

Salt Lake City v. State

22 Utah 2d 37, 448 P.2d 350 (1968)

In attempting to have the Territorial Capitol moved from Fillmore to Salt Lake City, Salt Lake City entered into an agreement with state officials to make land available for the capitol and to supply water free of charge for the capitol building and grounds. Later, Salt Lake brought this action seeking a declaratory judgment that the agreement to furnish water free of charge to the State was invalid. The trial court ruled that the agreement was invalid. The State appealed and the Supreme Court reversed.

CITIES/TOWNS--sale of water

GOVERNMENTAL FUNCTION--sale of water not a

The sale of water by a city is a proprietary, not a governmental, function.

CITIES/TOWNS--sale of water

CONSTITUTIONAL LAW--interpreting article 11, section 6

A city's agreement to supply free water to the state, is not a disposal of its waterworks, water rights, or water supply in violation of the constitutional prohibition.

CITIES/TOWNS--furnishing of water

An agreement whereby a city supplies free water for sufficient consideration is not ultra-vires nor against public policy.