



SPENCER J. COX
Governor

DEIDRE M. HENDERSON
Lieutenant Governor

State of Utah
Department of Commerce

OFFICE OF THE PROPERTY RIGHTS OMBUDSMAN

Request for Mediation/Arbitration and Property Owner's Statement

Please return by regular mail to:
PO Box 146702
Salt Lake City, UT 84114

Or by email to:
Email: propertyrights@utah.gov

See the attached instructions for more information and assistance in completing this form.

Name of Property Owner Requesting Mediation and/or Arbitration

Representative of Property Owner or Other Contact Person (if applicable)

Type of Representative

Mailing Address, City, State, Zip Code (of property owner or the contact person)

Telephone Number

Alternative Number

Email

What is the address of the property involved in this dispute?

What government entity is involved in this dispute?

Name of City, County, Special District, State Agency or Other Entity

Street Address, City, State, Zip Code

Agency Contact Person

Title

Telephone Number

Email

What type of dispute is it?

1. Please describe briefly and concisely what the government entity did or intends to do that will take or damage the property. Attach additional pages if necessary.

2. What compensation do you believe is due to you as a result of this action by the government entity, and why?

3. What efforts have been made to resolve the matter without involving the Ombudsman? Is there a viable hope of an informal settlement?

4. Has legal action been filed in this matter? [] Yes [] No

If a court case has been filed, attach a copy of the first page of one of the court documents that shows the names of the parties, the name of the court, the case number and the judge assigned.

I/we hereby request that the Office of the Property Rights Ombudsman provide mediation and/or arbitration of the matter(s) described in this request.

Signed:

Date: _____

Property Owner or Representative

Property Owner

If you have obtained or received documents that may assist in evaluating this request, please attach them. If you need additional help completing this form, please call the Office of the Property Rights Ombudsman.

Instructions – Request for Mediation/Arbitration and Property Owner’s Statement

This form provides the Office of the Property Rights Ombudsman ("Ombudsman's Office") with contact information as well as a brief outline of the issues involved in a property rights dispute so that the Ombudsman's Office and the government entity involved can respond to the property owner’s concerns.

In most cases, the property owner should talk to the Ombudsman's Office about his/her case before filling out this form. This will help the Ombudsman's Office determine the most efficient and effective means to assist in your matter.

- **Contact Information:** Please provide full and accurate contact information for the property owner(s) or their representatives. The owners shown on the form should be listed on the title as owners of the property. Only the current property owner may request mediation or arbitration. Any attorney or other representative may complete and submit the form on behalf of the property owner.
- **Location of Property:** The Ombudsman's Office only has jurisdiction over real property located within the state of Utah. Provide the property address (if applicable). The form may include a general description of larger tracts of land -- we will request more specifics if necessary. The property needs to be identified sufficiently so that the government entity can respond to the request.
- **Government Entity:** Specifically identify the city, county, special district, state agency, utility, or other entity involved, and provide the mailing address of its principal office. Please provide the name and contact information of the person from the agency that the Ombudsman's Office should contact about the matter.
- **Type of Dispute:** Please briefly state the type of dispute (*e.g.*, condemnation of a home or business, taking or damaging of private property, land use decision, etc.) or very briefly describe the action taken by the government that has given rise to this dispute. If we have questions about the matter, or whether involvement by the Ombudsman's Office is appropriate, we will contact you.
 1. **Describe the Government Action:** Please describe the action the government has taken that gives rise to this dispute, and how it has damaged your property or property rights. You may attach additional pages as necessary.
 2. **Compensation:** If an action by the government has resulted in a loss of your property rights, you may be entitled to compensation. Please explain why you believe the government owes you compensation. If you have an estimate or other comments on the amount of compensation the government may owe you, please explain.
 3. **Efforts to Settle:** Please describe the efforts you and the government agency have undertaken to settle the matter, and/or whether you believe you can reach a settlement. This information will help the Ombudsman's Office determine the best way to proceed.
 4. **Legal Action:** If a court case has been filed in this dispute, please attach a copy of the first page of one of the court documents. If you do not have a court document, please, to the best of your ability, provide the names of the parties, the name of the court, the case number and the judge assigned to the case.

Signature: Please be sure to sign and date the form. You do not need to provide an original signature.

Other Comments:

- If it does not appear that the law entitles you to compensation or other relief, we will contact you to discuss and clarify your situation. The Ombudsman's Office cannot proceed with your matter if applicable laws suggest you do not qualify for compensation or other relief.
- Typically, we will attempt initially to resolve your matter through mediation. In mediation, a third-party neutral assists the parties to try and reach a mutually agreed upon resolution to the dispute. No one imposes a decision on the parties. If mediation does not resolve your dispute, you could potentially proceed to arbitration, where a neutral third party will impose a non-binding decision unless the parties agreed in advance to a binding decision.
- The Ombudsman's Office attorneys act as mediators or arbitrators in disputes. **As such, they must remain neutral, and cannot represent you or any party to the dispute.** In their role, the Ombudsman's Office attorneys will endeavor to help you understand property rights law, and to assist you in resolving your case.
- The information submitted on this form along with any attachments will be given to the government entity involved for their response. After the government agency has responded, the Ombudsman's Office will contact you to discuss the next steps.
- Mediation or arbitration occurs at the option of the property owner. If you do not wish to continue with mediation or arbitration after submitting this form, you may withdraw your request at any time. Once the Ombudsman's Office receives this form and determines that mediation or arbitration is appropriate, we will proceed until the resolution of the matter or until you withdraw your request.
- Once you have submitted the form, the Ombudsman's Office may contact you to ask more questions, and the answers provided will become part of the request. In addition, we may need more information in order to determine if this matter is appropriate for mediation or arbitration.
- If the Ombudsman's Office determines it cannot proceed with your matter; you will receive an explanation for the determination.
- If we end up proceeding to arbitrate your matter, we will provide you with an outline of the arbitration procedures.
- We encourage you to have an attorney assist you in preparing this form and in considering your options in your matter. You do not need to have an attorney, however, for the Ombudsman's Office to help you with mediation or arbitration.
- If you have other questions, please call us at the number below. You may also find more information on our website: propertyrights.utah.gov.