



# United States Department of the Interior



BUREAU OF LAND MANAGEMENT  
Moab Field Office  
82 E. Dogwood Avenue  
Moab, UT 84532

**JAN 27 2022**

In Reply Refer To:  
2800 (LLUTY01200)  
UTU-75383

CERTIFIED MAIL – RETURN RECEIPT  
7018 0680 0001 3071 1997

## DECISION

Assignee  
Old Town LLC  
240 S. Flat Pass  
Moab, UT 84532

Right-of-Way UTU-75383

Assignor  
Flat Pass LLC  
PO Box 37  
Middle Haddam, CT 06456

Assignment Approved  
Processing Category Determined  
Rental Determined

On May 3, 2005, the Bureau of Land Management (BLM) granted Right-of-Way (ROW) UTU-73287 for an access road to private property. The road ROW is 30 feet wide by 6,165 feet long. The ROW was issued pursuant to Title V of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1761). On December 2, 2021, Old Town LLC, the new owner of the private property, requested assignment of ROW UTU-75383.

### Processing Fee Category

According to Federal regulations contained in 43 Code of Federal Regulations (CFR) 2804.14, the BLM is required to be reimbursed for the costs incurred in processing a ROW application. We have determined that the appropriate processing category for your application is Category 2. The nonrefundable processing fee for a Category 2 is **\$459.00**. The BLM received the processing fee.

**The assignment of ROW UTU-75383 to Old Town LLC is hereby approved subject to the original terms and conditions of the grant. The grant expires December 31, 2033.**

Rent for use of public lands must be paid in advance of such use and prior to issuance of the ROW grant. Rent for a linear ROW is based on a schedule that is adjusted annually based on the Implicit Price Deflator (IPD), an inflation index. You may obtain a copy of the rent schedule from this office or by accessing: <https://www.blm.gov/programs/lands-and-realty/right-of-way/obtaining-right-of-way>. Rental is currently paid through December 31, 2028. No rent is due at this time however a

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rental bill will be mailed to Flat Pass LLC around November 2028 for rent due beginning January 1, 2029.

**Please be aware that the assignment of UTU-75383 does not authorize any new surface disturbance or maintenance of the access road.**

This decision may be appealed to the Interior Board of Land Appeals, Office of the Secretary, in accordance with the regulations contained in 43 CFR, Part 4 and the enclosed Form 1842-1. If an appeal is taken, your notice of appeal must be filed in this office (at the above address) within 30 days from receipt of this decision. The appellant has the burden of showing that the decision appealed from is in error.

If you wish to file a petition (request) pursuant to regulations 43 CFR 2801.10 or 2881.10 for a stay (suspension) of the effectiveness of this decision during the time that your appeal is being reviewed by the Board, the petition for a stay must accompany your notice of appeal. A petition for a stay is required to show sufficient justification based on the standards listed below. Copies of the notice of appeal and petition for a stay must also be submitted to each party named in this decision and to the Interior Board of Land Appeals and to the appropriate Office of the Solicitor (see 43 CFR 4.413) at the same time the original documents are filed with this office. If you request a stay, you have the burden of proof to demonstrate that a stay should be granted.

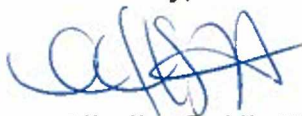
#### **Standards for Obtaining a Stay**

Except as otherwise provided by law or other pertinent regulation, a petition for a stay of a decision pending appeal shall show sufficient justification based on the following standards:

- (1) The relative harm to the parties if the stay is granted or denied,
- (2) The likelihood of the appellant's success on the merits,
- (3) The likelihood of immediate and irreparable harm if the stay is not granted, and
- (4) Whether the public interest favors granting the stay.

If you have any questions regarding your ROW assignment or the fees connected with it, please contact Lisa Wilkolak, Realty Specialist, at (435) 259-2122 or [lwilkolak@blm.gov](mailto:lwilkolak@blm.gov).

Sincerely,



Nicollee Gaddis-Wyatt  
Field Manager

Enclosures