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## **Judge hands down record eminent domain judgment against UDOT**

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In one of the largest eminent domain judgments in Utah history, Third District Court Judge Todd Shaughnessy ordered the Utah Department of Transportation to pay a West Jordan City landowner \$13.09 million for taking 63 acres of land and damaging the property's value as part of UDOT's Mountain View Corridor project.

With interest from 2011, when UDOT sued to condemn the land, the total judgment entered by the court totaled \$15,014,933.

The landowner, LEJ Investments LLC, owned over 350 acres of property located between 7000 South and 7800 South and 6000 West to 6400 West in West Jordan. UDOT offered \$5.2 million for the land in 2011 and after LEJ declined to accept UDOT's offer, UDOT sued to condemn 63 acres and commenced work on the mile-long stretch of the Mountain View Corridor.

At trial, UDOT claimed that it should be required to pay only \$5.2 million for the condemned property and that LEJ had suffered no damages to its remaining property as a result of having a highway placed diagonally across the length and width of the property. In response, LEJ urged the trial court to award just compensation, not just for the value of the condemned property, but also for the harm caused to the remaining property.

Among other things, LEJ claimed that UDOT had made decisions in the alignment of the Mountain View Corridor across its property that severely restricted access on 7800 South and significantly increased potential future development costs. The trial court agreed with LEJ, awarding roughly \$9 million for the condemned property and nearly \$4 million in additional damages to the remaining property. The court also awarded LEJ interest amounting to approximately \$1.9 million.

Following the entry of judgment, UDOT requested an additional evidentiary hearing. After considering additional testimony and other evidence, on June 23, the court entered an order affirming its earlier judgment.

One of the LEJ property owners, Robert Bowman, expressed satisfaction with the result. “This property has been in our family for generations. For nearly a decade, UDOT prevented us from developing our property when and how we would have liked, and it is gratifying to see justice done. I am very grateful for the excellent work done by our legal team at Parr Brown and to the Judge for reaching a fair result.”

Justin Matkin, attorney for LEJ, was similarly pleased. “We always hope that UDOT will agree to resolve these cases without going through trial, but if they are unwilling to offer reasonable compensation to landowners, as in this case, we have to seek the help of Utah judges and juries.”

Matkin said he believes that the \$15 million judgment is one of the largest eminent domain judgments, if not the largest, in Utah history. Jonathan Hafen, lead trial counsel for LEJ, said, “After a hard-fought trial, we are very excited to get such a good result for our client.”

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