



# BOARD OF ADJUSTMENTS AGENDA

**NOTICE IS HEREBY GIVEN THAT THE CENTERVILLE BOARD OF ADJUSTMENTS WILL HOLD A REGULAR MEETING AT 5:30 PM ON DECEMBER 11, 2023 AT CENTERVILLE CITY HALL, 250 NORTH MAIN STREET, CENTERVILLE, UTAH.**

*Centerville City Board of Adjustment meetings are open to the public, unless otherwise closed for reasons allowed by law. Centerville City Board of Adjustment meetings may be conducted via electronic means pursuant to Utah Code § 52-4-207. In compliance with the Americans with Disabilities Act, individuals needing special accommodations due to a disability may contact the City Recorder at (801) 295-3477, at least 24 hours in advance of the meeting. The Board reserves the right to modify the sequence of agenda items in order to facilitate special needs or provide greater efficiency.*

**The full agenda packet and backup materials can be found on the Centerville City website at:**

<https://centervilleutah.gov/129/Agendas-Minutes>

**A. ROLL CALL**

**B. BUSINESS ITEMS**

Business action or discussion items to be considered.

1. PUBLIC MEETING - Determine the Existence and Modification of Non-Conforming Properties  
Consider a request for determination of the existence and modification of two (2) non-conforming parcels located at approximately 2145 North and 300 West, Centerville, Utah, also identified as Davis County parcel numbers 07-072-0079 and 07- 072-0031

**C. ADJOURNMENT**

## CERTIFICATE OF POSTING

*I hereby certify that this notice and agenda was posted at Centerville City Hall, published on the Utah Public Notice Website, and provided to a newspaper or media correspondent in accordance with the requirements of the Utah Open and Public Meetings Act, including, but not limited to, provisions of Utah Code § 52-4-202.*

**Jennifer Robison  
Centerville City Recorder**



# BOARD OF ADJUSTMENTS

**Staff Report**  
12/11/2023

**Item No. 1.**

**Title:** PUBLIC MEETING - Determine the Existence and Modification of Non-Conforming Properties

**Initiated By:** Spencer Packer, Applicant

**Staff Representative:** Cory Snyder, Community Development Director

**SUBJECT:**

Consider a request for determination of the existence and modification of two (2) non-conforming parcels located at approximately 2145 North and 300 West, Centerville, Utah, also identified as Davis County parcel numbers 07-072-0079 and 07- 072-0031

**RECOMMENDATION:**

See Staff Report

**BACKGROUND:**

**ATTACHMENTS:**

1. 12-11-2023 BOA STAFF REPORT - Existence of Nonconforming Parcel(s), Packer Applicant
2. \_2023.10.10 (Signed) Letter of Request to Board of Adjustment
3. Owner and Agent Affidavit
4. Deed Exhibit
5. Exhibit A - Lot Line Adjustment
6. Exhibit B - Location of New Access
7. Exhibit C - 1997 Special Warranty Deed
8. Exhibit D - 1969 Warranty Deed
9. Exhibit E - 2015 Warranty Deed
10. Exhibit F - 1908 and 1912 Warranty Deeds
11. Exhibit G - 1972 Warranty Deed
12. Staff Exhibit A - City Zoning Map 1954
13. Staff Exhibit B - Davis County Ordinance Adoption
14. Staff Exhibit C - 1980 Annexation Map
15. Packer Exhibit

**CENTERVILLE CITY  
COMMUNITY DEVELOPMENT DEPARTMENT  
655 North 1250 West, Centerville, Utah 84014  
(801) 292-8232**

**STAFF REPORT  
AGENDA: ITEM 1**

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**APPLICANT:**       **SPENCER PACKER**  
                          **581 WEST VALLEY DRIVE**  
                          **CENTERVILLE, UT 84014**  
                          **[packerconstruction@outlook.com](mailto:packerconstruction@outlook.com)**

**CONTACT:**         **JARED WESTHOF**  
                          **[jwesthoff@egimgmt.com](mailto:jwesthoff@egimgmt.com)**

**PROPERTY:**       **PARCEL 07-072-0031**  
                          **PARCEL 07-072-0079**  
                          *(approximately 2145 N 300 W)*

**CURRENT ZONING:**     **AGRICULTURAL LOW (A-L)**

**APPLICATION:**     **REQUEST FOR DETERMINATION FOR EXISTENCE OF  
NONCONFORMING PARCELS**

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***BACKGROUND***

The applicant has submitted a petition letter requesting of the Board of Adjustment a determination of the existence and modification of two (2) non-conforming parcels located at approximately 2145 North and 300 West, Centerville, Utah, also identified as Davis County parcel numbers 07-072-0079 and 07-072-0031. Both properties are currently located in an Agricultural Low (A-L) Zoning District (*see reference map to the right*).



***SUMMARY OF ELEMENTS IN THE LETTER OF REQUEST***

- ***PEITION REQUEST #1 - Determination of the existence and modification of two (2) nonconforming parcels.***

- *PETITION REQUEST #2 – Allow for a modification/boundary line adjustment between the two nonconforming parcels without affecting the determination of their nonconforming status.*
- *PETITION REQUEST #3 – Two Parts:*
  - *Allow for the creation of a private access lane between lots within the Summerhill Lane Subdivision to resolve access problems using Main Street; and*
  - *Allow an additional modification/boundary line adjustment between the nonconforming parcels and the Summerhill Lane Subdivision without affecting the determination of their nonconforming status.*

### ***DETERMINATION REQUEST AND EVIDENTIARY EXHIBITS SUBMITTALS***

- ✓ 2023 Letter of Request to the Board of Adjustment
- ✓ An Owner/Agent Affidavit
- ✓ Deed Exhibit – Illustration depicting various deeds
- ✓ Exhibit A – Lot Line Adjustment (*Surveyor Depiction*)
- ✓ Exhibit B – Location of New Access (*Proposed Summerhill Lane 4<sup>th</sup> Amendment*)
- ✓ Exhibit C – 1997 Special Warranty Deed (*Parcel 07-072-0079 conveyance to the Packers*)
- ✓ Exhibit D – 1969 Warranty Deed (*Parcel 07-072-0079, claim of parcel creation*)
- ✓ Exhibit E – 2015 Warranty Deed (*Parcel 07-072-0031, conveyance to the Packers*)
- ✓ Exhibit F – 1908 and 1912 Historical Warranty Deeds (*?? Parent Deeds to 07-07-0031*)
- ✓ Exhibit G – 1972 Warranty Deed (*Creation of Parcel 07-072-0031*)

### ***STAFF ANALYSIS EXHIBITS***

- ✓ Exhibit A – City Zoning Map 1954
- ✓ Exhibit B – Davis County Ordinance Adoption
- ✓ Exhibit C – 1980 Annexation Map

### ***BOARD OF ADJUSTMENT AUTHORITY AND REVIEW PROCEDURES***

**CZC 12.21.150(b), Authority** – *“The Board of Adjustment is authorized to make determinations regarding the existence, expansion or modification of a nonconforming use, structure, lot, or other nonconformity.”*

**CZC 12.21.150(d), Procedure** – *An application for a determination of the existence, expansion, or modification of a nonconforming use, structure, lot, or other nonconformity shall be considered and processed as provided in this Subsection.*

1. *A complete application shall be submitted to the Zoning Administrator in a form established by the Zoning Administrator along with any fees and deposits set forth in the City Fee Schedule. The application shall include at*

*least the following information:*

- A. The name address, email and telephone number of the applicant and the applicant's agent, if any;*
  - B. The nonconforming use, structure, lot or parcel, or other nonconformity in question;*
  - C. A description of the action requested by the applicant; and*
  - D. Grounds for finding the use, structure, lot or parcel, or other circumstance is nonconforming or for allowing expansion or modification of the nonconformity.*
- 2. After an application is determined to be complete in accordance with CZC 12.21.040(e), the Zoning Administrator shall prepare a staff report evaluating the application.*
  - 3. The Board of Adjustment shall schedule and hold a public meeting on the application. Public notice of the public meeting shall be provided in accordance with the provisions of CZC 12.21.050. After due consideration the Board of Adjustment shall approve, approve with conditions, or deny the application pursuant to the standards set forth in Subsection (e). Any conditions of approval shall be limited to conditions needed to conform the nonconformity, its expansion or modification to approval standards.*
  - 4. After making a decision, the Board of Adjustment shall give the applicant written notice of the decision.*
  - 5. A record of all nonconforming use determinations shall be maintained in the office of the Zoning Administrator.*

**CZC 12.21.150(d), Standard for Decision** – *“A determination regarding the existence, expansion or modification of a nonconforming use, structure, lot or parcel, or other nonconformity shall be based on applicable provisions of CZC 12.22 (Nonconformities).”*

**CZC 12.22.110 Determination Of Nonconforming Status** – *“In all cases, the property owner shall have the burden of establishing that a nonconforming lot, structure, use, or other nonconformity lawfully exists under this Title.”*

## **REVIEW AND ASSESSMENT OF REQUEST #1**

### APPLICABLE LAND USE ORDINANCE REFERENCES:

**CZC 12.12 Definitions, Lot** - *“a tract of land, regardless of any label, that is created by and shown on a subdivision plat that has been recorded in the office of the county recorder, as more particularly defined in Utah Code § 10-9a-103.”*

**Utah Code § 10-9a-103** - "Lot" means a tract of land, regardless of any label, that is created by and shown on a subdivision plat that has been recorded in the office of the county recorder.

**CZC 12.12 Definitions, Parcel** - "Any real property, regardless of any label, that is not a lot in a recorded subdivision, as more particularly defined in Utah Code § 10-9a-103.

**Utah Code § 10-9a-103** – "Parcel" means any real property that is not a lot."

**CZC 12.12.Definitions - Lot, Nonconforming:** "A lot or parcel that:

1. Legally existed before its current zoning designation; and
2. Has been shown continuously on the records of the Davis County Recorder as an independent parcel since the time the zoning regulation governing the lot or parcel changed; and
3. Because of subsequent zoning changes does not conform with the lot size or other dimensional or property development standards applicable in the zone where the lot or parcel is located"

**CZC 12.22.070(a) – Continuation.** "A nonconforming lot may continue to be occupied and used although it may not conform in every respect with the dimensional requirements of this Title, subject to the provisions of this Chapter."

**CZC 12.31.300 – Table of Development Standards in Agricultural Zones**

|                          |          |
|--------------------------|----------|
| Lot and Parcel Standards |          |
| Minimum area             | 1/2 acre |
| Minimum frontage         | 80 feet  |

**CZC 12.12 Definitions – Lot Area:** The total land area of a lot or parcel.

**CZC 12.12 Definitions – Lot Frontage** - The distance, measured along the front lot line, that a lot or parcel adjoins a street.

**REQUEST #1** involves the nonconforming determination of two "Parcel(s)." The submitted exhibits define these parcels as follows:

- Parcel 07-072-0031 – This parcel is currently 1.41 acres in size, purportedly created in 1972 (*Exhibit G*) and later conveyed to the applicant in 2015 (*Exhibit E*) . The petition purports that this parcel is the amalgamation of two earlier deeds dated 1908 and 1912, as submitted in Exhibit F.

- Parcel 07-072-0079 – This parcel is currently 0.07 acres in size, purportedly created in 1969 (*Exhibit D*) and later conveyed to the applicant in 1997 (*Exhibit C*).

These two parcels are currently located in the Agricultural Low (A-L) Zone. It appears from review of CZC 12.31.300, the parcels do not comply the following:

- Parcel 07-072-0031 – Noncompliance with Minimum Frontage of 80 feet adjoining a street.
- Parcel 07-072-0079 – Noncompliance with Minimum Frontage of 80 feet adjoining a street, and Minimum Area of ½ acre.

#### PLANNING STAFF’S REVIEW AND SUMMARY FINDINGS

***Review Summary for Parcel 070-072-0031*** - The petition argues that since it was an amalgamation of two (2) previous deeds in the long past, it should be deemed as a nonconforming parcel before the creation of the City’s Zoning Title of 1976. However, this argument is not correct in its conclusion. The City adopted a Zoning Ordinance as early as 1954 along with a Subdivision Ordinance. However, the Zoning Original Map of 1955-1961 only extended north to just past Chase Lane, which was the northern boundary at the time. Therefore, the subject parcel was annexed into the City sometime after 1961.

According to County Recorder’s Office, the subject parcel was annexed into the City in 1980. Hence, this parcel would have been subject to the zoning and subdivision ordinances of the County. According to County Records, the County first adopted zoning and subdivision ordinances on May 14, 1953 (*see attachments*).

From review of the submitted exhibits, this parcel was created in 1972. However, this parcel has been argued and appears to be an consolidation of two historical deeds of 1908 and 1912. Therefore, the Board of Adjustment will need to determine if the amalgamation of these two historical deeds in 1972 constitutes a legal parcel existence before both the County and City Zoning Ordinances were adopted.

- ***Staff Finding #1 for Parcel 070-072-0031*** - Staff is of the position that this parcel, if purely only a merger of two historical deeds, can be considered a “Nonconforming Lot,” in accordance with CZC 12.12.Definitions - Lot, Nonconforming, while being deficient of the required “Lot Frontage” of the current A-L Zone.

However, to prepare for developing the lot, it will require compliance with other applicable regulations under the authority of other municipal land use authorities, as will be partly explained later in this report related to the other requests made to the Board.

***Review Summary for Parcel 070-072-0079*** – The petition argues that it was created in 1969 before the creation of the City’s Zoning Title of 1976. Again however, this

argument is not correct in its conclusion. Once more, the City adopted a Zoning Ordinance as early as 1954 along with a Subdivision Ordinance. However, the Zoning Original Map of 1955-1961 only extended north to just past Chase Lane, which was the northern boundary at the time. Therefore, the subject parcel was annexed into the City sometime after 1961.

According to County Recorder's Office, the subject parcel was also annexed into the City in 1980. Hence, this parcel would have been subject to the zoning and subdivision ordinances of the County. According to County Records, the County first adopted zoning and subdivision ordinances on May 14, 1953.

From review of the exhibits, the petition does not address or provide evidence that this parcel, when created in 1969, whether it was approved by the County or that it complied with the County's land use regulations adopted first on May 14, 1953, or any subsequent regulations that would have been applicable at that time (*see CZC12.22.110 Determination Of Nonconforming Status*).

- **Staff Finding #2, Parcel 070-072-0079** - Staff is of the position, that this parcel, absent of any evidence of compliance with applicable land use regulations at the time it was created, cannot be determined or recognized as a "Nonconforming Lot," in accordance with CZC 12.12. Definitions - Lot, Nonconforming, while deficient of both the required "Lot Frontage" and "Lot Area" of the current A-L Zone.

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## REVIEW AND ASSESSMENT OF REQUEST #2

### APPLICABLE LAND USE ORDINANCE REFERENCES:

#### **CMC 15.09.100 Exchange Of Title**

- a) *"In accordance with the provisions of Utah Code § 10-9a-608, the owners of record of adjacent parcels that are described by either a metes and bounds description or a recorded plat may exchange title to portions of those parcels if the exchange of title is approved by the Zoning Administrator in accordance with the provisions of this Section."*
- c) *The Zoning Administrator shall review all applications for exchange of title approval and shall approve such requests if the exchange of title will not result in a violation of any land use ordinance of the City.*

#### **Utah Code § 10-9a-608**

- (5) *"(a) The owners of record of adjoining properties where one or more of the properties is a lot may exchange title to portions of those properties if the exchange of title is approved by the land use authority as a lot line adjustment in accordance with Subsection (5)(b).*

- (b) *The land use authority shall approve a lot line adjustment under Subsection (5)(a) if the exchange of title will not result in a violation of any land use ordinance.*”

#### **PLANNING STAFF’S REVIEW AND SUMMARY FINDINGS**

**Review Summary for Request #2** – The request to allow for a modification/boundary line adjustment between the two nonconforming parcels without affecting the determination of their nonconforming status is a separate and distinct review and approval. Such approval is subject to the applicable provisions outlined above, which land use authority has been delegated to the Zoning Administrator and not to the Board of Adjustment.

- **Staff Finding for the Boundary Exchange request.** Staff is of the position that the request for a Boundary Exchange does not fall within the authority of the Board of Adjustment, as described in CZC 12.21.150(b), Authority, or any of the other duties of CZC 12.20.060, Board of Adjustment.

### **REVIEW AND ASSESSMENT OF REQUEST #3**

#### APPLICABLE LAND USE ORDINANCE REFERENCES:

**CZC 12.55.150 Private Rights-Of-Way** - *The Zoning Administrator shall not authorize a building permit for a dwelling located on a lot or parcel accessed only by a private right-of-way except under one of the following conditions:*

1. *Nonconforming Lot or Parcel. The lot or parcel was legally created and recorded prior to the effective date of this Title;*
2. *Variance. A variance is granted by the Board of Adjustment; or*
3. *Planned Development or Condominium. The lot or parcel is part of an approved planned development or condominium.*

**CMC 15.09.010 Petition For Plat Amendment** – *“Any fee owner of property, as shown on the last county assessment roll, in a recorded subdivision plat may file a petition with the City requesting to vacate or amend some or all of the subdivision plat...”*

**CMC 15.09.020 Procedure** – *“Upon receipt of a petition to vacate or amend a subdivision plat, the Community Development Director, or his or her designee, shall review the application and prepare a staff report and recommendation to the City Council. The matter shall thereafter be referred to the City Council for review and consideration in accordance with the provisions of this Chapter. The City Council shall consider the plat amendment at a public meeting and shall hold a public hearing, if required, in accordance with the provisions of CMC 15.09.030.”*

**PLANNING STAFF’S REVIEW AND SUMMARY FINDINGS**

**Review Summary for Request #3** – The two-part request for approval of a “private lane” and “subdivision boundary adjustment” with the platted Summerhill Lane Subdivision are separate and distinct reviews and approvals. Such approvals are subject to the applicable provisions outlined above, which land use authority has been delegated to either the Zoning Administrator or the City Council and not to the Board of Adjustment.

- **Staff Finding for the Private Lane and Subdivision Boundary modification -** Staff is of the position that the request for a private lane and a subdivision boundary modification does not fall within the authority of the Board of Adjustment, as described in CZC 12.21.150(b), Authority, or any of the other duties of CZC 12.20.060, Board of Adjustment.

**PLANNING STAFF’S RECOMMENDATIONS**

**REQUEST #1 - SUGGESTED MOTION AND FINDINGS**

**[Motion]** “I hereby make a motion for the Board of Adjustment to render the following decision for existence of nonconforming parcels:

- The Board of Adjustment has determined that **Parcel 07-072-0031**, if purely only a merger of two historical deeds, is entitled to recognized as a “Nonconforming Lot,” in accordance with CZC 12.12.Definitions - Lot, Nonconforming, while being deficient of the required “Lot Frontage” of the current A-L Zone.
- This Existence of Nonconforming Determination for Parcel 07-072-0031 is subject to the following:
  - a) A licensed land surveyor shall review and compare the historical deeds to verify that 1972 and 2015 Warranty Deeds are indeed limited to the merger of the historical deeds of 1908 and 1912.
  - b) Any subsequent boundary adjustments and/or further development of the parcel shall be subject to all other applicable land use ordinance and/or development related regulations adopted by the City.
- The Board of Adjustment has determined that **Parcel 07-072-0079** is not entitled to be considered a nonconforming “Nonconforming Lot,” in accordance with CZC 12.12.Definitions - Lot, Nonconforming.

**Suggested Reasons for Action (Findings):**

- a) According to CZC 12.21.150(b), Authority, the Board of Adjustment is authorized to make determinations regarding the existence, expansion or modification of a nonconforming use, structure, lot, or other nonconformity.”
- b) According to CZC 12.22.110 Determination Of Nonconforming Status, in all cases, the property owner shall have the burden of establishing that a nonconforming lot, structure, use, or other nonconformity lawfully exists under this Title.”

- c) According to the evidence provided, Parcel 07-072-0031, with the conditions imposed, was a 1972 merger of the historical deeds of 1908 and 1912.
- d) The Board of Adjustment finds that Parcel 07-072-0031, with the conditions imposed, legally existed prior to the County Zoning Regulations enacted on May 14, 1953.
- e) The Board of Adjustment finds that Parcel 07-072-0031, with the conditions imposed, legally existed prior to 1980 annexation of the tract into the City and became subject to the City's Zoning Ordinance at the time of its annexation.
- f) According to the evidence provided, the Board of Adjustment finds that Parcel 07-072-0079 was created in 1969.
- g) The Board of Adjustment finds that Parcel 07-072-0079 was subject to the Davis County Zoning Ordinances adopted on May 14, 1953 and any subsequent amendments prior to its creation.
- h) The Board of Adjustment finds that the petitioner has not provided any evidence that the parcel creation of 07-072-0079 in 1969 complied with applicable land use ordinances of Davis County.
- i) The Board of Adjustment find that Parcel 07-072-0079 was annexed into the City in 1980 and became subject to the City's Zoning Ordinance at the time of its annexation and remained noncompliant with the City's applicable land use ordinances upon its annexation.

### **REQUEST #2 - SUGGESTED MOTION AND FINDINGS**

#### Suggested Motion and Findings for this Request #2:

**[Motion]** "I hereby make a motion for the Board of Adjustment to **DENY** the request for a modification/boundary line adjustment between the two nonconforming parcels without affecting the determination of their nonconforming status.

#### Suggested Reasons for Action (Findings):

- a) The Board of Adjustment finds that subject to the determination and findings of Motion #1, only Parcel 07-072-0031 has been deemed nonconforming.
- b) The Board of Adjustment also finds that the request does not fall within the authority of the Board of Adjustment, as described in CZC 12.21.150(b), Authority, or any of the other duties of CZC 12.20.060, Board of Adjustment.
- c) The Board of Adjustment further finds that a Boundary Exchange is subject to CMC 15.09.100 Exchange Of Title.

### **REQUEST #3 - SUGGESTED MOTION AND FINDINGS**

#### Suggested Motion and Findings for this Request #2:

**[Motion]** "I hereby make a motion for the Board of Adjustment to **DENY** the request for approvals of a "private lane" and "subdivision boundary adjustment" within the platted Summerhill Lane Subdivision

#### Suggested Reasons for Action (Findings):

- a) *The Board of Adjustment finds that the request does not fall within the authority of the Board of Adjustment, as described in CZC 12.21.150(b), Authority, or any of the other duties of CZC 12.20.060, Board of Adjustment.*
- b) *The Board of Adjustment also finds that use of a private lane is subject to CZC 12.55.150 Private Rights-Of-Way.*
- c) *The Board of Adjustment further finds that a Subdivision Plat Amendment is subject to CMC 15.09.010 Petition For Plat Amendment.*

Mr. Spencer Packer, Applicant  
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jwesthoff@egimgmt.com

October 10, 2023

Centerville City Community Development  
Attn: Mr. Corvin M. Snyder, Zoning Administrator  
250 North Main Street  
Centerville, Utah 84014

**LETTER OF REQUEST TO BOARD OF ADJUSTMENT**

Dear Mr. Snyder:

I appreciate your review of this letter of request to the Board of Adjustment for a determination of the existence and modification of two (2) legal non-conforming parcels located at approximately 2145 North and 300 West, Centerville, Utah, also identified as Davis County parcel numbers 07-072-0079 and 07-072-0031.

As part of this request the Applicant is looking to resolve a dispute between neighbors, the city, and UDOT by adjusting the access point for these parcels from what is commonly referred to as "Drake Lane" with access off Main Street down the lane, to a new access point off the newly constructed Summerhill Lane. The new access would be a deeded shared private drive between the two parcels. To make the new access point work, the applicant would need a boundary line adjustment between the two parcels as the proposed new access runs north and south, rather than the current east to west. Please see attached "Exhibit A" which shows the adjusted parcel configuration and "Exhibit B" which shows the location of the new access point.

Approval of the new access point would resolve several conflicts and make for good public policy. UDOT does not want the new Summerhill Lane and Drake Lane to access Main Street as closely as they do. The Applicant and its neighbors want to both use their properties without easements going through each other's properties and both want to be in good standing with the city with their properties.

I invite you to please review the following information in consideration of this request:

**The Property**

Spencer and Pamela Packer own two parcels of land, adjacent to one another, totaling 1.468 acres (please see the enclosed "Deed Exhibit").

Parcel number 07-072-0079 consists of 0.068 acres and was purchased from Lynn R. Larsen, Lorin L. Madsen, and Elmer Landsaw, via Special Warranty Deed dated February 5, 1997 (see enclosed "Exhibit C"). This parcel was created by Warranty Deed from Raymond K. Fadel to Carlton Investment Company in 1969 (see enclosed "Exhibit D").

The Packer's subsequently purchased parcel number 07-072-0031 consisting of 1.4 acres from Royce P. Ostergaard and Norma J. Ostergaard via Warranty Deed dated February 11, 2015 (see enclosed "Exhibit E"). It should be noted this parcel was originally assembled through two separate conveyances or chains of title. The westerly portion was created by a Warranty Deed dated November 5, 1908, and the easterly portion was created by a Warranty Deed dated April 12, 1912 (see enclosed "Exhibit F"). These two deeds were later combined and conveyed by William B. Rigby, Helen S. Rigby, Seymour Rigby, and Patricia A. Rigby to the Ostergaard's via Warranty Deed dated March 11, 1972 (see enclosed "Exhibit G").

### **Legal Non-Conforming Parcels**

Section 12.55.130 (a) of Centerville City Municipal Code states that "Every building shall be located and maintained on a legally created lot or parcel... unless such lot or parcel is a legally nonconforming lot or parcel."

Parcel 07-072-0031: By definition, because the 1908 Deed and 1912 Deed were combined in 1972, prior to the year this zoning title was adopted (circa 1976), the 1.4-acre parcel should be considered a "legally nonconforming parcel."

Parcel 07-072-0079: This parcel was created by Warranty Deed from Raymond K. Fadel to Carlton Investment Company in 1969 and should also be considered a "legally nonconforming parcel" because of its creation prior to the 1976 zoning title.

### **Current Access**

The Packer's currently access their property through what is known as Drake Lane which is an easement created in 1908 extending approximately 800 linear feet from Main Street, within the rear boundaries of Lots 120 through 134 of Summerhill Lane Subdivision, to the Packer property. UDOT would like to see the Drake Lane access closed. The Packer's have been working with Symphony Homes and have recently agreed upon more practical and direct access to their property as described hereafter.

### **Proposed Access**

The proposed access to the parcels will be from Summerhill Lane (2125 North), through a 25-foot-wide lane to be located along the east side of Lot 125, Summerhill Lane Subdivision ("Access Lane"). Please see the attached "Exhibit E". Symphony Homes has agreed to deed the land for the Access Lane to the Packer's upon successful determination of the existence of two legal non-conforming lots and completion of a plat amendment to Summerhill Lane Subdivision to be pursued by Symphony Homes.

The Access Lane will run the entire length of Lot 125 (approx. 128 feet) and shall consist of a 20-foot-wide all-weather drivable surface, centered on the Access Lane, with two inches of gravel on top of six inches of compacted road base. The length, width, and surface treatment of the Access Lane as

proposed above will meet the requirements of Section 503 of the International Fire Code, as has been previously stipulated by Cole Fessler, Fire Marshal for South Davis Metro Fire.

Section 12.55.150 of Centerville City Municipal Code states that the “Zoning Administrator shall not authorize a building permit for a dwelling located on a lot or parcel accessed only by a private right-of-way except... the lot or parcel was legally created and recorded prior to the effective date of this Title...”

Once again, because the 1908 Deed, 1912 Deed, and 1969 deed were each created prior to the adoption of the zoning title of 1976, the adjusted parcels of 0.62 acre and 0.84 acre parcels shown in “Exhibit A” should each be considered a “legally nonconforming parcel” and eligible for access from the newly proposed access.

### Utilities

All utilities necessary for the future development of two legal non-conforming parcels are available in Summerhill Lane, including sewer, water, pressurized irrigation, land drain, power, and natural gas.

In summary, we request a motion to allow the point of access to change for 07-072-0079 and 07-072-0031 as well as a modification/boundary line adjustment of the parcels per “Exhibit A” while keeping the legal nonconforming status of both parcels.

We appreciate your review of our request and look forward to presenting our application to the Board of Adjustment at its earliest convenience. Please feel free to reach out to me with any questions or concerns.

Sincerely,

DocuSigned by:  
  
2614F2AB95C9472...

Jared Westhoff

Enclosed:

Exhibit A – Lot Line Adjustment

Exhibit B – Location of New Access

Deed Exhibit

Exhibit C – Special Warranty Deed dated February 5, 1997

Exhibit D – Warranty Deed dated April 10, 1969

Exhibit E – Warranty Deed dated February 11, 2015

Exhibit F – Warranty Deeds dated November 5, 1908, and April 12, 1912

Exhibit G – Warranty Deed dated March 11, 1972

# AFFIDAVIT

## PROPERTY OWNER

STATE OF Utah }  
 }ss  
COUNTY OF Davis }

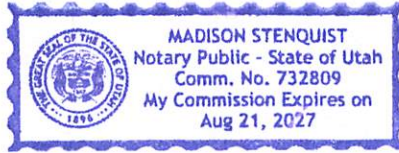
I (We), Spencer and Pamela Packer, being duly sworn, depose and say that I (we) am (are) the owner(s) of the property identified in the attached application and that the statements herein contained and the information provided in the attached plans and other exhibits are in all respects true and correct to the best of my knowledge. I also acknowledge that I have received written instructions regarding the process for which I am applying and the Centerville City Planning Staff have indicated they are available to assist me in making this application.

[Signature]  
(Property Owner)

Pamela Packer  
(Property Owner)

Subscribed and sworn to me this 12<sup>th</sup> day of October, 2023.

[Signature]  
(Notary Public)



Residing in Centerville, Utah

My Commission Expires Aug, 21 2027

## AGENT AUTHORIZATION

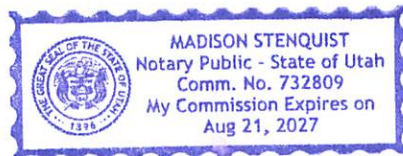
I (we), Spencer and Pamela Packer, the owner(s) of the real property described in the attached application, do authorize as my (our) agent(s) Jared Westhoff to represent me (us) regarding the attached application to appear on my (our) behalf before any administrative or legislative body in the City considering this application and to act in all respects as our agent in matters pertaining to the attached application.

[Signature]  
(Property Owner)

Pamela Packer  
(Property Owner)

Dated this 12 day of October, 2023, personally appeared before me Spencer Madison Stenquist, the signer(s) of the above agent authorization who duly acknowledged to me that they executed the same.

[Signature]  
(Notary Public)

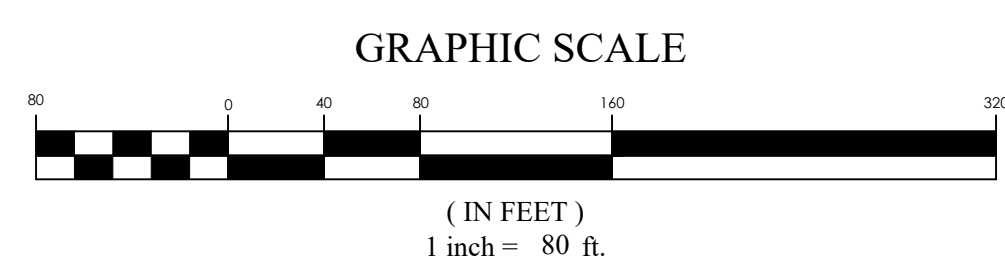
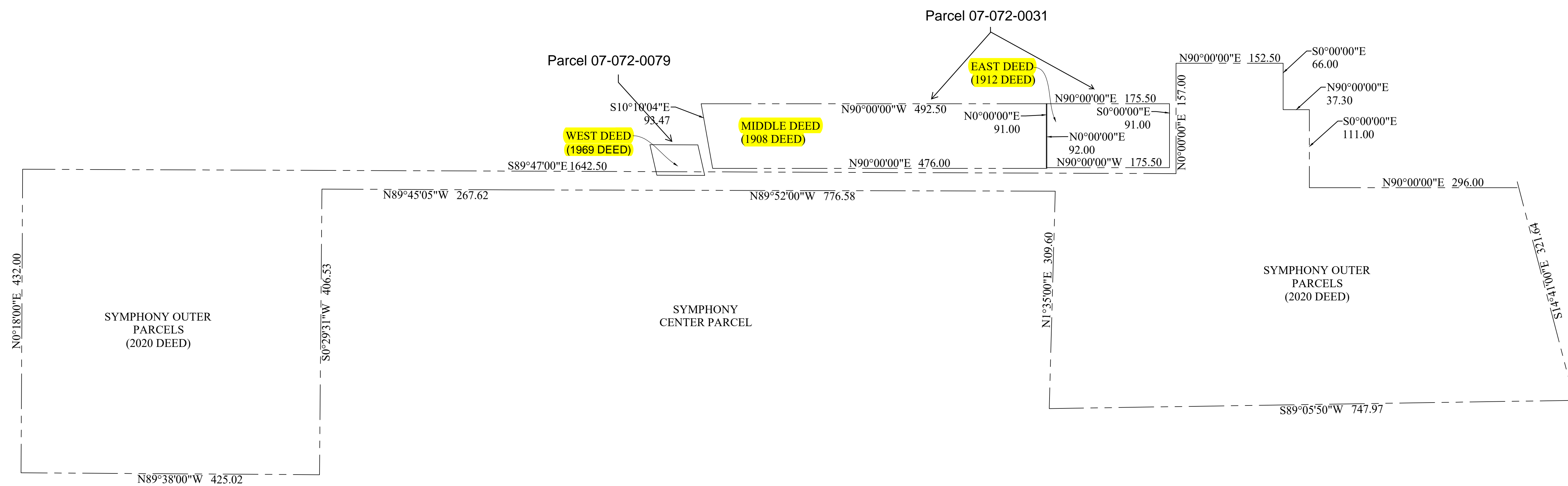


Residing in Centerville, Utah

My Commission Expires Aug, 21 2027

FOR  
 REVIEW  
 ONLY

DEED EXHIBIT



| REVISION BLOCK | DATE | DESCRIPTION |
|----------------|------|-------------|
| 1              | ---- | ----        |
| 2              | ---- | ----        |
| 3              | ---- | ----        |
| 4              | ---- | ----        |
| 5              | ---- | ----        |
| 6              | ---- | ----        |

|                 |                |
|-----------------|----------------|
| Scale: 1"=80'   | Drawn: ARS     |
| Date: 7/14/2022 | Job #: 19-0378 |
| Sheet:          | 1 OF 1         |



CENTER 1/4 CORNER OF SECTION 31, T3N, R1E, SLB&M FOUND PIN IN ASPHALT

CALCULATED: S1°03'04"E 2,662.21' (DCS: N1°04'10"W 2,661.66)

30  
31  
BASIS OF BEARING: N0°15'20"E (SECTION LINE) MEASURED: 2,644.43' (DCS: 2,643.83') (DCS NAD 83: N0°34'47"E 2,643.765')

ALONG QUARTER SECTION LINE 503.02' (TIE)

N89°56'56"W 601.12' (TIE)

31  
6  
SOUTH 1/4 CORNER OF SECTION 31, T3N, R1E, SLB&M ESTABLISHED PER WITNESS CORNER

07-275-0502 CHRISTOPHER A & HERMILA A CUTLER LOT 502

LOT 129

POINT OF BEGINNING

S0°01'42"W

97.67'

LOT 128

CUTLER SUBDIVISION PHASE 5 ENTRY: 2571788

07-275-0501 IVAN A & SHELLEY M CUTLER LOT 501

N89°14'56"E 284.11'

284.11'

PARCEL 2

284.49'

LOT 127

07-072-0031 SPENCER & PAMELA PACKER ENTRY: 2848773

N89°45'54"W

SUMMERHILL LANE SUBDIVISION ENTRY: 3458399

LOT 126

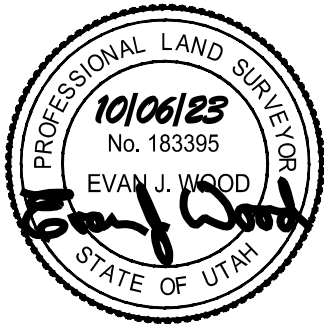
92.78'

N0°16'43"E

LOT 125

07-072-0031 SPENCER & PAMELA PACKER ENTRY: 2848773

07-072-0191 CHRISTOPHER A & HERMILA A CUTLER ENTRY: 1019654



**FOCUS**  
ENGINEERING AND SURVEYING, LLC  
6949 S. HIGH TECH DRIVE SUITE 200  
MIDVALE, UTAH 84047 PH: (801) 352-0075  
www.focusutah.com

EXHIBIT A  
**PARCEL 2**  
**SPENCER & PAMELA PACKER**

Date Created: 10/5/2023  
Scale: 1"=60'  
Drawn: ARS  
Job: 19-0387  
Sheet:

1 OF 1

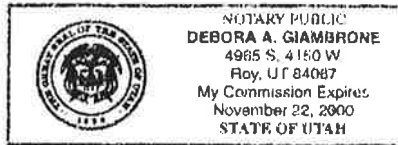
24-2019-19-0378 Symposium 60 615 Centerville design 19-0378 vdwg 19-0378 packer parcel 1 on 2.dwg





STATE OF UTAH )  
 :SS  
COUNTY OF DAVIS )

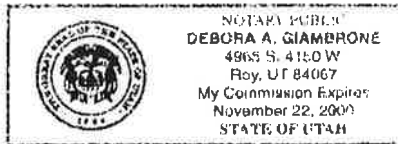
ON THE 24TH DAY OF JANUARY, 1997 , PERSONALLY APPEARED BEFORE ME  
ELMER LANDSAW,  
THE SIGNER(S) OF THE FORGOING INSTRUMENT, WHO DULY ACKNOWLEDGED  
TO ME THAT THEY EXECUTED THE SAME.



*Debora A. Giambrone*  
NOTARY PUBLIC  
MY COMMISSION EXPIRES: 11/22/2000  
RESIDING AT: Roy UT.

STATE OF UTAH )  
 :SS  
COUNTY OF DAVIS )

ON THE 24TH DAY OF JANUARY, 1997, PERSONALLY APPEARED BEFORE ME  
LORIN L. MADSEN,  
THE SIGNER(S) OF THE FORGOING INSTRUMENT, WHO DULY ACKNOWLEDGED  
TO ME THAT THEY EXECUTED THE SAME.



*Debora A. Giambrone*  
NOTARY PUBLIC  
MY COMMISSION EXPIRES: 11/22/2000  
RESIDING AT: Roy UT.

BEGINNING AT A POINT ON THE EASTERLY LINE OF THE BAMBERGER RAILROAD RIGHT OF WAY WHICH IS GIVEN AS 33 FEET SOUTH 1386.92 FEET, MORE OR LESS AND SOUTH 12°42' EAST 444.91 FEET FROM THE NORTHEAST CORNER OF THE SOUTHWEST QUARTER OF SECTION 31, TOWNSHIP 3 NORTH, RANGE 1 EAST, SALT LAKE MERIDIAN, AND RUNNING THENCE SOUTH 12°42' EAST 44.55 FEET ALONG THE EASTERLY RIGHT OF WAY LINE OF THE BAMBERGER RAILROAD TO THE NORTH LINE OF THE R.C. TOLMAN PROPERTY (NOW MABEL DEVORE PROPERTY), THENCE NORTH 89°47' WEST 68.2 FEET TO THE WESTERLY RIGHT OF WAY LINE OF THE BAMBERGER RAILROAD, THENCE NORTH 12°42' WEST 44.55 FEET ALONG THE WESTERLY RIGHT OF WAY LINE OF THE BAMBERGER RAILROAD, THENCE SOUTH 89°47' EAST 68.2 FEET TO THE POINT OF BEGINNING.

WHEN RECORDED, MAIL TO:

24-31-37-18

147

Recorded at request of LAND TITLE COMPANY. ORDER N O 3765 Fee Paid \$ 2.00  
APR 11 1969 4:12 PM MARGUERITE S. BOURNE Recorder, Davis County  
Deputy, Book 412 Page 147

330212

Space Above for Recorder's Use

WARRANTY DEED

RAYMOND K. FADEL, Trustee of ROCK MANOR TRUST as per Trust Agreement dated April 1, 1967, recorded in the office of Davis County Recorder, grantor

of Bountiful, County of Davis, State of Utah, hereby

CONVEY and WARRANT to CARLTON INVESTMENT COMPANY

grantee

of Salt Lake City, County of Salt Lake, State of Utah

for the sum of TEN----- DOLLARS,

and other valuable consideration

the following described tract of land in Davis County,

State of Utah,

Begin on the East line of the Bamberger railroad right of way at a point which is given as 33.0 feet South and 1386.92 feet West, more or less, and South 12°42' East 192.46 feet from the Northeast corner of the Southwest quarter of Section 31, Township 3 North, Range 1 East, Salt Lake Base & Meridian, and running thence South 12°42' East 297.00 feet, more or less, to the North line of the R. C. Tolman Property; thence North 89°47' West 68.2 feet, more or less, to the West right of way line of said railroad; thence North 12°42' West 297.00 feet, more or less, along the said West line; thence South 89°47' East 68.2 feet, more or less, to the place of beginning. Containing 0.453 acres.

- Indexed
- Entered
- Compared

WITNESS the hand of said grantor, this 10th day of April, A. D. 19 69

Signed in the presence of

ROCK MANOR TRUST  
By Raymond K. Fadel  
Raymond K. Fadel, Trustee

STATE OF UTAH }  
COUNTY OF Davis } ss.

On the 10th day of April, A.D. 1969  
personally appeared before me RAYMOND K. FADEL, Trustee of ROCK MANOR TRUST

the signer of the within instrument, who duly acknowledged to me that he executed the same.

Mark Johnson  
Notary Public.

My commission expires March 22, 1973 Residing in Bountiful, Utah

WHEN RECORDED, MAIL TO:  
Spencer Packer and Pamela Packer  
581 Valley Drive  
Centerville, UT 84014

**WARRANTY DEED**

**Royce P. Ostergaard and Norma J. Ostergaard, Trustees or Successor Trustees  
of The Ostergaard Family Trust,** grantor,

hereby CONVEY and WARRANT to

**Spencer Packer and Pamela Packer, husband and wife as joint tenants,** grantee  
for the sum of TEN AND NO/100---DOLLARS, and other good and valuable considerations the following  
described tract of land in Davis County, State of Utah, to-wit:

See Attached Exhibit "A"

Tax ID No.: 07-072-0031

Subject to current general taxes, easements, restrictions, rights of way and reservations appearing of  
record.

WITNESS the hand of said grantor, this 11 day of February, 2015.

The Ostergaard Family Trust

BY: Royce P. Ostergaard Trustee  
Royce P. Ostergaard, Trustee

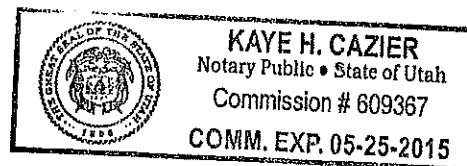
BY: Norma J. Ostergaard Trustee  
Norma J. Ostergaard, Trustee

STATE of Utah

COUNTY OF Davis

On the 11 day of February, 2015, personally appeared before me Royce P. Ostergaard and  
Norman J. Ostergaard, Trustees of The Ostergaard Family Trust, the signers of the above instrument,  
who duly acknowledged to me that they executed the same.

Kaye H. Cazier  
Notary Public  
My Commission Expires: 5-25-15



**Exhibit "A"**  
**(Legal Description)**

Beginning at a point 408.5 feet South 612.5 feet West of the Northeast Corner of the Southwest Quarter of Section 31, Township 3 North, Range 1 East, Salt Lake Meridian, and running West 671.76 feet, more or less; along a line 408.5 feet South of the North line of said Southwest Quarter to the East line of the Old Bamberger Railroad right of way, 66.5 feet wide; thence South  $12^{\circ}42'$  East 94.52 feet, more or less, along said right of way to the North line of a private right of way; thence easterly along said right of way to a point 91.0 feet due South of the point of beginning; thence North 91.0 feet to the point of beginning.

The following is shown for information purposes only: 07-072-0031

EXHIBIT F

Recording fee paid \$ 7<sup>5</sup> Ladie Frost County Recorder Davis County, Utah

Entry No. 14494 **WARRANTY DEED.**

Raymond Drake and Mary Drake, Husband and wife, grantors  
of Centerville, County of Davis, State of Utah, hereby CONVEY AND WARRANT to  
George L. Halliday grantee of Salt Lake City, Utah,  
for the sum of One Hundred and No/100 DOLLARS,  
the following described tract of land in \_\_\_\_\_ County, State of Utah:

Commencing at a point Twenty-four (24) rods, 12 1/2 feet South and Forty-eight (48) rods West from the North East corner of the South West quarter of Section 31, Township 3 North, Range 1 East, Salt Lake Meridian, pursuing thence West 29 rods and 14 feet to East line of right of way of the Salt Lake & Ogden Railroad, thence South easterly 3 rods and 10 feet, more or less, thence East 28 rods and 14 feet, thence North 5 rods and 10 feet to point of commencement, containing 165 square rods, more or less. Together with a perpetual right of way for general purposes over and through a certain 2 rod lane running West from Davis County Highway No. 1, to and bounding said tract of land on the South, and also the right to convey water to said land for irrigating purposes through and along said lane by ditch or other means

WITNESS the hand of said grantors this fifth day of November, A.D. 1908.

Signed in the presence of

Wm. A. Shreeves, Jr.

Raymond Drake  
Mary Drake

STATE OF UTAH,

COUNTY OF Davis } ss. On the fifth day of November, A. D. 1908

\_\_\_\_\_ personally appeared before me Raymond Drake and Mary Drake  
the signers of the above instrument, who duly acknowledged to me that they executed the same.

My commission expires April 2<sup>nd</sup> 1912.



William A. Shreeves, Jr.  
Notary Public.

Recorded at request of V. L. Halliday

Nov 14-22 1908, at 11<sup>25</sup> o'clock A. M.

*See Warranty Deed in 1<sup>st</sup> of Books  
page 278.  
in  
Page 278  
Page 278*

See Warranty Deed in Book 17 of Records, page 278.

Entry No. 19167

WARRANTY DEED.

Sydney Drake and Mary Drake, husband and wife, grantor(s)  
of Cedarville, County of Davis, State of Utah, hereby CONVEY AND WARRANT to V. D. Halliday,

for the sum of Fifty \$ DOLLARS,  
the following described tract of land in Davis County, State of Utah; to-wit:

Commencing at a point 24 rods 12-1/2 feet South and 27 rods and 2 feet west from the northwest corner of the Southwest 1/4 of Section 31 in Township 3 North of Range 1 East, Salt Lake Meridian, running thence west 10 rods 10-1/2 feet, more or less to east line of grantor's land, thence South along said east line 5 rods 8-1/2 feet, thence east 10 rods 10-1/2 feet, more or less to a point 5 rods 8-1/2 feet South of commencement point, thence north 5 rods 8-1/2 feet to point of commencement, containing 60 rods of land, more or less.  
Together with its appurtenances, including 1 share of water in Pickets Creek. It is hereby understood that the party of the first part is to have and use the said share of water immediately after his own share in said cooperation.

WITNESS the hand of said grantor(s) this 12th day of April, A.D. 1912.

Signed in the presence of  
J. E. Robinson

Sydney Drake  
Mary Drake

STATE OF UTAH,

COUNTY OF Davis

On the 12th day of April, A. D. 1912,

personally appeared before me, Sydney Drake and Mary Drake, husband and wife, the signer(s) of the above instrument, who duly acknowledged to me that they executed the same.

My Commission expires October 5, 1912.

Recorded at Request of V. D. Halliday



J. E. Robinson  
Notary Public.

In Book "Y" of Warranty Deed Record, page 132, Records of Davis County, Utah, Abstracted E/11.

Recording Fee paid \$ .70

May 16th, 1912, at 9:05 o'clock A. M.

Charles S. Brown County Recorder, Davis County, Utah.

WHEN RECORDED, MAIL TO

Recorded at County of DAVIS this 11 day of March 1972  
Date MAR 14 1972  
By Thomas Woodhull Notary Public

Space Above for Recorder's Use

362078

**WARRANTY DEED**

William B. Rigby and Helen S. Rigby, his wife  
Seymour Rigby and Patricia A. Rigby, his wife

grantors

of Centerville, County of Davis, State of Utah, hereby

CONVEY and WARRANT to

Royce P. Ostergaard and Norma Ostergaard, husband and wife, as  
joint tenants

grantee

of Centerville (Centerville), County of Davis, State of Utah

for the sum of one hundred and no/100 DOLLARS,  
and other good and valuable consideration

the following described tract of land in Davis County,  
State of Utah,

Beginning at a point 408.5 feet South and 512.5 feet West of the  
Northeast corner of the Southwest Quarter of Section 31, Township  
3 North, Range 1 East, Salt Lake Meridian, and running thence  
West 671.76 feet, more or less, along a line 408.5 feet South of  
the North line of said Southwest Quarter to the East line of the  
old Bamberger Railroad Right of Way, 66.5 feet wide, thence South  
12°42' East 94.52 feet, more or less, along said right of way to  
the North line of a private right of way, thence Easterly along  
said right of way to a point 91.0 feet due South of the point of  
beginning, thence North 91.0 feet to the point of beginning.

*CRIG VEST No 408 W*

WITNESS the hand of said grantors this 11 day of March A. D. 19 72

Signed in the presence of

*[Signatures of witnesses: Seymour Rigby, Patricia A. Rigby, William B. Rigby, Helen S. Rigby]*

STATE OF UTAH,

County of Davis

ss.

On the 11th day of March, A.D. 19 72

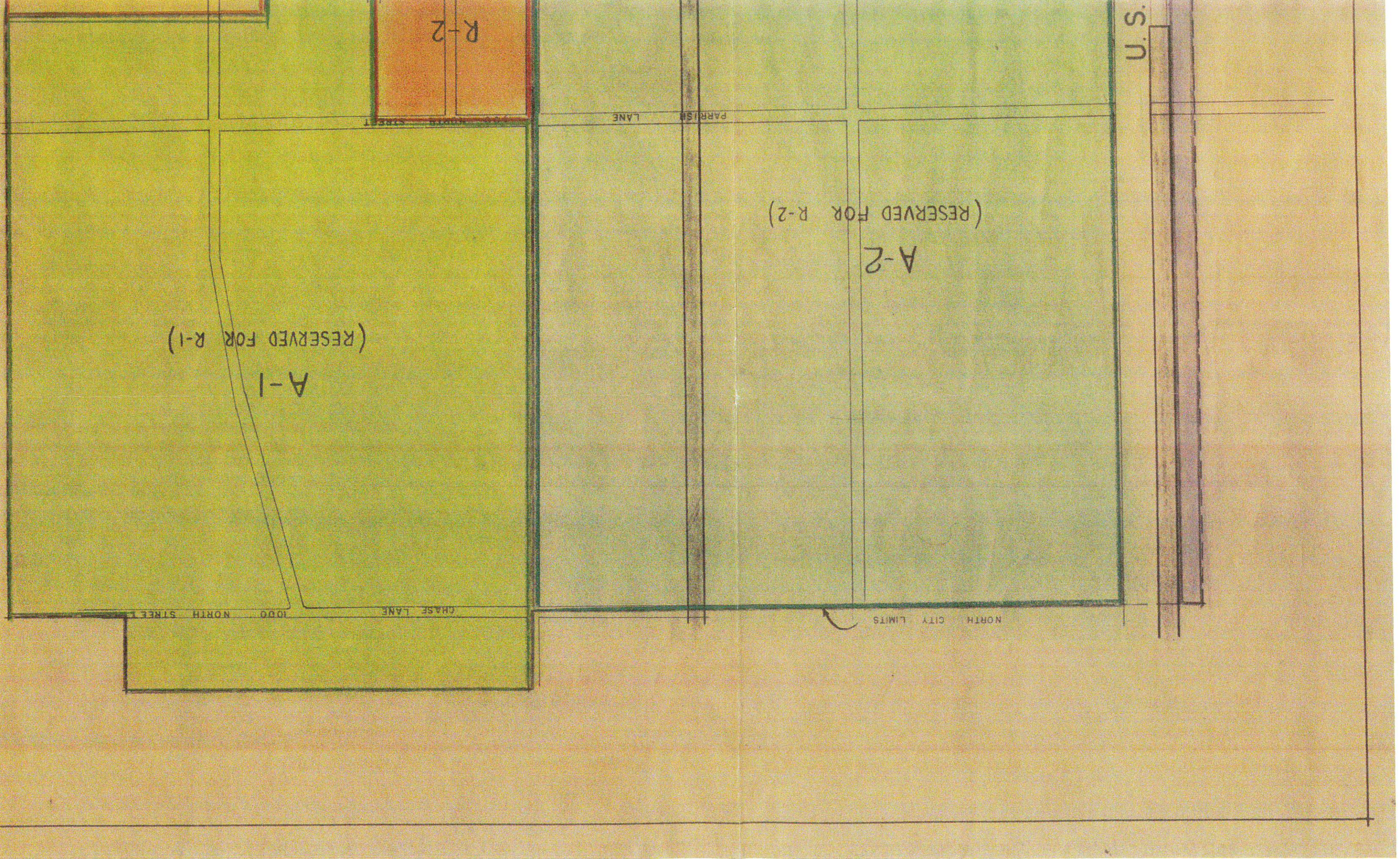
personally appeared before me Seymour Rigby and Patricia A. Rigby, his wife  
William B. Rigby and Helen S. Rigby, his wife  
the signers of the within instrument, who duly acknowledged to me that they executed the  
same.

*[Signature of Notary Public]*  
Notary Public

My commission expires March 2, 1976 Residing in Kaysville, Utah

APPROVED FORM - UTAH SECURITIES COMMISSION

FORM 101 - WARRANTY DEED - JULY CO. 58 BY UTAH SEC. COM. 1-1-72



A-1  
(RESERVED FOR R-1)

A-2  
(RESERVED FOR R-2)

R-2

U.S.

CHASE LANE  
NORTH STREET

PARRISH LANE

NORTH CITY LIMITS

EXISTING STREETS



ZONES :



RESIDENTIAL R-1



RESIDENTIAL R-1-A



RESIDENTIAL R-2



RESIDENTIAL R-3



COMMERCIAL C-1



COMMERCIAL C-2



AGRICULTURE A-1



AGRICULTURE A-2



INDUSTRIAL M-1

SCALE - 1" = 500'

EAST CITY LIMITS



APPROVED

CENTERVILLE PLANNING COMMISSION

APRIL 14, 1954

DATED

APPROVED

CENTERVILLE TOWN BOARD

DATED

COPY

March 30, 1953

Davis County Commissioners:

After having examined the proposed zoning map of the unincorporated area of Davis County, we feel that our property is being unfairly zoned. We would like to present our reasons.

Our property is located in what is known as South Bountiful; joining us on the south is the Pioneer Pipe Line Oil Tank Farm, on the west is the U. P. Railroad, with a newly completed spur running parallel to our property. On the north is land that is being farmed, with no home upon it, and the same is true directly across the street from our property.

The Pioneer Pipe Line Co. is in the town of North Salt Lake, and is therefore governed by them. Even though Davis County has no control over the zoning of this property, the fact remains that under Davis County zoning an industry of this type would be classified as M-2. Oil companies should have the right to expand and if this company does, our property would be the logical place to do so. The only other industries that would likely be interested in this property would be of a similar nature and of the same type. This makes it unlikely that any industry listed under M-1 would be interested in locating on our property. Our land would logically be used for heavier industry such as joins it, both because of the location and because of the railroad.

We do not wish to hurt our neighbors investment in residential homes along the street, and would be willing to leave the 150 foot strip adjoining the street as is proposed for residential use.

/s/ Julian W. Hatch  
Ruby R. Hatch

COPY

Zoning Hearing was held March 30th, 1953.

CERTIFICATION

To Board of Commissioners of Davis County:

This is to certify that Davis County Planning Commission has unanimously adopted a zoning map and zoning regulations of the unincorporated areas of Davis County, true and correct copies of which are hereto attached together with the amendments as recommended by the Planning Commission after the Public Hearing; and that the Davis County Planning Commission has unanimously recommended that the necessary steps be taken by the Board of Commissioners of Davis County to adopt said zoning regulations in accordance with law.

Signed and dated this 27th day of April, A. D. 1953.

DAVIS COUNTY PLANNING COMMISSION

By: /s/ D. Keith Barnes, Chairman.

EXCERPT taken from the Board of County Commissioners minutes, April 27, 1953

The Board carefully considered the changes in connection with the Zoning map. The Zoning Ordinance was read and Commissioner M. P. Leonard made a motion that the following Davis County Zoning Ordinance with the recommended amendments and changes be adopted, said ordinance to become effective fifteen (15) days following the adoption of this motion, i. e. May 14, 1953 at 12:00 noon. (Copy)

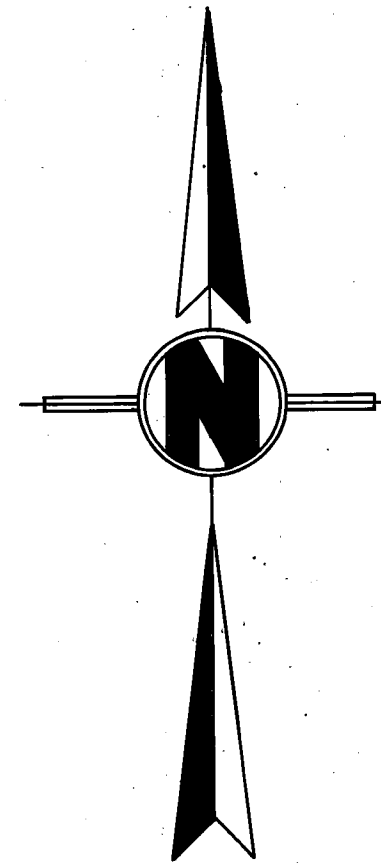
MINUTES OF THE DAVIS COUNTY PLANNING COMMISSION MEETING - April 7, 1953

The Davis County Planning Commission meeting was called to order at 5:15 P. M. by Chairman D. Keith Barnes. The following members were present: Mr. Barnes, Dan Imhoff, Ray Schluter, Dr. Franklin L. West, Frank Ashdown, Comm. Eugene Tolman and R. Clay Allred. Others present were: Comm. Stewart and Comm. Leonard, Mr. and Mrs. Ivan Bryson, Mr. Val Richman, Mr. Pollei, Mr. Carlson, Mr. Bryner, Judge Marcellus K. Snow, Harold Tippetts, Win Templeton, Karl Hale and Mr. Wright.

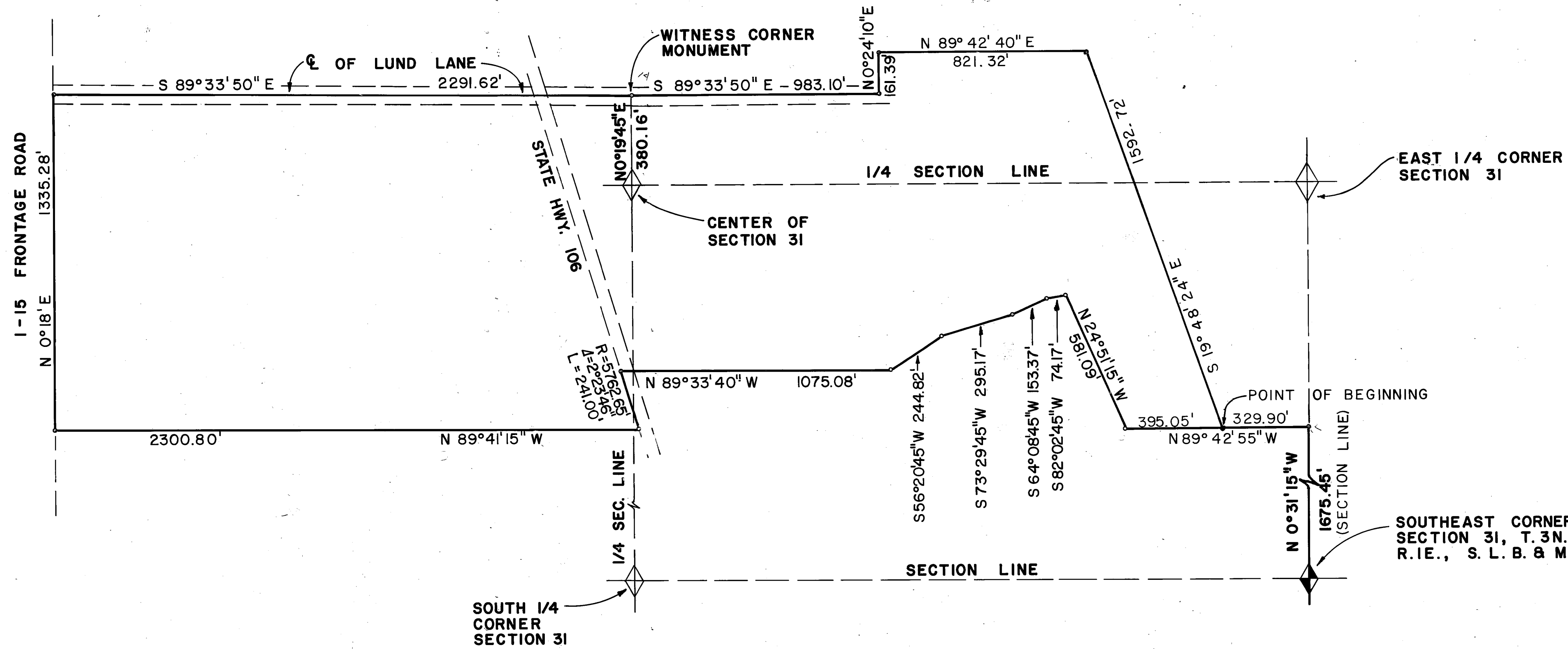
Dr. Barnes called upon Comm. Tolman as to their action on the zoning map and ordinance, and he reported that they were withholding action until they referred it back to the Planning Commission. Mr. Allred, County Planner, stated that Mr. and Mrs. Bryson were in the audience and were opposed to the motel which Mr. and Mrs. Parks have proposed on 2nd West, just east of Slim Olsen's. A petition was presented to the Commissioners with signers south to Orchard Drive on 2nd West. They feel that even though there is Commercial across the street, the east side of the street should be left for residential on the assumption that they couldn't continue to live there if it were zoned commercial. Mr. Parks and David Holbrook feel that area should be zoned commercial as it faces commercial, and should go to the rear of the lots on 2nd West. This matter was referred to the zoning committee, Ray Schluter and Dan Imhoff, for further study. Leland Sessions and Julian Bills have asked that their entire property on Highway 91 be zoned commercial--not just 200'. Their property is south of the Bountiful Motor View

# EXTENSION OF CENTERVILLE CITY LIMITS

A PART OF SECTION 31, T. 3N., R. 1E., S. L. B. & M.  
DAVIS COUNTY, UTAH



SCALE: 1" = 300'  
DATE: NOVEMBER, 1979



### DESCRIPTION OF PROPERTY TO BE ANNEXED

BEGINNING AT A POINT ON THE NORTH BOUNDARY LINE OF CENTERVILLE CITY WHICH POINT IS N 0°31'15" W 1675.45 FT. ALONG THE SECTION LINE AND N 89°42'55" W 329.90 FT. FROM THE SOUTHEAST CORNER OF SECTION 31, T. 3N., R. 1E., S.L.B. & M. AND RUNNING THENCE ALONG THE NORTH CITY BOUNDARY LINE IN THE FOLLOWING NINE COURSES N 89°42'55" W 395.05 FT., N 24°51'15" W 581.09 FT., S 82°02'45" W 74.17 FT., S 64°08'45" W 153.37 FT., S 73°29'45" W 295.17 FT., S 56°20'45" W 244.82 FT., N 89°33'40" W 1075.08 FT., SOUTHERLY ON THE WESTERLY BOUNDARY LINE OF STATE HIGHWAY 106 241.00 FT. ALONG THE ARC OF A 5762.65 FT. RADIUS CURVE TO THE LEFT (RADIUS POINT BEARS N 74°24'19" E) THROUGH A CENTRAL ANGLE OF 2°23'46", AND N 89°41'15" W 2300.80 FT. MORE OR LESS TO THE EASTERLY LINE OF STATE HIGHWAY PROPERTY (I-15 FRONTAGE ROAD); THENCE N 0°18' E 1335.28 FT. ALONG THE EASTERLY LINE OF SAID STATE HIGHWAY PROPERTY TO THE CENTERLINE OF A DAVIS COUNTY STREET (LUND LANE); THENCE S 89°33'50" E 2291.62 FT. ALONG SAID CENTERLINE OF STREET TO A POINT WHICH IS N 0°19'45" E 380.16 FT. ALONG THE QUARTER SECTION LINE FROM THE CENTER POINT OF SAID SECTION 31; THENCE S 89°33'50" E 983.10 FT.; THENCE N 0°24'10" E 161.39 FT.; THENCE N 89°42'40" E 821.32 FT.; THENCE S 19°48'24" E 1592.72 FT. TO THE POINT OF BEGINNING; CONTAINING 124.2886 ACRES.

### SURVEYOR'S CERTIFICATE

I, JACK R. BALLING, DO HEREBY CERTIFY THAT I AM A REGISTERED LAND SURVEYOR HOLDING UTAH CERTIFICATE NO. 2595, AS PRESCRIBED BY THE LAWS OF THE STATE OF UTAH, AND I FURTHER CERTIFY THAT THIS PLAT CORRECTLY SHOWS THE PROPERTY AS DESIGNATED FOR ANNEXATION TO THE CITY OF CENTERVILLE, DAVIS COUNTY, UTAH.

November 15, 1979 DATE

Jack R. Balling UTAH SURVEYOR NO. 2595

### CENTERVILLE CITY COUNCIL APPROVAL

APPROVED THIS 26<sup>th</sup> DAY OF December 1979, BY THE CITY COUNCIL OF CENTERVILLE, CITY, DAVIS COUNTY, UTAH.  
 Gilben L. Allen MAYOR ATTEST: Russ M. Porter CITY RECORDER

### CITY ENGINEER'S CERTIFICATE

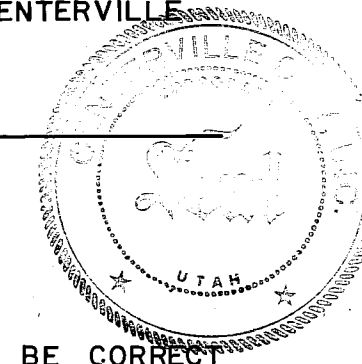
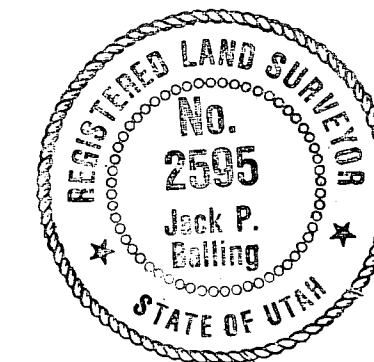
I, HEREBY CERTIFY THAT I HAVE HAD THIS PLAT EXAMINED BY THIS OFFICE AND FOUND IT TO BE CORRECT AND IN ACCORDANCE WITH THE INFORMATION FILED IN THIS OFFICE.

DATE

CITY ENGINEER

### DAVIS COUNTY RECORDER

ENTRY NO. 558089 FEE PAID NO FEE  
 FILED FOR RECORD AND RECORDED THIS 21<sup>ST</sup> DAY OF FEBRUARY 1980  
 AT 3:00 P.M. IN BOOK 813 OF PAGE 741 O.R.  
 COUNTY RECORDER Carol Jean Page  
 BY \_\_\_\_\_ DEPUTY







## Two Parcel Title Chain

### Packer Deed Chain Overview

- - **1908 The west parcel was created:** Drake to Halliday. “Together with Perpetual RoW.”
- - **1912 The east parcel was created:** Drake to Halliday. “Together with appurtenance.”
- - **1936 The east and west parcels:** Halliday to John Walpole. West with a perpetual RoW. East with appurtenance.
- - **1937 The east and west parcel:** John Walpole to Earnest Walpole west together with perpetual RoW. The east without RoW language on the deed.
- - **1963 The west parcel:** Earnest Walpole to Rigby with perpetual RoW.
- - **1964 The east parcel:** John Walpole to Walpole Family.
- - **1964 The east parcel:** Walpole Family to Rigby with perpetual RoW.
- - **1972 The east and west parcels:** Rigby to Ostergaard the meets and bounds description surrounding both parcels with no RoW language.
- - **2015 The east and west parcels:** Ostergaard to Packer the meets and bounds description surrounding both parcels with No RoW language
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THE PROPERTY OWNED BY SPENCER PACKER WAS ORIGINALLY DEEDED IN 1908 AND 1912, AS TWO SEPARATE PARCELS OF LAND.

LATER, THE LAND WAS COMBINED INTO ONE DESCRIPTION, IT WAS ORIGINALLY TWO SEPARATE DESCRIPTIONS.

IN ADDITION THE 1908 DESCRIPTION DESCRIBES THE 2 ROD LANE FROM HIGHWAY 1, WHICH IS NOW MAIN STREET CENTERVILLE, WEST AND ALONG THE SOUTH LINE SAID PROPERTIES.

