



**Phyllis J. Vetter**  
*General Counsel and Vice President*

April 6, 2021

Re: Incorporation and Legal Status of Red Butte Garden at the University of Utah

To Whom It May Concern:

Red Butte Garden is a state arboretum and botanical garden at the University of Utah, a public institution of higher education located in Salt Lake City, Utah. The University was established on February 28, 1850, by the General Assembly. Utah Code Title 53B (State System of Higher Education) addresses the University's establishment, mission, status, and governing board. Section 53B-1-102 designates the University part of the Utah System of Higher Education and states that the University is "empowered to sue and be sued and to contract and be contracted with." Section 53B-2-101 includes the University among the state's designated "bodies politic and corporate with perpetual succession and with all rights, immunities, and franchises necessary to function as such." Section 53B-2-101 empowers the University to "have and use a corporate seal" and to "take, hold, lease, sell, and convey real and personal property as the interest of the institution requires." Chapter 19 of Title 53B recognizes the state arboretum at the University of Utah, which is known as Red Butte Garden.

Given the nature of Red Butte Garden and the University, their creation, and the University's statutory powers, neither the University nor Red Butte Garden have traditional articles of incorporation or bylaws and are not required to register with the Utah Division of Corporations and Commercial Code.

The University, including Red Butte Garden, is also a non-profit organization recognized under Section 501(c)(3) of the Internal Revenue Code.

Sincerely,

Phyllis J. Vetter  
General Counsel and Vice President

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