

Date: January 16, 2019
To: Weber County Board of County Commissioners
From: Sean Wilkinson, AICP *sw*
Department Director, Community Development

Agenda Date: January 22, 2019

Subject: **Request for Approval to Sell Surplus Real Property to Ogden City (Parcel Number 01-060-0041)**

- Exhibits:
- Aerial Image of Property (Exhibit A)
 - Plat Map of Property (Exhibit B)
 - Purchase and Sale Agreement (Exhibit C)
 - Quit-claim Deed (Exhibit D)

Summary:

Parcel Number 01-060-0041 was struck off to Weber County in the 1985 tax sale. The property contains approximately 120 square feet. Ogden City owns all of the property adjacent to this parcel and the City has made a request to purchase it for development purposes. The Weber County Community Development Director has determined that this parcel is an economically viable unit of property only to Ogden City, as a preferential interest holder. This is based on current parcel ownership and Ogden City's development plans. Weber County has no intended use for this property and selling it to Ogden City will result in a benefit to both parties. The legal description has been reviewed and approved by the County Surveyor's Office and the County Commission declared this parcel surplus to the County's needs on January 8, 2019. The purchase price for this parcel is \$74.69 as described below under the "Fiscal Impact" section. All requirements of Weber County Code Article X. (Disposal of Surplus Property) §2-9-371 have been met.

Property Description:

01-060-0041

PART OF LOT 8, BLOCK 9, PLAT B, OGDEN CITY SURVEY, WEBER COUNTY, UTAH: BEGINNING AT A POINT 30 FEET NORTH AND 148 FEET WEST OF THE SOUTHEAST CORNER OF SAID LOT 8, RUNNING THENCE WEST 2.72 FEET; THENCE NORTH 44.22 FEET; THENCE EAST 2.72 FEET; THENCE SOUTH 44.22 FEET TO POINT OF BEGINNING.

Recommendation:

Sell Parcel 01-060-0041 to Ogden City for \$74.69.

Fiscal Impact:

Because the property is valued at less than \$10,000 by the County Assessor's Office, there is no requirement for additional documentation to determine a fair market value. Parcel 01-060-0041 is valued at \$42 but will be offered at \$74.69 to recover the taxes owed when the parcel was struck off to the County. The additional funds will be used to cover the administrative costs of maintaining and selling the property.

Exhibit A



Exhibit B

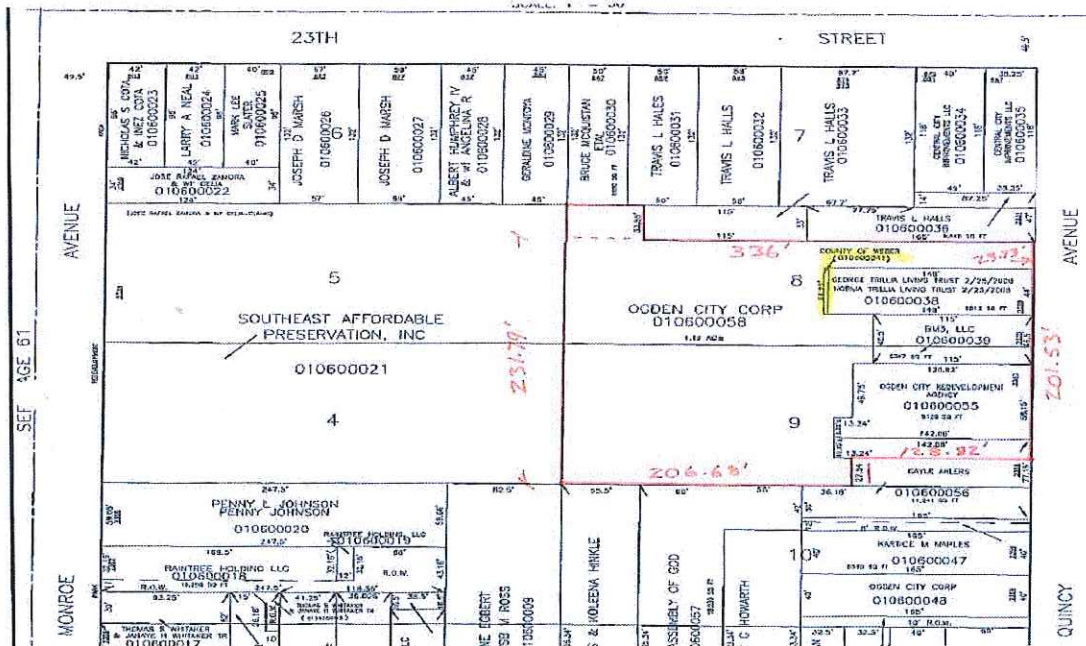


Exhibit C

REAL ESTATE PURCHASE AND SALE AGREEMENT BY AND BETWEEN WEBER COUNTY AND OGDEN CITY

THIS REAL ESTATE PURCHASE AND SALE AGREEMENT (hereinafter "Agreement") is made and entered into on the 22nd day of January, 2019, by and between Weber County, a body politic, corporate and political subdivision of the State of Utah (hereinafter "County") and Ogden City Corporation, a Utah Municipal Corporation, with its principal address located at 2549 Washington Blvd. #210 Ogden, UT 84401 (hereinafter "Buyer").

RECITALS

WHEREAS, according to the official records of the Recorder of Weber County, State of Utah, County owns certain real property more fully described in this Agreement; and

WHEREAS, County declared such property as surplus to its needs on January 8, 2019; and

WHEREAS, Buyer owns property adjacent to Parcel 01-060-0041 and approached County about purchasing the property; and

WHEREAS, Buyer desires to purchase such property on the terms and conditions more particularly set forth herein;

NOW, THEREFORE, it is hereby acknowledged and agreed by and between the parties hereto as follows:

SECTION ONE DESCRIPTION OF PROPERTY

The real property which is the subject of this agreement is described as follows:

Land Serial Numbers: 01-060-0041

01-060-0041

PART OF LOT 8, BLOCK 9, PLAT B, OGDEN CITY SURVEY, WEBER COUNTY, UTAH: BEGINNING AT A POINT 30 FEET NORTH AND 148 FEET WEST OF THE SOUTHEAST CORNER OF SAID LOT 8, RUNNING THENCE WEST 2.72 FEET; THENCE NORTH 44.22 FEET; THENCE EAST 2.72 FEET; THENCE SOUTH 44.22 FEET TO POINT OF BEGINNING.



**SECTION TWO
PURCHASE PRICE AND TERMS**

The purchase price for the above described property is seventy-four dollars and sixty-nine cents (\$74.69). The County shall convey the real property to Buyer by Quit Claim Deed upon receipt of the full purchase price.

**SECTION THREE
INDEMNIFICATION**

Buyer agrees to defend, indemnify and hold harmless County, its officers, agents and employees for and against any claims or suits that arise as a result of this purchase and sale transaction.

**SECTION FOUR
NO WARRANTIES**

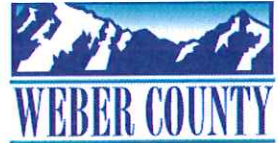
The County does not warrant or guarantee that the property is free from easements, covenants, mortgages, liens, or other encumbrances, nor does the County make any other covenants or warranties concerning the property.

**SECTION FIVE
GOVERNING LAW**

The laws of the State of Utah shall govern the validity, construction, enforcement, and interpretation of this Agreement.

**SECTION SIX
ENTIRE AGREEMENT**

This Agreement constitutes the entire Agreement by and between the parties hereto with respect to the subject matter hereof, and no other statement, whether written or oral, shall be deemed a part of this Agreement unless specifically incorporated herein by reference. This Agreement supersedes any and all other agreements, negotiations, or understandings between the parties.



IN WITNESS WHEREOF the undersigned have affixed their respective signatures hereto on the dates indicated below.

BOARD OF COUNTY COMMISSIONERS
OF WEBER COUNTY

By _____
Scott K. Jenkins, Chair

Commissioner Froerer voted _____
Commissioner Harvey voted _____
Commissioner Jenkins voted _____

ATTEST:

Date:

Ricky D. Hatch, CPA
Weber County Clerk/Auditor

BUYER: Ogden City Corporation

By: Michael P. Caldwell, Mayor

ATTEST:

Ogden City Recorder

Approved as to Form:

Ogden City Attorney

Subscribed and sworn to before me, _____,
this ____ day of January, 2019.

Notary Public

Exhibit D

RECORDED AT THE REQUEST OF
TO:
AND WHEN RECORDED MAIL TO:

MAIL TAX NOTICE

Ogden City Recorder
Recorder
2549 Washington Blvd. #210
Blvd. #210
Ogden, UT 84401

Ogden City
2549 Washington
Ogden, UT 84401

QUIT CLAIM DEED

Weber County Corporation, Grantor, of 2380 Washington Blvd., Ogden, UT, 84401, hereby quit claims to Ogden City Corporation, a Utah Municipal Corporation, Grantee, at 2549 Washington Blvd. Ogden, UT 84401, for the sum of Ten Dollars (\$10.00) and other good and valuable consideration, the following described tract of land in Weber County, Utah, to wit:

The real property which is described as follows:

Land serial number: 01-060-0041

01-060-0041

PART OF LOT 8, BLOCK 9, PLAT B, OGDEN CITY SURVEY, WEBER COUNTY, UTAH: BEGINNING AT A POINT 30 FEET NORTH AND 148 FEET WEST OF THE SOUTHEAST CORNER OF SAID LOT 8, RUNNING THENCE WEST 2.72 FEET; THENCE NORTH 44.22 FEET; THENCE EAST 2.72 FEET; THENCE SOUTH 44.22 FEET TO POINT OF BEGINNING.

BOARD OF COUNTY COMMISSIONERS
OF WEBER COUNTY

Scott K. Jenkins, Chair

I hereby certify that the sale and transfer of the property described herein was duly approved at a regularly scheduled meeting of the Board of County Commissioners on the 22nd day of January 2019.

Ricky D. Hatch, CPA
Weber County Clerk/Auditor