

RESOLUTION 2022-R-12

A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO A DEVELOPMENT AGREEMENT BETWEEN MIDVALE CITY CORPORATION AND BOYER-CCA FORT UNION 1, L.C FOR THE FORT UNION APARTMENTS PROJECT LOCATED AT 1122 E FORT UNION BLVD

WHEREAS, pursuant to Utah Code Annotated Sections 10-9a-102 (2) of the Utah State Code, Midvale City (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, fundamental fairness in land use regulation, considerations of surrounding land uses and the balance of the foregoing purposes with landowner's private property interests, height and location of vegetation, trees, and landscaping, unless expressly prohibited by law"; and

WHEREAS, the City adopted a Regional Commercial Residential Overlay zone ("Overlay Zone") to encourage a mix of residential and commercial uses to help provide the critical mass necessary to support existing commercial, attract new and viable businesses, and support the growth of the region. The Overlay Zone includes development standards to be applied in approving or disapproving a proposed development; and

WHEREAS, the Overlay Zone requires a development agreement between the property owner and the City to accompany an approved development plan to ensure the property owner complies with the development standards of the Overlay Zone, conditional use permits and site plan approvals, and allows the property owner the right to develop in accordance with the approved plan for a specified period of time, not to exceed five (5) years; and

WHEREAS, the 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 reviewed said Development Agreement and agrees that entering into such agreement will help further the goals of the Midvale City General Plan 2016 and compliance with the Overlay Zone land use regulations.

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

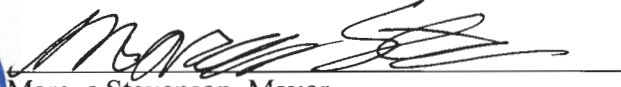
Section 1. The Midvale City Council has reviewed the attached Development Agreement between Midvale City Corporation and Boyer-CCA Fort Union 1, L.C (Developer").

Section 2. The Midvale City Council, through its understanding of the goals of the Midvale City General Plan, the Overlay Zone land use regulations and the proposed Fort Union Apartments Project, believes it is in the best interest of the Developer and the City to enter into such Development 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.

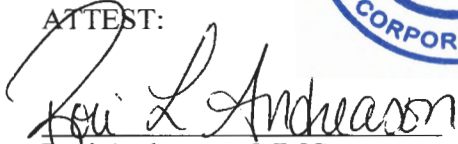
PASSED AND APPROVED this 5th day of April, 2022.





Marcus Stevenson, Mayor

ATTEST:



Rofi Andreason, MMC
City Recorder

Voting by City Council	"Aye"	"Nay"
Quinn Sperry	<input checked="" type="checkbox"/>	_____
Paul Glover	<input checked="" type="checkbox"/>	_____
Heidi Robinson	<input checked="" type="checkbox"/>	_____
Bryant Brown	<input checked="" type="checkbox"/>	_____
Dustin Gettel	<input checked="" type="checkbox"/>	_____