

RESOLUTION NO. 85-120

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DELTA, UTAH
ACCEPTING DEDICATION FROM INTERMOUNTAIN POWER AGENCY OF REAL
PROPERTY LOCATED WITHIN THE WHITE SAGE ANNEXATION.

RECITALS

The City Council of the City of Delta, Utah, referred to herein as the "City Council," recites the following as the basis for adopting this resolution.

A. The City Council has heretofore approved annexation of certain territory into the corporate boundaries of Delta City, which territory is commonly referred to as the "White Sage Annexation."

B. The City Council required as a condition of said annexation, that Intermountain Power Agency (IPA), among other things, construct such storm drainage and related facilities as were necessary to meet engineering criteria theretofore enacted by the City Council for all land development by IPA within the White Sage Annexation.

C. In order to comply with the annexation requirements, IPA has caused a storm water retention and drainage facility to be built on real property located within the White Sage Subdivision and has completed the improvements to said property to specifications approved by the City Council. IPA now desires to dedicate said real property and related improvements to Delta City for use as a storm drainage retention basin.

D. The City Council has determined that acceptance of the dedication of said property is in the best interests of the residents of the City of Delta.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Delta, Utah:

Section 1. Dedication Accepted. The City Council hereby accepts dedication by Intermountain Power Agency of the real property described in the Deed of Dedication attached hereto as Exhibit "A," which exhibit is incorporated as a part of this resolution as though fully set forth herein, together with the improvements to said real property. The dedication hereby accepted is intended by the City Council to be a dedication in fee simple for storm drainage retention and any other public purposes of the City of Delta.

Section 2. Recordation of Deed. The Mayor of City of Delta is hereby authorized to accept delivery of the original, executed Deed of Dedication in a form similar to the deed as set

out in Exhibit "A" hereto or such other form as may be approved by the Delta City Council and to cause the same to be recorded in the office of the Recorder of Millard County, Utah.

Section 3. Effective Date. This resolution shall become effective upon adoption.

Section 4. Severability. In the event that any provision of this resolution less than the entire resolution is held invalid by a court of competent jurisdiction, this resolution shall be deemed severable and such finding of invalidity shall not affect the remaining portions of this resolution.

Section 5. Repeal of Conflicting Resolutions. To the extent that any resolutions or policies of the City of Delta conflict with the provisions of this resolution, they are hereby amended to be in accordance with the provisions hereof.

PASSED AND APPROVED THIS 25th day of February, 1985.

Grant S. Nielson
GRANT S NIELSON, Mayor

Attest: Dorothy Jeffery
DOROTHY JEFFERY,
City Recorder

DEED OF DEDICATION

INTERMOUNTAIN POWER AGENCY, a political subdivision of the State of Utah, Grantor, hereby dedicates and conveys to the CITY OF DELTA, UTAH, a municipal corporation and political subdivision of the State of Utah, Grantee, for the sum of \$10.00 and other good and valuable consideration, the following described tract of land located within Millard County, State of Utah:

Lot A of White Sage Subdivision, a subdivision recorded in Section 7, Township 17 South, Range 6 West, Salt Lake Base and Meridian, more particularly described as follows:

Beginning at a point that is S 89°34'47" W 955.91 feet and N 0°41'15" E 30.01 feet from the Southeast corner of Section 7, Township 17 South, Range 6 West, Salt Lake Base and Meridian and running thence N 0°41'15" E 186.36 feet; thence N 89°34'47" E 234.79 feet to a point on a 423.70 foot radius curve to the left (radius bears S 79°12'32" W); thence southerly along the arc of said curve 86.11 feet with a central angle of 11°38'41"; thence S 0°51'13" W 100.66 feet; thence S 89°34'47" W 242.98 feet to the point of beginning. Contains 1.018 acres.

WITNESS the hand of said Grantor this ___ day of _____, 1985.

INTERMOUNTAIN POWER AGENCY

By _____
Ronald Rencher
General Manager

STATE OF UTAH)
) ss.
County of Salt Lake)

On the ___ day of _____, 1985, personally appeared before me RONALD RENCHER, who, being duly sworn, did say that he is the authorized agent of INTERMOUNTAIN POWER AGENCY, a political subdivision of the State of Utah, and that the foregoing instrument was signed on behalf of said political subdivision by authority of a resolution of its governing body and the said RONALD RENCHER duly acknowledged to me that said INTERMOUNTAIN POWER AGENCY executed the same.

My Commission Expires:

NOTARY PUBLIC
Residing at:

56247

costs for such professional appraisers, surveyors and other such assistance as may be necessary to prosecute the condemnation proceeding authorized hereby.

3. Property Already Acquired. The City Attorney is instructed to name as plaintiffs in the eminent domain proceedings authorized hereby only those persons holding title to property within the westernmost 17.00 feet of Lots 1 and 4 of Block 64 and Lots 1 and 4 of Block 69 who have not already consented to and conveyed to Delta City their ownership interest in said property.

4. Effective Date. This resolution shall become effective upon adoption.

5. Severability. In the event that any provision of this resolution less than the entire resolution is held invalid by a court of competent jurisdiction, this resolution shall be deemed severable and such finding of invalidity shall not affect the remaining portions of this resolution.

6. Repeal of Conflicting Resolutions. To the extent that any resolutions or policies of the City of Delta conflict with the provisions of this resolution, they are hereby amended to be in accordance with the provisions hereof.

PASSED AND APPROVED THIS 10th day of June, 1985.

Grant S Nielson
GRANT S NIELSON, Mayor

Attest: Dorothy Jeffery
DOROTHY JEFFERY
City Recorder

STATE OF UTAH)
): ss
COUNTY OF MILLARD)

On this 10th day of June, 1985, personally appeared before me GRANT S NIELSON and DOROTHY JEFFERY, who being by me duly sworn, did say that they are the mayor and city recorder, respectively, of the City of Delta, a municipal corporation and political subdivision of the State of Utah and that the within and foregoing instrument was signed on behalf of said city by authority of the City Council at a regular meeting held on the 10th day of June, A.D. 1985, and the said Grant S. Nielson and Dorothy Jeffery acknowledged to me that said City executed the same.

My commission expires
May 15, 1988

David J. [Signature]
-2- Notary Public
Residing at F. Moore Utah