

SUBDIVISION  
ORDINANCE  
OF  
ENOCH, UTAH

Updated and Revised May 2010 & Sept. 2012

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## **CHAPTER 1. SUBDIVISION**

### **SECTION 1.1 Purposes of Ordinance.**

The provisions of this Ordinance are enacted for the purpose of adoption of subdivision regulations for the divisions of land within Enoch, Utah. The provisions of and the intent of this Ordinance is to promote the health, safety, and general welfare of the citizens of Enoch and to implement the goals, policies, and programs of the General Plan by ensuring that all proposed subdivisions are consistent with the General Plan. This Ordinance is enacted for the further purpose of facilitating the orderly growth and development of the City; lessening congestion in the streets; preventing the over-crowding of land; and avoiding undue concentration of population; securing economy in municipal expenditures; and facilitating adequate provisions for transportation, water, sewage, schools, parks and other public requirements; stabilizing the value of property, and increasing the security of home life.

The regulations, action data, exceptions, suggestions, and conditions set forth in this Ordinance are designed to assist the subdivider/developer in the preparation of his plans and shall apply to all subdivisions or property wholly within the city limits.

### **SECTION 1.2 Scope of Ordinance.**

(1) No land shall be subdivided which is located wholly or in part in Enoch, Utah, except in compliance with this Ordinance. No person shall sell or exchange or offer to sell or exchange any parcel of land which is any part of subdivision of a larger tract of land, nor offer for recording in the office of the County recorder any deed conveying such parcel of land, or any interest therein, unless such subdivision has been created pursuant to and in accordance with the provisions of this Ordinance; provided, that this Ordinance shall not apply to any lot or lots forming a part of a subdivision created and recorded prior to the effective date of this Ordinance, except as provided in (2) below.

(2) No lot within a subdivision created and recorded prior to the effective date of this Ordinance or approved by the Planning Commission and Governing Body and recorded in the County Recorder's office under the provisions of this Ordinance, shall be further divided, rearranged, added to or reduced in area, nor shall the boundaries of any lot be altered in any manner so as to create more lots than initially recorded, or any non-conforming lot, without first obtaining the recommendation of the Local Planning Commission and the approval of the Local Governing Body.

(3) No lot within an already approved subdivision may be divided without compliance with Chapter, 10-608 and 609 et. al., of the Utah State Code. (Amended 2-6-08)

### **SECTION 1.3 Applications.**

The provisions of this Ordinance shall be applicable to all subdivisions within the meaning of the term "subdivision", as used in this Ordinance, which subdivisions are wholly within the City.

## **SECTION 1.4 Definitions.**

The following definitions shall be used in the interpretation of this Ordinance. All definitions included in the Enoch Zoning Ordinance shall also apply to this Ordinance where and when needed.

1. Available Sewer. “Available Sewer” shall mean an existing sewer into which domestic sewage from a proposed subdivision can drain by gravity.
2. City Engineer. “City Engineer” shall mean a designated Engineer or authorized representative employed by or officially representing Enoch, Utah.
3. Collector Street. “Collector Street” shall mean a street, existing or proposed, of considerable continuity which serves or is intended to serve as the principal traffic-way between large and separated areas or districts and which is the main means of access to a major street system.
4. Commission’s Authorized Representative. “Commission’s Authorized Representative” shall mean any City employee or official who has been designated by the Planning Commission and approved by the Local Governing Body to represent the City in enforcing or carrying out the functions of the Planning Commission as set forth in this Ordinance.
5. Easement. “Easement” shall mean a quantity of land set aside or over which a liberty, privilege or advantage in land without profit, existing distinct from the ownership of land, is granted to the public or some particular person or part of the public.
6. Engineer. “Engineer” shall mean the engineer or surveyor engaged by the subdivider/developer to prepare a final plat or to compile such data as may be required in connection therewith in accordance with the provisions of this Ordinance.
7. Final Plat. “Final Plat” shall mean a map or chart of the land division, which has been accurately surveyed and such survey marked on the ground so that streets, alleys, blocks, lots and other divisions thereof can be identified. The document shall be prepared in accordance with provisions of this Ordinance.
8. Intervening Property. “Intervening Property” shall mean property located between the existing city utilities and public service facilities, and the property under development.
9. Major Street. “Major Street” shall mean a street, existing or proposed, which serves or is intended to serve as a major traffic-way and is so designated on the Circulation Map in the General Plan.
10. Metes & Bounds. “Metes & Bounds” shall mean the description of a lot or parcel of land by courses and distances.

11. Minor Street. “Minor Street” shall mean a street, existing or proposed, which is supplementary to a collector street and of limited continuity which serves or is intended to serve the local needs of a neighborhood.
12. Minor Subdivision. “Minor Subdivision” shall mean four (4) or less lots which (a) already has improvements; (b) is not traversed by the mapped lines of a proposed road; (c) meets the requirements of Chapter 2 of the Subdivision Ordinance; and (d) may be exempted from the plat process and sold by metes and bounds.
13. On-Site Facilities. “On-Site Facilities” shall mean facilities installed in, under, or upon the public streets, or rights-of-way within or on the perimeter of the subdivision or development site.
14. Off-Site Facilities. “Off-Site Facilities” shall mean facilities designed or located so as to serve other property outside the boundaries of the subdivision.
15. Oversize Facility. “Oversize Facilities” shall mean facilities with added capacity designed to serve other property outside the boundaries of the subdivision or development site.
16. Preliminary Plat. “Preliminary Plat” shall mean a plat made for the purpose of showing the design of a proposed subdivision and the existing conditions in and around it. Such plat need not be based upon an accurate or final survey of the property. The Preliminary Plat is essentially a study plat which, when approved, will serve as a basis for the preparation of the final plat.
17. Subdivider/Developer. “Subdivider/Developer” shall mean any individual, firm, association, syndicate, co-partnership, corporation, trust, or other legal entity that creates or develops a subdivision for himself or for another.
18. Subdivision. “Subdivision” shall mean any land that is divided, resubdivided or proposed to be divided into two or more lots, parcels, sites, units, plots, or other division of land for the purpose, whether immediate or future, for offer, sale, lease, or development either on the installment plan or upon any and all other plans, terms, and conditions. It includes the division or development of land whether by deed, metes and bounds description, devise and testacy, lease, map, plat, or other recorded instrument; and divisions of land for all residential and non-residential uses, including land used or to be used for commercial, agricultural, and industrial purposes.
19. Subdivider/Developer’s Authorized Representative. “Subdivider/Developer’s Authorized Representative” shall mean any person who has been designated by the subdivider/developer in writing, which designation has been filed with the Commission as the authorized person to represent the subdivider/developer.
20. Zoning Ordinance. “Zoning Ordinance” shall mean the Zoning Ordinance of Enoch, Utah.

**SECTION 1.5 Other Public Agencies.**

The Planning Commission may withhold approval of a preliminary plat for thirty (30) days if all or part of the area to be subdivided may be needed for a park, school, street or other public purpose. The Planning Commission shall notify the appropriate agency in writing of the proposed subdivision. If proper means have not been initiated to acquire the desired property by a public agency within thirty (30) days, the owner may then subdivide in compliance with the provisions of this title. Acceptance of dedication of proposed public lands or streets, or street rights-of-way in an approved plat can be made only by the Governing Body.

## CHAPTER 2. PROCEDURE

### SECTION 2.1 Procedures.

Before dividing any tract of land into two or more building lots, a subdivider/developer, owner, or agent of the owner shall comply with the following procedures. (Amended 2-6-08)

### SECTION 2.2 Minor Subdivision.

#### Procedure for obtaining approval of a Subdivision, which does not require the submission of a Final Plat (4 or Less lots).

**Step 1.** Discuss Proposed Subdivision with City Staff. Any person wishing to subdivide within Enoch, Utah, shall secure from the City Staff or other authorized representative of the Planning Commission, information pertaining to the City's plan of streets, parks, draining, zoning, subdivision of lands, and other General Plan requirements affecting the land to be subdivided.

**Step 2.** Design Review Committee (Optional) The subdivider/developer shall prepare a plan of a scale of not smaller than 1 inch equals 500 feet, and shall submit three copies of the same to the City Manager. The plan shall be reviewed by the Design review Committee, which is comprised of the City Manager, Zoning Administrator, City Public Works Staff, Police Chief and any others deemed necessary by the City Manager and show the following: (Amended 2-6-08)

- (1) The location of the subdivision; and
- (2) The general layout of streets, blocks and lots within the area to be subdivided; and
- (3) The relationship of the proposed streets within the proposed subdivision to existing and planned streets within one-half mile from the outside boundaries of the subdivision.

The Design Review committee recommendations may, at the discretion of the Design Review Committee, then be submitted to the Planning Commission for its review. (Amended 2-6-08)

**Step 3.** Preliminary Plat & Construction Drawings. (The need for construction drawings for a minor lot subdivision may not be required and will be determined by the City Zoning Administrator). The subdivider/developer shall prepare and submit the following information and material to the City staff for review. Within thirty (30) days the City staff will submit to the Planning Commission the Preliminary Plat and/or the Construction Drawings for their recommendation. (Amended 2-6-08)

- (1) Payment of filing fee for Preliminary Plat; and
- (2) A written application for approval of a Preliminary Plat of the subdivision; and
- (3) Three copies (24 inches by 36 inches) and fourteen (14) copies (11 inches by 17 inches) of a Preliminary Plat of the subdivision; and
- (4) Three copies (24 inches by 36 inches) and fourteen (14) copies (11 inches by 17 inches) of Construction Drawings showing typical cross-sections of streets, location and size of both "on-site" and "off-site" water and sewer mains; street profiles, contours, and any other information or material required by the City, such as location of all utilities. (Amended 2-6-08)

**Step 4. City Staff and City Engineer Review of Preliminary Plat & Construction Drawings.** The City Staff shall review the submitted drawings and recommend changes or approval to City Engineer. The City Engineer will review drawings and recommend changes, approval or disapproval to Planning Commission.

**Step 5. Planning Commission Review of Preliminary Plat & Construction Drawings.**

(1) The Planning Commission shall review and recommend to the City Council approval, disapproval or approval with modifications of the Preliminary Plat & Construction Drawings, within thirty (30) days from the date of the submission of the Preliminary Plat & Construction Drawings. (Amended 2-6-08)

(2) Action of the Planning Commission shall be written on the face of three copies of the Plat; two of which shall be retained in the files of the City Zoning Administrator, and one of which shall be returned to the subdivider/developer. If disapproval is recommended, the Planning Commission shall express its reasons therefore.

(3) The Preliminary Plat & Construction Drawings may be presented to the Planning Commission at the same time, provided such plans shall have been presented to the City Zoning Administrator at least 30 days prior to their presentation to the Planning Commission. Construction Drawings may be presented separately, after approval of the Preliminary Plat. (Amended 2-6-08)

**Step 6. City Staff Review.** The City Zoning Administrator and City Staff shall check the Preliminary Plat for accuracy of the lot boundaries and shall determine the amount of bond or other performance guarantee, which shall be based upon an engineer's estimate of the cost of installing the required improvements. (Amended 2-6-08)

**Step 7. City Council Approval of Preliminary Plat & Construction Drawings.** The City Council shall review the Planning Commission's recommendation of the Preliminary Plat & Construction Drawings and shall approve, disapprove or approve with modifications the Preliminary Plat and/or Construction Drawings. The decision will consider the following items:

- (1) Payment of professional and consultant fees required for review and approval of plans and drawings. (Added 6-18-08)
- (2) May be exempted from the plat map process, and sold by metes and bounds, without the need for recording a plat; and
- (3) It is not a part of an already platted subdivision; and
- (4) The subdivision is not traversed by the mapped lines of a proposed street as shown in the general plan and does not require the dedication of any land for street or other public purposes; and
- (5) The lots front a fully improved, asphalted, public street serviced by utilities; or an agreement for a special improvement district and a special improvement district waiver has been duly signed and recorded with the Iron County Recorder; and
- (6) A survey is provided that shows the location of the proposed lots with dimensions and shows utilities and streets; and

(7) The subdivider/developer shall pay any and all costs incurred in updating the city map due to the subdivision; and

(8) One-acre foot of water shall be deeded to Enoch City for each single dwelling lot created in the subdivision. Water rights requirements for all multi-residential, commercial and industrial/manufacturing properties will be determined in accordance with City ordinances. The subdivider must pay any and all costs incurred for deeding and transferring the water. When deeding water to Enoch City, the water right must be in the Cedar City Valley Drainage on the north side of Highway 56 with a water right prefix of 73. An affidavit of water transfer will be required with the water deed. (Amended 2-6-08)

(9) Any land that shall be deeded to the City as a requirement of a subdivision shall be annexed into the City prior to recording the deed. The subdivider/developer shall pay any and all costs related to said transfer. Exceptions may be made by the City Council for beneficial uses of roads, parks, trails and other right-of- ways consistent with the General Plan, Public Improvement Specification and this Ordinance.

The Minor Subdivision Ordinance shall not allow subdividing in phases.

**Step 8.** Bond or Other Performance Guarantee Submitted to City. (Applies only if improvements are required). Prior to the approval of the Final Plat (if required) the subdivider/developer shall submit a proposal bond or other performance guarantee to be approved by the City Attorney and City Council. After approval the subdivider/developer shall post a bond or other performance guarantee with the City, guaranteeing that the required improvements will be installed and paid for without cost to the City. The City will also collect an inspection fee of 1% of the total estimated improvements cost. (Amended 3-19-08)

## **SECTION 2.3 Major Subdivision**

### **Procedures for obtaining approval of a Major Subdivision (5 or more lots)**

**Step 1.** Discuss Proposed Subdivision with City Staff. Any person wishing to subdivide within Enoch, Utah, shall secure from the City Staff or other authorized representative of the Planning Commission, information pertaining to the City's plan of streets, parks, draining, zoning, subdivision of lands, and other General Plan requirements affecting the land to be subdivided.

**Step 2.** Design Review Committee (Optional). The subdivider/developer shall prepare a plan of a scale of not smaller than one-inch equals 500 feet, and shall submit three copies of the same to the City Manager or Zoning Administrator. The plan shall be reviewed by the Design review Committee, which is comprised of the City Manager, Zoning Administrator, City Public Works Staff, Police Chief and any others deemed necessary by the City Manager and show the following: (Amended 2-6-08)

- (1) The location of the subdivision; and
- (2) The general layout of streets, blocks and lots within the area to be subdivided; and
- (3) The relationship of the proposed streets within the proposed subdivision to existing and planned streets within one-half mile from the outside boundaries of the subdivision.

**Step 3. Review of Design Review Plan.** The Design Review committee recommendations may, at the discretion of the Design Review Committee, then be submitted to the Planning Commission for its review. (Amended 2-6-08)

**Step 4. Preliminary Plat & Construction Drawings.** (Construction Drawings may be submitted separately, after approval of the Preliminary Plat). The subdivider/developer shall prepare and submit the following information and material to the City staff for review. Within thirty (30) days the City staff will submit to the Planning Commission the Preliminary Plat and/or the Construction Drawings for their recommendation. (Amended 2-6-08)

- (1) Payment of filing fee for Preliminary Plat; and
- (2) A written application for approval of a Preliminary Plat of the subdivision; and
- (3) Three copies (24 inches by 36 inches) and fourteen (14) copies (11 inches by 17 inches) of a Preliminary Plat of the subdivision; and
- (4) Three copies (24 inches by 36 inches) and fourteen (14) copies (11 inches by 17 inches) of Construction Drawings showing typical cross-sections of streets, location and size of both “on-site” and “off-site” water and sewer mains; street profiles, contours, and any other information or material required by the City, such as location of all utilities. (Amended 2-6-08)

**Step 5. City Staff and City Engineer Review of Preliminary Plat & Construction Drawings.** The City Staff shall review the submitted drawings and recommend changes or approval to City Engineer. The City Engineer will review drawings and recommend changes, approval or disapproval to Planning Commission.

**Step 6. Planning Commission Review of Preliminary Plat & Construction Drawings.**

(1) The Planning Commission shall review and recommend to the City Council approval, disapproval or approval with modifications of the Preliminary Plat, within thirty (30) days from the date of the submission of the Preliminary Plat and Construction Drawings. (Amended 2-6-08)

(2) Action of the Planning Commission shall be written on the face of three copies of the Plat; two of which shall be retained in the files of the City Zoning Administrator, and one of which shall be returned to the subdivider/developer. If disapproval is recommended, the Planning Commission shall express its reasons therefore.

(3) The Preliminary Plat & Construction Drawings may be presented to the Planning Commission at the same time, provided such plans shall have been presented to the City Zoning Administrator at least 30 days prior to their presentation to the Planning Commission. Construction Drawings may be presented separately, after approval of the Preliminary Plat. (Amended 2-6-08)

**Step 7. City Staff Review.** The City Zoning Administrator and City Staff shall check the Preliminary Plat for accuracy of the lot boundaries and shall determine the amount of bond or other performance guarantee which shall be based upon an engineer’s estimate of the cost of installing the required improvements. (Amended 2-6-08)

**Step 8. Soils Suitability.** A soils report from a qualified soils engineer identifying the types of soils within the proposed subdivision area and identifying any soils constraints for a subdivision shall be submitted prior to approval of the construction drawings. (Amended 2-6-08)

(1) With any soils constraints, recommendations of corrections shall be submitted by the qualified soils engineer with said report.

(2) The City Council shall review the verification of suitable soils stability and approve or disapprove the subdivision development and Construction Drawings. The City Council may require additional studies and require additional test holes to be drilled and further analysis. (Section 2.3, Step 1-3 amended 8-18-99)

**Step 9. City Council Approval of Preliminary Plat & Construction Drawings.** The City Council shall review the Planning Commission's recommendation of the Preliminary Plat & Construction Drawings and shall approve, disapprove or approve with modifications the Preliminary Plat and/or Construction Drawings. The decision will consider the following items:

(1) Payment of professional and consultant fees required for review and approval of plans and drawings. (Added 6-18-08)

(2) The subdivision includes the mapped lines of any proposed street as shown in the General Plan; and

(3) A survey is provided that shows the location of the proposed lots with dimensions and shows utilities and streets and shows lot numbers and block numbers; and

(4) The subdivider/developer shall pay any and all costs incurred in updating the city map due to the subdivision; and

(5) One-acre foot of water shall be deeded to Enoch City for each single dwelling lot created in the subdivision. Water rights requirements for all multi-residential, commercial and industrial/manufacturing properties will be determined in accordance with City ordinances. The sub divider must pay any and all costs incurred for deeding and transferring the water. When deeding water to Enoch City, the water right must be in the Cedar City Valley Drainage on the north side of Highway 56 with a water right prefix of 73. An affidavit of water transfer will be required with the water deed. (Amended 2-6-08)

(6) Any land that shall be deeded to the City as a requirement of a subdivision shall be annexed into the City prior to recording the deed. The subdivider/developer shall pay any and all costs related to said transfer. Exceptions may be made by the City Council for beneficial uses of roads, parks, trails and other right-of-ways consistent with the General Plan, Public Improvement Specification and this Ordinance.

(7) If construction has not commenced or final plat not recorded within two (2) years from the date of preliminary plat and/or construction drawing approval by the City Council, the City shall notify the applicant at the time of construction commencement of the requirement to update the construction drawings, if needed. Such updating of the construction drawings shall be coordinated between the City staff and the applicant. In the event of an appeal to the updating of the construction drawings by the applicant, the City Council shall be the appeal authority. This requirement shall be effective and binding on preliminary plats and construction drawings submitted after February 6, 2008. (Step 9, (6), Added 2-6-08)

**Step 10. Filing Fee.** Payment of a filing fee for the final plat.

**Step 11. Bond or Other Performance Guarantee Submitted to City.** Prior to approval of the Final Plat by the Planning Commission the subdivider/developer shall submit a proposal bond or other performance guarantee to be approved by the City Attorney and City Council. After approval the subdivider/developer shall post a bond or other performance guarantee with

the City, guaranteeing that the required improvements will be installed and paid for without cost to the City. The City will also collect an inspection fee of 1% of the total estimated improvements cost. (Amended 3-19-08)

**Step 12. Final Plat.** After the Preliminary Plat has been approved, the subdivider/developer shall prepare and submit two tracings of the Final Plat of the subdivision to the City Zoning Administrator, together with all accompanying documents, as required by these regulations. (One of the tracings may be a process duplicate when approved by the City Zoning Administrator.) A written application for approval of the Final Plat, on forms furnished by the Enoch City Zoning Administrator, shall also be submitted with the Final Plat.

**Step 13. City Staff and City Engineer Review of Final Plat.** The City Staff and City Engineer shall check the Final Plat tracings for accuracy and completeness. The subdivider/developer shall pay to the City Treasurer before recommended approval of the final plat is given to the City Council, all costs of checking the subdivision, which shall be computed on the basis of actual costs as determined by the City Engineer.

**Step 14. Planning Commission Review of Final Plat.** After the Final Plat has been reviewed by the City Staff and approved by the City Engineer, it shall be submitted to the Planning Commission for its recommended approval or disapproval. Recommendation of the Final Plat by the Planning Commission shall not be deemed as acceptance of the dedication of any street, public way or ground. Such acceptance must be obtained from the City Council.

**Step 15. City Attorney Approval.** A Preliminary Title Report or copy of a Title Insurance Policy indicating ownership of the property and Final Plat shall be presented to the City Attorney together with a copy of the approved bond or other performance guarantee by the subdivider/developer for review regarding ownership of the property and zoning requirements.

**Step 16. Final Plat Must Be Approved by City Council and Recorded.** After recommendation of approval of the Final Plat by the Planning Commission and City Attorney, the Final Plat must be reviewed within 30 days by the City Council. Upon approval of the Final Plat by the City Council, the subdivider/developer shall obtain all required signatures before submitting one copy of the Final Plat tracing to the County Recorder. All Final Plats must be recorded in the office of the Iron County Recorder not more than 30 days from the date of the final signature being placed on the final plat. (Amended 2-6-08)

(1) A Final Plat of any subdivision which is not recorded within 30 days from the date of the final signature shall be null and void unless an extension for reasonable cause is approved by the City Council. (Amended 2-6-08)

(2) No lots shall be conveyed until the subdivision plat complies with the provisions of this ordinance and the final plat is recorded in the county recorder's office. (Step 16 (2) Added 2-6-08)

**Step 17. Electronic Copies.** All final plats shall be accompanied by two 3 ½", 1.44MB floppy computer disks, CD or other authorized media with digital Auto CAD data in either Auto Cad .DWG or .DXF format. (Amended 2-6-08)

**Step 18. “As Constructed Plan”.** After the improvements have been installed, and prior to the final inspection and releases herein provided, “As Constructed Plans” shall be prepared and submitted to the City Staff and City Engineer, showing the location and details of all public facilities installed by the developer.

If the major subdivision (five or more lots) is to be constructed in phases the Preliminary Plat must show all phases. (Amended 2-6-08)

#### **SECTION 2.4 Construction.**

Structures, erected within a subdivision in which a soils engineering report has been required, must be built in accordance with the final specifications adopted by the City Council. This shall be in addition to all other building code requirements.

The Building Inspector shall have the authority to deny a building permit to a builder proposing to erect a structure not in compliance with the final specifications adopted by the City Council of Enoch. The City Engineer shall assist the Building Inspector in determining the compliance of builders with the engineering report. The Building Inspector shall maintain a complete copy of soils engineering report for inspection and review by the general public and for his own use in performing the duties of the Building Inspector.

## **CHAPTER 3. SUBDIVISION IMPROVEMENTS**

### **SECTION 3.1 Improvements Required.**

Subdivision improvements shall be installed in accordance with Enoch City Improvement and Engineering Standards. A bond or other performance guarantee must be furnished to the City by the subdivider/developer before approval of final plat. (Amended 3-19-08)

### **SECTION 3.2 Improvements.**

Material/compaction testing is required for all improvements and all improvements shall comply with the test recommendations. The following improvements shall be required in all subdivisions and shall be approved by the City Staff and City Engineer: (Amended 3-19-08)

(1) All streets shall have sub-base, and oil mat in accordance with Enoch City's specifications or more as required by a geo-technical engineer. (Amended 2-6-08)

(2) Every new development, additional development, or redevelopment proposal submitted to Enoch City that generates 100 or more peak hour trips (use ITE Manual), and will have a significant impact on Enoch City's transportation system as determined by the Enoch City Engineer, will include a traffic impact study.(TIS). As part of the process on Development, UDOT will be included as a technical resource for any development that will generate 200 or more new peak hour trips (use ITE Manual). Rev. 9-5-12

(3) Street drainage and drainage structures shall be provided in accordance with City specifications.

(4) The subdivider/developer shall install sanitary sewers in compliance with Enoch City specifications.

(5) Water mains shall be installed in accordance with Enoch City standards.

(6) Easements shall be provided and fire hydrants installed to City specifications.

(7) Underground utilities shall be installed within the subdivision. A subdivider/developer may have the option of installing overhead utilities in any portion of the subdivision in which overhead utilities are existing, where such utilities could serve that portion of the subdivision upon approval of the City Council.

(8) All new major and minor lot subdivisions shall re-reviewed on a case-by-case basis to determine if they are in a suitable and feasible area to be required to install a secondary irrigation system. If the subdivision is not in an area where secondary irrigation water can be provided, the requirement shall be waived. The Enoch City Water Board is to be consulted if it is deemed that a secondary irrigation system will be required. Rev. 9-2010.

(9) If a secondary water system has not been installed in the area of a requested minor lot subdivision, plat amendment or plat abandonment, the Planning Commission may, after review, waive the requirement for the secondary water lines to be installed. Rev. 7-16-08

### **SECTION 3.3 Costs of Improvements.**

Cost of improvements that are covered under the provisions of this section, as well as the cost of other improvements which the developer may install, shall be the responsibility of the developer.

## **CHAPTER 4. BONDS AND OTHER PERFORMANCE GUARANTEES**

### **SECTION 4.1 Guarantee.**

The subdivider and/or developer shall deposit security with the City to guarantee proper installation of all required improvements in accordance with the plans, specifications, time limitations, and conditions relating thereto as meets with the approval of the City Council or such personnel as the City Council shall designate. The amount of the security shall be 125% of the Engineer's estimated costs of the improvements. The security shall be in the form of cash, an irrevocable letter of credit, or an escrow bond. (Amended 3-19-08)

### **SECTION 4.2 Types of Guarantees.**

Irrevocable letters of credit or escrow bonds shall be executed by financial institutions acceptable to the City, and must be in the form approved by the City. The bond or letter of credit as required by this section must be posted prior to recording. As improvements are completed, inspected, approved and accepted the guarantee may be reduced proportionately. Upon completion, inspection, approval, and acceptance of the improvements, the security, less fifteen percent (15%), shall be released to the subdivider/developer. Fifteen percent (15%) of the Engineer's costs of improvement shall be held from the security deposited for a period of one (1) year following final inspection and acceptance to warrant improvements for this time period. (Amended 3-19-08)

## CHAPTER 5. PRELIMINARY PLAT

### SECTION 5.1 Preliminary Plat.

The Preliminary plat shall comply with the following requirements:

- (1) Description: In a title block located in the lower right corner of the sheet shall appear the following:
  - a. The proposed subdivision name which shall not duplicate, or too closely approximate, phonetically, the name of any other subdivision in the area covered by these regulations.
  - b. The names and addresses of the owner or subdivider/developer if other than the owner.
  - c. Scale shall be sufficient size to adequately describe in legible form, all required conditions of this Ordinance.
  - d. Size of the sheet shall be 24" x 36".
- (2) Illustrate Existing Conditions.
  - a. The boundary of the proposed subdivision and the acreage included.
  - b. Vicinity Map.
  - c. All property under the control of the subdivider/developer. Where the plat submitted covers only a part of the subdivider/developer's tract, a sketch of the prospective street systems of the unplatted parts of the subdivider/developer's land shall be submitted.
  - d. The location, width, and names of all existing streets within two hundred feet of the subdivision and of all prior platted streets or other public and traveled ways.
  - e. The location of all wells, proposed, active and abandoned, and all reservoirs within the tract and to a distance of at least one hundred feet beyond the tract boundaries.
  - f. Existing septic tanks, water mains, culverts, or other underground facilities within the tract and to a distance of at least one hundred feet beyond the tract boundaries, indicating the pipe sizes and location.
  - g. Existing ditches, canals, natural drainage channels, and open waterways and proposed realignments.
  - h. Contour at vertical intervals not greater than five (5) feet and two (2) feet when specified by the City Engineer.
  - i. Exceptional topography, airports, and air approaches when required by the City Engineer.
- (3) Proposed Plan.
  - a. The layout of streets, showing location, widths, and other dimensions designated by actual or proposed streets, and easements.
  - b. The layout, numbers and typical dimensions of lots, including lot numbers, and block identification.
  - c. Parcels of land intended to be dedicated or reserved for public use or set aside for use of property owners in the subdivision.

- d. A technical drainage study plan or method by which the subdivider/developer proposes to handle storm water drainage for the subdivision for 25 year, 50 year and 100 year flood.
- e. Approximate radius of all center line curves on highways or streets.
- f. A general plan for water, sewer, and power mains.

If construction has not commenced or final plat not recorded within two (2) years from the date of preliminary plat and/or construction drawing approval by the City Council, the City shall notify the applicant at the time of construction commencement of the requirement to update the construction drawings, if needed. Such updating of the construction drawings shall be coordinated between the City staff and the applicant. In the event of an appeal to the updating of the construction drawings by the applicant, the City Council shall be the appeal authority. This requirement shall be effective and binding on preliminary plats and construction drawings submitted after February 6, 2008. (Paragraph Added 2-6-08)

## CHAPTER 6. CONSTRUCTION AND PROFILE DRAWINGS

### SECTION 6.1 Construction Drawings and Profile Drawings.

Plans and profile drawings and all construction drawings shall be submitted with 3 copies on 24"x 36" (trim line). Drawings submitted for approval shall include:

- (1) Title Block with:
  - a. Name of subdivision and date.
  - b. Name of City.
  - c. Type of work.
  - d. Name of Engineer preparing drawings.
  - e. Space for approval of the City Engineer.
  
- (2) North Arrow and Scales. Horizontal scale preferred is 1-inch equals 50 feet; Minimum scale is 1-inch equals 10 feet. Vertical scale preferred is 1-inch equals 50 feet; minimum scale is 1-inch equals 10 feet.
  
- (3) Location of permanent benchmarks and their true elevations according to United States Geological Service Datum. All profiles shall conform to the standards of the profession.
  
- (4) Profiles shall indicate finished and existing grades for each side of the street and shall extend a minimum of two hundred (200) feet beyond the limits of the proposed project.
  
- (5) Plans and Profiles shall also include details of:
  - a. Curb and gutter (if any);
  - b. Sidewalks (if any);
  - c. Street cross-sections;
  - d. Location and elevations of manholes, catch basins, storm sewers and their appurtenant works;
  - e. Elevations and location of fire hydrants, water mains, type of pipe, valves and their appurtenant works;
  - f. Location, size, and elevations of sewer mains with their grades and type of pipe (rubber gasket mandatory);
  - g. Manholes;
  - h. Clean outs;
  - i. Other appurtenant works; and
  - j. A non-culinary (irrigation) water system, ~~if any~~, indicating size, location, and kind of pipe, valves and turnouts.

On curb returns, at least one additional control point for elevation besides those at the P.C and P.T. shall be indicated on the plans and staked in the field to insure drainage at the intersections. Complete curve data must be shown for all horizontal and vertical curves. Minimum length of vertical curve is two hundred (200) feet, unless otherwise approved. Elevations for the top of curbs and road center lines shall be shown on the plans for all 50-foot stations, all BVC's and EVC's. Street monuments shall be installed by the

subdivider/developer's engineer or land surveyor at points designated on the final map. They must be placed prior to release of the improvement bond.

(6) After City Council approval, one set of drawings shall be returned to the subdivider/developer and shall be available at the work site.

(7) As Built Drawings. Upon completion of each improvement a reproducible copy and two (2) prints of "As Built Drawings" shall be prepared and submitted by the subdivider/developer's engineer, to accurately define for permanent record the improvements and underground utilities as they were actually constructed.

## CHAPTER 7. FINAL PLAT

### SECTION 7.1 Final Plat.

The final plat must be prepared by a licensed surveyor on a standard tracing linen sheet or Mylar drawn with waterproof black India ink. The top of the plat shall be either north or east, whichever accommodates the drawing best. The plat shall contain all information required as set forth below:

- (1) Description and Delineation. The plat shall show:
  - a. The name of the subdivision, which name must be reviewed by the Planning Commission and approved by the City Council.
  - b. An identification system for all lots and blocks and names of streets. Lot lines shall show dimensions in feet and hundredths. Lot sizes shall be shown to 1/1000 acre accuracy.
  - c. Monumentation and survey control:
    - (1) All United States, state, county, city or other official monuments shall be identified on the plat and the location accurately tied by true bearing and distance.
    - (2) Street monuments shall be installed by the subdivider/developer in accordance with the requirements of the City standards located on the plat.
    - (3) All street centerline data and street widths shall be shown with ties to property lines, lot corners, etc.
  - d. The dedication to the public of all streets or other areas reserved for public use, with the purposes indicated thereon, and of any area to be reserved by deed or covenant for common uses of all property owners.
  - e. Size of the sheet shall be 24" x 36".
- (2) Standard Forms. The final plat shall require:
  - a. A registered professional land surveyor's "Certificate of Survey".
  - b. The owner's "Certificate of Dedication" or a "Corporate Certificate" for corporations.
  - c. A notary public's acknowledgment.
  - d. The City Planning Commission's "Certificate of Approval".
  - e. The City Engineer's "Certificate of Approval".
  - f. The City Attorney's "Certificate of Approval".
  - g. The City Council's "Certificate of Approval".
  - h. Power Company's "Certificate of Approval".
  - i. Gas Company's "Certificate of Approval".
  - j. Telephone Company's "Certificate of Approval".
  - k. Cable Company's "Certificate of Approval (Added 2-6-08)
  - l. A one and one-half by five-inch space in the lower right hand corner of the drawing for the use of the County Recorder.
- (3) The following information shall be submitted.

- a. A statement that all taxes or special assessments payable on all property within the limits of the subdivision are paid in full, or a letter stating that a satisfactory bond has been filed to secure such payment.
- b. An original copy of any proposed deed restrictions in final form and signed by all of the owners of any interest in the subdivision who sign the final subdivision map. This copy shall be acknowledged by a Notary Public and shall be recorded in the office of the County Recorder along with the final plat. (Note for Planning Commission consideration: The City Attorney requires a copy of the CCRs and reviews them to ensure that meet legal requirements).

(4) Conformance to Applicable Rules and Regulations. In addition to the requirements established herein, all subdivision plats shall comply with all applicable laws, plans and regulations including but not limited to:

- a. The City of Enoch Zoning Ordinance, building and housing codes and all other applicable Ordinances of the City of Enoch.
- b. The Official General Plan, including all streets, drainage and utility systems and parks shown on the Official Map or General Plan as adopted.
- c. The standards, regulations and policies adopted by the City Engineer and all boards, commissions, agencies, and officials of the City of Enoch.

(5) Character of the Land. Land which the Planning Commission finds to be unsuitable for subdivision or development due to flooding, improper drainage, steep slopes, rock formation, adverse earth formations or topography, utility easements or other features which will reasonably be harmful to the safety, health and general welfare of the present or future inhabitants of the subdivision and/or its surrounding areas, shall not be subdivided or developed unless adequate methods are formulated by the developer and approved by the City Council upon recommendation of the City Engineer, to solve the problems created by the unsuitable land conditions. Such land shall be set aside for uses that shall not involve such a danger.

If construction has not commenced or final plat not recorded within two (2) years from the date of preliminary plat and/or construction drawing approval by the City Council, the City shall notify the applicant at the time of construction commencement of the requirement to update the construction drawings, if needed. Such updating of the construction drawings shall be coordinated between the City staff and the applicant. In the event of an appeal to the updating of the construction drawings by the applicant, the City Council shall be the appeal authority. This requirement shall be effective and binding on preliminary plats and construction drawings submitted after February 6, 2008. (Paragraph Added 2-6-08)

## CHAPTER 8. STANDARDS

### SECTION 8.1 Improvements Standards.

All improvements shall be installed in accordance with City Specifications.

### SECTION 8.2 Design Standards.

All subdivisions shall comply with the following standards:

(1) General Standards. The design and development of subdivisions shall preserve insofar as possible the natural terrain, natural drainage, existing topsoil and trees.

(2) Lot Size Standards.

- a. Where no zoning regulations are in effect, density standards or minimum lot size requirements may be specified by the Planning Commission, based on interpretations made from the U.S. Department of Agriculture, Soil Conservation Service, and other procedures and available information. All lots shall conform to area requirements of any existing Zoning Ordinance.
- b. All residential lots in subdivision shall front on a public street, or on a private street or court approved by the Planning Commission and the City Council.
- c. Residential lots in the subdivisions shall, where possible, not front on collector roads.

(3) Street Standards.

- a. The street or highway layout shall conform to the General Plan and official map adopted by the Planning Commission and the City Council.
- b. Paved stub streets shall be provided where needed to connect to adjacent undeveloped land and new streets must be provided where needed to connect to existing stub streets in adjacent subdivisions. Not more than six (6) lots shall front on a stub street.
- c. Minor streets shall approach the major or collector streets at an angle of at least eighty (80) degrees.
- d. Subdivider/developer shall design street patterns to provide reasonable access to subdivisions. Where possible a minimum of two (2) access roads should be provided.
- e. Residential local streets shall have a minimum width of fifty (50) feet. Residential collector streets shall be a minimum width of sixty-two (62) feet. All streets that front public facilities, i.e., Churches, Schools, Parks, Cemeteries, shall be a minimum width of sixty-two (62) feet. (Section 8.2, 3e amended 7-21-04)
- f. Dead end streets, including cul-de-sacs, shall not exceed five hundred (500) feet in length with a turn around in accordance with Enoch Engineering Standards.

(4) Easement Standards

- a. Easements shall follow rear and side lot lines whenever practical and shall have a minimum total width of fifteen (15) feet, apportioned equally in abutting properties.

- b. Where front-line easements are required, a minimum of fifteen (15) feet shall be allocated as a utility easement. Perimeter easements shall not be less than fifteen (15) feet width, extending throughout the peripheral area of the development, if required by the Planning Commission.
- c. All easements shall be designed so as to provide efficient installation of utilities or street planting. Special guying easements at corners may be required. Public utility installation shall be so located as to permit multiple installations within the easements. The developer shall establish final utility grades prior to utility installations.

(5) Utilities to be Underground. Unless the Planning Commission and Governing Body determine, upon application by the subdivider/developer, supported by recommendation of the City Engineer, that it is not feasible to do so, all power lines, telephone lines, and other normally overhead utility lines shall be placed underground by the subdivider/developer.

### **SECTION 8.3 Flag Lot Standard**

In order to allow the more efficient use of land which otherwise may be inaccessible except through unnecessary streets, flag or L-shaped lots may be allowed upon recommendation by the Planning Commission and approval by the City Council.

The following conditions must be met:

- (1) A flag or L-shaped lot shall be comprised of a staff portion contiguous with the flag portion thereof.
- (2) The staff portion of the lot shall front on and be contiguous to a dedicated public street. The minimum width of the staff portion of flag lots shall be 25 feet and the maximum length shall be 250 feet or longer if approved by the City Council. (Section 8.3, 2 amended 10-3-01)
- (3) No building or construction, except the driveways, shall be allowed on the staff portion of the lot.
- (4) The staff portion of the lots shall be deemed to end and the flag portion of the lots shall be deemed to commence at the extension of the front lot line.
- (5) The square footage located in the flag portion of the lot, exclusive of the square footage located in the staff portion of said lot, shall be the same or greater than the minimum square footage as is required in the underlying zone.
- (6) The side and rear yard requirements of the flag portion of the lots shall be the same as is required in the underlying zone.
- (7) The minimum setback requirements for all buildings shall be 35 feet from the front lot line of the flag portion. (Section 8.3, 7 amended 10-3-01)
- (8) No more than two flag lots can be served by one staff portion of the lots.

- (9) The maximum number of flag lots in the development site will be ten percent (10%) of the total number of lots, except when it is determined to be a hardship to develop otherwise, more may be allowed.
- (10) Driveways shall be at least twenty (20) feet in width and adequately drained so as to mitigate erosion and adverse runoff.
- (11) Written notice, from the City Office, shall be mailed to adjacent land owners prior to consideration and approval.
- (12) A property owner may request approval of a special exception from the City Council if unusual circumstances on the property are physically prohibitive and would require a staff width or length other than what is required by the ordinance. (Rev. 11-17-10)

## **CHAPTER 9. ACCEPTANCE OF DEDICATED STREETS AND PUBLIC IMPROVEMENTS**

### **SECTION 9.1 Dedication.**

The subdivider/developer shall dedicate the streets, easements and land for public facilities, and public improvements to the City at the time the final plat is approved by the City Council. The dedication shall be deemed an offer by the subdivider/developer, which shall be irrevocable until one (1) year after all of the improvements are completed. The City shall accept the offer of dedication only if it finds that the subdivider/developer has constructed, installed and maintained the public improvements required by this Ordinance and that the improvements comply with the minimum requirements of this Ordinance at the acceptance. (Amended 2-6-08)

### **SECTION 9.2 Modification of Dedication for Public Facilities.**

If a subdivider/developer selects to use the solar access incentive provisions contained within the Enoch Zoning Ordinance, then the variations in the public facility dedication requirements of Section 9.2 of this chapter may be modified by the Planning Commission in order to meet the requirements of this provision.

Under this provision, no dedication required by Section 9.2 of this Ordinance may be reduced by more than twenty-five (25) percent. A subdivider/developer shall submit to the Planning Commission site drawings, showing shadow projections, and suitable solar access easements or covenant provisions for the Planning Commission's review and approval prior to the Planning Commission's recommending approval of the subdivision plan in accordance with the subdivision review and Zoning Ordinance.

### **SECTION 9.3 Time of Acceptance.**

Unless the City Council extends the time for acceptance of the dedicated public improvements and land, the dedication shall be accepted on action of the City Council, or at the expiration of one (1) year following the completion and acceptance of the public improvements. The subdivider/developer shall be so advised in writing and of the reason for non-acceptance. (Amended 3-19-08)

## **CHAPTER 10. PENALTY AND SEVERABILITY**

### **SECTION 10.1 Penalty.**

Any person, firm or corporation (as principal, agent, employed, or otherwise) violating, causing, or permitting violation of the provisions of this Ordinance shall be guilty of a misdemeanor, and punishable as provided by law.

### **SECTION 10.2 Severability.**

If any chapter, section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be invalid, such hold shall not affect the remaining portion of this Ordinance.

## **CHAPTER 11. ADOPTION**

Passed and adopted by the City Council and approved by the mayor of the City of Enoch, Utah this 20<sup>th</sup> day of August, 1997.

Worth H. Grimshaw, Mayor

ATTEST:

Noreen G. Gray, Recorder

This Ordinance shall become effective on September 13, 1997, twenty days (20) after publication, pursuant Utah Code Annotated, as amended.

**APPENDIX A**

File No. \_\_\_\_\_  
Date of Application \_\_\_\_\_

**ENOCH CITY CORPORATION  
APPLICATION FOR SUBDIVISION APPROVAL**

CHECK ONE: Preliminary Plat ( )  
Final Plat ( )

NAME OF SUBDIVISION \_\_\_\_\_

SECTION NUMBER, IF ANY \_\_\_\_\_  
LOCATION \_\_\_\_\_

OWNER \_\_\_\_\_  
ADDRESS \_\_\_\_\_  
TELEPHONE \_\_\_\_\_

APPLICANT \_\_\_\_\_  
ADDRESS \_\_\_\_\_  
TELEPHONE \_\_\_\_\_

REGISTERED ENGINEER OR SURVEYOR \_\_\_\_\_  
ADDRESS \_\_\_\_\_  
TELEPHONE \_\_\_\_\_

EXISTING ZONING \_\_\_\_\_  
NUMBER OF LOTS \_\_\_\_\_ TOTAL ACREAGE \_\_\_\_\_  
MINIMUM LOT SIZE \_\_\_\_\_  
REMARKS: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

(SIGNATURE) \_\_\_\_\_  
OWNER OR APPLICANT

**APPENDIX B**

File No. \_\_\_\_\_

Date of Application \_\_\_\_\_

**ENOCH CITY CORPORATION  
APPLICATION FOR MINOR SUBDIVISION APPROVAL**

NAME OF SUBDIVISION \_\_\_\_\_

LOCATION \_\_\_\_\_

\_\_\_\_\_

OWNER \_\_\_\_\_

ADDRESS \_\_\_\_\_

TELEPHONE \_\_\_\_\_

APPLICANT \_\_\_\_\_

ADDRESS \_\_\_\_\_

TELEPHONE \_\_\_\_\_

REGISTERED ENGINEER OR SURVEYOR \_\_\_\_\_

ADDRESS \_\_\_\_\_

TELEPHONE \_\_\_\_\_

EXISTING ZONING \_\_\_\_\_

NUMBER OF LOTS \_\_\_\_\_ TOTAL ACREAGE \_\_\_\_\_

MINIMUM LOT SIZE \_\_\_\_\_

REMARKS: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

(SIGNATURE) \_\_\_\_\_

OWNER OR APPLICANT



The above improvements shall be constructed in accordance with all subdivision or minor subdivision requirements and specifications and conformance with this provision shall be determined solely by the City of Enoch or its duly authorized agent.

The improvements shall be constructed in accordance with the time schedules shown above.

\_\_\_\_\_  
Signature of Subdivider/developer

(If corporation, to be signed by the President and attested to by the Secretary, together with the corporate seal.)

Dated \_\_\_\_\_, 19\_\_\_\_.

**ACCEPTANCE**

Approved by the Enoch City Council at the meeting held on \_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_  
Mayor

Attest:

\_\_\_\_\_  
Recorder

NOTE: This Agreement is a suggested form and may be modified by the Enoch City Council as deemed proper.

**APPENDIX D**

**ENOCH CITY CORPORATION  
IMPROVEMENT AGREEMENT**

TO: ENOCH CITY CORPORATION

The undersigned has submitted to you a plat of a proposed subdivision or other project involving the development of public improvements to be known as \_\_\_\_\_ and compromising an area within Enoch City described as follows:

(LEGAL DESCRIPTION)

The undersigned developer having responsibility for the installation and maintenance of public improvements in the said development does hereby agree, in consideration of the City's approval of the final plat of subject subdivision or other approval of the proposed development, to construct and install, at his/its own expense and according to City standards and specifications, all of the public improvements indicated on the said plat and/or upon approved plan and profile drawings, including any written conditions of approval, in accordance with the requirements of Enoch City Corporation. If the developer neglects to make public improvements shown on the plat without change or amendments, unless mutually agreed in writing, this agreement shall constitute written consent to the developer for the City in its discretion to construct or complete said improvements. The City is entitled to collect the reasonable cost of completing the public improvements if the developer defaults under this Agreement. Developer is used in the sense of owner, and it is intended for this agreement to be recorded in the office of the Iron County Recorder and be a covenant running with the land until fully performed.

Work shall commence on the public improvements within \_\_\_\_\_ days after the effective date of this agreement, and it shall be completed on or before \_\_\_\_\_. Such dates of commencement and completion shall not be conditioned upon commencement of work in the subdivision or project, or upon the sale of lots.

The undersigned agrees to indemnify the City for all expenses and liability in connection with defects for a period of one (1) year after acceptance by the City of the last completed improvement. Any Financial Guarantee given as security pursuant with this Agreement shall be held and not released until the passage of one (1) year after the City's acceptance of improvements. The City shall notify the developer in writing of defects within said period when it becomes aware of them, and unless the developer satisfactorily remedies them within thirty (30) days thereafter, the City itself may cause them to be remedied and be reimbursed by a draw upon any security he may have provided.

This Agreement is secured by one of those guarantees of financial responsibility required by Chapter 4 of the Enoch Subdivision Ordinance.





**APPENDIX F**

**ENOCH CITY CORPORATION  
SPECIAL IMPROVEMENT DISTRICT WAIVER**

Date: \_\_\_\_\_, 20\_\_\_\_\_

City Council  
Enoch City Corporation  
900 E. Midvalley Road  
Enoch, UT 84720-9605

**RE:** Address \_\_\_\_\_

In consideration of the issuance of that approval required by the Enoch Subdivision Ordinance, regarding improvements necessary for residential lot subdivisions, I hereby ratify and approve the formation of any special improvement which may hereafter be reasonably necessary to bring present improvements into conformity with the City's specifications and requirements. This consent and approval constitutes a waiver of my future rights to oppose the forming of such special improvement district relative to any property I may still own in said district.

I understand that after final approval has been given on the subdivision, this agreement will have the effect of stopping me from opposing such future improvement district.

I likewise understand this waiver shall be binding upon my heirs, personal representatives, assigns and transferee; anyone purchasing any of the lots from the undersigned will be notified of this agreement through its recordation with the Iron County Recorder, and, to the extent it may be reasonable to do so, the undersigned shall also notify any purchaser from him/her/it of the existence of this agreement.

The property on which the undersigned has requested development of a residential subdivision (major or minor) is located in Enoch City and described as follows:

See Attachment Exhibit "A"

Owner Signature: \_\_\_\_\_

\_\_\_\_\_

Current Address: \_\_\_\_\_

\_\_\_\_\_

STATE OF UTAH    )  
                                  ) ss.  
COUNTY OF IRON )

Personally appeared before me \_\_\_\_\_,  
who duly acknowledged to me that he (she, they) is (are) the signer(s) of the above instrument.

SUBSCRIBED AND SWORN to before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_  
Notary Public

Residing In:  
My Commission expires:

**APPENDIX G**

**IRREVOCABLE LETTER OF CREDIT**

Date:

Letter of Credit No.:

Enoch City Corporation  
900 East Midvalley Road  
Enoch, Utah 84720

Gentlemen:

We hereby establish our irrevocable letter of credit in your favor for the account of \_\_\_\_\_(Name) in the aggregate sum of \_\_\_\_\_ (Dollar Amount) available with us by payment of your draft drawn on us at sight accompanied by a signed and dated statement reading as quoted in either (A) or (B) below:

- (A) “I, the Mayor of Enoch City Corporation, hereby certify that as of the date of this statement The City and its engineering consultant are not satisfied with the progress made by \_\_\_\_\_ (Name) in making required roadway improvements to that portion of \_\_\_\_\_ (Street), Enoch, Utah; the draft attached to this statement was executed by an authorized officer of Enoch City Corporation.”
  
- (B) “I, the Mayor of Enoch City Corporation, hereby certify that;
  - (1) \_\_\_\_\_ (Bank Name and Letter of Credit No. (the “Letter of Credit”) will expire within ten (10) calendar days after the date of this statement;
  - (2) the expiration date of the Letter of Credit has not been extended;
  - (3) the Letter of Credit has not been replaced by a substitute letter of credit in a form satisfactory to Enoch City Corporation;
  - (4) roadway improvements have not been effected as required by Enoch City ordinance; and
  - (5) the Letter of Credit has not been replaced by an escrow agreement or other type of security in form satisfactory to Enoch City Corporation.”

If the draft drawn under this Letter of Credit is accompanied by the quoted statement labeled (B) above, such draft and statement must be dated and presented within the ten (10) calendar days immediately preceding the expiration date of this Letter of Credit.

The draft drawn under this Letter of Credit must be marked “Drawn under \_\_\_\_\_” (Bank Name and Letter of Credit No).

Only one draft may be drawn and presented to us under and in compliance with the terms of this Letter of Credit. The amount of the draft may be less than the amount of this Letter of Credit.

Notice of expiration of this Irrevocable Letter of Credit shall be given to the City Coordinator in writing ten (10) days prior to its expiration. In no event shall this Letter of Credit expire before \_\_\_\_\_ (Date), unless certificate from the City of Enoch is presented before that date establishing the full and complete performance by \_\_\_\_\_ (Name) of his duty to make roadway improvements in accordance with City specifications.

This Letter of Credit is governed by the Uniform Customs and Practice for Documentary Credits (1983 Revision), International Chamber of Commerce Publication NO. 400.

We hereby engage with you that your draft drawn under and in compliance with the terms of this Letter of Credit will be duly honored upon presentation to us at our above address on or before the third business day (a day on which we are open at our above office to conduct our letter of credit business) after the business day such draft is presented.

(Name of Bank & Address)

By: \_\_\_\_\_

Title: \_\_\_\_\_