

MILLCREEK, UTAH
ORDINANCE NO. 23-03

**AN ORDINANCE APPROVING AND AMENDING A DEVELOPMENT AGREEMENT
FOR A MIXED-USE DEVELOPMENT WITH RESPECT TO APPROXIMATELY 0.64
ACRES OF REAL PROPERTY LOCATED AT APPROXIMATELY 4080-4090 S
HIGHLAND DRIVE**

WHEREAS, the Millcreek Council (“*Council*”) met in regular meeting on January 23, 2023, to consider, among other things, an ordinance of the Millcreek Council approving and amending a development agreement for a mixed-use development with respect to approximately 0.64 acres of real property located at approximately 4080-4090 S Highland Drive; and

WHEREAS, the Utah Code Ann. § 10-9a-102 authorizes, among other things, that the City may enter into amended development agreements; and

WHEREAS, staff has presented to the Council an Amended Development Agreement for the referenced property (“Amended Development Agreement”); and

WHEREAS, Council has reviewed the Amended Development Agreement and hereby find that it is in the best interests of both parties to enter into the Amended Development Agreement.

NOW, THEREFORE, BE IT ORDAINED that the Amended Development Agreement is approved, and the Mayor and Recorder are hereby authorized and directed to execute and deliver the same.

PASSED AND APPROVED by the Council this 23rd day of January 2023.

MILLCREEK

Jeff Silvestrini, Mayor

ATTEST:

Elyse Sullivan, City Recorder

Roll Call Vote:

Silvestrini	Yes	No
Catten	Yes	No
DeSirant	Yes	No
Jackson	Yes	No
Uipi	Yes	No

CERTIFICATE OF POSTING

I, the duly appointed recorder for Millcreek, hereby certify that:
ORDINANCE 23-03: AN ORDINANCE APPROVING AND AMENDING A
DEVELOPMENT AGREEMENT FOR A MIXED-USE DEVELOPMENT WITH RESPECT
TO APPROXIMATELY 0.64 ACRES OF REAL PROPERTY LOCATED AT
APPROXIMATELY 4080-4090 S HIGHLAND DRIVE was passed and adopted the 23rd day of
January 2023 and certifies that copies of the foregoing Ordinance 23-03 were posted in the
following locations within the municipality this ____ day of January, 2023.

1. Millcreek City Hall, 3330 S. 1300 E., Millcreek, UT 84106
2. Millcreek Community Center, 2266 E. Evergreen Ave., Millcreek, UT 84109
3. Holladay Lions Recreation Center, 1661 E. Murray Holladay Rd., Millcreek, UT 84117

Elyse Sullivan, City Recorder

When Recorded, Mail To:
City Recorder
3330 S. 1300 E.
Millcreek, UT 84106

Space Above This Line For Recorder's Use

**FIRST AMENDMENT TO
DEVELOPMENT AGREEMENT FOR HIGHLAND LOFTS**

This First Amendment to the Master Development Agreement (this “First Amendment”) is made the _____ day of January 2023, by and between Millcreek, a Utah municipal corporation (“City”) and Highland Lofts, LLC. (“Owner/Developer”).

Recitals

A. On or about November 22, 2021, City and Owner/Developer executed a Master Development Agreement (“MDA”) for a real property development located at or near 4080, 4088, and 4090 South Highland Drive, in Millcreek, State of Utah. The MDA was recorded on November 23, 2021 as Entry #13831401, in Book 11273, at Pages 738-750 Total Pages 13 in the Official Records of the Salt Lake County Recorder.

B. Owner/Developer and the City desire to amend the MDA as provide herein.

Terms and Conditions

NOW, THEREFORE, for good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, City and Owner/ Developer hereby amend the MDA as follows:

1. Exhibit B is deleted in its entirety and the following is inserted in lieu thereof:

Exhibit B

Developer and the City agree that the proposed development will incorporate the following:

1. The development site plan shall be developed substantially as depicted on the attached illustrations.
2. Elevations and locations of buildings shall be developed substantially as depicted on the attached illustrations.
3. Building materials and façade articulation shall be developed substantially as depicted on the attached illustrations.
4. Developer shall plant a minimum of 6 trees no less than two inches in caliper along the west property line. Trees along west property must be columnar birch or poplar.
5. Exhibit C is deleted in its entirety and incorporated into Exhibit B. See Pages 2-5.

Site Plan



Façade









2. The legal description of the property subject to this First Amendment is attached and specifically described in Exhibit A.

3. All other provisions to the MDA as amended remain the same.

IN WITNESS WHEREOF, the City and the Developer have caused these presents to be signed.

Highland Lofts, LLC

By: _____
Its: Authorized Signer

Millcreek

Jeff Silvestrini, Mayor

Attest:

Elyse Sullivan, City Recorder

STATE OF UTAH)
) ss.:
COUNTY OF SALT LAKE)

On the ____ day of January, 2023, personally appeared before me _____ who being by me duly sworn, did say that he is the Mayor of Millcreek, a political subdivision of the State of Utah, and that said instrument was signed in behalf of the City by authority of its City Council and said Mayor acknowledged to me that the City executed the same.

Notary Public

STATE OF UTAH)
) : ss.
COUNTY OF SALT LAKE)

On the ____ day of January, 2023, personally appeared before me _____, who being by me duly sworn, did say that he is the _____ of Highland Lofts, LLC and that the foregoing instrument was duly authorized by the company at a lawful meeting held by authority of its operating agreement and signed in behalf of said company.

Notary Public

[Notarial Seal]

Exhibit A

Address: 4088 South Highland Drive

Parcel No. 16-33-381-055-0000

Legal Description

BEG NE COR LOT 20, GREEN PASTURES SUB; S 45.75 FT; S 13[^]30' E 18.21 FT M OR L; N 81[^]15'16" E 21.5 FT M OR L TO CANAL; N'LY ALG SD CANAL TO PT BEING E 29.47 FT FR BEG; W 29.47 FT TO BEG. 0.04 AC M OR L. 5664-1296 7627-2136 8447-3129 09766-5559

Address: 4080 South Highland Drive

Parcel No. 16-33-381-025-0000

Legal Description

BEG N 242.14 FT & W 70.76 FT FR S 1/4 COR SEC 33, T 1S, R 1ES L M; N 89[^]42'25" W 197.6 FT; S 0[^]16'39" E 48.33 FT, M OR LE 209.52 FT, M OR L; N 14[^]24'30" W 48.86 FT TO BEG. 0.22 AC 4433-0117 8619-3269 09499-2572

Address: 4090 South Highland Drive

Parcel No. 16-33-381-026-0000

Legal Description

COM 7.73 RDS N FR S 1/4 COR SEC 33 T 1S R 1E SL MER N 4.79 RDS W 16 RDS S 4.79 RDS E 16 RDS TO BEG LESS STREET & PARCELDEEDED TO S L CO FOR WIDENING 0.38 AC 4433-0117 5560-0226 8619-3272,3269 9499-2572 09758-3924