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WHEN RECORDED, PLEASE RETURN TO:

West Jordan City Recorder
8000 South Redwood Road
West Jordan, Utah 84088

Parcel Numbers: 20-25-351-002 and 20-25-300-058

13744766
08/13/2021 10:57 AM \$0.00
Book - 11221 Pg - 8533-8538
RASHELLE HOBBS
RECORDER, SALT LAKE COUNTY, UTAH
WEST JORDAN CITY
8000 S REDWOOD RD
WEST JORDAN UT 84088
BY: ADA, DEPUTY - WI 6 P.

**AFFIDAVIT OF INCREASED REIMBURSEMENT AMOUNT
REGARDING REIMBURSEMENT AGREEMENT
Highlands Landing Commercial Subdivision Phase 1, Lot 1
(Portion of Highlands Loop Road)
Parcel Numbers 20-25-351-002 and 20-25-300-058**

The undersigned, having been duly sworn, hereby deposes and says as follows:

1. I, David Clemence, am a resident of Utah County, State of Utah, am over the age of twenty-one years and am competent to testify to the matters contained herein.
2. I am the Real Property Administrator for the City of West Jordan, Utah, which maintains its principal place of business at 8000 South Redwood Road, West Jordan, Utah 84088.
3. I am familiar with that certain document titled "REIMBURSEMENT AGREEMENT: Highlands Landing Commercial Subdivision Phase 1, Lot 1 (Portion of Highlands Loop Road) Parcel Numbers 20-25-351-002 and 20-25-300-058" ("Reimbursement Agreement") between the City of West Jordan and Peterson Development Company, L.L.C., dated on or about June 13, 2019, and recorded on June 20, 2019, under Entry Number 13013216, in Book 10794, at Pages 509 to 522, in the office of the Salt Lake County Recorder, Salt Lake County, Utah, and affirm that the City Engineer has stated that the Maximum Total Reimbursement Amount in the Reimbursement Agreement has been increased.
4. **The Maximum Total Reimbursement Amount in the Reimbursement Agreement has been increased from \$201,346.46 to \$221,481.11**, as set forth in the attached document signed by the City Engineer and City Administrator, entitled "Approval of Recommendation for Increased Reimbursement: Regarding Reimbursement (Pioneering) Agreement for Highlands Landing Commercial Subdivision, Phase 1, Lot 1" ("Approval of Recommendation").
5. The purpose of this Affidavit is to provide notice of the increased Maximum Total Reimbursement Amount to a total of \$221,481.11, as set forth in the attached Approval of Recommendation.

Dated this 10 day of August, 2021.

CITY OF WEST JORDAN, UTAH

By: [Signature]
Name: David Clemence
Title: Real Property Administrator

STATE OF UTAH)
 :SS
COUNTY OF SALT LAKE)

On this 10 day of August, 2021, personally appeared before me David Clemence, who being by me duly sworn did say that he is the Real Property Administrator of the City of West Jordan, Utah, and that the foregoing instrument was signed by him on behalf of the City of West Jordan, Utah.

[Signature]
NOTARY PUBLIC
Residing in Salt Lake County County, Utah
My commission expires: 07-28-2023



Acknowledged by:
CITY OF WEST JORDAN, UTAH



ATTEST

By: [Signature]
Name: Dirk Burton
Title: Mayor

By: [Signature]
Name: Tangee Sloan
Title: City Recorder

Dated: 8.11.2021

Exhibit A
Plat for the "Property" (also showing "Adjoining Property" to the North) –
Highlands Landing Commercial Subdivision Phase 1, Lot 1 in West Jordan, Utah

"Property" (Parcel Number 20-25-351-002):

Legal Description: Lot 1, Highlands Landing Commercial Subdivision, according to the plat thereof as recorded in the office of the Salt Lake County Recorder.

"Adjoining Property" (Parcel Number 20-25-300-058):

Legal Description: BEG N 0°42'46" W 1162.13 FT & E 53 FT FR SW COR SEC 25, T2S, R2W, SLM; N 0°42'46" W 231.98 FT; E 883.92 FT M OR L; S 2°38'39" E 232.21 FT; W 891.75 FT M OR L TO BEG. 4.73 AC M OR L.

Approval of Recommendation for Increased Reimbursement:
Regarding Reimbursement Agreement for Highlands Landing
Commercial Subdivision, Phase 1, Lot 1

**APPROVAL OF RECOMMENDATION FOR INCREASED REIMBURSEMENT:
REGARDING REIMBURSEMENT (PIONEERING) AGREEMENT FOR
HIGHLANDS LANDING COMMERCIALSUBDIVISION, PHASE 1, LOT 1**

Recital of Facts by the City Engineer:

Nate Nelson, the City Engineer, hereby acknowledges the following facts to be true and correct to the best of his knowledge:

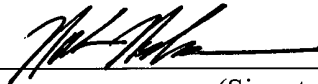
1. Reimbursement Agreement. A Reimbursement (Pioneering) Agreement for Highlands Landing Commercial Subdivision, Phase 1, Lot 1, between the City of West Jordan (“City”) and Peterson Development Company, L.L.C. (“Developer” and “Reimbursement Agreement”), was approved by the City Council for the City (“City Council”), on or about June 12, 2019, by the approval of Resolution 19-117.
2. Recording with Salt Lake County. The Reimbursement Agreement was signed by the Developer and the City’s Mayor and was recorded with the Salt Lake County Recorder’s Office.
3. Reimbursement Amount. The maximum reimbursement amount identified in Section 6 of the Reimbursement Agreement for the eligible public improvements (“Road Segment improvements”) was **\$201,346.46** (“Original Reimbursement Amount”).
4. Completion of Work. All the work for the Road Segment improvements identified in the Reimbursement Agreement has been completed and inspected by the City.
5. Request for Increased Reimbursement Amount. On May 27, 2021, the City received an emailed request from the Developer’s attorney for an increased reimbursement amount pursuant to West Jordan City Code Section 8-3B-5(D)(5)(b), due to the significantly higher costs expended in completing the Road Segment improvements.
6. Maximum Increased Reimbursement Amount Allowed by the City Code. The maximum amount of increase allowed by West Jordan City Code Section 8-3B-5(D)(5)(b) is a ten percent (10%) increase from the Original Reimbursement Amount in the Reimbursement Agreement, which would be **\$20,134.65** in the present case.
7. Total Reimbursement Amount Allowed by the City Code. The Original Reimbursement Amount of **\$201,346.46**, with the maximum amount of increase allowed by West Jordan City Code Section 8-3B-5(D)(5)(b) (**\$20,134.65**), equals a maximum total reimbursement amount of **\$221,481.11** (“Maximum Total Reimbursement Amount”).

Approval of Recommendation for Increased Reimbursement:
Regarding Reimbursement Agreement for Highlands Landing
Commercial Subdivision, Phase 1, Lot 1

Recommendation of the City Engineer:

Nate Nelson, the City Engineer, pursuant to West Jordan City Code Section 8-3B-5(D)(5)(b), hereby makes the following Recommendation:

Recommendation. Since I have verified that the additional actual costs of the Developer are significantly more than \$20,134.65 in excess of the Original Reimbursement Amount, and that said additional actual costs are reasonable, I recommend that the Original Reimbursement Amount of \$201,346.46 be increased by \$20,134.65, such that the Developer should now be entitled to the Maximum Total Reimbursement Amount of **\$221,481.11**.

By: 
(Signature)

Name: Nate Nelson

Title: City Engineer


Date: 29 July 2021

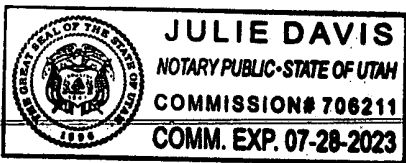
ACKNOWLEDGMENT

STATE OF UTAH)
 : ss.
County of Salt Lake)

On this 29 day of July, 2021, before the undersigned notary public in and for the said state, personally appeared Nate Nelson, known or identified to me to be an individual and the City Engineer of the City of West Jordan, a municipal corporation in the State of Utah, and the person who executed the foregoing instrument and acknowledged to me that he executed the same for the stated purpose.

IN WITNESS WHEREOF, I have hereunto set my hand and seal the day and year first above written.


Notary Public for Utah



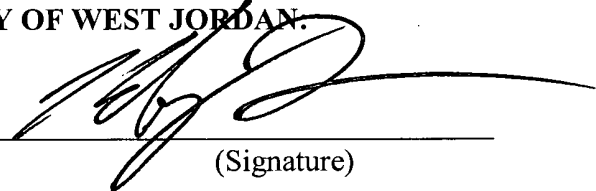
Approval of Recommendation for Increased Reimbursement:
Regarding Reimbursement Agreement for Highlands Landing
Commercial Subdivision, Phase 1, Lot 1

Approval by the Chief Administrative Officer (City Administrator):

Korban Lee, the City Administrator, pursuant to West Jordan City Code Section 8-3B-5(D)(5)(b), approves as follows:

Approval. Based upon the City Engineer's Recommendation, I hereby approve that the Original Reimbursement Amount of \$201,346.46 identified in the Reimbursement Agreement be increased by \$20,134.65, such that the Developer shall be entitled to the Maximum Total Reimbursement Amount of **\$221,481.11** from the "Adjoining Owner" when development occurs, pursuant to the terms of the Reimbursement Agreement.

CITY OF WEST JORDAN.

By: 
(Signature)

Name: Korban Lee

Title: Chief Administrative Officer (City Administrator)

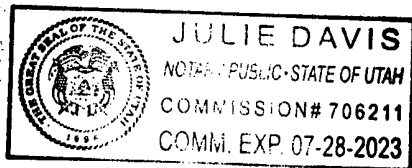
Date: 7/29/21

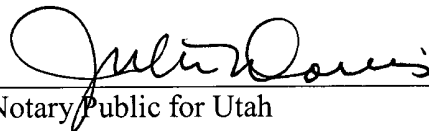
ACKNOWLEDGMENT

STATE OF UTAH)
 : ss.
County of Salt Lake)

On this 29 day of July, 2021, before the undersigned notary public in and for the said state, personally appeared Korban Lee, known or identified to me to be the Chief Administrative Officer of the City of West Jordan, a municipal corporation in the State of Utah, and the person who executed the foregoing instrument and acknowledged to me that said municipal corporation executed the same for the stated purpose.

IN WITNESS WHEREOF, I have hereunto set my hand and seal the day and year first above written.




Notary Public for Utah