

**Resolution No. 16-18**

**RESOLUTION OF SOUTH OGDEN CITY APPROVING AN AGREEMENT WITH COBB, FENDLEY & ASSOCIATES FOR 40TH STREET PROJECT PROPERTY ACQUISITION SERVICES, AND PROVIDING THAT THIS RESOLUTION SHALL BECOME EFFECTIVE IMMEDIATELY UPON POSTING AND FINAL PASSAGE.**

WHEREAS, the City Council finds that the City of South Ogden ("City") is a municipal corporation duly organized and existing under the laws of Utah; and,

WHEREAS, the City Council finds that in conformance with Utah Code ("UC") § 10-3-717 the governing body of the city may exercise all administrative powers by resolution including, but not limited to regulating the use and operation of municipal property and programs; and,

WHEREAS, the City Council finds that the city staff recommends that the city approve an Agreement with Cobb, Fendley & Associates, to provide as part of the City's 40th street widening project, 40th Street Project Property acquisition with related services; and,

WHEREAS, the City Council finds that approving an agreement with Cobb, Fendley & Associates will materially assist in providing services and activities in the form of 40th Street Project Property Acquisition Services efforts related to its 40th street widening project; and,

WHEREAS, the City Council finds that City now desires to further those ends by approving an agreement with Cobb, Fendley & Associates to provide for such 40th Street Project Property acquisition Services; and,

WHEREAS, the City Council finds that the public convenience and necessity requires the actions contemplated,

**NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF SOUTH OGDEN AS FOLLOWS:**

**SECTION II - South Ogden City Arts Council Created**

The Cobb, Fendley & Associates "Cost Proposal" Agreement, Is Adopted As Set Out In Attachment "A", Attached Hereto And Incorporated Fully By This Reference, And The City Manager Is Authorized Is Authorized To More Fully Negotiate Any Remaining Details Under The Agreement On Behalf Of The City And Then To Sign Any Documents Necessary To Give Effect To These Actions And The City Recorder Is Authorized To Attest, Any And All Documents Necessary To Effect This Authorization And Approval.

**SECTION III - PRIOR ORDINANCES AND RESOLUTIONS**

The body and substance of all prior Resolutions, with their provisions, where not otherwise

in conflict with this Resolution, are reaffirmed and readopted.

**SECTION IV - REPEALER OF CONFLICTING ENACTMENTS**

All orders, and Resolutions regarding the changes enacted and adopted which have been adopted by the City, or parts, which conflict with this Resolution, are, for such conflict, repealed, except this repeal shall not be construed to revive any act, order or resolution, or part repealed.

**SECTION V - SAVINGS CLAUSE**

If any provision of this Resolution shall be held or deemed or shall be invalid, inoperative or unenforceable such shall not have the effect of rendering any other provision or provisions invalid, inoperative or unenforceable to any extent whatever, this Resolution being deemed the separate independent and severable act of the City Council of South Ogden City.

**SECTION VI - DATE OF EFFECT**

This Resolution shall be effective on the 17<sup>th</sup> day of May, 2016, and after publication or posting as required by law.

**PASSED AND ADOPTED BY THE CITY COUNCIL OF SOUTH OGDEN CITY,  
STATE OF UTAH, on this 17<sup>th</sup> day of May, 2016**

**SOUTH OGDEN CITY**

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James F. Minster  
Mayor

**ATTEST:**

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Leesa Kapetanov, CMC  
City Recorder

# **ATTACHMENT "A"**

## **Resolution No. 16-18**

Resolution Of South Ogden City Approving An Agreement With Cobb, Fendley & Associates  
For 40th Street Project Property Acquisition Services, And Providing That This Resolution  
Shall Become Effective Immediately Upon Posting And Final Passage.

17 May 16