Ivins City Staff Report
City Council Meeting 4/2/26

Agenda Item: Discuss and consider Planning Commission's recommendation to approve terminating an easement by release between Ivins City and Enclave Red Mountain Row, LLC a Utah Limited Liability Company regarding easements originally granted by Documents #0376429 and #0376421 Recorded with the Office of the Washington Utah County Recorder.

Submitted by: Thomas Jorgensen, Public Works Director/City Engineer

Recommended Action: Building Staff has reviewed and recommends approval.

BACKGROUND:

- An existing historic sewer easement, together with a companion construction easement, was granted jointly to Santa Clara City, Ivins City, and St. George City across property located east and north of the Harmons commercial center, generally between Rachel Drive, Red Mountain Drive, and Pioneer Parkway. The easement areas proposed for vacation are shown on the attached Exhibit B maps as two separate segments.
- As part of the Vera/Cole West development and related public utility improvements, the existing sewer line is being relocated into a new public street alignment/right-of-way. Because the sewer infrastructure is being moved to a new alignment, the original easement is no longer intended to serve as the long-term location for the public sewer line. Council has already considered and approved the separate expenditure associated with the sewer relocation/upsizing work. The purpose of the current request is limited to approval of the abandonment/vacation of Ivins City's interest in the existing easement area.

FINDINGS AND ANALYSIS:

- Staff finds that abandonment of Ivins City's interest in the existing easement is appropriate because the public sewer facility is being relocated from the old alignment to a replacement alignment that will be located within public right-of-way and/or replacement easement. Vacating the old easement will remove an unnecessary encumbrance from the affected property while allowing the development and related public improvements to proceed in a manner that better reflects the new utility layout.
- Based on direction from the City Attorney, staff recommends that any approval be conditioned so that Ivins City's abandonment does not become effective until the related actions necessary to protect the City's sewer interests have occurred. Those conditions include Santa Clara City vacating its corresponding easement interest and Ivins City receiving a replacement easement, whether by separate document or on the recorded final plat for the new subdivision. Staff further recommends that the abandonment document not be recorded until those related steps have been completed, so there is no gap in the City's legal rights for access, operation, and maintenance of the relocated sewer line.
- Subject to completion of the required notice and public hearing process and satisfaction of the conditions above, staff supports approval of the easement abandonment because it transitions the

City from an outdated easement alignment to a replacement utility corridor that better matches the constructed public improvements and long-term maintenance needs.

- Planning Commission held a Public Hearing on 3/17/26 and recommends approval.

FINANCIAL IMPACT:

- The easement abandonment itself does not create a material direct fiscal impact to Ivins City. The separate cost associated with sewer relocation and upsizing was addressed under prior Council action and is not part of this request. Staff does not recommend charging an easement vacation fee in this instance due to the public benefit being provided through the developer's relocation of the sewer line and installation of the upsized public facility.

SUPPORT MATERIALS:

- Draft Termination Language and Exhibits

Respectfully Submitted:

Thomas Jorgensen
Public Works Director/City Engineer