

TOWN OF HIDEOUT, UTAH

Ordinance No. 2018- 03

AN ORDINANCE ANNEXING APPROXIMATELY 97.90 ACRES OF PROPERTY LOCATED WEST OF SR 248 INTO THE MUNICIPAL LIMITS OF THE TOWN OF HIDEOUT, UTAH, AND APPROVING A MASTER DEVELOPMENT AGREEMENT FOR THE ANNEXED PROPERTY

WHEREAS, the owners of certain parcels of real property as described below and identified on **Exhibit A** ("**Property**") adjacent to the Town of Hideout have petitioned to be annexed into the Town of Hideout or have joined such petition; and

WHEREAS, Western States Ventures, LLC ("**Developer**"), intends to develop the Property as a residential subdivision to be known as Deer Springs ("**Subdivision**")

WHEREAS, the Property consists of approximately 97.80 acres and is located adjacent to, and northwest of, the current municipal boundaries; and

WHEREAS, the Town Council accepted the petition for further consideration at a duly noticed public meeting of the Town Council held on January 11, 2018, and the Town Clerk subsequently certified the petition under Utah Code § 10-2-405; and

WHEREAS, the Town Council finds that the annexation of the Property is consistent with Annexation Policy Plan adopted by the Town of Hideout; and

WHEREAS, notice of the proposed annexation has been given under Utah Code § 10-2-406; and

WHEREAS, the Wasatch County Council and the Wasatch County Fire District protests to the annexation petition under Utah Code § 10-2-407; and

WHEREAS, no other protests were filed by any other person or entity having protest rights under Utah Code § 10-2-407; and

WHEREAS, the protests filed by the Wasatch County Council and the Wasatch County Fire District were subsequently withdrawn; and

WHEREAS, on June 14, 2018, after the protests were withdrawn, the Town Council held a duly noticed public hearing ("**Hearing**") to discuss the proposed annexation and heard public comment; and

WHEREAS, at the Hearing the Town Council voted to approve the annexation of the Property subject to the negotiation, and approval by the Mayor, of a *Master Development Agreement for Deer Springs Community* ("**MDA**") incorporating the public feedback received at the Hearing and which is approved by the Mayor; and

WHEREAS, the Town of Hideout and the Developer have negotiated the terms of the MDA, pursuant to which the Property will be developed and the MDA has been approved by the Mayor; and

WHEREAS, a fully executed copy of the approved MDA is attached hereto as **Exhibit B**.

NOW THEREFORE, BE IT ORDAINED by the Town Council of the Town of Hideout, Utah, as follows:

Section 1 – Recitals Incorporated. The foregoing recitals are hereby incorporated into this Ordinance as findings of fact.

Section 2 – Property. The Property which is subject to the annexation petition consists of Wasatch County Parcel Nos. 00-0007-2004, 00-0013-6221, 00-0007-1964, and 00-0020-3848.

Section 3 – Approval of Petition. The Town Council approves the petition to annex the Property, as identified on **Exhibit A**, into the Town of Hideout, subject to the following terms and conditions:

3.1 – Zone. Notwithstanding anything in the Town Code to the contrary, the Town Council determines that good cause exists for the Property to be included within the "Mountain Zone" as that term is identified in Section 11.01.101 et seq. of the Town Code.

3.2 – Planned Performance Development. The Subdivision to be developed on the Property will be designated as a "Planned Performance Development" as that term is used identified in Section 11.07.124 of the Town Code.


3.3 – MDA. The MDA shall be recorded against the Property and shall run with the land and the terms and conditions thereof shall be binding on the Property, all subdivided portions thereof, and the owners of the Property according to its terms.

Section 4 – Conditions. This Ordinance, and the annexation identified herein, will become effective only when the following conditions are satisfied: (a) the MDA, in substantially the form set forth in **Exhibit B** hereto, is recorded against the Property; and (b) all items required to be filed with the Lieutenant Governor of the state of Utah under of Utah Code § 10-2-425 have been filed, and all documents required to be recorded under such section have been recorded, and all other requirements of such section have been satisfied.

Section 5 – Effective Date. This Ordinance will be effective when it has been published, as provided by law, and all the Conditions set forth in Section 4 have been satisfied.

WHEREFORE, Ordinance 2018-02 has been **Passed** and **Adopted** by the Town of Hideout.

TOWN OF HIDEOUT


Philip Rubin, Mayor

Attest:

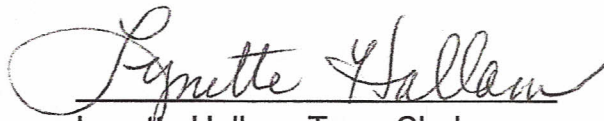

Lynette Hallam, Town Clerk

EXHIBIT A

(Description of Annexation Property)

EXHIBIT B

(Master Development Agreement for Deer Springs Community)