



# UTAH STATE LEGISLATURE

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February 29, 2016

Highland City Mayor Mark Thompson and Highland City Council  
5400 W. Civic Center Dr., Suite 1  
Highland, UT 84003

Mr. Mayor and City Council members,

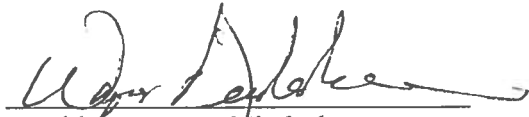
This letter is to inform you about statutory requirements governing the lease or sale of land owned by the Utah State Developmental Center (USDC). Subsection 63a-5-220(4)(c) requires the Division of Facilities Construction Management to "secure the approval of the Legislature before offering the land or water rights for sale, exchange, or long-term lease." Reports suggest that Highland City intends to proceed with the construction of "Canal Boulevard," perhaps having already contracted for engineering services for the boulevard.

This letter informs you that, as legislators, we fully intend to require affirmative legislative approval before Highland City may proceed with surveying, site preparation, construction, or any other actions that could be construed, legally or politically, to require construction of the boulevard. In our view, legislative approval requires affirmative action by the Legislature to approve the sale, exchange, or long-term lease of any USDC property or water rights. More general action by the Legislature, such as endorsing a master plan for the area, does not constitute "approval by the Legislature." Legislative approval, when required by statute, is usually accomplished by passing a joint resolution.

Some of your (and our) constituents are concerned that Highland City may take steps to begin the process of building the boulevard before all necessary approvals are obtained. We urge that, before you proceed, you ensure that you have all of the necessary approvals required by statute.

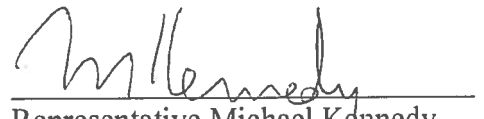
We acknowledge that this is a complicated, difficult issue. We believe, however, that good will from all parties will allow us to resolve the outstanding issues in a satisfactory manner.

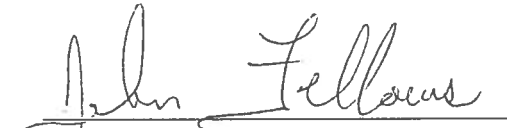
Respectfully,

  
\_\_\_\_\_  
President Wayne Niederhauser  
Utah State Senate

  
\_\_\_\_\_  
Speaker Greg Hughes  
Utah State House of Representatives

  
\_\_\_\_\_  
Senator Margaret Dayton  
Utah State Senate

  
\_\_\_\_\_  
Representative Michael Kennedy  
Utah State House of Representatives

  
\_\_\_\_\_  
John Fellows  
General Counsel, Utah Legislature

CC: Alan Bachman, Assistant Attorney General, Counsel to Division of Facilities Construction and Management  
Paul Smith, Division Director of the Utah Division of Services for People with Disabilities  
Susan Eisenman, Office of the Attorney General