



ROSS C. "ROCKY" ANDERSON
MAYOR

SALT LAKE CITY CORPORATION

OFFICE OF THE MAYOR

MEMORANDUM

To: Cindy Gust-Jenson, Executive Director
Salt Lake City Council

From: D.J. Baxter, Senior Advisor
Salt Lake City Mayor's Office

A handwritten signature in black ink, appearing to be "DJ Baxter", written over the name in the "From:" field.

Date: February 12, 2007

Re: Condemnation Resolution for GCII Property

Attached is a Resolution Initiating Eminent Domain Proceedings for the Council's review and consideration on February 13, 2007. The properties involved are owned by GCII Investments, LC, and are located at approximately 579 W. North Temple Street.

These properties are needed to effectuate a trade with Rocky Mountain Power for a parcel owned by the utility. The Rocky Mountain Power property is an essential component of the Grant Tower rail reconfiguration just west of downtown. The new alignment of the Union Pacific tracks must cross the Rocky Mountain Power parcel to achieve the needed increases in train speeds through the area, and UTA's Commuter Rail project will also cross the property following its current alignment. Rocky Mountain Power is unwilling to sell its property, but is willing to trade it to the City in exchange for the adjacent parcel owned by GCII Investments, which Rocky Mountain Power will someday use for a power substation.

We are currently in negotiations with GCII Investments for the voluntary acquisition of its property. We are making significant progress. Unfortunately, however, the aggressive construction schedule for the Grant Tower and Commuter Rail projects requires that we complete this acquisition very quickly. In the event we are not able to reach agreement with the property owner, we request the Council's authorization to acquire the GCII property using the City's power of eminent domain.

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 obtained appraisals of these parcels and associated improvements, and has extended offers to the property owners to purchase the properties for their fair-market value; as indicated by the appraisals; 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 parcels of real estate located in Salt Lake County and identified as parcel numbers 08-36-354-020 and 08-36-354-021, 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: GCII Investments, LC. The affected property is located at approximately 579 West North 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.

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 February, 2007.

SALT LAKE CITY COUNCIL

By _____
CHAIRPERSON

ATTEST:

CHIEF DEPUTY CITY RECORDER

APPROVED AS TO FORM
Salt Lake City Attorney's Office
Date February 9, 2007
By E. Russell Vitt