



NIBLEY CITY COUNCIL MEETING AGENDA
Thursday, July 6, 2017 – 6:30 p.m.
Nibley City Hall 455 West 3200 South, Nibley, Utah

1. Selection of a Mayor Pro-Tem
2. Opening Ceremonies (Councilman Ramirez)
3. Call to Order and Roll Call (Chair)
4. Approval of Minutes and Agenda (Chair)
5. Public Comment Period¹ (Chair)

6. Discussion and consideration of a final plat and development agreement for the Apple Creek Subdivision (Formerly the Tin Rope Subdivision), Phases 1 and 2, located at approximately 500 W 3200 S

7. Council and Staff Reports

8. Adjourn to Closed Session to discuss the purchase of real property pursuant to Utah Code 52-4-205

9. Adjourn to Open Session

Adjourn Meeting

IN COMPLIANCE WITH THE AMERICANS WITH DISABILITIES ACT, REASONABLE ACCOMMODATIONS FOR INDIVIDUALS WITH DISABILITIES WILL BE PROVIDED UPON REQUEST. FOR ASSISTANCE, PLEASE CALL (435) 752-0431 AS SOON AS POSSIBLE BEFORE THE MEETING.

¹ *Public input is welcomed at all City Council Meetings. 15 minutes have been allotted to receive verbal public comment. Verbal comments shall be limited to 3 minutes per person. A sign-up sheet is available at the entrance to the Council Chambers starting 15 minutes prior to each council meeting and at the rostrum for the duration of the public comment period. Commenters shall identify themselves by name and address on the comment form and verbally for inclusion in the record. Comment will be taken in the order shown on the sign-up sheet. Written comment will also be accepted and entered into the record for the meeting if received prior to the conclusion of the meeting. Comments determined by the presiding officer to be in violation of Council meeting rules shall be ruled out of order.*



**Nibley City Council
Agenda Item Report for
July 6, 2017**

Agenda Item # 6

Description	Discussion and consideration of a final plat and development agreement for Apple Creek Subdivision (Formerly Tin Rope Subdivision), Phases 1 and 2, located at approximately 500 W and 3200 S
Department	Planning
Presenter	Stephen Nelson, City Planner
Applicant	Shaun Dustin
Findings	<p>The Plat received preliminary approval from the City Council on May 4, 2017</p> <p>The Plat received a recommendation of approval from the Planning Commission on June 21, 2017, with the following conditions:</p> <ol style="list-style-type: none"> 1) That the Conservation Land Acreage be noted on the plat. (This items has been fix) 2) That the Pedestrian ROW be shown as deeded to Nibley City. <p>Nibley City Staff has reviewed the construction drawing and sent a letter to the Developer with listed changes. The developer has replied to each concern listed by Nibley City staff. Nibley City Code states that construction drawings must be approved by the City Engineer.</p> <p>The Plat complies with Nibley Code and Design standard and is free of any major errors other then those listed in the two conditions above.</p> <p>All setback, lot sizes, frontages, and the number of lots comply with Nibley City Code 10-18-10 Dimensional Standards for Conservation Subdivisions.</p> <p>Nibley City Staff and the developer have a draft development agreement written that is also being presented to the City Council with the plat.</p>

Finical Impact	There are several costs associated with new development and the higher impact that it puts on City infrastructure. However, these costs are offset by impact fees and other development fees.
Recommendation	Approve the plat and development agreement.
Reviewed By	City Planner, City Building Inspector, City Public Works Director, City Engineer, City Manager, and Nibley City Planning Commission, Attorney

Background:

The Apple Creek Subdivision (Formerly Tin Rope Subdivision) is a 35-lot, 20 acre proposed conservation subdivision located at approximately 3200 S and 500 W. The developer has submitted plats for Phases 1 and 2 with an updated name of Apple Creek Subdivision. The applicant, Shaun Dustin, is the Mayor of Nibley City and has filed the proper disclosure paperwork with the City as required by Nibley Code and State Law.

Total Gross Acres of Subdivided Land	20
Total Developable Acres	16.44
Total Conservation Land	3.32
Conservation Percentage	20%
Incentive Multiplier	18.75%
Total Lots allowed	38

Engineer and Staff Review

	R-2 Zoning/Conservation Subdivision with an 18.75% Density Bonus	Subdivision: Apple Creek
Min Lot Size	12,000	12,632.4
Average Lot Size	14,673	20,796.79
Frontage	100 ft.	All lots comply
Total Lots Allowed	38	35

Nibley City staff has reviewed the plat and construction drawings and the developer is currently updating the plat and plan to correct two minor items to completely meet Nibley City Code and Design Standards. The plat was approved by the Planning Commission on June 21, 2017 with two conditions.

- 1) That the Conservation Land Acreage be noted on the plat.
- 2) That the Pedestrian ROW be shown as deeded to Nibley City.

Other than these two minor items, Nibley City staff does not have any concerns with the plat. The developer will be turning in updated construction drawing for the development that will need to be approved by Nibley City's engineer.

Conservation Land

The developer has proposed 3.32 acres of Conservation Land. These areas are to serve as buffer zones and will be used to maintain some of the natural areas surrounding the canal, wetland, and tree stands. These lots are being proposed to be privately owned and to be used as open space, agricultural use, and natural landscape. Most of the Conservation Land is contained in Phase 1.

The Developer has submitted a Maintenance Plan as required by Nibley City Code 10-18-17. This plan outlines ownership, funding and another aspect of the maintenance and management of the conservation land within the subdivision and is required to be submitted with the final plat to be included as part of the development agreement.

The developer is proposing that all of the conservation land be tied to private lots and owned privately. All lots must comply with Nibley City Code 10-18-13 Use Regulation and 10-18-14 Conservation Land Design Standards.

Canal and Wetland

There are canals, ditches, wetlands and floodplain on the southern end of the subdivision. As the wetland is currently mapped, it takes up a large space on the south end of the subdivision. All of these features have been marked on the plat as required by Nibley City code. Staff does have some concerns about lot 35, since most of that lot is occupied by wetland, conservation land, and canals, making the buildable area very small. The developer is proposing to put the home in the back and put a driveway through the conservation land in front.

It is also important to note that lots 29 and 33-35 each have a 100-year floodplain designation on all or a portion of those lots. Nibley does not have a code prohibiting building in the 100-year floodplain. However, staff has required that the floodplain be listed on the plat.



Trails

There were several trails initially proposed on the subdivision. Most of those have been removed at the City Council's request. There are two remaining trails; the trail easement provided along the southern border of the property and the trail out of the south end of the cul-de-sac between lots 34 and 35. The developer has included a pedestrian ROW as required in Nibley City code 11-5-5 (E). The standards for the trail are as follows:

"The right-of-way shall consist of a minimum 5' sidewalk and a minimum 7.5' landscaped area on each side of the sidewalk. The Developer shall submit a compliant Landscaping Plan to the City for approval. The ROW shall be dedicated to the City upon completion and acceptance by the Public Works Director."

The cul-de-sac trail connects to the trail easement that runs along the southern border of the subdivision. This trail will connect to the City Center Trail and is being proposed in the new Trails Master Plan.

One trail that is lacking in the subdivision, which is being proposed in the new Trail Master Plan, is the City Center Trail, which would be located on the eastern border of the subdivision. However, the developer is proposing a 6' sidewalk easement along the front of all homes in the subdivision, beyond the normal sidewalk ROW, in order to bring the sidewalk farther off the road and to provide larger swales. The idea is that this will create more space for pedestrians and will provide for better stormwater retention. The City Center Trail has not yet been adopted by the City, so the developer is under no obligation to include that trail.

Roads

The Transportation Master Plan calls for a local 60 ft. ROW to connect from 3200 S to 450 W on this parcel to create another North - South connection from 500 W to the South section of town. This plat proposes that connection and provides a 60 ft. ROW. The developer will also complete 450 W, along the southeast corner of the subdivision, which is currently a only built as a half road. The developer will also add improvements to 3200 S along the northern border of the subdivision. Unlike the master road plan, the proposed north-south roads through the subdivision go through three intersections and make four 90 degree turns. However, staff feels that the connection complies with the Transportation Master Plan. The full connection will not be completed until Phase 2.

There are two lots on 3200 S and the developer has agreed to have those lots face the interior of the subdivision. The proposed names of some of the roads have also been changed.

Stormwater and Utilities

The plat complies with Nibley City requirements for utilities within the subdivision. For stormwater, the developer has proposed a Low Impact Design (LID) option consisting of large roadside swales that will occupy the entire park strip and sidewalk area, with a 6' sidewalk easement that has been added adjacent to the public ROW in private property. This option will help maintain the rural look and feel of the area.

Development Agreement

Staff and the developer have negotiated a draft development agreement for Phase 1 and Phase 2. Both of these agreements are nearly identical, except for the bond numbers in Section 2 and 15, and required the water in section 3 – each of these sections have been tailored for each phase. Most of the items in the proposed development agreements are standard for each subdivision that is brought before the City Council, with a couple exceptions. The first difference is in Section 4. Section 4 outlines the trails and their development. The trail between lot 34 and 35 will be dedicated to the City and constructed by the developer as required by Nibley City Code 11-5-5(E). The proposed trail along the south border of the parcel will be an easement on the plat and will have a couple of stipulations. Because the easement for that trail

is being voluntarily granted by the Developer, the Developer and staff have listed the following conditions related to future operations of the trail:

1. The City is responsible for all improvements at a time the City decides to build the trail. The only improvement that will be added by the developer is “suitable fencing along the boundaries of the foregoing easements”.
2. No combustion powered motorized traffic shall be permitted on the trail easement, in perpetuity. The City will be responsible for placing signage at the trail entrances stating such. The City will be obligated to enforce this condition. If the City fails to enforce this condition, the “Grantor may revoke the easement upon determination by a court of law that the City has been negligent in enforcing the agreement”.

Sections 5, 7, and 8 reference Conservation Lots and the attached conservation maintenance plan. All of the conservation lots will be privately owned and maintained by each property owner who owns the attached lot. Each lot will need to meet the standards listed in Nibley City Code 10-18. At the request of a couple of Planning Commissioners, Section 7 allows for a property owner in the conservation lots to connect to secondary water and the City would lease back water shares to that property owner in compliance with Nibley City Code 11-5-2.

There are a couple of other key sections. Section 9 requires that the LID measures be built and maintained to Nibley City Standards. Section 10 requires that the sidewalks in the sidewalk easements be built to Nibley City Standards and then they would be governed by Nibley City Code 7-1. Section 11 requires that the numbered name of the streets also be listed on the street signs.

Attached to the development agreement are several reports and plans. Exhibit A is the Conservation Space Maintenance Plan. This plan is required by Nibley City Code 10-18-17. The plan meets the requirements listed in the code. As stated above, each conservation lot shall be privately owned and maintained.

Exhibit B is the Street Tree Plan as required by Nibley City Code 7-6. The Developer is proposing that the trees be planted by the home builder before an occupancy permit can be issued. The Developer has also reached out to the City and obtained a list of approved trees for the park strip from the City Arborist and is proposing to plant Crabapple and Burr Oak trees. All other aspects of the plan meet Nibley City Code.

Exhibit C is the ground water elevation report that is required by Nibley City Code 11-3-8 (B) and has been attached to the agreement as required.

APPLE CREEK SUBDIVISION, PHASE 1

LOCATED IN THE SOUTHWEST QUARTER OF SECTION 21, TOWNSHIP 11 NORTH, RANGE 1 EAST OF THE SALT LAKE BASE AND MERIDIAN

SURVEYOR'S CERTIFICATE

I, CLINTON G. HANSEN, A REGISTERED LAND SURVEYOR, HOLD CERTIFICATE NO. 7881387 AS PRESCRIBED BY THE LAWS OF THE STATE OF UTAH, AND DO HEREBY CERTIFY THAT BY AUTHORITY OF THE OWNERS, I HAVE MADE A SURVEY OF THE TRACT OF LAND SHOWN ON THIS PLAT, WHICH IS ACCURATELY DESCRIBED THEREWITH, AND HAVE SUBDIVIDED SAID TRACT OF LAND INTO LOTS AND STREETS TO BE HEREAFTER KNOWN AS

APPLE CREEK SUBDIVISION

AND THAT THE SAME HAS BEEN CORRECTLY SURVEYED AND STAKED ON THE GROUND AS SHOWN ON THIS PLAT.

CLINTON G. HANSEN, PLS
LS# 7881387

DATE

OWNER'S DEDICATION

KNOW ALL BY THESE PRESENTS THAT WE THE UNDERSIGNED OWNERS OF THE ABOVE DESCRIBED TRACT OF LAND, HAVING CAUSED THE SAME TO BE SUBDIVIDED INTO LOTS AND STREETS TO BE HEREAFTER KNOWN AS APPLE CREEK SUBDIVISION, PHASE 1, DO HEREBY DEDICATE FOR PERPETUAL USE OF THE PUBLIC ALL PARCELS OF LAND SHOWN ON THIS PLAT AS INTENDED FOR PUBLIC USE, AND DO WARRANT, DEFEND AND SAVE THE MUNICIPALITY HARMLESS AGAINST ANY EASEMENTS OR OTHER ENCUMBRANCES ON THE DEDICATED STREETS WHICH WILL INTERFERE WITH THE MUNICIPALITY'S USE, OPERATION AND MAINTENANCE OF THE STREETS AND DO FURTHER DEDICATE THE EASEMENTS AS SHOWN, WITH THE SAME WARRANTY AS GIVEN FOR OTHER DEDICATED PROPERTY.

IN WITNESS WHEREOF, WE HAVE HEREUNTO SET OUR SIGNATURES THIS _____ DAY OF _____ 2017.

SHAUN DUSTIN, MANAGING MEMBER
TIN ROPE, LLC

ACKNOWLEDGEMENT

STATE OF UTAH)
COUNTY OF CACHE)

ON THE _____ DAY OF _____ A.D., 20____, PERSONALLY APPEARED BEFORE ME, SHAUN DUSTIN, WHO ACKNOWLEDGED TO ME THAT THEY ARE THE OWNER AND MANAGING MEMBER OF TIN ROPE LLC, THAT THEY SIGNED THE OWNER'S DEDICATION FREELY AND VOLUNTARILY AND FOR AND IN BEHALF OF THE CORPORATION FOR THE PURPOSES THEREIN MENTIONED AND THAT THE CORPORATION EXECUTED THE SAME.

RESIDING AT: _____

MY COMMISSION EXPIRES: _____

NOTES:

- NO STRUCTURES MAY BE BUILT WITHIN ANY PUBLIC UTILITY EASEMENT, EXCEPT AS APPROVED BY THE CITY ENGINEER.
- ALL EXPENSES INVOLVING THE NECESSARY IMPROVEMENTS OR EXTENSIONS FOR SANITARY SEWER SYSTEMS, GAS SERVICE, ELECTRICAL SERVICE, GRADING AND LANDSCAPING, STORM DRAIN SYSTEMS, CURBS AND GUTTERS, FIRE HYDRANTS, PAVEMENT, SIDEWALKS, STREET LIGHTING AND SIGNING, AND OTHER IMPROVEMENTS SHALL BE FINANCED BY SUBSIDY.
- SETBACKS ARE NOT SHOWN. ALL BUILDINGS SHALL BE SUBJECT TO SETBACKS REQUIRED BY CITY CODES IN EFFECT WHEN PERMITS ARE ISSUED.
- 10' PUBLIC UTILITY EASEMENTS SHALL START AT THE EDGE OF THE SIDEWALK EASEMENT.
- THIS PROPERTY IS LOCATED IN THE VICINITY OF PROPERTY THAT IS USED FOR AGRICULTURAL PURPOSES. IT MAY BE ANTICIPATED THAT SUCH AGRICULTURAL USES AND ACTIVITIES MAY OR MAY NOT IN THE FUTURE BE CONDUCTED IN THIS AREA AND THAT SUCH USES ARE PREVIOUSLY EXISTING USES. AGRICULTURAL USES AND SITUATIONS MUST BE SOUND AGRICULTURAL PRACTICES AND NOT BEAR A DIRECT THREAT TO THE PUBLIC HEALTH AND SAFETY.
- AREAS IN THE NIBLEY CITY HAVE GROUNDWATER PROBLEMS DUE TO THE VARYING DEPTHS OF A FLUCTUATING WATER TABLE. THE CITY'S APPROVAL OF A BUILDING PERMIT OR CONSTRUCTION PLANS DOES NOT CONSTITUTE A REPRESENTATION BY THE CITY THAT BUILDING AT ANY SPECIFIED ELEVATION OR LOCATION WILL SOLVE SUBSURFACE OR GROUNDWATER PROBLEMS. IN ADDITION, CONCERNS FOR BUILDING ELEVATION AND/OR GRADING AND DRAINAGE ARE UNIQUE TO EACH BUILDING LOT AND SITE. RESPONSIBILITY FOR THESE STATED CONCERNS, AND ALL OTHER SUCH CONCERNS RELATED TO A LOT OR OTHER BUILDING SITE, REMAINS SOLELY WITH THE BUILDING PERMIT APPLICANT, PROPERTY OWNER AND/OR CONTRACTOR. NIBLEY CITY IS NOT RESPONSIBLE FOR ANY SUBSURFACE OR GROUNDWATER PROBLEMS WHICH MAY OCCUR, NOR FOR OTHER SUCH CONCERNS, INCLUDING, BUT NOT LIMITED TO, BUILDING LOCATION AND/OR ELEVATION, SITE GRADING AND DRAINAGE.
- A 6' SIDEWALK EASEMENT IS INCLUDED ON BOTH SIDES OF THE DEDICATED RIGHT OF WAY FOR INSTALLATION AND MAINTENANCE OF THE SIDEWALK.
- LOTS 1, 28, 29, 34 AND 35 ARE CONSERVANCY LOTS AND ARE BUILDABLE LOTS. STRUCTURES MUST FIT WITHIN APPLICABLE SETBACKS IN THE NON-CONSERVANCY EASEMENT AREA. THE LOTS ARE SUBJECT TO OPEN SPACE DESIGNATION AS STATED ON THIS PLAT AND THE APPLE CREEK SUBDIVISION CONSERVATION SUBDIVISION LAND MAINTENANCE PLAN.
- ALL DRIVEWAYS SHALL BE LIMITED TO A MAXIMUM WIDTH OF 30'.
- STREET TREES MUST BE INSTALLED PER REQUIREMENTS OF NIBLEY CITY CODE BEFORE A BUILDING PERMIT WILL BE ISSUED.
- POSSIBLE WETLAND AREAS SHOWN WERE ESTABLISHED FROM DATA OBTAINED FROM THE NATIONAL WETLANDS INVENTORY.
- FEMA FLOOD ZONE AREAS SHOWN WERE ESTABLISHED FROM DATA OBTAINED FROM THE FEMA FLOOD MAPPING SERVICE.
- EXISTING TOP OF BANK DITCH LINES ARE SHOWN FOR REFERENCE ONLY. POSSIBLE EXISTING USE AND ACCESS EASEMENTS MAY EXIST ON RECORD.
- SETBACKS ARE:
FRONT: 30'
REAR: 25'
SIDE: 10'

VICINITY MAP

N.T.S.

Curve #	Length	Radius	Delta	Chord Length	Chord Bearing
C1	84.135	130.000	037°04'53"	82.67'	N63°48'19"W
C2	97.100	130.000	042°47'45"	94.86'	N23°52'00"W
C3	7.953	130.000	003°30'19"	7.95'	N00°42'58"W
C4	157.112	100.000	090°01'06"	141.44'	S43°58'22"E
C5	109.978	70.000	090°01'06"	99.01'	S43°58'22"E
C6	28.721	130.000	012°39'31"	28.66'	N07°21'57"E
C7	86.790	130.000	038°15'06"	85.19'	N32°49'15"E
C8	62.805	130.000	027°40'50"	62.20'	N65°47'13"E
C9	109.933	70.000	089°58'54"	98.98'	S46°01'38"W
C10	157.048	100.000	089°58'54"	141.40'	S46°01'38"W
C11	17.914	20.000	051°19'08"	17.32'	N26°37'27"E
C12	118.212	60.000	112°53'03"	100.00'	N04°09'31"W
C13	56.620	60.000	054°04'04"	54.54'	S73°10'38"W
C14	101.049	60.000	096°29'40"	89.52'	S02°06'16"E
C15	17.913	20.000	051°19'01"	17.32'	S24°41'37"E
C16	12.609	70.000	010°19'14"	12.59'	N83°49'18"W
C17	12.379	130.000	005°27'21"	12.37'	N86°15'14"W
C18	20.094	60.000	019°11'17"	20.00'	S70°11'41"E

Line #	Length	Direction
L1	41.31	S38° 03' 12"E
L2	14.00	N00° 59' 38"E
L3	30.00	S89° 00' 22"E
L4	30.00	S88° 47' 54"E
L5	18.00	S00° 59' 38"W
L6	107.68	S88° 54' 08"E
L7	18.00	N00° 50' 50"E
L8	130.90	N00° 59' 47"E
L9	131.53	S88° 54' 08"E
L10	4.34	S88° 58' 55"E
L11	241.78	N00° 59' 02"E
L12	105.14	N89° 00' 57"W
L13	213.20	N42° 58' 52"W
L14	54.61	N00° 21' 55"E
L15	43.07	N89° 04' 18"W
L16	64.69	S19° 48' 19"W
L17	10.01	S72° 47' 13"E
L18	147.33	S01° 11' 57"W
L19	147.75	S46° 12' 40"E
L20	202.90	S46° 08' 46"E
L21	51.52	S89° 00' 57"E
L23	58.75	N19° 48' 19"E
L24	26.61	S72° 47' 13"E
L25	200.78	S88° 35' 59"E
L26	325.37	N89° 05' 23"W
L27	113.58	S43° 51' 24"E
L28	34.24	N00° 58' 55"E

ROCKY MOUNTAIN POWER NOTE:

- PURSUANT TO UTAH CODE ANN. § 54-3-27 THIS PLAT CONVEYS TO THE OWNER(S) OR OPERATORS OF UTILITY FACILITIES A PUBLIC UTILITY EASEMENT ALONG WITH ALL THE RIGHTS AND DUTIES DESCRIBED THEREIN.
- PURSUANT TO UTAH CODE ANN. § 17-27a-803(4)(c)(ii) ROCKY MOUNTAIN POWER ACCEPTS DELIVERY OF THE PUE AS DESCRIBED IN THIS PLAT AND APPROVES THIS PLAT SOLELY FOR THE PURPOSE OF CONFIRMING THAT THE PLAT CONTAINS PUBLIC UTILITY EASEMENTS AND APPROXIMATES THE LOCATION OF THE PUBLIC UTILITY EASEMENTS, BUT DOES NOT WARRANT THEIR PRECISE LOCATION. ROCKY MOUNTAIN POWER MAY REQUIRE OTHER EASEMENTS IN ORDER TO SERVE THIS DEVELOPMENT. THIS APPROVAL DOES NOT AFFECT ANY RIGHT THAT ROCKY MOUNTAIN POWER HAS UNDER:
 - A RECORDED EASEMENT OR RIGHT OF WAY
 - THE LAW APPLICABLE TO PRESCRIPTIVE RIGHTS
 - TITLE 54, CHAPTER 8a, DAMAGE TO UNDERGROUND UTILITY FACILITIES OR
 - ANY OTHER PROVISION OF LAW.

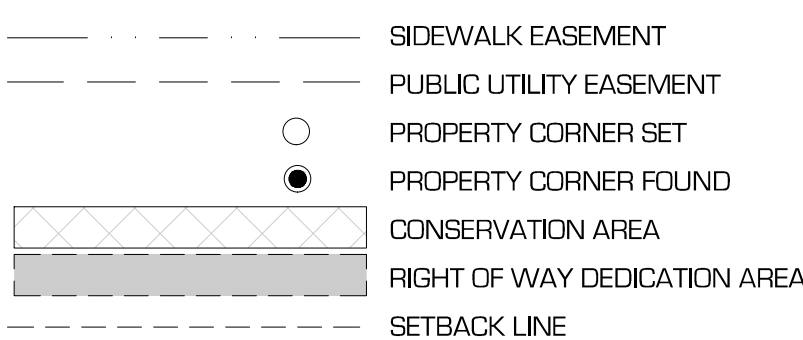
QUESTAR GAS NOTE:

QUESTAR APPROVES THIS PLAT SOLELY FOR THE PURPOSE OF CONFIRMING THAT THE PLAT CONTAINS PUBLIC UTILITY EASEMENTS. QUESTAR MAY REQUIRE OTHER EASEMENTS IN ORDER TO SERVE THIS DEVELOPMENT. THIS APPROVAL DOES NOT CONSTITUTE ABROGATION OR WAIVER OF ANY OTHER EXISTING RIGHTS, OBLIGATIONS OR LIABILITIES PROVIDED BY LAW OR EQUITY. THIS APPROVAL DOES NOT CONSTITUTE ACCEPTANCE, APPROVAL OR ACKNOWLEDGMENT OF ANY TERMS CONTAINED IN THE PLAT, INCLUDING THOSE SET IN THE OWNERS DEDICATION AND THE NOTES AND DOES NOT CONSTITUTE A GUARANTEE OF PARTICULAR TERMS OF NATURAL GAS SERVICE. FOR FURTHER INFORMATION PLEASE CONTACT QUESTAR'S RIGHT-OF-WAY DEPARTMENT AT 1-800-366-8532.

OWNER/DEVELOPER	ENGINEER	SURVEYOR
SHAUN DUSTIN 169 W 3300 S LOGAN UT 84321-6796 435.770.0147	MICHAEL TAYLOR CIVIL SOLUTIONS GROUP, INC. 540 W GOLF COURSE RD SUITE B1 PROVIDENCE, UT 84322 435.213.3762	CLINT HANSEN ADVANCED LAND SURVEYING 1770 RESEARCH PARK WAY #111 LOGAN, UT 84341 435.770.1585

civilsolutionsgroup inc.

CACHE VALLEY | P: 435.213.3762
SALT LAKE | P: 801.216.3192
UTAH VALLEY | P: 801.874.1432
info@civilsolutionsgroup.net
www.civilsolutionsgroup.net



UTILITY COMPANY APPROVALS

COMPANY	DATE
CENTURYLINK	
ROCKY MOUNTAIN POWER	
QUESTAR GAS	
COMCAST CABLE CO.	

ATTORNEY APPROVAL

APPROVED AS TO FORM THIS _____ DAY OF _____, 2017.	CITY ATTORNEY	DATE

PLANNING COMMISSION APPROVAL AND ACCEPTANCE

PRESENTED TO THE NIBLEY CITY PLANNING COMMISSION THIS _____ DAY OF _____, 2017, AT WHICH TIME THIS SUBDIVISION WAS RECOMMENDED TO THE CITY COUNCIL FOR APPROVAL.	PLANNING COMMISSION CHAIR	DATE

CITY COUNCIL APPROVAL AND ACCEPTANCE

PRESENTED TO THE NIBLEY CITY COUNCIL THIS _____ DAY OF _____, 2017, AT WHICH TIME THIS SUBDIVISION WAS APPROVED AND ACCEPTED.	NIBLEY CITY MAYOR	DATE

ENGINEER'S CERTIFICATE

I CERTIFY THAT I HAVE EXAMINED THIS PLAT AND FOUND IT TO BE CORRECT AND IN ACCORDANCE WITH THE INFORMATION ON FILE IN THIS OFFICE AND THE CITY ORDINANCE.

CITY ENGINEER _____ DATE _____

COUNTY RECORDERS NO.

STATE OF UTAH, COUNTY OF CACHE, RECORDED AND FILED AT THE REQUEST OF _____
DATE: _____ TIME: _____ FEE: _____
ABSTRACTED _____
INDEX _____
FILED IN: FILE OF PLATS _____ COUNTY RECORDER _____

CONSERVATION AREA SUMMARY	
LOT	AREA
1	0.04 ACRES
28	0.40 ACRES
29	0.39 ACRES
34	1.14 ACRES
35	0.33 ACRES

PHASE 1 BOUNDARY DESCRIPTION

A PART OF THE SOUTHWEST QUARTER OF SECTION 21, TOWNSHIP 11 NORTH, RANGE 1 EAST OF THE SALT LAKE BASE AND MERIDIAN AND A PART OF LOTS 8 & 9 OF THE MILLVILLE WEST FILED SURVEY

NORTH 88°54'00" WEST 255.14 FEET ALONG THE SOUTH RIGHT OF WAY LINE OF 3200 SOUTH STREET FROM THE NORTH-EAST CORNER OF SAID LOT 9 TO THE TRUE POINT OF BEGINNING, THENCE SOUTH 00°50'50" WEST 208.62 FEET; THENCE 12.61 FEET WESTERLY ALONG A CURVE CONCAVE TO THE SOUTH WITH A RADIUS OF 70.00 FEET AND A LONG CHORD BEARING NORTH 83°49'18" WEST; THENCE NORTH 88°58'55" WEST 95.66 FEET; THENCE SOUTH D1°01'05" WEST 603.50 FEET WEST; THENCE NORTH 88°58'55" EAST 89.78 FEET; THENCE SOUTH 00°57'53" WEST 201.25 FEET; THENCE SOUTH EASTERLY 17.91 FEET ALONG A CURVE CONCAVE TO THE EAST WITH A RADIUS OF 20.00 FEET AND A LONG CHORD BEARING SOUTH 24°41'37" EAST 17.32 FEET; THENCE SOUTHERLY 101.05 FEET ALONG A CURVE CONCAVE TO THE WEST WITH A RADIUS OF 60.00 FEET AND A LONG CHORD BEARING SOUTH 02°06'16" EAST 89.52 FEET; THENCE SOUTH 43°51'24" EAST 294.65'; THENCE NORTH 89°05'23" WEST 643.31 FEET ALONG THE SOUTH LINE OF SAID LOT 8 TO THE SOUTHWEST CORNER OF ASHURY ESTATES PHASE 1; THENCE NORTH 00°59'03" EAST 1078.33 FEET ALONG THE EAST LINE OF ASHURY ESTATES PHASE 1 & 2 TO THE NORTHEAST CORNER OF ASHURY ESTATES PHASE 3; THENCE SOUTH 89°06'29" EAST 5.53 FEET; THENCE NORTH 00°39'42" EAST 249.48 FEET TO THE SOUTH RIGHT-OF-WAY LINE OF 3200 SOUTH STREET; THENCE SOUTH 88°54'08" EAST 406.63 FEET ALONG SAID SOUTH RIGHT-OF-WAY LINE TO THE TRUE POINT OF BEGINNING.

CONTAINING 12.17 ACRES, MORE OR LESS.

FINISHED FLOOR ELEVATION PER GROUNDWATER STUDY

LOT	FINISH FLOOR ELEVATION	LOT	FINISH FLOOR ELEVATION
1	4540.50	28	4539.80
15	4540.50	29	4543.50
16	4540.00	30	4544.00
17	4541.00	34	4542.25
18	4541.50		
19	4542.00	35	BELOW THE CANAL: SLAB ON GRADE ABOVE CANAL: 4552.00
20	4542.00		
21	4541.50		
22	4541.00		
23	4541.00		
24	4540.50		
25	4540.50		
26	4510.50		
27	4539.80		

NOTE 1: MINIMUM FINISHED FLOOR ELEVATIONS ARE DERIVED FROM GROUNDWATER ELEVATIONS OBSERVED IN TEST PITS COMPLETED AND OGGED ON 4/13/2017 BY DUSTIN ENGINEERS, LLC AND AS DOCUMENTED IN THE FINISHED FLOOR ELEVATION REPORT. ELEVATIONS MUST BE APPLIED IN THE CONTEXT OF THE REPORT OR THEY ARE INVALID.

NOTE 2: ELEVATION ARE CALCULATED BY EXTRAPOLATING GROUNDWATER ELEVATIONS FROM FIVE TEST PITS, AND ADDING 2.0 FEET TO OBSERVED AND EXTRAPOLATED ELEVATIONS FOR EACH BUILDING LOT.

NOTE 3: IT IS THE RESPONSIBILITY OF THE BUILDER TO VERIFY AND VALIDATE LOCAL CONDITIONS INCLUDING THE SPECIFIC GROUNDWATER DEPTH AT EACH LOT AND PROVIDE THE MITIGATION NECESSARY TO PROTECT THE STRUCTURE FROM GROUNDWATER INTRUSION.

NOTE 4: BUILDERS MAY REQUEST A DIFFERENT FINISHED FLOOR MINIMUM ELEVATION BASED ON A SITE SPECIFIC REPORT SEALED BY A PROFESSIONAL ENGINEER OR GEOLOGIST LICENSED IN THE STATE OF UTAH. THE REPORT SHALL DEMONSTRATE TO THE SATISFACTION OF THE CITY ENGINEER THAT THE PROPOSED LIMIT COMPLIES WITH THE INTENT OF CITY CODE FOR MITIGATION OF GROUNDWATER INTRUSION. SUCH CRITERIA MAY BE SATISFIED BY IMPLEMENTATION OF APPROPRIATE GROUNDWATER MITIGATION STRATEGIES INCLUDING FOUNDATION DRAINS, DEWATERING PUMPS, AND OTHER ACTIVE AND PASSIVE ENGINEERING PRACTICES.

NOTE 5: GROUNDWATER ELEVATIONS PROVIDING THE BASIS FOR THIS TABLE ARE BASED ON OBSERVABLE CONDITIONS AT THE SITE ON THE DATE OF THE OBSERVATIONS. THESE MINIMUM FLOOR ELEVATIONS ARE SUBJECT TO REVISIONS AS A FUNCTION OF GROUNDWATER CONDITIONS WHICH CAN BE IMPACTED BY FACTORS RANGING FROM

CHANGES IN LAND USE AND AGRICULTURAL PRACTICES TO CLIMATE CHANGE, LANDSCAPE IRRIGATION, AND OTHER FACTORS OUTSIDE THE SCOPE OR CONTROL OF THE CITY OR DUSTIN ENGINEERS. BUILDERS AND DEVELOPERS ARE THEREFORE RESPONSIBLE FOR IMPLEMENTING BEST PRACTICES AS REQUIRED TO ACCOMMODATE FUTURE CHANGES IN GROUNDWATER ELEVATIONS AT EACH LOT.

PREPARED: July 4, 2017

**NIBLEY CITY
DEVELOPMENT AGREEMENT**

THIS DEVELOPMENT AGREEMENT (“Agreement”), entered into this ____ day of _____, 20____, between Shaun Dustin, hereinafter referred to as “Developer” and Nibley City, here in after referred to as “City”, and

WHEREAS, Apple Creek Phase 1 _____, hereinafter referred to as “the Development” has been approved for construction; and

WHEREAS, plans for the Development are on file with Nibley City and are incorporated by reference herein; and

WHEREAS, it is necessary for the interest of the public welfare that improvements made be constructed in accordance with the specifications set forth in said plans and as provided by Nibley City ordinances and Design Standards; and

WHEREAS, Developer desires to record a final plat of the Development in order to obtain building permits and construct structures after the necessary infrastructure is installed, approved and accepted; and

WHEREAS, in accordance with said Nibley City ordinances, including Section 11-5 of the Nibley City Code, the Developer is required to furnish security for the completion of all improvements or complete all improvements prior to recording a final plat.

NOW THEREFORE, to induce Nibley City to approve said plans and allow use of city-owned utilities and access and/or other improvements, the Developer does hereby unconditionally promise and agree with Nibley City as follows:

1. Developer hereby acknowledges receipt of a copy of the Nibley City Subdivision Ordinance.

Developer hereby acknowledges that Developer has read the Subdivision Ordinance (or that an agent of Developer has), and that Developer understands the provisions of the Subdivision Ordinance and that Developer will fully and completely comply with the provisions and requirements therein contained.

2. In accordance with Nibley City Code Section 11-6-6, Developer shall tender to Nibley City an Improvement Bond in the amount of \$582,083.06. In the event that Developer shall fail or neglect to fulfill the obligations under this Agreement, Nibley City shall have the right to construct or cause to be constructed said streets and other improvements as shown on said plans as required by Nibley City ordinances and Design Standards, and upon completion of said improvements Developer, as secured, shall be liable to pay to, and indemnify Nibley City for, the final total cost incurred by Nibley City, including but not limited to, engineering, legal

and contingent costs, together with any damages which Nibley City may sustain on account of the failure of Developer to carry out and execute all of the provisions of this Agreement which said sums are secured by the Improvement Bond.

3. Developer shall supply the City with water rights or shares as set forth in Nibley City Code Section 11-5-2 for the Development, as follows: 27.23 Acre-ft. of water shares from Black Smith Fork Irrigation Company or an equivalent amount of acre feet from another irrigation company located in Nibley City. Developer shall provide said shares to the City before the commencement of construction.

4. Developer shall provide the following trails as part of the Development:

a. Developer shall dedicate the real property in the Development identified and shown on the approved plat as Pedestrian Right-of-Way, located on the South border of the property, and shall install suitable fencing along the boundaries of the foregoing easements such that livestock maintained in the subdivided lots of the Development may not encroach upon the easements. At such time as the City decides to develop the trails within the foregoing easements, the City shall be responsible for implementing any improvements within the easement areas.

i. No combustion powered motorized traffic shall be permitted on the trail easement in perpetuity, except as required for City vehicles performing maintenance. Such prohibited use shall be enforced and prosecuted by the City. The City will design signage, entrances and exits to the trail segment to exclude motorcycles, 4-wheelers, side by sides, and other combustion powered vehicles. The City shall be solely responsible for enforcement of this provision

ii. If the City fails to enforce the provisions above, the Grantor may revoke the easement upon determination by a court of law that the City has been negligent in enforcing the agreement.

b. Developer shall dedicate a Pedestrian Right-of-Way that is 20 feet wide and centered on the boundary between lots 34 and 35 of the Development as required by Nibley City Code Section 11-5-5(E) and as shown on the approved plat and shall construct the sidewalk and landscaping as required by Nibley City Code Section 11-5-5(E) for the Right-of-Way.

5. Conservation Land in the Development and indicated on the approved plat shall be managed and maintained as outlined in the attached Conservation Space Maintenance Plan which is incorporated herein as Exhibit "A."

6. Developer shall ensure that Street Trees are planted and maintained in the Development in accordance with Nibley City Code Chapter 7-6 and the attached Street Trees Plan which is incorporated herein as Exhibit "B."

7. Each Conservation Lot, at the private owners own expenses, may connect to secondary water or construct access to secondary water. The City shall lease back to the owners

of the secondary system such shares as may be needed to support the secondary system. The property owner shall provide the City with engineered calculations demonstrating the amount of shares they require to support the secondary system. The cost of the lease will be limited to actual costs associated with maintaining the shares, plus a reasonable administrative fee according to Nibley City Code 11-5-2.

8. All Conservation Land in the Development shall be privately owned as part of the Conservancy Lot within which the Conservation Land lies as indicated on the approved plat and shall be developed and maintained by the owner of the Conservancy Lot in compliance with the Nibley City Code Chapter 10-18.

9. Developer shall safe guard proposed LID measures against unauthorized alteration by adjacent property owners and that maintenance standards that meet the Nibley City Design Standards and which are approved by the City prior to recording of the mylar.

10. The Developer shall be responsible for constructing all 5' sidewalks in the labeled 6' sidewalk easements that run in front of each lot. Each sidewalk shall be constructed to Nibley City Standards. After construction, these sidewalks shall be regulated by Nibley City Code 7-1 Street, Sidewalks, and Public Ways.

11. The Developer shall include the numbered street names on the street signs in addition to the other names listed on the plat.

12. The terms and provisions of this Agreement shall be binding upon and inure to the benefit of the parties hereto mentioned and permitted successors and assigns; provided, however that this Agreement cannot be assigned, transferred or conveyed by either party, without the express, written consent of the other party.

13. In the event that either of the parties to this Agreement shall be in default or breach of this Agreement, said party shall be liable to pay all reasonable attorney's fees, court costs and other related costs and expenses incurred by the non-defaulting or non-breaching party in pursuing its rights hereunder or under the laws of the State of Utah.

14. Developer shall comply with all applicable federal, state, county and City requirements, regulations and laws for each aspect of this Development, including payment of fees and compliance with design and construction standards. Nothing in this Agreement shall be deemed to relieve Developer from the obligation to comply with all such applicable laws, ordinances and requirements as now existing and as enacted and/or amended.

15. Developer shall provide a Warranty Bond in the sum equal to ten percent (10%), a total of \$57,559.15, of the estimated costs of all improvements installed in the Development as estimated by the City Engineer for the period of Developer's warranty on the improvements in the Development. Security in amounts more than 10% may be required by the City Manager if it is deemed appropriate and necessary. The Warranty Bond shall meet all the criteria outlined in Nibley City Code Chapter 11-6.

16. Developer shall not engage in any construction or disturbance of soil in the development prior to issuance of the Notice to Proceed by the Public Works Director.

17. The terms and provisions of this Agreement shall be binding upon and inure to the benefit of the parties hereto mentioned and permitted successors and assigns; provided, however, that this Agreement cannot be assigned, transferred or conveyed by either party, without the express, written consent of the other party.

18. Severability. If any provision of this Agreement is held by a court of competent jurisdiction to be invalid for any reason, the parties consider and intend that this Agreement shall be deemed amended to the extent necessary to make it consistent with such decision and the balance of this Agreement shall remain in full force and affect.

19. Time is of the Essence. Time is of the essence to this Agreement and every right or responsibility shall be performed within the times specified.

20. Mutual Drafting. Each party has participated in negotiating and drafting this Agreement and therefore no provision of this Agreement shall be construed for or against either party based on which party drafted any particular portion of this Agreement.

21. Entire Agreement. This Agreement, and all Exhibits thereto, is the entire agreement between the Parties and may not be amended or modified except either as provided herein or by a subsequent written amendment signed by all parties.

22. Recordation and Running with the Land. This Agreement shall be recorded in the chain of title for the Development. This Agreement shall be deemed to run with the land.

IN WITNESS WHEREOF, the parties hereto have set their hands the day and year first above written.

NIBLEY CITY

DEVELOPER

By: DAVID N. ZOOK
Its: City Manager

By: SHAUN DUSTIN

By: Jeff Jackson

STATE OF UTAH)
 :SS
County of Cache)

On this ____ day of _____, 2017, personally appeared before me DAVID N. ZOOK, City Manager, the signer of the within instrument, who duly acknowledged to me that he executed the same as City Manager for Nibley City Corporation.

NOTARY PUBLIC

STATE OF UTAH)
 : ss
County of Cache)

On the ____ day of _____, 2017, personally appeared before me, SHAUN DUSTIN, Developer, the signer of the foregoing instrument, who duly acknowledged to me that he executed the same.

NOTARY PUBLIC

J:\MPJ\Cities\Nibley\01 - Subdivisions\Apple Creek Ph 1\Development Agreement Draft Apple Creek Ph 1.2.docx
N-6512.P

DRAFT

EXHIBIT “A”
CONSERVATION SPACE MAINTENANCE PLAN

The Conservation Lands are set aside to accomplish specific objectives and are regulated and maintained as follows:

Northwest Conservation Land, Lot 28

- Use: Green space/view scape.
Compliance: Nibley City Code Section 10-18-1 E, G, N.
Eliminates lot that would otherwise legally access from 3200 S (E), lot size variety (G) Creates view scape (N),
Management plan: Managed by the owner of Lot 28.
Deed restrictions:
- i. No access from 3200 S.
 - ii. No privacy or opaque fence around conservation area.
 - iii. If conservation area is used for gardening or agricultural use, barns and sheds consistent with use and underlying zoning are permitted subject to approval through City permit process.
 - iv. Land shall not be paved or used for non-agricultural commercial activity or storage.
 - v. All land use shall comply with Nibley City Code Section 10-18-13 Use Regulations

Northeast Conservation Land, Lot 1

- Use: Green space/view scape/Tree stand.
Compliance: Nibley City Code Section 10-18-1 B, D, E, G, N.
Tree stand and farmstead preservation (D,B), eliminates lot that would otherwise legally access from 3200 S (E), lot size variety (G) Creates view scape (N),
Management plan: Managed by the owner of Lot 1.
Deed restrictions:
- i. No access permitted from 3200 S
 - ii. Tree stand shall be managed and preserved after cleanup. Tree stand will be thinned and pruned prior to occupancy. Trees shall be marked for removal by the City Arborist
 - iii. Dangerous structures will be removed.
 - iv. No privacy fences or opaque fence around conservation area.
 - v. If conservation area is used for gardening or agricultural use, barns and sheds consistent with use and underlying zoning are permitted subject to approval through City permit process.
 - vi. Land shall not be paved or used for non-agricultural commercial activity or storage.

- vii. All land use shall comply with Nibley City Code Section 10-18-13 Use Regulations

South Conservation Land (Wetlands and Trails), Lots 29, 34, 35

- Use: Green space/view scape/agriculture.
- Compliance: Nibley City Code 10-18-1 B, C, D, E, F, G, H, I J, K, L, M, N.
Trail easement on South property line to facilitate development of 20' trail section across south end of parcel, steep slopes, preserves springs, preserves perennial stream, variety of lot sizes from 0.25-2 acres, preserves pasture as pasture, preserves view scapes, preserves traditional uses, preserves agricultural uses
- Management plan: All wetland and agricultural uses within the Conservation Land shall be managed by the owners of Lots 29, 34, 35 respectively, and Nibley City shall manage the area within the Pedestrian Rights-of-Way.
- Deed restrictions:
- i. No privacy fences or opaque fence around conservation area.
 - ii. Wetland management will be governed by federal and state statute
 - iii. If conservation area is used for gardening or agricultural use, barns and sheds consistent with use and underlying zoning are permitted subject to approval through City permit process.
 - iv. A paved access drives up to 20' wide shall be permitted to provide access to an upper section of Lot 35. Barns or other permitted structures may be provided with concrete or asphalt approaches consistent with uses permitted for conservation lots under the terms of this agreement and City Code in effect at the time of the approval of the subdivision. Otherwise, the land shall not be paved or used for non-agricultural commercial activity or storage.
 - v. All land use shall comply with Nibley City Code Section 10-18-13 Use Regulations

In the event the person or entity identified above as having responsibility to maintain the Conservation Land and the common facilities, if any, or any successor organization thereto, fails to maintain all or any portion thereof in reasonable order and condition, Nibley City may assume responsibility, as a right but not an obligation, for the maintenance thereof, in which case any escrow funds that have been deposited in accordance with the Nibley City Code may be forfeited and any permits may be revoked or suspended by Nibley City. Nibley City may enter any of the Conservation Lands within the Development and take corrective action, including extended maintenance. The costs of such corrective action may be charged to the owner of the Conservancy Lot and may include administrative costs and penalties. Such costs shall become a lien on the Conservancy Lot. Notice of such lien may be filed by the city in the county recorder's office.

EXHIBIT “B”
STREET TREE PLAN

Nibley City requires a Street Tree Plan in conjunction with submittal of the Plat. The ordinance is clear on caliper requirements for trees, that trees need to be provided at min. 50-foot intervals and that trees need to be approved by the City Arborist (Rod Elwood at the time of this writing). Mr. Elwood provided the following list of trees that would be acceptable for the application: Crabapple, Honey Locust, Linden (Green Spire), Burr Oak, and male Box Elder. He also suggested that trees be offset from the centerline of the swales.

The ordinance does not specify when the trees must be purchased and planted, and as of the time of this writing, no clear precedent has been set for residential subdivisions. Conversation with City Planner Stephen Nelson and Rod Elwood on 6/13/2017 further clarified the intent of the ordinance excludes a 30 foot assumed driveway width from the spacing requirement, so that for a lot with 110 feet of frontage, the calculation would be as follows: $110 \text{ ft} - 30 \text{ ft} = 80 \text{ ft}$; two trees required.

If the trees are planted prior to recording the plat, trees fronting unbuilt lots may not be maintained; the ordinance requires planting the trees, but not maintaining them. If trees are not maintained, they may die and become a blight. This agreement mitigates that concern by shifting the planting time from the plat approval to the completion and occupancy of the residence on the site.

The requirement will be satisfied for the subdivision as follows:

- 1) Street Trees shall be planted as alternating Crabapple and Burr Oak in 1.5” caliper per City standards.
- 2) Street Trees shall be planted at maximum 50 ft intervals, excluding max. 30’ paved driveway apron on each lot. Trees shall be spaced evenly between driveways.
- 3) It is anticipated that all lots in the Development will be sold to a builder, and Developer may contract with the builder at the time of the sale of any lot such that Developer’s obligation to purchase and plant Street Trees under Nibley City Code Section 7-6-2 is performed by the builder or owner of the lot prior to the City’s granting of a Certificate of Occupancy for the lot.
- 4) Planting and maintenance shall be per Nibley City specifications and industry best practices.
- 5) Street Trees shall be maintained by the owner of the lot where the Street Trees are planted, including watering.
- 6) Street Trees shall be warranted by the builder who plants them for a period of 1 year from date of initial planting. Warrantee shall include removal and replacement of dead or diseased trees with trees that comply with City standards. Nibley City Arborist shall be the sole determinant of the need to replace a tree within the warrantee period. Failure to consult the Arborist prior to tree removal shall void the warrantee.

EXHIBIT "C"

DUSTIN ENGINEERS

TRANSMITTAL

Date: 6/6/2017

File: 2017001

To:

Shaun Dustin
Tin Rope, LLC
169 W 3300 S
Nibley, UT 84321

Subject:

Groundwater Elevations and Finished Floor Elevation Determination, Tin Rope
Subdivision
551 W 3300 S
NIBLEY, UT 84321

We are sending the following:

One copy of the above referenced report.

Remarks:

The enclosed is for your use. If you have any questions, please call at (435) 770-0147.
Thank you.

By:



Shaun Dustin, PE

DUSTIN ENGINEERS

**GROUNDWATER ELEVATIONS AND FINISHED FLOOR ELEVATION
DETERMINATION
TIN ROPE SUBDIVISION
551 W 3300 S
NIBLEY, UT 84321**

DUSTIN ENGINEERS PROJECT NO. 2017001



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TABLE OF CONTENTS

<u>Section</u>	<u>Page</u>
1.0 INTRODUCTION.....	1
1.1 General.....	1
1.2 Project Description.....	2
1.3 Scope of Services.....	2
2.0 SITE DESCRIPTION.....	2
Geology.....	2
Topography.....	2
Hydrography.....	2
3.0 FIELD EXPLORATION AND FINISH FLOOR ELEVATIONS.....	3
3.1 Field Explorations.....	3
3.2 Finished Floor Elevation Table.....	3
4.0 REQUIRED NOTES.....	4
4.1 Nibley Code Requirements.....	4
4.2 Required Notes.....	4
6.0 UNCERTAINTY AND LIMITATIONS.....	5

FIGURES

- 1 Site Vicinity Map

APPENDIX

- A Water Surface Elevation Contours
- B Excerpts from GIR

**GROUNDWATER ELEVATIONS AND FINISHED FLOOR ELEVATION
DETERMINATION
TIN ROPE SUBDIVISION
551 W 3300 S
NIBLEY, UT 84321**

DUSTIN ENGINEERS Project No. 2017001

1.0 INTRODUCTION

1.1 GENERAL

This report compiles the results of the Geotechnical Investigation Report (GIR), correlates groundwater elevations determined in test pits for the GIR (Figure 1) with the topographic survey of the property, extrapolates groundwater elevations across the property based on the test pits, establishes minimum recommended finished floor elevations for each lot in the subdivision, and provides recommended verbiage for the final plat.

This report is intended to provide finished floor elevations for the final subdivision plats. Failure to include the notes provided in Section 4 of this report on the plat takes the Report results out of context, invalidates the table, and absolves Dustin of any responsibility for the inappropriate implementation of the FFEs.

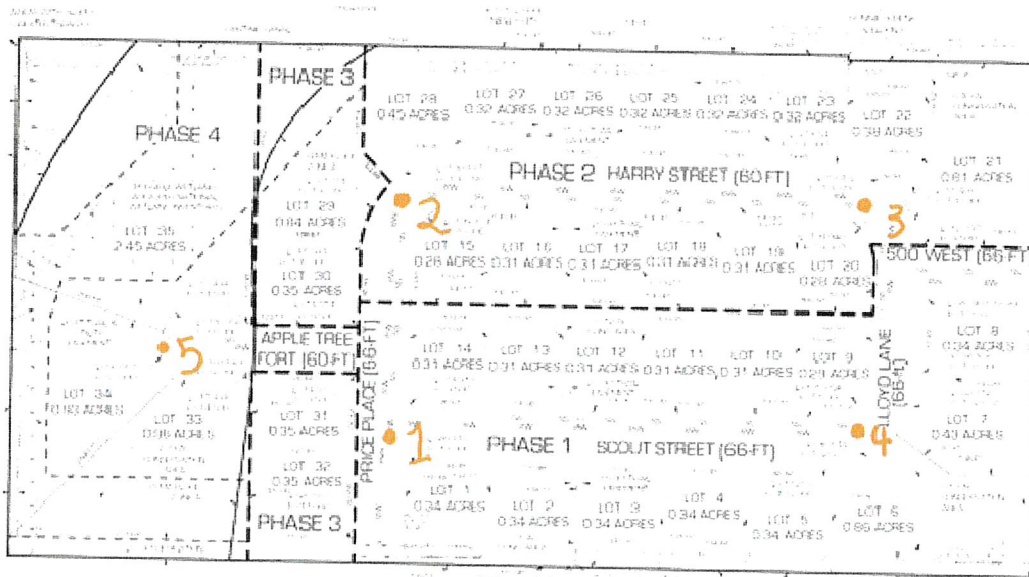


Figure 1: Test Pit Locations and Site Map

1.2 PROJECT DESCRIPTION

The Tin Rope Subdivision is a residential conservation subdivision on 20.24 acres in Nibley, UT. The subdivision consists of 28 lots in the northern portion of the parcel, and seven lots in the southern 6.72 acres of the property.

1.3 SCOPE OF SERVICES

The purpose of the geotechnical investigation was to characterize the subsurface conditions in the subject parcel. Included in the geotechnical investigation were field explorations, soil classification, depth to groundwater determination, and field infiltration measurements. The following sections are included in this report: Site Description; Field Explorations; Laboratory Tests; Subsurface Conditions; Recommendations for Finished Floor Elevations; Required Notes.

2.0 SITE DESCRIPTION

GEOLOGY

The project site is located in Cache Valley, UT. Geologically, the soils are classified as Qlpd (Deltaic deposits related to Provo and younger shorelines, Clast supported pebble and cobble gravel in a matrix of sand and minor silt with thin sand beds, mostly deposited at time of Bonneville flood with exposed thickness of less than 25 m) and Qalu (stream alluvium, sand, silt and gravel less than 10m thick) (Evans, et. Al., 1996).

NRCS classifies the soils overlying the as Greenson Loam (98%) and Ricks Gravelly Loam (2%) with Ksat of 0.6-2 in/hr in the most limiting layers (NRCS 2017).

TOPOGRAPHY

The site slopes from the South to the Northwest, dropping 8 feet from the Southeast corner and 20 feet from the peak of a small hill on the south boundary line. There is no drainage outlet; all storm water is infiltrated and retained on the site.

HYDROGRAPHY

On the south end of the property, there is a perennial stream, the channel of which serves as a conveyance for the Nibley Blacksmith Fork Irrigation Company.

There is a designated wetland in the southwest ¼ of the parcel, and the southern ¼ is in the designated 100 year floodplain. The floodplain designation is in the process of being revisited.

3.0 FIELD EXPLORATION AND FINISH FLOOR ELEVATIONS

3.1 FIELD EXPLORATIONS

Field explorations at the site consisted of five test pits to depth ranging from 69" to 90". The pits are laid out as shown on Figure 1. Test pits were logged by Shaun Dustin.

3.2 FINISHED FLOOR ELEVATION TABLE

Water surface elevation contours were extrapolated from the five test pits as illustrated in the attached figure.

Minimum suggested finished floor elevations are established by adding two feet to the observed/extrapolated groundwater elevations (Table 3.1):

Table 3.1

Lot	Finished Floor Elev.	Lot	Finished Floor Elev.	Lot	Finished Floor Elev.
1	4540.5	13	4542.0	25	4540.5
2	4541.5	14	4541.5	26	4540.5
3	4543.0	15	4540.5	27	4539.8
4	4543.0	16	4540.5	28	4539.8
5	4543.5	17	4541.0	29	4543.5
6	4544.0	18	4541.5	30	4544.0
7	4545.0	19	4542.0	31	4545.5
8	4545.5	20	4542.0	32	4546.0
9	4544.0	21	4541.5	33	4546.25
10	4543.5	22	4541.0	34	4546.25
11	4543.0	23	4541.0	35	BELOW CANAL: Slab on grade ABOVE CANAL: 4552.0
12	4542.5	24	4540.5		

It is impossible to guarantee that observed water surface elevations are representative or static. Nibley City requires that developers determine a minimum suggested finish floor elevation for residential development in Nibley. The values represented here and on the plat

are valid for current conditions. Future impacts from changes in agricultural practice, adjacent development, climate change, and other factors are impossible to anticipate or predict and may have an impact on structures. Developers, builders, and homeowners are responsible for independently validating these elevations, and mitigating for potential future changes by implementing industry best practices and understanding and accepting the level of risk inherent in developing and building in Nibley. These elevations are suggestions and in no way comprise a guarantee that structures will not be susceptible to groundwater intrusion.

4.0 REQUIRED NOTES

4.1 NIBLEY CODE REQUIREMENTS

City code requires representation of a finished floor elevation as outlined in Table 3.1. Copy Table 3.1 to the Plat with the notes in Section 4.2. Failure to include notes from 4.2 in final signed plat invalidates the contents of the Table and absolves Dustin Engineers of any responsibility related to use of Table 3.1.

4.2 REQUIRED NOTES

Note 1: Minimum Finished Floor Elevations are derived from groundwater elevations observed in test pits completed and logged on 4/13/2017 by Dustin Engineers, LLC and as documented in the Finished Floor Elevation Report. Elevations must be applied in the context of the report or they are invalid.

Note 2: Elevations are calculated by extrapolating groundwater elevations from five test pits, and adding 2.0 feet to observed and extrapolated elevations for each building lot.

Note 3: It is the responsibility of the builder to verify and validate local conditions including the specific groundwater depth at each lot and provide the mitigation necessary protect the structure from groundwater intrusion.

Note 4: Builders may request a different finished floor minimum elevation based on a site specific report sealed by a Professional Engineer or Geologist licensed in the State of Utah. The report shall demonstrate to the satisfaction of the City Engineer that the proposed limit complies with the intent of City Code for mitigation of groundwater intrusion. Such criteria may be satisfied by implementation of appropriate groundwater mitigation strategies including foundation drains, dewatering pumps, and other active and passive engineering practices.

Note 5: Groundwater elevations providing the basis for this table are based on observable conditions at the site on the date of the observations. These minimum floor elevations are subject to revision as a function of groundwater conditions which can be impacted by factors ranging from changes in land use and agricultural practices to climate change, landscape irrigation, and other factors outside the scope or control of the City or Dustin Engineers. Builders and developers are therefore responsible for implementing best practices as required to accommodate future changes in groundwater elevations at each lot.

6.0 UNCERTAINTY AND LIMITATIONS

This report has been prepared for Tin Rope LLC and Nibley City for use in designing and laying out subdivision infrastructure. Design data is provided for use in design of foundations and utilities by others. Unauthorized use of this summary by any party other than the Client will release Dustin Engineers from all liability resulting from unauthorized use of the report. No other warranty based on the contents of this summary is intended, and none shall be inferred from the statements expressed herein. Our description of the project represents our understanding of the significant aspects of the project relevant to the design and construction of the signal poles at the locations described. In the event that any changes in the site conditions, basic design, or location of infrastructure in this data summary are planned, or occur, we recommend that a geotechnical review of the changes be made by us to reaffirm or change in writing the information provided in this report.

This report is based on the assumption that subsurface conditions in the project sites are not significantly different from those disclosed in the explorations. However, variations in soil or groundwater conditions may exist between or beyond exploration locations. The nature and extent of the variations may not become evident until construction. If subsurface conditions different from those encountered in the explorations are observed or encountered during construction or appear to be present beneath or beyond excavations, we should be advised at once so we can observe and review these conditions and reconsider our recommendations where necessary.

This report may be used only by the client and only for the purposes stated within a reasonable time from its issuance, but in no event later than one year from the date of this report. Land or facility use, on and off-site conditions, regulations, or other factors may change over time, and additional work may be required with the passage of time.

Any party other than the client who wishes to use this report shall notify Dustin of such intended use. Based on the intended use of the report, Dustin may require that additional work be performed and that an updated report be issued. Non-compliance with any of these requirements by the client or anyone else will release Dustin from any liability resulting from the use of this report by any unauthorized party and client agrees to defend, indemnify, and hold harmless Dustin from any claim or liability associated with such unauthorized use or non-compliance.

The scope of work for this subsurface exploration and report did not include environmental assessments or evaluations regarding the presence or absence of wetlands or hazardous substances in the soil, surface water, or groundwater at this site.

**GEOTECHNICAL INVESTIGATION REPORT
and INFILTRATION TEST
TIN ROPE SUBDIVISION
551 W 3300 S
NIBLEY, UT 84321**

DUSTIN ENGINEERS Project No. 2017001

1.0 INTRODUCTION

1.1 GENERAL

This Geotechnical Investigation Report (GIR) presents a summary of the geotechnical data that was obtained and compiled from the geotechnical field explorations and laboratory tests completed for the Tin Rope Subdivision Project, Boring Locations Map (Figure 1). The objective of the project was to characterize subsurface conditions to support the following:

- 1) Groundwater elevations to establish finish floor elevations and utility design
- 2) Infiltration rates to establish stormwater infiltration criteria
- 3) Bearing capacities for infrastructure design
- 4) Soil properties for engineering design

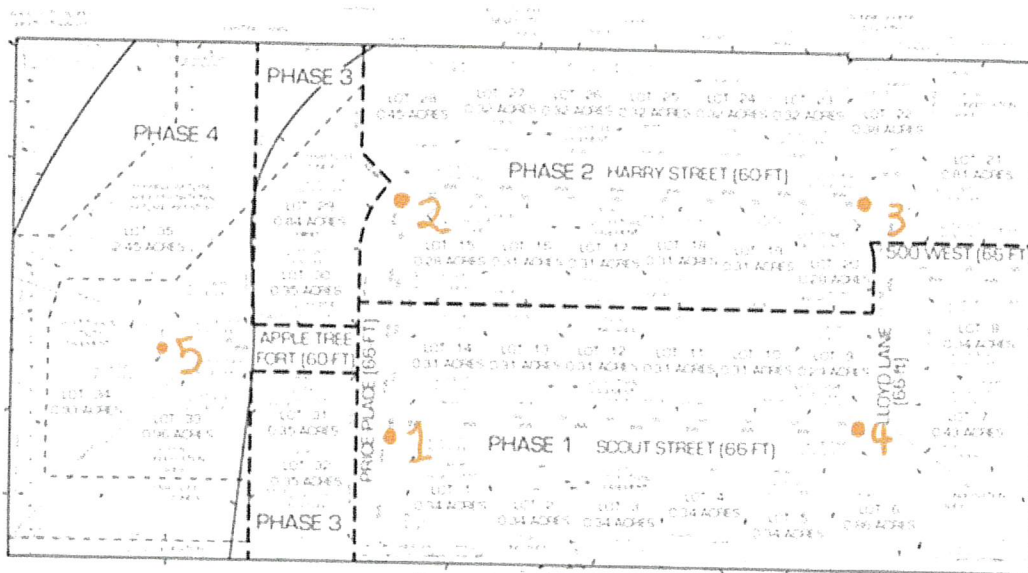

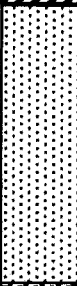






Figure 1: Test Pit Locations and Site Map


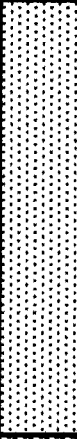


Project: Tin Rope				Project Number: 2017001		Client: Tin Rope		Boring No. 1	
Address, City, State 551 W 3200 S, Nibley, UT						Drilling Contractor: Brian Olsen		Drill Rig Type: Backhoe	
Logged By: S Dustin				Date	Started: 4/13/2017		Bit Type: Backhoe		Diameter: 18" Bucket
Drill Crew: Brian Olsen					Completed: 4/13/2017		Hammer Type: NA		
USA Ticket Number:					Backfilled: 4/13/2017		Hammer Weight: NA		Hammer Drop: NA
Groundwater Depth: 7.25				Groundwater Elevation: 4541.75		Elevation: 4549		Total Depth of Boring: 7'3"	
Depth (feet)	Sample Type	Sample Number	Blow Counts (blows/foot)	Graphic Log	Lithology				
					Dry Density (pcf)	Moisture Content (%)	Additional Test		
1.5	☒	1a			Topsoil with organics and roots present, occasional small gravel				
5	☒	1b			Clay loam, 3" ribbon				
7.25	☒	1c			Sandy gravel, forms ball but no ribbon. 1" minus.				
					Water @ 87" 				
					WSEL: 4536.75				
10									

Dustin Engineers

Boring Log: Sheet 1 of 5






-  Standard Penetration Slit Spoon Sampler (SPT)
-  California Sampler
-  Shelby Tube
-  CPP Sampler
-  Bulk/ Bag Sample



-  Stabilized Ground water
-  Groundwater At time of Drilling


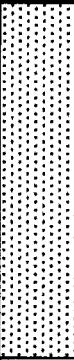


Project: Tin Rope		Project Number: 2017001		Client: Tin Rope		Boring No. 2			
Address, City, State 551 W 3200 S, Nibley, UT				Drilling Contractor: Brian Olsen		Drill Rig Type: Backhoe			
Logged By: S Dustin		Date	Started: 4/13/2017		Bit Type: Backhoe		Diameter: 18" Bucket		
Drill Crew: Brian Olsen			Completed: 4/13/2017		Hammer Type: NA				
USA Ticket Number:			Backfilled: 4/13/2017		Hammer Weight: NA		Hammer Drop: NA		
Groundwater Depth: 7.2		Groundwater Elevation: 4539.8		Elevation: 4547		Total Depth of Boring: 7'2"			
Depth (feet)	Sample Type	Sample Number	Blow Counts (blows/foot)	Graphic Log	Lithology		Dry Density (pcf)	Moisture Content (%)	Additional Test
1.5	☒	2a			Lithology <u>Soil Group Name:</u> modifier, color, moisture, density/consistency, grain size, other descriptors <u>Rock Description:</u> modifier color, hardness/degree of concentration, bedding and joint characteristics, solutions, void conditions.				
5	☒	1b			Silt loam, 2" ribbon, Light brown				
7.2					6" minus gravel, WSEL @ 86" 				
10									

Dustin Engineers

Boring Log: Sheet 2 of 5

-  Standard Penetration Slit Spoon Sampler (SPT)
-  California Sampler
-  Shelby Tube
-  CPP Sampler
-  Bulk/ Bag Sample



-  Stabilized Ground water
-  Groundwater At time of Drilling


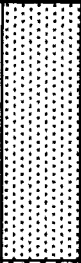

Project: Tin Rope		Project Number: 2017001		Client: Tin Rope		Boring No. 3				
Address, City, State 551 W 3200 S, Nibley, UT				Drilling Contractor: Brian Olsen		Drill Rig Type: Backhoe				
Logged By: S Dustin		Date		Started: 4/13/2017		Bit Type: Backhoe				
Drill Crew: Brian Olsen				Completed: 4/13/2017		Hammer Type: NA		Diameter: 18" Bucket		
USA Ticket Number:				Backfilled: 4/13/2017		Hammer Weight: NA		Hammer Drop: NA		
Groundwater Depth: 6.2		Groundwater Elevation: 4537.8		Elevation: 4544		Total Depth of Boring: 6' 2"				
Depth (feet)	Sample Type	Sample Number	Blow Counts (blows/foot)	Graphic Log	Lithology			Dry Density (pcf)	Moisture Content (%)	Additional Test
					Soil Group Name; modifier, color, moisture, density/consistency, grain size, other descriptors					
1.5	☒	3a			Sandy Claim Loam, dark brown, 3" ribbon. Topsoil with organics and roots present, slight odor, occasional small gravel					
5	☒	3b			Sandy loam, 1" ribbon, light brown					
10					Gravel					
					WSEL @ 74" 					

Dustin Engineers

Boring Log: Sheet 3 of 5






-  Standard Penetration Slit Spoon Sampler (SPT)
-  California Sampler
-  Shelby Tube
-  CPP Sampler
-  Bulk/ Bag Sample



-  Stabilized Ground water
-  Groundwater At time of Drilling


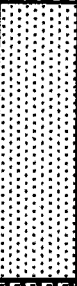


Project: Tin Rope		Project Number: 2017001		Client: Tin Rope		Boring No. 4				
Address, City, State 551 W 3200 S, Nibley, UT				Drilling Contractor: Brian Olsen		Drill Rig Type: Backhoe				
Logged By: S Dustin		Date	Started: 4/13/2017		Bit Type: Backhoe		Diameter: 18" Bucket			
Drill Crew: Brian Olsen			Completed: 4/13/2017		Hammer Type: NA					
USA Ticket Number:			Backfilled: 4/13/2017		Hammer Weight: NA		Hammer Drop: NA			
Groundwater Depth: 7.5		Groundwater Elevation: 4538.5		Elevation: 4546		Total Depth of Boring: 7' 6"				
Depth (feet)	Sample Type	Sample Number	Blow Counts (blows/foot)	Graphic Log	Lithology			Dry Density (pcf)	Moisture Content (%)	Additional Test
					Soil Group Name: modifier, color, moisture, density/consistency, grain size, other descriptors Rock Description: modifier, color, hardness/degree of concentration, bedding and joint characteristics, solutions, void conditions.					
	☒	4a			Clay, 4" ribbon, topsoil with organics and roots present, occasional small gravel, dark brown					
	☒	4b			Light brown clay loam, 3.5" ribbon					
5					Sandy gravel, 6" minus.					
7.5					WSEL @ 78" ▽					
10										

Dustin Engineers

Boring Log: Sheet 4 of 5

-  Standard Penetration Slit Spoon Sampler (SPT)
-  California Sampler
-  Shelby Tube
-  CPP Sampler
-  Bulk/ Bag Sample



-  Stabilized Ground water
-  Groundwater At time of Drilling

Project: Tin Rope		Project Number: 2017001		Client: Tin Rope		Boring No. 5				
Address, City, State 551 W 3200 S, Nibley, UT				Drilling Contractor: Brian Olsen		Drill Rig Type: Backhoe				
Logged By: S Dustin		Date	Started: 4/13/2017		Bit Type: Backhoe		Diameter: 18" Bucket			
Drill Crew: Brian Olsen			Completed: 4/13/2017		Hammer Type: NA					
USA Ticket Number:			Backfilled: 4/13/2017		Hammer Weight: NA		Hammer Drop: NA			
Groundwater Depth: 5.5		Groundwater Elevation: 4544.5		Elevation: 4550		Total Depth of Boring: 5' 6"				
Depth (feet)	Sample Type	Sample Number	Blow Counts (blows/foot)	Graphic Log	Lithology			Dry Density (pcf)	Moisture Content (%)	Additional Test
					Soil Group Name; modifier, color, moisture, density/consistency, grain size, other descriptors					
					Rock Description; modifier, color, hardness/degree of concentration, bedding and joint characteristics, solutions, void conditions.					
1	☒	5a			Clay, 3.5" ribbon, topsoil with organics and roots present, occasional small gravel, brown					
3	☒	5b			Light brown gravelly sandy loam, 1.5" ribbon, light brown with pea sized gravel					
5					Sandy gravel, 10" minus					
					WSEL @ 69" 					
10										

Dustin Engineers

Boring Log: Sheet 5 of 5

-  Standard Penetration Slit Spoon Sampler (SPT)
-  California Sampler
-  Shelby Tube
-  CPP Sampler
-  Bulk/ Bag Sample

-  Stablized Ground water
-  Groundwater At time of Drilling

**NIBLEY CITY
DEVELOPMENT AGREEMENT**

THIS DEVELOPMENT AGREEMENT (“Agreement”), entered into this ____ day of _____, 20____, between Shaun Dustin, hereinafter referred to as “Developer” and Nibley City, here in after referred to as “City”, and

WHEREAS, Apple Creek Phase 2 _____, hereinafter referred to as “the Development” has been approved for construction; and

WHEREAS, plans for the Development are on file with Nibley City and are incorporated by reference herein; and

WHEREAS, it is necessary for the interest of the public welfare that improvements made be constructed in accordance with the specifications set forth in said plans and as provided by Nibley City ordinances and Design Standards; and

WHEREAS, Developer desires to record a final plat of the Development in order to obtain building permits and construct structures after the necessary infrastructure is installed, approved and accepted; and

WHEREAS, in accordance with said Nibley City ordinances, including Section 11-5 of the Nibley City Code, the Developer is required to furnish security for the completion of all improvements or complete all improvements prior to recording a final plat.

NOW THEREFORE, to induce Nibley City to approve said plans and allow use of city-owned utilities and access and/or other improvements, the Developer does hereby unconditionally promise and agree with Nibley City as follows:

1. Developer hereby acknowledges receipt of a copy of the Nibley City Subdivision Ordinance.

Developer hereby acknowledges that Developer has read the Subdivision Ordinance (or that an agent of Developer has), and that Developer understands the provisions of the Subdivision Ordinance and that Developer will fully and completely comply with the provisions and requirements therein contained.

2. In accordance with Nibley City Code Section 11-6-6, Developer shall tender to Nibley City an Improvement Bond in the amount of \$377,169.52. In the event that Developer shall fail or neglect to fulfill the obligations under this Agreement, Nibley City shall have the right to construct or cause to be constructed said streets and other improvements as shown on said plans as required by Nibley City ordinances and Design Standards, and upon completion of said improvements Developer, as secured, shall be liable to pay to, and indemnify Nibley City for, the final total cost incurred by Nibley City, including but not limited to, engineering, legal

and contingent costs, together with any damages which Nibley City may sustain on account of the failure of Developer to carry out and execute all of the provisions of this Agreement which said sums are secured by the Improvement Bond.

3. Developer shall supply the City with water rights or shares as set forth in Nibley City Code Section 11-5-2 for the Development, as follows: 18.94 Acre-ft. of water shares from Black Smith Fork Irrigation Company or an equivalent amount of acre feet from another irrigation company located in Nibley City. Developer shall provide said shares to the City before the commencement of construction.

4. Developer shall provide the following trails as part of the Development:

a. Developer shall dedicate the real property in the Development identified and shown on the approved plat as Pedestrian Right-of-Way, located on the South border of the property, and shall install suitable fencing along the boundaries of the foregoing easements such that livestock maintained in the subdivided lots of the Development may not encroach upon the easements. At such time as the City decides to develop the trails within the foregoing easements, the City shall be responsible for implementing any improvements within the easement areas.

i. No combustion powered motorized traffic shall be permitted on the trail easement in perpetuity, except as required for City vehicles performing maintenance. Such prohibited use shall be enforced and prosecuted by the City. The City will design signage, entrances and exits to the trail segment to exclude motorcycles, 4-wheelers, side by sides, and other combustion powered vehicles. The City shall be solely responsible for enforcement of this provision

ii. If the City fails to enforce the provisions above, the Grantor may revoke the easement upon determination by a court of law that the City has been negligent in enforcing the agreement.

b. Developer shall dedicate a Pedestrian Right-of-Way that is 20 feet wide and centered on the boundary between lots 34 and 35 of the Development as required by Nibley City Code Section 11-5-5(E) and as shown on the approved plat and shall construct the sidewalk and landscaping as required by Nibley City Code Section 11-5-5(E) for the Right-of-Way.

5. Conservation Land in the Development and indicated on the approved plat shall be managed and maintained as outlined in the attached Conservation Space Maintenance Plan which is incorporated herein as Exhibit "A."

6. Developer shall ensure that Street Trees are planted and maintained in the Development in accordance with Nibley City Code Chapter 7-6 and the attached Street Trees Plan which is incorporated herein as Exhibit "B."

7. Each Conservation Lot, at the private owners own expenses, may connect to secondary water or construct access to secondary water. The City shall lease back to the owners

of the secondary system such shares as may be needed to support the secondary system. The property owner shall provide the City with engineered calculations demonstrating the amount of shares they require to support the secondary system. The cost of the lease will be limited to actual costs associated with maintaining the shares, plus a reasonable administrative fee according to Nibley City Code 11-5-2.

8. All Conservation Land in the Development shall be privately owned as part of the Conservancy Lot within which the Conservation Land lies as indicated on the approved plat and shall be developed and maintained by the owner of the Conservancy Lot in compliance with the Nibley City Code Chapter 10-18.

9. Developer shall safe guard proposed LID measures against unauthorized alteration by adjacent property owners and that maintenance standards that meet the Nibley City Design Standards and which are approved by the City prior to recording of the mylar.

10. The Developer shall be responsible for constructing all 5' sidewalks in the labeled 6' sidewalk easements that run in front of each lot. Each sidewalk shall be constructed to Nibley City Standards. After construction, these sidewalks shall be regulated by Nibley City Code 7-1 Street, Sidewalks, and Public Ways.

11. The Developer shall include the numbered street names on the street signs in addition to the other names listed on the plat.

12. The terms and provisions of this Agreement shall be binding upon and inure to the benefit of the parties hereto mentioned and permitted successors and assigns; provided, however that this Agreement cannot be assigned, transferred or conveyed by either party, without the express, written consent of the other party.

13. In the event that either of the parties to this Agreement shall be in default or breach of this Agreement, said party shall be liable to pay all reasonable attorney's fees, court costs and other related costs and expenses incurred by the non-defaulting or non-breaching party in pursuing its rights hereunder or under the laws of the State of Utah.

14. Developer shall comply with all applicable federal, state, county and City requirements, regulations and laws for each aspect of this Development, including payment of fees and compliance with design and construction standards. Nothing in this Agreement shall be deemed to relieve Developer from the obligation to comply with all such applicable laws, ordinances and requirements as now existing and as enacted and/or amended.

15. Developer shall provide a Warranty Bond in the sum equal to ten percent (10%), a total of \$37,716.95, of the estimated costs of all improvements installed in the Development as estimated by the City Engineer for the period of Developer's warranty on the improvements in the Development. Security in amounts more than 10% may be required by the City Manager if it is deemed appropriate and necessary. The Warranty Bond shall meet all the criteria outlined in Nibley City Code Chapter 11-6.

16. Developer shall not engage in any construction or disturbance of soil in the development prior to issuance of the Notice to Proceed by the Public Works Director.

17. The terms and provisions of this Agreement shall be binding upon and inure to the benefit of the parties hereto mentioned and permitted successors and assigns; provided, however, that this Agreement cannot be assigned, transferred or conveyed by either party, without the express, written consent of the other party.

18. Severability. If any provision of this Agreement is held by a court of competent jurisdiction to be invalid for any reason, the parties consider and intend that this Agreement shall be deemed amended to the extent necessary to make it consistent with such decision and the balance of this Agreement shall remain in full force and affect.

19. Time is of the Essence. Time is of the essence to this Agreement and every right or responsibility shall be performed within the times specified.

20. Mutual Drafting. Each party has participated in negotiating and drafting this Agreement and therefore no provision of this Agreement shall be construed for or against either party based on which party drafted any particular portion of this Agreement.

21. Entire Agreement. This Agreement, and all Exhibits thereto, is the entire agreement between the Parties and may not be amended or modified except either as provided herein or by a subsequent written amendment signed by all parties.

22. Recordation and Running with the Land. This Agreement shall be recorded in the chain of title for the Development. This Agreement shall be deemed to run with the land.

IN WITNESS WHEREOF, the parties hereto have set their hands the day and year first above written.

NIBLEY CITY

DEVELOPER

By: DAVID N. ZOOK
Its: City Manager

By: SHAUN DUSTIN

By: Jeff Jackson

STATE OF UTAH)
 :SS
County of Cache)

On this ____ day of _____, 2017, personally appeared before me DAVID N. ZOOK, City Manager, the signer of the within instrument, who duly acknowledged to me that he executed the same as City Manager for Nibley City Corporation.

NOTARY PUBLIC

STATE OF UTAH)
 : ss
County of Cache)

On the ____ day of _____, 2017, personally appeared before me, SHAUN DUSTIN, Developer, the signer of the foregoing instrument, who duly acknowledged to me that he executed the same.

NOTARY PUBLIC

J:\MPJ\Cities\Nibley\01 - Subdivisions\Apple Creek Ph 1\Development Agreement Draft Apple Creek Ph 1.2.docx
N-6512.P

DRAFT

EXHIBIT “A”
CONSERVATION SPACE MAINTENANCE PLAN

The Conservation Lands are set aside to accomplish specific objectives and are regulated and maintained as follows:

Northwest Conservation Land, Lot 28

- Use: Green space/view scape.
Compliance: Nibley City Code Section 10-18-1 E, G, N.
Eliminates lot that would otherwise legally access from 3200 S (E), lot size variety (G) Creates view scape (N),
Management plan: Managed by the owner of Lot 28.
Deed restrictions:
- i. No access from 3200 S.
 - ii. No privacy or opaque fence around conservation area.
 - iii. If conservation area is used for gardening or agricultural use, barns and sheds consistent with use and underlying zoning are permitted subject to approval through City permit process.
 - iv. Land shall not be paved or used for non-agricultural commercial activity or storage.
 - v. All land use shall comply with Nibley City Code Section 10-18-13 Use Regulations

Northeast Conservation Land, Lot 1

- Use: Green space/view scape/Tree stand.
Compliance: Nibley City Code Section 10-18-1 B, D, E, G, N.
Tree stand and farmstead preservation (D,B), eliminates lot that would otherwise legally access from 3200 S (E), lot size variety (G) Creates view scape (N),
Management plan: Managed by the owner of Lot 1.
Deed restrictions:
- i. No access permitted from 3200 S
 - ii. Tree stand shall be managed and preserved after cleanup. Tree stand will be thinned and pruned prior to occupancy. Trees shall be marked for removal by the City Arborist
 - iii. Dangerous structures will be removed.
 - iv. No privacy fences or opaque fence around conservation area.
 - v. If conservation area is used for gardening or agricultural use, barns and sheds consistent with use and underlying zoning are permitted subject to approval through City permit process.
 - vi. Land shall not be paved or used for non-agricultural commercial activity or storage.

- vii. All land use shall comply with Nibley City Code Section 10-18-13 Use Regulations

South Conservation Land (Wetlands and Trails), Lots 29, 34, 35

- Use: Green space/view scape/agriculture.
- Compliance: Nibley City Code 10-18-1 B, C, D, E, F, G, H, I J, K, L, M, N.
Trail easement on South property line to facilitate development of 20' trail section across south end of parcel, steep slopes, preserves springs, preserves perennial stream, variety of lot sizes from 0.25-2 acres, preserves pasture as pasture, preserves view scapes, preserves traditional uses, preserves agricultural uses
- Management plan: All wetland and agricultural uses within the Conservation Land shall be managed by the owners of Lots 29, 34, 35 respectively, and Nibley City shall manage the area within the Pedestrian Rights-of-Way.
- Deed restrictions:
- i. No privacy fences or opaque fence around conservation area.
 - ii. Wetland management will be governed by federal and state statute
 - iii. If conservation area is used for gardening or agricultural use, barns and sheds consistent with use and underlying zoning are permitted subject to approval through City permit process.
 - iv. A paved access drives up to 20' wide shall be permitted to provide access to an upper section of Lot 35. Barns or other permitted structures may be provided with concrete or asphalt approaches consistent with uses permitted for conservation lots under the terms of this agreement and City Code in effect at the time of the approval of the subdivision. Otherwise, the land shall not be paved or used for non-agricultural commercial activity or storage.
 - v. All land use shall comply with Nibley City Code Section 10-18-13 Use Regulations

In the event the person or entity identified above as having responsibility to maintain the Conservation Land and the common facilities, if any, or any successor organization thereto, fails to maintain all or any portion thereof in reasonable order and condition, Nibley City may assume responsibility, as a right but not an obligation, for the maintenance thereof, in which case any escrow funds that have been deposited in accordance with the Nibley City Code may be forfeited and any permits may be revoked or suspended by Nibley City. Nibley City may enter any of the Conservation Lands within the Development and take corrective action, including extended maintenance. The costs of such corrective action may be charged to the owner of the Conservancy Lot and may include administrative costs and penalties. Such costs shall become a lien on the Conservancy Lot. Notice of such lien may be filed by the city in the county recorder's office.

EXHIBIT “B”
STREET TREE PLAN

Nibley City requires a Street Tree Plan in conjunction with submittal of the Plat. The ordinance is clear on caliper requirements for trees, that trees need to be provided at min. 50-foot intervals and that trees need to be approved by the City Arborist (Rod Elwood at the time of this writing). Mr. Elwood provided the following list of trees that would be acceptable for the application: Crabapple, Honey Locust, Linden (Green Spire), Burr Oak, and male Box Elder. He also suggested that trees be offset from the centerline of the swales.

The ordinance does not specify when the trees must be purchased and planted, and as of the time of this writing, no clear precedent has been set for residential subdivisions. Conversation with City Planner Stephen Nelson and Rod Elwood on 6/13/2017 further clarified the intent of the ordinance excludes a 30 foot assumed driveway width from the spacing requirement, so that for a lot with 110 feet of frontage, the calculation would be as follows: $110 \text{ ft} - 30 \text{ ft} = 80 \text{ ft}$; two trees required.

If the trees are planted prior to recording the plat, trees fronting unbuilt lots may not be maintained; the ordinance requires planting the trees, but not maintaining them. If trees are not maintained, they may die and become a blight. This agreement mitigates that concern by shifting the planting time from the plat approval to the completion and occupancy of the residence on the site.

The requirement will be satisfied for the subdivision as follows:

- 1) Street Trees shall be planted as alternating Crabapple and Burr Oak in 1.5” caliper per City standards.
- 2) Street Trees shall be planted at maximum 50 ft intervals, excluding max. 30’ paved driveway apron on each lot. Trees shall be spaced evenly between driveways.
- 3) It is anticipated that all lots in the Development will be sold to a builder, and Developer may contract with the builder at the time of the sale of any lot such that Developer’s obligation to purchase and plant Street Trees under Nibley City Code Section 7-6-2 is performed by the builder or owner of the lot prior to the City’s granting of a Certificate of Occupancy for the lot.
- 4) Planting and maintenance shall be per Nibley City specifications and industry best practices.
- 5) Street Trees shall be maintained by the owner of the lot where the Street Trees are planted, including watering.
- 6) Street Trees shall be warranted by the builder who plants them for a period of 1 year from date of initial planting. Warrantee shall include removal and replacement of dead or diseased trees with trees that comply with City standards. Nibley City Arborist shall be the sole determinant of the need to replace a tree within the warrantee period. Failure to consult the Arborist prior to tree removal shall void the warrantee.

EXHIBIT "C"

DUSTIN ENGINEERS

TRANSMITTAL

Date: 6/6/2017

File: 2017001

To:

Shaun Dustin
Tin Rope, LLC
169 W 3300 S
Nibley, UT 84321

Subject:

Groundwater Elevations and Finished Floor Elevation Determination, Tin Rope
Subdivision
551 W 3300 S
NIBLEY, UT 84321


We are sending the following:

One copy of the above referenced report.

Remarks:

The enclosed is for your use. If you have any questions, please call at (435) 770-0147.
Thank you.

By:



Shaun Dustin, PE

DUSTIN ENGINEERS

**GROUNDWATER ELEVATIONS AND FINISHED FLOOR ELEVATION
DETERMINATION
TIN ROPE SUBDIVISION
551 W 3300 S
NIBLEY, UT 84321**

DUSTIN ENGINEERS PROJECT NO. 2017001



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TABLE OF CONTENTS

<u>Section</u>	<u>Page</u>
1.0 INTRODUCTION.....	1
1.1 General.....	1
1.2 Project Description.....	2
1.3 Scope of Services.....	2
2.0 SITE DESCRIPTION.....	2
Geology.....	2
Topography.....	2
Hydrography.....	2
3.0 FIELD EXPLORATION AND FINISH FLOOR ELEVATIONS.....	3
3.1 Field Explorations.....	3
3.2 Finished Floor Elevation Table.....	3
4.0 REQUIRED NOTES.....	4
4.1 Nibley Code Requirements.....	4
4.2 Required Notes.....	4
6.0 UNCERTAINTY AND LIMITATIONS.....	5

FIGURES

- 1 Site Vicinity Map

APPENDIX

- A Water Surface Elevation Contours
- B Excerpts from GIR

**GROUNDWATER ELEVATIONS AND FINISHED FLOOR ELEVATION
DETERMINATION
TIN ROPE SUBDIVISION
551 W 3300 S
NIBLEY, UT 84321**

DUSTIN ENGINEERS Project No. 2017001

1.0 INTRODUCTION

1.1 GENERAL

This report compiles the results of the Geotechnical Investigation Report (GIR), correlates groundwater elevations determined in test pits for the GIR (Figure 1) with the topographic survey of the property, extrapolates groundwater elevations across the property based on the test pits, establishes minimum recommended finished floor elevations for each lot in the subdivision, and provides recommended verbiage for the final plat.

This report is intended to provide finished floor elevations for the final subdivision plats. Failure to include the notes provided in Section 4 of this report on the plat takes the Report results out of context, invalidates the table, and absolves Dustin of any responsibility for the inappropriate implementation of the FFEs.

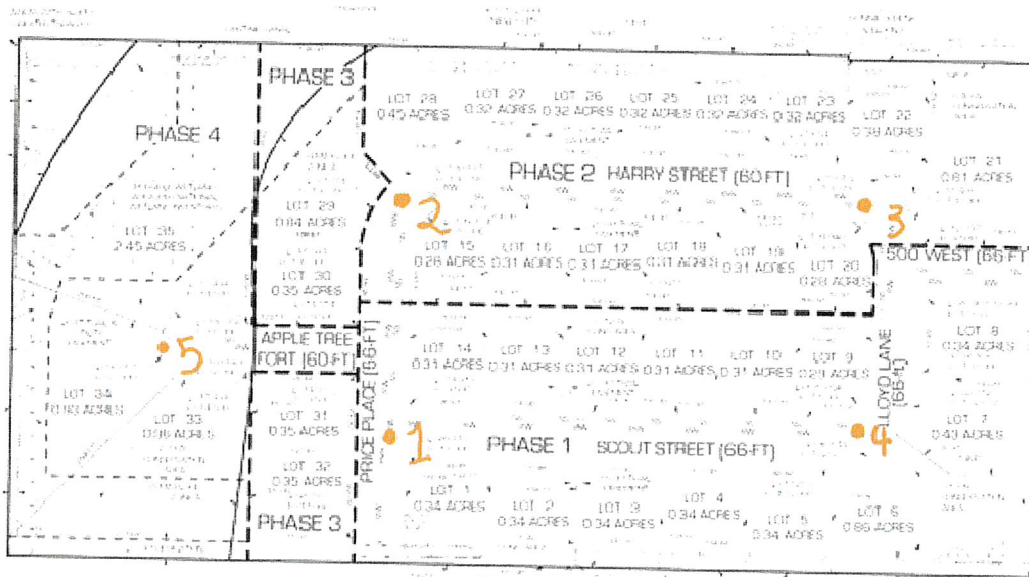


Figure 1: Test Pit Locations and Site Map

1.2 PROJECT DESCRIPTION

The Tin Rope Subdivision is a residential conservation subdivision on 20.24 acres in Nibley, UT. The subdivision consists of 28 lots in the northern portion of the parcel, and seven lots in the southern 6.72 acres of the property.

1.3 SCOPE OF SERVICES

The purpose of the geotechnical investigation was to characterize the subsurface conditions in the subject parcel. Included in the geotechnical investigation were field explorations, soil classification, depth to groundwater determination, and field infiltration measurements. The following sections are included in this report: Site Description; Field Explorations; Laboratory Tests; Subsurface Conditions; Recommendations for Finished Floor Elevations; Required Notes.

2.0 SITE DESCRIPTION

GEOLOGY

The project site is located in Cache Valley, UT. Geologically, the soils are classified as Qlpd (Deltaic deposits related to Provo and younger shorelines, Clast supported pebble and cobble gravel in a matrix of sand and minor silt with thin sand beds, mostly deposited at time of Bonneville flood with exposed thickness of less than 25 m) and Qalu (stream alluvium, sand, silt and gravel less than 10m thick) (Evans, et. Al., 1996).

NRCS classifies the soils overlying the as Greenson Loam (98%) and Ricks Gravelly Loam (2%) with Ksat of 0.6-2 in/hr in the most limiting layers (NRCS 2017).

TOPOGRAPHY

The site slopes from the South to the Northwest, dropping 8 feet from the Southeast corner and 20 feet from the peak of a small hill on the south boundary line. There is no drainage outlet; all storm water is infiltrated and retained on the site.

HYDROGRAPHY

On the south end of the property, there is a perennial stream, the channel of which serves as a conveyance for the Nibley Blacksmith Fork Irrigation Company.

There is a designated wetland in the southwest ¼ of the parcel, and the southern ¼ is in the designated 100 year floodplain. The floodplain designation is in the process of being revisited.

3.0 FIELD EXPLORATION AND FINISH FLOOR ELEVATIONS

3.1 FIELD EXPLORATIONS

Field explorations at the site consisted of five test pits to depth ranging from 69" to 90". The pits are laid out as shown on Figure 1. Test pits were logged by Shaun Dustin.

3.2 FINISHED FLOOR ELEVATION TABLE

Water surface elevation contours were extrapolated from the five test pits as illustrated in the attached figure.

Minimum suggested finished floor elevations are established by adding two feet to the observed/extrapolated groundwater elevations (Table 3.1):

Table 3.1

Lot	Finished Floor Elev.	Lot	Finished Floor Elev.	Lot	Finished Floor Elev.
1	4540.5	13	4542.0	25	4540.5
2	4541.5	14	4541.5	26	4540.5
3	4543.0	15	4540.5	27	4539.8
4	4543.0	16	4540.5	28	4539.8
5	4543.5	17	4541.0	29	4543.5
6	4544.0	18	4541.5	30	4544.0
7	4545.0	19	4542.0	31	4545.5
8	4545.5	20	4542.0	32	4546.0
9	4544.0	21	4541.5	33	4546.25
10	4543.5	22	4541.0	34	4546.25
11	4543.0	23	4541.0	35	BELOW CANAL: Slab on grade ABOVE CANAL: 4552.0
12	4542.5	24	4540.5		

It is impossible to guarantee that observed water surface elevations are representative or static. Nibley City requires that developers determine a minimum suggested finish floor elevation for residential development in Nibley. The values represented here and on the plat

are valid for current conditions. Future impacts from changes in agricultural practice, adjacent development, climate change, and other factors are impossible to anticipate or predict and may have an impact on structures. Developers, builders, and homeowners are responsible for independently validating these elevations, and mitigating for potential future changes by implementing industry best practices and understanding and accepting the level of risk inherent in developing and building in Nibley. These elevations are suggestions and in no way comprise a guarantee that structures will not be susceptible to groundwater intrusion.

4.0 REQUIRED NOTES

4.1 NIBLEY CODE REQUIREMENTS

City code requires representation of a finished floor elevation as outlined in Table 3.1. Copy Table 3.1 to the Plat with the notes in Section 4.2. Failure to include notes from 4.2 in final signed plat invalidates the contents of the Table and absolves Dustin Engineers of any responsibility related to use of Table 3.1.

4.2 REQUIRED NOTES

Note 1: Minimum Finished Floor Elevations are derived from groundwater elevations observed in test pits completed and ogged on 4/13/2017 by Dustin Engineers, LLC and as documented in the Finished Floor Elevation Report. Elevations must be applied in the context of the report or they are invalid.

Note 2: Elevations are calculated by extrapolating groundwater elevations from five test pits, and adding 2.0 feet to observed and extrapolated elevations for each building lot.

Note 3: It is the responsibility of the builder to verify and validate local conditions including the specific groundwater depth at each lot and provide the mitigation necessary protect the structure from groundwater intrusion.

Note 4: Builders may request a different finished floor minimum elevation based on a site specific report sealed by a Professional Engineer or Geologist licensed in the State of Utah. The report shall demonstrate to the satisfaction of the City Engineer that the proposed limit complies with the intent of City Code for mitigation of groundwater intrusion. Such criteria may be satisfied by implementation of appropriate groundwater mitigation strategies including foundation drains, dewatering pumps, and other active and passive engineering practices.

Note 5: Groundwater elevations providing the basis for this table are based on observable conditions at the site on the date of the observations. These minimum floor elevations are subject to revision as a function of groundwater conditions which can be impacted by factors ranging from changes in land use and agricultural practices to climate change, landscape irrigation, and other factors outside the scope or control of the City or Dustin Engineers. Builders and developers are therefore responsible for implementing best practices as required to accommodate future changes in groundwater elevations at each lot.

6.0 UNCERTAINTY AND LIMITATIONS

This report has been prepared for Tin Rope LLC and Nibley City for use in designing and laying out subdivision infrastructure. Design data is provided for use in design of foundations and utilities by others. Unauthorized use of this summary by any party other than the Client will release Dustin Engineers from all liability resulting from unauthorized use of the report. No other warranty based on the contents of this summary is intended, and none shall be inferred from the statements expressed herein. Our description of the project represents our understanding of the significant aspects of the project relevant to the design and construction of the signal poles at the locations described. In the event that any changes in the site conditions, basic design, or location of infrastructure in this data summary are planned, or occur, we recommend that a geotechnical review of the changes be made by us to reaffirm or change in writing the information provided in this report.

This report is based on the assumption that subsurface conditions in the project sites are not significantly different from those disclosed in the explorations. However, variations in soil or groundwater conditions may exist between or beyond exploration locations. The nature and extent of the variations may not become evident until construction. If subsurface conditions different from those encountered in the explorations are observed or encountered during construction or appear to be present beneath or beyond excavations, we should be advised at once so we can observe and review these conditions and reconsider our recommendations where necessary.

This report may be used only by the client and only for the purposes stated within a reasonable time from its issuance, but in no event later than one year from the date of this report. Land or facility use, on and off-site conditions, regulations, or other factors may change over time, and additional work may be required with the passage of time.

Any party other than the client who wishes to use this report shall notify Dustin of such intended use. Based on the intended use of the report, Dustin may require that additional work be performed and that an updated report be issued. Non-compliance with any of these requirements by the client or anyone else will release Dustin from any liability resulting from the use of this report by any unauthorized party and client agrees to defend, indemnify, and hold harmless Dustin from any claim or liability associated with such unauthorized use or non-compliance.

The scope of work for this subsurface exploration and report did not include environmental assessments or evaluations regarding the presence or absence of wetlands or hazardous substances in the soil, surface water, or groundwater at this site.

600 WEST STREET

8'0" (1)

Ashbury Estates Phase 2

Relator, Not Held (North 0.90° & East 2.38° of Ashbury Estates)

Ashbury Estates Phase 1

Relator, Not Held (North 0.90° & East 2.38° of Ashbury Estates)

Ashbury Estates Phase 2

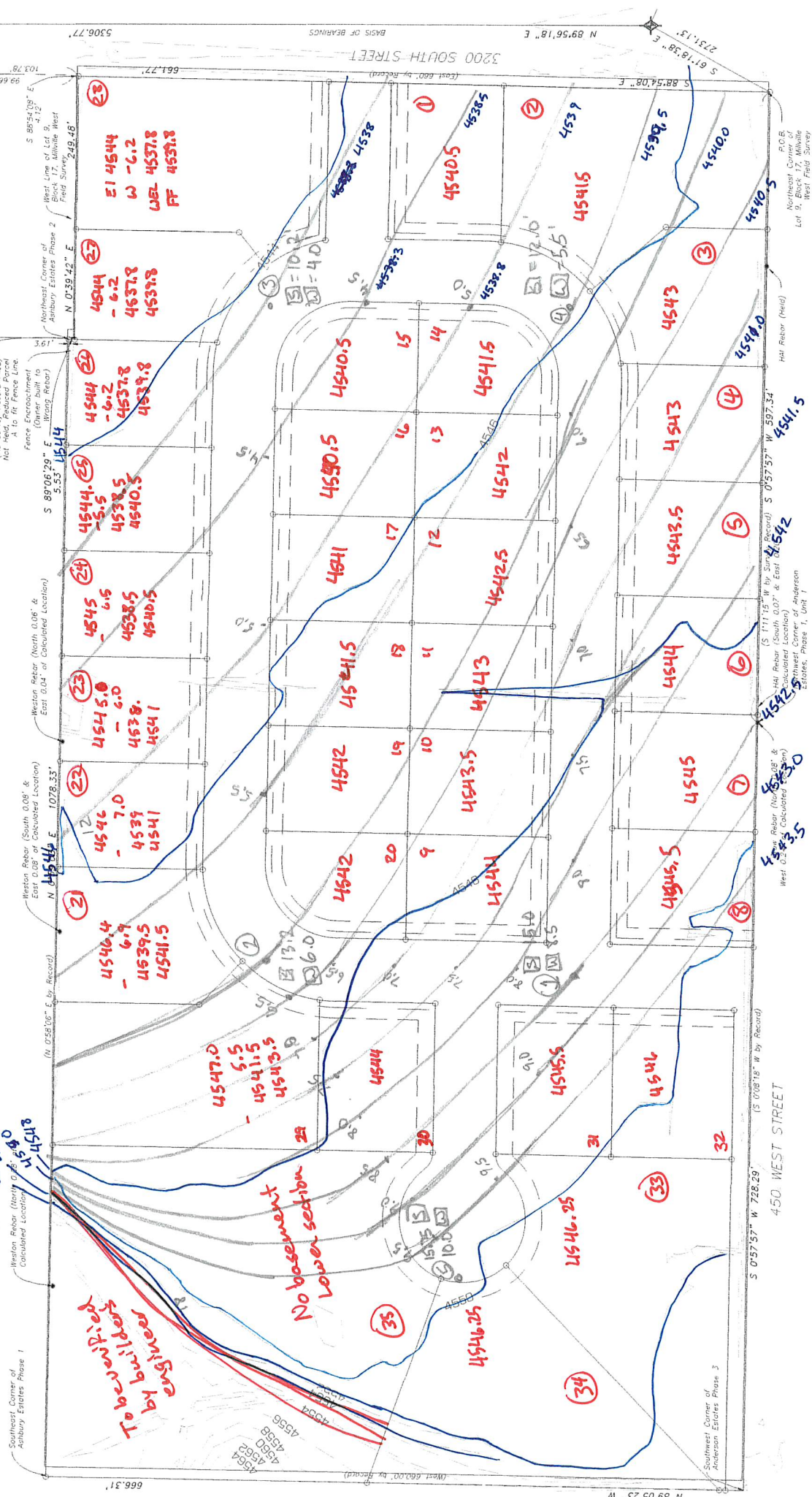
Relator, Not Held (North 0.90° & East 2.38° of Ashbury Estates)

Ashbury Estates Phase 1

Relator, Not Held (North 0.90° & East 2.38° of Ashbury Estates)

Ashbury Estates Phase 1

Relator, Not Held (North 0.90° & East 2.38° of Ashbury Estates)



Anderson Estates Phase 1

Anderson Estates Phase 3

Crow Relator (South 0.30° & East 0.07° of Calculated Location)

Relator, Not Held (North 0.90° & East 2.38° of Ashbury Estates)

Relator, Not Held (North 0.90° & East 2.38° of Ashbury Estates)

Relator, Not Held (North 0.90° & East 2.38° of Ashbury Estates)

Relator, Not Held (North 0.90° & East 2.38° of Ashbury Estates)

Relator, Not Held (North 0.90° & East 2.38° of Ashbury Estates)

**GEOTECHNICAL INVESTIGATION REPORT
and INFILTRATION TEST
TIN ROPE SUBDIVISION
551 W 3300 S
NIBLEY, UT 84321**

DUSTIN ENGINEERS Project No. 2017001

1.0 INTRODUCTION

1.1 GENERAL

This Geotechnical Investigation Report (GIR) presents a summary of the geotechnical data that was obtained and compiled from the geotechnical field explorations and laboratory tests completed for the Tin Rope Subdivision Project, Boring Locations Map (Figure 1). The objective of the project was to characterize subsurface conditions to support the following:

- 1) Groundwater elevations to establish finish floor elevations and utility design
- 2) Infiltration rates to establish stormwater infiltration criteria
- 3) Bearing capacities for infrastructure design
- 4) Soil properties for engineering design

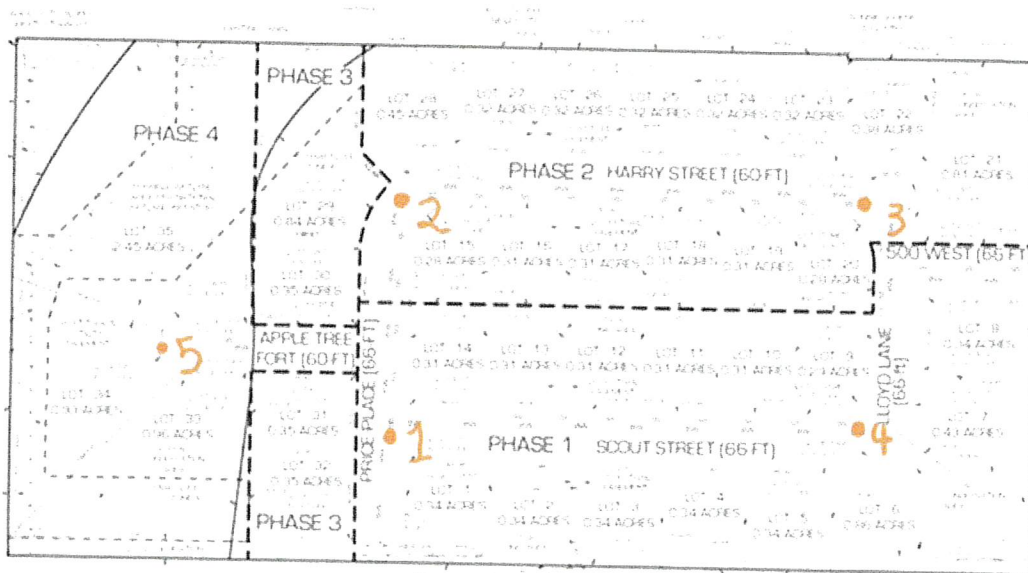

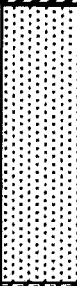






Figure 1: Test Pit Locations and Site Map




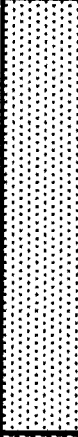


Project: Tin Rope		Project Number: 2017001		Client: Tin Rope		Boring No. 1				
Address, City, State 551 W 3200 S, Nibley, UT				Drilling Contractor: Brian Olsen		Drill Rig Type: Backhoe				
Logged By: S Dustin		Date		Started: 4/13/2017		Bit Type: Backhoe				
Drill Crew: Brian Olsen				Completed: 4/13/2017		Hammer Type: NA		Diameter: 18" Bucket		
USA Ticket Number:				Backfilled: 4/13/2017		Hammer Weight: NA		Hammer Drop: NA		
Groundwater Depth: 7.25		Groundwater Elevation: 4541.75		Elevation: 4549		Total Depth of Boring: 7'3"				
Depth (feet)	Sample Type	Sample Number	Blow Counts (blows/foot)	Graphic Log	Lithology			Dry Density (pcf)	Moisture Content (%)	Additional Test
					Soil Group Name: modifier, color, moisture, density/consistency, grain size, other descriptors					
					Rock Description: modifier color, hardness/degree of concentration, bedding and joint characteristics, solutions, void conditions.					
1.5	☒	1a			Topsoil with organics and roots present, occasional small gravel					
	☒	1b			Clay loam, 3" ribbon					
5	☒	1c			Sandy gravel, forms ball but no ribbon. 1" minus.					
7.25					Water @ 87" 					
					WSEL: 4536.75					
10										

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Boring Log: Sheet 1 of 5






-  Standard Penetration Slit Spoon Sampler (SPT)
-  California Sampler
-  Shelby Tube
-  CPP Sampler
-  Bulk/ Bag Sample



-  Stablized Ground water
-  Groundwater At time of Drilling


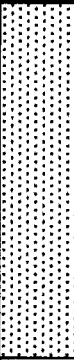


Project: Tin Rope		Project Number: 2017001		Client: Tin Rope		Boring No. 2		
Address, City, State 551 W 3200 S, Nibley, UT				Drilling Contractor: Brian Olsen		Drill Rig Type: Backhoe		
Logged By: S Dustin		Date	Started: 4/13/2017		Bit Type: Backhoe		Diameter: 18" Bucket	
Drill Crew: Brian Olsen			Completed: 4/13/2017		Hammer Type: NA			
USA Ticket Number:			Backfilled: 4/13/2017		Hammer Weight: NA		Hammer Drop: NA	
Groundwater Depth: 7.2		Groundwater Elevation: 4539.8		Elevation: 4547		Total Depth of Boring: 7'2"		
Depth (feet)	Sample Type	Sample Number	Blow Counts (blows/foot)	Graphic Log	Lithology	Dry Density (pcf)	Moisture Content (%)	Additional Test
1.5		2a			Clay, 5" ribbon. Topsoil with organics and roots present, occasional small gravel. Dark Brown.			
5		1b			Silt loam, 2" ribbon, Light brown			
7.2					6" minus gravel, WSEL @ 86" 			
10								

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Boring Log: Sheet 2 of 5






-  Standard Penetration Slit Spoon Sampler (SPT)
-  California Sampler
-  Shelby Tube
-  CPP Sampler
-  Bulk/ Bag Sample



-  Stabilized Ground water
-  Groundwater At time of Drilling


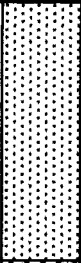

Project: Tin Rope		Project Number: 2017001		Client: Tin Rope		Boring No. 3				
Address, City, State 551 W 3200 S, Nibley, UT				Drilling Contractor: Brian Olsen		Drill Rig Type: Backhoe				
Logged By: S Dustin		Date		Started: 4/13/2017		Bit Type: Backhoe				
Drill Crew: Brian Olsen				Completed: 4/13/2017		Hammer Type: NA		Diameter: 18" Bucket		
USA Ticket Number:				Backfilled: 4/13/2017		Hammer Weight: NA		Hammer Drop: NA		
Groundwater Depth: 6.2		Groundwater Elevation: 4537.8		Elevation: 4544		Total Depth of Boring: 6' 2"				
Depth (feet)	Sample Type	Sample Number	Blow Counts (blows/foot)	Graphic Log	Lithology			Dry Density (pcf)	Moisture Content (%)	Additional Test
					Soil Group Name; modifier, color, moisture, density/consistency, grain size, other descriptors					
1.5	☒	3a			Sandy Claim Loam, dark brown, 3" ribbon. Topsoil with organics and roots present, slight odor, occasional small gravel					
5	☒	3b			Sandy loam, 1" ribbon, light brown					
10					Gravel					
					WSEL @ 74" 					

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Boring Log: Sheet 3 of 5






-  Standard Penetration Slit Spoon Sampler (SPT)
-  California Sampler
-  Shelby Tube
-  CPP Sampler
-  Bulk/ Bag Sample



-  Stabilized Ground water
-  Groundwater At time of Drilling


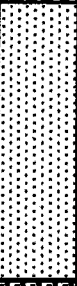


Project: Tin Rope		Project Number: 2017001		Client: Tin Rope		Boring No. 4				
Address, City, State 551 W 3200 S, Nibley, UT				Drilling Contractor: Brian Olsen		Drill Rig Type: Backhoe				
Logged By: S Dustin		Date	Started: 4/13/2017		Bit Type: Backhoe		Diameter: 18" Bucket			
Drill Crew: Brian Olsen			Completed: 4/13/2017		Hammer Type: NA					
USA Ticket Number:			Backfilled: 4/13/2017		Hammer Weight: NA		Hammer Drop: NA			
Groundwater Depth: 7.5		Groundwater Elevation: 4538.5		Elevation: 4546		Total Depth of Boring: 7' 6"				
Depth (feet)	Sample Type	Sample Number	Blow Counts (blows/foot)	Graphic Log	Lithology			Dry Density (pcf)	Moisture Content (%)	Additional Test
					<u>Soil Group Name</u> ; modifier, color, moisture, density/consistency, grain size, other descriptors <u>Rock Description</u> ; modifier, color, hardness/degree of concentration, bedding and joint characteristics, solutions, void conditions.					
	☒	4a			Clay, 4" ribbon, topsoil with organics and roots present, occasional small gravel, dark brown					
	☒	4b			Light brown clay loam, 3.5" ribbon					
5					Sandy gravel, 6" minus.					
7.5					WSEL @ 78" ▽					
10										

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Boring Log: Sheet 4 of 5

-  Standard Penetration Slit Spoon Sampler (SPT)
-  California Sampler
-  Shelby Tube
-  CPP Sampler
-  Bulk/ Bag Sample



-  Stabilized Ground water
-  Groundwater At time of Drilling

Project: Tin Rope		Project Number: 2017001		Client: Tin Rope		Boring No. 5	
Address, City, State 551 W 3200 S, Nibley, UT				Drilling Contractor: Brian Olsen		Drill Rig Type: Backhoe	
Logged By: S Dustin		Date	Started: 4/13/2017		Bit Type: Backhoe		Diameter: 18" Bucket
Drill Crew: Brian Olsen			Completed: 4/13/2017		Hammer Type: NA		
USA Ticket Number:			Backfilled: 4/13/2017		Hammer Weight: NA		Hammer Drop: NA
Groundwater Depth: 5.5		Groundwater Elevation: 4544.5		Elevation: 4550		Total Depth of Boring: 5' 6"	
Depth (feet)	Sample Type	Sample Number	Blow Counts (blows/foot)	Graphic Log	Lithology		
					Dry Density (pcf)	Moisture Content (%)	Additional Test
1	☒	5a			Clay, 3.5" ribbon, topsoil with organics and roots present, occasional small gravel, brown		
3	☒	5b			Light brown gravelly sandy loam, 1.5" ribbon, light brown with pea sized gravel		
5					Sandy gravel, 10" minus		
					WSEL @ 69" 		
10							

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Boring Log: Sheet 5 of 5

-  Standard Penetration Slit Spoon Sampler (SPT)
-  California Sampler
-  Shelby Tube
-  CPP Sampler
-  Bulk/ Bag Sample

-  Stabilized Ground water
-  Groundwater At time of Drilling