

COTTONWOOD HEIGHTS

RESOLUTION No. 2017-05

A RESOLUTION APPROVING ENTRY INTO AN AMENDMENT TO EASEMENT AGREEMENT WITH OLD MILL CORPORATE CENTER III, LLC FOR THE BIG COTTONWOOD CANYON TRAIL

WHEREAS, as explained in detail in the urban trails element of its general plan, the city of Cottonwood Heights (the “*City*”) desires to establish a public trail currently named the “Big Cottonwood Canyon Trail” (the “*Trail*”) from the City’s boundary near the “Knudsen Corner” intersection of I-215 and Holladay Blvd. to the Bonneville Shoreline Trail in Big Cottonwood Canyon; and

WHEREAS, a segment (the “*Segment*”) of the proposed Trail crosses real property (the “*Property*”) owned by Old Mill Corporate Center III, LLC (“*Grantor*”); and

WHEREAS, effective 25 March 2008, Grantor and Beckstrand Family Investments LLC (Grantor’s predecessor-in-title to a portion of the Property) (“*BFP*”) entered into an “Easement Agreement” (the “*Original Agreement*”) whereunder Grantor and BFI granted to the City a public easement across the Property for the purposes, and on the terms and conditions, specified in the Original Agreement; and

WHEREAS, the parties subsequently found errors in the legal description and other aspects of the Original Agreement, and therefore determined to correct those errors by entering into an appropriate amendment to the Original Agreement; and

WHEREAS, consequently, Grantor and the City jointly desire to enter into an “Amendment to Easement Agreement” (the “*Amendment Agreement*”) to correct the errors in the Original Agreement and to confirm Grantor’s grant to the City of a public easement across the Property for the purposes, and on the terms and conditions, specified in the Original Agreement as amended by the Amendment Agreement; and

WHEREAS, the City’s municipal council (the “*Council*”) met in regular session on 24 January 2017 to consider, among other things, approving the City’s entry into the Amendment Agreement; and

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

WHEREAS, after careful consideration, the Council has determined that it is in the best interests of the health, safety and welfare of the citizens of the City to approve the City’s entry into the Amendment Agreement as proposed;

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

This Resolution, assigned no. 2017-05, shall take effect immediately upon passage.

PASSED AND APPROVED this 24th day of January 2017.

COTTONWOOD HEIGHTS CITY COUNCIL

By 
Kelvyn H. Cullimore, Jr., Mayor

ATTEST:

Paula Melgar, Recorder



VOTING:

Kelvyn H. Cullimore, Jr.	Yea <input checked="" type="checkbox"/>	Nay <input type="checkbox"/>
Michael L. Shelton	Yea <input checked="" type="checkbox"/>	Nay <input type="checkbox"/>
J. Scott Bracken	Yea <input checked="" type="checkbox"/>	Nay <input type="checkbox"/>
Michael J. Peterson	Yea <input checked="" type="checkbox"/>	Nay <input type="checkbox"/>
Tee W. Tyler	Yea <input checked="" type="checkbox"/>	Nay <input type="checkbox"/>

DEPOSITED in the office of the City Recorder this 24th day of January 2017.

RECORDED this 24 day of January 2017.