

Land Dispute Fact Sheet:

- In July 2015 City Administrator Greg Westfall had a meeting with Jerry Nelson where Mr. Nelson indicated that he knew that the fence line bordering his family's property adjacent to the Three Mile Creek Shooting Sports Complex (land deeded to the City from the State) was off a bit from the property line and suggested Perry City get the land surveyed.
- Perry City paid for a reputable survey firm to complete a survey in September 2015. The stake locations surprised both the City and the Nelson family because of how far off they were from the current fence location. The survey stakes showed that the fenced in area the Nelson family uses for cattle grazing included state owned land and a small portion of an 80 acre parcel that was deeded to Perry City from the State and is currently being used for the Three Mile Creek Shooting Sports Complex.
- Several key State officials visited the Three Mile Creek Shooting Sports Complex a few days after the survey stakes were placed. The State officials noticed the stakes and asked the City questions regarding their location.
- The disputed property is part of an 80 acre parcel of land deeded to Perry City in two separate deeds back in the 1970's and 1980's under the signatures of Governor Rampton and Governor Matheson. The deeds state if the land is not kept in public use it reverts back to State property.
- The City has asked state representatives on 4 different occasions if the land in dispute could be leased to the Nelson family or subdivided and sold to the Nelson family; all 4 times the state officials have referred back to the deed language detailing that if the land is not kept in public use it will revert back to the State. They were specific that cattle grazing did not fit public use, and the land could not be fenced off from the public access during public operating hours.
- The City officials started meeting with the Nelson family in April 2016 to try to come to a resolution concerning the property.
- Norm Nelson told the City that back in the late 1970s or early 1980s he was told that Perry City would exchange the portion of the land in dispute for some of his land along the access road.
- After the April meeting the City paid for a title search to be completed on the disputed property, it came back indicating that the City owned the property and the road accessing the property with the Title free and clear.
- During a meeting in May with the Nelson family the Nelson's produced a paper with descriptions of the property on Box Elder County letterhead, however there were no dates, signatures, or comments regarding the property descriptions.
- In May 2016 the City had a reputable firm take the descriptions from the State deeds and complete a metes and bounds on the property. The document produced showed that the land description on the original deeds from the State matched the property boundaries that were marked on the survey and listed on the title search.
- The title of the property in dispute is in Perry City's name, has been verified through a title search & survey, and it matches exactly to the description listed in the original deeds from the State deeding the land to Perry City.
- Subsequent meetings with the State have been held where the State has told the City that the land needs to remain in public use to comply with requirements of the original deed to the City for the entire 80 acre parcel.
- Despite the good faith efforts of the City to resolve the issue, the Nelson family took large equipment onto the disputed parcel and destroyed the vegetation on the parcel. It seems this was an attempt to intimidate the City and expressed their intent to not work out an amicable solution to the dispute.
- City officials met with the Nelson family in June in an effort to continue to try to work out a resolution and requested the Nelson family provide in writing what they thought would be a fair solution.
- After no response from the Nelson family the City extended a written option for resolution which included a financial compensation component in an effort to avoid a legal remedy. A requested date for response was given; no response was received from the Nelson family.
- On July 13th Perry City moved forward with legal proceedings in an effort to get the courts to weigh in on the boundary dispute.
- Perry City has a responsibility to comply with the State deed for the 80 acre parcel and maintain public access and use to the entire parcel of land. In an effort to uphold this responsibility and to retain access to the entire 80 acre parcel of land, of which tax dollars have been expended to build infrastructure designed to maintain the health and safety of the Perry residents, Perry City will continue to work toward a resolution to this dispute and with compliance to the requirements of the State deed that was given to Perry City.
- Perry City, through its legal counsel, is still willing to work with the Nelson family and hopes to accomplish a resolution as quickly as possible.