

SUMMIT COUNTY, UTAH
ORDINANCE NO. 767

**AN ORDINANCE TO APPROVE THE VILLAGE AT KIMBALL JUNCTION SPECIALLY
PLANNED ARE REZONE AND PLAN**

WHEREAS, the Utah State Code, Sections 17-27-101 *et. seq.* grants to counties the authority to regulate land use, and Section 10-3-11 of the Summit County Code sets forth the mechanism to create a Specially Planned Area within the Snyderville Basin; and

WHEREAS, the Snyderville Basin Planning Commission considered the application for a SPA rezone and plan in several work sessions and held a legally noticed public hearing on November 29, 2011; and

WHEREAS, the Snyderville Basin Planning Commission considered public input and forwarded a positive recommendation to the Summit County Council based upon the required findings in Section 10-3-11 of the Summit County Code; and

WHEREAS, a public hearing was legally noticed and held before the Summit County Council on February 15, 2012; and

WHEREAS, the Summit County Council conditionally approved the Village at Kimball Junction Specially Planned Area Rezone and Plan (Development Agreement) on February 29, 2012 with conditions and subject to the Development Agreement; and

WHEREAS, Section 10-3-11 of the Summit County Code sets forth the authority for the County to enter into Development Agreements; and

WHEREAS, the Planning Commission reviewed the Development Agreement and suggested changes were made pursuant to that review;

NOW, THEREFORE, pursuant to the authority granted to the Summit County Council as the County Legislative Body of the County of Summit, State of Utah, the Council hereby ordains as follows:

Section 1. **Adoption.** The Development Agreement for the Village at Kimball Junction SPA rezone is hereby adopted by Summit County, and the Council Chair is authorized to sign and execute the Development Agreement and all necessary plats and exhibits on behalf of Summit County.

Section 2. **No Rights Created in Third Parties.** This Ordinance is not intended to, nor shall it be construed to create any rights, claims, or causes of action in third parties other than as specifically defined in the Development Agreement.

ENTRY NO. 00948307

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ALAN SPRIGGS, SUMMIT COUNTY RECORDER

FEE 0.00 BY SUMMIT COUNTY CLERK



Section 3. **Savings Clause.** In the event one or more of the provisions of this Ordinance shall, for any reason, be held to be unenforceable or invalid in any respect under any applicable laws, such unenforceability or invalidity shall not affect any other provision; and in such an event, this Ordinance shall be construed as if such unenforceable or invalid provision had never been contained herein.

Section 4. **Effective Date.** This Ordinance shall take effect 15 days after passage by the Summit County Council of Summit County and subsequent publication in a newspaper of general circulation in Summit County, Utah.

APPROVED, ADOPTED, AND PASSED and ordered published by the Summit County Council, this 13 day of June, 2012.

SUMMIT COUNTY COUNCIL
SUMMIT COUNTY, STATE OF UTAH

By: David Ure
Chair

Councilor Ure voted	<u> Aye </u>
Councilor McMullin voted	<u> Absent </u>
Councilor Elliott voted	<u> Nay </u>
Councilor Robinson voted	<u> Aye </u>
Councilor Hanrahan voted	<u> Aye </u>

ATTEST:
Kendra Gunn
County Clerk

Summit County, Utah
APPROVED AS TO FORM:

Dan Hanrahan
Deputy County Attorney
Summit County, Utah

