

Tab 1

Metropolitan Water District of Salt Lake & Sandy
Board Meeting Information
Last Update: September 4, 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, 12 have yet to be acquired. Eminent domain was approved for two of these on August 12, 2024. 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 August 28 to the following properties in anticipation of the September 16 board meeting:

- Church of Jesus Christ of Latter-day Saints, Parcels 26-28
- Danish Hills HOA, Parcel 29
- Robert and Erin Axson, Parcel 63

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 properties.

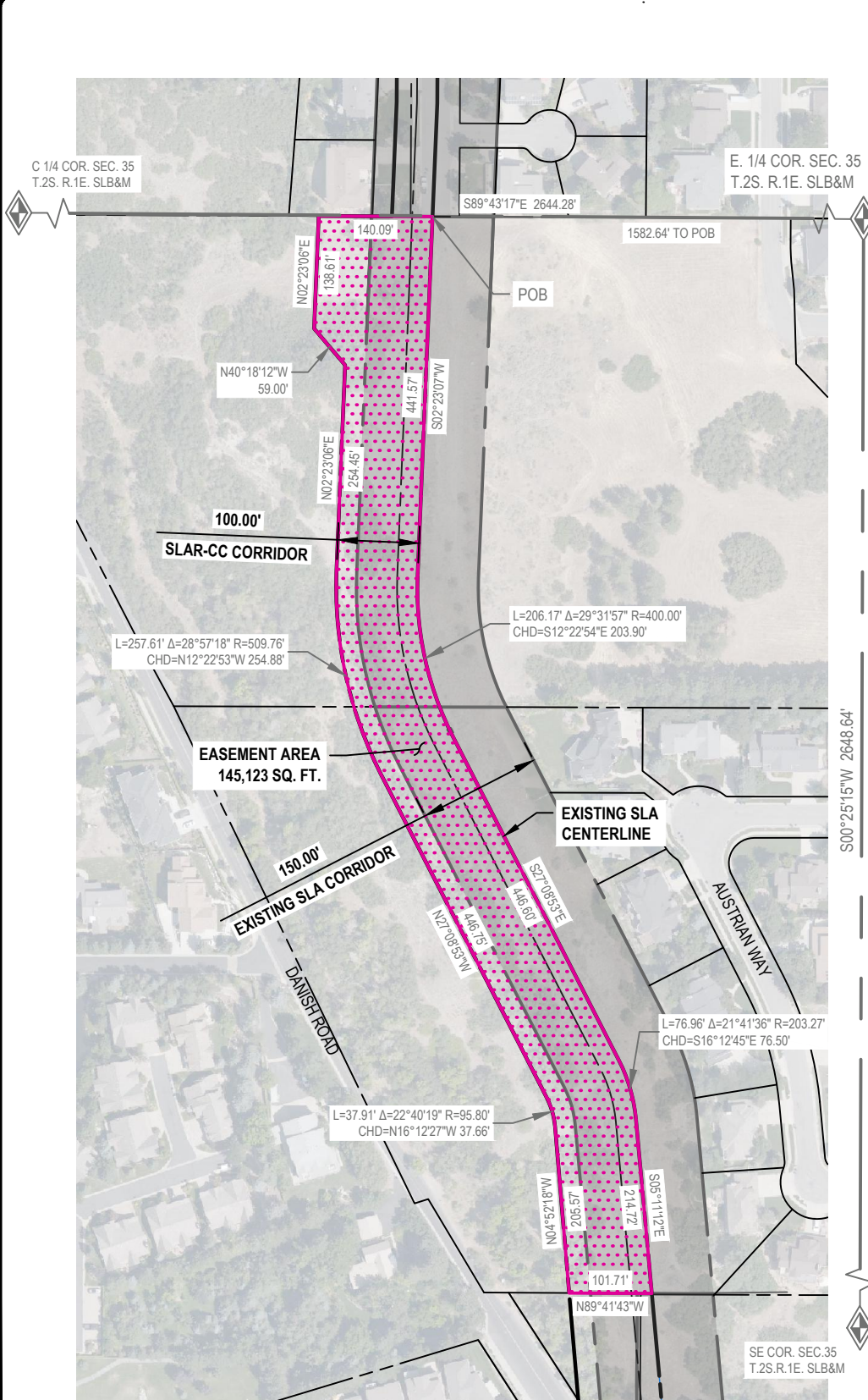
Once a condemnation case has been filed, the District can file a motion seeking an order of immediate occupancy that will allow the District to enter and use the property while the case is pending. These are granted fairly routinely, but they involve briefing with the property owner having the opportunity 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 August 27, 2024.

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

Attachment:

- Exhibits and Engagement Summary for Parcels Numbers 26-28, 29, and 63.



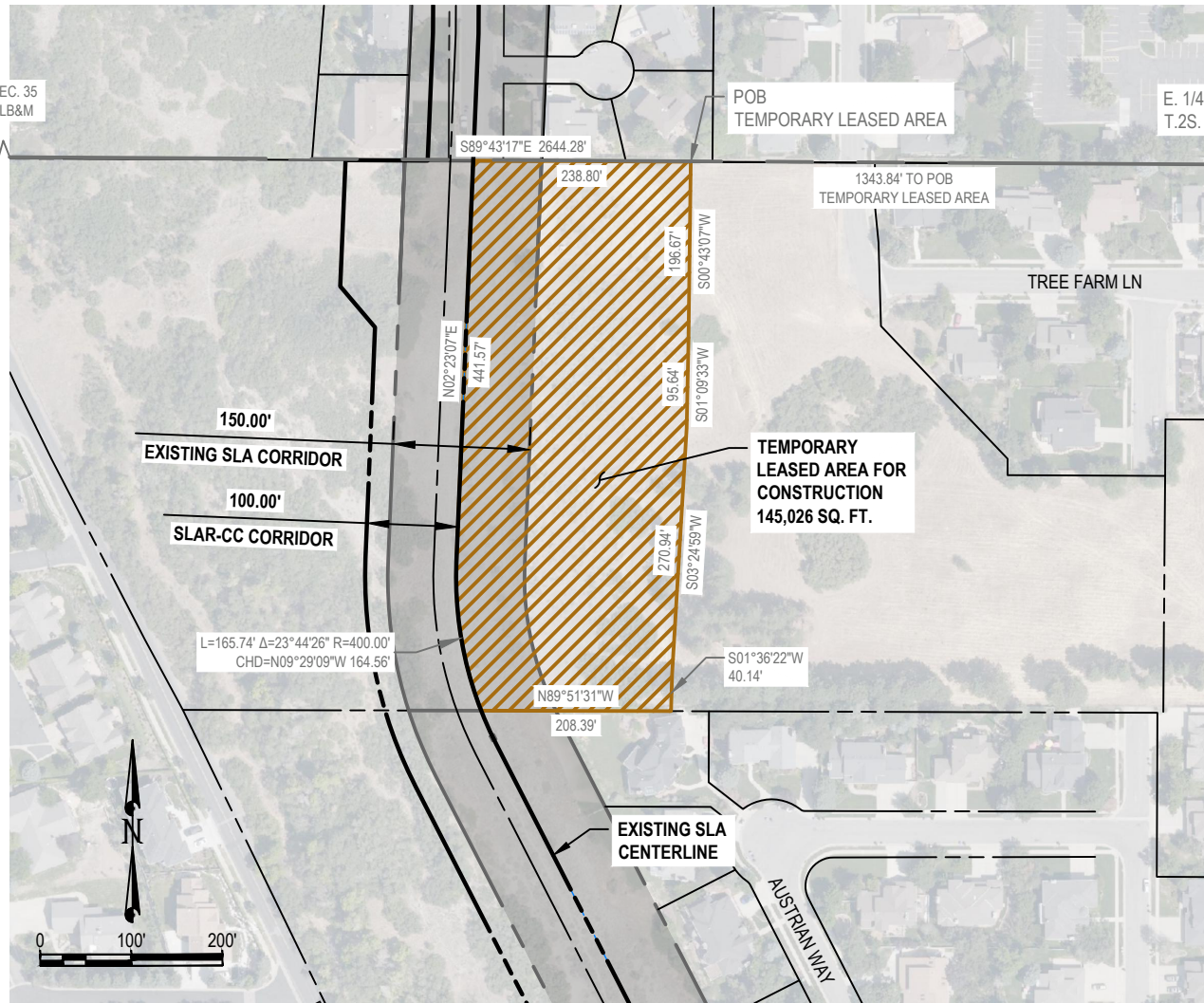
EASEMENT DESCRIPTION

A VARIABLE WIDTH PERPETUAL EASEMENT FOR A WATERLINE LYING WESTERLY OF AND WITHIN THE EXISTING METROPOLITAN WATER DISTRICT OF SALT LAKE AND SANDY AQUEDUCT EASEMENT AND BEING A PORTION OF THE CORPORATION OF THE PRESIDING BISHOP OF THE CHURCH OF JESUS CHRIST OF LATTER-DAY SAINTS, A UTAH CORPORATION SOLE PROPERTY (GRANTOR), APN 22-35-402-001, 22-35-402-004, AND APN 22-35-430-025, LOCATED IN 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 NORTHERLY LINE OF THE GRANTOR'S PROPERTY, WHICH POINT LIES NORTH 89°43'17" WEST ALONG THE QUARTER SECTION LINE 1582.64 FEET FROM THE EAST QUARTER CORNER OF SAID SECTION 35; AND RUNNING THENCE SOUTH 02°23'07" WEST 441.57 FEET TO A POINT OF CURVE OF A 400.00 FOOT RADIUS CURVE TO THE LEFT; THENCE SOUTHEASTERLY 206.17 FEET ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 29°31'57" (CHORD BEARS SOUTH 12°22'54" EAST 203.90 FEET); THENCE SOUTH 27°08'53" EAST 446.60 FEET TO A POINT OF CURVE OF A 203.27 FOOT RADIUS CURVE TO THE RIGHT; THENCE SOUTHERLY 76.96 FEET ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 21°41'36" (CHORD BEARS SOUTH 16°12'45" EAST 76.50 FEET); THENCE SOUTH 05°11'12" EAST 214.72 FEET TO THE SOUTHERLY LINE OF THE GRANTOR'S PROPERTY; THENCE ALONG SAID SOUTHERLY LINE NORTH 89°41'43" WEST 101.71 FEET; THENCE NORTH 04°52'18" WEST 205.57 FEET TO A POINT OF CURVE OF A 95.80 FOOT RADIUS CURVE TO THE LEFT; THENCE NORTHWESTERLY 37.91 FEET ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 22°40'19" (CHORD BEARS NORTH 16°12'27" WEST 37.66 FEET); THENCE NORTH 27°08'53" WEST 446.75 FEET TO A POINT OF CURVE OF A 509.76 FOOT RADIUS CURVE TO THE RIGHT; THENCE NORTHERLY 257.61 FEET ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 28°57'18" (CHORD BEARS NORTH 12°22'53" WEST 254.88 FEET); THENCE NORTH 02°23'06" EAST 254.45 FEET; THENCE NORTH 40°18'12" WEST 59.00 FEET; THENCE NORTH 02°23'06" EAST 138.61 FEET TO SAID NORTHERLY LINE OF THE GRANTOR'S PROPERTY; THENCE ALONG SAID NORTHERLY LINE SOUTH 89°43'17" EAST 140.09 FEET TO THE POINT OF BEGINNING.

CONTAINS 145,123 SQUARE FEET OR 3.332 ACRES, MORE OR LESS.

LEGEND	
SLA	EXISTING SALT LAKE AQUEDUCT
SLAR-CC	NEW SALT LAKE AQUEDUCT REPLACEMENT - COTTONWOODS CONNECTION PIPELINE
---	PROPERTY BOUNDARY
[Pink Dotted 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



TEMPORARY LEASED AREA FOR CONSTRUCTION DESCRIPTION

A TEMPORARY LEASED AREA FOR CONSTRUCTION BEING A PORTION OF THE CORPORATION OF THE PRESIDING BISHOP OF THE CHURCH OF JESUS CHRIST OF LATTER-DAY SAINTS, A UTAH CORPORATION SOLE (GRANTOR) PROPERTY, APN 22-35-402-001 AND 22-35-430-025, LOCATED IN 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 NORTHERLY LINE OF THE GRANTOR'S PROPERTY, WHICH POINT LIES NORTH 89°43'17" WEST ALONG THE QUARTER SECTION LINE 1343.84 FEET FROM THE EAST QUARTER CORNER OF SAID SECTION 35; AND RUNNING THENCE SOUTH 00°43'07" WEST 196.67 FEET; THENCE SOUTH 01°09'33" WEST 95.64 FEET; THENCE SOUTH 03°24'59" WEST 270.94 FEET; THENCE SOUTH 01°36'22" WEST 40.14 FEET TO THE SOUTHERLY LINE OF THE GRANTOR'S PROPERTY; THENCE ALONG SAID SOUTHERLY LINE NORTH 89°51'31" WEST 208.39 FEET TO A POINT OF CURVE OF A 400.00 FOOT RADIUS NON-TANGENT CURVE TO THE RIGHT; THENCE NORTHERLY 165.74 FEET ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 23°44'26" (CHORD BEARS NORTH 09°29'09" WEST 164.56 FEET); THENCE NORTH 02°23'07" EAST 441.57 FEET TO SAID NORTHERLY LINE OF THE GRANTOR'S PROPERTY; THENCE SOUTH 89°43'17" EAST 238.80 FEET TO THE POINT OF BEGINNING.

CONTAINS 145,026 SQUARE FEET OR 3.329 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
	TEMPORARY LEASED AREA FOR CONSTRUCTION

SE COR. SEC. 35
T.2S. R.1E. SLB&M



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**METROPOLITAN WATER DISTRICT OF SALT LAKE & SANDY
SLAR-CC TEMPORARY LEASED AREA FOR CONSTRUCTION**

APN 22-35-402-001 & 22-35-430-025

CORPORATION OF THE PRESIDING BISHOP OF THE
CHURCH OF JESUS CHRIST OF LATTER-DAY SAINTS,
A UTAH CORPORATION SOLE

PROJECT NUMBER
2022-0037

SHEET	OF
1	1
SHEET NUMBER	

EXHIBIT C
BP007

Parcels 26 – 28 – The Church of Jesus Christ of Latter-day Saints

11/29/23 Initial offer made

11/30/23 - Various communications culminating in a meeting on Jan 25, 2024; owner
1/25/24 requests District to vacate a portion of existing SLA easement

3/8/24 Agent sent updated purchase documents to owner

3/27/24 District responded to construction questions from owner.

4/3/24 Agent contacted owner by email

4/8/24 Owner contacted agent with questions; agent responded

4/17/24 Agent contacted owner with answers to questions

4/22/24 Owner contacted agent stating owner will order its own appraisal

5/28/24 Agent to owner; owner responded the appraisal is “less than two weeks out”

6/5/24 Owner to agent; second appraisal by end of week

6/26/24 Agent to owner requesting update and possibility to add additional temporary easement area

7/11/24 Agent to owner requesting update

7/17/24 Agent to owner requesting update

7/18/24 Agent to owner requesting update

7/20/24 Owner to agent asking more detail about additional temporary area

7/24/24 Agent to owner answering questions

7/25/24 Owner to agent to set a meeting; agent responds with meeting times

7/26/24 Agent to owner; will “get back to you”

8/6/24 Agent sends four options letter to owner

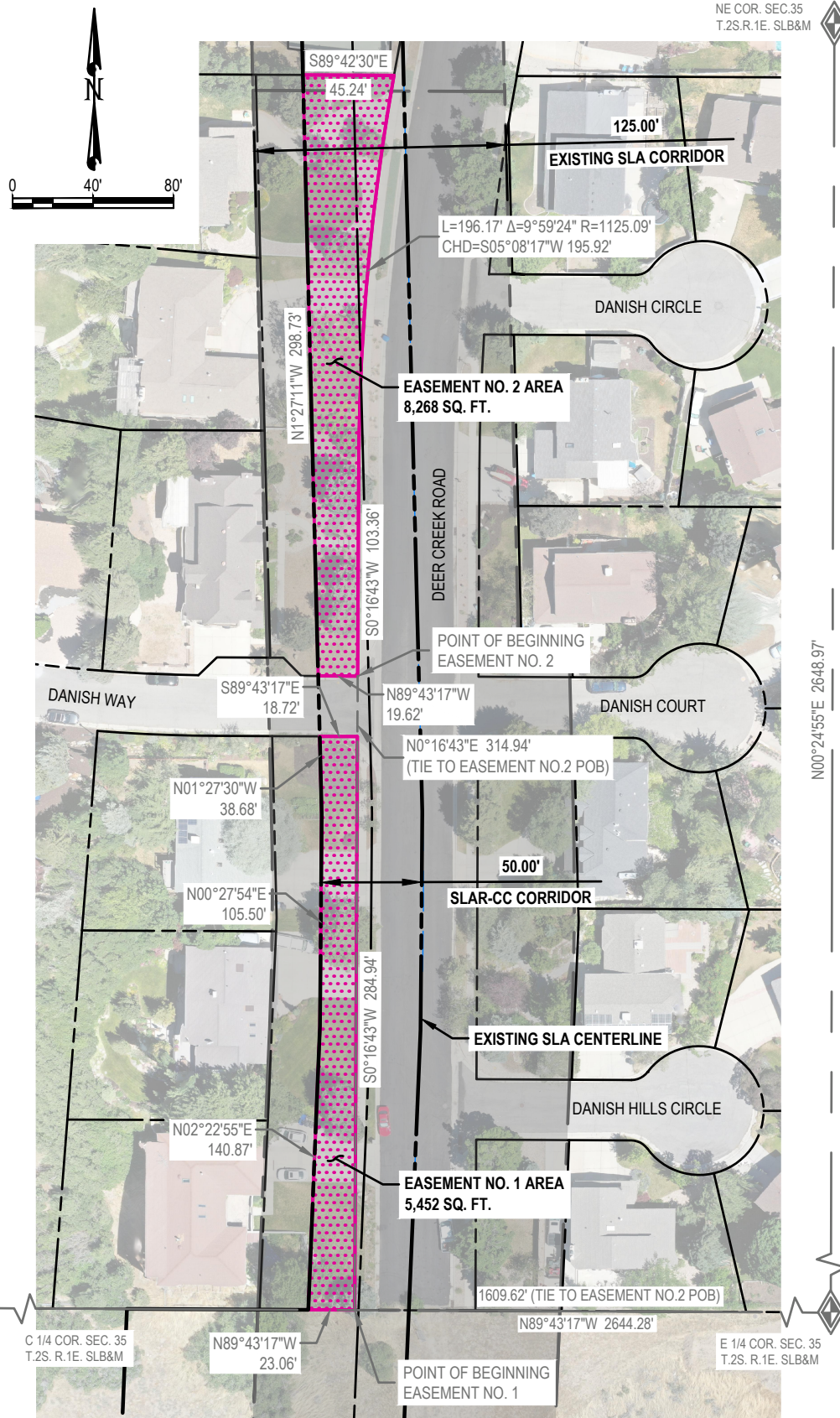
8/7/24 Agent to owner to confirm letter and answer questions, if any

8/8/24 Owner acknowledges receipt of letter and includes legal counsel

8/9/24 Agent to owner to set meeting

8/15/24 Owner, agent, and District meet to discuss further

8/16/24 Agent to owner requesting second appraisal



DANISH HILLS HOMEOWNER'S ASSOCIATION EASEMENT DESCRIPTIONS

EASEMENT NO. 1
 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 DANISH HILLS HOMEOWNER'S ASSOCIATION (GRANTOR) PROPERTY, APN 22-35-253-029, LYING WITHIN THE DANISH HILLS PUD SUBDIVISION, LOCATED IN THE NORTHEAST QUARTER OF SECTION 5, TOWNSHIP 2 SOUTH, RANGE 1 EAST, SALT LAKE BASE AND MERIDIAN, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE INTERSECTION OF THE SOUTHERLY LINE OF THE DANISH HILLS PUD SUBDIVISION AND THE WESTERLY RIGHT OF WAY LINE OF DEER CREEK ROAD, WHICH POINT LIES NORTH 89°43'17" WEST ALONG THE QUARTER SECTION LINE 1609.62 FEET FROM THE EAST QUARTER CORNER OF SAID SECTION 35; AND RUNNING THENCE ALONG SAID SOUTHERLY LINE OF THE DANISH HILLS PUD SUBDIVISION NORTH 89°43'17" WEST 23.06 FEET; THENCE NORTH 02°23'06" EAST 1.84 FEET; THENCE NORTH 02°22'55" EAST 140.87 FEET; THENCE NORTH 00°27'54" EAST 105.50 FEET; THENCE NORTH 01°27'30" WEST 38.68 FEET TO THE SOUTHERLY RIGHT OF WAY LINE OF DANISH WAY; THENCE SOUTH 89°43'17" EAST 18.72 FEET ALONG SAID SOUTHERLY RIGHT OF WAY LINE TO SAID WESTERLY RIGHT OF WAY LINE OF DEER CREEK ROAD; THENCE SOUTH 00°16'43" WEST 284.94 FEET TO THE POINT OF BEGINNING.
 CONTAINS 5,452 SQUARE FEET OR 0.125 ACRE, MORE OR LESS.

ALSO:

EASEMENT NO. 2
 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 DANISH HILLS HOMEOWNER'S ASSOCIATION (GRANTOR) PROPERTY, APN 22-35-253-029, LYING WITHIN THE DANISH HILLS PUD SUBDIVISION, LOCATED IN THE NORTHEAST QUARTER OF SECTION 35, TOWNSHIP 2 SOUTH, RANGE 1 EAST, SALT LAKE BASE AND MERIDIAN, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

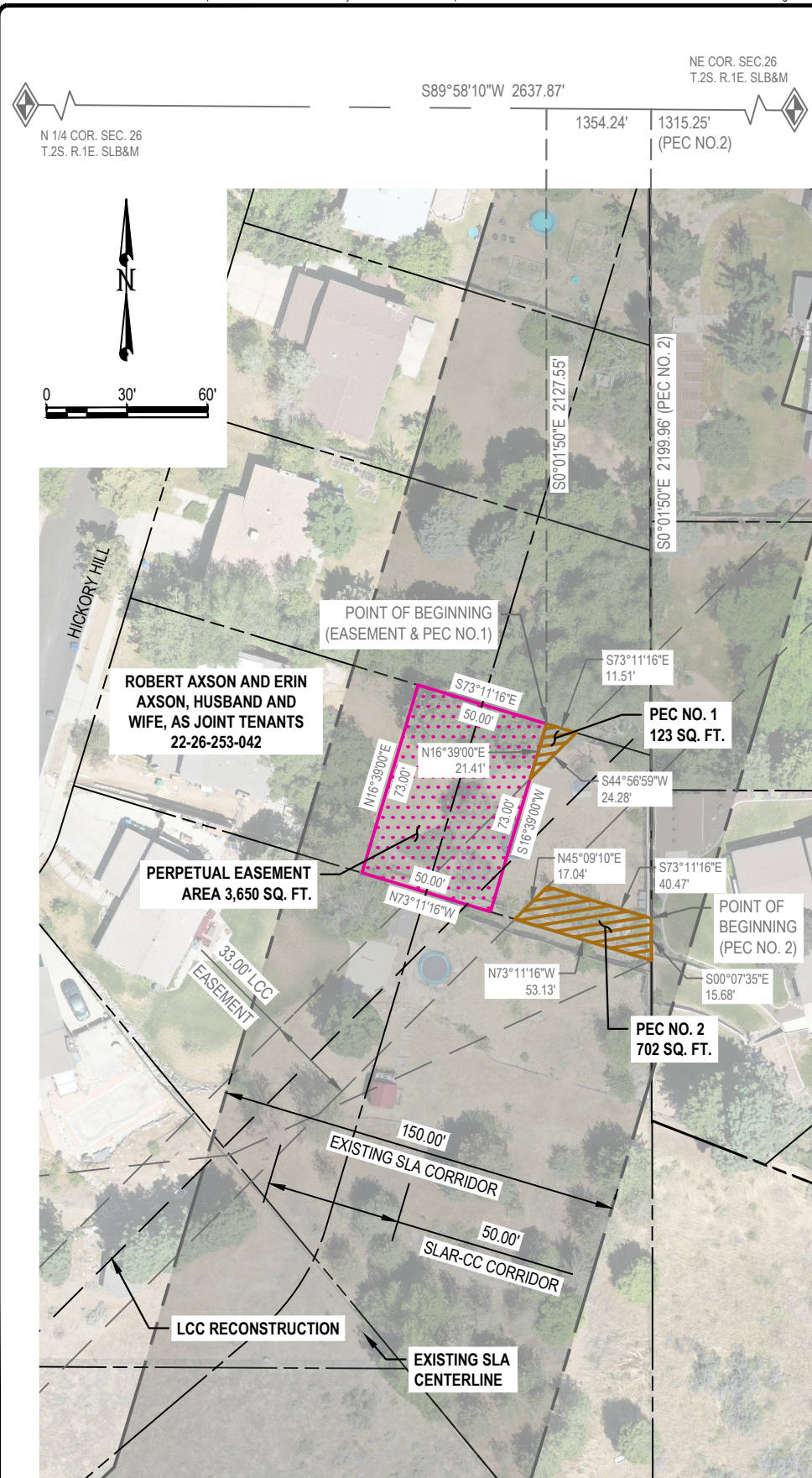
BEGINNING AT THE INTERSECTION OF THE NORTHERLY RIGHT OF WAY LINE OF DANISH WAY AND THE WESTERLY RIGHT OF WAY LINE OF DEER CREEK ROAD, WHICH POINT LIES NORTH 89°43'17" WEST ALONG THE QUARTER SECTION LINE 1609.62 FEET AND NORTH 00°16'43" EAST 314.94 FEET FROM THE EAST QUARTER CORNER OF SAID SECTION 35; AND RUNNING THENCE NORTH 89°43'17" WEST 19.62 FEET ALONG SAID NORTHERLY LINE OF DANISH HILLS PUD SUBDIVISION; THENCE NORTH 01°27'11" WEST 298.73 FEET TO THE NORTHERLY LINE OF SAID DANISH HILLS PUD SUBDIVISION; THENCE SOUTH 89°42'30" EAST 45.24 FEET ALONG SAID NORTHERLY LINE OF DANISH HILLS PUD SUBDIVISION TO SAID WESTERLY RIGHT OF WAY LINE OF DEER CREEK ROAD AND POINT OF CURVE OF A 1125.09 FOOT RADIUS NON-TANGENT CURVE TO THE LEFT; THENCE ALONG SAID WESTERLY RIGHT OF WAY LINE THE FOLLOWING TWO (2) COURSES: 1) SOUTHERLY 196.17 FEET ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 09°59'24" (CHORD BEARS SOUTH 05°08'17" WEST 196.17 FEET); THENCE 2) SOUTH 00°16'43" WEST 103.36 FEET TO THE POINT OF BEGINNING.
 CONTAINS 8,268 SQUARE FEET OR 0.190 ACRE, MORE OR LESS.

N00°24'55"E 2648.97'

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
[Orange hatched area]	REQUIRED TEMPORARY EASEMENT (NOT APPLICABLE)

Parcels 29 – Danish Hills Homeowner’s Association

- 4/30/24 Initial offer made to contact individual
- 5/1/24 Contact acknowledges receipt of offer
- 5/10/24 Contact to agent; HOA was cancelled/dissolved, unsure how to proceed
- 5/24/24 Agent to contact; contact responded unsure how to proceed, eminent domain may be required
- 6/7/24 Counsel representing some or all of the former HOA contacts District counsel; eminent domain may be required to meet District timeline



ROBERT AXSON AND ERIN AXSON, HUSBAND AND WIFE, AS JOINT TENANTS
EASEMENT DESCRIPTION

PERPETUAL EASEMENT
 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 ROBERT AXSON AND ERIN AXSON, HUSBAND AND WIFE, AS JOINT TENANTS (GRANTORS) PROPERTY, APN 22-26-253-042, LOCATED WITHIN LOT 522 NUTREE NO. 5 SUBDIVISION, FILE NO. NN-74, SALT LAKE COUNTY RECORDS, IN THE NORTHEAST 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 NORTHEASTERLY LINE OF THE GRANTORS' PROPERTY, WHICH POINT LIES SOUTH 89°58'10" WEST ALONG THE SECTION LINE 1354.24 FEET AND SOUTH 00°01'50" EAST 2127.55 FEET FROM THE NORTHEAST CORNER OF SAID SECTION 26; AND RUNNING THENCE SOUTH 16°39'00" WEST 73.00 FEET TO THE SOUTHEASTERLY LINE OF THE GRANTORS' PROPERTY; THENCE ALONG SAID SOUTHEASTERLY LINE NORTH 73°11'16" WEST 50.00 FEET; THENCE NORTH 16°39'00" EAST 73.00 FEET TO SAID NORTHEASTERLY LINE OF THE GRANTORS' PROPERTY; THENCE ALONG SAID NORTHEASTERLY LINE SOUTH 73°11'16" EAST 50.00 FEET TO THE POINT OF BEGINNING.

CONTAINS 3,650 SQUARE FEET (0.084 ACRE), MORE OR LESS.

PERMIT TO ENTER AND CONSTRUCT NO. 1 (PEC NO.1)
 A PERMIT TO ENTER AND CONSTRUCT TO FACILITATE THE CONSTRUCTION OF A WATERLINE BEING A PORTION OF THE ROBERT AXSON AND ERIN AXSON, HUSBAND AND WIFE, AS JOINT TENANTS (GRANTORS) PROPERTY, APN 22-26-253-042, LOCATED WITHIN LOT 522 NUTREE NO. 5 SUBDIVISION, FILE NO. NN-74, SALT LAKE COUNTY RECORDS, IN THE NORTHEAST 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 NORTHEASTERLY LINE OF THE GRANTORS' PROPERTY, WHICH POINT LIES SOUTH 89°58'10" WEST ALONG THE SECTION LINE 1354.24 FEET AND SOUTH 00°01'50" EAST 2127.55 FEET FROM THE NORTHEAST CORNER OF SAID SECTION 26; AND RUNNING THENCE ALONG SAID NORTHEASTERLY LINE SOUTH 73°11'16" EAST 11.51 FEET TO THE NORTHWESTERLY LINE OF THE EXISTING LITTLE COTTONWOOD CONDUIT EASEMENT; THENCE SOUTHWESTERLY ALONG SAID NORTHWESTERLY LINE SOUTH 44°56'59" WEST 24.28 FEET TO A POINT ON THE EASTERLY LINE OF THE NEW SLAR PERPETUAL EASEMENT; THENCE ALONG SAID EASTERLY LINE NORTH 16°39'00" EAST 21.41 FEET TO THE POINT OF BEGINNING.

CONTAINS 123 SQUARE FEET (0.002 ACRE), MORE OR LESS.

PERMIT TO ENTER AND CONSTRUCT NO. 2 (PEC NO.2)
 A PERMIT TO ENTER AND CONSTRUCT TO FACILITATE THE CONSTRUCTION OF A WATERLINE BEING A PORTION OF THE ROBERT AXSON AND ERIN AXSON, HUSBAND AND WIFE, AS JOINT TENANTS (GRANTORS) PROPERTY, APN 22-26-253-042, LOCATED WITHIN LOT 522 NUTREE NO. 5 SUBDIVISION, FILE NO. NN-74, SALT LAKE COUNTY RECORDS, IN THE NORTHEAST 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 GRANTORS' PROPERTY, WHICH POINT LIES SOUTH 89°58'10" WEST ALONG THE SECTION LINE 1315.25 FEET AND SOUTH 00°01'50" EAST 2199.96 FEET FROM THE NORTHEAST CORNER OF SAID SECTION 26; AND RUNNING THENCE ALONG SAID EASTERLY LINE SOUTH 00°07'35" EAST 15.68 FEET TO THE SOUTHEAST CORNER OF SAID GRANTORS' PROPERTY; THENCE NORTHWESTERLY ALONG THE SOUTHERLY LINE OF SAID GRANTORS' PROPERTY NORTH 73°11'16" WEST 53.13 FEET; THENCE NORTH 45°09'10" EAST 17.04 FEET; THENCE SOUTH 73°11'16" EAST 40.47 FEET TO THE POINT OF BEGINNING.

CONTAINS 702 SQUARE FEET (0.016 ACRE), MORE OR LESS.

LEGEND	
SLA	EXISTING SALT LAKE AQUEDUCT
SLAR-CC	NEW SALT LAKE AQUEDUCT REPLACEMENT - COTTONWOODS CONNECTION PIPELINE
---	PROPERTY BOUNDARY
[Dashed Line]	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
[Orange Hatched Area]	REQUIRED TEMPORARY EASEMENT
[Black Dashed Line]	LCC RECONSTRUCTION

Parcels 63 – Robert and Erin Axson

10/13/23	Initial offer made via certified mail
10/18/23	Agent leaves voicemail
10/25/23	Agent sends email
11/3/23	Agent sends email
11/8/23	Agent leaves voicemail
11/15/23	Agent speaks with owner; owner has questions about restoration
12/20/23	Agent sends email
1/22/24	Agent leaves voicemail
1/31/24	Agent leaves voicemail
2/2/24	Agent sends email
2/6/24	Owner responds – traveling, will call back later
2/22/24	Agent leaves voicemail
3/15/24	Agent sends email
3/18/24	Agent sends four options letter
3/20/24	Four options letter received by owner
4/9/24	Agent sends email
4/11/24	Agent speaks with owner; sets meeting for 4/15
4/15/24	Agent and District meet with owner; answer questions about construction, restoration
4/29/24	Agent sends email
5/6/24	Agent speaks with owner about agreement, restoration
5/14/24	Owner emails agent with additional questions
5/24/24	Agent emails owner with answers
5/28/24	Agent sends email
5/30/24	Agent sends email
7/8/24	Agent sends email
7/22/24	Owner requests a meeting
7/30/24	Meeting with Robert; questions answered
8/16/24	Agent leaves voicemail