

RESOLUTION NO. 12-08

**A RESOLUTION OF THE DRAPER CITY COUNCIL AUTHORIZING
THE FILING OF AN EMINENT DOMAIN ACTION TO ACQUIRE REAL
PROPERTY FOR WIDENING 300 EAST STREET BETWEEN STOKES
AVENUE AND 13800 SOUTH STREET**

WHEREAS, 300 East Street between Stokes Avenue and 13800 South Street is a narrow two-lane paved road without curb, gutter, or sidewalk, and is one of the last remaining blocks of 300 East that is not otherwise widened and improved; and

WHEREAS, the Draper City Master Transportation Plan dated December 2007 identifies 300 East Street as a major collector three-lane road and calls for it to be widened between Stokes Avenue and 13800 South Street; and

WHEREAS, the city council has budgeted monies for the acquisition of the necessary right-of-way and for construction of the street with curb, gutter, sidewalk, and parkstrips; 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 offered to purchase all of the properties for the just compensation value but certain property owners 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, 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

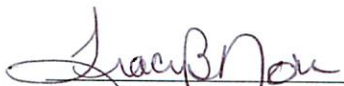
WHEREAS, the properties sought to be acquired are not already appropriated to some other public use; and

WHEREAS, before taking a final vote to approve the 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, pursuant to UCA 78B-6-504(2)(d) 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;

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 owners the opportunity to be heard on the proposed taking, Draper City staff is hereby authorized to file an eminent domain action to acquire the remaining properties needed for widening 300 East between Stokes Avenue and 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, and the properties are not already appropriated to some public use and there is no "more necessary public use" affecting these properties.

DATED this 20th day of March, 2012.


Tracy Norri, Draper City Recorder




Darrell H. Smith, Mayor