

Argument FOR Proposition #1

What is a Neighborhood Option Trail?

After careful analysis of the City trail system in 2012-13, the City Council and Staff designated a handful of Open-Space Subdivision trails as Neighborhood Option Trails. This decision was made for the following reasons:

- If better or safer routes currently exist that connect to the Murdock Trail System, City Center, schools, or another Open-Space neighborhood, then a rigorous supermajority petition process could eliminate an unmaintained, under-used trail **on land not available for development.**
- It was determined that the City could not appropriately maintain the safety and appearance of these optional trails **without a major tax or fee increase.**

Was this resolution legal? YES!

The City Council discussed and considered the requirements of the State Code in making its decision. There were no conflicts of interest by any member of the City Council. The City Council's decision was legal and met the requirements of Utah state law.

Why has a persistent effort been made to eliminate this Neighborhood Option Trail? The trail is:

- Bordered by an unsafe, open irrigation ditch, referred to as a "Death Trap" by a former Mayor.
- An unmaintained, deteriorating asphalt trail bordered by thistles and "goat head" thorns that lowers property values for the whole subdivision.
- In a quiet residential subdivision that already has sidewalks on both sides of all the streets and has two remaining trail systems that are associated with parks.
- **Not consider a safe route to school by Freedom Elementary.**

Does this establish a precedent to sell other City trails – NO!

The City ordinance requires a supermajority of the subdivision in order to eliminate a Neighborhood Option Trail in an Open-Space Subdivision. **Non-optional City trails and parks cannot be sold or eliminated by this process.**

Will the money from the sale of the Wimbledon Subdivision Neighborhood Option Trail be used to improve other City trails and parks – YES!

If all the property in the resolution is sold, **potentially over \$600,000 can be available to improve other destination trails and parks in Highland.**

Is there enough money currently to maintain all the City trails without a significant tax increase? NO!

With the recent increase in secondary water rates, road maintenance and public safety fees, and the newly passed County sales and property tax increases, Highland households are already paying over \$500 more per year. The potential \$600,000 generated by vacating this one optional trail, along with the \$65,000 budgeted per year for Open-Space subdivision trail maintenance from the Utah County sales tax increase, could reduce the need for future taxes and fees.

Is the price Fair Market Value? YES!

The City Council approved the selling price based on undevelopable, landlocked property, not developable land recently sold to Lehi City for their new aquatic park or the Spring Creek Park property sold for a new residential development to help fund the Mountain Ridge Park.

Overturing the City Council action is a vote for a future city-wide tax or fee for parks and trails.

Submitted by the 2019 Highland City Council

Rebuttal To Argument FOR Proposition #1

Wimbledon's trails and open space are used by the public for travel and recreation – children use the trail to walk to school and parks. Much has changed since the 2019 council decision to sell 5.8 acres of open space and remove 1.1 miles of trail.

2020

- The city began receiving a portion of a new county transportation tax. The council allocated 50% of these funds to trails adding \$100,000 per year to the trail maintenance budget.
- Over 60% of the trails in Highland were seal coated, including more than 50% of the Wimbledon trails.

2021

- A 5-year plan to maintain and rehabilitate the trails was approved. It is funded by current revenues. **No new taxes are needed!**
- A puncture weed abatement program along city trails was started.
- The Neighborhood Option Trail designation was removed. This was a bad policy that allowed a few residents to petition the Council to buy the trails.
- The ditch is in the process of being abandoned and won't be a safety issue.

The approved plan divides the trail into 6 sections. If a homeowner adjacent in any section elects not to purchase, then this section of trail cannot be sold, thus creating a fragmented trail system and reducing the expected revenue.

**Please vote "Against" the 2019 Council decision.
Overturn the sale and preserve Highland's trails and open space!**
<http://savehighlandtrails.com>

Endorsed by: Mayor Rod Mann and current council members
Kurt Ostler, Timothy Ball, Kim Rodela and Brittney Bills.

Submitted by Kathleen Roberts

Argument AGAINST Proposition #1

In the 2019 Highland resident survey, city trails ranked THE HIGHEST among amenities residents love about Highland. On 12/3/19 the outgoing city council narrowly approved a measure allowing the sale of trails within Wimbleton subdivision to adjacent landowners at FAR below market value. One councilman who voted “yes” lives directly on the trail and personally stands to gain significantly from the purchase but would not recuse himself. This controversial decision puts many Highland city trails in jeopardy by setting a precedent for trail disposal. **These existing, paved trails are used year-round by residents & their children traveling to school or sports activities.** This warrants a public vote on an issue impacting our entire city and its original vision for an open, connected Highland.

Concerns:

- **Legality** Wimbleton contains 6% of city open-space trails and are **Highland City owned property**. The city **MUST** follow State Code in order to remove a trail.
 - **Utah State Code: 10-9a-609.5** -Vacating a public street or city trail. 4a) **good cause** exists for the vacation 4b) neither the **public interest** nor any person will be **materially injured** by the vacation. **We believe the December 3rd vote was in direct conflict with both state requirements for the disposal of trails. This leaves the city open to costly litigation. The following unresolved items call into question the legality of the city council’s vote:**
- Maintaining **critical emergency access** to sewer lines and drainage ponds located on land to be sold.
- Who pays estimated \$50,000-\$60,000 for 2 recommended sump pumps or relocation of 4-inch water pipe spanning north border of property
- Material injury to other open space community property owners. Research shows land in open space communities appraises 20%+ higher than non-open-space communities.
- Denial of public access to trails currently used for exercise, enjoyment, sports leagues, and commute.
- **Safety** These trails provide safer travel for children who use the trails daily to get to school and athletic events scheduled through the city at Wimbleton Park. Sidewalk travel carries increased risk as cars back in and out and as kids cross the street.
- **Fair Market Value** The approved price of \$2.45/sq. ft. is far below market value. No fair, legal appraisal was conducted to ensure Highland city and its residents get the appropriate compensation. (comparatively, Highland City recently sold “Open Space” land to Lehi for \$6.29/sq. ft.).
- **Maintenance** The city recently approved over \$100,000 (a 380% increase) for improved trail maintenance. Trail maintenance is the obvious and desired solution. Considering this increased budget, the permanent disposal of open space assets is not only unnecessary but an **irreversible** mistake.
- **“New Tax” Myth** Proponents of trail disposal claim a future tax must be implemented to fund park/trail maintenance. No such plan exists or has been discussed by city council.

Extensive data & information can be viewed @ savehighlandtrails.com

Clear evidence supports keeping Highland’s trails intact and open to residents – not sold to private citizens.

Submitted by Referendum Sponsors

Rebuttal To Argument AGAINST Proposition #1

Selling this trail generates large funds to improve other parks and trails, resolves years of subdivision concerns, and will prevent a tax increase to rebuild trails.

Why?

- 1) Residents with beautiful yards have had to deal with a trail that is **breaking apart, surrounded by weeds (Goathead thorns)**, has sections that are **unsafe** for residents, and includes a **dangerous ditch**.
- 2) This trail is **redundant** and **underused**; it doesn’t connect directly to other trails. There are sidewalks that run parallel.
- 3) This trail needs to be repaired (not just sealcoated) **which will cost thousands of dollars!**
- 4) East of the Wimbleton Subdivision, **the City is currently developing a “destination trail” from the Murdoch Canal Trail through Mitchell Hollow to the County Equestrian Park.** Funds from the sale of this trail could be used to complete this new trail benefiting more residents.
- 5) **Freedom Elementary does not consider this trail a safe route to school.**

Does this set a Precedent?

NO. This only applies to the perimeter trail in the Wimbleton Subdivision.

Can the proceeds be used for other trails and parks?

YES. Over **\$600,000 would be available** which is **five times** the amount of yearly funds available for trails from the County gas sales tax.

Was this Resolution Legal?

YES. The City’s Council decision was legal and met the requirements of Utah State Law (then and as amended).

Is the Price Fair Market Value?

YES. The City Council approved the selling price based on comparable values for undevelopable landlocked property.

Submitted by Council Member Scott L. Smith, former Council Member Ed Dennis, Colby Gibson, Bruce Braithwaite, and Mark Hafen