

TOQUERVILLE CITY

RESOLUTION 2022.15

A RESOLUTION ACKNOWLEDGING ADC AND EMG'S WITHDRAWAL FROM ITS MEMORANDUM OF UNDERSTANDING WITH THE CITY REGARDING THE ATHLETIC RECREATION COMPLEX ("ARC") & OFFICIALLY RECINDING THE CITY'S R&PP APPLICATION FOR THE LEASE OR PATENT TO APPROXIMATELY 300 ACRES +/- OF REAL PROPERTY OWNED BY THE BLM NORTH OF INTERSTATE 15 ("I-15") AND WEST OF EXIT 27 (ANDERSON JUNCTION) FOR THE PURPOSE OF DEVELOPING A REGIONAL RECREATION PARK AND ELEMENTARY AND 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, on or about May 20, 2020, the City submitted an application ("R&PP Application") to the US Bureau of Land Management ("BLM") for a lease or patent of approximately 300 acres of undeveloped real property located within the City, North of I-15 and West of Exit 27 described more fully in Exhibit "A" attached hereto ("Subject Property"), pursuant to the Recreation and Public Purposes Act of 1926 (43 USC 869) ("R&PP Act").

WHEREAS, the R&PP Application identified that the City sought to obtain the Subject Property for the purpose of developing a regional recreation and athletics facility and possible primary and secondary school sites thereon to be known as the "Athletic Recreation Complex" ("ARC").

WHEREAS, Prior to submittal of the R&PP Application, the City entered into a Memorandum of Understanding ("MOU") with two private entities, American Development Corporation ("ADC") and Eastward Management Group ("EMG") whereby said entities agreed to provide assistance to the City in obtaining the R&PP lease or patent to the Subject Property and to secure the necessary financing and appropriations to construct the facilities and schools at the ARC in exchange for EMG managing the ARC and its development.

WHEREAS, on August 19, 2021, the BLM formally accepted the City's R&PP Application and started the long and arduous process under the R&PP Act to obtain final approval of the Subject Property's disposition.

WHEREAS, on August 5, 2022, the City received a written communications from ADC and EMG wherein they officially withdrew from the MOU and asked that the City notify the BLM of this substantial change in circumstances surrounding the R&PP Application by not later than thirty (30) days.

WHEREAS, on September 7, 2022 after discussion and careful consideration, the City, by and through the Toquerville City Council ("City Council") determined that, based upon input received from residents of the City, and ADC and EMG's withdrawal from the MOU that the following Resolution should be adopted:

RESOLUTION

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

1. Acceptance of Withdrawal From, and Termination of, the MOU. The City hereby recognizes and accepts ADC and EMG's withdrawal from the MOU and considers said memorandum to be terminated and of no further force and effect.
2. Rescission of the City's R&PP Application. Due to various considerations, including the present health, safety and general welfare of the City and its residents, the City Council resolves that the City, effective immediately, hereby rescinds its R&PP Application submitted to the BLM as it is presently constituted.
3. BLM Notification. The City Council hereby authorizes and instructs the City Attorney to provide the BLM with written notification of ADC and EMG's withdrawal of their participation in the MOU and the City's rescission of the R&PP Application.
4. Supersession/Repealer. This Resolution supersedes or repeals the provisions of any resolution that are inconsistent with its provisions.
5. 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.
6. Effective Date. This Resolution shall become effective immediately upon adoption by the City Council.

PASSED AND APPROVED this 7 day of September 2022.

Council Person:

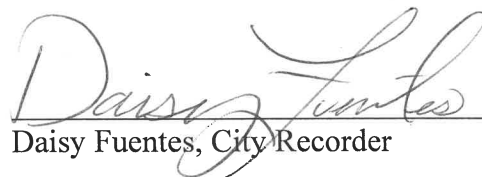
Justin Sip	AYE	<u>✓</u>	NAE	_____	ABSTAIN	_____	ABSENT	_____
Ty Bringhurst	AYE	<u>✓</u>	NAE	_____	ABSTAIN	_____	ABSENT	_____
Rachel Peart	AYE	<u>✓</u>	NAE	_____	ABSTAIN	_____	ABSENT	_____
John 'Chuck' Williams	AYE	<u>✓</u>	NAE	_____	ABSTAIN	_____	ABSENT	_____
Gary Chaves	AYE	<u>✓</u>	NAE	_____	ABSTAIN	_____	ABSENT	_____

TOQUERVILLE CITY
a Utah municipal corporation

Attest:


Justin Sip, Mayor

9-26-22
Date


Daisy Fuentes, City Recorder

9-26-22
Date

EXHIBIT "A"
TO TOQUERVILLE RESOLUTION 2022.xx

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 $\frac{1}{4}$.