

# Cedar City

10 North Main Street • Cedar City, UT 84720  
435-586-2950 • FAX 435-586-4362  
www.cedarcity.org

**Mayor**  
Garth O. Green

**Council Members**  
Terri W. Hartley  
Craig E. Isom  
W. Tyler Melling  
R. Scott Phillips  
Ronald Riddle

**City Manager**  
Paul Bittmenn

**REDEVELOPMENT AGENCY WORK MEETING**  
**SEPTEMBER 20, 2023**  
**5:30 p.m. or as soon thereafter as the meeting is called**

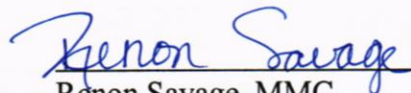
The Cedar City Redevelopment will be held Council Chambers at the City Office, 10 North Main Street, Cedar City, Utah, at 5:30 p.m. or as soon thereafter as the meeting is called.

I. Call to Order

II. Business Agenda

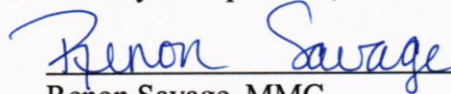
1. Public hearing to consider an ordinance vacating an RDA-owned city right-of-way located at 60 South Main Street. Steve Nelson/Randall McUne
2. Public hearing to consider an ordinance vacating an RDA-owned city power line easement located at 60 South Main Street. Steve Nelson/Randall McUne
3. Consider bids for the South Main Street Lighting Project Phase 1. Jonathan Stathis

Dated this 18<sup>th</sup> day of September 2023.

  
Renon Savage, MMC  
City Recorder

**CERTIFICATE OF DELIVERY:**

The undersigned duly appointed and acting recorder for the municipality of Cedar City, Utah, hereby certifies that a copy of the foregoing Notice of Agenda was delivered to the Daily News, and each member of the governing body this 18<sup>th</sup> day of September, 2023.

  
Renon Savage, MMC  
City Recorder

Cedar City Corporation does not discriminate on the basis of race, color, national origin, sex, religion, age or disability in employment or the provision of services.

If you are planning to attend this public meeting and, due to a disability, need assistance in accessing, understanding or participating in the meeting, please notify the City not later than the day before the meeting and we will try to provide whatever assistance may be required.

REDEVELOPMENT AGENCY

AGENDA ITEMS – 142

TO: Mayor and City Council  
FROM: City Attorney  
DATE: September 18, 2023  
SUBJECT: Request to vacate power line easement and an unused right of way at approximately 60 S Main Street.

DISCUSSION:

Pursuant to the Planning Commission's discussion to vacate a power line easement and a right of way at approximately 60 S Main, the two attached ordinances were prepared. The easement and right of way, listed in the attached ordinances and shown on the attached map, interfere with the intended construction of a hotel that has been working its way through the City's process for approval. The right of way is not currently used. The power line easement is currently in use, and, if the request to vacate the easement is granted, then that vacation should be held contingent upon the establishment of an alternate easement and necessary construction and connection of the replacement power line, effectively moving the easement to a location convenient to the property owner and the City.

These proposed changes are consistent with the desires of the property owners, and City staff have no objection. The Planning Commission gave a **positive** recommendation to both requests. Please consider whether to pass these ordinances vacating the current power line easement and unused right of way.



3 PUBLIC HEARING

Vacate Road Right of Way approx. 60 S. Main Nelson/Ensign Engineering  
(Recommendation)

**Josh Nowell:** What we would like to do, if you are familiar with downtown, in this particular block, there is a lot going on there, or was as far as with easements and right of ways, and access. There is an access right of way easement which goes into where our hotel will be built. This right of way was to access power easement, which when Guidance bought this piece of property, all those easements were bought with it so he owns all of those now they were vacated by I believe the city. This access to that and these power poles the poles are going to be taken down and power is being re routed around, its all going to be different now. And this easement falls right over the top of where the hotel is going to be built. Larger one is right of way. There are some boxes that supply power to a light pole, which I believe that is a city owned pole which will be rerouted, not sure where it is going to go yet, but what we are asking is we vacate the right of way, we do away with this easement, and we will grant a new easement to the power where ever it is ran and access to the light pole on the property.

**Jonathan:** Only concern was to make sure we get a new easement in place to provide power to the streetlight. Recommendation made to City Council would be contingent on getting the new easement in place.

**Isom:** We don't have any issue with the road right of way, just the one easement.

**Jonathan:** I am not sure exactly why there was a right of way put in place there.

**Steve Nelson:** Collage Ave used to be a city road, and that would have granted them to be able to get to the middle of the middle of block. When city vacated College Ave. they put in the other one so they could still get to power pole. That is the history, now all the power poles will be going underground. There will be no utility whatsoever for the city to have that.

Public Hearing opened.

Public Hearing closed.

**Craig Isom moves for positive recommendation to vacate road right of way at approx. 60 S Main Street**

**Carter Wilkey seconds, All in favor for a unanimous vote.**

4 Vacate Easement approx. 60 S. Main Nelson/Ensign Engineering

(Recommendation)

**Steve Nelson:** Clarification, until they know exactly where that power comes in, and where exactly is the best place to run it, we just don't want that easement forced until it is the logical time to do it and not hold up the building permit. As long as we get in place prior to the completion of the project.

**Jonathan:** Talking to city surveyor, that is a good way to do it because we don't know exactly where that power will be run. I am going to look to legal.

**Randall:** You can build on an easement, but you take a risk, that in the end we can't come to an agreement for the location. I would be surprised in the downtown area if we can't come to an agreement on it. But you could take that potential risk. I don't have a problem with it. If we all know from our end that it would be easier to let you get that far along, I don't know why we would hold you up.

**Steve Nelson:** I will carry that on, it has nothing to do with the city, but there is a discussion we are working on with Century Link to eliminate that doesn't have anything in it as well. So I hope that that argument still holds true that we can get a building permit since we are the ones taking the risk, not the city.

**Jonathan:** The way the timing would work is the existing easement would stay in place, and the vacating ordinance would not be recorded until such time as we can get the new easement in place. It will just become more of a timing issue. Is that how you see it Randall?

**Randall:** Basically I would look at it similar as we do with recording a plat, as long as it gets through the approvals with the planning commission and council I think we would be comfortable on our end allow it to go forward, they just wouldn't be allowed to occupy it until we make sure everything is lined up I don't have a problem with that as long as we know we have our approval lined up before that happens.

**Craig Isom motions for a positive recommendation to vacate contingent on replacement easement in place, Jennifer Davis seconds, all in favor for a unanimous vote.**

**CEDAR CITY REDEVELOPMENT AGENCY ORDINANCE NO. 0927-23**  
**AN ORDINANCE OF THE CEDAR CITY REDEVELOPMENT AGENCY VACATING**  
**RDA RIGHT OF WAY AT APPROXIMATELY 60 S MAIN STREET**

**WHEREAS**, this RDA-owned right of way is located at approximately 60 S Main Street in Cedar City, Utah; and

**WHEREAS**, the right of way is located within the property lines of the Petitioner property and is more particularly described in the below legal description; and

**WHEREAS**, the Petitioner of the right of way vacation needs the right of way removed to begin construction of the intended hotel on the property; and

**WHEREAS**, Cedar City staff from the departments of Public Works, Engineering and Legal have reviewed the proposal and find the requested right of way vacation appropriate as the right of way is no longer used or needed; and

**WHEREAS**, the Cedar City Planning Commission has reviewed the proposal and provided a positive recommendation; and

**WHEREAS**, prior to holding a public hearing before the Cedar City Council public notice has been published in accordance with the applicable provisions of the Utah Municipal Land Use Development and Management Act; and

**WHEREAS**, after receiving public input during the public hearing, if any, the Cedar City Council determines, in accordance with UCA §10-9a-609.5, that good cause exists to vacate the right of way as contained in the below legal description, and that no material injury to any person or the public interest will occur by the proposed vacation of the right of way.

**NOW THEREFORE BE IT ORDAINED** by the Redevelopment Agency of Cedar City, State of Utah that the right of way is hereby vacated as more particularly described as follows:

**EXISTING PUBLIC RIGHT OF WAY TO BE VACATED**

Beginning North, 90.00 ft from the S.E. corner of Lot 13, Block 25, Plat B, Cedar City Survey; thence West, 189.00 ft; thence North 25.00 ft; thence East, 189.00 ft; thence South, 25.00 ft to the point of beginning.

**RDA Vote:**

Green -  
Hartley -  
Phillips -  
Melling -



Riddle –

This ordinance, Cedar City Redevelopment Agency Ordinance No. 0927-23 shall become effective immediately upon passage and publication as required by State Law.

Dated this \_\_\_\_\_ day of September, 2023.

BY: \_\_\_\_\_  
CRAIG ISOM, CHAIRPERSON

ATTEST:

\_\_\_\_\_  
R. SCOTT PHILLIPS, SECRETARY

**CEDAR CITY REDEVELOPMENT AGENCY ORDINANCE NO. 0927-23-1**

**AN ORDINANCE OF THE CEDAR CITY REDEVELOPMENT AGENCY VACATING  
RDA POWER LINE EASEMENT AT APPROXIMATELY 60 S MAIN STREET**

**WHEREAS**, this RDA-owned power line easement (easement) is located at approximately 60 S Main Street in Cedar City, Utah; and

**WHEREAS**, the easement is located within the property lines of the Petitioner property and is more particularly described in the below legal description; and

**WHEREAS**, the Petitioner of the easement vacation needs the easement moved to begin construction of the intended hotel on the property; and

**WHEREAS**, Cedar City staff from the departments of Public Works, Engineering and Legal have reviewed the proposal and find the requested easement vacation appropriate as long as a reasonable alternative easement is provided and the power line moved or reinstalled at the new location; and

**WHEREAS**, the Petitioner will provide and utilize another easement for the City's power line;

**WHEREAS**, local utility providers are not using this easement, only the City; and

**WHEREAS**, the Cedar City Planning Commission has reviewed the proposal and provided a positive recommendation; and

**WHEREAS**, prior to holding a public hearing before the Cedar City Council public notice has been published in accordance with the applicable provisions of the Utah Municipal Land Use Development and Management Act; and

**WHEREAS**, after receiving public input during the public hearing, if any, the Cedar City Council determines, in accordance with UCA §10-9a-609.5, that good cause exists to vacate the easement as contained in the below legal description, and that no material injury to any person or the public interest will occur by the proposed vacation of the easement.

**NOW THEREFORE BE IT ORDAINED** by the Redevelopment Agency of Cedar City, State of Utah that the public utility easement is, contingent upon the Petitioner installing the power line in a reasonable alternative easement, hereby vacated as more particularly described as follows:

**EXISTING EASEMENT TO BE VACATED**

Twenty (20) feet wide during the construction phase (10 feet to each side of the below described center line) and ten (10) feet wide (5 feet to each side of the below described center line) after construction is completed. The easement is more particularly described as follows: Beginning at a point S 0°51'00" E, 360.78 ft. along the centerline of 100 West Street and East 345.57 ft. from the monument at the center intersection of 100 West and Center Street, Plat B, Cedar Townsite Survey; said point of beginning being an existing power pole; thence S 80°30'20" E, 102.29 ft. to the East line of Block 25, Said Plat B and point of ending.

**RDA Vote:**

Green -  
Hartley -  
Phillips -  
Melling -  
Riddle -

This ordinance, Cedar City Redevelopment Agency Ordinance No. 0927-23-1 shall become effective immediately upon passage and publication as required by State Law.

Dated this \_\_\_\_\_ day of September, 2023.

BY: \_\_\_\_\_  
CRAIG ISOM, CHAIRPERSON

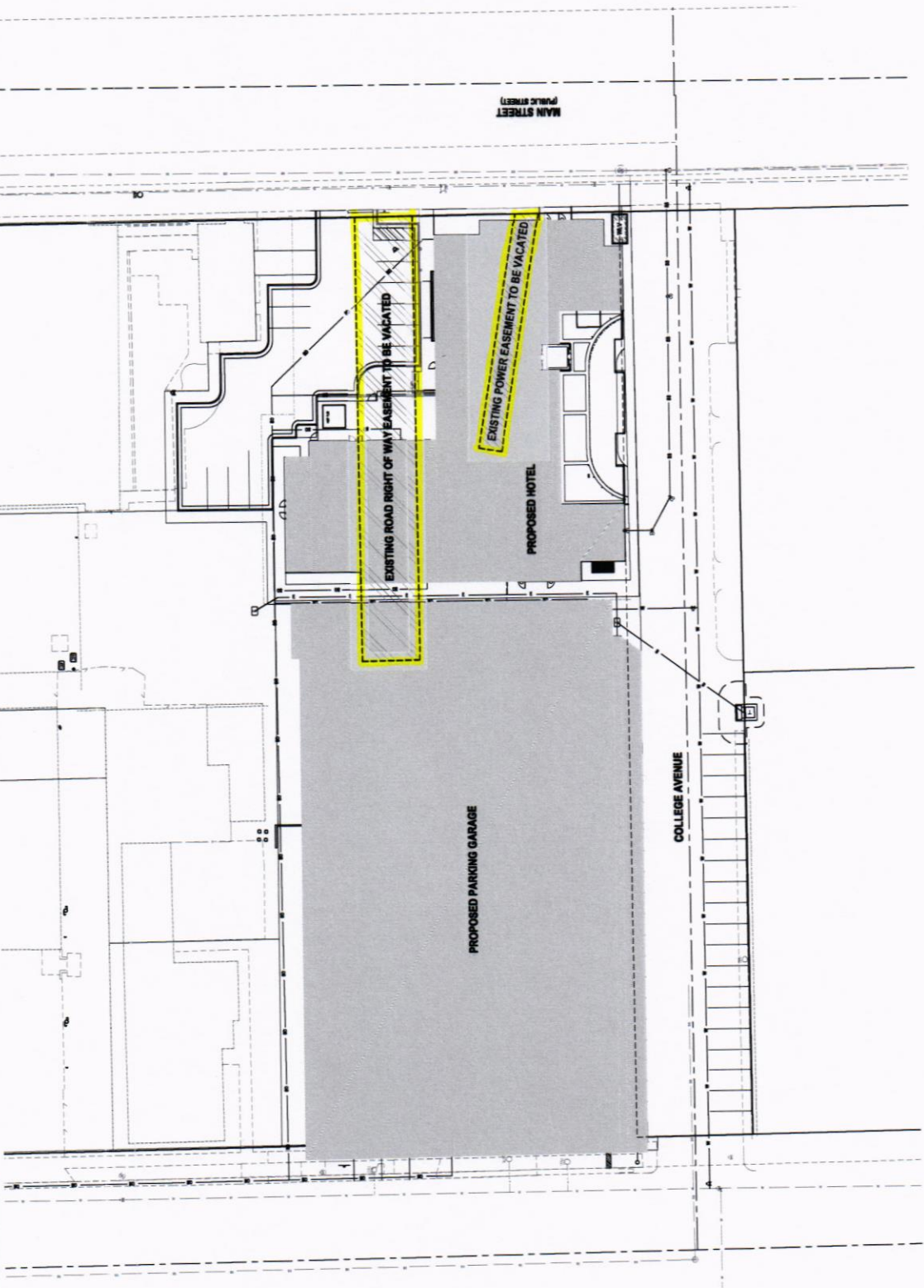
ATTEST:

\_\_\_\_\_  
R. SCOTT PHILLIPS, SECRETARY









**811**  
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FOR THE IDENTIFICATION OF  
UNDERGROUND UTILITIES  
BEFORE ANY CONSTRUCTION.

**UTAH STATE**  
DEPARTMENT OF HERITAGE  
AND ARTS

**CEDAR CITY  
CITY COUNCIL AGENDA ITEM 3  
STAFF INFORMATION SHEET**

**To:** Redevelopment Agency  
**From:** City Engineer  
**Council Meeting Date:** September 20, 2023  
**Subject:** Consider bids for the South Main Street Lighting Project Phase 1.

**Discussion:** This project is the first phase of installing street lights along South Main Street with funding that is currently in place in the RDA fund. This phase involves starting at approximately 800 South and continuing south with new street lights on both sides of Main Street.

Local contractors and suppliers were notified of this project via email, advertisement in the Spectrum newspaper, and on the City's website. The bid documents were requested by 10 contractors, 4 suppliers, and 4 plan rooms. Cedar City received one (1) bid for the project. The following table shows a summary of the bids that were received.

<b>South Main Street Lighting Phase 1</b>	
<b>Bid Summary</b>	
<b>Contractor</b>	<b>Bid</b>
<b>Doug Hunt Construction, Inc.</b>	<b>\$440,110.00</b>

If this bid is awarded it would be on the condition that the Contractor provides the required executed bonding, insurance documents, immigration status verification, and that the Mayor be authorized to sign the agreement with the Contractor.

The bid for this project came in over budget. The table on the next page provides a summary of the proposed budget for this project:



**South Main Street Lighting Project Phase 1  
Project Funding  
(Account #57-40-730)**

	<u>Funding</u>	<u>Expenses</u>	<u>Balance</u>
<u>Funding</u> –			
RDA Fund – Account #51-40-722	\$350,000		
 <u>Expenses</u> –			
Construction Contract Phase 1		(\$440,110)	
Materials Testing		(\$2,200)	
Misc./Contingency		(\$20,000)	
 Totals –	 <b>\$350,000</b>	 <b>(\$462,310)</b>	 <b>(\$112,310)</b>

The bid scope of the 1<sup>st</sup> phase was to install 13 new street lights from approximately 800 South (Taco Time) to 990 South (Boulevard Home Furnishings).

To stay within budget, the scope of the project would need to be reduced to approximately 8 street lights from 800 South (Taco Time) to just south of Fir Street at 943 South (Doughnutville). This first phase includes additional work such as new metering and a conduit boring across Main Street. With this infrastructure in place, future phases should be able to install more lights with the available funds.

Also, since only one bid was received, we are working with the contractor to see if there's any other savings that could be made in order to install additional street lights with Phase 1. Further information will be provided by staff at the RDA work meeting.

**Bid Tabulation**

**Project: South Main Street Lighting improvements Phase 1**

**Bid Date: Friday, September 15, 2023 @ 2:00 PM**

Item	Description	Unit	Estimated Quantity	Doug Hunt Construction Inc	
				Unit Price	Amount
1	Mobilization	L.S.	1	\$ 32,000.00	\$ 32,000.00
2	Traffic Control	L.S.	1	\$ 15,000.00	\$ 15,000.00
3	Surveying/Layout	L.S.	1	\$ 7,500.00	\$ 7,500.00
4	Remove Concrete Sidewalk	Sq. Ft.	504	\$ 6.00	\$ 3,024.00
5	Construct 4" Concrete Sidewalk	Sq. Ft.	504	\$ 14.00	\$ 7,056.00
6	Remove Existing Light Pole	Each	2	\$ 1,350.00	\$ 2,700.00
7	Relocate Existing Light Pole (A5)	Each	1	\$ 1,350.00	\$ 1,350.00
8	Provide and Install Meter Base & Power Supply	Each	2	\$ 2,050.00	\$ 4,100.00
9	Provide and Install Street Light (A1)	Each	1	\$ 9,760.00	\$ 9,760.00
10	Provide and Install Street Light (A2)	Each	1	\$ 9,760.00	\$ 9,760.00
11	Provide and Install Street Light (A3)	Each	1	\$ 9,760.00	\$ 9,760.00
12	Provide and Install Street Light (A4)	Each	1	\$ 9,760.00	\$ 9,760.00
13	Provide and Install Street Light (C1)	Each	1	\$ 9,760.00	\$ 9,760.00
14	Provide and Install Street Light (C2)	Each	1	\$ 9,760.00	\$ 9,760.00
15	Provide and Install Street Light (C3)	Each	1	\$ 9,760.00	\$ 9,760.00
16	Provide and Install Street Light (D1)	Each	1	\$ 9,760.00	\$ 9,760.00
17	Provide and Install Street Light (D2)	Each	1	\$ 9,760.00	\$ 9,760.00
18	Provide and Install Street Light (B1)	Each	1	\$ 9,760.00	\$ 9,760.00
19	Provide and Install Street Light (D3)	Each	1	\$ 9,760.00	\$ 9,760.00
20	Provide and Install Street Light (B2)	Each	1	\$ 9,760.00	\$ 9,760.00
21	Provide and Install Street Light (D4)	Each	1	\$ 9,760.00	\$ 9,760.00
22	Provide and Install Streetlight Junction Box	Each	13	\$ 1,000.00	\$ 13,000.00
23	Provide and Install 2-Inch Conduit & Directional Bore	Feet	2,960	\$ 50.00	\$ 148,000.00
24	Landscape Restoration	L.S.	1	\$ 7,500.00	\$ 7,500.00
25	UDOT Encroachment Permit	L.S.	1	\$ 5,000.00	\$ 5,000.00
25.1	Remove and Replace 30-inch Type "A" Curb and Gutter as needed for conduit installation per Cedar City Detail C1	L.F.	200	\$ 120.00	\$ 24,000.00
25.2	Remove and Replace 6-inch thick reinforced concrete driveway including drivable sidewalk per Detail C3.	S.F.	200	\$ 40.00	\$ 8,000.00
25.3	Remove and Replace 7-inch thick UDOT Specified Asphalt Mix including seal coat. All work within the UDOT right-of-way must be done according to UDOT requirements. All materials for this bid item must be furnished and install by the contractor.	S.F.	500	\$ 48.00	\$ 24,000.00
25.4	Remove and Replace 2.5-inch thick Asphalt Mix including seal coat for commercial drives/parking areas. All materials for this bid item must be furnished and install by the contractor.	S.F.	500	\$ 22.00	\$ 11,000.00
<b>Total Amount =</b>					<b>\$440,110.00</b>