

# MEMORANDUM

**To:** Andy, Skyler Chambers, Braden Moore, Steve Bench, Zoning Administrator & Chris Breinholt, City Engineer

**From:** Shawn Warnke, City Manager

**Date:** May 23, 2022 ~~August 31, 2021~~ ~~June 28, 2021~~ ~~May 10, 2021~~ ~~March 18, 2021~~

**Re:** Comments on River Edge Subdivision

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## Plat Notes

**Green=** Andy said it was done

- ~~Get the deeds straight so that all of the ownership is within River Edge's control or have Holmgren Investments be a signer of the plat~~
- ~~Remove the line on the plat that denotes the previously incorporated City limits line (see handwritten note on plat at the end of the report)~~
- ~~Fix the overlay text on the plat (see handwritten note on plat at the end of the report)~~
- ~~Add "Lyle Holmgren, Mayor" as the signer for the owner's dedication for the City dedicating its portion of 950 East~~
- ~~Add addresses to the plat. Steve Bench, Building Official and Zoning Administrator typically works with engineer to get addresses assigned~~
- ~~Add a note that states that "Parcel A is public open space dedicated to Tremonton City" (see handwritten note on plat at the end of the report)~~
- Dedicate parcel to UDOT for future traffic light on 950 East as required by UDOT's approval
- ~~Update drawings for the expanded right of way for radius on 950 East from Jesse Courter acquisition. Also update the property boundary description as a result of 950 East radius being expanded. Send property boundary in a word document for purpose of the subdivision development agreement~~
- ~~Discussion, regarding the phasing of the improvements. Are the construction improvements for Phase 1 going to construct the intersection improvements on the eastside of 950 East, including the expanded asphalt, bulb outs, and curb and gutter for the park?~~ **Will complete frontage improvements with phase 1**
- ~~Discussion of the depth of the storm drain park~~
- Prepare CC&R for phase 1

## Construction Drawing Notes

- Sheet C1- Comments (see also handwritten notes at end of report)
  - **Main Street sidewalk should be 10'6" wide- Discuss the timing will be with commercial phase, they will also provide a 5' of dedication**
  - ~~Need to install drive approach, water, sewer, and secondary water laterals for property for property south of lot 101 on 950 East~~
  - ~~Need to coordinate with Jesse Courter on the most convenient location for his secondary water connection. I am guessing that his current connection is in the front of his house~~
- UDOT Permit Requirements to Discuss
  - **Jesse Courter has agreed to sell the City the portion of property needed for the radius. Jesse does not want to sell the City the right of way for expanding Main Street in front of his house. Let discuss about**

not constructing the curb, gutter and sidewalk on his frontage- **Will install curb and gutter in existing right of way, will check on sidewalk construction**

- ~~Label all roads on the plat and add the text "Public Street" afterwards to match the language in the owners dedication~~
- ~~Add the Agricultural Protection Notice as required by Utah Code 17-41-403 (4) (a) (see link <https://le.utah.gov/xcode/Title17/Chapter41/17-41-S403.html?v=C17-41-S403-2019051420190514> and notice below:~~

~~"Agriculture Protection Area~~

~~This property is located in the vicinity of an established agriculture protection area in which normal agricultural uses and activities have been afforded the highest priority use status. It can be anticipated that such agricultural uses and activities may now or in the future be conducted on property included in the agriculture protection area. The use and enjoyment of this property is expressly conditioned on acceptance of any annoyance or inconvenience which may result from such normal agricultural uses and activities."~~

### Construction Drawing Notes

- Sheet C1- Comments (see also handwritten notes at end of report)
  - ~~Main Street sidewalk should be 10'6" wide~~
  - ~~Need to install drive approach, water, sewer, and secondary water laterals for property for property south of lot 101 on 950 East~~
  - ~~Perhaps install secondary water for Jesse Courter's property on 950 East~~
  - ~~City wants to participate in boring Main Street for secondary water line~~
  - ~~No dual lefts striped shown on 950 East~~
- Sheet C6- Comments (see also handwritten notes at end of report)
  - ~~Need to further discuss Parcel A configuration and width. Parcel A to be reconfigured to not have a sharp 90 degree corner but to have an angel that allows for clear vision, should be 20' in width. Also need to verify that the land is flat and suitable for vehicle access. Should have a discussion, not sure that there is sufficient clear vision~~
  - ~~Removable bollard to be located to restrict vehicle access into parcel A and the trail~~
  - ~~Trail surface to be concrete~~

### General Comments

- **Also wondering the size of the commercial Access ROW at 1150 East (Show 40' of drivable surface with curb and gutter)**
- Need verification of UDOT approval for the 950 East Road
- ~~Please also submit traffic impact study~~

### Possible Subdivision Development Agreement Special Conditions

- ~~Upsizing of storm drain line in 300 North to a 30" storm drain line~~
- ~~City to participate in the boring of Main Street, so that the City can install secondary water line~~

- Fencing to be shown adjacent to Ag Protected land of Ms. Freeman. It is my understanding that this was agreed to when Skyler and Michael had a meeting with Ms. Freeman and her family
- Timing of including Phase 1 into the Pre-Annexation Agreement
- Include the trail connections (8' concrete trail/sidewalk on 300 North and 10' concrete trail from the cul-de-sac with drive approach into Parcel A
- 950 East frontage improvements for Parcel 1 and Parcel 2 that the City acquired for the full 950 east right of way
- Bear River Canal Share dedication
- Looping of water system to water line in Main Street.

- A. ~~Development Processing/Application Fees.~~ That the Developer pays the development application review fees contained in the City's Consolidated Fee Schedule as follows:
- Final Plat Fee. A fee of \$XXXX, which is \$250 plus \$40.00 per lot.
  - Construction Drawings. A fee of \$XXX, which is 1/2 of 1% of the estimated costs of the improvements.
- B. ~~Fee in Lieu Street Lights.~~ That the Developer pays a fee in lieu in the amount of \$XXX for XX (X) street lights prior to recording the plat.
- C. ~~Fee in Lieu Street Signs.~~ That the Developer pays a fee in lieu in the amount of \$260.00 for street signs prior to recording plat.
- D. ~~Fee in Lieu Chip Seal.~~ That the Developer pays a fee in lieu in the amount of \$XXXX for the chip sealing of all public street prior to recording the plat.
- F. ~~Bear River Water Canal Shares.~~ In accordance with Section 2.06.105 of the Tremonton City Land Use Code, the Developer dedicates to Tremonton City XX water shares in the Bear River Canal Company prior to the recording of the plat.
- G. ~~Roll Back Taxes.~~ In accordance with the Tremonton City Land Use Code 2.04.060 A-6, the Developer pays any rollback taxes prior to the recording of the plat.
- H. ~~Open Trench & UTOPIA.~~ In accordance with Section 2.06.060 of the Tremonton City Land Use Code, the Developer shall give written notice to utility companies, including UTOPIA, a minimum of ten (10) days prior to the availability of access to open trenches. Tremonton City currently has the following individuals as UTOPIA representatives to coordinate the open trench:

Brian Kelsey  
 Outside Plant Design Manager  
 Office: (801) 613-3868 | Cell: (801) 792-1353  
[bkelsey@utopiafiber.com](mailto:bkelsey@utopiafiber.com)

Keith Perkins  
 Construction Manager  
 Office: (801) 613-3863 | Cell: (801) 330-5601  
[kperkins@utopiafiber.com](mailto:kperkins@utopiafiber.com)

- I. ~~Rocky Mountain Power Notification.~~ In accordance with Tremonton City Ordinance No. 20-07 before the City approves any new subdivision and before recordation of the plat, the City shall require the developer to obtain Rocky Mountain Power's approval of Electrical Facilities, including underground facilities to be installed by the developer, and associated rights of way depicted on the plat. The developer shall mail a copy of the plat to Rocky Mountain Power:

\_\_\_\_\_ Rocky Mountain Power  
 \_\_\_\_\_ Attn: Estimating Department  
 \_\_\_\_\_ Local Address 596 North 400 West  
 \_\_\_\_\_ Tremonton, Utah 84337

- J. ~~Irrigation Ditch, Bear River Canal Company, & Indemnification.~~ The Developer covenants that they have talked with all the parties that have an interest in the irrigation ditch that is being abandoned through the Development

~~and that the Developer will provide an alternative means for property owners to receive their irrigation water and that the property owners have approved these alternative means. The Developer agrees to indemnify the City from any liability associated with the irrigation ditch's abandonment through the Development and any claim from the Bear River Canal Company regarding the platting of this subdivision impeding their claim for an easement.~~

- K. City Desires to Participate in Boring. City wants to participate in boring Main Street for secondary water line

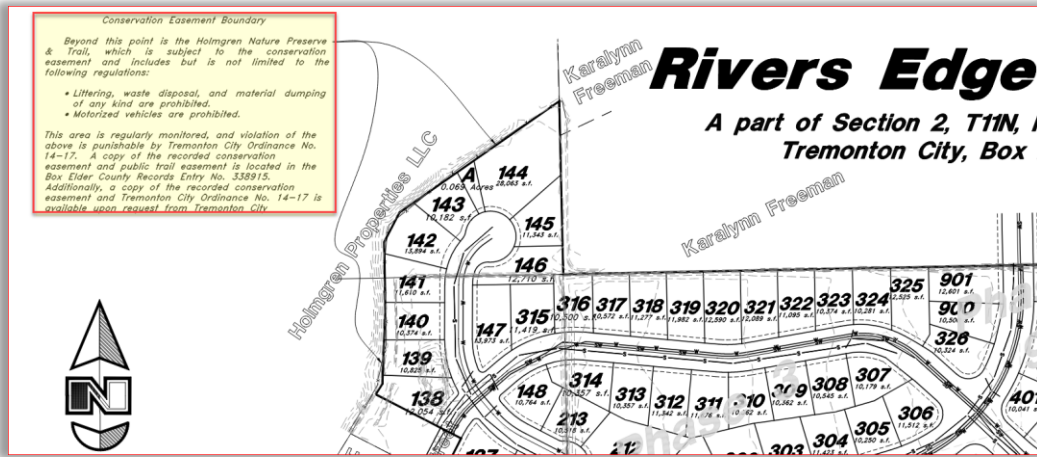
## Previous Comments that have been Addressed

### Plat Notes

- ~~Need to show proof of Agricultural Protection being eliminated for this project or there will need special notes on the plats~~
- ~~Remove all references to "Weber County"~~
- ~~Show lots 138 thru 144 as being subject to the conservation easement~~
- ~~What is the purpose of Note 4 that states "M.U.E. Note"?~~
- ~~Acknowledgment needed for Tremonton City's signature on the plat~~
- ~~Rivers Edge Real Holding LLC acknowledgement should be entitled a "Limited Liability Company Acknowledgement"~~

### Construction Plans

- Sheet C2- Comments (see also handwritten notes at end of report)
  - ~~8' sidewalk to be constructed around park frontage (For Phase 2)~~
  - ~~Construct a midblock ada ramp on the east side of 950 East so that pedestrians using the trail on 300 North can cross into the park~~
- ~~Sheet C7 Comments (see also handwritten notes at end of report)~~
  - ~~Construct ada ramps at all corners of intersection~~
  - ~~Show and callout 8' sidewalk on 300 North~~
- ~~Sheet C8 Comments (see also handwritten notes at end of report)~~
  - ~~Construct ada ramps at all corners of intersection~~
- ~~Sheet C9 Comments (see also handwritten notes at end of report)~~
  - ~~Construct ada ramps at all corners of intersection~~
- ~~Sheet C10 Comments (see also handwritten notes at end of report)~~
  - ~~Construct ada ramps at all corners of intersection~~
- ~~Sheet C13 Comments (see also handwritten notes at end of report)~~
  - ~~Show a cross section of 300 North with trail~~
  - ~~Show that sidewalk typical could range from 4' to 8' to 10'6"~~



Common notes that should appear on the plat include:

- "High Ground Water levels may be present in the area. Tremontion City's inspection of construction does not constitute any assumption of liability for high water table issues. The buyer of each individual lot is solely responsible for all risks involved in purchasing and building on these lots."
- "The Tremontion City Culinary Water Authority does not reserve or warrant water capacity for recorded lots or property. Culinary water capacity is reserved and guaranteed once a building permit is issued for a lot or property."
- "The Tremontion City Sanitary Sewer Authority does not reserve or warrant sewer treatment capacity for recorded lots or property. Sewer treatment capacity is reserved and guaranteed once a building permit is issued for a lot or property."

Call out dimensions of right-of-way of 71' near the intersection of collector road and Main Street

Add a signature line for City Attorney to approve as to form

Use the following Owner's Dedication below. Also label the following so that the labels match the dedication language-

- Include the following for Parcel A "Parcel A is Public Open Space dedicated to Tremontion City".
- Callout on the lots that "10.00' P.U.E" to state "10.00' P.U.E & M.U.E", also change the legend from "PU & DE Public Utility & Drainage Easement" to state "P.U.E. & M.U.E Public Utility Easement & Municipal Utility Easement"

We, the undersigned owners of all the real property depicted on this plat and described in the surveyors certificate on this plat, having clean title and full legal authority to dedicate the same, have caused the land described on this plat to be divided into lots, streets, parks, open spaces, easements and other public uses as designated on the plat, and to be hereinafter known as the "\_\_\_\_\_ Subdivision." We now do hereby dedicate, grant, and convey, in perpetuity, pursuant to the provisions of 10-9a-607, Utah Code, without condition, restriction or reservation to Tremontion City, Utah, all public streets or other public rights-of-way as public thoroughfares, and also dedicate all designated easements for public utilities (P.U.E.), municipal utilities (M.U.E.), and storm drains, which shall be used for the installation, maintenance and operation of public service utility lines, municipal utility lines and storm drain lines as intended for public use, municipal use, open spaces shown as public open spaces, public parks and all other places of public use and enjoyment to Tremontion City, Utah, together with all improvements and special conditions required by the Development Agreement, executed between the undersigned and Tremontion City, for the benefit of Tremontion City and the inhabitants thereof.

Use this Limited Liability Company Acknowledgement, I believe that the signature line will be RIVERS EDGE REAL HOLDINGS, LLC

LIMITED LIABILITY COMPANY ACKNOWLEDGEMENT

STATE OF UTAH )  
§  
COUNTY OF BOX ELDER )

On this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, personally appeared before me, \_\_\_\_\_, who being by me duly sworn did say and acknowledge that he/she is a Manager of \_\_\_\_\_, a Utah Limited Liability Company (“LLC”), which LLC is the Owner of the real property listed herein, and executed the foregoing instrument as the authorized agent of the LLC, and that said authorization to sign on behalf of the LLC came pursuant to a Resolution of the Managers, the Certificate of Organization, and/or the Operating Agreement of the LLC.

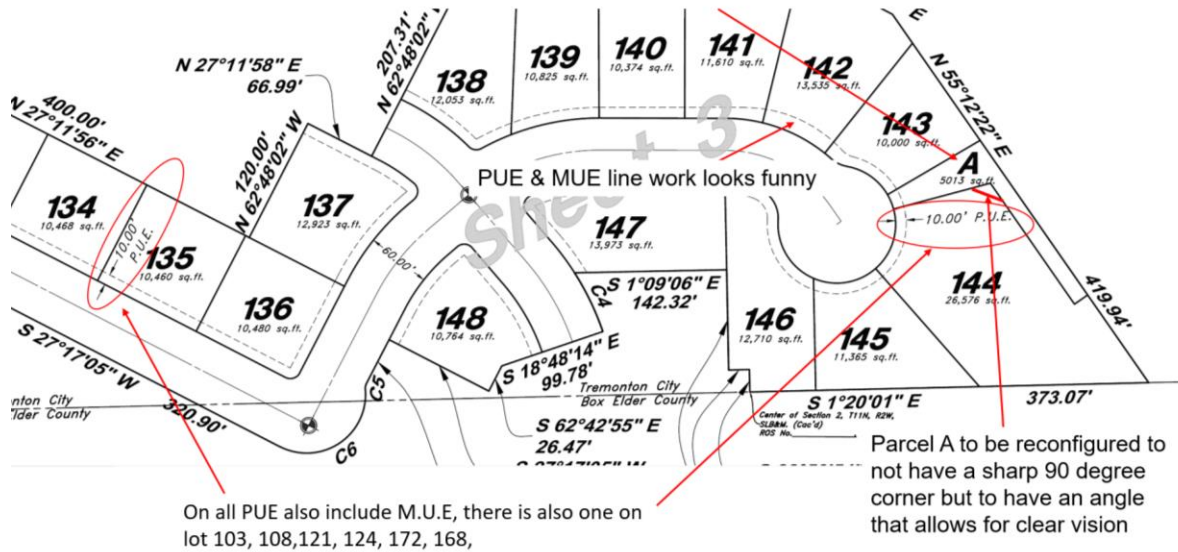
\_\_\_\_\_  
Notary Public

River Edge Phase 1 (land already incorporated)

- From the drawing line type it appears that the curb and sidewalk are a monoethnic, I believe that the City’s standard includes having a park strip (In some places it still appears that the line type is showing a monoethnic curb, gutter, and sidewalk)
  - The final design submission will include the Standard Street Sections for the Streets. A park strip between the Sidewalk and curb will be shown. The only exceptions to this are where we are proposing parallel parking around the park and the trail Connection heading west along 300 North Street
- Show a more delineated phasing line, coordinate with the County regarding the subdivision of property that may fall in the unincorporated areas of the County
- Please include a combination Public Utility Easement and Municipal Utility Easement. By definition in the State Code, the City does not qualify as a Public Utility



Also need to verify that the land is flat and suitable for vehicle access and should be 20' in width.



- Need to show the conservation easement and include the following language on the plat for the property that shares a common property boundary with the Malad River:

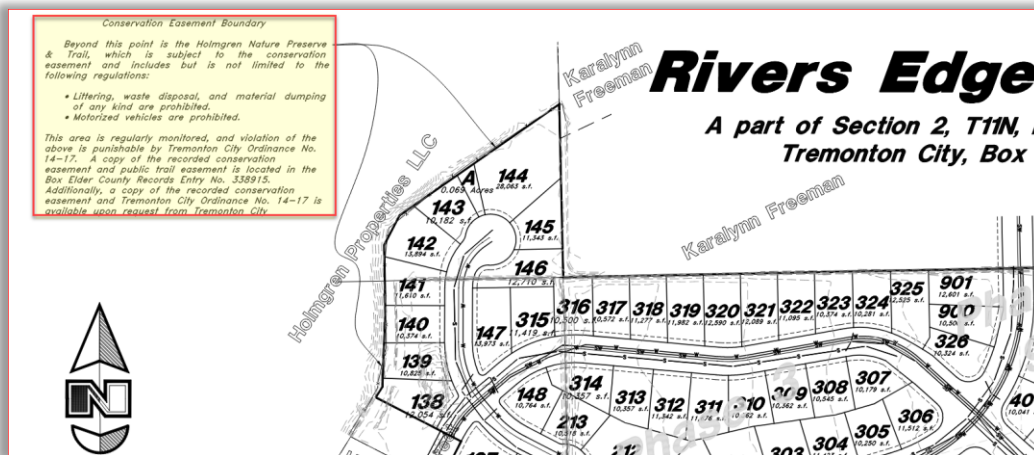
### Conservation Easement Boundary

Beyond this point is the Holmgren Nature Preserve & Trail, which is subject to the conservation easement and includes but is not limited to the following regulations:

- Littering, waste disposal, and material dumping of any kind are prohibited.
- Motorized vehicles are prohibited.

This area is regularly monitored, and violation of the above is punishable by Tremonton City Ordinance No. 14-17. A copy of the recorded conservation easement and public trail easement is located in the Box Elder County Records Entry No. 338915. Additionally, a copy of the recorded conservation easement and Tremonton City Ordinance No. 14-17 is available upon request from Tremonton City.

Noted on Preliminary Plan and Will be included on the Final Plat and Improvement Drawings for Phase 1





SURVEYOR'S CERTIFICATE

I, Andy Hubbard, do hereby certify that I am a Professional Land Surveyor in the State of Utah, and that I hold Certificate No. 6242920 in accordance with Title 58 Chapter 22, Professional Engineers and Land Surveyors Licensing Act. I also do hereby certify that Rivers Edge - Phase 1 in Tremonton City, Box Elder County, Utah has been correctly drawn to the designated scale and is a true and correct representation of the following description of lands included in said subdivision, based on data compiled from records in the Box Elder County Recorder's Office, and of a survey made on the ground in accordance with Section 17-23-17. Monumented lot corners have been set as shown on this drawing.

Signed this \_\_\_\_\_ day of \_\_\_\_\_, 2021.

Andy Hubbard

ACKNOWLEDGMENTS

State of Utah } ss
County of Box Elder } ss
On this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, personally appeared before me, \_\_\_\_\_, who being by me duly sworn did say and acknowledge that he/she is a Manager of \_\_\_\_\_, a Utah Limited Liability Company ("LLC"), which LLC is the Owner of the real property listed herein, and executed the foregoing instrument as the authorized agent of the LLC, and that said authorization to sign on behalf of the Corporation came pursuant to a Resolution of the Managers, the Certificate of Organization, and/or the Operating Agreement of the LLC.

Residing At: \_\_\_\_\_ A Notary Public commissioned in Utah
Commission Number: \_\_\_\_\_
Commission Expires: \_\_\_\_\_ Print Name

State of Utah } ss
County of Box Elder } ss
On this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, personally appeared before me, \_\_\_\_\_, who being by me duly sworn did say and acknowledge that he/she is the \_\_\_\_\_ of Tremonton City, a Utah Municipal Corporation, which Corporation is the Owner of the real property listed herein, and executed the foregoing instrument as the authorized agent of the Corporation, and that said authorization to sign on behalf of the Corporation came pursuant to a Resolution of the Managers, the Certificate of Organization, and/or the Operating Agreement of the Corporation.

Residing At: \_\_\_\_\_ A Notary Public commissioned in Utah
Commission Number: \_\_\_\_\_
Commission Expires: \_\_\_\_\_ Print Name Conservation Easement Boundary

Beyond this point is the Holmgren Nature Preserve & Trail, which is subject to the conservation easement and includes but is not limited to the following regulations:
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AGRICULTURAL PROTECTION AREA NOTICE
This property is located in the vicinity of an established agriculture protection area in which normal agricultural uses and activities have been afforded the highest priority use status. It can be anticipated that such agricultural uses and activities may now or in the future be conducted on property included in the agriculture protection area. The use and enjoyment of this property is expressly conditioned on acceptance of any annoyance or inconvenience which may result from such normal agricultural uses and activities.

Rivers Edge - Phase 1

A part of Section 2, T11N, R2W, SLB&M, U.S. Survey
Tremonton City, Box Elder County, Utah
August 2021

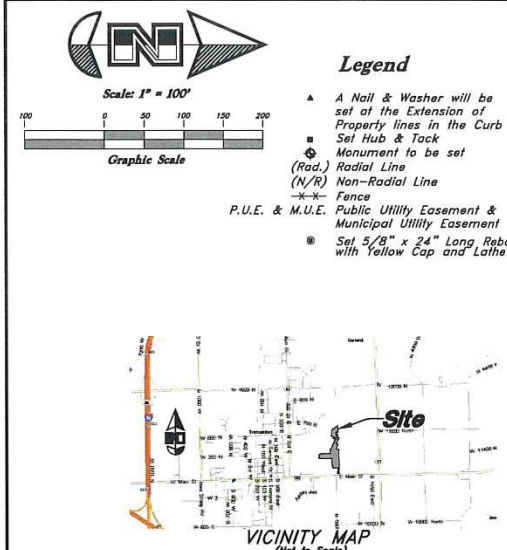
Table with 5 columns: Curve #, Delta, Radius, Length, Chord Direction, Chord Length. Contains data for curves C1 through C12.

OWNER'S DEDICATION

We, the undersigned owners of all the real property depicted on this plan and described in the surveyors certificate on this plan, having clean title and full legal authority to dedicate the same, have caused the land described on this plan to be divided into lots, streets, parks, open spaces, easements and other public uses as designated on the plan, and to be hereinafter known as "Rivers Edge Phase 1". We now do hereby dedicate, grant, and convey, in perpetuity, pursuant to the provisions of 10-3a-807, Utah Code, without condition, restriction or reservation to Tremonton City, Utah, all public streets or other public rights-of-way as public thoroughfares, and also dedicate all designated easements for public utilities (P.U.E.), municipal utilities (M.U.E.), and storm drains, which shall be used for the installation, maintenance and operation of public service utility lines, municipal utility lines and storm drain lines as intended for public use, municipal use, open spaces shown as public open spaces, public parks and all other public use and enjoyment to Tremonton City, Utah, together with all improvements and special conditions required by the Development Agreement, executed between the undersigned and Tremonton City, for the benefit of Tremonton City and the inhabitants thereof.

Signed this \_\_\_\_\_ day of \_\_\_\_\_, 2021.

~ Rivers Edge Real Holdings LLC ~



VICINITY MAP (Not to Scale)

Southwest Corner of Section 2, Township 11 North, Range 3 West (Found 2020 Aluminum Cap Monument inside ring and cover)

NARRATIVE

This Subdivision Plat was requested by Rivers Edge Real Holdings, LLC for the purpose of Subdividing said tract of land into Seventy Two (72) lots
Basis of bearing for this survey is South 88°49'43\"/>

See Record of Survey # \_\_\_\_\_ for complete boundary retracement details.
Property corners were or will be set as noted (see Legend) on this plat.

APPROVAL AND ACCEPTANCE

Presented to the Tremonton City Council this \_\_\_\_\_ day of \_\_\_\_\_, A.D. 2021 at which time this subdivision was approved and accepted.

Attest: \_\_\_\_\_ Recorder
\_\_\_\_\_ Mayor

DEVELOPMENT REVIEW COMMITTEE LAND-USE AUTHORITY BOARD

Approved this \_\_\_\_\_ day of \_\_\_\_\_, A.D. 2021
By the Tremonton City Land-Use Authority Board.

Attest: \_\_\_\_\_ City Attorney
\_\_\_\_\_ Chairman
\_\_\_\_\_ CITY ENGINEER

I certify that I have had this plat examined and find that it is correct and in accordance with the information on file in this Office

Date \_\_\_\_\_ Engineer \_\_\_\_\_

BOUNDARY DESCRIPTION

A Part of Section 2, Township 11 North, Range 2 West, Salt Lake Base and Meridian, U.S. Survey, Tremonton City, Box Elder County, Utah
Beginning at a point on the North right of way line of Main Street (SR-102) which is 2608.98 feet North 88°49'43\"/>

Contains: 27,253 acres

GREAT BASIN ENGINEERING logo and address: 5746 SOUTH 1475 EAST OGDEN, UTAH 84403

NOT FOR RECORDING

BOX ELDER COUNTY RECORDER form with fields for Entry No., Fee Paid, Recorded, In Book, etc.