

ZONE CHANGE AGREEMENT  
LOFTS AT DEERHAVEN

THIS AGREEMENT is entered into this 3rd day of December, 2019, by and between Heber City (the "City") and Danny Goode (the "Petitioner").

WHEREAS, Petitioner has submitted a petition to amend the General Plan Map and Zoning Map to apply the Highway Commercial General Plan designation and the C-2 Commercial zone to the property identified in Exhibit 1; and

WHEREAS, the city finds the rezoning of these properties is consistent with the General Plan; and

WHEREAS, specific conditions of the zone change request have been identified by the City;

NOW, THEREFORE, the Parties hereby agree as follows:

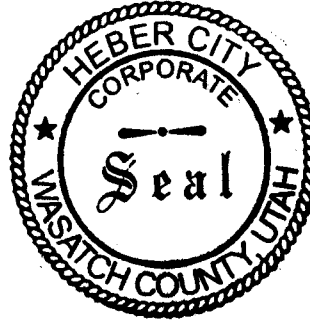
1. Upon development of the property, all power lines on the property or on the frontage of the property, shall be placed underground.
2. The development shall include a minimum of one (1) deed restricted affordable housing unit.
3. Once this agreement is signed by the respective parties with the requisite authority to bind the city and the Petitioner it shall be recorded with Wasatch County Recorder. Thereafter the Zone Change Ordinance will be executed by Heber City and these obligations will become binding upon the parties.
4. This agreement and the attached Exhibits contain the entire agreement between the parties and no statements, promises or inducements made by either party shall be binding unless modified by a written document approved by both parties.
5. This agreement shall be a covenant running with the land and shall be binding upon the parties and their assigns and successors in interest.
6. In the event there is a failure to perform any of the obligations of this agreement and it becomes necessary for either party to employ the services of an attorney, whether such attorney is inside counsel or private counsel, either with or without litigation, on appeal or otherwise, the prevailing party in the controversy shall be entitled to recover its reasonable attorney's fees and any costs and expenses incurred to enforce this agreement.

IN WITNESS WHEREOF, the Parties hereto have hereunto set their hands the day and year this agreement was first above written.

DATED this 3rd day of December, 2019.

HEBER CITY:

By: Kelleen Potter  
Kelleen Potter, Mayor



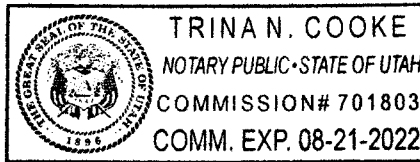
ATTEST:

Trina Woodlee  
Heber City Recorder

Petitioner:

By: Danny Goode  
Danny Goode

STATE OF UTAH     )  
                  : ss.  
COUNTY OF WASATCH )



On this 14<sup>th</sup> day of January, 2019, personally appeared before me the above named authorized representative of Petitioner, who duly acknowledged to me that Petitioner is the owner in fee of the land described herein and executed the same as such.

Trina Woodlee  
NOTARY PUBLIC

**EXHIBIT 1: GENERAL PLAN AND ZONE CHANGE LEGAL DISCRPTION**

BEGINNING AT THE SOUTHWEST CORNER OF LOT 1, BLOCK 30, HEBER CITY SURVEY OF BUILDING LOTS, AND RUNNING THENCE SOUTH 88°12' EAST 114.32 FEET, THENCE NORTH 0°48' EAST 165.99 FEET. THENCE NORTH 89°12' WEST 114.32 FEET TO THE NORTHWEST CORNER OF SAID LOT, THENCE SOUTH 0°48' WEST 165.99 FEET MORE OR LESS TO THE PLACE OF BEGINNING.

**Parcel ID:** 00-0011-8260

### EXHIBIT 2: CONCEPT PLAN

