



Mayor Robert E. Simison

City Council Members:

Treg Bernt

Brad Hoaglund

Joe Borton

Jessica Perreault

Luke Cavener

Liz Strader

September 22, 2021

MEMORANDUM

TO: Mayor & City Council

CC: Penelope Constantikes, Applicant Representative

FROM: Joseph Dodson, Associate Planner

RE: Horse Meadows MDA (H-2021-0050)

Mayor & City Council,

On August 24th, the City Council continued this project to the September 28, 2021 public hearing due to concerns over the proposed Development Agreement (DA) language changes and proposed changes to the site plan—specifically the proposal to revise the shared access easement area along the southern property boundary to keep access for one servient site that has refused to relinquish their rights to the access as required with the current DA provisions.

Following the August 24th hearing, the Applicant obtained legal counsel regarding their proposal as well as potential alternatives. On September 16, 2021, the City received a [letter from Kronberg Law](#), a land use legal firm, dated August 27, 2021, outlining the existing conditions, the requested changes proposed for the August 24th hearing, and other potential remedies for the subject access easement issue.

In response to this legal determination, the Applicant is now proposing to move the easement from its existing location along the south boundary to overlay the proposed new public street approved with the Horse Meadows Preliminary Plat. This proposal is in lieu of the original proposed changes to the site plan and the DA and Staff supports this alternative based on review of the information provided within the letter from Kronberg Law. Therefore, Staff is recommending the following revisions to the draft DA:

5.1d – ~~Upon approval of the preliminary plat and rezone~~ With final plat application submittal, the Applicant shall relinquish their rights to use the ingress-egress easement on the subject site along the south boundary known as W. Quarterhorse Lane.

5.1e – ~~A final plat application shall not be submitted~~ Prior to signature on the Final Plat, until the Applicant shall demonstrate that the existing easement that provides access to parcels receives approval and provides documentation from all easement holders (Parcels S1210325555, S1210325800, & S1210325710 has been extinguished or relocated to the City's satisfaction.) ~~to relinquish their rights to the existing access easement once the public road connection to Pine Avenue is constructed."~~