

ORDINANCE NO. 20-13

AN ORDINANCE OF THE SOUTH OGDEN CITY, UTAH APPROVING AND ADOPTING THE DEVELOPMENT AGREEMENT WITH LOTUS ON 40TH, L.L.C. FOR THE PROPERTY LOCATED ON THE SOUTHEAST CORNER OF 40TH STREET AND ADAMS AVENUE; AND PROVIDING FOR AN EFFECTIVE DATE.

Section 1 - Recitals:

WHEREAS, the City Council finds that the planning commission has caused to be prepared and has recommended to the City Council a zoning ordinance and general plan; and,

WHEREAS, the City Council finds that the planning commission has caused to be prepared and has recommended to the City Council a Development Agreement for Lotus on 40th, L.L.C. representing the commission's recommendations for development of the proposed project area within the municipality; and,

WHEREAS, the City Council finds that the Development Agreement for Lotus on 40th, L.L.C. has been subjected to the required public hearing prior to its adoption; and,

WHEREAS, the City Council finds that under Utah Code §10-9a-305(8)(a) and §10-9a-509, the City Council may lawfully adopted development plans and schedules by ordinance as recommended by the Planning Commission; and,

WHEREAS, upon petition to and based on the recommendation of the South Ogden City Planning Commission, the City Council determines it to be in the best interest of the City to adopt the proposed Development Agreement for Lotus on 40th, L.L.C.; and,

WHEREAS, the City Council finds that such a change follows the City's General Plan; and,

WHEREAS, the City Council finds that the public convenience and necessity, public safety, health and welfare is at issue and requires action by the City as noted above;

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF SOUTH OGDEN, UTAH:

The **Development Agreement** for Lotus on 40th, L.L.C., attached as **Attachment "A"**, and fully incorporated by this reference, is approved and adopted.

The foregoing recitals are fully incorporated herein.

Section 2 - Repealer of Conflicting Enactments:

All orders, ordinances and resolutions regarding the changes enacted and adopted which have been adopted by the City, or parts, which conflict with this Ordinance, are, for such conflict, repealed, except this repeal will not be construed to revive any act, order or resolution, or part, repealed.

Section 3 - Prior Ordinances and Resolutions:

The body and substance of all prior Ordinances and Resolutions, with their specific provisions, where not otherwise in conflict with this Ordinance, are reaffirmed and readopted.

Section 4 - Savings Clause:

If any provision of this Ordinance be held or deemed or will be invalid, inoperative or unenforceable, such invalidity will render no other provision or provisions invalid, inoperative or unenforceable to any extent whatever, this Ordinance being deemed the separate independent and severable act of the City Council of South Ogden City.

Section 5 - Date of Effect

This Ordinance will be effective on the 7th day of April, 2020, and after publication or posting as required by law.

DATED the 7th day of April, 2020

SOUTH OGDEN, a municipal corporation

by: _____
Mayor Russell Porter

Leesa Kapetanov, CMC
City Recorder

ATTACHMENT "A"

ORDINANCE NO. 20-13

An Ordinance Of The South Ogden City, Utah Approving And Adopting The Development Agreement With Lotus On 40th, L.L.C. For The Property Located On The Southeast Corner Of 40th Street And Adams Avenue; And Providing For An Effective Date.

07 Apr 20

The changes to the development agreement made and approved by the city council have not been finalized nor signed by either party. When it is completed, it will be added to this document.