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RESOLUTION R2015 - 43

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SOUTH JORDAN, UTAH, APPROVING THE FIRST AMENDMENT OF THE WARD DEVELOPMENT AGREEMENT AFFECTING PROPERTY GENERALLY LOCATED AT 11500 SOUTH 950 WEST IN SOUTH JORDAN.

WHEREAS, the Ward Development Agreement, which affects property owned by the Ward family located at approximately 11500 South 950 West, was previously approved and signed by the City Council and the Mayor of the City of South Jordan, respectively; and

WHEREAS, the Ward family proposes amending the Ward Development Agreement to allow homes with basements to be built under certain conditions; and

WHEREAS, in accordance with law, the City Council held a public meeting to consider the proposed amendment; and

WHEREAS, the City Council has determined that to promote the orderly growth of the City, to preserve property values, and to promote the public health, safety, and general welfare of City residents, the Ward Development Agreement should be amended as proposed in Exhibit A.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SOUTH JORDAN, UTAH:

SECTION 1. Approval and Authorization. The City Council hereby approves and authorizes the Mayor to sign the First Amendment to the Ward Development Agreement, which is attached hereto as Exhibit A.

SECTION 2. Severability. If any section, clause or portion of this Resolution is declared invalid by a court of competent jurisdiction, the remainder shall not be affected thereby and shall remain in full force and effect.


SECTION 3. Effective Date. This Resolution shall become effective immediately upon passage.

[SIGNATURE PAGE FOLLOWS]

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06/26/2015 12:30 PM \$0.00
Book - 10337 Pg - 7375-7382
GARY W. OTT
RECORDER, SALT LAKE COUNTY, UTAH
SOUTH JORDAN
1600 W TOWNE CENTER DR
SOUTH JORDAN UT 84095-8265
BY: TRP, DEPUTY - MA & P.

APPROVED BY THE CITY COUNCIL OF THE CITY OF SOUTH JORDAN, UTAH,
 ON THIS 16 DAY OF June, 2015 BY THE FOLLOWING VOTE:

	YES	NO	ABSTAIN	ABSENT
Mark Seethaler	<u>X</u>	___	___	___
Chuck Newton	<u>X</u>	___	___	___
Donald Shelton	<u>X</u>	___	___	___
Steve Barnes	___	___	___	<u>X</u>
Christopher Rogers	___	___	___	<u>X</u>

Mayor: 
 David L. Alvord

Attest: 
 City Recorder

Approved as to form:

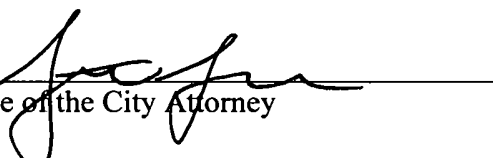

 Office of the City Attorney



Exhibit A

First Amendment to the Ward Development Agreement

Please return to:
South Jordan City Recorder
1600 West Towne Center Drive
South Jordan, UT 84095

**FIRST AMENDMENT
TO THE
WARD DEVELOPMENT AGREEMENT**

The City of South Jordan , a Utah municipal Corporation (the “City”), and the owners of property generally located at 11500 South 950 West (the “Developer”), enter into this First Amendment to the Ward Development Agreement (this “First Amendment”) this 16 day of June, 2015 (“Effective Date”).

RECITALS

WHEREAS, the Developer and the City originally entered into the Ward Development Agreement dated June 18, 2013, and recorded with the Salt Lake County Recorder’s Officer as entry 11790086, book 10205, page 4507-4556 (the “Agreement”) (attached as Exhibit A); and

WHEREAS, the Developer desires to amend certain provisions of the Agreement.

AGREEMENT

NOW THEREFORE, the parties hereby agree as follows:

A. Paragraph D.11. of the Agreement is amended to read:

11. Basements may be permitted on lots fronting Riverfront Parkway if approved by the City Engineer and the Building Official. Such approval may be based on a geotechnical soils study that shall be provided by the Developer that is signed and stamped by a licensed professional engineer and includes, among other information, water table measurements. Based on his or her review of the geotechnical soils study, the City Engineer and the Building Official may also condition his or her approval of a basement on the Developer’s implementation of reasonable construction requirements designed to mitigate potential flooding and other unsafe conditions. Such implementation of reasonable construction requirements shall be at the sole cost of the Developer

B. This First Amendment and the Agreement, together with the exhibits attached thereto, documents referenced therein and all regulatory approvals given by the City contain the entire agreement of the parties with respect to the subject matter hereof and supersede any prior promises, representations, warranties, inducements or understandings between the parties which are not contained in such agreements, regulatory approvals and related conditions.

C. Except as amended by this First Amendment, all other terms of the Agreement shall remain in full force and effect, unaltered and unchanged by this First Amendment. Whether or not specifically amended by this First Amendment, all of the terms and provisions of the Agreement are hereby amended to the extent necessary to give effect to the purpose and intent of this First Amendment.

[SIGNATURES PAGES FOLLOW]

