

**CITY OF SARATOGA SPRINGS
CITY COUNCIL SPECIAL POLICY SESSION
AGENDA**

Tuesday, August 25, 2015
Meeting held at the City of Saratoga Springs City Offices
1307 North Commerce Drive, Suite 200, Saratoga Springs, Utah 84045

One or more Councilmember may participate in this meeting electronically via video or telephonic conferencing

City Council Special Policy Session

6:00 p.m.

1. Action Item: Resolution R15-38 (8-25-15): Resolution certifying the election results of the 2015 Primary Election for the City of Saratoga Springs.
2. Action Item: Harbor Bay Church located at 168 East Harbor Bay Drive, Evans and Associates Architecture, applicant.
 - a. Vote on Approval of Final Plat.
 - b. Resolution R15-39 (8-25-15) adding lots to the City Street Lighting Special Improvement District for Harbor Bay Church.
3. Action Item: City Council extension of secondary water rate cap for July and August 2015.
4. Adjourn.

Posted 21st day of August 2015, /s/ Lori Yates, City Recorder

**CITY OF SARATOGA SPRINGS
MEMORANDUM**

TO: Mayor and City Council

FROM: Lori Yates

DATE: August 25, 2015

SUBJECT: Election Canvass

I am still waiting to obtain the final results from Utah County Elections Office. Scott Hogensen, Chief Duty Clerk, has informed me that those results will not be available until Tuesday, August 25, 2015. Once I receive those results I will email a copy to you or present it that evening. Thanks for your patience and understanding.

RESOLUTION NO. R15-38 (8-25-15)

A RESOLUTION CERTIFYING THE ELECTION RESULTS OF THE 2015 PRIMARY ELECTION FOR THE CITY OF SARATOGA SPRINGS, UTAH.

WHEREAS, the City of Saratoga Springs held a Primary Election on August 11, 2015; and,

WHEREAS, Section 20A-4-301(2), of the Utah Code states that the Mayor and the municipal legislative body are the board of canvassers for the municipality; and,

WHEREAS, Section 20A-4-301(2)(b), of the Utah Code states that the board of canvassers shall canvass the election returns no sooner than 7 days and no later than 14 days after the election; and,

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

1. The attached Tabulation of Election Returns is hereby certified by the board of canvassers and the results contained therein are the official results for the 2015 Primary Election for the City of Saratoga Springs, Utah.
2. The City Recorder is hereby authorized to prepare and transmit a certificate of nomination to each elected candidate and to post, publish, and file the certified election report pursuant to Section 20A-4-305 (2)(b).

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

ADOPTED AND PASSED by the Governing Body of the City of Saratoga Springs, Utah, this 25th day of August, 2015.

Signed: _____
Jim Miller, Mayor

Bud Poduska, Councilmember

Shellie Baertsch, Councilmember

Michael McOmber, Councilmember

Rebecca Call, Councilmember

Stephen Willden, Councilmember

Attest: _____
City Recorder

Date



**Final Plat
Harbor Bay Church
August 25, 2015
Public Hearing**

Report Date:	August 20, 2015
Applicant/Owner:	Evans and Associates Architecture
Location:	168 East Harbor Bay Drive
Major Street Access:	Redwood Road
Parcel Number(s) and size:	45:228:0144, 45:228:0162, ~4.677 acres
General Plan Designation:	Low Density Residential
Zone:	R-3
Adjacent Zoning:	R-3
Current Use:	vacant
Adjacent Uses:	nearby single family residential
Previous Meetings:	N/A, Concept reviewed by staff
Type of Action:	Administrative
Land Use Authority:	City Council
Future Routing:	None
Planner:	Sarah Carroll

A. Executive Summary:

This is a request for Final Plat for the Harbor Bay Church, to be located at 168 East Harbor Bay Drive. The final plat includes a one lot subdivision to formally create the lot for the church and dedicate a portion of Harbor Bay Drive.

Recommendation:

Staff recommends that the City Council conduct a public meeting, take public comment at their discretion and discuss the proposed Final Plat and choose from the options in Section "H" of this report. Options include approval with conditions, continuing the application, or denial.

B. Background:

The LDS church has owned this property for some time now and demand in the area has created the need for a new meetinghouse. The site plan and preliminary plat were approved by the City Council on August 18, 2015.

C. Specific Request:

This is a request for final plat approval to formalize a lot for an LDS church and dedicate the road along the southern frontage of the site. The LDS church is to be located at 168 East Harbor Bay Drive.

D. Process:

Section 19.13.04 also indicates that the Final Plats only go before the City Council and that a public hearing is not required for a final plat.

E. Community Review:

Per 19.13.04 of the City Code, this item has been noticed in *The Daily Herald*, and each property owner within 300 feet of the subject property was sent a letter at least ten calendar days prior to the public hearing on July 30, 2015 with the Planning Commission for the preliminary plat, site plan and conditional use permit. As of the completion of this report, no public comment has been received.

F. General Plan:

The General Plan designates this area for Low Density Residential development and states "The Low Density Residential designation is designed to provide areas for residential subdivisions with an overall density of 1 to 4 units per acre. This area is characterized by neighborhoods with streets designed to the City's urban standards, single-family detached dwellings and open spaces."

Finding: consistent. The proposed use is a church which is listed as a conditional use in the Low Density Residential Zone; thus, the use is anticipated in this land use designation and will offer a location for nearby residents to participate in religious services.

G. Code Criteria:

Pertinent sections of the Land Development Code are reviewed below.

- 19.04, Land Use Zones: Section 19.04.13 regulates development in the R-3 zone. **Complies.**
 - Zone: R-3
 - Setbacks: R-3 zone requires 25' front and rear, 8'/12' sides
 - Accessory Building Setbacks:
 - Front/Corner Side: same as primary structure
 - Sides/rear: 5'
 - Lot width, depth, size, coverage
 - 70' wide min, 1 acre min for non-residential, 50% max coverage – *Complies.*
 - Dwelling/Building size
 - *N/A for nonresidential*
 - Height: 35' maximum – *Complies.*
 - Open Space: *Complies.*
 - 15% required – *N/A, Open space is not required for a church site.*
 - *This church will be serving nearby residents and park space has or will be provided within the nearby developments. The proposed plans indicate 31.02% of the site will be landscaped. Landscaping is reviewed later in this report.*
 - Sensitive Lands: *N/A*
 - Trash: A dumpster enclosure is proposed and shall comply with 19.14.04(4). *Complies.*
- 19.05, Supplemental Regulations
 - Flood Plain: No building, structure, fence, or other obstruction may be constructed within any portion of Zone A as defined on the FEMA Flood Insurance Map. *Complies.*

- Transportation Master Plan: Not building or lot shall be created or erected within a location of a proposed road, street, highway, or right-of-way shown on the approved Transportation Master Plan. *Complies.*
- Property access: lots must have access onto a public or private street, prior to issuance of a building permit. *Complies.*
- 19.12, Subdivisions: **Complies.**
 - Preliminary and Final Plat requirements apply, 19.12.03(2-4): *Complies.*
 - General Subdivision Improvements, 19.12.06: *Complies.*
 - Maximum block length is 1,000 feet. *Complies.*
 - If a block is more than 800 feet in length a pedestrian walkway is required through the block. *N/A*
 - Connecting streets are required: *A portion of McGregor Lane will be reconstructed with this development. Harbor Bay Drive will be completed. Complies.*
 - Pedestrian walkways, trails, and other logical linkages are required. *The site plan includes pedestrian walkways around the building. Public sidewalks will create additional linkage. Complies.*
 - Driveway location for lots next to an arterial: *N/A – no lots are proposed next to an arterial.*
 - Access: Two separate means of access are required whenever the total number of dwelling units exceeds 50. *N/A – one lot is proposed.*
 - Lot design: The design shall not create lots that are not buildable due to size, shape, topography, terrain, etc. *Complies.*
 - Lot frontage: all lots shall have frontage on a road that meets City standards. *Complies.*
 - Flag lots: *None proposed.*
 - Public roads may not be included in lots. *Complies.*
 - Property lines: Side property lines shall be at approximate right angles to the street line or radial to the street line. *Complies.*
 - Corner lots: Corner lots shall be platted ten percent larger than the minimum for the zone. The minimum lot size for nonresidential development in this zone is 1 acre. *The proposed lot is a corner lot and is ~3.88 acres.*
 - Boundary: No lot shall be divided by a municipal boundary line. *Complies.*
 - Remnants: Remnants of property that do not meet the code requirements shall not be left in a subdivision. *Complies.*
 - Double access lots are not permitted with the exception of corner lots. *Complies.*
 - Arterials: Subdivisions along arterials shall comply with the adopted arterial cross section. *N/A – this is not along an arterial.*
- Section 19.13, Process: **Complies.**
 - General Considerations:
 - General Plan: See Section G of the staff report.
 - Natural Features: Wetlands shall be preserved with the future plats that are adjacent to the lake.
 - Community & Public Facilities: *N/A*

- 19.13.04 requires a neighborhood meeting for nonresidential development adjacent to developed property in a residential zone.
 - *The applicant will held a neighborhood meeting on July 29, 2015.*
- Notice / Land Use Authority: The City Council is the land use authority for Site Plans, Conditional Use Permits, Preliminary and Final Plats.
 - *Mailed notices were sent prior to the public hearing with the Planning Commission for the Site Plan, Conditional Use Permit, and Preliminary Plat. The Final Plat will only go the Council. Mailed notices are not required for final plats.*
- Development Agreement / MDA: *N/A for this project.*
- Payment in Lieu of Open Space: *N/A for this project.*
- 19.13.09(9) requires a phasing plan for phased developments. *N/A – no phasing is proposed.*

H. Recommendation and Alternatives:

After evaluating the required standards for developments in the R-3 zone, staff recommends that the City Council conduct a public meeting, take public comment at their discretion, and select from the motions below:

Recommended Motion:

"Based upon the evidence and explanations received today, I move that the City Council approve the Harbor Bay Church Final Plat, located at 168 East Harbor Bay Drive, with the findings and conditions below:

Findings:

1. The proposed final plat is consistent with the General Plan as explained in the findings in Section "F" of this report, which findings are incorporated herein by this reference.
2. The proposed final plat meets or can conditionally meet all the requirements in the Land Development Code as explained in the findings in Section "G" of this report, which findings are incorporated herein by this reference.

Conditions:

1. That all requirements of the City Engineer be met, including those listed in the attached staff report.
2. That all requirements of the Fire Chief be met.
3. Any other conditions as articulated by the City Council:

Alternative Motions:

Alternative Motion A

"I move to **continue** the item to another meeting, with direction to the applicant and Staff on information and/or changes needed to render a decision, as follows:

Alternative Motion B

"Based upon the evidence and explanations received today and the following findings, I move that the City Council deny the Harbor Bay Church final plat, for property located at 168 East Harbor Bay Drive. Specifically I find that the following standards and/or code requirements have not been met:"

1. The applications are not consistent with the General Plan, as articulated by the City Council: _____, and/or,
2. The applications are not consistent with Section(s) [19.04, 19.05, 19.12, 19.13] of the Code, as articulated by the City Council:

I. Exhibits:

1. Engineering Report
2. Location map
3. Final Plat

City Council Staff Report

Author: Jeremy D. Lapin, City Engineer
Subject: Harbor Bay Church
Date: July 30, 2015
Type of Item: Site Plan and Preliminary Plat Approval



Description:

A. Topic: The Applicant has submitted a Site Plan application. Staff has reviewed the submittal and provides the following recommendations.

B. Background:

Applicant: Evans and Associates Architecture – Chad Spencer
Request: Site Plan and Preliminary Plat Approval
Location: Approx. 168 East Harbor Bay Drive
Acreage: 4.677 acres

C. Recommendation: Staff recommends the approval of Site Plan and Preliminary Plat subject to the following conditions:

D. Conditions for Site Plan:

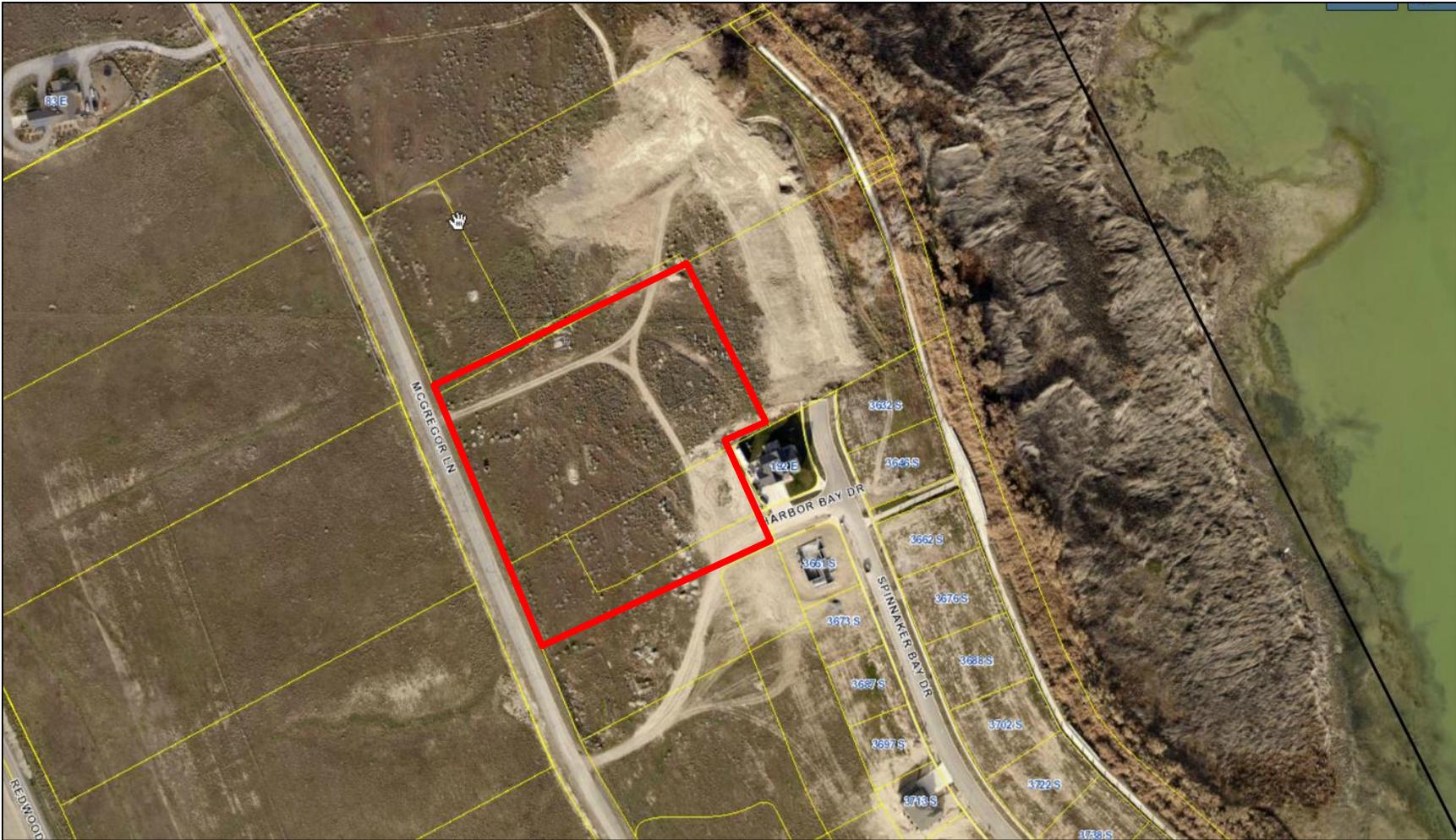
- A. Meet all engineering conditions and requirements in the construction of the project. Review and inspection fees must be paid and a bond posted as per the City's Development Code prior to any construction being performed on the project. Impact and water fees are due when pulling the building permit.
- B. All review comments and redlines provided by the City Engineer are to be complied with and implemented with the approved construction drawings.
- C. Developer must secure water rights as required by the City Engineer, City Attorney, and development code.
- D. Submit easements for all public utilities not located in the public right-of-way.
- E. Developer is required to ensure that there are no adverse effects to adjacent properties due to the grading practices employed during construction of these plats.
- F. Project must meet the City Ordinance for Storm Water release (0.2 cfs/acre for all developed property) and all UPDES and NPDES project construction requirements.

- G. Final plans shall include an Erosion Control Plan that complies with all City, UPDES and NPDES storm water pollution prevention requirements.
- H. All work to conform to the City of Saratoga Springs Standard Technical Specifications, most recent edition.
- I. Developer may be required by the Saratoga Springs Fire Chief to perform fire flow tests prior to final plat approval and prior to the commencement of the warranty period.
- J. Submittal of a Mylar and electronic version of the as-built drawings in AutoCAD format to the City Engineer is required prior acceptance of site improvements and the commencement of the warranty period.
- K. Harbor Bay and McGregor Drive shall be improved to City Standards for a 56-ft ROW local road and dedicated to the City before occupancy can be granted.
- L. The geotechnical report for Harbor Bay Church shall have a lab tested CBR value as this value cannot be assumed.
- M. Vertical curves shall be provided on roadways with a change in grade of 1% or more.
- N. Structural calculations and designs stamped by a licensed engineer shall be provided for all retaining walls four feet or greater. A building permit shall be obtained prior to commencing construction on these walls.
- O. Parking lot lights shall not exceed 16' in height when within 200' of a residential zone.
- P. Maximum light spillover onto adjacent residential properties shall not exceed 0.1 ft-candles.
- Q. Project shall comply with all ADA standards and requirements.

E. Conditions for Preliminary Plat:

- A. The developer shall prepare final construction drawings as outlined in the City's standards and specifications and receive approval from the City Engineer on those drawings prior to commencing construction.
- B. Developer shall bury and/or relocate any overhead utilities that are within or adjacent to this plat.

- C. All roads shall be designed and constructed to City standards and shall incorporate all geotechnical recommendations as per the applicable soils report.
- D. Developer shall provide end of road and end of sidewalk signs per MUTCD at all applicable locations.
- E. Developer shall provide a finished grading plan for all roads and lots and shall stabilize and reseed all disturbed areas.
- F. Developer shall provide plans for and complete all improvements within pedestrian corridors.
- G. Meet all engineering conditions and requirements as well as all Land Development Code requirements in the preparation of the final plat and construction drawings. All application fees are to be paid according to current fee schedules.
- H. All review comments and redlines provided by the City Engineer during the preliminary process are to be complied with and implemented into the final plat and construction plans.
- I. Developer shall prepare and submit easements for all public facilities not located in the public right-of-way
- J. Final plats and plans shall include an Erosion Control Plan that complies with all City, UPDES and NPDES storm water pollution prevention requirements. Project must meet the City Ordinance for Storm Water release (0.2 cfs/acre for all developed property) and shall identify an acceptable location for storm water detention. All storm water must be cleaned as per City standards to remove 80% of Total Suspended Solids and all hydrocarbons and floatables.
- K. McGregor Drive shall be improved as per City standards for a 56-ft from Harbor Bay Plat 5 (Catamaran Way) to the north boundary of the church property. These improvements shall include a complete reconstruction of the existing roadway as necessary to bring it into compliance with all adopted City standards for structural and horizontal designs.



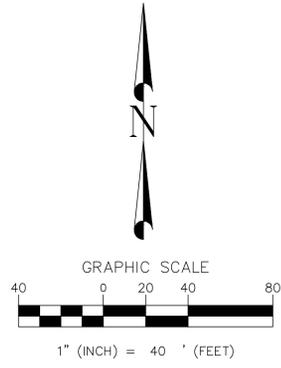
LOCATION MAP

HARBOR BAY CHURCH SUBDIVISION

LOCATED IN THE WEST HALF
OF SECTION 18, TOWNSHIP 6 SOUTH,
RANGE 1 EAST,
SALT LAKE BASE & MERIDIAN

- PLAT NOTES**
- 1-PLAT MUST BE RECORDED WITHIN 24 MONTHS OF FINAL PLAT APPROVAL BY CITY COUNCIL. FINAL PLAT APPROVAL WAS GRANTED ON THE _____ DAY OF _____, 20____.
 - 2-THE INSTALLATION OF IMPROVEMENTS SHALL CONFORM TO ALL CITY RULES, ORDINANCES, REQUIREMENTS, STANDARDS, AND POLICIES REGARDING THE DEVELOPMENT OF THIS PROPERTY.
 - 3-PRIOR BUILDING PERMITS BEING ISSUED, SOIL TESTING STUDIES MAY BE REQUIRED ON EACH LOT AS DETERMINED BY THE CITY BUILDING OFFICIAL.
 - 4-PLAT MAY BE SUBJECT TO A MASTER DEVELOPMENT AGREEMENT, DEVELOPMENT AGREEMENT, SUBDIVISION AGREEMENT, OR SITE PLAN AGREEMENT. SEE CITY RECORDER FOR MORE INFORMATION.
 - 5-BUILDING PERMITS WILL NOT BE ISSUED UNTIL ALL IMPROVEMENTS HAVE BEEN INSTALLED AND ACCEPTED BY THE CITY IN WRITING; ALL IMPROVEMENTS CURRENTLY MEET CITY STANDARDS; AND BONDS ARE POSTED BY THE CURRENT OWNER OF THE PROJECT PURSUANT TO CITY CODE.
 - 6-ALL BONDS AND BOND AGREEMENTS ARE BETWEEN THE CITY, DEVELOPER/OWNER AND FINANCIAL INSTITUTION. NO OTHER PARTY, INCLUDING UNIT OR LOT OWNERS, SHALL BE DEEMED A THIRD-PARTY BENEFICIARY OR HAVE ANY RIGHTS INCLUDING THE RIGHT TO BRING ANY ACTION UNDER BOND OR BOND AGREEMENT.
 - 7-THE OWNER OF THIS SUBDIVISION AND ANY SUCCESSORS AND ASSIGNS ARE RESPONSIBLE FOR ENSURING THAT IMPACT AND CONNECTION FEES ARE PAID AND WATER RIGHTS ARE SECURED FOR EACH INDIVIDUAL LOT. NO BUILDING PERMITS SHALL BE ISSUED FOR ANY LOT IN THIS SUBDIVISION UNTIL ALL IMPACT AND CONNECTION FEES, AT THE RATES IN EFFECT WHEN APPLYING FOR BUILDING PERMIT, ARE PAID IN FULL AND WATER RIGHTS SECURED AS SPECIFIED BY CURRENT CITY ORDINANCES AND FEE SCHEDULES.
 - 8-ALL OPEN SPACE AND TRAIL IMPROVEMENTS LOCATED HEREIN ARE TO BE INSTALLED BY OWNER AND MAINTAINED BY A HOMEOWNERS ASSOCIATION UNLESS SPECIFIED OTHERWISE ON EACH IMPROVEMENT
 - 9-ANY REFERENCE HEREIN TO OWNERS, DEVELOPERS, OR CONTRACTORS SHALL APPLY TO SUCCESSORS, AGENTS, AND ASSIGNS.

CORPORATION OF THE PRESIDING
BISHOP OF THE CHURCH OF JESUS
CHRIST OF LATTER-DAY SAINTS
203,744 SQ FT, 4.677 ACRES



BENCHMARK FOR PROJECT= 4577.92'

- LEGEND**
- Boundary Line
 - Building Setback Line
 - Public Utility Easement Line
 - Adjoiner Line
 - Property Corner
 - Fire Hydrant
 - Quarter Section Corner
 - Section Corner Monument

SOUTHWEST CORNER SECTION 18, T6S, R1E, SLB&M (FOUND BRASS CAP MONUMENT) 13 18 24 19

BY SIGNING THIS PLAT, THE FOLLOWING UTILITY COMPANIES ARE APPROVING THE: (A) BOUNDARY, COURSE, DIMENSIONS AND INTENDED USE OF THE RIGHT-OF-WAY AND EASEMENT GRANTS OF RECORD; (B) LOCATION OF EXISTING UNDERGROUND AND UTILITY FACILITIES; (C) CONDITIONS OR RESTRICTIONS GOVERNING THE LOCATION OF THE FACILITIES WITHIN THE RIGHT-OF-WAY, AND EASEMENT GRANTS OF RECORD, AND UTILITY FACILITIES WITHIN THE SUBDIVISION. "APPROVING" SHALL HAVE THE MEANING IN UTAH CODE SECTION 10-9A-603(4)(c)(ii).

<p>QUESTAR GAS</p> <p>APPROVED THIS _____ DAY OF _____ A.D., 20____.</p> <p>QUESTAR GAS</p>	<p>CENTURYLINK</p> <p>APPROVED THIS _____ DAY OF _____ A.D., 20____.</p> <p>CENTURYLINK</p>	<p>ROCKY MOUNTAIN POWER</p> <p>APPROVAL AS TO FORM THIS _____ DAY OF _____ A.D., 20____.</p> <p>ROCKY MOUNTAIN POWER</p>	<p>COMCAST</p> <p>APPROVAL AS TO FORM THIS _____ DAY OF _____ A.D., 20____.</p> <p>COMCAST</p>	<p>PLANNING COMMISSION REVIEW</p> <p>APPROVED BY THE PLANNING COMMISSION ON THIS _____ DAY OF _____ A.D., 20____.</p> <p>CHAIRMAN, PLANNING COMMISSION</p>
<p>DIAMOND LAND SURVEYING, LLC</p> <p>5243 South Green Pine Drive Murray, Utah 84123 office@diamondlandsurveying.com Phone (801) 266-5099 Fax 266-5032</p>	<p>FIRE CHIEF APPROVAL</p> <p>APPROVED BY THE FIRE CHIEF ON THIS _____ DAY OF _____ A.D., 20____.</p> <p>CITY FIRE CHIEF</p>	<p>SARATOGA SPRING ENGINEER APPROVAL</p> <p>APPROVED BY THE CITY ENGINEER ON THIS _____ DAY OF _____ A.D., 20____.</p> <p>CITY ENGINEER</p>	<p>SARATOGA SPRINGS ATTORNEY</p> <p>APPROVED BY SARATOGA SPRINGS ATTORNEY ON THIS _____ DAY OF _____ A.D., 20____.</p> <p>SARATOGA SPRINGS ATTORNEY</p>	<p>LEHI POST OFFICE</p> <p>APPROVED BY POST OFFICE REPRESENTATIVE ON THIS _____ DAY OF _____ A.D., 20____.</p> <p>LEHI POST OFFICE REPRESENTATIVE</p>

SURVEYOR'S CERTIFICATE

I, Nathan B. Weber, do hereby certify that I am a registered Land Surveyor and that I hold a license, Certificate No. 5152762, in accordance with the Professional Engineers and Land Surveyors Licensing Act found in Title 58, Chapter 22 of the Utah Code. I further certify that by the authority of the owners, I have made a survey of the tract of land shown on this plat and described below, have subdivided said tract of land into lots, streets, and easements, have completed a survey of the property described on this plat in accordance with Utah Code Section 17-23-17, have verified all measurements, and have placed monuments as represented on the plat. I further certify that every existing right-of-way and easement grant of record for underground facilities, as defined in Utah Code Section 54-8a-2, and for other utility facilities, is accurately described on the plat, and that this plat is true and correct. I also certify that I have filed, or will file within 90 days of recordation of this plat, a map of the survey I have completed with the Utah County Surveyor.

BOUNDARY DESCRIPTION

A parcel of land located in the Section 18, Township 6 South, Range 1 East, Salt Lake Base and Meridian, located in the City of Saratoga Springs, County of Utah, State of Utah, being more particularly described as follows:

Beginning at a point on the Easterly Right-of-Way line of Lake View Drive, as shown on Lake Mountain Estates Plat B, located in the office of the Utah County Recorder in Book 45 at Page 228, said point is North 89°45'55" West 422.42 feet along the Section line and North 2057.24 feet from the South 1/4 Corner of Section 18, Township 6 South, Range 1 East, Salt Lake Base and Meridian;

thence North 22°35'15" West 483.85 feet along the Easterly Right-of-Way line of said subdivision to the Southerly line of Parcels 45:228:0141, 45:228:0151, and 45:228:0150;

thence North 62°02'24" East 437.59 feet along the Southerly line of said parcels to the Westerly line of parcel 45:228:0148;

thence South 28°01'34" East 304.04 feet along the Westerly line of said parcel to the Northerly line of parcel 41:726:0430;

thence South 62°02'24" West 68.56 feet along the Northerly line of said parcel to the Westerly line of said parcel;

thence South 28°03'45" East 111.01 feet along the said Westerly line of said parcel to Westerly line of Harbor Bay Phase 4 Subdivision, as recorded in the Office of the Utah County Recorder as Entry #62044:2009;

thence South 17°43'52" East 56.27 feet along the Westerly line of said subdivision to a point of curvature and the Southerly Right-of-Way line of Harbor Bay Drive;

thence Southwesterly 77.34 feet along the arc of a 972.00 foot radius curve to the left through a central angle of 04°33'32" (chord bears South 64°13'01" West 77.32 feet) along the Southerly Right-of-Way line of said road;

thence South 61°56'15" West 312.78 feet along the Southerly line of said road to a point of curvature along the Southerly Right-of-Way line of said road;

thence Northwesterly 22.13 feet along the arc of a 15.00 foot radius curve to the left through a central angle of 84°31'30" (Long Chord Bears South 19°40'30" West 20.18 feet) to the point of beginning.

Parcel Contains 203,744 sq. ft. or 4.677 acres.

OWNER'S DEDICATION

Know all men by these presents that _____, the _____undersigned owners of the above described tract of land having caused same to be subdivided into lots and streets to be known as **HARBOR BAY CHURCH SUBDIVISION** do hereby dedicate for the perpetual use of the public and/or City all parcels of land, easements, right-of-way, and public amenities shown on this plat is intended for public and/or City use. The owner(s) voluntarily defend, indemnify, and save harmless the City against any easements or other encumbrance on a dedicated street which will interfere with the City's use, maintenance, and operation of the street. The owner(s) voluntarily defend, indemnify, and hold harmless the City from any damage claimed by persons within or without this subdivision to have been caused by alterations of the ground surface, vegetation, drainage, or surface or sub-surface water flows within this subdivision or by establishment or construction of the roads within this subdivision. In witness whereof _____ have hereunto set _____ this _____ day of _____, A.D. 20____.

ACKNOWLEDGMENT

STATE OF UTAH) S.S.
COUNTY OF SALT LAKE)

On the _____ day of _____, a.d. 2015, personally appeared before me, the undersigned Notary Public, in and for the County of Utah in said State of Utah, the signer(s) of the above Owner's Dedication, _____ in number, who duly acknowledged to me that _____ signed it freely and voluntarily and for the uses and purposes therein mentioned.

My commission expires: _____ Notary Public residing at _____

APPROVAL BY LEGISLATIVE BODY

The City Council of the City of Saratoga Springs, County of Utah, approves this subdivision subject to the conditions and restrictions stated hereon, and hereby accepts the Dedication of all streets, easements, and other parcels of land intended for the public of the perpetual use of the public. This _____ day of _____, A.D. 2015.

City Mayor

City Recorder
(See Seal Below)

HARBOR BAY CHURCH SUBDIVISION

LOCATED IN THE WEST HALF
OF SECTION 18, TOWNSHIP 6 SOUTH, RANGE 1 EAST,
SALT LAKE BASE & MERIDIAN

SURVEYORS SEAL	NOTARY PUBLIC SEAL	CIVIL ENGINEERS SEAL	CLERK-RECORDER SEAL



SOUTH QUARTER CORNER SECTION 18, T6S, R1E, SLB&M (FOUND BRASS CAP MONUMENT)

RESOLUTION NO. R15-39 (8-25-15)

ADDENDUM TO RESOLUTION OF THE CITY OF SARATOGA SPRINGS PERTAINING TO THE CITY STREET LIGHTING SPECIAL IMPROVEMENT DISTRICT TO INCLUDE ADDITIONAL SUBDIVISION LOTS. (Harbor Bay Church)

WHEREAS, on May 10, 2001, the City Council adopted Resolution No. 01-0510-01 creating a street lighting special improvement district (the "Lighting SID") consisting of all lots and parcels included within the Subdivisions set out in said Resolution for the maintenance of street lighting within the Lighting SID.

WHEREAS, *Utah Code Ann.* § 17A-3-307 provides that additional properties may be added to the special improvement district and assessed upon the conditions set out therein.

WHEREAS, the City Council has given final plat approval to Harbor Bay Church (the "Subdivision") conditioned upon all lots in the Subdivision being included in the Lighting SID.

WHEREAS, the City Council finds that the inclusion of all of the lots covered by the Subdivision in the Lighting SID will benefit the Subdivision by maintaining street lighting improvements, after installation of such by the developer of the Subdivision, which is necessary for public safety, and will not adversely affect the owners of the lots already included within the Lighting SID.

WHEREAS, the owners of the property covered by the Subdivision have given written consent: (i) to have all lots and parcels covered by that Subdivision included within the Lighting SID, (ii) to the improvements to that property (maintenance of the street lighting), (iii) to payment of the assessments for the maintenance of street lighting within the Lighting SID, and (iv) waiving any right to protest the Lighting SID and/or assessments currently being assessed for all lots in the Lighting SID (which consent is or shall be attached as Exhibit 1 to this Resolution).

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SARATOGA SPRINGS THAT:

1. All lots and parcels in the Subdivision be added to and included in the Lighting SID based upon the above findings and the written consent attached as Exhibit 1 to this Resolution.
2. City staff is directed to file a copy of this Resolution, as an Addendum to Resolution No. 01-0510-01 creating the Lighting SID, as required by *Utah Code Ann.* § 17A-3-307.
3. Assessments will be hereafter levied against owners of all lots within the Subdivision on the same basis as assessments are being levied against other lots included in the Lighting SID.
4. The provisions of this Resolution shall take effect upon the passage and publication of this Resolution as required by law.

CONSENT OF OWNER OF PROPERTY
TO BE INCLUDED IN STREET LIGHTING SPECIAL IMPROVEMENT DISTRICT

WHEREAS the City of Saratoga Springs (the “City”), by and through its City Council, has created a Street Lighting Special Improvement District (the “Lighting SID”) to pay for maintenance of street lighting within the subdivisions covered by the Lighting SID.

WHEREAS the undersigned (“Developer”) is the developer of Harbor Bay Church Subdivision (the “Subdivision”) located within the City for which the City Council has given or is expected to give final plat approval.

WHEREAS, *Utah Code Ann.* § 17A-3-307 provides that before the completion of the improvements covered by a special improvement district, additional properties may be added to the special improvement district and assessed upon the conditions set out therein. Since the improvements covered by the Lighting SID are the maintenance of street lighting in the Lighting SID, said improvements are not completed so additional properties may be added to the Lighting SID pursuant to said § 17A-3-307.

WHEREAS, the City is requiring that the Subdivision be included within the Lighting SID in order to provide for the maintenance of street lighting within the Subdivision as a condition of final approval of the Subdivision.

WHEREAS, Developer, as the owner of the property covered by the Subdivision, is required by *Utah Code Ann.* § 17A-3-307 to give written consent to having the property covered by that Subdivision included within the Lighting SID and to consent to the proposed improvements to the property covered by the Subdivision and to waive any right to protest the Lighting SID.

NOW THEREFORE, Developer hereby consents to including the lots and parcels within the Subdivision in the Lighting SID. On behalf of itself and all lot purchasers and/or successors in interests, Developer consents and agrees as follows:

1. Consents to have all property covered by the Subdivision and all lots and parcels created by the Subdivision included within the Lighting SID. The legal description and the tax identification number(s) of the property covered by the Subdivision are set out in Exhibit A attached to this Consent.
2. Consents to the improvements with respect to the property covered by the Subdivision -- that is the maintenance of street lighting within the Subdivision. The street lighting within the Subdivision will be installed by Developer as part of the “Subdivision Improvements.”
3. Agrees to the assessments by the Lighting SID for the maintenance of street lighting within the Lighting SID.

4. Waives any right to protest against the Lighting SID and/or the assessments currently being assessed for all lots in the Lighting SID.

Dated this ____ day of _____, 20__.

DEVELOPER:

Name:
Authorized
Signature:
Its: