

VIRGIN TOWN
ORDINANCE #2018-

AN ORDINANCE TO DISINCORPORATE A PARCEL OF PROPERTY UNDER THE OWNERSHIP OF THE BUREAU OF LAND MANAGEMENT (BLM).

RECITALS

WHEREAS, Virgin Town (“Town”) is a municipal corporation duly organized and existing under the laws of the State of Utah, particularly Title 10 of the Utah Code.

WHEREAS, Virgin Town Council (“Town Council”) is both the Town’s governing body and Land Use Authority pursuant to Utah Code § 10-9a- 101 et seq.

WHEREAS, Utah Code provides for the adoption and amendment of Town land use ordinances by the Land Use Authority, which in Virgin is the “Town Council” ; and

WHEREAS, the Virgin Land Use Authority finds that Town of Virgin desires to disincorporate a parcel of property under the Ownership of the Bureau of land Management (BLM); and

WHEREAS, the Virgin Land Use Authority finds that, in the best interest of its citizens to de-annex and disconnect with the real property identified in the attached exhibit; and

WHEREAS, the Virgin Town Council held properly noticed Public Hearings on these amendments on _____, and voted to approve its draft amendment ordinance in a regular Town Council meeting on _____;

NOW, THEREFORE BE IT ORDAINED by the Land Use Authority of Virgin, Utah that, in order to provide for the health, safety and general welfare of the citizens of Virgin, Utah, the Virgin Town Council requests de-annexation of the parcel identified in the attached exhibit.

Exhibit A

Section A:

The Town of Virgin has applied to various state and federal agencies for assistance in Maintaining the road, known as the Mesa Road, that runs from SR-9 to the Smith Mesa. The road services as recreational access and is the only practical access for people and supplies to the government testing site on the Smith Mesa. The portion of this road in the proposed de- annexation does not and will not likely ever be an asset to the town nor its residents. Through years of struggling to provide minimal safe maintenance the town has learned very clearly that it lacks the resources to continue with this parcel and road in the town jurisdiction.

Section B:

Note Attached

1. **Severability.** If any section, clause or portion 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.
2. **Conflicts/Repealer.** This Ordinance repeals and supersedes the provisions of any prior ordinance in conflict herewith.

3. Effective Date. This Ordinance shall become effective immediately upon adoption by the Virgin Town Council and execution by the Virgin Town Mayor. Noticing published in the newspaper as required by Utah State Statute on _____ 2018.

ADOPTED AND APPROVED BY THE VIRGIN TOWN COUNCIL this ____ day of _____, 2018 based upon the following vote:

Council Member:

| | |
|--------------------------|-------------|
| Dan Snyder | AYE__ NAE__ |
| LeRoy Thompson | AYE__ NAE__ |
| Kevin Stout | AYE__ NAE__ |
| Jay Lee | AYE__ NAE__ |
| Matthew Spendlove, Mayor | AYE__ NAE__ |

VIRGIN TOWN

a Utah municipal corporation

Matthew Spendlove, Mayor

ATTEST:

Monica Bowcutt, Town Clerk