AMENDED
MEMORANDUM OF UNDERSTANDING

This Amended Memorandum of Understanding ("Agreement") is hereby made and entered into by and between TERRY MARTEN and KAYENTA HOMESITES (collectively "Marten") and IVINS CITY, ("the City").

1. The purpose of this Amended Memorandum of Understanding is to provide for temporary fire access roads and a temporary water delivery system to better protect the City in the event of a fire.

2. Attached hereto as "Addendum A" is a map showing: a) the location of the temporary fire access roads and the temporary water lines; and b) the width and depth of road base.

3. The proposed temporary fire access roads and water delivery system shall be:

    a. Constructed in accordance with "Addendum A;"
    b. Maintained by Marten; and
    c. Be restored to a natural condition, if and when required by the City.

4. Marten understands and agrees that the location of the temporary roads and water lines as depicted on "Addendum A" is subject to change when subdivision approval is given and that there NO approvals are being given as a part of, or as a result of, this Amended Memorandum of Understanding, express or implied, regarding any future subdivision.

5. Marten further agrees to comply with all subdivision, construction, land development regulations in place at the time that any future development occurs, including the City's Sensitive Lands Ordinance (Chapter 8 of the City's current Zoning Ordinance).

6. Marten further agrees that he will obtain all necessary permits required for stream crossings and obtain all necessary property owner approvals concerning the construction of the proposed temporary fire access roads and temporary water delivery system.

7. Controlling Law and Venue. This Agreement has been made under the laws of the State of Utah and such laws shall control its enforceability. Any action to interpret or enforce this Agreement shall be brought in the Fifth District Court in and for Washington County, State of Utah.

8. Binding on Heirs and Assigns. The terms and conditions of this Agreement shall be binding upon the heirs and assigns of the parties hereto.

9. Entire Agreement. This Agreement contains the entire agreement between the parties and supersedes any prior or concurrent agreements; no oral or written terms or conditions

which are not expressly contained in this Agreement shall be binding. This Agreement may not be amended except by written agreement of the parties.

This Amended Memorandum of Understanding shall become effective when executed by the parties and approved by the Ivins City Council.

IVINS CITY

R. Daren Barney
R. DAREN BARNEY, Mayor

Dated: 5-18-2006

TERRY MARTEN / KAYENTA HOMESITES

TERRY MARTEN

Dated:

Addendum A

Fire Protection Access Plan
Legend of Definitions

Legend: Yellow with solid black line = Upgrade to 26ft. all weather road capable of Fire Truck (First Priority)

Yellow with dotted black line = Upgrade to 26ft. all weather road capable of Fire Truck (Second Priority)

Green with dotted black line = Maintain graded, suitable for brush truck access

(A) Kwavasa Drive Extension from Kayenta Parkway to 600 West to Center.
Approximate length: 6,800 feet
Current Status: Minimal access dirt road unable to provide fire truck access.
Comments: Wash crossing w/8 foot diameter culvert pipe.
Request: Upgrade to 26 feet wide access all-weather road capable of sustaining weight and suspension geometry of fire truck

(B) Paiute Extension: Proposed dirt road from the end of Paiute Road at Taviawk to Kwavasa Drive Extension. 650 feet North of 450 North/800 West.
Approximately length: 4,000 feet
Current Status: Survey only, sage-covered natural site.
Request: Establish approximate 26 foot wide well-compacted dirt road. Minimal road base applied to provide competent travel surface for fire truck.

(C) Shinava Dr. Extension (Taviawk 8)
Approximate length: 2,500 feet
Current Status: Under construction, permitted.
Comments:
Requests: Information only

(D) Ivin's Irrigation Line Easement and Access.
Approximate length: 1,500 feet
Current Status: Graded for access.
Comments: Suitable for Brush Truck access.
Request: Information only.

(F) Existing Jeep Trail running North/South the length of the SITLA property.
Approximate length: Approximately 1 mile
Current Status: Dirt Road
Comments: Ties into Highway 91 via Sage Way (H)
Request: Periodically we will grade access to maintain Brush Truck access.

(G) Existing Jeep Trail North/South across SITLA and Kayenta property
Approximate length: 3,300 feet
Current Status: Dirt Road
Comments: Ties Kwavasa Extension to Sage Way Extension (waterline road)
Request: Minimal maintenance with motor grader.

Addendum A

Fire Protection Access Plan
Legend of Definitions

(H) Existing Dirt Road from Sage Way North to Highway 91
Approximate length: 3,500 feet
Current Status: Graded to 20' wide.
Comments: Ties Sage Way to Highway 91
Request: We intend to upgrade access to 26 foot all weather road capable of fire truck access.

(J1) Sage Way to Cactus Gulch Court Connector Road
Approximate length: 1,000 ft.
Current Status: Graded to eight foot wide.
Comments:
Requests: Establish as brush truck access.

(J2) Kayenta Parkway to Sage Way Connector road
Approximate length: 900 feet
Current Status: Sage-covered, natural site
Comments: Ties Kayenta Parkway to Sage Way
Request: Establish approximately 15 foot wide road for brush truck access.

(J3) South Loop at Reservoir
Approximate length: 1200 Ft.
Current Status: Sage-covered, natural site
Comments: Ties Reservoir Road to Highway 91
Request: Establish 26 foot wide all weather access for fire truck.

(K) Reservoir Road (Kayenta Lake Dr.)
Approximate length: 1600 feet + 500 ft Cul-de-Sac
Current Status: Much of the road is 15 to 20 ft. wide with base material.
Comments:
Requests: Establish 26 ft wide all weather access for fire truck.

(L) Future Westlake Road from Westlake to WCWCD pipeline running East and West
Approximate length: 2,500 feet
Current Status: Graded Dirt Road 20' or more in width.
Comments: Road exists where WCWCD has an easement for irrigation line.
Request: To blade and maintain for brush truck access.

(M) Between Keleva Trail to Indian Reservation
Approximate length: 1,400 feet
Current Status: Bladed road
Comments: Road exists where WCWCD has an easement for irrigation line.
Request: Establish all weather access for fire truck access to Reservation Boundary.

Addendum A

Fire Protection Access Plan
Legend of Definitions

(N) Shivwits Canal Road
Approximate length:
Current Status:
Comments: Work with Band and WCCD to maintain good brush truck access.
Requests:

(O) From WCWCD pipeline running East and West running north along Shivwits Boundary to Manna Court alignment.
Approximate length: 1,300 feet
Current Status: Sage-covered natural site
Comments:
Request: Grade access for brush truck access

(P) From O to Mana court
Approximate length: 1,100 feet
Current Status: Sage-covered
Comments:
Request: Grade access for brush truck access

(Q) Kwavasa Dr. North to Litonya Dr.
Approximate length: 3200 ft.
Current Status: Brush Truck access.
Comment:
Request: Improve to 26' wide all weather access for Fire Truck.

(R) Brush Truck road running north from Mana Ct. to Litonya Dr.
Approximate length: 1900 ft.
Current Status: Sage Covered
Comments:
Requests: Improve to Brush Truck access.

(S) Dyami
Approximate length: 950 ft
Current Status: Sage Covered
Comments:
Requests: Improve to brush truck access.

(T) Litonya Dr.
Approximate length: 1900 ft.
Current Status: Brush Truck status
Comments:
Requests: Improve to 26 ft all weather access.

(U) Dyami
Approximate length: 1500 ft.
Current Status: 26 ft. wide access road
Comments:
Requests: Improve to 26 ft wide all weather road for fire truck access.

Addendum A

Fire Protection Access Plan
Legend of Definitions

(U1) From Litonya Dr. to Dyami
Approximate length: 960 ft.
Current Status: Sage covered.
Comments:
Requests: Improve to 26 ft wide all weather road for fire truck access.

(V) Litonya Drive
Approximate length: 2100 ft.
Current Status: Brush Truck access.
Comments:
Requests: Improve to 26 ft all weather road for fire truck access.

(W) Litonya Drive to Northwest Corner of Kayenta
Approximate length: 1000 ft
Current Status: Sage Covered
Comments:
Requests: Improve to 12 ft all weather road for fire truck status.

(X) North Uwan to Water tank and other existing roads in area
Approximate length: 1500 ft
Current Status: 26 ft well established dirt road.
Comments:
Requests: Improve to 26 ft all weather road for fire truck access.

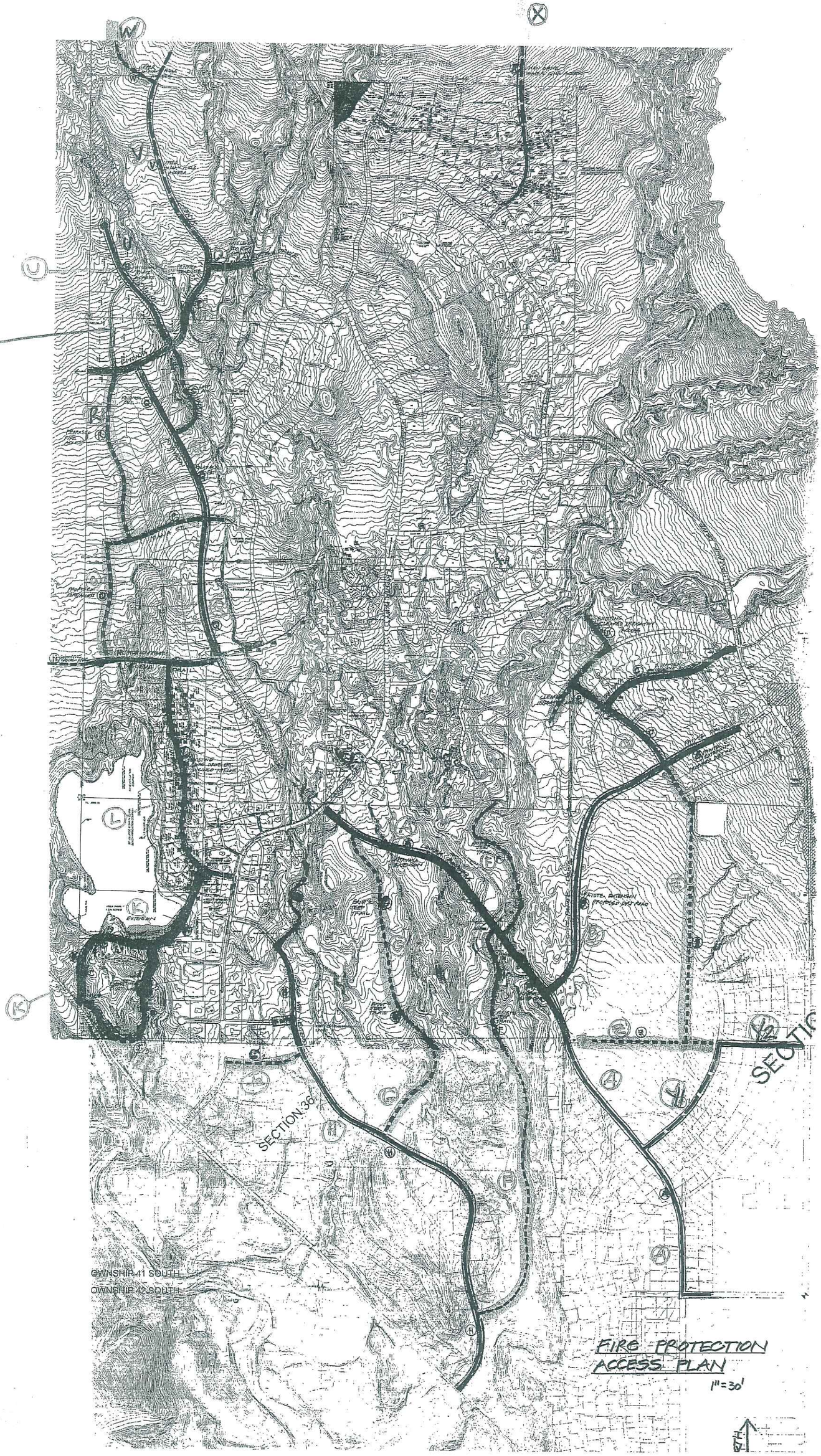
(Y1) 450 North down to Kwavasa Dr.
Approximate length: 1450 ft.
Current Status: Not established
Comments:
Requests: Upgrade to all weather road for Fire Truck Access.

(Y2) 450 North between 400 west and 475 west
Approximate length: 1,000 ft.
Current Status: Well established dirt road.
Comments:
Requests: Upgrade to all weather road for Fire Truck Access.

(Z) 450 North between 475 West and 800 West / 600 West between 450 North and 625 North
Approximate length: 1,400 ft and 3,000 ft respectively
Current Status: Well established dirt road
Comments:
Request: Information only.

Addendum A

POSOVI
WATER TANK



FIRE PROTECTION ACCESS PLAN

1" = 30'

1