

**RESOLUTION OF THE BOARD OF TRUSTEES OF THE UTAH TRANSIT
AUTHORITY TO REQUEST THE UTAH DEPARTMENT OF
TRANSPORTATION TO USE EMINENT DOMAIN FOR THE ACQUISITION OF
PROPERTY NECESSARY FOR THE OGDEN-WEBER STATE UNIVERSITY
BUS RAPID TRANSIT TRANSPORTATION PROJECT -
Parcels 148 and 149**

R2021 08-03

August 11, 2021

WHEREAS, the Utah Transit Authority (the "Authority") is a large public transit district organized under the laws of the State of Utah and was created to transact and exercise all of the powers provided for in the Utah Limited Purpose Local Government Entities – Local Districts Act and the Utah Public Transit District Act; and

WHEREAS, the Board of Trustees (the "Board") has approved the project known as the Ogden-Weber State University Bus Rapid Transit Transportation Project, UDOT PIN 15906, project no. F-R199(235), to design, construct and operate a Bus Rapid Transit (the "Project") in Weber County, Utah; and

WHEREAS, the Project is a "public use" pursuant to Utah Code §78B-6-501; and

WHEREAS, to complete construction of the Project, certain right-of-way acquisitions have been identified as being necessary to the public use, including property located at 3245 South Harrison Boulevard, in Ogden, Utah, consisting of two partial fee acquisitions, three perpetual easements, and two temporary construction easements (the "Property"), more particularly described in Exhibit "A"; and

WHEREAS, the Authority's staff and consultants have made diligent and reasonable efforts to acquire the right-of-way necessary for the Project, including the acquisition of Property, but have been unable to negotiate the acquisition thereof; and

WHEREAS, in order to complete the Project, and to meet budget and scheduling needs, acquisition of the Property needs to move forward through the eminent domain process; and

WHEREAS, Board Policy No. 5.2(III)(A)(1)(c) requires that, prior to acquiring property through eminent domain, the Board approve such action; and

WHEREAS, the property owner was notified in writing of the Authority's consideration of this Resolution pursuant to Utah Code § 78B-6-504.

R2021 08-03

NOW, THEREFORE, BE IT RESOLVED by the Board of the Authority:

1. That the Board hereby authorizes the Executive Director or her designee(s) to request that the Utah Department of Transportation commence eminent domain proceedings on the Property.
2. That the Board hereby ratifies any and all actions previously taken by the Authority's management, staff, and legal counsel with regard to acquiring the Property.
3. That the corporate seal be attached hereto.

Approved and adopted this 11th day of August 2021.

DocuSigned by:



Carlton Christensen, Chair
Board of Trustees

ATTEST:

DocuSigned by:



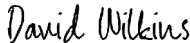
Secretary to the Authority



(Corporate Seal)

Approved as to form:

DocuSigned by:



UTA Legal Counsel

Exhibit "A"
Property Deeds

WHEN RECORDED, MAIL TO:
Utah Department of Transportation
Right of Way, Fourth Floor
Box 148420
Salt Lake City, Utah 84114-8420

Warranty Deed

(LIMITED LIABILITY COMPANY)

Affecting Tax ID. No. 05:037:0009
Pin No. 15906
Project No. F-R199(235)
Parcel No. 199:148

CAWPROPERTIES LLC, Grantor, a Limited Liability Company of the State of Utah, hereby CONVEY AND WARRANT to the UTAH DEPARTMENT OF TRANSPORTATION, Grantee, at 4501 South 2700 West, Salt Lake City, Utah 84119, for the sum of TEN (\$10.00) Dollars, and other good and valuable considerations, the following described parcel of land in Weber County, State of Utah, to-wit:

A parcel of land in fee, being a part of an entire tract of property, situate in the NE1/4 NE1/4 of Section 4, Township 5 North, Range 1 West, Salt Lake Base and Meridian, in Weber County, Utah, for the construction of roadway widening and improvements of Harrison Boulevard, known as Project No. F-R199(235). The boundaries of said parcel of land are described as follows:

Beginning 9.90 feet South and 33.45 feet S.65°W. from the Northeast Corner of said Quarter Section, said point also being 347.46 feet S.00°58'00"W. and 50.00 feet N.89°02'00"W. from the Ogden City monument located in the intersection of 32nd Street and Harrison Boulevard, said point also being 49.98 feet perpendicularly distant westerly from the Ogden-WSU Bus Rapid Transit Right of Way control line, opposite Engineer Station 582+19.81, and running thence, along the west line of Harrison Boulevard, S.00°58'00"W. 111.71 feet to a point 49.98 feet perpendicularly distant westerly from said control line opposite Engineer Station 581+08.10; thence West 8.66 feet to a point 58.64 feet perpendicularly distant westerly from said control line opposite Engineer Station 581+07.95; thence N.02°50'52"W. 53.67 feet to a point 62.21 feet perpendicularly distant westerly from said control line opposite Engineer Station 581+61.50; thence N09°58'00"W. 6.05 feet to a point 63.36 feet perpendicularly distant westerly from said control line opposite Engineer Station 581+67.44; thence N.02°50'29"W. 44.51 feet to a point 66.31 feet perpendicularly distant westerly from said control line opposite Engineer Station 582+11.85; thence N.65°00'00"E. 18.17 feet to

Continued on Page 2

the point of beginning as shown on the official map of said project on file in the office of the Utah Department of Transportation.

The above described parcel of land contains 1,360 square feet or 0.031 acre.

(Note: The basis of bearing for the above description is S.00°58'00"W. between the Ogden City Monuments located in Harrison Boulevard in the intersections of 32nd Street and 35th Street)

(Note: Rotate all bearings in the above description 00°20'09" clockwise to match project bearings)

STATE OF)
) ss.
COUNTY OF)

CAWPROPERTIES LLC

By _____

On this ____ day of _____, in the year 20__, before me personally appeared _____, whose identity is personally known to me (or proven on the basis of satisfactory evidence) and who by me being duly sworn/affirmed, did say that he/she is the _____ of CAWPROPERTIES LLC and that said document was signed by him/her on behalf of said CAWPROPERTIES LLC by Authority of its _____.

Notary Public

WHEN RECORDED, MAIL TO:
Utah Department of Transportation
Right of Way, Fourth Floor
Box 148420
Salt Lake City, Utah 84114-8420

Easement

(LIMITED LIABILITY COMPANY)

Weber County

Tax ID. No. 05:037:0009

Pin No. 15906

Project No. F-R199(235)

Parcel No. 199:148:E

CAWPROPERTIES LLC, Grantor, a Limited Liability Company of the State of Utah, hereby GRANTS AND CONVEYS to the UTAH DEPARTMENT OF TRANSPORTATION, Grantee, at 4501 South 2700 West, Salt Lake City, Utah 84119, for the sum of TEN (\$10.00) Dollars,

A perpetual easement, upon part of an entire tract of property, in the NE1/4 NE1/4 of Section 4, Township 5 North, Range 1 West, Salt Lake Base and Meridian, Weber County, Utah for the purpose of constructing and maintain thereon public utilities and appurtenant parts thereof including, but not limited to ATMS fiber optic conduit, electrical service and transmission lines, culinary and irrigation water facilities, and highway appurtenances including, but not limited to, slopes, street and signal lighting facilities, directional and traffic information signs, incident to the widening and grading of Harrison Boulevard known as Project No. F-R199(235). The boundaries of said parcel of land are described as follows:

Beginning at a point being 442.39 feet S.00°58'00"W. and 59.79 feet N.89°02'00"W. from the Ogden City monument located in the intersection of 32nd Street and Harrison Boulevard, said point also being 59.77 feet perpendicularly distant westerly from the Ogden-WSU Bus Rapid Transit Right of Way control line, opposite Engineer Station 581+24.88, and running thence S.02°50'52"E. 10.01 feet which point is 59.10 feet perpendicularly distant westerly from the said control line of said project; thence S.89°39'51"W. 74.81 feet; thence N.00°20'09"W. 10.00 feet; thence N.89°39'51"E 74.37 feet to the point of beginning as shown on the official map of said project on file in the office of the Utah Department of Transportation.

The above described parcel of land contains 746 square feet or 0.017 acre.

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(Note: The basis of bearing for the above description is S.00°58'00"W. between the Ogden City Monuments located in Harrison Boulevard in the intersections of 32nd Street and 35th Street)

(Note: Rotate all bearings in the above description 00°20'09" clockwise to match project bearings)

STATE OF)
) ss.
COUNTY OF)

CAWPROPERTIES LLC

By _____

On this ____ day of _____, in the year 20__, before me personally appeared _____, whose identity is personally known to me (or proven on the basis of satisfactory evidence) and who by me being duly sworn/affirmed, did say that he/she is the _____ of CAWPROPERTIES LLC and that said document was signed by him/her on behalf of said CAWPROPERTIES LLC by Authority of its _____.

Notary Public

WHEN RECORDED, MAIL TO:
Utah Transit Authority
669 West 200 South
Salt Lake City, Utah 84101

Easement

(LIMITED LIABILITY COMPANY)

Weber County

Tax ID. No. 05:037:0009

Pin No. 15906

Project No. F-R199(235)

Parcel No. 199:148:CE

CAWPROPERTIES LLC, Grantor, a Limited Liability Company of the State of Utah, hereby GRANTS AND CONVEYS to UTAH TRANSIT AUTHORITY, A LARGE PUBLIC TRANSIT DISTRICT ORGANIZED PURSUANT TO THE LAWS OF THE STATE OF UTAH AND ITS ASSIGNS, grantee, located at 669 West 200 South, Salt Lake City, Utah 84101, for the sum of TEN (\$10.00) Dollars,

A temporary easement, upon part of an entire tract of property, located in the NE1/4 NE1/4 of Section 4, Township 4 North, Range 1 West, Salt Lake Base and Meridian, Weber County, Utah, to facilitate the construction of roadway improvements, side treatments and appurtenant parts thereof and blending slopes, incident to the widening and grading of Harrison Boulevard known as Project No. F-R199(235). This easement shall commence upon the beginning of actual construction on the property and shall continue until project construction on the property is complete, or for three (3) years, whichever first occurs. The easement shall be non-exclusive such that the Grantor may use the property at any time in a manner which does not interfere with construction activities. The boundaries of said parcel of land are described as follows:

Beginning at a point being 355.42 feet S.00°58'00"W. and 66.33 feet N.89°02'00"W. from the Ogden City monument located in the intersection of 32nd Street and Harrison Boulevard, said point also being 66.31 feet perpendicularly distant westerly from the Ogden-WSU Bus Rapid Transit Right of Way control line, opposite Engineer Station 582+11.85, and running thence S.02°50'29"E. 44.51 feet; thence S.09°58'00"E. 6.05 feet; thence S.02°50'52"E. 53.67 feet; thence West 15.27 feet; N.02°50'29"W 97.52 feet; thence N.65°00'00"E. 15.66 feet to the point of beginning as shown on the official map of said project on file in the office of the Utah Department of Transportation.

The above described parcel of land contains 1,505 square feet or 0.035 acre.

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(Note: The basis of bearing for the above description is S.00°58'00"W. between the Ogden City Monuments located in Harrison Boulevard in the intersections of 32nd Street and 35th Street)

(Note: Rotate all bearings in the above description 00°20'09" clockwise to match project bearings)

After said roadway improvements, side treatments and appurtenant parts thereof and blending slopes are constructed on the above described part of an entire tract at the expense of Utah Transit Authority, said Utah Transit Authority is thereafter relieved of any further claim or demand for costs, damages or maintenance charges which may accrue against said facilities and appurtenant parts thereof.

STATE OF)
) ss.
COUNTY OF)

CAWPROPERTIES LLC

By _____

On this ____ day of _____, in the year 20__, before me personally appeared _____, whose identity is personally known to me (or proven on the basis of satisfactory evidence) and who by me being duly sworn/affirmed, did say that he/she is the _____ of CAWPROPERTIES LLC and that said document was signed by him/her on behalf of said CAWPROPERTIES LLC by Authority of its _____.

Notary Public

WHEN RECORDED, MAIL TO:
Utah Department of Transportation
Right of Way, Fourth Floor
Box 148420
Salt Lake City, Utah 84114-8420

Warranty Deed

(LIMITED LIABILITY COMPANY)

Affecting Tax ID. No. 04-017-0001
Pin No. 15906
Project No. F-R199(235)
Parcel No. 199:149

CAWPROPERTIES LLC, Grantor, a Limited Liability Company of the State of Utah, hereby CONVEY AND WARRANT to the UTAH DEPARTMENT OF TRANSPORTATION, Grantee, at 4501 South 2700 West, Salt Lake City, Utah 84119, for the sum of TEN (\$10.00) Dollars , and other good and valuable considerations, the following described parcel of land in Weber County, State of Utah, to-wit:

A parcel of land in fee, being a part of an entire tract of property, situate in the NE1/4 NE1/4 of Section 4, Township 5 North, Range 1 West and the SE1/4 SE1/4 Section 33, Township 6 North, Range 1 West, Salt Lake Base and Meridian, in Weber County, Utah, for the construction of roadway widening and improvements of Harrison Boulevard, known as Project No. F-R199(235). The boundaries of said parcel of land are described as follows:

Beginning at a point on the west line of Harrison Boulevard, said point also being 310.00 feet S.00°58'00"W. and 50.00 feet N.89°02'00"W. from the Ogden City monument located in the intersection of 32nd Street and Harrison Boulevard, said point also being 49.98 feet perpendicularly distant westerly from the Ogden-WSU Bus Rapid Transit Right of Way control line, opposite Engineer Station 582+57.28, and running thence, along the said west line of Harrison Boulevard, S.00°58'00"W. 37.47 feet to a point 49.98 feet perpendicularly distant westerly from said control line opposite Engineer Station 582+19.81; thence S.65°00'00"W. 18.17 feet to a point 66.31 feet perpendicularly distant westerly from said control line opposite Engineer Station 582+11.85; thence N.02°50'29"W. 45.36 feet to a point 69.32 feet perpendicularly distant westerly from said control line opposite Engineer Station 582+57.11; thence S89°31'43"E. 19.35 feet to the point of beginning as shown on the official map of said project on file in the office of the Utah Department of Transportation.

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The above described parcel of land contains 744 square feet or 0.017 acre.

(Note: The basis of bearing for the above description is S.00°58'00"W. between the Ogden City Monuments located in Harrison Boulevard in the intersections of 32nd Street and 35th Street)

(Note: Rotate all bearings in the above description 00°20'09" clockwise to match project bearings)

STATE OF)
) ss.
COUNTY OF)

CAWPROPERTIES LLC

By _____

On this ____ day of _____, in the year 20__, before me personally appeared _____, whose identity is personally known to me (or proven on the basis of satisfactory evidence) and who by me being duly sworn/affirmed, did say that he/she is the _____ of CAWPROPERTIES LLC and that said document was signed by him/her on behalf of said CAWPROPERTIES LLC by Authority of its _____.

Notary Public

WHEN RECORDED, MAIL TO:
Utah Department of Transportation
Right of Way, Fourth Floor
Box 148420
Salt Lake City, Utah 84114-8420

Easement

(LIMITED LIABILITY COMPANY)

Weber County

Tax ID. No. 04-017-0001

Pin No. 15906

Project No. F-R199(235)

Parcel No. 199:149:E

Parcel No. 199:149:2E

CAWPROPERTIES LLC, Grantor, a Limited Liability Company of the State of Utah, hereby GRANTS AND CONVEYS to the UTAH DEPARTMENT OF TRANSPORTATION, Grantee, at 4501 South 2700 West, Salt Lake City, Utah 84119, for the sum of TEN (\$10.00) Dollars,

Perpetual easements, upon part of an entire tract of property, in the NE1/4 NE1/4 of Section 4, Township 5 North, Range 1 West, Salt Lake Base and Meridian, Weber County, Utah for the purpose of constructing and maintain thereon public utilities and appurtenant parts thereof including, but not limited to ATMS fiber optic conduit, electrical service and transmission lines, culinary and irrigation water facilities, and highway appurtenances including, but not limited to, slopes, street and signal lighting facilities, directional and traffic information signs, incident to the widening and grading of Harrison Boulevard known as Project No. F-R199(235). The boundaries of said parcel of land are described as follows:

Perpetual Easement 149:E

Beginning at a point being 350.43 feet S.00°58'00"W. and 66.67 feet N.89°02'00"W. from the Ogden City monument located in the intersection of 32nd Street and Harrison Boulevard, said point also being 66.64 feet perpendicularly distant westerly from the Ogden-WSU Bus Rapid Transit Right of Way control line, opposite Engineer Station 582+16.84, and running thence S.02°50'29"E. 5.00 feet which point is 66.31 feet perpendicularly distant westerly from the said control line of said project; thence S.87°09'31"W. 5.00 feet; thence N.02°50'29"W. 5.00 feet; thence N.87°09'31"E 5.00 feet to the point of beginning as shown on the official map of said project on file in the office of the Utah Department of Transportation.

The above described parcel of land contains 25 square feet or 0.001 acre.

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Also, Together with

Perpetual Easement 149:2E

Beginning at a point being 336.84 feet S.00°58'00"W. and 67.57 feet N.89°02'00"W. from the Ogden City monument located in the intersection of 32nd Street and Harrison Boulevard, said point also being 67.55 feet perpendicularly distant westerly from the Ogden-WSU Bus Rapid Transit Right of Way control line, opposite Engineer Station 582+30.43, and running thence S.02°50'29"E. 5.00 feet which point is 67.21 feet perpendicularly distant westerly from the said control line of said project; thence S.87°09'31"W. 5.00 feet; thence N.02°50'29"W. 5.00 feet; thence N.87°09'31"E 5.00 feet to the point of beginning as shown on the official map of said project on file in the office of the Utah Department of Transportation.

The above described parcel of land contains 25 square feet or 0.001 acre.

(Note: The basis of bearing for the above descriptions are S.00°58'00"W. between the Ogden City Monuments located in Harrison Boulevard in the intersections of 32nd Street and 35th Street)

(Note: Rotate all bearings in the above descriptions 00°20'09" clockwise to match project bearings)

STATE OF)
) ss.
COUNTY OF)

CAWPROPERTIES LLC

By _____

On this ____ day of _____, in the year 20__, before me personally appeared _____, whose identity is personally known to me (or proven on the basis of satisfactory evidence) and who by me being duly sworn/affirmed, did say that he/she is the _____ of CAWPROPERTIES LLC and that said document was signed by him/her on behalf of said CAWPROPERTIES LLC by Authority of its _____.

Notary Public

WHEN RECORDED, MAIL TO:
Utah Transit Authority
669 West 200 South
Salt Lake City, Utah 84101

Easement

(LIMITED LIABILITY COMPANY)

Weber County

Tax ID. No. 04-017-0001

Pin No. 15906

Project No. F-R199(235)

Parcel No. 199:149:CE

CAWPROPERTIES LLC, Grantor, a Limited Liability Company of the State of Utah, hereby GRANTS AND CONVEYS to UTAH TRANSIT AUTHORITY, A LARGE PUBLIC TRANSIT DISTRICT ORGANIZED PURSUANT TO THE LAWS OF THE STATE OF UTAH AND ITS ASSIGNS, grantee, located at 669 West 200 South, Salt Lake City, Utah 84101, for the sum of TEN (\$10.00) Dollars,

A temporary easement, upon part of an entire tract of property, located in the NE1/4 NE1/4 of Section 4, Township 5 North, Range 1 West and the SE1/4 SE1/4 of Section 33, Township 6 North, Range 1 West, Salt Lake Base and Meridian, Weber County, Utah, to facilitate the construction of roadway improvements, side treatments and appurtenant parts thereof and blending slopes, incident to the widening and grading of Harrison Boulevard known as Project No. F-R199(235). This easement shall commence upon the beginning of actual construction on the property and shall continue until project construction on the property is complete, or for three (3) years, whichever first occurs. The easement shall be non-exclusive such that the Grantor may use the property at any time in a manner which does not interfere with construction activities. The boundaries of said parcel of land are described as follows:

Beginning at a point being 310.17 feet S.00°58'00"W. and 69.35 feet N.89°02'00"W. from the Ogden City monument located in the intersection of 32nd Street and Harrison Boulevard, said point also being 69.32 feet perpendicularly distant westerly from the Ogden-WSU Bus Rapid Transit Right of Way control line, opposite Engineer Station 582+57.11, and running thence S.02°50'29"E. 45.36 feet; thence S.65°00'00"W. 15.66 feet; N.02°50'29"W. 30.98 feet; thence S87°09'31"W. 9.00 feet; thence N.02°50'29"W. 21.64 feet; thence S.89°31'43"E. 23.54 feet to the point of beginning as shown on the official map of said project on file in the office of the Utah Department of Transportation.

The above described parcel of land contains 899 square feet or 0.021 acre.

(Note: The basis of bearing for the above description is S.00°58'00"W. between the Ogden City Monuments located in Harrison Boulevard in the intersections of 32nd

Continued on Page 2

Street and 35th Street)

(Note: Rotate all bearings in the above description 00°20'09" clockwise to match project bearings)

After said roadway improvements, side treatments and appurtenant parts thereof and blending slopes are constructed on the above described part of an entire tract at the expense of Utah Transit Authority, said Utah Transit Authority is thereafter relieved of any further claim or demand for costs, damages or maintenance charges which may accrue against said facilities and appurtenant parts thereof.

STATE OF)
) ss.
COUNTY OF)

CAWPROPERTIES LLC

By _____

On this ____ day of _____, in the year 20__, before me personally appeared _____, whose identity is personally known to me (or proven on the basis of satisfactory evidence) and who by me being duly sworn/affirmed, did say that he/she is the _____ of CAWPROPERTIES LLC and that said document was signed by him/her on behalf of said CAWPROPERTIES LLC by Authority of its _____.

Notary Public