

2001

# Jack F. Scherbel v. Salt Lake City Corporation : Reply Brief

Utah Supreme Court

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Leon A. Halgren; Attorney for Appellant.

Bruce Baird; Assistant City Attorney; Attorney for Respondent.

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UTAH SUPREME  
BRIEF

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19633

IN THE SUPREME COURT OF THE STATE OF UTAH

JACK F. SCHERBEL,

:

Plaintiff-Appellant,

:

vs.

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CASE no. 19633

SALT LAKE CITY CORPORATION,  
et al.,

:

:

Defendants-Respondents.

:

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REPLY BRIEF OF APPELLANT  
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Appeal from the Judgment of the Third  
District Court for Salt Lake County,  
Honorable Ernest F. Baldwin, Judge  
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**FILED**  
OCT 8 1987

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JACK F. SCHERBEL,

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Salt Lake City, Utah 84111

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REDUCED COPY OF PLAINTIFF'S EXHIBIT NO. 39, referred to  
in both Appellant's and Respondents' Respective Briefs,  
heretofore filed herein

1

COPY OF UTAH CODE ANNOTATED, Section 10-3-1217, entitled  
Limitations on Action and Authority of Council Members -  
Investigatory Committees

1

STATUTES CITED

Section 10-3-1217 UCA 1953, as amended

1

IN THE SUPREME COURT OF THE STATE OF UTAH

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JACK F. SCHERBEL,

Plaintiff-Appellant,

vs.

SALT LAKE CITY CORPORATION,  
et al,

Defendant-Respondents,

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:

CASE NO. 19633

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REPLY BRIEF OF APPELLANT

In the nature of a supplemental brief the Appellant respectfully submits a reduced and exact copy of Plaintiff's Exhibit No. 39, referred to numerous times in both Appellant's and Respondents' respective briefs on file herein, which copy is attached hereto and marked "Plaintiff's Exhibit No. 39".

In addition to Plaintiff's Exhibit No. 39, the Appellant, without argument, calls this Honorable Court's attention to Section 10-3-1217, UCA 1953, as amended, entitled Limitations on Actions and Authority of Council Members - Investigative Committee, which statute reads as follows:

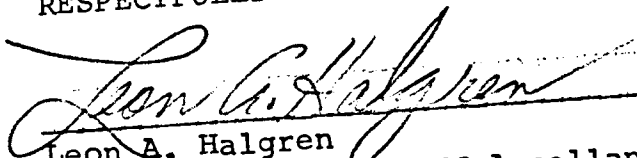
No member of the council shall direct or request, except in writing, the appointment of any person to, or his removal from office or to interfere in any way with the performance by the officers of their duties. The council shall not give orders to any subordinate of the mayor or manager either publicly or privately, but may make suggestions and recommendations. Nothing in this section shall prevent the council from appointing committees of its own members or of citizens to conduct investigations into the conduct of any officer,

department or agency of the municipal government, or any matter relating to the welfare of the municipality, and delegating to these committees such powers of inquiry as the council may deem necessary.

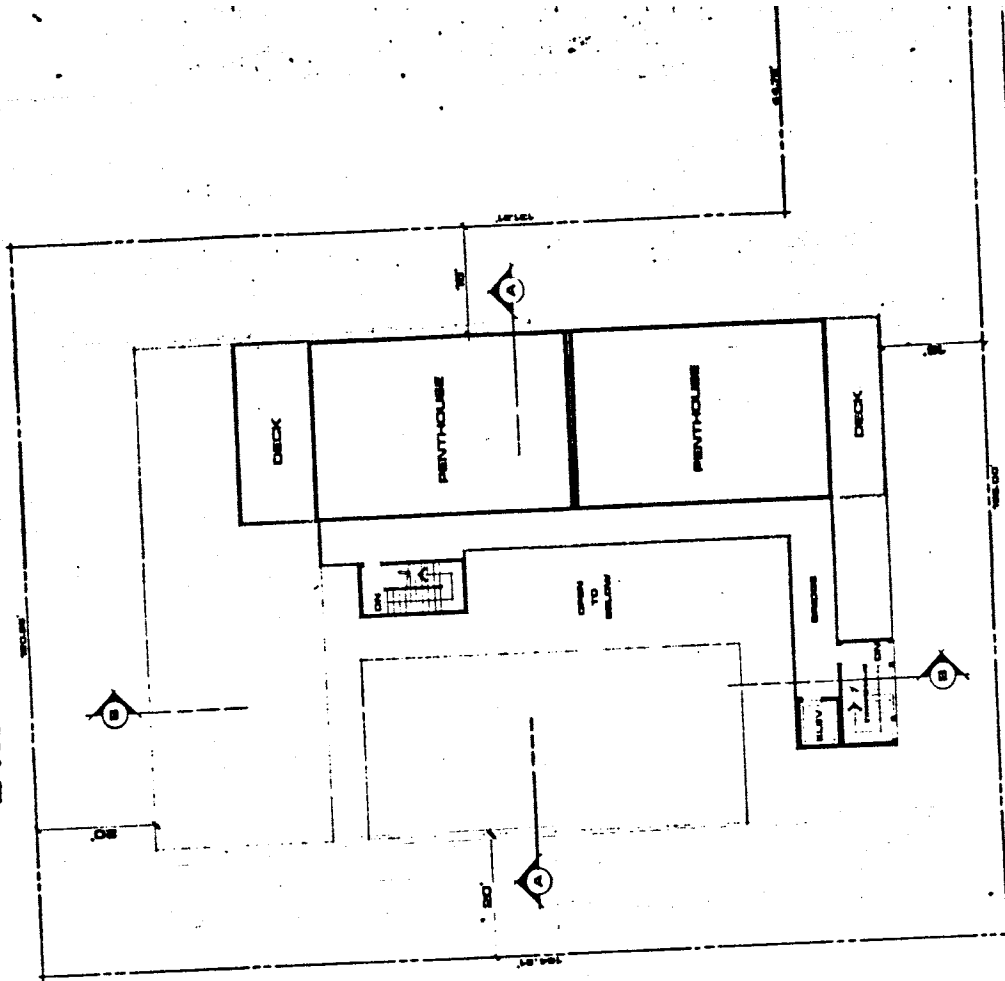
The foregoing statute, as cited, speaks for itself as its provisions may apply to the undisputed facts of this case.

Dated this 5th day of October, 1987.

RESPECTFULLY SUBMITTED

  
Leon A. Halgren  
Attorney for Plaintiff-Appellant

2 ND AVE.



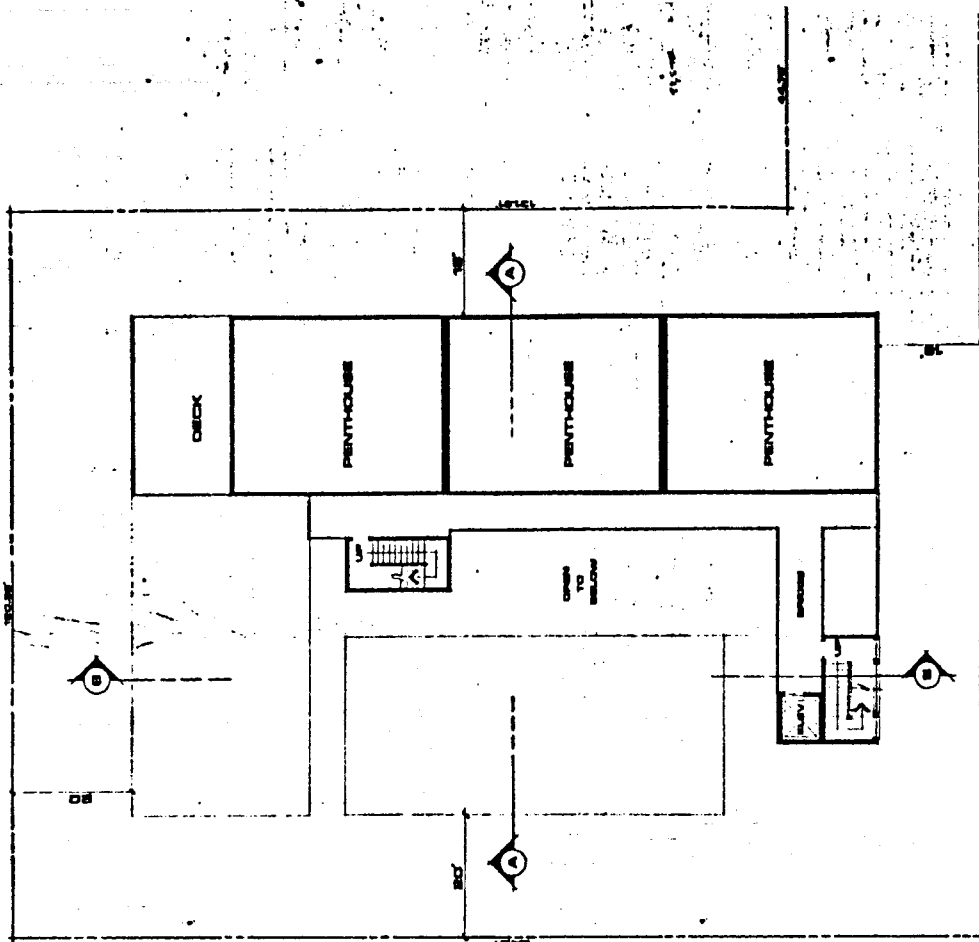
E ST.

SIXTH LEVEL  
SCALE 1/4" = 1'-0"



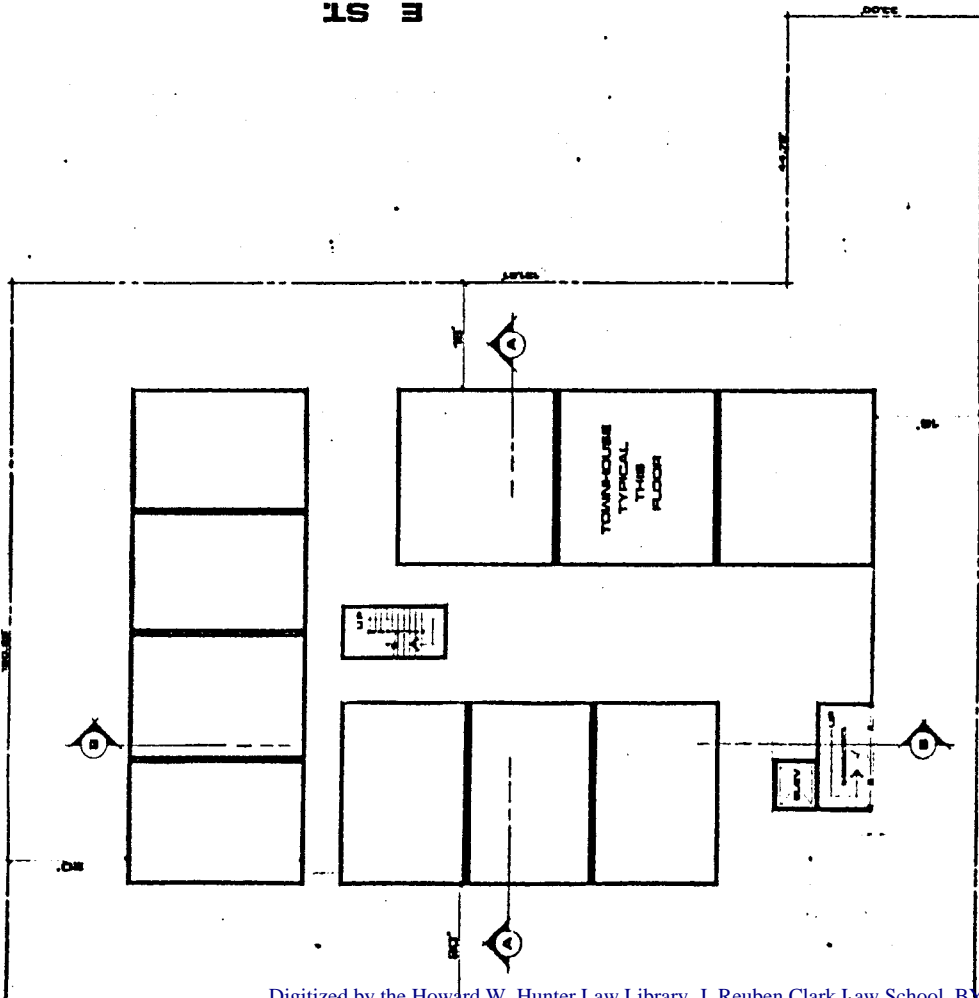
Plaintiff's Exhibit  
No 39

2 ND AVE



FIFTH LEVEL  
SCALE 1/16" = 1'-0"

2 ND AVE



FOURTH LEVEL  
SCALE 1/16" = 1'-0"

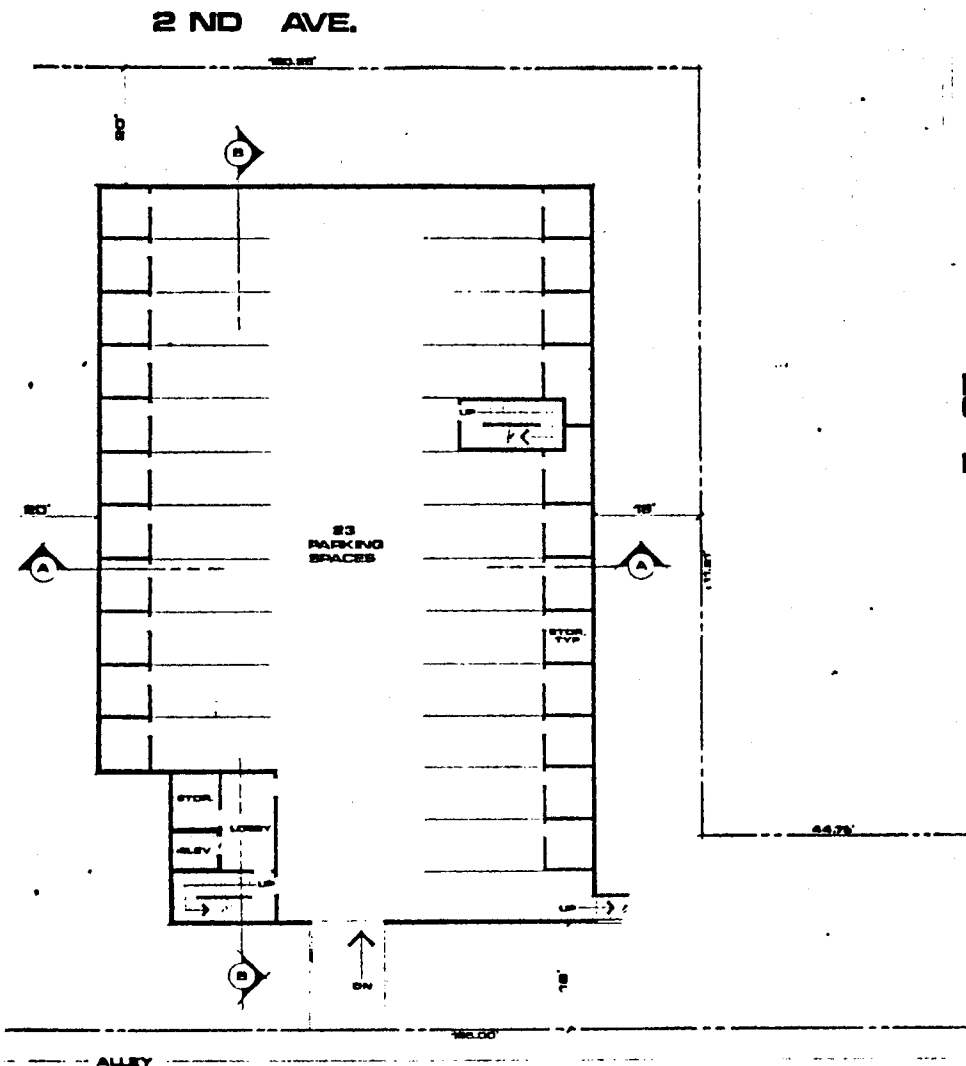




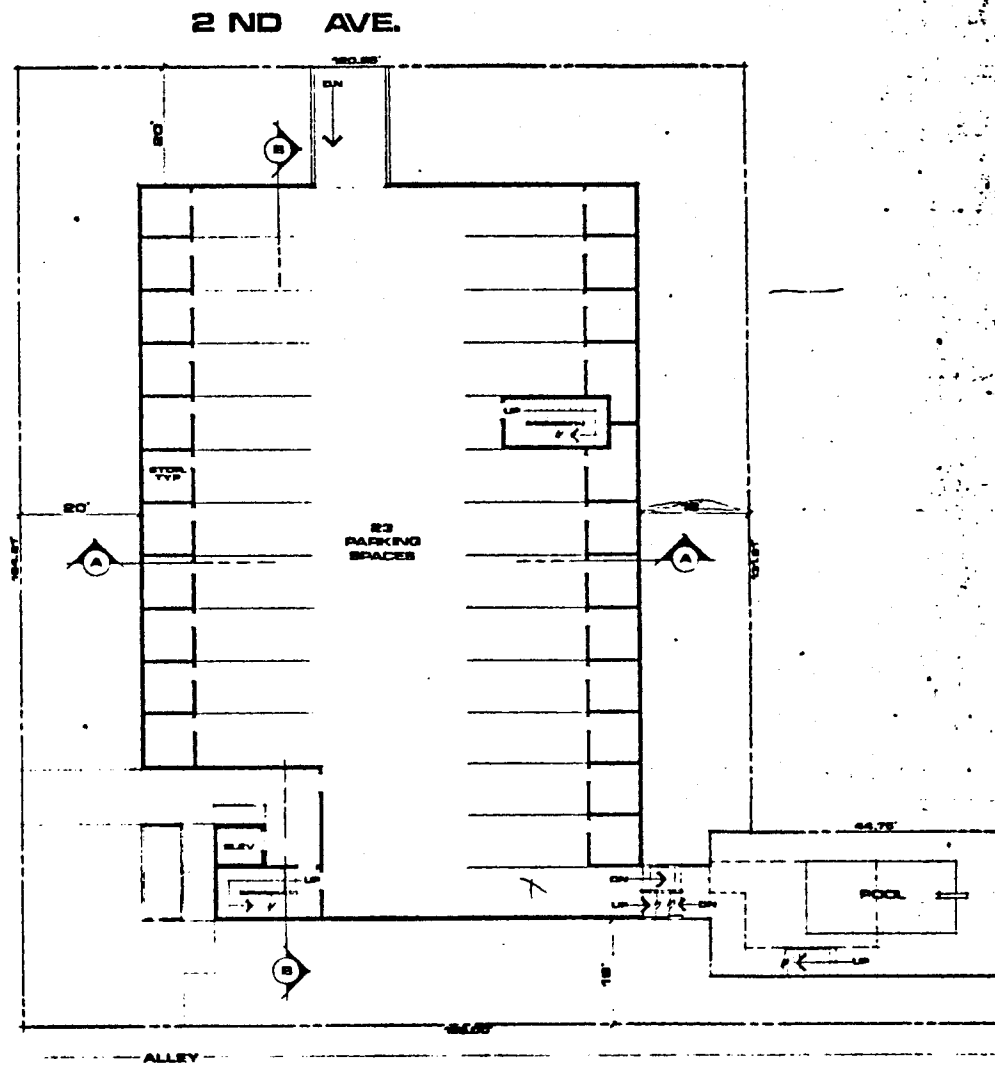
The floor plan shows a building with a central corridor labeled "OPEN". On the left side, there are three studios stacked vertically. On the right side, there are three studios stacked vertically. At the top, there are four studios in a row. At the bottom left, there is a "REAR LOBBY" area with a staircase labeled "UP". The plan includes dimensions: 20' on the left, 15' on the right, 44.75' on the bottom right, and 100.00' on the bottom. There are also labels for "2 ND AVE." at the top and "ALLEY" at the bottom. Circled letters "A" and "B" are placed at various points along the perimeter.

[illegible]

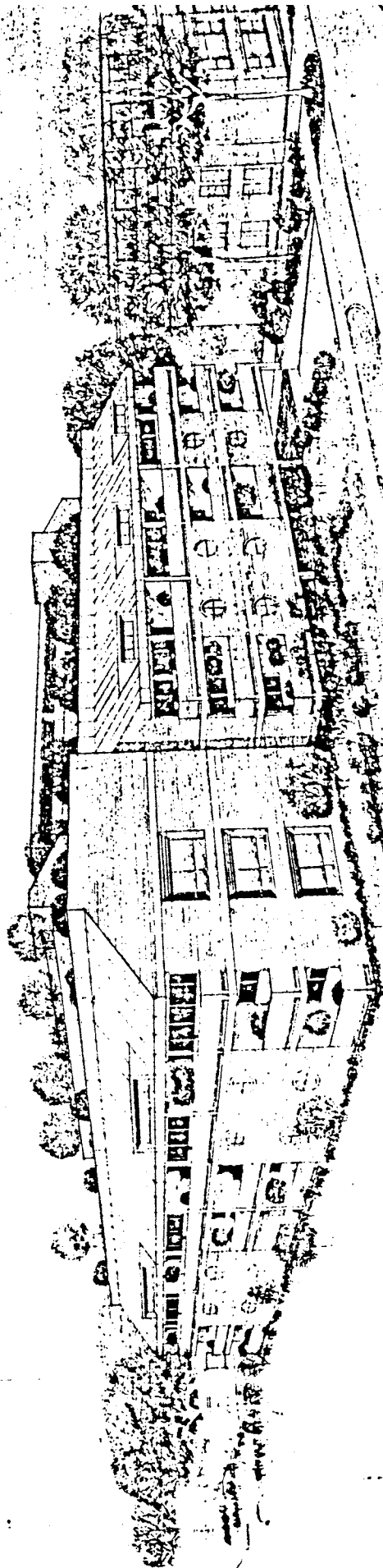
Digitized by the Howard W. Hunter Law Library, J. Reuben Clark Law School, BYU.  
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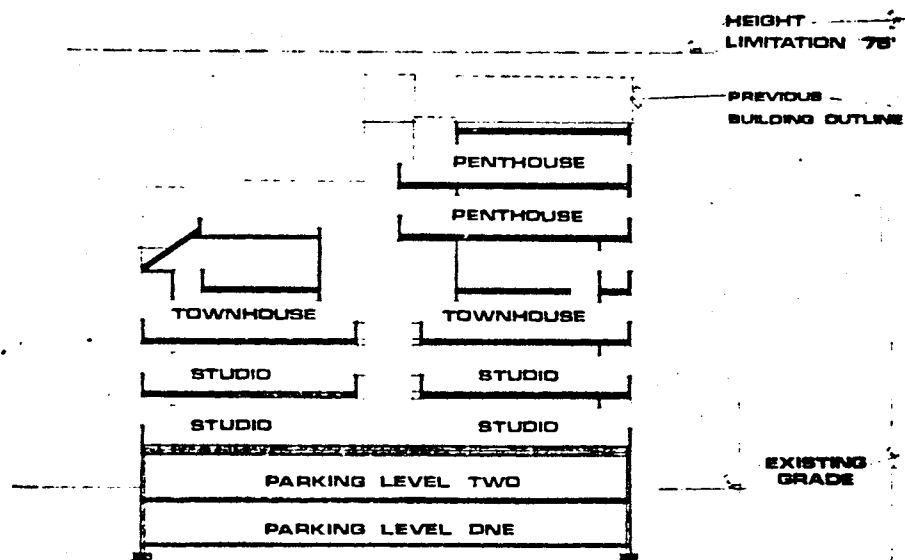
**PARKING LEVEL ONE**  
SCALE: 1" = 10'-0"



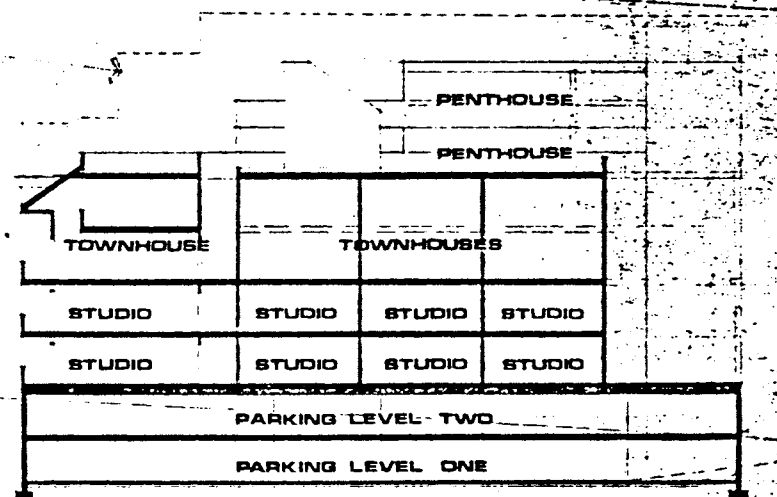
**PARKING LEVEL TWO**  
SCALE: 1" = 10'-0"



NORTHWEST VIEW

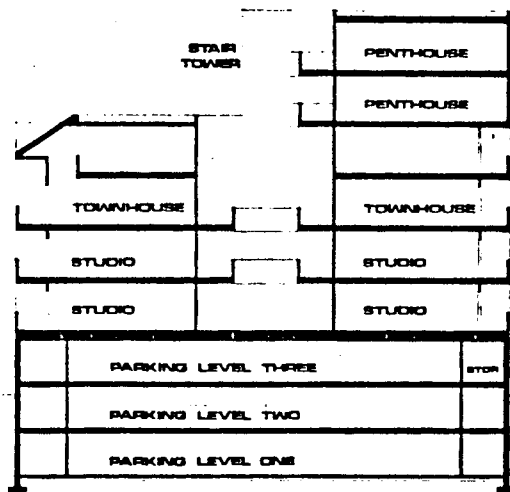


SECTION A

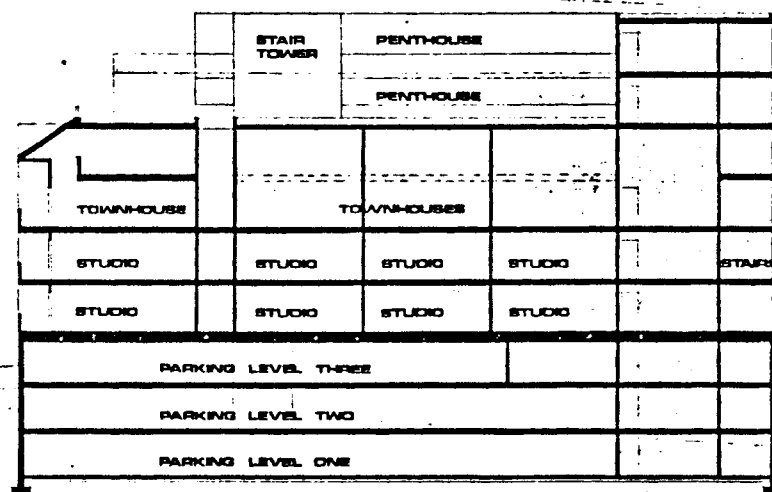


SECTION B

HEIGHT  
LIMITATION 75'

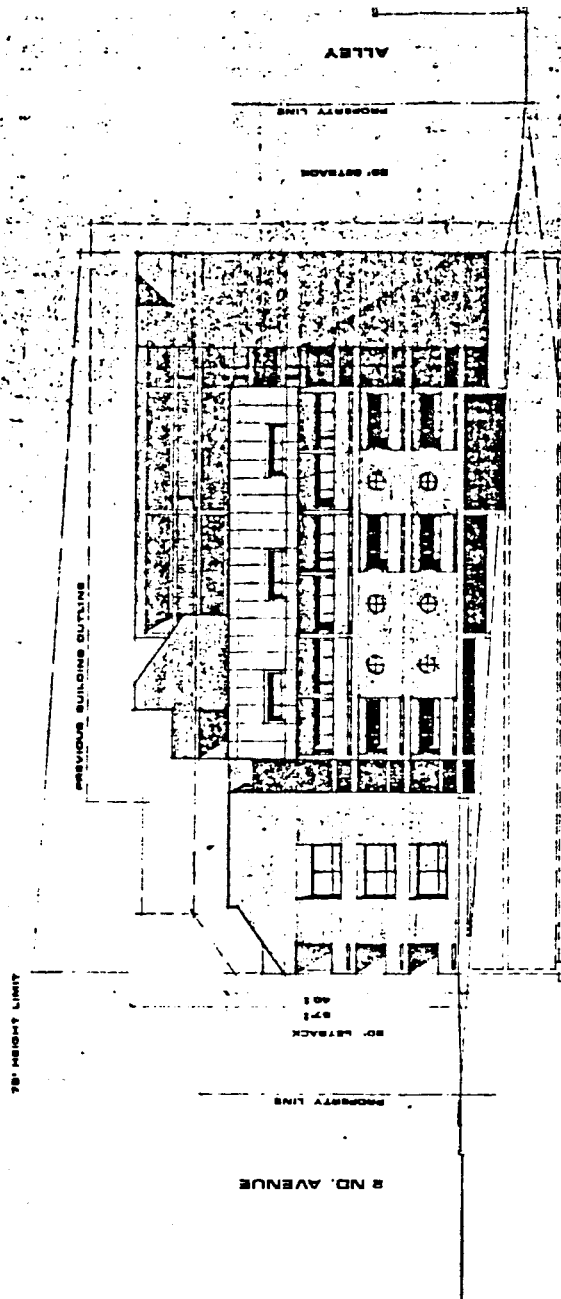


SECTION A



SECTION B





**'E' ST. ELEVATION**  
 SCALE : 1" = 10.0'