

COTTONWOOD HEIGHTS

RESOLUTION No. 2013-52

A RESOLUTION APPROVING ENTRY INTO AMENDMENT NO. 1 TO AN INTERLOCAL AGREEMENT WITH SALT LAKE COUNTY FOR TRAILHEAD IMPROVEMENTS

WHEREAS, the Interlocal Cooperation Act, *Utah Code Ann.* §11-13-101 *et seq.*, provides that any two or more public agencies may enter into agreements with one another for joint or cooperative action following the adoption of an appropriate resolution by the governing body of each participating public agency; and

WHEREAS, effective 12 August 2008, the city of Cottonwood Heights (the “City”) and Salt Lake County (the “County”) entered into an interlocal agreement (the “Agreement”) whereunder, *inter alia*, the County agreed to purchase certain realty (the “Property”) located within City’s boundaries for public open space and trailhead purposes, and the City agreed to construct certain improvements (the “Improvements”) on the Property; and

WHEREAS, the parties desire to extend the deadline for construction of the Improvements until 31 December 2018; and

WHEREAS, consequently, the County has prepared, and submitted for execution and delivery by the City, an amendment (the “First Amendment”) to the Agreement extending the deadline for the City’s construction of the Improvements to 31 December 2018; and

WHEREAS, the city council (the “Council”) of the City met in regular session on 3 December 2013 to consider, among other things, approving the City’s entry into the First Amendment; and

WHEREAS, the Council has reviewed the form of the First Amendment, a photocopy of which is annexed hereto; and

WHEREAS, the city attorney of the City has approved the form of the First Amendment as required by *Utah Code Ann.* §11-13-202.5(3); and

WHEREAS, after careful consideration, the Council has determined that it is in the best interests of the health, safety and welfare of the City’s residents to approve the City’s entry into the First Amendment as proposed in order to make efficient use of the City’s resources;

NOW, THEREFORE, BE IT RESOLVED by the city council of Cottonwood Heights that the attached First Amendment with the County is hereby approved, and that the City’s mayor and recorder are authorized and directed to execute and deliver the First Amendment on behalf of the City.

This Resolution, assigned no. 2013-52, shall take effect immediately upon passage.

PASSED AND APPROVED this 3rd day of December 2013.

COTTONWOOD HEIGHTS CITY COUNCIL

By _____
Kelvyn H. Cullimore, Jr., Mayor

ATTEST:

Kory Solorio, Recorder

VOTING:

Kelvyn H. Cullimore, Jr.	Yea	___	Nay	___
Michael L. Shelton	Yea	___	Nay	___
J. Scott Bracken	Yea	___	Nay	___
Michael J. Peterson	Yea	___	Nay	___
Tee W. Tyler	Yea	___	Nay	___

DEPOSITED in the office of the City Recorder this 3rd day of December 2013.

RECORDED this ___ day of December 2013.

609624.1

WHEN RECORDED, MAIL TO:
Lee Colvin
Salt Lake County Real Estate
2001 S. State St., Suite S3200
Salt Lake City, UT 84190

County Contract No. _____
District Attorney No. 13-8774

AMENDMENT NO. 1
to the
INTERLOCAL COOPERATION AGREEMENT
between
SALT LAKE COUNTY
and
COTTONWOOD HEIGHTS

THIS AMENDMENT is made and entered into this ___ day of _____,
20___, by and between SALT LAKE COUNTY, a body corporate and politic of the State of Utah
("County"), and COTTONWOOD HEIGHTS, a Utah municipal corporation ("City"). The
County and the City are collectively referred to herein as the "Parties."

RECITALS

- A. WHEREAS, the County and the City executed an interlocal agreement, attached as Exhibit A (the "Agreement"), where, in part, the City agreed to make certain improvements within four years of the effective date of the Agreement;
- B. WHEREAS, the allotted four years have passed and the City has not completed the improvements to the Walker Parcel; and

C. WHEREAS, the County wishes to provide the City additional time to complete the required improvements; and

D. WHEREAS, the Parties desire to amend the Agreement to extend the time period for completing the improvements;

NOW, THEREFORE, in consideration of the mutual promises, covenants and conditions hereinafter set forth, the Parties hereby amend the Agreement as follows:

I. Section 2 of the Agreement is amended to read as follows:

Section 2. **Construction.** On or before December 31, 2018, City will construct, at City's expense, (a) a parking lot and trailhead (including restroom) on the Walker Parcel; and (b) a parking lot and trailhead on the McFarlane Parcel. All of such improvements (the "Improvements") will conform to federal ADA guidelines and are subject to prior approval by the Director of County's Parks and Recreation Division (the "Division"), which approval shall not be unreasonably withheld or delayed. All of the Improvements shall generally conform to the conceptual designs (the "Designs") attached hereto as Exhibit "B." City will make annual reports to the Director of the Division on the progress of construction of the Improvements. City estimates that the Improvements will cost approximately \$500,000, not including engineering and inspection fees estimated to cost \$50,000.

II. All other terms and conditions of the original Agreement remain unchanged.

IN WITNESS WHEREOF, the Parties execute this Amendment #1 on the date first set forth above.

SALT LAKE COUNTY

By: _____
Mayor or Designee

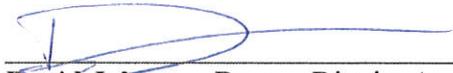
STATE OF UTAH)
 :ss.
COUNTY OF SALT LAKE)

On this ____ day of _____, 20__, personally appeared before me _____, who being duly sworn, did say that (s)he is the _____ of Salt Lake County, Office of Mayor, and that the foregoing instrument was signed on behalf of Salt Lake County, by authority of law.

[SEAL]

NOTARY PUBLIC
Residing in Salt Lake County

Approved As To Form and Legality:



David Johnson, Deputy District Attorney

Date: 11-7-2013

COTTONWOOD HEIGHTS, a Utah municipality

By _____
Kelvyn H. Cullimore, Jr., Mayor

ATTEST:

Kory Solorio, Deputy City Recorder

STATE OF UTAH)
 : ss.
COUNTY OF SALT LAKE)

The foregoing instrument was acknowledged before me on _____, 20____ by **Kelvyn H. Cullimore, Jr.** and **Kory Solorio** as the mayor and the deputy city recorder, respectively, of **COTTONWOOD HEIGHTS**, a municipality and political subdivision of the State of Utah.

Notary Public

Approved As To Form and Legality:

City Attorney

Date: _____