

**PUBLIC NOTICE**

Notice is Hereby Given that Tooele City Council will meet in a Work Meeting on Wednesday, July 1, 2020, at the hour of 5:30 p.m. The meeting will be held at the Tooele City Hall Council Chambers, located at 90 North Main Street, Tooele, Utah.

*Tooele City has implemented Governor Herbert's low risk (yellow) phase guidelines regarding public gatherings. We strongly encourage you to join the City Council meeting electronically by logging on to the Tooele City Facebook page, at <https://www.facebook.com/tooelecitey>. If you would like to submit a comment for the public comment period or for a public hearing item please email [cmpubliccomment@tooelecitey.org](mailto:cmpubliccomment@tooelecitey.org) anytime up until the start of the meeting. Emails will only be read at the designated points in the meeting.*

*However, if you choose to attend we ask that you maintain social distancing and encourage you to wear a face covering. In compliance with public health guidelines Tooele City can accommodate limited capacity at City Hall. Due to limited space and social distancing requirements, we ask that you limit the number of people that attend with you.*

**1. Open City Council Meeting**

**2. Roll Call**

**3. Mayor's Report**

**4. City Council Members' Report**

**5. Discussion:**

- **Attainable Housing**
- **Dyno Nobel Proposed Agreement/Contact**
- **Luke's PUE Vacation Request for 1237 E 270 S**
- **Emergency Declaration Extension**
- **Sidewalks**

Presented by Council Member Ed Hansen

**6. Closed Meeting**

- **Litigation & Property Acquisition**

**7. Adjourn**

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Michelle Y. Pitt


Tooele City Recorder

Pursuant to the Americans with Disabilities Act, Individuals Needing Special Accommodations Should Notify Michelle Y. Pitt, Tooele City Recorder, at 435-843-2113 or [michellep@tooelecitey.org](mailto:michellep@tooelecitey.org), Prior to the Meeting.

MEMORANDUM

To: Tooele City Council  
Debbie Winn, Mayor

Cc: Michelle Pitt, City Recorder  
Roger Baker, City Attorney

From: Jim Bolser, AICP, Director 

Date: June 26, 2020

Re: Lukes Garage Easement Vacation Request

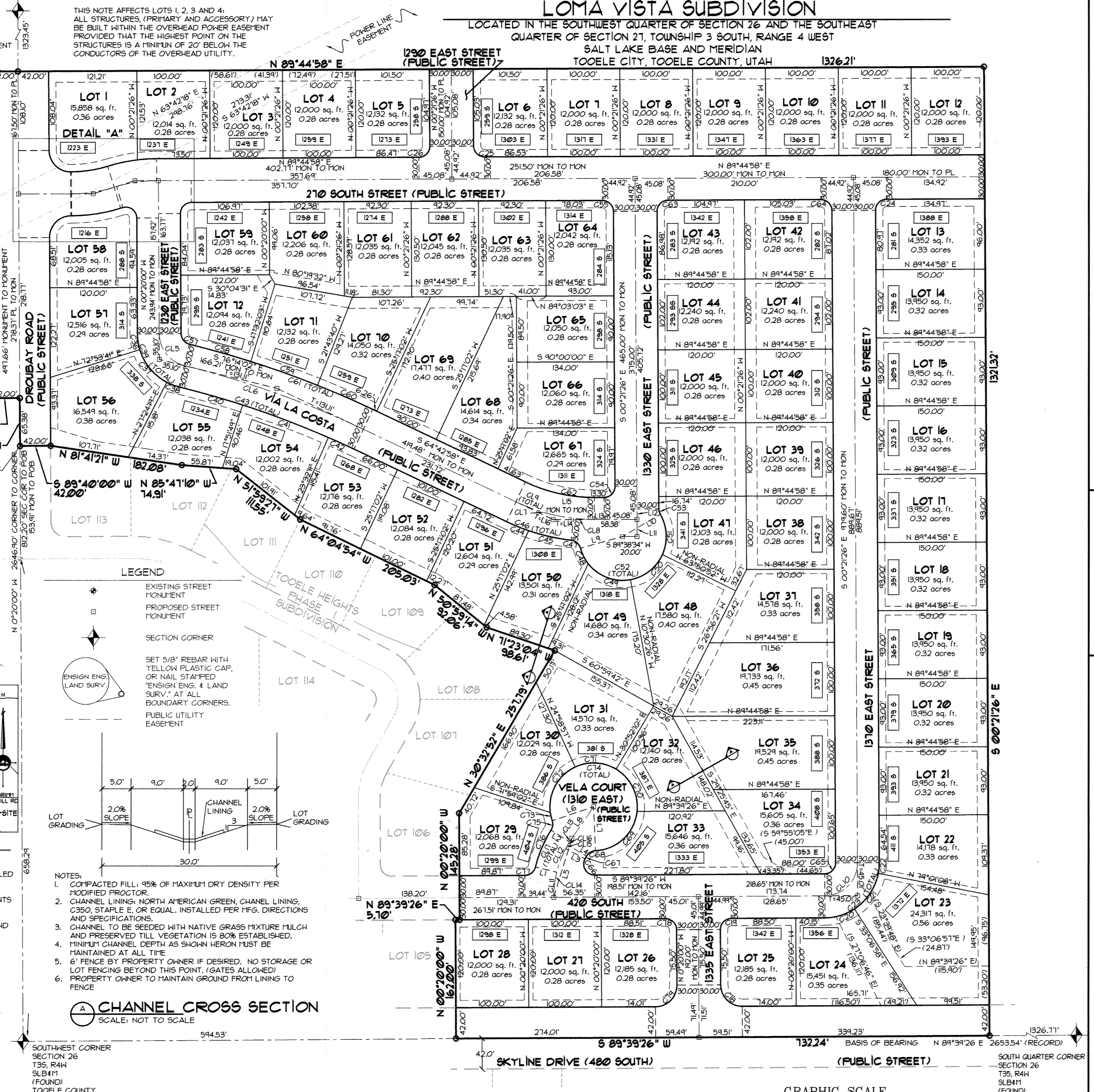
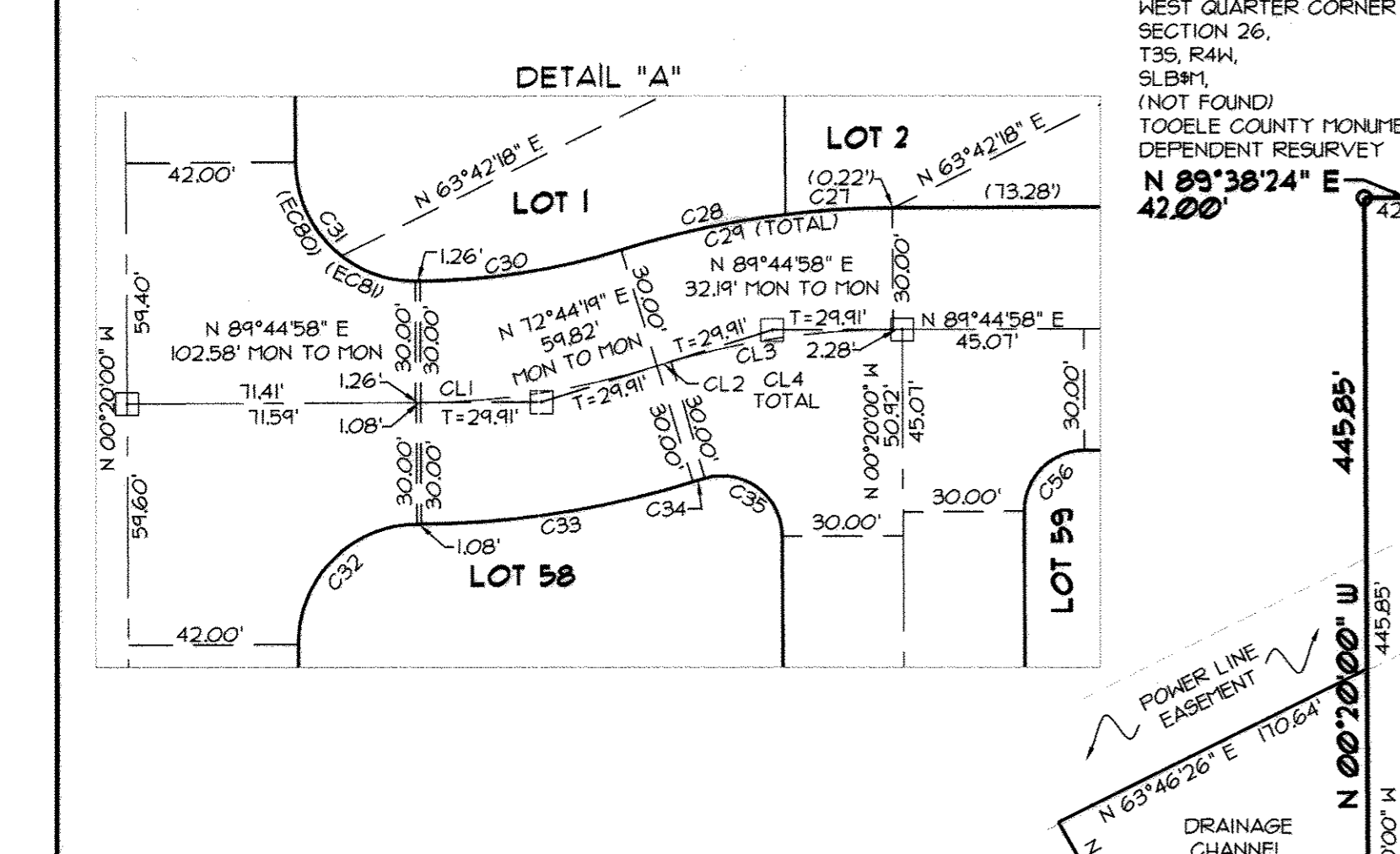
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Subject:

Lot 2 of the Loma Vista Subdivision is owned by Mr. Doug Lukes. Mr. Lukes is applying for a permit to construct a detached accessory structure on his property at 1237 East 270 South in the R1-12 zoning district. In preparation and planning for the positioning of the building in the rear yard of the home, Mr. Lukes desires to locate the building within 6' of the side property line on the east side of the lot. This property line has a public utility easement (PUE) running along it that is 6' in width. Mr. Lukes desires to have that easements vacated to allow the placement of the accessory structure closer to that property line. This vacation would not affect the 15' drainage easement that runs along the rear property line. Mr. Lukes has sought out all public utilities, including the City's Public Works Department, and received written responses from each regarding his request to vacate the PUEs. In order for a PUE to be vacated it would take a formal action of the City Council to do so. The intent of this discussion request is to present the documentation to the Council for your consideration as to whether or not the Council has an interest in vacating these easements. Should the Council desire to move forward with a formal action to vacate, the item will be brought back to the Council during a future business meeting with the proper mechanism to do so. Attached to this memo is the following documentation for reference:

1. Loma Vista Subdivision plat recorded August 1, 2007
2. A close up screen capture of Lot 2 of the Loma Vista Subdivision with highlighted easement at issue
3. Mapping of the subject property
4. Utility provider correspondence

As always, should you have any questions or concerns please feel free to contact me at any time.



CURVE	LENGTH	RADIUS	TANGENT	CHORD	BEARING	DELTA
CL1	59.38	200.00	29.91	59.16	N 81°14'39\"/>	

**QUESTAR GAS COMPANY**

QUESTAR APPROVES THIS PLAT SOLELY FOR THE PURPOSE OF CONFIRMING THAT THE PLAT CONTAINS PUBLIC UTILITY EASEMENTS. QUESTAR MAY REQUIRE OTHER EASEMENTS IN ORDER TO SERVE THIS DEVELOPMENT. THIS APPROVAL DOES NOT CONSTITUTE A GUARANTEE OF PARTICULAR TERMS OF NATURAL GAS SERVICE. FOR FURTHER INFORMATION PLEASE CONTACT QUESTAR'S RIGHT-OF-WAY DEPARTMENT AT 1-800-366-8532.

APPROVED THIS 18 DAY OF April, 2007.

QUESTAR GAS COMPANY BY: *[Signature]* TITLE: *[Title]*

**POWER COMPANY**

UTILITIES SHALL HAVE THE RIGHT TO INSTALL, MAINTAIN AND OPERATE THEIR EQUIPMENT ABOVE AND BELOW GROUND AND ALL OTHER RELATED FACILITIES WITHIN THE PUBLIC UTILITY EASEMENTS IDENTIFIED ON THIS PLAT MAP AS NECESSARY OR DESIRABLE IN PROVIDING UTILITY SERVICES WITHIN AND WITHOUT THE LOTS IDENTIFIED HEREIN, INCLUDING THE RIGHT OF ACCESS TO SUCH STRUCTURES, TREES AND VEGETATION THAT MAY BE PLACED WITHIN THE FUE. THE UTILITY MAY REQUIRE THE LOT OWNER TO REMOVE ALL STRUCTURES WITHIN THE FUE AT THE LOT OWNER'S EXPENSE, OR THE UTILITY MAY REMOVE SUCH STRUCTURES AT THE LOT OWNER'S EXPENSE AT NO TIME THAT ANY PERMANENT STRUCTURE BE PLACED WITHIN THE FUE OR ANY OTHER OBSTRUCTION WHICH INTERFERES WITH THE USE OF THE FUE WITHOUT THE PRIOR WRITTEN APPROVAL OF THE UTILITIES WITH FACILITIES IN THE FUE.

APPROVED THIS 11 DAY OF April, 2007.

POWER COMPANY BY: *[Signature]* TITLE: *[Title]*

**SURVEYOR'S CERTIFICATE**

I, KEITH R. RUSSELL, do hereby certify that I am a Professional Land Surveyor, and that I hold Certificate No. 164386, as prescribed under the laws of the State of Utah. I further certify that by authority of the Owners, I have made a survey of the tract of land shown on this plat and described below, and have subdivided said tract of land into lots and streets hereafter to be known as:

**LOMA VISTA SUBDIVISION**

and that the same has been correctly surveyed and staked on the ground as shown on this plat.

**BOUNDARY DESCRIPTION**

Beginning at a point on the section line, said point also being the Northwest Corner of Toeole Heights Subdivision Phase I and being North 0°20'00" West 812.20 feet along the section line from the Southwest Corner of Section 26, Township 3 South, Range 4 West, Salt Lake Base and Meridian, and running:

Thence North 0°20'00" West 65.38 feet along the section line  
 Thence South 89°40'00" West 42.00 feet  
 Thence North 0°20'00" West 445.85 feet to the 40 Acre line;  
 Thence North 89°38'24" East 42.00 feet along the 40 Acre line to the section line;  
 Thence North 89°44'58" East 1326.21 feet along the 40 Acre line to the 16th corner;  
 Thence South 0°21'26" East 1521.32 feet along the 40 Acre line to the section line;  
 Thence South 89°39'26" West 132.24 feet along the section line to the Southeast Corner of Toeole Heights Subdivision Phase I;  
 Thence North 0°20'00" West 145.28 feet along the east line to an angle point in the east line of said Toeole Heights Subdivision Phase I;  
 Thence North 30°32'52" East 251.71 feet along the east line to the Northeast Corner of said Toeole Heights Subdivision Phase I;  
 Thence North 11°23'04" West 98.61 feet along the north line to an angle point in the north line of said Toeole Heights Subdivision Phase I;  
 Thence North 50°59'14" West 1135.5 feet along the north line to an angle point in the north line of said Toeole Heights Subdivision Phase I;  
 Thence North 64°04'54" West 205.03 feet along the north line to an angle point in the north line of said Toeole Heights Subdivision Phase I;  
 Thence North 85°41'00" West 14.91 feet along the north line to an angle point in the north line of said Toeole Heights Subdivision Phase I;  
 Thence North 89°42'12" West 182.28 feet along the north line to an angle point in the north line of said Toeole Heights Subdivision Phase I;  
 Thence South 89°40'00" West 42.00 feet along the north line to the Northwest Corner of said Toeole Heights Subdivision Phase I, being the point of beginning.

Contains 1,312,195 square feet, 30.338 acres, 72 lots.

March 28, 2007  
 Date  
 Keith R. Russell  
 License No. 164386

**OWNER'S DEDICATION**

Know all men by these presents that we, the undersigned owner (s) of the above described tract of land having caused same to be subdivided into lots and streets to be hereinafter known as the

**LOMA VISTA SUBDIVISION**

do hereby dedicate for perpetual use of the public all parcels of land shown on this plat as intended for public use, in witness whereof I have hereunto set my hand and seal of my office, this 17th day of April, A.D., 2007.

*[Signature]* member  
 JARED F. YEATES - MEMBER, LOMA VISTA LLC

*[Signature]* Manager  
 MATTHEW ARBSHAT - PRESIDENT RANCHO TOEOLE DEVELOPMENT L.L.C.

**ACKNOWLEDGMENT**

STATE OF UTAH (S.S.)  
 County of Davis

On the 17 day of April, A.D., 2007, JARED F. YEATES personally appeared before me, the undersigned Notary Public, in and for said County of Davis, in said State of Utah, the signer of the above Owner's dedication, one in number, who duly acknowledged to me that he is a member of Loma Vista LLC, a Limited Liability Company in the State of Utah and that he signed the owner's dedication for the purposes therein mentioned and that said Limited Liability Company executed the same.

MY COMMISSION EXPIRES: 11-27-07

NOTARY PUBLIC: *[Signature]*  
 RESIDING IN Davis County, State of Utah

**ACKNOWLEDGMENT**

STATE OF UTAH (S.S.)  
 County of Tooele

On the 20th day of April, A.D., 2007, MATTHEW ARBSHAT personally appeared before me, the undersigned Notary Public, in and for said County of Tooele, in said State of Utah, the signer of the above Owner's dedication, one in number, who duly acknowledged to me that he is the President of Rancho Tooele Development L.L.C., a Liability Company in the State of Utah and that he signed the owner's dedication for the purposes therein mentioned and that said Liability Company executed the same.

MY COMMISSION EXPIRES: 2-10-10

NOTARY PUBLIC: *[Signature]*  
 RESIDING IN Tooele County, State of Utah

**LOMA VISTA SUBDIVISION**

LOCATED IN THE SOUTHWEST QUARTER OF SECTION 26 AND THE SOUTHEAST QUARTER OF SECTION 27, TOWNSHIP 3 SOUTH, RANGE 4 WEST, SALT LAKE BASE AND MERIDIAN, TOEOLE CITY, TOEOLE COUNTY, UTAH

**CABLE COMPANY**  
 APPROVED AS TO FORM THIS 11 DAY OF April, A.D., 2007  
 JAMES FONDER

**COMMUNICATIONS COMPANY**  
 APPROVED AS TO FORM THIS 30th DAY OF April, A.D., 2007

**CITY ATTORNEY**  
 APPROVED THIS 11th DAY OF April, A.D., 2007 BY THE TOEOLE COUNTY HEALTH DEPARTMENT

**CITY ENGINEER**  
 APPROVED AS TO FORM THIS 23rd DAY OF May, A.D., 2007

**COMMUNITY DEVELOPMENT**  
 APPROVED AS TO FORM THIS 12th DAY OF August, A.D., 2007

**TOEOLE CITY PLANNING COMMISSION**  
 APPROVED THIS 9th DAY OF May, A.D., 2007 BY THE TOEOLE CITY PLANNING COMMISSION

**TOEOLE COUNTY SURVEYOR**  
 APPROVED THIS 27th DAY OF April, A.D., 2007 BY THE TOEOLE COUNTY SURVEYOR

**TOEOLE COUNTY TREASURER**  
 APPROVED THIS 23rd DAY OF April, A.D., 2007 BY THE TOEOLE COUNTY TREASURER

**TOEOLE CITY COUNCIL**  
 APPROVED THIS 2nd DAY OF May, A.D., 2007 BY THE TOEOLE CITY COUNCIL

**TOEOLE COUNTY RECORDER**  
 ENTRY NO. 290335  
 STATE OF UTAH, COUNTY OF TOEOLE, RECORDED AND FILED AT THE REQUEST OF Loma Vista LLC  
 DATE 8/16/07 TIME 4:30pm BOOK PAGE  
 FEE \$ 102.00

**SALT LAKE CITY**  
 90 E. Fort Union Blvd  
 Suite 100  
 Midvale UT 84047  
 Phone: 801.255.2549  
 Fax: 801.255.4449

**LAYTON**  
 1485 West Hillfield Rd.  
 Pleasant Grove UT  
 Layton UT 84041  
 Phone: 801.947.1100  
 Fax: 801.988.0319

**PLEASANT GROVE**  
 1346 West State Road  
 Pleasant Grove UT  
 Layton UT 84041  
 Phone: 801.798.1545  
 Fax: 801.796.8147

**ENSIGN**

**TOEOLE COUNTY HEALTH DEPARTMENT**  
 APPROVED THIS 11th DAY OF April, A.D., 2007 BY THE TOEOLE COUNTY HEALTH DEPARTMENT

**CITY ATTORNEY**  
 APPROVED AS TO FORM THIS 11th DAY OF May, A.D., 2007

**CITY ENGINEER**  
 APPROVED AS TO FORM THIS 23rd DAY OF May, A.D., 2007

**COMMUNITY DEVELOPMENT**  
 APPROVED AS TO FORM THIS 12th DAY OF August, A.D., 2007

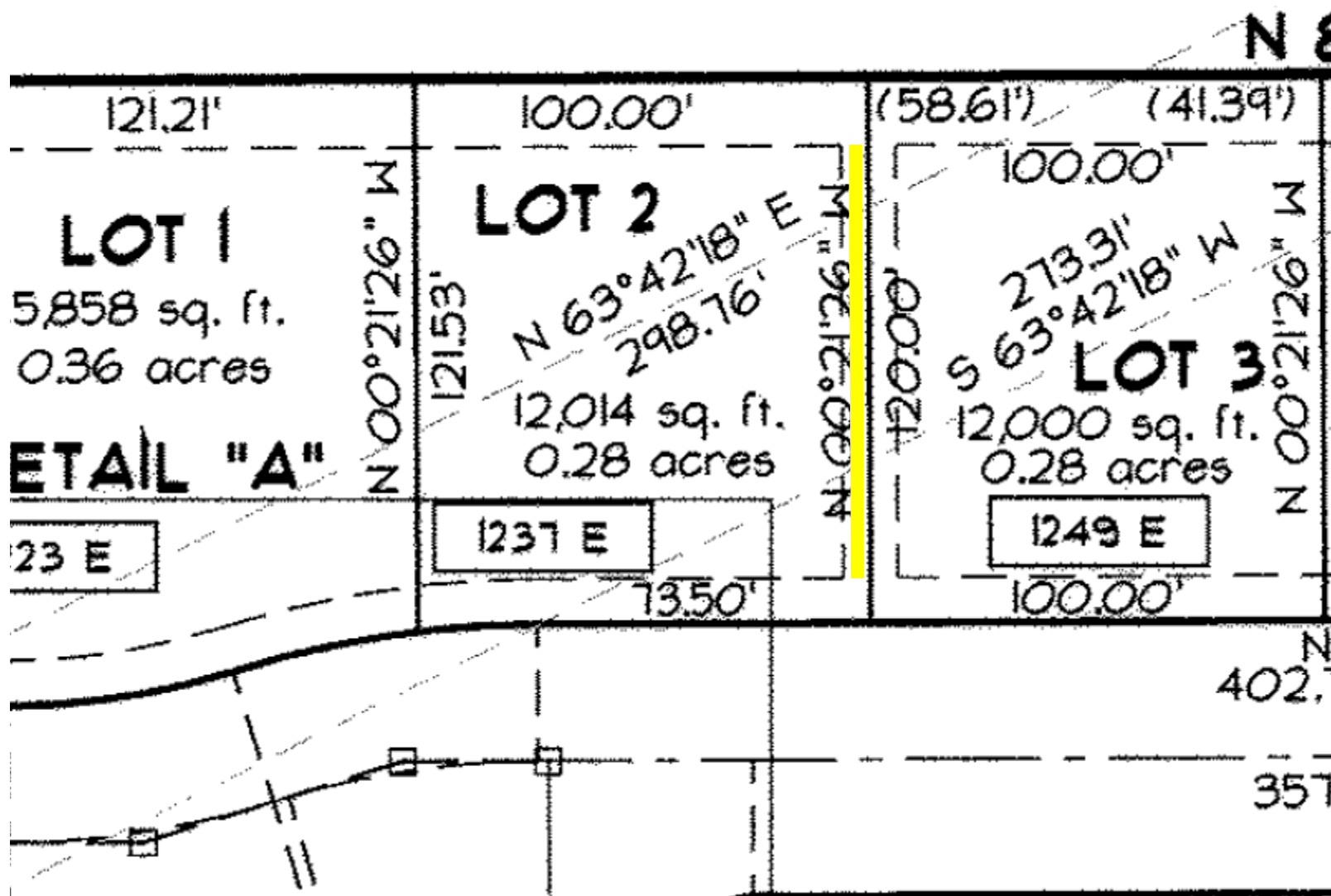
**TOEOLE CITY PLANNING COMMISSION**  
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**TOEOLE COUNTY SURVEYOR**  
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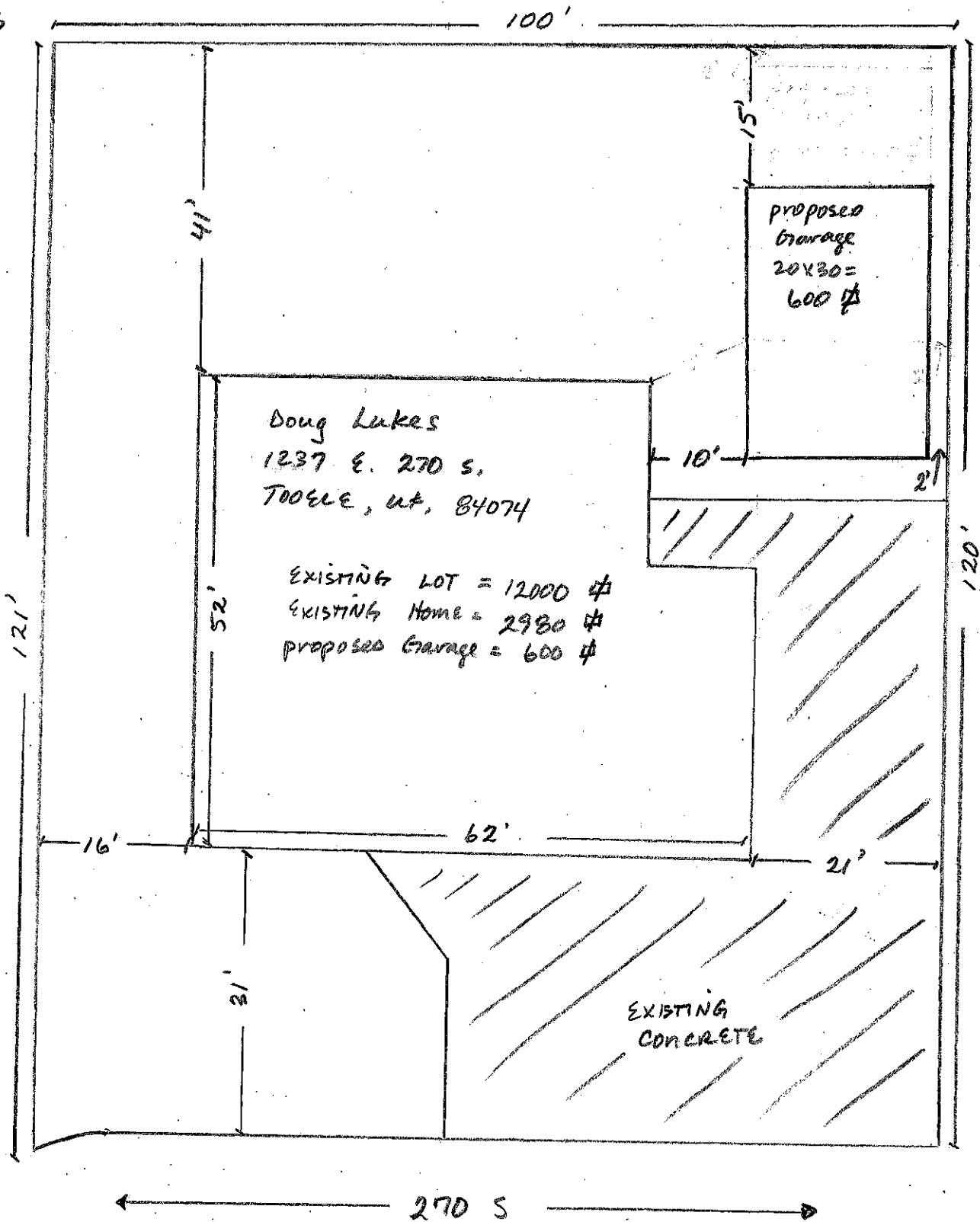
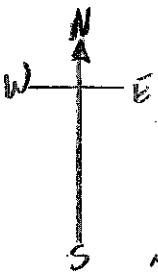
**TOEOLE CITY COUNCIL**  
 APPROVED THIS 2nd DAY OF May, A.D., 2007 BY THE TOEOLE CITY COUNCIL

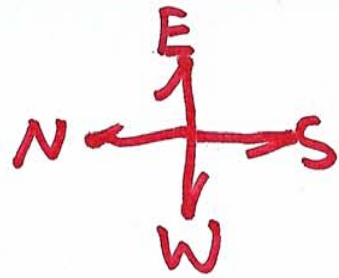
**TOEOLE COUNTY RECORDER**  
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 FEE \$ 102.00





updated 6-18-20





## Jim Bolser

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**From:** Doug Lukes <lukesdoug@yahoo.com>  
**Sent:** Tuesday, June 16, 2020 2:19 PM  
**To:** Jim Bolser  
**Subject:** Fw: Accessory Shed Letter of Support Request

Hi Mr. Bolser,

Here is a follow up e-mail from Steve Evans Public Works Director stating that Tooele City Public Works has no issue with vacating the 6' PUE on the East side of my property 1237 E 270 S Tooele Ut. 84074.

Thank you for your help in this matter.

Sincerely,

Doug Lukes  
1237 E 270 S Tooele Ut. 84074  
801-797-4381

----- Forwarded Message -----

**From:** Steve Evans <stevee@tooelecitecity.org>  
**To:** Doug Lukes <lukesdoug@yahoo.com>  
**Cc:** Andrew Aagard <andrewa@tooelecitecity.org>  
**Sent:** Tuesday, June 16, 2020, 02:02:22 PM MDT  
**Subject:** RE: Accessory Shed Letter of Support Request

Mr. Lukes,

Tooele City Public Works has no issue with vacating the 6' PUE on the EAST side of the property.

Thanks,

Steve E

Public Works Director

(435) 843-2130, Option #1





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**From:** Doug Lukes <lukesdoug@yahoo.com>  
**Sent:** Tuesday, June 16, 2020 1:43 PM  
**To:** Steve Evans <SteveE@TooeleCity.org>  
**Subject:** Accessory Shed Letter of Support Request

Doug & Jill Lukes

1237 E 270 S

Tooele City, Utah 84074

June 16, 2020

Steve Evans

Public Works Director

90 North Main Street  
Tooele, UT 84074

Dear Mr. Evans

Thank you again for the information that you provided on the 15 foot drainage. We will not encroach the 15 foot easement for drainage. We will need a letter of support from your department before Jim Bolser can prepare the documents to present to the Tooele City Council.

We would like to construct a accessory shed on our property. We are requesting the vacation of the 6 foot easement on the East side of my property to place a utility shed 2 feet off our property line. I have attached the plat map, location of proposed shed and other supporting documents.

Chris Lindquist of A-Shed has applied for a building permit to construct a detached accessory shed on our property. In preparation and planning for the positioning of the building in Northeast corner of our property. This property line has a public utility easement (PUE). There is a 6 foot utilities easement on the East side and a 15 foot drainage easement on the North side of our property. We are requesting to place the utility shed 2 feet off the East property line and we **“will not” encroach on the 15’ Drainage easement**. Chris Lindquist of A-Shed has contacted the public utilities to request the

vacation and has received letters of release of the easements from Questar Gas (Dominion Energy), Rocky Mountain Power, Comcast and CenturyLink (all letters are attached).

Please let me know if you need additional information.

I want to thank you for your time and consideration in this matter.

Sincerely,

Doug & Jill Lukes

Contact info: phone 801-797-4381 email [lukesdoug@yahoo.com](mailto:lukesdoug@yahoo.com)



Tooele Operations  
555 North Main Street  
Tooele, UT 84074

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Φ Tooele Service Center Φ 555 North Main Street Φ Tooele, UT 84074 Φ (435) 833-7925 Φ Fax: (435) 833-7979

June 1, 2020

Chris Lindquist, A-Shed  
Property Owner: Douglas R Lukes  
1237 E 270 S  
Tooele, UT 84074

re: **encroachment request**

structure: Shed

property description: Residential Lot

structure may occupy Public Utility Easement along the Northeast corner of lot

Dear Customer:

As you requested, Rocky Mountain Power hereby consents to a proposed encroachment on the utility easement as specified above. However, this consent does not waive or relinquish any rights necessary to the operation, maintenance, renewal, construction, repair, addition, or removal of Power Company lines, conduits, or other power facilities which are or may be located on said easements.

As consideration for the Power Company granting you permission to encroach upon said easement, it will be necessary for you to hold the Power Company harmless for any and all claims for personal injuries or damages to property when said injuries or damages, directly or indirectly, arise out of the existence, construction, installation, maintenance, condition, use or presence of your structure upon said easement. Rocky Mountain Power shall not be responsible for any damages to structures or property located on said easement.

Sincerely,

*Lisa Baker*

LISA BAKER

Estimating Department

Space above for County Recorder's use  
PARCEL I.D.# 16-056-0-0002

**DISCLAIMER OF UTILITY EASEMENT**

The undersigned, QUESTAR GAS COMPANY, dba Dominion Energy Utah, Grantor, hereby disclaims and releases any rights, title or interest which it may have in and to the following-described real property in Tooele County, Utah, to-wit:

All public utility easements, excepting the easement(s) or portion of easement(s) running adjacent and parallel to the street(s), located within Lot 2, Loma Vista Subdivision, located in the Southwest quarter of Section 26, Township 3 South, Range 4 West, Salt Lake Base and Meridian, Tooele County, Utah; said Subdivision recorded in the Office of the County Recorder for Tooele County, Utah.

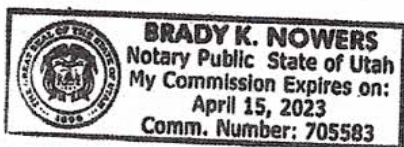
IN WITNESS WHEREOF, this disclaimer and release of any right, title or interest has been duly executed on May 28, 2020.

QUESTAR GAS COMPANY,  
Dba Dominion Energy Utah

By: *Yuka Jenkins*  
Authorized Representative

STATE OF UTAH                    )  
  ) ss.  
COUNTY OF SALT LAKE        )

On May 28, 2020, personally appeared before me *Yuka Jenkins*, who, being duly sworn, did say that (s)he is an Authorized Representative for QUESTAR GAS COMPANY, dba Dominion Energy Utah, and that the foregoing instrument was signed on behalf of said corporation pursuant to a Delegation of Authority.



*B. K. Nowers*  
Notary Public



Comcast Cable Communications, Inc.  
1350 E. Miller Ave.  
Salt Lake City, Utah 84106  
801-401-3041 Tel  
801-255-2711 Fax

May 28, 2020

Chris Lindquist  
A-shed project manager  
1237 E. 270 S.  
Tooele, UT 84074

To whom it may concern,

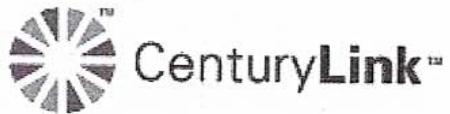
Comcast of Utah II grants permission to encroach upon the easement, which exists along the Northeast line of the property located at 1237 E. 270 S., Tooele, UT 84074. As long as it does not interfere with or deny access to our existing facilities (Poles, cable, conduits, pedestal, electronics). Three feet of clearance must be maintained around all pedestals.

If you need our facilities to be moved, it can be done at your expense. If any damage is incurred to our facilities due to your encroachment, repairs will be done at your expense. Be sure to contact Blue Stakes to locate all utility services at least 48 hours before digging.

Sincerely,

A handwritten signature in cursive script that reads "Courtney Filizetti".

Courtney Filizetti  
Authorized Representative



Date: 05/29/2020

RE LOT:  
1237 E 270 S  
Tooele, UT 84074

To Whom It May Concern,

As you requested, CenturyLink hereby consents to an encroachment of the north and east utility easement on the property at 1237 E 270 S in Tooele UT for the construction of a detached garage on the specified lot only.

However, this consent does not waive or relinquish any rights necessary to the operation, maintenance, renewal, construction, repair, or removal of CenturyLink lines, conduit, or other communication facilities, which are or may be located on said easement. Also, all clearances must be maintained from CenturyLink lines.

As consideration for CenturyLink granting you permission to encroach upon said easement, it will be necessary for you to hold Centurylink harmless from any and all claims for personal injuries or damages to property when such injuries or damages, directly or indirectly, arise out of the existence, construction, installation, maintenance, condition, use or presence of your structures upon said easement. CenturyLink shall not be responsible for any damages to structures or property located on said easement.

Sincerely,

Brandon Michaelis  
brandon.michaelis@centurylink.com  
Engineer II  
CenturyLink