



Utah Transit Authority

669 W. 200 South, Salt Lake City, UT, 84101

By Certified Mail No.
November 26, 2021

7020-1290-0000-
4936-5833

Harrison Pointe Holdings, LLC, a Limited Liability Company
1323 E Bent Pine Cove
Draper, UT 84020

Project Name: Ogden-WSU Bus Rapid Transit (BRT) - Design
Project No.: F-R199(235) Pin: 15906
Parcel No.(s): 147, 147:CE, 147:E
Parcel Address: 3257 South Harrison Blvd, OGDEN, UT 84403

Dear Harrison Pointe Holdings, LLC, a Limited Liability Company:

We regret to inform you that due to our as yet unsuccessful negotiations, we must now begin the condemnation process. The condemnation process will allow you to achieve a final resolution of value for the above referenced property, while enabling the Utah Transit Authority (UTA) to fulfill the project need, which is to purchase the property for the above referenced project.

Please be aware that even though we will begin the condemnation process, we are willing to continue to negotiate with you. If you choose to continue negotiating in good faith, please share the reasons why you believe UTA's offer is unacceptable as well as any supporting documentation you believe supports your claim. We will carefully consider the information and hopefully reach a settlement with you once the issues have been resolved to our mutual satisfaction. If you have decided to accept our offer, please execute the documents presented to you, and return them to us by Dec. 10, 2021.

We would also like to draw your attention to several options available to you. We hope that these options may help us negotiate a settlement. These options are not mutually exclusive. You may decide to use any of these options alone or together with other options.

OPTION 1: Continued Negotiation. You may continue negotiating with us outside of litigation if you will agree to sign a *Right of Entry and Occupancy Agreement*. This Occupancy Agreement will enable UTA to proceed with the project under its time deadlines, while reserving the issue of compensation for future negotiations. Choosing this option will make a court action for condemnation unnecessary while good faith negotiations continue. If no Occupancy Agreement is signed, UTA will need to seek Occupancy of the property through the courts. UTA would prefer to obtain the right to occupy with your agreement and continue negotiating with you toward a settlement. UTA can provide you with a copy of the form Occupancy Agreement upon request.

OPTION 2: Mediation. Mediation is available through the Office of the Property Rights Ombudsman ("Ombudsman Office"). In Mediation, a neutral third party assists the parties in fairly resolving their disputes. The Ombudsman Office has been created to provide this service free of charge. The mediator can order that a second appraisal be performed at UTA's expense if the mediator believes it is reasonably necessary to resolve the dispute. For more information, please contact the Ombudsman Office at (801)530-6391 or at its office at the Heber M. Wells Building, 160 East 300 South, SALT LAKE CITY, UT, 84111.

OPTION 3: Arbitration. Arbitration is also available through the Ombudsman Office to settle issues over compensation. Arbitration is similar to a court proceeding except that the arbitration process is less formal. A neutral third party holds a hearing, listens to the information presented by all the parties, evaluates the evidence, and issues a decision. More information is available from the Ombudsman's Office.

OPTION 4: Litigation. If you do not wish to use any of these options to reach a negotiated settlement, we will proceed with the condemnation and your just compensation amount will be determined by the court. We recommend that you seek the advice of an attorney if this is the option you choose.

We appreciate the fact that you have a hard decision to make, and assure you that we will continue to work with you through this process even as we go forward with the condemnation process. We are hopeful that you will be able to accept the offer as is, but if that is not the case, please contact me by Dec. 10, 2021 to discuss the process and where we need to go from here. You may also contact the Ombudsman Office anytime. They will answer your questions, help you to understand your options, and further explain the condemnation process to you.

Please note that if the purchase of your property will require your displacement and relocation, appropriate relocation assistance will be made available to you. Your relocation assistance eligibility and benefits should have already been discussed with you. However, as relocation assistance is not typically included in a condemnation action, any dispute regarding relocation assistance may need to be appealed and/or litigated separately.

We remain available to discuss your options with you at your convenience. Thank you for your continued cooperation.

Sincerely,

DocuSigned by:

Gale Padgett

EE35815A0654467

Gale Padgett (Consultant) / Acquisition Right of Way Agent
801-750-5058

DocuSigned by:

Spencer Burgoyne

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Spencer Burgoyne / Right of Way Manager, Team Leader
801-237-1995