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Subject: Emigration Road, Right-of-Way Basis, PIN 21302/21203 — Request to Direct a Parcel-by-Parcel Deed and Survey Review Before Further Design Funds Are Committed
Date: Tuesday, June 16, 2026 7:22:42 AM

To: MSD Board of Trustees,

As co-sponsor of the Emigration Canyon Road Improvement Project, the District is helping direct roughly \$6.5 million in federal funds toward a corridor whose right-of-way the State has not documented parcel by parcel. I write to ask the Board to act on that gap before more design money is spent.

UDOT now relies on 1934 State Road Commission records — principally the “Emigration Canyon Right of Way Map,” N.R.S.P. No. 138-A — as the basis for the corridor. Reviewed in full, those records do not establish a uniform 66-foot right-of-way. On the face of the State’s own map: acquisition was taken parcel by parcel, in fractional amounts and by varying instruments (deed, grant, tax title); numerous frontages show “0.000 acres” acquired — occupied road with nothing conveyed; the half-width varies station to station (I read 25, 30, and 33 feet); and the plan-and-profile sheets reference a separate drawing, “W-92,” as the source for the right-of-way and subdivision data, which UDOT has not produced after two requests.

Designing to a 33-foot-from-centerline line the State may not own invites redesign, delay, relocation and acquisition costs, and legal exposure — costs that fall on the sponsors and on this community’s taxpayers. I request that the Board:

1. Direct that no further preliminary-design or right-of-way design funds be expended on an assumed uniform 66-foot / 33-foot-from-centerline corridor until the right-of-way is documented parcel by parcel by recorded instrument and confirmed by survey;
2. Direct staff and the project engineer to complete, and place before the Board, a lot-by-lot review of the recorded 1934 instruments and a current boundary survey distinguishing what the State owns of record from the existing traveled way; and
3. Confirm, on the record, who bears the cost if the recorded right-of-way cannot be certified along any frontage.

The records that answer this question exist. The Board should see them before the project advances beyond this feasibility stage.

Regards,

Robert Macfarlane
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