

RESOLUTION NO. _____

DATE _____

A RESOLUTION OF THE SALT LAKE COUNTY COUNCIL AUTHORIZING EXECUTION AND DELIVERY OF A RIGHT OF WAY CONTRACT, QUIT CLAIM DEED, AND TEMPORARY CONSTRUCTION EASEMENT TO THE UTAH DEPARTMENT OF TRANSPORTATION AND AN EASEMENT TO WEST VALLEY CITY AFFECTING PROPERTY LOCATED APPROXIMATELY 5905 WEST 3500 SOUTH

RECITALS

A. Salt Lake County (“the County”) owns a certain parcel of real property located at approximately 5905 West 3500 South, West Valley City, Utah, also identified as Parcel No. 14-35-201-011 (the “Property”).

B. The Property is commonly known as Hunter Park and is actively used by Salt Lake County Parks and Recreation.

C. The Utah Department of Transportation (“UDOT”) has a construction project for the Mountain View Corridor Freeway in this area.

D. This construction project will affect a portion of the Property immediately adjacent to 3500 South.

E. In addition, UDOT will be making modifications to an existing detention pond on the Property, which has previously been used by West Valley City as a storm water facility.

F. The use of the detention pond as a storm water facility by West Valley City needs to be documented by an express easement. UDOT has prepared an easement for the County to sign as part of this project (the “Detention Pond Easement”).

G. UDOT has submitted a Right of Way Contract to the County to cover the purchase of both a portion of the Property via a quit claim deed (the “Deed”) and a temporary construction easement (the “Temporary Easement”) from the County and to pay for other impacts related to the modifications to the Property. The total amount offered by UDOT is

\$248,400.00, which amount has been reviewed and approved by the Salt Lake County Real Estate Division as full and adequate consideration.

H. It has been determined that the best interests of the County and the general public will be served by executing the Right of Way Contract, the Deed, the Detention Pond Easement and the Temporary Easement attached to this Resolution. These actions will be in compliance with all applicable state statutes and county ordinances.

NOW, THEREFORE, IT IS HEREBY RESOLVED by the Salt Lake County Council that the real property identified in the Deed is hereby declared surplus property.

IT IS FURTHER RESOLVED by the Salt Lake County Council that the grant and conveyance of the Deed, the Detention Pond Easement and the Temporary Easement is hereby approved, and the Mayor is authorized and directed to execute the Right of Way Contract, attached hereto as Exhibit A, and any other related document necessary to complete this transaction.

IT IS FURTHER RESOLVED by the Salt Lake County Council that the Mayor and County Clerk are hereby authorized, consistent with the terms of the Right of Way Contract to execute the Deed, the Detention Pond Easement and the Temporary Easement attached hereto as Exhibits B, C and D respectively and to deliver the fully executed documents to the Salt Lake County Real Estate Division for delivery to the UDOT upon payment of the agreed upon purchase amount.

APPROVED and ADOPTED this _____ day of _____, 2019.

SALT LAKE COUNTY COUNCIL

By: _____
Richard Snelgrove, Chair

ATTEST:

Sherrie Swensen
Salt Lake County Clerk

Council Member Bradley voting _____
Council Member Bradshaw voting _____
Council Member Burdick voting _____
Council Member DeBry voting _____
Council Member Ghorbani voting _____
Council Member Granato voting _____
Council Member Jensen voting _____
Council Member Newton voting _____
Council Member Snelgrove voting _____

APPROVED AS TO FORM:

R. Christopher Preston
Deputy District Attorney

EXHIBIT A

(Right of Way Contract)



Utah Department of Transportation

Right of Way Contract

Fee Simple Acquisition - Strip

Project No: S-0085(9) Parcel No.(s): 9015, 9015:E, 9015:EC
 Pin No: 13149 Job/Proj No: 72192 Project Location: SR-85, MVC; 4100 South to SR-201
 County of Property: SALT LAKE Tax ID / Sidwell No: 14-35-201-011
 Property Address: 5905 West 3500 South WEST VALLEY CITY UT, 84128
 Owner's Address: PO Box 144575, SALT LAKE CITY, UT, 84114
 Primary Phone: 385-468-0341 Owner's Home Phone: (385)468-0341 Owner's Work Phone:
 Owner / Grantor (s): Salt Lake County
 Grantee: Utah Department of Transportation (UDOT)/The Department

IN CONSIDERATION of the foregoing and other considerations hereinafter set forth, it is mutually agreed by the parties as follows:

The Grantor hereby agrees to convey and sell by Quit Claim, Perpetual Easement, Temporary Easement a parcel(s) of land known as parcel number(s) 9015, 9015:E, 9015:EC for transportation purposes. This contract is to be returned to: Mitch Holladay (Consultant), Right of Way Agent c/o Utah Department of Transportation, 4501 South 2700 West, P.O. Box 148420, Salt Lake City, UT 84114-8420.

1. Grantor will transfer property free of all liens and encumbrances except recorded easements.
2. Grantor agrees to transfer property free of all debris and any hazardous materials (including paint or other household products.)
3. Grantor shall leave the property in the same condition, as it was when this contract was signed. No work, improvement, or alteration will be done to the property other than what is provided for in this agreement. Grantor agrees to maintain the property until the Department takes possession.
4. Grantor agrees to pay any and all taxes assessed against this property to the date of closing.
5. The Department shall pay the Grantor and or other parties of interest for the real property in the deed(s) and/or easement(s) referenced above.
6. "Transportation Purposes" is defined as follows: The public use for which the property or property right is being acquired herein, may include but is not limited to the following possible uses: the construction and improvement of a highway, which may include interchanges, entry and exit ramps, frontage roads, bridges, overpasses, rest areas, buildings, signs and traffic control devices, placement of utilities, clear zones, maintenance facilities, detention or retention ponds, environmental mitigation, maintenance stations, material storage, bio fuel production, slope protections, drainage appurtenance, noise abatement, landscaping, transit, project caused statutory relocations, and other related transportation uses.
7. The Grantor(s) is aware that Utah Code Ann. Sect. 78B-6-520.3 provides that in certain circumstances, the seller of property which is being acquired for a particular public use, is entitled to receive an offer to repurchase the property at the same price that the seller received, before the property can be put to a different use. Grantor(s) waives any right grantor may have to repurchase the property being acquired herein, and waives any rights Grantor(s) may have under Utah Code Ann. Sect. 78B-6-520.3.
8. Grantor shall indemnify and hold harmless Grantee from and against any and all claims, demands and actions, including costs, from lien holders or lessees of the property.
9. Upon execution of this contract by the parties, Grantor grants the Department, its contractors, permittees, and assigns, including but not limited to, utilities and their contractors, the right to immediately occupy and commence construction or other necessary activity on the property acquired for the state transportation project.

Additional Terms:

CONFIRMATION OF AGENCY DISCLOSURE. Buyer and Seller acknowledge prior written receipt of agency disclosure provided by their respective agent that has disclosed the agency relationships confirmed below. At the signing of the Purchase Contract;

Buyer's Agent Mitch Holladay, represents purchaser.
 Buyer's Brokerage HDR Engineering, Inc., represents purchaser.

Total Selling Price \$248,400.00



Utah Department of Transportation

Right of Way Contract

Fee Simple Acquisition - Strip

Project No: S-0085(9) Parcel No.(s): 9015, 9015:E, 9015:EC
 Pin No: 13149 Job/Proj No: 72192 Project Location: SR-85, MVC; 4100 South to SR-201
 County of Property: SALT LAKE Tax ID / Sidwell No: 14-35-201-011
 Property Address: 5905 West 3500 South WEST VALLEY CITY UT, 84128
 Owner's Address: PO Box 144575, SALT LAKE CITY, UT, 84114
 Primary Phone: 385-468-0341 Owner's Home Phone: (385)468-0341 Owner's Work Phone:
 Owner / Grantor (s): Salt Lake County
 Grantee: Utah Department of Transportation (UDOT)/The Department

Grantor's Initials

Grantor understands this agreement is an option until approved by the Director of Right of Way.

Grantors acknowledge and accept the percent of ownership listed below and agree that the portion of the total selling price they each receive, will correspond with their respective percent of ownership.

This Contract may be signed in counterparts by use of counterpart signature pages, and each counterpart signature page shall constitute a part of this Contract as if all Grantors signed on the same page.

Percent	Date
100%	
Salt Lake County	

Right of Way Agents

Mitch Holladay (Consultant) / Acquisition Agent

Jolene Ottley / Team Leader

Approved by Director of Right of Way

APPROVED AS TO FORM
District Attorney's Office

By: R. Christopher Preston
Attorney

R. CHRISTOPHER PRESTON

Date: 3/6/2019

EXHIBIT B
(Quit Claim Deed)

WHEN RECORDED, MAIL TO:
Utah Department of Transportation
Right of Way, Fourth Floor
Box 148420
Salt Lake City, Utah 84114-8420

Quit Claim Deed (County)

Salt Lake County	Tax ID No.	14-35-201-011
	PIN No.	13149
	Project No.	S-0085(9)
	Parcel No.	0085:9015

Salt Lake County, a body corporate and politic of the State of Utah, Grantor(s), hereby QUIT CLAIMS to the UTAH DEPARTMENT OF TRANSPORTATION, Grantee, at 4501 South 2700 West, Salt Lake City, Utah 84114, for the sum of TEN (\$10.00), Dollars, and other good and valuable considerations, the following described parcel of land in Salt Lake County, State of Utah, to-wit:

A parcel of land in fee for construction of the highway known as Mountain View Corridor, being part of an entire tract of property described in that Warranty Deed recorded as Entry No. 2312791 in Book 2811 at Page 581 in the office of the Salt Lake County Recorder and situate in the NW1/4 NE1/4 of Section 35, T.1S., R.2W., S.L.B. & M. The boundaries of said parcel of land are described as follows:

Beginning at the Northwest corner of said entire tract in the southerly right of way line of 3500 South Street (SR-17), said corner is 495.00 feet East along the section line and 40.00 feet S.00°05'53"E. from the North Quarter Corner of said Section 35, said corner is also 40.00 feet perpendicularly distant southerly from the 3500 South Street Right of Way Control Line opposite approximate engineer station 3509+45.07; and running thence East 463.27 feet along said southerly right of way to the northeast corner of said entire tract and the westerly boundary line of that deed conveyed to Utah Power and Light recorded in the office of Salt Lake County Recorder as Entry No. 3600165 which is also the easterly boundary line of said entire tract; thence S.00°05'00"W. (South by record) 32.46 feet along the westerly boundary line of said Utah Power and Light deed and the easterly boundary line of said entire tract, to the beginning of a 1,106.50-foot radius non-tangent curve to the right (Note: Radius bears: N.00°27'29"E.) at a point that is 57.84 feet

Continued on Page 2
COUNTY RW-05CO (11-01-03)

PIN No. 13149
Project No. S-0085(9)
Parcel No. 0085:9015

perpendicularly distant southerly from said control line opposite approximate engineer station 3514+11.67; thence northwesterly 134.53 feet along the arc of said curve, through a delta of 06°57'58" (Note: Chord to said curve bears N.86°03'32"W. for a distance of 134.45 feet) to the beginning of a 1,023.50-foot radius reverse curve to the left at a point approximately 55.63 feet perpendicularly distant southerly from said control line opposite engineer station 3512+77.24; thence northwesterly 106.32 feet along the arc of said curve, through a delta of 05°57'06" (Note: Chord to said curve bears N.85°33'06"W. for a distance of 106.27 feet) to a point approximately 52.70 feet perpendicularly distant southerly from said control line opposite engineer station 3511+70.32; thence N.88°31'39"W. 116.04 feet to a point 52.00 feet perpendicularly distant southerly from said control line opposite engineer station 3510+52.21; thence West 107.12 feet along a line parallel with said control line to the westerly boundary line of said entire tract at a point opposite engineer station 3509+45.09; thence N.00°05'49"W. (North by record) 12.00 feet to the point of beginning as shown on the official map of said project on file in the office of the Utah Department of Transportation. The above described parcel of land contains 8,694 square feet in area or 0.200 acre, more or less.

(Note: Rotate all bearings in the above description 00°14'25" clockwise to obtain highway bearings.)



PAGE 3

PIN No. 13149
Project No. S-0085(9)
Parcel No. 0085:9015

IN WITNESS WHEREOF, GRANTOR has caused this Quit-Claim Deed to be signed and its official seal to be affixed hereto by its duly authorized officer this ___ day of ___, 20 ___.

SALT LAKE COUNTY

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

By: _____
MAYOR or DESIGNEE
By: _____
COUNTY CLERK

On this ___ day of ___, 20___, personally appeared before me _____, who being duly sworn, did say that ___he is the _____ of Salt Lake County, Office of Mayor, and that the foregoing instrument was signed on behalf of Salt Lake County, by authority of law.

WITNESS my hand and official stamp the date in this certificate first above written:

Notary Public _____
My Commission Expires: _____
Residing in: _____

On this ___ day of ___, 20___, personally appeared before me _____, who being duly sworn, did say that ___he is the CLERK of Salt Lake County and that the foregoing instrument was signed by him/her on behalf of Salt Lake County, by authority of a resolution of the SALT LAKE COUNTY COUNCIL

WITNESS my hand and official stamp the date in this certificate first above written:

Notary Public _____
My Commission Expires: _____
Residing in: _____

EXHIBIT C

(Detention Pond Easement)

WHEN RECORDED, MAIL TO:
Utah Department of Transportation
Right of Way, Fourth Floor
Box 148420
Salt Lake City, Utah 84114-8420

WITH A COPY TO:
West Valley City
3600 South Constitution Boulevard
West Valley City, Utah 84119

Easement (County)

Salt Lake County	Tax ID No.	14-35-201-011
	PIN No.	13149
	Project No.	S-0085(9)
	Parcel No.	0085:9015:EC

Salt Lake County, a body corporate and politic of the State of Utah, Grantor(s), hereby GRANTS AND CONVEYS to WEST VALLEY CITY, Grantee, a Municipal Corporation, of the State of Utah, 3600 South Constitution Boulevard, West Valley City, Utah 84119, for the sum of TEN (\$10.00), Dollars, and other good and valuable considerations, the following described easement in Salt Lake County, State of Utah, to-wit:

A perpetual easement, upon part of an entire tract of property described in that Warranty Deed recorded as Entry No. 2312791 in Book 2811 at Page 581 in the office of the Salt Lake County Recorder and situate in the NW1/4 NE1/4 of Section 35, T.1S., R.2W., S.L.B.&M., in Salt Lake County, Utah, for the purpose of constructing and maintaining an existing detention pond, as part of the construction of the Mountain View Corridor known as Project No. S-0085(9). The boundaries of said part of an entire tract of land are described as follows:

Beginning at a point in the easterly boundary line of said entire tract which is also the westerly boundary line of that deed conveyed to Utah Power and Light recorded in the office of Salt Lake County Recorder as Entry No. 3600165, said point is 495.00 feet East along the section line and 40.00 feet S.00°05'53"E. and 463.27 feet East and 926.00 feet S.00°05'00"W. from the North Quarter Corner of said Section 35, said point is approximately 537.03 feet perpendicularly distant westerly from the Mountain View Corridor Right

Continued on Page 2
COUNTY RW-09CO (11-01-03)

PIN No. 13149
Project No. S-0085(9)
Parcel No. 0085:9015:EC

of Way Control Line opposite engineer station 1804+16.46; and running thence S.00°05'00"W. 353.20 feet along said westerly boundary line of said Utah Power and Light deed which is said easterly boundary line of said entire tract to the Southeast corner of said entire tract; thence S.89°58'48"W. (East by Record) 430.13 feet along the southerly boundary line of said entire tract, to a point 918.50 feet perpendicularly distant westerly from said control line opposite approximate engineer station 1799+88.12; thence N.01°44'20"E. 365.71 feet; thence S.88°20'09"E. 419.73 feet to the point of beginning as shown on the official map of said project on file in the office of the Utah Department of Transportation. The above described part of an entire tract of land contains 152,710 square feet in area or 3.506 acres, more or less.

(Note: Rotate all bearings in the above description 00°14'25" clockwise to obtain highway bearings.)



PIN No. 13149
Project No. S-0085(9)
Parcel No. 0085:9015:EC

IN WITNESS WHEREOF, GRANTOR has caused this Easement to be signed and its official seal to be affixed hereto by its duly authorized officer this ____ day of _____, 20 ____.

SALT LAKE COUNTY

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

By: _____
MAYOR or DESIGNEE
By: _____
COUNTY CLERK

On this ____ day of _____, 20____, personally appeared before me _____, who being duly sworn, did say that __he is the _____ of Salt Lake County, Office of Mayor, and that the foregoing instrument was signed on behalf of Salt Lake County, by authority of law.

WITNESS my hand and official stamp the date in this certificate first above written:

Notary Public _____
My Commission Expires: _____
Residing in: _____

On this ____ day of _____, 20____, personally appeared before me _____, who being duly sworn, did say that ___he is the CLERK of Salt Lake County and that the foregoing instrument was signed by him/her on behalf of Salt Lake County, by authority of a resolution of the SALT LAKE COUNTY COUNCIL

WITNESS my hand and official stamp the date in this certificate first above written:

Notary Public _____
My Commission Expires: _____
Residing in: _____

EXHIBIT D

(Temporary Easement)

WHEN RECORDED, MAIL TO:
Utah Department of Transportation
Right of Way, Fourth Floor
Box 148420
Salt Lake City, Utah 84114-8420

Easement (County)

Salt Lake County	Tax ID No.	14-35-201-011
	PIN No.	13149
	Project No.	S-0085(9)
	Parcel No.	0085:9015:E

Salt Lake County, a body corporate and politic of the State of Utah, Grantor(s), hereby GRANTS AND CONVEYS to the UTAH DEPARTMENT OF TRANSPORTATION, Grantee, at 4501 South 2700 West, Salt Lake City, Utah 84114, for the sum of TEN (\$10.00), Dollars, and other good and valuable considerations, the following described easement in Salt Lake County, State of Utah, to-wit:

A temporary easement, upon part of an entire tract of property described in that Warranty Deed recorded as Entry No. 2312791 in Book 2811 at Page 581 in the office of the Salt Lake County Recorder and situate in the NW1/4 NE1/4 of Section 35, T.1S., R.2W., S.L.B.&M., to facilitate the construction of roadway improvements, side treatments and appurtenant parts thereof and blending slopes, incident to the construction of the Mountain View Corridor known as Project No. S-0085(9). This easement shall commence upon the beginning of actual construction on the property and shall continue only until project construction on the property is complete, or for three (3) years, whichever first occurs. The easement shall be non-exclusive such that the Grantor may use the property at any time in a manner which does not interfere with construction activities. The boundaries of said part of an entire tract of land are described as follows:

Beginning at a point in the westerly boundary line of said entire tract, said point is 495.00 East along the section line and 40.00 feet S.00°05'53"E. and 12.00 feet S.00°05'49"E. (South by Record) from the North Quarter Corner of said Section 35, said point is 52.00 feet perpendicularly distant southerly from the 3500 South Right of Way Control Line opposite approximate engineer station 3509+45.09; and running

Continued on Page 2
COUNTY RW-09CO (11-01-03)

PIN No. 13149
Project No. S-0085(9)
Parcel No. 0085:9015:E

thence East 107.12 feet along a line parallel with said control line; thence S.88°31'39"E. 116.04 feet to the beginning of a 1,023.50-foot radius curve to right; thence southeasterly 106.32 feet along the arc of said curve through a delta of 05°57'06"(Note: Chord to said curve bears S.85°33'06"E. for a distance of 106.27 feet) to the beginning of a 1,106.50-foot radius reverse curve to the left; thence southeasterly 134.53 feet along the arc of said curve through a delta of 06°57'58" (Note: Chord to said curve bears S.86°03'32"E. for a distance of 134.45 feet) to the westerly boundary line of that deed conveyed to Utah Power and Light recorded in the office of Salt Lake County Recorder as Entry No. 3600165 which is also the easterly boundary line of said entire tract; thence S.00°05'00"W. (South by record) 37.21 feet along the westerly boundary line of said Utah Power and Light and the easterly boundary line of said entire tract; thence N.88°07'13"W. 204.59 feet; thence S.57°13'33"W. 197.73 feet; thence West 92.14 feet along a line parallel with said control line to the westerly boundary line of said entire tract; thence N.00°05'49"W. (North by record) 158.00 feet to the point of beginning as shown on the official map of said project on file in the office of the Utah Department of Transportation. The above described part of an entire tract of land contains 39,923 square feet in area or 0.917 acre, more or less.

(Note: Rotate all bearings in the above description 00°14'25" clockwise to obtain highway bearings.)

APPROVED AS TO FORM

Salt Lake County
District Attorney's Office



PAGE 3

PIN No. 13149
Project No. S-0085(9)
Parcel No. 0085:9015:E

IN WITNESS WHEREOF, GRANTOR has caused this Easement to be signed and its official seal to be affixed hereto by its duly authorized officer this _____ day of _____, 20 _____.

SALT LAKE COUNTY

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

By: _____
MAYOR or DESIGNEE
By: _____
COUNTY CLERK

On this ____ day of _____, 20____, personally appeared before me _____, who being duly sworn, did say that __he is the _____ of Salt Lake County, Office of Mayor, and that the foregoing instrument was signed on behalf of Salt Lake County, by authority of law.

WITNESS my hand and official stamp the date in this certificate first above written:

Notary Public _____
My Commission Expires: _____
Residing in: _____

On this ____ day of _____, 20____, personally appeared before me _____, who being duly sworn, did say that __he is the CLERK of Salt Lake County and that the foregoing instrument was signed by him/her on behalf of Salt Lake County, by authority of a resolution of the SALT LAKE COUNTY COUNCIL

WITNESS my hand and official stamp the date in this certificate first above written:

Notary Public _____
My Commission Expires: _____
Residing in: _____

Prepared by: (RMB) Meridian Engineering, Inc.
Revised by: (RMB) Meridian Engineering, Inc.
Revised by: (RMB) Meridian Engineering, Inc.

17P - 3/4/2019
10/17/2018
3/7/2019

COUNTY RW-09CO (11-01-03)