



Legislation Details (With Text)

**File #:** 21-1058      **Version:** 1      **Name:**

**Type:** Consent Item      **Status:** Agenda Ready

**File created:** 9/8/2021      **In control:** Council Work Session

**On agenda:** 9/14/2021      **Final action:**

**Title:** A Resolution of the Salt Lake County Council Declaring 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

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. Staff Report, 2. Resolution for Surplus Canal - Boettcher (9.07.21) - AATF, 3. Right of Way Contract, 4. 3750-051-Q\_Boettcher\_Trust\_FINAL (9.2.21) - AATF, 5. 3750-051-C\_Boettcher\_Trust\_FINAL (9.2.21)

Date	Ver.	Action By	Action	Result
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**Requested Agenda Date:**

9/14/2021

**Requested Agenda Title:**

A Resolution of the Salt Lake County Council Declaring 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

**Requested Agenda Item Description:** Salt Lake 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. The County is 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. 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. Kelly Jensen, Scott H. Boettcher and Leona H. Lundberg , own an undivided 50% interest in the Subject Property, and the James Duane & Karen Fern Boettcher Living Trust, dated July 16, 2013 , own the remaining undivided 50% interest in the Subject Property. James Duane Boettcher is the trustee of the Trust. The County has a variety of interests over portions of the Subject Property, including easements for the purpose of maintaining the Surplus Canal; however, to meet its commitments to maintain the Surplus Canal, the County needs to perfect its ownership interest in fee to a specified portion of the Subject Property that is affected by these Historical Interests. 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 excess portions of the Historical Interests in the Subject Property back to the Owners by delivering a quitclaim

deed covering these specified areas. Following negotiations, the County and the Owners have agreed to a settlement providing that, among other things, the Owners will convey a portion of the Subject Property to the County by quit-claim deed in exchange for a payment of \$145,000.00. 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.

**Requested Action:** Discussion - Vote Needed

**Presenter(s) (with titles):** Derrick Sorensen, Real Estate Manager

**Time Needed:** Less than 5 MINS

**Is this Item Time-Sensitive and/or Requesting a Time-Certain?** No

**Requesting Staff Member:** Ina Landry, Administrative Services Department Assistant

**Are Supporting Documents Needed for this Agenda Item Request?** Yes