

**RESOLUTION 2014-03**

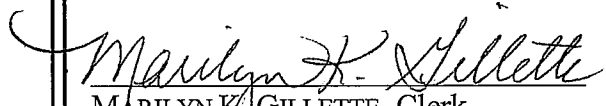
**A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS  
ASSIGNING THE COUNTY'S BLM TITLE V RIGHT-OF-WAY  
ACCESS TO THE TOOEELE "T" SITE TO THE TOOEELE COUNTY  
SCHOOL DISTRICT FOR THE BENEFIT OF TOOEELE HIGH SCHOOL**

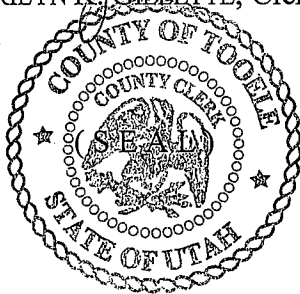
**NOW, THEREFORE, BE IT RESOLVED** that the Board of County Commissioners of Tooele County, Utah, hereby assigns its BLM Title V Right-of-Way Grant to the Tooele "T" Site (Serial Number UTU-81120) to the Tooele County School District for the benefit of Tooele High School. A copy of the letter and grant issued by the BLM to the County on July 24, 2009 is attached hereto and by this reference made a part hereof.

**APPROVED AND ADOPTED** by the Board of County Commissioners of Tooele County, State of Utah, after proper notice and hearing in accordance with UCA 59-2-919.

**DATED** this 18<sup>th</sup> day of February, 2014.

**ATTEST:**

  
MARILYN K. GILLETTE, Clerk




**TOOELE COUNTY COMMISSION:**

  
J. BRUCE CLEGG, Chairman

Commissioner Clegg voted aye  
Commissioner Hurst voted absent  
Commissioner Milne voted aye

**APPROVED AS TO FORM:**

  
DOUG HOGAN  
Tooele County Attorney



# United States Department of the Interior

## BUREAU OF LAND MANAGEMENT

Salt Lake Field Office  
2370 South 2300 West  
Salt Lake City, Utah 84119  
ph: (801) 977-4300; Fax: (801) 977-4399  
www.ut.blm.gov/saltlake\_of



IN REPLY REFER TO:

2300

11/18/09

11/18/09

JUL 24 2009

### DECISION

### Right-of-Way Grant UTU-81120 Issued

SUBNAME
12/10/09
2007/23/09

Jerry Hurst  
Tooele County  
47 South Main  
Tooele UT 84029

Re: Tooele "T" Site

Dear Commissioner Hurst:

Enclosed is a copy of right-of-way grant serial number UTU-81120, which has been approved by the Bureau of Land Management. This grant is determined to be rental exempt under the provisions of Title 43, Code of Federal Regulations, Section 2806.14(d). The grant is also cost recovery fee exempt under the provisions of Title 43, Code of Federal Regulations, Section 2804.16(a).

The issuance of this right-of-way grant constitutes a final decision by the Bureau of Land Management in this matter.

This decision may be appealed to the Interior Board of Land Appeals, Office of the Secretary, in accordance with the regulations contained in 43 CFR, Part 4, and the enclosed Form 1842-1. If an appeal is taken, your notice of appeal must be filed in this office (at the above address) within 30 days from receipt of this decision. The appellant has the burden of showing that the decision appealed from is in error.

If you wish to file a petition pursuant to regulation 43 CFR 4.21 (58 FR 4939, January 19, 1993) or 43 CFR 2801.10 for a stay of the effectiveness of this decision during the time that your appeal is being reviewed by the Board, the petition for a stay must accompany your notice of appeal. A petition for a stay is required to show sufficient justification based on the standards listed below. Copies of the notice of appeal and petition for a stay must also be submitted to each party named in this decision, to the Interior Board of Land Appeals and to the appropriate Office of the Solicitor (see 43 CFR 4.413) at the same time the original documents are filed with this office. If you request a stay, you have the burden of proof to demonstrate that a stay should be granted.

Standards for Obtaining a Stay

Except as otherwise provided by law or other pertinent regulation, a petition for a stay of a decision pending appeal shall show sufficient justification based on the following standards:

- (1) The relative harm to the parties if the stay is granted or denied;
- (2) The likelihood of the appellant's success on the merits;
- (3) The likelihood of immediate and irreparable harm if the stay is not granted; and
- (4) Whether the public interest favors granting the stay.

Please note, however, that under the regulations in 43 CFR Group 2800, this decision is effective even if an appeal is filed.

If you have any questions, please contact Dave Watson, Realty Specialist, at the above address or call 801-977-4368.

Sincerely,

/s/ MICHAEL G. NELSON

Michael G. Nelson  
Assistant Field Manager  
Renewable Resources

Enclosures:

- 1 - Right-of-Way Grant
- 2 - Appeals Information (Form #1842-1)

UNITED STATES  
DEPARTMENT OF THE INTERIOR  
BUREAU OF LAND MANAGEMENT  
RIGHT-OF-WAY GRANT

SERIAL NUMBER UTU-81120

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A right-of-way is hereby granted pursuant to Title V of the Federal Land Policy and Management Act of October 21, 1976 (90 Stat. 2776-49 U.S.C. 1761).

2. Nature of interest:

a. By this instrument, the holder:

Tooele County  
47 South Main  
Tooele UT 84029

receives a right to operate, maintain, and terminate the Tooele "T" Site where it occupies Public Land, described as follows:

T. 3 S., R. 4 W., SLM, Tooele County, Utah  
Section 25: Portions of the SE $\frac{1}{4}$ SW $\frac{1}{4}$ .

- b. The right-of-way area granted herein for the Tooele "T" Site is 100 feet wide, 100 feet long and contains .25 acres, more or less. This grant does not authorize access to the site. The holder is responsible for obtaining appropriate access to the site.
- c. The right-way-grant for continuing operation and maintenance of the "T" Site is issued in perpetuity unless, prior thereto, it is relinquished, abandoned, terminated, or modified pursuant to the terms and conditions of this instrument or of any applicable Federal law or regulation.
- d. Notwithstanding any early relinquishment, abandonment, or termination of the grant by the holder, the provisions of this instrument, to the extent applicable, shall continue in effect and shall be binding on the holder, its successors, or assigns, until they have fully satisfied the obligations and/or liabilities accruing herein before or on account of the relinquishment or prior termination of the grant.

3. Rental:

This grant is determined by the authorized officer to be rental exempt under the provisions of Title 43, Code of Federal Regulations, Section 2806.14(b).

4. Terms and Conditions:

- a. This grant or permit is issued subject to the holder's compliance with all applicable regulations contained in Title 43, Code of Federal Regulations part 2800.
- b. Upon grant termination by the authorized officer, all improvements shall be removed from the public lands within 90 days, or otherwise disposed of as provided in paragraph (4)(d) or as directed by the authorized officer.

- d. Each grant issued for a term of 20 years or more shall, at a minimum, be reviewed by the authorized officer at the end of the 20th year and at regular intervals thereafter not to exceed 10 years. Provided, however, that a right-of-way or permit granted herein may be reviewed at any time deemed necessary by the authorized officer.
- e. The stipulations and maps set forth in Exhibits A (Map) and B (Special Stipulations), attached hereto, are incorporated into and made a part of this grant instrument as fully and effectively, as if they were set forth herein in their entirety.
- f. The holder shall operate, and maintain the facilities, improvements, and structures within this right-of-way in strict conformity with the terms, conditions and special stipulations of this grant. Any relocation, additional construction, or use that is not in accord with the approved grant, shall not be initiated without the prior written approval of the authorized officer. Noncompliance with the above will be grounds for an immediate temporary suspension of activities if it constitutes a threat to public health and safety or the environment.
- g. Failure of the holder to comply with applicable law or any provision of this right-of-way grant or permit shall constitute grounds for suspension or termination thereof.
- h. The holder shall perform all operations in a good and workmanlike manner so as to ensure protection of the environment and the health and safety of the public.

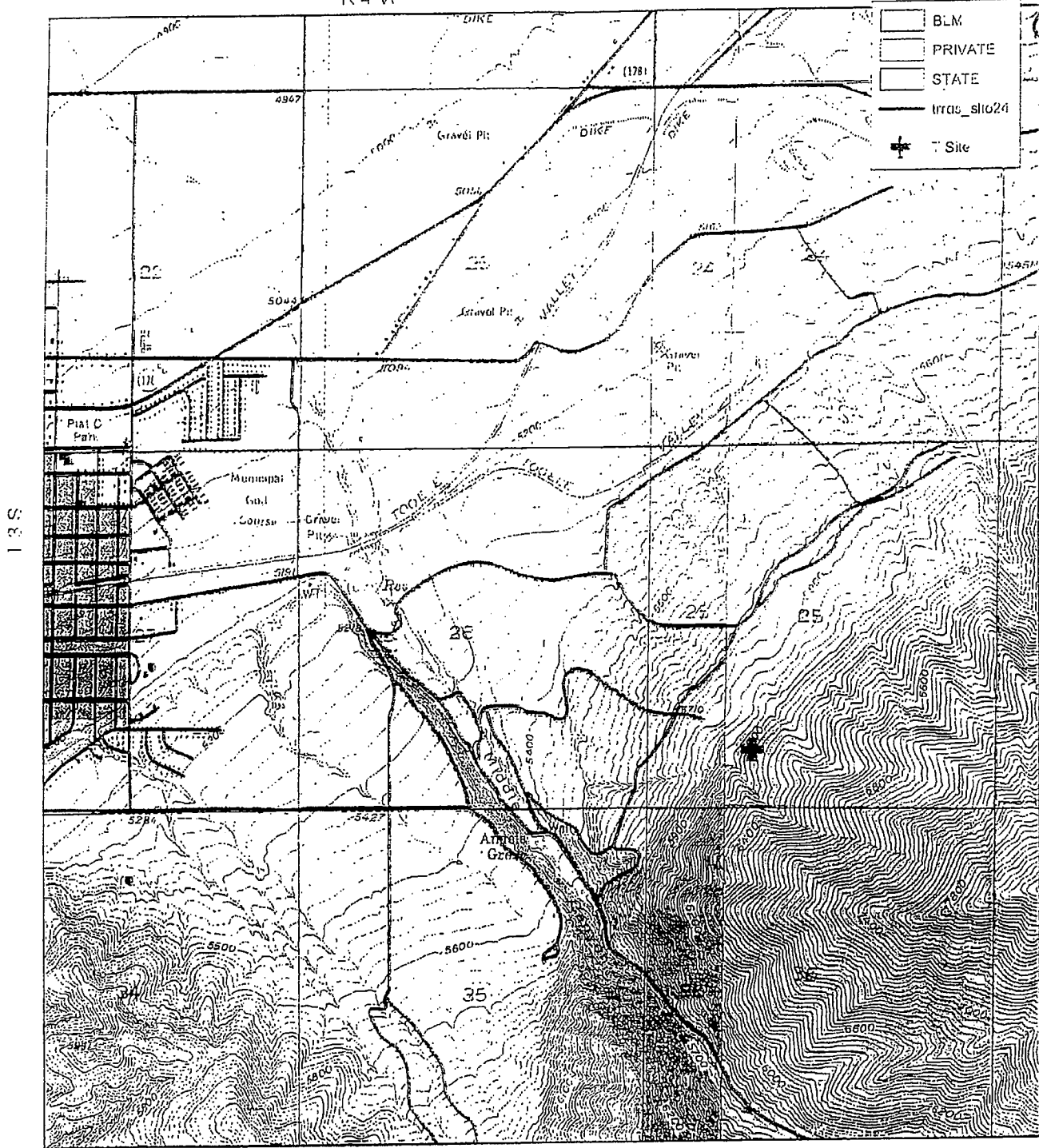
IN WITNESS WHEREOF, The undersigned agrees to the terms and conditions of this right-of-way grant or permit.

Terry Hurst  
(Signature of Holder)  
Tooele County  
Commissioner  
(Title)  
7/20/09  
(Date)

Michael S. Lull  
(Signature of BLM Authorized Officer)  
Assistant Field Manager, Non-Renewable  
(Title)  
July 24, 2009  
(Effective Date of Grant)

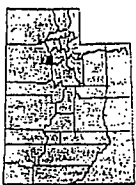
R 4 W TOOELE "T" SITE

# EXHIBIT A

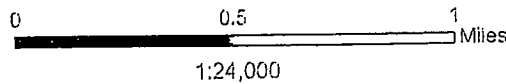


13 S

LOCATION



UTAH



U.S. DEPARTMENT OF THE INTERIOR  
BUREAU OF LAND MANAGEMENT  
SALT LAKE FIELD OFFICE



May 2009

This product may not meet BLM standards for accuracy and content. Different data sources and input scales may cause misalignment of this layer: Transportation network: has not been verified

EXHIBIT B  
SPECIAL STIPULATIONS FOR RIGHT-OF-WAY GRANT UTU-81120

1. The holder shall clearly mark the exterior limits of the right-of-way.
2. The holder shall conduct all operation and maintenance activities authorized by this grant within the authorized exterior limits of the right-of-way as delineated by the requirements of stipulation 1 above.
3. The holder shall remove only the minimum amount of vegetation necessary for the use and maintenance of improvements authorized by this grant within the existing disturbance of the right-of-way. The holder shall limit vegetation removal to hand tools and shall cut up all removed vegetation and scatter the remnants over the area. No large piles of removed vegetation shall be left on the right-of-way site.
4. The holder shall not perform routine maintenance activities during periods when the soil is too wet to adequately support maintenance personnel and equipment. If such equipment creates ruts in excess of four inches deep, the soil shall be deemed too wet to adequately support construction equipment.
5. Routine maintenance and other surface disturbing activities will be prohibited during the period from November 1 to March 31 of each year for the protection of wildlife wintering in the vicinity. Any exceptions to this requirement must have prior written approval from the authorized officer.
6. The holder shall maintain the right-of-way in a sanitary condition at all times; waste materials shall be disposed of promptly at an appropriate waste disposal site. "Waste" means all discarded matter including, but not limited to, human waste, trash, garbage, refuse, oil drums, petroleum products, ashes, and equipment.
7. The holder shall be responsible for weed control on disturbed areas within the limits of the right-of-way. The holder is responsible for consultation with the authorized officer and/or local authorities for acceptable weed control methods (within limits imposed in the grant stipulations).
8. Any cultural and/or paleontological resource (historic or prehistoric site or object) discovered by the holder, or any person working on his behalf, on public or Federal land shall be immediately reported to the authorized officer. Holder shall suspend all operations in the immediate area of such discovery until written authorization to proceed is issued by the authorized officer. An evaluation of the discovery will be made by the authorized officer to determine appropriate actions to prevent the loss of significant cultural or scientific values. The holder will be responsible for the cost of evaluation and any decision as to proper mitigation measures will be made by the authorized officer after consulting with the holder.
9. The holder shall protect all survey monuments found within the right-of-way. Survey monuments include, but are not limited to, General Land Office and Bureau of Land Management Cadastral Survey Corners, reference corners, witness points, U.S. Coastal and Geodetic benchmarks and triangulation stations, military control monuments, and recognizable civil (both public and private) survey monuments. In the event of obliteration or disturbance of any of the above, the holder shall immediately report the incident, in writing, to the authorized officer and the respective installing authority if known. Where General Land Office or Bureau of Land Management right-of-way monuments or references are obliterated during operations, the holder shall secure the services of a registered land surveyor or a Bureau cadastral surveyor to restore the disturbed monuments and references using surveying procedures found in the Manual of Surveying Instructions for the Survey of the Public Lands in the United States, latest edition. The holder shall record such survey in the appropriate county and send a copy to the authorized officer. If the Bureau cadastral surveyors or other Federal surveyors are used to restore the disturbed survey monument, the holder shall be responsible for the survey cost.
10. Holder shall maintain the right-of-way in a safe, usable condition, as directed by the authorized officer. A regular maintenance program shall include, but is not limited to, installation of rip-rap and other erosion control measures to reduce water caused erosion at the site.

11. If during any phase of operation or maintenance activities any oil or other pollutant should be discharged from containers or vehicles and impact Federal lands, the control and total removal, disposal, and cleanup of such oil or other pollutant, wherever found, shall be the responsibility of the holder regardless of fault. Upon failure of holder to control, cleanup, or dispose of such discharge on or affecting Federal lands, or to repair all damages to Federal lands resulting therefrom, the authorized officer may take such measures as he deems necessary to control and cleanup the discharge and restore the area, including, where appropriate, the aquatic environment and fish and wildlife habitats, at the full expense of the holder. Such action by the authorized officer shall not relieve the holder of any liability or responsibility.





## United States Department of the Interior



BUREAU OF LAND MANAGEMENT  
Salt Lake Field Office  
2370 South Decker Lake Blvd.  
West Valley City, UT 84119  
ph: (801) 977-4300; Fax: (801) 977-4397  
[www.ut.blm.gov/saltlake\\_fo](http://www.ut.blm.gov/saltlake_fo)

In Reply Refer To:  
2800 (UTW-011)  
UTU-81120

CERTIFIED MAIL NO. – 7013 0600 0001 8148 4634  
RETURN RECEIPT REQUESTED

FEB 27 2014

### DECISION

#### Right-of-Way Grant UTU-81120 Assigned Cost Recovery Fees and Rental Determined

#### Assignees

Tooele High School  
Tooele County School District  
301 West Vine Street  
Tooele UT 84029

#### Assignor

Tooele County  
47 South Main  
Tooele UT 84029

Re: Tooele "T" Site

On February 4, 2014, the Tooele County School District filed an application to have the subject display site right-of-way (ROW) assigned from Tooele County. The subject application was filed under authority of Title V of the Federal Land Policy and Management Act of October 21, 1976 (90 Stat. 2776 43 U.S.C. 1761).

All conditions have been met to approve assignment of the subject ROW. The ROW described above is hereby assigned to Tooele High School and the Tooele County School District, jointly. This assignment is subject to all terms, conditions, and stipulations found in the original grant, which remain in full force and effect.

In accordance with 43 CFR §2804.16 and §2806.14, the Assignees are exempt from paying cost recovery fees and rental for this right-of-way as they are local government entities.

This decision may be appealed to the Interior Board of Land Appeals, Office of the Secretary, in accordance with the regulations contained in 43 CFR, Part 4, and the enclosed Form 1842-1. If an appeal is taken, your notice of appeal must be filed in this office (at the above address) within

30 days from receipt of this decision. The appellant has the burden of showing that the decision appealed from is in error.

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- (1) The relative harm to the parties if the stay is granted or denied;
- (2) The likelihood of the appellant's success on the merits;
- (3) The likelihood of immediate and irreparable harm if the stay is not granted; and
- (4) Whether the public interest favors granting the stay.

Should you appeal, you must still pay the rental requested. Failure to pay on time may result in termination of the right-of-way [see 43 CFR 2805.12(f) and 2806.13(c) or 2885.17(c)].

Please note, however, that under the regulations in 43 CFR Group 2800, this decision is effective even if an appeal is filed.

If you have any questions, please contact Dave Watson, Realty Specialist, at the above address or call 801-977-4368.

Sincerely,

**/S/ Rebecca Hotze**

Rebecca Hotze  
Field Manager

Enclosure:  
Form 1842-1

Central file, Reading file, Author (Watson), Case file (Watson)

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