



**Staff Report to the Town of Bluff
August 10, 2023
Kim E. Acton & Ida E. Acton Petition to Disconnect**

Petition Information

Public Hearing Date: Tuesday, August 15, 2023, 6:00pm MTN

Applicants: Kim E. Acton and Ida E. Acton

Petition Request: Mr. Kim Eric Acton and Ms. Ida Elizabeth Acton (The Actons) own the full section of real property described as: Section 16, T 40S, R.22E SLM. Pursuant to Section 10-2-501, Utah Code Ann., The Actons request that the Town of Bluff (Bluff) disconnect their property, as well as an additional 8,874 acres of adjacent properties, from its boundaries. The total disconnect petition totals 9,514 acres of land in the northeastern portion of incorporated Bluff lands. The petition does not provide a legal description of the “Other Properties”; however, the land is indicated in the petition’s attached maps (Appendix A). The School and Institutional Trust Lands Administration (SITLA), which administers the majority of the acreage in question, joins in this petition, though the town did not receive a formal petition from that agency.

Property Information

Section, Township, Range: Sec. 16, T. 40S, R. 22E, SLM (petitioner property)

Additional ownership information pertaining to the remaining 8,874 acres found in Appendix B

County: San Juan, State of Utah

Zoning: A-2 Private (undeveloped); C-2 (private), A-1 SITLA (undeveloped); A-1 BLM (Undeveloped)

Existing Land Use: Undeveloped; C-2 (private) Developed - St. Christopher’s Mission

Adjacent Land Use/Zoning

North: Unincorporated San Juan County

East: Unincorporated San Juan County

South: Residential (R); Commercial 1 (C-1);
Commercial 3 (C-3); Agriculture 2 (A-2)
Private; Agriculture 1 (A-1) BLM;
Navajo Nation

West: A-2 Private, A-1 BLM

Staff Information

Prepared by: Erin Nelson, Town Manager¹

Applicable Utah Code

§10-2-501. Municipal disconnection

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

§10-2-502.7. Court action.

Petition Letter

On May 5, 2023, members of the Bluff Town Council received, via email, a letter from Mr. Bruce Baird representing Kim E. Acton and Ida E Acton (the Actons). The letter and

¹The Town Attorney has provided relevant citations to legal provisions to aid the Council.

reference maps, attached in Appendix A, is a petition to disconnect the Acton's real property, pursuant to Utah Code Section 10-2-501, as well as approximately 8,874 additional acres of State, Federal, and private land. This document is in the staff summary provided to the Town Council concurrent with the public hearing.

Property and Zoning Information

The real property owned by Kim E. Acton and Ida E. Acton totals 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.

Also named in the petition to disconnect, are approximately 7,370 acres of Utah School and Institutional Trust Lands Administration (SITLA) land, approximately 1,338 acres of Bureau of Land Management (BLM) land, and approximately 166 acres of private property belonging to St. Christopher's Mission.

The Acton's property is zoned A-2 (private). SITLA land is zoned as A-1 SITLA. BLM land is zoned A-1 BLM. Approximately 125 acres of private property owned by St. Christopher's mission is zoned as C-2, with an additional 40 acres on top of the Bluff Bench zoned A-3 Private. The Town of Bluff Zoning Map can be found in Appendix C. All named lands are 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.

Bluff incorporated land totals 23,696.76 acres, equivalent to approximately 37.026 square miles. **The total 9,514 acres named in the petition to disconnect represents 40.1 percent of the total incorporated land in the Town of Bluff.** The Acton property represents 2.7 percent of the total Bluff incorporated land, and approximately 16.20 percent (+/- 0.7 percent) of the privately owned land in Bluff. **The Acton property represents 6.7 percent of the named lands in the petition to disconnect.**

See **Appendix B** for additional land ownership information, and Appendix D for the Town of Bluff Map of Incorporation.

Town Services and Property Attributes

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

Road Maintenance: The Class C Road accessing the Acton property from Highway 191 was recently graded in September of 2022. The Bluff Bench Road (HWY 163) receives regular maintenance and serves as a major throughfare for Bluff and the surrounding communities. The Town provides road maintenance, snow plowing, and cattle guard clearing on all Class C roads, subject to need and available funding.

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 Acton 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 proposed Disconnection Properties.

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 proposed Disconnection Properties in the event of a call.

Law Enforcement: The Town maintains 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 proposed Disconnection Properties would be covered by the IGA.

Electricity: Rocky Mountain Power provides electrical service within the Town. Development on the proposed Disconnection Properties would require the owner to contract for a service extension from Rocky Mountain Power.

Telecommunications: The Town has entered into a franchise agreement with Emery Telcom for the provision of telecommunication services within the Town. Development on the proposed Disconnection Properties would receive telecommunications services from Emery Telcom.

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). The Actons have not sought any development approvals from the Town with respect to their property, nor have they made any inquiry about possible development.

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 Acton Property, which includes county, school district, Town, and other tax increments is minimal. The previous landowner paid \$124.12. (See Appendix E San Juan County Tax Roll Master Record.)

Culinary Water: Culinary water service within the Town is provided by the Bluff Water Works (BWW). The Town of Bluff owns the subject water rights which supply the BWW. To the best of our knowledge, none of the lands proposed for disconnection have sought culinary water service.

Sanitary Sewer: There is no sanitary sewer service within the Town of Bluff. Wastewater treatment for all development is done via individual septic disposal systems approved by San Juan County. Future development, including on lands proposed for disconnection, will likely proceed in a similar fashion.

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:

“The viability of the disconnection; that justice and equity require that the territory be disconnected from the municipality; that 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;
- make it economically or practically unfeasible for the municipality to continue to function as a municipality; or
- leave or create one or more islands or peninsulas of unincorporated territory; and
- 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.”

1. Islands or Peninsulas

The creation of an unincorporated island was a primary factor in denying the Judy F. t Petition to Disconnect in January 2023. On January 10, 2023, the Bluff Town Council unanimously voted to deny the petition to disconnect the private land identified as Sec. 16, T. 40S, R. 22E. This parcel subsequently transferred ownership to the Actons.

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 Acton Petition eliminates the creation of an island, however, the proposed boundary now creates a peninsula around Section 11, 14, and portions of 12 and 13 in the northern part of the town. The proposed exterior boundary totals 5.5 miles in length, and the length of the line from proposed unincorporated land to unincorporated land totals 1.25 miles. This equates to 20% the total aggregate boundaries of unincorporated land, thus creating a peninsula by the definition provided by U.C.A. 10-1-104.

2. State and Federal Lands

Utah Code 10-2-501. Municipal disconnection provides the requirements for private landowners to file a petition to disconnect land. There is no legislation regarding how Federal or State-

owned lands can be disconnected from a municipality in the State of Utah. This intention is evident in the code's language and scope, which focuses on the rights and privileges of individual, private property owners within a municipality. Therefore, if the Actons had not named 7,370 acres of SITLA and 1,338 acres of BLM land, there would be no basis for Utah School and Institutional Trust Lands Administration or the Bureau of Land Management (BLM) to file a petition on their own accord.

Background information regarding SITLA's interest in supporting, and subsequently joining the petition to disconnect, and conversations between SITLA and the Actons' legal counsel can be found on the Canyon Echo website in three articles published on July 31, 2023. The articles contain emails and documentation from January 2023 through June 2023.

<https://canyonechojournal.com/2023/07/31/sitla-disconnect-records-jan-feb-2023/>

<https://canyonechojournal.com/2023/08/01/sitla-disconnect-records-march-april-2023/>

<https://canyonechojournal.com/2023/08/02/sitla-disconnect-records-part-iii-may-june-2023/>

Under *Utah Code 10-2-502.7, Court action.*, “The burden of proof is on the petitioner to prove, by a preponderance of the evidence: ... that justice and equity require that the territory be disconnected from the municipality”. Over ninety-one percent (91.5%) of the land named in the petition to disconnect is state or Federal land, and therefore the vast majority of the proposed “Disconnection Properties” would not meet the standard that justice and equity require the property be disconnected.

It is the general policy of the Town that it will attempt to exercise its governmental powers to influence the 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 total 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 Acton 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 would 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 in Appendix F (all blocks of land are generally available for revenue generating purposes through sale, lease, or exchange); SITLA Policy Statement 2008-01 in Appendix G (governing development program activities and joint ventures in land development). 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. See Appendix H SITLA Policy 2005-01.

Both S.1405 and H.R.3049 (Utah School and Institutional Trust Lands Administration Exchange Act of 2023) were introduced, respectively, in the Senate and the House of Representatives on May 2, 2023. While this proposed legislation is still pending, lands identified in the Acton Petition to Disconnect have been identified as viable land exchange parcels between SITLA and the BLM. This land exchange would impact the landownership on the Bluff Bench, immediately bordering the Acton property.

3. SITLA Solar Lease

There is a current development project proposed within the disconnection area. SULA 1900 is a lease of approximately 1,000 acres to Community Energy Solar, LLC. The lease authorizes a solar farm located on the Bluff Bench west of Highway 191, and within Sections 7, 8, 17, and 18. The solar farm operator has had some very preliminary contact with the Town, but no development review was sought.

4. Private Landowners

In addition to the Acton property, the other private property named in the petition to disconnect is owned by The Episcopal Church in Navajoland on which the 80-year-old St. Christopher's Mission is located. On July 31, 2023, the Town of Bluff received a letter from Right Reverend Barry L. Beisner, Rector and Bishop Provisional (Appendix I) expressing the Episcopal Church's interest to remain within the Town of Bluff boundaries. Many of the programs hosted at St. Christopher's directly benefit the community of Bluff. The letter cites specific concerns in protection of the town's aquifer which has been "enjoyed and relied upon by St. Christopher's and the wider community for many decades". In no uncertain terms, the landowner expresses the desire to remain within the Town and continue to maintain a partnership with the Town.

In consideration of the Episcopal Church's request, and the boundary drawn in the Acton petition, the town could not create a dissection to remove the Episcopal Church lands from the petition without creating a peninsula.

5. Other Factors

The Council may also weigh²:

- "whether justice and equity" require the Acton Property to be disconnect;
- the viability of the disconnection;
- whether disconnection will increase the burdens of providing services in the Town;
- whether the disconnection would make it unfeasible for the municipality to continue to function; or 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:

- the municipality as a whole;
- adjoining property owners;
- existing or projected streets or public ways;
- water mains and water services;

² 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.

- sewer mains and sewer services;
- law enforcement;
- zoning; and
- other municipal services.

6. Public Roads

Highway 163, also known as the Bluff Bench Road, is maintained with Class C Road funds. This bypass is a major artery connecting US HWY 191 and HWY 162 and serves as an important road for Bluff residents and individuals in the surrounding community. It is pertinent to consider the impact of disconnection on “existing... streets”. While the petition states the Town does not have existing streets in the petition property, this is clearly not the case, as this major thoroughfare, as well as Trading Post Road (163 spur to the north), and the Class C Road accessing the Acton property from Highway 191 are all Town of Bluff roads. Additional town-maintained roads within the proposed disconnection properties are listed in the table below.

Town of Bluff Roads in Petition to Disconnect Area

	Name on Map/Other Names	Section(s)	Road Type
1	The Horn	8, 9	300 C Road Natural
2	Cow Canyon / Bluff Bench Road	19, 20, 21, 22	100 C Road Oil
3	Foot Bridge	28	200 C Road Gravel
4	Evaporation Pond	23	200 C Road Gravel
5	Trading Post Spur/ Horn Pasture	22, 15	300 C Road Natural
6	(unnamed, near drill hole)	10	300 C Road Natural

There are other roads within the proposed disconnection area which are unnamed or which have been established informally by public use. Roads in the area are depicted in Appendix J.

7. Aquifer

The Town of Bluff was originally incorporated to protect natural resources in the area, including the aquifer known as the “N Aquifer”. This bedrock aquifer provides high quality culinary water to Bluff residents and businesses, and a portion of the aquifer lies under the Bluff Bench and the proposed disconnection lands. The Town of Bluff committed to applying for Sole Source Aquifer designation in the *2023 Town of Bluff Long-Term Strategic Plan*. Disconnection of lands on the Bluff Bench could hinder the Town’s ability to regulate activities affecting its water supply, and it could affect the ability of the Town to apply for the Sole Source Aquifer designation. The potential for future impacts on water supply is an important consideration.

8. Private Lands

As mentioned above, the adjoining property owners include The Episcopal Church in Navajoland, who have expressed that they do not wish to be included in the disconnect. If Episcopal Church land was to be removed from the petition boundary, the land would also create a peninsula, which could make it difficult for the municipality to provide services.

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

9. Petitioner Has Not Sought Development Approval; Municipal Burdens Are Low

The petition notes that the Acton Property is vacant. The petitioners have not come to the Town seeking any type of development approval. The tax burden on the Acton property is approximately \$124 per year, based on previous documentation from the prior owner (Appendix

E). Most of these taxes go to fund San Juan County schools.³ The burdens of being in the Town seem to be slight, and petitioners have not pointed to any conduct or behavior on the part of Town officials that they regard to be either unjust or unfair.

10. Municipal Services Are Limited

Municipal services within Bluff are generally quite limited by urban standards, both for developed and undeveloped areas. The Town incorporated in 2018 and has yet to develop extensive municipal services. Levels of service likely will change over time or with future growth. Neither the Acton Property, nor the adjoining “Disconnection Properties” have sought or been denied access to services, nor are those parcels prevented from enjoying services uniformly provided to other parcels within the Town. Also, it is typically the case that new development is expected to provide infrastructure needed for services, which is typically dedicated to the Town.

It is unknown if Acton Property or SITLA lands will develop, but the Town should assume that the areas might be developed in some fashion as the Town grows. Any future development should 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 Acton Property and other Disconnection Properties. This area clearly represents a “gateway” to the remainder of the Town.

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

It is unknown if there would be any services cost increase to San Juan County if the Disconnection Properties are allowed to disconnect. Future cost increases are unknown due to the lack of any information provided as to future development plans.

11. Impacts on the Remainder of the Town

The disconnection of the Acton 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. The SITLA lands comprise 27.6% of all lands within the Town. The loss of over 40% of the lands within the Town which could be developed will likely result in a significant future impact on the Town, its tax base, and its ability to grow.

12. 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 July 21, 2023
- Posted on the Utah Public Notice Website July 21, 2023
- Physically posted in three locations in Bluff, Utah on July 25, 2023
- Published in the San Juan Record on July 27, 2023, August 2, 2023, and August 9, 2023

13. Staff Recommendation

Staff recommends the Bluff Town Council review the comments and evidence obtained before and during the Public Hearing, held on August 15, 2023. Within 45 days of the hearing, the council is required to vote to grant or deny the application to disconnect the “Disconnection Properties”.

³ SITLA pays no taxes to local governments, but SITLA lands could become part of the Town tax base when or if they are developed and conveyed into private ownership.

The council may choose to vote to:

Grant the petition to disconnect in its entirety; or

Deny the petition to disconnect in its entirety; or

Grant a partial disconnection of land, as deemed appropriate by the Bluff Town Council

Exhibits

Appendix A: Letter from Bruce Baird; RE: Petition for Disconnection Pursuant to Section 10-2-501
Kim E. Acton and Ida E. Acton, including Attached Maps

Appendix B: Land ownership and Acreage Map

Appendix C: Town of Bluff Zoning Map

Appendix D: Town of Bluff Incorporated Final Entity Plat Map – February 2019

Appendix E: Lyman Parcel Tax Master Record

Appendix F: SITLA Policy 2012-01

Appendix G: SITLA Policy 2008-01

Appendix H: SITLA Policy 2005-01

Appendix I: Letter from Rt. Rev. Barry L. Beisner, The Episcopal Church

Appendix J: Maps Showing Roads in the Disconnection Area

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

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

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.

Hon. Mayor Leppanen and Members of the Town Council

May 5, 2023

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,

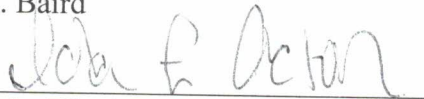


Bruce R. Baird



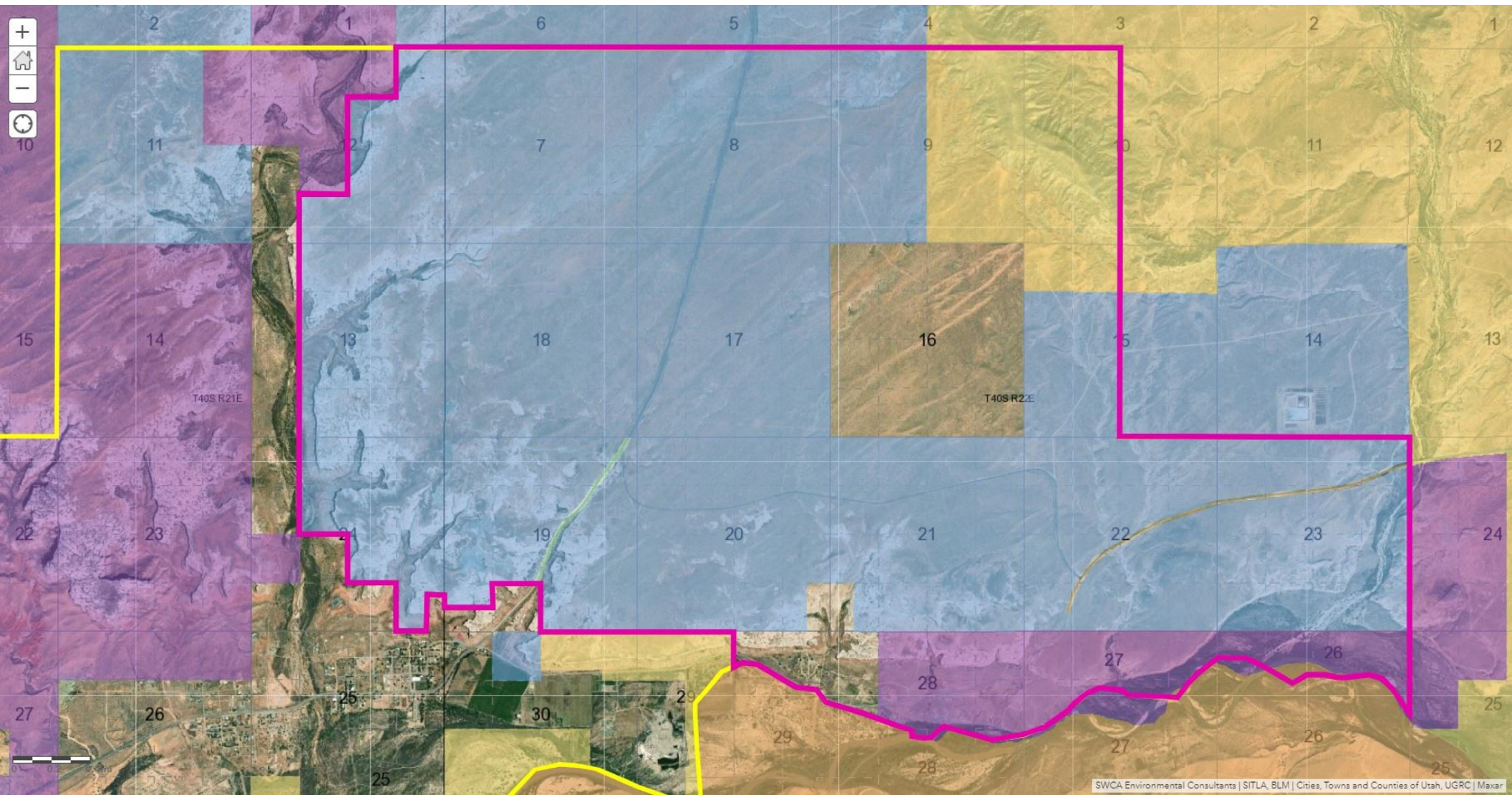
Mr. Kim Eric Acton

cc: Client
SITLA

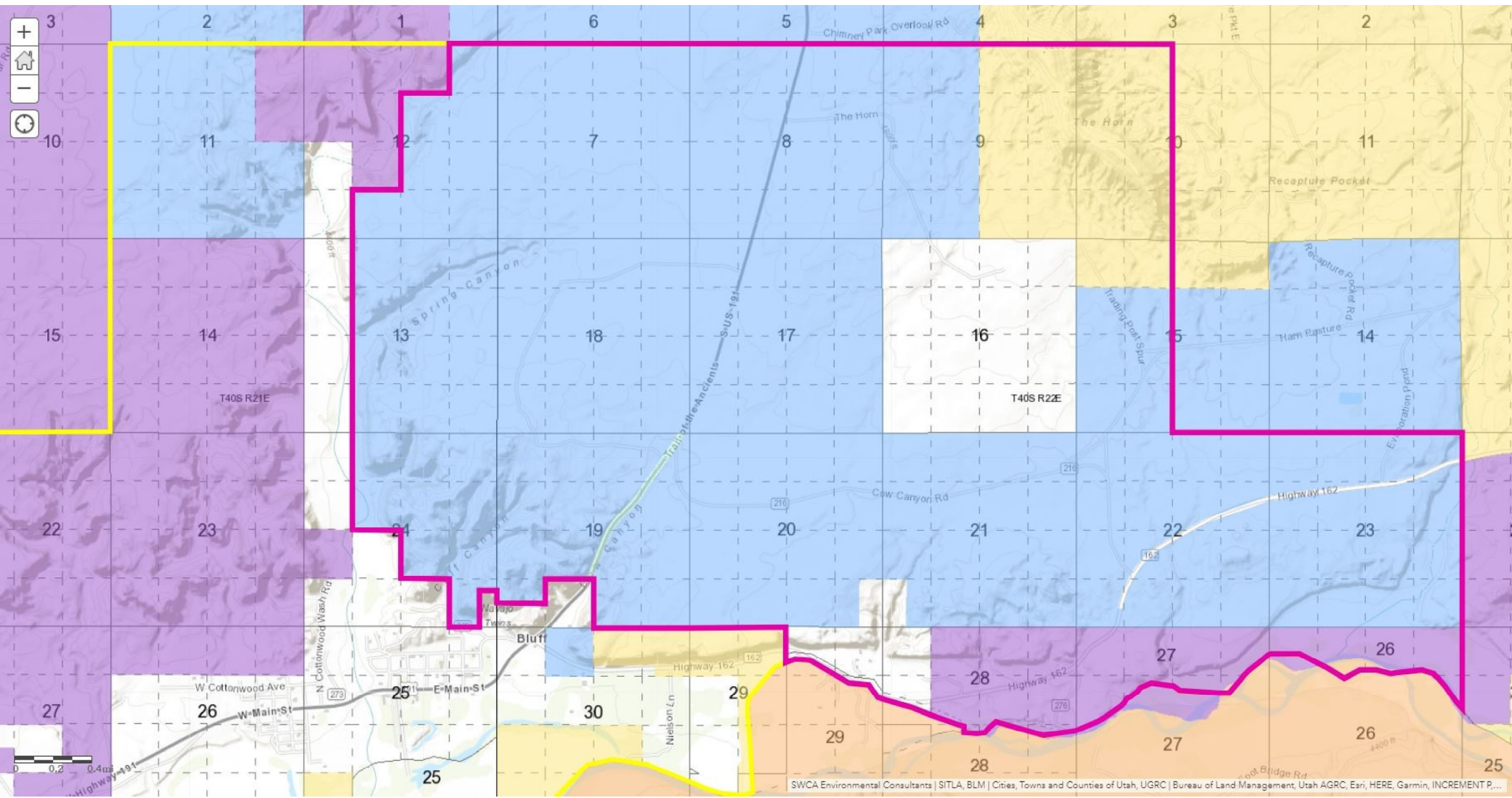


Ms. Elizabeth Ida Acton

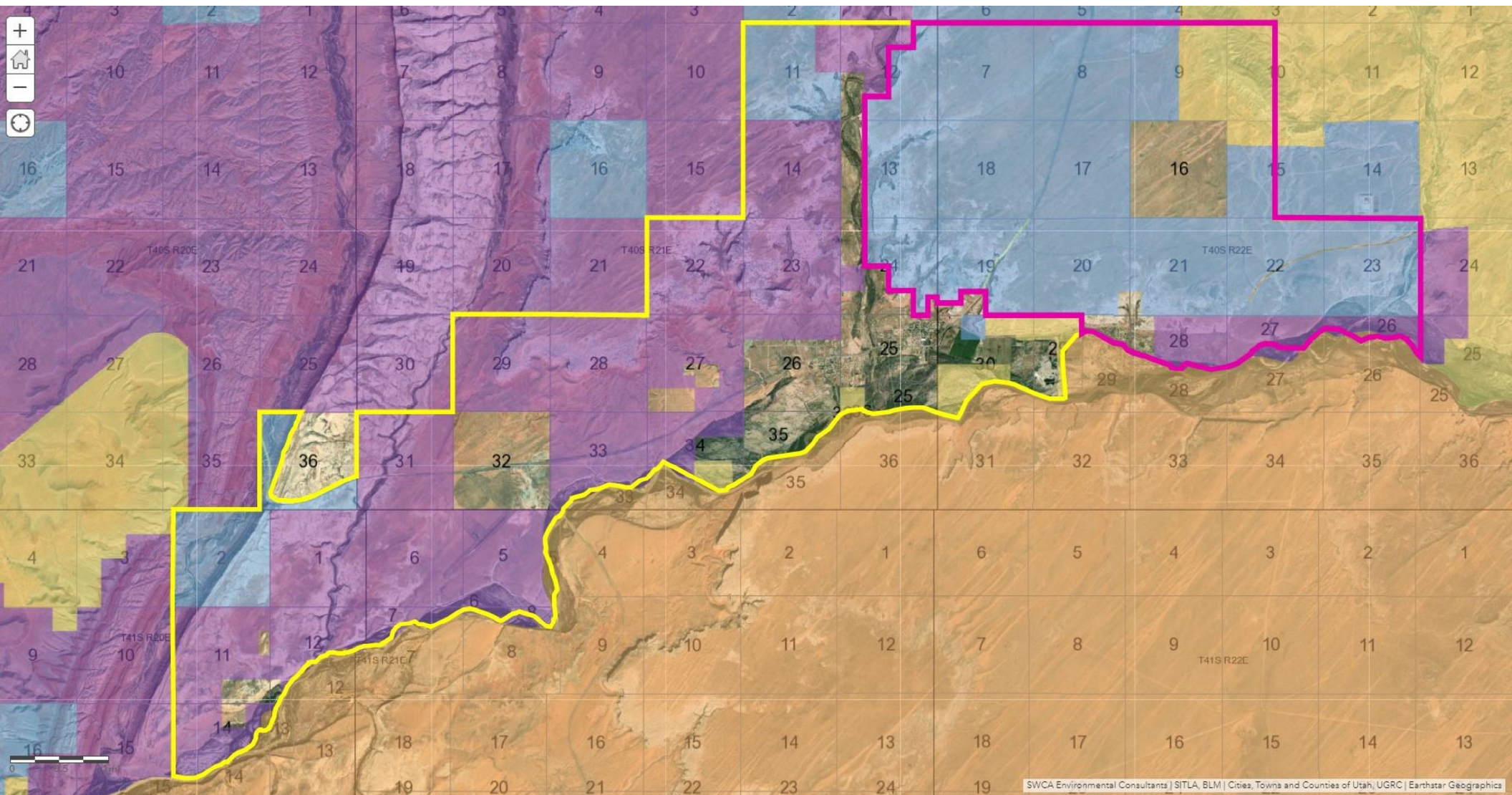
Appendix A - Map 1



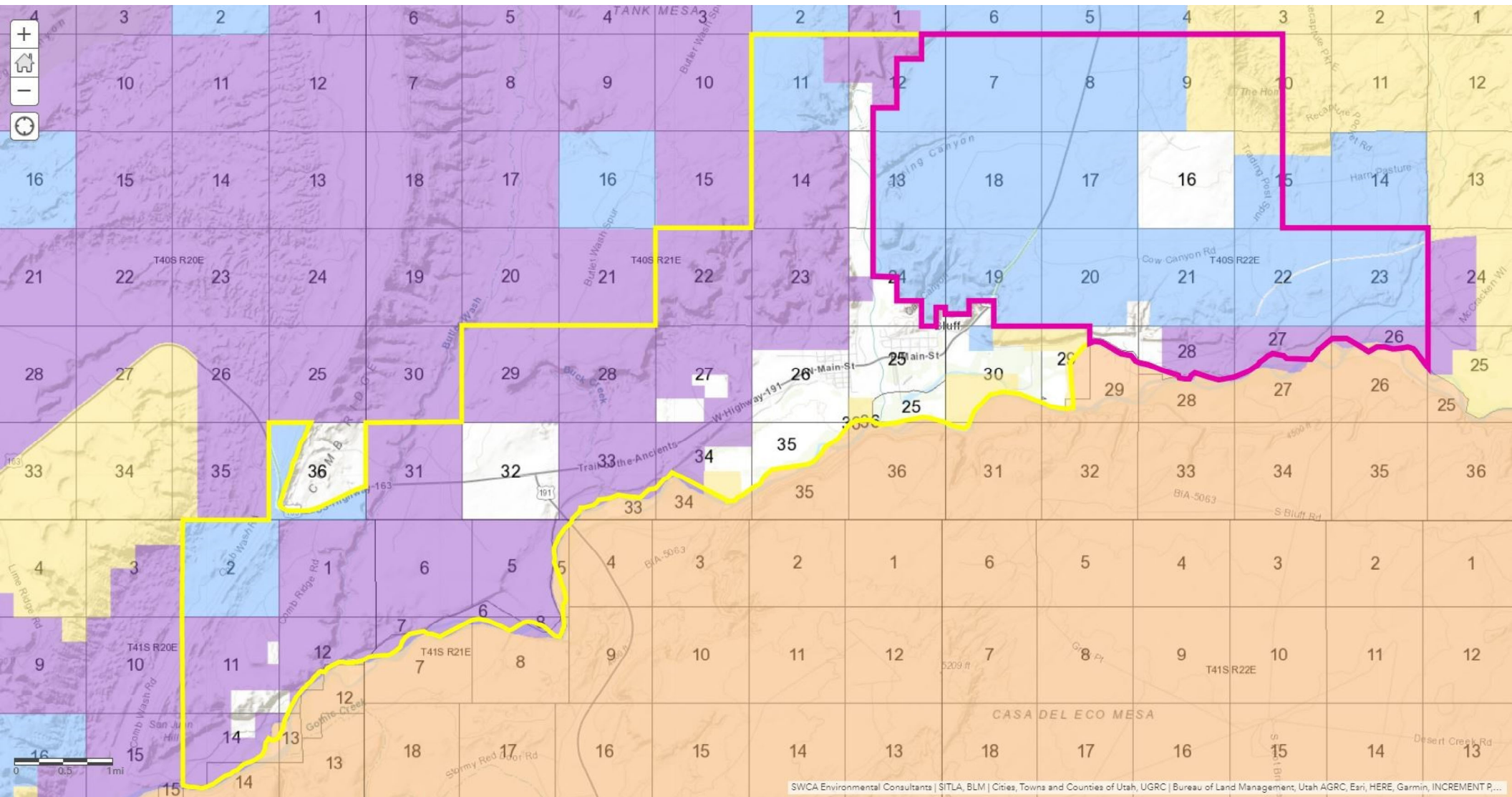
Appendix A - Map 2



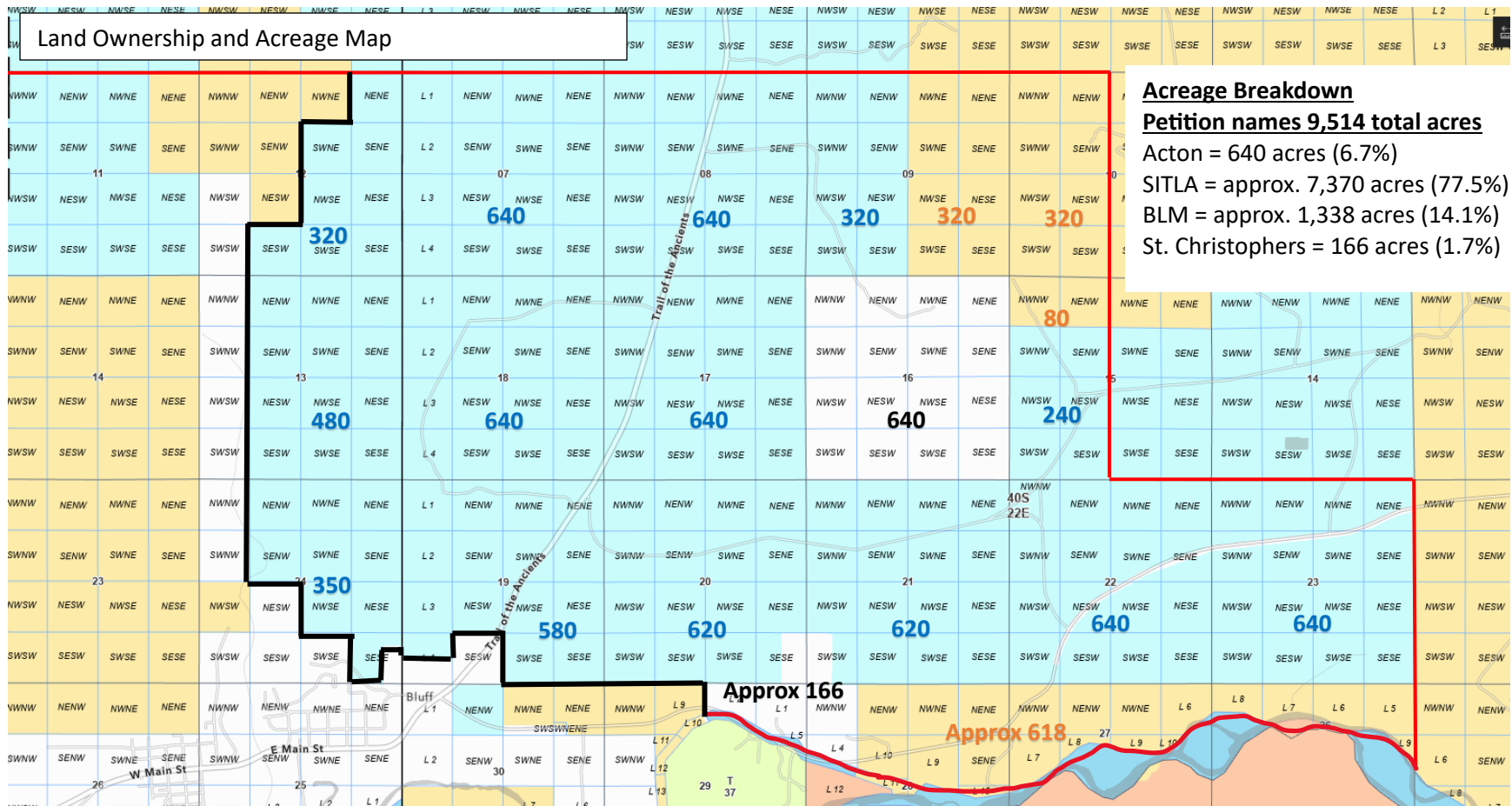
Appendix A - Map 3



Appendix A - Map 4



APPENDIX B



BLM Utah - Surface Management Agency

- 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

Map obtained through the Bureau of Land Management (BLM) Interactive Map (<https://blm-egis.maps.arcgis.com/>) on July 25, 2023

= Town of Bluff Boundary (northeastern section)

= Petition to disconnect internal border

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)

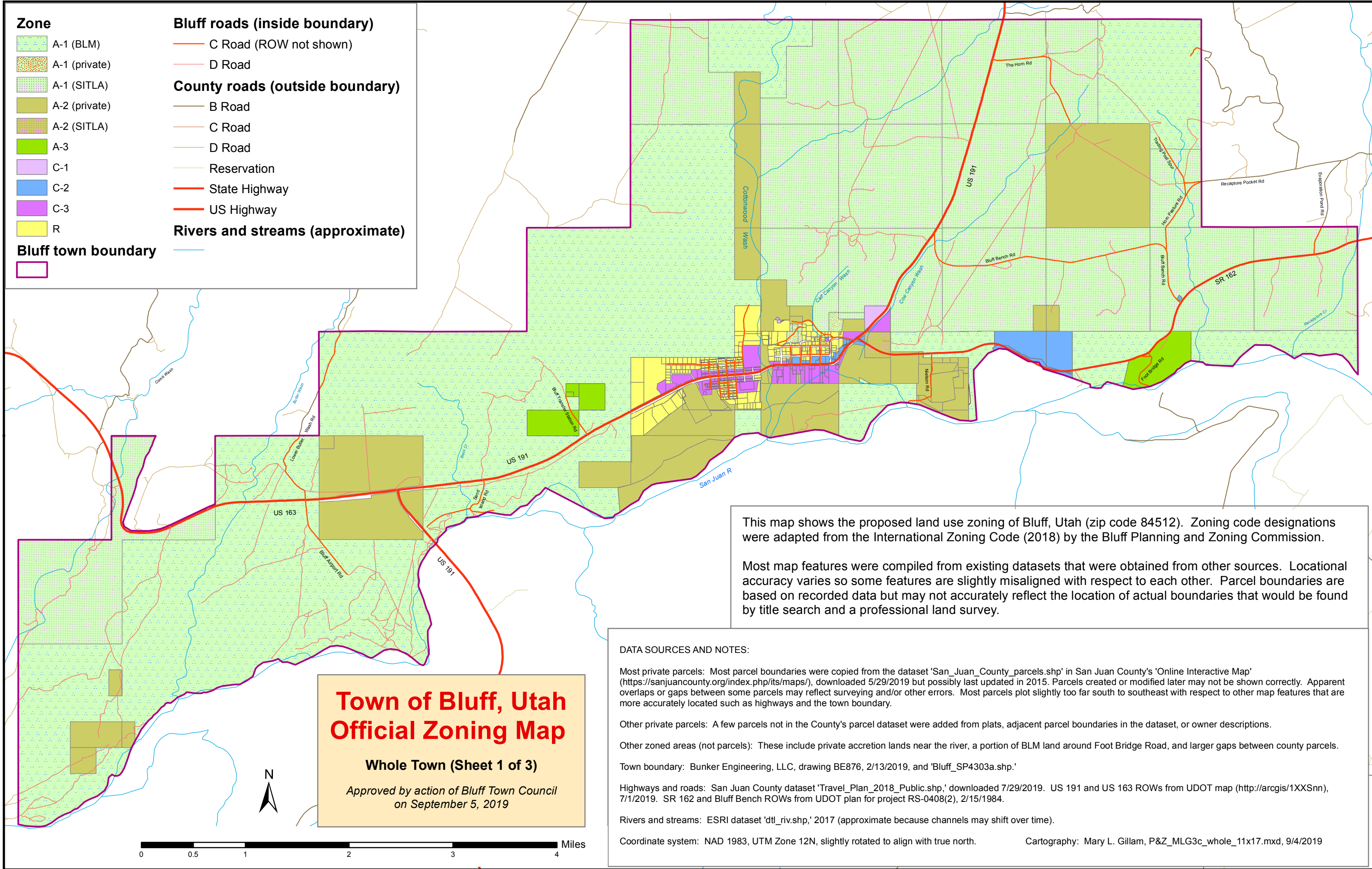
- C Road (ROW not shown)
- D Road

County roads (outside boundary)

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

Rivers and streams (approximate)

Rivers and streams (approximate)



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

Whole Town (Sheet 1 of 3)

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

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 5/29/2019 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

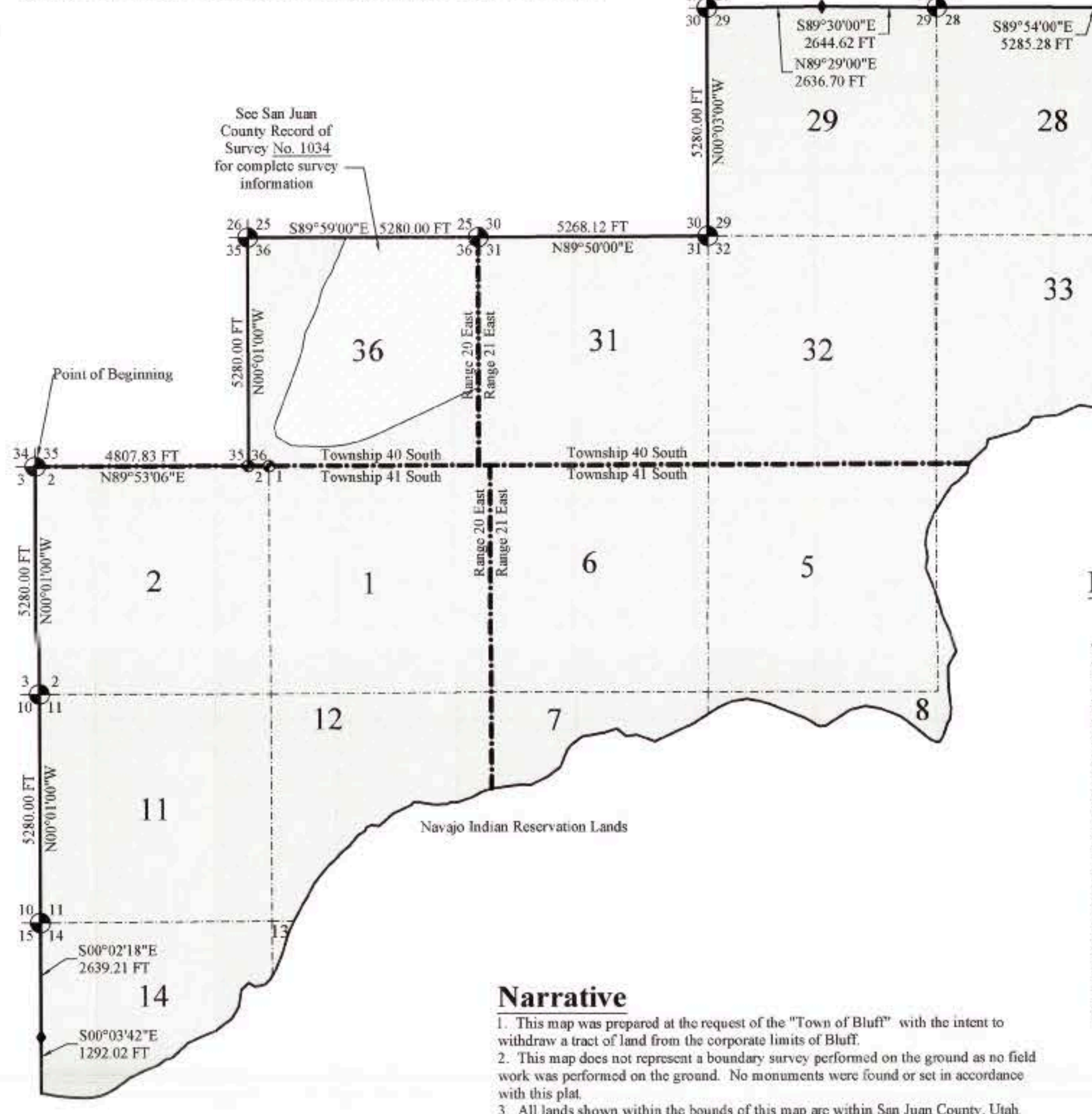
Final Local Entity Plat Lyman Family Farms Withdrawal Bluff, Utah

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°57'06"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 N1/4 corner of Section 22, 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)

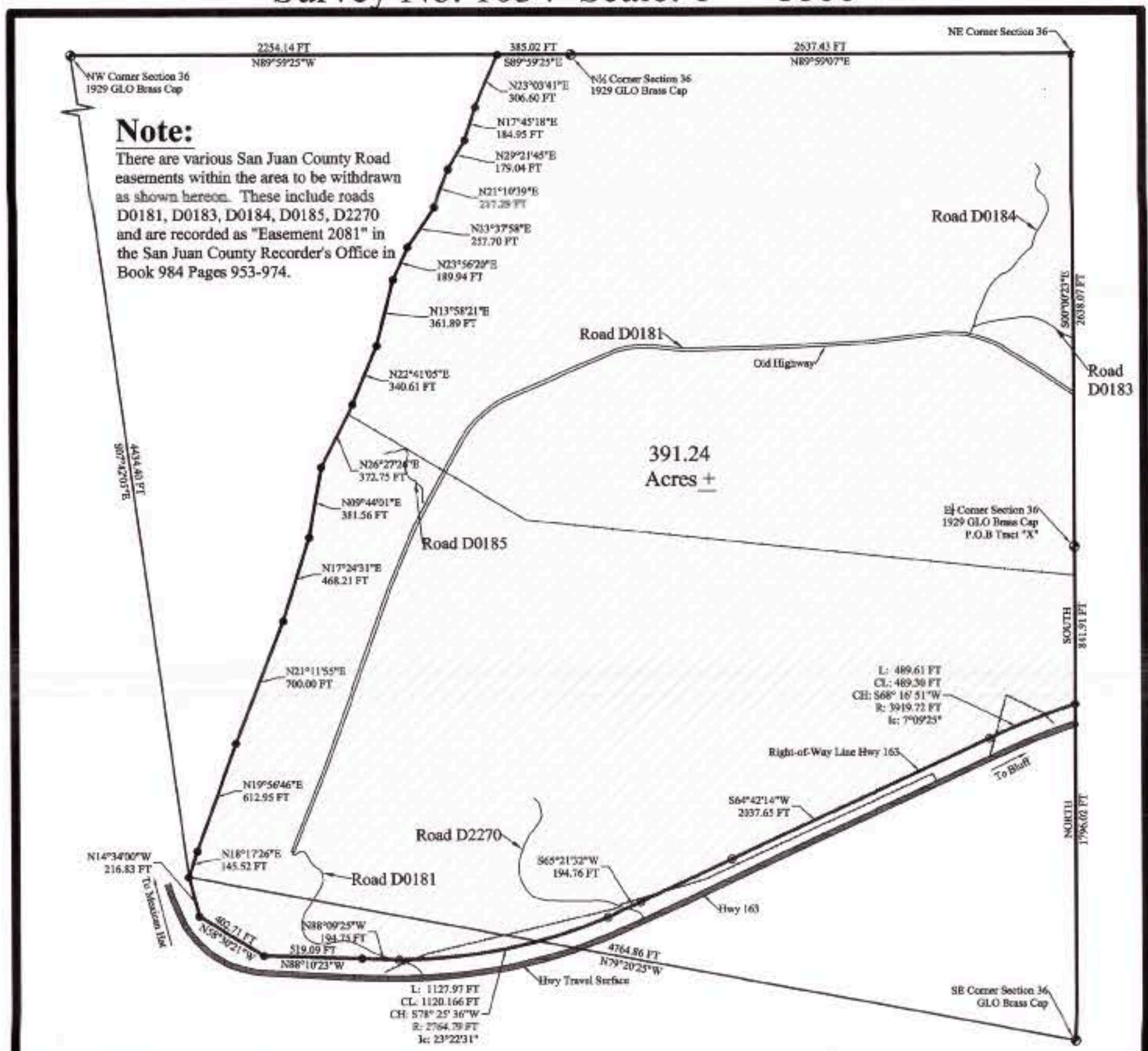
That tract of land as surveyed in November, 2016, in accordance with San Juan County Record of Survey No.1034 within Section 36, Township 40 South, Range 20 East, SLB&M, County of San Juan, State of Utah, more particularly described as follows:
Beginning at the E1/4 corner of said Section 36, thence 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 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.

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

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



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

San Juan County Surveyor
Approved this 14th Day of Feb. 20 19
W. B. Cantrell
Surveyor

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

Sheet: 1 of 1
Drawing Name: Drawing Reference No. BE876
Date: Feb. 7, 2019
Updated: Feb. 13, 2019
Bunker Engineering, LLC
965 South Creek Road, Monticello, UT 84535
P.O. Box 432, Monticello, UT 84535 (435) 459-9152



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
 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

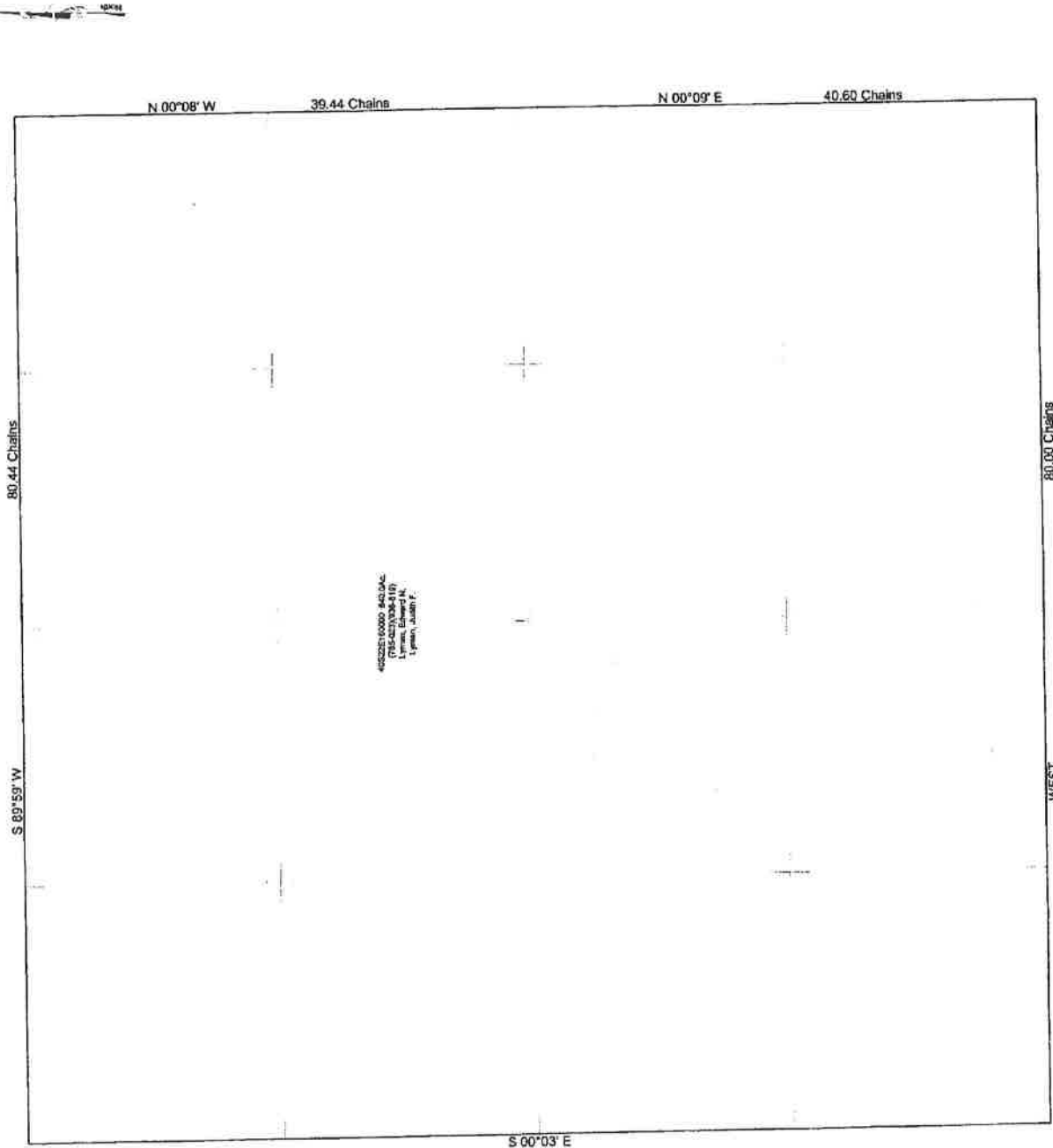
SEC 16 T40S R22E: ALL OF SECTION 16 (640 AC) 40S22E160000

History

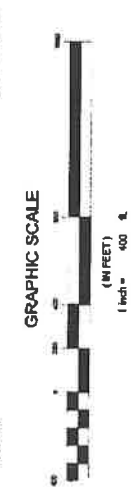
AFFIDAVIT TO TERM JNT TENANCY BY JUDITH LYMAN, 170720, 07/28/2022.

SAN JUAN COUNTY, UTAH

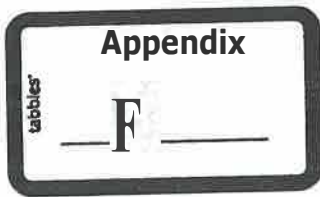
SECTION 16, T40S, R22E, SALT LAKE MERIDIAN, UTAH



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



This 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.



*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

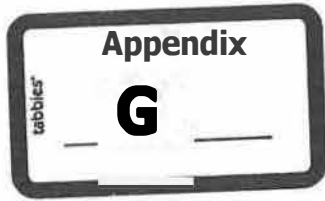
Subject: Lease/Disposal of Land Blocks

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.

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.

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.

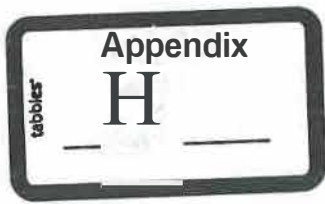
5. With regard to major Transactions, the Administration shall adopt procedures for the review and approval of such transactions by the Board, which procedures shall materially conform with the following:
 - a. The Administration shall make an initial presentation to the Board, which presentation shall 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;

- (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.

- 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.

8/2/23
8087
KC 8/2/23

Appendix I



The Episcopal Church in Navajoland

Post Office Box 720, Farmington, New Mexico 87499-0720
505-327-7549 • www.ecofnavajoland.org

July 31, 2023

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

together with:

The Honorable Jim Sayers, Council Member

The Honorable Brant Murray, Council Member

The Honorable Luanne Hook, Council Member

The Honorable Linda Sosa, Council Member

Dear Mayor Leppanen and Members of the Town Council:

We write to you on behalf of the people of St. Christopher's Episcopal Mission, and of the Episcopal Church in Navajoland. We wish to express our opposition to the Petition for Disconnection that has been submitted to you by Mr. Bruce R. Baird on behalf of Mr. Kim Eric Acton and Ms. Ida Elizabeth Acton.

St. Christopher's is currently celebrating the 80th anniversary of its founding. During three days last June, representatives of the Episcopal Church in Navajoland (an Area Mission of the Episcopal Church) gathered here for a celebration of that milestone. We were joined by official representatives of the Episcopal Church; delegates from partner churches in Ohio, Texas, Colorado, and Washington; and friends and supporters from around the country, including several residents of Bluff. St. Christopher's has a proud legacy of significant engagement with and contribution to our community, in the form of health care, education, and economic development. It has always sought to be a place for the deepening of intercultural understanding, a place that supports community healing and reconciliation. It has always been committed to the well-being of Bluff, and our current anniversary celebration includes a renewal of that commitment.

We have recently embarked on a multi-year plan to refurbish our historic buildings, and to build additional facilities in support of programs that will bring additional benefit to Bluff. One such project involves restoring the old Mission Clinic building—where an estimated 500 babies were born—and re-purposing it as a community center, where it will be possible to offer space to recovery programs, after school programs, and other programs addressing community needs. Other parts of the plan include community gardens and short-term housing facilities.

Certainly, you will recall an attempt in recent years to gain permission for oil drilling on land next to St. Christopher's. That attempt was opposed and defeated by a broad coalition of organizations, including indigenous communities, faith communities, and numerous persons concerned to protect the aquifer located there. Bluff has a vital interest in continuing that protection. Not only do we see no positive reason for disconnection generally; we can easily imagine how disconnection might open the door to another such attempt to gain permission to bore holes through the aquifer, putting an essential water resource at risk. That resource has been enjoyed and relied upon by St. Christopher's and the wider community for many decades; if it were to be compromised by extraction activities on the property in question, it could be lost forever as a source of reliably clean water.

Mr. Baird's Petition seeks to change the status quo, not for any positive reason, or to end or avoid any conspicuous harm to his clients. Why then so forceful a demand for change? He states that Mr. and Mrs. Acton's property "cannot reasonably be served by Bluff with any municipal services." But St. Christopher's certainly can be served, even as we seek to contribute and serve in return. To concede that their tax obligations for the property are "miniscule," and yet claim that disconnection is a matter of "justice and equity" seems a gross exaggeration, at best. Justice and equity are not served by an action that completely disregards the interests of St. Christopher's, its historic relationship with Bluff, and its desire to continue to develop that relationship.

Not only is there no positive reason for this change; the only substantial argument comes in the form of a naked threat: give us what we want, or be sued. It is important to notice that attached to this threat is an expression of a willingness to "waste a fortune" of public money. In this absence of civic-mindedness, this total lack of concern for the well-being of the people of Bluff, appeals to justice and equity are exposed as hollow rhetoric. And how long, we wonder, before St. Christopher's becomes the target of such bullying?

We greatly appreciate your consideration of our concerns. We are certainly eager to find a solution to this conflict that is truly just and equitable. We want to be good neighbors to all concerned. And we hope that the relationship between St. Christopher's and Bluff will continue to grow and flourish for many decades to come.

Sincerely,

A handwritten signature in black ink that reads "+ Barry L. Beisner". The signature is written in a cursive, slightly slanted style.

The Rt. Rev. Barry L. Beisner.
Rector and Bishop Provisional

Appendix J

Town of Bluff "C" Road Submittal Map

Bluff_C_Roads	Land Ownership	Bluff Corporate Limits
Surface Type	AGENCY	Bluff Corporate Limits
100 C Road Oil	BLM	Shash Jaa Unit of Bears Ears National Monument
200 C Road Gravel	Private	PLSSTownships_GCDB
300 C Road Natural	SITLA	PLSSEctions_GCDB
900 Private Road	Tribal	

1 inch = 0.5 miles

