

**ADDENDUM TO THE MOWER ADDITION ANNEXATION SPECIFIC PLAN AND
ANNEXATION AGREEMENT DATED JANUARY 13, 2003**

This ADDENDUM, enacted in a public meeting by the power and authority of the Payson City Council on April 19, 2017, amends the Mower Addition Annexation Specific Plan and Annexation Agreement dated January 13, 2003. All remaining terms, conditions, and provisions of the original Mower Addition Annexation Specific Plan and Annexation Agreement dated January 13, 2003 remain in full force and effect.

RECITALS

WHEREAS, by the authority of Utah Code Annotated, 1953, as amended, § 10-2-401 *et seq* known as Annexation, and Chapter 10-9a *et seq* known as the Municipal Land Use, Development, And Management Act, the Payson City Council determined it was in the best interest of the citizens of Payson City to extend the municipal boundaries of Payson, Utah to include parcels include in the Mower Addition Annexation; and

WHEREAS, the Mower Addition Annexation (“Annexation”) was annexed into the municipal boundaries of Payson, Utah on January 13, 2003; and

WHEREAS, as set forth in Title 19, Zoning Ordinance and Title 20, Subdivision Ordinance, duly adopted by the Payson City Council, the City Council found it in the best interest of the citizens of Payson City to approve a Specific Plan and Annexation Agreement to provide guidance for growth and development for a specific geographic area; and

WHEREAS, the Mower Addition Annexation Specific Plan and Annexation Agreement (“Agreement”) was approved by the Payson City Council and recorded in the Office of the Utah County Recorder on January 13, 2003 as Entry 5195:2003 and identifies the conditions imposed by the Payson City Council in relation to the Nebo-Smart Annexation and the Mower Addition Annexation; and

WHEREAS, the Agreement requires petitioners, applicants, property owners, developers, and builders to complete specific improvements for new development within the annexation boundaries; and

WHEREAS, Springside Meadows of Payson LLC (“Applicant”), a property owner within the Annexation, requested specific modifications to the terms of the Agreement and any modification of the Agreement must be approved by the Payson City Council following written notification of the proposed modifications being sent to the landowners within the Annexation; and

WHEREAS, at a public meeting on April 19, 2017, the Payson City Council determined the proposed modifications will benefit Applicant and other landowners in the Annexation without compromising the intent of the original approval;

NOW THEREFORE, the Payson City Council hereby amends Sections 1.4, 2.3, 4.1, 4.3, 6.1, 6.2, 6.3, 7.1, 7.2, and related attachments, maps, and supporting documentation of the Mower Addition Annexation Specific Plan and Annexation Agreement to include the language included in this Addendum, including the recitals set forth herein, with all other provisions of the Mower Addition Annexation Specific Plan and Annexation Agreement dated January 13, 2003 to remain in full force and effect:



Section 1.4 Connection of Existing Homes to Utilities

As part of development approval, any existing homes within the boundaries of an approved Final Plat must be connected to Payson City utility services including drinking water, pressurized irrigation, sewer, and electrical prior to issuance of any Certificate of Occupancy within the project. Each applicant shall provide a schedule of performance and participation which must be approved by the City Council that identifies how the applicant will address the cost of physical connection, payment of connection fees, and payment of impact fees prior to development approval. It shall further be the responsibility of the developer to properly address the elimination of all individual wells and septic tanks, if necessary.

Section 2.3 Timing and Sequencing (Section Deleted)

Section 4.1 Use of the Roundabout (Section Deleted)

Section 4.3 Landscaping and Streetscape

Roadways, especially the primary arterials and collector streets, should be aesthetically pleasing and add to the beauty of the development pattern. The appropriate use of fencing, landscaping, and access control can turn streets into parkways that enhance not only safety, but also property values. Streetscape design for the Main Street and 2000 South corridors shall be consistent with Attachment B – Street Cross Section and Trail Standards and the Design Guidelines and Standard Specifications of Payson City, with the exception of the landscaped center median. Payson City will provide information regarding acceptable planting materials, trees, and shrubs along Main Street and 2000 South. Development should have landscaping requirements for the planter areas for all interior local roads.

Section 6.1 Housing Styles, Colors, Materials and Characteristics

An advantage to a planned community is that forethought can be given to compatibility of the built environment. Housing styles, color, the use of materials, and detailed characteristics can lead to the creation of a community rather than simply a collection of houses. In an effort to create a well planned development pattern, the City Council has imposed the following minimum design standards for the dwelling units in the Mower Addition Annexation and portions of the Nebo-Smart Annexation.

Housing Styles

The Mower Addition Annexation is primarily designed for residential housing. Because housing is the primary feature, at a minimum, all proposed developments shall satisfy the following standards. The standards are a minimum requirement. An applicant for development approval may suggest additional upgrades to housing styles and materials in order to obtain additional density.

1. Each single family dwelling will include, at a minimum, a two-car garage no less than twenty (20) feet by twenty (20) feet.
2. Each multi-family development will include, at a minimum, one covered parking stall per residential unit. Provision of garages may be proposed in exchange for an increase in density.
3. Each applicant will be required to submit for review and receive approval of housing elevations, materials, colors, and sizes of dwelling units. The units will be designed to satisfy the housing ranges indicated in Section 3.3 herein. This is not an attempt to completely dictate housing prices, but rather to require a balance of housing styles and prices within the annexation. It will be the burden of the applicant to indicate that the proposed housing styles and prices satisfy Section 3.3 herein by providing supporting real estate documentation.
4. The address for every dwelling unit in each development shall be either backlit or lighted with a photocell light to allow public safety vehicles to identify each dwelling unit.

Section 6.2 Landscaping Standards

Landscaping will be an important element in the development of the Mower Addition Annexation. Each single family home, twinhome, and duplex will need to landscape the front yard and any side yard facing a street prior to issuance of a Certificate of Occupancy according the development ordinances of Payson City.

Each three-or four-plex structure and all other multi-family housing with more than four units will be required to landscape the entire parcel not used for structures or parking in accordance with City ordinance.

Section 6.3 Streetscape

Roads and streets are an important part of any community. Although the movement of vehicular traffic is the primary purpose for roadways, they can serve other functions. In many instances, the aesthetic design of roadways can leave lasting impressions that serve to increase property values and the quality of life in the development. It is the intention of Payson City to create parkways along the arterial and collector roads in the Mower Addition Annexation in order to add beauty and interest to the project and remove some of the harshness created by concrete and asphalt.

Roadways in the Mower Addition Annexation shall be design consistent with Attachment B – Street Cross Section and Trail Standards, with the exception of the landscaped center median. The streetscape along Main Street and 2000 South shall be attractively landscaped, but sensitive to water conservation and ease of maintenance. Native and drought tolerant trees, shrubs, turf and other planting materials will be used.

Lighting is another critical aesthetic element of streetscape. All lighting along the arterial and collector roads shall be consistent with the lighting standards of Payson City. Lighting should be designed to create safe intersections and provide enough light to adequately protect pedestrians while being sensitive to light pollution impacting adjacent residential dwellings.

Section 7.1 Park Reservations

No less than 10.59 acres will be set aside for use as public parks in the Mower Addition Annexation. Each development will be responsible to provide a proportionate share of the open space requirement within the annexation area and dedicate the property to Payson City to expand the public parks and open space system. The City Council may allow the public parks and open space areas to be consolidated and relocated to areas that may be more appropriate for project layout and design, neighborhood character, housing product, and user accessibility.

It is anticipated that developers will provide additional park areas in exchange for a density bonus that will allow the applicant to maximize the density potential of the property in accordance with Section 3.5 herein. An applicant may provide additional open space and amenities that benefit the development or provide public park areas.

Section 7.2 Public Trails

The installation of a public trail is planned along the east side of Main Street and along the south side of 2000 South with connections to the future Bonneville Shoreline Trail system. Each project should consider, and possibly implement, neighborhood trail connections. The trail will be a ten-foot pedestrian facility constructed consistent with the guidelines indicated in Attachment B – Street Cross Section and Trail Standards and the Payson City Design Guidelines and Standard Specifications.

The areas adjacent to all trails should be appropriately landscaped, and incorporated into the development design to promote safety, access, and usability. The trails are meant to be more than a recreational facility, it is anticipated that the trails will be an integral part of the transportation and circulation system of the community. Grade separation from major roadways will promote safety for children using the trail to walk to school or to parks.

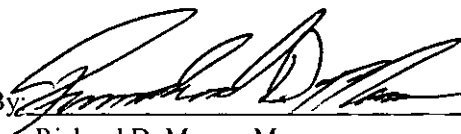
Attachments, Maps, and Supporting Documentation

The changes noted herein may result in modification of the attachments, maps, and other supporting documentation included in the Agreement. If an inconsistency or conflict arises between the various documents, this Agreement, and any future amendments hereto, shall prevail. Those documents are considered amended by the approval of this Agreement.

Except as specifically modified herein, all remaining terms, conditions, and provisions of the original Mower Addition Annexation Specific Plan and Annexation Agreement dated January 13, 2003 remain in full force and effect. This Addendum shall be recorded against all properties contained in the Mower Addition Annexation and shall be binding to the landowners and their respective heirs, legal representatives, successors in interest and assigns.

The Payson City Council adopted this Addendum in a public meeting on the 19th day of April, 2017.

DATED and executed the 20th day of April, 2017.

By: 
Richard D. Moore, Mayor
Payson City Corporation

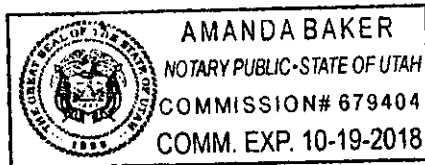
STATE OF UTAH)

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COUNTY OF UTAH)

On this 20th day of April, 2017, before me, a Notary Public in and said County and State, personally appeared RICHARD D. MOORE, known or identified to me to be the individual whose name is subscribed to the within instrument, and acknowledged to me that he executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.





Notary Public

EXHIBIT A

Legal Description:

COMMENCING AT THE SOUTH QUARTER CORNER OF SECTION 20, TOWNSHIP 9 SOUTH RANGE 2 EAST, SALT LAKE BASE AND MERIDIAN, THENCE AS FOLLOWS: SOUTH 89°12'08" WEST 1281.34 FEET; THENCE SOUTH 88°37'48" WEST 48.10 FEET; THENCE SOUTH 12°59'10" WEST 132.88 FEET; THENCE SOUTH 89°00'07" WEST 333.52 FEET; THENCE NORTH 13°55'42" EAST 1301.61 FEET; THENCE NORTH 14°07'30" EAST 204.97 FEET; THENCE NORTH 13°50'11" EAST 552.11 FEET; THENCE NORTH 14°35'33" EAST 313.39 FEET; THENCE SOUTH 75°32'36" EAST 407.11 FEET; THENCE SOUTH 14°05'58" WEST 214.02 FEET; THENCE SOUTH 75°32'08" EAST 45.43 FEET; THENCE SOUTH 1°49'47" WEST 178.21 FEET; THENCE SOUTH 77°28'13" EAST 161.70 FEET; THENCE SOUTH 75°26'13" EAST 350.03 FEET; THENCE SOUTH 1°22'43" WEST 500.48 FEET; THENCE SOUTH 1°43'34" WEST 228.80 FEET; THENCE NORTH 89°32'43" EAST 1428.73 FEET; THENCE NORTH 89°34'38" EAST 493.37 FEET; THENCE NORTH 82°44'20" EAST 3.76 FEET; THENCE SOUTH 5°10'18" WEST 721.43 FEET; THENCE SOUTHEASTERLY 138.38 FEET ALONG THE ARC OF A 447.29 FOOT RADIUS TANGENT CURVE TO THE LEFT WHOSE CHORD BEARS SOUTH 3°41'28" EAST 137.83 FEET; THENCE SOUTH 12°33'14" EAST 327.00 FEET; THENCE SOUTHWESTERLY 65.27 FEET ALONG THE ARC OF A 134.59 FOOT RADIUS TANGENT CURVE TO THE RIGHT WHOSE CHORD BEARS SOUTH 1°20'16" WEST 64.63 FEET; THENCE SOUTH 15°13'51" WEST 487.15 FEET; THENCE SOUTH 89°08'47" WEST 180.86 FEET; THENCE NORTH 0°41'39" WEST 369.85 FEET; THENCE SOUTH 88°48'53" WEST 1394.81 FEET; THENCE NORTH 2° 56'23" EAST 559.83 FEET TO THE POINT OF BEGINNING.

Approximately 108.212 Acres