

RECEIVED

JUN 14 2013

COUNTY COMMISSIONERS

Box Elder County Commission
01 South Main Street
Brigham City, UT 84302

10 June 2013

Re: road improvements on 400 West, Beaverdam

County Commissioners:

On Thursday, June 20th, the County Road Department and Planning & Zoning will be presenting for approval to the County Commission to improve part of 400 West in Beaverdam. While we agree with the improvements (because of the excessive use and amount of dust from that use), we are concerned about our responsibility to pay for those improvements. Apparently, a rural road agreement was filed on four lots of the Copper Hills Subdivision. We were unaware of this agreement at the time we purchased our lot. In fact, we were not made aware of this agreement until after we had been in our home for 6 months. We never thought that such an agreement would be on our lot due to the fact that we live on a major public rural road that is used by other subdivisions, businesses, and a gravel pit. Our road is not a typical subdivision road that was put in as a new road to serve only that subdivision, but a typical everyday existing through fare.

When I was made aware of the road agreement, I contacted Bill Gilson to find out the county's intentions. He was not aware of such an agreement. In fact, no one in any of the departments were aware of the agreement. But because of my inquiry, they did a search and found the agreement. The owners of three of the lots met with Mr. Gilson to see what the plans were for the road. There was some confusion on what the developer dedicated to the county in the agreement and where the existing road lies. We, the owners of the lots, do not feel that is our responsibility to pay for the improvements. But if we were forced to pay then we did not feel that we should pay for the improvement that lies outside of the area dedicated. According to the County Attorney, the owners of the lots are going to be given two proposals. One is to pay for the improvements on the entire existing road (even the area that lies out of the dedicated area). The second option is to pay for the moving of the road so that it all lies in the dedicated area and then to also pay for all the improvements. This second option is not an option to us at all. Not only would it move the road closer to my house (which I am built right at the easement line) but would of course cost us more financially. We believe they are giving us this so called "generous" option to force our hand at choosing to pay for the entire existing road improvement.

We feel that it is unfair for the county to require us to pay for this improvement, especially when so many others use this road more than we do. We are also aware that Logan City has contracted with the gravel pit for a large quantity of gravel to be removed. Which means several, approx 40 trucks a day (in one direction), will be using that road. The improvement of this road benefits so many others.

Just recently, I was made aware of a development code from your Box Elder County Land Use Management and Development book. Article 5: Regulations, 5-1-040 states: "The installation of curb, gutter, sidewalks, STREET PAVING, drainage culverts and covered or fenced irrigation ditches of a type approved by the County Commission shall be required on any EXISTING or proposed street adjoining a lot on which a building is to be established. Such curbs, gutters, sidewalks, PAVING,

drainage culverts and safety features for irrigation ditches and canals, etc. are required as a condition of building permit approval, when Box Elder County adopts a policy that such street is to be improved according to a given plan adopted by Box Elder County." This road is located in a rural area and not a subdivision, so it would not be feasible to require curb, gutter and sidewalks. But the paving of the street, should have been completed prior to us obtaining a building permit. Why were we able to build and now we are being required to pay for the improvements? We ask the Commissioners to examine all the facts in regards to this type of road, the road agreement and the fact that the improvements should have been completed prior to any building permits were issued.

If in the end, the County Commission finds that we are responsible for the improvements, we would ask two things. The first is that the Commission will not move the existing road. Second, that the Commission would be extremely generous in giving us time to pay for these improvements. According to the County Treasurer, they would like to set up a program where we receive special assessments for 8 years. Between my husband and I, we already work 4 jobs and this time frame would still put a huge financial burden on us. I appeal to the mercy of the Commission to be much more generous in a payment time frame.

This is our dream home. We have put everything we have into building a home in this area, so that we could raise our family away from so much worldly issues and drama. We were only able to build at this time and in this area because of the generosity of family and friends. Apparently, it is believed by some members of the county, that if we could afford to build in this area then we could afford to pay for a road. This couldn't be farther from the truth and we are offended by such comments. If those members were to know our whole story, then these comments and opinions would be far different.

I appreciate the County Commissioners assistance in this matter.

Stephen & Tamara Wickham

To: Box Elder County Commission
01 South Main Street
Brigham City , Utah 84302

Subject:
Harold and Karma Hansen
14560 N. 400 W.
]Beaver Dam, Utah, 84306

Stephen and Tamara Wickham
14590 N. 400 W.
Beaver Dam, Utah 84306

Lance and Michelle Olsen
14470 N. 400 W.
Beaver Dam, Utah 84306

Dear Commissioners.

It come to my attention that you are asking these families to pay for the black topping of the Box Elder County Road extending from the Dairy Valley Road To 14560 North 400 West.

I am the owner and Developer of High Country Estates. In this process, going through your Box Elder County Land Use Management and Development Code, adopted October 2007. I had high lighted all the things that I, as a Developer, should do. In reading back through these high lighted areas, Article 5: Regulations, 5-1-040. The installation of curb, gutter, sidewalks, street paving, drainage culverts, and covered or fenced irrigation ditches of a type approved by the County Commission shall be required on any existing or proposed street adjoining a lot on which a building is to be established. Such curbs, gutters, sidewalks, paving, drainage culverts, and safety features for irrigation ditches and canals, etc., are required as a condition of building permit approval, when Box Elder County adopts a policy that such street is to be improved according to a given plan adopted by Box Elder County.

I was required to blacktop all of my frontage roads and access roads to the regulations of Article 5: Regulations, 5-1-040. Why did you let another developer come in and change your development Code, to his benefit, by saying his buyers will be obligated to blacktop this section of road. To Me I feel it should be your responsibility to blacktop this section of road at your expense for letting another Developer change your development Code to his benefit. I feel it was wrong and I am going to stand behind these property owners 100%.

Would you please give this your invited attention.

Sincerely,
J. Alton Veibell
14015 North 400 West
Beaver Dam, Utah 84306

Rebecca Dilg

From: Adam Burris [burris.adam@gmail.com]
Sent: Thursday, June 20, 2013 3:20 PM
To: Rebecca Dilg
Subject: Fwd: copper hills

Ms. Dilg:

I sent an email to Mr. Tingey earlier today about the Copper Hills Subdivision. I hope that I am sending the emails to the correct individuals. I had heard that there was a meeting about the road along said subdivision today. I have sent you the same email to make sure that it was received.

Thanks,

----- Forwarded message -----

From: Adam Burris <burris.adam@gmail.com>
Date: Thu, Jun 20, 2013 at 12:53 PM
Subject: copper hills
To: rtingey@boxeldercounty.org

Mr. Tingey:

I hope that you will receive this email before your meeting this evening with the residents of the Copper Hills Subdivision. I was one of the original developers of the said subdivision. During the approval process of the subdivision, the county required that a rural road agreement be signed. I spoke with Kevin Hamilton at that time indicating that it wasn't equitable to pass the cost of improving the road, which everyone uses, onto four lot owners. I could understand that a developer should cover the cost if a new road is being created; however, this was an existing road that many people were already using and I thought it was extremely unfair to pass the cost of improving it onto future lot owners. Mr. Hamilton would not allow the subdivision to move forward at that time, so we were forced to sign the agreement.

I know that some homeowners have indicated that they were unaware of the agreement, which are most likely accurate statements. The agreement was disclosed in several areas; however, I know buyers often do not look over everything in seller disclosures nor in title reports.

I hope that the county will recognize the unfair burden that this puts on the owners of the Copper Hills Subdivision and I hope that common sense will prevail.

I just wanted to provide you with an additional perspective.

Thanks,

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Adam Burris

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Adam Burris