



NORTH OGDEN CITY

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MEMORANDUM

TO: Mayor and City Council, North Ogden City
FROM: Dave Carlson, City Attorney
DATE: October 6, 2011
RE: *Timber Barker Development Agreement*

Dear City Council Member:

The City has been working diligently with the new owner of The Cove Subdivision to revive this large and important housing project. Discussions continue between the Developer and existing lot owners regarding the best way to move forward with the subdivision. The Development Agreement that is before you for your approval pertains only to one lot within the Subdivision. A comprehensive Development Agreement regarding the entire subdivision is under negotiation. The purpose of the current Development Agreement is to allow the City to issue a building permit to Mr. Barker.

It is Mr. Barker's intent is to build a home for entry in next year's Parade of Homes. Last year there were two entries in the Parade of Homes in Pleasant View each of which was seen by over 3,000 visitors. There were no entries from North Ogden. City Administration and staff see the Parade of Homes as an important opportunity to market City housing in general and The Cove Subdivision in particular.

In this housing market that continues to be depressed, the City must seize these kinds of opportunities. This Development Agreement will serve as a "bridge agreement" for this one particular lot to allow construction to move forward. Because of the size of the home, construction must start immediately to be finished in time for the Parade. If Mr. Barker cannot get approval in North Ogden, staff is advised that he will build on a lot in Pleasant View.

The agreement has been worded to shield the City from liability for allowing construction before all subdivision infrastructure is in place and to avoid setting a precedent for issuance of other permits before the remaining issues with The Cove have been resolved.

If you have any questions, I am happy to try to answer them.

cc: City Recorder