

**TOQUERVILLE CITY, UTAH  
CREATION OF MUNICIPAL BUILDING AUTHORITY  
FEBRUARY 13, 2006**

RESOLUTION NO. 02-13-06      2006.04

A RESOLUTION PROVIDING FOR THE CREATION OF A MUNICIPAL BUILDING AUTHORITY BY TOQUERVILLE CITY, WASHINGTON COUNTY, UTAH; AUTHORIZING OFFICIAL ACTION; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Toquerville City, Washington County, Utah (the "City"), is a body politic and political subdivision existing as such by virtue of the Constitution and laws of the State of Utah; and

WHEREAS, the City desires to create a building authority in the form of a nonprofit corporation (the "Authority"), under the Utah Municipal Building Authority Act, Title 17A, Chapter 3, Part 9, Utah Code Annotated 1953, as amended (the "Act"), for the purpose of acquiring, improving, or extending one or more projects, as defined in the Act, and to finance their costs on behalf of the City in accordance with the procedures and subject to limitations of the Act in order to accomplish the public purposes for which the City exists; and

WHEREAS, it is in the best interests of the citizens of the City that the creation of the Authority be authorized in the manner and for the purposes hereinafter set forth; and

WHEREAS, it is necessary to authorize the establishment of the Authority under and in compliance with the laws of the State of Utah and to authorize other actions in connection therewith.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF TOQUERVILLE CITY, WASHINGTON COUNTY, UTAH, AS FOLLOWS:

1. All action heretofore taken (not inconsistent with the provisions of this Resolution) by the City Council and by other officers of the City directed toward the creation and establishment of the Authority, are hereby ratified, approved and confirmed.

2. It is hereby found and determined by the City Council that the creation of the Authority as a nonprofit corporation under the provisions of the Utah Revised Nonprofit Corporation Act, Title 16, Chapter 6a, Utah Code Annotated 1953, as amended, and the Act is appropriate to the general welfare, order and security of the City and is in the best interests of the citizens of the City, and the organization of the Authority pursuant to the Act is hereby approved.

3. The Articles of Incorporation and the Bylaws of the Authority in the forms presented to this meeting and attached hereto as Exhibits "B" and "C" are hereby authorized and approved and the City Council is hereby authorized and directed to execute and file Articles of Incorporation in substantially the form attached as Exhibit "B", to hold an organizational meeting for such corporation, to adopt bylaws in substantially the form attached as Exhibit "C" and to elect officers for such corporation, and to take all other action necessary and appropriate to properly organize said corporation under the laws of the State of Utah.

4. The governing board of the Authority shall at all times be comprised of the members of the City Council of the City.

5. City Council is hereby authorized and directed to take all other action necessary or appropriate to effectuate the provisions of this Resolution.

6. If any section, paragraph, clause or provision of this Resolution shall for any reason be held to be invalid or unenforceable, the invalidity or unenforceability of such section, paragraph, clause or provision shall not affect any of the remaining provisions of this Resolution.

7. All acts, orders and resolutions, and parts thereof in conflict with this Resolution shall be, and the same are hereby, rescinded.

8. The City Recorder is directed to complete the attached Record of Proceedings

9. This Resolution shall become effective immediately after the adoption thereof.

PASSED AND ADOPTED by the City Council of Toquerville City, Washington County, Utah, this ~~January~~<sup>February</sup> 13, 2006.



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Mayor

ATTEST:



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City Recorder

(SEAL)

