# Ivins City Staff Report
# City Council Meeting 1/17/2019

Agenda Item: Discuss and consider approval of granting a temporary construction easement for Palisades at Snow Canyon Phase 6.

Submitted by: Charles R Gillette, P.E., Public Works Director and City Engineer

**Recommended City Council Action:**
**Approve granting temporary construction easement for Palisades at Snow Canyon Phase 6**

**BACKGROUND:**
The City owns Parcel Number I-SB-19-J which is a 15.52 acre parcel of land. It is adjacent to land owned by Desert Sky Homes which is in the process of completing Phase 6 of Palisades at Snow Canyon. Desert Sky Homes has proposed constructing retaining walls on the City property.

**FINDINGS AND ANALYSIS:**
When there is a grade difference between two adjacent lots, it is best to set the privacy wall on the property line. Any retaining walls then should be offset from the privacy wall and cascade down in tiers when the walls are more than 5' in height. The City owned property would sit below the grade of Palisades Phase 6 and 7 and retaining walls would be needed in the future. The Developer has offered to build the first tier of the required retaining walls in exchange for the temporary construction easement.

**SUPPORT MATERIALS:**
Deed including Exhibits

**FINANCIAL IMPACT:**
None.

Respectfully Submitted:

Charles R Gillette, P.E., Public Works Director & City Engineer

Content Review:

Dale Coulam, City Manager

TO BE KEPT ON FILE
NOT TO BE RECORDED

# TEMPORARY WALL CONSTRUCTION EASEMENT

**IVINS CITY** (hereinafter "Grantor"), does hereby grant, transfer and convey to **DESERT SKY HOMES, LLC**, a limited liability corporation of the State of Utah, whose address is 55 N Main Street, Ivins, Washington County, Utah (hereinafter "Grantee"); for the sum of one dollar ($1.00) and other good and valuable consideration, receipt of which is hereby acknowledged, a temporary construction easement as described in Exhibit "A" and shown on map provided as Exhibit "B" for the installation of a retaining wall in accordance with approved construction plans of the Palisades at Snow Canyon Phase 6.

The easement is subject to the following restrictions:

1. The Grantee shall be responsible for controlling dust, erosion, and sediment runoff from the site from the point when it is disturbed to the point when it is fully stabilized and revegetated or otherwise developed into a subdivision.
2. The temporary easement shall expire after completion of the wall and the disturbed area is revegetated and stabilized.
3. The temporary easement shall expire after 3 years if no work has been completed within the easement.

Witness the hand of said Grantor this _____ day of _____ 20____.

IVINS CITY

By: _____
Chris Hart, Mayor

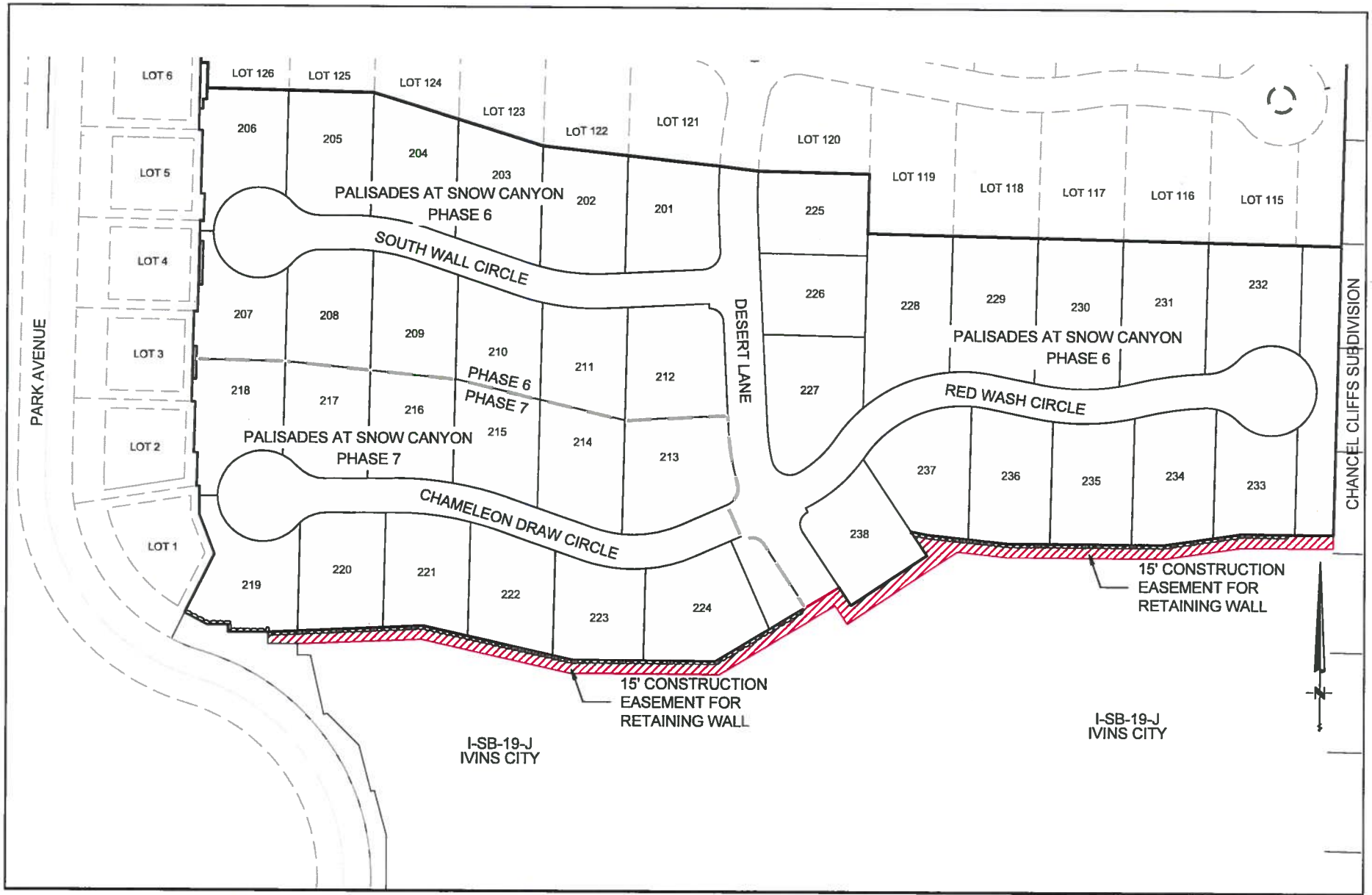
ATTEST:

**Bush and Gudgell, Inc.**
**Engineers • Planners • Surveyors**
Salt Lake City - St. George
www.bushandgudgell.com

# EXHIBIT "A"

(Construction Easement)

A 15' wide temporary easement for the construction of a retaining wall. Said Easement being the north 15' of parcel # I-SB-19-J, in Ivins City, Utah. As depicted in the attached "Exhibit "B" Easement Depiction".




# EXHIBIT B

PALISADES AT SNOW CANYON - CONSTRUCTION EASEMENT
LOCATED IN IVINS, UT

**BUSH & GUDGELL, INC.**
Engineers - Planners - Surveyors
205 East Tabernacle Suite #4
St. George, Utah 84770
Phone (435) 673-2337 / Fax (435) 673-3161