

RESOLUTION #06-2010

**A RESOLUTION DECLARING DEFAULT WITH RESPECT
TO THE HACIENDAS SUBDIVISION**

WHEREAS, the City of Moab approved the Haciendas Subdivision and an Official Plat was recorded on January 9, 2008 at Book 717, Page 544 (“Plat”) of the Grand County land records; and

WHEREAS, concurrent with the approval of the Plat, the City of Moab and Jared Rasmussen (“Developer”) entered into a Subdivision Improvements Agreement (“SIA”), dated January 8, 2008 and providing for the construction of certain improvements pursuant to the approval of the Haciendas Subdivision; and

WHEREAS, the Developer failed or refused to construct or complete all of the improvements as required by the SIA and development approvals.

WHEREAS, the City issued a notice of violation to the Developer and has allowed a reasonable period of time in which to cure or abate the defaulting conditions under the SIA; and

WHEREAS, the Developer has failed to cure or abate the defaulting conditions, request a hearing, or timely request an extension of time in which to complete the improvements; and

WHEREAS, the Developer has submitted in writing a request to waive the cure period.

**NOW, THEREFORE, THE GOVERNING BODY OF THE CITY OF MOAB
ENACTS AS FOLLOWS:**

1. The City declares a default with respect to the Subdivision Improvements Agreement dated January 8, 2008. The Developer, its successors, and assigns shall have no further right or entitlement to develop in accordance with the SIA or any accompanying approvals, all of which shall be deemed void.
2. The Developer is hereby prohibited from conveying or otherwise transferring the following platted lots: 2a, 2b, 15a, 15b, 16a, 16b, according to the Haciendas Subdivision Phase 1. The preliminary plat, dated June 14, 2007 is hereby void and of no further effect.
3. Effective immediately, City staff is directed to cease issuance of any building permits with respect to the building lots described herein.
4. As permitted by § 11 of the SIA, City staff is hereby authorized to procure bids and/or quotes for the completion of the public improvements as may reasonably be

necessary to serve the constructed portions of the subdivision, and to apply the performance guarantee posted by the Developer in satisfaction of all such costs. The City shall follow its normal purchasing procedures in securing contracts for the performance of said work. The City may, at its discretion, perform components of the required improvements and shall charge the City's standard rates for said work. The City may charge administrative and other costs deemed necessary in completing the required improvements or in applying other remedies for default.

5. Effective immediately, the City may exercise any other remedy for violation as provided for in the SIA, including, but not limited to action to enjoin or abate zoning violations and/or a recording of a lapse of plat, in whole or in part.

6. This Resolution shall be recorded in the Grand County land records.

PASSED AND ADOPTED in open Council by a majority vote of the Governing Body of the City of Moab this 23rd day of February, A.D., 2010.

David L. Sakrison
Mayor

ATTEST:

Rachel Ellison
City of Moab