



Keli Beard <kelibeard@utah.gov>

FW: Bluff disconnection

1 message

Chris Mcanany <mcanany@dwmk.com>
To: Keli Beard <kelibeard@utah.gov>
Cc: Ann Leppanen <ann@townofbluff.org>

Thu, May 4, 2023 at 4:16 PM

Ms. Beard:

I represent the Town of Bluff. We received this letter from Bruce Baird today in which he represents that SITLA has consented to and joins in a petition by a private landowner for the disconnection of a block of lands (including SITLA parcels) from the municipal boundaries of the Town of Bluff. The information accompanying Mr. Baird's letter is minimal. Can you confirm for us that SITLA has authorized this petition? Thank you for your attention to this matter.

Chris McAnany



Christopher G. McAnany

Partner

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From: Bruce Baird <bbaird@difficultdirt.com>
Sent: Thursday, May 4, 2023 3:52 PM
To: Ann Leppanen <ann@townofbluff.org>
Cc: luanne@townofbluff.org; linda@townofbluff.org; jim@townofbluff.org; brant@townofbluff.org; Erin Nelson <manager@townofbluff.org>; Chris Mcanany <mcanany@dwmk.com>
Subject: Bluff disconnection

Dear Mayor Leppanen, Members of the Town Council and Mr. Mcanany:

Attached please find a new disconnection petition for about 9,500 acres including most of the SITLA property on the northeast corner of what is now the Town of Bluff. SITLA has consented to the disconnection.

I am traveling tonight to Ireland with my youngest son.

I can have it mailed to you from my office Monday if you insist on that formality. Please let me know how you wish to proceed. I would hope that this email is sufficient.

As usual, please coordinate with me about the date of the required public hearing so that we can make sure I can attend. I would hope that this hearing would be a formality on our way out of the door and that this could be scheduled as quickly as allowed by law and schedules.

Thx. brb

Bruce R. Baird

Bruce R. Baird, PLLC

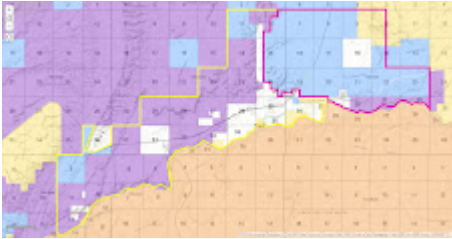
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Salt Lake City, UT 84106

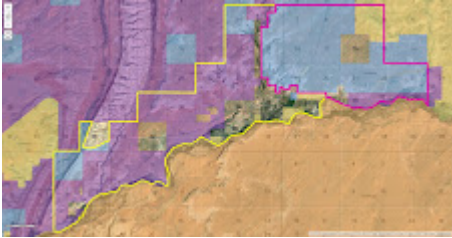
801.647.1400

bbaird@difficultdirt.com

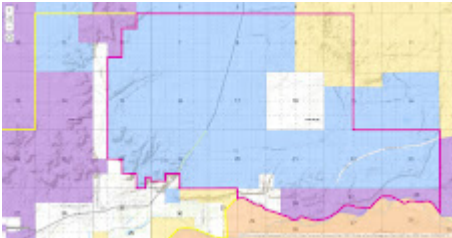
5 attachments



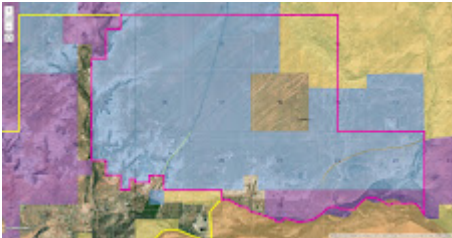
Map 4.jpg
280K



Map 3.jpg
396K



Map 2.jpg
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Map 1.jpg
391K

 **Disconnection Letter with Signature 05 04 23.pdf**
1191K

BRUCE R. BAIRD PLLC

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SALT LAKE CITY, UTAH 84106

TELEPHONE (801) 328-1400

BBAIRD@DIFFICULTDIRT.COM

May 5, 2023

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
Kim E. Acton and Ida E. Acton**

Dear Mayor Leppanen and Members of the Town Council:

I am counsel for Mr. Kim Eric Acton and Ms. Ida Elizabeth Acton, husband and wife (the "Actons"). The Actons own, as joint tenants, the approximately 640 acres of real property described as Section 16, T 40S, R. 22E, SLM (the "Actons' Property"). SITLA, other governmental agencies and others own other properties described in Exhibit "A" constituting a total of approximately 9,514 acres ("Other Properties"). The Actons' Property plus the Other Properties are herein referred to as the "Disconnection Properties".

Pursuant to Section 10-2-501, Utah Code Ann., Acton hereby requests that the Town of Bluff ("Bluff") disconnect the Disconnection Properties from its boundaries. SITLA has consented to this Petition.

The address for the Actons is 2002 North Reservoir Road, Blanding, Utah 84511. The Actons own more than 50% of the privately owned property within the totality of the Disconnection Properties. This letter is countersigned by Mr. and Ms. Acton. This information

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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 Acton at the address listed above. 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 are four maps of the proposed disconnection which satisfies the requirements of Section 10-2-501(2)(b)(iii).

The disconnection is proposed because the Actons' Property and the rest of the Disconnection Properties cannot reasonably be served by Bluff with any municipal services. The vast majority of the Disconnection Properties are all currently vacant land owned by State and Federal entities and requires no municipal services (which Bluff does not provide anyway). The Disconnection Properties, as disconnected, would be "viable" in that they 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 Actons' Property are miniscule while the Other Properties are mostly exempt from any such taxes at all). The proposed disconnection will not leave or create any islands or peninsulas of unincorporated territory.

Further, the proposed disconnection will have no adverse effect on: (a) the municipality or community as a whole; (b) adjoining property owners; (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 in reality); or (h) other municipal services (since there are none).

Simply put, if Bluff does not allow the Disconnection Properties to disconnect peacefully then the Actons will file suit in District Court to force the disconnection. Bluff will lose that suit and the Disconnection Properties 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. The Actons do not want to litigate this matter but will do so if they have to.

Section 10-2-501(3) was amended this year by the Legislature in SB 43 2nd Substitute (lines 1104 to 1130). That bill was signed by the Governor on March 20, 2023 and has now taken effect. That new legislation puts the onus for giving public notice of the Petition (and, also, of the public hearing on the Petition required by Section 10-2-502.5) entirely on the municipality. This new legislation allows the municipality to bill the petitioner for the costs of that notice. The Actons agree to pay those actual and reasonable costs.

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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,

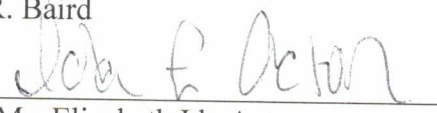


Bruce R. Baird



Mr. Kim Eric Acton

cc: Client
SITLA



Ms. Elizabeth Ida Acton