

Midway City Council
20 July 2021
Regular Meeting

Resolution 2021-24 /
Cemetery Moratorium



Memo

Date: 16 July 2021
To: Mayor, City Council and Staff
Cc: File
From: Brad Wilson, City Recorder
RE: Moratorium on the Sale of Burial Spaces

Midway City has been considering changing its cemetery rates and services. Over the last few weeks an increased number of people have been purchasing burial spaces in Midway's cemetery. A moratorium on the sale of spaces, with certain exceptions, was proposed to allow the City the time to properly review these rates and services. This will prevent the review from causing an additional increase in the sale of spaces.

Please contact me if you have any questions.



RESOLUTION 2021-24

A RESOLUTION AUTHORIZING A MORATORIUM ON THE SALE OF CEMETERY PLOTS WITH SPECIFIC EXCEPTIONS, AND RELATED MATTERS

WHEREAS, Midway City owns and operates the Midway City Cemetery; and

WHEREAS, historically there have been issues regarding the tracking of ownership of certain cemetery plots that have been sold, but the City may not have the correct name or contact information of the current claimants to those plots; and

WHEREAS, there are also cases where the ownership of one or more cemetery plots is the subject of a dispute between surviving heirs of the original purchaser; and

WHEREAS, it is in the best interest of the City and its residents to update the policies and procedures of the cemetery, specifically with respect to the sale and tracking of ownership of cemetery plots; and

WHEREAS, the Midway City Council and Midway City staff have determined that records regarding previous sales of cemetery plots need to be updated and corrected before new lots are sold in order to avoid confusion or error; and

WHEREAS, the City Council finds that there is good cause for imposing a six (6) month moratorium on the sale of new cemetery plots, with certain exceptions, in order to allow City Staff to update policies and ownership records.

NOW, THEREFORE, be it hereby Resolved by the City Council of Midway City, Utah, as follows:

1. No cemetery plots in the Midway Cemetery will be sold for six (6) months following the adoption of this Resolution.

2. The moratorium on sales of cemetery lots shall not apply to the sale of single cemetery plots that meet the following conditions:

- a. The plot is purchase for the purpose of the imminent interment of a recently deceased person.
- b. The plot is in an area of the cemetery where there are no ownership issues that have been discovered by Midway City staff.

3. Interment in the Midway City Cemetery shall continue to be allowed as normal in any plot where the ownership can be conclusively proved to the Midway City Staff.

4. The Midway City Attorney, along with Midway City Staff, is directed to prepare updated policies and procedures regarding the operation of the Midway Cemetery and the sale and tracking of plots, and to present those new policies and procedures to the City Council for their approval and adoption prior to the expiration of the moratorium period.

This Resolution shall take effect immediately upon publication as required by law.

PASSED AND ADOPTED by the Midway City Council on the _____ day of _____ 2021.

MIDWAY CITY

Celeste Johnson, Mayor

ATTEST:

Brad Wilson, Recorder

(SEAL)