

**RECORDED AT THE REQUEST OF
AND WHEN RECORDED MAIL TO:**

Toquerville City
Attn: City Recorder
P.O. Box 27
Toquerville, UT 84774

RECORD AGAINST:

Lots 50, 75, 76, 77 and 78
in the Almond Heights Park Subdivision



**TOQUERVILLE CITY
ORDINANCE 2025.XX**

**AN ORDINANCE VACATING A PORTION OF THE ALMOND HEIGHTS
PARK SUBDIVISION**

RECITALS

WHEREAS, Utah Code Annotated (“UCA”) § 10-9a-609(3)(a) authorizes the legislative body of a municipality to “vacate a subdivision or a portion of a subdivision by recording in the county recorder’s office an ordinance describing the subdivision or the portion being vacated”;

WHEREAS, the City Council is the legislative body for Toquerville City (the “City”) pursuant to UCA § 10-9a-103(44);

WHEREAS, the City Council believes it is in the best interest of the City to vacate a portion of the Almond Heights Park Subdivision (“Subdivision”), as identified in the Almond Heights Park Subdivision Third Amended Plat, recorded on February 15, 2018, as Entry No. 20180006748 with the Washington County Recorder’s Office (“Almond Heights Plat”) to correct long-standing boundary discrepancies existing between the Subdivision and a pond located on a parcel adjacent to the Subdivision, commonly referred to as the North Lichfield Pond (depicted on **Exhibit A**);

WHEREAS, all parcels affected by this partial vacation of the Subdivision are under the common ownership of the Robert Browning Lichfield Family Limited Partnership (“Lichfield Partnership”), as confirmed by a title report obtained by the City;

WHEREAS, no liens, encumbrances, or competing claims of interest exist on the parcels being reduced in size in this partial subdivision vacation; and

WHEREAS, this Ordinance, once recorded, shall replace the portion of the Subdivision described below, pursuant to UCA § 10-9a-609(3)(b).

ORDINANCE

NOW THEREFORE, be it ordained by the City Council of Toquerville City, State of Utah as follows:

1. **Partial Vacation of the Subdivision.** The City Council hereby vacates a portion of the Subdivision as shown on the map attached hereto as **Exhibit B** (the “Map Identifying Partial Subdivision Vacation”). The boundaries of Lots 50, 75, 76, 77 and 78 within the Subdivision are depicted and defined in the Map Identifying Partial Subdivision Vacation.
2. **Conditional Recording.** Though this partial subdivision vacation is approved for the reasons provided for above, the recordation of this Ordinance is conditioned upon fulfillment of a separate and prior promise from Lichfield Partnership to execute and deliver to the City all documents required to convey and dedicate the additional right-of-way necessary for the full four lanes of the Toquerville Parkway Project. No recording of the Ordinance shall occur until the City has received executed copies of said documents.
3. **Effect of Recording.** Upon recordation, the Ordinance shall replace the portion of the Almond Heights Plat described in the Map Identifying Partial Subdivision Vacation, pursuant to UCA § 10-9a-609(3)(b).
4. **Authorization.** The Mayor, City Recorder, and other appropriate City officials are hereby authorized and directed to sign the Map Identifying Partial Subdivision Vacation and take all actions necessary to ensure timely recordation of this Ordinance with the Washington County Recorder’s Office upon satisfaction of the conditions set forth herein.
5. **Severability.** If any provision of this Ordinance is declared invalid by a court of competent jurisdiction, the remainder shall not be affected thereby and shall remain in full force and effect.
6. **Repealer.** All ordinances, resolutions and policies of the City, or parts thereof, inconsistent herewith, are hereby repealed. This Repealer shall not be construed as reviving any law, order, resolution or ordinance or part thereof.
7. **Severability.** Should any provision, clause or paragraph of this Ordinance or the application thereof to any person or circumstance be declared by a court of competent jurisdiction to be invalid, in whole or in part, such invalidity shall not affect the other provisions or applications of this Ordinance or the Toquerville City Code to which these amendments apply. The valid part of any provision, clause or paragraph of this Ordinance shall be given independence from the invalid provisions or applications and to this end the parts, sections and subsections of this Ordinance, together with the regulations contained therein, are hereby declared to be severable.
8. **Effective Date.** This Ordinance shall become effective immediately upon approval by the City Council.

ADOPTED AND APPROVED BY THE TOQUERVILLE CITY COUNCIL this _____ day of October, 2025, based upon the following vote:

Councilmember:

Gary Chaves	AYE	_____	NAE	_____	ABSTAIN	_____	ABSENT	_____
John ‘Chuck’ Williams	AYE	_____	NAE	_____	ABSTAIN	_____	ABSENT	_____
Joey Campbell	AYE	_____	NAE	_____	ABSTAIN	_____	ABSENT	_____

Todd Sands
Wayne Olsen

AYE _____ NAE _____ ABSTAIN _____ ABSENT _____
AYE _____ NAE _____ ABSTAIN _____ ABSENT _____

TOQUERVILLE CITY
a Utah Municipal Corporation

Attest:

Justin Sip, Toquerville City Mayor

Emily Teaters, Toquerville City Recorder

DRAFT

Exhibit A

DRAFT

Exhibit B

DRAFT