

When recorded, mail to:  
American Fork Recorder's Office  
51 East Main  
American Fork, UT 84003

← M



ENT 43874:2012 PG 1 of 7  
JEFFERY SMITH  
UTAH COUNTY RECORDER  
2012 May 25 3:18 pm FEE 24.00 BY SW  
RECORDED FOR AMERICAN FORK CITY

**Development Agreement**  
regarding  
**Sanitary Sewer Service**  
between

**(City)**

American Fork City Corporation  
51 East Main Street  
American Fork, Utah 84003

**(Developer)**

Ruben Adams  
5638 West 10930 North  
Highland, Utah 84003

Whereas American Fork City ordinance requires subdivisions to provide basic improvements to allow for public services to a given project and these improvements include the extension of sanitary sewer to and along the frontage and;

Whereas Timpanogos Special Service Distract has agreed to terms of a certain agreement attached hereto allowing the direct discharge of sanitary sewer from the Ruben Adams Boat Storage Project and;

Whereas Ruben Adams is seeking zoning approval from American Fork City for the subdivision and Boat Storage Project on the parcel described herein;

Be it therefore agreed that this development agreement between the City and the Developer shall authorize Ruben Adams to construct the subdivision improvements without the installation of sewer along the 1500 South frontage provided the following conditions are adhered to. All conditions and covenants stated herein shall be binding and shall inure to the benefit of all successors, appointees, or other future interests associated with the parcel of real property herein described.

Subject to the following:

1. Sanitary sewer installation in the 100 West corridor per the American Fork City ordinance shall be required of the Developer. This construction shall occur commensurate when the areas indicated as future on the attached site plan are recorded as a subdivision plat and/or constructed in any manner.
2. The Developer shall at his cost and without protest install the sanitary sewer system in 1500 South at any time the City of American Fork is notified by Timpanogos Special Service District that modifications are necessary to the sewer system placed with the initial project construction as detailed on the site plan herein attached. This will require the installation of sewer along the property frontage and extending to the nearest City sewer facility capable of handling the project inflow. It may also require additional systems which will be specified at

- that time. The required sewer systems shall be installed and operational within six (6) months of receipt of notice by American Fork City to the Developer or successor of the required modifications. This requirement shall run in perpetuity.
3. The Developer shall at any time, at his cost, install metering, telemetry, or other devices for flow measurement as dictated by either T.S.S.D. or American Fork City. Failure to comply with this requirement shall cause the business license to be revoked to the facilities served and the utility services to be discontinued until compliance is achieved.
  4. Subdivision improvements shall be completed by November 1, 2012, any extension of this time period shall be in accordance with 17.9.601 of City ordinance 2009-08-29. If improvements are not in place by this time, the waiver of sewer installation herein shall be deemed null and void.
  5. Construction shall commence immediately following execution of this agreement and upon approval to proceed by the City Engineer, or his authorized representative.
  6. Developer shall provide a construction schedule to City Engineer for review and concurrence.
  7. All construction shall comply with all applicable City ordinances and authorized subdivision plans as approved by the City Council and administered/approved by the City Engineer.
  8. Payment of City subdivision inspection fees.
  9. Payment of street light cost of installation per the Rocky Mountain Power estimate of construction cost. If Rocky Mountain Power estimate is not available at the time of development, payment shall be \$2,500.00 per street light fixture for the subdivision. Developer shall pay any additional costs immediately upon request of City Engineer. Without full payment of street light expenditures, project construction shall not be considered complete.
  10. Providing an estimate of probable cost for review and approval of City Engineer.
  11. Obtaining a Land Disturbance Permit per City Ordinance.
  12. Posting of a Durability Retainer per section 17.9.100 of City ordinance 2009-08-29.
  13. Developer agrees and acknowledges that if construction is not complete within the specified dates herein, or Developer fails to obtain an authorized extension, the project may be declared by the City a Dormant Project per section 17.9.700 of City Ordinance 2009-08-29.
  14. All subdivision construction shall be deemed final by the City Council who shall issue a Notice of Completion and Acceptance of Improvements and Release of Guarantee per section 17.9.302-A. The developer shall submit all lien release verification and title clearance documentation as outlined in the City ordinance. The durability testing period shall commence at the recording of the final plat.

Project construction shall not commence until City Engineer shall authorize the commencement following verification of all terms outlined herein.

Property Description:

A parcel of land being in the NE ¼ of Section 35, township 5 South, Range 1 East, S.L.B. & M., Utah County, Utah, more particularly described as follows:

Commencing at the N ¼ Corner of Section 35, Township 5 South, Range 1 East, Salt Lake Base and Meridian; thence N 89°49'53" W, 1806.44 feet and South 117.17 feet to the point of beginning;

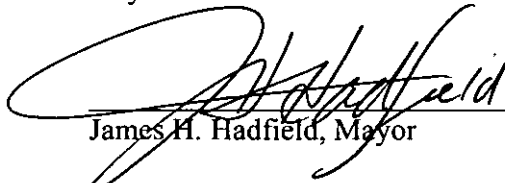
Thence S 89°01'24" E along 1500 South right-of-way a distance of 404.11 feet to a found rebar and cap; thence S89°01'24"E continuing along 1500 south right-of-way a distance of 11.71 feet; thence S01°26'00W, 235.68 feet; thence East, 11.48 feet; thence South, 478.50 feet; thence West, 28.39 feet; thence S 00°53'24" W, 38.82 feet to a found rebar and cap at a fence corner; thence N 88°30'52" W along a fence line an distance of 1261.93 feet; 1261.93 feet; thence N 00°07'03" W along a fence line a distance of 458.24 feet; thence S 88°42'07" E along a fence line a distance of 868.32 feet; thence N 00°23'47" E along a fence line a distance of 288.73 feet to the point of beginning.

Said property contains 16.38 acres

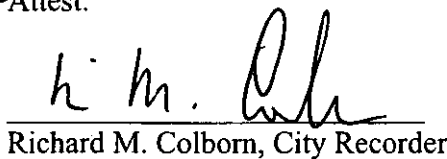
See attached site plan denoted as Exhibit 'A' (2 pages)  
See attached agreement with T.S.S.D. denoted as Exhibit 'B'

This agreement constitutes the entire agreement between the two parties on the subject matter of the sanitary sewer improvements for the subdivision. Any provision which may be deemed unlawful shall be removed and the balance of the agreement shall stay in full effect. This agreement shall be recorded in the office of the Utah County Recorder.

City Authorization:

  
James H. Hadfield, Mayor

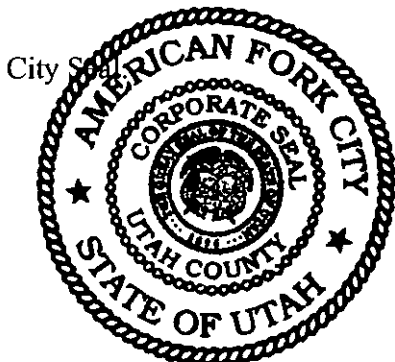
Attest:

  
Richard M. Colborn, City Recorder

Developer Authorization:

  
Ruben Glen Adams, Owner

  
Christine R. Adams, Owner



State of Utah  
County of Utah ss:\

On the 18 day of April 2012 Ruben and Christine Adams did appear before me as a duly authorized representatives of the parcel denoted herein and did indicate that they executed this document of their own free will.

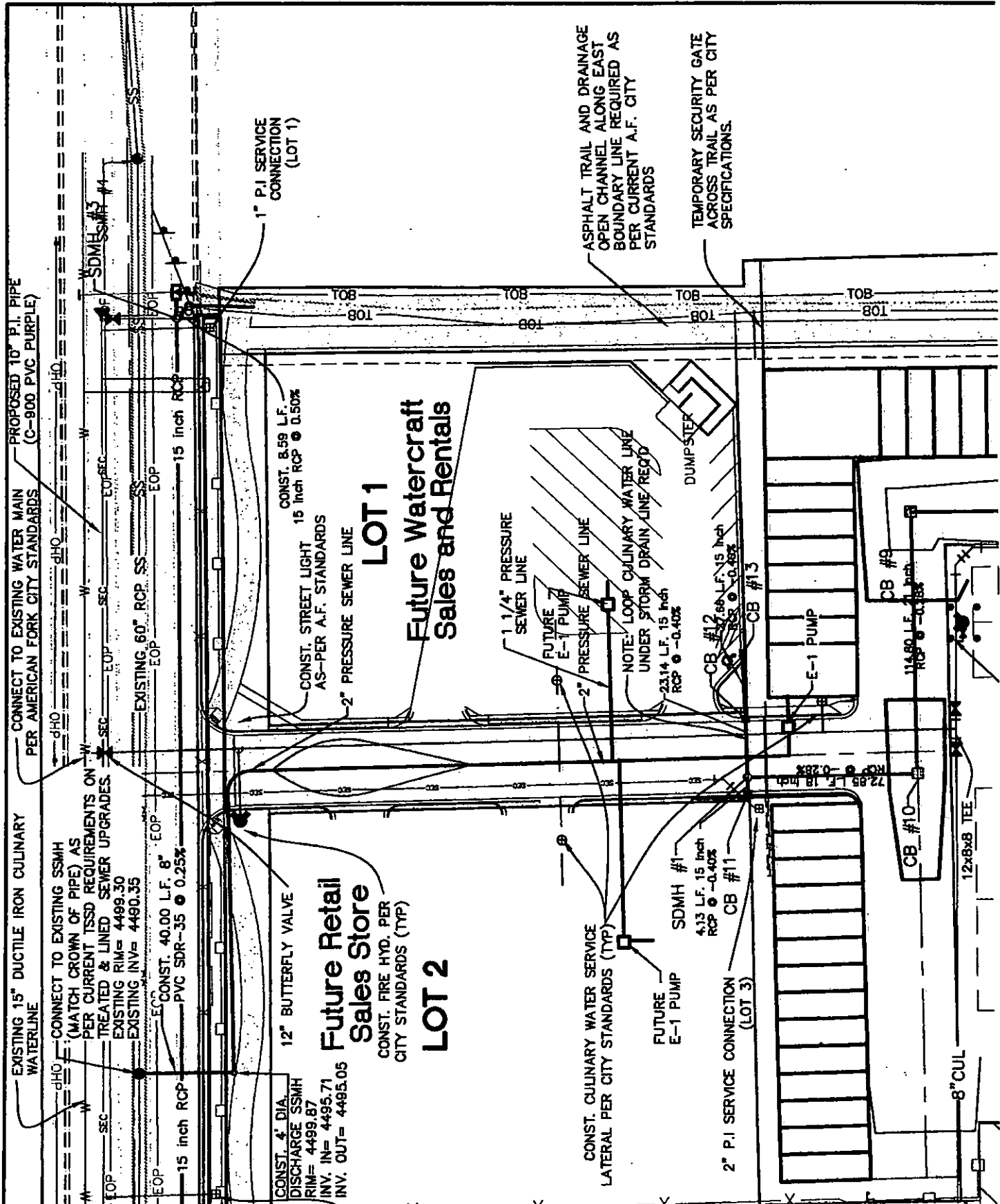
Shauna D. Thomas  
Notary Public

4-17-2013  
My commission expires



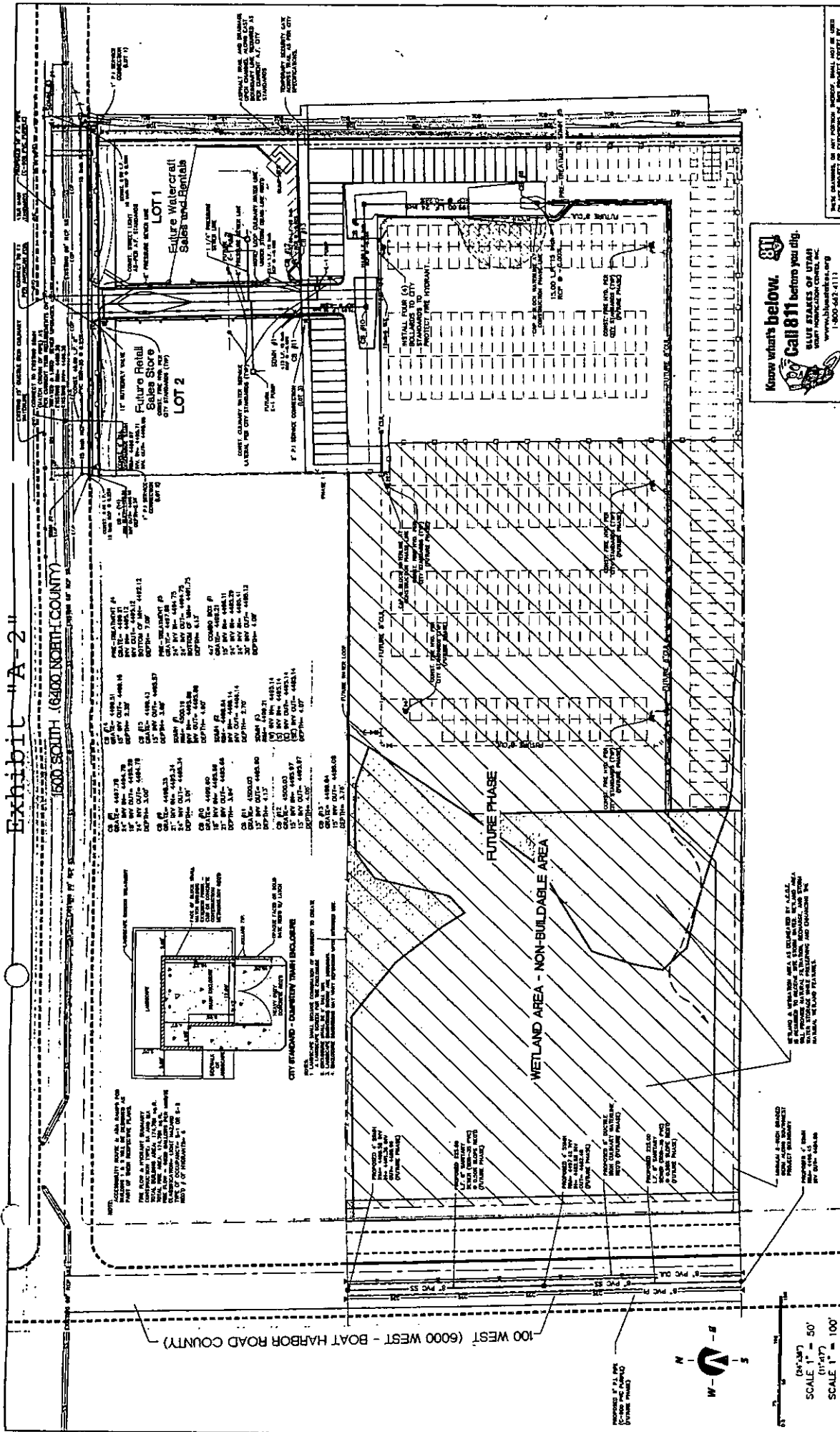
Notary Seal:

# Exhibit "A-1"

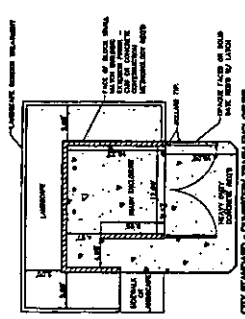


# Exhibit "A-2"

1500 SOUTH (6000 NORTH COUNTY)



- CB 01 4487.78 15' BY 30' 4487.78 4487.78
- CB 02 4487.78 15' BY 30' 4487.78 4487.78
- CB 03 4487.78 15' BY 30' 4487.78 4487.78
- CB 04 4487.78 15' BY 30' 4487.78 4487.78
- CB 05 4487.78 15' BY 30' 4487.78 4487.78
- CB 06 4487.78 15' BY 30' 4487.78 4487.78
- CB 07 4487.78 15' BY 30' 4487.78 4487.78
- CB 08 4487.78 15' BY 30' 4487.78 4487.78
- CB 09 4487.78 15' BY 30' 4487.78 4487.78
- CB 10 4487.78 15' BY 30' 4487.78 4487.78
- CB 11 4487.78 15' BY 30' 4487.78 4487.78
- CB 12 4487.78 15' BY 30' 4487.78 4487.78
- CB 13 4487.78 15' BY 30' 4487.78 4487.78
- CB 14 4487.78 15' BY 30' 4487.78 4487.78
- CB 15 4487.78 15' BY 30' 4487.78 4487.78
- CB 16 4487.78 15' BY 30' 4487.78 4487.78
- CB 17 4487.78 15' BY 30' 4487.78 4487.78
- CB 18 4487.78 15' BY 30' 4487.78 4487.78
- CB 19 4487.78 15' BY 30' 4487.78 4487.78
- CB 20 4487.78 15' BY 30' 4487.78 4487.78
- CB 21 4487.78 15' BY 30' 4487.78 4487.78
- CB 22 4487.78 15' BY 30' 4487.78 4487.78
- CB 23 4487.78 15' BY 30' 4487.78 4487.78
- CB 24 4487.78 15' BY 30' 4487.78 4487.78
- CB 25 4487.78 15' BY 30' 4487.78 4487.78
- CB 26 4487.78 15' BY 30' 4487.78 4487.78
- CB 27 4487.78 15' BY 30' 4487.78 4487.78
- CB 28 4487.78 15' BY 30' 4487.78 4487.78
- CB 29 4487.78 15' BY 30' 4487.78 4487.78
- CB 30 4487.78 15' BY 30' 4487.78 4487.78



**Know what's below.**

**Call 811 before you dig.**

BLUE STAKES OF UTAH  
 www.bluestakes.org  
 1-800-487-4111

<b>Northern ENGINEERING INC</b> ENGINEERING - LAND PLANNING DISTRIBUTION - MANAGEMENT 1040 E. 600 N. #4097 ORCA, UTAH 84057 (801) 681-0992	OVERALL UTILITY PLAN AMERICAN FORK, UTAH	JOB NO. 3-08-076-001 SHEET NO. UP-01
	1500 SOUTH (6000 NORTH COUNTY) 100 WEST (6000 WEST - BOAT HARBOR ROAD COUNTY)	SCALE 1" = 50' SCALE 1" = 100'

## Exhibit "B"

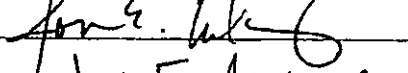
## AGREEMENT

**TIMPANOGOS SPECIAL SERVICE DISTRICT** (District) and **AMERICAN FORK CITY** (City), agree to the following conditions regarding the Ruben Adams Boat Storage Project Sanitary Sewer Alternatives located in American Fork City:

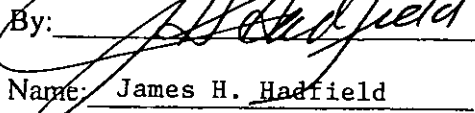
1. The District will allow a connection to the District sewer manhole nearest the Adams Boat Storage Project which could reasonably serve the Adams Boat Storage Project.
2. The City will base sanitary sewer monthly usage fees and utility billings from City culinary water meter readings, or if alternative water sources are available, from those metered readings.
3. Installation of a sewer flow meter station at the Adams Boat Storage will not be required. If future development requires an American Fork City sewer line to be installed within 1500 South Street roadway Adams Boat Storage frontage, the City shall require the Adams Boat Storage Development to re-connect to the City sewer line.
4. The District shall have final approval authority to approve the physical connection to the District manhole to ensure it meets District Standard Specifications.
5. The wastewater discharge coming from Adams Boat Storage shall meet all Federal, State and Local regulations, as well as Industrial Pretreatments requirements and District Local Limits.
6. This Agreement shall be signed and recorded in the Utah County Recorder's Office.

IN WITNESS WHEREOF, the parties hereto have executed, or caused to be executed by their duly authorized officials, this Agreement on the respective dates indicated below.

TIMPANOGOS SPECIAL SERVICE DISTRICT

By:  Title: DISTRICT MANAGER  
 Name: JON E. ADAMS Date: Jan. 5<sup>th</sup>, 2012

AMERICAN FORK CITY

By:  Title: Mayor  
 Name: James H. Hadfield Date: April 16, 2012