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May 27, 2008

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**CACHE COUNTY COUNCIL MEETING
May 27, 2008**

The Cache County Council convened in a regular session on May 27, 2008 in the Cache County Council Chamber at 199 North Main, Logan, Utah.

ATTENDANCE:

Chairman: John Hansen
Vice Chairman: H. Craig Petersen
Council Members: Brian Chambers, Kathy Robison, Cory Yeates & Gordon Zilles.
Darrel Gibbons, absent.
County Executive: M. Lynn Lemon
County Clerk: Jill N. Zollinger
County Attorney: N. George Daines

The following individuals were also in attendance: Garth Barker, Dave Bennett, John Borg, Steve Bower, Larry Brunson, Emeri Daines, Darrell Erickson, Jeff Gilbert, Pete Grimnos, Jalaine Hawkes, Sharon L. Hoth, Kelly Leishman, Richard Maughan, Ruth P. Maughan, Sue McCormick, Andy McFarland, Arlin P. Murray, Sheriff Lynn Nelson, David Nielson, Jennifer Parker, Pat Parker, Curtiss Parkinson, Jake Parkinson, Kelly Parkinson, LeRoy Parkinson, Ty Parkinson, Rod Petersen, Glen Thornley, Scott Wakefield, Preston Ward, Alan Ned Williams, Duane Williams, **Media:** Emilie Wheeler (Herald Journal).

OPENING REMARKS AND PLEDGE OF ALLEGIANCE

Council member Yeates gave the opening remarks and led those present in the Pledge of Allegiance.

REVIEW AND APPROVAL OF AGENDA

The agenda was approved with *Item 7d-Water Application-Bob Fotheringham*-moved to the **June 24, 2008 County Council meeting** and *Item 11e-Final Plat Approval-East Fields Subdivision*-moved to be immediately after *Item 5c-911 Dispatch Center Presentation*.

REVIEW AND APPROVAL OF MINUTES

ACTION: Motion by Council member Yeates to approve the minutes of the May 13, 2008 Council meeting as amended. Robison seconded the motion. The vote was unanimous, 6-0. Gibbons absent.

REPORT OF THE COUNTY EXECUTIVE: M. LYNN LEMON

APPOINTMENTS: There were no appointments.

WARRANTS: Warrants for the period 04-04-2008 to 04-10-2008 were given to the Clerk for filing.

OTHER ITEMS

- SITLA Franklin Basin OHV Parking Lot and Staging Area** – Executive Lemon reminded the Council that comments about this proposal from SITLA are due by June 4, 2008 and he has received no comments to this point.

Vice Chairman Petersen asked about the status of the wild and scenic river proposal for Logan River. Lemon responded that the Cache County supported the preferred alternative proposed by the Forest Service, but there are other interests that have asked for consideration and the status of Logan River has not been finalized yet.

- ❑ **Citizen of the Year Award for Cache County Sheriff's Office** was presented to Dr. Richard L. Maughan by Sheriff Lynn Nelson in recognition of Maughan's assistance in allowing a Corrections Academy class to be added to the BATC Police Academy Special Function Block. This class serves the tri-county area and is a great benefit to law enforcement agencies and the communities they serve.
- ❑ **Forest Service Report – Jennifer Parker**, District Ranger for the Logan District, updated the Council on the consolidation of the Uinta/Wasatch/Cache National Forest noting that the consolidation was budget driven. Parker indicated that Logan City's water pipe project at DeWitt Springs will necessitate one-lane traffic on approximately one mile of the canyon. The re-alignment of the Beaver Ski area junction is also scheduled to take place this summer. Parker said that the decision on the wild and scenic designation for Logan River will probably come this fall.

Chairman Hansen asked if the Beaver Creek campground would be opened again? Parker said that is SITLA property now.

Zilles noted that Cache County has double the number of roads of Weber County, but receives the same amount of funding for road maintenance and asked if Parker can do anything about the funding allocations for roads. Parker agreed it is an inequitable distribution of funds and said she will look into it.

Parker said all the roads that have had winter closures should be opening this week if the weather permits.

Vice Chairman Petersen asked about the status of the trail signage that the Forest Service received \$10,000.00 of RAPZ funding to update and improve? Parker said she does not know the status of the trail signs but will check on it for Petersen.

- ❑ **911 Dispatch Center Presentation – Jalaine Hawks** reported to the Council on the operations and activities of the 911 Dispatch. There are twenty full-time dispatchers in the dispatch center which dispatches for over twenty-six agencies and over 120,000 citizens. In 2007 225,000 calls were received with 29,100 of those being 911 calls. This averages out to 588 calls per day. Since 2003, there has been an increase of 55,200. The busiest time is between 4:00 p.m. and 11:00 p.m.

Parker indicated that the location of the caller is the most important piece of information needed and more people use cell phones for 911 calls now. Electronic equipment is used to locate the position of the cell phone to be able to direct responders appropriately. It usually takes about 20-30 seconds for the needed information to be relayed to responders.

Chambers asked how long the dispatch center has had the electronic enhanced 911 equipment. Parker responded it has been there for the five and one-half years she has been at the center.

INITIAL PROPOSAL FOR CONSIDERATION OF ACTION

- **Final Plat Approval – East Fields Subdivision** – A 3-lot subdivision located at 1000 South 300 East, Smithfield. Runhaar said there were no concerns with this subdivision.

(Attachment 1)

ACTION: Motion by Vice Chairman Petersen to waive the rules and approve the Final Plat for East Fields Subdivision. Robison seconded the motion. The vote was unanimous, 6-0. Gibbons absent.

BUDGETARY MATTERS

◆ **Intra-Departmental Transfers**

Support Services

Transfer \$14,794.00 from Capitalized Equipment to Non-Capitalized Equipment to cover purchase of desks for investigators

Extension

Transfer \$1,040.00 from Equipment under \$5000 to Equipment Supply & Maintenance for expenses for van repair

(Attachment 2)

ACTION: Motion by Council member Yeates to approve the budget transfers of \$14,794.00 – Support Services and \$1,040.00 – Extension. Chambers seconded the motion. The vote was unanimous, 6-0. Gibbons absent.

PUBLIC HEARINGS, APPEALS AND BOARD OF EQUALIZATION MATTERS

PUBLIC HEARINGS RE-SET: June 24, 2008 - 6:00 p.m.- NIBLEY OFFICE PARK REZONE OF 10 ACRES OF PROPERTY IN THE AGRICULTURAL ZONE TO THE COMMERCIAL ZONE LOCATED AT APPROXIMATELY 3800 SOUTH 1200 WEST, WEST OF NIBLEY.

ACTION: Motion by Council member Yeates to re-set Public Hearing – June 24, 2008 at 6:00 p.m.- Nibley Office Park Rezone of 10 acres of property in the Agricultural Zone to the Commercial Zone located at approximately 3800 South 1200 West, west of Nibley. Chambers seconded the motion. The vote was unanimous, 6-0. Gibbons absent.

PENDING ACTION

- Ordinance No. 2007-05 - Agricultural Subdivisions (NO ACTION TAKEN)**

ACTION: Motion by Vice Chairman Petersen to create an ad hoc work group for Ordinance No. 2007-05-Agricultural Subdivisions consisting of Gordon Zilles, Brian Chambers, Craig Petersen, Lee Nelson, Leslie Larson and Clair Ellis. Yeates seconded the motion. The vote was unanimous, 6-0. Gibbons absent.

- Resolution No. 2008-09 – Authorizing Executive to execute the Corridor Agreement on 1000 West and 2500 North** – Lemon explained that this is an

agreement with UDOT, Logan City and North Logan. Robison indicated she will vote against this because citizens in her district are not satisfied with the information received from UDOT concerning the proposed 200 North/400 North realignment. This particular agreement does not include that realignment, but Robison feels the realignment is part of the entire UDOT proposal.

(Attachment 3)

ACTION: Motion by Council member Zilles to approve Resolution No. 2008-09 – Authorizing Executive to execute the Corridor Agreement on 1000 West and 2500 North. Chambers seconded the motion. The motion passed 5 aye – Chambers, Hansen, Petersen, Yeates & Zilles and 1 nay – Robison.

Tape 1, Side B

- Approval of American West Heritage Conservation Easement Agreement** – Petersen asked Attorney Daines if the only way a conservation easement can be set aside is through a court of law. Daines replied that is generally true. Daines said he is concerned about some easements being entered into because they border roads.

ACTION: Motion by Council member Yeates to approve the American West Heritage Conservation Easement agreement. Petersen seconded the motion. The vote was unanimous, 6-0. Gibbons absent.

- Resolution No. 2008-10 – Authorizing Executive to execute the American West Heritage Conservation Easement Agreement**

(Attachment 4)

ACTION: Motion by Council member Yeates to approve Resolution No. 2008-10 – Authorizing Executive to execute the American West Heritage Conservation Easement Agreement. Petersen seconded the motion. The vote was unanimous, 6-0. Gibbons absent.

- Approval of 2008 RAPZ/Restaurant Tax Recommendations** – Chairman Hansen noted these allocations were discussed at the May 13, 2008 Council meeting.

(Attachment 5)

ACTION: Motion by Council member Yeates to approve the 2008 RAPZ/Restaurant Tax recommended allocations. Petersen seconded the motion.

ACTION: Motion by Council member Yeates to amend the allocations to increase the allocation for Cache County Search and Rescue to \$25,000.00 and to increase the allocation for Summerfest to \$25,000.00. Petersen seconded the motion. The vote was unanimous, 6-0. Gibbons absent.

ACTION: Chairman Hansen called for the vote on the main motion. The vote was unanimous, 6-0. Gibbons absent.

INITIAL PROPOSAL FOR CONSIDERATION OF ACTION

- **Highway 30 Closure – Alternate Road Options** – Executive Lemon said UDOT will be closing Highway 30 next Monday, June 2, 2008 for construction. The recommended alternate route is approximately from Highway 23 to Highway 38 (Collinston turn-off) and would require a dust guard treatment. This road is narrow, but passable, and narrow road signs will be posted. The Highway 30 closure is estimated to last two months. Executive Lemon said he wants the Council and public to understand this is a narrow, possibly hazardous road, but the County wanted to offer an alternate route to its citizens during the Highway 30 closure.

PUBLIC HEARINGS, APPEALS AND BOARD OF EQUALIZATION MATTERS

**PUBLIC HEARING: MAY 27, 2008 AT 6:00 P.M. – GERALD C. AND PATSY SWENSON
AGRICULTURAL PROTECTION AREA – 140.75 ACRES**

ACTION: Motion by Council member Yeates to open the Public Hearing. Robison seconded the motion. The vote was unanimous, 6-0. Gibbons absent.

Chairman Hansen opened the Public Hearing and invited public comment. There was none.

ACTION: Motion by Council member Yeates to close the Public Hearing. Zilles seconded the motion. The vote was unanimous, 6-0. Gibbons absent.

INITIAL PROPOSAL FOR CONSIDERATION OF ACTION

- **Resolution No. 2008-11 – Approving Agricultural Protection Area for Gerald C. and Patsy Swenson – 140.75 acres**

(Attachment 6)

ACTION: Motion by Council member Yeates to waive the rules and approve Resolution No. 2008-11-Approving Agricultural Protection Area for Gerald C. and Patsy Swenson-140.75 acres. Robison seconded the motion. The vote was unanimous, 6-0. Gibbons absent.

- **Approval of DeWitt Springs Easement** – Lemon indicated Logan City needs to go through a piece of county property in order to rebuild their water pipeline and Cache County must formally agree to allow Logan City an easement to cross the corner of county property.
- **Resolution No. 2008-13-Authorizing Executive to execute DeWitt Springs Easement**

(Attachment 7)

ACTION: Motion by Council member Yeates to waive the rules and approve the DeWitt Springs Easement Agreement and Resolution No. 2008-13-Authorizing Executive to execute DeWitt Springs Easement. Chambers seconded the motion. The vote was unanimous, 6-0. Gibbons absent.

PUBLIC HEARINGS, APPEALS AND BOARD OF EQUALIZATION MATTERS

**PUBLIC HEARING: MAY 27, 2008 AT 6:15 P.M. – CHRIS AND JENNIFER GRIFFIN
AGRICULTURAL PROTECTION AREA – 19.85 ACRES**

ACTION: Motion by Council member Zilles to open the Public Hearing. Robison seconded the motion. The vote was unanimous, 6-0. Gibbons absent.

Chairman Hansen opened the Public Hearing and invited public comment. There was none.

ACTION: Motion by Council member Yeates to close the Public Hearing. Zilles seconded the motion. The vote was unanimous, 6-0. Gibbons absent.

INITIAL PROPOSAL FOR CONSIDERATION OF ACTION

- **Resolution No. 2008-12 – Approving Agricultural Protection Area for Chris and Jennifer Griffin – 19.85 acres**

(Attachment 8)

ACTION: Motion by Council member Zilles to waive the rules and approve Resolution No. 2008-12-Approving Agricultural Protection Area for Chris and Jennifer Griffin – 19.85 Acres. Robison seconded the motion. The vote was unanimous, 6-0. Gibbons absent.

- **County of Governments Transportation Project Prioritization Process** – Jeff Gilbert explained that COG had met and created a draft prioritization process for transportation projects that will use the road tax money. It now comes to the County Council for final approval.

Vice Chairman Petersen asked about the airport of regional importance designation. Gilbert said it has been determined that the Logan-Cache Airport is an airport of regional significance and is eligible for funding by road tax. Petersen said the road tax was promoted to the public as being used for roads and he would be opposed to using it for the airport.

Petersen also said he understands that COG is not bound to use the point scheme to prioritize projects, but could use other criteria. Gilbert said that is correct.

Petersen also asked about the use of matching funds for road projects and why that is not included as an information point anywhere in the draft. Gilbert said that could be reworded asking that a list detailing grants/matching funds be included.

Petersen asked about purchasing right-of-ways and how the scoring would allow enough points for right-of-way purchases to have those projects rise higher on the prioritization list.

Attorney Daines asked if the Council can add a project to the list submitted to the Council from COG. Daines' concern is that sometimes cities decide what they want or don't want to the detriment of the whole. The county should be the proponent of regional priorities. Can the county forward a project for review to COG with the direction that Logan City (for instance) do the project?

Petersen and Daines both suggested that CMPO is in the best position to be the most aware of possible proposals the county could submit to COG and asked Gilbert to keep the Council informed of those possible proposals. Daines said Gilbert should give the Council a report from CMPO, not from the Council of Governments.

Lemon said the county should focus on road projects that will give the greatest benefit to reducing congestion.

Gilbert said that June 16, 2008 is the COG meeting where the final prioritization process will be adopted.

(Attachment 9)

PUBLIC HEARINGS, APPEALS AND BOARD OF EQUALIZATION MATTERS

PUBLIC HEARING: MAY 27, 2008 AT 6:35 P.M. – SETTLEMENT AGREEMENT AND VACATION OF COLDWATER CREEK ROADS

ACTION: Motion by Council member Robison to open the Public Hearing. Yeates seconded the motion. The vote was unanimous, 6-0. Gibbons absent.

Chairman Hansen opened the Public Hearing and invited public comment. Attorney Daines was asked to give an overview of the agreement.

Tape 2, Side A

Daines noted that the Coldwater settlement agreement had been the subject of two Executive Sessions and has been approved by Cache County and Coldwater Ranch. Basically, the county will receive a 66-foot road easement for a public road up Hyrum Dry Canyon. The road will border the Coldwater Ranch on the north to the Ant Flat Road with a fence (to be built by the county) on the south side of the road. From Ant Flat Road the new road will go to the Rocky Ridge Road on the south side of the Coldwater Ranch property. The county will be receiving thirty-seven acres of land bisected by the Blacksmith Fork Road and Blacksmith Fork River. It is hoped that motorized and non-motorized vehicles will be able to use the same road. The county will vacate the web of roads that traverse the Coldwater Ranch.

Chairman Hansen again invited public comment.

Garth Barker, John Borg, Curtiss Parkinson, Kelly Leishman and Susan McCormick all said this is a good compromise and Parkinson urged policing to ensure private property is not violated.

There was no other public comment.

ACTION: Motion by Council member Yeates to close the Public Hearing. Zilles seconded the motion. The vote was unanimous, 6-0. Gibbons absent.

Daines said a road management advisory group representing a diversity of interests should be instituted with the county taking the leadership role. Daines thanked Coldwater Ranch and their attorneys for their willingness to cooperate. Vacating of the roads will take about a month to set up. It has been too wet to go on site to check the proposed roadway.

The Council expressed support of the agreement.

Robison asked that the advisory group details be on the agenda for the June 10, 2008 Council meeting.

Lemon indicated a Public Hearing will held July 8, 2008 concerning the vacating of the roads in the Coldwater Ranch area and the process of advertising on the issue will begin now.

(Attachment 10)

INITIAL PROPOSAL FOR CONSIDERATION OF ACTION

- **4200 North Road** – Executive Lemon said the Airport Authority Board wants the Council to select an option to mitigate the problems associated with the height restrictors for the ILS. The options with estimated costs are:

Height restrictors	\$ 30,000
Lowering the road	350,000
Railroad crossing arms	350,000
Rerouting the road	500,000
Relocating the MALZAR	500,000

The Council asked Executive Lemon to obtain a more detailed estimate of the RR crossing arms cost.

COUNCIL MEMBER REPORTS

Kathy Robison distributed a paper containing information on PILT.

Robison asked if the Council would be interested in inviting Commissioner Kent Connelly from Kemmerer, Wyoming to a Council meeting to share his knowledge about the Ruby pipeline obtained through his experiences with them in Wyoming. Council members expressed a willingness to hear him and Chairman Hansen asked Pat Parker to schedule Connelly on a future agenda.

Gordon Zilles reported there have been two meetings of the Agricultural Subdivisions committee and another is scheduled shortly.

ACTION: Motion by Council member Yeates to adjourn. Petersen seconded the motion. The vote was unanimous, 6-0. Gibbons absent.


The Council meeting adjourned at 7:20 p.m.

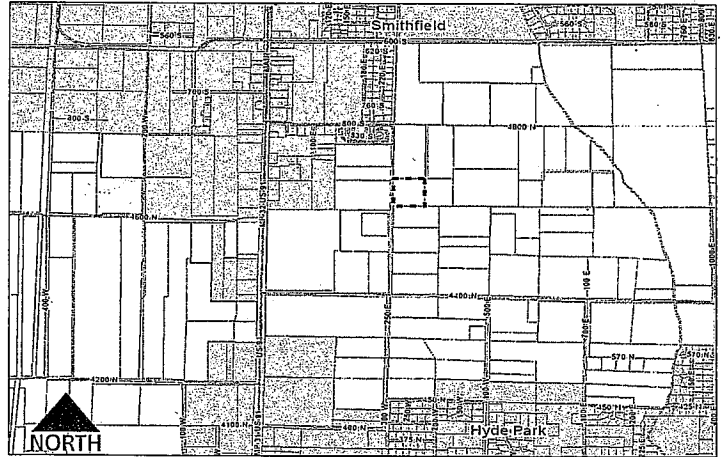
ATTEST: Jill N. Zollinger
County Clerk

APPROVAL: John A. Hansen
Chairman

**CACHE COUNTY CORPORATION
DEVELOPMENT SERVICES DEPARTMENT**

Project Name: **East Fields Subdivision**
Agent: Duane Williams
Request: 3-Lot Subdivision
Type of Action: Recommend to County Council
Current Zoning: Agricultural (A)
Project Address: 1000 South 300 East (Smithfield)
Staff Recommendation: Approval with Conditions
Tax ID: 08-117-0019
Surrounding Uses: North – Homes
South – Agriculture
East – Agriculture/Homes
West – Agriculture

Reviewed by: Jay Baker, Associate Planner II 



PURPOSE: To recommend preliminary and final plat approval to the County Council for the East Fields Subdivision.

PROJECT SUMMARY

Location: The project is located approximately 0.2 mile south of Smithfield City in the Agricultural Zone.

Access:

- Access from County Road 300 East is adequate.
- Drainage on the side of the road will need to be improved and culverts installed at driveways.

Water & Septic:

- Adequate water rights will be in place at the time of final plat recordation.
- All lots are feasible for deep, onsite septic systems and wells.

Service Provision:

- Access for fire protection from Smithfield is adequate. The fire station is 2.6 miles from the site.
- Garbage collection service will be on County Road 300 East.
- An existing school bus stop is located at approximately 1000 South 250 East.

STAFF DETERMINATION

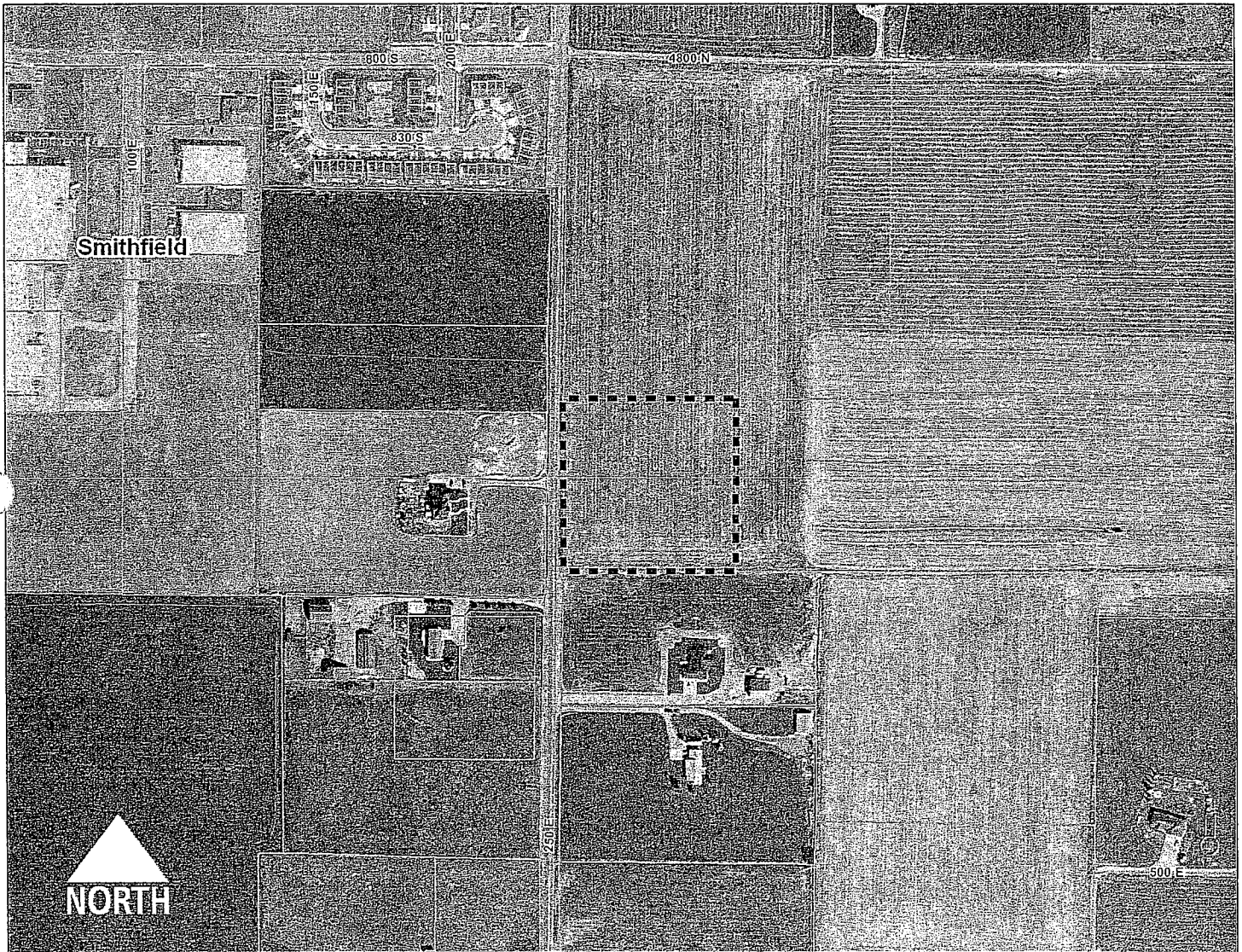
It is staff's determination that the East Fields Subdivision, a three (3) lot subdivision for property located at approximately 1000 South 300 East (Smithfield), is in conformance with the Cache County Ordinance and should be recommended for approval to the County Council. This determination is based on the following **findings of fact:**

1. The East Fields Subdivision has been revised and amended by the conditions of project approval to address the issues and concerns raised within the public and administrative records.
2. The East Fields Subdivision has been revised and amended by the conditions of project approval to conform to the requirements of Titles 16 and 17 of the Cache County Code and the requirements of various departments and agencies.
3. The East Fields Subdivision conforms to the Preliminary plat requirements of §16.03.030 Cache County Subdivision Ordinance.
4. The East Fields Subdivision is compatible with surrounding land uses and will not interfere with the use and enjoyment of adjoining or area properties.
5. 300 East, the County Road that provides access to the subject property, has an adequate capacity, or suitable level of service, for the proposed use.

CONDITIONS OF APPROVAL

The following stipulations must be met for the development to conform to the County Ordinance and the requirements of county service providers.

1. The applicant shall improve the drainage on the East side of 300 East, the length of the development.
2. Approaches to the properties will require a minimum 18" culvert.
3. The final plat shall not be recorded until sufficient domestic water rights are approved for all proposed lots within the subdivision.
4. Prior to final plat recordation the proponent shall meet all applicable standards of the Cache County Ordinance.



1 Cache County Planning Commission (CCPC)

2
3 Minutes for 3 April 2008

4
5 **Present:** Josh Runhaar, Garth Day, Jay Baker, George Daines, Lee Nelson, Troy Allen,
6 Chris Sands, Curtis Dent, LaMar Clements, Leslie Larson, Clair Ellis, and Marsha Giles.

7
8 **Start Time: 5:32 p.m.**

9
10 Nelson welcomed, Larson gave opening remarks.

11
12 Approval of Agenda

13
14 Clements moved to approve the agenda. Dent seconded, passed 7, 0.

15
16 Clements moved to approve the 6 March 2008 minutes as printed. Allen seconded,
17 passed 7, 0.

18
19 5:35 p.m.

20
21 Consent Agenda:

22
23 # 1 East Fields Subdivision (Duane Williams)

24
25 Baker reviewed the application and explained there were no issues with this request.

26
27 Dent moved to recommend approval to the County Council. Clements seconded, passed
28 6, 0.

29
30 **STAFF DETERMINATION**

31 It is staff's determination that the East Fields Subdivision, a three (3) lot subdivision for property located at
32 approximately 1000 South 300 East (Smithfield) is in conformance with the Cache County Ordinance and should be
33 recommended for approval to the County Council. This determination is based on the following findings of fact:

- 34 1. The East Fields Subdivision has been revised and amended by the conditions of project approval to address the
35 issues and concerns raised within the public and administrative records.
- 36 2. The East Fields Subdivision has been revised and amended by the conditions of project approval to conform to the
37 requirements of Titles 16 and 17 of the Cache County Code and the requirements of various departments and
38 agencies.
- 39 3. The East Fields Subdivision conforms to the Preliminary plat requirements of §16.03.030 Cache County
40 Subdivision Ordinance.
- 41 4. The East Fields Subdivision is compatible with surrounding land uses and will not interfere with the use and
42 enjoyment of adjoining or area properties.
- 43 5. 300 East, the County Road that provides access to the subject property, has an adequate capacity, or suitable level
44 of service, for the proposed use.

45
46
47 **CONDITIONS OF APPROVAL**

48 The following stipulations must be met for the development to conform to the County Ordinance and the requirements
49 of county service providers.

- 50 1. The applicant shall improve the drainage on the East side of 300 East, the length of the development.
51 2. Approaches to the properties will require a minimum 18" culvert.

- 1 3. The final plat shall not be recorded until sufficient domestic water rights are approved for all proposed lots within
2 the subdivision.
3 4. Prior to final plat recordation the proponent shall meet all applicable standards of the Cache County Ordinance.
4

5 **5:41 p.m.**

6
7 **Regular Action Items:**

8
9 **# 2 Agricultural Protection Area (Chris & Jennifer Griffin)**

10
11 Baker reviewed the request.

12
13 Runhaar stated that some of the parcels were not eligible because they were not
14 continuous to the parcels and were not a minimum of 10 acres.

15
16 Allen suggested the adjoining neighbors combine their acreage with Griffins and re-apply
17 for an Agricultural Protection Area.

18
19 Chris Griffin stated area residents were complaining about the smell of his hog farm.

20
21 Nelson suggested a reminder of the allowed uses in the Agricultural Zone be sent to
22 adjacent property owners.

23
24 Runhaar responded that a copy of the Agricultural Zone could be made available to the
25 adjacent property owners. He will contact the Sheriff's Office to see what has been
26 reported to them.

27
28 Chris Griffin stated he already has a Manure Management Program on the parcel.

29
30 Nelson stated the Planning Commission will write a letter to the adjacent property owner
31 if needed

32
33 Clements moved to recommend approval to the County Council to place 12.4 acres in
34 the Agricultural Protection Area. Larson seconded, passed 6-0.

35
36 **5:47 p.m.**

37
38 **#3 Udy Subdivision with Lot Line Adjustments (Emily P. Udy)**

39
40 Baker reviewed the request. He explained there are two lot line adjustments involved;
41 one is a parcel that was described as "very indefinite". This parcel has migrated south
42 since 1970. The second adjustment is turning the original 1970 property lines from north
43 and south to east and west.

44
45 Runhaar stated we are correcting what was done in the past and then dividing the north
46 parcel into two pieces through a subdivision process. The northwest parcel will be
47 determined a 1970 parcel because it was not known where it was located. With the

REQUEST FOR INTRA-DEPARTMENTAL BUDGET TRANSFER

DEPARTMENT: Support Services
DATE: 5/19/2008

Amount to be transferred -- (rounded to the nearest dollar) \$14,794.00

Transfer From ---

Line Item No. : 10-4211-740
Fund Designation: Capitalized Equipment

Original Budget:	<u>\$55,000.00</u>
Current Budget:	<u>\$78,000.00</u>
Expenditures to date:	<u>\$58,805.10</u>
Balance before transfer:	<u>\$19,194.90</u>
Balance after Transfer:	<u>\$4,400.90</u>

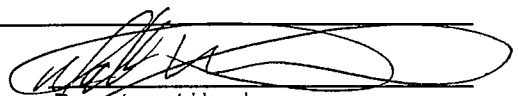
Transfer To ---

Line Item No. : 10-4211-251
Fund Designation: Non-Capitalized Equipment

Original Budget:	<u>\$24,000.00</u>
Current Budget:	<u>\$24,000.00</u>
Expenditures to date:	<u>\$11,983.49</u>
Balance before transfer:	<u>\$12,016.51</u>
Balance after Transfer:	<u>\$26,810.51</u>

Description of needs and purpose of transfer ---

To cover purchase of desks for investigations.


Department Head

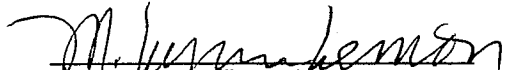
Recommendation: Approval [] Disapproval
Comments:

Date: 5/19/2008


Cache County Auditor

Recommendation: Approval [] Disapproval
Comments:

Date: 5/20/08


Cache County Executive

Consented by the Cache County Council meeting in regular session on the 27th day of May, 2008.


Cache County Clerk

REQUEST FOR INTRA-DEPARTMENTAL BUDGET TRANSFER

DEPARTMENT: Extension

DATE: 5/13/08

Amount to be transferred - (rounded to the nearest dollar)

\$ 1040

Transfer From -

Line Item No. : 10-4610-251
Fund Designation: Equipment Under \$5000

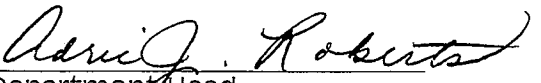
Original Budget:	<u>\$ 2000</u>
Current Budget:	<u>\$ 2000</u>
Expenditures to date:	<u>\$ 0</u>
Balance before transfer:	<u>\$ 2000</u>
Balance after transfer:	<u>\$ 960</u>

Transfer To -

Line Item No. : Equipment Supply & Maintenance
Fund Designation: 10-4610-250

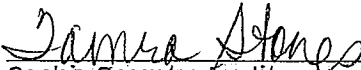
Original Budget:	<u>\$ 8000</u>
Current Budget:	<u>\$ 8000</u>
Expenditures to date:	<u>\$ 2610</u>
Balance before transfer:	<u>\$ 5390</u>
Balance after transfer:	<u>\$ 6430</u>

Description of needs and purpose of transfer —
Expenses for van repair.


Department Head

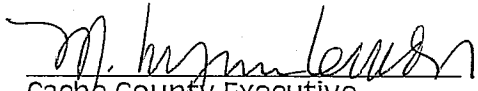
Recommendation: Approval Disapproval
Comments:

Date: May 13, 2008

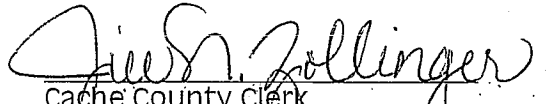

Cache County Auditor

Recommendation: Approval Disapproval
Comments:

Date: 5/14/08


Cache County Executive

Date: 5/27/08


Cache County Clerk

CACHE COUNTY
RESOLUTION NO. 2008-09

A RESOLUTION APPROVING AND AUTHORIZING THE EXECUTION OF A CORRIDOR AGREEMENT BETWEEN CACHE COUNTY AND UTAH DEPARTMENT OF TRANSPORTATION TO FACILITATE TRAFFIC FLOW ALONG THE SUBJECT CORRIDOR OF SR-252 WITHIN CACHE COUNTY, UTAH.

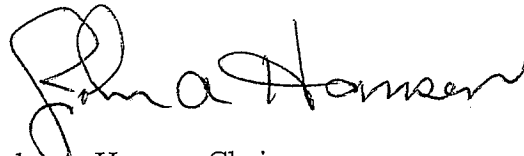
The County Council of Cache County, Utah, in regular meeting, lawful notice of which has been given, finds that it is in the best interests of the citizens of Cache County to enter into a corridor agreement between Cache County and Utah Department of Transportation to facilitate traffic flow along the subject corridor of SR-252 (1000 West and 2500 North) within Cache County, Utah by identifying and stipulating the locations of existing and future traffic signal installations and major access points.

NOW, THEREFORE BE IT RESOLVED that the Cache County Executive is hereby authorized to execute the corridor agreement between Cache County and Utah Department of Transportation as stated in "Exhibit A" attached hereto and made a part hereof.

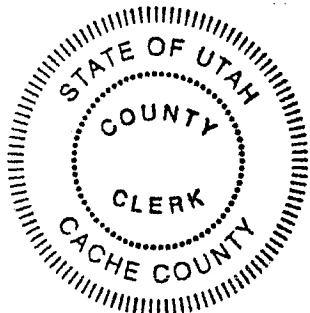
This Resolution shall take effect immediately upon adoption.

DATED this 27 day of May, 2008.

CACHE COUNTY COUNCIL

By: 
John A. Hansen, Chairman

ATTEST:





By: Jill N. Zollinger
Cache County Clerk

SR-252 in Cache County Corridor Agreement
Cache County, Logan City and North Logan City
Utah Department of Transportation

CORRIDOR AGREEMENT

20 08 THIS CORRIDOR AGREEMENT, made and entered into this 29th day of April, by and between the **UTAH DEPARTMENT OF TRANSPORTATION**, hereinafter referred to as "**UDOT**," and the cities of **LOGAN**, and **NORTH LOGAN**, and the county of **CACHE**, hereinafter referred to as the "**MUNICIPALITIES**",

WITNESSETH

WHEREAS, **UDOT** and the **MUNICIPALITIES** desire to facilitate traffic flow along the subject corridor of SR-252 within Cache County, Utah, by identifying and stipulating the locations of existing and future traffic signal installations and major access points; and

WHEREAS, in order to manage traffic flow and improve safety, other considerations will be necessary within the corridor as described herein; and

WHEREAS, **UDOT** and the **MUNICIPALITIES** agree to enter into this **CORRIDOR AGREEMENT** to accomplish this common goal; and

WHEREAS, **UDOT** has determined by formal finding that said work on public right-of-way is not in violation of the laws of the State of Utah or any legal contract with the **MUNICIPALITIES**.

This **CORRIDOR AGREEMENT** is made to set out the terms and conditions where under said corridor preservation shall be accomplished.

NOW, THEREFORE, it is agreed by and between the parties hereto as follows:

1. The parties hereto agree that the following intersections are identified as locations for existing, future or relocation of signalization:
 - a) SR-252 (1000 West) and 1600 South (future)
 - b) SR-252 (1000 West) and 600 South (existing)
 - c) SR-252 (1000 West) and 200 South (future)
 - d) SR-252 (1000 West) and SR-30 (200 North) (existing; to be removed and relocated to the future alignment of SR-30)
 - e) SR-252 (1000 West) and the future alignment of SR-30 (future relocation from 200 North)
 - f) SR-252 (1000 West) and 1000 North (future)
 - g) SR-252 (1000 West) and 1400 North (future)
 - h) SR-252 (1000 West) and 1800 North (future)
 - i) SR-252 (1000 West) and 2500 North (future) (requires relocation of airport main entrance to become north leg of the intersection)
 - j) SR-252 (2500 North) and 600 West (future)
2. The Parties hereto agree that traffic signals will only be installed at those intersections within the CITY limits that are listed above subject to meeting minimum traffic signal warrants as defined by the *Manual of Uniform Traffic Control Devices (MUTCD)* and satisfying a **UDOT** field review.
3. The **MUNICIPALITIES** agree that other locations along the SR-252 corridor will not be considered for future signalization.
4. The **MUNICIPALITIES** agree that future signalization of the intersection at SR-252 (1000 West) and 200 South can only occur if the signal relocation listed as items 1d and 1e above has already happened.
5. The **MUNICIPALITIES** agree to support the current version of **UDOT's** access management rule and to master plan with respect to the identified signals and access spacing's required along these corridors.
6. With respect to future access points that may not be consistent with the required spacing in the current version of the access management rule, the **UDOT** variance process will be used to determine the proposed access disposition and the **MUNICIPALITIES** agree to support this process.
7. The **MUNICIPALITIES** acknowledge that, at **UDOT's** discretion, it may become necessary to restrict certain types of movements at any and all un-signalized

intersections or access points within the corridor. Any such restriction shall only be implemented based on a public safety need.

8. The **MUNICIPALITIES** agree to support the current version of **UDOT's** access management rule with respect to development occurring within the subject corridor, variance requests, and related issues.
9. The **MUNICIPALITIES** agree that this agreement may be amended at any time to reflect changes which would not degrade the safety, operations, desired level of service as determined by **UDOT**, or functional classification as certified by a traffic engineering study performed by a licensed engineer certified and qualified to perform this analysis in the State of Utah, and as agreed upon in writing by **UDOT** and all of the **MUNICIPALITIES**.

IN WITNESS WHEREOF, the parties hereto have caused these presents to be executed by their duly authorized officers as of the day and year first above written.

ATTEST:

Raunice
Title: City Recorder
Date: 4/29/08
(IMPRESS SEAL)

LOGAN CITY CORPORATION, a Municipal Corporation in the State of Utah

By: *Randy W. Datta*
Title: MAYOR
Date: 4/29/08

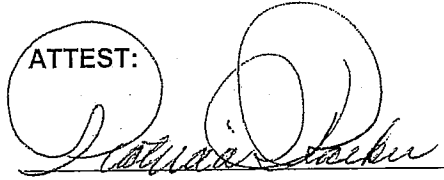
ATTEST:

Title: _____
Date: _____
(IMPRESS SEAL)

NORTH LOGAN CITY CORPORATION, a Municipal Corporation in the State of Utah

By: _____
Title: _____
Date: _____

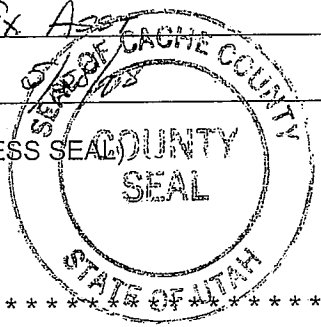
SR-252 in Cache County Corridor Agreement
Cache County, Logan City and North Logan City
Utah Department of Transportation

ATTEST:


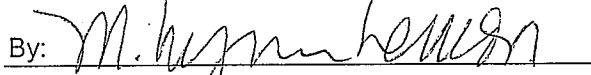
Title: Ex. Ass.

Date: _____

(IMPRESS SEAL)



CACHE COUNTY CORPORATION, a
Municipal Corporation in the State of Utah

By: 

Title: County Executive

Date: 5/28/08

RECOMMENDED FOR APPROVAL:

Region Traffic and Safety Engineer

Date

UTAH DEPARTMENT OF
TRANSPORTATION:

Region Director

Date

APPROVED AS TO FORM:

As evidence by the signature below, the
Attorney General's Office has reviewed this
Agreement pursuant to Utah Code Annotated,
Section 11-13-9, and authorizes and approves it.

UTAH ATTORNEY GENERAL MARK L.
SHURTLEFF

Bruce Garner, Assistant Attorney General

UDOT COMPTROLLER'S OFFICE:

Contract Administrator

Date

CACHE COUNTY
RESOLUTION NO. 2008-10

A RESOLUTION APPROVING AND AUTHORIZING THE EXECUTION OF A
CONSERVATION EASEMENT BETWEEN CACHE COUNTY AND THE AMERICAN
WEST HERITAGE FOUNDATION.

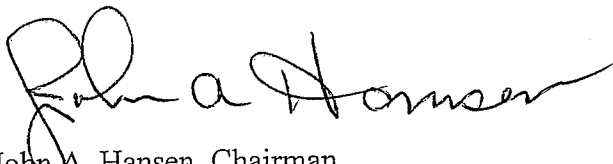
The County Council of Cache County, Utah, in regular meeting, lawful notice of which has been given, finds that it is in the best interests of the citizens of Cache County to enter into a conservation easement between Cache County and the American West Heritage Foundation which primary purpose is to assure that the property be retained forever in its farming condition and as a secondary objective, to forever protect the natural, scenic, and open space condition for conservation purposes and to prevent any uses of the property that will significantly impair or interfere with those values.

NOW, THEREFORE BE IT RESOLVED that the Cache County Executive is hereby authorized to execute the conservation easement agreement between Cache County and the American West Heritage Foundation as stated in "Exhibit A" attached hereto and made a part hereof.

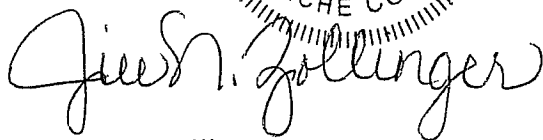
This Resolution shall take effect immediately upon adoption.

DATED this 27 day of May, 2008.

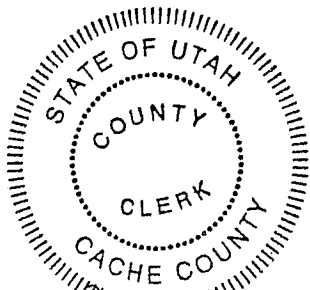
CACHE COUNTY COUNCIL

By: 
John A. Hansen, Chairman

ATTEST:



By: Jill N. Zollinger
Cache County Clerk



DEED OF CONSERVATION EASEMENT
FROM
AMERICAN WEST HERITAGE FOUNDATION
TO
CACHE COUNTY

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WHEN RECORDED, MAIL TO:

Cache County
Attn: M. Lynn Lemon
199 N Main Street
Logan, UT. 84321

**AMERICAN WEST HERITAGE FOUNDATION
LAND PRESERVATION EASEMENT**

This GRANT OF EASEMENT and DECLARATION OF RESTRICTIVE COVENANTS, hereinafter referred to as the "EASEMENT", made this 27th Day of May in the year 2008,

BETWEEN The American West Heritage Center having an address of 4025 South Hwy 89-91, Wellsville Utah 84339, a non-profit corporation of the State of Utah, hereinafter "GRANTOR",

AND

Cache County Corporation at the address of 199 North Main Street, Logan, Utah 84321, a municipal corporation of the State of Utah, hereinafter called "GRANTEE",

Collectively referred to in the EASEMENT as the comprehensive "Parties", WITNESSETH;

WHEREAS, GRANTOR is the owner of a certain tract of land, located on Hwy 89/91 approximately 4000 South in Wellsville, Cache County, Utah, more particularly designated on maps in "Exhibit A" attached hereto and incorporated herein by this reference, hereinafter called the Property; and

WHEREAS, the Property is approximately 55 acres, which is more specifically defined by legal descriptions attached hereto as "Exhibit B" and by this reference made a part hereof; and

WHEREAS, it is the GRANTOR's intention to maintain the property as a working Farm; and

WHEREAS, in accordance with the mission of the Grantor, the protection of this Property will contribute to open space beneficial and available to the public; and

WHEREAS, The Farmland Protection Policy Act, P.L. 97-98, 7 U.S.C. Sections 4201, et seq., is a clearly delineated governmental conservation policy whose purpose is "to minimize the extent to which Federal programs and policies contribute to the unnecessary and irreversible conversion of farm land to nonagricultural uses and to assure that Federal programs are administered in a manner that to the extent practicable will be compatible with State, unit of local government and private programs and policies to protect farmland;" and

WHEREAS, the Property possesses agricultural, wildlife habitat, natural, scenic, and open space values (collectively, "*Conservation Values*") of great importance to the GRANTEE, the people of Cache County, the people of the state of Utah, and the people of the United State of America, which are worthy of protection and more fully described in the Baseline Documentation; and

WHEREAS, the Governor of the State of Utah, by Executive Order on May 24, 1996 established the Critical Lands Committee articulating the importance of communities to maintain agricultural land in order to protect self sufficiency and self reliance as well as the protection of these areas as open space; and

WHEREAS, the property is a significant scenic and open space resource and its open character is an important visual relief along Highway 89/91; and

WHEREAS, the GRANTEE is a county which as described in Section 501(c)3) of the Internal Revenue Code of 1986 as amended (the "Code") is a "qualified organization" as defined in section 170(h)(3) of the Code;

WHEREAS, GRANTOR acknowledges receipt of the information and disclosures required by Utah Code Section 57-18-4 more than three days prior to the execution of this Agreement.

Now, THEREFORE, KNOW ALL MEN BY THESE PRESENTS, in consideration of the above and the mutual covenants, terms, conditions, and restrictions contained herein, which the Parties hereby agree constitute adequate consideration for this agreement, and pursuant to Section 170(h) of the Code and the laws of the State of Utah, including Utah Code Ann. 57-18-1 et seq., 1985, GRANTOR hereby voluntarily grants and conveys to GRANTEE and its successors and permitted assigns a conservation easement (the "Easement") in perpetuity over the Property of the nature and character and to the extent hereinafter set forth. GRANTOR herein declares that the Property shall be held, mortgaged, encumbered, transferred, sold, conveyed, used and occupied subject to the covenants, conditions, restrictions, and easements hereinafter set forth, which covenants, conditions, restrictions and easements shall be deemed to run with the land in perpetuity and to burden the Property in perpetuity.

PURPOSE

1. It is the primary purpose of this Easement to assure that the Property be retained forever in its farming condition and as a secondary objective, to forever protect the natural, scenic, and open space condition for conservation purposes, and to prevent any uses of the Property that will significantly impair or interfere with those values. GRANTOR intends with the granting of this Easement that the uses of the Property will be confined to those uses which are consistent with the conservation purposes of this Easement.

RIGHTS OF GRANTEE

2. Affirmative Rights of GRANTEE. GRANTOR hereby grants the following rights to GRANTEE, which rights shall be in addition to and not in limitation of, and other rights and remedies available to GRANTEE:

(a) to prevent GRANTOR or third persons (whether or not claiming by, through, or under GRANTOR) from conducting any activity on or use of the Property that is inconsistent with the purpose of this Easement, and to require of GRANTOR or third persons the restoration of such areas or features of the Property that may be damaged by any inconsistent activity or use;

(b) upon two (2) business days prior notice to GRANTOR, and without unreasonably interfering with GRANTOR's use and quiet enjoyment of the Property as restricted by this Easement, to enter upon the Property at reasonable times and in a reasonable manner in order to monitor GRANTOR's compliance with and otherwise enforce the terms of this Easement, provided that in the absence of evidence which gives GRANTEE a reasonable basis to believe there has been a violation of the provisions of this Easement (which evidence shall be made available to GRANTOR), such entry shall not occur more often than twice annually;

(c) to enter onto the Property in the case of an emergency as determined by GRANTEE, in which event GRANTEE shall notify GRANTOR prior to entering onto the Property, if possible, or as soon thereafter as is reasonably practical;

(d) to obtain injunctive and other equitable relief against any violations, including restoration of the Property to the condition that existed prior to any such violation (it being agreed that GRANTEE will have no adequate remedy at law);

(e) to enforce this Easement in the case of breaches by GRANTOR or by third persons (whether or not claiming by, through, or under GRANTOR) by appropriate legal proceedings, after providing GRANTOR with reasonable notice and a reasonable opportunity to cure;

(f) to erect not more than two signs (unless determined by GRANTEE and GRANTOR that more than two signs are necessary) each of which shall not exceed 24 inches by 24 inches in size, identifying GRANTEE as the holder of this Easement and the terms of this easement.

2.1 **Forbearance Not a Waiver.** Any forbearance by GRANTEE to exercise its rights under this Easement in the event of any breach of any term of this Easement shall not be deemed or construed to be a waiver by GRANTEE of such term or of any subsequent breach of the same or any other term of this Easement or of any of GRANTEE's rights under this Easement. No delay or omission by GRANTEE in the exercise of any right or remedy upon any breach shall impair such right or remedy or be construed as a waiver.

2.2 **Acts Beyond GRANTOR's Control.** Nothing contained in this Easement shall be construed to entitle GRANTEE to bring any action against GRANTOR or any injury to or change in the Property resulting from causes beyond GRANTOR's control, including without limitation, acts of trespassers or the unauthorized wrongful acts of third persons, fire, flood, storm, earth movement and major tree disease, or from any prudent action taken by GRANTOR under emergency conditions to prevent, abate, or mitigate significant injury to the Property resulting from such causes. Notwithstanding the foregoing, nothing herein shall preclude GRANTOR's and GRANTEE's rights to pursue any third party for damages to the Property from vandalism, trespass, or any other violation of the terms of this Easement.

3. **Prohibited Uses.** Any activity on or use of the Property inconsistent with the purpose of this Easement is prohibited. Without limiting the generality of the foregoing, the following activities and uses are expressly prohibited on, over, under or in connection with the Property, except as provided in paragraph 4:

A. Development, pre-sale, division, subdivision or defacto subdivision of the Property for any type of human occupation or commercial, industrial and residential use;

B. Construction of buildings, residences, mobile homes, or other structures, or any other improvements for use for human occupation, constructed or placed in, on, under, or upon the Property; and

C. Any act or use that would impair the farming ability, historic character, scenic tranquillity, ecological integrity, and generally, open character and conservation value of the Property;

D. Quarrying, mining, excavation, depositing or removing of rocks, gravel, minerals, sand, or other similar materials from the Property; and

E. residential, or industrial uses of the Property;

F. commercial uses of the property other than those expressly permitted under paragraph 4;

G. constructing or placing of any building mobile home, transmission or receiving tower, energy facility, or other temporary or permanent structure or facility on or above the Property;

H. installation of underground storage tanks or the placing, filling, storing, or dumping on the Property of soil, refuse, trash, vehicle bodies, rubbish, debris, junk, waste, radioactive or hazardous waste except as reasonable required for the use of the Property for sustainable farming activities and except as in accordance with applicable local, state, and federal laws and regulations;

I. uses of the Property that would alter the topography of the Property other than the natural tilling and general soil manipulation necessary to carry out crop and light rotational farming practices;

J. uses of the Property that would be detrimental to water quality or that would permanently

alter the normal ground water level except as is reasonable to carry out the farming activities of the Property;

K. the creation of roads;

L. no utility rights-of-way shall be located within the property, or granted through easement after the date of this instrument;

M. any unanticipated use or activity on or at the Property which would impair significant conservation values unless such use or activity is necessary for the protection of the conservation values that are the subject of this Easement, in which case such use or activity shall be subject to the prior approval of GRANTEE, which approval shall not be unreasonably withheld.

4. **Reserved Rights.** GRANTOR reserves to themselves and to their personal representatives, heirs, successors and assigns, all rights accruing from their ownership of the Property, including the right to engage in or permit or invite others to engage in all uses of the Property that are not expressly prohibited herein and are not inconsistent with the purpose of this Easement. Without limiting the generality of the foregoing, the following rights are expressly reserved:

A. the right to engage in all acts or uses that are not prohibited by governmental statute or regulation, not expressly prohibited herein, and not inconsistent with the purpose of this Easement;

B. the right to conduct a viable farming operation including, but not limited to, crop production, grazing (provided the number of animals does not exceed 40), and organic agricultural production, excepted from this subparagraph (B) is the ability to use any portion of the Property as a feedlot, or conduct intensive farming operations which would require the segmenting of the property into livestock pens, or more than two separate pastures, or structures of any type;

C. the right to use motorized vehicles for the purposes of farming and general operation of the Property, provided such vehicles are in sound working order;

D. Grantor shall retain and reserve the right to use water rights sufficient to maintain and improve the Conservation Values of the Property, and shall not transfer, encumber, lease, sell or otherwise separate water rights from the title to the Property itself. Removal of groundwater for use off of the property including, but not limited to the sale, removal, or transfer of water rights and shares for use off of the Property is not allowed unless expressly agreed to by Grantee.

E. the right to post all or a portion of the Property against violating the terms of this Easement and hunting;

F. the right to lease or grant other less than fee interests in all or a portion of the Property for any farming use permitted to GRANTOR under this Easement, provided that such lease or other interest is consistent with and subject to the terms of this Easement.

G. existing fencing, may be repaired, restored, or reconstructed as necessary in a manner consistent with its condition established through the Baseline Documentation;

H. the right of public access in accordance with the overall educational and experiential mission of the American West Heritage Center, the educational part of the mission of Utah Open Lands, and in particular the education of the general public to promote a greater

understanding and enjoyment of the production of agricultural products and historic farming practices of the West, provided such access does not materially impair any conservation resource and provided such access is in a manner which will not adversely affect the farming ability and tranquil scenic nature of the property;

5. **Documentation of Use and Condition of the Property.** To establish the present condition of the Property's agricultural, natural, scenic, wildlife and other conservation resources and the Property's manmade features, so as to make possible the proper monitoring of future uses of the Property and to ensure compliance with the terms of the EASEMENT, the Parties hereto have prepared an inventory of the Property's relevant resources, features and conditions, which inventory is attached hereto, in part, as Exhibit "C", Baseline Documentation. This Baseline Documentation in its entirety is on file at the office of both GRANTOR and GRANTEE. The Parties expressly agree that said inventory is an accurate representation of the Property at the time the Agreement is signed. It shall further constitute the minimum level at which the Property shall be maintained by GRANTOR. If a controversy arises with respect to the nature and/or extent of the historical, and/or present use and/or physical condition of the Property at the time of the signing of this instrument, the Parties shall not be foreclosed from utilizing all relevant or material documents surveys, reports, and other evidence to assist in the resolution of the controversy.

Enforcement; Notices; Taxes; Liabilities and Costs

6. Enforcement of EASEMENT.

A. GRANTOR of the Property shall notify GRANTEE, or its successor as defined in Paragraph 8 below in interest, in writing, before exercising any right reserved by GRANTOR, expressly or implicitly, with respect to the Property, the exercise of which may have a significant impact on any of

B. GRANTEE shall have Thirty (30) days from the mailing of such notice to review the proposed activity and notify GRANTOR of any objections thereto. Such objections, if any, shall be based upon GRANTEE's opinion that the proposed activity is inconsistent with this Agreement, and shall inform GRANTOR of the manner, if any, in which the proposed activity can be modified to be consistent with the Agreement. GRANTEE shall have the right to prevent any proposed activity which is incompatible with the authorized uses or prohibitions specified herein. If notice of GRANTEE's objection is not given to GRANTOR, as required by Paragraph 7 (A), within thirty (30) days of GRANTOR mailing its notice of a proposed activity, GRANTEE shall have waived its right to object to the proposed activity.

C. Regardless of receipt of notice, if GRANTEE determines that GRANTOR is in violation of the terms of this EASEMENT, GRANTEE shall give written notice to GRANTOR of such violation and demand corrective action sufficient to cure the violation and where this violation has injured the Property because of a use or activity inconsistent with this EASEMENT, to restore the Property the extent possible to the condition of the Property before the violation occurred as documented in the Baseline Documentation. The Parties recognize that GRANTEE may bring an action in law or equity in a court of competent jurisdiction to enforce the terms of this EASEMENT, enjoin violations, or require restoration of the Property, as needed.

D. Any violation of the EASEMENT shall be subject to injunctive proceedings with the imposition of temporary restraining orders or through any other legal means. The Parties recognize that monetary damages and/or other to recover reasonable attorney fees and costs.

E. in the event of disputes as to any permitted or prohibited use of the Property, GRANTEE and GRANTOR shall have the right to demand arbitration by making such demand in writing upon the initiator of the dispute. Arbitration shall proceed under the rules of the American Arbitration Association in Salt Lake City, Utah. In the event that GRANTEE or GRANTOR

exercises this right, if GRANTOR and GRANTEE agree upon selection of one person to serve as arbitrator, there shall be only one (1) arbitrator. If no agreement is reached within fifteen (15) days after the demand for arbitration, there shall be three (3) arbitrators, one named by GRANTEE and one named by GRANTOR within thirty (30) days after the demand for arbitration and a third chosen by those two designated arbitrators. The decision of the arbitrator (or a majority of the arbitrators, as the case may be) shall be binding. Should GRANTOR or GRANTEE refuse or neglect to timely appoint an arbitrator, a binding decision shall be rendered solely by the arbitrator named by GRANTEE or GRANTOR.

F. Failure by any party to exercise its rights under this instrument in the event of any breach shall not be deemed or construed to be a waiver of the Parties' rights hereunder as to that breach or any subsequent breach.

7. Payment of Costs, Taxes or Assessments. GRANTOR shall bear all costs and liabilities of operation, upkeep and maintenance of the Property, including the maintenance of adequate general liability insurance coverage. In addition, GRANTOR shall pay all real estate taxes or assessments levied by competent authorities upon the Property, and GRANTEE shall have no obligation or responsibility for payment of taxes or assessments levied upon any of the Property. All obligations of GRANTOR under this Agreement, if more than one person or entity is the successor or assign of GRANTOR shall be jointly and severally binding on each such person or entity.

ASSIGNMENT BY GRANTEE; TRANSFERS BY GRANTOR

8. Transfer of EASEMENT. If GRANTEE determines that it no longer is able to perform its obligations or enforce its rights under this Agreement, or that it no longer desires to enforce said rights, or if GRANTEE ceases to exist, or is otherwise prevented from enforcing its rights under this Agreement, or if GRANTEE no longer qualifies as a "qualified organization" under Paragraph 170 (h) (3) of the Internal Revenue Service (IRS) Code or a comparable provision in any subsequent revision of the IRS Code, GRANTEE shall as soon as practical convey in perpetuity all its rights under this instrument and deliver a copy of this instrument to an organization designated by GRANTEE and described in or contemplated by Paragraph 170 W (3) of the IRS Code or the comparable provision in any subsequent revision of the IRS Code, without qualification, to ensure that the EASEMENT is enforced. GRANTEE is hereby expressly prohibited from subsequently transferring the EASEMENT, whether or not for consideration, unless:

- A. GRANTEE, as a condition precedent of the transfer, requires that the conservation purposes which the EASEMENT is intended to advance continue to be carried out;
- B. The transferee is an organization qualifying at the time of the transfer as an eligible donee under Paragraph I 70(h) (3) of the IRS Code (or the comparable provision in any subsequent revision of the IRS Code); for the purposes of this document both Grantee and Grantor consider Utah Open Lands Conservation Association an appropriate entity qualifying under said Code, provided that Utah Open Lands at the time of such transfer, no longer holds any fee title interest in the property and regulations promulgated thereunder; and
- C. GRANTOR and his successors in interest consents in writing to the transfer. Such consent shall not be unreasonably withheld.

AMENDMENTS; EXTINGUISHMENT

9. Limitations on Amendments. If circumstances arise under which an amendment to or modification of the Easement would be appropriate, GRANTOR and GRANTEE may by mutual

written agreement jointly amend the Easement; provided that no amendment shall be made that will adversely affect the qualification of the Easement of the status of GRANTEE under any applicable laws, including Sections 170(h) and 501(c)(3) of the Code and the laws of the State of Utah. Any such amendment shall be consistent with the purpose of the Easement, shall not affect its perpetual duration, shall not permit any impairment of the significant conservation values of the Property. Any such amendment shall be filed in the County Recorders Office of Cache County, Utah. Nothing in this paragraph shall require GRANTOR or GRANTEE to agree to any amendment or to consult or negotiate regarding any amendment.

10. **Limitations on Extinguishment.** If circumstances arise in the future that render the purpose of the Easement impossible to accomplish, the Easement can only be terminated or extinguished, whether with respect to all or part of the Property by judicial proceedings in a court of competent jurisdiction. Unless otherwise required by applicable law at the time, in the event of any sale of all or a portion of the Property (or any other Property received in connection with an exchange or involuntary conversion of the Property after such termination or extinguishment, and after the satisfaction of prior claims and net of any costs or expenses associated with such sale, GRANTOR and GRANTEE shall divide the proceeds from such sale (minus any amount attributable to the values of improvements made by GRANTOR after the effective date of the Easement, which amount is reserved to GRANTOR) in accordance with their respective percentage interests in the fair market values of the Property, as such percentage interests are determined under the provisions of paragraph 11.1, adjusted, if necessary, to reflect a partial termination or extinguishment of the Easement. All such proceeds received by GRANTEE shall be used by GRANTEE in a manner consistent with GRANTEE's conservation purposes.

10.1 **Percentage Interests.** For purposes of this paragraph, the parties hereto stipulate that as of the effective date of this grant the Easement and the restricted fee interest in the Property each represents a percentage interest in the fair market value of the Easement on the effective date of this grant to the value of the Property, without deduction for the value of the Easement, on the effective date of this grant. The values on the effective date of this grant shall be those values used to calculate the deduction for federal income tax purposes allowable by reason of this grant, pursuant to Section 170(h) of the Code. The parties shall include the ratio of those values with the Baseline Documentation of the Property (on file at GRANTEE's offices) and shall amend such values, if necessary, to reflect any final determination thereof by the Internal Revenue Service or court of competent jurisdiction. For purposes of this paragraph, the ratio of the value of the Easement to the value of the Property unencumbered by the Easement shall remain constant, and the percentage interests of GRANTOR and GRANTEE in the fair market value of the Property thereby determinable shall remain constant.

10.1a **Quality Growth Commission Grant.** The Grantee received a grant in the amount of One Hundred Thousand dollars (\$100,000.00) from the Utah Quality Growth Commission ("Commission") as partial funding for the acquisition of the property subject to this Easement. In the event of condemnation of the property and/or termination of this Easement, the Commission shall be entitled to receive that portion of the net proceeds of the condemnation or sale of the property or any portion thereof, that Grantee and Grantor are entitled to under the terms of the equal to the proportionate value of the Grant Funds that were used to pay for the property as established at the time of its creation. At the option of the Commission, Grantee may retain the Commission's share of the proceeds, provided that the proceeds shall be used in a manner and for a purpose consistent with the conservation values for which the Grant was made.

10.2 **Condemnation.** If all or a part of the Property is taken, in whole or in part, by exercise of the power of eminent domain, GRANTOR and GRANTEE shall be respectively entitled to

compensation in conformity with the provisions of paragraphs 10.1 and 10.1.a (with respect to the allocation of proceeds).

GRANTOR TRANSFERS; NOTICES; HOLD HARMLESS; ALTERNATIVE ENFORCEMENT

11. **Subsequent Transfers.** GRANTOR shall incorporate the terms of the Easement in any deed or other legal instrument by which it divests itself of any interest in all or a portion of the Property, including, without limitation, a leasehold interest. GRANTOR shall give written notice to GRANTEE of the transfer of any interest at least twenty (20) days prior to the date of such Transfer. The failure of GRANTOR to perform any act required by this Paragraph shall not impair the validity of the Easement or limit its enforceability in any way.

12. **Notices.** Any notice, demand, request, consent, approval or communication shall be in writing and served personally or sent by first class mail, postage prepaid, addressed as follows:

GRANTOR:

The American West Heritage Center
4025 S HWY 89/91
Wellsville, UT 84339

GRANTEE:

Cache County Executive
199 North Main
Logan, UT 84321

13. **Recordation.** GRANTEE shall record this instrument in timely fashion in the official records of Cache County, Utah and may re-record it at any time as may be required to preserve its rights in the Easement.

14. **Hold Harmless.** GRANTOR will hold harmless, indemnify and defend GRANTEE and its members, directors, officers, employees, agents and contractors and the heirs, personal representatives, successors, and assigns of each of them (collectively "Indemnified Parties") from and against all liabilities, penalties, costs, losses, damages, expenses, causes action, claims, demands, or judgments, including, without limitation, reasonable attorney's fees, arising from or in any way connected with: (1) injury to or the death of any person, or physical damage to any PROPERTY, resulting from any act omission, condition, or other matter related to or occurring on or about the Property, regardless of cause, unless due solely to the negligence of any of the Indemnified Parties; (2) the obligations specified in Paragraph 7; (3) the existence or administration of the Easement; and (4) any hazardous waste, here taken in the broadest context, cleanup resulting from previous landfills, dumping, toxic refuse or other waste for which the Superfund Act may be applied.

15. **General Provisions**

A. **Controlling Law.** The interpretation and performance of the Easement shall be governed by the laws of the State of Utah.

B. **Construction.** Any general rule of construction to the contrary notwithstanding, this Agreement and EASEMENT shall be liberally construed in favor of the Easement and to effect the purpose of the Easement and the policy and purpose of Utah Code Ann. §57-18- 1, et seq.

(198 5) and related provisions. If any provision in this instrument is found to be ambiguous, an interpretation consistent with the purpose of the Easement that would render the provision valid shall be favored over any interpretation to the contrary.

C. Severability. If any provision of the Easement, or the application thereof to any person or circumstance, is found to be invalid, the remainder of the provisions of the Easement, or the application of such provision to persons or circumstances other than those as to which it is found to be invalid, as the case may be, shall not be affected thereby.

D. Joint Obligation. The obligations imposed by the Easement upon any owner shall be joint and several.

E. Successors. The covenants, terms, conditions, and restriction of this Agreement and the Easement created hereunder shall be binding upon, and inure to the benefit of, GRANTEE, subsequent owners of the Property, and their respective personal representatives, heirs, successors and assigns, and shall continue as a servitude running in perpetuity with the Property.

F. Captions. The captions in this instrument have been inserted solely for convenience of reference and are not a part of this instrument and shall have no effect upon construction or interpretation.

IN WITNESS WHEREOF GRANTOR and GRANTEE have executed on the day and year first above written.

GRANTOR: The American West Heritage Center

By: _____
Steven L. DeLong, Executive Director

STATE OF UTAH)

:ss

COUNTY OF CACHE)

On the ____ day of May, 2008, personally appeared before me GRANTEE, Steven L. DeLong acknowledging before me that he is the Executive Director of the American West Heritage Center, and that the within and foregoing Agreement is signed on behalf of said corporation by authority of resolution of its board of directors and duly acknowledges to me that said corporation executed the same.

Notary Public
Residing at _____

My Commission Expires: _____

GRANTEE: CACHE COUNTY

By: M. Lynn Lemon
M. Lynn Lemon, County Executive

STATE OF UTAH)

:ss

COUNTY OF CACHE)

On the ___ day of May, 2008, personally appeared before me GRANTEE, M. Lynn Lemon acknowledging before me that he is the County Executive of Cache County Corporation, and that the within and foregoing Agreement is signed on behalf of said corporation by authority of resolution of its County Council and duly acknowledges to me that said corporation executed the same.

Notary Public

Residing at _____

My Commission Expires: _____

Cache County Corporation
Tax Roll Information

Exhibit B-1

1:59PM

Monday, March 03, 2008

Parcel 11-058-0005

Entry

Name HALL DUANE H

*****LEGAL DESCRIPTION*****

Property Address: 3100 W 3500 S
WELLSVILLE

Current Year:

BEG S 0*05' W 911.19 FT OF PT 13.01 CHS E OF NW COR SEC 25 T 11N R 1W & TH S 936.81 FT TH N 88*36' W 2.86 CHS TH N 0*34' E 12.3 CHS TH N 82*51' W 3.9 CHS TH N 43*16' E 5.12 CH TO PT N 69*52'59" W 246.83 FT OF BEG TH S 69*52'59" E 246.83 FT TO BEG CONT 4.67 AC M/L
ALSO: BEG 34' W 12.30 CH OF A PT S 82*51' E 3.90 CH OF PT S 43*16' W 5.12 CH OF PT S 39' E 11.41 CH OF PT 9.72 CH E OF NW COR SEC 25 T 11N R 1W, N 89*50' W 22.06 CH TO CENT LITTLE BEAR RIVER UP SD RIVER TO PT S 89*57' W 22' CH OF PT S 29' W 5.12 CH OF BEG N 89*57' E 22 CH TO PT S 0*29' BEG N 0*29' E 5.12 CH TO BEG CONT 11.13 AC CONT 15.8 AC M/L IN ALL
WITH & SUBJ TO 20 FT R/W AS PER ENT 945567 & 945568

Next Year:

Next Year Legal Description Same as Current Year

***** End of Report *****

Cache County Corporation
Tax Roll Information

Exhibit B - 2

Monday, March 03, 2008

1:48PM

Parcel 11-058-0012 Entry 945569 Name AMERICAN WEST HERITAGE FOUNDAT

COMMENCING AT THE EAST QUARTER CORNER OF SECTION 25, TOWNSHIP 11 NORTH, RANGE 11 WEST OF THE SALT LAKE BASE AND MERIDIAN AND RUNNING THENCE NORTH 02*01'59" WEST ALONG THE EAST LINE OF THE NORTHEAST QUARTER OF SAID SECTION 25 A DISTANCE OF 2,680.33 FEET TO A BRASS CAP MONUMENT FOUND AT THE NORTHEAST CORNER OF SAID SECTION 25; THENCE SOUTH 90* WEST ALONG A RANDOM LINE 4,453.93 FEET; THENCE SOUTH 00*00'47" EAST 850.62 FEET TO AN EXISTING REBAR AND A POINT DESCRIBED OF RECORD AS BEING LOCATED EAST 858.66 FEET AND SOUTH 00'05" EAST 911.19 FEET FROM THE NORTHWEST CORNER OF SAID SECTION 25; THENCE SOUTH 00*08'00" WEST (SOUTH BY RECORD) 984.06 FEET TO A POINT DESCRIBED OF RECORD AS BEING LOCATED EAST 858.66 FEET AND SOUTH 1848 FEET FROM THE NORTHWEST CORNER OF SAID SECTION 25; THENCE NORTH 89*21'52" WEST 185.02 FEET (NORTH 88*36' WEST 188.76 FEET BY RECORD) TO A POINT DESCRIBED OF RECORD AS BEING LOCATED 9.72 CHAINS EAST AND SOUTH 00*39' EAST 11.41 CHAINS AND SOUTH 43*16' WEST 5.12 CHAINS AND SOUTH 82*51' EAST 3.90 CHAINS AND SOUTH 0034' WEST 12.30 CHAINS FROM THE NORTHWEST CORNER OF SAID SECTION 25; THENCE SOUTH 00*32'05" WEST (SOUTH & SOUTH 00*29' WEST BY RECORD) 337.94 FEET (337.92 FEET BY RECORD) TO AN EXISTING FENCE CORNER AND THE TRUE POINT OF BEGINNING, A POINT DESCRIBED OF RECORD AS BEING LOCATED 9.72 CHAINS EAST AND SOUTH 00*39' EAST 11.41 CHAINS AND SOUTH 43*16' WEST 5.12 CHAINS AND SOUTH 82*51' EAST 3.90 CHAINS AND SOUTH 0034' WEST 12.30 CHAINS AND SOUTH 00*29' WEST 5.12 CHAINS FROM THE NORTHWEST CORNER OF SAID SECTION 25; AND RUNNING THENCE SOUTH 00*32'05" WEST 339.42 FEET (SOUTH 00*29' WEST 338.58 FEET BY RECORD) TO A POINT IN AN EXISTING FENCE LINE; THENCE SOUTH 89*35'18" WEST (SOUTH 89*36' WEST BY RECORD) ALONG AN EXISTING FENCE LINE AND THE PROJECTION THEREOF 1,283.74 FEET MORE OR LESS (1386 FEET BY RECORD) TO A POINT IN THE CENTER OF THE LITTLE BEAR RIVER; THENCE NORTHERLY ALONG SAID RIVER CENTERLINE THE FOLLOWING SEVEN APPROXIMATE COURSES, 1) NORTH 64*07'31" WEST 37.39 FEET; 2) THENCE NORTH 29*55'46" WEST 62.52 FEET; 3) THENCE NORTH 00*30'43" EAST 78.85 FEET; 4) THENCE NORTH 69*37'40" EAST 146.14 FEET; 5) THENCE NORTH 28*29'55" EAST 28.37 FEET; 6) THENCE NORTH 03*45'11" WEST 42.95 FEET; 7) THENCE NORTH 25*32'32" WEST 86.94 FEET; THENCE LEAVING SAID RIVER NORTH 89*53'59" EAST (NORTH 89*57' EAST BY RECORD) ALONG AN EXISTING FENCE LINE AND ITS PROJECTION 1,240.78 FEET (1452 FEET BY RECORD) TO THE POINT OF BEGINNING CONTAINING 10.05 ACRES, MORE OR LESS.

Next Year:

Next Year Legal Description Same as Current Year

* * * * * End of Report * * * * *

EXHIBIT C

Current Condition of Property

Property is currently being used for grazing. Land has accompanying water rights to ensure that land stays in good grazing condition. One only structure is currently on the South East corner and may at some point be demolished due to its current dilapidated state. There is a prescriptive easement in place allowing access across property to a land locked piece owned currently by Jeff White. Jeff White improved a road across the easement to allow better access to the cattle on his land before this agreement was executed.

CACHE COUNTY

RESTAURANT AND RAPZ TAX PROGRAM

2008 Applicant Summary

Current Request

App.	Entity	Entity Type	Category	Years	Expense	Amount	Award	Description
1	Alliance for the Varied Arts	Private NPO	Cultural	Single	Operating	30,000	30,000	Operational support for 2008 - 17.8% of total budget
2	Amaliga Township	Publicly Owned	Recreation	Single	Facilities	7,100	7,100	Install safety material at Sugar Park - 82.6% of cost
4	American West Heritage Center	Private NPO	Cultural	Single	Operating	22,500	22,500	2008 Welcome Center Bond Payment
3	American West Heritage Center	Private NPO	Cultural	Single	Operating	100,000	90,000	2008 General Operations Support - 9.2% of total budget
5	Bel Canto Women's Chorus	Private NPO	Cultural	Single	Operating	2,000	2,000	Funding for new music and ads; 69% of total revenue
6	Boys & Girls Club of Cache Valley	Private NPO	Cultural	Single	Operating	14,900	3,000	Miscellaneous projects / programs: Only art supplies qualify - 3.2% of budget
7	Bridger Folk Music Society	Private NPO	Cultural	Single	Operating	4,500	4,500	Operational support for concert series - 20% of revenue
8	Bridgerland Radio Control Club	Private NPO	Tourist	Single	Promotion	1,190	1,190	Radio Control Airsho Advertisement - 100% of advertising cost
9	Cache Children's Choir	Private NPO	Cultural	Single	Operating	11,000	11,000	Support for 2008-2009 Season - 14.8% of total revenue
10	Cache Community Connections	Private NPO	Cultural	Single	Operating	8,000	8,000	Concert and Lecture Series at the Tabernacle - 100% cash need, 15.6% total
11	Cache County - Fair and Rodeo	Publicly Owned	Tourist	Single	Promotion	10,000	10,000	Advertising and promoting the Cache County Fair
12	Cache County - Fair Grounds	Publicly Owned	Recreation	Single	Facilities	171,460	171,460	Outdoor Arena Bleacher Renovation - 100% of cost
14	Cache County - Search and Rescue	Publicly Owned	Recreation	Single	Facilities	10,000	25,000	Snow Cat upgrade - 100% of cost
13	Cache County - Senior Citizens Center	Publicly Owned	Recreation	Single	Facilities	26,000	10,000	Senior Citizen Center Recreation Support - 100% of cost
15	Cache Regional Theatre	Private NPO	Cultural	Single	Operating	27,500	25,000	Production of Beauty and the Beast - 18.8% of expense
16	Cache Valley Arts Summit	Private NPO	Cultural	Single	Operating	4,000	4,000	Cache Valley Arts at a Glance brochures - 35.1% of cost
19	Cache Valley Center for the Arts	Private NPO	Cultural	Single	Operating	25,000	25,000	Education Outreach Program - 38.4% of cost
18	Cache Valley Center for the Arts	Private NPO	Cultural	Single	Operating	73,000	73,000	Facility operations
17	Cache Valley Center for the Arts	Private NPO	Tourist	Single	Promotion	15,000	15,000	Out-of-Area Marketing - 34.1% of cash cost, 17.3% of total cost
20	Cache Valley Civic Ballet	Private NPO	Cultural	Single	Operating	10,000	10,000	Ballet Productions - 14.5% of budget
21	Cache Valley Cruising Association	Private NPO	Tourist	Single	Promotion	35,000	25,000	Advertising for 2008 Cruise In - 63.6% of advertising budget
22	Cache Valley Figuring Skating Club	Private NPO	Recreation	Single	Facilities	65,833	NE	Theater lights - 95.4% of cost
23	Cache Valley Mushers	Private NPO	Tourist	Single	Promotion	3,000	3,000	Cache Valley K9 Challenge 2009 - 33.1% of total cost
24	Cache Valley Stone Society	Private NPO	Recreation	Single	Operating	2,500	NE	Purchase curling stone set - 74.0% of cost
25	Cache Valley Visitors Bureau	Publicly Owned	Tourist	Single	Promotion	101,834	75,000	Marketing Campaign - 100% of campaign cost
26	Celebrate America Show	Private NPO	Cultural	Single	Operating	20,000	15,000	Program support for Celebrate America Show - 25.6% of revenue
27	Chamber Music Society of Logan	Private NPO	Cultural	Single	Operating	5,500	5,500	Concert Presentations - 7.7% of expense
28	Clarkston Town	Publicly Owned	Cultural	Single	Facilities	128,400	65,000	Purchase/Renovation of Clarkston Town Civic Center - 100% of materials
29	Common Ground Outdoor Adventures	Private NPO	Cultural	Single	Operating	20,000	12,000	Art workshops for youth and adults with disabilities - 54% of revenue
30	Hyde Park City	Publicly Owned	Recreation	Single	Facilities	21,000	21,000	Hyde Park Parks and Rec improvements - 66.1% of total cost
33	Hyrum City	Publicly Owned	Cultural	Single	Facilities	25,000	25,000	Construction and Development of a Historical Museum
31	Hyrum City	Publicly Owned	Recreation	Multi	Facilities	60,000	60,000	East Park Parking Lot - 38.8% of project cost
32	Hyrum City	Publicly Owned	Recreation	Single	Facilities	11,000	8,000	East Park Pavilion - 50.1% of project cost
34	Lewiston City	Publicly Owned	Recreation	Single	Facilities	37,579	40,000	Pavilion Cooking Facility Replacement - 100% of additional costs
35	Logan City - Aquatic Center	Publicly Owned	Recreation	Single	Facilities	36,500	36,500	Aquatic Center - 7 Stainless steel storage racks for pool covers - 100% of cost
36	Logan City - Eccles Theater	Publicly Owned	Cultural	Multi	Facilities	77,165	77,165	Debt payment for the Ellen Eccles Theater bond
38	Logan City - Parks and Recreation	Private NPO	Cultural	Single	Operating	10,000	10,000	Cache Community Celebrates - New Year's Eve event
37	Logan City - Parks and Recreation	Publicly Owned	Recreation	Single	Facilities	7,538	7,538	Batting and Pitching Practice Tunnels
40	Mendon Arts Council	Arts Council	Cultural	Single	Operating	510	510	Hanging System for Visual Art at the Mendon Station - 100% of material cost
39	Mendon Arts Council	Arts Council	Cultural	Single	Operating	1,500	1,500	Concert in the Park Series - 62.5% of budget
41	Mendon City	Publicly Owned	Recreation	Single	Facilities	11,550	11,000	Update Counter Tops in Restrooms and Foodstand - 100% of cost
42	Mendon City	Publicly Owned	Recreation	Single	Facilities	10,630	-	Fence for Softball Field - 100% of materials cost
43	Mendon Community Youth Council	Publicly Owned	Cultural	Single	Facilities	3,864	3,864	Light and Audio Equipment for Mendon Station - 100% of cost
44	Mendon Cottage Library	Publicly Owned	Other	Single	Facilities	4,047	NE	Printer and software for Library - 100% of cost
45	Millville City	Publicly Owned	Recreation	Multi	Facilities	55,000	55,000	North Park Pavilion - 24.8% of revenue

CACHE COUNTY

RESTAURANT AND RAPZ TAX PROGRAM
2008 Applicant Summary

Current Request									
App.	Entity	Entity Type	Category	Years	Expense	Amount	Award	Description	
46	Music Theatre West	Private NPO	Cultural	Single	Operating	25,000	25,000	Little Women / The Sound of Music productions - 15.0% of revenue	
47	Nordic United	Private NPO	Tourist	Single	Promotion	5,000	5,000	Tourism Promotion of Cross-Country Ski Trails - 19.2% of cost	
48	North Logan City	Publicly Owned	Recreation	Single	Facilities	55,945	55,945	King Nature Park Restroom Facilities - 62.9% of cost	
49	NPIC - Bridgerland Community Ice Arena	Publicly Owned	Recreation	Multi	Facilities	30,000	30,000	Hot Seats Campaign - 5 year commitment for a total of \$150,000	
50	NPIC - Bridgerland Community Ice Arena	Publicly Owned	Recreation	Multi	Facilities	92,853	92,853	Eccles Ice Center - construction bond - 15 year commitment total \$1,392,795	
52	Old Lyric Repertory Company	Publicly Owned	Tourist	Single	Promotion	17,600	17,600	Promotional and Publicity Costs - 100% of cost, 6.2% of total productions	
51	Old Lyric Repertory Company	Publicly Owned	Tourist	Single	Promotion	15,500	8,000	High School Apprentices Program - 100% of cost, 5.4% of total productions	
54	Richmond & Lewiston Cities	Publicly Owned	Recreation	Single	Facilities	42,000	21,000	Safety Fences and Sidewalk - 100% of cost	
53	Richmond City	Publicly Owned	Recreation	Multi	Facilities	26,500	15,000	Construct a Performance Pavilion - 100% of cost	
55	River Heights City	Publicly Owned	Recreation	Single	Facilities	127,330	90,000	Heber Olson / Ryan's Place Park Restroom - 90.9% of total cost	
56	Smithfield City - Parks and Rec	Publicly Owned	Recreation	Multi	Facilities	42,000	42,000	Forrester Acres Sports/Equestrian Complex	
57	Stokes Nature Center	Private NPO	Cultural	Single	Operating	24,000	24,000	School and Community Programs - 11.1% of total cost of operations	
58	Summerfest Arts Faire	Private NPO	Tourist	Single	Promotion	20,000	25,000	Summer Fest Arts Faire - 74.1% of marketing costs	
59	Unicorn Theatre	Private NPO	Cultural	Single	Operating	7,000	7,000	Operational support for Classes and Productions - 34.0% of budget	
61	Utah Festival Opera	Private NPO	Cultural	Single	Operating	80,000	80,000	2008 Summer Opera Festival and Education Programs - 3.1% of total budget	
60	Utah Festival Opera	Private NPO	Tourist	Single	Promotion	75,000	75,000	Marketing Campaign for outside of Cache Valley - 35.8% of cost	
62	Utah State University	Publicly Owned	Tourist	Single	Promotion	23,000	23,000	Summer Citizens - 19.7% of proposed revenue if total request funded	
63	Utah State University - Mountain West Cen	Publicly Owned	Cultural	Single	Operating	5,000	NE	Mountain West Songfest 2008 ads - 4.8% total direct expenses	
64	Valley Dance Ensemble	Private NPO	Cultural	Single	Operating	3,000	3,000	Spring 2009 Concert - 15.1% of cost	
65	Wellsville City	Publicly Owned	Recreation	Single	Facilities	57,030	57,030	Walking Trail at Wellsville Dam Park - 50% of cost	
66	Wellsville Foundation	Publicly Owned	Cultural	Single	Facilities	50,000	35,000	Wellsville Tabernacle Heating/Cooling System: Phase 1 - 33.3% of cost	
67	Willow Park Zoo	Publicly Owned	Zoo	Multi	Operating	179,000	134,708	Zoo operations and improvements	
68	Youth Symphony & Orchestras	Private NPO	Cultural	Single	Operating	41,920	25,000	Northern Utah Youth Symphony & Orchestras - 100% of cost	
Grand Totals:						2,392,778	1,996,463		

Restaurant 73,474
RAPZ:
 Cultural 18,459
 Recreation 937
92,870

RESOLUTION NO. 2008-11

A RESOLUTION APPROVING THE CREATION OF AN AGRICULTURE PROTECTION AREA.

The Cache County Council of Cache County, Utah, in a regular meeting, lawful notice of which as been given, finds that the legal requirements for the creation of an agriculture protection area have been met; and, therefore, that the proposal filed by Gerald C. and Patsy Swenson should be approved.

THEREFORE, the Cache County Council hereby adopts the following resolution:

BE IT RESOLVED that:

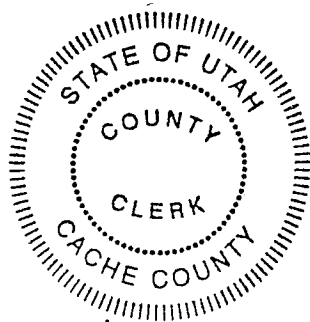
The proposal filed with Cache County by Gerald C. and Patsy Swenson on March 12, 2008 to create an agriculture protection area on 140.745 acres of real property located at:

See "EXHIBIT A" Attached Hereto and Made a Part Hereof.

is hereby approved.

This resolution shall become effective immediately upon adoption

DATED this 27 Day of ~~May~~^{March} 2008 .



ATTEST TO:

Jill N. Zollinger
Jill N. Zollinger, Cache County Clerk

CACHE COUNTY COUNCIL

By: *John A. Hansen*
John A. Hansen, Chairman

01-074-0002

Current Year:

BEG AT A PT 42.5 RDS E & 1 RD S OF NW COR N/2 SW/4 SEC 10 T 10N R 1E S39.5 RDS E
40.5 RDS N 39.5 RDS W 40 .5 RDS TO BEG 10 AC A1741

01-077-0002

Current Year:

THE SW/4 OF SW/4 OF SEC 13 T 10N R 1E CONT. 40 AC A1762

01-079-0001

Current Year:

BEG 2 RDS E OF NW COR OF SEC 15 T 10 N R 1E E 20 RDS S 80 RD W 20 RDS80 RDS TO BEG
CONT 10 AC A1784

01-079-0002

Current Year:

BEG AT A PT 22 RDS E OF NW COR OF SEC 15 T 10N R 1E E 20 RDS S 80 RDSW 20 RDS N 80
RDS TO BEG 10 AC A1782

01-079-0005

Current Year:

THE W 15/80 OF THE E 30/80 OF THE N/2 OF THE NW/4 SEC 15 T 10N R 1E CONT 15 AC

01-080-0061

Current Year:

BEG AT NE COR OF NW/4 OF NE/4 OF SEC 16 T 10N R 1E & TH W 564 FT TH S 550 FT TH E
564 FT TH N 550 FT TO BEG CONT 7.12 AC

Parcel 03-065-0003

BEG 49.5 RDS E OF SW COR OF NE/4 SEC 33 T 11N R 1E, N 9 RDS E 26.75 RDS S 9 RDS W
26.75 RDS TO BEG ALSO BEG AT NE COR OF W/2 OF SE/4 SD SEC33, S 33 RDS W 26.75 RDS
N 33 RDS E26.75 RDS TO BEG 7.88 AC A2194

03-065-0009

Current Year:

BEG 10 RDS W OF PT 65 RDS N OF PT 110.5 RDS W OF SE COR SEC 33 T 11N R 1E, W 30
RDS N 62 RDS E 40 RDS S 11.5 CHS W 10 RDS S 16 RDS TO BEG CONT 14.5 ACRES A2218

Parcel 03-063-0011

BEG AT PT 89.25 RDS E & 9 RDS N OF THE SW COR OF THE NE/4 OF SEC 33, & RUN TH W,
42.5 RDS TO A PT 49.25 RDS E & 9 RDS N OF THE SW COR OF THE NE/4 OF SD SEC 33; TH
N, 40 RDSTO THE S SIDE OF A FLD ROAD; TH E AL SD ROAD 40 RDS TO A PT N OF THE PT
OF BEG; TH S 40 RD TO BEG 9.70 AC A2184

03-065-0014

Current Year:

BEG AT CENT OF SE/4 SEC 33 T 11N R 1E, N 11.75 CHS W 26.75 RDS S 11.75CHS E 26.75
RDS TO BEG CONT 8.37 AC A2217

03-065-0025

Current Year:

BEG 10 RDS W OF PT 110.5 RDS W & 47RDS N OF SE COR SE/4 SEC 33 T 11N R1E W 30 RDS
N 18 RDS E 30 RDS S 18 RDS TO BEG CONT 3.375 AC

03-065-0033

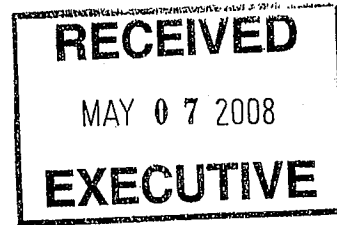
Current Year:

BEG 150.5 RDS W & 46.75 RDS N OF SE COR SEC 33 T 11N R 1E & TH E ALG S LN OF 4800
S ST 6 CHS TO W LN OF HYRUM BLACKSMITH FORK LITTLE CANAL TH SW'LY ALG CANAL TO PT
S OF BEG TH N 15 CHS M/L TO BEG CONT 4.5 AC M/L

UACD

Utah Association of
Conservation Districts

1860 North 100 East
North Logan, UT 84341-1784
Phone: 435-753-6029
Fax: 435-755-2117
www.uacd.org



May 6, 2008

Cache County Council
Attn: County Executive Lynn Lemon
179 North Main Suite 309
Logan, UT 84321

Reference: Application for Agricultural Protection Area

The Cache County Agriculture Protection Area Advisory Board, as outlined in Utah Code 17-41-303 for Cache County, met to consider a recommendation on the Agriculture Protection Area Application for Gerald and Patsy Swenson on 140.745 acres of land located near Hyrum.

The criteria, as stated in Utah Code 17-41-305, were used to evaluate the application. After looking at each item, it is the board's recommendation that the application be approved.

Thank you for the opportunity to review this Agriculture Protection Area application and for the county's efforts in support of agriculture.

Sincerely,

A handwritten signature in cursive script that reads "Bruce Karren".

Bruce Karren, Chairman
Cache County Agriculture Protection Area Advisory Board

Tracking sheet for Agricultural Protection Area Applications

Owner/Applicant (s):

Gerald & Patsy Swenson
 591 East 500 North
 PO Box 153
 Hyrum, UT 84319

Date Received

3/6/2008

Date of Legal Notice Ended

2/24/2008

Date of Notice from APA Advisory Board
 to Cache County Council

(45 days) 4/21/2008

APA Board Member Review

	Approve	Reject (see below)	Approve with Modification (see below)	Date
Members:				
Bruce Karren	<i>Bruce Karren</i>	_____	_____	5-1-08
Wes Roundy	<i>Wes Roundy</i>	_____	_____	5/1/08
Richard Nielsen	<i>Richard Nielsen</i>	_____	_____	5/1/08
Jon White	<i>Jon White</i>	_____	_____	5/1/08
Paul Leishman	<i>Paul Leishman</i>	_____	_____	5/1/08

Comments:

Action taken: Letter to County Council

Date: _____

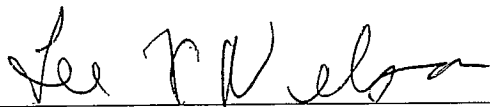
CACHE COUNTY PLANNING COMMISSION
CACHE COUNTY CORPORATION

Memorandum

To: Cache County Council
From: Cache County Planning Commission
Date: May 8, 2008
Subject: Swenson Agricultural Protection Area

The Cache County Planning Commission recommends that the Cache County Council approve the proposed Swenson Agricultural Protection Area for 140.75 acres of land located at north and south of Hyrum, TIN #01-074-0002, 01-077-0002, 01-079-0001, 01-079-0002, 01-079-0005, 01-080-0061, 03-063-0011, 03-065-0003, 03-065-0009, 03-065-0014, 03-065-0025, and 03-065-0033. This recommendation is made based on the following findings of fact:

- 1) The land is currently under agricultural production as hay and grain, or pasture.
- 2) The land is within the Agriculture Zone.
- 3) Much of Cache Valley's agricultural production is conducted on a series of small to moderate sized parcels rather than on a few large parcels.
- 4) The 140.75 acres, while separate unconnected parcels, composes a larger agricultural organization which is agriculturally viable.



Lee Nelson, Planning Commission Chair

CACHE COUNTY
RESOLUTION NO. 2008-13

A RESOLUTION APPROVING AND AUTHORIZING THE EXECUTION OF AN EASEMENT AGREEMENT BETWEEN CACHE COUNTY AND LOGAN CITY CONCERNING THE PLACEMENT OF THE DeWITT PIPELINE.

The County Council of Cache County, Utah, in regular meeting, lawful notice of which has been given, finds that it is in the best interests of the citizens of Cache County to enter into an easement agreement between Cache County and Logan City concerning the placement of the DeWitt Pipeline.

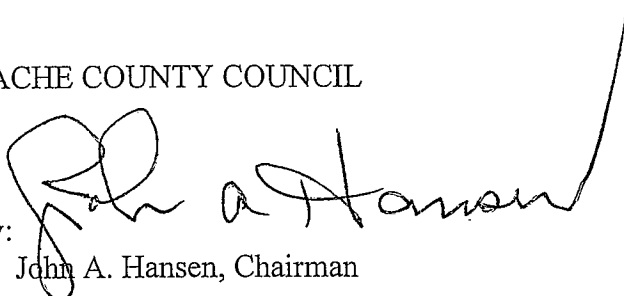
NOW, THEREFORE BE IT RESOLVED that the Cache County Executive is hereby authorized to execute the easement agreement between Cache County and Logan City as stated in "Exhibit A" attached hereto and made a part hereof.

This Resolution shall take effect immediately upon adoption.

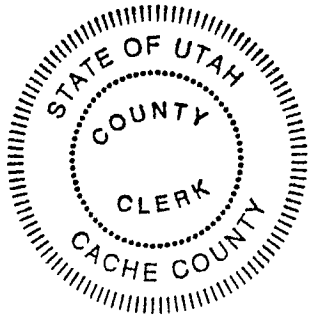
DATED this 27 day of May, 2008.

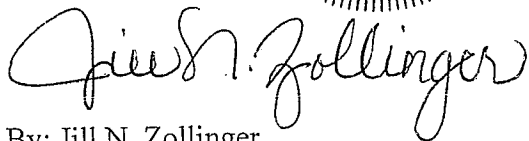
CACHE COUNTY COUNCIL

By:


John A. Hansen, Chairman

ATTEST:





By: Jill N. Zollinger
Cache County Clerk

EASEMENT AGREEMENT

Cache County Corporation, a legal subdivision of the State of Utah, ("Grantor"), in consideration of the mutual covenants set forth herein and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, hereby conveys and warrants against all claiming by, through or under Grantor, to the **CITY OF LOGAN**, a municipal corporation of the State of Utah ("Grantee"), a sixty (60) feet wide perpetual easement and right of way upon, under, across and through the Grantor parcel number 05-008-0003, for the purpose of constructing, maintaining, repairing and replacing thereon, an underground piped water line and related appurtenances.

Conditions to the foregoing agreement are as stated:

1. Grantee shall map the easement and record said map with Grantor within 60 days of finishing the DeWitt Pipeline.

Grantee hereby covenants and agrees that, upon the exercise of any of its rights hereunder, Grantee will restore the disturbed areas to substantially the same condition as existed immediately prior to Grantee's exercise of such rights, including, without limitation, backfilling and compaction of any excavation areas, and the reasonable repair and revegetation or surface improvements damaged as a result of Grantee's exercise of such rights.

IN WITNESS WHEREOF, Grantor and Grantee have executed this Easement Agreement as of this 27 day of May 2008

M. Lynn Lemon
Lynn Lemon, County Executive
Cache County Corporation
"Grantor"

CITY OF LOGAN, a municipal corporation of the State of Utah

By: Randy Watts
Name: RANDY WATTS
Title: MAYOR

Attest:
By: Randy Watts
Name: Randy Watts
Title: City Recorder

[ATTACH ACKNOWLEDGMENTS]

STATE OF UTAH _____)

:ss.

COUNTY OF Cache)

On the 9 day of May, 2008 Randy Watts, personally
appeared before me Teresa P. Harris and

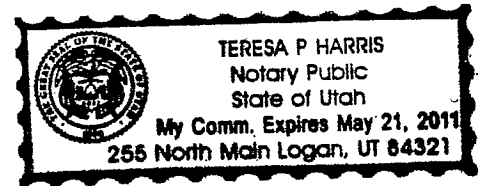
personally known to me or proved to me on the basis of satisfactory
evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and
acknowledged to me that he/she/they executed the same in his/her/their authorized
capacity(ies), and that by his/her/their signature(s) on the instrument, the person(s) or
entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

Teresa P. Harris
NOTARY PUBLIC
Residing at: Logan, Utah

My Commission Expires:

5-21-2011



STATE OF UTAH _____)
:SS.
COUNTY OF Cache)

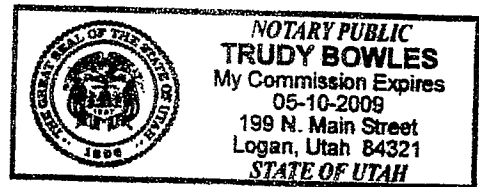
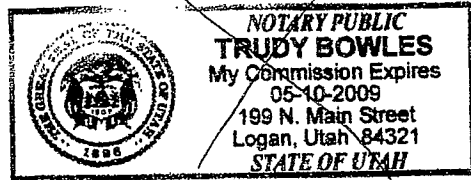
On the 28 day of May, 2008 M. Lynn Lemon, personally
appeared before me Trudy Bowles and _____,

personally known to me or proved to me on the basis of satisfactory
evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and
acknowledged to me that he/she/they executed the same in his/her/their authorized
capacity(ies), and that by his/her/their signature(s) on the instrument, the person(s) or
entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

Trudy Bowles
NOTARY PUBLIC
Residing at: Logan, Utah

My Commission Expires:
5-10-2009



RESOLUTION NO. 2008-12

A RESOLUTION APPROVING THE CREATION OF AN AGRICULTURE PROTECTION AREA.

The Cache County Council of Cache County, Utah, in a regular meeting, lawful notice of which as been given, finds that the legal requirements for the creation of an agriculture protection area have been met; and, therefore, that the proposal filed by Chris and Jennifer Griffin should be approved.

THEREFORE, the Cache County Council hereby adopts the following resolution:

BE IT RESOLVED that:

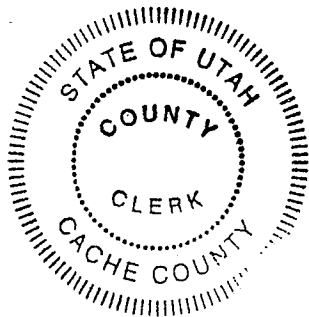
The proposal filed with Cache County by Chris and Jennifer Griffin on February 4, 2008 to create an agriculture protection area on 19.85 acres of real property located at:

See "EXHIBIT A" Attached Hereto and Made a Part Hereof.

is hereby approved.

This resolution shall become effective immediately upon adoption

DATED this 27 Day of ^{May}~~March~~ 2008 .



ATTEST TO:

Jill N. Zollinger
Jill N. Zollinger, Cache County Clerk

CACHE COUNTY COUNCIL

By: *John A. Hansen*
John A. Hansen, Chairman

PARCEL NUMBER

13-047-0010

BEG 63 RDS W OF NE COR OF NE 1/4 SEC 30 T 13N R 1W
& TH W 207 FT TH S 118 FT TH W 125 FT TH S 167 FT TH
W 229 FT TH S 450.56 FT TH S 37.25 04 E 930.67 FT TH
N 0°21'58" W 700.39 FT TH N 47 RDS TO BEG SUBJ TO
RAW OVER THE N 1/2 RD THEREOF CONT 12.40 AC M/L

PARCEL NUMBER

13-047-0011

BEG AT NE COR SEC 30 T 13N R 1W & TH W 24 RDS TH
S 33 RDS TH E 24 RDS TH N 33 RDS TO BEG CONT 4.95
AC

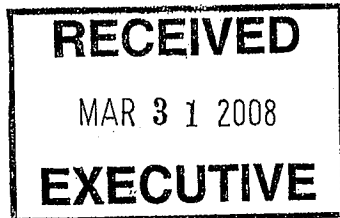
PARCEL NUMBER

13-046-0015

5850 NORTH HWY 23
CACHE JUNCTION
BEG 391 FT W & 805 FT S OF NE COR SW 1/4 NW 1/4 SEC 30
T 13N R 1W & TH N 0°37' W 343 FT TH W 343 FT TH S
0°37' E 343 FT TH E 343 FT TO BEG LESS HIGHWAY



North Cache Soil Conservation District
1860 N. 100 E - N. Logan, UT 84341



March 27, 2008

Cache County Council
Attn: County Executive Lynn Lemon
179 North Main Suite 309
Logan, UT 84321

Reference: Application for Agricultural Protection Area

The Cache County Agriculture Protection Area Advisory Board, as outlined in Utah Code 17-41-303 for Cache County, met to consider a recommendation on the Agriculture Protection Area Application for Chris and Jennifer Griffin on 19.85 acres located in Cache Junction.

The criteria, as stated in Utah Code 17-41-305, were used to evaluate the application. After looking at each item, it is the board's recommendation that the application be approved.

Thank you for the opportunity to review this Agriculture Protection Area application and for the county's efforts in support of agriculture.

Sincerely,

Bruce Karren, Chairman
Cache County Agriculture Protection Area Advisory Board

Tracking sheet for Agricultural Protection Area Applications

Owner/Applicant (s):

Chris and Jennifer Griffin
 5905 N Hwy 23
 Cache Junction, UT 84304

Date Received 3/6/2008

Date of Legal Notice Ended 2/24/2008

Date of Notice from APA Advisory Board to Cache County Council (45 days) 4/21/2008

APA Board Member Review

	Approve	Reject (see below)	Approve with Modification (see below)	Date
Members:				
Bruce Karren	<u>Bruce Karren</u>	_____	_____	<u>3/27/08</u>
Wes Roundy	<u>Wes Roundy</u>	_____	_____	<u>3/27/08</u>
Richard Nielsen	<u>Richard Nielsen</u>	_____	_____	_____
Jon White	<u>Jon White</u>	_____	_____	<u>3-27-08</u>
Paul Leishman	<u>Paul Leishman</u>	_____	_____	<u>3-27-08</u>

Comments:

Action taken: Letter to County Council

Date: 3/27/08

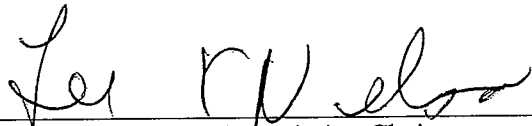
CACHE COUNTY PLANNING COMMISSION
CACHE COUNTY CORPORATION

Memorandum

To: Cache County Council
From: Cache County Planning Commission
Date: May 8, 2008
Subject: Griffin Agricultural Protection Area

The Cache County Planning Commission recommends that the Cache County Council approve the proposed Griffin Agricultural Protection Area for 19.85 acres of land located at approximately 6510 West 6200 North (Cache Junction), TIN #13-047-0010, 13-047-0011, and 13-046-0015. This recommendation is made based on the following findings of fact:

- 1) The land is currently under agricultural production as a hog farm and is planted in alfalfa, barley, and hay.
- 2) The land is within the Agriculture Zone.
- 3) Much of Cache Valley's agricultural production is conducted on a series of small to moderate sized parcels rather than on a few large parcels. This parcel is one of many in production that allow for a productive and viable farming organization.



Lee Nelson, Planning Commission Chair

Transportation Project Prioritization Process

Cache County
Quarter Cent Sales Tax Funding
Cache County Council of Governments (CCCOG)

Draft for Public Comment

- **Public comment period is May 26 to June 12, 2008**
Send Comments to CMPO, 179 N. Main, Logan UT 84321 or email to
CCCOG@cachempo.org
- **Public Meeting June 16, 2008, 5:00 PM**
Cache County Courthouse Council Chambers, 199 No. Main, Logan

May 19, 2008

Transportation Project Prioritization Process

I. Introduction

In accordance with Utah State Code 59-12-1704, Cache County voters approved the following ballot measure establishing a county-wide .25% sales tax: "*Shall Cache County, Utah, be authorized to impose a .25% sales and use tax for transportation projects, corridor preservation, congestion mitigation, or to expand capacity for regionally significant transportation facilities?*"

The state code authorizing the ballot measure requires that the county create the Cache County Council of Governments (CCCOG), which is composed of the Mayor of each incorporated city or town and the Cache County Executive. The CCCOG is required to "develop a written prioritization process for the prioritization of projects to be funded by revenues a county will receive..." UC 59-12-1704 (1).

The legislation established the following process for making recommendations to the County Council:

- 1) Identify the projects that are eligible to be prioritized;
- 2) Identify the criteria and factors needed to evaluate each criterion;
- 3) Collect the necessary project data for each factor;
- 4) Design a tabulation system (spreadsheet) that using the data, ranks the projects according to each criterion;
- 5) Submit the priority list to the Cache County Council for approval (The CCCOG can only submit one priority list per calendar year).

The revenue generated from this tax can be used for any "project" or "service" in Cache County related to a "regionally significant" transportation facility (59-12-1703 (4)(a)). "Regionally significant" is defined by 52-12-1702 (6)(b) for Cache County as:

1. A Principal or Minor Arterial Highway;
2. A Major or Minor Collector Highway or Road; and
3. An Airport of Regional Significance .

The Utah Department of Transportation (UDOT) is charged with applying the federal guidelines for "functionally classified" roadways in Cache County for existing roads (see maps in Appendix 1). Non-existing future roads must be planned to be built to the standard consistent with item 1 or 2 above to be considered eligible. Unclassified existing roads must also be improved to meet a standard described in item 1 & 2.

Both state and local roads that meet the above definition are eligible to receive funding. All aspects of development of these facilities are considered eligible activities. The CCCOG interpretation of "project and service" defined under 59-12-1703 (4)(a) includes preliminary project specific studies, environmental reviews or analysis, preliminary and final engineering services as well as acquisition of road right-of-ways (even well in advance of road construction), and all aspects of roadway construction.

The CCCOG has determined that any utility upgrade cost (e.g. installation of new or larger water or sewer lines) must be covered by the sponsoring jurisdiction.

Projects can be submitted for scoring consideration from any eligible sponsoring jurisdiction (County, incorporated Cities and Towns) in Cache County. In the case of a project that spans more than one jurisdiction, a lead sponsoring jurisdiction must be identified.

Road projects located primarily within the "urbanized" planning boundary of the Cache Metropolitan Planning Organization (CMPO) must also be included in the CMPO's Regional Transportation Plan.

The CCCOG recognizes a need in Cache County to make location specific "spot improvements" to the transportation network. These projects may include such things as intersection reconstructions, "bottleneck" road widening or location specific safety improvements. Although smaller in scale than larger corridor road improvement projects, spot improvement projects will receive equal consideration with the larger projects

The CCCOG recognizes a need in Cache County to make improvements in the more rural areas of the County, especially those outside the CMPO's urbanized planning boundary. Although potentially smaller in scale road improvement projects in the urbanized planning boundary these projects may be critical to the County's future needs. Thus, rural projects will receive equal consideration with the urban projects.

II. Project Selection Process

The legislation requires that the council of governments develop a written rank-ordering process (Section 59-12-1704) that must include:

- (i) a definition of the type of projects to which the written prioritization process applies;
- (ii) specification of a weighted criteria system that is used to rank proposed projects and how the weighted criteria system will be used to determine which projects will be prioritized;
- (iii) specification of the data that is necessary to apply the weighted ranking criteria; and
- (iv) any other provisions the council of governments considers appropriate.

This process must include the following considerations:

- (i) the cost-effectiveness of a project;
- (ii) the degree to which a project will mitigate regional congestion;
- (iii) the compliance requirements of applicable federal laws or regulations;
- (iv) the economic impact of a project;
- (v) the degree to which a project will require tax revenues to fund maintenance and operation expenses; and
- (vi) any other provisions the council of governments considers appropriate.

The CCCOG has adopted the following considerations for selecting eligible projects. The considerations are listed in order of importance, as established by the CCCOG members.

1. Congestion Relief Criterion

Basis for Criterion

H.B. 4001 requires that the weighted criteria system include "the degree to which a project will mitigate regional congestion" (59-12-1704, 2b(ii)). The CCCOG ranks congestion relief as the most important consideration for allocating these funds. A volume/capacity ratio will be used to evaluate congestion relief, until a better measure becomes available. A project submitted for consideration must assign a capacity based on generally accepted traffic engineering standards. This factor simply compares the existing traffic volume that the project is intended to mitigate and compares it to this standard to generate a ratio. Points are assigned accordingly.

Criterion Weight

The CCCOG believes congestion relief is a very important objective and has assigned it a maximum weight of ten points.

Criterion Data

CRITERION	DATA 1	DATA 2																								
<u>Existing Roads</u> (majority)	Current Daily Traffic Volume Source: actual traffic counts (provided by USU LTAP center) or possibly UDOT HPMS	Daily Highway Capacity LOS D Urban, LOS C Rural Travel Lanes <table border="1"> <thead> <tr> <th>Functional Class</th> <th>2</th> <th>4</th> <th>6</th> </tr> </thead> <tbody> <tr> <td>Rural Principle Arterial</td> <td>7,700</td> <td>28,800</td> <td>43,200</td> </tr> <tr> <td>Rural Minor Arterial</td> <td>6,800</td> <td>22,700</td> <td>34,100</td> </tr> <tr> <td>Urban Principle Arterial</td> <td>20,200</td> <td>40,500</td> <td>54,700</td> </tr> <tr> <td>Urban Minor Arterial</td> <td>12,700</td> <td>27,000</td> <td>43,000</td> </tr> <tr> <td>Urban & Rural Collector</td> <td>12,000</td> <td>24,200</td> <td>-</td> </tr> </tbody> </table> Source: UDOT*	Functional Class	2	4	6	Rural Principle Arterial	7,700	28,800	43,200	Rural Minor Arterial	6,800	22,700	34,100	Urban Principle Arterial	20,200	40,500	54,700	Urban Minor Arterial	12,700	27,000	43,000	Urban & Rural Collector	12,000	24,200	-
Functional Class	2	4	6																							
Rural Principle Arterial	7,700	28,800	43,200																							
Rural Minor Arterial	6,800	22,700	34,100																							
Urban Principle Arterial	20,200	40,500	54,700																							
Urban Minor Arterial	12,700	27,000	43,000																							
Urban & Rural Collector	12,000	24,200	-																							
<u>New Roads</u> (majority)	Current Daily Traffic Volume on the Parallel Facility (that the project is intended to relief congestion on). Source: actual traffic counts (provided by USU LTAP center) or possibly UDOT HPMS	Same as for Existing Roads																								
* Daily Capacities from Arterial Level of Service Standards (InterPlan, 2007), Capacity for rural areas are based up LOS C daily capacities, and LOS D daily capacities for urban areas; Rural Principle Arterial capacities are for a highspeed (50+ mph) uninterrupted flow facility. Rural Minor Arterial capacities are for a lower speed (<50 mph) arterial with uninterrupted flow. Urban Principle Arterial capacities assume lower speeds (<50 mph) with 1 to 3 signals per mile Urban Minor Arterial capacities are for lower speed (<50 mph) facilities with 3 to 5 signals per mile. Urban & Rural Collector capacities are for collectors with 0 - 3 signals per mile																										

Criterion Scoring

Calculating Volume/Capacity Ratio: $(\text{Daily Traffic Volume}) \div (\text{Highway Capacity}) = \text{Volume/Capacity (V/C) Ratio}$

The CCCOG will use the following means of initially assigning points for congestion relief. However, since the scale itself is arbitrary and may not capture all relevant factors, the CCCOG will create a final score that reflects relevant qualitative factors such as, but not limited to, proximity to schools or effects on existing neighborhoods.

V/C	Points
<.4	0
.5 to .6	3
.7 to .8	5
.9 to 1	7
1 to 1.2	9
> 1.2	10

2. Cost-Effectiveness Criterion

Basis for Criterion

This criterion requires an estimate of potential benefits and costs. It also includes the legislature's requirement to consider "the degree to which a project will require tax revenues to fund maintenance and operation expenses" (59-12-1704, 2b(v)).

Since all public roads require tax dollars be spent for their maintenance and operation, this portion of the cost-effectiveness criterion simply requires the applicant to identify if there are any extraordinary future costs or savings for maintenance and operation.

Criterion Weight

The CCCOG believes cost-effectiveness is an important objective and has assigned it a maximum weight of eight points. Each applicant is required to justify a proposed project's costs and benefits. That justification shall include a statement of cost per lane-mile if applicable.

3. Compliance with Applicable Federal Laws or Regulations

Basis for Criterion

The applicant must provide the CCCOG a statement that the project meets all applicable federal laws and regulations. Without that statement, the project will not be considered. No weight will be assigned this criterion, since it is a yes/no requirement. If yes, the project will be considered, if no, it is automatically rejected regardless of its score on other criteria.

4. Community Economic Criterion

Basis for Criterion

H.B. 4001 requires that the weighted criteria system include "the economic impact of a project" (59-12-1704, 2b(iv)). Transportation is a key element to a vibrant economy. Without mobility for people and goods, economic growth stagnates and the community suffers universally. Accessibility is one of the main community benefits derived from transportation improvements. The employment accessibility measures the number of jobs accessible within a 1.5 miles distance from different projects.

Criterion Weight

The CCCOG believes maintaining long term economic vitality is an important objective and has assigned it a maximum weight of four points.

Criterion Data

CRITERION	DATA 1
<u>New and Existing Roads</u>	Number of total Jobs within 1.5 miles of project Source: Most recent employment data from the Department of Workforce Services address matched in GIS

Criterion Scoring

Criterion Assignment of Points	
Number of Jobs	Points
<=100	0
101 - 200	1
201-400	2
401-500	3
>500	4

Because employment accessibility is only one measure of economic impact, applicants are encouraged to provide other measures that might increase their project's ranking. Other measures might include truck traffic as a measure of importance to commerce, effects on commute time, or other, relevant measures.

5. CCCOG Selected Criteria

Basis for Criterion

H.B. 4001 also allows scoring consideration for **“any other provisions the council of governments considers appropriate”** (59-12-1704, 2b(vi)).

Criterion weight

The CCCOG recognizes that there are intangible aspects to projects that are not reflected in direct physical costs. The members also recognize that sometimes even the best scoring schemes produce results that may not be best. Finally, they recognize that they are elected officials with responsibilities to their particular constituents and those responsibilities are often frustrated by hard-number scoring systems. Therefore, the CCCOG has reserved 10 points for the Mayors and County Executive to allocate according to subjective or qualitative criteria they believe are important and need to be reflected in a project's overall score.

When a member of the CCCOG submits his or her score for this criterion it must be accompanied with a brief, written justification for that score. Justifications might include, but are not limited to, how long the project been on the jurisdiction's transportation master plan, whether or not there is a local match, and its benefits to a community currently underserved by the county's transportation infrastructure. The justification may include granting even more weight than the scoring scheme allows to one of the other criteria, such as congestion relief.

III. Public Involvement

All meetings of the CCCOG will be open to the public consistent with the provision of Utah Code Annotated Section 52-4-201 for open and public meetings. Public notice shall be given of all meetings as required by Section 52-4-203.

The CCCOG intends the development and implementation of the project prioritization process to be open and transparent. Consistent with Section 59-12-1705(2) the CCCOG will hold a public meeting regarding the following:

- 1) Prior to approval/amendment of the written prioritization process (copies will be made available 2 weeks in advance).
- 2) Prior to approval of the prioritize project list that describes the merits of each project.

If the CCCOG prioritized a project over another project with a higher rank under this weighted criteria system, they will identify this change in a public meeting and justify the merits of prioritizing the project above the higher ranked project. The CCCOG will make these reasons publicly available (59-12-1705(4)).

IX. Conclusion and Summary

Growth in population and travel demand in Cache County is outpacing our ability to keep up with needed transportation infrastructure improvements. This shortfall necessitates that we carefully and fairly allocate what resources we do have. Therefore, the CCCOG, has attempted to arrive at a defensible and measurable technical method of evaluating and prioritizing competing roadway projects.

However, the technical process described herein is limited to measurable criteria. Hence, the technical ranking should be adjusted with considerations of other non-quantifiable criteria. HB4001 confers that responsibility upon the CCCOG. Factors beyond the technical criteria must be weighed and discussed before the CCCOG finalizes the rankings and selects the projects for HB4001 funding.

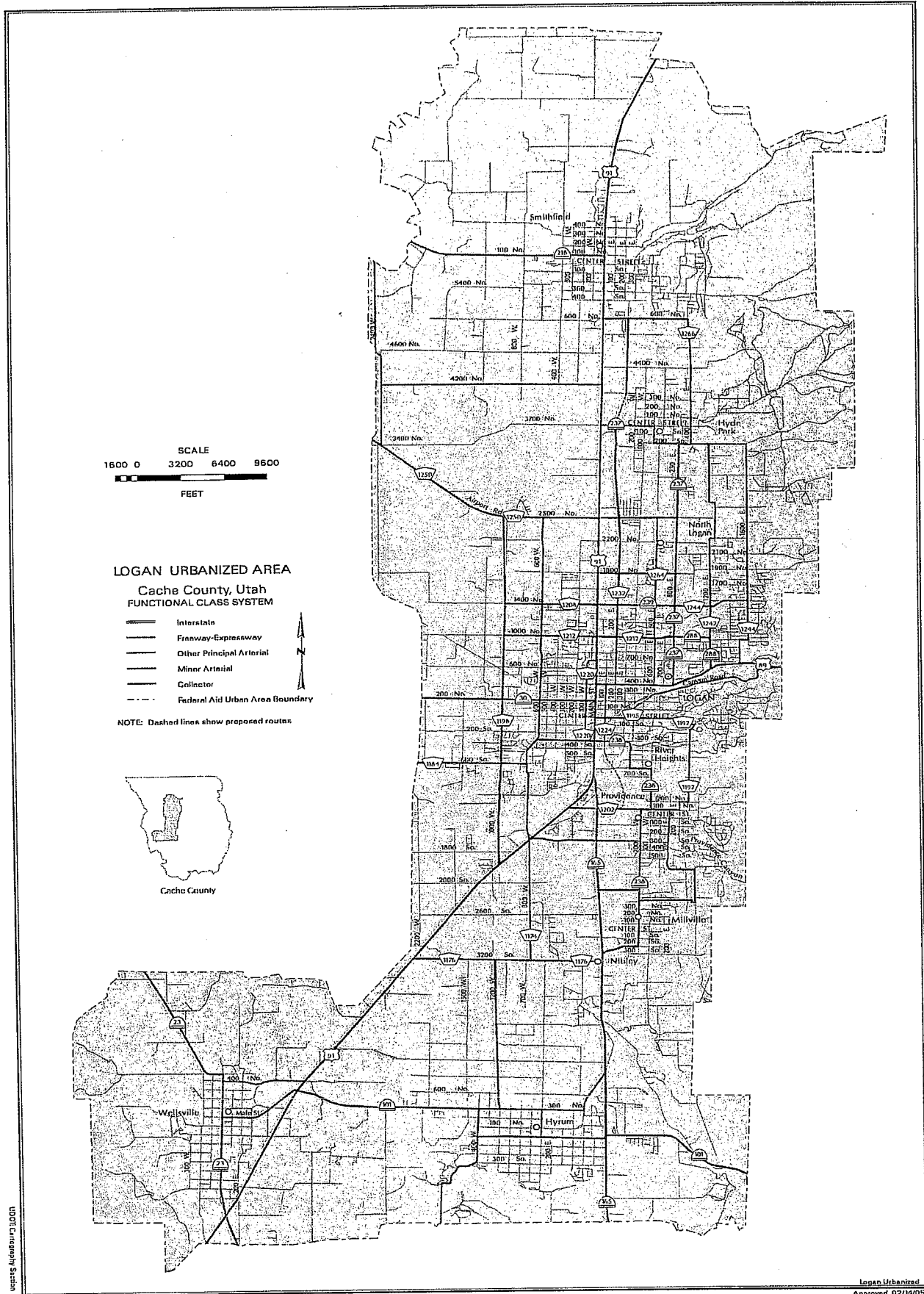
Scoring Summary

Criterion	Maximum Points Available
Congestion Relief	10
Cost-Effectiveness	8
Compliance with Federal Law	1*
Community Economic	4
CCCOG Selected	10
Total	33

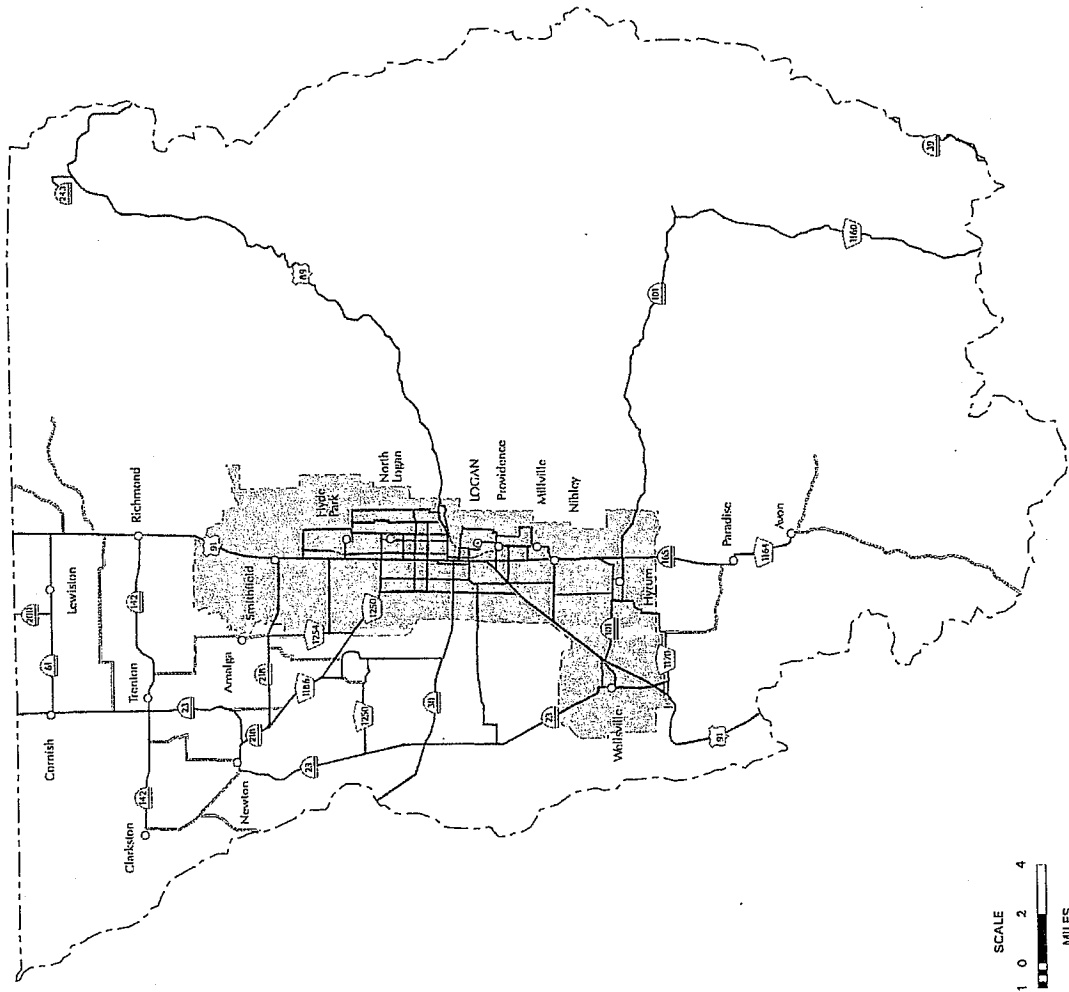
* Either the project will meet federal laws and regulations or it will not. A score of "0" for this criterion will cause the proposal to be rejected.



APPENDIX 1



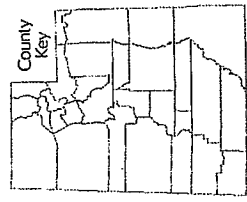




**CACHE COUNTY
RURAL FUNCTIONAL CLASS SYSTEM**

- Interstate
- Other - Principal Arterial
- Minor Arterial
- Major Collector
- Minor Collector
- Federal Aid Urban Area Boundary

NOTE: Dashed lines show proposed routes



APPENDIX 2

59-12-1702. Definitions.

As used in this part:

- (1) "Annexation" means an annexation to a county under Title 17, Chapter 2, Annexation to County.
- (2) "Annexing area" means an area that is annexed into a county.
- (3) "Council of governments" is as defined in Subsection 72-2-117.5(1)(a).
- (4) "Fixed guideway" means a public transit facility that uses and occupies:
 - (a) rail for the use of public transit; or
 - (b) a separate right-of-way for the use of public transit.
- (5) "Metropolitan planning organization" is as defined in Section 72-1-208.5.
- (6) "Regionally significant transportation facility" means:
 - (a) in a county of the first or second class:
 - (i) a principal arterial highway as defined in Subsection 72-4-102.5(1)(g);
 - (ii) a minor arterial highway as defined in Subsection 72-4-102.5(1)(f);
 - (iii) a fixed guideway that:
 - (A) extends across two or more cities or unincorporated areas; or
 - (B) is an extension to an existing fixed guideway; or
 - (iv) an airport of regional significance, as defined by the Transportation Commission; or
 - (b) in a county of the third, fourth, fifth, or sixth class:
 - (i) a principal arterial highway as defined in Section 72-4-102.5;
 - (ii) a minor arterial highway as defined in Section 72-4-102.5;
 - (iii) a major collector highway as defined in Section 72-4-102.5;
 - (iv) a minor collector road as defined in Section 72-4-102.5; or
 - (v) an airport of regional significance, as defined by the Transportation Commission.

Enacted by Chapter 1, 2006 Special Session 4

59-12-1703. Opinion question election -- Base -- Rate -- Imposition of tax -- Use of tax revenues -- Administration, collection, and enforcement of tax by commission -- Administrative fee -- Enactment or repeal of tax -- Annexation -- Notice.

(1) (a) Subject to the other provisions of this part, a county legislative body may impose a sales and use tax of up to .25%:

(i) on the transactions:

(A) described in Subsection 59-12-103(1); and

(B) within the county, including the cities and towns within the county;

(ii) for the purposes described in Subsection (4); and

(iii) in addition to any other sales and use tax authorized under this chapter.

(b) Notwithstanding Subsection (1)(a)(i), a county legislative body may not impose a tax under this section on:

(i) the sales and uses described in Section 59-12-104 to the extent the sales and uses are exempt from taxation under Section 59-12-104;

(ii) amounts paid or charged by a seller that collects a tax under Subsection 59-12-107(1)(b); and

(iii) except as provided in Subsection (1)(d), amounts paid or charged for food and food ingredients.

(c) For purposes of this Subsection (1), the location of a transaction shall be determined in accordance with Section 59-12-207.

(d) A county legislative body imposing a tax under this section shall impose the tax on amounts paid or charged for food and food ingredients if:

(i) the food and food ingredients are sold as part of a bundled transaction attributable to food and food ingredients and tangible personal property other than food and food ingredients; and

(ii) the seller collecting the tax is a seller other than a seller that collects a tax in accordance with Subsection 59-12-107(1)(b).

(2) (a) Except as provided in Subsection (2)(d), before imposing a tax under this part, a county legislative body shall:

(i) obtain approval from a majority of the members of the county legislative body to impose the tax; and

(ii) submit an opinion question to the county's registered voters voting on the imposition of the tax so that each

registered voter has the opportunity to express the registered voter's opinion on whether a tax should be imposed under this part.

(b) (i) In a county of the first or second class, the opinion question required by Subsection (2)(a)(ii) shall state the following:

"Shall (insert the name of the county), Utah, be authorized to impose a (insert the amount of the sales and use tax up to .25%) sales and use tax for corridor preservation, congestion mitigation, or to expand capacity for regionally significant transportation facilities?"

(ii) In a county of the third, fourth, fifth, or sixth class, the opinion question required by Subsection (2)(a)(ii) shall state the following:

"Shall (insert the name of the county), Utah, be authorized to impose a (insert the amount of the sales and use tax up to .25%) sales and use tax for transportation projects, corridor preservation, congestion mitigation, or to expand capacity for regionally significant transportation facilities?"

(c) Except as provided in Subsection (2)(d), the election required by this Subsection (2) shall be held:

(i) at a regular general election conducted in accordance with the procedures and requirements of Title 20A, Election Code, governing regular elections; or

(ii) at a special election called by the county legislative body that is:

(A) held only on the date of a municipal general election as provided in Subsection 20A-1-202(1); and

(B) authorized in accordance with the procedures and requirements of Section 20A-1-203.

(d) Notwithstanding Subsection (2)(a) or (c), if a county seeks to impose a tax under this part on or after April 1, 2007, but on or before December 31, 2007, the county legislative body shall:

(i) obtain the approval required by Subsection (2)(a)(i) within five calendar days of September 20, 2006;

(ii) direct the county clerk to submit the opinion question required by Subsection (2)(a)(ii) during the November 7, 2006 general election; and

(iii) hold the election required by this section on November 7, 2006.

(3) If a county legislative body determines that a majority of the county's registered voters voting on the imposition of the tax have voted in favor of the imposition of the tax in accordance with Subsection (2), the county legislative body shall impose the tax in accordance with this section.

(4) (a) Subject to Subsections (5) and (6), the revenues generated by a tax under this part may only be expended for:

(i) a project or service:

(A) relating to a regionally significant transportation facility;

(B) for the portion of the project or service that is performed within the county;

(C) for new capacity or congestion mitigation if the project or service is performed within a county:

(I) of the first class;

(II) of the second class; or

(III) that is part of an area metropolitan planning organization;

(D) (I) if the project or service is a principal arterial highway or a minor arterial highway in a county of the first or second class, that is part of the county and municipal master plan and part of:

(Aa) the statewide long-range plan; or

(Bb) the regional transportation plan of the area metropolitan planning organization if a metropolitan planning organization exists for the area; or

(II) if the project or service is for a fixed guideway or an airport, that is part of the regional transportation plan of the area metropolitan planning organization if a metropolitan planning organization exists for the area; and

(E) that is on a priority list:

(I) created by the county's council of governments in accordance with Subsection (5); and

(II) approved by the county legislative body in accordance with Subsection (6);

(ii) corridor preservation for a project described in Subsection (4)(a)(i) as provided in Subsection (7)(b); or

(iii) any debt service and bond issuance costs related to a project described in Subsection (4)(a)(i) or (ii).

(b) In a county of the first or second class, a regionally significant transportation facility project or service described in Subsection (4)(a)(i)(A) must have a funded year priority designation on a Statewide Transportation Improvement Program and Transportation Improvement Program if the project or service described in Subsection (4)(a)(i) is:

(i) a principal arterial highway as defined in Section 72-4-102.5;

(ii) a minor arterial highway as defined in Section 72-4-102.5; or

(iii) a major collector highway:

(A) as defined in Section 72-4-102.5; and

(B) in a rural area.

(c) Notwithstanding the designated use of revenues in Subsection (4)(a), of the revenues generated by the tax imposed under this section by any county of the first or second class, 25% or more shall be expended for the purpose described in Subsection (4)(a)(ii).

(d) For purposes of this Subsection (4), the revenues a county will receive from a tax under this part do not include amounts retained by the commission in accordance with Subsection (8).

(5) (a) The county's council of governments shall create a priority list of regionally significant transportation facility projects described in Subsection (4)(a) using the process described in Subsection (5)(b) and present the priority list to the county's legislative body for approval as described in Subsection (6).

(b) Subject to Sections 59-12-1704 and 59-12-1705, a council of governments shall establish a council of governments' endorsement process which includes prioritization and application procedures for use of the revenues a county will receive from a tax under this part.

(6) (a) The council of governments shall submit the priority list described in Subsection (5) to the county's legislative body and obtain approval of the list from a majority of the members of the county legislative body.

(b) A county's council of governments may only submit one priority list per calendar year.

(c) A county legislative body may only consider and approve one priority list per calendar year.

(7) (a) (i) Except as provided in Subsections (7)(a)(ii) and (7)(b), revenues described in Subsection (4) shall be transmitted:

(A) by the commission;

(B) to the county;

(C) monthly; and

(D) by electronic funds transfer.

(ii) A county may request that the commission transfer a portion of the revenues described in Subsection (4):

(A) directly to a public transit district:

(I) organized under Title 17B, Chapter 2a, Part 8, Public Transit District Act; and

(II) designated by the county; and

(B) by providing written notice to the commission:

(I) requesting the revenues to be transferred directly to a public transit district as provided in Subsection

(7)(a)(ii)(A); and

(II) designating the public transit district to which the revenues are requested to be transferred.

(b) (i) Except as provided in Subsection (7)(b)(ii), revenues generated by a tax under this part that are allocated for a purpose described in Subsection (4)(a)(ii) shall be:

(A) deposited in or transferred to the Local Transportation Corridor Preservation Fund created by Section 72-2-117.5; and

(B) expended as provided in Section 72-2-117.5.

(ii) In a county of the first class, revenues generated by a tax under this part that are allocated for a purpose described in Subsection (4)(a)(ii) shall be:

(A) deposited in or transferred to the County of the First Class State Highway Projects Fund created by Section 72-2-121; and

(B) expended as provided in Section 72-2-121.

(8) (a) (i) Except as provided in Subsection (8)(b), the tax authorized under this part shall be administered, collected, and enforced in accordance with:

(A) the same procedures used to administer, collect, and enforce the tax under:

(I) Part 1, Tax Collection; or

(II) Part 2, Local Sales and Use Tax Act; and

(B) Chapter 1, General Taxation Policies.

(ii) A tax under this part is not subject to Subsections 59-12-205(2) through (7).

(b) (i) The commission may retain an amount of tax collected under this part of not to exceed the lesser of:

(A) 1.5%; or

(B) an amount equal to the cost to the commission of administering this part.

(ii) Any amount the commission retains under Subsection (8)(b)(i) shall be:

(A) placed in the Sales and Use Tax Administrative Fees Account; and

(B) used as provided in Subsection 59-12-206(2).

(9) (a) (i) Except as provided in Subsection (9)(b) or (c), if, on or after April 1, 2007, a county enacts or repeals a tax or changes the rate of a tax under this part, the enactment, repeal, or change shall take effect:

(A) on the first day of a calendar quarter; and

(B) after a 90-day period beginning on the date the commission receives notice meeting the requirements of Subsection (9)(a)(ii) from the county.

(ii) The notice described in Subsection (9)(a)(i)(B) shall state:

(A) that the county will enact, repeal, or change the rate of a tax under this part;

(B) the statutory authority for the tax described in Subsection (9)(a)(ii)(A);

(C) the effective date of the tax described in Subsection (9)(a)(ii)(A); and

(D) if the county enacts the tax or changes the rate of the tax described in Subsection (9)(a)(ii)(A), the rate of the tax.

(b) (i) For a transaction described in Subsection (9)(b)(iii), if the billing period for the transaction begins before the effective date of the enactment of the tax or tax rate increase under Subsection (1), the enactment of a tax or a tax rate increase shall take effect on the first day of the first billing period that begins after the effective date of the enactment of the tax or the tax rate increase.

(ii) For a transaction described in Subsection (9)(b)(iii), if the billing period for the transaction begins before the effective date of the repeal of the tax or the tax rate decrease

imposed under Subsection (1), the repeal of a tax or a tax rate decrease shall take effect on the first day of the last billing period that began before the effective date of the repeal of the tax or the tax rate decrease.

(iii) Subsections (9)(b)(i) and (ii) apply to transactions subject to a tax under:

(A) Subsection 59-12-103(1)(b);

(B) Subsection 59-12-103(1)(c);

(C) Subsection 59-12-103(1)(d);

(D) Subsection 59-12-103(1)(e);

(E) Subsection 59-12-103(1)(f);

(F) Subsection 59-12-103(1)(g);

(G) Subsection 59-12-103(1)(h);

(H) Subsection 59-12-103(1)(i);

(I) Subsection 59-12-103(1)(j); or

(J) Subsection 59-12-103(1)(k).

(c) (i) If a tax due under this chapter on a catalogue sale is computed on the basis of sales and use tax rates published in the catalogue, an enactment, repeal, or change in the rate of a tax described in Subsection (9)(a)(i) takes effect:

(A) on the first day of a calendar quarter; and

(B) beginning 60 days after the effective date of the enactment, repeal, or change in the rate of the tax under Subsection (9)(a)(i).

(ii) In accordance with Title 63, Chapter 46a, Utah Administrative Rulemaking Act, the commission may by rule define the term "catalogue sale."

(d) (i) Except as provided in Subsection (9)(e) or (f), if, for an annexation that occurs on or after April 1, 2007, the annexation will result in the enactment, repeal, or change in the rate of a tax under this part for an annexing area, the enactment, repeal, or change shall take effect:

(A) on the first day of a calendar quarter; and

(B) after a 90-day period beginning on the date the commission receives notice meeting the requirements of Subsection (9)(d)(ii) from the county that annexes the annexing area.

(ii) The notice described in Subsection (9)(d)(i)(B) shall state:

(A) that the annexation described in Subsection (9)(d)(i)(B) will result in an enactment, repeal, or change in the rate of a tax under this part for the annexing area;

(B) the statutory authority for the tax described in Subsection (9)(d)(ii)(A);

(C) the effective date of the tax described in Subsection (9)(d)(ii)(A); and

(D) if the county enacts the tax or changes the rate of the tax described in Subsection (9)(d)(ii)(A), the rate of the tax.

(e) (i) For a transaction described in Subsection (9)(e)(iii), if the billing period for the transaction begins before the effective date of the enactment of the tax or a tax rate increase under Subsection (1), the enactment of a tax or a tax rate increase shall take effect on the first day of the first billing period that begins after the effective date of the enactment of the tax or the tax rate increase.

(ii) For a transaction described in Subsection (9)(e)(iii), if the billing period for the transaction begins before the effective date of the repeal of the tax or the tax rate decrease imposed under Subsection (1), the repeal of a tax or a tax rate decrease shall take effect on the first day of the last billing period that began before the effective date of the repeal of the tax or the tax rate decrease.

(iii) Subsections (9)(e)(i) and (ii) apply to transactions subject to a tax under:

- (A) Subsection 59-12-103(1)(b);
- (B) Subsection 59-12-103(1)(c);
- (C) Subsection 59-12-103(1)(d);
- (D) Subsection 59-12-103(1)(e);
- (E) Subsection 59-12-103(1)(f);
- (F) Subsection 59-12-103(1)(g);
- (G) Subsection 59-12-103(1)(h);
- (H) Subsection 59-12-103(1)(i);
- (I) Subsection 59-12-103(1)(j); or
- (J) Subsection 59-12-103(1)(k).

(f) (i) If a tax due under this chapter on a catalogue sale is computed on the basis of sales and use tax rates published in the catalogue, an enactment, repeal, or change in the rate of a tax described in Subsection (9)(d)(i) takes effect:

- (A) on the first day of a calendar quarter; and
- (B) beginning 60 days after the effective date of the enactment, repeal, or change in the rate under Subsection (9)(d)(i).

(ii) In accordance with Title 63, Chapter 46a, Utah Administrative Rulemaking Act, the commission may by rule define the term "catalogue sale."

Amended by Chapter 329, 2007 General Session

Amended by Chapter 201, 2007 General Session

Amended by Chapter 288, 2007 General Session

59-12-1704. Written project prioritization process for new transportation capacity projects.

(1) The council of governments shall develop a written prioritization process for the prioritization of projects to be funded by revenues a county will receive from a tax under this part.

(2) (a) The following shall be included in the written prioritization process under Subsection (1):

- (i) a definition of the type of projects to which the written prioritization process applies;
- (ii) specification of a weighted criteria system that is used to rank proposed projects and how the weighted criteria system will be used to determine which projects will be prioritized;
- (iii) specification of the data that is necessary to apply the weighted ranking criteria; and
- (iv) any other provisions the council of governments considers appropriate.

(b) The weighted criteria system described in Subsection (2)(a)(ii) shall include the following considerations:

- (i) the cost-effectiveness of a project;
- (ii) the degree to which a project will mitigate regional congestion;
- (iii) the compliance requirements of applicable federal laws or regulations;
- (iv) the economic impact of a project;
- (v) the degree to which a project will require tax revenues to fund maintenance and operation expenses; and
- (vi) any other provisions the council of governments considers appropriate.

(3) The council of governments of a county of the first or second class shall submit the proposed written prioritization process described in this section to the Executive Appropriations Committee for approval prior to taking final action on the proposed written prioritization process or any proposed amendment to the written prioritization process.

Enacted by Chapter 1, 2006 Special Session 4

59-12-1705. Project selection using the written prioritization process -- Report.

(1) Except as provided in Subsection (4), in determining priorities and funding levels of projects to be funded by the revenues a county will receive from a tax under this part, the council of governments shall use the weighted criteria system adopted in the written prioritization process under Section 59-12-1704 to create a priority list of regionally significant transportation facility projects as described in Subsection 59-12-1703(5).

(2) Prior to finalizing priorities and funding levels of projects, the council of governments shall conduct a public meeting on:

(a) the written prioritization process; and

(b) the merits of the projects that will be prioritized under this section.

(3) The council of governments shall make the weighted criteria system ranking for each project publicly available prior to the public hearings held under Subsection (2).

(4) (a) If the council of governments prioritizes a project over another project with a higher rank under the weighted criteria system, the council of governments shall identify the change at a meeting held under this section on the merits of prioritizing the project above higher ranked projects.

(b) The council of governments shall make the reasons for the prioritization under Subsection (4)(a) publicly available.

APPENDIX 3

CCCOG Application - ROADS

¼ CENT SALES TAX FUNDING FOR TRANSPORTATION PROJECTS

Cache County Council of Governments (CCCOG)

APPLICATIONS ARE DUE BY 5:00 PM ON JULY 1, 2008

1. DATE OF SUBMITTAL -

2. PROJECT NAME

a. *Title:*

b. *Limits:*

3. PROJECT DESCRIPTION -

4. PROJECT MANAGEMENT

a. *Sponsor Jurisdiction:*

b. *Contact person:*

c. *Phone number:*

d. *FAX Number:*

e. *Email Address:*

5. PROJECT COST ESTIMATE - *Total:* *PE:* *ROW:* *Construction:*

6. Year Funding Needed - *PE:* *ROW:* *Construction:*

7. REGIONAL SIGNIFICANCE OF PROJECT -
(Explain how project will benefit the region)

ROAD PROJECT INFORMATION

1. Is project in an approved municipal transportation plan -
2. Describe purpose and need of project -
3. Congestion -
 - a. *What is the current cause of congestion in the project area (i.e. insufficient turn lanes, lack of signal coordination, etc.)*
 - b. *What will this project do to alleviate congestion on this or other facilities -*
4. Project Length in miles -
5. Project Data -

	Current Year
Average Daily Traffic (ADT)	
Level of Service (LOS)	
Functional Class	
Design Speed	

6. Utility Work -
 - a. *Describe utility work to be performed and indicate who will do work - (funds cannot be used for new utility construction. Municipalities can require utility company to relocate utilities.)*
7. Right-of-Way -
 - a. *What current right-of-way is already secured -*
 - b. *What additional right-of-way is needed -*
8. Pedestrian / Bike / Trail Facilities -
 - a. *Explain how these types of facilities will be incorporated into project -*
9. Plans/Sketches:
 - a. *Proposed Improvements - Provide concept level engineering sketches both plan and section for proposed improvements. Show the transition from existing to the proposed final improvement. Include all proposed lane widths and other dimensions, pedestrian facilities, right-of-way acquisition, etc.*
 - b. *Project Time Line - Provide an outline of the project development and a proposed timeline. The timeline should be detailed from the year funding is requested and show the amount of time needed to complete the various activities associated with the project.*

PROJECT COST ESTIMATE

Item	Description	Quantity and Unit	Unit Price	Total Cost
1. Right-of-way				
2. Utilities	Phone			
	Gas			
	Electric			
	Water			
	Sewer			
	Cable TV			
	Rail Road			
	Fiber			
3. Earthwork				
4. Structures				
5. Drainage	Storm Drain			
	Irrigation			
6. Pavement Sub-base				
7. Landscaping				
8. Environmental Mitigation				
9. Curb, Gutter, Sidewalk				
10. Lighting				
11. Traffic Mitigation				
12. Traffic Control Devises	Signals			
	Signage			
	Marking			
13. Other Costs				
14. Contingency				

Projects must be built (at a minimum) to the construction standards found in the draft "Cache County Manual of Design and Construction Standards-Roadway Design Standards". A copy of this document can be found on the CMPO's website www.cachempo.org/cache_RDS.html.

TOTAL COSTS

Preliminary Engineering	
Environmental Work	
Construction	
Construction Engineering	
Total Cost	
Inflation Cost Factor (inflate to year of proposed construction)	Yrs. 0 @ 3%
Total Inflated Cost	

CCOC Scoring Considerations

A) Identify any extraordinary cost savings expected for your project's ongoing operation and maintenance. Justify your projects overall cost-benefit. If applicable, what is your projects cost per lane mile?

B) Will your project meet all applicable Federal laws and regulations?

C) Describe the overall economic impact of your project.

Submit completed application(s) to:
 Cache County, Executive
 199 N. Main, Logan UT



IF cliffs, rock outcroppings or the like preclude using that precise route, the easement can be deviated in a minor way ^{parts} be passable by hand, vehicle.

Exhibit "B." The Easement will be 66 feet wide. Cache County shall, at its own expense, construct any road and any other reasonably necessary structures, bridges, culverts, etc. that it elects to locate on the Easement.

2. Coldwater Ranch will also grant to Cache County an easement for unrestricted use by the public across the following road segments:

(a) An easement 66 feet in width running northerly from the Easement across the Coldwater Property to the public land lying to the north thereof, which easement shall generally follow the route in the vicinity of South Cottonwood Canyon as depicted on Exhibit "B" hereto.

(b) An easement 66 feet in width running northerly from the Easement across the Coldwater Property to the public land lying to the north thereof, which easement shall generally follow the route in the vicinity of Devil's Gate Canyon as depicted on Exhibit "B" hereto.

(c) An easement 66 feet in width running northerly from the Easement across the existing road located on the Coldwater Property in Section 29 of Township 10 North, Range 2 East, as depicted on Exhibit "B."

(d) An easement 66 feet in width along the southerly 66 feet of the land owned by Coldwater Ranch in the West half of the Northeast Quarter and the Northwest Quarter of Section 27 and the Northeast Quarter of Section 28, Township 9 North, Range 3 East, Salt Lake Base & Meridian.

and an easement over any part of the area marked "Additional Easement on Ex'D" which is owned by Coldwater
Add to contract
Applied

The easements described in subparagraphs 2(a) and 2(b) shall be constructed over the most direct reasonable route from the Easement to the public land to the north in the general vicinity as depicted on Exhibit "B." The easement described in paragraph 2(c) shall be located in the

present location of a road in the area depicted on Exhibit "B" in Section 29 of Township 10 North, Range 2 East. Cache County shall, at its own expense, construct any roads and necessary associated improvements that it elects to locate over the easements described in this paragraph.

2(e) → 3. *CW Pays 50,000 to County upon State & Cty completing Vacation*
After any road(s) are constructed as prescribed in paragraphs 1 and 2 ~~of the~~ *easements.* above, Cache County will survey the centerline of the roads to create a description for inclusion in a mutually acceptable written easement document to be prepared, executed, and recorded.

4. Cache County will, at its own expense, build a fence along the southerly boundary of the Easement and along the northerly boundary of the easement described in paragraph 2(d) above. The fences will be constructed in the manner described as Design B of the Utah Division of Wildlife Resources Fencing Guidelines, shall include five strands of barbed wire, shall have posts on ten-foot centers, and shall be of a lay down construction where ^{with more than} reasonably required. Gates shall be installed in the fence where designated by Coldwater Ranch. Cache County shall at its own expense reasonably maintain the fences. The roads described above over the Easement and the easements prescribed in paragraphs 2(a), (b), and (c) shall not be open to the public until construction of the fence on the south of the Easement is completed. The easement described in paragraph 2(d) above shall not be open to the public until construction of the fence along the northerly boundary thereof has been completed.

5. Coldwater Ranch will convey to Cache County fee simple title to an approximately 37-acre tract of land located in Section 4, Township 10 North, Range 2 East, on the Blacksmith Fork as approximately shown on Exhibit "C." Coldwater Ranch and Dee's, Inc. reserve access to the Coldwater Property over this parcel.

6. Cache County and the State of Utah shall enforceably vacate and abandon all claims to easements, rights of way, and roads included within the Coldwater Property other than the following:

- (a) The Easement described in paragraph 1.
- (b) The four easements described in paragraph 2(a), (b), (c), and (d).
- (c) That portion of the Ant Flat Road that passes across the Coldwater Property in Section 35, Township 10 North, Range 3 East, Salt Lake Base and Meridian.
- (d) That portion of the existing road which runs approximately in the area of the southwest boundary of the Coldwater Property in the location shown on Exhibit "D" hereto. That Cache County and the State of Utah do not vacate and abandon this segment of road under this Agreement shall not constitute an admission by Coldwater Ranch that it is a public road or way and shall not in any way change whatever its character may be. All roads, easements, and rights of way that enter any part of the Coldwater Property from the segment of road shown on Exhibit "D" shall, however, be vacated and abandoned by both Cache County and the State of Utah.

7. Cache County shall conduct a public hearing as required by applicable law concerning this proposed Settlement Agreement within 60 days.

8. The Action shall be terminated through a Judgment that recognizes the terms of this Settlement Agreement, the existence of the agreed easements prescribed herein, and the abandonment of the other alleged public roadways or easements on the Coldwater Property as prescribed in this Settlement Agreement. The Judgment shall terminate any other claim between the parties other than those under this Settlement Agreement that arise from the facts at issue in the Action.

9. This Settlement Agreement contains all of the terms, covenants, conditions, and agreements between the parties hereto with respect to the subject matters treated herein. This Settlement Agreement may not be amended or supplemented except through a writing executed by both parties.

EXECUTED by the parties hereto on the date first above written.

COLDWATER RANCH, INC.

CACHE COUNTY

By _____
Name _____
Title _____

By _____
Name _____
Title _____

DEE'S, INC.

By _____
Name _____
Title _____

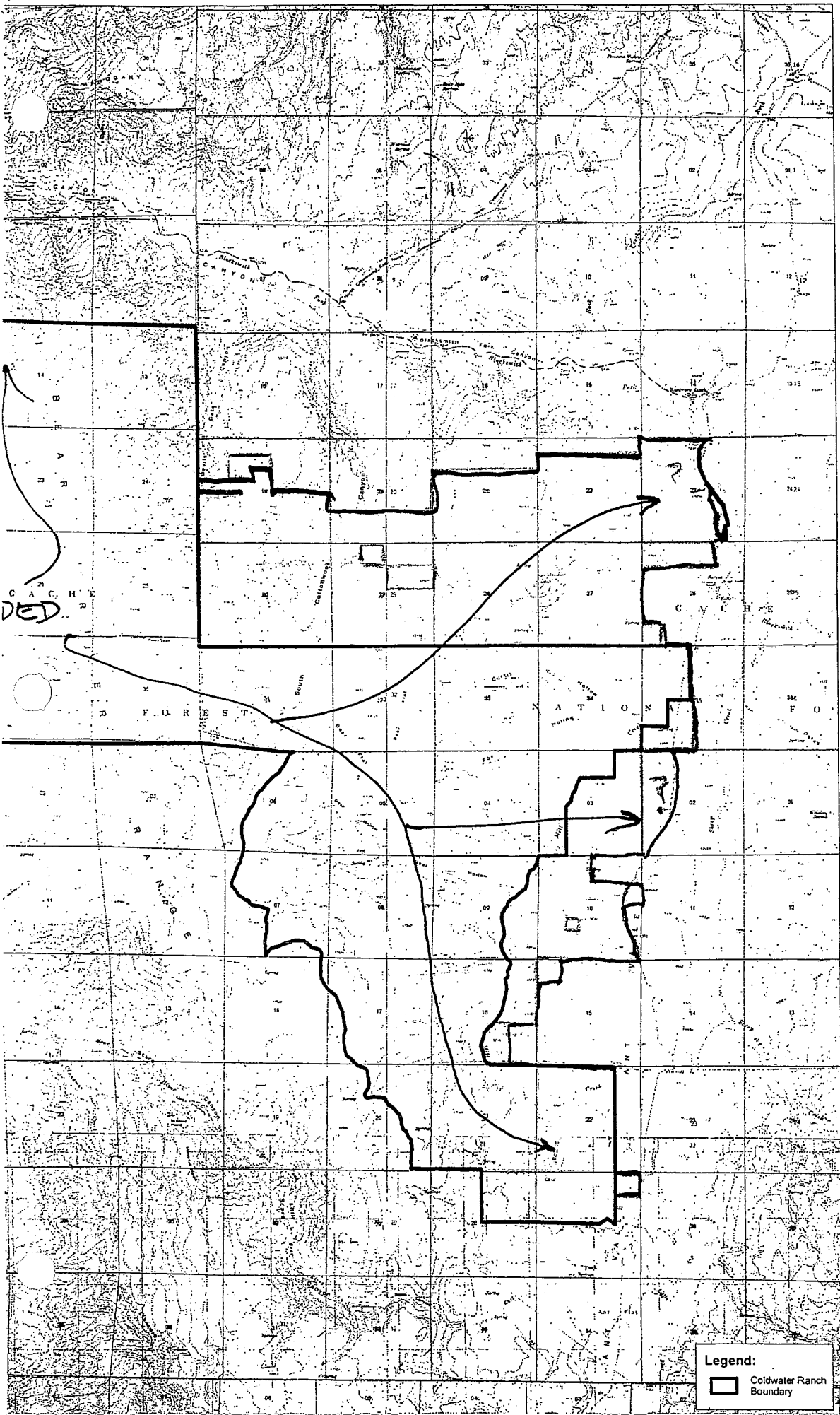


EXHIBIT A

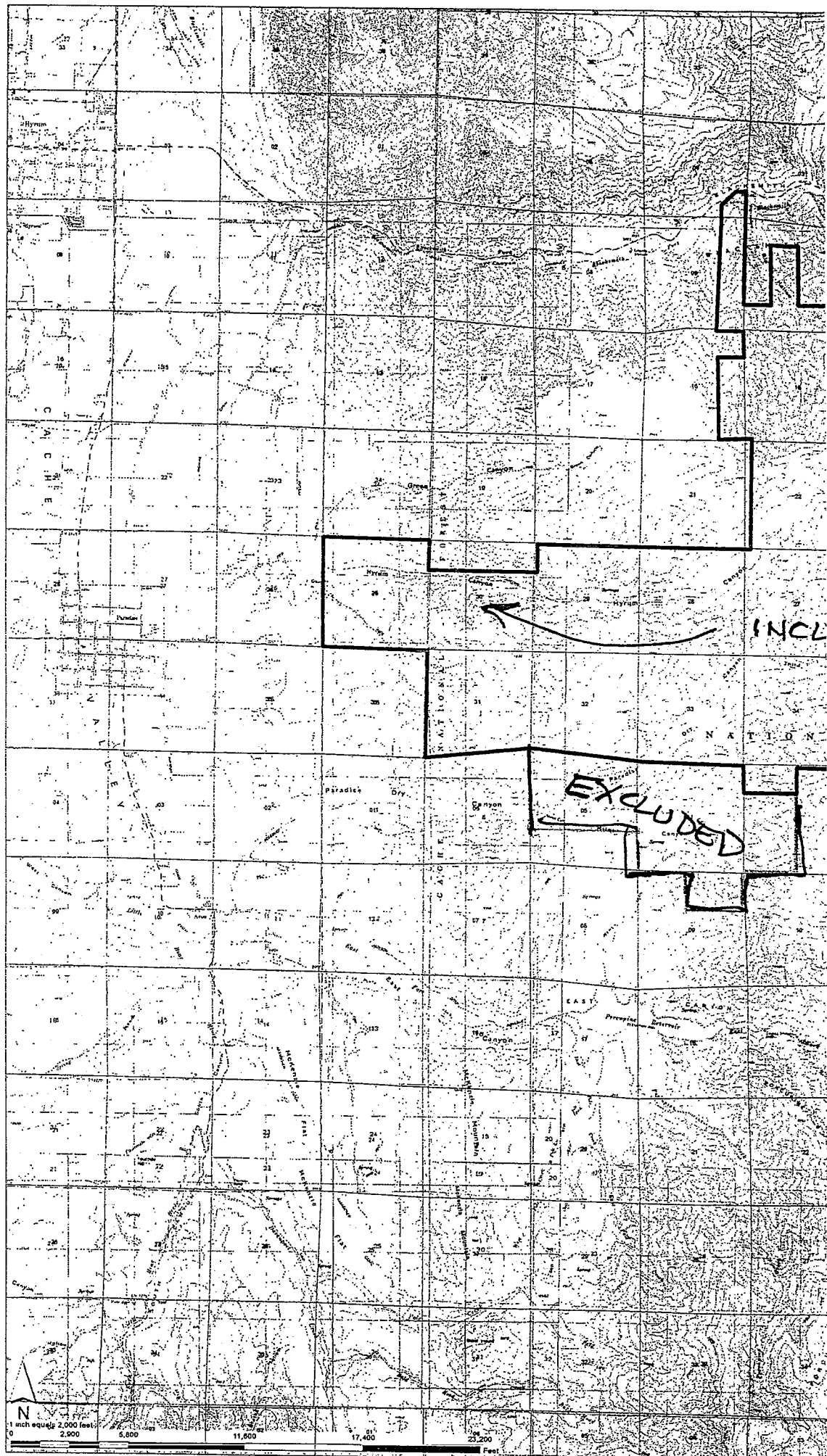
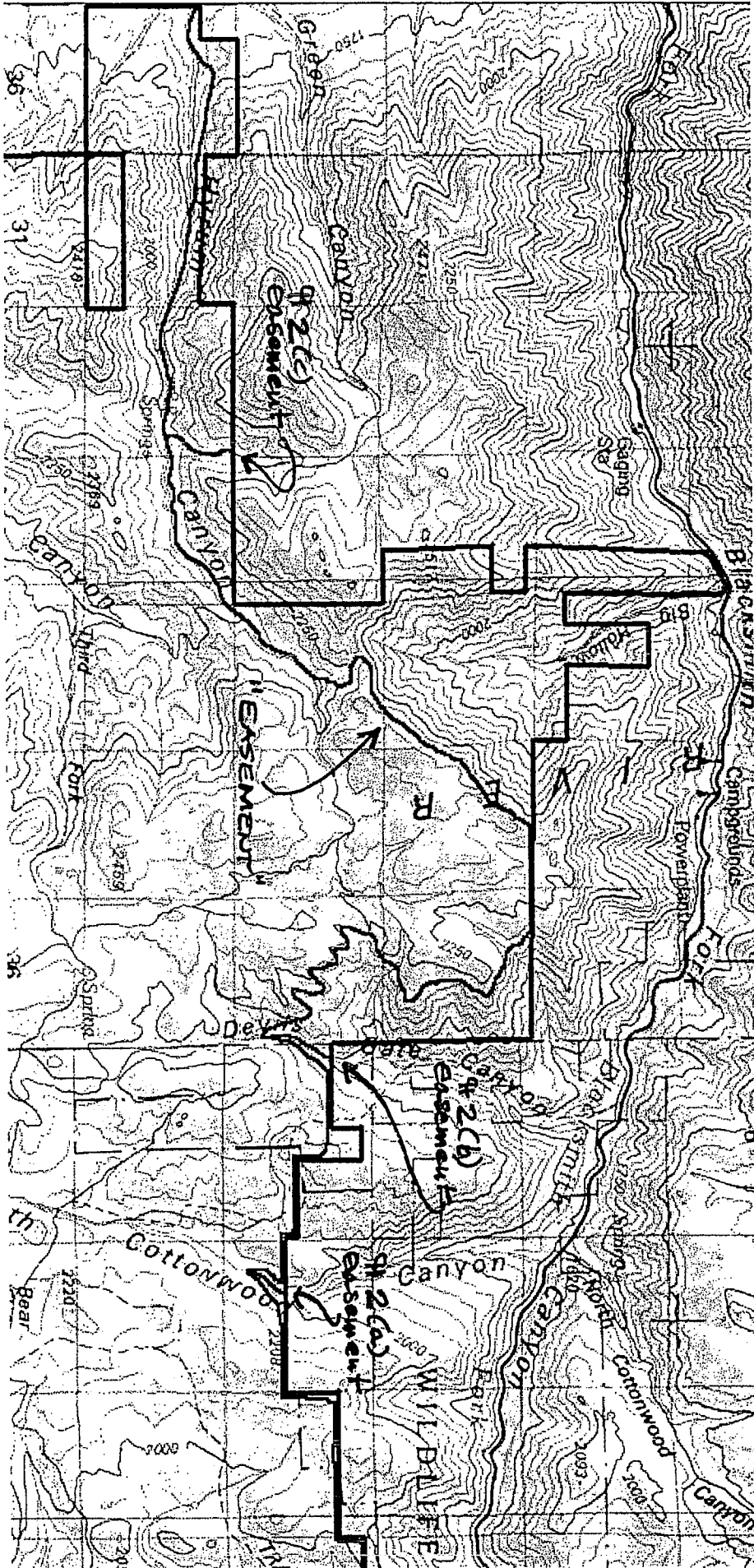
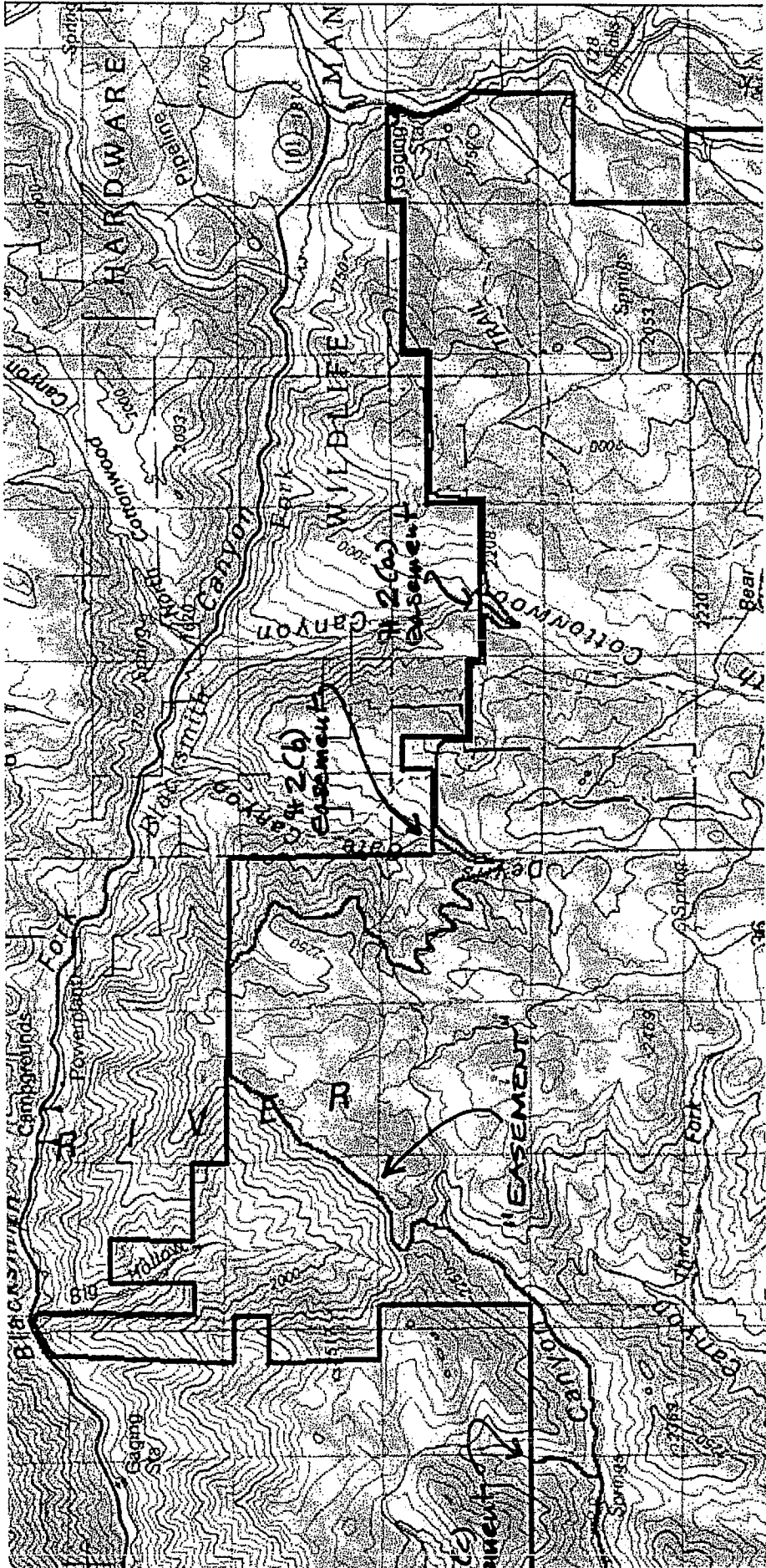


EXHIBIT "B"





APPROX 37 AC

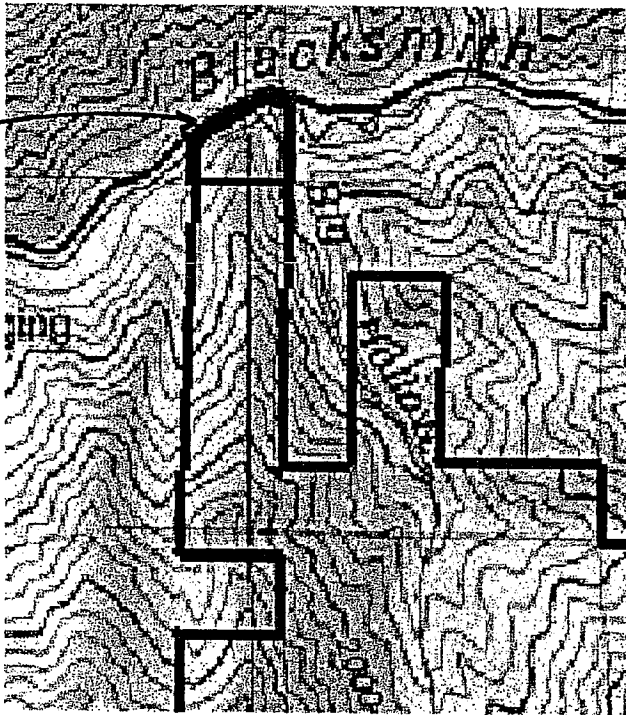
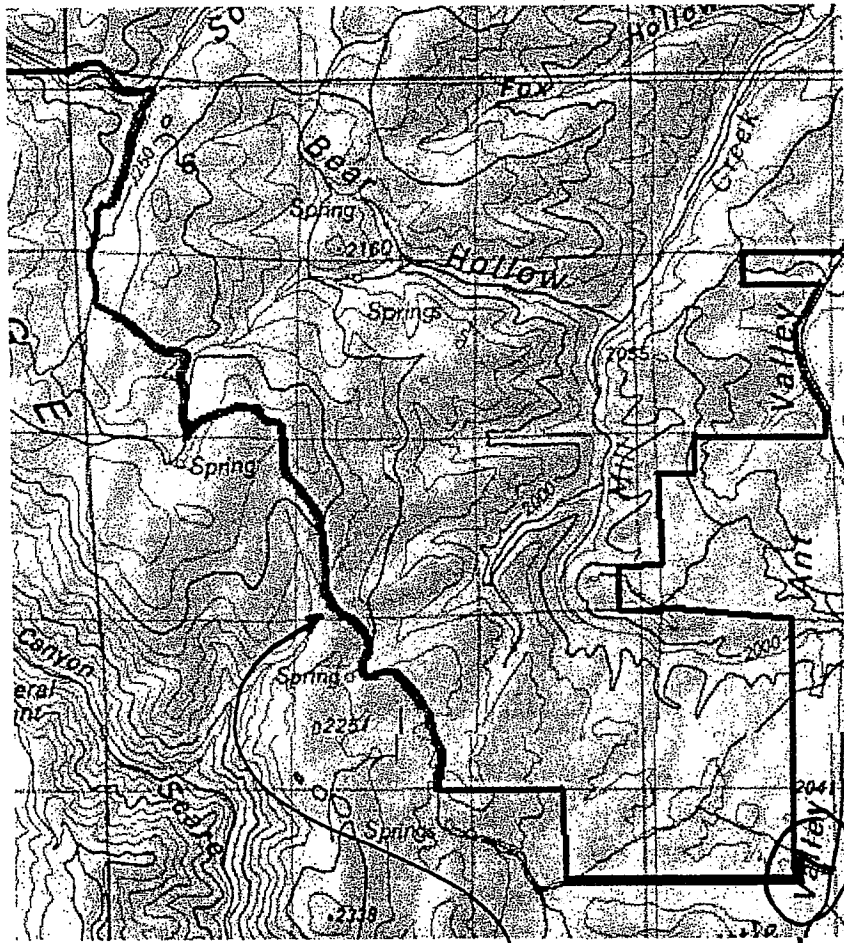


EXHIBIT "C"



EASEMENTS NOT TO BE
ABANDONED ARE COLORED BLUE
EXHIBIT "D"

ADDITIONAL
EASEMENT
(APPROX)