

DAGGETT COUNTY COMMISSION

RESOLUTION NO. 23-04

A RESOLUTION AUTHORIZING THE EXERCISE OF EMINENT DOMAIN TO ACQUIRE BY NEGOTIATION OR CONDEMNATION, EASEMENTS ON PROPERTY LOCATED AT THE NORTHEAST CORNER OF HIGHWAY 191 AND SOUTH BOULEVARD ROAD, DUTCH JOHN, UTAH [PARCEL 02-0017-0120].

WHEREAS, the County Commission (hereinafter “**Commission**”) of Daggett County, Utah, is the governing body of Daggett County;

WHEREAS, Utah Law, *inter alia* Utah Code Ann. § 78B-6-501(2), authorizes Daggett County to acquire by eminent domain easements in real property for the construction, maintenance and use of culinary water and sanitary sewer lines (collectively “**Utility Lines**”)

WHEREAS, public interest and necessity require the acquisition and immediate occupancy of the easements situated on real property, described more particularly on **Exhibit A** and identified herein as the “**Subject Property**,” for such public use in order to install the Utility Lines during the current building season; and

WHEREAS, the said public improvement and use is planned and located in a manner which will be most compatible with the greatest public good and the least private injury; and

WHEREAS, in accordance with Utah Code Ann. § 78B-6-504 and 505, the County has made reasonable efforts to negotiate, including making a proposal to DP One, LLC (“**DP One**”), the Subject Property’s owner, for the acquisition of a temporary construction easement and permanent utility easement (hereinafter “**Easements**”) over and through a portion of the Subject Property for the expansion of abutting utility easements and public right of way, for the Utility Lines, which proposal has not been accepted;

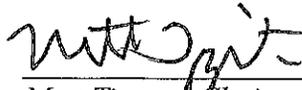
WHEREAS, in accordance with Utah Code Ann. § 78B-6-504 the County obtained appraisals, by an appraiser licensed in the State of Utah, of the value of the Easements and made a written offer dated 6-19-23, consistent with the values in the appraisals, to purchase the Easements for just compensation. And in accordance with Utah Code Ann. § 78B-6-504(2), the Commission provided notice to DP One by First Class Mail on July 25, 2023, of its intent to authorize the exercise of eminent domain to acquire the Easements; and

WHEREAS, the acquisition and immediate occupancy of the Easements is for a purpose authorized by law, the Easements are necessary for the use and public interest, construction and use of the Easements will commence within a reasonable time, and is necessary for the effective operation of utilities within the County, and to safeguard the public welfare and safety.

NOW, THEREFORE, BE IT RESOLVED, by the Commission of Daggett County, Utah, as follows:

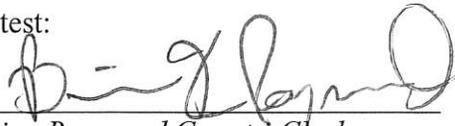
1. The County hereby finds and determines that it is in the best interests of Daggett County and its residents for the Daggett County to acquire the Easements in and through the Subject Property hereinafter described on **Exhibit B** by condemnation in accordance with the provisions of the Statutes and the Constitution of the State of Utah relating eminent domain for the establishment of a public use.
2. The County hereby finds and determines that it has attempted, through reasonable negotiation, to purchase the Easements from the owner of the Subject Property, DP One.
3. The County hereby authorizes the County Attorney, and/or any other counsel as designated by the County Attorney (collectively "**Counsel**"), to prepare, file, and prosecute such proceeding or proceedings in the proper court having jurisdiction thereof as are necessary for such acquisition of the Easements, in the Eighth District Court of Utah in and for Daggett County, ("**Court**").
4. Due the necessity to install the planned Utility Lines before the end of the current building season, the County hereby authorizes Counsel to obtain from said Court, an Order, pursuant to Utah Code Ann. § 78B-6-510, permitting the County to take immediate possession, occupancy, and use of the Easements, for the purpose of constructing the Utility Lines, or purposes incidental thereto.
5. The County hereby authorizes payment in the amount of the approved appraisal of the parcel of the Easements set forth and described herein; payee to be the Clerk of the Eighth District Court of Daggett County, wherein the Subject Property is located, for the use and benefit of the Defendants named in the eminent domain action authorized by this resolution.
6. Subsequent to the issuance of an Order of Immediate Occupancy by the Court, the County hereby approves the release of the payment tendered to the Clerk of the Court by the Court to the Defendants named therein in the amount of the County's appraisal of the Easements to be acquired for the said public improvement and use.
7. This Resolution shall take effect immediately upon its adoption.

APPROVED AND ADOPTED by the Daggett County Board of Commissioners this 8th day of August, 2023.



Matt Tippets, Chair

Attest:



Brian Raymond County, Clerk



EXHIBIT A

Legal Description of Parent Parcel

Parcel No. 02-0017-0120

RECORDED OWNER: DP One, LLC

ADDRESS:

PROPERTY DESCRIPTION:

Beginning at the Northwest corner of Section 11, Township 2 North Range 22 East, Salt Lake Base and Meridian, thence South 89°52'37" East 1315.13 feet to the Northeast corner of the Northwest quarter Northwest quarter of said Section 11; thence South 89°54'48" East 659.40 feet to the Northeast corner of the Northeast quarter Northeast quarter Northwest quarter of said Section 11; thence South 89°54'52" East 446.26 feet, more or less, to the centerline of the US Highway 191 easement; thence Southwesterly along said highway easement centerline, more or less described by the following: Along a curve to the right with a radius of 3819.70 feet for a distance of 1639.96 feet (chord bears South 52°58'27" West for 407.35 feet); thence along a tangent line South 69°29'46" West 494.10 feet; thence along a curve to the left with a radius of 3819.70 feet for a distance of 1639.96 feet (chord bears South 57° 11 '47" West for 1627.39 feet) more or less to a point on the South line of the Northwest quarter Northwest quarter of Section 1 Township 2 North, Range 22 East, Salt Lake Base and Meridian; thence Westerly along said section line North 89°48'22" West 267.18 feet to the Southwest corner of the Northwest quarter Northwest quarter of Section 11, Township 2 North, Range 22 East, Salt Lake Base and Meridian; thence Northerly along the West section line of the Northwest quarter Northwest quarter of Section 11, Township 2 North, Range 22 East, Salt Lake Base and Meridian which bears North 0°06'00" East for 1303.30 feet to the point of beginning.

Bearings is West section line of the Northwest quarter Northwest quarter of Section 11, Township 2 North, Range 22 East, Salt Lake Base and Meridian, bearing assumed to be North 06°06'00" West 1303.60 feet.

EXHIBIT B

Legal Description of Easements

Temporary Construction Easement

[insert legal description]

Permanent Utility Easement

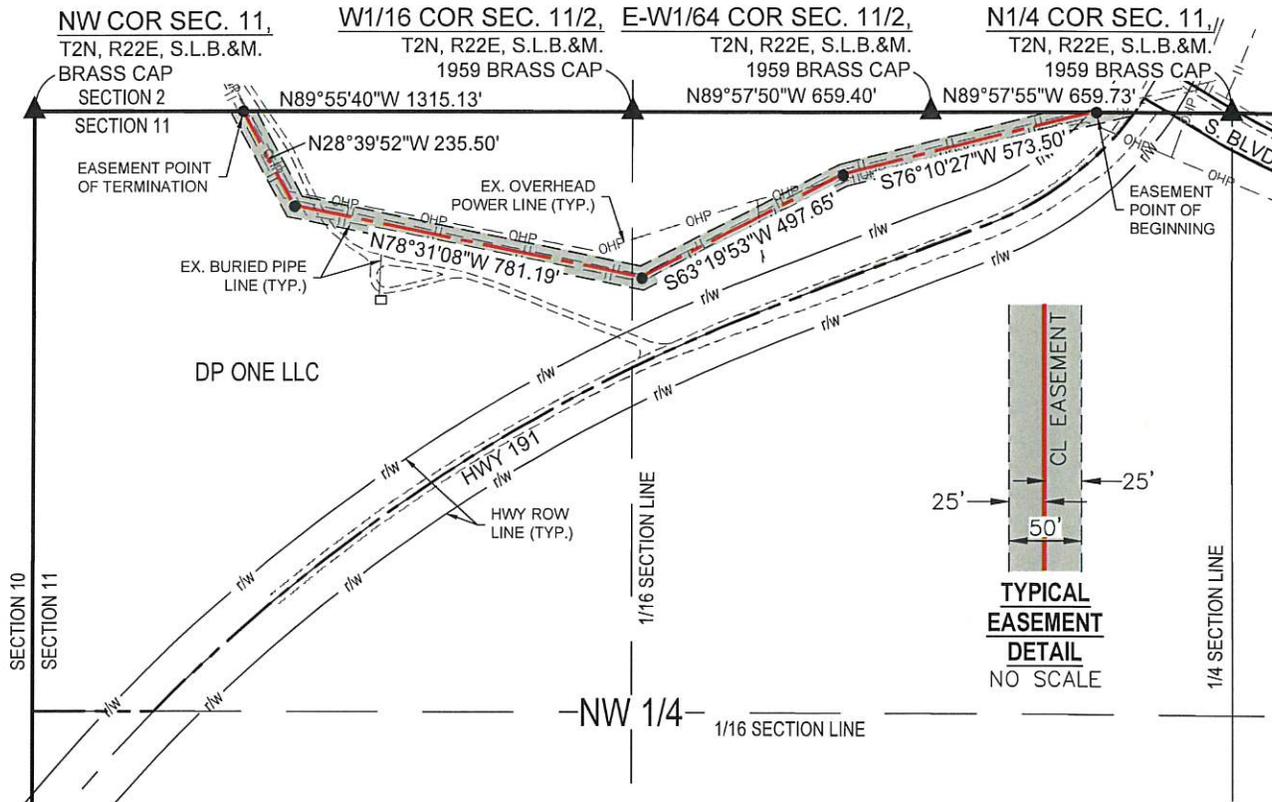
[insert legal description]

EXHIBIT A



POINT OF BEGINNING BEARS N89°57'55"W 296.50' FROM THE NORTH 1/4 CORNER OF SECTION 11, T2N, R22E, S.L.B.&M.

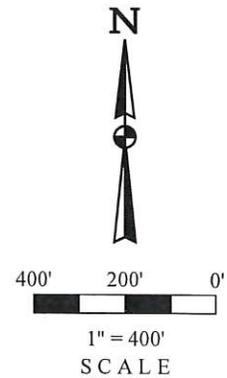
POINT OF TERMINATION BEARS S89°55'40"E 457.64' FROM THE NORTHWEST CORNER OF SECTION 11, T2N, R22E, S.L.B.&M.



PROPOSED 50' WIDE PUBLIC UTILITY EASEMENT DESCRIPTION

A 50.00' WIDE PUBLIC UTILITY EASEMENT ON DP ONE LLC LAND LOCATED IN A PORTION OF THE NW 1/4 OF SECTION 11, T2N, R22E, S.L.B.&M., BEING 25.00' ON EACH SIDE OF A CENTERLINE WHICH IS MORE PARTICULARLY DESCRIBED AS FOLLOWS:

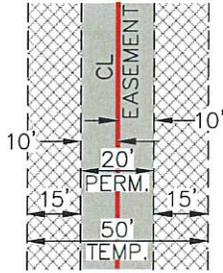
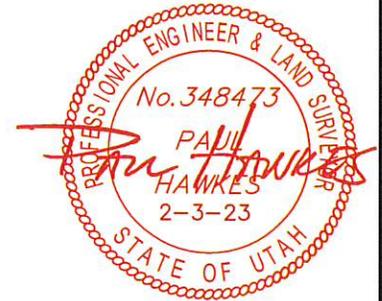
BEGINNING AT POINT ON THE NORTH LINE OF THE SAID NW 1/4, WHICH BEARS N89°57'55"W 296.50' FROM THE NORTH 1/4 CORNER OF SAID SECTION; THENCE S76°10'27"W 573.50'; THENCE S63°19'53"W 497.65'; THENCE N78°31'08"W 781.19'; THENCE N28°39'52"W 235.50' TO THE SAID NORTH LINE OF NW 1/4 AND A POINT OF TERMINATION, WHICH BEARS S89°55'40"E 457.64' FROM THE NORTHWEST CORNER OF SAID SECTION. THE SIDE LINES OF SAID DESCRIBED EASEMENT BEING SHORTENED OR ELONGATED TO MEET THE GRANTOR'S PROPERTY LINES. BASIS OF BEARINGS IS THE NORTH LINE OF THE NE 1/4 NE 1/4 NW 1/4 OF SAID SECTION WHICH IS ASSUMED TO BEAR N89°57'55"W. CONTAINS 2.395 ACRES MORE OR LESS.



UTILITY EASEMENT EXHIBIT	
SCALE: 1" = 400'	DUTCH JOHN, DAGGETT COUNTY
DWG BY: PH, DATE: 2-3-23	SEC. 11, T2N, R22E, S.L.B.&M.
UELS FILE #: 1 4 9 3 - S U R V	REVISED:



EXHIBIT A

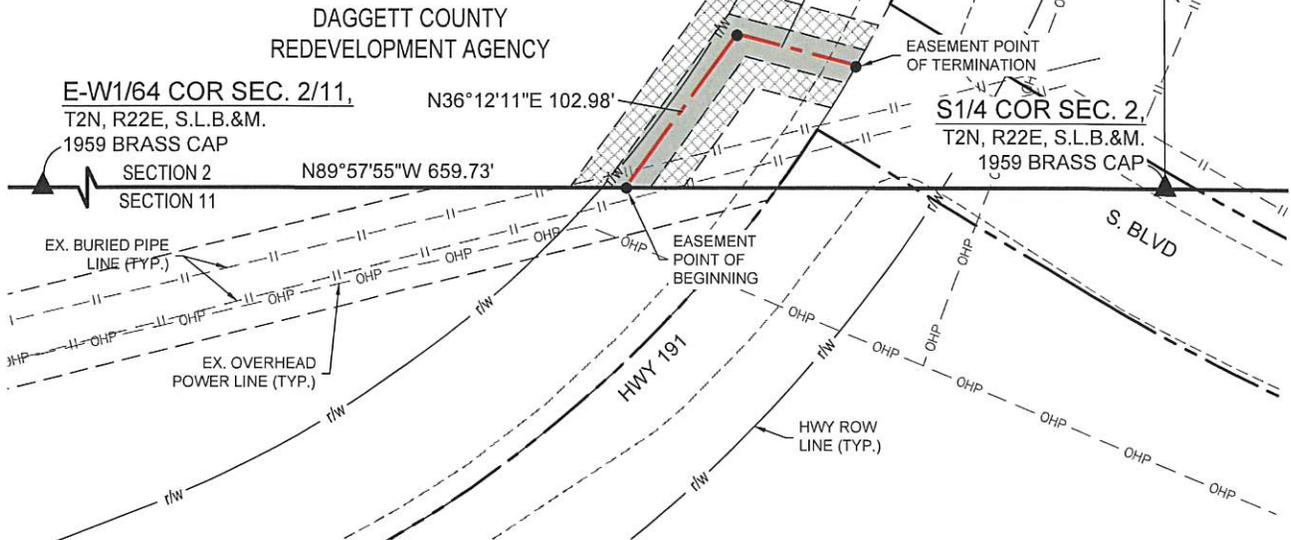


TYPICAL EASEMENT DETAIL
NO SCALE

SE 1/4
SE 1/4
SW 1/4

POINT OF BEGINNING BEARS N89°57'55"W 296.50' FROM THE NORTH 1/4 CORNER OF SECTION 11, T2N, R22E, S.L.B.&M.

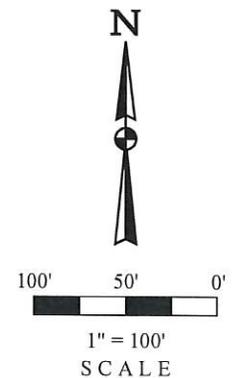
POINT OF TERMINATION BEARS N68°45'22"W 182.60' FROM THE NORTH 1/4 CORNER OF SECTION 11, T2N, R22E, S.L.B.&M.



PROPOSED PUBLIC WATER LINE UTILITY EASEMENT DESCRIPTION

A 20.00' WIDE PERMANENT PUBLIC WATER LINE UTILITY EASEMENT ON DAGGETT COUNTY REDEVELOPMENT LAND LOCATED IN A PORTION OF THE SE 1/4 SE 1/4 SW 1/4 OF SECTION 2, T2N, R22E, S.L.B.&M., BEING 10.00' ON EACH SIDE OF THE FOLLOWING DESCRIBED CENTERLINE WITH A 15.00' WIDE TEMPORARY CONSTRUCTION EASEMENT ON EACH SIDE OF SAID PERMANENT EASEMENT FOR A TOTAL TEMPORARY WIDTH OF 50.00' DURING CONSTRUCTION.

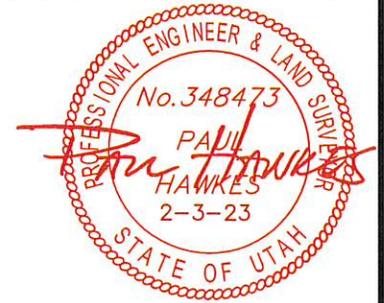
BEGINNING AT POINT ON THE SOUTH LINE OF THE SAID SE 1/4 SE 1/4 SW 1/4, WHICH BEARS N89°57'55"W 296.50' FROM THE SOUTH 1/4 CORNER OF SAID SECTION; THENCE N36°12'11"E 102.98'; THENCE S75°21'12"E 67.69' TO THE CENTERLINE OF US HIGHWAY 191 AND A POINT OF TERMINATION, WHICH BEARS N68°45'22"W 182.60' FROM THE SAID SOUTH 1/4 CORNER. THE SIDE LINES OF SAID DESCRIBED EASEMENT BEING SHORTENED OR ELONGATED TO MEET THE GRANTOR'S PROPERTY LINES. BASIS OF BEARINGS IS THE SAID SOUTH LINE OF THE SE 1/4 SE 1/4 SW 1/4 WHICH IS ASSUMED TO BEAR N89°57'55"W. CONTAINS 0.081 ACRES MORE OR LESS.



UTILITY EASEMENT EXHIBIT	
SCALE: 1" = 100'	DUTCH JOHN, DAGGETT COUNTY
DWG BY: PH, DATE: 2-3-23	SEC. 2, T2N, R22E, S.L.B.&M.
UELS FILE #: 1 4 9 3 - S U R V	REVISED:

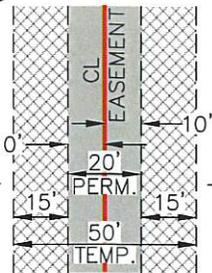
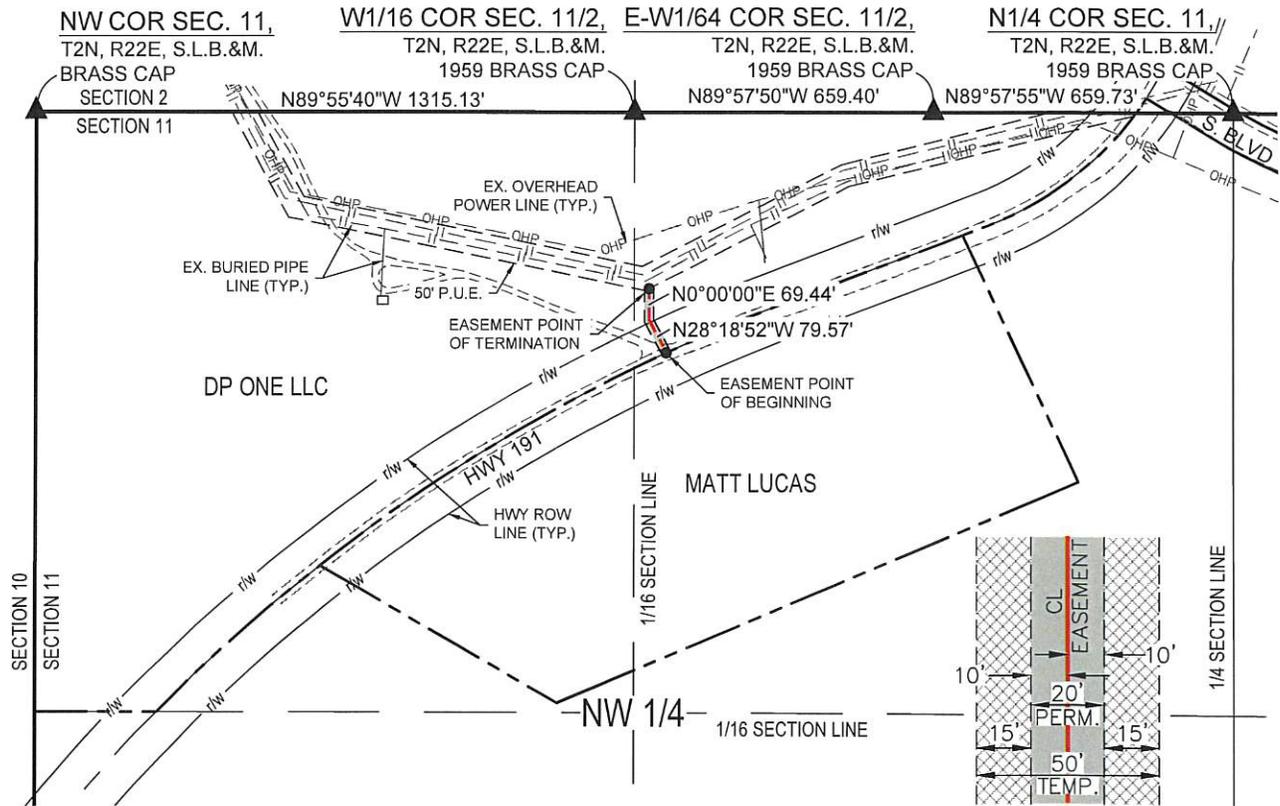


EXHIBIT A



POINT OF BEGINNING BEARS S67°19'17"W 1352.71' FROM THE NORTH 1/4 CORNER OF SECTION 11, T2N, R22E, S.L.B&M.

POINT OF TERMINATION BEARS S58°34'55"W 733.70' FROM THE EAST-WEST 1/64 CORNER OF SECTIONS 2 & 11, T2N, R22E, S.L.B&M.

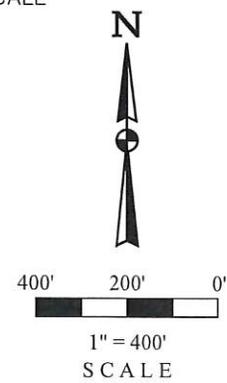


PROPOSED WATER LINE UTILITY EASEMENT DESCRIPTION

A 20.00' WIDE PERMANENT WATER LINE UTILITY EASEMENT ON DP ONE LLC LAND LOCATED IN A PORTION OF THE NW 1/4 OF SECTION 11, T2N, R22E, S.L.B&M., BEING 10.00' ON EACH SIDE OF THE FOLLOWING DESCRIBED CENTERLINE WITH A 15.00' WIDE TEMPORARY CONSTRUCTION EASEMENT ON EACH SIDE OF SAID PERMANENT EASEMENT FOR A TOTAL TEMPORARY WIDTH OF 50.00' DURING CONSTRUCTION.

COMMENCING AT THE NORTH 1/4 CORNER OF SAID SECTION FROM WHICH THE EAST-WEST 1/64 CORNER OF SAID SECTION BEARS N89°57'55"W 659.73'; THENCE S67°19'17"W 1352.71' TO THE CENTERLINE OF US HIGHWAY 191 AND THE POINT OF BEGINNING; THENCE N28°18'52"W 79.57'; THENCE N00°00'00"E 69.44' TO THE BOUNDARY OF A PUBLIC UTILITY EASEMENT AND A POINT OF TERMINATION, WHICH BEARS S58°34'55"W 733.70' FROM THE SAID EAST-WEST 1/64 CORNER. THE SIDE LINES OF SAID DESCRIBED EASEMENT BEING SHORTENED OR ELONGATED TO MEET THE GRANTOR'S PROPERTY LINES AND THE SAID BOUNDARY OF THE PUBLIC UTILITY EASEMENT. BASIS OF BEARINGS IS THE NORTH LINE OF THE NE 1/4 NE 1/4 NW 1/4 OF SAID SECTION WHICH IS ASSUMED TO BEAR N89°57'55"W. CONTAINS 0.068 ACRES MORE OR LESS.

TYPICAL EASEMENT DETAIL
NO SCALE



UTILITY EASEMENT EXHIBIT	
SCALE: 1" = 400'	DUTCH JOHN, DAGGETT COUNTY
DWG BY: PH, DATE: 2-3-23	SEC. 11, T2N, R22E, S.L.B&M.
UELS FILE #: 1 4 9 3 - S U R V	REVISED:



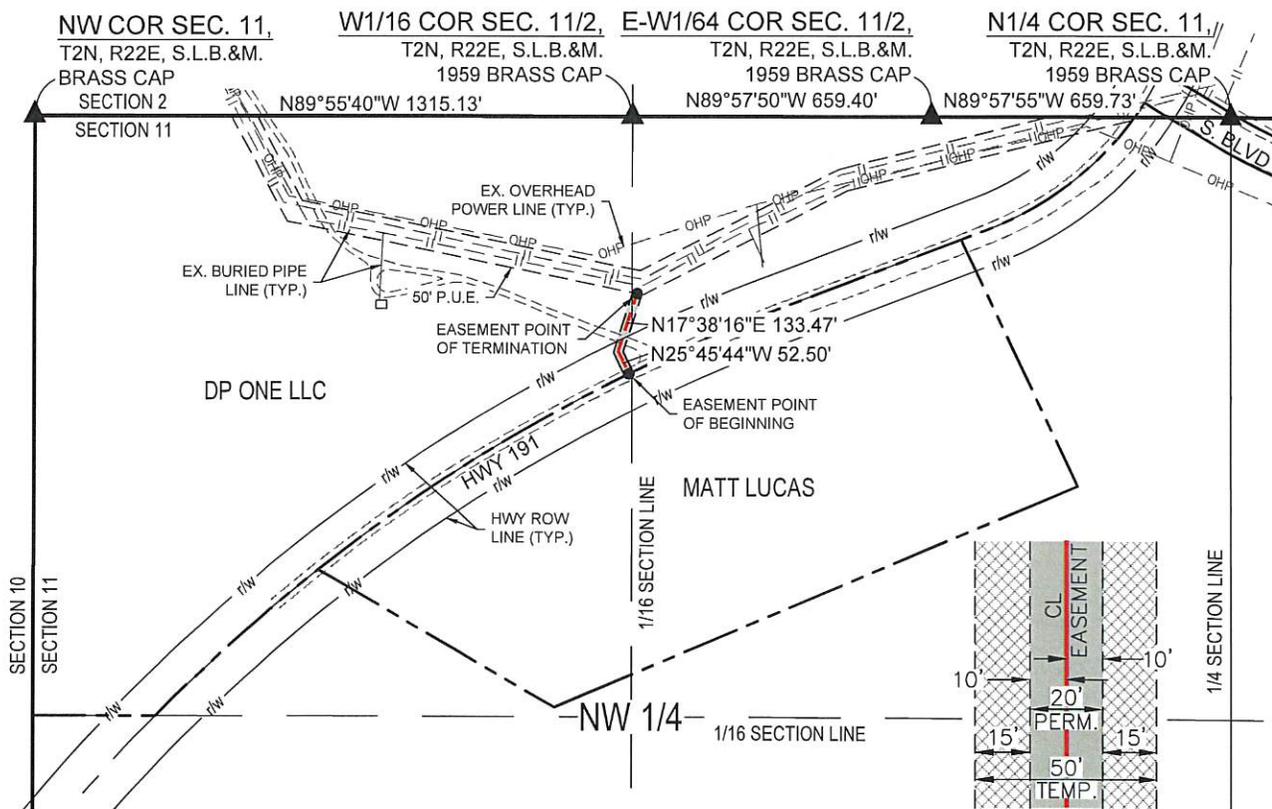
Ent 031472 BK 105 Pg 222

EXHIBIT A



POINT OF BEGINNING BEARS S67°10'12"W 1438.57' FROM THE NORTH 1/4 CORNER OF SECTION 11, T2N, R22E, S.L.B.&M.

POINT OF TERMINATION BEARS S59°21'50"W 753.72' FROM THE EAST-WEST 1/64 CORNER OF SECTIONS 2 & 11, T2N, R22E, S.L.B.&M.



PROPOSED SEWER LINE UTILITY EASEMENT DESCRIPTION

A 20.00' WIDE PERMANENT SEWER LINE UTILITY EASEMENT ON DP ONE LLC LAND LOCATED IN A PORTION OF THE NW 1/4 OF SECTION 11, T2N, R22E, S.L.B.&M., BEING 10.00' ON EACH SIDE OF THE FOLLOWING DESCRIBED CENTERLINE WITH A 15.00' WIDE TEMPORARY CONSTRUCTION EASEMENT ON EACH SIDE OF SAID PERMANENT EASEMENT FOR A TOTAL TEMPORARY WIDTH OF 50.00' DURING CONSTRUCTION.

COMMENCING AT THE NORTH 1/4 CORNER OF SAID SECTION FROM WHICH THE EAST-WEST 1/64 CORNER OF SAID SECTION BEARS N89°57'55"W 659.73'; THENCE S67°10'12"W 1438.57' TO THE CENTERLINE OF US HIGHWAY 191 AND THE POINT OF BEGINNING; THENCE N25°45'44"W 52.50'; THENCE N17°38'16"E 133.47' TO THE BOUNDARY OF A PUBLIC UTILITY EASEMENT AND A POINT OF TERMINATION, WHICH BEARS S59°21'50"W 753.72' FROM THE SAID EAST-WEST 1/64 CORNER. THE SIDE LINES OF SAID DESCRIBED EASEMENT BEING SHORTENED OR ELONGATED TO MEET THE GRANTOR'S PROPERTY LINES AND THE SAID BOUNDARY OF THE PUBLIC UTILITY EASEMENT. BASIS OF BEARINGS IS THE NORTH LINE OF THE NE 1/4 NE 1/4 NW 1/4 OF SAID SECTION WHICH IS ASSUMED TO BEAR N89°57'55"W. CONTAINS 0.085 ACRES MORE OR LESS.

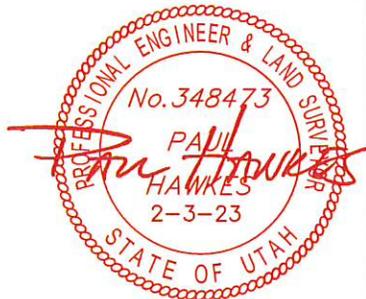
UTILITY EASEMENT EXHIBIT

SCALE: 1" = 400'	DUTCH JOHN, DAGGETT COUNTY
DWG BY: PH, DATE: 2-3-23	SEC. 11, T2N, R22E, S.L.B.&M.
UELS FILE #: 1 4 9 3 - S U R V	REVISED:



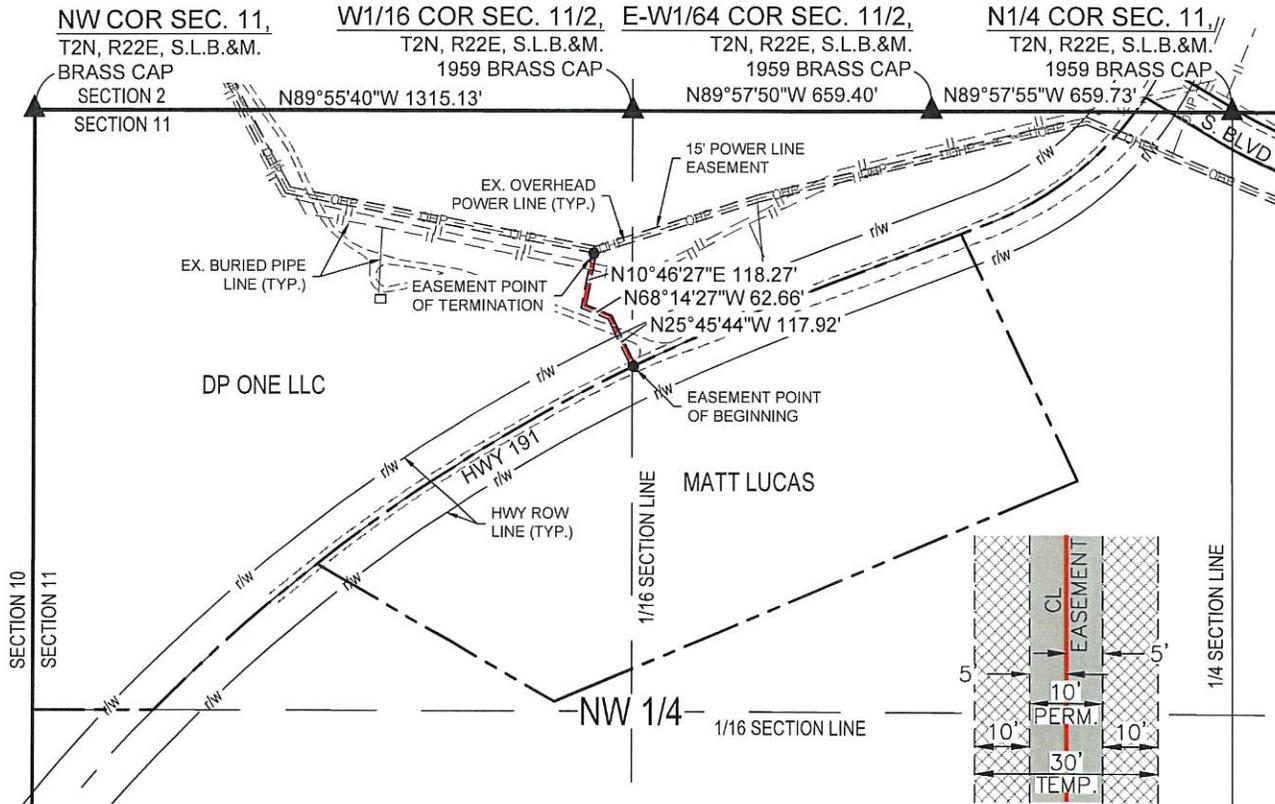
Ent 031472 BK 105 Pg 223

EXHIBIT A



POINT OF BEGINNING BEARS S67°11'27"W 1428.58' FROM THE NORTH 1/4 CORNER OF SECTION 11, T2N, R22E, S.L.B&M.

POINT OF TERMINATION BEARS S67°29'06"W 805.90' FROM THE EAST-WEST 1/64 CORNER OF SECTIONS 2 & 11, T2N, R22E, S.L.B&M.

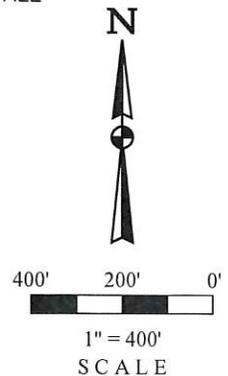


PROPOSED POWER LINE UTILITY EASEMENT DESCRIPTION

A 10.00' WIDE PERMANENT POWER LINE UTILITY EASEMENT ON DP ONE LLC LAND LOCATED IN A PORTION OF THE NW 1/4 OF SECTION 11, T2N, R22E, S.L.B&M., BEING 5.00' ON EACH SIDE OF THE FOLLOWING DESCRIBED CENTERLINE WITH A 10.00' WIDE TEMPORARY CONSTRUCTION EASEMENT ON EACH SIDE OF SAID PERMANENT EASEMENT FOR A TOTAL TEMPORARY WIDTH OF 30.00' DURING CONSTRUCTION.

COMMENCING AT THE NORTH 1/4 CORNER OF SAID SECTION FROM WHICH THE EAST-WEST 1/64 CORNER OF SAID SECTION BEARS N89°57'55"W 659.73'; THENCE S67°11'27"W 1428.58' TO THE CENTERLINE OF US HIGHWAY 191 AND THE POINT OF BEGINNING; THENCE N25°45'44"W 117.92'; THENCE N68°14'27"W 62.66'; THENCE N10°46'27"E 118.27' TO THE BOUNDARY OF A POWER LINE UTILITY EASEMENT AND A POINT OF TERMINATION, WHICH BEARS S67°29'06"W 805.90' FROM THE SAID EAST-WEST 1/64 CORNER. THE SIDE LINES OF SAID DESCRIBED EASEMENT BEING SHORTENED OR ELONGATED TO MEET THE GRANTOR'S PROPERTY LINES AND THE SAID BOUNDARY OF THE POWER LINE UTILITY EASEMENT. BASIS OF BEARINGS IS THE NORTH LINE OF THE NE 1/4 NE 1/4 NW 1/4 OF SAID SECTION WHICH IS ASSUMED TO BEAR N89°57'55"W. CONTAINS 0.069 ACRES MORE OR LESS.

TYPICAL EASEMENT DETAIL NO SCALE



UTILITY EASEMENT EXHIBIT

SCALE: 1" = 400'	DUTCH JOHN, DAGGETT COUNTY
DWG BY: PH, DATE: 2-3-23	SEC. 11, T2N, R22E, S.L.B.&M.
UELS FILE #: 1 4 9 3 - S U R V	REVISED:



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