

REQUEST FOR COUNCIL ACTION

SUBJECT: Request approval of Resolution No. 15-133, declaring an easement surplus and authorizing the Mayor to execute the attached Partial Release of Easement and Deed.

SUMMARY: The easement in question is located upon, over, under and across the property located at 9057 S. 1300 W. A condition of approval for the West Jordan Gateway Subdivision was that the developer would move the water line to a different location.

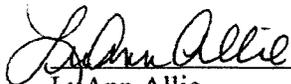
FISCAL IMPACT: None.

STAFF RECOMMENDATION:
Staff recommends approval.

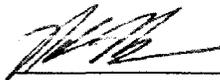
MOTION RECOMMENDED:
"I move to adopt Resolution No. 15-133, declaring an easement surplus and authorizing the Mayor to execute the attached Partial Release of Easement and Deed."

Roll Call vote required

Prepared by:


LuAnn Allie
Development Coordinator

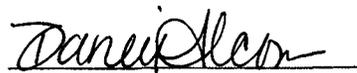
Reviewed by:


Nate Nelson
City Engineer

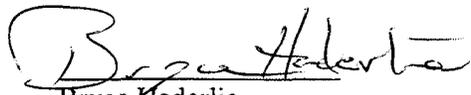
Reviewed by:


Wendell T. Rigby
Public Works Director

Reviewed as to legal sufficiency:


Darien Alcorn
Interim City Attorney

Recommended by:


Bryce Haderlie
Interim City Manager

BACKGROUND DISCUSSION:

The City received a water line easement from West Jordan Gateway, LLC in January 2006. The water line was built within the easement, which, at the time, went through the property at 9057 S. 1300 W. West Jordan Gateway LLC will be building a new building on site, but the location of the building within the West Jordan Gateway subdivision will be on top of the City's existing easement and waterline. Therefore, as a condition of development, the portion of the existing water line and easement needs to be moved at the developer's expense and the existing easement needs to be declared surplus and vacated in favor of a new easement being dedicated on the subdivision plat.

City staff has confirmed that the developer will indeed move the water line and place it within the newly dedicated easement. Therefore, the 2006 easement is no longer necessary.

Attachments:

Resolution

Release of Easement and Deed

THE CITY OF WEST JORDAN, UTAH

A Municipal Corporation

RESOLUTION NO. 15-133

A RESOLUTION DECLARING AN EASEMENT SURPLUS AND AUTHORIZING THE MAYOR TO EXECUTE THE ATTACHED PARTIAL RELEASE OF EASEMENT AND DEED

Whereas, on January 12, 2006 West Jordan Gateway, LLC, conveyed to the City of West Jordan, a Grant of Easement for constructing and maintaining a waterline and the appurtenant parts thereof (the "Facilities") upon, over, under and across the property located at 9057 S. 1300 W. West Jordan, Utah ; and

Whereas, the Grant of Easement was filed in the office of the Salt Lake County Recorder on January 9, 2007, under Entry Number 9967269, in Book 9406, at Page 6647; and

Whereas, the waterline needs to be relocated to accommodate a new building, so the City of West Jordan will no longer use a portion of the easement for which it was intended; and

Whereas, prior to the new building being constructed, the developer's subdivision approval requires a new easement to be dedicated to the City to accommodate the water line relocation; and

Whereas, the Mayor is authorized to execute the attached Partial Release of Easement and Deed pursuant to the Utah Code.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF WEST JORDAN, UTAH, THAT:

Section 1. That portion of the 2006 easement described in the attached Partial Release of Easement and Deed is hereby declared surplus to the City's needs, subject to the following:

- a. A new easement must be dedicated to the City of West Jordan on the developer's subdivision plat known as West Jordan Gateway, or by a separate City approved document.
- b. A new water line must be constructed and accepted by the City.

Section 2. The Mayor is authorized and directed to execute the attached Partial Release of Easement and Deed after it has been approved as to legal form by the City Attorney.

Section 3. This resolution shall take effect immediately.

Adopted by the City Council of West Jordan, Utah, this ____ day of ____ 20__.

WHEN RECORDED, PLEASE RETURN TO:

West Jordan City Recorder
8000 South Redwood Road
West Jordan, Utah 84088

Parcel Number: 27-02-301-091

**PARTIAL RELEASE OF EASEMENT
AND
DEED**

WHEREAS, on January 12, 2006, WEST JORDAN GATEWAY, L.L.C., conveyed to the CITY OF WEST JORDAN, UTAH, a municipal corporation and political subdivision of the State of Utah, a Grant of Easement for constructing and maintaining a waterline and the appurtenant parts thereof (the "Facilities") upon, over, under and across the following described land situated in Salt Lake County, State of Utah, to wit (the "Property"):

Beginning at a point 624.27 feet South 00°01'25" West along the section line and 547.15 feet East from the West Quarter Corner of Section 2, Township 3 South, Range 1 West of the Salt Lake Base and Meridian; thence North 130.39 feet; thence East 10.00 feet; thence South 130.39 feet; thence West 10.00 feet to the point of beginning;

AND,

WHEREAS, the Grant of Easement was filed in the office of the Salt Lake County Recorder on January 9, 2007, under Entry Number 9967269, in Book 9406, at Page 6647; and

WHEREAS, the City of West Jordan no longer uses or intends to use the Facilities for which they were intended;

NOW, THEREFORE, the City of West Jordan, Utah, a municipal corporation and political subdivision of the State of Utah, does hereby surrender, relinquish, remise and quitclaim all its right, title, interest, duties and liabilities in the Property and in the Facilities that are subject to the Grant of Easement, to the present record owners thereof, as their interests may appear.

