

RESOLUTION NO. _____

DATE _____

A RESOLUTION OF THE SALT LAKE COUNTY COUNCIL DECLARRING CERTAIN EXCESS PROPERTY AVAILABLE FOR DISPOSAL AND APPROVING THE ACQUISITION OF A FEE INTEREST IN CERTAIN REAL PROPERTY FROM KELLY JENSEN, SCOTT H. BOETTCHER, LEONA H. LUNDBERG, AND THE JAMES DUANE & KAREN FERN BOETTCHER LIVING TRUST, DATED JULY 16, 2013, AS PART OF THE SURPLUS CANAL PROJECT AND THE TRANSFER OF THE COUNTY'S EXCESS REAL ESTATE INTEREST 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 clarify and make its real property interests along the Surplus Canal uniform and remove encroachments into the Surplus Canal's levee system.

D. There is a parcel of real property located in Salt Lake City along 2100 South that is adjacent to the Surplus Canal where the interests of the County need to be clarified and encroachments removed (the "Subject Property"). Kelly Jensen, Scott H. Boettcher and Leona H. Lundberg (the "Siblings"), own an undivided 50% interest in the Subject Property, and the James Duane & Karen Fern Boettcher Living Trust, dated July 16, 2013 (the "Trust"), own the remaining undivided 50% interest in the Subject Property. James Duane Boettcher is the trustee of the Trust. The Siblings and the Trust are collectively referred to as the "Owners" of the Subject Property.

E. The County has a variety of interests over portions of the Subject Property, including easements for the purpose of maintaining the Surplus Canal (the "Historical Interests"); however, to meet its commitments to maintain the Surplus Canal, the County now needs to perfect

its ownership interest in fee to a specified portion of the Subject Property that is affected by these Historical Interests.

F. There are portions of the Subject Property that are subject to the Historical Interests where the County is not seeking to acquire a fee interest. The County is willing to release any right, title, or interest it may have in these excess portions of the Historical Interests in the Subject Property back to the Owners by delivering a quitclaim deed covering these specified areas.

G. Following negotiations, the County and the Owners have agreed to a settlement the terms of which are outlined in the Right of Way Contract attached hereto as Exhibit A (the “Contract”), providing that, among other things, the Owners will convey a portion of the Subject Property to the County by quit-claim deed (“Owners’ Deed”) in exchange for a payment of \$145,000.00.

H. To clear up any cloud on the Owners’ remaining title, the County will quit-claim to the Owners any excess interest it may hold by virtue of the Historical Interests in the Owners’ remaining Property (the “Excess Interests”).

I. 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 Excess Interests 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 (the “County Council”) that the County’s Excess Interests are hereby declared available for disposal.

IT IS FURTHER RESOLVED by the County Council that the Contract between the County and the Owner is hereby approved, and the Mayor is hereby authorized to execute the Contract and deliver the fully executed document to the County Real Estate Section.

IT IS FURTHER RESOLVED by the County Council that the Mayor and County Clerk

are authorized to execute the quit claim deed for the Excess Interests in accordance with the terms of the Contract, to deliver that fully executed document to the County Real Estate Section for disposition as provided in the Contract, and to receive the Owners' Deed.

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

RIGHT OF WAY CONTRACT