

APPENZELL PUD MASTER PLAN AMENDMENT

RESOLUTION 2022-15

BACKGROUND:

David Tew is proposing an amendment to the Appenzell Development agreement, adjusting the boundary of the development, allowing them to sale a portion of what is currently both common area and open space, to an adjacent property owner. The homeowner's association (HOA) has represented the purpose for selling the property is to help finance improvements to the common area of the development. The request is that the development boundary is reduced by approximately 0.57 acres, allowing the HOA to sell the excess parcel, located along Center Street, to an adjacent property owner. The applicants have not indicated what the adjacent property owner intends on doing with the property.

DEVELOPMENT AGREEMENT :

The City entered into a development agreement with Newport Reset, LLC (Regal Homes) when the Appenzell PUD was originally developed in 2016. This agreement applies to its successors and has provisions outlining when an amendment to the development agreement can occur. In section 5, it states:

“Unless otherwise stated in this Agreement, the Parties may amend this Agreement from time to time, in whole or in part, by mutual written consent. No amendment or modification to this Agreement shall require the consent or approval of any person or entity having any interest in and specific lot, unit or other portion of the Project.”

LAND USE SUMMARY

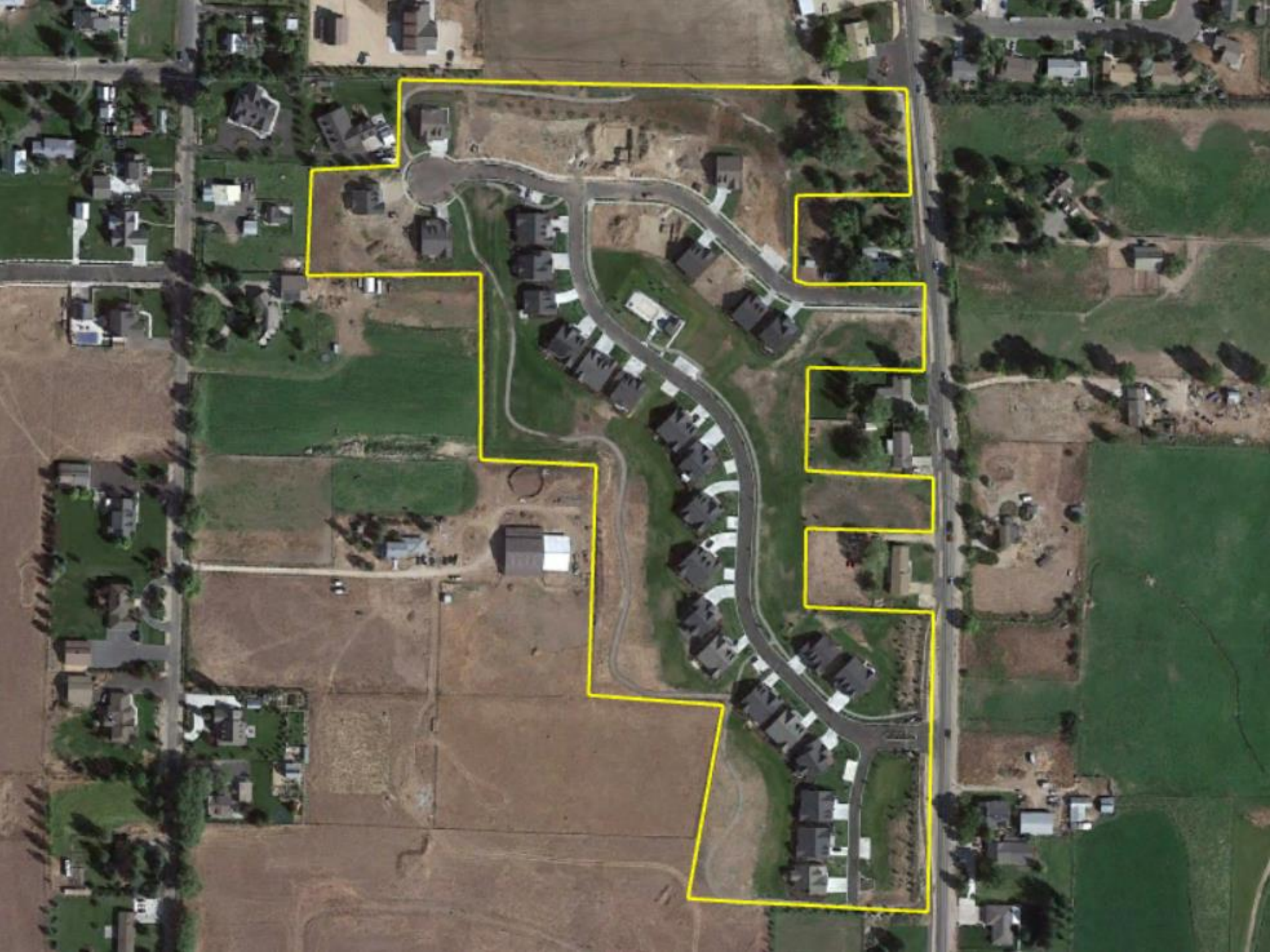
- 23.54-acres (existing)
- R-1-22 zoning
- Development contains 39 building pads of which 14 are located in phase I and 25 pads are located in phase II
- Project is a Planned Unit Development
- Roads are private and maintained by the HOA
- Common area owned by all the property owners in the Appenzell
- The lots are connected to the Midway Sanitation District sewer and to the City's water line.
- 8' paved public trail has been constructed along Center Street and 6' paved private trails have been constructed in the development with a public access easement



Midway

Provo River





450 SOUTH

500 SOUTH

850 SOUTH

CENTER STREET

PROPOSED SIGN
PROPOSED BERM

PROPOSED BERM

PROPOSED BERM



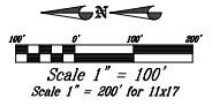
PHASE 2

REMOVE EXISTING BERM

EXISTING BERM TO REMAIN
TAPER BERM
BEGIN REMOVAL OF EXISTING BERM

EXISTING BERM TO REMAIN

250 WEST



CONCEPT PLANT SCHEDULE

- STREET TREES** 41
Fraxinus americana / Autumn Purple / Autumn Purple Ash
Fraxinus pennsylvanica / Green Ash
Clethra alnifolia / Skyline / Skyline Honeylocust
Pyrus calleryana / Chanticleer / Chanticleer Pear
Ulmus crinitus / Littleleaf Linden
- ACCENT TREES** 9
Malus x Radiata / Radiant Crab Apple
Populus deltoides / Southern / Eastern Cottonwood Sycamore
Populus tremuloides / Quaking Aspen
Prunus virginiana / Canada Red / Canada Red Chokecherry
Quercus macrocarpa / Bun Oak
Sorbus aucuparia / Michred™ / Cardinal Royal Mountain Ash
- EVERGREEN TREES** 13
Picea pungens glauca / Bakeri / Blue Spruce
Picea pungens glauca / Hoopst / Hoopst Blue Spruce
Pseudotsuga menziesii / Blue Bird / Blue Bird Douglas Fir

GROUND COVER	QTY	COMMON NAME / BOTANICAL NAME	CONT
	204,398 sf	Kentucky Bluegrass / <i>Poa pratensis</i>	sod
	196,605 sf	Wild Flower Mix / Wild Flower Mix	Hydroseed

THIS DOCUMENT IS RELEASED FOR REVIEW ONLY. IT IS NOT INTENDED FOR CONSTRUCTION UNLESS BOUND AND SEALED.

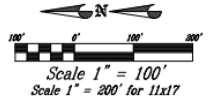
PAUL D. BERG P.E.
 SERIAL NO. 200385
 DATE: 18 APR 2016




REGAL HOMES
 APPEZZELL P.U.D.
 PHASE 1
 LANDSCAPE PLAN

ENGINEERING



RESOURCE GROUP P.C.
 380 E Main St, Suite 204,
 Midway, UT 84049
 ph (435) 657-9749

DESIGN BY: POB DATE: 18 APR 2016 SHEET
 DRAWN BY: CNB REV: 15



- PLANT SCHEDULE**
-  **STREET TREES** 36
 - Fraxinus americana* 'Autumn Purple' / Autumn Purple Ash
 - Fraxinus pennsylvanica* / Green Ash
 - Gleditsia triacanthos* 'Skyline' / Skyline Honeylocust
 - Fynus californiana* 'Chanticleer' / Chanticleer Pear
 - Tilia cordata* / Littleleaf Linden
 -  **ACCENT TREES** 10
 - Malus x 'Radiant'* / Radiant Crab Apple
 - Populus deltoides* 'Siouxland' / Eastern Cottonwood Siouxland
 - Populus tremuloides* / Quaking Aspen
 - Prunus virginiana* 'Canada Red' / Canada Red Chokecherry
 - Quercus macrocarpa* / Burr Oak
 - Sorbus aucuparia* 'Michred'™ / Cardinal Royal Mountain Ash
 -  **EVERGREEN TREES** 4
 - Picea pungens glauca* 'Baker' / Blue Spruce
 - Picea pungens glauca* 'Hoopsi' / Hoopsi Blue Spruce
 - Pseudotsuga menziesii* 'Blue Bird' / Blue Bird Douglas Fir

PLANT SCHEDULE

GROUND COVERS	QTY	COMMON NAME / BOTANICAL NAME	CONT
	178,831 sf	Kentucky Bluegrass / <i>Poa pratensis</i>	sod
	126,762 sf	Wild Flower Mix / Wild Flower Mix	Hydroseed

THIS DOCUMENT IS RELEASED FOR REVIEW ONLY. IT IS NOT INTENDED FOR CONSTRUCTION UNLESS SIGNED AND SEALED.
 CARL N. BERG, L.A.
 SERIAL NO. 7162780
 DATE: 21 JUN 2017

REGAL HOMES
 APPENZELL P.U.D.
 PHASE 2
 LANDSCAPE PLAN



380 E Main St, Suite 204
 Midway, UT 84049 ph: (801) 723-2000

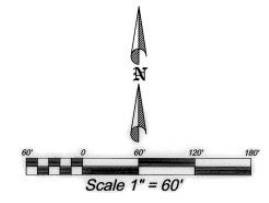
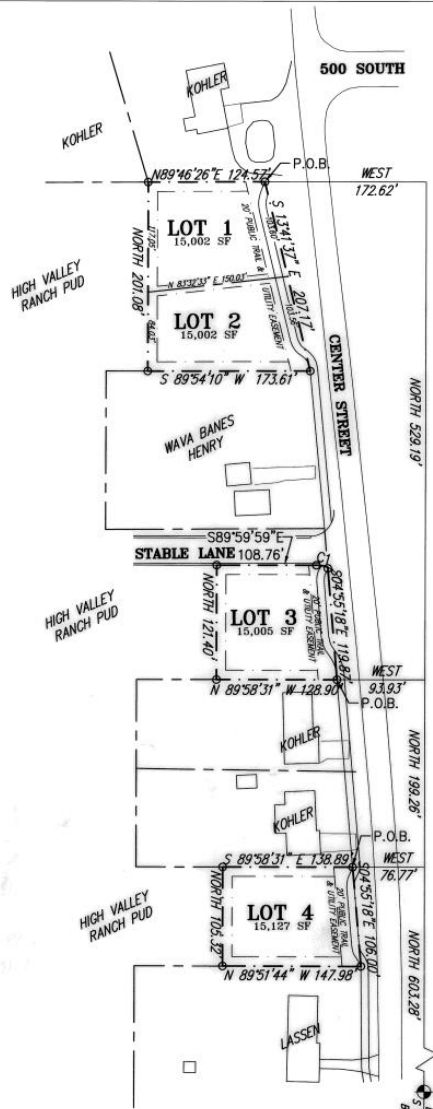
DESIGN BY: CNB DATE: 21 JUN 2017 SHEET 17
 DRAWN BY: CNB REV:

Landscaping: Xeriscaping of UDOT parcels



Landscaping: Beautification of entryways plus sides and backs of Center Street neighbor's lots





LOT 3 DRIVEWAY NOTE:
 DRIVEWAY ACCESS FOR LOT 3 SHALL BE OFF OF STABLE LANE. NO DRIVEWAY ACCESS ONTO CENTER STREET (STATE ROAD 113) WILL BE ALLOWED.

EAST 1/4 CORNER, SEC. 3, T4S, R4E, S1/4B4M; FOUND 2000 MONUMENT

SOUTHEAST CORNER SECTION 3, T4S, R4E, S1/4B4M; FOUND 1996 MONUMENT

ADDRESS TABLE	
LOT	ADDRESS
1	552 SOUTH CENTER STREET
2	558 SOUTH CENTER STREET
3	610 SOUTH CENTER STREET
4	646 SOUTH CENTER STREET

CURVE TABLE				
CURVE	LENGTH	RADIUS	DELTA	BEARING
C1	104.71	25.007	231.245°	N 10.067° E 24.792337° W

SURVEYOR'S CERTIFICATE
 I, BING CHRISTENSEN, DO HEREBY CERTIFY THAT I AM A REGISTERED LAND SURVEYOR, AND THAT I HOLD CERTIFICATE NO. 145796 AS PRESCRIBED UNDER THE LAWS OF THE STATE OF UTAH. I FURTHER CERTIFY BY AUTHORITY OF THE OWNERS, I HAVE MADE A SURVEY OF THE TRACT OF LAND SHOWN ON THIS PLAT AND DESCRIBED BELOW, AND HAVE SUBDIVIDED SAID TRACT OF LAND INTO LOTS, BLOCKS, STREET AND EASEMENTS.

DATE: 1-19-07 SURVEYOR: [Signature] (SEE SEAL BELOW)

BASIS OF BEARINGS:
 THE BASIS OF BEARINGS FOR THIS SURVEY WAS ESTABLISHED AS SOUTH 00°04'50" EAST BETWEEN THE 2000 WASATCH COUNTY SURVEY MONUMENT LOCATED AT THE EAST ONE-QUARTER CORNER OF SECTION 3, TOWNSHIP 4 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN, AND THE 1996 WASATCH COUNTY SURVEY MONUMENT LOCATED AT THE SOUTHEAST CORNER OF SAID SECTION 3, IN CONFORMANCE WITH THE BASIS OF BEARINGS OF THAT CERTAIN CONTROL NETWORK SURVEY PERFORMED BY ENGINEERING PLANNING GROUP, INC., FOR MIDWAY CITY IN 1998, WHICH WAS ESTABLISHED AT THAT TIME AS SOUTH 66°04'53" EAST BETWEEN THE FIRST-ORDER BRASS CAP CONTROL POINT LOCATED ON MEMORIAL HILL AND THE WASATCH COUNTY SURVEY MONUMENT LOCATED AT THE SOUTHEAST CORNER OF SECTION 36, TOWNSHIP 3 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN. TO OBTAIN UTAH COORDINATE SYSTEM 1983 CENTRAL ZONE BEARINGS, ROTATE THE BEARINGS ON THIS MAP IN THE COUNTERCLOCKWISE DIRECTION 00°01'29".

BOUNDARY DESCRIPTION FOR LOTS 1 & 2
 BEGINNING NORTH 1331.73 FEET AND WEST 172.62 FEET FROM THE 2000 WASATCH COUNTY SURVEY MONUMENT FOR THE EAST ONE-QUARTER CORNER OF SECTION 3, TOWNSHIP 4 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN (FROM SAID EAST ONE-QUARTER CORNER THE 1996 WASATCH COUNTY SURVEY MONUMENT FOR THE SOUTHEAST CORNER OF SAID SECTION 3 BEARS SOUTH 00°04'50" EAST 2664.56');
 AND RUNNING THENCE SOUTH 13°41'37" EAST 207.17 FEET; THENCE SOUTH 89°54'10" WEST 173.61 FEET; THENCE NORTH 201.08 FEET; THENCE NORTH 89°46'26" EAST 124.57 FEET TO THE POINT OF BEGINNING.
 CONTAINING: 0.69 ACRES

BOUNDARY DESCRIPTION FOR LOT 3
 BEGINNING NORTH 802.34 FEET AND WEST 93.93 FEET FROM THE 2000 WASATCH COUNTY SURVEY MONUMENT FOR THE EAST ONE-QUARTER CORNER OF SECTION 3, TOWNSHIP 4 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN (FROM SAID EAST ONE-QUARTER CORNER THE 1996 WASATCH COUNTY SURVEY MONUMENT FOR THE SOUTHEAST CORNER OF SAID SECTION 3 BEARS SOUTH 00°04'50" EAST 2664.56');
 AND RUNNING THENCE NORTH 89°58'31" WEST 128.90 FEET; THENCE NORTH 121.40 FEET; THENCE SOUTH 89°26'59" EAST 108.76 FEET TO THE BEGINNING OF A TANGENT CURVE TO THE RIGHT AND CONVERSE SURVEY WITH A RADIUS OF 25.00 FEET AND FROM WHICH A RADIAL LINE BEARS SOUTH 00°00'01" WEST; THENCE EASTERLY 10.13 FEET ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 231°45" (CHORD BEARS SOUTH 78°23'37" EAST 10.68 FEET); THENCE SOUTH 04°50'18" EAST 119.87 FEET TO THE POINT OF BEGINNING.
 CONTAINING: 0.34 ACRES

BOUNDARY DESCRIPTION FOR LOT 4
 BEGINNING NORTH 603.28 FEET AND WEST 76.77 FEET FROM THE 2000 WASATCH COUNTY SURVEY MONUMENT FOR THE EAST ONE-QUARTER CORNER OF SECTION 3, TOWNSHIP 4 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN (FROM SAID EAST ONE-QUARTER CORNER THE 1996 WASATCH COUNTY SURVEY MONUMENT FOR THE SOUTHEAST CORNER OF SAID SECTION 3 BEARS SOUTH 00°04'50" EAST 2664.56');
 AND RUNNING THENCE SOUTH 281°04'35" EAST 106.00 FEET; THENCE NORTH 89°51'44" WEST 147.88 FEET; THENCE NORTH 105.32 FEET; THENCE SOUTH 89°58'31" EAST 138.89 FEET TO THE POINT OF BEGINNING.
 CONTAINING: 0.35 ACRES

OWNER'S DEDICATION
 KNOW ALL MEN BY THESE PRESENTS THAT, THE UNDERSIGNED OWNER(S) OF THE PROPERTY DESCRIBED HEREON, HAVE CAUSED THE SAME TO BE SUBDIVIDED INTO LOTS, PUBLIC STREETS, AND EASEMENTS, AND IN ACCORDANCE WITH THE TERMS AND CONDITIONS OF THE DECLARATION HEREBY DEDICATE THOSE AREAS LABELED AS PUBLIC STREETS AND EASEMENTS FOR THE CONSTRUCTION AND MAINTENANCE OF PUBLIC UTILITIES AND EMERGENCY VEHICLE ACCESS.

DATED THIS 22ND DAY OF January, A.D. 2007
 MVR SO. MIDWAY, LC BY: [Signature] (SEE SEAL BELOW)
 DIX SANDERS - MANAGER

ACKNOWLEDGMENT
 STATE OF UTAH } SS.
 COUNTY OF WASATCH }
 ON THE 22ND DAY OF January, A.D. 2007 PERSONALLY APPEARED BEFORE ME, [Signature] Notary Public, who duly acknowledged to ME THAT HE/SHE DID EXERCISE THE SAME IN THE CAPACITY INDICATED.
 MY COMMISSION EXPIRES 10-04-10 [Signature] Notary Public

ACCEPTANCE BY MIDWAY CITY
 THE CITY COUNCIL OF MIDWAY CITY, WASATCH COUNTY, STATE OF UTAH, HEREBY APPROVES THIS SUBDIVISION AND ACCEPTS THE DEDICATION OF LOTS, EASEMENTS, STREETS AND PUBLIC RIGHTS-OF-WAY HEREON SHOWN.

THIS 27TH DAY OF December, A.D. 2006

APPROVED [Signature] MAYOR ATTEST [Signature] CLERK-RECORDER (SEE SEAL BELOW)
 APPROVED [Signature] APPROVED [Signature] CITY ATTORNEY (SEE SEAL BELOW)

PLANNING COMMISSION APPROVAL
 APPROVED THIS 6TH DAY OF December, A.D. 2006 BY THE
 MIDWAY CITY PLANNING COMMISSION
 [Signature] DIRECTOR - SECRETARY [Signature] CHAIRMAN, PLANNING COMMISSION

HIGH VALLEY RANCH SUBDIVISION PLAT
 LOCATED IN THE NORTHEAST ONE-QUARTER OF SECTION 3, T4S, R4E, S1/4B4M
 MIDWAY CITY, WASATCH COUNTY, STATE OF UTAH
 SCALE: 1" = 60. FEET

COUNTY RECORDER
 ENTRY # 304338 DATE 02-08-07 TIME 4:21 PM.
 FEE \$9.00 BK 397 PG 160-161 FOR HIGH VALLEY RANCH
 BY 716 WASATCH COUNTY RECORDER ELSA CARRERON FOR PLAT

[Signature] DATE 1-10-07
 WASATCH COUNTY SURVEYOR
 [Signature] DATE 1/10/07
 MIDWAY SANITATION DISTRICT
 [Signature] DATE 2/6/07
 MIDWAY IRRIGATION COMPANY

SURVEYOR'S SEAL: [Seal of Bing Christensen, No. 145796, State of Utah]

NOTARY PUBLIC SEAL: [Seal of Dix Sanders, Notary Public, State of Utah]

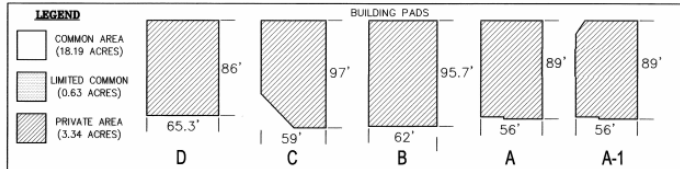
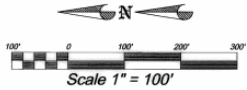
CITY ENGINEER SEAL: [Seal of Dix Sanders, City Engineer, Midway City, Utah]

CLERK-RECORDER SEAL: [Seal of Dix Sanders, Clerk-Recorder, Midway City, Utah]

PLANNING COMMISSION SEAL: [Seal of Midway City Planning Commission]

HIGH VALLEY RANCH SUBDIVISION PLAT - 15 NOVEMBER 2006

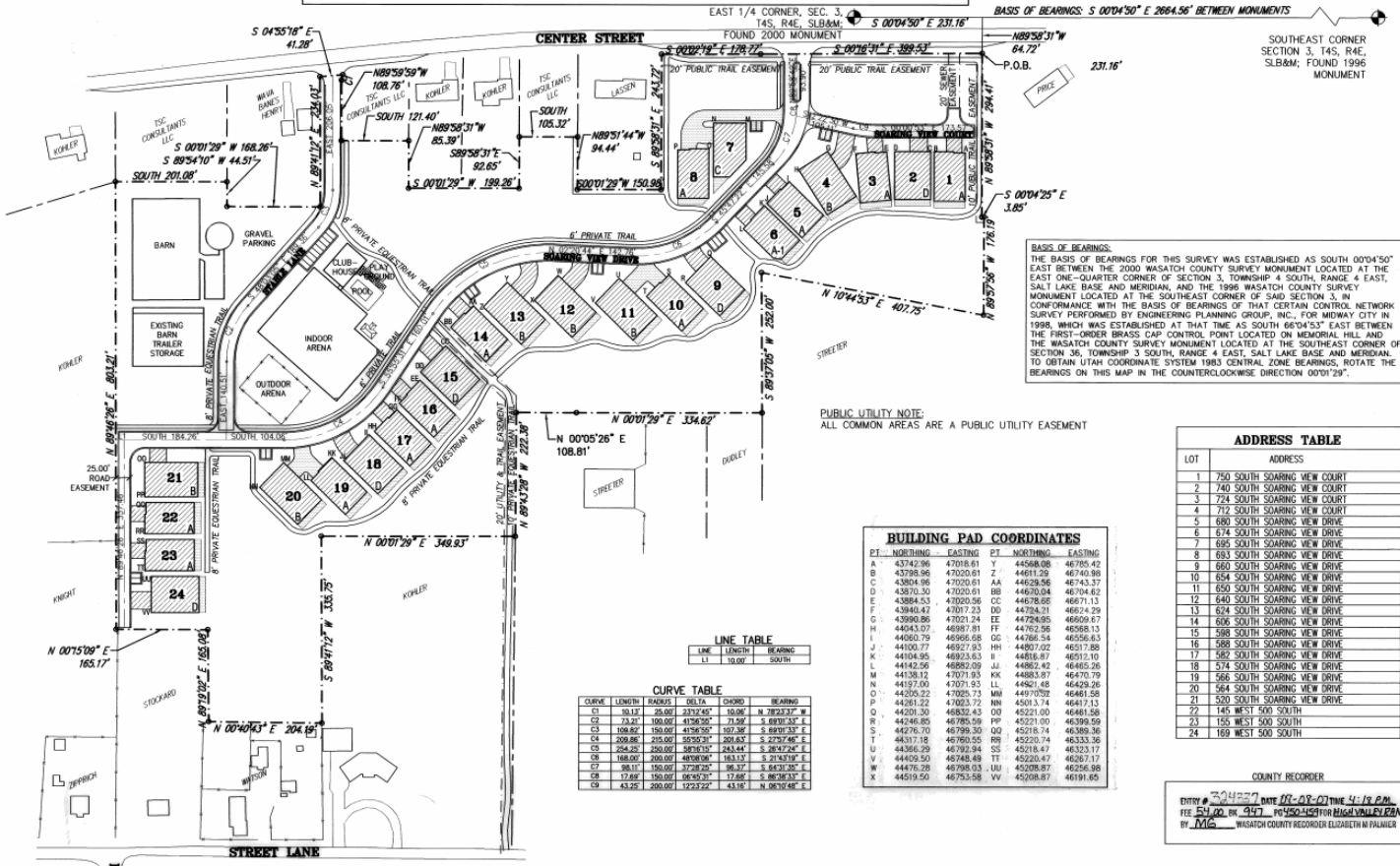
SURVEYOR
 BING CHRISTENSEN, RLS
 P.O. BOX 176
 HEBER CITY, UTAH 84032
 PHONE: (435) 654-9229
 DATE OF SURVEY: AUG 2006



SURVEYOR'S CERTIFICATE
 IN ACCORDANCE WITH SECTION 10-99-603 OF THE UTAH CODE, I, BRING CHRISTENSEN, DO HEREBY CERTIFY THAT I AM A PROFESSIONAL LAND SURVEYOR HOLDING LICENSE NUMBER 145796 IN ACCORDANCE WITH TITLE 58, CHAPTER 22, OF THE PROFESSIONAL ENGINEERS AND PROFESSIONAL LAND SURVEYORS LICENSING ACT. I FURTHER CERTIFY THAT I HAVE COMPLETED A SURVEY OF THE PROPERTY DESCRIBED ON THE PLAN IN ACCORDANCE WITH SECTIONS 17-23-17 OF THE UTAH CODE, AND HAVE VERIFIED ALL MEASUREMENTS AND HAVE PLACED MONUMENTS AS REPRESENTED ON THE PLAN.

DATE: 11/14/07
 SURVEYOR: BRING CHRISTENSEN

BOUNDARY DESCRIPTION
 BEGINNING SOUTH 00°04'50" EAST 231.16 FEET ALONG THE SECTION LINE AND NORTH 89°58'31" WEST 64.72 FEET FROM THE 2000 WASATCH COUNTY SURVEY MONUMENT FOR THE EAST ONE-QUARTER CORNER OF SECTION 3, TOWNSHIP 4 NORTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN (FROM SAID EAST ONE-QUARTER CORNER THE 1996 WASATCH COUNTY SURVEY MONUMENT FOR THE SOUTHEAST CORNER OF SAID SECTION 3 BEARS SOUTH 00°04'50" EAST 2664.56')
 AND RUNNING THENCE NORTH 89°58'31" WEST 294.41 FEET; THENCE SOUTH 00°04'25" EAST 3.85 FEET; THENCE NORTH 89°57'56" WEST 176.19 FEET; THENCE NORTH 10°44'53" EAST 407.75 FEET; THENCE SOUTH 89°37'05" WEST 252.00 FEET; THENCE NORTH 00°07'29" EAST 334.62 FEET; THENCE NORTH 00°05'26" EAST 108.81 FEET; THENCE NORTH 89°43'28" WEST 222.38 FEET; THENCE NORTH 00°01'29" EAST 349.83 FEET; THENCE SOUTH 89°41'12" WEST 335.75 FEET; THENCE NORTH 00°40'43" EAST 204.19 FEET; THENCE NORTH 89°19'02" EAST 165.08 FEET; THENCE NORTH 00°15'09" EAST 165.17 FEET; THENCE NORTH 89°46'26" EAST 803.21 FEET; THENCE SOUTH 201.08 FEET; THENCE SOUTH 89°54'10" WEST 44.51 FEET; THENCE SOUTH 00°17'29" WEST 168.26 FEET; THENCE NORTH 89°41'12" EAST 234.03 FEET; THENCE SOUTH 04°50'18" EAST 41.28 FEET TO THE BEGINNING OF A NON TANGENT CURVE TO THE LEFT AND CONCAVE SOUTHERLY WITH A RADIUS OF 25.00 FEET AND FROM WHICH A RADIAL LINE BEARS SOUTH 231°24'52" WEST; THENCE WESTERLY 10.13 FEET ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 231°24'52" (CHORD BEARS NORTH 78°23'37" WEST 10.06 FEET); THENCE NORTH 89°58'23" WEST 108.76 FEET; THENCE SOUTH 121.42 FEET; THENCE NORTH 89°58'31" WEST 85.39 FEET; THENCE SOUTH 00°17'29" WEST 199.26 FEET; THENCE SOUTH 89°58'31" EAST 92.65 FEET; THENCE SOUTH 105.32 FEET; THENCE NORTH 89°51'44" WEST 94.44 FEET; THENCE SOUTH 00°17'29" WEST 150.98 FEET; THENCE SOUTH 89°58'31" EAST 243.72 FEET; THENCE SOUTH 00°16'31" EAST 399.53 FEET TO THE POINT OF BEGINNING.
 CONTAINING 22.16 ACRES.



BASIS OF BEARINGS: S 00°04'50" E 2664.56' BETWEEN MONUMENTS
 FOUND 2000 MONUMENT
 EAST 1/4 CORNER, SEC. 3, T4S, R4E, S18B&M
 S 00°04'50" E 231.16'
 FOUND 1996 MONUMENT
 SOUTHEAST CORNER SECTION 3, T4S, R4E, S18B&M
 S 00°04'25" E 3.85'
 FOUND 1996 MONUMENT
 S 00°04'25" E 3.85'

BASIS OF BEARINGS:
 THE BASIS OF BEARINGS FOR THIS SURVEY WAS ESTABLISHED AS SOUTH 00°04'50" EAST BETWEEN THE 2000 WASATCH COUNTY SURVEY MONUMENT LOCATED AT THE EAST ONE-QUARTER CORNER OF SECTION 3, TOWNSHIP 4 NORTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN, AND THE 1996 WASATCH COUNTY SURVEY MONUMENT LOCATED AT THE SOUTHEAST CORNER OF SAID SECTION 3, IN CONFORMANCE WITH THE BASIS OF BEARINGS OF THAT CERTAIN CONTROL NETWORK SURVEY PERFORMED BY ENGINEERING PLANNING GROUP, INC. FOR MIDWAY CITY IN 1998, WHICH WAS ESTABLISHED AT THAT TIME AS SOUTH 60°04'53" EAST BETWEEN THE FIRST-ORDER BRASS CAP CONTROL POINT LOCATED ON ONE ACRE HILL, AND THE WASATCH COUNTY SURVEY MONUMENT LOCATED AT THE SOUTHEAST CORNER OF SECTION 36, TOWNSHIP 3 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN. TO OBTAIN UTAH COORDINATE SYSTEM 1983 CENTRAL ZONE BEARINGS, ROTATE THE BEARINGS ON THIS MAP IN THE COUNTERCLOCKWISE DIRECTION 00°17'29".

PUBLIC UTILITY NOTE:
 ALL COMMON AREAS ARE A PUBLIC UTILITY EASEMENT

ADDRESS TABLE

LOT	ADDRESS
1	750 SOUTH SOARING NEW COURT
2	740 SOUTH SOARING NEW COURT
3	724 SOUTH SOARING NEW COURT
4	712 SOUTH SOARING NEW COURT
5	680 SOUTH SOARING NEW DRIVE
6	674 SOUTH SOARING NEW DRIVE
7	695 SOUTH SOARING NEW DRIVE
8	683 SOUTH SOARING NEW DRIVE
9	660 SOUTH SOARING NEW DRIVE
10	654 SOUTH SOARING NEW DRIVE
11	650 SOUTH SOARING NEW DRIVE
12	640 SOUTH SOARING NEW DRIVE
13	624 SOUTH SOARING NEW DRIVE
14	606 SOUTH SOARING NEW DRIVE
15	588 SOUTH SOARING NEW DRIVE
16	588 SOUTH SOARING NEW DRIVE
17	587 SOUTH SOARING NEW DRIVE
18	574 SOUTH SOARING NEW DRIVE
19	565 SOUTH SOARING NEW DRIVE
20	564 SOUTH SOARING NEW DRIVE
21	520 SOUTH SOARING NEW DRIVE
22	145 WEST 500 SOUTH
23	155 WEST 500 SOUTH
24	169 WEST 500 SOUTH

BUILDING PAD COORDINATES

PT	NORTHING	EASTING	PT	NORTHING	EASTING
A	43742.96	47016.61	Y	44568.08	46785.42
B	43738.96	47020.61	Z	44611.29	46740.99
C	43681.96	47020.61	AA	44528.96	46743.37
D	43670.30	47020.61	BB	44670.04	46794.82
E	43684.53	47020.61	CC	44670.04	46671.13
F	43680.47	47017.23	DD	44724.31	46624.29
G	43680.86	47021.24	EE	44726.05	46669.67
H	44043.07	46887.81	FF	44762.96	46568.13
I	44060.79	46886.68	GG	44766.54	46556.63
J	44050.77	46827.53	HH	44807.02	46511.76
K	44104.95	46823.63	II	44816.97	46511.30
L	44125.98	46882.93	JJ	44863.42	46485.26
M	44138.12	47071.93	KK	44883.97	46470.79
N	44127.00	47071.93	LL	44861.48	46428.26
O	44209.22	47059.12	MM	44917.02	46461.58
P	44261.22	47023.72	NN	45013.74	46417.13
Q	44201.30	46832.43	OO	45221.76	46461.98
R	44462.85	46785.99	PP	45221.00	46399.59
S	44276.70	46799.30	QQ	45218.74	46389.36
T	44517.18	46790.55	RR	45220.74	46333.36
U	44366.29	46792.94	SS	45218.47	46323.17
V	44459.50	46748.69	TT	45220.47	46267.17
W	44476.28	46798.03	UU	45208.87	46256.98
X	44519.50	46753.58	VV	45208.87	46191.65

LINE TABLE

LINE	LENGTH	BEARING
1	181.00	SOUTH
2	181.00	SOUTH

CURVE TABLE

CR	ANGLE	RADIUS	DELTA	CHORD	BEARING
1	181.00	2272.40	181.00	181.00	S 292°23'37" W
2	73.42	100.00	4196.50	71.98	S 80°02'53" E
3	108.82	150.00	4756.50	107.39	S 89°02'33" E
4	108.82	150.00	4756.50	107.39	S 89°02'33" E
5	284.22	250.00	5078.33	243.44	S 284°22'42" E
6	188.00	250.00	4978.67	183.13	S 27°18'48" E
7	98.11	150.00	3738.28	96.37	S 84°32'38" E
8	12.86	150.00	684.57	12.86	S 88°38'24" E
9	43.92	200.00	1223.22	43.91	S 80°16'48" E

500 SOUTH ROAD EASEMENT NOTE:
 THE HIGH VALLEY RANCH EQUESTRIAN PUD GRANTS A 25 FOOT EASEMENT TO MIDWAY CITY FOR FUTURE IMPROVEMENTS TO 500 SOUTH. SAID 500 SOUTH WILL REMAIN PRIVATE UNTIL 500 SOUTH IS COMPLETED BY MIDWAY CITY AND THE ROAD BECOMES A PUBLIC THROUGH ACCESS. SETBACKS FOR UNITS 21-24 WILL NOT BE AFFECTED IF 500 SOUTH BECOMES A PUBLIC ROAD. MIDWAY CITY WILL ABANDON SAID ROAD EASEMENT IF 500 SOUTH IS NOT CONSTRUCTED WITHIN 50 YEARS OR A THROUGH ACCESS BETWEEN 250 WEST AND CENTER STREET IS CONSTRUCTED BETWEEN 500 SOUTH TO 300 SOUTH.

SURVEYOR:
 BRING CHRISTENSEN, R.L.S.
 P.O. BOX 176
 HEBER CITY, UTAH 84032
 PHONE: (435) 854-9229
 DATE OF SURVEY: AUGUST 2006

CONSENT OF MORTGAGEE TO RECORD

HEREBY CONSENTS TO THE RECORDING OF THE HIGH VALLEY RANCH PUD, AND JOINS IN THE DEDICATION OF STREETS AND EASEMENTS AS SHOWN.

BY: _____
 ITS: _____

ACKNOWLEDGMENTS

STATE OF UTAH : __SS
 COUNTY OF : __SS

ON THIS DAY OF _____, 20____, I, _____, PERSONALLY APPEARED BEFORE ME, _____, WHO DO ACKNOWLEDGE TO ME THAT HE EXCUTED THE FOREGOING PUBLIC INSTRUMENT OF MORTGAGE.

NOTARY PUBLIC

 DATE: 11/14/07

COUNTY RECORDER

DATE: 11/14/07
 TIME: 11:15 P.M.
 FILE: 511.00 ON 3477 PG: 250-1451 FOR HIGH VALLEY RANCH PUD
 BY: MLC WASATCH COUNTY RECORDER ELIZABETH W. PALMER

WASATCH COUNTY SURVIVOR
 _____ DATE: 11/14/07
 MIDWAY IRRIGATION COMPANY
 _____ DATE: 11/14/07
 MIDWAY SANITATION DISTRICT

ACKNOWLEDGMENT

STATE OF UTAH : __SS
 COUNTY OF WASATCH : __SS
 ON THE 22 DAY of January, A.D. 2007, PERSONALLY APPEARED BEFORE ME, DICK SANDERS, WHO I DO ACKNOWLEDGE TO ME THAT HE EXECUTED THE SAME IN THE CAPACITY INDICATED.
 MY COMMISSION EXPIRES 10-04-10
 _____ NOTARY PUBLIC

ACCEPTANCE BY MIDWAY CITY

THE CITY COUNCIL OF MIDWAY CITY, WASATCH COUNTY, STATE OF UTAH, HEREBY APPROVES THIS PLANNED UNIT DEVELOPMENT AND ACCEPTS THE DEDICATION OF EASEMENTS AND PUBLIC RIGHTS-OFF-WAY HEREOF SHOWN.
 THIS 27th DAY OF December, A.D. 2006
 APPROVED: _____ MAYOR
 _____ ATTEST
 _____ CITY CLERK

PLANNING COMMISSION APPROVAL

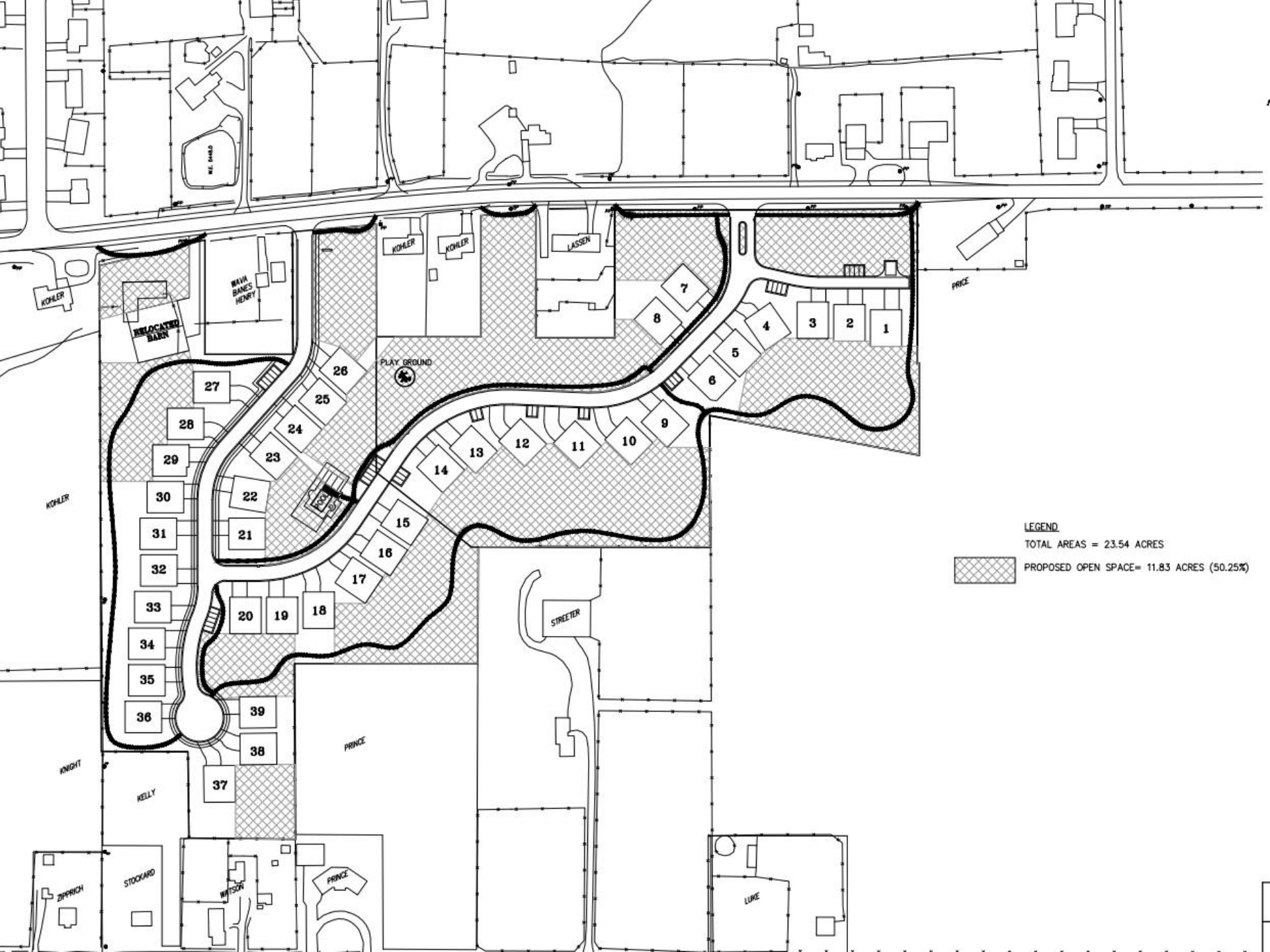
APPROVED THIS 6th DAY OF December, A.D. 2006 BY THE
 _____ CITY PLANNING COMMISSION
 _____ CHAIRMAN, PLANNING COMMISSION

HIGH VALLEY RANCH EQUESTRIAN PUD

PLANNED UNIT DEVELOPMENT, MIDWAY CITY, WASATCH COUNTY, STATE OF UTAH
 LOCATED IN THE NORTHEAST AND SOUTHWEST ONE-QUARTERS OF SECTION 3, T4S, R4E, S18B&M
 SCALE: 1" = 100 FEET

SEALS AND SIGNATURES:
 SURVEYOR'S SEAL: BRING CHRISTENSEN
 NOTARY PUBLIC SEAL: _____
 CITY ENGINEER SEAL: _____
 CLERK-RECORDER SEAL: _____
 COUNTY RECORDER SEAL: _____
 SEALS: _____

HIGH VALLEY RANCH EQUESTRIAN PUD PLAT - 15 NOVEMBER 2006



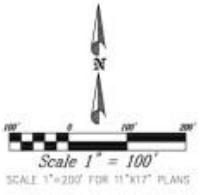
LEGEND

TOTAL AREAS = 23.54 ACRES



PROPOSED OPEN SPACE = 11.83 ACRES (50.25%)

OPEN SPACE CODE
AMENDMENT OF 2018



LEGEND

	WETLANDS
	ASPHALT TRAIL
	IMPROVED DITCH

LAND USE SUMMARY

ZONE	R-1-15
TOTAL AREA	50.75 AC
PUD AREA	50.36 AC
SUBDIVISION AREA	5.39 AC
SUBDIVISION LOTS	1 LOT (DEMING EX HOME)
PUD UNITS	85 UNITS
TOTAL UNITS	87 TOTAL UNITS
DENSITY	1.81 PER ACRE
ONSITE OPEN SPACE	25.39 AC (50.03% OF ENTIRE DEVELOPMENT)
OFFSITE OPEN SPACE	1.32 AC (2.61% OF ENTIRE DEVELOPMENT)
TOTAL OPEN SPACE	26.71 AC (52.63% OF ENTIRE DEVELOPMENT)

PUD DENSITY CALCULATIONS

TOTAL PUD AREA	50.36 ACRES
WETLAND AND 25' BUFFER	13.39 ACRES
DENSITY FOR R-1-15 ZONE	2.50 UNITS/ACRE
DENSITY FOR WETLANDS AND 25' BUFFER	0.10 UNITS/ACRE
$2.50(50.36 - 13.39) + 13.39(0.10) = 93.74$	
ALLOWED PUD UNITS FOR THE PROPERTY	93.74
UNITS FOR OFFSITE OPEN SPACE TRANSFER	2.28
TOTAL PUD UNITS ALLOWED FOR PROJECT	96.02

SEE OFFSITE OPEN SPACE TRANSFER APPROVAL FROM MIDWAY CITY COUNCIL. MAXIMUM OF 97 UNITS ALLOWED FOR THE DEVELOPMENT.

UNIT PAD SIZES

55'x60'	55'x60'	60'x40'	60'x45'	CUSTOM (SEE PLAN)

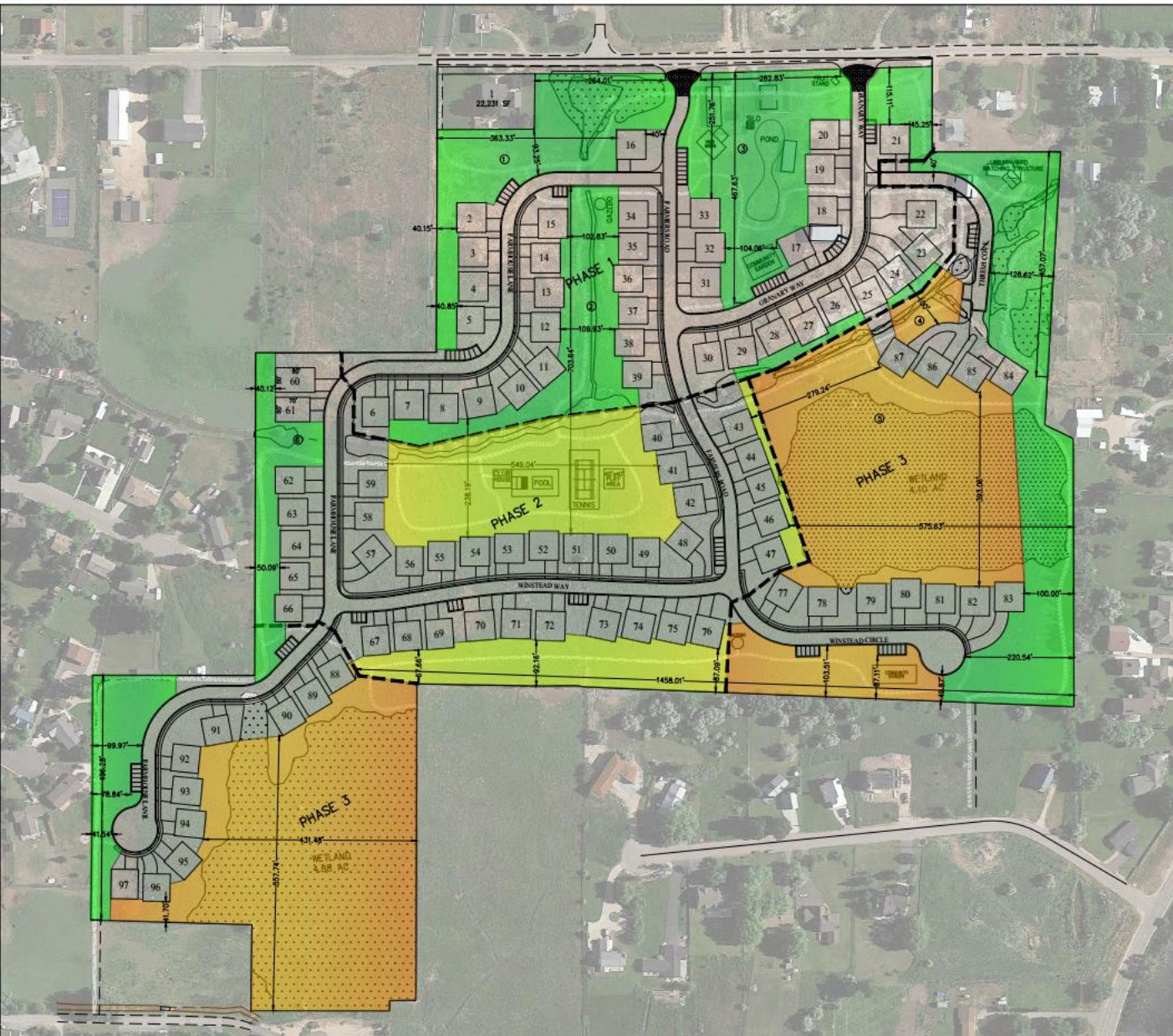
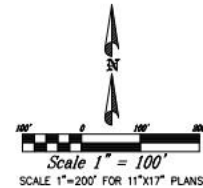
THIS DOCUMENT IS RELEASED FOR REVIEW ONLY. IT IS NOT BOUND FOR CONSTRUCTION UNLESS SIGNED AND SEALED.
 PRAJ, U. 26835 P.E.
 SERIAL NO. 238888
 DATE: 29 DEC 2017

WATTS ENTERPRISES
 MIDWAY SPRINGS
 PRELIMINARY
 SITE PLAN

BERG ENGINEERING
 RESOURCES GROUP P.C.
 300 E Main St. Suite 204
 Midway, IA 50459
 PH: 562.663.8988

DESIGNER	PHB	DATE	29 DEC 2017	SHEET	2
DRAWN BY	CMB	REV			





LEGEND

- WETLANDS (10.00 AC)
- OPEN SPACE PERIPHERY - 40' MINIMUM
INTERIOR - 100' MINIMUM
- ONSITE 27.38 AC (53.95%)
- OFFSITE 1.32 AC (2.60%)
- TOTAL 28.70 AC (56.55%) (50% REQUIRED)

OPEN SPACE DEDICATION BY PHASE

PHASE	AREA	OPEN SPACE PER PHASE	TOTAL PROJECT AREA	TOTAL PROJECT OPEN SPACE
1	15.96 AC	11.69 AC (73.20%)	15.96 AC	11.69 AC (73.20%)
2	12.94 AC	4.57 AC (35.32%)	28.90 AC	16.26 AC (56.26%)
3	21.84 AC	12.10 AC (55.45%)	50.87 AC	28.36 AC (55.75%)

ADDITIONAL OFFSITE OPEN SPACE DEDICATED WITH PHASE 1 1.32 AC 29.68 AC (58.34%)

OPEN SPACE AREAS

- ① 1.95 ACRES
- ② 4.45 ACRES
- ③ 2.25 ACRES
- ④ 0.36 ACRES
- ⑤ 18.47 ACRES
- ⑥ 0.88 ACRES

OPEN SPACE NOTES:

TOTAL AREA: 50.87 ACRES
 PID AREA: 50.36 ACRES
 TOTAL OPEN SPACE: 28.36 ACRES (55.95%) OF ENTIRE DEVELOPMENT
 OPEN SPACE IN A SINGLE OPEN SPACE AREA
 AREA 5 = 18.47 ACRES (65.13%)
 SECTION 16.16.11.C REQUIRES ONE-HALF OF ALL OPEN SPACE TO BE RETAINED IN A SINGLE OPEN SPACE AREA. OPEN SPACE PARCEL 5 MEETS THIS PID REQUIREMENT.

WATTS ENTERPRISES
 REMUND FARMS
 OPEN SPACE
 MASTER PLAN

ENGINEERING
 RESOURCE GROUP, P.C.
 380 E Main St. Suite 204
 Midway, UT 84049
 ph. (435) 657-9749

DESIGN BY: PDB
 DRAWN BY: CNB

DATE: 19 APRIL 2011
 REV: 5


THIS DOCUMENT IS RELEASED FOR REVIEW ONLY. IT IS NOT INTENDED FOR CONSTRUCTION UNLESS SIGNED AND SEALED.
 PAUL D. REID, P.E.
 SERIAL NO. 202596
 DATE: 19 APRIL 2011

4. Open Space Plan and Calculations

- **50% Open Space Requirement.** If Appenzell is allowed to avail itself of the *peripheral property line setback* exception provision* through the Development Agreement and Master Plan amendments, we will be able to meet the 50% open space requirement without needing any of the open space from the Open Space area on Center Street we plan to vacate*

*Midway City Code, Section 16.16.11-B as amended Feb-Mar 2018)

- **Epic Engineering:** Open Space Plan and Calculations: after removal of vacated parcel and application of peripheral boundary exception provision



OPEN SPACE CALCULATIONS	
OPEN SPACE BEFORE REMOVAL OF LOTS A & B	11.83 ACRES
OPEN SPACE REMOVAL: LOT B	.57 ACRES
OPEN SPACE AFTER REMOVAL OF OPEN SPACE INCLUDED FROM LOT B	11.26 ACRES
OPEN SPACE ADDED FROM REMAINDER OF LOT A	.50 ACRES
OPEN SPACE ACREAGE ADDED UNDER EXCEPTION PROVISION	1.53 ACRES
TOTAL OPEN SPACE ACREAGE REMOVAL OF LOTS AND APPLICATION OF EXCEPTION PROVISION	13.29 ACRES
TOTAL ACREAGE	
BEFORE REMOVAL OF LOT B	23.54 ACRES
AFTER REMOVAL OF LOT B	22.97 ACRES
RATIO OF OPEN SPACE TO TOTAL ACREAGE AFTER REMOVAL OF LOTS AND EXCEPTION PROVISION	
TOTAL ACREAGE OF DEVELOPMENT AFTER REMOVAL OF LOT B	22.97 ACRES
TOTAL OPEN SPACE AFTER REMOVAL OF LOT AND EXCEPTION PROVISION	13.29 ACRES
OPEN SPACE / TOTAL ACREAGE X 100 (OPEN SPACE PERCENT)	57.86%
CURRENT OPEN SPACE PERCENT	50.25%

* NOTE: THIS SCENARIO STILL MEETS THE REQUIREMENTS OF SECTION 16.16.8-2 OF THE MUNICIPAL CODE FOR A PUD SHALL BE TEN ACRES*

57.86%



OPEN SPACE CALCULATIONS

OPEN SPACE BEFORE REMOVAL OF LOTS A & B	11.83 ACRES
OPEN SPACE REMOVAL: LOT B	.57 ACRES
OPEN SPACE AFTER REMOVAL OF OPEN SPACE INCLUDED FROM LOT B	11.26 ACRES
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TOTAL ACREAGE

BEFORE REMOVAL OF LOT B	23.54 ACRES
AFTER REMOVAL OF LOT B	22.97 ACRES

RATIO OF OPEN SPACE TO TOTAL ACREAGE AFTER REMOVAL OF LOTS AND EXCEPTION PROVISION

TOTAL ACREAGE OF DEVELOPMENT AFTER REMOVAL OF LOT B	22.97 ACRES
TOTAL OPEN SPACE AFTER REMOVAL OF LOT AND EXCEPTION PROVISION	13.29 ACRES
OPEN SPACE / TOTAL ACREAGE X 100 (OPEN SPACE PERCENT)	57.86 %
CURRENT OPEN SPACE PERCENT	30.25%

* NOTE: THIS SCENARIO STILL MEETS THE REQUIREMENTS OF SECTION 16.16.8-2 OF THE MUNICIPAL CODE FOR A PUD SHALL BE TEN ACRES*

57.86%

ITEMS OF CONSIDERATION:

- Approval if this proposal creates a precedence for future developments that would also like to sell open space and remove the financial burden of maintenance while receiving money for selling the property.
- One of the main goals in the General Plan is to create open space, especially in entry corridors, the proposal does not seem to align with that goal.
- If open space is sold to a neighbor and encumbered with any restriction, enforcement may be difficult.

ITEMS OF CONSIDERATION:

- Midway has already provided incentives in the form of density to the developer to create open space that is proposed to be sold.
- The HOA has other means to finance their desired improvements including a HOA special assessment that would require the members of the community to pay for the improvements.
- The City has a landscaping bond that covers all the landscaped areas of the development.

POSSIBLE FINDINGS

- The amendment would allow the HOA to sell some open space to a neighbor
- Midway has no control of how the money would be spent
- Per the current development agreement, Midway is under no obligation to approve the adjustment
- If the amendment is approved, the HOA would need to amend the subdivision plat to vacate the 0.54 acres from the plat
- The City would have no control over the use of the property that would be sold which could possibly be built on (accessory structure) or it could possibly be developed as its own lot in the future

PROPOSED CONDITIONS

1. If approved, the property should be connected to an adjoining parcel and remain undeveloped.
2. Require the vacated property to be restricted to no further development including subdividing and approval of building permits

APPENZEL MASTER PLAN AMENDMENT



LEGAL ANALYSIS

- TWO ITEMS RAISED IN THE LETTER:
- Specific arguments regarding the Master Plan Amendment (CONTRACT ISSUE) (currently before the City Council)
- Argument regarding an amendment to the PUD code (ZONING ISSUE) (that is on the agenda later in the meeting)
- The standards for the two are different and I will only address the arguments made regarding the Master Plan Amendment now and will respond to the arguments regarding the statute when that item comes before the Council.



STANDARD FOR AMENDING MASTER PLAN AGREEMENT

- The HOA approaches this Master Plan Amendment through the lens of a land use application, and tries to support its arguments through land use code – which are inapplicable
- This is a contract question.
- The Master Plan Agreement was entered into between the City and the Developer as a condition of receiving approval to develop.
- The HOA is bound by the provisions of the contract.
- The Contract states: “Unless otherwise stated in this Agreement, the Parties may amend this Agreement from time to time, in whole or in part, by mutual written consent.”



STANDARD FOR AMENDING MASTER PLAN AGREEMENT

- There is **NO OBLIGATION** on either side to amend the agreement
- The City has **FULL DISCRETION** to amend the agreement and may consider any information it deems relevant to making that decision
- The HOA suggests that the Planning Department's arguments regarding the intent of the recent amendments of the code, the import of open space to the City, the fact that the HOA has remedies against the developer, and the impact this decision could have on other developments in the City are inappropriate
- In this the HOA is mistaken. The City has no obligation to amend the Master Plan Agreement and can consider any information, policy consideration, information, or argument that it feels is relevant in making a decision



STANDARD FOR AMENDING MASTER PLAN AGREEMENT

- The HOA suggests that the City must do studies to show the vacant lot in question is important open space in order to use this as an argument against amendment.
- Again, the Developer agreed to the master plan and the HOA is bound by that agreement – the City does not have to prove anything or do studies to justify amending or not amending the agreement.



STANDARD IF LAND USE APPLICATION

- For what it is worth – the analysis under the land use code for amending plats is identical.
- Utah Code Ann. 10-9a-609 states that the City **MAY** amend a plat **IF** it finds good cause.
- There is no affirmative duty to make this finding
- There is no restriction on what the City may consider in determining whether there is good cause or not.
- So even if this were a land use application, the limitations suggested by the HOA are still inapplicable.

