

Date: December 8, 2017  
To: Weber County Board of County Commissioners  
From: Sean Wilkinson, AICP *SW*  
Department Director, Community & Economic Development  
Agenda Date: December 19, 2017  
Subject: **Request for Approval to Sell Surplus Real Property (Parcel Number 01-039-0048)**  
Documents: - Aerial Image of Property (Exhibit A)  
- Plat Map of Property (Exhibit B)  
- Purchase and Sale Agreement (Exhibit C)  
- Quit-claim Deed (Exhibit D)

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**Summary:**

This parcel (01-039-0048) was struck off to Weber County following the 1942 Tax Sale. It is a strip of land 16 feet wide and 132 feet long with a right-of-way for access to other properties. The Ogden Community Foundation, an abutting property owner, recently approached the County about purchasing this parcel. Weber County has no intended use for this property and the County Commission declared this parcel surplus to the County's needs on November 7, 2017. The legal description has been reviewed and approved by the County Surveyor's Office. The purchase price is \$750, which is the market value determined by the County Assessor's Office. All requirements of Weber County Code Article X. (Disposal of Surplus Property) §2-9-371 have been met.

**Property Description:**

01-039-0048

PART OF LOT 9, BLOCK 45, PLAT A, OGDEN CITY SURVEY, WEBER COUNTY, UTAH: BEGINNING AT A POINT 33.5 FEET SOUTH OF THE NORTHEAST CORNER OF SAID LOT 9; RUNNING THENCE WEST 8 RODS; THENCE SOUTH 16 FEET; THENCE EAST 8 RODS; THENCE NORTH 16 FEET TO THE PLACE OF BEGINNING. SUBJECT, HOWEVER, TO A RIGHT-OF-WAY OVER AND ALONG THE SAID PROPERTY AND THE WHOLE THEREOF; WHICH RIGHT-OF-WAY IS ALSO RESERVED BY GRANTORS FOR THE BENEFIT OF THE PROPERTY ADJACENT THERETO ON THE NORTH OF SAID RIGHT-OF-WAY.

**Recommendation:**

Sell Parcel 01-039-0048 to Ogden Community Foundation for \$750.

**Fiscal Impact:**

Weber County will recover the taxes owed when the property was struck off in 1942 and the administrative costs of selling the property (\$500). The parcel will also be placed back on the County property tax rolls for future years.

Exhibit A

21ST ST



441

2101

Ogden Ave

449

455

463

2103

2109

2117

2101

Adams Ave

OGDEN AVE

2118

2124

2121

2128

2131

2132

2136

2140

2135

Parcel # 01-039-0048

2101

Adams Ave

2101

Ogden Ave

6

7

5

2

2145

2149

1

Warren Row  
WARREN ROW

2151

430

452

456

468

468

2155

2159

2163

2165

498

2151

Oak St  
OAK ST

# Exhibit B

## BLOCK 45 PLAT A

IN OGDEN CITY

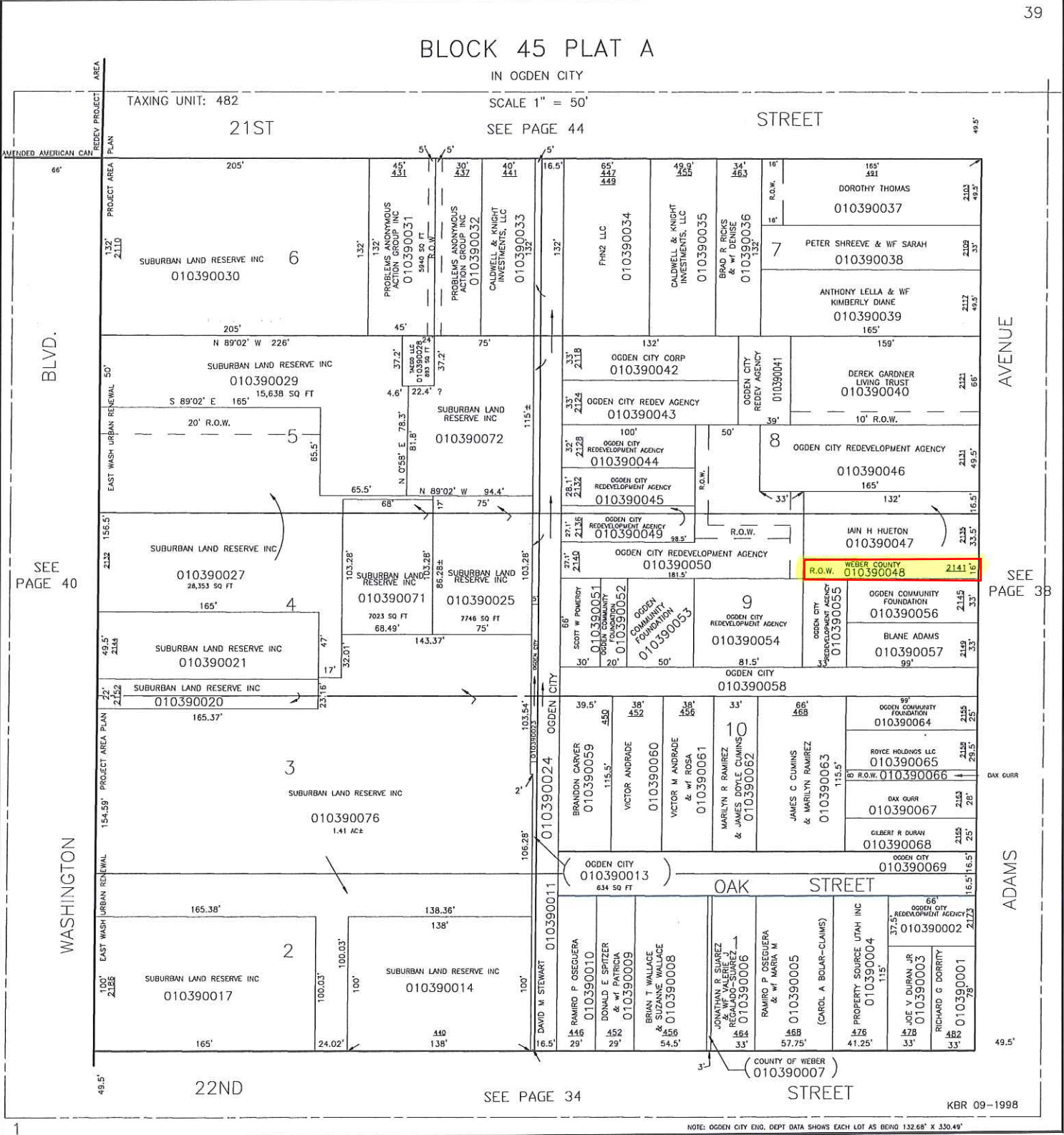
TAXING UNIT: 482

SCALE 1" = 50'

21ST STREET

SEE PAGE 44

STREET



SEE PAGE 40

SEE PAGE 38

SEE PAGE 34

KBR 09-1998

NOTE: OGDEN CITY ENG. DEPT DATA SHOWS EACH LOT AS BEING 132.68' X 330.49'

# Exhibit C

## **REAL ESTATE PURCHASE AND SALE AGREEMENT BY AND BETWEEN WEBER COUNTY AND OGDEN COMMUNITY FOUNDATION**

THIS REAL ESTATE PURCHASE AND SALE AGREEMENT (hereinafter "Agreement") is made and entered into on the 19<sup>th</sup> day of December, 2017, by and between Weber County, a body politic, corporate and political subdivision of the State of Utah (hereinafter "County") and Ogden Community Foundation, with its principal address located at PO Box 185 Ogden, UT 84402 (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 November 7, 2017; and

**WHEREAS**, Buyer owns property adjacent to Parcel 01-039-0048 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 number: 01-039-0048

PART OF LOT 9, BLOCK 45, PLAT A, OGDEN CITY SURVEY, WEBER COUNTY, UTAH: BEGINNING AT A POINT 33.5 FEET SOUTH OF THE NORTHEAST CORNER OF SAID LOT 9; RUNNING THENCE WEST 8 RODS; THENCE SOUTH 16 FEET; THENCE EAST 8 RODS; THENCE NORTH 16 FEET TO THE PLACE OF BEGINNING. SUBJECT, HOWEVER, TO A RIGHT-OF-WAY OVER AND ALONG THE SAID PROPERTY AND THE WHOLE THEREOF; WHICH RIGHT-OF-WAY IS ALSO RESERVED BY GRANTORS FOR THE BENEFIT OF THE PROPERTY ADJACENT THERETO ON THE NORTH OF SAID RIGHT-OF-WAY.

**SECTION TWO  
PURCHASE PRICE AND TERMS**

The purchase price for the above described property is seven hundred fifty dollars (\$750). 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 \_\_\_\_\_  
James Ebert, Chair

Commissioner Ebert voted \_\_\_\_\_  
Commissioner Gibson voted \_\_\_\_\_  
Commissioner Harvey voted \_\_\_\_\_

ATTEST:

Date:

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

BUYER: Ogden Community Foundation

\_\_\_\_\_  
Authorized Representative

Subscribed and sworn to before me, \_\_\_\_\_,  
this \_\_\_\_ day of December, 2017.

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

# Exhibit D

RECORDED AT THE REQUEST OF  
AND WHEN RECORDED MAIL TO:

Ogden Community Foundation  
PO Box 185  
Ogden, UT 84402

MAIL TAX NOTICE TO:

Ogden Community Foundation  
PO Box 185  
Ogden, UT 84402

## QUIT CLAIM DEED

Weber County Corporation, Grantor, of 2380 Washington Blvd., Ogden, UT 84401, hereby quit claims to Ogden Community Foundation, Grantee, at PO Box 185 Ogden, UT 84402, 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: 01-039-0048

PART OF LOT 9, BLOCK 45, PLAT A, OGDEN CITY SURVEY, WEBER COUNTY, UTAH: BEGINNING AT A POINT 33.5 FEET SOUTH OF THE NORTHEAST CORNER OF SAID LOT 9; RUNNING THENCE WEST 8 RODS; THENCE SOUTH 16 FEET; THENCE EAST 8 RODS; THENCE NORTH 16 FEET TO THE PLACE OF BEGINNING. SUBJECT, HOWEVER, TO A RIGHT-OF-WAY OVER AND ALONG THE SAID PROPERTY AND THE WHOLE THEREOF; WHICH RIGHT-OF-WAY IS ALSO RESERVED BY GRANTORS FOR THE BENEFIT OF THE PROPERTY ADJACENT THERETO ON THE NORTH OF SAID RIGHT-OF-WAY.

BOARD OF COUNTY COMMISSIONERS  
OF WEBER COUNTY

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James Ebert, 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 19<sup>th</sup> day of December 2017.

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Ricky D. Hatch, CPA  
Weber County Clerk/Auditor