

CITY OF BLUFFDALE, UTAH

Resolution No. 2009- 12

A RESOLUTION OF THE BLUFFDALE CITY COUNCIL AUTHORIZING THE CITY MANAGER TO EXECUTE AN AGREEMENT WITH FENSALIR PROPERTIES, LLC, FOR THE CONSTRUCTION AND WARRANTY OF CERTAIN PRIVATE IMPROVEMENTS IN THE ASHERWOODS ESTATES SUBDIVISION AND SIMULTANEOUSLY DELETING CERTAIN REQUIREMENTS FROM THE REQUIRED IMPROVEMENTS FOR THE SUBDIVISION.

WHEREAS Fensalir Properties, LLC (“Developer”), has substantially completed the required improvements in the Asherwoods Estates Subdivision; and

WHEREAS the secondary water pump station remains incomplete; and

WHEREAS there is no immediate need for the secondary water pump station to be operational; and

WHEREAS the first house in the subdivision is nearing completion and readying for occupancy; and

WHEREAS the Developer has proposed to construct the secondary water pump station within 90 days and has proposed an agreement (attached) to ensure the construction of those improvements;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF BLUFFDALE AS FOLLOWS:

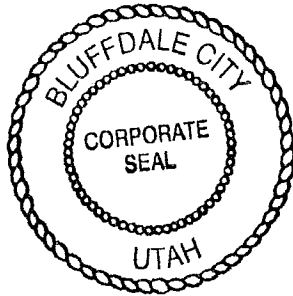
Section 1. Authorization to Execute Agreement. The Bluffdale City Council hereby authorizes the City Manager to execute the attached agreement.

Section 2. Deletion of Certain Requirements Originally Approved with the Subdivision. In consideration of the attached agreement the requirement that the secondary water pump station be constructed as part of the Asherwoods Estates Subdivision is hereby deleted.

Section 3. Effective Date. This Resolution shall become effective immediately upon passage.

PASSED AND APPROVED this 14th day of April, 2009.

CITY OF BLUFFDALE



[Signature]

Mayor

ATTEST:

[seal]

[Signature]

City Recorder

Voting by the City Council:	Yes	No
Councilmember Chisholm	<u> x </u>	_____
Councilmember Flanigan	<u> x </u>	_____
Councilmember Kartchner	<u> x </u>	_____
Councilmember Lord	<u> x </u>	_____
Councilmember Maxwell	<u> x </u>	_____

ATTACHMENT

**AGREEMENT BETWEEN FENSALIR PROPERTIES, LLC,
AND THE CITY OF BLUFFDALE**

IRRIGATION PUMP AGREEMENT

This agreement is made and entered into on this 14 day of April, 2009 by Fensalir Properties, LLC, a Utah corporation whose address is: 1653 E Millbrook Road, Salt Lake City, Utah 84060 and the City of Bluffdale, a municipal corporation of Utah whose address is: 14175 Redwood Road, Bluffdale, Utah 84065.

BACKGROUND

1. Fensalir Properties is the developer of a 10 lot private subdivision located in Bluffdale known as Asherwoods Estates.
2. Fensalir Properties commenced construction of this project in July of 2007.
3. Fensalir Properties has constructed all public improvements required for development and has received a 75% bond release.
4. To date, only one lot has been sold. Bluffdale City issued a building permit and a house has been built on that lot that will be ready for occupancy in mid April of 2009.
5. Fensalir Properties has constructed all necessary infrastructure for the pressurized secondary water system but has yet to install the pump or controls.
6. The secondary water system pump and controls must be ordered, delivered, installed, and tested requiring at least 90 days lead time.

AGREEMENT

Fensalir Properties has installed a private secondary water system in Asherwoods Estates that includes underground piping and an irrigation connection valve to each residential building lot, a canal company recommended and city approved system of "vaults" and piping to divert water from the adjacent Utah Lake Distributing Company Canal, and has provided all of the necessary electrical power and metering to run the pump and controls.

Bluffdale City has required Fensalir Properties to provide pressure to the secondary water system as a condition of subdivision final approval and as a condition of granting a certificate of occupancy for the builder of the sole residence in the subdivision. Fensalir Properties agrees to install the pump and controls per conditions of approval no later than 90 days from the date of this agreement. A surety bond in the amount of \$30,000.00 remains in place for use by Bluffdale City to insure compliance.

So long as all other required conditions have been satisfied, Bluffdale City agrees to provide a certificate of occupancy for the residence located at: 13817 South Asherwoods Cove (3250 W.) without regard to subdivision final approval relating to installation of the secondary water system pump and controls.

All other pertinent ordinances, regulations, and conditions of approval remain in effect.

(SIGNATURE PAGE FOLLOWS)

IN WITNESS WHEREOF, the parties hereto have executed this Agreement to be effective as of the date first written above.

CITY OF BLUFFDALE

By: Mark Reid
Mark Reid
Its: City Manager

Date: 4-24-09

FENSALIR PROPERTIES, LLC

By: Jim Stava
Jim Stava
Its: Manager

Date: 4/29/09

CITY ACKNOWLEDGEMENT

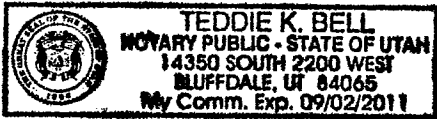
On the 24 day of April, 2009 personally appeared before me Mark Reid, who being duly sworn, did say that he is the City Manager of the CITY OF BLUFFDALE, and that the foregoing agreement was signed in behalf of the City by authority of its appropriate governing body and acknowledged to me that the City executed the same.

Notary Public

Teddie K. Bell

My Commission Expires: 9-2-11

Residing at: Bluffdale, Utah



FENSALIR PROPERTIES, LLC ACKNOWLEDGEMENT

On the 29 day of April, 2009 personally appeared before me Jim Stava, whose identity was proved to me on the basis of satisfactory evidence, and who affirmed that he is Manager of Fensalir Properties, LLC, and that said document was signed by him on behalf of said corporation by authority of its operating agreement, and he acknowledged to me that said corporation executed the same.

Notary Public

Julie Ann Hansen

My Commission Expires: 6-30-2009

Residing at: Salt Lake

