

**RESOLUTION NO. 16-39**

**A RESOLUTION OF THE DRAPER CITY COUNCIL AUTHORIZING  
THE FILING OF EMINENT DOMAIN ACTIONS TO ACQUIRE REAL  
PROPERTY FOR THE PURPOSE OF WIDENING AND IMPROVING  
13800 SOUTH STREET**

**WHEREAS**, 13800 South Street between Bangerter Parkway and 300 East Street is to be widened and improved with sidewalks, curbs, gutters and parkstrips; and

**WHEREAS**, the city has been awarded a federal grant and the city council has budgeted matching monies for the project, which includes acquisition of the necessary right-of-way and construction of the street and associated public improvements; and

**WHEREAS**, appraisals have been made of all abutting properties and the necessary frontage has been acquired from many of the abutting property owners; and

**WHEREAS**, Draper City has made a reasonable effort to negotiate for the purchase of the remaining properties by offering to purchase the remaining properties for just compensation value but certain property owners (the "Property Owners") identified in Exhibit A have refused the offer, making a taking necessary; and

**WHEREAS**, Utah Code Ann. §78B-6-504 authorizes a municipality, upon the payment of just compensation, to take real property by eminent domain for uses authorized by law, which include roads or streets for public vehicular use and bicycle paths and sidewalks adjacent to paved roads; and

**WHEREAS**, bidding for construction of the road and use of all the property sought to be condemned will commence immediately upon a grant of occupancy of the properties; and

**WHEREAS**, the properties sought to be acquired are not already appropriated to some other public use; and

**WHEREAS**, Draper City has complied with the requirements of Utah Code Ann. § 78B-

6-505, in that Draper City has provided the Property Owners with certain written materials (the “Written Materials”), including a complete printed copy of the materials provided on the Office of the Property Rights Ombudsman’s website and a written statement complying with said statute; and

**WHEREAS**, said Written Materials were provided to the Property Owners at least fourteen (14) days before the public meeting referenced below; and

**WHEREAS**, before taking a final vote to approve filing of an eminent domain action, the Draper City Council provided written notice to each owner of the property to be taken of each public meeting of the Draper City Council at which a vote on the proposed taking is expected to occur and allowed the Property Owners the opportunity to be heard on the proposed taking; and

**WHEREAS**, such notice was mailed to the owners’ address as shown on the records of the county assessor’s office at least ten (10) business days before the public meeting; and

**WHEREAS**, the city council conducted a public meeting on the 20<sup>th</sup> day of September 2016, and allowed the Property Owners the opportunity to present comments and opinions on whether an eminent domain action should be filed to acquire the remaining properties; and

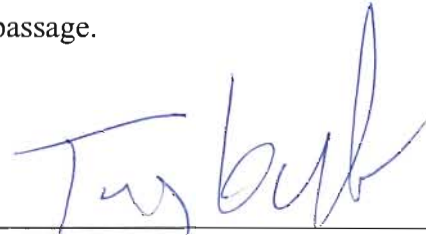
**WHEREAS**, the city council finds that the widening of the public street should occur for the public good and that eminent domain should be used to acquire those properties whose owners have not yet settled with the city;

**NOW THEREFORE, BE IT RESOLVED** by the Draper City Council that, having provided notice as required by law to the property owners and having allowed the owners the opportunity to be heard on the proposed taking, Draper City staff or their agents are hereby authorized to file an eminent domain action to acquire the remaining properties needed for widening and improving 13800 South Street. The council finds that widening the street is a use

authorized by law, the taking is necessary for the use, construction and use of all property sought to be condemned will commence within a reasonable time, the properties are not already appropriated to some public use and there is no "more necessary public use" affecting these properties.

This Resolution shall be effective upon passage.

DATED this 20<sup>th</sup> day of September, 2016.



Troy K. Walker, Mayor



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Rachelle Connor, Draper City Recorder



**EXHIBIT A: "PROPERTY OWNERS"**

Property Address: 207 E. 13800 South  
Owner: Lago Di Como, LLC  
2220 S. Oneida St  
Salt Lake City, UT 84109

Property Address: 215 E. 13800 South  
Owner: 50 East LLC  
1546 E. 750 N.  
Lehi, UT 84109

Property Address: 231 E. 13800 South  
Owner: Stringtown Road Equipment, LLC  
905 Stringtown Rd  
Midway, UT 84049

Property Address: 235 E. 13800 South  
Owner: 50 East LLC  
1546 E. 750 N.  
Lehi, UT 84109

Property Address: 251 E. 13800 South  
Owner: Lloyds TLC LTD  
6925 Union Park Cntr #500  
Cottonwood Heights, UT 84047

Property Address: 273 E. 13800 South  
Owner: Cutler, Ben C.  
12313 S. 900 East  
Draper, UT 84020

Property Address: 176 E. 13800 South  
Owner: F. Raymond and Grace E. Lester Family Limited Partnership (Walgreens)  
9570 Research Drive  
Irvine, CA 92618