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# M E M O R A N D U M

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**DATE:** March 2, 2007  
**TO:** City Council Members  
**FROM:** Russell Weeks  
**RE:** Resolutions Initiating Eminent Domain Proceedings near the Tooele Valley Airport  
**CC:** Cindy Gust-Jenson, Maureen Riley, Lyn Creswell, Louis Zunguze, Ed Rutan, Alison McFarlane, Russ Pack, Gary Mumford, Jodi Howick

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This memorandum is intended to address issues involving the consideration of six resolutions that would initiate eminent domain proceedings against properties near the Tooele Valley Airport (also called Bolinder Field and Salt Lake Airport No. 3) to help the installation of an instrument landing system at the Tooele airport. The City Council is scheduled to hold a public hearing and consider the resolutions at its March 6 meeting.

## **OPTIONS**

- Continue the public hearing until a later date.
- Close the public hearing and adopt the proposed resolutions.
- Close the public hearing and consider the next item on the agenda.
- Close the public hearing but defer further consideration of the proposed resolutions until a later date.

## **POTENTIAL MOTIONS**

### **PUBLIC HEARING**

- I move that the City Council continue the public hearing until (Council Members may choose a date they deem appropriate).
- I move that the City Council close the public hearing.

### **CONSIDERATION OF RESOLUTIONS**

1. I move that the City Council adopt a resolution initiating eminent domain proceedings against real estate in Tooele County identified as parcel numbers 05-062-0-0023 and 05-035-0-0008 and owned by Six Mile Ranch for the public use and purposes described in the resolution.
2. I move that the City Council adopt a resolution initiating eminent domain proceedings against real estate in Tooele County identified as parcel numbers 14-11-0-0001, 14-11-0-0002, 14-11-0-0003, and 14-11-0-0004 and owned by Dick D. Kunz and Dick Darwin Kunz for the public use and purposes described in the resolution.

3. I move that the City Council adopt a resolution initiating eminent domain proceedings against real estate in Tooele County identified as parcel numbers 15-049-0-0205 and 15-049-0-0206 and owned by Walters Ranch, LLC, for the public use and purposes described in the resolution.
  4. I move that the City Council adopt a resolution initiating eminent domain proceedings against real estate in Tooele County identified as parcel number 05-035-0-0002 and owned by Ethel P. and Brian E. Walters for the public use and purposes described in the resolution.
  5. I move that the City Council adopt a resolution initiating eminent domain proceedings against real estate in Tooele County identified as parcel number 05-047-0-0030 and owned by Sylvia C. Enniss for the public use and purposes described in the resolution.
  6. I move that the City Council adopt a resolution initiating eminent domain proceedings against real estate in Tooele County identified as parcel number 05-068-0-0002 and owned by Claron D. Palmer for the public use and purposes described in the resolution.
- I move that the City Council defer consideration of the proposed resolutions until (Council Members may choose a date they deem appropriate).
  - I move that the City Council consider the next item on the agenda.

### **KEY POINTS**

- According to the Administration's transmittal letter, acquiring the parcels, or air rights above them in some cases, would help the Department of Airports install an instrument landing system at the Tooele Valley Airport.
- The Department of Airport continues to pursue voluntary acquisitions of the properties described in the proposed resolutions.
- Installing an instrument landing system would allow general aviation aircraft, including aircraft from a flight school, to use the Tooele Valley Airport – and its airspace – instead of Salt Lake City International Airport. That in turn would increase safety at both airports, and allow for increased capacity for additional commercial traffic at Salt Lake City International.
- The Federal Aviation Administration has obtained federal funding to install an instrument landing system at the Tooele Valley Airport after seeking funding for several years. Funding for the instrument landing system must be spent by October 1, 2007, according to the transmittal letter.
- The FAA requires that Salt Lake City acquire, through negotiations or eminent domain, enough land to install the instrument landing system and meet the agency's regulations governing runway protection zones and height restrictions for missed airplane approaches and transitional zones around runways.

- Airport administrations believe that acquiring the 102 acres described in the resolutions will be enough for the Tooele Valley Airport to develop into the future.

## **BACKGROUND/DISCUSSION**

As noted in the Key Points section, the Federal Aviation Administration has obtained federal funding to install and instrument landing system at the Tooele Valley Airport. However, the funds must be used by October 1, 2007 which also is the start of the federal government's next fiscal year.

According to the Administration transmittal, it is the FAA's policy to designate "runway protection zones" at each end of runways. "Due to constraints of construction requirements, height restrictions, and the potential for hazards to people and property on the ground, the Airport needs to acquire fee title to affected areas," according to the transmittal. Because of FAA height requirements to protect pilots, passengers and the public if an airplane misses on its approach to runways, the Department of Airports "needs at least an aviation easement" over some areas to prevent the building of "obstructions in the airspace below 35 feet." Tooele County zoning allows construction of up to 35 feet in those same areas.

As noted in the Key Points section, installing the instrument landing system would increase safety at both airports by allowing general aviation aircraft to use the Tooele Valley Airport's airspace. That airspace is outside the Salt Lake City International Airport's airspace which means there could be less conflict between smaller general aviation aircraft and the larger commercial aircraft.

The Administration also contends that increasing the attractiveness of the Tooele Valley Airport to smaller general aviation aircraft will be an economic benefit to Tooele County. Staff has attached a letter from the Tooele County Commission supporting the Department of Airport's plans for the Tooele Valley Airport.



JAN 22 2007

January 16, 2007

Salt Lake City Council Office  
451 S. State Street Room 304  
Salt Lake City, UT 84111

COMMISSIONERS  
Dennis L. Rockwell  
*Chairman*  
Matthew P. Lawrence  
Colleen S. Johnson  
Cheryl A. Adams  
*Administrative Assistant*

To the Salt Lake City Council:

As you know, Tooele County has been discussing plans to improve the facilities and services available at Bolinder Field (often referred to as Salt Lake #3) with representatives of Salt Lake International Airport and other interested parties. Improvements in that facility would resolve a number of problems and, from the perspective of Tooele County, would support our economic development plans.

In our conversations with the staff at the Salt Lake City Airport Authority, we have been able to reach agreement on a number of issues and are working diligently to resolve specific concerns relating to zoning, required infrastructure improvements, and the relative contribution that each party will make to support the overall plan. We are confident that these issues can be resolved in a timely fashion.

We are writing now to indicate our complete support for Salt Lake City in making improvements to Bolinder Field. Your efforts will be appreciated by the Commission and the citizens of Tooele County. We believe that improving the airport will play an important role in promoting growth throughout Tooele Valley while also addressing important needs identified by the aviation community.

We appreciate your on going support and look forward to working with you on these and other issues.

Sincerely,

Tooele County Commission

Colleen S. Johnson,  
Chairman

J. Bruce Clegg

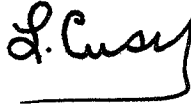
Jerry Hurst

TOOELE COUNTY COMMISSION

Tooele County Courthouse 47 South Main Street Tooele, Utah 84074

[OFFICE] 435-843-3150 [FAX] 435-843-3400 [TOLL FREE] 866-704-3443 [www.co.tooele.ut.us](http://www.co.tooele.ut.us)

## COUNCIL TRANSMITTAL



**TO:** Lyn Creswell,  
Chief Administrative Officer

**DATE:** February 12, 2007

**FROM:** Russ Pack  
Jodi Howick

**SUBJECT:** Tooele Valley Airport Condemnation Actions

**STAFF CONTACT:** Russ Pack 575-2096  
Jodi Howick 575-2226

**DOCUMENT TYPE:** Six Resolutions

**BUDGET IMPACT:** \$5 million in funds are available in the Airport Enterprise Fund to support this project.

**BACKGROUND/DISCUSSION:** The Salt Lake City Department of Airports (Department) operates the Salt Lake City International Airport (SLCIA) and two reliever airports, one of which is located in Tooele County. For many years, the FAA has sought funding to install an instrument landing system (ILS) at the Tooele Valley Airport (TVA). The FAA has now obtained that funding, and it must be spent prior to October 1, 2007.

An ILS at TVA would provide a number of important benefits to SLCIA, to TVA, to Tooele County, and to aviation in this region. Those benefits include:

- Airspace above SLCIA is a limited resource, and an ILS at TVA would allow flight school traffic and other general aviation traffic to relocate to TVA outside of SLCIA's airspace.
- When general aviation traffic leaves SLCIA's airspace, it frees capacity for additional commercial traffic at SLCIA.
- Safety is further enhanced when general aviation traffic and commercial traffic can be separated in the air and on the ground.
- Development at TVA would greatly enhance that airport's ability to serve the general aviation community and function within our system of airports.

- Development at TVA would promote economic development for Tooele County.

In order to properly install and operate the ILS at TVA, the Department must own or control the real property necessary for the construction and operation of the system. The Department has pursued a program of voluntary acquisition surrounding TVA for some time to prepare for development, and the Department already owns some of the affected property. However, the Department has not been able to acquire some of the property interests needed for the ILS.

The Department continues to pursue the possibility of voluntary acquisitions, but it must now also pursue condemnation of necessary property interests in order to accommodate the FAA's installation of the ILS by October 1, 2007. The affected property interests impact 102 acres in Tooele County due to the following:

- The FAA designates "Runway Protection Zones" at each end of TVA's runway. Due to the constraints of construction requirements, height restrictions, and the potential for hazards to people and property on the ground, the Airport needs to acquire fee title to affected areas. The areas affect two property owners, and the Department may be able to acquire one of these interests voluntarily.
- The FAA designates height restrictions due to requirements for missed approaches and for transitional zones surrounding the runway. Tooele County zoning currently allows construction up to thirty-five feet, and that zoning conflicts with airspace requirements in the certain areas. The Department needs to acquire at least an avigation easement over the affected areas to prevent any obstructions in the airspace below thirty-five feet. These areas affect four property owners, and the Department may be able to acquire one of these interests voluntarily.

The Department has worked to minimize these condemnation impacts to surrounding property owners, and no residents will be displaced in this process. The Department is relying on Tooele County zoning to protect other areas, but is currently discussing with Tooele County the need to adopt an Airport Influence Zone to provide additional protections. Tooele County Commissioners have submitted to the City Council a letter in support of development at TVA. In addition, the Airport Board adopted a resolution in support of these condemnation actions to provide for development at TVA at their meeting in January, 2007.

State law requires a resolution of the City Council in order to file a condemnation action. The Department has provided the attached resolutions with respect to affected properties, and asks that the Council consider adopting the resolutions to permit these actions to go forward. We anticipate actions could then be filed and immediate occupancy obtained in time to permit the FAA to complete construction before October 1, 2007.

**RECOMMENDATION:** The Department of Airports recommends that the City Council adopt the six resolutions transmitted with this memorandum.

**THE CITY OF SALT LAKE CITY, UTAH**

A Municipal Corporation

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

A RESOLUTION INITIATING EMINENT DOMAIN PROCEEDINGS

WHEREAS, the Salt Lake City Department of Airports owns and operates an airport in Tooele County that acts as a reliever to the Salt Lake City International Airport (SLCIA); and

WHEREAS, SLCIA handled over 455,000 aircraft operations during 2005, making it the eighteenth busiest airport in the world, and conservative forecasts project that in the next 20 years operations at SLCIA will increase to over 634,000; and

WHEREAS, significant numbers of operations at SLCIA are attributable to flight school operations and other general aviation operations, and those operations are expected to increase over time; and

WHEREAS, safety is enhanced when flight school operations and other general aviation operations can be separated from large commercial aircraft, particularly at airport facilities that are congested; and

WHEREAS, flight school operations and other general aviation operations benefit from facilities that are devoted to their needs due to the benefits of greatly reduced congestion, including enhanced safety, reduced wait times when using the airfield, and reduced fuel expenses associated with wait times; and

WHEREAS, the Tooele Valley Airport has the ability to support many more flight operations than it does today; and

WHEREAS, operations at the Tooele Valley Airport do not interfere with the flight path or other operating needs of SLCIA, making it an optimal location to expand general aviation operations and facilities; and

WHEREAS, the Federal Aviation Administration (FAA) has expressed support for developing facilities at the Tooele Valley Airport to assist in reducing congestion and further enhancing safety at SLCIA; and

WHEREAS, the FAA has for many years sought funding to install an instrument landing system (ILS) at the Tooele Valley Airport to promote greater use of that airport by flight schools and other general aviation aircraft; and

WHEREAS, the FAA was successful in obtaining funding to install an ILS at the Tooele Valley Airport during the present federal fiscal year, and must spend those funds prior to September 30, 2007; and

WHEREAS, some property interests surrounding the Tooele Valley Airport will be impacted by the installation and operation of an ILS, which includes real property located at both ends of the runway needed for expanded Runway Protection Zones and airspace over certain property affected by federal regulations for missed approaches and for runway transitional surfaces, and other properties and property interests; and

WHEREAS, these property impacts are necessary to comply with federal requirements for navigation and security, to control and protect the airspace close to the airport against obstacles that can penetrate mandatory surfaces and thereby impair flight activities, to protect persons and property on the ground within Runway Protection Zones at the ends of the runway, and to provide for proper operations at the airport; and

WHEREAS, the benefits of an ILS and of future development at the Tooele Valley Airport can only be achieved for that airport, for SLCIA, for the surrounding community in Tooele County, and for state and regional aviation activities by impacting these property interests; and

WHEREAS, the Salt Lake City Council and Airport Board are strongly concerned with growth, congestion and safety issues, and how they impact SLCIA, the general aviation community, and aviation within this region; and

WHEREAS, the City of Salt Lake City is authorized to acquire private property for public use through the exercise of eminent domain; and

WHEREAS, the City has determined that certain parcels of land and/or airspace, along with any associated structures, must be acquired to accommodate the public uses and purposes identified in the foregoing recitals, collectively referred to herein as "Public Uses and Purposes"; and

WHEREAS, the City has extended an offer to the property owner to purchase the property which is the subject of this resolution for its market value; 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, to improve and develop the Tooele Valley Airport; to alleviate congestion and improve safety at SLCIA; to facilitate, enable and promote greater use of the Tooele Valley Airport by flight schools and other general aviation aircraft; to install an ILS at the Tooele Valley Airport and take advantage of one-time FAA funding provided during the present federal fiscal year to help finance such improvements, which funds must be used prior to September 30, 2007; to comply with federal requirements for navigation and security; to control and protect the air space close to the Tooele Valley



Airport against obstacles that can penetrate mandatory surfaces and thereby impair flight activities; to protect persons and property on the ground within the runway protection zones; to improve safety and provide for proper operations at the Tooele Valley Airport; 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 requires the acquisition, and immediate occupancy as may be necessary, of the parcels of real estate located in Tooele County and identified as parcel numbers 05-062-0-0023 and 05-035-0-0008, for the Public Uses 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 Six Mile Ranch Co. The affected property is located at Section 24, T2S, R5W & Section 19, T2S, R4W in Tooele County, Utah.

*Section 3.* The proposed taking and the Public Uses and Purposes are planned and located in a manner that will be most compatible with the greatest public good and the least private injury; the Public Uses and Purposes are authorized by law; and the proposed taking is necessary for the Public Uses and Purposes;

*Section 4.* The Mayor, City Attorney, and the staff of the Salt Lake City Department of Airports are authorized and directed, on behalf of the City:

a. To acquire in the name of the City, fee interests or easements in the real property as set forth herein, by purchase if a reasonable purchase price consistent with the City's appraised value, can be negotiated, or by eminent domain proceedings.

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

c. 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, as may be necessary or helpful, for the purposes herein described.

d. To use the services of outside counsel as necessary or helpful, 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 \_\_\_\_\_,  
2007.

SALT LAKE CITY COUNCIL

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

ATTEST:

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

**THE CITY OF SALT LAKE CITY, UTAH**

A Municipal Corporation

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

**A RESOLUTION INITIATING EMINENT DOMAIN PROCEEDINGS**

WHEREAS, the Salt Lake City Department of Airports owns and operates an airport in Tooele County that acts as a reliever to the Salt Lake City International Airport (SLCIA); and

WHEREAS, SLCIA handled over 455,000 aircraft operations during 2005, making it the eighteenth busiest airport in the world, and conservative forecasts project that in the next 20 years operations at SLCIA will increase to over 634,000; and

WHEREAS, significant numbers of operations at SLCIA are attributable to flight school operations and other general aviation operations, and those operations are expected to increase over time; and

WHEREAS, safety is enhanced when flight school operations and other general aviation operations can be separated from large commercial aircraft, particularly at airport facilities that are congested; and

WHEREAS, flight school operations and other general aviation operations benefit from facilities that are devoted to their needs due to the benefits of greatly reduced congestion, including enhanced safety, reduced wait times when using the airfield, and reduced fuel expenses associated with wait times; and

WHEREAS, the Tooele Valley Airport has the ability to support many more flight operations than it does today; and

WHEREAS, operations at the Tooele Valley Airport do not interfere with the flight path or other operating needs of SLCIA, making it an optimal location to expand general aviation operations and facilities; and

WHEREAS, the Federal Aviation Administration (FAA) has expressed support for developing facilities at the Tooele Valley Airport to assist in reducing congestion and further enhancing safety at SLCIA; and

WHEREAS, the FAA has for many years sought funding to install an instrument landing system (ILS) at the Tooele Valley Airport to promote greater use of that airport by flight schools and other general aviation aircraft; and

WHEREAS, the FAA was successful in obtaining funding to install an ILS at the Tooele Valley Airport during the present federal fiscal year, and must spend those funds prior to September 30, 2007; and

WHEREAS, some property interests surrounding the Tooele Valley Airport will be impacted by the installation and operation of an ILS, which includes real property located at both ends of the runway needed for expanded Runway Protection Zones and airspace over certain property affected by federal regulations for missed approaches and for runway transitional surfaces, and other properties and property interests; and

WHEREAS, these property impacts are necessary to comply with federal requirements for navigation and security, to control and protect the airspace close to the airport against obstacles that can penetrate mandatory surfaces and thereby impair flight activities, to protect persons and property on the ground within Runway Protection Zones at the ends of the runway, and to provide for proper operations at the airport; and

WHEREAS, the benefits of an ILS and of future development at the Tooele Valley Airport can only be achieved for that airport, for SLCIA, for the surrounding community in Tooele County, and for state and regional aviation activities by impacting these property interests; and

WHEREAS, the Salt Lake City Council and Airport Board are strongly concerned with growth, congestion and safety issues, and how they impact SLCIA, the general aviation community, and aviation within this region; and

WHEREAS, the City of Salt Lake City is authorized to acquire private property for public use through the exercise of eminent domain; and

WHEREAS, the City has determined that certain parcels of land and/or airspace, along with any associated structures, must be acquired to accommodate the public uses and purposes identified in the foregoing recitals, collectively referred to herein as "Public Uses and Purposes"; and

WHEREAS, the City has extended an offer to the property owner to purchase the property which is the subject of this resolution for its market value; 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, to improve and develop the Tooele Valley Airport; to alleviate congestion and improve safety at SLCIA; to facilitate, enable and promote greater use of the Tooele Valley Airport by flight schools and other general aviation aircraft; to install an ILS at the Tooele Valley Airport and take advantage of one-time FAA funding provided during the present federal fiscal year to help finance such improvements, which funds must be used prior to September 30, 2007; to comply with federal requirements for navigation and security; to control and protect the air space close to the Tooele Valley

Airport against obstacles that can penetrate mandatory surfaces and thereby impair flight activities; to protect persons and property on the ground within the runway protection zones; to improve safety and provide for proper operations at the Tooele Valley Airport; 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 requires the acquisition, and immediate occupancy as may be necessary, of the parcels of real estate located in Tooele County and identified as parcel numbers 14-11-0-0001, 14-11-0-0002, 14-11-0-0003, and 14-11-0-0004, for the Public Uses 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 Dick D. Kunz and Dick Darwin Kunz. The affected property is located at the following addresses in Tooele County, Utah: parcel 14-11-0-0001 at 3808 N. 2125 W., Erda, Utah; parcel 14-11-0-0002 at 3854 N. 2125 W. Erda, Utah; parcel 14-11-0-0003 at 3908 N. 2125 W. Erda, Utah; and parcel 14-11-0-0004 at 3966 N. 2125 W., Erda, Utah.

*Section 3.* The proposed taking and the Public Uses and Purposes are planned and located in a manner that will be most compatible with the greatest public good and the least private injury; the Public Uses and Purposes are authorized by law; and the proposed taking is necessary for the Public Uses and Purposes;

*Section 4.* The Mayor, City Attorney, and the staff of the Salt Lake City Department of Airports are authorized and directed, on behalf of the City:

a. To acquire in the name of the City, fee interests or easements in the real property as set forth herein, by purchase if a reasonable purchase price consistent with the City's appraised value, can be negotiated, or by eminent domain proceedings.

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

c. 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, as may be necessary or helpful, for the purposes herein described.

d. To use the services of outside counsel as necessary or helpful, 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 \_\_\_\_\_,  
2007.

SALT LAKE CITY COUNCIL

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

ATTEST:

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

**THE CITY OF SALT LAKE CITY, UTAH**

A Municipal Corporation

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

A RESOLUTION INITIATING EMINENT DOMAIN PROCEEDINGS

WHEREAS, the Salt Lake City Department of Airports owns and operates an airport in Tooele County that acts as a reliever to the Salt Lake City International Airport (SLCIA); and

WHEREAS, SLCIA handled over 455,000 aircraft operations during 2005, making it the eighteenth busiest airport in the world, and conservative forecasts project that in the next 20 years operations at SLCIA will increase to over 634,000; and

WHEREAS, significant numbers of operations at SLCIA are attributable to flight school operations and other general aviation operations, and those operations are expected to increase over time; and

WHEREAS, safety is enhanced when flight school operations and other general aviation operations can be separated from large commercial aircraft, particularly at airport facilities that are congested; and

WHEREAS, flight school operations and other general aviation operations benefit from facilities that are devoted to their needs due to the benefits of greatly reduced congestion, including enhanced safety, reduced wait times when using the airfield, and reduced fuel expenses associated with wait times; and

WHEREAS, the Tooele Valley Airport has the ability to support many more flight operations than it does today; and

WHEREAS, operations at the Tooele Valley Airport do not interfere with the flight path or other operating needs of SLCIA, making it an optimal location to expand general aviation operations and facilities; and

WHEREAS, the Federal Aviation Administration (FAA) has expressed support for developing facilities at the Tooele Valley Airport to assist in reducing congestion and further enhancing safety at SLCIA; and

WHEREAS, the FAA has for many years sought funding to install an instrument landing system (ILS) at the Tooele Valley Airport to promote greater use of that airport by flight schools and other general aviation aircraft; and

WHEREAS, the FAA was successful in obtaining funding to install an ILS at the Tooele Valley Airport during the present federal fiscal year, and must spend those funds prior to September 30, 2007; and

WHEREAS, some property interests surrounding the Tooele Valley Airport will be impacted by the installation and operation of an ILS, which includes real property located at both ends of the runway needed for expanded Runway Protection Zones and airspace over certain property affected by federal regulations for missed approaches and for runway transitional surfaces, and other properties and property interests; and

WHEREAS, these property impacts are necessary to comply with federal requirements for navigation and security, to control and protect the airspace close to the airport against obstacles that can penetrate mandatory surfaces and thereby impair flight activities, to protect persons and property on the ground within Runway Protection Zones at the ends of the runway, and to provide for proper operations at the airport; and

WHEREAS, the benefits of an ILS and of future development at the Tooele Valley Airport can only be achieved for that airport, for SLCIA, for the surrounding community in Tooele County, and for state and regional aviation activities by impacting these property interests; and

WHEREAS, the Salt Lake City Council and Airport Board are strongly concerned with growth, congestion and safety issues, and how they impact SLCIA, the general aviation community, and aviation within this region; and

WHEREAS, the City of Salt Lake City is authorized to acquire private property for public use through the exercise of eminent domain; and

WHEREAS, the City has determined that certain parcels of land and/or airspace, along with any associated structures, must be acquired to accommodate the public uses and purposes identified in the foregoing recitals, collectively referred to herein as "Public Uses and Purposes"; and

WHEREAS, the City has extended an offer to the property owner to purchase the property which is the subject of this resolution for its market value; 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 requires the acquisition, and immediate occupancy as may be necessary, of the parcels of real estate located in Tooele County and identified as parcel numbers 15-049-0-0205 and 15-049-0-0206, for the Public Uses 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 Walters Ranch, LLC. The affected property is located at the following addresses in Tooele County, Utah: parcel 15-049-0-0205 at 1869 W. Erda Way, Erda, Utah; parcel 15-049-0-0206 at 1929 W. Erda Way, Erda, Utah.

*Section 3.* The proposed taking and the Public Uses and Purposes are planned and located in a manner that will be most compatible with the greatest public good and the least private injury; the Public Uses and Purposes are authorized by law; and the proposed taking is necessary for the Public Uses and Purposes;

*Section 4.* The Mayor, City Attorney, and the staff of the Salt Lake City Department of Airports are authorized and directed, on behalf of the City:

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

c. 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, as may be necessary or helpful, for the purposes herein described.

d. To use the services of outside counsel as necessary or helpful, 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 \_\_\_\_\_,  
2007.

SALT LAKE CITY COUNCIL

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

ATTEST:

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

**THE CITY OF SALT LAKE CITY, UTAH**

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WHEREAS, operations at the Tooele Valley Airport do not interfere with the flight path or other operating needs of SLCIA, making it an optimal location to expand general aviation operations and facilities; and

WHEREAS, the Federal Aviation Administration (FAA) has expressed support for developing facilities at the Tooele Valley Airport to assist in reducing congestion and further enhancing safety at SLCIA; and

WHEREAS, the FAA has for many years sought funding to install an instrument landing system (ILS) at the Tooele Valley Airport to promote greater use of that airport by flight schools and other general aviation aircraft; and

WHEREAS, the FAA was successful in obtaining funding to install an ILS at the Tooele Valley Airport during the present federal fiscal year, and must spend those funds prior to September 30, 2007; and

WHEREAS, some property interests surrounding the Tooele Valley Airport will be impacted by the installation and operation of an ILS, which includes real property located at both ends of the runway needed for expanded Runway Protection Zones and airspace over certain property affected by federal regulations for missed approaches and for runway transitional surfaces, and other properties and property interests; and

WHEREAS, these property impacts are necessary to comply with federal requirements for navigation and security, to control and protect the airspace close to the airport against obstacles that can penetrate mandatory surfaces and thereby impair flight activities, to protect persons and property on the ground within Runway Protection Zones at the ends of the runway, and to provide for proper operations at the airport; and

WHEREAS, the benefits of an ILS and of future development at the Tooele Valley Airport can only be achieved for that airport, for SLCIA, for the surrounding community in Tooele County, and for state and regional aviation activities by impacting these property interests; and

WHEREAS, the Salt Lake City Council and Airport Board are strongly concerned with growth, congestion and safety issues, and how they impact SLCIA, the general aviation community, and aviation within this region; and

WHEREAS, the City of Salt Lake City is authorized to acquire private property for public use through the exercise of eminent domain; and

WHEREAS, the City has determined that certain parcels of land and/or airspace, along with any associated structures, must be acquired to accommodate the public uses and purposes identified in the foregoing recitals, collectively referred to herein as "Public Uses and Purposes"; and

WHEREAS, the City has extended an offer to the property owner to purchase the property which is the subject of this resolution for its market value; 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, to improve and develop the Tooele Valley Airport; to alleviate congestion and improve safety at SLCIA; to facilitate, enable and promote greater use of the Tooele Valley Airport by flight schools and other general aviation aircraft; to install an ILS at the Tooele Valley Airport and take advantage of one-time FAA funding provided during the present federal fiscal year to help finance such improvements, which funds must be used prior to September 30, 2007; to comply with federal requirements for navigation and security; to control and protect the air space close to the Tooele Valley

Airport against obstacles that can penetrate mandatory surfaces and thereby impair flight activities; to protect persons and property on the ground within the runway protection zones; to improve safety and provide for proper operations at the Tooele Valley Airport; 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 requires the acquisition, and immediate occupancy as may be necessary, of the parcel of real estate located in Tooele County and identified as parcel number 05-035-0-0002, for the Public Uses 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 Ethel P. & Brian E. Walters. The affected property is located at Section 19, T2S, R4W in Tooele County, Utah.

*Section 3.* The proposed taking and the Public Uses and Purposes are planned and located in a manner that will be most compatible with the greatest public good and the least private injury; the Public Uses and Purposes are authorized by law; and the proposed taking is necessary for the Public Uses and Purposes;

*Section 4.* The Mayor, City Attorney, and the staff of the Salt Lake City Department of Airports are authorized and directed, on behalf of the City:

a. To acquire in the name of the City, fee interests or easements in the real property as set forth herein, by purchase if a reasonable purchase price consistent with the City's appraised value, can be negotiated, or by eminent domain proceedings.

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

c. 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, as may be necessary or helpful, for the purposes herein described.

d. To use the services of outside counsel as necessary or helpful, 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 \_\_\_\_\_,  
2007.

SALT LAKE CITY COUNCIL

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

ATTEST:

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

**THE CITY OF SALT LAKE CITY, UTAH**

A Municipal Corporation

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

A RESOLUTION INITIATING EMINENT DOMAIN PROCEEDINGS

WHEREAS, the Salt Lake City Department of Airports owns and operates an airport in Tooele County that acts as a reliever to the Salt Lake City International Airport (SLCIA); and

WHEREAS, SLCIA handled over 455,000 aircraft operations during 2005, making it the eighteenth busiest airport in the world, and conservative forecasts project that in the next 20 years operations at SLCIA will increase to over 634,000; and

WHEREAS, significant numbers of operations at SLCIA are attributable to flight school operations and other general aviation operations, and those operations are expected to increase over time; and

WHEREAS, safety is enhanced when flight school operations and other general aviation operations can be separated from large commercial aircraft, particularly at airport facilities that are congested; and

WHEREAS, flight school operations and other general aviation operations benefit from facilities that are devoted to their needs due to the benefits of greatly reduced congestion, including enhanced safety, reduced wait times when using the airfield, and reduced fuel expenses associated with wait times; and

WHEREAS, the Tooele Valley Airport has the ability to support many more flight operations than it does today; and

WHEREAS, operations at the Tooele Valley Airport do not interfere with the flight path or other operating needs of SLCIA, making it an optimal location to expand general aviation operations and facilities; and

WHEREAS, the Federal Aviation Administration (FAA) has expressed support for developing facilities at the Tooele Valley Airport to assist in reducing congestion and further enhancing safety at SLCIA; and

WHEREAS, the FAA has for many years sought funding to install an instrument landing system (ILS) at the Tooele Valley Airport to promote greater use of that airport by flight schools and other general aviation aircraft; and

WHEREAS, the FAA was successful in obtaining funding to install an ILS at the Tooele Valley Airport during the present federal fiscal year, and must spend those funds prior to September 30, 2007; and

WHEREAS, some property interests surrounding the Tooele Valley Airport will be impacted by the installation and operation of an ILS, which includes real property located at both ends of the runway needed for expanded Runway Protection Zones and airspace over certain property affected by federal regulations for missed approaches and for runway transitional surfaces, and other properties and property interests; and

WHEREAS, these property impacts are necessary to comply with federal requirements for navigation and security, to control and protect the airspace close to the airport against obstacles that can penetrate mandatory surfaces and thereby impair flight activities, to protect persons and property on the ground within Runway Protection Zones at the ends of the runway, and to provide for proper operations at the airport; and

WHEREAS, the benefits of an ILS and of future development at the Tooele Valley Airport can only be achieved for that airport, for SLCIA, for the surrounding community in Tooele County, and for state and regional aviation activities by impacting these property interests; and

WHEREAS, the Salt Lake City Council and Airport Board are strongly concerned with growth, congestion and safety issues, and how they impact SLCIA, the general aviation community, and aviation within this region; and

WHEREAS, the City of Salt Lake City is authorized to acquire private property for public use through the exercise of eminent domain; and

WHEREAS, the City has determined that certain parcels of land and/or airspace, along with any associated structures, must be acquired to accommodate the public uses and purposes identified in the foregoing recitals, collectively referred to herein as "Public Uses and Purposes"; and

WHEREAS, the City has extended an offer to the property owner to purchase the property which is the subject of this resolution for its market value; 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, to improve and develop the Tooele Valley Airport; to alleviate congestion and improve safety at SLCIA; to facilitate, enable and promote greater use of the Tooele Valley Airport by flight schools and other general aviation aircraft; to install an ILS at the Tooele Valley Airport and take advantage of one-time FAA funding provided during the present federal fiscal year to help finance such improvements, which funds must be used prior to September 30, 2007; to comply with federal requirements for navigation and security; to control and protect the air space close to the Tooele Valley



Airport against obstacles that can penetrate mandatory surfaces and thereby impair flight activities; to protect persons and property on the ground within the runway protection zones; to improve safety and provide for proper operations at the Tooele Valley Airport; 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 requires the acquisition, and immediate occupancy as may be necessary, of the parcel of real estate located in Tooele County and identified as parcel number 05-047-0-0030, for the Public Uses 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 Sylvia C. Enniss. The affected property is located at 1750 W. Erda Way, Erda, Utah in Tooele County, Utah.

*Section 3.* The proposed taking and the Public Uses and Purposes are planned and located in a manner that will be most compatible with the greatest public good and the least private injury; the Public Uses and Purposes are authorized by law; and the proposed taking is necessary for the Public Uses and Purposes;

*Section 4.* The Mayor, City Attorney, and the staff of the Salt Lake City Department of Airports are authorized and directed, on behalf of the City:

- a. To acquire in the name of the City, fee interests or easements in the real property as set forth herein, by purchase if a reasonable purchase price consistent with the City's appraised value, can be negotiated, or by eminent domain proceedings.
- b. To prepare and prosecute such proceeding or proceedings in the proper court having jurisdiction thereof as is necessary for such acquisition.
- c. 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, as may be necessary or helpful, for the purposes herein described.
- d. To use the services of outside counsel as necessary or helpful, 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 \_\_\_\_\_,  
2007.

SALT LAKE CITY COUNCIL

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

ATTEST:

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

**THE CITY OF SALT LAKE CITY, UTAH**

A Municipal Corporation

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

A RESOLUTION INITIATING EMINENT DOMAIN PROCEEDINGS

WHEREAS, the Salt Lake City Department of Airports owns and operates an airport in Tooele County that acts as a reliever to the Salt Lake City International Airport (SLCIA); and

WHEREAS, SLCIA handled over 455,000 aircraft operations during 2005, making it the eighteenth busiest airport in the world, and conservative forecasts project that in the next 20 years operations at SLCIA will increase to over 634,000; and

WHEREAS, significant numbers of operations at SLCIA are attributable to flight school operations and other general aviation operations, and those operations are expected to increase over time; and

WHEREAS, safety is enhanced when flight school operations and other general aviation operations can be separated from large commercial aircraft, particularly at airport facilities that are congested; and

WHEREAS, flight school operations and other general aviation operations benefit from facilities that are devoted to their needs due to the benefits of greatly reduced congestion, including enhanced safety, reduced wait times when using the airfield, and reduced fuel expenses associated with wait times; and

WHEREAS, the Tooele Valley Airport has the ability to support many more flight operations than it does today; and

WHEREAS, operations at the Tooele Valley Airport do not interfere with the flight path or other operating needs of SLCIA, making it an optimal location to expand general aviation operations and facilities; and

WHEREAS, the Federal Aviation Administration (FAA) has expressed support for developing facilities at the Tooele Valley Airport to assist in reducing congestion and further enhancing safety at SLCIA; and

WHEREAS, the FAA has for many years sought funding to install an instrument landing system (ILS) at the Tooele Valley Airport to promote greater use of that airport by flight schools and other general aviation aircraft; and

WHEREAS, the FAA was successful in obtaining funding to install an ILS at the Tooele Valley Airport during the present federal fiscal year, and must spend those funds prior to September 30, 2007; and

WHEREAS, some property interests surrounding the Tooele Valley Airport will be impacted by the installation and operation of an ILS, which includes real property located at both ends of the runway needed for expanded Runway Protection Zones and airspace over certain property affected by federal regulations for missed approaches and for runway transitional surfaces, and other properties and property interests; and

WHEREAS, these property impacts are necessary to comply with federal requirements for navigation and security, to control and protect the airspace close to the airport against obstacles that can penetrate mandatory surfaces and thereby impair flight activities, to protect persons and property on the ground within Runway Protection Zones at the ends of the runway, and to provide for proper operations at the airport; and

WHEREAS, the benefits of an ILS and of future development at the Tooele Valley Airport can only be achieved for that airport, for SLCIA, for the surrounding community in Tooele County, and for state and regional aviation activities by impacting these property interests; and

WHEREAS, the Salt Lake City Council and Airport Board are strongly concerned with growth, congestion and safety issues, and how they impact SLCIA, the general aviation community, and aviation within this region; and

WHEREAS, the City of Salt Lake City is authorized to acquire private property for public use through the exercise of eminent domain; and

WHEREAS, the City has determined that certain parcels of land and/or airspace, along with any associated structures, must be acquired to accommodate the public uses and purposes identified in the foregoing recitals, collectively referred to herein as "Public Uses and Purposes"; and

WHEREAS, the City has extended an offer to the property owner to purchase the property which is the subject of this resolution for its market value; 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, to improve and develop the Tooele Valley Airport; to alleviate congestion and improve safety at SLCIA; to facilitate, enable and promote greater use of the Tooele Valley Airport by flight schools and other general aviation aircraft; to install an ILS at the Tooele Valley Airport and take advantage of one-time FAA funding provided during the present federal fiscal year to help finance such improvements, which funds must be used prior to September 30, 2007; to comply with federal requirements for navigation and security; to control and protect the air space close to the Tooele Valley

Airport against obstacles that can penetrate mandatory surfaces and thereby impair flight activities; to protect persons and property on the ground within the runway protection zones; to improve safety and provide for proper operations at the Tooele Valley Airport; 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 requires the acquisition, and immediate occupancy as may be necessary, of the parcel of real estate located in Tooele County and identified as parcel number 05-068-0-0002, for the Public Uses 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 Claron D. Palmer. The affected property is located at 2070 W. Erda Way, Erda, Utah in Tooele County, Utah.

*Section 3.* The proposed taking and the Public Uses and Purposes are planned and located in a manner that will be most compatible with the greatest public good and the least private injury; the Public Uses and Purposes are authorized by law; and the proposed taking is necessary for the Public Uses and Purposes;

*Section 4.* The Mayor, City Attorney, and the staff of the Salt Lake City Department of Airports are authorized and directed, on behalf of the City:

- a. To acquire in the name of the City, fee interests or easements in the real property as set forth herein, by purchase if a reasonable purchase price consistent with the City's appraised value, can be negotiated, or by eminent domain proceedings.
- b. To prepare and prosecute such proceeding or proceedings in the proper court having jurisdiction thereof as is necessary for such acquisition.
- c. 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, as may be necessary or helpful, for the purposes herein described.
- d. To use the services of outside counsel as necessary or helpful, 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 \_\_\_\_\_,  
2007.

SALT LAKE CITY COUNCIL

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

ATTEST:

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