

RESOLUTION NO. R- 75 -2024

A RESOLUTION OF EAGLE MOUNTAIN CITY, UTAH, APPROVING THE FIRST AMENDMENT TO THE MASTER DEVELOPMENT AGREEMENT FOR THE TRIUMPH SUBDIVISION

PREAMBLE

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

NOW THEREFORE, BE IT RESOLVED 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 First Amendment to the Master Development Agreement for the Triumph Subdivision, as set forth in Exhibit A.
2. The First Amendment to the Master Development Agreement for the Triumph Subdivision 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 15th day of October, 2024.

EAGLE MOUNTAIN CITY, UTAH


Tom Westmoreland, Mayor

ATTEST:


Fionnuala B. Kofoed, MMC
City Recorder



CERTIFICATION

The above resolution was adopted by the City Council of Eagle Mountain City on the 16th day of January, 2024.

Those voting yes:

Those voting no:

Those excused:

Those abstaining:

<input checked="" type="checkbox"/> Donna Burnham	<input type="checkbox"/> Donna Burnham	<input type="checkbox"/> Donna Burnham	<input type="checkbox"/> Donna Burnham
<input checked="" type="checkbox"/> Melissa Clark	<input type="checkbox"/> Melissa Clark	<input type="checkbox"/> Melissa Clark	<input type="checkbox"/> Melissa Clark
<input type="checkbox"/> Jared Gray	<input type="checkbox"/> Jared Gray	<input checked="" type="checkbox"/> Jared Gray	<input type="checkbox"/> Jared Gray
<input checked="" type="checkbox"/> Rich Wood	<input type="checkbox"/> Rich Wood	<input type="checkbox"/> Rich Wood	<input type="checkbox"/> Rich Wood
<input checked="" type="checkbox"/> Brett Wright	<input type="checkbox"/> Brett Wright	<input type="checkbox"/> Brett Wright	<input type="checkbox"/> Brett Wright



For:


Fionnuala B. Kofoed, MMC
City Recorder

Exhibit A

WHEN RECORDED, RETURN TO:

Eagle Mountain City
Attn: Fionnuala B. Kofoed, City Recorder
1650 Stagecoach Run
Eagle Mountain, UT 84005

ENT 87952-2024 PG 1 of 2
ANDREA ALLEN
UTAH COUNTY RECORDER
2024 Dec 13 02:07 PM FEE 40.00 BY KR
RECORDED FOR EAGLE MOUNTAIN CITY

**FIRST AMENDMENT
TO THE MASTER DEVELOPMENT AGREEMENT
FOR THE TRIUMPH SUBDIVISION**

This First Amendment to the Master Development Agreement for the Triumph Subdivision ("First Amendment") is made and entered into as of the 15 day of October, 2024 ("Effective Date of First Amendment"), by and between Eagle Mountain City, a political subdivision of the State of Utah ("City") and Belle Street Investments, LLC, a Utah limited liability company ("Developer"). The City and Developer are collectively referred to as the "Parties."

RECITALS

A. On July 6th, 2022 ("Original Effective Date"), the Parties entered into a Master Development Agreement for the Triumph Subdivision ("Original MDA").

B. Section VIII.a of the Original MDA includes requirements that the Developer within two (2) years of the Original Effective Date submit its first final plat for approval and that the site work for the first final plat or site plan begin ("Benchmarks").

C. Due to unfavorable market conditions, Developer has failed to complete either of the Benchmarks and more than two (2) years have elapsed since the Original Effective Date.

D. The Original MDA also includes an expiration date of six (6) years from the Original Effective Date ("Original Expiration Date").

E. The Parties now desire to extend the deadlines for the Benchmarks to allow Developer to complete the Benchmarks within two (2) years of the Effective Date of First Amendment and to extend the Original Expiration Date to six (6) years from the Effective Date of First Amendment.

F. The Parties have cooperated in the preparation of this First Amendment.

NOW, THEREFORE, in consideration of the mutual covenants contained herein, and for other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the Parties hereby agrees as follows.

AMENDMENT

1. **Effect of First Amendment.** Other than as specifically amended herein by this First Amendment, the Original MDA shall remain in full force and effect.

2. **Extension of Deadline.** The deadline for completion of the Benchmarks is hereby extended to two (2) years from the Effective Date of First Amendment.

3. **Extension of Expiration.** The expiration of the Original MDA and this First Amendment shall be extended to six (6) years from the Effective Date of First Amendment.

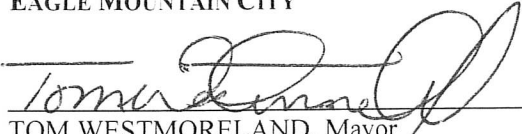
4. **Recording.** The Parties shall cause this First Amendment to be recorded in the records of the Utah County Recorder.

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

[signatures on following pages]

CITY


EAGLE MOUNTAIN CITY


TOM WESTMORELAND, Mayor

ATTEST





FIONNUALA B. KOFOED, City Recorder


MARCUS DRAPER, City Attorney
Approved as to form and legality

DEVELOPER

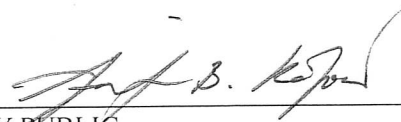
BELLE STREET INVESTMENTS, LLC
A Utah limited liability company

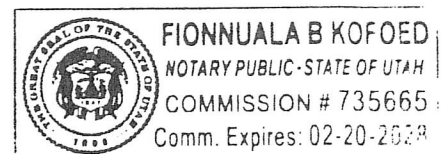

SCOT HAZARD, Manager

DEVELOPER ACKNOWLEDGMENT

STATE OF UTAH)
 :SS
COUNTY OF UTAH)

On the 24 day of October, 2024, personally appeared before me SCOT HAZARD duly sworn, did say that he is the Manager of BELLE STREET INVESTMENTS, LLC, a Utah limited liability company and that the foregoing instrument was duly authorized by the company in compliance with its operating agreement and signed in behalf of said company.


NOTARY PUBLIC

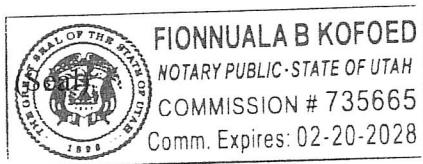


Acknowledgment

State of Utah

County of Utah

On this **15th day of October, 2024**, before me **Fionnuala B. Kofoed**, a notary public, appeared **Mayor Tom Westmoreland of Eagle Mountain City**, who is personally known to me, subscribed to this instrument, and acknowledged that **he** executed the same.



Witness my hand and official seal

A handwritten signature in cursive script, appearing to read "Fionnuala B. Kofoed", written over a horizontal line.

Notary Public

EXHIBIT "A"
LEGAL DESCRIPTION OF PROPERTY

The Southwest Quarter of Section 2, Township 6 South, Range 2 West, Salt Lake Base and Meridian; also being described as follows:

Beginning at the West quarter corner of Section 2, Township 6 South, Range 2 West, Salt Lake Base and Meridian; thence North 89°42'28" East along quarter section line 2662.37 feet; thence South 0°51'19" West along quarter section line 2662.08 feet to the South Quarter Corner of said Section 2; thence North 89°50'15" West along section line 2638.96 feet to the Southwest Corner of said Section 2; thence North 0°21'17" East along section line 2640.78 feet to the point of beginning.

Area = 161.33 Acres