



ENT 96228:2022 PG 1 of 5
 ANDREA ALLEN
 UTAH COUNTY RECORDER
 2022 Aug 31 10:30 am FEE 0.00 BY CS
 RECORDED FOR TOWN OF GENOLA

DEVELOPMENT AGREEMENT

This Development Agreement is entered into between the Town of Genola (“Genola”) and TKW Holdings, LLC (“TKW Holdings”), hereinafter referred to individually as a “Party” or jointly referred to as the “Parties.”

RECITALS

A. TKW Holdings owns certain real property located at approximately 783 West 2400 North, Genola, Utah, more particularly described as:

A PORTION OF THE NORTHWEST 1/4 OF SECTION 17, TOWNSHIP 9 SOUTH, RANGE 1 EAST, SALT LAKE BASE & MERIDIAN, MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT A POINT LOCATED N89°47'12"E ALONG THE SECTION LINE 287.96 FEET AND S0°47'38"E 100.00 FEET FROM THE NORTHWEST CORNER OF SECTION 17, T9S, R1E, S.L.B.& M.; THENCE N89°47'12"E 311.46 FEET; THENCE S11°03'26"E 484.35 FEET; THENCE S23°36'58"E 235.35 FEET; THENCE S25°26'17"E 380.33 FEET; THENCE S26°23'09"E 162.51 FEET; THENCE WEST 1046.96 FEET; THENCE N1°02'57"E 411.61 FEET; THENCE N89°47'12"E 315.83 FEET; THENCE N0°47'38"W 766.23 FEET TO THE POINT OF BEGINNING. CONTAINS: 15.875 ACRES

Parcel ID No. 29-016-0056

A PORTION OF THE NORTHWEST 1/4 OF SECTION 17, TOWNSHIP 9 SOUTH, RANGE 1 EAST, SALT LAKE BASE & MERIDIAN, MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT A POINT LOCATED N89°47'12"E ALONG THE SECTION LINE 387.96 FEET FROM THE NORTHWEST CORNER OF SECTION 17, T9S, R1E, S.L.B.& M.; THENCE N89°47'12"E 218.77 FEET; THENCE S11°03'26"E 578.62' FEET; THENCE S23°36'58"E 232.20 FEET; THENCE S25°26'17"E 379.73 FEET; THENCE S26°23'09"E 192.54 FEET; THENCE S41°08'02"E 371.36 FEET; THENCE S56°19'13"E 17.70 FEET; THENCE S0°11'02"W 393.73 FEET; THENCE N89°54'24"W 812.63 FEET; THENCE N89°52'54"W 540.68 FEET; THENCE N1°02'57"E 696.90 FEET; THENCE EAST 1046.96 FEET; THENCE N26°23'09"W 162.51 FEET; THENCE N25 °26'17"W 380.33 FEET; THENCE N23°36"58"W 235.35 FEET; THENCE N11°03'26"W 484.35 FEET; THENCE S89°47'12"W 211.46 FEET; THENCE N0°47'38"W 100.00 FEET TO THE POINT OF BEGINNING. CONTAINS: 21.875 ACRES

Parcel ID No. 29-016-0057

(the "TKW Property")

B. Jeanette Parker owns certain real property located at approximately 745 West 2400 North, Genola, Utah, more particularly described as:

A PORTION OF THE NORTHWEST 1/4 OF SECTION 17, TOWNSHIP 9 SOUTH, RANGE I EAST, SALT LAKE BASE & MERIDIAN, MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT A POINT LOCATED N89°47'12"E ALONG THE SECTION LINE 287.96 FEET FROM THE NORTHWEST CORNER OF SECTION 17, T9S, R1E, S.L.B.& M.; THENCE N89°47'12"E 100.00 FEET; THENCE S0°47'38"E 100.00 FEET; THENCE S89°47'12"W 100.00 FEET; THENCE N0°47'38"W 100.00 FEET TO THE POINT OF BEGINNING.

Parcel ID No. 29-016-0058

(the "0058 Property")

C. The TKW Property and the 0058 Property were, along with other property, originally part of one parcel owned by Gladys F. York consisting of 50.78 acres (the "Original Parcel").

D. In 2001, Gladys York conveyed, via several recorded deeds, various portions of the Original Parcel to her children but without obtaining the required Genola approval for the subdivision of the Original Parcel, as required by Genola ordinances in effect at the time.

E. The 0058 Property is a 100' x 100' parcel that does not meet Section 20.13.04 of the Zoning Ordinance of Genola, Utah's current minimum lot size requirement of 2.5 acres.

F. Under Utah law, it would be illegal for the 0058 Property to be sold as currently configured. *See* Utah Code Ann. § 10-9a-611(1)(a)(i) (infraction); Subdivision Ord. of Genola Town § 20.08.11 (misdemeanor).

G. TKW Holdings desires to develop the TKW Property.

H. Genola has an interest in ensuring that the 0058 Property is brought into compliance with the Zoning Ordinance of Genola, Utah.

TERMS AND CONDITIONS

NOW, THEREFORE, for good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, it is mutually agreed by the Parties:

1. **Remainder Parcel "A" and the 0058 Property.** As a condition of Genola approving development of the TKW Property, TKW Holdings shall set aside 2.502 acres of the TKW Property, which is itself sufficient to be a legal lot, adjacent to the 0058 Property for future development. The 2.502 acres TKW Holdings agrees to set aside are shown on the *Preliminary Plat York Farm Estates* dated February 24, 2021, on page 1 as the "**Remainder Parcel 'A'**". A copy of the *Preliminary Plat York Farm Estates* is attached hereto as "**Exhibit 1.**" The 0058 Property is also graphically shown and described on the *Preliminary Plat York Farm Estates*. See Ex. 1 hereto. Remainder Parcel "A" does not include the 0058 Property. Remainder Parcel "A" is more particularly described as:

PART OF THE NORTHWEST QUARTER OF SECTION 17, TOWNSHIP 9 SOUTH, RANGE 1 EAST, SALT LAKE BASE & MERIDIAN, UTAH COUNTY, UTAH, FURTHER DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT THAT IS N89°47'12"E 387.96 FEET ALONG THE SECTION LINE FROM THE NORTHWEST QUARTER CORNER OF SAID SECTION 17, AND RUNNING ALONG THE NORTH LINE OF SAID SECTION N89°47'12"E 218.77 FEET ALONG THE SOUTH LINE OF 2400 NORTH STREET TO A EXISTING FENCE LINE, THENCE S11°03'26"E 355.58 FEET ALONG A EXISTING FENCE, THENCE S89°47'12"E 357.13 FEET; THENCE N00°47'38"W 30.97 FEET TO THE BEGINNING OF A 375.00-FOOT RADIUS CURVE TO THE LEFT, THENCE NORTHERLY ALONG SAID CURVE 64.82 FEET, CHORD BEARING N05°44'46"W 64.74 FEET (CENTRAL ANGLE OF 09°54'16"); THENCE N10°41'54"W 84.68 FEET TO THE BEGINNING OF A 325.00-FOOT RADIUS CURVE TO THE RIGHT, THENCE NORTHERLY ALONG SAID CURVE 56.18 FEET, CHORD BEARING N05°44'46"W 56.11 FEET (CENTRAL ANGLE OF 09°54'16"); THENCE N00°47'38"W 14.71 FEET; THENCE N89°47'12"E 100.00 FEET; N00°47'38"W 100.00 FEET TO THE POINT OF BEGINNING. CONTAINING 2.502 ACRES

2. **Future Lot Restrictions.** As a condition of Genola approving development of the TKW Property, TKW Holdings shall not develop, construct a home upon, or encumber Remainder Parcel "A" unless and until TKW Holdings:

- (a) acquires the 0058 Property; or
- (b) sells and/or conveys Remainder Parcel "A" to the owner of the 0058 Property (whether Jeanette Parker or her successor-in-interest).

However, TKW Holdings is free to use or lease Remainder Parcel "A" for agricultural purposes only in the meantime, before the conditions of (2)(a) or (2)(b) are satisfied.

3. **Recorded Notice.** As a condition of Genola approving development of the TKW Property, Genola and TKW Holdings shall record a document against Remainder Parcel "A"

informing any would-be purchasers that Remainder Parcel "A" cannot be developed except with the 0058 Property. The notice contemplated by this paragraph 3 shall not be recorded unless and until TKW Holdings receives full and final development approval from Genola to develop the TKW Property.

4. **Effective Date.** This Agreement is effective only when TKW Holdings receives full and final development approval from Genola to develop the TKW Property.

5. **Termination of Agreement.** If full and final development approval from Genola of the TKW Property is not obtained for any reason, or if TKW Holdings decides not to develop the TKW Property, this Agreement shall terminate and be of no force or effect.

Dated August 30th 202².

TKW Holdings, LLC

By: 

Print Name: Chris Wilson

Its: owner - Acting member

STATE OF UTAH)

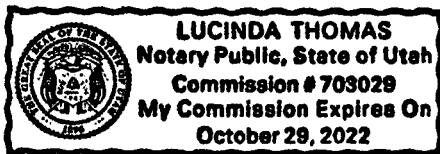
: ss.

COUNTY OF UTAH)

On August 30, 2022, Chris Wilson, whose identity was proved to me on the basis of satisfactory evidence to be the person whose name is subscribed to this instrument, personally appeared before me and acknowledged that he/she voluntarily executed the foregoing document for the purpose stated therein.

Witness my hand and official seal.


NOTARY PUBLIC



Town of Genola

By: Martin Larson

Print Name: Martin Larson

Its: Mayor

STATE OF UTAH)

: ss.

COUNTY OF UTAH)

On August 30, 2022, Martin Larson, whose identity was proved to me on the basis of satisfactory evidence to be the person whose name is subscribed to this instrument, personally appeared before me and acknowledged that he/she voluntarily executed the foregoing document for the purpose stated therein.

Witness my hand and official seal.

Lucinda Thomas
NOTARY PUBLIC

