

ORDINANCE NO. 08-2024

AN ORDINANCE OF THE CITY OF WEST HAVEN, UTAH APPROVING AND ADOPTING THE SECOND AMENDMENT TO THE MASTER DEVELOPMENT AGREEMENT FOR THE STAKER FARMS PROJECT; AUTHORIZING THE CITY MANAGER TO SIGN THE AGREEMENT ON BEHALF OF THE CITY; AUTHORIZING THE MAYOR TO SIGN THIS ORDINANCE; AND PROVIDING FOR AN EFFECTIVE DATE.

Section 1 - Recitals:

WHEREAS, the City of West Haven ("City") is a municipal corporation duly organized and existing under the laws of Utah; and

WHEREAS, the City Council finds that in conformance with UC §10-3-702, the governing body of the City may pass any ordinance to regulate, require, prohibit, govern, control or supervise any activity, business, conduct or condition authorized by the laws of the State of Utah or any other provision of law; and,

WHEREAS, on July 7, 2020, the City and the Developer entered into a Master Development Agreement which was titled "Development Agreement, Staker Farms" ("MDA") with regard to the development of a project known as the Staker Farms Subdivision; and

WHEREAS, on April 29, 2021, the City and the Developer entered into a 1st Amendment of the MDA, which amended certain parts of the MDA; and

WHEREAS, at this time, the City and the Developer wish to amend the 1st Amendment to clarify certain aspects of the development; and

WHEREAS, the City Council finds that the planning commission has held a public hearing on the Second Amendment to the Master Development Agreement for the Staker Farms Project ("Second Amendment") and has recommended adoption of the Second Amendment to the City Council; and,

WHEREAS, the City Council finds that under Utah Code §10-9a-305(8)(a) and §10-9a-509, the City Council may lawfully adopt development plans and schedules by ordinance as recommended by the Planning Commission; and,

WHEREAS, upon petition to and based on the recommendation of the West Haven City Planning Commission, the City Council determines it to be in the best interest of the City to adopt the proposed Second Amendment; and,

WHEREAS, the City Council finds that the public convenience and necessity, public safety, health and welfare is at issue and requires action by the City as noted above;

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF WEST HAVEN, UTAH:

1. The Second Amendment to the Master Development Agreement for the Staker Farms Project, complete with all exhibits, attached as **Attachment "A"**, and fully incorporated by this reference, is approved and adopted.
2. That the City Manager is authorized to sign any and all documents necessary to affect this Second Amendment, including signing the Second Amendment itself and any other documents referred to in the Second Amendment.
3. That the Mayor is authorized to sign this Ordinance.

The foregoing recitals are fully incorporated herein.

Section 2 - Repealer of Conflicting Enactments:

All orders, ordinances, and resolutions regarding the changes enacted and adopted which have been adopted by the City, or parts, which conflict with this Ordinance, are, for such conflict, repealed, except this repeal will not be construed to revive any act, order or resolution, or part, repealed.

Section 3 - Prior Ordinances and Resolutions:

The body and substance of all prior Ordinances and Resolutions, with their specific provisions, where not otherwise in conflict with this Ordinance, are reaffirmed and readopted.

Section 4 - Savings Clause:

If any provision of this Ordinance be held or deemed or will be invalid, inoperative, or unenforceable, such invalidity will not render any other provision or provisions invalid, inoperative, or unenforceable to any extent whatever, this Ordinance being deemed the separate independent and severable act of the City Council of West Haven City.

Section 5 - Date of Effect

BE IT FURTHER ORDAINED this Ordinance will become effective on the 20th day of March 2024, and after publication or posting as required by law.

DATED this 20th day of March 2024.

WEST HAVEN, a municipal corporation

by: _____
Mayor Rob Vanderwood

Attested and recorded

Emily Green
City Recorder

Mayor Rob Vanderwood	Yes _____	No _____
Councilmember Carrie Call	Yes _____	No _____
Councilmember Kim Dixon	Yes _____	No _____
Councilmember Nina Morse	Yes _____	No _____
Councilmember Ryan Saunders	Yes _____	No _____
Councilmember Ryan Swapp	Yes _____	No _____

Attachment "A"

**SECOND AMENDMENT TO THE MASTER DEVELOPMENT AGREEMENT AND
ALL EXHIBITS FOR THE STAKER FARMS PROJECT**

DRAFT

AMENDMENT TO DEVELOPMENT AGREEMENT
Staker Farms 2nd Amendment

This 2nd Amendment ("2nd Amendment") is dated and entered into as of _____ 2024 by Castle Creek Homes, LLC (the "Developer") and West Haven, Utah (the "City") and amends the 1st Amendment to the Master Development Agreement dated April 29, 2021 entitled "Development Agreement, Staker Farms 1st Amendment" (the "1st Amendment") between the City and the Developer. All terms defined in the 1st Amendment shall have the same meaning in this 2nd Amendment, unless otherwise specifically stated.

Recitals:

- A. On July 7, 2020, the City and the Developer entered into a Master Development Agreement which was titled "Development Agreement, Staker Farms" ("MDA") with regard to the development of a project known as the Staker Farms Subdivision.
- B. On April 29, 2021, the City and the Developer entered into a 1st Amendment of the MDA, which amended certain parts of the MDA.
- C. At this time, the City and the Developer wish to amend the 1st Amendment to clarify certain aspects of the development.
- D. The Developer has contributed 7.6 acres to the City and has been in the process of completing the construction of the park (the "Park") as provided in Section 2.1.2(C) of the 1st Amendment with the improvements and landscaping depicted on Exhibit A attached to this 2nd Amendment, which improvements the City determines to be acceptable. The City and the Developer desire to confirm the City's acceptance of the improvements and landscaping of the Park as presently constituted and desire to amend the 1st Amendment in order to do so.

NOW, THEREFORE, in consideration of the mutual covenants and promises of the parties contained herein, the parties amend the 1st Amendment as follows:

- 1. The foregoing recitals are fully incorporated herein.
- 2. Description of the Park. "Exhibit A – Improvements and Landscaping of Park" attached hereto is hereby substituted for Exhibit B previously attached to the 1st Amendment. The list of trees in Section 2.1.2(C) along with the listed calipers shall be deleted. The number, type, and caliper of trees is addressed on Exhibit A. The type of grass and areas of grass are addressed on Exhibit A.
- 3. Recording of Phase Plats. The third sentence of Section 2.1.2(C) of the 1st Amendment is hereby deleted, which states, "Phase 3 cannot be recorded

until the Park is complete.” Phase 3 has been recorded as of the date of this 2nd Amendment.

4. Park Impact Fees. The fourth sentence of Section 2.1.2(C) of the 1st Amendment is hereby deleted and replaced with the following: “The City shall contribute the park impact fees that it collects for 125 lots to Developer at the time that the City takes possession of the Park and starts maintaining it, which date is anticipated to be on or before May 30, 2024.”
5. No Other Modification. Except as specifically modified by this 2nd Amendment, the 1st Amendment shall continue in full force and effect.
6. Effective Date of 2nd Amendment. This 2nd Amendment shall be effective as of the day and year set forth in the first paragraph hereof.
7. Counterpart Signatures. This 1st Amendment may be executed in separate counterparts, each of which when so executed and delivered shall be an original, but all of which shall together constitute one and the same instrument.

ATTEST:

City Recorder

West Haven City

By: _____

City Manager

The Developer:

Castle Creek Homes, LLC

By: _____

Its: _____

Exhibit A – Improvements and Landscaping of Park

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