



C 2015-189 6-2

EH 2738797 PG 1 OF 6
LEANN H KILTS, WEBER COUNTY RECORDER
02-JUN-15 3:27 PM FEE \$0.00 DEP JKC
REC FOR: WEBER COUNTY CLERK/AUDITOR

FIRST AMENDMENT TO INTERLOCAL AGREEMENT

This First Amendment to Interlocal Agreement (the "Amendment") is entered into this 2 day of June 2015, by and between Cache County, a political subdivision of the state of Utah and Weber County, a political subdivision of the state of Utah. Capitalized terms not otherwise defined herein shall have the meaning set forth in the 2013 Interlocal (defined below). To the extent that any terms or provisions of this Amendment modify or conflict with any provisions of the 2013 Interlocal, including prior amendments or addenda (if any), the terms of this Amendment shall control. All other terms of the 2013 Interlocal (defined below) not specifically modified by this Amendment shall remain the same.

RECITALS

WHEREAS: Utah Code Title 11, Section 13, permits local governments to make the most efficient use of their powers by enabling them to cooperate with other governmental units; and

WHEREAS: On April 9, 2013, the Cache County Council approved Resolution No. 2013-05 – Resolution authorizing the County Executive to Execute an Interlocal Agreement with Weber County – Powder Mountain ("2013 Interlocal").

WHEREAS: On May 14, 2013, the Weber County Commission approved the 2013 Interlocal.

WHEREAS: Pursuant to the 2013 Interlocal, Cache County delegated to Weber County the authority to exercise land use, subdivision and building permit authority over the a portion of the Powder Mountain project described below (the "Project") for the immediate construction of the subdivision and future construction of two cabins and three single-family homes on approximately 3.5 acres located in an unincorporated portion of Cache County.

WHEREAS: Subsequent to the approvals of the 2013 Interlocal by Cache and Weber County, the Counties confirmed the location of the county line. The confirmed location of the county line resulted in an additional seven cabins in Cache County.

WHEREAS: The integrated design of this project has a portion of the proposed development located in Cache County. More specifically, Summit Eden Ridge Nests PRUD, Lots 7-15 (nine total) are located within Cache County with the remaining six lots (Lots 1-6) located in Weber County. Also, Summit Eden Phase 1B, Lots 32-34 (three total) are located completely within Cache County, seven lots (Lots 24-30) are located completely within Weber County, and one lot (Lot 31) is located partially in Cache County (7,560 square feet) and partially in Weber County (29,733 square feet); and

WHEREAS: The purpose of this Amendment is to update the 2013 Interlocal to include the additional seven cabins and PROPERTY DESCRIPTION below in the authority delegated by Cache County to Weber County.

WHEREAS: The boundary of the Property, including all or portions of several parcels, is more particularly described as:

PROPERTY DESCRIPTION (the "Property" is all of the property described below)

All of Lots 7, 8, 9, 10, 11, 12, 13, 14, 15, Summit Eden Ridge Nests PRUD as recorded on January 27, 2014 as entry number 2672949 in the official records of Weber County. Containing 0.29 Acres;

Together with all of Lots 32, 33, 34R, Summit Eden Phase 1B Subdivision as recorded on January 27, 2014 as entry number 2672944 in the official records of Weber County. Containing 2.39 Acres;

Together with Lot 31, Summit Eden Phase 1B Subdivision as recorded on January 27, 2014 as entry number 2672944 in the official records of Weber County; Less and Excepting the portion of said Lot 31 lying south of the County Line. Containing 0.17 Acres.

The Property described above is illustrated on Exhibit "A" and Exhibit "B" attached to this Amendment.

NOW THEREFORE, in consideration of the foregoing Recitals, the mutual covenants set forth herein, and other good and valuable consideration, receipt and sufficiency of which is hereby acknowledged, the parties agree to amend the 2013 Interlocal as follows:

AMENDMENT

1. Authorization to subdivide. Cache County authorizes Weber County to subdivide the Property. Weber County will conduct the subdivision process in adherence to all applicable state laws and Weber County ordinances.
2. Authorization to grant site plan approval. Cache County authorizes Weber County to complete the site plan review of the Project. Weber County will conduct the site plan review in adherence to all applicable state laws and Weber County ordinances.
3. Authorization to issue building permit. Following site plan approval Cache County authorizes Weber County to review all plans, issue all building permits and conduct all inspections in regard to the Project. Weber County will exercise these functions in adherence to all applicable state laws and Weber County ordinances.
4. Authorization to collect fees. Cache County authorizes Weber County to apply its own fee schedule and to collect and retain all development fees associated with the subdivision of land, the site plan approval and the building permit process.
5. Water. Weber County agrees that a building permit in Cache County will only be issued with a current, approved water right that exists as of the date of the signing of this Agreement or with a water right that is subsequently approved by the Utah State Engineer. Cache County does not waive any rights in the matter of Exchange Application E-5382.
6. Authorization to collect property taxes. Cache County is authorized to assess and collect property taxes on structures built in part or in whole within Cache County. Further, Cache County is entitled to keep the taxes collected pursuant to this paragraph.
7. Recording. Cache County and Weber County shall record this Interlocal Agreement and required plats and related documents for the Property.
8. Notices. All notices, requests, and other communication pursuant to this Amendment shall be made in writing and sent by facsimile transmission, certified mail, return receipt requested, or by hand delivery, as follows:

For Cache County:

Cache County
Attn: Cache County Community Development Department
179 North Main, Suite 305
Logan, Utah 84321

For Weber County:

Weber County
Attn: Weber County Planning Division 2380
Washington Blvd., Suite 240
Ogden, Utah 84401

9. Severability. This Amendment is executed by the parties under current interpretation of any and all applicable federal, state, county, or other local statutes, ordinances, or laws. Furthermore, each and every separate division, i.e., each section, paragraph, clause, phrase, item, term, condition, covenant or agreement contained herein, shall have independent and severable status from each other division, or combination thereof, for the determination of legality, so that if any separate division herein is determined to be unconstitutional, illegal, violates trade or commerce, is in contravention of public policy, is void, invalid or unenforceable for any reason, that separate division shall be treated as a nullity but such holding or determination shall have no effect

upon the validity or enforceability of each and every other division, or other combination thereof.

10. Entire Agreement; Counterparts. The 2013 Interlocal, as amended herein shall constitute the entire agreement and understanding of the parties with respect to the subject matter hereof, and shall supersede all offers, negotiations and other agreements with respect thereto. This Amendment may be executed in any number of counterparts and by each of the parties hereto on separate counterparts, each of which when so executed and delivered shall be an original, but all such counterparts shall together constitute but one and the same instrument. Any signature page of this Amendment may be detached from any counterpart and reattached to any other counterpart hereof. The facsimile transmission of a signed original of this Amendment or any counterpart hereof and the retransmission of any signed facsimile transmission hereof shall be the same as delivery of an original.

11. Administration. Weber County designates the Weber County Planning Director, 2380 Washington Blvd., Suite 240, Ogden, Utah 84401, to assist in the management of the 2013 Interlocal and this Amendment. Cache County designates the Cache County Community Development Director, 179 North Main, Suite 305, Logan, Utah 84321, as its representative to assist in the management of the 2013 Interlocal and this Amendment. It is understood and agreed by the parties that the representative shall have no control over the means, methods, techniques or procedures employed in the services of the 2013 Interlocal and this Amendment.

12. Laws of the State of Utah. It is understood and agreed by the parties hereto that this agreement shall be governed by the laws of the state of Utah, both as to interpretation and performance.

IN WITNESS WHEREOF, the parties hereto have caused this Amendment to be executed in duplicate as of the day and year first herein written and have signed the foregoing Amendment by authority of their respective authorizing person or bodies.

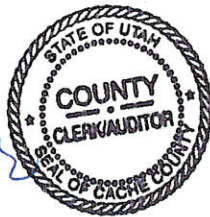
DATED this 28th day of APRIL, 2015.

CACHE COUNTY

By: Craig Butters
Cache County Executive

ATTEST:

By: Justin Zollinger
Cache County Clerk/Auditor



LEGAL APPROVAL
By: [Signature]
Cache County Attorney's Office

BOARD OF COUNTY COMMISSIONERS
OF WEBER COUNTY

By: [Signature]
Title: Webber County Commission Chair

Commissioner Bell voted ✓
Commissioner Ebert voted ✓
Commissioner Gibson voted ✓

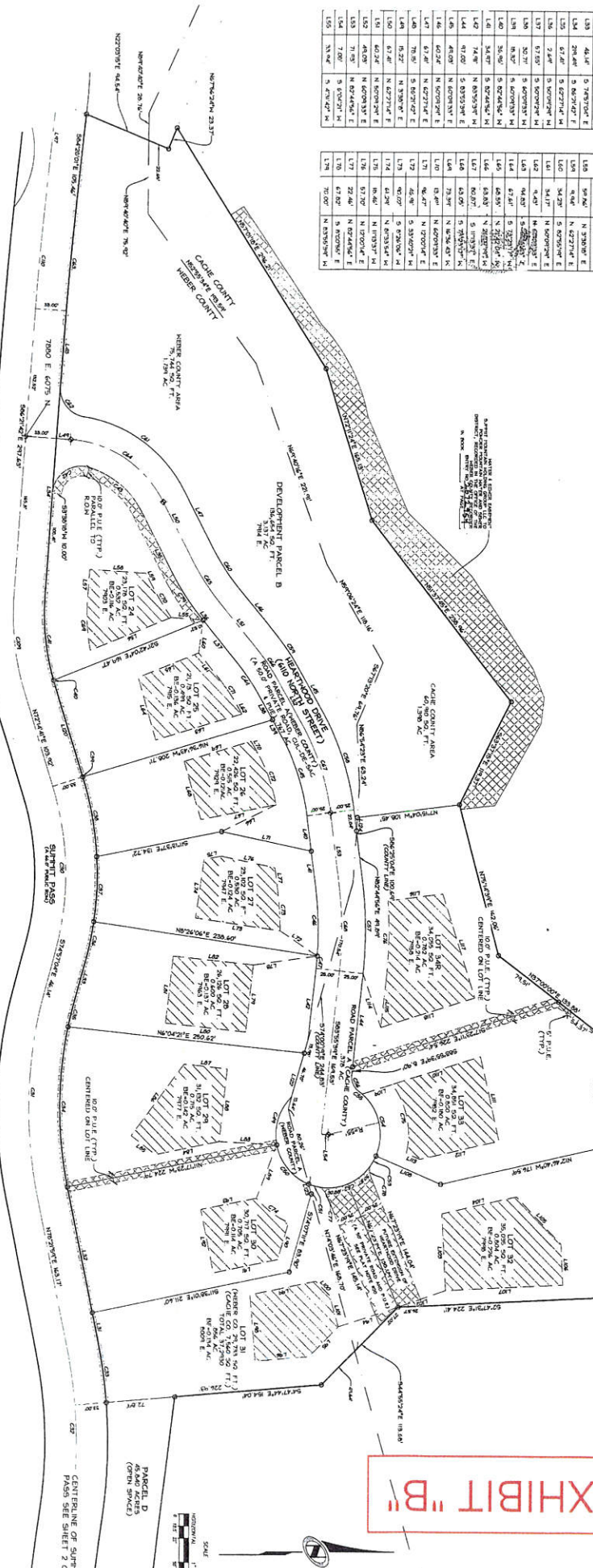
ATTEST:

By: [Signature]
Title: Webber County Clerk/Auditor

SUMMIT EDEN PHASE IB

LOCATED IN THE SOUTH 1/2 OF SECTION 6,
SOUTHWEST 1/4 OF SECTION 5 AND NORTH 1/2 OF SECTION 6 OF
TOWNSHIP 7 NORTH, RANGE 2 EAST, SALT LAKE
COUNTY, UTAH

LINE TABLE	LINE TABLE
LINE LENGTH DIRECTION	LINE LENGTH DIRECTION
L101 100.00' N 89°59'42" E	L101 100.00' N 89°59'42" E
L102 100.00' N 89°59'42" E	L102 100.00' N 89°59'42" E
L103 100.00' N 89°59'42" E	L103 100.00' N 89°59'42" E
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CURVE TABLE	CURVE TABLE
CURVE LENGTH RADIUS DELTA LONG CHORD LENGTH	CURVE LENGTH RADIUS DELTA LONG CHORD LENGTH
C1 171.72' 500.00' 32.783° 164.427' 164.427'	C1 171.72' 500.00' 32.783° 164.427' 164.427'
C2 209.16' 500.00' 39.609° 197.571' 197.571'	C2 209.16' 500.00' 39.609° 197.571' 197.571'
C3 131.63' 500.00' 26.251° 127.171' 127.171'	C3 131.63' 500.00' 26.251° 127.171' 127.171'
C4 166.44' 417.00' 37.250° 158.437' 158.437'	C4 166.44' 417.00' 37.250° 158.437' 158.437'
C5 184.44' 417.00' 42.821° 173.537' 173.537'	C5 184.44' 417.00' 42.821° 173.537' 173.537'
C6 184.44' 417.00' 42.821° 173.537' 173.537'	C6 184.44' 417.00' 42.821° 173.537' 173.537'
C7 184.44' 417.00' 42.821° 173.537' 173.537'	C7 184.44' 417.00' 42.821° 173.537' 173.537'
C8 184.44' 417.00' 42.821° 173.537' 173.537'	C8 184.44' 417.00' 42.821° 173.537' 173.537'
C9 184.44' 417.00' 42.821° 173.537' 173.537'	C9 184.44' 417.00' 42.821° 173.537' 173.537'
C10 184.44' 417.00' 42.821° 173.537' 173.537'	C10 184.44' 417.00' 42.821° 173.537' 173.537'

CURVE TABLE	CURVE TABLE
CURVE LENGTH RADIUS DELTA LONG CHORD LENGTH	CURVE LENGTH RADIUS DELTA LONG CHORD LENGTH
C11 114.47' 50.00' 10.714° 112.723' 112.723'	C11 114.47' 50.00' 10.714° 112.723' 112.723'
C12 61.46' 50.00' 6.073° 60.720' 60.720'	C12 61.46' 50.00' 6.073° 60.720' 60.720'
C13 117.27' 50.00' 17.360° 114.537' 114.537'	C13 117.27' 50.00' 17.360° 114.537' 114.537'
C14 70.00' 50.00' 17.360° 68.519' 68.519'	C14 70.00' 50.00' 17.360° 68.519' 68.519'
C15 4.65' 50.00' 0.523° 4.650' 4.650'	C15 4.65' 50.00' 0.523° 4.650' 4.650'
C16 140.00' 100.00' 14.036° 138.564' 138.564'	C16 140.00' 100.00' 14.036° 138.564' 138.564'
C17 140.00' 100.00' 14.036° 138.564' 138.564'	C17 140.00' 100.00' 14.036° 138.564' 138.564'
C18 140.00' 100.00' 14.036° 138.564' 138.564'	C18 140.00' 100.00' 14.036° 138.564' 138.564'
C19 140.00' 100.00' 14.036° 138.564' 138.564'	C19 140.00' 100.00' 14.036° 138.564' 138.564'
C20 140.00' 100.00' 14.036° 138.564' 138.564'	C20 140.00' 100.00' 14.036° 138.564' 138.564'

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CURVE LENGTH RADIUS DELTA LONG CHORD LENGTH	CURVE LENGTH RADIUS DELTA LONG CHORD LENGTH
C21 54.00' 200.00' 15.470° 52.000' 52.000'	C21 54.00' 200.00' 15.470° 52.000' 52.000'
C22 81.00' 200.00' 23.205° 77.250' 77.250'	C22 81.00' 200.00' 23.205° 77.250' 77.250'
C23 43.20' 335.00' 12.251° 42.250' 42.250'	C23 43.20' 335.00' 12.251° 42.250' 42.250'
C24 42.24' 335.00' 12.251° 41.250' 41.250'	C24 42.24' 335.00' 12.251° 41.250' 41.250'
C25 75.24' 335.00' 22.418° 72.250' 72.250'	C25 75.24' 335.00' 22.418° 72.250' 72.250'
C26 86.00' 335.00' 25.344° 84.000' 84.000'	C26 86.00' 335.00' 25.344° 84.000' 84.000'
C27 12.48' 335.00' 3.612° 12.480' 12.480'	C27 12.48' 335.00' 3.612° 12.480' 12.480'
C28 140.00' 335.00' 37.000° 138.000' 138.000'	C28 140.00' 335.00' 37.000° 138.000' 138.000'
C29 140.00' 335.00' 37.000° 138.000' 138.000'	C29 140.00' 335.00' 37.000° 138.000' 138.000'
C30 140.00' 335.00' 37.000° 138.000' 138.000'	C30 140.00' 335.00' 37.000° 138.000' 138.000'

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L120 100.00' N 89°59'42" E	L120 100.00' N 89°59'42" E

SUBMIT EDEN PHASE IB
DEVELOPMENT PARCEL B, ROAD
PARCEL A AND LOTS 24 TO 34
LOCATED IN THE SOUTH 1/2 OF SECTION 5,
SOUTHWEST 1/4 OF SECTION 6 AND
NORTH 1/2 OF SECTION 6 OF
TOWNSHIP 7 NORTH, RANGE 2 EAST, SALT LAKE
COUNTY, UTAH

AREA PER COUNTY	HEBER COUNTY	SALT LAKE COUNTY	WASATCH COUNTY	CACHE COUNTY
ACRES	0.163	0.378	0.075	0.446
ACRES	1.781	1.980	0.754	60.780
ACRES	0.682	0.174	29.733	7.560

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LEGEND

- BOUNDARY LINE
- LOT LINE
- SECTION LINE
- QUARTER SECTION LINE
- COUNTY LINE
- ADJOINER DEED LINES
- NO ACCESS LINE
- AREA TIE LINES
- CALCULATED SECTION CORNER AS NOTED
- SECTION CORNER AS NOTED
- STREET NONUNET
- SET 5/8" X 2" BEARS WITH PLASTIC CAP
- STAMPED "N.T.R. ENCL"
- BUILDING ENVELOPE
- P.U.E. AND FUTURE EXTENSION OF HEATHWOOD DRIVE

Sheet 3 of 3
NVS
Noble Vertical Curve
Checked D Rowley
DATE 7/14/2014
PROJECT 2014-2015
SHEET 34