

Current Litigation – Progress Reports

Mapleton City vs. Wendell A. Gibby - Criminal Lawsuit

1. The City is prosecuting this landowner for illegally excavating and grading land within the Critical Environment (CE-1) Zone presenting unreasonable risk of erosion, flooding, or landslide along the foothill of Maple Mountain.
2. Violating the slope protection within the CE-1 Zone. A pretrial application before Judge Olsen to dismiss the prosecution was held on January 27th, 2005. The application was dismissed and the trial will be held in Mapleton Court at 10:00am on Thursday, February 10th, 2005.
3. *Update - After a 19 hour trial on Thursday, February 10, 2005 Wendell Gibby was found guilty on all three charges and is due to be sentenced on March 16, 2005 at 8:00am at the Mapleton Court.*

Mapleton City vs. Wendell A. Gibby - Civil Lawsuit

1. The City is seeking a judicial decision requiring the landowner to remove what the City considers to be an illegal fence obstructing the public right-of-way along the Bonneville Shoreline Trail. Apart from use as a recreational facility, the trail is essential for access of emergency vehicles. The City Council is seeking an order to acquire by eminent domain for the ten (10) foot wide trail along the whole length of the trail that crosses this landowner's property. It is anticipated that the trial hearing date will be held in June/July 2005, at which the Court, it is hoped, will grant the City Council's request for immediate access for emergency vehicles.

Mapleton City vs. Ensign Bickford

1. In the process of being updated.