Entry No. 56247 Book 190 Page 697-698
Recorded June 13, 1985 Time 4:58 p.m. Fee $ None
Request of Delta City
LAVOY MARTIN MILLARD CO. RECORDER by [illegible]

RESOLUTION 85-126

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DELTA, UTAH AUTHORIZING CONDEMNATION OF CERTAIN PROPERTY LOCATED WITHIN BLOCKS 64 AND 69 OF DELTA TOWNSITE, PLAT "A", AND AUTHORIZING PROSECUTION OF A CIVIL ACTION TO ACQUIRE SUCH PROPERTY BY EMINENT DOMAIN.

RECITALS

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

A. The City Council has heretofore approved a project providing for the improvement and widening of 350 East Street within the City of Delta, Utah, to be commenced in June, 1985.

B. The City has attempted to negotiate acquisition of the westernmost 17.00 feet of Lots 1 and 4 of Block 64 and Lots 1 and 4 of Block 69 of the amended plat of Delta Townsite, Plat "A", with the property owners.

C. Certain of the property owners have failed or refused to agree to the acquisition of said property by Delta City.

D. The City Council has determined that it is necessary to authorize eminent domain proceedings and the costs therefor in order to acquire sufficient property for the widening and improvement of said 350 East Street.

E. The City Council has determined and finds that the widening of 350 East Street in the vicinity of Block 64 and 69 is an integral part of the Delta City street improvements project and traffic control master plan.

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

1. Eminent Domain Proceedings Authorized. Authorization is hereby given for the City Attorney to commence eminent domain proceedings in the Fourth District Court of the State of Utah to acquire title to the westernmost 17.00 feet of Lots 1 and 4 of Block 64 and Lots 1 and 4 of Block 69 of the amended plat of Delta Townsite, Plat "A", according to the official plat thereof as on record in the office of the Millard County, Utah Recorder.

2. Authorization to Acquire Services. Further authorization is hereby given to the City Attorney to acquire and incur

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 westermost 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

Notary Public
Residing at Fillmore Utah