

RESOLUTION NO. 19-29

A RESOLUTION OF THE DRAPER CITY COUNCIL (I) TO ADOPT AN AMENDED AND RESTATED DECLARATION FOR THE SUNCREST DEVELOPMENT, (II) TO RELEASE AND REMOVE DRAPER CITY'S DECLARANT RIGHTS IN THE DEVELOPMENT, AND (III) TO TURNOVER CONTROL OF THE SUNCREST DEVELOPMENT TO THE SUNCREST OWNERS ASSOCIATION

WHEREAS, SunCrest is a master planned community located in Salt Lake and Utah Counties and is subject to the restrictions set forth in the Declaration of Covenants, Conditions, Easements and Restrictions for SunCrest, recorded with the Utah County Recorder's Office on December 22, 2000 as Entry No. 101565:2000, and also Recorded in the Salt Lake County Recorder's Office on December 28, 1999 as Entry No. 7543075 ("Declaration"); and

WHEREAS, SunCrest Owners Association, Inc. ("Association") is the homeowners association charged with the duty and power to manage the SunCrest project as set forth in the Declaration;

WHEREAS, Draper City, as purchaser of property and development rights in the SunCrest project, is the successor-in-interest to Zions Bank and DAE Westbrook LLC. Accordingly, Draper City is currently the Declarant as identified and set forth in the Declaration; and

WHEREAS, the Draper City Council desires to wind up and cease to operate as the Declarant of the SunCrest project; and

WHEREAS, the Declaration grants the Declarant Class B voting rights in the Association, and the Declaration provides that the Declarant may unilaterally amend the Declaration for any purpose pursuant to its Class B membership rights; and

WHEREAS, the Draper City Council desires to exercise Draper City's Declarant right to amend the Declaration to assist in the facilitation of the turnover of control of the SunCrest project to the Association and the relinquishment of its Declarant rights; and

WHEREAS, the Draper City Council and Draper City staff have reviewed the terms contained in an Amended and Restated Declaration, which terms are intended to provide the Association with the clear authority to manage and govern the SunCrest project and to clarify and define the rights of owners and the Association in and to the project after turnover;

WHEREAS, under the terms of the Declaration, the Declarant is the entity required to execute and record Declaration amendment documents.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF DRAPER CITY, STATE OF UTAH, AS FOLLOWS:

SECTION 1. Approval to Turnover SunCrest. The Draper City Council hereby approves the turnover of the management and governance of the SunCrest development to the Association, and approves the relinquishment of its Declarant rights.

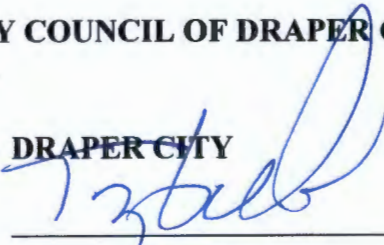
SECTION 2. Approval of Amended and Restated Declaration. The Draper City Council hereby approves the Amended and Restated Declaration and directs the Draper City staff, as applicable, to facilitate its recording. The Draper City Council further authorizes and directs the Draper City Attorney to draft all other documents necessary to effectuate the turnover of release of Draper City's Declarant rights.

SECTION 3. Delegation of Authority. That Draper City Council authorizes the Mayor to sign and acknowledge the Amended and Restated Declaration for recording, and to sign all other agreements or documents necessary to effect the turnover of control of the SunCrest development to the Association and the relinquishment of Draper City's Declarant rights.

SECTION 4. Severability. If any section, part or provision of this Resolution is held invalid or unenforceable, such invalidity or unenforceability shall not affect any other portion of the Resolution, and all sections, parts and provisions of this Resolution shall be severable.

SECTION 5. Effective Date. This Resolution shall become effective immediately upon passage.

PASSED AND ADOPTED BY THE CITY COUNCIL OF DRAPER CITY, STATE OF UTAH, ON THE 14TH DAY OF MAY, 2019.

DRAPER CITY


Mayor Troy K. Walker

ATTEST:



Laura Oscarson, City Recorder

VOTE TAKEN:	YES	NO
Councilmember Green	<u>✓</u>	_____
Councilmember Lowery	<u>✓</u>	_____
Councilmember Summerhays	<u>absent</u>	_____
Councilmember Vawdrey	<u>✓</u>	_____
Councilmember Weeks	<u>✓</u>	_____
Mayor Walker	_____	_____