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MEMORANDUM

TO: Midway City Planning Commission
FROM: Corbin B. Gordon
DATE: June 21, 2017
RE: Proposed agreement between Jura Holdings, Kelsons, Hills and Lundins

OUTLINE OF PROPOSED AGREEMENT

I met with Kent Buie, of Jura Holdings, LLC, Jeff Hill and Nora Lundin on June 20, 2017 to discuss issues regarding a secondary access out of the area involving Swiss Alpine Road and Bigler Lane. The Kelsons were not present. Michael Henke from the City was also present.

All four of the parties are currently in the approval process for either annexation into the city, or for subdivision of land already within the city. Collectively the four projects would add additional density to the area, creating concerns that Swiss Alpine Road is inadequate to deal with traffic in an emergency situation.

The current proposal is to connect Swiss Alpine Road to Bigler Lane, which would provide a secondary access to the area, thus addressing safety concerns.

In principle, the parties present agreed to the following:

1. The City would use previously collected impact fees to extend Bigler Lane in the length necessary to connect Bigler Lane to the proposed connector road off of Swiss Alpine Road, at no cost to the Developers.
2. As a condition of annexation approval, the Lundins would dedicate a strip of land 28 feet wide, extending from Swiss Alpine Road to where Bigler Lane will connect, for the purposes of a public road.
3. Jura Holdings, LLC, Midway Construction, LLC, and the Kelsons would each agree to pay approximately \$3,500 to \$4,500 per lot, for the installation of the road across the property dedicated by the Lundins.
4. The road would not require curb and gutter. It would be required to be 24 feet wide, with two foot shoulders, installed to city standards.

5. Each developer would be required to post a cash bond for their proportionate share of the road costs (based on the number of lots in their respective subdivisions) prior to receiving final plat approval.

RECOMMENDATION

I highly recommend that the Planning Commission give a positive recommendation for the proposal as it is above set forth. There is some question concerning the interpretation of Midway Code, and whether one of the developments has the legal right to provide two access points onto Swiss Alpine Road, without any need for additional road improvement.

Giving the proposed resolution a negative recommendation will likely lead to litigation of this issue. In my opinion this is not a fight either party wants to pick. The above proposal is fair, spreads the cost across all of the developers, and solves a decades old problem of having Swiss Alpine Road be the sole access to numerous homes in the area.

The Developers are being reasonable, and the agreement is only possible because each of them are proceeding forward at the same time. The agreement would not be possible if only one or even two of the developers were moving forward, meaning that the timing is perfect for a resolution that benefits all involved.

The terms will be set forth in a Development Agreement that will be signed by each of the parties. Additional details will likely be added, but in principle I do not foresee the primary terms of the agreement changing.