

DEC 07 2006



ROSS C. "ROCKY" ANDERSON  
MAYOR

## SALT LAKE CITY CORPORATION

OFFICE OF THE MAYOR

### MEMORANDUM

To: Sam Guevara   
Chief of Staff

From: D.J. Baxter   
Senior Advisor

Date: November 14, 2006

Re: Grant Tower Property Acquisition – Use of Eminent Domain

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Property Management has made excellent progress on acquiring properties for the Grant Tower project. Thanks to their efforts, it appears unlikely we will need to exercise the City's power of eminent domain on any of the properties for which the Council authorized condemnation in September. Of the 5 properties included in the Council's Condemnation Resolutions, we have closed on 2 of the properties, two others have signed purchase agreements and will close soon, and we're close to reaching an agreement with the 5th. The only remaining reason we might need to seek the assistance of the courts is if any of the property owners don't vacate by the established deadline. While we don't expect that to be a problem, we are making sure we preserve our legal options in case they're needed.

On the other hand, several of the "partial takes" (properties of which we only need a small portion) and two "full take" properties may require us to pursue condemnation. While these properties would not involve any business relocations, we do need to occupy the properties in time for construction. Therefore, we are preparing to issue the required notices to those property owners to start the eminent domain process.

We propose to proceed under the schedule below, and request that the Council add the following items to their agendas:

**November 21:** Council set the date of December 12 for a public hearing regarding condemnations for the parcels described below.

**December 12:** Executive Session briefing before the Council regarding properties under consideration, progress of negotiations

**December 12:** Public hearing and vote on Condemnation Resolutions.

We request that the Council set the date of December 12, 2006 for a briefing and public hearing to consider adopting Eminent Domain Resolutions for the following parcels or portions thereof:

Parcel #: 08-36-354-019  
Property Address: 14 North 600 West  
Owners: Ed James Aho  
Portion Needed: Approx. 637 square feet (0.014 acres) on SE corner of property

Parcel #s: 15-02-201-001 and -002  
Property Addresses: 3 South 900 West and 955 West South Temple St.  
Owners: C & J South Temple Limited Partnership  
Portion Needed: Approx. 1897 square feet (0.044 acres) on NW edge of property

Parcel #: 15-02-226-005  
Property Address: 4 South 800 West  
Owners: Paul and Gwenola Engel  
Portion Needed: Entire parcel (0.11 acres)

Parcel #: 08-36-355-001  
Property Address: 10 North 600 West  
Owners: PacifiCorps (Rocky Mountain Power)  
Portion Needed: Entire parcel (2.21 acres)

We will provide proposed Eminent Domain Resolutions and supporting materials in a subsequent transmittal.

# THE CITY OF SALT LAKE CITY, UTAH

A Municipal Corporation

Resolution No. \_\_\_\_\_

## A RESOLUTION INITIATING EMINENT DOMAIN PROCEEDINGS

Whereas, the City of Salt Lake City, Utah, a municipal corporation and political subdivision of the State of Utah, is authorized to acquire private property for public use through the exercise of eminent domain; and

Whereas, the City of Salt Lake City desires to facilitate and enable the removal and realignment of freight railroad tracks from the 900 South rail line and from the Folsom Street Rail Corridor to improve the safety and efficiency of the rail lines, decrease noise, vibration, pollution and interference with residential neighborhoods, improve traffic circulation, enable the creation of public spaces, and otherwise provide for the health, safety and welfare (the "Public Use and Purposes"); and

Whereas, the City has determined that certain parcels of land and associated structures must be acquired and cleared to accommodate the Public Use and Purposes; and

Whereas, the City has ordered appraisals of these parcels and associated improvements, and has extended offers to the property owners to purchase the property for its market value, as indicated by the appraisal; and

Whereas, the City desires to acquire the property described below through the exercise of its power of eminent domain for the Public Use and Purposes including without limitation, facilitating the freight track relocation away from the residential area along 900 South Street, thereby enabling the abandoning of existing tracks on 900 South in order to eliminate noise and other health, safety and welfare concerns of that neighborhood; ensuring more rapid and smooth movement of freight trains through the City; improve traffic safety and circulation, and reduce automobile pollution; and for other public purposes;

NOW, THEREFORE, IT IS RESOLVED BY THE CITY COUNCIL OF SALT LAKE CITY, UTAH:

*Section 1.* The Salt Lake City Council finds and determines that the public interest and necessity require the acquisition and the immediate occupancy of the parcel of real estate located in Salt Lake County, State of Utah and identified as parcel number 15-02-226-005, for the Public Use and Purposes described above, and for other lawful and legitimate public uses and purposes.

*Section 2.* The property to be affected by the action taken in Section 1, above, is owned by: Paul and Gwenola Engel. The affected property is located at approximately 4 South 800 West Street in Salt Lake City, Salt Lake County, Utah.

*Section 3.* The proposed location of the realigned tracks is planned and located in a manner that will be most compatible with the greatest public good and the least private injury.

*Section 4.* The Mayor and the City Attorney are directed, on behalf of the City:

1. To acquire, in the name of the City, fee interest in the properties as set forth herein, by purchase if a reasonable purchase price can be negotiated, or by eminent domain proceedings in accordance with Utah law.

2. To prepare and prosecute such proceeding or proceedings in the proper court having jurisdiction thereof as is necessary for such acquisition.

3. To obtain from the court an order permitting the City to take immediate possession and use of said real property and easements affecting said real property, for the purposes herein described.

4. To use the services of outside counsel as necessary to accomplish these directives.

*Section 5.* This resolution shall take effect immediately.

Adopted by the City Council of Salt Lake City, Utah this \_\_\_\_\_ day of November, 2006.

SALT LAKE CITY COUNCIL

By \_\_\_\_\_  
CHAIRPERSON

ATTEST:

\_\_\_\_\_  
CHIEF DEPUTY CITY RECORDER

APPROVED AS TO FORM  
Salt Lake City Attorney's Office  
Date 11/17/2006  
By [Signature]

# THE CITY OF SALT LAKE CITY, UTAH

A Municipal Corporation

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Whereas, the City has determined that certain parcels of land and associated structures must be acquired and cleared to accommodate the Public Use and Purposes; and

Whereas, the City has ordered appraisals of these parcels and associated improvements, and has extended offers to the property owners to purchase the properties for its market value, as indicated by the appraisal; and

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NOW, THEREFORE, IT IS RESOLVED BY THE CITY COUNCIL OF SALT LAKE CITY, UTAH:

*Section 1.* The Salt Lake City Council finds and determines that the public interest and necessity require the acquisition and the immediate occupancy of the parcel of real estate located in Salt Lake County, State of Utah and identified as parcel number 08-36-355-001, for the Public Use and Purposes described above, and for other lawful and legitimate public uses and purposes.

*Section 2.* The property to be affected by the action taken in Section 1, above, is owned by: Utah Power & Light Co., aka Rocky Mountain Power, a division of PacifiCorp. The affected property is located at approximately 10 North 600 West Street in Salt Lake City, Salt Lake County, Utah.

*Section 3.* The proposed location of the realigned tracks is planned and located in a manner that will be most compatible with the greatest public good and the least private injury.

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CHAIRPERSON

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CHIEF DEPUTY CITY RECORDER

APPROVED AS TO FORM  
Salt Lake City Attorney's Office  
Date 11/17/2006  
By J. Spendlove

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NOW, THEREFORE, IT IS RESOLVED BY THE CITY COUNCIL OF SALT LAKE CITY, UTAH:

*Section 1.* The Salt Lake City Council finds and determines that the public interest and necessity require the acquisition and the immediate occupancy of the parcels of real estate located in Salt Lake County, State of Utah and identified as parcels numbered 15-02-201-001 and -002, for the Public Use and Purposes described above, and for other lawful and legitimate public uses and purposes.

*Section 2.* The properties to be affected by the action taken in Section 1, above, are owned by: C & J South Temple Limited Partnership. The affected properties are located at approximately 3 South 900 West Street and 955 West South Temple Street in Salt Lake City, Salt Lake County, Utah.

*Section 3.* The proposed location of the realigned tracks is planned and located in a manner that will be most compatible with the greatest public good and the least private injury.

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Salt Lake City Attorney's Office  
Date 11/17/2006  
By W. Spindler



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*Section 2.* The property to be affected by the action taken in Section 1, above, is owned by: Ed James Aho. The affected property is located at approximately 14 North 600 West Street in Salt Lake City, Salt Lake County, Utah.

*Section 3.* The proposed location of the realigned tracks is planned and located in a manner that will be most compatible with the greatest public good and the least private injury.

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