

Date: June 16, 2022  
To: Weber County Board of County Commissioners  
From: Scott Mendoza  
Community Development Department  
Agenda Date: July 5, 2022  
Subject: **Request for approval to sell surplus property identified as Parcel #11-044-0025**  
Attachments: A - Aerial View of Existing Parcel/Vicinity Map  
B – County Recorder Ownership Plat  
C – Opinion of Value Letter  
D – Real Estate Purchase and Sale Agreement  
E – Quit Claim Deed

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**Summary:**

A Weber County owned parcel of land, identified as Tax ID #11-044-0025, was acquired by the County through a tax sale process and deed executed in 2005. The parcel contains approximately 6,548 square feet, is mostly occupied by the North Ogden Canal, and is located near 725 N Jackson Avenue, in Ogden City. See Attachment A for a vicinity map and Attachment B for the County Recorder's ownership plat map.

The County was contacted by an adjacent property owner who has asked if the County would consider selling the subject parcel. The Community Development Department contacted the canal company and was told that the company is not interested in acquiring the subject parcel.

Weber County has no intended use for this property; therefore, it is recommended that the parcel be sold to the adjacent property owner for \$50.00, which includes the \$40.00 recording fee. In compliance with Sec. 2-21-2(d)(2), of the county's surplus property code, this value was established by an opinion of value letter that was submitted by a licensed real estate broker. See Attachment C for the opinion of value letter.

In order to convey real property, the County Commission must first take action to declare this parcel as surplus property. The subject property was declared to be surplus during a regularly scheduled commission meeting held on June 21, 2022.

**Property Description:**

11-044-0025

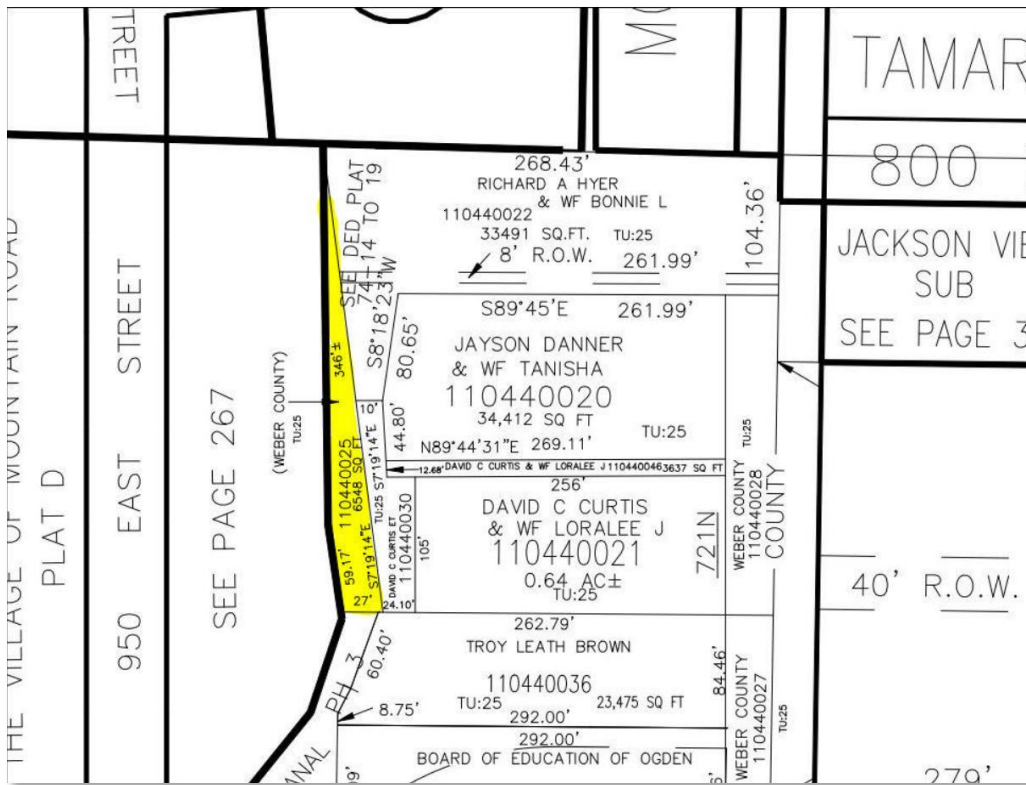
PART OF THE NORTHEAST QUARTER SECTION 9, TOWNSHIP 6 NORTH, RANGE 1 WEST, SALT LAKE BASE & MERIDIAN; BEGINNING AT A POINT THAT IS SOUTH 2197.10 FEET AND EAST 3595.94 FEET FROM THE NORTHWEST CORNER OF SAID SECTION 9, RUNNING THENCE SOUTHERLY ALONG CENTERLINE OF CANAL SOUTH 7D19'14" EAST 346 FEET, MORE OR LESS, THENCE NORTH 89D33'29" WEST 27 FEET, MORE OR LESS, TO THE EAST LINE OF PARCEL CONVEYED IN BOOK 1922 PAGE 777 ENTRY #1537133, THENCE NORTH 08D21'57" WEST 59.17 FEET, THENCE NORTH

00D46'16" WEST 284.70 FEET TO THE POINT OF BEGINNING. TOGETHER WITH THE FOLLOWING RIGHT OF WAY FOR INGRESS AND SOUTH 89D26'16" EAST 292.00 FEET, THENCE SOUTH 1D13'07" WEST EGRESS: BEGINNING AT A POINT NORTH 0D11' EAST 111.0 FEET AND SOUTH 89D40'06" EAST 1314.80 FEET NORTH 0D15' EAST 255.0 FEET, NORTH 89D45' WEST 261.0 FEET TO THE EAST BANK OF THE CANAL AND SOUTH 8D18'23" WEST 93.72 FEET FROM THE SOUTHWEST CORNER OF THE NORTHEAST QUARTER OF SECTION 9, TOWNSHIP 6 NORTH, RANGE 1 WEST, SALT LAKE BASE AND MERIDIAN, U.S. SURVEY: RUNNING THENCE NORTH 89D45' WEST 10 FEET, MORE OR LESS, TO THE EAST LINE OF THE ABOVE DESCRIBED PROPERTY; RUNNING THENCE SOUTH 89D45' EAST ALONG THE CENTERLINE OF AN EXISTING DRIVEWAY 8 FEET EACH SIDE THEREOF, 284.15 FEET, MORE OR LESS, TO THE WEST LINE OF THE COUNTY ROAD.

### Attachment A



Attachment B





4-14-22

Re: Weber County Parcel 11-044-0025  
Owned by Weber County

Dear Mr. Hyer,

In regards to your question as to the value of the above parcel.

The parcel is owned by Weber County and is approximately .15 acre in size which is a long skinny strip. This parcel is land locked and with in the Right of Way easement for the North Ogden Irrigation Company. As a result of that easement, there is nothing that can be done with that property.

I would estimate its value at \$50.00. Which represents the cost of preparing the transfer deed and the cost of recording the document with the County Recorder.

I have attached a copy of the parcel information along with a parcel map showing its location.

Should you have any questions, please feel free to give me a call.

Sincerely,

Toby Mileski  
Real Estate Broker

# Attachment D

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## **REAL ESTATE PURCHASE AND SALE AGREEMENT BY AND BETWEEN WEBER COUNTY AND RICHARD A. HYER and BONNIE L. HYER**

THIS REAL ESTATE PURCHASE AND SALE AGREEMENT (hereinafter "Agreement") is made and entered into on the \_\_\_\_ day of \_\_\_\_\_, 2022, by and between Weber County, a body politic, corporate, and political subdivision of the State of Utah (hereinafter "County") and Richard A. Hyer and Bonnie L. Hyer of Ogden, Utah.

### **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 June 21st, 2022; and

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

**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:

PART OF THE NORTHEAST QUARTER SECTION 9, TOWNSHIP 6 NORTH, RANGE 1 WEST, SALT LAKE BASE & MERIDIAN; BEGINNING AT A POINT THAT IS SOUTH 2197.10 FEET AND EAST 3595.94 FEET FROM THE NORTHWEST CORNER OF SAID SECTION 9, RUNNING THENCE SOUTHERLY ALONG CENTERLINE OF CANAL SOUTH 7D19'14" EAST 346 FEET, MORE OR LESS, THENCE NORTH 89D33'29" WEST 27 FEET, MORE OR LESS, TO THE EAST LINE OF PARCEL CONVEYED IN BOOK 1922 PAGE 777 ENTRY #1537133, THENCE NORTH 08D21'57" WEST 59.17 FEET, THENCE NORTH 00D46'16" WEST 284.70 FEET TO THE POINT OF BEGINNING. TOGETHER WITH THE FOLLOWING RIGHT OF WAY FOR INGRESS AND SOUTH 89D26'16" EAST 292.00 FEET, THENCE SOUTH 1D13'07" WEST EGRESS: BEGINNING AT A POINT NORTH 0D11' EAST 111.0 FEET AND SOUTH 89D40'06" EAST 1314.80 FEET NORTH 0D15' EAST 255.0FEET, NORTH 89D45' WEST 261.0 FEET TO THE EAST BANK OF THE CANAL AND SOUTH 8D18'23" WEST 93.72 FEET FROM THE SOUTHWEST CORNER OF THE NORTHEAST QUARTER OF SECTION 9, TOWNSHIP 6 NORTH, RANGE 1 WEST, SALT LAKE BASE AND MERIDIAN, U.S. SURVEY: RUNNING THENCE NORTH 89D45' WEST 10 FEET, MORE OR LESS, TO THE EAST LINE OF THE ABOVE DESCRIBED PROPERTY; RUNNING THENCE SOUTH 89D45' EAST ALONG THE CENTERLINE OF AN EXISTING DRIVEWAY 8 FEET EACH SIDE THEREOF, 284.15 FEET, MORE OR LESS, TO THE WEST LINE OF THE COUNTY ROAD.

Attachment D  
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**SECTION TWO  
PURCHASE PRICE AND TERMS**

The purchase price for the above described property is Fifty Dollars (\$50.00). 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.

Attachment D

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BOARD OF COUNTY COMMISSIONERS  
OF WEBER COUNTY

By \_\_\_\_\_  
Scott K. Jenkins, Chair

Commissioner Harvey voted \_\_\_\_\_  
Commissioner Froerer voted \_\_\_\_\_  
Commissioner Jenkins voted \_\_\_\_\_

ATTEST:

\_\_\_\_\_  
Ricky D. Hatch, CPA  
Weber County Clerk/Auditor

This \_\_\_\_ day of \_\_\_\_\_, 2022.

BUYER(S):

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Print

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Print

Subscribed and sworn to before me, \_\_\_\_\_,  
this \_\_\_\_ day of \_\_\_\_\_, 2022.

\_\_\_\_\_  
Notary Public

# Attachment E

Mail Tax Notice To:  
Richard A. Hyer and Bonnie L. Hyer  
984 E 950 N  
Ogden, Utah 84404

## QUIT CLAIM DEED

**WEBER COUNTY CORP**, Grantor, of 2380 Washington Blvd., Ogden, Utah 84401, hereby QUIT CLAIMS to:  
**Richard A. Hyer and Bonnie L. Hyer**, as joint tenants, Grantees, the following described tract(s) of land in Weber County, State of Utah:

### Part of 11-044-0025

PART OF THE NORTHEAST QUARTER SECTION 9, TOWNSHIP 6 NORTH, RANGE 1 WEST, SALT LAKE BASE & MERIDIAN; BEGINNING AT A POINT THAT IS SOUTH 2197.10 FEET AND EAST 3595.94 FEET FROM THE NORTHWEST CORNER OF SAID SECTION 9, RUNNING THENCE SOUTHERLY ALONG CENTERLINE OF CANAL SOUTH 7D19'14" EAST 346 FEET, MORE OR LESS, THENCE NORTH 89D33'29" WEST 27 FEET, MORE OR LESS, TO THE EAST LINE OF PARCEL CONVEYED IN BOOK 1922 PAGE 777 ENTRY #1537133, THENCE NORTH 08D21'57" WEST 59.17 FEET, THENCE NORTH 00D46'16" WEST 284.70 FEET TO THE POINT OF BEGINNING. TOGETHER WITH THE FOLLOWING RIGHT OF WAY FOR INGRESS AND SOUTH 89D26'16" EAST 292.00 FEET, THENCE SOUTH 1D13'07" WEST EGRESS: BEGINNING AT A POINT NORTH 0D11' EAST 111.0 FEET AND SOUTH 89D40'06" EAST 1314.80 FEET NORTH 0D15' EAST 255.0FEET, NORTH 89D45' WEST 261.0 FEET TO THE EAST BANK OF THE CANAL AND SOUTH 8D18'23" WEST 93.72 FEET FROM THE SOUTHWEST CORNER OF THE NORTHEAST QUARTER OF SECTION 9, TOWNSHIP 6 NORTH, RANGE 1 WEST, SALT LAKE BASE AND MERIDIAN, U.S. SURVEY: RUNNING THENCE NORTH 89D45' WEST 10 FEET, MORE OR LESS, TO THE EAST LINE OF THE ABOVE DESCRIBED PROPERTY; RUNNING THENCE SOUTH 89D45' EAST ALONG THE CENTERLINE OF AN EXISTING DRIVEWAY 8 FEET EACH SIDE THEREOF, 284.15 FEET, MORE OR LESS, TO THE WEST LINE OF THE COUNTY ROAD.

BOARD OF COUNTY COMMISSIONERS  
OF WEBER COUNTY

By: \_\_\_\_\_  
Scott K. Jenkins, Chair

I hereby certify that the sale and transfer of the above property was duly approved at a regularly scheduled meeting of the Board of County Commissioners on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
Ricky Hatch, CPA  
Weber County Clerk/Auditor

seal