

Midway City Council
4 October 2022
Regular Meeting

Resolution 2022-35 /
The Village
Amended Master Plan Agreement



Midway

RESOLUTION 2022-35

A RESOLUTION APPROVING A FIRST AMENDMENT TO THE MASTER PLAN AGREEMENT FOR THE VILLAGE SUBDIVISION

WHEREAS, Utah law authorizes municipalities to enter into master plan and development agreements for the use and development of land within the municipality; and

WHEREAS, the Midway City Council previously found it in the public interest of Midway City to enter into a master plan agreement with the developer of The Village Subdivision for the use and development of the land included within that proposed project; and

WHEREAS, the Developer has now requested to amend the master plan to include terms and conditions regarding underground parking in the development; and

WHEREAS, the Midway City Council has reviewed the proposed amendments to the master plan regarding underground parking and they appear to meet Midway City Land Use Code requirements; and

WHEREAS, the Midway City Council is exercising its discretion in accepting the terms of the amendment to the master plan of the development.

NOW, THEREFORE, be it hereby RESOLVED by the City Council of Midway City, Utah, as follows:

Section 1: The Midway City Council hereby approves the First Amendment to the Village Master Plan Agreement attached hereto and authorizes the Mayor of Midway City to execute the agreement on behalf of the City.

Section 2: The effect of this Resolution is subject to all conditions of the land use approval granted by the City for the proposed project.

///

PASSED AND ADOPTED by the Midway City Council on the ____ day of _____, 2022.

MIDWAY CITY

Celeste Johnson, Mayor

ATTEST:

Brad Wilson, City Recorder

**FIRST AMENDMENT OF THE
MASTER PLAN AGREEMENT FOR
THE VILLAGE SUBDIVISION
MIDWAY CITY, UTAH**

This First Amendment to the Master Plan Agreement (“Agreement”) is made and entered into by and between MIDWAY CITY, a political subdivision of the State of Utah, (hereinafter referred to as the “City”), and MIDWAY HERITAGE DEVELOPMENT, LLC, (hereinafter referred to as the “Developer”).

RECITALS

- A. The Parties entered into a Master Plan Agreement on March 1, 2022.
- B. The Developer applied to amend portions of the Agreement in September 2022.
- C. As set forth below, the Parties desire to amend certain portions of the Master Plan Agreement.

AGREEMENT

- 1. Developer desires to include a provision regarding underground parking, including the terms and conditions imposed by the City Council for installing such underground parking.
- 2. Section 4(A)(ii)(cc) shall be added to read as follows: *Underground Parking* - Developer has obtained conditional approval from the Midway City Council to install underground parking garages beneath Phases 1 and 2. The conditions for installing the underground parking are as follows: First, a qualified geotechnical engineer or hydrologist must observe foundation, storm drain, and sewer line excavations to the proposed invert elevations for the presence and quantity of shallow groundwater during the first phase of the development. If shall groundwater is discovered and interferes with the plans to construct the underground parking, the Developer must return before the City Council. Second, perimeter foundation subdrains with cleanout to the lowest slab grade elevations below subgrade floors and garages must be installed. Final sizing of the subdrains can be based on the observations made during the initial excavation phase, but the initial design must be a minimum of four inches. Third, the retaining areas for the subgrade parking must use landscaping rocks (actual rocks, not concrete blocks, etc.) and fencing, very similar to those found at the Riverwoods in Provo.

ALL OTHER PROVISIONS OF THE MASTER PLAN AGREEMENT REMAIN
UNCHANGED, VALID AND ENFORCEABLE.

IN WITNESS HEREOF, this Agreement has been entered into by and between the Developer and the City as of the date and year first above written.

CITY OF MIDWAY

Attest:

Celeste Johnson, Mayor

Brad Wilson, City Recorder

STATE OF UTAH)
 :SS
COUNTY OF WASATCH)

The foregoing instrument was acknowledged before me this ___ day of _____, 2022, by Celeste Johnson, who executed the foregoing instrument in her capacity as the Mayor of Midway City, Utah, and by Brad Wilson, who executed the foregoing instrument in his capacity as Midway City Recorder.

NOTARY PUBLIC

THE DEVELOPER OF THE VILLAGE
SUBDIVISION

Midway Heritage Development, LLC

By: _____
Its: _____

STATE OF UTAH)
 :SS
COUNTY OF WASATCH)

The foregoing instrument was acknowledged before me this ___ day of _____, 2022, by _____, who executed the foregoing instrument in his capacity as the _____ of the Developer, Midway Heritage Development, LLC.

NOTARY PUBLIC