

Tab 1

Information for Eminent domain (condemnation) proceedings

Background: Eminent domain is regulated in Utah Code Title 78B, Part 6, Chapter 5. When an eminent domain action is elevated to the Board, the property owner is invited to attend. This document summarizes the hearing.

Prior to board meeting, the District has

1. Made a reasonable effort to negotiate purchase with the property owner.
2. At least 14 days before voting on the taking:
 - a. Provided the property owner the “Your Guide to Just Compensation” booklet from the Utah Office of the Property Rights Ombudsman, and
 - b. Provided the property owner(s) a written statement as required in the statute.
3. Prepared a project background, including alignment analysis; a summary of communications with the property owner; and a recommendation.
4. Provided written notice at least 10 business days before the public meeting to each owner of affected property that allows the property owner the opportunity to be heard on the proposed taking.

At Board meeting

1. Staff presents a brief background on the action.
2. Staff answers questions from the Board.
3. The Chair invites the property owner to briefly address the board.
4. Board deliberates. The Board may request additional detail of staff or the property owner.
5. Chair calls for a motion.
6. Property owner is addressed with the result.

The Board can

1. Authorize the condemnation action to be filed immediately.
2. Authorize the condemnation action with a delay in filing.
3. Postpone the condemnation action (will require a separate hearing at a later date).
4. Not authorize the condemnation action.
5. Other options as considered by the board.

Metropolitan Water District of Salt Lake & Sandy
Board Meeting Information
Last Update: August 5, 2024

Agenda Item: Consider approval of eminent domain (condemnation) proceedings for select SLAR easements

Objective: Authorize eminent domain (condemnation) proceedings for select SLAR easements.

Background: The SLAR will be constructed parallel to the SLA between the LCWTP and Fort Union Boulevard in Cottonwood Heights. Project design began in July 2022. Multiple pipeline alignments were considered for the project during preliminary design, with the final alignment ultimately selected for its proximity to the 10 Million Gallon Reservoir and its constructability, particularly through natural hazard areas and slopes.

Of the 64 identified easements, 17 have yet to be acquired. The District desires to complete easement acquisition (or at the very least have order of occupancy for all properties) by January 1, 2025. This date is driven by contractor schedule and funding commitments.

Eminent domain is regulated in Utah Code Title 78B, Part 6, Chapter 5. The code requires the District to provide written notice to each owner of property at least 10 business days before a board meeting at which a condemnation vote may occur. Notices were sent on July 22 to the following properties in anticipation of the August 12 board meeting:

- William Rottler, Parcel Number 67
- Memorial Estates, Parcel Numbers 47-49, 57

Before considering condemnation, the project team must reasonably negotiate with the property owner and determine non-condemnation closure is unlikely. The project team makes this finding for the above properties.

Once a condemnation case has been filed, the District can file a motion seeking an order of immediate occupancy that will allow the District to enter and use the property while the case is pending. These are granted fairly routinely, but they involve briefing with the property owner having the opportunity to file an opposition within 21 days of the complaint being served and a hearing before the Court.

Committee Activity: The Engineering Committee discussed this item on July 30, 2024 and supports the described proceedings.

Recommendation: Authorize eminent domain proceedings for the five properties listed above.

Attachment:

- Exhibits and Engagement Summary for Parcels Numbers 47-49, 57, and 67.

Parcel 67 – Rottler

1/30/24 Initial offer made

2/6/24 Agent attempts to reach owner by phone and email have failed.

2/7/24 Offer sent via FedEx

2/9/24 Offer delivered

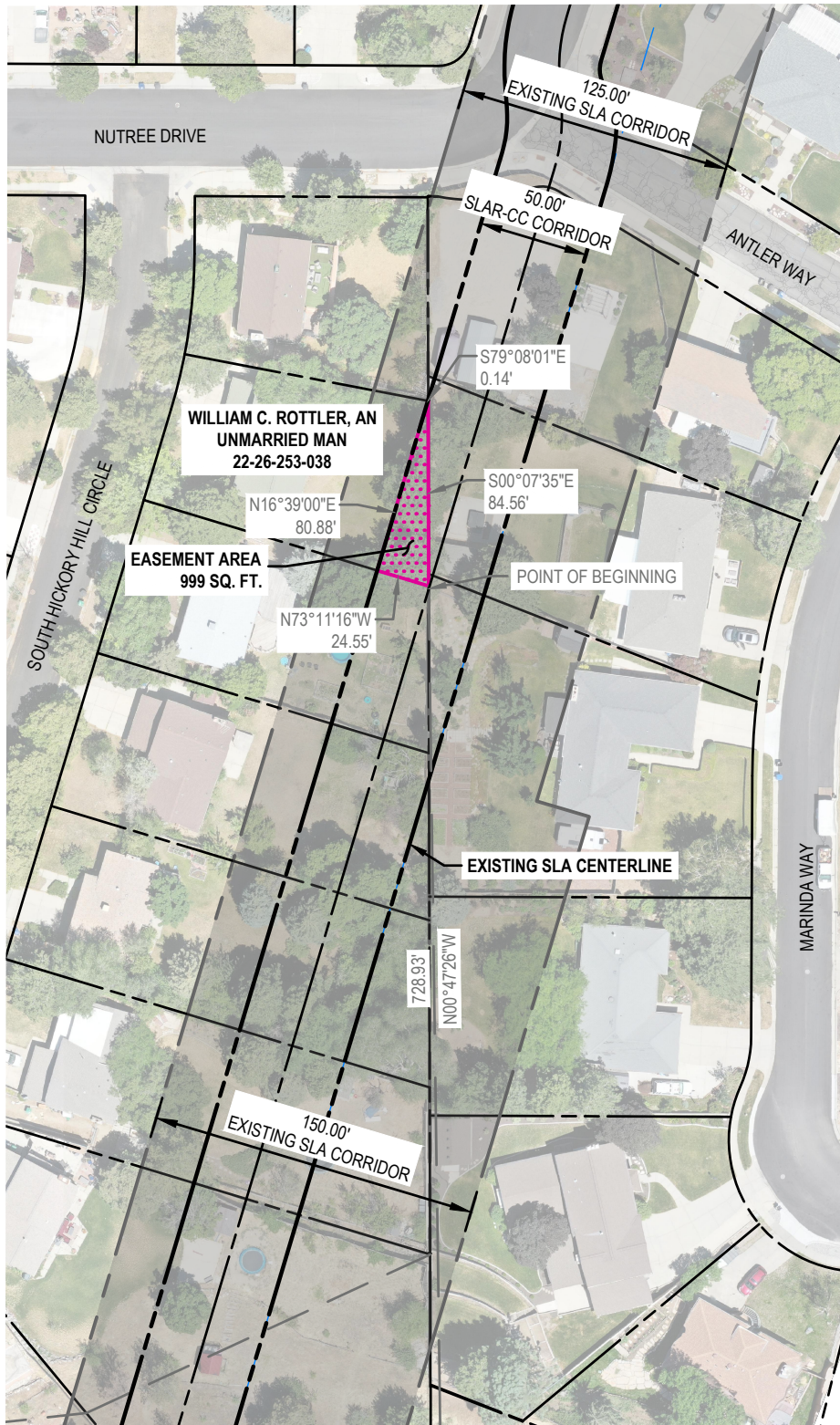
4/17/24 Agent contacted owner to discuss offer

4/26/24 Agent contacted owner to please return calls or email

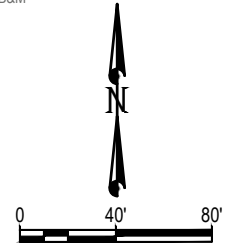
Owner responded not interested in signed agreement, expects land to be restored, including trees

4/29/24 Four options letter sent to owner

5/8/24 Four options letter delivered



NE COR. SEC.26
T.2S.R.1E.SLB&M



WILLIAM C. ROTTLER AN UNMARRIED MAN EASEMENT DESCRIPTION

A PORTION OF A FIFTY FOOT WIDE PERPETUAL EASEMENT FOR A WATERLINE LYING WITHIN THE EXISTING METROPOLITAN WATER DISTRICT OF SALT LAKE AND SANDY AQUEDUCT EASEMENT AND BEING A PORTION OF THE WILLIAM C. ROTTLER, AN UNMARRIED MAN (GRANTOR) PROPERTY, APN 22-26-253-038, LOCATED WITHIN LOT 518, NUTREE NO. 5, FILE NO. NN-074, SALT LAKE COUNTY RECORDS, IN THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 26, TOWNSHIP 2 SOUTH, RANGE 1 EAST, SALT LAKE BASE AND MERIDIAN, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF THE GRANTOR'S PROPERTY, WHICH POINT LIES SOUTH 89°12'34" WEST ALONG THE QUARTER SECTION LINE 1328.35 FEET AND NORTH 00°47'26" WEST 728.93 FEET FROM THE EAST QUARTER CORNER OF SAID SECTION 26; AND RUNNING THENCE ALONG THE SOUTHERLY LINE OF SAID GRANTOR'S PROPERTY NORTH 73°11'16" WEST 24.55 FEET; THENCE NORTH 16°39'00" EAST 80.88 FEET TO THE NORTHERLY LINE OF SAID GRANTOR'S PROPERTY; THENCE ALONG SAID NORTHERLY LINE SOUTH 79°08'01" EAST 0.14 FEET TO THE NORTHEAST CORNER OF SAID GRANTOR'S PROPERTY; THENCE ALONG THE EASTERLY LINE OF SAID GRANTOR'S PROPERTY SOUTH 00°07'35" EAST 84.56 FEET TO THE POINT OF BEGINNING.

CONTAINS 999 SQUARE FEET OR 0.023 ACRE, MORE OR LESS.

S00°30'54"E 2621.74'

LEGEND	
SLA	EXISTING SALT LAKE AQUEDUCT
SLAR-CC	NEW SALT LAKE AQUEDUCT REPLACEMENT - COTTONWOODS CONNECTION PIPELINE
---	PROPERTY BOUNDARY
---	SLA CORRIDOR
---	SLA APPROXIMATE CENTERLINE
---	SLAR-CC CORRIDOR
---	SLAR-CC APPROXIMATE CENTERLINE
---	REQUIRED PERMANENT EASEMENT
---	REQUIRED TEMPORARY EASEMENT (NOT APPLICABLE)

C 1/4 COR. SEC. 26
T.2S. R.1E. SLB&M

S89°12'34"W 2672.82'

E 1/4 COR. SEC. 26
T.2S. R.1E. SLB&M



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METROPOLITAN WATER DISTRICT OF SALT LAKE & SANDY
SLAR-CC EASEMENT
APN 22-26-253-038
WILLIAM C. ROTTLER, AN UNMARRIED MAN
7281 SOUTH HICKORY HILL, COTTONWOOD HEIGHTS, UTAH

PROJECT NUMBER 2022-0037	
SHEET 1	OF 1
SHEET NUMBER	
EXHIBIT A BP008	

Parcel 47-49; 57 Memorial Estates

3/7/2024

Appraisal Completed

5/8/24

Agent contacted owner introducing our project, the appraisals, and delivery of the draft agreements.

5/15/24

Agent contacted owner's agent to acknowledge receipt of offer and to begin negotiations.

5/22/24

Agent contacted owner's agent to see if they had any questions and setup a virtual meeting to answer those questions. Owner expressed concern about access remaining open to their property during construction and the appraised value. Owner will counter offer.

6/28/24

Agent contacted owner's agent asking for counter offer.

7/8/24

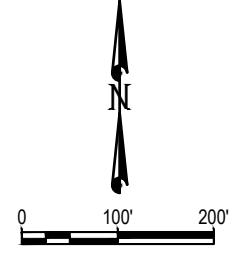
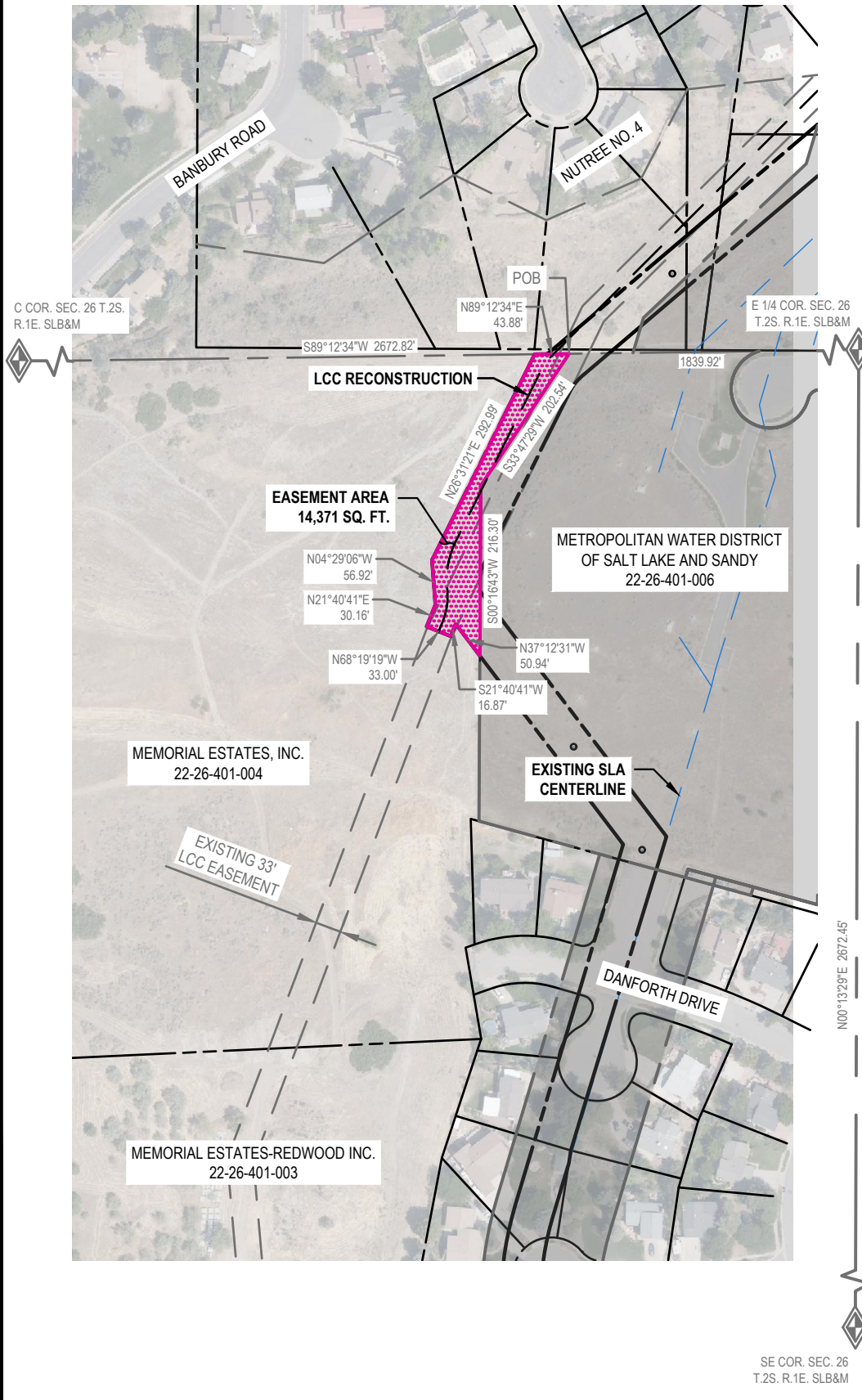
Agent contacted owner's agent asking for counter offer.

7/15/24

Agent sent the the Four Options letter with a response date of Monday, July 22.

7/16/24

Agent left a message for owner's agent to call back and expressed that time of the essence.



MEMORIAL ESTATES, INC. EASEMENT DESCRIPTION

A PERPETUAL EASEMENT FOR WATER UTILITIES LYING OVER A PORTION OF THE MEMORIAL ESTATES, INC. (GRANTOR) PROPERTY, APN 22-26-401-004, LOCATED IN THE SOUTHEAST QUARTER OF SECTION 26, TOWNSHIP 2 SOUTH, RANGE 1 EAST, SALT LAKE BASE AND MERIDIAN, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEASTERLY CORNER OF THE GRANTOR'S PROPERTY, WHICH POINT LIES SOUTH 89°12'34" WEST ALONG THE QUARTER SECTION LINE 1839.92 FEET FROM THE EAST QUARTER CORNER OF SAID SECTION 26; AND RUNNING THENCE ALONG THE EASTERLY LINE OF SAID GRANTOR'S PROPERTY SOUTH 33°47'29" WEST 202.54 FEET; THENCE CONTINUING ALONG SAID EASTERLY LINE SOUTH 00°16'43" WEST 216.30 FEET; THENCE NORTH 37°12'31" WEST 50.94 FEET; THENCE SOUTH 21°40'41" WEST 16.87 FEET; THENCE NORTH 68°19'19" WEST 33.00 FEET; THENCE NORTH 21°40'41" EAST 30.16 FEET; THENCE NORTH 04°29'06" WEST 56.92 FEET; THENCE NORTH 26°31'21" EAST 292.99 FEET TO THE NORTHERLY LINE OF THE GRANTOR'S PROPERTY; THENCE ALONG SAID NORTHERLY LINE NORTH 89°12'34" EAST 43.88 FEET TO THE POINT OF BEGINNING.

CONTAINS 14,371 SQUARE FEET OR 0.330 ACRE, MORE OR LESS.

LEGEND	
SLA	EXISTING SALT LAKE AQUEDUCT
SLAR-CC	NEW SALT LAKE AQUEDUCT REPLACEMENT - COTTONWOODS CONNECTION PIPELINE
---	PROPERTY BOUNDARY
█	SLA CORRIDOR
---	SLA APPROXIMATE CENTERLINE
█	SLAR-CC CORRIDOR
---	SLAR-CC APPROXIMATE CENTERLINE
█	REQUIRED PERMANENT EASEMENT
█	REQUIRED TEMPORARY EASEMENT (NOT APPLICABLE)
---	LCC RECONSTRUCTION

SE COR. SEC. 26 T.2S. R.1E. SLB&M

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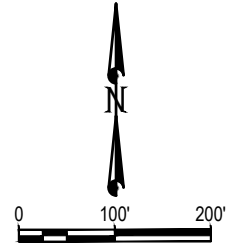
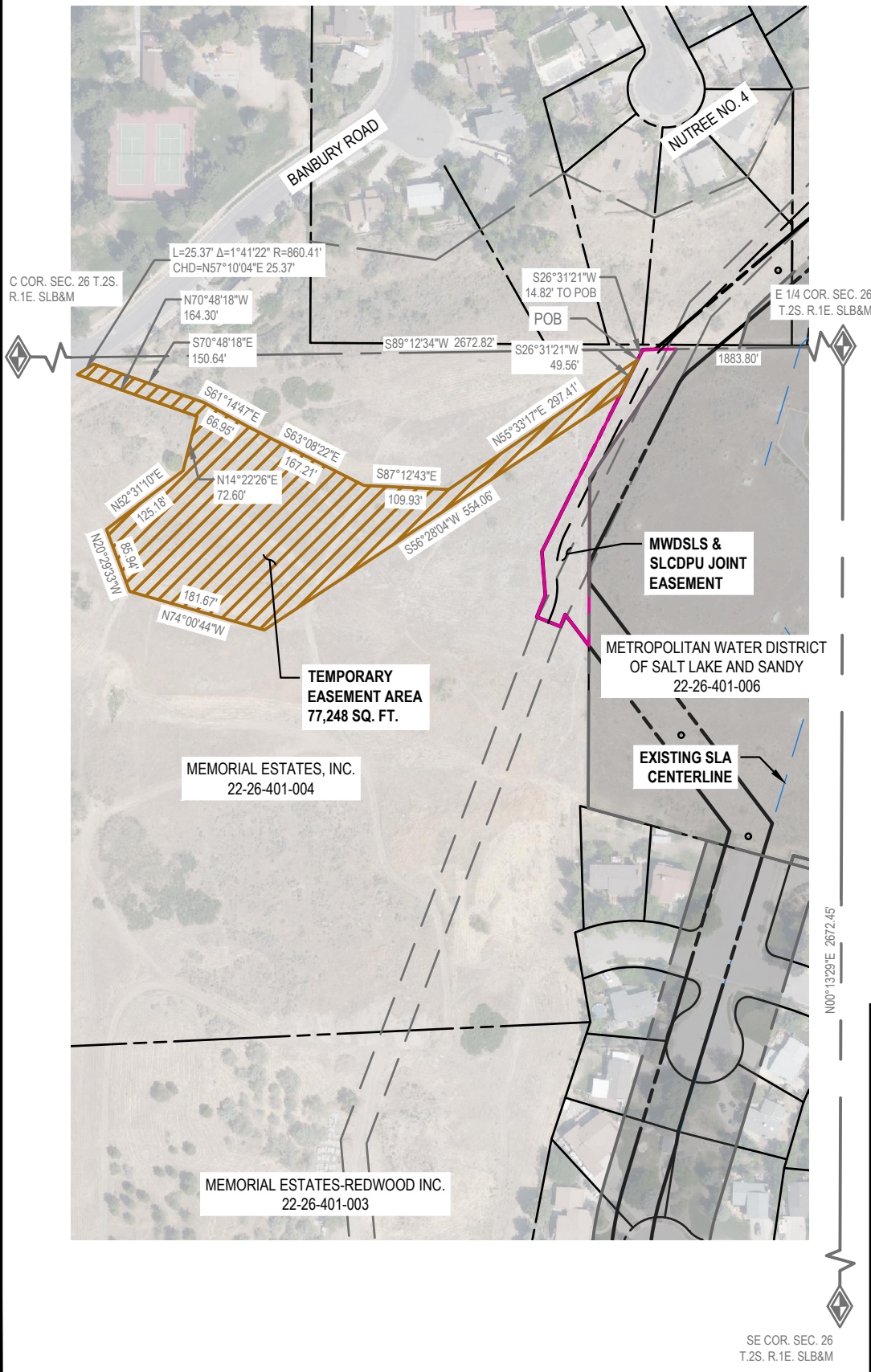
JOINT MWDLSL & SLCDPU WATER UTILITY EASEMENT
METROPOLITAN WATER DISTRICT OF SALT LAKE & SANDY (MWDLSL)
SALT LAKE CITY DEPARTMENT OF PUBLIC UTILITIES (SLCDPU)
 APN 22-26-401-004
MEMORIAL ESTATES, INC.
 3115 EAST BENGAL BLVD, COTTONWOOD HEIGHTS, UTAH

PROJECT NUMBER
2022-0037

SHEET 1 OF 1

SHEET NUMBER

EXHIBIT A



EASEMENT DESCRIPTIONS

A TEMPORARY CONSTRUCTION EASEMENT TO FACILITATE THE CONSTRUCTION OF A REPLACEMENT WATERLINE OVER A PORTION OF THE MEMORIAL ESTATES, INC. (GRANTOR) PROPERTY, APN 22-26-401-004, LOCATED IN THE SOUTHEAST QUARTER OF SECTION 26, TOWNSHIP 2 SOUTH, RANGE 1 EAST, SALT LAKE BASE AND MERIDIAN, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT WHICH POINT LIES SOUTH 89°12'34" WEST ALONG THE QUARTER SECTION LINE 1883.80 FEET AND SOUTH 26°31'21" WEST 14.82 FEET FROM THE EAST QUARTER CORNER OF SAID SECTION 26; AND RUNNING THENCE ALONG THE WESTERLY LINE OF A PERPETUAL WATERLINE EASEMENT SOUTH 26°31'21" WEST 49.56 FEET; THENCE SOUTH 56°28'04" WEST 554.06 FEET; THENCE NORTH 74°00'44" WEST 181.67 FEET; THENCE NORTH 20°29'33" WEST 85.94 FEET; THENCE NORTH 52°31'10" EAST 125.18 FEET; THENCE NORTH 14°22'26" EAST 72.60 FEET; THENCE NORTH 70°48'18" WEST 164.30 FEET TO THE EASTERLY RIGHT-OF-WAY LINE OF BANBURY ROAD, SAID POINT BEING A POINT OF CURVE OF A 860.41 FOOT RADIUS NON-TANGENT CURVE TO THE LEFT; THENCE ALONG SAID RIGHT OF WAY LINE AND SAID NON-TANGENT CURVE TO THE LEFT 25.37 FEET THROUGH A CENTRAL ANGLE OF 01°41'22" (CHORD BEARS NORTH 57°10'04" EAST 25.37 FEET); THENCE SOUTH 70°48'18" EAST 150.64 FEET; THENCE SOUTH 61°14'47" EAST 66.95 FEET; THENCE SOUTH 63°08'22" EAST 167.21 FEET; THENCE SOUTH 87°12'43" EAST 109.93 FEET; THENCE NORTH 55°33'17" EAST 297.41 FEET TO THE POINT OF BEGINNING.

CONTAINS 77,248 SQUARE FEET OR 1.773 ACRES, MORE OR LESS.

LEGEND	
SLA	EXISTING SALT LAKE AQUEDUCT
SLAR-CC	NEW SALT LAKE AQUEDUCT REPLACEMENT - COTTONWOODS CONNECTION PIPELINE
---	PROPERTY BOUNDARY
---	SLA CORRIDOR
---	SLA APPROXIMATE CENTERLINE
---	SLAR-CC CORRIDOR
---	SLAR-CC APPROXIMATE CENTERLINE
---	REQUIRED PERMANENT EASEMENT
---	REQUIRED TEMPORARY EASEMENT (NOT APPLICABLE)
---	LCC RECONSTRUCTION

**METROPOLITAN WATER DISTRICT OF SALT LAKE & SANDY
AQUEDUCT REPLACEMENT EASEMENT**

APN 22-26-401-004
MEMORIAL ESTATES, INC.
COTTONWOOD HEIGHTS, UTAH
3115 EAST BENGAL BLVD



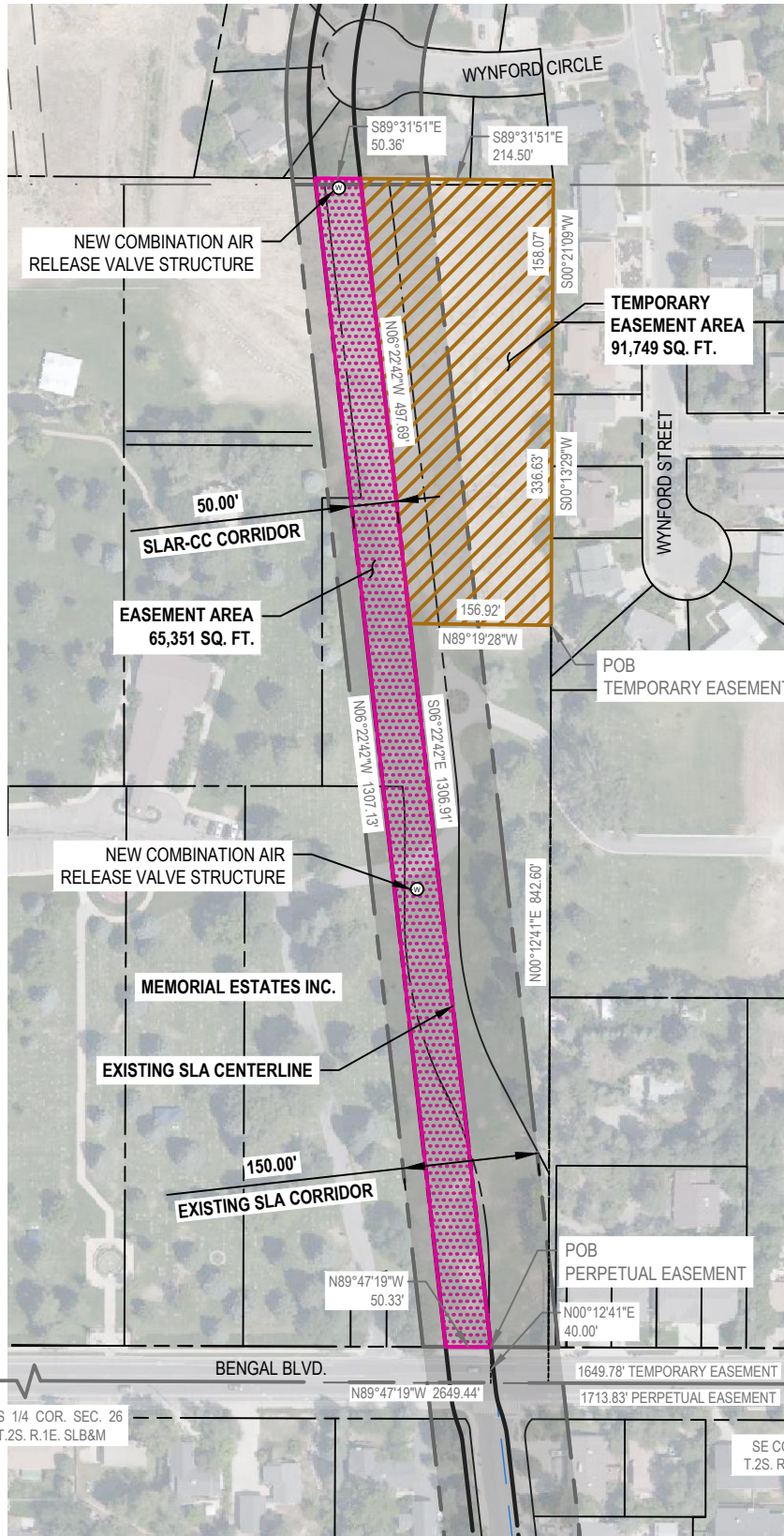
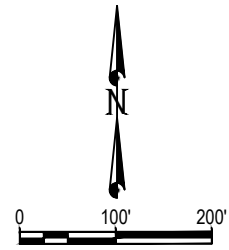
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PROJECT NUMBER
2022-0037

SHEET 1 OF 1

EXHIBIT A

E 1/4 COR. SEC. 26
T.2S. R.1E. SLB&M



EASEMENT DESCRIPTIONS

A FIFTY FOOT WIDE PERPETUAL EASEMENT FOR A WATERLINE LYING WITHIN THE EXISTING METROPOLITAN WATER DISTRICT OF SALT LAKE AND SANDY AQUEDUCT EASEMENT OVER A PORTION OF THE MEMORIAL ESTATES, INC. (GRANTOR) PROPERTY, APN 22-26-451-002, 003, 029, LOCATED IN THE SOUTHEAST QUARTER OF SECTION 26, TOWNSHIP 2 SOUTH, RANGE 1 EAST, SALT LAKE BASE AND MERIDIAN, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE SOUTHERLY LINE OF THE GRANTOR'S PROPERTY, SAID POINT BEING ON THE NORTHERLY RIGHT OF WAY LINE OF BENGAL BOULEVARD, WHICH POINT LIES NORTH 89°47'19" WEST ALONG THE SECTION LINE 1713.83 FEET AND NORTH 00°12'41" EAST 40.00 FEET FROM THE SOUTHEAST CORNER OF SAID SECTION 26; AND RUNNING THENCE NORTH 89°47'19" WEST 50.33 FEET ALONG SAID NORTHERLY RIGHT OF WAY LINE OF BENGAL BOULEVARD; THENCE NORTH 06°22'42" WEST 1307.13 FEET TO THE SOUTHERLY LINE OF OAKVIEW ESTATES NO. 4 SUBDIVISION; THENCE ALONG SAID SOUTHERLY LINE SOUTH 89°31'51" EAST 50.36 FEET; THENCE SOUTH 06°22'42" EAST 1306.91 FEET TO THE POINT OF BEGINNING.

CONTAINS 65,351 SQUARE FEET OR 1.500 ACRES, MORE OR LESS.

TOGETHER WITH A TEMPORARY CONSTRUCTION EASEMENT TO FACILITATE THE CONSTRUCTION OF A REPLACEMENT WATERLINE OVER A PORTION OF THE MEMORIAL ESTATES, INC. (GRANTOR) PROPERTY, APN 22-26-451-003 AND 22-26-451-004, LOCATED IN THE SOUTHEAST QUARTER OF SECTION 26, TOWNSHIP 2 SOUTH, RANGE 1 EAST, SALT LAKE BASE AND MERIDIAN, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE EASTERLY LINE OF THE GRANTOR'S PROPERTY, WHICH POINT LIES NORTH 89°47'19" WEST ALONG THE QUARTER SECTION LINE 1649.78 FEET AND NORTH 00°12'41" EAST 842.60 FEET FROM THE SOUTHEAST CORNER OF SAID SECTION 26; AND RUNNING THENCE NORTH 89°19'28" WEST 156.92 FEET TO A POINT ON THE EASTERN LINE OF THE SALT LAKE AQUEDUCT REPLACEMENT WATERLINE PERPETUAL EASEMENT; THENCE NORTH 06°22'42" WEST 497.69 FEET ALONG SAID PERPETUAL EASEMENT TO THE SOUTHERLY LINE OF OAKVIEW ESTATES NO. 4 SUBDIVISION; THENCE ALONG SAID SOUTHERLY LINE SOUTH 89°31'51" EAST 214.50 FEET; THENCE SOUTH 00°21'09" WEST 158.07 FEET ALONG THE WEST LINE OF OAKVIEW ESTATES NO. 3 SUBDIVISION; THENCE SOUTH 00°13'29" WEST 336.63 FEET ALONG THE WEST LINE OF SAID SUBDIVISION TO THE POINT OF BEGINNING.

CONTAINS 91,749 SQUARE FEET OR 2.106 ACRES, MORE OR LESS.

LEGEND	
SLA	EXISTING SALT LAKE AQUEDUCT
SLAR-CC	NEW SALT LAKE AQUEDUCT REPLACEMENT - COTTONWOODS CONNECTION PIPELINE
---	PROPERTY BOUNDARY
[Grey Box]	SLA CORRIDOR
[Blue Dashed Line]	SLA APPROXIMATE CENTERLINE
[Black Dashed Line]	SLAR-CC CORRIDOR
[Black Dotted Line]	SLAR-CC APPROXIMATE CENTERLINE
[Pink Dotted Box]	REQUIRED PERMANENT EASEMENT
[Orange Hatched Box]	REQUIRED TEMPORARY EASEMENT