

Mapleton City Council Staff Report

Meeting Date: March 4, 2014

Applicant: Ryan Livingston, Pheasant View Subdivision

Location: 1200 W 900 S

Prepared by: Sean Conroy, Community Development Director

Public Hearing Item: No

Zone: PRC-3

REQUEST

Consideration of a request to establish a reimbursement amount for improvements installed as part of the Pheasant View Subdivision located at 1200 W. and 900 S.

BACKGROUND AND PROJECT DESCRIPTION

The Pheasant View subdivision was approved in 2006 and consists of 26 residential lots. As part of the subdivision, the developer installed a full width road (1200 West) that included water, sewer and pressurized irrigation lines. On September 28, 2006 Gordon Livingston submitted a request to establish a reimbursement agreement that would apply to adjacent parcels that front on 1200 West. The purpose of the agreement is to recoup some of the costs of the infrastructure including road improvements on 1200 West, water, sewer and pressurized irrigation lines (see attachment "1").

The City Council reviewed this item on July 16, 2013. Staff outlined some of the issues including the limited information in the record and the conflicting statements in the City code regarding reimbursements for roads. The Council continued the application with a request for the following:

1. That staff determine whether any other reimbursement agreements had been approved that included roads; and
2. That the applicant provide invoices documenting the actual costs of the improvements in question.

On August 20, 2013 the City Council reviewed this item again. At that time, no additional information had been submitted by the applicant to justify the costs for reimbursement. The Council again continued this item to give the applicant more time to provide additional information on their actual costs. The applicant has now provided the following:

- A cover letter describing their reimbursement request.
- A revised spreadsheet breaking down the costs for just the improvements eligible for reimbursement. It should be noted that the final spreadsheet cost is less than the cost shown in the Declaration of Truth. This is based on discussions with staff and the removal of some items that were not reimburseable.
- A letter from former Mapleton City Planning Director Matt Evans.
- A Declaration of Truth substantiating their request.
- Bid documents on the cost to construct the street improvements including water, sewer and pressurized irrigation for the entire project.
- Draw requests from the contractor.
- Copies of checks payable to the contractor.

EVALUATION

Code Interpretation: As discussed during previous hearings, the code that was in effect at the time of the original reimbursement request included some inconsistencies. Below is a summary of two interpretation questions for Council discussion:

1. Should the reimbursement amount be based on the City Engineer’s estimates or actual costs as provided by the developer?

Mapleton City Code (MCC) Chapter 13.20.060.B indicated that the reimbursement amount was to be based on the City Engineer’s estimate of the total cost of the work. However, MCC Chapter 17.28.050 indicated that the reimbursement shall be based on the actual costs of the improvements. Attachment “2” includes the code language regarding reimbursements, and staff has highlighted those sections that speak to the determination of the reimbursement amount.

The applicant has provided information regarding the total costs of the entire project and has broken out the costs of the portion of the project that is eligible for reimbursement. The applicant has indicated that actual invoices were never submitted by the contractor, but the attached bank draws were used as invoices.

2. Should the road be included in the reimbursement amount?

After a thorough review of all code sections that refer to reimbursements, it is staff’s position that roads can in fact be included in a reimbursement agreement. MCC Chapter 13.20.060.A indicates that that road base, hard surfacing of the travel-way, curb gutter and sidewalk are not eligible for reimbursement for the portion of the road that is adjacent to the applicant’s property. However, the properties on the opposite side of the road that are benefitting from the road improvements can be required to pay a reimbursement. MCC chapters 13.20.060.C and 17.28.050.B both refer to roads as being reimbursable based on half of the cost of the road improvements.

3. Should land costs be included in the reimbursement?

MCC Chapter 17.28.050.B stated that the amount of reimbursement charge to be paid by a benefited property shall be equal to the Utah County property tax valuation, at the time of improvement, for the underlying ground for a peripheral street dedication which exceeds one-half (¹/₂) of the street width requirement as shown on the transportation and circulation element of the general plan. The applicant’s spreadsheet includes \$30,000 for the cost of the land for half of the road way, however, it doesn’t indicate how the \$30,000 was derived.

Staff could support including the land cost in the reimbursement as allowed under the ordinance if the applicant can provide evidence from the County of the tax valuation of the land at the time the road was built.

Reimbursement Amounts:

If staff includes the roads but not the land, the City Engineer’s estimate of the total reimbursable amount is \$88,923.50 (see attachment “3”). If the land is included it would be \$118,923.50. The total reimbursable amount using the applicant’s identified actual costs, less the land would be \$156,557.85. If the land is included, it would be \$186,557.85.

Based on the length of frontage of the adjoining lots, the reimbursement amount would be as follows:

Owner	Parcel #	% of Frontage	City Estimate w/o land	City Estimate w/land	Applicant’s Estimate w/o Land	Applicant’s Estimate w/land
Scutt	27:001:0068	21.7%	\$19,296.40	\$25,806.40	\$33,973.05	\$40,483.05
Laird	27:001:0075	65.9%	\$58,600.59	\$78,370.59	\$103,171.62	\$122,941.62
Larsen	27:001:0096	12.4%	\$11,026.51	\$14,746.51	\$19,413.17	\$23,133.17
TOTAL		100%	\$88,923.50	\$118,923.50	\$156,557.85	\$186,557.85

STAFF RECOMMENDATION

Approve the reimbursement amounts for the Pheasant View Subdivision Plat “A” based on either the City Engineer’s estimate or the Applicant’s estimate as outlined in the table above.

ATTACHMENTS

1. Application materials.
2. MCC Chapters 13.20.060 & 17.28.050.
3. City Engineer’s Cost Estimate.
4. Planning Commission staff report dated August 17, 2006.
5. Identification of benefited properties.

Reimbursement for 1200 west

The following cost breakdown was prepared from invoices that were submitted from the contractor and paid by the developer. Costs have been calculated from a linear foot or square foot for the construction of road on 1200 west in Mapleton Utah. The footages have been taken from the plans as well as verified from the field.

Final Reimbursement Summary for
Improvement Costs on 1200 W

8 inch water	1039 lf	22.95 lf	\$23,845
bedding material	374 tons	\$13.50	\$5,049
bank run	374 tons	\$9.05	\$3,385
fire hydrant	2 each	\$3000 each	\$6,000
valves	2 each	\$984 each	\$1,968
hot tap	1 each	\$2,000 each	\$2,000
concrete collars	2 each	\$300 each	\$600
8 inch sewer	1012 lf	\$20.00	\$20,240.00
drain rock	1297.43 tons	\$13.50	\$17,515.38
bank run	2,162.4tons	\$9.05	\$19,569.65
t.v air testing	1012 lf	\$2.25	\$2,277.00
manhole	2 each	\$2,400 each	\$4,800
cocrete collars	2 each	\$400 each	\$800
8 inch pressure irr	1007 lf	\$17.60	\$17,723.20
bank run	597 tons	\$9.05	\$5,402.50
bedding material	485 tons	\$13.50	\$6,547.92
vavles	2 each	\$984 each	\$1,968
concrete collars	2 each	\$300 each	\$600
clear & grubbing	58,230.9 sf	\$0.06	\$3,493.85
road wayexcavation	58,230.9 sf	\$0.15	\$8,734.63
import bank run	4,313.4tons	\$8.15	\$35,154.21
roadbase	2,264.5tons	\$11.65	\$26,381.83
2 1/2 asphalt	43,134 sf	\$0.90	\$38,820.60
1 " overlay	43,134 sf	\$0.46	\$19,841.64
Total			\$272,717
half of the cost			\$136,358.50
storm drain			
double inlet	1 each	\$1050 each	\$1,050
15 inch rcp	73 lin ft	\$60.95	\$4,449.35
2 ft curb	980 lf	\$15 lf	\$14,700
land			\$30,000

\$186,557.85

November 22, 2013

Mapleton City Council

Ref: Pheasant View Subdivision Improvements

Gentlemen,

The developers, Duck Creek Development LLC and Livingston Brothers Construction, completed the street improvement for Pheasant View Subdivision in 2007. As part of the street improvements, Mapleton City requested that the developers construct a full width (56 foot) road along 1200 West Street. Following city code (MCC Chapter 13:20.060) and as directed by city staff, the developers established a reimbursement agreement. This agreement provides that when future development takes place along 1200 West St., the original developers would be reimbursed for half of their cost to construct the road. The necessary documentation as required by Mapleton City was completed, accepted by staff and is on file.

The undersigned developers have provided documentation that substantiates the actual cost of the subject improvements. This documentation reflects a total cost of \$1,290,038.46. Additionally, the developers have signed a "Declaration of Truth" which is attached, certifying the truthfulness of the developer's statements and actual construction costs which they claim.

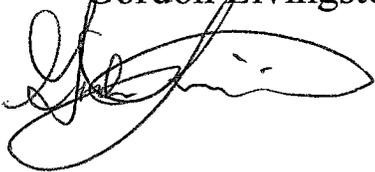
The amount of reimbursement that the developers are requesting is \$221,320 or \$220.00 per linear foot as 1200 West is developed. These amounts were calculated as follows:

This amount differs from the final reimbursement amount because some items in this amount were determined not to be eligible for reimbursement

- \$1,290,038: Total cost of street improvements in Subdivision.
 - 2,927: Total linear feet of improved road in subdivision.
 - \$440: Cost of each linear foot of road improvement.
 - 1006: Number of linear footage improved along 1200 West St.
 - \$442,640: Total cost of full width road (56 feet) along 1200 West.
 - \$221,320: Half the cost of the road along 1200 West Street.
(\$220.00 per linear foot as 1200 West is developed)
-

Respectfully submitted by Duck Creek Development and Livingston Bros. Construction.

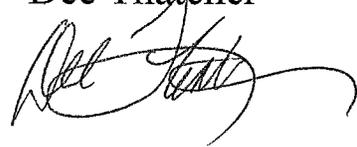
Gordon Livingston



Ryan Livingston



Dee Thatcher



Declaration of Truth

This Declaration is provided to the Mapleton City Council and relates to funds disbursed by Duck Creek Development LLC and Livingston Bros. Construction to Johnston and Phillips Inc. for the street improvements in the Pheasant View Subdivision. We have compiled documentation to validate the cost of the street improvements as follows.

Our lender, Washington Trust Bank, utilized “draw request” as invoices to disburse payments of construction draws. The Banks policy was to make “site inspections” to determine the completion of the street construction. The amount requested also had to correspond to the Cost Breakdown the developer and contractor had originally submitted to the Washington Trust Bank. If the completed construction justified the draw amount requested, and that amount was within the Cost Breakdown limits, the draw was approved and funds were disbursed to the borrower (Livingston), who then issued checks to the contractor. (Johnston and Phillips Inc.)

We have provided documentation as follows: (1) the bid from Johnston which provides the cost for work to be completed totaling \$1,358,221.40. (2) Copy of the actual draw #1 (\$225,792.95 and #3 (\$383,642.27) (3) Copies of all checks (seven) to Johnston with corresponding endorsements which total \$1,290,038.46 (The difference was: closing costs, cost over-runs and etc).

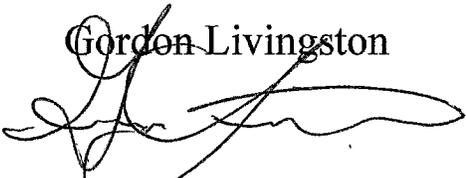
This documentation represents the best evidence available to validate our claim of the actual cost of street improvements. We do not have all of the draw requests in our files, remember, the construction took place in 2007, seven years ago. Additionally, Washington Trust Bank no longer does business in Utah. We have contacted Mr. Dean Overst with

Washington Trust in Spokane in an attempt to obtain all of the draw requests and other pertinent information. However, Mr Overst indicated that although the bank is required to maintain a file containing legal documentation on all loans, they no longer have information pertaining to construction draws and other non essential paper work.

We the undersigned declare that all of the funds distributed from Washington Trust Bank were utilized exclusively for the street improvements for the Pheasant View Subdivision. None of the funds were diverted to us or utilized for any other purpose. We declare further that we paid directly to Johnston and Phillips Inc the amount of \$1,290,038.46 which corresponds with their bid.

This represents the undersigned declaration of truth of all the facts stated under perjury of the law.

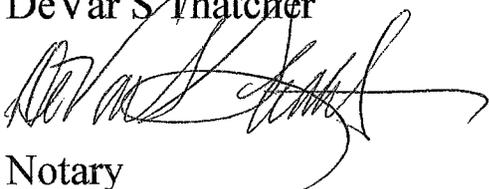
Gordon Livingston



Ryan Livingston



DeVar S Thatcher

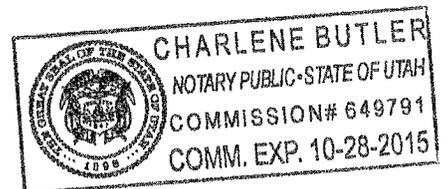


Notary

STATE OF UTAH }
COUNTY OF UTAH }

Subscribed and sworn to before me on this
02 day of November, 2013

Notary Public Charlene Butler
Commission Expires 10/28/15 Residing in Utah County



SUPPORTING DOCUMENTS

1. Johnston and Phillips Inc bid to construct street improvements in the Pheasant View Subdivision. (3 pages)
2. Washington Trust Bank cost breakdown – budget. (1 page)
3. Johnston and Phillips request to Livingston for payment representing draw #1 in the amount of \$225,000. (3 pages, page 3 indicating the amount of the draw request)
4. Livingston's draw request to Washington Trust Bank for the first draw #1 in the amount of \$225,000. (1 page)
5. Johnston and Phillips request to Livingston for payment representing draw #3 in the amount of \$383,038.27. (3 pages, page 3 indicating the amount of the draw request)
6. During the process of construction of the street improvements in the Pheasant View Subdivision there were a total of seven draws made payable to Johnston and Phillips Inc. Cancelled checks were obtained from American First Bank (formally Far West Bank) in Springville from the account of Dee Thatcher. These copies indicate each payment to Johnston and Phillips and include copies of the endorsement by Johnston on the back of each check. (11 pages) (Note that draw #7 was paid thru Title West Title Company by a cashier's check purchased by Dee Thatcher and paid to Johnston as final and full payment to settle a disputed amount due and release of mechanics lien recorded by Johnston and Phillips.)

JOHNSTON AND PHILLIPS INC.

To: Livingston Homes
 Attn: Ryan Livingston
 Ph: 830-0943
 Fax:

P.O. Box 931
 Springville, Utah 84663
 (801) 489-9802 Ph.
 (801) 489-5975 Fax

Project Name: Pleasant View Mapleton
 Bid Date: November 20, 2007

Item #	DESCRIPTION	QTY.	Units	Unit Labor Cost	Total Labor Cost	Unit Material Cost	Total Material Cost	Total Unit Cost	TOTAL COST
ROAD CONSTRUCTION									
1	Clear & Grubbing	162,000	SF	\$ 0.06	\$ 9,720.00	\$ -	\$ -	\$ 0.06	\$ 9,720.00
2	Roadway excavation	162,000	SF	\$ 0.15	\$ 24,300.00	\$ -	\$ -	\$ 0.15	\$ 24,300.00
3	Import Bank Run 12 in.	12,000	TON	\$ 5.10	\$ 61,200.00	\$ 3.05	\$ 36,600.00	\$ 8.15	\$ 97,800.00
4	Roadbase asphalt, c.g. aprnd s.w.	6,300	TON	\$ 5.50	\$ 34,650.00	\$ 6.15	\$ 38,745.00	\$ 11.65	\$ 73,395.00
5	2 1/2" Asphalt	120,000	SF	\$ 0.03	\$ 3,600.00	\$ 0.87	\$ 104,400.00	\$ 0.90	\$ 108,000.00
6	1" Asphalt Overlay	120,000	SF	\$ 0.05	\$ 6,000.00	\$ 0.41	\$ 49,200.00	\$ 0.46	\$ 55,200.00
7	Curb and gutter	6,075	LF	\$ 2.00	\$ 12,150.00	\$ 9.00	\$ 54,675.00	\$ 11.00	\$ 66,825.00
8	Sidewalk 5ft. Wide	25215	SF	\$ 1.50	\$ 37,822.50	\$ 2.30	\$ 57,994.50	\$ 3.80	\$ 95,817.00
9	ADA Ramp	6	Each	\$ 50.00	\$ 300.00	\$ 750.00	\$ 4,500.00	\$ 800.00	\$ 4,800.00
10	Curb in-let the ins	14	Each	\$ 50.00	\$ 700.00	\$ 225.00	\$ 3,150.00	\$ 275.00	\$ 3,850.00
11	Sawcut	1800	LF	\$ 0.50	\$ 900.00	\$ 1.00	\$ 1,800.00	\$ 1.50	\$ 2,700.00
12	Electrical Trenching	6100	LF	\$ 4.50	\$ 27,450.00	\$ -	\$ -	\$ 4.50	\$ 27,450.00
13	Sand Bedding	1600	TON	\$ 4.00	\$ 6,400.00	\$ 7.50	\$ 12,000.00	\$ 11.50	\$ 18,400.00
14	Power, Phone, & Cable Crossings	8	Each	\$ 1,000.00	\$ 8,000.00	\$ 400.00	\$ 2,400.00	\$ 1,400.00	\$ 8,400.00
15	Gas Crossings	8	Each	\$ 600.00	\$ 4,800.00	\$ 150.00	\$ 1,200.00	\$ 750.00	\$ 6,000.00
	Road Construction Sub-Total				\$ 190,442.50		\$ 349,264.50		\$ 602,657.00
SEWER									
1	8" PVC Sewer	2,340	LF	\$ 15.00	\$ 35,100.00	\$ 5.00	\$ 11,700.00	\$ 20.00	\$ 46,800.00
2	48" manhole	5	Each	\$ 1,100.00	\$ 5,500.00	\$ 1,300.00	\$ 6,500.00	\$ 2,400.00	\$ 12,000.00
3	60" manhole	3	Each	\$ 1,300.00	\$ 3,900.00	\$ 1,500.00	\$ 4,500.00	\$ 2,800.00	\$ 8,400.00
4	4" laterals	26	Each	\$ 850.00	\$ 22,100.00	\$ 100.00	\$ 2,600.00	\$ 950.00	\$ 24,700.00
5	Drain rock	3000	TON	\$ 5.50	\$ 16,500.00	\$ 8.00	\$ 24,000.00	\$ 13.50	\$ 40,500.00
6	Bank run	5600	TON	\$ 6.00	\$ 30,000.00	\$ 3.05	\$ 15,250.00	\$ 9.05	\$ 45,250.00
7	2x4 end marker	28	Each	\$ 15.00	\$ 390.00	\$ 5.00	\$ 130.00	\$ 20.00	\$ 520.00
8	T.V. & Air Testing	2340	LF	\$ 0.25	\$ 585.00	\$ 2.00	\$ 4,680.00	\$ 2.25	\$ 5,265.00
9	Concrete Collars	8	Each	\$ 50.00	\$ 400.00	\$ 350.00	\$ 2,800.00	\$ 400.00	\$ 3,200.00

**Washington Trust Bank
Cost Breakdown -- Budget**

Borrower: Duck Creek Development, LLC
Project: Pheasant View
Loan Number: 30688

	Description	Total Cost
1	Storm Water	90,000.00
2	Sanitary Sewer	189,000.00
3	Culinary Water	191,000.00
4	Pressurized Irrigation	80,000.00
5	Storm Sewer	90,000.00
6	Curb and Gutter	40,000.00
7	Sidewalk	30,000.00
8	Road Base and Asphalt	110,000.00
9	Contingency	70,000.00
10		
11		
	Subtotal Development Costs	890,000.00
12	Land Advance ✓	912,650.00
13	Engineering ✓	25,000.00
14	Permits & Fees	182,000.00
15	Water Shares	78,000.00
16	TDR's	500,000.00
17	Title & Recording Fees	5,000.00
18	Appraisal Fee	2,850.00
19	Loan Start Fee	280.00
20	Veracheck	145.00
21	Reconveyance Fee	75.00
20	Loan Origination Fee	28,000.00
21	Interest Reserve	176,000.00

** NOTE LAND ADVANCE*

Total Costs	2,800,000.00
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Borrower: Duck Creek Development, LLC, a Utah Limited Liability Company

By: DeVar "S" Thatcher, Manager / Member

By: Gordon William Livingston, Manager / Member

By: Ryan Flsworth Livingston, Manager / Member

Draw # 1 - \$225,792.95

Sheet 1

JOHNSTON AND PHILLIPS INC.

To: Livingston Homes
 Attn: Ryan Livingston
 Ph: 830-0943
 Fax:

P.O. Box 934
 Springville, Utah 84663
 (801) 489-9802 Ph.
 (801) 489-5975 Fax

Project Name: Pleasant View Mapleton

Pay Request #1 (thru end of December)

Item: DESCRIPTION	QTY.	Units	Total Unit Cost	TOTAL COST	QTY	PER	UNIT	TOTAL
ROAD CONSTRUCTION								
1 Clear & Grubbing	162,000	SF	\$ 0.06	\$ 9,720.00	162,000			\$ 9,720.00
2 Roadway excavation	162,000	SF	\$ 0.15	\$ 24,300.00	162,000			\$ 24,300.00
3 Import Bank Run 12 in.	12,000	TON	\$ 8.15	\$ 97,800.00	8,000			\$ 65,200.00
4 Roadbase asphalt.c.g. agnd s.w.	6,300	TON	\$ 11.85	\$ 73,395.00	23.9			\$ 278.44
5 2 1/2" Asphalt	120,000	SF	\$ 0.90	\$ 108,000.00				\$ -
6 1" Asphalt Overlay	120,000	SF	\$ 0.46	\$ 55,200.00				\$ -
7 Curb and gutter	6,075	LF	\$ 11.00	\$ 66,825.00				\$ -
8 Sidewalk 5ft. Wide	25,215	SF	\$ 3.80	\$ 95,817.00				\$ -
9 ADA Ramp	6	Each	\$ 800.00	\$ 4,800.00				\$ -
10 Curb Inlet tie Ins	14	Each	\$ 275.00	\$ 3,850.00				\$ -
11 Sawcut	1,800	LF	\$ 1.50	\$ 2,700.00				\$ -
12 Electrical Trenching	6,100	LF	\$ 4.50	\$ 27,450.00				\$ -
13 Sand Bedding	1,600	TON	\$ 11.50	\$ 18,400.00				\$ -
14 Power, Phone, & Cable Crossings	6	Each	\$ 1,400.00	\$ 8,400.00				\$ -
15 Gas Crossings	8	Each	\$ 750.00	\$ 6,000.00				\$ -
Road Construction Sub-Total				\$ 602,657.00				\$ 99,498.44
SEWER								
1 8" PVC Sewer	2,340	LF	\$ 20.00	\$ 46,800.00	2,340			\$ 46,800.00
2 48" manhole	5	Each	\$ 2,400.00	\$ 12,000.00	5			\$ 12,000.00
3 60" manhole	3	Each	\$ 2,800.00	\$ 8,400.00	3			\$ 8,400.00
4 4" laterals	26	Each	\$ 950.00	\$ 24,700.00	21			\$ 19,950.00
5 Drain rock	3,000	TON	\$ 13.50	\$ 40,500.00	720.81			\$ 9,730.94
6 Bank run	5,000	TON	\$ 9.05	\$ 45,250.00	1,183.6			\$ 10,711.58
7 2x4 end marker	26	Each	\$ 20.00	\$ 520.00	21			\$ 420.00
8 T.V. & Air Testing	2,340	LF	\$ 2.25	\$ 5,265.00				\$ -
9 Concrete Collars	8	Each	\$ 400.00	\$ 3,200.00				\$ -

10 Asphalt Patching in Trenches	1	Lump	\$ 5,000.00	\$ 5,000.00	\$ -
Sewer Sub Total				\$ 191,635.00	\$ 108,012.52
CULINARY WATER					
1 8" ductile w/ poly wrap	2,500	R	\$ 22.95	\$ 57,375.00	\$ -
12x8 tapping tee w/valve and box	1	Each	\$ 2,000.00	\$ 2,000.00	\$ -
2 12x6 tapping tee w/valve and box	2	Each	\$ 2,000.00	\$ 4,000.00	\$ -
3 8" MJ tee	2	Each	\$ 650.00	\$ 1,300.00	\$ -
4 8" gate w/ box	6	Each	\$ 984.00	\$ 5,904.00	\$ -
5 8" elbows	2	Each	\$ 500.00	\$ 1,000.00	\$ -
6 8" plug	2	Each	\$ 385.00	\$ 770.00	\$ -
7 8" MJ sleeve	1	Each	\$ 310.00	\$ 310.00	\$ -
8 8"x6" tee	6	Each	\$ 650.00	\$ 3,900.00	\$ -
9 FH w/ valve and box	6	Each	\$ 3,000.00	\$ 18,000.00	\$ -
10 Blow off valve	1	Each	\$ 1,200.00	\$ 1,200.00	\$ -
11 6" ductile w/ poly wrap	120	LF	\$ 29.50	\$ 3,540.00	\$ -
12 1" service connection- no meter	26	Each	\$ 950.00	\$ 24,700.00	\$ -
13 Bank run	900	TON	\$ 9.05	\$ 8,145.00	\$ -
14 Bedding Material	900	TON	\$ 13.50	\$ 12,150.00	\$ -
15 2" Water Service	1	Each	\$ 2,500.00	\$ 2,500.00	\$ -
16 Concrete Collars	14	Each	\$ 300.00	\$ 4,200.00	\$ -
Culinary Water Sub-Total				\$ 150,994.00	\$ -
PRESSURIZED IRRIGATION					
1 8 in. PVC C-900 purple	2,699	LF	\$ 17.60	\$ 47,502.40	\$ -
2 12x8 tapping tee w/valve and box	1	Each	\$ 3,400.00	\$ 3,400.00	\$ -
3 8 in. gate valve w/box	12	Each	\$ 984.00	\$ 11,808.00	\$ -
4 8" m.j. cap	3	Each	\$ 435.00	\$ 1,305.00	\$ -
5 8" elbows	4	Each	\$ 500.00	\$ 2,000.00	\$ -
6 2" blow off	1	Each	\$ 1,000.00	\$ 1,000.00	\$ -
7 8" solid sleeve	1	Each	\$ 360.00	\$ 360.00	\$ -
8 8" tee	4	Each	\$ 600.00	\$ 2,400.00	\$ -
9 1" service connection	26	Each	\$ 550.00	\$ 14,300.00	\$ -
10 Bank run	1,600	TON	\$ 9.05	\$ 14,480.00	\$ -
11 Bedding Material	1,300	TON	\$ 13.50	\$ 17,550.00	\$ -
12 Concrete Collars	14	Each	\$ 300.00	\$ 4,200.00	\$ -
Secondary Water Sub -Total				\$ 120,305.40	\$ -
STORM DRAIN					
1 60" manhole	8	Each	\$ 4,600.00	\$ 36,800.00	\$ -
2 15" ROP	1936	LF	\$ 31.00	\$ 60,016.00	\$ -
3 End Section	2	Each	\$ 400.00	\$ 800.00	\$ -
4 Double Curb Inlet	7	Each	\$ 1,050.00	\$ 7,350.00	\$ -
5 Drain rock	1000	TON	\$ 13.50	\$ 13,600.00	\$ -
6 Bank run	1600	TON	\$ 9.05	\$ 14,480.00	\$ -
7 Excavate Detention Pond w/cobble rock	1	Each	\$ 30,000.00	\$ 30,000.00	\$ -
8 Concrete Collars	8	Each	\$ 450.00	\$ 3,600.00	\$ -

Storm Drain Sub total									
Irrigation piping									
1	48" Manholes	2	Each	\$ 2,200.00	\$ 4,400.00	2	\$	4,400.00	-
2	48" Box 4' depth	1	Each	\$ 2,310.00	\$ 2,310.00		\$	-	-
3	36" Box 7' depth	4	Each	\$ 1,915.00	\$ 7,660.00		\$	-	-
4	36" Box 5' depth	5	Each	\$ 1,532.00	\$ 7,660.00		\$	-	-
5	24" Waterman Gate	5	Each	\$ 1,550.00	\$ 7,750.00		\$	-	-
6	24" RCP	1725	LF	\$ 42.00	\$ 72,450.00	271	\$	11,382.00	-
7	18" RCP	24	LF	\$ 36.00	\$ 864.00		\$	-	-
8	12" RCP	40	LF	\$ 32.00	\$ 1,280.00		\$	-	-
9	Inlet Structure w/ wing walls & grates	2	Each	\$ 2,500.00	\$ 5,000.00	1	\$	2,500.00	-
10	Bedding Gravel	800	Ton	\$ 13.20	\$ 10,560.00		\$	-	-
11	Bankrun fill	500	Ton	\$ 10.50	\$ 5,250.00		\$	-	-
12	Concrete Collars	2	Each	\$ 450.00	\$ 900.00		\$	18,282.00	-
Totals					\$ 1,358,221.40		\$	225,792.95	

DRAW NO # 1

Washington Trust Bank

DISBURSEMENT REQUEST #1

DATE: 10-Jan-07 **(FIRST DRAW)**

BORROWER: Duck Creek Development, LLC

LOAN NO.: 300119-30688

DEVELOPMENT: Pheasant View

LOAN AMOUNT: \$2,800,000.00

#225,000

The following shows the loan allocation for each construction category and the remaining balances. To request a draw, pencil in your request next to each category, obtain the proper signatures and return to Washington Trust Bank. The balances will be updated and a new Disbursement Request will be mailed out.

	DESCRIPTION	ALLOCATION	DISB. TO DATE	BALANCE	REQUEST
1	Storm Water	90,000.00	13,750.00	76,250.00	<i>10,000</i>
2	Sanitary Sewer	189,000.00	0.00	189,000.00	<i>160,000</i>
3	Culinary Water	191,000.00	0.00	191,000.00	
4	Pressurized Irrigation	80,000.00	0.00	80,000.00	
5	Storm Sewer	90,000.00	0.00	90,000.00	
6	Curb and Gutter	40,000.00	0.00	40,000.00	
7	Sidewalk	30,000.00	0.00	30,000.00	
8	Road base and Asphalt	110,000.00	0.00	110,000.00	<i>25,000</i>
9	Contingency	70,000.00	70,000.00	0.00	
10	Land Advance	912,650.00	912,650.00	0.00	
11	Engineering	25,000.00	20,711.75	4,288.25	
12	Permits & Fees	182,000.00	182,000.00	0.00	
13	Water Shares	78,000.00	78,000.00	0.00	
14	TDR's	500,000.00	500,000.00	0.00	
15	Title & Recording fees	4,157.00	4,157.00	0.00	
16	appraisal fees	2,850.00	2,850.00	0.00	
17	Loan start fee	280.00	280.00	0.00	
18	Veracheck	145.00	145.00	0.00	
19	Reconveyance	75.00	75.00	0.00	
20	Loan origination fee	28,000.00	28,000.00	0.00	
21	Interest Reserve	176843	107406.42	69,436.58	
	Totals:	\$2,800,000.00	\$1,920,025.17	\$879,974.83	<i>225,000.00</i>

1. A request is hereby made for payment of \$ 225,000.00, which we believe to be payable in accordance with the Loan Agreement between Borrower & Lender.

2. Deposit to account # 1008961526



By: Authorized Signer

Draws # 3 - #383,647.77 Sheet 1

JOHNSTON AND PHILLIPS INC.

To: Livingston Homes P.O. Box 931
 Attn: Ryan Livingston Springville, Utah 84663
 Ph: 830-0943 (801) 489-9802 Ph.
 Fax: (801) 489-5976 Fax

Project Name: Pleasant View Mapleton
 Pay Request #3 (thru end of May)

Item: DESCRIPTION	QTY.	Units	Total Unit Cost	TOTAL COST	QTY PR#1	Total PR #1	QTY PR#2	Total PR #2	QTY PR#3	Total PR #3
ROAD CONSTRUCTION										
1 Clear & Grubbing	162,000	SF	\$ 0.06	\$ 9,720.00	162,000	\$ 9,720.00				
2 Roadway excavation	162,000	SF	\$ 0.15	\$ 24,300.00	162,000	\$ 24,300.00				
3 Import Bank Run 12 in.	12,000	TON	\$ 8.15	\$ 97,800.00	8,000	\$ 65,200.00	1,952.22	\$ 15,910.59	4,300	\$ 50,095.00
4 Roadbase asphalt c.g. agrnd s.w.	6,300	TON	\$ 11.65	\$ 73,395.00	23.9	\$ 278.44				
5 2 1/2" Asphalt	120,000	SF	\$ 0.96	\$ 108,000.00						
6 1" Asphalt Overlay	120,000	SF	\$ 0.46	\$ 55,200.00						
7 Curb and gutter	6075	LF	\$ 11.00	\$ 66,825.00					5700	\$ 62,700.00
8 Sidewalk 5ft. Wide	25215	SF	\$ 3.80	\$ 95,817.00						
9 ADA Ramp	6	Each	\$ 800.00	\$ 4,800.00						
10 Curb Inlet tie ins	14	Each	\$ 275.00	\$ 3,850.00					10	\$ 2,750.00
11 Sawcut	1800	LF	\$ 1.50	\$ 2,700.00						
12 Electrical Trenching	6100	LF	\$ 4.50	\$ 27,450.00						
13 Sand Bedding	1600	TON	\$ 11.50	\$ 18,400.00						
14 Power, Phone, & Cable Crossings	6	Each	\$ 1,400.00	\$ 8,400.00					2	\$ 2,800.00
15 Gas Crossings	8	Each	\$ 750.00	\$ 6,000.00					2	\$ 1,500.00
Road Construction Sub-Total				\$ 602,657.00						
SEWER										
1 8" PVC Sewer	2,340	LF	\$ 20.00	\$ 46,800.00	2340	\$ 46,800.00				
2 48" manhole	5	Each	\$ 2,400.00	\$ 12,000.00	5	\$ 12,000.00				
3 60" manhole	3	Each	\$ 2,800.00	\$ 8,400.00	3	\$ 8,400.00				
4 4' laterals	26	Each	\$ 950.00	\$ 24,700.00	21	\$ 19,950.00				
5 Drain rock	3600	TON	\$ 13.50	\$ 48,500.00	720.81	\$ 9,730.94	1090.69	\$ 14,724.32	1500	\$ 20,250.00
6 Bank run	5000	TON	\$ 9.05	\$ 45,250.00	1183.6	\$ 10,711.58	3816.4	\$ 34,538.42		
7 2x4 end marker	26	Each	\$ 20.00	\$ 520.00	21	\$ 420.00	4	\$ 80.00		
8 T.V. & Air Testing	2340	LF	\$ 2.25	\$ 5,265.00			2340	\$ 5,265.00		
9 Concrete Collars	8	Each	\$ 400.00	\$ 3,200.00						

Storm Drain Sub total									
1	48" Manholes	2	Each	\$ 2,200.00	\$ 4,400.00	2	\$ 4,400.00		\$ -
2	48" Box 4' depth	1	Each	\$ 2,310.00	\$ 2,310.00		\$ -	1	\$ 2,310.00
3	36" Box 7' depth	4	Each	\$ 1,915.00	\$ 7,660.00	4	\$ 7,660.00		\$ -
4	36" Box 5' depth	5	Each	\$ 1,532.00	\$ 7,660.00	5	\$ 7,660.00		\$ -
5	24" Waterman Gate	5	Each	\$ 1,550.00	\$ 7,750.00	5	\$ 7,750.00		\$ -
6	24" RCP	1725	LF	\$ 42.00	\$ 72,450.00	271	\$ 11,352.00	1454	\$ 61,098.00
7	18" RCP	24	LF	\$ 36.00	\$ 864.00	24	\$ 864.00	24	\$ 864.00
8	12" RCP	40	LF	\$ 32.00	\$ 1,280.00	40	\$ 1,280.00	40	\$ 1,280.00
9	Inlet Structure w/ wing walls & grates	2	Each	\$ 2,500.00	\$ 5,000.00	1	\$ 2,500.00	400	\$ 5,280.00
10	Bedding Gravel	800	Ton	\$ 13.20	\$ 10,560.00		\$ -	400	\$ 5,280.00
11	Bankrun fill	500	Ton	\$ 10.50	\$ 5,250.00		\$ -	500	\$ 5,250.00
12	Concrete Collars	2	Each	\$ 450.00	\$ 900.00		\$ -		\$ -
Totals				\$ 1,358,221.40	\$ 18,282.00	\$ 225,792.95	\$ 316,038.46	\$ 383,642.27	

DDAW #3

PHEASANT VIEW SUBDIVION

Checks/Draws to Johnston/Phillips for street improvements

<u>DRAW</u>	<u>DATE</u>	<u>CK NUMBER</u>	<u>AMOUNT</u>
#1	1/11/07	#1247	\$225,000.00
#2	4/5/07	#1264	\$316,038.46
#3	7/16/07	#1409	\$384,000.00
#4	8/21/07	#1422	\$90,000.00
#5	9/13/07	#1431	\$200,000.00
#6	10/16/07	#1437	\$25,000.00
#7	2/3/11	Cashiers check (settlement_payment)	\$50,000.00
Total			<u>\$1,290,038.46</u>

C/BR	D/BR	Run	Batch	Src Batch	Sequence	App	O/D	Serial	Transit	Account	Trancode
76	0	2	52	32484	118360	1	D	01264	124302257	111401998	0
Amount		Pkt	Date								
316,038.46		1	04/09/2007								

DRAW # 2

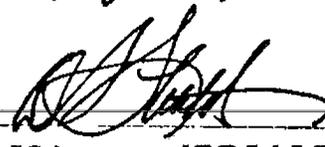
INVESTMENT ACCT 3-96 1264
 801-373-6767
 2255 NO. UNIV AVE #15
 PROVO, UTAH 84604

DATE 4/4/07 87-225/1243
111401998

PAY TO THE ORDER OF JOHNSTON & PHILLIPS \$ 316,038.46

THREE HUNDRED SIXTEEN THOUSAND THIRTY EIGHT & 4/100 DOLLARS

 **FAR WEST BANK**
 St. George Office
 308 W Tabernacle
 St. George, Utah 84770

MEMO TWO DRAW # 

⑆ 124302257 ⑆ ⑆ 1401998 ⑆ 1264 ⑆ 0031603846 ⑆

44092007
 1020-00199
 ENT-2030 TRC-2030 PK-21
 04/09/2007
 FEDERAL RESERVE BOARD OF GOVERNORS REG. CC

59081110
 041118065
 APR 11 2007
 100-A 07

CENTRAL BANK
 701 N. UNIVERSITY AVE
 ST. GEORGE, UT
 84770
 43003274

ENDORSE HERE
 JOHNSTON & PHILLIPS
 Deposit Only
 0201 10668
 DO NOT WRITE, STAMP, OR SIGN BELOW THIS LINE
 RI

C.B.R.	D.B.R.	Run	Batch	Src Batch	Sequence	App	C/D	Serial	Transit	Account	Trancode
76	0	1	78	32484	53880	1	D	01422	124302257	111401998	0
Amount	Pkt	Date									
90,000.00	1	09/04/2007									

Draw #4

97-225/1243
111401998

1422

INVESTMENT ACCT

DATE Aug 21, 07

PAY TO THE ORDER OF BIFF JOHNSON \$ 90,000.00

ALVIN THOUSAND DOLLARS

FAR WEST BANK St. George Office
308 West Tabernacle
St. George, Utah 84770

MEMO _____

⑆ 124302257⑆ 11 1401998 1422 ⑆0009000000⑆

09042007
1020-00199
ENT=1090 TRC=1098 PK=03
0623586309

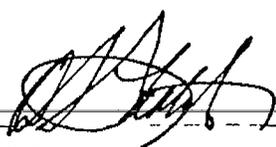
FAR WEST BANK
 2400000014
 2400000014

UNUS 55004

ENDORSED BY
 Jennifer Simpson
 Johnson & Phillips

C/BR	D/BR	Run	Batch	Src Batch	Sequence	App	C/D	Serial	Transit	Account	Trancode
76	0	1	59	32484	58650	1	D	01437	124302257	111401998	0
Amount	Pkt	Date									
25,000.00	1	10/18/2007									

Draw #6

INVESTMENT ACCT		97-225/1243 111401998	1437
DATE <u>10/15/07</u>			
PAY TO THE ORDER OF <u>BIEF JOHNSTON</u>		\$ <u>25,000⁰⁰</u>	
<u>TWENTY FIVE THOUSAND</u>		DOLLARS	
 FAR WEST BANK St. George Office 308 West Tabernacle St. George, Utah 84770		 MEMO <u>part of draw</u>	
@124302257@11 1401998 1437 @0002500000@			

10182007
 1020-00199
 ENT=1693 TRC=1693 PK=03
 0223384020

ENDORSE HERE
Johnston Phillips
 Deposit Only

C/BR	D/BR	Run	Batch	Src Batch	Sequence	App	C/D	Serial	Transit	Account	Trancode
52	85	23	399	8502	2840	1	D	05564	124302257	011312139	0
Amount	Pkt	Date									
50,000.00	0	02/03/2011									

7 - FINAL PAYMENT.

DEE S. THATCHER 11-85 97-225/1243 5564
 1882 E. MAPLE ST.
 MAPLETON, UT 84664
 DATE FEB 3, 2011

PAY TO FAR WEST BANK \$ 50,000
 THE ORDER OF
FIFTY THOUSAND DOLLARS DOLLARS Security Features
Included
Details on Back

FAR WEST BANK Provo Financial Center
 201 East Center
 Provo, Utah 84608
 TeleService 1-800-972-3036

MEMO FOR CASHIERS C/L

⑆ 124302257⑆ 011312139⑆ 05564

TO PURCHASE CASHIERS CHECK GIVEN TO TITLE WEST, THEN TO
 JOHNSTON AND PHILLIPS TO CLEAR THE FINAL BALANCE DUE.

END - USE HERE

118283 8582 882849 >125187837<

C/BR	D/BR	Run	Batch	Src Batch	Sequence	App	O/D	Serial	Transit	Account	Trancode
5	85	23	399	8502	2830	1	C	00025329	125107037	500621010	183
Amount		Pkt	Date								
50,000.00		1	02/03/2011								

Credit Copy

FAR WEST BANK
A Division of American West Bank, Spokane, WA

25329

Remitter: DEE THATCHER

Date: February 03, 2011

Pay Fifty Thousand Dollars and 00/100

\$50,000.00

To the order of RYAN LIVINGSTON

NON NEGOTIABLE
CREDIT COPY

⑆00025329⑆ ⑆125107037⑆ 500621010⑆ 183

GIVEN TO TITLE CO - THEN TO LIVINGSTON
 TO RELEASE LIEN.

118283 8582 082838 >125187837<

We, the undersigned, Johnston & Phillips, Inc., do hereby agree to accept \$50,000.00 as payment in full for the Trust Deed dated December 23, 2008 and Recorded December 24, 2008 as Entry No. 133669:2008.

We agree to sign a Request for Full Reconveyance to release the Trust Deed from the property described as follows:

Parcel 1: Lot 28, Plat "A", PHEASANT VIEW SUBDIVISION, Mapleton, Utah, according to the official plat thereof on file and of record in the Utah County Recorder's Office, Utah. (49:649:0028)

Parcel 2: Commencing South 15.8 feet and East 34.26 feet from the West quarter corner of Section 15, Township 8 South, Range 3 East, Salt Lake Base and Meridian; thence North 89° 26' 56" East 244.68 feet; thence South 0° 30' 36" East 178.02 feet; thence South 88° 45' 24" West 244.68 feet; thence North 0° 30' 59" West 180.98 feet to the point of beginning. (49:649:0030)

By signing the Request for Full Reconveyance (attached hereto) and the herein affidavit, we do hereby release William D. Livingston and Linda P. Livingston and Duck Creek Development, LLC of any and all claims to the above described property and of any additional amounts due on the stated Trust Deed (Entry No. 133669:2008).

Dated this ____ day of January, 2011.

Johnston & Phillips, Inc.

By:
Its:

*THIS IS A COPY -
ORIGINAL SIGNED.*

TITLE WEST TITLE COMPANY
727 North 1550 East, Suite 150
Orem, Utah 84097

(RELEASE OF LIEN)

Deed of Reconveyance

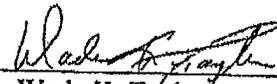
Title West, a title company authorized to conduct business in the state of Utah does hereby reconvey, without warranty, the following trust property located in Utah County, State of Utah, that is covered by a Trust Deed dated **December 23, 2008**, naming **William D. Livingston and Linda P. Livingston, husband and wife**, as Trustors, **Title West West Company**, as Trustee, and **Johnston & Phillips, Inc.**, as Beneficiary, which Trust Deed was recorded on **December 24, 2010**, as Entry No. **133669:2008**, for the following described property:

Parcel 1: Lot 28, Plat "A", PHEASANT VIEW SUBDIVISION, Mapleton, Utah, according to the official plat thereof on file and of record in the Utah County Recorder's Office, Utah, (49:649:0028)

Parcel 2: Commencing South 15.8 feet and East 34.26 feet from the West quarter corner of Section 15, Township 8 South, Range 3 East, Salt Lake Base and Meridian; thence North 89° 26' 56" East 244.68 feet; thence South 0° 30' 36" East 178.02 feet; thence South 88° 45' 24" West 244.68 feet; thence North 0° 30' 59" West 180.98 feet to the point of beginning. (49:649:0030)

DATED this 10th day of February, 2011

TITLE WEST TITLE COMPANY TRUSTEE


By: Wade K. Taylor

Its: Vice President

COUNTY OF UTAH)

:ss.

STATE OF UTAH)

The foregoing instrument was acknowledged before me this 10 day of February, 2011 by **Wade K. Taylor** who is the Vice President of **Title West Title Company**, and said instrument was signed on behalf of said corporation.




NOTARY PUBLIC

ENT 12581:2011 PG 1 of 1
JEFFERY SMITH
UTAH COUNTY RECORDER
2011 Feb 10 9:54 am FEE 10.00 BY EQ
RECORDED FOR 10

September 28, 2006

Mathew Evans, Planning Director
Mapleton City
125 West Community Center Way (400 North)
Mapleton, UT 84664

Dear Mr. Evans,

This letter will serve as a notification of my intent to collect a reimbursement of utilities, roads, irrigation services pursuant to Mapleton City Code Section 13.20.060. According to the City ordinance any developer must notify the City in writing prior to recording of the final plat and following posting of the construction guarantee and bond.

Actual cost of the extension across the benefitted property shall be reimbursed to Duck Creek Development LLC upon collection by the City of charges assessed against such benefitted property for a period of twenty (20) years. I am awaiting the administrative fee amount that will be set by the City Council. One-half of the actual cost of the improvements will be collected by the benefitted property owner based on linear frontage. The reimbursement will be collected by the City and reimbursed to Duck Creek Development LLC before any building permit will be issued. To ensure my reimbursement, I take full responsibility of notifying the City to alert them when development is occurring around my subdivision. Thank you.

Sincerely,

Gordon Livingston
2514 East Deer Creek Way
Springville, Ut. 84663

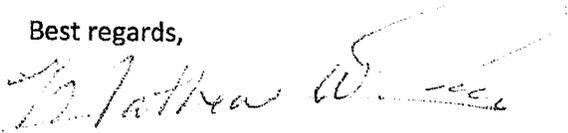
A handwritten signature in black ink, appearing to be 'Gordon Livingston', with a long horizontal line extending to the right.

Whom it may concern,

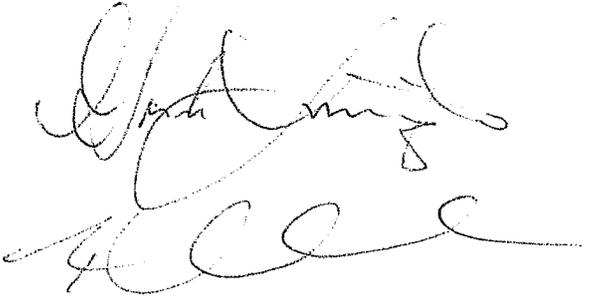
My name is Matthew Evans. I was employed by the City of Mapleton as City Planner. I have been in contact with the Livingston's concerning the Pheasant View Development located at approximately 1200 West 800 South. I helped the Livingston's through the development process in 2006. Their question to me, was to clarify the reimbursement ordinance 13.20.060.

We (The City of Mapleton) wanted the road at 1200 west to be completed by the Livingston's. We told the Livingston's that if they completed the entire road they would be eligible for reimbursement according to ordinance 13.20.060. The City's intent as well as my own, as author of the ordinance was to reimburse according to the original cost of the improvements. My intent as well as the intent of the City's was in accordance with the interpretation of the Livingston's and their counsel. They would be eligible for reimbursement of land, road base, hard surfacing, curb, sidewalk, utilities, sewer, water, irrigation, and storm water. One clarification on section A of 13.20.060. Middle of paragraph A (Provided, however), refers to the applicant not being eligible for reimbursement on applicants side of road.

Best regards,



Matthew Evans



Attachment “2” City Code Citations
(specific sections highlighted refer to determination of reimbursement amount)

13.20.060: REIMBURSEMENT:

A. Permitted; Limitations For Road Improvements; How Determined: The applicant shall be eligible for reimbursement for that proportion of the cost incurred in making the extension which benefits properties fronting on the extension, other than those owned by the applicant. Provided, however, that in the instance of road extensions no reimbursement shall be allowed for the cost of the land, road base or hard surfacing of the travelway, or of any curb, gutter or sidewalk adjacent to the properties owned by the applicant.

B. **Determination Of Reimbursement Amount**; Reimbursement Period: The amount subject to reimbursement and the method of payment shall be as follows:

Upon completion of an extension **the city engineer shall make a determination of the per foot cost of those portions of the extension which are eligible for reimbursement.** Thereafter the city will enter a deferred credit in its records in an amount equal to cost of the extension less the prorated amount applicable to the benefited area owned by the applicant and any existing public street. Thereafter the applicant or his successor or assigns will be reimbursed by the city upon collection of fees assessed against the subsequently benefited properties, as hereinafter provided.

The period of reimbursement shall extend for a period not to exceed twenty (20) years from the date of completion of the extension, or until the initial prorated cost of the extension along the frontage not owned by the applicant shall have been refunded.

C. City To Levy Extension Fees; Amount Of Fee: Each applicant proposing to subsequently connect to a water main, and/or sewer main, or front upon a street which has been constructed under the provisions of this section shall be assessed a water main, and/or sewer main, and/or road reimbursement fee which shall be paid before such service connection is made or building permit issued.

The amount of the extension reimbursement fee to be assessed against a benefited property shall be the proportionate share of the total cost of the improvement as determined by the city. In the case of a water line extension, and/or sewer line extension, this shall be determined by multiplying the total cost of the improvement by the ratio of the area of the benefited parcel divided by the total benefited area.

All extension fees levied for purposes of reimbursement of water and/or sewer utilities shall be determined using the costs for installing culinary water, secondary irrigation or sewer mains of twelve inches (12") in diameter or as determined by the city engineer. Any reimbursement for road improvement shall be determined using the original cost of the improvement. (Ord. 2006-02, 1-4-2006, eff. 1-4-2006)

17.28.050: REIMBURSEMENT FOR ON SITE OR OFF SITE IMPROVEMENTS PERMITTED; CONDITIONS AND LIMITATIONS:

- A. Reimbursement shall be allowed for on site or off site improvements which subsequently benefit adjacent property owners who develop building lots, which are required as a condition of approval of a subdivision. Whenever a developer wishes to be reimbursed for any required on site or off site improvement that benefits property in an area benefited by the improvement as determined by the city engineer, other than property owned by the subdivider, the developer must notify the city in writing prior to recording of the final plat and following posting a performance guarantee and bond. **The city will enter a deferred credit on its records in the amount of the actual cost of the extension across the benefited property** and shall reimburse the subdivider upon collection by the city of charges assessed against such benefited property for a period of twenty (20) years from the date of recording of the subdivision plat. An administrative fee in an amount to be set by the city council by resolution shall be collected, one-half ($\frac{1}{2}$) of which will be withheld from the amount reimbursed to the subdivider and one-half ($\frac{1}{2}$) of which will be assessed against the benefited property. Any reimbursement owed shall be collected from the benefited property owner prior to recording the final plat for any subdivision approved on said benefited property.
- B. The amount of reimbursement charge to be paid by a benefited property shall be equal to the Utah County property tax valuation, at the time of improvement, for the underlying ground for a peripheral street dedication which exceeds one-half ($\frac{1}{2}$) of the street width requirement as shown on the transportation and circulation element of the general plan. The amount shall include one-half ($\frac{1}{2}$) the installation cost of sewer, water, and pressurized irrigation lines in peripheral streets, as well as the installation cost of peripheral street improvements which are installed on ground which is in excess of one-half ($\frac{1}{2}$) of the street width requirement as shown on the transportation and circulation element of the general plan. (Ord. 2006-01, 1-4-2006)

**Attachment "3"
City Engineer's Estimate**

	Item		Bonded Cost		Total Bonded Cost
8" Water	1,039 Lin Ft		\$ 30.00 Lin Ft		\$ 31,170.00
Fire Hydrant	2 Each		\$ 3,500.00 Each		\$ 7,000.00
Valves	2 Each		\$ 1,400.00 Each		\$ 2,800.00
Hot Tap	1 Each		\$ 1,800.00 Each		\$ 1,800.00
8" Sewer	1,012 Lin Ft		\$ 23.00 Lin Ft		\$ 23,276.00
Manhole	2 Each		\$ 2,600.00 Each		\$ 5,200.00
8" Pressure Irr.	1,007 Lin Ft		\$ 20.00 Lin Ft		\$ 20,140.00
Valves	2 Each		\$ 1,400.00 Each		\$ 2,800.00
Storm Drain					
Double Inlet	1 Each		\$ 3,000.00 Each		\$ 3,000.00
15" RCP	73 Lin Ft		\$ 25.00 Lin Ft		\$ 1,825.00
			Sub-totals=		\$ 99,011.00
Roadway					
8" Road Base	36,720 S.F.		\$ 0.65 S.F.		\$ 23,868.00
2.5" Asphalt	36,720 S.F.		\$ 0.80 S.F.		\$ 29,376.00
1" Overlay	36,720 S.F.		\$ 0.35 S.F.		\$ 12,852.00
2' Curb & Gutter	980 Lin Ft		\$ 13.00 Lin Ft		\$ 12,740.00
			Totals =		\$ 177,847.00

*reimbursement is based on half of the total or **\$88,923.50**

Property Owners Frontage (ft)

219 Scutt	21.7%
665 Chipman	65.9%
125 Larsen	12.4%
1009 Total	

Notes

- Valves on Water and PI only require 2 for road, other valves are for subdivision.
- Only two FH on 1200 West
- Mapleton City does not reimburse for Mapleton Irrigation Co. items.
- No reimbursement for sidewalk and curb and gutter on west side of roadway.
- No reimbursement for sub-base or trenching.

Mapleton City Planning Commission Staff Report

Meeting Date: 17, August 2006

<p>Item: 2</p> <p>Applicant: Gordon and Ryan Livingston</p> <p>Prepared by: Staff</p> <p>Parcel ID#'s 27:001:0038, 0037, 0021 & 27:003:0065</p>	<p>Request: Gordon Livingston is requesting Final Plat approval for the "Pheasant View" Plat A Subdivision, located at approximately 800 South 1600 West, Mapleton, PRC-3 Zone Designation.</p>	
<p>Zone: PRC-3</p>	<p>Acreage: 22</p>	<p>Number of Lots: 26</p>
<p>General Plan Designation: Low Density Residential/ Rural Residential</p>	<p>Neighborhood Meeting: None required.</p>	<p>Development Agreement Proffered: Yes</p>
<p><u>NEIGHBORHOOD ISSUES:</u> A letter has been sent to all property owners within 300 feet of the proposed subdivision as required by law.</p>		
<p><u>STAFF REPORT SUMMARY OF KEY ISSUES:</u></p> <ul style="list-style-type: none"> ☆ The property has been rezoned from the A2 Zone to the PRC-3 Zone. ☆ The applicant previously received Preliminary Plat Approval. ☆ The applicant is requesting 26 lots on 22 acres. ☆ Staff believes this to be an ideal location for the use of TDR's, which the applicant is using to obtain the additional density. ☆ The applicant has gone through several design changes before reaching this point. The current design meets all of the previous concerns from Staff, the Planning Commission and City Council. 		
<p><u>POSSIBLE ACTIONS</u></p> <ul style="list-style-type: none"> ☆ <u>Recommendation of Approval</u> - This action would be necessary to send it to the City Council with a positive recommendation of approval ☆ <u>Continuation of this item.</u> - This action should be taken if more information is needed to make a recommendation to the City Council. ☆ <u>Recommendation of Denial</u> - This action should be considered if the Planning Commission believes that the proposed subdivision is inconsistent with the Mapleton City General Plan. 		

FINDINGS OF FACT – CURRENT:

1. The applicant has received preliminary plat approval (July, 2006).
2. There are still a few minor issues that must be resolved before the plat is recorded. Those issues include the sizing of the detention basin and utility sign off's.
3. The applicant must surrender 13 TDR's to complete the project. This will be a requirement of the final plat approval.
4. Bonding will be required for the park and detention basin. The detention basin standards for Mapleton City are that a sprinkler system be installed by the developer, and that grass be established within the basin. The basin and park must be maintained by HOA.

5. CC&R's and HOA will be required prior to recording. HOA must include the collection of fees to maintain open spaces, etc.
6. Staff will require deed restriction for direct access for the corner lot of 800 South and 1200 West, access must be taken from 1200 West.
7. A text will accompany this development (see attached). This text will be adopted once the rezone has been recorded (as we've done with other PRC's).

FINDINGS OF FACT – PRELIMINARY PLAT APPROVAL:

1. The applicant is requesting a 26 lot development in the (proposed) PRC-3 Zone designation. The density yield is determined in Section 18.82.070 of the Mapleton City Code. The applicant is proposing a density bonus by the use of TDR's as outlined in Section 18.82.070(B).
2. The applicant previously requested the rezone and density from the Planning Commission and City Council. The City Council tabled the item until the applicant receives Preliminary Plat approval for the project from the Planning Commission.
3. Staff likes this site for the use of TDR's. The applicant's property is adjacent to land that the General Plan suggests should be commercial, and the location is just off of Highway 89 across from Harvest Park.
4. The applicant has gone through several design changes up to this point, all in an effort to appease not only the intent of the PRC, but to address concerns by the Planning Commission, City Council and DRC. Those changes include the following:

- A. Provided a park for the development.
- B. Full Street width for 1200 West (minus sidewalk on the east side of the road).
- C. Aligning 1200 West with the Misty Meadows street to the North.
- D. Eliminating excess direct access onto 800 West by providing for the larger lots in that location.
- E. Addressing storm drain issues by providing a detention basin.
- F. Access to adjacent property by stubbing 1200 to the South, and by having the full road.
- G. Providing streets with parkstrips for neighborhood beautification.

5. The applicant will be required to participate in the off-site improvements installed by the developer of the Misty Meadows development, including half of the cost for the water line on 800 South, and a portion of the secondary irrigation line adjacent to the development. The applicant will also ask for their own reimbursements from land owners who will benefit by their installation of additional water, sewer and secondary irrigation lines.

Notes from Planning Commission Meeting July 20, 2006

1. Note on plat "Basements not recommended" – See Note #5 defining water conditions
2. Storm drainage has been verified with City Engineer
3. City Engineer has approved the Final Plat
4. Utility sign off before Final Plat approval by City Council
5. Storm Water Pollution Plan (SWPP, NOI, NOT) has been submitted
6. Street Standard are in the process of being approved

CONCLUSIONS:

The proposed subdivision is consistent with the policies set forth in the Mapleton City Zoning Code and General Plan.

RECOMMENDATION:

That the Planning Commission approve the Pheasant View Plat A Subdivision as proposed, with the following *Standard* conditions of approval:

1. That this approval only takes effect if and when the rezone from the A2 to the A2 (TDR-R) first be

Attachment "5"
Benefited Properties

Scutt
21.7%

Reimbursable
Frontage



Laird
65.9%

Larsen
12.4%

