

RESOLUTION NO. \_\_\_\_\_

DATE \_\_\_\_\_

A RESOLUTION OF THE SALT LAKE COUNTY COUNCIL APPROVING  
THE ACQUISITION OF A FEE INTEREST IN CERTAIN REAL PROPERTY  
FROM BONY BARNES AS PART OF THE SURPLUS CANAL PROJECT AND  
THE TRANSFER OF THE COUNTY'S EXCESS REAL ESTATE INTEREST IN  
ADJACENT PROPERTY TO BONY BARNES

RECITALS

A. Salt Lake County ("County") is responsible for the operation and maintenance of the Surplus Canal, which is designed to divert water from the Jordan River to control flood flows.

B. Over the years, the County has acquired various types of interest from private property Owner for the Surplus Canal's existing location.

C. The County is currently working on a project to clarify and make its real property interests along the Surplus Canal uniform and remove encroachments into the Surplus Canal's levee system.

D. Bony Barnes (the "Owner") owns a parcel of real property located in Salt Lake City that is adjacent to the Surplus Canal where the interests of the County need to be clarified and encroachments removed (the "Owner's Property").

E. Following negotiations, the County and the Owner have agreed that the Owner will convey a portion of the Owner's Property to the County by quit-claim deed ("Owner's Deed").

F. To clear up any cloud on the Owner's remaining title, the County will quit-claim to the Owner any excess interest it may have in the remaining Owner's Property beyond the ten foot offset landside toe line established by the Owner's Deed (the "County Property Interest").

G. It has been determined that the best interests of the County and the general public will be served by accepting the Owner's Deed from the Owner and quit-claiming the County Property Interest to the Owner. This transaction will be in compliance with all applicable state statutes and county ordinances.

NOW, THEREFORE, IT IS HEREBY RESOLVED by the Salt Lake County Council (the “County Council”) that the County Property Interest is hereby declared surplus property.

IT IS FURTHER RESOLVED by the County Council that the Right of Way Contract (“Contract”) between the County and the Owner is hereby approved and the Mayor is hereby authorized to execute the Contract, a copy of which is attached as Exhibit A and by this reference made a part hereof, and deliver the fully executed document to the County Real Estate Section.

IT IS FURTHER RESOLVED by the County Council that upon receipt of Owner’s Deed from Owner, the Mayor and County Clerk are authorized to execute the quit claim deed for the County Property Interest, and to deliver that fully executed document to the County Real Estate Section for delivery to Owner.

APPROVED and ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_, 2020.

SALT LAKE COUNTY COUNCIL

By: \_\_\_\_\_  
Max Burdick, 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