

RESOLUTION 2021-08

A RESOLUTION OF THE TOWN COUNCIL (THE “COUNCIL”) OF THE TOWN OF APPLE VALLEY, UTAH (THE “TOWN”), AMENDING RESOLUTION 2021-01 TO CORRECT THE LEGAL DESCRIPTION STATED THEREIN REGARDING THE BOUNDARIES OF JEPSON CANYON PUBLIC INFRASTRUCTURE DISTRICT NO. 1.

WHEREAS, on February 17, 2021, the Town enacted Resolution 2021-01 (the “**Creation Resolution**”) to create Jepson Canyon Public Infrastructure District No. 1 (the “**District**”) pursuant to the Public Infrastructure District Act, Title 17B, Chapter 2a, Part 12, Utah Code Annotated 1953, as amended (the “**PID Act**”) and relevant portions of the Limited Purpose Local Government Entities - Local Districts, Title 17B (together with the PID Act, the “**Act**”); and

WHEREAS, after adopting the Creation Resolution, the Town was informed that there were minor technical errors in the legal description for the District boundaries as stated in the Creation Resolution; and

WHEREAS, the Final Local Entity Plat (the “**Plat**”) that was approved as part of the Creation Resolution has not yet been recorded; and

WHEREAS, notwithstanding the technical errors in the legal description in the Creation Resolution and the Plat, the descriptions reasonably identify the District boundaries;

WHEREAS, the Plat accurately depicted the District boundaries, as did the boundary map that was included with the petition to create the District, but the Town wishes to correct the technical errors in the legal description;

WHEREAS, the Town wishes to amend the Creation Resolution to correct the legal description where provided therein, including as provided in the Plat, so that it uses the correct legal description as stated in **EXHIBIT A** to this resolution (the “**Corrected Legal Description**”); and

WHEREAS, the Corrected Legal Description fixes only technical errors and does not add or remove property from the boundaries that were described in the original Creation Resolution;

WHEREAS, the Town Council wishes to approve the mayor’s execution of the amended final local entity plat that is attached hereto as **EXHIBIT B**.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL, AS FOLLOWS:

1. All action heretofore taken (not inconsistent with the provisions of this Resolution) by the Council and by officers of the Council directed toward the creation and establishment of the District, are hereby ratified, approved and confirmed.

2. The Creation Resolution (including any exhibit) is hereby amended to replace the legal description for the District boundaries with the Corrected Legal Description.

3. The former Plat is withdrawn and is hereby replaced with the corrected final local entity plat that is provided in **EXHIBIT B** to this Resolution.

4. Other than as specifically provided in this Resolution, all other parts of the Creation Resolution (including but not limited to the effective date) are not amended or affected by this Resolution.

5. The Council hereby authorizes the Mayor to sign the amended final local entity plat that is attached as **EXHIBIT B** to this Resolution and such other documents as may be required to finalize the actions contemplated under the Creation Resolution or the present Resolution on behalf of the Council for submission to the Office of the Lieutenant Governor of the State of Utah.

6. The Council hereby authorizes the Mayor or a designee to replace the legal description in the Creation Resolution with the Corrected Legal Description in the notice of impending boundary action submitted to the Office of the Lieutenant Governor of the State of Utah.

7. If any section, paragraph, clause or provision of this Resolution shall for any reason be held to be invalid or unenforceable, the invalidity or unenforceability of such section, paragraph, clause or provision shall not affect any of the remaining provisions of this Resolution.

8. All acts, orders and resolutions, and parts thereof in conflict with this Resolution be, and the same are hereby, rescinded.

9. This resolution shall take effect immediately.

PASSED AND ADOPTED by the Town Council of the Town of Apple Valley, Utah, on March 17, 2021.

TOWN OF APPLE VALLEY, UTAH

By: _____
Mayor

ATTEST:

By: _____
Town Recorder