

RESOLUTION NO. 12-05

ROLL CALL

VOTING	YES	NO
G. WAYNE ANDERSEN <i>Mayor (votes only in case of tie)</i>		
ROD DART <i>Council member</i>	X	
RICHARD M. DAVIS <i>Council member</i>	X	
BRANDON B. GORDON <i>Council member</i>	X	
STEVE LEIFSON <i>Council member</i>	ABSENT	
KEIR A. SCUBES <i>Council member</i>	ABSENT	

I MOVE this resolution be adopted: Council member Dart

I SECOND the foregoing motion: Council member Davis

RESOLUTION 12-05

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 A STREET AND RIGHT-OF-WAY PURPOSES AS PART OF THE SPANISH FORK CITY TRANSPORTATION SYSTEM

WHEREAS, Spanish Fork City owns and maintains a public street known as 1100 East, the north end of which street currently dead ends in an area zoned for industrial and business park uses; and

WHEREAS, connecting 1100 East with 2700 North will open up the area around 1100 East for various types of commercial, industrial, and residential development; and

WHEREAS, the City has obtained rights-of-ways to construct the connector street, with the exception of one parcel identified in Exhibit A, which exhibit is incorporated herein by this reference; and

WHEREAS, creating a strong economic base, with a diversity of operations, is an important function which will promote the health, safety, and welfare of the residents of Spanish Fork City; and

WHEREAS, the immediate construction of a street connecting 1100 East with 2700 North is necessary in order to promote economic development throughout the area surrounding 1100 East; and

WHEREAS, Exhibit A accurately describes the property which is needed to make the street connection between 1100 East and 2700 North; and

WHEREAS, Spanish Fork City, pursuant to the authority granted under Utah Code Ann.§78B-6-501(3)(e), is authorized to exercise the power of eminent domain as necessary in furtherance of the public interest in order to acquire property for a street; 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 the parcels of property described in Exhibit A for street purposes; 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 a street; and

WHEREAS, the construction and use of the property for a street will commence as soon as possible following the initiation of these proceedings and an entry of order of immediate occupancy; and

WHEREAS, the property in question is held in 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 property described in Exhibit A, and if the purchase cannot be negotiated, to initiate a condemnation action to acquire by the power of eminent domain on behalf of Spanish Fork City the property described in Exhibit A for street 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 a street 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 or 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 precedent to the initiation of the condemnation action.

DATED this 19th day of June, 2012.


G. WAYNE ANDERSEN, Mayor

Attest:


KENT R. CLARK, City Recorder



EXHIBIT A

Beginning at a point on the north line of that real property described in Deed Entry No. 83544:2009 located $S0^{\circ}18'18''E$ along the Section Line 281.18 feet and West 284.30 feet from the East 1/4 Corner of Section 7, Township 8 South, Range 3 East, Salt Lake Base and Meridian (Basis of bearing: $S0^{\circ}18'06''E$ along the Section Line from the Northeast Corner to the East 1/4 Corner of Section 18, T8S, R3E, SLB&M); thence $S1^{\circ}00'00''E$ 952.45 feet; thence $N89^{\circ}55'15''W$ 44.01 feet; thence $N1^{\circ}00'00''W$ 946.39 feet; thence $N82^{\circ}12'55''E$ 44.31 feet to the point of beginning.

Contains: ± 0.96 Acres