***TOQUERVILLE CITY***

**RESOLUTION 2021.XX**

A RESOLUTION OF THE CITY COUNCIL OF AUTHORIZING THE CITY’S APPLICATION AND PURSUIT OF TWO ROAD RIGHTS OF WAY EASEMENTS ACROSS FEDERAL LAND MANAGED BY THE BUREAU OF LAND MANAGEMENT AND LOCATED WITHIN THE CITY’S MUNICIPAL BOUNDARIES.

RECITALS

WHEREAS, Toquerville City (“City”) is an incorporated municipality duly organized and operating under the laws of the State of Utah with its municipal boundaries located in the Northeast Washington County, Utah.

WHEREAS, the Toquerville City Council (“City Council”) is the governing body of the City vested with all legislative and administrative powers delegated to the City pursuant to Article 11, Section 5 of the Utah Constitution and Utah Code Ann. § 10-1-103.

WHEREAS, City is experiencing unprecedented growth and development throughout its municipal boundaries and especially within the westernmost sector of the City.

WHEREAS, the City, by and through its engineers and other planning experts including those liaisons with the Dixie Metropolitan Planning Organization (“Dixie MPO” have identified the need to plan, acquire and construct two road rights of way thru federal land presently managed by the Bureau of Land Management (“BLM”) and include said roads in the City’s Master Transportation Plan.

WHEREAS, the City Council has instructed one its members, Keen Ellsworth, to oversee the preparation, submittal and advocate for an application to the BLM for approval of road right of way easements for said future roads.

WHEREAS, City Councilmember Ellsworth, has prepared such an application on the BLM Form 299 (and an attachment) and presented the same to the City Council for tentative approval at its regularly scheduled City Council Business Meeting in November of 2020 – which approval was unanimously given (“BLM Easement Application”).

WHEREAS, pursuant to the requirements of the BLM the City Council now wishes to adopt a formal resolution authorizing the submittal of the BLM Easement Application and designating City Councilmember Keen Ellsworth as the City’s point of contact and representative to work directly with the BLM on said application.

RESOLUTION

NOW THEREFORE, the City, by and through its City Council, resolves as follows:

1. BLM Easement Application Approval. The City, by and thru the City Council, its governing body, hereby approve and authorize the City to submit and pursue immediately and with diligence the BLM Easement Application which is attached hereto, marked Exhibit “A” and incorporated herein by this reference.
2. Designation of City Representative for BLM Easement Application. The City hereby authorizes and appoints City Councilmember Keen Ellsworth to be the City’s representative with regards to the BLM Easement Application authorized to execute the same and pursue its approval by all legal means possible.
3. Supersession/Repealer. This Resolution supersedes or repeals any other resolutions, ordinances or written policies of the City to the extent they are inconsistent with the provisions of this Resolution.
4. Savings Clause. If any provision or clause in this Resolution or the application thereof to any person or entity or circumstance is held to be unconstitutional or otherwise invalid by any court of competent jurisdiction, such invalidity shall not affect other sections, provisions, clauses, or applications hereof which can be implemented without the invalid provision, clause, or application hereof, and to this end the provisions and clauses of this Resolution are declared to be severable.
5. Effective Date. This Resolution shall become effective immediately upon adoption by the City Council.

PASSED AND APPROVED this day of February, 2021.

John ‘Chuck’ Williams Aye Nay

 Keen Ellsworth Aye Nay

 Justin Sip Aye Nay

 Gary Chaves Aye Nay

 Ty Bringhurst Aye Nay

TOQUERVILLE CITY

a Utah municipal corporation

Lynn Chamberlain, Mayor Date

Attest:

Ruth Evans, City Recorder

EXHIBIT “A”

To Toquerville City Resolution 2021-\_\_

*Approved BLM Standard Form 299 and Attachment To Follow*