

# COTTONWOOD HEIGHTS

## RESOLUTION No. 2020-10

### A RESOLUTION APPROVING ENTRY INTO AN AMENDED AND RESTATED INTERLOCAL COOPERATIVE EASEMENT AGREEMENT WITH MURRAY CITY FOR THE BIG COTTONWOOD TRAIL

**WHEREAS**, the Interlocal Cooperation Act, UTAH CODE ANN. §11-13-101 *et. seq.* (the “*Interlocal Cooperation Act*”), provides that any two or more public agencies may enter into agreements with one another for joint or cooperative action following the adoption of an appropriate resolution by the governing body of each participating public agency; and

**WHEREAS**, Murray City Corporation (“*Murray*”) and the city of Cottonwood Heights (the “*City*”) are public agencies for purposes of the Interlocal Cooperation Act; and

**WHEREAS**, UTAH CODE ANN. § 11-13-202(14) provides that any public agency may convey property to or acquire property from any other public agency for such consideration as may be agreed upon; and

**WHEREAS**, as explained in detail in the urban trails element of its general plan, the City desires to establish a public trail currently named the “Big Cottonwood Trail” (the “*Trail*”) from the City’s boundary near the “Knudsen Corner” intersection of I-215 and Holladay Blvd. to the Bonneville Shoreline Trail in Big Cottonwood Canyon; and

**WHEREAS**, a segment (the “*Segment*”) of the proposed Trail crosses real property (the “*Property*”) owned by Murray; and

**WHEREAS**, the City desires to obtain from Murray, and Murray desires to grant to the City, a public easement across the Property for Trail purposes; and

**WHEREAS**, consequently, effective 30 June 2014 the City and Murray entered into an “Interlocal Cooperation Agreement” (the “*Original Agreement*”) wherein Murray granted the City an easement to construct a parking lot and a segment of the Trail; and

**WHEREAS**, the City and Murray now desire to amend and restate the Original Agreement to provide for additional easement areas and associated legal descriptions for an extension of the Trail to be constructed by Cottonwood Heights and, to that end, collaboratively have drafted a proposed “First Amended and Restated Interlocal Cooperation Agreement” (the “*Amended Agreement*”) to effect those changes to the Original Agreement; and

**WHEREAS**, the City’s city council (the “*Council*”) met in regular session on 7 April 2020 to consider, among other things, approving the City’s entry into the Amended Agreement; and

**WHEREAS**, the Council has reviewed the form of the Amended Agreement, a photocopy of which is annexed hereto; and

**WHEREAS**, after careful consideration, the Council has determined that it is in the best interests of the health, safety and welfare of the citizens of the City to approve the City's entry into the Amended Agreement as proposed;

**NOW, THEREFORE, BE IT RESOLVED** by the city council of the city of Cottonwood Heights that the attached Amended Agreement with Murray be, and hereby is, approved, and that the City's mayor and recorder are authorized and directed to execute and deliver the Amended Agreement on behalf of the City.

This Resolution, assigned no. 2020-10, shall take effect immediately upon passage.

**PASSED AND APPROVED** this 7<sup>th</sup> day of April 2020.

**COTTONWOOD HEIGHTS CITY COUNCIL**

By   
Michael J. Peterson, Mayor

**ATTEST:**

  
Paula Melgar, Recorder



**VOTING:**

Michael J. Peterson	Yea <input checked="" type="checkbox"/>	Nay <input type="checkbox"/>
Douglas Petersen	Yea <input checked="" type="checkbox"/>	Nay <input type="checkbox"/>
J. Scott Bracken	Yea <input checked="" type="checkbox"/>	Nay <input type="checkbox"/>
Tali C. Bruce	Yea <input checked="" type="checkbox"/>	Nay <input type="checkbox"/>
Christine Watson Mikell	Yea <input checked="" type="checkbox"/>	Nay <input type="checkbox"/>

**DEPOSITED** in the office of the City Recorder this 7<sup>th</sup> day of April 2020.

**RECORDED** this 7 day of April 2020.