MEMORANDUM OF UNDERSTANDING RE: TAVIAWK STORM DRAINAGE IMPROVEMENTS

This Memorandum of Understanding ("Agreement") regarding storm drainage improvements in the Taviawk Subdivision, specifically for the installation of a storm drain in a private street known as Agave Way and emptying behind Red Mountain Dam 3 (Dam 3"), is entered into effective the ____ day of _____, 2015, by and between IVINS CITY, a municipality and political subdivision of the State of Utah, ("Ivins City" or the "City") and TAVIAWK HOMEOWNERS ASSOCIATION ("HOA"), a Utah corporation, collectively referred to as "the Parties."

RECITALS

Whereas, HOA desires to install a storm drain in the private HOA street known as Agave Way to collect storm water from the north thereof, to the benefit of HOA property owners to the south thereof, and having that storm drain empty behind Dam 3, which would have some benefit to the City by keeping that amount of water out of the City's storm drain system below; and

Whereas, the HOA property directly abuts City-owned Red Mountain Dams 1 & 2 which would contribute some water runoff into the proposed storm drain; and

Whereas, the Parties are desirous to come to an agreement as to the amount the City is willing to pay for such a collaborative storm drainage improvement;

Now, therefore, the Parties hereby agree as follows:

AGREEMENT

1. The Parties estimate that the proposed storm drainage improvement installed in Agave Way would empty a total of approximately 6.7 cfs of water behind Dam 3, of which approximately 1.6 cfs of water would flow off of City-owned property.

2. The Parties understand that the developer of the Taviawk Subdivision is willing to contribute up to $7500.00 to help with installation of the proposed improvements.

3. The City hereby agrees to (Option 1: match the developer's contribution up to a maximum amount of $7700.00; or Option 2: contribute up to $_____) to help with installation of the proposed improvements.

4. HOA agrees to maintain, at its sole expense, all storm drainage improvements installed in private HOA streets.

Dated this _____ day of _____, 2015.

IVINS CITY:

_____

Chris Hart, Mayor

Attest:

_____

Kari Jimenez, Ivins City Recorder

TAVIAWK HOMEOWNERS ASSOCIATION

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