



Mayor
John Bramall

City Manager
Kaden DeMille

City of Hurricane

City Council
Nanette Billings
Darin Larson
Joseph Prete
Dave Sanders
Kevin Tervort

Hurricane City Council Special Meeting Agenda

July 9, 2021

9:00 AM

City Council Chambers 147 N 870 W, Hurricane

Notice is hereby given that the City Council will hold a Special Meeting in the City Council Chambers 147 N 870 W, Hurricane, UT.

AGENDA

9:00 AM Consideration and approval of an **agreement/amendment to the development agreement allowing for issuance of a building permit for model home complex prior to recording of the subdivision plat for The Front 9 at Sky Mountain Phases 1A and 1B.**

Adjournment

I hereby certify that the above notice was posted to the city website, (www.cityofhurricane.com) posted to the state public notice website, and at the following locations:

1. City office – 147 North 870 West, Hurricane, UT
2. The Post Office – 1075 West 100 North, Hurricane, UT
3. The library – 36 South 300 West, Hurricane, UT

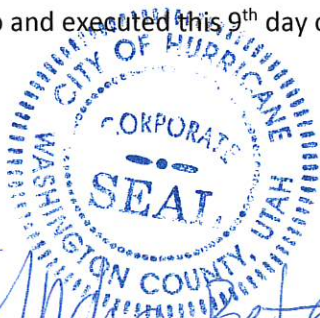
_____ for the City Recorder

CLOSED MEETING
Sworn Statement
Required by 52-4-206(6)(a), UCA

I, John Bramall, swear, as the person presiding at this closed meeting, that the sole purpose for closing the meeting was to discuss the following:

- discussion of the character, professional competence or physical or mental health of an individual;
- strategy sessions to discuss collective bargaining;
- strategy sessions to discuss pending or reasonably imminent litigation;
- strategy session to discuss the purchase, exchange, or lease of real property, including any form of water right or water shares, if public discussion of the transaction would disclose the appraisal or estimated value of the property under consideration or prevent the public body from completing the transaction on the best possible terms;
- strategy sessions to discuss the sale of real property, including any form of water right or water shares, when:
 - a) public discussion of the transaction would disclose the appraisal or estimated value of the property under consideration or prevent the public body from completing the transaction on the best possible terms;
 - b) the public body had previously given public notice that the property would be offered for sale; and
 - c) the terms of the sale are publicly disclosed before the public body approves the sale;
- discussion regarding deployment of security personnel, devices or systems; and/or
- investigative proceedings regarding allegations of criminal misconduct.

Sworn to and executed this 9th day of July, 2021.



John Bramall
Mayor

Attest:
Andy Beteag
Cindy Beteag, Recorder

WHEREUPON, a motion to move into a Closed Meeting was made by Nanette Billings and seconded by Dave Sanders. A roll call vote was then taken with the following results:

<u>COUNCILMEMBER</u>	<u>AYE</u>	<u>NAY</u>	<u>ABSTAIN</u>	<u>ABSENT</u>
Nanette Billings	<u>X</u>	_____	_____	_____
Darin Larson	<u>X</u>	_____	_____	_____
Joseph Prete	_____	_____	_____	<u>X</u>
Dave Sanders	<u>X</u>	_____	_____	_____
Kevin Tervort	_____	_____	_____	<u>X</u>

RECORDED this 9th day of July, 2021.

Cindy Beteag
Cindy Beteag

AGREEMENT

THIS AGREEMENT is made and entered into on this ____ day of July, 2021 by and between the City of Hurricane, Utah, a municipal corporation of the State of Utah (hereinafter referred to as “City”), and Perry Homes, Utah, Inc., a Utah corporation (hereinafter referred to as “Perry Homes”), collectively referred to as “the Parties.”

Recitals:

A. Perry Homes is the owner and developer of a residential real estate development project within the boundaries of City, known as The Front 9 at Skymountain Phases 1A and 1B (hereafter “the Project”).

B. City has given final plat approval for the Project.

C. Perry Homes desires to obtain a building permit for a 4-unit model townhome complex prior to recordation of the subdivision plat for the Project.

D. City is willing to issue said building permit in accordance with the provisions of Hurricane City Code §10-39-15 F.2.

E. The Parties desire to enter into a written agreement specifying the terms and conditions for issuance of the building permit.

NOW, THEREFORE, IN CONSIDERATION of the mutual covenants and obligations contained herein, the Parties hereto as follows:

1. Incorporation of Recitals. Recitals A – E are hereby incorporated herein by this reference as if fully set forth.

2. Issuance of Building Permit. The Parties agree that City shall issue a building permit for the 4-unit model townhome complex at the location shown in Exhibit A, a copy of which is attached hereto and incorporated herein as if fully set forth, subject to the following terms and conditions:

- a. Except for recordation of the plat, all other requirements for issuance of a building permit, as determined by City, shall be met prior to issuance of the building permit.
- b. Perry Homes shall construct and install all structures and improvements shown in Exhibit A in compliance with all approved plans and specifications and all applicable ordinances of the City.
- c. In addition to any other requirement for issuance of a certificate of occupancy, no certificate of occupancy shall be granted for any model home constructed under this Agreement prior to recordation of the subdivision plat for the Project at the office of the Washington County Recorder.
- d. No bond shall be required for issuance of the building permit.

of Perry Homes Utah, Inc., and that the within and foregoing Agreement was signed in behalf of said corporation by authority of its bylaws and that William O. Perry and _____ each duly acknowledged to me that he/she executed the same on behalf of said corporation and that the seal affixed is the seal of said corporation.

Notary Public