

## AGENDA ITEM # 6

<b>DATE:</b>	February 22, 2018
<b>SUBJECT:</b>	Provo City Corridor Preservation Application for Funds
<b>PREPARED BY:</b>	Jim Price
<b>BACKGROUND:</b>	<p>Provo City has applied for funds for advance purchase of ROW along the Lakeview Parkway Corridor. Because the property is not under immediate development pressure, the city cannot use planning and zoning powers to acquire it at this time, and use of CP funds to prevent development is not a consideration.</p> <p>The application is unusual due to the lack of the above; however, extenuating circumstances, as explained below, could make advance acquisition fiscally attractive and responsible. A representative of Provo City will explain this for TAC to consider, in addition to the following text from City Engineer Dave Graves:</p> <p><i>“The application is being submitted to purchase all of the right of way necessary to construct the road. The developer is not ready to dedicate any property at this time and has been looking to try and change the alignment of Lakeview Parkway. We are very concerned with this because we already have a final design for the road and are in the process of finalizing our 404 permit with the Corps of Engineers including any related environmental issues. By purchasing the entire alignment now, this will set the final road alignment to conform with the completed design and avoid any costly redesign expenses. We have had some discussions with the developer about their participation in the construction of the road when it is built in the future. They have indicated that they would be willing to put the equivalent cost of what the right of way dedication would be into the construction of the road. We believe that it is likely that between what the developer will pay and the City participation, that we could complete this section of Lakeview Parkway without having to come back and request additional funds from MAG.”</i></p> <p>The request meets all other policy requirements.</p> <p>Total request: \$1,809,257 CP Fund balance: \$13,800,000</p>
<b>STAFF RECOMMENDATION:</b>	<p>Although the situation is unusual, the use of corridor preservation funds would be appropriate. There are three main considerations:</p> <p>a.) Is this project of high enough priority to dedicate the requested funds?</p>

	<p>b.) Are the costs saved for the city in terms controlling the alignment of the future roadway, of redesign and re-application for the 404 permit, significant?</p> <p>c.) Should the city seek a signed agreement that commits the property owner to the costs of future improvements prior to approval?</p>
<b>SUGGESTED MOTION:</b>	Dependent upon prior action by TAC
<b>CONTACT PERSON:</b>	Jim Price 801-229-3848 jprice@mountainland.org
<b>ATTACHMENTS:</b>	Provo Corridor Preservation Application Provo Corridor Preservation Exhibit 'A' Provo Corridor Preservation Exhibit 'B'

**Mountainland Association of Governments**  
*Acting for and in behalf of*  
**Utah County Council of Governments**

**Local Corridor Preservation Fund**

**Application for Funds**

*Due to the limited amount of funds available, jurisdictions are strongly encouraged to exhaust other avenues for acquisition prior to applying for funds.*

**Before consideration of awarding funds can occur, following must be completed and submitted with this application:**

- 1) Documentation by applicant of prior use of all appropriate resources available to the highway authority to acquire property rights, including but not limited to: use of other local funds, exactions, increased setback requirements, or other planning and zoning tools.
- 2) Initial approach to property owner and obtaining a certified property appraisal.
- 3) Securing of a Willing Seller Certification document.

**Part 1: Use of Other Resources**

Discuss with MAG staff the efforts to obtain the property by planning and zoning powers, development incentive, donation, or other means prior to applying for these funds. Document these efforts

**Part 2: Initial Approach to Property Owner**

*Contact MAG staff prior to any discussions with the property owner of purchase price or commitments to purchase, and for any questions.*

DO NOT tender any offer to purchase the property interest at this time.

If the property owner agrees to consider selling, the applicant orders a property appraisal from a certified appraiser that is acceptable to both parties. For properties intended for future use by UDOT, the appraiser should be listed on the current UDOT Consultant Services Right of Way Services and Local Government Pool (<http://www.udot.utah.gov/main/uconowner.gf?n=14847302578685475>).

The costs of the appraisal can be reimbursed to the applicant only if the funding request is approved.

**Part 3: Application**

1. Applicant (city, Utah County, UDOT): [Provo City](#)
2. Contact Information: [David Graves, City Engineer](#)  
[Provo City Engineering Division](#)  
[1377 South 350 East Provo, Utah 84606](#)  
[Telephone: 801-852-6741](#)  
[Email: \[dgraves@provo.org\]\(mailto:dgraves@provo.org\)](#)
3. Provide information about the properties to be acquired:
  - a. Name of the current owner(s): [Ivory Development](#)
  - b. Address or location of the properties: [Approx. Lakeview Parkway from 2000 North to 1280 North, Provo, Utah](#)
  - c. Type of real property interest to be acquired: [fee title](#)
  - d. Total acreage or square footage: [609,269 square feet \(13.987 acres\)](#)
  - e. Describe the efforts to obtain the property by planning and zoning powers, development incentive, donation, or other means prior to applying for these funds. [The Developer understands Provo City Development Policy related street dedication and accommodating the approved street master plans. This application is an effort to preserve the master planned arterial corridor through this property prior to the formal development applications are submittal by the Developer. This alignment of Lakeview Parkway was finalized in 2011 and is on our master street plan as well as the MAG regional plan.](#)
  - f. Appraised value (Attach copy of appraisal reports) : [\\$1,789,131](#)
  - g. Total estimated costs of acquisition, including appraisal and appraisal review, acquisition agent fee, relocation costs, closing costs, and any other associated fees. [\\$20,126](#)
  - h. Total funds applying for - these should be no more than the appraised value plus traditional costs of acquisition in (g) above. [\\$1,809,257](#)
4. Which Eligible Corridor is the project located within or adjacent to? (see Corridor Preservation – Eligible Corridors map) [Lakeview Parkway](#)
5. Anticipated year or RTP phase to begin project roadway construction [2021](#)
6. Is the project listed on the applicant’s official master plan? [Yes](#)
7. Has the applicant begun or completed a relevant state or federal environmental study? [Yes](#)
  - a. Study results: [A preliminary jurisdictional determination has been completed by SWCA and was approved by the U.S. Army Corp of Engineers. A 404 permit application has been submitted and is currently going through the approval process.](#)
  - b. If not, is the applicant willing to conduct such a study?

8. Will the roadway be a UDOT or a local government facility? **The roadway will be a Provo City street.**

If the project will be a state facility and the applicant is a city or county, attach copies of:

Either

- a. Applicant's transportation right of way acquisition policy or ordinance.
- b. Applicant's access management policy relevant to the type of roadway to be constructed.

OR

- c. The executed Cooperative Agreement between the applicant and the Utah Department of Transportation governing right of way acquisition performed by the applicant for UDOT.

**NOTES** – 1) It is highly recommended that any purchases for a state facility be negotiated and finalized by UDOT Right of Way Division. 2) After funds are awarded but prior to any offer of purchase, UDOT and Utah County must execute a repurchase agreement specific to the property.

9. **Attachments:**

- c. Two 8" x 11" maps indicating the future roadway project extents and the location of the properties to be acquired, with detail showing parcel boundaries and anticipated right of way footprint
- d. Copy of appraisal report
- e. Copy of executed Willing Seller Certification.

**Submit one copy of the completed application and maps to:**

Corridor Preservation Application  
c/o Jim Price, AICP  
Mountainland Association of Governments  
586 East 800 North  
Orem, UT 84097

Electronic copies may be submitted by email to [jprice@mountainland.org](mailto:jprice@mountainland.org)

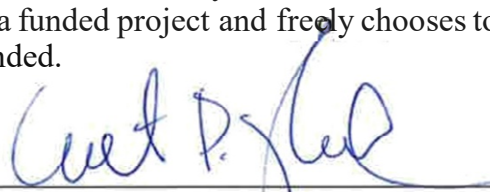
## VOLUNTARY ACQUISITION Certification

Owner Name: Ivory Development

Utah County Parcel ID#: 190420016.190420012

Provo City is interested in voluntarily acquiring your property at Lakeview Parkway from 2000 North to 1280 North for the Lakeview Parkway & Trail Project. Although Provo City possesses eminent domain authority to acquire property, we will not pursue acquisition by eminent domain in the event you are not interested in selling your property, or if we cannot reach a voluntary agreement for the purchase of your property.

In accordance with the Uniform Relocation Assistance and Real Property Acquisition Policies Act (URA), owner-occupants who move as a result of a voluntary acquisition, are not eligible for relocation assistance. Property Owner understands and acknowledges that if (s)he waited for the funded project, (s)he would be eligible for relocation benefits pursuant to 49 CFR 24. By signing below, the Property Owner understands and acknowledges that (s)he is not entitled to any relocation benefits for the voluntary purchase of the property in advance of a funded project and freely chooses to sell the property to Provo City before the project is funded.

  
\_\_\_\_\_  
Signature of Property Owner

11/1/17  
\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature of Property Owner

\_\_\_\_\_  
Date



To view Provo Corridor Preservation Map go to  
[https://mountainland.org/articles/minutes/Regional\\_Planning/2018/2018\\_03\\_01](https://mountainland.org/articles/minutes/Regional_Planning/2018/2018_03_01)

## **6- Provo Corridor Preservation Map**