

RESOLUTION NO. _____

DATE _____

A RESOLUTION OF THE SALT LAKE COUNTY COUNCIL AUTHORIZING
AND APPROVING PROCEEDINGS IN EMINENT DOMAIN AS NECESSARY

RECITALS

A. Salt Lake County (“County”) works with the United States Army Corps of Engineers (the “USACE”) as the non-federal sponsor of the Surplus Canal, a project that consists of two levees approximately 18 miles in length, which is designed to divert water from the Jordan River to control flood flows.

B. As the non-federal sponsor, the County is solely responsible for the operation and maintenance of the Surplus Canal.

C. In order to maintain federal certification of the Surplus Canal, to comply with the demand of the USACE to remove identified encroachment violations that affect the structural integrity of the Surplus Canal levee, and to safely comply with federal mandates associated with the contractual obligations to operate and maintain the Surplus Canal, the County has determined that it is necessary and in the public interest to clarify and clean up its real property interests along the Surplus Canal (the “Surplus Canal Project”).

D. M-13, LP Limited Partnership (the “Owner”) owns a parcel of real property located approximately 2135 West Indiana Circle, Salt Lake City, Utah (Parcel No. 15-09-277-012) that is adjacent to the Surplus Canal where the interests of the County need to be clarified and encroachments removed (the “M-13 Parcel”).

E. The County has identified a 7,243 square-foot portion of the M-13 Parcel, as more particularly described in the attached Exhibit A (the “Subject Property”), as necessary to the Project and has: i) provided required notifications to the Owner pursuant to Utah Code 78B-6-504, ii) has had the Subject Property and property interests appraised by independent appraisers, iii) has

offered appraised amounts to the Owner; and iv) has offered to engage in mediation and further negotiations.

F. Despite these efforts, the County has not yet been able to acquire the Subject Property by negotiation and voluntary purchase; instead, the Owner has refused to reasonably negotiate with the County, the County is facing construction and other deadlines for commencing and completing the Project, and the County believes that further negotiation would be futile.

G. The County is a political subdivision of the State of Utah and is authorized to acquire private property for public use through the exercise of eminent domain.

H. On August 30, 2022, the Salt Lake County Council (the “Council”) met in regular session to consider, among other things, a resolution authorizing and approving proceedings in eminent domain as necessary

I. The County has the necessary funding to complete the project and expects to be able to complete work on the Subject Property within a reasonable time after title to the Subject Property is acquired.

J. It has been determined that the best interests of the County and the general public will be served by authorizing the use of eminent domain to acquire a fee interest in the Subject Property.

NOW, THEREFORE, IT IS HEREBY RESOLVED by the Council to find, approve and direct as follows:

1. The Council finds and determines that: i) the Project and uses to which the Subject Property will be put are legitimate public uses; ii) the acquisition of the Subject Property is necessary for construction of the Project and is authorized by law; iii) acquisition, construction and use of the Subject Property will commence within a reasonable time; iv) the proposed location of the Project and associated improvements are planned and located in a manner that will be most

compatible with the greatest public good and the least private injury; and v) considering the equities involved and relative damages that may accrue to the parties, occupancy of the Subject Property pursuant to negotiation or by court order may be necessary prior to final acquisition of the Subject Property.

2. Accordingly, the Council directs County staff and the Salt Lake County District Attorney’s Office, on behalf of the County: a) to initiate formal proceedings in eminent domain in accordance with Utah law and to prepare and prosecute the necessary condemnation in the proper court having jurisdiction thereof as is necessary for acquisition of the Subject Property; and b) if necessary, to obtain by agreement or by court order permission to take immediate possession and use of the Subject Property for the purposes herein described.

APPROVED and ADOPTED this _____ day of _____, 2022.

SALT LAKE COUNTY COUNCIL

By: _____
Laurie Stringham, Chair

ATTEST:

Sherrie Swensen
Salt Lake County Clerk

- Council Member Alvord voting _____
- Council Member Bradley voting _____
- Council Member Bradshaw voting _____
- Council Member DeBry voting _____
- Council Member Granato voting _____
- Council Member Winder-Newton voting _____
- Council Member Snelgrove voting _____
- Council Member Stringham voting _____
- Council Member Theodore voting _____

REVIEWED AS TO FORM AND LEGALITY:








R. Christopher Preston
Deputy District Attorney

EXHIBIT A

MAP AND LEGAL DESCRIPTION OF SUBJECT PROPERTY

EXHIBIT "A"

LEGEND

-  Tract Boundary
-  Centerline of Surplus Canal
-  Existing Jordan River & Surplus Canal ROW
-  Adjacent Parcel
-  Section Line
-  10.0' Offset Landside Toe
-  QUITCLAIM AREA - 3750.129:C

UNITED STATE
OF AMERICA
15-09-277-004

NOTE 1:
Northeasterly right-of-way line of the As-Constructed Jordan River and Surplus Canal Levee Construction and Channel Improvement Plans created by the Corps of Engineers, U.S. Army referenced as Spec. No. 2493 and File No. JO-4-52 dated May 11, 1961. See Record of Survey Plat S2018-08-0579

POB

NOTE 2:
Caldwell Richards & Sorenson (CRS) Engineers established the landside toe offset location using field survey methods in October 2021.

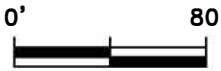
LINE TABLE		
LINE #	LENGTH	BEARING
L1	21.97	S2° 57' 46"W
L2	18.47	N0° 04' 53"E

M-13, LP LIMITED
PARTNERSHIP
15-09-277-012

3750.129:C
7,243 sq. ft.

SURPLUS CANAL
SALT LAKE COUNTY - E# 1633884, Bk: 1581, Pg: 426
Easement E# 1646635, Bk: 1602, Pg: 390

INTERSTATE - 215 BELT ROUTE
(1-2015-9(29)305)



Scale in Feet
1"=80'

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Prepared: October 25, 2021

NOTE 3:
Center line of Surplus Canal as delineated in that Record of Survey plat filed as S2018-08-0579 in the Office of the Salt Lake County Surveyor.



**M-13, LP, LIMITED PARTNERSHIP
JORDAN RIVER & SURPLUS CANAL**
Quitclaim Deed - 3750.129:C

Prepared for:
S.L. Co. Flood Control Engineering
NE 1/4, Sec. 09, T.1S, R.1W, S.L.B.&M.
Work Order No. SU20160226 Real Estate No. 3750:129

Prepared by the Office of:
Reid J. Demman, P.L.S.
Salt Lake County Surveyor

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