

**MIDVALE CITY, UTAH
RESOLUTION 2015-R-06**

**A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO A
DEVELOPMENT AGREEMENT AND EASEMENT AGREEMENT BETWEEN
MIDVALE CITY CORPORATION AND O.COM LAND, LLC FOR THE
OVERSTOCK PROJECT**

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 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, the property for the project includes perpetual public open space easements that will be improved and owned and maintained by the property owner, which specifics are addressed in an Easement Agreement; and

WHEREAS, the parties have negotiated such agreements, and, as of the date of this Resolution, agree to enter into said agreements; and

WHEREAS, the City Council has thoroughly reviewed said Development Agreement and Easement Agreement and agrees that entering into such agreements will help further the development of the area and maintain the required open space areas.

**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 Development Agreement and Easement Agreement between Midvale City Corporation and O.com Land, LLC.

Section 2. The Midvale City Council, through its understanding of the development challenges associated with the development of the Overstock property and its expectations for the public open space areas believe it is in the best interest of the Property Owner and the City to enter into such Development Agreement and Easement Agreement.

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

PASSED AND APPROVED this 7th day of February, 2015.

JoAnn B. Seghini
JoAnn B. Seghini, Mayor

ATTEST:
Rori L. Andreason
Rori Andreason, MMC
City Recorder



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