



TOQUERVILLE CITY
RESOLUTION 2020.08

A RESOLUTION IN SUPPORT AND AUTHORIZATION FOR THE CITY TO PURSUE A RECREATION AND PUBLIC PURPOSES LEASE/PATENT FOR APPROXIMATELY 300 ACRES +/- OF REAL PROPERTY OWNED BY THE BLM SOUTH OF INTERSTATE 15 ("I-15") AND WEST OF EXIT 27 (ANDERSON JUNCTION) FOR THE PURPOSE OF DEVELOPING A REGIONAL RECREATION PARK AND ELEMENTARY/SECONDARY SCHOOL SITES.

RECITALS

WHEREAS, Toquerville City ("City") is an incorporated municipality duly organized and operating under the laws of the State of Utah with its municipal boundaries located in the Northeast Washington County, Utah.

WHEREAS, the City is planning for and beginning to experience unprecedented growth in the Northwest section of City due to the planned construction of a reservoir in 2021 Southwest of Anderson Junction to be known as Toquerville Reservoir ("Reservoir") as well as a large by-pass road to be known as Toquerville Parkway ("Parkway") to be constructed in the next several years that would by-pass the historical downtown area of Toquerville to the West with several master planned mixed use developments to begin adjacent to the Parkway.

WHEREAS, the City, as well as other municipalities on the East side of Washington County have also experienced an astronomical increase in visitors and traffic caused by persons visiting Zions National Park, Lake Powell National Park and the various Utah State Parks, trails and recreation areas/amenities that Southern Utah is famous for.

WHEREAS, the City believes that with the construction of the Parkway and the Reservoir and other factors, the City's population will grow at extraordinary rates and thus tax and burden various aspects of the City's public infrastructure and services as well create a need for additional schools to locally educate young residents without having to bus said students long distances.

WHEREAS, the City staff and planning consultants have identified an area comprising of approximately 300 acres located within the City, or the City's future annexation area, South of I-15 and West of Exit 27 described more fully in Exhibit "A" attached hereto ("Subject Property"), owned by the US Bureau of Land Management ("BLM") which would be ideal for a regional recreation park and future elementary and/or secondary school sites.

WHEREAS, the BLM has the ability to, upon application and request, pursuant to the Recreation and Public Purposes Act of 1926 (43 USC 869) ("R&PP Act"), to dispose of public lands to other Federal agencies and State and local governments for recreational or public purposes either via lease or patent.



WHEREAS, after careful consideration of the health, safety and general welfare of the City, present and future, and based upon the recommendation from the City's staff and planning consultants, Toquerville City, by and through the Toquerville City Council ("City Council") adopt the following Resolution:

RESOLUTION

NOW THEREFORE, the City, by and through its City Council, resolves as follows:

1. Findings in Support of City's Pursuit of R&PP Lease/Patent on Subject Property. Upon review of the presentation of City Staff and in recognition of the anticipated future growth of the City, the City Council finds:

a. That the acquisition of the Subject Property by the City under the R&PP Act would serve the public purpose of providing parks and recreation areas and amenities to the residents of the City and the Eastern region of Washington County as well as visitors to the area,

b. That the acquisition of the Subject Property by the City under the R&PP Act would serve the public purpose of providing locations for elementary and secondary schools and facilities for young residents of the City and nearby unincorporated areas of Washington County,

c. That the land which comprises the Subject Property is not needed for any Federal Purpose,

2. Official Support and Authorization for the City to Proceed. The City, acting by and through its governing body, the City Council, hereby supports and authorizes City Staff and consultants to proceed with the conceptual planning and design of a regional recreation park and school sites and any other public infrastructure necessary for the nearby area including trails and parking and restroom facilities and to apply for, and seek approval from, the BLM for either a long term lease of the Subject Property or outright patent in compliance with R&PP Act.

3. Supersession/Repealer. This Resolution supersedes or repeals the provisions of any resolution that are inconsistent with its provisions.

4. Savings Clause. If any provision or clause in this Resolution or the application thereof to any person or entity or circumstance is held to be unconstitutional or otherwise invalid by any court of competent jurisdiction, such invalidity shall not affect other sections, provisions, clauses, or applications hereof which can be implemented without the invalid provision, clause, or application hereof, and to this end the provisions and clauses of this Ordinance are declared to be severable.



5. Effective Date. This Resolution shall become effective immediately upon adoption by the City Council.

PASSED AND APPROVED this 14 day of May, 2020.

John 'Chuck' Williams	Aye	<input checked="" type="checkbox"/>	Nay	<input type="checkbox"/>
Keen Ellsworth	Aye	<input checked="" type="checkbox"/>	Nay	<input type="checkbox"/>
Justin Sip	Aye	<input checked="" type="checkbox"/>	Nay	<input type="checkbox"/>
Gary Chaves	Aye	<input checked="" type="checkbox"/>	Nay	<input type="checkbox"/>
Ty Bringhurst	Aye	<input checked="" type="checkbox"/>	Nay	<input type="checkbox"/>

TOQUERVILLE CITY
a Utah municipal corporation



Lynn Chamberlain, Mayor

05/18/2020
Date

Attest:



Ruth Evans, City Recorder



EXHIBIT "A"

Legal Description of Subject Property

TOWNSHIP 40 SOUTH, RANGE 13 WEST, SECTION 28, SALT LAKE BASE & MERIDIAN, LOTS 1, 2, 5, THE SOUTHWEST $\frac{1}{4}$ OF THE NORTHEAST $\frac{1}{4}$, THE NORTHEAST $\frac{1}{4}$ OF THE SOUTHWEST $\frac{1}{4}$, THE SOUTHERN $\frac{1}{2}$ OF THE SOUTHWEST $\frac{1}{4}$, AND THE NORTHWEST $\frac{1}{4}$ OF THE SOUTHEAST $\frac{1}{4}$.

TOWNSHIP 40 SOUTH, RANGE 13 WEST, SECTION 33, SALT LAKE BASE & MERIDIAN, LOTS 5, 6, 7, 12, AND THE NORTHWEST $\frac{1}{4}$ OF THE NORTHWEST $\frac{1}{4}$.

