



Agenda Item

File #: 23-0786

Requested Agenda Date:

8/15/2023

Requested Agenda Title:

Consideration of a Resolution of The Salt Lake County Council Authorizing and Approving Proceedings in Eminent Domain as Necessary for Property Owned by Old Time Clock, LLC

Requested Agenda Item Description: Salt Lake County works with the United States Army Corps of Engineers as the non-federal sponsor of the Surplus Canal, a project that consists of two levees approximately 18 miles in length, which is designed to divert water from the Jordan River to control flood flows. As the non-federal sponsor, the County is solely responsible for the operation and maintenance of the Surplus Canal. In order to maintain federal certification of the Surplus Canal, to comply with the demand of the USACE to remove identified encroachment violations that affect the structural integrity of the Surplus Canal levee, and to safely comply with federal mandates associated with the contractual obligations to operate and maintain the Surplus Canal, the County has determined that it is necessary and in the public interest to clarify and clean up its real property interests along the Surplus Canal. Old Time Clock, LLC owns a parcel of real property located 1799 South Chestnut Street, Salt Lake City, Utah that is adjacent to the Surplus Canal where the interests of the County need to be clarified and encroachments removed. The County has identified a 11,089 square-foot portion of the Old Time Parcel, as more particularly described in the attached Exhibit A, as necessary to the Project and has: i) provided required notifications to the Owner pursuant to Utah Code 78B-6-504, ii) has had the Subject Property and property interests appraised by independent appraisers, iii) has offered appraised amounts to the Owner; and iv) has offered to engage in mediation and further negotiations. Despite these efforts, the County has not yet been able to acquire the Subject Property by negotiation and voluntary purchase; instead, negotiations with the Owner have stalled, and the County is facing construction and other deadlines for commencing and completing the Project. The County is a political subdivision of the State of Utah and is authorized to acquire private property for public use through the exercise of eminent domain. On August 15, 2023, the Salt Lake County Council met in regular session to consider, among other things, this resolution authorizing, and approving proceedings in eminent domain as necessary. The County has the necessary funding to complete the project and expects to be able to complete work on the Subject Property within a reasonable time after title to the Subject Property is acquired. It has been determined that the best interests of the County and the general public will be served by authorizing the use of eminent domain to acquire a fee interest in the Subject Property.

Requested Action: Discussion - Vote Needed**Presenter(s) (with titles):** Derrick Sorensen, Real Estate Manager, Lizel Allen Flood Control Associate Director**Time Needed:** 15 MINS**Is this Item Time-Sensitive and/or Requesting a Time-Certain?** No

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Requesting Staff Member: Derrick Sorensen, Real Estate Manager

Are Supporting Documents Needed for this Agenda Item Request? Yes