

RESOLUTION NO. 2018-08-01

A RESOLUTION OF THE HILDALE CITY COUNCIL, ACCEPTING THE TERMS OF THE SETTLEMENT BETWEEN THE UNITED EFFORT PLAN TRUST AND TWIN CITY WATER WORKS.

WHEREAS, since 1996, the City of Hildale, Utah and the Town of Colorado City, Arizona (the “Cities”) have purchased bulk water from Twin City Water Works, Inc. (“TCWW”) to be delivered into the Cities’ water distribution systems;

WHEREAS, the water that TCWW has historically provided to the Cities has come from wells located both in the State of Utah and in the State of Arizona;

WHEREAS, some of the wells that TCWW operates in Arizona are located on lands owned by the United Effort Plan Trust (the “UEP”);

WHEREAS, in 2015, the UEP filed a lawsuit against TCWW, challenging TCWW’s right to withdraw water from ten wells located on its lands;

WHEREAS, the UEP and TCWW have now executed a Memorandum of Understanding (the “MOU” – see Exhibit A) wherein they have agreed to settle the Lawsuit – in short, by transferring all TCWW’s wells, water rights, and related equipment, and in some cases the UEP’s land immediately surrounding the wells, to the Cities, for the purpose of providing municipal water to the Cities’ residents;

WHEREAS, the Hildale City Council has reviewed the terms of the MOU, and has concluded that direct ownership of the wells, water rights, and related equipment will promote residents’ best interests by securing for them a reliable source of culinary water, and that it will furthermore enable the City to more effectively manage and develop its water supplies;

WHEREAS, finalization of a settlement between the UEP and TCWW is conditioned, in part, on the Cities’ accepting and agreeing to the terms of the settlement; and

WHEREAS, the City desires to do whatever is necessary to accept and facilitate implementation of the settlement.

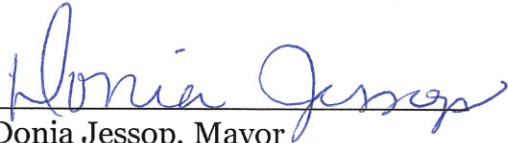
NOW THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF HILDALE, as follows:

SECTION 1. Hildale City unconditionally accepts the terms of the Memorandum of Understanding attached as Exhibit A.

SECTION 2. The City hereby authorizes and directs the Mayor and staff to promptly coordinate together with Colorado City, with the UEP, and with TCWW to implement the settlement, and to negotiate and agree upon any other terms that may be necessary and proper to said implementation.

SECTION 3. This Resolution shall be effective immediately upon passage.

PASSED AND ADOPTED this 1st day of August, 2018.



Donia Jessop, Mayor
Hildale City

Attest:



Vincen Barlow, City Recorder

