

Tab 2

Agenda Item: 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: December 3, 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. 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, 11 have yet to be acquired. Eminent domain was approved previously for four of the remaining properties. The District desires to complete easement acquisition quickly to meet the contractor's schedule and District 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. Notice of the eminent domain hearing was received on December 2 to the following property in anticipation of the December 16 board meeting:

- Ludlow, Parcel 24

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

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.

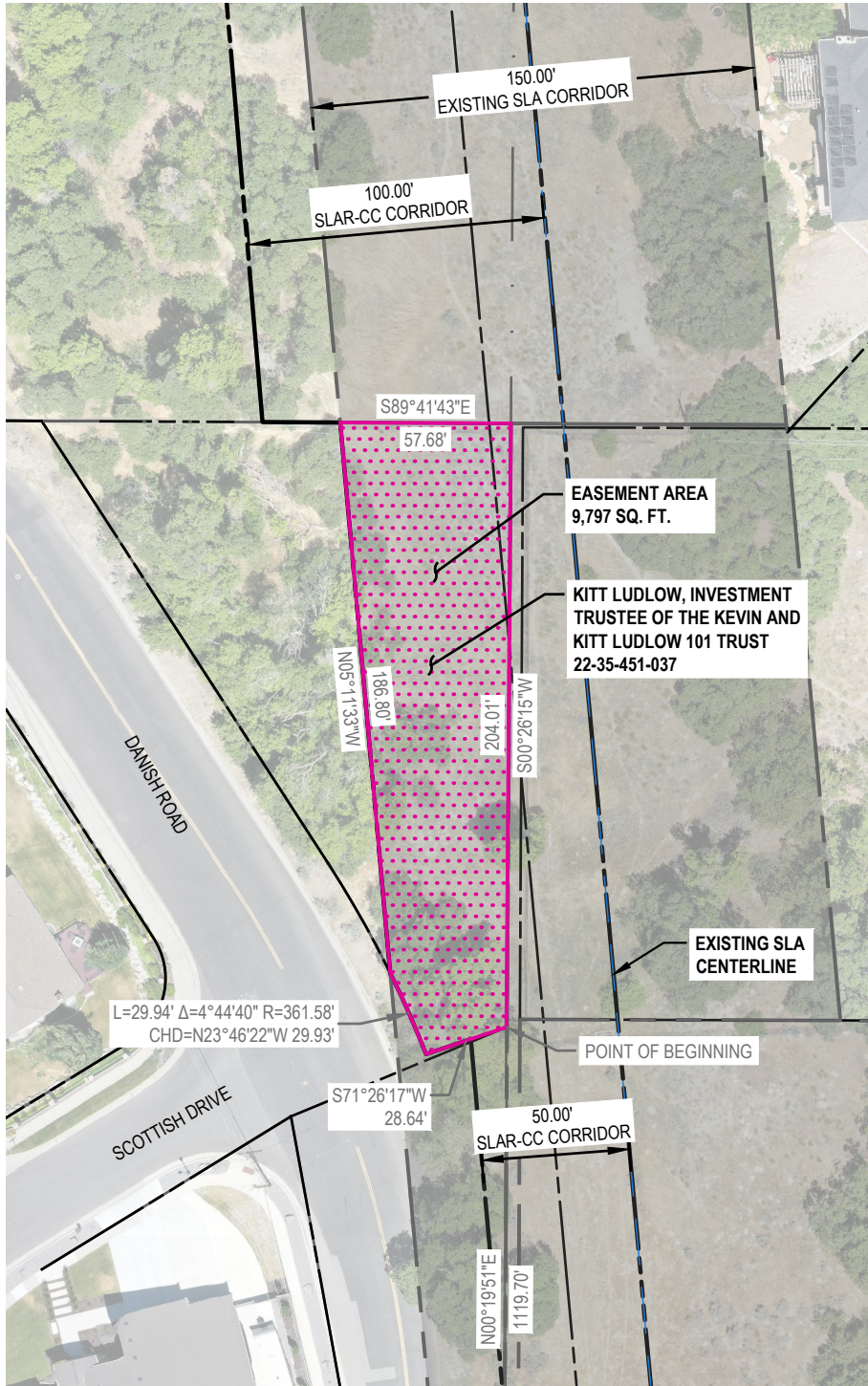
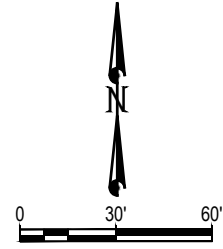
Committee Activity: The Engineering Committee discussed this item on November 19, 2024.

Recommendation: Authorize eminent domain proceedings for Ludlow, Parcel 24.

Attachment:

- Exhibits and Engagement Summary for Parcel 24.

E. 1/4 COR. SEC. 35
T.2S. R.1E. SLB&M
FND. BRASS CAP



S00°25'15"W 2648.64'

KITT LUDLOW, INVESTMENT TRUSTEE OF THE KEVIN AND KITT LUDLOW 101 TRUST DATED APRIL 21, 2017, A UTAH ASSET PROTECTION TRUST EASEMENT DESCRIPTION

A PORTION OF A PERPETUAL EASEMENT FOR A WATERLINE LYING WITHIN THE KITT LUDLOW, INVESTMENT TRUSTEE OF THE KEVIN AND KITT LUDLOW 101 TRUST DATED APRIL 21, 2017, A UTAH ASSET PROTECTION TRUST (GRANTOR) PROPERTY, APN 22-35-451-037, LOCATED WITHIN LOT A, LANTERN HILL AT WILLOW CREEK, A PLANNED UNIT DEVELOPMENT, FILE NO. 1999P-248, SALT LAKE COUNTY RECORDS, IN THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 35, TOWNSHIP 2 SOUTH, RANGE 1 EAST, SALT LAKE BASE AND MERIDIAN, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

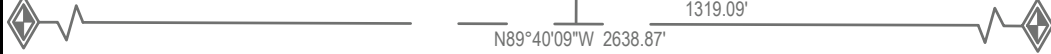
BEGINNING AT A POINT ON THE SOUTHERLY LINE OF THE GRANTOR'S PROPERTY, WHICH POINT LIES NORTH 89°40'09" WEST ALONG THE SECTION LINE 1319.09 FEET AND NORTH 00°19'51" EAST 1119.70 FEET FROM THE SOUTHWEST CORNER OF SAID SECTION 35; AND RUNNING THENCE ALONG SAID SOUTHERLY LINE OF GRANTOR'S PROPERTY SOUTH 71°26'17" WEST 28.64 FEET TO THE SOUTHWEST CORNER OF SAID GRANTOR'S PROPERTY AND POINT OF CURVE OF A 361.58 FOOT RADIUS NON-TANGENT CURVE TO THE LEFT; THENCE NORTHWESTERLY 29.94 FEET ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 04°44'40" (CHORD BEARS NORTH 23°46'22" WEST 29.93 FEET); THENCE NORTH 05°11'33" WEST 186.80 FEET TO A POINT ON THE NORTHERLY LINE OF SAID GRANTOR'S PROPERTY; THENCE ALONG SAID NORTHERLY LINE OF THE GRANTOR'S PROPERTY SOUTH 89°41'43" EAST 57.68 FEET; THENCE SOUTH 00°26'15" WEST 240.01 FEET TO THE POINT OF BEGINNING.

CONTAINS 9,797 SQUARE FEET OR 0.225 ACRES, MORE OR LESS.

LEGEND	
SLA	EXISTING SALT LAKE AQUEDUCT
SLAR-CC	NEW SALT LAKE AQUEDUCT REPLACEMENT - COTTONWOODS CONNECTION PIPELINE
- - - - -	PROPERTY BOUNDARY
[Grey shaded area]	SLA CORRIDOR
[Blue dashed line]	SLA APPROXIMATE CENTERLINE
[Black dashed line]	SLAR-CC CORRIDOR
[Black dashed line]	SLAR-CC APPROXIMATE CENTERLINE
[Pink dotted area]	REQUIRED PERMANENT EASEMENT
[Yellow hatched area]	REQUIRED TEMPORARY EASEMENT (NOT APPLICABLE)

S. 1/4 COR. SEC. 35
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SE COR. SEC. 35
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METROPOLITAN WATER DISTRICT OF SALT LAKE & SANDY
SLAR-CC EASEMENT
APN 22-35-451-037
KITT LUDLOW, INVESTMENT TRUSTEE OF THE
KEVIN AND KITT LUDLOW 101 TRUST
8433 SOUTH DANISH ROAD, COTTONWOOD HEIGHTS, UTAH

PROJECT NUMBER
2022-0037

SHEET	OF
1	1
SHEET NUMBER	

EXHIBIT A
BP009

Parcel 24 – Ludlow

5/1/24

District approved Just Compensation (JC).

6/1/24

Offer sent to property owner.

6/11/24

Contact made to confirm receipt of offer and status – no status.

6/27/24

Contact attempt to continue negotiations – no response.

7/15/24

Contact made to continue negotiations – meeting set.

7/18/24

Virtual meeting held. Property owner suggested a fee title purchase. Property owner preparing a counter offer.

7/19/24

District developed a fee title offer. Hold until counter offer received.

7/22/24

Contact attempt – no response.

7/30/24

Contact attempt – no response.

8/1/24

Contact made – still working on counter offer.

8/12/24

District sends fee-title offer to property owner.

8/13/24

Contact made – counter offer of fee-title made by property owner.

8/21/24

Contact made – District working through counter offer details.

10/2/24

Legal Counsel found title issues with property – HOA common space in CC&R's.

10/16/24

Contact made – property owner claims he can clean up title if District will purchase.

10/21/24

The District did not agree with the property owners' proposed purchase price for the parcel and negotiations returned to acquisition of the easement only.

11/04/24

Contact made – property owner prefers a purchase, not an easement.

11/11/24

Receive counteroffer from property owner.

11/14/24

Receive redlines to easement agreement from property owner.

11/15/24

Four options letter received by property owner.

11/25/24

District returns comments on redlined easement agreement.

11/26/24

Contact made – property owner shares disappointment in District response to redlines.