

**MIDVALE CITY, UTAH
RESOLUTION 2015-R-05**

**A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO AN
AMENDED AND RESTATED DEVELOPMENT AGREEMENT BETWEEN
MIDVALE CITY CORPORATION AND ARBOR GARDNER BINGHAM
JUNCTION HOLDINGS, L.C. FOR THE VIEW 8 OFFICE BUILDING
DEVELOPMENT**

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 Midvale Slag Superfund Site, the City has found it necessary and beneficial to the Property Owner, Developer and the City to enter into a Development Agreement detailing 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, all parties have negotiated such agreement, and, as of the date of this Resolution, agree to enter into said agreement; and

WHEREAS, the City Council has thoroughly reviewed said Amended and Restated Development Agreement and agrees that entering into such agreement will help further the development of the area.

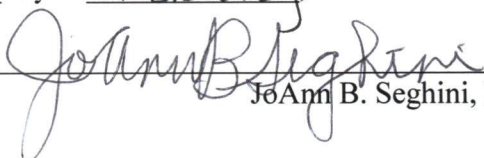
**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF
MIDVALE CITY, STATE OF UTAH, AS FOLLOWS:**

Section 1. The Midvale City Council has thoroughly reviewed the attached Amended and Restated Development Agreement between Midvale City Corporation and Arbor Gardner Bingham Junction Holdings, L.C.


Section 2. The Midvale City Council, through its understanding of the development challenges associated with the development of the View 8 property, formerly a Superfund Site, believe it is in the best interest of the Property Owner, Developer and the City to enter into such agreement.

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

PASSED AND APPROVED this 17th day of FEBRUARY, 2015.



JoAnn B. Seghini, Mayor

ATTEST:


Rori Andreason, MMC
City Recorder



Voting by City Council	"Aye"	"Nay"
Stephen Brown	<input checked="" type="checkbox"/>	_____
Paul Glover	<input checked="" type="checkbox"/>	_____
Quinn Sperry	<input checked="" type="checkbox"/>	_____
Paul Hunt	<input checked="" type="checkbox"/>	_____
Wayne Sharp	<input checked="" type="checkbox"/>	_____