

**FIRST ADMINISTRATIVE AMENDMENT TO THE MDA FOR  
THE NORTH VILLAGE VIEWS**

THIS FIRST ADMINISTRATIVE AMENDMENT TO THE NORTH VILLAGE VIEWS (“FIRST ADMINISTRATIVE AMENDMENT”), WHICH AMENDS SECTION 3.1 PROJECT DENSITY, SECTION 3.2 INTENDED USES BY PARCEL AND DENSITIES AND EXHIBIT B “SITE PLAN” TO THE MASTER DEVELOPMENT AGREEMENT (“MDA”), IS MADE AND ENTERED AS OF THE DATE LAST EXECUTED BELOW BY AND BETWEEN HEBER CITY (“CITY”) AND NORTH VILLAGE PROPERTIES, LLC (“DEVELOPER”).

**RECITALS**

- A. The parties entered into an MDA, approved by the City Council through Ordinance 2022-27 on November 15, 2022, and executed on December 6, 2022.
- B. The MDA encumbers property which is described in Exhibit 1, attached hereto and incorporated herein.
- C. On June 21, 2023, Developer submitted a formal request for an MDA Amendment to the City.
- D. The parties agree that this amendment is necessary to promote regional transportation connectivity and a vibrant Performing Arts District.
- E. On July 18, 2023, Developer appeared before the City Council to request the proposed Amendment be processed as an Administrative Amendment. By motion of approval, the City Council accepted the Amendment as an Administrative Amendment, authorizing the City Manager as Administrator of the MDA to approve the Amendment as per Section 16 of the MDA.
- F. The parties have cooperated in the preparation of this First Administrative Amendment.

**NOW, THEREFORE**, in consideration of the mutual covenants contained herein, and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the City and Developer hereby agree to the following:

**AMENDMENTS**

1. **Effect of this First Administrative Amendment.** Other than as specifically amended herein by this First Administrative Amendment, the Original MDA shall remain in full force and effect.
2. **Recording.** This amendment shall be recorded with the Wasatch County Recorder’s Office.
3. **Amendment to Section 3.1.** Section 3.1 of the MDA is hereby amended to read as follows:  
**3.1 Project Density.** Except as may be otherwise augmented hereinafter, Property Owners

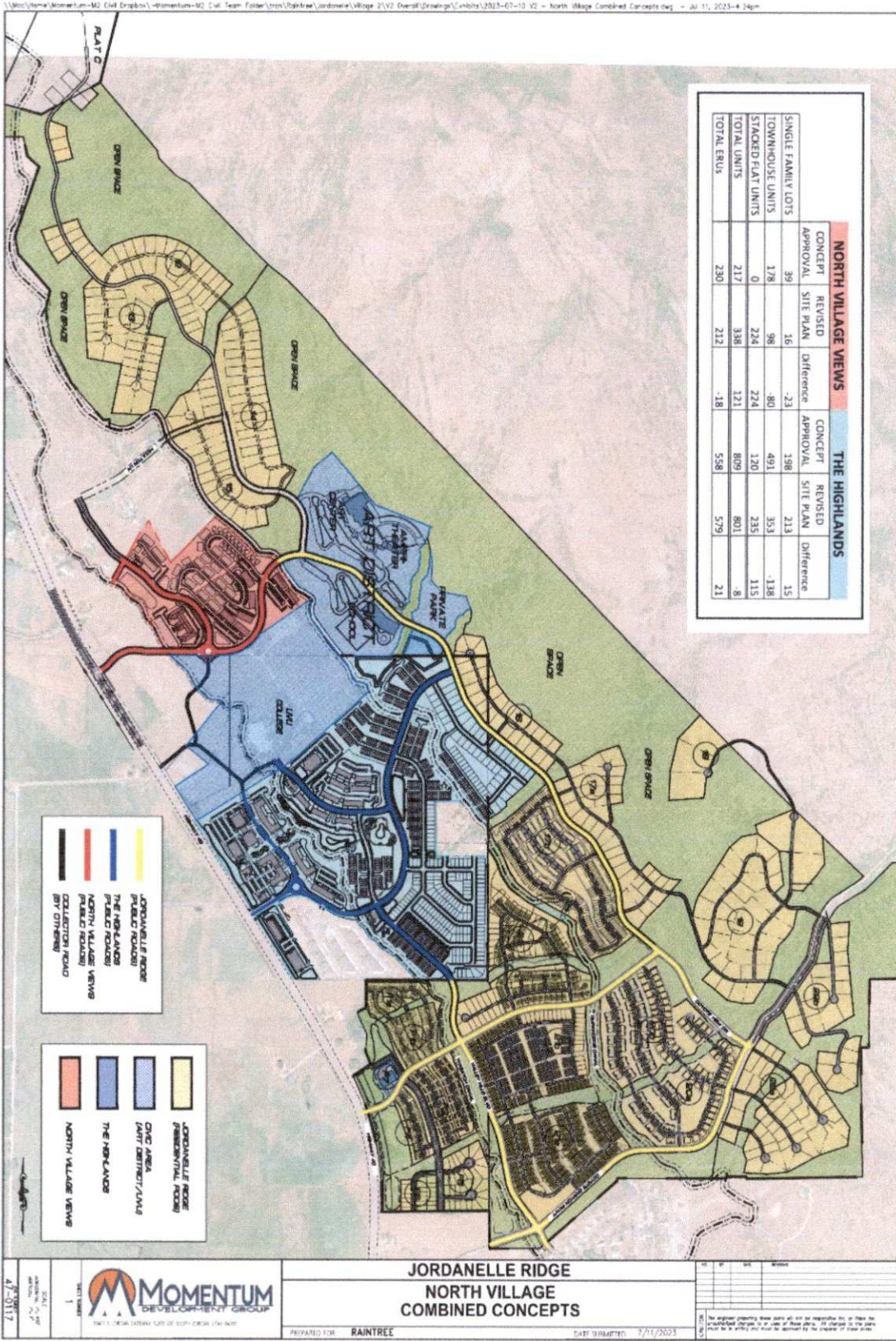
shall be entitled to and are vested with the right to develop and construct up to 219 ERUs on the Property consistent with the Intended Uses specified in the Zoning Ordinance and generally identified on the Site Plan (collectively, the “Base Density Entitlements”). The Base Density Entitlements represent the base density allocation per gross acre allowed by the City’s Vested Laws and have been approved pursuant to the City’s review of the Site Plan in accordance with the requirements of the North Village Overlay District Zone. In addition to the Base Density Entitlements, Property Owners shall be entitled to and are vested with the right to develop and construct an additional 11 ERUs on the Property consistent with the Intended Uses specified in the Zoning Ordinance and generally identified on the Site Plan (collectively, the “Bonus Density Entitlements,” and together with the Base Density Entitlements, the “Development Entitlements”), which reflects a five percent (5%) increase in base density granted by reason of the Low Income Housing requirements imposed pursuant to this Agreement.

4. **Amendment to Section 3.2 Intended Uses by Parcel and Densities.** Section 3.2 of the MDA is hereby amended to read as follows:

**3.2 Intended Uses by Parcel and Densities.** Intended Uses by Parcel and Densities. Intended Uses and Densities currently contemplated for each Parcel are shown on the Site Plan for the Property, which plan has been prepared in compliance with the requirements of the Heber City ordinances set forth in Chapter 17.20 Plans of the City’s Vested Laws. Uses on the property shall not include stacked flats unless approved by the City Council. On July 18, 2023, the City Council approved Developer constructing up to 224 Stacked Flats, which, notwithstanding Section 11.3 of the MDA, will be limited to four (4) stories in height, but will otherwise be subject to all of the requirements of the MDA.

5. **Amendment to MDA-Exhibit B “Site Plan.”** Exhibit B “Site Plan” shall be amended as follows:

EXHIBIT B1: REGIONAL SITE PLAN



JORDANELLE RIDGE  
NORTH VILLAGE  
COMBINED CONCEPTS



PREPARED FOR: RAIN TREE

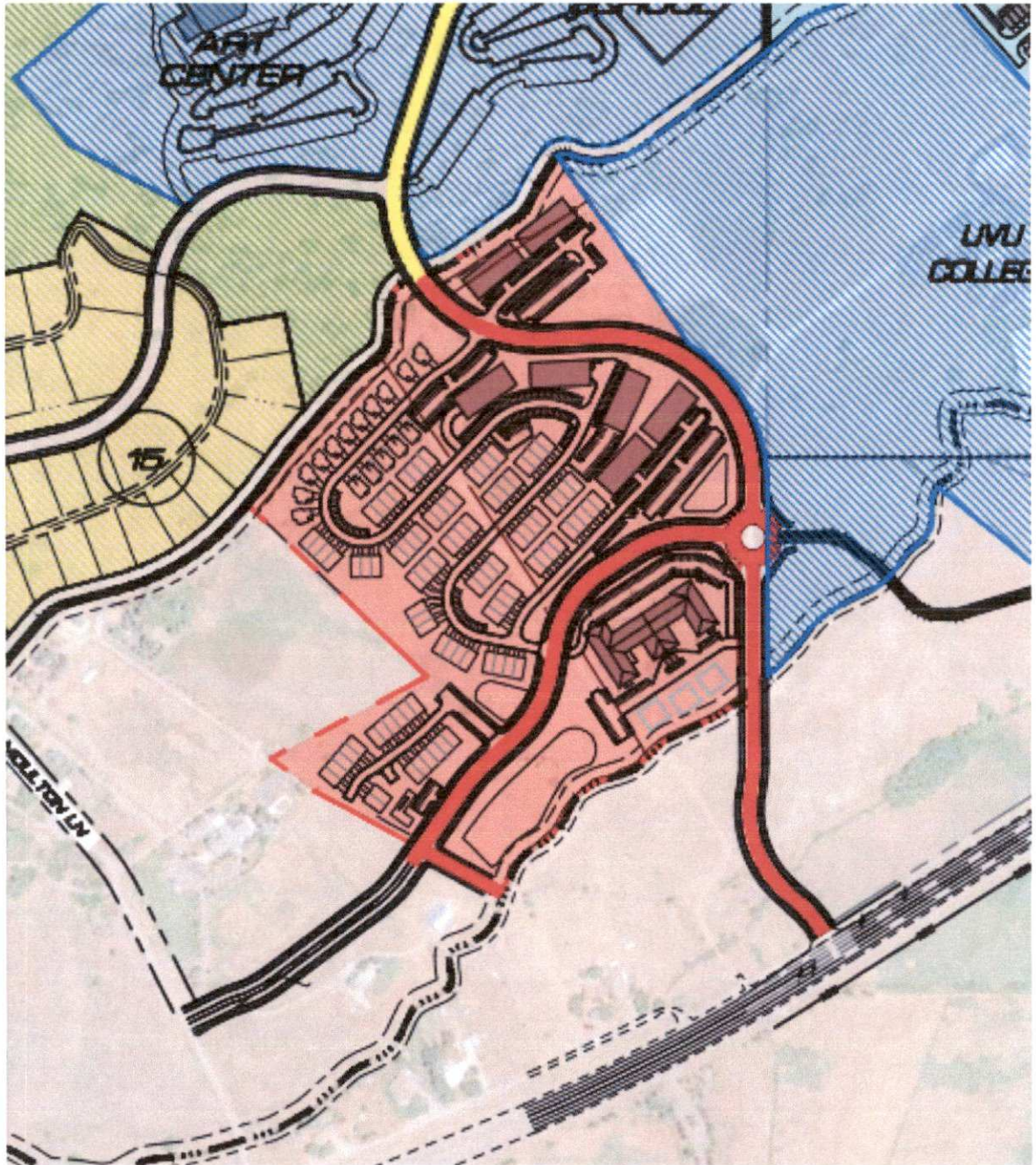
DATE SUBMITTED: 7/11/2023

The engineer certifies these plans will not be implemented until they have been approved by the local authority having jurisdiction. All changes to the plans shall be made by a separate drawing or amendment to these plans.

4/7/2017



EXHIBIT B2: NORTH VILLAGE VIEWS SITE PLAN



IN WITNESS WHEREOF, the parties hereto have executed this Agreement by and through their respective, duly authorized representatives as of the day and year first herein above written.

CITY

City of Heber  
Matt Brower, City Manager



*[Handwritten signature of Matt Brower]*

Approved as to form and legality:  
City Attorney

*[Handwritten signature of City Attorney]*

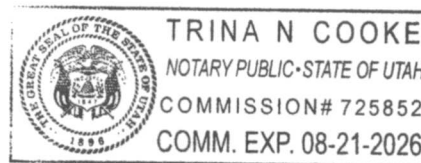
Attest:  
City Recorder

*[Handwritten signature of Trina N Cooke]*

STATE OF UTAH     )  
:ss.  
CITY OF HEBER     )


On the 16<sup>th</sup> day of January, 2024, personally appeared before me Matt Brower who being by me duly sworn, did say that he is the City Manager of the City of Heber, a political subdivision of the State of Utah, and that said instrument was signed in behalf of the City buy authority of its governing body.

*[Handwritten signature of Trina N Cooke]*  
NOTARY PUBLIC



**DEVELOPER**

North Village Properties, LLC  
Utah limited liability company

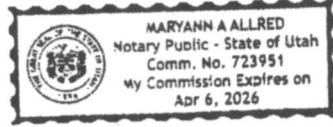
By:   
Name: Seth Hobby  
Title: Manager

**DEVELOPER ACKNOWLEDGMENT**

STATE OF UTAH *Utah* )  
                                                          ):§.  
CITY OF SALT LAKE )

On the 20<sup>th</sup> day of December, 2023, personally appeared before me Jared Fredrick, who being by me duly sworn, did say that he is the Manager of North Village Properties, LLC, and that the foregoing instrument was duly authorized by the company at a lawful meeting held by authority of its operating agreement and signed in behalf of said company.

  
NOTARY PUBLIC 





## EXHIBIT 1

## LEGAL DESCRIPTION

**Parcel 1:**

BEGINNING AT A POINT SOUTH 645.39 FEET AND WEST 398.27 FEET FROM THE NORTHEAST CORNER OF SECTION 19, TOWNSHIP 3 SOUTH, RANGE 5 EAST, SALT LAKE BASE AND MERIDIAN; THENCE N63°59'52"W 96.94 FEET MORE OR LESS; THENCE ALONG THE ARC OF A 470 FOOT RADIUS CURVE TO THE LEFT 62.16 FEET (CHORD BEARS N67°47'06"W); THENCE ALONG THE ARC OF A 400 FOOT RADIUS CURVE TO THE LEFT 255.08 FEET (CHORD BEARS S02°00'23"E); THENCE S69°43'31"W 140.58 FEET MORE OR LESS; THENCE ALONG THE ARC OF A 500 FOOT RADIUS CURVE TO THE LEFT 64.45 FEET (CHORD BEARS N12°55'52"W); THENCE S55°53'06"W 196.76 FEET MORE OR LESS THENCE; S20°24'47"E 15.84 FEET; THENCE S41°35'38"E 118.7 FEET MORE OR LESS; THENCE S24°37'46"E 143.17 FEET; THENCE S33°44'12"E 7.83 FEET; THENCE S52°19'47"W 33.59 FEET MORE OR LESS; THENCE N33°44' 12"W 11.21 FEET; THENCE N24°37'48"W 140.91 FEET MORE OR LESS; THENCE N41°35'40"W 119.93 FEET; THENCE N20°24'35"W 117.27 FEET MORE OR LESS; THENCE N34°59'53"W 23.2 FEET; THENCE N43°40'01"W 56.24 FEET MORE OR LESS; THENCE N55°57'43"W 111.02 FEET; THENCE N39°53'27"W 132.39 FEET MORE OR LESS; THENCE N62°37'16"W 78.81 FEET; THENCE N28°30'00"E 584.31 FEET MORE OR LESS THENCE; N36°14'20"E 151 FEET; S27°27'51"E 339.18 FEET MORE OR LESS; THENCE ALONG THE ARC OF A 150 FOOT RADIUS CURVE TO THE RIGHT 85.28 FEET (CHORD BEARS S10°03'41"E) THENCE; S06°27'03"W 77.53 FEET; THENCE S82°06'46"E 75.29 FEET; THENCE ALONG THE ARC OF A 603 FOOT RADIUS CURVE TO THE RIGHT 189.87 FEET (CHORD BEARS S73°03'19"E); THENCE S63°59'52"E 88.89 FEET MORE OR LESS; THENCE S26°00'14"W 63.98 FEET; THENCE S25°05'36"W 73.01 FEET TO THE BEGINNING.

**Parcel 2:**

BEGINNING AT THE NORTHEAST CORNER OF SECTION 19, TOWNSHIP 3 SOUTH, RANGE 5 EAST, SALT LAKE BASE AND MERIDIAN; THENCE S00°01'53"W 460.78 FEET; THENCE ALONG THE ARC OF A 303.35 FOOT RADIUS CURVE TO THE RIGHT 58.75 FEET (CHORD BEARS N68°50'09"W); THENCE N63°59'49"W 141.63 FEET; THENCE ALONG THE ARC OF A 20 FOOT RADIUS CURVE TO THE RIGHT 32.04 FEET (CHORD BEARS S62°47'03"W) MORE OR LESS THENCE; N63°59'58"W 21.15 FEET; THENCE ALONG THE ARC OF A 60 FOOT RADIUS CURVE TO THE LEFT 31.34 FEET (CHORD BEARS N79°08'18"W) MORE OR LESS THENCE; S85°43'30"W 41.59 FEET; THENCE ALONG THE ARC OF A 150 FOOT RADIUS CURVE TO THE RIGHT 85.28 FEET (CHORD BEARS S08°57'04"W); THENCE S26°01'28"W 54.75 FEET; THENCE N63°59' 52"W 88.89 FEET MORE OR LESS; THENCE ALONG THE ARC OF A 603 FOOT RADIUS CURVE TO THE LEFT 187.87 FEET (CHORD BEARS N73°03'16"W); THENCE N82°06'46"W 75.29 FEET MORE OR LESS; THENCE N06 27'12"E 77.53 FEET; THENCE ALONG THE ARC OF A 150 FOOT RADIUS CURVE TO THE LEFT 55.8 FEET (CHORD BEARS N04°44'10"W) MORE OR LESS; THENCE S26°59'30"E 119.03 FEET; THENCE N43°52'22"E 532.28 FEET MORE OR LESS; THENCE S89°52'03"E 247.06 FEET TO THE BEGINNING.

**Parcel 3:**

BEGINNING AT A POINT SOUTH 460.75 FEET FROM THE NORTHEAST CORNER OF SECTION 19, TOWNSHIP 3 SOUTH, RANGE 5 EAST, SALT LAKE BASE AND MERIDIAN; S88°30'30"W 36.8 FEET MORE OR LESS; THENCE ALONG THE ARC OF A 250 FOOT RADIUS CURVE TO THE RIGHT 104.38 FEET (CHORD BEARS N49°43'01"W); THENCE N37°40'03"W 361.29 FEET MORE OR LESS; THENCE ALONG THE ARC OF A 300 FOOT RADIUS CURVE TO THE RIGHT 316.49 FEET (CHORD BEARS N05°49'56"W); THENCE N26°00' 11"E 118.73 FEET MORE OR LESS; THENCE ALONG THE ARC OF A 150 FOOT RADIUS CURVE TO THE LEFT 87.97 FEET (CHORD BEARS N08°57'08"E); THENCE N85°43'26"E 41.59 FEET MORE OR LESS; THENCE ALONG THE ARC OF A 60 FOOT RADIUS CURVE TO THE RIGHT 31.34 FEET (CHORD BEARS S79°08'11"E); THENCE S63°59'49"E 21.15 FEET MORE OR LESS; THENCE ALONG THE ARC OF A 20 FOOT RADIUS CURVE TO THE LEFT 32.04 FEET (CHORD BEARS N62°46'58"E); THENCE S63°59'49"E 141.63 FEET MORE OR LESS; THENCE ALONG THE ARC OF A 303.35 FOOT RADIUS CURVE TO THE LEFT 58.75 FEET (CHORD BEARS S68°50'38"E); THENCE S00°07'49"E 780.26 FEET TO THE BEGINNING.

**Parcel 4:**

BEGINNING AT A POINT SOUTH 463 FEET FROM THE NORTHWEST CORNER OF SECTION 20 TOWNSHIP 3 SOUTH, RANGE 5 EAST, SALT LAKE BASE AND MERIDIAN: THENCE ALONG THE ARC OF A 303.35 FOOT RADIUS CURVE TO THE LEFT 37 FEET (CHORD BEARS S79°02'03"E) MORE OR LESS; THENCE ALONG THE ARC OF A 60 FOOT RADIUS CURVE TO THE RIGHT 16 FEET (CHORD BEARS S01°42'57"W); THENCE ALONG THE ARC OF A 10 FOOT RADIUS CURVE TO THE LEFT 14.03 FEET (CHORD BEARS S34°52'32"E) MORE OR LESS; THENCE S79 25'09"E 112.01 FEET; THENCE S10°34'48"W 167.93 FEET MORE OR LESS; THENCE ALONG THE ARC OF A 347 FOOT RADIUS CURVE TO THE LEFT 67.61 FEET (CHORD BEARS S86°07'46"E); THENCE N88°16'42"E 175.17 FEET MORE OR LESS; THENCE ALONG THE ARC OF A 353 FOOT RADIUS CURVE TO THE RIGHT 112.87 FEET (CHORD BEARS S82°31'21"E); THENCE S73°12'15" E 84.8FEET MORE OR LESS; THENCE ALONG THE ARC OF A 347 FOOT RADIUS CURVE TO THE LEFT 175 FEET (CHORD BEARS S89°15'28"E); THENCE N75°09'51"E 28.79 FEET MORE OR LESS; THENCE N86°38'36"E 21.35 FEET; THENC S41°47'04"E 0.83 FEET MORE OR LESS; THENCE S00°24'33"E 54.68 FEET; THENCE S54°48'20"W 828.42 FEET MORE OR LESS; THENCE N89°27'51"W 106.28 FEET; THENCE N00°01'26"W 784.04 FEET MORE OR LESS TO THE BEGINNING.

**Parcel 5:**

BEGINNING AT THE NW CORNER OF NORTHWEST CORNER OF SECTION 20 TOWNSHIP 3 SOUTH, RANGE 5 EAST, SALT LAKE BASE AND MERIDIAN: THENCE S47°10'35"E 462.05 FEET MORE OR LESS; THENCE N60°00'06"E 71 FEET; THENCE S41°45'00"E 585 FEET MORE OR LESS; THENCE S86°38'21"W 21.6 FEET; THENCE S75°10'06"W 28.79 FEET MORE OR LESS; THENCE ALONG THE ARC OF A 347 FOOT RADIUS CURVE TO THE RIGHT 175 FEET (CHORD BEARS N89°15'28"W); THENCE N73°12'19"W 84.8 FEET MORE OR LESS; THENCE ALONG THE ARC OF A 353 FOOT RADIUS CURVE TO THE LEFT 112.87 FEET (CHORD BEARS N82°31'19"W); THENCE S88°16'44"W 175.17 FEET MORE OR LESS; THENCE ALONG THE ARC OF A 347 FOOT RADIUS CURVE TO THE RIGHT 67.61 FEET (CHORD BEARS N86°07'49"W); THENCE N10°34'50"E 167.93; FEET; THENCE N79°25'10"W 112.01 FEET MORE OR LESS; THENCE ALONG THE ARC OF A 10 FOOT RADIUS CURVE TO THE RIGHT 14.03 FEET (CHORD BEARS N34°53'03"W); THENCE ALONG THE ARC OF A 60 FOOT RADIUS CURVE TO THE LEFT 16 FEET (CHORD BEARS N01°42'58"E); THENCE ALONG THE ARC OF A 303.35 FOOT RADIUS CURVE TO THE RIGHT 37 FEET (CHORD BEARS N79°00'38"W) MORE OR LESS THENCE; N00°50'15"W 462.75 FEET TO THE BEGINNING.

Tax I.D. # 00-0021-2042, 00-0021-2609, 00-0021-2267, 00-0021-2266 and 00-0007-8530