

## Memorandum

To: Michelle Kaufusi, Mayor  
Provo City Council Members  
Wayne Parker, City Manager

From: Provo City School District Board of Education  
Keith Rittel, Superintendent, Provo City School District

Re: Statement of Intent for TimpBounous Kiwanis Park

Date: 12 June 2019

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This document is created as a current plan for use of the TimpBounous Kiwanis Park. Provo City School District's acquisition of the park permits the district to use the park on a more regular basis, and adjustments and changes will be made by the district to meet future school and district needs.

This Statement of Intent is not a contract nor is it intended to be legally binding. It is a good faith statement of the District's current plan regarding use of the park. This statement does not bind future boards from making different decisions about the use of the park in the future, and governing boards, such as school district boards, have certain restrictions regarding entering into contracts that bind future boards. See *Uintah Basin Med. Ctr. v. Hardy*, 2002 UT 92.

It is the intention of the Provo City School District Board of Education, District administration, and Timpview High School administration to be cooperative, good neighbors within the community. The following statement summarizes the general intentions of the school district for the park:

*The present and firm plan of the school district is to build no major structures on the property being purchased from Provo City. Rather it is envisioned that the property will be green space with public access, for the foreseeable future.*

Here, in bullet form, are more specific intentions for the park, with clearly identified access permissions and restrictions:

### **Access Permissions**

- Boundary line encroachments on the south end of the park will be adjusted. This action is taken as a gesture of cooperation toward the neighbors.
- Provo City is retaining ownership of the well and the well structure.
- The district is granting to the city a written easement providing access to the well through the small utility road on the south end of the park as part of the purchase and sale agreement.
- The district will honor and abide by all restrictions (including building restrictions) related to the city well as required by law.
- The park name will remain.

- The baseball field will remain where it is on the upper level, but will have some minor improvements along the way. Such improvements will likely increase ADA accessibility for disabled patrons.
- The lower field will include a soccer-sized practice field. Some trees will be removed.
- The school/district will not make the lower field available for club sport rentals, etc. Use will be reserved for the school, the district, and the local community.
- Adhere to city ordinances regarding noise.
- Secure the access road gate.
- The pavilion will be relocated to the southwest portion of the property.
- Maintain (and replace when needed) the children's play toys originally purchased by the community, with play toys of similar features.
- The district will consider installing a fence, netting, or other barrier between the soccer field and the play area/pavilion as a partial protection from flying soccer balls, etc.
- The sand volleyball pit will be removed.
- The existing restroom building will likely be re-built and moved to provide access to serve baseball, soccer, softball, and tennis. Reasonable community use will be permitted within designated hours.

#### **Access Restrictions**

- Except via advance permission, the park will be open from dawn until dusk daily. At the present time, we expect the park to be closed during night hours except by way of express advance permission from the school.
- During the future re-build of Timpview High School, the lower portion of the Timp-Bounous Park slated for the future soccer practice field will be needed for staging and storage related to the construction project. It is likely that all or part of the lower section will be temporarily closed for the duration of the construction project, which could last 4 or 5 years. More information on this will be provided as needs are more clearly defined over time.
- Public access to the baseball field will remain at current levels, generally consistent with past use limits.