Ivins City Staff Report
City Council Meeting 2/16/2023

Agenda Item: Discuss and consider approval of agreement between William and Dawn Roberts and Ivins City

Submitted by: Thomas J. Jorgensen, P.E., Assistant Public Works Director

Recommended City Council Action:
Approve agreement between William and Dawn Roberts and Ivins City.

BACKGROUND:

The City was able to obtain an agreement to acquire right of way along the north side of the old highway along the entire length of the project except for four properties (located between 400 West and 600 West). Initially, these four properties were not willing to give up right of way (ROW), which is why the current plan has the trail located within the 100' ROW that city currently has control over. The intent for obtaining additional ROW was to construct the trail in a location that is consistent with the current transportation master plan.

Within the past month, Lance Anderson has negotiated and successfully obtained agreements from two of the four property owners, the Roberts (adjacent to 400 West) and the King's (closer to 600 West). The Roberts agreement is contingent upon appraised value and City Council approval. While the King agreement is only contingent upon appraised value. It should be noted that staff is working to obtain funds from the COG so that there's no cost to Ivins City for purchasing the property. The Roberts agreement needs Council approval because as part of the negotiation, the agreement reflects Ivins City agreeing to construct a fence block wall along the property line, approximately 330' lineal feet. The anticipated cost is approximately $20,000.

If ROW is obtained from these two property owners, staff will work with the engineers to move the trail out of the 100' right of way and into the location that coincides with the city's master plan.

FINDINGS AND ANALYSIS:

Staff is recommending that Council approve agreement with William and Dawn Roberts.

SUPPORT MATERIALS:

- Agreement between William J and Dawn L Roberts

FINANCIAL IMPACT:
$20,000 to GL 44-4071.0

Respectfully Submitted:

Thomas J. Jorgensen, P.E., Assistant Public Works Director

Content Review:

Dale Coulam, City Manager

MEMORANDUM OF UNDERSTANDING
BETWEEN
William J & Dawn L Roberts
AND
Ivins City

This MEMORANDUM OF UNDERSTANDING is hereby made and entered into by and between William J & Dawn L Roberts, hereinafter referred to as Roberts, and Ivins City, herein referred to as the City.

The purpose of this MOU is to provide the framework and identify the requirements to acquire an easement on real property owned by Roberts.

Roberts shall:

1. Provide a recorded easement as described as the area between the future wall and the existing right of way line for Old Highway 91.

The City shall:

1. Design, construct, and pay for block fence wall along the following property lines: the property line between parcel I-SB-55-C and the parcel that the City owns just to the south of parcel I-SB-55-C; and the easement line between parcel I-SB-55-C and Old Highway 91 (as described in the attached Exhibit A).
2. Purchase the easement as described as the area between the future wall and the existing right of way line for Old Highway 91 for the appraised value (as described in Exhibit A). The appraisal has not yet been produced.

It is mutually agreed that:

1. All design and construction work shall be in conformance with the Standard Specifications, applicable state and federal regulations, the General Plan, and generally accepted rules and regulations.
2. This agreement is contingent upon City Council approval.
3. This agreement is contingent upon William Roberts approval of appraised value.
4. The City is paying for all closing costs, appraisal costs, and legal fees associated with this agreement.

IN WITNESS WHEREOF, the parties hereto have executed this agreement as of the last written date below.

Ivins City
Dale Coulam, City Manager

_____ _____
Date

William J & Dawn L Roberts
William Roberts

William J Roberts 1-20-2023
Date

Ivins City
Charles Gillette, City Engineer

_____ _____
Date