

REQUEST FOR COUNCIL ACTION

SUBJECT: Real Property Surplus and Sale to the Utah Department of Transportation ("UDOT").

SUMMARY: UDOT is asking the City to execute the attached Right of Way Contract and Quit Claim Deed so it can own all of the property in 6200 South Street within the boundaries of its Bangerter Highway bridge project at that intersection.

FISCAL AND/OR

ASSET IMPACT: Receipt of \$13,800.00.

STAFF RECOMMENDATION:

Staff recommends approval.

MOTION RECOMMENDED:

"I move to adopt Resolution No. 19-180, declaring the property described in the attached Quit Claim Deed surplus to the City's needs, authorizing the Mayor to execute the attached Right of Way Contract and Quit Claim Deed between the Utah Department of Transportation and the City of West Jordan, and authorizing the City's Real Property Administrator to act on behalf of the City while closing the transaction, with the right and authority to sign all documents necessary as part of said closing."

Roll Call vote required

Prepared and to be Presented by:



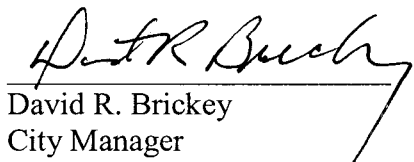
David Clemence
Real Property Administrator

Recommended by:



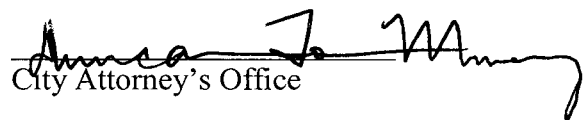
Scott Langford
Community Development Director

Authorized for Council Consideration:



David R. Brickey
City Manager

Reviewed for Legal Sufficiency:



Anna Jo Manning
City Attorney's Office

BACKGROUND DISCUSSION:

As UDOT continues to finalize its plans and specifications to construct a Bangerter Highway bridge over 6200 South Street, UDOT discovered that the City of West Jordan still holds title to two parcels of land within the existing 6200 South Street boundaries under UDOT's jurisdictional control, with one parcel lying within the West Jordan City boundary ("Parcel 1") and one parcel lying within the Taylorsville City boundary ("Parcel 2"). In order to clear title to these two parcels, UDOT is proposing that the City declare this property surplus to the City's needs and convey the property to UDOT.

Parcel 1 has been part of 6200 South Street since the road was originally constructed while it was under Salt Lake County's jurisdictional control, and the City subsequently acquired the Parcel through the annexation process. However, this Parcel should have been conveyed to UDOT in the 1990's when UDOT was acquiring the property necessary for the initial Bangerter Highway construction project. Regardless of that oversight, UDOT assumed jurisdictional control of this Parcel when the Bangerter Highway was added to the state highway system. Pursuant to § 72-4-105 of the Utah Code Annotated, this Parcel should have been conveyed to UDOT as "...part of the state highway system without compensation to the municipality." Therefore, conveying this Parcel to UDOT at this time is really just an effort to ratify an event that took place more than 20 years ago.

Parcel 2 is part of the old Utah Lake Distributing Company (the "ULDC") canal that West Jordan acquired in 2008 for a future trail project between Jordan Landing Boulevard and 6200 South Street. The City did not want to own any part of the canal property within the Taylorsville City boundary, but the ULDC refused to sell any portion of the canal property without the City also acquiring the portion within Taylorsville, which would allow the operational portion of the ULDC canal to terminate at 7800 South Street. As such, the City has been responsible for the abandoned canal along the north side of 6200 South to Bangerter Highway in Taylorsville City, which is unnecessary to the City's future trail project. However, due to the impending bridge project, UDOT is now willing to pay fair market value to own and maintain this portion of the canal as a formal part of the state highway system. Please note that UDOT is only requesting to purchase that portion of the canal within Taylorsville City that is necessary for its bridge project, so it should be understood that West Jordan will continue to own and maintain a small remainder portion of the abandoned canal within Taylorsville City until some future date of disposal.

The attached documents were drafted with a great deal of coordination and input from City staff and is the end result of negotiations between the parties.

Attachments:

- Resolution
- Right of Way Contract
- Quit Claim Deed
- Reference Map

THE CITY OF WEST JORDAN, UTAH

A Municipal Corporation

RESOLUTION NO. 19-180

**A RESOLUTION AUTHORIZING A REAL PROPERTY SURPLUS AND SALE TO
THE UTAH DEPARTMENT OF TRANSPORTATION**

Whereas, the City of West Jordan owns real property located at approximately 3610 West 6200 South, West Jordan, Utah, which is more fully described in the Right of Way Contract and Quit Claim Deed attached hereto and by this reference incorporated herein (the “Property”); and

Whereas, the Utah Department of Transportation would like to own and maintain the Property as part of its 6200 South Bangerter Highway intersection; and

Whereas, the City Council has found that it is in the City’s best interest to declare the Property surplus and to convey the Property to the Utah Department of Transportation pursuant to the terms and conditions of the attached Right of Way Contract and Quit Claim Deed; and

Whereas, pursuant to the West Jordan and Utah State Codes the City Council is authorized to declare the Property surplus and to authorize its sale to UDOT.

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

- Section 1. The Property is hereby declared surplus.
- Section 2. The Mayor is authorized to execute the attached Right of Way Contract and Quit Claim Deed after they have been approved as to legal form by the City Attorney’s office.
- Section 3. The City’s Real Property Administrator is authorized to act on behalf of the City while closing the transaction, with the right and authority to sign all documents necessary as part of said closing.
- Section 4. This resolution shall take effect immediately.

Adopted by the City Council of West Jordan, Utah, this 9th day of October, 2019.

CITY OF WEST JORDAN

ATTEST:

By: _____
JIM RIDING
Mayor

JAMIE BROOKS
Interim City Clerk/Recorder

Voting by the City Council

"YES"

"NO"

Council Member Chad Lamb
Council Member Kayleen Whitelock
Council Member Chris McConnehey
Council Member Dirk Burton
Council Member Zach Jacob
Council Member Alan Anderson
Mayor Jim Riding



Utah Department of Transportation

Right of Way Contract

Fee Simple Acquisition

Project No: S-0154(84)14 Parcel No.(s): 196B

Pin No: 14415 Job/Proj No: 72707 Project Location: Bangerter Three Interchanges

County of Property: SALT LAKE Tax ID / Sidwell No: N/A

Property Address: 6200 South 3610 West WEST JORDAN UT, 84088

Owner's Address: 8000 South Redwood Road, West Jordan, UT, 84088

Primary Phone: 801-569-5156

Owner's Home Phone:

Owner's Work Phone: (801)569-5156

Owner / Grantor (s): City of West Jordan

Grantee: Utah Department of Transportation (UDOT)/The Department

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 Quit Claim a parcel(s) of land known as parcel number(s) 196B for transportation purposes. This contract is to be returned to: Michael D. Richardson (Consultant), Right of Way Agent c/o Utah Department of Transportation, 4501 South 2700 West, P.O. Box 148420, Salt Lake City, UT 84114-8420.

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 Department takes possession.
4. If this acquisition is a total purchase, a key deposit will be retained in the amount of 1% or a negotiated amount until the keys are delivered to the Department. If delivered to the Department in an unacceptable condition, the amount to correct the condition shall be used from the deposit to cover the cost of clean up or necessary repairs.
5. All fixtures are to remain with the property including lighting, plumbing, heating, and air conditioning.
6. Grantor agrees to pay any and all taxes assessed against this property to the date of closing.
7. The Department shall pay the Grantor and or other parties of interest for the real property in the deed(s) and/or easement(s) referenced above.
8. "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.
9. The Grantor(s) 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(s) waives any right grantor may have to repurchase the property being acquired herein, and waives any rights Grantor(s) may have under Utah Code Ann. Sect. 78B-6-520.3.
10. 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.
11. Upon execution of this contract by the parties, Grantor grants the Department, 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:

12. In an effort to expedite the Project, the Department is offering an incentive payment for properties that must be purchased for this Project. As a result, the compensation for the acquisition of Parcel 196B includes a \$3,000.00 incentive payment for fully executing a Right of Way Contract within 30 days (or less) from the offer date.

Total Selling Price \$13,800.00



Utah Department of Transportation

Right of Way Contract

Fee Simple Acquisition

Project No: S-0154(84)14 Parcel No.(s): 196B

Pin No: 14415 Job/Proj No: 72707 Project Location: Bangerter Three Interchanges
County of Property: SALT LAKE Tax ID / Sidwell No: N/A
Property Address: 6200 South 3610 West WEST JORDAN UT, 84088
Owner's Address: 8000 South Redwood Road, West Jordan, UT, 84088
Primary Phone: 801-569-5156 Owner's Home Phone: Owner's Work Phone: (801)569-5156
Owner / Grantor (s): City of West Jordan
Grantee: Utah Department of Transportation (UDOT)/The Department

Grantor's Initials

Grantor understands this agreement is an option until approved by the Director of Right of Way.

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

Date

100%

_____ City of West Jordan

Right of Way Agents

_____ Michael D. Richardson (Consultant) / Acquisition Agent

_____ Jolene Ottley / Team Leader

_____ Approved by Director of Right of Way

WHEN RECORDED, MAIL TO:
Utah Department of Transportation
Right of Way, Fourth Floor
Box 148420
Salt Lake City, Utah 84114-8420

Quit Claim Deed

(CITY)
Salt Lake County

Tax ID No. N/A
PIN No. 14415
Project No. S-0154(84)14
Parcel No. 0154:196B

City of West Jordan, a municipal corporation of the State of Utah, Grantor, hereby QUIT CLAIMS to the UTAH DEPARTMENT OF TRANSPORTATION, Grantee, at 4501 South 2700 West, Salt Lake City, Utah 84114, 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, for the widening of existing State Route 154 known as Project No. S-0154(84)14, being a part of existing 6200 South Street situate in the SE1/4 SW1/4 of Section 17 and the NE1/4 NW1/4 of Section 20, Township 2 South, Range 1 West, Salt Lake Base and Meridian. The boundaries of said parcel of land are described as follows:

Beginning at the quarter corner of said Sections 17 and 20; and running thence S.00°13'50"W. 33.00 feet along the quarter section line to a point in the previous existing right of way line of 6200 South Street as shown on UDOT Project NM-1005(4); thence along said right of way line N.89°41'23"W. 239.27 feet; thence N.00°14'40"E. 33.00 feet to a point in the south line of said Section 17, thence along said section line S.89°41'23"E. 239.26 feet to the point of beginning as shown on the official map of said project on file in the office of the Utah Department of Transportation.

The above described parcel of land contains 7,896 square feet in area or 0.181 acre.

ALSO:

That certain 11-foot wide strip of land described and depicted as the "Utah Lake Irrigation Company Canal" parcel which lies contiguous to and Southerly of Lot 101, Fox Hills No. 1 Subdivision according to the official plat thereof recorded October 8, 1975 as Entry No. 2749662 in Book 75-10 on Page 161, in the office of the Salt Lake County Recorder and Lots 137, 138 and Parcel A of the plat of Fox Hills No. 2 Subdivision,

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according to the plat thereof recorded on May 23, 1978, under Recording Number 3112269, in Book 78-5 of Plats, at Page 149, records of Salt Lake County, Utah. Being more particularly described as follows:

Beginning at a point in the north-south center section line of said Section 17 which point is 40.00 feet N.00°08'56"E. along said center section line from the south quarter corner of said Section 17; and running thence N.89°41'23"W. 239.20 feet; thence N.00°14'40"E. 11.00 feet to a point in the south boundary line of said Fox Hills No. 1 Subdivision; thence along said south subdivision boundary line and the southerly boundary line of said Fox Hills No. 2 Subdivision S.89°41'23"E. 239.18 feet to a point in said center section line; thence along said center section line S.00°08'56"W. 11.00 feet to the point of beginning as shown on the official map of said project on file in the office of the Utah Department of Transportation.

The above described parcel of land contains 2,631 square feet in area or 0.060 acre.

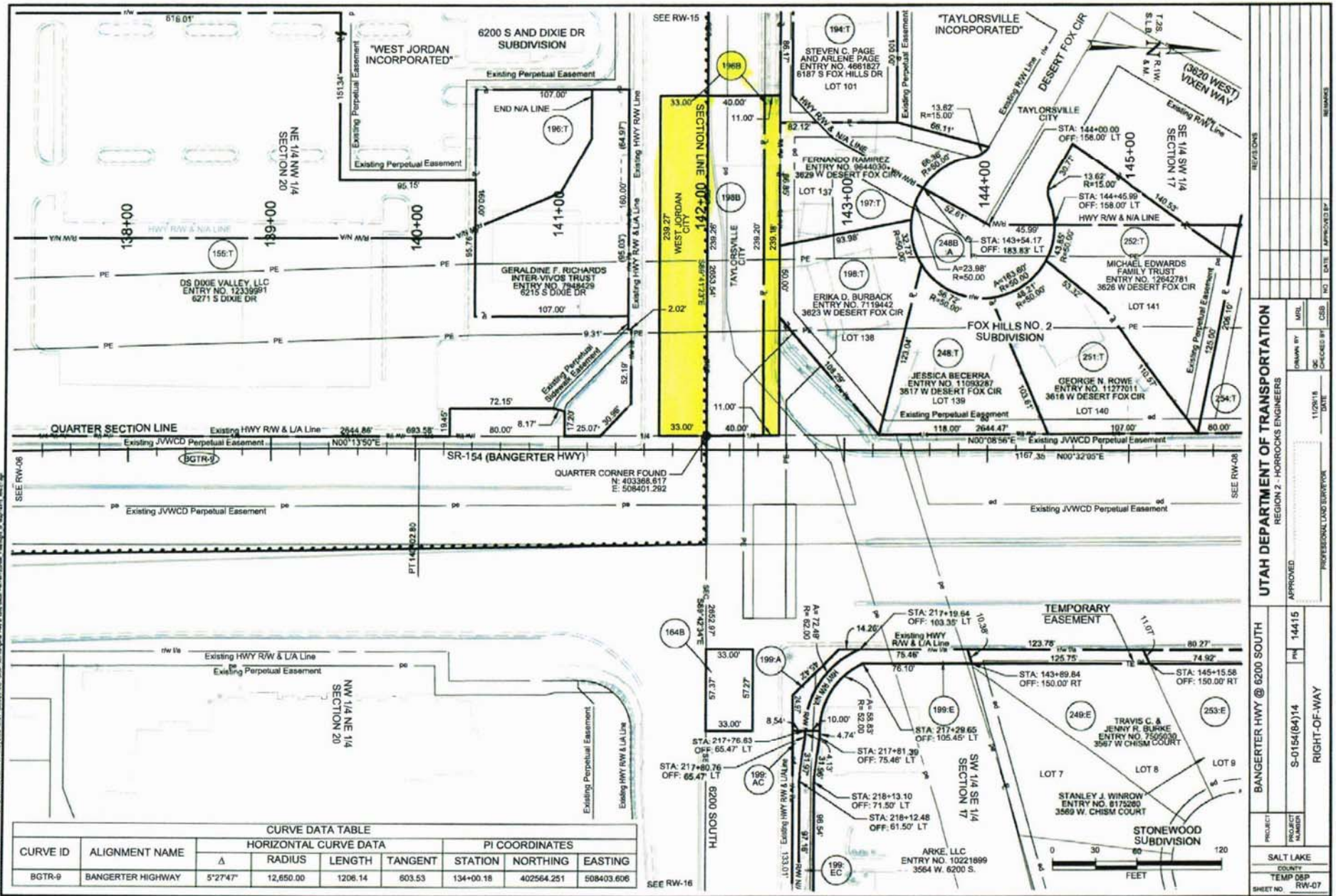
The combined described parcels of land contains 10,527 square feet in area or 0.241 acre.

STATE OF UTAH) City of West Jordan
) ss.
COUNTY OF) By _____

WITNESS my hand and official stamp the date in this certificate first above written:

Prepared by CSB 11/13/2018 (Horrocks Engineers) 06th Partial
Revised by CSB 06/12/2019 Corrected aliquot part
Revised by CSB 09/30/2019 Updated Subdivision information

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CURVE DATA TABLE

CURVE ID	ALIGNMENT NAME	HORIZONTAL CURVE DATA				PI COORDINATES		
		Δ	RADIUS	LENGTH	TANGENT	STATION	NORTHING	EASTING
BGTR-9	BANGERTE HIGHWAY	5°27'47"	12,650.00	1206.14	603.53	134+00.18	402564.251	508403.606

UTAH DEPARTMENT OF TRANSPORTATION
REGION 2 - HORROCKS ENGINEERS

BANGERTE HWY @ 6200 SOUTH

SALT LAKE
COUNTY
TEMP DES
SHEET NO. RW-07

APPROVED
S-0154(84)14
RIGHT-OF-WAY

DATE
11/20/18

CHECKED BY
DATE

DESIGNED BY
DATE

APPROVED BY
DATE

REMARKS