

AMERICAN FORK CITY COUNCIL
JUNE 9, 2015
NOTICE OF PUBLIC HEARING, REGULAR SESSION & AGENDA

PUBLIC HEARING

The American Fork City Council will meet in a public hearing on Tuesday, June 9, 2015, in the American Fork City Hall, 31 North Church Street as follows:

- 7:20 p.m. Receiving of public comment regarding declaring of certain property to be surplus. – *Staff*

REGULAR SESSION

The American Fork City Council will meet in regular session on **Tuesday, June 9, 2015 in the American Fork City Hall, 31 North Church Street, commencing at 7:30 p.m.** The agenda shall be as follows:

1. Pledge of Allegiance; prayer by Father Blaine of St. Peters Catholic Church; roll call.
2. Presentations by Miss American Fork contestants regarding their Platforms.
3. Twenty-minute public comment period – limited to two minutes per person.
4. City Administrator’s Report.
5. Council Reports concerning Committee Assignments.
6. Mayor’s Report

COMMON CONSENT AGENDA (*Common Consent* is that class of Council 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 by the Mayor or a Councilmember and placed in the action items.)

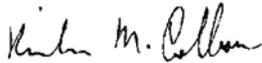
1. Approval of the May 21, 2015 City Council work session minutes.
2. Approval of the May 26, 2015 City Council work session minutes.
3. Approval of the May 26, 2015 City Council minutes.
4. Approval of the City bills for payment, manually prepared checks, and purchase requests over \$25,000. – *Cathy Jensen*
5. Approval of authorization to release the Improvements Durability Retainer for Dealer World at 250 South 500 East in the amount of \$467.20. – *Andy Spencer*

ACTION ITEMS

1. Review and action on a Resolution declaring a Lee Boy Paver to be surplus and to be sold to Pleasant Grove City and also a 1995 Ford Explorer to be declared surplus and to be disposed of. - *Staff*
2. Review and action regarding approval of a Resolution supporting HB 362, Transportation Infrastructure Funding, local option sales tax, and encouraging Utah County to submit the proposal to voters in November 2015, and also encouraging voters to support the proposal. – *Craig Whitehead*

3. Review and action the Mills Annexation consisting of .0281 acres at 235 North 1075 East including the Ordinance of Annexation, Annexation Agreement, and placement of the property in the R1-9000 Residential zone. – *Terry Mills*
4. Review and action on an amended annexation agreement for the Red Leaf Annexation, consisting of 1.8 acres, located at approximately 825 East 50 South. – *Reid Shelley*
5. Review and action on subdivisions, commercial projects, condominiums, and PUD's including 1) plat approval; 2) method of satisfaction of water rights requirements; 3) posting of an improvement bond or setting of a time frame for improvement installation; and 4) authorization to sign the final plat and acceptance of all dedications to the public and to have the plat recorded.
 - a. Review and action on an Ordinance adopting the final plat of James Court Inner Block Cottage Development Plat B, consisting of two lots, located at 164 and 176 North 150 West, in the R2-7,500 Residential zone. – *Berg Engineering/Gentry Haws & Mariela Harris*
 - b. Review and action on an Ordinance adopting the final plat of Andersen Acres PUD Plat B, consisting of one lot at 864 East 120 North, in the R1-9,000 Residential zone. – *Berg Engineering/Emily Sanderson*
6. Review and action on a Resolution Preserving A Sacred Atmosphere in the American Fork City Cemetery on Memorial Day Weekends. – *Councilman Shelton*
7. Adjournment.

Dated this 2 day of June, 2015



Richard M. Colborn
City Recorder



REQUEST FOR COUNCIL ACTION
CITY OF AMERICAN FORK
June 9, 2015

Department Public Works

Director Approval 

AGENDA ITEM (Common Consent Agenda) - Consideration regarding authorization to release the Improvements Durability Retainer for Dealer World.

SUMMARY RECOMMENDATION The City Engineer recommends that the Improvements Durability Retainer be released. The improvements were found in a condition meeting City standards for workmanship and performance after one (1) year of service.

BACKGROUND Pursuant to the terms of Sections 17.9.100 and 17.9.403 of the City Development Code, the City Council may authorize the release of the Improvements Durability Retainer following the one (1) year durability testing period. The release is based on a finding that the quality of construction and materials have endured without evidence of unusual depreciation, wear, non-conformance of City standards or need for remedial action.

BUDGET IMPACT Following the release of the Improvements Durability Retainer, the City is responsible for all future maintenance and replacement costs for any publicly-owned property or improvement. In developments with Home-Owners or Unit-Owners Associations, all common area maintenance and replacement responsibilities will then fall to the Association. All privately-owned improvements will be the responsibility of the owner of the given parcel.

SUGGESTED MOTION Move to authorize the City Engineer to issue documents and/or payments to release the Improvements Durability Retainer for Dealer World. Find that the quality of construction and materials have endured without evidence of unusual depreciation, wear, non-conformance of City standards, or need for remedial action.

Note: With passage of the Common Consent Agenda items the City Council will enact the motion and findings as noted in the "Suggested Motion" heading found above.

SUPPORTING DOCUMENTS

1. Authorization Form



**IMPROVEMENTS DURABILITY
RETAINER
RELEASE AUTHORIZATION**

The City Council of American Fork City, a Municipal Corporation and Body Politic in the State of Utah, hereby authorizes the release of the Improvements Durability Retainer for Dealer World pursuant to the terms of Section 17.9.100 and 17.9.403 of the City Development Code. The City Council finds that the quality of construction and materials have endured without evidence of unusual depreciation, wear, non-conformance of City standards, or need for remedial action.

The City Council hereby authorizes the City Engineer to issue a letter to the financial guarantee institution authorizing release of the Improvements Durability Retainer or to issue an authorized City check as appropriate for the type of guarantee provided.

Amount Released: \$467.20

PASSED THIS _____ DAY OF _____, _____.

James H. Hadfield, Mayor

ATTEST:

Richard M. Colborn, City Recorder



REQUEST FOR COUNCIL ACTION
CITY OF AMERICAN FORK
JUNE 9, 2015

Department Administration

Director Approval *Kevin M. Colton*

AGENDA ITEM Review and action on a Resolution declaring certain items to be surplus and to be disposed of.

SUMMARY RECOMMENDATION Staff recommends approval of declaring a Lee Boy Paver to be surplus and to be sold to Pleasant Grove City and also a 1995 Ford Explorer to be declared surplus and to be disposed of.

BACKGROUND This equipment no longer is needed.

BUDGET IMPACT N/A

SUGGESTED MOTION Move to approve declaring a Lee Boy Paver to be surplus and to be sold to Pleasant Grove City and also a 1995 Ford Explorer to be declared surplus and to be disposed of.

SUPPORTING DOCUMENTS

1. Resolution
2. Public Hearing notice

RESOLUTION NO.

A RESOLUTION DECLARING A LEE BOY PAVER TO BE SURPLUS AND TO BE SOLD TO PLEASANT GROVE CITY AND A 1995 FORD EXPLORER TO BE OFFERED TO THE PUBLIC

WHEREAS, the City of American Fork, Utah owns a Lee Boy Paver, and

WHEREAS, it is the considered opinion of the American Fork City Council that the aforesaid Lee Boy Paver should be disposed of and sold to Pleasant Grove City, and

WHEREAS, in accordance with Section 3.32.010 of the Code of the City of American Fork, Utah, which allows for the disposition of surplus property to a specific governmental entity; and

WHEREAS, the American Fork City Council finds and determines that the declaring of a Lee Boy Paver to be surplus and sold to Pleasant Grove City is in the best interests of the City of American Fork, and

WHEREAS, the City provided published notice of a public hearing in the *Daily Herald* on the 4 day of June, 2015, which date was at least five days prior to the date of the public meeting wherein the above-referenced equipment was declared surplus; and

WHEREAS, a public hearing was held on the 9 day of June 2015, regarding the proposed surplus of the above-referenced equipment, at which time public comment was entertained; and

WHEREAS, the matter was further discussed by the City Council in a duly-called regular session of the City Council on the 9 day of June 2015; and

WHEREAS, having discussed the matter and having received and considered public comment, the American Fork City Council declares surplus a Lee Boy Paver Model 8500 Serial No. 40379LD, and

WHEREAS, the City of American Fork owns a 1995 Ford Explorer that is no longer serviceable and desires to be declared surplus and offered for sale.

NOW BE IT RESOLVED, that the American Fork City Council hereby declares surplus a Lee Boy Paver Model 8500 Serial No. 40379LD to be sold to Pleasant Grove City.

AND BE IT FURTHER RESOLVED that the American Fork City Council hereby declares a 1995 Ford Explorer VIN # 1FMDU34X9SUA65273 to be surplus and to be offered for sale.

PASSED by the City Council of American Fork this 9 day of June, 2015.

ATTEST:

James H. Hadfield, Mayor

Richard M. Colborn, City Recorder

PUBLIC HEARING -
SURPLUS PROPERTY

Notice is hereby given that the American Fork City Council will hold a public hearing on **June 9, 2015, in the City Hall, 31 North Church Street, commencing at 7:20 p.m.** to receive public comment regarding the proposal to declare the following to be surplus and to be disposed of.

Description

1995 Ford Explorer (bad transmission)	VIN# 1FMDU34X9SUA65273
Lee Boy Paver Model 8500 Serial No. 40379LD	(to be sold to Pleasant Grove City)

Copies of the proposal are on file in the City Administration Offices, 51 East Main Street, for public inspection. All interested persons are invited to attend.

Dated this 1 day of June, 2015

Richard M. Colborn
City Recorder



REQUEST FOR COUNCIL ACTION
CITY OF AMERICAN FORK
June 9, 2015

Department Administration - Finance

Director Approval *C. Jensen*

AGENDA ITEM Review and action regarding approval of a resolution supporting HB 362, transportation infrastructure funding, local option sales tax, and encouraging Utah County to submit the proposal to voters in November 2015, and also encouraging voters to support the proposal.

SUMMARY RECOMMENDATION Staff recommends approval of the Resolution.

BACKGROUND The State legislature passed HB 362, transportation infrastructure funding; a local option sales tax that restructured the distribution method of the B&C gas tax and that would allow Cities to collect additional funds from the gas tax.

The increased gas tax comes in two parts. The first part that begins January 1, 2016; the City will recognize the first allocation in March or April of 2016. In effect, the bill changes the 24.5 cents-per gallon state gas tax to a 12% sales tax on the statewide average price of fuel. The league of Cities and towns estimate the revenue to American Fork City to be about \$153,119 annually.

The second part of the gas tax legislation allows Counties to put on the election ballot an option for .25% general sales tax for transportation infrastructure, subject to voter approval. This portion of the gas tax would provide \$593,667 in revenue.

If the ballot measure passes, the League of Cities and Towns estimates the potential revenue, for American Fork City to be \$743,786 annually from the two sources.

The resolution supporting HB 362, is intended to show support to Utah County, to put the increased fuel sales tax measure on the ballot.

SUGGESTED MOTION Move to approve the resolution supporting HB 362, Transportation infrastructure funding, local option sales tax, and authorizing the Mayor to execute the resolution.

SUPPORTING DOCUMENTS

1. Resolution
2. Utah League of Cities and Towns Facts concerning HB 362

HB 362, TRANSPORTATION, INFRASTRUCTURE FUNDING RESOLUTION

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF AMERICAN FORK, UTAH, SUPPORTING THE HB 362 (2015) AUTHORIZED 0.25% LOCAL OPTION GENERAL SALES TAX DEDICATED TO TRANSPORTATION, ENCOURAGING UTAH COUNTY TO SUBMIT THE PROPOSAL TO VOTERS IN NOVEMBER 2015, AND ENCOURAGING VOTERS TO SUPPORT THE PROPOSAL.

WHEREAS, a safe and efficient transportation system creates the foundation for economic growth, improved air quality and public health, and enhanced quality of life; and

WHEREAS, the creation and maintenance of transportation infrastructure is a core responsibility of local government; and

WHEREAS, Utah's population is expected to grow by 2 million residents by 2040; and

WHEREAS, AMERICAN FORK CITY'S residents demand new comprehensive transportation options such as bike lanes, multi-use paths, off-road trails, and transit in addition to traditional roads; and

WHEREAS, due to our drastic shortfall in transportation revenue, American Fork City is using dollars from the general fund to supplement the Class B&C Fund revenue in order to try to meet our local transportation needs; and

WHEREAS, research from the Utah Department of Transportation indicates that road rehabilitation costs six times as much as road maintenance, and road reconstruction costs ten times as much as road maintenance, and

WHEREAS, investing in transportation results in economic development for American Fork City and Utah County and accessible good-paying jobs for our residents; and

WHEREAS, improving comprehensive transportation in American Fork City and Utah County will reduce private vehicle usage which will in turn lead to improved air quality; and

WHEREAS, poor air quality discourages economic development, business recruitment and tourism visits, and contributes to asthma and other health ailments; and

WHEREAS, nearly 1 in 10 Utah adults suffer from asthma and struggle to breathe during poor air quality days; and

WHEREAS, nearly 57% of Utah adults are overweight, nearly 200,000 Utahns have diabetes, and diabetes and obesity related health care costs in Utah exceed \$700 million; and

WHEREAS, investing in safe and connected trails, bike lanes, sidewalks, and multi-use paths will encourage our residents to be more active, enable them to spend more time with their families via active transportation, and result in improved personal and community health; and

WHEREAS, Utah has created a Unified Transportation Plan to address these comprehensive transportation and quality of life issues; and

WHEREAS, the Utah State Legislature recognized the local transportation needs and enacted HB 362 which authorized counties to impose and voters to approve a 0.25% local option general sales tax dedicated to local transportation; and

WHEREAS, American Fork City will, upon county imposition and voter approval, receive 0.10 of the 0.25% sales tax to invest in critical local transportation needs.

THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF AMERICAN FORK CITY, UTAH:

SECTION 1. **Support the 0.25% Local Option General Sales Tax.** The AMERICAN FORK City Council supports the proposed 0.25% Local Option General Sales Tax that the County governing body may submit to voters in county in November.

SECTION 2. **Encourage Submission of Proposal to the Voters of County.**

The City Council urges the county governing body to submit the 0.25% local option general sales tax dedicated to transportation to the voters of the county for the November 2015 election. The City Council also publicly supports the county governing body in submitting the 0.25% local option general sales tax dedicated to transportation to the electorate of the county.

SECTION 3. **Encourage Voters to Enact the 0.25% Local Option General Sales Tax.** The City Council encourages voters to carefully consider the potential impact from the 0.25% general sales tax local option and to support the enactment of the 0.25% local option general sales tax because of the potential impact explained below.

SECTION 4. **Road and Street Needs in City.** The City has significant traditional transportation needs that the municipal 0.10 portion could address. For example, the city has a backlog of road maintenance projects such as (insert as much information about potential projects as city sees fit). Adoption of the municipal 0.10 would enable the city to invest in the critical projects that our residents expect.

SECTION 5. **Active and Alternative Transportation Infrastructure Needs in AMERICAN FORK CITY.** The City has significant active and alternative transportation needs that the municipal 0.10 portion could address. For example, our residents are demanding improved sidewalks and pedestrian safety modes, enhanced bike lanes, better connectivity with transit, more traffic calming devices, and other modern transportation. Investment in active transportation options will encourage residents to travel via walking, biking, and transit, result in a healthier population, reduced emissions, decreased health care costs, and improved quality of life. Adoption of the municipal 0.10 would enable the city to invest in the critical projects that our residents expect.

SECTION 6. Investment in Transit. The City supports continued investment in public transit because transit can help relieve traffic, promote walkable communities, and improve air quality. The transit system will receive 0.10 of the county imposed and voter approved 0.25% local option general sales tax. The City expects the transit system to utilize the revenues collected within the City for projects that will expand local bus service, foster local and regional connectivity, and benefit the residents of the City.

SECTION 7. Distribution of this Resolution. A copy of this resolution shall be sent to County governing body, the Utah League of Cities & Towns, the Utah Association of Counties, the Speaker of the Utah House of Representatives, the President of the Utah State Senate, State Representatives and Senators who represent the City, and the Governor of Utah.

SECTION 8. Effective Date. This Resolution shall become effective upon passage.

APPROVED BY THE CITY COUNCIL OF AMERICAN FORK CITY, UTAH, ON

THIS _____ DAY OF June, 2015,

BY THE FOLLOWING VOTE:

<u>Council Member</u>	<u>Yes</u>	<u>No</u>	<u>Abstain</u>	<u>Absent</u>
Bowen				
Frost				
Shelton				
Shorter				
Taylor				

Mayor James H. Hadfield

Attest:

Richard Colborn, City Recorder

Approved as to form:

Kasey Wright, City Attorney

ULCT Friday Facts AND SAMPLE RESOLUTION & EXPLANATION FOR THE TRANSPORTATION LOCAL OPTION Friday, May 15, 2015

Hello folks,

This is the day you have anticipated! No, it is not Michigan-Utah game day (that is still sadly 111 days away). Instead, this email provides information about the sample city resolution for the HB 362 local option sales tax and suggested instructions for how to proceed. The email also provides the agendas for next week's super busy Legislative Interim day on Wednesday. As a reminder, you can see existing [ULCT materials](#) and [power points](#) about HB 362 including an overview, FAQs, next steps, and data for each city, town, county, and transit system on our website [here](#). Like our good friends at Apple, we have some legalese for you and the draft resolution link is at the end of the email.

Before you continue, your correspondent emphasizes that ULCT has no position on whether counties put the local option on the ballot in 2015, 2016, or any other year. Our mission is that all of our cities and towns receive the local option portion that they are entitled to receive. Therefore, we seek to provide you with the materials that you need so that you, along with your county and transit colleagues, can make the best decisions possible. In the last 8 weeks since the end of the 2015 legislative session, we have personally met with hundreds of municipal officials from nearly 200 cities and towns, transit officials from multiple agencies, and with county officials in all 29 counties. Everything herein is also available on our [website](#).

1) Legal background about the resolution:

ULCT legal staff believes that cities and towns may enact the resolution that we have provided for you. A public entity (ie. a city or town) may not use public funds for political purposes or to influence a ballot proposition. The HB 362 local option sales tax will become a ballot proposition, but only after the county governing body acts to put the local option on the ballot. Until the county acts, the city and town may use public funds to demonstrate support. ULCT legal staff has discussed this legal framework with the Utah Municipal Attorneys Association and the Lieutenant Governor's Office. We still urge you to review the resolution with your legal counsel.

As of May 15, 2015, no county governing body has yet acted to put the local option sales tax on the November 2015 ballot. As such, we are providing you with a sample resolution that your city or town council can pass. The ULCT sample resolution declares 3 things: first, the city proclaims support for the local option; second, the city urges the county to put the local option on the ballot; and third, the city encourages voters in the county to support the local option. The ULCT sample resolution also provides your city/town with the opportunity to identify what specific projects or types of projects your community would invest in with the municipal .10% portion of the quarter cent local option.

Going forward, the ULCT legal team will then provide additional guidance about how your city and town and you as a municipal official can publicly engage about the local option. For example, once a county acts and puts the local option on the ballot, state law prohibits a city/town from using public funds to influence a ballot proposition though the city/town may still provide factual information so long as you give proponents and opponents equal access. Additionally, state law now prohibits the use of public email accounts to advocate for or against a ballot proposition. We will work closely with UMAA and the Lieutenant Governor's office on those next steps as we get closer to county action on the local option.

2) Timeline:

ULCT suggests that your cities and towns consider the resolution during the weeks of June 8 and June 15 if possible. The rationale is two-fold. First, your city/town must finalize your FY 2016 budget by June 22. Mayors and council members can use the opportunity to publicly declare that the adopted budget represents a fiscally responsible framework but the budget is still insufficient to meet the transportation needs in your city/town. Consequently, the mayor/council endorses the local option dedicated for transportation to help meet those additional needs.

Second, the Utah Transportation Coalition will orchestrate a media effort to publicize all of the cities and towns that are passing resolutions during that fortnight. The Coalition will notify the press and issue press releases about the quantity of cities and towns that are moving forward together (you can read more info [here](#)). Please provide the following information to the Coalition's Wendy Hansen at whansen@pennapowers.com (and copy ULCT's Nick Jarvis at njarvis@ulct.org) or 801-487-4800 (x 125) by **5 pm on Thursday, June 4:**

Date and time of the meeting when the resolution is on your agenda

Contact information for your media contact person

An example of one or more transportation priorities in your community that the local option could fund

3) Other next steps:

2015 is a municipal election year and many cities and towns in the state are planning to administer their own municipal election. However, if your county acts to put the local option on the ballot, then your voters could receive a city ballot and a county ballot. Consequently, we urge you to discuss election consolidation with your county leaders immediately. State law allows for cities and towns to administer the municipal primary election and then contract with the county for the general election. Please plan accordingly!

Additionally, many cities, towns, school districts, and special service districts are considering other ballot propositions in 2015 so please consider those propositions as you prepare for the local option conversation. Finally, please recognize that your voters will vote aye or nay for the entire quarter cent: the municipal portion, the county portion, and the transit portion (where applicable). Please cooperate with your counties, transit systems, and the Utah Transportation Coalition. If a critical mass of counties all act at the same time, then the Utah Transportation Coalition will organize and fund a campaign to rally public support for the local option in those counties. ULCT will continue with our outreach, coordination, and analysis and we will keep you posted on movement in each county around the state.

HB 362 SAMPLE RESOLUTION:

We have made the resolution available on our website [here](#).

ULCT legal staff has consulted with the Utah Municipal Attorneys Association and the Lieutenant Governor's office on the resolution [language](#). The first part of the resolution includes numerous "whereas" components which are less important than the later declaration. The crux of the resolution is items #1 through #6 and we suggest that you stick close to the provided language in these six items so as to stay in compliance with state law. We urge you to review the resolution with your legal counsel and you may modify it as you see fit. If you have questions about specific language, please contact ULCT's Cameron Diehl (cdiehl@ulct.org; 801-328-1601) and Roger Tew (rogertew@ulct.org; 801-328-1601).

With that, I have also attached Wednesday's interim agendas—yes, legislators shockingly want to discuss items other than transportation—and please holler if you have any questions about the resolution or the process. Thanks as always for your participation in ULCT.

Cameron Diehl
Director of Government Relations
Utah League of Cities and Towns
50 South 600 East Suite 150
Salt Lake City, UT 84102
cdiehl@ulct.org
801-328-1601 (o)
801-910-3912 (c)



REQUEST FOR COUNCIL ACTION
CITY OF AMERICAN FORK
June 9, 2015

Department Administration

Director Approval *Robin M. Colton*

AGENDA ITEM Review and action the Mills Annexation consisting of .0281 acres at 235 North 1075 East including the Ordinance of Annexation, Annexation Agreement, and placement of the property in the R1-9000 Residential zone.

SUMMARY RECOMMENDATION Staff recommends approval of the Annexation.

BACKGROUND This is a small piece of unincorporated ground surrounded on three sides by property owned by the petitioner

BUDGET IMPACT N/A

SUGGESTED MOTION I move to adopt the Ordinance approving the Mills Annexation, the annexation agreement and placement of the property in the R1-9000 zone.

SUPPORTING DOCUMENTS Ordinance

AN ORDINANCE

AN ORDINANCE AMENDING SECTION 1.12.010 OF THE REVISED ORDINANCES OF AMERICAN FORK CITY 1985, AS AMENDED, ANNEXING CERTAIN PROPERTIES TO AMERICAN FORK CITY AND ESTABLISHING ZONING CLASSIFICATION FOR SAID PROPERTY.

BE IT ORDAINED BY THE CITY COUNCIL OF AMERICAN FORK CITY, UTAH:

SECTION I. THAT THE FOLLOWING DESCRIBED REAL PROPERTY BE, AND THE SAME IS HEREBY ANNEXED TO AMERICAN FORK CITY, UTAH, THE CORPORATE LIMITS OF SAID CITY ARE HEREBY EXTENDED TO INCLUDE SAID DESCRIBED PROPERTY, AND SAID PROPERTY IS HEREBY DECLARED TO BE PART OF AMERICAN FORK CITY AND SHALL HENCEFORTH BE SUBJECT TO ALL OF THE ORDINANCES AND REGULATIONS THEREOF, AND THAT THE DESCRIPTION OF THE BOUNDARIES OF AMERICAN FORK CITY AS SET FORTH IN SECTION 1.12.010 OF THE REVISED ORDINANCES BE AMENDED TO INCLUDE THE FOLLOWING DESCRIBED PROPERTY TO-WIT:

ORDINANCE NO.
MILLS ANNEXATION (235 NORTH 1075 EAST)
SEE ATTACHMENT 'A'

SECTION II. THAT THE TERRITORY ANNEXED UNDER SECTION I ABOVE, IS HEREBY CLASSIFIED INTO THE R1-9000 RESIDENTIAL ZONE AND SUBJECT TO THE TERMS AND CONDITIONS OF THE MILLS ANNEXATION AGREEMENT AS PROVIDED IN ATTACHMENT 'B'.

SECTION III. THIS ORDINANCE SHALL TAKE EFFECT UPON ITS PASSAGE AND FIRST PUBLICATION. PASSED BY THE CITY COUNCIL OF AMERICAN FORK, THIS 13 DAY OF MAY, 2015.

JAMES H. HADFIELD, MAYOR

ATTEST:

STATE OF UTAH
COUNTY OF UTAH

I, RICHARD M. COLBORN, RECORDER OF AMERICAN FORK CITY, UTAH, DO HEREBY CERTIFY THE ABOVE AND FOREGOING TO BE A FULL, TRUE AND CORRECT COPY OF AN ORDINANCE AMENDING SECTION 1.12.010 OF THE REVISED ORDINANCES OF AMERICAN FORK CITY 1985, AMENDED, ANNEXING CERTAIN PROPERTIES TO AMERICAN FORK CITY AND ESTABLISHING ZONING CLASSIFICATION FOR SAID PROPERTY.

IN WITNESS WHEREOF, I HEREUNTO SET MY HAND AND AFFIX THE CORPORATE SEAL OF AMERICAN FORK, UTAH THIS 13 DAY OF MAY, 2015.

RICHARD M. COLBORN, RECORDER

**ANNEXATION AGREEMENT
(Mills Annexation)**

This Agreement, made and entered into this 20 day of May 2015, by and between The City of American Fork, Utah, a Utah Municipal Corporation (hereafter referred to as "City") and Terry S. Mills and Christi Lynn K. Mills, (hereafter referred to as "Applicants"), is based on the following:

RECITALS

WHEREAS, Applicants are the owners of parcels of privately owned real property situated within the boundary of the Mills Annexation, identified on Attachment 1 as the "Mills Annexation" parcel, which parcels are located within the unincorporated territory of Utah County, but contiguous to the corporate boundary of City, and which constitutes all of the lands requesting annexation to the City under the Mills Annexation. An application requesting the City to initiate proceedings for annexation of the territory within the Mills Annexation, together with a map showing the area included within the annexation (hereafter referred to as "Annexation Area") has been submitted to City. A copy of the *Request to Initiate Annexation of Land Within an Island or Peninsula* (Attachment 2) and the appurtenant annexation plat (Attachment 1) are attached hereto; and

WHEREAS, the Annexation Area constitutes a portion of an existing island as defined by Utah State Law; and

WHEREAS, in accordance with the provisions of UCA 10-2-418, the American Fork City Council has heretofore adopted Resolution No. 2015-09-05R indicating its intent to annex the entire Annexation Area. Further, notice of hearing regarding the proposed annexation has been published and the public hearing thereon held. No protests to the annexation have been received; and

WHEREAS, The City Council has determined that annexation of the real property described on Attachment 1 is in the best interest of City and has indicated an intent to: (1) enact an ordinance of annexation relating thereto, following approval of this Agreement by the City Council and execution by all parties, and (2) authorize the recording of the annexation plat at the office of the Utah County Recorder, subject to those certain understandings as are more fully set forth in this Agreement and completion of all outstanding tasks identified herein or otherwise required prior to annexation.

TERMS AND CONDITIONS

NOW THEREFORE, based on the above recitals and in consideration of the annexation of the territory described in Attachment 1 to City, the parties covenant and agree as follows:

SECTION 1 - Applicability of Agreement. The real property to which the terms of this Agreement apply shall be the parcel of private property within the Annexation Area, identified on Attachment 1. Attachment 1 is hereby made part of this Agreement.

SECTION 2 -Annexation a benefit to Applicants. Applicants and City acknowledge that City is not required to approve the annexation and that the terms and conditions of annexation, as set forth herein, are reasonable and entered into freely and voluntarily. Further, Applicants 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 development as set forth under the terms of the City's Development Code, Sensitive Lands Ordinance and Impact Fee Ordinance and does not constitute a taking as defined pursuant to the terms of UCA 10-9a-103(6), 1953, as amended.

SECTION 3 - Authority of Applicants. Applicants hereby affirm that they are the current sole owners of the Mills parcel and have complete authority to enter into this Agreement and to bind the property hereto.

SECTION 4 - Compatibility with Land Use Plan and Initial Zone Classification. The Land Use Element of the General Plan for the area shows the Mills parcel located in the Low Density Residential classification. The primary purpose of this annexation is to allow the parcel to be located within the municipal boundary of the City of American Fork and that no further development of the property is proposed at the current time. Accordingly, the City has determined that the initial zone classification to be the R-1-9,000 Residential Zone.

SECTION 5 - Water Rights to be Conveyed at Time of Development. Current City annexation policies require that all signatories to the petition convey to City sufficient water right to meet the needs of the proposed development. At this time, no conveyance of water rights will be required. Provided, however, any further development of the Annexation Area will require the conveyance of water right sufficient in amount to meet the demand for the future use. Applicants agree to convey the water right to the City, without cost, in accordance with the City's water rights conveyance policy in effect at that time.

SECTION 6 - Impact Fees. No impact fees are required as a condition of annexation. However, nothing in this Agreement constitutes a waiver of any obligation that Applicants or any successor may have for the payment of impact fees required as a condition of connection to the City water and/or sewer systems, or future development of the Annexation Area, or any portion thereof. Applicants acknowledge 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 7 - Default. Should any of the parties default in the performance of any of the terms of this Agreement, the parties shall first seek mediation to resolve any defaulting performance. The defaulting party shall pay all costs and expenses, including mediation fees and/or reasonable attorney's fee, which may arise from enforcing this Agreement, whether such remedy is pursued by mediation and/or filing suit or otherwise.

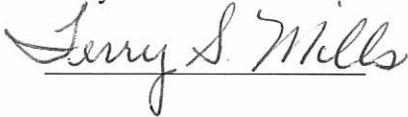
SECTION 8 - Notice. Any notice to be given hereunder shall be given by certified mail, return receipt requested, addressed as follows:

- a. If to City, to the City of American Fork, 51 East Main Street, American Fork, Utah 84003.
- b. If to Applicants, to Terry S. Mills and Christi Lynn K. Mills, 1077 E. 220 N. American Fork UT, 84003.

SECTION 9 - Entire Agreement. This Agreement constitutes the entire agreement between the parties and may be changed only in writing, signed by all parties, and this agreement shall bind the heirs, assigns and successors in interest of the respective parties.

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

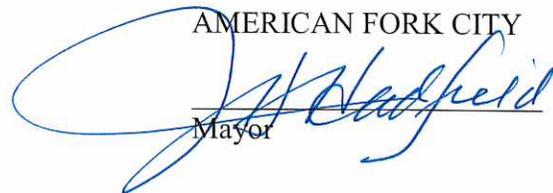
Terry S. Mills



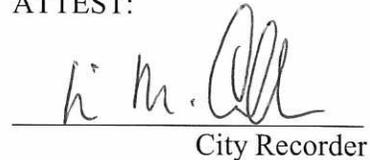
Christi Lynn K. Mills



AMERICAN FORK CITY

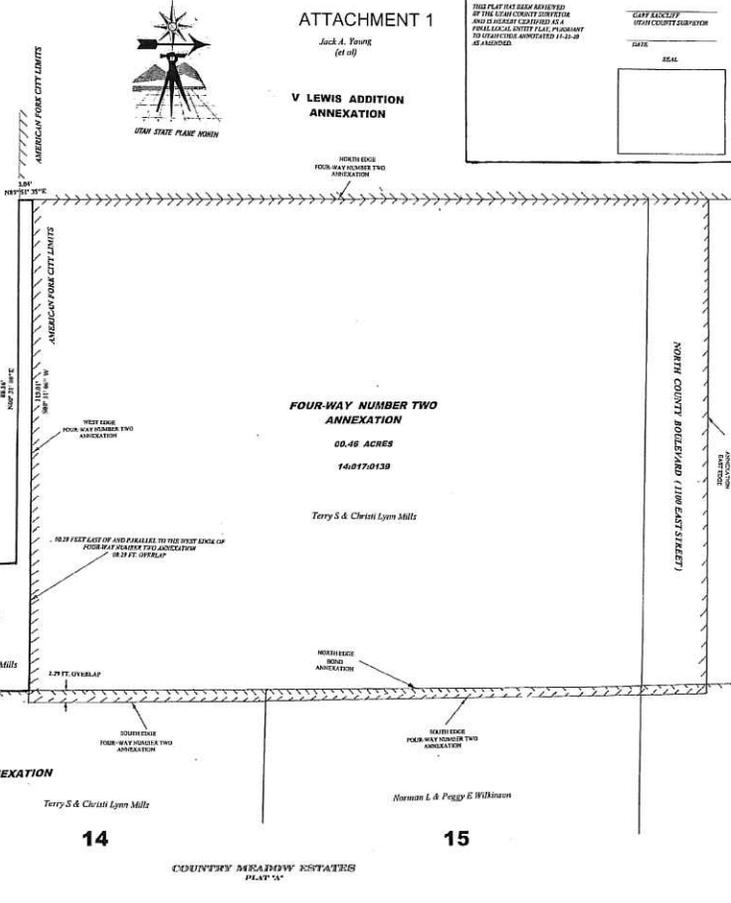
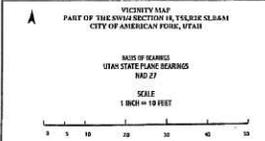
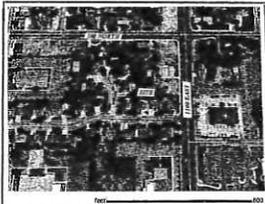

Mayor

ATTEST:


City Recorder

LIST OF ATTACHMENTS

- Attachment 1** Copy of Annexation Plat.
- Attachment 2** Copy of Request to Initiate Annexation.



ATTACHMENT 1

Jack A. Young
(et al)

V LEWIS ADDITION ANNEXATION

FOUR-WAY NUMBER TWO ANNEXATION
00.46 ACRES
14.017-0139

Terry S & Christ Lynn Mills

THIS PLAN HAS BEEN APPROVED BY THE UTAH COUNTY SURVEYOR AND IS HEREBY CERTIFIED AS A FINAL LOCAL INSTRUMENT PLANNING TO BE SUBJECT TO THE PROVISIONS OF THE UTAH LAND SURVEY ACT.

DATE: _____

SEAL: _____

SURVEYORS CERTIFICATE

I HEREBY CERTIFY THAT THIS IS A TRUE AND ACCURATE MAP OF THE TRACT OF LAND TO BE ANNEXED TO AMERICAN FORK CITY, UTAH COUNTY, UTAH.

BOUNDARY DESCRIPTION

BASIS OF BEARINGS: UTAH STATE PLANE BEARINGS NAD 27.

BEGINNING AT A POINT LOCATED SOUTH 93.39 FEET AND EAST 108.81 FEET FROM THE WEST 1/4 CORNER OF SECTION 14, T.2S. R.2E. ALBEM. AND POINT ALSO BEING THE NORTHWEST CORNER OF LOT 14, COUNTY MEADOW STATES (PLAT A), ALSO BEING DESCRIBED IN WARRANTY DEED SURVEY DESCRIBED:

THENCE N 00° 30' 21" W 28.88 FEET; THENCE N 80° 55' 17" E 32.23 FEET; THENCE N 00° 11' 00" W 34.52 FEET; THENCE N 00° 34' 30" E 1.84 FEET; THENCE S 00° 31' 00" W 08.21 FEET EAST AND PARALLEL TO THE WEST LINE OF FOUR-WAY NUMBER TWO ANNEXATION PLAT; 17.84 FEET; THENCE N 00° 10' 52" W ALONG A BOUNDARY LINE OF THE BOND ANNEXATION PLAT; AND ALONG THE NORTH LINE OF SAID LOT 14, 31.24 FEET TO THE POINT OF BEGINNING, CONTAINING 0.0241 ACRES.

George A. Wilson

GEORGE A. WILSON
PROFESSIONAL LAND SURVEYOR
#19094 UTAH

431 N. CENTER STREET
AMERICAN FORK, UTAH 84203
PHONE 801-787-9159
EMAIL: GEORGE@WILSONSURVEYING.COM

SURVEYOR SEAL

ACCEPTANCE LEGISLATIVE BODY

WE, THE SOLE ELECTED COUNCIL OF THE CITY OF AMERICAN FORK, UTAH, HAVE RECEIVED A REQUEST TO initiate proceedings for the ANNEXATION OF THE TRACT OF LAND BOND ANNEXATION, WHICH TRACT CONSTITUTES A PORTION OF AN EXISTING TRACT OR PARCELS, OR PARTS OF PARCELS TO THE CITY, AND AS HEREBY CERTIFIED TO THE COUNCIL, HAS ADOPTED A RESOLUTION SETTING FORTH THE TERMS OF THE ANNEXATION, AND THE CITY OF AMERICAN FORK HAS CONDUCTED HEARINGS ON THE MATTER, AND ADOPTED AN ORDINANCE PROVIDING FOR THE ANNEXATION OF THE TRACT TO THE CITY AND AS A RESULT, I, AS SURVEYOR, WHO, THE PROFESSION OF DUTY HEREBY APPROVE AND ACCEPT THE ANNEXATION OF THE TRACT OF LAND BOND ANNEXATION AS A PART OF AMERICAN FORK CITY TO BE ANNEXED HEREIN AS THE FOLLO ANNEXATION.

DATE: THIS _____ DAY OF _____ 2015

Mayor: _____

City Council: _____

City Recorder: _____

ANNEXATION PLAT

MILLS ANNEXATION

AMERICAN FORK CITY, UTAH COUNTY, STATE OF UTAH

SCALE: 1" = 10 FEET

13

14

15

COUNTRY MEADOW STATES PLAT 5A

**ANNEXATION AGREEMENT
(Red Leaf)**

This Agreement, made and entered into this _____ day of _____, 2015, by and between The City of American Fork, Utah, a Utah Municipal Corporation (hereafter referred to as “City”) and Reid and Shellie Shelley (hereafter referred to as “Applicants”), is based on the following:

RECITALS

WHEREAS, Applicants are the owners of a parcel of privately owned real property constituting the entirety of, the Red Leaf Annexation, which annexation is located within the unincorporated territory of Utah County and contiguous to the corporate boundary of the City. A “Request to Initiate Annexation of Land Within an Island or Peninsula” relating to the Red Leaf Annexation (Attachment 2), together with a map showing the area proposed for annexation (hereafter referred to as “Annexation Area”), has been submitted to the City (Attachment 1); and

WHEREAS, the area proposed for annexation constitutes a portion of an existing island, as defined by Utah State law; and

WHEREAS, in accordance with the provisions of UCA 10-2-418, the American Fork City Council has heretofore adopted Resolution No. 2014-03-09R indicating its intent to annex the entire Annexation Area. Further, 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 real property described on Attachment 1 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 those certain understandings as are more fully set forth in this Agreement, completion of all outstanding tasks identified herein or otherwise required prior to annexation.

TERMS AND CONDITIONS

NOW THEREFORE, based on the above recitals and in consideration of the annexation of the territory described in Attachment 1 to the City, the parties covenant and agree as follows:

SECTION 1 – Applicability of Agreement: The real property to which the terms of this Agreement apply shall be the parcels of private property within the Annexation Area, identified on Attachment 1. Attachment 1 is hereby made part of this Agreement.

SECTION 2 – Annexation a benefit to Applicant: Applicants and City acknowledge that the City is not required to approve the annexation and that the terms and conditions of annexation, as set forth herein, are reasonable and entered into freely and voluntarily. Further, Applicants 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 under the terms of the City’s Development Code and Impact Fee Ordinance and does not constitute a taking as defined pursuant to the terms of UCA 10-9a-103(6), 1953, as amended.

SECTION 3 – Authority of Applicants: Applicants hereby affirm they are the sole owners of the Red Leaf parcels and have complete authority to enter into this Agreement and bind the property hereto.

SECTION 4 – Compatibility with Land Use Plan and Initial Zone Classification: The Land Use Element of the General Plan shows the entire annexation area classified as Low Density Residential. The Applicants intend to develop the parcels for a single family residential use with animal rights. Therefore, the zone classification attached to the parcels shall be the RA-1 Residential Agriculture Zone.

SECTION 5 – Property Taxes and Rollback Taxes to be Paid. Applicants agree to pay any outstanding property taxes on the parcels; including any and all rollback taxes if the subject parcels are classified as “Greenbelt” with the Utah County Tax Assessor. These taxes and receipt of payment shall be required prior to City recording this Agreement.

SECTION 6 – Utility, Right-of-Way, Fill and Slope Easements to be Conveyed: The Annexation Area includes portions of 30 North and 50 South which are essential to proper vehicular travel. Attachment 3 shows the locations of the utility, right-of-way, fill and slope easements to be conveyed. As a condition of annexation, the Applicant agrees to convey or cause to be conveyed to the City, without cost, those portions of the Annexation Area intended for utility, right-of-way, fill and slope easements as set forth on Attachment 3. A copy of the

description document conveying those areas to the City is attached hereto (Attachment 4) and the City acknowledges receipt of the executed original.

SECTION 7 – Bulb at Corner of 30 North and 825 East: Applicants acknowledge that any future subdivision of the Annexation Area will require the dedication of right-of-way, utility, slope and fill easements for a bulb at the southwest corner of 30 North and 825 East. This bulb will be necessary to allow subdivision of a lot with conforming street frontage. The dedication of right-of-way, utility, fill and slope easements shall be without cost to the City. Construction of the bulb, including grading, pavement, and relocation of curb, gutter and sidewalk shall be at property owner's full expense.

SECTION 8 – Water Rights to be Conveyed at Time of Development: Current City annexation policies require that all signatories to the petition convey to City sufficient water right to meet the needs of the proposed development. At this time, no conveyance of water rights will be required at the time of annexation. Provided, however, any further development of the Annexation Area will require the conveyance of water right sufficient in amount to meet the demand for the future use. Applicants agree to convey the water rights to the City, without cost, in accordance with the City's water rights conveyance policy in effect at that time.

SECTION 9 – Sensitive Lands Overlay: Applicants acknowledge that all or portions of the Annexation Area may have significant physical limitations for development and lie within the Sensitive Lands Overlay. Prior to approval of any development plan, Applicants agree to provide a geotechnical report and any other such studies as City deems appropriate to determine the suitability of the Annexation Area for development.

SECTION 10 – Open Ditches to be Piped: Applicants acknowledge that it is their burden in full to pipe any and all gravity irrigation conveyances (ditches) to the standard of the City and to the standards of the irrigation company or private ditch easement holders as part of the forthcoming development project.

SECTION 11 – Impact Fees: No impact fees are required as a condition of annexation. However, nothing in this Agreement constitutes a waiver of any obligation that Applicants or any successor may have for the payment of impact fees required as a condition of connection to the City water and/or sewer systems or development of the Annexation Area or any portion thereof. The Applicants acknowledge 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 12 – Default: Should any of the parties default in the performance of any of the terms of this Agreement, the parties shall first seek mediation to resolve any defaulting performance. The defaulting party shall pay all costs and expenses, including mediation fees

and/or reasonable attorney's fees, which may arise from enforcing this Agreement, whether such remedy is pursued by mediation and/or filing suit or otherwise.

SECTION 13 – 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 Applicants, to Reid and Shellie Shelley, 47 N. 1100 E. American Fork UT, 84003

SECTION 14 – Entire Agreement: This Agreement constitutes the entire agreement between the parties and may be changed only in writing signed by all parties, and this agreement shall bind the heirs, assigns and successors in interest of the respective parties. If any party shall breach this Agreement, the other party shall be entitled to recover their attorney fees and court costs in addition to other lawful damages resulting therefrom.

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

REID SHELLEY

MAYOR

Mayor

SHELLIE SHELLEY

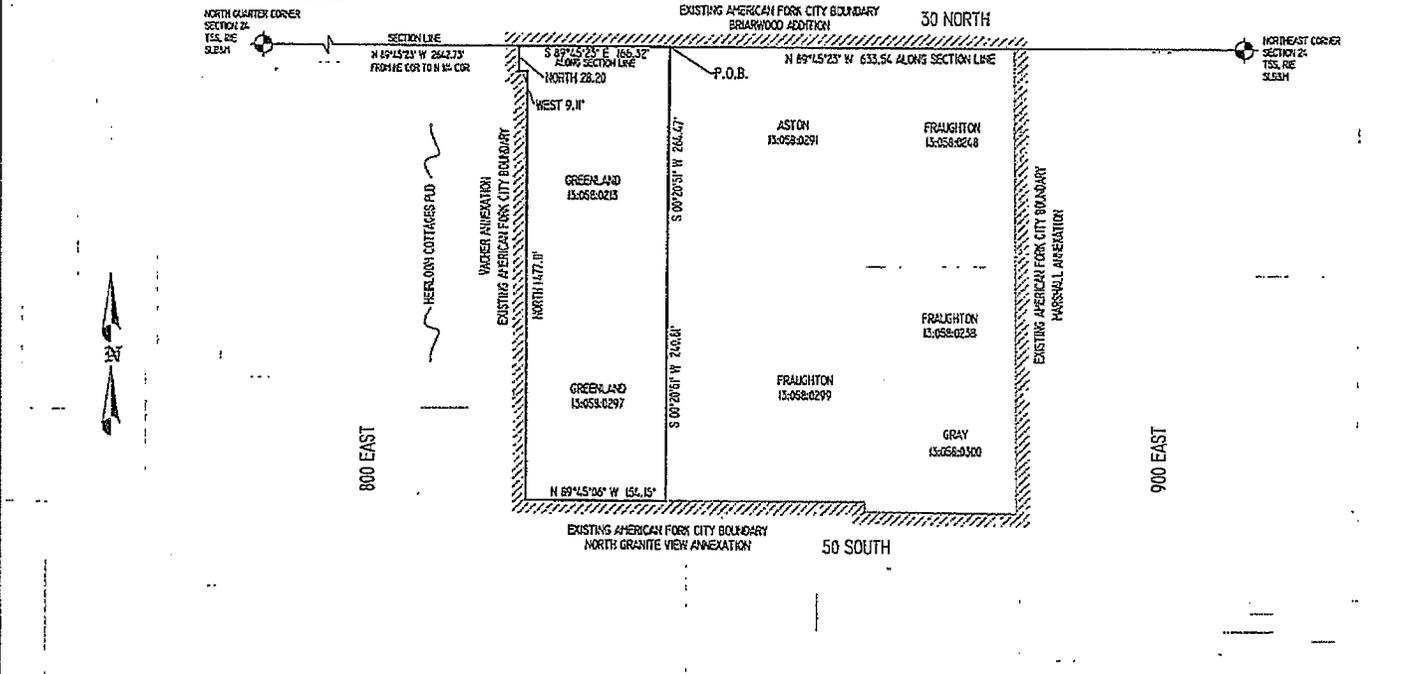
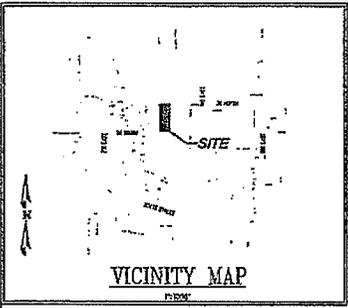
ATTEST:

City Recorder

LIST OF ATTACHMENTS

- Attachment 1** Copy of Annexation Plat
- Attachment 2** Copy of Request to Initiate Annexation
- Attachment 3** Copy of map showing general location of utility, right-of-way and fill easements to be conveyed to City as condition of annexation. **(To be provided)**
- Attachment 4** Copy of deed conveying utility, right-of-way and fill easements for 30 North and 50 South. **(To be provided)**

EXHIBIT B



SURVEYOR'S CERTIFICATE
 I DO HEREBY CERTIFY THAT I AM A REGISTERED LAND SURVEYOR AND THAT I HOLD CERTIFICATE NO. _____ AS PROVIDED BY THE LAWS OF THE STATE OF UTAH, AND THAT THIS IS A TRUE AND ACCURATE MAP OF THE TRACT OF LAND TO BE ANNEXED TO AMERICAN FORK CITY, UTAH COUNTY, UTAH.

BOUNDARY DESCRIPTION
 BEGINNING AT A POINT WHICH IS N 89°45'23\"/>

ACCEPTANCE BY LEGISLATIVE BODY
 WE, THE DULY ELECTED COUNCIL OF THE CITY OF AMERICAN FORK, UTAH, HAVE RECEIVED A REQUEST TO RESOLVE PROCEEDURES FOR THE ANNEXATION OF THE TRACT OF LAND SHOWN HEREON, WHICH TRACT CONTAINS A PORTION OF AN EXISTING PLAT AND OR RESUBDIVISION 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, PROVIDING 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 16-2-414 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 RED LEAF ANNEXATION.

DATED THIS _____ DAY OF _____

ATTEST: _____
 RECORDER

THIS PLAT HAS BEEN REVIEWED BY THE COUNTY SURVEYOR AND IS HEREBY CERTIFIED AS A FINAL LOCAL ENTITY PLAT, PURSUANT TO UTAH CODE ANNOTATED 16-2-202 AS AMENDED.

SEAL

UTAH COUNTY SURVEYOR _____
 DATE _____



ANNEXATION PLAT

RED LEAF ANNEXATION

AMERICAN FORK CITY

LOCATED IN SECTION 24,
 TOWNSHIP 5 SOUTH, RANGE 1 EAST,
 SALT LAKE BASE AND MERIDIAN,
 UTAH COUNTY, UTAH

SCALE: 1"=60'

ATTACHMENT 1

Review and action on an amended annexation agreement for the Red Leaf Annexation, consisting of 1.8 acres, located at approximately 825 East 50 South.

The Red Leaf Annexation agreement was originally presented to the Planning Commission on May 7, 2014. At that time, the applicants recommended a zone designation of R4-7,500 and intended to develop the property as a townhome development. The Planning Commission recommended denial of the annexation agreement; motioning that the applicants return with the R3-7,500 Zone and an appropriate development plan conforming to the zone.

The City Council never acted on the agreement, as the applicants pulled it from the Council agenda and never placed it for further action.

Since that time, the property has changed ownership. Mr. and Mrs. Reid and Shellie Shelley are now the owners and wish to resume the annexation process in order to construct one single-family residence. Therefore, the annexation agreement has been amended to illustrate the new property owners' desire.

The requested zone is the RA-1 (Residential Agriculture) Zone. This will allow the Shelley's animal rights. The property exceeds one acre; thus conforming to the RA-1 Zone. There will be no road running north and south through the property; rather, an area of road dedication will occur for a bulb-out at the corner of 30 North and 825 East.

Potential Motion

Mr. Chairman, I move that we recommend approval of the amended Red Leaf Annexation Agreement to the City Council.

142 disconnection when the home is complete. Currently there is a property owner who would like to
143 have his fifth wheel on the property while building his home.

144
145 PUBLIC HEARING

146 No comments were made, and the public hearing was closed.

147
148 Applicant Presentation:

149 Steven Smith stated that one problem is theft. Insurance companies will not insure theft. He
150 works early in the morning to very late at night so this allows him to be there on the property to
151 watch things.

152
153 **MOTION: Rebecca Staten - To recommend approval of the proposed amendments to**
154 **Section 17.5.124 of the American Fork City Development Code.** Seconded by Harold Dudley.

155
156 Yes - Harold Dudley
157 Nathan Schellenberg
158 Rebecca Staten
159 John Woffinden Motion passes.

160
161 7. Review and action on an amended annexation agreement for the Red Leaf Annexation,
162 consisting of 1.8 acres, located at approximately 825 East 50 South (7:16 p.m.)

163
164 Staff Presentation:

165 Adam Olsen reported that on May 7, 2014 the applicant requested an R4-7,500 Zone. The
166 Planning Commission recommended denial of the agreement requesting the applicant return with
167 the R3-7,500 and a more appropriate development plan. The City Council never acted on the
168 agreement because the applicant pulled it from the agenda. Ownership has changed. They want
169 to bring it into the City and build a new single-family home. There is one existing home that will
170 be demolished. The City did change the land use map designation for this area to a low density
171 residential as opposed to high density. This conforms to that designation. Engineering has
172 requested that a bulb be placed at North and 825 East on the corner to round it. A little bit of
173 right-of-way will be required. It is a standard to take right-of-way with an annexation. The right-
174 of-way on 50 South is done. The applicant's intent is to access from the north. He recommended
175 approval.

176
177 Howard Denney stated 825 East and 30 North was anticipated to be at least a "T" intersection in
178 the future. The City is trying to get the usability including parking to the area.

179
180 Applicant Presentation:

181 Reid Shelley stated that with the bulb it would be the only half bulb in the City. There are plenty
182 of 90 degree angles throughout the City. If the bulb goes in, the only thing in the bulb will be
183 their driveway. A cement wall is on the other property. There won't be any room in the bulb to
184 park because it's only a half bulb. They appreciate being able to continue on with the Red Leaf
185 Annexation. Initially they asked for access from 30 North. If they came in from the south it
186 would be a long driveway, which is a possibility. They were told the knuckle would be required.
187 They asked about sewer and it was explained that sewer is not allowed without annexation. The
188 County requires connection to the sewer. Section 2 in the agreement states, *the applicants hereby*

189 acknowledge and agree that the benefit received from annexation of the property is equal to or
190 greater than the requirements and conditions of annexation and conditions of development.
191 They are having difficulty in seeing the benefits. The City benefits by cleaning up the
192 boundaries. They are required to put in the knuckle and the land is not subject to UCA 10-9a-
193 103(6). They will be putting all of this in with their funds and would be giving up over 1,000
194 square feet of land without compensation. The sewer can come in from 30 North, but at this
195 point it is very shallow. If they come in from 50 South, they will have to put in over 500 feet of
196 sewer line at their expense. They will also be subject to the sewer impact fees. Maybe they don't
197 see the whole picture. They are hoping the Planning Commission can explain the benefits. They
198 plan to have horses on the south end and build a new home on the north end. They have had no
199 complaints with the horses. The current home is not worth bringing up to code.

200
201 Howard Denney identified multiple bulbs in the vicinity. The requirement is for a half bulb and
202 the remainder would be finished later. The water is connected to the current home so there would
203 not be a water impact fee for the new home.

204
205 Shellie Shelley stated they checked on the cost of running the sewer from 50 South at around
206 \$20,000. They are not sure of the cost of the knuckle and everything on the north end. The cost
207 of the annexation, impact fees, and other thing is an additional \$10,000 plus. The home was
208 moved to this location in the 60's and is falling apart. If annexing is the only way to get sewer,
209 then they do want to annex.

210
211 Nathan Schellenberg clarified they are just trying to build a house. The County won't allow them
212 to build without the City allowing a connection to the sewer. The value of the dwelling
213 connected to the sewer is equal to or higher and a benefit. The improvements add value to the
214 property.

215
216 Reid Shelley stated the County is requiring a letter from the City stating it's not practical or
217 available to connect to the sewer. Then they would allow a connection to a septic tank. The
218 sewer can't come from the north without pumping for the basement.

219
220 Howard Denney stated the annexation would take the property and the construction of the bulb
221 would be a condition of a performance guarantee. Some benefits of annexation is police services,
222 fire protection, library, fitness center, etc. The advantage of running the sewer up from the south
223 is subdividing the parcel in the future if desired.

224
225 Rebecca Staten stated the Commission can recommend approval, and the applicants can decide
226 to move forward or bring it back to seek an amendment.

227
228 **MOTION: Howard Dudley - To recommend approval of the amended Red Leaf**
229 **Annexation Agreement to the City Council.** Seconded by Nathan Schellenberg.

230
231 Yes - Harold Dudley
232 Nathan Schellenberg
233 Rebecca Staten
234 John Woffinden Motion passes.
235



REQUEST FOR COUNCIL ACTION
CITY OF AMERICAN FORK
June 9, 2015

Department Planning

Director Approval *Adrian Ok*

AGENDA ITEM Ordinance adopting the final plat of James Court Inner Block Cottage Development Plat B, consisting of two lots, located at 164 and 176 North 150 West, in the R2-7,500 Residential zone.

SUMMARY RECOMMENDATION The planning commission recommended approval of the final plat of James Court Inner Block Cottage Development Plat B as stated in the attached minutes of the May 20, 2015 planning commission meeting.

BACKGROUND The applicants, who are the owners of lots 6 and 7 of James Court Inner Block Cottage Development Plat A, propose to move their side lot line and the public utility easement in order to simplify construction of a fence. For further analysis please refer to the attached final plat, staff report and planning commission minutes.

BUDGET IMPACT No direct budgetary impact is anticipated as part of this final plat approval.

SUGGESTED MOTION I move to approve the ordinance adopting the final plat of James Court Inner Block Cottage Development Plat B, consisting of two lots, located at 164 and 176 North 150 West, in the R2-7,500 Residential zone and to authorize the mayor and city council to sign the plat and accept the dedications with instructions to the city recorder to withhold recording of the plat and publication of the ordinance subject to:

- All conditions identified in the public record associated with the May 20, 2015 planning commission meeting.

SUPPORTING DOCUMENTS

1. Ordinance
2. Plat and site plan
3. Staff report
4. Planning commission meeting minutes, May 20, 2015
- 5.

ORDINANCE NO.

AN ORDINANCE APPROVING THE FINAL PLAT OF JAMES COURT INNER BLOCK COTTAGE DEVELOPMENT PLAT B CONSISTING OF 2 LOTS AT 164 & 176 NORTH 150 WEST, AMERICAN FORK, UTAH.

BE IT ORDAINED BY THE CITY COUNCIL OF AMERICAN FORK, UTAH,

PART I

DEVELOPMENT APPROVED - ZONE MAP AMENDED

- A. The Final plat of James Court Inner Block Cottage Development Plat B consisting of 2 lots at 164 & 176 North 150 West, American Fork, as set forth in Attachment A, is hereby approved.
- B. Said Plans are hereby adopted as an amendment to the Official Zone Map and territory included in the Plans are hereby designated as Large Scale Development Overlay Zone _____.
- C. Said Plans shall hereafter constitute the zone requirements applicable within the property so described.

PART II

ENFORCEMENT, PENALTY, SEVERABILITY, EFFECTIVE DATE

- A. Hereafter, these amendments shall be construed as a part of the Zoning Ordinance of American Fork, Utah, to the same effect as if originally a part thereof, and all provisions of said Ordinance shall be applicable thereto including, but not limited to, the enforcement, violation, and penalty provision thereof.
- B. All ordinances, or resolutions, or parts thereof, in conflict with the provisions of this ordinance are hereby repealed.
- C. This ordinance shall take effect upon its passage and first publication.

PASSED AND ORDERED PUBLISHED BY THE CITY COUNCIL OF AMERICAN FORK, UTAH, THIS 9 DAY OF JUNE, 2015.

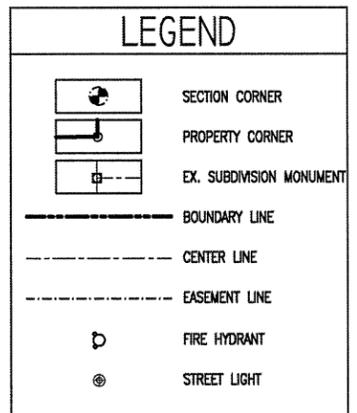
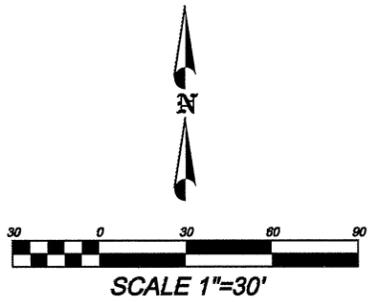
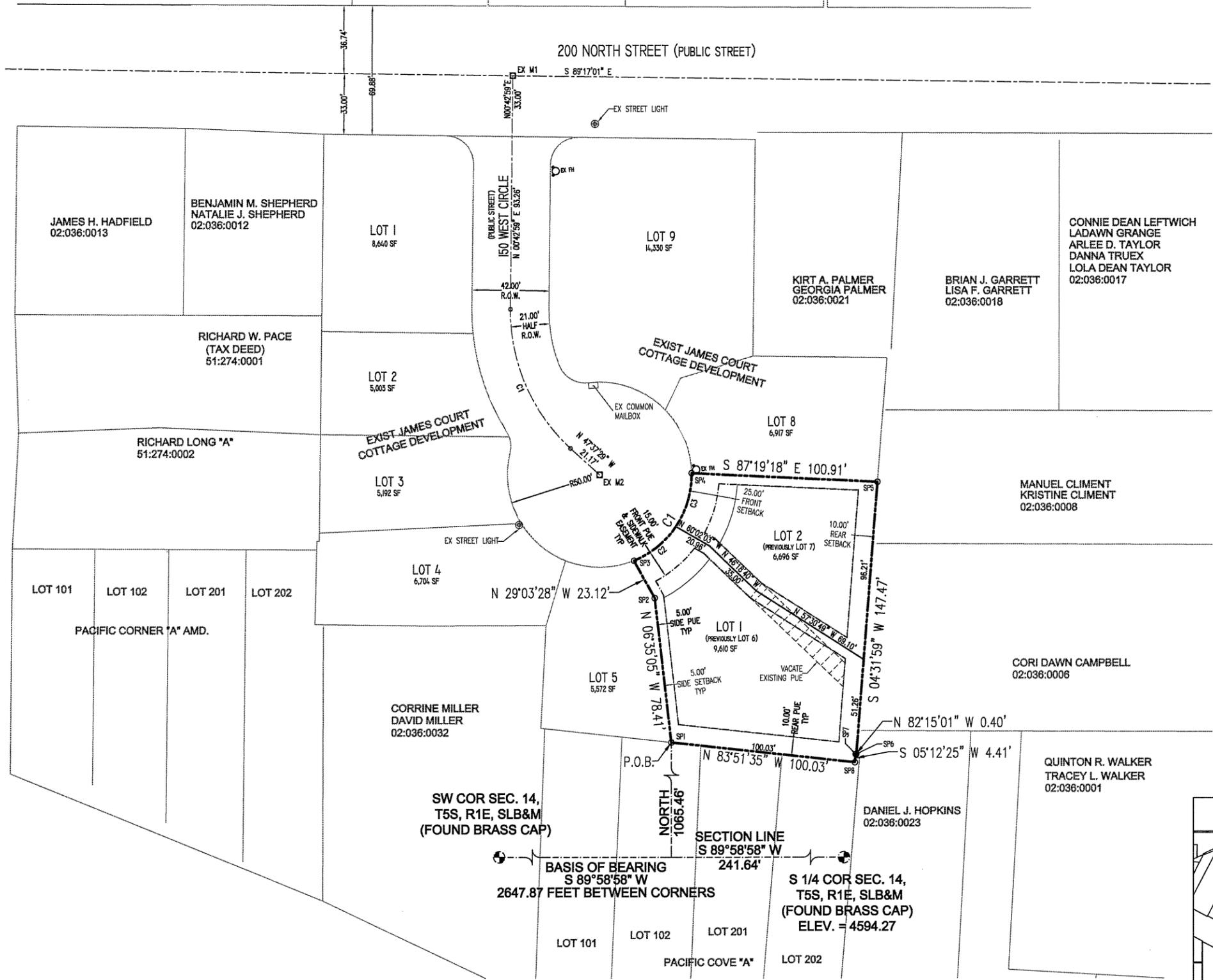
James H. Hadfield, Mayor

ATTEST:

Richard M. Colborn, City Recorder

JAMES COURT COTTAGE DEVELOPMENT PLAT "B"

A RESUBDIVISION OF LOTS 6 & 7 OF JAMES COURT COTTAGE DEVELOPMENT
 LOCATED IN THE SOUTHWEST 1/4 OF SECTION 14, TOWNSHIP 5 SOUTH, RANGE 1 EAST, SALT LAKE BASE & MERIDIAN
 AMERICAN FORK CITY, UTAH COUNTY, STATE OF UTAH

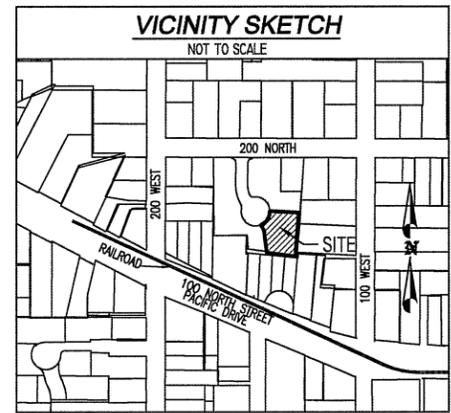


- ### NOTES:
- PROJECT ADDRESS IS 150 WEST 200 NORTH
 - LOWEST FLOOR SLAB ELEVATION MUST BE A MINIMUM OF 3 FEET ABOVE WATER LEVEL MEASURED DURING SPRING SEASON
 - OFF-SET PINS TO BE PLACED IN THE BACK OF THE CURB AND 5/8" BY 18" REBAR WITH NUMBERED SURVEY CAP TO BE PLACED AT ALL LOTS REAR CORNERS PRIOR TO OCCUPANCY
 - BUILDING PERMITS WILL NOT BE ISSUED FOR ANY HOME UNTIL (1) ASPHALT PAVING IS INSTALLED AND (2) FIRE HYDRANTS ARE INSTALLED, APPROVED BY THE FIRE MARSHALL AND CHARGED WITH CULINARY WATER ELEVATION BENCHMARK IS THE SOUTH 1/4 CORNER OF SECT. 14; ELEV = 4594.27

TABULATIONS

TOTAL DEVELOPMENT:	16,306 SF
ZONE:	R2-7500
TOTAL LOTS:	2

FLOOD ZONE DESIGNATION: C
 FIRM MAP PANEL #: 490152 0005 B
 EFFECTIVE DATE: NOVEMBER 25, 1980



SURVEYOR'S CERTIFICATE

I, _____ DO HEREBY CERTIFY THAT I AM A PROFESSIONAL LAND SURVEYOR, AND THAT I HOLD A LICENSE IN ACCORDANCE WITH TITLE 56, CHAPTER 22, PROFESSIONAL ENGINEERS AND LAND SURVEYORS LICENSING ACT, UTAH CODE ANNOTATED, 1953 AS AMENDED, CERTIFICATE NO. _____ I FURTHER CERTIFY THAT BY AUTHORITY OF THE OWNERS, I HAVE MADE A SURVEY OF THE TRACT OF LAND SHOWN ON THIS PLAT AND DESCRIBED BELOW, HAVE SUBDIVIDED SAID TRACT OF LAND INTO LOTS, STREETS AND EASEMENTS, HAVE COMPLETED A SURVEY OF THE PROPERTY DESCRIBED ON THIS PLAT IN ACCORDANCE WITH SECTION 17-23-17, UTAH CODE ANNOTATED, 1953 AS AMENDED, HAVE VERIFIED ALL MEASUREMENTS, AND HAVE PLACED MONUMENTS AS REPRESENTED ON THE PLAT. I FURTHER CERTIFY THAT EVERY EXISTING RIGHT-OF-WAY AND EASEMENT GRANT OF RECORD FOR UNDERGROUND FACILITIES, AS DEFINED IN SECTION 54-8a-2, UTAH CODE ANNOTATED, 1953 AS AMENDED, AND FOR OTHER UTILITY FACILITIES, IS ACCURATELY DESCRIBED ON THIS PLAT, AND THAT THIS PLAT IS TRUE AND CORRECT.

DATE _____ SURVEYOR, P.L.S. (SEE SEAL BELOW)

BOUNDARY DESCRIPTION

BEGINNING AT A POINT WHICH IS S 89°58'58" W 241.64 FEET ALONG THE SECTION LINE AND NORTH 1065.46 FEET FROM THE SOUTH QUARTER CORNER OF SECTION 14, TOWNSHIP 5 SOUTH, RANGE 1 EAST, SALT LAKE BASE AND MERIDIAN;

RUNNING THENCE N 06°35'05" W 78.41 FEET; THENCE N 29°03'28" W 23.12 FEET; THENCE ALONG THE ARC OF A 50.00 FOOT RADIUS CURVE TO THE LEFT 60.29 FEET (CURVE HAS A CENTRAL ANGLE OF 69°05'11" AND A CHORD THAT BEARS N 33°32'41" E 56.70 FEET); THENCE S 87°19'18" E 100.91 FEET; THENCE S 04°31'59" W 147.47 FEET; THENCE N 82°15'01" W 0.40 FEET; THENCE S 05°12'25" W 4.41 FEET TO THE NORTH LINE OF PACIFIC COVE SUBDIVISION; THENCE N 83°51'35" W 100.03 FEET TO THE POINT OF BEGINNING.

CONTAINS: 16,306 SF

OWNER'S DEDICATION

THE UNDERSIGNED OWNERS OF THE PROPERTY DESCRIBED ABOVE AND SHOWN ON THIS PLAT, HAVE CAUSED THE SAME TO BE SUBDIVIDED INTO LOTS, STREETS, AND EASEMENTS AND DO HEREBY DEDICATE ANY PUBLIC STREETS AND OTHER PUBLIC AREAS SHOWN THEREON FOR THE PERPETUAL USE OF THE PUBLIC.

IN WITNESS WHEREOF WE HAVE HEREUNTO SET OUR HANDS THIS _____ DAY OF _____, A.D. _____

ACKNOWLEDGMENT

STATE OF UTAH }
 COUNTY OF UTAH } S.S.

ON THE _____ DAY OF _____, 20____ PERSONALLY APPEARED BEFORE ME THE SIGNER(S) OF THE FOREGOING DEDICATION WHO DULY ACKNOWLEDGE TO ME THAT HE/THEY DID EXECUTE THE SAME IN THE CAPACITY INDICATED.

PRINT NAME & COMMISSION NUMBER _____ A NOTARY PUBLIC COMMISSIONED IN UTAH
 MY COMMISSION EXPIRES _____

SIGNATURE _____

ACCEPTANCE BY LEGISLATIVE BODY

THE _____ CITY COUNCIL OF _____ AMERICAN FORK CITY COUNTY OF UTAH, APPROVES THIS SUBDIVISION AND HEREBY ACKNOWLEDGES THE VACATION OF CERTAIN PUBLIC UTILITY EASEMENTS AND ACCEPTS THE DEDICATION OF ALL STREETS AND EASEMENTS FOR THE PERPETUAL USE OF THE PUBLIC THIS _____ DAY OF _____, A.D. _____.

MAYOR _____ COUNCIL MEMBER _____
 COUNCIL MEMBER _____ COUNCIL MEMBER _____
 COUNCIL MEMBER _____ COUNCIL MEMBER _____

APPROVED _____ ATTEST _____
 CITY ENGINEER (SEE SEAL BELOW) CLERK-RECORDER (SEE SEAL BELOW)

PLANNING COMMISSION APPROVAL

APPROVED THIS _____ DAY OF _____, A.D. _____ BY THE _____ AMERICAN FORK CITY PLANNING COMMISSION

PLANNER _____ CHAIRMAN, PLANNING COMMISSION _____

PLAT "B"

JAMES COURT COTTAGE DEVELOPMENT

A RESUBDIVISION OF LOTS 6 & 7 OF JAMES COURT COTTAGE DEVELOPMENT
 LOCATED IN THE SW 1/4 OF SECTION 14, T. 5 S., R. 1 E., SLB&M
 AMERICAN FORK CITY, UTAH COUNTY, STATE OF UTAH

SCALE: 1" = 30 FEET

SURVEYOR'S SEAL _____ NOTARY PUBLIC SEAL _____ CITY ENGINEER SEAL _____ CLERK-RECORDER SEAL _____

ADDRESS TABLE

LOT#	ADDRESS
1	164 NORTH 150 WEST CIRCLE
2	176 NORTH 150 WEST CIRCLE

STATE PLANE COORDINATES

GRID: GROUND=0.9997243077

LABEL	EASTING	NORTHING
SP0	1,916,196.21	744,596.20
SP1	1,915,954.64	745,661.30
SP2	1,915,945.65	745,739.15
SP3	1,915,934.42	745,759.37
SP4	1,915,965.74	745,806.61
SP5	1,916,066.52	745,801.90
SP6	1,916,054.87	745,654.93
SP7	1,916,054.47	745,654.99
SP8	1,916,054.07	745,650.60
EX M1	1,915,869.13	746,021.33
EX M2	1,915,915.77	745,805.74

CURVE TABLE

CURVE	RADIUS	LENGTH	DELTA	CHORD	BEARING
C1	50.00	60.29	69°05'11"	56.70	N 33°32'41" E
C2	50.00	29.71	34°02'46"	29.28	N 51°03'53" E
C3	50.00	30.58	35°02'24"	30.10	N 16°31'18" E

AZTEC ENGINEERING
 491 N 450 W
 OREM, UT 84057

BERG
 CIVIL ENGINEERING
 11038 N Highland Blvd Suite 400
 Highland UT, 84003
 office (801) 492-1277
 cell (801) 616-1677

SEWER AUTHORITY APPROVAL

APPROVED THIS _____ DAY OF _____, A.D. 20____, BY THE SEWER AUTHORITY.

SEWER AUTHORITY _____

WATER AUTHORITY APPROVAL

APPROVED THIS _____ DAY OF _____, A.D. 20____, BY THE WATER AUTHORITY.

WATER AUTHORITY _____

APRIL 2015
 2: Prepared by: James Court/Utah County/Utah B.A.C. Final P&E Drawing

AGENDA TOPIC: Review and action on the final plat for James Court Inner Block Cottage Development Plat B, consisting of two lots, located at 164 and 176 North 150 West, in the R2-7,500 Residential Zone.

ACTIONS REQUESTED: Recommendation of approval of the final plat.

BACKGROUND INFORMATION					
Location:		164, 176 North 150 West			
Applicants:		Berg Engineering/Gentry Haws & Mariela Harris			
Existing Land Use:		Residential			
Proposed Land Use:		Residential			
Surrounding Land Use:	North	Residential			
	South	Residential			
	East	Residential			
	West	Residential			
Existing Zoning:		R2-7,500			
Proposed Zoning:		N/A			
Surrounding Zoning:	North	R2-7,500			
	South	R2-7,500			
	East	R2-7,500			
	West	R2-7,500			
Growth Plan Designation:		Medium Density Residential (6 du/ac)			
Zoning within density range?		X	Yes		No

PROJECT DESCRIPTION: Final plat of James Court Inner Block Cottage, Plat B, consisting of two lots.

Background

James Court Inner Block Cottage was originally approved in 2008 and received an extension in 2009. Due to economic conditions, the project went dormant and received a re-approval in 2013. The subdivision is now fully complete, with homes on all lots.

Plat B consists of a boundary line adjustment between two lots; former Lots 6 and 7, now Lots 1 and 2. This adjustment does not affect side yard setbacks for either home. A public utility easement will be vacated and a new public utility easement in place, following the new lot line.

Consistency with the Land Use Plan:

The Land Use Plan designates this area as “Medium Density Residential” (6 du/ac). The proposed subdivision is consistent with this designation.

Section 17.8.211 of the Development Code

The Planning Commission may act to recommend approval of a final plat upon a finding that:

- a. The final plat conforms with the terms of the preliminary plan approval.

The final plat conforms to the original preliminary plan; with the exception that a lot line is adjusted between two lots.

- b. The final plat complies with all City requirements and standards relating to Subdivisions.

This criterion has been met.

- c. The detailed engineering plans and materials comply with the City standards and policies.

Engineering will address concerns, if any, at the time of the Planning Commission Meeting.

- d. The estimates of cost of constructing the required improvements are realistic.

Engineering will determine whether the cost estimates of constructing any required improvements are realistic.

- e. The water rights conveyance documents have been provided.

Water rights conveyance, if needed, shall be satisfied prior to plat recordation.

FINDINGS OF FACT/CONDITION OF APPROVAL

After reviewing the application for final plat approval, the following findings of fact and condition of approval are offered for consideration:

1. The final plat meets Section 17.8.101 (Intent) of Chapter 17.8 (Subdivisions).
2. The final plat meets the criteria as found in Section 17.8.211 of the Development Code.
3. Water rights conveyance, if needed, shall be satisfied prior to final plat recordation.

POTENTIAL MOTION

Mr. Chairman, I move that we recommend approval of the final plat of James Court Inner Block Cottage Plat B, with the findings and condition listed in the staff report and subject to any findings, conditions and modifications found in the engineering report.

AMERICAN FORK CITY ENGINEERING DIVISION STAFF REPORT

Planning Commission Meeting Date: 5/20/2015

This report is a summary of the American Fork City Engineering Division plan review comments regarding the subject plan as submitted by the applicant for American Fork City Land Use Authority approval:

Project Name: James Court Inner Block Cottage Development Plat B

Project Address: 164/176 North 150 West

Developer / Applicant's Name: Berg Engineering/Gentry Haws & Mariela Harris

Type of Application:

- | | | |
|--|--|--------------------------------------|
| <input checked="" type="checkbox"/> Subdivision Final Plat | <input type="checkbox"/> Subdivision Preliminary Plan | <input type="checkbox"/> Annexation |
| <input type="checkbox"/> Code Text Amendment | <input type="checkbox"/> General Plan Amendment | <input type="checkbox"/> Zone Change |
| <input type="checkbox"/> Commercial Site Plan | <input type="checkbox"/> Residential Accessory Structure Site Plan | |

Engineering Division Recommendation: The Engineering Division recommends APPROVAL of the proposed development subject to the following findings and conditions:

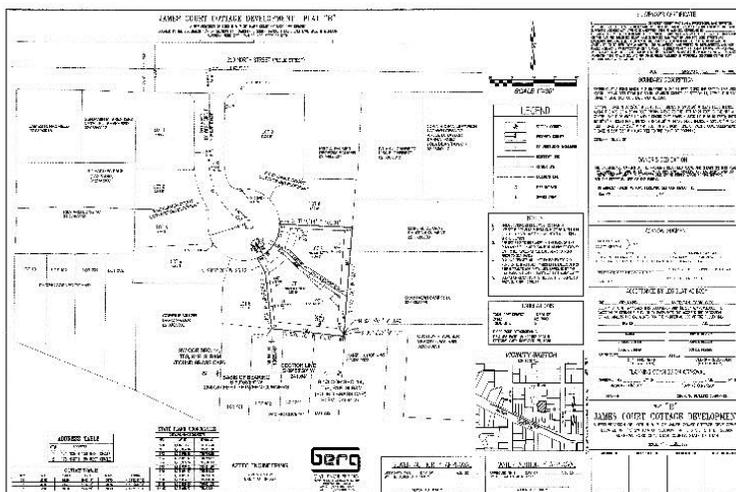
1. All Standard Conditions of Approval and items denoted as "Plan Modification(s) Required" in the 5/20/2015 Engineering Division Staff Report for the City Land Use Authority shall be addressed on all final project documents.

Applicant is requesting that the Planning Commission waive the following requirement(s):

1. NA

- | | |
|--------------------------|--|
| <input type="checkbox"/> | Requested waivers ARE necessary for the proposed development to move forward. |
| <input type="checkbox"/> | Requested waivers ARE NOT necessary for the proposed development to move forward. |

Plan Submittal:



STANDARD CONDITIONS OF APPROVAL

Standard 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 Engineering Division 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, street light, 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).

Plan Modifications Required:

1. Make all corrections outlined in the redline plan from the city GIS Department by Robert Autrey.
2. Action requires the vacation of a portion of the existing Public Utility Easement between the existing Lots 1 & 2 of James Court Plat "A". The applicant must furnish all required and needed document for this action. These documents and information must be given to the City recorder and include descriptions, ownership information and etc.
3. Letters must be provided from the City Utility Franchise Holders stating that they have no existing utilities of infrastructure within the easement areas that are proposed for vacation. Also, that these Franchise Holders have no plan to use the proposed vacated easement or that the new proposed easement will be adequate for future use.
4. A letter from George Schade with American Fork City stating that the PUE is not used by the City utilities and that the new proposed PUE will be adequate for any City use in the future.

- Water rights conveyance, if needed, shall be satisfied prior to final plat recordation.
- All Standard Conditions of Approval and items denoted as “Plan Modification(s) Required” in the 5/20/2015 Engineering Division Staff Report for the City Land Use Authority shall be addressed on all final project documents.

Seconded by Leonard Hight.

Yes - Marie Adams
 Eric Franson
 Leonard Hight
 Nathan Schellenberg
 Rebecca Staten
 John Woffinden Motion passes.

3. Review and action on the final plat for James Court Inner Block Cottage Development Plat B, consisting of two lots, located at 164 and 176 North 150 West, in the R2-7,500 Residential zone (7:06 p.m.)

Staff Presentation:

Wendelin Knobloch stated this is an adjustment of the lot line between lots 1 and 2 in Plat A. This is the preference of the two property owners. The easement will be adjusted. Planning recommends approval.

Howard Denney stated there are a few plat modifications listed in the staff report. Engineering recommends approval.

Applicant Presentation:

Ken Berg stated the owner of lot 1 didn't want his fence to terminate in the midpoint of the existing fence. He wanted it to end at a fence post. It meets all the inner-block ordinance requirements.

MOTION: Nathan Schellenberg - To recommend approval of the final plat of James Court Inner Block Cottage Plat B, with the findings and condition listed in the staff report and subject to any findings, conditions and modifications found in the engineering report.

Findings:

- The final plat meets Section 17.8.101 (Intent) of Chapter 17.8 (Subdivisions).
- The final plat meets the criteria as found in Section 17.8.211 of the Development Code.

Conditions:

- Water rights conveyance, if needed, shall be satisfied prior to final plat recordation.
- All Standard Conditions of Approval and items denoted as “Plan Modification(s) Required” in the 5/20/2015 Engineering Division Staff Report

for the City Land Use Authority shall be addressed on all final project documents.

Seconded by Marie Adams.

Yes -

Marie Adams
Eric Franson
Leonard Hight
Nathan Schellenberg
Rebecca Staten
John Woffinden

Motion passes.

4. Other Business (7:11 p.m.)

Electronic Signs

Wendelin Knobloch reported that electronic signs were discussed at the last meeting. The City has a request from an insurance agency on Main Street to change the sign ordinance. The business owner has facia sign, and there is also a small pylon sign, which he would like to be an electronic signs. The ordinance was amended a couple years ago to allow for electronic displays. It did not say every sign could be an electronic sign. It was quite specific. Only certain signs could be converted to electronic such as billboards. Large signs could have partial electronic and was capped at 50%. Previously discussion included consideration of the environment in down town and the historic character. Do electronic signs attract or distract from the environment? The ordinance could be written so as not to affect the entire city as was done with A-frame signs. This sign does not qualify for the electronic display. Electronic signs are allowed in the general commercial sign overlay zone. Facia and canopy signs do not qualify for electronic displays. Common project identification signs qualify.

Marie Adams stated her concern is the lumens of the sign more so than the sign size. There is a sign on Main Street that is very bright. Electronic school signs are allowed with some restrictions.

Nathan Schellenberg likes the ordinance as it is. He doesn't want to see a bunch of electronic signs on Main Street.

Eric Franson stated the whole world is going electronic. He agrees with Marie on limiting the impact of brightness. He wouldn't want it to be a problem. He just read an article on light pollution. It would be an impact. You do think about the look of down town.

Rebecca Staten stated if everyone had an electronic sign on Main Street, it would be very distracting.

Wendelin Knobloch stated the provisions in the ordinance dictate the brightness, but enforcement is always an issue.

700 North 900 East

ORDINANCE NO.

AN ORDINANCE APPROVING THE FINAL PLAT OF THE ANDERSEN ACRES PUD PLAT B, AT 864 EAST 120 NORTH.

BE IT ORDAINED BY THE CITY COUNCIL OF AMERICAN FORK, UTAH,

PART I

DEVELOPMENT APPROVED - ZONE MAP AMENDED

- A. The Final plat of the Andersen Acres PUD Plat B, at 864 East 120 North, as set forth in Attachment A, is hereby approved.
- B. Said Plans are hereby adopted as an amendment to the Official Zone Map and territory included in the Plans are hereby designated as Large Scale Development Overlay Zone ____.
- C. Said Plans shall hereafter constitute the zone requirements applicable within the property so described.

PART II

ENFORCEMENT, PENALTY, SEVERABILITY, EFFECTIVE DATE

- A. Hereafter, these amendments shall be construed as a part of the Zoning Ordinance of American Fork, Utah, to the same effect as if originally a part thereof, and all provisions of said Ordinance shall be applicable thereto including, but not limited to, the enforcement, violation, and penalty provision thereof.
- B. All ordinances, or resolutions, or parts thereof, in conflict with the provisions of this ordinance are hereby repealed.
- C. This ordinance shall take effect upon its passage and first publication.

PASSED AND ORDERED PUBLISHED BY THE CITY COUNCIL OF AMERICAN FORK, UTAH, THIS 9 DAY OF JUNE, 2015.

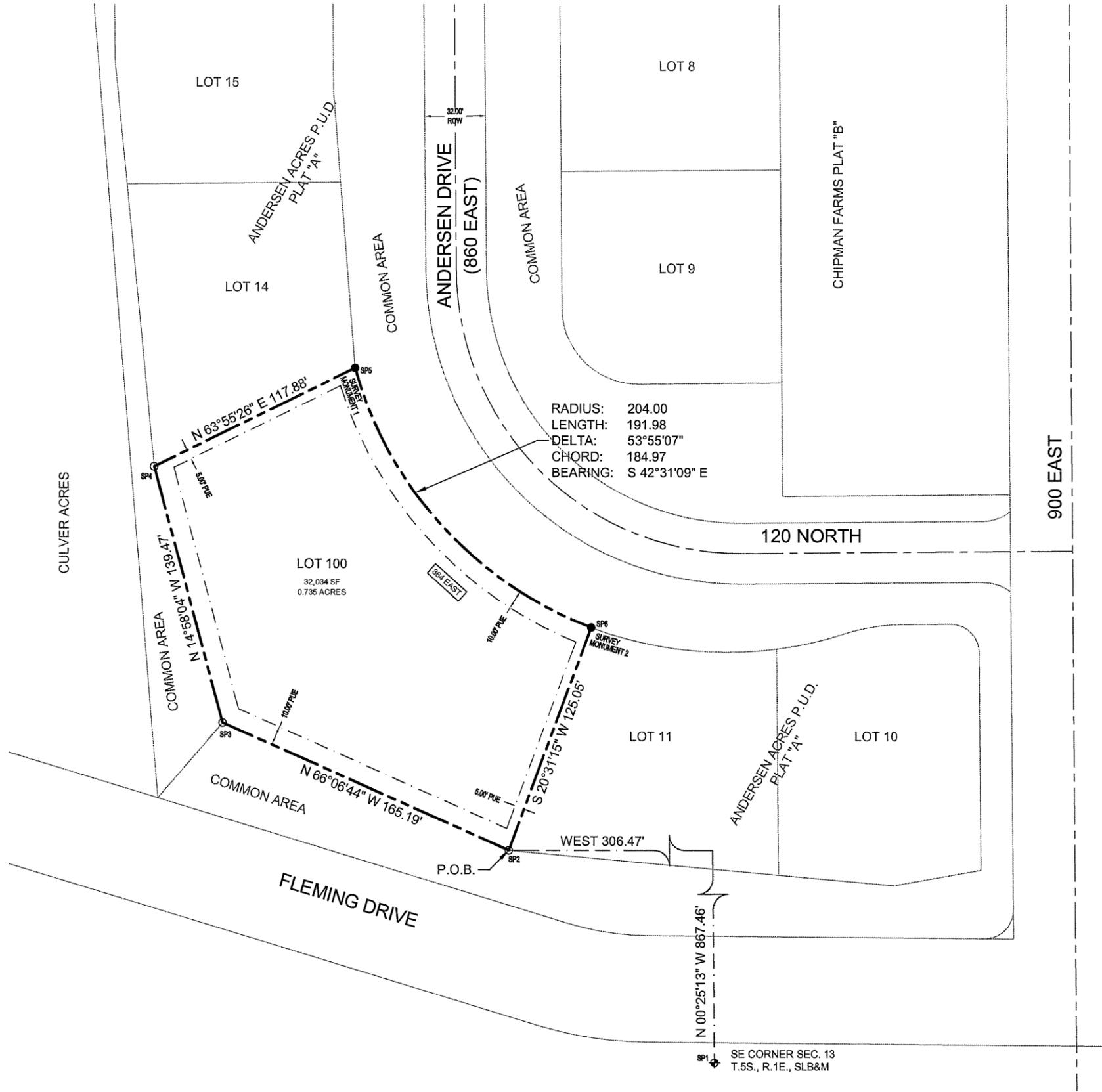
James H. Hadfield, Mayor

ATTEST:

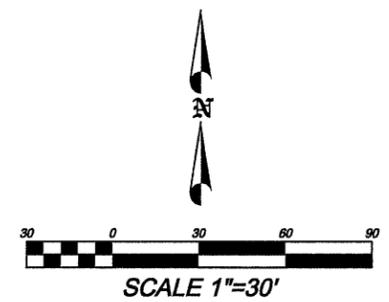
Richard M. Colborn
City Recorder

ANDERSEN ACRES P.U.D. PLAT "B"

A COMBINATION OF LOTS 12 & 13 OF ANDERSEN ACRES P.U.D. PLAT "A"
 LOCATED IN THE SOUTHEAST 1/4 OF SECTION 13, TOWNSHIP 5 SOUTH, RANGE 1 EAST, SALT LAKE BASE & MERIDIAN
 AMERICAN FORK CITY, UTAH COUNTY, STATE OF UTAH



RADIUS: 204.00
 LENGTH: 191.98
 DELTA: 53°55'07"
 CHORD: 184.97
 BEARING: S 42°31'09" E

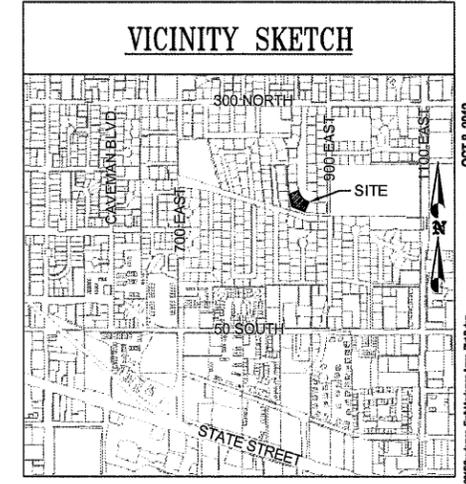


STATE PLANE COORDINATES		
NAD 83		
POINT	EASTING	NORTHING
SP1 (NAD27)	1,924,132.28	744,570.79
SP1	1,564,336.98	7,306,237.00
SP2	1,564,024.15	7,307,104.43
SP3	1,563,873.11	7,307,171.33
SP4	1,563,837.09	7,307,306.07
SP5/M1	1,563,942.98	7,307,357.88
SP6/M2	1,564,067.99	7,307,221.55

UTILITY NOTE:
 ANY UNUSED UTILITY SERVICES MUST BE TERMINATED
 AT THE MAIN LINE UTILITY CONNECTION.

TABULATIONS	
TOTAL DEVELOPMENT:	0.735 ACRES
ZONE:	R-1-9000
TOTAL LOTS:	1
FLOOD ZONE DESIGNATION: ZONE B	
FIRM MAP PANEL #: 490182 0005 B	
EFFECTIVE DATE: NOVEMBER 25, 1980	

ADDRESS TABLE		
LOT 100	864 EAST	120 NORTH



SURVEYOR'S CERTIFICATE

I, _____ DO HEREBY CERTIFY THAT I AM A PROFESSIONAL LAND SURVEYOR, AND THAT I HOLD CERTIFICATE NO. _____ AS PRESCRIBED UNDER THE LAWS OF THE STATE OF UTAH. I FURTHER CERTIFY THAT BY AUTHORITY OF THE OWNERS, I HAVE MADE A SURVEY OF THE TRACT OF LAND SHOWN ON THIS PLAT AND DESCRIBED BELOW, AND HAVE SUBDIVIDED SAID TRACT OF LAND INTO LOTS, BLOCKS, STREETS AND EASEMENTS AND THE SAME HAS BEEN CORRECTLY SURVEYED AND STAKED ON THE GROUND AS SHOWN ON THIS PLAT AND THAT THIS PLAT IS TRUE AND CORRECT.

DATE _____ SURVEYOR, P.L.S. (SEE SEAL BELOW)

BOUNDARY DESCRIPTION

BEGINNING AT A POINT THAT IS N 00°25'13" W 867.46 FEET ALONG THE SECTION LINE AND WEST 306.47 FEET FROM THE SOUTHEAST CORNER OF SECTION 13, TOWNSHIP 5 SOUTH RANGE 1 EAST, SALT LAKE BASE AND MERIDIAN;
 RUNNING THENCE N 66°06'44" W 165.19 FEET; THENCE N 14°58'04" W 139.47 FEET; THENCE N 63°55'26" E 117.88 FEET; THENCE ALONG THE ARC OF A 204.00 FOOT RADIUS CURVE TO THE LEFT 191.98 FEET (CURVE HAS A CENTRAL ANGLE OF 53°55'07" AND A CHORD THAT BEARS S 42°31'09" E 184.97 FEET); THENCE S 20°31'15" W 125.05 FEET TO THE POINT OF BEGINNING.
 CONTAINING: 0.735 ACRES # OF LOTS = 1

OWNER'S DEDICATION

THE UNDERSIGNED OWNERS OF THE PROPERTY DESCRIBED ABOVE AND SHOWN ON THIS PLAT, HAVE CAUSED THE SAME TO BE SUBDIVIDED INTO LOTS, STREETS, AND EASEMENTS AND DO HEREBY DEDICATE ANY PUBLIC STREETS AND OTHER PUBLIC AREAS SHOWN THEREON FOR THE PERPETUAL USE OF THE PUBLIC.

IN WITNESS WHEREOF WE HAVE HEREUNTO SET OUR HANDS THIS _____ DAY OF _____, A.D. _____

ACKNOWLEDGMENT

STATE OF UTAH }
 COUNTY OF UTAH } S.S.
 ON THE _____ DAY OF _____, A.D. _____ THE FOREGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME BY _____ OF _____ COMPANY A UTAH LIMITED LIABILITY COMPANY, ON BEHALF OF SAID ENTITY.
 MY COMMISSION EXPIRES _____ NOTARY PUBLIC

ACCEPTANCE BY LEGISLATIVE BODY

THE CITY COUNCIL OF _____ AMERICAN FORK CITY COUNTY OF UTAH, APPROVES THIS SUBDIVISION AND HEREBY ACKNOWLEDGES THE VACATION OF CERTAIN PUBLIC UTILITY EASEMENTS AND ACCEPTS THE DEDICATION OF ALL STREETS AND EASEMENTS FOR THE PERPETUAL USE OF THE PUBLIC THIS _____ DAY OF _____, A.D. _____
 _____ MAYOR _____ COUNCIL MEMBER
 _____ COUNCIL MEMBER _____ COUNCIL MEMBER
 _____ COUNCIL MEMBER _____ COUNCIL MEMBER
 APPROVED _____ ATTEST _____
 CITY ENGINEER (SEE SEAL BELOW) CLERK-RECORDER (SEE SEAL BELOW)

PLANNING COMMISSION APPROVAL

APPROVED THIS _____ DAY OF _____, A.D. _____ BY THE _____ AMERICAN FORK CITY PLANNING COMMISSION
 _____ PLANNER _____ CHAIRMAN, PLANNING COMMISSION

PLAT "B"
ANDERSEN ACRES P.U.D.
 A COMBINATION OF LOTS 12 & 13 OF ANDERSEN ACRES P.U.D. PLAT "A"
 LOCATED IN THE SE 1/4 OF SECTION 13, T. 5 S., R. 1 E., SLB&M
 AMERICAN FORK CITY, UTAH COUNTY, STATE OF UTAH
 SCALE: 1" = 300'

SURVEYOR'S SEAL NOTARY PUBLIC SEAL CITY ENGINEER SEAL CLERK-RECORDER SEAL

CIVIL ENGINEERING
 11038 N Highland Blvd Suite 400
 Provo, UT 84603
 office (801) 462-1277
 cell (801) 616-1877

AZTEC ENGINEERING INC.
 481 NORTH 450 WEST
 OREM, UTAH 84057
 (801) 224-7308

SEWER AUTHORITY APPROVAL

APPROVED THIS _____ DAY OF _____, A.D. 20____, BY THE SEWER AUTHORITY.

_____ SEWER AUTHORITY

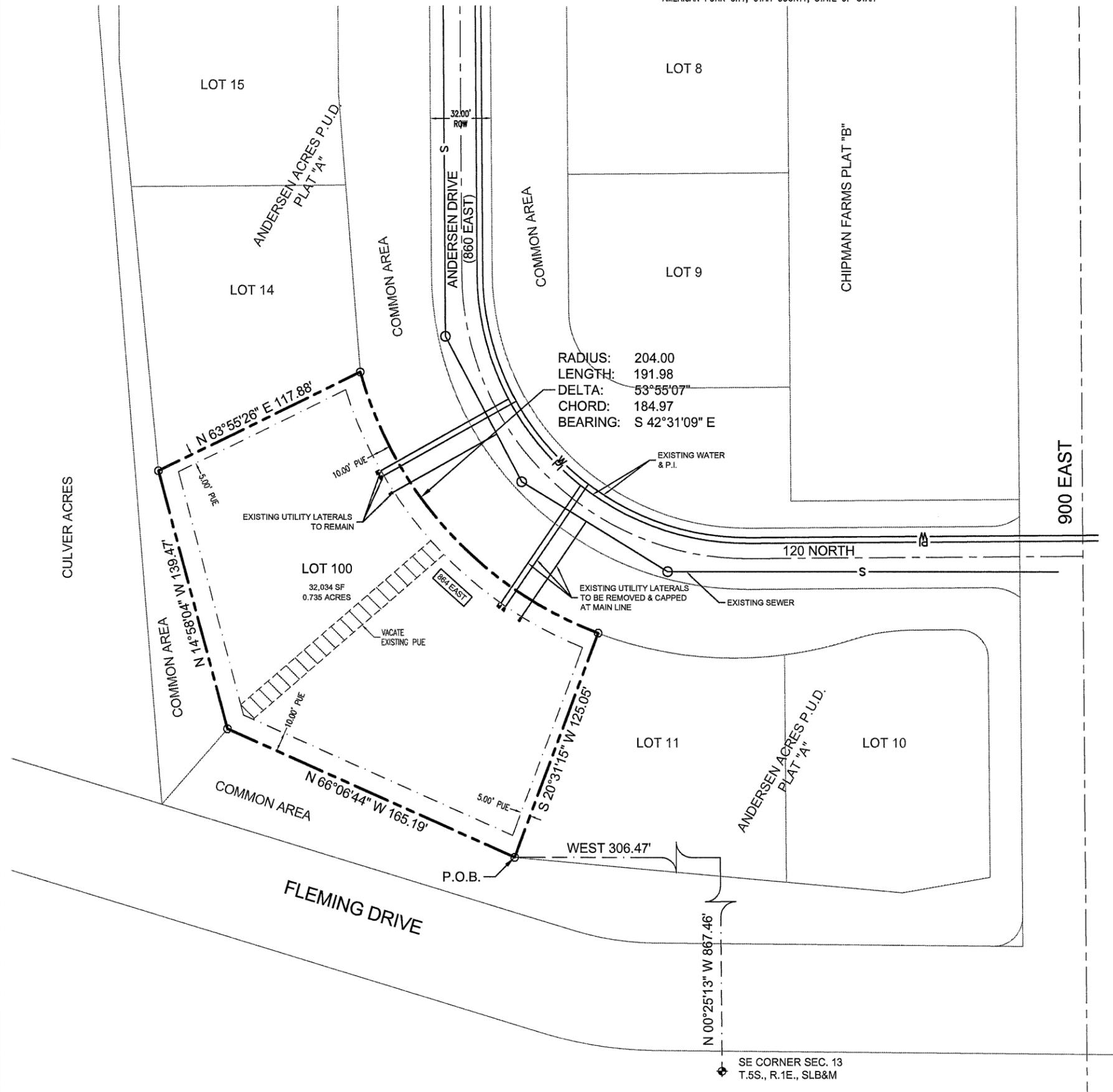
WATER AUTHORITY APPROVAL

APPROVED THIS _____ DAY OF _____, A.D. 20____, BY THE WATER AUTHORITY.

_____ WATER AUTHORITY

ANDERSEN ACRES P.U.D. PLAT "B"

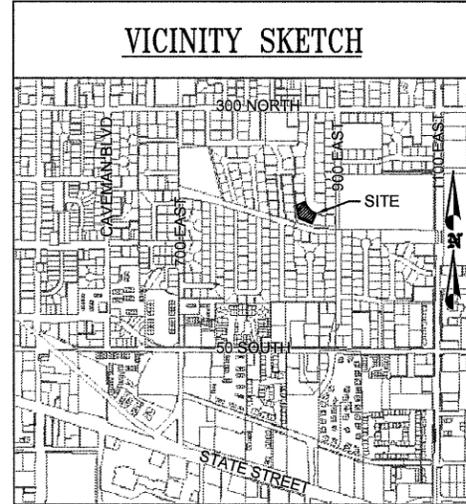
A COMBINATION OF LOTS 12 & 13 OF ANDERSEN ACRES P.U.D. PLAT "A"
 LOCATED IN THE SOUTHEAST 1/4 OF SECTION 13, TOWNSHIP 5 SOUTH, RANGE 1 EAST, SALT LAKE BASE & MERIDIAN
 AMERICAN FORK CITY, UTAH COUNTY, STATE OF UTAH



RADIUS: 204.00
 LENGTH: 191.98
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TABULATIONS	
TOTAL DEVELOPMENT:	0.735 ACRES
ZONE:	R-1-9000
TOTAL LOTS:	1
FLOOD ZONE DESIGNATION: ZONE B	
FIRM MAP PANEL #: 490152 0005 B	
EFFECTIVE DATE: NOVEMBER 25, 1980	

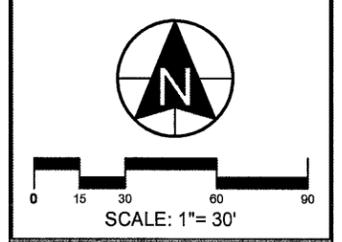
ADDRESS TABLE		
LOT 100	864 EAST	120 NORTH



BOUNDARY DESCRIPTION
 BEGINNING AT A POINT THAT IS N 00°25'13" W 867.46 FEET ALONG THE SECTION LINE AND WEST 306.47 FEET FROM THE SOUTHEAST CORNER OF SECTION 13, TOWNSHIP 5 SOUTH RANGE 1 EAST, SALT LAKE BASE AND MERIDIAN;
 RUNNING THENCE N 66°06'44" W 165.19 FEET; THENCE N 14°58'04" W 139.47 FEET; THENCE N 63°55'26" E 117.88 FEET; THENCE ALONG THE ARC OF A 204.00 FOOT RADIUS CURVE TO THE LEFT 191.98 FEET (CURVE HAS A CENTRAL ANGLE OF 53°55'07" AND A CHORD THAT BEARS S 42°31'09" E 184.97 FEET); THENCE S 20°31'15" W 125.05 FEET TO THE POINT OF BEGINNING.
 CONTAINING: 0.735 ACRES # OF LOTS = 1

DEVELOPMENT
ANDERSEN ACRES P.U.D. PLAT "B"
 864 EAST 120 NORTH
 AMERICAN FORK, UTAH 84003

DEVELOPER



BERG CIVIL ENGINEERING
 11038 N Highland Blvd Suite 400
 Highland Ut, 84003
 office (801) 492-1277
 cell (801) 616-1677

PROJECT STATUS		SEAL
NO.	DATE	DESCRIPTION
1		
2		
3		
4		
5		
6		
7		

ACTION	DATE
FINAL	4/20/2015

ANDERSEN ACRES P.U.D. PLAT "B"

DESCRIPTION
FINAL CONSTRUCTION PLAN

SHEET NAME: **COVER** SHEET NUMBER: **C1**

AGENDA TOPIC: Review and action on the final plat for Andersen Acres PUD Plat B, consisting of one lot, located at 864 East 120 North, in the R1-9,000 Residential Zone.

ACTIONS REQUESTED: Recommendation of approval of the final plat.

BACKGROUND INFORMATION			
Location:		864 E. 120 N.	
Applicants:		Berg Engineering/Emily Sanderson	
Existing Land Use:		Residential	
Proposed Land Use:		Residential	
Surrounding Land Use:	North	Residential	
	South	Residential	
	East	Residential	
	West	Residential	
Existing Zoning:		R1-9,000	
Proposed Zoning:		N/A	
Surrounding Zoning:	North	R1-9,000	
	South	R1-9,000	
	East	R1-9,000	
	West	R1-9,000	
Growth Plan Designation:		Low Density Residential (3 du/ac)	
Zoning within density range?		X	Yes
			No

PROJECT DESCRIPTION: Final plat of Andersen Acres PUD Plat B, consisting of one lot.

Background

Andersen Acres PUD was approved in 2005, consisting of 21 lots. The owner of Lots 12 and 13 would like to combine the two lots into one. Plat B consists of one lot; the combination of former Lots 12 and 13. Expansion of an existing home is proposed.

Existing utility laterals serving Lot 12 will be removed and capped at the main line (Sheet C1). In addition, a public utility easement between the two lots will be vacated in order for expansion of the existing home.

Consistency with the Land Use Plan:

The Land Use Plan designates this area as “Low Density Residential” (3 du/ac). The proposed subdivision is consistent with this designation.

Section 17.8.211 of the Development Code

The Planning Commission may act to recommend approval of a final plat upon a finding that:

- a. The final plat conforms with the terms of the preliminary plan approval.

The final plat conforms to the original preliminary plan; with the exception that two former lots are being consolidated into one.

- b. The final plat complies with all City requirements and standards relating to Subdivisions.

This criterion has been met.

- c. The detailed engineering plans and materials comply with the City standards and policies.

Engineering will address concerns, if any, at the time of the Planning Commission Meeting.

- d. The estimates of cost of constructing the required improvements are realistic.

Engineering will determine whether the cost estimates of constructing any required improvements are realistic.

- e. The water rights conveyance documents have been provided.

Water rights conveyance, if needed, shall be satisfied prior to plat recordation.

FINDINGS OF FACT/CONDITION OF APPROVAL

After reviewing the application for final plat approval, the following findings of fact and condition of approval are offered for consideration:

1. The final plat meets Section 17.8.101 (Intent) of Chapter 17.8 (Subdivisions).
2. The final plat meets the criteria as found in Section 17.8.211 of the Development Code.
3. Water rights conveyance, if needed, shall be satisfied prior to final plat recordation.

POTENTIAL MOTION

Mr. Chairman, I move that we recommend approval of the final plat of Andersen Acres PUD Plat B, with the findings and condition listed in the staff report and subject to any findings, conditions and modifications found in the engineering report.

AMERICAN FORK CITY ENGINEERING DIVISION STAFF REPORT

Planning Commission Meeting Date: 5/20/2015

This report is a summary of the American Fork City Engineering Division plan review comments regarding the subject plan as submitted by the applicant for American Fork City Land Use Authority approval:

Project Name: Andersen Acres PUD Plat B

Project Address: 864 East 120 North

Developer / Applicant's Name: Berg Engineering/Emily Sanderson

Type of Application:

- | | | |
|--|--|--------------------------------------|
| <input checked="" type="checkbox"/> Subdivision Final Plat | <input type="checkbox"/> Subdivision Preliminary Plan | <input type="checkbox"/> Annexation |
| <input type="checkbox"/> Code Text Amendment | <input type="checkbox"/> General Plan Amendment | <input type="checkbox"/> Zone Change |
| <input type="checkbox"/> Commercial Site Plan | <input type="checkbox"/> Residential Accessory Structure Site Plan | |

Engineering Division Recommendation: The Engineering Division recommends APPROVAL of the proposed development subject to the following findings and conditions:

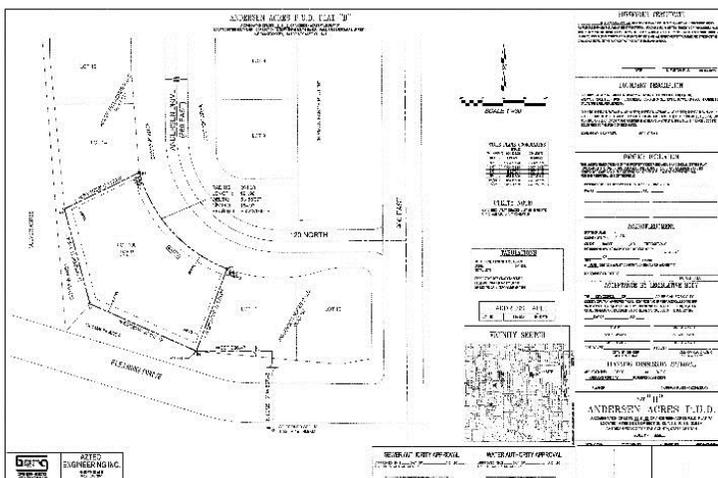
1. All Standard Conditions of Approval and items denoted as "Plan Modification(s) Required" in the 5/20/2015 Engineering Division Staff Report for the City Land Use Authority shall be addressed on all final project documents.

Applicant is requesting that the Planning Commission waive the following requirement(s):

1. NA

- | | |
|--------------------------|--|
| <input type="checkbox"/> | Requested waivers ARE necessary for the proposed development to move forward. |
| <input type="checkbox"/> | Requested waivers ARE NOT necessary for the proposed development to move forward. |

Plan Submittal:



STANDARD CONDITIONS OF APPROVAL

Standard 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 Engineering Division 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, street light, 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).

Plan Modifications Required:

1. Make corrections from redlines of the GIS Department from Robert Autrey.
2. Vacate easement between lots 12 & 13 of Andersen Acres PUD Plat "A". Provide all need documents, easement legal description and information to the City Recorder so that easement vacation process can begin. Also provide letters from the Franchise Utility Companies stating that they have no existing utilities or infrastructure with the easements and that they don't plan on using the easement in the future.
3. A letter from George Schade stating that the PUE is not used by the City utilities and that the new proposed PUE will be adequate for any use in the future.
4. Add two Subdivision Monuments with associated State Plane Coordinates (SPC).
5. Provide PUD Documents and HOA approval of documents to be recorded with plat.
6. Provide a letter from the HOA approving the plat revision.
7. Unused surplus utility laterals must terminated at the main line utility connections.

AMERICAN FORK CITY
PLANNING COMMISSION MEETING MINUTES
MAY 20, 2015

The American Fork Planning Commission met in a regular session on May 20, 2015, in the American Fork City Hall, located at 31 North Church Street, commencing at 7:00 p.m.

Present: John Woffinden, Chairman
Commission Members: Rebecca Staten, Nathan Schellenberg, Leonard Hight, Marie Adams, Eric Franson
Absent Commission Members: Christine Anderson (Alternate Member), Harold Dudley
Wendelin Knobloch, Associate Planner
Howard Denney, Engineering Services Manager
Kim E. Holindrake, Public Works Administrative Assistant
Others: Ken Berg – Berg Engineering, Steve Smith

1. Pledge of Allegiance

Those in attendance stood and stated the Pledge of Allegiance.

2. Review and action on the final plat for Andersen Acres PUD Plat B, consisting of one lot, located at 864 East 120 North, in the R1-9,000 Residential zone

Staff Presentation:

Wendelin Knobloch stated the owner of a lot wants to add to his home so he bought the next lot. To accommodate this the two lots will be merged together. The utility easement will be vacated between the two existing lots because you can't build on a utility easement. The laterals will be capped.

Howard Denney reported there are several plan modifications listed in the staff report. Engineering recommends approval.

Applicant Presentation:

Ken Berg stated the owners are just working on an expansion to their home. All the paper work such as the HOA letter are drafted and just need to be signed. The PUD now has one less lot, which changed the voting rights in the HOA. They will work out those items.

MOTION: Rebecca Staten - To recommend approval of the final plat of Andersen Acres PUD Plat B, with the findings and condition listed in the staff report and subject to any findings, conditions and modifications found in the engineering report.

Findings:

- **The final plat meets Section 17.8.101 (Intent) of Chapter 17.8 (Subdivisions).**
- **The final plat meets the criteria as found in Section 17.8.211 of the Development Code.**

Conditions:

- Water rights conveyance, if needed, shall be satisfied prior to final plat recordation.
- All Standard Conditions of Approval and items denoted as “Plan Modification(s) Required” in the 5/20/2015 Engineering Division Staff Report for the City Land Use Authority shall be addressed on all final project documents.

Seconded by Leonard Hight.

Yes -

Marie Adams
Eric Franson
Leonard Hight
Nathan Schellenberg
Rebecca Staten
John Woffinden

Motion passes.

3. Review and action on the final plat for James Court Inner Block Cottage Development Plat B, consisting of two lots, located at 164 and 176 North 150 West, in the R2-7,500 Residential zone (7:06 p.m.)

Staff Presentation:

Wendelin Knobloch stated this is an adjustment of the lot line between lots 1 and 2 in Plat A. This is the preference of the two property owners. The easement will be adjusted. Planning recommends approval.

Howard Denney stated there are a few plat modifications listed in the staff report. Engineering recommends approval.

Applicant Presentation:

Ken Berg stated the owner of lot 1 didn't want his fence to terminate in the midpoint of the existing fence. He wanted it to end at a fence post. It meets all the inner-block ordinance requirements.

MOTION: Nathan Schellenberg - To recommend approval of the final plat of James Court Inner Block Cottage Plat B, with the findings and condition listed in the staff report and subject to any findings, conditions and modifications found in the engineering report.

Findings:

- The final plat meets Section 17.8.101 (Intent) of Chapter 17.8 (Subdivisions).
- The final plat meets the criteria as found in Section 17.8.211 of the Development Code.

Conditions:

- Water rights conveyance, if needed, shall be satisfied prior to final plat recordation.
- All Standard Conditions of Approval and items denoted as “Plan Modification(s) Required” in the 5/20/2015 Engineering Division Staff Report



**REQUEST FOR COUNCIL ACTION
CITY OF AMERICAN FORK
JUNE 9, 2015**

Department Recorder

Department Richard Colborn

AGENDA ITEM Review and action on a Resolution Preserving A Sacred Atmosphere in the American Fork City Cemetery on Memorial Day Weekends

SUMMARY RECOMMENDATION Approval

BACKGROUND One item we need to improve as a city is in our respecting the cemetery on Memorial Day. Much of the access into the cemetery was restricted due to the race that was taking place. They had runners coming in from two different directions, but both leading through the cemetery. They had blazing rock music and dance contests taking place at the rec. Center parking lot. I noticed a family off in the distance in another part of the cemetery that was trying to play the bag pipes to pay their respects, but was completely drowned out from the "rock concert" taking place across the street. Parking was another issue since many of the runners had taken the parking. The atmosphere created by the race is not one that we would want to show case on the most sacred day of the year for the cemetery. It is hoped that we can create an atmosphere that allows for sacred reflection, to show appreciation for and reverence to those who have done so much for us to enjoy what we have today.

BUDGET IMPACT N/A

SUGGESTED MOTION I move to adopt the Resolution Preserving A Sacred Atmosphere in the American Fork City Cemetery on Memorial Day Weekends.

SUPPORTING DOCUMENTS

Cemetery Resolution (PDF)

Resolution on Preserving A Sacred Atmosphere in the American Fork City Cemetery on Memorial Day Weekends

Resolution No. _____

WHEREAS, On May 1, 1865, freed slaves gathered in Charleston, South Carolina to commemorate the death of Union soldiers and the end of the American Civil War; and Three years later, General John Logan issued a special order that May 30, 1868 be observed as Decoration Day, the first Memorial Day — a day set aside “for the purpose of strewing with flowers or otherwise decorating the graves of comrades who died in defense of their country during the late rebellion, and whose bodies now lie in almost every city, village, and hamlet church-yard in the land.”; and

WHEREAS, Memorial Day, as Decoration Day gradually came to be known, continued to be observed on May 30, the date Logan had selected for the first Decoration Day, but in 1968 Congress passed the Uniform Monday Holiday Act, which established Memorial Day as the last Monday in May in order to create a three-day weekend for federal employees; the change went into effect in 1971; and the same law also declared Memorial Day a federal holiday; and

WHEREAS, American Fork City has historically maintained a rich heritage of commemorating and celebrating the lives of those who paid the ultimate sacrifice for our freedoms; and American Fork City wishes to create an atmosphere of respect and reverence on Memorial Day at the American Fork City Cemetery ;

NOW, THEREFORE, BE IT RESOLVED that the City Council of American Fork, Utah, hereby declares that from the Friday before Memorial Day to the end of Memorial Day (otherwise known as Memorial Day weekend), American Fork City Cemetery and surrounding areas shall be preserved for the gathering of families and small groups of people to pay their loved ones who have passed on. Preserving the sacred atmosphere of the cemetery during this weekend shall take top priority. No large organized activities shall take place in or near the cemetery that would distract from the peaceful atmosphere of the cemetery or the accessibility to the cemetery.

IN WITNESS WHEREOF, I hereto set forth my hand and cause the Seal of the City of American Fork to be affixed this ___ day of June, 2015.

James H. Hadfield, Mayor

Attest:

Richard M Colborn, City Recorder