

Mark Haik has some good questions:
What changed?

M. C. Haik

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Holladay, Utah 84117-0124
801-582-9901
mchaik@qwestoffice.net

October 2, 2009

Comments for the September 30, 2009 Town of Alta Public Hearing on the Proposed Shrontz Subdivision

Messrs. Pollard, Curry, Gilman, Moxley & Richards
Town of Alta Mayor and Council Members:

Who changed the terms and conditions of annexation after the annexation which allowed Salt Lake City Water Department to demand a "donation"?

Gentleman:

I would urge you to reject the Town of Alta Planning Commission's recommendation to not approve the proposed subdivision. Having attended the hearings for the proposed subdivision I believe the proposed subdivision is an excellent state of the art design and would be a considerable asset to the Town of Alta. I have personally reviewed several thousand subdivision plats, several hundred of which I personally reviewed prior to approval by public entities for accuracy of the title information, the applicants proposed subdivision stands out as an example of excellent work.

Cahill gave a water line easement for a water line connection. Atla takes easement, installs water line, and denies a water connection.

I would urge you to specifically review the following matters which pertain to the application:

- 1] What did Cahill receive in exchange for the Easement he granted the Town of Alta in September 1977?-Exhibit A.
- 2] Why is the Shrontz Estate not the successor in interest to the right cited in the Town of Alta in September 1977? -Exhibit B.
- 3] What communications from any party has led the Town Administrator to reach a conclusion other than those cited in the fax to Shrontz dated February 9, 1999?-Exhibit C.
- 4] What other meetings with Salt Lake City officials did former Mayor Levitt and the Town Administrator attend in which they discussed water supply to the Shrontz property, either prior to or subsequent to this March 3, 2000 meeting and what was discussed?-Exhibit D.
- 5] When did the Town Administrator change his view from that communicated to Chris Bramhall-Esq. of Salt Lake City Public Utilities from that communicated in his letter of April 11, 2000?-Exhibit-E.
- 6] When did Salt Lake County, the State Road Commission of Utah and or the Bureau of Public Roads, abandon, lose or convey their interest in the "Alta Road 3.5 MI. Extension of Little Cottonwood Road" which was approved by the Salt Lake County Commission by a vote recorded in the minutes on November 4, 1938, as disclosed by the attached plat (Exhibit-F) and minutes (Exhibit-G)? Exhibits F&G attached.

7] Why is the Town of Alta not the successor in interest to the matters disclosed by Exhibits F & G?

8] When did the State Road Commission and or Salt Lake County terminate the "Maintenance Agreement and Cooperative Agreement" cited in the letter dated January 7, 1937? Exhibit-H.

9] Why did the Utah Department of Transportation-Transportation Planning Division Urban Planning & Cartography Section in Cooperation with the U.S. Department of Transportation Federal Highway Administration, prepare a map titled "City Street Map, Alta, Salt Lake County"? Exhibit I.

None of the matters cited above were disclosed, presented to, or discussed by the Town of Alta Planning Commission in their deliberations regarding the proposed subdivision, all are germane questions to the approval process and which need to be publicly reviewed, discussed and answered prior to any further action by the Alta Town Council.

In addition to the Exhibits A→ I presented herewith I have in the course of personal research of various public records repositories, and in the course of professional research of various public records repositories, and through various GRAMA & FOIA requests encountered numerous additional documents which bear on the questions of water resources, roadways and easements in the Town of Alta which also are responsive to the questions cited above. I would be pleased with any opportunity you would care to make to share those additional items with you as a group, individually or in some other manner convenient to you.

If you have any questions regarding the matters cited above please contact me in a manner and time that suits your convenience.

Mark C. Haik

A handwritten signature in black ink, appearing to read 'Mark C. Haik', with a stylized, cursive flourish at the end.

HAIRK - Exhibit A

Recorded JUL 11 1978 at 1:37 PM
Book of Wetmore & Campbell
KATIE L. DIVON, Recorder
Salt Lake County, Utah
By [Signature]
SER. 31050 - Pages 84/11

3136617

GRANT OF EASEMENT

In exchange for the right to connect a water line to the Culinary Water System for the TOWN OF ALTA, a Municipal Organization and Body Corporate and Politic of the State of Utah (subject however, to payment of all necessary installation, connection, and water use charges) and for other valuable consideration, JOHN D. CAHILL, GRANTOR, hereby grants, bargains, conveys and sells to TOWN OF ALTA, GRANTEE, a perpetual, non-exclusive ten foot (10') wide easement and the right to enter upon Grantor's land for the sole purpose of installing, constructing, operating, servicing, repairing, and maintaining a buried culinary water line, the centerline of which culinary water line is described in attachment "A" annexed hereto and made a part hereof.

The easement and right-of-way hereby granted covers a strip of land ten feet (10') in width, five feet (5') wide on each side of the center line of said culinary water line described in attachment "A", whenever said culinary water line passes over, under or across any of the Grantor's land located in Section 4, or Township 3 South, Range 3 East, Salt Lake Base & Meridian, Salt Lake County, Utah.

Grantor reserves the right to cross over or under said easement and right-of-way, to place or grant other easements along or across said easement and right-of-way, and to build upon or over said easement and right-of-way so long as such other uses do not in any way hinder or prevent Grantee's use of said easement and right-of-way for the limited purposes herein granted.

WITNESSES the hand of said Grantor, this 19th day of September, 1977.

[Signature]
JOHN D. CAHILL

STATE OF UTAH)
COUNTY OF SALT LAKE) SS

On the 19th day of September, 1977, personally appeared before me, JOHN D. CAHILL, the signer of the foregoing instrument, who duly acknowledged to me that he executed the same.

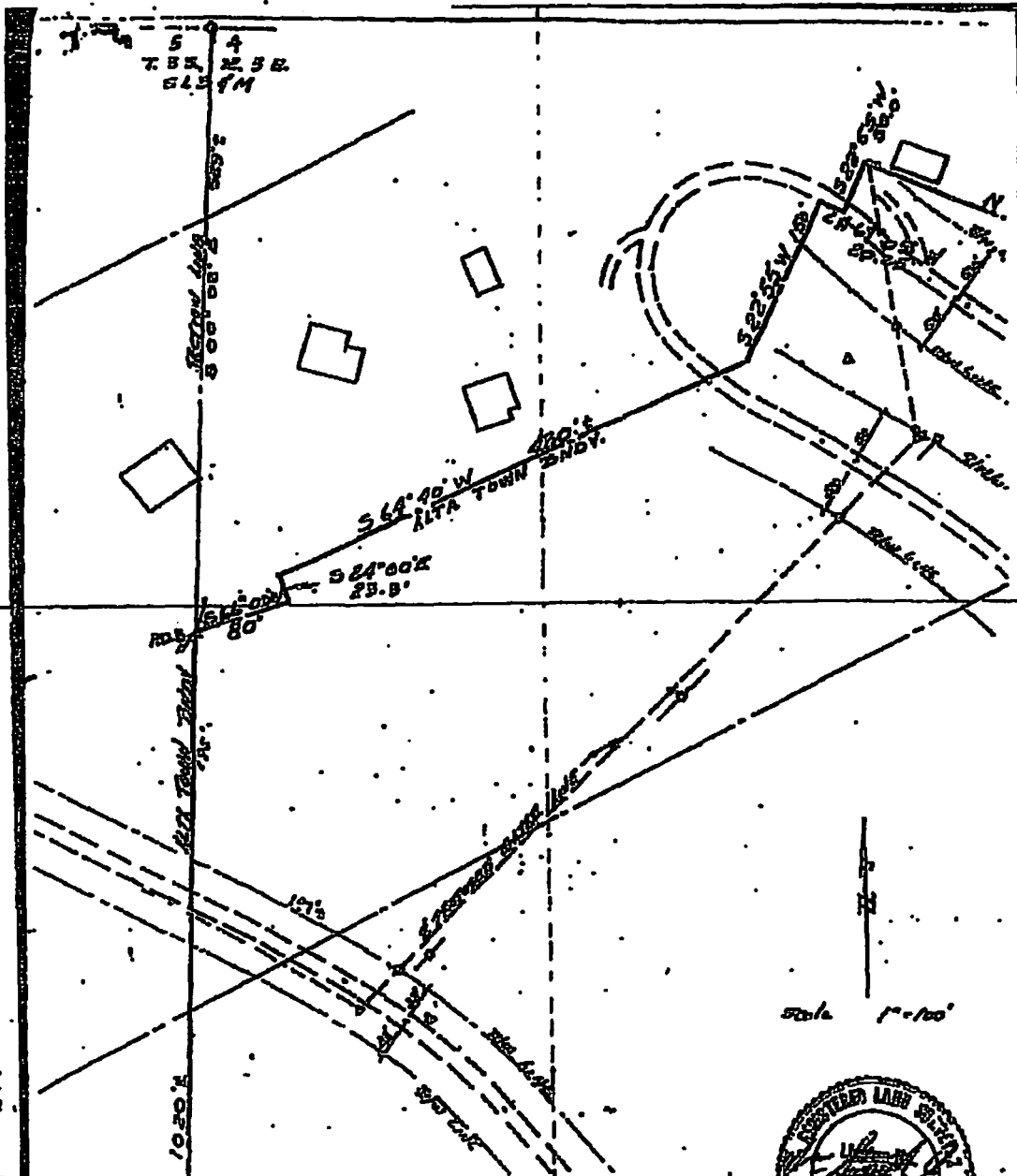
My Commission Expires:

[Signature]
Notary Public, Salt Lake County, Utah

BOOK 704 PAGE 82

WITNESSES:
[Signature]
City Records

Is Alta dishonest or just gaming the developers for "deal sweeteners"? Is this Chicago or Utah?
"In exchange for the right to connect a water line to the Culinary Water System for the Town of Alta . . . for other good and valuable consideration John D. Cahill grants Town of Alta water line easement.
Patsey Marley developer grants Alta a water line easement through its property for a water connection.
Alta runs a water line through the developer's Patsey Marley land, then says NO water connection for you.
Jody Shrontz, deceased former Alta Council member, and former Chair of Friends of Alta whose estate is suing Alta and Salt Lake City for among other things no water connection.
Alta should take the water line out and return the easement if it won't keep its word.



GENERAL LINE DESCRIPTION OF A 10 FOOT WIDE EASEMENT FOR A CULVERT UNDER WATER LINE ACROSS THE JOHN GABLER PROPERTY AS AINA, UTAH.



BEING at a point which is South 00° 00' East 724 feet, more or less, from the Northwest corner of Section 4, Township 3 South, Range 3 East, Salt Lake Base and Meridian and Southeastly 157 feet, more or less, along the Northeastly Right of Way line of a 66 Foot Wide Forest Roadway and running thence Northeastly 590 feet, more or less, parallel to and 10 feet Northeastly from the Center line of a Power and Telephone Transmission Line, to the Easterly Right of Way line of a 100 Foot Wide Forest Roadway; thence Southeastly across said Roadway 102 feet; thence North 11° 39' West 93 feet, more or less, to the Southerly Right of Way line of a 100 Foot Wide Forest Roadway; thence North 11° 39' West 185 feet across said Roadway to the Northerly Corner of the John Gabler property.

RITA TOWN BNDY.

HAIRK Exhibit B

PRESIDENT
WILLIAM H. LEVITT
BOARD OF TRUSTEES
JOHN SANNON
AN H. KAPP
CHARLES E. MORTON
JAMES R. SHANE



TOWN OF ALTA
ALTA, UTAH
84070

10 September 1977

Mr. John Cahill
Alta Peruvian Lodge
Alta Utah, 84070

Dear John:

On behalf of the Town of Alta, we hereby grant you the right and privilege to hook on and receive water from the Alta Town Culinary Water System.

This grant is for the Grizzley Gulch area and is in effect at any time you deem necessary. This right must first be cleared through the Public Works Department Alta.

For the Alta Town Board
Charles S. Eubank, Jr.
Public Works Director, Alta

cc: Alta Town Board

Now Alta says **NO** connection.
Q: What happened?
A: Now Alta has a Planning Commission packed with Salt Lake City Water Dept. "associates." **SLC has 6 of 7 Alta Planning Commission seats.** Sandy has 1 of 7 seats. SLC and Sandy control Metropolitan Water District of Salt Lake & Sandy.
Alta is not a town, but a tourist business run by self-serving non-residents controlled by Salt Lake City water department.
Former Alta employees are now employed in the Salt Lake City Public Utility Department doing "special projects."

Haik Exhibit C

FROM : ALTA

PHONE NO. : 8017421006

Feb. 09 1999 03:11PM P1

MAYOR
WILLIAM H. LAVITT
TOWN COUNCIL
ROSALEE GALE
BILL LINDEN
TOM POLLARD
JODY SHROTZ



TOWN OF ALTA
P.O. BOX 8018
ALTA, UTAH
84092-8018
TEL. (801) 383-5105 / 742-3522
FAX. (801) 742-1008

Town of Alta Facsimile

Date/Time: Tuesday, February 9, 1999

To: Joey and Duane

From: John Guldner

Re: Patsy Marley Water Contracts

Comments: Jody and Duane:

Thanks for lunch yesterday, it was nice. I'm not sure how much information you have on the water contracts involved, so I'll give you all three. The 1975 contract between Salt Lake City and individual users, including Patsy Marley, for 150,000 gallons. The 1976 contract between Salt Lake City and the Town of Alta, that's the one that says if the users in the '75 contract don't hook up to the Town system within one year, our contract would be reduced by 150,000 gallons. Finally, the 1974/5 contract between the individual users of the 1975 contract. This is the new one that we have not seen before. I got it, and my information from Salt Lake City Water on December 15, 1998. I don't have a signed/dated copy. It is Salt Lake's position that it is valid but Patsy Marley is the only user left under the contract. The gallons per minute figures in the contract are not correct. The 150,000 gallons per day of the 1975 contract is the applicable figure. The percentages are correct however, giving Patsy Marley 22% of 150,000 gallons per day, or slightly over 33,000 gallons per day. I didn't include all of the signature pages on the May 20, 1975 contract, that saved 9 fax pages and I have them if you need them. I did fax them to your lawyers though. Let me know if I can do anything else. j

"Jeff: some sort of transportation agreement w/T.O.A. S.L.C. 2,500,000 to help turn deal right side up

could structure a deal to get H2O from Bay City Tunnel w/o developing Quincy" (GRAMA by Dr. K. Tolton)

3-3-00 Chris Jeff Neumeier, Le Roy Austin, Bill Lovett, Herb Livsey was there

26.35 A. Patsey Marley 1980 annex

25.165 Tody

1.185

Tody Quincey the one western tip, serving the ski run

Water: who owns transfer w/ sale

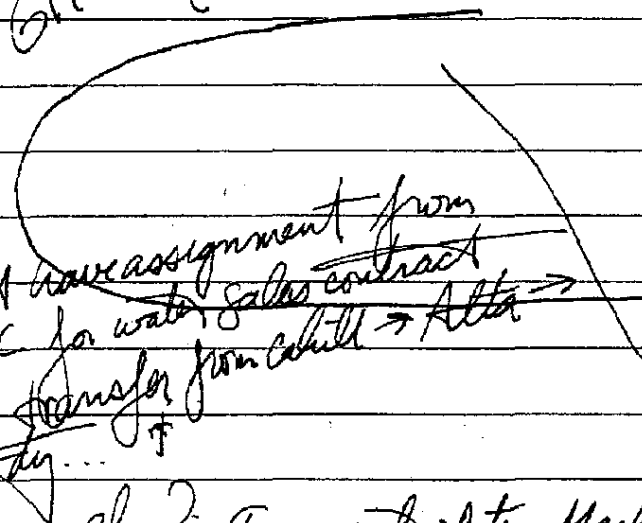
Jeff Neumeier has talked to Wendy Fisher, Steve Clyde
≈ 5A for lodge
21A totally out of development w/ SLC for Wendy Fisher

Quincy mine

Tody: doing fast on water right now
Jeff: some sort of transportation agreement w/T.O.A.

S.L.C. 2,500,000 help turn deal right side up
could structure a deal to get H2O from Bay City Tunnel w/o developing Quincy

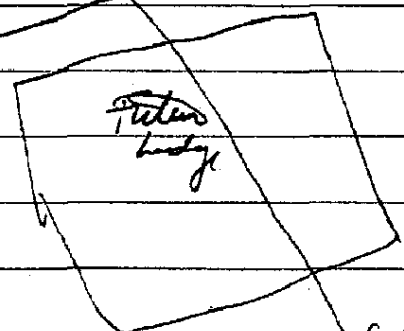
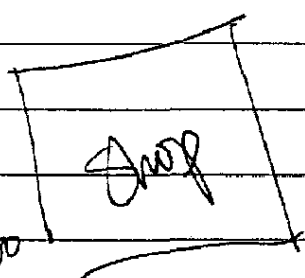
Grizzly



Jeff: must have assignment from SLC for water sales contract to transfer from Calhoun to Alta

Chris: Terminates Patsey Marley/Calhoun contract & add Patsey Marley to Alta contract
Terminate

Deal structure:
all water goes to 1976 boundary of Patsey Marley
more the performance agreement Quincy mine water into T.O.A.
still 265,000 GPD
Tody has system from Quincy that part would have to be built from



Tody: talking to Steve Jensen & working w/ company
Acres footprint = quick water power
still 60 rooms

Jed: Schwatz 742-6607

HAIR Exhibit D

3/3/00

T. Dan Golden
Ross
LeRoy
Torb
CEO
Miguel Leavitt
Jed: Schwatz
Hark
Damon

- 1. Agree on board with the concept of just the Lodge.
- 2. Wendy Foster - Utah Open Lands
- 3. We'd pay \$500,000, they would give conservation easement, get tax benefit, we'd get land, ~~we~~ they would get water from Alta.

trying to pick up Grand R no development, is very important to Shoshone - if we can't get it.

Did good job in Salmon Area.

- 4. Limited to 60 units, up Alta's consent (2000 acres).

- about 10 acres of wetlands

- 5. Leavitt would like to be involved up road up Ridge

- 6. Air quality issue? - EPA - to submit an - probably - submit it to EPA?

baseline studies being done

- 7. ASRA - recent issues

- @ SLK is being reviewed

- 8. 404 - exception for 1 acre.

Chris Bramhall: "3. We'd pay \$800,000, they would give conservation easement, get tax benefit, we'd get land, they would get water from Alta

9. We need to see request of permission to
Schmidt and I'd like to talk to me
about (Ex. B) -

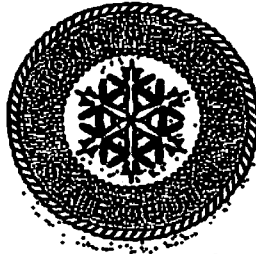
2
Reservations?

Issue is what Alko Shie with my love -
a little by love

Alko bought it, but Schmidt was wanting to come
over the bridge

10. Alko will have to be covered - but they will
need to keep the news exact (in short, summarized).

MAYOR
WILLIAM H. LEVITT
TOWN COUNCIL
ROSALEE GALE
ELEN HENDRICKSON
BOB LENNON
JUDY SHROTZ



TOWN OF ALTA
P.O. BOX 8016
ALTA, UTAH
84802-8016
TEL. (801) 363-5105 / 742-3522
FAX. (801) 742-1008

April 11, 2000

Chris Bramhall
Salt Lake City Corporation
451 South State Street, Room 505
Salt Lake City, Utah 84111

Re: Patsy Marley Area in Alta

Dear Chris:

Following, please find a brief overview of the Patsy Marley area in Alta. Patsy Marley was officially annexed to the Town of Alta in May of 1980. The area consists of 27.35 acres. When it was annexed to the Town, Patsy Marley kept the same zoning previously granted to it by Salt Lake County, FR-1. FR-1 requires one net developable acre per lot. During their review of the proposed Patsy Marley annexation, the Alta Planning Commission, in their meeting of March 12, 1980, moved to allow a minimum of 16 units as a condition of annexation. The developer would then be responsible for road extensions, sewer, water and other traditional developmental requirements. Roadway and sewer extensions are quite standard. Water is a difficult issue for areas outside of the original Town of Alta boundaries due to the Town of Alta's water agreement with Salt Lake City. Patsy Marley is different than other areas outside of the original Town boundaries because Patsy Marley has an existing water contract with Salt Lake City, source specific to the Quincy mine, which pre-dates the Town's water contract with Salt Lake City.

Attached please find, relevant portions of the Planning Commission minutes from the March 12, 1980 meeting, the Patsy Marley annexation ordinance, and sections of the 1975 water contract covering Patsy Marley for your review.

If you would like more detail, or if there is anything else I can do for you, please don't hesitate to call me.

Thank you

Sincerely,

John H. Goldner
John H. Goldner
Town of Alta

enc

sent to JKH
@ 3:01:41.00

HAIR - Exhibit F
portion

PLAN — PROFILE
ALTA ROAD 3.5 MI.
EXTENSION OF
LITTLE COTTONWOOD CANYON ROAD

PREPARED BY
WASATCH NATIONAL FOREST
AND
OFFICE OF THE COUNTY SURVEYOR
GEORGE M. HALEY COUNTY SURVEYOR

NOV. 4, 1938

SCALE: 1 INCH = 200 FEET

APPROVED

J. P. Rawlin

CHAIRMAN SALT LAKE COUNTY COMMISSION

Haik Exhibit 2

Minute Book, Board of County Commissioners, Salt Lake County. / 001

DATE FEBRUARY NOVEMBER 4TH 1938

THE BOARD OF COUNTY COMMISSIONERS, IN AND FOR SALT LAKE COUNTY, STATE OF UTAH, MET ON MONDAY, NOVEMBER 4TH, A.D. 1938, PURSUANT TO AN ORDINANCE OF SAID BOARD, NOVEMBER 2ND, A.D. 1938, AT THE HOUR OF THE 9 O'CLOCK A.M. IN THE SESSION ROOM OF THE BOARD, AT THE COUNTY COURT HOUSE, SALT LAKE CITY, SALT LAKE COUNTY, STATE OF UTAH.

MEETING { JAMES E. BARKLEY } COMMISSIONERS
JAMES E. BARKLEY
HAROLD E. WALLACE, COUNTY ATTORNEY
BY - RAY VAN COTT, JR., DEPUTY ATTORNEY
WILLIAM J. BURCH, COUNTY CLERK
BY - HERMAN J. HOGANSON, DEPUTY CLERK

Chairman James E. Barkley presided.
Commissioner Walter H. Anderson was absent

Minutes of the previous meeting were read and approved.

*** *** *** ***

Mr. C. Gordon Douglas, Attorney for the Estate of Jesse H. Smith, deceased, advised that on March 8, 1938, he paid to the County Clerk a fee of \$110.00 for the Inventory of the aforementioned estate and requested a refund of \$309.00 inasmuch as the statute regarding the graduated filing fee for the inventories of estates has been declared unconstitutional.

Mr. Harold E. Wallace, County Attorney, advised that the State Supreme Court has held that the law covering the fee for filing the inventories of estates, is unconstitutional and recommended that the Board approve the request.

Recommendation was duly made that the Board authorize the County Auditor to make a refund of \$309.00 to the Executors of the Last Will and Testament of Jesse H. Smith, deceased, and charge the same to Statutory and General Account G-1, roll was called, the vote being: Commissioner Barkley "Aye" and Commissioner Wallace "Aye".

*** *** *** ***

Mr. W. E. Carlquist, County Electrician, submitted a letter advising that at the present time Salt Lake County is paying to the Utah Power and Light Company, \$107.78 per month, which covers payment of the Copperfield and Highland Bay and Phoenix Lighting circuits service, and that upon the completion of the Big Horn Tunnel it will be necessary for the Utah Power & Light Company to purchase a transformer to furnish the lights for said tunnel and Mr. Carlquist recommended that the County purchase a transformer and other necessary materials at a cost of approx. instaly \$300.00 and furnish the above circuits with energy, thus saving the County approximately \$250.00 per year.

The matter was referred to Chairman Barkley for attention.

*** *** *** ***

The Officers of Precinct #4 at Magna, Utah, submitted a protest of the appointment of the present Chief of the Magna Fire Department.

The matter was discussed and the protest ordered filed.

*** *** *** ***

Mr. George H. Haley, County Surveyor, submitted for the Board's approval a map of the alignment and grade profile of the proposed construction of three and one half miles of road in Alta, Utah, in the vicinity of the skiing and recreational area. Mr. Haley advised that said road is to be constructed with Federal funds in cooperation with the State Road Commission, the Bureau of Public Roads and Salt Lake County.

Recommendation was duly made that the Board approve the aforementioned map and that the Chairman be authorized to sign the same, roll was called, the vote being: Commissioner Barkley "Aye" and Commissioner Wallace "Aye".

*** *** *** ***

Mr. Oscar W. Gray, Tax Advisor, submitted the following tax matters:

(1) Stating that Edward Ashton petitions in behalf of John Marshall Emerson and offers \$201.05 as payment in full for a tax due to the following described property: Lots 2, 22, 24, 26, Block 1, Lots 14, 15, 16, 17, 20, 21, 23, 25, 27, Block 2, Eastvale Add; Mr. Gray advised that the offer amounts to the full tax from 1936 to 1938 and that the petitioner is the former owner.

Roll call on the approval of the offer showed that both Commissioners voted "Aye".

*** *** *** ***

(2) Stating that Leonard Backman petitions in behalf of Ralph Bishop and offers \$200 as payment in full for a tax due to property on 728 East South Temple Street; Mr. Gray advised that from 1936 to 1938 the sum of \$448.21 has accrued against the property, that the property is in a dilapidated condition and in a poor location and that the petitioner is the son of the former owner.

The Board voted to accept the amount offered upon which roll was called and showed that both Commissioners voted "Aye".

*** *** *** ***

Haik Exhibit H

PRESTON G. PETERSON
MEMBER

EDW. E. HOWE
CHAIRMAN

W. D. HAMMOND
MEMBER



ADDRESS ALL OFFICIAL
CORRESPONDENCE TO
E. C. WRIGHT
CHIEF ENGINEER

THE STATE OF UTAH
STATE ROAD COMMISSION
SALT LAKE CITY

AGNES McNEILL
SECRETARY
E. C. WRIGHT
CHIEF ENGINEER

Jan. 7, 1937

Hon. Board of County Commissioners
Salt Lake County
Salt Lake City, Utah

W.P.S.O. 190, Little Cottonwood Canyon

Gentlemen:

Enclosed is your executed copy of Maintenance Agreement and Cooperative Agreement between the County of Salt Lake and State Road Commission pertaining to the construction and maintenance of the above project.

Yours very truly,

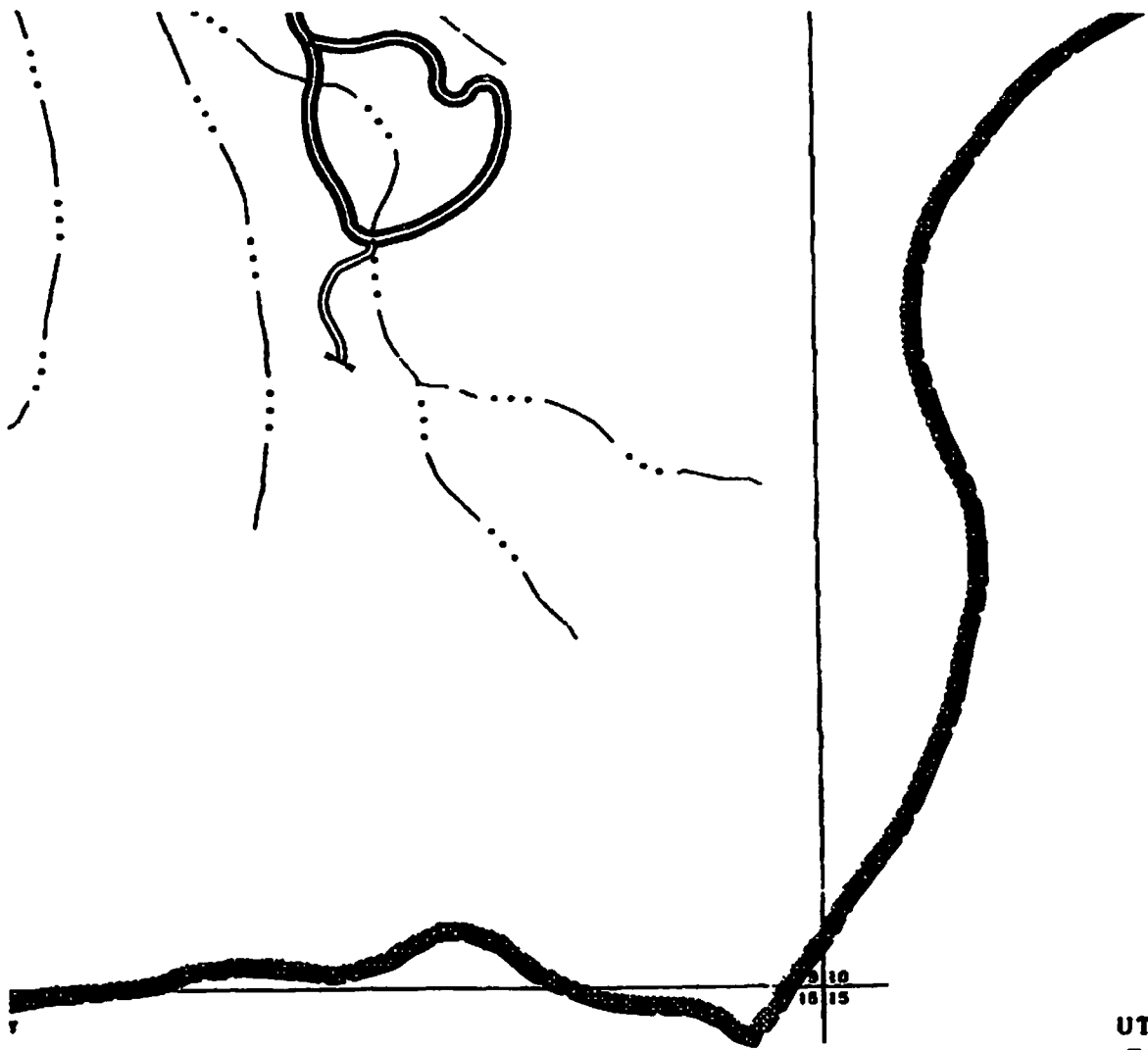
E. C. WRIGHT, Chief Engineer

By *W. D. Hammond*
Chief Draftsman

CA

Haik
Exhibit I

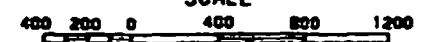
T
3
8



CITY STREET MAP
ALTA
SALT LAKE COUNTY
UTAH

PREPARED BY THE
UTAH DEPARTMENT OF TRANSPORTATION
TRANSPORTATION PLANNING DIVISION
URBAN PLANNING & CARTOGRAPHY SECTION
IN COOPERATION WITH
U. S. DEPARTMENT OF TRANSPORTATION
FEDERAL HIGHWAY ADMINISTRATION

1993
SCALE



POP. 397 1990 CENSUS

Copies of this map are available
for public use at nominal cost from
U.D.O.T.
Office of Community Relations
U.D.O.T.-D.P.S. Complex
4501 South 2700 West
Salt Lake City, Utah 84119

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