MIDVALE CITY, UTAH
RESOLUTION NO. 2016-R-33

A RESOLUTION AMENDING EXHIBIT J OF THE FOUNDER'S POINT
PROJECT DEVELOPMENT AGREEMENT

WHEREAS, pursuant to Section 10-9a-102 (2) of the Utah State Code, the City
is authorized as follows: "To accomplish the purposes of this chapter, municipalities may
enact all ordinances, resolutions, and rules and may enter into other forms of land use
controls and development agreements that they consider necessary or appropriate for the
use and development of land within the municipality, including ordinances, resolutions,
rules, restrictive covenants, easements, and development agreements governing uses,
density, open spaces, structures, buildings, energy efficiency, light and air, air quality,
transportation and public or alternative transportation, infrastructure, street and building
orientation and width requirements, public facilities, and height and location of
vegetation, trees, and landscaping, unless expressly prohibited by law"; and

WHEREAS, due to the unique circumstances involved in the development of the
Midvale Slag Superfund Site, the City has found it necessary and beneficial to the
Property Owner and the City to enter into a Development Agreement detailing
improvements to be installed by all parties, time frames in which they must be completed,
and limits to the cost of those improvements for the Founders Point Project, which
includes three project areas – an apartment development, a single family development,
and a public park; and

WHEREAS, said Development Agreement was entered into on August 18, 2015
for Founders Point Project between Midvale City Corporation and Wasatch Kimpton
Square, LLC; recorded as Entry #12123060, Book 10357, Page 3898-3969 in the Salt
Lake County Recorder's Office; and said development plan is currently being
constructed; and

WHEREAS, said Development Agreement includes exhibits outlining some of
the housing models and the allowable primary exterior materials and colors that can be
used in the single family development area; and

WHEREAS, pursuant to Section 3.5.3.2 of the Development Agreement, the
Planning Commission approved three additional housing models to be used within the
single family development area on July 27, 2016. Part of the request was to allow stucco
as an exterior material on the first floor of these models; stucco is not part the list of
exterior colors outlined in Exhibit J of the Development Agreement; and

WHEREAS, the Planning Commission, as part of its decision to add housing
models to the development, recommended that the City Council consider amending the
Development Agreement to include stucco as an allowable exterior material on the first
floor elevations of the housing models, subject to the ordinance limitations on the amount of stucco; and

WHEREAS, the parties have agreed that such change be made to Exhibit J of the Development Agreement; and

WHEREAS, the City Council has reviewed said amendment to Exhibit J of the Development Agreement and agrees with the amendment to allow stucco as an exterior material on the housing models in the single family development area.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF MIDVALE CITY, STATE OF UTAH, AS FOLLOWS:

Section 1. The Midvale City Council shall amend Exhibit J of the Founders Point Project Development Agreement allowing “stucco “or “EIFS” as an additional house body exterior material.

Section 2. The use of “stucco “or “EIFS” shall be limited on any house model to a maximum of 25% on any front elevation or side elevation adjacent to a street or common area and 50% on other elevations; the use of “stucco “or “EIFS” shall also be limited to the first floor of any house model.

Section 3. The Midvale City Council on this date does hereby authorize this Resolution.

PASSED AND APPROVED this 20th day of September, 2016.

JoAnn B. Seghini, Mayor

ATTEST:

Rori Andreason, MMC
City Recorder

Voting by City Council
Stephen Brown  “Aye”
Paul Glover  “Nay”
Paul Hunt
Wayne Sharp
Quinn Sperry