

RESOLUTION 2020-43
A RESOLUTION OF THE SOUTH WEBER CITY COUNCIL AMENDING
THE STAN COOK PROPERTY DEVELOPMENT AGREEMENT

WHEREAS, Cook Property Development Agreement was recorded April 16, 2019; and

WHEREAS, that property located at approximately 675 E Old Post Office Road was later named Harvest Park Subdivision; and

WHEREAS, developer Nilson Homes agreed to develop the detention basin in phase one in a manner allowing use as a dog park; and

WHEREAS, more than one year has elapsed without substantial progress; and

WHEREAS, Council has requested a firm time commitment for completion and Nilson Homes has agreed to a November 1st, 2020 deadline;


NOW THEREFORE BE IT RESOLVED by the Council of South Weber City, Davis County, state of Utah, as follows:

Section 1. Approval: The Stan Cook Property Development Agreement shall be amended as attached in Exhibit 1.

Section 2: Repealer Clause: All ordinances or resolutions or parts thereof, which are in conflict herewith, are hereby repealed.

PASSED AND ADOPTED by the City Council of South Weber, Davis County, on the 13th day of October 2020.

Roll call vote is as follows:		
Council Member Alberts	(FOR)	AGAINST
Council Member Halverson	(FOR)	AGAINST
Council Member Petty	(FOR)	AGAINST
Council Member Soderquist	(FOR)	AGAINST
Council Member Winsor	(FOR)	AGAINST


Jo Sjoblom, Mayor



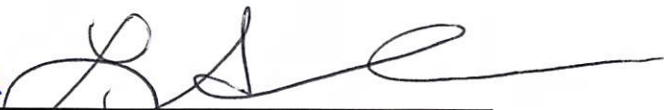

Attest: Lisa Smith, Recorder

EXHIBIT 1

AMENDMENT TO THE DEVELOPMENT AGREEMENT FOR THE STAN COOK PROPERTY IN SOUTH WEBER CITY

Office of the Davis County Recorder



E 3305273 B 7618 P 2537-2544
RICHARD T. MAUGHAN
DAVIS COUNTY, UTAH RECORDER
10/16/2020 05:00 PM
FEE \$0.00 Pgs: 8
DEP RT REC'D FOR SOUTH WEBER CITY

10/16/2020 5:00 PM

Recorder
Richard T. Maughan
Chief Deputy
Laile H. Lomax

RETURNED
OCT 16 2020

THE UNDERLYING DOCUMENT ATTACHED HERETO IS AN ORIGINAL DOCUMENT SUBMITTED FOR RECORDING IN THE OFFICE OF THE COUNTY RECORDER OF DAVIS COUNTY, UTAH. THE DOCUMENT HAS INSUFFICIENT MARGIN SPACE FOR THE REQUIRED RECORDING ENDORSMENT STAMP. THIS PAGE BECOMES THE FRONT PAGE OF THE DOCUMENT FOR RECORDING PURPOSES.

THE DOCUMENT HEREIN RECORDED IS A Amendment
(Document Type)

13-348-0130
Tax Serial Number(s)

**AMENDMENT TO THE DEVELOPMENT AGREEMENT
FOR THE STAN COOK PROPERTY IN SOUTH WEBER CITY**

This AMENDMENT to the DEVELOPMENT AGREEMENT FOR THE STAN COOK PROPERTY IN SOUTH WEBER CITY (“Amendment”) is made and entered into this 13th day of October, 2020 by and between **HARVEST PARK, LLC**, OF 5617 South 1475 East, Ogden, Utah 84403 (hereinafter referred to as “Developer”) **STANLEY R. COOK & BONNIE B. COOK** of 6966 South 725 East, South Weber, Utah 84405 and **HARVEST PARK, LLC** of 5617 South 1475 East, Ogden, Utah 84403 (hereinafter referred to as “Owners”), and **SOUTH WEBER CITY**, a municipal corporation of the State of Utah (hereinafter referred to as “City”), of 1600 East South Weber Drive, South Weber, UT 84405. Developer, Owners, and City are heretofore referred to as the “Parties.”

RECITALS:

- A. The Parties entered into that certain Development Agreement for the Stan Cook Property in South Weber City dated April 10, 2019 (the “Agreement”).
- B. The parties desire to enter this Amendment of that Agreement.

NOW, THEREFORE, in consideration of the mutual covenants contained herein, and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties hereby agree as follows:

1. Paragraph 9.2 of the Agreement shall be altered to read as follows:

9.2 The detention basin portion of the open space can be used as a public dog park. In order to use the detention basin area for this secondary purpose, the Developer agrees to install a six-foot non-screening chain link fence around the perimeter of the detention basin with a double-gated entry. The Developer will complete construction of the dog park no later than November 1, 2020. If circumstances arise that are beyond the control of the Developer (e.g., unavailability of materials or a weather event), the City Manager may extend the completion date upon written request from the Developer. Extensions of the completion date based on circumstances beyond the Developer’s control shall not be unreasonably withheld.

2. All other provisions of the original Development Agreement for the Stan Cook Property in South Weber City shall remain unaffected and in full force and effect.

IN WITNESS WHEREOF, the parties hereto have executed this Amendment individually or by and through their respective, duly authorized representatives as of the day and year first above written.

Witness the hand of said grantors, this 12th day of October, A.D. 2020.

[Signature]
Signed, Harvest Park, LLC

State of Utah)
) ss.
County of Davis)

On the 12th day of October, A.D. 2020, personally appeared before me, Steve Bingham, the signer of the foregoing instrument, who duly acknowledged that he/she is the manager, of Harvest Park, a Limited Liability Company and signed said document in behalf of said Harvest Park, LLC by Authority of its Bylaws or of its Board of Directors, and said Steve Bingham, acknowledged to me said Limited Liability Company executed the same.

WITNESS my hand and official seal the day and year in this certificate first above written.


Chris Masero
NOTARY PUBLIC
Commission Expires:



“City”

SOUTH WEBER CITY

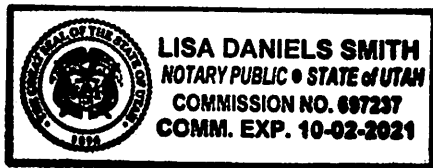
By: 
David Larson, City Manager



Attest: Lisa Smith, City Recorder

State of Utah)
) ss.
County of Davis)

Subscribed and sworn to before me on this 1st day of October, 2020, by David Larson.

WITNESS my hand and official seal the day and year in this certificate first above written.




NOTARY PUBLIC
Commission Expires: 10/02/2021

Parcel Vesting Information

10/30/2019 to Present

Serial Number: 13-348-0130

**Mailing Address: 1600 EAST SOUTH WEBER DR
SOUTH WEBER, UT 84405-0000**

Tax District

46

Location

Development: HARVEST PARK PHASE 1

L/U: OPEN SPACE

B/B:

Vested Owners

SOUTH WEBER CITY

Situs Address(es)

691 E PEBBLE CREEK DR SOUTH WEBER 84405

691 E 6750 SOUTH SOUTH WEBER 84405

Legal Description

ALL OPEN SPACE OF HARVEST PARK PHASE 1. CONT. 3.85400 ACRES.

Witness the hand of said grantors, this 12th day of October, A.D. 2020.

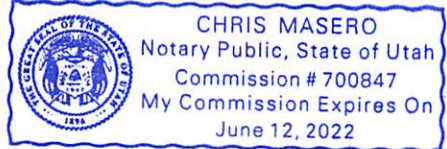
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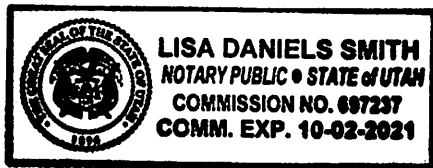
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