

FS Agreement Number	14-MU-11021507-035
Cooperator Agreement Number	

MEMORANDUM OF UNDERSTANDING

THIS MEMORANDUM OF UNDERSTANDING ("MOU") is entered into between the Town of Avon ("Avon"), a home rule municipality, and the USDA Forest Service ("U.S. Forest Service") on July 21, 2014, 2014.

RECITALS

Avon and the U.S. Forest Service entered into a Negotiated Resolution, dated July 5, 2011, concerning Appeal Number 11-02-00-0044 (215) which contemplated that the Town of Avon and White River National Forest would seek to develop a MOU to address issues associated with FSR 7-779 ("Metcalf Creek Road"), Exhibit A.

UNDERSTANDING OF PARTIES

1. Avon shall propose improvements to Tract I, Wildridge Subdivision, owned by Avon ("Tract I"), including construction of off-street parking spaces, potential realignment of Metcalf Creek Road as it crosses Tract I, regrading rutted road sections, and drainage improvements.
2. Avon shall propose year-round access for all vehicles, bicycles, horse and foot traffic, except during any appropriate U.S. Forest Service closures.
3. U.S. Forest Service shall consider Avon's proposal for a Federal action under the National Environmental Policy Act (NEPA).
4. Avon and U.S. Forest Service shall strive to complete the review and decision for improvements to Metcalf Creek Road and, year-round vehicle access on Metcalf Creek Road within a reasonable timeframe.
5. Avon and U.S. Forest Service shall consider and seek to develop, if appropriate, an on-going Instrument for Metcalf Creek Road that addresses maintenance responsibilities, signage and other issues as deemed appropriate.
6. Avon and U.S. Forest Service agree that this MOU creates no right, benefit, or trust responsibility, substantive or procedural, enforceable by law or equity and further agree that this MOU does not create any obligation of either party to expend funds, perform actions or transfer anything of value.
7. This MOU is executed as of the date of the last signature and is effective through five years at which time it will expire, unless extended by an executed modification, signed and dated by all properly authorized, signatory officials.

AVON:



Rich Carroll, Mayor, Town of Avon

U.S. FOREST SERVICE:



David Neely, District Ranger
Eagle-Holy Cross Ranger District

**The Authority and Format of this
Instrument has been reviewed
and approved for signature**


Grants and Agreements
Specialist

7/23/14
Date

Appeal Number: 11-02-00-0044 (215)

Appellant: Rich Carroll, Town of Avon

Date Received: June 20, 2011

Decision: White River Travel Management Plan

Decision Maker: Forest Supervisor, Scott Fitzwilliams, White River National Forest

Negotiated Resolution: July 5, 2011

Town of Avon representatives and the White River National Forest officials through informal disposition agree:

- That the Town of Avon and the White River National Forest would seek to develop a Memorandum of Understanding (MOU) to address issues associated with FSR 7-779 (Metcalf Creek Road). This includes a commitment from the Town of Avon to address in the near term resource issues associated with parking and access to FSR 7-779.1 on Town of Avon lands; and in partnership with the Forest Service address long-term resource and social issues associated with the alignment and uses of this road.
- That based on the above commitment the White River National Forest would revise the decision to allow FSR 7-779 (Metcalf Creek Road) to remain open to licensed motor vehicles, bicycles, horse, and foot traffic.
- The Town of Avon would withdraw the appeal.
- Recognize the Forest Service reserves the right to decommission FSR 7-779 if the Town is unable to accomplish needed work on Town land in a reasonable timeframe, if agreement cannot be reached on the specifics of the MOU, or if specific actions identified in the MOU are not accomplished within a reasonable timeframe.

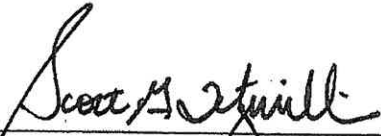
Forest Supervisor Scott Fitzwilliams commits:

To work with the Town of Avon to develop a Memorandum of Understanding (MOU) to address issues associated with FSR 7-779 (Metcalf Creek Road). That based on the commitment from both parties I will revise the decision to allow FSR 7-779 (Metcalf Creek Road) to remain open to licensed motor vehicles, bicycles, horse, and foot traffic.

Appellant Rich Carroll on behalf of the Town of Avon commits:

To work with the White River National Forest to develop a Memorandum of Understanding (MOU) to address issues associated with FSR 7-779 (Metcalf Creek

Road). Based on the commitment by the Forest Service stated above, I withdraw my appeal of the White River National Forest Travel Management Plan in its entirety.



SCOTT FITZWILLIAMS
Forest Supervisor, White River National Forest

7/5/11
Date



Rich Carroll
Town of Avon

7/7/2011
Date