

RESOLUTION NO. 13-10

A RESOLUTION OF THE DRAPER CITY COUNCIL AUTHORIZING THE FILING OF AN EMINENT DOMAIN ACTION TO ACQUIRE REAL PROPERTY FOR A PUBLIC STREET CONNECTING VISTA STATION BOULEVARD TO 13490 SOUTH

WHEREAS, the Draper Transit Oriented Development is being created west of the UTA Frontrunner corridor, which includes the new eBay campus and other developments and which requires construction of a southerly public access road from Vista Station Boulevard to 13490 South Street; and

WHEREAS, Draper Square, LC. owns Parcel #31-01-100-019 over which Draper City needs to construct the connecting street, bicycle paths and sidewalks as shown on the attached Exhibit A, and the City needs to acquire approximately 1.062 acres thereof for such public purposes; 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, Draper City has offered to purchase the property at above the appraised price but the property owner has refused the offer, making a taking necessary for the use; and

WHEREAS, construction of the street 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 property is vacant and is not already appropriated to some public use; and

WHEREAS, before taking a final vote to approve the filing of an eminent domain action, the Draper City Council caused written notice to be provided to each owner of the property to be

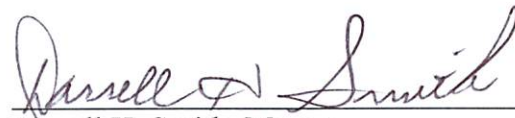
*Resolution 13-01,
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taken, advising them of the public meeting of the Draper City Council on February 5, 2013 at which a vote on the proposed taking is expected to occur and allowed the property owner the opportunity to be heard on the proposed taking; and

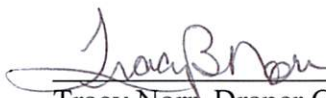
WHEREAS, such notice was mailed to the owner's address as shown on the records of the county assessor's office on January 14, 2013, and receipt of which was acknowledged on January 18, 2013, which was at least ten business days before the public meeting;

NOW THEREFORE, BE IT RESOLVED by the Draper City Council that, having provided notice as required by law to the property owner and having allowed the owner the opportunity to be heard on the proposed taking, Draper City is hereby authorized to file an eminent domain action to acquire approximately 1.062 acres of Parcel #33-01-100-019, owned by Draper Square LC., for the purpose of extending and constructing the public street known as Vista Station Boulevard to 13490 South Street.

DATED this 5th day of February, 2013.



Darrell H. Smith, Mayor



Tracy Norr, Draper City Recorder



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