**ORDINANCE NO. \_\_\_\_\_\_\_\_\_\_\_\_**

**AN ORDINANCE APPROVING AND AUTHORIZING A FIRST AMENDMENT TO THE DEVELOPMENT AGREEMENT FOR THE HIATT CREEK PHASE B-1 AND B-2 PROJECT TO EXPAND THE PROJECT AREA**

**WHEREAS**, Payson City (“City”) is a municipal corporation organized and existing under the law of the State of Utah; and

**WHEREAS,** Utah Code Title 10, chapter 20 authorizes municipalities to enter into and amend development agreements governing the land within municipal boundaries; and

**WHEREAS**, on or about September 4, 2025 the City entered into a Development Agreement for the Hiatt Creek Phase B-1 and B-2 Project (“Original Agreement”) with WHL Hiatt LLC, a Utah limited liability company (“Developer”), and Hawkmoon Holdings LLC, a Utah limited liability company (“Landowner”); and

**WHEREAS,** the Original Agreement was recorded in the office of the Utah County Recorder on September 22, 2025, as Entry No. 72420:2025; and

**WHEREAS,**  The City, Developer, and Landowner desire to amend the Original Agreement to expand the geographic area of the Property and Project subject to the Development Agreement, as more particularly described in a document entitled “First Amendment to Development Agreement for Hiatt Creek Phase B-1 and B-2 Project” (“First Amendment”); and

**WHEREAS**, Section 13.9 of the Original Agreement expressly authorizes amendment by written instrument executed by the parties; and

**WHEREAS,** the First Amendment adds additional land to the Development Agreement (“Expansion Area”), applies the terms of the Original Agreement to that land, and clarifies development phasing, offsite amenities, and project scope; and

**WHEREAS,** The Payson City Council finds that approval of the First Amendment is consistent with the City’s General Plan, applicable zoning regulations, an the public health, safety, and welfare.

**NOW, THEREFORE,** be it ordained by the City Council of Payson, Utah, that:

1. **Approval of First Amendment to Development Agreement**: The First Amendment to Development Agreement for Hiatt Creek B-1 and B-2 Project, by and among Payson City, WHL Hiatt LLC, and Hawkmoon Holdings LLC, is hereby approved in substantially the form presented to the City Council and attached hereto as Exhibit “A”
2. **Expansion of Property and Project Area**: The City Council hereby approves the expansion of the Property and Project subject to the Development Agreement to include the Expansion Area described in Exhibit 1-A of the First Amendment. Upon execution and recordation of the First Amendment, the Property, as revised, shall include all land described in Exhibit 1-B to the First Amendment, and the Project shall include development of the Expansion Area. The City Council finds that applying the terms and conditions of the Development Agreement to the Expansion Area is reasonable and in the best interest of the City.
3. **Authorization to Execute and Record:** The mayor is hereby authorized and directed to execute the First Amendment on behalf of Payson City, and the City Recorder is authorized to attest the execution of the First Amendment and record the First Amendment, together with all exhibits, in the office of the Utah County Recorder.
4. **Effect of Amendment:** Except as expressly amended by the First Amendment, all terms and conditions of the Original Agreement shall remain unchanged and in full force and effect. In the event of any conflict between the Original Agreement and the Frist Amendment shall control. Upon recordation, the First Amendment shall be binding upon the parties and their successors and permitted assigns and shall run with the land as provided in the Development Agreement.
5. **Severability:** If any provision of this ordinance or the Approved First Amendment is held invalid, such invalidity shall not affect the remaining provisions, which shall remain in full force and effect.
6. **Effective Date:** This ordinance shall take effect upon adoption and publication of this ordinance.

Passed and adopted by the Payson City Council, Utah, this 21st day of January 2026.

William R. Wright, Mayor

Attest:

Amalie R. Ottley, City Recorder

EXHIBIT “A”

First Amendment to Development Agreement for Hiatt Creek B-1 and B-2 Project

(including exhibits 1-A, 1-B, and 1-C, attached and incorporated by reference)