

**RESOLUTION NO. 17-04**

**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  
13200 SOUTH STREET**

**WHEREAS**, 13200 South Street between Boulter Street and Highland Drive is to be connected, widened, and improved with sidewalks, curbs, gutters and parkstrips; and

**WHEREAS**, the city council has budgeted monies for the acquisition of the necessary right-of-way and for 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 by eminent domain 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 3<sup>rd</sup> day of January 2017 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 13200 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.

**PASSED AND ADOPTED BY THE CITY COUNCIL OF DRAPER CITY,  
STATE OF UTAH, ON THE 3<sup>rd</sup> DAY OF JANUARY, 2017.**



**DRAPER CITY**

*Troy K. Walker*  
\_\_\_\_\_  
Mayor Troy K. Walker

**ATTEST:**

*Rachelle Conner*  
\_\_\_\_\_  
Rachelle Conner, City Recorder

**VOTE TAKEN:**

**YES**

**NO**

Councilmember Rapple

\_\_\_\_\_

Councilmember Stenquist

\_\_\_\_\_

Councilmember Summerhays

\_\_\_\_\_

Councilmember Vawdrey

\_\_\_\_\_

Councilmember Weeks

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Mayor Walker

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**EXHIBIT A: "PROPERTY OWNERS"**

Property Address: 13191 S. Boulter Street  
Owner: Derek A. Coulter  
11576 S State Street #503  
Draper, UT 84020

Property Address: 1529 East 13200 South  
Owner: Joshua A. & Laura K. Stika  
1529 East 13200 South  
Draper, UT 84020

Property Address: 1661 East 13200 South  
Owner: G Ray & Mavis S Glad  
PO Box 98  
Draper, UT 84020