

## Part 2 Surface Leases and Easements

### **53C-4-201 Surface leases and user permits -- Procedures for issuing leases and user permits.**

- (1) The director may issue surface leases and user permits of trust lands for any term consistent with sound and prudent real estate practices.
- (2) This section does not apply to leases for grazing, oil, gas, and hydrocarbons, or other minerals.
- (3)
  - (a)
    - (i) Surface leases or user permits may be entered into by negotiation, public auction, or other public competitive bidding process as determined by rules of the director.
    - (ii) The director may lease trust lands for development and subsequent sale of all or portions of such lands to third parties for no less than fair market value.
  - (b) Requests for proposals (RFP) on trust lands may be offered by the director after public notice.

Amended by Chapter 247, 2011 General Session

### **53C-4-202 Lease and permit covenants.**

Each surface lease or user permit shall contain the following covenants:

- (1) the lessee or permittee shall promptly pay the rent annually upon demand;
- (2) no waste may be committed on the land;
- (3) the premises shall be promptly surrendered at the expiration of the term;
- (4) the lessee or permittee may not sublet or assign without the prior written consent of the director;
- (5) failure to pay the agreed rent for a period of one month from the time rent is due shall result in a forfeiture of the lease or permit after notice; and
- (6) where authorized improvements have been placed on the land by any person other than the lessee or permittee, the director may require the lessee or permittee to allow the owner of the improvements to remove them within 90 days.

Amended by Chapter 299, 1995 General Session

### **53C-4-203 Easements on trust lands -- Director to establish rules.**

- (1) The director shall establish rules for the issuance of easements on, through, and over any trust land, and may establish price schedules.
- (2) A patent for trust lands is subject to any valid existing easement or public right-of-way.

Amended by Chapter 299, 1995 General Session