

Date: March 2, 2023
To: Weber County Board of County Commissioners
From: Scott Mendoza
Community Development Department
Agenda Date: March 14, 2023
Subject: **Request for approval to sell surplus property identified as part of parcel number 17-092-0016**
Attachments: A - Aerial Vicinity Map
B - Ownership Plat
C - Survey Map Showing Subject Parcels
D - Real Estate Purchase and Sale Agreement
E - Quit Claim Deed (County conveying land to buyer)
F - Warranty Deed (Buyer conveying land to County)

Summary:

A Weber County owned parcel of land, identified as Tax ID #17-092-0016, was acquired from a private party in 1976. The parcel is approximately 2.50 acres in size and is located at 6900 North and North Fork Road, in the Liberty area. See Attachment A for a vicinity map and Attachment B for the County Recorder's ownership plat map.

The County has been contacted by an adjacent landowner who has asked if the County will consider selling approximately one-half acre of the subject (2.5 acre) parcel. Since contacting the county, the adjacent landowner has had his property surveyed and it's now understood that a portion (100ft.±) of an existing North Fork Park road is located on the adjacent landowner's property. The adjacent landowner has offered to convey the land that is occupied by the park road and pay \$13,377.00 to the county, in exchange for the county's one-half (1/2) acre of land. See Attachment C for a survey map that shows three parcels. Parcel 1 is owned by the adjacent landowner and will be retained by him. Parcel 2 (22,316 sqft.) is owned by the county and according to the request, this parcel would be conveyed to the adjacent landowner. Parcel 3 (6,390 sqft.) is owned by the adjacent landowner and according to the request, this parcel would be conveyed to the county. See Attachments D, E, and F for the sales agreement and conveying documents.

The value for Parcel 2 has been established by an opinion of value letter provided by a licensed real estate broker, as required by county code. The value for Parcel 3 was determined by using the same price per square foot apportioned to Parcel 2 in the opinion of value letter.

The Weber County Culture, Parks, and Recreation Department has reviewed this request and has determined that it has no intended use for this property; therefore, is recommending that Parcel 2 (as shown and described in Attachment C) be sold to the adjacent property owner. In order to convey real property, the County Commission must first take action to declare property as surplus. The subject property was officially declared to be surplus on January 9, 2023.

Property Description:

Part of 17-092-0016

A part of the Southwest Quarter of Section 36, Township 8 North, Range 1 West, Salt Lake Base and Meridian, U.S. Survey.

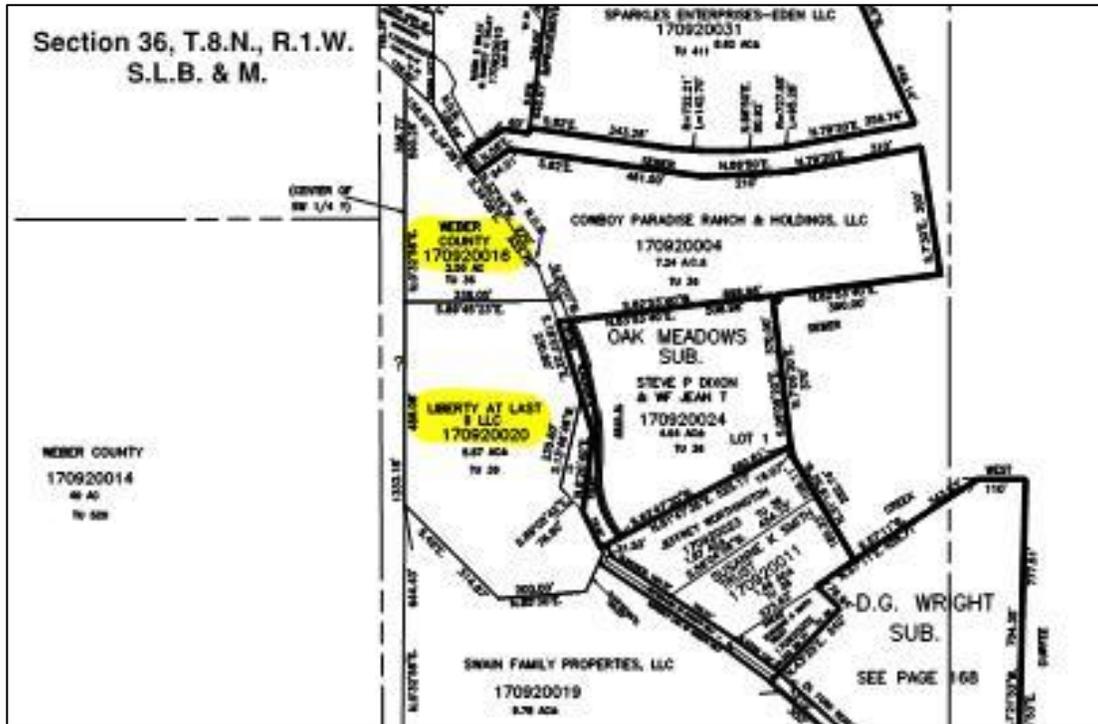
Beginning at a point 1085.84 feet North 00°58'31" East along the Section line and 3568.78 feet North 89°50'03" West from the Southeast Corner of said Section 36; and running thence North 89°50'03" West 350.67 feet to the Southerly Right of way line of an unnamed road being 30.00 feet perpendicularly distant from the centerline of the traveled way as it existed in May of 2021; thence six (6) courses along said Southerly right of way line as follows: (1) North 26°37'01" East 9.37 feet; (2) Northeasterly along the arc of a 230.00 foot radius curve to the left a distance of 21.15 feet (Central Angle Equals 5°16'09" and Long Chord bears North 23°58'56" East 21.14 feet); (3) North 21°20'51" East 43.26 feet; (4) North 24°53'34" East 38.07 feet to a point of curvature; (5) Easterly along the arc of a 28.50 foot radius curve to the right a distance of 44.12 feet (Central Angle equals 88°42'57" and Long Chord bears North 69°15'02" East 39.84 feet); and (6) South 66°21'58" East 293.48 feet to the POINT OF BEGINNING.

Containing 22,316 square feet more or less.

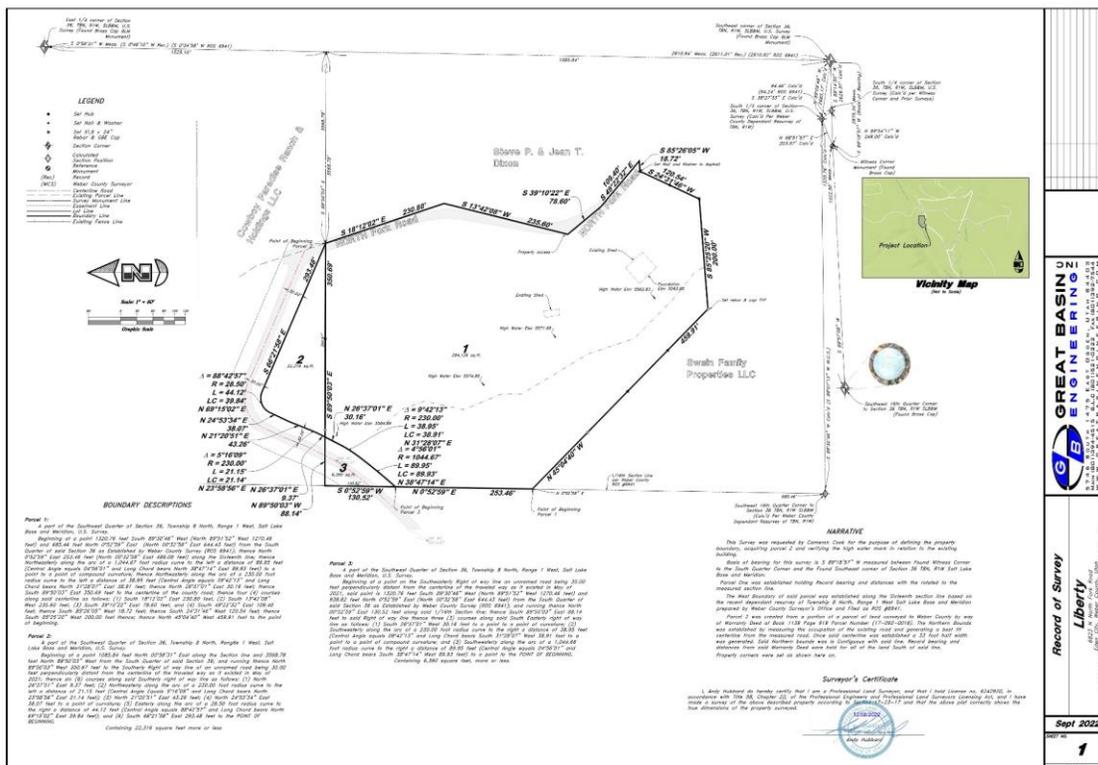
Attachment A



Attachment B



Attachment C



GREAT ENGINEERING
 ONI
 LIBERTY
 Record of Survey
 Sept 2022
 1

Attachment D
1 of 4

REAL ESTATE PURCHASE AND SALE AGREEMENT
BY AND BETWEEN WEBER COUNTY AND LIBERTY AT LAST II, LLC

THIS REAL ESTATE PURCHASE AND SALE AGREEMENT (hereinafter "Agreement") is made and entered into on the ____ day of _____, 2023, by and between Weber County, a body politic, corporate, and political subdivision of the State of Utah (hereinafter "County") and LIBERTY AT LAST II, LLC, a Utah limited liability company, located at 6244 North Fork Road, Liberty, Utah 84310 (hereinafter "Liberty at Last").

RECITALS

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

WHEREAS, County desires to acquire a part of Liberty at Last's property due to a portion of an existing North Fork Park access road being constructed on it: and

WHEREAS, Liberty at Last desires to acquire a part of County's property due to potentially gaining benefits associated with more flexible use of its land; and

WHEREAS, County declared its portion of property as surplus to its needs on January 17th, 2023; and

WHEREAS, County and Liberty at Last agree to carry out this land transaction according to 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 WHICH COUNTY WILL CONVEY TO LIBERTY AT LAST

Part of Parcel Tax ID #17-092-0016 (aka, Parcel 2 on Filed Survey #7428)

A part of the Southwest Quarter of Section 36, Township 8 North, Range 1 West, Salt Lake Base and Meridian, U.S. Survey.

Beginning at a point 1085.84 feet North 00°58'31" East along the Section line and 3568.78 feet North 89°50'03" West from the Southeast Corner of said Section 36; and running thence North 89°50'03" West 350.67 feet to the Southerly Right of way line of an unnamed road being 30.00 feet perpendicularly distant from the centerline of the traveled way as it existed in May of 2021; thence six (6) courses along said Southerly right of way line as follows: (1) North 26°37'01" East 9.37 feet; (2) Northeasterly along the arc of a 230.00 foot radius curve to the left a distance of 21.15 feet (Central Angle Equals 5°16'09" and Long Chord bears North 23°58'56" East 21.14 feet); (3) North 21°20'51" East 43.26 feet; (4) North 24°53'34" East 38.07 feet to a point of curvature;

Attachment D

2 of 4

(5) Easterly along the arc of a 28.50 foot radius curve to the right a distance of 44.12 feet (Central Angle equals 88°42'57" and Long Chord bears North 69°15'02" East 39.84 feet); and (6) South 66°21'58" East 293.48 feet to the POINT OF BEGINNING.

Containing 22,316 square feet more or less.

SECTION TWO DESCRIPTION OF PROPERTY WHICH LIBERTY AT LAST WILL CONVEY TO COUNTY

Part of Parcel Tax ID #17-092-0020 (aka, Parcel 3 on Filed Survey #7428)

A part of the Southwest Quarter of Section 36, Township 8 North, Range 1 West, Salt Lake Base and Meridian, U.S. Survey.

Beginning at a point on the Southeasterly Right of way line an unnamed road being 30.00 feet perpendicularly distant from the centerline of the traveled way as it existed in May of 2021, said point is 1320.76 feet South 89°30'46" West (North 89°51'52" West 1270.46 feet) and 938.82 feet North 0°52'59" East (North 00°32'58" East 644.43 feet) from the South Quarter of said Section 36 as Established by Weber County Survey (ROS 6941); and running thence North 00°52'59" East 130.52 feet along said 1/16th Section line; thence South 89°50'03" East 88.14 feet to said Right of way line thence three (3) courses along said South Easterly right of way line as follows: (1) South 26°37'01" West 30.16 feet to a point to a point of curvature; (2) Southwesterly along the arc of a 230.00 foot radius curve to the right a distance of 38.95 feet (Central Angle equals 09°42'13" and Long Chord bears South 31°28'07" West 38.91 feet to a point to a point of compound curvature; and (3) Southwesterly along the arc of a 1,044.66 foot radius curve to the right a distance of 89.95 feet (Central Angle equals 04°56'01" and Long Chord bears South 38°47'14" West 89.93 feet) to a point to the POINT OF BEGINNING.

Containing 6,390 square feet, more or less.

SECTION THREE PURCHASE PRICE AND TERMS

The purchase price for the property that will be conveyed to Liberty at Last (Parcel 2) is \$18,745 and the purchase price for the property that will be conveyed to County (Parcel 3) is \$5,368. The price of the property being conveyed to County shall be credited towards the price of the property being conveyed to Liberty at Last; therefore, Liberty at Last shall pay a balance of \$13,377. County shall convey the property described in Section One to Liberty at Last by Quit Claim Deed upon receipt of (1) \$13,377; and (2) an appropriately executed Warranty Deed which conveys the property described in Section Two to County.

Attachment D
3 of 4

SECTION FOUR
TITLE TO PROPERTY AND INDEMNIFICATION

Liberty at Last represents and warrants that it has fee title to the property described in Section Two. Further, Liberty at Last agrees to indemnify and hold County (together with its officers, agents, and employees) harmless from and against any claims or suits that arise as a result of this transaction, including but not limited to demands and actions from lien holders, lessees, or third parties claiming an interest in the property that is described in Section Two.

The provisions of this Section Four shall remain effective in perpetuity.

SECTION FIVE
NO WARRANTIES

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

SECTION SIX
GOVERNING LAW

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

SECTION SEVEN
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.

Attachment D
4 of 4

Witness the hand of said Grantor and/or Buyer this _____ day
of _____, 2023.

LIBERTY AT LAST II, LLC

STATE OF UTAH)
 :ss
COUNTY OF Weber County)

On this _____ day of _____, in the year 2023, before me,
_____ a notary public, personally appeared CARL B. COOK,
signer of the foregoing instrument, who proved on the basis of satisfactory evidence to
be the person whose name is subscribed to this instrument, did say that he is a
Member of LIBERTY AT LAST II, LLC and that this instrument was signed by him on
behalf of said Limited Liability Company and by its authority, and duly acknowledged
to me that said Limited Liability Company executed the same.

Witness my hand and official seal.

Notary Public
My Commission Expires:

SEAL

BOARD OF COUNTY COMMISSIONERS
OF WEBER COUNTY

By _____
Gage H. Froerer, Chair

Commissioner Harvey voted _____
Commissioner Bolos voted _____
Commissioner Froerer voted _____

ATTEST:

Ricky D. Hatch, CPA
Weber County Clerk/Auditor

This ____ day of _____, 2023.

Mail Tax Notice to:
Liberty at Last II, LLC
6244 North Fork Road
Liberty, Utah 84310

Attachment E
1 of 2

QUIT CLAIM DEED

WEBER COUNTY, a political subdivision of the State of Utah, Grantor, of 2380 Washington Blvd., Ogden, Utah 84401, hereby **QUIT CLAIMS** to **LIBERTY AT LAST II, LLC**, a Utah limited liability company, Grantee, of 6244 North Fork Road, Liberty, Utah 84310, for good and valuable consideration, the following described tract of land in Weber County, Utah, to wit:

Part of Parcel Tax ID #17-092-0016 (aka, Parcel 2 on Filed Survey #7428)

A part of the Southwest Quarter of Section 36, Township 8 North, Range 1 West, Salt Lake Base and Meridian, U.S. Survey.

Beginning at a point 1085.84 feet North 00°58'31" East along the Section line and 3568.78 feet North 89°50'03" West from the Southeast Corner of said Section 36; and running thence North 89°50'03" West 350.67 feet to the Southerly Right of way line of an unnamed road being 30.00 feet perpendicularly distant from the centerline of the traveled way as it existed in May of 2021; thence six (6) courses along said Southerly right of way line as follows: (1) North 26°37'01" East 9.37 feet; (2) Northeasterly along the arc of a 230.00 foot radius curve to the left a distance of 21.15 feet (Central Angle Equals 5°16'09" and Long Chord bears North 23°58'56" East 21.14 feet); (3) North 21°20'51" East 43.26 feet; (4) North 24°53'34" East 38.07 feet to a point of curvature; (5) Easterly along the arc of a 28.50 foot radius curve to the right a distance of 44.12 feet (Central Angle equals 88°42'57" and Long Chord bears North 69°15'02" East 39.84 feet); and (6) South 66°21'58" East 293.48 feet to the POINT OF BEGINNING.

Containing 22,316 square feet more or less.

A PERPETUAL EASEMENT IS HEREBY RESERVED BY THE GRANTOR FOR ROAD MAINTENANCE AND SHOULDER PRESERVATION OVER THE NORTHERLY 20 FEET OF THE CONVEYED PROPERTY.

Said easement being further described to extend 20 feet perpendicularly distant southerly from the following described line beginning and terminating at the southerly line of the grantor's property:

Situate in the Southwest Quarter of Section 36, Township 8 North, Range 1 West, Salt Lake Base and Meridian, U.S. Survey.

Beginning at a point on the southerly line of the grantor's property, said point being 1085.84 feet North 00°58'31" East along the Section line and 3568.78 feet North 89°50'03" West from the Southeast Corner of said Section 36; and running thence six (6) courses along the southerly right of way line of an unnamed right of way as follows: (1) North 66°21'58" West 293.48 feet; (2) Southwesterly along the arc of a 28.50 foot radius curve to the left a distance of 44.12 feet (Central Angle equals 88°42'57" and Long Chord bears South 69°15'02" West 39.84 feet); (3) South 24°53'34" West 38.07; (4) South 21°20'51" West 43.26 feet; (5) Southwesterly along the arc of a 230.00 foot radius curve to the right a distance of 21.15 feet (Central Angle Equals 5°16'09" and Long Chord bears South 23°58'56" West 21.14 feet); (6) South 26°37'01" West 9.37 feet to a point on the southerly line of the grantor's property, said point lies 1085.84 feet North 00°58'31" East, and 3919.47 feet North 89°50'03" West from the Southeast Corner of said Section.

Described line contains 449.45 linear feet.

20' easement with offset lines trimmed at the southerly line of the grantor's property as retained by grantor contains 8,125 square feet, or 0.187 acres.

Attachment E
2 of 2

CONSISTENT WITH UCA 17-27a-103, GRANTOR MAKES THE FOLLOWING STATEMENT: THE DIVISION OF THE ABOVE DESCRIBED PROPERTY (1) IS IN ANTICIPATION OF FUTURE LAND USE APPROVALS ON THE PARCEL BEING CONVEYED; (2) DOES NOT CONFER ANY LAND USE APPROVALS; AND (3) HAS NOT BEEN APPROVED BY THE LAND USE AUTHORITY.

BOARD OF COUNTY COMMISSIONERS
OF WEBER COUNTY

By: _____
Gage H. Froerer, Chair

I hereby certify that the sale and transfer of the above described property was duly approved at a regularly scheduled meeting of the Board of County Commissioners on the ____ day of _____, 2023.

Ricky Hatch, CPA
Weber County Clerk/Auditor

seal

Draft

Attachment F
1 of 2

Mail to:

Weber County
Attn: Community Development
2380 Washington Blvd., Suite #250
Ogden, Utah 84401

WARRANTY DEED

LIBERTY AT LAST II, LLC, a Utah limited liability company, Grantor, of 6244 North Fork Road, Liberty, Utah 84310, hereby CONVEYS AND WARRANTS to **WEBER COUNTY**, a political subdivision of the State of Utah, Grantee, of 2380 Washington Blvd., Ogden, Utah 84401, for good and valuable consideration, the following described tract of land in Weber County, Utah, to wit:

Part of Parcel Tax ID #17-092-0020 (aka, Parcel 3 on Filed Survey #7428)

A part of the Southwest Quarter of Section 36, Township 8 North, Range 1 West, Salt Lake Base and Meridian, U.S. Survey.

Beginning at a point on the Southeasterly Right of way line an unnamed road being 30.00 feet perpendicularly distant from the centerline of the traveled way as it existed in May of 2021, said point is 1320.76 feet South 89°30'46" West (North 89°51'52" West 1270.46 feet) and 938.82 feet North 0°52'59" East (North 00°32'58" East 644.43 feet) from the South Quarter of said Section 36 as Established by Weber County Survey (ROS 6941); and running thence North 00°52'59" East 130.52 feet along said 1/16th Section line; thence South 89°50'03" East 88.14 feet to said Right of way line thence three (3) courses along said South Easterly right of way line as follows: (1) South 26°37'01" West 30.16 feet to a point to a point of curvature; (2) Southwesterly along the arc of a 230.00 foot radius curve to the right a distance of 38.95 feet (Central Angle equals 09°42'13" and Long Chord bears South 31°28'07" West 38.91 feet to a point to a point of compound curvature; and (3) Southwesterly along the arc of a 1,044.66 foot radius curve to the right a distance of 89.95 feet (Central Angle equals 04°56'01" and Long Chord bears South 38°47'14" West 89.93 feet) to a point to the POINT OF BEGINNING.

Containing 6,390 square feet, more or less.

CONSISTENT WITH UCA 17-27a-103, GRANTOR MAKES THE FOLLOWING STATEMENT: THE DIVISION OF THE ABOVE DESCRIBED PROPERTY IS FOR ROAD, STREET, OR HIGHWAY PURPOSES.

Witness the hand of said Grantor this _____ day of _____, 2023.

(LIBERTY AT LAST II, LLC), Grantor

Attachment F
2 of 2

STATE OF UTAH)
 :SS
COUNTY OF Weber County)

On this _____ day of _____, in the year 2023, before me, _____ a notary public, personally appeared CARL B. COOK, signer of the foregoing instrument, who proved on the basis of satisfactory evidence to be the person whose name is subscribed to this instrument, did say that he is a Member of LIBERTY AT LAST II, LLC and that this instrument was signed by him on behalf of said Limited Liability Company and by its authority, and duly acknowledged to me that said Limited Liability Company executed the same.

Witness my hand and official seal.

Notary Public
My Commission Expires:

SEAL

Draft

ACCEPTANCE:
BOARD OF COUNTY COMMISSIONERS
OF WEBER COUNTY

By: _____
Gage H. Froerer, Chair

ATTEST:

Ricky Hatch, CPA
Weber County Clerk/Auditor

SEAL