



U.S. Department
of Transportation
**Federal Transit
Administration**

REGION VIII
Colorado, Montana,
North Dakota,
South Dakota,
Utah, and Wyoming

1961 Stout Street
Suite 13301
Denver, Colorado 80294
(303) 362-2400 (voice)

March 28, 2025

Mr. Jay Fox
Executive Director
Utah Transit Authority
669 West 200 South
Salt Lake City, UT 84101

Re: UTA Ogden-Weber State University BRT (OGX) Project
FTA Concurrence for Administrative Settlement of Parcels 155, 156, 157, and 158
Award No.: UT-2021-021

Dear Mr. Fox:

The Federal Transit Administration (FTA) has reviewed the letter from the Utah Transit Authority (UTA) dated March 19, 2025, requesting FTA concurrence on an administrative settlement for a partial acquisition of Parcels 155, 156, 157, and 158 for the Ogden-Weber State University – OGX BRT Project. FTA concurs with UTA’s administrative settlement.

The property is owned by Lex Rex Investments, LLC (Owner). Acquisition of this property is necessary for the construction of the Ogden-Weber State University Bus Rapid Transit (BRT) project (the “Project”). The proposed total settlement amount is \$839,000 as further described below.

The subject property is located at 3149-3151 South Harrison Boulevard, Ogden, Utah and is improved with a multi-tenant retail center built in phases from 1960-1968. The subject property consists of 160,000 square feet (SF) or 3.673 acres. The partial taking includes a fee strip parcel along Harrison Boulevard improved with asphalt paving (6,428 SF), a small perpetual easement (50 SF), and a temporary construction easement (23,467 SF). The Owner claimed that the acquisition results in fewer parking space available to serve the retail clients of the Owner.

On May 5, 2021, UTA sent an offer to the Owner in the amount of \$215,600. Owner rejected the offer and presented a counteroffer in the amount of \$315,000 supported by an appraisal. UTA attempted to settle at the higher amount, but the owner became unresponsive. UTA and Owner negotiated for several months but were unsuccessful. UTA petitioned the Utah Department of Transportation (UDOT) to begin a condemnation action. The UDOT trial appraisal valued the partial acquisition at \$485,000. The Owner trial appraisal valued the partial acquisition at \$1,397,600. UTA reached a settlement with Owner in the amount of \$839,000 contingent on FTA concurrence.

UTA's legal counsel, from the Attorney General's Office, states that the proposed administrative settlement amount is reasonable, prudent, and in the public best interest. Counsel further asserts that the risks and expenses of litigation associated with the condemnation proceedings outweigh the expense of the administrative settlement.

By law, FTA cannot participate in legal fees as part of an administrative settlement outside of a jury trial as outlined in 49 CFR §24.107. The request and justification for a legal settlement is sufficient to meet the requirements of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended (URA), and its implementing regulations at 49 CFR, Part 24.

Based on the documentation provided by UTA, FTA concurs with the requested settlement in the amount of **\$839,000** minus any amount that is set aside for attorney fees (if any). Furthermore, because the property is necessary for construction of the Project, FTA concurs that the requested administrative settlement, minus any amount that is set aside for attorney fees (if any), is reasonable, prudent, and in the public interest.

If you have any questions, please contact Ms. Katherine Strozinski at 303-362-2395 or Katherine.Strozinski@dot.gov.

Sincerely,

DAVID L

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David Beckhouse
Acting Regional Administrator

cc: Paul Drake, UTA, Director of Real Estate & TOD
Spencer Burgoyne, UTA, Manager of Property Acquisition
Andrea Pullos, UTA, Project Manager
Tiffany Gallegos, FTA
Katherine Strozinski, FTA
Tracey MacDonald, FTA