

RESOLUTION NO. 13-16

A RESOLUTION OF THE DRAPER CITY COUNCIL AUTHORIZING THE FILING OF AN EMINENT DOMAIN ACTION TO ACQUIRE REAL PROPERTY FOR THE PURPOSE OF WIDENING 13200 SOUTH STREET AND 1300 EAST

WHEREAS, a portion of 13200 South Street and 1300 East Street is to be immediately widened by the City and constructed for the benefit of the public; and

WHEREAS, appraisals have been conducted of all abutting properties and the City has acquired the needed property from many of the property owners; and

WHEREAS, Draper City has offered to purchase the properties for the just compensation value but certain property owners have refused the offer, making a taking necessary of the remaining properties; and

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

WHEREAS, construction of the streets and use of all the property sought to be condemned will commence within a reasonable time, which is immediately upon occupancy of the property; and

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

WHEREAS, before taking a final vote to approve the filing of an eminent domain action, Draper City provided written notice each owner of the remaining properties to be taken, advising them of the public meeting of the Draper City Council on March 19, 2013, at which

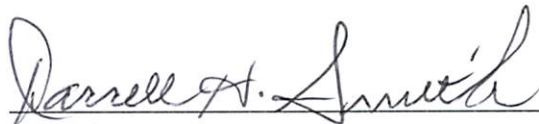
time the owners had the opportunity to make relevant comment and upon the closing of the public hearing the City Council is expected to make their vote on the proposed taking; and

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, at the public hearing the public commented that they want additional time to meet with the city engineer to propose new solutions to the cross-section of 13200 South Street;

NOW THEREFORE, BE IT RESOLVED by the Draper City Council that, having provided notice as required by law to the remaining property owners and having allowed the owners the opportunity to be heard on the proposed taking, Draper City is hereby authorized to file an eminent domain action to acquire the remaining properties along 1300 East and those on 13200 South east of Bear Hollow Drive for the purpose of widening and constructing the public streets known as 13200 South and 1300 East.

DATED this 14th day of March, 2013.


Darrell H. Smith, Mayor


Tracy Norr, Draper City Recorder



