Ivins City Staff Report
City Council Meeting 8/19/2021

Agenda Item: Discuss and consider approval of a Right-of-Way Construction and Maintenance Agreement with Enlaw LLC

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

Recommended City Council Action:
Approve right-of-way construction and maintenance agreement with Enlaw LLC

BACKGROUND:
Enlaw LLC, the developer of Black Desert Resort, is working to provide a waterline easement for the City of St George to install an irrigation supply line to the proposed golf course under construction. A portion of this pipeline passes through land owned by the State of Utah Institutional Trust Lands Administration (SITLA).

Normally this would be handled with an easement but SITLA prefers to provide the easement in the form of a right-of-way dedication.

FINDINGS AND ANALYSIS:
Right-of-way (ROW) is normally provided through a process of subdivision. In this corner case, since the SITLA property is not dedicating the ROW as part of an improvement process that would include installing a roadway and other utilities to service the property, it seems to be prudent and appropriate to approve the dedication through this separate agreement with the City.

Staff finds this agreement to be acceptable and that the road ROW lines up with future development plans. Enlaw/Black Desert would take responsibility for maintenance of the ROW until the SITLA property actually develops.

SUPPORT MATERIALS:
- Agreement with exhibits

FINANCIAL IMPACT:
None

Respectfully Submitted:

Charles Gillette, P.E., Public Works Director/City Engineer

Content Review:

Dale Coulam, City Manager