

Staff Report for negotiations for the acquisition of private property for the 500 e Mill Road Roundabout

**Summary:**

The City has been negotiating to acquire property interests from Mark and Lee Ann Evans in order to construct a roundabout at the intersection of Mill Road and Heritage Farms Parkway. The City and the Evans have been unable to reach an agreement as to the amount of compensation to be paid to Evans by the City for the property interests. In order to complete the improvements this summer, the City needs to file an eminent domain action so that the City can obtain an Order of Immediate Occupancy to begin work on the project. The Order of Immediate Occupancy only establishes the City's right to begin the project, and does not establish the value of the taking. In accordance with Utah Code § 78B-6-504, prior to filing the action for eminent domain, the City Council must approve the filing.

**Background**

The City Council has had numerous meetings and discussions regarding the installation of a roundabout at the intersection of Mill Road and Heritage Farms Parkway. The City and the Evans have been negotiating for months to try to reach a settlement, but the parties have not reached a settlement. Accordingly, staff recommends that the City file a eminent domain action and move for an Order of Immediate Occupancy. The City and Evans can continue to negotiate as to the value of the taking and other settlement terms and conditions.

**Conclusion**

The City Council should approve the filing of an eminent domain action.