

CITY OF MOAB RESOLUTION NO. 43-2020
A RESOLUTION AUTHORIZING THE AGREEMENT BETWEEN THE CITY OF MOAB
AND ALEX MOAB PROPERTIES, LLC.

WHEREAS, Alex Moab Properties, LLC owns and operates the World Famous Woody's Tavern located at 221 South Main Street, Moab, Utah 84532 in Grand County with a tax parcel number of 01-0B07-0002 and with a legal description as stated in the Quit Claim Deed dated July 8, 2013 ("Property");

WHEREAS, The Property is located on the south side of Mill Creek. Mill Creek has been designated as a flood hazard area;

WHEREAS, In 1992, the City received an "Engineering Reconnaissance Study of the Mill Creek Flood Control Project: Downtown Moab Segment" ("1992 Study") which recommended improvements to the Mill Creek channel in the downtown area between 300 South and 100 West streets. "Reach B" of this 1992 Study encompassed Main Street to 200 East. Reach B is described as follows: "This is a short reach of approximately 200 feet between a tavern and a restaurant. A high vertical embankment exists on the south side of the creek near the tavern. The present embankment support consists of a light steel post and wire structure which is in poor condition. On the north side of the creek, a concrete retaining wall borders a parking lot." The 1992 Study contained five suggested improvements, (i) - (v.), for this reach. Apparently, only item (v.) was constructed;

WHEREAS, In 1998, the Utah Department of Transportation constructed a retaining wall and completed a bike and pedestrian path on the north side of Mill Creek. The 1998 plans did not contemplate work on the south side of Mill Creek;

WHEREAS, After the 1998 improvements, there was flooding of Mill Creek. The City of Moab attempted to address damage to the south side of Mill Creek due to this flooding by constructing fencing and other measures on Alex Moab Properties, LLC's property;

WHEREAS, On November 26, 2018, the City received the "Mill Creek Parkway Stream Stability Evaluation - Final Report" ("2018 Report") from Hansen, Allen & Luce, Inc. (Exhibit D.) The 2018 Report "performed an evaluation of stream stability along Mill Creek in the Mill Creek Parkway area." The 2018 Report states: ". . . a key structure is the existing retaining wall adjacent to Mill Creek that provides support to soils near Woody's Tavern (Tavern). The City is concerned that the retaining wall may not be stable long term and may be susceptible to flood damage." The 2018 Report also references the 1992 Study and states: "the study specifically references the Tavern (page 6) and notes that the southern Mill Creek embankment support 'consists of a light steel post and wire structure which is in poor condition.' This description is consistent with the structure that exists currently and may be an indication of how long the retaining wall has been in place;"

WHEREAS, The 2018 Report contains three alternatives to enhance the stability of Mill Creek adjacent to Alex Moab Properties LLC's Property ("Tavern Retaining Wall Solutions");

WHEREAS, the City of Moab and Alex Moab Properties, LLC. desire to outline their respective expectations and responsibilities regarding stream bank stabilization options.

NOW, THEREFORE, the City of Moab City Council authorizes Mayor Emily Niehaus to sign the agreement between the City of Moab and Alex Moab Properties, LLC.

PASSED AND APPROVED by a majority of the City of Moab City Council. This Resolution shall take effect immediately upon passage.

SIGNED:

DocuSigned by:

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Emily S. Niehaus, Mayor

10/27/2020

Date

ATTEST:



Sommar Johnson, Recorder

