

RESOLUTION NO. _____, 2020

A RESOLUTION OF THE SALT LAKE COUNTY COUNCIL DECLARING SURPLUS REAL PROPERTY, AUTHORIZING EXECUTION OF AN AGREEMENT TO PURCHASE PROPERTY AND A BOUNDARY LINE AGREEMENT WITH HARMONY SQUARE LIVING, LLC, TO TRANSFER CERTAIN REAL PROPERTY ASSOCIATED WITH HARMONY PARK

WITNESSETH

A. The County owns a parcel of real property in South Salt Lake, Utah, consisting of approximately 8.89 acres and having an address of 3760 South Main Street, South Salt Lake, Utah (Parcel No. 15-36-278-029), together with any and all improvements located thereon and encumbrances affecting the same (the “County Property”).

B. Harmony Square Living, LLC (“Harmony Square”), owns a parcel of real property adjacent to the County Property, consisting of approximately 5.33 acres and having an address of 3839 South West Temple, South Salt Lake, Utah (Parcel No. 15-36-427-037), together with any and all improvements located thereon and encumbrances affecting the same (the “Harmony Square Property”).

C. The County and Harmony Square’s predecessors in interest entered into a Boundary Line Agreement in 1999 to resolve a dispute over the common boundary between them, which was recorded in the Salt Lake County Recorder’s Office on June 11, 1999, as Entry No. 7383468 in Book 8285 at Page 7337 (the “1999 Agreement”).

D. Despite the 1999 Agreement, there has continued to be some confusion regarding the location of the boundary between the County Property and the Harmony Square Property, which resulted in an alleged encroachment by Harmony Square onto the County Property.

E. To resolve this confusion regarding the boundary between the County Property and the Harmony Square Property and to address the alleged encroachment, the County and Harmony Square have negotiated the terms of an Agreement to Purchase Property and Sign Boundary Line Agreement (the “Purchase Agreement”), whereby the County will convey via a new boundary line agreement (the “Boundary Line Agreement”) a portion of the County Property in exchange for the consideration identified in the Purchase Agreement. The Purchase Agreement is attached hereto as Exhibit 1. The Boundary Line Agreement is attached as Exhibit E to the Purchase Agreement.

F. It has been determined that the best interests of the County and the general public will be served by entering into the Purchases Agreement and the Boundary Line Agreement. The adjustment of the boundary line and conveyance of the property will comply with all applicable state statutes and City and County ordinances.

RESOLUTION

NOW, THEREFORE, IT IS HEREBY RESOLVED by the Salt Lake County Council that

the boundary line between the County Property and the Harmony Square Property shall be adjusted in accordance with the terms of Purchase Agreement; and the Mayor is hereby authorized to execute said Purchase Agreement, a copy of which is attached as Exhibit 1, and by this reference made a part of this Resolution.

IT IS FURTHER RESOLVED by the Salt Lake County Council that the Mayor and County Clerk are hereby authorized to execute the Boundary Line Agreement, a copy of which is attached as Exhibit E to the Purchase Agreement, to effectuate the terms contemplated in the approved Purchase Agreement.

IT IS FURTHER RESOLVED by the Salt Lake County Council that the Mayor and County Clerk are hereby authorized to execute such other documents as may be reasonably necessary to effectuate the terms contemplated by the approved Purchase Agreement and Boundary Line Agreement.

APPROVED and ADOPTED this ____ day of _____, 2020.

SALT LAKE COUNTY COUNCIL:

Max Burdick, Chair

ATTEST:

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 1