

CITY OF MOAB RESOLUTION NO. 40-2019

A RESOLUTION AUTHORIZING THE CITY TO COMMENCE EMINENT DOMAIN PROCEEDINGS ACQUIRE A UTILITY EASEMENT ACROSS THE PILLES PROPERTY IN CONJUNCTION WITH THE NORTH CORRIDOR WASTEWATER IMPROVEMENTS

The following findings describe the reasons for this resolution and explain its purpose.


- a. The City has secured financing and it will undertake the construction of the North Corridor Wastewater Improvement Project (the Project) in late 2019.
- b. The Project will extend wastewater service to properties in the north area of the City of Moab via a sewer pipeline and related improvements, which will convey wastewater to the City Water Reclamation Facility.
- c. The City has undertaken to negotiate for the acquisition of a utility easements (for construction and permanent placement of a pipeline) over and across the lands of Lewie Pilles and Jennifer Pilles (Owners), located at 1263 North Main Street, Tax Parcel No. 02-0135-0057 (the Property).
- d. The easements are necessary for the pipeline and related improvements to provide sanitary sewer service to a number of properties in the north area of the City of Moab.
- e. On June 10, 2019 the City provided to the Owners correspondence containing: i) the Eminent Domain Disclosure required by Utah law; ii) a copy of appraisal for the Property; iii) a copy of the proposed utility easements (for construction and permanent access) across the Property; and iv) an offer to pay the appraised value of \$57,200 in exchange for the easements. The easements contained the precise metes and bounds descriptions of the lands needed for the public improvements.
- f. On August 8, 2019 the City notified Owners that it would be considering a resolution to authorize eminent domain at the August 27, 2019 meeting, and that the Owners have the right to appear and be heard with respect to the acquisition.
- g. All conditions precedent to commencing eminent domain, as provided by U.C.A. § 78B-6-504, 505, and other applicable law, have been satisfied.

Now therefore, the City of Moab resolves as follows:

1. The taking of real property for the construction of public sanitary sewer facilities is a use authorized by law.
2. The acquisition of the easements across the Property is necessary for the completion of the Project.

3. The City is prepared to timely commence construction of the Project by the end of 2019 or the first quarter of 2020, and it will use all of the lands encompassed within the easements sought to be acquired.
4. The City has negotiated in good faith and will continue to do so with the Owners.
5. The Owners have been given the opportunity to appear and address the Council on this subject. The Council gave consideration to the comments of the Owners, if any.
6. The Council concludes that the acquisition is reasonable and necessary for the completion of the Project.
7. The City is hereby authorized to commence eminent domain proceedings to acquire easements across the Property of the Owners.

PASSED AND APPROVED by a majority of the City Council August 27, 2019.

By: 
Emily S. Niehaus, Mayor

08-27-19
Date

Attest:

By: 
Sommar Johnson, Recorder

8-27-19
Date

