

ORDINANCE 24-11

**AMENDMENT 2 OF THE RIDGELINE PARK SUBDIVISION DEVELOPMENT
AGREEMENT, ALLOWING FOR A PAYMENT IN-LIEU OF REQUIRED
IMPROVEMENTS FOR THE 2900 SOUTH ACCESS ROAD**

WHEREAS, Visionary Homes, hereinafter referred to as “the Development” has obtained approval for a Residential Planned Unit Development (“R-PUD”) overlay zone under Nibley City Code Title 19, Chapter 32 (“R-PUD Ordinance”) for the Ridgeline Park Subdivision; and

WHEREAS, In light of continuing negotiations between the Utah Department of Transportation (UDOT) and the City regarding a new Highway 165 corridor agreement, the parties agree that the previously contemplated construction of 2900 S (together with ancillary improvements) in conjunction with the development of Ridgeline Park phases 7 through 9, may be modified or eliminated by the plans resulting from such negotiations. Accordingly, the parties agree that rather than constructing 2900 S, Developer shall pay to the City a Non-Project-Specific fee in lieu; and

WHEREAS, the Parties intend to establish the specific terms, conditions, and requirements for the allowance of the payment in-lieu of improvements.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF NIBLEY, UTAH THAT:

1. The attached Development Agreement- Second Amendment be approved
2. The Agreement shall not take place until the Developer and City have signed the attached Agreement and said Agreement has been properly recorded as required by Nibley City Code.
3. All ordinances, resolutions and polices of the City, or parts thereof, inconsistent herewith, are hereby repealed, but only to the extent of such inconsistency. This repealer shall not be construed as reviving and law, order, resolution or ordinance or part thereof.

PASSED BY THE NIBLEY CITY COUNCIL THIS 14 DAY OF November, 2024.


Larry Jacobsen, Mayor

ATTEST:


Cheryl Bodily, City Recorder

