

## CITY OF MOAB RESOLUTION NO. 19-2020

A Resolution approving an amended plat for Pear Tree Estates to delete a plat note requiring street improvements along Pear Tree Lane prior to development of parcel 2 of the subdivision.

The following describes the intent and purpose of this resolution:

- a. Darcey Brown/Kentlefenbein is a property owner at 1040 Pear Tree Lane
- b. 1040 Pear Tree Lane is Lot 2 in the Pear Tree Estates Subdivision
- c. In 1998, the property owner submitted, and the County recorded, a metes and bounds subdivision
- d. The metes and bounds subdivision was not recognized by the City as a legally created subdivision because the City did not approve the subdivision
- e. In 1998, a portion of the property was dedicated to Moab City for future ROW for Pear Tree Lane
- f. In 2003, the property owners requested that the City review and approve the Pear Tree Estates Subdivision Plat, thereby making the subdivision legal
- g. On January 23, 2003 the Planning Commission reviewed and forwarded a positive recommendation to the City Council, with the request that the City Council waive the requirements for Pear Tree Lane Improvements
- h. On January 28, 2003, the City Council reviewed and approved the 2-lot subdivision, as follows:  
*“Councilmember Peterson moved to approve Pear Tree Estates Subdivision with Exceptions to the Moab City Subdivision Ordinance that lot two be restricted from development until such time that curb, gutter and other required improvements are in place. Councilmember Sweeten seconded the motion, the motion carried 5-0 aye.”*
- i. The property owners have had difficulty selling lot 2 due to the plat note as required in (h) above
- j. Applicant submitted to the City of Moab the appropriate petition and documents for review and approve an amended subdivision plat for Pear Tree Estates removing the plat note associated with Lot 2. The petition is in accordance required in MMC Chapter 16.08.020; and
- k. Following the consideration of the technical aspects of the pertinent code sections, the Moab City Council, pursuant to Resolution #19-2020, hereby finds that the amended subdivision can be approved removing the plat note.

NOW, THEREFORE, BE IT RESOLVED BY THE MOAB CITY COUNCIL, the petition for an amended subdivision plat for Pear Tree Estates is hereby APPROVED with the following conditions:

1. Prior to recordation of the amended plat, the amended plat will be reviewed and approved by the City staff as to form and content.

PASSED AND APPROVED in open Council by a majority vote of the Governing Body of Moab City Council on December 10, 2019.

SIGNED: \_\_\_\_\_  
Emily Niehaus, Mayor

ATTEST: \_\_\_\_\_  
Sommar Johnson, Recorder