



Memo

To: Mayor and Hayden City Council

From: Alan Soderling, P.E., Public Works Director

Date: 4-4-2024

Agenda Item: Hayden Meadows Elementary Route Project – Property Use Agreement with Robert W. and Kathryn C. Bolam

Agenda Item Location

Consent Calendar

Recommended Action or Motion

City Staff recommends the approval and authorization of the Mayor to sign the Property Use Agreement with Robert and Kathryn Bolam for the Hayden Meadows Elementary Route Project.

Summary

The Hayden Meadows Elementary Pedestrian Route has been a high priority pedestrian safety project for many years. This project is identified in both the City's Transportation Plan and the KMPO Non-Motorized plan. The City had applied for funding several times before being awarded Child PED Safety funds through LHTAC earlier this year. This Property Use Agreement is with Robert W. and Kathryn C. Bolam for the property at parcel number H-3300-001-025-0 in Hayden, Idaho. This easement is necessary for construction of the pedestrian project.

Fiscal Impact

This agreement is only to allow temporary access to construct the project. There is no cost attached with this agreement, therefore, there is no fiscal impact for this agreement.

Budget Funding Source / Transfer Request

Not Applicable for this agreement

Attachment

Property Use Agreement with Robert W. and Kathryn C. Bolam for the Hayden Meadows Elementary Route Project.

PROPERTY USE AGREEMENT

This PROPERTY USE AGREEMENT, is made this 8 day of February, 2024 by and between Robert W. and Kathryn C. Bolam ("OWNERS"), 9575 N. Finucane Drive, Hayden, ID 83835 and the City of Hayden, ("CITY"), a Political Subdivision of the State of Idaho, 8930 N. Government Way, Hayden, Idaho 83835 and CITY and OWNERS may be referred to individually as "PARTY" or collectively as "PARTIES."

WHEREAS, the CITY intends to construct the Hayden Meadows Sidewalk project ("PROJECT") on the south side of Hayden Avenue across the frontage of the OWNER's property, which will require temporary use of certain real property belonging to the OWNER; and

WHEREAS, the OWNERS grant access during utility relocation and construction as shown in the project plans for parcel number H-3300-001-025-0.

NOW, THEREFORE, the PARTIES agree as follows:

1. The PARTIES agree that the PROJECT serves a public purpose and that the purpose is necessary for the public's use.
2. The PARTIES agree to allow temporary access, right of ingress/egress, and property use to the property during relocation of utilities, construction of sidewalk, curbs and gutters, drainage facilities, tree limbing, yard restoration, or any other item requiring encroachment on the OWNER's property during construction of the PROJECT.
3. The CITY agrees to install an irrigation sleeve under the sidewalk so that the OWNER's can install irrigation in the swale, as indicated on the project plans.
4. The PARTIES agree that the City will limb the trees on the north side of the property up eight (8) feet from the sidewalk grade.
5. The PARTIES agree that this agreement expires once the PROJECT is complete.

It is expressly intended that the PROPERTY USE AGREEMENT granted herein shall be in full force and effect and shall bind the OWNER, his heirs, successors, and assigns until the project has been completed. The OWNER does hereby consent with the CITY that they lawfully own and possess the aforementioned property, and that they have a good and lawful right to convey such use. The PARTIES have had sufficient opportunity to consult with legal counsel of their own choice.

IN WITNESS WHEREOF, the PROPERTY USE AGREEMENT has been executed by the respective PARTIES, or by their duly authorized officers or agents, the day and year first above written.

CITY OF HAYDEN


Alan Davis, Mayor

ATTEST:

Abbi Sanchez, City Clerk

OWNERS


Robert W. Bolam


Kathryn C. Bolam