

# **License Agreement for the Use, Enhancement and Development of the City's Single Track Mountain Bike Trails**

**Consideration and Action on the License Agreement by  
and between the City of Sugar Land and the Fort Bend  
Mountain Bike Association**

*Presented by:  
Joe Chesser, Director of Parks & Recreation*

# FBMBA & CoSL Agreement Overview

## FBMBA Mission

- FBMBA is a Texas nonprofit organization dedicated to building, and maintaining sustainable single track trails in the City of Sugar Land and within the Fort Bend County region. FBMBA is organized as an affiliate under the guidance of the International Mountain Biking Association (IMBA)

## FBMBA & CoSL Agreement Goal

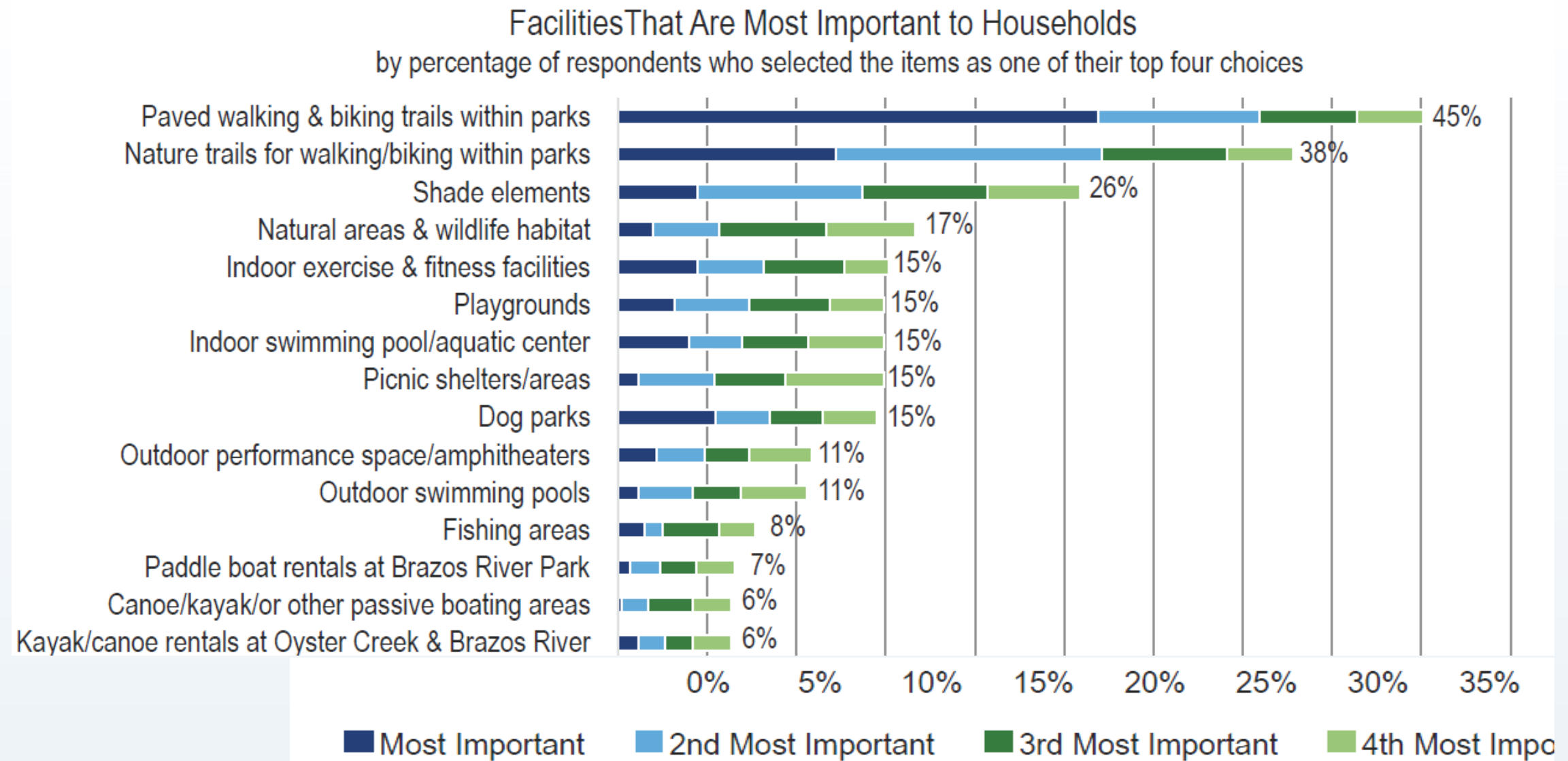
- To work together with CoSL to build, maintain and manage soft surface, multi-use, natural surface trails (also known as single track trails) within the City's park and trail systems. Including protection of residents and responding to previously heard concerns/comments

# FBMBA & CoSL Agreement Overview

## Grant of License

- License is non-exclusive; City reserves the right to use the licensed premises or allow any other person to use the license premises for any purpose or purposes, provided purposes do not unreasonably interfere with any rights of FBMBA.
- One year term, commencing on the effective date.
- Council reserves option to extend license agreement for up to four additional one-year periods by notifying FBMBA in writing at least 30 days before the current term's expiration date.

# Community Needs



Source: 2018 City of Sugar Land Parks, Recreation and Open Space Master Plan

# Steps for Trail Approval

(Per PARCS Board and Citizen Input)

## New Trails

- Park with no existing trails- FMBA proposes a layout/flags trail route and staff reviews and brings it PARCS Board for input. If trail is within 35' of a resident's fence the owner will be notified for input. There will be no time limit for determining approval to FBMA.
- Significant expansion of a trail or a completely new trail in an existing park with a trail - same as above.

## Modification/Reroute

- Existing trail - FBMA will layout/flag the route Staff will walk the site to review and determine if further input from surrounding residents is required due to 35' proximity. If in compliance, staff will approve within 30 days.



# Approved Trail Route Maps

Included as Exhibits in the Agreement

- Existing Single Track Trails included:
  - Brindley Trail
  - Brazos River Park Trail
  - RiverPark Trail
  - Oyster Creek Park Trail

# PARCS Board Action

- **November 12, 2019 meeting:** Board voted to approved recommendation of the Agreement to City Council for consideration and action

# Questions from Council Workshop

**There were two that required follow up related to ensuring FBMBA understands the City is responsible for enforcement of the Agreement and the impact on workers' compensation premiums**

- Regarding the question concerning workers' compensation impact, the City's Risk Management division estimates that the total incremental impact of the Agreement - which only requires those doing the actual work to register with Serve Sugar Land - will be less than \$100.**



# Questions from Council Workshop

**Regarding Enforcement of the Agreement, the Legal Department has added the following language to the Agreement to further clarify the FBMBA's role:**

- **Section 7.b. Licensee will report rogue trail activity to the City's Parks and Recreation Department the next business day after discovering such activity. Licensee will take active steps to prevent rogue trails through its social media and physical trail remediation. This includes, but is not limited to, blocking undesired and/or unapproved trail routes with branches or barricades to prevent continued access.**

# Questions from Council Workshop

- **Section 7.b. Licensee may not take any action, other than that provided in this Section 7, to prevent rogue trails or discourage rogue trail building. If Licensee observes persons constructing rogue trails, it may not take any action to stop or interfere in such construction, but will instead notify the City's Parks and Recreation department in accordance with 7(b) above.**
- **Section 19.m. No Enforcement Authority - Nothing contained herein delegates any of the City's regulatory authority or oversight over the Licensed Premises to Licensee. Licensee has no authority over other users of the Licensed Premises, and no authority to enforce provisions of this Agreement as to third parties, even if such persons are cutting rogue trails or otherwise committing destruction of the Licensed Premises.**

# Staff Requests

**Approval of a License Agreement for the Use, Enhancement, and Development of the City's Single Track Mountain Bike Trails between the City of Sugar Land and the Fort Bend Mountain Bike Association**

# Clarifying Questions For Staff



# Council Motion and Discussion

