

1                                   **OPEN SPACE NEAR STATE PRISON**

2   1998 GENERAL SESSION

3   STATE OF UTAH

4   **Sponsor: R. Mont Evans**

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

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

10 ENACTS:

11                   **63A-5-221**, Utah Code Annotated 1953

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

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

14                   **63A-5-221. Jordan River Critical Land -- DFCM to arrange survey -- OPB to**  
15 **determine use.**

16                   (1) For purposes of this section, "critical land" means a parcel of approximately 350-400  
17 acres of land adjacent to the state prison, owned by the division and located along the Jordan River  
18 between about 12600 South and 14600 South in Salt Lake County.

19                   (2) The director shall:

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

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

27                   (c) if a disagreement exists or arises as to the boundary between the critical land and land

1 adjacent to the critical land, negotiate boundary line agreements with owners of the adjacent land,  
2 to the extent the parties can agree on a mutual boundary.

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

5 (4) By January 1, 1999, the Office of Planning and Budget shall, in cooperation and  
6 consultation with the Critical Lands Conservation Committee established by executive order dated  
7 May 24, 1996, the division, the Department of Corrections, interested local governments, and other  
8 interested parties, determine:

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

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

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

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

17 (a) follow the principles of:

18 (i) protecting private property rights;

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

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

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

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

24 **Section 2. Appropriation.**

25 There is appropriated \$125,000 from the General Fund for fiscal year 1998-99 to the  
26 Division of Facilities Construction and Management to enable the Division of Facilities  
27 Construction and Management to carry out the responsibility imposed by Subsection  
28 63A-5-221(2).

**Legislative Review Note**  
**as of 1-19-98 9:09 AM**

A limited legal review of this bill raises no obvious constitutional or statutory concerns.

**Office of Legislative Research and General Counsel**