

RESOLUTION #07-2010

**A RESOLUTION DECLARING DEFAULT WITH RESPECT
TO THE PORTAL VISTA SUBDIVISION P.U.D.**

WHEREAS, the City of Moab approved the Portal Vista (formerly Park) Subdivision Planned Unit Development and an Official Plat was recorded on April 3, 2001 at Book 560, Page 169 (“Plat”) of the Grand County land records, and an Amended Plat was recorded on September 22, 2004 at Book 632, Page 47 (“Amended Plat”); and

WHEREAS, concurrent with the approval of the Plat the City of Moab and Portal Park LLC (“Developer”) entered into an Improvements Agreement (“IA”), dated August 27, 2002, recorded at Book 586, Page 228, et seq. of the Grand County land records, and providing for the construction of certain improvements pursuant to the approval of the Portal Vista (formerly Park) Subdivision; and

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

WHEREAS, the City has 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 IA; and

WHEREAS, the Developer has failed to cure or abate the defaulting conditions or to request a hearing or extension of time from the City;

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

1. Pursuant to § 17.66.200 of the Moab Municipal Code, the City declares a default with respect to the Improvements Agreement dated August 27, 2002, recorded at Book 586, Page 228, et seq. of the Grand County land records. The Developer, its successors, and assigns shall have no further right or entitlement to develop in accordance with the IA or any accompanying approvals, which shall be deemed void.
2. The Developer is hereby prohibited from conveying or otherwise transferring the following platted lots: 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, and 25, according to the Portal Vista Subdivision Amended Plat.
3. Effective immediately, City staff is directed to cease issuance of any building permits with respect to the building lots described herein.

4. Effective immediately, the City may exercise any other remedy for violation as provided for in the IA, 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.

5. 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