

**MIDVALE CITY, UTAH
RESOLUTION NO. 2014-R-29**

**A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT
TO AMEND THE DEVELOPMENT AGREEMENT FOR THE JUNCTION AT
MIDVALE PROJECT, MIDVALE CITY, UTAH**

WHEREAS, pursuant to Section 10-9a-102 (2) of the Utah State Code, the City is authorized as follows: “To accomplish the purposes of this chapter, municipalities may enact all ordinances, resolutions, and rules and may enter into other forms of land use controls and development agreements that they consider necessary or appropriate for the use and development of land within the municipality, including ordinances, resolutions, rules, restrictive covenants, easements, and development agreements governing uses, density, open spaces, structures, buildings, energy efficiency, light and air, air quality, transportation and public or alternative transportation, infrastructure, street and building orientation and width requirements, public facilities, and height and location of vegetation, trees, and landscaping, unless expressly prohibited by law”; and

WHEREAS, due to the unique circumstances involved in the development of the Bingham Junction property, as a former Superfund Site, the City found it necessary and beneficial to the Property Owners, Developer and the City to enter into a Development Agreement describing future development plans, improvements to be installed by all parties, time frames in which they must be completed, and limits to the cost of those improvements; and

WHEREAS, said Development Agreement was entered into on November 13, 2007 for The Junction at Midvale Project between Midvale City Corporation and Arbor Gardner Bingham Junction Holdings, LC; recorded as Entry #11351482, Book 9999, Page 8618-8665 in the Salt Lake County Recorder’s Office; and said development plan is currently being constructed; and

WHEREAS, said Development Agreement included a provision regarding a Master Open Space Plan and dedication of open space property from the developer to Midvale City to include a minimum of 20% of the overall Junction at Midvale project area; and

WHEREAS, said Master Open Space Plan, specifically the open space exhibits within the Development Agreement, was amended in March 2012 through an agreement with both parties (“AMENDMENT TO THE OPEN SPACE EXHIBITS IN THE DEVELOPMENT AGREEMENT FOR THE JUNCTION AT MIDVALE PROJECT”) to address changes in the specific development layout in the overall area; and

WHEREAS, since this amendment, it has been determined that some specific proposed developments require the relocation of some of the adopted open space areas shown on the master plan, and a few areas need to be refined to address the existing development that has occurred, requiring a second amendment to the open space exhibits; and

WHEREAS, both parties have negotiated such an amendment to the agreement, and as of the date of this Resolution agree to enter into said second amended agreement; and

WHEREAS, the City Council has thoroughly reviewed said second amendment to the Development Agreement and agrees that entering into such second amended agreement will help to further the development of the overall Junction at Midvale Master Plan without compromising the overall amount of open space being provided to the City.

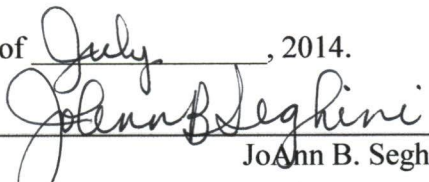
NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF MIDVALE CITY, STATE OF UTAH, AS FOLLOWS:

Section 1. The Midvale City Council has thoroughly reviewed the attached Second Amendment to the Open Space Exhibits in the Development Agreement for The Junction at Midvale Project.

Section 2. The Midvale City Council, through its understanding of the development challenges associated with the development of the Bingham Junction property and current development challenges, believe it is in the best interest of the Developer and the City to enter into such an amended agreement.


Section 3. The Midvale City Council on this date does hereby authorize the Mayor to enter into the attached second amended agreement on behalf of the City.

PASSED AND APPROVED this 23rd day of July, 2014.



JoAnn B. Seghini, Mayor

ATTEST:



Rori Andreason, MMC
City Recorder



Voting by City Council
Stephen Brown
Paul Glover
Robert Hale
Paul Hunt
Wayne Sharp

"Aye"

"Nay"

✓

ABSENT

✓

✓

✓
