

00713583 Bk 1398 Pg 1653  
RUSSELL SHORTS & WASHINGTON CO RECORDER  
2001 MAR 07 11:53 AM FEE \$1.00 BY DC  
FOR: ST GEORGE CITY - ENGINEERING DEPT

When recorded, please return to:  
St. George City - Engineering  
175 East 200 North  
St. George, UT 84770

**AGREEMENT**

THIS AGREEMENT entered into this 25<sup>th</sup> day of JANUARY, 2001, by and between the City of St. George, a Utah municipal corporation, hereinafter referred to as "City", and James E. Cottam and Linda Cottam, husband and wife, Howard D. Cottam and Valerie Cottam, husband and wife, and Edward P. Cottam and Dixie S. Cottam, herein the Cottams are collectively referred to as "Cottam."

**WITNESS:**

WHEREAS, for the health and safety of its citizens, the City intends on widening and improving River Road between 1450 South and 2450 South;

WHEREAS, Cottam owns real property on River Road between 1450 South and 2450 South;

WHEREAS, the proposed improvements require that a portion of the Cottam property be dedicated to the City as a road;

WHEREAS, the City proposes to make certain improvements to the remaining Cottam property to offset the lost value due to the conveyance of property via the road dedication;

WHEREAS, the proposed improvements are equal in value to the value of the dedication.

NOW THEREFORE, in consideration of the mutual covenants contained herein, the parties hereby covenant and agree as follows:

**AGREEMENT**

1. Deed of Dedication: Cottam will convey the following to the City with regard to the property being dedicated to the City for a public street:

- a. By Deed of Dedication, for public use, for a public street, a strip of land eighty feet (80') wide on River Road, being more particularly described on Exhibit "A", attached hereto and made a part hereof. It is understood that the property described in Exhibit "A" refers to the strip of land which will eventually be needed for the improvements on River Road between 1450 South and 2450 South, and that the Deed of Dedication is intended to apply to any portion of real property contained therein which Cottam may own or claim any interest in.
- b. By Deed of Dedication, a temporary construction easement along either side of said eighty foot (80') strip extending to such width as may be reasonably necessary for construction purposes required or related to the dedication provided herein, including slopes, drainage, and related roadway support features.
- c. By Deed of Dedication, a perpetual maintenance easement along either side of

said eighty foot (80') strip extending to such width as may be reasonably necessary for maintenance and reasonable servicing of said roadway support features from and after the date of their construction. This easement is not for public utilities and/or drainage.

2. Construction of Road. The following provisions will apply to the construction of the Road:

a. City shall pay for and install a Road with a minimum width of sixty-five feet (65') within the eighty foot (80') strip of land conveyed and dedicated herein. City shall pay for and install curb and gutter along the River Road frontage of Cottam's property as shown on Exhibit "B" (attached map).

b. In construction of the Road, the City shall have the right to modify slopes and property grades so as to accommodate the construction, maintenance and use of the Road. City shall not be required to restore such slopes or grades following construction. City shall however use the least disruptive means necessary during construction of the Road.

c. City agrees to exercise every reasonable effort to preserve and protect the existing property of Cottam in City's exercise of its rights granted herein. Specifically, City agrees to use the least disruptive means necessary during construction and City agrees that it will restore the surrounding area outside of the eighty foot (80') strip, construction easements, and the drainage and utilities easement following any construction, repair or maintenance to a condition substantially equivalent to its condition immediately preceding entry by the City unless said area is specifically addressed herein.

3. City Improvements: The City will make the following improvements to the land owned by Cottam following the above conveyances:

a. City shall install asphalt on the driveway approach to the existing private lane. The asphalt approach shall be twenty five feet (25') in length, or such other length as agreed to by the parties, so that the rear wheels of a vehicle entering from the private lane onto River Road would be on the asphalt at the time the vehicle stops and begins to advance toward merging with the on coming traffic.

b. City shall remove the existing corrugated metal pipe which crosses the private lane and replace said corrugated metal pipe with a p.v.c. pipe of equal diameter, length and strength.

c. City shall maintain the grade on the approach to the existing private lane as near as possible to the existing grade in order to avoid any significant incline or decline which may cause dragging or high centering of vehicles or farm machinery using the private lane and the new driveway approach.

4. Any and all of the obligations of Cottam as outlined in this Agreement shall run with the land described in Exhibit "A" and shall constitute an encumbrance thereon. The rights, duties and obligations herein shall inure to the benefit of and be binding upon the heirs, successors-in-interest, assigns, transferees and subsequent purchasers of the properties.

5. If the City commences legal action to enforce or interpret any term of this Agreement, City shall be entitled to recover from Cottam court costs, whether at trial or on appeal.

6. If any provision of this Agreement is declared invalid by a court of competent jurisdiction the remaining provisions shall not be affected thereby, but shall remain in full force and effect.

7. This Agreement shall be governed according to the laws of the State of Utah.

Dated as of the day and year first above written.

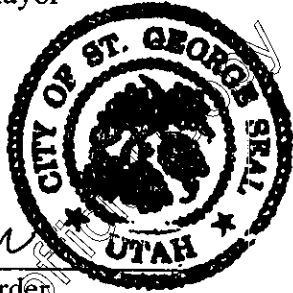
CITY OF ST. GEORGE

JAMES E. & LINDA COTTAM:

Daniel D. McArthur  
Daniel D. McArthur, Mayor

James E. Cottam  
James E. Cottam

Attest:



Linda Cottam  
Linda Cottam

Gay Cragun  
Gay Cragun, City Recorder

HOWARD D. & VALERIE COTTAM:  
Howard D. Cottam  
Howard D. Cottam

Approved as to form:

Ronald L. Read  
Ronald L. Read, Deputy City Attorney

Valerie Cottam  
Valerie Cottam

EDWARD P. & DIXIE S. COTTAM:

Edward P. Cottam  
Edward P. Cottam

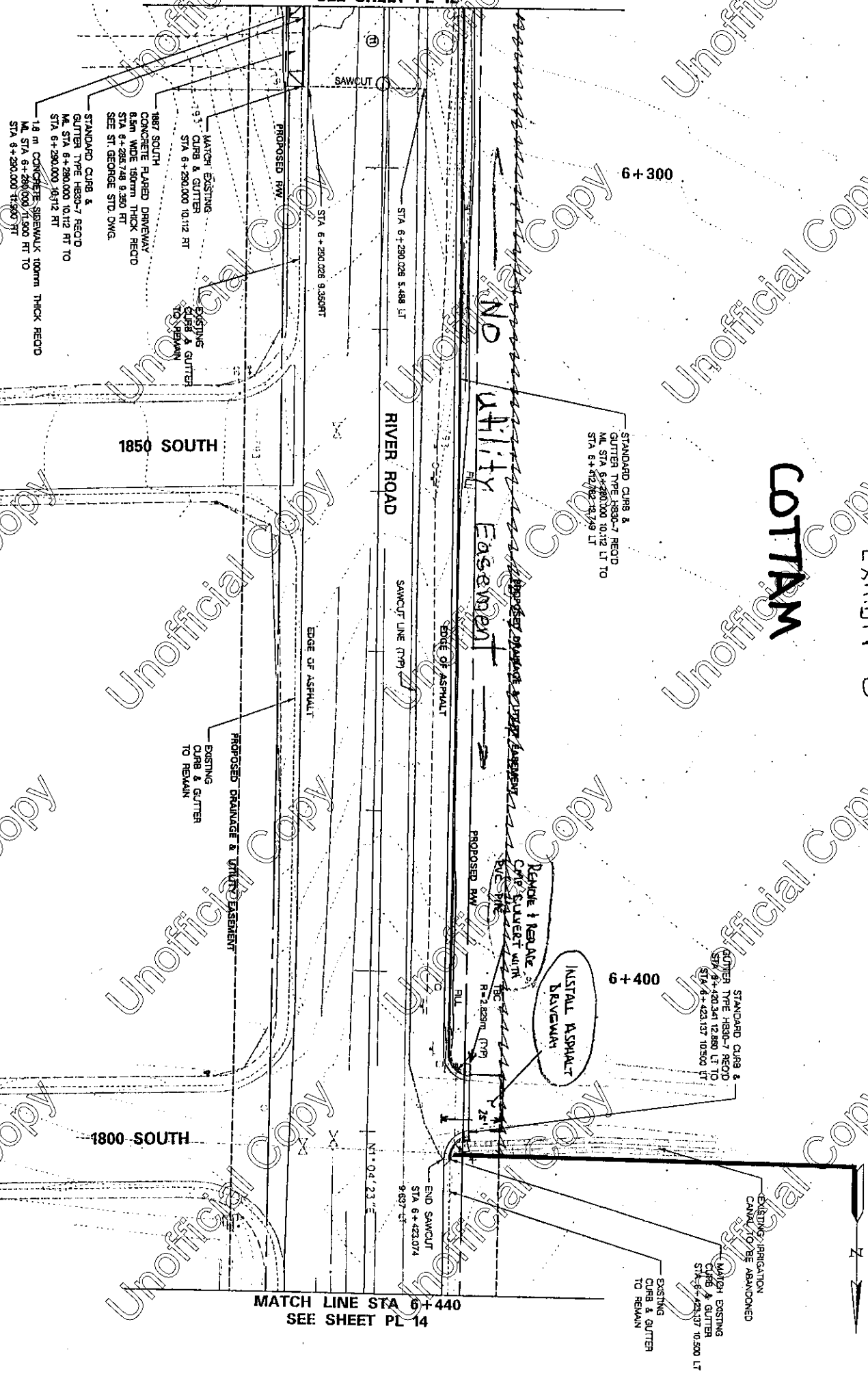
Dixie S. Cottam  
Dixie S. Cottam

Beginning at a point which is S 88°39'29"E 435.59 feet along section line and S 1°20'31"W 173.45 feet from the Southeast corner of Section 5, Township 43 South, Range 15 West, Salt Lake Base and Meridian; thence N 48°23'19"W 62.31 feet to the point of curvature of a 3320.84 foot radius curve to the right; thence Northwesterly along the arc of said curve, through a central angle of 1°41'33", a distance of 98.09 feet (chord bears N 47°32'33"W 98.09 feet) to a point of tangency; thence N 46°41'46"W 113.46 feet to the point of curvature of a 2172.55 foot radius curve to the right; thence Northwesterly along the arc of said curve, through a central angle of 9°44'45", a distance of 369.54 feet (chord bears N 41°49'24"W 369.09 feet) to a point of tangency; thence N 36°37'02"W 31.34 feet to the point of curvature of a 2540.00 foot radius curve to the right; thence Northwesterly along the arc of said curve, through a central angle of 11°25'27", a distance of 506.44 feet (chord bears N 31°14'18"W 505.61 feet) to a point of tangency; thence N 25°31'34"W 350.97 feet to the point of curvature of a 2600.00 foot radius curve to the right; thence Northwesterly along the arc of said curve, through a central angle of 4°33'29", a distance of 206.84 feet (chord bears N 23°14'50"W 206.79 feet) to a point of tangency; thence N 20°58'05"W 95.00 feet to the point of curvature of a 2598.11 foot radius curve to the right; thence Northwesterly along the arc of said curve, through a central angle of 5°15'45", a distance of 238.63 feet (chord bears N 18°20'13"W 238.55 feet) to a point of tangency; thence N 15°42'20"W 182.78 feet to the point of curvature of a 2740.00 foot radius curve to the right; thence Northwesterly along the arc of said curve, through a central angle of 4°27'35", a distance of 213.27 feet (chord bears N 13°28'33"W 213.22 feet) to a point of tangency; thence N 11°14'45"W 34.76 feet to the point of curvature of a 1110.00 foot radius curve to the left; thence Northwesterly along the arc of said curve, through a central angle of 10°55'14", a distance of 211.56 feet (chord bears N 16°42'21"W 211.25 feet) to a point of tangency; thence N 22°09'58"W 520.08 feet to the point of curvature of a 13156.89 foot radius curve to the left; thence Northwesterly along the arc of said curve, through a central angle of 0°53'59", a distance of 206.60 feet (chord bears N 22°36'57"W 206.59 feet) to a point of tangency; thence N 23°03'57"W 387.31 feet to the point of curvature of a 740.00 foot radius curve to the right; thence Northwesterly along the arc of said curve, through a central angle of 24°11'32", a distance of 312.45 feet (chord bears N 10°58'11"W 310.14 feet) to a point of tangency; thence N 1°07'35"E 1775.57 feet to the point of curvature of a 1040.00 foot radius curve to the left; thence Northwesterly along the arc of said curve, through a central angle of 43°33'39", a distance of 246.15 feet (chord bears N 3°40'52"W 245.57 feet and radial line bears S 77°32'18" W) to the south line of Section 5 Township 43 South, Range 15 West of the Salt Lake Base & Meridian; thence S 89°05'41"E 81.93 feet along said Section Line to a point on the arc of a 1120.00 foot radius curve to the left; thence Southeasterly along the arc of said curve, through a central angle of 1°47'33", a distance of 34.98 feet (chord bears S 10°34'49"E 34.97 feet) to a point of reverse curvature of a 1196.28 foot radius curve to the right; thence Southeasterly along the arc of said curve, through a central angle of 16°26'48", a distance of 343.39 feet (chord bears S 5°46'35"E 342.22 feet) to a point of tangency; thence S 2°26'49"W 334.66 feet; thence S 2°26'31"W 181.33 feet; thence N 87°33'38"W 3.35 feet to a point on the arc of a 29.95 foot radius curve to the left; thence Southwesterly along the arc of said curve, through a central angle of 36°27'49", a distance of 19.06 feet (chord bears S 19°35'31"W 18.74 feet); thence S 1°07'35"W 1112.21 feet to the point of curvature of a 660.00 foot radius curve to the left; thence Southeasterly along the arc of said curve, through a central angle of 24°11'32", a distance of 278.67 feet (chord bears S 10°58'11"E 276.61 feet) to a point of tangency; thence S 23°03'57"E 387.31 feet to the point of curvature of a 1336.89 foot radius curve to the right; thence Southeasterly along the arc of said curve, through a central angle of 0°53'59", a distance of 207.86 feet (chord bears S 22°36'57"E 207.84 feet) to a point of tangency; thence S 22°09'58"E 520.08 feet to the point of curvature of a 1190.00 foot radius curve to the right; thence Southeasterly along the arc of said curve, through a central angle of 10°55'14", a distance of 326.81 feet (chord bears S 16°42'21"E 226.48 feet) to a point of tangency; thence S 11°14'45"E 34.76 feet to the point of curvature of a 2660.00 foot radius curve to the left; thence Southeasterly along the arc of said curve, through a central angle of 4°27'35", a distance of 207.05 feet (chord bears S 13°28'32"E 206.99 feet) to a point of tangency; thence S 15°42'20"E 182.78 feet to the point of curvature of a 2518.11 foot radius curve to the left; thence Southeasterly along the arc of said curve, through a central angle of 5°15'45", a distance of 231.28 feet (chord bears S 18°20'12"E 231.20 feet) to a point of tangency; thence S 20°58'05"E 95.00 feet to the point of curvature of a 2520.00 foot radius curve to the left; thence Southeasterly along the arc of said curve, through a central angle of 4°33'29", a distance of 200.48 feet (chord bears S 23°14'50"E 200.43 feet) to a point of tangency; thence S 25°31'34"E 350.97 feet to the point of curvature of a 2460.00 foot radius curve to the left; thence Southeasterly along the arc of said curve, through a central angle of 11°25'27", a distance of 490.49 feet (chord bears S 31°14'17"E 489.66 feet) to a point of tangency; thence S 36°57'02"E 31.34 feet to the point of curvature of a 2092.55 foot radius curve to the left; thence Southeasterly along the arc of said curve, through a central angle of 4°11'08", a distance of 152.86 feet (chord bears S 39°02'35"E 152.82 feet) to the north line of 2450 South and a point of compound curvature of a 39.37 foot radius curve to the left; thence Southeasterly along the arc of said curve, through a central angle of 86°45'46", a distance of 59.62 feet (chord bears S 84°31'00"E 54.07 feet) along said north line to a point of reverse curvature of a 220.37 foot radius curve to the right; thence Northeasterly along the arc of said curve, through a central angle of 38°45'26", a distance of 149.08 feet (chord bears N 71°28'51"E 146.26 feet) along said north line to a point of tangency; thence S 89°08'26"E 264.28 feet along said north line; thence S 0°51'34"W 80.00 feet to the south line of 2450 South; thence N 89°08'26"W 264.28 feet along said south line to the point of curvature of a 140.37 foot radius curve to the left; thence Southwesterly along the arc of said curve, through a central angle of 30°01'47", a distance of 73.56 feet (chord bears S 75°50'46"W 72.70 feet) along said south line to a point of compound curvature of a 39.37 foot radius curve to the left; thence Southwesterly along the arc of said curve, through a central angle of 106°27'03", a distance of 73.15 feet (chord bears S 7°36'21"W 63.06 feet) along said south line to the east line of River Road and a point of compound curvature of a 2092.55 foot radius curve to the left; thence Southeasterly along the arc of said curve, through a central angle of 1°04'35", a distance of 39.31 feet (chord bears S 46°09'28"E 39.30 feet) along said easterly line of River Road to a point of tangency; thence S 46°41'46"E 113.46 feet to the point of curvature of a 3240.84 foot radius curve to the left; thence Southeasterly along the arc of said curve, through a central angle of 1°41'33", a distance of 95.73 feet (chord bears S 47°32'32"E 95.73 feet) to a point of tangency; thence S 48°23'19"E 62.31 feet; thence S 41°36'41"W 80.00 feet to the point of beginning.

MATCH LINE STA 6+280  
SEE SHEET PL 12

CURVE DATA

- △ = 60° 46' 28" R
- R = 100.00m
- RT = 547.97m
- LT = 133.514m
- L = 6+282.744
- PC = 3047.434 / 1985
- PT = 3173.622 / 2050
- PI = 6+275.987
- PI = 6+289.501



COTTAM

Exhibit "B"



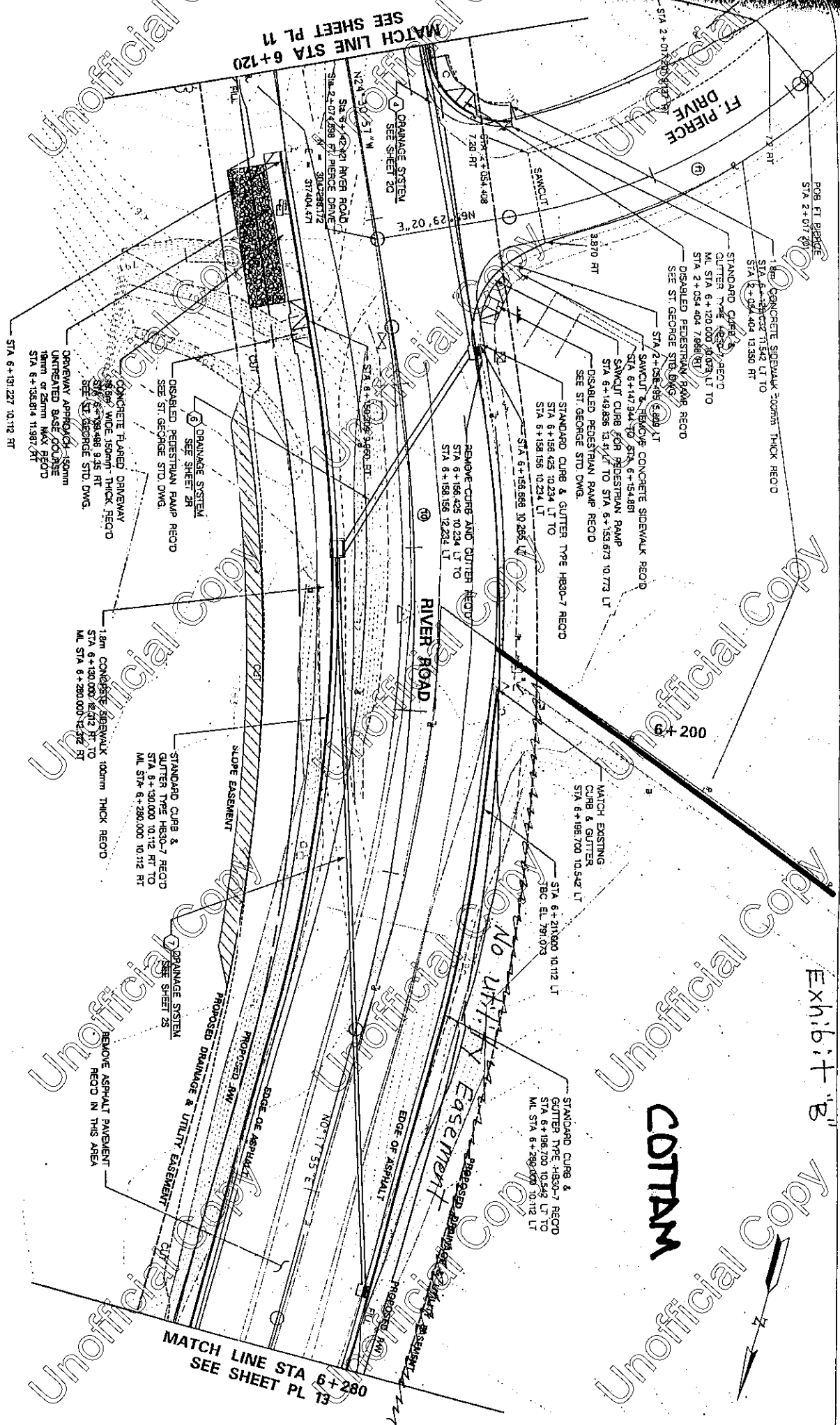
MATCH LINE STA 6+440  
SEE SHEET PL 14

RIVER ROAD		CITY OF ST. GEORGE									
VIRGIN RIVER TO 2450 SOUTH		THE SEAR-BROWN GROUP		151 S ARCADE STREET							
PLAN SHEET		PROFESSIONAL ENGINEER		SALT LAKE CITY, UT 84111-1053							
PROJECT NUMBER: STP-3196(110)		APPROVAL RECOMM. DATE	PROJECT DESIGN ENGINEER	DESIGN DATE	CHECK DATE	REVIEW DATE	NO.	DATE	DESIGN REV. BY	MAPS	PARCELS
		APPROVED DATE	QUANT.	CHECK	CHECK	REVISIONS	ORIGINAL SUBMISSION FOR AUTHORIZATION				
							REVISIONS				
WASHINGTON COUNTY											
SHEET No. PL 13											

**①**  $\Delta = 24'48''53''R$   
 $R = 200m$   
 $L = 44.000m$   
 $E = 38.619m$   
 $N = 184.196.862$   
 $PC = 6+527.852$   
 $PT = 6+235.483$

**②**  $\Delta = 30'24''55''R$   
 $R = 75m$   
 $L = 20.388m$   
 $E = 39.814m$   
 $N = 2+038.868$   
 $PC = 3047282.947$   
 $PT = 2+018.480$

**CURVE DATA**



NOTE:  
 (1) SEE SHEET 2L FOR INTERSECTION GRADING DETAIL



**COTTAM**

Exhibit "B"

RIVER ROAD VIRGIN RIVER TO 2450 SOUTH PLAN SHEET		CITY OF ST. GEORGE <b>THE SEAR-BROWN GROUP</b> <small>FULL SERVICE DESIGN PROFESSIONALS 151 S. JEFFERSON STREET, SUITE 1000, ST. GEORGE, FL 34904-0774</small>				APPROVAL RECOMM. DATE		REVIEW NO. DATE		DESIGN REV. BY DATE		CHECK NO. DATE		REQUEST NO. DATE		REMARKS	
PROJECT NUMBER STP-3196(1)		PROJECT DESIGN ENGINEER		DESIGNED BY		CHECKED BY		DATE		DATE		DATE		DATE		ORIGINAL SUBMISSION FOR AUTHORIZATION REVISIONS	

WASHINGTON COUNTY  
 PL 12  
 SHEET NO.