

FARMINGTON, UTAH

RESOLUTION NO. 2010-22

A RESOLUTION OF THE FARMINGTON CITY COUNCIL RELATING TO THE FARMINGTON CITY CEMETERY, REQUIRING OWNERS OF LOTS, SITES OR PORTIONS OF THE CITY CEMETERY WHICH HAVE NOT BEEN USED FOR BURIAL PURPOSES FOR MORE THAN SIXTY YEARS TO FILE WITH THE CITY RECORDER A NOTICE OF CLAIM AND INTENT TO USE THE LOT OR SITE FOR BURIAL PURPOSES AND DIRECTING CITY STAFF TO GIVE NOTICE OF SUCH FILING REQUIREMENTS AND DIRECTING THE CITY STAFF TO CLAIM ALL BURIAL SITES WHICH REMAIN UNCLAIMED FOLLOWING THE REQUIRED NOTICE PERIOD

WHEREAS, the Farmington City Council has previously adopted and approved Cemetery Rules and Regulations for the orderly operation of the Farmington City Cemetery; and

WHEREAS, pursuant to the provisions of Utah law, cities may reclaim unused cemetery lots, sites, or portions of the cemetery which are unused for more than sixty (60) years; and

WHEREAS, the City Council of Farmington City has directed City Staff to survey and ascertain those lots that have remained unused for burial purposes for more than sixty (60) years and such survey has been completed; and

WHEREAS, the Farmington City Council now desires to give appropriate notices required by law to the owners of such lots; and

WHEREAS, the Farmington City Staff has been directed to reclaim any lots for which notice of claims have not been submitted following the required notice;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF FARMINGTON CITY, STATE OF UTAH, AS FOLLOWS:

Section 1. **Filing of Notice of Claims to lots.** Persons and/or owners of any lot, site or portion of the Farmington City Cemetery which has been unused for burial purposes for more than sixty (60) years are hereby required to file with the Farmington City Recorder a notice of claim to such unused lot, site or parcel within the time set forth in Section 3, below. The notice of claim should state the individual's intention to use the lots for burial purposes.

Section 2. **Direction of City Staff.** Farmington City Staff is hereby directed to cause a copy of this Resolution to be personally served upon the owner or person having the right to burial within the City Cemetery on all lots which have not been used for burial purposes for at

least sixty (60) years, provided that staff is able to ascertain the name and location of such persons to provide personal service. In the event the person having the right to burial or the owner cannot be personally served with this Resolution, the Farmington City Staff is hereby directed to cause the same to be published in the newspaper of general circulation within Davis County, State of Utah, for a period of three (3) consecutive weeks. This Resolution shall be published in its entirety together with Exhibit A which is attached hereto and by this reference made a part hereof. The information set forth in Exhibit A specifies the name of those persons, as currently shown on City records, having right to burial and/or owners of the lot numbers and grave information pertaining to said individuals interest in this Cemetery. In addition, City Staff is further directed to publish this Resolution, together with Exhibit A attached hereto once per week for a period of three (3) consecutive weeks in the *Davis County Clipper* and in the *Farmington City Newsletter* to be published in the month of June, 2010.

Section 3. If, after personal service and/or publication of this Resolution, the owner or any person with the legal interest the Cemetery lots fails to state a valid interest in the use of the Cemetery lot for burial purposes, the owner or person's rights shall be deemed terminated and that portion of the Cemetery shall automatically be vested in Farmington City. For the purposes of this Resolution, the filing deadline for a notice of claim to any interest in a lot for burial purposes shall be sixty (60) days after personal service upon an individual or thirty (30) days after the date of the last publication in the above mentioned newspapers.

Section 4. Vesting and Right to Sale. On the vesting of any unused lot, site or parcel in Farmington City, the City shall thereafter have the right to sell such lot in accordance with the rules and regulations pertaining to the Farmington City Cemetery, and State law.

Section 5. Severability. If any section, part or provision of this Resolution is held invalid or unenforceable by a court of competent jurisdiction, such invalidity or unenforceability shall not affect any other portion of this Resolution, and all sections, parts and provisions of this Resolution shall be severable.

Section 6. Effective Date. This Resolution shall become effective immediately upon its passage.

**PASSED AND ADOPTED BY THE CITY COUNCIL OF FARMINGTON CITY,
STATE OF UTAH, THIS 18th DAY OF MAY, 2010.**

FARMINGTON CITY

ATTEST:

Margy Lomax
City Recorder

By: _____
Scott C. Harbertson
Mayor

EXHIBIT "A"

Farmington City Unused Burial Sites for 60 Years

Owner	Section	Lot	Site
W. W. Steed	A	46	1-8
Hyrum Rice	A	51	1-2, 5-9
Hyrum Rice	A	54	2-6, 8
W. W. Steed	A	59	1-8
C. H. Bourne	B	113	2-4
C. H. Bourne	B	114	2-3
Joseph Pollack	B	128	1-3
C. A. Dunn	B	129	1-3
David Tarman	B	157	1-8
Nephi Palmer	B	20	3-6
Polly B. Mills	B	23	2-4
W. H. Riggs	B	32	1,4, 7-8
T. F. King	B	35	6-8
J. R. Sparks	B	4	2
E. M. Marshall	B	50	1-2, 4
C. C. Holt	C	127	1-3, 6-8
David Thomas	C	14	1,4-8
David Thomas	C	15	1-8
Manole Hazas	C	157	1-3
Cecil McCullough	C	163	1
B. E. Bybee	C	167	3-4
D. Kent Backman	C	37	2-4
Andrew Miller	C	66	1, 5-8

