

1                   **JOINT RESOLUTION APPROVING THE DEEP CREEK**

2                                   **CASE SETTLEMENT AGREEMENT**

3   2013 FIRST SPECIAL SESSION

4   STATE OF UTAH

5                                   **Chief Sponsor: Lyle W. Hillyard**

6                                   House Sponsor: Melvin R. Brown

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**LONG TITLE**

8 **General Description:**

9                   This resolution approves the settlement agreement in the Deep Creek case.

10 **Highlighted Provisions:**

11                   This resolution:

- 12                   ▶ approves the settlement agreement in the Deep Creek Ranch, LLC v. Utah State
- 13                   Armory Board case.

14 **Special Clauses:**

15                   None

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*Be it resolved by the Legislature of the state of Utah:*

17                   WHEREAS, the State Armory Board and other state entities of Utah (defendants) were  
18 sued by Deep Creek Ranch, LLC (plaintiff), seeking to enforce a contract for the sale of the  
19 plaintiff's land in exchange for governmental surplus property;

20                   WHEREAS, after the matter was vigorously litigated by both parties for approximately  
21 15 years, after the district court entered a judgment and order, and after an appeal, the Utah  
22 Supreme Court remanded the case back to the district court to determine damages;

23                   WHEREAS, the parties have entered into a settlement agreement;

24                   WHEREAS, by entering into this settlement agreement, the state of Utah agrees to pay,  
25 in accordance with the terms set forth in the settlement agreement, a total settlement amount of  
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28 \$2,995,000.00, in full and complete satisfaction of any and all of the plaintiff's claims,  
29 including any judgment, interest, and liability set forth in the case;

30 WHEREAS, by entering into this settlement agreement, the plaintiff will retain the real  
31 property that was the subject of the litigation and all rights related thereto, including the  
32 appurtenant well and mineral rights, connections, and utilities;

33 WHEREAS, by entering into this settlement agreement, the parties agree to the entry of  
34 a judgment of dismissal with prejudice of the pending action based on the settlement of the  
35 claims;

36 WHEREAS, a settlement of more than \$1,000,000.00 requires the governor's and the  
37 Legislature's approval before a government entity may sign such an agreement; and

38 WHEREAS, the governor approved the settlement agreement on July 12, 2013:

39 NOW, THEREFORE, BE IT RESOLVED that the Utah Legislature approves the Deep  
40 Creek Ranch, LLC v. Utah State Armory Board settlement agreement.

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**Legislative Review Note**  
**as of 7-16-13 3:48 PM**

**Office of Legislative Research and General Counsel**