



Keli Beard <kelibear@utah.gov>

Fwd: Bluff disconnection

1 message

Bryan Torgerson <bryantorgerson@utah.gov>

Wed, Feb 8, 2023 at 9:56 AM

To: Michelle Mcconkie <meastmccconkie@utah.gov>, Keli Beard <kelibear@utah.gov>, Mike Johnson <mjohnson@utah.gov>, Chris Fausett <chrisfausett@utah.gov>, Troy Herold <therold@utah.gov>

All,

Please see this email and materials from Bruce Baird. Bruce is legal counsel for Judy Lyman. They are officially requesting that we join them to disconnect from Bluff City limits. I think we should discuss this sometime and then get back to the.

Thanks,
Bryan Torgerson

Begin forwarded message:

From: Bruce Baird <bbaire@difficultdirt.com>
Date: February 7, 2023 at 8:48:22 AM MST
To: Bryan Torgerson <bryantorgerson@utah.gov>
Cc: acton.eric@mwm-supply.com
Subject: Bluff disconnection

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

TOWN OF BLUFF RESOLUTION NO. 2023-01**A RESOLUTION DENYING A PETITION FOR MUNICIPAL DISCONNECTION OF LANDS LOCATED WITHIN THE TOWN DESCRIBED AS TOWNSHIP 40 SOUTH, RANGE 22 EAST, SECTION 16.**

The Town makes the following findings in support of this resolution.

1. On July 14, 2022, Judy F. Lyman (Petitioner) submitted a petition to the Town of Bluff (the Town) seeking the disconnection of certain lands she owns from the municipal boundaries of the Town.
2. The lands owned by Petitioner are described as Section 16, Township 40 South, Range 22 East, SLM (the Property). The Property is entirely within the municipal boundaries of the Town. The Petition contained an incorrect legal description of the subject property, identifying it as "T36S, R22E, S16."
3. A public hearing was held on December 1, 2022, at which time the Town Council heard testimony from staff, the Petitioner's counsel, and members of the public. On January 10, 2023, the Council considered the matter.
4. The Property is undeveloped land totaling 640 acres and located generally in an area known as the "Bluff Bench." The Property is served by an existing Town Class C Road. The Property constitutes 2.7% of the lands within the Town, and 16.2% of the privately owned lands within the Town.
5. The Property is surrounded on all sides by lands owned by the School and Institutional Trust Lands Administration (SITLA) and the Bureau of Land Management (BLM). It is the Town's policy to assert its municipal jurisdiction, and to engage in inter-governmental dialogue and agreements with respect to all public lands within the Town, particularly when those lands are developed.
6. The Town has adopted zoning and subdivision regulations applicable within the Town generally and to the Property, which is presently zoned "A-2." The Petitioner has not sought any development approval or land use review through the Town, nor has she identified any future development plans for the Property.
7. Emergency services to the Property are currently provided by the Bluff Volunteer Fire Department, which provides fire and EMS services to all lands within the Town, and the

San Juan County Sheriff, which provides services within the Town pursuant to an agreement with the Town.

- 8. The municipal tax burdens on the Property are very minor. The Town does have a small property tax levy. Property taxes on the subject Property are \$124.12 per year, the bulk of the levy being assessed by San Juan County and the San Juan School District.
- 9. The disconnection of the Property could make it more difficult for adjacent properties on the Bluff Bench to develop. The disconnection could also negatively affect the Town in that it would remove 16.2% percent of the private land from the municipal boundaries in a community where much of the land is already owned by the state or federal governments.
- 10. The disconnection of the Property would also create an unincorporated island or peninsula in that the lands of the Petitioner would be wholly or mostly surrounded by incorporated lands, in violation of applicable law. Additionally, the burdens on the Petitioner of keeping her land within the Town appear to be minimal.
- 11. The boundaries of the Town of Bluff were created after careful study and a public process by a group of concerned citizens and stakeholders. This process culminated in the incorporation of the Town in 2018. The Council finds that: i) there is no good cause shown for the disconnection; and ii) justice and equity does not require the disconnection. The predominant position of the Petitioner, as stated by her counsel, appears to be simply that she "does not want to be part of the Town," which is not a valid cause under the applicable statute.

THEREFORE, it is resolved by a majority of the Bluff Town Council, at a regularly scheduled meeting of the Council on January 10, 2023, as follows:

The Petition for disconnection is hereby denied. This resolution shall take effect immediately upon passage.

TOWN OF BLUFF



Ann Leppanen, Mayor

January 10, 2023
Date

ATTEST:


Linda Sosa, Recorder

1-10-23
Date

-End of Document-



Staff Report to the Town of Bluff

November 28, 2022

Judy F. Lyman Petition to Disconnect

Synopsis

Petition Information

Public Hearing Date: Thursday, December 1, 2022, 5:00pm MTN

Applicant: Judy F. Lyman

Petition Request: Judy F. Lyman owns the full section of real property described as: T40S, R22E, S16, SLM (t the "Lyman Property").¹ Pursuant to Section 10-2-501, Utah Code Ann., Ms. Lyman requests that the Town of Bluff ("Bluff" or the "Town") disconnect the Lyman Property from its boundaries.

Property Information

Section, Township, Range: Sec. 16, T. 40S, R. 22E, SLM

County: San Juan, State of Utah

Zoning: A-2, Private

Existing Land Use: Undeveloped

Adjacent Land Use/Zoning

North: A-1 SITLA/A-1 BLM – Undeveloped

South: A-1 SITLA – Undeveloped

East: A-1 SITLA/A-1 BLM – Undeveloped

West: A-1 SITLA – Undeveloped

Staff Information

Prepared by: Erin Nelson, Town Manager²

Applicable Utah Code

§10-2-501. Municipal disconnection

§10-2-502.5. Hearing on request for disconnection

§10-2-502.7. Court action.

Summary

Petition Letter

On July 14, 2022, members of the Bluff Town Council received, via first class mail as well as certified mail, eight identical letters from Mr. Bruce Baird representing Judy F. Lyman. The letter, attached in Appendix A, is a petition to disconnect Judy Lyman's real property pursuant to Utah Code Section 10-2-501. This document is the staff summary provided to the Town Council concurrent with the public hearing.

Property and Zoning Information

The real property owned by Judy Lyman is 640 acres, equivalent to one (1) square mile of land, located in the northeastern quadrant of incorporated Bluff. The land is located on what is commonly known as the "Bluff Bench" north of Highway 163 (also known as the Bluff Bench Road), and East of Highway 191. Ms. Lyman acquired the property with her late husband, Edward Nielson Lyman, by deed in 2012. See Appendix F.

Bluff incorporated land totals 23,696.76 acres, equivalent to approximately 37.026 square miles. Judy Lyman's property represents 2.7 percent of the total incorporated land, and approximately 16.20 percent (+/- 0.7 percent) of the privately owned land in Bluff. See Appendix E for additional land ownership

¹ The Lyman petition incorrectly identifies the property as "T36S, R22E, S16."

² The Town Attorney has provided relevant citations to legal provisions to aid the Council.

information.

The proposed land for disconnect is currently Zoned Agricultural 2 (A-2) and is subject to *Town of Bluff Amended Ordinance #2022 – 4-10: An Amended Ordinance Adopting Zoning Provisions, and Officially Zoning Map, Non-Conforming Use Provisions, Home Occupation Provisions, and Site Plan Process, Sign Regulations, and Appeal Provisions*, as well as all Town Ordinances passed since incorporation in 2018. Allowed uses in the A-2 zoning district include, among other things, agriculture, ranching, single family dwellings, and accessory dwellings and structures. Bluff Mun. Code, Section 6.01.070. Any changes to zoning would require a text amendment or a map amendment, as provided by Town ordinances.

Town Services and Property Attributes

The Town provides the following services, and the Lyman Property has the attributes as described below:

- a. **Road maintenance:** The Class C Road accessing the Judy Lyman property from Highway 191 was recently graded in September of 2022. The Town provides road maintenance and snow plowing as needed on all Class C roads, subject to need and available funding.
- b. **Wildland Fire Protection Insurance:** The Bluff Volunteer Fire Department carries Wildland Fire Protection insurance for the entire 37 incorporated miles of the township, including lands owned by the Bureau of Land Management (BLM), Utah School and Institutional Trust Lands Administration (SITLA), and private property, including the Lyman property. The premium for the insurance is calculated based on the total incorporated land, not just developed land. The Bluff Volunteer Fire Department would provide wildland fire response services in the event of an emergency on the Lyman Property.
- c. **Fire/EMS Services:** The Bluff Volunteer Fire Department is the closest responding agency for fire and EMS services and would provide those services on the Lyman Property in the event of a call.
- d. **Law Enforcement:** The Town has entered into an intergovernmental agreement (IGA) with San Juan County, which calls for Sheriff's Department response to calls for service within the Town. Calls for service on the Lyman Property would be covered by the IGA.
- e. **Culinary Water:** The Town owns water rights for various wells and culinary water service is provided by the Bluff Water Works, which manages the culinary water system. The Lyman Property could receive culinary water service when or if it develops.
- f. **Sanitary Sewer:** All developed properties within the Town process wastewater via individual septic systems that are approved by the San Juan County Health Department. Town ordinances require health department approval of septic systems, and development on the Lyman Property would require similar approval.
- g. **Electricity:** Rocky Mountain Power provides electrical service within the Town. Development on the Lyman Property would require the owner to contract for a service extension from Rocky Mountain Power.
- h. **Telecommunications:** The Town has entered into a franchise agreement with Emery Telcom for the provision of telecommunication services within the Town. Development on the Lyman Property would receive telecommunications services from Emery Telcom.
- i. **Municipal Regulations:** Since incorporation in 2018, the Town has enacted various ordinances establishing zoning (Ord. 2022-3-5, as amended); regulating subdivisions (Ord. 2019-5b-9); regulating business activities (Ord. 2019-15-10); and the like. Generally, it is the obligation of the developer to provide and dedicate to the Town the infrastructure needed to serve any new development. See e.g., Bluff Mun. Code, Section 6.50.060 (requiring developer to dedicate improvements to the Town) Ms. Lyman has not sought any development approvals from the Town with respect to subject Lyman Property.
- j. **Taxation.** The Town has enacted and collects sales taxes on business activities. There is also a small property tax levy. The annual real property tax bill for the Lyman Property, which includes county, school district, Town, and other tax increments, is \$124.12 See Appendix G (San Juan County Tax Roll Master Record).

Analysis

The Town is required to hold a public hearing and receive testimony and information about the petition. It must act on the petition for disconnection within 45 days of the completion of the public hearing. U.C.A. 10-2-502.5(3) and (4). Under Utah Code 10-2-502.7, the burden of proof is on the petitioner to prove:

- a. “The viability of the disconnection;
- b. that justice and equity require that the territory be disconnected from the municipality;
- c. that the proposed disconnection will not: i) leave the municipality with an area within its boundaries for which the cost, requirements, or other burdens of providing municipal services would materially increase over previous years; ii) make it economically or practically unfeasible for the municipality to continue to function as a municipality; or iii) leave or create one or more islands or peninsulas of unincorporated territory; and
- d. that the county in which the area proposed for disconnection is located is capable, in a cost-effective manner and without materially increasing the county's costs of providing municipal services, of providing to the area the services that the municipality will no longer provide to the area due to the disconnection.”

Islands or Peninsulas

The creation of an island of unincorporated territory as a result of disconnection is clearly impermissible because it leads to irregular municipal boundaries which disrupts, impairs, or inhibits the municipality's ability to provide services to adjacent properties. *Bluffdale Mountain Homes, LC, v. Bluffdale City*, 167 P.3d 1016 ¶¶ 63-65 (Utah Sup. Ct. 2007). If a disconnection would lead to an island of unincorporated territory surrounded by incorporated lands, then the petition must be rejected without evaluation of costs or other factors. *Id.*

The same analysis applies if the disconnection would result in the creation of a “peninsula” of unincorporated territory substantially surrounded by incorporated lands within municipal boundaries. In the context of municipal boundaries, a “peninsula” is defined as:

“...an area surrounded on more than ½ of its boundary distance, but not completely, by incorporated territory and situated so that the length of a line drawn across the unincorporated area from an incorporated area to an incorporated area on the opposite side shall be less than 25% of the total aggregate boundaries of the unincorporated area.” U.C.A. 10-1-104.

The term “incorporated” means lands within a municipality and the term “unincorporated” means outside of a municipality. See U.C.A. 10-2A-106 (a contiguous area of a county may incorporate as a municipality as provided in this chapter).

The incorporation map of the Town of Bluff, Appendix B, shows that all of the lands surrounding the Lyman Property (Section 16) are incorporated into the Town limits. The land adjacent to the Lyman Property is primarily School and Institutional Trust Lands Administration (“SITLA”) lands subject to the A-1 zoning district. See Appendix C and D. The northeast corner of the Lyman Property abuts Bureau of Land Management (BLM) which is also zoned A-1. See Appendix C and D.

Under the language of the disconnection statute the granting of the petition would create an “island” of unincorporated land surrounded on all sides by incorporated territory. Granting of the petition may also create a “peninsula” of unincorporated territory (the Lyman Property) mostly surrounded by incorporated lands owned by SITLA, and a small area managed by the BLM.

The Petitioner asserts that granting the petition as to the Lyman Property will not create an unincorporated island or peninsula, “...given that it is surrounded on all sides by SITLA.” Petition, P. 2. This position appears to assume that the Town can never assert municipal powers against any of the adjacent lands. It is the general policy of the Town that it will attempt to exercise its governmental

powers to influence management of public lands within the Town. Per the Town of Bluff General Plan, under *Section 1: Land Use, Public Land, Planning Assumptions, Item 2*: “Town of Bluff government may exercise influence over how Public Lands are used.” Additionally, pursuant to Bluff Mun. Code Section 6.01.020(K) it states:

“...the Town expresses the policy that public lands and state administered lands within Town limits should be developed in a manner that is consistent with the ordinance and advisory documents of the Town. The Town will engage in dialogue and pursue agreements with public and state agencies to assure that public and state lands within the Town are developed in a manner that benefits the Town and the public interest.”

SITLA currently manages approximately 8,811.18 acres within incorporated Bluff. SITLA land is used to generate revenue through energy and mineral leases, rent, and royalties; real estate development and sales; and surface estate sales, leases, and easements. At any given time, the SITLA land bordering approximately 81.25% of the Lyman Property could be transferred to a private entity and would be directly subject to Bluff’s municipal jurisdiction. While there are restrictions on the assertion of local government authority on state lands, those lands will be subject to Town regulations when transferred into private ownership.

Policies enacted by SITLA make clear that it intends to develop the lands that it manages to maximize revenue payable to the state, either through sale, joint venture, or otherwise. See SITLA Policy Statements 2012-01 (all blocks of land are generally available for revenue generating purposes through sale, lease, or exchange) (Appendix F); SITLA Policy Statement 2008-01 (governing development program activities and joint ventures in land development) (Appendix G). Additionally, SITLA has directed that its staff is “authorized and encouraged to be involved in any joint planning efforts conducted” by local governments and other agencies so as to avoid negative effects on SITLA lands. SITLA Policy 2005-01 (Appendix H). Disconnection of the Lyman Property could impair the ability to develop other lands on the Bluff Bench due to the presence of a large unincorporated tract which would impair future roads, utility extensions, and other services required for further development, including on adjacent SITLA lands.

Other Factors

The Council may also weigh³: i) “whether justice and equity” require the Lyman Property to be disconnect; ii) the viability of the disconnection; iii) whether disconnection will increase the burdens of providing services in the Town; iv) whether the disconnection would make it unfeasible for the municipality to continue to function; or v) that the county is capable of providing to the disconnection area the services formerly provided by the local government without increasing county’s costs of services. These criteria necessarily require the Town to weigh “all relevant factors,” including the effect of the disconnection on:

1. the municipality as a whole;
2. adjoining property owners;
3. existing or projected streets or public ways;
4. water mains and water services;
5. sewer mains and sewer services;
6. law enforcement;
7. zoning; and
8. other municipal services.

³ The statute, U.C.A. 10-2-502.7, provides that the petitioner in a lawsuit challenging a denial of a petition has the burden of proving that it has met the statutory factors. In determining whether the petitioner has met its burden, the statute tasks the court with weighing eight relevant factors described below. These factors may also guide the Council decision here.

The Town Council may wish to consider the following additional points.

The petition notes that the Lyman Property is vacant. The petitioner has never come to the Town seeking any type of development approval. The burdens of being in the Town seem to be slight, and petitioner has not pointed to any conduct or behavior on the part of Town officials that she regards to be either unjust or unfair.

Municipal services within Bluff are generally quite limited by urban standards, both for developed and undeveloped areas. Levels of service could change over time or with future growth. The Lyman Property has not sought or been denied access to services, nor is it prevented from enjoying services uniformly provided to other parcels within the Town.

As noted above, disconnection could make it more difficult or costly to provide services to other areas of the Bluff Bench when or if those areas develop. This could affect water line extensions, public road networks, or the like.

It is unknown if Lyman Property will develop, but the Town should assume that the area might be developed in some fashion as the Town grows. Any future development should probably be part of the Town, given the Bluff Bench area's proximity at the east end of the Town and the absence of other municipalities abutting the Lyman Property.

It is difficult to evaluate the financial impacts of disconnection in the absence of any information as to future development plans for the Lyman Property.

It is unknown if there would be any services cost increase to San Juan County if the Lyman Property disconnects. Future cost increases are unknown due to the lack of any information as to future development plans.

The disconnection of the Lyman Property, which comprises 16.2% of all private lands within the present Bluff limits, could impact the future municipal tax base and/or the ability of the Town to grow in the future. This is a potential impact to Bluff as a whole.

Noticing Compliance

A hearing for this item before the Town of Bluff has been posted for public notice in compliance with §10-2-502.5 in the following manners:

- Posted on the Town of Bluff Website November 10, 2022
- Posted on the Utah Public Notice Website November 10, 2022
- Published in the San Juan Record on November 16 and November 23, 2022

Staff Recommendation

Staff recommends the Bluff Town Council review the comments and evidence obtained before and during the Public Hearing, held on December 1, 2022. Within 45 days of the hearing, the council is required to vote to grant or deny the application to disconnect the Lyman Property described as T40S, R22E, S16.

Exhibits

- Appendix A: Letter from Bruce Baird; RE: Petition for Disconnection pursuant to Section 10-2-501
Judy F. Lyman
- Appendix B: Town of Bluff Incorporated Final Entity Plat Map – February 2019
- Appendix C: Town of Bluff Zoning Map
- Appendix D: BLM Utah Map
- Appendix E: Land Use Charts
- Appendix F: Deed to Lyman Property
- Appendix G: Lyman Parcel Tax Master Record
- Appendix H: SITLA Policy 2012-01
- Appendix I: SITLA Policy 2008-01
- Appendix J: SITLA Policy 2005-01

The published ordinances of the Town of Bluff are incorporated by reference. They may be found at:
www.townofbluff.org.

-End of Document-

BRUCE R. BAIRD PLLC

ATTORNEY AND COUNSELOR

2150 SOUTH 1300 EAST, FIFTH FLOOR

SALT LAKE CITY, UTAH 84106

TELEPHONE (801) 328-1400

BBAIRD@DIFFICULTDIRT.COM

July 11, 2022

VIA CERTIFIED MAIL AND FIRST-CLASS MAIL

Hon. Ann K. Leppanen, Mayor
Town of Bluff
190 North 3rd East, Office 1
PO Box 324
Bluff, UT 84512

Hon. Ann K. Leppanen, Mayor
Town of Bluff
PO Box 175
Bluff, UT 84512

Hon. Jim Sayers, Council Member
Town of Bluff
190 North 3rd East, Office 1
PO Box 324
Bluff, UT 84512

Hon. Luanne Hook, Council Member
Town of Bluff
190 North 3rd East, Office 1
PO Box 324
Bluff, UT 84512

Hon. Brant Murray, Council Member
Town of Bluff
190 North 3rd East, Office 1
PO Box 324
Bluff, UT 84512

Hon. Linda Sosa, Council Member
Town of Bluff
190 North 3rd East, Office 1
PO Box 324
Bluff, UT 84512

**Re: Petition for Disconnection Pursuant to Section 10-2-501
Judy F. Lyman**

Dear Mayor Leppanen and Members of the Town Council:

I am counsel for Judy F. Lyman ("Lyman"). Lyman owns the full section of real property described as T36S, R22E, S16 ("Disconnection Property"). Pursuant to Section 10-2-501, Utah Code Ann., Lyman hereby requests that the Town of Bluff ("Bluff") disconnect the Disconnection Property from its boundaries.

The address for Lyman is 363 S 100 E Blanding UT 84511. Lyman owns 100% of the Disconnection Property. This letter is countersigned by Ms. Lyman who is the owner of the Disconnection Property. This information satisfies the requirements of Section 10-2-501(2)(b)(i). Mr. Eric Acton is hereby designated as the person with authority to act on behalf of Lyman. Mr. Acton's address is 2002 N Reservoir Rd Blanding UT 84511. That information satisfies the requirements of Section 10-2-501(2)(b)(iv). Please direct any future correspondence regarding this matter to Mr. Acton and please copy me on all such correspondence.

Attached is a map of the proposed disconnection which satisfies the requirements of

Hon. Mayor Leppanen and Members of the Town Council
 July 11, 2022
 Page 2

Section 10-2-501(2)(b)(iii).

The disconnection is proposed because the Disconnection Property cannot be served by Bluff with any municipal services. The Disconnection Property is currently vacant land surrounded by State (SITLA) property. The Disconnection Property as disconnected would be "viable" in that it would get the very minimal services that San Juan County has previously provided. Justice and equity require the disconnection. The proposed disconnection will not leave the municipality with an area within its boundaries for which the cost, requirements, or other burdens of providing municipal services would materially increase over previous years (which is obviously true as no such services have or will be provided). The proposed disconnection will not make it economically or practically unfeasible for the municipality to continue to function as a municipality (which is obviously true as the taxes generated for Bluff by the Disconnection Property are miniscule). The proposed disconnection will not leave or create one or more islands or peninsulas of unincorporated territory given that it is surrounded on all sides by SITLA.

Further, the proposed disconnection will have no adverse effect on: (a) the municipality or community as a whole; (b) adjoining property owners (the State of Utah and the United States of America); (c) existing or projected streets or public ways (since there are none); (d) water mains and water services (since there are none); (e) sewer mains and sewer services (since there are none); (f) law enforcement (since there is none); (g) zoning (since there is none); or (h) other municipal services (since there are none).

Simply put, if Bluff does not allow the Disconnection Property to disconnect peacefully then Lyman will file suit in District Court to force the disconnection. Bluff will lose that suit and the Disconnection Property will be disconnected but only after Bluff has wasted a fortune on attorney's fees. Based on *Bluffdale Mountain Homes v Bluffdale City*, 2007 UT 57, a copy of which I sent you with a prior disconnection request several years ago I am about as certain of that outcome as I can possibly be. Lyman does not want to litigate this matter but will do so if she has to.

Upon filing this request for disconnection, Lyman will promptly cause notice of the request to be published once a week for three consecutive weeks in a newspaper of general circulation within the municipality (the *San Juan Record*) and in accordance with Section 45-1-101, Utah Code Ann., for three weeks. Lyman will also mail notice to itself and will also deliver a copy to the San Juan County Commission.

Section 10-2-501(3) was amended this year by the Legislature but those amendments did not fix the problem that I had pointed out to the Legislature about some other noticing requirements. Frankly, subsections 3(b) and (f) make no sense at all. Lyman does not have access to the Utah Public Notice Website and Lyman also has no access to the Town's website. Therefore, when the Town sets the hearing on this request I would ask the Town to fulfill those requirements that Lyman cannot do. As soon as the hearing is set and we are notified of the date Lyman will comply with the notice requirements of Section 10-2-501(3)(a)(i), (c), (d) and (e).

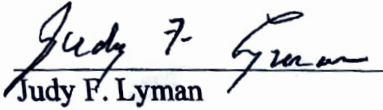
Hon. Mayor Leppanen and Members of the Town Council
July 11, 2022
Page 3

I look forward to coordinating with you for the hearing required by Section 10-2-502.5,
Utah Code Ann. Please contact me if you have any questions.

Sincerely,

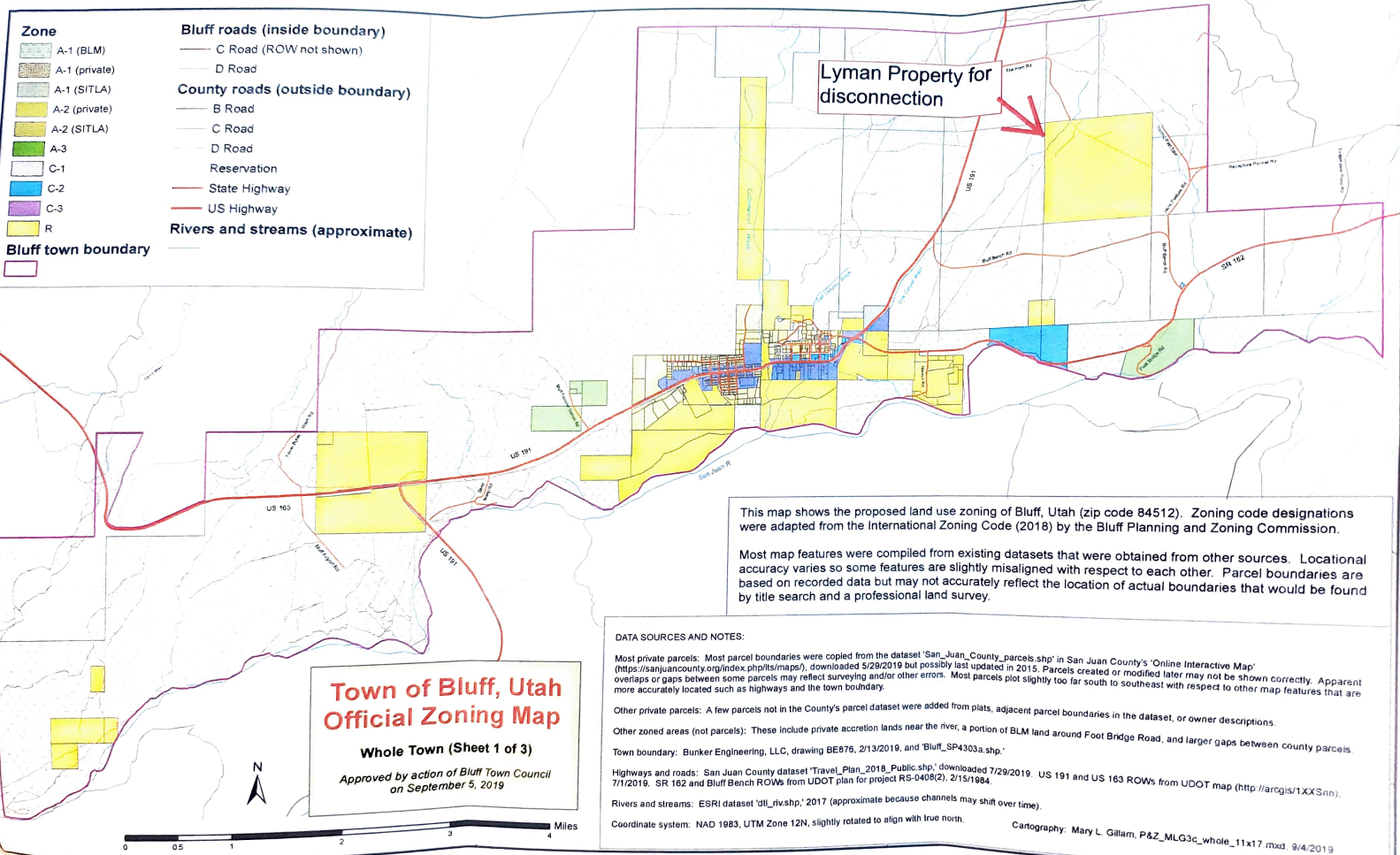


Bruce R. Baird



Judy F. Lyman

cc: Client
Mr. Eric Acton



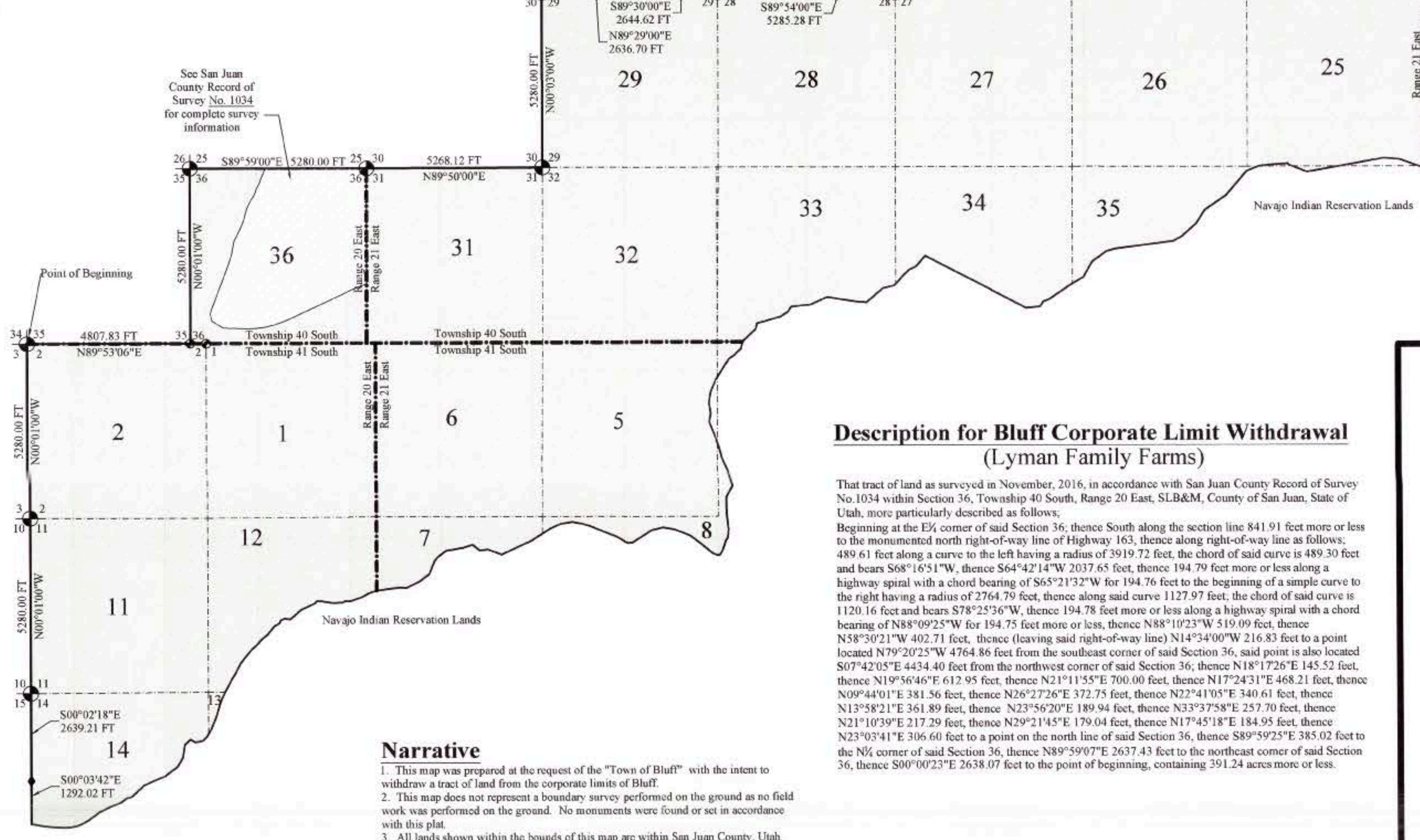
Final Local Entity Plat Lyman Family Farms Withdrawal Bluff, Utah

Within Section 36, T40S, R20E, SLB&M
23,697 Acres ± (resultant)

Resultant General Description for Bluff Corporate Limits

A tract of land located within Section 36, T40S, R20E; Sections 11-14, 22-29, 31-36, T40S, R21E; Sections 7-10, 15-23, 26-30, T40S, R22E; Sections 1, 2, 11, 12, 14, T41S, R20E; Sections 5-8, T41S, R21E, SLB&M, County of San Juan, State of Utah, more particularly described as follows:
Beginning at the northwest corner of said Section 2, T41S, R20E, thence N89°53'06"E 4807.83 feet more or less to the southwest corner of said Section 36, T40S, R20E, thence N00°01'00"W 5280.00 feet more or less to the northwest corner of said Section 36, thence S89°59'00"E 5280.00 feet more or less to the northwest corner of Section 31, T40S, R21E, thence N89°50'00"E 5268.12 feet to the southwest corner of Section 29, T40S, R21E, thence N00°03'00"W 5280.00 feet more or less to the northwest corner of said Section 29, thence N89°29'00"E 2636.70 feet more or less to the N1/4 corner of said Section 29, thence S89°59'00"E 2644.62 feet to the northwest corner of Section 28, T40S, R21E, thence S89°54'00"E 5285.28 feet to the southwest corner of Section 22, T40S, R21E, thence N00°02'00"W 5283.30 feet to the northwest corner of Section 22, thence S89°56'00"E 2642.64 feet to the N1/4 corner of said Section 22, thence N89°52'00"E 2634.72 feet to the southwest corner of Section 14, T40S, R21E, thence N00°04'00"E 5272.08 feet to the northwest corner of said Section 14, thence N00°01'00"W 5276.04 feet to the northwest corner of Section 11, T40S, R21E, thence S89°59'00"E 2633.40 feet to the N1/4 corner of said Section 11, thence N89°56'00"E 2638.02 feet to the northwest corner of Section 12, T40S, R21E, thence S89°56'00"E 5287.92 feet to the northwest corner of Section 7, T40S, R22E, thence East 5280.00 feet to the northwest corner of Section 8, T40S, R22E, thence N89°54'00"E 5281.32 feet to the northwest corner of Section 9, T40S, R22E, thence N89°56'00"E 5280.00 feet to the northwest corner of Section 10, T40S, R22E, thence South 5280.00 feet to the N1/4 corner of said Section 10, thence South 5280.00 feet more or less to the N1/4 Corner of Section 15, T40S, R22E, thence South 5280.00 feet to the northeast corner of said Section 23, thence S00°01'00"E 5280.00 feet to the northeast corner of Section 26, T40S, R22E, thence S00°01'00"E 2239.38 feet more or less to the Navajo Indian Reservation Boundary, thence along the boundary of the Navajo Indian Reservation as previously established by either survey or agreement or otherwise through Sections 26, 27, 28, 29, 30, & 31, T40S, R22E, Sections 25, 36, 35, 34, & 33, T40S, R21E, Sections 4, 5, 7, 8, & 9, T41S, R21E, Sections 12, 13, & 14, T41S, R20E to the west line of Section 14, T41S, R20E, thence N00°03'42"W 1292.02 feet more or less to the W1/4 corner of said Section 14, thence N00°02'18"W 2639.21 feet to the southwest corner of Section 11, T41S, R20E, thence N00°01'00"W 5280.00 feet to the southwest corner of said Section 2, T41S, R20E, thence N00°01'00"W 5280.00 feet more or less to the point of beginning, containing 24,088 acres more or less.

LESS: That tract of land as surveyed in November, 2016, in accordance with San Juan County Record of Survey No.1034 within Section 36, Township 40 South, Range 20 East, SLB&M, County of San Juan, State of Utah, more particularly described as follows:
Beginning at the E1/4 corner of said Section 36, thence South along the section line 841.91 feet more or less to the monumented north right-of-way line of Highway 163, thence along right-of-way line as follows: 489.61 feet along a curve to the left having a radius of 3919.72 feet, the chord of said curve is 489.30 feet and bears S68°16'51"W, thence S64°42'14"W 2037.65 feet, thence 194.79 feet more or less along a highway spiral with a chord bearing of S65°21'32"W for 194.76 feet to the beginning of a simple curve to the right having a radius of 2764.79 feet, thence along said curve 1127.97 feet, the chord of said curve is 1120.16 feet and bears S78°25'36"W, thence 194.78 feet more or less along a highway spiral with a chord bearing of N88°09'25"W for 194.75 feet more or less, thence N88°10'23"W 519.09 feet, thence N88°30'21"W 402.71 feet, thence (leaving said right-of-way line) N14°34'00"W 216.83 feet to a point located N79°20'25"W 4764.86 feet from the southeast corner of said Section 36, said point is also located S07°42'05"E 4434.40 feet from the northwest corner of said Section 36, thence N18°17'26"E 145.52 feet, thence N19°56'46"E 612.95 feet, thence N21°11'55"E 700.00 feet, thence N17°24'31"E 468.21 feet, thence N09°44'01"E 381.56 feet, thence N26°27'26"E 372.75 feet, thence N22°41'05"E 340.61 feet, thence N13°58'21"E 361.89 feet, thence N23°56'20"E 189.94 feet, thence N3°37'58"E 257.70 feet, thence N21°10'39"E 217.29 feet, thence N29°21'45"E 179.04 feet, thence N17°45'18"E 184.95 feet, thence N23°03'41"E 306.60 feet to a point on the north line of said Section 36, thence S89°59'25"E 385.02 feet to the N1/4 corner of said Section 36, thence N89°59'07"E 2637.43 feet to the northeast corner of said Section 36, thence S00°00'23"E 2638.07 feet to the point of beginning, containing 391.24 acres more or less.



Description for Bluff Corporate Limit Withdrawal (Lyman Family Farms)

That tract of land as surveyed in November, 2016, in accordance with San Juan County Record of Survey No.1034 within Section 36, Township 40 South, Range 20 East, SLB&M, County of San Juan, State of Utah, more particularly described as follows:
Beginning at the E1/4 corner of said Section 36, thence South along the section line 841.91 feet more or less to the monumented north right-of-way line of Highway 163, thence along right-of-way line as follows: 489.61 feet along a curve to the left having a radius of 3919.72 feet, the chord of said curve is 489.30 feet and bears S68°16'51"W, thence S64°42'14"W 2037.65 feet, thence 194.79 feet more or less along a highway spiral with a chord bearing of S65°21'32"W for 194.76 feet to the beginning of a simple curve to the right having a radius of 2764.79 feet, thence along said curve 1127.97 feet, the chord of said curve is 1120.16 feet and bears S78°25'36"W, thence 194.78 feet more or less along a highway spiral with a chord bearing of N88°09'25"W for 194.75 feet more or less, thence N88°10'23"W 519.09 feet, thence N88°30'21"W 402.71 feet, thence (leaving said right-of-way line) N14°34'00"W 216.83 feet to a point located N79°20'25"W 4764.86 feet from the southeast corner of said Section 36, said point is also located S07°42'05"E 4434.40 feet from the northwest corner of said Section 36, thence N18°17'26"E 145.52 feet, thence N19°56'46"E 612.95 feet, thence N21°11'55"E 700.00 feet, thence N17°24'31"E 468.21 feet, thence N09°44'01"E 381.56 feet, thence N26°27'26"E 372.75 feet, thence N22°41'05"E 340.61 feet, thence N13°58'21"E 361.89 feet, thence N23°56'20"E 189.94 feet, thence N21°10'39"E 217.29 feet, thence N29°21'45"E 179.04 feet, thence N17°45'18"E 184.95 feet, thence N23°03'41"E 306.60 feet to a point on the north line of said Section 36, thence S89°59'25"E 385.02 feet to the N1/4 corner of said Section 36, thence N89°59'07"E 2637.43 feet to the northeast corner of said Section 36, thence S00°00'23"E 2638.07 feet to the point of beginning, containing 391.24 acres more or less.

Narrative

1. This map was prepared at the request of the "Town of Bluff" with the intent to withdraw a tract of land from the corporate limits of Bluff.
2. This map does not represent a boundary survey performed on the ground as no field work was performed on the ground. No monuments were found or set in accordance with this plat.
3. All lands shown within the bounds of this map are within San Juan County, Utah.

- ### Legend
- Section Corner (Not Field Located)
 - Quarter Corner (Not Field Located)
 - "Bluff" Area
 - Withdrawal Area (this plat)

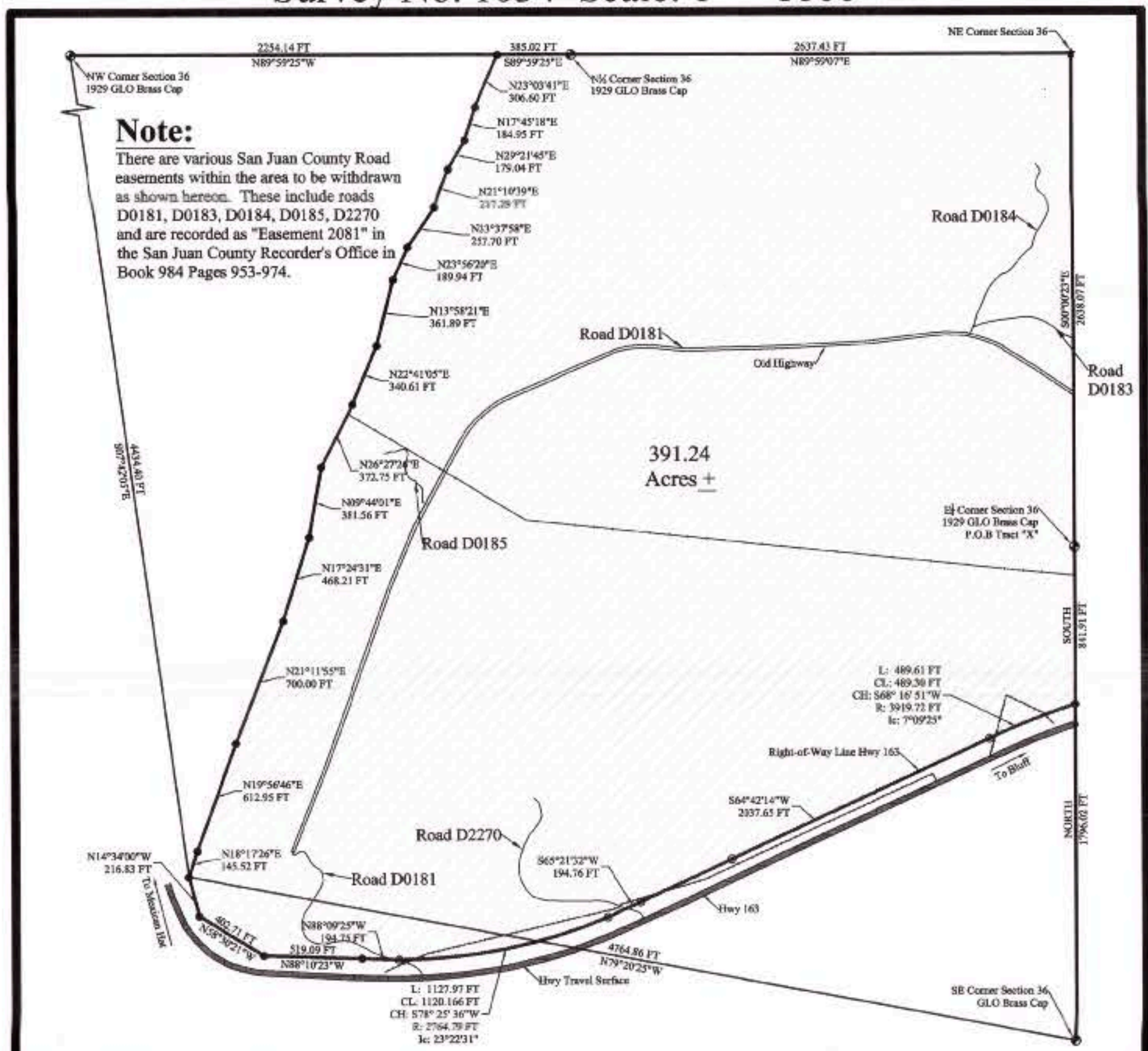
Surveyor's Certificate

I Brad D. Bunker, Professional Utah Land Surveyor, Number 4769309, hold a license in accordance with Title 58, Chapter 22, Professional Engineers and Land Surveyors Licensing Act. This map has been completed under my direction for the area shown hereon.

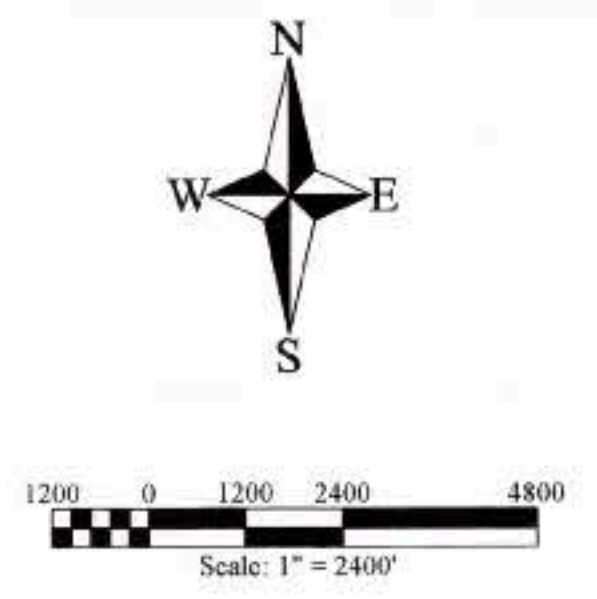
Brad D. Bunker 2/13/19
Brad D. Bunker Utah P.L.S. #4769309 Date



Partial excerpt from San Juan County Record of Survey No. 1034 Scale: 1" = 1600'



Note:
There are various San Juan County Road easements within the area to be withdrawn as shown hereon. These include roads D0181, D0183, D0184, D0185, D2270 and are recorded as "Easement 2081" in the San Juan County Recorder's Office in Book 984 Pages 953-974.



Sheet: 1 of 1

Drawing Name: Drawing Reference No. BE876
Date: Feb. 7, 2019 Updated: Feb. 13, 2019
Scale: 1" = 2400'

Bunker Engineering, LLC
965 South Creek Road, Monticello, UT 84535
P.O. Box 432, Monticello, UT 84535 (435) 459-9152

San Juan County Surveyor
Approved this 14th Day of Feb. 2019
Wesley B. Cantrell
Surveyor

Bluff Mayor
Approved this 14th Day of February 2019
Mark K. Lawrence
Mayor, Bluff

San Juan County Recorder
State of Utah, County of San Juan, Recorded at the request of
Filed: Date: 2-14-19 Time: 11:43
Book: 1035 Page: 773
Fee: \$4500
David L. Smith
County Recorder

Zone

- A-1 (BLM)
- A-1 (private)
- A-1 (SITLA)
- A-2 (private)
- A-2 (SITLA)
- A-3
- C-1
- C-2
- C-3
- R

Bluff town boundary

Bluff town boundary

Bluff roads (inside boundary)

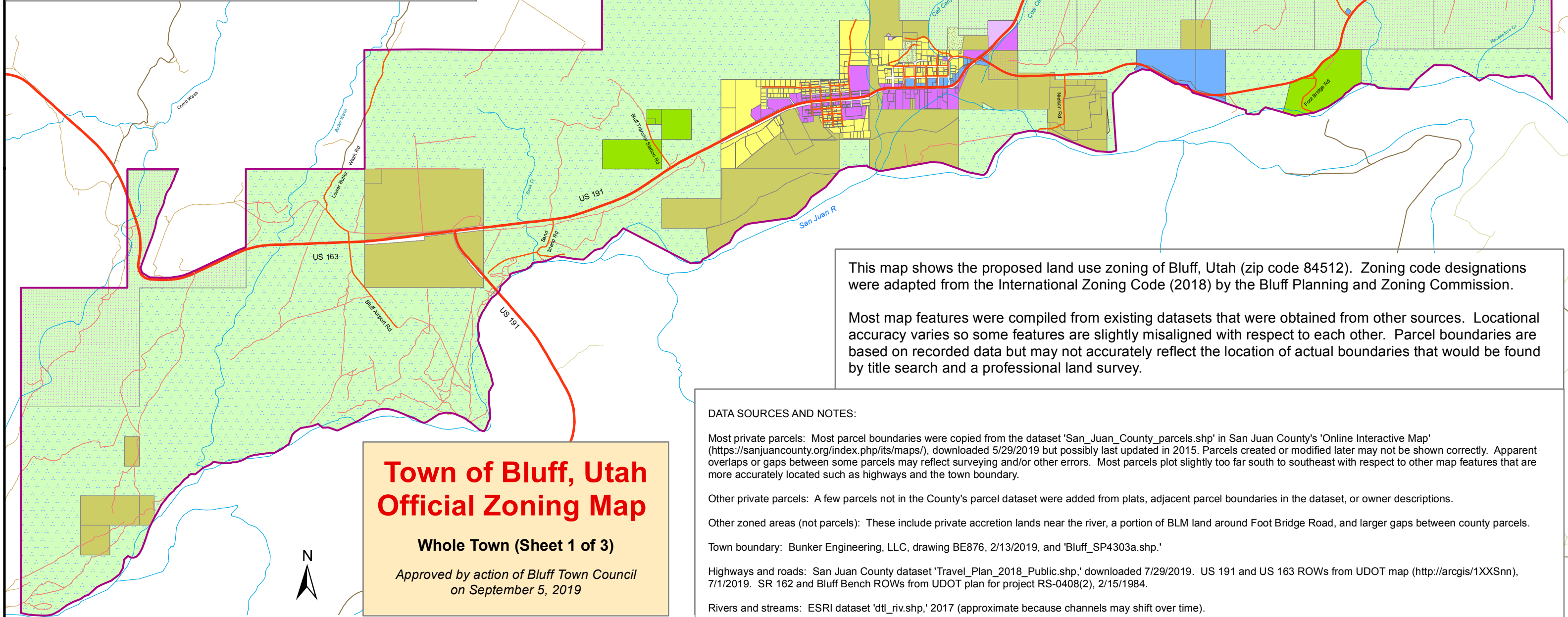
- C Road (ROW not shown)
- D Road

County roads (outside boundary)

- B Road
- C Road
- D Road
- Reservation
- State Highway
- US Highway

Rivers and streams (approximate)

Rivers and streams (approximate)



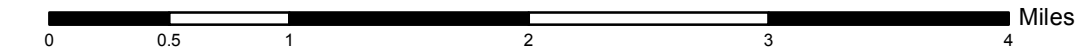
This map shows the proposed land use zoning of Bluff, Utah (zip code 84512). Zoning code designations were adapted from the International Zoning Code (2018) by the Bluff Planning and Zoning Commission.

Most map features were compiled from existing datasets that were obtained from other sources. Locational accuracy varies so some features are slightly misaligned with respect to each other. Parcel boundaries are based on recorded data but may not accurately reflect the location of actual boundaries that would be found by title search and a professional land survey.

**Town of Bluff, Utah
Official Zoning Map**

Whole Town (Sheet 1 of 3)

*Approved by action of Bluff Town Council
on September 5, 2019*



DATA SOURCES AND NOTES:

Most private parcels: Most parcel boundaries were copied from the dataset 'San_Juan_County_parcel.shp' in San Juan County's 'Online Interactive Map' (<https://sanjuancounty.org/index.php/its/maps/>), downloaded 5/29/2019 but possibly last updated in 2015. Parcels created or modified later may not be shown correctly. Apparent overlaps or gaps between some parcels may reflect surveying and/or other errors. Most parcels plot slightly too far south to southeast with respect to other map features that are more accurately located such as highways and the town boundary.

Other private parcels: A few parcels not in the County's parcel dataset were added from plats, adjacent parcel boundaries in the dataset, or owner descriptions.

Other zoned areas (not parcels): These include private accretion lands near the river, a portion of BLM land around Foot Bridge Road, and larger gaps between county parcels.

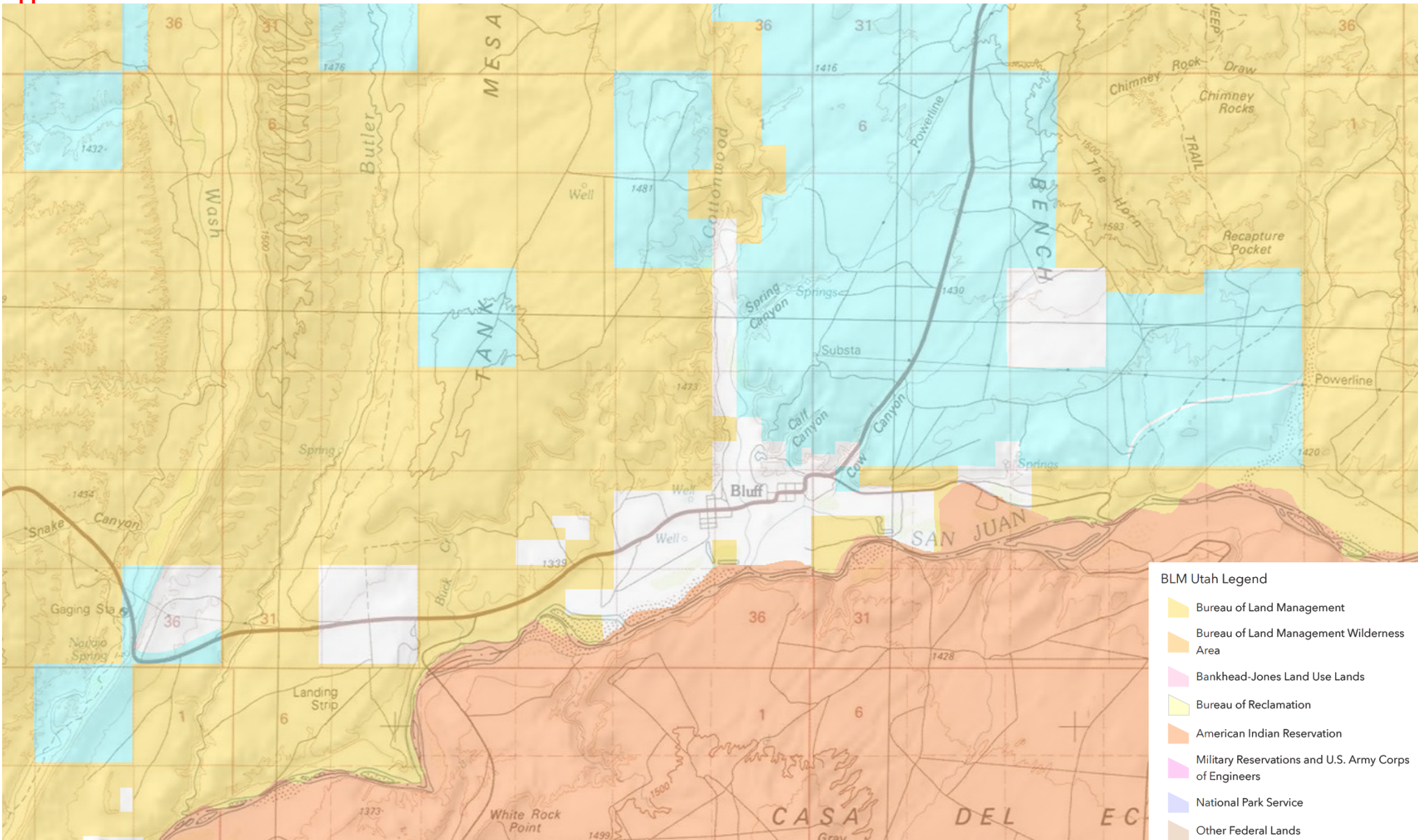
Town boundary: Bunker Engineering, LLC, drawing BE876, 2/13/2019, and 'Bluff_SP4303a.shp.'

Highways and roads: San Juan County dataset 'Travel_Plan_2018_Public.shp,' downloaded 7/29/2019. US 191 and US 163 ROWs from UDOT map (<http://arcgis/1XXSnn>), 7/1/2019. SR 162 and Bluff Bench ROWs from UDOT plan for project RS-0408(2), 2/15/1984.

Rivers and streams: ESRI dataset 'dtl_riv.shp,' 2017 (approximate because channels may shift over time).

Coordinate system: NAD 1983, UTM Zone 12N, slightly rotated to align with true north.

Cartography: Mary L. Gillam, P&Z_MLG3c_whole_11x17.mxd, 9/4/2019



BLM Utah Legend

- Bureau of Land Management
- Bureau of Land Management Wilderness Area
- Bankhead-Jones Land Use Lands
- Bureau of Reclamation
- American Indian Reservation
- Military Reservations and U.S. Army Corps of Engineers
- National Park Service
- Other Federal Lands
- Private
- State of Utah
- State Parks and Recreation
- State Wildlife Reserve/Management Area
- U.S. Fish & Wildlife Service National Wildlife Refuge
- USDA Forest Service
- USDA Forest Service Wilderness Area

1 mi

Appendix E

Land Ownership - Town of Bluff

As of November 2022

	Acreage	Square Miles	Percentage of Surveyor Total	Percentage of Calculated Total
Federal/Bureau of Land Management ¹	10,692.10	16.71	45.12%	45.24%
Utah School and Institutional Trust Lands Administration ²	8,756.51	13.68	36.95%	37.05%
Private Ownership	3,950.20	6.17	16.67%	16.72%
San Juan County/San Juan School District ³	69.94	0.11	0.30%	0.30%
Tribal ⁴	58.60	0.09	0.25%	0.25%
Town of Bluff ⁵	53.24	0.08	0.22%	0.23%
State of Utah (UDOT)	51.51	0.08	0.22%	0.22%
Calculated Total based on Known Ownership	23,632.10	36.93		100.00%
County Surveyor Totals	23,696.76	37.03	99.73%	
Unknown Ownership	64.66	0.10	0.27%	

1) BLM ownership acres – Confirmed by BLM GIS Specialist, Elizabeth Lament, on November 21, 2022

2) SITLA ownership acres – Confirmed by SITLA Deputy Assistant Director of the Southeast Area, Bryan Torgerson, on November 21, 2022

3) San Juan School District Ownership – confirmed by San Juan School District Business Administrator, Tyrel Pemberton, on November 21, 2022

4) Tribal land calculation through GIS data provided by Bryan Torgerson - based on shifts in the San Juan River on the southern border of town

5) Includes Roads and property. Road information calculated by Michael Haviken on November 15, 2022

Previous private land ownership data obtained from Mary Gillam

tabbies
Appendix
F

Ent 115286 # 936 P 819-821
Date: 16-FEB-2012 9:34:31AM
Fee: \$18.00 Check
Filed By: LCJ
LOUISE JONES, Recorder
SAN JUAN COUNTY CORPORATION
For: ANDERSON & ANDERSON

**DEED OF DISTRIBUTION
BY PERSONAL REPRESENTATIVE**

THIS DEED, made by BARTA JEAN LYMAN GUYMON and EDWARD NIELSON LYMAN, as co-personal representatives of the estate of Ida Venice Neilson Lyman, also known as Venice Nielson Lyman and Venice N. Lyman and Venice Lyman, deceased, GRANTORS, to EDWARD N. LYMAN and JUDITH F. LYMAN, husband and wife, as joint tenants, whose address is 363 South 100 East, Blanding, Utah 84511, GRANTEE.

WHEREAS, GRANTORS are the qualified co-personal representatives of said estate, filed as Probate Number 1137-13 in San Juan County, Utah; and

WHEREAS, GRANTEE is entitled to distribution of the hereinafter described real property;

THEREFORE, for valuable consideration received, GRANTORS convey and release to GRANTEE all of GRANTOR's right, title and interest in the following described real property in San Juan County, Utah:

Township 40 South, Range 22 East, SLM

Section 16: All (Parcel No. 40S22E160000)

with all appurtenances.

EXECUTED this 14th day of February, 2012.

Barta Jean Lyman Guymon

Barta Jean Lyman Guymon, Co-Personal
Representative of the Estate of Ida Venice Nielson
Lyman, also known as Venice Nielson Lyman and
Venice N. Lyman and Venice Lyman,
deceased

20



Sept

SAN JUAN COUNTY CORPORATION
Tax Roll Master Record

11:28:05AM

Parcel: 40S22E160000 Entry: 115286
 Name: LYMAN JUDITH F
 c/o Name: _____
 Address 1: 363 S 100 E
 Address 2: _____
 City State Zip: BLANDING UT 84511-3015
 Mortgage Co: _____
 Acres: 640.00
 Status: **Active** Year: **2022** District: **011 TOWN OF BLUFF** **0.011925**

Owners	Interest	Entry	Date of Filing	Comment
LYMAN JUDITH F				(0706/0346)

Property Information	2022 Values & Taxes				2021 Values & Taxes		
	Units/Acres	Market	Taxable	Taxes	Market	Taxable	Taxes
LG01 LAND GREENBELT	640.00	480,000	8,960	124.12	192,000	8,960	124.11
Totals:	640.00	480,000	8,960	124.12	192,000	8,960	124.11

Greenbelt Class Code & Name	Zone Code & Name	Acres	Price/Acre	Market	Taxable	Status	Changed
GZ3 GRAZING III	0001 SAN JUAN	640.00	750	480,000	8,960	Active	05/26/2022
Greenbelt Totals		640.00		480,000	8,960		

****** ATTENTION !! ******

Tax Rates for 2022 have been set and approved. All levied taxes and values shown on this printout for the year 2022 should be correct.

2022 Taxes:	124.12	2021 Taxes:	124.11
Special Fees:	0.00	Review Date	
Penalty:	0.00	04/08/2019	
Abatements: (0.00)		
Payments: (0.00)		
Amount Due:	124.12	NO BACK TAXES!	

DO NOT USE THIS TAXING DESCRIPTION FOR LEGAL PURPOSES OR OFFICIAL DOCUMENTS. For taxing purposes only. Consult property deeds for full legal description.

Taxing Description

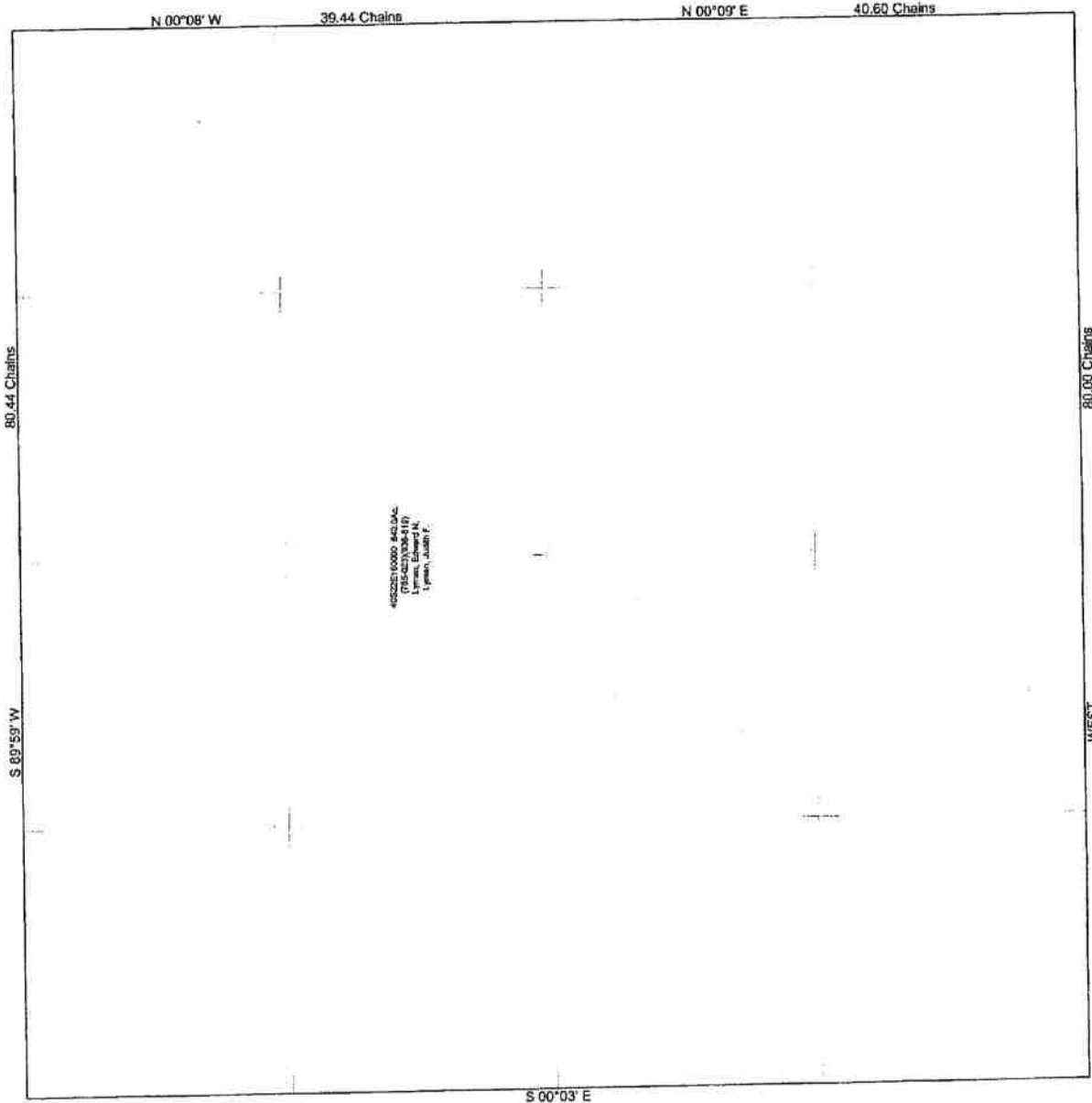
SEC 16 T40S R22E: ALL OF SECTION 16 (640 AC) 40S22E160000

History

AFFIDAVIT TO TERM JNT TENANCY BY JUDITH LYMAN, 170720, 07/28/2022.

SAN JUAN COUNTY, UTAH

SECTION 16, T40S, R22E, SALT LAKE MERIDIAN, UTAH



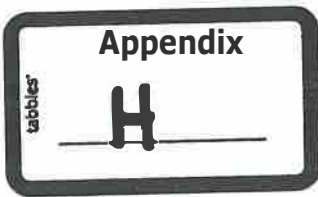
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80.00 CHAINS

WEST



The plat was created pursuant to Utah Code Annotated (1962), as amended, section 17-2-1 solely for the purposes set forth herein. The user assumes all responsibility for any errors, omissions, variations, gaps or omissions.



Appendix

H

*The Board of Trustees
of the*

School and Institutional Trust Lands Administration

New Policy *Amends Policy No. _____* *Replaces Policy No. _____*

Policy Statement No. 2012-01

Subject: Lease/Disposal of Land Blocks

The Board of Trustees of the School and Institutional Trust Lands Administration met in open, public session on May 17, 2012, and by majority vote declares the following to be an official policy of the Board on the retention or lease/disposal of designated land blocks.

- The School and Institutional Trust Lands Administration manage numerous blocks of land with acreages in excess of 5,000 acres.
- In recognition of its fiduciary duties the Board acknowledges that all blocks are generally available for revenue-generating purposes, including lease, exchange or sale.
- Prior to bringing a disposal proposal on a designated land block to the board for review, the Administration shall:
 - Require the applicant to provide terms for the acquisition of the block, including:
 - The amount of money or other assets being offered;
 - All proposed terms of any contract;
 - Analyze any potential for conflict with retained rights if the surface is conveyed out of Trust ownership;
 - Prepare a recommendation for Board consideration containing a thorough financial analysis of why disposal of the parcel at the time is in the best interest of the beneficiaries.
- In order to allow for appropriate input from beneficiary representatives and other stakeholders the board will not take action on any proposal during the meeting the proposal is first presented.

BY THE BOARD:

A handwritten signature in cursive script, appearing to read 'Michael R. Brown', written over a horizontal line.

Michael R. Brown, Chairman



The Board of Trustees
of the
School and Institutional Trust Lands Administration

New Policy Amends Policy No. _____ Repeals Policy No. _____

Policy Statement No. 2008-01

Subject: Real Estate Development on Trust Lands

The Board of Trustees of the School and Institutional Trust Lands Administration met in open public session on January 17, 2008. and by majority vote declares the following to be an official policy of the Board.

In furtherance of the policies set forth in Policy Statement No. 2006-03 and pursuant to 53C-1-201(5)(a) and 53C-1-204(1)(a) of the School and Institutional Trust Lands Management Act ("Act"), the Board of Trustees ("Board") believes it is desirable and prudent to establish a policy governing the procedures for the oversight of Development Program transactions by the Board.

The Board acknowledges that the Director is: (i) vested with broad authority to enter into Development Program transactions pursuant to, among other provisions, 53C-1-302(1)(a)(i) and 53C-1-303(4)(d) of the Act; (ii) required to obtain Board approval of joint venture transactions and other business arrangements pursuant to 53C-1-303-(4)(e) of the Act; and (iii) required to inform the Board of the Administration's activities pursuant to 53C-1-303(1)(k) of the Act. In order to assist the Director in fulfilling his/her obligations under the foregoing, the Board adopts the following policy regarding informing the Board and, where required, obtaining the Board's approval of Development Program transactions.

- 1. Pursuant to the Act, the Director has broad authority to manage Trust assets and enter into transactions that comply with the requirements of the Act, provided, however, 53C-1-303(4)(e) of the Act requires Board approval of joint ventures and "other business arrangements". The Board finds that the term "other business arrangements" shall mean transactions which have substantially similar or greater risks as joint ventures and in which a material portion of the anticipated return to the Trust is contingent on the economic performance of the ultimate development of the Trust property. The agency's standard non-subordinated "development lease" is not considered an other business arrangement.

The Director shall adopt procedures for the Board's approval of joint ventures ("JV") and other business arrangements ("OBA") consistent with the foregoing criteria.

Policy Statement 2008-01
January 17, 2008
Page No. 2

2. Development Program transactions present different levels of risk, with JV's and OBA's typically involving greater risk than other types of transactions. The Board believes that its review process should be proportional to the potential risk and should take into account the value of the Trust assets committed in a transaction and distinguish between JV's and OBA's and other types of transactions. To that end, the Administration shall adopt procedures to categorize proposed transactions as either "Major Transactions" or "Minor Transactions" applying the following criteria:
 - a. A "Minor Transaction" shall be:
 - I. a transaction which is not a JV or OBA and which involves Trust assets (including the value of Trust property and capital commitments by the Trust) valued in an amount equal to or less than Five Million Dollars (\$5,000,000); or
 - II. a transaction which is a JV or OBA and involves Trust assets (including the value of Trust property and capital commitments by the Trust) valued in an amount equal to or less than Two Million Dollars (\$2,000,000.)
 - b. A "Major Transaction" shall be:
 - I. a transaction which is not a JV or OBA and which involves Trust assets (including the value of Trust property and capital commitments by the Trust) valued in an amount greater than Five Million Dollars (\$5,000,000);
 - II. a transaction which is a JV or OBA and involves Trust assets (including the value of Trust property and capital commitments by the Trust) valued in an amount greater than Two Million Dollars (\$2,000,000).
3. With regard to all transactions, the Administration should conduct an appropriate public advertising program designed to effectively solicit interested parties for each transaction and conduct appropriate due diligence with respect to the ownership, financial capacity, and character of its development partners, which shall include investigation into credit and financial capacity, business background, litigation and bankruptcy history, and other relevant factors. The Administration shall maintain this information in its files.

Policy 2008-01
January 17, 2008
Page No. 3

4. With regard to Minor Transactions, the Administration shall adopt procedures for advising the Board, which procedures shall require, at a minimum, the following:
 - a. The Administration shall deliver to the Board, in a consistent written format, key information about the Minor Transaction, including a summary of: (i) the economic analysis of the transaction; (ii) the competitive/advertising process used in soliciting offers for the transaction; (iii) a declaration of any conflicts of interest for staff with any interested parties; (iv) a list of key components of the transaction; and (v) all parties and any relevant background information regarding such parties derived from the Administration's due diligence activities described in Paragraph 3 above.
 - b. If such Minor Transaction is not a JV or OBA, such matter shall be placed on the consent agenda for the next Board meeting for informational purposes and to allow an opportunity for the Board to comment on the transaction and/or provide guidance to the Director for future transactions.
 - c. If such Minor Transaction is a JV or OBA, thereby requiring Board approval, such matter shall be placed on the consent agenda for the next Board meeting. Any member of the Board may request a review, discussion, and vote on such proposed transaction by the Board at such meeting. If no such review is requested, the proposed transaction shall be approved or rejected as part of the consent agenda at such meeting. If approved by the Board, the Administration shall be authorized to enter into binding agreements for the proposed JV or OBA on the terms so approved and in compliance with the requirements of the Act.
5. With regard to major Transactions, the Administration shall adopt procedures for the review and approval of such transactions by the Board, which procedures shall materially conform with the following:
 - a. The Administration shall make an initial presentation to the Board, which presentation shall contain key information about the proposed transaction, including:
 - (i) an executive summary of the Administration's perception of the values involved in the transaction;
 - (ii) a discussion of the financial and other goals of the transaction;
 - (iii) an analysis of the determination of timeliness of the transaction;
 - (iv) the structure or structures if more than one is proposed for the transaction selected by the Administration;

Policy 2008-01
January 17, 2008
Page No. 4

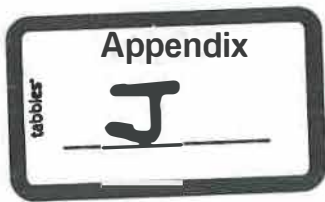
- (v) a discussion of the competitive processes that the Administration intends to use in soliciting proposals;
- (vi) financial requirements of parties demonstrating the capability to complete the project; and
- (vii) known political issues with proposed solutions.

The Administration shall solicit Board input on the proposed transaction and the Board's concurrence with moving forward to finalize the proposed transaction.

- b. Subject to concerns expressed by the Board at the initial presentation, the Administration may, in its discretion, continue to pursue proposed transaction, including, among other things, conducting a competitive process to obtain proposals for the transaction, selecting one or more proposals and negotiating the key terms of the proposed transaction.
- c. After selecting a proposal, the Administration shall make a second presentation to the Board which includes:
 - (i) a summary of the key terms of the transaction;
 - (ii) a description of the parties to the proposed transaction with all relevant background information about the parties derived from the due diligence activities described in Paragraph 3 above.
 - (iii) a projected financial pro forma of the transaction;
 - (iv) a summary of the competitive process(es) and advertising efforts used in selecting a proposal;
 - (v) the minimum financial criteria that will be conditions to the completion of the transaction; and
 - (vi) a declaration of any conflicts of interest for staff with any interested parties.
- d. If such matter is a JV or OBA, thereby requiring Board approval, such matter shall be voted on by the Board. If approved by the Board, the Administration shall be authorized to enter into binding agreements for the proposed JV or OBA on the terms so approved and in compliance with the requirements of the Act.
- e. If such matter is not a JV or OBA and provided the Board has not specifically directed the Administration to terminate the proposed transaction, the Administration shall be authorized to enter into binding agreements for the proposed transaction on the terms so approved and in compliance with the requirements of the Act.

Policy 2008-01
January 17, 2008
Page No. 5

- f. Notwithstanding the foregoing, with respect to Major Transactions which do not involve a JV or OBA and where all relevant material information regarding the proposed transaction is available, the Administration may make at least one presentation to the Board regarding the proposed transaction.
 - g. The Administration shall provide the Board with updates on Major Transactions which have been reviewed or approved by the Board within six (6) months of such review or approval.
6. With respect to references in this Policy Statement to “competitive processes” or similar terms, the Board acknowledges that in certain circumstances with regard to certain types of lands, conducting a competitive process for the disposition of the property may not be appropriate nor in the best interest of the Trust. Some examples of such circumstances include, without limitation, exchange of property (when such exchanges further other goals with adjoining trust lands), sale to governmental entities when appropriate and in the best interest of the Trust (i.e., project parks, fire and safety such as firehouses and police stations, etc.), and sales of conservation properties when needed to further development of adjoining properties. In such instances, the Administration shall not be required to conduct a competitive process, but rather shall advise the Board of such instances and the Administration’s rationale for such determination in advance of any such transaction.
7. In order to more efficiently conduct the Board oversight of Development Program transactions, the Board may, pursuant to 53C-1-204(9)(a)(i) of the Act, create a committee consisting of not less than one (1) member of the Board and such other members of the Administration and/or the public as is appropriate for the task of reviewing submittals concerning Development Program transactions and making recommendations to the Board. In such event, any submittals and presentations required to be made to the Board in connection with any Development Program transaction as described herein may be made to such committee.



The Board of Trustees
of the
School and Institutional Trust Lands Administration

- New Policy* *Amends Policy No.* *Repeals Policy No. 94-04.2*

Policy Statement No. 2005-01

Subject: Joint Planning

The Board of Trustees of the School and Institutional Trust Lands Administration met in open, public session on February 10, 2005, and by majority vote declares the following to be an official policy of the Board:

Trust lands are often intermingled with lands managed by other federal and state agencies. Actions taken by those agencies can often impact the ability to manage trust lands for their highest and best use. Many land-management agencies and local governments have obligations to develop plans to direct the management of lands. Involvement in those planning processes may prevent adoption of plans that have the potential to negatively affect trust lands.

The Administration is hereby authorized and encouraged to be involved in any joint planning efforts conducted by local, state, or federal entities, with the degree of involvement to be set by the Director.

TOWN OF BLUFF RESOLUTION NO. 2023-01**A RESOLUTION DENYING A PETITION FOR MUNICIPAL DISCONNECTION OF LANDS LOCATED WITHIN THE TOWN DESCRIBED AS TOWNSHIP 40 SOUTH, RANGE 22 EAST, SECTION 16.**

The Town makes the following findings in support of this resolution.

1. On July 14, 2022, Judy F. Lyman (Petitioner) submitted a petition to the Town of Bluff (the Town) seeking the disconnection of certain lands she owns from the municipal boundaries of the Town.
2. The lands owned by Petitioner are described as Section 16, Township 40 South, Range 22 East, SLM (the Property). The Property is entirely within the municipal boundaries of the Town. The Petition contained an incorrect legal description of the subject property, identifying it as "T36S, R22E, S16."
3. A public hearing was held on December 1, 2022, at which time the Town Council heard testimony from staff, the Petitioner's counsel, and members of the public. On January 10, 2023, the Council considered the matter.
4. The Property is undeveloped land totaling 640 acres and located generally in an area known as the "Bluff Bench." The Property is served by an existing Town Class C Road. The Property constitutes 2.7% of the lands within the Town, and 16.2% of the privately owned lands within the Town.
5. The Property is surrounded on all sides by lands owned by the School and Institutional Trust Lands Administration (SITLA) and the Bureau of Land Management (BLM). It is the Town's policy to assert its municipal jurisdiction, and to engage in inter-governmental dialogue and agreements with respect to all public lands within the Town, particularly when those lands are developed.
6. The Town has adopted zoning and subdivision regulations applicable within the Town generally and to the Property, which is presently zoned "A-2." The Petitioner has not sought any development approval or land use review through the Town, nor has she identified any future development plans for the Property.
7. Emergency services to the Property are currently provided by the Bluff Volunteer Fire Department, which provides fire and EMS services to all lands within the Town, and the


San Juan County Sheriff, which provides services within the Town pursuant to an agreement with the Town.

- 8. The municipal tax burdens on the Property are very minor. The Town does have a small property tax levy. Property taxes on the subject Property are \$124.12 per year, the bulk of the levy being assessed by San Juan County and the San Juan School District.
- 9. The disconnection of the Property could make it more difficult for adjacent properties on the Bluff Bench to develop. The disconnection could also negatively affect the Town in that it would remove 16.2% percent of the private land from the municipal boundaries in a community where much of the land is already owned by the state or federal governments.
- 10. The disconnection of the Property would also create an unincorporated island or peninsula in that the lands of the Petitioner would be wholly or mostly surrounded by incorporated lands, in violation of applicable law. Additionally, the burdens on the Petitioner of keeping her land within the Town appear to be minimal.
- 11. The boundaries of the Town of Bluff were created after careful study and a public process by a group of concerned citizens and stakeholders. This process culminated in the incorporation of the Town in 2018. The Council finds that: i) there is no good cause shown for the disconnection; and ii) justice and equity does not require the disconnection. The predominant position of the Petitioner, as stated by her counsel, appears to be simply that she "does not want to be part of the Town," which is not a valid cause under the applicable statute.

THEREFORE, it is resolved by a majority of the Bluff Town Council, at a regularly scheduled meeting of the Council on January 10, 2023, as follows:

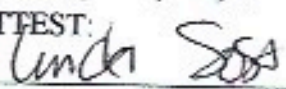
The Petition for disconnection is hereby denied. This resolution shall take effect immediately upon passage.

TOWN OF BLUFF



Ann Leppanen, Mayor

January 10, 2023
Date

ATTEST:


Linda Sosa, Recorder

1-10-23
Date

-End of Document-



Staff Report to the Town of Bluff

November 28, 2022

Judy F. Lyman Petition to Disconnect

Synopsis

Petition Information

Public Hearing Date: Thursday, December 1, 2022, 5:00pm MTN

Applicant: Judy F. Lyman

Petition Request: Judy F. Lyman owns the full section of real property described as: T40S, R22E, S16, SLM (t the "Lyman Property").¹ Pursuant to Section 10-2-501, Utah Code Ann., Ms. Lyman requests that the Town of Bluff ("Bluff" or the "Town") disconnect the Lyman Property from its boundaries.

Property Information

Section, Township, Range: Sec. 16, T. 40S, R. 22E, SLM

County: San Juan, State of Utah

Zoning: A-2, Private

Existing Land Use: Undeveloped

Adjacent Land Use/Zoning

North: A-1 SITLA/A-1 BLM – Undeveloped

South: A-1 SITLA – Undeveloped

East: A-1 SITLA/A-1 BLM – Undeveloped

West: A-1 SITLA – Undeveloped

Staff Information

Prepared by: Erin Nelson, Town Manager²

Applicable Utah Code

§10-2-501. Municipal disconnection

§10-2-502.5. Hearing on request for disconnection

§10-2-502.7. Court action.

Summary

Petition Letter

On July 14, 2022, members of the Bluff Town Council received, via first class mail as well as certified mail, eight identical letters from Mr. Bruce Baird representing Judy F. Lyman. The letter, attached in Appendix A, is a petition to disconnect Judy Lyman's real property pursuant to Utah Code Section 10-2-501. This document is the staff summary provided to the Town Council concurrent with the public hearing.

Property and Zoning Information

The real property owned by Judy Lyman is 640 acres, equivalent to one (1) square mile of land, located in the northeastern quadrant of incorporated Bluff. The land is located on what is commonly known as the "Bluff Bench" north of Highway 163 (also known as the Bluff Bench Road), and East of Highway 191. Ms. Lyman acquired the property with her late husband, Edward Nielson Lyman, by deed in 2012. See Appendix F.

Bluff incorporated land totals 23,696.76 acres, equivalent to approximately 37.026 square miles. Judy Lyman's property represents 2.7 percent of the total incorporated land, and approximately 16.20 percent (+/- 0.7 percent) of the privately owned land in Bluff. See Appendix E for additional land ownership

¹ The Lyman petition incorrectly identifies the property as "T36S, R22E, S16."

² The Town Attorney has provided relevant citations to legal provisions to aid the Council.

information.

The proposed land for disconnect is currently Zoned Agricultural 2 (A-2) and is subject to *Town of Bluff Amended Ordinance #2022 – 4-10: An Amended Ordinance Adopting Zoning Provisions, and Officially Zoning Map, Non-Conforming Use Provisions, Home Occupation Provisions, and Site Plan Process, Sign Regulations, and Appeal Provisions*, as well as all Town Ordinances passed since incorporation in 2018. Allowed uses in the A-2 zoning district include, among other things, agriculture, ranching, single family dwellings, and accessory dwellings and structures. Bluff Mun. Code, Section 6.01.070. Any changes to zoning would require a text amendment or a map amendment, as provided by Town ordinances.

Town Services and Property Attributes

The Town provides the following services, and the Lyman Property has the attributes as described below:

- a. **Road maintenance:** The Class C Road accessing the Judy Lyman property from Highway 191 was recently graded in September of 2022. The Town provides road maintenance and snow plowing as needed on all Class C roads, subject to need and available funding.
- b. **Wildland Fire Protection Insurance:** The Bluff Volunteer Fire Department carries Wildland Fire Protection insurance for the entire 37 incorporated miles of the township, including lands owned by the Bureau of Land Management (BLM), Utah School and Institutional Trust Lands Administration (SITLA), and private property, including the Lyman property. The premium for the insurance is calculated based on the total incorporated land, not just developed land. The Bluff Volunteer Fire Department would provide wildland fire response services in the event of an emergency on the Lyman Property.
- c. **Fire/EMS Services:** The Bluff Volunteer Fire Department is the closest responding agency for fire and EMS services and would provide those services on the Lyman Property in the event of a call.
- d. **Law Enforcement:** The Town has entered into an intergovernmental agreement (IGA) with San Juan County, which calls for Sheriff's Department response to calls for service within the Town. Calls for service on the Lyman Property would be covered by the IGA.
- e. **Culinary Water:** The Town owns water rights for various wells and culinary water service is provided by the Bluff Water Works, which manages the culinary water system. The Lyman Property could receive culinary water service when or if it develops.
- f. **Sanitary Sewer:** All developed properties within the Town process wastewater via individual septic systems that are approved by the San Juan County Health Department. Town ordinances require health department approval of septic systems, and development on the Lyman Property would require similar approval.
- g. **Electricity:** Rocky Mountain Power provides electrical service within the Town. Development on the Lyman Property would require the owner to contract for a service extension from Rocky Mountain Power.
- h. **Telecommunications:** The Town has entered into a franchise agreement with Emery Telcom for the provision of telecommunication services within the Town. Development on the Lyman Property would receive telecommunications services from Emery Telcom.
- i. **Municipal Regulations:** Since incorporation in 2018, the Town has enacted various ordinances establishing zoning (Ord. 2022-3-5, as amended); regulating subdivisions (Ord. 2019-5b-9); regulating business activities (Ord. 2019-15-10); and the like. Generally, it is the obligation of the developer to provide and dedicate to the Town the infrastructure needed to serve any new development. See e.g., Bluff Mun. Code, Section 6.50.060 (requiring developer to dedicate improvements to the Town) Ms. Lyman has not sought any development approvals from the Town with respect to subject Lyman Property.
- j. **Taxation.** The Town has enacted and collects sales taxes on business activities. There is also a small property tax levy. The annual real property tax bill for the Lyman Property, which includes county, school district, Town, and other tax increments, is \$124.12 See Appendix G (San Juan County Tax Roll Master Record).

Analysis

The Town is required to hold a public hearing and receive testimony and information about the petition. It must act on the petition for disconnection within 45 days of the completion of the public hearing. U.C.A. 10-2-502.5(3) and (4). Under Utah Code 10-2-502.7, the burden of proof is on the petitioner to prove:

- a. “The viability of the disconnection;
- b. that justice and equity require that the territory be disconnected from the municipality;
- c. that the proposed disconnection will not: i) leave the municipality with an area within its boundaries for which the cost, requirements, or other burdens of providing municipal services would materially increase over previous years; ii) make it economically or practically unfeasible for the municipality to continue to function as a municipality; or iii) leave or create one or more islands or peninsulas of unincorporated territory; and
- d. that the county in which the area proposed for disconnection is located is capable, in a cost-effective manner and without materially increasing the county's costs of providing municipal services, of providing to the area the services that the municipality will no longer provide to the area due to the disconnection.”

Islands or Peninsulas

The creation of an island of unincorporated territory as a result of disconnection is clearly impermissible because it leads to irregular municipal boundaries which disrupts, impairs, or inhibits the municipality's ability to provide services to adjacent properties. *Bluffdale Mountain Homes, LC, v. Bluffdale City*, 167 P.3d 1016 ¶¶ 63-65 (Utah Sup. Ct. 2007). If a disconnection would lead to an island of unincorporated territory surrounded by incorporated lands, then the petition must be rejected without evaluation of costs or other factors. *Id.*

The same analysis applies if the disconnection would result in the creation of a “peninsula” of unincorporated territory substantially surrounded by incorporated lands within municipal boundaries. In the context of municipal boundaries, a “peninsula” is defined as:

“...an area surrounded on more than ½ of its boundary distance, but not completely, by incorporated territory and situated so that the length of a line drawn across the unincorporated area from an incorporated area to an incorporated area on the opposite side shall be less than 25% of the total aggregate boundaries of the unincorporated area.” U.C.A. 10-1-104.

The term “incorporated” means lands within a municipality and the term “unincorporated” means outside of a municipality. See U.C.A. 10-2A-106 (a contiguous area of a county may incorporate as a municipality as provided in this chapter).

The incorporation map of the Town of Bluff, Appendix B, shows that all of the lands surrounding the Lyman Property (Section 16) are incorporated into the Town limits. The land adjacent to the Lyman Property is primarily School and Institutional Trust Lands Administration (“SITLA”) lands subject to the A-1 zoning district. See Appendix C and D. The northeast corner of the Lyman Property abuts Bureau of Land Management (BLM) which is also zoned A-1. See Appendix C and D.

Under the language of the disconnection statute the granting of the petition would create an “island” of unincorporated land surrounded on all sides by incorporated territory. Granting of the petition may also create a “peninsula” of unincorporated territory (the Lyman Property) mostly surrounded by incorporated lands owned by SITLA, and a small area managed by the BLM.

The Petitioner asserts that granting the petition as to the Lyman Property will not create an unincorporated island or peninsula, “...given that it is surrounded on all sides by SITLA.” Petition, P. 2. This position appears to assume that the Town can never assert municipal powers against any of the adjacent lands. It is the general policy of the Town that it will attempt to exercise its governmental

powers to influence management of public lands within the Town. Per the Town of Bluff General Plan, under *Section 1: Land Use, Public Land, Planning Assumptions, Item 2*: “Town of Bluff government may exercise influence over how Public Lands are used.” Additionally, pursuant to Bluff Mun. Code Section 6.01.020(K) it states:

“...the Town expresses the policy that public lands and state administered lands within Town limits should be developed in a manner that is consistent with the ordinance and advisory documents of the Town. The Town will engage in dialogue and pursue agreements with public and state agencies to assure that public and state lands within the Town are developed in a manner that benefits the Town and the public interest.”

SITLA currently manages approximately 8,811.18 acres within incorporated Bluff. SITLA land is used to generate revenue through energy and mineral leases, rent, and royalties; real estate development and sales; and surface estate sales, leases, and easements. At any given time, the SITLA land bordering approximately 81.25% of the Lyman Property could be transferred to a private entity and would be directly subject to Bluff’s municipal jurisdiction. While there are restrictions on the assertion of local government authority on state lands, those lands will be subject to Town regulations when transferred into private ownership.

Policies enacted by SITLA make clear that it intends to develop the lands that it manages to maximize revenue payable to the state, either through sale, joint venture, or otherwise. See SITLA Policy Statements 2012-01 (all blocks of land are generally available for revenue generating purposes through sale, lease, or exchange) (Appendix F); SITLA Policy Statement 2008-01 (governing development program activities and joint ventures in land development) (Appendix G). Additionally, SITLA has directed that its staff is “authorized and encouraged to be involved in any joint planning efforts conducted” by local governments and other agencies so as to avoid negative effects on SITLA lands. SITLA Policy 2005-01 (Appendix H). Disconnection of the Lyman Property could impair the ability to develop other lands on the Bluff Bench due to the presence of a large unincorporated tract which would impair future roads, utility extensions, and other services required for further development, including on adjacent SITLA lands.

Other Factors

The Council may also weigh³: i) “whether justice and equity” require the Lyman Property to be disconnect; ii) the viability of the disconnection; iii) whether disconnection will increase the burdens of providing services in the Town; iv) whether the disconnection would make it unfeasible for the municipality to continue to function; or v) that the county is capable of providing to the disconnection area the services formerly provided by the local government without increasing county’s costs of services. These criteria necessarily require the Town to weigh “all relevant factors,” including the effect of the disconnection on:

1. the municipality as a whole;
2. adjoining property owners;
3. existing or projected streets or public ways;
4. water mains and water services;
5. sewer mains and sewer services;
6. law enforcement;
7. zoning; and
8. other municipal services.

³ The statute, U.C.A. 10-2-502.7, provides that the petitioner in a lawsuit challenging a denial of a petition has the burden of proving that it has met the statutory factors. In determining whether the petitioner has met its burden, the statute tasks the court with weighing eight relevant factors described below. These factors may also guide the Council decision here.

The Town Council may wish to consider the following additional points.

The petition notes that the Lyman Property is vacant. The petitioner has never come to the Town seeking any type of development approval. The burdens of being in the Town seem to be slight, and petitioner has not pointed to any conduct or behavior on the part of Town officials that she regards to be either unjust or unfair.

Municipal services within Bluff are generally quite limited by urban standards, both for developed and undeveloped areas. Levels of service could change over time or with future growth. The Lyman Property has not sought or been denied access to services, nor is it prevented from enjoying services uniformly provided to other parcels within the Town.

As noted above, disconnection could make it more difficult or costly to provide services to other areas of the Bluff Bench when or if those areas develop. This could affect water line extensions, public road networks, or the like.

It is unknown if Lyman Property will develop, but the Town should assume that the area might be developed in some fashion as the Town grows. Any future development should probably be part of the Town, given the Bluff Bench area's proximity at the east end of the Town and the absence of other municipalities abutting the Lyman Property.

It is difficult to evaluate the financial impacts of disconnection in the absence of any information as to future development plans for the Lyman Property.

It is unknown if there would be any services cost increase to San Juan County if the Lyman Property disconnects. Future cost increases are unknown due to the lack of any information as to future development plans.

The disconnection of the Lyman Property, which comprises 16.2% of all private lands within the present Bluff limits, could impact the future municipal tax base and/or the ability of the Town to grow in the future. This is a potential impact to Bluff as a whole.

Noticing Compliance

A hearing for this item before the Town of Bluff has been posted for public notice in compliance with §10-2-502.5 in the following manners:

- Posted on the Town of Bluff Website November 10, 2022
- Posted on the Utah Public Notice Website November 10, 2022
- Published in the San Juan Record on November 16 and November 23, 2022

Staff Recommendation

Staff recommends the Bluff Town Council review the comments and evidence obtained before and during the Public Hearing, held on December 1, 2022. Within 45 days of the hearing, the council is required to vote to grant or deny the application to disconnect the Lyman Property described as T40S, R22E, S16.

Exhibits

- Appendix A: Letter from Bruce Baird; RE: Petition for Disconnection pursuant to Section 10-2-501
Judy F. Lyman
- Appendix B: Town of Bluff Incorporated Final Entity Plat Map – February 2019
- Appendix C: Town of Bluff Zoning Map
- Appendix D: BLM Utah Map
- Appendix E: Land Use Charts
- Appendix F: Deed to Lyman Property
- Appendix G: Lyman Parcel Tax Master Record
- Appendix H: SITLA Policy 2012-01
- Appendix I: SITLA Policy 2008-01
- Appendix J: SITLA Policy 2005-01

The published ordinances of the Town of Bluff are incorporated by reference. They may be found at:
www.townofbluff.org.

-End of Document-

BRUCE R. BAIRD PLLC

ATTORNEY AND COUNSELOR
2150 SOUTH 1300 EAST, FIFTH FLOOR
SALT LAKE CITY, UTAH 84106
TELEPHONE (801) 328-1400
BBAIRD@DIFFICULTDIRT.COM

July 11, 2022

VIA CERTIFIED MAIL AND FIRST-CLASS MAIL

Hon. Ann K. Leppanen, Mayor
Town of Bluff
190 North 3rd East, Office 1
PO Box 324
Bluff, UT 84512

Hon. Ann K. Leppanen, Mayor
Town of Bluff
PO Box 175
Bluff, UT 84512

Hon. Jim Sayers, Council Member
Town of Bluff
190 North 3rd East, Office 1
PO Box 324
Bluff, UT 84512

Hon. Luanne Hook, Council Member
Town of Bluff
190 North 3rd East, Office 1
PO Box 324
Bluff, UT 84512

Hon. Brant Murray, Council Member
Town of Bluff
190 North 3rd East, Office 1
PO Box 324
Bluff, UT 84512

Hon. Linda Sosa, Council Member
Town of Bluff
190 North 3rd East, Office 1
PO Box 324
Bluff, UT 84512

**Re: Petition for Disconnection Pursuant to Section 10-2-501
Judy F. Lyman**

Dear Mayor Leppanen and Members of the Town Council:

I am counsel for Judy F. Lyman ("Lyman"). Lyman owns the full section of real property described as T36S, R22E, S16 ("Disconnection Property"). Pursuant to Section 10-2-501, Utah Code Ann., Lyman hereby requests that the Town of Bluff ("Bluff") disconnect the Disconnection Property from its boundaries.

The address for Lyman is 363 S 100 E Blanding UT 84511. Lyman owns 100% of the Disconnection Property. This letter is countersigned by Ms. Lyman who is the owner of the Disconnection Property. This information satisfies the requirements of Section 10-2-501(2)(b)(i). Mr. Eric Acton is hereby designated as the person with authority to act on behalf of Lyman. Mr. Acton's address is 2002 N Reservoir Rd Blanding UT 84511. That information satisfies the requirements of Section 10-2-501(2)(b)(iv). Please direct any future correspondence regarding this matter to Mr. Acton and please copy me on all such correspondence.

Attached is a map of the proposed disconnection which satisfies the requirements of

Hon. Mayor Leppanen and Members of the Town Council
July 11, 2022
Page 2

Section 10-2-501(2)(b)(iii).

The disconnection is proposed because the Disconnection Property cannot be served by Bluff with any municipal services. The Disconnection Property is currently vacant land surrounded by State (SITLA) property. The Disconnection Property as disconnected would be “viable” in that it would get the very minimal services that San Juan County has previously provided. Justice and equity require the disconnection. The proposed disconnection will not leave the municipality with an area within its boundaries for which the cost, requirements, or other burdens of providing municipal services would materially increase over previous years (which is obviously true as no such services have or will be provided). The proposed disconnection will not make it economically or practically unfeasible for the municipality to continue to function as a municipality (which is obviously true as the taxes generated for Bluff by the Disconnection Property are miniscule). The proposed disconnection will not leave or create one or more islands or peninsulas of unincorporated territory given that it is surrounded on all sides by SITLA.

Further, the proposed disconnection will have no adverse effect on: (a) the municipality or community as a whole; (b) adjoining property owners (the State of Utah and the United States of America); (c) existing or projected streets or public ways (since there are none); (d) water mains and water services (since there are none); (e) sewer mains and sewer services (since there are none); (f) law enforcement (since there is none); (g) zoning (since there is none); or (h) other municipal services (since there are none).

Simply put, if Bluff does not allow the Disconnection Property to disconnect peacefully then Lyman will file suit in District Court to force the disconnection. Bluff will lose that suit and the Disconnection Property will be disconnected but only after Bluff has wasted a fortune on attorney’s fees. Based on *Bluffdale Mountain Homes v Bluffdale City*, 2007 UT 57, a copy of which I sent you with a prior disconnection request several years ago I am about as certain of that outcome as I can possibly be. Lyman does not want to litigate this matter but will do so if she has to.

Upon filing this request for disconnection, Lyman will promptly cause notice of the request to be published once a week for three consecutive weeks in a newspaper of general circulation within the municipality (the *San Juan Record*) and in accordance with Section 45-1-101, Utah Code Ann., for three weeks. Lyman will also mail notice to itself and will also deliver a copy to the San Juan County Commission.

Section 10-2-501(3) was amended this year by the Legislature but those amendments did not fix the problem that I had pointed out to the Legislature about some other noticing requirements. Frankly, subsections 3(b) and (f) make no sense at all. Lyman does not have access to the Utah Public Notice Website and Lyman also has no access to the Town’s website. Therefore, when the Town sets the hearing on this request I would ask the Town to fulfill those requirements that Lyman cannot do. As soon as the hearing is set and we are notified of the date Lyman will comply with the notice requirements of Section 10-2-501(3)(a)(i), (c), (d) and (e).

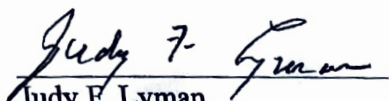
Hon. Mayor Leppanen and Members of the Town Council
July 11, 2022
Page 3

I look forward to coordinating with you for the hearing required by Section 10-2-502.5,
Utah Code Ann. Please contact me if you have any questions.

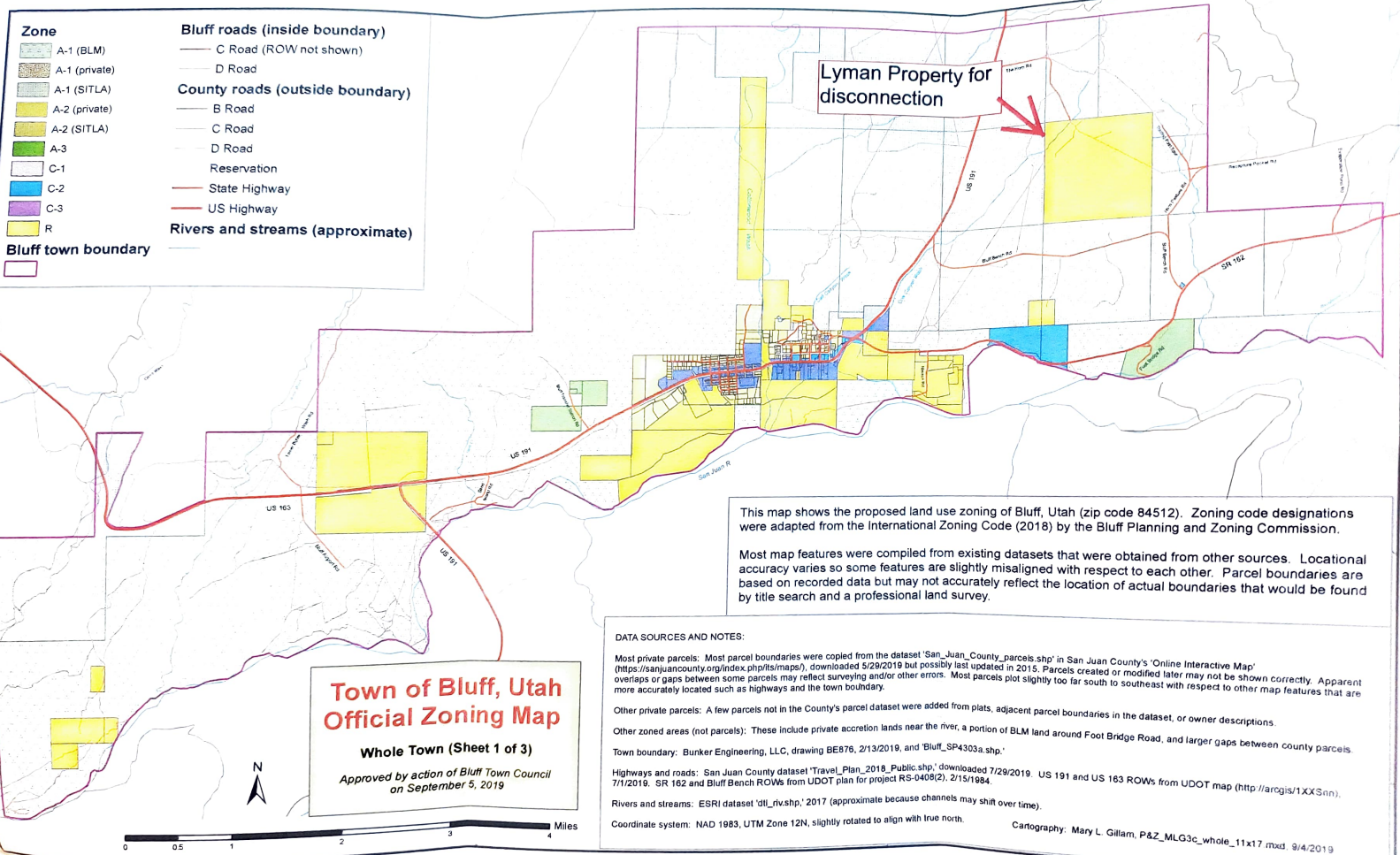
Sincerely,



Bruce R. Baird


Judy F. Lyman

cc: Client
Mr. Eric Acton



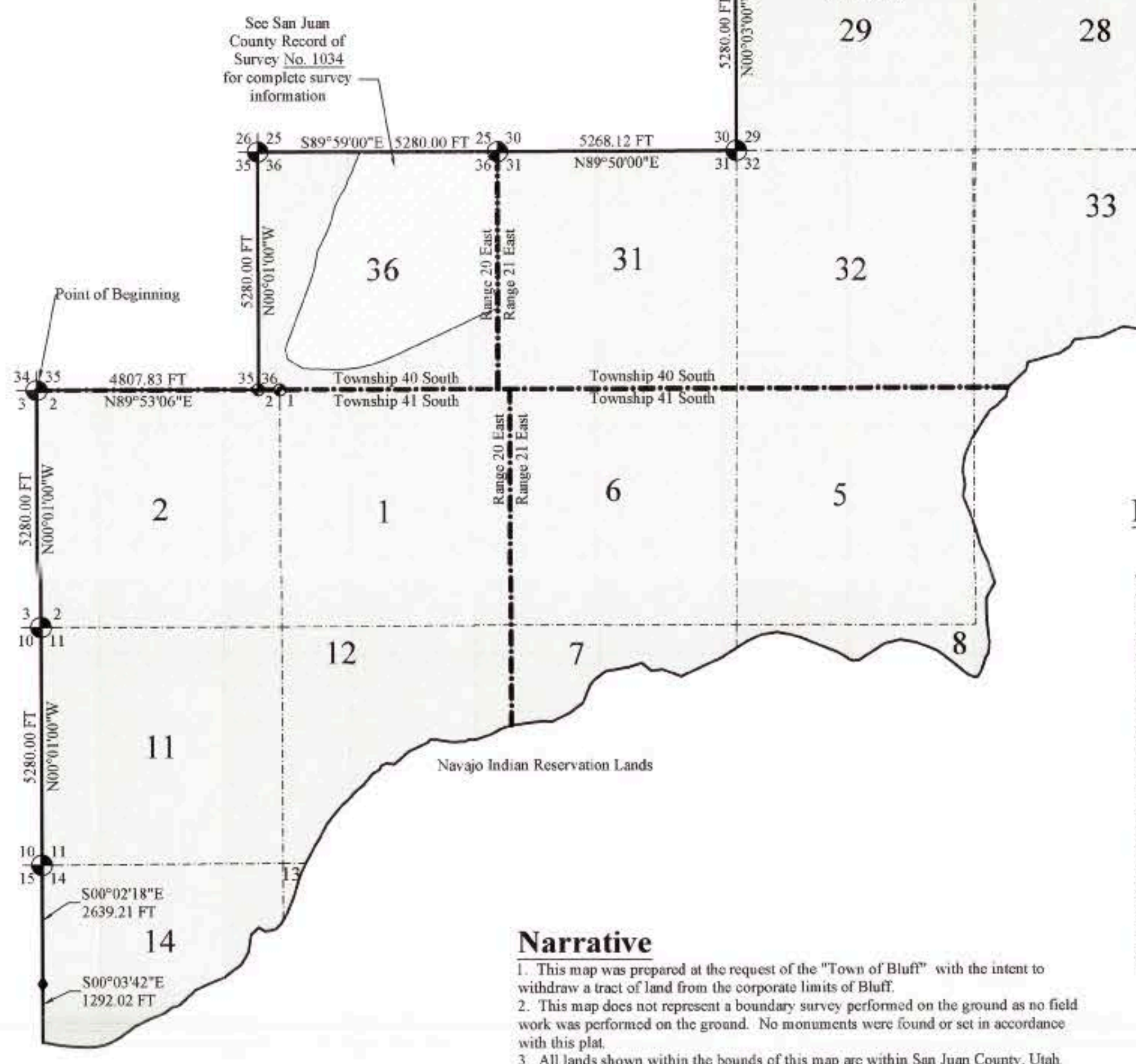
Final Local Entity Plat Lyman Family Farms Withdrawal Bluff, Utah

Within Section 36, T40S, R20E, SLB&M
23,697 Acres ± (resultant)

Resultant General Description for Bluff Corporate Limits

A tract of land located within Section 36, T40S, R20E; Sections 11-14, 22-29, 31-36, T40S, R21E; Sections 7-10, 15-23, 26-30, T40S, R22E; Sections 1, 2, 11, 12, 14, T41S, R20E; Sections 5-8, T41S, R21E, SLB&M, County of San Juan, State of Utah, more particularly described as follows:
Beginning at the northwest corner of said Section 2, T41S, R20E, thence N89°53'06"E 4807.83 feet more or less to the southwest corner of said Section 36, T40S, R20E, thence N00°01'00"W 5280.00 feet more or less to the northwest corner of said Section 36, thence S89°59'00"E 5280.00 feet more or less to the northwest corner of Section 31, T40S, R21E, thence N89°50'00"E 5268.12 feet to the southwest corner of Section 29, T40S, R21E, thence N00°03'00"W 5280.00 feet more or less to the northwest corner of said Section 29, thence N89°29'00"E 2636.70 feet more or less to N1/4 corner of said Section 29, thence S89°59'00"E 2644.62 feet to the northwest corner of Section 28, T40S, R21E, thence S89°54'00"E 5285.28 feet to the southwest corner of Section 22, T40S, R21E, thence N00°02'00"W 5283.30 feet to the northwest corner of Section 22, thence S89°56'00"E 2642.64 feet to the N1/4 corner of said Section 22, thence N89°52'00"E 2634.72 feet to the southwest corner of Section 14, T40S, R21E, thence N00°04'00"E 5272.08 feet to the northwest corner of said Section 14, thence N00°01'00"W 5276.04 feet to the northwest corner of Section 11, T40S, R21E, thence S89°59'00"E 2633.40 feet to the N1/4 corner of said Section 11, thence N89°56'00"E 2638.02 feet to the northwest corner of Section 12, T40S, R21E, thence S89°56'00"E 5287.92 feet to the northwest corner of Section 7, T40S, R22E, thence East 5280.00 feet to the northwest corner of Section 8, T40S, R22E, thence N89°54'00"E 5281.32 feet to the northwest corner of Section 9, T40S, R22E, thence N89°56'00"E 5280.00 feet to the northwest corner of Section 10, T40S, R22E, thence South 5280.00 feet to the N1/4 corner of said Section 10, thence South 5280.00 feet more or less to the N1/4 Corner of Section 15, T40S, R22E, thence South 5280.00 feet to the northwest corner of said Section 23, T40S, R22E, thence S89°40'00"E 2626.80 feet to the northwest corner of Section 23, T40S, R22E, thence East 5280.00 feet to the northeast corner of said Section 23, thence S00°01'00"E 5280.00 feet to the northeast corner of Section 26, T40S, R22E, thence S00°01'00"E 2239.38 feet more or less to the Navajo Indian Reservation Boundary, thence along the boundary of the Navajo Indian Reservation as previously established by either survey or agreement or otherwise through Sections 26, 27, 28, 29, 30, & 31, T40S, R22E, Sections 25, 36, 35, 34, & 33, T40S, R21E, Sections 4, 5, 7, 8, & 9, T41S, R21E, Sections 12, 13, & 14, T41S, R20E to the west line of Section 14, T41S, R20E, thence N00°03'42"W 1292.02 feet more or less to the W1/4 corner of said Section 14, thence N00°02'18"W 2639.21 feet to the southwest corner of Section 11, T41S, R20E, thence N00°01'00"W 5280.00 feet to the southwest corner of said Section 2, T41S, R20E, thence N00°01'00"W 5280.00 feet more or less to the point of beginning, containing 24,088 acres more or less.

LESS: That tract of land as surveyed in November, 2016, in accordance with San Juan County Record of Survey No.1034 within Section 36, Township 40 South, Range 20 East, SLB&M, County of San Juan, State of Utah, more particularly described as follows:
Beginning at the E1/4 corner of said Section 36, thence South along the section line 841.91 feet more or less to the monumented north right-of-way line of Highway 163, thence along right-of-way line as follows, 489.61 feet along a curve to the left having a radius of 3919.72 feet, the chord of said curve is 489.30 feet and bears S68°16'51"W, thence S64°42'14"W 2037.65 feet, thence 194.79 feet more or less along a highway spiral with a chord bearing of S65°21'32"W for 194.76 feet to the beginning of a simple curve to the right having a radius of 2764.79 feet, thence along said curve 1127.97 feet, the chord of said curve is 1120.16 feet and bears S78°25'36"W, thence 194.78 feet more or less along a highway spiral with a chord bearing of N88°09'25"W for 194.75 feet more or less, thence N88°10'23"W 519.09 feet, thence N88°30'21"W 402.71 feet, thence (leaving said right-of-way line) N14°34'00"W 216.83 feet to a point located N79°20'25"W 4764.86 feet from the southeast corner of said Section 36, said point is also located S07°42'05"E 4434.40 feet from the northwest corner of said Section 36, thence N18°17'26"E 145.52 feet, thence N19°56'46"E 612.95 feet, thence N21°11'55"E 700.00 feet, thence N17°24'31"E 468.21 feet, thence N09°44'01"E 381.56 feet, thence N26°27'26"E 372.75 feet, thence N22°41'05"E 340.61 feet, thence N13°58'21"E 361.89 feet, thence N23°56'20"E 189.94 feet, thence N3°37'58"E 257.70 feet, thence N21°10'39"E 217.29 feet, thence N29°21'45"E 179.04 feet, thence N17°45'18"E 184.95 feet, thence N23°03'41"E 306.60 feet to a point on the north line of said Section 36, thence S89°59'25"E 385.02 feet to the N1/4 corner of said Section 36, thence N89°59'07"E 2637.43 feet to the northeast corner of said Section 36, thence S00°00'23"E 2638.07 feet to the point of beginning, containing 391.24 acres more or less.



Description for Bluff Corporate Limit Withdrawal (Lyman Family Farms)

That tract of land as surveyed in November, 2016, in accordance with San Juan County Record of Survey No.1034 within Section 36, Township 40 South, Range 20 East, SLB&M, County of San Juan, State of Utah, more particularly described as follows:
Beginning at the E1/4 corner of said Section 36, thence South along the section line 841.91 feet more or less to the monumented north right-of-way line of Highway 163, thence along right-of-way line as follows, 489.61 feet along a curve to the left having a radius of 3919.72 feet, the chord of said curve is 489.30 feet and bears S68°16'51"W, thence S64°42'14"W 2037.65 feet, thence 194.79 feet more or less along a highway spiral with a chord bearing of S65°21'32"W for 194.76 feet to the beginning of a simple curve to the right having a radius of 2764.79 feet, thence along said curve 1127.97 feet, the chord of said curve is 1120.16 feet and bears S78°25'36"W, thence 194.78 feet more or less along a highway spiral with a chord bearing of N88°09'25"W for 194.75 feet more or less, thence N88°10'23"W 519.09 feet, thence N88°30'21"W 402.71 feet, thence (leaving said right-of-way line) N14°34'00"W 216.83 feet to a point located N79°20'25"W 4764.86 feet from the southeast corner of said Section 36, said point is also located S07°42'05"E 4434.40 feet from the northwest corner of said Section 36, thence N18°17'26"E 145.52 feet, thence N19°56'46"E 612.95 feet, thence N21°11'55"E 700.00 feet, thence N17°24'31"E 468.21 feet, thence N09°44'01"E 381.56 feet, thence N26°27'26"E 372.75 feet, thence N22°41'05"E 340.61 feet, thence N13°58'21"E 361.89 feet, thence N23°56'20"E 189.94 feet, thence N21°10'39"E 217.29 feet, thence N29°21'45"E 179.04 feet, thence N17°45'18"E 184.95 feet, thence N23°03'41"E 306.60 feet to a point on the north line of said Section 36, thence S89°59'25"E 385.02 feet to the N1/4 corner of said Section 36, thence N89°59'07"E 2637.43 feet to the northeast corner of said Section 36, thence S00°00'23"E 2638.07 feet to the point of beginning, containing 391.24 acres more or less.

Surveyor's Certificate

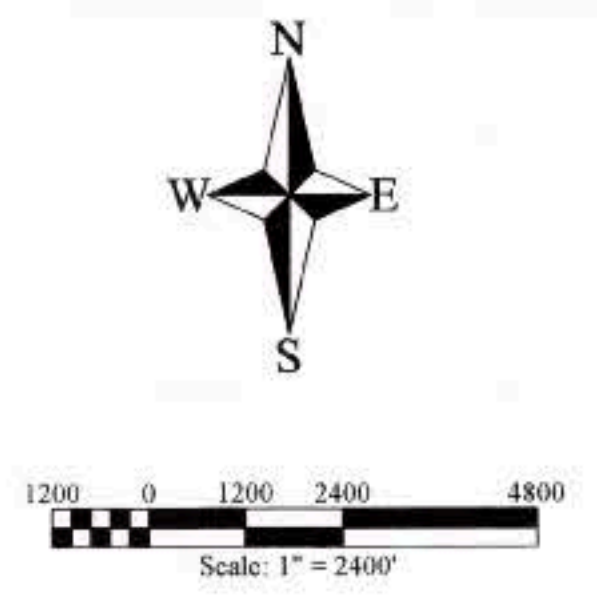
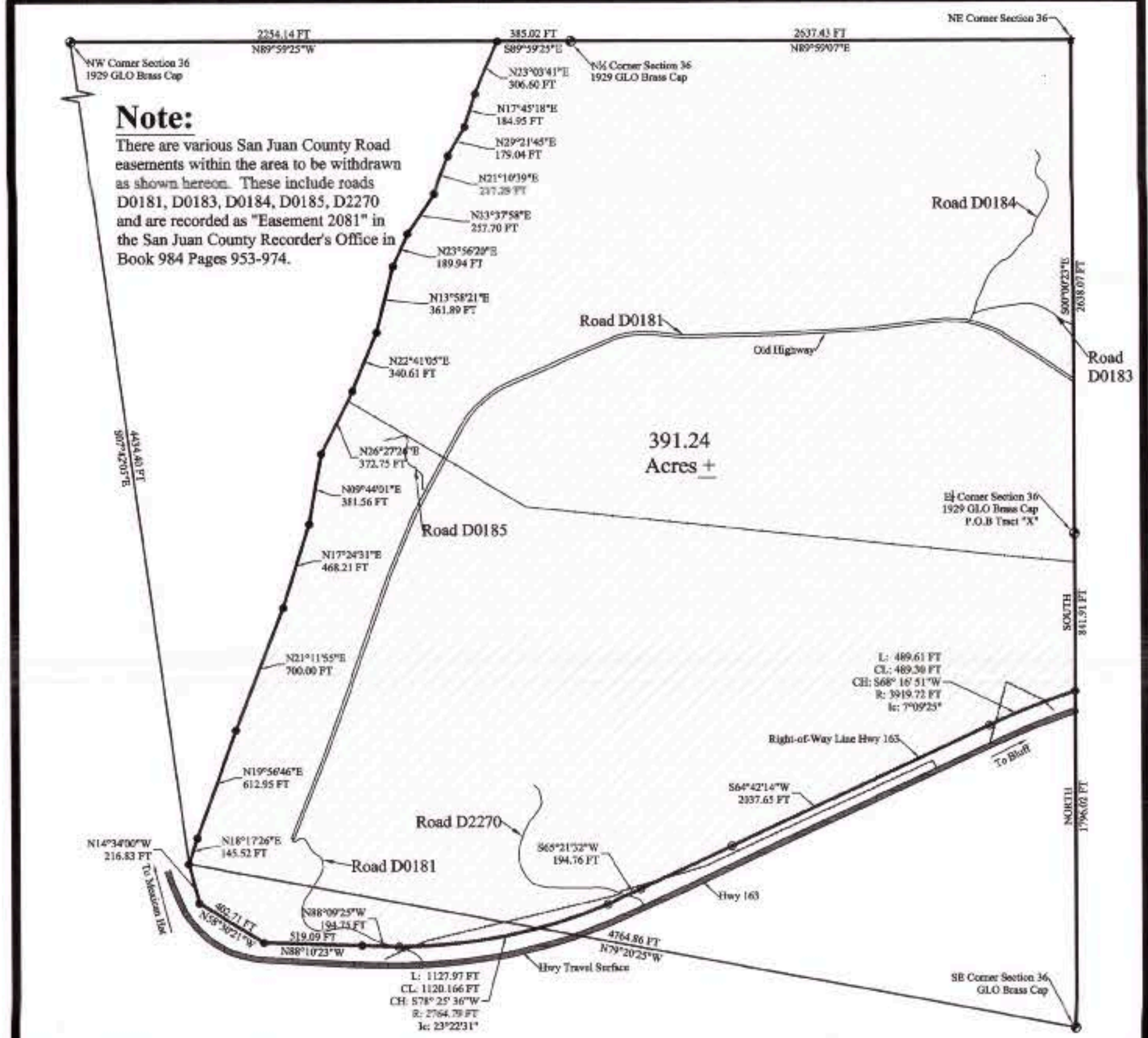
I Brad D. Bunker, Professional Utah Land Surveyor, Number 4769309, hold a license in accordance with Title 58, Chapter 22, Professional Engineers and Land Surveyors Licensing Act. This map has been completed under my direction for the area shown herein.

Brad D. Bunker 2/13/19
Brad D. Bunker Utah P.L.S. #4769309 Date

Legend

- Section Corner (Not Field Located)
- Quarter Corner (Not Field Located)
- "Bluff" Area
- Withdrawal Area (this plat)

Partial excerpt from San Juan County Record of Survey No. 1034 Scale: 1" = 1600'



Sheet: 1 of 1

Drawing Name: Drawing Reference No. BE876
Date: Feb. 7, 2019 Updated: Feb. 13, 2019
Scale: 1" = 2400'

Bunker Engineering, LLC
965 South Creek Road, Monticello, UT 84535
P.O. Box 432, Monticello, UT 84535 (435) 459-9152











Ent 159798 Bk 1035 Pg 793
Date: 4-29-2019 11:43:59 AM
User: JASLO Check Filed By: FK
WALTER D. CARPENTER, Recorder
SAN JUAN COUNTY CORPORATION
FORT LEPPANEN A&B

San Juan County Surveyor
Approved this 14th Day of Feb. 20 19
Walter D. Carpenter
Surveyor


Bluff Mayor
Approved this 14th Day of February 20 19
Mark Lawrence
Mayor, Bluff

San Juan County Recorder
State of Utah, County of San Juan, Recorded at the request of
Filed: Date: 2-14-19 Time: 11:43
Book: 1035 Page: 793
Fee: \$4500
David Smith
County Recorder



Zone

-  A-1 (BLM)
-  A-1 (private)
-  A-1 (SITLA)
-  A-2 (private)
-  A-2 (SITLA)
-  A-3
-  C-1
-  C-2
-  C-3
-  R







Bluff town boundary




Bluff roads (inside boundary)

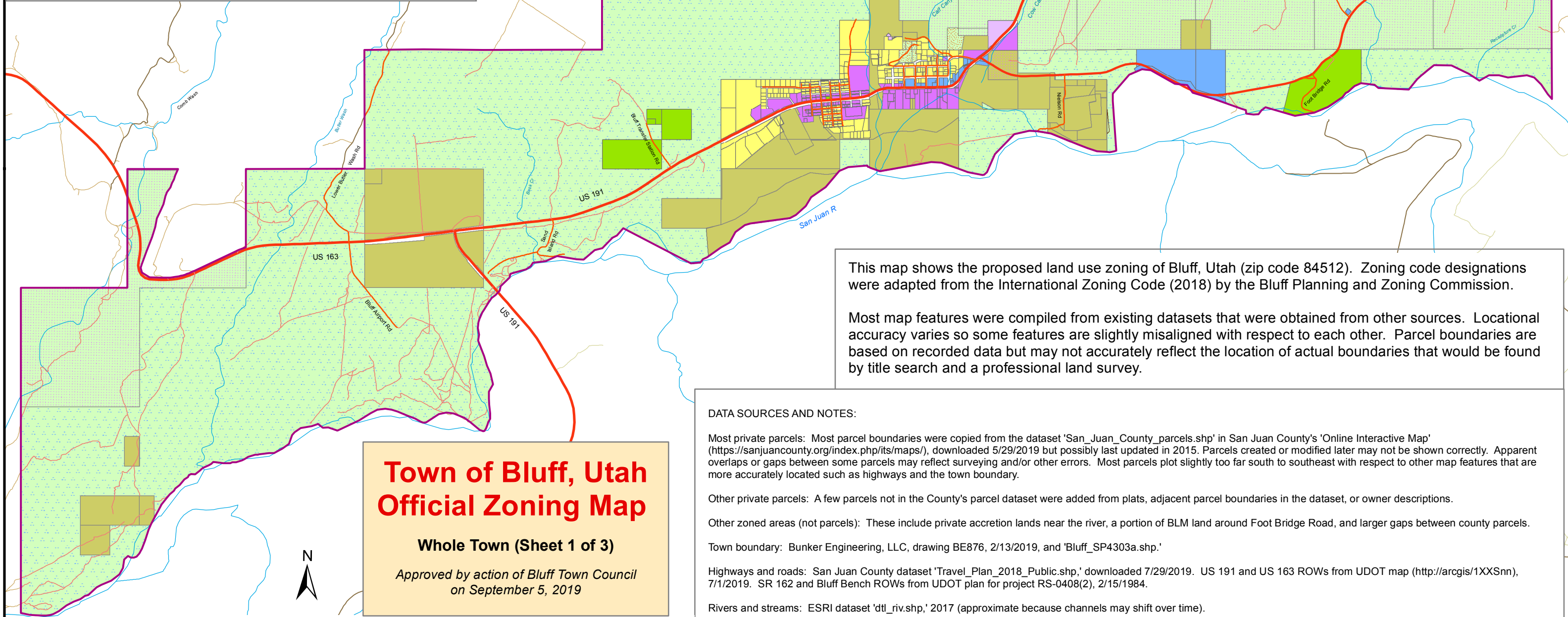
-  C Road (ROW not shown)
-  D Road

County roads (outside boundary)

-  B Road
-  C Road
-  D Road
-  Reservation
-  State Highway
-  US Highway

Rivers and streams (approximate)





This map shows the proposed land use zoning of Bluff, Utah (zip code 84512). Zoning code designations were adapted from the International Zoning Code (2018) by the Bluff Planning and Zoning Commission.

Most map features were compiled from existing datasets that were obtained from other sources. Locational accuracy varies so some features are slightly misaligned with respect to each other. Parcel boundaries are based on recorded data but may not accurately reflect the location of actual boundaries that would be found by title search and a professional land survey.

**Town of Bluff, Utah
Official Zoning Map**

Whole Town (Sheet 1 of 3)

*Approved by action of Bluff Town Council
on September 5, 2019*

DATA SOURCES AND NOTES:

Most private parcels: Most parcel boundaries were copied from the dataset 'San_Juan_County_parcel.shp' in San Juan County's 'Online Interactive Map' (<https://sanjuancounty.org/index.php/its/maps/>), downloaded 5/29/2019 but possibly last updated in 2015. Parcels created or modified later may not be shown correctly. Apparent overlaps or gaps between some parcels may reflect surveying and/or other errors. Most parcels plot slightly too far south to southeast with respect to other map features that are more accurately located such as highways and the town boundary.

Other private parcels: A few parcels not in the County's parcel dataset were added from plats, adjacent parcel boundaries in the dataset, or owner descriptions.

Other zoned areas (not parcels): These include private accretion lands near the river, a portion of BLM land around Foot Bridge Road, and larger gaps between county parcels.

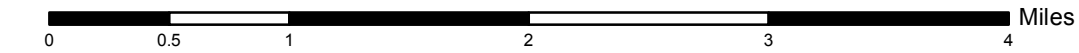
Town boundary: Bunker Engineering, LLC, drawing BE876, 2/13/2019, and 'Bluff_SP4303a.shp.'

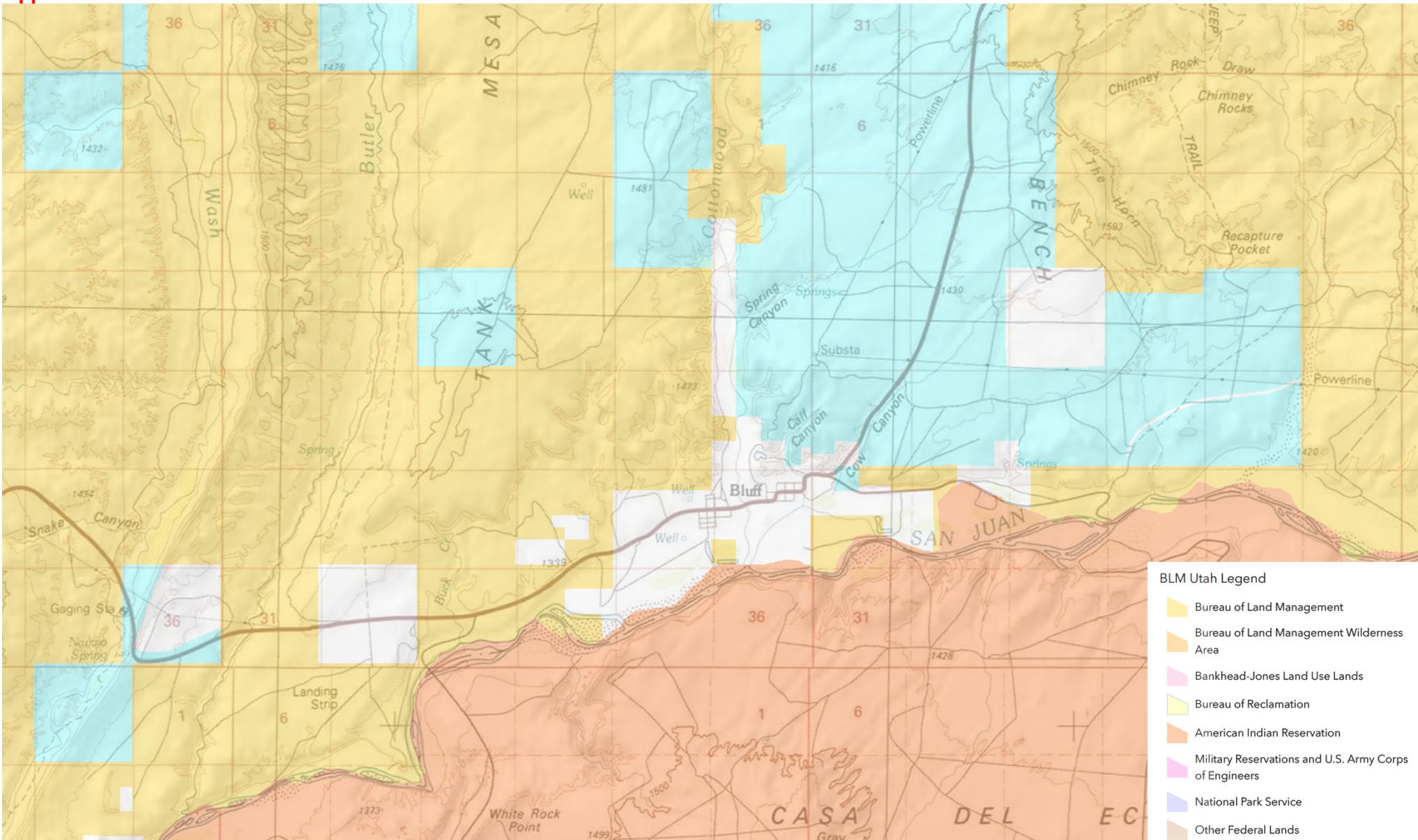
Highways and roads: San Juan County dataset 'Travel_Plan_2018_Public.shp,' downloaded 7/29/2019. US 191 and US 163 ROWs from UDOT map (<http://arcgis/1XXSnn>), 7/1/2019. SR 162 and Bluff Bench ROWs from UDOT plan for project RS-0408(2), 2/15/1984.

Rivers and streams: ESRI dataset 'dtl_riv.shp,' 2017 (approximate because channels may shift over time).

Coordinate system: NAD 1983, UTM Zone 12N, slightly rotated to align with true north.

Cartography: Mary L. Gillam, P&Z_MLG3c_whole_11x17.mxd, 9/4/2019





BLM Utah Legend

- Bureau of Land Management
- Bureau of Land Management Wilderness Area
- Bankhead-Jones Land Use Lands
- Bureau of Reclamation
- American Indian Reservation
- Military Reservations and U.S. Army Corps of Engineers
- National Park Service
- Other Federal Lands
- Private
- State of Utah
- State Parks and Recreation
- State Wildlife Reserve/Management Area
- U.S. Fish & Wildlife Service National Wildlife Refuge
- USDA Forest Service
- USDA Forest Service Wilderness Area

1 mi

Appendix E

Land Ownership - Town of Bluff

As of November 2022

	Acreage	Square Miles	Percentage of Surveyor Total	Percentage of Calculated Total
Federal/Bureau of Land Management ¹	10,692.10	16.71	45.12%	45.24%
Utah School and Institutional Trust Lands Administration ²	8,756.51	13.68	36.95%	37.05%
Private Ownership	3,950.20	6.17	16.67%	16.72%
San Juan County/San Juan School District ³	69.94	0.11	0.30%	0.30%
Tribal ⁴	58.60	0.09	0.25%	0.25%
Town of Bluff ⁵	53.24	0.08	0.22%	0.23%
State of Utah (UDOT)	51.51	0.08	0.22%	0.22%
Calculated Total based on Known Ownership	23,632.10	36.93		100.00%
County Surveyor Totals	23,696.76	37.03	99.73%	
Unknown Ownership	64.66	0.10	0.27%	

1) BLM ownership acres – Confirmed by BLM GIS Specialist, Elizabeth Lament, on November 21, 2022

2) SITLA ownership acres – Confirmed by SITLA Deputy Assistant Director of the Southeast Area, Bryan Torgerson, on November 21, 2022

3) San Juan School District Ownership – confirmed by San Juan School District Business Administrator, Tyrel Pemberton, on November 21, 2022

4) Tribal land calculation through GIS data provided by Bryan Torgerson - based on shifts in the San Juan River on the southern border of town

5) Includes Roads and property. Road information calculated by Michael Haviken on November 15, 2022

Previous private land ownership data obtained from Mary Gillam

tabbies
Appendix
F

Ent 115286 # 936 P 819-821
Date: 16-FEB-2012 9:34:31AM
Fee: \$18.00 Check
Filed By: LCJ
LOUISE JONES, Recorder
SAN JUAN COUNTY CORPORATION
For: ANDERSON & ANDERSON

**DEED OF DISTRIBUTION
BY PERSONAL REPRESENTATIVE**

THIS DEED, made by BARTA JEAN LYMAN GUYMON and EDWARD NIELSON LYMAN, as co-personal representatives of the estate of Ida Venice Neilson Lyman, also known as Venice Nielson Lyman and Venice N. Lyman and Venice Lyman, deceased, GRANTORS, to EDWARD N. LYMAN and JUDITH F. LYMAN, husband and wife, as joint tenants, whose address is 363 South 100 East, Blanding, Utah 84511, GRANTEE.

WHEREAS, GRANTORS are the qualified co-personal representatives of said estate, filed as Probate Number 1137-13 in San Juan County, Utah; and

WHEREAS, GRANTEE is entitled to distribution of the hereinafter described real property;

THEREFORE, for valuable consideration received, GRANTORS convey and release to GRANTEE all of GRANTOR's right, title and interest in the following described real property in San Juan County, Utah:

Township 40 South, Range 22 East, SLM

Section 16: All (Parcel No. 40S22E160000)

with all appurtenances.

EXECUTED this 14th day of February, 2012.

Barta Jean Lyman Guymon
Barta Jean Lyman Guymon, Co-Personal
Representative of the Estate of Ida Venice Nielson
Lyman, also known as Venice Nielson Lyman and
Venice N. Lyman and Venice Lyman,
deceased

LCJ

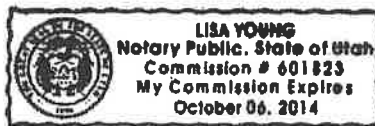
Edward Nielson Lyman
 Edward Nielson Lyman, Co-Personal
 Representative of the Estate of Ida Venice Nielson
 Lyman, also known as Venice Nielson Lyman and
 Venice N. Lyman and Venice Lyman,
 deceased

STATE OF UTAH)
) : ss.
 County of San Juan)

On the 14th day of February, 2012, personally appeared before me Barta Jean Lyman
 Guymon, as co-personal representative of the estate of Ida Venice Nielson Lyman, also known as
 Venice Nielson Lyman and Venice N. Lyman and Venice Lyman, deceased, and as signer of the
 foregoing Deed of Distribution, who acknowledged to me that she executed the same.

Lisa Young
 Notary Public
 Residing at Blanding, UT

My Commission Expires:
10-6-14

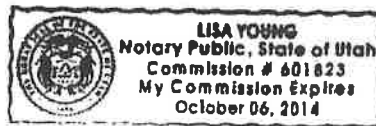


STATE OF UTAH)
) : ss.
 County of San Juan)

On the 14th day of February, 2012, personally appeared before me Edward Nielson
 Lyman, as co-personal representative of the estate of Ida Venice Nielson Lyman, also known as
 Venice Nielson Lyman and Venice N. Lyman and Venice Lyman, deceased, and as signer of the
 foregoing Deed of Distribution, who acknowledged to me that he executed the same.

Lisa Young
 Notary Public
 Residing at Blanding, UT

My Commission Expires:
10-6-14



vlyman.dod



SAN JUAN COUNTY CORPORATION
Tax Roll Master Record

Sept

11:28:05AM

Parcel: 40S22E160000 Entry: 115286
 Name: LYMAN JUDITH F
 c/o Name: _____
 Address 1: 363 S 100 E
 Address 2: _____
 City State Zip: BLANDING UT 84511-3015 Acres: 640.00
 Mortgage Co: _____
 Status: **Active** Year: **2022** District: **011 TOWN OF BLUFF** **0.011925**

Owners	Interest	Entry	Date of Filing	Comment
LYMAN JUDITH F				(0706/0346)

Property Information	2022 Values & Taxes				2021 Values & Taxes		
	Units/Acres	Market	Taxable	Taxes	Market	Taxable	Taxes
LG01 LAND GREENBELT	640.00	480,000	8,960	124.12	192,000	8,960	124.11
Totals:	640.00	480,000	8,960	124.12	192,000	8,960	124.11

Greenbelt Class Code & Name	Zone Code & Name	Acres	Price/Acre	Market	Taxable	Status	Changed
GZ3 GRAZING III	0001 SAN JUAN	640.00	750	480,000	8,960	Active	05/26/2022
Greenbelt Totals		640.00		480,000	8,960		

****** ATTENTION !! ******

Tax Rates for 2022 have been set and approved. All levied taxes and values shown on this printout for the year 2022 should be correct.

2022 Taxes:	124.12	2021 Taxes:	124.11
Special Fees:	0.00	Review Date	
Penalty:	0.00	04/08/2019	
Abatements: (0.00)		
Payments: (0.00)		
Amount Due:	124.12	NO BACK TAXES!	

DO NOT USE THIS TAXING DESCRIPTION FOR LEGAL PURPOSES OR OFFICIAL DOCUMENTS. For taxing purposes only. Consult property deeds for full legal description.

Taxing Description

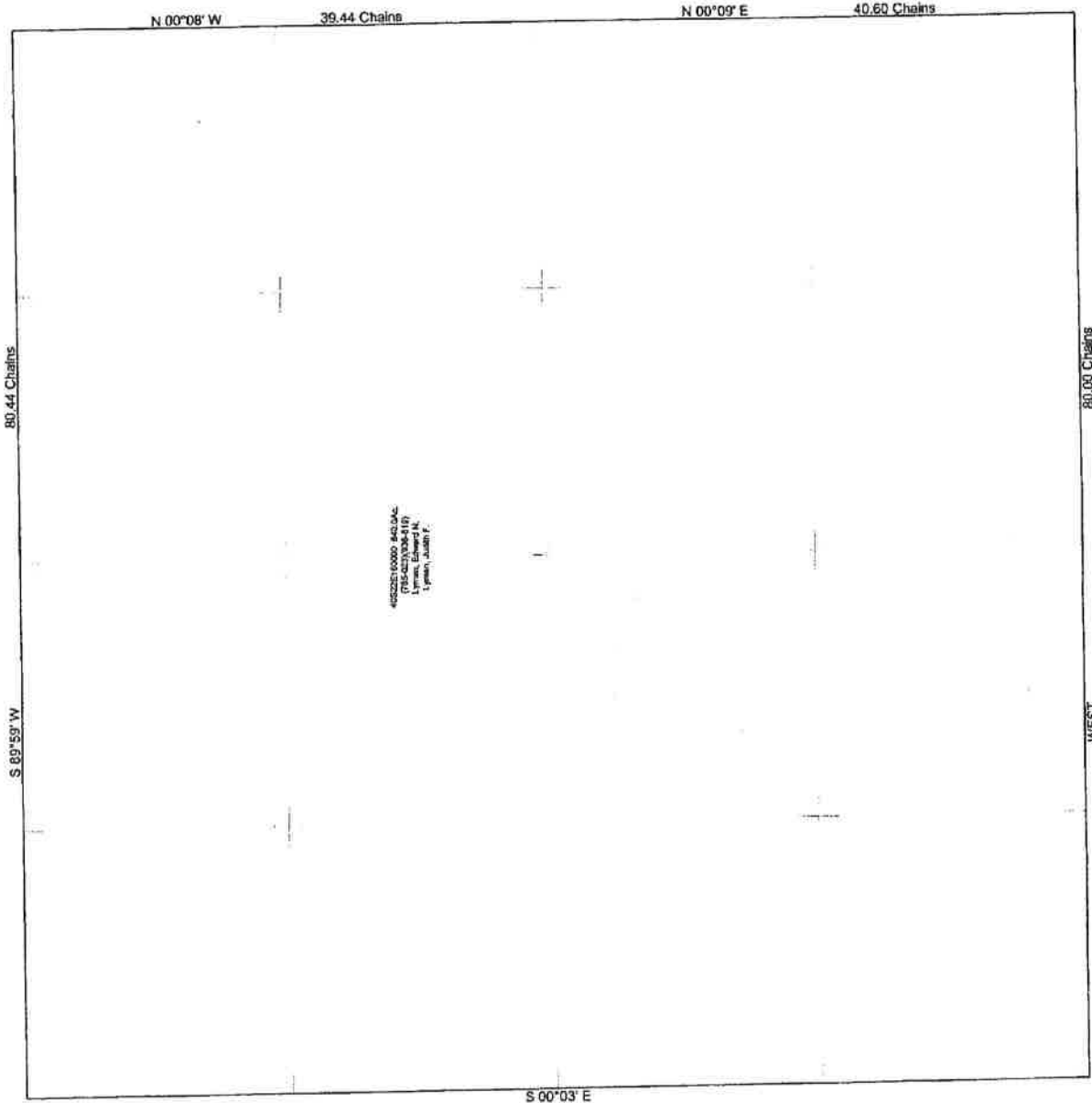
SEC 16 T40S R22E: ALL OF SECTION 16 (640 AC) 40S22E160000

History

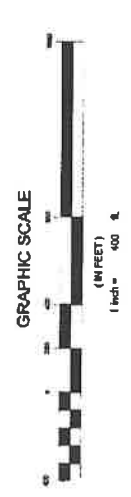
AFFIDAVIT TO TERM JNT TENANCY BY JUDITH LYMAN, 170720, 07/28/2022.

SAN JUAN COUNTY, UTAH

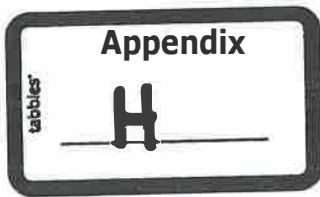
SECTION 16, T40S, R22E, SALT LAKE MERIDIAN, UTAH



1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31	32	33	34	35	36	37	38	39	40	41	42	43	44	45	46	47	48	49	50	51	52	53	54	55	56	57	58	59	60	61	62	63	64	65	66	67	68	69	70	71	72	73	74	75	76	77	78	79	80	81	82	83	84	85	86	87	88	89	90	91	92	93	94	95	96	97	98	99	100
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The plat was created pursuant to Utah Code Annotated (1962), as amended, section 17-21-21 solely for the purposes set forth herein and no warranty is made by the county for any errors, omissions, variations, gaps or omissions.



*The Board of Trustees
of the
School and Institutional Trust Lands Administration*

New Policy *Amends Policy No. _____* *Replaces Policy No. _____*

Policy Statement No. 2012-01

Subject: Lease/Disposal of Land Blocks

The Board of Trustees of the School and Institutional Trust Lands Administration met in open, public session on May 17, 2012, and by majority vote declares the following to be an official policy of the Board on the retention or lease/disposal of designated land blocks.

- The School and Institutional Trust Lands Administration manage numerous blocks of land with acreages in excess of 5,000 acres.
- In recognition of its fiduciary duties the Board acknowledges that all blocks are generally available for revenue-generating purposes, including lease, exchange or sale.
- Prior to bringing a disposal proposal on a designated land block to the board for review, the Administration shall:
 - Require the applicant to provide terms for the acquisition of the block, including:
 - The amount of money or other assets being offered;
 - All proposed terms of any contract;
 - Analyze any potential for conflict with retained rights if the surface is conveyed out of Trust ownership;
 - Prepare a recommendation for Board consideration containing a thorough financial analysis of why disposal of the parcel at the time is in the best interest of the beneficiaries.
- In order to allow for appropriate input from beneficiary representatives and other stakeholders the board will not take action on any proposal during the meeting the proposal is first presented.

BY THE BOARD:


Michael R. Brown, Chairman



The Board of Trustees
of the
School and Institutional Trust Lands Administration

New Policy *Amends Policy No. _____* *Repeals Policy No. _____*

Policy Statement No. 2008-01

*Subject: Real Estate Development on
Trust Lands*

The Board of Trustees of the School and Institutional Trust Lands Administration met in open public session on January 17, 2008, and by majority vote declares the following to be an official policy of the Board.

In furtherance of the policies set forth in Policy Statement No. 2006-03 and pursuant to 53C-1-201(5)(a) and 53C-1-204(1)(a) of the School and Institutional Trust Lands Management Act ("Act"), the Board of Trustees ("Board") believes it is desirable and prudent to establish a policy governing the procedures for the oversight of Development Program transactions by the Board.

The Board acknowledges that the Director is: (i) vested with broad authority to enter into Development Program transactions pursuant to, among other provisions, 53C-1-302(1)(a)(i) and 53C-1-303(4)(d) of the Act; (ii) required to obtain Board approval of joint venture transactions and other business arrangements pursuant to 53C-1-303-(4)(e) of the Act; and (iii) required to inform the Board of the Administration's activities pursuant to 53C-1-303(1)(k) of the Act. In order to assist the Director in fulfilling his/her obligations under the foregoing, the Board adopts the following policy regarding informing the Board and, where required, obtaining the Board's approval of Development Program transactions.

1. Pursuant to the Act, the Director has broad authority to manage Trust assets and enter into transactions that comply with the requirements of the Act, provided, however, 53C-1-303(4)(e) of the Act requires Board approval of joint ventures and "other business arrangements". The Board finds that the term "other business arrangements" shall mean transactions which have substantially similar or greater risks as joint ventures and in which a material portion of the anticipated return to the Trust is contingent on the economic performance of the ultimate development of the Trust property. The agency's standard non-subordinated "development lease" is not considered an other business arrangement.

The Director shall adopt procedures for the Board's approval of joint ventures ("JV") and other business arrangements ("OBA") consistent with the foregoing criteria.

Policy Statement 2008-01
January 17, 2008
Page No. 2

2. Development Program transactions present different levels of risk, with JV's and OBA's typically involving greater risk than other types of transactions. The Board believes that its review process should be proportional to the potential risk and should take into account the value of the Trust assets committed in a transaction and distinguish between JV's and OBA's and other types of transactions. To that end, the Administration shall adopt procedures to categorize proposed transactions as either "Major Transactions" or "Minor Transactions" applying the following criteria:
 - a. A "Minor Transaction" shall be:
 - I. a transaction which is not a JV or OBA and which involves Trust assets (including the value of Trust property and capital commitments by the Trust) valued in an amount equal to or less than Five Million Dollars (\$5,000,000); or
 - II. a transaction which is a JV or OBA and involves Trust assets (including the value of Trust property and capital commitments by the Trust) valued in an amount equal to or less than Two Million Dollars (\$2,000,000.)
 - b. A "Major Transaction" shall be:
 - I. a transaction which is not a JV or OBA and which involves Trust assets (including the value of Trust property and capital commitments by the Trust) valued in an amount greater than Five Million Dollars (\$5,000,000);
 - II. a transaction which is a JV or OBA and involves Trust assets (including the value of Trust property and capital commitments by the Trust) valued in an amount greater than Two Million Dollars (\$2,000,000).
3. With regard to all transactions, the Administration should conduct an appropriate public advertising program designed to effectively solicit interested parties for each transaction and conduct appropriate due diligence with respect to the ownership, financial capacity, and character of its development partners, which shall include investigation into credit and financial capacity, business background, litigation and bankruptcy history, and other relevant factors. The Administration shall maintain this information in its files.

Policy 2008-01
January 17, 2008
Page No. 3

4. With regard to Minor Transactions, the Administration shall adopt procedures for advising the Board, which procedures shall require, at a minimum, the following:
 - a. The Administration shall deliver to the Board, in a consistent written format, key information about the Minor Transaction, including a summary of: (i) the economic analysis of the transaction; (ii) the competitive/advertising process used in soliciting offers for the transaction; (iii) a declaration of any conflicts of interest for staff with any interested parties; (iv) a list of key components of the transaction; and (v) all parties and any relevant background information regarding such parties derived from the Administration's due diligence activities described in Paragraph 3 above.
 - b. If such Minor Transaction is not a JV or OBA, such matter shall be placed on the consent agenda for the next Board meeting for informational purposes and to allow an opportunity for the Board to comment on the transaction and/or provide guidance to the Director for future transactions.
 - c. If such Minor Transaction is a JV or OBA, thereby requiring Board approval, such matter shall be placed on the consent agenda for the next Board meeting. Any member of the Board may request a review, discussion, and vote on such proposed transaction by the Board at such meeting. If no such review is requested, the proposed transaction shall be approved or rejected as part of the consent agenda at such meeting. If approved by the Board, the Administration shall be authorized to enter into binding agreements for the proposed JV or OBA on the terms so approved and in compliance with the requirements of the Act.
5. With regard to major Transactions, the Administration shall adopt procedures for the review and approval of such transactions by the Board, which procedures shall materially conform with the following:
 - a. The Administration shall make an initial presentation to the Board, which presentation shall contain key information about the proposed transaction, including:
 - (i) an executive summary of the Administration's perception of the values involved in the transaction;
 - (ii) a discussion of the financial and other goals of the transaction;
 - (iii) an analysis of the determination of timeliness of the transaction;
 - (iv) the structure or structures if more than one is proposed for the transaction selected by the Administration;

Policy 2008-01
January 17, 2008
Page No. 4

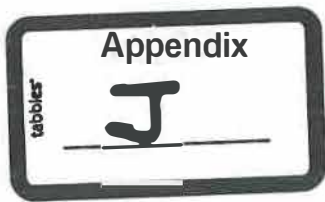
- (v) a discussion of the competitive processes that the Administration intends to use in soliciting proposals;
- (vi) financial requirements of parties demonstrating the capability to complete the project; and
- (vii) known political issues with proposed solutions.

The Administration shall solicit Board input on the proposed transaction and the Board's concurrence with moving forward to finalize the proposed transaction.

- b. Subject to concerns expressed by the Board at the initial presentation, the Administration may, in its discretion, continue to pursue proposed transaction, including, among other things, conducting a competitive process to obtain proposals for the transaction, selecting one or more proposals and negotiating the key terms of the proposed transaction.
- c. After selecting a proposal, the Administration shall make a second presentation to the Board which includes:
 - (i) a summary of the key terms of the transaction;
 - (ii) a description of the parties to the proposed transaction with all relevant background information about the parties derived from the due diligence activities described in Paragraph 3 above.
 - (iii) a projected financial pro forma of the transaction;
 - (iv) a summary of the competitive process(es) and advertising efforts used in selecting a proposal;
 - (v) the minimum financial criteria that will be conditions to the completion of the transaction; and
 - (vi) a declaration of any conflicts of interest for staff with any interested parties.
- d. If such matter is a JV or OBA, thereby requiring Board approval, such matter shall be voted on by the Board. If approved by the Board, the Administration shall be authorized to enter into binding agreements for the proposed JV or OBA on the terms so approved and in compliance with the requirements of the Act.
- e. If such matter is not a JV or OBA and provided the Board has not specifically directed the Administration to terminate the proposed transaction, the Administration shall be authorized to enter into binding agreements for the proposed transaction on the terms so approved and in compliance with the requirements of the Act.

Policy 2008-01
January 17, 2008
Page No. 5

- f. Notwithstanding the foregoing, with respect to Major Transactions which do not involve a JV or OBA and where all relevant material information regarding the proposed transaction is available, the Administration may make at least one presentation to the Board regarding the proposed transaction.
 - g. The Administration shall provide the Board with updates on Major Transactions which have been reviewed or approved by the Board within six (6) months of such review or approval.
 6. With respect to references in this Policy Statement to “competitive processes” or similar terms, the Board acknowledges that in certain circumstances with regard to certain types of lands, conducting a competitive process for the disposition of the property may not be appropriate nor in the best interest of the Trust. Some examples of such circumstances include, without limitation, exchange of property (when such exchanges further other goals with adjoining trust lands), sale to governmental entities when appropriate and in the best interest of the Trust (i.e., project parks, fire and safety such as firehouses and police stations, etc.), and sales of conservation properties when needed to further development of adjoining properties. In such instances, the Administration shall not be required to conduct a competitive process, but rather shall advise the Board of such instances and the Administration’s rationale for such determination in advance of any such transaction.
 7. In order to more efficiently conduct the Board oversight of Development Program transactions, the Board may, pursuant to 53C-1-204(9)(a)(i) of the Act, create a committee consisting of not less than one (1) member of the Board and such other members of the Administration and/or the public as is appropriate for the task of reviewing submittals concerning Development Program transactions and making recommendations to the Board. In such event, any submittals and presentations required to be made to the Board in connection with any Development Program transaction as described herein may be made to such committee.



The Board of Trustees
of the
School and Institutional Trust Lands Administration

- New Policy* *Amends Policy No.* *Repeals Policy No. 94-04.2*

Policy Statement No. 2005-01

Subject: Joint Planning

The Board of Trustees of the School and Institutional Trust Lands Administration met in open, public session on February 10, 2005, and by majority vote declares the following to be an official policy of the Board:

Trust lands are often intermingled with lands managed by other federal and state agencies. Actions taken by those agencies can often impact the ability to manage trust lands for their highest and best use. Many land-management agencies and local governments have obligations to develop plans to direct the management of lands. Involvement in those planning processes may prevent adoption of plans that have the potential to negatively affect trust lands.

The Administration is hereby authorized and encouraged to be involved in any joint planning efforts conducted by local, state, or federal entities, with the degree of involvement to be set by the Director.