

RESOLUTION NO. _____

DATE _____

A RESOLUTION OF THE SALT LAKE COUNTY COUNCIL AUTHORIZING THE EXECUTION OF A REAL ESTATE PURCHASE CONTRACT AND SETTLEMENT AGREEMENT BETWEEN MAGNA METRO TOWNSHIP, SALT LAKE COUNTY, AND SEGO PROPERTIES, LLC, INCLUDING THE RELEASE OF A PORTION OF AN EASEMENT OVER CERTAIN RELATED REAL PROPERTY LOCATED MAGNA, UTAH

RECITALS

A. Sego Properties, LLC (“Seller”) is the owner of real property in Salt Lake County, Utah, more particularly described as Salt Lake County Parcel No. 14-33-227-028-0000, with the address of 7373 W. 3500 S., Magna, Utah 84044 (the “Sego Property”).

B. On February 21, 1978, Salt Lake County (the “County”) recorded a perpetual surface drainage easement (“Stormwater Easement”), which gave the County an easement that authorized it to install a storm drain pipeline for the transportation of surface water over, across, through, and under the northeast quadrant of the Sego Property.

C. After acquiring the Stormwater Easement, the County installed a stormwater drainage pond (the “Pond”) that now occupies the northeast quadrant of the Sego Property.

D. When Magna Metro Township (the “Buyer”) incorporated as a municipality in 2017, it assumed ownership of the stormwater facilities within its municipal boundaries, including the Pond and Stormwater Easement, along with the County’s stormwater responsibilities.

E. A dispute arose between Seller and the County over the maintenance of the Pond and the Stormwater Easement, which resulted in a maintenance agreement dated July 7, 2017 (“Maintenance Agreement”) between Seller and the County, pursuant to which the County agreed to make certain improvements and to landscape the area.

F. A subsequent dispute arose between the Parties over the scope and intent of the Maintenance Agreement and Stormwater Easement.

G. To resolve this dispute and all claims that Seller may have against the County and Buyer, Buyer will purchase the portion of the Sego Property on which the Pond is located and Buyer will also pay Seller an additional sum to settle all present and past disputes, claims, damages, complaints, and grievances related to the Pond.

H. To effectuate this Contract, Seller will need to: (i) subdivide the Sego Property into two parcels; (ii) convey the newly created parcel with the Pond to Buyer; and (iii) obtain a variance for certain setback requirements from Buyer, which is the applicable land use authority.

I. Upon the completion of the subdivision and conveyance of the Property to Magna, the County agrees to release a portion of the Stormwater Easement affecting the Pond. A form of the Notice of Release of Easement is attached as Exhibit 7 to the Agreement.

J. The Parties have drafted a Real Estate Purchase Contract and Settlement Agreement (the "Agreement"), detailing all of the terms and obligations of each of the Parties.

K. It has been determined that the best interests of the County and the general public will be served by executing the Agreement. The release of the 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 Agreement is approved to be executed by the County.

IT IS FURTHER RESOLVED by the Salt Lake County Council that the Stormwater Easement shall be released as provided in the Agreement provided that all of the applicable terms and conditions are met. Once the applicable terms and conditions are met, the Mayor and County Clerk are hereby authorized to execute a Notice of Release of Easement in substantially the same form as Exhibit 7 to the Agreement.

APPROVED and ADOPTED this _____ day of _____, 2021.

SALT LAKE COUNTY COUNCIL

By: _____
Steve DeBry, 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	_____

APPROVED AS TO FORM:

R. Christopher Preston
Deputy District Attorney

EXHIBIT A

Real Estate Purchase Contract and Settlement Agreement