

# MILITARY INSTALLATION DEVELOPMENT AUTHORITY

## RESOLUTION 2023-16

### A RESOLUTION OF THE MILITARY INSTALLATION DEVELOPMENT AUTHORITY (“MIDA”) APPROVING AN INTERLOCAL COOPERATION AGREEMENT WITH UTAH COUNTY (“COUNTY”) FOR THE SUNDANCE PROJECT AREA

**WHEREAS**, pursuant to Chapter 1, Title 63H Utah Code annotated 1953, as amended (“MIDA Act”), MIDA is an “independent, nonprofit, separate body corporate and politic, with perpetual succession and statewide jurisdiction, whose purpose is to facilitate the development of land within a project area or on military land associated with a project area”; and

**WHEREAS**, MIDA, working with the Utah Department of Veterans and Military Affairs, Utah County, and Storyteller Canyon Property Owner, LP, the owner and operator of the Sundance Resort, intend to create the Sundance Project Area pursuant to the MIDA Act; and

**WHEREAS**, Storyteller Canyon Inn Owner, LP, (the “Sundance Owner”), desires to construct an approximately 62-room inn (the “Inn”) within the Sundance Project Area to provide lodging for the Sundance Inn Owner’s guests and invitees, including severely wounded military veterans and their families who during their stay will be participating in a program, provided by an affiliate of the Sundance Owner, of immersive rehabilitative sports and recreation programing specifically designed for severely wounded veterans; and

**WHEREAS**, MIDA and the County are focused on the development and operation of the Inn in order to provide the rehabilitation services to wounded military veterans; and

**WHEREAS**, pursuant to the MIDA Act, MIDA, at §63H-1-201(3)(i), has “exclusive police power within a project area to the same extent as though the authority were a municipality, including the collection of regulatory fees,” and neither MIDA nor any land included in a project area is subject to “Title 17, Chapter 27a, County Land Use, Development and Management Act” nor are they subject to “ordinances or regulations of a county or municipality including those relating to land use, health, business license, or franchise;” and

**WHEREAS**, as part of the MIDA Act, at §63H-1-201(3)(q), MIDA may contract with a political subdivision of the state for the provision of municipal services within a project area, and pursuant to this Agreement, MIDA and the County contract for the provision of certain municipal services and permitting and inspection services in the Sundance Project Area pursuant to the terms and conditions of this Agreement; and

**WHEREAS**, pursuant to the MIDA Act and the Interlocal Cooperation Act, MIDA desires delegate certain land use authority to the County and to share certain revenues with the County in connection with the development of the Sundance Project Area and the County’s agrees to the delegated land use services and to provide municipal services and permitting and inspection services to the Sundance Project Area, MIDA and the County have drafted an Interlocal Agreement (the “Agreement”) between them to set forth the relationship between the two parties, a copy of which is attached to this Resolution; and

**WHEREAS**, the Utah County Commission approved the Agreement on November 8, 2023; and

**WHEREAS**, the County, in the Agreement, consented to the boundary of the Sundance Project Area; and

**WHEREAS**, the Sundance Owner owns the property within the Boundary of the Sundance Project Area, and has indicated that it will consent to being part of the Sundance Project Area; and

**WHEREAS**, a duly executed copy of the Agreement must be filed with the County Clerk; and

**WHEREAS**, the Agreement was submitted to an attorney authorized to represent the County and an Attorney authorized to represent MIDA for review as to proper form and compliance with applicable law;

**NOW, THEREFORE, BE IT RESOLVED** by the MIDA Board that:

1. The Agreement titled “Interlocal Cooperation Agreement Between MIDA and Utah County, dated and effective as of December 1, 2023, is hereby approved in substantially the form presented and the Executive Director is authorized to finalize the Agreement with the County and make such final minor amendments as are necessary and execute the same on its behalf.
2. A copy of the Agreement, executed by both Parties, shall be filed in the Records Officer’s office.

**PASSED AND ADOPTED** by the MIDA Board this 19<sup>th</sup> day of December 2023.

Military Installation Development Authority



\_\_\_\_\_  
J. Stuart Adams  
Chair

Attest:



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Records Officer