

HOUSING DECOMMISSIONING COMPLIANCE CONTRACT FOR PREVIOUS STRUCTURES (NON-ROUTINE)

LOT NO.: XXX CASTLE VALLEY RIVER RANCHOS

STREET: XXXXXXXX LANE

TOWN OF CASTLE VALLEY, UTAH

PARCEL NUMBER: 09-0000-0XXX

NAME OF LOT OWNER(S)

MAILING ADDRESS:

PHONE: CELL: EMAIL

GENERAL INTENT: The intent of the housing decommissioning process in the Town of Castle Valley is to maintain the one dwelling per lot requirement of the zoning ordinance, but still allow residents and property owners to live in existing dwellings during their building phase in Castle Valley and also allow the conversion of an existing dwelling to another use so that a replacement dwelling or residence may be legally constructed.

DEFINITION OF DWELLING: Any building that is used, designed or intended to be used, for human habitation regardless of the type of building or intended future use; or any building or portion of a building that includes one kitchen and one or more full bathroom(s) as defined in Town Ordinance 85-3.

DECOMMISSIONING A PREVIOUS DWELLING: To decommission a previous dwelling (a structure), the facilities that are part of what defines a dwelling in this contract and in Town Ordinance 85-3 must be permanently removed so that it no longer meets that definition. Facilities designed, or intended to be used, for the preparation of food such as refrigerators or cooking stoves/ranges may be removed so that the structure no longer contains a kitchen as defined in Town Ordinance 85-3; or fixtures such as toilets or bathtubs/showers may be removed so that the structure no longer contains any full bathrooms as defined in Town Ordinance 85-3. The owner agrees that the previous dwelling will never again be used for human habitation on their lot.

TIME FRAME: A decommissioned dwelling may be used for human habitation for NO MORE THAN thirty (30) days after the occupancy of the new dwelling, whether permanently or intermittently, or receipt of a Certificate of Occupancy for the new dwelling from Grand County whichever occurs first.

INSPECTION: the applicant agrees to allow the Town of Castle Valley, through its officers or designated representatives, to inspect the decommissioned dwelling and subject property at any reasonable time to insure that the decommissioned dwelling is not being used as a dwelling.

DISCONNECTION FROM UTILITIES: In the event that any violation of this agreement, the Town of Castle Valley shall have the right to immediately and permanently order the disconnection of a decommissioned structure (previous dwelling) from any septic system, water system, or electrical system to which the decommissioned structure may have been connected, by means of a Court order or injunction to do so, or by any other lawful means.

PENALTIES FOR BREACH OF CONTRACT: Each offense is subject to a \$500 fine.

SEPARATE OFFENSE: Each day such violation is committed or permitted to continue shall constitute a separate offense and shall be punishable as such.

CONTRACT ENFORCEMENT COSTS: If a violation of this contract occurs, the owner agrees to pay all costs incurred by the Town of Castle Valley in correcting the violation, including court costs, reasonable attorney fees, and any other costs directly incurred by the Town of Castle Valley for the enforcement of this contract.

NON-WAIVER: If the town does not take action to enforce a violation of this agreement, the Town's inaction on one or more occasions, shall not be deemed a waiver or forfeiture of the Town's right to enforce this agreement at any time thereafter.

Housing Decommissioning Contract—Signature of Applicant _____

I will live in a temporary dwelling during the construction of my permanent dwelling.

_____ YES _____ NO

LIST SPECIFIC PLAN FOR DECOMMISSIONING THE PREVIOUS DWELLING:

REMOVAL: _____

OTHER (list specific fixtures/facilities to be removed):

CHANGE OF USE: Describe specifically what the existing dwelling will be used for after decommissioning. (No structure of any kind may be used for human habitation for any length of time unless it is a permitted dwelling): _____

THIS CONTRACT MUST BE SIGNED BY THE TOWN OF CASTLE VALLEY AND THE APPLICANTS, WITH THE APPLICANTS SIGNATURE NOTARIZED, AND MUST BE RECORDED BY THE TOWN OF CASTLE VALLEY, IN THE RECORDER’S OFFICE OF GRAND COUNTY, UTAH, BEFORE IT IS A VALID CONTRACT AND BEFORE A PERMIT FOR ANOTHER DWELLING MAY BE ISSUED. ANY PERMIT ISSUED BEFORE THE COMPLETION AND RECORDATION OF THIS CONTRACT SHALL BE VOID.

Date Reviewed by Planning and Land Use Commission: _____

Recommendation: _____

Additional Conditions: _____

I/WE AGREE NEVER TO USE (OR ALLOW TO BE USED) THE ABOVE-MENTIONED DECOMMISSIONED DWELLING FOR ANY TYPE OF HUMAN HABITATION ON MY LOT AFTER OCCUPANCY AS OUTLINED UNDER “TIME FRAME” SECTION OF THIS CONTRACT.

Signature of Owner

Print Name

Date

ACKNOWLEDGMENT CERTIFICATE

STATE OF _____

COUNTY OF _____

On this _____ day of _____, in the year _____, before me, _____, a notary public, personally appeared, _____, proved on the basis of satisfactory evidence to be the person(s) whose name(s) (is/are) subscribed to this instrument, and acknowledged (he/she/they) executed the same.

Witness my hand and official seal.

Notary Public

Date

Housing Decommissioning Contract—Signature of Applicant _____

