MEMORANDUM

TO: File - Resolution 00-09

FROM: Gina Peterson, Deputy Recorder

DATE: January 2000

SUBJECT: Easement obtained from Scott Hanson

Pursuant to City Council executive session minutes from March 21, 2000, Resolution 00-09 in inoperative as an easement was obtained from Scott Hanson. The resolution was never officially passed, but was still numbered.

RESOLUTION NO. 00-09

ROLL CALL

VOTING	YES	NO
MAYOR DALE R. BARNEY *(votes only in case of tie)*		
SHERMAN E. HUFF *Councilmember*		
LILLIAN J. SHEPHERD *Councilmember*		
GLENN A. JAMES *Councilmember*		
ROY L. JOHNS *Councilmember*		
EVERETT KELEPOLO *Councilmember*		

I MOVE this resolution be adopted: _____
I SECOND the foregoing motion: _____

RESOLUTION 00-09

A RESOLUTION AUTHORIZING THE PURCHASE OR THE INITIATION AND FILING OF A CONDEMNATION ACTION TO EXERCISE THE POWER OF EMINENT DOMAIN IN ORDER TO ACQUIRE PROPERTY FOR AN ELECTRIC POWER LINE EASEMENT AS PART OF THE SPANISH FORK CITY PUBLIC POWER SYSTEM

WHEREAS, Spanish Fork City owns and maintains a public electric power system; and

WHEREAS, in order to accommodate a growing population and to safely and efficiently operate an electric power system, new lines are necessary; and

WHEREAS, one of the new power lines, as designed by professional engineers, crosses property titled to the Fern R. Hanson Family Partnership, LTD and Hollow Acres, a Utah Limited Partnership; and

WHEREAS, the City has been unable to obtain a written easement from these owners; and

WHEREAS, exhibit "A" attached hereto and incorporated herein by this reference accurately describes the property which is needed to cross this property; and

WHEREAS, Spanish Fork City, pursuant to the authority granted under Utah Code Ann.§78-34-1 et seq., is authorized to exercise the power of eminent domain as necessary in furtherance of the public interest in order to acquire property for power line easements; and

WHEREAS, the Spanish Fork City Council has determined, in the exercise of its legislative discretion, that the public interest and necessity require the acquisition of an easement across the property described in exhibit "A", which is attached hereto and incorporated herein by this reference; and

WHEREAS, the public interest and necessity further require the acquisition and immediate occupancy of the real property described in exhibit "A" for the purpose of constructing the public improvements in the form of an electric power line; and

WHEREAS, the construction of the electric power line will commence as soon as possible following the initiation of these proceedings and an entry of an order of immediate occupancy; and

WHEREAS, the property in question is held on fee ownership by private parties and is not already appropriated to some other public use;

NOW THEREFORE, be it resolved by the Spanish Fork City Council as follows:

1. Authorization is hereby given to negotiate the purchase of the real property described in exhibit "A", and if the purchase can not be negotiated, to initiate a

condemnation action to acquire, by the power of eminent domain, on behalf of Spanish Fork City, an easement over the property described in exhibit "A" and incorporated herein by this reference, for electric power line purposes

2. The acquisition of the property described in exhibit "A", is for an authorized public use and is necessary to accomplish the purpose for which it is being acquired, namely the construction of public improvements in the form of an electric power line and in furtherance of the health, safety, and welfare of the citizens and residents of Spanish Fork City.

3. Further authorization is given to staff and legal counsel to negotiate for the purchase of the property or to file with and obtain from the court an order of immediate occupancy in order to take immediate possession and use of the real property or interest in the real property for the purposes set forth above.

4. Staff and legal counsel are further authorized to complete all necessary actions and steps which are conditions to the initiations of the condemnation action.

This resolution adopted this 21st day of March 2000, by the City Council of Spanish Fork City, Utah.

DALE R. BARNEY, Mayor

ATTEST:

KENT R. CLARK, City Recorder

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EXHIBIT "A"

BEGINNING AT A POINT WHICH IS LOCATED NORTH 2,677.56 FEET AND WEST 1,556.71 FROM THE EAST QUARTER CORNER OF SECTION 18, TOWNSHIP 8 SOUTH, RANGE 3 EAST, SALT LAKE BASE AND MERIDIAN; THENCE SOUTH 88°28'27" WEST 487.55 FEET, THENCE NORTH 08°48'15 WEST 25.21 FEET, THENCE NORTH 88°28'27" EAST 490.82 FEET, THENCE SOUTH 01°20'32" EAST 25.00 FEET TO THE POINT OF BEGINNING.

AN AREA CONTAINING 0.28 ACRE.