

VIRGIN, UTAH
Resolution No. R2026-

**A RESOLUTION APPROVING A GATE IMPROVEMENT AND ENCROACHMENT
AGREEMENT BETWEEN VIRGIN TOWN AND THE RIO DE SION HOMEOWNERS
ASSOCIATION (“HOA”)**

WHEREAS, in 2023 the Rio de Sion Homeowners Association (“HOA”) requested that Virgin Town allow the construction of an entrance gate to the Rio de Sion neighborhood; and

WHEREAS, the HOA has stated that benefits of the proposed gate include enhanced neighborhood security and traffic calming; and

WHEREAS, Town Attorney Heath Snow has prepared a Gate Agreement outlining the design, ownership, maintenance, and operational requirements of the proposed gate; and

WHEREAS, the proposed Gate Agreement requires, among other provisions, that:

1. The gate shall automatically and freely open when a vehicle drives over a pressure pad, ensuring access to the general public;
2. A turnaround shall be constructed prior to the gate to allow drivers to safely and conveniently change direction;
3. The HOA shall construct, operate, and maintain the gate at its sole expense;
4. The HOA shall indemnify and hold harmless the Town from liability associated with the gate; and
5. The gate design has been modified to provide improved pedestrian access around each end in response to concerns expressed by members of the Town Council; and

WHEREAS, the Town Council finds that approval of the Gate Agreement is in the best interest of the Town.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF VIRGIN, UTAH, THAT:

1. Approval of Agreement

The Gate Agreement between Virgin Town and the Rio de Sion Homeowners Association, subject to any revisions approved by the Town Attorney, is hereby approved.

2. Authorization to Execute

The mayor is authorized to execute the final Gate Agreement upon completion of legal review and mutual approval by the HOA.

3. Effective Date

This Resolution shall take effect immediately upon adoption.

PASSED AND ADOPTED by the Town Council of Virgin, Utah, this February day of 17, 2026.

By: _____
Jean Krause, Mayor

Attest: _____
Krystal Percival, Town Clerk/Recorder

<u>Vote</u>	<u>Aye</u>	<u>Nay</u>	<u>Abstain</u>
Jean Krause, Mayor	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Paul Luwe, Council Member	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Valerie Wenz, Council Member	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
April McKeon, Council Member	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Jim Kietzman, Council Member	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

RECORDED this _____ day of _____ 2026

PUBLISHED or POSTED this _____ day of _____, 2026.

CERTIFICATE OF PASSAGE AND PUBLICATION OR POSTING

In accordance with Utah Code Annotated §63G-30-102 as amended, I, the Town Clerk/Recorder of Virgin, Utah, hereby certifies that the foregoing Ordinance was duly passed and published or posted via Class A Notice at:

- 1) Utah Public Notice website
- 2) Virgin Town website, www.virgin.utah.gov
- 3) Virgin Town Hall

Krystal Percival, Town Clerk/Recorder
Virgin Town, Utah