

Midway City Council  
20 June 2023  
Regular Meeting

Lundin Property /  
Open Space



## **CITY COUNCIL MEETING STAFF REPORT**

**DATE OF MEETING:** June 20, 2023

**AGENDA ITEM:** Open Space Bond Funding Request

**NAME OF PROJECT:** Lundin Farms

**PROPERTY OWNER:** Lundin Farms LLC

**NAME OF APPLICANT:** Utah Open Lands

**LOCATION OF ITEM:** Approximately 950 West Bigler Lane

### **ITEM: 6**

Utah Open Lands, on behalf Lundin Farm LLC, is requesting \$1,000,000 from the Midway Open Space Bond to help fund a conservation easement on the 119 acres of the Lundin Farm that lies within the Midway Growth Boundary (annexation area). The property is located on River Road at approximately 950 West Bigler Lane.

### **BACKGROUND:**

In November of 2018, Midway residents passed a 5-million-dollar open space bond. An Open Space Advisory Committee was created, criteria for participation were established based on the 2017 Midway General Plan Open Space Element, and property owners were encouraged to submit a ‘Notice of Interest’ and subsequent ‘Landowner’s Perspective’ indicating how the property meets the Midway Open Space Criteria listed in the General Plan.

The Lundin Farm is the fifth (Kohler, Gardner, Mtn Spa, and Dickman) project being forwarded to the City Council by the Open Space Advisory Committee. The total project encompasses 119 acres, as shown on the attached map. None of the property lies within Midway City limits but all the property lies within the Midway Growth Boundary (annexation area) and may be considered for funding. The applicant has met with the Open Space Advisory Committee several times and has clarified the following information as described in the Project Details submitted by Utah Open Lands:

*“The Farm was established in the late 1800s and has been operated by the Lundin family continuously since then. As is often the case with farming and ranching families, generational ownership is both a sense of pride and a source of contention. As some family members seek to stay part of the land and the community other family members for which the land represents their inheritance seek the profit derived from the sale of the land for development. During 2020, land throughout Utah saw steady increases in value and Wasatch County is now ranked as the fastest growing county in the nation. Preserving land amid rising land prices in the Heber Valley challenge families to find a solution that works for all members. The Lundin family seeks, through a bargain sale conservation easement to Utah Open Lands, to part sell part donate the appraised value to both safeguard the family land as a continuing farming landscape while providing cash to the siblings who are not interested in the landscape legacy.*

*Two owner engaged fee title appraisals place the fee title value of the land at around 12,000,000-13,000,000. A reasonable valuation for the Conservation Easement based on other comparable conservation easement sales places a value of the conservation easement at around \$7,000,000-\$10,000,000. Utah Open Lands is working to develop a conservation solution for the land to engage in a purchase and sale agreement that provides for the varied interests of family members expectations from the disposition of the land. However, it is necessary to have initial pledge commitments from donors to provide reasonableness to the landowner that a conservation easement purchase is feasible. Utah Open Lands has begun working through the application process to obtain NRCS ACEP program funding. Utah Open Lands also seeks funding from Midway City and intends to approach other private funding sources. The \$2,000,000 being requested from the Wasatch County Open Space Bond is a pledged that would be conditioned upon successful funding from NRCS and other funding sources to acquire a conservation easement at a bargain sale value of at least \$6,500,000 thereby matching County Bond funds almost three to one. The additional condition would be that the pledge and final grant would require a qualified conservation easement appraisal that values the conservation easement at or above \$6,500,000. It is UOL’s hope that all needed funds will be raised by the end of 2023.”*

The Midway Open Space Advisory Committee (OSAC) supports (please see further in this report the motion and findings from the OSAC) this application because it meets the criteria of the Open Space Element of the General Plan as noted below, and because the Lundin Farm is an important agricultural operation in the Valley.

The application complies with Midway's General Plan Open Space element as follows:

#### Vision

"The Community Vision Statement sets a goal for Midway "to be a beautiful, organized small town community based on its distinct history of agriculture, open space and recreation". (Goal 1, Community vision Goals and Guidelines). Guideline 5 seeks to implement this goal by "Encouraging the preservation of prime agricultural land and open space within Midway and the surrounding valley".

The Lundin Farm meets these goals in the following ways:

- *Preservation of the 119-acre Lundin Farm property preserves scenic view sheds along the Wasatch Mountains.*
- *The property will continue usage as a farm, with livestock grazing, haying, and related uses.*
- *The dairy was established in the late 1800s at the present location. Several historic buildings are on the property and may be required to be preserved based on the future language in the conservation easement.*

#### Effective Open Space Use

The Open Space Element cites four design objectives requiring use of open space tools. They are; preserving Inter-City Space, Preserve Midway's Unique Character, Create Local Neighborhood "Openness", and Providing Public Recreation Venues.

In addition to the citations mentioned above, the Lundin Farm meets these objectives by:

- *The grazing and hayfields are under greenbelt protection.*
- *The farm abuts the Wasatch Mountain State Park owned by the State of Utah as shown on the attached maps.*
- *Adjacent land is zoned Resort Commercial, and other parcels are being subdivided for residential uses. Preserving these 119 acres will mitigate the density created by these developments.*
- *Should this land be developed for residential purposes we estimate that approximately 50-70 single family homes or multi-family as part of a Planned Unit Development could be constructed on the buildable areas of the 119 acres located in the Midway Growth Boundary adding significantly to the density, infrastructure requirements, and demand for City/County services.*
- *In addition to the use of the land by livestock, this property serves as a significant wildlife habitat, providing nesting locations for various birds, safe locations for deer and elk to graze, ditches and ponds for muskrat, beaver and ducks, and passage for many other species of wildlife.*

### Identifying and Acquiring Open Space

“Open space acquisition or preservation proposals must be evaluated with the benefit of the citizens of Midway in mind.”

- *Because of the location in the foothills of the Wasatch Mountains, much of the property is elevated and is prominently seen from many vantage points in Midway and from around the entire Heber Valley.*
- *The views from Midway and the Heber Valley of the Lundin Farm materially to Midway’s reputation as an attractive tourist destination, an important part of our local economy.*
- *The continued operation of the Lundin Farm with its production of hay and livestock provides economic benefits to Midway and its citizens.*
- *As one of the last operating large farms in Midway, an area noted for its dairy and agricultural history, losing the farm to development will result in a permanent and significant loss of an important aspect of the Valley’s legacy.*

### Identifying and Acquiring Open Space

“Where possible and practical, the City will work with other organizations, agencies, groups, and individuals who will share the costs of open space preservation projects.”

The Lundin Farm meets these objectives by:

- *Owners of the Lundin Farm have signed a purchase agreement with Utah Open Lands committing to sell the development rights for 119 acres of property.*
- *The estimated purchase price of the conservation easement for the Farm is \$6,000,000-8,000,000. To date, Utah Open Lands has pending applications for funds from NRCS ACEP, Midway City, and private foundations.*
- *Utah Open Lands is also applying for grants from various private foundations and will host several community fund-raising events.*
- *Because all of the 119 acres is in Wasatch County, Wasatch County has been asked and agreed to contribute \$2,000,000 from its Open Space program to preserve the Lundin Farm.*

### **ANALYSIS:**

- After several thorough discussions, the Midway Open Space Advisory Committee voted unanimously to recommend that the Midway City Council commit \$1,000,000 of the Open Space Bond to the Lundin Farm project. The committee strongly believes that this project meets many criteria of the Open Space Bond and represents significant view corridors, green space and agricultural use that is important for our community to preserve as noted above. In addition, the leveraging of the Bond proceeds will maximize Midway’s contribution, and the existing commitments of NCRS and the LeRay McAllister Fund speak to the importance and validity of this project.

- Midway’s Master Street Plan shows a required road across the property that will connect Bigler Lane to Olympic Lane which will create a second access for all the lots located in the City that access on Swiss Alpine Road. The connecting road is very important to address the safety concern of the ability for residents and visitors to evacuate the area in case of an emergency. Currently, there are hundreds of units in the area that include the neighborhoods of Sunburst, Alpenhof, Maisons De Saint Prex, and Swiss Mountain Estates that only have one access which is Swiss Alpine Road. If the connector road is built on the Lundin property, the community will benefit from the safety it will provide. It may be that only a road base emergency access road is built which will only be used in an emergency. The road could be built on the edge of the field to limit disturbance of the agricultural operations. The City has approximately \$110,000 in place to build the road. The City should consider this safety issue when considering contributing to the conservation easement.
- The information provided by the applicant states that the community will benefit because of public trail easements that will be provided that will connect to the existing trail network. This would be a great benefit to the public. Details of the where the trail easements will be located should be determined before approval is granted.
- The brush covered and wooded hills on the Lundin property and the surrounding foothills are designated as a Wildland-Urban Interface Zone that is has the possibility of wildfire. A fire break should be considered, in cooperation with the Wasatch Mountain State Park and other surrounding private property owners, to plan for emergency events.
- There are 64 Midway Irrigation Company shares on the property. Those shares will need to be part of the agreement and dedicated to the property.

**OPEN SPACE ADVISORY COMMITTEE RECOMMENDATION:**

Whereas, in conjunction with receipt of a funding commitment from Wasatch County Open Space Committee in the amount of Two Million Dollars (\$2,000,000), Utah Open Lands, on behalf of the Lundin family, has filed an application and is requesting a commitment from the City of Midway for open space bond funds in an amount up to One Million Dollars (\$1,000,000) for placement of a conservation easement on 119 acres generally known as Lundin Farms, such commitment to run for a period of up to three (3) years to allow time for application to apply for additional funding sources, including federal funding, which application Utah Open Lands anticipates filing within the year, and on the understanding that in the event such application for federal funding is denied, Utah Open Lands and the Lundin family will immediately release the City of Midway from any commitment of open space bond funds; it is hereby

RESOLVED, that the City of Midway Open Space Committee recommends that the City of Midway commit up to One Million Dollars (\$1,000,000) of the open space bond funds toward placement of a conservation easement on the 119 acres known as Lundin Farms on the terms and conditions set forth above.

Motion Passed unanimously.

**POSSIBLE FINDINGS:**

- This project and funding request are consistent with the vision of the Open Space Element of the General Plan.
- The committed funds from Wasatch County and from other potential sources will maximize Midway’s contribution through leveraging, and the continuation of an important agricultural business is an added benefit.
- The project is visible from much of Midway and from many areas of the Heber Valley.
- Preservation of the farm will keep valuable agricultural land as open space and the farm will continue to provide agricultural products to the community.

**ALTERNATIVE ACTIONS:**

1. Approval. This action can be taken if the City Council finds the proposal is acceptable and in the best interest of the community.
  - a. Accept staff report
  - b. List accepted findings
  - c. Place condition(s)
2. Continuance. This action can be taken if the City Council finds there are unresolved issues.
  - a. Accept staff report
  - b. List accepted findings
  - c. Reasons for continuance
    - i. Unresolved issues that must be addressed
  - d. Date when the item will be heard again

3. Denial. This action can be taken if the City Council finds that the request is not acceptable and not in the best interest of the community.
  - a. Accept staff report
  - b. List accepted findings
  - c. Reasons for denial

**PROPOSED CONDITIONS:**

1. The right-of-way for the connector road from Bigler Lane to Olympic Lane is secured as a component of the conservation easement. Midway will build the road with the funds that have all already been gathered for this purpose.
2. The 64 Midway Irrigation Company shares that are being used on the property are dedicated to the property in perpetuity.
3. Public trail easements are clarified before approval.

# **Exhibits**

**Exhibit 1 – Location Maps**

**Exhibit 2 – Applicant’s Project Details**

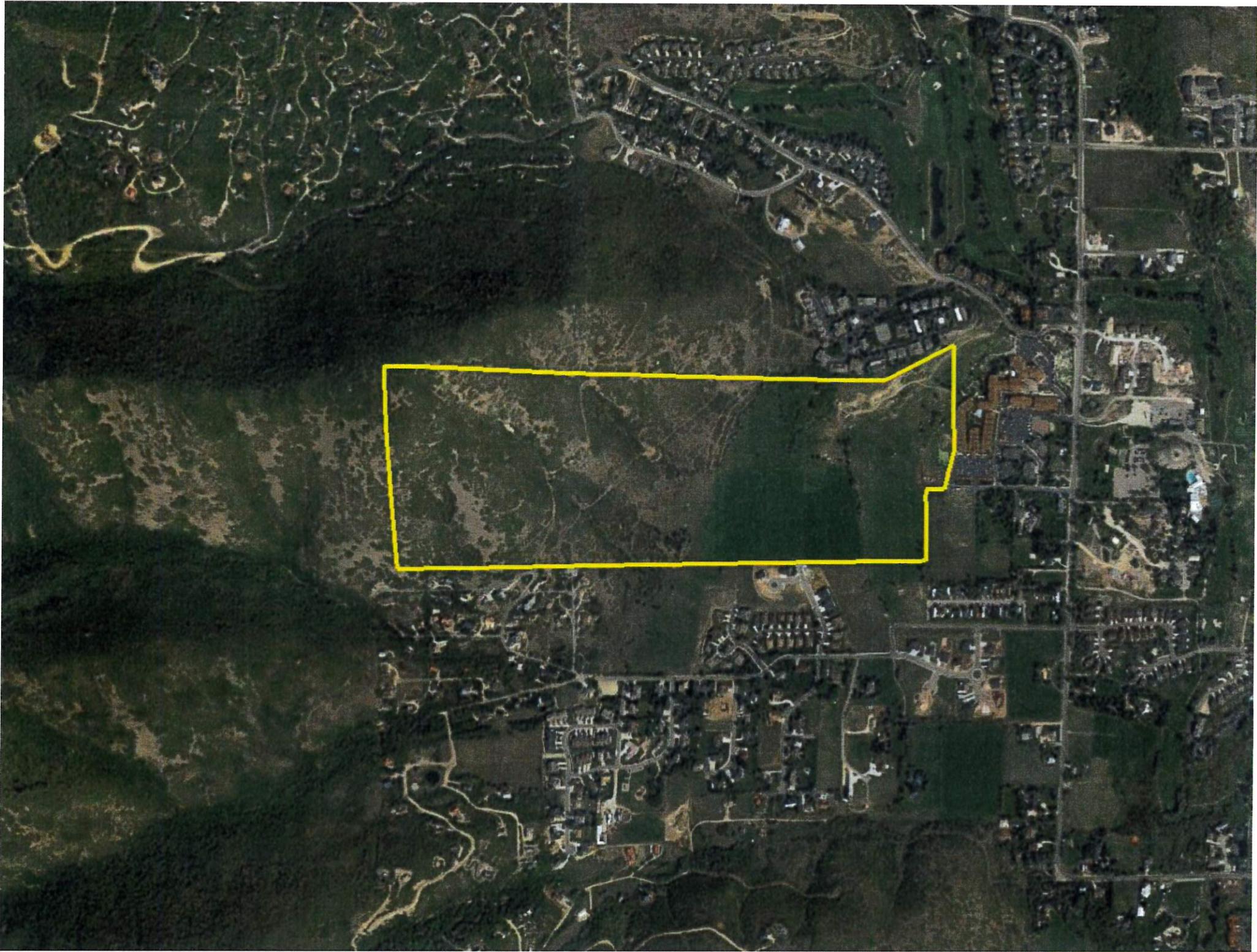
**Exhibit 3 – Applicant’s Lundin Farm Slides**

**Exhibit 4 – Midway Open Space Advisory Board Minutes**

**Exhibit 5 – Midway Master Street Plan Maps**

# Exhibit 1







# **Exhibit 2**

## Project Details

NAME OF PROJECT: Lundin Farms LLC Open Space Bond Request

NAME OF APPLICANT: Utah Open Lands

LOCATION OF ITEM: See attached Map

ZONING DESIGNATION: The property is in Wasatch County and lies within Midway's Annexation Declaration Area Boundaries and is zoned RA-1-43 and R-1-22, which would allow 1-2 units per acre on 60 acres of the land.

### EXPLANATION AND REQUEST;

Utah Open Lands, on behalf of The Lundin Farms LLC is requesting \$2,000,000 from the Wasatch County Open Space Bond to help fund a conservation easement on approximately 119 acres of land that has been in the hands of the Lundin Family since the late 1800s. Portions of the land are visible from Main street in Heber City, Wasatch Mountain State Park and numerous locations in Midway. An alignment for a public connector trail could be negotiated with the landowner, Utah Open Lands, Midway City and Wasatch County and is considered as part of this request provided that the trail would serve as a meaningful connection to a broader trail system that serves the public.

### BACKGROUND:

In November, 2018, Wasatch County residents passed a \$10 mm open space bond. In March of 2019 the County Council adopted the Wasatch County Code chapter 3.06 Preservation on Open Lands. Chapter 3.06 specifies the establishment of the Wasatch Open Lands Board, an application process, criteria for selection and various other criteria. The Board held its first meeting in September, 2019 and requested NOIs from property owners interested in submitting a request. The Lundin Farms LLC submitted an application and have met with the Open Space Advisory Committee.

The Farm was established in the late 1800's and has been operated by the Lundin family continuously since then. As is often the case with farming and ranching families, generational ownership is both a sense of pride and a source of contention. As some family members seek to stay part of the land and the community other family members for which the land represents their inheritance seek the profit derived from the sale of the land for development. During 2020, land throughout Utah saw steady increases in value and Wasatch County is now ranked as the fastest growing county in the nation. Preserving land amid rising land prices in the Heber Valley challenge families to find a solution that works for all members. The Lundin family seeks, through a bargain sale conservation easement to Utah Open Lands, to part sell part donate the

appraised value to both safeguard the family land as a continuing farming landscape while providing cash to the siblings who are not interested in the landscape legacy.

Two owner engaged fee title appraisals place the fee title value of the land at around 12,000,000-13,000,000. A reasonable valuation for the Conservation Easement based on other comparable conservation easement sales places a value of the conservation easement at around \$7,000,000-\$10,000,000. Utah Open Lands is working to develop a conservation solution for the land to engage in a purchase and sale agreement that provides for the varied interests of family members expectations from the disposition of the land. However, it is necessary to have initial pledge commitments from donors to provide reasonableness to the landowner that a conservation easement purchase is feasible. Utah Open Lands has begun working through the application process to obtain NRCS ACEP program funding. Utah Open Lands also seeks funding from Midway City and intends to approach other private funding sources. The \$2,000,000 being requested from the Wasatch County Open Space Bond is a pledged that would be conditioned upon successful funding from NRCS and other funding sources to acquire a conservation easement at a bargain sale value of at least \$6,500,000 thereby matching County Bond funds almost three to one. The additional condition would be that the pledge and final grant would require a qualified conservation easement appraisal that values the conservation easement at or above \$6,500,000. It is UOL's hope that all needed funds will be raised by the end of 2023.

As outlined below Lundin Farms complies with the criteria listed in Chapter 3.06 of the County Code. In addition, the Lundin Farm provides both direct and indirect economic and community benefits to the Heber Valley. Those benefits are also outlined.

#### **Ways in Which Lundin Farms Complies with the Wasatch County Code, 3.06.4**

A. Agricultural use of property including grazing and ranch lands with required water rights for existing an historic uses: *The property will continue to be used for grazing and irrigated pasture land including heritage breeds.*

B. Preservation of land for.....the education of the general public: *Lundin Farms as a condition of the conservation easement would reserve the ability to conduct educational tours and the family is committing to providing a trail alignment to connect portions of the county trail system already in existence.*

D. Preservation of open space, including farmland....where such preservation is for the scenic enjoyment of the general public: *The majority of the property preserves scenic view sheds from numerous vantage point throughout the Heber Valley including from Wasatch Mountain State Park.*

F. View sheds: *This property enhances the public views of the mountain remote character of the valley.*

G. The preservation of a historically important land area: *There are two historic structures still standing as well as a foundation of the original homestead built in the later 1800s. These structures are eligible for Recognition and Registration with the National Registry of Historic Places and are currently in that process.*

J. Having and maintaining greenbelt status: *The irrigated fields and foothill land is under greenbelt and will continue to be farmed*

L. Land contiguous to land that meets these criteria: *The land is bounded by State Park Land on the Northern boundary.*

M. The threat of imminent loss of existing open space resources: *Adjacent land is already developed as Resort Commercial, and other parcels are being subdivided for residential uses.*

O. Partnerships to help purchase and maintain the property: *As noted above, funding for this effort is being obtained from a variety of sources including federal and local governments. While the conservation easement will be help by Utah Open Lands, Midway City and Wasatch County will be co-holders and able to help enforce issues that may arise in the future.*

P. Costs and feasibility of stewardship and maintenance of the property. *As a condition of Utah Open Lands accreditation as a land trust Utah Open Lands maintains a stewardship fund and raises stewardship costs on a per project basis to achieve needed stewardship costs as a one time endowment for annual stewardship costs. Utah Open Lands is not requesting stewardship costs from the Bond proceeds.*

S. Preservation of Open Space.....where such preservation is consistent with the Wasatch County General Plan and this Chapter. *As noted in this application.*

### **Community Benefits of Lundin Farms**

#### Public Use:

The Landowners have considered and are agreeable to providing a trail easement for public use that connects the existing trail network in the area.

The property preserves the Rural Mountain Character of the Heber Valley

#### Educational Benefits

The overall goal of the family farm is to provide for continued raising of heritage breeds and a celebration of the heirloom nature of this family farm. Eventually it is the goal of the family to see substantial restoration of the historic brick structure such that its vernacular architecture can be visited by the public to enhance the understanding of past farming practices on the land and the way that settlers to the area lived. The structure contains the unique feature of the exposed root cellar placed along the creek to prolong the life of stored food goods.

#### **CONCLUSIONS:**

After several productive discussions with WOLB, Utah Open Lands believes that this project meets the criteria of the Open Space Bond and provides significant community benefits that warrant consideration of a donation of \$2,000,000 from the Wasatch County Open Space Bond. The project preserves significant view corridors, historic structures, green space and agricultural uses that are important for Wasatch County in order to preserve the rural heritage. In addition, the leveraging of the Bond proceeds will maximize Wasatch County's contribution.

# **Exhibit 3**

**Lundin Farms**  
**119 acres**

Request: \$2,000,000

Fee title value:  
\$12,000,000

Estimated CE Value:  
\$6-\$8,000,000

Funding Sources:

Pending

- NRCS ACEP
- Midway City
- Wasatch County
- Private Foundations

Bridge Loan Financing

- \$3,000,000

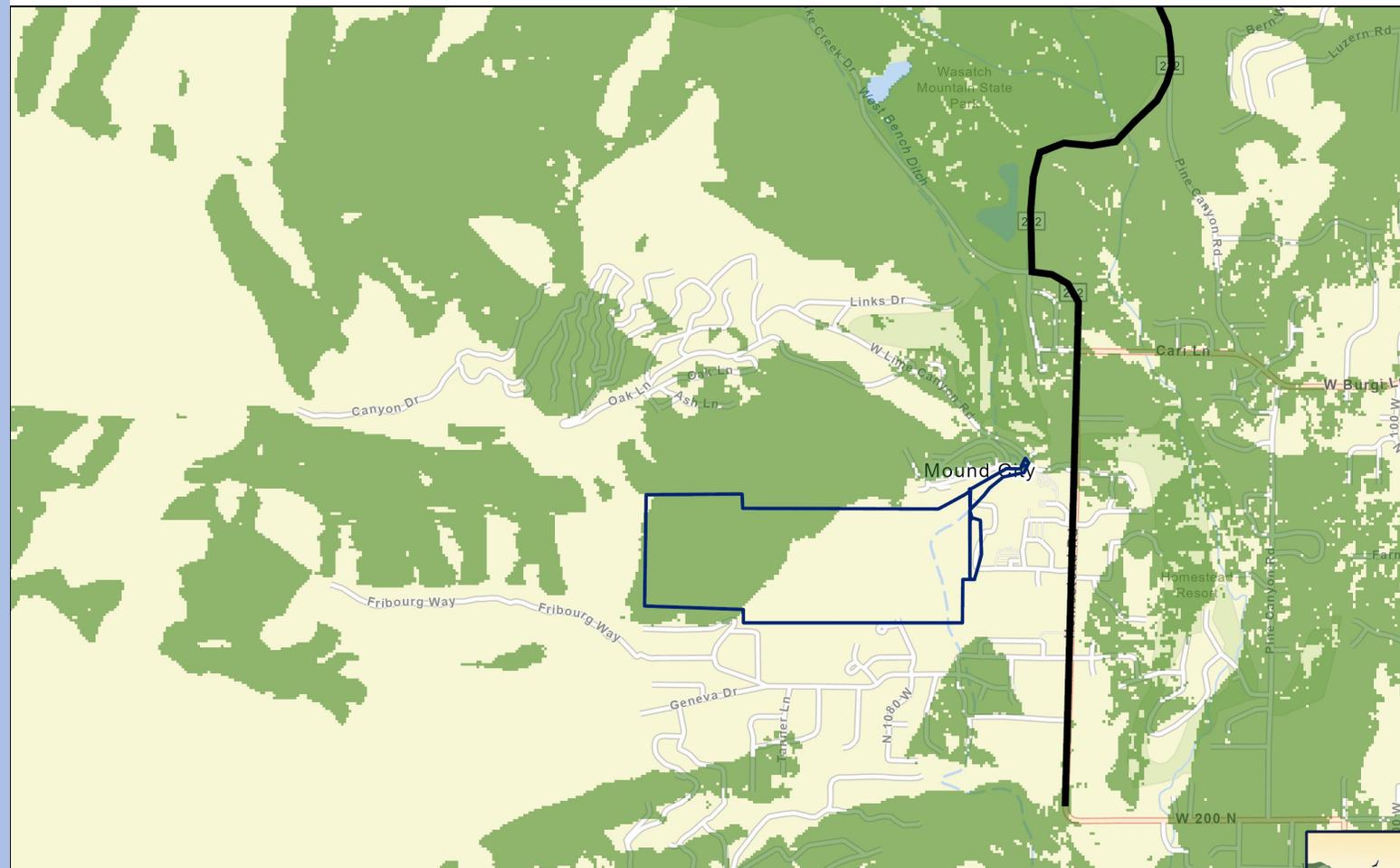




# Lundin Farm

## Lundin

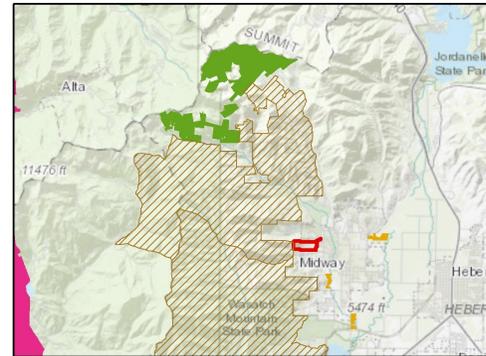
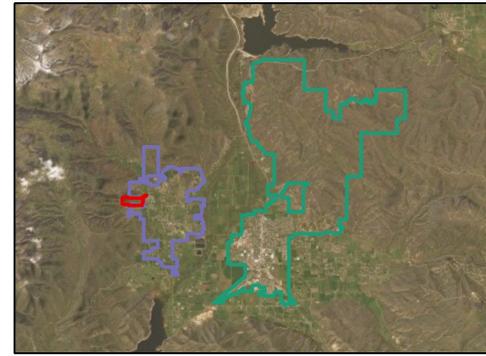
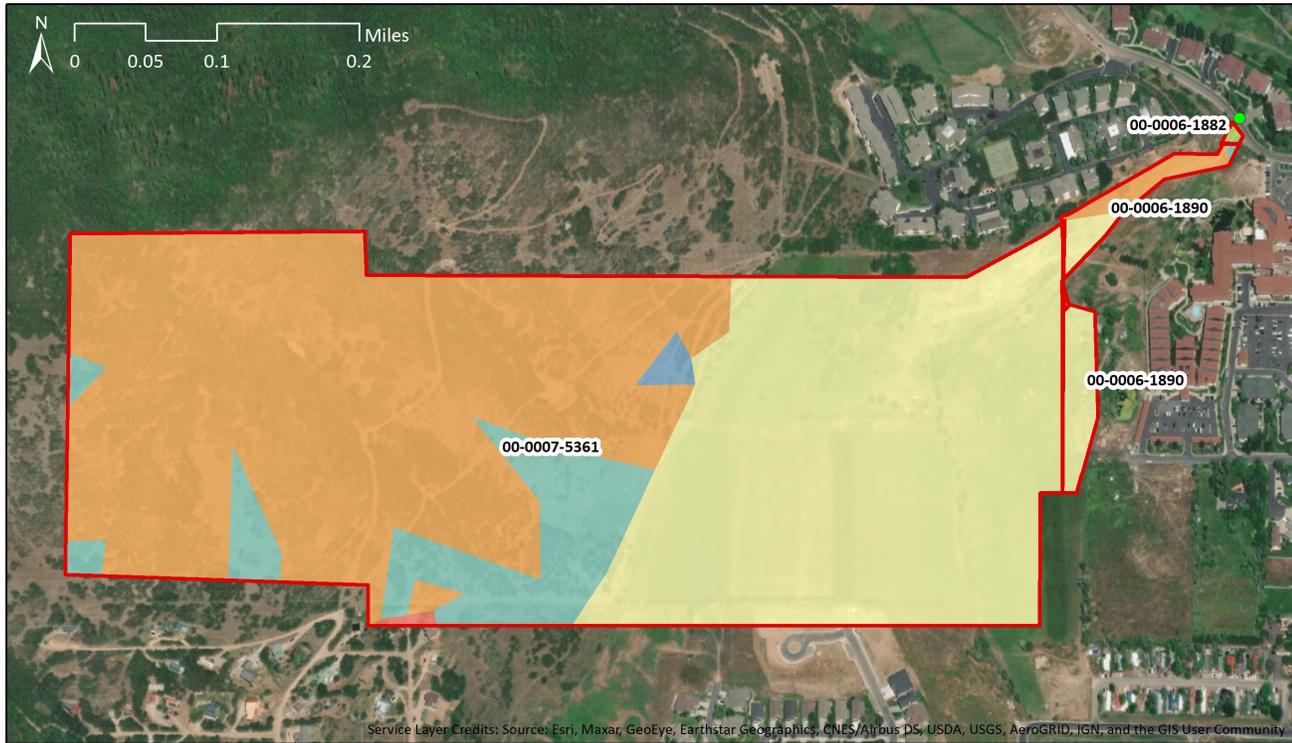
Visibility From Homestead Road & Utah State Route 222 (Near Wasatch Mountain State Park)



Boundaries are approximate (not for survey)



## Lundin Property Map



### Legal Description

Parcel 00-0007-5361

BEG W 82.5 FT FR SE COR SEC 28 T3S R4E SLM; W 3795 FT; N 1320 FT; E 2574.9FT; S 34.34 FT; S89°58'18E 890.69 FT; N75°50'35"E 36.83 FT; N31°25'34"E 30.21 FT; N61°25'34"E 266.43 FT; N59°47'26"E 153.99 FT; S 1012.80 FT; W 82.50 FT; S 511.50 FT TO BEG. AREA: 1

Parcel 00-0006-1890

BEG N 511.50 FT FR SW COR SEC 27 T3S R4E SLM; E 52.80 FT; N15°30'E 294.36 FT; S77°45'E 275.88 FT; N07°E 293.04 FT; N77°45'W 175.56 FT; N09°W 64.02 FT; N45°W 126.06 FT; N51°50'E 120.12 FT; N27°E 429 FT; N89°12'W 225.33 FT; S58°34'57W 268.02 FT; S 1025.50 FT

Parcel 00-0006-1882

BEGINNING S.892.81FT & E.441.53FT FROM W1/4 CORNER SECTION 27 T.3S R.4E SLM: S.35 DEG 15'35E.67.79FT; S.27 DEG W.34.23FT; N.89 DEG 12'W.66.87FT; N.27 DEG E.95.31FT TO THE BEGINNING. AREA: 0.0892 ACRES"

Boundaries are approximate. Map is not intended for use as survey.

 Property Boundary

### Municipalities

 Heber City

 Midway

 Grazing Improvement Program and Allotments

 UOL Conservation Easement Property

 UOL In-Process Conservation Easements

 USFS Wilderness Area

### Land Cover

 Cultivated Cropland

 Developed, Low Intensity

 Sagebrush Steppe

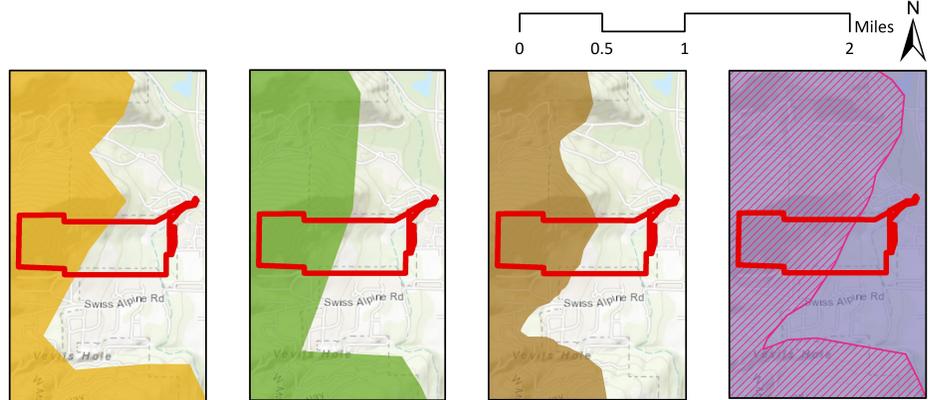
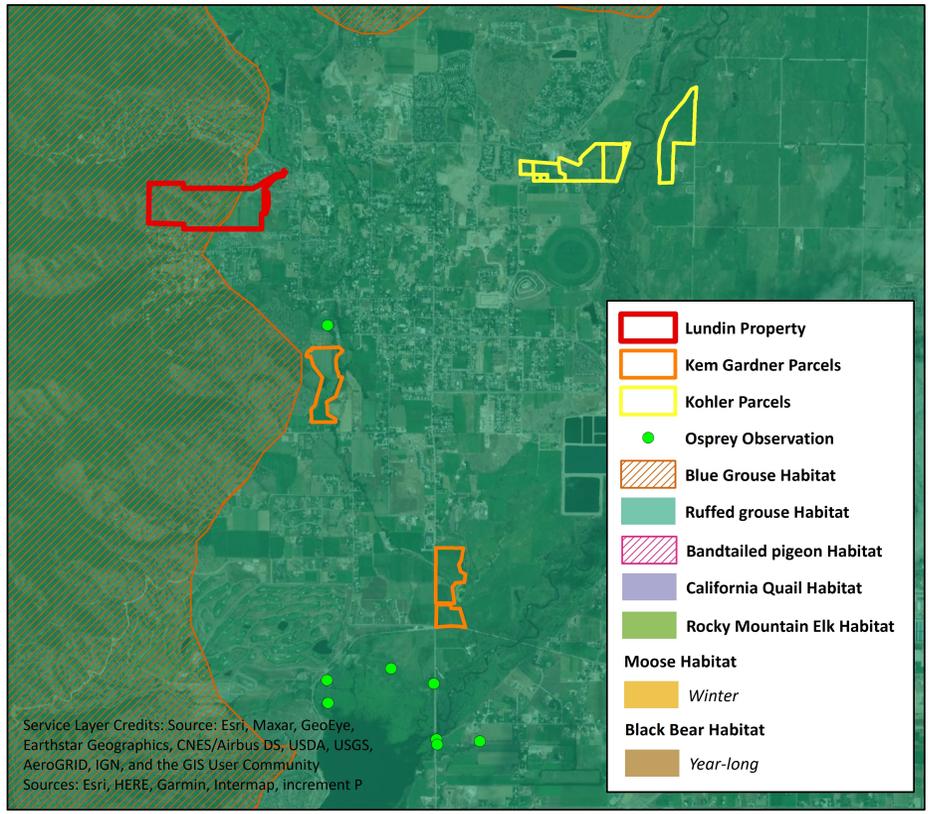
 Gambel Oak-Mixed Shrubland

 Riparian Woodland and Shrubland

 Montane-Subalpine Grassland

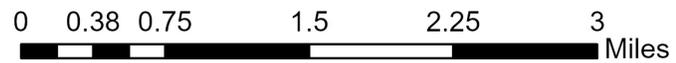
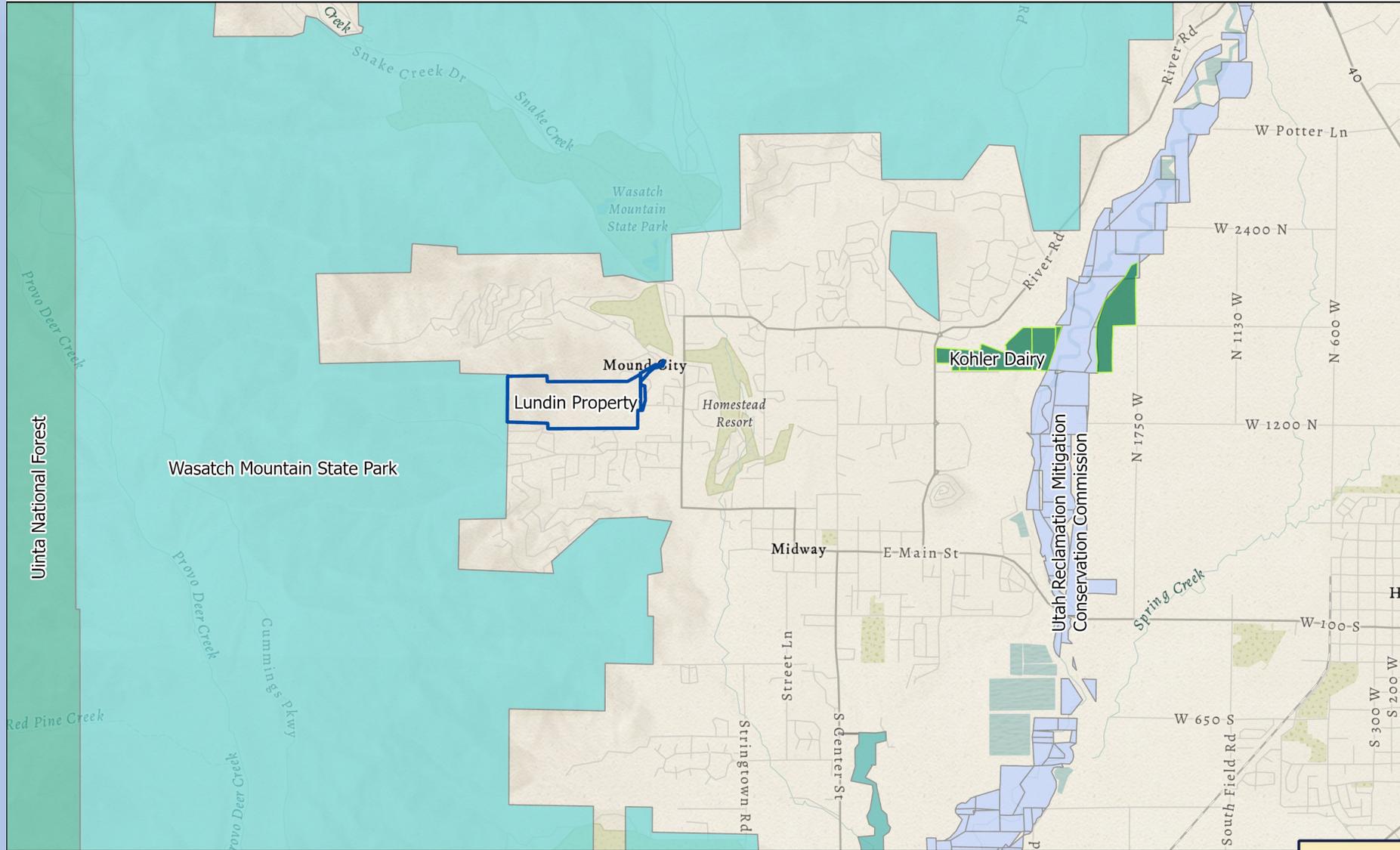
 Access

**Lundin Property  
Conservation Values: Wildlife Habitat**



Boundaries are approximate.  
Map is not intended for use as survey.

# Lundin



Boundaries are approximate (not for survey)



## Valuation Considerations

- Appraisal for Fee title for all parcels has been done in fall of 2021
- That Fee title Appraisal placed the fee value of the Lundin Lands
- Conservation Easement is typically a percentage of fee title value
- Increased market since appraisal
- UOL feels Confident that a \$6-7 million value will be substantiated as that is 50%-65% of Fee value.

Two fee title appraisals have been done on the property.

Utah Open Lands only has access to the appraisal used for this report.

A conservation easement appraisal will need to be done. The value below includes four acres that will not be included in the conservation easement

VALUATION DATE: September 03, 2021

DATE OF REPORT: September 09, 2021

After careful consideration of the information and analysis contained within this report, I am of the opinion that the "as is" market value of the subject, with fee simple estate property rights, as of September 03, 2021, is:

**\$12,100,000**

**"TWELVE MILLION ONE HUNDRED THOUSAND DOLLARS"**

Wasatch County jurisdiction. The subject is located contiguous to Midway City and could be annexed upon request. Once annexed, the subject could be developed with residential uses having a density ranging from 1 to 2 units per acre.

The highest and best use is to annex into Midway City. Once annexed, the east 64 acres should be developed as allowed by zoning and as demand warrants. The west 59 acres should be utilized for very low residential and/or recreational purposes.

**WATER RIGHTS:**

64 shares of Midway Irrigation

slopes that would not support development consistent with that allowed by zoning. Included in valuation are 64 shares of Midway Irrigation. Based on the allowed density, this is a 100 percent duty.

# **Exhibit 4**

**Open Space Advisory Committee  
August 3, 2022**

**Minutes**

- I. Call to Order**
  - A. The meeting was called to order by Chair Courtland Nelson at 6:00pm.
  - B. Members present
    - 1. Courtland Nelson, Chair
    - 2. Steve Stevens
    - 3. Jodi Call
    - 4. Woody Woodruff
  - C. Non-Members present
    - 1. Celeste Johnson, Mayor
    - 2. Michael Henke, Midway City Planner
    - 3. Nora Lundin
    - 4. Adam Wickline (Summit Land Conservancy via Zoom)
    - 5. Wendy Fisher (Utah Open Lands)
- II. Regular Business**
  - A. Minutes of July 6, 2022, meeting were read and approved..
  - B. Courtland informed the OSAC that Preserve Midway was seeking volunteers to help with the Volksmarch on Sept. 17. OSAC will have info booth.
  - C. Mayor Johnson informed the OSAC that the Hamlet HOA was moving toward granting the City access to their open space on the south side of the development. Details are not final but will be worked out. Mayor Johnson also reported that Gov. Cox appointed her to the Utah Land Conservation Board, the entity that will distribute state appropriated open space funds.
  - D. Adam Wickline of Summit Land Conservancy reported that SLC had no active applications in the que for Midway. He also reported the Mt. Spa project was on track.
  - E. Wendy Fisher (Utah Open Lands) formally requested \$1,000,000 of Midway OS bond funds to fund the Lundin project.
    - a. The agricultural tract is 119 acres and lies within the City's annexation boundary just west of town and adjacent to Zermatt resort and Wasatch State Park. The land is currently

used for agriculture. The family has applied to the National Registry of Historic Sites for placing on the National Historic Register two structures on the site.

- b. The property has been in the Lundin family since the 1800s; title is currently held by family members in an LLC.
- c. Fee appraisal is \$12,000,000 and the CE value is approximately \$6,500,000 but a detailed CE appraisal has yet to be done.
- d. Some of the family members are willing to donate their share of the property to the conservation easement while others want to realize their inheritance value. In order to preserve the land the conservation minded family members will have to buy out the other family members. It is estimated that it will take approximately \$3,000,000 to buy out the objecting family members so the conservation minded family members will have clear title to grant the easement. The conservation minded family members will be donating their share of the value to secure the easement.
- e. UOL has submitted an application to NRCS, is requesting \$2,000,000 from Wasatch County OS bond funds, and is engaged in private fund raising and other grant applications. They have also arranged for a "bridge loan" of \$3,000,000 to buy out the objecting family members and clear the title for the conservation easement.
- f. The entire project is condition upon receiving adequate funding from NRCS. If that doesn't come through the project will fail and the land will be sold for development.
- g. The ask for Midway City OS bond funds is condition upon a conservation easement appraisal that exceeds \$6,500,000; the ability of the family to buy out the objecting family members, and the approval of the NRCS grant. Midway OS funds will not be disbursed until all those conditions are met.
- h. Favorable action by Midway on this request will assist UOL with their application to Wasatch County, NCRS, and the financier backing the bridge loan.
- i. After extensive discussion a motion was made and seconded that the OSAC approve the request for Midway OS bond funds

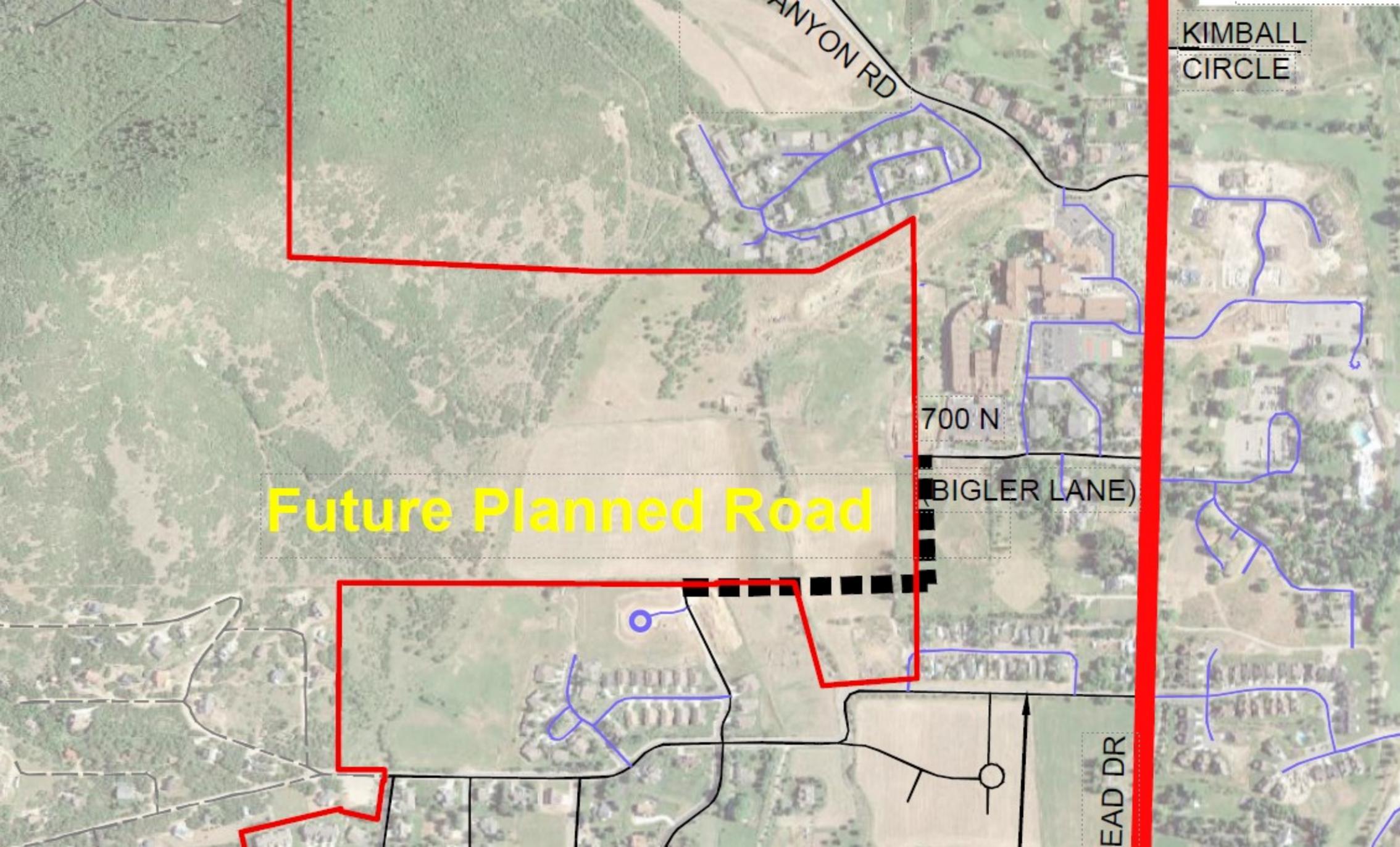
based on the conditions set out above. The motion passed unanimously.

**III. Adjournment**

The meeting adjourned at 7:13pm.

# Exhibit 5





ANYON RD

KIMBALL  
CIRCLE

**Future Planned Road**

700 N

BIGLER LANE)

EAD DR