

Wetland Credit Purchase Agreement

THIS WETLAND CREDIT PURCHASE AGREEMENT (this "Agreement") is made and entered in to as of 3/3/15 (the "Effective Date"), between the Warner Mitigation Bank / Truckpro, L. C. ("Seller") and **West Valley City** ("Buyer").

The Buyer desires to purchase from the Seller, and the Seller desires to sell to the Buyer wetlands credits according to the following specifications and terms:

1. Credits to be sold/transferred are for the project known by the Army Corp of Engineers as:

Permit # **SPK-1996-50081**

2. The specific type and amount of credits are:
2.64 acres of **Wet Meadow**
3. The sale of these credits are contingent upon the following:
 - a. None.
4. The purchase price is **\$184,800.00** for the **2.64 acre credits described in paragraph # 2 above.**
5. Payment must be received by **3/31/15** or this contract becomes null and void. Electronic payments are acceptable with written authorization and instructions from Truckpro, L. C.
6. Payment should be issued to and delivered to:
Truckpro, L. C.
c/o James Warner
2255 South 5370 West
West Valley City, UT 84120
7. Upon receipt of payment, the Warner Mitigation Bank will issue a letter of instruction to the Army Corp of Engineers to transfer the credits described above in paragraph #2 to the project specified above in paragraph #1.
8. This Agreement:
 - a. Shall be non-transferable to any other party.
 - b. May be executed by facsimile or electronic (e mail) delivery, and in any number of counterparts, each of which shall be deemed to be an original, but all of which, when taken together, shall constitute one and the same instrument.
 - c. Shall be governed by and construed under the laws of the State of Utah.

IN WITNESS WHEREOF, the Seller, and the Buyer have executed this Wetland Purchase Agreement as of the day and date first above written.

Buyer: _____

By: _____

Name: _____

Its: _____

Address: _____

APPROVED AS TO FORM
West Valley City Attorney's Office
By: 
Date: 3/4/15

Seller:

Warner Mitigation Bank / Truckpro, L. C.
2240 S. 5370 W.
West Valley City, UT 84120

By: _____

Name: _____

Its: _____



REPLY TO
ATTENTION OF

DEPARTMENT OF THE ARMY
U.S. ARMY CORPS OF ENGINEERS, SACRAMENTO DISTRICT
1325 J STREET
SACRAMENTO CA 95814-2922

February 25, 2015

Regulatory Division SPK-1996-50081

West Valley City
Attn: Mr. Kevin Astill
3600 Constitution Boulevard
West Valley City, Utah 84119-3720

Dear Mr. Astill:

Based on your January 2009 Wetland Mitigation Plan, prepared by Stantec, and a site visit, we have determined that your mitigation site associated with the subject project is deemed unsuccessful and further mitigation is required.

In order to rectify the unsuccessful mitigation site, 2.64-acres of fresh wet meadow credit must be purchased from a Corps approved mitigation bank. Evidence of the purchase shall be provided to the Corps within 30 days of this letter.

Please refer to identification number SPK-1996-50081 in any correspondence concerning this project. If you have any questions, please contact Hollis Jencks at the Utah Regulatory Office, 533 West 2600 South, Suite 150, Bountiful, Utah 84010, by email at Hollis.G.Jencks@usace.army.mil, or telephone at 801-295-8380, extension 18.

Sincerely,

A handwritten signature in black ink, appearing to read "Hollis Jencks", is written over the typed name and title.

Hollis Jencks
Project Manager, Utah Regulatory Office
Sacramento Division