

OPEN SPACE NEAR STATE PRISON

1998 GENERAL SESSION

STATE OF UTAH

Sponsor: R. Mont Evans

Howard A. Stephenson

AN ACT RELATING TO ADMINISTRATIVE SERVICES; PROVIDING FOR THE SURVEY OF CERTAIN LAND; AUTHORIZING THE OFFICE OF PLANNING AND BUDGET TO RECOMMEND THE USE OF THAT LAND; AND APPROPRIATING \$125,000 TO DETERMINE THE SIZE, BOUNDARIES, AND LEGAL DESCRIPTION OF THE LAND.

This act affects sections of Utah Code Annotated 1953 as follows:

ENACTS:

63A-5-221, Utah Code Annotated 1953

Be it enacted by the Legislature of the state of Utah:

Section 1. Section **63A-5-221** is enacted to read:

63A-5-221. Jordan River Critical Land -- DFCM to arrange survey -- OPB to recommend use.

(1) For purposes of this section, "critical land" means a parcel of land adjacent to the state prison, owned by the division and located along the Jordan River between about 12600 South and 14600 South in Salt Lake County.

(2) The director shall:

(a) within appropriations by the Legislature, engage a surveyor and any other professional the director considers necessary to determine the actual size, boundaries, and legal description of the critical land and other present conditions;

(b) require each surveyor or other professional engaged under Subsection (2)(a) and involved in determining the boundaries or legal description of the critical land to define the legal description in terms of a metes and bounds description without reference to any natural monument that has the potential of moving, being removed, or shifting; and

(c) if a disagreement exists or arises as to the boundary between the critical land and land adjacent to the critical land, negotiate boundary line agreements with owners of the adjacent land,

to the extent the parties can agree on a mutual boundary.

(3) The division may enter into one or more interlocal agreements with local governments to develop and maintain a trail or system of trails through the critical land.

(4) By January 1, 1999, the Office of Planning and Budget shall, in cooperation and consultation with the Critical Lands Conservation Committee established by executive order dated May 24, 1996, the division, the Department of Corrections, interested local governments, the state archeologist, the Division of Indian Affairs, and other interested parties, recommend to the Legislature and the governor:

(a) what part of the critical land should be preserved for use by the Department of Corrections;

(b) what part of the critical land should be preserved as open space;

(c) the most appropriate method of designating and preserving as open space that part of the critical land that the Office of Planning and Budget determines should be preserved as open space; and

(d) whether compensation should be paid to the Department of Corrections for the critical land and, if so, the amount of compensation.

(5) In making the determinations under Subsection (4), the Office of Planning and Budget shall:

(a) follow the principles of:

(i) protecting private property rights;

(ii) ensuring that land use decisions are made locally;

(iii) avoiding a net loss of private land ownership in the state; and

(iv) encouraging partnerships in the effort to preserve open space; and

(b) maximize the amount of critical land preserved as open space while allowing the Department of Corrections adequate land to carry out its functions and responsibilities.

Section 2. Appropriation.

There is appropriated \$125,000 from the General Fund for fiscal year 1998-99 to the Division of Facilities Construction and Management to enable the Division of Facilities Construction and

Management to carry out the responsibility imposed by Subsection 63A-5-221(2).