

## **RESOLUTION R2023 - 45**

### **A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SOUTH JORDAN, UTAH, AUTHORIZING THE FILING OF AN EMINENT DOMAIN ACTION IF NECESSARY TO CLEAR TITLE ON THE PROPERTY INVOLVED IN THE CONSTRUCTION OF A PEDESTRIAN CORRIDOR ON THE WEST SIDE OF 2700 W.**

**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**, the City believes that all the property necessary for the construction of a pedestrian corridor on the west side of 2700 West is currently owned by the City, and

**WHEREAS**, the City is aware of a possible dispute regarding ownership of the property; and

**WHEREAS**, to best serve the public the City desires to add a new curb, gutter, sidewalk, and street lighting to the portion of 2700 W, attached hereto as Exhibit 1, to provide for a safe pedestrian corridor on the west side of 2700 W.; and

**WHEREAS**, if necessary the City will file an eminent domain action to ensure the City has undisputed title to the property; 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 Dell Wheadon Family Limited Partnership, the entity who may allege they are the actual owner of the property, that a public meeting before the City Council would be held on September 19, 2023, and that they would have an opportunity to address the City Council during the public meeting.

**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 in a meeting on September 19, 2023, discussed the property and the possible need for the City to file an eminent domain action to ensure the City is the undisputed owner of property necessary for the pedestrian corridor on 2700 W. The City Council hereby authorizes the City’s representatives to file an eminent domain action on the property, attached hereto as **Exhibit 1**, if it is necessary to solve a dispute regarding property ownership.

**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

## DESCRIPTION OF PROPERTIES

A parcel of land in fee for the widening of 2700 West Street being part of an entire tract of property situate in the NE1/4 of the SW1/4 of Section 9, T.3S., R.1W., S.L.B.&M. The boundaries of said parcel of land are described as follows:

Beginning at a point in the North-South Quarter Section Line of said Section 9, which corner is 1,349.86 feet N.00°01'42"E. along said North-South Quarter Section Line from the South Quarter Corner of said Section 9; and running thence S.00°01'42"W. 25.00 feet along said quarter section line to the southerly boundary line of said entire tract; thence N.89°52'25"W. 33.00 feet along said southerly boundary line to a line parallel with and 33.00 feet perpendicularly distant westerly from said quarter section line; thence N.00°01'42"E. 25.00 feet along said parallel line to the southerly boundary line of the Lincoln Estates Subdivision, recorded in the Salt County Recorder's Office as Entry No. 5068167 in Book 9 1-5 at Page 62; thence S.89°52'25"E. 33.00 feet along said subdivision to the point of beginning.

The above described parcel of land contains 825 square feet or 0.019 acre in area.

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A parcel of land in fee for the widening of 2700 West Street being part of an entire tract of property situate in the SE1/4 of the SW1/4 of Section 9, T.3S., R.1W., S.L.B.&M. The boundaries of said parcel of land are described as follows:

Beginning at the South Quarter Corner of said Section 9; and running thence N.89°56'07"W. (N.89°49'48"W. by record) 33.00 feet along the southerly boundary line of said entire tract to a line parallel with and 33.00 feet perpendicularly distant westerly from the North-South Quarter Section Line of said Section 9; thence N.00°03'00"W. 974.71 feet along said parallel line to the northerly boundary line of said entire tract; thence N.89°57'00"E. 33.00 feet along said northerly boundary line to said quarter section line; thence S.00°03'00"E. 974.78 feet along said quarter section line to the point of beginning.

The above described parcel of land contains 32,167 square feet or 0.738 acre in area.

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A parcel of land in fee for the widening of 2700 West Street being part of an entire tract of property situate in the SE1/4 of the SW1/4 of Section 9, T.3S., R.1W., S.L.B.&M. The boundaries of said parcel of land are described as follows:

Beginning at a point in the North-South quarter section line of said Section 9, which corner is 1,324.86 feet N.00°03'00"W. along said quarter section Line from the South Quarter Corner of said Section 9; and running thence S.00°03'00"E. 350.08 feet along said quarter section line; thence S.89°57'00"W. 33.00 feet along the southerly boundary line of said entire tract to a line parallel with and 33.00 feet perpendicularly distant westerly from said quarter section line; thence N.00°03'00"W. 350.14 feet along said parallel line to the northerly boundary line of said entire tract; thence S.89°57'08"E. 33.00 feet along said northerly boundary line to the point of beginning.

The above described parcel of land contains 11,554 square feet or 0.265 acre in area.