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September 17, 2024

VIA EMAIL ONLY

Hon. Michael Farrar, Mayor
mayor@applevalleyut.gov

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

Hon. Scott Taylor, Council Member
staylor@applevalleyut.gov

Mr. Lee Fralish
Planning Commission Vice-Chair
lee@applevalleyut.gov

Mr. Richard Palmer
Planning Commission Member
rpalmer@applevalleyut.gov

Ms. Jenna Vizcardo, Clerk/Recorder
clerk@applevalleyut.gov

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

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

Mr. Bradley Foster Farrar
Planning Commission Chair
bfarrar@applevalleyut.gov

Ms. Becky Wood
Planning Commission Member
bwood@applevalleyut.gov

Mr. Garth Hood
Planning Commission Member
ghood@applevalleyut.gov

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

**Re: Request for Disconnection # 2 (3,357 acres)
Redstone at Canaan, LLC, Canaan Mountain Wilderness 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 Redstone at Canaan ("Redstone") owns approximately 1,160 acres of real property currently within the boundaries of the Town of Apple Valley ("Town") described as Tax ID #s AV- 1326, 1327, 1346, 1345, 1348-A, AV 1382-B, 1323-C, AV 1327-B ("Redstone's Property").

The United States Bureau of Land Management owns 240 acres near Redstone's Property. Also adjacent to Redstone's Property is approximately 1,957 acres which is a part of the Canaan Mountain Wilderness. The total area subject to this request is, thus, approximately 3,357 acres ("Disconnection Properties").

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

The address for Redstone is 2120 South Cottonwood Canyon Road, Box 125, Holm, Utah 84718. Redstone 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 Redstone. 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 Redstone at the address listed above. That information satisfies the requirements of Section 10-2-501(2)(b)(iv). 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, Redstone'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 an unbelievable arrogance of power. The Town has shown that Redstone'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 ever 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 Redstone'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.

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Simply put, if the Town does not allow the Disconnection Property to disconnect peacefully then Redstone will file suit in District Court to force the 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. Redstone 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. Redstone agrees to pay those actual and reasonable costs.

Please direct any future correspondence regarding this matter to Mr. Holm and please copy me on all such correspondence.

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

Redstone



By Mr. Travis Holm, their Manager

cc: Client

