

**RESOLUTION NO. R-14 -2016**

**A RESOLUTION OF THE CITY COUNCIL OF EAGLE MOUNTAIN CITY, UTAH,  
APPROVING THE SECOND AMENDMENT TO THE VALLEY VIEW  
MASTER DEVELOPMENT AGREEMENT**

*PREAMBLE*

The City Council of Eagle Mountain City, Utah finds that it is in the public interest to approve the Second Amendment to the Valley View Master Development Agreement as set forth more specifically in Exhibit A.

BE IT ORDAINED by the City Council of Eagle Mountain City, Utah:

1. The City Council finds that all required notices and hearings have been completed as required by law to consider and approve the proposed Second Amendment to the Valley View Master Development Agreement as set forth in Exhibit A.
2. The Second Amendment to the Valley View Master Development Agreement is hereby approved as set forth more specifically in Exhibit A.
3. This Resolution shall take effect upon its first publication or posting.

ADOPTED by the City Council of Eagle Mountain City, Utah, this 16<sup>th</sup> day of August, 2016.

EAGLE MOUNTAIN CITY, UTAH

  
\_\_\_\_\_  
Chris Pengra, Mayor

ATTEST:

  
\_\_\_\_\_  
Fionnuala B. Kofoed, MMC  
City Recorder



## CERTIFICATION


The above resolution was adopted by the City Council of Eagle Mountain City on the 16<sup>th</sup> day of August, 2016.

Those voting aye:

- Adam Bradley
- Colby Curtis
- Stephanie Gricius
- Benjamin Reaves
- Tom Westmoreland

Those voting nay:

- Adam Bradley
- Colby Curtis
- Stephanie Gricius
- Benjamin Reaves
- Tom Westmoreland

  
\_\_\_\_\_  
Fionnuala B. Kofoed, MMC  
City Recorder

# EXHIBIT A

**SECOND AMENDMENT TO THE  
VALLEY VIEW RANCH  
MASTER DEVELOPMENT AGREEMENT**

THIS SECOND AMENDMENT TO MASTER DEVELOPMENT AGREEMENT FOR THE VALLEY VIEW RANCH MASTER DEVELOPMENT PLAN AREA, which was entered into on October 19, 2004 (“*Amendment*”) is made and entered into effective as of the 17 day of August, 2016, by and between EAGLE MOUNTAIN CITY, a Utah municipal corporation (“*City*”), MUSKETEER, L.C., a Utah limited liability company (“*Musketeer*”) and WASATCH LAND COMPANY, a Utah Corporation (“*Wasatch Land*”). City, Musketeer and Wasatch Land shall be collectively referred to as the “*Parties*”.

**RECITALS:**

- A. Wasatch Land and Musketeer (together “*Developers*”) own all the remaining undeveloped land that is subject to the Master Development Agreement for the Valley View Ranch Master Development Plan Area (the “*MDA*”).
- B. The City and developers wish to amend the MDA to coincide with conditions of plats with the project that have been approved by the City.

**AMENDMENT:**

NOW THEREFORE, for good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the City, Wasatch Land and Musketeer agree to amend the MDA as follows:

1. Section 2.2 of the Agreement is hereby deleted, and the following is inserted in lieu thereof:

2.2 To assure compatibility with the adjoining North Ranch and Meadow Ranch communities, Valley View shall be required to plat lots of no less than 1-acre in size for each and every Valley View lot adjoining the North Ranch and Meadow Ranch areas. The area identified as “Tickville Wash” by the City Engineer on Exhibit 2, shall be dedicated to the City as open space and the open space shall not be included within the required 1-acre lots platted on the property adjacent to North Ranch. A 25 foot unfenced access easement in favor of the City will be included along the rear lot line of each lot on the plat adjoining the Tickville Wash to assure that the City will have suitable access to the Tickville Wash for stormwater control purposes.

2. Section 4.2 of the Agreement is hereby deleted, and the following is inserted in lieu thereof:

4.2 Valley View is anticipated to be a "custom home" community similar to the North Ranch and Meadow Ranch communities on either side of Valley View. No home plan will be approved for construction if a home using the same front elevation has been approved for use on either side or across the street, either directly or diagonally, from the proposed home and no more than 15% of same front elevation the Project. The purpose of this provision is to assure that sufficient visual distance is required between homes using the same front elevation to create the appearance that repetitive home plans are not used within Valley View.

3. Full Force and Effect. Except as expressly amended herein, the MDA remains in full force and effect.

IN WITNESS WHEREOF, the parties hereto have executed this Amendment effective as of the day and year first written above.

**CITY:**

EAGLE MOUNTAIN CITY, a Utah municipal corporation

ATTEST:

By:   
Fionnuala B. Kofoed, City Recorder

By:   
Chris Pengra, Mayor



**MUSKETEER, L.C.**

By: \_\_\_\_\_

Print Name: \_\_\_\_\_

Title: \_\_\_\_\_

**WASATCH LAND COMPANY**

By: \_\_\_\_\_

Print Name: \_\_\_\_\_

Title: \_\_\_\_\_

APPROVED AS TO FORM

BY:   
CITY ATTORNEY

4.2 Valley View is anticipated to be a "custom home" community similar to the North Ranch and Meadow Ranch communities on either side of Valley View. No home plan will be approved for construction if a home using the same front elevation has been approved for use on either side or across the street, either directly or diagonally, from the proposed home and no more than 15% of same front elevation the Project. The purpose of this provision is to assure that sufficient visual distance is required between homes using the same front elevation to create the appearance that repetitive home plans are not used within Valley View.

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EAGLE MOUNTAIN CITY, a Utah municipal corporation

ATTEST:

By: \_\_\_\_\_

*Fionnuala B. Kofoed*  
Fionnuala B. Kofoed, City Recorder

By: \_\_\_\_\_

*Chris Pengra*  
Chris Pengra, Mayor



**MUSKETEER, L.C.**

By: \_\_\_\_\_

Print Name: *Kenneth S. Olson*

Title: *Manager*

**WASATCH LAND COMPANY**

By: \_\_\_\_\_

Print Name: \_\_\_\_\_

Title: \_\_\_\_\_

APPROVED AS TO FORM

BY: \_\_\_\_\_

*[Signature]*  
CITY ATTORNEY

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ATTEST:

By:   
Fionnuala B. Kofoed, City Recorder

By:   
Chris Pengra, Mayor



**MUSKETEER, L.C.**

By: \_\_\_\_\_

Print Name: \_\_\_\_\_

Title: \_\_\_\_\_

**WASATCH LAND COMPANY**

By: 

Print Name: Gordon Jones

Title: President

APPROVED AS TO FORM

BY:   
CITY ATTORNEY