

## Rachelle Conner

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**From:** Mike Barker  
**Sent:** Tuesday, June 7, 2016 3:01 PM  
**To:** Rachelle Conner  
**Subject:** FW: Continuance of Appeal--SLC Development-Cube Self Storage App. No. SP-000041-2016

For the record of tonight's meeting.

**Mike Barker | City Attorney | Draper City**  
1020 East Pioneer Road Draper, UT 84020  
Office: 801-576-6322

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**From:** Dave Hirschi [<mailto:dave@hsblegal.com>]  
**Sent:** Tuesday, June 7, 2016 10:35 AM  
**To:** Mike Barker  
**Cc:** Mike Rowe; Daniel Nixon; Justin Baer  
**Subject:** Continuance of Appeal--SLC Development-Cube Self Storage App. No. SP-000041-2016

Mike:

Given the fact that the City Council Panel scheduled to hear the appeal today is limited to the Mayor Pro Tem and three councilmembers, the Applicant has elected to request a continuance of the Appeal Hearing until June 21, 2016, when more of the Council can be in attendance to hear the appeal. Please accept this email as Applicant's formal application for the requested continuance. Please let me know as soon as you can as to whether this request has been approved. Also, please let me know if there is any action that we or the applicant will need to take regarding noticing the continuance or the new date of the appeal hearing should the continuance be granted.

Dave

**David P. Hirschi**  
HIRSCHI STEELE & BAER, PLLC  
136 E. South Temple Suite 1650, Salt Lake City, Utah 84111  
Ph. 801-990-0500 Email: [dave@hsblegal.com](mailto:dave@hsblegal.com)

A PRACTICE DIVISION OF

**HIRSCHI STEELE & BAER**  
ATTORNEYS AT LAW

 **Davis Miles**  
McGuire Gardner

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This email should not be relied upon as a formal opinion on any tax related matters.

Mr. Mayor and Council members.

My name is Kjell Holen, as a volunteer I appreciate the opportunity to present tonight.

On behalf of Corner Canyon Little League (CCLL) I am proposing request for leniency to city code for storage of equipment adjacent to Galena Park North East corner: (12450S/475W). See attachment A.

For the last couple of years (CCLL) football have been residing in trailers at the "Zarbach" storage lot just west of the railroad tracks, this is proving to be a less than reliable option due to lease and ownership challenges. For the last almost 20 years we resided in the old Draper City building on 124<sup>th</sup> south, following the property being deemed unsafe, Chad England donated a set of trailers from England Trucking to utilize for equipment storage. This is year 3 of moving around in an attempt for permanent parking where tonight we seek leniency for such solution.

Our league resides within clearly defined Draper boundaries, we host ~400+ kids yearly. Said league is made up solely of Draper City youth, participating in multiple youth activities: Bicycling, Baseball, Football, Lacrosse & Softball. Our league board & executive board (of which Mayor Walker and councilman Summerhays used to participate) is a very diverse group. I spent years on the Draper Parks and Trails committee with Glen Sisam and Clark Naylor volunteering while building trails. We started a bike race on Memorial day that after two years developed into what we today know as Stan Crane memorial race, the trails have since been turned over to Draper City. Other members of our league volunteer across a range of other activities as well.

Every year a set fee per pupil is paid to the city for use of field across Draper, we pay our dues and sustain a fully insured status.

Today we are requesting approval for for leniency as we consider safety while living as active Draper families. Our equipment storage solution is used 2-3 times during summer for equipment handout, generally followed by two equipment returns late fall.

On the parcel as shown north of Galena Park used for Soccer, Lacrosse & Football is ideal for parking of our insured trailers where we would commit to installing a chain link fence closing in the area. The league would commit to providing a reasonable annual renewable fee/permit for this property. We view leniency to city code for trailers in said location a minor deviation as this is out of sight and following install of fence will flow perfectly with the Animal shelter property. The consideration and approval of todays request will directly impact the future of our program.

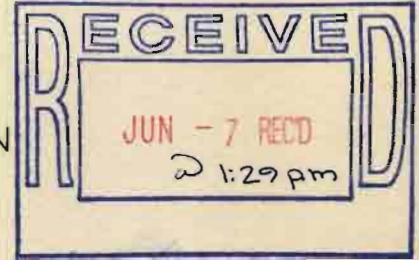


Attachment A:





STEPHEN K CHRISTIANSEN  
ATTORNEY AT LAW



June 7, 2016

**VIA HAND DELIVERY AND EMAIL/PDF**

Rachelle Conner, City Recorder  
Draper City  
1020 East Pioneer Road  
Draper, UT 84020  
[rachelle.conner@draper.ut.us](mailto:rachelle.conner@draper.ut.us)

**Re: DJ Investment Group, LLC**

Ms. Conner:

I write as legal counsel for DJ Investment Group, LLC ("DJIG"), a Utah limited liability company, to put the City of Draper on official notice with respect to a land issue involving my client and its principal David Mast. An agenda item, No. 13.0, appears on the Draper City Council Meeting agenda to be held June 7, 2016, that appears to substantively affect my client's vested property rights. The subject agenda item identifies an "Action Item: Real Estate Purchase Contract," the description of which is "Consideration for approval, amendment, or a counter offer of a real estate purchase contract for 110-acres of Draper City property located at approximately 2900 East 16000 South. Staff report by Russ Fox."

As indicated to Draper City in an email from Mr. Mast yesterday, DJIG is rightly concerned that this proposed Action Item will adversely affect its vested property rights to appurtenant easements and rights-of-way for roads and utilities across the land Draper City has identified for potential sale. In particular, DJIG has vested rights granted to it by the City of Draper in the Master Development Agreement for the Hidden Canyon Estates, Mercer Mountain Estates, and Lakeview Heights Properties dated April 13, 2015. Furthermore, DJIG believes that orders from the United States Bankruptcy Court for the District of Utah in the SunCrest, L.L.C. bankruptcy protect DJIG's existing agreements related to the subject land and prevent a sale to third parties without taking into account the existing property rights of DJIG. Of additional concern is the fact that Draper City previously indicated to Mr. Mast and DJIG that it had no additional surplus land available.

Please take notice that if the City sells this property to another party and that sale for any reason causes harm and/or impairs or prohibits timely property access to DJIG and/or its buyer in any manner, or otherwise negatively affects their rights, then the City will be held responsible for those damages and any harm caused. The City is instructed to govern itself accordingly.



STEPHEN K CHRISTIANSEN  
ATTORNEY AT LAW

Sincerely,

A handwritten signature in black ink, appearing to be 'S.K. Christiansen', written over a horizontal line.

Stephen K. Christiansen  
Attorney for DJ Investment Group, LLC

Cc (via email/PDF):

David Mast ([davemast@msn.com](mailto:davemast@msn.com))

Michael Barker ([mike.barker@draper.ut.us](mailto:mike.barker@draper.ut.us))

David Dobbins ([david.dobbins@draper.ut.us](mailto:david.dobbins@draper.ut.us))

Troy Walker ([troy.walker@draper.ut.us](mailto:troy.walker@draper.ut.us))