

**PERRY CITY
ORDINANCE NO. 25-U**

DEVELOPMENT AGREEMENT AMENDMENT

AN ORDINANCE OF PERRY CITY, UTAH, AMENDING THE DEVELOPMENT AGREEMENT WITH LYNC HOLDINGS, LLC AND THOMAS K. WOOD FOR THE OLSEN ORCHARDS DEVELOPMENT; SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Perry City (hereafter “City”) is a municipal corporation, duly organized and existing under the laws of the State of Utah;

WHEREAS, *Utah Code Annotated* §§ 10-8-84 and 10-8-60 allow municipalities in the State of Utah to exercise certain police powers and nuisance abatement powers, including but not limited to providing for safety and preservation of health, promotion of prosperity, improve community well-being, peace and good order for the inhabitants of the City;

WHEREAS, Title 10, Chapter 9a, of the *Utah Code Annotated*, 1953, as amended, enables municipalities to enter into a Development Agreement;

WHEREAS, the City finds it necessary to amend the Development Agreement for Olsen Orchards in order to meet Utah Department of Transportation access requirements and to protect public health, safety, and welfare; and,

WHEREAS, the City received the Development Agreement Amendment in Exhibit “A” attached and incorporated herein;

WHEREAS, after publication of the required notice the Planning Commission held its public hearing on November 06, 2025, to take public comment on this proposed Ordinance, after which the Planning Commission gave its recommendation to approve this Ordinance;

WHEREAS, the City Council received the recommendation from the Planning Commission and held its public meeting on December 11, 2025;

NOW, THEREFORE, be it ordained by the City Council of Perry City as follows:

- Section 1:** **Repealer.** The portion of the original Development Agreement that conflicts with this Ordinance is hereby repealed.
- Section 2:** **Development Agreement Amendment.** The Development Agreement for Olsen Orchards is hereby amended to remove the proposed realignment of Hargis Hill road and eliminate the direct access on to Highway 89 as set forth in Exhibit “A” attached hereto and incorporated herein by this reference. This amendment includes the relocation a single family lot to the area affected by the road change. The Development Agreement Amendment in Exhibit “A” is hereby adopted. The intersection at 3600 S and Highway 89 shall be widened on the north side to accommodate two east bound turning lanes. Any portion of the Development Agreement not amended shall remain in full force and effect.

Section 3: Affected Properties. This Ordinance affects the development agreement associated with the properties described in Exhibit "B".

Section 4: Severability. If a court of competent jurisdiction determines that any part of this Ordinance is unconstitutional or invalid, then such portion of this Ordinance, or specific application, shall be severed from the remainder, which remainder shall continue in full force and effect.

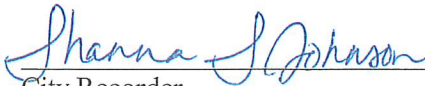
Section 5: Effective date. This Ordinance take effect immediately upon approval and posting.

PASSED AND ADOPTED by the City Council on this 12 day of December 2025.



Mayor

ATTEST:

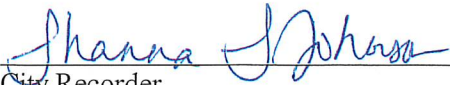


City Recorder



CERTIFICATE OF PASSAGE AND PUBLICATION OR POSTING

In accordance with Utah Code Annotated §10-3-713, 1953 as amended, I, the City Recorder of Perry City, hereby certify that foregoing Ordinance was duly passed and published or posted as required by State Law.



City Recorder

DATE: 2-5-2026

“City”

Perry City, a body corporate and politic of the State of Utah

By: *Kevin Jeppsen*
Kevin Jeppsen
Mayor, Perry City

By: _____
Bill Morris
Attorney, Perry City

DATE: 2-5-2026

DATE: _____

State of Utah)

)ss.

County of Box Elder)

On the 5th day of February, 2026, personally appeared before me
Kevin Jeppsen, who being by me duly sworn, did say that he
is the Mayor of Perry City, a ~~limited~~
~~liability company~~, and that the foregoing instrument was signed in behalf of ~~said limited liability~~ Perry
~~company~~ by authority of its members or its articles of organization; and said person City
acknowledged to me that said limited liability company executed the same.

Shanna S. Johnson



“Developer”

Lync Holdings, LLC

By: _____

Print Name: Pat Burns

Title: Manager

DATE: 2-4-26

Developer Acknowledgment

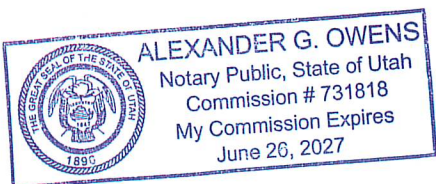
State of Utah)

)ss.

County of Box Elder)

On the 4 day of February, 2026, personally appeared before me
Pat Burns, who being by me duly sworn, did say that he
is the Manager of Lync Holdings, a limited
liability company, and that the foregoing instrument was signed in behalf of said limited liability
company by authority of its members or its articles of organization; and said person
acknowledged to me that said limited liability company executed the same.

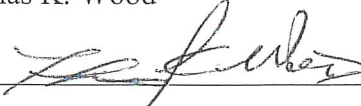
My Commission Expires: June 26, 2027



A handwritten signature in blue ink, appearing to read "Alex Owens", written over a horizontal line.

"Developer"

Thomas K. Wood

By: 

Print Name: THOMAS WOOD

Title: _____

DATE: 4 FEB 2026

Developer Acknowledgment

State of Utah)

)ss.

County of Box Elder)

On the 4th day of February, 2026 personally appeared before me
Thomas Wood, who being by me duly sworn, did say that he
is the owner of property, ~~a limited~~
~~liability company~~, and that the foregoing instrument was signed in behalf of said limited liability
company by authority of its members or its articles of organization; and said person
acknowledged to me that said limited liability company executed the same.

My Commission Expires: 11-29-2026

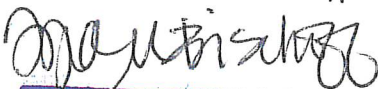




Exhibit B
Project Area Legal Descriptions and Graphic Depiction

Subject Properties: 02-038-0069, 02-038-0004, 02-038-0005, 02-038-0010, 02-038-0061
Current Owner(s): LYNC HOLDINGS LLC

Property Descriptions:

PARCEL 02-038-0069

PART OF THE SW/4 OF SEC 11, T 08N, R 02W, SLB&M. BEGINNING AT A POINT ON THE SOUTH R/W OF 3600 SOUTH STREET LOCATED 459.94 FT S 89°52'45" E FROM THE W/4 CORNER OF SAID SECTION 11 (BASIS OF BEARING IS THE WEST LINE OF THE NW/4 OF SEC 11, WHICH BEARS N 00°03'07" E). THENCE S 00°46'09" W 330.00 FT; S 89°52'45" E 132.00 FT TO THE WEST LINE OF KUNZLER SUBDIVISION FIRST AMENDMENT, RECORDED AS ENTRY NUMBER 358657 IN THE BOX ELDER COUNTY RECORDER'S OFFICE; ALONG THE BOUNDARY OF SAID KUNZLER SUBDIVISION FIRST AMENDMENT THE FOLLOWING THREE (3) COURSES: 1) S 00°46'09" W 1077.67 FT; 2) S 88°44'07" E 225.72 FT; 3) N 01°27'48" E 317.79 FT (330.00 FT BY RECORD) TO THE SOUTHWEST CORNER OF RICHARD OLSEN ET AL TTEE PROPERTY, TAX ID NUMBER 02-038-0005; S 88°33'22" E 281.33 FT (EAST 260.00 FEET BY RECORD) TO THE NORTHWEST CORNER OF RICHARD OLSEN ETAL TTEE PROPERTY, TAX ID NO. 02-038-00005, THENCE ALONG THE BOUNDARY OF SAID RICHARD OLSEN ET AL TTEE PROPERTY THE FOLLOWING TWO (2) COURSES: 1) S 01°26'38" W (SOUTH BY RECORD) 140.00 FT; 2) S 88°33'22" E (EAST BY RECORD) 704.19 FT TO THE WESTERLY R/W OF HARGIS HILL ROAD; S 24°19'57" W 19.25 FT ALONG SAID WESTERLY R/W LINE TO THE NORTHEAST CORNER OF JOHN TREASE ETAL PROPERTY, TAX ID NUMBER 02-038-0061; ALONG THE BOUNDARY OF SAID JOHN TREASE ETAL PROPERTY THE FOLLOWING THREE (3) COURSES: 1) N 87°14'29" W (N 88°25'54" W BY RECORD) 662.96 FT; 2) S 03°30'14" W (S 01°34'06" W BY RECORD) 360.00 FT; 3) S 87°14'29" E (S 88°25'54" E BY RECORD) 603.19 FT TO SAID WESTERLY R/W LINE; ALONG SAID WESTERLY R/W LINE SOUTHERLY TO THE LEFT ALONG THE ARC OF A 840.08 FT RADIUS NON-TANGENT CURVE, A DISTANCE OF 215.19 FT, CHORD BEARS S 06°58'17" E 214.60 FT, HAVING A CENTRAL ANGLE OF 14°40'36" TO THE NORTHEAST CORNER OF ROBERT VALCARCE ET AL PROPERTY, TAX ID NUMBER 02-038-0025; N 88°36'56" W 1604.85 FT (WEST 1621.70 FT BY RECORD) ALONG THE NORTH LINE OF SAID ROBERT VALCARCE ET AL PROPERTY, AND THEN THE NORTH LINES OF GERALD WILSON PROPERTY, TAX ID NUMBER 02-038-0030, GERRY WILSON ET AL PROPERTY, TAX ID NUMBER 02-038-0031 AND BOYD RICKS TTEE PROPERTY, TAX ID NUMBER 02-038-0028 TO THE EAST R/W LINE OF THE OLD UICRR; N 00°55'15" W (NORTH BY RECORD) 405.20 FT ALONG SAID EAST R/W LINE TO THE SOUTH LINE OF CLIFFORD WOODLAND PROPERTY, TAX ID NUMBER 02-038-0058, THENCE ALONG THE BOUNDARY OF SAID CLIFFORD WOODLAND PROPERTY THE FOLLOWING TWO (2) COURSES: 1) N 89°58'20" E (S 89°25'00" E BY RECORD) 233.36 FT; 2) N 00°04'38" E (N 00°36'00" W BY RECORD) 1403.11 FT TO THE SOUTH R/W LINE OF 3600 SOUTH STREET; S 89°52'45" E 110.75 FT ALONG SAID SOUTH R/W LINE TO THE POINT OF BEGINNING.
LESS: [02-038-0068] A PART OF THE SOUTHWEST QUARTER OF SECTION 11,

TOWNSHIP 8 NORTH, RANGE 2 WEST OF THE SALT LAKE BASE AND MERIDIAN. BEGINNING AT A POINT ON THE SOUTH RIGHT-OF-WAY LINE OF 3600 SOUTH STREET LOCATED 419.19 FEET SOUTH 89°52'45" EAST FROM THE WEST QUARTER CORNER OF SAID SECTION 11 (BASIS OF BEARING IS THE WEST LINE OF THE NORTHWEST QUARTER OF SECTION 11 WHICH BEARS NORTH 00°03'07" EAST); AND RUNNING THENCE ALONG SAID SOUTH RIGHT-OF-WAY LINE THE FOLLOWING TWO (2) COURSES: (1) SOUTH 89°52'45" EAST 170.75 FEET; AND (2) EASTERLY TO THE RIGHT ALONG THE ARC OF A 1217.26 FOOT RADIUS CURVE, A DISTANCE OF 1.99 FEET, CHORD BEARS SOUTH 89°49'54" EAST 1.99 FEET, HAVING A CENTRAL ANGLE OF 00°05'38" TO THE NORTHWEST CORNER OF KUNZLER SUBDIVISION FIRST AMENDMENT, RECORDED AS ENTRY NO. 358657 IN THE BOX ELDER COUNTY RECORDER'S OFFICE; THENCE SOUTH 00°46'09" WEST 513.58 FEET ALONG THE WEST LINE OF SAID KUNZLER SUBDIVISION FIRST AMENDMENT; THENCE NORTH 89°52'45" WEST 166.54 FEET; THENCE NORTH 00°04'38" EAST 513.55 FEET TO THE POINT OF BEGINNING.

PARCEL 02-038-0004

BEGINNING 16.08 CHAINS WEST & 23.10 CHAINS NORTH OF SE CORNER OF SW/4 OF SEC 11, T 08N, R 02W, SLM. THENCE WEST 5.325 CHAINS; NORTH 16.90 CHAINS; EAST 5.325 CHAINS; SOUTH 16.90 CHAINS TO BEGINNING.
ALSO: BEGINNING 23.10 CHAINS NORTH & 21.41 CHAINS WEST OF SE CORNER OF SW/4 OF SEC. THENCE WEST 6.51 CHAINS; NORTH 16.90 CHAINS; EAST 6.51 CHAINS; SOUTH 16.90 CHAINS TO BEGINNING.

PARCEL 02-038-0005

BEGINNING 1110 FT SOUTH & 1060 FT WEST OF CENTER OF SEC 11, T 08N, R 02W, SLM. THENCE WEST 500 FT; SOUTH 140 FT; EAST 500 FT; NORTH 140 FT TO BEGINNING.

PARCEL 02-038-0010

ALL OF THE FOLLOWING TRACT EXCEPT THAT TRACT LYING BETWEEN THE OLD AND NEW HIGHWAYS AS NOW LOCATED: BEGINNING 8.62 CHAINS WEST OF SE CORNER OF NE/4 OF SW/4 OF SEC 11, T 08N, R 02W, SLM. THENCE WEST 7.72 CHAINS; NORTH 19.48 CHAINS; EAST 5.54 CHS; S 06°00'00" E 19.58 CHS TO BEGINNING.

LESS: RES

LESS: TRACT 0.51 AC TO SRC ?

PARCEL 02-038-0061

PART OF THE SW/4 SEC 11, T 08N, R 02W, SLM. BEGINNING AT A POINT ON WEST R/W LINE HARGIS HILL RD, LOCATED N 01°23'48" W 969.30 FT ALONG EAST LINE SD SW/4 & N 90°00'00" W 959.37 FT FROM SE CORNER SD SW/4. THENCE N 88°25'54" W 603.19 FT; N 01°34'06" E 360.00 FT; S 88°25'54" E 662.96 FT TO SD WEST R/W LINE; TO

THE LEFT ALONG THE ARC OF 840.00 FT RADIUS CURVE, A DISTANCE OF 367.86 FT,
CHORD BEARS S 10°59'45" W 364.93 FT ALONG SD R/W LINE TO POB.

Additional Subject Properties: 02-038-0064
Current Owner(s): WOOD THOMAS K

Property Descriptions:
PARCEL 02-038-0064

LOT 4, KUNZLER SUBDIVISION, FIRST AMENDMENT, SEC 11, T 8N, R 2W, SLBM.