



Keli Beard <kelibeard@utah.gov>

RE: Bluff disconnection

1 message

Bruce Baird <bbaird@difficultdirt.com>

Fri, Feb 10, 2023 at 7:21 AM

To: Keli Beard <kelibeard@utah.gov>

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

Keli:

Great news. What I need from you is a legal description and a map of which of SITLA's properties you want to disconnect. As soon as I have that I will prepare a new petition to the Town.

Please call me when you can so that we can talk about it. This morning about 930 is perfect.

Thanks. Bruce

From: Keli Beard <kelibeard@utah.gov>
Sent: Thursday, February 9, 2023 11:06 AM
To: Bruce Baird <bbaird@difficultdirt.com>
Cc: Bryan Torgerson <bryantorgerson@utah.gov>
Subject: Fwd: Bluff disconnection

Hi Bruce,

SITLA will join the Lyman-Acton disconnection petition. We actually looked at this a few years ago, but there was a change in the statute that posed a problem for SITLA as a non-private party to bring a disconnection petition on its own. This presents a good opportunity for us to bring that action. Give me a call at your convenience to discuss.

Thanks,

Keli

Begin forwarded message:

From: Bruce Baird <bbaird@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

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