



The Regular Meeting of the West Valley City Council will be held on Tuesday, November 24, 2015, at 6:30 PM, in the City Council Chambers, West Valley City Hall, 3600 Constitution Boulevard, West Valley City, Utah. Members of the press and public are invited to attend.

Posted November 19, 2015 at 4:30 PM

A G E N D A

1. Call to Order
2. Roll Call
3. Opening Ceremony: Tom Huynh
4. Special Recognitions
5. Approval of Minutes:
 - A. November 10, 2015
6. Awards, Ceremonies and Proclamations:
 - A. Proclamation Declaring November 28, 2015 as "Small Business Saturday" in West Valley City
7. Comment Period:

(The comment period is limited to 30 minutes. Any person wishing to comment shall limit their comments to five minutes. Any person wishing to comment during the comment period shall request recognition by the Mayor. Upon recognition, the citizen shall approach the microphone. All comments shall be directed to the Mayor. No person addressing the City Council during the comment period shall be allowed to comment more than once during that comment period. Speakers should not expect any debate with the Mayor, City Council or City Staff; however, the

West Valley City does not discriminate on the basis of race, color, national origin, gender, religion, age or disability in employment or the provision of services.

If you are planning to attend this public meeting and, due to a disability, need assistance in understanding or participating in the meeting, please notify the City eight or more hours in advance of the meeting and we will try to provide whatever assistance may be required. The person to contact for assistance is Nichole Camac.

Mayor, City Council or City Staff may respond within the 30-minute period.)

- A. Public Comments
 - B. City Manager Comments
 - C. City Council Comments
8. Ordinances:
- A. 15-37- Enact a Temporary Land Use Regulation Applicable to All Land Use Applications for Property Located Between 5600 West and 5800 West and from 2200 South to 2400 South
9. Resolutions:
- A. 15-188- Authorize, Accept, and Execute a Right-of-Way Contract with Touchstone Investments and Accept a Warranty Deed and a Temporary Construction Easement for Property Located at 3920 West and 3940 West on 4100 South
10. Motion for Executive Session
11. Adjourn

MINUTES OF COUNCIL REGULAR MEETING – NOVEMBER 10, 2015

-1-

THE WEST VALLEY CITY COUNCIL MET IN REGULAR SESSION ON TUESDAY, NOVEMBER 10, 2015, AT 6:30 P.M. IN THE COUNCIL CHAMBERS, WEST VALLEY CITY HALL, 3600 CONSTITUTION BOULEVARD, WEST VALLEY CITY, UTAH. THE MEETING WAS CALLED TO ORDER AND CONDUCTED BY MAYOR BIGELOW.

THE FOLLOWING MEMBERS WERE PRESENT:

Ron Bigelow, Mayor
Corey Rushton, Councilmember At-Large
Lars Nordfelt, Councilmember At-Large
Tom Huynh, Councilmember District 1
Steve Buhler, Councilmember District 2
Karen Lang, Councilmember District 3

ABSENT: Steve Vincent, Councilmember District 4 (Excused)

STAFF PRESENT:

Wayne Pyle, City Manager
Nichole Camac, City Recorder

Paul Isaac, Assistant City Manager/HR Director
Nicole Cottle, Assistant City Manager/CED Director
Eric Bunderson, City Attorney
Jim Welch, Finance Director
Lee Russo, Police Chief
John Evans, Fire Chief
Layne Morris, CPD Director
Russell Willardson, Public Works Director
Kevin Astill, Parks and Recreation Director
Sam Johnson, Strategic Communications Director
Jake Arslanian, Public Works Department

OPENING CEREMONY

Lars Nordfelt conducted the opening ceremony and presented a video honoring members of the armed forces in recognition of Veterans Day.

SPECIAL RECOGNITIONS – SCOUTS

Mayor Bigelow welcomed Scout Troop No. 1261 in attendance to complete requirements for the Citizenship in the Community and Communications merit badges.

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APPROVAL OF MINUTES OF REGULAR MEETING HELD OCTOBER 27, 2015

The Council read and considered Minutes of the Study Meeting held October 20, 2015. There were no changes, corrections or deletions.

Councilmember Nordfelt moved to approve the Minutes of the Study Meeting held October 27, 20-15. Councilmember Huynh seconded the motion.

A voice vote was taken and all members voted in favor of the motion.

PROJECT SAFE NEIGHBORHOODS (PSN) AWARDS PRESENTATION – UNITED STATES ATTORNEY FOR THE DISTRICT OF UTAH, JOHN HUBER

Upon recognition, John Huber, the United States Attorney for the District of Utah, addressed the City Council. Mr. Huber discussed the Project Safe Neighborhoods (PSN) Program and presented 5 plaques to police officers in recognition of their success with the program. He also presented a plaque to the City Council and expressed appreciation to the City for its years of participation in the program.

PRESENT APPRECIATION AWARD TO CLOYD BELL AND JOAN BURRELL FOR SERVICE ON THE PROFESSIONAL STANDARDS REVIEW BOARD

Mayor Bigelow presented plaques to Cloyd Bell and Joan Burrell in recognition and appreciation for their over ten years of service on the Professional Standards Review Board.

COMMENT PERIOD

Upon inquiry by Mayor Bigelow, the following individuals addressed the City Council during the comment period:

A. PUBLIC COMMENTS

Bruce Hastings, 3759 South Brookhurst Circle, addressed the City Council and provided a letter to each member of the Council. He discussed his concerns and recommendations as outlined in the letter that requested review and change of West Valley City's zoning setback policy.

Jeff Harwood, 3751 Moshier Lane, addressed the City Council. Mr. Harwood stated he was in agreement with comments made by Mr. Hastings. He indicated he had been forced to remove a structure on his property due to setback limitations. He also expressed frustration that there were other structures in the City that looked unattractive and were still able to remain.

B. CITY MANAGER COMMENTS

City Manager, Wayne Pyle, stated he appreciated the input of the two gentlemen making comments and staff would move forward based on the City Council's

MINUTES OF COUNCIL REGULAR MEETING – NOVEMBER 10, 2015

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direction.

C. CITY COUNCIL COMMENTS

Councilmember Rushton stated he would like the Council to direct staff to bring information on setbacks to the Council for review. He expressed appreciation to the presenters and thanked residents for coming to the meeting and expressing concerns and interest in their City.

Mayor Bigelow concurred.

PUBLIC HEARING, ACCEPT PUBLIC INPUT REGARDING APPLICATION NO. ZT-4-2015 FILED BY WEST VALLEY CITY, REQUESTING AN AMENDMENT TO THE ZONING ORDINANCE GOVERNING THE REZONING OF PROPERTY WITHIN THE CITY

Mayor Bigelow informed a public hearing had been advertised for the Regular Council Meeting scheduled November 10, 2015, in order for the City Council to accept and consider public input regarding Application No. ZT-4-2015 filed by West Valley City, requesting an amendment to the Zoning Ordinance governing the rezoning of property within the City.

Mayor Bigelow presented proposed Ordinance No. 15-34 related to the proposal to be considered by the City Council subsequent to the public hearing, thereby incorporating information into the record as follows:

Proposed Ordinance No. 15-34 would amend Section 7-5-101 to allow zone change applications to the RM zone under certain conditions and to allow zone change applications to the R-1-7, R-1-8, R-1-10 and R-1-12 zones on infill parcels less than two acres in area.

In July of 2015 the Council adopted Ordinance No. 15-27 that, among other changes, limited future zone change applications to the A-2, A-1, A, RE, C-1, C-2, C-3, BRP, MXD, CC and M Zones. To provide some flexibility to this restriction, the Council had directed preparation of an ordinance that would allow rezones to the RM under certain conditions and allow lots smaller than 15,000 square feet on infill parcels less than two acres.

One of the conditions required to apply for the RM Zone would be frontage on a street with a planned right-of-way width of at least 80 feet as indicated in the Major Street Plan, or adjacency to existing multi-family residential development on two sides. For reference, a copy of the adopted Major Street Plan had been included with documentation previously provided to the Council. Also provided was a copy of the proposed Major Street Plan to be considered later this month by the Planning Commission as part of the General Plan update.

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The purpose of the requirement to have frontage on a major street would be the General Plan directed density to major streets where transit service was available. For reference a copy of UTA's Salt Lake County Transit System Map had also been provided to members of the City Council.

Mayor Bigelow opened the public hearing. There being no one present to speak in favor or in opposition, Mayor Bigelow closed the public hearing.

Upon discussion, Councilmember Lang stated she felt there was a safety concern for increased traffic from RM zoning on streets less than 100 feet in width.

Councilmember Rushton stated zone changes were not automatically granted and were reviewed by the Planning Commission and the City Council on a case-by-case basis. He also stated each individual case could be looked at separately.

Councilmember Lang expressed concern regarding properties two acres and above.

Councilmember Rushton stated he could see how this could be an issue and concurred.

ACTION: ORDINANCE NO. 15-34, AMENDING SECTION 7-5-101 OF THE WEST VALLEY CITY MUNICIPAL CODE GOVERNING THE REZONING OF PROPERTY WITHIN THE CITY

The City Council previously held a public hearing regarding Application No. ZT-4-2015 and proposed Ordinance No. 15-34 that would amend Section 7-5-101 of the West Valley City Municipal Code governing the rezoning of property within the City.

Mayor Bigelow called for a motion.

Councilmember Lang moved to amend Ordinance No. 15-34 as proposed, limiting RM development on property 2 acres or greater to roads 100 feet wide or larger. Councilmember Rushton seconded the motion.

A roll call vote was taken:

Ms. Lang	Yes
Mr. Buhler	Yes
Mr. Huynh	Yes
Mr. Rushton	Yes
Mr. Nordfelt	Yes
Mayor Bigelow	Yes

Unanimous.

MINUTES OF COUNCIL REGULAR MEETING – NOVEMBER 10, 2015

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Hearing no further discussion, Mayor Bigelow called for a motion regarding proposed Ordinance No. 15-34, as amended.

Councilmember Buhler moved to approve Ordinance No. 15-34, as amended. Councilmember Lang seconded the motion.

A roll call vote was taken:

Ms. Lang	Yes
Mr. Buhler	Yes
Mr. Huynh	Yes
Mr. Rushton	Yes
Mr. Nordfelt	Yes
Mayor Bigelow	Yes

Unanimous.

RESOLUTION NO. 15-184, APPROVING AN AGREEMENT FOR PROFESSIONAL SERVICES WITH DLS CONSULTING, INC.

Mayor Bigelow presented proposed Resolution No. 15-184 that would approve an agreement in the amount of \$80,000.00, made in ten monthly payments of \$8,000 each, for professional services with DLS Consulting, Inc.

Written information provided indicated the subject agreement would be on an annual basis and nothing had changed this year as far as cost and purpose. Mr. Stewart's representation had resulted in the receipt of significant appropriation and provided the City with protection from regulations that could have been detrimental. Mr. Stewart had exceptional knowledge of the City and its needs and was able to represent West Valley City effectively. DLS would provide the City with professional services by interacting with other governmental agencies, including lobbying the Utah Legislature on issues important to the City. The subject agreement would run through the 2015-2016 fiscal year with a 90-day termination provision.

Upon discussion, Councilmember Rushton stated it was good to have an official working contract that was renewed yearly.

Mayor Bigelow called for a motion.

Councilmember Huynh moved to approve Resolution No. 15-184, a Resolution Approving an Agreement for Professional Services with DLS Consulting, Inc. Councilmember Lang seconded the motion.

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A roll call vote was taken:

Ms. Lang	Yes
Mr. Buhler	Yes
Mr. Huynh	Yes
Mr. Rushton	Yes
Mr. Nordfelt	Yes
Mayor Bigelow	Yes

Unanimous.

CONSENT AGENDA

A. RESOLUTION NO. 15-185, RATIFY THE CITY MANAGER'S APPOINTMENT OF HEATHER CAMPBELL TO THE PROFESSIONAL STANDARDS REVIEW BOARD, TERM: NOVEMBER 10, 2015 – JULY 1, 2017

Mayor Bigelow presented proposed Resolution No. 15-185 that would ratify the City Manager's appointment of Heather Campbell to the Professional Standards Review Board (PSRB) for the term November 10, 2015 through July 1, 2017.

B. RESOLUTION NO. 15-186, RATIFY THE CITY MANAGER'S APPOINTMENT OF BROCK BRUERTON TO THE PROFESSIONAL STANDARDS REVIEW BOARD, TERM: NOVEMBER 10, 2015 – JULY 1, 2017

Mayor Bigelow presented proposed Resolution No. 15-186 that would ratify his appointment of Brock Bruerton to the Professional Standards Review Board (PSRB) for the term November 10, 2015 through July 1, 2017.

Documentation provided indicated people with different backgrounds and perspectives had been added to the PSRB over the years. Heather Campbell had over 20 years of paramedic experience and Brock Bruerton was an IT Customer Service Representative who lived in the Diamond Summit neighborhood.

Upon inquiry, the City Council members had no further questions or concerns.

Councilmember Rushton moved to approve Resolution Nos. 15-185 and 15-186 as presented on the Consent Agenda. Councilmember Nordfelt seconded the motion.

A roll call vote was taken:

Ms. Lang	Yes
Mr. Buhler	Yes
Mr. Huynh	Yes

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Mr. Rushton	Yes
Mr. Nordfelt	Yes
Mayor Bigelow	Yes

Unanimous.

MOTION TO ADJOURN

Upon motion by Councilmember Huynh all voted in favor to adjourn.

THERE BEING NO FURTHER BUSINESS OF THE WEST VALLEY COUNCIL THE REGULAR MEETING OF TUESDAY, NOVEMBER 10, 2015, WAS ADJOURNED AT 7:23 P.M. BY MAYOR BIGELOW.

I hereby certify the foregoing to be a true, accurate and complete record of the proceedings of the Regular Meeting of the West Valley City Council held Tuesday, November 10, 2015.

Nichole Camac
City Recorder

WEST VALLEY CITY, UTAH

PROCLAMATION

**A PROCLAMATION DECLARING NOVEMBER 28,
2015 AS SMALL BUSINESS SATURDAY IN WEST
VALLEY CITY.**

WHEREAS, West Valley City celebrates our local small businesses and the contributions they make to our local economy and community; according to the United States Small Business Administration, there are currently 27.9 million small businesses in the United States, they represent more than 99.7 percent of American employer firms, create more than two-thirds of the net new jobs, and generate 46 percent of private gross domestic product, as well as 54 percent of all US sales; and

WHEREAS, The US Small Business Administration defines a small business as 250 employees or less; and

WHEREAS, West Valley City has approximately 2,850 total businesses and approximately 1,500, or 52%, of those are small business; and

WHEREAS, West Valley City small businesses employ approximately 28,000 employees which is approximately 43% of total employees in the City; and

WHEREAS, small businesses employ over 55 percent of the working population in the United States; and

WHEREAS, 89 percent of consumers in the United States agree that small businesses contribute positively to the local community by supplying jobs and generating tax revenue; and

WHEREAS, 87 percent of consumers in the United States agree that small businesses are critical to the overall economic health of the United States; and

WHEREAS, 93 percent of consumers in the United States agree that it is important for people to support the small businesses that they value in their community; and

WHEREAS, West Valley City supports our local businesses that create jobs, boost our local economy and preserve our neighborhoods; and

WHEREAS, advocacy groups as well as public and private organizations across the country have endorsed the Saturday after Thanksgiving as Small Business Saturday.

NOW, THEREFORE, we, the Mayor and the City Council of West Valley City, do hereby proclaim November 28, 2015, as Small Business Saturday in West Valley City, and urge the residents of our community, and communities across the county, to support small businesses and merchants on Small Business Saturday and throughout the year.

DATED this _____ day of _____ 2015.

WEST VALLEY CITY

MAYOR

ATTEST:

CITY RECORDER

Item: _____
Fiscal Impact: _____
Funding Source: _____
Account #: _____
Budget Opening Required:

ISSUE:

An ordinance enacting a temporary land use regulation applicable to all land use applications for property located between 5600 West and 5800 West and from 2200 South to 2400 South.

SYNOPSIS:

This ordinance will approve a temporary land use regulation that will apply to all land use applications for property located between 5600 West and 5800 West and from 2200 South to 2400 South. The ordinance would be in effect for six months.

BACKGROUND:

The purpose for the temporary land use regulation is to allow time for the City to prepare and adopt new zoning for the subject area. The current General Plan and the proposed General Plan update that will be considered by the Council on December 1st both show the subject area as light manufacturing. The Manufacturing (M) Zone in place currently allows both heavy and light manufacturing uses. 5600 West is an important gateway into the City with average annual daily traffic exceeding 40,000 trips and as such, heavy industrial uses are no longer appropriate here.

The City is authorized to enact temporary land use ordinances by U.C.A. § 10-9a-504, which allows a temporary land use regulation to be in effect for up to six months.

RECOMMENDATION:

City staff recommends approval to the City Council.

SUBMITTED BY:

Steve Pastorik, Assistant CED Director

1 WEST VALLEY CITY, UTAH

2
3 ORDINANCE NO. _____

4
5 Draft Date: 11/10/2015
6 Date Adopted: _____
7 Date Effective: _____
8

9 AN ORDINANCE ENACTING A TEMPORARY LAND
10 USE REGULATION REGARDING LAND USE
11 APPLICATIONS IN CERTAIN AREAS WITHIN THE
12 CITY.
13

14 WHEREAS, West Valley City, pursuant to Utah Code Annotated §10-9a-504, has the
15 authority to enact, without prior consideration, advance public notice, or recommendation from
16 the Planning Commission, an ordinance establishing a temporary land use regulation within the
17 City; and
18

19 WHEREAS, West Valley City is updating the General Plan in accordance with Utah law
20 in order to provide a cohesive, comprehensive, and current evaluation of the land uses currently
21 present in the City, and the most desirable pattern of future development; and
22

23 WHEREAS, it is anticipated that the updated General Plan will designate the area
24 bounded by 2200 South to the north, 2400 South to the south, 5600 West to the east, and 5800
25 West to the west (the "Property") for light industrial use only; and
26

27 WHEREAS, the current General Plan also designates the Property for light industrial use
28 only; and
29

30 WHEREAS, the Property is currently zoned "M" for manufacturing uses, a designation
31 which is not in harmony with the current and proposed General Plan; and
32

33 WHEREAS, there have recently been major changes in development patterns on and
34 around the Property and 5600 West, including but not limited to the anticipated expansion of the
35 Mountain View Corridor, increased commercial activity, and enhanced residential opportunities;
36 and
37

38 WHEREAS, 5600 West is an essential gateway to the City, with traffic volumes
39 exceeding 40,000 daily trips; and
40

41 WHEREAS, West Valley City, by and through the City Council, finds that there is a
42 compelling, countervailing public interest in ensuring that this essential gateway is zoned in a
43 manner consistent with the General Plan; and
44

45 WHEREAS, West Valley City, by and through the City Council, finds that there is a
46 compelling, countervailing public interest in providing for the future development of the
47 Property and the 5600 West corridor in a manner most beneficial to the City and to property

48 owners; and

49

50 **WHEREAS**, West Valley City, by and through the City Council, finds that there is a
51 compelling, countervailing public interest in ensuring that development patterns on and around
52 the Property complement and are complemented by the increased development near the property,
53 including the expanded Mountain View Corridor and enhanced commercial opportunities; and

54

55 **WHEREAS**, the City Council of West Valley City, Utah, does hereby determine that it is
56 in the best interests of the health, safety, and welfare of the citizens of West Valley City to enact
57 this Temporary Land Use Ordinance as set forth below;

58

59 **NOW, THEREFORE, BE IT ORDAINED** by the City Council of West Valley City,
60 Utah, as follows:

61

62 **Section 1. Repealer.** Any provision of the West Valley City Municipal Code found
63 to be in conflict with this Ordinance is hereby repealed.

64

65 **Section 2. Enactment.** The Temporary Land Use Ordinance shall be enacted as
66 follows:

67

68 A. As of the effective date of this Ordinance, no land use application of any kind,
69 including but not limited to subdivision applications, building permit applications,
70 conditional or permitted use applications, and temporary use applications, may be
71 made or granted to the extent that said application pertains to the Property defined
72 above.

73

74 B. Notwithstanding subsection “A” above, application may be made to rezone the
75 Property defined above at the direction of the City Council.

76

77 C. As of the effective date of this Ordinance, no building shall be erected, constructed,
78 reconstructed, or altered on the Property defined above.

79

80 D. Notwithstanding subsection “A” above, this Ordinance does not prohibit applications
81 for amendments to, or enactments of, ordinances setting forth the regulations
82 applicable within a zone or in all zones.

83

84 E. This Ordinance shall become effective as set forth below and shall remain in effect
85 for six months from the effective date.

86

87 **Section 3. Severability.** If any provision of this Ordinance is declared to be invalid
88 by a court of competent jurisdiction, the remainder shall not be affected thereby.

89

90 **Section 4. Effective Date.** This Ordinance shall take effect immediately upon
91 posting in the manner required by law.

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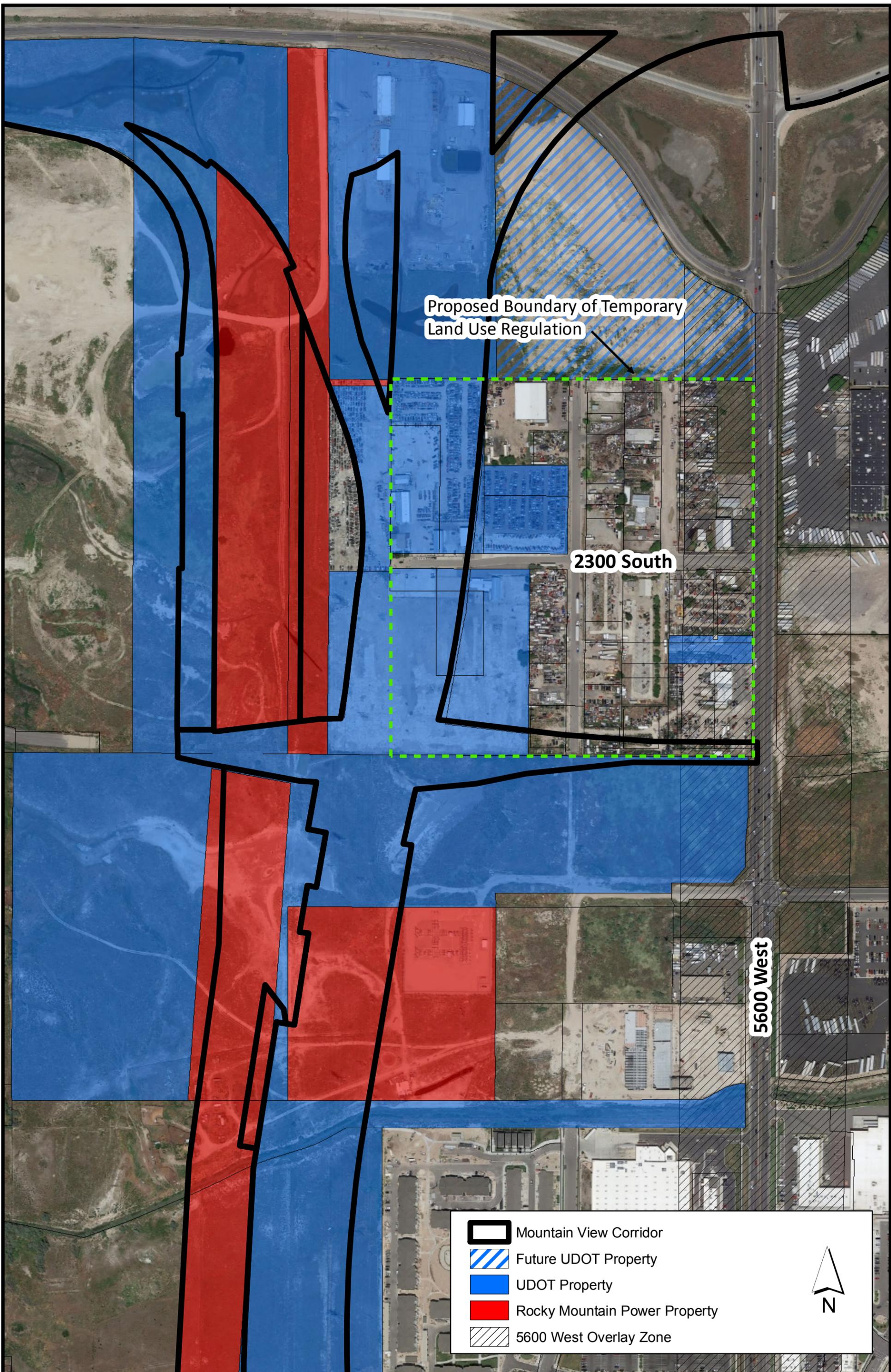
PASSED and APPROVED this _____ day of _____, 2015.

WEST VALLEY CITY

MAYOR

ATTEST:

CITY RECORDER



Proposed Boundary of Temporary Land Use Regulation

2300 South

5600 West

-  Mountain View Corridor
-  Future UDOT Property
-  UDOT Property
-  Rocky Mountain Power Property
-  5600 West Overlay Zone

 N

Alternative Boundary of Temporary
Land Use Regulation

2300 South

5600 West

-  Mountain View Corridor
-  Future UDOT Property
-  UDOT Property
-  Rocky Mountain Power Property
-  5600 West Overlay Zone



Item #:	
Fiscal Impact:	<u>\$2,152.86 (6.77% of actual cost)</u>
Funding Source:	<u>HSIP Funds/Class C Roads</u>
Account #:	<u>11-7582-40750-75194-0000</u>
Budget Opening Required:	<u>No</u>

ISSUE:

Authorization, acceptance, and execution of a right-of-way contract, and acceptance of a warranty deed and a temporary construction easement.

SYNOPSIS:

Touchstone Investments, Limited Liability Company has signed a right-of-way contract, a warranty deed and a temporary construction easement for property located at 3920 West and 3940 West on 4100 South (parcel numbers 15-35-354-036 and 15-35-354-037).

BACKGROUND:

The parcels owned by Touchstone Investments, Limited Liability Company, located at 3920 West and 3940 West on 4100 South, are two of the properties affected by the 4100 South, 4000 West, 2700 West, and 1300 West Signal Improvements Project. This project will widen intersections and improve signals on 4100 South at 4000 West, 2700 West, and 1300 West. The acquisition of property from Touchstone Investments, Limited Liability Company includes 1,296 square feet of right-of-way. Compensation for the purchase of the warranty deed, temporary construction easement, and improvements is \$31,800.00 based upon the appraisal report by the DH Group, LLC.

The project is being funded under the Highway Safety Improvement Program (HSIP) with federal funds. Under a previously executed federal aid agreement, West Valley City is responsible for 6.77% of all project costs, including right of way acquisition. With the total value of the easements for this acquisition being \$31,800.00, West Valley City's share of these easements will be \$2,152.86.

RECOMMENDATION:

City staff recommends approval and acceptance of the warranty deed and temporary construction easement, and authorization for the Mayor to execute the right-of-way contract. Recording of documents and distribution of funds will be handled through a title company.

SUBMITTED BY:

Steven J. Dale, P.L.S., Right-of-way and Survey Section Manager

WEST VALLEY CITY, UTAH

RESOLUTION NO. _____

A RESOLUTION AUTHORIZING THE CITY TO ENTER INTO A RIGHT-OF-WAY CONTRACT WITH TOUCHSTONE INVESTMENTS, LIMITED LIABILITY COMPANY, AND TO ACCEPT A WARRANTY DEED AND A TEMPORARY CONSTRUCTION EASEMENT FOR PROPERTY LOCATED AT 3920 WEST AND 3940 WEST ON 4100 SOUTH.

WHEREAS, Touchstone Investments, Limited Liability Company, (hereinafter “Touchstone”) has entered into a right of way contract for property located at 3920 West and 3940 West on 4100 South (hereinafter the “Property”) that is necessary for improvements to 4100 South; and

WHEREAS, Touchstone has also signed a warranty deed and a temporary construction easement, as required for the road improvement project; and

WHEREAS, the City Council of West Valley City, Utah, does hereby determine that it is in the best interests of the health, safety, and welfare of the citizens of West Valley City to enter into the right-of-way contract with Touchstone, and to accept the warranty deed, and temporary construction easement;

NOW, THEREFORE, BE IT RESOLVED by the City Council of West Valley City, Utah, that the right-of-way contract is hereby approved in substantially the form attached, and that the Mayor is hereby authorized to execute said contract, and any other documents necessary to complete the transaction, for and in behalf of West Valley City, subject to final approval of the documents by the City Manager and the City Attorney’s Office;

BE IT FURTHER RESOLVED that the Mayor is hereby authorized to accept, and the City Recorder is authorized to record, the right-of-way contract, warranty deed, and temporary construction easement for and in behalf of West Valley City.

PASSED, APPROVED and MADE EFFECTIVE this _____ day of _____, 2015.

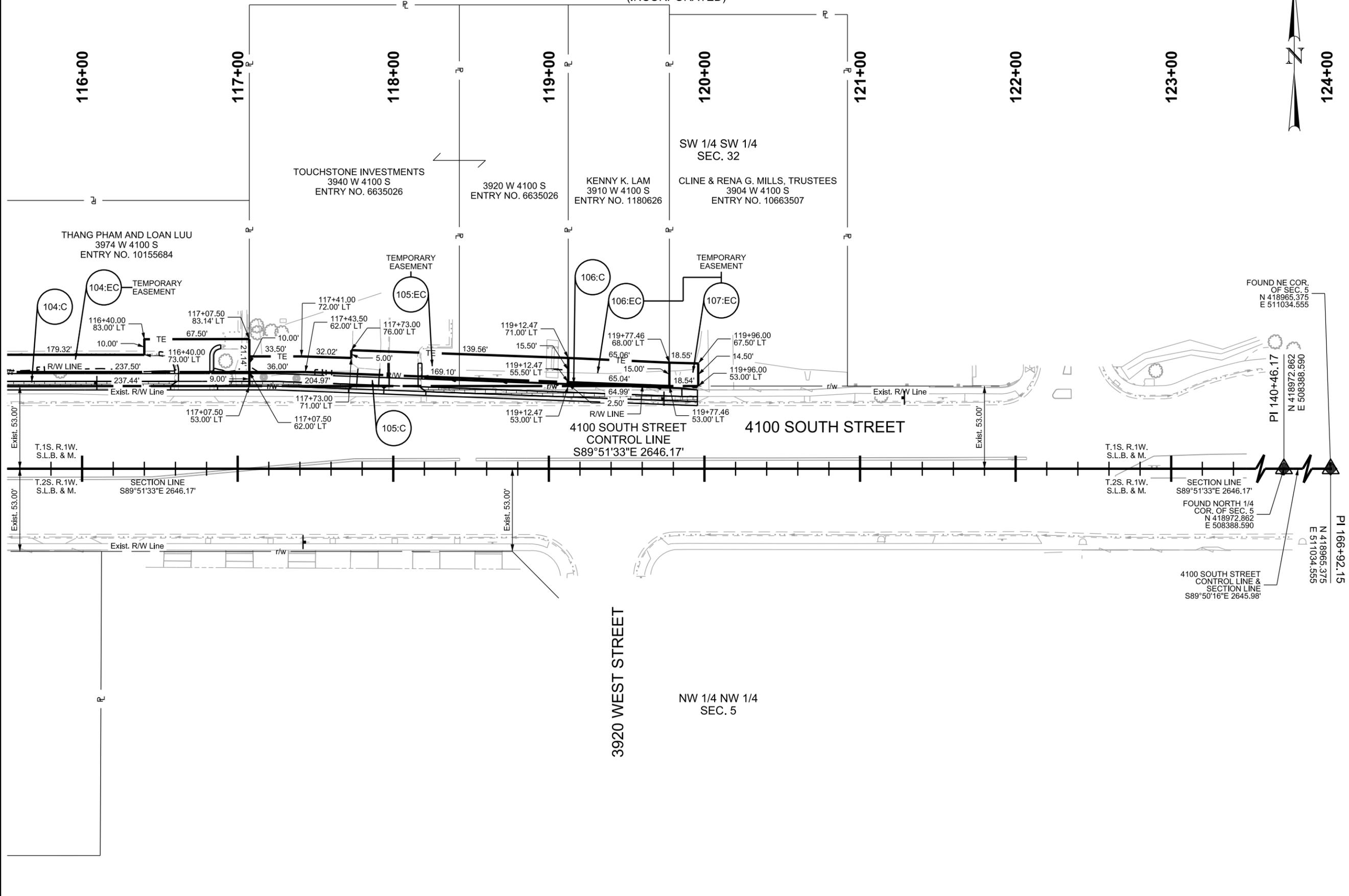
WEST VALLEY CITY

MAYOR

ATTEST:

CITY RECORDER

WEST VALLEY CITY
(INCORPORATED)



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PROJECT		4100 S; 4000 W; 2700 W & 1300 W SIGNAL IMPS	
PROJECT NUMBER	PIN	12225	
RIGHT-OF-WAY PLAN			
SALT LAKE COUNTY		APPROVED	
SHEET NO. RW-03		DATE	06/18/2015
DRAWN BY		GKD	
CHECKED BY		TJB	
DATE			
APPROVED BY			
NO.			
REMARKS			

UTAH DEPARTMENT OF TRANSPORTATION
REGION 2 - MERIDIAN ENGINEERING, INC.

PROFESSIONAL LAND SURVEYOR

FOUND NE COR. OF SEC. 5
N 418965.375
E 511034.555

FOUND NORTH 1/4 COR. OF SEC. 5
N 418972.862
E 508388.590

PI 140+46.17
N 418972.862
E 508388.590

PI 166+92.15
N 418965.375
E 511034.555

WHEN RECORDED, MAIL TO:
West Valley City Recorder
3600 Constitution Blvd.
West Valley, Utah 84119

Warranty Deed

(Limited Liability Company)

Salt Lake County	Tax ID No.	15-35-354-036 15-35-354-037
	PIN No.	12225
	Project No.	F-LC35(248)
	Parcel No.	LC35:105:C

Touchstone Investments, Limited Liability Company, a Limited Liability Company of the State of Utah, Grantor, hereby CONVEYS AND WARRANTS to West Valley City, a municipal corporation of the State of Utah, at 3600 Constitution Boulevard, West Valley, Utah 84119, Grantee, for the sum of TEN (\$10.00), Dollars, and other good and valuable considerations, the following described parcel of land in Salt Lake County, State of Utah, to-wit:

A parcel of land in fee incident to the construction of signal upgrades at the intersection of 4100 South Street and 4000 West Street known as Project No. F-LC35(248), being part of an entire tract of property situate in the SW1/4SW1/4 of Section 32, T.1S., R.1W., S.L.B. & M., Salt Lake County, Utah. The boundaries of said parcel of land are described as follows:

Beginning at the southwest corner of said entire tract and a point in the existing northerly right of way line of 4100 South Street, said point is 307.50 feet East and 53.00 feet North from the Southwest Corner of said Section 32, said point is also 53.00 feet perpendicularly distant northerly from the 4100 South Street Control Line opposite approximate engineer station 117+07.50; and running thence North 9.00 feet along the westerly boundary line of said entire tract to a point 62.00 feet perpendicularly distant northerly from said control line; thence East 36.00 feet parallel with said control line opposite engineer station 117+43.50; thence S.87°47'49"E. 169.10 feet to the easterly boundary line of said entire tract at a point 55.50 feet perpendicularly distant northerly from said control line opposite engineer station 119+12.47; thence South 2.50 feet along said easterly boundary line to a point in said existing northerly right of way line; thence West 204.97 feet along said existing northerly right of way line to the point of beginning as shown on the official map of said project on file in the office of West Valley City. The above described parcel of land contains 1,296 square feet in area or 0.030 acre, more or less.

(Note: Rotate all bearings in the above description 00°08'27" clockwise to obtain highway bearings.)



West Valley City, a municipal Right of Way Contract

Fee Simple Acquisition - Strip Take

Project No: F-LC35(248)	Parcel No.(s): 105:C, 105:EC
Job/Proj / Auth No: 54335	Pin No: 12225
Project Location: 4100 S; 4000 W, 2700 W & 1300 W Signal Improvements	
County of Property: SALT LAKE	Tax ID / Sidwell No: 15-32-354-036, 15-32-354-037
Property Address: 3920/3940 West 4100 South, WEST VALLEYCITY, UT 84120	
Owner's Address: 3940 West 4100 South, West Valley City, UT 84120	
Primary Phone: 801-966-3700	Owner's Home Phone: _____
Owner / Grantor: Touchstone Investments, Limited Liability Company	
Owner's Work Phone: (801)966-3700	

IN CONSIDERATION of the foregoing and other considerations hereinafter set forth, it is mutually agreed by the parties as follows:

The Grantor hereby agrees to convey and sell by Warranty Deed, Temporary Easement a parcel(s) of land known as parcel number(s) 105:C, 105:EC for transportation purposes. This contract is to be returned to: Steven J Dale, Right of Way Agent c/o West Valley City, a municipal corporation, 3600 South Constitution Blvd, West Valley City, UT 84119.

1. Grantor will transfer property free of all liens and encumbrances except recorded easements.
2. Grantor agrees to transfer property free of all debris and any hazardous materials (including paint or other household products.)
3. Grantor shall leave the property in the same condition, as it was when this contract was signed. No work, improvement, or alteration will be done to the property other than what is provided for in this agreement. Grantor agrees to maintain the property until the City takes possession.
4. Grantor agrees to pay any and all taxes assessed against this property to the date of closing.
5. The City shall pay the Grantor and or other parties of interest for the real property in the deed(s) and/or easement(s) referenced above.
6. "Transportation Purposes" is defined as follows: The public use for which the property or property right is being acquired herein, may include but is not limited to the following possible uses: the construction and improvement of a highway, which may include interchanges, entry and exit ramps, frontage roads, bridges, overpasses, rest areas, buildings, signs and traffic control devices, placement of utilities, clear zones, maintenance facilities, detention or retention ponds, environmental mitigation, maintenance stations, material storage, bio fuel production, slope protections, drainage appurtenance, noise abatement, landscaping, transit, project caused statutory relocations, and other related transportation uses.
7. The Grantor is aware that Utah Code Ann. Sect. 78B-6-520.3 provides that in certain circumstances, the seller of property which is being acquired for a particular public use, is entitled to receive an offer to repurchase the property at the same price that the seller received, before the property can be put to a different use. Grantor waives any right grantor may have to repurchase the property being acquired herein, and waives any rights Grantor may have under Utah Code Ann. Sect. 78B-6-520.3.
8. Grantor shall indemnify and hold harmless Grantee from and against any and all claims, demands and actions, including costs, from lien holders or lessees of the property.
9. Upon execution of this contract by the parties, Grantor grants West Valley City, a municipal corporation, its contractors, permittees, and assigns, including but not limited to, utilities and their contractors, the right to immediately occupy and commence construction or other necessary activity on the property acquired for the state transportation project.

Additional Terms:

Total Selling Price \$31,800.00



West Valley City, a municipal Right of Way Contract

Fee Simple Acquisition - Strip Take

Project No: F-LC35(248) Parcel No.(s): 105:C, 105:EC
 Job/Proj / Auth No: 54335 Pin No: 12225
 Project Location: 4100 S; 4000 W, 2700 W & 1300 W Signal Improvements
 County of Property: SALT LAKE Tax ID / Sidwell No: 15-32-354-036, 15-32-354-037
 Property Address: 3920/3940 West 4100 South WEST VALLEY CITY, UT 84120
 Owner's Address: 3940 West 4100 South, West Valley City, UT 84120
 Primary Phone: 801-966-3700 Owner's Home Phone: Owner's Work Phone: (801)966-3700
 Owner / Grantor: Touchstone Investments, Limited Liability Company

Grantor's Initials

_____ Grantor understands this agreement is an option until approved by the West Valley City Council.

_____ Grantors acknowledge and accept the percent of ownership listed below and agree that the portion of the total selling price they each receive, will correspond with their respective percent of ownership.

_____ This Contract may be signed in counterparts by use of counterpart signature pages, and each counterpart signature page shall constitute a part of this Contract as if all Grantors signed on the same page.

_____ Percent

 X 100%

GRANTOR:

Touchstone Investments, Limited Liability Company

Date

Harvey L. Rische

Harvey L. Rische, Manager

11-9-15

Glen Johnson

Glen Johnson, Manager

11/9/15

GRANTEE:

Date

Right of Way Agents

Steven J. Dale

Steven J. Dale/Acquisition Agent

11/09/15

Michael C. Timothy/Team Leader

Approved by Mayor Ron Bigelow

Attest: City Recorder

WHEN RECORDED, MAIL TO:
West Valley City Recorder
3600 South Constitution Blvd.
West Valley, Utah 84119

Easement

(Limited Liability Company)

Salt Lake County	Tax ID No.	15-32-354-036 15-32-354-037
	PIN No.	12225
	Project No.	F-LC35(248)
	Parcel No.	LC35:105:EC

Touchstone Investments, Limited Liability Company, a Limited Liability Company of the State of Utah, Grantor, hereby GRANTS AND CONVEYS to West Valley City, a municipal corporation of the State of Utah, at 3600 South Constitution Boulevard, West Valley, Utah 84119, Grantee, for the sum of TEN (\$10.00), Dollars, and other good and valuable considerations, the following described easement in Salt Lake County, State of Utah, to-wit:

A temporary easement, upon part of an entire tract of property, in the SW1/4SW1/4 of Section 32, T.1S., R.1W., S.L.B. & M., in Salt Lake County, Utah, to facilitate the construction of driveway and roadway improvements, side treatments and appurtenant parts thereof and blending slopes, incident to the intersection improvements of 4100 South Street and 4000 West Street related to Project No. F-LC35(248). This easement shall commence upon the beginning of actual construction on the property and shall continue only until project construction on the property is complete, or for three years, whichever first occurs. The easement shall be non-exclusive such that the Grantor may use the property at any time in a manner which does not interfere with construction activities. The boundaries of said easement are described as follows:

Beginning at a point in the westerly boundary line of said entire tract, said point is 307.50 feet East and 62.00 feet North from the Southwest Corner of said Section 32, said point is also 62.00 feet perpendicularly distant northerly from the 4100 South Street Control Line opposite approximate engineer station 117+07.50; and running thence North 10.00 feet along the westerly boundary line of said entire tract; thence N.89°59'30"E. 33.50 feet; thence S.88°12'36"E. 32.02 feet; thence North 5.00 feet; thence S.87°56'48"E. 139.56 feet to the easterly boundary line of said entire tract; thence South 15.50 feet along the easterly boundary line of said entire tract; thence N.87°47'49"W. 169.10 feet; thence West 36.00 feet

PAGE 2

PIN No.	12225
Project No.	F-LC35(248)
Parcel No.	LC35:105:EC

parallel with said control line to the point of beginning. The above described easement contains 2,793 square feet in area or 0.064 acre, more or less.

(Note: Rotate all bearings in the above description 00°08'27" clockwise to obtain highway bearings.)

After said construction of driveway and roadway improvements, side treatments and appurtenant parts thereof, and blending slopes are constructed at the expense of West Valley City, said West Valley City is thereafter relieved of any further claim or demand for costs, damages or maintenance charges which may accrue driveway and roadway improvements, side treatments, and appurtenant parts thereof, and blending slopes.

