

RESOLUTION 2022-R-33

A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO A DEVELOPMENT AGREEMENT BETWEEN MIDVALE CITY CORPORATION AND NAVIGATE CM & DEVELOPMENT FOR THE GATSBY TOWNHOME PROJECT LOCATED AT 160 E 7200 S

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 Mixed Use zone ("Mixed Use Zone") to provide a zone that allows a mix of specific land uses that are typically found separately in "mutually exclusive" zoning districts; and

WHEREAS, the City adopted a 7200 South Overlay zone ("Overlay Zone") to supplement the Mixed Use Zone and to provide additional standards for the development of land parcels in approving or disapproving a proposed development; and

WHEREAS, the City Council has requested 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 Mixed Use and 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 Navigate CM & Development ("Developer").

Section 2. The Midvale City Council, through its understanding of the goals of the Midvale City General Plan, the Mixed Use and 7200 S Overlay Zone land use regulations and the proposed Gatsby Townhome 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 21st day of June, 2022


 Marcus Stevenson, Mayor

ATTEST:


 Rori Andreason, MMC City Recorder
 Shelly Reed, Deputy Recorder

Voting by City Council	"Aye"	"Nay"
Quinn Sperry	<u>X</u>	_____
Paul Glover	<u>X</u>	_____
Heidi Robinson	<u>X</u>	_____
Bryant Brown	<u>X</u>	_____
Dustin Gettel	<u>X</u>	_____

Date of first publication: 6-24-22





CONTRACT APPROVAL COVER SHEET

CONTRACT NO: 2022-66
(RECORDER ONLY)

Contract Title: Gatsby Townhomes Project

Approval Signature Required:

Contract Analyst: Susan Stengel **Date:** 9/12/2022
DocuSigned by: D0C23A41D234492...

City Attorney's Office: Lisa Garner **Date:** 9/12/2022
DocuSigned by: 9375645E6BE84C5...

Department Head: M Rockwood **Date:** 9/14/2022
DocuSigned by: 45A293098C2C43C...

City Manager: [Signature] **Date:** 9/14/2022
DocuSigned by: 3685E1BC4C0A497...

Requesting Department: CD
City Contact Name: Elizabeth Arnold
Project/Contract Name: Gatsby Townhomes Project
Budget Amount: _____

Bid Information:

Bid Type: _____
Bid Exception: _____
(i.e. Sole Source, Professional Services, etc.)

Bid/Exception Date: _____
Council Approval Date: 21 June 2022 **Resolution No.:** 2022-R-33

Party/Vendor Information:

Name: Navigate CM and Development LLC
Contact: Chad Jones
Telephone: _____
Email: _____
Contract Purpose: _____
Begin Date: 9/6/2022
Termination Date: 9/5/2029
Renewal Option: Option to renew until all Certificates of Occupancy are obtained
Other Documents Required: _____ **Due Date:** _____

OTHER SIGNIFICANT TERMS AND ANNUAL OBLIGATIONS (Insurance Certificate, Payments, etc.): _____

RECORDER ONLY

DATE RECEIVED: 9-15-2022
DATE SCANNED TO ONBASE: 9-15-22 **INDEX:** Recorder/Agreements

CONTRACT APPROVAL COVER SHEET

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APPROVAL:

I certify that I have read and understand the terms of this draft agreement and have met all procurement requirements. I certify that I have appropriate authority to submit this draft agreement on behalf of my department. I further certify that the draft agreement is complete and includes all exhibits, attachments, and pages.

Signed: _____ Date: _____

Name: _____

Title: _____