

# Mapleton City Planning Commission Staff Report

Meeting Date: September 10, 2009

**Item:** 7

**Applicant:** Bruce & Elisa Hassler et al

**Prepared by:** Matt Brady

## REQUEST

Bruce & Elisa Hassler et al request consideration of removing the trail easements in the Preserve at Mapleton Subdivision, Plats "F" and "G" located generally at 1600 South Perry Hollow Drive (400 East). – **Discussion Item Only.**

## FINDINGS OF FACT:

1. A concept plan for The Preserve at Mapleton Subdivision (the entire project, including all existing and future plats) was approved by the Mapleton City Council on May 18, 2006. See attachment #1 for the concept plan. This concept plan included numerous planned trails.

2. The Preserve Subdivision is located in the PRC-4 (Preserve at Mapleton Subdivision, Planned Residential Community) Zone. Each PRC zone development in Mapleton City is required to meet the following requirements:

*"The purpose of the planned residential community zone is to encourage imaginative and efficient utilization of land, develop a sense of community, and to ensure compatibility with the surrounding neighborhoods and environment. This is accomplished by providing greater flexibility in the location of buildings on the land, the consolidation of open spaces, and the clustering of some or all dwelling units. These provisions are intended to create more attractive and desirable environments within the residential areas of Mapleton City.*

*A "planned residential community (PRC)" is a residential development planned as a whole single development. It incorporates a definite development theme which could include the elements of usable open spaces, diversity of lot design, amenities, a well planned circulation system, and attractive entrances as part of the design." (Mapleton City Code 18.82.010: PURPOSE AND INTENT)*

3. Each PRC zone / development is required to create an individual zoning ordinance text regulating the development. The Preserve's zoning text states:

*"The Preserve at Mapleton planned residential community carries with it the theme of luxurious country living. Residents of The Preserve at Mapleton will enjoy walking trails, water features, welcome houses, horse riding trails, access to the Bonneville Shoreline Trail and Maple Mountain, large ranch and estate lots, and acres of landscaped open-space. This two hundred and forty acre drop of country elegance will carry with it a feeling of greatness that will influence all of the great city of Mapleton." (Mapleton City Code 18.82D.000: Theme, underline added)*

4. For the recorded plats of the Preserve Subdivision, Plats "F" and "G", see attachments # 2 and 3, respectively. In Plat "G", there is an existing city-owned parcel that is marked as a "10' PUBLIC ACCESS TRAIL." This is an existing trail / maintenance road to a city well. A 10' and 20' trail easement then continues eastward from the end of this trail, along the backs of Lots 22-28 of Plats "F" and "G". There is also a 20' trail easement from the city well to Perry Hollow Drive, on/between Lots 22 and 23.

5. From Staff's discussions with Jack Perry (the developer of the Preserve Subdivision, Plats "F" and "G"), Mr. Perry has stated that he originally wanted the trails to be developed, but that the City Council told him that they did not want the trails in plats "F" and "G". He thought that the trail easements shown on the recorded plats must have not been removed by mistake. However, Staff has reviewed the files regarding the Preserve, as well as the minutes and tape recordings of the Planning Commission and City Council meetings where the Preserve was discussed and approved (rezoning and preliminary/final plat approval), and have found no mention of the trails being removed from the plans. However, the trails in Plats "F" and "G" were not shown on the construction drawings, and therefore were not included in Mr. Perry's subdivision performance bond.

6. A petition was submitted by Bruce and Elisa Hassler on July 22, 2009, with the request for a discussion on removing

the trail easements in the Preserve Subdivision, Plats “F” and “G” (see attachment #4 for the petition). Two building permits have been approved on lots with the trail easement in Plat “F”, with the conditions that no improvements (landscaping, sprinklers, fencing, etc.) are to be placed in the trail easement. One of these lots belongs to the Hasslers (Lot 23). The other lot belongs to Jon Woodward (Lot 24), who has informed Staff verbally that he is neutral on whether or not to have the trail, and therefore did not sign the petition. The remainder of the lots abutting the trail easement in Plats “F” and “G” are still owned by the developer, Jack Perry. The rest of the petitioners include all of the homeowners on 1600 South whose properties abut the trail easement in Plat “F”. There are also 3 existing homes along the existing trail / maintenance road to the well in Plat “G”. This trail / maintenance road is not located on an easement across the residential lots of Plat “G”, but is a separate parcel specifically created for the trail.

**STAFF ANALYSIS:**

1. It is the opinion of Staff that the trail easements in the Preserve Subdivision, Plats “F” and “G” contribute to the theme of the PRC-4 zone that *“Residents of The Preserve at Mapleton will enjoy walking trails . . . horse riding trails, access to the Bonneville Shoreline Trail and Maple Mountain”* as stated in Mapleton City Code 18.82D.000: Theme.
2. It is the opinion of Staff that anyone building in the Preserve Subdivision should expect trails along the lots shown in the recorded subdivision plats. It is also the opinion of Staff that the adjacent homes on 1600 South should not be substantially affected by the future trails planned for Plat “F” and Plat “G”, as the trail to the south of the homes is approximately 255 feet from the nearest home, and approximately 500+ feet from the other homes abutting the trail easement. Also, there is a row of trees and vegetation close to the fence line that will buffer much of the trail from the adjacent homes on 1600 South.
3. It is the opinion of Staff that the development of the trails system in Mapleton City promotes public health by providing good opportunities for exercise. This trail easement also connects into the Mapleton Lateral Canal, which was recently piped by the U.S. Bureau of Reclamation. A trail on the canal corridor is in the Mapleton City Trails Plan. This trail would run north-south through the length of Mapleton, and Mapleton City Staff are currently pursuing grants to make this project possible.
4. Plats “F” and “G” were approved with a sidewalk on only one side of Perry Hollow Drive, whereas most developments without trails would be required to install sidewalks on both sides of the street. Thus, it is the opinion of Staff that if the trail easement is removed, sidewalks should be required to be installed on both sides of Perry Hollow Drive.
5. It is the opinion of Staff that until such time as the lateral canal parkway trail is approved and constructed, another trail connection on the “ROAD 6” right-of-way (from the trail easement to Perry Hollow Drive) would provide a loop for the trail, to avoid hikers dead-ending into the canal and having to backtrack. This “ROAD 6” right-of-way does not have a road constructed on it yet. It is subject to a bonded delay agreement entered into by Jack Perry. See attachment #2 for the location of “ROAD 6” in Plat “F”.
6. The specific design and materials for this trail have not been approved by the City Council. Staff’s estimate of the current minimum cost of trails improvements for a 10’-wide gravel trail is as follows:

1. Perry Hollow Drive to Well:

4” deep gravel base	2,400 sq. ft.	@ \$1 / sq. ft.	= \$2,400
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2. City Well to East End of “ROAD 6”:

4” deep gravel base	12,750 sq. ft.	@ \$1 / sq. ft.	= \$12,750
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3. Temporary Trail Connection on “ROAD 6”:

4” deep gravel base	2,860 sq. ft.	@ \$1 / sq. ft.	= \$2,860
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<b>Subtotal:</b>			<b>= \$18,010</b>
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4. “ROAD 6” to Canal:

4” deep gravel base	2,650 sq. ft.	@ \$1 / sq. ft.	= \$2,650
		<b>Total:</b>	<b>= \$20,660</b>

Please note that an overlay of 3 inches of asphalt on the gravel base would cost an additional \$61,980 - \$82,640, based on today’s current prices.

7. Jack Perry proffered the trails in Plats “F” and “G” as part of the amenities in the PRC-4 zone. Despite the fact that the trail was not bonded for, it is the opinion of Staff that he should submit a plan for the trail construction for approval, and install the trail.

**TRAILS SUB-COMMITTEE DISCUSSION:**

The Trails Sub-Committee discussed this item on August 17, 2009. Minutes from their meeting have not yet been approved, but the draft minutes for this item read as follows:

“Matthew Brady, Planner I, went over the Staff Report for those in attendance. This Staff Report was made part of the packet for this meeting. In listening to the recordings from both the Planning Commission and City Council Meetings in regards to the trail easement, Staff found that no discussion took place regarding the removal of the easement. Jack Perry, developer of the Preserve Plats F & G, stated that none of the residents there wanted the trail easement put in, including him. He felt that the trail was just removed completely, not moved to another location. There are two items to discuss; should the trail be there, and if so when should it be constructed. Matt went over the PRC text in regards to the Preserve Development. The dedicated trail easements were shown in the presentation from Staff. The applicant has not formally requested to have this trail easement removed. The Hassler’s would just like to discuss the likelihood of it with the Trails Committee at this time.

Gary Calder, City Engineer/Public Works Director, stated that this easement does go to the Orton Well, which the City needs access to. He does not feel that any easement should be released, and that Jack Perry signed the plat with the trail easement. Gary stated that everyone wants trails, but no one wants them in their back yard. He feels the Preserve is in a zone that would seem fit for trails. Matt stated that there are three options at this time. First one would be to delete the trail. Second would be to delete the sidewalk requirement. And the third option would be to move the trail location. Member Maingot feels this easement was legitimately done, although he does feel for the property owners. He does not find it crucial to have this trail here in regards to the trail system throughout the City.

Dick Wall stated that Jack Perry did not want the trail here, and stated such at the City Council Meeting, due to the fact that he did not want to pay for it. Mr. Wall did not want the trail because of the liability. Member Tolley stated that Utah has a great statute which protects landowners from others entering their property for recreational purposes. Bruce Hassler, resident of the Preserve, stated that they were not aware of the trail easement on their property before they bought their lot. He said it was partially his fault for not doing his “due diligence” on the property. Mr. Hassler said that he spoke with Jack Perry in regards to the trail, and was told that the easement had been removed. He would really like for it to be deleted. He was concerned about how the 20’ easement would look, since he is not able to landscape in that area. The trail goes down the side of his home and around the back of his lot. Member Tolley remembers there being a discussion at the City Council Meeting where there was some opposition in regards to the trail easement, but she does not remember the Council voting to remove it. Matt stated the the Hassler’s could install a fence along the easement, as long as it does not go into the easement itself. Mr. Hassler stated that the Preserve does not allow for privacy fences, and that he would prefer not to have a fence at all at this time. Member Maingot felt that Staff should verify that the removal of the trail easement was not a condition at time of approval. Cory Branch, Planning Director, asked Bruce Hassler to talk with him to strategize where they will go from here. The Trails Sub-Committee would prefer the trail easement to stay for the following reasons:

1. Already an approved subdivision with the trail easement.
2. No proposal ever seen showing the trails easement being removed.
3. To keep connectivity to the Bonneville Shoreline Trail and Mapleton Lateral Canal Parkway.

If the applicant wants to look further into the possible discussion regarding the removal of the trail easement, they can review the recorded meetings. The Trails Sub-Committee would recommend that a rough grade be put along the easement as quickly as possible.”

#### **TRANSPORTATION ADVISORY COMMISSION DISCUSSION:**

The Transportation Advisory Commission discussed this item on August 20, 2009. Minutes from their meeting have not yet been approved, but the draft minutes for this item read as follows:

Matt Brady, Planner I, reviewed the Staff Report for those in attendance. The Preserve Subdivision, Plats “F” and “G” were approved with 10’ and 20’ trail easements leading from 1600 South to the City well, and from the well southward to Perry Hollow Drive, and eastward from the well along the back of the subdivision lots to the Mapleton Lateral Canal. The section from 1600 South to the well is existing, but the other sections were not built by the developer, Jack Perry. Bruce Hassler and some of his neighbors have asked to discuss having the trail removed. Gary Calder, City Engineer, said that in his experience with Provo City, easements are never given up by the City unless they are traded for an alternate easement or sold. He does not recommend removing the trail easement, since it would be gone permanently. Bruce Hassler, resident in the Preserve Subdivision, discussed his concerns regarding the trail going through his side and back yard, in regards to privacy and the safety of his family, and asked for consideration of allowing it to be removed. He also discussed the current lack of regulations on trail operating hours. If he gets positive feedback, he plans to hire a civil engineer and apply to amend the subdivision plat. The Commissioners did not make a motion, as the item was a discussion only, but expressed that the Preserve was approved with the trail easement, and removing it would be contrary to what the developers proposed, and that the Commissioners did not support such an action.

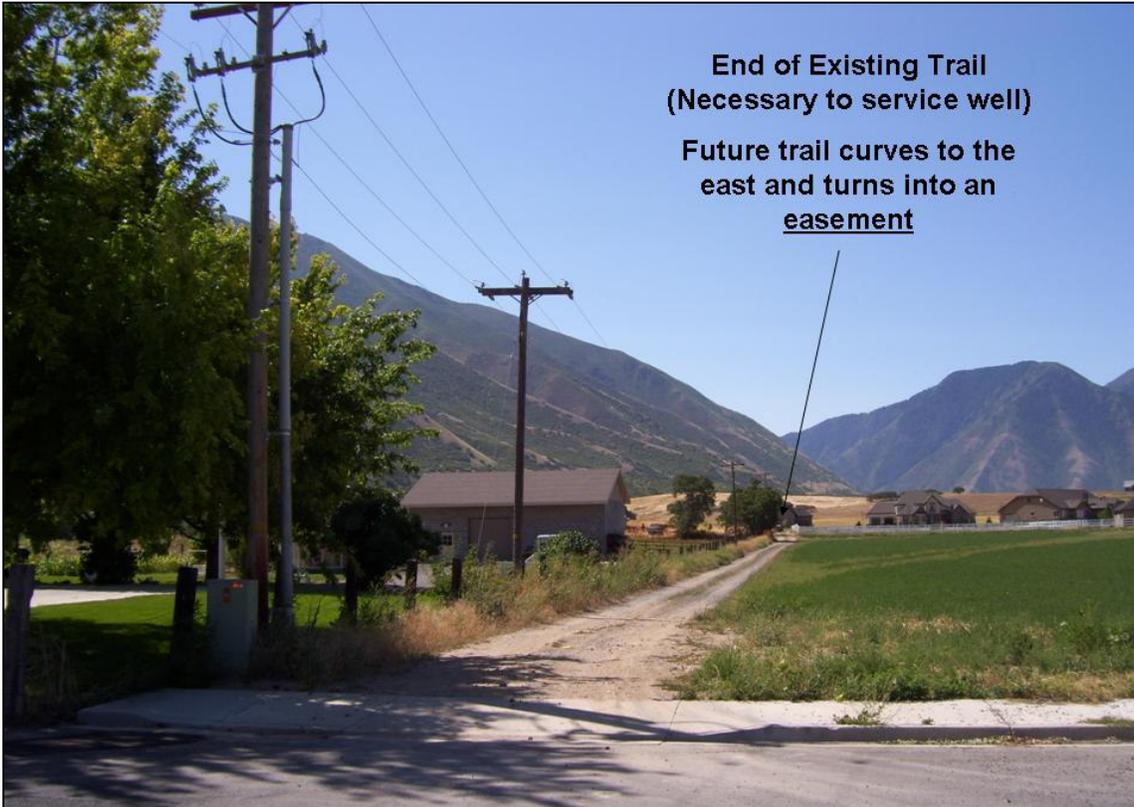
#### **STAFF RECOMMENDEDATION:**

This is a discussion item only. No application or fees have been submitted to formally amend the subdivision plats. Therefore, the Committee does not need to make a formal motion. The Commission should discuss the proposal to remove the trail easements, and provide feedback, which can be forwarded to the City Council. It is the recommendation of Staff that the trail easement should not be removed.

#### **ATTACHMENTS:**

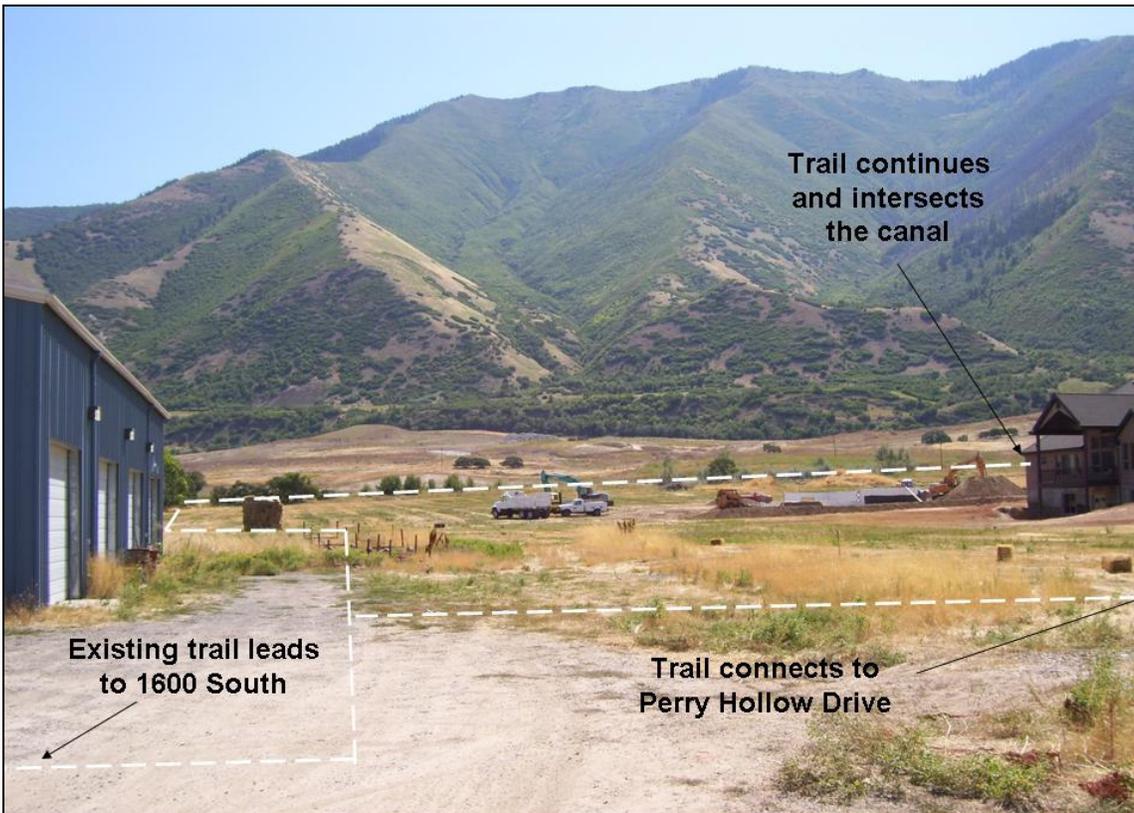
1. The Preserve at Mapleton Subdivision – Approved Concept Plan
2. The Preserve at Mapleton Subdivision, Plat “F” – Recorded Plat
3. The Preserve at Mapleton Subdivision, Plat “G” – Recorded Plat
4. Neighborhood petition to remove trail easement

**SITE PHOTOS:**



End of Existing Trail  
(Necessary to service well)  
Future trail curves to the  
east and turns into an  
easement

Looking south down the trail to the well (City owns property – not an easement)

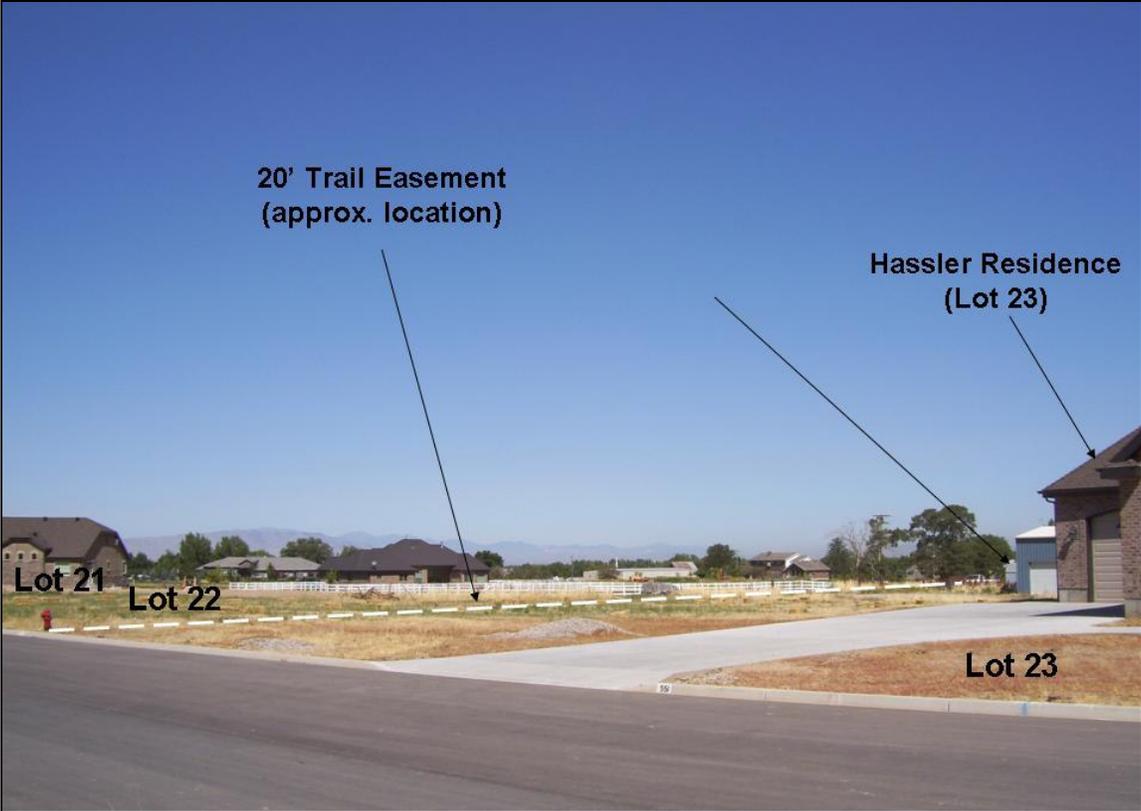


Trail continues  
and intersects  
the canal

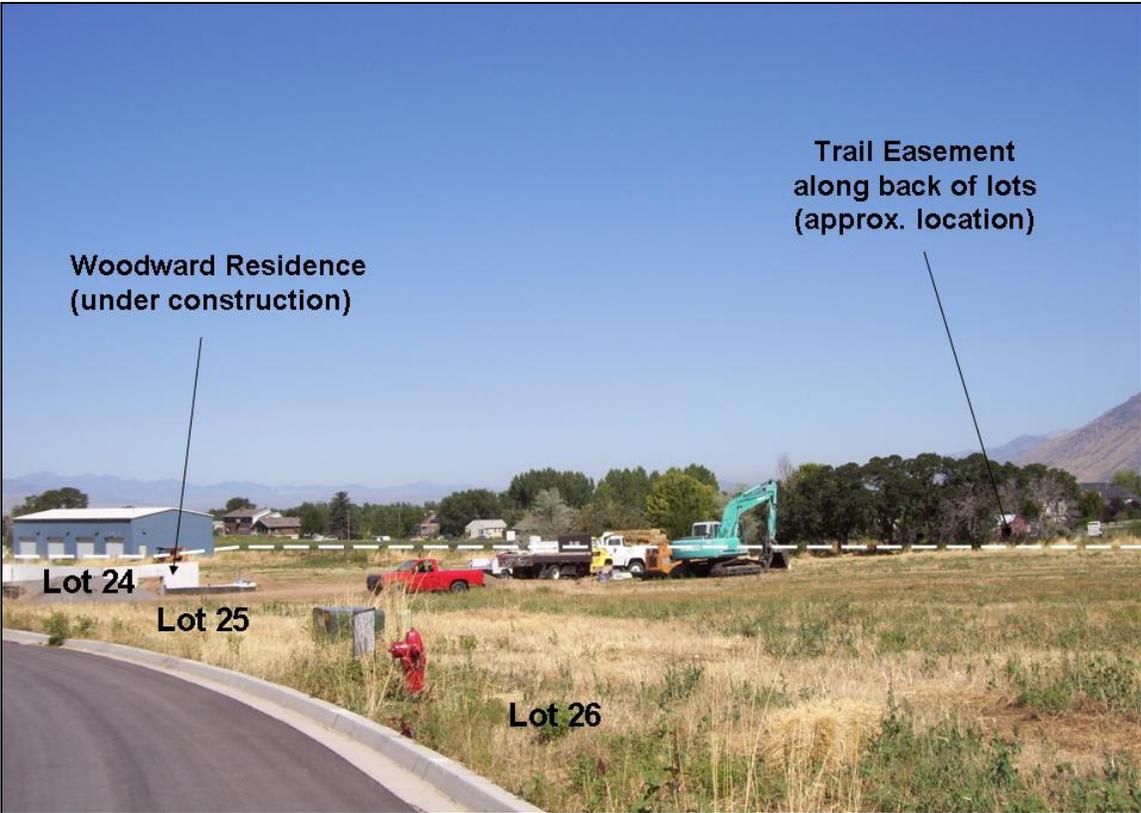
Existing trail leads  
to 1600 South

Trail connects to  
Perry Hollow Drive

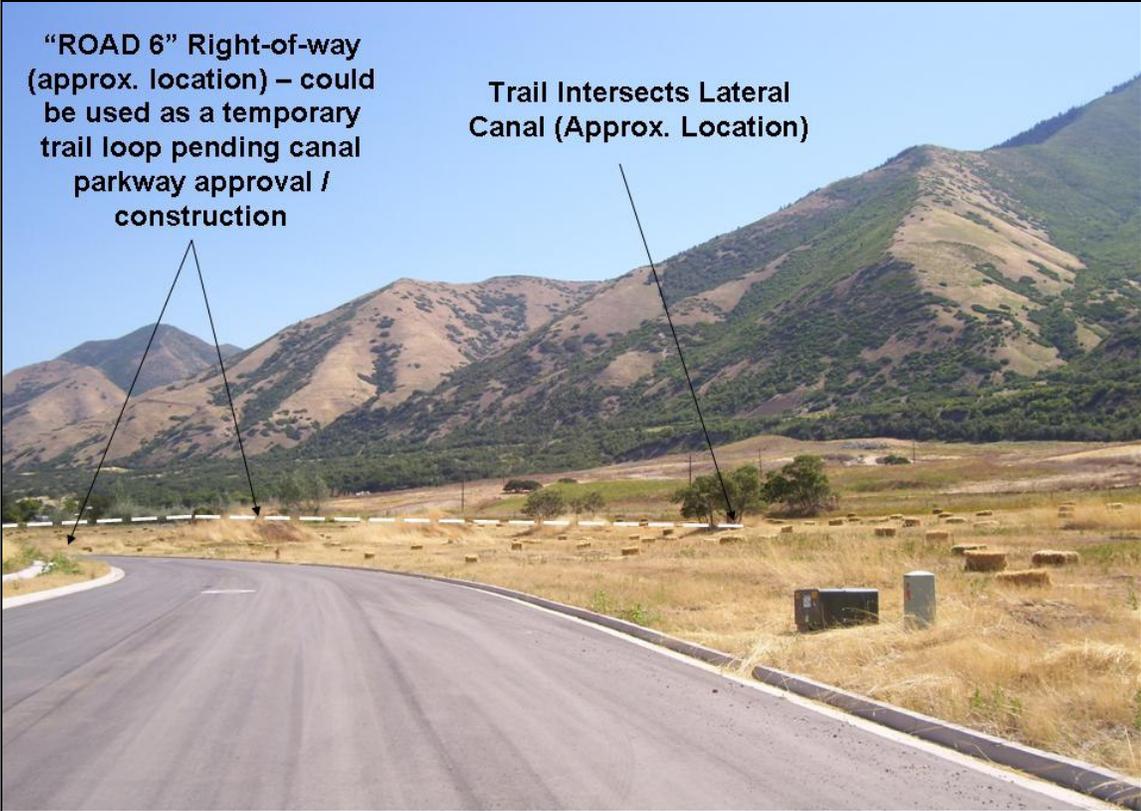
Looking east from end of existing trail to other trail easements (approximate)



Looking northwest at the trail connection from Perry Hollow Drive (approximate)



Looking northwest from a bend in Perry Hollow Drive

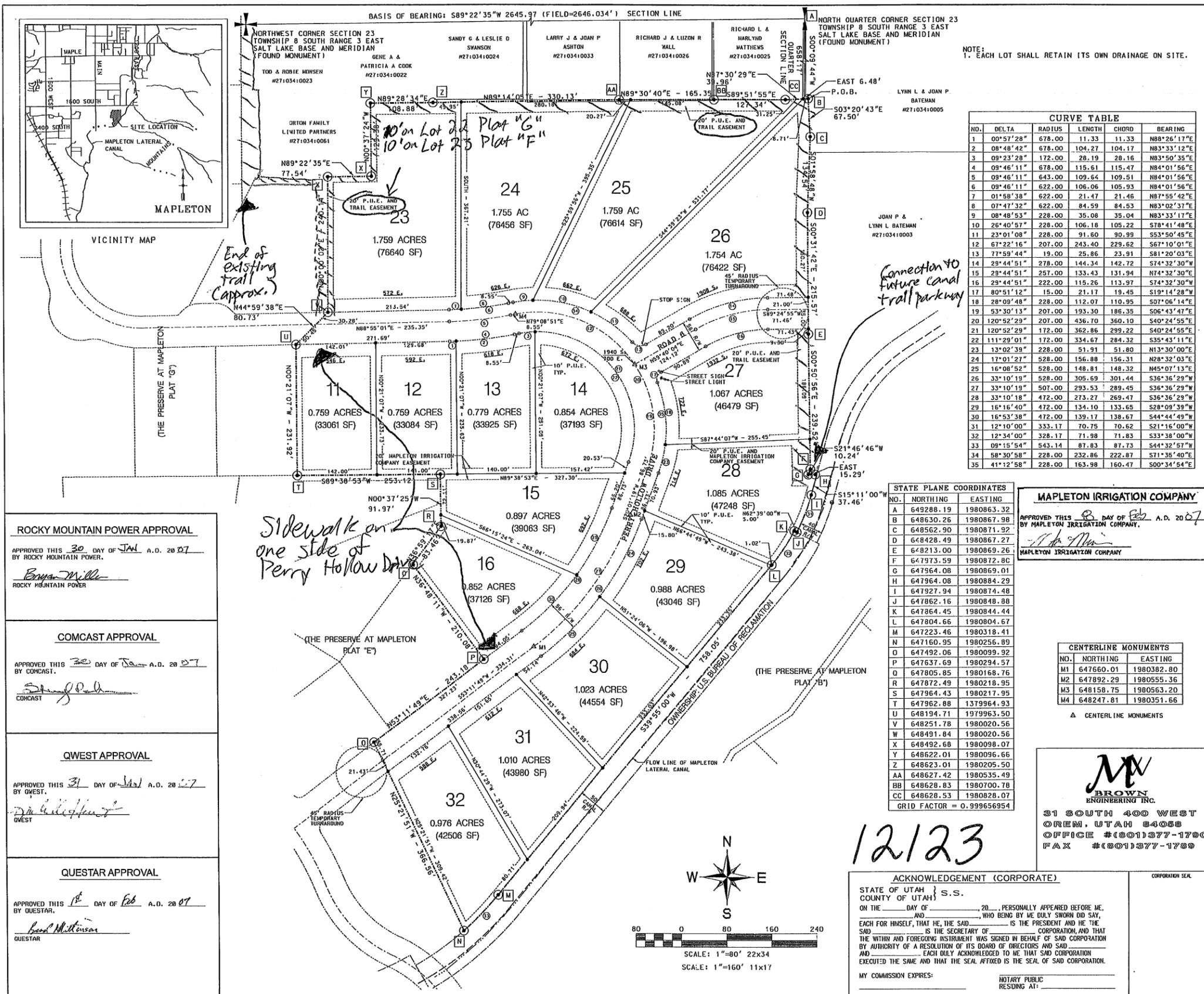


**“ROAD 6” Right-of-way  
(approx. location) – could  
be used as a temporary  
trail loop pending canal  
parkway approval /  
construction**

**Trail Intersects Lateral  
Canal (Approx. Location)**

**Looking northeast along Perry Hollow Drive**





**SURVEYOR'S CERTIFICATE**  
 I, BARRY ANDREASON, DO HEREBY CERTIFY THAT I AM A REGISTERED LAND SURVEYOR, AND THAT I HOLD CERTIFICATE NO. 186572 AS PRESCRIBED UNDER THE LAWS OF THE STATE OF UTAH. I FURTHER CERTIFY 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, BLOCKS, STREETS, AND EASEMENTS AND THE SAME HAS BEEN CORRECTLY SURVEYED AND STAKED ON THE GROUND AS SHOWN ON THIS PLAT AND THAT THIS PLAT IS TRUE AND CORRECT.

**BOUNDARY DESCRIPTION**  
 BEGINNING AT A POINT WHICH IS 500°09'44"W ALONG THE QUARTER SECTION LINE 658.17 FEET AND EAST 6.48 FEET FROM THE NORTH QUARTER CORNER OF SECTION 23, TOWNSHIP 8 SOUTH, RANGE 3 EAST, SALT LAKE BASE AND MERIDIAN, THENCE SOUTH 03°20'43" EAST 67.50 FEET; THENCE SOUTH 01°58'48" WEST 134.54 FEET; THENCE SOUTH 00°31'42" EAST 215.57 FEET; THENCE SOUTH 00°50'56" EAST 239.52 FEET; THENCE SOUTH 21°46'46" WEST 10.24 FEET; THENCE EAST 15.29 FEET TO THE NORTHWESTERLY LINE OF THE MAPLETON LATERAL CANAL RIGHT OF WAY; THENCE ALONG SAID CANAL RIGHT OF WAY THE FOLLOWING SIX (6) CALLS: SOUTH 15°11'00" WEST 37.46 FEET TO A POINT OF CURVATURE; ALONG THE ARC OF A 333.17 FOOT RADIUS CURVE TO THE RIGHT 70.75 FEET THROUGH A CENTRAL ANGLE OF 12°10'00", THE CHORD OF WHICH BEARS SOUTH 21°16'00" WEST 70.62 FEET; NORTH 52°39'00" WEST 5.00 FEET TO A POINT OF CURVATURE; ALONG THE ARC OF A 328.17 FOOT RADIUS CURVE TO THE RIGHT 71.98 FEET THROUGH A CENTRAL ANGLE OF 12°34'00", THE CHORD OF WHICH BEARS SOUTH 33°38'00" WEST 71.83 FEET; SOUTH 39°55'00" WEST 758.05 FEET TO A POINT OF CURVATURE; ALONG THE ARC OF A 543.14 FOOT RADIUS CURVE TO THE RIGHT 87.83 FEET THROUGH A CENTRAL ANGLE OF 09°15'54", THE CHORD OF WHICH BEARS SOUTH 44°32'51" WEST 87.73 FEET; THENCE LEAVING SAID CANAL RIGHT OF WAY NORTH 25°21'51" WEST 366.56 FEET; THENCE NORTH 53°11'49" EAST 243.18 FEET; THENCE NORTH 31°48'11" WEST 210.08 FEET; THENCE SOUTH 36°59'17" EAST 83.46 FEET; THENCE NORTH 00°37'25" WEST 91.97 FEET; THENCE SOUTH 89°38'53" WEST 253.12 FEET; THENCE NORTH 00°21'07" WEST 231.92 FEET; THENCE NORTH 44°59'38" EAST 80.73 FEET; THENCE NORTH 00°00'00" EAST 240.14 FEET; THENCE NORTH 89°22'35" EAST 77.54 FEET; THENCE NORTH 00°37'24" WEST 129.38 FEET; THENCE NORTH 89°28'34" EAST 108.88 FEET; THENCE NORTH 89°14'05" EAST 127.34 FEET; THENCE NORTH 89°30'40" EAST 165.35 FEET; THENCE SOUTH 89°51'55" EAST 127.34 FEET; THENCE NORTH 87°30'29" EAST 39.96 FEET TO THE POINT OF BEGINNING.

AREA = 20.389 ACRES (888134.70 SQ. FT.)

DATE: Jan 30, 2007  
 SURVEYOR: BARRY ANDREASON

**OWNERS' DEDICATION**  
 KNOW ALL MEN BY THESE PRESENTS THAT WE, ALL OF THE UNDERSIGNED OWNERS OF ALL OF THE PROPERTY DESCRIBED IN THE SURVEYOR'S CERTIFICATE HEREON AND SHOWN ON THIS MAP, HAVE CAUSED THE SAME TO BE SUBDIVIDED INTO LOTS, BLOCKS, STREETS AND EASEMENTS AND DO HEREBY DEDICATE THE STREETS AND OTHER PUBLIC AREAS AS INDICATED HEREON FOR PERPETUAL USE OF THE PUBLIC.

IN WITNESS WHEREOF WE HAVE HEREUNTO SET OUR HANDS THIS 31st DAY OF January, A.D. 2007

Jack Perry  
Jack Perry  
Suzanna Perry  
Suzanna Perry

**ACKNOWLEDGEMENT**  
 STATE OF UTAH } S.S.  
 COUNTY OF UTAH }  
 ON THE 31st DAY OF January, A.D. 2007 PERSONALLY APPEARED BEFORE ME THE SIGNERS OF THE FOREGOING DEDICATION WHO DULY ACKNOWLEDGED TO ME THAT THEY DID EXECUTE THE SAME.  
 MY COMMISSION EXPIRES 11-3-09  
Debra L. Tink  
 NOTARY PUBLIC  
 (SEE SEAL BELOW)

**ACCEPTANCE BY LEGISLATIVE BODY**  
 THE CITY OF MAPLETON, APPROVES THIS SUBDIVISION AND HEREBY ACCEPTS THE DEDICATION OF ALL STREETS, EASEMENTS AND OTHER PARCELS OF LAND INTENDED FOR PUBLIC PURPOSES FOR THE PERPETUAL USE OF THE PUBLIC THIS 16th DAY OF February, A.D. 2007

Mayor  
Attest  
Robert Samuel  
 ENGINEER  
 (SEE SEAL BELOW)

**PLANNING COMMISSION APPROVAL**  
 APPROVED THIS 21st DAY OF September, A.D. 2006 BY THE PLANNING COMMISSION  
Chris Branch DIRECTOR-SECRETARY  
Barbara K. Post CHAIRMAN, PLANNING COMMISSION

**THE PRESERVE AT MAPLETON**  
 RESIDENTIAL DEVELOPMENT

SCALE: 1" = 80 FEET

SURVEYOR'S SEAL: BARRY ANDREASON, NO. 186572, UTAH COUNTY RECORDER, REGISTERED FOR MAPLETON, UT

CITY-COUNTY ENGINEER SEAL: ROBERT SAMUEL, UTAH COUNTY RECORDER, REGISTERED FOR MAPLETON, UT

CLERK-RECORDER SEAL: [Blank]

**ROCKY MOUNTAIN POWER APPROVAL**  
 APPROVED THIS 30 DAY OF Jan A.D. 2007  
 BY ROCKY MOUNTAIN POWER.  
Bryan Miller  
 ROCKY MOUNTAIN POWER

**COMCAST APPROVAL**  
 APPROVED THIS 30 DAY OF Jan A.D. 2007  
 BY COMCAST.  
Samuel  
 COMCAST

**QWEST APPROVAL**  
 APPROVED THIS 31 DAY OF Jan A.D. 2007  
 BY QWEST.  
David  
 QWEST

**QUESTAR APPROVAL**  
 APPROVED THIS 16 DAY OF Feb A.D. 2007  
 BY QUESTAR.  
David  
 QUESTAR

**STATE PLANE COORDINATES**

NO.	NORTHING	EASTING
A	649288.19	1980863.32
B	648630.26	1980867.98
C	648562.90	1980871.92
D	648428.49	1980867.27
E	648213.00	1980869.26
F	647973.59	1980872.80
G	647964.08	1980869.01
H	647964.08	1980884.29
I	647927.94	1980874.48
J	647862.16	1980848.88
K	647864.45	1980844.44
L	647804.66	1980804.67
M	647223.46	1980318.41
N	647160.95	1980256.89
O	647492.06	1980099.92
P	647637.69	1980294.57
Q	647805.85	1980168.76
R	647872.49	1980218.95
S	647964.43	1980217.95
T	647962.88	1379964.93
U	648194.71	1979963.50
V	648251.78	1980020.56
W	648491.84	1980020.56
X	648492.68	1980098.07
Y	648622.01	1980096.66
Z	648623.01	1980205.50
AA	648627.42	1980355.49
BB	648628.83	1980700.78
CC	648628.53	1980828.07

GRID FACTOR = 0.999656954

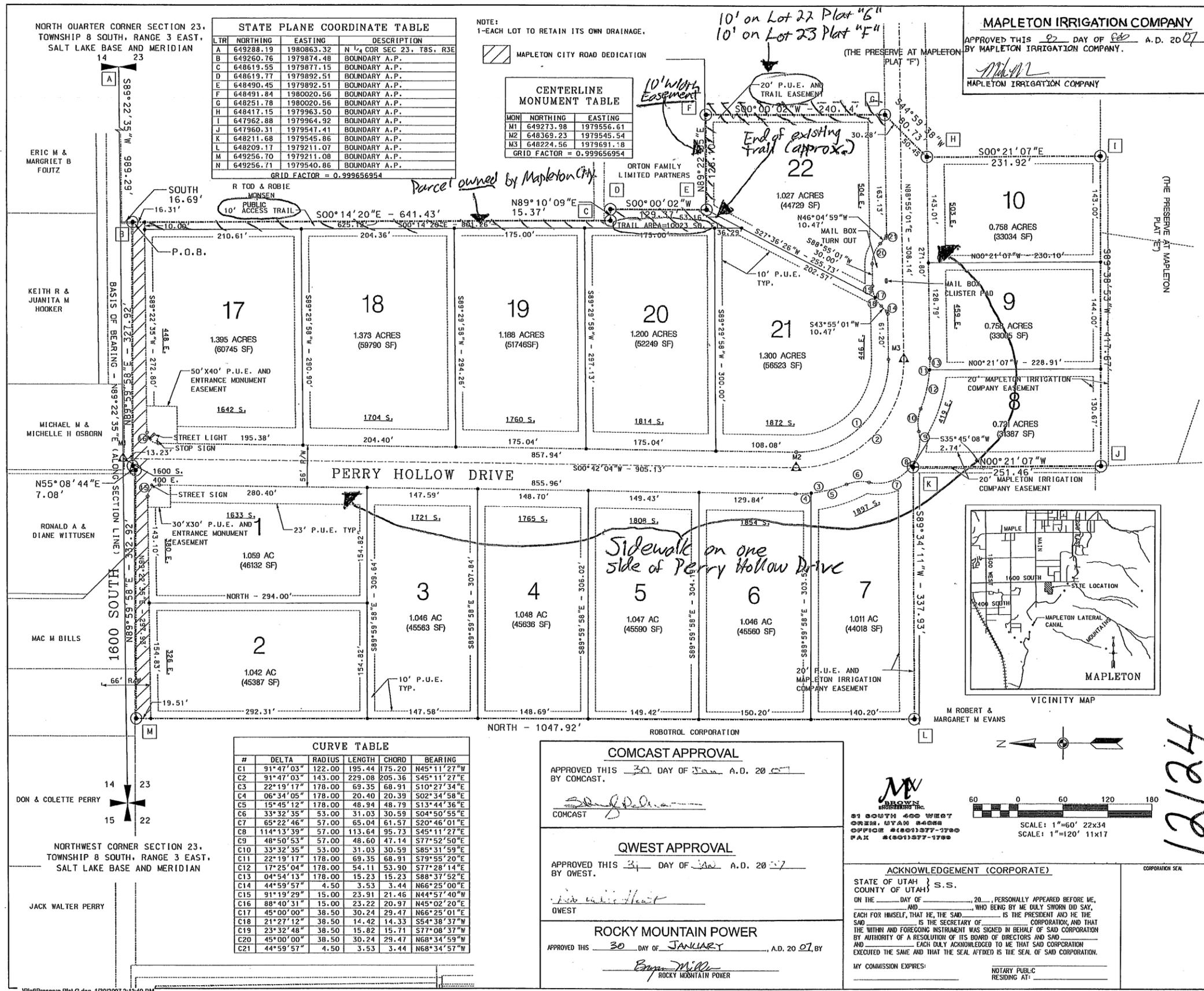
**MAPLETON IRRIGATION COMPANY**  
 APPROVED THIS 30 DAY OF Feb A.D. 2007  
 BY MAPLETON IRRIGATION COMPANY.  
John  
 MAPLETON IRRIGATION COMPANY

**CENTERLINE MONUMENTS**

NO.	NORTHING	EASTING
M1	647660.01	1980382.80
M2	647892.29	1980555.36
M3	648158.75	1980563.20
M4	648247.81	1980351.66

**BROWN ENGINEERING INC.**  
 31 SOUTH 400 WEST  
 OREM, UTAH 84058  
 OFFICE # (801) 377-1700  
 FAX # (801) 377-1789

SEC. 23 T8S R3E T14C D9



**SURVEYOR'S CERTIFICATE**  
 I, BARRY ANDREASON, DO HEREBY CERTIFY THAT I AM A REGISTERED LAND SURVEYOR, AND THAT I HOLD CERTIFICATE NO. 166572 AS PRESCRIBED UNDER THE LAWS OF THE STATE OF UTAH. FURTHER CERTIFY 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, BLOCKS, STREETS, AND EASEMENTS AND THE SAME HAS BEEN CORRECTLY SURVEYED AND STAKED ON THE GROUND AS SHOWN ON THIS PLAT AND THAT THIS PLAT IS TRUE AND CORRECT.

**BOUNDARY DESCRIPTION**  
 BEGINNING AT A POINT WHICH IS SOUTH 89°22'35" WEST ALONG THE SECTION LINE 989.29 FEET AND SOUTH 16.69 FEET FROM THE NORTH QUARTER CORNER OF SECTION 23, TOWNSHIP 8 SOUTH, RANGE 3 EAST, SALT LAKE BASE AND MERIDIAN, SOUTH 00°14'20" EAST 641.43 FEET; NORTH 89°10'09" EAST 15.37 FEET; THENCE SOUTH 00°00'02" WEST 129.37 FEET; THENCE NORTH 89°22'35" EAST 128.10 FEET; THENCE SOUTH 00°00'02" WEST 240.14 FEET; THENCE SOUTH 00°21'07" WEST 80.73 FEET; THENCE SOUTH 00°21'07" EAST 231.92 FEET; THENCE SOUTH 89°38'53" WEST 417.67 FEET; THENCE NORTH 00°21'07" WEST 251.46 FEET; THENCE SOUTH 89°34'11" WEST 337.93 FEET; THENCE NORTH 1047.92 FEET; THENCE NORTH 89°59'58" EAST 332.92 FEET; THENCE NORTH 55°08'44" EAST 7.08 FEET; THENCE NORTH 89°59'58" EAST 327.92 FEET TO THE POINT OF BEGINNING.  
 AREA = 19.434 ACRES (846534.88 SQ. FT.)

**OWNERS' DEDICATION**  
 KNOW ALL MEN BY THESE PRESENTS THAT WE, ALL OF THE UNDERSIGNED OWNERS OF ALL OF THE PROPERTY DESCRIBED IN THE SURVEYOR'S CERTIFICATE HEREON AND SHOWN ON THIS MAP, HAVE CAUSED THE SAME TO BE SUBDIVIDED INTO LOTS, BLOCKS, STREETS AND EASEMENTS AND DO HEREBY DEDICATE THE STREETS AND OTHER PUBLIC AREAS AS INDICATED HEREON FOR PERPETUAL USE OF THE PUBLIC.  
 IN WITNESS WHEREOF WE HAVE HEREUNTO SET OUR HANDS THIS 31st DAY OF January, A.D. 2007.

**ACKNOWLEDGEMENT**  
 ON THE 31st DAY OF January, A.D. 2007, PERSONALLY APPEARED BEFORE ME THE SIGNERS OF THE FOREGOING DEDICATION WHO DULY ACKNOWLEDGE TO ME THAT THEY DID EXECUTE THE SAME.  
 MY COMMISSION EXPIRES 11-3-09

**ACCEPTANCE BY LEGISLATIVE BODY**  
 THE CITY OF MAPLETON, APPROVES THIS SUBDIVISION AND HEREBY ACCEPTS THE DEDICATION OF ALL STREETS, EASEMENTS AND OTHER PARCELS OF LAND INTENDED FOR PUBLIC PURPOSES FOR THE PERPETUAL USE OF THE PUBLIC THIS 10th DAY OF February, A.D. 2007.

**PLANNING COMMISSION APPROVAL**  
 APPROVED THIS 21st DAY OF September, A.D. 2006, BY THE PLANNING COMMISSION

**QUESTAR APPROVAL**  
 APPROVED THIS 1st DAY OF Feb A.D. 2007 BY QUESTAR.

**THE PRESERVE AT MAPLETON**  
 RESIDENTIAL DEVELOPMENT

**MAPLETON CITY**  
 SCALE: 1" = 60 FEET

SEC 23 T 8 S R 3E T1146 D9

7/2/07

Bruce & Elisa Hassler  
551 E Perry Hollow Dr  
Mapleton, UT 84664  
July 22, 2009

Mapleton City  
125 West Community Center Way  
Mapleton, UT 84664

Mapleton City Planning Commission:

In August 1, 2008 we purchased Lot 23 of The Preserve development in South Mapleton. Upon receiving our building permit October 21, 2009 we were notified of a trail easement. The easement is located along the entire North and West sections of our property.

We spoke to the developer, Jack Perry, who said the trail that he proposed was never approved by the city. We also spoke to neighbors who have property adjacent to the north of our lot who said that they had opposed the inclusion of a trail along the back of their property. My wife contacted Matt Brady, who is the Planner of the Trails Sub-committee, to look into the matter further. He reviewed the minutes/notes from the planning commission meetings and could not find where the proposed trail was rejected.

We have further learned that there are no intentions of this trail being developed by the developer of The Preserve and were also made aware that Mapleton City still reserves the right to develop the trail should they so choose.

One of the main reasons we purchased this lot was the size and spacing from the side and rear neighbors. We enjoy our privacy from others and the views of the mountains out our back door. The area that will be taken up in our lot from the easement is just over 1/4 an acre (11,600 square feet). We feel that having a public trail on two sides of our property would not only reduce the usable size of the lot but would also encroach on our privacy. We are also concerned from a safety standpoint about the additional access that the public trail would provide to our house, family, pets, etc. The other concern is that depending on how the trail is constructed, maintained, and what method is chosen to separate the trail from the other properties in the neighborhood, that it would not be desirable from an aesthetic standpoint.

It is proposed that Mapleton City officially remove the trail from potential development sites. At this point those parties that own properties that are affected by the trail easement would have the county recorder update the plot plan by removing the trail. We request this topic to be discussed in the next available public meeting.

We would like to thank those from the Planning Commission for their time and help with this matter.

Sincerely,



Bruce Hassler



Elisa Hassler

*\*Attached are signatures from neighbors who have expressed similar concerns to those outlined in this letter.*

## Petition to remove the trail located in The Preserve at Mapleton

Wednesday, July 20, 2009

We the undersigned owners of the abutting properties 551-714 East Perry Hollow Drive in The Preserve at Mapleton, do hereby petition Mapleton City to remove the trail located therein.

Neighborhood Contacts: Bruce and Elisa Hassler, Telephone: 801-704-9522

Signature	Name (please print)	Address
<i>Bruce Hassler</i> <i>Elisa Hassler</i>	Bruce Hassler Elisa Hassler	551 E. Perry Hollow Drive Mapleton, UT
<i>Lynn Bateman</i> <i>Iron Bateman</i>	Lynn Bateman	866 E 1600 S
<i>Richard L. Matheson</i>	Richard L. Matheson	780 E 1600 S
<i>Joan P. Ashton</i>	Joan P. Ashton	680 E. 1600 S.
<i>Leslie Swanson</i>	Leslie Swanson	628 E. 1600 S.
<i>Sandy Swanson</i>	Sandy Swanson	628 E 1600 S
<i>Luzon Wall</i>	Luzon Wall	750 E 1600 S.
<i>Lisa &amp; Vaughn Cook</i>	Vaughn & Lisa Cook	570 E 1600 S.

