



AMERICAN FORK CITY PLANNING COMMISSION AGENDA

Regular Session
November 6, 2024
Wednesday 6:00 PM

American Fork City Hall
31 North Church Street
American Fork City, UT 84003

<https://www.americanfork.gov/AgendaCenter>

Planning Commission Members

Christine Anderson, Chair
Chris Christiansen, Vice Chair
Geoff Dupaix
Bruce Frandsen

Rod Martin
David Bird
Harold Dudley
Claire Oldham

Notice is hereby given that the American Fork City Planning Commission will meet in regular session on November 6, 2024, at the American Fork City Hall, 31 North Church Street commencing at 6:00 PM. The agenda shall be as follows:

1. **Regular Session**

- a. Pledge of Allegiance
- b. Roll Call

2. **Common Consent Agenda** (Common Consent is that class of Commission action that requires no further discussion or which is routine in nature. All items on the Common Consent Agenda are adopted by a single motion unless removed from the Common Consent Agenda).

- a. Approval of the October 16, 2024, Planning Commission minutes

3. **Action Items** (Action Items is that class of Commission action that requires further discussion on Amended Final Plats and Site Plans that alter the land use characteristics of American Fork City. The Planning Commission will have authority to approve some Site Plans, depending on the zoning district the said Site Plans are in. Amended Final Plats and some Site plans will be recommended by the Planning Commission to the City Council for final action)

- a. Review and recommendation on a proposed Land Use Map Amendment, known as Roderick Catalyst Business Park, located at approximately 100 East and 1700 South, American Fork City. On approximately 18.69 acres, the property proposes to change from the Shoreline Protection designation to the Design Industrial land use designation.
- b. Review and recommendation on a proposed Zone Change, known as Roderick Catalyst Business Park, located at approximately 100 East and 1700 South, American Fork City. On approximately 18.69 acres, the property proposes to change from the Marina (M-1) zone to the Industrial (I-1) zone.
- c. Review and recommendation on a proposed zone for an annexation, known as Auto Mall Drive Extension Annexation, located at approximately 620 South 100 East, American Fork City. On approximately 23.92 acres, the property will be annexed into American Fork City and be given the Planned Commercial (GC-2) and the Planned Industrial (PI-1) zoning designation.
- d. Review and recommendation on a proposed zone for an annexation, known as Jes and Claire Scott Annexation, located at approximately 305 E 7200 N, American Fork City. On approximately 1.52 acres, the property will be annexed into American Fork City and be given the Planned Commercial (GC-2) zoning designation.

4. Other Business

- a. Upcoming Projects

5. Adjournment

Dated this 30th day of October 2024

Patrick O'Brien

Development Services Director

**The order of agenda items may change at the discretion of the Planning Commission Chair*

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AMERICAN FORK CITY PLANNING COMMISSION REGULAR SESSION

October 16th, 2024

The American Fork City Planning Commission met in a regular session on October 16th, 2024, at the American Fork City Hall, 31 North Church Street, commencing at 6:00 p.m.

Commissioners Present: Christine Anderson, Bruce Frandsen, Claire Oldham, Geoff Dupaix

Commissioners Absent: Chris Christiansen, Rodney Martin, Harold Dudley, David Bird

Staff Present:

Travis Van Ekelburg	Senior Planner
Cody Opperman	Planner II
JJ Hsu	Engineer
Angie McKee	Administrative Assistant I

Others Present: Ken Burg, Tom Freeman, Ben Wheat, Steve Phelon,

REGULAR SESSION

Christine Anderson led the “Pledge of Allegiance”

Roll Call

COMMON CONSENT AGENDA

Minutes of the September 18th, 2024 Planning Commission Regular Session.

Bruce Frandsen motioned to approve the Common Consent agenda

Geoff Dupaix seconded the motion.

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Voting was as follows:

Christine Anderson	AYE
Geoff Dupaix	AYE
Bruce Frandsen	AYE
Claire Oldham	AYE

The motion passed

PUBLIC HEARINGS

- a. Public hearing, review, and recommendation on a proposed Land Use Map Amendment, known as Roderick Catalyst Business Park, located at approximately 100 East and 1700 South, American Fork City. On approximately 18.69 acres, the property proposes to change from the Shoreline Protection designation to the Design Industrial land use designation.**

Travis Van Ekelenburg reviewed the background information for public hearing item letter a: The applicant has applied for a proposed Land Use Map Amendment. The project is looking to change the current Shoreline Protection Land Use designation to the Design Industrial Land Use designation to match the current Roderick Catalyst Business Park to the north of this property. The Design Industrial Land Use would allow for more industrial uses, specifically oriented towards the Planned Industrial Parks and Industrial Zone of the City. Running concurrently will be a zone change for this particular Land Use Map Amendment as well. The zone change that will be requested is from the M-1 zone to the I-1 zone.

New information for the TSSD property has emerged and it will not only be just a lift station, but a potential area for conservation for the wetlands in that area. The extent of the development that will happen with the TSSD property is just the northeastern corner that is north of 1700 S for their station. Due to this new information, staff is recommending denial for the land use map amendment from Shoreline Protection to Design Industrial to keep the minimal amount of Shoreline Protection and Resort intact along with the shoreline to have complimentary uses to the boat harbor area. The purpose of staff recommendation for denial relates to proposed future

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plans for the M-1 zone. The city is looking at plans to activate the Marina zone and to develop a better and more usable rate of space that benefits the entire city. The city is currently working with the consulting team on our general plan to examine the extent of development opportunities for the Marina zone. Claire Oldham asked if the TSSD lift station is part of the changes we are making to the general plan, or if that is already part of the current plan. Travis Van Ekelenburg explained that they are two separate things. Bruce Frandsen asked to clarify if the staff's thought is at some point the city is going to buy this ground from Roderick and use it as part of the harbor development plan, because the TSSD is moving the lift station and adding some wetland preservation. Mr. Frandsen also asked to be shown on the map where this property is located in relation to the TSSD lift station. Travis Van Ekelenburg explained that the city is currently working with a consultant to find the best use for the property in its current state, because once the Marina land use is changed, it is gone for good. Mr. Wheat gave some background information on the developments around his property, a concrete plant, and a rock crushing business, and explained that he purchased this property after the Rodrick Catalyst Business Project had been approved, in order to have some control over what was happening around their development. A way to protect the investment. He also noted that the parcel next to him went through the exact same process he is currently going through and was able to change from Marina to Industrial. Mr. Wheat informed the commissioners that they do not sell things, they build buildings to bring in tenants, and the current tenants could use some additional parking and storage space, and this parcel could provide that.

Public Hearing Opened

Steve Phelon informed the commissioners that he owns the parcel to the east, and he has no objection to this zone change. He stated that in his opinion, no one wants to be outside around this area because of the smell of the sewer plant, so if they want to expand the marina they should go to the west side where there are no sewer facilities. Mr. Phelon stated that he believes the zone being requested is the proper zone for this parcel.

Public Hearing Closed

Cody Opperman explained that they would still recommend denial from a staff perspective, because they are in the process of studying with the consultant about this area, to see if it is warranted to have the Marina zone there or not. Mr. Opperman further explained that if the current studying shows that the Marina zone is not suitable for this type of area, then staff would be happy to revisit this zone change in the future. He added that this is not stopping any sort of development potential for the area, as the M-1 zone still has allowable uses like recreational

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vehicle courts, boat storage areas, group lodging and even eating establishments and shops. Mr. Opperman showed the Planning Commission that the lift station would be in a small area off of 1700 South, and they are looking to add a wetland park in the area towards the lake. He believes the marina use is compatible with that plan and noted that planning for this property can affect how the shoreline and marina zone could be used in the next 50 or 100 years from now. Claire Oldham asked if there was a time frame for the consultants, and Mr. Opperman told her while he did not have an exact time frame, he would guess within the next year. Christine Anderson asked if the TSSD parcel will be M-1 once it is annexed into the city, and Mr. Opperman confirmed that was correct, while Travis Van Ekelenburg reminded the Chairwomen that when the Winkle property was annexed into the industrial zone a year or so ago, staff and the commissioners agreed that they did not want to continue encroaching on the Marina zone, and that is the position that staff has today. Ben Wheat addressed the commissioners again to inform them that current zoning does not allow them to service their current tenants, one being Amazon, because they are not interested in boat storage or restaurants. Mr. Wheat also noted his frustration with having to rely on a third-party consultant to decide what he can do with his property because of what a parcel that is not even annexed into the city “might” do in the future. Geoff Dupaix asked Mr. Wheat about his development timeline, and Mr. Wheat informed him that the 4 buildings are completed, and they are not planning to do any building through the winter months, so they are looking at a 12-month time frame. Christine Anderson asked the applicant how long ago they purchased the property, and it was decided it was about 7 years ago. Mr. Van Ekelenburg mentioned that the consultant that was recently hired to review this area is making decisions on the entire general plan, and this is just one element. Bruce Frandsen spoke to the fact that the TSSD property is near his property, and due to the horrendous smell from the sewer plant, and the fact that it is not very close to the boat harbor, he does not see a problem with the use requested by the applicant. Claire Oldham agreed with Bruce and noted that if there was already a recommendation from the consultant, she could see denying the request, but in this case the city does not have one yet, and she does not think it is fair to deny at this point. Geoff Dupaix clarified that as he understood, the developers would not be starting work in the next 12 months, and would also not be adding buildings, rather additional parking to service the current business park to the north, and for those reasons he is inclined to recommend approval. Christine Anderson stated that this is a hard decision for her because while she likes to see businesses be able to move forward, the property was purchased with the current M-1 zoning. She also noted that when the Winkle property to the east was approved by the commission, they discussed that being a hard line to not continue to encroach on the Marina area, as there is only a small amount of Marina area left in the city. Ms. Anderson also noted that while she definitely sees both sides, it might be better to hear from all 8 of the commissioners on a different night.

Bruce Frandsen moved to recommend approval for the proposed Land Use Map Amendment, located at approximately 100 E 1700 S, American Fork City, from the Resort

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designation to the Design Industrial designation, subject to any conditions found in the staff report.

Clair Oldham seconded the motion.

Voting was as follows:

Christine Anderson	NAY
Geoff Dupaix	AYE
Bruce Frandsen	AYE
Claire Oldham	AYE

The motion died

Geoff Dupaix asked staff what tabling the item would do. Cody Opperman explained that tabling the item would just mean they would come back before the commission at a different time. He reminded the Commissioners that they could also add conditions for staff or the applicant, and they could also set what meeting date they wanted the item to come back before the commission. Christine Anderson made a request that staff meet with the consultant and expedite this particular piece of property so they can have more information available by the next meeting. Geoff Dupaix asked the applicant if based on what Ms. Anderson just mentioned, this could fit within their timetable. Ben Wheat responded that the 4-lot subdivision took 27 months due to third-party consultants having to reevaluate traffic points, and he does not know that a third-party consultant who does not know the city as well as himself and the commission members do, should be the answer here. Bruce Frandsen added that he feels they had a pretty good discussion here, and the City Council would also have a discussion after reviewing the minutes from this meeting, but he does not have a problem if the Chairwomen would like to delay.

Geoff Dupaix moved to table action for the proposed Land Use Map Amendment, located at approximately 100 E 1700 S, American Fork City, from the Shoreline Protection to the Design Industrial designation, and instruct staff/developer to prepare for the next Planning Commission meeting with a similar presentation so there are more commissioners present to make a decision.

Clair Oldham seconded the motion.

Voting was as follows:

Christine Anderson	AYE
Geoff Dupaix	AYE

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Bruce Frandsen
Claire Oldham

AYE
AYE

The motion to table passed

- b. Public hearing, review, and recommendation on a proposed Zone Change, known as Roderick Catalyst Business Park, located at approximately 100 East and 1700 South, American Fork City. On approximately 18.69 acres, the property proposes to change from the Marina (M-1) zone to the Industrial (I-1) zone.**

Travis Van Ekelenburg reviewed the background information for public hearing item letter b: The applicant has applied for a proposed Zone Change. The project is looking to change the current M-1 zoning designation to the I-1 zoning designation. The I-1 zoning designation allows for industrial uses that are similar to the existing uses to the east of the property. Recently, there has been a zone change for the property directly east of the proposed zone change to the I-1 zoning. As TSSD has the property directly west and will have an extension to the sewer system located in that area, the TSSD property can be discussed to see if the Planning Commission would like their property to be the dividing factor for the M-1 zoning and I-1 zones.

New information for the TSSD property has emerged and it will not only be just a lift station, but a potential area for conservation for the wetlands in that area. The extent of the development that will happen with the TSSD property is just the northeastern corner that is north of 1700 S for their station. Due to this new information, staff is recommending denial for the zone change from M-1 to I-1 to keep the minimal amount of marina zone intact along with the shoreline to have complimentary uses to the boat harbor area.

Bruce Frandsen moved to table action for the proposed Zone Change, located at approximately 100 E 1700 S, American Fork City, from the M-1 zoning designation to the I-1 zoning designation, and instruct staff/developer to prepare for the next Planning Commission meeting with a similar presentation so there are more commissioners present to make a decision.

Geoff Dupaix seconded the motion.

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Voting was as follows:

Christine Anderson	AYE
Geoff Dupaix	AYE
Bruce Frandsen	AYE
Claire Oldham	AYE

The motion to table passed

ACTION ITEMS

- a. Review and recommendation on a proposed setback variance for the Bridges at Fox Hollow Conservation Subdivision Project. The project is located at approximately 1080 North 350 East, American Fork City, in the PR-3.0 Zone.**

Cody Opperman reviewed the background information for action item letter a: The applicant has applied for a setback variance for the Bridges at Fox Hollow Conservation Subdivision Project. The proposed variance looks to provide a 5' side setback to the interior sides of the conservation subdivision lots. The 5' side setbacks would be consistent with the 5' easements that are put on the property for interior side property lines. The reason as to why this proposed variance is coming to the Planning Commission is that within the City's Municipal Code, the applicant may request a variance to setbacks upon a finding that such variance is appropriate for the proper development of the lot(s) and that such reduction will not result in the establishment of a hazardous condition. The Planning Commission will need to make a recommendation on whether they approve or deny the proposed variance, then the City Council will be the determining body. Christine Anderson asked if this was the same project that was before the commission at the last meeting. Cody Opperman informed that Bridges at Fox Hollow had a development agreement that came through recently, and they did go through the process just over a year ago but some changes along with the expiration of their plats, has caused them to come back through the process. Ms. Anderson asked if they had the 5-foot setback when this project was approved before, or if that was one of the changes, and also asked for clarification on the code requirement on a setback change. Mr. Opperman confirmed that the 5-foot setbacks were on the previously approved plan and informed the commissioners that the code says, "The applicant may request a variance to setbacks upon finding that such a variance is appropriate to

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the proper development of the lots and that such reduction will not result in the establishment of hazardous conditions”. JJ Hsu noted that the eaves and window wells of the homes are not allowed to encroach into the setbacks. The applicant Ken Burg addressed the commissioners reminding them that this project has already been through the process and approved once. Mr. Burg added that he has not done a conservation subdivision where he has not asked for this reduced setback as this has given them the flexibility to give a variation of home designs in those smaller width lots. Christine Anderson asked if there are any other areas in the city that have 5-foot setbacks. Bruce Frandsen responded that there are many places down in the TOD that have smaller setbacks. Ken Burg reminded the planning commission they approved these setbacks a year ago, and because of the request by the city, he is back for a second time. Mr. Burg also added that many of the surrounding cities do not even have a side setback in their code anymore, as the only utility that goes through the side setback is for home telephone.

Geoff Dupaix moved to recommend approval for the proposed setback variance for the Bridges at Fox Hollow Conservation Subdivision Project, relating to side setback reductions, and providing an effective date for the ordinance.

Claire Oldham seconded the motion.

Voting was as follows:

Christine Anderson	AYE
Geoff Dupaix	AYE
Bruce Frandsen	AYE
Claire Oldham	AYE

The motion passed

- b. Review and recommendation on a proposed zone for an annexation, known as Auto Mall Drive Extension Annexation, located at approximately 620 South 100 East, American Fork City. On approximately 23.92 acres, the property will be annexed into American Fork City and be given the Planned Commercial (GC-2) and the Planned Industrial (PI-1) zoning designation.**

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This item has been pulled by staff

- c. Review and recommendation on a proposed zone for an annexation, known as E-Commerce Park Annexation, located at approximately 1250 South 500 East, American Fork City, UT 84003. On approximately 6.26 acres, the property will be annexed into American Fork City and be given the Planned Industrial (PI-1) zoning designation.**

Travis Van Ekelenburg reviewed the background information for action item letter c: The applicant has applied for annexation within American Fork City. The project area looks to have the PI-1 zoning designation assigned to the land, which would be for Planned Industrial Projects. The annexation area is proposing to have an ecommerce park within American Fork City.

Geoff Dupaix moved to recommend approval for the proposed zone for an annexation, known as E-Commerce Park Annexation, located at approximately 1250 South 500 East, American Fork City, subject to any conditions found in the staff report.

Bruce Frandsen seconded the motion.

Voting was as follows:

Christine Anderson	AYE
Geoff Dupaix	AYE
Bruce Frandsen	AYE
Claire Oldham	AYE

The motion passed

- d. Review and recommendation on an application for a Commercial Site Plan, known as Freeman Commercial Site Plan (Application #2), located at approximately 19 N 900 W, American Fork City, UT 84003. The Commercial Site Plan will be on approximately 1.24 acres and will be in the Planned Commercial (GC-2) zone.**

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Travis Van Ekelenburg reviewed the background information for action item letter c: The applicant has applied for a Commercial Site Plan to develop a rental sales establishment for watercraft. The project has come back through the process to provide additional information for utility lines that wasn't in the approved site plan previously. Additionally, the project will be incorporating a golf simulator on the second story of their building. As the golf simulator is a different use from the rental of watercraft, they have not provided additional information regarding the amount of parking they will need for the indoor golf simulator.

The new Development Review Committee (DRC) Board has recommended approval of the commercial site plan with all the following conditions attached to this staff report. The applicant acknowledged they will need to come back through the DRC and propose a new site plan for the project if they continue with golf simulators on the second floor. Tom Freeman introduced himself to the planning commission as the project owner and informed them he is one-year into his project, and he is pleased with how the building is turning out. Mr. Freeman also gave some information on the possibility of adding a golf simulator business on the upper floor of the new building, as he believes the current approved rental business, that will be operated from the main floor, is seasonal to the summer months, and a golf simulator would be utilized during the winter months. Mr. Freeman acknowledged that the staff is concerned about parking, but he believes that only a small fraction of the 38 parking spaces will be utilized at any one time. Christine Anderson asked if there were any future plans to develop the rear portion of the property. Mr. Freeman told the commissioners that while he hoped to put some trailers in that area, the fire marshal indicated they need to be able to do a U-turn back there. He also noted that he finds that interesting as he has noticed a ton of businesses that build sheds, sell trailers, sell RVs, all along that I-15 corridor and throughout the city, and a fire truck could pull straight into the back portion of the property and then back straight out. The applicant concluded that these are issues that can be discussed at another time.

Claire Oldham moved to recommend approval for the proposed Commercial Site Plan, located at 19 N 900 W, American Fork City, in the Planned Commercial (GC-2) Zone, subject to any conditions found in the staff report.

Geoff Dupaix seconded the motion.

Voting was as follows:

Christine Anderson

AYE

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Geoff Dupaix	AYE
Bruce Frandsen	AYE
Claire Oldham	AYE

The motion passed

Other Business

Cody Opperman reminded the commissioners that the city staff is still working on the code rewrite. There was a brief discussion about some different options for the required planning commission training hours.

Adjournment

Claire Oldham motioned to adjourn the meeting.

Geoff Dupaix seconded the motion.

Meeting adjourned at 8:03 PM

Angie McKee

Administrative Assistant I

The order of agenda items may change to accommodate the needs of the commissioners, public and staff.

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Agenda Topic

Public hearing, review, and recommendation on a proposed Land Use Map Amendment, known as Roderick Catalyst Business Park, located at approximately 100 East and 1700 South, American Fork City. On approximately 18.69 acres, the property proposes to change from the Shoreline Protection designation to the Design Industrial land use designation.

BACKGROUND INFORMATION		
Location:		100 E 1700 S
Project Type:		Land Use Map Amendment
Applicants:		Ben Wheat
Existing Land Use:		Shoreline Protection
Proposed Land Use:		Design Industrial
Surrounding Land Use:	North	Design Industrial; Shoreline Protection
	South	Shoreline Protection
	East	Design Industrial
	West	Resort
Existing Zoning:		M-1
Proposed Zoning:		I-1
Surrounding Zoning:	North	PI-1
	South	State of Utah Territory
	East	I-1
	West	Unincorporated Territory

Background

The applicant has applied for a proposed Land Use Map Amendment. The applicant seeks to change the current Shoreline Protection Land Use designation to the Design Industrial Land Use designation to match the current Roderick Catalyst Business Park to the north of this property. The Design Industrial Land Use would allow for more industrial uses, specifically oriented

towards the Planned Industrial Parks and Industrial Zone of the City. Running concurrently is a zone change for this particular Land Use Map Amendment.

At the previous Planning Commission meeting there were statements made that our third-party consultant, who is doing our General Plan, was looking into this property for a potential area for marina and recreational space for the future of the boat harbor area. Since the last discussion, the Development Services Director has coordinated with the consultant team, and has taken this property out of the vision and marina area for future consideration in the activation of the marina area.

Chapter 17.11 Amendments

This development code, and the zoning map adopted as a part thereof, may be amended from time to time by the city council, but all proposed amendments must first be submitted to the planning commission for its recommendation. The procedure to be followed in amending the code and map shall be as set forth below.

Sec 17.11.101 Written Petition Required - City Initiated Amendments Permitted

Any person seeking an amendment of the development code or zoning map shall submit to the planning commission a written petition designating the change desired and the reasons therefor, and shall pay a nonrefundable filing fee in an amount established by resolution of the city council. Amendments to the code and map may also be initiated by action of the planning commission or upon request of the city council.

Sec 17.11.102 Planning Commission To Make Recommendations

Upon receipt of the petition the planning commission shall consider the request and, subject to completion of a public hearing on the matter before the planning commission with public notice given in accordance with the provisions of Section 17.11.103, shall submit its recommendations with respect thereto to the city council.

Sec 17.11.103 Planning Commission To Conduct Public Hearing Before Recommending Amendments - Notice Of Hearing To Be Provided

1. No ordinance approving an amendment to the official zone map or text of the development code, or approving a large scale development project may be enacted by the city council

unless and until a public hearing relating to the proposed ordinance shall have been conducted by the planning commission.

2. Notice of the date, time and place of the first public hearing regarding a proposed amendment to the official zone map, text of the development code or ordinance of approval of a large scale development project shall be given at least 10 calendar days before the public hearing as follows:
 1. Published on the Utah Public Notice Website;
 2. Posted in at least three public locations within the city, or on the city's official website; and
 3. Mailed to each affected entity.

Sec 17.11.104 Amendments To Be Adopted By Council - Notice Required

1. The city council, at a public meeting called for the purpose, shall consider each proposed amendment to the official zone map, text of the development code, or ordinance of approval for a large scale development recommended to it by the planning commission and may act to adopt or reject the amendment or ordinance of approval as recommended by the planning commission or adopt the amendment after making any revision the city council considers appropriate.
2. Notice of the public meeting at which the city council will consider a proposed amendment or ordinance of approval shall be given at least twenty-four hours before the meeting, which notice shall, as a minimum, be posted in at least three public places within the city; or on the city's official website.

Sec 17.11.105 Amendments To Be Adopted By Ordinance - Public Notice Of Adoption

All amendments to the code and map shall be adopted, published and recorded in accordance with the applicable provisions of UCA 10-3-701 et seq.

17.11.200 Intent With Respect To Amendments

All amendments to this code and zone map shall be made in accordance with the general plan of land use. It is hereby declared to be public policy that this code shall not be amended unless it can be shown that changed or changing conditions make the proposed amendment reasonably necessary to the promotion of the purposes of this code.

Project Conditions of Approval

A wetland delineation shall be provided by the applicant to identify wetland locations on-site. All areas identified as wetlands shall be preserved as Shoreline Protection.

Findings of Fact

- a. The Land Use Map Amendment, MEETS the requirements of Section 17.11.

Project Map



Standards Conditions of Approval

APPLICANT is responsible and shall submit/post/obtain all necessary documentation and evidence to comply with these Standard Conditions of Approval prior to any platting, permitting, or any other form of authorization by the City including plat recording or other property conveyance to the City and prior to scheduling a pre-construction meeting. All recording shall take place at the Utah County Recorder's Office.

1. **Title Report:** Submit an updated Title Report not older than 30 days or other type of appropriate verification that shows all dedications to the City are free and clear of encumbrances, taxes, or other assessments.
2. **Property Taxes and Liens:** Submit evidence that all the property taxes, for the current and/or previous years, liens, and agricultural land use roll over fees have been paid in full.
3. **Water Rights:** Submit evidence that all the required water rights have been conveyed to American Fork City.
4. **Performance Guarantee:** Post a performance guarantee for all required public and essential common improvements.
5. **Easements and Agreements:** Submit/record a long-term Storm Water Pollution Prevention Maintenance Agreement signed and dated by the property owner and any required easement documentation.
6. **Land Disturbance Permit:** Obtain a Land Disturbance Permit.
7. **Compliance with the Plan Review Comments:** All plans and documents shall comply with all the Technical Review Committee comments and the City Engineer's final review.
8. **Commercial Structure:** Record an Owner Acknowledgment and Utility Liability Indemnification if the proposed building is a multi-unit commercial structure served by a single utility service.
9. **Sensitive Lands:** Record all applicable documents required for compliance with the City's Sensitive Lands Ordinance.
10. **Utility Notification Form:** Submit a Subdivision Utility Notification Form.
11. **Professional Verification:** Submit final stamped construction documentation by all appropriate professionals.
12. **Fees:** Payment of all development, inspection, recording, streetlight, and other project related fees.
13. **Mylar:** Submit a Mylar. All plats will receive final verification of all formats, notes, conveyances, and other items contained on the plat by City staff (recorder, legal, engineer, GIS, planning).

Potential Motions – Land Use Map Amendment

Approval

I move to recommend approval for the proposed Land Use Map Amendment, located at approximately 100 E 1700 S, American Fork City, from the Resort designation to the Design Industrial designation, subject to any conditions found in the staff report.

Denial

I move to recommend denial for the proposed Land Use Map Amendment, located at approximately 100 E 1700 S, American Fork City, from the Resort designation to the Design Industrial designation.

Table

I move to table action for the proposed Land Use Map Amendment, located at approximately 100 E 1700 S, American Fork City, from the Resort designation to the Design Industrial designation, and instruct staff/developer to.....

Roderick Enterprises

1214 East Vine Street
Salt Lake City, Utah 84121

EST. 1967

Tel (801) 506-5005
www.roderickrealty.com

American Fork City
Attn: Development Services
275 E 200 N
American Fork, UT 84003

Next Step

**Proceed to 10.16.2024
Planning Commission**

	American Fork City Development Review Committee
Planning and Zoning Reviewed tvanekeleburg 09/25/2024	
Engineering Division Reviewed bhunter 10/02/2024	

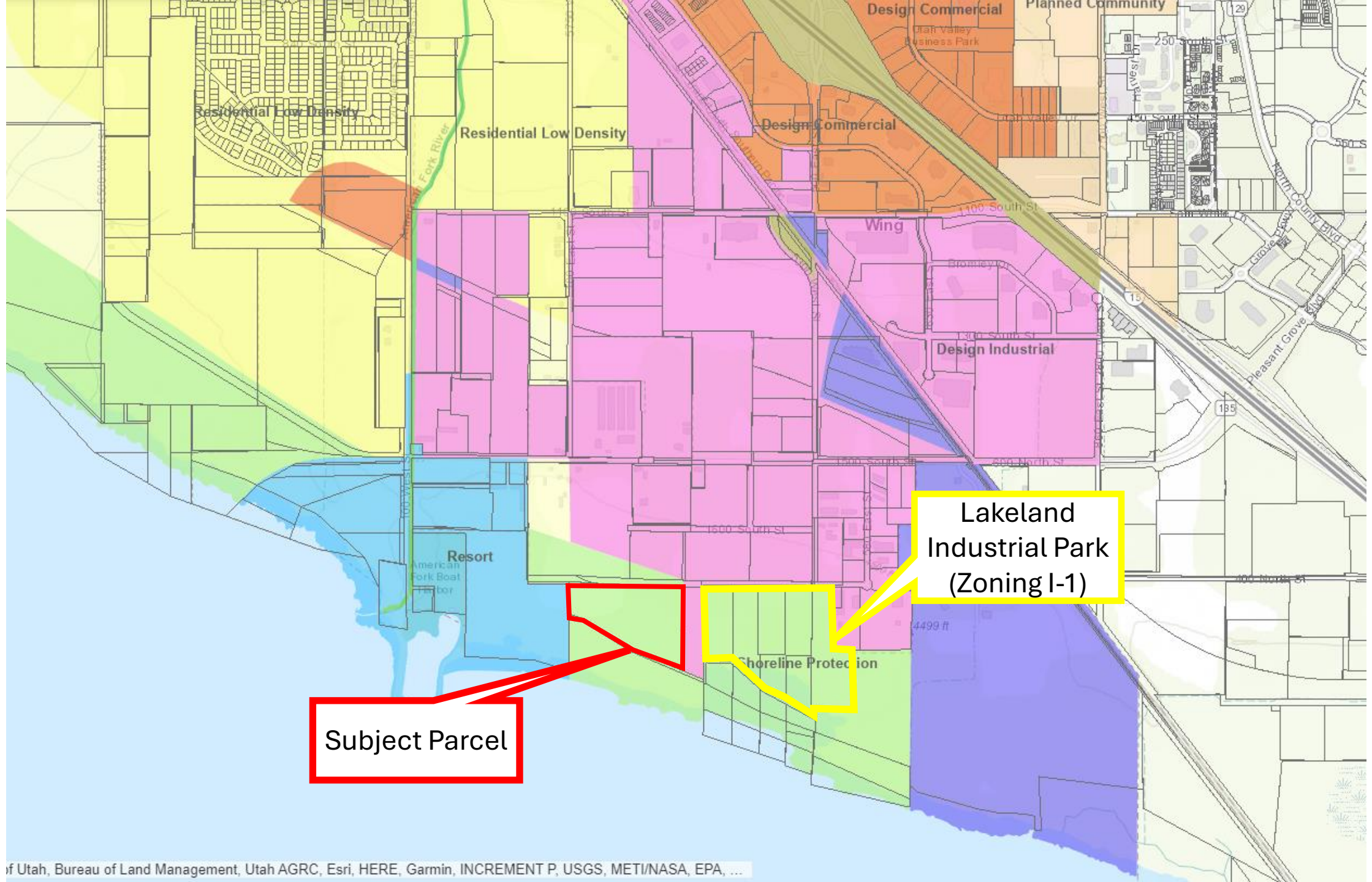
Dear Melissa White –

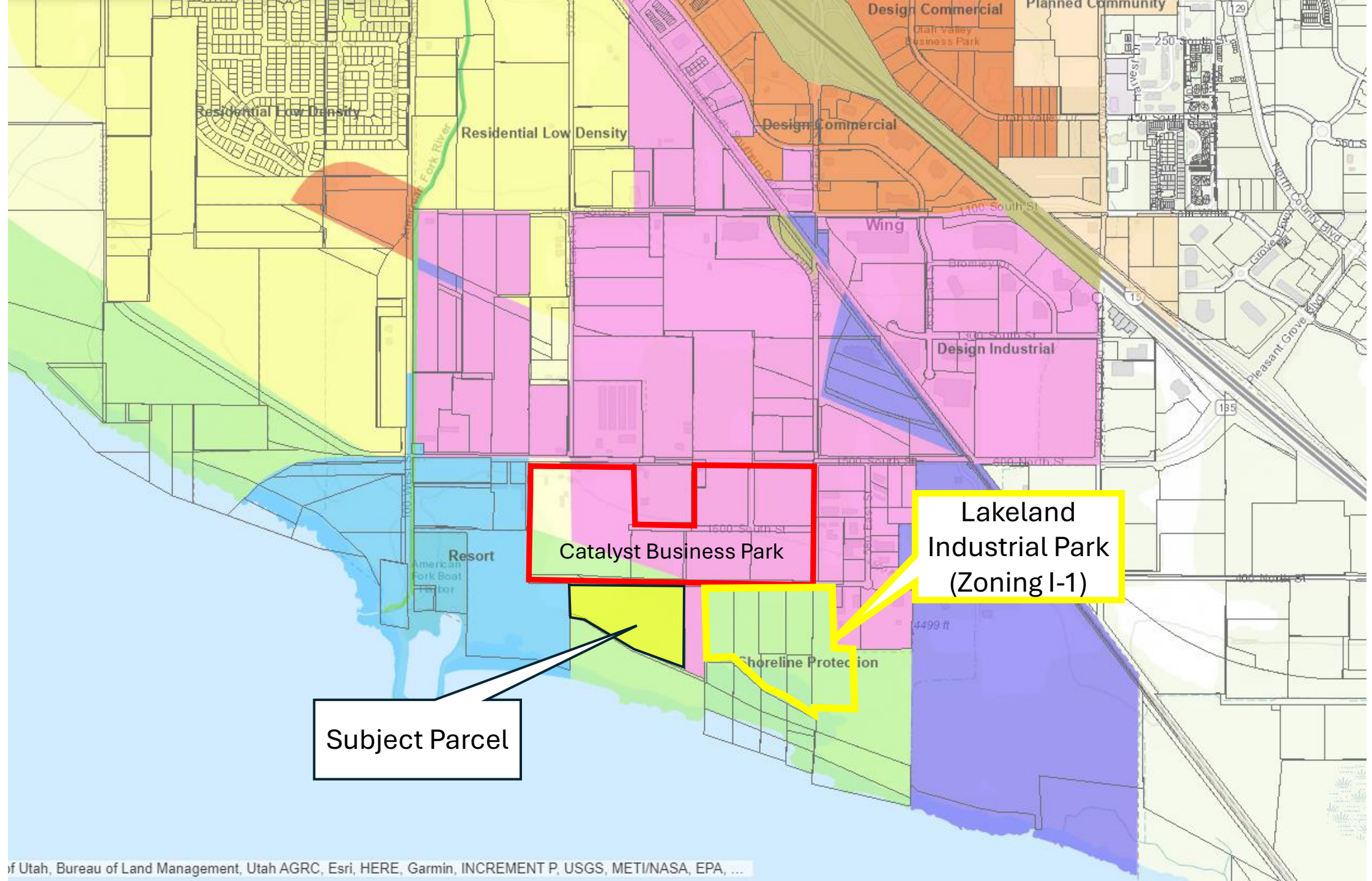
The purpose of this application is to request a land use map change for parcel 13:078:0112. The current land use indicated in the general plan is shoreline protection and we are requesting a land use map change to design industrial. Roderick Enterprises currently owns the 80 acres to the north of this property and has developed 4 of the planned 9 Class A industrial buildings in the project known as Catalyst Business Park. The land use of design industrial will be a complementary use to the Catalyst Business Park. The design industrial land use would also be contiguous with the adjacent 76 acres to the east as shown on the maps included with this application. This land use map change would be contiguous to the design industrial land use designation to the north and the east and is complementary to all adjacent parcels in the area.

Sincerely,

Benjamin Wheat

VP of Development and Leasing





Agenda Topic

Public hearing, review, and recommendation on a proposed Zone Change, known as Roderick Catalyst Business Park, located at approximately 100 East and 1700 South, American Fork City. On approximately 18.69 acres, the property proposes to change from the Marina (M-1) zone to the Industrial (I-1) zone.

BACKGROUND INFORMATION		
Location:		100 E 1700 S
Project Type:		Zone Change
Applicants:		Ben Wheat
Existing Land Use:		Shoreline Protection
Proposed Land Use:		Design Industrial
Surrounding Land Use:	North	Design Industrial; Shoreline Protection
	South	Shoreline Protection
	East	Design Industrial
	West	Resort
Existing Zoning:		M-1
Proposed Zoning:		I-1
Surrounding Zoning:	North	PI-1
	South	State of Utah Territory
	East	I-1
	West	Unincorporated Territory

Background

The applicant has applied for a proposed Zone Change. The applicant is seeking to change the current M-1 zoning designation to the I-1 zoning designation. The I-1 zoning designation allows for industrial uses that are similar to the existing uses to the east of the property. Recently, there has been a zone change for the property directly east of the proposed zone change to the I-1 zoning. Staff recommends that if this zone change request were to be approved, that the TSSD eastern property line be identified as the defining line that delineates the hard boundary between

any future land use and zone changes related to industrial uses, and that the TSSD property be the beginning point for the M-1 zone, to accommodate the future plans for marina and harbor improvements and uses to better active that area of the city, and to develop a useable area along the lakefront with water access and amenities.

At the previous Planning Commission meeting there were statements made that our third-party consultant, who is doing our General Plan, was looking into this property for a potential area for marina and recreational space for the future of the boat harbor area. Since the last discussion, the Development Services Director has coordinated with the consultant team, and has taken this property out of the vision and marina area for future consideration in the activation of the marina area.

Chapter 17.11 Amendments

This development code, and the zoning map adopted as a part thereof, may be amended from time to time by the city council, but all proposed amendments must first be submitted to the planning commission for its recommendation. The procedure to be followed in amending the code and map shall be as set forth below.

Sec 17.11.101 Written Petition Required - City Initiated Amendments Permitted

Any person seeking an amendment of the development code or zoning map shall submit to the planning commission a written petition designating the change desired and the reasons therefor, and shall pay a nonrefundable filing fee in an amount established by resolution of the city council.

Amendments to the code and map may also be initiated by action of the planning commission or upon request of the city council.

Sec 17.11.102 Planning Commission To Make Recommendations

Upon receipt of the petition the planning commission shall consider the request and, subject to completion of a public hearing on the matter before the planning commission with public notice given in accordance with the provisions of Section 17.11.103, shall submit its recommendations with respect thereto to the city council.

Sec 17.11.103 Planning Commission To Conduct Public Hearing Before Recommending Amendments - Notice Of Hearing To Be Provided

1. No ordinance approving an amendment to the official zone map or text of the development code, or approving a large scale development project may be enacted by the city council

unless and until a public hearing relating to the proposed ordinance shall have been conducted by the planning commission.

2. Notice of the date, time and place of the first public hearing regarding a proposed amendment to the official zone map, text of the development code or ordinance of approval of a large scale development project shall be given at least 10 calendar days before the public hearing as follows:
 1. Published on the Utah Public Notice Website;
 2. Posted in at least three public locations within the city, or on the city's official website; and
 3. Mailed to each affected entity.

Sec 17.11.104 Amendments To Be Adopted By Council - Notice Required

1. The city council, at a public meeting called for the purpose, shall consider each proposed amendment to the official zone map, text of the development code, or ordinance of approval for a large scale development recommended to it by the planning commission and may act to adopt or reject the amendment or ordinance of approval as recommended by the planning commission or adopt the amendment after making any revision the city council considers appropriate.
2. Notice of the public meeting at which the city council will consider a proposed amendment or ordinance of approval shall be given at least twenty-four hours before the meeting, which notice shall, as a minimum, be posted in at least three public places within the city; or on the city's official website.

Sec 17.11.105 Amendments To Be Adopted By Ordinance - Public Notice Of Adoption

All amendments to the code and map shall be adopted, published and recorded in accordance with the applicable provisions of UCA 10-3-701 et seq.

17.11.200 Intent With Respect To Amendments

All amendments to this code and zone map shall be made in accordance with the general plan of land use. It is hereby declared to be public policy that this code shall not be amended unless it can be shown that changed or changing conditions make the proposed amendment reasonably necessary to the promotion of the purposes of this code.

Project Conditions of Approval

A wetland delineation shall be provided by the applicant to identify wetland locations on-site. All areas identified as wetlands shall be preserved as Marina (M-1) zone.

Findings of Fact

1. The Zone Change MEETS the requirements of Section 17.11.

Project Map



Standards Conditions of Approval

APPLICANT is responsible and shall submit/post/obtain all necessary documentation and evidence to comply with these Standard Conditions of Approval prior to any platting, permitting, or any other form of authorization by the City including plat recording or other property conveyance to the City and prior to scheduling a pre-construction meeting. All recording shall take place at the Utah County Recorder's Office.

1. **Title Report:** Submit an updated Title Report not older than 30 days or other type of appropriate verification that shows all dedications to the City are free and clear of encumbrances, taxes, or other assessments.
2. **Property Taxes and Liens:** Submit evidence that all the property taxes, for the current and/or previous years, liens, and agricultural land use roll over fees have been paid in full.
3. **Water Rights:** Submit evidence that all the required water rights have been conveyed to American Fork City.
4. **Performance Guarantee:** Post a performance guarantee for all required public and essential common improvements.
5. **Easements and Agreements:** Submit/record a long-term Storm Water Pollution Prevention Maintenance Agreement signed and dated by the property owner and any required easement documentation.
6. **Land Disturbance Permit:** Obtain a Land Disturbance Permit.
7. **Compliance with the Plan Review Comments:** All plans and documents shall comply with all the Technical Review Committee comments and the City Engineer's final review.
8. **Commercial Structure:** Record an Owner Acknowledgment and Utility Liability Indemnification if the proposed building is a multi-unit commercial structure served by a single utility service.
9. **Sensitive Lands:** Record all applicable documents required for compliance with the City's Sensitive Lands Ordinance.
10. **Utility Notification Form:** Submit a Subdivision Utility Notification Form.
11. **Professional Verification:** Submit final stamped construction documentation by all appropriate professionals.
12. **Fees:** Payment of all development, inspection, recording, streetlight, and other project related fees.
13. **Mylar:** Submit a Mylar. All plats will receive final verification of all formats, notes, conveyances, and other items contained on the plat by City staff (recorder, legal, engineer, GIS, planning).

Potential Motions – Zone Change

Approval

I move to recommend approval for the proposed Zone Change, located at approximately 100 E 1700 S, American Fork City, from the M-1 zoning designation to the I-1 zoning designation, subject to any conditions found in the staff report.

Denial

I move to recommend denial for the proposed Zone Change, located at approximately 100 E 1700 S, American Fork City, from the M-1 zoning designation to the I-1 zoning designation.

Table

I move to table action for the proposed Zone Change, located at approximately 100 E 1700 S, American Fork City, from the M-1 zoning designation to the I-1 zoning designation, and instruct staff/developer to.....

Roderick Enterprises

1214 East Vine Street
Salt Lake City, Utah 84121

EST. 1967

Tel (801) 506-5005
www.roderickrealty.com

American Fork City
Attn: Development Services
275 E 200 N
American Fork, UT 84003

Next Step

**Proceed to 10.16.2024
Planning Commission**

	American Fork City Development Review Committee
Planning and Zoning Reviewed tvaneekelenburg 09/25/2024	
Engineering Division Reviewed bhunter 10/02/2024	

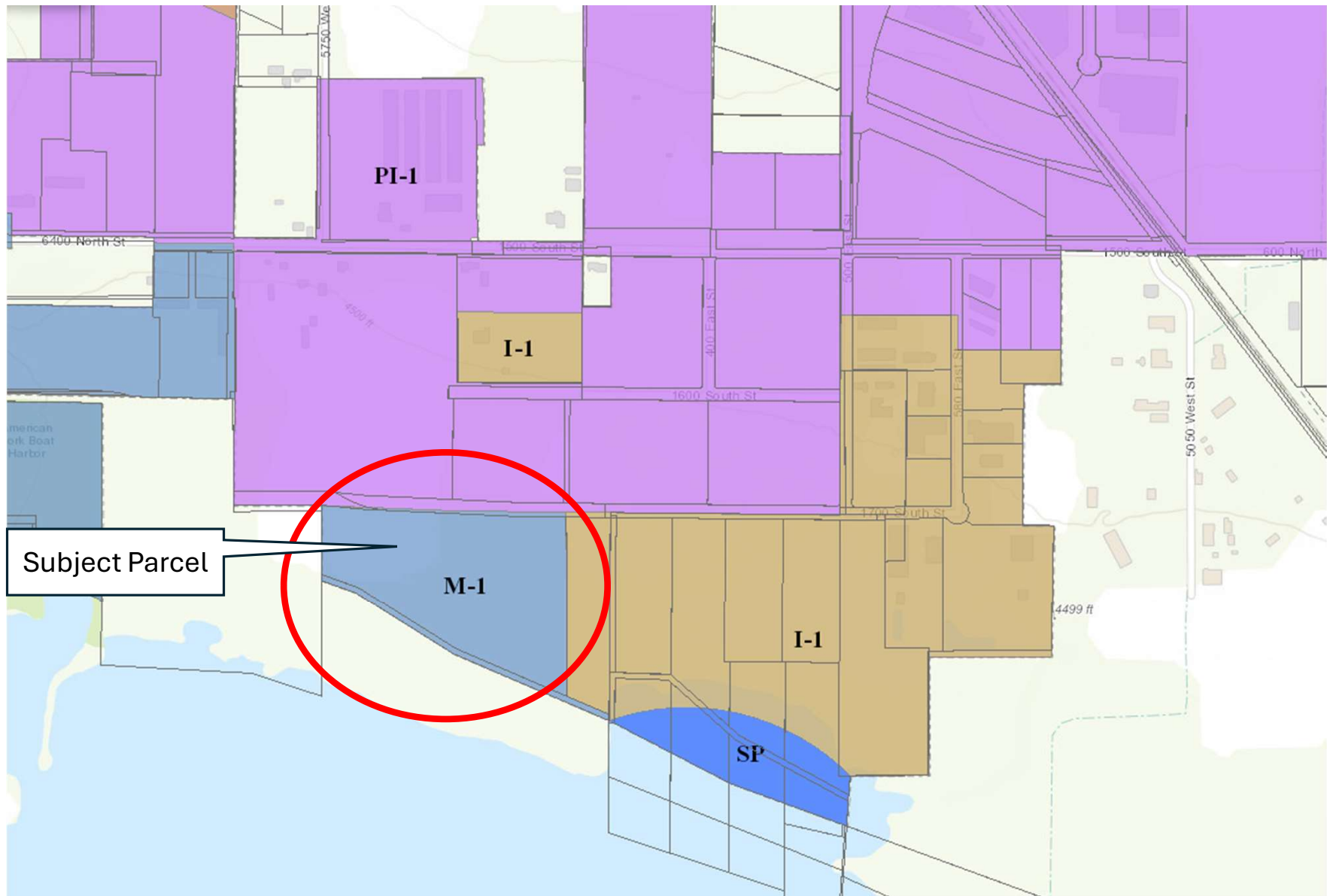
Dear Melissa White –

The purpose of this application is to request a zone change for parcel 13:078:0112. The current zoning of this parcel is M-1 (Marina) and we are requesting a zone change to I-1. Roderick Enterprises currently owns the 80 acres to the north of this property and has developed 4 of the planned 9 Class A industrial buildings in the project known as Catalyst Business Park. The I-1 zoning will be a complementary use to the Catalyst Business Park. The I-1 zoning would be also be contiguous with the adjacent 76 acres to the east as shown on the maps included with this application. Currently the Marina zone is not conducive with the industrial development that we want to continue in the park. This zone change does not create a spot zoning and is complementary to all adjacent parcels in the area.

Sincerely,

Benjamin Wheat

VP of Development and Leasing



Agenda Topic

Review and recommendation on a proposed zone for an annexation, known as Auto Mall Drive Extension Annexation, located at approximately 620 South 100 East, American Fork City. On approximately 23.92 acres, the property will be annexed into American Fork City and be given the Planned Commercial (GC-2) and the Planned Industrial (PI-1) zoning designation.

BACKGROUND INFORMATION		
Location:		620 S 100 E
Project Type:		Annexation Agreement
Applicants:		American Fork City
Existing Land Use:		Design Industrial; Design Commercial
Proposed Land Use:		N/A
Surrounding Land Use:	North	Design Commercial
	South	Residential Low Density
	East	Design Industrial; Design Commercial
	West	Design Commercial; Residential Low Density
Existing Zoning:		Unincorporated Territory
Proposed Zoning:		PI-1; GC-2
Surrounding Zoning:	North	Unincorporated Territory; PI-1
	South	Unincorporated Territory
	East	PI-1; GC-2
	West	PI-1; Unincorporated Territory

Background

The applicant has applied for annexation within American Fork City. The project area looks to have the PI-1 zoning designation and GC-2 zoning designation assigned to the land, which would be for Planned Industrial Projects and Planned Commercial Development Projects. This annexation has been initiated by American Fork City to complete an infrastructure project relating to Automall Drive. The property south of 620 South is owned by American Fork City

and it will have a continuation of Automall Drive going through the property. The American Fork City property will be coming into the City as the PI-1 zoning designation. The property to the north of 620 South will come into the City as the GC-2 zoning designation. Both properties will be aligned with the current Land Use Designations.

Section 17.20.050 of the American Fork Municipal Code outlines the following procedures for Annexation Applications

- A. The sponsor must schedule a pre-application meeting with the American Fork City Planning Staff for review of the annexation request and an opinion as to whether or not the area proposed for annexation will create an unincorporated island or peninsula. If it is in the opinion of staff that the proposed annexation does not create an unincorporated island or peninsula, the sponsor will be advised to proceed with their application as an annexation by petition. If the Planning Staff determines that, in their opinion, the proposed annexation creates an unincorporated island or peninsula, the sponsor will be so advised and informed of alternative procedures to request annexation by resolution, if applicable.
- B. A complete application for annexation shall be filed with the City Recorder
- C. The Planning Department will schedule the annexation request on the next available Technical Review agenda.
- D. City staff will review the application and prepare an annexation report for the Planning Commission and City Council. The report shall identify:
 - 1. Potential demand for City facilities and services;
 - 2. Consistency with the American Fork City General Plan, including the achievement of goals and policies of the American Fork City General Plan and identifying any revisions and amendments of the General Plan required by the annexation;
 - 3. The identification of the distance from existing city utility lines to the boundary of the annexing property;
 - 4. Zoning required or recommended;
 - 5. Distances to public schools, parks and shopping centers for traffic generated by the proposed land uses;
 - 6. Timetable for extending city provided utility lines and services to the area and how these services will be financed, if applicable
- E. The City Council may decide to either accept the annexation application for further review or deny the application. Denial of an application for annexation will have the effect of ending any further review of the proposed annexation. In order to have the land annexed

into American Fork City, the applicant will need to resubmit the proposed annexation as a new application and satisfy each of the requirements of this Chapter including the payment of all review fees.

- F. If the annexation request is accepted for further review, proper notice shall be given in accordance with the annexation requirements contained in the Utah State Code.
- G. A public hearing (10-day notice) will be scheduled with the Planning Commission for review and recommendation of the proposed zoning designation for the annexation.
- H. Following the Planning Commission's review and recommendation on zoning and after all required notice has been met, a public hearing will be scheduled with the City Council for final approval of the annexation, including zoning designation.
- I. An annexation agreement must be signed and applicable requirements met, including any water dedication requirements, prior to annexation plat recording and ordinance publication.
- J. In order to provide accurate and current address information for EMS, fire, law enforcement, and utility services, any existing homes included in the annexation shall be assigned an American Fork City address. The new address will become effective at the time the annexation plat is recorded.

Staff Findings

As required by Section 17.20.050(D), City Staff has met with the applicant, and having reviewed the proposed annexation, has the following findings to report:

1. Potential demand for City facilities and services:

- a. The applicant requires connections to sewer, water, and pressurized irrigation. Right of way for Auto Mall Drive and 100 East Street will need to be conveyed. 100 East Roadway will be constructed as a major collector using an 84-foot cross-section per 15.01.1530. Auto Mall Drive Roadway will be constructed as a minor collector matching a similar cross section of the existing Auto Mall Drive.

2. Consistency with the American Fork City General Plan, including the achievement of goals and policies of the American Fork City General Plan and identifying any revisions and amendments of the General Plan required by the annexation:

- a. The American Fork Land Use Plan, as identified in the General Plan, highlights the use of Parcel ID: 13:050:0084 as the Design Industrial land use designation and Parcel ID:

13:050:0061 as the Design Commercial land use designation. The Land Use designation informs the zoning that will be allocated to the property.

3. The identification of the distance from existing city utility lines to the boundary of the annexing property:

- a. The annexing property has access to culinary water, sanitary sewer and pressurized irrigation which are located within 100 East Street and Auto Mall Drive. Existing ditch facilities are located within the vicinity which will be utilized for storm drain purposes. The storm drain master plan identifies a 24-inch SD that will be located within 100 East Street to the south, beyond the railroad tracks.

4. Zoning required or recommended:

- a. Parcel ID: 13:050:0084 will be put in the PI-1 zoning designation and Parcel ID: 13:050:0061 will be put in the GC-2 zoning designation.

5. Distances to public schools, parks and shopping centers for traffic generated by the proposed land uses:

- a. Schools:
 - i. American Fork High School: ~ 1.77 Miles
 - ii. American Fork Junior High: ~ 2.53 Miles
 - iii. Greenwood Elementary: ~ 0.58 Miles
- b. Parks:
 - i. Boat Harbor: ~ 1.43 Miles
 - ii. Mountain Meadows: ~ 0.83 Miles
 - iii. Greenwood: ~ 0.21 Miles
 - iv. Rotary: ~ 0.46 Miles
- c. Planned Shopping Centers (SC-1 Zones):
 - i. Eastern SC-1 Zone: ~ 0.89 Miles
 - ii. Western SC-1 Zone: ~ 1.92 Miles

6. Timetable for extending city provided utility lines and services to the area and how these services will be financed, if applicable:

- a. All utility main lines are existing or will be extended within the annexation area with an upcoming city project anticipated to be under construction shortly after the annexation is completed.

Findings of Fact

- a. The Annexation Agreement MEETS the requirements of Section 17.20.

Project Map



Standards Conditions of Approval

APPLICANT is responsible and shall submit/post/obtain all necessary documentation and evidence to comply with these Standard Conditions of Approval prior to any platting, permitting, or any other form of authorization by the City including plat recording or other property conveyance to the City and prior to scheduling a pre-construction meeting. All recording shall take place at the Utah County Recorder's Office.

1. **Title Report:** Submit an updated Title Report not older than 30 days or other type of appropriate verification that shows all dedications to the City are free and clear of encumbrances, taxes, or other assessments.
2. **Property Taxes and Liens:** Submit evidence that all the property taxes, for the current and/or previous years, liens, and agricultural land use roll over fees have been paid in full.
3. **Water Rights:** Submit evidence that all the required water rights have been conveyed to American Fork City.
4. **Performance Guarantee:** Post a performance guarantee for all required public and essential common improvements.
5. **Easements and Agreements:** Submit/record a long-term Storm Water Pollution Prevention Maintenance Agreement signed and dated by the property owner and any required easement documentation.
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12. **Fees:** Payment of all development, inspection, recording, streetlight, and other project related fees.
13. **Mylar:** Submit a Mylar. All plats will receive final verification of all formats, notes, conveyances, and other items contained on the plat by City staff (recorder, legal, engineer, GIS, planning).

Staff Recommendation

The Annexation Agreement MEETS the requirements of Section 17.20. Staff recommends APPROVING the application.

Potential Motions

Approval

I move to recommend approval for the proposed zoning for the Annexation Agreement, located approximately at 5719 W 7300 N, American Fork City, subject to any conditions found in the staff report.

Denial

I move to recommend denial for the proposed zoning for the Annexation Agreement, located approximately at 5719 W 7300 N, American Fork City.

Table

I move to table action for the proposed for the zoning for the Annexation Agreement, located approximately at 5719 W 7300 N, American Fork City, and instruct staff/developer to.....

**ANNEXATION AGREEMENT
(Auto Mall Drive Extension Annexation)**

This Annexation Agreement ("Agreement"), made and entered into this ____ day of _____, 2024, by and between City of American Fork, Utah, a Utah Municipal Corporation (hereafter referred to as "City"), Strata Investments, LLC, a Utah Limited Liability Corporation (hereafter referred to as "Strata"), is based on the following:

RECITALS

WHEREAS, Strata Investments LLC is the owner of certain parcels of privately-owned real property constituting 100 percent of the privately owned real property within the Annexation Area, which annexation is located within the unincorporated territory of Utah County, contiguous to the corporate boundary of the City, and is within the City's proposed expansion area;

WHEREAS, a "Petition for Annexation" (Attachment 1 to this Agreement), together with a plat (Attachment 2 to this Agreement) show the real property proposed for annexation (hereafter referred to as "Annexation Area");

WHEREAS, in accordance with the provisions of UCA 10-2-402, the American Fork City Council has heretofore adopted Resolution No. 2024-09-33R, accepting the Petition for Annexation;

WHEREAS, notice of hearing regarding the proposed annexation has been published and the public hearing thereon held;

WHEREAS, the City Council has determined that annexation of the Annexation Area is in the best interest of the City and has indicated an intent to: (1) enact an ordinance of annexation relating thereto, subject to the prior execution of this Agreement, and (2) authorize the recording of the annexation plat at the office of the Utah County Recorder, subject to the terms and conditions of this Agreement.

TERMS AND CONDITIONS

NOW THEREFORE, based on the above recitals and in consideration of the annexation of the Annexation Area to the City, the parties covenant and agree as follows:

SECTION 1 - Applicability of Agreement and Annexation Contingency: The real property to which the terms of this Agreement apply shall be the parcels of real property within the Annexation Area, identified on Attachment 2. Attachment 2 is hereby made part of this Agreement. This Agreement will be effective if, and only if, (a) the City approves an ordinance annexing the Annexation Area into the City; and (b) all procedural requirements associated with an annexation under the law of the State of Utah have been complied with, including the issuance of a certificate of annexation by the Lieutenant Governor.

SECTION 2 - Annexation a benefit to Applicant: Strata and City acknowledge that the City has discretion to approve or deny the annexation and that the terms and conditions of annexation, as set forth herein, are reasonable and entered freely and voluntarily. Further, Strata

and City hereby acknowledge and agree that the benefit received from annexation of the property is equal to or greater than the requirements and conditions of annexation as set forth in this Agreement and the conditions of the development as set forth herein and under the terms of the City's Development Code and Impact Fee Ordinance does not constitute a constitutional taking as that term is defined pursuant to the terms of UCA 10-9a-103(6), 1953, as amended.

SECTION 3 - Authority of Applicant: Strata hereby affirm that their respective parcels of real property constitute 100 percent of the privately owned real property within the Annexation Area and Strata has complete authority to enter into this Agreement and bind the property hereto.

SECTION 4 - Compatibility with Land Use Plan and Initial Zone Classification: The City's General Plan classifies the proposed uses for the Annexation Area classified as Design Industrial and Design Commercial. Therefore, the zone classification attached to the parcel's shall be PI-1 and GC-2. A map illustrating the zone classification for the Annexation Area has been prepared by the City and is made part of this agreement (Attachment 3 to this Agreement).

City hereby acknowledges that Strata currently utilizes Parcel 13:050:0061, as identified with the Utah County Recorder's Office, for the purpose of outside storage. City agrees that Strata and/or its successors or assigns, shall be permitted to continue its existing use on the portions of said parcel not dedicated for the public right-of-way, as noted on Attachment 4 to this Agreement. Expansion of the current use will not be permitted.

SECTION 5 - Right-of-way to be Conveyed:

The City's General Plan provides for the development of Auto Mall Drive as a Minor Collector and 100 East as a Major Collector. As a condition of annexation, Strata hereby agrees to dedicate and convey to the City any right-of-way necessary for Auto Mall Drive and 100 East in the location as described in the warranty deed attached hereto as Attachment 4.

Additionally, the City agrees to convey to the Strata the surplus right-of-way along 100 East and Auto Mall Drive, as identified in the quit claim deed attached hereto as Attachment 5. Strata shall have no obligation to construct any right-of-way improvements for Auto Mall Drive and 100 East unless and until any improvement or development occurs within the Annexation Area.

Notwithstanding, it is known to the City that Strata desires to construct the sewer mainline and laterals to its property in conjunction with the City's construction of improvements for Auto Mall Drive. The parties agree that the City will include said improvements in its scope of work for the Auto Mall Drive Improvements request for proposals. However, all costs relating to the installation of the sewer mainline and laterals shall be at Strata's sole expense and shall only be installed by the City pursuant to a future reimbursement agreement satisfactory to both parties.

Development of Auto Mall Drive and 100 East, including the sewer mainline and laterals, will be subject to the provisions as outlined in the American Fork City Development Code in effect at the time of development. Strata shall be responsible for the cost of all

minimum level of improvements required at the time of improvement or development.

SECTION 6 - Conveyance of Water Right: American Fork City Code 17.1.400, Conveyance of Water, requires conveyance of water shares/rights at the time of annexation unless the City determines that there is good and sufficient reason to delay the time of the conveyance. City and Strata acknowledge and agree that the parties are unable to determine the quantity of shares/rights required for the Annexation Area at the present time and therefore, the City authorizes a delay in the time of conveyance of water shares/rights until the time of development. Any subsequent conveyance of water shares/rights shall be no more than what is required for the development of the Annexation Area as provided for under applicable City standards. A Water Delay Agreement is entered into by the parties concurrently with this Agreement and the terms of such Water Delay Agreement are incorporated into this Agreement as Attachment 6.

SECTION 7 - Open Ditches to be Piped: The City shall be obligated to pipe the portions of the ditch impacted by the construction and installation of the Auto Mall Drive extension (i.e. the portions of the ditch that the Auto Mall Drive Extension crosses over). City and Strata acknowledge that it is the burden of the property owner/developer, in full, to pipe any and all remaining gravity irrigation conveyances (ditches), to the standards of the City and to the standards of the applicable irrigation company or private ditch easement holders as part of any forthcoming development project within the Annexation Area.

SECTION 8 - Property Taxes and Rollback Taxes to be Paid on any Right-of-Way Dedicated to City: Strata agree to pay any outstanding property taxes on its real property located within the Annexation Area including any and all rollback taxes if the subject area is classified as "Greenbelt" with the Utah County Tax Assessor, for any areas identified as ROW which are to be dedicated to City in connection with this Agreement. Proof of payment of these taxes is required prior to recording this Agreement.

SECTION 9 - Impact Fees: No impact fees are required to be paid at this time as a condition of annexation. However, nothing in this Agreement constitutes a waiver of any obligation that the City, Strata or any successor may have for the payment of any applicable impact fees required as a condition of development of the Annexation Area or any portion thereof. Strata acknowledges that no development approval or building permit shall be issued until all applicable fees required by City ordinance have been paid at the amount then in effect.

SECTION 10 - Default: In the event either party seeks to enforce the terms hereof in a lawsuit or other proceeding, the prevailing party shall be entitled to an award of the costs incurred, including reasonable attorney fees.

SECTION 11 - Notice: Any notice to be given hereunder shall be given by certified mail, return receipt requested, addressed as follows:

- a. If to the City, to the City of American Fork, 51 East Main Street, American Fork Utah, 84003.
- b. If to Strata, to Strata Investments, LLC – 195 East 620 South American Fork City, UT 84003

SECTION 12 - Entire Agreement: This Agreement constitutes the entire agreement between the parties regarding the subject matter hereof and may be changed only in writing signed by all parties.

SECTION 13 — Severability: The provisions of this Agreement shall be deemed to be severable, and if any provision of this Agreement is determined to be invalid or unenforceable by any court of competent jurisdiction, such invalidity or unenforceability shall not affect or limit the validity or enforceability of the remaining provisions hereof.

SECTION 14 - Binding Effect: This Agreement shall inure to the benefit of, and be binding upon, the parties hereto and their respective heirs, representatives, officers, agents, employees, members, successors and assigns.

IN WITNESS WHEREOF, the parties signed this agreement on the date first mentioned above.

AMERICAN FORK CITY

Bradley J. Frost, Mayor

ATTEST:

City Recorder

Strata Investments LLC

ATTACHMENT #1



American Fork City
Recorder's Office
51 E. Main Street
American Fork, UT 84003
801-763-3000

CERTIFICATION OF PETITION FOR ANNEXATION

Auto Mall Drive Extension Annexation

September 11, 2024

VIA Email to:

Contact Sponsor – American Fork City
American Fork City Mayor and Council Members
Utah County Commissioners

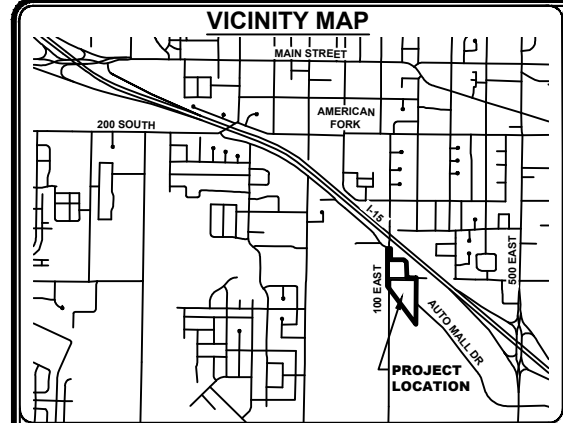
I, Terilyn Lurker, the City Recorder for American Fork City, Utah County, Utah, do certify that I have reviewed the Petition for Annexation of the Auto Mall Drive Extension Annexation that was filed with my office on August 26, 2024. On September 10, 2024, the American Fork City Council adopted Resolution No. 2024-09-33R accepting the Petition for Annexation. I find that the petition meets the requirements of Utah Code Subsection 10-2-403(3) and (4) and do hereby certify the Petition for Annexation in accordance with Utah Code Section 10-2-405(2).

Dated this 11th day of September, 2024.

Terilyn Lurker, City Recorder

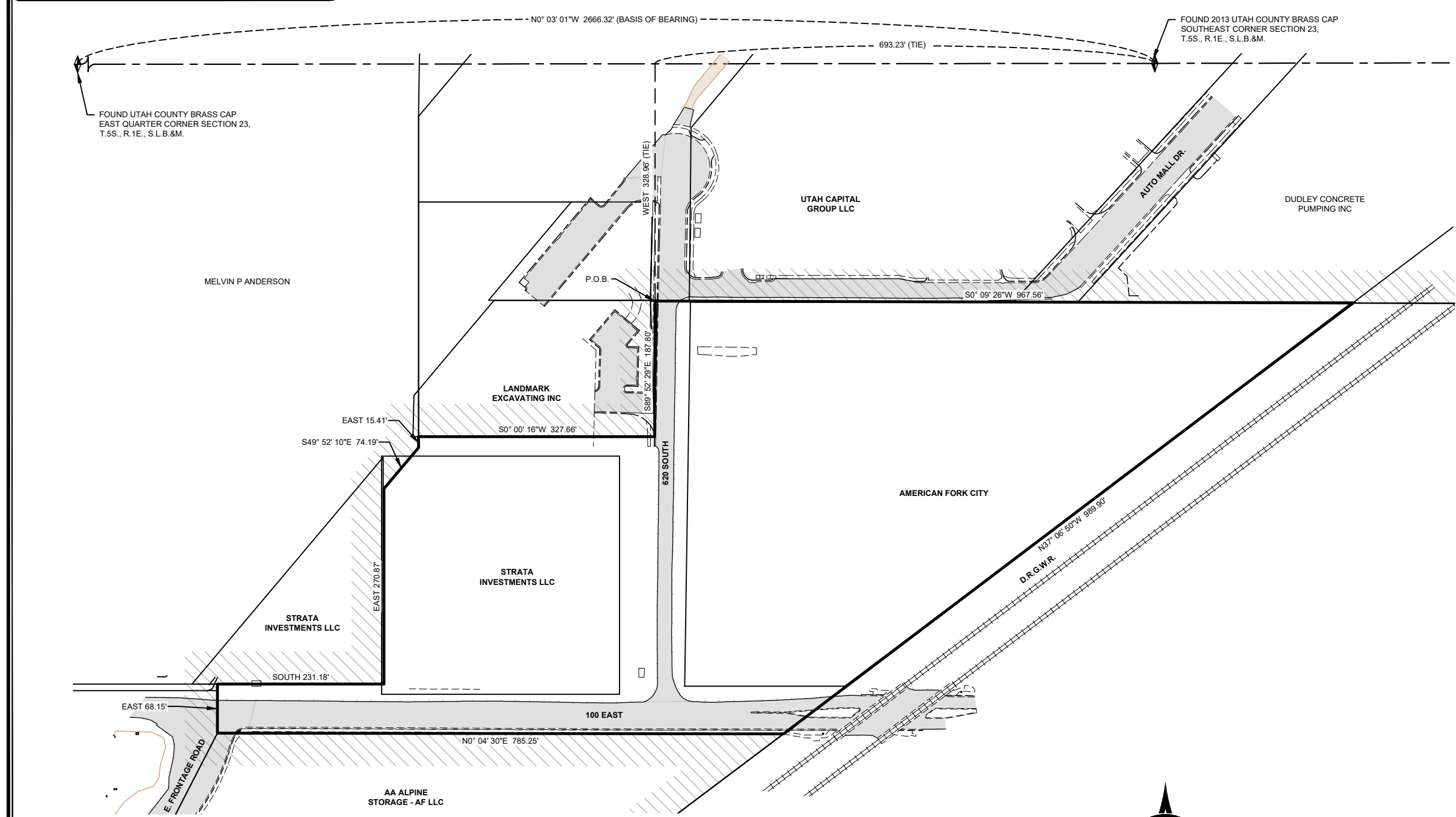
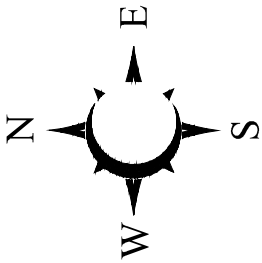


ATTACHMENT #2



AUTO MALL DRIVE EXTENSION ANNEXATION

LOCATED IN SECTION 23 & 26, TOWNSHIP 5 SOUTH, RANGE 1 EAST
SALT LAKE BASE AND MERIDIAN.



LEGEND

	= COUNTY MONUMENT
	= SECTION LINE
	= ANNEXATION BOUNDARY LINE
	= AMERICAN FORK CITY BOUNDARY



P: (801) 616-6848
F: (801) 704-9384
surveydanpls@gmail.com
563 North Rees Ave.
Spanish Fork, UT 84660

SURVEYOR'S CERTIFICATE

I, DAN E. KNOWLDEN JR. DO HEREBY CERTIFY THAT I AM A REGISTERED LAND SURVEYOR AND THAT I HOLD CERTIFICATE NO. 7173588 AS PRESCRIBED UNDER THE LAWS OF THE STATE OF UTAH AND THAT A SURVEY OF THE DESCRIBED PROPERTY HEREIN WAS PERFORMED UNDER MY DIRECTION. (SEE SEAL BELOW)

SIGNED ON THIS _____ DAY OF _____ 2024
DAN E. KNOWLDEN JR. PLS 7173588

BOUNDARY DESCRIPTION

BEGINNING AT A POINT ON THE BOYDE G. WILLIAMS ANNEXATION BOUNDARY, SAID POINT BEING NORTH 00°03'01" WEST 693.23 ALONG THE SECTION LINE AND WEST 328.96 FROM THE SOUTHEAST CORNER OF SECTION 23, TOWNSHIP 5 SOUTH, RANGE 1 EAST, SALT LAKE BASE AND MERIDIAN; RUNNING THENCE SOUTH 00°09'26" WEST 967.56 FEET ALONG SAID ANNEXATION BOUNDARY TO THE EASTERLY RIGHT-OF-WAY LINE OF DENVER AND RIO GRANDE WESTERN RAILROAD; THENCE NORTH 37°06'50" WEST 989.90 FEET ALONG SAID EASTERLY LINE TO A POINT ON THE FRAZIER ANNEXATION NO. 2 BOUNDARY; THENCE NORTH 00°04'30" EAST 785.25 FEET ALONG SAID ANNEXATION BOUNDARY TO A POINT ON THE FRAZIER-GLANCY ANNEXATION PLAT "A" BOUNDARY; THENCE EAST 68.15 FEET ALONG SAID ANNEXATION BOUNDARY TO A POINT ON THE GREENWOOD ADDITION NO. 2 ANNEXATION BOUNDARY; THENCE ALONG SAID ANNEXATION BOUNDARY THE FOLLOWING FOUR (4) COURSES; (1) SOUTH 231.18 FEET; (2) EAST 270.87 FEET; (3) SOUTH 49°52'10" EAST 74.19 FEET; (4) EAST 15.41 FEET TO A POINT ON THE PECK-ELLSWORTH ANNEXATION BOUNDARY; THENCE ALONG SAID ANNEXATION BOUNDARY THE FOLLOWING TWO (2) COURSES; (1) SOUTH 00°00'16" WEST 327.66 FEET; (2) SOUTH 89°52'29" EAST 187.80 FEET TO THE POINT OF BEGINNING.
CONTAINING 11.75 ACRES OR 511,931 SQFT. MORE OR LESS

COUNTY SURVEYOR

THIS PLAT HAS BEEN REVIEWED BY THE COUNTY SURVEYOR AND IS HEREBY CERTIFIED AS A FINAL LOCAL ENTITY PLAT, PURSUANT TO UTAH CODE ANNOTATED 17-23-20 AS AMENDED

UTAH COUNTY SURVEYOR _____ DATE _____

ACCEPTANCE BY LEGISLATIVE BODY

WE THE DULY ELECTED COUNCIL OF THE CITY OF AMERICAN FORK, UTAH, HAVE RECEIVED A REQUEST TO INITIATE PROCEDURES FOR THE ANNEXATION OF THE TRACT OF LAND SHOWN HEREON, WHICH TRACT CONSTITUTES A PORTION OF AN EXISTING ISLAND OR PENINSULA WITHIN OR CONTIGUOUS TO THE CITY, AND DO HEREBY CERTIFY: (1) THE COUNCIL HAS ADOPTED A RESOLUTION SETTING FORTH ITS INTENT TO ANNEX THE TRACT, PROVIDED NOTICE AND CONDUCTED HEARINGS ON THE MATTER, AND ADOPTED AN ORDINANCE PROVIDING FOR THE ANNEXATION OF THE TRACT TO THE CITY; ALL IN ACCORDANCE WITH THE PROVISIONS OF SECTION 10-2-418 UTAH CODE ANNOTATED, AS AMENDED, AND (2) THAT THE COUNCIL DOES HEREBY APPROVE AND ACCEPT THE ANNEXATION OF THE TRACT OF LAND SHOWN HEREON AS A PART OF AMERICAN FORK CITY, TO BE KNOWN HEREAFTER AS THE AUTO MALL DRIVE EXTENSION ANNEXATION.

DATED THIS _____ DAY OF _____, 20____

MAYOR _____	CITY COUNCIL MEMBER _____
CITY COUNCIL MEMBER _____	CITY COUNCIL MEMBER _____
CITY COUNCIL MEMBER _____	CITY COUNCIL MEMBER _____
CITY COUNCIL MEMBER _____	CITY RECORDER _____

SURVEYOR'S SEAL 	COUNTY SURVEYOR'S SEAL	CLERK-RECORDER SEAL
---------------------	------------------------	---------------------

DRAWN: THK	PROJECT #	SCALES HORIZ: 1"=80'
DESIGNER: DEK	VA 804	
REVIEWED: DEK	DATE: 7/01/2024	

FINAL LOCAL ENTITY PLAT

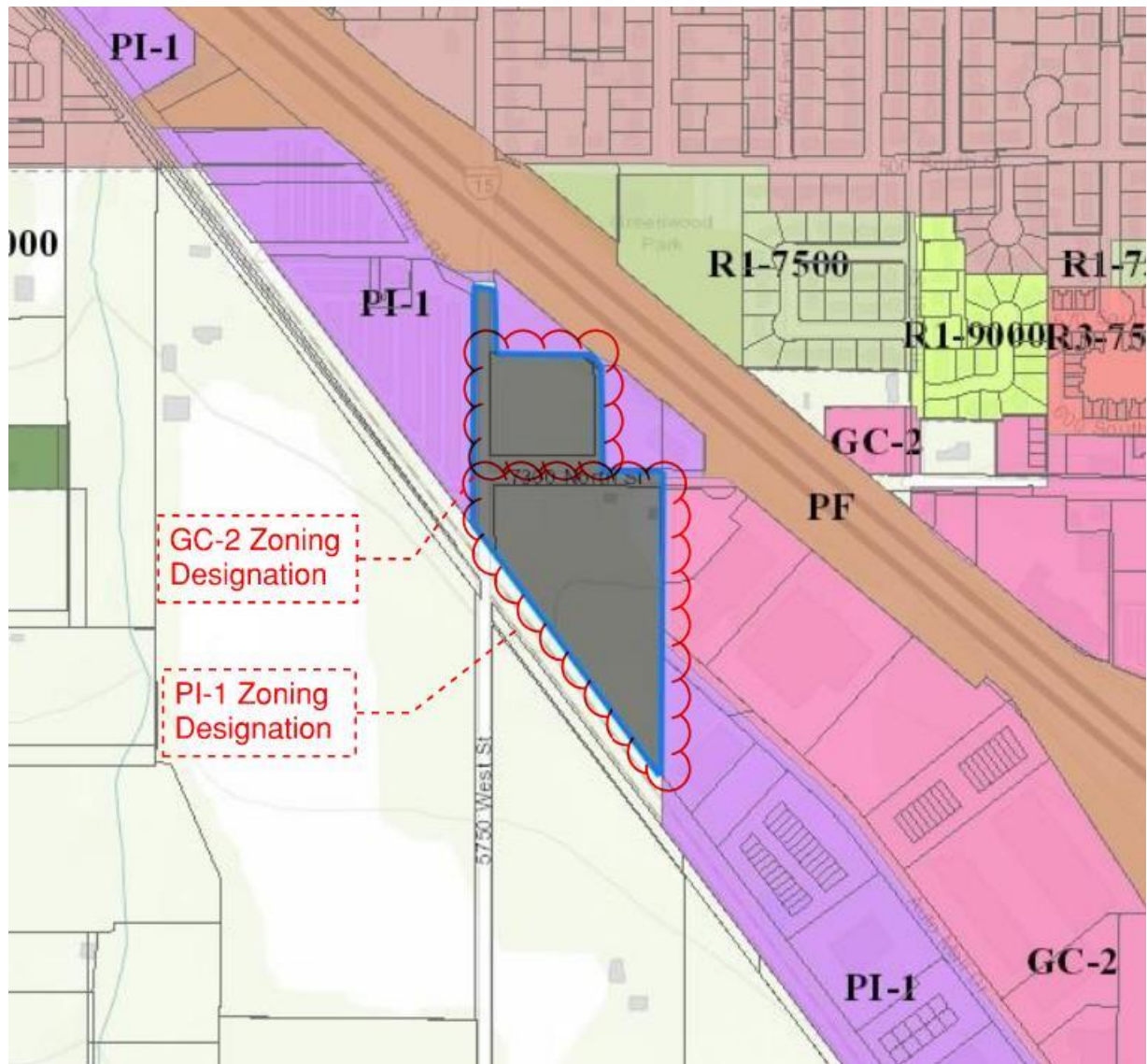
AUTO MALL DRIVE EXTENSION ANNEXATION

AMERICAN FORK CITY, UTAH

COUNTY RECORDER _____

SHEET

ATTACHMENT #3



ATTACHMENT #4

When Recorded Return To:
American Fork City
51 East Main Street
American Fork City, Utah 84003

WARRANTY DEED

Parcel # 1 Tax ID: 13:050:0062

Parcel # 2 Tax ID: 13:050:0061

Strata Investments, LLC, a Utah Limited Liability Company, GRANTOR, of American Fork City, County of Utah, State of Utah, hereby CONVEYS AND WARRANTS to AMERICAN FORK CITY, a municipal corporation of the state of Utah, of 51 East Main Street, American Fork, Utah 84003, GRANTEE, for the sum of \$10.00, and other good and valuable considerations, the following described parcel of land in Utah County, as Public Right-of-Way, to-wit:

A PORTION OF PARCEL [NEED PARCEL FROM COUNTY RECORDER]

BEGINNING AT A POINT LOCATED NORTH 00°03'01" WEST 1094.78 FEET ALONG THE SECTION LINE AND WEST 859.38 FEET FROM THE SOUTHEAST CORNER OF SECTION 23, TOWNSHIP 5 SOUTH, RANGE 1 EAST, SALT LAKE BASE AND MERIDIAN; RUNNING THENCE NORTH 217.14 FEET TO THE SOUTHWESTERLY RIGHT-OF-WAY LINE OF INTERSTATE 15; THENCE SOUTH 49°52'26" EAST 20.21 FEET ALONG SAID RIGHT-OF-WAY LINE; THENCE SOUTH 00°14'09" WEST 68.20 FEET; THENCE SOUTH 33°16'10" WEST 22.93 FEET; THENCE SOUTH 00°14'09" WEST 35.86 FEET; THENCE SOUTH 01°43'46" WEST 80.93 FEET TO THE POINT OF BEGINNING.

CONTAINING 1,504 SQFT. MORE OR LESS

A PORTION OF PARCEL [NEED PARCEL FROM COUNTY RECORDER]

BEGINNING AT A POINT LOCATED NORTH 00°03'01" WEST 1072.50 FEET ALONG THE SECTION LINE AND WEST 860.07 FEET FROM THE SOUTHEAST CORNER OF SECTION 23, TOWNSHIP 5 SOUTH, RANGE 1 EAST, SALT LAKE BASE AND MERIDIAN; RUNNING THENCE SOUTH 01°43'46" WEST 37.47 FEET; THENCE SOUTH 00°14'09" WEST 143.31 FEET; THENCE SOUTH 00°08'56" WEST 149.24 FEET; THENCE WEST 11.38 FEET; THENCE NORTH 330.00 FEET; THENCE EAST 13.49 FEET TO THE POINT OF BEGINNING.

CONTAINING 3,940 SQFT. MORE OR LESS

WITNESS, the hand of said Grantors, this _____ day
of _____, A.D. 20_____.

Type or print name of grantor

Type or print name of grantor

Signed in the presence of:

STATE OF _____)

§

COUNTY OF _____)

WITNESS my hand and official stamp the date in this certificate first above written:

Page 2 of 3

FOUND UTAH COUNTY
BRASS CAP
EAST QUARTER CORNER
SECTION 23,
T 5S, R 1 E, SLB & M

PARCEL #1
STRATA INVESTMENTS
TO AMERICAN FORK CITY

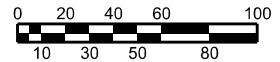
STRATA INVESTMENTS TO A.F. CITY PARCEL #1

BEGINNING AT A POINT LOCATED NORTH 00°03'01" WEST 1094.78 FEET ALONG THE SECTION LINE AND WEST 859.38 FEET FROM THE SOUTHEAST CORNER OF SECTION 23, TOWNSHIP 5 SOUTH, RANGE 1 EAST, SALT LAKE BASE AND MERIDIAN; RUNNING THENCE NORTH 217.14 FEET TO THE SOUTHWESTERLY RIGHT-OF-WAY LINE OF INTERSTATE 15; THENCE SOUTH 49°52'26" EAST 20.21 FEET ALONG SAID RIGHT-OF-WAY LINE; THENCE SOUTH 00°14'09" WEST 68.20 FEET; THENCE SOUTH 33°16'10" WEST 22.93 FEET; THENCE SOUTH 00°14'09" WEST 35.86 FEET; THENCE SOUTH 01°43'46" WEST 80.93 FEET TO THE POINT OF BEGINNING.

CONTAINING 1,504 SQFT. MORE OR LESS

POB PARCEL #1

STRATA INVESTMENTS LLC
13:050:0062



WEST

859.38'

WEST

860.07'

N00°03'01"W
1094.78' (PARCEL #1)

POB PARCEL #2

PARCEL #2
STRATA INVESTMENTS
TO AMERICAN FORK CITY

STRATA INVESTMENTS TO A.F. CITY PARCEL #2

BEGINNING AT A POINT LOCATED NORTH 00°03'01" WEST 1072.50 FEET ALONG THE SECTION LINE AND WEST 860.07 FEET FROM THE SOUTHEAST CORNER OF SECTION 23, TOWNSHIP 5 SOUTH, RANGE 1 EAST, SALT LAKE BASE AND MERIDIAN; RUNNING THENCE SOUTH 01°43'46" WEST 37.47 FEET; THENCE SOUTH 00°14'09" WEST 143.31 FEET; THENCE SOUTH 00°08'56" WEST 149.24 FEET; THENCE WEST 11.38 FEET; THENCE NORTH 330.00 FEET; THENCE EAST 13.49 FEET TO THE POINT OF BEGINNING.

CONTAINING 3,940 SQFT. MORE OR LESS

STRATA INVESTMENTS LLC
13:050:0061

LANDMARK EXCAVATING INC
13:050:0058

10.00' TYP. PROPOSED P.U.E. BEHIND FUTURE BACK OF WALK

N00°03'01"W
1072.50' (PARCEL #2)

FUTURE IMPROVEMENTS

AUTO MALL DR.

620 SOUTH

FOUND UTAH COUNTY
BRASS CAP
SOUTHEAST CORNER
SECTION 23,
T 5S, R 1 E, SLB & M

AA ALPINE STORAGE-AF LLC
13:050:0128

100 EAST

**STRATA INVESTMENTS TO AMERICAN FORK CITY
EXHIBIT "A"**

AMERICAN FORK CITY, UTAH

DRAWING REUSE STATEMENT

THIS DOCUMENT AND THE INFORMATION HEREIN ARE THE PROPERTY OF MUSTANG DESIGN AND IS NOT TO BE REPRODUCED, MODIFIED OR USED IN WHOLE OR IN PART, FOR ANY OTHER PROJECT OR EXTENSION OF THIS PROJECT EXCEPT BY WRITTEN AUTHORIZATION OF MUSTANG DESIGN, LLC.

LAST DATE OF CHANGE: OCTOBER 28, 2024

PROJ. #: 2023007

DRAWN BY: MJJ

DESIGN BY: DK

CHECKED BY: HJC

SCALE OF SHEET: 1" = 80'

SHEET

ROW

OF 1



ATTACHMENT #5

When Recorded Return To:
American Fork City
51 East Main Street
American Fork City, Utah 84003

QUIT CLAIM DEED

American Fork City, a municipal corporation of the state of Utah, of 51 East Main Street, American Fork, Utah 84003, GRANTOR, hereby QUITCLAIMS to Strata Investments, LLC, a Utah Limited Liability Company, GRANTEE, for the sum of \$10.00, and other good and valuable considerations, the following described parcel of land in Utah County, to-wit:

A PORTION OF PARCEL 13:050:0062

BEGINNING AT A POINT LOCATED NORTH 00°03'01" WEST 1094.78 FEET ALONG THE SECTION LINE AND WEST 859.38 FEET FROM THE SOUTHEAST CORNER OF SECTION 23, TOWNSHIP 5 SOUTH, RANGE 1 EAST, SALT LAKE BASE AND MERIDIAN; RUNNING THENCE SOUTH 22.28 FEET; THENCE WEST 0.67 FEET; THENCE NORTH 01°43'46" EAST 22.29 FEET TO THE POINT OF BEGINNING.

CONTAINING 7 SQFT. MORE OR LESS

A PORTION OF PARCEL 13:050:0061

BEGINNING AT A POINT LOCATED NORTH 00°03'01" WEST 708.60 FEET ALONG THE SECTION LINE AND WEST 516.80 FEET FROM THE SOUTHEAST CORNER OF SECTION 23, TOWNSHIP 5 SOUTH, RANGE 1 EAST, SALT LAKE BASE AND MERIDIAN; RUNNING THENCE NORTH 89°51'04" WEST 211.07 FEET; THENCE ALONG THE ARC OF A 283.00' RADIUS NON-TANGENT CURVE TO THE LEFT 64.27 FEET; THROUGH A CENTRAL ANGLE 13°01'12" (CHORD BEARS NORTH 83°20'44" WEST 64.13 FEET); THENCE NORTH 89°51'04" WEST 20.26 FEET; THENCE NORTH 72°41'39" WEST 20.34 FEET; THENCE NORTH 89°51'04" WEST 14.31 FEET; THENCE NORTH 43°59'43" WEST 24.41 FEET; THENCE NORTH 00°08'56" EAST 2.22 FEET; THENCE EAST 345.70 FEET; THENCE SOUTH 33.90 FEET TO THE POINT OF BEGINNING.

CONTAINING 10,345 SQFT. MORE OR LESS

WITNESS, the hand of said Grantors, this _____ day
of _____, A.D. 20_____.

Type or print **name** of grantor

Type or print **name** of grantor

Type or print **address** of grantor

Type or print **address** of grantor

Type or print **name** of grantorType or print **address** of grantor

Signed in the presence of:

Type or print **name** of witness

STATE OF _____)
COUNTY OF _____)

On the date first above written personally appeared before me,
_____, the signers of the within and
foregoing instrument, who duly acknowledged to me that they executed the same.

WITNESS my hand and official stamp the date in this certificate first above written:

Notary Public

FOUND UTAH COUNTY
BRASS CAP
EAST QUARTER CORNER
SECTION 23,
T 5S, R 1 E, SLB & M

A.F. CITY TO STRATA INVESTMENTS PARCEL #1

BEGINNING AT A POINT LOCATED NORTH 00°03'01" WEST 1094.78 FEET
ALONG THE SECTION LINE AND WEST 859.38 FEET FROM THE SOUTHEAST
CORNER OF SECTION 23, TOWNSHIP 5 SOUTH, RANGE 1 EAST, SALT LAKE
BASE AND MERIDIAN; RUNNING THENCE SOUTH 22.28 FEET; THENCE WEST
0.67 FEET; THENCE NORTH 01°43'46" EAST 22.29 FEET TO THE POINT OF
BEGINNING.

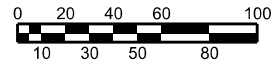
CONTAINING 7 SQFT. MORE OR LESS

STRATA INVESTMENTS LLC
13:050:0062

POB PARCEL #1

PARCEL #1
ROW DEDICATED FROM AMERICAN
FORK CITY TO STRATA INVESTMENTS

WEST
859.38'



N00°03'01"W
1094.78' (PARCEL #1)

A.F. CITY TO STRATA INVESTMENTS PARCEL #2

BEGINNING AT A POINT LOCATED NORTH 00°03'01" WEST 708.60 FEET ALONG
THE SECTION LINE AND WEST 516.80 FEET FROM THE SOUTHEAST CORNER
OF SECTION 23, TOWNSHIP 5 SOUTH, RANGE 1 EAST, SALT LAKE BASE AND
MERIDIAN; RUNNING THENCE NORTH 89°51'04" WEST 211.07 FEET; THENCE
ALONG THE ARC OF A 283.00' RADIUS NON-TANGENT CURVE TO THE LEFT
64.27 FEET; THROUGH A CENTRAL ANGLE 13°01'12" (CHORD BEARS NORTH
83°20'44" WEST 64.13 FEET); THENCE NORTH 89°51'04" WEST 20.26 FEET;
THENCE NORTH 72°41'39" WEST 20.34 FEET; THENCE NORTH 89°51'04" WEST
14.31 FEET; THENCE NORTH 43°59'43" WEST 24.41 FEET; THENCE NORTH
00°08'56" EAST 2.22 FEET; THENCE EAST 345.70 FEET; THENCE SOUTH 33.90
FEET TO THE POINT OF BEGINNING.

CONTAINING 10,345 SQFT. MORE OR LESS

STRATA INVESTMENTS LLC
13:050:0061

PARCEL #2
ROW DEDICATED FROM AMERICAN
FORK CITY TO STRATA INVESTMENTS

LANDMARK EXCAVATING INC
13:050:0058

10.00' TYP. PROPOSED P.U.E.
BEHIND FUTURE BACK OF WALK

POB PARCEL #2

WEST
516.80'

FUTURE IMPROVEMENTS

AUTO MALL DR.

620 SOUTH

N00°03'01"W
708.60' (PARCEL #2)

FOUND UTAH COUNTY
BRASS CAP
SOUTHEAST CORNER
SECTION 23,
T 5S, R 1 E, SLB & M

AA ALPINE STORAGE-AF LLC
13:050:0128

100 EAST

AMERICAN FORK
CITY
13:050:0084

**AMERICAN FORK CITY TO STRATA INVESTMENTS
EXHIBIT "A"**

AMERICAN FORK CITY, UTAH

DRAWING REUSE STATEMENT

THIS DOCUMENT AND THE INFORMATION HEREIN
ARE THE PROPERTY OF MUSTANG DESIGN AND IS
NOT TO BE REPRODUCED, MODIFIED OR USED IN
WHOLE OR IN PART, FOR ANY OTHER PROJECT OR
EXTENSION OF THIS PROJECT EXCEPT BY WRITTEN
AUTHORIZATION OF MUSTANG DESIGN, LLC.

LAST DATE
OF CHANGE: OCTOBER 28, 2024

PROJ. #: 2023007

DRAWN BY: MJJ

DESIGN BY: DK

CHECKED BY: HJC

SCALE OF SHEET: 1" = 80'

SHEET

ROW

OF 1



ATTACHMENT #6

WATER DELAY AGREEMENT FOR ANNEXATION

This Water Delay Agreement for Annexation (“**Agreement**”) is entered into as of the 12 day of November, 2024 (“**Effective Date**”), by and between Strata Investments LLC (“**Owner**”), and AMERICAN FORK CITY, a municipal corporation and political subdivision of the State of Utah (“**City**”).

RECITALS

WHEREAS Owner is the owner of Parcel Nos. 13:050:0061 (“**Property**”), which are located outside of the City’s current municipal boundaries; and

WHEREAS Owner has filed with the City a request to have the Property annexed into the City (“**Annexation Request**”); and

WHEREAS Section 17.1.400(C) of the City Code requires the conveyance of title to water rights concurrently with final action by the City Council on an annexation, except under pursuant to certain findings, terms, and conditions; and

WHEREAS City and Owner desire to enter into this Agreement as part of the findings, terms, and conditions required under Section 17.1.400(C) of the City Code.

NOW, THEREFORE, in consideration of the foregoing premises, the mutual covenants hereafter set forth, and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, Owner and City, incorporating the recitals set forth above, agree as follows:

AGREEMENT

1. Determination of City Council. The City Council, with the recommendation of the City Planning Commission, has determined that there is good and sufficient reason to delay the time of conveyance of water rights and/or water shares beyond the time of the City Council’s final action on the Annexation Request. This determination was made in the City Council meeting held on November 12, 2024. The basis and reasoning for the City Council’s determination are included within the recording, minutes, and other documentation from said City Council meeting.

2. Conveyance of Water Rights/Shares. Prior to the City’s approval of any development on the Property that will require the delivery of water, the City will determine the amount of water rights/shares required for dedication and conveyance to the City in order to meet the water requirements of the development (“**Water Conveyance**”). Owner will convey clear title to the required amount of the Water Conveyance to the City to meet the dedication requirements. If the Water Conveyance consists of any water rights, the Water Conveyance shall be by Warranty Deed and an accompanying Water Rights Deed Addendum. If the Water Conveyance consists of any water shares, the Conveyance shall be by assignment, endorsement, and delivery of the appropriate share certificates. Owner acknowledges that under the Article XI, Section 6 of the Utah Constitution, City

is prohibited from returning to Owner any portion of the Water Conveyance once it has been conveyed to the City.

4. Change Application. If any of the Water Conveyance consists of water rights, an express prerequisite for conveyance shall be the filing and approval of an Application for Permanent Change of Water (“**Change Application**”) with the Utah Division of Water Rights (“**Division**”) to convert the water rights to municipal use to be diverted from the City’s wells. Prior to the filing of the Change Application, the water rights shall be reviewed by the City’s water attorneys to ensure that the water rights are suitable for dedication. The City’s water attorneys shall also prepare and prosecute the Change Application, with the full assistance and support of Owner. The water rights will be deemed acceptable for conveyance to the City under this paragraph upon the issuance of an Order approving the Change Application that is acceptable to the City and upon expiration of all applicable deadlines for requests for reconsideration and/or appeal of the Order. Owner shall be responsible for all costs associated with the Change Application, including but not limited to the City’s attorney fees, application filing fees, and document fees.

5. Title to Water Conveyance. Owner shall convey unencumbered title to the required Water Conveyance to the City. If the Water Conveyance consists of water rights, the City will obtain a water rights title insurance policy for the water rights. Owner shall be responsible for all costs associated with the water rights title insurance, including but not limited to the policy premium and recording fees. Owner shall be responsible for satisfying the requirements and conditions of the Title Commitment in order for the title company to issue a title insurance policy that is acceptable to the City. A water rights title insurance policy that is agreeable to the City is an express condition to the acceptability of the water rights for dedication and conveyance to the City. If the Committed Water consists of water shares, the City will obtain written confirmation of share ownership and current payment of all assessments from the respective water company/companies. Owner shall be responsible for all costs associated with obtaining the written confirmation.

6. Cessation of Owner’s Use. Upon conveyance of the required Water Conveyance to the City, Owner shall immediately cease any and all use of the Water Conveyance.

7. Successors and Assigns. Pursuant to the terms of this Agreement, Owner shall have the right to assign its rights, duties, and obligations. The parties acknowledge that the rights, duties, and obligations of Owner will also apply to any successor or assign of Owner, and that the use of the term “Owner” in this contract includes Owner’s successors or assigns.

8. Ownership of Water Facilities. Nothing in this Agreement shall alter the ownership of any wells or other water facilities of Owner or City.

9. Entire Agreement. This Agreement represents the entire agreement between the parties and supersedes all prior agreements and understandings concerning the commitment and conveyance of water rights for the Property. This Agreement shall not be amended, modified, or terminated except by written instrument signed by all parties.

10. Construction and Enforcement. This Agreement shall be construed in accordance with and governed by the laws of the State of Utah. This Agreement may be specifically enforced.

Approved as to form by City's attorney 7/11/2018

COUNTY OF _____

the purposes stated therein.
