

ORDINANCE NO. 1432

A ORDINANCE APPROVING THE 1ST AMENDMENT TO THE BROOKS LANE DEVELOPMENT AGREEMENT FOR APPROXIMATELY 2.223 ACRES OF PROPERTY LOCATED AT APPROXIMATELY 13660 S 300 E WITHIN DRAPER CITY.

WHEREAS, the City Council hereby determines that it will be in the best interest of the City to allow development of the subject property in accordance with the Development Agreement; and

WHEREAS, the Development Agreement will allow modifications to the development standards in the RM1 (Multi-Family Residential) zone; and

WHEREAS, the Development Agreement will allow detached single-family dwellings as permitted then would otherwise be a conditional use in the RM1 (Multi-Family Residential) zone; and

WHEREAS, the Development Agreement will allow for deviations to development standards not generally applicable to single-family detached units; and

WHEREAS, the new location of the pedestrian access easement will provide a wider easement that is uninhibited by utility infrastructure currently installed.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF DRAPER CITY, STATE OF UTAH:

Section 1. Development Agreement. The City of Draper approves the 1st Amendment, provided in Exhibit A, to the previously-approved Development Agreement, otherwise known as the Brooks Lane Development Agreement.

Section 2. Severability Clause. If any part or provision of this Ordinance is held invalid or unenforceable, such invalidity or unenforceability shall not affect any other portion of this Ordinance and all provisions, clauses and words of this Ordinance shall be severable.

Section 3. Effective Date. This Ordinance shall become effective immediately upon publication or posting, or 30 days after final passage, whichever is closer to the date of final passage.

PASSED AND ADOPTED BY THE CITY COUNCIL OF DRAPER CITY, STATE OF UTAH, ON THE _____ DAY OF _____, 2020.

DRAPER CITY

Mayor Troy K. Walker

ATTEST:

Laura Oscarson, City Recorder

VOTE TAKEN:

YES

NO

Councilmember Green

Councilmember T. Lowery

Councilmember F. Lowry

Councilmember Roberts

Councilmember Vawdrey

Mayor Walker

EXHIBIT A

1st DEVELOPMENT AGREEMENT AMENDMENT

FIRST AMENDMENT TO DEVELOPMENT AGREEMENT

THIS FIRST AMENDMENT TO DEVELOPMENT AGREEMENT (this “**Amendment**”) is made as of March 17, 2020, by and among Brooks Cove, LLC (“**Developer**”), and Draper City, a municipal corporation of the State of Utah (the “**City**”).

RECITALS

A. WHEREAS, Developer and the City entered into that certain Development Agreement, dated April 19, 2018 (as amended, the “**Development Agreement**”) which relates to certain real property located in Draper, Utah, and which is more particularly described in the Development Agreement (the “**Property**”).

B. WHEREAS, pursuant to the Development Agreement, the Developer and City agreed, among other things, that the Property will be developed in accordance with Title 9, Chapter 10 of the Draper City Municipal Code and certain site-specific land uses and development standards and the plan attached to the Development Agreement as Exhibit B (the “**Plan**”).

C. WHEREAS, Developer and the City desire to enter into this Amendment to modify the Plan.

AGREEMENT

NOW THEREFORE, for good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties do hereby agree as follows:

1. **Incorporation of Recitals, Defined Terms.** The Recitals set forth above are incorporated herein by reference. Capitalized terms used but not otherwise defined herein shall have their respective meanings set forth in the Development Agreement.

2. **Amendment to Paragraph 4.10.** Paragraph 4.10 of the Development Agreement is amended and restated in its entirety as set forth on Exhibit A, attached hereto.

3. **Amendment to Plan.** The “Plat” Sheet of the Brooks Lane Subdivision Final Plan and Construction Drawings, stamped 07/31/2019, which is attached to the Development Agreement as Exhibit “B,” is hereby deleted and replaced with the “Plat” Sheet, stamped 03/02/2020, which is attached hereto as Exhibit B-1 and made a part hereof. All references in the Development Agreement to the Plan shall refer to the Plan as modified by this Amendment.

4. **Effect of Amendment.** Except as amended by this Amendment, the Development Agreement shall remain in full force and effect and shall constitute a binding obligation of the parties and their respective successors and assigns.

5. **Counterparts.** This Amendment may be executed in counterparts, all such executed counterparts shall constitute the same agreement, and the signature of any party to any counterpart shall be deemed a signature to, and may be appended to, any other counterpart.

6. **Governing Law.** This Amendment shall be governed by and construed in accordance with the internal laws of the State of Utah.

[Signature Page Follows.]

IN WITNESS WHEREOF, the parties hereto have executed this Amendment by and through their respective duly authorized representatives as of the day and year first written above.

DEVELOPER

Brooks Cove, LLC, a Utah limited liability company, by its Manager

By: 
Name: Chris Roth
Title: Manager

CITY

Draper City, a municipal corporation of the State of Utah, by its Mayor

By: _____
Name: Troy K. Walker
Title: Mayor

Approved as to form and legality:

Attest:

City Attorney

City Recorder

EXHIBIT A

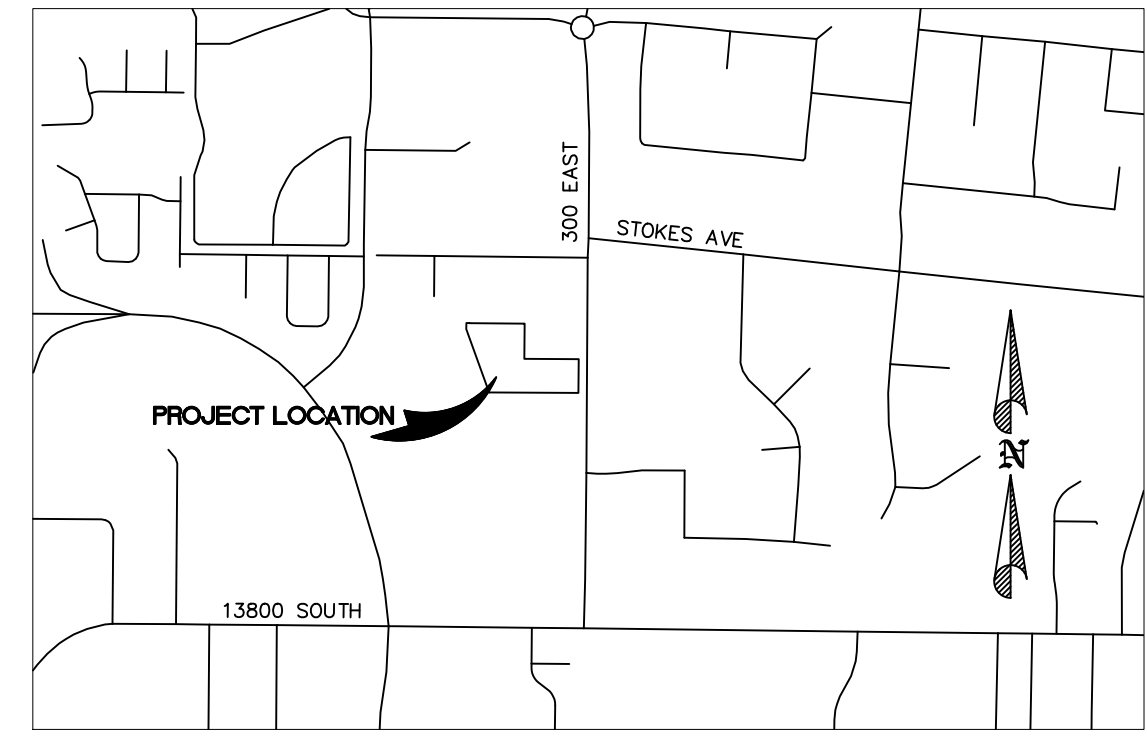
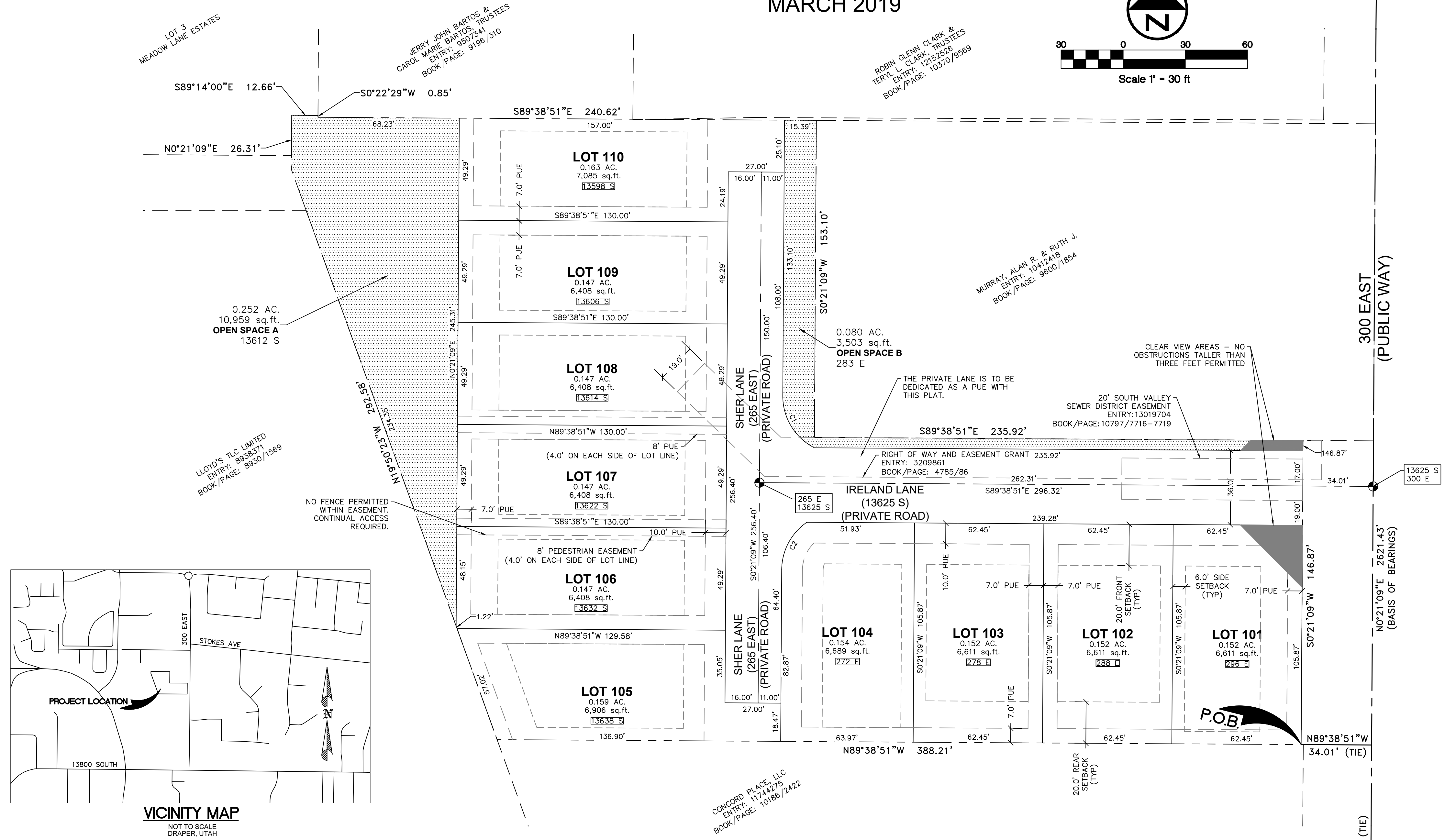
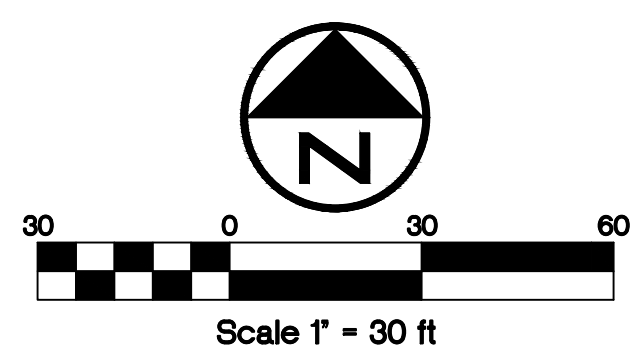
4.10 A pedestrian access at 8' will be between Lot #106 and Lot #107 (4'0" on each side of lot line).

EXHIBIT B-1

BROOKS LANE SUBDIVISION

LOCATED IN THE NORTHWEST QUARTER OF SECTION 6,
TOWNSHIP 4 SOUTH, RANGE 1 EAST,
SALT LAKE BASE AND MERIDIAN
MARCH 2019

NORTH QUARTER OF SECTION 6,
TOWNSHIP 4 SOUTH, RANGE 1 EAST,
SALT LAKE BASE AND MERIDIAN
FOUND BRASS CAP MONUMENT



VICINITY MAP
NOT TO SCALE
DRAPER, UTAH

- PLAT NOTES:**
- BASEMENT ELEVATIONS SHALL BE A MINIMUM OF THREE (3) FEET ABOVE HIGHEST GROUNDWATER ELEVATION. SEE MAP FOR RESPECTIVE ELEVATIONS.
 - A WILDING ENGINEERING REBAR AND CAP WILL BE SET AT THE LOT CORNERS AND THE OVERALL BOUNDARY CORNERS.
 - SETBACKS FOR ALL LOTS AS SHOWN HEREON.
 - PUBLIC UTILITY & DRAINAGE EASEMENTS (PU&DE) FOR ALL LOTS ARE 10' FRONT AND 7' REAR UNLESS NOTED OTHERWISE.
 - PRIVATE RETENTION BASIN SERVING THE PRIVATE ROAD AND THE LOTS IS TO BE CONSTRUCTED ON OPEN SPACE "A" WITH VOLUMES AS INDICATED. RETENTION BASIN IS TO BE MAINTAINED BY THE HOME OWNERS ASSOCIATION.
 - VOLUME REQUIREMENTS: 19,095 CUBIC FEET SHALLOW SEWER DEPTHS! LOTS 103-110 WILL BE REQUIRED TO CONNECT TO THE SEWER SYSTEM WITH A PRIVATE EJECTOR PUMP, WHICH WILL BE OPERATED, OWNED AND MAINTAINED BY THE LOT OWNER. FURTHERMORE, LOTS 101-102 HAVE SHALLOW SEWER DEPTHS! CONTRACTOR SHALL VERIFY SEWER LATERAL DEPTH AND SET FOUNDATION ELEVATION TO PROVIDE ADEQUATE FALL INTO SEWER LATERAL. BUILDINGS WITH A BASEMENT MAY NOT HAVE SEWER SERVICE AVAILABLE FOR BASEMENT.
 - FENCES MUST BE A MINIMUM OF 3' FROM IRRIGATION PIPE BLUESTAKES.
 - LOT 101 MUST FRONT ON IRELAND LANE. ACCESS TO 300 EAST IS PROHIBITED.
 - OPEN SPACE A SHALL BE DEDICATED AS A PRIVATE STORMWATER EASEMENT.
 - THE PRIVATE LANE AND ALL OPEN SPACE AREAS IN THE SUBDIVISION ARE TO BE MAINTAINED BY THE BROOKS LANE HOME OWNER'S ASSOCIATION.

Curve Table					
Curve #	Length	Radius	Delta	Chord Bearing	Chord Distance
C1	30.90'	28.00'	63°14'04"	S31°15'53"E	29.36'
C2	26.99'	28.00'	55°13'41"	S27°58'00"W	25.96'

HOA INFORMATION:
BROOKS COVE, LLC
78 WEST 13775 SOUTH, SUITE 1
DRAPER, UT 84020

DOMINION ENERGY APPROVES THIS PLAT SOLELY FOR THE PURPOSE OF CONFIRMING THAT THE PLAT CONTAINS PUBLIC UTILITY EASEMENTS. DOMINION ENERGY MAY REQUIRE OTHER EASEMENTS IN ORDER TO SERVE THIS DEVELOPMENT. THIS APPROVAL DOES NOT CONSTITUTE ABROGATION OR WAIVER OF ANY OTHER EXISTING RIGHTS, OBLIGATIONS OR LIABILITIES PROVIDED BY LAW OR EQUITY. THIS APPROVAL DOES NOT, INCLUDING THOSE SET FORTH IN THE OWNERS DEDICATION AND THE NOTES AND DOES NOT CONSTITUTE A GUARANTEE OF PARTICULAR TERMS OF NATURAL GAS SERVICE. FOR FURTHER INFORMATION PLEASE CONTACT DOMINION ENERGY'S RIGHT-OF-WAY DEPARTMENT AT 1-800-366-8532.

APPROVED THIS _____ DAY OF _____, 20____
DOMINION ENERGY
BY: _____
TITLE: _____

CENTURY LINK

APPROVED THIS _____ DAY OF _____, 20____
A.D., 20____.

CENTURY LINK

ROCKY MOUNTAIN POWER

APPROVED THIS _____ DAY OF _____, 20____
A.D., 20____.

ROCKY MOUNTAIN POWER

WATERPRO

APPROVED THIS _____ DAY OF _____, 20____
A.D., 20____.

WATERPRO



SOUTH VALLEY SEWER

APPROVED THIS _____ DAY OF _____, 20____
A.D., 20____ BY SOUTH VALLEY SEWER

SOUTH VALLEY SEWER

ZONING ADMINISTRATOR

APPROVED THIS _____ DAY OF _____, 20____
A.D., 20____ BY THE DRAPER ZONING ADMINISTRATOR.

ZONING ADMINISTRATOR

CITY ENGINEER

I HEREBY CERTIFY THAT I HAVE HAD THIS PLAT EXAMINED BY THIS OFFICE AND IT IS CORRECT AND IN ACCORDANCE WITH THE INFORMATION ON FILE AND IS HEREBY APPROVED.

CITY ENGINEER

BOARD OF HEALTH

APPROVED THIS _____ DAY OF _____, 20____
A.D., 20____.

REPRESENTATIVE

APPROVAL AS TO FORM

APPROVED THIS _____ DAY OF _____, 20____
A.D., 20____.

DRAPER CITY ATTORNEY

CITY MAYOR

PRESENTED TO THE DRAPER CITY MAYOR
THIS _____ DAY OF _____, 20____
A.D., 20____
AT WHICH TIME THIS SUBDIVISION WAS APPROVED AND ACCEPTED.

MAYOR

ATTEST

SURVEYOR'S CERTIFICATE:

I, KAGAN M. DIXON, DO HEREBY CERTIFY THAT I AM A PROFESSIONAL LAND SURVEYOR, AND THAT I HOLD LICENSE NO. 9061091 AS PRESCRIBED BY THE LAWS OF THE STATE OF UTAH. I FURTHER CERTIFY THAT, BY THE AUTHORITY OF THE OWNER, I HAVE MADE A SURVEY OF THE TRACT OF LAND SHOWN ON THIS PLAT AND DESCRIBED BELOW, AND THAT I HAVE SUBDIVIDED SAID TRACT OF LAND INTO LOTS AND STREETS, HEREAFTER TO BE KNOWN AS:

BROOKS LANE SUBDIVISION

AND THAT THE SAME HAS BEEN CORRECTLY SURVEYED AND STAKED ON THE GROUND AS SHOWN ON THIS PLAT.

DATE _____ SIGNATURE _____

KAGAN M. DIXON
No. 9061091
PROFESSIONAL LAND SURVEYOR
STATE OF UTAH

BOUNDARY DESCRIPTION:

BEGINNING AT A POINT ON THE WEST RIGHT-OF-WAY LINE OF 300 EAST STREET, SAID POINT ALSO BEING NORTH 00°21'09" EAST ALONG THE QUARTER SECTION LINE A DISTANCE OF 1020.03 FEET AND NORTH 89°38'51" WEST 34.01 FEET FROM THE WITNESS TO THE CENTER OF SECTION 6, TOWNSHIP 4 SOUTH, RANGE 1 EAST, SALT LAKE BASE AND MERIDIAN, AND RUNNING THENCE NORTH 89°38'51" WEST 599.21 FEET TO A BOUNDARY LINE AGREEMENT RECORDED ON APRIL 9, 2008 AS ENTRY NO. 10395900, IN BOOK 9592, AT PAGE 5354, ON FILE WITH THE OFFICE OF THE SALT LAKE COUNTY RECORDER; THENCE NORTH 19°50'23" WEST ALONG SAID LINE A DISTANCE OF 292.58 FEET; THENCE NORTH 00°21'09" EAST 26.31 FEET TO A SOUTHEASTERLY CORNER OF MEADOW LANE ESTATES, ON FILE WITH THE OFFICE OF THE SALT LAKE COUNTY RECORDER IN BOOK 2016P, PAGE 1 OF PLATS; THENCE SOUTH 89°14'00" EAST TO THE SOUTHERLY LINE OF SAID SUBDIVISION A DISTANCE OF 12.66 FEET TO THE SOUTHEASTERLY CORNER OF SAID SUBDIVISION AND THE WESTERLY LINE OF THAT CERTAIN WARRANTY DEED ON FILE WITH THE OFFICE OF THE SALT LAKE COUNTY RECORDER AS ENTRY 9507341, IN BOOK 9196, AT PAGE 310; THENCE SOUTH 00°22'29" WEST ALONG SAID LINE A DISTANCE OF 0.85 FEET TO THE NORTHERLY LINE OF THAT CERTAIN DEED OF TRUST ON FILE WITH THE OFFICE OF THE SALT LAKE COUNTY RECORDER AS ENTRY 12777852, IN BOOK 10677, AT PAGE 4184; THENCE ALONG SAID DEED OF TRUST THE FOLLOWING THREE (3) COURSES, 1) SOUTH 89°38'51" EAST 240.62 FEET, 2) SOUTH 00°21'09" WEST 153.10 FEET, 3) SOUTH 89°38'51" EAST 235.92 FEET TO THE WEST RIGHT-OF-WAY LINE OF 300 EAST STREET; THENCE SOUTH 00°21'09" WEST ALONG SAID RIGHT-OF-WAY LINE A DISTANCE OF 146.87 FEET TO THE POINT OF BEGINNING.

CONTAINS 2.222 ACRES, MORE OR LESS

BASIS OF BEARINGS

THE BASIS OF BEARINGS FOR THIS SURVEY IS NORTH 00°21'09" EAST BETWEEN THE WITNESS TO THE CENTER AND THE NORTH QUARTER OF SECTION 6, TOWNSHIP 4 SOUTH, RANGE 1 EAST, SALT LAKE BASE AND MERIDIAN, AS SHOWN HEREON.

OWNER'S DEDICATION

KNOW ALL MEN BY THESE PRESENTS THAT I/WE THE UNDERSIGNED OWNER(S) OF THE HEREOF DESCRIBED TRACT OF LAND, HEREBY SET APART AND SUBDIVIDE THE SAME INTO LOTS AND STREETS AS SHOWN ON THE THIS PLAT AND NAME SAID PLAT:

BROOKS LANE SUBDIVISION

AND DO HEREBY DEDICATE, GRANT, AND CONVEY TO DRAPER CITY, UTAH: (1) ALL THOSE PARTS OR PORTIONS OF SAID TRACT OF LAND DESIGNATED AS STREETS, THE SAME TO BE USED AS PUBLIC THOROUGHFARES FOREVER; (2) THOSE CERTAIN PUBLIC UTILITY AND DRAINAGE EASEMENTS AS SHOWN HEREON, THE SAME TO BE USED FOR THE INSTALLATION, MAINTENANCE, AND OPERATION OF PUBLIC UTILITY SERVICE LINES AND DRAINAGE; AND (3) THOSE PARCELS DESIGNATED AS PUBLIC OPEN SPACE, PARKS, TRAIL OR EASEMENTS, OR OF SIMILAR DESIGNATION, IN WITNESS WHEREOF, WE HAVE HERETO UNTO SET OUR HANDS

THIS _____ DAY OF _____, A.D. 20____

ACKNOWLEDGMENT:

STATE OF UTAH
COUNTY OF _____

ON THIS _____ DAY OF _____, A.D. _____, PERSONALLY APPEARED BEFORE ME _____, WHO BEING DULY SWORN OF AFFIRMED, DID SAY THAT (S)HE IS THE SIGNER OF THE WITHIN OWNER'S DEDICATION AND THAT SAID DEDICATION WAS SIGNED BY HER FREELY AND VOLUNTARILY AND FOR THE PURPOSES THEREIN STATED.

SIGNATURE _____ PRINTED NAME, A NOTARY PUBLIC COMMISSIONED IN UTAH _____
COMMISSION NUMBER _____ EXPIRATION DATE _____

ACKNOWLEDGMENT:

STATE OF UTAH
COUNTY OF _____

ON THIS _____ DAY OF _____, A.D. _____, PERSONALLY APPEARED BEFORE ME _____, WHO BEING DULY SWORN OF AFFIRMED, DID SAY THAT (S)HE IS THE SIGNER OF THE WITHIN OWNER'S DEDICATION AND THAT SAID DEDICATION WAS SIGNED BY HER FREELY AND VOLUNTARILY AND FOR THE PURPOSES THEREIN STATED.

SIGNATURE _____ PRINTED NAME, A NOTARY PUBLIC COMMISSIONED IN UTAH _____
COMMISSION NUMBER _____ EXPIRATION DATE _____

G:\DATA\17147 Brooks Lane 300 E\dwg\17147 Plat.dwg
PLOT DATE: Mar 16, 2020

BROOKS LANE SUBDIVISION
LOCATED IN THE NORTHWEST QUARTER OF SECTION 6,
TOWNSHIP 4 SOUTH, RANGE 1 EAST,
SALT LAKE BASE AND MERIDIAN

SALT LAKE COUNTY RECORDER

STATE OF UTAH, COUNTY OF SALT LAKE, RECORDED AND FILED AT THE
REQUEST OF _____
DATE _____ ENTRY _____ BOOK _____ PAGE _____

SALT LAKE COUNTY RECORDER