

RESOLUTION 91-204

RESOLUTION REPEALING SECTION 2.d. OF RESOLUTION 84-110 AND REQUIRING THAT WATER TO BE TRANSFERRED TO THE DELTA CITY MUNICIPAL WATER SYSTEM TO MEET WATER DEDICATION REQUIREMENTS BE PURCHASED EXCLUSIVELY FROM DELTA CITY.

The City Council of the City of Delta, Utah, referred to herein as the "City Council" recites the following as the basis for adopting this resolution.

WITNESSETH

A. WHEREAS, Intermountain Power Agency (hereinafter referred to as "IPA") have made available to Delta City pursuant to a "Municipal Water Rights Acquisition Agreement" dated August 9, 1982, certain water rights to which Delta City may acquire legal title; and

B. WHEREAS, Delta City has determined to utilized those water rights offered by IPA in relation to Water Rights Acquisition and Development fees required pursuant to Resolution 84-110, a copy of said resolution being attached hereto and incorporated herein by reference; and

C. WHEREAS, pursuant to Section 2.c. of Resolution 84-110 there is assessed for each water connection made within areas annexed into the corporate limits of Delta City after April 12, 1982 a Water Rights Acquisition and Development Fee to be used for the acquisition of additional water rights to supply the applicant's proposed use; and

D. WHEREAS, pursuant to Section 2.d. of Resolution 84-110 said Water Rights Acquisition and Development Fee may be waived if the applicant conveys to Delta City, in fee simple, good and marketable title to a sufficient quantity of water rights approved for diversion from the Delta City wells designated by the Delta City Engineer of a sufficient quantity to supply the proposed use as determined by water supply criteria adopted by Delta City; and

E. WHEREAS, Delta City now desires to require all applicants for water connections in those areas annexed into the corporate limits of Delta City after April 12, 1982 to make payment of said Water Rights Acquisition and Development Fees directly to Delta City.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Delta:

Section 1. Section 2.d. of Resolution 84-110 Repealed.

a. Section 2.d. of Resolution 84-110, adopted by the City Council on July 30, 1984 allowing for the waiver of Water Right Acquisition and Development Fees upon conveyance of a sufficient quantity of water rights to supply the applicant's proposed use, is hereby repealed.

b. It is the intent of this Resolution that the applicant for a water connection made pursuant to Resolution 84-110 shall be subject to make payment of said Water Rights Acquisition and Development Fees directly to Delta City pursuant to paragraph 2.c. of Resolution 84-110.

c. All other provisions set forth in Resolution 84-110 and subsequent amendments thereto, shall remain unchanged and shall continue in full force and effect as set forth therein.

Section 2. Effective Date. This resolution shall become effective upon adoption.

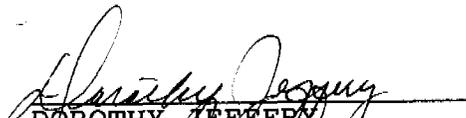
Section 3. Severability. In the event that any provision of this resolution less than the entire resolution is held invalid by a court of competent jurisdiction, this resolution shall be deemed severable and such finding of invalidity shall not affect the remaining portions of this resolution.

Section 4. Repeal of Conflicting Resolutions. To the extent that any ordinances, resolutions or policies of the City of Delta conflict with the provisions of this resolution, they are hereby amended to be in accordance with the provisions hereof.

PASSED AND ADOPTED this 25th day of November 1991.


DON DAFOE, Mayor

Attest:


DOROTHY JEFFERY
City Recorder