

RESOLUTION NO. No. 2021-R-08

A Resolution Approving the Mayor to Transfer Any and All Ownership and Otherwise Disposing of Midvale City's Portion of Certain Real Property Known as the River Bottom Trunkline to South Valley Water Reclamation Facility

WHEREAS, the Midvale City Council (the "Council") met during a regularly scheduled meeting on February 6, 2021, to consider, among other things, a resolution to transfer ownership of or otherwise dispose of certain real property known as the River Bottom Trunk Line to South Valley Water Reclamation Facility; and

WHEREAS, a legal detail of the River Bottom Trunk Line and Easement Survey is attached in Exhibit "A" hereto and incorporated herein by this reference; and

WHEREAS, the South Valley Water Reclamation Facility ("SVWRF") approved Resolution No. 3-18-2020(B), attached hereto as Exhibit "B" and incorporated herein by this reference, which defined ownership of the River Bottom Trunk Line and approved a rehabilitation project to repair the line; and

WHEREAS, the River Bottom Trunk Line includes five sections of sewer pipe, the ownership of which is shared, in varying degrees, by four distinct entities (collectively referred to as the "Member Entities"): (1) Sandy Suburban Improvement District; (2) South Valley Sewer District; (3) Midvale City; and (4) West Jordan City; and

WHEREAS, the City desires to convey all of its ownership, interest, liability, and accompanying easements regarding its respective interest in the River bottom Trunk Line to South Valley Water Reclamation Facility in a cooperative effort to consolidate ownership of the River Bottom Trunk Line in SVWRF; and

WHEREAS, after careful consideration, the Council has determined that it is in the best interest of the health, safety, and welfare of its citizens to convey both the City's respective interest in the River Bottom Trunk Line, as well as any associated liability and easements, to SVWRF; and

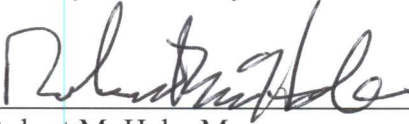
WHEREAS, the Council finds for purposes of Utah Code Annotated § 10-8-2 that the City's liability is greater than the value of its interest in the River Bottom Trunk Line.

NOW THEREFORE BE IT RESOLVED by the Midvale City Council as follows:


1. The Council hereby directs that the City's interest in the River Bottom Trunk Line, together with any associated liability and easements shall be transferred to South Valley Water Reclamation Facility.
2. The Mayor is hereby directed to execute all necessary documents to effectuate the conveyance contemplated herein.

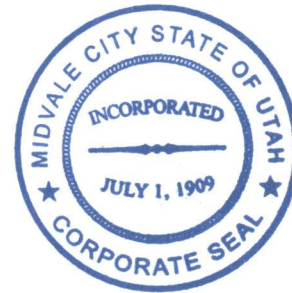
3. No further action by the City Council is required to complete the conveyance process contemplated herein.
4. All officers and employees of the City are hereby directed to take all actions necessary and appropriate to effectuate the provisions of this Resolution and the intent expressed herein.
5. This Resolution will take effect immediately upon its passage.

APPROVED AND ADOPTED this 16th day of February 2021.


 Robert M. Hale, Mayor

ATTEST:


 Rori L. Andreason,
 City Recorder



Voting by the City Council	"Aye"	"Nay"
Dustin Gettel	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Paul Glover	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Quinn Sperry	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Heidi Robinson	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Bryant Brown	<input checked="" type="checkbox"/>	<input type="checkbox"/>

EXHIBIT B

RESOLUTION NO. 3-18-2020(B)

A RESOLUTION OF THE SOUTH VALLEY WATER RECLAMATION FACILITY DEFINING OWNERSHIP AND AUTHORIZING REHABILITATION OF THE RIVER BOTTOM TRUNK LINE

WHEREAS, the South Valley Water Reclamation Facility Board of Trustees (the “Board”) met during a regularly scheduled meeting on March 18, 2020, to consider, among other things, a resolution defining ownership and rehabilitation for a trunk line connecting member entities to the South Valley Water Reclamation Facility (“SVWRF” or the “Facility”); and

WHEREAS, through the late 1970’s, 1980’s, and as early as 1991, some 18,757 feet of sewer pipe was installed between 9000 South and SVWRF at about 7500 South, this stretch of sewer pipe is commonly referred to as the River Bottom Trunk Line (the “Trunk Line”); and

WHEREAS, the Trunk Line is now showing signs that it has reached the end of its useful life and a project (the “Project”) has been proposed to rehabilitate the existing Trunk Line; and

WHEREAS, preliminary cost projections for completion of the Project are just under \$10.2 million; and

WHEREAS, the Trunk Line includes five sections of sewer pipe running from 9000 South to SVWRF and Ownership of these five sections of the Trunk Line is shared, in varying degrees, by four distinct entities (collectively referred to as the “Member Entities” or “Entities”): (1) Sandy Suburban Improvement District (“SSID”), (2) South Valley Sewer District (“SVSD”), (3) West Jordan City (“WJC”), and (4) Midvale City (“Midvale”); and

WHEREAS, the shared ownership of the Trunk Line is arguably set forth in a number of Interlocal Agreements (the “Agreements”) between the respective parties and the Agreements range in date from November of 1973 to January of 1991; and

WHEREAS, the Agreements are problematic and there is some uncertainty regarding the application of the Agreements as well as the very real possibility that other currently unknown agreements may exist; and

WHEREAS, the Board desires to resolve the ambiguity regarding the Agreements without litigation through careful contemplation and deliberation; and

WHEREAS, after much consideration, the SVWRF Board has determined that it is in the best interest of SVWRF, its Member Entities, and the community at large to (1) clearly define current and future ownership of the Trunk Line, (2) approve the expenditure for the rehabilitation (3) allocate rehabilitation costs, (4) establish a formula for ongoing costs and maintenance, (5) determine the methodology for the rehabilitation of the Trunk Line, and (6) authorize the Administration and counsel for the Board to effectuate the policy and its intent herein.

NOW, THEREFORE, BE IT RESOLVED by the South Valley Water Reclamation Facility Board of Trustees as follows:

1. **Ownership of Trunk Line.** SVWRF shall assume all ownership of the Trunk Line from the junction box north of 90th South where flows from South Valley Sewer District, City of West Jordan and Sandy Suburban SSID come together. The Board formally hereby accepts ownership of the asset and associated liability. The Administration shall survey and create a legal description of the Trunk Line and cause to be prepared the necessary conveyance documents for the affected Member Entities articulated above. As each Member Entity conveys its interest in the Trunk Line, SVWRF shall assume ownership thereof without any future action of the Board. After the legal description is created, it shall be attached to this document as Exhibit "A."
2. **Approval of Expenditures.** The Board formally authorizes the rehabilitation of the Trunk Line. Pursuant to Utah law, the Administration shall follow SVWRF's procurement policy regarding the expenditure. Preliminary cost projections for completion of the Project are just under \$10.2 million. Trunk Line Rehabilitation will shall be funded as a capital project.
3. **Allocation of Rehabilitation Costs.** Each Member Entity shall pay the following percentages based on usage as flow and load for the Trunk Line Rehabilitation:

Member Entity	Projected Cost	Percentage
Midvalley	None	None
Midvale	\$ 9,196.27	.09 %
SSID	\$ 1,890,315.52	18.67%
SVSD	\$ 6,875,163.06	67.92%
West Jordan	\$ 1,347,804.75	13.31%
	\$ 10,122,479.60	100 %

Entities will be billed as needed to reimburse project costs.

4. **Formula for Ongoing Maintenance, Operations, and Future Rehabilitation.** Notwithstanding the percentages and allocations in Section 3, which allocates the cost of the 2020 rehabilitation project, all future maintenance, operational expenses, as well as future rehabilitation costs shall be assessed by flow and load in one of two ways.
 - A. Costs for routine maintenance activities- Every five years starting January 2020, the amount of use by each entity will be calculated based on flow and

load carried through each section of the pipeline for the previous 5 years. The percentages from the previous 5 years will be used to allocate costs for the next five years. This will include activities such as jetting and televising the pipeline.

B. Costs for large scale repairs and rehabilitation- The calculation using flow and load will be increased to 20 years of historical use based on flow and load through the individual sections of the pipeline.

5. **Rehabilitation Bid Documents and Construction Management.** The SVWRF Administration shall retain the necessary professionals and take the required steps, as to be determined by the Board, to immediately begin the process of rehabilitating the Trunk Line. The Administration is authorized to prepare bid documents that allow Member Entities to bid similar projects as separate bid schedules. Member Entities are encouraged to include similar rehabilitation projects as separate bid schedules with this project to benefit from the economy of scale. Member entities shall determine award of their respective bid schedules and manage and administer all aspects of construction of their individual projects. It is understood that the extent of this initial project and the transfer of ownership of the trunk line do not coincide.

BE IT FURTHER RESOLVED, that Board authorizes the Administration and Counsel for the Board to effectuate the policy and its intent herein and address outstanding issues such as easements and document preparation for Member Entities.

BE IT FURTHER RESOLVED, that polices and the intent herein shall take effect immediately upon its passage.

APPROVED AND ADOPTED this ____ day of _____, 2020.

**SOUTH VALLEY WATER RECLAMATION
FACILITY**

By: _____
Jerry Knight
Chairman of the Board

Attest:

Facility Clerk

Record of Voting:

	Yes	No
Jerry Knight, Chair		
Brad Powell		
Craig White		
Glen Kennedy		
Tim Heyrend		
Totals		