

## **RESOLUTION R2023 - 44**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SOUTH JORDAN, UTAH, AUTHORIZING THE FILING OF AN EMINENT DOMAIN ACTION AGAINST THE TROY AND JILL DAVIS PROPERTY, THE C DEAN AND MAXINE C LARSEN PROPERTY, AND THE DELL WHEADON FAMILY LIMITED PARTNERSHIP PROPERTY.**

**WHEREAS**, the City of South Jordan (the “City”) is a municipal corporation duly organized and existing under the law of Utah; and

**WHEREAS**, the City Council of the City of South Jordan (“City Council”) may exercise all administrative and legislative powers by resolution or ordinance pursuant to Utah Code Section 10-3-717 and Section 10-3-701; and

**WHEREAS**, to best serve the public, the City needs to make 10200 South into a through street to increase traffic connectivity, provide another crossing over the canal, and improve emergency response times for residents; and

**WHEREAS**, creating a through street at 10200 South will add another safe walk route to school for children, and will allow a storm drain connection through the corridor so the City may abandon some temporary storm water ponds for a more permanent solution; and

**WHEREAS**, the property necessary to create the 10200 South road connection, attached hereto as Exhibit 1, is currently owned by Troy and Jill Davis (JT), C Dean and Maxine C Larsen (JT), and Dell Wheadon Family Limited Partnership (collectively the “Property Owners”); and

**WHEREAS**, the City is attempting to negotiate fair compensation to purchase the required properties necessary for the 10200 South road connection; and

**WHEREAS**, the City intends to exercise the right of eminent domain to obtain the necessary property for the 10200 South road connection if negotiations with Property Owners are not successful; and

**WHEREAS**, Utah Code Section 78B-6-504(2)(b) and (c) requires the City Council to approve the filing of an eminent domain action by a final vote of the City Council during a public meeting; and

**WHEREAS**, pursuant to Utah Code Section 78B-6-504(2)(d), the City has properly notified the Property Owners that a public meeting before the City Council would be held on September 19, 2023, and that the Property Owners or their representatives would be given an opportunity to address the City Council during the public meeting; and

**WHEREAS**, the City Council of the City of South Jordan has determined that it is in the best interest of the public health, safety, and welfare of the City to authorize the filing of an eminent domain action.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SOUTH JORDAN, UTAH:**

**SECTION 1. Authorization to File Eminent Domain Action.** The City Council discussed the public need for property currently owned by the Property Owners in a meeting held on September 19, 2023. After affording the public and the Property Owners an opportunity to be heard, the City Council encourages the City's representatives to continue to negotiate the purchase price of the necessary property for the road connection at 10200 South. If negotiation is unsuccessful, the City Council hereby authorizes the City's representatives to file in court an eminent domain action on the property, attached hereto as **Exhibit 1**, to acquire title to the property as necessary to complete the 10200 South road connection.

**SECTION 2. Effective Date.** This Resolution shall become effective immediately upon passage.

**APPROVED BY THE CITY COUNCIL OF THE CITY OF SOUTH JORDAN, UTAH, ON THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2023 BY THE FOLLOWING VOTE:**

	YES	NO	ABSTAIN	ABSENT
Patrick Harris	_____	_____	_____	_____
Bradley Marlor	_____	_____	_____	_____
Donald Shelton	_____	_____	_____	_____
Tamara Zander	_____	_____	_____	_____
Jason McGuire	_____	_____	_____	_____

Mayor: \_\_\_\_\_  
Dawn R. Ramsey

Attest: \_\_\_\_\_  
City Recorder

Approved as to form:

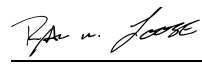
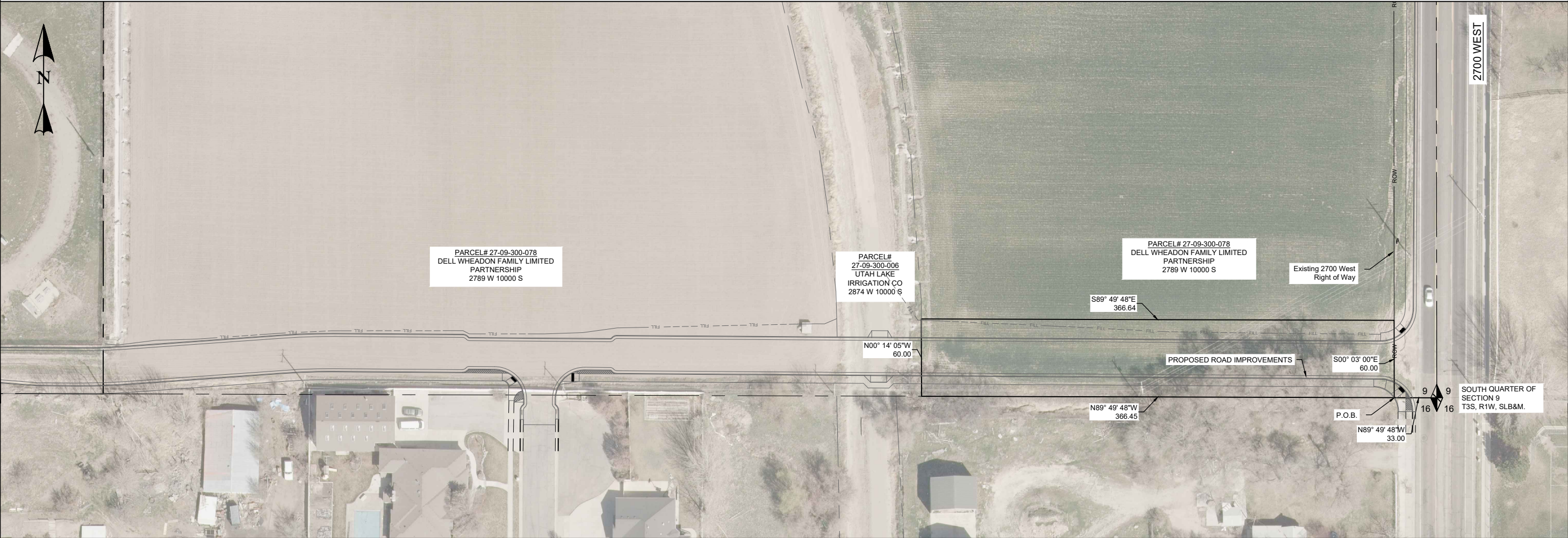
  
\_\_\_\_\_  
Office of the City Attorney

EXHIBIT 1



**LEGAL DESCRIPTION**  
LOCATED IN THE SOUTHWEST ¼ OF SECTION 9 OF TOWNSHIP 3 SOUTH, RANGE 1 WEST, SALT LAKE BASE AND MERIDIAN BEING PART OF PARCEL 27-09-300-078 AS RECORDED IN THE OFFICE OF THE SALT LAKE COUNTY RECORDER MORE PARTICULARLY AS FOLLOWS:

BEGINNING AT A POINT ON THE WEST RIGHT-OF-WAY LINE OF 2700 WEST WHICH IS N 89°49'48" W 33.00 FT FROM THE SOUTH QUARTER CORNER OF SECTION 9, T3S, R1W, SLB&M; THENCE N 89° 49'48" W 366.45 FT MORE OR LESS TO THE EAST LINE OF THE UTAH LAKE DISTRIBUTION CANAL; THENCE ALONG SAID LINE MORE OR LESS N 00°14'05" W 60.00 FT; THENCE S 89°49'48" E 366.64 FT TO A POINT ON THE WEST RIGHT OF WAY LINE OF 2700 WEST; THENCE ALONG SAID LINE S 00°03'00" E 60.00 TO THE POINT OF BEGINNING. 0.51 AC.

NO.	DATE	REVISION COMMENTS



**SOUTH JORDAN**  
UTAH  
1600 West Towne Center Dr. / South Jordan, UT 84095  
Telephone: (801) 254-3742 / Web: WWW.SOUTHJORDAN.UTAH.GOV

SOUTH JORDAN CITY  
10200 S IMPROVEMENTS  
WHEADON RIGHT OF WAY  
EXHIBIT-A

Project No: \_\_\_\_\_

Drawn By: JWH Designed By: \_\_\_\_\_

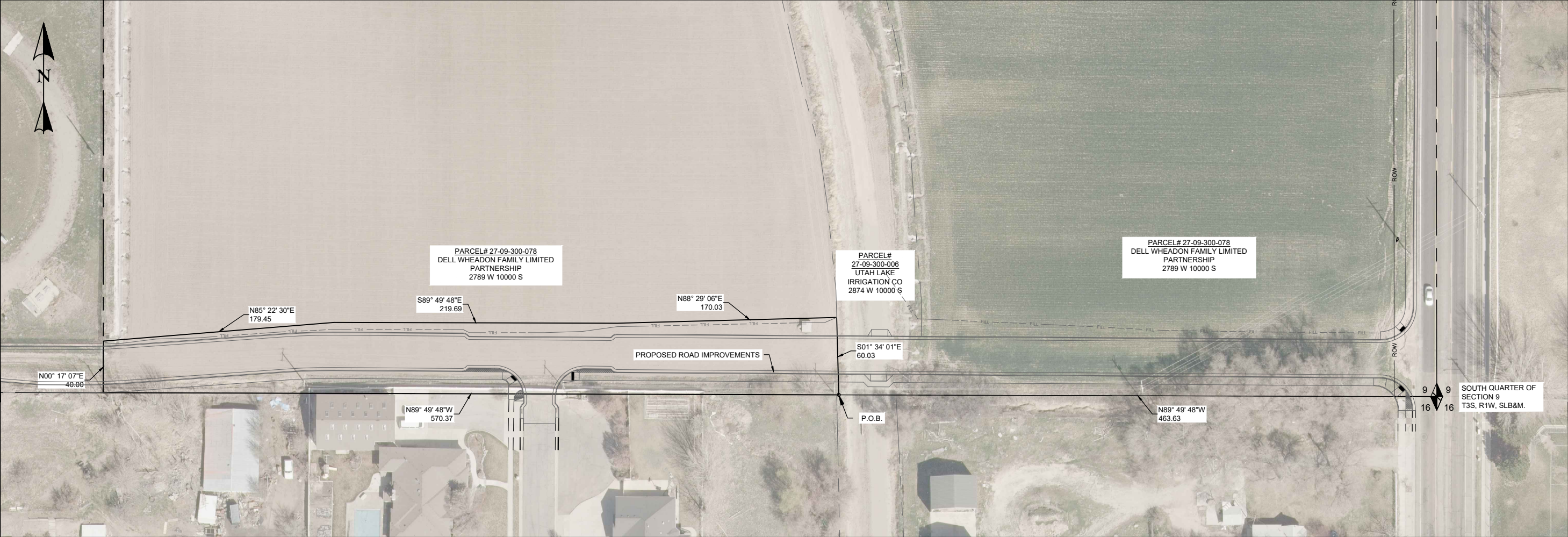
File Name: \_\_\_\_\_

Checked By: \_\_\_\_\_ Date: \_\_\_\_\_

EX-A

Sheet No.





**LEGAL DESCRIPTION**  
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BEGINNING AT A POINT ON THE WEST LINE OF THE UTAH LAKE DISTRIBUTION CANAL WHICH IS N 89°49'48" W 463.63 FT MORE OR LESS FROM THE SOUTH QUARTER CORNER OF SECTION 9, T3S, R1W, SLB&M; THENCE N 89°49'48" W 570.37 FT; THENCE N 00°17'07" E 40.00 FT; THENCE N 85°22'30" E 179.45 FT; THENCE S 89°49'48" E 219.69 FT; THENCE N 88°29'06" E 170.03 FT MORE OR LESS TO A POINT ON THE WEST PROPERTY LINE OF THE UTAH LAKE DISTRIBUTION CANAL; THENCE ALONG SAID LINE MORE OR LESS S 01°34'01" E 60.03 FT TO THE POINT OF BEGINNING. 0.70 AC

NO.	DATE	REVISION COMMENTS



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UTAH  
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Telephone: (801) 254-3742 / Web: WWW.SJ.UTAH.GOV

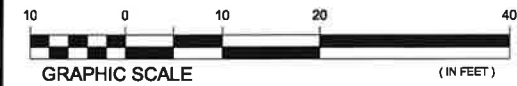
**SOUTH JORDAN CITY**  
**10200 S IMPROVEMENTS**  
**WHEADON RIGHT OF WAY**  
**EXHIBIT-B**

Project No:	_____
Drawn By:	JWH _____
File Name:	_____
Checked By:	_____
Designed By:	_____
Date:	_____

**EX-B**  
Sheet No. \_\_\_\_\_



F:\ENGINEERING\Construction Division\CIP Projects\2023 Projects\10200 South Street Design\ROW CAD\10200 ROW @ 2950 W Properties.dwg



**LEGAL DESCRIPTION**  
LOCATED IN THE NORTHWEST ¼ OF SECTION 16 OF TOWNSHIP 3 SOUTH, RANGE 1 WEST, SALT LAKE BASE AND MERIDIAN BEING PART OF PARCEL 27-16-105-006 AS RECORDED IN THE OFFICE OF THE SALT LAKE COUNTY RECORDER MORE PARTICULARLY AS FOLLOWS:  
  
BEGINNING AT A POINT ON THE NORTHWEST CORNER OF SAID PARCEL WHICH IS S 88°49'48" E 1130.74 FT FROM THE NORTHWEST CORNER OF SECTION 16, T3S, R1W, SLB&M; THENCE S 88°49'48" E 218.00 FT; THENCE SOUTH 115.00 FT; THENCE WEST 25.00 FT; THENCE NORTH 109.74 FT; THENCE 10.69 FT ALONG A NON-TANGENT 16.50 FT RADIUS CURVE TO THE LEFT THROUGH A CENTRAL ANGLE OF 37°06'55" (CHORD BEARS N 71°16'21" W 10.50 FT); THENCE N 89°49'48" W 105.01 FT; THENCE S 57°34'14" W 9.28 FT; THENCE N 89°49'48" W 13.43 FT; THENCE 30.91 FT ALONG A TANGENT 90.00 FT RADIUS CURVE TO THE LEFT THROUGH A CENTRAL ANGLE OF 19°40'29" (CHORD BEARS S 80°19'57" W 30.75 FT; THENCE S 70°29'43" W 28.08 FT; THENCE NORTH 21.70 FT TO THE POINT OF BEGINNING. 3,959 SQ FT (0.09 AC)

NO.	DATE	REVISION COMMENTS



**SOUTH JORDAN**  
1600 West Towne Center Dr. / South Jordan, UT 84095  
Telephone: (801) 254-3742 / Web: WWW.SOUTHJORDAN.GOV

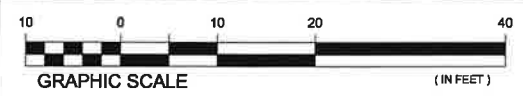
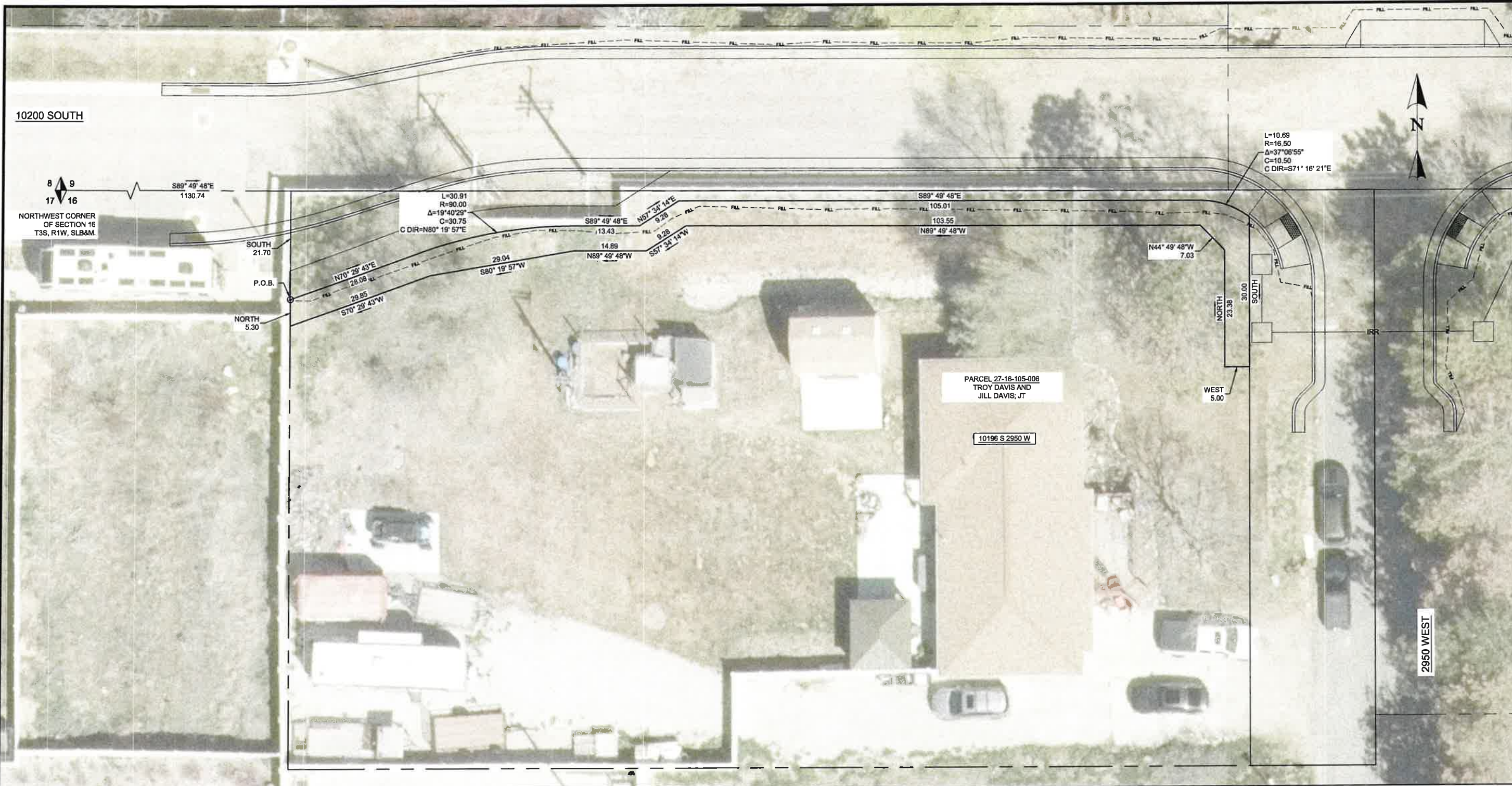
**SOUTH JORDAN CITY**  
**10200 SOUTH IMPROVEMENTS**  
**DAVIS**  
**RIGHT-OF-WAY**

Drawn By: JWH  
Designed By: JWH  
Checked By:    
Date: 7/6/2023

**EX-A**



F:\ENGINEERING\Construction Division\CIP Projects\_2023\Projects\10200 South Street Design\ROW CAD\10200 ROW @ 2850 W Properties.dwg



**CONSTRUCTION EASEMENT LEGAL DESCRIPTION**  
LOCATED IN THE NORTHWEST ¼ OF SECTION 16 OF TOWNSHIP 3 SOUTH, RANGE 1 WEST, SALT LAKE BASE AND MERIDIAN BEING PART OF PARCEL 27-16-105-006 AS RECORDED IN THE OFFICE OF THE SALT LAKE COUNTY RECORDER MORE PARTICULARLY AS FOLLOWS:  
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NO.	DATE	REVISION COMMENTS



**SOUTH JORDAN**  
1800 West Towne Center Dr. / South Jordan, UT 84098  
Telephone: (801) 254-2742 / Web: WWW.SJCUTAH.GOV

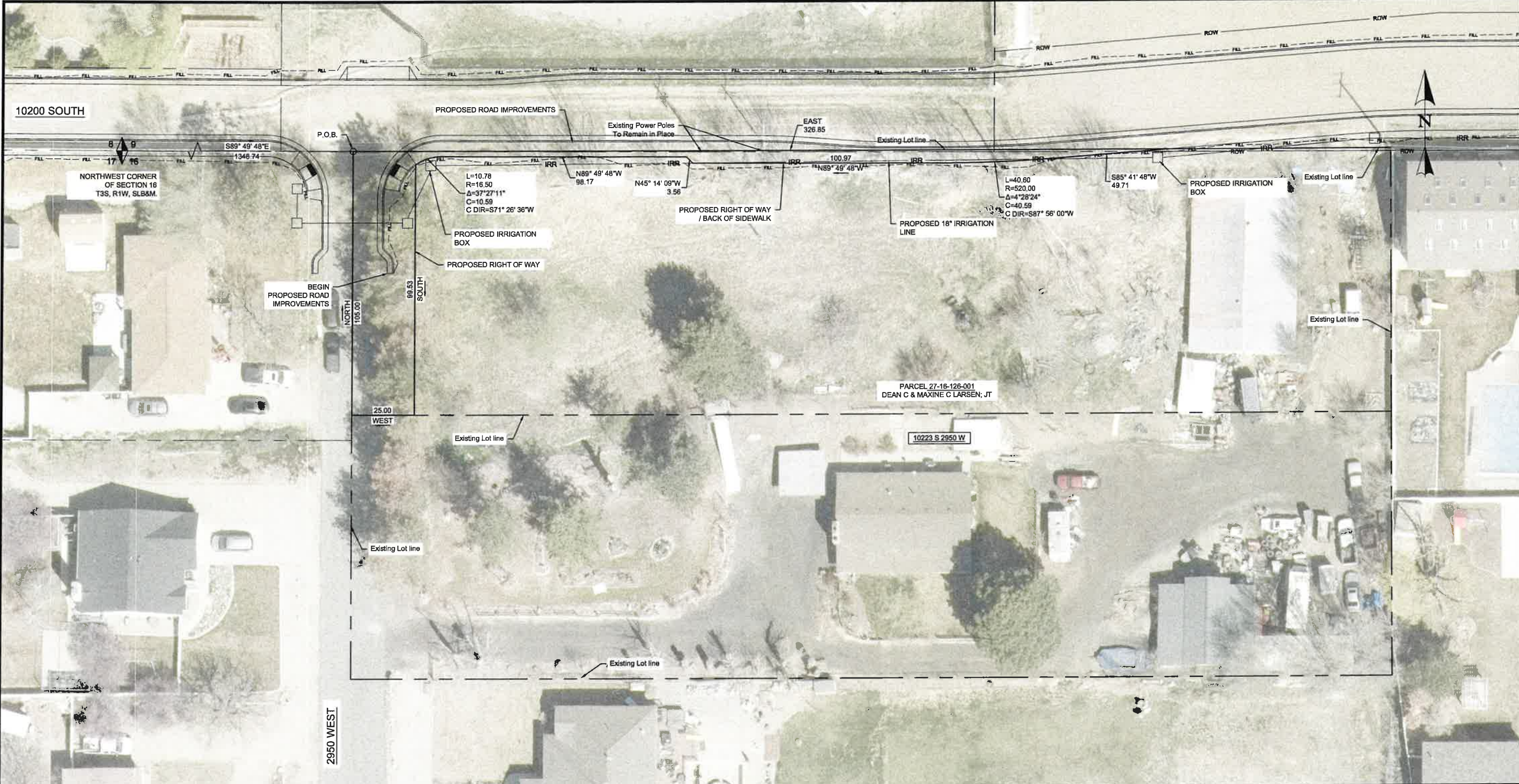
**SOUTH JORDAN CITY**  
**10200 SOUTH IMPROVEMENTS**  
**DAVIS**  
**TEMPORARY CONSTRUCTION EASEMENT**

Drawn By: JWH  
Designed By: JWH  
Checked By:    
Date: 7/6/2023

**EX-B**



F:\ENGINEERING\Construction Division\CIP Projects\_2023\Project10200 South Street Design\BROW CAD\10200 ROW @ 2950 W Properties.dwg



**LEGAL DESCRIPTION**  
LOCATED IN THE NORTHWEST ¼ OF SECTION 16 OF TOWNSHIP 3 SOUTH, RANGE 1 WEST, SALT LAKE BASE AND MERIDIAN BEING PART OF PARCEL 27-16-126-001 AS RECORDED IN THE OFFICE OF THE SALT LAKE COUNTY RECORDER MORE PARTICULARLY AS FOLLOWS:  
  
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NO.	DATE	REVISION COMMENTS



**SOUTH JORDAN**  
1800 West Towne Center Dr. / South Jordan, UT 84095  
Telephone: (801) 254-3142 / Web: WWW.SJUTAH.GOV

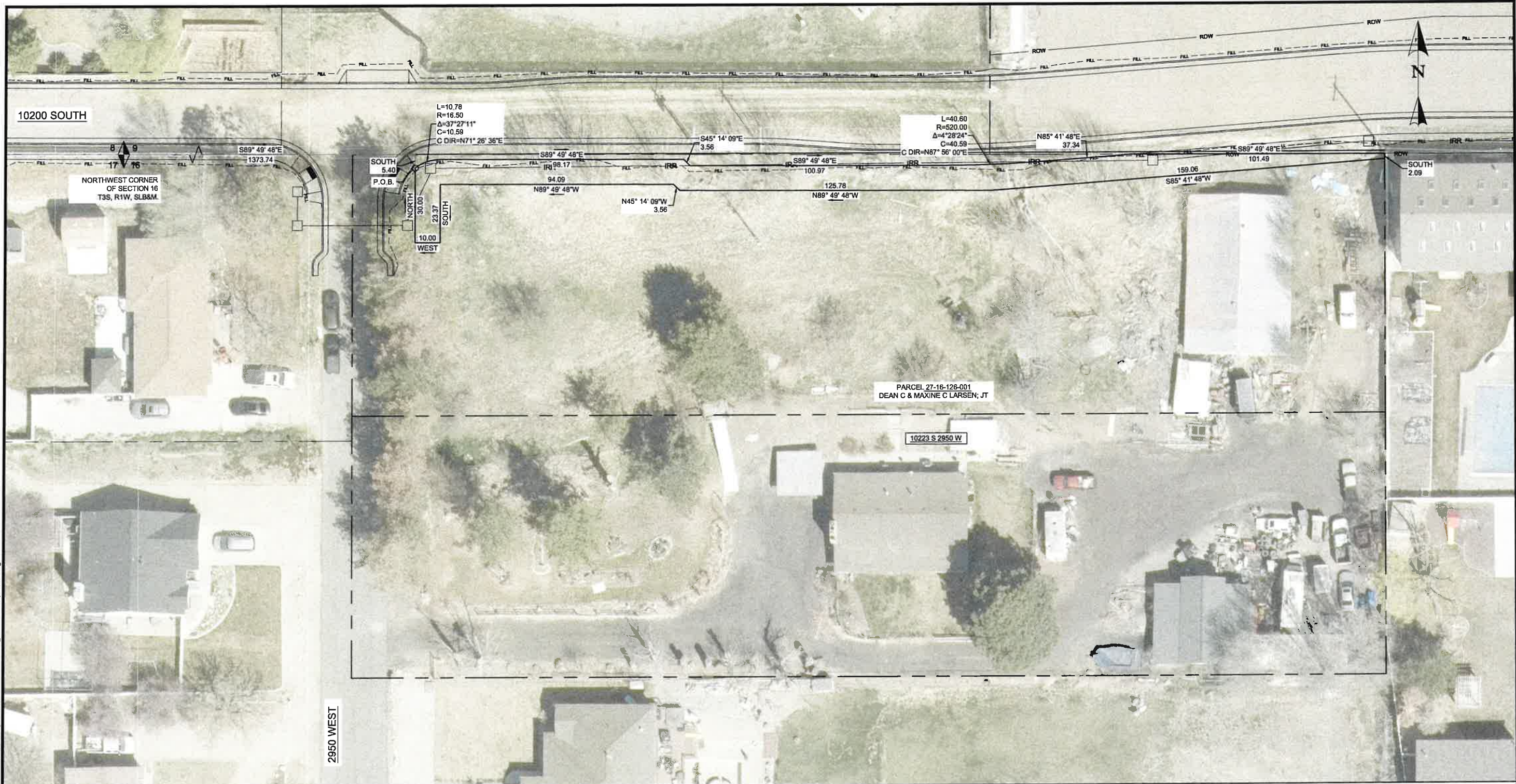
**SOUTH JORDAN CITY**  
**10200 SOUTH IMPROVEMENTS**  
**LARSEN**  
**RIGHT-OF-WAY**

Drawn By: JWH  
Designed By: JWH  
Checked By: \_\_\_\_\_  
Date: 7/6/2023

**EX-A**



F:\ENGINEERING\Construction Division\CFP Projects\2023 Projects\10200 South Street Design\ROW CAD\10200 ROW @ 2650 W Properties.dwg



**TEMPORARY CONSTRUCTION EASEMENT LEGAL DESCRIPTION**  
LOCATED IN THE NORTHWEST ¼ OF SECTION 16 OF TOWNSHIP 3 SOUTH, RANGE 1 WEST, SALT LAKE BASE AND MERIDIAN BEING PART OF PARCEL 27-16-126-001 AS RECORDED IN THE OFFICE OF THE SALT LAKE COUNTY RECORDER MORE PARTICULARLY AS FOLLOWS:  
  
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NO.	DATE	REVISION COMMENTS



**SOUTH JORDAN**  
1800 West Towne Center Dr. / South Jordan, UT 84095  
Telephone (801) 254-3742 / Web: WWW.SJUTAH.GOV

SOUTH JORDAN CITY

10200 SOUTH IMPROVEMENTS

LARSEN

TEMPORARY CONSTRUCTION EASEMENT

Drawn By: JWH

Designed By: JWH

Checked By:

Date: 7/8/2023

EX-B



#### **WHEADON EXHIBIT-A**

LOCATED IN THE SOUTHWEST 1/4 OF SECTION 9 OF TOWNSHIP 3 SOUTH, RANGE 1 WEST, SALT LAKE BASE AND MERIDIAN BEING PART OF PARCEL 27-09-300-078 AS RECORDED IN THE OFFICE OF THE SALT LAKE COUNTY RECORDER MORE PARTICULARLY AS FOLLOWS:

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#### **WHEADON EXHIBIT-B**

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#### **DAVIS EXHIBIT-A**

LOCATED IN THE NORTHWEST 1/4 OF SECTION 16 OF TOWNSHIP 3 SOUTH, RANGE 1 WEST, SALT LAKE BASE AND MERIDIAN BEING PART OF PARCEL 27-16-105-006 AS RECORDED IN THE OFFICE OF THE SALT LAKE COUNTY RECORDER MORE PARTICULARLY AS FOLLOWS:

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**DAVIS TEMPORARY CONSTRUCTION EASEMENT EXHIBIT-B**

LOCATED IN THE NORTHWEST 1/4 OF SECTION 16 OF TOWNSHIP 3 SOUTH, RANGE 1 WEST, SALT LAKE BASE AND MERIDIAN BEING PART OF PARCEL 27-16-105-006 AS RECORDED IN THE OFFICE OF THE SALT LAKE COUNTY RECORDER MORE PARTICULARLY AS FOLLOWS:

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**LARSEN EXHIBIT-A**

LOCATED IN THE NORTHWEST 1/4 OF SECTION 16 OF TOWNSHIP 3 SOUTH, RANGE 1 WEST, SALT LAKE BASE AND MERIDIAN BEING PART OF PARCEL 27-16-126-001 AS RECORDED IN THE OFFICE OF THE SALT LAKE COUNTY RECORDER MORE PARTICULARLY AS FOLLOWS:

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**LARSEN TEMPORARY CONSTRUCTION EASEMENT EXHIBIT-B**

LOCATED IN THE NORTHWEST 1/4 OF SECTION 16 OF TOWNSHIP 3 SOUTH, RANGE 1 WEST, SALT LAKE BASE AND MERIDIAN BEING PART OF PARCEL 27-16-126-001 AS RECORDED IN THE OFFICE OF THE SALT LAKE COUNTY RECORDER MORE PARTICULARLY AS FOLLOWS:

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