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FEB 14 2002

97-384

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SHERYL L. WHITE, DAVIS CNTY RECORDER
2002 FEB 14 8:18 AM FEE .00 DEP MT
REC'D FOR DAVIS COUNTY

INTERLOCAL CO-OPERATION AGREEMENT
FOR
DAVIS COUNTY WORK CENTER

W\2-24-3n-1W

This agreement is made and entered into this date by and between DAVIS COUNTY, a political subdivision of the State of Utah, which shall be called "COUNTY" in this agreement, and the CITY OF FARMINGTON, a municipal corporation and political subdivision of the State of Utah which shall be called "CITY" in this agreement.

This agreement is made and entered into by and between the parties based upon the following recitals.

A. The parties are authorized by the *Utah Interlocal Cooperation Act* as set forth in Chapter 13, Title 11, *Utah Code Ann* , to enter into this interlocal co-operation agreement.

B The COUNTY through its governing body and Davis County Sheriff's Office is enabled and mandated by §§ 17-5-239, 17-22-2(1), and 17-22-4 , *Utah Code Ann.*, to build, maintain, and keep a county jail

C The COUNTY owns real property together with the improvements, including the Davis County Sheriff's Office and Davis County Jail, thereon comprising part of the Davis County Criminal Justice Complex located at 800 West State Street, Farmington, Utah The legal description of that property is set forth in the attached Exhibit "A" which is incorporated into this agreement by reference.

D. The subject property is located within the city limits of the CITY and is subject to the zoning and development codes and ordinances of the CITY The property is currently within the Building Park (BP) Zone

E. The COUNTY has a need to construct a building to be known as the *Davis County Work Center* on its property and has the opportunity to do so by utilizing grant funds from the United States Marshals Service

F. The COUNTY proposes to build the Davis County Work Center in accordance with and at the location depicted in the attached Exhibit "B", subject to final approval by the Farmington City Planning Commission

G. The Farmington City Planning Commission voted on October 23, 1997, to approve Application No. C-8-97 submitted by the COUNTY for a conditional use permit for the use of the subject property for the Davis County Work Center, subject to compliance with all applicable ordinances and development standards including, but not limited to, conformance with the *Site Development Standards* contained in Chapter 7, Title 11, of the *Farmington City Code*.

G. Because of concerns about the overall impact of the Davis County Criminal Justice Complex, the current and anticipated growth and development of the Davis County Jail, and other factors relevant to the zoning and land use planning and needs of the CITY, the Farmington City Council determined that it should itself appeal the conditional use permit approval for the purpose of review and consideration of the long-range aspects involved and of working with the COUNTY towards a mutually acceptable and appropriate plan for the property.

H. As the result of subsequent discussions, the parties desire to enter into this interlocal agreement to document the stipulated conditions for the approval by the CITY of the use of the property for the construction of the Davis County Work Center. This agreement is intended to be recorded in the Official Records in the Office of the Davis County Recorder and run with the land

NOW THEREFORE, in consideration of the mutual terms of set forth in this agreement, the parties hereto do hereby agree as follows

1. **Conditional Use Permit Approval**

The CITY COUNCIL agrees to approve the conditional use permit previously approved by the Farmington City Planning Commission pursuant to the Application No C-8-97 submitted by the COUNTY for the use of the subject property described in Exhibit "A" and the development of the property and the construction of the proposed Davis County Work Center as described and at the location depicted in Exhibit "B", subject to compliance with all applicable ordinances and development standards including, but not limited to, conformance with the *Site Development Standards* contained in Chapter 7, Title 11, of the *Farmington City Code*, and the approval of the final site plan by the Farmington City Planning Commission In so agreeing and signing this agreement, the CITY shall effectively withdraw the current appeal

2. **Inmate Bed Limitations**

A The parties agree that the following limitations on inmate beds in the CITY shall apply to the current proposed Davis County Work Center project as well as any future projects for the expansion of the jail inmate housing units within the CITY limits as those limits currently exist or as they may exist at the time such expansion is undertaken:

Current jail housing units (pods)	368 beds
Davis County Work Center (first floor only)	120 beds
Future housing units (1 pod)	<u>192 beds</u>
Total	680 beds

B. The future housing units contemplated by this agreement shall consist of a single pod with 64 cell units which shall have double bunking capabilities for 128 inmate beds and 64 cell units

with single bunk capabilities for 64 inmate beds.

C. The former Davis County Jail facilities located at the Davis County Court House shall not be used for incarceration purposes and no inmate beds shall be located therein.

D It is understood that the COUNTY shall not be so restricted in the construction of infrastructure or support facilities related to the jail such as, but not limited to, kitchen and laundry facilities, provided a conditional use permit is obtained for such facilities

E. It is intended by this agreement that the COUNTY shall meet its future building needs for inmate beds in excess of the foregoing limitations at locations outside of the city limits as those limits currently exist or as they may exist at the time such expansion is undertaken unless this agreement has been amended as provided in this agreement

3. Schedule

In recognition of the scale of the current proposed project for the construction of the Davis County Work Center and the schedule constraints imposed by the grant agreement between the COUNTY and the U S. Marshal's Service, the CITY agrees to process the implementation of this agreement and the approval of the final plan as expeditiously as reasonable possible

4 Resolutions of Approval

This interlocal co-operation agreement shall be conditioned upon the adoption by the legislative body of each party of a resolution approving and authorizing this interlocal co-operation agreement as required by § 11-13-5, *Utah Code Ann.*, of the *Interlocal Cooperation Act*.

5 Effective Date

This agreement shall be effective as of the date of execution by all parties

6. **Amendment**

This agreement shall be amended only as the parties may mutually determine appropriate by a written instrument duly signed and approved by both parties

7. **Termination**

This agreement shall continue in effect for a term of 50 years unless sooner terminated by the mutual consent of the parties

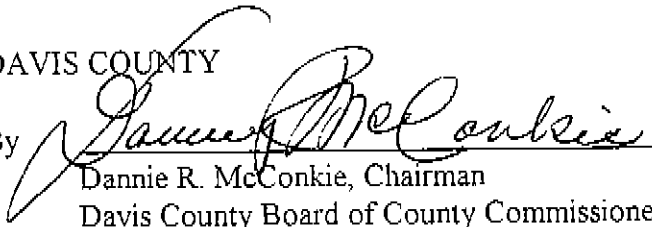
8. **Authorization.**

The individuals executing this agreement on behalf of the parties confirm that they are duly authorized representatives of the parties and are lawfully enabled to execute this agreement on behalf of the parties

IN WITNESS WHEREOF, the parties have caused this agreement to be executed in duplicate, each of which shall be deemed an original, on the dates indicated by the signatures of the respective parties

DAVIS COUNTY

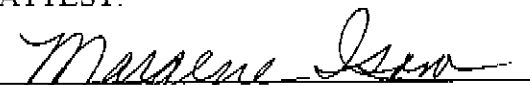
By


Dannie R. McConkie, Chairman

Davis County Board of County Commissioners

Date December 10, 1997

ATTEST:



Margene Isom

Davis County Clerk/Auditor

Attorney Approval

The undersigned, the authorized attorney of Davis County, approves the foregoing interlocal co-operation agreement as to form and compatibility with state law

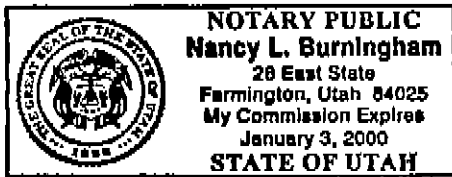
Dated. December 10, 1997

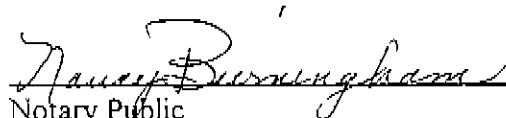

Deputy Davis County Attorney

Acknowledgment

STATE OF UTAH)
)
COUNTY OF DAVIS)

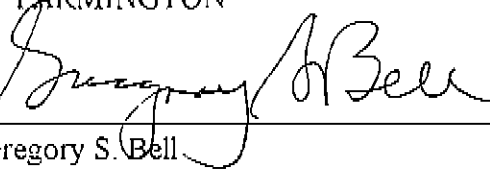
The foregoing Interlocal Agreement for Davis County Work Center was acknowledged before me this 10 day of December , 1997 , by Dannie R. McConkie as the Chairman of the Board of County Commissioners of Davis County, Utah, and attested by Margene Isom as the Davis County Clerk/Auditor.



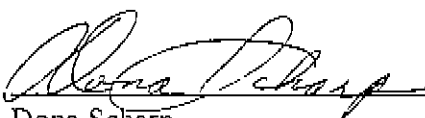

Notary Public



CITY OF FARMINGTON

By 
Gregory S. Bell
Mayor, City of Farmington
Date December 10, 1997

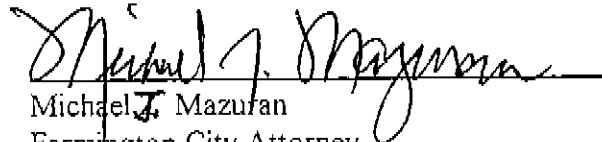
ATTEST:


Dona Scharp
Farmington City Recorder

Attorney Approval

The undersigned, the authorized attorney of Farmington City, Utah, approves the foregoing interlocal co-operation agreement as to form and compatibility with state law

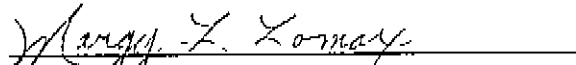
Dated: December 12, 1997.

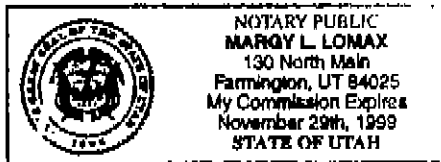

Michael J. Mazur
Farmington City Attorney

Acknowledgment

STATE OF UTAH)
)
COUNTY OF DAVIS)

The foregoing Interlocal Agreement for Davis County Work Center was acknowledged before me this 10 day of December, 1997, by Gregory S. Bell as the Mayor of Farmington City, Utah, and attested by Dona Scharp as the Farmington City Recorder.


Notary Public



jaill\bulding\interloc.agr

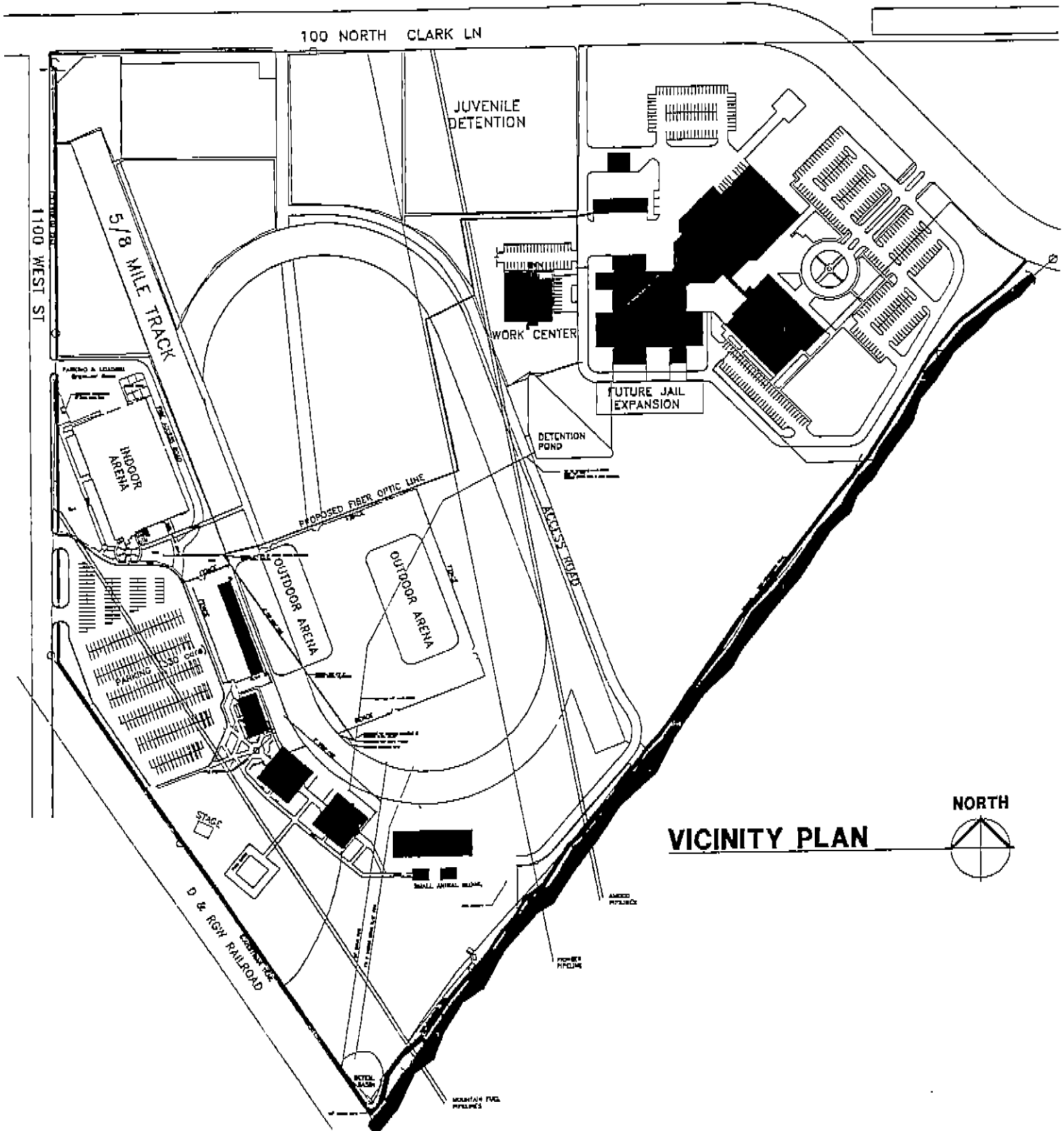
Combined Davis County Property Including Swanner

Beginning at a point on the south line of Clark Lane which is north 140.0 feet and N89° 40' W 1993.0 feet and N0° 30' E 530.01 feet from the center of Section 24, Township 3 North, Range 1 West, Salt Lake Meridian; (Basis of bearing is S89° 52' 28" W from the center of Section 24, to the west quarter corner of Section 24), thence east 2,003.37 feet along the south line of Clark Lane a 66.0 foot wide street, thence S0° 07' 40" E 416.05 feet along the west line of 650 West Street, thence S65° 30' W 18.17 feet along the center of north Cottonwood Creek, thence S0° 07' 40" E 159.15 feet along the west line of 650 West Street to the south line of a 100.0 foot wide proposed street, thence N89° 34' 49" W 20.75 feet along south line of proposed street to the P.C. of a 450.0 radius curve to the right, thence along the arc of said curve and the southerly line of said proposed street an arc distance of 133.68 (Long chord bears N81° 04' 12" W 133.19 feet) to the center of the creek, S50° 30' 50" W 324.08 feet along center of said creek, thence S32° 23' 10" W 318.26 feet along center of said creek, thence S38° 35' 10" W 931.96 feet along the center of said creek, thence S39° 52' 20" W 295.62 along the center of said creek, thence S32° 58' 55" W 88.63 feet along the center of said creek, thence S47° 45' W 89.04 feet along the center of said creek, thence S38° 48' 30" W 174.60 feet along the center of said creek, thence S40° 00' 40" W 167.56 feet along the center of said creek, thence S23° 58' 45" W 102.19 feet along the center of said creek, thence S33° 50' 15" W 211.68 feet along the center of said creek, thence N34° 43' 30" W 1428.34 feet along the easterly right of way line of the D. & R.G.W.R.R., thence N0° 17' 07" E 798.60 feet along the east line of a road to the west quarter corner of Section 24, thence N0° 11' W 687.38 feet along the east line of 1100 West St., thence east 658.12 feet along the south line of Clark Lane to the point of beginning.

Containing 100.991 Acres

08-075-0020, 0021, 0019,
08-076-0083, 0054, 0085, 0084, 0053, 0047
0056, 0057

EXHIBIT "B"



VICINITY PLAN

NORTH



DAVIS COUNTY

RESOLUTION NO. 97-__

A RESOLUTION APPROVING AN INTERLOCAL CO-OPERATION AGREEMENT BETWEEN DAVIS COUNTY AND THE CITY OF FARMINGTON, UTAH, FOR THE DAVIS WORK CENTER.

The Board of County Commissioners of Davis County, Utah, in a regular meeting, lawful notice of which has been given, finds that it is reasonable, appropriate, as well authorized by state law that an Interlocal Co-operation Agreement be entered into by and between Davis County and the City of Farmington for the Davis Work Center and that it is in the best interest of Davis County that such an agreement be made

THEREFORE, the Board of County Commissioners of Davis County, Utah, hereby adopts the following resolution

BE IT RESOLVED that

Section 1: APPROVAL OF AGREEMENT

The interlocal co-operation agreement between Davis County and City of Farmington for the Davis Work Center, which is attached to this resolution as Attachment "A", is hereby approved and the Chairman of the Board of County Commissioners is authorized execute the agreement for and on behalf of Davis County

Section 2: EFFECTIVE DATE

This resolution shall become effective immediately upon its adoption.

This resolution was adopted by the Board of County Commissioners of Davis County, Utah, on December __, 1997.

DAVIS COUNTY

By: *Dannie R. McConkie*
Dannie R. McConkie, Chairman

ATTESTED

By: *Margene Isom*
Margene Isom, Davis County Clerk/Auditor

