

Revised

SALT LAKE CITY, UTAH

A Municipal Corporation

Resolution No. _____

A RESOLUTION INITIATING EMINENT DOMAIN PROCEEDINGS

WHEREAS, the City of Salt Lake City, Utah (“City”), 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 the location of a power substation for Rocky Mountain Power (the “Public Use and Purposes”), which will 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; 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 an appraisal 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 appraisal; and

WHEREAS, the private property owner has not accepted City’s offer to purchase the property for fair-market value, and ensuing negotiations with the private property owner have not resulted in a mutually-agreeable set of purchase terms for the parcels; 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 described herein;

NOW, THEREFORE, THE CITY COUNCIL OF SALT LAKE CITY, UTAH RESOLVES:

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 08-36-176-004, 08-36-176-009, and 08-36-176-021 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: Evans Development Group LLC. The affected property is located at approximately 465 West 400 North in Salt Lake City, Salt Lake County, Utah.

Section 3. The proposed location of the power substation and 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 City Council does not currently intend to rezone the subject parcel within the next six to twelve months.

Section 5. 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, if necessary, 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 6. 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

APPROVED AS TO FORM
Salt Lake City Attorney's Office
Date 10-2-07
By Evelyn J. [Signature]

