



GARY R. HERBERT  
Governor

SPENCER J. COX  
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 or fax to:*  
Fax: (801) 530-6338  
Email: [propertyrights@utah.gov](mailto: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 - Day

\_\_\_\_\_  
Telephone - Evening

\_\_\_\_\_  
Email

**What is the location (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

\_\_\_\_\_  
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:	Form completed this day: _____
_____	_____
Property Owner or attorney	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 – Mediation/Arbitration Request and Property Owner's Statement

Office of the Property Rights Ombudsman - Utah Department of Commerce

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

**In most cases, the property owner should talk to the Office about his/her case before filling out this form.** This will help the Office determine the most efficient and effective means to complete this request.

- **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 arbitration. A representative or attorney may complete and submit the form on behalf of the property owner.

- **Location of property:** If land, the property must be within the state of Utah. Provide the address where the property is located (if applicable). Larger tracts of land can be described generally -- 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:** Identify the city, county, special district, state agency, utility, or other entity specifically, and provide the mailing address of its principal office. Please provide the name and contact information of the person from the agency that knows most 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 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 compensation is due. If you have an estimate or other comments on the amount of compensation that may be due, 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 settlement is possible. This information will help the Ombudsman 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 that document is not available, 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.

**Signature:** Please be sure to sign and date the form. It is not necessary to provide an original signature.

**Other comments:**

- The role of the Office of the Property Rights Ombudsman is to act as mediator or arbitrator in this dispute. As such, the attorneys in the Office must remain neutral, and cannot represent you or any party to the dispute. In their role as mediator, the staff of the Office will endeavor to help you understand property rights law, and to assist you to reach resolution of your case.
- The information provided on this form and any attachments to this request form will be given to the government entity involved for their response. After the government agency has responded, the Ombudsman will contact you to discuss the next steps.
- Mediation or arbitration occurs at the option of you as 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 receives this form and determines that mediation or arbitration is appropriate, we will proceed until the matter has been finalized or until notified by you that the request is withdrawn.
- Once the form is submitted, the Office may contact you to ask more questions, and the answers provided will be made part of the request. In addition, more information may be needed in order to determine if this matter is appropriate for mediation or arbitration.
- If the facts as you state them are not similar to other cases where compensation has been found to be due to a property owner, we will contact you to clarify the matter. If it is clear that in cases like yours Utah courts have not required payment of compensation by the government entity involved, then we may not be able to proceed with mediation or arbitration. If that is the decision of the Office of the Property Rights Ombudsman, you will be entitled to an explanation of the Office's reasoning.
- Mediation, where the result is based on a mutual settlement by both parties, is preferred to arbitration, where a third party neutral makes a decision for the parties. Mediation is less formal, does not involve a decision maker, and is conducted by a mediator whose role is to assist the parties in reaching a resolution. If mediation is not appropriate and arbitration is to proceed, an outline of those more formal procedures will be provided to you.
- You are encouraged to have an attorney assist you prepare this form and otherwise consider your options in this matter. It is not necessary to have an attorney in order for the Ombudsman to help you with mediation or arbitration, however.
- If you have other questions, please call us at the number below. You may also obtain more information by consulting our website: [propertyrights.utah.gov](http://propertyrights.utah.gov).