

RESOLUTION #20-05C

A RESOLUTION AUTHORIZING THE CONDEMNATION OF REAL
PROPERTY OWNED BY WAGSTAFF INVESTMENTS, LLC DOING
BUSINESS AS HOLIDAY OIL FOR THE 9000 S-MONROE STREET
INTERSECTION PROJECT

WHEREAS, Sandy City desires to proceed with the 9000 S-Monroe Street Intersection Project, which will widen Monroe Street, improve the intersection by adding dual left turn lanes in all four legs, add a 10' multipurpose trail and sidewalks, improve traffic flow, safety and traffic circulation along Monroe Street, 9000 South and in the intersection; and

WHEREAS, it is necessary for this project to acquire a fee simple interest in the parcel of real property located at 153 West 9000 South, Sandy, UT owned by Wagstaff Investments, LLC doing business as Holiday Oil, and described in Exhibit "A" of this resolution (hereafter the "Property"); and

WHEREAS, City officials or their agents have as yet been unable to acquire the Property from the owner through reasonable negotiation for the City's estimate of its market value; and

WHEREAS, although negotiations are ongoing and will continue, it is necessary for the City to commence condemnation action on the Property in order to proceed with the Project without further delay,

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

1. Use of the Property for the 9000 S-Monroe Street Intersection Project is hereby declared to be a public purpose and necessary and in the best interests of Sandy City and its residents.
2. Action by the Mayor, and the City's legal counsel and representatives to acquire immediate occupancy and ownership of the Property by condemnation is hereby approved.

PASSED AND APPROVED by the Sandy City Council this 4th day of February, 2020.


Kris Nicholl, Chair
Sandy City Council

ATTEST:


City Recorder

Recorded this 4 day of February, 2020.



EXHIBIT "A"

Salt Lake County

Tax ID No. 27-01-401-030
PIN No. 16921
Project No. F-0209(47)12
Parcel No. 0209:109:T

Beginning at a point on the South line of 9000 South Street, said point being North 89°59'19" West along the Center Section Line 1351.022 feet and North 58.955 feet from the East Quarter corner of Section 1, Township 3 South, Range 1 West, Salt Lake Base and Meridian, thence along a line bearing South a distance of 115.26 feet; thence West 147.00 feet; thence North 115.00 feet to the South line of 9000 South Street; thence North 89°53'55" East along said South line 147.00 feet to the Point of Beginning.

LESS AND EXCEPTING THEREFROM that portion of land conveyed to the Utah Department of Transportation as disclosed by Warranty Deed recorded April 17, 1998 as Entry No. 6931596 in Book 7948 at Page 1270 of Official Records, being more particularly described as follows:

A parcel of land in fee for the widening of 9000 South Street incident to the reconstruction of a freeway known as Project No. 15-7, being part of an entire tract of property situate in the Southwest Quarter of the Northeast Quarter of Section 1, Township 3 South, Range 1 West, Salt Lake Base and Meridian.

The boundaries of said parcel of land are described as follows: Beginning at the Northwest corner of said entire tract at a point which is 411.792 meters (1351.022 feet) North 89°59'19" West along the Center Section line and 17.969 meters (58.955 feet) North and 44.806 meters (147.00 feet) South 89°53'55" West from the East Quarter corner of said Section 1 (NOTE: said Point of Beginning is also 485.556 meters (1593.03 feet) South 89°55'00" West along the monument line and 10.202 meters (33.47 feet) South from an existing monument in the intersection of 9000 South Street and State Street); and running thence North 89°53'53" East 12.552 meters (41.18 feet) along the existing Southerly Right of Way line of 9000 South Street; thence Westerly 12.564 meters (41.22 feet) along the arc of a 1983.00 meter (6505.91 foot) Radius curve to the Left (NOTE: Chord to said curve bears South 87°29'42" West for a distance of 12.564 meters (41.22 feet) to the West boundary line of said entire tract; thence North 0.527 meters (1.73 feet) along said West boundary 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.

LESS AND EXCEPTING THEREFROM that portion of land conveyed to the Utah Department of Transportation as disclosed by Warranty Deed recorded April 19, 2012 as Entry No. 11373736 in Book 10009 at Page 8294 of Official Records in the Office of the Salt Lake County Recorder, being more particularly described as follows:

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

Beginning at the northeast corner of said entire tract in the southerly right of way line of the existing highway State Route 209 which corner is 1,351.02 feet (411.792 meters or 1,351.022 feet by record) N.89°59'19"W. and 58.70 feet (17.969 meters or 58.955 feet by record) North from the East Quarter Corner of said Section 1 said corner is also approximately 57.82 feet perpendicularly distant southerly from the control line of said project opposite engineer station -0+45.61 (32.29 feet perpendicularly distant westerly from the control line of Monroe Street opposite engineer station 604+94.66); and running thence South 94.91 feet along the westerly right of way line of Monroe Street; thence West 13.11 feet to a line parallel with and 42.50 feet perpendicularly distant westerly from said control line; thence N.01°44'56"E. 51.00 feet along said parallel line to a point opposite engineer station 604+49.84; thence N.43°48'21"W. 47.03 feet to a line parallel with and 67.50 feet perpendicularly distant southerly from the control line of said project opposite engineer station -0+89.79; thence S.89°35'10"W. 86.87 feet along said parallel line to a point opposite engineer station -1+76.65; thence S.88°00'04"W. 16.04 feet to a point in the westerly boundary line of said entire tract which point is 67.94 feet perpendicularly distant southerly from said control line; thence N.00°00'01"W. (North by record) 9.20 feet along said westerly boundary line to the northwest corner of said entire tract and the beginning of a non-tangent 6505.91 feet (1983 meter by record) radius curve to the right (Note: Radius bears S.02°41'11"E.); thence easterly along the arc of said curve and said southerly right of way line 41.22 feet (12.564 meters by record) through a delta of 00°21'47" (Note: Chord to said curve bears N.87°29'42"E. for a distance of 41.22 feet, 12.564 meters by record); thence N.89°53'56"E. (N.89°53'53"E. or N.89°53'55"E. by record) 105.82 feet along said southerly 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 3,031 square feet or 0.070 acre in area, more or less.

LESS AND EXCEPTING THEREFROM that portion of land conveyed to the Utah Department of Transportation as disclosed by Warranty Deed recorded January 17, 2018 as Entry No. 12698653 in Book 10638 at Page 9468 of Official Records in the Office of the Salt Lake County Recorder, being more particularly described as follows:

A parcel of land in fee for the widening of the existing highway State Route 209 known as Project No. F-0209(31)7, being part of an entire tract of property situate in the SVV1/4NE1/4 of Section 1, 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 southerly right of way line of said existing highway State Route 209, which point is 1,393.64 feet N.89°59'19"W. along the section line and 47.23 feet N.00°00'41"E. from the East Quarter Corner of said Section 1, said point is 1,488.72 feet S.89°55'32"W. (S.89°55'00"W. by record) along the monument line and 44.89 feet S.00°04'28"E. (South by record) from from a Salt Lake County monument in the intersection of SR-209 (9000 South Street) and State Street, said point is also approximately 61.88 feet perpendicularly distant southerly from the control line of said project opposite engineer station 119+05.05; and running thence S.89°11'08"W. 61.70 feet to the beginning of a 5,000.00-foot radius non-tangent curve to the left at a point 62.33 feet perpendicularly distant southerly

from said control line opposite engineer station 118+43.36; thence westerly 42.69 feet along the arc of said curve through a delta of $00^{\circ}29'21''$ (Note: chord to said curve bears $S.88^{\circ}55'59''W.$ for a distance of 42.69 feet) to the westerly boundary line of said entire tract; thence $N.00^{\circ}00'32''E.$ 1.91 feet along said westerly boundary line to said existing southerly right of way line; thence along said existing southerly right of way line the following three (3) courses: thence $N.88^{\circ}00'53''E.$ 16.18 feet ($N.88^{\circ}00'04''E.$ 16.04 feet by record); (2) thence $N.89^{\circ}35'31''E.$ 86.86 feet ($N.89^{\circ}35'10''E.$ 86.87 feet by record); (3) thence $S.43^{\circ}48'19''E.$ ($S.43^{\circ}48'21''E.$ by record) 1.96 feet to the point of beginning as shown on the official map of said project on file in the office of the Utah Department of Transportation. The above described parcel of land contains 186 square feet or 0.004 acre in area, more or less.

The above described tract of land contains 13,668 square feet in area, or 0.314 acre, more or less.