

## REQUEST FOR COUNCIL ACTION

**SUBJECT:** A perpetual utility easement agreement between the City of West Jordan and CenturyLink, QC, a Colorado Corporation.

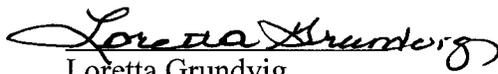
**SUMMARY:** CenturyLink is requesting a telecommunications easement in City-owned open space that was recently dedicated on the plat of Loneview North Phase 1. The attached easement language was negotiated and approved by City staff.

**FISCAL IMPACT:** None

**STAFF RECOMMENDATION:** Staff recommends that City Council approve the attached easement agreement.

**MOTION RECOMMENDED:** I move to approve Resolution 14-44, authorizing and directing the Mayor to execute the attached easement agreement between the City of West Jordan and CenturyLink, QC.

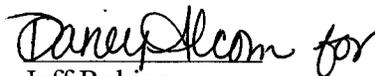
**Prepared by:**

  
Loretta Grundvig  
Development Coordinator

**Reviewed by:**

  
for Paul Coates  
ODA Manager

**Reviewed as to legal form:**

  
Jeff Robinson  
City Attorney

**Recommended by:**

  
Richard L. Davis  
City Manager

## **BACKGROUND DISCUSSION:**

The Loneview North Phase 1 Subdivision was recorded on July 1, 2013, and contains an open space parcel of 4.32 acres that was dedicated to the City. The open space parcel is adjacent to 6400 West Street and contains a typical 10-foot wide Public Utility Easement (PUE).

After the subdivision was recorded, the developer informed the City that he had forgot to make the PUE a little larger in one location near 6400 West Street to accommodate additional CenturyLink facilities required to serve the area, but which are too large to fit within the current PUE. City staff agrees that an enlarged PUE in this area would have been approved as part of the subdivision process had it been introduced earlier. To that end, the developer and CenturyLink are asking the City to convey an easement to CenturyLink free of charge, treating the easement as an enlarged PUE as if it had been dedicated on the subdivision plat, so CenturyLink can install the necessary facilities to serve the public in this area of the City.

**THE CITY OF WEST JORDAN, UTAH**

A Municipal Corporation

RESOLUTION NO. 14-44

A RESOLUTION AUTHORIZING AN EASEMENT AGREEMENT BETWEEN THE  
CITY OF WEST JORDAN AND CENTURYLINK QC, A COLORADO  
CORPORATION

Whereas, the City Council of the City of West Jordan has reviewed the attached Easement Agreement creating a perpetual easement to construct, reconstruct, modify, change, add to, operate, maintain and remove telecommunications facilities and electrical facilities and appurtenances that CenturyLink may require; and

Whereas, the City Council of the City of West Jordan desires that said Easement Agreement be executed by the Mayor; and

Whereas, the Mayor is authorized to execute the agreement.

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

Section 1. The Mayor is hereby authorized and directed to execute the attached Easement Agreement between the City of West Jordan and CenturyLink, QC.

Section 2. This Resolution shall take effect immediately upon passage.

Adopted by the City Council of West Jordan, Utah, this 12th day of March , 2014.  
CITY OF WEST JORDAN

By: \_\_\_\_\_  
Mayor Kim V. Rolfe

ATTEST:

\_\_\_\_\_  
Melanie S. Briggs, City Clerk/Recorder

*Res. 14-44*

Voting by the City Council

"AYE"

"NAY"

Jeff Haaga

\_\_\_\_\_

\_\_\_\_\_

Judy Hansen

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Chris McConnehey

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Chad Nichols

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Ben Southworth

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Justin D. Stoker

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Mayor Kim V. Rolfe

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\_\_\_\_\_

When Recorded Mail To:  
CenturyLink  
1425 West 3100 South  
West Valley City, Utah 84119

R/W # 13-277-01UT

## EASEMENT AGREEMENT

The Undersigned Grantor, for and in valuable consideration, the receipt whereof is hereby acknowledged, do hereby grant and convey to CenturyLink QC, a Colorado corporation, hereinafter referred to as "Grantee", whose address is 1425 West 3100 South, West Valley City, Utah 84119, its successors, assigns, lessees, licensees and agents, a perpetual easement to construct, reconstruct, modify, change, add to, operate, maintain and remove such telecommunications facilities and electrical facilities, and appurtenances, from time to time, as Grantee may require upon, over, under and across the following described land situated in the County of Salt Lake, State of Utah, which the Grantor owns or in which the Grantor has any interest, to wit:

### First Digital – CenturyLink 20.00 foot by 20.00 foot PAD Site

An easement within Parcel A, LONEVIEW NORTH Phase 1 Subdivision, located in the NE1/4 of Section 34, Township 2 South, Range 2 West, Salt Lake Base & Meridian, West Jordan City, more particularly described as follows:

Beginning at point located N0°34'37"W along the Subdivision and Parcel boundary 149.95 feet and West 2.00 feet from the southeast corner of Parcel A, LONEVIEW NORTH Phase 1 Subdivision, according to the Official Plat thereof on file in the Office of the Salt Lake County Recorder, said point is also located S89°54'20"W along the Section line 28.19 feet and South 1,828.97 feet from the Northeast Corner of Section 34, T2S, R2W, S.L.B. & M.; thence S0°34'37"E parallel to, and 2 (two) feet westerly of said Subdivision and Parcel boundary, a distance of 20.00 feet; thence S89°25'23"W 20.00 feet; thence N0°34'37"W 20.00 feet; thence N89°25'23"E 20.00 feet to the point of beginning.

Parcel No. 20-34-279-008

Grantee shall have the right of ingress and egress over and across the land of the Grantor to and from the above-described property and the right to clear and keep cleared all trees and other obstructions as may be necessary for the Grantee's use and enjoyment of the easement area; provided, however, that Grantee shall restore Grantor's property to substantially the same condition as it existed prior to any entry made by Grantee, its successors, assigns, lessees, licensees and agents. If Grantee fails to restore Grantor's property in a reasonable period of time or to Grantor's satisfaction, Grantor shall send written notice to Grantee describing the restoration deficiencies and allow Grantee thirty (30) calendar days to perform the work. If Grantee has not completed the restoration work within that thirty (30) day period, Grantor may perform the restoration work at Grantee's sole cost and expense. Written notice to Grantee shall be sent to the following:

CenturyLink  
Attn: Ralph Vigil, Right-of-Way Manager  
1425 W 3100 South  
West Valley, UT 84119

and

CenturyLink  
Attn: Karen Jensen, Capacity Provision Specialist  
1425 W 3100 South  
West Valley, UT 84119

Grantee shall indemnify and defend Grantor for all claims and damages whatsoever caused to Grantor or claimed by third parties as a result of Grantee's negligent exercise of the rights and privileges herein granted, or by the negligent exercise of Grantee's successors, assigns, lessees, licensees or agents. Grantee shall have no responsibility for pre-existing environmental contamination or liabilities.

Grantor reserves the right to occupy, use, and cultivate said easement for all purposes not inconsistent with the rights herein granted.

Grantor hereby covenants that no building, structure or obstruction will be constructed, erected, built or permitted on said easement.

The rights, conditions and provisions of this easement shall inure to the benefit of and be binding upon the heirs, executors, administrators, successors and assigns of the respective parties hereto.

Any claim, controversy or dispute arising out of this Agreement shall be settled by arbitration in accordance with the applicable rules of the American Arbitration Association, and judgment upon the award rendered by the arbitrator may be entered in any court having jurisdiction thereof. The arbitration shall be conducted in the county where the property is located.





NORTHEAST CORNER OF  
SECTION 34, T2S, R2W, SLB&M  
SALT LAKE COUNTY RING AND LID  
MONUMENT

27 26  
34 35

PARCEL "A"  
LONEVIEW NORTH PHASE 1  
SUBDIVISION

WEST 2.00  
EASEMENT P.O.B.



SOUTHEAST CORNER  
OF PARCEL "A"

N0°34'37"W 149.95

6400 WEST

BLOOMFIELD  
HEIGHTS  
PHASE 2

SILVER PARK  
DRIVE

LINE TABLE		
A	S0°34'37"E	20.00
B	S89°25'23"W	20.00
C	N0°34'37"W	20.00
D	N89°25'23"E	20.00

EAST 1/4 CORNER OF  
SECTION 34, T2S, R2W, SLB&M  
NAIL FOUND PER COUNTY TIE SHEET

34 35

**FOCUS**  
ENGINEERING AND SURVEYING, LLC  
502 WEST 8360 SOUTH  
SANDY, UTAH 84070 PH: (801) 352-0075  
www.focusutah.com

# FIRST DIGITAL CTL PAD LONEVIEW NORTH, PHASE 1

Date Created:	12/03/2013
Scale:	NONE
Drawn:	JSB
Job:	12-114
Sheet:	

A

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