

# BRUCE R. BAIRD PLLC

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July 11, 2022

VIA CERTIFIED MAIL AND FIRST-CLASS MAIL

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

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

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

Hon. Linda Sosa, Council Member  
Town of Bluff  
190 North 3<sup>rd</sup> 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

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).

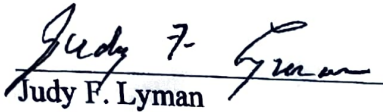
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I look forward to coordinating with you for the hearing required by Section 10-2-502.5,  
Utah Code Ann. Please contact me if you have any questions.

Sincerely,



Bruce R. Baird

  
Judy F. Lyman

cc: Client  
Mr. Eric Acton



## 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 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)

## Bluff town boundary



Lyman Property for  
disconnection

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.

## 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 5/28/2019 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/1XX5nn>), 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 'dl\_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

## Town of Bluff, Utah Official Zoning Map

Whole Town (Sheet 1 of 3)

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

