

RESOLUTION 22 - XX

A RESOLUTION AUTHORIZING THE FILING OF AN EMINENT DOMAIN ACTION AGAINST BRETT D. ROBINSON & BRADLEY J. CROOKSTON FOR PARCEL # 04-054-0029

WHEREAS, North Logan City ("CITY") is a municipality within Cache County, created pursuant to Utah Code Annotated ("UCA") § 10-2a-2 et. seq.; and

WHEREAS, pursuant to UCA § 10-9a-401 (1), the CITY shall have a comprehensive, long-range general plan for: (a) present and future needs of the municipality; and (b) growth and development of all or any part of the land within the municipality"; and

WHEREAS, the CITY desires to purchase Cache County Tax I.D. Parcel # 04-054-0029 ("PARCEL"), and the North Logan City Council has determined it is in the CITY's best interest to acquire this Parcel for the purpose of expanding 2500 North Street as is indicated on the CITY's general plan for transportation; and

WHEREAS, Brett D Robinson and Bradley J. Crookston ("OWNERS") are the owner(s) of Cache County Tax I.D. Parcel # Number 04-054-0029, a 0.25 acre parcel located in the City, for which Cache County specifies the Legal Description as PARCEL "A" ELK RIDGE FARMS SUBDIVISION CONT 0.25 AC SIT SE/4 SEC 14 T 12N R 1E NON-BUILDABLE; and

WHEREAS, the OWNERS have been approached by CITY representatives in an attempt to negotiate the sale of the PARCEL without using the power of eminent domain; and, on March 29, 2022 the OWNERS were provided with a letter detailing the CITY's offer to purchase the land and which included the statutorily mandated disclosures attendant to that offer; and, the CITY also gave OWNERS the certified appraisal upon which the CITY's offer of \$25,000 was based, a Real Estate Purchase Contract, a proposed deed, and a complete printed copy of the materials provided on the Office of the Property Rights website regarding the acquisition of property for a public purpose and the right to just compensation; and, since that time, the CITY has continued its attempts to negotiate a price for the property to no avail. The CITY believes these negotiations have reached a standstill; and

WHEREAS, pursuant to UCA § 78B-6-501 (2)(c)(v), eminent domain may be exercised on behalf of public uses including: "roads, byroads, streets, and alleys for public vehicular use, including for access to a development"; and

WHEREAS, pursuant to UCA § 78B-6-503, private property may be taken by eminent domain; and

WHEREAS, pursuant to UCA § 78B-6-504 (2), the CITY provided written notice (sent Certified Mail on May 4, 2022) to OWNERS of the PARCEL regarding the City Council meeting on Wednesday, May 18, 2022 at 6:30pm at which a vote on the proposed taking was expected to occur. A Public Hearing was scheduled for Wednesday, May 18, 2022 at 6:35 pm where the OWNERS would be given the opportunity to be heard on the proposed taking of the PARCEL; and

WHEREAS, the OWNERS requested additional time and asked that the May 18th Public Hearing be postponed, and the City Council approved the OWNERS request; and

WHEREAS, pursuant to UCA § 78B-6-504 (2), the CITY provided written notice (sent Certified Mail on May 27, 2022) to OWNERS of the PARCEL regarding the City

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**A RESOLUTION AUTHORIZING
THE FILING OF AN EMINENT DOMAIN ACTION
AGAINST BRETT D. ROBINSON & BRADLEY J. CROOKSTON
FOR PARCEL # 04-054-0029**

Council meeting on Wednesday, June 15, 2022 at 6:30pm at which a vote on the proposed taking was expected to occur. A Public Hearing was scheduled for Wednesday, June 15, 2022 at 6:35 pm where the OWNERS would be given the opportunity to be heard on the proposed taking of the PARCEL; and

WHEREAS, the OWNERS again requested additional time and asked that the June 15th Public Hearing be postponed, and the City Council again approved the OWNERS request; and

WHEREAS, pursuant to UCA § 78B-6-504 (2), the CITY provided written notice (sent Certified Mail on June 22, 2022) to OWNERS of the PARCEL regarding the City Council meeting on Wednesday, July 6, 2022 at 6:30pm at which a vote on the proposed taking was expected to occur. A Public Hearing was scheduled for Wednesday, July 6, 2022 at 6:35 pm where the OWNERS were given the opportunity to be heard on the proposed taking of the PARCEL; and

NOW THEREFORE be it resolved by the City Council of the City of North Logan, Utah that the Council approves the filing of a complaint for eminent domain against the Owners.

PASSED AND APPROVED by the City Council of North Logan, Utah, the 6th day of July, 2022.

NORTH LOGAN CITY

ATTEST:

By _____
Lyndsay Peterson, Mayor

Scott Bennett, City Recorder

Roll Call Votes:

Roger T Anderson _____

Craig Humphreys _____

Buzzy Mullakhkhel _____

Joni Kartchner _____

Emily Schmidt _____