

**TOWN OF BLUFF RESOLUTION NO. 2023-01**

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**A RESOLUTION DENYING A PETITION FOR MUNICIPAL DISCONNECTION OF LANDS LOCATED WITHIN THE TOWN DESCRIBED AS TOWNSHIP 40 SOUTH, RANGE 22 EAST, SECTION 16.**

The Town makes the following findings in support of this resolution.

1. On July 14, 2022, Judy F. Lyman (Petitioner) submitted a petition to the Town of Bluff (the Town) seeking the disconnection of certain lands she owns from the municipal boundaries of the Town.
2. The lands owned by Petitioner are described as Section 16, Township 40 South, Range 22 East, SLM (the Property). The Property is entirely within the municipal boundaries of the Town. The Petition contained an incorrect legal description of the subject property, identifying it as “T36S, R22E, S16.”
3. A public hearing was held on December 1, 2022, at which time the Town Council heard testimony from staff, the Petitioner’s counsel, and members of the public. On January 10, 2023, the Council considered the matter.
4. The Property is undeveloped land totaling 640 acres and located generally in an area known as the “Bluff Bench.” The Property is served by an existing Town Class C Road. The Property constitutes 2.7% of the lands within the Town, and 16.2% of the privately owned lands within the Town.
5. The Property is surrounded on all sides by lands owned by the School and Institutional Trust Lands Administration (SITLA) and the Bureau of Land Management (BLM). It is the Town’s policy to assert its municipal jurisdiction, and to engage in inter-governmental dialogue and agreements with respect to all public lands within the Town, particularly when those lands are developed.
6. The Town has adopted zoning and subdivision regulations applicable within the Town generally and to the Property, which is presently zoned “A-2.” The Petitioner has not sought any development approval or land use review through the Town, nor has she identified any future development plans for the Property.
7. Emergency services to the Property are currently provided by the Bluff Volunteer Fire Department, which provides fire and EMS services to all lands within the Town, and the

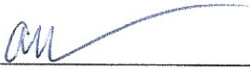
San Juan County Sheriff, which provides services within the Town pursuant to an agreement with the Town.

8. The municipal tax burdens on the Property are very minor. The Town does have a small property tax levy. Property taxes on the subject Property are \$124.12 per year, the bulk of the levy being assessed by San Juan County and the San Juan School District.
9. The disconnection of the Property could make it more difficult for adjacent properties on the Bluff Bench to develop. The disconnection could also negatively affect the Town in that it would remove 16.2% percent of the private land from the municipal boundaries in a community where much of the land is already owned by the state or federal governments.
10. The disconnection of the Property would also create an unincorporated island or peninsula in that the lands of the Petitioner would be wholly or mostly surrounded by incorporated lands, in violation of applicable law. Additionally, the burdens on the Petitioner of keeping her land within the Town appear to be minimal.
11. The boundaries of the Town of Bluff were created after careful study and a public process by a group of concerned citizens and stakeholders. This process culminated in the incorporation of the Town in 2018. The Council finds that: i) there is no good cause shown for the disconnection; and ii) justice and equity does not require the disconnection. The predominant position of the Petitioner, as stated by her counsel, appears to be simply that she “does not want to be part of the Town,” which is not a valid cause under the applicable statute.

THEREFORE, it is resolved by a majority of the Bluff Town Council, at a regularly scheduled meeting of the Council on January 10, 2023, as follows:

The Petition for disconnection is hereby denied. This resolution shall take effect immediately upon passage.

TOWN OF BLUFF

  
\_\_\_\_\_  
Ann Leppanen, Mayor

January 10, 2023  
Date

ATTEST:  
  
\_\_\_\_\_  
Linda Sosa, Recorder

1-10-23  
Date

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