



ENT 659159 BK 745 Pg 772
DATE 22-APR-1997 3:34PM FEE 0.00
MICHAEL L GLEED, RECORDER - FILED BY JH
CACHE COUNTY, UTAH
FOR CITY OF LOGAN

CITY OF LOGAN

STATE OF UTAH

CERTIFICATE OF DECISION

Whereas, the Planning Commission of the City of Logan did receive an application from Allen Lyle for consideration of a proposed rezone from Agriculture to Multi-Family Medium and conditional approval of a subdivision of 124 attached single family dwellings for Blackhawk Planned Unit Development Phase IV. Assigned docket number 95-078, the matter was brought to the City of Logan Planning Commission on December 14, 1995.

The Planning Commission held a duly noticed Public Hearing as required by Logan Municipal Code Titles 16 and 17. At the Hearing, the Commission considered the testimony both in favor and opposed to the proposal. The Commission did by majority vote conditionally approved the application.

A Record of Decision as issued by the Planning Commission is attached as Exhibit A and executed by the permit holder and the Director of Community Development and Ex-officio Executive Secretary of the City of Logan Planning Commission. If the Commission's action denied the application, the Record of Decision is executed solely by the Director of Community Development.

The subject property, approx. 1400 South Talon Drive, is more particularly described the document attached as Exhibit B, Legal Description.

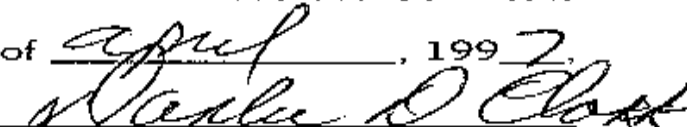
The Official Records of the Planning Commission are maintained in the Office of the Department of Community Development, City of Logan.

This decision runs with the land. If issued for a design review permit, conditional use permit, variance, or other construction permit, construction is required to commence within an established time frame set forth in Titles 16 and 17, Logan Municipal Code, that initiates with the action of the Planning Commission. Failure to initiate construction activities by establishing use or acquiring required building permits prior to the expiration date voids any approval or conditional approval. Abandoning or vacating a use or structure for a period of more than one year also voids this permit.

If the application was denied by action of the Planning Commission, the denial may only be reversed by an appeal overturning the Commission's action filed within an appropriate timeframe as established by Titles 16 and 17, Logan Municipal Code; or it may be subject to a different application submitted at a later time.

By the authority vested in me as Mayor and Chief Executive of the City of Logan, I do hereby affix my signature upon this document for purposes of granting from the City of Logan to Allen Lyle, a permanent and recorded Certificate of Decision to run with the subject property in perpetuity.

By my hand this 22 day of April, 1997.


Darla D. Clark, Mayor
City of Logan, State of Utah


Attest:

Lois Price
Recorder, City of Logan



PLANNING COMMISSION RECORD OF DECISION

At its meeting of *December 14, 1995*, the City of Logan Planning Commission *approved a recommendation for rezoning* your project, *95-078, Blackhawk Planned Unit Development Phase IV*, for

Blackhawk Planned Unit Development Phase IV covering 16.32 acres and 124 new units. The Commission recommended approval of a rezoning from Agriculture (AG) to Multi-family Medium density residential (MFM) and conditional approval of subdivision of 124 attached single family dwellings. The Commission continued design review approval to the next meeting.

If the Planning Commission conditionally approved your project, it is based on compliance with the following conditions. These conditions are binding on you and any subsequent purchaser of your property. If you rent the property to another party, you as the owner are still responsible for compliance with the conditions.

1. Prior to the submittal of the final plat map, the Planning Commission shall receive a revised design review application for building design, site plan, and landscaping plans.

The Commission recommended that the Municipal Council approve the proposed change of zoning from AG to MFM upon completion of the annexation proceedings.

Some conditions are "ongoing." This means that you must always be in compliance with the condition. If you are unable to comply, you must return to the Planning Commission for consideration of an amendment to your approval. If you fail to comply, you may face an action by the City to revoke your permit.

Some conditions are "time specific." This means that before the City issues a permit, such as a building permit, or allows a map to be recorded as "final," you must complete the time specific conditions.

The Planning Commission based its decisions on the information presented to them in your application and comments at the meeting. The Commission also considered any comments presented by the public, the report prepared by City Staff, and their personal experience and

knowledge as Commissioners. Assembling this information into a summary results in statements of the facts, called "findings." The Commission adopted the following findings as a part of its action:

1. The proposed project has been revised and amended by the conditions of project approval to address the issues raised by the reviewing departments and agencies and respond to appropriate public concerns.
2. The proposed project is consistent with the goals and policies of the Logan General Plan.
3. The proposed project conforms to the requirements of Title 17 of the Logan Municipal Code, Zoning.
4. The proposed project is compatible with existing neighborhood land uses and zoning.
5. The proposed project is compatible with the neighborhood character.
6. The proposed subdivision approval provides the proponent with assurances that the Commission will approve a maximum of 124 units on the subject property, but that the subdivision approval is keyed to the changes in design discussed at the Commission meeting.

The Planning Commission's action came on a motion by Commissioner Yeates, with a second by Commissioner Hawks. The motion passed by a vote of 5-0-1-1 (Hawks, abstain; King, absent).

If you wish to appeal the action of the Commission you must contact the Community Development Department at 801-750-9815 immediately in order to learn the appeal or review procedures. Failure to comply with these requirements may result in your not being able to file and appeal of the decision. Appeals may be made by an interested person or organization who has participated in the Planning Commission's action. Some actions may be called up for review by the Mayor. A recommendation by the Commission automatically moves to the Municipal Council for final action. **Action on the proposed rezoning is scheduled for January 4, 1996 in the Municipal Council chambers.**

This action will expire **one year** from the date of the December 14, 1995 Planning Commission's action unless an extension of time is requested and approved in advance of the expiration date. **The City does not send "reminder" notices or other notification of the pending expiration date.** The action to request an extension is the responsibility of the proponent.

Attest:



Eric Jay Toll AICP
Director of Community Development
December 15, 1995

We have reviewed the action of the Planning Commission and agree to the conditions and requirements of its action. We understand that this project expires one year after the date of the Commission action and that if an extension of time is required, we must submit our request prior to the expiration date of one year from the Planning Commission action. The length of an extension of time is established in the Logan Municipal Code and in no event shall be more than one year of extension for variances or special use permits and not more than two years for of extensions for planned unit developments, subdivisions, lot splits, simple subdivisions, or cluster developments.

Accepted and agreed:
Blackhawk Planned Unit Development Phase IV, by


Title CORP SEC.

Date: 12-20-95

Distribution:

- ☒ Original #1 with signatures to project file
- ☒ Original #2 with signatures to applicant

Copies to:

- ☒ Director of Public Works
- ☒ City Engineer
- ☒ Chief Building Official
- ☒ City Recorder
- ☒ County Recorder

I, K. GREG HANSEN, DO HEREBY CERTIFY THAT I AM A REGISTERED LAND SURVEYOR, AND THAT I HOLD CERTIFICATE NO. 167819 AS PRESCRIBED UNDER THE LAWS 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 BELOW, AND HAVE SUBDIVIDED SAID TRACT OF LAND INTO LOTS AND STREETS HEREAFTER TO BE KNOWN AS: BLACKHAWK P.U.D. DEVELOPEMENT- PHASE IV AND THE SAME HAS BEEN CORRECTLY SURVEYED AND ALL STREETS ARE THE DIMENSIONS SHOWN.

BOUNDARY DESCRIPTION

BOUNDARY ORIGINAL PHASE IV

A PART OF THE SOUTHEAST QUARTER OF SECTION 9, TOWNSHIP 11 NORTH, RANGE 1 EAST, S.L.B.&M. ALSO A PART OF LOT 3, BLOCK 28 OF THE PROVIDENCE FARM SURVEY PLAT "A" DESCRIBED AS: BEGINNING AT A POINT LOCATED SOUTH 01°10'31" WEST ALONG THE WEST LINE OF SAID LOT 225.21 FEET MORE OR LESS TO A POINT ON THE CENTER LINE OF LITTLE BALLARDS SPRING AND RUNNING THENCE SOUTH 01°10'31" WEST ALONG SAID WEST LINE 1084.89 FEET TO A POINT ON THE NORTHERLY RIGHT-OF-WAY LINE OF 1700 SOUTH STREET; THENCE SOUTH 88°04'12" EAST ALONG SAID LINE 660.04 FEET TO THE SOUTHEAST CORNER OF SAID LOT; THENCE NORTH 01°10'31" EAST ALONG THE EAST LINE OF SAID LOT 1323.28 FEET TO THE NORTHEAST CORNER OF SAID LOT, SAID POINT BEING ON THE SOUTH BOUNDARY LINE OF BLACKHAWK PHASE II AND BEING LOCATED SOUTH 89°12'52" EAST 660.00 FEET FROM THE NORTHWEST CORNER OF SAID LOT 3; THENCE NORTH 89°12'52" WEST 136.00 FEET TO THE NORTHEAST CORNER OF BLACKHAWK PHASE III; THENCE SOUTH 00°27'15" EAST ALONG THE EAST LINE OF SAID PHASE III 471.10 FEET MORE OR LESS TO A POINT ON THE CENTERLINE OF LITTLE BALLARD SPRINGS SAID POINT BEING THE SOUTHEAST CORNER OF SAID PHASE III AND BEING SOUTH 64°46'48" EAST 588.37 FEET FROM THE POINT OF BEGINNING THENCE NORTHWESTERLY ALONG SAID CENTERLINE 588.37 FEET MORE OR LESS TO THE POINT OF BEGINNING. CONTAINING 14.37 ACRES.

ENT 459159 Bk 7-5 Pg 776

BOUNDARY OF AMENDMENT AREA

A PART OF THE SOUTHEAST QUARTER OF SECTION 9, TOWNSHIP 11 NORTH, RANGE 1 EAST, S.L.B.&M. ALSO A PART OF LOT 3, BLOCK 28 OF THE PROVIDENCE FARM SURVEY PLAT "A" DESCRIBED AS: BEGINNING AT A POINT LOCATED NORTH 01°10'31" EAST 3.00 FEET FROM THE SOUTHEAST CORNER OF SAID LOT AND RUNNING THENCE NORTH 01°10'31" EAST ALONG THE EAST LINE OF SAID LOT 620.00 FEET; THENCE NORTH 88°49'29" WEST 327.37