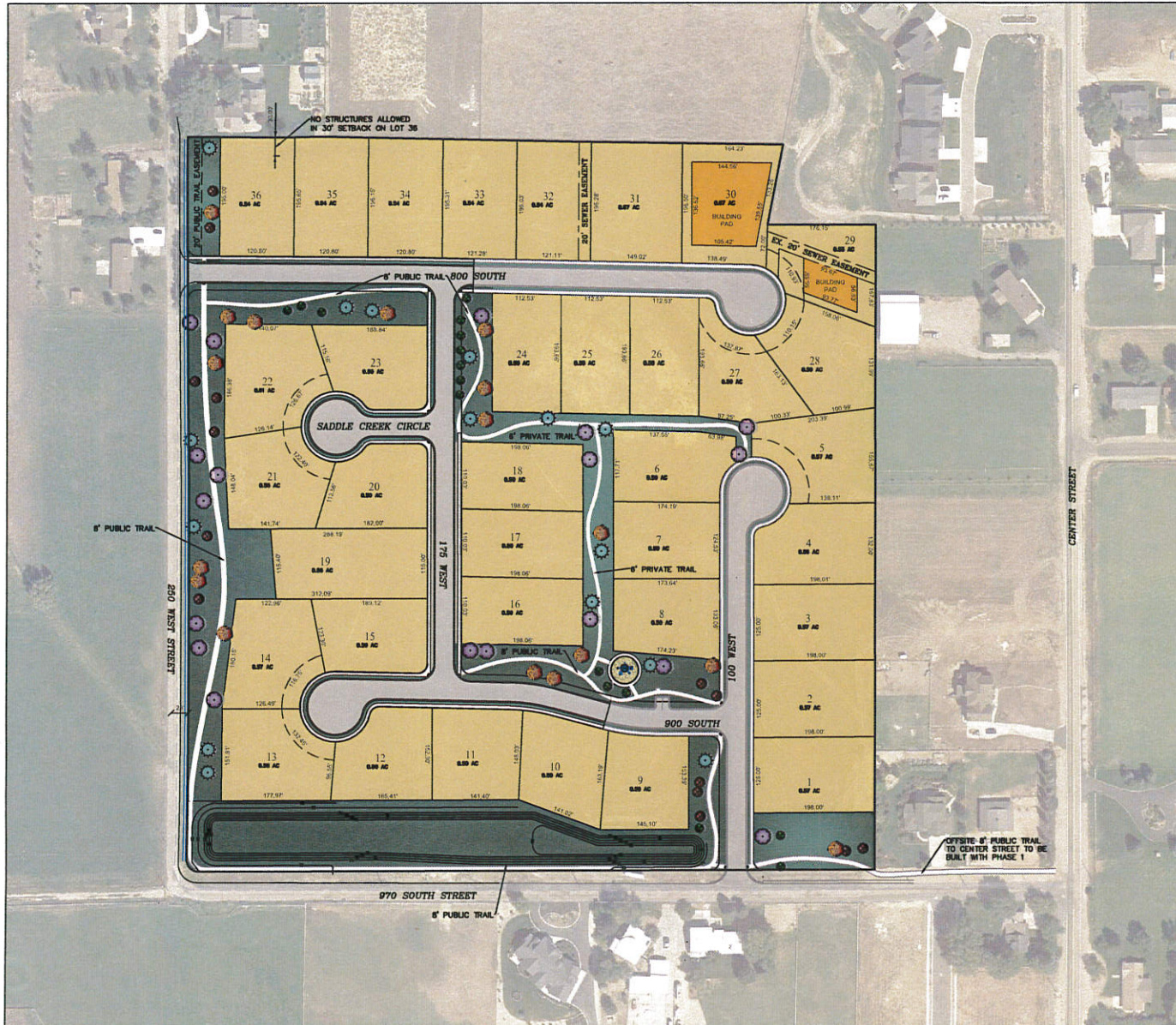
WASATCH COUNTY SURVEYOR

SADDLE CREEK RANCH  
PART OF THE NORTHEAST QUARTER AND SOUTHEAST QUARTER OF SECTION 3, TOWNSHIP 4 SOUTH, RANGE 4 EAST, SALT LAKE BASIN AND MERIDIAN MIDWAY, UTAH

ALLIANCE CONSULTING ENGINEERS  
760 WEST 200 NORTH SUITE 8  
LOCAL, UTAH 84321  
(435) 755-5121

# **Exhibit 4**





#### LAND USE CALCULATIONS:

TOTAL AREA	30.38 AC
# OF LOTS	36 LOTS
OPEN SPACE	6.12 AC (20.14%)(15% REQUIRED)
ZONE	R-1-22
MIN. LOT SIZE	0.50 AC
MIN. FRONTAGE	110.03'
(FRONTAGE REDUCED BY 4.32% ADDITIONAL OPEN SPACE ABOVE 15%)	

#### NOTE:

REQUIRED 115' OF FRONTAGE IN R-1-22 ZONE HAS BEEN REDUCED BY THE EXTRA 4.32% OF OPEN SPACE. ALLOWED MINIMUM FRONT AGE IS 110.13'

MASTER PLAN APPROVED BY THE  
MIDWAY CITY COUNCIL APRIL 2019.

THIS DOCUMENT IS RELEASED  
FOR REVIEW ONLY. IT IS NOT  
INTENDED FOR CONSTRUCTION  
UNLESS SIGNED AND SEALED.  
PHIL B. BERG P.E.  
SERIAL NO. 305585  
DATE: 22 JAN 2021

WATKINS  
SADDLE CREEK - PHASE 2 & 3

APPROVED MASTER PLAN



DESIGN BY: PDB DATE: 22 JAN 2021 SHEET  
DRAWN BY: CNB REV. 2



## ORDINANCE 2021-09

### **AN ORDINANCE VACATING THE SADDLE CREEK RANCH PUD SUBDIVISION PLAT, AND RELATED MATTERS**

**WHEREAS**, Utah Code Section 10-9a-609 authorizes a city council to vacate a plat by ordinance; and

**WHEREAS**, the owners of the property located within the recorded plat of the Saddle Creek Ranch PUD have requested that the Midway City Council vacate this plat; and

**WHEREAS**, the Midway City Council held a duly noticed public hearing on the request on the \_\_\_\_ day of \_\_\_\_\_, 2021; and

**WHEREAS**, the City Council finds that there is good cause for the proposed vacation and that neither the public interest nor any person will be materially injured by the vacation.

**NOW, THEREFORE**, be it hereby Ordained by the City Council of Midway City, Utah, as follows:

The Saddle Creek Ranch PUD Plat, recorded on the 5<sup>th</sup> day of September, 2007, Entry # 325552, Book 949, Page No. 181-190, is hereby vacated.

This Ordinance shall take effect immediately upon publication as required by law.

**PASSED AND ADOPTED** by the City Council of Midway City, Wasatch County, Utah  
this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

AYE

NAY

Council Member Steve Dougherty

\_\_\_\_\_

\_\_\_\_\_



Council Member Jeff Drury	_____	_____
Council Member Lisa Orme	_____	_____
Council Member Kevin Payne	_____	_____
Council Member JC Simonsen	_____	_____

APPROVED:

\_\_\_\_\_  
Celeste Johnson, Mayor

ATTEST:

\_\_\_\_\_  
Brad Wilson, City Recorder

APPROVED AS TO FORM:

\_\_\_\_\_  
Corbin Gordon, City Attorney

(SEAL)