



Memo

To: Mayor and Hayden City Council

From: Dulci Kau

Date: 5/12/2025

Agenda Item: Ratification of the Property Use Agreement with Klim Family Trust

Agenda Item Location

Consent

Background and Recommended Action or Motion

This agreement allows the City and its contractors to access the area contained within the executed Purchase and Sale agreement with Klim Family Trust for the Ramsey and Honeysuckle roundabout project, due to the closing taking longer than anticipated. This Property Use Agreement allows utility relocation and construction without delays.

Staff recommends the Council ratify the Property Use Agreement with Klim Family Trust.

Attachment(s)

Property Use Agreement with Klim Family Trust

PROPERTY USE AGREEMENT

This PROPERTY USE AGREEMENT, is made this 28th day of April, 2026 by and between Klim Family Trust ("OWNER") 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 Honeysuckle Avenue and Ramsey Road Roundabout project ("PROJECT"). This agreement is necessary because the right-of-way acquisition process is currently delayed due to coordination with the OWNER's mortgage company. The City and the OWNER have agreed upon compensation and have executed the necessary transaction documents; however, closing has not yet occurred. This agreement allows the CITY and its' contractors to proceed with utility relocation and construction activities in accordance with the project schedule while the right-of-way transaction is finalized.

WHEREAS, the OWNERS grant access during utility relocation and construction of the PROJECT as shown in the PROJECT plans for parcel number H-4050-23-259-AA also known as 8928 and 8940 N. Ramsey Road, Hayden, Idaho.

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 access, right of ingress/egress, and property use to the property during relocation of utilities, construction of underground and overhead public and private utilities, curbs and gutters, pedestrian facilities, drainage facilities, tree removal, tree limbing, yard restoration, or any other item requiring encroachment on the OWNER's property during construction of the PROJECT.
3. The private utility (fiber, gas, power, phone) are relocating at the request of the CITY and this agreement extends to these private companies and their subcontractors.
4. The PARTIES agree that this agreement expires once the right of way and easement are transferred from the OWNER to the CITY and the documents are recorded by the title company.

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 right of way and easement have been closed and recorded. The OWNER does hereby covenant with the CITY that they lawfully own and possess the aforementioned property, and that they have a good a 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

OWNERS


Alan Davis, Mayor

 2026 11:28:26 PDT
Connie Klim, Trustee

ATTEST:


Abbi Sanchez, City Clerk








Klim Property Use Agreement[23]

Final Audit Report

2026-04-28

Created:	2026-04-28
By:	Jamie Askew (jamie@robertsfreebourn.com)
Status:	Signed
Transaction ID:	CBJCHBCAABAAtcCZrrQV0sLizmvLJN-YpOdXXkHwBWSs

"Klim Property Use Agreement[23]" History

-  Document created by Jamie Askew (jamie@robertsfreebourn.com)
2026-04-28 - 6:03:18 PM GMT
-  Document emailed to Connie Klim (cmkdpk@gmail.com) for signature
2026-04-28 - 6:03:21 PM GMT
-  Email viewed by Connie Klim (cmkdpk@gmail.com)
2026-04-28 - 6:25:34 PM GMT
-  Document e-signed by Connie Klim (cmkdpk@gmail.com)
Signature Date: 2026-04-28 - 6:28:26 PM GMT - Time Source: server
-  Agreement completed.
2026-04-28 - 6:28:26 PM GMT