

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF PAYSON CITY, UTAH, APPROVING AND AUTHORIZING THE RECORDATION OF A DECLARATION AND RESERVATION OF PERPETUAL PUBLIC ART, WALL USE, ACCESS, AND MAINTENANCE EASEMENT AFFECTING CITY-OWNED PROPERTY LOCATED AT 40 SOUTH MAIN STREET, PAYSON, UTAH, AND AUTHORIZING RELATED ACTIONS

WHEREAS, Payson City, Utah (the “City”), is the owner of certain real property located at 40 South Main Street, Payson, Utah, more particularly described in Exhibit A attached hereto (the “Property”); and

WHEREAS, the City Council finds that portions of the Property contain a prominent exterior wall and related areas that are uniquely suited for public murals, public art, placemaking improvements, decorative lighting, hanging baskets, beautification projects, and related public purposes; and

WHEREAS, the City Council further finds that the Easement preserves a unique public asset and municipal improvement opportunity associated with the Property and that the preservation of such opportunity provides a continuing public benefit independent of City ownership of the Property;

WHEREAS, the City Council finds that the Property is located within the City’s downtown area and that public art and placemaking features are important components of the City’s efforts to enhance community identity, beautification, walkability, economic vitality, tourism, and public enjoyment of the downtown area; and

WHEREAS, the City Council further finds that the wall area proposed to be subject to the Easement constitutes a unique and irreplaceable location for public art within downtown Payson and serves as a prominent visual feature contributing to the City’s downtown placemaking strategy; and

WHEREAS, the City Council finds that preservation of the mural location, preservation of visibility of the mural location, and the City’s ability to install, maintain, replace, and display public art at that location constitute important and legitimate public purposes that promote cultural enrichment, community engagement, downtown activation, beautification, and civic pride; and

WHEREAS, the City desires to create and record a perpetual easement in gross over designated portions of the Property in order to permanently preserve and protect such public uses regardless of any future transfer, conveyance, lease, financing, redevelopment, or other disposition of the Property; and

WHEREAS, the City Council finds that recording the Easement while the City remains the fee owner of the Property is in the best interests of the City and the public and will provide notice of the City’s reserved rights to all future purchasers, tenants, lenders, occupants, and successors in interest; and

WHEREAS, the City Council has reviewed the proposed Declaration and Reservation of Perpetual Public Art, Wall Use, Access, and Maintenance Easement attached hereto as Exhibit A (the “Easement”) and finds that approval and recordation of the Easement advance important governmental and public purposes.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF PAYSON CITY, UTAH:

Section 1. Findings. The foregoing recitals are incorporated herein and adopted as findings of the City Council.

Section 2. Approval of Easement. The City Council hereby approves the Declaration and Reservation of Perpetual Public Art, Wall Use, Access, and Maintenance Easement attached hereto as Exhibit A, together with such non-substantive revisions as may be approved by the Mayor, City Recorder, and City Attorney.

Section 3. Authorization to Execute and Record. The Mayor and City Recorder are hereby authorized and directed to execute, attest, and record the Easement in the Official Records of Utah County, Utah.

Section 4. Perpetual Property Interest. The City Council declares that the Easement is intended to create and reserve a perpetual easement in gross and vested property interest in favor of the City that shall burden the Property and remain binding upon all future owners, occupants, tenants, lenders, successors, and assigns unless expressly released by a written instrument executed and recorded by the City.

Section 5. Future Conveyances. The City Council authorizes City officials to reference, reserve, except, disclose, and incorporate the Easement in any future purchase agreement, deed, closing document, title commitment, title policy, development agreement, lease, financing document, or other instrument affecting the Property.

Any future conveyance of the Property shall be made subject to the Easement and the rights reserved therein.

Section 6. Further Actions Authorized. The Mayor, City Recorder, City Attorney, and other authorized City officials are authorized to execute such additional documents and take such actions as may be reasonably necessary to carry out the intent of this Resolution and implement the Easement approved herein.

Section 7. Severability. If any provision of this Resolution is determined to be invalid or unenforceable, the remaining provisions shall remain in full force and effect.

Section 8. Effective Date. This Resolution shall become effective immediately upon adoption.

PASSED AND ADOPTED by the City Council of Payson City, Utah, this ____ day of _____, 2026.

PAYSON CITY

William R. Wright, Mayor

ATTEST:

Amalie R. Ottley, City Recorder

EXHIBIT A

**DECLARATION AND RESERVATION OF PERPETUAL PUBLIC ART, WALL USE,
ACCESS, AND MAINTENANCE EASEMENT**

Attached hereto.