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September 17, 2024

VIA EMAIL ONLY

Hon. Michael Farrar, Mayor
mayor@applevalleyut.gov

Hon. Kevin Sair, Council Member
ksair@applevalleyut.gov

Hon. Janet Prentice, Council Member
jprentice@applevalleyut.gov

Hon. Annie Spendlove, Council Member
aspendlove@applevalleyut.gov

Hon. Scott Taylor, Council Member
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Mr. Bradley Foster Farrar
Planning Commission Chair
bfarrar@applevalleyut.gov

Mr. Lee Fralish
Planning Commission Vice-Chair
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Ms. Becky Wood
Planning Commission Member
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Mr. Richard Palmer
Planning Commission Member
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Mr. Garth Hood
Planning Commission Member
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Ms. Jenna Vizcardo, Clerk/Recorder
clerk@applevalleyut.gov

Mr. Heath H. Snow, Esq.
Snow Caldwell Beckstrom & Wilbanks
Heath@scbwlaw.com

**Re: Request for Disconnection # 1 (~981 acres)
Gooseberry Springs Ranch, LLC and BLM**

Dear Mayor Farrar, Members of the Town Council, Members of the Planning Commission, Clerk/Recorder Vizcardo and Town Attorney, Mr. Snow:

I am counsel for Gooseberry Springs Ranch, LLC (“Gooseberry Springs”). Gooseberry Springs owns approximately 739 acres of real property currently within the boundaries of the Town of Apple Valley (the “Town”) described as Tax ID #s AV-2165, 2182, 2183-A, and 2184 (“Gooseberry Springs’s Property”). The United States Bureau of Land Management owns 112 acres near Gooseberry Springs’s Property. The total area subject to this request is, thus, approximately 981 acres (“Disconnection Properties”).

Pursuant to Section 10-2-501, Utah Code Ann., Gooseberry Springs hereby requests that the Town disconnect the Disconnection Properties from its boundaries.

The address for Gooseberry Springs is 2120 South Cottonwood Canyon Road, Box 125, Holm, Utah 84718. Gooseberry Springs owns 100% of the privately owned property within the totality of the Disconnection Properties. This letter is countersigned by Mr. Travis Holm who is the Manager of Gooseberry Springs. This information satisfies the requirements of Section 10-2-501(2)(b)(i). Mr. Travis Holm is hereby designated as the person with authority to act on behalf of Gooseberry Springs 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. Holm 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 Town has shown itself to be completely dysfunctional and unable to manage the governance or development of almost literally anything and, especially, Gooseberry Springs's Property. Most recently, the Town has attempted to downzone essentially all of the properties within the boundaries of the Town in a way that is inconsistent with law and manifests and unbelievable arrogance of power. The Town has shown that Gooseberry Springs's Property cannot be reasonably be provided any municipal services by the Town. The Disconnection Property is all currently vacant land and much of it is owned by the BLM which requires no municipal services. The Disconnection Property, as disconnected, would be "viable" in that it would get the services that Washington 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 almost 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 the Town by the Gooseberry Springs's Property are miniscule while the BLM properties are 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; (e) sewer mains and sewer services; (f) law enforcement; (g) zoning; or (h) other municipal services.

Simply put, if the Town does not allow the Disconnection Property to disconnect peacefully then Gooseberry Springs will file suit in District Court to force the

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disconnection. The Town will lose that suit and the Disconnection Property will be disconnected but only after the Town has wasted a fortune on attorney's fees. Based on *Bluffdale Mountain Homes v Bluffdale City*, 2007 UT 57, I am about as certain of that outcome as I can possibly be. Gooseberry Springs does not want to litigate this matter but will do so if it has to.

Section 10-2-502.5 puts the onus for giving public notice of this Petition (and, also, of the public hearing on the Petition required by Section 10-2-502.5) on the Town. Section 10-2-501(4) allows the Town to bill the petitioner for the costs of that notice. Gooseberry Springs agrees to pay those actual and reasonable costs.

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

Gooseberry Springs Ranch, LLC



By Mr. Travis Holm, its Manager

cc: Client

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