

1 **RESOLUTION URGING CONGRESS TO**
2 **RESOLVE CAMP WILLIAMS BOUNDARY**
3 **ISSUES**

4 2006 GENERAL SESSION

5 STATE OF UTAH

6 **Chief Sponsor: David L. Hogue**

7 Senate Sponsor: Howard A. Stephenson

8
9 **LONG TITLE**

10 **General Description:**

11 This concurrent resolution of the Legislature and the Governor urges the United States
12 Congress to resolve the boundary issues between certain private property owners in
13 Utah and the Federal Bureau of Land Management.

14 **Highlighted Provisions:**

15 This resolution:

16 ▶ urges the United States Congress to resolve the boundary issues between the private
17 property owners of approximately 56 acres of land located in Section 27 of
18 Township 4S, Range 1W, Salt Lake Base and Meridian, in Salt Lake County, and
19 the Federal Bureau of Land Management.

20 **Special Clauses:**

21 None

22
23 *Be it resolved by the Legislature of the state of Utah, the Governor concurring therein:*

24 WHEREAS, the Federal Bureau of Land Management (BLM) is claiming title to
25 property in southern Salt Lake County based on a Resurvey and Retracement (the Survey),
26 which it filed with the United States Department of the Interior, even though the accuracy of
27 the survey is doubtful;



28 WHEREAS, the property at issue consists of approximately 56 acres, located in Section
29 27 of Township 4S, Range 1W, Salt Lake Base and Meridian, most of which are occupied by
30 private parties;

31 WHEREAS, the Survey was apparently undertaken in 2001 by the local BLM office in
32 order to reconcile discrepancies which existed in prior surveys;

33 WHEREAS, local BLM officials maintain that the Survey demonstrates the existence
34 of a "hiatus" in a section of the Township not discovered in previous surveys;

35 WHEREAS, this hiatus, the BLM contends, represents an area of land never patented,
36 and therefore it claims that the land never left federal ownership;

37 WHEREAS, the Survey also changes the boundary lines between Section 27 and 26 and
38 potentially modifies existing property lines affecting over 240 acres occupied by private owners
39 and local government;

40 WHEREAS, the Survey theoretically changes property descriptions not only of private
41 and local government parcels, but also of utility easements, roads, and irrigation rights-of-way;

42 WHEREAS, the changing of property descriptions in the Survey creates a troubling
43 scenario if the BLM should attempt to enforce its newly discovered "rights" under the Survey;

44 WHEREAS, these discrepancies involve boundary lines of several sections within the
45 Township;

46 WHEREAS, although these discrepancies have been long recognized, private property
47 rights have been transferred and recorded over the past nearly 150 years, which are potentially
48 voided by the BLM's filing of the Survey;

49 WHEREAS, many concerns have been expressed by citizens who are alarmed over the
50 BLM assertion of title to property which the citizens have long believed belonged to them;

51 WHEREAS, these private property rights have been consistently recognized since the
52 original federal survey in the area in 1856;

53 WHEREAS, many of these private parties have homes and other improvements on the
54 property;

55 WHEREAS, although the BLM has, thus far, only focused on the purported hiatus in
56 Section 27, the Survey suggests the existence of many similar hiatuses affecting other sections
57 within the Township and, quite possibly, within an adjacent township;

58 WHEREAS, the BLM seems to have selectively identified only the hiatus in Section 27

59 as the subject of federal title;

60 WHEREAS, the Survey also impacts approximately 57 acres held by Salt Lake County,
61 which is contemplating legal action against the BLM to remove the federal government's
62 questionable claim of title;

63 WHEREAS, Salt Lake County also maintains that it entered into oral agreements with
64 BLM officials in 1993 and again in 2001, which would recognize established property rights in
65 the Township;

66 WHEREAS, the BLM promised to confer with the county surveyor before proceeding
67 with filing the Survey, but failed to do so;

68 WHEREAS, of greater concern is the extreme anxiety and fear felt by property owners
69 and residents of the area within the alleged hiatus who are now being told by BLM officials
70 that land which they have owned and occupied for decades belongs to the BLM;

71 WHEREAS, citizens who have relied on vested property rights for approximately 150
72 years are being told by BLM officials, in effect, that if they want to keep their homes and land,
73 they must either buy them back from the government or have Congress enact a law restoring
74 those vested property rights;

75 WHEREAS, the Survey is a result of inaccurate data and will affect the rights of Salt
76 Lake County and numerous private owners in a potentially damaging manner;

77 WHEREAS, the Survey should be withdrawn and BLM should discontinue any action
78 to enforce its alleged title to the hiatus; and

79 WHEREAS, if the BLM fails to resolve these issues in a manner that fully recognizes
80 the vested property rights of the property owners, the United States Congress should work to
81 resolve the boundary issues:

82 NOW, THEREFORE, BE IT RESOLVED that the Legislature of the state of Utah, the
83 Governor concurring therein, urge the United States Congress to resolve the boundary issues
84 between the private property owners of approximately 56 acres, located in Section 27 of
85 Township 4S, Range 1W, Salt Lake Base and Meridian, Salt Lake County, and the BLM.

86 BE IT FURTHER RESOLVED that a copy of this resolution be sent to the Federal
87 Bureau of Land Management, the United States Department of the Interior, and the members of
88 Utah's congressional delegation.

Legislative Review Note

as of 1-23-06 9:52 AM

Based on a limited legal review, this legislation has not been determined to have a high probability of being held unconstitutional.

Office of Legislative Research and General Counsel