

**RESOLUTION NO. R16-29 (5-3-16)**

**A RESOLUTION OF THE CITY OF SARATOGA SPRINGS, UTAH, APPROVING THE FIRST ADDENDUM TO THE VILLAGES AT SARATOGA SPRINGS (FOX HOLLOW) SECOND MASTER DEVELOPMENT AGREEMENT, NEIGHBORHOOD 6 AND 12**

**WHEREAS**, the City of Saratoga Springs (“City”) and SCP Fox Hollow, LLC (“Developer”) are parties to the Villages at Saratoga Springs (Fox Hollow) Second Master Development Agreement that was entered into on April 30, 2013 and recorded on June 20, 2013 as Entry Number 59718:2013 in the offices of the Utah County Recorder (the “MDA”)

**WHEREAS**, on July 7, 2015 the City granted approval of Neighborhood 6 plats with the exclusion of six lots that exceeded the allotted number of lots pursuant to the MDA; and

**WHEREAS**, the Developer is requesting these six additional lots be allowed in Neighborhood 6 in exchange for reducing the density in Neighborhood 12 by six lots; and

**WHEREAS**, the City Council has determined that this request in compliance with the MDA and does not alter the overall density or open space in the MDA and therefore desires to enter into that certain First Addendum to the Villages at Saratoga Springs (Fox Hollow) Second Master Development Agreement attached as Exhibit A; and

**WHEREAS**, the City Council has determined that the proposed project is in the best interest of the public, will further the public health, safety, and welfare, and will assist in the efficient administration of City government and public services.

**NOW THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF SARATOGA SPRINGS, UTAH, THAT:**

1. The City of Saratoga Springs does hereby approve the First Addendum to the Villages at Saratoga Springs (Fox Hollow) Second Master Development Agreement, attached hereto as Exhibit A, granting the request for the addition of six lots within Neighborhood 6 in exchange for the deduction of six lots within Neighborhood 12.

BE IT FURTHER RESOLVED that this resolution shall take effect immediately upon passage.

Passed on the 3<sup>rd</sup> day of May, 2016.

City of Saratoga Springs

  
Jim Miller, Mayor

Attest:

  
Cindy LoPiccolo, City Recorder



**FIRST ADDENDUM TO THE VILLAGES AT SARATOGA SPRINGS  
(FOX HOLLOW) SECOND MASTER DEVELOPMENT AGREEMENT**

This FIRST ADDENDUM TO THE VILLAGES AT SARATOGA SPRINGS (FOX HOLLOW) SECOND MASTER DEVELOPMENT AGREEMENT (“**Addendum**”) is entered into this 9<sup>th</sup> day of JUNE, 2016, by SCP FOX HOLLOW, LLC, a Utah limited liability company (“**Developer**”) and the City of Saratoga Springs, a Utah municipal corporation (“**City**”). Capitalized terms used but not otherwise defined herein shall have the meanings set forth in the Second MDA (as defined below).

**RECITALS**

A. WHEREAS, Developer and the City, among other parties, are parties to that certain The Villages at Saratoga Springs (Fox Hollow) Second Master Development Agreement, dated April 30, 2013 and recorded on June 20, 2013 as Entry Number 59718:2013 in the offices of the Utah County Recorder (the “**Second MDA**”).

B. WHEREAS, Developer is an owner of Neighborhood 6 (“**N6**”) and Neighborhood 12 (“**N12**”) within the development known as The Villages at Saratoga Springs in Saratoga Springs, Utah (“**Property**”).

C. WHEREAS, Developer and City desire to amend the Second MDA as set forth below.

**AGREEMENT**

NOW THEREFORE, for valuable consideration received, the receipt and sufficiency of which is hereby acknowledged by all parties, Developer and the City do hereby covenant and agree as follows:

1. Unit Summary Modification. Exhibit “D” of the Second MDA is hereby modified as follows:
  - a. Neighborhood No. 6. The maximum number of units allowed for N6 is increased from one hundred thirty-eight (138) units to one hundred forty-four (144) units, and such units will be classified as “Neighborhood 6:8” within N6.
  - b. Neighborhood No. 12. The maximum number of units allowed for N12 is decreased from two hundred twenty-three (223) units to two hundred seventeen (217) units.
2. Incorporation by Reference. The terms of the Second MDA (as amended hereby) are incorporated herein by reference.
3. Counterparts. This Addendum may be executed and delivered (electronic or otherwise) in two counterparts, each of which shall be deemed an original, but all of which shall constitute one and the same instrument.

*[End of Addendum. Signature Page Follows.]*

WHEREFORE, this Addendum has been executed by Developer and the City effective as of the date first set forth above.

**CITY OF SARATOGA SPRINGS**



By: Jim Miller

Its: MAYOR

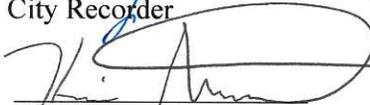
ATTEST:



City Recorder

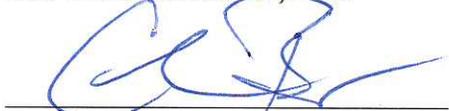


APPROVED AS TO FORM:



City Attorney

**SCP FOX HOLLOW, LLC**



By: Chad Bessinger

Its: Manager

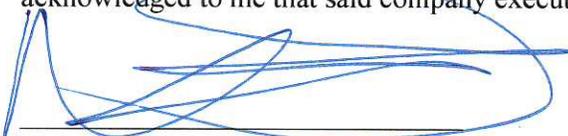
State of Utah )

:ss

County of Davis )



On this 9<sup>th</sup> day of June, 2016, personally appeared before me of satisfactory evidence, Chad Bessinger, whose identity is personally known to me or proved to me on the basis of satisfactory evidence, and who affirmed that he is the Manager of SCP Fox Hollow, LLC, a Utah limited liability company, and said document was signed by him on behalf of said company by proper authority, and he acknowledged to me that said company executed the same.



Notary Public