

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

DATE \_\_\_\_\_

A RESOLUTION OF THE SALT LAKE COUNTY COUNCIL APPROVING THE ACQUISITION OF A FEE INTEREST IN CERTAIN REAL PROPERTY FROM ALBERT L. MUNSELL AND THE ESTATE OF KAY LYNN MUNSELL AS PART OF THE SURPLUS CANAL PROJECT AND THE TRANSFER OF THE COUNTY'S EXCESS REAL ESTATE INTERESTS IN ADJACENT PROPERTY TO THE SAME

#### 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 make its real property interests along the Surplus Canal uniform and remove encroachments into the Surplus Canal's levee system.

D. Albert L. Munsell and the Estate of Kay Lynn Munsell, as tenants in common (the "Owners"), own 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 "Owners' Property").

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

F. To clear up any cloud on the Owners' remaining title, the County will quit-claim to the Owners any excess interest it may have in the remaining Owners' Property beyond the ten foot offset landside toe line established by the Owners' 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 Owners' Deed from the Owners and quit-claiming the County Property Interest to the Owners. 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 that the County Property Interest is hereby declared surplus property.

IT IS FURTHER RESOLVED by the Salt Lake County Council that the Right of Way Contract (“Contract”) between the County and the Owners is hereby approved, and the Mayor is 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 Salt Lake County Council that upon receipt of the Owners’ Deed from the Owners, 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 the Owners.

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