

**DAGGETT COUNTY COMMISSION
RESOLUTION NO. 25-01**

**A RESOLUTION AUTHORIZING THE EXERCISE OF EMINENT DOMAIN TO
ACQUIRE BY NEGOTIATION OR CONDEMNATION, EASEMENTS ON PROPERTIES
ALONG HIGHWAY 191 IN DUTCH JOHN, UTAH,
AFFECTING PARCEL NO. 02-001A-1500 AND PARCEL NO. 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**” or “**Subject Properties**” 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, prior to the approval and adoption of this Resolution, the County has made reasonable efforts to negotiate, including making a proposal to DP One, LLC (“**DP One**”) and Delta Plan One, LLC (“**Delta Plan**”) the owners of the Subject Properties, for the acquisition of permanent utility easements (hereinafter “**Easements**”) over and through portions of the Subject Properties 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 has obtained appraisals, by an appraiser licensed in the State of Utah, of the value of the Easements, and has made a written offer dated October 23, 2024, consistent with the values in the appraisals, to purchase the Easements from DP One and Delta Plan One for just compensation. Also, in accordance with Utah Code Ann. § 78B-6-504(2), the Commission provided notice to DP One and to Delta Plan One by First Class Mail on January 22, 2025, and via electronic mail to their legal counsel on January 22, 2025, of its intent to authorize the exercise of eminent domain to acquire the Easements on Parcel 02-001A-1500 and Parcel No. 02-0017-0120; 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 eminent domain in accordance with the provisions of the Statutes and the Constitution of the State of Utah relating to eminent domain for the establishment of a public use.
2. The County hereby finds and determines it has attempted through reasonable negotiation to purchase the Easements from the owners of the Subject Properties, DP One and Delta Plan 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, amend, 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 as soon as possible and to take advantage of good construction conditions, the County hereby authorizes Counsel to pursue and 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 appraisals for the Easements, equal to a total of \$23,500.00; 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 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 the ___ day of February 11, 2025.

Matt Tippets, Chair

Attest:

Larinda Isaacson, Daggett County Clerk

EXHIBIT A

Legal Description of Parent Parcels

Parcel No. 02-001A-1500

RECORDED OWNER: Delta Plan One, LLC

ADDRESS: c/o Thompson Davis, 5151 South 900 East, #232, Salt Lake City, UT 84117.

Legal Description of Parcel 02-001A-1500:

A PARCEL OF LAND LOCATED PARTIALLY IN THE SOUTH 1/2 OF SECTION 2, TOWNSHIP 2 NORTH, RANGE 22 EAST, SALT LAKE BASE & MERIDIAN AND PARTIALLY IN THE NORTHEAST 1/4 OF SECTION 11, TOWNSHIP 2 NORTH, RANGE 22 EAST, SALT LAKE BASE & MERIDIAN, DAGGETT COUNTY, UTAH AND MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT A POINT BEING SOUTH 57°42'01" WEST 394.03' FROM THE EAST 1/16 CORNER OF SAID SECTIONS 2 AND 11, SAID POINT BEING A BLM MONUMENT ON THE WEST RIGHT-OF-WAY LINE OF 8TH AVENUE; THENCE SOUTH 23°13'24" WEST 15.29' (BLM RECORD = 15.15') ALONG THE WEST RIGHT-OF-WAY LINE OF SAID 8TH AVENUE TO A POINT ON THE NORTH RIGHT-OF-WAY S BLVD, SAID POINT BEING ON A 5773.58' RADIUS CURVE TO THE LEFT, THE RADIUS POINT OF WHICH BEARS SOUTH 12°20'28" WEST; THENCE WEST THROUGH A DELTA ANGLE OF 5°20'56" FOR AN ARC DISTANCE OF 539.00', SAID CURVE HAVING LONG CHORD BEARING AND DISTANCE OF NORTH 80°20'00" WEST 538.80' ALONG THE NORTH RIGHT-OF-WAY LINE OF SAID S BLVD TO THE POINT OF TANGENCY; THENCE NORTH 83°00'28" WEST 10.56' ALONG THE NORTH RIGHT-OF-WAY LINE OF SAID S BLVD TO THE BEGINNING OF A 1101.92' RADIUS CURVE TO THE RIGHT; THENCE NORTHWEST THROUGH A DELTA ANGLE OF 23°46'45" FOR AN ARC DISTANCE OF 457.32', SAID CURVE HAVING A LONG CHORD BEARING AND DISTANCE OF NORTH 71°07'05" WEST 454.05' ALONG THE NORTH RIGHT-OF-WAY LINE OF SAID S BLVD TO THE POINT OF TANGENCY; THENCE NORTH 60°19'51" WEST 183.05' ALONG THE NORTH RIGHT-OF-WAY LINE OF SAID S BLVD TO THE CENTERLINE OF US HIGHWAY 191, SAID POINT BEING ON A 716.20' RADIUS CURVE TO THE LEFT, THE RADIUS POINT OF WHICH BEARS NORTH 62°55'55" WEST; THENCE NORTH THROUGH A DELTA ANGLE OF 43°58'09" FOR AN ARC DISTANCE OF 549.62', SAID CURVE HAVING A LONG CHORD BEARING AND DISTANCE OF NORTH 5°05'01" EAST 536.23' ALONG THE CENTERLINE OF SAID US HIGHWAY 191 TO THE POINT OF TANGENCY; THENCE NORTH 16°54'04" WEST 46.27' ALONG THE CENTERLINE OF SAID US HIGHWAY 191; THENCE LEAVING SAID CENTERLINE AND RUNNING THE FOLLOWING 9 COURSES ALONG A PROPERTY LINE DESCRIBED AND MONUMENTED BY UINTAH ENGINEERING AND LAND SURVEYING: (1) NORTH 86°57'18" EAST 380.29'; (2) THENCE NORTH 86°57'18" EAST 62.65'; (3) THENCE NORTH 31°55'05" EAST 89.20'; (4) THENCE NORTH 65°55'27" EAST 20.06'; (5) THENCE NORTH 72°28'56" EAST 194.55'; (6) THENCE NORTH 76°42'33" EAST 185.13'; (7) THENCE SOUTH 74°51'27" EAST 169.93'; (8) THENCE NORTH 67°34'11" EAST 81.44'; (9) THENCE NORTH 57°13'10" EAST 53.45'; THENCE NORTH 75°46'44" EAST 490.97 TO A POINT ON THE SAID WEST RIGHT-OF-WAY LINE OF 8TH AVENUE; THENCE SOUTH 23°13'24" WEST 1347.63' ALONG THE SAID WEST RIGHT-OF-WAY LINE OF 8TH AVENUE TO THE POINT OF BEGINNING.

LESS A PARCEL OF LAND MORE PARTICULARLY DESCRIBED AS: BEGINNING AT A POINT BEING SOUTH 83°59'11" WEST 564.28' FROM THE SAID EAST 1/16 CORNER OF SECTIONS 2 AND 11; THENCE NORTH 83°48'56" WEST 95.16'; THENCE NORTH 05°30'36" EAST 126.45; THENCE SOUTH 81°08'47" EAST 98.71'; THENCE SOUTH 07°06'04" WEST 121.86' TO THE POINT OF BEGINNING.

ALSO LESS A PARCEL OF LAND MORE PARTICULARLY DESCRIBED AS: BEGINNING AT A POINT BEING SOUTH 85°44'19" WEST 657.60' FROM THE SAID EAST 1/16 CORNER OF SECTIONS 2 AND 11; THENCE NORTH 83°54'45" WEST 93.46'; THENCE NORTH 05°23'57" EAST 131.11'; THENCE SOUTH 81°04'07" EAST 93.88'; THENCE SOUTH 05°30'36" WEST 126.45' TO THE POINT OF BEGINNING.

ALSO LESS A PARCEL OF LAND MORE PARTICULARLY DESCRIBED AS: BEG @ A POINT BEING S 57°42'01" W 394.03' FROM THE E 1/16 COR OF SAID SECS 2 & 11, SAID POINT BEING A BLM MONUMENT ON THE W R-O-W LINE OF 8TH AVE; TH S 23°13'24" W 15.29' (BLM RECORD = 15.15') ALONG THE SAID W R-O-W LINE OF 8TH AVE TO A POINT ON THE N ROW LINE OF S BLVD, SAID POINT BEING ON A 5773.58' RADIUS CURVE TO THE LEFT, THE RADIUS POINT OF WHICH BEARS S 12°20'28" W; TH W THROUGH A DELTA ANGLE OF 2°23'46" FOR AN ARC DISTANCE OF 241.45', SAID CURVE HAVING LONG CHORD BEARING AND DISTANCE OF N 78°51'25" W 241.44' ALONG THE SAID N R-O-W LINE OF S BLVD; TH N 07°06'04" E 241.60'; TH S 81°08'47" E 312.97' TO A POINT ON THE SAID W R-O-W LINE OF 8TH AVE; TH S 23°13'24" W 243.95' ALONG THE SAID W R-O-W LINE OF 8TH AVE TO THE POB

Parcel No. 02-0017-0120

RECORDED OWNER: DP One, LLC

ADDRESS: c/o Thompson Davis, 5151 South 900 East, #232, Salt Lake City, UT 84117.

Legal Description of Parcel 02-0017-0120:

BEGINNING AT THE NORTHWEST CORNER OF SEC 11 T2N R22E SLB&M, THENCE S89°52'37"E 1315.13' TO THE NORTHEASTCORNER OF THE NW1/4, NW1/4 OF SAID SECTION 11; THENCE S89°54'48"E 659.40' TO THE NORTHEAST CORNER OF THE NE1/4, NE1/4, NW1/4 OF SAID SECTION 11; THENCE S89°54'52"E 446.26', MORE OR LESS TO THE CENTERLINE OF THE US HIGHWAY 191 EASEMENT, THENCE SOUTHWESTERLY ALONG SAID HIGHWAY EASEMENT CENTERLINE MORE OR LESSDESCRIBED BY THE FOLLOWING: ALONG A CURVE TO THE RIGHT WITH A RADIUS OF 3819.70' FOR A DISTANCE OF 1639.96'(CHORD BEARS S52°58'27"W FOR 407.35'), THENCE ALONG A TANGENT LINE S69°29'46"W 494.10', THENCE ALONG A CURVETO THE LEFT WITH A RADIUS OF 3819.70' FOR A DISTANCE OF 1639.96' (CHORD BEARS S57°11'47"W FOR 1627.39') MOREOR LESS TO A POINT ON THE SOUTH LINE OF THE NW1/4, NW1/4 OF SECTION 11, T2N, R22E, SLB&M, THENCE WESTERLY ALONG SAID SECTION LINE N89°48'22"W 267.18' TO THE SOUTHWEST CORNER OF THE NW1/4 NW1/4 OF THE SECTION 11, T2N, R22E, SLB&M, THENCE NORTHERLY ALONG THE WEST SECTION LINE OF THE NW1/4, NW1/4 SECTION 11, T2N, R22E, SLB&M WHICH BEARS N0°06'00"E FOR 1303.30' TO THE POINT OF BEGINNING. PARCEL CONTAINS +-37.469 ACRES MOREOR LESS. BASIS OF BEARINGS IS WEST SECTION LINE OF THE NW1/4 NW1/4 OF SECTION 11, T2N, R22E, SLB&M, BEARING IS ASSUMED TO BE N0°06'00"W 1303.60 FT.

EXHIBIT B

Legal Description of Easements

Easement on Parcel No. 02-001A-1500:

PROPOSED SOUTH BLVD. WATERLINE EASEMENT

A 20-FOOT-WIDE WATERLINE EASEMENT 10 FEET EACH SIDE OF A CENTERLINE MORE PARTICULARLY DESCRIBED AS.

BEGINNING AT A POINT, NORTH 19.92 FEET, AND EAST 14.79 FEET FROM THE SOUTH QUARTER CORNER OF SECTION 2, TOWNSHIP 2 NORTH, RANGE 22 EAST, SALT LAKE BASE AND MERIDIAN; THENCE NORTH 61°42'17" WEST 185.69 FEET TO THE POINT OF TERMINUS, SAID POINT OF TERMINUS BEING ON THE WESTERLY LINE OF PARCEL NUMBER 02-001A-1500, RECORDED AS ENTRY NUMBER 27098, BOOK 83, PAGE 357.

CONTAINING 3729.60 SQ.FT. OR 0.086 ACRES.

Easement on Parcel No. 02-0017-0120:

PROPOSED DUTCH JOHN DRAW UTILITY EASEMENT

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, SLB&M, BEING 25.00' ON EACH SIDE OF A CENTERLINE WHICH IS MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A 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 THE 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.

ALSO, 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, SLB&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 APPOINT 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.

ALSO, 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, SLB&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.

ALSO, 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, SLB&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.