

Superseded 5/12/2015

65A-7-5 Surface leases -- Procedures for issuing leases -- Leases for the construction of a highway facility.

- (1) The division may issue surface leases of state lands for any period up to 99 years.
- (2) This section does not apply to leases for oil and gas, grazing, or mining purposes.
- (3) The division shall disclose any known geologic hazard affecting leased property.
- (4)
 - (a)
 - (i) Surface leases may be entered into by negotiation, public auction, or other public competitive bidding process as determined by rules of the division.
 - (ii) Requests for proposals (RFP) on state lands may be offered by the division after public notice.
 - (b)
 - (i) A notice of an invitation for bids or a public auction shall, prior to the auction or acceptance of a bid, be published at least once a week for three consecutive weeks in one or more newspapers of general circulation in the county in which the lease is offered.
 - (ii) The notice shall be sent, by certified mail, at least 30 days prior to the auction or acceptance of a bid, to each person who owns property adjoining the state lands offered for lease.
 - (c)
 - (i) Surface leases entered into through negotiation shall be published in the manner set forth in Subsection (4)(b) 30 days prior to final approval.
 - (ii) The notice shall include, at a minimum, a general description of the lands proposed for lease and the type of lease.
- (5)
 - (a) The division may not issue a lease for the construction of a highway facility over sovereign lakebed lands unless the applicant for the lease submits an approval for the construction of a highway facility over sovereign lakebed lands from the Transportation Commission in accordance with Section 72-6-303 with the application for the lease.
 - (b) The division shall consider the information and analysis provided by the Transportation Commission under Section 72-6-303 when making its determination as to whether to issue a lease for the construction of a highway facility over sovereign lakebed lands.
 - (c) A lease for the construction of a highway facility over sovereign lakebed lands:
 - (i) may include an option to renew the lease upon expiration; and
 - (ii) shall include a provision that requires that at the termination of the lease:
 - (A) the ownership of the highway facility shall revert to the state;
 - (B) the highway facility shall be in a state of proper maintenance as outlined in the agreement under Subsection 72-6-303(4)(e) and determined by the Department of Transportation; and
 - (C) the highway facility shall be returned to the Department of Transportation in satisfactory condition at no further cost to the Department of Transportation, in a condition of good repair.
 - (d) The requirements under this Subsection (5) apply to all pending and future applications for a lease for the construction of a highway facility over sovereign lakebed lands.