

BLUFF TOWN COUNCIL RESOLUTION NO: 260

**RESOLUTION APPROVING ASSET TRANSFER AGREEMENT BETWEEN THE BLUFF SERVICE AREA  
AND THE TOWN OF BLUFF**

**WHEREAS**, the Utah Interlocal Cooperation Act, Title 11, Chapter 13, Utah Code Annotated 1953 as amended (the "Act"), permits governmental units to enter into agreements with one another for the purpose of exercising, on a joint and cooperative basis, powers and privileges that will benefit their citizens and make the most efficient use of their resources and specifically authorizes a public agency such as the Bluff Service Area (the "Service Area") to enter into a contract with a municipality, the Town of Bluff (the "Town");

**WHEREAS**, the Service Area was originally organized in November 1992 as the San Juan County Service Area #1 pursuant to the provisions of the Service Area Act, Title 17, Chapter 20 of the Utah Code (now recodified as Title 17B, Chapter 2a, Part 9 of the Utah Code); was thereafter renamed the Bluff Service Area; and was organized for the purpose of operating to provide numerous services in the area of Bluff, Utah, including parks and recreation, mosquito abatement, sewer, garbage, culinary water, and storm water services;

**WHEREAS**, The Town was incorporated as a town pursuant to Title 10, Chapter 2a of the Utah Code on August 31, 2018;

**WHEREAS**, with the recent incorporation of the Town, the parties desire to eliminate redundancies in local government in Bluff by transferring all the assets of the Service Area to the Town, with the intention that the Service Area will ultimately be dissolved by the end of 2020, more or less, and that the Town will eventually have sole responsibility for the provision of services previously provided by the Service Area, all as provided more particularly in an Asset Transfer Agreement;

**WHEREAS**, the Town and Service Area each approved a prior version of the Asset Transfer Agreement and now desire to approve this amended Asset Transfer Agreement to replace the prior agreement in its entirety;

**WHEREAS**, prior to the adoption of this Resolution, each party has submitted the Asset Transfer Agreement to an authorized attorney for review as to proper form and compliance with applicable laws in satisfaction of Utah Code Ann. § 11-13-202.5(3); and

**WHEREAS**, the Bluff town council desires to approve this Resolution, thereby approving and adopting the Asset Transfer Agreement.

**NOW THEREFORE, BE IT RESOLVED THAT** the Asset Transfer Agreement between the Bluff Service Area and the Town of Bluff be and hereby is authorized and approved.

**BE IT FURTHER RESOLVED THAT** the Mayor of the town of Bluff shall be and hereby is

authorized, empowered, and directed to execute and deliver the Asset Transfer Agreement and such other documents as may be necessary or appropriate to effectuate the Agreement and to take such other actions, and execute such additional documents, as may be necessary or appropriate pursuant to the provisions of the said Agreement. Furthermore, the Clerk of the town of Bluff is authorized to attest the signature of the Mayor on the Agreement and any other document executed pursuant thereto.

**BE IT FURTHER RESOLVED THAT** the Mayor be and hereby is authorized, empowered, and directed to take such additional acts and execute such additional documents as may be necessary or appropriate to implement and enforce the Asset Transfer Agreement.

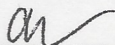
**BE IT FURTHER RESOLVED THAT** any other enactment of the Bluff town council, or parts thereof, in conflict with this Resolution shall be, to the extent of such conflict, superseded and replaced by this Resolution.

**BE IT FURTHER RESOLVED THAT** the keeper of the records of the town of Bluff is authorized and instructed to keep and maintain an executed copy of the Asset Transfer Agreement.

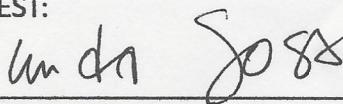
**BE IT FURTHER RESOLVED THAT** the matter of the Asset Transfer Agreement has been placed on the agenda and this action is taken by the Bluff town council in compliance with the Utah Open and Public Meetings Act.

**BE IT FURTHER RESOLVED THAT** this Resolution shall be effective immediately upon adoption by the Bluff town council, but the Agreement shall be effective, as required Utah Code Ann. § 11-13-209, when it is filed with the keeper of records of the Town and of the Service Area, which shall take place immediately after the Agreement has been executed by both parties.

**ADOPTED BY THE BLUFF TOWN COUNCIL** this 20<sup>th</sup> day of August,  
2019.

  
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Ann K. Leppanen  
Mayor

ATTEST:

  
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Bluff Town Clerk