



Bryan Torgerson <bryantorgerson@utah.gov>

Bluff disconnection

15 messages

Bruce Baird <bbaird@difficultdirt.com>

Mon, Jan 30, 2023 at 12:09 PM

To: "bryantorgerson@utah.gov" <bryantorgerson@utah.gov>

Cc: "acton.eric@mwm-supply.com" <acton.eric@mwm-supply.com>

Bryan:

I am counsel for Eric Acton (Judy Lyman).

Can we talk some time about getting some SITLA property disconnected from the Town of Bluff? (Which SITLA may not even know it has property in.)

Thx. brb

Bruce R. Baird

Bruce R. Baird, PLLC

801.647.1400

Bryan Torgerson <bryantorgerson@utah.gov>

Mon, Jan 30, 2023 at 1:07 PM

To: Bruce Baird <bbaird@difficultdirt.com>

Cc: "acton.eric@mwm-supply.com" <acton.eric@mwm-supply.com>

Sure, no problem. I have some time on Thursday. However, it would be best to use my cell phone number.

Bryan W. Torgerson
School and Institutional
Trust Lands Administration
PO Box 215
Monticello, UT 84535
435-259-7417 Office
435-259-9565 Cell

Emails to and from this email address may be considered public records and thus subject to Utah GRAMA requirements.

[Quoted text hidden]

Bruce Baird <bbaird@difficultdirt.com>

Mon, Jan 30, 2023 at 1:55 PM

To: Bryan Torgerson <bryantorgerson@utah.gov>

Cc: "acton.eric@mwm-supply.com" <acton.eric@mwm-supply.com>

Thursday I land in LAX at about 230 MST. I should be to my hotel 330 MST and could call then.

brb

[Quoted text hidden]

Bryan Torgerson <bryantorgerson@utah.gov>
To: Bruce Baird <bbaired@difficultdirt.com>
Cc: "acton.eric@mwm-supply.com" <acton.eric@mwm-supply.com>

Mon, Jan 30, 2023 at 1:57 PM

That works for me.

Bryan W. Torgerson
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Trust Lands Administration
PO Box 215
Monticello, UT 84535
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435-259-9565 Cell

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[Quoted text hidden]

Bruce Baird <bbaired@difficultdirt.com>
To: Bryan Torgerson <bryantorgerson@utah.gov>
Cc: "acton.eric@mwm-supply.com" <acton.eric@mwm-supply.com>

Mon, Jan 30, 2023 at 1:58 PM

I will call you on your mobile.

[Quoted text hidden]

Bruce Baird <bbaired@difficultdirt.com>
To: Bryan Torgerson <bryantorgerson@utah.gov>
Cc: "acton.eric@mwm-supply.com" <acton.eric@mwm-supply.com>

Fri, Feb 3, 2023 at 1:21 PM

My Thursday went away in LA traffic.

Any time to talk today?

Thx. brb

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Bryan Torgerson <bryantorgerson@utah.gov>
To: Bruce Baird <bbaired@difficultdirt.com>
Cc: acton.eric@mwm-supply.com

Fri, Feb 3, 2023 at 1:32 PM

I understand.

Monday morning or late afternoon works.

Thanks,
Bryan Torgerson

On Feb 3, 2023, at 1:21 PM, Bruce Baird <bbaird@difficultdirt.com> wrote:

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Bruce Baird <bbaird@difficultdirt.com>
To: Bryan Torgerson <bryantorgerson@utah.gov>
Cc: "acton.eric@mwm-supply.com" <acton.eric@mwm-supply.com>

Sat, Feb 4, 2023 at 8:38 AM

How would 10 work?

I will call you.

[Quoted text hidden]

Bryan Torgerson <bryantorgerson@utah.gov>
To: Bruce Baird <bbaird@difficultdirt.com>
Cc: acton.eric@mwm-supply.com

Sat, Feb 4, 2023 at 8:46 AM

Yes. That will work. I have a meeting at 11:00am, but I don't imagine our discussion will be longer than an hour. See you then.

Thanks,
Bryan Torgerson

On Feb 4, 2023, at 8:38 AM, Bruce Baird <bbaird@difficultdirt.com> wrote:

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Bruce Baird <bbaird@difficultdirt.com>
To: Bryan Torgerson <bryantorgerson@utah.gov>
Cc: "acton.eric@mwm-supply.com" <acton.eric@mwm-supply.com>

Sat, Feb 4, 2023 at 8:48 AM

I couldn't talk about this for more than 15 minutes if I tried.

I'll call you at 10, Monday.

[Quoted text hidden]

Bruce Baird <bbaird@difficultdirt.com>
To: Bryan Torgerson <bryantorgerson@utah.gov>
Cc: "acton.eric@mwm-supply.com" <acton.eric@mwm-supply.com>

Tue, Feb 7, 2023 at 8:48 AM

Bryan (or is it really Brian as the Court of Appeals recently said?):

Thanks for talking with me yesterday. As you know, I represent Judy Lyman and Eric Acton regarding the disconnection of certain property currently in the Town of Bluff.

Attached you will find the Staff Report to the Town Council on the hearing for the disconnection. That Staff Report includes my letter to the Town requesting disconnection and, on page 9 of the PDF, a map of the area including the property proposed for disconnection.

As you know, the Lyman/Acton property is surrounded by SITLA properties. The SITLA properties extend to the boundaries of the Town.

As you can see from the Staff Report and the Resolution of the Town Council denying disconnection, the Town really, really, really wants to control the development of the Lyman/Acton property and, even though they have no legal right to do so, the SITLA property too. The testimony at the public hearing on the disconnection petition was even more egregious.

The current state of the law is that I likely could not force through court a disconnection of the Lyman/Acton property because it would leave an "island" of unincorporated property (i.e., the surrounding SITLA property). Section 10-2-502.7.c.

Of course, the public policy of the prohibition of leaving "islands or peninsulas" as a result of a disconnection, as described in the *Bluffdale Mountain Homes* case, 2017 UT 57, is to make sure that the costs of servicing the property by the County would not be difficult or expensive. Here, as you know, the Town does not and cannot provide any real services to either the Lyman/Acton property or to the SITLA properties. But the clear word "island" is problematic for any suit.

The Town is just using the "island" issue as a club to maintain its control over the Lyman/Acton property and, to the maximum extent that it can the SITLA properties.

On behalf of the Lyman/Acton property I hereby request that SITLA consider joining us in filing a new petition to disconnect the SITLA and Lyman/Acton property from the Town. I am sure that SITLA has long experience, as do I, of having properties subject to the tender mercies of and the screaming activists therein.

I stand ready to discuss this matter with anyone at SITLA at any time.

Thx. brb

Bruce R. Baird

Bruce R. Baird, PLLC

2150 South 1300 East, Suite 500

Salt Lake City, UT 84106

801.647.1400

2 attachments

 **lyman2resolution.pdf**
342K

 **November 28, 2022 Town of Bluff Staff Report - Judy F. Lyman Petition to Disconnect.pdf**
6325K

Bryan Torgerson <bryantorgerson@utah.gov>
To: Bruce Baird <bbaird@difficultdirt.com>
Cc: acton.eric@mwm-supply.com

Wed, Feb 8, 2023 at 10:24 AM

Bruce and Eric,

We will be discussing your request and proposal tomorrow.

The discussion is with all our top leaders and two of our main attorney's. We will be getting back to you shortly.

Thanks,
Bryan Torgerson

On Jan 30, 2023, at 12:09 PM, Bruce Baird <bbaird@difficultdirt.com> wrote:

[Quoted text hidden]

acton.eric@mwm-supply.com <acton.eric@mwm-supply.com>
To: Bryan Torgerson <bryantorgerson@utah.gov>

Wed, Feb 8, 2023 at 11:22 AM

Thank you.

Thanks,

Eric Acton

801.369.2484

Acton.Eric@mwm-supply.com



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From: Bryan Torgerson <bryantorgerson@utah.gov>
Sent: Wednesday, February 8, 2023 10:25 AM
To: Bruce Baird <bbaird@difficultdirt.com>
Cc: acton.eric@mwm-supply.com
Subject: Re: Bluff disconnection

Bruce and Eric,

[Quoted text hidden]

Bryan Torgerson <bryantorgerson@utah.gov>
To: Bruce Baird <bbaird@difficultdirt.com>
Cc: acton.eric@mwm-supply.com

Thu, Feb 9, 2023 at 10:56 AM

The internal meeting went really well this morning.

One of our attorney's will be reaching out to Bruce shortly to coordinate our mutual disconnection plans from Bluff City limits.

Thanks,

Bryan W. Torgerson
School and Institutional
Trust Lands Administration
PO Box 215
Monticello, UT 84535
435-259-7417 Office
435-259-9565 Cell

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[Quoted text hidden]

acton.eric@mwm-supply.com <acton.eric@mwm-supply.com>
To: Bryan Torgerson <bryantorgerson@utah.gov>, Bruce Baird <bbaird@difficultdirt.com>

Thu, Feb 9, 2023 at 11:08 AM

Thank you.

Thanks,

Eric Acton

801.369.2484

Acton.Eric@mwm-supply.com



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From: Bryan Torgerson <bryantorgerson@utah.gov>
Sent: Thursday, February 9, 2023 10:57 AM
To: Bruce Baird <bbaird@difficultdirt.com>
Cc: acton.eric@mwm-supply.com
Subject: Re: Bluff disconnection

The internal meeting went really well this morning.

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