



RESOLUTION 2026-21

A RESOLUTION AUTHORIZING AN EXTENSION OF THE OPERATIONAL SUSPENSION ON THE SALE OF CEMETERY PLOTS WITH SPECIFIC EXCEPTIONS, AND RELATED MATTERS

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

WHEREAS, the City has transitioned to a new cemetery records and layout program known as Sunrise, and additional time is needed to migrate recently digitized cemetery records into that program, complete data entry, and verify the records against the cemetery layout; and

WHEREAS, as records are reviewed and corrected, cemetery staff estimate that the remaining available plots in the existing cemetery are only approximately sufficient to meet anticipated interment needs over the next twelve (12) months; and

WHEREAS, the City is in the process of expanding the cemetery, but the new section is not expected to be ready for interments until late summer 2027, subject to weather, construction progress, and establishment of the grounds; and

WHEREAS, preparing the new section requires surveying, survey markers, legal descriptions, GPS coordinates, installation of a sprinkling system and roads, placement of sod, and sufficient time for the sod to take root so that cemetery equipment can safely operate on the grounds; ground work is expected to proceed after winter conditions permit; and

WHEREAS, Utah Code Ann. § 10-8-62 grants Midway City the broad authority to “improve, manage, and operate public burial and cemetery grounds”; and

WHEREAS, Utah Code Ann. § 8-5-7 provides that municipalities sell only the right to be buried in a cemetery and expressly permits municipalities to impose additional terms on the sale of burial rights; and

WHEREAS, issues involving the tracking of plot ownership, inaccurate or incomplete ownership records, and disputes among surviving heirs also remain and require continued review, although these issues are secondary to the records migration and need to prepare additional burial capacity; and

WHEREAS, the City Council finds good cause to continue the operational suspension on advance sales, with the existing exceptions, for an additional twelve (12) months after expiration of the current six (6) month suspension, in an effort to complete the Sunrise records migration, prepare the new cemetery section for interments, and continue resolving ownership and record discrepancies.

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

1. This Resolution governs the City's sale of burial rights and administration of its cemetery. It does not establish a temporary land use regulation under Utah Code § 10-20-504 or suspend the processing of land use applications.
2. Upon expiration of the current six (6) month operational suspension, the suspension on the sale of cemetery plots in the Midway City Cemetery is extended for an additional twelve (12) months, subject to the exceptions below. The current suspension shall continue through its existing term, and the additional twelve (12) month period shall begin immediately upon its expiration without interruption.
3. Unless extended by a subsequent resolution of the Midway City Council, the suspension shall terminate upon the earliest of: (a) expiration of twelve (12) months after the current six (6) month suspension expires; (b) its repeal by a subsequent resolution of the City Council; or (c) the Cemetery Sexton's delivery of formal written notice to the City Council, through the City Recorder, that the new cemetery section is ready for interments, including that the grounds are sufficiently established to support cemetery equipment.
4. The operational suspension shall not apply to the sale of cemetery plots that meet the following conditions:
 - a. The plot is purchased 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.
 - c. Notwithstanding subsection (a), a purchaser qualifying under subsections (a) and (b) may also purchase one immediately adjacent companion plot, provided that the companion plot also satisfies subsection (b).
5. 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.

6. The Midway City Attorney, along with City staff, is directed to continue preparing updated cemetery policies and procedures, including those concerning sales and ownership records, and to present them to the City Council for approval and adoption. Cemetery staff shall continue migrating and verifying records in Sunrise, resolving ownership and record discrepancies, and coordinating completion of the new cemetery section. The Sexton shall provide the formal written notice described above when the new section is ready for interments.

This Resolution shall take effect immediately upon adoption. The additional twelve (12) month suspension period shall commence upon expiration of the current six (6) month suspension as provided above.

PASSED AND ADOPTED by the Midway City Council on the ____th day of _____, 2026.

MIDWAY CITY COUNCIL

	AYE	NAY
Council Member Kevin Payne	_____	_____
Council Member Lisa Orme	_____	_____
Council Member JC Simonsen	_____	_____
Council Member Andy Garland	_____	_____
Council Member Andrew Osborne	_____	_____

APPROVED

Craig Simons, Mayor

ATTEST:

Brad Wilson, Recorder

APPROVED AS TO FORM

Corbin B. Gordon, City Attorney

(SEAL)