

January 15, 2013

MEMORANDUM

TO: State Board of Regents  
FROM: David L. Buhler  
SUBJECT: Dixie State University – Transfer of City of St. George Streets to the University

Issue

The City of St. George has vacated title to portions of three city streets that serve Dixie State University (DSU). These streets are contiguous (surrounded by campus property) to the campus and acceptance of this property by DSU meets the criteria of section 4.5.4.2 (Property Acquisitions Adjacent to Campuses) of Regents' policy R710, Capital Facilities for acquisition of property with Board of Trustee approval.

Background

The City of St. George determined that the portions of 300 South, 400 South, and 800 East streets that are in the interior of the DSU campus no longer are needed for general public use. Having title to the property they represent will be instrumental in support of future campus master plan development. The attached letter from the institution provides additional information about the projected use of this property. Also attached are the Alpha Engineering Site Map, a copy of the City of St. George Ordinance that vacates the property to DSU, and the Easement document executed to allow the City of St. George access to the property for service of the public utilities on the property.

DSU representatives will be present at the meeting to provide additional information and respond to any questions the Board might have.

Commissioner's Recommendation

This is an information item; no action is required.

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David L. Buhler  
Commissioner of Higher Education

DLB/GLS/WRH  
Attachment

December 19, 2013

Dr. Gregory Stauffer  
Utah System of Higher Education  
Board of Regents Building  
60 South 400 West  
Salt Lake City, Utah 84101

Dear Dr. Stauffer,

#### Purpose

Dixie State University and the City of St George have reached an agreement that portions of 300 South, 400 South, and 800 East streets that serve the University are no longer needed for general public use. The aforementioned streets are not campus through streets and are instrumental in supporting the future campus master plan of Dixie State University. As a result, on Thursday December 19, 2013 the City of St George adopted an ordinance whereby the streets were vacated for University purposes.

#### Background

Over the years, the City of St George has allowed Dixie State University to utilize portions of city streets for University purposes. The most recent example is the former portion of 300 South Street (between 800 East and 900 East) where the north section of the Holland Centennial Commons Building, Plaza and a major East to West pedestrian walkway are located. Vacation of the remaining portions of the streets, which are interior to the campus, simply completes the transfer of property to DSU for its highest and best use in support of the education of students from the City of St George, Washington County and the State of Utah.

Acceptance of this property required DSU to grant a perpetual easement to the City of St. George for ingress and egress for the operation and maintenance of public utility lines and drainage, as well as ingress and egress for emergency vehicles. Under this easement, the City of St. George agrees to pay the costs of any damage to sidewalks, curb and gutter, pavement, and low-level vegetation occurring as a result of utility line maintenance by the city. DSU would have to bear the cost of relocation of public utilities resulting from placement of a future structure or facility within the easement.

While portions of the streets will need to be retained for access to campus buildings and parking lots, the remaining property is now available for the following:

- Additional Parking to Support Enrollment Growth
- Additional Green Space
- Expansion of Pedestrian Walkways
- Potential Expansion of Football, Baseball, Softball and Soccer Venues
- Greater Flexibility in the Placement of Future Buildings

Paul C. Morris  
Vice President for  
Administrative Services

Ongoing maintenance of the portion to be maintained as streets for parking and building access is estimated to be less than \$24,000 per year based on a 10-year cycle for resurfacing and a 3-year cycle for seal coating.

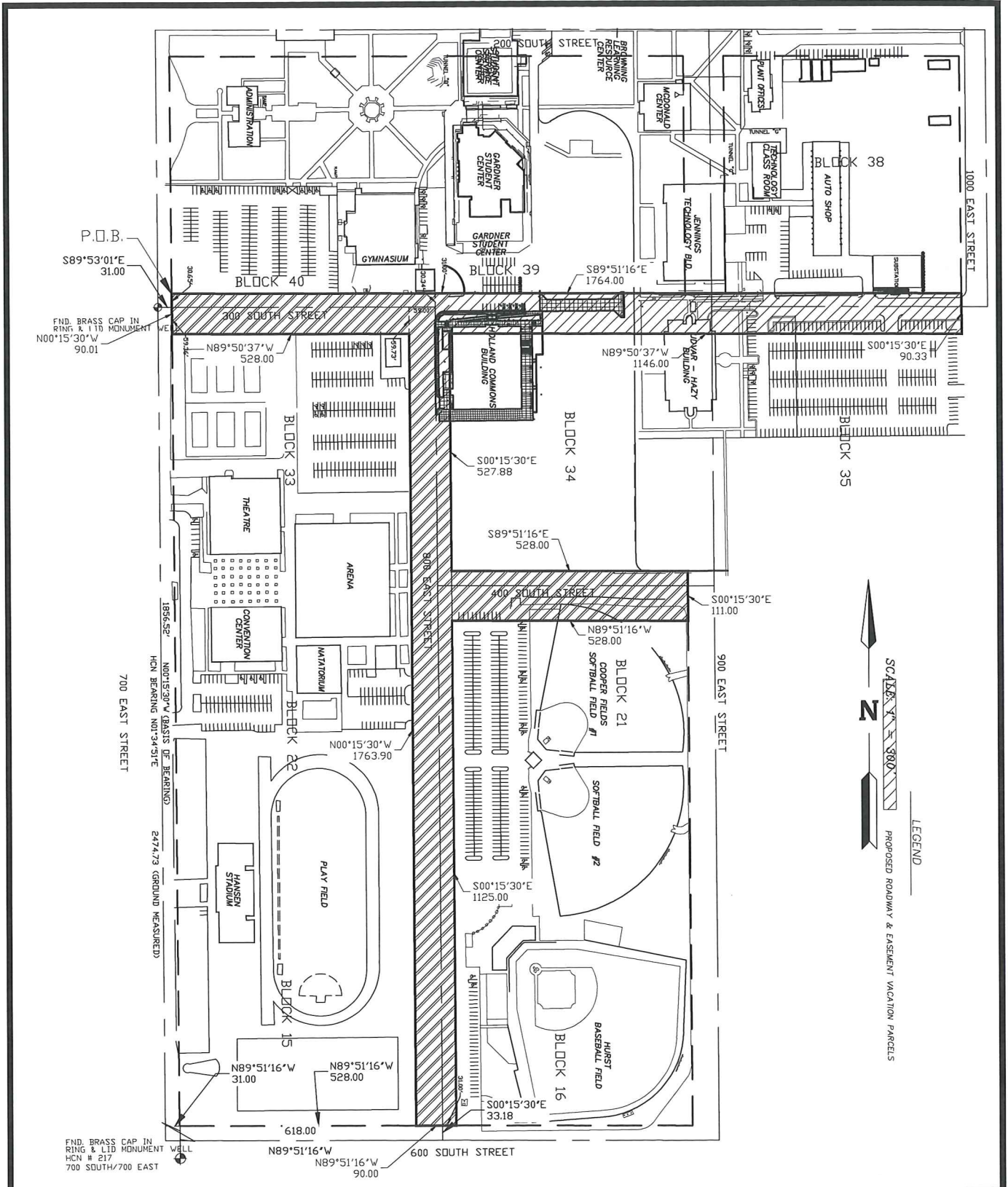
The Alpha Engineering Site Map, City Ordinance, and Easement Document are attached for your review.

Sincerely,



Paul C. Morris

cc: Steve Nadauld, Sherry Ruesch



P.O.B.  
 S89°53'01"E  
 31.00  
 FND. BRASS CAP IN  
 RING & LID MONUMENT  
 N00°15'30"W  
 90.01

FND. BRASS CAP IN  
 RING & LID MONUMENT  
 HCN # 217  
 700 SOUTH/700 EAST



VACATING A PORTION OF 300 SOUTH,  
 400 SOUTH & 800 EAST STREETS  
**EXHIBIT "B"**

FILE:

**ALPHA  
 ENGINEERING**  
 43 South 100 East, Suite 100 • St George, Utah 84770  
 T: 435.628.6500 • F: 435.628.6553 • alphaengineering.com

When Recorded Return To:  
City of St. George  
City Recorder's Office  
175 East 200 North  
St. George, UT 84770

ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE VACATING A PUBLIC STREET AND EXISTING PUBLIC UTILITY EASEMENTS.**

**WHEREAS**, a petition was received by this Council requesting that an existing Public Street belonging to the City of St. George located at 300 South, 400 South and 800 East Streets, more particularly described in Exhibit A and B be vacated, together with the existing public utility easements within said Streets; and

**WHEREAS**, the road is no longer needed for public use as it serves the University and it would be better for both parties if it were maintained by Dixie State University; and

**WHEREAS**, it appears that it will not be detrimental to the interest of the general public and that there is good cause for vacating the existing Public Street, and the existing public utility easements; and

**WHEREAS**, the University will be dedicating Public Utility and Drainage Easements and an Emergency Access Easement to the City of St. George for maintenance of utilities and safety purposes.

**NOW, THEREFORE, BE IT ORDAINED** by the City of St. George City Council as follows:

The public street and utility easements, described in Exhibit A and Exhibit B attached hereto, are hereby vacated.

**Effective Date.** This Ordinance shall become effective immediately upon approval of the City Council and the signature of the Mayor.

**APPROVED AND ADOPTED** by the City Council of the City of St. George, this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

CITY OF ST. GEORGE

\_\_\_\_\_  
Daniel D. McArthur, Mayor

ATTEST:

\_\_\_\_\_  
Christina Fernandez, City Recorder

APPROVED AS TO FORM:

\_\_\_\_\_  
Paula Houston, Deputy City Attorney

When Recorded Return To:  
City of St. George  
City Recorder's Office  
175 East 200 North  
St. George, UT 84770

**DEED OF DEDICATION  
PUBLIC UTILITIES AND DRAINAGE EASEMENT  
AND EMERGENCY ACCESS EASEMENT**

That in consideration of One Dollar and other good and valuable consideration paid to Dixie State University, herein referred to as Grantor, by the City of St. George, a Utah municipal corporation, herein referred to as Grantee, the receipt of which is hereby acknowledged, the Grantor does hereby grant, bargain, sell, transfer and convey unto Grantee, its successors and assigns, a perpetual easement for ingress and egress, to use, install, operate, maintain, repair, remove, relocate and replace Public Utilities and Drainage Easements, and a perpetual easement for ingress and egress for emergency vehicles, in and along real property owned by Grantor in Washington County, State of Utah, the easements being more fully described as follows:

See Exhibit A and B for the Public Utilities and Drainage Easement  
See Exhibit C and D for the Emergency Access Easement

TO HAVE AND TO HOLD such property to Grantee, the City of St. George, forever for the uses and purposes normally associated with Public Utilities and Drainage Easements and Emergency Access Easements.

Grantee agrees to repair any damage which may occur to sidewalk, curb and gutter, pavement and low level vegetation which Grantor may have constructed in the easement as a result of Grantee's exercise of this easement. Grantee does agree to in no way encumber said easement or subject it to the imposition of liens of any type during the term of this easement. Grantor may not install, build, place or cause or allow anything to be installed, built or placed in the easement. If any improvement is installed, built, or placed within the easement, Grantor bears the risk of loss or damage to those improvements resulting from the exercise of the easement rights and the City is not responsible to repair, replace, maintain, indemnify or reimburse Grantor for any damage or loss.

The grant and other provisions of this easement shall constitute a covenant running with the land for the benefit of the Grantee its successors and assigns.

IN WITNESS WHEREOF, the Grantors has executed this instrument this \_\_\_\_\_ day of \_\_\_\_\_, 2013.

GRANTOR: STATE OF UTAH FOR THE BENEFIT OF DIXIE STATE UNIVERSITY OF UTAH

\_\_\_\_\_  
By: \_\_\_\_\_  
Its: \_\_\_\_\_

