

WHEN RECORDED, PLEASE RETURN TO:

West Jordan City Recorder
8000 South Redwood Road
West Jordan, Utah 84088

14191572 B: 11464 P: 9767 Total Pages: 4
01/04/2024 02:39 PM By: vanguyen Fees: \$0.00
Rashelle Hobbs, Recorder, Salt Lake County, Utah
Return To: WEST JORDAN CITY
8000 S REDWOOD RD WEST JORDAN, UT 84088



Portion of APN: 26-03-300-002

NOTICE OF RIGHT OF OCCUPANCY

WHEREAS, the City Council of the City of West Jordan, Utah (the “City”), has adopted a transportation master plan to improve the health, safety and welfare of its residents; and

WHEREAS, one of the roads identified on the City’s transportation master plan is 9000 South Street, between the Bacchus Highway and 6400 West Street (“9000 South Street”); and

WHEREAS, the City Council recently adopted a budget and approved a project to construct 9000 South Street, together with all necessary and compatible utility infrastructure (the “Project”); and

WHEREAS, the City is currently negotiating a purchase and sale agreement with Mac8, LLC, A Utah limited liability company, and Gary Wesley McDougal or Karen P. McDougal, or their successor, as trustees under agreement with the McDougal Family Trust dated the 7th day of February, 1984, and amended and restated the 24th day of March, 2020 (the “Owner”), to purchase a portion of the Owner’s property located at 9001 South Uone Eleven Highway, West Jordan, Utah (the “Property”), but is prepared to start the Project before a purchase and sale agreement can be completed; and

WHEREAS, the Property is more particularly described on Exhibit “A”, attached hereto and by this reference made a part hereof; and

WHEREAS, the City and the Owner have decided to voluntarily enter into a Right of Occupancy Agreement (the “Agreement”), to allow the City to use, occupy and control the Property to begin constructing the Project while a purchase and sale agreement is further negotiated; and


WHEREAS, a copy of the Agreement is located in the office of the Real Property Administrator at West Jordan City Hall, 8000 South Redwood Road, West Jordan, Utah 84088; and

WHEREAS, the City created this Notice of Right of Occupancy (the “Notice”) to provide constructive notice to all persons and parties that, as a result of the Agreement, including payment therefor, the City claims a right, title and interest to the Property, including but not limited to occupying the Property for public transportation and utility purposes.

NOW, THEREFORE, this Notice shall remain in full force and effect until the City files one of the following in the office of the Salt Lake County Recorder, 1) a termination of the Notice, or 2) a deed to the City from the Owner, its successors or assigns, or 3) a final judgment of condemnation in favor of the City from a court of competent jurisdiction.

Dated this 4th day of January 2024.

CITY OF WEST JORDAN, UTAH

By: 
Name: David Clemence
Title: Real Property Administrator

STATE OF UTAH)
 :SS
COUNTY OF SALT LAKE)

On this 4th day of January 2024, personally appeared before me David Clemence, who being by me duly sworn did say that he is the Real Property Administrator of the City of West Jordan, Utah, and that the foregoing instrument was signed by him on behalf of the City of West Jordan, Utah.


NOTARY PUBLIC

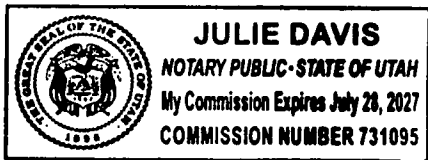


EXHIBIT "A"
(the Property)

SPECIAL WARRANTY DEED DESCRIPTION:

That portion of the Southwest Quarter of Section 3, Township 3 South, Range 2 West of the Salt Lake Base and Meridian, located in West Jordan City, Salt Lake County, State of Utah, more particularly described as follows, to wit (Basis of Bearing is North 0°08'45" East 2637.41 feet along the Section line from the West Quarter Corner to the Northwest Corner of said Section 3, Township 3 South, Range 2 West of the Salt Lake Base and Meridian):

Beginning at a point on the Easterly right of way line of State Route 111 (Bacchus Highway), said point being located 863.41 feet South 89°46'19" East along the Section Line from the West Quarter Corner of Section 3, Township 3 South, Range 2 West of the Salt Lake Base and Meridian; thence continuing along said Section Line, South 89°46'19" East 637.10 feet; thence South 00°13'41" West 77.00 feet; thence North 89°46'19" West 25.00 feet; thence Northerly along the arc of a non-tangent curve to the left, having a radius of 20.00 feet (radius bears: North 89°46'19" West), a distance of 10.47 feet, through a central angle of 30°00'00" (Chord: North 14°46'19" West 10.35 feet); thence North 89°46'19" West 604.24 feet; thence South 49°09'42" West 21.67 feet, more or less, to the Easterly right of way line of State Route 111 (Bacchus Highway); thence along said Easterly right of way line, North 08°02'55" East 82.00 feet, more or less, to the point of beginning.

The foregoing description contains 43,356 square feet, or 0.995 acres, more or less.

EXHIBIT "A"
(Continued)

TEMPORARY CONSTRUCTION EASEMENT DESCRIPTION NO. 1:

That portion of the Southwest Quarter of Section 3, Township 3 South, Range 2 West of the Salt Lake Base and Meridian, located in West Jordan City, Salt Lake County, State of Utah, more particularly described as follows, to wit (Basis of Bearing is North 0°08'45" East 2637.41 feet along the Section line from the West Quarter Corner to the Northwest Corner of said Section 3, Township 3 South, Range 2 West of the Salt Lake Base and Meridian):

Beginning at a point being 78.16 feet South 00°09'01" West along the Section Line and 857.01 feet South 89°50'59" East from the West Quarter Corner of Section 3, Township 3 South, Range 2 West of the Salt Lake Base and Meridian; thence North 49°09'42" East 15.22 feet; thence South 89°46'19" East 604.24 feet; thence Southerly along the arc of a non-tangent curve to the right, having a radius of 20.00 feet (radius bears: South 60°13'41" West), a distance of 10.47 feet, through a central angle of 30°00'00" (Chord: South 14°46'19" East 10.35 feet); thence North 89°46'19" West 618.40 feet to the point of beginning.

The foregoing description contains 6,116 square feet, or 0.140 acres, more or less.

TEMPORARY CONSTRUCTION EASEMENT DESCRIPTION NO. 2:

That portion of the Southwest Quarter of Section 3, Township 3 South, Range 2 West of the Salt Lake Base and Meridian, located in West Jordan City, Salt Lake County, State of Utah, more particularly described as follows, to wit (Basis of Bearing is North 0°08'45" East 2637.41 feet along the Section line from the West Quarter Corner to the Northwest Corner of said Section 3, Township 3 South, Range 2 West of the Salt Lake Base and Meridian):

Beginning at a point being 79.00 feet South 00°09'01" West along the Section Line and 1475.40 feet South 89°50'59" East from the West Quarter Corner of Section 3, Township 3 South, Range 2 West of the Salt Lake Base and Meridian; thence South 89°46'19" East 25.00 feet, more or less, to the Grantor's Easterly property line described in that certain Warranty Deed recorded on March 30, 2022, under Entry No. 13922349, in Book 11323, at Page 474, in the office of the Salt Lake County Recorder; thence along said Easterly property line, South 00°13'41" West 20.00 feet; thence North 89°46'19" West 25.00 feet; thence North 00°13'41" East 20.00 feet to the point of beginning.

The foregoing description contains 500 square feet, or 0.011 acres, more or less.