



Midway

CITY COUNCIL MEETING STAFF REPORT

DATE OF MEETING: November 5, 2024
NAME OF PROJECT: First Homestead Country Homes – Plat Vacate
NAME OF APPLICANT: The Homestead Group LLC
AUTHORIZED REPRESENTATIVE: Berg Engineering
AGENDA ITEM: Plat Vacation
LOCATION: 650 North 640 West Units 1-4
ZONING DESIGNATION: Resort Zone

ITEM: 5

First Homestead Country Homes / Plat Vacation – Discuss and possibly approve a plat map vacation of the First Homestead Country Homes located at approximately 650 North 640 West (Resort Zone).

BACKGROUND:

Berg Engineering, representative for The Homestead Group LLC, has made a request to vacate the First Homestead Country Homes plat so that the recently approved Homestead plats for phases 1 and 2 can be recorded. The First Homestead Country Homes is a four-unit planned unit development plat that is located in the core of The Homestead Resort. It was originally recorded in 1976. It was amended twice, first in 1992 and most recently in 2007. The four units are all

owned by the applicant so the plat vacation can proceed without a public hearing. The owners would like to change the four units from condominiums (with separate tax identifications which allows them to be sold separately) to hotel units that will be owned by the resort owners and cannot be sold separately. Also, the common area around the four units will no longer be common area but will be owned by the owners of the resort.

The applicant has supplied the following information:

The building and other areas within the plat will be vacated. The existing building will become a guest unit building owned by the resort. The area around the building will become part of the resort. This change has previously been approved with the resort master plan and final approval. Please see the new resort plats for more information. The proposed plat vacation will be done by ordinance per Utah Code 10-9a-609(3)(a)&(b). The petitioner owns all four (4) units in the plat. No public hearing is need(ed) since the petition is signed by all of the owners (10-9a-608(1)(d)(ii).

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:

10-9a-609. Land use authority approval of vacation or amendment of plat -- Recording the amended plat.

- (1) The land use authority may approve the vacation or amendment of a plat by signing an amended plat showing the vacation or amendment if the land use authority finds that:
 - (a) there is good cause for the vacation or amendment; and
 - (b) no public street or municipal utility easement has been vacated or amended.
- (2)
 - (a) The land use authority shall ensure that the amended plat showing the vacation or amendment is recorded in the office of the county recorder in which the land is located.
 - (b) If the amended plat is approved and recorded in accordance with this section, the recorded plat shall vacate, supersede, and replace any contrary provision in a previously recorded plat of the same land.
- (3)
 - (a) A legislative body may vacate a subdivision or a portion of a subdivision by recording in the county recorder's office an ordinance describing the subdivision or the portion being vacated.
 - (b) The recorded vacating ordinance shall replace a previously recorded plat described in the vacating ordinance.
- (4) An amended plat may not be submitted to the county recorder for recording unless it is:

- (a) signed by the land use authority; and
 - (b) signed, acknowledged, and dedicated by each owner of record of the portion of the plat that is amended.
- (5) A management committee may sign and dedicate an amended plat as provided in Title 57, Chapter 8, Condominium Ownership Act.
- (6) A plat may be corrected as provided in Section 57-3-106.

State Code requires that the Land Use Authority finds two separate items:

1. There is good cause for the vacation or amendment; and
2. No public street or municipal utility easement has been vacated or amended

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:

- The proposal will vacate the First Homestead Country Homes plat.
- If approved, the units will no longer be able to be sold separately.
- No public streets or municipal easements will be vacated or altered as part of this vacation.

ALTERNATIVE ACTIONS:

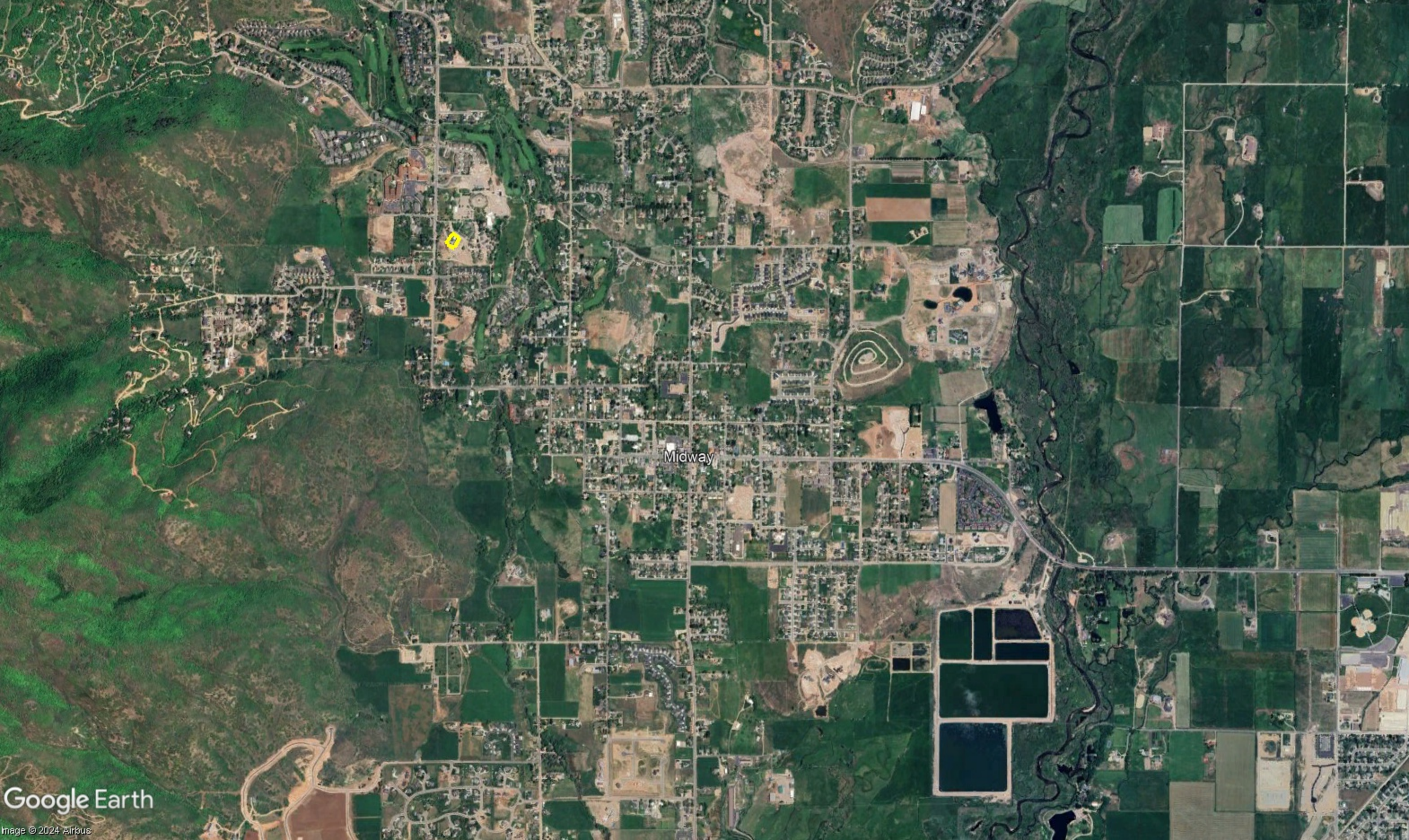
1. Approval (Conditional). This action can be taken if the City Council feels there is good cause to approve the proposal.
 - a. Accept staff report
 - b. Reasons for approval (findings)
 - c. Place condition(s) if needed

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. No proposed conditions.



Midway



West Bench

Snake Creek



CONSENT OF MORTGAGEE TO RECORD
 ZIONS FIRST NATIONAL BANK HEREBY CONSENTS TO THE RECORDING OF FIRST HOMESTEAD COUNTRY HOMES AND TO THE ACCESS EASEMENT AS DESCRIBED ON THIS PLAT.

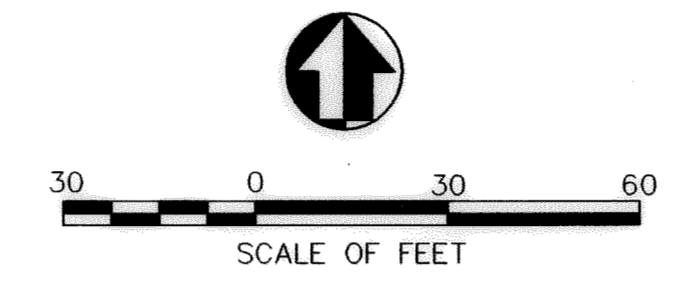
ACKNOWLEDGMENTS
 STATE OF UTAH)
 COUNTY OF) S.S.
 ON THE _____ DAY OF _____, 20____,
 PERSONALLY APPEARED BEFORE ME
 WHO DID ACKNOWLEDGE TO ME THAT HE/SHE EXECUTED THE
 FOREGOING CONSENT OF MORTGAGEE IN THE CAPACITY INDICATED.

ZIONS FIRST BANK
 BY: _____
 ITS: _____

NOTARY PUBLIC

LEGEND

- 11/14 = SECTION MONUMENT (FOUND) & SECTION LINE
- 14/14 = SET #5 REBAR AND CAP & BOUNDARY LINE
- ⊙ = ROAD RIGHT OF WAY
- = 10' PUBLIC UTILITY EASEMENT (PUE) (UNLESS OTHERWISE NOTED)
- = LOT LINE
- = CENTER LINE ACCESS EASEMENTS



LEGAL DESCRIPTIONS:
OPEN SPACE LEASE AREA
 A parcel of land lying and situated in the Southwest Quarter of Section 27, Township 3 South, Range 4 East, Salt Lake Base and Meridian, Midway City, Wasatch County, Utah. Comprising 0.45 acres of that certain Warranty Deed dated August 5, 1996, recorded August 7, 1996, as Entry Number 188625, in Book 328, at Page 622 of the Official Records of Wasatch County.

Basis of Bearing for Subject parcel being North 00°44'50" East 2666.57 (measured) 2667.00 (per State Coordinate & Dependent Resurvey of Portions of Township 3 South, Range 4 East, Salt Lake Base & Meridian, filed 4-21-98 as OWC-034-001-0-0731) between the Wasatch County brass cap monument monumentalizing the Southwest corner of said Section 27 and the Wasatch County brass cap monument monumentalizing the West Quarter Corner of said Section 27. Subject Parcel being more particularly described as follows:
 Commencing at the West Quarter corner of said Section 27, thence South 00°44'50" West 2404.94 feet coincident with the West line of the Southwest Quarter of said Section 13; Thence EAST 1348.59 feet to the True Point of Beginning:
 Thence South 56°36'16" East 71.36 feet;
 Thence South 35°38'48" East 18.71 feet;
 Thence South 54°38'37" East 62.41 feet;
 Thence South 33°12'05" West 174.50 feet;
 Thence North 69°01'57" West 98.82 feet;
 Thence North 09°50'00" West 53.25 feet;
 Thence North 35°12'05" East 179.04 feet to the point of beginning of this description.
 LESS AND EXCEPTING the land under the building and the garage as described and shown hereon.

ACCESS EASEMENT
 The access easement described as follows may be located and moved from time to time at the discretion of the Grantor. The access easement lying and situate in the Southwest Quarter of Section 27, Township 3 South, Range 4 East, Salt Lake Base and Meridian, Midway City, Wasatch County, Utah.
 Over and across that certain Warranty Deed dated August 5, 1996, recorded August 7, 1996, as Entry Number 188625, in Book 328, at Page 622 of the Official Records of Wasatch County. Basis of Bearing for Subject parcel being North 00°44'50" East 2666.57 (measured) 2667.00 (per State Coordinate & Dependent Resurvey of Portions of Township 3 South, Range 4 East, Salt Lake Base & Meridian, filed 4-21-98 as OWC-034-001-0-0731) between the Wasatch County brass cap monument monumentalizing the Southwest corner of said Section 27 and the Wasatch County brass cap monument monumentalizing the West Quarter Corner of said Section 27. Subject Parcel being 13 feet on either side of the described centerline more particularly described as follows:
 Commencing at a point more or less on the westerly line of the lands of "The Homestead" as described in said Warranty Deed, said point being South 00°44'50" West coincident with the West line of the Southwest Quarter of said Section 13; Thence EAST 1068.15 feet to the True Point of Beginning:
 Thence more or less along the centerline of an existing asphalt road South 88°32'02" East 220.86' to a point where the easement splits creating two separate travel lanes being 6.5' on each side of the described centerlines to avoid an existing tree;
 Lane 1
 Thence South 11°38'11" East 74.87 feet to a point of intersection with Lane 2.

Lane 2
 Thence continuing more or less along the centerline of the existing asphalt road South 88°32'02" East 22.85 feet;
 Thence South 11°38'11" West 54.53 feet;
 Thence South 54°20'06" West 33.17 feet to a point of intersection with Lane 1. Said point of intersection being the point where this access easement again is 13 feet on either side of described centerline.
 Thence South 54°20'06" West 39.51 feet;
 Thence South 39°13'21" West 49.73 feet;
 Thence South 13°09'16" West 39.08 feet;
 Thence South 10°50'00" East 30.49 feet;
 Thence South 28°33'11" East 120.45 feet to a point on the Westerly boundary of the Open Space Lease Area described hereon, being South 33°12'05" West from the True Point of beginning of said Open Space Lease Area, said point being the terminus of this description.

PARCEL A (BUILDING)
 A parcel of land lying and situated in the Southwest Quarter of Section 27, Township 3 South, Range 4 East, Salt Lake Base and Meridian, Midway City, Wasatch County, Utah. Comprising 0.14 acres of that certain First Homestead Country Homes PUD Plat recorded March 11, 1992, as Entry Number 159669, in Book 239, at Page 722 of the Official Records of Wasatch County.
 Basis of Bearing for Subject parcel being North 00°44'50" East 2666.57 (measured) 2667.00 (per State Coordinate & Dependent Resurvey of Portions of Township 3 South, Range 4 East, Salt Lake Base & Meridian, filed 4-21-98 as OWC-034-001-0-0731) between the Wasatch County brass cap monument monumentalizing the Southwest corner of said Section 27 and the Wasatch County brass cap monument monumentalizing the West Quarter Corner of said Section 27. Subject Parcel being more particularly described as follows:
 Commencing at the West Quarter corner of said Section 27, thence South 00°44'50" West 2440.36 feet coincident with the West line of the Southwest Quarter of said Section 13; Thence EAST 1338.00 feet to the True Point of Beginning:
 Thence South 56°47'55" East 85.00 feet;
 Thence South 33°12'05" West 73.50 feet;
 Thence North 56°47'55" West 85.00 feet;
 Thence North 33°12'05" East 73.50 feet to the point of beginning of this description.
 Contains 6,247 Square Feet (0.14 Acres) more or less.

PARCEL B (GARAGE)
 A parcel of land lying and situated in the Southwest Quarter of Section 27, Township 3 South, Range 4 East, Salt Lake Base and Meridian, Midway City, Wasatch County, Utah. Comprising 0.03 acres of that certain First Homestead Country Homes PUD Plat recorded March 11, 1992, as Entry Number 159669, in Book 239, at Page 722 of the Official Records of Wasatch County.
 Basis of Bearing for Subject parcel being North 00°44'50" East 2666.57 (measured) 2667.00 (per State Coordinate & Dependent Resurvey of Portions of Township 3 South, Range 4 East, Salt Lake Base & Meridian, filed 4-21-98 as OWC-034-001-0-0731) between the Wasatch County brass cap monument monumentalizing the Southwest corner of said Section 27 and the Wasatch County brass cap monument monumentalizing the West Quarter Corner of said Section 27. Subject Parcel being more particularly described as follows:
 Commencing at the West Quarter corner of said Section 27, thence South 00°44'50" West 2561.31 feet coincident with the West line of the Southwest Quarter of said Section 13; Thence EAST 1354.24 feet to the True Point of Beginning:
 Thence South 69°01'57" East 28.00 feet;
 Thence South 20°58'03" West 56.00 feet;
 Thence North 69°01'57" West 28.00 feet;
 Thence North 20°58'03" East 56.00 feet to the point of beginning of this description.
 Contains 1,456 Square Feet (0.03 Acres) more or less

SURVEYOR'S CERTIFICATE:
 I, Justin R. Jenkins do hereby certify that I am a Registered Professional Land Surveyor, and that I hold Certificate No. 5152644 as prescribed under laws of the State of Utah. I further certify that by authority if the owners, I have made a survey of the tract of land shown on this plat and described hereon, and that said description correctly describes the land surface upon which will be constructed the stated project.
 2-19-07
 DATE SURVEYOR (see seal below)

OWNER'S DEDICATION:
 KNOW ALL MEN BY THESE PRESENTS THAT WE, ALL OF THE UNDERSIGNED OWNER(S) OF THE PROPERTY DESCRIBED HEREON, HAVE CAUSED THE SAME TO BE SUBDIVIDED INTO LOTS TO BE HEREAFTER KNOWN AS FIRST HOMESTEAD COUNTRY HOMES DO HEREBY DEDICATE AND CONVEY ALL STREETS AND OTHER COMMON AREAS INDICATED HEREON FOR THE PERPETUAL USE OF
 IN WITNESS WHEREOF LLOYD PRESTWICH TRUST, (UNIT 1 & GARAGE 1) HAVE HEREUNTO SET OUR HAND THIS 13th DAY OF Feb 2007.
 BY: *Lloyd Prestwich*
 TITLE: Trustee
 IN WITNESS WHEREOF THE HOMESTEAD INC., A UTAH CORPORATION (UNIT 2 & 3 AND GARAGE 2 & 3) HAVE HEREUNTO SET OUR HAND THIS 27th DAY OF Feb 2007.
 BY: *Brad Mathews*
 TITLE: President
 IN WITNESS WHEREOF COLLINS V. MAXFIELD REVOCABLE LIVING TRUST & KAREN J. MAXFIELD REVOCABLE LIVING TRUST (UNIT 4 & GARAGE 4) HAVE HEREUNTO SET OUR HAND THIS 27th DAY OF Feb 2007.
 BY: *Collins V. Maxfield*
 TITLE: Trustee

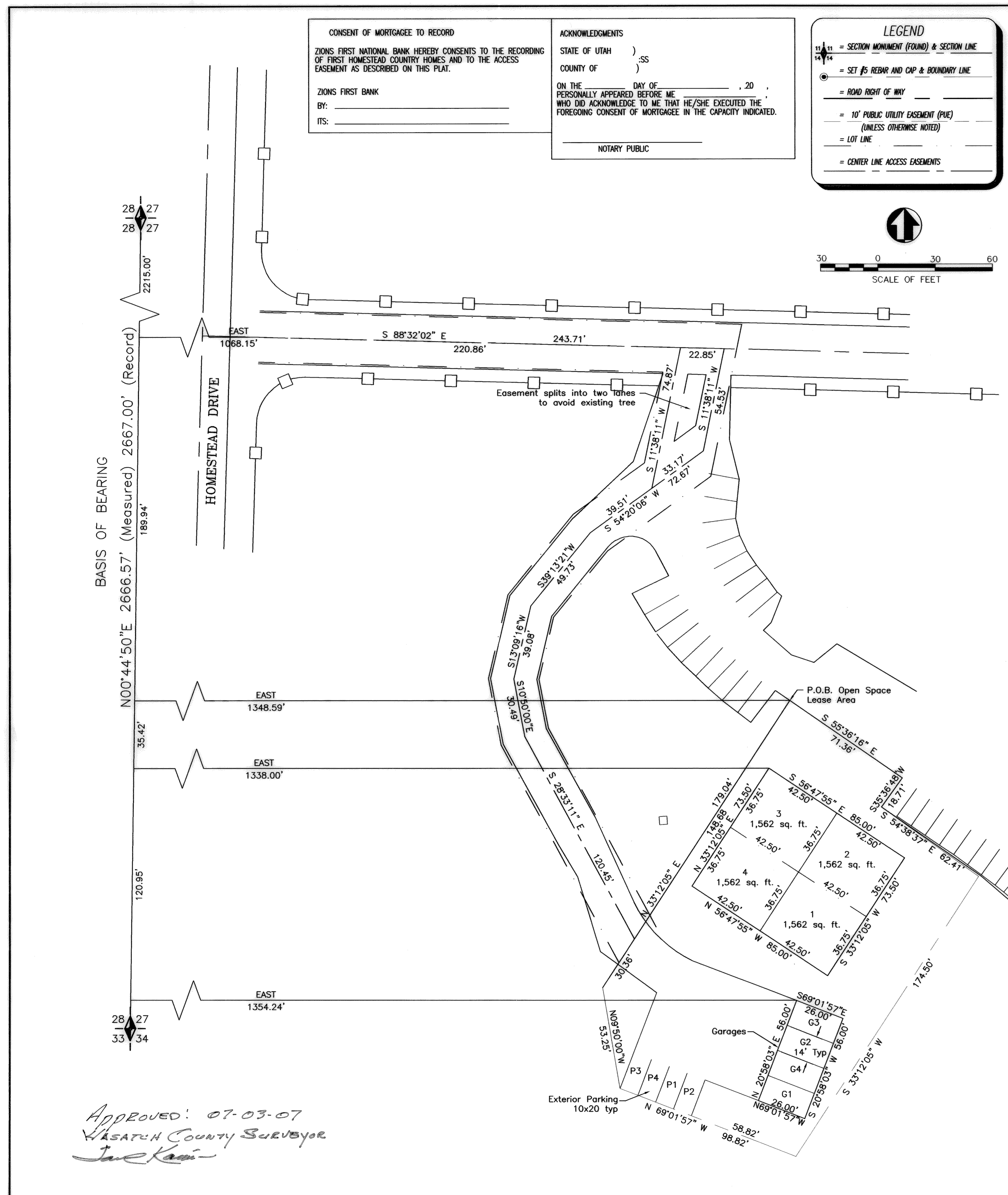
ACKNOWLEDGMENTS
 STATE OF UTAH)
 COUNTY OF) S.S.
 ON THE 27th DAY OF Feb, 2007 PERSONALLY APPEARED BEFORE ME, *Jennifer Lynn Sweet* NOTARY PUBLIC, IN AND FOR SAID COUNTY OF Wasatch IN SAID STATE OF UTAH, THE SIGNER() OF THE ABOVE OWNER'S DEDICATION, DULY ACKNOWLEDGE TO ME THAT SIGNED IT FREELY AND VOLUNTARILY AND FOR THE USES AND PURPOSES THEREIN MENTIONED.
Jennifer Lynn Sweet
 NOTARY PUBLIC
 RESIDING IN Wasatch COUNTY.
 MY COMMISSION EXPIRES: 12/08/09

STATE OF UTAH)
 COUNTY OF Washington) S.S.
 ON THE 27th DAY OF February 2007, PERSONALLY APPEARED BEFORE ME, *Collins V. Maxfield* NOTARY PUBLIC, IN AND FOR SAID COUNTY OF Washington IN SAID STATE OF UTAH, THE SIGNER() OF THE ABOVE OWNER'S DEDICATION, DULY ACKNOWLEDGE TO ME THAT SIGNED IT FREELY AND VOLUNTARILY AND FOR THE USES AND PURPOSES THEREIN MENTIONED.
Collins V. Maxfield
 NOTARY PUBLIC
 RESIDING IN Washington COUNTY.
 MY COMMISSION EXPIRES: June 21, 2009

STATE OF UTAH)
 COUNTY OF Salt Lake) S.S.
 ON THE 13th DAY OF March, 2007 PERSONALLY APPEARED BEFORE ME, *Lloyd Prestwich, Trustee* NOTARY PUBLIC, IN AND FOR SAID COUNTY OF Salt Lake IN SAID STATE OF UTAH, THE SIGNER() OF THE ABOVE OWNER'S DEDICATION, DULY ACKNOWLEDGE TO ME THAT SIGNED IT FREELY AND VOLUNTARILY AND FOR THE USES AND PURPOSES THEREIN MENTIONED.
Lloyd Prestwich
 NOTARY PUBLIC
 RESIDING IN Salt Lake COUNTY.
 MY COMMISSION EXPIRES: 11/10/07

ACCEPTANCE BY MIDWAY CITY:
 THE CITY COUNCIL OF MIDWAY CITY, WASATCH COUNTY, STATE OF UTAH, APPROVES THIS SUBDIVISION AND HEREBY ACCEPTS THE DEDICATION OF ALL STREETS, EASEMENTS AND OTHER PARCELS OF LAND INTENDED FOR PUBLIC PURPOSES FOR THE PERPETUAL USE OF THE PUBLIC,
 THIS 20th DAY OF February, 2007; SUBJECT TO THE FOLLOWING CONDITIONS:
 APPROVED *Carrie Datta* ATTEST *Paul Wilson*
 MAYOR CLERK-RECORDER (SEE SEAL BELOW)
 APPROVED *Kevin Powell* ATTEST *Richard Johnson*
 CITY ATTORNEY CITY ANGRER (SEE SEAL BELOW)
 Approved *Robert A. Markin* City Planner

SURVEYOR'S SEAL: *Justin R. Jenkins*, No. 5152644, State of Utah
 NOTARY PUBLIC SEAL: *John Heaton*, Notary Public, State of Utah
 CITY ENGINEER SEAL: *Midway City*
 CLERK-RECORDER SEAL: *Midway City*



DATE: 02-14-07
 SCALE: 1" = 30'
 PROJECT No. 0502112

DESIGNED: JRJ
 DRAFTED: JRJ
 CHECKED: JAJ

FOCAL POINT SURVEYS
 PO Box 312
 HEBER CITY, UT 84032-0312
 435.654.1917

FIRST HOMESTEAD COUNTRY HOMES
 AN AMENDMENT OF FIRST HOMESTEAD COUNTRY HOMES. A P.U.D. LYING AND SITUATED IN THE SOUTHWEST QUARTER OF SECTION 27, TOWNSHIP 3 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN.

MIDWAY SANITATION DISTRICT
Alan Colloff 4-3-07

RECORDED # 223267
 STATE OF UTAH, COUNTY OF WASATCH, RECORDED AND FILED AT THE REQUEST OF Homestead, INC.
 DATE 07-17-07 TIME 2:10 PM BOOK 945
 PAGE 531-540 FEE \$ 38.00
 Elizabeth Palmieri
 WASATCH COUNTY RECORDER

APPROVED: 07-03-07
 WASATCH COUNTY SURVEYOR
Justin R. Jenkins

Midway Irrigation Company
Steve Carroll

Midway Water Advisory Board
Carrie Datta
 Midway City Planning Commission
Shauna Van Wagener



Midway

**ORDINANCE
2024-16**

**AN ORDINANCE TO OFFICIALLY VACATE THE FIRST
HOMESTEAD COUNTRY HOMES P.U.D. PLAT.**

WHEREAS, on October 10, 2024, Berg Engineering, on behalf of the Homestead Group, LLC, recorded a Petition to Vacate the first Homestead Country Homes P.U.D. Plat as Entry No. 323267, Book 945, Page 531-540 in the Wasatch County Recorder's Office comprising Wasatch County Parcel Nos. 00-8099, 00-8123, 00-8115, 00-8107 (the "Property") (P.U.D. Plat attached hereto as Exhibit A); and

WHEREAS, The Homestead Group, LLC owns all four units contained within the P.U.D. Plat; and

WHEREAS, the Midway City Council has approved a new larger and more comprehensive subdivision plat, known as The Homestead Resort Plat, which includes the Property; and

WHEREAS, notice of a public hearing was posted to the Utah Public Notice website on October ___, 2024; and

WHEREAS, the City Council considered the petition to vacate the P.U.D. Plat during its November 5, 2024 meeting, and the Petitioner and/or its representative were present to provide comment; and

NOW THEREFORE, be it ordained by the City Council of Midway City, Utah, as follows:

1. Neither the public nor any person will be materially injured by the vacation of the P.U.D. Plat.

2. Vacating the P.U.D. plat and replacing it with the newly approved Homestead Resort Plat will not be detrimental to the general interests of the community nor will the access enjoyed by the property owners and the public be materially changed by the P.U.D. Plat vacation.

3. It is in the best interests of the community to vacate the P.U.D. Plat.

4. The first Homestead Country Homes P.U.D. Plat, recorded as Entry No. 323267, Book 945, Page 531-540 in the Wasatch County Recorder's Office, is hereby officially vacated.

This ordinance shall take effect upon publication as required by law.

///

PASSED AND ADOPTED by the City Council of Midway City, Wasatch County, Utah
this ____ day of _____, 2024.

	AYE	NAY
Council Member Jeff Drury	_____	_____
Council Member Lisa Orme	_____	_____
Council Member Kevin Payne	_____	_____
Council Member Craig Simons	_____	_____
Council Member JC Simonsen	_____	_____

APPROVED:

Celeste Johnson, Mayor

ATTEST:

Brad Wilson, City Recorder

APPROVED AS TO FORM:

Corbin Gordon, City Attorney

(SEAL)

EXHIBIT A

(P.U.D. Plat)