

**RESOLUTION APPROVING SETTLEMENT BY
UTAH DEPARTMENT OF TRANSPORTATION**

2001 GENERAL SESSION

STATE OF UTAH

Sponsor: Peter C. Knudson

This concurrent resolution of the Legislature and the Governor approves the legal settlement reached between the Utah Department of Transportation and Envirotech Corporation, now known as EVT Holdings, Incorporated. This concurrent resolution has an immediate effective date.

Be it resolved by the Legislature of the state of Utah, the Governor concurring therein:

WHEREAS, the Utah Department of Transportation has the statutory responsibility to condemn land for state highway purposes and, under that authority, has condemned land owned by Envirotech, now known as EVT Holdings, Incorporated;

WHEREAS, the parties have been litigating the condemnation, which eventually resulted in a Stipulation and Agreement resolving all claims;

WHEREAS, in the Stipulation and Agreement, the Utah Department of Transportation agreed to pay Envirotech Corporation the sum of \$2,208,000, on the condition that the Utah Legislature approve the settlement pursuant to Section 63-38b-104, which requires the Legislature's approval before a state agency can execute a settlement agreement that might cost government entities more than \$1 million to implement;

WHEREAS, the Stipulation and Agreement will be paid out of right-of-way acquisition funds that have already been budgeted for the Interstate 15 Reconstruction Project, thus eliminating the need for further appropriation; and

WHEREAS, a timely execution of the Stipulation and Agreement is in the best interests of the state of Utah and Envirotech Corporation:

NOW, THEREFORE, BE IT RESOLVED that the Legislature of the state of Utah, the Governor concurring therein, approves the settlement agreement that the Attorney General's Office and the Utah Department of Transportation negotiated with Envirotech Corporation, now known as EVT Holdings, Incorporated for the payment of \$2,208,000, which includes the \$208,000

previously paid by the Utah Department of Transportation to Envirotech Corporation.

NOW, THEREFORE, if approved by two-thirds of all the members elected to each house, this resolution takes effect upon approval by the governor, or the day following the constitutional time limit of Utah Constitution Article VII, Section 8, without the governor's signature, or in the case of a veto, the date of veto override.