



**Project #22-037
West Pointe Subdivision
Located at 310 West 1400 North**

REPORT SUMMARY...

Project Name: West Pointe Subdivision
Proponent/Owner: Jeremy S. Raymond, Olson & Hoggan, LLC / Julie Stoddard, President of West Pointe Subdivision HOA
Project Address: 310 West 1400 North
Request: Subdivision
Current Zoning: MR-20
Date of Hearing: July 14, 2022
Type of Action: Quasi-Judicial
Submitted By: Tanya Rice, Planner II

RECOMMENDATION

Staff recommends that the Planning Commission **conditionally approve** subdivision of approximately 1.36 acres of property located at approximately 310 W 1400 N (TIN# 05-089-0001, 05-089-0002, 05-089-0003, 05-089-0004, 05-089-0005, 05-089-COMM,) from MR-12 to MR-20.

Land use adjoining the subject property

<i>North:</i>	CS: Commercial Services	<i>East:</i>	MR-12: Mixed Residential Uses
<i>South:</i>	NR-6: Residential Uses	<i>West:</i>	MR-12: Mixed Residential Uses

PROJECT PROPOSAL

The proponent is requesting a 5-lot subdivision of West Pointe Condominiums (West Pointe) in the Ellis Neighborhood on 310 West 1400 North. West Pointe is a 1.36-acre condominium complex consisting of five (5) buildings. Each of the five (5) buildings are fourplexes, totaling 20 dwelling units in the complex. The five (5) buildings are each individually owned with co-ownership of the land maintained and governed by the five building owners via the West Pointe Homeowners Association (HOA). The intent of the subdivision is to change the nature of the land & improvements from a “condominium” where only the buildings are individually owned, to a condition where an owner owns both the building and the land underneath. The underlying purpose of the subdivision is to legitimize the current division of improvements & ownership and tie those improvements & ownership to the real property located underneath. An HOA, or similar entity, would still be required maintain the common areas, e.g., driveways, open space, etc.

PROJECT BACKGROUND

This proposal is a follow up to the February 2022 (PC #22-001) rezone request from MR-12 to MR-20 on a 1.36-acre parcel. The rezone was required to legally subdivide the overall site because the existing 20 units exceed the allowable density under the MR-12 zone. After debating the city’s responsibly in granting “after the fact” subdivision and deed restriction possibilities, the Planning Commission recommended denial of the proposal to Council. In May of 2022 (Ord. #22-006), the zone change to MR-20 was approved by the City Council and as a result allows the density for the current subdivision request. A deed restriction was recorded requiring the owner to apply for a downzone of the property from MR-20 back to MR-12 following the recordation of the approved subdivision plat.



Figure 1 shows the project request area

DENSITY

The Logan City Land Development Code (LDC) 17.07.090 MR-20 zoning district allows up to twenty (20) units per acre. The existing complex consists of five (5) buildings with four (4) units per building. With 20 dwelling units on 1.36 acres, the code would allow 27 units per acre. The proposal for a five (5) lot subdivision shows one building (4 units) on each lot varying in size between .20 to .23 acres. Given these lot sizes, the current configuration of a one building, each with four (4) residential units per lot meets the maximum density standards.. As proposed, the subdivision meets the minimum standards in the LDC.

SETBACKS

The LDC requirements for building setbacks in the MR-20 zone is as follows (as measured from property lines):

Front:	10'
Corner	10'
Side:	8'
Common Wall	0'
Rear:	10'

The subdivision proposal shows each of the existing buildings meeting the front and side setbacks for each lot. The rear setbacks range between 5' and 10' but because the buildings are existing, the rear setback cannot be changed. As proposed, the setbacks meet the standards in the LDC.

OPEN SPACE

The LDC 17.07.090 requires 20% open space and an additional 10% useable outdoor space in the MR-20 zone. The LDC 17.35 generally describes open space as vegetation or landscaped areas, while useable outdoor space is typically decks, patios and other similar outdoor amenities. The existing 1.36-acre parcel requires 17,772 SF of open space and outdoor space. The proposed site plan shows 38% of open space that includes building perimeter landscape and park-like common areas. As proposed with minimum open space and outdoor space, the project complies with the LDC.

PARKING

The LDC requires two (2) parking stalls per every dwelling unit in the MR-20 zone. Each of the existing units have two (2) parking stalls; one within the single-car garage and the other in front of each unit. As proposed, the existing parking arrangement is compliant with the parking requirements of the LDC.

AGENCY AND CITY DEPARTMENT COMMENTS

No comments have been received.

PUBLIC COMMENTS

Notices were mailed to property owners within 300 feet of the subject property. As of the time of this report, no comments were received.

PUBLIC NOTIFICATION

Legal notices were posted on the City's website and the Utah Public Meeting website on 07/01/22, published in Herald Journal in a quarter page ad on 06/30/22, Legal Notice published in the Herald Journal on 07/02/22, and a Public Notice mailed to property owners within 300' were sent on 06/27/22.

RECOMMENDED CONDITIONS OF APPROVAL of SUBDIVISION if rezone is approved

This project is subject to the proponent or property owner agreeing to comply with the following conditions as written, or as may be amended by the Planning Commission.

1. All standard conditions of approval will be recorded with the Subdivision Permit and are available in the Community Development Department.
2. Five (5) lots are approved with this subdivision permit.
3. All building setbacks shall comply with the MR-20 zone and shall be reviewed and approved prior to final plat approval.
4. Two parking stalls per unit will be included within each lot.
5. The overall open space shall comply with the MR-20 zone requirements.
6. The final plat shall be recorded within one (1) year of this action.
7. An HOA, or similar management entity, shall be established to maintain all common areas and open space.
8. Cross access easements shall be granted for access, parking, open space, and utilities.
9. The owners shall apply for a downzone of the properties from MR-20 back to MR-12 following the recordation of the approved subdivision plat.

This staff report is an analysis of the application based on adopted city documents, standard city development practices, and available information. The report is to be used to review and consider the merits of the application prior to and during the course of the Planning Commission meeting. Additional information may be revealed by participants at the Planning Commission meeting which may modify the staff report and become the Certificate of Decision. The Director of Community Development reserves the right to supplement the material in the report with additional information at the Planning Commission meeting.



APPLICATION FOR PROJECT REVIEW (PETITION FOR REZONE & APPLICATION FOR SUBDIVISION AMENDMENT

For Staff Only				
☒ Planning Commission		☐ Land Use Appeal Board		☐ Administrative Review
Date Received May 17, 2022	Received By	Scheduled Meeting Date July 14th	Zone UR-20	Application Number 22-037
Type of Application (Check all that apply): ☐ Design Review ☐ Conditional Use ☒ Subdivision ☐ Administrative Design Review ☐ Code Amendment ☐ Appeal ☒ Zone Change ☐ Other				
PROJECT NAME West Pointe Subdivision Rezone				
PROJECT ADDRESS 310 West 1400 North, Logan Utah, 84341			COUNTY PLAT TAX ID # 05-089-0001, 05-089-0002, 05-089-0003, 05-089-0004, 05-089-0005, 05-089-COMM	
AUTHORIZED PROJECT REPRESENTATIVE FOR OWNER Jeremy S. Raymond, Olson & Hoggan, LLC			PHONE # 435-752-1551	
MAILING ADDRESS 130 South Main, Suite 200 P.O. Box 525		CITY Logan	STATE UT	ZIP 84321
EMAIL ADDRESS jsr@oh-pc.com				
PROPERTY OWNER OF RECORD Julie Stoddard, President of West Pointe Subdivision HOA			PHONE # 435-245-4360	
MAILING ADDRESS P.O. Box 113		CITY Providence	STATE UT	ZIP 84332
EMAIL ADDRESS westpointehoa@gmail.com				
DESCRIBE THE PROPOSED PROJECT AS IT SHOULD BE NOTICED AND PRESENTED (Include as much detail as possible - attach a separate sheet if needed) 5 lot subdivision See Attached Proposal			Total Lot Size (acres) 1.36 Size of Proposed New Building (square feet) N/A Number of Proposed New Units/Lots N/A	
I certify that the information contained in this application and all supporting plans are correct and accurate. I also certify that I am authorized to sign all further legal documents and permit on behalf of the property owner.			Signature of Property Owner's Authorized Project Representative 	
I certify that I am the property owner on record of the subject property and that I consent to the submittal of this project. I understand that all further legal documents and permits will be sent to my authorized agent listed above.			Signature of Property Owner 	

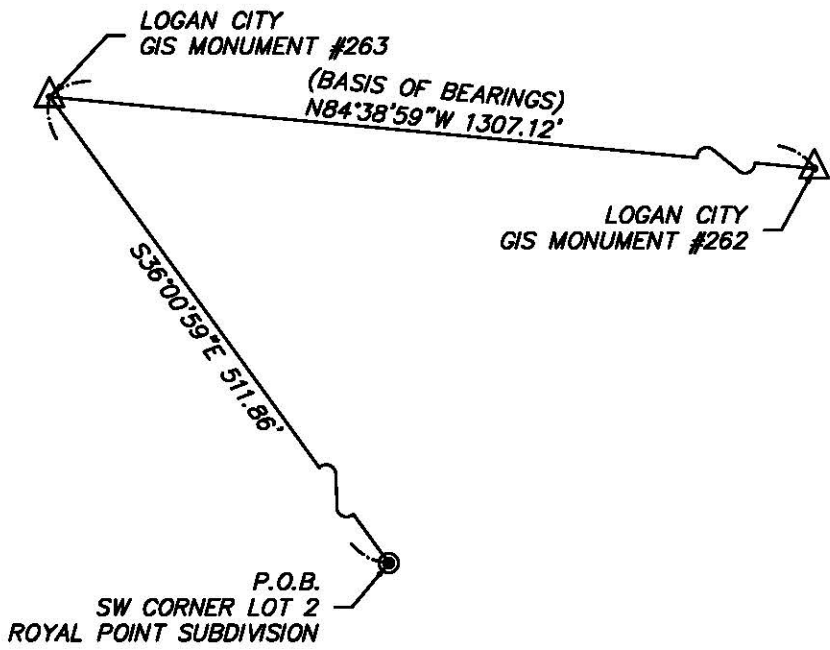
5/11/2022 5:37 PM Z:\2022 PROJECTS\22026\WEST WEST POINTE APARTMENTS - LOGAN, UT\ACAD\SURVEY\FINAL PLAT\22026\WEST WEST POINTE AMENDED PLAT (CURRENT).DWG

WEST POINTE SUBDIVISION
(AN AMENDED PLAT OF WEST POINTE CONDOMINIUMS)
PART OF SECTION 4 T11N R1E SALT LAKE MERIDIAN
LOGAN CITY, CACHE COUNTY, UTAH

DRAFT -- REVIEW COPY --

Area Usage Summary					
	Area (SF)	Area (AC)	Usable Outdoor Space (AC)	Landscaping (AC)	Buildings (AC)
Buildings	18458	0.424			0.424
Patios	2469	0.057	0.057		
Sidewalks	2374	0.054	0.054		
Landscape	17295	0.397		0.397	
Driveways & Parking	17724	0.407			0.407
Total	58319	1.339	0.111	0.397	0.424
Percentage			8.30%	29.66%	31.65%

Driveways & Parking (AC)	0.407
0.407	



LEGEND

- BOUNDARY
- LOT LINE
- RIGHT-OF-WAY
- PUBLIC UTILITY EASEMENT
*5' WIDE, EXCEPTIONS NOTED
- PUBLIC STREET HEREBY DEDICATED
- P.U.E. / CROSS ACCESS EASEMENT
- EXISTING BUILDING
- EXISTING OUTDOOR PARKING
- EXISTING ASPHALT PAVEMENT
- OPEN SPACE (37.96%)
- 1234 STREET ADDRESS
- SET 5/8" REBAR W/ORANGE PLASTIC CAP STAMPED "STEVEN C. EARL PLS 318575"
- FOUND REBAR W/WAYNE CROW CAP
- LOGAN CITY GIS/GPS MONUMENT

DOMINION ENERGY UTAH

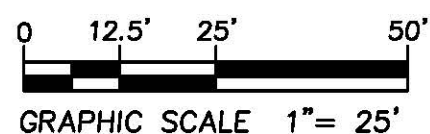
QUESTAR GAS COMPANY, DBA DOMINION ENERGY UTAH, HEREBY APPROVES THIS PLAT SOLELY FOR THE PURPOSE OF CONFIRMING THAT THE PLAT CONTAINS PUBLIC UTILITY EASEMENTS. DOMINION ENERGY UTAH MAY REQUIRE ADDITIONAL EASEMENTS IN ORDER TO SERVE THIS DEVELOPMENT. THIS APPROVAL DOES NOT CONSTITUTE ABROGATION OR WAIVER OF ANY OTHER EXISTING RIGHTS, OBLIGATIONS OR LIABILITIES INCLUDING PRESCRIPTIVE RIGHTS AND OTHER RIGHTS, OBLIGATIONS OR LIABILITIES PROVIDED BY LAW OR EQUITY. THIS APPROVAL DOES NOT CONSTITUTE ACCEPTANCE, APPROVAL OR ACKNOWLEDGMENT OF ANY TERMS CONTAINED IN THE PLAT, INCLUDING THOSE SET FORTH IN THE OWNER'S DEDICATION OR IN THE NOTES, AND DOES NOT CONSTITUTE A GUARANTEE OF PARTICULAR TERMS OR CONDITIONS OF NATURAL GAS SERVICE. FOR FURTHER INFORMATION PLEASE CONTACT DOMINION ENERGY UTAH'S RIGHT-OF-WAY DEPARTMENT AT 800-366-8532.

QUESTAR GAS COMPANY
dba DOMINION ENERGY UTAH

APPROVED THIS ____ DAY OF ____, 20__

BY _____

TITLE _____



NOTES & RESTRICTIONS

- COMMON AREA AND OPEN SPACE ARE SUBJECT TO BLANKET PUBLIC UTILITY EASEMENTS.
- COMMON AREA IS SUBJECT TO A BLANKET CROSS ACCESS EASEMENT FOR INGRESS AND EGRESS TO ALL LOTS.
- OPEN SPACE IS NON-BUILDABLE AND IS TO BE USED ONLY FOR LANDSCAPING AND USABLE OUTDOOR AMENITIES.
- LOTS 1, 2, 3 AND 4 ARE SUBJECT TO 12-FEET WIDE EASEMENTS FOR PUBLIC UTILITIES AND INGRESS/EGRESS AS SHOWN.

SURVEY NARRATIVE

THIS SURVEY WAS ORDERED BY NATHAN WELKER TO CONVERT THE SUBJECT PROPERTIES FROM CONDOMINIUMS TO STANDARD BUILDING LOTS AS SHOWN. ROYAL POINT SUBDIVISION, GREENFIELD VILLAGE SUBDIVISION, AND THE RIGHT-OF-WAY FOR 1400 NORTH STREET WERE RETRACED TO RE-ESTABLISH THE BOUNDARIES AS SHOWN. 24 INCH LONG 5/8" REBARS WITH ORANGE PLASTIC CAPS STAMPED "STEVEN C. EARL PLS 318575" WERE SET AT ALL CORNERS, EXCEPTIONS NOTED.

ACKNOWLEDGMENTS

STATE OF UTAH

COUNTY OF CACHE

ON THIS ____ DAY OF ____, IN THE YEAR 2022, BEFORE ME, THELMA STODDARD, TRUSTEE OF THE THELMA STODDARD INTER VIVOS TRUST U/A/D DECEMBER 31, 1999, PROVED ON THE BASIS OF SATISFACTORY EVIDENCE TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO IN THIS DOCUMENT, AND ACKNOWLEDGED THAT SHE HAD THE CAPACITY TO SIGN IN BEHALF OF SAID TRUST, AND THAT SHE SIGNED THIS DOCUMENT IN BEHALF OF SAID TRUST AND THAT SAID TRUST EXECUTED THE SAME.

NOTARY PUBLIC SIGNATURE: _____
NOTARY PUBLIC FULL NAME: _____
COMMISSION NUMBER: _____
MY COMMISSION EXPIRES: _____
A NOTARY PUBLIC COMMISSIONED IN UTAH
(NOTARY SEAL NOT REQUIRED PER UTAH CODE 46-1-16(8))

STATE OF UTAH

COUNTY OF CACHE

ON THIS ____ DAY OF ____, IN THE YEAR 2022, BEFORE ME, NATHAN WELKER, PROVED ON THE BASIS OF SATISFACTORY EVIDENCE TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO IN THIS DOCUMENT, AND ACKNOWLEDGED HIMSELF TO BE THE MANAGER OF HOLLOW ROAD PROPERTIES, LLC, A LIMITED LIABILITY COMPANY, AND IN THAT CAPACITY BEING AUTHORIZED TO DO SO, EXECUTED THE FOREGOING INSTRUMENT FOR THE PURPOSES THEREIN CONTAINED BY SIGNING THE NAME OF THE LIMITED LIABILITY COMPANY BY HIMSELF AS THE MANAGER.

NOTARY PUBLIC SIGNATURE: _____
NOTARY PUBLIC FULL NAME: _____
COMMISSION NUMBER: _____
MY COMMISSION EXPIRES: _____
A NOTARY PUBLIC COMMISSIONED IN UTAH
(NOTARY SEAL NOT REQUIRED PER UTAH CODE 46-1-16(8))

STATE OF UTAH

COUNTY OF CACHE

ON THIS ____ DAY OF ____, IN THE YEAR 2022, BEFORE ME, SHUFANG TAO, PROVED ON THE BASIS OF SATISFACTORY EVIDENCE TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO IN THIS DOCUMENT, AND ACKNOWLEDGED HERSELF TO BE THE MANAGER OF SIXPARKWAY LLC, A LIMITED LIABILITY COMPANY, AND IN THAT CAPACITY BEING AUTHORIZED TO DO SO, EXECUTED THE FOREGOING INSTRUMENT FOR THE PURPOSES THEREIN CONTAINED BY SIGNING THE NAME OF THE LIMITED LIABILITY COMPANY BY HERSELF AS THE MANAGER.

NOTARY PUBLIC SIGNATURE: _____
NOTARY PUBLIC FULL NAME: _____
COMMISSION NUMBER: _____
MY COMMISSION EXPIRES: _____
A NOTARY PUBLIC COMMISSIONED IN UTAH
(NOTARY SEAL NOT REQUIRED PER UTAH CODE 46-1-16(8))

STATE OF UTAH

COUNTY OF CACHE

ON THIS ____ DAY OF ____, IN THE YEAR 2022, BEFORE ME, NEIL AUSTIN, PROVED ON THE BASIS OF SATISFACTORY EVIDENCE TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THIS DOCUMENT, AND ACKNOWLEDGED HE EXECUTED THE SAME.

NOTARY PUBLIC SIGNATURE: _____
NOTARY PUBLIC FULL NAME: _____
COMMISSION NUMBER: _____
MY COMMISSION EXPIRES: _____
A NOTARY PUBLIC COMMISSIONED IN UTAH
(NOTARY SEAL NOT REQUIRED PER UTAH CODE 46-1-16(8))

STATE OF UTAH

COUNTY OF CACHE

ON THIS ____ DAY OF ____, IN THE YEAR 2022, BEFORE ME, MIKE DESIMONE, PROVED ON THE BASIS OF SATISFACTORY EVIDENCE TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THIS DOCUMENT, AND ACKNOWLEDGED HE EXECUTED THE SAME.

NOTARY PUBLIC SIGNATURE: _____
NOTARY PUBLIC FULL NAME: _____
COMMISSION NUMBER: _____
MY COMMISSION EXPIRES: _____
A NOTARY PUBLIC COMMISSIONED IN UTAH
(NOTARY SEAL NOT REQUIRED PER UTAH CODE 46-1-16(8))

PLANNING APPROVAL

THIS SUBDIVISION, ENTERED INTO CITY RECORDS AS PLANNING COMMISSION DOCKET #____, WAS APPROVED IN SUBSTANTIAL CONFORMANCE WITH THE REQUIREMENTS AND DESIGN SHOWN UPON THIS PLAT MAP ON THE ____ DAY OF ____, 20__.

MIKE DESIMONE, DIRECTOR OF COMMUNITY DEVELOPMENT

SURVEY CERTIFICATE

I, STEVEN C. EARL, DO HEREBY CERTIFY THAT I AM A PROFESSIONAL LAND SURVEYOR, AND THAT I HOLD LICENSE NO. 318575-2201, IN ACCORDANCE WITH TITLE 58, CHAPTER 22 OF THE STATE OF UTAH. I FURTHER CERTIFY THAT BY AUTHORITY OF THE OWNERS, I HAVE MADE A SURVEY OF THE TRACT OF LAND SHOWN ON THIS PLAT AND DESCRIBED HEREON, AND HAVE SUBDIVIDED SAID TRACT OF LAND INTO LOTS, TOGETHER WITH EASEMENTS, HEREAFTER TO BE KNOWN AS WEST POINTE SUBDIVISION, AND THAT THE SAME HAS BEEN CORRECTLY SURVEYED AND MONUMENTED ON THE GROUND AS SHOWN ON THIS PLAT.

LEGAL DESCRIPTION

PART OF THE NORTH HALF OF SECTION 28, TOWNSHIP 12 NORTH, RANGE 1 EAST, SALT LAKE MERIDIAN; ALSO A PART OF LOT 6, BLOCK 3, PLAT D OF THE LOGAN FARM SURVEY, LOCATED IN LOGAN CITY, CACHE COUNTY, UTAH, DESCRIBED AS FOLLOWS:

LOT 2 OF ROYAL POINT SUBDIVISION, ENTRY 565507, FILED ON OCTOBER 13, 1992.

CONTAINING 1.36 ACRES, MORE OR LESS.

OWNER'S DEDICATION AND CONSENT TO RECORD

KNOW ALL MEN BY THESE PRESENTS THAT THE UNDERSIGNED ARE THE OWNERS OF THE TRACT OF LAND DESCRIBED HEREON, AND HEREBY CAUSE THE SAME TO BE DIVIDED INTO LOTS, TOGETHER WITH EASEMENTS AS SET FORTH TO BE HEREAFTER KNOWN AS:

WEST POINTE SUBDIVISION
AND DO HEREBY DEDICATE FOR THE PERPETUAL USE OF THE PUBLIC ALL STREETS AND OTHER AREAS SHOWN ON THIS PLAT AS INTENDED FOR PUBLIC USE. THE UNDERSIGNED OWNERS ALSO HEREBY CONVEY TO ANY AND ALL PUBLIC UTILITY COMPANIES A PERPETUAL, NON-EXCLUSIVE EASEMENT OVER THE PUBLIC UTILITY EASEMENTS SHOWN ON THIS PLAT, THE SAME TO BE USED FOR THE INSTALLATION, MAINTENANCE, AND OPERATION OF UTILITY LINES AND FACILITIES. WE DEDICATE COMMON AREAS 1 AND 2 TO THE WEST POINTE HOMEOWNER'S ASSOCIATION. FURTHERMORE, WE INCORPORATE THE NOTES AND RESTRICTIONS LISTED HEREON.

BY: THELMA STODDARD INTER VIVOS TRUST, U/A/D December 31, 1999 (LOTS 1 AND 2)

BY: THELMA STODDARD, TRUSTEE

BY: THERON M. STODDARD (LOT 1) JULIE A. STODDARD (LOT 1)

BY: HOLLOW ROAD PROPERTIES LLC (LOT 3)

BY: NATHAN WELKER, MANAGER

BY: SIXPARKWAY LLC (LOT 4)

BY: SHUFANG TAO, MANAGER

BY: NEIL AUSTIN (LOT 5)

UTILITY COMPANY APPROVALS

THE UTILITY EASEMENTS SHOWN ON THIS PLAT ARE APPROVED

CENTURY LINK COMMUNICATIONS _____ DATE _____

COMCAST COMMUNICATIONS _____ DATE _____

LOGAN CITY UTILITIES

WATER _____ DATE _____

WASTEWATER COLLECTION _____ DATE _____

WASTEWATER TREATMENT _____ DATE _____

ENVIRONMENTAL _____ DATE _____

LIGHT & POWER _____ DATE _____

APPROVAL AS TO FORM

APPROVED AS TO FORM THIS ____ DAY OF ____, 2022.

KYMBER HOUSLEY, CITY ATTORNEY

LAND USE AUTHORITY

I CERTIFY THAT I HAVE EXAMINED THIS PLAT AND FIND IT TO BE CORRECT AND IN ACCORDANCE WITH THE INFORMATION ON FILE IN THIS OFFICE AND THE CITY ORDINANCE, THIS ____ DAY OF ____, 2022.

WILLIAM YOUNG, CITY ENGINEER

COUNTY RECORDER'S NO.

STATE OF UTAH, COUNTY OF CACHE, RECORDED AND FILED AT THE REQUEST OF _____
DATE _____ TIME _____ FEE _____
ABSTRACTED _____

INDEX
FILED IN: FILE OF PLATS _____ DEVRON ANDERSEN, COUNTY RECORDER

FINAL PLAT

WEST POINTE SUBDIVISION

PROJECT TITLE



Cache • Landmark
Engineers
Surveyors
Planners

95 W. Golf Course Rd.
Suite 101
Logan, UT 84321
435.713.0099

DATE: 11 MAY 2022

SCALE: 1" = 40'

CALCULATIONS BY: S. EARL

CHECKED BY: S. CROOKSTON

APPROVED BY: S. EARL

PROJECT NUMBER: 22026\WST

SHEET: 1 of 1

WHEN RECORDED RETURN TO:

LOGAN CITY
290 North 100 West
Logan, Utah 84321

Ent 1320257 Bk 2340 Pg 243
Date: 19-May-2022 02:26 PM Fee \$40.00
Cache County, UT
Devron Andersen, Rec. - Filed By SE
For OLSON & HOGGAN P.C.

RESTRICTIVE COVENANT AGREEMENT

THIS RESTRICTIVE COVENANT AGREEMENT (the "**Restriction**") is made and effective as of the 17th day of May, 2022, by HOLLOW ROAD PROPERTIES LLC, a Utah limited liability company, whose address is 1373 North 310 West, Logan, UT 84341 ("**HRP**"), THELMA STODDARD, Trustee of the Thelma Stoddard Inter Vivos Trust, u/a/d December 31, 1999, whose addresses are 1389 North 310 West, Logan, UT 84341 and 1396 North 310 West, Logan, UT 84341 ("**Stoddard Trust**"), THERON M. STODDARD and JULIE A. STODDARD, joint tenants, whose address is 1389 North 310 West, Logan, UT 84341 ("**Stoddards**"), NEIL AUSTIN, an individual whose address is 1352 North 310 West, Logan, UT 84341 ("**Austin**"), and SIXPARKWAY LLC, a Utah limited liability company whose address is 1374 North 310 West, Logan, UT 84341 ("**SPW**"), and together with HRP, Stoddard Trust, and Austin, the "**OWNER**", for the benefit of CITY OF LOGAN, a municipal corporation of the State of Utah, whose address is 290 North 100 West, Logan, Utah 84321 (the "**CITY**").

WHEREAS, the OWNER owns certain real property located at 310 East 1400 North in the City of Logan, Utah as more fully described on Exhibit "A" attached hereto and incorporated herein (the "**Property**"), which Property is currently part of a 1.36-acre condominium complex consisting of 5 buildings, each individually owned ("**Condominium Complex**");

WHEREAS, the OWNER has applied to the CITY for a rezone of the Property from Mixed Residential Low (MR-12) to Mixed Residential Medium (MR-20) ("**Rezone**") and for a legal subdivision of the Property to convert the Property/Condominium Complex into a legal subdivision consisting of 5 separate legal lots and shared common areas ("**Subdivision**");

WHEREAS, the Rezone is required to proceed with the Subdivision as the Property is currently non-conforming due to the Property exceeding current allowable density (such non-conformity resulting from the Property being downzoned by the CITY on multiple occasions since Property development);

WHEREAS, upon approval of the Rezone and Subdivision, the OWNER intends on recording a subdivision plat ("**Plat**") to formalize and create the Subdivision; and

WHEREAS, the OWNER has no intent to increase the current density of the Property and as a result desires to enter into this Restriction in conjunction with the Rezone and Subdivision to preclude any increase in density on the Property subject to the terms and conditions of this Restriction.

NOW, THEREFORE, OWNER hereby agrees as follows for the benefit of the CITY:

1. Restriction. The OWNER and the CITY acknowledge and agree that the Property is currently regarded by the CITY as one, 1.36-acre legal parcel consisting of 5 separately owned buildings, each of which is a 4-plex ("**Current Density**"). The OWNER agrees that, notwithstanding the Rezone, the OWNER will not develop the Property in any way that increases the Current Density, without the consent and approval of the CITY. Notwithstanding the foregoing, the recordation of the Plat that may be approved by the CITY subsequent to the Rezone shall not be a violation of this Section 1.

2. Nature of Restriction. The Restriction shall run with the land and shall be binding upon the successors, assigns and beneficiaries of the parties.

3. Effective Date. This Restriction shall become effective on the date that the CITY approves the Rezone ("**Effective Date**"); it being understood that the Subdivision may contain certain conditional approval items that must be satisfied by the OWNER prior to the CITY authorizing the OWNER to record the Plat. The OWNER and the CITY agree that this Restriction shall be recorded against the Property on the first business day following the Effective Date.

4. Application for Downzone. The OWNER wishes to further covenant and agree that upon the earlier of (i) the CITY's final denial of the Plat and expiration of any appeal periods, or (ii) recordation of an approved Plat, the OWNER shall apply for and/or consent to a downzone of the Property from MR-20 back to MR-12 ("**Downzone**").

5. Term and Termination. The term of this Restriction shall commence on the Effective Date. This Restriction shall automatically terminate, and be of no further force or effect, without need for any other documentation, notice, or recorded material on the earlier to occur of the following: (i) the CITY's final denial of the Rezone and expiration of any appeal periods; or (ii) the first date the CITY approves the Downzone or otherwise downzones the Property from MR-20 to another residential zoning classification with a maximum density that is equal to or less than the MR-12 zone ("**Termination Event**"). Nevertheless, upon and after the occurrence of a Termination Event, the OWNER and the CITY shall promptly cooperate together and take the actions and sign the documents that either of them deems necessary to terminate the Restriction and remove all record thereof from the title of the Property, including without limitation a termination of this Agreement executed by both the CITY and the OWNER that is recorded in the real property records of Cache County, Utah. Such termination may be relied upon by all third parties, including, without limitation, purchasers, lenders, and title companies.

6. Enforcement. The CITY may enforce this Restriction through any proceeding at law or in equity, against the OWNER or its successors or assigns, in the event of a violation or threatened violation of the Restriction. There are no intended third party beneficiaries of this Restriction.

7. Amendment. This Restriction cannot be amended without the consent of the CITY.

[SIGNATURE PAGES FOLLOW]

Ent 1320257 Bk 2340 Pg 245

OWNER:

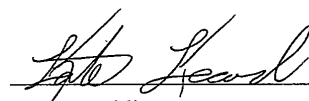
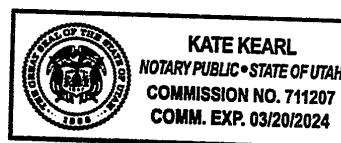
HOLLOW ROAD PROPERTIES LLC


By: Nathan Welker, Authorized Representative

STATE OF UTAH)
 : ss.
COUNTY OF CACHE)

On the 14TH day of May, 2022, personally appeared before me Nathan Welker, who being by me, duly sworn, did say that he is the authorized representative of Hollow Road Properties LLC, a Utah limited liability company, and that the foregoing instrument was signed by him on behalf of said body by authority of a Resolution, and the said authorized representative acknowledged to me that said body executed the same.

My Commission Expires:

03/20/2024
Notary Public
Residing in Logan, Cache County, Utah

Ent 1320257 Bk 2340 Pg 246

OWNER:

THELMA STODDARD INTER VIVOS TRUST
U/A/D DECEMBER 31, 1999

Thelma Stoddard
By: Thelma Stoddard, Trustee

STATE OF MONTANA)
 : ss.
COUNTY OF Ravalli)

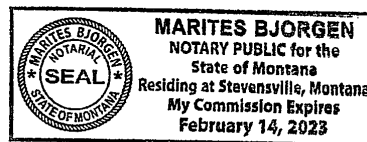
On the 12th day of May, 2022, personally appeared before me Thelma Stoddard, who being by me, duly sworn, did say that she is the trustee of the Thelma Stoddard Inter Vivos Trust u/a/d December 31, 1999, and that the foregoing instrument was signed by her on behalf of said body by authority of said trust, and the said trustee acknowledged to me that said body executed the same.

Marites Bjorgen

Notary Public
Residing in County, Montana

My Commission Expires:

2/14/2023



OWNER:

Ent 1320257 Bk 2340 Pg 247

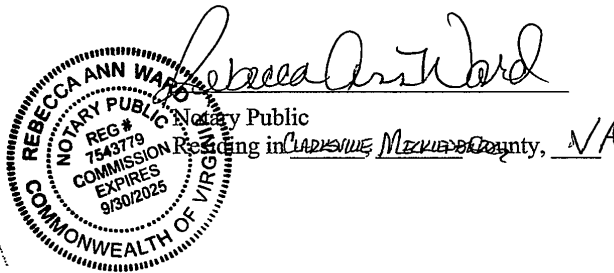


Neil Austin

STATE OF VIRGINIA)
COUNTY OF HALIFAX) ss.

On the 12TH day of May, 2022, personally appeared before me Neil Austin, an individual, who being by me, duly sworn, did say that the foregoing instrument was signed by him in his individual capacity.

My Commission Expires:

09-30-2025

Ent 1320257 Bk 2340 Pg 248

OWNER:

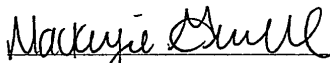
SIXPARKWAY LLC



By: Shufang Tao, Authorized Representative

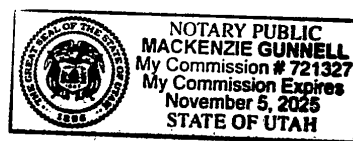
STATE OF UTAH)
 : ss.
COUNTY OF CACHE)

On the 13th day of May, 2022, personally appeared before me Shufang Tao, who being by me, duly sworn, did say that he is the authorized representative of Sixparkway LLC, a Utah limited liability company, and that the foregoing instrument was signed by him on behalf of said body by authority of a Resolution, and the said authorized representative acknowledged to me that said body executed the same.



Notary Public
Residing in Logan, Cache County, Utah

My Commission Expires:

NOV. 5th 2025

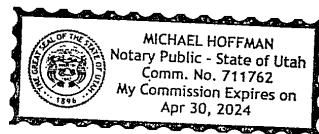
Ent 1320257 Bk 2340 Pg 249

Theron M. Stoddard

Julie A. Stoddard

)

On the 11 day of May, 2022, personally appeared before me Theron M. Stoddard and Julie A. Stoddard, joint tenants, who being by me, duly sworn, did say that the foregoing instrument was signed by them in their individual capacities.



My Commission Expires:

Apr. 30, 2024

Notary Public
Residing in Hendrick, Utah County, Utah

Ent 1320257 Bk 2340 Pg 250

EXHIBIT A**Parcel Number 05-089-0001**

Legal Description: UNIT 1, 1A, 1B WEST POINTE CONDOMINIUM WITH LIMITED COMMON AREA 0.17 AC & 1/5 INTEREST IN COMMON AREA 0.11 AC
FORMERLY: BEG NW COR LT 2 ROYAL POINT SUBD & TH N 89°41'39" E 88 FT TH S 119 FT TH S 89°41'39" W 88 FT TH N 119 FT TO BEG WITH & SUBJ TO R/W 30 FT BY 277 FT SEE DEED

Parcel Number 05-089-0002

Legal Description: UNIT 2, 2A, 2B WEST POINTE CONDOMINIUM WITH LIMITED COMMON AREA 0.17 AC & 1/5 INTEREST IN COMMON AREA 0.11 AC
FORMERLY: BEG N 89°41'39" E 88 FT FROM NW COR LT 2 ROYAL POINT SUBD & TH N 89°41'39" E 88 FT TO NE COR LT 2 TH S 119 FT TH S 89°41'39" W 88 FT TH N 119 FT TO BEG WITH & SUBJ TO R/W 30 FT BY 277 FT SEE DEED

Parcel Number 05-089-0003

Legal Description: UNIT 3, 3A, 3B WEST POINTE CONDOMINIUM WITH LIMITED COMMON AREA 0.17 AC & 1/5 INTEREST IN COMMON AREA 0.11 AC
FORMERLY: BEG S 0°13'42" W 119 FT FROM NW COR LT 2 ROYAL POINT SUBD & TH N 89°41'39" E 88 FT TH S 101 FT TH S 89°41'39" W 88 FT TO W LN OF LT TH N 0°13'42" E 101 FT TO BEG WITH & SUBJ TO R/W 30 FT BY 277 FT SEE DEED

Parcel Number 05-089-0004

Legal Description: UNIT 4, 4A, 4B WEST POINTE CONDOMINIUM WITH LIMITED COMMON AREA 0.17 AC & 1/5 INTEREST IN COMMON AREA 0.11 AC
FORMERLY: BEG N 89°41'39" E 88 FT & S 0°13'42" W 119 FT FROM NW COR LT 2 ROYAL POINT SUBD & TH N 89°41'39" E 88 FT TO E LN OF LT 2 TH S 101 FT ALG LT LN TH S 89°41'39" W 88 FT TH N 101 FT TO BEG WITH & SUBJ TO R/W 30 FT BY 277 FT SEE DEED

Parcel Number 05-089-0005

Legal Description: UNIT 5, 5A, 5B WEST POINTE CONDOMINIUM WITH LIMITED COMMON AREA 0.17 AC & 1/5 INTEREST IN COMMON AREA 0.11 AC
FORMERLY: BEG N 89°41'39" E 88 FT & S 0°13'42" W 119 FT FROM NW COR LT 2 ROYAL POINT SUBD & TH N 89°41'39" E 88 FT TO E LN OF LT 2 TH S 101 FT ALG LT LN TH S 89°41'39" W 88 FT TH N 101 FT TO BEG WITH & SUBJ TO R/W 30 FT BY 277 FT SEE DEED