

FIFTH AMENDMENT TO
THE VILLAGE AT PROMINENCE POINT
DEVELOPMENT AGREEMENT

This is the FIFTH AMENDMENT to THE VILLAGE AT PROMNENCE POINT DEVELOPMENT AGREEMENT (“Development Agreement”), entered into on _____ day of _____, 2019, by and among Meritage Companies, LLC, an Alaskan limited liability company (Alaska Entity #10014218) and Mountain Vista Trails, LLC a Utah limited liability company (Utah Entity #10420822-0160), (hereinafter collectively “Developer”) and NORTH OGDEN CITY, (hereinafter “the City”), a Utah municipal Corporation. Developer and the City shall hereinafter be collectively referred to as “Parties” and sometime individually as a “Party”.

The Parties acknowledge that this Fifth Amendment is intended to satisfy the requirements of the Amended Agreement #A22-2018 approved on December 20, 2018.

SECTION 1:

Only the following provisions are modified by this Fifth Amendment to the Development Agreement:

7. Conformance with North Ogden General Plan.

a. Residential Density.

ii. The setbacks are approved as shown on the Preliminary Master Plan for the individual buildings/groups of buildings which may be different than is currently anticipated in the MPC zone. Preliminary Master Plan dated 10-3-17 attached as Exhibit L.

A revised Exhibit L-1 is hereby approved modifying the setbacks for the Village at Prominence Point Phase 1 and Phase 2. Revised Exhibit L-1 reflects the modified site design relocation of some of the Cottage and Townhomes as approved on the final subdivision plats. It also reflects that lots 23 -32 shall retain the 20 foot rear setback; while lots 33-35 and lots 82 – 93 the rear setback is reduced from 20 feet to 10 feet. Further that the front setback on lots 23 -35 and lots 82 -93 be reduced from 15 feet to 10 feet from property line.

A new Exhibit N is adopted identifying the side yard setbacks for lots 22 and 23.

SECTION 2:

All other terms and conditions imposed upon the Parties by the original Village at Prominence Pont Development agreement and the previous amendments shall remain unchanged and unaltered unless agreed upon in writing.

DATED this _____ day of _____, 2019

MERITAGE COMPANIES, LLC

By: _____

Its: _____

DATED this _____ day of _____, 2019

MOUNTAIN VISTA TRAIL, LLC

By: _____

Its: _____

DATED this _____ day of _____, 2019

NORTH OGDEN CITY

By: _____

Its: _____

Attest: S. Annette Spendlove