Statement to Payson City Council

October 21, 2026 | Proposed SR-198 Utility Easement and Eminent Domain Authorization

Mayor and Members of the City Council,

My name is Jennifer Mann. I am a Payson resident, property owner, and taxpayer. I appreciate the opportunity to have my statement considered before you decide whether to authorize eminent domain involving my property.

I spent more than eight years searching for a horse property and have invested significant time and resources in making it my home. Since moving to Payson, my experience with the City regarding this project has unfortunately been disappointing. I had hoped to feel welcomed and treated with respect as a member of this community. Instead, I have spent more than a year seeking answers, raising concerns, and trying to negotiate the permanent acquisition of rights to my property.

In October 2025, I filed a formal complaint regarding repeated unwanted contacts and uninvited visits by Payson City Power representative Tim Blackham. I sent letters to multiple city representatives. In response, I received an email from Payson City Attorney Brandon Dalley confirming that the City would honor my request for written communication and that all future correspondence would be conducted by email unless I directed otherwise. Despite this commitment, many of my specific written questions and concerns have not received substantive responses, and the City has repeatedly pressed for telephone, Zoom, or in-person meetings rather than addressing those matters in writing.

Following my initial interactions with the City representative and my formal complaint, most of my communications and negotiations have been with City Attorney Brandon Dalley, primarily through the Utah Office of the Property Rights Ombudsman. As a Payson resident and taxpayer, I am disappointed by the difficulty I have experienced obtaining clear written answers, addressing discrepancies, and negotiating compensation for the permanent property rights the City seeks. I ask you to consider both the proposed easement and the way this process has been handled.

Important discrepancies remain: City documents identify 1,332 square feet for the easement while the appraisal uses 944; the City Attorney identified 26-kilovolt lines while the appraisal references 46 kilovolts; and the City initially said the lines could not be buried, later acknowledging that burial is physically possible but considered too expensive. I have also asked about future utility uses, additional lines, construction access, alternative routes, and the full permanent rights the City wants to acquire.

The City initially offered $1,510 after receiving an appraisal that concluded $15,900 in total compensation. Through the Ombudsman, I was later informed that City representatives had not understood the severance damages, and the offer was corrected. That history is important when the City now says my own counteroffer lacks objective support.

I also ask you to examine the City’s compensation history. Its representative told me that the previous owner would have accepted $1,000. The City then offered me $3,500 and $5,000 before obtaining an appraisal. After the appraisal, the City initially offered $1,510, despite the report identifying severance damages and concluding $15,900 in total compensation. The offer was corrected to $15,900 after that issue was raised, and the City later proposed $22,400, including $6,500 associated with the estimated cost of a second appraisal. Yet the City called my $50,000 counteroffer objectively unsupported. I ask what objective valuation supported the City’s own initial offers and why its appraisal was initially interpreted without the severance damages.

I have also heard concerns from neighboring property owners and question whether appraisals were obtained or potential damages to their remaining properties were considered. I cannot independently verify the details

of their agreements, but I ask the Council to review whether affected owners were provided appropriate valuation information and whether any potential severance damages were evaluated.

On July 22, through the Ombudsman, I again stated in writing that I remained willing to negotiate and would consider additional information in good faith. I repeated detailed unanswered questions about the appraisal, conflicting easement measurements and voltage references, future utility expansion, construction access, secondary water, and the City's treatment of my property. Nearly eight weeks later, on September 15, the City responded with a final offer and the prospect of eminent domain, rather than written answers to those questions.

That September 15 offer was $21,900 plus a pressurized irrigation connection, but only if I supplied the necessary water rights. Its proposed easement rights expressly included upgrading and reconstructing facilities and temporary construction access—precisely why I have asked for clarity about what the City could do on my property in the future. I respectfully ask the Council to consider the detailed questions and concerns I submitted in July 2026, many of which remained unanswered, and the City's subsequent September 15 response, which presented a final offer rather than substantively addressing those outstanding matters. Copies of this correspondence are available directly from me upon request.

The pressurized irrigation connection has also been offered, withdrawn when the City corrected its earlier compensation offer after the severance-damages issue, and later offered again subject to my supplying water rights. These changing terms matter to me because I have repeatedly asked for a clear explanation of what the City is offering and what I would be required to provide.

I requested an independent appraisal months ago, but continued negotiating after the City asked me to pursue resolution through those discussions. I have worked with the Office of the Property Rights Ombudsman, consulted professionals, made multiple counteroffers, and repeatedly said I would consider written information in good faith. Meanwhile, I waited months for responses to questions sent to the City Attorney. Some specific concerns were not even acknowledged, and others received invitations to meet rather than written answers. After nearly eight weeks without substantive answers to my July 22 questions, the City sent a final offer on September 15. Staff is now asking you to authorize eminent domain before the independent appraisal can be completed and considered.

I understand the City has a project schedule and must consider taxpayers. I am one of those taxpayers, and I am the property owner being asked to permanently surrender rights. I am not asking you to accept my compensation figure today. I am asking you to consider the complete history, the unresolved discrepancies, and the efforts I have made to resolve this matter voluntarily.

I respectfully request that you postpone eminent domain authorization, allow the independent appraisal to be completed and considered, and require substantive written responses to the outstanding material questions. Please review my detailed written submission and the correspondence supporting it before making this decision.

Thank you for your time and consideration.

Jennifer Mann