

COTTONWOOD HEIGHTS

ORDINANCE NO. 219-A

AN ORDINANCE APPROVING A GENERAL PLAN AMENDMENT FOR REALTY AT 7884 SOUTH HIGHLAND DRIVE

WHEREAS, the “Municipal Land Use, Development, and Management Act,” UTAH CODE ANN. §10-9a-101 *et seq.*, as amended (the “*Act*”), provides that each municipality shall prepare and adopt a comprehensive, long-range general plan; and

WHEREAS, the Act requires the municipality’s planning commission to prepare the general plan and submit it to the municipality’s legislative body; and

WHEREAS, the Act also provides certain procedures for the municipality’s legislative body to adopt and amend the general plan; and

WHEREAS, on 26 July 2005, following full compliance with the procedures for formulation, public hearing and recommendation specified in UTAH CODE ANN. §§10-9a-401 through -404, the city council (the “*Council*”) of the city of Cottonwood Heights (the “*City*”) enacted its Ordinance No. 24 adopting a general plan (with all previous amendments, the “*Plan*”) for the City; and

WHEREAS, as authorized by statute, the Plan includes a land use element and an official map (collectively, the “*Land Use Element*”) allocating to each parcel of land in the City a specific land use designation authorized by the Plan; and

WHEREAS, in response to an application (the “*Application*”) by J.R. Pope, Pope Investments, to amend (the “*Amendment*”) the Land Use Element affecting certain realty located at approximately 7884 South Highland Drive in the City from Rural Residential to Residential Office, on 16 April 2014, following all required notices, a public hearing was held before the Planning Commission concerning the proposed Amendment, where citizens were given the opportunity to provide written or oral comment concerning the Amendment; and

WHEREAS, a photocopy of the Amendment to the Land Use Element of the Plan proposed by the Application is attached as an exhibit to this ordinance and is incorporated herein by this reference; and

WHEREAS, on 16 April 2014, following the public hearing on the Amendment, the Planning Commission voted to recommend the Amendment to the Council for adoption, and thereafter recommended that the Council approve the Amendment; and

WHEREAS, the Council met in regular meeting on 22 April 2014 to consider, among other things, approving and adopting the Amendment to the Land Use Element of the Plan; and

WHEREAS, at such public meeting, the Council accepted additional public comment concerning the Amendment; and

WHEREAS, after careful consideration of the recommendations of the Planning Commission, the comments at the public hearings and public meetings, and other pertinent information, and otherwise being fully advised, the Council has determined that it is in the best interest of the health, safety and welfare of the citizens of the City to amend the Plan by adopting the Amendment to the Land Use Element as proposed by the Application, and to ratify the Plan, as so amended, as the City’s general plan;

NOW, THEREFORE, BE IT ORDAINED by the city council of the city of Cottonwood Heights as follows:

Section 1. **Adoption of New Plan.** The Council hereby adopts the attached Amendment to the Land Use Element, and hereby ratifies the Plan, as so amended, as the City’s general plan. From and after the effective date of this ordinance (this “*Ordinance*”), the Plan shall be deemed amended as specified by the Amendment for all purposes.

Section 2. **Future Amendment of General Plan.** Pursuant to the authority granted in the Act, the Council shall have, and hereby expressly reserves, the right to hereafter further amend the Plan at any time or from time to time hereafter for any purpose upon recommendation by the Planning Commission following all appropriate public notices and hearings required by the Act.

Section 3. **Action of Officers.** All actions of the officers, agents and employees of the City that are in conformity with the purpose and intent of this Ordinance, whether taken before or after the adoption hereof, are hereby ratified, confirmed and approved.

Section 4. **Severability.** All parts of this Ordinance are severable, and if any section, paragraph, clause or provision of this Ordinance shall, for any reason, be held to be invalid or unenforceable, the invalidity or unenforceability of any such section, paragraph, clause or provision shall not affect the remaining sections, paragraphs, clauses or provisions of this Ordinance.

Section 5. **Repealer.** All ordinances or parts thereof in conflict with this Ordinance are, to the extent of such conflict, hereby repealed.

Section 6. **Effective Date.** This Ordinance, assigned no. 219-A, shall take immediate effect as soon as it shall be published or posted as required by law and deposited and recorded in the office of the City’s Recorder, or such later date as may be required by Utah statute.

PASSED AND APPROVED this 22nd day of April 2014.

COTTONWOOD HEIGHTS CITY COUNCIL

By _____
Kelvyn H. Cullimore, Jr., Mayor

ATTEST:

Kory Solorio, Recorder

VOTING:

Kelvyn H. Cullimore, Jr.	Yea	___	Nay	___
Michael L. Shelton	Yea	___	Nay	___
J. Scott Bracken	Yea	___	Nay	___
Michael J. Peterson	Yea	___	Nay	___
Tee W. Tyler	Yea	___	Nay	___

DEPOSITED in the Recorder’s office this 22nd day of April 2014.

POSTED this ___ day of April 2014.

618970.1

COTTONWOOD HEIGHTS

ORDINANCE NO. 219-D

AN ORDINANCE DENYING A GENERAL PLAN AMENDMENT FOR REALTY AT 7884 SOUTH HIGHLAND DRIVE

WHEREAS, the “Municipal Land Use, Development, and Management Act,” UTAH CODE ANN. §10-9a-101 *et seq.*, as amended (the “*Act*”), provides that each municipality shall prepare and adopt a comprehensive, long-range general plan; and

WHEREAS, the Act requires the municipality’s planning commission to prepare the general plan and submit it to the municipality’s legislative body; and

WHEREAS, the Act also provides certain procedures for the municipality’s legislative body to adopt and amend the general plan; and

WHEREAS, on 26 July 2005, following full compliance with the procedures for formulation, public hearing and recommendation specified in UTAH CODE ANN. §§10-9a-401 through -404, the city council (the “*Council*”) of the city of Cottonwood Heights (the “*City*”) enacted its Ordinance No. 24 adopting a general plan (with all previous amendments, the “*Plan*”) for the City; and

WHEREAS, as authorized by statute, the Plan includes a land use element and an official map (collectively, the “*Land Use Element*”) allocating to each parcel of land in the City a specific land use designation authorized by the Plan; and

WHEREAS, in response to an application (the “*Application*”) by J.R. Pope, Pope Investments, to amend (the “*Amendment*”) the Land Use Element affecting certain realty located at approximately 7884 South Highland Drive in the City from Rural Residential to Residential Office, on 16 April 2014, following all required notices, a public hearing was held before the Planning Commission concerning the proposed Amendment, where citizens were given the opportunity to provide written or oral comment concerning the Amendment; and

WHEREAS, a photocopy of the Amendment to the Land Use Element of the Plan proposed by the Application is attached as an exhibit to this ordinance and is incorporated herein by this reference; and

WHEREAS, on 16 April 2014, following the public hearing on the Amendment, the Planning Commission voted to recommend the Amendment to the Council for adoption, and thereafter recommended that the Council approve the Amendment; and

WHEREAS, the Council met in regular meeting on 22 April 2014 to consider, among other things, approving and adopting the Amendment to the Land Use Element of the Plan; and

WHEREAS, at such public meeting, the Council accepted additional public comment concerning the Amendment; and

WHEREAS, after careful consideration of the recommendations of the Planning Commission, the comments at the public hearings and public meetings, and other pertinent information, and otherwise being fully advised, the Council has determined that it is in the best interest of the health, safety and welfare of the citizens of the City to deny the proposed Amendment to the Land Use Element, notwithstanding the Planning Commission's recommendation for the Council to approve the Amendment;

NOW, THEREFORE, BE IT ORDAINED by the city council of the city of Cottonwood Heights as follows:

Section 1. ***Denial of Amendment.*** The Council hereby denies the attached Amendment to the Land Use Element.

Section 2. ***Future Amendment of General Plan.*** Pursuant to the authority granted in the Act, the Council shall have, and hereby expressly reserves, the right to hereafter further amend the Plan at any time or from time to time hereafter for any purpose upon recommendation by the Planning Commission following all appropriate public notices and hearings required by the Act.

Section 3. ***Action of Officers.*** All actions of the officers, agents and employees of the City that are in conformity with the purpose and intent of this Ordinance, whether taken before or after the adoption hereof, are hereby ratified, confirmed and approved.

Section 4. ***Severability.*** All parts of this Ordinance are severable, and if any section, paragraph, clause or provision of this Ordinance shall, for any reason, be held to be invalid or unenforceable, the invalidity or unenforceability of any such section, paragraph, clause or provision shall not affect the remaining sections, paragraphs, clauses or provisions of this Ordinance.

Section 5. ***Repealer.*** All ordinances or parts thereof in conflict with this Ordinance are, to the extent of such conflict, hereby repealed.

Section 6. ***Effective Date.*** This Ordinance, assigned no. 219-D, shall take immediate effect as soon as it shall be published or posted as required by law and deposited and recorded in the office of the City's Recorder, or such later date as may be required by Utah statute.

PASSED AND APPROVED this 22nd day of April 2014.

COTTONWOOD HEIGHTS CITY COUNCIL

By _____
Kelvyn H. Cullimore, Jr., Mayor

ATTEST:

Kory Solorio, Recorder

VOTING:

Kelvyn H. Cullimore, Jr.	Yea	___	Nay	___
Michael L. Shelton	Yea	___	Nay	___
J. Scott Bracken	Yea	___	Nay	___
Michael J. Peterson	Yea	___	Nay	___
Tee W. Tyler	Yea	___	Nay	___

DEPOSITED in the Recorder's office this 22nd day of April 2014.

POSTED this ___ day of April 2014.

618973.1

COTTONWOOD HEIGHTS

ORDINANCE NO. 220-A

AN ORDINANCE APPROVING THE RE-ZONE OF REAL PROPERTY LOCATED AT 7884 SOUTH HIGHLAND DRIVE FROM RR-1-43 (RURAL RESIDENTIAL) TO RO (RESIDENTIAL OFFICE) AND AMENDING THE ZONING MAP

WHEREAS, the “Municipal Land Use, Development, and Management Act,” UTAH CODE ANN. §10-9a-101 *et seq.*, as amended (the “*Act*”), provides that each municipality may enact a land use ordinance and a zoning map establishing regulations for land use and development; and

WHEREAS, pursuant to the Act, the municipality’s planning commission shall prepare and recommend to the municipality’s legislative body, following a public hearing, a proposed land use ordinance and a zoning map, or amendments thereto, that represents the planning commission’s recommendations for zoning the area within the municipality; and

WHEREAS, the Act also provides certain procedures for the municipality’s legislative body to adopt or amend the land use ordinance and zoning map for the city; and

WHEREAS, on 14 July 2005, the city council (the “*Council*”) of the city of Cottonwood Heights (the “*City*”) enacted its Ordinance No. 25 adopting a land use ordinance for the City and codifying such ordinance as Title 19 of the City’s code of ordinances (the “*Code*”); and

WHEREAS, pursuant to its Ordinance No. 25, the Council also adopted a zoning map for the City (the “*Zoning Map*”); and

WHEREAS, on 16 April 2014, the City’s planning commission (the “*Planning Commission*”) held a public hearing on a zone change application by J.R. Pope, Pope Investments, requesting the re-zone of a parcel of real property located at 7884 South Highland Drive in the City (the “*Property*”) from RR-1-43 (Rural Residential) to RO (Residential Office), at which time all interested parties were given the opportunity to provide written or oral comment concerning the proposed re-zone; and

WHEREAS, such public hearing before the Planning Commission was preceded by all required legal notices; and

WHEREAS, on 16 April 2014, the Planning Commission recommended approval of such proposed re-zone of the Property, and forwarded such recommendation to the Council for final action; and

WHEREAS, on 22 April 2014, the Council met in regular meeting to consider, among other things, such proposed re-zone of the Property; and

WHEREAS, after careful consideration of the recommendation of the Planning Commission, comments at the public hearing and other public meetings where such proposed re-zone was discussed, and recommendations of City staff, the Council has determined that it is in the

best interest of the health, safety and welfare of the citizens of the City to approve the re-zone of the Property as specified below;

NOW, THEREFORE, BE IT ORDAINED by the city council of the city of Cottonwood Heights as follows:

Section 1. *Approval of Re-zone*. The Council hereby re-zones the Property from RR-1-43 (Rural Residential) to RO (Residential Office).

Section 2. *Adoption of Amended Zoning Map*. The Council hereby amends the City’s zoning map to reflect the re-zone of the Property effected by this ordinance (this “*Ordinance*”), and hereby adopts the amended zoning map that is attached as an exhibit hereto as the City’s current zoning map.

Section 3. *Action of Officers*. All actions of the officers, agents and employees of the City that are in conformity with the purpose and intent of this Ordinance, whether taken before or after the adoption hereof, are hereby ratified, confirmed and approved.

Section 4. *Severability*. All parts of this Ordinance are severable, and if any section, paragraph, clause or provision of this Ordinance shall, for any reason, be held to be invalid or unenforceable, the invalidity or unenforceability of any such section, paragraph, clause or provision shall not affect the remaining sections, paragraphs, clauses or provisions of this Ordinance.

Section 5. *Repealer*. All ordinances or parts thereof in conflict with this Ordinance are, to the extent of such conflict, hereby repealed.

Section 6. *Effective Date*. This Ordinance, assigned no. 220-A, shall take immediate effect as soon as it shall be published or posted as required by law and deposited and recorded in the office of the City’s recorder, or such later date as may be required by Utah statute.

PASSED AND APPROVED this 222nd day of April 2014.

COTTONWOOD HEIGHTS CITY COUNCIL

By _____
Kelvyn H. Cullimore, Jr., Mayor

ATTEST:

Kory Solorio, Recorder

VOTING:

Kelvyn H. Cullimore, Jr.	Yea	___	Nay	___
Michael L. Shelton	Yea	___	Nay	___
J. Scott Bracken	Yea	___	Nay	___
Michael J. Peterson	Yea	___	Nay	___
Tee W. Tyler	Yea	___	Nay	___

DEPOSITED in the Recorder's office this 22nd day of April 2014.

POSTED this ___ day of April 2014.

618974.1

COTTONWOOD HEIGHTS

ORDINANCE No. 220-D

AN ORDINANCE DENYING THE RE-ZONE OF REAL PROPERTY LOCATED AT 7884 SOUTH HIGHLAND DRIVE FROM RR-1-43 (RURAL RESIDENTIAL) TO RO (RESIDENTIAL OFFICE) AND AMENDING THE ZONING MAP

WHEREAS, the “Municipal Land Use, Development, and Management Act,” UTAH CODE ANN. §10-9a-101 *et seq.*, as amended (the “*Act*”), provides that each municipality may enact a land use ordinance and a zoning map establishing regulations for land use and development; and

WHEREAS, pursuant to the Act, the municipality’s planning commission shall prepare and recommend to the municipality’s legislative body, following a public hearing, a proposed land use ordinance and a zoning map, or amendments thereto, that represents the planning commission’s recommendations for zoning the area within the municipality; and

WHEREAS, the Act also provides certain procedures for the municipality’s legislative body to adopt or amend the land use ordinance and zoning map for the city; and

WHEREAS, on 14 July 2005, the city council (the “*Council*”) of the city of Cottonwood Heights (the “*City*”) enacted its Ordinance No. 25 adopting a land use ordinance for the City and codifying such ordinance as Title 19 of the City’s code of ordinances (the “*Code*”); and

WHEREAS, pursuant to its Ordinance No. 25, the Council also adopted a zoning map for the City (the “*Zoning Map*”); and

WHEREAS, on 16 April 2014, the City’s planning commission (the “*Planning Commission*”) held a public hearing on a zone change application (the “*Application*”) by J.R. Pope, Pope Investments, requesting the re-zone of a parcel of real property located at 7884 South Highland Drive in the City (the “*Property*”) from RR-1-43 (Rural Residential) to RO (Residential Office), at which time all interested parties were given the opportunity to provide written or oral comment concerning the proposed re-zone; and

WHEREAS, such public hearing before the Planning Commission was preceded by all required legal notices; and

WHEREAS, on 16 April 2014, the Planning Commission recommended approval of such proposed re-zone of the Property, and forwarded such recommendation to the Council for final action; and

WHEREAS, on 22 April 2014, the Council met in regular meeting to consider, among other things, such proposed re-zone of the Property; and

WHEREAS, after careful consideration of the recommendation of the Planning Commission, comments at the public hearing and other public meetings where such proposed re-zone was discussed, and recommendations of City staff, the Council has determined that it is in

the best interest of the health, safety and welfare of the citizens of the City to deny such re-zone of the Property, notwithstanding the Planning Commission's recommendation of approval, based on the Council's finding, *inter alia*, that such re-zone would be incompatible with the surrounding residentially-zoned properties and neighborhood;

NOW, THEREFORE, BE IT ORDAINED by the city council of the city of Cottonwood Heights as follows:

Section 1. **Denial of Re-zone**. The Council hereby denies the Application to re-zone the Property from RR-1-43 (Rural Residential) to RO (Residential Office).

Section 2. **Action of Officers**. All actions of the officers, agents and employees of the City that are in conformity with the purpose and intent of this Ordinance, whether taken before or after the adoption hereof, are hereby ratified, confirmed and approved.

Section 3. **Severability**. All parts of this Ordinance are severable, and if any section, paragraph, clause or provision of this Ordinance shall, for any reason, be held to be invalid or unenforceable, the invalidity or unenforceability of any such section, paragraph, clause or provision shall not affect the remaining sections, paragraphs, clauses or provisions of this Ordinance.

Section 4. **Repealer**. All ordinances or parts thereof in conflict with this Ordinance are, to the extent of such conflict, hereby repealed.

Section 5. **Effective Date**. This Ordinance, assigned no. 220-D, shall take immediate effect as soon as it shall be published or posted as required by law and deposited and recorded in the office of the City's recorder, or such later date as may be required by Utah statute.

PASSED AND APPROVED this 22nd day of April 2014.

COTTONWOOD HEIGHTS CITY COUNCIL

By _____
Kelvyn H. Cullimore, Jr., Mayor

ATTEST:

Kory Solorio, Recorder

VOTING:

Kelvyn H. Cullimore, Jr.	Yea	___	Nay	___
Michael L. Shelton	Yea	___	Nay	___
J. Scott Bracken	Yea	___	Nay	___
Michael J. Peterson	Yea	___	Nay	___
Tee W. Tyler	Yea	___	Nay	___

DEPOSITED in the Recorder's office this 22nd day of April 2014.

POSTED this ___ day of April 2014.

619977.1

COTTONWOOD HEIGHTS

RESOLUTION No. 2014-20

A RESOLUTION APPROVING AND RATIFYING A PRELIMINARY ENGINEERING REIMBURSEMENT AGREEMENT WITH UDOT AND ROCKY MOUNTAIN POWER

WHEREAS, the city council (the "*Council*") of the city of Cottonwood Heights (the "*City*") met on 22 April 2014 to consider, among other things, approving and ratifying a "Preliminary Engineering Reimbursement Agreement" (the "*Agreement*") with Utah Department of Transportation ("*UDOT*") and Rocky Mountain Power d/b/a PacifiCorp ("*RMP*") whereunder UDOT will reimburse RMP for the cost (estimated at \$44,329) of relocating RMP's power lines affected by the widening of the intersection of Highland Drive and Fort Union Blvd. under Local Government Project No. F-LC35(202), on the terms and conditions specified in the Agreement; and

WHEREAS, the Council has reviewed the form of the Agreement, a photocopy of which is annexed hereto as an exhibit; and

WHEREAS, after careful consideration, the Council has determined that it is in the best interests of the health, safety and welfare of the citizens of the City to approve and ratify the City's entry into the Agreement as proposed;

NOW, THEREFORE, BE IT RESOLVED by the city council of Cottonwood Heights that the attached Agreement is hereby approved and ratified, and that the City's mayor and recorder are authorized and directed to execute and deliver the Agreement on behalf of the City.

This Resolution, assigned no. 2014-20, shall take effect immediately upon passage.

PASSED AND APPROVED this 22nd day of April 2014.

COTTONWOOD HEIGHTS CITY COUNCIL

By _____
Kelvyn H. Cullimore, Jr., Mayor

ATTEST:

Kory Solorio, Recorder

VOTING:

Kelvyn H. Cullimore, Jr	Yea	___	Nay	___
Michael L. Shelton	Yea	___	Nay	___
J. Scott Bracken	Yea	___	Nay	___
Michael J. Peterson	Yea	___	Nay	___
Tee W. Tyler	Yea	___	Nay	___

DEPOSITED in the office of the City Recorder this 22nd day of April 2014.

RECORDED this ___ day of April 2014.

618978.1

COTTONWOOD HEIGHTS

RESOLUTION NO. 2014-21

AN APPROPRIATION RESOLUTION ADOPTING A ONE YEAR ACTION PLAN FOR FY 2014-2015 COMMUNITY DEVELOPMENT BLOCK GRANT FUNDING AND AUTHORIZING AN INTERLOCAL COOPERATION AGREEMENT BETWEEN COTTONWOOD HEIGHTS, THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT AND OTHER GOVERNMENTAL ENTITIES

WHEREAS, under 24 Code of Federal Regulations (“*CFR*”) Part 91, *et seq.*, the city of Cottonwood Heights (the “*City*”) is entitled to receive Community Development Block Grant (“*CDBG*”) funds through its participation in the “Salt Lake Urban County Program” (the “*Program*”) in the amount of \$89,866, plus a recapture amount of \$6,278.61, for a total of \$96,144.61, from the U.S. Department of Housing and Urban Development (“*HUD*”) for program year 2014-2015; and

WHEREAS, it is in the best interests of the City’s residents for the City to participate in the Program for said funds in accordance with 24 CFR Part 91; and

WHEREAS, the public notices, hearings and other pre-submission requirements under 24 CFR Part 91 have been accomplished by the City, including, but not limited to, a public hearing held on Tuesday, 8 April 2014 to consider CDBG projects requesting funding and to obtain citizen input regarding allocation of the CDBG funds; and

WHEREAS, on 22 April 2014, the city council (the “*Council*”) of the City met in regular session to consider, among other things, adopting a final one-year action plan for fiscal year 2014-2015 for the available CDBG funds;

NOW, THEREFORE, BE IT RESOLVED by the Cottonwood Heights city council that the City hereby adopts its final one-year action plan fiscal year 2014-2015 for CDBG funds as set forth on the attached exhibit; and

FURTHER RESOLVED that the City’s mayor, as the City’s official representative, be and hereby is authorized to submit to Salt Lake County (the “*County*”), under the Program, such plan for utilization of the available CDBG funds, together with such additional information and certifications as may be required under 24 CFR Part 91 or other applicable law; and

FURTHER RESOLVED that the City’s mayor, as the City’s official representative, be and hereby is authorized to execute and deliver the County grant agreement and any and all other agreements and instruments between the City and the County or other public entities resulting from and consistent with the County grant agreement under the Program or applicable law, subject to final approval as to form by the city attorney; and

FURTHER RESOLVED that on the exhibit hereto, the term "Allocation" shall mean the total CDBG funds allocated to the City by HUD through the Program for program year 2014-2015, including recapture amounts.

This Resolution, assigned no. 2014-21, shall take effect immediately upon passage.

PASSED AND APPROVED effective 22 April 2014.

COTTONWOOD HEIGHTS CITY COUNCIL

By _____
Kelvyn H. Cullimore, Jr., Mayor

ATTEST:

Kory Solorio, Recorder

VOTING:

Kelvyn H. Cullimore, Jr.	Yea ___	Nay ___
Michael L. Shelton	Yea ___	Nay ___
J. Scott Bracken	Yea ___	Nay ___
Michael J. Peterson	Yea ___	Nay ___
Tee W. Tyler	Yea ___	Nay ___

DEPOSITED in the office of the City Recorder this 22nd day of April 2014.

RECORDED this ___ day of April 2014.

618963.1

EXHIBIT

Final One-Year Action Plan for CDBG Funds (2014-2015)

City Projects:

All CDBG grant funds for 2014-15 that are not allocated to the housing activities specified below will be used for portable pedestrian crossing signals, ADA ramps and other handicapped accessibility repairs and improvements to City's curbs, sidewalks and other public infrastructure.

Total Estimated for City Projects from current Allocation: *\$50,550.58*

Housing Activities:

Helping Hand Association (The Haven)	\$ 9,460.00
House of Hope	\$ 364.22
Odyssey House of Utah—Adult Residential	\$ 6,109.73
Odyssey House of Utah—Transitional	\$ 4,863.08
South Valley Sanctuary—Kitchen	\$ 692.00
South Valley Sanctuary—Playground	\$ 2,051.00
The Road Home—Transitional Housing	\$ 924.00
The Road Home—Shelter Parking Lot	\$ 1,130.00
Utah MicroEnterprise Loan Fund	\$10,000.00
Assist	\$10,000.00

Total Housing Activities from current Allocation: *\$45,594.03*

Total Grant (Including \$6,278.61 Recapture): ***\$96,144.61***



State of Utah

GARY R. HERBERT
Governor

SPENCER J. COX
Lieutenant Governor

DEPARTMENT OF TRANSPORTATION

CARLOS M. BRACERAS, P.E.
Executive Director

SHANE M. MARSHALL, P.E.
Deputy Director

April 2, 2014

Cottonwood Heights
1265 E. Fort Union Blvd, Ste. 250
Cottonwood Heights, UT 84047

ATTENTION: Mike Allen, Public Works Director

SUBJECT: Project No. F-LC35(202); Salt Lake County
Fort Union Blvd. and Highway Drive Intersection
Rocky Mountain Power dba Pacificorp
Rocky Mountain Power File No. R2-123 Work Order #: 10046936
Cottonwood Heights Corporation
CID No. 53083 PIN 8110

Dear Mr. Allen:

Attached are four copies of our proposed Preliminary Engineering Reimbursement Agreement between the Utah Department of Transportation, Rocky Mountain Power and Cottonwood Heights Corporation. The Agreement copies have now been signed by Rocky Mountain Power.

Please review this document. If it is found to be satisfactory for the intended purpose, please have the proper officials sign and attest the four copies and return them to this office for UDOT signatures. A copy of the fully executed agreement will be mailed to you when it is available. Thanks for your help.

Sincerely,

A handwritten signature in cursive script that reads "Alana Spendlove".

Alana Spendlove
UDOT Region Two
Utility and Railroad Leader

CC: Ritchie Taylor, Project Manager

Project No. F-LC35(202); Salt Lake County
Fort Union Blvd. and Highland Drive Intersection
Rocky Mountain Power dba Pacificorp
Rocky Mountain Power File No. R2-123 Work Order #: 10046936
Cottonwood Heights Corporation
CID No. 53083 PIN 8110

PRELIMINARY ENGINEERING REIMBURSEMENT AGREEMENT

THIS AGREEMENT, made and entered into this _____ day of _____, 2014, by and between the **UTAH DEPARTMENT OF TRANSPORTATION**, hereinafter referred to as "**UDOT**" and **ROCKY MOUNTAIN POWER, dba PACIFICORP**, a Registered Corporation in the State of Oregon, hereinafter referred to as the "**Company**", and **COTTONWOOD HEIGHTS CORPORATION**, a Municipal Corporation of the State of Utah, hereinafter referred to as the "**City**",

WITNESSETH:

WHEREAS, UDOT is engaged in preparing plans, specifications and estimates of costs toward constructing a Local Government Project known as F-LC35(202); Fort Union Blvd. and Highland Drive Intersection, in Cottonwood Heights City, Salt Lake County, Utah, hereinafter referred to as the "Project"; and

WHEREAS, the widening of the intersection of Ft. Union Boulevard and Highland Drive in conjunction with the Project impacts the **Company's** Transmission Lines; and

WHEREAS, the **City** has requested the relocation of the **Company's** transmission facilities to accommodate the Project; and

WHEREAS, given the voltage class involved with this relocation, a professional transmission engineering design will be required in order to provide the Project with a construction estimate of cost; and

WHEREAS, the parties hereto have agreed to work cooperatively to provide engineering services for the relocation of the **Company's** power lines including construction costs, outage availability, and utility coordination.

WHEREAS, in accordance with Utah Code Annotated 1953, as amended effective July 1, 2008, 72-6-116, Regulation of Utilities - Relocation of Utilities, **UDOT** will pay 100% of the cost of relocation of the **Company's** facilities where **Company** owns the easement or fee title to the right-of way in which the facilities are located; and

WHEREAS, reimbursable costs for work performed under the provisions of this agreement shall be developed in accordance with 23 CODE OF FEDERAL REGULATIONS, Part 645, Subpart A, Utility Relocation, Adjustments and Reimbursement; and

Project No. F-LC35(202); Salt Lake County
Fort Union Blvd. and Highland Drive Intersection
Rocky Mountain Power dba Pacificorp
Rocky Mountain Power File No. R2-123 Work Order #: 10046936
Cottonwood Heights Corporation
CID No. 53083 PIN 8110

THIS AGREEMENT is made to set out the terms and conditions where under said work shall be performed.

NOW THEREFORE, it is agreed by and between the parties hereto as follows:

Special Provisions

1. The Company agrees to complete the Professional Design Engineering as described:

- Secure new right of way
- Engineering and design to support the permitting process
- Mapping data and digital imagery
- Geotechnical studies
- Verify the design meets the Pacificorp, NESC and OSHA clearance requirements
- Determine what environmental conditions need to be checked
- Final engineering design, construction procurement package and construction bid packages
- Attend on-site pre-construction meeting

General Provisions

2. The **Company**, with its regular engineering forces at its standard schedule of wages and working hours, or through qualified contractors with whom it has obtained contracts upon appropriate solicitation, shall perform the necessary field and office engineering, to perform the work covered herein.

3. **UDOT** will reimburse the **Company** for 100% of the actual costs incurred by the **Company** for performing the work covered herein. The Estimate of the total cost of said work was furnished by the **Company** to **UDOT** under date of March 10, 2014, in the total amount of Forty-Four Thousand, Three-Hundred and Twenty-Nine Dollars (\$44,329.00). The estimate is based upon the prices of labor current as of the date of said estimate. The Estimate does not account for increases due to unknown and unforeseen hardships in accomplishing the work. A summary of the estimated cost of the work is marked "EXHIBIT A", attached hereto and thereby made a part hereof.

TOTAL ESTIMATED COST TO UDOT IS \$44,329.00

NOTE: The above are estimates only. Total payment to the **Company** by **UDOT** will be based on the actual costs incurred as determined after completion of the work.

Project No. F-LC35(202); Salt Lake County
Fort Union Blvd. and Highland Drive Intersection
Rocky Mountain Power dba Pacificorp
Rocky Mountain Power File No. R2-123 Work Order #: 10046936
Cottonwood Heights Corporation
CID No. 53083 PIN 8110

4. In the event there are changes in the scope of the work, extra work, or changes in the planned work covered by this agreement, a modification to this agreement approved in writing by the parties hereto is required prior to the start of work on said changes or additions.

5. The **Company** shall submit itemized bills covering their actual costs incurred for performing the work covered herein bearing the project number together with supporting sheets and/or one final and complete billing the actual costs incurred within one (1) year following completion of the work by the **Company** on **UDOT's** project to **UDOT's** Construction Division, 4501 South 2700 West, Salt Lake City, Utah 84114-8405, Attention: Contracts, Estimates and Agreements Supervisor, otherwise previous payments to the **Company** may be considered final, except as agreed to between the parties hereto in advance. **UDOT's** Resident Engineer will review said billings, give verification of the work performed and forward said billings, indicating **UDOT's** reimbursable amount, to **UDOT's** Construction Office for processing. **UDOT** will reimburse the **Company** within sixty (60) days after receipt of said billings, but only for those items complying fully with the provisions of 23 C.F.R. § 645, Subpart A, (2012). Failure on the part of the **Company** to submit said billings within said one (1) year time limit will result in **UDOT's** disallowance of that portion of work performed by the **Company**. Any work performed without proper notification to **UDOT's** Resident Engineer's office will be cited to the **Company** and deducted from the reimbursement.

6. If **Company's** actual costs incurred for their force account work differs more than 10% plus or minus per line item from the amount contained herein then **Company** is required to submit a letter of explanation with their billings indicating why and how said difference in costs occurred. **Company** is required to match their billings of completed work with their detailed estimates contained herein.

7. Reimbursable costs for work performed under the provisions of this agreement shall be developed in accordance with 23 C.F.R. § 645, Subpart A. See § 645.113 and 645.117.

8. **UDOT** and/or the Federal Highway Administration shall have the right to audit all cost records and accounts of the **Company** pertaining to this project in accordance with the auditing procedure of the Federal Highway Administration and 23 C.F.R. § 645, Subpart A, (2012). Should this audit disclose that the **Company** has been underpaid, the **Company** will be reimbursed by **UDOT** upon submission of additional billing to cover the underpayment. Should this audit disclose that the **Company** has been overpaid, the **Company** will reimburse **UDOT** in the amount of the overpayment. For purpose of audit the **Company** is required to keep and maintain its records of work covered herein for a minimum of three (3) years after final payment is received by the **Company** from **UDOT**.

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IN WITNESS WHEREOF, the parties hereto have caused these presents to be executed by their duly authorized officers as of the day and year first above written.

ATTEST:  **ROCKY MOUNTAIN POWER dba PACIFICORP,**
Registered Corporation in the State of Oregon
Julie C Hansen
Title: Assistant
Date: 3/28/14
By: *Paul Probst*
Title: Vice President, Operations
Date: 3-28-14

(IMPRESS SEAL) *****

ATTEST:  **COTTONWOOD HEIGHTS CORPORATION,**
A Municipal Corporation in the State of Utah
Kouy Selous
Title: CITY RECORDER
Date: 4-8-14
By: *Kelly...*
Title: MAYOR
Date: 4-8-14

(IMPRESS SEAL) *****

RECOMMENDED FOR APPROVAL:

Region Utility and Railroad Leader
Date: _____

UTAH DEPARTMENT OF TRANSPORTATION
By: _____
Region Director
Date: _____

APPROVED AS TO FORM:
The Utah State Attorney General's Office has previously approved all paragraphs in this Agreement as to form.

UDOT COMPTROLLER'S OFFICE:

Contract Administrator
Date: _____

3-12-2014



DETAILED ESTIMATE OF COST

UDOT PROJECT - F-LC35(202); Fort Union Blvd. & Highland Dr Intersection

Rocky Mountain Power File No. R2-123
Work Order 10046936

10-Mar-14

Total Project Estimated Cost \$44,329
UDOT Total Estimated Cost \$44,329

Cottonwood Heights city has requested relocation of RMP facilities for an intersection widening at Fort Union Blvd and Highland Dr. This project will require Rocky Mountain Power to relocate existing transmission structures. The relocation will be designed to PacifiCorp's minimum standards.

Given the voltage class involved with this relocation, a transmission engineering design will be required in order to provide a construction estimate.

New right of way will need to be secured using RMP's template prior to construction.

Typical engineering tasks are listed below:

- Engineering and design to support the permitting process.
- Mapping data and digital imagery
- Geotechnical Studies
- Verify the design meets the PacifiCorp, NESC and OSHA clearance requirements
- Determine what environmental conditions needs to be checked
- Final engineering design, construction procurement package and construction bid packages
- Attend on-site pre-construction meeting
- Project Management

INTERNAL LABOR	QTY	UNIT	UNIT COST	TOTAL COST
Estimator	16	Hrs.	\$110	\$1,760
Project Manager / Inspector	16	Hrs.	\$130	\$2,080
Engineer	90	Hrs.	\$125	\$11,250
Project Sponsor	40	Hrs.	\$90	\$3,600
Drafter / Designer	16	Hrs.	\$78	\$1,248

EXHIBIT A

Property Services	16	Hrs.	\$78	\$1,248
Total Estimated Labor Cost				\$21,186

EXTERNAL CONTRACT SERVICES	QTY	UNIT	UNIT COST	TOTAL COST
Survey	1	Lot	\$5,000	\$5,000
Geotechnical Study	1	Lot	\$10,000	\$10,000
Total Estimated Contract Services				\$15,000
PacifiCorp Surcharge / Overheads	13.00%	of	\$36,186	\$4,704
AFUDC	8.41%	of	\$40,890	\$3,439
Total Estimated Surcharge				\$8,143
Less Salvage				\$0
Total Estimated Cost	Work Order 10046936			\$44,329
Utah Department of Transportation Estimated Cost (100% of total cost)				\$44,329

*** Estimate expires after 90 days ***