

Public Works Director



Derrick A. Radke, P.E.

MEMORANDUM

July 6, 2022

To: County Council
Thomas C. Fisher, County Manager

From: Derrick Radke, PE - Summit County Public Works Director

Re: Bitner Ranch Road to Silver Creek Connector - Eminent Domain Action
Mr. Newton Collinson and Mrs. Kimberly Collinson, Parcel SS-33-B-6

The Summit County Council has been evaluating a connecting roadway between Silver Creek Road, and Bitner Ranch Road in order to address Health, Safety and Welfare issues for the neighborhoods accessed by these roads and to address neighborhood connectivity and alternative modes of transportation.

1. Health, Safety and Welfare of Area Residents
 - a) Provide for Improved Emergency Response
 - b) Provide Secondary Emergency Ingress/Egress
2. Provide Transportation Alternatives
 - a) Neighborhood Connectivity
 - b) Alternative Modes (Bike/Pedestrian)
 - c) Efficient Transit

While there were various requests from the public to make this connection to address secondary ingress/egress from the Silver Creek neighborhood, the concepts for this connection were formally adopted with the Snyderville Basin Transportation Master Plan ("SBTMP") in 2009. The SBTMP identified four possible corridors:

1. Frontage Road from the Silver Creek Road/Division Street Intersection along the powerline corridor to just North of the Bitner Ranch Headquarters.
2. From the Silver Creek Road/Valley Drive intersection due West to Bitner Ranch Road.
3. From Silver Creek Road along a corridor through the Mountain Life Church property west and north to Bitner Ranch Road.
4. From the Silver Creek Road/Wasatch Way intersection along Wasatch Way then due west to Bitner Ranch Road.



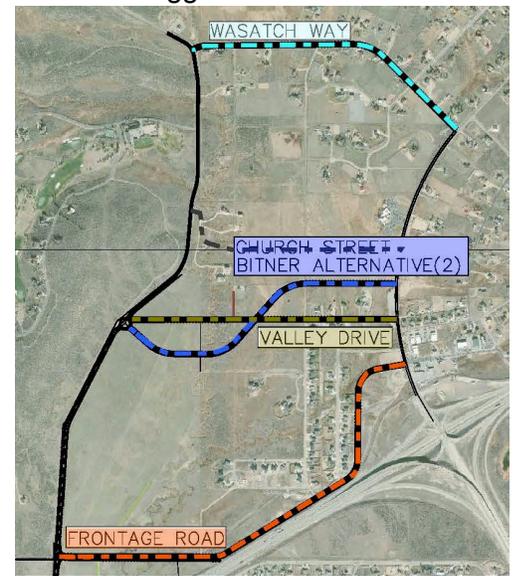
The first public meeting on the concept occurred in the Fall of 2015. The County Council then took the first steps towards developing a project in 2017 when funds were approved for right-of-way acquisition from the Corridor Preservation Fund. Additional public meetings were held in May of 2018, and January of 2019.

The public offered many opinions on which of the four alternatives should be chosen. Most concerns expressed were of increased traffic on their street, or through their neighborhood. Other property owners expressed concerns about the impacts to farmland and others about how the road would impact their ability to develop in the future.

A second alternative alignment of the “Church Street” alignment was also suggested. It is a hybrid of the original Church Street and Valley Drive options. Staff recommended this alternative replace the original “Church Street” alignment because it reduces the impact to the Mountain Life Church property, reduces the length of Bitner Ranch Road that would need to become a County maintained road, and seems to have some support from some of the property owners it crosses.

Staff recommended the County Council further consider the Frontage Road and Church Street Alternative 2 using the following criteria. After hearing from the public, the County Council ultimately selected the Church Street Alternative 2.

Since that time, Staff has worked to finalize the design of the road, identify the right of way necessary for its construction, notify property owners of the needed right of way, and began negotiating with those property owners soon after receiving the required appraisal to determine Fair Market Value of the affected properties.



Generally, the negotiating process progressed satisfactorily by acceptance of the appraised value, a request for a second appraisal through the State of Utah Ombudsman’s Office, mediation through the State of Utah Ombudsman’s Office, and through acceptance of counter offers made to the County.

There remain three properties where an agreement has not been reached. Two of those properties recently made a counteroffer leaving one property which is the subject of this requested action.

The property where little progress has been made is parcel SS-33-B-6, owned by Mr. Newton Collinson and Mrs. Kimberly Collinson. Mr. and Mrs. Collinson acquired the property in mid-June of 2019 and were first formally notified of the project and the need for right of way in March of 2020. Should be noted Mr. Collinson met with Staff and members of Council separate from the public open house and was well aware the alignment of the road near his home was possible.

Bitner Ranch Road to Silver Creek Connector - Eminent Domain Action
Mr. Newton Collinson and Mrs. Kimberly Collinson, Parcel SS-33-B-6
June 1, 2022
Page 3 of 3

An appraisal of the property was completed on May 13, 2021 and sent to the Collinson's on June 18, 2021 along with an offer to purchase the right of way for the appraised value.

The County sent several email communications to Mr. Collinson after sending the offer to purchase. These communications began in March of 2021 and included information about the project, references to contacting the State Ombudsman, retaining council, and requests to discuss the project and negotiating a settlement. On February 3, 2022, Helen Strachan, Deputy County Attorney, and I met with Mr. Collinson and his Attorney at the property to discuss the project and how we could possibly reach an amicable agreement. Mr. Collinson expressed his objections to the project and made a statement that the value of the property necessary for the project was not the biggest issue, but that having the road in close proximity to his property would have a big impact on his property, the views, and the value. His Attorney stated that they had chosen to get a second appraisal on their own and not through the Ombudsman's Office and they would be in touch once they received it. We have inquired as to the status for 5 months and have been told it is not complete.

While Staff hopes to continue to negotiate in good faith to obtain the necessary right of way, continued delays in the negotiations delays the project which will increase the cost of the project and delay the goal of the County Council to improve Life Safety access to the connected neighborhoods and provide for the alternative modes of transportation committed to as part of the project.

Attached for the County Council's consideration is a Resolution Authorizing the Filing of an Eminent Domain Action Against Newton Collinson the IV, and Kimberly Collinson. This action authorizes the County Attorney's Office to file the necessary eminent domain action in the Third District Court. Staff recommends the County Council approve the resolution and authorizes the Chair to execute the document.

If you have any questions ahead of the Public Meeting, please contact me or Helen.

Enclosure (Resolution)

CC: file (C:\Users\DerrickR\Documents\MyDocs\Public Works\Projects 2018\Silver Creek to Bitner\RW\Offers\cc-collinson resolution 6-1-22.doc)

Resolution No. 2022-__

**RESOLUTION AUTHORIZING
THE FILING OF AN EMINENT DOMAIN ACTION
AGAINST NEWTON B. COLLINSON IV AND KIMBERLY B. COLLINSON
(A PORTION OF SUMMIT COUNTY TAX PARCEL: SS-33-B-6)**

WHEREAS, Summit County is in the process of acquiring private property in order to build a public road to connect Silver Creek Road to Bitner Ranch Road (the “Project”); and

WHEREAS, Newt B. Collinson IV and Kimberley B. Collinson (collectively the “Collinsons”) are the owners of Summit County Tax Parcel SS-33-B-6 and a portion of the Collinsons’ property is needed right-of-way for the completion of the Project; and

WHEREAS, Summit County has tendered an offer to the Collinsons to purchase the right-of-way at an amount commensurate with an independent appraisal commissioned by Summit County, and,

WHEREAS, Summit County has been unable to reach a mutually acceptable resolution with the Collinsons as to the purchase of the right-of-way; and,

WHEREAS, eminent domain may be utilized for the acquisition of right-of-way for a road pursuant to UCA §78B-6-501(2)(c); and,

WHEREAS, prior to the filing of a complaint for eminent domain, UCA §78B-6-504(2) requires that the legislative body of the political subdivision seeking to condemn approve the filing of such a complaint; and,

WHEREAS, individualized notice of the public meeting at which the Summit County Council approved the filing of a complaint for eminent domain was provided in accordance with UCA §78B-6-504(2)(d) to the Collinsons;

NOW, THEREFORE, be it resolved by the County Council, it approves the filing of a complaint for eminent domain against the Collinsons.

APPROVED AND ADOPTED this _____ day of _____, 2022.

SUMMIT COUNTY COUNCIL

ATTEST:

By: _____
Chair

County Clerk