



STAFF REPORT

DATE: May 31, 2022

TO: Honorable Mayor and City Council

FROM: John Penrod, City Attorney

SUBJECT: CONSIDERATION OF A SECOND JOINT RESOLUTION OF THE CITY AND NEBO SCHOOL DISTRICT REGARDING PROPERTY EXCHANGES AND CONSTRUCTION OF IMPROVEMENTS BETWEEN THE TWO ENTITIES.

RECOMMENDED MOTIONS

Motion to approve the Second Joint Resolution No. ____ that approves property exchanges and construction of improvements between Springville City and the Nebo School District as part of the new Springville High School campus.

EXECUTIVE SUMMARY

The Nebo School District is building a new Springville High School that will be completed by 2026. The City and District have been working together to develop a Campus Site Plan that will include the new high school and surrounding City property. On March 2, 2021, the City Council passed the first Joint Resolution that described the property exchanges and construction of improvements for the Campus Site Plan.

Since March 2021, the Campus Site Plan has changed significantly, with the biggest change being that the new high school is now planned to be constructed north of the current high school, instead of where the City's Bird Park is located. The proposed Second Joint Resolution is to establish the new property and improvement exchanges between the City and District.

FOCUSED OF ACTION

Is the Second Joint Resolution between the City and the School District in the best interest of the City?

BACKGROUND

The Nebo School District is planning to start construction in 2024 on a new Springville High School, with a projected completion date of 2026. The City and District have historically shared use of each entities' properties in and around the current SHS. As directed by the City Council, the staffs of the City and District have been working together to help make the new SHS campus and surrounding City properties the best overall campus site for Springville residents and SHS students.

In addition to working towards the best overall campus site plan, City and District staffs have worked toward a fundamentally fair exchange of properties and construction of improvements. In March 2021, the City and School District entered into a Joint Resolution that described how properties would be exchanged, improvements constructed and the overall campus site plan finalized.

Since March 2021, the City and School District's staffs have been working towards the goal of making the Campus Site Plan the best for both entities. The result has led to significant changes. The new high school building has moved from Bird Park to a location north of the current high school. This has allowed for a better street layout and overall site plan.

DISCUSSION

The most recent Campus Site Plan for the new SHS and surrounding City properties is shown on the Campus Site Plan, which is attached to the proposed Second Joint Resolution. A summary of the details regarding property exchanges and improvements in the Second Joint Resolution and shown on the site plan is as follows:

- **Property Exchanges.** The parties will receive property as follows:
 - The District will receive approximately 10.88 acres of property, which will include the east softball field (2.08 acres) and the Spring Acres Park (8.6 acres). The City will retain the trail on the north side of Hobble Creek in Bird Park.
 - The City will receive approximately 17.3 acres of property, which will include the hillside property shown in blue on the Campus Site Plan (4.4 acres), the north green property (6.65 acres) and the south green property (3.0 acres). The City will also receive approximately 1.45 acres of property near Memorial Park and approximately 1.85 acres of property immediately east of the CRC. The City will also receive ownership of the Oakridge building.
- **Improvements.** All of the properties the City will receive that are shown on the Campus Site Plan will be improved. The City's pony and softball field will also be reconstructed. The full list of improvements the City will receive are attached to the Second Joint Resolution.

The parties agree that the property exchanges and improvements listed in the Second Joint Resolution achieves fundamental fairness, and all such property exchanges and improvements will happen no matter the costs of the improvements.

The resolution also includes a provision that allows the District's and City's staffs to continue to work together to further finalize the Campus Site Plan design and address any unforeseen necessary changes.

ALTERNATIVES

The Council could choose to deny the Second Joint Resolution and provide guidance to staff regarding how the Council wants to move forward.

FISCAL IMPACT

None at this time. The City could incur future costs as part of the entire transaction should the City decide to add substantial betterments above what it is listed in the proposed resolution. The City will also receive the Oakridge School Building, which could be very financially beneficial to the City.

Attachments: Proposed Second Joint Resolution

RESOLUTION #2022-XX

THIS IS THE SECOND JOINT RESOLUTION OF THE SPRINGVILLE CITY COUNCIL AND THE BOARD OF EDUCATION OF NEBO SCHOOL DISTRICT ESTABLISHING BOTH ENTITIES' INTENTIONS REGARDING THE CONSTRUCTION AND PROPERTY TRANSACTIONS FOR THE NEW SPRINGVILLE HIGH SCHOOL CAMPUS AND SURROUNDING SPRINGVILLE CITY PARK PROPERTIES.

WHEREAS, on March 2, 2021, the Springville City Council and, on March 10, 2021, the Board of Education of Nebo School District adopted a Joint Resolution (the "First Joint Resolution," attached as Document A) wherein:

- (1) Springville City ("City") and the Nebo School District ("District") agreed to exchange certain properties and share equally in the costs of constructing Red Devil Drive;
- (2) District agreed to construct new City park improvements at District's sole cost; and
- (3) City and District agreed to work together to design the Campus Site Plan to ensure that both entities' desired needs are addressed and the final site plan meets the best interests of District and City; and

WHEREAS, District and City have been working together on the design of the Campus Site Plan, which has significantly changed since the date of the First Joint Resolution; and

WHEREAS, the most current Campus Site Plan is attached as Document B and is the site plan mutually agreed to by the parties, with the understanding that the parties will work towards implementing the Campus Site Plan, knowing that there may be minor revisions to it as the development process moves forward; and

WHEREAS, this Second Joint Resolution is to outline City's and District's understanding of the:

- (1) Campus Site Plan;
- (2) property the two parties will exchange, and
- (3) replacement improvements built by District for City; and

WHEREAS, after considering the facts, comments and recommendations presented to the City Council and the Board of Education, the two elected bodies find that this Second Joint Resolution is in the best interests of District and City and will further the health, safety, and general welfare of the citizens of City and the students, parents, employees, and patrons of District.

NOW, THEREFORE, be it resolved by the Springville City Council and the Board

of Education of Nebo School District, as follows:

SECTION 1: CAMPUS SITE PLAN, PROPERTY EXCHANGE, PARK IMPROVEMENTS, RED DEVIL DRIVE AND DESIGN.

- A. Campus Site Plan. District and City agree to move forward with the Campus Site Plan attached as Document B, with the understanding that as development continues to move forward there may still need to be adjustments to the Campus Site Plan based on unforeseen circumstances not known at this point in the process and desired revisions by the parties. Even though City and District have worked closely together on the Campus Site Plan, the site plan has not yet been submitted to Springville City for site plan and subdivision approval, which approval processes may require further changes to the Campus Site Plan. The parties commit to continue to work together to ensure that any required changes to the Campus Site Plan will result in property exchanges and responsibilities for constructing City park improvements as described in City's Resolution attached to Document A.
- B. Property Exchange. The properties to be exchanged between District and City are listed on Document C.
- C. Park Improvements. The replacement park improvements that District shall construct at District's sole cost for City are listed on Document D. The replacement park improvements shall be new improvements and paid for by the District no matter the cost. Both parties will work together on the design of the improvements.
- D. Red Devil Drive. The street on the Campus Site Plan labeled "Red Devil Drive" is a new street that provides access to the new high school and City's new parks. District and City agree to share equally in the costs for designing and constructing Red Devil Drive as shown on the Campus Site Plan.
- E. Design. The parties agree that they will continue to work together with respect to any further design needs of the Campus Site Plan to ensure that both of their desired needs are addressed and the end product is in the best interests of District and City residents.

SECTION 2: FINALIZING CAMPUS SITE PLAN.

- A. Fundamental Fairness. City and District have developed a spread sheet/balance sheet (the "Balance Sheet") showing the costs associated with the exchange of properties and construction of improvements described in this Second Joint Resolution (the "Property Exchanges/Improvements"). Based on the Balance Sheet, the parties agree that the Property Exchanges/Improvements achieve fundamental fairness and equity between the parties. Both parties expressly

understand and agree that the Balance Sheet was created using 2020 construction costs to determine fundamental fairness and that actual construction cost in 2024 or later will more than likely be higher. Differences in actual construction costs do not impact the fundamental fairness analysis.

- B. Finalizing the Campus. In accordance with the parameters and provisions of this Second Joint Resolution, City and District hereby direct its respective administrative staffs to work together in finalizing the Property Exchanges/Improvements, including making any necessary adjustments based on Campus Site Plan revisions agreed to by both parties. Once the Campus Site Plan and the Property Exchanges/Improvements are finalized, and if nothing substantially changes between now and on the final Campus Site Plan and the Property Exchanges/Improvements, City and District's officials and staffs are authorized to enter into any needed agreements and sign any required documents, including, but not limited to, deeds and plats to complete the Property Exchanges/Improvements.

SECTION 3: APPROVAL. City and District have both presented this Second Joint Resolution to the entities' respective elected bodies in a properly noticed and held open public meeting, and both elected bodies have voted to approve this Second Joint Resolution.

SECTION 4: This Second Joint Resolution shall take effect immediately.

END OF RESOLUTION

PASSED AND APPROVED on the ____ day of June 2022, by the Springville City Council, and on the ____ day of June 2022, by the Board of Education of Nebo School District.

Springville City

Matt Packard, Mayor

ATTEST:

Kim Crane, City Recorder

Nebo School District

Christine Riley, Board President

Michael Harrison, Business Administrator

DOCUMENT A
First Joint Resolution

DOCUMENT B

Campus Site Plan



DOCUMENT C

Property Exchange

Property to District (10.68 acres). As shown on the Campus Site Plan, City plans to deed to District the following properties in the approximate amounts of property listed:

- Yellow Property (Spring Acres Park - 8.6 acres)
- Purple Property (East Softball Field (2.08 acres)

City shall maintain the property immediately adjacent to Hobble Creek south of the east softball field where City currently has a trail with a tree canopy.

Property to City (17.3 acres, which includes 4.4 hillside acres). District plans to deed to City the following properties in the approximate amounts of property listed:

As shown on the Campus Site Plan:

- Blue Property (4.4 acres)
- North Green Property (6.65 acres)
- South Green Property (3.0 acres)

Property that's not shown on the Campus Site Plan:

- Memorial Park (1.45 acres)
- Meadow Brook Elementary (1.85 acres)

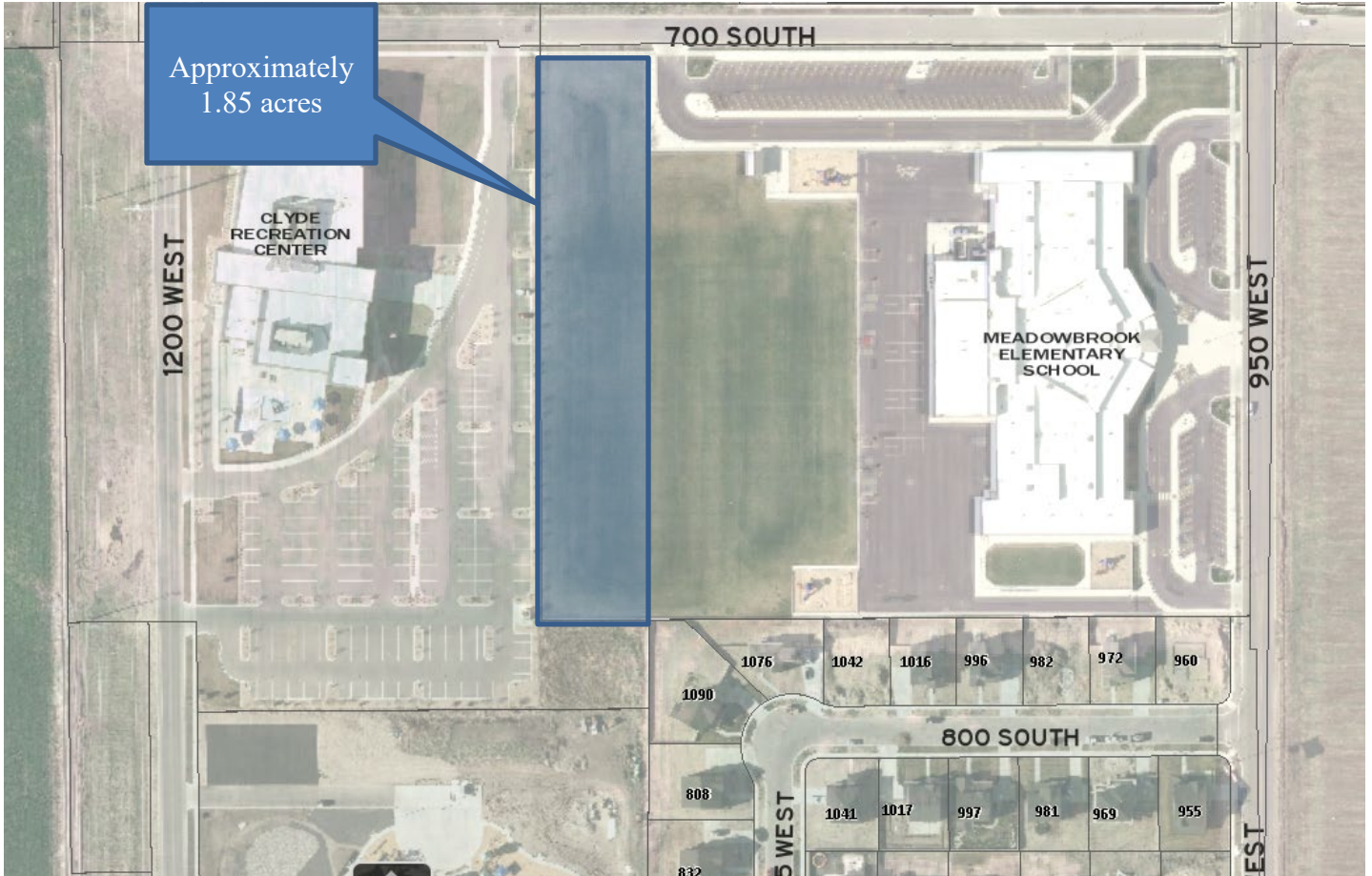
DOCUMENT C-1

Memorial Park Property



DOCUMENT C-2

Meadow Brook Elementary School Property



DOCUMENT D

Park Improvements

District shall construct the below listed improvements at District's sole cost. All improvements must be approved by City prior to installation and at time of completion for the improvements to be considered to meet the requirements of this Second Joint Resolution.

- City Pony and Softball Fields.
 - Pony Field. City's pony field shall be reconstructed to include new:
 - Diamond infields and grass turf outfields
 - Fencing for backstops and dugouts
 - Lights for night playing
 - Electronic scoreboards
 - All concrete associated with the field
 - Softball Field. City's west softball field shall remain under the ownership of City and shall be reconstructed to include new:
 - Diamond infields and grass turf outfields
 - Fencing for backstops and dugouts
 - Lights for night playing
 - Electronic scoreboards
 - All concrete associated with the field
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 - Snack Shack. District shall pay \$150,000 towards renovating the snack shack.
 - Open Grass. Located around the pony and softball diamonds.
 - Grass turf, trees and irrigation covering the entire parcel
 - Lights for night playing and activities
- North Green Property. Improvements:
 - Grass turf, trees and irrigation covering approximately 5.15 acres
 - Conduit for lights to light up the property for night recreation activities
 - A 1.5-acre parking lot.
- South Green Property. Improvements:
 - Grass turf, trees and irrigation covering approximately 0,56 acres of the property
 - Two Tennis Courts
 - A 0.75 acres parking lot
 - City will take ownership of the Oakridge School building