

RESOLUTION 24-33

A RESOLUTION OF THE SOUTH WEBER CITY COUNCIL APPROVING FOURTH AMENDMENT TO DEVELOPMENT AGREEMENT FOR THE GATEWAY DEVELOPMENT

WHEREAS, the South Weber Gateway project has been in the planning stages for many years and has been sold multiple times; and

WHEREAS, three prior versions of the development agreement have been previously approved; and

WHEREAS, the current agreement changes the owner's name only with all other aspects remaining the same;

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

Section 1. Approval: The fourth amendment of the Development Agreement for the South Weber Gateway Project is hereby approved 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Section 2: Repealer Clause: All ordinances or resolutions or parts thereof, which are in conflict herewith, are hereby repealed.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 12th day of November 2024.

Roll call vote is as follows:		
Council Member Halverson	FOR	AGAINST
Council Member Petty	FOR	AGAINST
Council Member Dills	FOR	AGAINST
Council Member Davis	FOR	AGAINST
Council Member Winsor	FOR	AGAINST


Rod Westbroek, Mayor


Attest: Lisa Smith, Recorder

RES 24-33 Exhibit 1

When recorded return to:
South Weber City
1600 East South Weber Drive
South Weber, UT 84405

FOURTH AMENDMENT TO DEVELOPMENT AGREEMENT

This Fourth Amendment to Development Agreement (“Agreement”) is entered into this 12th day of November 2024 by and between South Weber City, a Utah municipal corporation (the “City”) and Stillwater Construction Group, LLC (the “Owner”) effective as of November 12th, 2024 (“Effective Date”). The Parties hereto, intending to be legally bound, hereby agree as set forth below.

Recitals

1. The City, acting pursuant to its authority under Utah Code Annotated 10-9a-101, et seq., as amended, and the Municipal Code for South Weber City (the “City Code”) and in furtherance of its land use policies, goals, objectives, ordinances, resolutions, and regulations, entered into a Development Agreement for the development of the property known as Gateway in South Weber (the legal description of which is attached hereto as **Exhibit A** (the “Property”)) with Farrell Poll and Steward Land Holdings, LLC on May 24, 2022 (“Original DA”). The Original DA, together with the Amended Development Agreements executed between the City and Wasatch Bridge Primary Investments LLC (“WBPI”) on September 10, 2024 (collectively with the Original DA, the “Amended DA”), is referenced hereto as **Exhibit B**.
2. The Owner acquired the Property from WBPI by Trustee’s Deed, recorded with the Davis County Recorder on September 30, 2024.
3. Ordinance 2023-02 was passed on March 14, 2023, which amended the land use ordinance to allow developments to be platted as townhomes that can be sold as individual units with zero lot lines between such townhome units.
4. The Owner has requested minor amendments to the Original DA and Amended DA to facilitate the expeditious development of the Property.
5. City staff reviewed the requested changes and recommended the Council further amend the Amended DA as set forth therein.

NOW THEREFORE, in consideration of the covenants and promises set forth herein, the receipt and sufficiency of which is hereby acknowledged, the Parties intending to be legally bound hereby agree as follows:

Agreement

1. Recitals and Definitions. The foregoing recitals are made part of the Agreement. Any capitalized terms used but not specifically defined in this Agreement shall be given the meaning ascribed to such terms in the Amended DA or Original DA, in that order.

2. Incorporation of Development Agreement. The Original DA, as amended by the Amended DA and the Second and Third Amendments, shall remain in full force and effect as to its terms, applicable to each of the City and the Owner; *provided, however*, that the Original DA and Amendments shall be amended as set forth herein by the change in ownership.

IN WITNESS WHEREOF, the Parties hereto have executed this Agreement effective as of the Effective Date.

OWNER:

Stillwater Construction Group, LLC

By: _____

Name: _____

Its: _____

Date: _____

OWNER ACKNOWLEDGMENT

STATE OF UTAH

COUNTY OF DAVIS

)
i. ss.
)

On November __, 2024, personally appeared before me Seth Hobby, the Manager of the above-listed entity, the signer of the above instrument, who duly acknowledged to me that he executed the same on behalf of such entity, by authority of its Operating Agreement.

Notary Public

CITY:

South Weber City, Utah

By:

[Handwritten Signature]

Name: David Larson

Its: City Manager

Date: November 12, 2024

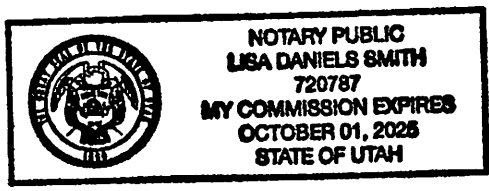
CITY ACKNOWLEDGMENT

STATE OF UTAH

)
) ss.
)

COUNTY OF DAVID

On November 12, 2024, personally appeared before me David Larson, the City Manager of the above-listed entity, the signer of the above instrument, who duly acknowledged to me that he executed the same on behalf of such entity by authority of a resolution of its City Council.



[Handwritten Signature]
Notary Public

EXHIBIT A

PROPERTY DESCRIPTION

BOUNDARY DESCRIPTION

PART OF THE NORTHEAST QUARTER OF SECTION 35, TOWNSHIP 5 NORTH, RANGE 1 WEST, SALT LAKE BASE AND MERIDIAN, U.S. SURVEY. DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT, SAID POINT BEING S89°53'29"E 861.74 FEET FROM THE CENTER OF SAID SECTION 35; THENCE N20°47'47"E 70.49 FEET; THENCE N84°30'00"W 109.15 FEET; THENCE N82°15'00"W 102.46 FEET; THENCE S20°47'47"W 6.00 FEET TO THE NORTHERLY LINE OF ROYAL FARMS ESTATES PHASE 3; THENCE ALONG SAID NORTHERLY LINE THE FOLLOWING THREE (3) COURSES: (1) N65°50'02"W 176.78 FEET; (2) N53°09'46"W 82.36 FEET; AND (3) N52°25'32"W 101.91 FEET; THENCE N46°43'51"W 137.58 FEET TO THE NORTHERLY LINE OF CEDAR BLUFFS SUBDIVISION PHASE 2; THENCE N47°12'09"W ALONG SAID NORTHERLY LINE, 328.07 FEET; THENCE N00°09'16"E 34.93 FEET TO THE SOUTHERLY RIGHT OF WAY LINE OF SOUTH WEBER DRIVE; THENCE ALONG SAID SOUTHERLY RIGHT OF WAY LINE THE FOLLOWING TWO (2) COURSES: (1) A NON-TANGENT CURVE TURNING TO THE LEFT WITH A RADIUS OF 1355.32 FEET, AN ARC LENGTH OF 423.56 FEET, A DELTA ANGLE OF 17°54'21", A CHORD BEARING OF S80°31'31"E, A RADIAL BEARING OF N18°25'39"E, AND A CHORD LENGTH OF 421.84 FEET; AND (2) S89°28'42"E 877.37 FEET; THENCE S00°06'41"W 544.02 FEET TO THE NORTHERLY LINE OF PEACHWOOD ESTATES SUBDIVISION - UNIT 1; THENCE N89°53'29"W ALONG SAID NORTHERLY LINE, 456.31 FEET TO THE POINT OF BEGINNING.

CONTAINING 507,182 SQUARE FEET OR 11.643 ACRES MORE OR LESS

EXHIBIT B

ORIGINAL DA & AMENDMENT REFERENCES

Original Development Agreement

Recorded by Davis County, Utah Recorder June 14, 2022

E 3482716 B 8030 P 1182-1197

Amended Development Agreement

Recorded by Davis County, Utah Recorder

April 17, 2024

E 3567941 B 8483 P 136-157

Second Amendment to Development Agreement

Recorded by Davis County, Utah Recorder

April 17, 2024

E 3567945 B 8483 P 207-235

Third Amendment to Development Agreement

Recorded by Davis County, Utah Recorder

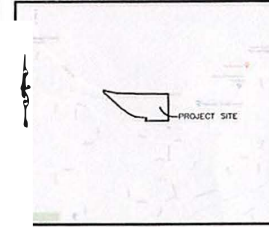
September 12, 2024

E 3586722 B 8583 P 476-481

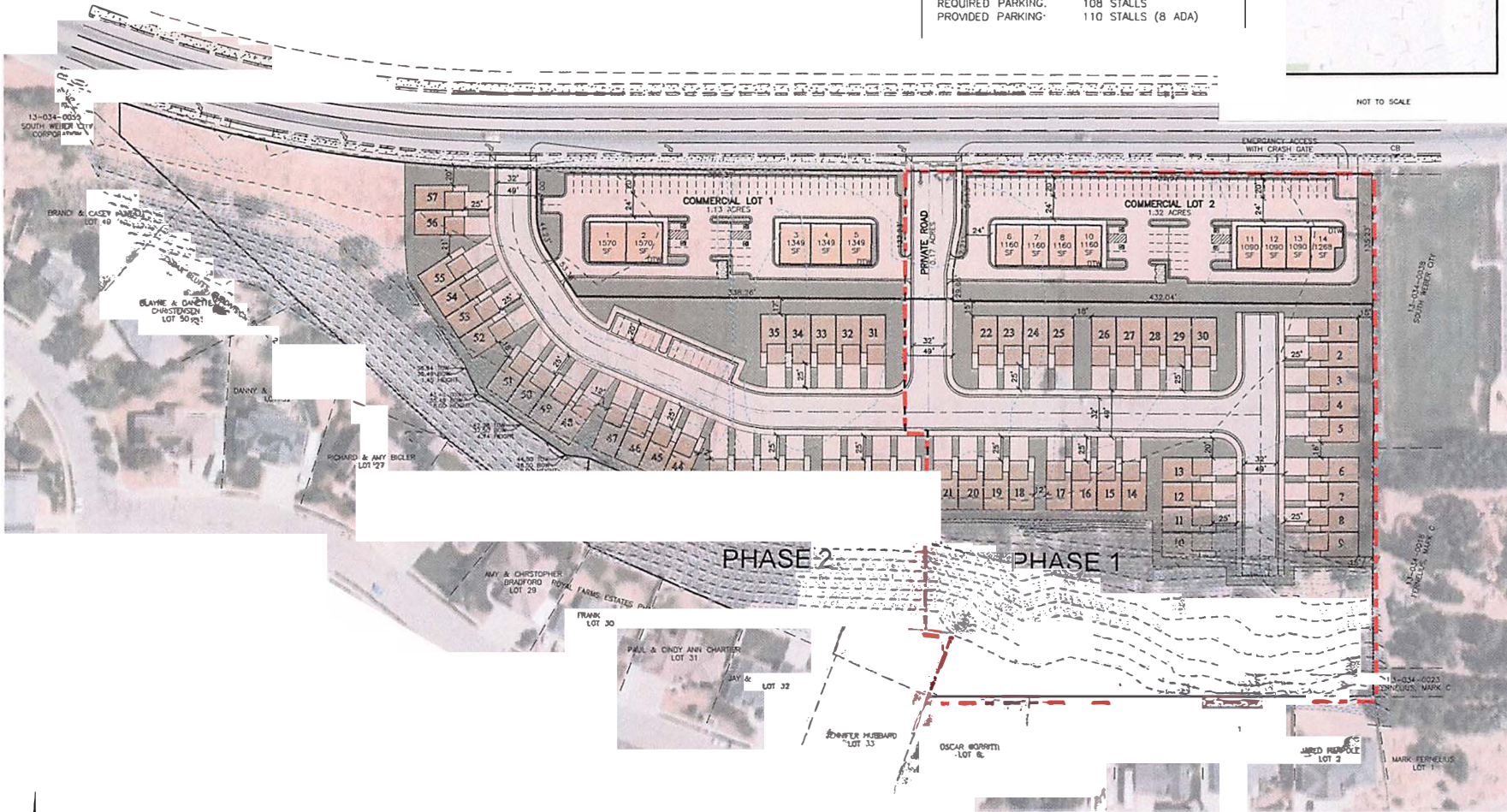
EXHIBIT C

COMMERCIAL DATA

TOTAL PARCEL AREA	106,929 S.F. (2.45 ACRES)
BUILDING AREA	16,374 S.F. 15.3%
PAVEMENT AREA	64,543 S.F. 60.4%
LANDSCAPE AREA	26,012 S.F. 24.3%
RESTAURANT AREA:	5354 S.F. (1/100 SF)
RETAIL AREA:	11019 S.F. (1/200 SF)
REQUIRED PARKING:	108 STALLS
PROVIDED PARKING:	110 STALLS (8 ADA)



NOT TO SCALE



REVISIONS	DATE	DESCRIPTION

South Weber Gateway
SOUTH WEBER, DAVIS COUNTY, UTAH
Conceptual Site Plan

Project Info.
Engineer: N. Reiss

Date	5-17-24
Name	SOUTH WEBER GATEWAY
Number	8329-01
Sheet	1
Sheets	1

Developer:
Stillwater Construction Group, LLC

South Weber Gateway

South Weber, Davis County, Utah

THESE PLANS AND SPECIFICATIONS ARE THE PROPERTY OF REEVE & ASSOCIATES, INC., 5180 S. 1560 E., PROVO, UT 84606, AND SHALL NOT BE REPRODUCED, RE-COMPILED, OR USED ON ANY PROJECT OTHER THAN THE PROJECT SPECIFICALLY DESIGNED FOR WITHOUT THEIR WRITTEN PERMISSION. THE OWNERS AND ENGINEERS OF REEVE & ASSOCIATES, INC. DISCLAIM ANY LIABILITY FOR ANY CHANGES OR MODIFICATIONS MADE TO THESE PLANS OR THE DESIGN THEREON WITHOUT THEIR CONSENT.