

CENTERVILLE CITY COUNCIL AGENDA

NOTICE IS HEREBY GIVEN THAT THE CENTERVILLE CITY COUNCIL WILL HOLD ITS REGULAR PUBLIC MEETING AT 7:00 PM ON NOVEMBER 17, 2020 AT THE CENTERVILLE CITY HALL COUNCIL CHAMBERS, 250 NORTH MAIN STREET, CENTERVILLE, UTAH. THE AGENDA IS SHOWN BELOW.

Meetings of the City Council of Centerville City may be conducted via electronic means pursuant to Utah Code Ann. 52-4-207, as amended. In such circumstances, contact will be established and maintained via electronic means and the meeting will be conducted pursuant to the Electronic Meetings Policy established by the City Council for electronic meetings.

Centerville City, in compliance with the Americans With Disabilities Act, provides accommodations and auxiliary communicative aids and services for all those citizens in need of assistance, including hearing devices. Persons requesting these accommodations for City-sponsored public meetings, services, programs, or events should call Jacob Smith, Administrative Services Director, at 801-295-3477, giving at least 24 hours notice prior to the meeting.

The full packet of backups materials can be found at <http://centerville.novusagenda.com/agendapublic>.

Centerville City Mayor Wilkinson Determination - Electronic Meetings without an Anchor Location Due to Substantial Health and Safety Risk

In accordance with Utah Code 52-4-207(4) of the Utah Open and Public Meeting Act, I have determined that conducting an electronic meeting of the Centerville City Council with an anchor location presents a substantial risk to the health and safety of those who may be present at the anchor location. This determination is based on the facts and circumstances surrounding the COVID-19 pandemic. Considering the continued number of COVID-19 case counts in Utah, meeting in an anchor location presents substantial risk to the health and safety of those in attendance because physical distancing measures may be difficult to maintain at City Hall.

Zoom Information:

Join Zoom Meeting

<https://zoom.us/j/93182649857?pwd=NmxCODMyT0crREFFS1ZyUFVNbDFuQT09>

Dial: 1 346 248 7799

Meeting ID: 931 8264 9857

Passcode:049621

You Tube Link: <https://www.youtube.com/user/centervillecityutah>

A. ROLL CALL

B. PRAYER OR THOUGHT

Mayor Wilkinson

C. PLEDGE OF ALLEGIANCE

D. OPEN SESSION (This item allows for the public to comment on any subject of municipal concern, including agenda items that are not scheduled for a public hearing. Citizens are encouraged to limit their comments to two (2) minutes per person. Citizens may request a time to speak during Open Session by calling the City Recorder's office at 801-295-3477, or may make such request at the beginning of Open Session.) Please state your name and city of residence.

E. BUSINESS

1. Summerhill Lane Subdivision - Zoning Map Amendment and PDO Conceptual Plan
Consider the proposed Zone Map Amendment for approximately 17.24 acres of property located at approximately 2125 North Main Street to be rezoned from Agriculture-Low (A-L) to Residential-Low with a Planned Development Overlay (R-L/PD) and Concept Plan Approval for Symphony Homes - Ordinance No. 2020-13
2. Storm Drain Easement - Extreme Auto Service - 606 North 1000 West
Consider acceptance of Storm Drain Easement for Extreme Auto Service located on property owned by Jed R. Taylor at approximately 606 North 1000 West also known as Lot 6 of the H&H Commercial Subdivision
3. Personnel Policies Amendments - Chapter 16 (Separations)
Consider Resolution No. 2020-33 amending the Personnel Policies to add a new Chapter 16 (Separations)
4. Appointment of City Recorder
Consider Resolution No. 2020-32 appointing Janet S. Denison as the new City Recorder for Centerville City
5. CARES Act Funding Discussion
Discuss the CARES Act Funding received from the State. Staff will provide background on already purchased items, purchases pending, and make recommendations for the remainder of the funds. The funds will need to be encumbered by November 30, 2020. An extension may be approved by the State to December 31, 2020, if we can prove the funds will be spent by the end of the month.
6. Summary Calendar
 - a. Purchase two replacement police vehicles
 - b. Rigby Court Subdivision - Bond Reduction and End of Warranty
7. Minutes Review and Acceptance
November 4, 2020 City Council Minutes
8. City Council Report
Councilmember Robyn Mecham

9. Mayor's Report
10. City Manager's Report

F. CLOSED SESSION (Closed Meeting, if necessary, for reasons allowed by State Law, including, but not limited to, the provisions of section 52-4-205 of the Utah Open and Public Meetings Act, and for the Attorney-Client matters that are privileged pursuant to Utah Code ann. 78B-1-137, as amended)

G. ADJOURNMENT

Leah Romero
Centerville City Recorder

CENTERVILLE

Staff Backup Report

11/17/2020

Item No.

Short Title: Centerville City Mayor Wilkinson Determination - Electronic Meetings without an Anchor Location Due to Substantial Health and Safety Risk

Initiated By:

Scheduled Time:

SUBJECT

In accordance with Utah Code 52-4-207(4) of the Utah Open and Public Meeting Act, I have determined that conducting an electronic meeting of the Centerville City Council with an anchor location presents a substantial risk to the health and safety of those who may be present at the anchor location. This determination is based on the facts and circumstances surrounding the COVID-19 pandemic. Considering the continued number of COVID-19 case counts in Utah, meeting in an anchor location presents substantial risk to the health and safety of those in attendance because physical distancing measures may be difficult to maintain at City Hall.

Zoom Information:

Join Zoom Meeting

<https://zoom.us/j/93182649857?pwd=NmxCODMyT0crREFFS1ZyUFVNbDFuQT09>

Dial: 1 346 248 7799

Meeting ID: 931 8264 9857

Passcode:049621

You Tube Link: <https://www.youtube.com/user/centervillecityutah>

RECOMMENDATION

BACKGROUND

ATTACHMENTS:

Description

- Covid-19 - Electronic Meeting Determination - Director Wilkinson - October 2020



CENTERVILLE CITY

250 North Main Centerville, Utah 84014-1824 • (801) 295-3477 • Fax: (801) 292-8034

Incorporated in 1915

Mayor

Clark A. Wilkinson

City Council

Tamelyn Fillmore

William Ince

Stephanie Ivie

George McEwan

Robyn Mecham

City Manager

Brant T. Hanson

Redevelopment Agency of Centerville City Director Wilkinson Determination

Electronic Meetings without an Anchor Location Due to Substantial Health and Safety Risk

Dated: 10/21/2020 | 8:40 PM PDT

In accordance with Utah Code 52-4-207(4) of the Utah Open and Public Meeting Act, I have determined that conducting an electronic meeting of the Redevelopment Agency of Centerville City with an anchor location presents a substantial risk to the health and safety of those who may be present at the anchor location. This determination is based on the facts and circumstances surrounding the COVID-19 pandemic. Considering the continued number of COVID-19 case counts in Utah, meeting in an anchor location presents substantial risk to the health and safety of those in attendance because physical distancing measures may be difficult to maintain at City Hall.

I hereby authorize the Redevelopment Agency of Centerville City to conduct electronic meetings without an anchor location for the duration of this determination. This determination and the reasons stated herein shall be included in the public notice for each Redevelopment Agency of Centerville City meeting held electronically without an anchor location and shall be read at the beginning of each meeting. Public notice for each meeting shall also include directions for accessing the online meeting and information on how a member of the public may view or make a comment at the meeting.

This determination shall be effective for 30 days from the date of this determination and will continue to be reviewed and monitored for possible reissuance.

DocuSigned by:

Clark A. Wilkinson

6D14D7B51C3B476...

Clark A. Wilkinson

Director of Redevelopment Agency of Centerville



CENTERVILLE

Staff Backup Report

11/17/2020

Item No. 1.

Short Title: Summerhill Lane Subdivision - Zoning Map Amendment and PDO Conceptual Plan

Initiated By:

Scheduled Time:

SUBJECT

Consider the proposed Zone Map Amendment for approximately 17.24 acres of property located at approximately 2125 North Main Street to be rezoned from Agriculture-Low (A-L) to Residential-Low with a Planned Development Overlay (R-L/PD) and Concept Plan Approval for Symphony Homes - Ordinance No. 2020-13

RECOMMENDATION

Approve the proposed Zone Map Amendment for approximately 17.24 acres of property located at approximately 2125 North Main Street to be rezoned from Agriculture-Low (A-L) to Residential-Low with a Planned Development Overlay (R-L/PD) and Concept Plan Approval for Symphony Homes - Ordinance No. 2020-13

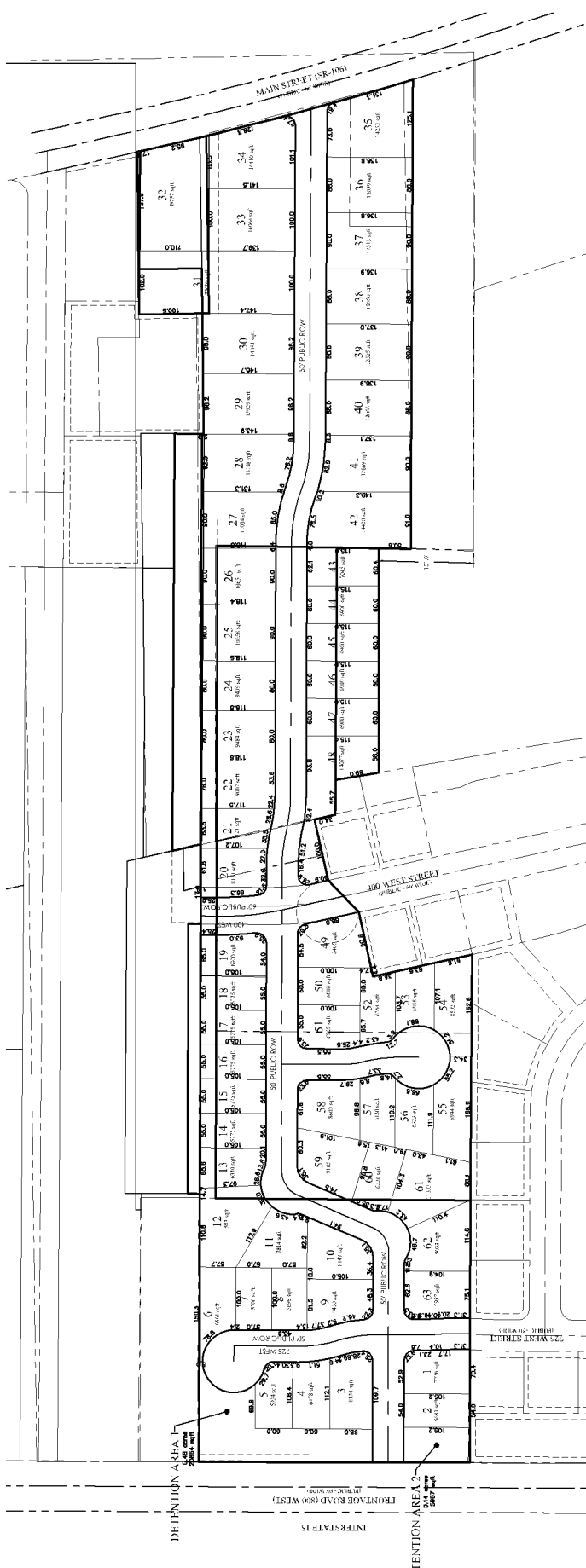
BACKGROUND

On October 20, 2020, the City Council reviewed the application and conducted the necessary public hearing. The Council then tabled action and directed the applicant to consider several changes. The Staff Transmittal Report for a summary of the changes and a modified recommendation is attached.

ATTACHMENTS:

Description

- ▢ Summerhill Lane Lot Sizes
- ▢ Updated R-L/PDO Conceptual Plan Submittal
- ▢ Updated Recommendation Transmittal Report
- ▢ Ordinance No. 2020-13 - Summerhill Lane PDO
- ▢ 10-20-2020 CC Transmittal Report R-L PDO Rezone Summerhill Lane Development
- ▢ 09-23-2020 PC Staff Report - Summerhill Lane PDO Rezone
- ▢ Summerhill Lane PDO Subdivision Submittal
- ▢ Summerhill Lane Traffic Study
- ▢ Summerhill Lane Frontage Road Connection Memo
- ▢ Symphony Homes - Attorney Response Regarding Access to Neighboring Property
- ▢ Summerhill Lane - Public Written Comment at PC
- ▢ UPDATED Legal Description for 17.81 Acres of Property - 11-17-20



CONCEPT NARRATIVE RESIDENTIAL

LOCATED IN	CENTERVILLE
ORIGINAL PROPERTY	17.81 ACRES
TOTAL LOTS	63
TOTAL DENSITY	3.54 UNITS/ACRE
FLOOD ZONE DESIGNATION	ZONE X

PROPOSED ZONING

ZONE:	PDO
MINIMUM AVERAGE LOT SIZE:	5,000 SQFT
FRONTAGE:	40'
LOT WIDTH:	50'
CORNER LOT WIDTH:	60'
CUL-DE-SAC RADIUS:	50'
ROW WIDTH:	50'-60'
6,000 SQFT LOT SETBACKS	
FRONT:	20'
REAR:	15'
SIDE:	6', 12' TOTAL
10,000 SQFT LOT SETBACKS	
FRONT:	25'
REAR:	20'
SIDE:	6' & 8', 14' TOTAL



SUMMERHILL LANE concept plan

CENTERVILLE CITY, DAVIS COUNTY

11/6/2020

19-0378



PREPARED FOR:
SYMPHONY HOMES LOCATED IN:
CENTERVILLE, UTAH



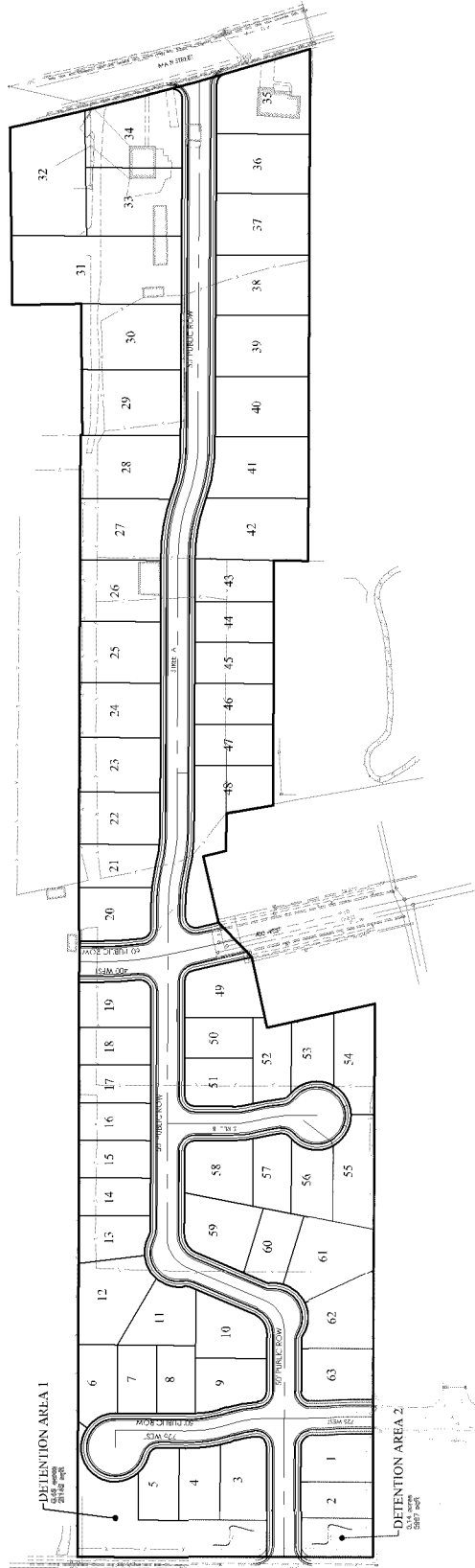
Sheet List Table	
Sheet Number	Sheet Title
C1	COVER SHEET - CONCEPT
C3	SITE & UTILITY PLAN - CONCEPT
C3.1	SITE & UTILITY PLAN - CONCEPT
C4	EXISTING SLOPES EXHIBIT - CONCEPT
C5	EXISTING CONDITIONS EXHIBIT - CONCEPT
L1	Yield Plan

ELEVATION BLOCK		DESCRIPTION	
1	DATE		
2			
3			
4			
5			
6			
7			
8			
9			
10			

COVER SHEET
- CONCEPT

Code:	1° 80'	Uomo:	ARS
Date:	11 06 2020	Inta:	19-0378
Ob:			

15



SITE MAP

GENERAL AREA TABULATION

GENERAL NOTES

1. CONTRACTOR TO FIELD VERIFY HORIZONTAL AND VERTICAL LOCATIONS OF ALL EXISTING UTILITIES PRIOR TO COMMENCEMENT OF CONSTRUCTION, AND REPORT ANY DISCREPANCIES TO THE ENGINEER.
2. ANY AND ALL DISCREPANCIES IN THESE PLANS ARE TO BE BROUGHT TO THE ENGINEER'S ATTENTION PRIOR TO COMMENCEMENT OF CONSTRUCTION.
3. ANY AND ALL CONSTRUCTION SHALL ADHERE TO CENTRAIR LE CITY STANDARD SPECIFICATIONS.

NOTICE

BEFORE PROCEEDING WITH THIS WORK, THE CONTRACTOR SHALL CAREFULLY CHECK AND VERIFY ALL CONDITIONS, QUANTITIES, DIMENSIONS, AND GRADE ELEVATIONS, AND SHALL REPORT ALL DISCREPANCIES TO THE ENGINEER.

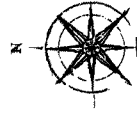
ENGINEER'S NOTES TO CONTRACTOR

- [illegible]

CONTACTS

ENGINEER & SURVEYOR
FOCUS ENGINEERING & SURVEYING, LLC
6949 S. HIGH TECH DRIVE SUITE 200
MIDVALLEY, UT 84047
(801) 552-6755
PROJECT MANAGER: BRIAN D. ZILL

OWNER/DEVELOPER
SYNTHION HOMES
526 NORTH 400 WEST
SALT LAKE CITY, UT 84106
(801) 298-5555
COOPERATIVE BUYERS ONLY



GRAPHIC SCALE

(IN FEET)

PROPOSED ZONING

ZONE:	PDO
MINIMUM AVERAGE LOT SIZE:	5,000 SQFT
FRONTAGE:	
LOT WIDTH:	40'
CORNER LOT WIDTH:	50'
CUL-DE-SAC RADIUS:	60'
ROW WIDTH:	50'-60'

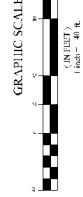
PROPOSED ZONING

ZONE:	PDO
MINIMUM AVERAGE LOT SIZE:	5,000 SQFT
FRONTAGE:	
LOT WIDTH:	40'
CORNER LOT WIDTH:	50'
CUL-DE-SAC RADIUS:	60'
ROW WIDTH:	50'-60'

[illegible]

LOS: 4.5, 7.8, 11.6, 60, 56.57	Front: 20	Front: 20	LOS: 4.5, 7.8, 11.6, 60, 56.57
	Sides: 6, 12	Sides: 6, 12	
	Rear: 15	Rear: 15	
	Front: 20	Front: 20	LOS: 3.9, 5.0, 58.59, 51
	Sides: 6 & 15	Sides: 6 & 15	
	Rear: 12	Rear: 12	
	LOS: 35	LOS: 35	
	Front: 20	Front: 20	LOS: 20
	Sides: 6 & 8	Sides: 6 & 8	
	Rear: 12	Rear: 12	
	LOS: 27, 42	LOS: 27, 42	
	Front: 20	Front: 20	LOS: 20, 34, 34, Total
	Sides: 6 & 8	Sides: 6 & 8	
	Rear: 20	Rear: 20	Corner side: side 6 & 20
	Front: 20	Front: 20	
	Sides: 6 & 15	Sides: 6 & 15	
	Rear: 12	Rear: 12	
	LOS: 19, 30, 48, 63	LOS: 19, 30, 48, 63	
	Front: 20	Front: 20	
	Sides: 6 & 15	Sides: 6 & 15	
	Rear: 12	Rear: 12	
	LOS: 54, 6	LOS: 54, 6	
	Front: 20	Front: 20	
	Sides: 6 & 8	Sides: 6 & 8	
	Rear: 12	Rear: 12	

STREET NAME	STREET NO.	STREET TYPE	STREET NAME	STREET NO.	STREET TYPE
1ST AVENUE	100	AVENUE	1ST AVENUE	100	AVENUE
2ND AVENUE	200	AVENUE	2ND AVENUE	200	AVENUE
3RD AVENUE	300	AVENUE	3RD AVENUE	300	AVENUE
4TH AVENUE	400	AVENUE	4TH AVENUE	400	AVENUE
5TH AVENUE	500	AVENUE	5TH AVENUE	500	AVENUE
6TH AVENUE	600	AVENUE	6TH AVENUE	600	AVENUE
7TH AVENUE	700	AVENUE	7TH AVENUE	700	AVENUE
8TH AVENUE	800	AVENUE	8TH AVENUE	800	AVENUE
9TH AVENUE	900	AVENUE	9TH AVENUE	900	AVENUE
10TH AVENUE	1000	AVENUE	10TH AVENUE	1000	AVENUE
11TH AVENUE	1100	AVENUE	11TH AVENUE	1100	AVENUE
12TH AVENUE	1200	AVENUE	12TH AVENUE	1200	AVENUE
13TH AVENUE	1300	AVENUE	13TH AVENUE	1300	AVENUE
14TH AVENUE	1400	AVENUE	14TH AVENUE	1400	AVENUE
15TH AVENUE	1500	AVENUE	15TH AVENUE	1500	AVENUE
16TH AVENUE	1600	AVENUE	16TH AVENUE	1600	AVENUE
17TH AVENUE	1700	AVENUE	17TH AVENUE	1700	AVENUE
18TH AVENUE	1800	AVENUE	18TH AVENUE	1800	AVENUE
19TH AVENUE	1900	AVENUE	19TH AVENUE	1900	AVENUE
20TH AVENUE	2000	AVENUE	20TH AVENUE	2000	AVENUE
21ST AVENUE	2100	AVENUE	21ST AVENUE	2100	AVENUE
22ND AVENUE	2200	AVENUE	22ND AVENUE	2200	AVENUE
23RD AVENUE	2300	AVENUE	23RD AVENUE	2300	AVENUE
24TH AVENUE	2400	AVENUE	24TH AVENUE	2400	AVENUE
25TH AVENUE	2500	AVENUE	25TH AVENUE	2500	AVENUE
26TH AVENUE	2600	AVENUE	26TH AVENUE	2600	AVENUE
27TH AVENUE	2700	AVENUE	27TH AVENUE	2700	AVENUE
28TH AVENUE	2800	AVENUE	28TH AVENUE	2800	AVENUE
29TH AVENUE	2900	AVENUE	29TH AVENUE	2900	AVENUE
30TH AVENUE	3000	AVENUE	30TH AVENUE	3000	AVENUE
31ST AVENUE	3100	AVENUE	31ST AVENUE	3100	AVENUE
32ND AVENUE	3200	AVENUE	32ND AVENUE	3200	AVENUE
33RD AVENUE	3300	AVENUE	33RD AVENUE	3300	AVENUE
34TH AVENUE	3400	AVENUE	34TH AVENUE	3400	AVENUE
35TH AVENUE	3500	AVENUE	35TH AVENUE	3500	AVENUE
36TH AVENUE	3600	AVENUE	36TH AVENUE	3600	AVENUE
37TH AVENUE	3700	AVENUE	37TH AVENUE	3700	AVENUE
38TH AVENUE	3800	AVENUE	38TH AVENUE	3800	AVENUE
39TH AVENUE	3900	AVENUE	39TH AVENUE	3900	AVENUE
40TH AVENUE	4000	AVENUE	40TH AVENUE	4000	AVENUE
41ST AVENUE	4100	AVENUE	41ST AVENUE	4100	AVENUE
42ND AVENUE	4200	AVENUE	42ND AVENUE	4200	AVENUE
43RD AVENUE	4300	AVENUE	43RD AVENUE	4300	AVENUE
44TH AVENUE	4400	AVENUE	44TH AVENUE	4400	AVENUE
45TH AVENUE	4500	AVENUE	45TH AVENUE	4500	AVENUE
46TH AVENUE	4600	AVENUE	46TH AVENUE	4600	AVENUE
47TH AVENUE	4700	AVENUE	47TH AVENUE	4700	AVENUE
48TH AVENUE	4800	AVENUE	48TH AVENUE	4800	AVENUE
49TH AVENUE	4900	AVENUE	49TH AVENUE	4900	AVENUE
50TH AVENUE	5000	AVENUE	50TH AVENUE	5000	AVENUE
51ST AVENUE	5100	AVENUE	51ST AVENUE	5100	AVENUE
52ND AVENUE	5200	AVENUE	52ND AVENUE	5200	AVENUE
53RD AVENUE	5300	AVENUE	53RD AVENUE	5300	AVENUE
54TH AVENUE	5400	AVENUE	54TH AVENUE	5400	AVENUE
55TH AVENUE	5500	AVENUE	55TH AVENUE	5500	AVENUE
56TH AVENUE	5600	AVENUE	56TH AVENUE	5600	AVENUE
57TH AVENUE	5700	AVENUE	57TH AVENUE	5700	AVENUE
58TH AVENUE	5800	AVENUE	58TH AVENUE	5800	AVENUE
59TH AVENUE	5900	AVENUE	59TH AVENUE	5900	AVENUE



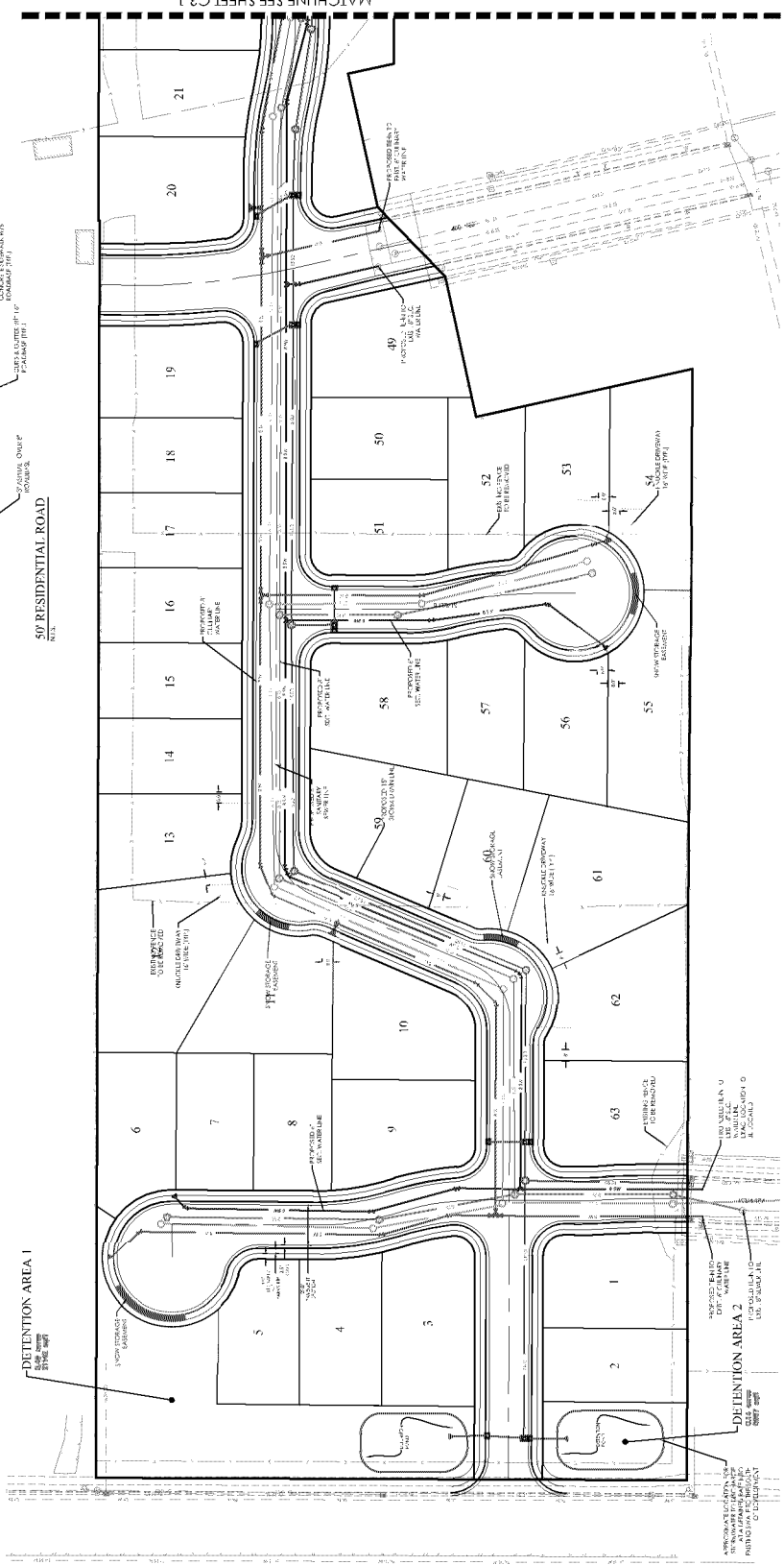
NOTES:
DEFINITION FUND WILL BE OWNED AND MAINTAINED BY H.C.A.

SUMMERHILL LANE
CENTERVILLE, UTAH
SITE & UTILITY PLAN - CONCEPT

REVISION BLOCK	
DATE	DESCRIPTION
1	
2	
3	
4	
5	

Scale	1"=40'	Drawn	AWS
Date	1/06/2020	Job #	19-0378
Sheet			

3

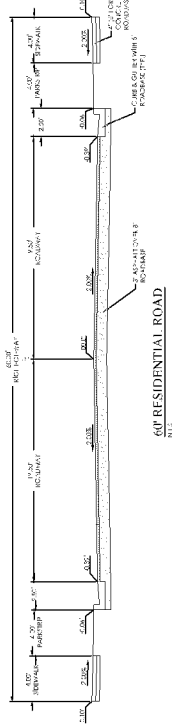
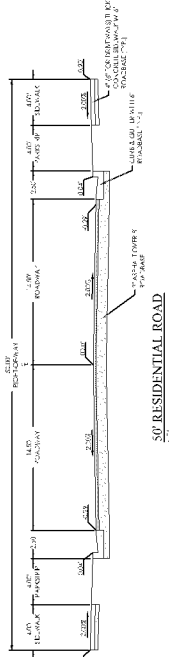




GRAPHIC SCALE
1 inch = 30 ft

LEGEND

SYMBOL	DESCRIPTION
	BOUNDARY
	EASEMENT
	UTILITY
	STREET LIGHT
	SIDEWALK
	CURB
	STREET
	LOT LINE
	BUILDING FOOTPRINT
	PARKING AREA
	DRIVEWAY
	FENCE
	TREE
	SHRUB
	GRASS
	WATER FEATURE
	ROAD
	BRIDGE
	TUNNEL
	CULVERT
	MANHOLE
	VAULT
	CATCH BASIN
	STORM SEWER
	SANITARY SEWER
	WATER MAIN
	GAS LINE
	ELECTRIC LINE
	COMMUNICATION LINE
	FIRE HYDRANT
	FIRE ALARM BOX
	FIRE STATION
	FIRE ENGINE
	FIRE TRUCK
	FIRE HOSE
	FIRE EXTINGUISHER
	FIRE ALARM PULL STATION
	FIRE ALARM CONTROL PANEL
	FIRE ALARM NOTIFICATION APPLIANCE
	FIRE ALARM INITIATING DEVICE
	FIRE ALARM RECEIVING EQUIPMENT
	FIRE ALARM CONTROL UNIT
	FIRE ALARM CONTROL PANEL WITH REMOTE SIGNALING
	FIRE ALARM CONTROL PANEL WITH REMOTE SIGNALING AND TROUBLE SIGNALING
	FIRE ALARM CONTROL PANEL WITH REMOTE SIGNALING AND TROUBLE SIGNALING AND SUPERVISORY SIGNALING



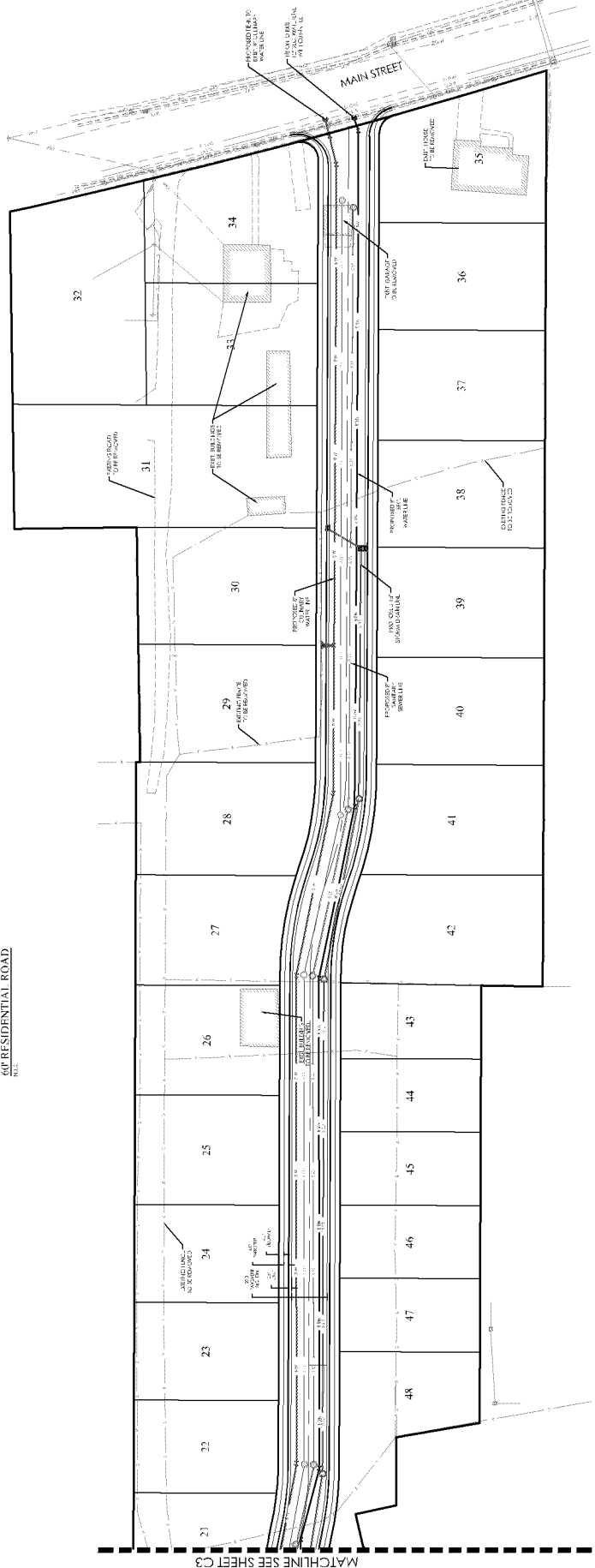
SUMMERHILL LANE
CENTREVILLE, UTAH
SITE & UTILITY PLAN - CONCEPT

DATE	BY	CHKD	APP'D
11/06/2020	JK	JK	JK

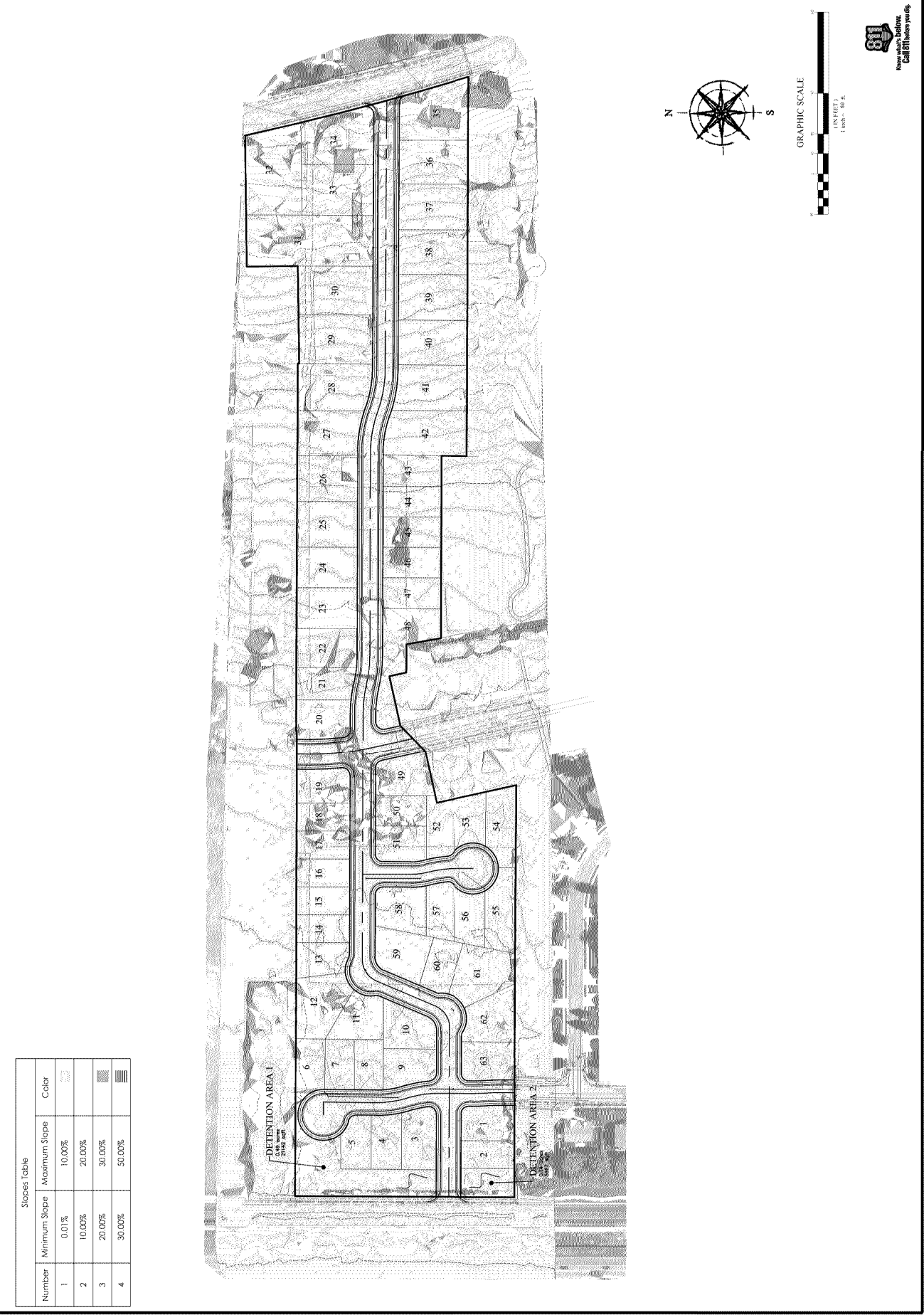
SITE & UTILITY PLAN - CONCEPT

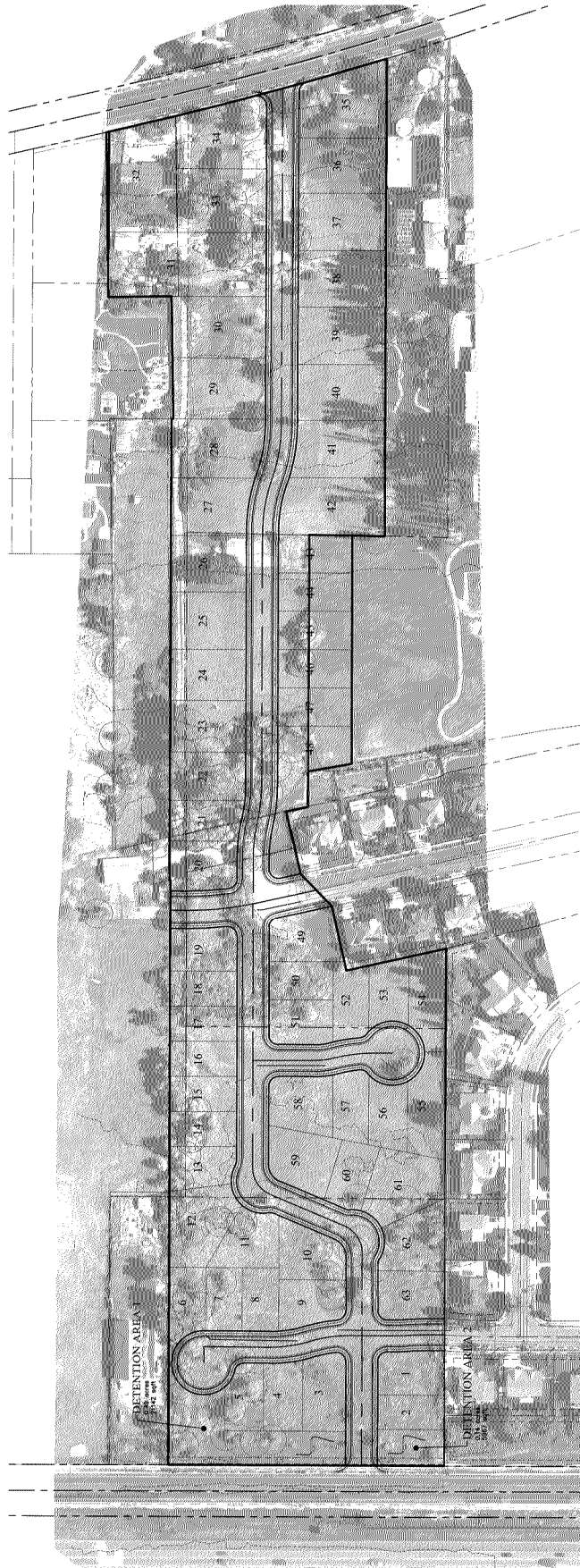
DATE	BY	CHKD	APP'D
11/06/2020	JK	JK	JK

C3.1



MATCHLINE SEE SHEET C3





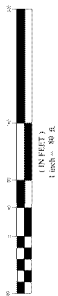
NOTES:

1. FEMA MAP: INCOME PC IN A1A1 SURVEYED PROPERTY YES WITHIN INSURED ZONE 1 (A1A1) DETERMINED TO BE WITHIN THE 0.2% ANNUAL CHANCE FLOODPLAIN ACCORDING TO FEMA FLOOD INSURANCE RATE MAP (FIRM) 13001C0000E EFFECTIVE DATE: JUNE 18, 2002
2. FIRM: 13001C0000E EFFECTIVE DATE: JUNE 18, 2002
3. FIRM: 13001C0000E EFFECTIVE DATE: JUNE 18, 2002
4. FIRM: 13001C0000E EFFECTIVE DATE: JUNE 18, 2002
5. FIRM: 13001C0000E EFFECTIVE DATE: JUNE 18, 2002
6. FIRM: 13001C0000E EFFECTIVE DATE: JUNE 18, 2002

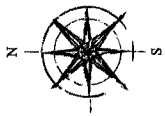
LEGEND

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GRAPHIC SCALING

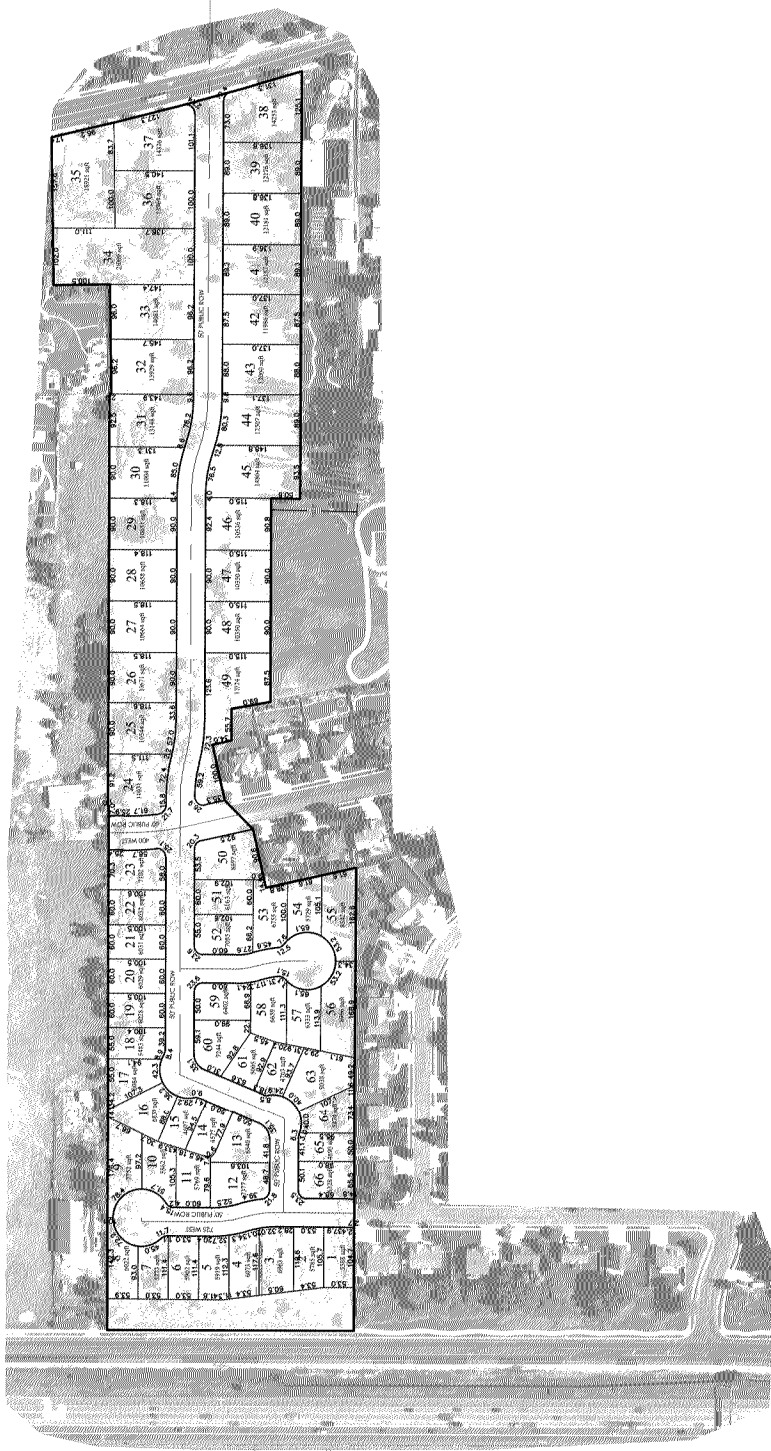


Call 811 before you dig.
 1-800-4-A-DIG



YIELD PLAN TABLE

LOCATED IN:	CENTERVILLE CITY, DAVIS COUNTY
ORIGINAL PROPERTY SINGLE FAMILY LOTS	17.24 ACRES
TOTAL DENSITY	64 3.81 UNITS/ACRE
ROW WIDTH	50'-60'
MINIMUM LOT WIDTH	60'
MINIMUM LOT FRONTAGE	40'
CUL-DE-SAC RADIUS	50'
FLOOD ZONE DESIGNATION	ZONE X



SUMMERHILL LANE yield plan

CENTERVILLE CITY, DAVIS COUNTY

11/6/2020

19-0378

**CENTERVILLE CITY
COMMUNITY DEVELOPMENT DEPARTMENT
655 North 1250 West, Centerville, Utah 84014
(801)292-8232**

PLANNING COMMISSION TRANSMITTAL REPORT

PROPERTY OWNER: SYMPHONY DEVELOPMENT CORPORATION

**APPLICANT: SYMPHONY HOMES
c/o RUSSELL WILSON
111 S FRONTAGE ROAD
CENTERVILLE, UT 84014
(rwilson@symphonyhomes.com)**

PROPERTY LOCATION: 2125 N MAIN STREET

PARCEL SIZE: 17.24 ACRES (*several parcels – between Main Street and Frontage Road*)

ZONING DISTRICT: AGRICULTURE-LOW (A-L)

APPLICATIONS: 1. ZONING MAP AMENDMENT FROM AGRICULTURAL LOW (A-L) TO RESIDENTIAL LOW (R-L)

2. PLANNED DEVELOPMENT OVERLAY (R-L/PD), WITH CONCEPTUAL PLAN ACCEPTANCE AS A MASTER PLANNED SINGLE FAMILY HOME SUBDIVISION

RECOMMENDATION: PLANNING COMMISSION RECOMMENDS APPROVAL (*VOTE 4-2*)

BACKGROUND

As the City Council is aware, this matter was previously tabled by the City Council, as follows:

- *Directing the applicant to work with Staff and bring back a suggested plat with connection to Frontage Road*
- *Front elevation designs with proposed maximum garage widths under 40% if adjusted setbacks were desired,*

- *Explain why they could not shift some of the lot sizes and increase the size of the smallest lots (or alternatively make the change), and*
- *Specify a minimum house size*

SUMMERHILL LANE R-L/PDO PLAN ALTERNATIONS SUMMARY

- A connection to frontage road has been added and deemed acceptable by the City Engineer
- The lot count has been reduced from 66 lots to 63 lots
- Generally, the setbacks are as follows:
 - Side setbacks have been increased from 5 feet (*10 total*) to 6 feet (*12 total*)
 - Some interior lots have 15-foot rear yard setbacks rather than 20 feet.
 - Corner lots have street side setbacks of 15 feet rather than 20 feet
 - Track perimeter setbacks comply with R-L base zone requirements

STAFF MODIFIED PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted to recommend approval of the R-L Zone with an PDO Approval, subject to the following conditions and reasons for the action:

1. A **Zone Map Amendment** of the 17.24 +/- acres from A-L to R-L/PD
2. The **PDO Development shall be limited** to 17.24 +/- acres, as depicted on the submitted PDO Conceptual Plans, as received by the City.
3. All **Final Development Approvals for Summerhill Lane** shall substantially comply with the PDO Conceptual Plan submittals received by the City, including the alterations submitted specifically to the City Council, unless otherwise amended by the City.
4. The **approved R-L Rezone and associated PDO Conceptual Plan** shall consist of the following:
 - i. The proposed Overall Conceptual Development Plan, Sheet C1
 - ii. The Preliminary Utility Plan, Sheets C3, C3.1,
5. The **Land Uses Approved** shall consist of the following:
 - i. Single-family Uses – Maximum number of dwellings is 66 units.
 - ii. Single-family Home, Building Heights – Primary/main buildings shall comply with the applicable regulations and codes of the Zoning Ordinance, as outlined in the provisions of the R-L Zone.
 - iii. Accessory Buildings and Uses – All allowed accessory buildings and uses shall comply with the applicable regulations and codes of the Zoning Ordinance, as outlined in the provisions of the R-L Zone.
6. The **Summerhill Lane Development** shall be subject to **obtaining Preliminary and Final Subdivision Approvals**, which shall be subject to

the following:

7. All other development regulations and codes that have NOT been modified by the R-L Rezone and PDO Conceptual Plan Approval.
8. The plan for construction and maintenance of necessary stormwater and applicable groundwater management systems
9. The plan and execution methods for the elimination of remnant properties without approved public purposes.
10. The securement and approval for development of a secondary water system from the applicable secondary water service provider.
11. The **Subdivision Improvement Construction** shall be prepared as one development site to support the development in its entirety. However, construction activities regarding actual homes may be phased as independent lots, subject to applicable state and local codes and ordinances.
12. The **Development Variations Allowed** for the Summerhill Lane Development are limited to the following:
 - i. CZC 12.32, Development Standards Regarding Lot Width and Setbacks Some variations to the lot widths and setbacks are allowed, as depicted on *the amended PDO Conceptual Plan submitted to the City Council*. However, required track perimeter setbacks are required and have been referenced on the plan sheets.

[PC Condition – Not being recommended by staff]

13. *[Check PC Minutes for Correct Language]* Base on the applicant's promise that it will grant a minimum 12-foot-wide all-weather surface farm access easement that provides access from the south up to the Packer property (*for example between lots 28 and 29*). This approval is conditioned on the applicant doing so, subject to any City requirements.

(Suggested Reasons for Action -Findings)

- a. The Planning Commission finds that proposed rezone for low-density residential uses is consistent with the Northwest Neighborhood Plan
- b. The Planning Commission finds the PDO request meets the following:
 - i. The proposed development does not conflict with any applicable policy of the General Plan.
 - ii. The proposed development meets the purpose and intent Zoning Ordinance, as set forth in CZC 12.41.010.
 - iii. The proposed development allows integrated planning and design of the property and, on the whole, better development than would be possible under conventional zoning regulations.
 - iv. The proposed development meets the use and development limitations and other requirements of the zone with which the PDO Zone is combined, except as otherwise allowed by the PDO provisions.
- c. Lastly, the Planning Commission finds that PDO rezone provides an enhanced tool to address any development related concerns and maximize the development opportunities for the entire site, and more specifically with regards to concerns raised by the public about storm water and ground water management.

PLANNING COMMISSION VOTE (4-2)

Commissioner	YES	NO	Not Present
Hayman (Chair)	X		
Daly		X	
Kjar	X		
Summerhays	X		
Wilcox	X		
Wright		X	

ORDINANCE NO. 2020-13

AN ORDINANCE AMENDING THE CENTERVILLE CITY ZONING MAP BY CHANGING THE ZONING OF APPROXIMATELY 17.24 ACRES OF CERTAIN REAL PROPERTY LOCATED AT APPROXIMATELY 2125 NORTH MAIN STREET AND FRONTAGE ROAD FROM AGRICULTURAL-LOW (A-L) TO RESIDENTIAL-LOW WITH A PLANNED DEVELOPMENT OVERLAY (R-L/PD) AND APPROVING THE CONCEPTUAL PLAN FOR THE SUMMERHILL LANE PDO

WHEREAS, the City is authorized to enact a zoning map consistent with the purposes set forth in the Utah Land Use Development and Management Act, as more particularly provided in Utah Code §§ 10-9a-101, *et seq.*, as amended, and the City is further authorized to make amendments to such zoning map in accordance with procedures set forth in Utah Code. § 10-9a-503, as amended; and

WHEREAS, in accordance with applicable provisions of Utah law and the goals of the Centerville City General Plan for the subject property as set forth in Section 12-480-5, Neighborhood 4, Northwest Centerville, the City Council desires to amend the Centerville City Zoning Map to rezone the subject property from Agricultural-Low (A-L) to Residential-Low with a Planned Development Overlay (R-L/PD) as more particularly provided herein; and

WHEREAS, as part of the Planned Development Overlay (PDO) Zone requirements, requests for PDO zoning shall include a conceptual plan for review and acceptance by the City Council concurrent with the rezoning decision; and

WHEREAS, the proposed amendments to the Centerville City Zoning Map for the Summerhill Lane PDO as set forth herein have been reviewed by the Planning Commission and the City Council and all appropriate public noticing and hearings have been provided and held in accordance with Utah law to obtain public input regarding the proposed revisions to the Zoning Map and approval of the Conceptual Plan.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF CENTERVILLE CITY, STATE OF UTAH, AS FOLLOWS:

Section 1. PDO Rezone and Conceptual Plan Approval. Subject to the conditions of approval set forth in Section 2, the real property located at approximately 2125 North Main Street and Frontage Road in Centerville City consisting of approximately 17.24 acres as more particularly described in **Exhibit A**, attached hereto and incorporated herein by this reference, is hereby rezoned from Agricultural-Low (A-L) to Residential-Low with a Planned Development Overlay (R-L/PD) and the Conceptual Plan for the Summerhill Lane PDO as more particularly described in **Exhibit B**, attached hereto and incorporated herein by this reference, is hereby approved by the City Council.

Section 2. Conditions of PDO Approval. The PDO Rezone and Conceptual Plan for the Summerhill Lane PDO are subject to the following conditions of approval:

1. A **Zone Map Amendment** of the 17.24 +/- acres from A-L to R-L/PD.

2. The **PDO Development shall be limited** to 17.24 +/- acres, as depicted on the submitted PDO Conceptual Plans, as received by the City, including the alterations submitted specifically to the City Council for the November 17, 2020 meeting.
3. All **Final Development Approvals for Summerhill Lane** shall substantially comply with the PDO Conceptual Plan submittals received by the City, unless otherwise amended by the City.
4. The **approved R-L Rezone and associated PDO Conceptual Plan** shall consist of the following:
 - i. The proposed Overall Conceptual Development Plan, Sheet C1
 - ii. The Preliminary Utility Plan, Sheets C3, C3.1
5. The **Land Uses Approved** shall consist of the following:
 - i. *Single-family Uses* – Maximum number of dwellings is 66 units.
 - ii. *Single-family Home, Building Heights* – Primary/main buildings shall comply with the applicable regulations and codes of the Zoning Ordinance, as outlined in the provisions of the R-L Zone.
 - iii. *Accessory Buildings and Uses* – All allowed accessory buildings and uses shall comply with the applicable regulations and codes of the Zoning Ordinance, as outlined in the provisions of the R-L Zone.
6. The **Summerhill Lane Development** shall be subject to **obtaining Preliminary and Final Subdivision Approvals**, which shall be subject to the following:
7. All other development regulations and codes that have NOT been modified by the R-L Rezone and PDO Conceptual Plan Approval.
8. The plan for construction and maintenance of necessary stormwater and applicable groundwater management systems.
9. The plan and execution methods for the elimination of remnant properties without approved public purposes.
10. The securement and approval for development of a secondary water system from the applicable secondary water service provider.
11. The **Subdivision Improvement Construction** shall be prepared as one development site to support the development in its entirety. However, construction activities regarding actual homes may be phased as independent lots, subject to applicable state and local codes and ordinances.
12. The **Development Variations Allowed** for the Summerhill Lane Development are limited to the following:
 - i. *CZC 12.32, Development Standards Regarding Lot Width and Setbacks.* Some variations to the lot widths and setbacks are allowed, as depicted on the amended PDO Conceptual Plan submitted to the City Council for the November 17, 2020 meeting. However, required track perimeter setbacks are required and have been referenced on the plan sheets.
13. Based on the applicant's promise that it will grant a minimum 12-foot wide all-weather surface farm access easement that provides access from the south up to the Packer property (*for example, between lots 28 and 29*). This approval is conditioned on the applicant doing so, subject to any City requirements.

Section 3. Findings. The rezone of the subject property to Residential-Low with a Planned Development Overlay (R-L/PD) and the corresponding Conceptual Plan for the Summerhill Lane PDO is based on the following findings:

- (a) The City Council finds that proposed rezone for low-density residential uses is consistent with the Northwest Neighborhood Plan.
- (b) The City Council finds the PDO request meets the following:

- i) The proposed development does not conflict with any applicable policy of the General Plan.
 - ii) The proposed development meets the purpose and intent Zoning Ordinance, as set forth in CZC 12.41.010.
 - iii) The proposed development allows integrated planning and design of the property and, on the whole, better development than would be possible under conventional zoning regulations.
 - iv) The proposed development meets the use and development limitations and other requirements of the zone with which the PDO Zone is combined, except as otherwise allowed by the PDO provisions.
- (c) The City Council finds that PDO rezone provides an enhanced tool to address any development related concerns and maximize the development opportunities for the entire site, and more specifically with regards to concerns raised by the public about storm water and ground water management.

Section 4. Severability. If any section, part or provision of this Ordinance is held invalid or unenforceable by a court of competent jurisdiction, such invalidity or unenforceability shall not affect any other portion of this Ordinance, and all sections, parts, and provisions of this Ordinance shall be severable.

Section 5. Effective Date. This Ordinance shall become effective upon publication or posting, or thirty (30) days after passage, whichever occurs first.

PASSED AND ADOPTED BY THE CITY COUNCIL OF CENTERVILLE CITY, STATE OF UTAH, THIS 17th DAY OF NOVEMBER, 2020.

ATTEST:

CENTERVILLE CITY

Janet S. Denison, City Recorder

By: _____
Mayor Clark A. Wilkinson

Voting by the City Council:

	“AYE”	“NAY”	“ABSENT”
Councilmember Fillmore	_____	_____	_____
Councilmember Ince	_____	_____	_____
Councilmember Ivie	_____	_____	_____
Councilmember McEwan	_____	_____	_____
Councilmember Meham	_____	_____	_____

CERTIFICATE OF PASSAGE AND PUBLICATION OR POSTING

According to the provisions of the U.C.A. § 10-3-713, as amended, I, the municipal recorder of Centerville City, hereby certify that foregoing ordinance was duly passed by the City Council and published, or posted at: (1) 250 North Main; (2) 655 North 1250 West; and (3) RB's Gas Station, on the foregoing referenced dates.

JANET S. DENISON, City Recorder

DATE: _____

RECORDED this ____ day of _____, 2020.

PUBLISHED OR POSTED this ____ of _____, 2020.

EXHIBIT A

Summerhill Lane PDO Rezone Property Description

LEGAL DESCRIPTION
PREPARED FOR
SUMMERHILL LANE
CENTERVILLE CITY, DAVIS COUNTY, STATE OF UTAH
(October 15, 2020)
19-0378

17.23 ACRE OVERALL DESCRIPTION

A tract of land situate in the Southwest Quarter of Section 31, Township 3 North, Range 1 East, Salt Lake Base & Meridian, comprised of six (6) parcels identified by Davis County Tax ID Numbers 07-072-0005, 07-072-0034, 07-072-0132, 07-072-0160, 07-072-0161 & 07-072-0175, located in Centerville City, Davis County, Utah, being more particularly described as follows:

Beginning at a point on the westerly right-of-way line of Main Street (SR-106) as established by UDOT Project No. S-0116(1), located S01°03'04"E 412.51 feet along the Section line and S88°56'56"W 147.88 feet from the Center 1/4 Corner of Section 31, T3N, R1E, SLB&M; thence southerly along said right-of-way line the following two (2) courses: (1) S12°38'06"E 12.55 feet; thence (2) along the arc of a 5,762.65 feet radius non-tangent curve to the left (radius bears: N76°24'00"E) 341.31 feet through a central angle of 03°23'37" (chord: S15°17'49"E 341.26 feet); thence to and along the northerly line of that Real Property described by Special Warranty Deed recorded in the Office of the Davis County Recorder as Entry No. 2345813 in Book 4481 at Page 952, N89°45'38"W 750.06 feet to the easterly line of that Real Property identified by Davis County Tax ID No. 07-072-0165, the boundary of which was determined by Survey No. 5493 on file in the Office of the Davis County Surveyor; thence along said boundary the following two (2) courses: (1) N01°02'54"E 117.91 feet; thence (2) N89°42'24"W 427.07 feet to and along a northeasterly line of LEXINGTON PARK SUBDIVISION PHASE 4, according to the Official Plat thereof on file in the Office of the Davis County Recorder as Entry No. 1649844 in Book 2776 at Page 547; thence along said plat the following five (5) courses: (1) N12°28'19"W 34.03 feet; thence (2) S77°31'41"W 100.00 feet; thence (3) S45°52'13"W 70.49 feet; thence (4) S77°31'41"W 105.00 feet; thence (5) S12°28'16"E 161.93 feet to the northerly line of LEXINGTON PARK SUBDIVISION PHASE 3, according to the Official Plat thereof on file in the Office of the Davis County Recorder as Entry No. 1490619 in Book 2454 at Page 223; thence along said plat the following two (2) courses: (1) N89°32'27"W 392.27 feet; thence (2) N89°51'45"W 419.80 feet to the easterly right-of-way line of a Frontage Road (800 West) as established by UDOT Project No. I-15-7(19)315; thence along said right-of-way N00°13'11"E 432.00 feet to the south line of that Real Property identified by Davis County Tax ID No. 07-072-0028, the boundary of which was determined by Survey No. 6219 on file in the Office of the Davis County Surveyor; thence along said as-surveyed boundary S89°46'49"E 421.68 feet to a southwesterly corner of that Real Property described by Warranty Deed recorded in the Office of the Davis County Recorder as Entry No. 1347577 in Book 2176 at Page 915; thence along said deed the following two (2) courses: (1) S89°51'23"E 497.27 feet; thence (1) N12°59'38"W 1.00 feet to a point on the northerly line of that Real Property described by Warranty Deed recorded in the Office of the Davis County Recorder as Entry No. 1544114 in Book 2554 at Page 1169; thence along said deed S89°45'54"E 723.67 feet to a westerly line of CUTLER SUBDIVISION PHASE 5, according to the Official Plat thereof on file in the Office of the Davis County Recorder as Entry No. 2571788 in Book 5165 at Page 1697; thence along said plat the following four (4) courses: (1) S00°01'43"W 2.88 feet; thence (2) N89°14'56"E 192.21 feet; thence (3) N00°45'01"W 100.54 feet; thence (4) N89°15'01"E 21.25 feet; thence S89°36'24"E 239.38 feet to the point of beginning.

Contains: 17.23 acres+/-

EXHIBIT B

The Summerhill Lane PDO Conceptual Plan and Details

**CENTERVILLE CITY
COMMUNITY DEVELOPMENT DEPARTMENT
655 North 1250 West, Centerville, Utah 84014
(801)292-8232**

CITY COUNCIL TRANSMITTAL REPORT

PROPERTY OWNER: SYMPHONY DEVELOPMENT CORPORATION

**APPLICANT: SYMPHONY HOMES
c/o RUSSELL WILSON
111 S FRONTAGE ROAD
CENTERVILLE, UT 84014
(rwilson@symphonyhomes.com)**

PROPERTY LOCATION: 2125 N MAIN STREET

PARCEL SIZE: 17.24 ACRES (*several parcels – between Main Street and Frontage Road*)

ZONING DISTRICT: AGRICULTURE-LOW (A-L)

APPLICATIONS: 1. ZONING MAP AMENDMENT FROM AGRICULTURAL LOW (A-L) TO RESIDENTIAL LOW (R-L)

2. PLANNED DEVELOPMENT OVERLAY (R-L/PD), WITH CONCEPTUAL PLAN ACCEPTANCE AS A MASTER PLANNED SINGLE FAMILY HOME SUBDIVISION

RECOMMENDATION: PLANNING COMMISSION RECOMMENDS APPROVAL (*VOTE 4-2*)

BACKGROUND

The applicant, Symphony Development Corporation, has applied for a Residential-Low/Planned Development Overlay (PDO) Zone for parcels, in majority, owned by the Company adjacent to the north terminus of 400 West and roughly from Main Street to Frontage Road. The PDO requires a Conceptual Plan to be approved in conjunction with the rezone request. The Planning Commission reviewed the proposal on September 23, 2020. As the City Council should be aware, the applicant had earlier applied for just the rezone to R-L. However, the Council tabled action on that previous request and encouraged the applicant to re-apply and add a request for a

PDO development. This was in large part due to the desire of the Council to development the property in its entirety, more specifically with regards to ensuring adequate storm water management.

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted to recommend approval of the R-L Zone with an PDO Approval, subject to the following conditions and reasons for the action:

1. A **Zone Map Amendment** of the 17.24 +/- acres from A-L to R-L/PD
2. The **PDO Development shall be limited** to 17.24 +/- acres, as depicted on the submitted PDO Conceptual Plans, as received by the City.
3. All **Final Development Approvals for Summerhill Lane** shall substantially comply with the PDO Conceptual Plan submittals received by the City, unless otherwise amended by the City.
4. The **approved R-L Rezone and associated PDO Conceptual Plan** shall consist of the following:
 - i. The proposed Overall Conceptual Development Plan, Sheet C1
 - ii. The Preliminary Utility Plan, Sheets C3, C3.1,
5. The **Land Uses Approved** shall consist of the following:
 - i. Single-family Uses – Maximum number of dwellings is 66 units.
 - ii. Single-family Home, Building Heights – Primary/main buildings shall comply with the applicable regulations and codes of the Zoning Ordinance, as outlined in the provisions of the R-L Zone.
 - iii. Accessory Buildings and Uses – All allowed accessory buildings and uses shall comply with the applicable regulations and codes of the Zoning Ordinance, as outlined in the provisions of the R-L Zone.
6. The **Summerhill Lane Development** shall be subject to **obtaining Preliminary and Final Subdivision Approvals**, which shall be subject to the following:
7. All other development regulations and codes that have NOT been modified by the R-L Rezone and PDO Conceptual Plan Approval.
8. The plan for construction and maintenance of necessary stormwater and applicable groundwater management systems
9. The plan and execution methods for the elimination of remnant properties without approved public purposes.
10. The securement and approval for development of a secondary water system from the applicable secondary water service provider.
11. The **Subdivision Improvement Construction** shall be prepared as one development site to support the development in its entirety. However, construction activities regarding actual homes may be phased as independent lots, subject to applicable state and local codes and ordinances.
12. The **Development Variations Allowed** for the Summerhill Lane Development are limited to the following:
 - i. CZC 12.32, Development Standards Regarding Lot Width and Setbacks Some variations to the lot widths and setbacks are allowed,

as depicted on the PDO Conceptual Plan. However, required track perimeter setbacks are required and have been referenced on the plan sheets.

13. [*Check PC Minutes for Correct Language*] Base on the applicant's promise that it will grant a minimum 12-foot-wide all-weather surface farm access easement that provides access from the south up to the Packer property (*for example between lots 28 and 29*). This approval is conditioned on the applicant doing so, subject to any City requirements.

(Suggested Reasons for Action -Findings)

- a. The Planning Commission finds that proposed rezone for low-density residential uses is consistent with the Northwest Neighborhood Plan
- b. The Planning Commission finds the PDO request meets the following:
 - i. The proposed development does not conflict with any applicable policy of the General Plan.
 - ii. The proposed development meets the purpose and intent Zoning Ordinance, as set forth in CZC 12.41.010.
 - iii. The proposed development allows integrated planning and design of the property and, on the whole, better development than would be possible under conventional zoning regulations.
 - iv. The proposed development meets the use and development limitations and other requirements of the zone with which the PDO Zone is combined, except as otherwise allowed by the PDO provisions.
- c. Lastly, the Planning Commission finds that PDO rezone provides an enhanced tool to address any development related concerns and maximize the development opportunities for the entire site, and more specifically with regards to concerns raised by the public about storm water and ground water management.

PLANNING COMMISSION VOTE (4-2)

Commissioner	YES	NO	Not Present
Hayman (Chair)	X		
Daly		X	
Kjar	X		
Summerhays	X		
Wilcox	X		
Wright		X	

**CENTERVILLE CITY
COMMUNITY DEVELOPMENT DEPARTMENT
655 North 1250 West, Centerville, Utah 84014
801-292-8232**

STAFF REPORT AGENDA: ITEM 1

PROPERTY OWNER: SYMPHONY DEVELOPMENT CORPORATION

**APPLICANT: SYMPHONY HOMES
c/o RUSSELL WILSON
111 S FRONTAGE ROAD
CENTERVILLE, UT 84014
(rwilson@symphonyhomes.com)**

PROPERTY LOCATION: 2125 N MAIN STREET

PARCEL SIZE: 17.24 ACRES (*several parcels – between Main Street and Frontage Road*)

ZONING DISTRICT: AGRICULTURE-LOW (A-L)

**APPLICATIONS: 1. REZONE PETITION PORTION OF THE SITE
FROM AGRICULURAL LOW (A-L) TO
RESIDENITAL LOW (R-L)**

**2. PLANNED DEVELOPMENT OVERLAY (R-
L/PD), WITH CONCEPTUAL PLAN
ACCEPTANCE AS A MASTER PLANNED
SINGLE FAMILY HOME SUBDIVISION**

BACKGROUND & GENERAL INTRODUCTION OF THE PROJECT

The applicant, Symphony Development Corporation, has applied for a Residential-Low/Planned Development Overlay (PDO) Zone for parcels, in majority, owned by the Company adjacent to the north terminus of 400 West and roughly from Main Street to Frontage Road. The PDO requires a Conceptual Plan to be approved in conjunction with the rezone request. The Planning Commission previously reviewed this proposal on July 08, 2020 and tabled the review for further information.

However, there have been several changes to the proposed development plan, which include acquisition of a small portion of some land owned by the Davis County School District. Consequently, this report will review the proposal anew. Nonetheless, the previous directives will be provided in this report for the Commission to recall the important elements previously discussed.

PREVIOUS COMMISSION DIRECTIVES TO THE APPLICANT

1. *Provide site plan with tract perimeter setbacks as mentioned in the staff report*
2. *Address maintenance responsibility of drainage detention common area and any expectations of the City Engineer.*
3. *Address the matters related to the depiction of Parcel A.*
4. *Provide overall landscaping design scheme of the development meeting Weber Basin's expectations.*
5. *Provide street lengths and suggestions regarding mid-block dedicated public walkway.*
6. *Address concerns about prescriptive easement to the packer property, for example, a documented method of access outside the subdivision, a proposed access point within the subdivision, or reasonably reliable evidence indicating the prescriptive easement is moot.*
7. *Address areas that might not be maintained by adjacent owners, such as the park strip below 25-29.*

GENERAL APPLICATION REVIEW AND APPROVAL PROCESS OVERVIEW

The development application consists of master planning approximately 17.24 acres of property (*see Summerhill Lane Conceptual Plan Exhibits*). With this PDO project proposal, there are two mandatory application processes that the Planning Commission will be considering. These two review processes are as follows:

✓ **Rezone the Base Zoning from A-L to R-L**

The Planning Commission will be reviewing a petition to rezone the proposed tract from A-L to R-L. This would allow the opportunity to develop the proposed single-family subdivision.

✓ **Rezone the entire development site into master PDO approval to R-L/PD**

According to the PDO provisions, a request for any PDO approval must be associated with conceptual site plan, which is a mandatory requirement in conjunction with any PDO rezone request. Thus, the Commission will also be reviewing the overall concept plan and making a recommendation to the Council that ties the overall conceptual plan to it associated PDO zone, if approved by the City.

ZONE MAP AND PDO AMENDMENT PROCESS OVERVIEW

A. **Zone Map Amendments** - Pursuant to the City's Zoning Ordinance, the "*decision to amend the...zoning map is a matter of within the legislative discretion of the City Council as described in CZC 12.21.060.a.*" Nevertheless, the Zoning Ordinance provides to the owner of this site the ability to make also request for a PDO designation. The purpose of a PDO designation is to allow design flexibility, integration, clustering, optimum land planning than what is possible under conventional

zoning regulations. Thus, without a guarantee, a project meeting the PDO development standards is eligible to be considered for a PDO designation.

B. Process and Public Comment and Decision - The Planning Commission shall review and hold a public hearing regarding the application and shall thereafter submit its recommendation for approval, approval with modifications, or denial thereof to the City Council. Following receipt of a recommendation from the Planning Commission, the City Council shall hold another public hearing on the application. After due consideration, the City Council may approve, approve with modifications, or deny the proposed amendment request.

C. Staff Review of the General Rezone Standards of Approval – CZC 12.21.080(e) of the City Zoning Ordinance sets forth the following factors for considering a general rezone request:

1. Whether the proposed amendment is consistent with goals, objectives and policies of the City's General Plan.

General Plan [CMC 12.420.2] - The General Plan states the desire of residents is to maintain the single-family residential character of development. In addition, CMC 12.420.3 states that *'The City shall assure an adequate supply of housing for future population through identification of optimum locations for housing development and provision of City services as required.'*

General Plan [CMC 12.480.5] - According to the City's General Plan, the property is in the Northwest - Neighborhood 4. This neighborhood plan provides the general future land use pattern for the proposed residential development within this neighborhood.

Northwest Neighborhood Plan [CMC 12.480.5] - This section addresses the Northwest Centerville Neighborhood regarding rezoning of property. As stated in previous staff reports, this land parcel can remain agricultural for current owners but may also be used to preserve the viability of future housing development at the discretion of the property owners.

Staff Response: It is the opinion of staff that the proposal meets the intent of the General Plan by maintaining the single-family residential character of Centerville, while also providing housing for the ongoing needs of current and future residents.

The competing goals of agricultural preservation for current owners and the viability of future housing development are also met with this project. The rezone does not attempt to rezone any other property owners' land from Agriculture-Low to Residential-Low, just the parcels already owned by the developer, with the small exception of school property. It also will provide new

housing opportunities for residents and those seeking to live in Centerville.

2. Whether the proposed amendment is harmonious with the overall character of existing development in the vicinity of the subject property.

Staff Response: The immediate surrounding uses consist of single-family to the north along with agricultural zoning single-family home development and vacant lands. To the south, the area is primarily developed with homes consistent with the R-L zoning. Thus, the request for the R-L Zone, subject is consistent with the current land use pattern for the area, which is low-density single-family home development.

3. The extent to which the proposed amendment may adversely affect adjacent property.

Staff Response: Several previous discussions regarding development of the property generally centered around the subjects of stormwater/groundwater management and traffic circulation.

As to **storm water management**, this primarily created the impetus for changing the course for obtaining development approvals. The City Council desired the property be developed in a holistic manner to ensure the proper management of stormwater and groundwater. Thus, the development should and will be required to install all necessary storm water management system and any land drains, where required.

As to **traffic circulation**, the applicant previously submitted a traffic study and the conclusion of the study indicated that there is sufficient capacity in the area to accommodate the development.

However, over the course of these previous discussions, it has been made clear to staff that the public and come on the City Council desire not to await for the future development of the proposed collector road of this land area. Their desire is to establish a local roadway connection from this development to the Frontage Road.

Although there is no direct requirement in the zoning and subdivision ordinances addressing this desired direct connection, the subdivision ordinance states the following:

- *CMC 15.05.030 - Subdividers shall locate streets within the subdivision so that the streets connect with existing streets. If the adjoining land is zoned for residential use, streets shall be located so that the adjacent land may be most efficiently subdivided.*

4. The adequacy of facilities and services intended to serve the subject property, including, but not limited to, roadways, parks and recreation facilities.

police and fire protection, schools, storm water drainage systems, water supplies, and waste water and refuse collection.

Staff Response: *(see earlier comments made for Criteria 2 and 3).*

PDO CONCEPTUAL PLAN REVIEW PROCESS

In association with the above requested rezone petition, the developer is also asking for approval of a conceptual plan that is linked (*required*) with a PDO rezone request. The PDO development provisions are to be used in a manner that allows design flexibility, integration of mutually compatible uses, integration of open spaces, clustering of dwelling units, and optimum land planning with greater efficiency, convenience and amenity than is possible under conventional zone regulations.

A. Approval Procedure - Land shall be placed in a PDO zone pursuant to a zoning map amendment as set forth in CZC 12.21.080 of the Zoning Ordinance. The following are also to be submitted in conjunction with an application for a zoning map amendment:

- ✓ *An Existing Conditions Inventory as required by CZC 12.50 of this Title; and*
- ✓ *A Yield Plan, as required by CZC 12.41.090, and*
- ✓ *A conceptual plan as provided in Section 12.21.110 of [the Zoning Ordinance].*

Staff Response:

Existing Conditions Inventory – The conceptual plan that has been provided addresses the exiting conditions of the site. Such inventory outlines the topography, slopes, existing homes - *that have now been removed*, and the existing trees – *many have also now been removed*. From staff review of the inventory sheet, it does not appear that there are any significant environmental or other matters that need further study or mitigation.

Yield Plan Schematic – The yield plan is to be prepared as a conceptual plan based on Centerville Municipal Code requirements that pertain to a conventional subdivision and shall reflect the dimensional (*lot area, frontage, width, setbacks, etc.*) and other standards of the underlying zone in which the proposed planned development will be located. The purpose of the yield plan is to establish the number of lots that can be conventionally developed, which will then function as the base density of a subdivision in order to calculate the allowable density bonus. The applicant is not requesting a bonus density with this PDO request, only some variations to the R-L standards to allow a variation to the lot sizes, such as smaller lots to the westerly areas with larger lots to the easterly areas.

Conceptual Plan – The Conceptual Plan submittal consist of multiple sheets depicting the development concepts ranging from Overall Development Plan, Existing Conditions, Slope Analysis, Preliminary Utility Plan, and Yield Plan.

Additionally, the applicant has previously provided a “*traffic impact analysis*” as

anticipated from previous discussions with the City. Staff believes that the submittal is complete, as per zoning ordinance requirements.

- B. Approval Criteria** - Submittal of an application for a PDO Zone does not guarantee that the zone or a conceptual site plan will be approved. A Zoning Map amendment and conceptual site plan may be approved only if the City Council, after receiving a recommendation from the Planning Commission, finds:

1. The proposed PDO Zone and associated conceptual site plan:

- a) *Does not conflict with any applicable policy of the General Plan.*
- b) *Meets the purpose and intent of this Chapter as set forth in CZC 12.41.010.*
- c) *Allows integrated planning and design of the property and, on the whole, better development than would be possible under conventional zoning regulations.*
- d) *Meets the use and development limitations and other requirements of the zone with which the PDO Zone is combined, except as otherwise allowed by this Chapter.*
- e) *Meets the density limitations of the General Plan; and*
- f) *If a residential density bonus is authorized, provides superior site design and increased amenities, as provided in CZC 12.41.080(c), which ameliorate the potential impact of increased density...*

Staff Response: As indicated earlier this report, staff believes that the Concept Plan is consistent with the goals and policies of the Neighborhood Plan. The proposed development consists of a low-density development with an integrated mixture of lot sizes, with a focus on developing the land as one entire subdivision for the purposes of infrastructure completion. Keep in mind, the applicant is not requesting the potential residential density.

2. The applicant has:

- a) *Sufficient control over the property to be developed to ensure development will occur as approved.*
- b) *The financial capability to carry out the planned development project; and*
- c) *The capability to start construction within one year of final plan approval.*

Staff Response: The developer now owns majority of the properties, which is portion was purchased from the Devore family. All the infrastructure will be constructed as an entire unit.

As has been discussed in similar previous PDO reviews, it is problematic to scrutinize the financial capacity of a specific person or entity. Thus, staff will leave this matter for the Planning Commission and applicant to further discuss the applicability. Staff believes since the applicant is primarily a land development company, Symphony Development Corporation likely meets the

financial expectations.

- C. **Approval Standards** – The following table is provided as a summary of the applicable PDO standards of the ordinance, as listed in CZC 12.41.100:

<i>PDO Standard</i>	<i>Development Plan Concept</i>	<i>Compliance</i>	<i>Staff Comments</i>
Access	All roadways are public streets.	YES	All lots will be accessed from a public street system
Building Heights	R-L Zone has a max. building height of 35 feet	YES	Final heights will be approved as part of the Building Permits
Common Areas	✓ Storm Water Detention Basin will be located along the Frontage Road ✓	Partially	Remnant parcels are prohibited, unless designated for a public purpose
Lot Area & Widths	PDO is to set the desired lot area and widths.	YES	These are shown on the Concept Plan.
Required Improvements	Preliminary Utility Plan has been provided	Likely	Storm/Ground Water Management needs further engineering details
Yard Area & Setbacks	PDO is to set the desired lot area and widths.	YES	These are shown on the Concept Plan.
Residential use types planned	66 single-family lots are proposed	YES	66 lots divided by 17.24 acres equals max density of 3.8 units/acre
Track Perimeter Setback	Not Applicable	YES	Single family homes only require a 20-foot setback in the R-L Zone
Wall and Fences	Fencing is not depicted	Not Applicable	Fencing can be required if there is a need for it for an adjacent zone.

- D. **Variations Requested (CZC 12.41.070)** – The following is a summary of the variations requested with the proposed development:

- a. CZC 12.32, Development Standards Regarding Lot Width and Setbacks – the proposed Concept Plan does request some variations to the lot widths and setbacks. Required track perimeter setbacks are also called out on the plan sheets.

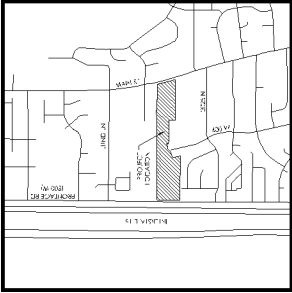
PLANNING STAFF RECOMMENDATION

Suggested Staff Motion – “I hereby make a motion for the Planning Commission to recommend approval for the R-L Rezone and PDO Conceptual Plan for The Summerhill Lane Development, as follows:

1. A **Zone Map Amendment** of the 17.24 +/- acres from A-L to R-L/PD
2. The **PDO Development shall be limited** to 17.24 +/- acres, as depicted on the submitted PDO Conceptual Plans, as received by the City.
3. All **Final Development Approvals for Summerhill Lane** shall substantially comply with the PDO Conceptual Plan submittals received by the City, unless otherwise amended by the City.
4. The **approved R-L Rezone and associated PDO Conceptual Plan** shall consist of the following:
 - i. The proposed Overall Conceptual Development Plan, Sheet C1
 - ii. The Preliminary Utility Plan, Sheets C3, C3.1,
5. The **Land Uses Approved** shall consist of the following:
 - i. Single-family Uses – Maximum number of dwellings is 66 units.
 - ii. Single-family Home, Building Heights – Primary/main buildings shall comply with the applicable regulations and codes of the Zoning Ordinance, as outlined in the provisions of the R-L Zone.
 - iii. Accessory Buildings and Uses – All allowed accessory buildings and uses shall comply with the applicable regulations and codes of the Zoning Ordinance, as outlined in the provisions of the R-L Zone.
6. The **Summerhill Lane Development** shall be subject to **obtaining Preliminary and Final Subdivision Approvals**, which shall be subject to the following:
7. All other development regulations and codes that have NOT been modified by the R-L Rezone and PDO Conceptual Plan Approval.
8. The plan for construction and maintenance of necessary stormwater and applicable groundwater management systems
9. The plan and execution methods for the elimination of remnant properties without approved public purposes.
10. The securement and approval for development of a secondary water system from the applicable secondary water service provider.
11. The **Subdivision Improvement Construction** shall be prepared as one development site to support the development in its entirety. However, construction activities regarding actual homes may be phased as independent lots, subject to applicable state and local codes and ordinances.
12. The **Development Variations Allowed** for the Summerhill Lane Development are limited to the following:
 - i. CZC 12.32, Development Standards Regarding Lot Width and Setbacks Some variations to the lot widths and setbacks are allowed, as depicted on the PDO Conceptual Plan. However, required track perimeter setbacks are required and have been referenced on the plan sheets.

(Suggested Reasons for Action -Findings)

- a. The Planning Commission finds that proposed rezone for low-density residential uses is consistent with the Northwest Neighborhood Plan
- b. The Planning Commission finds the PDO request meets the following:
 - i. The proposed development does not conflict with any applicable policy of the General Plan.
 - ii. The proposed development meets the purpose and intent Zoning Ordinance, as set forth in CZC 12.41.010.
 - iii. The proposed development allows integrated planning and design of the property and, on the whole, better development than would be possible under conventional zoning regulations.
 - iv. The proposed development meets the use and development limitations and other requirements of the zone with which the PDO Zone is combined, except as otherwise allowed by the PDO provisions.
- c. Lastly, the Planning Commission finds that PDO rezone provides an enhanced tool to address any development related concerns and maximize the development opportunities for the entire site, and more specifically with regards to concerns raised by the public about storm water and ground water management.



VICINITY MAP

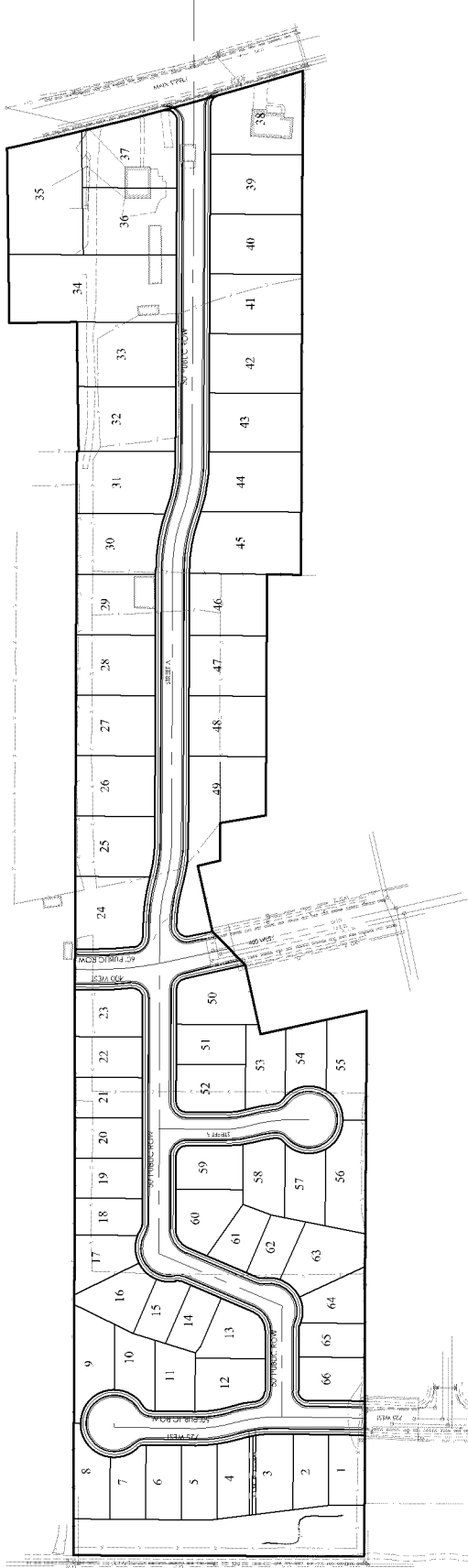
SUMMERHILL LANE

PREPARED FOR:
SYMPHONY HOMES LOCATED IN:
CENTERVILLE, UTAH

PREPARED FOR:

SYMPHONY HOMES LOCATED IN:
CENTERVILLE, UTAH

Sheet List Table	
Sheet Number	Sheet Title
C1	COVER SHEET - CONCEPT
C3	SITE & UTILITY PLAN - CONCEPT
C3.1	SITE & UTILITY PLAN - CONCEPT
C4	EXISTING SLOPES EXHIBIT - CONCEPT
C5	EXISTING CONDITIONS EXHIBIT - CONCEPT
L1	Yield Plan



SITE MAP

GENERAL AREA TABULATION

GENERAL NOTES

- ALL UTILITIES AND ROAD IMPROVEMENTS SHOWN ON THIS PLAN ARE BASED ON THE LATEST AVAILABLE RECORDS AND FIELD SURVEY DATA. THE ENGINEER HAS CONDUCTED VISUAL INSPECTIONS OF THE EXISTING UTILITIES AND HAS FOUND NO DISCREPANCIES TO THE RECORDS.
- ANY AND ALL RECORDS IN THESE PLANS ARE TO BE BROUGHT TO THE ENGINEER'S ATTENTION PRIOR TO COMMENCEMENT OF CONSTRUCTION. THE ENGINEER SHALL BE RESPONSIBLE FOR THE ACCURACY OF THE PLANS AND SPECIFICATIONS.
- ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE CITY STANDARD PLANS AND SPECIFICATIONS.
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- ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE CITY STANDARD PLANS AND SPECIFICATIONS.

NOTICE

BEFORE PROCEEDING WITH THIS WORK, THE CONTRACTOR SHALL CAREFULLY CHECK AND VERIFY ALL CONDITIONS, UTILITIES, DIMENSIONS, AND GRADES. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE ACCURACY OF THE PLANS AND SPECIFICATIONS, AND SHALL REPORT ANY DISCREPANCIES TO THE ENGINEER.

ENGINEER'S NOTES TO CONTRACTOR

- THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE ACCURACY OF THE PLANS AND SPECIFICATIONS. THE ENGINEER HAS CONDUCTED VISUAL INSPECTIONS OF THE EXISTING UTILITIES AND HAS FOUND NO DISCREPANCIES TO THE RECORDS.
- ANY AND ALL RECORDS IN THESE PLANS ARE TO BE BROUGHT TO THE ENGINEER'S ATTENTION PRIOR TO COMMENCEMENT OF CONSTRUCTION. THE ENGINEER SHALL BE RESPONSIBLE FOR THE ACCURACY OF THE PLANS AND SPECIFICATIONS.
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- ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE CITY STANDARD PLANS AND SPECIFICATIONS.

CONTACTS

- ENGINEER & ARCHITECT**
FOCUS ENGINEERING AND SURVEYING, LLC
600 S. HIGH TECH DRIVE, SUITE 200
MIDVALE, UT 84047
PROJECT MANAGER: BEN DIZETT
SURVEY MANAGER: SHERIDAN LEWIS
- OWNER**
SYMPHONY HOMES
555 NORTH 400 WEST
SALT LAKE CITY, UT 84143
CONTACT: RUSSELL WILSON

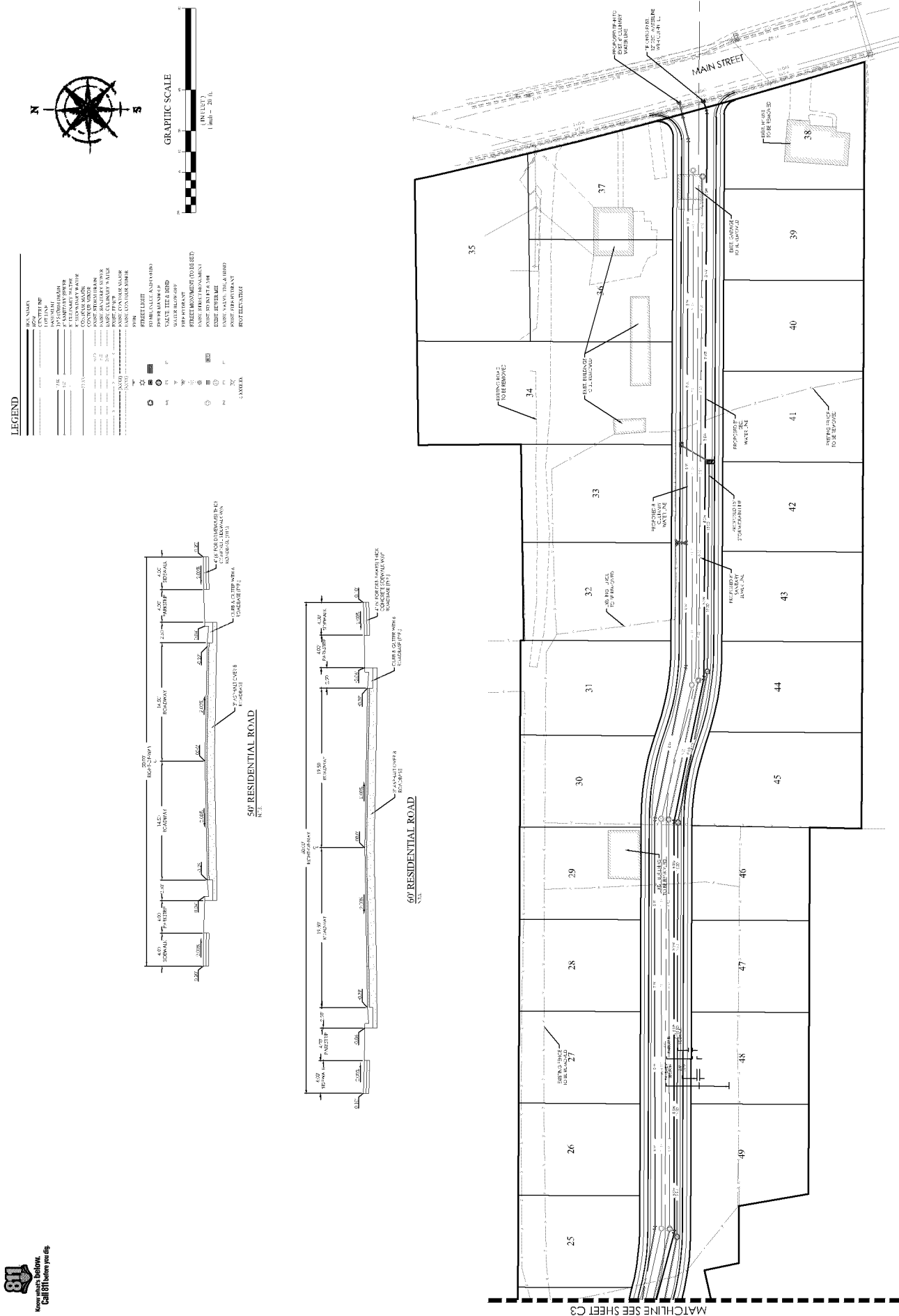


GRAPHIC SCALE

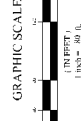
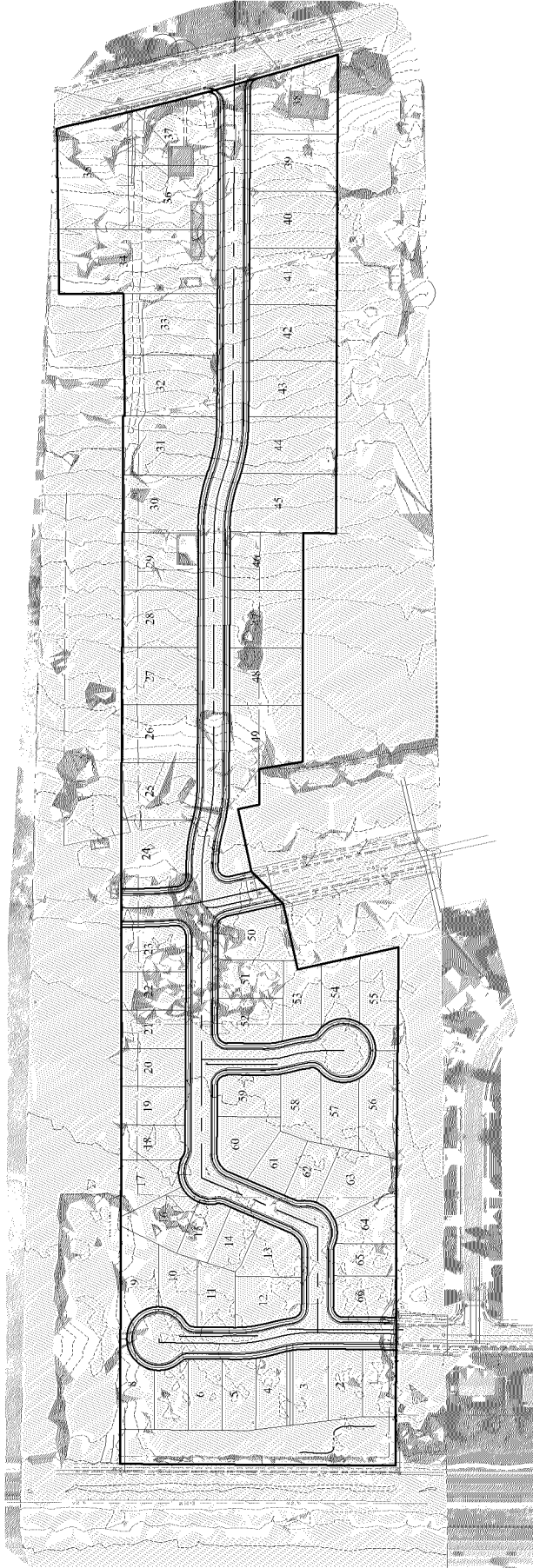


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Ac:	1 st +0 th	Exerc:	AW5
Ac:	8/11/20	Job Ac:	19-0378
C3.1			



Slopes Table			
Number	Minimum Slope	Maximum Slope	Color
1	0.01%	10.00%	
2	10.00%	20.00%	
3	20.00%	30.00%	
4	30.00%	50.00%	



Professional Engineer
State of Utah
No. 188

EXIST. SLOPES
EXHIBIT

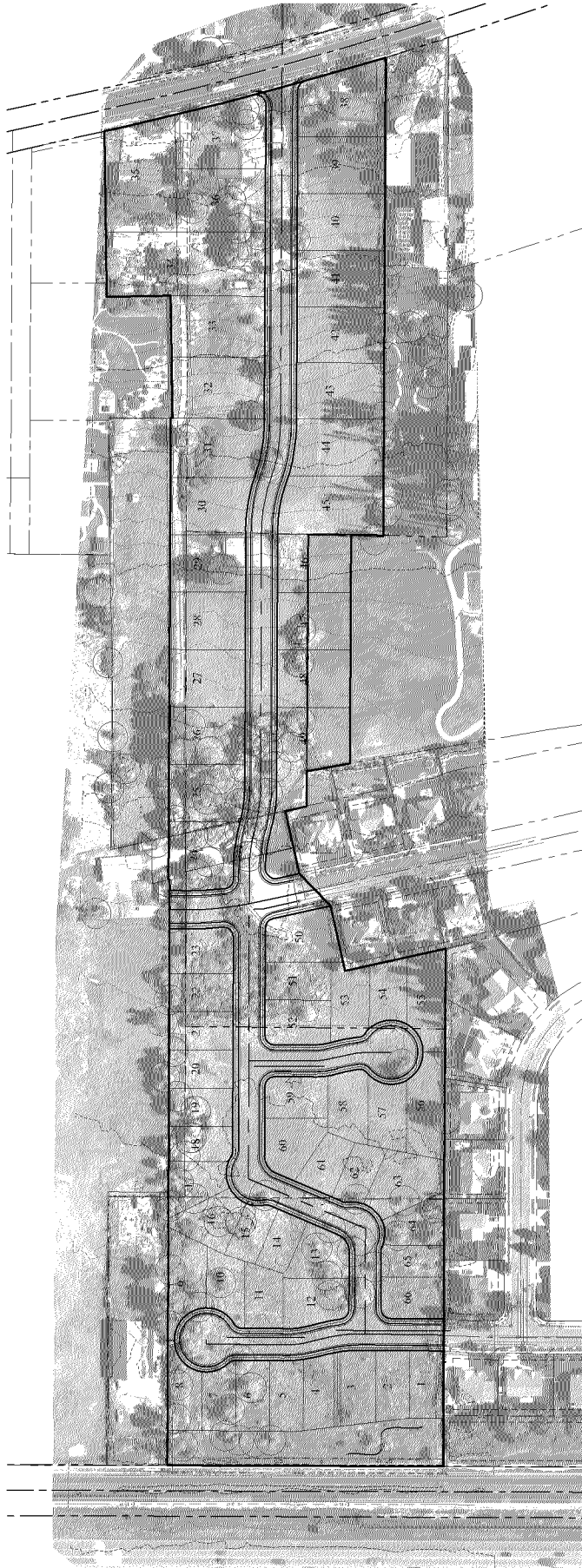
Scale: 1" = 30'	Date: 01/27/20	Sheet: 1 of 3
Drawn: 01/27/20	Check: 1/28/20	Project: 18-0378

EX 3

SUMMERHILL LANE CENTERVILLE, UT EXISTING SLOPES EXHIBIT - CONCEPT

SUMMER HILL LANE
CENTERVILLE, UT
EXIST. CONDITIONS EXHIBIT - CONCEPT

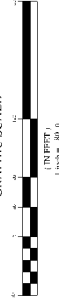
FOCUS

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LEGEND

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GRAPHIC SCALE



**Know what's below.
Call 811 before you dig.**



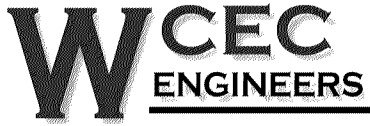
YIELD PLAN TABLE

LOCATED IN:	CENTERVILLE CITY, DAVIS COUNTY
ORIGINAL PROPERTY SINGLE FAMILY LOTS	17.24 ACRES
TOTAL DENSITY	66
	3.82 UNITS/ACRE
ROW WIDTH	50'-60'
MINIMUM LOT WIDTH	60'
MINIMUM LOT FRONTAGE	40'
CUL-DE-SAC RADIUS	50'
FLOOD ZONE DESIGNATION	ZONE X



SUMMERHILL LANE yield plan

CENTERVILLE CITY, DAVIS COUNTY
8/31/2020
19-0376



9980 SOUTH 300 WEST STE. #200
SANDY, UT 84070
PHONE: 801-456-3847
FAX: 801-618-4157

TECHNICAL MEMORANDUM

DATE: 11/25/2019
TO: Russel Wilson, Symphony Homes
FROM: Paul Peterson, PE WCEC Engineers
RE: **Symphony Homes Centerville Traffic Assessment**

Introduction

The purpose of this memorandum is to present the findings of our preliminary traffic assessment for the proposed Symphony Homes single-family residential development located in Centerville Utah. The assessment includes a general trip generation estimate for the proposed residential traffic, an assignment of the project trips onto the adjacent roadways, and a general assessment of potential traffic and safety impacts.

Proposed Concept

Figure 3 shows the location of the proposed Symphony Homes development located between 2150 North and 2025 North in Centerville, UT. The concept plan currently includes 63 single-family units developed in 17.3 acres with three access points at 725 West, 400 West and Main Street.

Existing Conditions

Main Street is mostly a two-way, two-lane roadway with a posted speed limit of 40 miles per hour (mph). It travels north-south and provides regional travel through Centerville.

The I-15 Frontage Road is a two-way, two lane roadway with a posted speed limit of 40 mile per hour (mph). It travels north-south along the west side of the proposed development and provides access via 2250 North.

Additional access to the development is provided along 400 West which functions as a residential connector and provides access to Parrish Lane to the south.

According to ASSHTO, 2011 the intersection sight distance required for a design speed of 45 mph for Case B1-Left turn from stop sign is 500 feet and for Case B2- Right turn from stop sign is 430 feet. Both cases show unobstructed views as observed in Figure 2 and 3.



Fig.2- Northbound view from proposed access



Fig.3- Southbound view from proposed access

Reading Elementary School is located along 2025 North near the project site. During field observations, it was noted that during morning school traffic the queue regularly extended to approximately 350 feet north of the 2025 North and Main Street intersection. At times, it was observed to queue up to approximately 650 feet from that same intersection. The queue may occasionally back up to the proposed development access on Main Street. Since the school peak hour and the daily peak hour do not happen at the same time, this situation is not anticipated to affect the proposed access.

Project Trip Generation

The ITE Trip Generation Manual, 10th Edition was used to estimate the number of daily, AM and PM peak hour trips that are expected to be generated by the proposed development. Table 1 shows the estimated trip generation for the development.

Table 1 Land Use Specific Trip Generation								
Land Use	Size	Daily	AM Peak Hour			PM Peak Hour		
			In	Out	Total	In	Out	Total
Single-Family	63 Units	680	13	37	50	41	24	65

Distribution and Assignment

Project-generated trips were distributed to the surrounding roadway network as follows:

- Frontage Road from 725 West 40%
- Along 400 West 20%
- Main Street from proposed access 40%

Project traffic was assigned to the adjacent intersections based on a general assessment of origins and destinations within the proposed developments area of influence and in accordance with the percentages above.

Figure 3 shows the project trip distribution and AM and PM project traffic assignment onto the surrounding roadway network. These figures provide the anticipated number of new trips onto the roadway network.

Findings and Recommendations

The proposed development is expected to add a total of 50 AM trips and 65 PM trips to the roadway network. Figure 3 shows how these trips are anticipated to access the development site. The traffic generated by the site is expected to have minimal impact on the surrounding roadway network.

The intersections of 2025 North/Frontage Road (intersection 1) and 2025 North/Main Street (intersection 3) will operate with similar conditions as current existing conditions. The proposed access onto Main Street (intersection 4) is anticipated to operate with similar conditions as other access roads along Main Street (such as 1950 North, 1850 North)

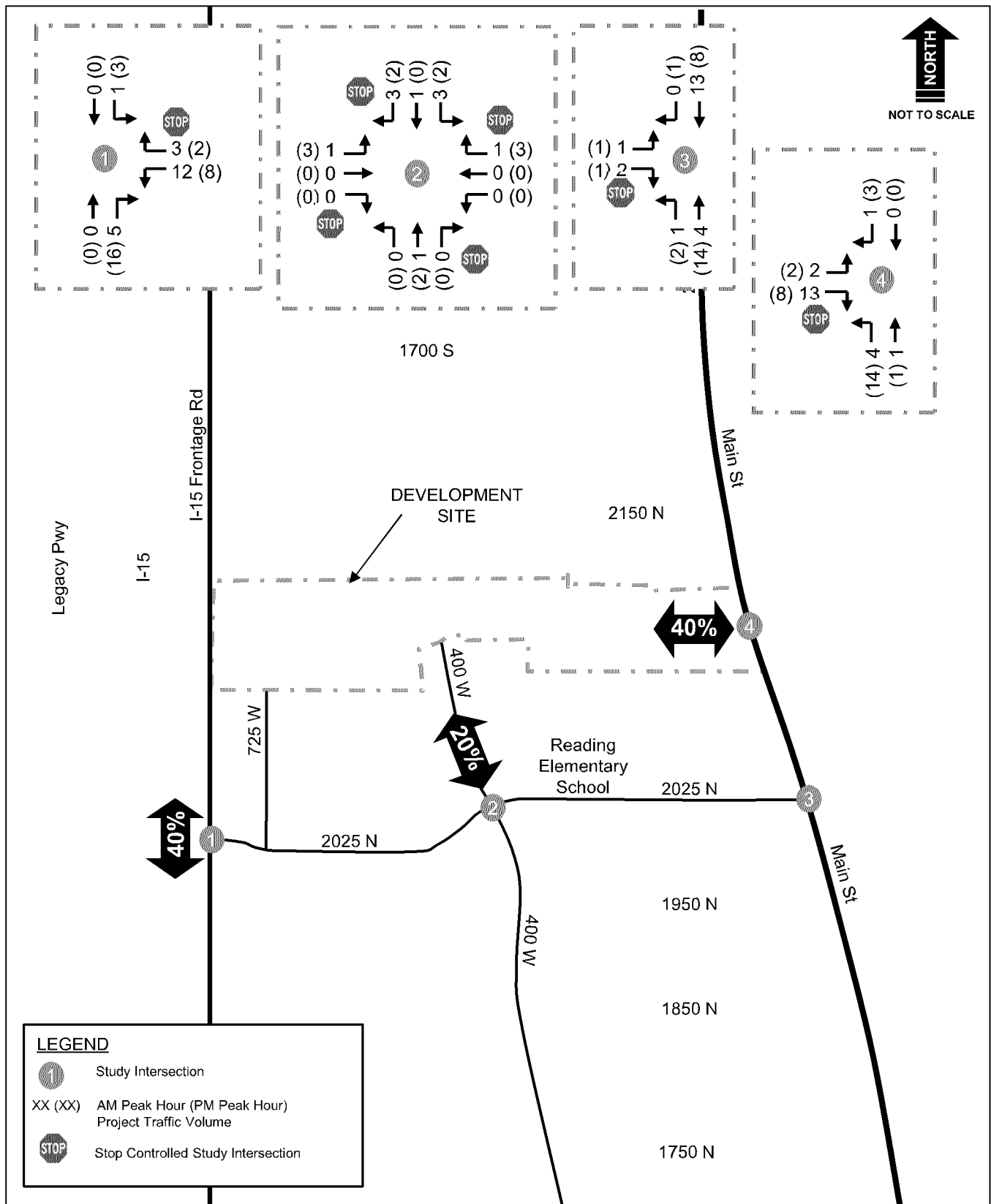


Figure 3
Trip Distribution and Weekday Peak Hour Project Trips

Leah Romero

From: Kevin Campbell <Kevin.Campbell@esieng.com>
Sent: Tuesday, December 10, 2019 11:02 AM
To: Cory Snyder; Zan Robison; Randy Randall
Cc: Brant Hanson; Leah Romero; Lisa Romney
Subject: RE: Traffic Study for the Devore Property

Hi Cory,

My general response would be that the north to south arterials (Main Street & Frontage Rd) and collector (400 West) are master planned to handle this new development and will handle the added traffic.

This development will add traffic to the 400 West / Parrish Lane, Market Place / Parrish Lane Intersections and Main Street / Parrish Lane Intersections.

The 400 West and Market Place intersections improvements at Parrish Lane are currently funded through the WFRC – CMAQ program for a couple of years from now. These intersections will fail with or without this Development. The new intersection improvements will handle the added traffic from this proposed development.

The Main Street / Parrish Lane Intersection will handle traffic for the proposed development.

Let me know of any questions or if additional information is needed from me at this time.

Kevin

Kevin Campbell, P.E.
Centerville City Engineer

Kevin Campbell, P.E.
ESI Engineering, Inc
3500 S. Main St.
SLC, Ut 84115
801.263.1752

This email may contain confidential or privileged information. If you believe you have received it in error, please notify the sender immediately and delete this message without copying or disclosing it.

From: Cory Snyder <csnyder@centervilleut.com>
Sent: Monday, December 09, 2019 2:22 PM
To: Kevin Campbell <Kevin.Campbell@esieng.com>; Zan Robison <zrobison@centervilleut.com>; Randy Randall <rrandall@centervilleut.com>
Cc: Brant Hanson <bhanson@centervilleut.com>; Leah Romero <lromero@centervilleut.com>
Subject: FW: Traffic Study for the Devore Property

Leah Romero

From: Zan Robison
Sent: Tuesday, December 10, 2019 6:26 PM
To: Cory Snyder; Kevin Campbell; Randy Randall
Cc: Brant Hanson; Leah Romero
Subject: RE: Traffic Study for the Devore Property

I will plan on attending the City Council meeting next Tuesday evening as Chief is out of the area. Our concerns with the increased foot and vehicle traffic has to do with the intersection at 400 W 2025 N. With increased vehicle traffic and foot traffic in the area we anticipate the need for new crossing guards for the children to safely cross. We would like to see if it would be possible to put a walkway near the north side of Reading Elementary from the new development area that children from the new developed area could avoid the intersection of 2025 N 400 W. Basically a designed walkway with a sidewalk that takes them from their neighborhood directly to school the back way. There is a similar walkway to Stewart Elementary that is at 1250 N 225 W. that leads from a neighborhood to the back property area of the school. It would be neat to have something like that in the case of Reading Elementary.

Respectfully,

Zan

From: Cory Snyder <csnyder@centervilleut.com>
Sent: Monday, December 9, 2019 2:22 PM
To: Kevin Campbell <kevin.campbell@esieng.com>; Zan Robison <zrobison@centervilleut.com>; Randy Randall <rrandall@centervilleut.com>
Cc: Brant Hanson <bhanson@centervilleut.com>; Leah Romero <lromero@centervilleut.com>
Subject: FW: Traffic Study for the Devore Property

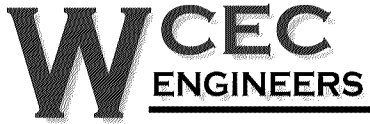
Kevin & Zane,

The City Council desires a response from the City Engineer and Police Chief regarding the above attachment. You can send a response in writing or attend the Council meeting of 12/17 OR both. Please send any written comments, by Thursday/Friday to Leah- City Recorder for inclusion in the posted packet or by Tuesday next week for distribution at the Council meeting.

Thanks,

CMS

From: Russell Wilson <rwilson@symphonyhomes.com>
Sent: Monday, December 09, 2019 1:57 PM
To: Cory Snyder <csnyder@centervilleut.com>
Cc: Brant Hanson <bhanson@centervilleut.com>; Zan Robison <zrobison@centervilleut.com>; Kevin Campbell <kevin.campbell@esieng.com>; Bruce Robinson <brobison@symphonyhomes.com>; Rob Miller



9980 SOUTH 300 WEST STE. #200
SANDY, UT 84070
PHONE: 801-456-3847
FAX: 801-618-4157

TECHNICAL MEMORANDUM

DATE: 10/15/2020
TO: Russel Wilson, Symphony Homes
FROM: Tim Taylor, PE, PTOE
RE: **Symphony Homes Centerville Frontage Road Connection Assessment**

INTRODUCTION

This memorandum provides supplemental information to our January 19, 2020 Symphony Homes Centerville Traffic Impact Study.

The purpose of the memorandum is to discuss the impacts of a direct connection to the Frontage Road related to the proposed Symphony Homes Summerhill Lane development. Outside opinions have been expressed that a more direct connection from the proposed development to the Frontage Road may be necessary to decrease the amount of traffic that would be directed through existing neighborhoods to the south.

BACKGROUND

Looking at the overall area within the 1.1 mile segment of Main Street (SR-106) between 1340 South in Farmington and Jennings Lane in Centerville, there are currently eight east/west roads that connect directly between Main Street (SR-106) and the Frontage Road. That represents an average of one road every 850 feet. These roads include:

- 1340 South (Farmington)
- 1470 South/Kambouns Lane (Farmington)
- 1600 South (Farmington)
- 1700 South/Lund Lane (Farmington/Centerville)
- 2025 North (Centerville)
- 1950 North (Centerville)
- 1850 North/Valley Drive (Centerville)
- Jennings Lane (Centerville)

A future connection at 2150 North would reduce that spacing to 750 feet.

In either case, the current connectivity and roadway capacity far exceeds the demand required to accommodate east/west traffic between these two north/south facilities. Motorists are provided multiple routes to choose from and no one street has to bear a

disproportionate share of the traffic volume. No additional east/west connections are necessary.

FRONTAGE ROAD CONNECTION

Access to the proposed 66 single family residential units is currently planned via an east/west road that connects to Main Street at approximately 2135 North. This road continues west with a full intersection at 400 West and a “T” intersection at 725 West (See **Figure 1**).

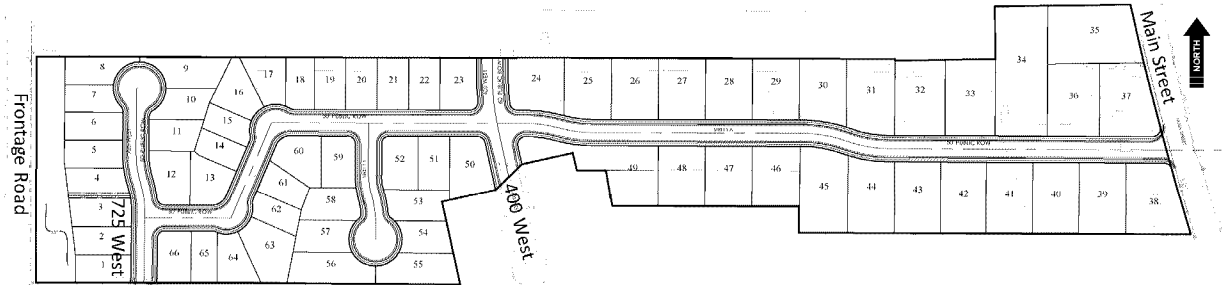


Figure 1: Proposed Development Site Plan

The traffic generated by the proposed 66 single family units will add only a minor number of vehicle trips to the existing roads south of the proposed development (400 West, 725 West, and 2025 North).

The existing section of 400 West south of the proposed development will experience an increase of only 10 vehicles during the morning peak hour and 12 vehicles during the afternoon peak hour.

The existing section of 725 West south of the proposed development will experience an increase of only 17 vehicles during the morning peak hour and 24 vehicles during the afternoon peak hour.

The existing 2025 North/Frontage Road intersection will see an increase of only 21 vehicles during the morning peak hour and 28 vehicles during the afternoon peak hour.

These traffic volume increases are easily accommodated by these roads and were shown to have only a slight impact on operational performance.

A connection of the proposed development road to the Frontage Road would likely result in only a minor change in travel patterns compared to the current configuration. It would shift a portion of project related trips that will use 725 West, 400 West, and the 2025 North/Frontage Road intersection north to the direct access location.

A direct connection would likely NOT increase cut-through traffic traveling between the Frontage Road and Main Street or to/from Reading Elementary School due to the

“bend” in the development road between 725 West and 400 West and the availability of alternate east/west routes north and south of the development.

In addition, a future connection between the Frontage Road and Main Street at 2150 North, immediately north of the proposed development, would be a more natural connection given its continuity with Old Hall Road and connectivity with 400 West. This future connection would further eliminate the need for a direct connection of the proposed development road.

FINDINGS

Based on our assessment of the existing and future street network/connectivity, proposed development roadway layout, existing and projected traffic volumes, and existing and future travel patterns, we see no need for a direct connection of the proposed development road to the Frontage Road.

On the other hand, apart from the loss of developable lots, we see no significant traffic impacts that would result from the proposed development road having a direct connection to the Frontage Road.

MEMORANDUM

TO: CENTERVILLE CITY
FROM: ANDERSON CALL & WILKINSON, P.C.
RE: ACCESS ISSUES AFFECTING THE PACKER PROPERTY

The claims of Spencer Packer to access rights across the Symphony Homes Property are without genuine legal or factual support. This Memorandum discusses the legal and factual defects of the Packer access claims. But because Symphony Homes wants to be a good neighbor, it also proposes an access solution to provide Packer with reasonable access to his property.

EXECUTIVE SUMMARY

Spencer Packer claims that he has access rights across the Symphony Homes Property at a specific location just south of the Packer Property, as shown on Exhibit A, hereto. Mr. Packer claims he has a deeded right of way to this access, or in the alternative, that he has a prescriptive easement along that access route. As a matter of law, he has neither.

The claimed deeded right of way is a recent invention based on a purported “Quit Claim Deed” Packer recorded on April 28, 2020. But that claim fails because the purported Quit Claim Deed does not conform with the requirements of the Utah Code; it purports to affirmatively *convey* property from the Rigby’s which were sold nearly fifty years before; and it was not recorded until Symphony Homes had already recorded the Warranty Deed to its Property from the DeVores, taking priority over subsequently recorded inconsistent property interests. That warranty deed conveyed and warranted the property to Symphony Homes, without any easements or liens for access by Packer or anyone else. As detailed in Point I below, Packer’s claims are legally without merit.

In the alternative, Packer claims a prescriptive easement providing access to the Packer Property. That is also legally and factually inaccurate, as detailed in Point II below. There is no prescriptive easement over the Symphony Homes Property because Packer was *permitted* to use the access by the DeVores, the prior owners thereof. A prescriptive easement cannot be created by permitted use, but only by 20 consecutive years of adverse (unpermitted) use. Neither has Packer, or anyone else, adversely used that access for 20 consecutive years.

But even if Packer had a prescriptive easement, which is not true, a prescriptive use is restricted by several common law limitations that are debilitating to the Packer claims. For example, a prescriptive easement is limited to the historic use. Consequently, the occasional use by Packer of access to a storage barn on one side of his property cannot be unilaterally converted by Packer to provide developable access or even residential access to his property without another 20 years of adverse use of the expanded access purposes.

Even though Packer does not have a legal right of way or prescriptive easement, Symphony Homes desires to be a good neighbor. Consequently, Symphony Homes and Christopher Cutler are willing to grant Packer reasonable access to his property from 400 West and over the Cutler Property.

I. PACKER DOES NOT HAVE A DEEDED ACCESS RIGHT OF WAY

Packer's claim that he has a deeded access right of way to his property is inaccurate and without any genuine legal or factual support. The true facts are set forth below:

1. Symphony Homes owns fee title to the property described in the warranty deed attached hereto as Exhibit B (the "Symphony Property"), which was recorded March 25, 2020. That deed is not subject to any access rights of way for any other person or entity.
2. Helen and William Rigby owned a property just north of the Symphony Property (the "North Property") and conveyed such property by warranty deed to Royce P. Ostergaard and Norma J. Ostergaard, on or about March 11, 1972, without conveying any interests in or to the Symphony Property, or any portion thereof, including any easements or rights of way across the Symphony Property.
3. On or about February 11, 2015 the Ostergaards conveyed by warranty deed the North Property to Spencer Packer and Pamela Packer, husband and wife. The Ostergaards did not convey any access rights or interests in or to the Symphony Property.
4. By warranty deed recorded March 26, 2020 the Devore family, the fee title owner of the Symphony Property conveyed by warranty deed to Symphony Homes all rights, title and interests in and to the Symphony Property, and such conveyance was not subject to any easements or rights of way in favor of the Packers, or others.
5. As a result of this clear record of title, Symphony Homes acquired fee title to the Symphony Property by warranty deed and all right title and interest therein, and no easements or access rights across that property existed in favor of the Packers.
6. On April 28, 2020, Spencer Packer reportedly caused to be recorded with the Davis County Recorder's Office a purported quit claim deed, attached as Exhibit C, from the Rigby's conveying the North Property, and an interest in the Symphony Property, to Spencer Packer and Pamela Packer, as husband and wife, nearly 50 years after the Rigby's sold their property to Ostergaards, and even after the death of Mr. Rigby.

Based on these facts, the purported quit claim deed is invalid for several reasons. The purported Quit Claim deed does not "quit claim" to the Packers the interests, if any, of the Rigby's. Instead, contrary to the statutory requirements of a quit claim deed, it affirmatively "CONVEY[S] ...the following described tract of land in Davis County" to the Packer's described on an exhibit to that deed. Further, the purported deed of conveyance was prepared, executed and recorded **forty-eight (48) years after** the Rigby's sold and conveyed by warranty deed to the Ostergaards their right title and interest in and to the North Property. So, the legally improper Quit Claim deed purportedly *conveys* interests that Rigby's did not own at the time of the conveyance, and which they had not owned for decades. The deed was also signed and conveyed *after* the death of Mr. Rigby.

In addition, the purported quit claim deed is of no legal effect as to Symphony Homes because it was signed and recorded *after* the Exhibit B warranty deed to Symphony Homes was recorded, conveying all right title and interest in and to the Symphony Property. Because the purported interests of the Packers were not of record before the Symphony Warranty Deed was recorded,

that warranty deed has priority over any purported interests asserted by that belated, improper quit claim deed.

Moreover, two title companies have analyzed these title issues, and both have independently concluded Packer has no legal access or right of way across the Symphony Homes Property.

II. PACKER DOES NOT HAVE A PRESCRIPTIVE EASEMENT

Neither does Packer have a prescriptive easement over the Symphony Homes Property. The Utah Property Rights Ombudsman has set forth the following requirements of a prescriptive easement based on Utah case law.

A **prescriptive easement** is created when a person uses another person's property (even though the use was not expressly agreed to) for a prolonged period. Prescriptive easements recognize long-standing usage, especially if the use was relied upon for the enjoyment of property. To establish a prescriptive easement, the use must be:

- (1) Open, or used in such a way that the general public would be aware that the property is being used.
- (2) Notorious, or used in such a way that the general public would be aware that the property is being used.
- (3) Adverse to the owner's interest, or without permission or approval from the property owner.
- (4) Continuously used for at least 20 years.

Utah Courts have determined that if a claimed use of a prescriptive easement was permissive the prescriptive easement is *not* valid. In the case of *Van Denburgh v. Sweeny Land Co.*, 2013 UT App 265, ¶ 13, 315 P.3d 1058, the Utah Court of Appeals concluded the plaintiff's claimed prescriptive easement was invalid because it was permissive. The Court stated: "[The] use of the Path was permissive, thereby disposing of Van Denburgh's claim to a prescriptive easement."

The Packer's claim of a prescriptive easement fails for the same reason. It does not satisfy the elemental requirements because the claimed prescriptive easement across the DeVore property, which is now owned by Symphony Homes, was used with the permission of the DeVore's. *See* the DeVore letter attached hereto as Exhibit D. Moreover, under the doctrine of "neighborly accommodation," even passive (implied) permission defeats a prescriptive easement. *See e.g. Roediger v. Cullen*, 175 P.2d 669 (Wash. 1946). The Utah Court of Appeals has held that access use cannot be adverse for purposes of a prescriptive easement when it rests upon a neighborly accommodation. *Green v. Stansfield*, 886 P.2d 117 (UT App. 1994). A prescriptive easement is not favored in the law. *Elder v. Northwest Timber Co.*, 613 P.2d (Id. 369); *Shumate v. Robinson*, 627 P.2d 1295 (Or. App. 1981).

III. A PRESCRIPTIVE EASEMENT IS LIMITED TO THE HISTORIC USE

No prescriptive easement exists. But even if it is assumed for purposes of argument, it does not help Packer. The reason is that prescriptive easements are limited to the historic use, which cannot be changed, expanded or enlarged without another 20 years of prescriptive use. "It has long been the law of this jurisdiction, and elsewhere, that the extent of an easement acquired by

prescription is measured and limited by the use made during the prescriptive period.” *McBride v. McBride*, 581 P.2d 996, 997 (Utah 1978). Consequently, the claimed occasional prescriptive use of the access to the Packer storage building cannot be used for development access or residential access to the Packer property. Moreover, so long as reasonable access is provided, a prescriptive access route can be relocated by the owner of the servient estate, who retains ownership of the property. *M.P.M Builders, LLC v. Dwyer*, 442 Mass. 87 (2004) (adopting the Restatement of (Third) of Property (Servitudes) (2000), § 4.8(3); *Soderberg v. Weisel*, 687 A.2d 839 (Pa. Super. 1997).

SOLUTION: CREATION OF AN ACCESS EASEMENT FOR PACKER

While Packer has no legal access to his property across the Symphony Homes property, Symphony Homes desires to be a good neighbor. Upon approval and recording of its Summerhill Lane Subdivision, it will permit Packer reasonable access to the Packer property along the subdivision’s 400 West Street, and Christopher Cutler will permit access across his property from the 400 West terminus to the Packer property. Consequently, Packer will have reasonable access to the Packer property. That is a fair resolution, providing access to the Packer property.

[illegible]

LEGEND

[illegible]

SOUTHWEST CORNER OF
SECTION 31, T4N, R1E, SLB&M
CALCULATED PER WITNESS CORNER

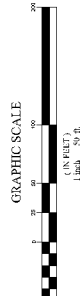
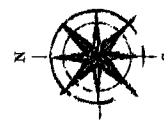
36.31
1 1 6

N29°38'00"E
62.64'

WITNESS CORNER TO
SOUTHWEST CORNER OF
SECTION 31, T4N, R1E, SLB&M
FOUND IN CONCRETE RAISE

CALCULATED: S89°25'27"W 2,647.13
(DUE S: S86° 24'30"W 2,646.24)

SOUTH 1/4 CORNER OF
SECTION 31, T4N, R1E, SLB&M
ALCULATED PER WITNESS CORNER



DAVIS COUNTY PAROLE, No.

2 OF 3

ALTA/NPS LAND TITLE SURVEY
LOCATION: SW 1/4 OF SECTION 31, T4N, R1E, S16&M
CENTREVILLE CITY, DAVIS COUNTY, UTAH
PROPERTY OF: AS SHOWN HEREON
PREPARED FOR: SYMPOHY DEVELOPMENT CORP

PROPERTY OF: AS SHOWN HEREON

FOCUS
ENGINEERING AND SURVEYING, LLC
6999 SCOTTHILL DRIVE SUITE 200
MINNEAPOLIS, LT 55424 PH: (800) 352-0075



7	00000000000000000000	00000000000000000000	
6	00000000000000000000	00000000000000000000	
5	00000000000000000000	00000000000000000000	
4	00000000000000000000	00000000000000000000	
3	00000000000000000000	00000000000000000000	
2	00000000000000000000	00000000000000000000	
1	00000000000000000000	00000000000000000000	
0	DATE	DESCRIPTION	

EXHIBIT B

D25776

AFTER RECORDING RETURN
AND MAIL TAX NOTICES TO:
SYMPHONY DEVELOPMENT CORP AND/OR ASSIGNS
111 S. Frontage Rd.
Centerville, UT 84014

E 3237273 B 7478 P 1033-1035
RICHARD T. MAUGHAN
DAVIS COUNTY, UTAH RECORDER
3/26/2020 2:32:00 PM
FEE \$40.00 Pgs: 3
DEP eCASH REC'D FOR ASPEN TITLE INSURANCE

WARRANTY DEED

**DEAN A. DEVORE, JACK DEVORE, W. STEVE MEYER Successor Trustees of the MABEL
DEVORE FAMILY TRUST dated AUGUST 31, 1999** Grantor,

of Centerville, County of Davis, State of UT
hereby CONVEY and WARRANTY to

SYMPHONY DEVELOPMENT CORP., a Utah Corporation Grantee,

of Centerville, County of Davis, State of UT,

for the sum of TEN DOLLARS AND NO/100 and other good and valuable consideration, the
following tract of land in the County of DAVIS, State of UT, to-wit

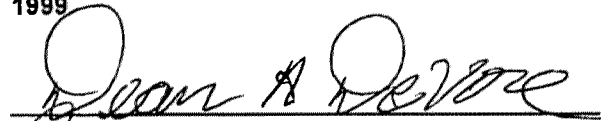
See Attached Exhibit "A"

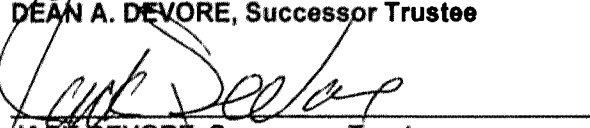
07-072-0175

PER THE PROVISIONS OF THE TRUST THOSE BEING PAGE 18 PARAGRAPH D AND
SCHEDULE T APPOINT DEAN A. DEVORE, JACK DEVORE, W. STEVE MEYER
SUCCESSOR TRUSTEE UPON THE DEATH OF MABEL MATHILDA DEVORE AS SHOWN IN
THE DEATH CERTIFICATE NO. 2019006137 FILED IN THE STATE OF UTAH

WITNESS the hand of said grantor, this 25 day of March, 2020

**MABEL DEVORE FAMILY TRUST AUGUST 31,
1999**


DEAN A. DEVORE, Successor Trustee


JACK DEVORE, Successor Trustee

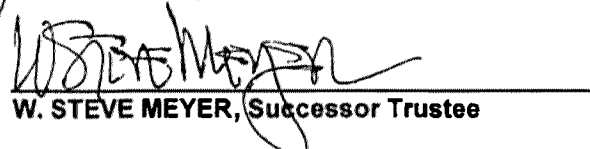

W. STEVE MEYER, Successor Trustee

EXHIBIT "A"

BEGINNING AT A POINT SOUTH 519.5 FEET AND 122.4 FEET WEST FROM NORTHEAST CORNER SOUTHWEST 1/4 OF SECTION 31, TOWNSHIP 3 NORTH, RANGE 1 EAST; SALT LAKE MERIDIAN; THENCE SOUTH 14°41' EAST 321.64 FEET ALONG WEST LANE OF STREET HIGHWAY TO NORTHEAST CORNER OF PROPERTY CONVEYED IN 587-769; THENCE SOUTH 89°05'50" WEST 747.97 FEET; THENCE NORTH 1°35' EAST 309.6 FEET; THENCE NORTH 89°52' WEST 776.58 FEET TO BOUNDARY LINE AGREEMENT 2002-1129, THENCE ALONG SAID LINE NORTH 89°45'05" WEST 267.62 FEET AND SOUTH 0°29'31" WEST 406.53 FEET; THENCE NORTH 89°38" WEST 425.02 FEET TO EAST LINE OF A FRONTAGE ROAD AS CONVEYED BY 401-679; THENCE NORTH 0°18' EAST 432 FEET, MORE OR LESS, ALONG SAID EAST LINE; THENCE SOUTH 89°47' EAST 1642.5 FEET; THENCE NORTH 157 FEET, THENCE EAST 152.5 FEET, THENCE SOUTH 66 FEET, THENCE EAST 37.3 FEET; THENCE SOUTH 111 FEET; THENCE EAST 296 FEET TO POINT OF BEGINNING.

LESS AND EXCEPTING :

PARCEL 1

A PARCEL OF LAND IN THE SOUTHWEST QUARTER OF SECTION 31, TOWNSHIP 3 NORTH, RANGE 1 EAST, SALT LAKE BASE AND MERIDIAN, DAVIS COUNTY, UTAH MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE SOUTH LINE OF THAT CERTAIN PROPERTY DESCRIBED IN ENTRY 1347577, BOOK 2176, IN PAGES 916 AND 917, SAID POINT ALSO BEING THE NORTHWEST CORNER OF THAT CERTAIN PROPERTY AS DESCRIBED IN ENTRY NO. 1528608, BOOK 2525, PAGE 724, AS ROTATE TO AND PARALLEL WITH THE EAST/WEST QUARTER SECTION LINE BEARING SOUTH 89°13'20" EAST (BASIS OF BEARING) BETWEEN FOUND DAVIS COUNTY MONUMENTS AT THE CENTER QUARTER AND WEST QUARTER CORNERS OF SAID SECTION 31, SAID POINT ALSO BEING SOUTH 1°04'10" EAST 408.50 FEET AND SOUTH 89°13'20" WEST 408.38 FEET FROM SAID DAVIS COUNTY MONUMENT AT THE CENTER OF SAID SECTION 31; THENCE SOUTH 0°46'40" EAST (DEED=SOUTH) 91.04 FEET ALONG THE WEST LINE OF PROPERTY DESCRIBED IN SAID ENTRY NO. 1528608, BOOK 2525, PAGE 724; THENCE SOUTH 89°13'20" WEST 192.08 FEET; THENCE NORTH 91.05 FEET; THENCE SOUTH 89°13'20" WEST 3.13 FEET; THENCE ALONG THE SOUTHERLY BOUNDARY LINE AS DESCRIBED IN SAID ENTRY 1347577, BOOK 2176, IN PAGES 916 AND 917, THE FOLLOWING FOUR COURSES, NORTH 66.00 FEET, NORTH 89°13'20" EAST 156.8 FEET, SOUTH 66.00 FEET AND NORTH 89°13'20" EAST 37.18 FEET TO THE POINT OF BEGINNING.

PARCEL 2

BEGINNING AT THE SOUTHEAST CORNER OF THAT PARCEL CONVEYED AS ENTRY #2321400, SAID POINT BEING SOUTH 9°46'45" EAST 373.91 FEET FROM THE CENTERVILLE MONUMENT SHOWN IN FRONT OF LOT 401, CUTLER SUBDIVISION, PHASE 4, SAID POINT ALSO BEING SOUTH 89°13'20" WEST 21.25 FEET AND SOUTH 0°46'40" EAST 91.40 FEET FROM THE SOUTHEAST CORNER OF SAID LOT 401, CUTLER SUBDIVISION, PHASE 4, LOCATED IN THE SOUTHWEST QUARTER OF SECTION 31, TOWNSHIP 3 NORTH, RANGE 1 EAST, SALT LAKE BASE AND MERIDIAN, DAVIS COUNTY, UTAH AND RUNNING THENCE SOUTH 0°46'40" EAST 9.50 FEET; THENCE SOUTH 89°13'20" WEST 192.21 FEET; THENCE NORTH 0°00'00" EAST 9.50 FEET TO THE SOUTH LINE OF THE BEFORE MENTIONED PARCEL; THENCE NORTH 89°13'20" EAST 192.08 FEET TO THE POINT OF BEGINNING.

D25776

AFTER RECORDING RETURN
AND MAIL TAX NOTICES TO:
SYMPHONY DEVELOPMENT CORP AND/OR ASSIGNS
111 S. Frontage Rd.
Centerville, UT 84014

This document has been recorded electronically. Please see the attached copy to view the County Recorder's stamp as it now appears in the public record.

Date: 3-26-2020 Entry: 3237273

Submitted by: Aspen Title Insurance Agency

WARRANTY DEED

DEAN A. DEVORE, JACK DEVORE, W. STEVE MEYER Successor Trustees of the MABEL DEVORE FAMILY TRUST dated AUGUST 31, 1999 Grantor,

of Centerville, County of Davis, State of UT
hereby CONVEY and WARRANTY to

SYMPHONY DEVELOPMENT CORP., a Utah Corporation

Grantee,

of Centerville, County of Davis, State of UT,

for the sum of TEN DOLLARS AND NO/100 and other good and valuable consideration, the following tract of land in the County of DAVIS, State of UT, to-wit

See Attached Exhibit "A"

07-072-0175

PER THE PROVISIONS OF THE TRUST THOSE BEING PAGE 18 PARAGRAPH D AND SCHEDULE T APPOINT DEAN A. DEVORE, JACK DEVORE, W. STEVE MEYER SUCCESSOR TRUSTEE UPON THE DEATH OF MABEL MATHILDA DEVORE AS SHOWN IN THE DEATH CERTIFICATE NO. 2019006137 FILED IN THE STATE OF UTAH

WITNESS the hand of said grantor, this 25 day of March, 2020

MABEL DEVORE FAMILY TRUST AUGUST 31, 1999

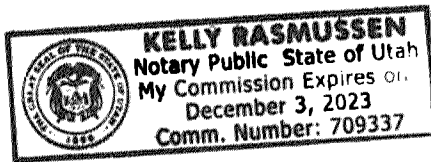

DEAN A. DEVORE, Successor Trustee

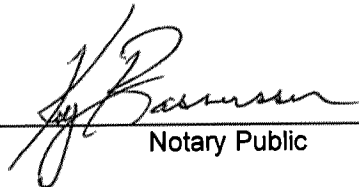

JACK DEVORE, Successor Trustee


W. STEVE MEYER, Successor Trustee

STATE OF UTAH)
 :SS
COUNTY OF DAVIS)

On the 25 day of March, 2020, personally appeared before me **DEAN A. DEVORE, JACK DEVORE, W. STEVE MEYER Successor Trustee of the MABEL DEVORE FAMILY TRUST dated AUGUST 31, 1999**, the signer(s) of the within instrument, who duly acknowledged to me that they executed the same.





Notary Public

EXHIBIT C

3246453

BK 7501 PG 1060

WHEN RECORDED MAIL TO:

Spencer Packer
581 Valley Drive
Centerville Utah
84014

RETURNED

APR 28 2020

E 3246453 B 7501 P 1060-1061
RICHARD T. MAUGHAN
DAVIS COUNTY, UTAH RECORDER
04/28/2020 11:08 AM
FEE \$40.00 Pgs: 2
DEF RT REC'D FOR SPENCER PACKER

09-072-0031

QUIT CLAIM DEED

HELEN S. RIGBY wife and heir of WILLIAM B. RIGBY deceased, and DEBRA PAULINE RIGBY
Executor of the Estate of SEYMOUR RIGBY and PATRICIA A. RIGBY husband and wife
deceased, grantor,
hereby CONVEY to
SPENCER PACKER and PAMELA PACKER husband and wife as joint tenants, grantee
for the sum of TEN AND NO/100—Dollars, and other good and valuable considerations the
following described tract of land in Davis County, State of Utah, to-wit:

See Attached Exhibit "A"

WITNESS the hand of said grantors, this 28 day of April, 2020.

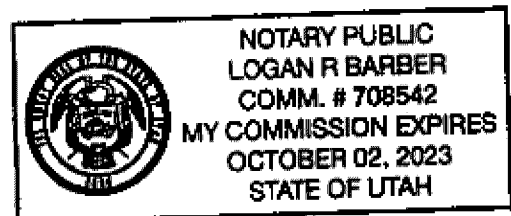
Helen S. Rigby
Helen S. Rigby

Debra Pauline Rigby
Debra Pauline Rigby

STATE of Utah
COUNTY of Davis

On the 28 day of April, 2020, personally appeared before me Helen S. Rigby wife and heir
of William B. Rigby and Debra Pauline Rigby Executor of the Estate of Seymour Rigby and
Patricia A. Rigby, signers of the above instrument, who duly acknowledged to me they
executed the same.

Logan R Barber
Notary Public
My Commission Expires : Oct 02 2023



**Exhibit A
(Legal Description)**

Beginning at a point 408.5 feet South 612.5 feet West of the Northeast Corner of the Southwest Quarter of Section 31, Township 3 North, Range 1 East, Salt Lake Meridian, and running thence West 671.76 feet, more or less; along a line 408.5 feet South of the North line of said Southwest Quarter to the East line of the Old Bamberger Railroad Right of Way 66.5 feet wide; thence South 12° 42' East 94.52 feet, more or less, along said right of way to the North line of a private right of way; thence Easterly along said right of way to a point 91.0 feet due South of the point of beginning; thence North 91.0 feet to the point of beginning.

Together with a perpetual right of way for general purposes over and through a certain lane running West from Davis County Highway No. 1, to and bounding said tract of land on the South, and also such right to convey water to said land for irrigation purposes through and along said lane by ditch or other means as is now appurtenant to said premises.

Said Right of way conveyed to Rigby's by deed E#256235 & E#280163.

Right of way more fully described as:

Right of way

Beginning at a point on the North line of a 2 Rod Right of Way known as Drake lane which is given as South 24 Rods and 12 ½ feet and West 77 Rods and 14 feet to the easterly line of the old Bamberger Right of Way and Southeasterly 5 rods and 10 feet along the Easterly line of Said Bamberger Right of Way from the Northeast Corner of the Southwest quarter of section 31, Township 3 North, Range 1 East, Salt Lake Meridian; and Running thence East to the West line of the state Highway formerly known as County Highway Number 1, Thence S 14 ° 20' E 34.06 feet along the Westerly line of said state Highway 1, Thence West to the Easterly line of the old Bamberger Railroad Right of Way, Thence N12 degrees 42' W 33.83 feet along the Easterly line of said Bamberger Right of Way to the Point of Beginning.

EXHIBIT D

March 20, 2020

Regarding the Mabel DeVore property located at 2141 North Main St, Centerville Utah. The property is about 10 acres that extends from Main Street West to the frontage road.

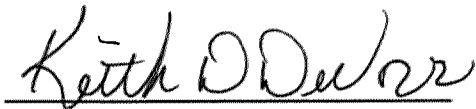
Over the past 20 plus years the DeVore family has given permission to several people including, Royce Ostergaard, Larry Farris and Spencer Packer, permission to cross their property located at 2141 North Main, Centerville Utah. Permission was granted thru multiple conversations over the years by various members of the existing family including their deceased Mother and Father. Permission was granted as long as people were respectful of the DeVore property. In addition to access to the Royce Ostergaard property, Earnest Edward DeVore and James Stark gave permission to Royce Ostergaard for a temporary buried powerline to cross the DeVore property to give power to a barn and well on the Royce Ostergaard property.



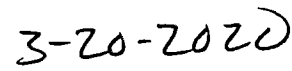
Dean DeVore



Date



Keith DeVore



Date

TO: Centerville City
FROM: Spencer Packer
RE: ACCESS ISSUES AFFECTING THE PACKER PROPERTY

Dear Chairman Hayman and members of the Planning Commission,

Symphony Homes have provided you a lengthy memorandum concerning my access rights to my property. In that memorandum they are inaccurate with their facts and inaccurate with the conclusions.

Rather than go point by point disputing the all of the inaccuracies. I will list pertinent facts that are compelling.

1. I claim a prescriptive right of way.

Regarding supposed Devore family permission letter granting me access. This statement is untrue. I personally have never spoken to any of the Devore family members or received permission written or verbal about access. The letter signed by the Devore family members that states otherwise is inaccurate. I have also attached letters from Mr. Ostergaard and Mr. Farris both attesting that they to never received permission to access claimed in the Devore letter. There was never any reason to seek or receive permission by Farris or Ostergaard because it is a deeded right attached to each parcel of ground serviced by the right of way. I have used the road right of way for over 25 years, routinely, consistently, regularly and without permission. The occasional use suggested by Syphony Homes is simply false and misleading.

2. Deeded right of way

The deeded right of way attached to the Packer property runs with that land. It is appurtenant. I understand that this is black letter law. There was an error in the deed caused by a scrivener's error. And that error been corrected through a quit claim deed. It does not affect the validity of the right of way. This easement over the Devore ground is shown as an exception on the Devores original purchase deed. Known as "Drake lane". See attached deed copy dated 1972. The right of way "Drake Lane" is for the use of the land. It does not disappear, it must have a positive action taken to eliminate the access, by deed, abandonment, or eminent domain. None of which happened. This is a valuable property right that would NOT simply disappear. Especially in the light of continued consistent use. Packer property will be landlocked with out this right of way.

3. Unfair access solution

Symphony Homes has proposed what they call a "fair" solution. They are being disingenuous when they state this solution. They propose to grant access from 400 West through the Cutler property. That access is a lease right granted to me by Cutler which I already have. It is not real or permanent, it is a granted access. Under this proposed solution I would still in fact be landlocked, and wholly deficient of the access that I currently have. It is not reasonable and certainly unfair.

Symphony Homes continues to strong arm me as to the right of way. They have removed approximate 500 lineal feet of paved driveway over the access. I strongly objected to this action and I was completely ignored. The removal of the pavement has damaged the right of way and reduced reasonable access and use my own property.

If the City Planning Commission approves the current preliminary plan proposed by Symphony Homes, they will condone Symphony Homes attempt to landlock my property and disadvantage my deeded and prescriptive access rights. The commission by granting Symphony Homes request would draw a legal conclusion that injures my property. I strongly oppose Symphony Homes attempt to take my access and land lock my property. I ask that this proposal that will injure me so significantly be tabled or rejected all together and not be allowed to proceed.

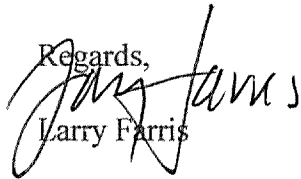
Thank you for your consideration,

A handwritten signature in black ink, appearing to read 'Spencer Packer', with a large, loopy flourish above the name.

Spencer Packer

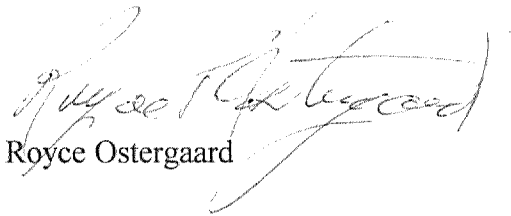
Spence,

I am writing this letter in reference to the Devore property right of way to access my horses and property I leased. I have been on the old Beazer property for almost 25 years. I began by leasing the old Christensen property that was located at the end of 400 W. When this property was developed I leased the old Beazer property located just north of Reading Elementary and eventually leased it from Symphony after they purchased it from Rex Beazer some years back. During these past many years I have accessed my leased property by either main street through the Devores property or from 400 west almost daily to feed and water my horses or take care of my chickens. During this time I do not recall receiving permission from the Beazers, Devores or Christensen's to use the lane, it was just assumed that it was the right of way to access my leased property.

Regards,
 9/22/2020
Larry Farris

September 22,2020

I Royce Ostergaard sold property to Spencer Packer. I have always had the understanding that I had a "Farm Access" to that property. The only conversation I remember having with a member of the Devore family about the road to my property was with Earnst Devore. This is when he didn't want me to run the electrical power overhead down the road but he wanted it underground and he helped me and we used his tractor. Earnest never gave me permission to drive on the road I just always used it as a farm access.



Royce Ostergaard

Recorded at request of Mabel Devore Fee Paid \$ 3.20
 Date SEP 20 1972 at 10:15 A.M. MARGUERITE S. BOURNE Recorder Davis County
 BY Lo Bell Manning Deputy Book 499 Page 477

370300

SPECIAL WARRANTY DEED SW 31-377-1 E

HUGH S. CANNON, an unmarried man, GRANTOR, of Mountlake Terrace, Washington, for and in consideration of the sum of Ten Dollars (\$10.00) and other good and valuable considerations, the receipt whereof is hereby acknowledged, does hereby GRANT, BARGAIN, SELL, CONVEY and CONFIRM unto ERNEST DEVORE and MABEL DEVORE, his wife, GRANTEES, of Centerville, Davis County, Utah, as joint tenants with full rights of survivorship, and not as tenants in common, the following described real property situate in Davis County, State of Utah, to-wit:

☐ Abstracted
☐ Indexed
☒ Entered
☐ Platted
☐ On Margin
☐ Compared

A part of the Southwest Quarter of Section 31, Township 3 North, Range 1 East, Salt Lake Base and Meridian, U. S. Survey: Beginning at a point 519.5 feet South and 122.4 feet West from the Northeast corner of said Southwest Quarter of said Section 31, and running thence South 14°41' East 427 feet along the West line of the State Highway; thence South 89°54' West 783.2 feet; thence North 1°35' East 409.6 feet; thence North 89°52' West 1044.2 feet; thence South 0°30' West 406.1 feet; thence North 89°38' West 418.4 feet more or less to the East line of a frontage road as conveyed by a warranty deed recorded in the office of the County Recorder of Davis County, Utah, in Book 401 of Official Records at page 679; thence North 0°18' East 432 feet, more or less, along said East line; thence South 89°47' East 1642.5 feet; thence North 157 feet; thence East 152.5 feet; thence South 66 feet; thence East 37.3 feet; thence South 111 feet; thence East 296 feet more or less to the point of beginning; subject to private easements and rights-of-way on and over Drake Lane and over a strip of land located immediately West of the course which runs North 111 feet from said Drake Lane for the purpose of gaining access to the property located adjacent to or in the vicinity of said land, and subject also to existing pole line easements and to the right-of-way of Bamberger Electric Railroad Company, and its successors, and to all other easements of record; and together with all water rights appurtenant to said property or used in connection therewith, and all of the Grantor's right, title, claim and interest in and to that certain underground water claim filed in the office of the Utah State Engineer under file No. 14374, and all of the right, title and interest of the seller in and to the water piped from a spring located in

1.

YOUNG - THATCHER & GLASMANN
 LAWYERS
 OGDEN, UTAH

3141 77 777777

the Northeast Quarter of Section 31, as described in that certain warranty deed by Hyrum Drake and wife to Ellen C. S. Cannon, recorded in Book 1G of Deeds at page 407 in the office of the County Recorder of Davis County, Utah, and together with any and all other appurtenances to said real property.

And the said Grantor, his heirs, executors and administrators, the said premises against the said Grantor and his heirs and against all and every person or persons whomsoever lawfully claiming or to claim the same by, through or under the said Grantor; shall and will warrant and by these presents forever defend.

DATED this 10th day of April, 1972.

Hugh S. Cannon
 HUGH S. CANNON, Grantor

STATE OF WASHINGTON)
 : SS
 COUNTY OF KING)

On this 10th day of April, 1972, personally appeared before me HUGH S. CANNON, the signer of the foregoing instrument, who duly acknowledged to me that he executed the same.

My Commission Expires:

5-25-72

W. Thatcher
 NOTARY PUBLIC
 Residing at Lathe, Washington



All,

I live just south of the Devore Property (Summerhill Lane development) I attended the last zoning meeting, and saw a few things that concern me, that I hope the city will be very thoughtful as they move forward with this development.

#1 – The developer has proposed 62 homes for this lot. 40 homes are planned for the land between 400 W and Frontage road. The proposal lists 5 foot setbacks, and are very close together on small lots. In the meeting it was mentioned that they are following the Woods Park development plan. This is not the neighborhood they should be mirroring. It is my understanding that exceptions were made for that specific development because of the difficulties that arose during the construction. The west portion of the Summerhill Lane development should mirror the Lexington park neighborhood that they connect with on 400 W and 700 W -- not Woods Park.

#2 – Please be very careful when reviewing the draining system. There is a LOT of standing water on this property, and with all of the new building, there is a huge concern for those of us that already live here. In the meeting, several comments were made that changes made to landscaping by neighbors is the biggest contributing factor to flooding in existing homes. Many believe that inadequate draining is also a factor. Adding 62 homes is a lot of new landscaping that could be really damaging to the existing homes.

#3 – No access to Frontage Road. I attended a City council meeting when Chief Childs expressed concern for the corner of 400 W & Reading Elementary as it stands today. To not have this development have access to Frontage road will exponentially increase the cars on 400 W. and 725 W. These will become major traffic areas near the elementary school. This is bad. We recently had an accident when a car hit a student that had to be life flighted to a hospital. This is very concerning to not have access to Frontage for all the non-school traffic. An opening to Frontage road is needed.

#4 – In general, I worry about the existing infrastructure Centerville has to support dense home building. I do not oppose new neighborhoods being built, but it needs to be good for the city. In Centerville, Main Street is the main North/South road. It is one lane in both directions. As development continues, traffic will be more and more congested. If there is an emergency, there is no other way for the city to evacuate. I worry that at some point, the city will come to the existing Main Street residents, and tell us that the city needs 15 feet of our front yard to make the street wider to accommodate all of the new dense home building. That doesn't seem fair to existing home owners. Adding this many dense houses, is not good for the city. 62 homes is too many on this property.

#5 School attendance levels. I know it is not the job of the city to monitor school enrollments, but currently, Reading Elementary has really big class sizes. If Centerville allows compact home building, the schools our children already attend will be even more crowded. This affects us, as current residents. Then, at some point, the School District will approach us as tax payers, for a tax referendum to build onto school buildings, or to buy portables, or to build new schools. So while this isn't a concern of the city, it is a side effect of compact housing and is a concern for existing residents.

Putting in a new neighborhood on this property will be a good thing for Centerville – but with 62 homes, we might be making a change for the worse, not a change for the better. Just 1 block north on Lund Lane, on the Farmington border, they are developing 10 acres, and putting in 21 homes. I am not saying

Symphony needs to copy that development; however, they also should not be mirroring the Woods Park dense housing development either. We can ask for a more reasonable design.

I don't know how many letters you will receive, but with the neighbors I've talked with, I am expressing views of at least 15 of my neighbors that are near to this property. The residents here love living in Centerville. A few of my neighbors are considering moving because of the high density homes proposed from 400 W. to Frontage road – with all the traffic being dumped on their currently quiet residential streets, and the crowding that will follow to the schools.

In my experience living here, and with many conversations over the years, the majority of residents do not like high density housing - whether it is single homes, duplexes or big apartments. Each community needs a variety of housing choices - but it is starting to happen more and more where open land is being filled with too many residences on too little space. My family, and many other residents chose to live here, and not in Woods Cross, or North Salt Lake because of nice community feel in Centerville. I hope Centerville can stay that way.

From: Janet Tolman <janetlee_72@yahoo.com>
Sent: Wednesday, September 23, 2020 10:43 AM
To: Mackenzie Wood; Leah Romero
Subject: Summerhill Lane Subdivision

Good Day,

I am writing today to again express my concerns about the new Summerhill Lane Subdivision. I am concerned with the access to the new subdivision. I live on 2075 North Circle. The development plans I saw from August show there is no access from the Frontage Road. I feel that this is where the main access should occur. With the current plan, 725 West and 400 West will experience a lot more in and out traffic flow. These roads are not big and even now when people are parked on the side of the road, there isn't room for two cars to pass each other. 2025 North is also a very busy road with the traffic from Reading Elementary. An access road from the Frontage Road makes so much more sense to help the flow of traffic for everyone involved: the current homeowners, the future Summerhill homeowners and the traffic to and from the school.

Thank you for your time,
Janet Tolman

**LEGAL DESCRIPTION
PREPARED FOR
SUMMERHILL LANE
CENTERVILLE CITY, DAVIS COUNTY, STATE OF UTAH**
(Revised: November 17, 2020)
19-0378

17.81 ACRE OVERALL DESCRIPTION

A tract of land situate in the Southwest Quarter of Section 31, Township 3 North, Range 1 East, Salt Lake Base & Meridian, comprised of six (6) parcels identified by Davis County Tax ID Numbers 07-072-0005, 07-072-0034, 07-072-0132, 07-072-0160, 07-072-0161 & 07-072-0175, located in Centerville City, Davis County, Utah, being more particularly described as follows:

Beginning at a point on the westerly right-of-way line of Main Street (SR-106) as established by UDOT Project No. S-0116(1), located S01°03'04"E 412.51 feet along the Section line and S88°56'56"W 147.88 feet from the Center 1/4 Corner of Section 31, T3N, R1E, SLB&M; thence southerly along said right-of-way line the following two (2) courses: (1) S12°38'06"E 12.55 feet; thence (2) along the arc of a non-tangent curve to the left having a radius of 5,762.65 feet (radius bears: N77°21'22"E) a distance of 437.49 feet through a central angle of 04°20'59" Chord: S14°49'07"E 437.39 feet; thence to and along the northerly line of that Real Property described by Special Warranty Deed recorded in the Office of the Davis County Recorder as Entry No. 2345813 in Book 4481 at Page 952, N89°45'38"W 750.06 feet to the easterly line of that Real Property identified by Davis County Tax ID No. 07-072-0165, the boundary of which was determined by Survey No. 5493 on file in the Office of the Davis County Surveyor; thence along said boundary N01°02'54"E 47.91 feet; thence N89°42'24"W 358.00 feet to the westerly line of said as-surveyed boundary; thence along said as-surveyed boundary the following two (2) courses: (1) N09°48'11"W 71.09 feet; thence (2) N89°42'24"W 55.68 feet to and along a northeasterly line of LEXINGTON PARK SUBDIVISION PHASE 4, according to the Official Plat thereof on file in the Office of the Davis County Recorder as Entry No. 1649844 in Book 2776 at Page 547; thence along said plat the following five (5) courses: (1) N12°28'19"W 34.03 feet; thence (2) S77°31'41"W 100.00 feet; thence (3) S45°52'13"W 70.49 feet; thence (4) S77°31'41"W 105.00 feet; thence (5) S12°28'16"E 161.93 feet to the northerly line of LEXINGTON PARK SUBDIVISION PHASE 3, according to the Official Plat thereof on file in the Office of the Davis County Recorder as Entry No. 1490619 in Book 2454 at Page 223; thence along said plat the following two (2) courses: (1) N89°32'27"W 392.27 feet; thence (2) N89°51'45"W 419.80 feet to the easterly right-of-way line of a Frontage Road (800 West) as established by UDOT Project No. I-15-7(19)315; thence along said right-of-way N00°13'11"E 432.00 feet to the south line of that Real Property identified by Davis County Tax ID No. 07-072-0028, the boundary of which was determined by Survey No. 6219 on file in the Office of the Davis County Surveyor; thence along said as-surveyed boundary S89°46'49"E 421.68 feet to a southwesterly corner of that Real Property described by Warranty Deed recorded in the Office of the Davis County Recorder as Entry No. 1347577 in Book 2176 at Page 915; thence along said deed the following two (2) courses: (1) S89°51'23"E 497.27 feet; thence (1) N12°59'38"W 1.00 feet to a point on the northerly line of that Real Property described by Warranty Deed recorded in the Office of the Davis County Recorder as Entry No. 1544114 in Book 2554 at Page 1169; thence along said deed S89°45'54"E 723.67 feet to a westerly line of CUTLER SUBDIVISION PHASE 5, according to the Official Plat thereof on file in the Office of the Davis County Recorder as Entry No. 2571788 in Book 5165 at Page 1697; thence along said plat the following four (4) courses: (1) S00°01'43"W 2.88 feet; thence (2) N89°14'56"E 192.21 feet; thence (3) N00°45'01"W 100.54 feet; thence (4) N89°15'01"E 21.25 feet; thence S89°36'24"E 239.38 feet to the point of beginning.

Contains: 17.81 acres+/-

**CENTERVILLE
CITY COUNCIL
Staff Backup Report
11/17/2020**

Item No. 2.

Short Title: Storm Drain Easement - Extreme Auto Service - 606 North 1000 West

Initiated By: Justin Manning, Applicant

Scheduled Time:

SUBJECT

Consider acceptance of Storm Drain Easement for Extreme Auto Service located on property owned by Jed R. Taylor at approximately 606 North 1000 West also known as Lot 6 of the H&H Commercial Subdivision

RECOMMENDATION

Accept Storm Drain Easement for Extreme Auto located on property owned by Jed R. Taylor at approximately 606 North 1000 West also known as Lot 6 of the H&H Commercial Subdivision.

BACKGROUND

On September 23, 2020, the Planning Commission approved the final site plan for Extreme Auto Service located at approximately 606 North 1000 West. The subject property is owned by Jed R. Taylor and Extreme Auto Service is leasing the property from Mr. Taylor. As a condition of Final Site Plan approval, the property owner is required to provide a Storm Drain Easement on the north part of the property in order to accommodate existing and proposed storm drain improvements in the area. The attached easement has been prepared for acceptance by the City Council.

ATTACHMENTS:

Description

- Storm Drain Easement - Jed R. Taylor

WHEN RECORDED, MAIL TO:

Centerville City
Attn: City Recorder
250 North Main
Centerville, Utah 84014

Affects Parcel No.: 06-009-0013

STORM DRAIN EASEMENT

For good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the undersigned Grantor, **JED R. TAYLOR**, hereby grants, conveys, and sets over unto **CENTERVILLE CITY**, a municipal corporation of the State of Utah, as Grantee, its successors, assigns, licensees, and franchisees (collectively referred to as Grantee), a perpetual right-of-way and easement to install, maintain, operate, repair, inspect, protect, remove, replace, and relocate storm drain pipelines and related facilities, hereinafter called the "Facilities," said right-of-way and easement being situated in Davis County, State of Utah, over and through a parcel of Grantors' land, which easement is more particularly described in **Exhibit A**, attached hereto and incorporated herein by reference.

To have and to hold the same unto said Grantee, perpetually, with right of ingress and egress in said Grantee, its officers, employees, agents, contractors and assigns, to enter upon the above described property with such equipment as is necessary to install, maintain, operate, repair, inspect, remove, replace, and relocate said Facilities. During construction periods, Grantee and its contractors may use such portions of the property along and adjacent to said right-of-way and easement as may be reasonably necessary in connection with the construction or repair of the Facilities. The contractor performing the work shall restore all property, through which the work traverses to as near its original condition as is reasonably possible. Grantor shall have the right to use said premises except for the purpose for which the right-of-way and easement is granted to the Grantee, provided such use shall not interfere with the Facilities, or with Grantee's use thereof, or any other rights provided to the Grantee hereunder.

Grantor shall not build or construct, or permit to be built or constructed, any building or other improvement over or across said right-of-way and easement, nor change the contour thereof, without the written consent of Grantee. Pursuant to Utah law, if the property owner places buildings or improvements to land that interfere with the easement rights granted herein, the property owner shall bear the risk of loss or damage to those improvements resulting from the exercise of the easement rights granted herein.

This right-of-way and easement grant shall run with the land and shall be binding upon and inure to the benefit of the Grantors and Grantee and their respective heirs, representatives, successors and assigns.

IN WITNESS WHEREOF, the Grantors have executed this right-of-way and easement this _____ day of _____, 2020.

"GRANTOR"

Jed R. Taylor

Accepted for Recordation by Centerville City:

City Recorder

Date

JED R. TAYLOR ACKNOWLEDGMENT

STATE OF UTAH)
 :SS
COUNTY OF _____)

On the _____ day of _____, 2020, personally appeared before me **Jed R. Taylor**, who being by me duly sworn, did say that he is the legal property owner of record of the property subject to this easement, and that the foregoing instrument was duly signed.

Notary Public

My Commission Expires:

Residing at:

Exhibit A

Legal Description of Storm Drain Easement

Drainage Easement - Lot 6, H & H Commercial Park Subdivision

A 15.00-foot wide drainage easement in favor of Centerville City Corp., being part of an entire tract of land situate in Lot 6 of the H&H Commercial Park subdivision as recorded in the Davis County Recorder's Office as Entry No. 491634, the boundaries of said part of an entire tract are described as follows:

Beginning at the northwest corner of said Lot 6 of H&H Commercial Park subdivision; and running thence N.89°50'48"E. 294.69 feet along the north boundary line to the northeast corner of said Lot; thence S.0°16'08"W. 15.00 feet along the east line of said Lot; thence parallel with said north boundary line S.89°50'48"W. 294.65 feet to the west boundary line of said lot; thence N.0°06'26"E. 15.00 feet along said west boundary line to the point of beginning. The above described part of an entire tract contains 0.10 acres.



Lot 5

POB NW Cor. Lot 6

n89°50'48"e
294.69

294.65
s89°50'48"w

Lot 6

H&H Commercial Subdivision

15' Drainage Easement Lot 6

11/12/2020

Scale: 1 inch= 38 feet

File: 15ft Easement exhibit.ndp

Tract 1: 0.1015 Acres (4420 Sq. Feet), Closure: n00.0000e 0.00 ft. (1/264889), Perimeter=619 ft.

01 n89.5048e 294.69

02 s00.1608w 15

03 s89.5048w 294.65

04 n00.0626e 15

H & H Commercial Park

PORTION OF NE 1/4 SEC. 12, T.2 N., R.1 W., S.1 B. & M.
CENTERVILLE CITY, DAVIS COUNTY, UTAH.

SEE VACATION 2682-460

OWNER'S DEDICATION

Know all men by these presents that we the undersigned owners of the herein described tract of land, having caused the same to be subdivided into lots and streets to be hereinafter known as H & H COMMERCIAL PARK, do hereby dedicate for perpetual use of the public, all parcels of land shown on this plat as intended for public use and do warrant and defend and save the City harmless against any easements or encumbrances on the dedicated streets which will interfere with the City's use, maintenance and operation of the same.

THOMPSON CONSTRUCTION COMPANY
AGENT *Robert Thompson*
DESIGN ARTS
PRESIDENT *Robert Thompson*
SECRETARY *Robert Thompson*
WILLIAM E. STAFFORD
GLEN HARRIS
ELVA DIANE STAFFORD

SURVEYOR'S CERTIFICATE

I, *James J. Byrd*, do hereby certify that I am a registered land surveyor and that I have caused this plat to be prepared under the laws of the State of Utah, of public utility that by authority of the owner, I have made a survey of the tract of land shown on this plat and described herein and have subdivided said tract into the parcels and streets shown on this plat and described hereon to be hereinafter known as H & H Commercial Park and that the same will be correctly in the field as shown on this plat.

JUN 1 1978
DATE
JAMES J. BYRD
SURVEYOR
3567
DAVIS COUNTY, UTAH

BOUNDARY DESCRIPTION

Beginning on the existing line of a 10000 foot State Highway (250 WEST STREET) and point also being DUE SOUTH 1930.04 feet, and DUE WEST 1337.18 feet from the NE COR. OF SEC. 12, T.2 N., R.1 W., S.1 B. & M., and running thence N89°50'48"E 1243.00 feet to the westerly line of a Railroad R/W; thence S 0°16'08"W 5500.00 feet along said Railroad R/W; thence S89°50'48"W 4356.11 feet to the westerly line of said Highway (250 WEST STREET); thence N0°06'26"E 4500.00 feet along said Highway to the point of beginning.

CENTERVILLE CITY ENGINEER'S CERTIFICATE

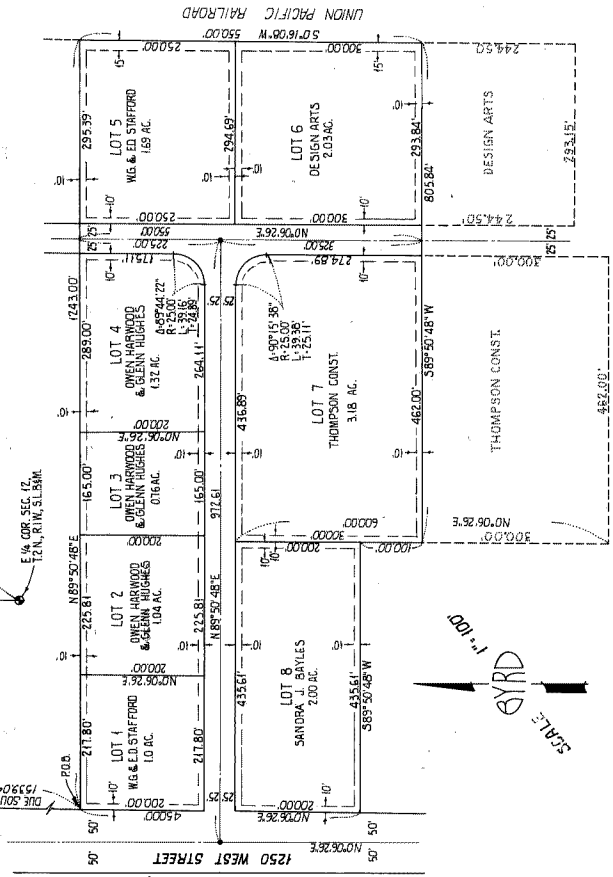
Approved this 15th day of March 1978.
James J. Byrd
CENTERVILLE CITY ENGINEER

CENTERVILLE CITY PLANNING COMMISSION APPROVAL

Approved this 15th day of March 1978.
James J. Byrd
CHAIRMAN

APPROVAL & ACCEPTANCE

Presented to the Centerville City Council this 14th day of March 1978, at which time this subdivision was approved and accepted.
James J. Byrd
MAYOR
ATTEST: CITY RECORDER



ACKNOWLEDGEMENT

STATE OF UTAH
COUNTY OF DAVIS
On this 15th day of March A.D. 1978, personally appeared before me the undersigned Notary Public, James J. Byrd, President and City Engineer of the City of Centerville, Utah, who being duly sworn, depose and say that he is the duly authorized officer of the City of Centerville, Utah, and that he has caused this plat to be prepared and recorded in accordance with the laws of the State of Utah, and that he is duly qualified to perform the duties of a Notary Public.

ACKNOWLEDGEMENT

STATE OF UTAH
COUNTY OF DAVIS
On this 15th day of March 1978, personally appeared before me the undersigned Notary Public, James J. Byrd, President and City Engineer of the City of Centerville, Utah, who being duly sworn, depose and say that he is the duly authorized officer of the City of Centerville, Utah, and that he has caused this plat to be prepared and recorded in accordance with the laws of the State of Utah, and that he is duly qualified to perform the duties of a Notary Public.

JAMES J. BYRD
NOTARY PUBLIC
COMMISSION EXPIRES

RECORDED NO. 441634
STATE OF UTAH, COUNTY OF DAVIS
RECORDED AND FILED AT THE REQUEST OF
DATE: 4-7-78 TIME: 9:51 AM BOOK: 700 PAGE: 2
FEE: \$17.90
DAVIS COUNTY RECORDER

BYRD ENGINEERING
ENGINEERS • SURVEYORS • PLANNERS
65 EAST 1000 NORTH
CENTERVILLE, UTAH 84000
PHONE: 801-232-2231

**CENTERVILLE
CITY COUNCIL
Staff Backup Report
11/17/2020**

Item No. 3.

Short Title: Personnel Policies Amendments - Chapter 16 (Separations)

Initiated By: Lisa Romney, City Attorney

Scheduled Time:

SUBJECT

Consider Resolution No. 2020-33 amending the Personnel Policies to add a new Chapter 16 (Separations)

RECOMMENDATION

Approve Resolution No. 2020-33 amending the Personnel Policies to add a new Chapter 16 (Separations).

BACKGROUND

Staff recommends the addition of a new Chapter 16 for the Personnel Policies regarding separations from employment with the City. This proposed new Chapter is intended to address various types of separations of employment from the City such as voluntary termination, involuntary termination, retirement, reclassification, and reduction in force. This Chapter also provides guidelines and procedures for various types of separations and addresses exit interviews, return of property, and COBRA rights.

ATTACHMENTS:

Description

- Resolution No. 2020-33 - Personnel Policies - Chapter 16 (Separations)

RESOLUTION NO. 2020-33

**A RESOLUTION OF THE CENTERVILLE CITY COUNCIL ENACTING
CHAPTER 16 OF THE CENTERVILLE PERSONNEL POLICIES
REGARDING SEPARATIONS FROM EMPLOYMENT WITH THE CITY**

WHEREAS, the City Council has previously adopted Personnel Policies providing guidelines and policies for employees; and

WHEREAS, the City Council desires to enact a new Chapter 16 of the Personnel Policies regarding separations from employment with the City; and

WHEREAS, the City Council finds that the amendments to the Personnel Policies as set forth herein are in the best interest of the City, its employees, and the public which it serves to provide sufficient guidelines and procedures regarding separation of employment with the City.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF CENTERVILLE CITY, STATE OF UTAH, AS FOLLOWS:

Section 1. Enactment. The City Council hereby enacts Chapter 16 of the Personnel Policies regarding Separations to read in its entirety as set forth in Exhibit A attached hereto and incorporated by references.

Section2. Severability. If any section, part, or provision of this Resolution is held invalid or unenforceable, such invalidity or unenforceability shall not affect any other portion of this Resolution, and all sections, parts and provisions of this Resolution shall be severable.

Section 3. Effective Date. This Resolution shall become effective immediately upon its passage and the policies adopted herein shall become effective on January 1, 2021.

**PASSED AND ADOPTED BY THE CITY COUNCIL OF CENTERVILLE CITY,
STATE OF UTAH, THIS 17th DAY OF NOVEMBER, 2020.**

CENTERVILLE CITY

ATTEST:

Janet S. Denison, City Recorder

By: _____
Mayor Clark A. Wilkinson

CERTIFICATE OF PASSAGE AND EFFECTIVE DATE

According to the provisions of the U.C.A. § 10-3-719, as amended, resolutions may become effective without publication or posting and may take effect on passage or at a later date as the governing body may determine; provided, resolutions may not become effective more than three months from the date of passage. I, the municipal recorder of Centerville City, hereby certify that foregoing resolution was duly passed by the City Council and became effective upon passage or a later date as the governing body directed as more particularly set forth below.

JANET S. DENISON, City Recorder

DATE: _____

EFFECTIVE DATE: ____ day of _____, 2020.

Exhibit A

**Centerville Personnel Policies
Chapter 16 (Separations)**

16 Separations

16.010	Types of Separations
16.020	Voluntary Termination
16.030	Involuntary Termination
16.040	Constructive Termination
16.050	Retirement
16.060	Reclassification
16.070	Reduction in Force
16.080	Outsourcing
16.090	Medical Termination or Long-Term Disability
16.100	Death
16.110	Exit Interview
16.120	Return of City Property
16.130	COBRA

16.010 Types of Separation

There are various types of separations of employment from the City. The purpose of this Chapter is to describe the various types of separations of employment and to provide guidelines and procedures depending upon the type of separation.

16.020 Voluntary Termination

- (a) Voluntary termination is when an employee voluntarily chooses to leave employment with the City other than retirement. Voluntary termination may also be referred to as a resignation.
- (b) When an employee wishes to voluntarily leave employment with the City, the employee shall submit a written resignation letter including the employee's name, current date, last date of employment, and reason for resignation. This written resignation letter should be presented to the employee's department head or the City Manager. If the resignation letter is submitted to the employee's department head, the supervisor shall immediately forward the resignation letter to the City Manager.
- (c) Employees are encouraged to give the City two weeks' notice of resignation.

16.030 Involuntary Termination

- (a) Involuntary termination includes the termination of an employee from employment with the City for cause or other disciplinary action. Involuntary termination also includes the termination of an at-will, temporary, probationary, or part-time employee from employment with the City with or without cause subject to and in accordance with applicable statutes, ordinances policies, and/or employment contracts regarding at-will employment.
- (b) If a supervisor determines an employee should be terminated for cause, the supervisor shall comply with the disciplinary and due process procedures set forth in Chapter 15 (Discipline), as applicable.
- (c) Temporary, part-time, at-will, and probationary employees are not entitled to pre-termination procedures or appeal procedures and may be terminated immediately upon receipt of written notification from the City, subject to and in accordance with provisions of applicable statutes, ordinances, policies, and/or employment contracts.

16.040 Constructive Termination

Any termination of an employee pressured into a voluntary termination may constitute constructive termination and should be reviewed with the City Attorney before termination is pursued or a resignation is accepted to ensure the employee's right to continued employment is not taken without due process.

16.050 Retirement

- (a) Retirement is when an employee chooses to leave employment with the City and to start taking retirement income from the Utah Retirement System (or other applicable and authorized public retirement program).
- (b) Employees are eligible for retirement when they have reached the minimum age and number of years of services under applicable Utah Retirement System requirements.
- (c) Any employee starting employment before July 1, 2011 is considered a Tier I employee and any employee starting employment after July 1, 2011 is considered a Tier II employee under the Utah Retirement System.
- (d) Employees are encouraged to give the City 30 days' notice of retirement. The City should communicate the status of each employee's retirement benefits upon request and should explain to the employee what options are available to the employee upon retirement or refer the employee to the Utah Retirement System for detailed information.

16.060 Reclassification

- (a) There may be occasions when the City's needs change and a current position within a department must be reclassified to meet the department's needs. The City reserves the right to reclassify any position, job title, job functions, and/or qualifications to the extent necessary for the organization.
- (b) When a position is reclassified to the extent that the essential job functions, job title, and/or qualifications change significantly enough to be considered a new position, a new job description shall be prepared for the new position and the old position and job description should be eliminated.
- (c) The new position shall be analyzed and reviewed for classification and job valuation as an amendment to the Job Value and Compensation Schedule.
- (d) When a position is reclassified to the extent that the resulting position effectively eliminates the old position, the new position should be noticed and posted according to ordinary job opening notice and posting procedures. The incumbent may apply as an in-house applicant for the new position.

16.070 Reduction in Force

- (a) Whenever it is necessary to reduce the number of employees in the City because of lack of work or lack of funds, or an employee's position is no longer needed to be filled by a City employee, the City may eliminate the employee's position as a reduction in force or layoff.
- (b) Any reduction in force shall be determined by the City Manager after conferring with the affected department heads or supervisors.
- (c) Any reduction in force shall include a written determination of the City Manager that business-related circumstances support the conclusion that a reduction in the City workforce is needed and that such reduction in force is in the best interest of the City. For

purposes of this policy “business-related circumstances” include without limitation: insufficient funding to continue to pay for an employment position; lack of work demand; or outsourcing is determined by the City to be advantageous to the economic interests of the City.

- (d) Before any reduction in force is implemented and at all times during a reduction in force process, the City administration shall consider whether the reduction in force is subject to the requirements of any federal or state statutory requirements, such as the Worker Adjustment and Retraining Notification Act, as set forth in 29 U.S.C. 2101, et seq., and the Age Discrimination in Employment Act, as set forth in 29 U.S.C. 621, et seq. Any reduction in force shall comply with applicable state and federal statutes or regulations.
- (e) If the City is facing a possible reduction in force, the City should, to the extent feasible, explain the situation to employees by advising them of the possibility that reductions in force may become an economic necessity for the City.
- (f) In determining which positions to eliminate as part of the reduction in force, the City Manager should determine which positions, if eliminated, would have the least impact upon the City and the least effect on the delivery of services for the most important municipal services.
- (g) In determining which employees will be subject to the reduction in force, the City Manager should consider the following guidelines.
 - (1) Emergency, temporary, and probationary employees should be laid off first.
 - (2) If it is necessary to lay off more than one employee occupying the same position or a position within the same grade of employment, the City shall first lay off those employees whose most recent performance evaluations feature the greatest number of “unsatisfactory” performance ratings in any of the areas graded by the employee’s supervisor.
 - (3) Seniority will govern the selection when ability is equal.
- (h) Employees terminated under the provisions of this section or who resigned after notified of the City’s intent to eliminate the employee’s position shall be offered to return to work for the City if their same position or a position identical in scope of responsibility, education, experience and training, pay grade, and job duties becomes available within one year from the date of the employee’s termination.
- (i) The City Manager shall provide written notice of reduction in force to any employee subject to the reduction in force. To the extent feasible, such notice should be provided at least seven days in advance of the anticipated date of the reduction in force. The written notice of reduction in force should contain the following information: a statement of the reason for the reduction in force; the anticipated effective date of the reduction in force; and any possible options, at the City’s discretion, of placing the employee in another position.
- (j) Employees subject to a reduction in force will be provided an opportunity to be heard in a setting consistent with a pre-termination hearing, and the outcome of the hearing may be appealed to the Employee Appeal Board. If the employee exercises the employee’s right to be heard, the scope of pre-termination and appeal shall be limited to the question of whether a bona fide business-related reason exists to eliminate the employee’s position. Existence of an alternate choice which avoids performing reduction in force is not subject to review by the Employee Appeals Board. Unless otherwise provided, the Employee Appeals Board may not substitute its judgment for the City Manager’s election to perform a reduction in force.

16.080 Outsourcing

- (a) There may be occasions when the City's needs change and it becomes either more cost effective and/or more efficient to outsource all or part of a position, division, or department.
- (b) Any such change in organization shall require City Council approval and a determination by the Council that it is in the best interest of the City to outsource all or part of a position, division, or department.
- (c) The incumbent in the position being outsourced will have the opportunity to apply for any open positions available if the incumbent is qualified for the position.

16.090 Medical Termination or Long-Term Disability

The American with Disabilities Act (ADA) prohibits illegal discrimination by an employer against an "otherwise qualified individual with a disability." Consequently, an employee should not be terminated for medical reasons without prior consultation with the City Attorney. An employee may be terminated if they are unable to perform their job and/or are eligible for long-term disability.

16.100 Death

If an employee of the City dies during their employment term, their estate shall receive all pay due to the employee and any earned and payable benefits as of the date of death. The employee's designated beneficiaries may also be eligible for applicable death benefits or retirement equity as provided under the Utah Retirement System. The City will assist and/or work with the employee's family, beneficiaries, and/or estate to provide any information or documentation necessary to obtain or secure applicable death benefits or services, as applicable.

16.110 Exit Interview

The employee is responsible for scheduling an exit interview with the City Manager on or before the employee's last day of employment. All terminating employees should also complete an Exit Interview form prior to the exit interview. During the exit interview, the City Manager should review with the employee the employee's right to his or her final paycheck and the amount to be paid for regular pay, plus accrued leave, less amounts paid for applicable tax deductions, withholdings, and garnishments (if applicable).

16.120 Return of City Property

Any employee leaving employment with the City shall return all property, keys, equipment, supplies, credit cards, etc. which are the property of the City. The employee shall also provide all software subscription information and passwords for City software, networks, and computers. Such property and information shall be returned or provided to the employee's department head prior to the end of employee's last day of work. The department head shall document in writing what property and information has been returned or provided by the employee and forward such written documentation to the Finance Department. The Finance Department shall review and confirm the written documentation of return of property and information and include a copy of the same in the employee's final personnel file. Department heads may use the Termination Checklist Form as a guideline for the return of property, passwords, etc.

16.130 COBRA

Eligible employees separated from employment with the City are entitled to temporary continuation of group health insurance coverage in accordance with and subject to applicable provisions of the Consolidated Omnibus Budget Reconciliation Act (COBRA). COBRA requires continuation of group health insurance coverage to be offered to covered employees, their spouses, former spouses, and dependent children when group health coverage would otherwise be lost due to certain specific events. In order to be entitled to elect COBRA continuation coverage under the City's group health insurance plan, you must have been enrolled in the City's group health plan covered by COBRA, a qualifying event must have occurred, and you must be a qualified beneficiary for that event, as such terms are defined by COBRA. Additional information regarding COBRA coverage can be obtained from the City Treasurer.

**CENTERVILLE
CITY COUNCIL
Staff Backup Report
11/17/2020**

Item No. 4.

Short Title: Appointment of City Recorder

Initiated By: Brant Hanson, City Manager

Scheduled Time:

SUBJECT

Consider Resolution No. 2020-32 appointing Janet S. Denison as the new City Recorder for Centerville City

RECOMMENDATION

Approve Resolution No. 2020-32 appointing Janet S. Denison as the new City Recorder for Centerville City.

BACKGROUND

Pursuant to Utah Code 10-3-916, the Mayor, with the advice and consent of the City Council, is to appoint a qualified person to the office of City Recorder. Janet S. Denison has been hired by the City to perform the duties of the City Recorder and started working for the City on November 4, 2020. The City Manager and Mayor recommend officially appointing Janet S. Denison as the Centerville City Recorder. Resolution No. 2020-32 has been prepared for this purpose.

ATTACHMENTS:

Description

▢ Resolution No. 2020-32

RESOLUTION NO. 2020-32

**A RESOLUTION DESIGNATING AND APPOINTING A QUALIFIED
PERSON TO THE APPOINTED OFFICE OF CITY RECORDER**

WHEREAS, pursuant to *Utah Code* § 10-3-916, the Mayor, with the advice and consent of the City Council, is to appoint a qualified person to the office of City Recorder; and

WHEREAS, the Mayor and the City Council desire to appoint Janet S. Denison to the office of City Recorder to perform the duties and responsibilities of such office as more particularly provided herein.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF
CENTERVILLE CITY, STATE OF UTAH, AS FOLLOWS:**

Section 1. Appointment. Janet S. Denison is hereby appointed to the office of City Recorder. This appointment is subject to the ordinances, rules and regulations of Centerville City and the laws of the State of Utah for the office of City Recorder. Janet S. Denison shall serve at the pleasure of the City Council as the City Recorder for Centerville City for an undefined term of office.

Section 2. Severability. If any section, part or provision of this Resolution is held invalid or unenforceable, such invalidity or unenforceability shall not affect any other portion of this Resolution, and all sections, parts and provisions of this Resolution shall be severable.

Section 3. Effective Date. This Resolution and the appointment set forth herein shall become effective immediately.

**PASSED AND ADOPTED BY THE CITY COUNCIL OF CENTERVILLE CITY,
STATE OF UTAH, THIS 17th DAY OF NOVEMBER, 2020.**

CENTERVILLE CITY

By: _____
Mayor Clark A. Wilkinson

ATTEST:

City Recorder

CERTIFICATE OF PASSAGE AND EFFECTIVE DATE

According to the provisions of the U.C.A. § 10-3-719, as amended, resolutions may become effective without publication or posting and may take effect on passage or at a later date as the governing body may determine; provided, resolutions may not become effective more than three months from the date of passage. I, the municipal recorder of Centerville City, hereby certify that foregoing resolution was duly passed by the City Council and became effective upon passage or a later date as the governing body directed as more particularly set forth below.

City Recorder

DATE: _____

EFFECTIVE DATE: _____ day of _____, 2020.

**CENTERVILLE
CITY COUNCIL
Staff Backup Report
11/17/2020**

Item No. 5.

Short Title: CARES Act Funding Discussion

Initiated By: Brant Hanson, City Manager

Scheduled Time:

SUBJECT

Discuss the CARES Act Funding received from the State. Staff will provide background on already purchased items, purchases pending, and make recommendations for the remainder of the funds. The funds will need to be encumbered by November 30, 2020. An extension may be approved by the State to December 31, 2020, if we can prove the funds will be spent by the end of the month.

RECOMMENDATION

BACKGROUND

ATTACHMENTS:

Description

- ▢ Cares Act Spending Summary

Classification	YTD	Anticipated	Total
PPE	\$ 6,120.80	\$ 2,000.00	\$ 8,120.80
At-Home Workstations	\$ 71,806.64	\$ 31,978.00	\$ 103,784.64
Remote Services (Zoom, Docusign, etc.)	\$ 3,171.00	\$ 3,000.00	\$ 6,171.00
Phone System Enhancement for remote	\$ 19,539.01		\$ 19,539.01
Lobby Modifications	\$ 72,983.35	\$ 81,506.00	\$ 154,489.35
City Hall modifications	\$ 5,551.95	\$ 2,500.00	\$ 8,051.95
Bathrooms/HVAC	\$ 17,755.00	\$ 16,734.00	\$ 34,489.00
Council Chambers	\$ -	\$ 67,000.00	\$ 67,000.00
Signage	\$ 160.00	\$ 160.00	\$ 320.00
Administration/Legal	\$ 223.22	\$ 4,400.00	\$ 4,623.22
District Agreements	\$ 63,175.71	\$ -	\$ 63,175.71
Police and IT related wages	\$ 324,194.07	\$ 605,640.58	\$ 929,834.65
Fire District Personnel	\$ -	\$ 304,244.13	\$ 304,244.13
TOTAL	\$ 584,680.75	\$ 1,119,162.71	\$ 1,703,843.46

Total CARES Act money	\$ 1,514,517.00
Remaining	\$ (189,326.46)

**CENTERVILLE
CITY COUNCIL
Staff Backup Report
11/17/2020**

Item No. 6.

Short Title: Summary Calendar

Initiated By:

Scheduled Time:

SUBJECT

- a. Purchase two replacement police vehicles
- b. Rigby Court Subdivision - Bond Reduction and End of Warranty

RECOMMENDATION

- a. Approve the purchase of two replacement police vehicles for a total of 67,885
- b. Approve bond reduction in the amount of \$40,217 and end of warranty for Rigby Court Subdivision as recommended by the City Engineer

BACKGROUND

- a. The Police Department need to replace two vehicles. One vehicle will be the 2021 Police SUV interceptor for patrol. This vehicle will replace a 2013 Ford Taurus which is ready to be retired. The price we obtained from Gen Garff Ford is \$36,639.00 This is the state bid pricing. The second vehicle is for detectives. This will be a 2021 Ford Explorer SUV. This vehicle will replace a 2014 Ford Explorer with nearly 100,000 miles. This vehicle is also through the state bid at \$31,246.00.
- b. The City Engineer recommends a bond reduction in the amount of \$40,217 and end of warranty for the Rigby Court Subdivision. Documentation for this recommendation is attached.

ATTACHMENTS:

Description

- Rigby Court Subdivision - Bond Reduction #6 and End Warranty

CENTERVILLE CITY
IMPROVEMENTS AGREEMENT BOND REDUCTION REQUEST

No. 6 (End Warranty)

Page 1 of 2
Proj. # 17-172

Subdivision or Developer Name: Rigby Court Subdivision

Sub-divider or Developer: Fred Hale

Address: 63 West 1750 North Centerville, UT 84014

Phone: 801.309.1984

Bonding Entity: Bank of American Fork - Letter of Credit

DESCRIPTION OF SUBDIVISION OR DEVELOPMENT IMPROVEMENTS AND
PERCENTAGE OF COMPLETION:

See attached sheet

Original Amount of Bond \$ 439,104.00

Present Amount of Bond \$ 40,217.00

Amount of Bond Release Requested \$ 40,217.00

Remaining Bond Amount \$ 0.00

SUBDIVIDER'S OR DEVELOPER'S CERTIFICATION:

All work described above has been completed in accordance with Centerville City Ordinances, Subdivision Standards and Specifications and the Improvements Agreement entered into with the City for the above-described project.

	Sub-divider or Developer	Date
--	--------------------------	------

Receipt of request by City:

	Received by	Date
--	-------------	------

Release of the sum of \$ 40,217.00 , is hereby authorized. Said release shall end the applicable warranty period for said improvements .

Recommendation for approval:

Kevin L. Campbell, P.E. 11-10-2020
City Engineer Date

CENTERVILLE CITY
IMPROVEMENTS AGREEMENT BOND REDUCTION REQUEST
No. 6 (End Warranty) Date: 11-10-2020

Subdivision: Rigby Court Subdivision

Item No.	Description	Estimated Amount	Completed Amount	Amount Released
1	BMPs, Street light and monuments	\$13,500.00	100%	\$13,500.00
2	Street Construction	\$128,685.00	100%	\$128,685.00
3	Irrigation	\$102,200.00	100%	\$102,200.00
4	Storm Drain	\$85,260.00	100%	\$85,260.00
5	Sanitary Sewer	\$36,275.00	100%	\$36,275.00
6	Contingency	\$73,184.00	100%	\$73,184.00
	Total	\$439,104.00		\$439,104.00

**CENTERVILLE
CITY COUNCIL
Staff Backup Report
11/17/2020**

Item No. Z.

Short Title: Minutes Review and Acceptance

Initiated By:

Scheduled Time:

SUBJECT

November 4, 2020 City Council Minutes

RECOMMENDATION

BACKGROUND

ATTACHMENTS:

Description

- November 3, 2020 City Council Minutes

Minutes of the Centerville **City Council** meeting held Wednesday, November 4, 2020, at 7:00 p.m. with participants present electronically via Zoom and streamed on YouTube due to infectious disease COVID-19.

MEMBERS PRESENT

Mayor Clark Wilkinson

Council Members Tamilyn Fillmore (joined at 7:05 p.m.)
William Ince (joined at 7:05 p.m.)
Stephanie Ivie
George McEwan
Robyn Mecham

STAFF PRESENT

Brant Hanson, City Manager
Lisa Romney, City Attorney
Janet Denison, City Recorder
Jacob Smith, Administrative Services Director
Leah Romero, former City Recorder
Cory Snyder, Community Development Director

VISITORS

Mary Brown
Merrill Sheriff

PRAYER OR THOUGHT

Councilmember Ivie

PLEDGE OF ALLEGIANCE

DETERMINATION

Mayor Wilkinson read aloud a determination regarding electronic meetings without an anchor location due to COVID-19

OPEN SESSION

Merrill Sheriff – Mr. Sheriff expressed disappointment that his parents' burial site at the Centerville Cemetery would not be able to have an elevated headstone because of a restriction passed by the Council in 2018, even though many surrounding burial sites had elevated headstones. He petitioned the City Council to revisit the restriction and hold a public hearing on the issue.

Councilmembers Mecham and Ivie expressed a desire for the issue to be on a future agenda as soon as possible.

Mary Brown – Ms. Brown said she lived near the Devore property. She referred to the density proposed by Symphony Homes for the property, and commented on the fire hazard of placing homes so close together. Ms. Brown said she would like the lots to be bigger.

Councilmember Ince requested that the Fire Chief or Interim Fire Chief speak to the fire hazard issue when the matter was next on an agenda.

PUBLIC HEARING – ZONING TEXT AMENDMENT – RESIDENTIAL BUFFERING REGULATIONS

As directed by the City Council, the Planning Commission reviewed and discussed residential buffering regulations. Cory Snyder, Community Development Director, presented the following proposed amendments recommended by the Planning Commission for approval on October 14, 2020, and answered questions from the Council.

(b) Buffer Landscaping between Residential and Non-Residential Development or a differing Residential Intensity District. Landscaped buffers shall be required along side and rear property boundaries which abut a residential zone or is adjacent to a differing lower intensity residential zoning district.

1. *Non-Residential Development – Minimum buffer depth shall be as follows:*
 1. *In medium intensity (M) zones: 15 feet; and*
 2. *In high intensity (H) and very high intensity (VH) zones: 30 feet.*
2. *Residential Development – Minimum buffer depth shall be as follows:*
 1. *Residential High (R-H) to Residential Low (R-L): 25 feet.*

Mayor Wilkinson opened a public hearing at 7:27 p.m., and closed the public hearing seeing that no one wished to comment. Councilmember Mecham said she would be more comfortable with a buffer of 30 feet going from R-H to R-L, considering the setback between two R-L properties was 20 feet. Responding to a question from Councilmember Ince, Mr. Snyder explained differences between setbacks and buffer depths, and explained buffer landscaping requirements.

Councilmember Ivie agreed with the suggestion to add another five feet to the buffer depth between R-H and R-L. Councilmember Fillmore said she agreed with the idea of wanting a sufficient buffer, but questioned whether the additional five feet would make a big enough difference to justify the possible limiting effect on development options for higher intensity development projects. Councilmember Fillmore said she felt good about what the Planning Commission had done.

Councilmember Fillmore **moved** to approve Ordinance No. 2020-11 amending Section 12.51.070 of the Centerville Zoning Code establishing buffer requirements between differing types of Residential Zoning Districts. Councilmember McEwan seconded the motion.

City Manager Brant Hanson said he understood the concern and the reason behind the suggestion to add another five feet of buffering between R-H and R-L, but pointed out that the State was closely watching municipal decisions regarding multi-family housing options. He cautioned against placing undue burden on developers. Mayor Wilkinson expressed the opinion that the proposed ordinance accomplished the Council's objectives. The motion to approve Ordinance No. 2020-11 passed by unanimous vote (5-0).

PUBLIC HEARING – GENERAL PLAN AMENDMENTS – TRANSPORTATION ELEMENT

The City was required by State law to adopt specific updates to the Centerville General Plan to coordinate the City's Transportation Element with the City's Moderate-Income Housing Plan by December 1, 2020. The Planning Commission discussed various concepts for coordinating the Transportation Element with the Moderate-Income Housing Plan over the course of a number of meetings, and on October 28, 2020, recommended approval of the proposed amendments.

Mr. Snyder explained that proposed General Plan amendments recommended by the Planning Commission were tied to the following General Plan goals and policies:

- The City shall not allow racial, ethnic, religious, or economic discrimination in the provision and procurement of decent housing in this City.
- The City shall assure an adequate supply of housing for future population through identification of optimum locations for housing development and provision of City services as required.
- It is the desire of Centerville City to provide a variety of housing options within the community, including variable densities.
- In furtherance of the above stated goal, it is the policy of Centerville City to provide appropriate housing for all Centerville residents giving consideration to ongoing lifestyle changes and circumstances that are increasingly prevalent in the normal life cycle of the aging residents.

Primary goals of the Moderate-Income Housing Element:

- Create or allow for, and reduce regulations related to, accessory dwelling units in residential zones.
- Preserve existing moderate-income housing.
- Any other program or strategy implemented by municipality to address the housing needs of residents of the municipality who earn less than 80% of the area median income.

Mr. Snyder presented Transportation Element goals and related policies recommended by the Planning Commission:

Goal 1 – Moderate Income Housing placement opportunities should be based on their proximity to various collector or arterial transportation corridors.

Policy 1.A: As the City develops and adopts provisions and/or strategies for the allowance of accessory dwelling units or accessory apartments, the first focus for deciding appropriate locations should be properties fronting or substantially located within ½ block (i.e. 300 feet), along specified major collectors, minor arterials, and major arterial transportation corridors.

Policy 1.B: Owner-Occupied Accessory Dwelling Units should be encouraged along the following transportation corridors:

- ✓ Major North/South Corridors:
 - 400 East Street – from Chase Lane south to City Limits
 - Main Street – from North Centerville south to City Limits
 - 400 West Street – from Porter Lane south to City Limits
- ✓ Major East/West Corridors:
 - Chase Lane Street – from 400 East west to Frontage Road
 - 400 North Street – from 400 East west to Main Street
 - Porter Lane Street – from Main Street west to Frontage Road
- ✓ Transit Route Corridors:
 - 400 East Street – from Chase Lane to south City Limits
 - Main Street – from North City Limits to south City Limits

Policy 1.C: Accessory Apartment Units within commercial zones should be encouraged along the following transportation corridors:

- ✓ *South Main Street Corridor – from Parrish Lane south to Porter Lane*
- ✓ *South Frontage Road – from approximately 240 North south to City Limits*

Goal 2 – Under-utilized properties, having street frontage, along transportation corridors should be evaluated for allowing possible infill opportunities.

Policy 2.A: As the future growth occurs in the City, a Flexible Lot Overlay Ordinance ought to be created and adopted. Such an overlay should allow greater flexibility for application of lot widths and setbacks to accommodate infill development where existing homes or parcel configurations may create difficulties with maximizing the allowed base zone density for housing development.

Policy 2.B: Flexible Lot Overlay opportunities should be limited to parcels, tracts, or lots with parcel frontages located on the selected transportation corridor or has its tract area substantially within 300 feet of such corridor.

Policy 2.C: Flexible Lot Overlay Development should be encouraged along the same transportation corridors listed in Goal 1, Policy 1.B or Section 12-450-6.

Councilmember Mecham commented that she was not in favor of Bus Rapid Transit along Main Street in Centerville, but would be in favor of considering Bus Rapid Transit on the west side of the City, where Centerville had chosen to allow higher density. Councilmembers discussed an opportunity UTA had previously presented that the Council had turned down, for Centerville to participate in an environmental study and discussions regarding Bus Rapid Transit routes.

Councilmember Fillmore said she was surprised the proposed language limited ADUs to transportation corridors, stating she had envisioned ADUs allowed city-wide, with Flexible Lot zoning and possibly additional medium density zoning along transportation corridors. She said she had heard positive feedback from community members regarding the possibility of allowing ADUs, and said she suspected some push-back from citizens in limiting ADUs to transportation corridors. Mr. Snyder responded that, in his opinion, allowing ADUs in transportation corridors did not take away the possibility of broadening the use over time. Councilmember Fillmore said she would prefer to start with a broader use. Mr. Snyder said he believed the transportation corridors were a good place to start. City Manager Brant Hanson expressed support for limiting ADUs to transportation corridors to begin with.

The Council and Staff discussed what the Legislature may expect from cities regarding implementation of the goals and strategies over time. Councilmember McEwan spoke in favor of allowing ADUs in transportation corridors as a type of pilot program, with the ability to benefit from experience in future discussions regarding the possibility of broadening the use city-wide.

Mayor Wilkinson opened a public hearing at 8:23 p.m., and closed the public hearing seeing that no one wished to comment. Councilmember Ivie expressed concern with the General Plan goal that stated the City “shall assure an adequate supply of housing for future population”, stated she believed the goal was naively optimistic considering the size of Centerville, and suggested the Council may want to reconsider the language of the goal. Councilmember Mecham said she agreed. The Council and Staff discussed the fact that multi-family housing did not necessarily mean “affordable” housing.

1 Councilmember McEwan **moved** to adopt Ordinance No. 2020-14 amending the
2 Centerville General Plan to enact Section 12-450-6 regarding the Coordination of Transportation
3 Planning with Moderate-Income Housing Needs. Councilmember Ince seconded the motion.
4 Councilmember Ince said he believed the Council needed to revisit previous conversations with
5 Legislators regarding Building Code provisions. Councilmember Fillmore responded that a bill
6 was being drafted for the upcoming Legislative Session. The motion passed by majority vote (4-
7 1), with Councilmember Ivie dissenting.
8

9 **2020 ANNUAL MODERATE-INCOME HOUSING REPORT**

10
11 Mr. Snyder presented a 2020 Annual Moderate-Income Housing Report, and explained
12 future projection numbers included in the report. Councilmember Mecham commented that the
13 Davis County Housing Authority subsidized two housing units in Centerville, which should be
14 reflected in the report. She emphasized that she did not believe density equaled affordability in
15 any way, shape, or form. Councilmember Mecham said she knew of multiple two-bedroom single-
16 family detached rental homes in Centerville with lower monthly rates than some of the multi-family
17 units in the City. Councilmember Fillmore commented that the push from the State for multi-family
18 housing was related to the projected population growth and the limited space available to meet
19 growing housing needs. The Council and Staff discussed changing housing needs.
20

21 Mr. Snyder agreed to change the numbers discussed and submit the report to the Mayor
22 for final review. A majority of the Council indicated approval for submitting the 2020 Annual
23 Moderate-Income Housing Report to the State with number changes discussed.
24

25 **PUBLIC HEARING – FY 2021 BUDGET AMENDMENTS**

26
27 Jacob Smith, Administrative Services Director, reported that monthly sales tax revenue
28 had been higher than anticipated, and explained proposed FY 2021 Budget amendments to the
29 Council. Mr. Hanson said Staff did not plan to propose budget amendments to the Council in
30 December, but planned to let unbudgeted sales tax revenue accumulate, and present budget
31 amendment recommendations in January.
32

33 Mayor Wilkinson opened a public hearing at 8:59 p.m., and closed the public hearing
34 seeing that no one wished to comment. Councilmember Ince **moved** to approve the revised FY
35 2021 Budget as presented. Councilmember Mecham seconded the motion, which passed by
36 unanimous vote (5-0).
37

38 **MINUTES REVIEW AND ACCEPTANCE**

39
40 Minutes of the October 20, 2020 Work Session and Council Meeting were reviewed.
41 Councilmember McEwan **moved** to accept both sets of minutes as recorded. Councilmember
42 Ince seconded the motion, which passed by unanimous vote (5-0).
43

44 **CITY COUNCIL REPORT**

45
46 Councilmember Ince reported that the City Tree Board had begun meeting again, and
47 reported on a recent emergency management point-of-distribution exercise.
48

49 **MAYOR'S REPORT**

- 50
51 • Mayor Wilkinson reported that Fire Chief Jeff Bassett had retired from South Davis
52 Metro Fire Agency.

- The Mayor introduced new City Recorder Janet Denison to the Council, and thanked Leah Romero for her time as City Recorder.
- Mayor Wilkinson updated the Council on the status of residents relocating from the mobile home park.
- Based on recommendation from the Mayor, Councilmember McEwan made a **motion** for the Council to give advice and consent for appointment of Heidi Shegrud to the Planning Commission. Councilmember Ince seconded the motion, which passed by unanimous vote (5-0).

CITY MANAGER'S REPORT

- Mr. Hanson provided an update regarding the possibility of a cemetery-related ballot initiative.
- Mr. Hanson reported on City employee retirements.
- The City Manager requested a discussion with the Council at an upcoming meeting regarding CARES Act funding.
- Mr. Hanson thanked Leah Romero for her excellent work as City Recorder.

ADJOURNMENT

At 9:25 p.m., Councilmember McEwan **moved** to adjourn the meeting. Councilmember Ivie seconded the motion, which passed by unanimous vote (5-0).

Janet Denison, City Recorder

Date Approved

Katie Rust, Recording Secretary

CENTERVILLE

Staff Backup Report

11/17/2020

Item No. 8.

Short Title: City Council Report

Initiated By:

Scheduled Time:

SUBJECT

Councilmember Robyn Mecham

RECOMMENDATION

BACKGROUND

City Council may report on meetings/events attended and issues discussed in meetings/events attended by a Councilmember in their official capacity as the City's representative.

CENTERVILLE

Staff Backup Report

11/17/2020

Item No. 9.

Short Title: Mayor's Report

Initiated By:

Scheduled Time:

SUBJECT

RECOMMENDATION

BACKGROUND

This is the Mayor's opportunity to make appointments and report on meetings/events attended and issues discussed in meetings/events attended, in his official capacity as the City's representative.

CENTERVILLE

**Staff Backup Report
11/17/2020**

Item No. 10.

Short Title: City Manager's Report

Initiated By:

Scheduled Time:

SUBJECT

RECOMMENDATION

BACKGROUND

This is the City Manager's opportunity to give notice to the City Council of current events impacting the City.