

NORM GEORGE FLAG LOT SUBDIVISION

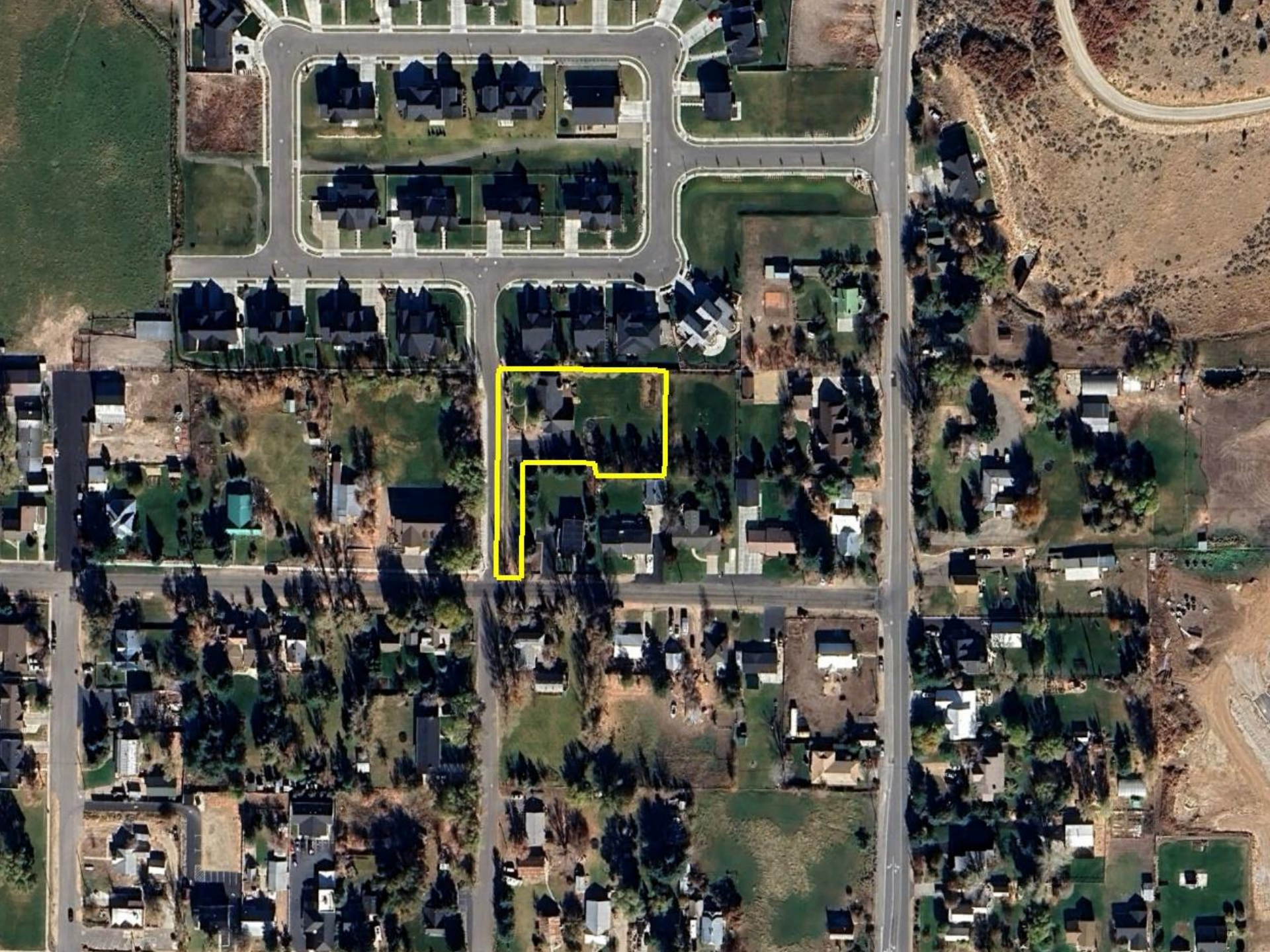
PLAT AMENDMENT

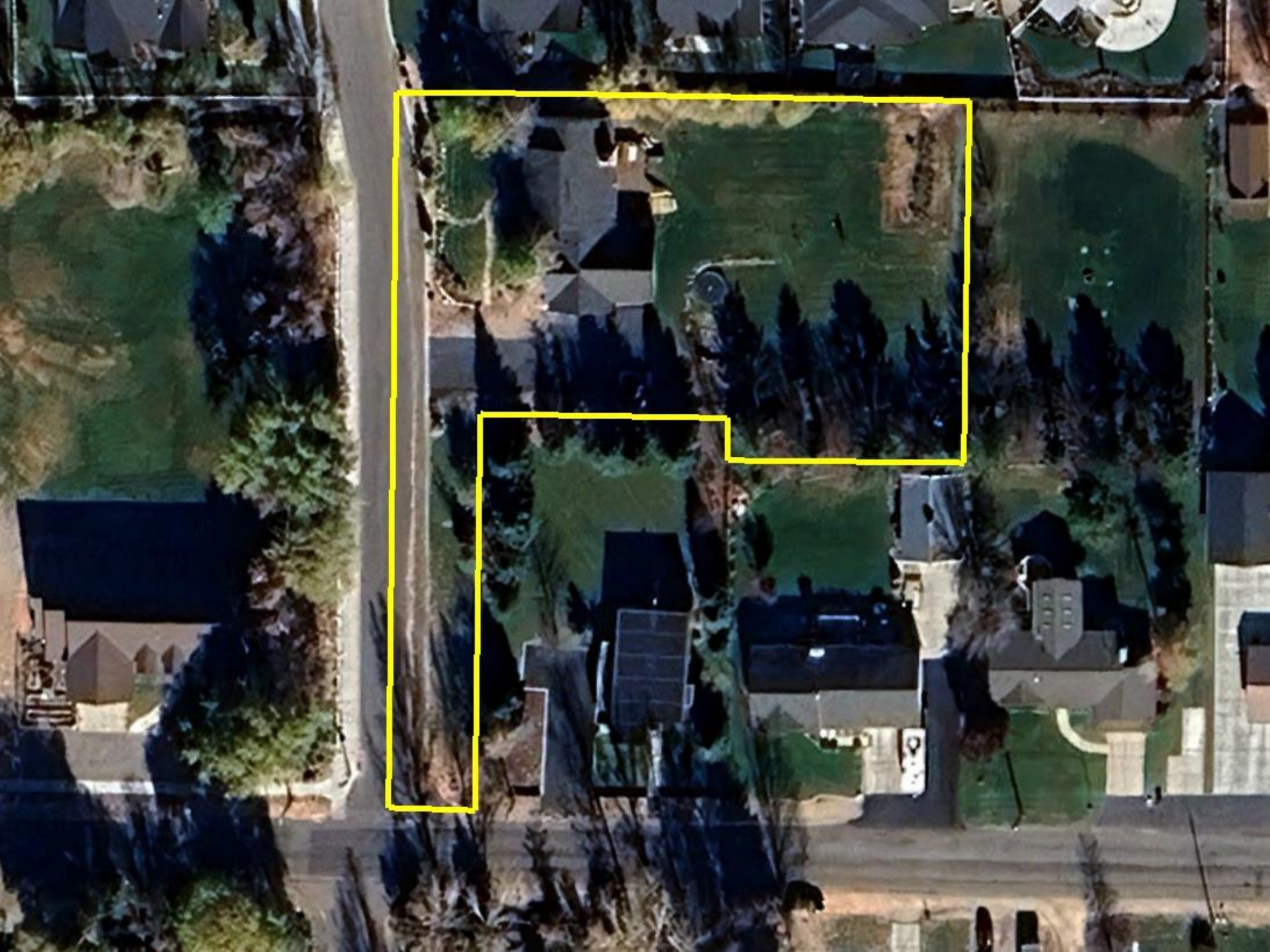
LAND USE SUMMARY


- Norm George Flag Lot Subdivision
 - Lot 1 – 0.91 acres
 - Zoned R-1-9
- Proposal to vacate 0.16 acres
 - 0.09 acres will be deeded to Midway City for 300 East
 - Approximately 50' x 291'
 - 0.07 acres will be deeded to Michael and Cindy Hopkins
- If approved, Norm George Flag Lot will be 0.85 acres

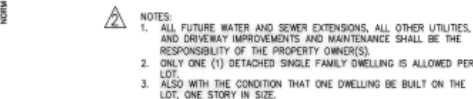
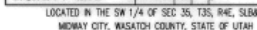


Midway





SURVEYOR
JASON G. JENKINS, P.L.S.
P.O. BOX 411
MIDWAY, UTAH 84049
PHONE: (435) 671-



ADDRESS TABLE	
ADDRESS	
309	EAST 100 NORTH

DENNIS CLEGG

DENNIS CLEGG

1995 WASATCH COUNTY
SURVEY MONUMENT FOR
NORTH 1/4 CORNER,
SECTION 35, T3S, R4E, SLB&M
(1983 STATE PLAN IN METERS:
X: 503,171.449; Y: 2,242,973.705)

RIVER ROAD

MEMORIAL HILL
CONTROL POINT MONUMENT
(1983 STATE PLANE IN METERS
X503.266.376; Y:2.242.405.945)

100 NORTH STREET

COUNTY RECORDER

ENTRY # 974883 DATE 12-20-11 TIME 4:31 PM
 FEE 30.00 BK 1046 PG# 1231 FOR PARK CITY TID
 BY IP
 WASHCRA COUNTY SHERIFF ELIZABETH M PALMER

Jack _____ DATE: 9/24/17
 WASATCH COUNTY SURVEYOR
 Steve Smith _____ DATE: 12/15/17
 MIDWAY IRRIGATION COMPANY
 [Signature] _____ DATE: 11/1/17
 MIDWAY SANITATION DISTRICT

SURVEYOR'S CERTIFICATE

IN ACCORDANCE WITH SECTION 10-90-603 OF THE UTAH CODE, I, JASON G. JENKINS, DO HEREBY CERTIFY THAT I AM A PROFESSIONAL LAND SURVEYOR HOLDING LICENSE NUMBER 6119653 IN ACCORDANCE WITH TITLE 58, CHAPTER 22, OF THE PROFESSIONAL ENGINEERS AND PROFESSIONAL LAND SURVEYORS LICENSING ACT.

I FURTHER CERTIFY THAT I HAVE COMPLETED A SURVEY OF THE PROPERTY DESCRIBED ON THE PLAT IN ACCORDANCE WITH SECTION 17-23-1 OF THE UTAH CODE, AND HAVE VERIFIED ALL MEASUREMENTS, AND HAVE PLACED MONUMENTS AS REPRESENTED ON THE PLAT.

10-4-2011
DATE

10/26/98 10:26 AM

BOUNDARY DESCRIPTION

AND RUNNING THENCE SOUTH 154.00 FEET; THENCE WEST 100.00 FEET;
THENCE NORTH 20.57 FEET; THENCE WEST 105.00 FEET; THENCE SOUTH 158.57
FEET; THENCE WEST 35.00 FEET; THENCE NORTH 292.00 FEET; THENCE EAST
240.00 FEET TO THE POINT OF BEGINNING.

CONTAINING: 0.91 ACRES

BASIS OF BEARING

THE BASIS OF BEARING FOR THIS SURVEY WAS ESTABLISHED AS SOUTH 09°29'31" EAST BETWEEN THE 1995 WASATCH COUNTY SURVEY MONUMENT FOR THE NORTH ONE-QUARTER CORNER SECTION 35, TOWNSHIP 3 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN, AND THE "MEMORIAL HILL, CONTROL POINT", IN CONFORMANCE WITH UTAH COORDINATE SYSTEM BEARINGS 1983 CENTRAL ZONE.

OWNER'S DEDICATION

KNOW ALL MEN BY THESE PRESENTS THAT, THE UNDERSIGNED OWNER(S) OF THE PROPERTY DESCRIBED HEREON, HAVE VACATED THE NORM GEORGE FLAG LOT SUBDIVISION (AMENDED) AND HAVE CAUSED THE SAME TO BE SUBDIVIDED INTO A LOT AND EASEMENTS, AND HEREBY DEDICATE THOSE AREAS LABELED AS EASEMENTS FOR THE CONSTRUCTION AND MAINTENANCE OF PUBLIC UTILITIES.

DATED THIS 4th DAY OF October, A.D. 20 11
BY: Quinn Calder BY: Laura Calder
QUINN CALDER LAURA CALDER

ACKNOWLEDGMENT

STATE OF Utah } S.S.
COUNTY OF Wasatch }

ON THE 4th DAY OF October, A.D. 2011, PERSONALLY APPEARED
BEFORE ME, Quinn Collier, Laura Collier WHO DULY ACKNOWLEDGED TO ME THAT HE/SHE
DID EXECUTE THE SAME IN THE CAPACITY INDICATED.

MY COMMISSION EXPIRES Sept 28, 2014 Hay S. Motley
NOTARY PUBLIC

ACCEPTANCE BY MIDWAY CITY

THE CITY COUNCIL OF MIDWAY CITY, WASATCH COUNTY, STATE OF UTAH,
HEREBY APPROVES THIS SUBDIVISION AND ACCEPTS THE DEDICATION OF
LOTS, EASEMENTS, STREETS AND PUBLIC RIGHTS-OF-WAY HEREON SHOWN.
THIS 20 DAY OF December, A.D. 2011

APPROVED Craig Tipton ATTEST David Wilford
MAYOR CLERK-RECORDER
APPROVED Barbara J. Jones APPROVED Heidi A. Bond 12-19-20
CITY ENGINEER CITY ATTORNEY

PLANNING COMMISSION APPROVAL

APPROVED THIS 28TH DAY OF November, A.D. 2014 BY THE
MIDNAY CITY PLANNING COMMISSION
Mohd Z Rafe N/A
DIRECTOR - SECRETARY CHAIRMAN, PLANNING COMMISSION

NORM GEORGE FLAG LOT
SUBDIVISION (2ND AMENDED)

SCALE: 1" = 30 FEET



LOERTSCHER

NORTH 292.00'

WEST 35.00'

SOUTH 158.57'

WEST 105.00'

NORTH

20.57'

WEST 100.00'

EAST 240.00'

P.O.B.

SOUTH 154.00'

10 P.U.E.
(TYPICAL)

0.91 ACRE

1

REMOVED

ROBERT RIDDLE

TODD & CYNTHIA
DRENNAN

DON HUGGARD

100 NORTH STREET

N80°00'00"W
6.53

CURB MON
5550.23

733.47

104.00

200.00

Vacation 1
3920 sq. ft.
0.09 acres

- 10' Side Setback from Lot Line
- 30' Setback from Original Property Line
- 30' Setback from Right of Way

20.37

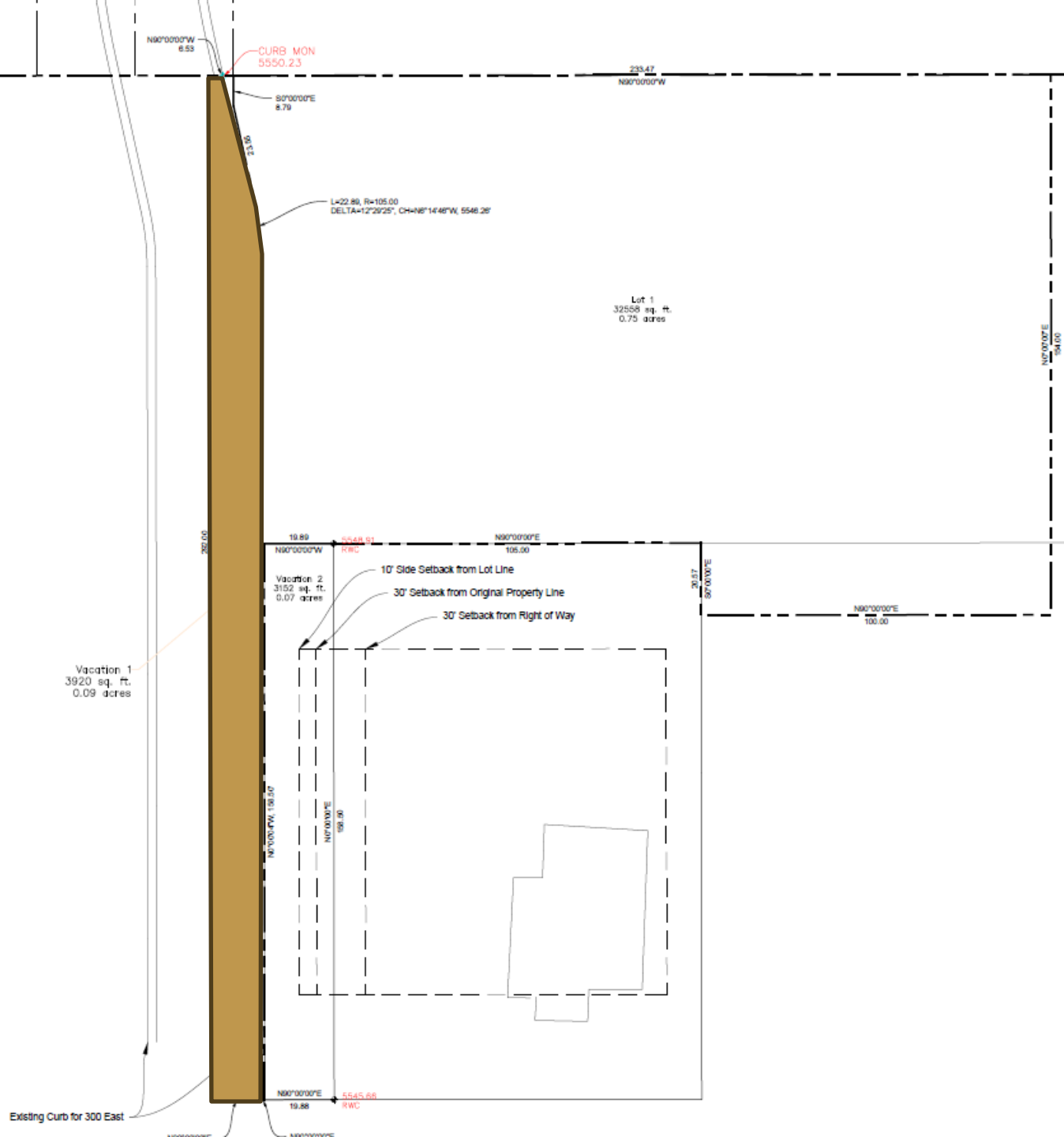
100.00

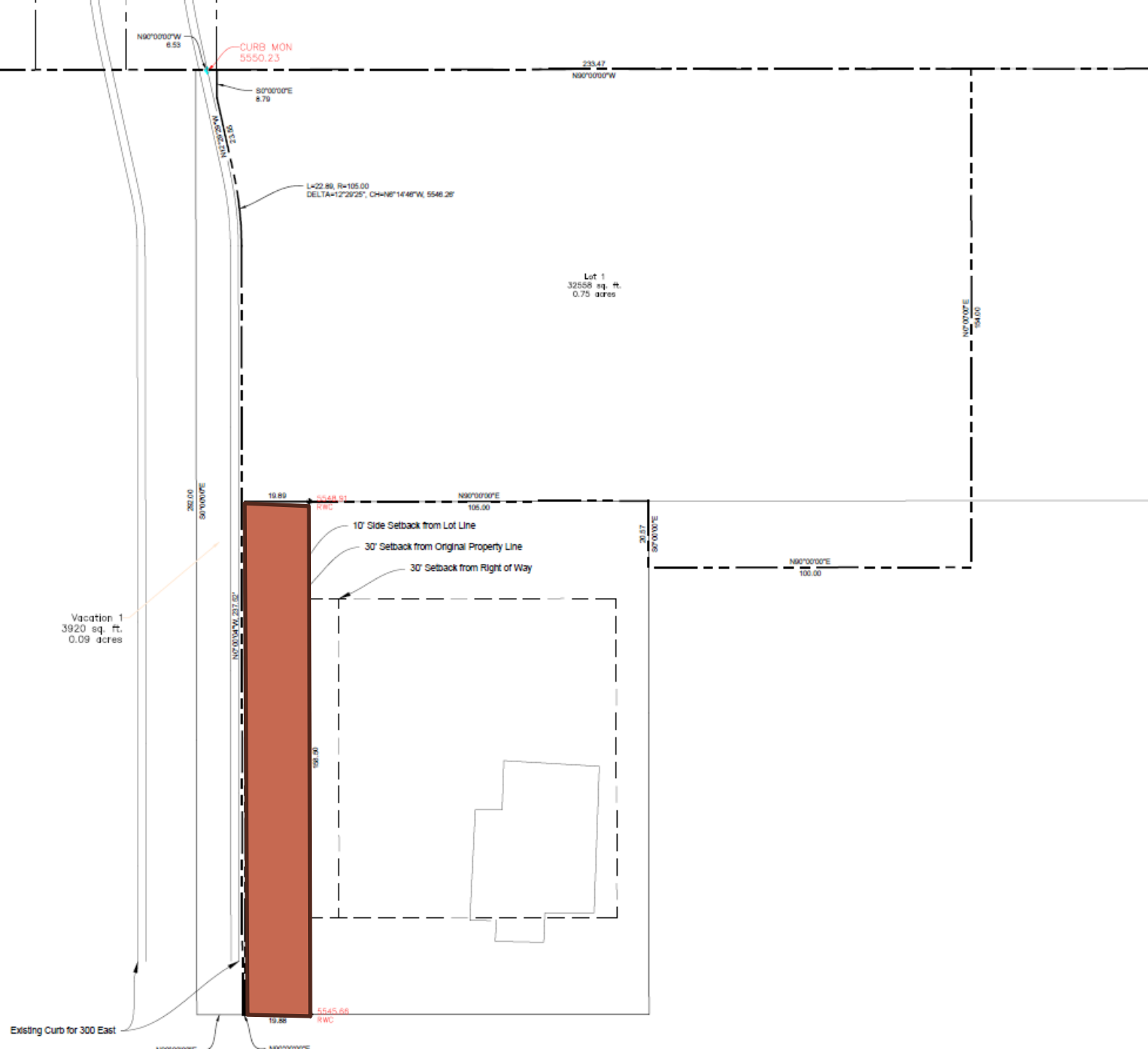
100.00

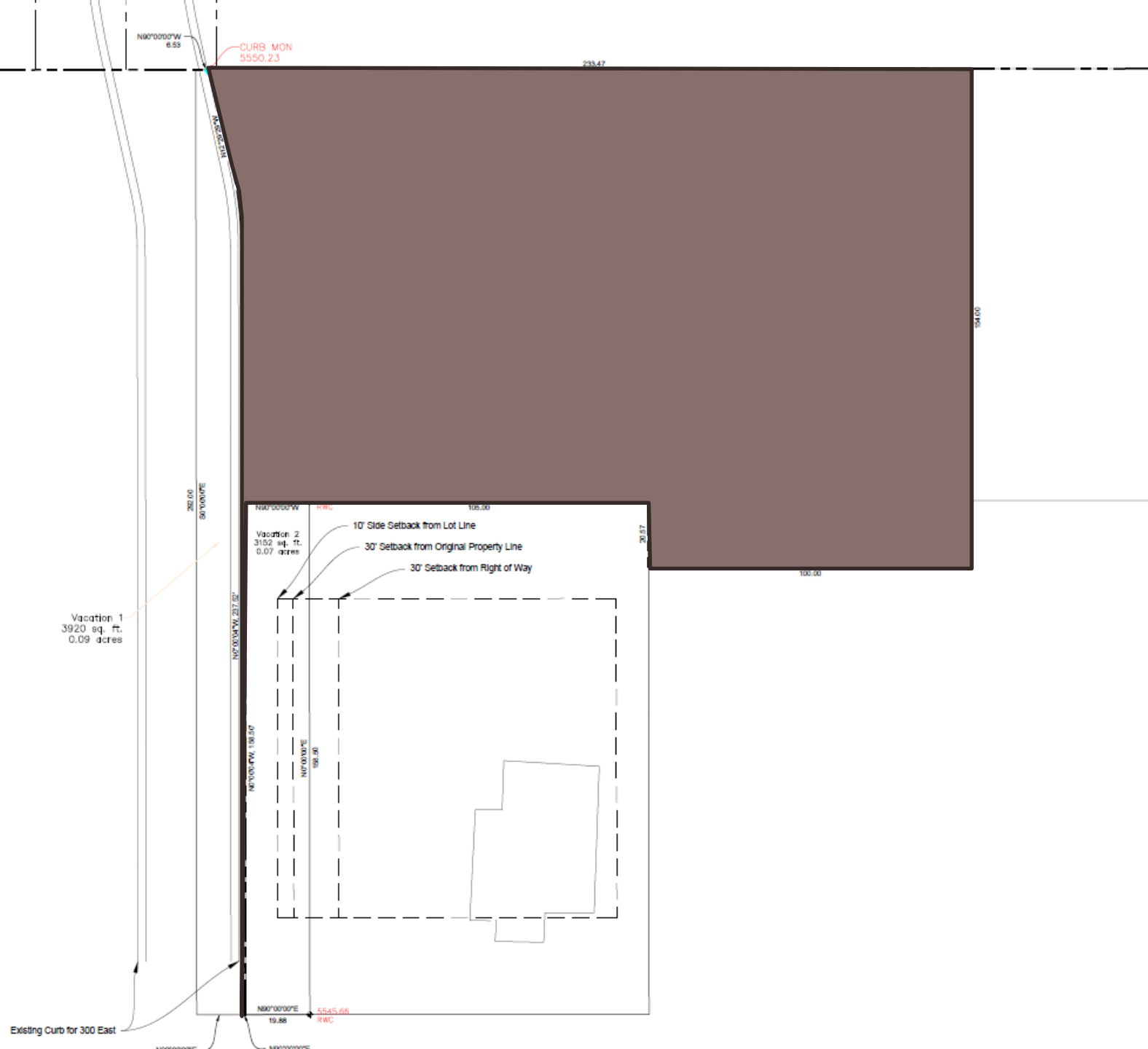
19.58

5545.68
RWC

Existing Curb for 300 East







PROPOSED FINDINGS

- 300 East is partially built on Quinn and Laura Calder's property
- The City will be deeded the right-of-way for 300 East
- The Calders will be able to deed part of their property to their neighbor
- 0.16 acres will be vacated from the Norm George Flag Lot 2nd Amended plat
- State code requires that lot line adjustments are approved if no land use ordinance is violated

Quinn Calder
146 No 300 E
Midway, UT 84049
801-864-7554
calderq@gmail.com

July 1, 2025

Midway City Attorney's Office
Midway City Hall
75 North 100 West
Midway, UT 84049

Subject: *Notice of Improper Taking of Private Property and Request for Resolution*

To Whom It May Concern,

I am the owner of property located at **146 North 300 East, Norm George Subdivision** in Midway City. This property was lawfully platted and recorded in 2005.

It has come to my attention that a previous owner signed a deed conveying a portion of my platted lot to the City of Midway. However, it appears the City did not follow the required legal process for subdividing or amending a recorded plat as required under **Utah Code §§ 10-9a-603 and 10-9a-604** (Municipal Land Use, Development, and Management Act).

Despite the lack of a lawful plat amendment, the City constructed a public road on this portion of my lot. The original subdivision plat remains on record showing the full lot boundary, and no lawful condemnation or just compensation has ever been completed for the portion taken for public use.

Key Facts:

- **Original Plat:** Property recorded in 2005 subdivision plat with defined boundaries.
- **Improper Deed:** A portion of my lot was deeded to the City by a previous owner without proper subdivision or plat amendment approval.

- **Public Road Built:** The City constructed a public road on this land despite no lawful lot split or just compensation.
 - **No Just Compensation:** I have not been compensated for the portion taken for public use.
 - **Current Status:** The property is still legally described on the original plat and in county records.
-

Timeline Summary:

- **2005:** Original subdivision plat recorded.
 - **May 26, 2006:** Portion deeded to City by previous owner.
 - **2018:** Road constructed on that portion of lot.
 - **2011:** I confirmed the plat was never properly amended and the taking did not follow required legal process.
-

Legal Position:

Under **Utah law**, any subdivision or alteration of a recorded plat must follow the statutory process, including City approval, public notice if required, and recording of an amended plat. Utah's **Constitution (Article I, Section 22)** and **Utah Code Title 78B, Chapter 6, Part 5 (Eminent Domain)** guarantee that private property cannot be taken or damaged for public use without just compensation.

The failure to follow these procedures constitutes an **improper taking**, giving rise to an **inverse condemnation claim** under Utah law.

Requested Resolution:

To resolve this matter fairly, I am asking the City to do what the law requires and what good faith demands:

- ☒ **Remove all public improvements encroaching on my platted property and fully restore the lot to its original configuration as recorded on the 2005 subdivision plat, OR**
- ☒ **Pay me fair market compensation for the portion of my property used for the public road and record an official plat correction reflecting the lawful new boundary, AND**
- ☒ **Allow my neighbor to purchase an additional portion of my lot through a lawful lot line adjustment with relief from normal setback requirements so they can build as needed in compliance with the final plat.**

Closing Statement:

When I discovered that you cannot simply deed over a platted lot without following the proper legal steps — and realized that the City took part of my land and used it for a public road without the required process — I felt double-crossed.

This isn't just a piece of ground to us. My family has built our life on this property. We raised our children here, teaching them the values of honesty, fairness, and respect for the law. We have given countless hours back to Midway as proud boosters and volunteers for many civic efforts around town because we love this community and believe in it.

That is why this situation is so disappointing and, frankly, painful. When we were forced into what felt like a 'shark tank' a few years ago, it didn't feel right. When the road went in without following the law, it didn't feel right. And today, it still doesn't feel right.

I am not asking for special treatment — only that the City follow the law and respect my property rights, as it would expect for any resident. Please make this right: restore my land as it was lawfully platted, or compensate me fairly for what has been taken, and help us work with our neighbor so they can adjust and build properly too.

Midway deserves better than a lingering sore spot. So does my family. I look forward to working with you in good faith to resolve this properly and finally.

Please respond within [15] days of receipt of this letter so we can begin resolving this matter cooperatively and avoid unnecessary legal action.

Thank you for your prompt attention.

Sincerely,
Quinn Calder

