



Resolution 02-03-2022

A Resolution Approving Addendum No. 1 to the Summit Ridge Commercial Development (Phase 1) Master Development Agreement

WHEREAS, On November 16, 2021, the City Council adopted Resolution 11-04-2021 which approved a Development Agreement (hereafter "Agreement") with 242 Partners, LLC, a Utah limited liability company; and

WHEREAS, Murdock Ford is in the process of purchasing property (hereafter "Property") owned by 242 Partners, LLC and which Property is subject to the Agreement; and

WHEREAS, Murdock Ford desires that 242 Partners, LLC and Santaquin City execute an addendum to the Agreement, which is attached hereto as Exhibit A (hereafter "Addendum"), that addresses items requested for the dealership Murdock Ford plans to build on the Property; and

WHEREAS, the Santaquin City Planning Commission considered the Addendum at a public hearing on February 8, 2022, which hearing was preceded by the posting of public notice as required by State and local law; and


WHEREAS, after the noted public hearing, the Santaquin City Planning Commission forwarded a positive recommendation to the City Council for the Addendum with a recommendation that site obscuring fence materials be used around the area to be used to store vehicles being serviced and/or stored; and


WHEREAS, the Santaquin City Council finds that approving the Addendum is in the best interest of the residents of Santaquin City.

Now Therefore, be it resolved by the Santaquin City Council as follows:

1. The attached Exhibit A, which by this reference is made part hereof, is approved subject to respective legal counsels working together to address language in the Addendum related to the fencing elements recommended by the Planning Commission.
2. This Resolution shall become effective upon passage.

Adopted and approved this 15th day of February 2022.


Daniel M. Olson, Mayor

Attest: 
Dennis L. Marker, City Recorder

WHEN RECORDED, RETURN TO:

**242 Partners, LLC
Attn: Chad Liljenquist
6995 Union Park Center, Ste 440
Midvale, UT 84047**

**ADDENDUM NO. 1
TO THE MASTER DEVELOPMENT AGREEMENT
FOR
SUMMIT RIDGE COMMERCIAL DEVELOPMENT (PHASE I)**

THIS ADDENDUM NO. 1 TO THE MASTER DEVELOPMENT AGREEMENT FOR SUMMIT RIDGE COMMERCIAL DEVELOPMENT (PHASE I) (this “Addendum”) is made and entered into as of the __ day of February 2022, by and between Santaquin City, a Utah municipality (the “City”) and 242 Partners, LLC, a Utah limited liability company (“Master Development”).

RECITALS

A. The City and Master Developer entered into that certain Master Development Agreement dated December 30, 2021, and recorded in the official records of the Utah County Recorder on January 4, 2022, as Entry No. 871:2022 (the “MDA”).

B. The capitalized terms used in this Addendum that are not defined herein shall have the meanings expressly defined in the MDA.

C. The Parties now desire to enter into this Addendum to (i) provide specific development details for the portion of the Project to be developed on the Property identified and more particularly described on Exhibit “A”, attached hereto and incorporated by this reference (the “Murdock Property”), and (ii) clarify other provisions in the MDA as related to the entire Project.

D. The Parties understand and intend that this Addendum, taken together with the MDA, is a “development agreement” within the meaning of, and entered into pursuant to the terms of Utah Code Ann. §10-9a-101 (2018) et seq.

E. This Addendum and MDA conforms with the intent of the City’s General Plan and the Zoning.

NOW, THEREFORE, in consideration of the mutual covenants contained herein, and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the City and Master Developer hereby agree to the following:

TERMS

1. **Development of the Murdock Property.**

1.1 **Proposed Site Plan.** Except as otherwise set forth in this Addendum, the Murdock Property shall be developed consistent with the City’s Vested Laws and the applicable Zoning. Further, the Murdock Property shall be developed in accordance with the conceptual proposed site plan attached hereto as Exhibit “B” (the “Proposed Site Plan”), which proposed Site Plan has been approved by the Master Developer and will be considered by the City. The administrative approval of the Proposed Site Plan will not be unreasonably withheld by the City.

1.2 **Site Specific Code Deviations.** Notwithstanding the City’s Vested Laws and the applicable Zoning, the Subdeveloper of the Murdock Property shall be permitted to develop the Murdock Property according to the following:

1.2.1 **Flagpoles.** Three (3) flagpoles, each of which shall not exceed a height of one hundred twenty feet (120’) above grade.

- 1.2.2 Pylon Sign. Notwithstanding Santaquin City Code Section 10.20.140 and 10.44.080, a 250 square foot pylon sign either on or offsite of the Murdock Property, at a location approved by Master Developer and the City, up to a height of sixty-five feet (65') above current grade. Subdeveloper is responsible for all applicable governmental approvals of Pylon Sign (i.e. UDOT, etc.). Subdeveloper shall have the sole use of the sign permitted by this Section. The sign and its materials shall match those used in Subdeveloper's facility on the Murdock Property and be designed in the manner required by the Ford Motor Company.
- 1.2.3 Monument Sign. Subdeveloper shall be permitted to construct one (1) monument sign that is up to fifteen feet (15') wide and ten feet (10') tall on each street that the Murdock Property fronts, with the specific location of each sign being approved by the City and Master Developer.
- 1.2.4 Landscape Yards and Areas. Notwithstanding Santaquin City Code Section 10.52.030, the Murdock Property shall only be required to have a five-foot (5') landscape setback area along its south and east boundaries. Along the front and side landscape setback areas, Subdeveloper shall only be required to have one (1) tree per sixty (60) lineal feet and no shrubs in those landscape setback areas. Likewise, for all public landscape areas fronting on public roads, Subdeveloper shall only be required to have one (1) tree per sixty (60) lineal feet and no shrubs in such areas.
- 1.2.5 Fencing and Property Line Screening. No screening, berms, fencing, or walls along the side or rear property lines of the Murdock Property will be

required to allow for visibility of the car display lots. Subdeveloper agrees that it will install a six foot (6' 0") tall masonry, pre-cast concrete, or Trex material equivalent fence around the portion of the Murdock Property where vehicles waiting to be serviced will be stored.

1.2.6 Building Landscaping. The requirements of Santaquin City Code Section 10.52.030(D)(1) and (3) shall be waived in their entirety.

1.2.7 Parking Area Landscaping. Based on ordinance-based calculations, less than 100 parking stalls will be required on the Murdock Property. Accordingly, all parking stalls constructed beyond the amount required by applicable ordinance shall be allocated solely for the display of vehicles. Only six percent (6%) of the parking lot interior area shall be required to be landscaped and such landscaped area shall be included in the calculation of the overall landscaped area for the Murdock Property. The requirement contained in Santaquin City Code Section 10.52.030(E)(2) shall be waived in its entirety. Notwithstanding Santaquin City Code Section 10.52.030(E)(4), landscaped islands will be provided at the end of parking aisles, but no intermediate landscaped islands will be required.

1.2.8 Building Architectural Standards. The City will accept variations from architectural requirements in Santaquin City Code 10.20.120.G on the Murdock Property as necessary to allow Subdeveloper to adhere to architectural standards required by the Ford Motor Company.

2. **Murdock Property Related Reimbursements**. Consistent with and as limited by Section 7.3 of the MDA, the City and Master Developer specifically approve the following

Development Improvements related to the development of the Murdock Property, which shall be Reimbursable to the Master Developer and/or Subdeveloper as set forth herein:

2.1 Public Infrastructure. Master Developer shall be provided Development Improvements Reimbursements as described in Section 7.3.2 of the MDA for the actual cost of the following Public Infrastructure constructed by Master Developer: road improvements, hard surfaces, curbs, gutters, sidewalks, landscaping, vegetation, sewer lines, stormwater conveyance and retention facilities, culinary and secondary water lines, site lighting, bike paths, striping, irrigation, fire hydrants, appurtenant road improvements and infrastructure and other improvements serving the Project or the general public running (i) in or along either side of and within the public right-of-way commonly known as Mona Road running from Summit Parkway south to southern boundary of the Property, and (ii) in or along either side of and within the public right-of-way commonly known as Summit Parkway extending from the eastern boundary of the Property to the western boundary of the Property.

2.2 Timing of Reimbursements. The Development Improvements Reimbursements shall be disbursed to the Master Developer and/or any applicable Subdeveloper on a periodic basis consistent with and directly related to the period (whether, annually, quarterly, or monthly) in which Murdock Ford, Inc., Murdock Ford Land and Building Company, LLC, or any of its affiliates, subsidiaries, owners, members, or principals, files and pays its sales taxes for the Murdock Property. The City agrees that all such Development Improvements Reimbursements shall be made to the Master Developer and/or applicable Subdeveloper within 3 months of payment to the City of the sales tax

providing the basis for the Development Improvements Reimbursements related to the Murdock Property.

3. **Administrative Approval.** Section 5.2 of the MDA provides that so long as the Development Application does not add to the types of allowable Commercial Uses permitted under this MDA and in the City’s Interchange Commercial C-1 zone, the Development Application may be approved administratively. For the sake of clarity, “approved administratively” means that the Development Application may be approved by the Administrator, without the need for public hearing or review and approval of the Planning Commission or City Council.
4. **Full Force and Effect.** Except as set forth in this Addendum, the MDA remains in full force and effect. If any provision of this Addendum conflicts with a provision of the MDA, the language of this Addendum shall control.

IN WITNESS WHEREOF, the parties hereto have executed this MDA by and through their respective, duly authorized representatives as of the day and year first herein above written.

CITY
Santaquin City

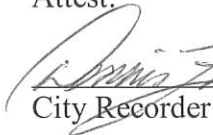


By: Daniel M. Olson,

Its: Mayor

Date: 2-16-2022

Attest:


City Recorder

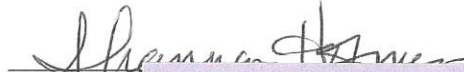
CITY ACKNOWLEDGMENT

STATE OF UTAH)

:ss.

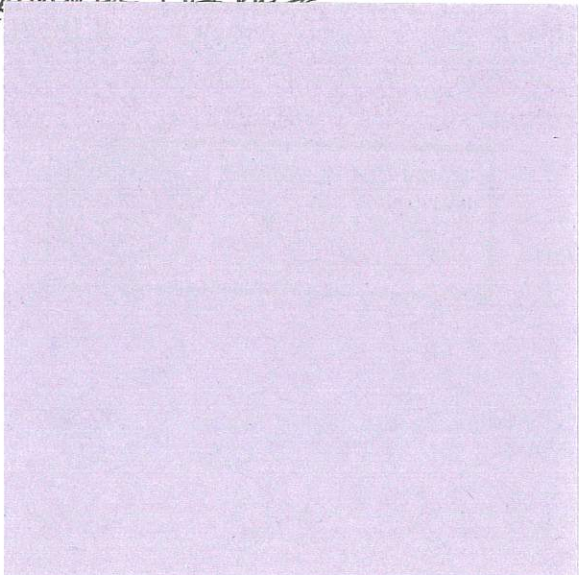
COUNTY OF UTAH)

On the 16 day of February, 2022 personally appeared before me Daniel M. Olson who being by me duly sworn, did say that he is the Mayor of Santaquin City, a political subdivision of the State of Utah, and that said instrument was signed in behalf of the City by authority of its City Council and said Mayor acknowledged to me that the City executed the same.


NOTARY

My Commission Expires: 10/1/25

Residing at: Santaquin Ut



MASTER DEVELOPER
242 Partners, LLC,
a Utah limited liability company

[Signature]
By: Scott R. Scharman
Its: Managing member
Date: 2/15/22

MASTER DEVELOPER ACKNOWLEDGMENT

STATE OF UTAH)
 :ss.
COUNTY OF UTAH)

On the 15 day of February, 2022 personally appeared before me Scott Scharman who being by me duly sworn, did say that he is the of 242 Partners, LLC, a Utah limited liability company and that the foregoing instrument was duly authorized by the company at a lawful meeting held by authority of its operating agreement and signed in behalf of said company.

state of utah
NOTARY PUBLIC

My Commission Expires: April 11, 2022
Residing at: salt lake city, Utah



Exhibit "A"
Description of the Murdock Property

LEGAL DESCRIPTION

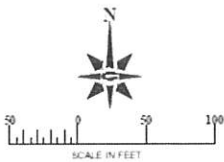
A PORTION OF THE NORTHEAST QUARTER OF SECTION 15, TOWNSHIP 10 SOUTH, RANGE 1 EAST, SALT LAKE BASE AND MERIDIAN, MORE PARTICULARLY DESCRIBED AS FOLLOWS:
BEGINNING AT A POINT ON THE SOUTHERLY RIGHT-OF-WAY LINE OF SUMMIT RIDGE PARKWAY, LOCATED SOUTH 1°04'18" EAST ALONG THE SECTION LINE 602.75 FEET AND WEST 100.41 FEET FROM THE NORTHEAST CORNER OF SECTION 15, TOWNSHIP 10 SOUTH, RANGE 1 EAST, SALT LAKE BASE AND MERIDIAN; THENCE SOUTH-WESTERLY ALONG THE ARC OF AN 897.72 FOOT RADIUS NON-TANGENT CURVE TO THE LEFT (CENTER BEARS: SOUTH 63°19'27" EAST) A DISTANCE OF 453.92 FEET; THROUGH A CENTRAL ANGLE OF 28°58'15" (CHORD: SOUTH 12°11'26" WEST 449.10 FEET); SOUTH 2°17'42" EAST 157.84' AND NORTH 79°15'00" WEST 532.62' TO A POINT ON THE EXISTING RIGHT OF WAY OF THE MONA ROAD. THENCE ALONG THE EXISTING RIGHT OF WAY OF THE MONA ROAD NORTH 10°45'00" EAST, 610.86 TO THE BEGINNING OF A CURVE CONCAVE SOUTHEASTERLY, SAID CURVE HAS A RADIUS OF 25.00 FEET; THENCE NORTHEASTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 86°43'23" AN ARC DISTANCE OF 37.84 FEET TO A POINT ON THE RIGHT OF WAY OF SUMMIT RIDGE PARKWAY; THENCE EASTERLY ALONG THE SOUTHERLY RIGHT OF WAY OF SUMMIT RIDGE PARKWAY, SAID NON-TANGENT RIGHT OF WAY CURVE IS CONCAVE SOUTHERLY AND HAS A RADIUS OF 1,940.00 FEET, THROUGH A CENTRAL ANGLE OF 14°23'11" AN ARC DISTANCE OF 487.12 FEET WITH A CHORD BEARING SOUTH 75°20'40" EAST 485.84' TO THE POINT OF BEGINNING.

WITH AN AREA OF 7.114 ACRES, 1 LOT AND 1 AREA TO BE DEDICATED AS EXPANSION AREA OF THE MONA ROAD

SUMMIT RIDGE COMMERCIAL SUBDIVISION PLAT A

LOCATED IN THE NORTHEAST QUARTER OF SECTION 15 TOWNSHIP 10 SOUTH, RANGE 1 EAST,
SALT LAKE BASE AND MERIDIAN

BRASS CAP
MONUMENT 1957
"UTAH COUNTY"



BRASS CAP
MONUMENT 1933 GLO
ELEVATION 4982.56'

S89°43'52"W 2659.70'
BASIS OF BEARINGS

BRASS CAP
MONUMENT
1933 GLO

SUMMIT RIDGE PARKWAY

R=1940.00'
L=487.12'
Δ=14°23'11"
C BRG = N75°20'40"W
CH = 485.84

WEST 100.41'

EXISTING
RIGHT-OF-WAY
MONA ROAD=30.0'

PARCEL A
0.1120 ACRES
THE MONA ROAD
PUBLIC ROW
APPROXIMATE AREA
(APPROXIMATE)

EXISTING 10 PUBLIC UTILITY
EASEMENT ALONG SUMMIT
EDGE PARKWAY
EXISTING 20' UNDERGROUND
RIGHT OF WAY EASEMENT
ALONG SUMMIT RIDGE PARKWAY

12' PUBLIC UTILITY
EASEMENT ALONG
ALL STREETS TO
BE DEDICATED
TYPICAL

32:021:0056
HG UTAH 1 LLC

THE MONA ROAD

N10°45'39"E 618.86'

LOT 1
304990 S.F.,
7.0015 AC,
1660 5.000' W

R=897.72'
L=453.92'
Δ=28°58'15"

32:021:0056
LITTLE OPEE'S
PRODUCE
AND SALES
LLC

PARCEL A
0.1120 ACRES
THE MONA ROAD
PUBLIC ROW
APPROXIMATE AREA
(APPROXIMATE)

5' PUBLIC UTILITY
EASEMENT ON
ALL SIDE AND
REAR LOTS
TYPICAL

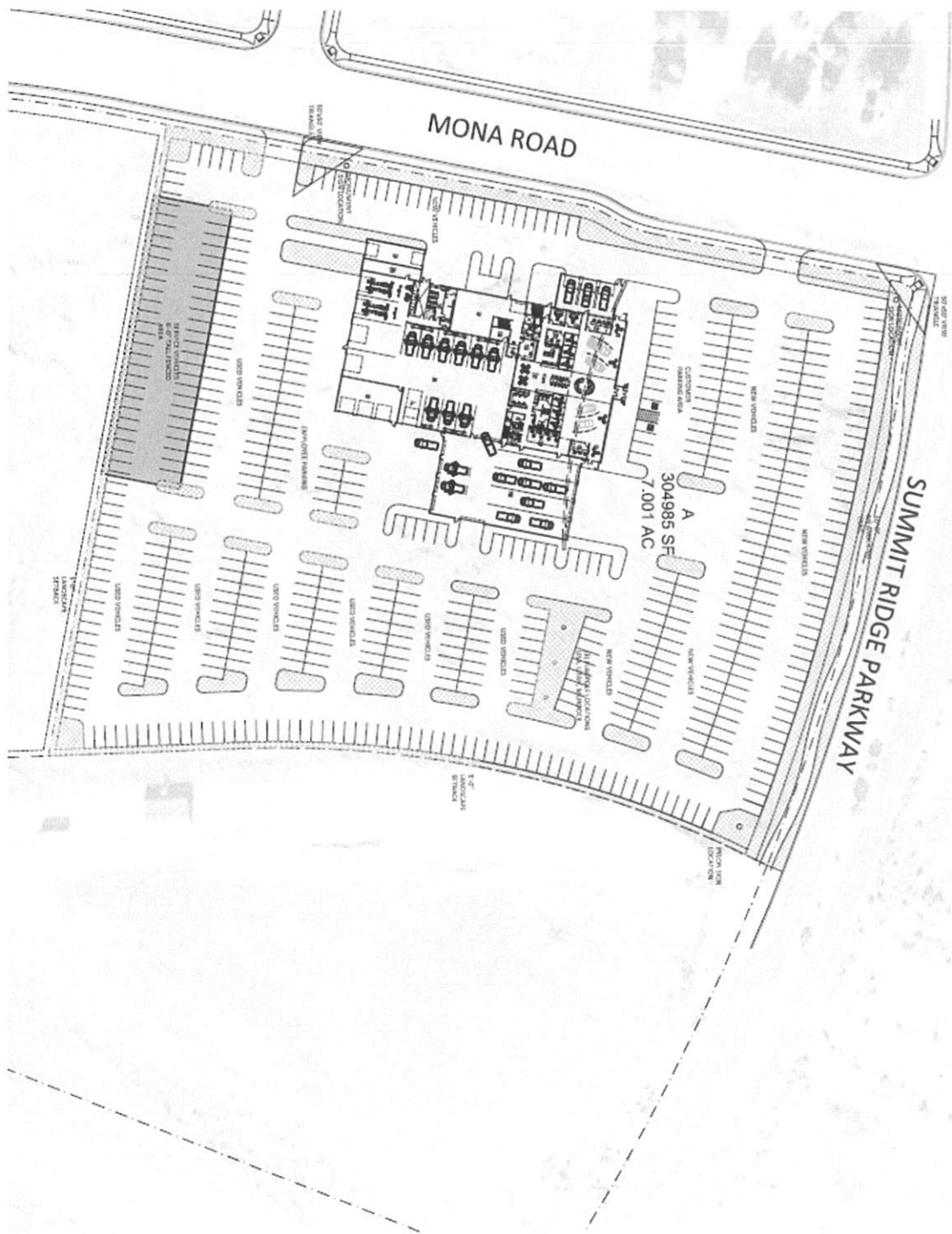
32:021:0050
242 PARTNERS LLC

N79°15'00"W 512.62'

BRASS CAP
MONUMENT 1933 GLO

Exhibit "B"
Proposed Site Plan for the Murdock Property

[See Attached]



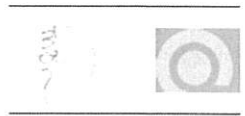
11 SITE PLAN
SCALE: 1"=50'

AO.1

SITE PLAN

NO.	DATE	DESCRIPTION
1	11/15/11	PRELIMINARY
2	12/15/11	REVISED
3	01/10/12	REVISED
4	02/15/12	REVISED
5	03/15/12	REVISED
6	04/15/12	REVISED
7	05/15/12	REVISED
8	06/15/12	REVISED
9	07/15/12	REVISED
10	08/15/12	REVISED
11	09/15/12	REVISED
12	10/15/12	REVISED
13	11/15/12	REVISED
14	12/15/12	REVISED
15	01/15/13	REVISED
16	02/15/13	REVISED
17	03/15/13	REVISED
18	04/15/13	REVISED
19	05/15/13	REVISED
20	06/15/13	REVISED
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22	08/15/13	REVISED
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26	12/15/13	REVISED
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80	06/15/18	REVISED
81	07/15/18	REVISED
82	08/15/18	REVISED
83	09/15/18	REVISED
84	10/15/18	REVISED
85	11/15/18	REVISED
86	12/15/18	REVISED
87	01/15/19	REVISED
88	02/15/19	REVISED
89	03/15/19	REVISED
90	04/15/19	REVISED
91	05/15/19	REVISED
92	06/15/19	REVISED
93	07/15/19	REVISED
94	08/15/19	REVISED
95	09/15/19	REVISED
96	10/15/19	REVISED
97	11/15/19	REVISED
98	12/15/19	REVISED
99	01/15/20	REVISED
100	02/15/20	REVISED

MURDOCK
FORD OF
SANTIAQUIN
SA. CORNER OF
SUMMIT RIDGE
PKWY AND MONA
ROAD
SANTIAQUIN, UT



DATE: 11/15/11
SCALE: 1"=50'