

**AGREEMENT BETWEEN TOOELE COUNTY AND JOE WHITE
REGARDING THE DEVELOPMENT OF ARROWHEAD ESTATES**

This Agreement made, this 1st day of May, 2012, by and between Tooele County, a body corporate and politic of the State of Utah (hereinafter "County"), and Ironwood Real Estate, the developer of Arrowhead Estates (hereinafter "Developer"), for the purpose of settling the vested rights of the Arrowhead Estates subdivision.

RECITALS

1. On October 8, 2008, the Erda Township Planning Commission approved the final plat for Arrowhead Estates Subdivision.
2. On September 6, 2011, the Tooele County Commission approved the letter of credit and agreement for subdivision improvements for Arrowhead Estates Subdivision.
3. The final plat for Arrowhead Estates Subdivision has was not recorded until December 1, 2011. Section 13-5-7 of the Tooele County Code requires that the plat map be recorded within 30 days following County Commission approval of improvement agreements and bonds or the plat shall be void.
4. August 24, 2010, the County Commission approved Ordinance 2010-16 and 2010-17 modifying the definition of Two-Family Dwelling (Duplex), removing them as an allowed use in one acre zones and above, and adopting a review process for condominiums.
5. Developer contends that when he made application for Arrowhead Subdivision that he vested rights in all uses allowed in the land use ordinance at the time. Therefore, he has the right to construct duplexes similar to those that he built in another development in Erda, despite the fact that the ordinance has now change.
6. The County contends that at the time of the subdivision application, Developer vested the right to subdivide according to the development standards at the time, but did not vest particular rights to uses. In order to vest the use he would have needed to submit the appropriate application, i.e. a conditional use permit or Building Permit. In addition, Developer failed to record his subdivision within the time frame allotted by the Land Use Ordinance and, therefore, Arrowhead subdivision is void.

AGREEMENT

To resolve of these issues, the parties have agreed as follows:

1. Arrowhead Subdivision has vested rights in subdivision development standards

in place at the time of application. However, Arrowhead Subdivision has no vested rights in uses (i.e. duplexes or condominium development) or development standards for those uses. In order to vest those rights appropriate applications will need to be submitted.

2. The County agrees to recognize Arrowhead Subdivision as a five acre single family Planned Unit Development.

3. All financial agreements for infrastructure improvements to complete the subdivision shall remain in place and according to the dates originally agreed to.

4. It is expressly understood that this Agreement and any documents referred to herein constitute the entire agreement of the parties hereto with respect to the subject matter hereof. Any and all prior understandings or commitments of any kind, oral or written, pertaining thereto are hereby canceled

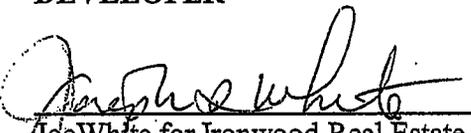
IN WITNESS WHEREOF, the parties have executed this Agreement the date and year first above written.

TOOELE COUNTY

DEVELOPER

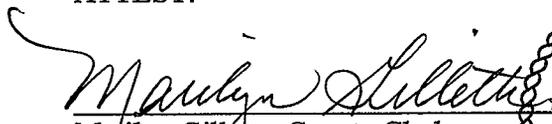


Colleen Johnson, Chairman

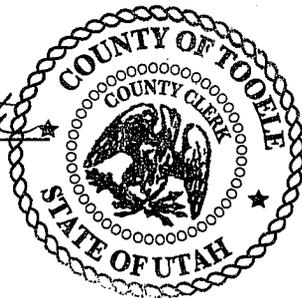


Joe White for Ironwood Real Estate
Developer of Arrowhead Estates

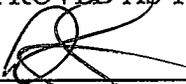
ATTEST:



Marilyn Gillette, County Clerk



APPROVED AS TO FORM:



L. Douglas Hogan
Tooele County Attorney