

## Mayor's Office: Council Agenda Item Request Form

*This form and supporting documents (if applicable) are due the Wednesday before the COW meeting by noon.*

<b>Date Received</b> (office use)	
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<b>Date of Request</b>	06/05/2018
<b>Requesting Staff Member</b>	Derrick Sorensen
<b>Requested Council Date</b>	06/12/2018
<b>Topic/Discussion Title</b>	RE 3773 Release of Water Line Easement 747 West 4170 South, Murray, UT
<b>Description</b>	Salt Lake County was Granted a Water Line Easement across Mr. Carlisle, property in 1954. SLCO has never used the Easement and no longer desires to retain it. SLCO will release the easement by Quit Claim Deed.
<b>Requested Action<sup>1</sup></b>	Consent Agenda
<b>Presenter(s)</b>	Derrick Sorensen
<b>Time Needed<sup>2</sup></b>	< 5 min
<b>Time Sensitive<sup>3</sup></b>	No
<b>Specific Time(s)<sup>4</sup></b>	No
<b>Will You Be Providing a PowerPoint?</b>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
<b>Will You Be Providing Back-Up Documentation or Handouts?</b>  Please attach supporting documentation you plan to provide for the packets to this form. While not ideal, if supporting documents are not yet ready, you can still submit them by 10 am the Friday morning prior to the COW agenda. Items without documentation may be taken off for consideration at that COW meeting.	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No

Mayor or Designee approval:



<sup>1</sup> What you will ask the Council to do (e.g., discussion only, appropriate money, adopt policy/ordinance) – in specific terms.

<sup>2</sup> Assumed to be 10 minutes unless otherwise specified.

<sup>3</sup> Urgency that the topic to schedule on the requested date.

<sup>4</sup> If important to schedule at a specific time, list a few preferred times.

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

DATE \_\_\_\_\_

A RESOLUTION OF THE SALT LAKE COUNTY COUNCIL DECLARING  
SURPLUS REAL PROPERTY AND AUTHORIZING THE RELEASE OF AN  
EASEMENT OVER CERTAIN REAL PROPERTY LOCATED AT  
APPROXIMATELY 747 WEST 4170 SOUTH, MURRAY, UTAH

RECITALS

A. Joseph B. Carlisle, as Grantor, executed and delivered a Water Line Easement, dated January 14, 1954, in favor of the Salt Lake County Recreation Board ("SLCRB") across property located at approximately 747 West 4170 South, Murray, Utah (the "Property").

B. WCS Investments, LLC ("WCS") currently owns the Property.

C. No pipe line was ever installed on the Property within the easement by SLCRB.

D. SLCRB has been dissolved, and to the extent that Salt Lake County ("County"), is the successor to SLCRB and the current holder of the rights under the Water Line Easement, the County has determined that it does not require the rights granted to SLCRB under the Water Line Easement.

E. WCS has asked the County to release and quit-claim any interest it may have in the Water Line Easement as successor to SLCRB.

F. It has been determined that the best interests of the County and the general public will be served by releasing and quitclaiming the Water Line Easement. The release and quitclaim of the Water Line Easement 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 Water Line Easement be declared surplus property.

IT IS FURTHER RESOLVED by the Salt Lake County Council that the Water Line Easement shall be released and quitclaimed as provided in the Quitclaim and Release of Water

Line Easement attached hereto as Exhibit A ("Release"), which is hereby approved. The Mayor and County Clerk are hereby authorized to execute the original Release, and to deliver the fully executed document to the County Real Estate Section for recording with the Salt Lake County Recorder's Office.

APPROVED and ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_, 2018.

SALT LAKE COUNTY COUNCIL

By: \_\_\_\_\_  
Aimee Winder-Newton, 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 Granato voting	_____
Council Member Jensen voting	_____
Council Member Newton voting	_____
Council Member Snelgrove voting	_____
Council Member Wilson voting	_____

APPROVED AS TO FORM:

**Robert Preston** Digitally signed by Robert Preston  
Date: 2018.06.04 14:26:33 -06'00'

\_\_\_\_\_  
R. Christopher Preston  
Deputy District Attorney  
Date: June 4, 2018

**EXHIBIT A**

**WHEN RECORDED RETURN TO:**

Snell & Wilmer L.L.P.  
Attn: Allison B. Hale  
15 W. South Temple, Suite 1200  
Salt Lake City, Utah 84101

*Tax Parcel No. 21-02-227-010  
& 21-02-227-003*

**QUITCLAIM AND RELEASE  
OF WATER LINE EASEMENT**

WHEREAS, Joseph B. Carlisle, as Grantor, previously executed and delivered that certain Water Line Easement, dated January 14, 1954, in favor of the Salt Lake County Recreation Board ("SLCRB"), as Grantee, recorded on January 15, 1954, in Book 1059, Page 557, as Entry Number 1357700 in the official records of the Salt Lake County Recorder ("Easement Agreement"); and

WHEREAS, the Easement Agreement granted to SLCRB a perpetual easement to lay, maintain, operate, repair, re-lay and remove a pipe line or pipe lines and appurtenant works for the conveyance of water, together with a construction easement and right of ingress and egress on, over, and through certain real property, which property included the real property described on Exhibit A attached hereto and by this reference made a part hereof (the "Property"); and

WHEREAS, the area of the perpetual easement and the construction easement was described in the Easement Agreement to include the real property described on Exhibit B attached hereto and by this reference made a part hereof (the "Easement Area");

WHEREAS, no pipe line, pipelines, or appurtenant works for the conveyance of water were installed by SLCRB within the area described in the Easement Agreement; and

WHEREAS, SLCRB has been dissolved, and to the extent that Salt Lake County, a body corporate and politic of the State of Utah ("County"), is the successor to SLCRB and the current holder of the rights under the Easement Agreement previously granted to SLCRB, the County has determined that it does not require the rights granted to SLCRB under the Easement Agreement;

NOW, THEREFORE, to the extent that the County is the successor of SLCRB's rights and interests under the Easement Agreement, the County hereby releases the Property from any and all right, title, and interest the County may have under the Easement Agreement as successor to SLCRB, and quitclaims to the holder of record title to the Property all of the County's right, title, and interest in and to the Easement Area as successor to SLCRB.

IN WITNESS WHEREOF, the County has caused this Quitclaim and Release of Water Line Easement to be executed this \_\_\_\_ day of \_\_\_\_\_, 2018.

**SALT LAKE COUNTY,**  
a body corporate and politic of the State of Utah

APPROVED AS TO FORM:

**Robert Preston** Digitally signed by Robert Preston  
Date: 2018.06.04 14:25:09 -06'00'

R. Christopher Preston  
Deputy District Attorney

By: \_\_\_\_\_  
Mayor or Designee

By: \_\_\_\_\_  
Salt Lake County Clerk

STATE OF UTAH                    )  
  :SS.  
COUNTY OF SALT LAKE        )

On this \_\_\_\_ day of \_\_\_\_\_, 2018, personally appeared before me \_\_\_\_\_, who being duly sworn, did say that (s)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.

[SEAL]

\_\_\_\_\_  
NOTARY PUBLIC  
Residing in Salt Lake County

STATE OF UTAH                    )  
  :SS.  
COUNTY OF SALT LAKE        )

On this \_\_\_\_ day of \_\_\_\_\_, 2018, personally appeared before me Sherrie Swensen, who being duly sworn, did say that she is the Clerk of Salt Lake County and that the foregoing Release of Easement was signed by her on behalf of Salt Lake County, by authority of a Resolution of the Salt Lake County Council.

[SEAL]

\_\_\_\_\_  
NOTARY PUBLIC  
Residing in Salt Lake County

**EXHIBIT A**  
**[Property]**

The following two parcels of real property described in that General Warranty Deed recorded on April 12, 2018, as Entry No. 12752184 in Book 10664 at Page 4803 in the office of the Salt Lake County Recorder and located in Northeast Quarter of Section 2, Township 2 South, Range 1 West, Salt Lake Base and Meridian in Salt Lake County, State of Utah: The boundaries of said parcels of land are described as follows:

**PARCEL 1 (APN: 21-02-227-010):**

Beginning at a point on the North bank of Big Cottonwood Creek which is 877.81 feet South 0°05'36" East along the section line and 176.81 feet North 71°39'20" West from the Northeast corner of Section 2, Township 2 South, Range 1 West, Salt Lake Base and Meridian (basis of bearing is South 89°54'15" East between the Salt Lake County Monuments located in 3900 South Street at 700 and 500 West Streets), which point of beginning also is the beginning point of a Boundary Line Agreement, recorded December 8, 1997 as Entry No. 6808486 in Book 7825 at Page 370, Salt Lake County Recorder; thence North 06°30'35" West 314.23 feet along said boundary line agreement to the beginning of a curve concave to the South on the Southerly line of 4170 South Street having a radius of 400.00 feet and a central angle of 02°08'52" and being subtended by a chord which bears North 79°47'33" West 14.99 feet; thence Westerly along said curve 14.99 feet to the Westerly line of 4170 South Street; thence North 00°01'41" West 55.32 feet along the Westerly line of 4170 South Street to a point West of the most Southern corner of Parcel 21-02-227-006 as recorded in Entry No. 6743276 in Book 7761 at Page 2005 of the Salt Lake County Recorder; thence West 4.60 feet to the most Southern corner of said Parcel 21-02-227-006; thence North 50°29'40" West 46.69 feet along the Westerly boundary of said Parcel 21-02-227-006 to a point along a fence that bears North 86°03'22" East from a point on the extension of said fence line on the East bank of the Jordan River located 690.34 feet South 50°16'54" West from the Northeast corner of Section 2, Township 2 South, Range 1 West, Salt Lake Base and Meridian; thence South 86°03'22" West 274.23 feet, more or less, along said fence and the extension of said fence line to a point on the East bank of the Jordan River located 690.34 feet South 50°16'54" West from the Northeast corner of Section 2, Township 2 South, Range 1 West, Salt Lake Base and Meridian; thence Southerly, Southeasterly and Easterly along the Easterly bank of the Jordan River and then the Northerly bank of Big Cottonwood Creek to the point of beginning.

**PARCEL 2 (APN: 21-02-227-003):**

Commencing at a point on the East bank of the Jordan River, said point being West 394.82 feet and South 233.57 feet from the Southeast corner of Section 35, Township 1 South, Range 1 West, Salt Lake Base and Meridian and running thence South 88°47'00" East 144.9 feet; thence South 05°50'00" East 187 feet; thence South 85°00'00" West 274.47 feet, more or less, to the East bank of the Jordan River; thence Northeasterly along said East bank to the point of commencement.

Also described by survey as follows:

Beginning at a point West 394.82 feet and South 233.57 feet from the Southeast corner of Section 35, Township 1 South, Range 1 West, Salt Lake Base and Meridian and running thence South 88°47'00" East 144.90 feet; thence South 05°50'00" East 184.45 feet to a point 25.5 feet Easterly of an existing fence corner as called for in a Boundary Line Agreement as recorded in the Book 8375, Page 3364 in the Salt Lake County Recorder's Office and then running to said fence and along said fence line South 85°57'38" West 300.55 feet, more or less, to the East Bank of the Jordan River; thence North 03°51'40" West 57.16 feet, along said East Bank; thence North 09°08'41" East 40.65 feet, along said East Bank; thence North 16°28'50" East 33.63 feet, along said East Bank; thence North 36°44'10" East 26.89 feet, along said East Bank; thence North 26°51'38" East 63.65 feet, along said East Bank; thence East 79.19 feet to the point of beginning.

**EXHIBIT B**  
**[Easement Area]**

Part of an entire tract of land described in that Water Line Easement recorded on January 15, 1954 as Entry No. 1357700 in Book 1059 at Page 557 in the office of the Salt Lake County Recorder. Said entire tract is a strip of land located in the Northeast Quarter of Section 2, Township 2 South, Range 1 West, Salt Lake Base and Meridian and described as follows:

A strip of land fifteen (15) feet wide being seven and one-half (7 1/2) feet on each side of the following centerline.

Beginning at a point on the North line of the Grantor's property, which point lies West 264.83 feet from the Northeast corner of Section 2, T 2 S, R 1 W, of the SLB & M, and running thence S. 6°10' E. 317.88 feet; thence S. 63°14' W. 370 Feet more or less to a point on the centerline of the Jordan River, which centerline is the West line of the Grantor's property, insofar as said easement lies within the Grantor's property.

In addition to the forgoing, an additional 15-foot easement being 7 1/2-feet on each side of the easement hereinbefore last referred to.