The Study Electronic Meeting of the West Valley City Council will be held on Tuesday, November 9, 2021, at 4:30 PM, in the Multipurpose Room, West Valley City Hall, 3600 Constitution Boulevard, West Valley City, Utah. Members of the press and public are invited to attend in person or view this meeting live on YouTube at https://www.youtube.com/user/WVCTV.

A G E N D A

1. Call to Order

2. Roll Call

3. Approval of Minutes:

   A. October 26, 2021

4. Review Agenda for Regular Meeting of November 9, 2021

   A. Regular Meeting Agenda

5. Public Hearings Scheduled For November 16, 2021

   A. Accept Public Input Regarding Application Z-6-2021, Filed by Architectural Coalition, Requesting a Zone Change from A (Agriculture) to M (Manufacturing) for Property Located at 7035 West Gates Avenue

      Action: Consider Ordinance 21-62, Amend the Zoning Map to Show a Change of Zone for Property Located at 7035 West Gates Avenue from A (Agriculture) to M

- 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.
- Electronic connection may be made by telephonic or other means. In the event of an electronic meeting, the anchor location is designated as City Council Chambers, West Valley City Hall, 3600 Constitution Boulevard, West Valley City, Utah.

(Manufacturing)

Action: Consider Resolution 21-185, Authorize the City to Enter into a Development Agreement with the Emanuel and Leticia Moreno Revocable Living Trust for Approximately 1.31 Acres of Property Located at Approximately 7035-7055 West Gates Avenue

6. Resolutions:

A. Resolution 21-186: Authorize the City to Enter Into Supplement No. 3 to a Stakeholder Agreement by and Between the City and the Utah Transit Authority

7. Consent Agenda Scheduled for November 16, 2021

A. Reso 21-187: Authorize the City to Enter into a Real Estate Purchase Agreement and Accept a Warranty Deed, a Perpetual Easement, and a Temporary Construction Easement With and From Richard Martinez and Alejandra Martinez Naranjo for Property Located at 4688 South Water Wood Drive

8. New Business Scheduled for November 16, 2021

A. Convene as Board of Canvassers for the Municipal General Election Held November 2, 2021

Consider Resolution 21-188, Accept and Approve the Results of the Municipal General Election Held November 2, 2021 as Shown on the Canvass Report

9. Communications:

A. HB 411 Discussion (15 min)

B. Council Calendar

10. New Business:

A. Potential Future Agenda Items

B. Council Reports

11. Motion for Closed Session (if necessary)

12. Adjourn

MINUTES OF COUNCIL STUDY MEETING – OCTOBER 26, 2021
-1-

THE WEST VALLEY CITY COUNCIL MET IN ELECTRONIC STUDY SESSION ON TUESDAY, OCTOBER 26, 2021 AT 4:30 P.M. AT WEST VALLEY CITY HALL, MULTIPURPOSE ROOM, 3600 CONSTITUTION BOULEVARD, WEST VALLEY CITY, UTAH. THE MEETING WAS CALLED TO ORDER AND CONDUCTED BY MAYOR BIGELOW. THE MEETING WAS ALSO HELD ELECTRONICALLY VIA ZOOM.

THE FOLLOWING MEMBERS WERE PRESENT:

Ron Bigelow, Mayor
Lars Nordfelt, Councilmember At-Large
Don Christensen, Councilmember At-Large
Tom Huynh, Councilmember District 1 *(electronically)*
Steve Buhler, Councilmember District 2
Karen Lang, Councilmember District 3 *(electronically)*
Jake Fitisemanu, Councilmember District 4 *(electronically)*

STAFF PRESENT:

Wayne T Pyle, City Manager *(electronically)*
Nichole Camac, City Recorder
Nicole Cottle, Assistant City Manager/General Counsel *(electronically)*
Eric Bunderson, City Attorney *(electronically)*
Colleen Jacobs, Police Chief *(electronically)*
John Evans, Fire Chief
Jim Welch, Finance Director *(electronically)*
Jerry Thompson, Acting CED Director *(electronically)*
Layne Morris, CPD Director *(electronically)*
Dan Johnson, Public Works Director
Nancy Day, Parks and Recreation Director *(electronically)*
John Flores, HR Director
Sam Johnson, Strategic Communications Director *(electronically)*
Ken Cushing, IT
Steve Lehman, CED *(electronically)*

APPROVAL OF MINUTES OF STUDY MEETING HELD OCTOBER 19, 2021
The Council considered the Minutes of the Study Meeting held October 19, 2021. There were no changes, corrections or deletions.

Councilmember Fitisemanu moved to approve the Minutes of the Study Meeting held October 19, 2021. Councilmember Nordfelt seconded the motion.

DRAFT

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

REVIEW AGENDA FOR REGULAR CITY COUNCIL MEETING OF OCTOBER 26, 2021

Upon inquiry by Mayor Bigelow, members of the Council had no further questions or concerns regarding items listed on the Agenda for the Regular City Council meeting scheduled later this night.

CONSIDER APPLICATION SMI-5-2021, FILED BY MIKE GARZA, REQUESTING FINAL PLAT APPROVAL FOR THE CREWE 2 LOT SUBDIVISION LOCATED AT 3588 SOUTH 5450 WEST

Steve Lehman, CED, presented proposed application SMI-5-2021, Filed by Mike Garza, Requesting Final Plat Approval for the Crewe 2 Lot Subdivision Located at 3588 South 5450 West.

Written documentation previously provided to the City Council included information as follows:

> Mr. Mark Garza, is requesting final plat approval for the Crewe 2 Lot Subdivision. The subject property currently has an existing dwelling that will be removed to accommodate two new single-family dwellings. The property is bordered on the north, east and south by existing residential uses along 5450 West and the Erin Hills PUD to the west.
>
> The applicant is the developer of the Erin Hills PUD and the owner of the lots proposed in this application. The subdivision will consist of 2 lots on .42 acres. Although zoned R-1-8, both lots are approximately 9,250 square feet in size. During the rezoning process for the Erin Hills project, the developer requested an exception to the frontage for these two lots. An exception was granted by the City Council that each lot would be approved with 66 feet of frontage.
>
> Access to the subdivision will be gained from 5450 West. At the present time, this street is dedicated and improved with asphalt only. Although there are a few sections with curb, gutter and sidewalk, the majority of this street is void of those improvements. Staff has discussed the long-term vision of this right-of-way with the City Engineering Division. Future discussions are planned for the vision of 5450 West and whether public improvements should be planned for this right-of-way. For the present time, the City will require a delay agreement for such improvements, but that could change based on discussions with the Public Works Department.

DRAFT

Mayor Bigelow asked if the frontage exception was granted for just these two lots. Steve replied yes.

The City Council will consider Application SMI-5-2021 at the Regular Council Meeting scheduled November 9, 2021 at 6:30 P.M.

COMMUNICATIONS

A. JUSTICE COURT REPORT

Nicole Cottle, Assistant City Manager, stated that the Justice Court cannot legally be operated under the Legal Department's jurisdiction. She explained that the Justice Court is governed by the Supreme Court so the City has limited ability to govern various rules and regulations. Nicole relayed how the Justice Court functioned under COVID-19 protocol and how the Court system has changed since the onset of the pandemic. She detailed how jury trials were backed up during the height of the pandemic and how they were, and are currently, being handled. Nicole detailed how the court will be moved to the current location of the Juvenile Court that is connected to City Hall in the near future. She discussed case numbers, tickets being processed, etc. Councilmember Buhler asked what the judges are and what types of cases they can process. Nicole replied that they are Justice Court judges and they can process everything below a Class A, and sometimes some Class A's as well as small claims and infractions. Councilmember Buhler asked if they process Code Enforcement cases. Nicole replied no and noted that these are processed by Jody Knapp, an ALJ judge. Councilmember Buhler asked if there are any other ALJ's employed by the City. Nicole replied that there are. Councilmember Buhler clarified rights of a jury trial and Nicole detailed the rules and regulations. Councilmember Buhler asked if more judges are needed. Nicole replied she does not believe that is necessary at this time but noted that it may be in the future. She added that the judges and clerks are operating at a 100% pace and do a great job at being effective and efficient. Councilmember Buhler asked if the judges are appointed by a judicial nominating committee. Nicole replied yes.

The Mayor and Council had no further questions or concerns.

B. COUNCIL CALENDAR

Mayor Bigelow referenced a Memorandum previously received from the City Manager that outlined upcoming meetings and events.

Members of the City Council had no further questions regarding the Council Update.

NEW BUSINESS

A. POTENTIAL FUTURE AGENDA ITEMS

DRAFT

Councilmember Christensen expressed concern about traffic control during events at the Maverik Center. He indicated that he would like to discuss solutions. He noted that Wayne is aware of the problem and is looking at a solution but he would like this to be a communications update in the near future. Councilmember Lang stated that she recalls a significant problem at the Elton John concert and would like to know what was learned and implemented at that time.

Councilmember Fitisemanu thanked Wayne for the detailed memorandum on the City's perspective of HB411. He requested a communication item so that the issue could be discussed publicly and on the record so it is clear where the City stands. Councilmember Buhler, Councilmember Lang, and Councilmember Nordfelt agreed. Wayne stated that staff would get this on the agenda as soon as possible.

Councilmember Huynh stated that there was loud music reported to him over the weekend around 1300 West and Parkway Avenue. Wayne replied that he will gather the information and provide to Tom.

B. COUNCIL REPORTS
N/A

MOTION TO ADJOURN
Upon motion by Councilmember Buhler all voted in favor to adjourn.

THERE BEING NO FURTHER BUSINESS OF THE WEST VALLEY COUNCIL THE STUDY MEETING ON TUESDAY OCTOBER 26, 2021 WAS ADJOURNED AT 4:57 PM BY MAYOR BIGELOW.

I hereby certify the foregoing to be a true, accurate and complete record of the proceedings of the Study Meeting of the West Valley City Council held Tuesday, October 26, 2021.

_____
Nichole Camac, CMC
City Recorder

DRAFT

DRAFT

The Regular Electronic Meeting of the West Valley City Council will be held on Tuesday, November 9, 2021, 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 in person or view this meeting live on YouTube at https://www.youtube.com/user/WVCTV. To participate in the public comment period or scheduled public hearings electronically, please visit www.wvc-ut.gov/PublicComment prior to 2:30 PM on Tuesday, November 9, 2021

A G E N D A

1. Call to Order

2. Roll Call

3. Inside the City Video Series

4. Special Recognitions

5. Approval of Minutes:

   A. October 26, 2021

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

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- 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.
- Electronic connection may be made by telephonic or other means. In the event of an electronic meeting, the anchor location is designated as City Council Chambers, West Valley City Hall, 3600 Constitution Boulevard, West Valley City, Utah.

period.)

A. Public Comments

B. City Manager Comments

C. City Council Comments

7. New Business:

A. Consider Application SMI-5-2021, Filed by Mike Garza, Requesting Final Plat Approval for the Crewe 2 Lot Subdivision Located at 3588 South 5450 West

8. Motion for Closed Session (if necessary)

9. Adjourn

Item: _____
Fiscal Impact: N/A
Funding Source: N/A
Account #: N/A
Neighborhood: Parkway
Budget Opening Required: ☐

ISSUE:

Application: #Z-6-2021
Applicant: Architectural Coalition
Location: 7035 W Gates Ave.
Size: 0.43 acres

SYNOPSIS:

A zone change from A (Agriculture) to M (Manufacturing)

BACKGROUND:

The owners of the subject property also own the two parcels to the west. These two west parcels were rezoned earlier this year from A to M to allow the owners to apply for a conditional use permit for their stucco business, Southwest Exteriors, that was operating without license in a zone that did not allow the business. The zone change was accompanied by a development agreement. The original proposal was the owners would utilize the existing building as an office for their stucco business.

Assuming this zone change is approved, the owners plan to redevelop the subject property along with the two parcels to the west with a new office building in three phases. The first phase would involve demolishing the garage on the existing home on the west parcel that is being used as an office. A new, 2-story office building spanning all three parcels would also be constructed as part of phase 1. Renderings of the proposed office building are included with this report. Phase 2 would involve demolishing the existing home on the west parcel that is being used as an office to make room for more parking for the new, 2-story office building. Phase 3 involves demolishing the home on the subject property to add more parking.

RECOMMENDATION:

The Planning Commission recommends approval subject to a development agreement.

SUBMITTED BY:

Steve Pastorik, Community Development Director

WEST VALLEY CITY, UTAH

ORDINANCE NO._____

Draft Date: _____
Date Adopted:_____
Effective Date:_____

AN ORDINANCE AMENDING THE ZONING MAP TO SHOW A CHANGE OF ZONE FOR PROPERTY LOCATED AT 7035 W GATES AVENUE FROM A (AGRICULTURE) TO M (MANUFACTURING)

WHEREAS, the West Valley City Planning Commission has reviewed and made a recommendation to the City Council concerning the proposed zoning change pursuant to Chapter 9 of Title 10, Utah Code Annotated 1953, as amended, and the West Valley City Zoning Ordinance; and

WHEREAS, a public hearing before the City Council of West Valley City was held after being duly advertised as required by law; and

WHEREAS, the City Council of West Valley City finds that such zoning change should be made;

NOW, THEREFORE, BE IT ORDAINED by the City Council of West Valley City, Utah:

SECTION 1. ZONING CHANGE.

The property described in application #Z-6-2021, filed by Architectural Coalition and located at 7035 W Gates Ave. is hereby reclassified from zone A (Agriculture) to M (Manufacturing), said property being more particularly described as follows:

Parcel #: 14-22-305-054

SECTION 2. ZONING MAP AMENDMENT.

The West Valley City Zoning Map shall be amended to show the change.

SECTION 3. EFFECTIVE DATE.

This ordinance shall take effect immediately upon posting, as required by law.

DATED this _____ day of _____, 2021.

WEST VALLEY CITY

_____
MAYOR

ATTEST:

_____
CITY RECORDER

962 West 800 North, Orem Utah, 84057
Architectural Coalition
Phone: 801-491-0275 - email: archcoalition@hotmail.com
Guilford A. Rand, Architect-AIA-NCARB

Date: August 03, 2021

Project: Moreno Office Building
7055, 7041 & 7035 West Gates Avenue, West Valley City, Utah

From: Guilford Rand
Architectural Coalition
962 W 800 N, Orem, Utah 84057
801-491-0275

To: West Valley City – Community Development

Subject: Request for Zoning Change

The purpose of this letter is to request a zone change for the property located at 7035 West Gates Avenue. Emanuel and Tisha Moreno own the property and just recently received a zone change to the two adjacent properties located at 7055 and 7041 West Gates Avenue. The zone change they are seeking for 7035 is the same as they received for 7055 and 7041. They want to construct a 12,000 square foot, two story office building on the 3 lots. The outline of this letter is based from the requirements set forth in the zoning request application, and answers each item as follows:

What is the current West Valley City General Plan classification?

Lot 7035 is zoned Agricultural. Lots 7055 and 7041 were rezoned M which would allow the Morenos to build an office building. Following the city goals and trends, we are requesting that this agricultural plot become a useful and beautiful new office space with a large portion of landscaped area and scenic grounds, From the city's general plan vision 2020: "It is interesting to note that in 1982 a little over 50% of the City was classified as vacant or agricultural land; whereas, now this same percentage is just below 20%."

What is the current West Valley City Zoning classification?

Residential, agricultural and M. This area has a mix of commercial properties, and neighboring residential property. It is our goal to help beautiful this area, and properly screen residential areas with natural vegetation, landscape buffers, and concrete fencing as required by the city code.

What is the requested Zoning classification?

M, Commercial. The property located at 7055 is the commercial headquarters for Southwest Exterior Siding. The Owners are expanding, and would like to construct a new office building to accommodate their growth goals.

For what reason(s) do you suggest the change?

To create an environmentally responsible structure that provides a service to the community. This land is currently unkempt, and desperately needs new life and interest. The 2-story office structure and surrounding amenities will bring new beauty, and facilitate community growth, and excitement. The building will cater to its own clients (and the community) by providing beautiful, clean siding materials that revitalizes the forgotten landscape.

What is the estimated development schedule?

The Owners would like to start construction as soon as they can get the property rezoned and get a building permit. Hopefully that will be by the first of 2022, sooner if possible. The project will be broken into three consecutive phases that allow a smooth transition from their existing office, which is located at 7055 West Gates Avenue. The first phase involves demolishing a garage that is attached to the existing office building. This will allow enough room on the adjacent properties to build the new office building. Phase II involves demolishing the existing office to allow for additional parking to be built on the west side of the new building. The new building will be located on lots 7055 and 7041. Access to the rear of the building will be located on west half of lot 7035. There is an existing residence associated with the 7035 property. The Morenos have purchased this piece of property, with the understanding that the current resident, an elderly man, can remain in the house for the balance of his life. The house is located near the east property line, and therefore can remain as long as needed. Phase III, which involves increasing the parking on the east side of the building will occur later.

Respectfully Submitted

Guilford A. Rand,

Guilford A. Rand
Architect
AIA - NCARB

Item: _____
Fiscal Impact: N/A
Funding Source: N/A
Account #: N/A
Neighborhood: Parkway
Budget Opening Required: ☐

ISSUE:

A resolution authorizing the City to enter into a development agreement with the Emanuel and Leticia Moreno Revocable Living Trust.

SYNOPSIS:

This resolution authorizes a development agreement between the City and the Emanuel and Leticia Moreno Revocable Living Trust to require standards for an office development on Gates Avenue.

BACKGROUND:

The Morenos, through their agent, have submitted a rezone application (Z-6-2021) to change a 0.43-acre property at 7035 W Gates Avenue from A (agriculture, minimum lot size ½ acre) to M (manufacturing). The Morenos also own the two parcels west of the subject property. These parcels were rezoned from A to M earlier this year subject to a development agreement to allow their stucco business to operate legally. This latest development agreement replaces the previous agreement by including the subject property and adding new standards to address the proposed project phasing and design for a new office building.

RECOMMENDATION:

City staff recommends approval to the City Council.

SUBMITTED BY:

Steve Pastorik, Community Development Director

WEST VALLEY CITY, UTAH

RESOLUTION NO. _____

A RESOLUTION AUTHORIZING THE CITY TO ENTER INTO A DEVELOPMENT AGREEMENT WITH THE EMANUEL AND LETICIA MORENO REVOCABLE LIVING TRUST FOR APPROXIMATELY 1.31 ACRES OF PROPERTY LOCATED AT APPROXIMATELY 7035-7055 WEST GATES AVENUE.

WHEREAS, the Emanuel and Leticia Moreno Revocable Living Trust (herein "Developer") own real property within the limits of West Valley City, Utah, on which Developer proposes to develop a commercial project (herein the "Project"); and

WHEREAS, Developer has voluntarily represented to the West Valley City Council that it will enter into this binding development agreement (herein "Agreement"); and

WHEREAS, Developer is willing to design and develop the Project in a manner that is in harmony with the City's Master Plan and long-range development objectives, and which addresses the more specific planning issues set forth in this Agreement; and

WHEREAS, West Valley City, acting pursuant to its authority under §10-9a-101 *et seq.*, Utah Code Annotated 1953, as amended, and City ordinances and land-use policies, has made certain determinations with respect to the proposed Project, and in the exercise of its legislative discretion, has elected to approve this Agreement; and

NOW, THEREFORE, BE IT RESOLVED by the City Council of West Valley City, Utah, that the Agreement between West Valley City and Developer is hereby approved in substantially the form attached, and that the Mayor and City Manager are hereby authorized to execute said Agreement for and on behalf of the City, upon approval of the final form of the Agreement by the City Attorney's Office.

PASSED, APPROVED and MADE EFFECTIVE this _____day of _____, 2021.

WEST VALLEY CITY

_____
MAYOR

ATTEST:

_____
CITY RECORDER

DEVELOPMENT AGREEMENT

THIS DEVELOPMENT AGREEMENT (herein the "Agreement") is entered into this _____ day of _____, 20____, by and between the Emanuel and Leticia Moreno Revocable Living Trust, a Utah trust, (herein "Developer") for the land to be included in or affected by the project located at approximately 7035-7055 West Gates Avenue in West Valley City, Utah, and West Valley City, a municipal corporation and political subdivision of the State of Utah (herein the "City").

RECITALS

WHEREAS, Developer owns approximately 1.31 acres of real property located at 7035-7055 West Gates Avenue in West Valley City, Utah, as described in Exhibit "A" (the "Property"), on which Developer proposes to establish minimum standards for a commercial development (the "Project"); and

WHEREAS, Developer has voluntarily represented to the West Valley City Council that it will enter into this binding Agreement; and

WHEREAS, Developer is willing to restrict the property in a manner that is in harmony with the objectives of the City's master plan and long-range development objectives, and which addresses the more specific development issues set forth in this Agreement, and is willing to abide by the terms of this Agreement; and

WHEREAS, the City, acting pursuant to its authority under the Utah Municipal Land Use, Development, and Management Act, U.C.A. §10-9a-101, *et seq*., and its ordinances, resolutions, and regulations, and in furtherance of its land-use policies, has made certain determinations with respect to the proposed Project, and, in the exercise of its legislative discretion, has elected to approve this Agreement;

NOW, THEREFORE, in consideration of the mutual covenants and conditions contained herein, the parties agree as follows:

1. **Affected Property**. The legal description of the Property contained within the Project boundaries is attached as Exhibit "A." No additional property may be added to or removed from this description for the purposes of this Agreement except by written amendment to this Agreement executed and approved by Developer and the City.

2. **Reserved Legislative Powers**. Nothing in this Agreement shall limit the future exercise of police power by the City in enacting zoning, subdivision, development, transportation, environmental, open space, and related land-use plans, policies, ordinances and regulations after the date of this Agreement, provided that the adoption and exercise of such power shall not restrict Developer's vested rights to develop the Project as provided herein. This Agreement is not intended to and does not bind the West Valley City Council in the independent exercise of its legislative discretion with respect to such zoning regulations.

3. **Compliance with City Design and Construction Standards**. Developer acknowledges and agrees that nothing in this Agreement shall be deemed to relieve it from the obligation to comply with all applicable laws and requirements of the City necessary for development of the Project, including the payment of fees, and compliance with the City's design and construction standards.

4. **Specific Design Conditions**. The Project shall be developed and constructed as set forth in the specific design conditions set forth in Exhibit "B". The Project shall also comply with all requirements set forth in the minutes of the Planning Commission and City Council hearings on this matter.

5. **Agreement to Run With the Land**. This Agreement shall be recorded in the Office of the Salt Lake County Recorder, shall be deemed to run with the Property, and shall encumber the same; and shall be binding on and inure to the benefit of all successors and assigns of Developer in the ownership or development of any portion of the Property.

6. **Assignment.** Neither this Agreement nor any of the provisions, terms or conditions hereof can be assigned to any other party, individual or entity without assigning also the responsibilities arising hereunder. This restriction on assignment is not intended to prohibit or impede the sale by Developer.

7. **No Joint Venture, Partnership or Third Party Rights**. This Agreement neither creates any joint venture, partnership, undertaking or business arrangement between the parties hereto nor conveys any rights or benefits to third parties, except as expressly provided herein.

8. **Integration. Modification, and Entire Agreement**. This Agreement contains the entire agreement between the parties with respect to the subject matter hereof and integrates all prior conversations, discussions, or understandings of whatever kind or nature and may only be modified by a subsequent writing duly executed and approved by the parties hereto. This

Agreement supersedes any and all development agreements that have been executed concerning the Property. Exhibits "A" and "B" are hereby incorporated into this Agreement.

9. **Notices.** Any notices, requests, or demands required or desired to be given hereunder shall be in writing and should be delivered personally to the party for whom intended, or, if mailed by certified mail, return receipt requested, postage prepaid to the parties as follows:

TO DEVELOPER:	Emanuel and Leticia Moreno Revocable Living Trust 11237 S Pervenche Ln. South Jordan, UT 84095
TO CITY:	West Valley City Wayne Pyle, City Manager 3600 Constitution Blvd. West Valley City, Utah 84119
WITH A COPY TO:	West Valley City Attorney's Office Attn: Brandon Hill 3600 Constitution Blvd. West Valley City, Utah 84119

Any party may change its address by giving written notice to the other party in accordance with the provisions of this section.

10. **Choice of Law and Venue**. Any dispute regarding this Agreement shall be heard and settled under the laws of the State of Utah. Any Utah litigation regarding this Agreement shall be filed in the Third District Court in Salt Lake City, Utah. Any federal litigation regarding this Agreement shall be filed in the United States District Court for the District of Utah in Salt Lake City, Utah.

11. **Court Costs**. In the event of any litigation between the parties arising out of or related to this Agreement, the prevailing party shall be entitled to an award of reasonable court costs, including reasonable attorney's fees.

12. **Severability.** In the event any provision of this Agreement is held to be invalid or unenforceable, the remaining provisions shall remain valid and binding upon the parties. One or more waivers of any term, condition, or other provision of this Agreement by either party shall not be construed as a waiver of a subsequent breach of the same or any other provision.

IN WITNESS WHEREOF, the parties have executed this Agreement on the day and year first above written.

(signatures follow)

WEST VALLEY CITY

_____
MAYOR

ATTEST:

_____
CITY RECORDER

APPROVED AS TO FORM
WVC Attorney's Office

By: _____

Date: _____

EMANUEL AND LETICIA MORENO REVOCABLE LIVING TRUST

_____

State of _____)
:ss
County of _____)

On this _____ day of _____, 2021, personally appeared before me _____, whose identity is personally known to me or proved to me on the basis of satisfactory evidence to be the person whose name is subscribed to this instrument, and affirmed that he or she is the _____ of the Emanuel and Leticia Moreno Revocable Living Trust, and that said document was signed by him or her in behalf of said trust by authority of its creation documents, and he or she acknowledged to me that said trust executed the same.

_____
No tary Pu b lic

EXHIBIT A

LEGAL DESCRIPTION

Parcel #: 14-22-305-016
Lot 15, Block 2, East Magna, Plat A.

Parcel #: 14-22-305-018
Lot 16, Block 2, East Magna, Plat A.

Parcel #: 14-22-305-054
Lot 17, Block 2, East Magna, Plat A.

EXHIBIT B

DEVELOPMENT STANDARDS

1. The hours of operation for any business, tenant, or other occupant or user shall be limited to 7 AM to 10 PM.

2. The existing home being used as an office on the western most parcel (parcel #: 14-22-305-016) shall be demolished within three years from the date of the execution of this Agreement.

3. The two garages/sheds on the two west parcels (parcel #s: 14-22-305-016 and 14-22-305-018) shall be either demolished or modified to meet the required setbacks prior to occupancy of the new office building.

4. The property shall comply with all of the standards of the (M) manufacturing zone except for parking setbacks and outside storage setbacks from the east and west property lines which are addressed in item 5 below.

5. All parking and outside storage shall be setback at least 20' from the south property line and 10' from the east and west property lines.

6. Since the amount of parking will increase from one phase to the next, occupancy within the office building shall be limited proportional to the required parking provided.

7. As long as the home remains on the eastern most parcel (parcel #: 14-22-305-054), no outside storage shall be allowed on the same parcel.

8. The office building shall be built substantially like the renderings submitted by the applicant with the exception that all of the requirements in Chapter 7-11 Part 3 of the Zoning Ordinance (Commercial Design Standards) shall apply. This means that the office renderings submitted by the applicant may need to be revised as part of the site plan approval process to meet the ordinance standards.

9. The property owner shall submit a conditional use amendment application to amend conditional use permit number C-13-2021 that was approved by the Planning Commission on June 9, 2021.

10. In addition to the uses prohibited by the City's zoning ordinances, the following uses are prohibited:
    - Agricultural Business or Industry
    - Alternative Financial Service Provider
    - Automobile Parts Store
    - Automobile Sales, Used
    - Bail Bonds Dealer

- Brew Restaurant, Brew Restaurant and Liquor Retailer, Small Brewer
- Cannabis Production Establishment
- Commercial raising, rental stabling, training and grazing of animals
- Commissary
- Detention Facility/Jail
- Equestrian school
- Equity club, fraternal club, social club
- Fast Food Establishment with drive-up window
- Fast Food Establishment with no drive-up window
- Financial Institution
- Food Vending Unit and Mobile Food Vending Vehicle
- Furniture store
- Garden Center or Garden Center with an Indoor Event Center as an accessory use
- Grocery Store
- Hardware Store
- Heavy Equipment Sales and Service
- Heavy Truck and trailer sales, Used
- Home Improvement Center
- Industrial, Heavy
- Kennel, Outdoor
- Laundromat
- Lingerie Store
- Massage Establishment
- Mortuary
- Movie Theater
- Moving Truck Rental Business
- Neighborhood Grocery
- Neighborhood Service Establishment
- Noncommercial raising, training and grazing or animals
- Permanent Cosmetic Establishment
- Recreation, Outdoor
- Rental Store
- Restaurant Liquor Retailer, Dining Club
- Restaurant, Restaurant On-Premises Beer Retailer
- Retail Department or Specialty Store
- Retail Tobacco Specialty Business
- Secondhand precious metal dealer/processor and/or precious gem dealer
- Secondhand Store
- Self-Storage Facility
- Sexually-Oriented Business
- Shopping Center
- State Store/Package Agency
- Tobacco Oriented Business
- Tattoo Establishment

- Towing and Impound Yard
- Turf Farm Equipment Manufacturing
- Vehicle Recycling Facility
- Vehicle Storage Yard



BIRDSEYE VIEW

SCALE



NORTH EAST STREET CORNER

SCALE



SOUTH EAST STREET CORNER

SCALE

7/30/2021 2:16:57 PM Z:\Drawings 2021\2021-057 Moreno Office Building\Moreno Office Building - new site YH.rvt

REVISIONS
DATE
1
2
3
4

ARCHITECTURAL COALITION
962 West 800 North, Orem Utah, 84057 PH: 801-491-0275

Pag. 16 of 35

LICENSED ARCHITECT
NO. 12313
GUILFORD A. RAND
07-13-2021
STATE OF UTAH

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THE PURCHASER IS GRANTED A SINGLE USE LICENSE FOR CONSTRUCTION ONLY. UNAUTHORIZED USE AND/OR FURTHER DISTRIBUTION IS PROHIBITED WITHOUT WRITTEN APPROVAL OF THE ARCHITECTURAL COALITION.

A NEW BUILDING FOR
MORENO OFFICES
7041 W Gates Ave West Valley City, Ut

SHEET NO.
A-2.2

DATE
07-13-2021

Z-6-2021 MINUTES
AUGUST 25, 2021 PLANNING COMMISSION PUBLIC HEARING

Z-6-2021
Architectural Coalition
7035 W Gates Ave
Zone change from A to M
0.43 acres

Architectural Coalition has requested a zone change on a 0.43 acre parcel at 7035 Gates Avenue from A (agriculture, minimum lot size ½ acre) to M (manufacturing). Surrounding zones include A and R-1-12 (Single Unit Dwelling Residential, minimum lot size 12,000 square feet) to the south, A to the east, and M to the north and west. Neighboring uses include single family homes to the south, car sales to the north, vacant property to the east, and property in transition to the west. The subject property is designated as light manufacturing in the West Valley City General Plan.

The owners of the subject property are Emanuel and Leticia Moreno who also own the two parcels to the west. These two west parcels were rezoned earlier this year from A to M to allow the owners to apply for a conditional use permit for their stucco business, Southwest Exteriors, that was operating without license in a zone that did not allow the business. The zone change was accompanied by a development agreement that limited the hours of operation from 7 AM to 10 PM, required the removal or modification of the two garages/sheds to meet setbacks, required the property to meet all of the standards of the M zone, and prohibited many of the uses allowed in the M zone.

Following the zone change approval, the owners applied for a conditional use permit for the stucco business. The Planning Commission approved the conditional use permit on June 9th of this year subject to the project meeting all ordinance requirements. The plans submitted for the conditional use permit did not meet all ordinance requirements and have yet to be resubmitted. A final conditional use permit has not been issued.

Also, on June 9th of this year, the owners acquired the subject property. This parcel includes a home that was built in 1959 and is still occupied by the previous owner, Deloy Winn. According to the applicant, the Morenos purchased the subject property with the understanding that Mr. Winn, who is elderly, can remain in the house for the balance of his life.

Assuming this zone change is approved, the Morenos plan to redevelop the subject property along with the two parcels to the west in three phases. The first phase would involve demolishing the garage on the existing home on the west parcel that is being used as an office. A new, 2-story office building spanning all three parcels would also be constructed as part of phase 1. Renderings of the proposed office building are included with this report. Phase 2 would involve demolishing the existing home on the west parcel that is being used as an office to make room

for more parking for the new, 2-story office building. Phase 3 involves demolishing the home on the subject property to add more parking.

Over the last 10 years or so, the south side of Gates Avenue has gradually begun to transition from residential or vacant property to commercial or industrial uses. Along 7200 W, 7-11 was constructed in 2012 and a shop/storage building at 7079 W Gates Avenue was built in 2018. All of the property on the north side of Gates Avenue is zoned M. There are three homes remaining on the south side of Gates Avenue with the home on the subject property being one of the three.

If the Commission believes this property should be rezoned to M, staff would recommend amending the development agreement approved on the two parcels to the west to address the proposed project phasing and to include the subject property. Staff recommends the following additional standards for the development agreement:

- The existing home being used as an office on the west parcel shall be demolished within three years from the date of the execution of the amended development agreement.
- All parking and outside storage shall be setback at least 20' from the south property line and 10' from the east and west property lines.
- Since the amount of parking will increase from one phase to the next, occupancy within the proposed office building shall be limited proportional to the required parking provided.
- As long as the home remains on the subject (east) property, no outside storage shall be allowed on the subject property.
- The office building shall be built substantially like the renderings submitted by the applicant with the exception that all of the requirements in Chapter 7-11 Part 3 of the Zoning Ordinance (Commercial Design Standards) shall apply. This means that the office renderings submitted by the applicant may need to be revised as part of the site plan approval process to meet the ordinance standards.
- The property owner shall submit a conditional use amendment application to amend the conditional use permit (C-13-2021) approved by the Planning Commission on 6/9/2021. The conditional use amendment application shall reflect the phased development approach outlined by the applicant in this zone change application.

Staff Alternatives:

- Approval. This zone change application should be approved subject to a development agreement amendment that includes the subject property and the standards recommended by staff in this report.

- Continuance.

- Denial.

Discussion: Steve Pastorik presented the application. Steve explained that the subject property was recently purchased by the property owner of the two parcels to the west. He recapped that the owners had rezoned, which included a development agreement, the two western properties from A to M to comply with City code. Steve expressed that staff is concerned, given the history, with the site being developed as proposed. Therefore, the staff is proposing to amend the existing development agreement to include the subject property and six additional requirements.

Commissioner Lovato asked where the applicant is proposing to keep the outside storage in their final concept plan. Steve stated that it is located on the south part of the site. He explained that one provision recommended by staff is that all outside storage shall be setback at least 20' from the south property line. So, the storage area would be between the parking and the 20' setback.

Commissioner McEwen asked Brandon Hill if there is a contract between the current resident living on the subject property and the property owner that will allow them to remain there until they pass. Brandon said that there is a legal arrangement, and this is typical with residential properties.

Guil Rand, the project architect, addressed the Commission. Mr. Rand feels the proposed building will be constructed above and beyond the surrounding structures. He said he didn't have anything to add to Steve's presentation, but he would answer any questions.

Steve Pastorik asked Mr. Rand if he is aware of the six additional standards outlined in the staff report. Mr. Rand said that he is aware of them and will be discussing those points with the property owner. He does not feel there will be any issues complying with the standards.

Motion: Commissioner Woodruff moved to approve Z-6-2021 subject to a development agreement amendment that includes the subject property and the standards recommended by staff in this report.

Commissioner Fuller seconded the motion.

Vote:	Commissioner McEwen	No
	Commissioner Lovato	Yes
	Commissioner Fuller	Yes
	Commissioner Woodruff	Yes
	Commissioner Wood	Yes
	Commissioner Winters	Yes
	Chairperson Meaders	Yes

Majority - Z-6-2021 – Approved



0 250 500 Feet

Z-6-2021
Architectural Coalition
7035 W Gates Ave

N

Z-6-2021

Petition by ARCHITECTURAL COALITION, requesting a zone change from A (Agriculture) to M (Manufacturing). The property is located at 7035 W Gates Ave on 0.43 acres. (Staff – Steve Pastorik at 801-963-3545 or steve.pastorik@wvc-ut.gov)



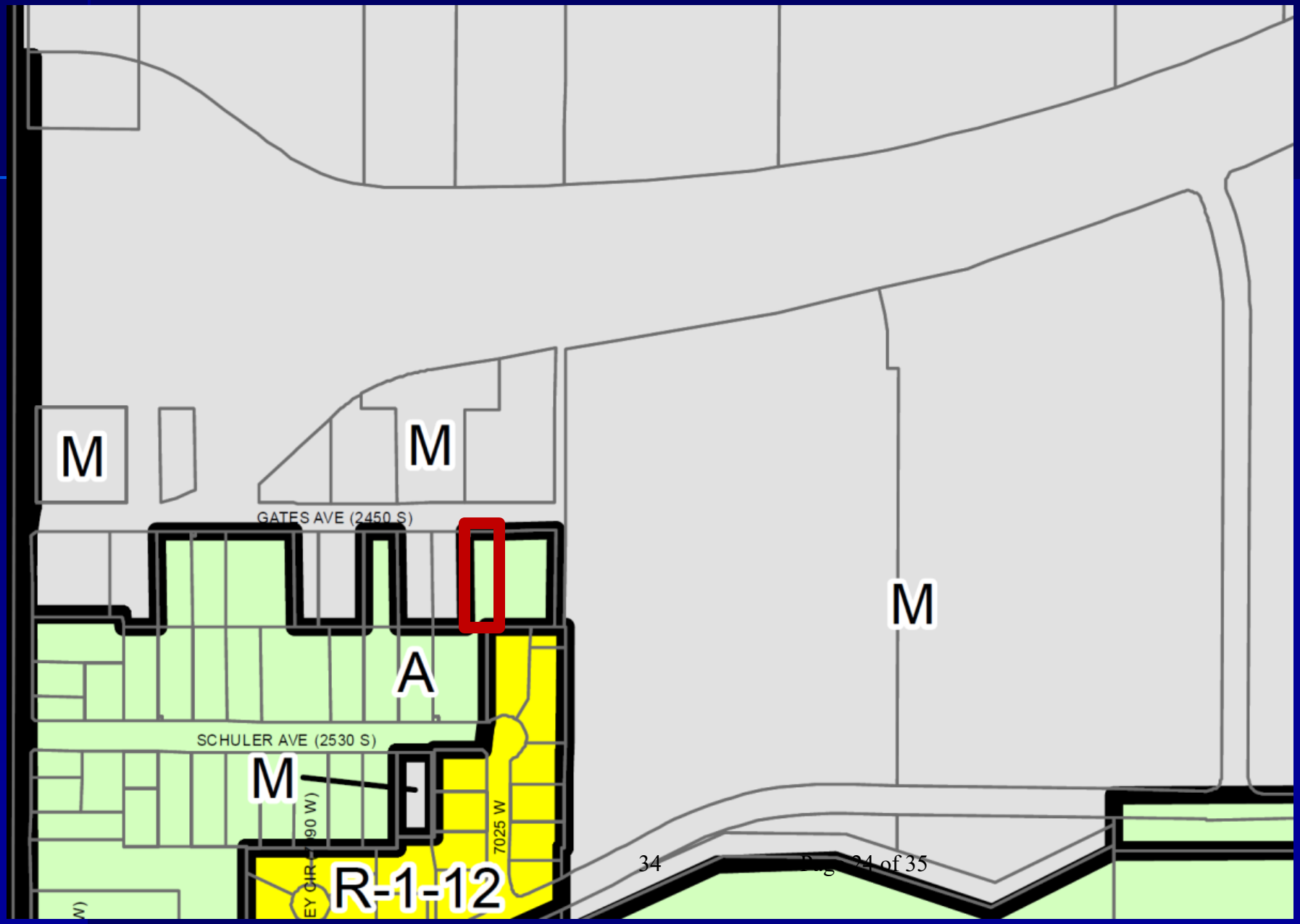
Z-6-2021

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Z-6-2021

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Z-6-2021

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Z-6-2021

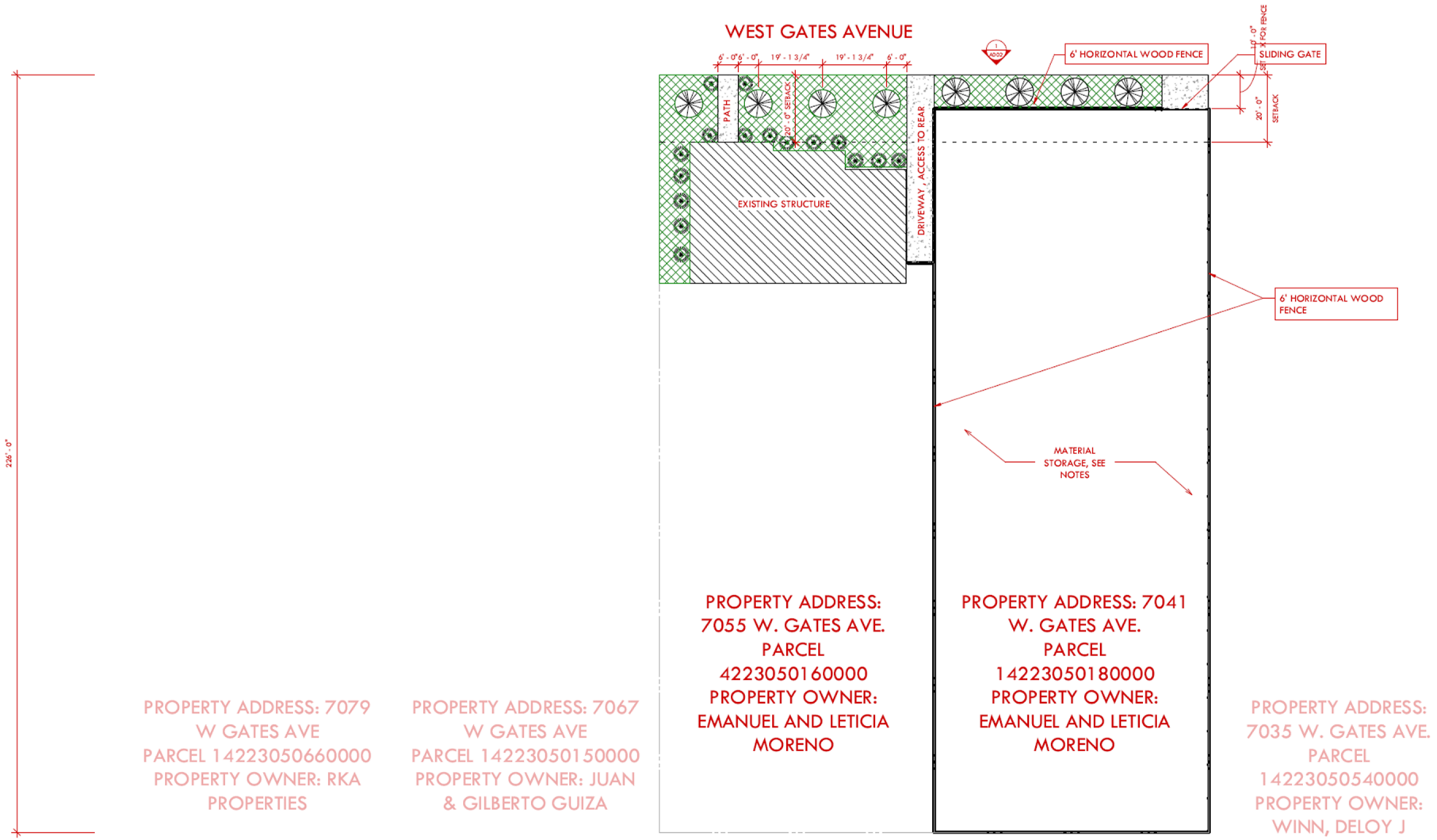
Petition by ARCHITECTURAL COALITION, requesting a zone change from A (Agriculture) to M (Manufacturing). The property is located at 7035 W Gates Ave on 0.43 acres. (Staff – Steve Pastorik at 801-963-3545 or steve.pastorik@wvc-ut.gov)



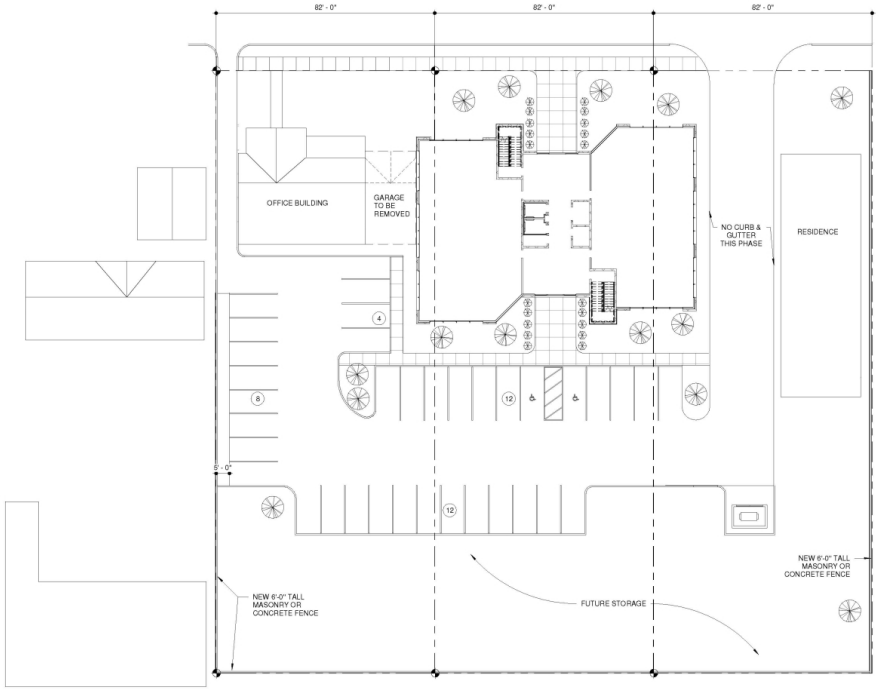
Z-6-2021

Petition by ARCHITECTURAL COALITION, requesting a zone change from A (Agriculture) to M (Manufacturing). The property is located at 7035 W Gates Ave on 0.43 acres. (Staff – Steve Pastorik at 801-963-3545 or steve.pastorik@wvc-ut.gov)





1 LANDSCAPE PLAN
1/16" = 1'-0"



ARCHITECTURAL SITE PLAN PHASE 1 NEW
SCALE 1" = 20'-0"

REVISIONS
DATE

ARCHITECTURAL COALITION
952 West 800 North, Orem Utah, 84057 PH: 801-491-0275

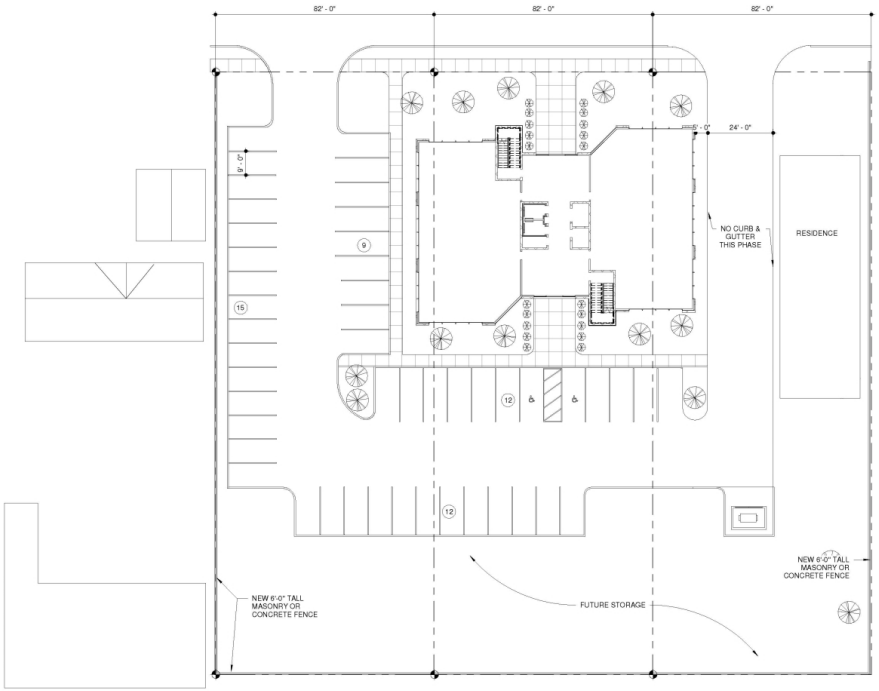
PRELIMINARY NOT FOR CONSTRUCTION

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A NEW BUILDING FOR
MORENO OFFICES
7041 W Gates Ave West Valley City, Ut

SHEET NO.
A-0.8b
DATE
07-13-2021

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ARCHITECTURAL SITE PLAN PAHSE 2
SCALE 1" = 20'-0"

REVISIONS
DATE

GUILFORD RAND, ARCHITECT
1991 South State Road Springville, UT 84663 PH: 801-491-0275

PRELIMINARY NOT FOR CONSTRUCTION

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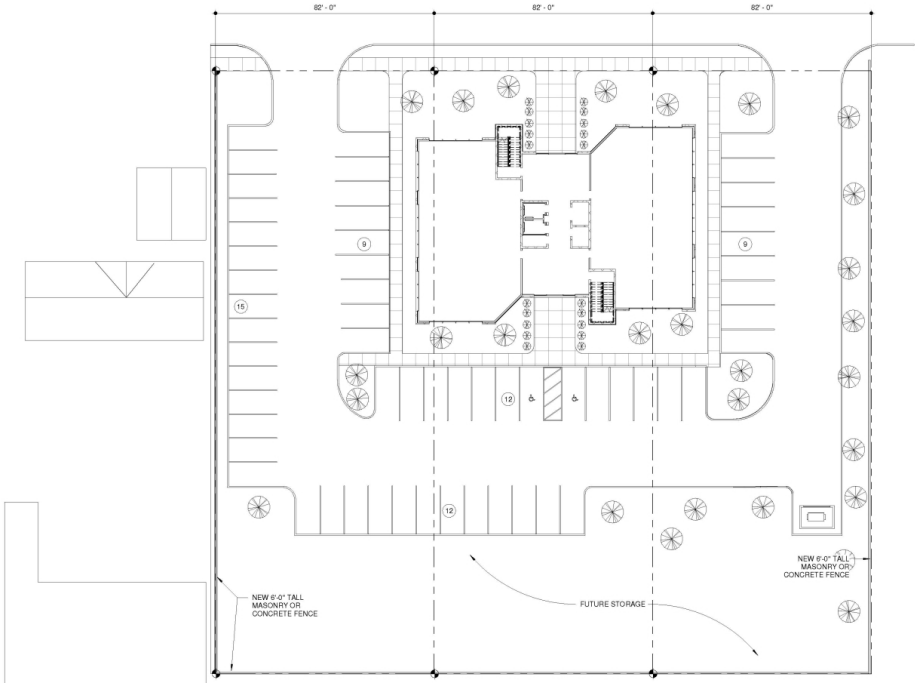
A NEW BUILDING FOR
MORENO OFFICES
7041 W. Gates Ave West Valley City, UT

SHEET NO.
A-0.9b
DATE
07-13-2021

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Z-6-2021

Petition by ARCHITECTURAL COALITION, requesting a zone change from A (Agriculture) to M (Manufacturing). The property is located at 7035 W Gates Ave on 0.43 acres. (Staff – Steve Pastorik at 801-963-3545 or steve.pastorik@wvc-ut.gov)



ARCHITECTURAL SITE PLAN PAHSE 3

SCALE 1" = 20'-0"

REVISIONS
DATE

ARCHITECTURAL COALITION
952 West 800 North, Orem Utah, 84057 PH: 801-491-0275

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A NEW BUILDING FOR
MORENO OFFICES
7041 W Gates Ave West Valley City, Ut

SHEET NO.
A-0.9c

DATE
07-13-2021

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BIRDSEYE VIEW
SCALE



NORTH EAST STREET CORNER
SCALE



SOUTH EAST STREET CORNER
SCALE

REVISIONS
DATE

ARCHITECTURAL COALITION
962 West 800 North, Orem Utah, 84057 PH: 801-491-0275

LICENSED ARCHITECT
NO. 123134
GUILFORD A. GARY
07-13-2021
STATE OF UTAH

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A NEW BUILDING FOR
MORENO OFFICES
7041 W Gates Ave West Valley City, Ut

SHEET NO.
A-2.2
DATE
07-13-2021

7/30/2021 2:16:57 PM Z:\Drawings 2021\2021-057 Moreno Office Building\Moreno Office Building - new site YH.rvt

Item:
Fiscal Impact: $154,369.17
Funding Source: State Funds
Account #: 45-9610-40750-75259-0000

Budget Opening Required: No

ISSUE:

UTA-WVC Supplement No. 3 to Stakeholder Agreement – TIGER Grant

SYNOPSIS:

An agreement for the installation of UDOT funded improvements by UTA on property located at 2780 West 4700 South.

BACKGROUND:

The City previously entered into a lease agreement with UDOT (Resolution 21-166) in which UDOT agreed to contribute $154,369.17 to construct sidewalk improvements along 2700 West adjacent to the leased property owned by UDOT. In addition, the City previously executed an agreement with UTA to enable UTA's contractor (Granite Construction) to construct the 2700 West Improvements project between 4100 South and 4700 South.

This supplement to the UTA agreement will enable UTA's contractor to construct the UDOT funded sidewalk improvements as part of the 2700 West project.

RECOMMENDATION:

Execute the agreement between UTA and West Valley City

SUBMITTED BY:

Coby Wilson, City Engineer

WEST VALLEY CITY, UTAH

RESOLUTION NO. _____

A RESOLUTION AUTHORIZING THE CITY TO ENTER INTO SUPPLEMENT NO. 3 TO A STAKEHOLDER AGREEMENT BY AND BETWEEN THE CITY AND THE UTAH TRANSIT AUTHORITY.

WHEREAS, West Valley City (the "City") and the Utah Transit Authority ("UTA") previously entered into a Stakeholder Agreement (the "Agreement"), by which certain funding was made available to the City for transportation purposes; and

WHEREAS, since the execution of the Agreement, additional improvements have been designed for the area included in the Agreement; and

WHEREAS, the City and UTA desire to amend the Agreement to permit the construction of additional improvements; and

WHEREAS, Supplement No. 3 (the "Amendment") has been prepared by and between the City and UTA to permit this change; and

WHEREAS, the City Council of West Valley City, Utah, does hereby determine that it is in the best interest of the health, safety, and welfare of the citizens of West Valley City to approve the Amendment.

NOW, THEREFORE, BE IT RESOLVED by the City Council of West Valley City, Utah, that the Amendment is hereby approved and the Mayor is hereby authorized to execute said Amendment for and on behalf of West Valley City, subject to approval of the final form of the Amendment by the City Manager and the City Attorney's Office.

PASSED, **APPROVED**, and **MADE EFFECTIVE** this _____ day of _____, 2021.

WEST VALLEY CITY

_____
MAYOR

ATTEST:

_____
CITY RECORDER

SUPPLEMENT NO. 3 TO
STAKEHOLDER AGREEMENT
WEST VALLEY CITY

TIGER GRANT

TIGER 2016 **GRANT NO. 2018-02**	**UTA CONTRACT NO.** **18-2662BM**	**STAKEHOLDER CONTRACT NO.**
SUMMARY OF CITY PROJECTS INCLUDED IN THIS SUPPLEMENT: **WVC_BKL_5: 2700 WEST BIKE LANE; 4700 S TO 4100 S**		**PROJECT VALUE OF CITY PROJECTS** **$ 3,807,701.82**
		CITY REPRESENTATIVE: DAN JOHNSON

THIS SUPPLEMENT NO. 3 TO STAKEHOLDER AGREEMENT ("Supplement"), made and entered into this ____ day of _____, 2021, by and between **UTAH TRANSIT AUTHORITY**, a public transit district ("UTA"), and West Valley City ("City").

The parties hereto entered into a Stakeholder Agreement dated March 30, 2018, (the "Agreement"), which Agreement contemplated execution of a Supplement outlining specific details for the City Projects to be completed thereunder.

The parties hereto entered into a Supplement No. 1 to Stakeholder Agreement dated March 30, 2018 to outline specific details for City Project WVC_BKL_5: 2700 West Bike Lane; 4700 S to 4100 S to be completed thereunder, including the scope, schedule, and estimated budget of the City Project.

The parties hereto entered into a Supplement No. 2 dated August 13, 2021 to increase the budget of City Project WVC_BKL_5: 2700 West Bike Lane; 4700 S to 4100 S, to be completed thereunder. All definitions and terms of the Stakeholder Agreement and Supplement No. 1 remain in full force and effect unless otherwise specified herein.

The parties hereto desire to enter into this Supplement No. 3 to increase estimated budget and project scope as shown in Exhibit A of City Project WVC_BKL_5: 2700 West Bike Lane; 4700 S to 4100 S, to be completed thereunder. All definitions and terms of the Stakeholder Agreement and Supplement No. 1 and 2 remain in full force and effect unless otherwise specified herein.

1. Estimated Total Cost of Work: The parties hereto desire to increase the estimated budget for the City Project by One Hundred Fifty Four Thousand Three Hundred Sixty Nine Dollars and Seventeen Cents ($154,369.17), for a total estimated budget of Three Million Eight Hundred Seven Thousand Seven Hundred One Dollars and Eighty Two Cents ($3,807,701.82). The Estimated Total Cost of Work and funding sources are summarized below:

	SUPPLEMENT NO. 1	SUPPLEMENT NO. 2	SUPPLEMENT NO. 3	TOTAL
ESTIMATED BUDGET:	**$1,721,308**	$1,932,024.65	**$154,369.17**	**$3,807,701.82**
ESTIMATED AMOUNT OF TIGER PARTICIPATION:	$1,377,046	$0	$0	$1,377,046
ESTIMATED AMOUNT OF CITY PARTICIPATION	$344,262	$1,932,024.65	**$154,369.17**	$2,430,655.82

Upon full execution of this Supplement No. 3, UTA will be authorized to continue construction for the work covered under the City project described in Supplement No. 1 and 2 and the City will be invoiced for the City Participation funds ($154,369.17). City shall be responsible for all costs in excess of the TIGER Grant funding less the City Participation funds identified herein. Invoices shall be paid by the City within sixty (60) days of being invoiced for those costs by UTA.

UTA considers the 2018 Stakeholder Agreement to be an Interlocal Cooperative Agreement (ILA) and this supplement to be an ILA supplement. Therefore, in satisfaction of the requirements of the Utah Interlocal Cooperation Act, the Parties agree as follows:

A. This Agreement shall be conditioned upon the approval and execution of this Agreement by the Parties pursuant to and in accordance with the provisions of the Utah Interlocal Cooperation Act, as set forth in UCA Title 11, Chapter 13, including the adoption of resolutions of approval, but only if such resolutions of the legislative bodies of the Parties are required by the Utah Interlocal Cooperation Act.

B. In accordance with the provisions of UCA §11-13-202.5(3), this Agreement shall be submitted to the attorney authorized to represent each Party for review as to proper form and compliance with applicable law before this Agreement may take effect.

C. A duly executed copy of this Agreement shall be filed with the keeper of records of each Party, pursuant to §11-13-209 of the Utah Interlocal Cooperation Act.

D. No real or personal property shall be acquired jointly by the Parties as a result of this Agreement unless this Agreement has been amended to authorize such acquisition. To the extent that a Party acquires, holds, or disposes of any real or personal property for use in the joint or cooperative undertaking contemplated by this Agreement, such Party shall do so in the same manner that it deals with other property of such Party.

The provisions described above are applicable to the 2018 Stakeholder Agreement as well as Supplements No. 1 and 2.

IN WITNESS WHEREOF, the parties hereto have caused these presents to be executed by their duly authorized officers as of the day and year first written above.

UTAH TRANSIT AUTHORITY

By_____
Title_____
Date:_____

By_____
Title_____
Date:_____

Reviewed and Approved as to Form:

_____
UTA Legal Counsel

WEST VALLEY

By_____
Title_____
Date:_____

By_____
Title_____
Date:_____

Approved as to form 11/3/2021
Brandon Hill

EXHIBIT A

WVC_BKL_5_Planset-NDC-01_07072021

WVC_BKL_5_Electrical Plans_NDC-01_07072021

The complete set of drawings is incorporated by reference into this Exhibit A and may be found at:

\\capdev\common\MSP Projects\MSP205 TIGER VIII First and Last mile projects\1 Management\1-3 Agreements\Stakeholders\West Valley\Supplement No. 3

Item #:	
Fiscal Impact:	$1,177.98 (6.77% of actual cost)
Funding Source:	STP Funds/Class C Roads
Account #:	45-9610-40750-75252-0200
Budget Opening Required:	No

ISSUE:

Authorization and execution of a Right-of-way Purchase Contract, and acceptance of a Warranty Deed, Perpetual Easement and a Temporary Construction Easement.

SYNOPSIS:

Richard Martinez and Alejandra Martinez Naranjo have signed a Real Estate Purchase Contract and have agreed to sign a Warranty Deed, Perpetual Easement and a Temporary Construction Easement for property located at 4688 S. Water Wood Drive (20-01-451-018).

BACKGROUND:

The Richard Martinez and Alejandra Martinez Naranjo parcel located at 4688 S. Water Wood Drive is one of several parcels affected by the 4700 South Reconstruction Project (4000 West to 5600 West). This project is being constructed in cooperation with Kearns Metro Township. This project will reconstruct the pavement, curb, gutter, sidewalk and decorative street lighting on both sides of 4700 South and 4715 South to improve safety and ride quality of 4700 South and 4715 South. Compensation for the purchase of the Warranty Deed, Perpetual Easement and a Temporary Construction Easement and improvements is $17,400.00 based upon the Appraisal Report prepared by Van Drimmelen & Associates, Inc.

The project is being funded under the Surface Transportation Program (STP) with federal funds. Kearns Metro Township executed the Federal Aid Agreement with UDOT. West Valley City has signed an Interlocal Agreement with Kearns Metro Township. The city is responsible 6.77% of all project costs, including right of way, within West Valley City jurisdictional limits. The total value for the Warranty Deed, Perpetual Easement and a Temporary Construction Easement is $17,400.00, making the West Valley City share of the acquisition $1,177.98.

RECOMMENDATION:

Accept Warranty Deed, Perpetual Easement and a Temporary Construction Easement and authorize the Mayor to execute the Real Estate Purchase Contract. Authorize City Recorder to record the Warranty Deed, Perpetual Easement and Temporary Construction Easement for and in behalf of West Valley City.

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 REAL ESTATE PURCHASE AGREEMENT AND ACCEPT A WARRANTY DEED, A PERPETUAL EASEMENT, AND A TEMPORARY CONSTRUCTION EASEMENT WITH AND FROM RICHARD MARTINEZ AND ALEJANDRA MARTINEZ NARANJO FOR PROPERTY LOCATED AT 4688 SOUTH WATER WOOD DRIVE.

WHEREAS, Richard Martinez and Alejandra Martinez Naranjo (herein and collectively "Owner") have entered into a Real Estate Purchase Agreement for property located at 4688 South Water Wood Drive that is affected by the 4700 South Reconstruction Project (herein "Project"); and

WHEREAS, Owner has also signed a Warranty Deed, a Perpetual Easement, and a Temporary Construction Easement (the "Documents"), as required for the 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 Real Estate Purchase Agreement with Owner, and to accept the Documents.

NOW, THEREFORE, BE IT RESOLVED by the City Council of West Valley City, Utah, as follows:

1. That the above-referenced document entitled "Real Estate Purchase Agreement" is hereby approved in substantially the form attached, and that the Mayor is hereby authorized to execute said Agreement, and any other documents necessary to complete the transaction, for and on behalf of West Valley City, subject to final approval of the documents by the City Manager and the City Attorney's Office.

2. The Mayor is hereby authorized to accept, and the City Recorder is authorized to record, the Documents for and on behalf of West Valley City.

PASSED, APPROVED and **MADE EFFECTIVE** this _____ day of _____, 2021.

WEST VALLEY CITY

_____
MAYOR

ATTEST:

_____
CITY RECORDER

DocuSign Envelope ID: F8A9B412-036A-4D15-BF59-FF77913ADB00

Kearns Metro or West Valley City

WEST VALLEY CITY
Unity Pride Progress

REAL ESTATE PURCHASE CONTRACT

Project No: F-2240(2)0 Parcel No.(s): 143:C, 143:E, 143:EC

Pin No: 11085 Job/Proj No: 53867 Project Location: 4700 South; 4000 West to 5600 West
County of Property: SALT LAKE Tax ID(s) / Sidwell No: 20-01-451-018
Property Address: 4688 South Water Wood Drive WEST VALLEY UT, 84120
Owner's Address: 4688 So Water Wood Dr.,WEST VALLEY,UT,84120
Primary Phone: 801-554-0866 Owner's Home Phone: (801)554-0866 Owner's Work Phone:
Owner / Grantor (s): Richard Martinez and Alejandra Martinez Naranjo, husband and wife as joint tenants

IN CONSIDERATION of the mutual promises herein and subject to approval of the Local Government Authority, Richard Martinez and Alejandra Martinez Naranjo, husband and wife as joint tenants ("Owner") agrees to sell to Kearns Metro or West Valley City ("The City") the Subject Property described below for Transportation Purposes,[1] and the City and Owner agree as follows:

1. SUBJECT PROPERTY. The Subject Property referred to in this Contract is identified as parcel numbers 143:C, 143:E, 143:EC, more particularly described in Exhibit A, which is attached hereto and incorporated herein.

2. PURCHASE PRICE. The City shall pay and Owner accepts $17,400 for the Subject Property including all improvements thereon and damages, if any, to remaining property. The foregoing amount includes compensation for the following cost to cure items, which are the responsibility of Owner to cure (if applicable): **Grantor was paid for the following Improvements: Driveway concrete, Bark ground cover, Sprinklered Grass, two trees, landscape curbing, bushes, sod and sprinklers. Total Improvements $793.00**
Grantor was paid for the following Cost to Cure: Grass/sod in TCE (front & backyards), small trees, mature Blackberry bushes Overall, Reconfigure/reset sprinkler system in front & backyards. Total cost to cure: $6,935.00

3. SETTLEMENT AND CLOSING.

3.1 Settlement. "Settlement" shall mean that Owner and the City have signed and delivered to each other or to the escrow/closing office all documents required by this Contract or by the escrow/closing office, and that all monies required to be paid by Owner or the City under this Contract have been delivered to the escrow/closing office, in the form of cash, wire transfer, cashier's check, or other form acceptable to the escrow/closing office.

3.2 Closing. "Closing" shall mean that: (a) Settlement has been completed; (b) the amounts owing to Owner for the sale of the Subject Property have been paid to Owner, and (c) the applicable closing documents have been recorded in the office of the county recorder ("Recording"). Settlement and Closing shall be completed at the earliest time convenient to the parties and the closing office.

3.3 Possession. Upon signing of this Contract by Owner and the Local Government Authority, Owner grants the City, its employees and contractors, including utility service providers and their contractors, the right to immediately occupy the Subject Property and do whatever construction, relocation of utilities or other work as required in furtherance of the above referenced project.

4. PRORATIONS / ASSESSMENTS / OTHER PAYMENT OBLIGATIONS.

4.1 Prorations. All prorations, including but not limited to, homeowner's association dues, property taxes for the current year and rents shall be made as of the time of Settlement.

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1. "Transportation Purposes" is defined as all current or future transportation uses authorized by law, including, without limitation, the widening, expansion, and/or 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, statutory relocations caused by the project, and other related transportation uses.

DS RM DS AMN
Grantor's Initials

Kearns Metro or West Valley City

REAL ESTATE PURCHASE CONTRACT

Project No: F-2240(2)0 Parcel No.(s): 143:C, 143:E, 143:EC

Pin No: 11085 Job/Proj No: 53867 Project Location: 4700 South; 4000 West to 5600 West
County of Property: SALT LAKE Tax ID(s) / Sidwell No: 20-01-451-018
Property Address: 4688 South Water Wood Drive WEST VALLEY UT, 84120
Owner's Address: 4688 So Water Wood Dr.,WEST VALLEY,UT,84120
Primary Phone: 801-554-0866 Owner's Home Phone: (801)554-0866 Owner's Work Phone:
Owner / Grantor (s): Richard Martinez and Alejandra Martinez Naranjo, husband and wife as joint tenants

4.2 Fees/Costs.

(a) Escrow Fees. The City agrees to pay the fees charged by the escrow/closing office for its services in the settlement/closing process.

(b) Title Insurance. If the City elects to purchase title insurance, it will pay the cost thereof.

5. TITLE TO PROPERTY. Owner represents and warrants that Owner has fee title to the Subject Property. Owner shall indemnify and hold the City harmless from all claims, demands and actions from lien holders, lessees or third parties claiming an interest in the Subject Property or the amount paid hereunder. Owner will convey marketable title to the Subject Property to the Grantee shown on Exhibit A at Closing by deed(s) in the form shown on Exhibit A, except for easements which Owner will convey in the form also shown on Exhibit A. The provisions of this Section 5 shall survive Closing.

6. OWNER DISCLOSURES CONCERNING ENVIRONMENTAL HAZARDS. Owner represents and warrants that there are no claims and/or conditions known to Owner relating to environmental hazards, contamination or related problems affecting the Subject Property. Owner agrees to transfer the Subject Property free of all hazardous materials including paint, oil and chemicals. The provisions of this Section 6 shall survive Closing.

7. CONDITION OF SUBJECT PROPERTY AND CHANGES DURING TRANSACTION. Owner agrees to deliver the Subject Property to the City in substantially the same general condition as it was on the date that Owner signed this Contract.

8. AUTHORITY OF SIGNER(S). If Owner is a corporation, partnership, trust, estate, limited liability company or other entity, the person signing this Contract on its behalf warrants his or her authority to do so and to bind the Owner.

9. COMPLETE CONTRACT. This Contract, together with any attached addendum and exhibits, (collectively referred to as the "Contract"), constitutes the entire contract between the parties and supersedes and replaces any and all prior negotiations, representations, warranties, understandings or contracts between the parties whether verbal or otherwise. The Contract cannot be changed except by written agreement of the parties.

10. ELECTRONIC TRANSMISSION AND COUNTERPARTS. This Contract may be executed in counterparts. Signatures on any of the documents, whether executed physically or by use of electronic signatures, shall be deemed original signatures and shall have the same legal effect as original signatures.

11. ADDITIONAL TERMS (IF APPLICABLE):

DS RM DS AMN

Grantor's Initials

DocuSign Envelope ID: F8A9B412-036A-4D15-BF59-FF77913ADB00

Kearns Metro or West Valley City

REAL ESTATE PURCHASE CONTRACT

Project No: F-2240(2)0 Parcel No.(s): 143:C, 143:E, 143:EC

Pin No: 11085 Job/Proj No: 53867 Project Location: 4700 South; 4000 West to 5600 West
County of Property: SALT LAKE Tax ID(s) / Sidwell No: 20-01-451-018
Property Address: 4688 South Water Wood Drive WEST VALLEY UT, 84120
Owner's Address: 4688 So Water Wood Dr.,WEST VALLEY,UT,84120
Primary Phone: 801-554-0866 Owner's Home Phone: (801)554-0866 Owner's Work Phone:
Owner / Grantor (s): Richard Martinez and Alejandra Martinez Naranjo, husband and wife as joint tenants

SIGNATURE PAGE TO KEARNS METRO OR WEST VALLEY CITY REAL ESTATE PURCHASE CONTRACT

CONFIRMATION OF AGENCY DISCLOSURE. Buyer and Seller acknowledge prior written receipt of agency disclosure provided by their respective agent that has disclosed the agency relationships confirmed below. At the signing of the Purchase Contract;

Buyer's Agent / Brokerage, Desiree Vargas / WLC Consulting, LLC, represents purchaser.

Authorized Signature(s):

DocuSigned by: Richard Martinez 819A106CF2A9467... 10/20/2021 Date

DocuSigned by: Alejandra Martinez Naranjo 819A106CF2A9467... 10/20/2021 Date

100% Richard Martinez and Alejandra Martinez Naranjo - OWNER(s)

KEARNS METRO OR WEST VALLEY CITY

_____ Date

Mayor
Local Government Authority

DS RM DS AMN

Grantor's Initials

DocuSign Envelope ID: F8A9B412-036A-4D15-BF59-FF77913ADB00

Project No: F-2240(2)0 Parcel No.(s): 143:C, 143:E, 143:EC

Pin No: 11085 Job/Proj No: 53867 Project Location: 4700 South; 4000 West to 5600 West
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Primary Phone: 801-554-0866 Owner's Home Phone: (801)554-0866 Owner's Work Phone:
Owner / Grantor (s): Richard Martinez and Alejandra Martinez Naranjo, husband and wife as joint tenants

Exhibit A
(Attach conveyance documents)

DS RM DS AMN
Grantor's Initials

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

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

Warranty Deed

(Individual)

Salt Lake County

Tax ID No.	20-01-451-018
PIN No.	11085
Project No.	F-2240(2)0
Parcel No.	2240:143:C

Richard Martinez and Alejandra Martinez Naranjo, husband and wife as joint tenants, Grantor(s), of West Valley, County of Salt Lake, State of Utah, hereby CONVEYS AND WARRANTS to West Valley City, a municipal corporation of the State of Utah, Grantee, at 3600 Constitution Blvd., West Valley City, Utah 84119, 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 and roadway improvements of the existing 4700 South Street known as Project F-2240(2)0, being part of an entire tract of property situate, in Lot 145, Iron Wood No. 1, Entry No. 5616257, Book 93-9, Page 268 in the office of the Salt Lake County Recorder, in the SW1/4 SE1/4 of Section 1, T.2S., R.2W., S.L.B.&M. The boundaries of said parcel of land are described as follows:

Beginning at a point in the existing northerly right of way line of 4700 South Street and the southerly boundary line of said Lot 145, which point is 72.21 feet S.89°52'35"E. along said southerly boundary line from the southwest comer of said Lot 145, said point is also 40.00 feet perpendicularly distant northerly from the 4700 South Street Control Line opposite engineer station 1045+06.66; and running thence N.55°07'29"E. 22.76 feet to a point 53.05 feet perpendicularly distant northerly from said control line opposite engineer station 1045+25.30, said point is also the beginning of a 19.50 foot radius non-tangent curve to the left (Note: center bears N.70°33'56"W.); thence northerly along the arc of said curve 6.54 feet through a delta of 19°13'28" (Note: chord to said curve bears N.09°49'20"E. for a distance of 6.51 feet) to a point 59.47 feet perpendicularly distant northerly from said control line opposite engineer station 1045+26.40; thence N.00°12'36"E. 23.65 feet to a point 83.12 feet perpendicularly distant northerly from said control line opposite engineer station 1045+26.43; thence N.06°53'02"E. 23.66 feet to a point in the easterly boundary line of said lot, said point is also 106.62 feet perpendicularly distant northerly from said

Continued on Page 2

PIN No. 11085
Project No. F-2240(2)0
Parcel No. 2240:143:C

control line opposite engineer station 1045+29.22; thence South 46.58 feet along said easterly boundary line to the beginning of a 20.00 foot radius curve to the right; thence southwesterly along said easterly boundary line and arc of said curve 31.46 feet through a delta of 90°07'25" (Note: chord to said curve bears S.45°03'44"W. for a distance of 28.31 feet) to said existing northerly right of way line; thence N.89°52'35"W. 2.66 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 the Utah Department of Transportation. The above described parcel of land contains 211 square feet in area or 0.005 acre, more or less.

(Note: Rotate all bearings in the above description 00°14'28" clockwise to obtain highway bearings.)

STATE OF _____)
) ss.
)
COUNTY OF _____)

_____
Richard Martinez

_____
Alejandra Martinez Naranjo

On this _____ day of _____, in the year 20_____, before me personally appeared, Richard Martinez and Alejandra Martinez Naranjo, husband and wife as joint tenants, who proved on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to this instrument, and acknowledged to me that he/she/they executed the same.

_____
Notary Public

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

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

Perpetual Easement

(Individual)

Salt Lake County

Tax ID No.	20-01-451-018
PIN No.	11085
Project No.	F-2240(2)0
Parcel No.	2240:143:EC

Richard Martinez and Alejandra Martinez Naranjo, husband and wife as joint tenants, Grantor(s), of West Valley, County of Salt Lake, State of Utah, hereby GRANTS AND CONVEYS to West Valley City, a municipal corporation of the State of Utah, Grantee, at 3600 Constitution Blvd., West Valley City, Utah 84119, 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 perpetual easement, upon part of an entire tract of property situate, in Lot 145, Iron Wood No. 1, Entry No. 5616257, Book 93-9, Page 268 in the office of the Salt Lake County Recorder, in the SW1/4 SE1/4 of Section 1, T.2S., R.2W., S.L.B.&M, in Salt Lake County, Utah, for the purpose of constructing, maintaining, repairing and access to a wall and appurtenant parts thereof to facilitate the construction and widening of, 4700 South Street known as Project F-2240(2)0. This easement shall run with the Real Property and shall be binding upon the Grantor(s), successors, heirs and assigns. The boundaries of said easement upon a part of an entire tract of property are described as follows:

Beginning at the southwest corner of said Lot 145 and in the existing northerly right of way line of 4700 South Street, said corner is also 40.00 feet perpendicularly distant northerly from the 4700 South Street Control Line opposite approximate engineer station 1044+34.45; and running thence N.00°02'50"W. 1.50 feet along the westerly boundary line of said lot; thence S.89°52'35"E. 71.55 feet; thence N.54°35'10"E. 21.51 feet; thence S.33°23'44"E. 1.81 feet; thence S.55°07'29"W. 21.78 feet to a point in said existing northerly right of way line, said point is also 40.00 feet perpendicularly distant northerly from said control line opposite engineer station 1045+06.66; thence N.89°52'35"W. 72.21 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 the Utah Department of Transportation. The above described easement upon part of an entire tract of property contains 145 square feet in area or 0.003 acre, more or less.

(Note: Rotate all bearings in the above description 00°14'28" clockwise to obtain highway bearings.)

Continued on Page 2

PIN No. 11085
Project No. F-2240(2)0
Parcel No. 2240:143:EC

STATE OF _____)
) ss.
)
COUNTY OF _____)

_____
Richard Martinez

_____
Alejandra Martinez Naranjo

On this _____ day of _____, in the year 20_____, before me personally appeared, Richard Martinez and Alejandra Martinez Naranjo, husband and wife as joint tenants, who proved on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to this instrument, and acknowledged to me that he/she/they executed the same.

_____
Notary Public

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

Temporary Construction Easement

(Individual)

Salt Lake County

Tax ID No.	20-01-451-018
PIN No.	11085
Project No.	F-2240(2)0
Parcel No.	2240:143:E

Richard Martinez and Alejandra Martinez Naranjo, husband and wife as joint tenants, Grantor(s), of West Valley, County of Salt Lake, State of Utah, hereby GRANTS AND CONVEYS 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 easement in Salt Lake County, State of Utah, to-wit:

A temporary easement, upon part of an entire tract of property situate, in Lot 145, Iron Wood No. 1, Entry No. 5616257, Book 93-9, Page 268 in the office of the Salt Lake County Recorder, in the SW1/4 SE1/4 of Section 1, T.2S., R.2W., S.L.B.&M., to facilitate the construction of roadway improvements, side treatments and appurtenant parts thereof and blending slopes, incident to the construction of 4700 South Street known as Project No. F-2240(2)0. 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 (3) 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 upon a part of an entire tract of property are described as follows:

Beginning at the southwest corner of said Lot 145 and in the existing northerly right of way line of 4700 South Street; and running thence N.00°02'50"W. 9.50 feet along the westerly boundary line of said lot; thence S.89°52'35"E. 38.08 feet; thence N.00°07'26"E. 9.00 feet; thence S.89°52'35"E. 10.00 feet; thence S.00°07'26"W. 9.00 feet; thence S.89°52'35"E. 21.50 feet; thence N.56°26'02"E. 9.01 feet; thence N.00°07'26"E. 32.50 feet; thence S.89°52'35"E. 12.50 feet; thence N.00°07'26"E. 28.50 feet; thence S.89°52'35"E. 5.20 feet to the easterly boundary line of said lot; thence South 8.88 feet along said easterly boundary line; thence S.06°53'02"W. 23.66 feet; thence S.00°12'36"W. 23.65 feet to the beginning of a 19.50 foot radius curve to the right; thence southerly along the arc of said curve 6.54 feet through a delta of 19°13'28" (Note: chord to said curve bears S.09°49'20"W. for a distance of 6.51 feet); thence S.55°07'29"W. 22.76 feet to said existing northerly right of way line; thence N.89°52'35"W. 72.21 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 the Utah Department of Transportation. The above described easement upon part of

Continued on Page 2

PIN No. 11085
Project No. F-2240(2)0
Parcel No. 2240:143:E

an entire tract of property contains 1,530 square feet in area or 0.035 acre, more or less.

(Note: Rotate all bearings in the above description 00°14'28" clockwise to obtain highway bearings.)

STATE OF _____)
) ss.
)
COUNTY OF _____)

_____
Richard Martinez

_____
Alejandra Martinez Naranjo

On this _____ day of _____, in the year 20_____, before me personally appeared, Richard Martinez and Alejandra Martinez Naranjo, husband and wife as joint tenants, who proved on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to this instrument, and acknowledged to me that he/she/they executed the same.

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Notary Public

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

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

Warranty Deed

(Individual)

Salt Lake County

Tax ID No.	20-01-451-018
PIN No.	11085
Project No.	F-2240(2)0
Parcel No.	2240:143:C

Richard Martinez and Alejandra Martinez Naranjo, husband and wife as joint tenants, Grantor(s), of West Valley, County of Salt Lake, State of Utah, hereby CONVEYS AND WARRANTS to West Valley City, a municipal corporation of the State of Utah, Grantee, at 3600 Constitution Blvd., West Valley City, Utah 84119, 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 and roadway improvements of the existing 4700 South Street known as Project F-2240(2)0, being part of an entire tract of property situate, in Lot 145, Iron Wood No. 1, Entry No. 5616257, Book 93-9, Page 268 in the office of the Salt Lake County Recorder, in the SW1/4 SE1/4 of Section 1, T.2S., R.2W., S.L.B.&M. The boundaries of said parcel of land are described as follows:

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Continued on Page 2

control line opposite engineer station 1045+29.22; thence South 46.58 feet along said easterly boundary line to the beginning of a 20.00 foot radius curve to the right; thence southwesterly along said easterly boundary line and arc of said curve 31.46 feet through a delta of 90°07'25" (Note: chord to said curve bears S.45°03'44"W. for a distance of 28.31 feet) to said existing northerly right of way line; thence N.89°52'35"W. 2.66 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 the Utah Department of Transportation. The above described parcel of land contains 211 square feet in area or 0.005 acre, more or less.

(Note: Rotate all bearings in the above description 00°14'28" clockwise to obtain highway bearings.)

STATE OF _____)
) ss.
)
COUNTY OF _____)

_____
Richard Martinez

_____
Alejandra Martinez Naranjo

On this _____ day of _____, in the year 20_____, before me personally appeared, Richard Martinez and Alejandra Martinez Naranjo, husband and wife as joint tenants, who proved on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to this instrument, and acknowledged to me that he/she/they executed the same.

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Notary Public

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

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

Perpetual Easement

(Individual)

Salt Lake County

Tax ID No.	20-01-451-018
PIN No.	11085
Project No.	F-2240(2)0
Parcel No.	2240:143:EC

Richard Martinez and Alejandra Martinez Naranjo, husband and wife as joint tenants, Grantor(s), of West Valley, County of Salt Lake, State of Utah, hereby GRANTS AND CONVEYS to West Valley City, a municipal corporation of the State of Utah, Grantee, at 3600 Constitution Blvd., West Valley City, Utah 84119, 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:

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(Note: Rotate all bearings in the above description 00°14'28" clockwise to obtain highway bearings.)

Continued on Page 2

PIN No. 11085
Project No. F-2240(2)0
Parcel No. 2240:143:EC

STATE OF _____)
) ss.
)
COUNTY OF _____)

_____
Richard Martinez

_____
Alejandra Martinez Naranjo

On this _____ day of _____, in the year 20_____, before me personally appeared, Richard Martinez and Alejandra Martinez Naranjo, husband and wife as joint tenants, who proved on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to this instrument, and acknowledged to me that he/she/they executed the same.

_____
Notary Public

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

Temporary Construction Easement

(Individual)

Salt Lake County

Tax ID No.	20-01-451-018
PIN No.	11085
Project No.	F-2240(2)0
Parcel No.	2240:143:E

Richard Martinez and Alejandra Martinez Naranjo, husband and wife as joint tenants, Grantor(s), of West Valley, County of Salt Lake, State of Utah, hereby GRANTS AND CONVEYS 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 easement in Salt Lake County, State of Utah, to-wit:

A temporary easement, upon part of an entire tract of property situate, in Lot 145, Iron Wood No. 1, Entry No. 5616257, Book 93-9, Page 268 in the office of the Salt Lake County Recorder, in the SW1/4 SE1/4 of Section 1, T.2S., R.2W., S.L.B.&M., to facilitate the construction of roadway improvements, side treatments and appurtenant parts thereof and blending slopes, incident to the construction of 4700 South Street known as Project No. F-2240(2)0. 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 (3) 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 upon a part of an entire tract of property are described as follows:

Beginning at the southwest corner of said Lot 145 and in the existing northerly right of way line of 4700 South Street; and running thence N.00°02'50"W. 9.50 feet along the westerly boundary line of said lot; thence S.89°52'35"E. 38.08 feet; thence N.00°07'26"E. 9.00 feet; thence S.89°52'35"E. 10.00 feet; thence S.00°07'26"W. 9.00 feet; thence S.89°52'35"E. 21.50 feet; thence N.56°26'02"E. 9.01 feet; thence N.00°07'26"E. 32.50 feet; thence S.89°52'35"E. 12.50 feet; thence N.00°07'26"E. 28.50 feet; thence S.89°52'35"E. 5.20 feet to the easterly boundary line of said lot; thence South 8.88 feet along said easterly boundary line; thence S.06°53'02"W. 23.66 feet; thence S.00°12'36"W. 23.65 feet to the beginning of a 19.50 foot radius curve to the right; thence southerly along the arc of said curve 6.54 feet through a delta of 19°13'28" (Note: chord to said curve bears S.09°49'20"W. for a distance of 6.51 feet); thence S.55°07'29"W. 22.76 feet to said existing northerly right of way line; thence N.89°52'35"W. 72.21 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 the Utah Department of Transportation. The above described easement upon part of

Continued on Page 2

PIN No. 11085
Project No. F-2240(2)0
Parcel No. 2240:143:E

an entire tract of property contains 1,530 square feet in area or 0.035 acre, more or less.

(Note: Rotate all bearings in the above description 00°14'28" clockwise to obtain highway bearings.)

STATE OF _____)
) ss.
)
COUNTY OF _____)

_____
Richard Martinez

_____
Alejandra Martinez Naranjo

On this _____ day of _____, in the year 20_____, before me personally appeared, Richard Martinez and Alejandra Martinez Naranjo, husband and wife as joint tenants, who proved on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to this instrument, and acknowledged to me that he/she/they executed the same.

_____
Notary Public

WEST VALLEY CITY
(INCORPORATED)

IRON WOOD NO. 1

1042+00 | 1043+00 | 1044+00 | 1045+00

SW 1/4 SE 1/4
SEC. 1

T.2S. S.L.B. & R.2W. & M.

CORPORATION OF THE PRESIDING
BISHOP OF THE CHURCH OF JESUS
CHRIST OF LATTER-DAY SAINTS
ENTRY NO. 4207347
5180 WEST 4700 SOUTH

RICHARD MARTINEZ AND ALEJANDRA
MARTINEZ NARANJO
ENTRY NO. 13670914
4688 SOUTH WATER WOOD DRIVE
LOT 145

Exist. Public Utility Easement

WATER WOOD DRIVE
(5125 WEST STREET)

141:E TEMPORARY EASEMENT

141 :2PUE PUBLIC UTILITY EASEMENT

TEMPORARY EASEMENT 143:E

PERPETUAL EASEMENT 143:EC

PERPETUAL EASEMENT 141 :2EC

SEE DETAIL C ON RW-31

1041+71.50 68.00' LT
1041+92.50 68.00' LT
1041+71.50 51.00' LT
1041+92.50 51.00' LT
1042+60.50 44.50' LT
1042+82.00 44.50' LT
1042+60.50 40.00' LT
1042+82.00 40.00' LT
1043+56.50 71.00' LT
1043+56.50 51.00' LT
1044+23.00 71.00' LT
1045+24.00 115.50' LT
1045+29.20 115.50' LT
1045+24.00 87.00' LT
1045+29.22 106.62' LT
1045+11.50 87.00' LT
1045+26.43 83.12' LT
1044+72.50 49.50' LT
1044+72.50 58.50' LT
1044+82.50 58.50' LT
1044+82.50 49.50' LT
1045+04.00 49.50' LT
1045+11.50 54.50' LT
1045+23.50 54.00' LT
1045+26.40 59.47' LT
1045+06.00 41.50' LT
1045+25.30 53.05' LT
1045+24.50 52.49' LT
1045+06.66 40.00' LT

Exist. R/W Line

4700 SOUTH STREET

CONTROL LINE
S89°38'06"E 1945.56'

SECTION LINE
S89°38'06"E 2641.78'

WEST VALLEY CITY
KEARNS

SEE SHEET RW-09

SEE SHEET RW-11

142:C

TEMPORARY EASEMENT 142:E

TEMPORARY EASEMENT 144:E

146:E TEMPORARY EASEMENT

143:C

1042+39.38 40.00' RT
1042+08.51 39.00' RT
1042+39.38 41.35' RT
1042+23.50 50.00' RT
1042+12.00 89.00' RT
1042+61.50 136.00' RT
1042+89.00 108.00' RT
1043+03.00 83.00' RT
1043+10.00 58.00' RT
1043+57.50 43.00' RT

JOHN CHARLES HORSLEY, TRUSTEE
ENTRY NO. 4693123
5199 WEST 4700 SOUTH

T & C PROPERTY HOLDING LLC
ENTRY NO. 11786228
4725 SOUTH CAMP KEARNS ROAD

ELG SHADOW RIDGE-176, LLC
RVG SHADOW RIDGE-176, LLC
ENTRY NO. 9715868
5075 WEST 4700 SOUTH

NW 1/4 NE 1/4
SEC. 12

KEARNS
(UNINCORPORATED)

CURVE TABLE					
CURVE	RADIUS	DELTA	LENGTH	CHORD LENGTH	CHORD BEARING
C1	500.00'	01°29'41"	13.04'	13.04'	S89°43'09"W
C2	20.00'	90°07'25"	31.46'	28.31'	N45°18'11"E
C3	19.50'	19°13'28"	6.54'	6.51'	N10°03'48"E

REVISIONS | NO. | DATE | APPROVED BY | REMARKS

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

DRAWN BY: JMM/GKD | QC CHECKED BY: TJD | APPROVED | DATE

PROFESSIONAL LAND SURVEYOR

4700 SOUTH; 4000 WEST TO 5600 WEST

PROJECT | PROJECT NUMBER: F-2240(2)0 | PIN: 11085

RIGHT-OF-WAY PLAN

SALT LAKE COUNTY
TEMP 7P
SHEET NO. RW-10

SCALE IN FEET: 15 0 30

D0A Files\Projects\2019\19114-MWN-Sjlochner-4700 South-4000 W to 5600 W\11085_VB\rights of way\11085_F-2240(2)0_RW-10.dgn
13-SEP-2021

WEST VALLEY CITY
(INCORPORATED)

1042+00 | 1043+00 | 1044+00 | 1045+00

IRON WOOD NO. 1

SW 1/4 SE 1/4
SEC. 1

T.2S.
S.L.B.

R.2W.
& M.

CORPORATION OF THE PRESIDING
BISHOP OF THE CHURCH OF JESUS
CHRIST OF LATTER-DAY SAINTS
ENTRY NO. 4207347
5180 WEST 4700 SOUTH

RICHARD MARTINEZ AND ALEJANDRA
MARTINEZ NARANJO
ENTRY NO. 13670914
4688 SOUTH WATER WOOD DRIVE
LOT 145

WATER WOOD DRIVE
(5125 WEST STREET)

Exist. Public
Utility Easement

Exist. R/W Line

1041+71.50
68.00' LT

1041+92.50
68.00' LT

1041+71.50
51.00' LT

1041+92.50
51.00' LT

21.00'

17.00'

58.50'

141:E TEMPORARY EASEMENT

141
:2PUE PUBLIC UTILITY EASEMENT

1042+60.50
44.50' LT

1042+82.00
44.50' LT

164.00'

21.50'

4.50'

27.50'

396.01'

1042+60.50
40.00' LT

1042+82.00
40.00' LT

1043+56.50
71.00' LT

1043+56.50
51.00' LT

20.00'

66.50'

1044+23.00
71.00' LT

19.00'

11.42'

38.08'

1044+72.50
49.50' LT

1044+72.50
58.50' LT

1044+82.50
58.50' LT

1044+82.50
49.50' LT

1045+04.00
49.50' LT

1045+11.50
54.50' LT

1045+23.50
54.00' LT

10.00'

1045+06.00
41.50' LT

71.55'

72.21'

1045+24.00
115.50' LT

1045+29.20
115.50' LT

1045+11.50
87.00' LT

1045+24.00
87.00' LT

5.20'

28.50'

8.88'

23.66'

12.50'

1045+29.22
106.62' LT

1045+26.43
83.12' LT

46.58'

23.65'

1.81'

1045+26.40
59.47' LT

C3

1045+25.30
53.05' LT

1045+24.50
52.49' LT

21.78'

24.52'

22.76'

C2

2.66'

1045+06.66
40.00' LT

143:C

TEMPORARY EASEMENT 143:E

PERPETUAL EASEMENT 143:EC

SEE DETAIL C
ON RW-31

PERPETUAL EASEMENT 141
:2EC

4700 SOUTH STREET

CONTROL LINE
S89°38'06"E 1945.56'

SECTION LINE
S89°38'06"E 2641.78'

WEST VALLEY CITY
KEARNS

SECTION LINE
S89°38'06"E 2641.78'

SEE SHEET RW-09

SEE SHEET RW-11

Exist. 33.00'

Exist. 40.00'

Exist. 40.00'

142:C

Exist. R/W Line

r/w

200.81'

R/W LINE

169.93'

1042+08.51
39.00' RT

30.96'

R/W

1042+39.38
41.35' RT

8.35'

1042+39.38
40.00' RT

145.00'

1042+23.50
50.00' RT

TEMPORARY EASEMENT 142:E

40.66'

61.05'

62.40'

JOHN CHARLES HORSLEY, TRUSTEE
ENTRY NO. 4693123
5199 WEST 4700 SOUTH

1042+12.00
89.00' RT

19.67'

C1

48.58'

1042+61.50
136.00' RT

TEMPORARY EASEMENT 144:E

CUT

25.96'

28.65'

39.25'

1043+10.00
58.00' RT

1043+03.00
83.00' RT

1042+89.00
108.00' RT

T & C PROPERTY HOLDING LLC
ENTRY NO. 11786228
4725 SOUTH CAMP KEARNS ROAD

NW 1/4 NE 1/4
SEC. 12

200.05'

81.92'

49.81'

1043+57.50
43.00' RT

3.00'

372.08'

368.08'

Exist. R/W Line

TEMPORARY EASEMENT 146:E

ELG SHADOW RIDGE-176, LLC
RVG SHADOW RIDGE-176, LLC
ENTRY NO. 9715868
5075 WEST 4700 SOUTH

KEARNS
(UNINCORPORATED)

CURVE TABLE					
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C3	19.50'	19°13'28"	6.54'	6.51'	N10°03'48"E

0 15 30
SCALE IN FEET

REVISIONS

NO.	DATE	APPROVED BY	REMARKS

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

DRAWN BY JMM/GKD
CHECKED BY TJD
QC
DATE

APPROVED

PROFESSIONAL LAND SURVEYOR

PROJECT 4700 SOUTH; 4000 WEST TO 5600 WEST
PROJECT NUMBER F-2240(2)0
PIN 11085

RIGHT-OF-WAY PLAN

SALT LAKE
COUNTY
TEMP 7P
SHEET NO. RW-10

13-SEP-2021
DGN: F:\Jobs\Projects\2011\11914-HWY-S-Lechner-4700 South-4000 W to 5600 W\11085_VB\rwplt_of_eng\11085_F-2240(2)0_RW-10_Aerial.dgn

Item: _____
Fiscal Impact: N/A
Funding Source: N/A
Account #: N/A

Budget Opening Required: ☐

ISSUE:

Canvass returns of the 2021 Municipal General Election held November 2, 2021; and accept and approve the results of the election.

SYNOPSIS:

The Mayor and City Council are the legislative body for West Valley City and comprise the Board of Municipal Canvassers pursuant to Utah Code §20A-4-301(2). The Code requires that the Board of Municipal Canvassers shall meet to canvass the returns of the Municipal General Election no sooner than seven days and no later than 14 days after the election.

RECOMMENDATION:

Accept and approve the results of the 2021 Municipal General Election upon completion of the canvass.

SUBMITTED BY:

Nichole Camac, CMC
City Recorder

WEST VALLEY CITY, UTAH

RESOLUTION NO. 21-XX

A RESOLUTION ACCEPTING AND APPROVING THE RESULTS OF THE MUNICIPAL GENERAL ELECTION HELD NOVEMBER 2, 2021 AS SHOWN ON THE CANVASS REPORT.

WHEREAS, on November 2, 2021, the West Valley City Municipal General Election was held; and

WHEREAS, the Mayor and City Council are the Municipal Legislative Body for West Valley City and comprise the Board of Municipal Canvassers per Utah Code Annotated §20A-4-301(2)(a); and

WHEREAS, the Board of Municipal Canvassers shall meet to canvass the returns of the Municipal General Election at the usual place of meeting of the Municipal Legislative Body no sooner than seven days and no later than 14 days after the election per Utah Code Annotated §20A-4-301(2)(b); and

WHEREAS, on November 16, 2021, the Board of Municipal Canvassers canvassed the returns of the Municipal General Election; and

WHEREAS, during the canvass the Board of Municipal Canvassers inspected the ballot results by precinct; and

WHEREAS, the Board of Municipal Canvassers have determined that the election and voting were conducted in compliance with Utah State law.

NOW, THEREFORE, BE IT RESOLVED by the West Valley City Board of Municipal Canvassers:

Section 1. The Mayor and City Council, as the official Board of Canvassers, hereby accepts and approves the Election Results for the 2021 West Valley City Municipal General Election held November 2, 2021.

Section 2. The following candidates are declared to have received the number of votes indicated:

Mayor (4-Year Term)

Steve Buhler
Karen Lang

Councilmember At-Large (4-Year Term)

Lars Nordfelt
Jim Vesock

Councilmember District 2 (4-Year Term)

Chris Bell
Scott Harmon

Councilmember District 4 (4-Year Term)

Jake Fitisemanu Jr
Darrell R Curtis

Section 3. The following candidates having qualified by number of votes have been elected as Mayor, Councilmember At-Large, Councilmember District 2 and Councilmember District 4 for a four-year term:

XX	Mayor
XX	Councilmember At-Large
XX	Councilmember District 2
XX	Councilmember District 4

Section 4. The Election Officer (City Recorder) shall furnish a certified copy of this Resolution and a certified copy of the Election Results Report to the Lieutenant Governor's Office.

Section 5. This Resolution shall take effect immediately.

PASSED AND APPROVED this 16th day of November, 2021.

WEST VALLEY CITY

_____
MAYOR

ATTEST:

_____
CITY RECORDER

November 3, 2021

MEMORANDUM

TO: CITY COUNCIL

FROM: WAYNE T. PYLE, CITY MANAGER

RE: UPCOMING MEETINGS AND EVENTS

City Council Study Meetings are held at 4:30 P.M. every Tuesday unless otherwise noted.

City Council Regular Meeting are held at 6:30 P.M. every Tuesday unless otherwise noted.

November 2021

November 9, 2021 *Wednesday*	2021 ChamberWest Fall Business Conference, 7:15 AM, UCCC, 1355 W 3100 S
November 10, 2021 *Wednesday*	Veterans Day Breakfast, 9:30 AM; Harman Senior Center, 4090 S 3600 W
November 10, 2021 *Wednesday*	Chat with the Chief, 6 PM; Live at Facebook.com/WVCPolice
November 11, 2021 *Thursday*	Veteran's Day – City Offices Closed
November 11, 2021 *Thursday*	Utah Veterans Memorial Celebration, 9 AM; Utah Veterans Memorial Park at UCCC
November 11, 2021 *Thursday*	West Valley City Veterans Day Program, Dinner at 5:30 PM & Program at 6:00 PM; UCCC, 1355 W 3100 S
November 13, 2021 *Saturday*	Cody Johnson, 7:30 PM; Maverik Center, 3200 S Decker Lake Drive

Nov 15 – Dec 30	"Trees of Diversity"; UCCC, 1355 W 3100 S (Commons Areas)
Nov 15 – Dec 30	"Winter Scenes and Holiday Dreams" Exhibit; UCCC, 1355 W 3100 S (Plaza Level and Crescent Galleries)
Nov. 18th – Feb. 24th	"Cogs and Screws: Exploring Russian Idealism"; UCCC, 1355 W 3100 S (Celebration Gallery)
November 19, 2021 *Friday*	Utah Grizzlies vs. Kansas City Mavericks, 7:10 PM; Maverik Center, 3200 Decker Lake Drive
November 20, 2021 *Saturday*	Utah Grizzlies vs. Kansas City Mavericks, 7:10 PM; Maverik Center, 3200 Decker Lake Drive
November 21, 2021 *Sunday*	Utah Grizzlies vs. Kansas City Mavericks, 1:10 PM; Maverik Center, 3200 Decker Lake Drive
Nov 22 – Dec 30	Winter Market (Art for Sale); UCCC, 1355 W 3100 S (Bridge Gallery)
November 25, 2021 *Thursday*	Thanksgiving – City Offices Closed

December 2021

December 2, 2021 *Thursday*	Final Campaign Finance Statement Due, 2021 Election
December 3, 2021 *Friday*	Utah Grizzlies vs. Kalamazoo Wings, 7:10 PM; Maverik Center, 3200 Decker Lake Drive
December 4, 2021 *Saturday*	Utah Grizzlies vs. Kalamazoo Wings, 7:10 PM; Maverik Center, 3200 Decker Lake Drive
December 5, 2021 *Sunday*	Jeff Dunham, 3 PM; Maverik Center, 3200 Decker Lake Drive
December 6, 2021 *Monday*	Winter Concert Series – West Valley Symphony of Utah, 7 PM; UCCC – Great Hall, 1355 W 3100 S

December 6, 2021 *Monday*	Utah Grizzlies vs. Kalamazoo Wings, 7:10 PM; Maverik Center, 3200 Decker Lake Drive
December 13, 2021 *Monday*	Winter Concert Series – Beehive Statesmen, 7 PM; UCCC – Great Hall, 1355 W 3100 S
December 15, 2021 *Wednesday*	Utah Grizzlies vs. Wichita Thunder, 7:10 PM; Maverik Center, 3200 Decker Lake Drive
December 17, 2021 *Friday*	Utah Grizzlies vs. Wichita Thunder, 7:10 PM; Maverik Center, 3200 Decker Lake Drive
December 18, 2021 *Saturday*	Utah Grizzlies vs. Wichita Thunder, 7:10 PM; Maverik Center, 3200 Decker Lake Drive
December 19, 2021 *Sunday*	Utah Grizzlies vs. Wichita Thunder, 1:10 PM; Maverik Center, 3200 Decker Lake Drive
December 20, 2021 *Monday*	Winter Concert Series – Bonnie Harris and the Valley Jazz, 7 PM; UCCC – Great Hall, 1355 W 3100 S
December 24, 2021 *Friday*	Christmas Eve – City Offices Closed

January 2022

January 25, 2022 *Tuesday*	Tool, 7:30 PM; Maverik Center, 3200 S Decker Lake Drive
January 28, 2022 *Friday*	SECH, 7 PM; Maverik Center, 3200 S Decker Lake Drive
January 31, 2022 *Monday*	KBER 101 Bear Fest w/ Ghost and Volbeat, 7 PM; Maverik Center, 3200 Decker Lake Drive

February 2022

February 19, 2022 *Saturday*	Erasure – The Neon Tour, 8 PM; Maverik Center, 3200 S Decker Lake Drive
February 25, 2022 *Friday*	All-Star Monster Trucks, 7:30 PM; Maverik Center, 3200 S Decker Lake Drive

February 26, 2022 *Saturday*	All-Star Monster Trucks, 1:00 PM; Maverik Center, 3200 S Decker Lake Drive

March 2022

March 4, 2022 *Friday*	TOBYMAC, 7 PM; Maverik Center, 3200 S Decker Lake Drive
March 10, 2022 *Thursday*	Ana Gabriel, 8 PM; Maverik Center, 3200 S Decker Lake Drive
March 10 – April 27	Trees Stories: A Breath of Fresh Air; UCCC – Celebration Gallery, 1355 W 3100 S
March 28, 2022 *Monday*	Ben Platt – The Reverie Tour, 8 PM; Maverik Center, 3200 S Decker Lake Drive

April 2022

April 14, 2022 *Thursday*	Ricardo Arjona, 8 PM; Maverik Center, 3200 S Decker Lake Drive

May 2022

May 5 – June 29	Utah Travels; UCCC – Celebration Gallery, 1355 W 3100 S
May 8, 2022 *Sunday*	Mother's Day Brunch, 10 AM to 1 PM; Stonebridge Golf Course, 4415 Links Drive
May 14, 2022 *Saturday*	Frankie Valli and the Four Seasons, 8 PM; Maverik Center, 3200 S Decker Lake Drive