

Minutes of a Planning and Zoning meeting held on March 31, 1983, at 8:00 P.M. at City Hall.

Present were Steve Porter, John Mayer, Kim Barlow, Councilmen Dan Olson and Sherman Jones, Junior Kester, Ramona Rosenlund, clerk, and Clement "Jake" Kester who entered the meeting at 8:45 P.M.

Meeting was called to order at 8:25 P.M. and prayer was by Mr. Barlow.

Mr. Porter gave a short history of the Board of Adjustment hearing which was held on March 4, 1983, where Mr. Junior Kester requested a variance so he would be able to divide his property into two lots fronting on a private right-of-way. Since he did not have two full half acres, the variance was denied.

To night Mr. Clement Kester is requesting annexation of a small property adjoining that of Junior Kester on the west. This property is 44.34 feet east and west by 80 feet north and south. Mr. Kester is desirous of giving this property to the city for a continuation of 100 West Street, thus giving access to both his and Junior Kesters property and if it is accepted for a street, it will give Junior Kester frontage on a city street so he will not be required to have more than 9,600 square feet for one of the building lots he wants.

Mr. Porter asked if this property can be a street and Mr. Jones said if Kays who own the property to the west of the piece in question will give the rest to make a full width street, it can, but it needs to be wide enough for a street. After checking with a map, Mr. Jones said he felt the continuation of 100 West Street to the south should be put on the Master Plan. Mr. Clement Kester said he wants to give the property to the city for a road but he won't improve it until it continues on thru south.

Mr. Porter asked if the city could accept a not improved road or would it need an agreement that it would be improved when any building went in. Mr. Olson said it would not be a standard street in width and that the property does not have to be annexed to be called a street, no matter what and no home can ever be built on it, there is no question about that. He said a standard should be kept and so it would have to be kept for a road.

*that Mr Kester.*

Junior Kester asked what if he bought the 44 feet from Jake Kester and someone built a house close to it, then it would not be a street. Mr. Olson said ~~he~~ should approach Lyle Kay and see if he will give the other half for the street but there would be a big problem with the ditch that goes through it. Junior Kester said he wouldn't have to cover the ditch until something is developed south of it. Mr. Olson said he thought the road should be developed to the ditch.

Mr. Porter said if the city accepts the property it won't do Junior any good unless it is a street or if he buys the property from Jake, he would have to have it annexed before it could be built on as part of a lot as it is in the county.

Junior Kester said he talked with Lynn Crook and Helen Kester, former members of the Planning Commission and they both thought any property taken out of a half acre lot fronting on a private road could be counted as part of the half acre required.

Mr. Porter said if this were only half a road it is not a dedicated city street so it can't be used as a basis for allowing a 9,600 square foot lot fronting on it. Mr. Olson said they need to know ahead who is going to give other ground when the street is ready to go through and he feels it may not be adequate as to the ordinance with just half the street property and Kay's need to be approached first. Mr. Barlow said we can not decide for Kays.

Mr. Porter said the Planning Commission needs to know if we are helping Junior Kester by annexing this property because if it is not a street it won't help. Suppose Mr. Kay won't give the rest of the property needed to make it a street and it is then not a dedicated street and so he will still have a problem. Mr. Olson said Junior buys the property it is in the county and needs to be annexed. The city can't afford to buy it and should not have to pay for the balance of the road. He feels Junior, Jake and Lyle Kay need to get together and work out any details before coming to the city. It won't benefit the city in any way until a home is there and people living in it.

Jake Kester said he was concerned if a street would ever go through and Mr. Olson said if an industrial park went in, the road would have to be wide enough or there would be more problems. Mr. Porter said the Board of Adjustment felt if he were to purchase the property to add to what he already has it would give him enough so he would have the half acre needed to sell it for a building lot and that the private roads would come out of the half acre. They based their decision on the idea that it was wide enough for a standard road and did not know it was only 44 feet wide.

Mr. Porter went on to say even though Jake gave Junior the property measuring 44 by 80 feet, it would have to be annexed and the city may not feel a road should go there. Mr. Jones read from the ordinance which says a road must be at least 56 feet wide or more depending on what goes in beyond it. If they went 56 feet they would need 12 feet from Kays. Junior said he had tried to get additional property but could not and asked if the city could make some sort of deal that a road would go there. Mr. Porter repeated that it still would not be frontage for building as it is not a road and before they recommend that the city accept Jake's property they want to make sure it does Junior the good he needs. He would not build a house with everything but the plumbing and then try to put the plumbing in later. He feels the details must be worked out first.

Mr. Jake Kester asked if he went to Lyle Kay and he goes along with giving the balance of the road would it help Junior. He also wondered what was in it for himself. He asked if he could annex his property as industrial. He was told yes and then it would be open for him to develop it if he wants to.

Junior Kester said the Kay property is in an estate and Lyle said he could not do anything without the whole family wanting to also. Mr. Jones asked what about the ditch. If the property is annexed the ditch would be in the city and then the irrigation company would expect the city to help with the cost of covering it. Mr. Olson said if the ditch covering is a year away, the road would be put in and then have to be torn out again to do the ditch.

Mr. Jones said they needed some kind of assurance that someone would improve the street and the rest of the city should not have to help foot the bill. Jake and Junior would both benefit but no one else. Mr. Jake Kester asked if he signed an agreement that he would be responsible to give the full width of the road if it goes through would that work. Mr. Jones asked what about the ditch and Junior asked if it would cost about \$400 to \$500. Mr. Jones said they don't know how much. Junior asked if the road would have to be oiled or just graveled to be improved and Mr. Jones said the city can require whatever they want and that everybody needs to pay his own way and not put a burden on the citizens.

Mr. Olson asked Mr. Jake Kester how he could be responsible for the full width of the road if Kays would not go along and that they don't want a bottle neck for what ever might come later.

Mr. Porter said he did not think that they could accept what Mr. <sup>Jake</sup> Kester was asking tonight but if Jake will guarantee the road property it might be alright, but Junior will still need a variance for the 70 foot frontage. However, ~~we~~ felt perhaps the Board might grant this variance as he had so much property in area.

Mr. Jones said they should make the road conform with the existing street which is 99 feet. Jake Kester said if and when the road goes through he would be responsible for getting what is necessary to go 80 feet. Mr. Jones asked how he can guarantee this. He replied he could not get to his property either without a road.

Junior Kester said he had a buyer and the money was on its way to him for the lots. Mr. Jones asked if he could guarantee condemnation costs for the other half of the road if Kays won't give it up, with a time limit set so it won't go on forever. Mr. Barlow asked if he meant Jake would just be responsible for the 80 feet north and south. Also, can the city be sure the court will agree it is needed and so go with a condemnation. Mr. Jones said he thought so. Mr. Porter said Mr. Kester was in a poor position as he has a buyer and needs everything done in 30 days.

Jake said if he gives the property to Junior (he will have the acreage he needs when it is annexed. Mr. Olson asked if it would be annexed with the stipulation that no building would go where the road needs to be and what about future owners who might not do this. Junior asked if he could be given a variance on less than a half acre with the understanding that the road goes there later and the house will be set back 30 feet from the proposed road and 50 feet from the private right-of-way and when the building permit was issued they would have to build

that way. Mr. Porter said that would hinge on a Board of Adjustment decision and the Planning Commission could not say.

Mr. Jones said if they put the road on the Master Plan it would keep anyone from building where the proposed street is to be. He went on to say the map of annexation for Junior's property shows only .87 acres was annexed in and the map he has tonight shows .96 acres. Mr. Porter said if that was the case the balance would have to be annexed in before anything could be done. Junior said that when it was surveyed it showed the fence was in the wrong place. Mr. Olson said he thought it was okay. That Don Cole who surveyed it and made the map could just change it saying there was an error. He said the old fence law is not binding but it might take care of the problem. Mr. Jones said there still was only .87 acres annexed according to the map and description on the annexation map prepared by Mr. Don Coles. Junior said he would work this out with Mr. Coles.

Mr. Porter again asked what help the Planning Commission could give the Kesters at this time. Junior said he would get the deed straightened out and would they recommend a variance and Jake could turn the 80 by 44 foot property to the city as agreed above. Mr. Porter said if the Planning Commission recommends a change on the Master Plan for the *road* before the city accepts it, it has to be improved. Who will improve it? Mr. Jones said whoever wants it opened up. Mr. Barlow said they then need to know the width of the road to put on the Master Plan.

Mr. Porter made a motion that the Planning Commission recommend that the Master Plan be amended so that 100 West Street project south into the county to the boundry of Interstate I-15. Mr. Mayer seconded the motion and the vote was unanimous.

Mr. Porter then made a motion that *they* the City Council accept the property in Clement Kesters request *recommend* for annexation into the city and that he deed it to the city for the purpose of becoming a road. Mr. Barlow seconded the motion. The vote was unanimous.

Mr. Porter made another motion that the Planning Commission recommend to the Board of Adjustment that they approve a variance for ~~the~~ .46 acres in question of Junior Kester's property so a home can be built there. Mr. Mayer seconded the motion. Vote was unanimous.

Mr. Porter pointed out that all details need to be worked out with the City Council and the Mr. Kester can ask for the variance recommended above.

Mr. Jones told Junior he should get a new plat map and a letter from Don Coles saying he had made a mistake on the annexation map for the property which was annexed into the city on July 19, 1979.

Mr. Mayer made a motion to adjourn this meeting. Mr. Porter seconded the motion and it passed unanimously.

Meeting adjourned at 10:32 P.M.



Apr 9, 1983  
Approved

Steven D. Fox  
Chairman

Ramona Rosenlund  
Attest



I CLEMENT A. KESTER REQUEST THAT THE FOLLOWING DESCRIBED PROPERTY BE ANNEXED TO THE CITY OF SANTAQUIN FOR THE PURPOSE OF BECOMING A CITY STREET.

COMMENCING SOUTH  $89^{\circ} 49' 07''$  W 313.95 FT FROM THE NE CORNER OF SECTION 11 TOWNSHIP 10 SOUTH 54 BM; SOUTH  $00^{\circ} 08' 04''$  E 80 FT; SOUTH  $83^{\circ} 54'$  W 44.34 FT; N  $2^{\circ} 31'$  W 80 FT; N  $83^{\circ} 54'$  E 44.34 FT TO BEGINNING.

SIGNED MAR 28<sup>TH</sup> 1983

Clement A. Kester

IF THE ABOVE PROPERTY, FOR ANY REASON, DOES NOT BECOME A CITY STREET WOULD I BE ABLE TO GET IT BACK? COULD THERE BE AN AGREEMENT TO THIS EFFECT?