

## RESOLUTION 23-56

### A RESOLUTION OF THE SOUTH WEBER CITY COUNCIL ADOPTING THE KASTLECOVE PHASE 1 DEVELOPMENT AGREEMENT ADDENDUM

**WHEREAS**, South Weber City entered into a development agreement with Kastle Rock Excavation and Development LLC for Kastlecove Phase 1 subdivision on September 26, 2023; and

**WHEREAS**, Developer Layne Kap has requested an amendment to allow the plat to be recorded after the road base but prior to pavement installation due to the timing and likely weather conditions; and

**WHEREAS**, the cost of asphalt pavement would be escrowed which would comply with City Standards;

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


**Section 1. Adoption:** The addendum changing Section 8.5 of the development agreement for Kastlecove Phase 1 in South Weber City is hereby adopted 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2: Repealer Clause:** All ordinances or resolutions or parts thereof, which are in conflict herewith, are hereby repealed.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 28<sup>th</sup> day of November, 2023.

Roll call vote is as follows:

Council Member Halverson	<input checked="" type="radio"/> FOR	<input type="radio"/> AGAINST
Council Member Petty	<input checked="" type="radio"/> FOR	<input type="radio"/> AGAINST
Council Member Soderquist	<input checked="" type="radio"/> FOR	<input type="radio"/> AGAINST
Council Member Alberts	<input checked="" type="radio"/> FOR	<input type="radio"/> AGAINST
Council Member Dills	<input checked="" type="radio"/> FOR	<input type="radio"/> AGAINST

  
Rod Westbrook, Mayor

  
Attest: Lisa Smith, Recorder



# **EXHIBIT 1**

## **ADDENDUM TO DEVELOPMENT AGREEMENT FOR KASTLECOVE PHASE 1 IN SOUTH WEBER CITY**

Parcel #s  
13-302-0013  
13-296-0026  
13-027-0002, 0019  
13-021-0004, 005, 0054, 0055, 0093

Reference: Entry 3546468 B 8352 P 214-216

**Addendum to Development Agreement  
for Kastlecove Phase 1 in South Weber City**

Section 8.5 shall now read:

Completion of all Surface Improvements: Developer shall complete all surface improvements (asphalt, curb, and gutter) including the connection to existing pavement on 7375 South and the closure of the north section of 1025 East (private road) between South Weber Drive and Lester Street. If there are conditions that restrict installation of the asphalt pavement when desired the Developer may place funds in the required escrow account to match the estimated cost of the pavement as a guarantee for the installation of the pavement, and in accordance with the following Section 8.6 of this agreement.

<sup>DE</sup>  
  
"Developer" Kastle Rock Excavation & Development, LLC  
by Layne Kap, President

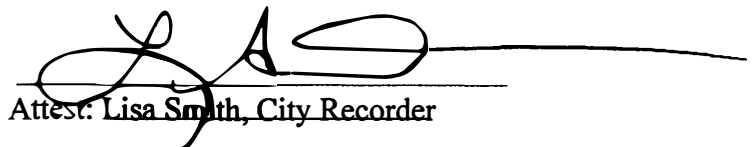
State of Utah        )  
                                  ) ss.  
County of Davis    )

On this 28<sup>th</sup> day of November 2023, personally appeared before me Layne Kap, the signer of the foregoing instrument who duly acknowledged that he is the President of Kastle Rock Excavation & Development, a Utah limited liability company and signed said document in behalf of said Kastle Rock Excavation & Development, LLC by authority of its bylaws or resolution of its board of directors and said Layne Kap acknowledged to me said Limited Liability Company executed the same.

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

"City" South Weber City

  
By David Larson, City Manager

  
Attest: Lisa Smith, City Recorder