

Moab City Council Agenda Item
Meeting Date: August 23, 2022

Title: Moab City Resolution No. 2022-23 Adopting the Extension of a Protection Strip Dedication

Staff Presenter: Carly Castle, City Manager

Attachments:

- Resolution No. 2022-23 Adopting the Extension of a Protection Strip Dedication
- Extension of Protection Strip Dedication
- Exhibit A—Original Property Strip Dedication

Possible Motion: I move to approve/deny/amend Resolution No. 2022-23 Adopting the Extension of a Protection Strip Dedication

Background/Summary:

The protection strip agreement in question was originally executed in 2010 between the City and the Preserve Subdivision. Historically the City produced this type of agreement as a cost recapture tool for developers where road improvements might benefit adjacent land parcels.

This 2010 agreement created two “protection strips,” Tracts A and B, that run parallel to the road on Byrd Avenue. The tracts are currently owned by the Preserve Developer but were set aside in this agreement so that adjacent property owners, who were not part of the subdivision, could pay the developer to procure legal access to Byrd Avenue and to the public utilities in the City’s right-of-way. In the agreement, the City gave the developer 12 years to convey the tracts to those adjacent property owners. After 12 years, if the tracts were not conveyed, the agreement provides that Tracts A and B would automatically vest to the City.

The original deadline for the developers to convey Tracts A and B expired in June 2022, but the Council agreed to a 90-day extension so that the developer could explore extension options with staff. After discussions with staff and counsel, the developer is proposing an additional 12-year extension to this agreement to provide additional time to recoup costs. The City has no legal obligation to provide this extension, but it is appropriate for Council to consider whether the City should give the Preserve Subdivision additional time to recoup infrastructure development costs.

If this extension is not granted, the tracts will vest to the City on September 8, 2022.