February 11, 2013

TO: ACHD Board of Commissioners & Bruce S. Wong, Director

FROM: Kraig Howe
Senior Right-of-Way Agent

SUBJECT: Vacation/Exchange - Request for acceptance of the Vacation of a portion of N. Spurwing Way in Exchange for Dedication of a portion of the proposed N. Long Lake Road and to establish a Public Hearing date.

CONSENT AGENDA ITEM – February 20, 2013 Commission Meeting

EXECUTIVE SUMMARY:

This vacation/exchange is to vacate a portion of N. Spurwing Way in the Spurwing Subdivision, Meridian. In exchange, the proponent offers an equivalent-sized parcel for the proposed N. Spurwing Way located within the proposed Spurwing Challenge Subdivision.

FACTS & FINDINGS:

1. ACHD has received a petition and application for the vacation and exchange of the above referenced right-of-way from Chuck Christensen, Quadrant Consulting, Inc. on behalf of the developer, Chris Anderson, The Club at Spurwing, LLC.

2. The area being proposed for vacation contains approximately 1.531 acres and the right-of-way proposed to be dedicated contains approximately 1.529 acres. The value of the right-of-way to be vacated in exchange for the new right-of-way to be dedicated is considered equal.

3. Idaho Code, section 50-1306A(6) requires that before an exchange can be authorized a public hearing must be held, with notice published in accordance with Idaho Code, section 40-206, where any person may appear and show cause that the exchange should not be made.

FISCAL IMPACT:

The Applicant has paid the $1,000.00 application fee.
POLICY IMPACTS:

None

RECOMMENDATION:

Staff recommends that the Board of Commissioners adopt Resolution Number 1085 and declare the public right-of-way known as a portion of N. Spurwing Way as no longer useful to the District and set a date for the public hearing as identified below.

3. Date of Public Hearing – Wednesday, March 20th, 2013 at 12:00 p.m. or as soon thereafter as the matter may be heard.

Attachments:
1. Vicinity Map
2. Sketch of right-of-way to be vacated/exchanged
3. Proposed Spurwing Challenge Subdivision plat
4. Notice of Public Hearing
5. Resolution 1085

cc: Right-of-Way File

Quadrant Consulting, Inc.
Attn: Chuck Christensen
1904 West Overland Road
Boise, ID 83705
EXHIBIT A
NORTH SPURWING WAY
EXCHANGE OF PUBLIC RIGHT-OF-WAY
LOCATED IN A PORTION OF THE
SOUTH 1/2 OF THE SOUTH 1/2 OF SECTION 23, T.4N., R.1W., B.M.
CITY OF MERIDIAN, ADA COUNTY, IDAHO

LEGEND
• FOUND ALUMINUM CAP
• FOUND 5/8" REBAR WITH PLS 7316 CAP
• FOUND 1/2" REBAR, REPLACED WITH 5/8" REBAR WITH PLS 14876 CAP
• FOUND 1/2" REBAR WITH P.A.T. PLS 4347 CAP
• SET 5/8" REBAR WITH PLS 14876 CAP
• SET 1/2" REBAR WITH PLS 14876 CAP
= CALCULATED POINT

PROPOSED RIGHT-OF-WAY LINE
EXISTING PROPERTY LINE
SUBDIVISION BOUNDARY LINE
EASEMENT LINE
ADJACENT PLATTED LOT LINE
CENTERLINE
EXISTING LOT
PROPOSED LOT

GRAPHIC SCALE
0 100 200

( IN FEET )
1 inch = 200 ft.

Prepared by:
Quadrant Consulting, Inc.
1304 West Overland Road
Boise, Idaho 83705
(208) 342-0991 PHONE (208) 342-0082 FAX
CIVIL ENGINEERING-SURVEYING
NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN, that the Board of Commissioners of the Ada County Highway District will hold a public hearing in accordance with the provisions of the Idaho Code, to consider the vacation and abandonment of:

A portion of North Spurwing Way as shown on the Plat of Spurwing Subdivision, Book 69, Pages 7104-7108, records of Ada County being located in a portion of the Southeast ¼ of the Southwest ¼ of Section 23, Township 4 North, Range 1 West, Boise Meridian, City of Meridian, Ada County, Idaho and being more particularly described as follows:

Commencing at the Southwest corner of said Section 23, thence South 89°11'21" East 2081.47 feet along the South line of said Section 23, also being the centerline of West Chinden Boulevard (US HWY 20/26), to the intersection of said centerline of West Chinden Boulevard and the centerline of North Spurwing Way as shown on said Plat of Spurwing Subdivision, thence leaving said South line and said centerline of West Chinden Boulevard North 0°48'56" East 40.00 feet to a point on a line common to Ada County Highway District Right-of-Way and Idaho Transportation Department Right-of-Way, said point also being the POINT OF BEGINNING, thence

continuing along said line common to Ada County Highway District Right-of-Way and Idaho Transportation Department Right-of-Way North 89°11'21" West 97.00 feet to the East boundary line of Lot 4, Block 1 as shown on said Plat of Spurwing Subdivision, said East boundary line also being the West Right-of-Way line of North Spurwing Way, thence

continuing along said East boundary line and said West Right-of-Way line 78.54 feet along a curve to the left; said curve having a radius of 50.00 feet, a delta angle of 90°00'00", and a chord bearing and distance of North 45°48'56" East 70.71 feet, thence

North 0°48'56" East 120.00 feet, thence

North 2°08'52" East 215.06 feet, thence

North 0°48'56" East 417.11 feet, thence

96.47 feet along a curve to the left; said curve having a radius of 408.00 feet, a delta angle of 13°32'52", and a chord bearing and distance of North 5°57'29" West 96.25 feet, thence

leaving said East boundary line and said West Right-of-Way line South 90°00'00" East 73.53 feet to a point on the East Right-of-Way line of said North Spurwing Way, said point also being on the boundary line of Lot 78, Block 1 as shown on said Plat of Spurwing Subdivision, thence

continuing along said East Right-of-Way line and said boundary line of Lot 78 97.23 feet along a curve to the right; said curve having a radius of 480.00 feet, a delta angle of 11°38'20", and a chord bearing and distance of South 4°59'13" East 97.06 feet, thence

South 0°48'56" West 417.11 feet, thence
South 0°31'00" East 215.06 feet, thence

South 0°48'56" West 108.00 feet, thence

78.54 feet along a curve to the left; said curve having a radius of 50.00 feet, a delta angle of 90°00'00", and a chord bearing and distance of South 44°11'04" East 70.71 feet, thence

continuing along said boundary line of Lot 78 South 89°11'04" East 148.98 feet, thence

South 86°27'21" East 250.26 feet, thence

leaving said boundary line of Lot 78 and continuing along said line common to Ada County Highway District Right-of-Way and Idaho Transportation Department Right-of-Way 74.50 feet along a curve to the right; said curve having a radius of 34337.48 feet, a delta angle of 0°07'27", and a chord bearing and distance of North 89°15'51" West 74.50 feet, thence

North 89°11'21" West 409.46 feet to the POINT OF BEGINNING.

EXCEPTING THEREFROM:
Lot 1, Block 3, Lot 1, Block 4 and Lot 1, Block 5 of said Plat of Spurwing Subdivision.

Said tract of land contains approximately 66,702 square feet, or 1.531 acres more or less.

Together with and subject to covenants, easements and restrictions of record.

Subject to retention of public and private utility easements, drainage easements, irrigation easements and/or other easements of record or not of record or in use upon or under said described public right of way and or the provisions for relocation or replacement of existing facilities. Costs associated with relocation or replacement of existing easements and facilities shall be borne by the applicant with approval of the applicable utility of agency.

IN EXCHANGE FOR:

A tract of land located within a portion of Lot 78, Block 1 as shown on the Plat of Spurwing Subdivision, Book 69, Pages 7104-7108, records of Ada County and a portion of Lot 1, Block 1 of Brandt Subdivision, Book 59, Pages 5785-5788, records of Ada County. Said tract being located in a portion of the South ½ of the South ½ of Section 23, Township 4 North, Range 1 West, Boise Meridian, City of Meridian, Ada County, Idaho and being more particularly described as follows:

Commencing at the Southeast corner of said Section 23, from which the South ¼ corner of said Section 23 bears North 89°38'47" West 2629.97 feet, thence North 89°38'47" West 2526.88 feet along the South line of said Section 23 to a point, thence leaving said South line North 00°21'13" East 100.00 feet to a point on the North line of a parcel of land to be granted to the Idaho Transportation Department, said North line being the North Right-of-Way line of US Hwy 20/26 (West Chinden Boulevard) and said point being the POINT OF BEGINNING, thence

continuing along said North Right-of-Way line 68.00 feet along a curve to the right; said curve having a radius of 34277.38 feet, a delta angle of 0°06'50", and a chord bearing and distance of North 89°31'58" West 68.00 feet, thence

leaving said North Right-of-Way line North 00°00'00" East 88.65 feet, thence

129.13 feet along a curve to the right; said curve having a radius of 207.00 feet, a delta angle of 35°44'27", and a chord bearing and distance of North 17°52'14" East 127.04 feet, thence
158.48 feet along a curve to the left; said curve having a radius of 275.00 feet, a delta angle of 33°01'05", and a chord bearing and distance of North 19°13'55" East 156.29 feet, thence

North 02°43'22" East 61.65 feet, thence

359.45 feet along a curve to the left; said curve having a radius of 323.00 feet, a delta angle of 63°45'42", and a chord bearing and distance of North 29°09'29" West 341.19 feet, thence

118.44 feet along a curve to the right; said curve having a radius of 334.00 feet, a delta angle of 19°58'26", and a chord bearing and distance of North 51°03'07" West 115.85 feet, thence

North 41°03'54" West 141.72 feet, thence

North 77°46'01" West 33.08 feet to a point on the Southerly Right-of-Way line of North Pencross Way, thence

continuing along said Southerly Right-of-Way line 118.78 feet along a curve to the left; said curve having a radius of 375.00 feet, a delta angle of 18°08'52", and a chord bearing and distance of North 60°41'10" East 118.28 feet, thence

leaving said Southerly Right-of-Way line South 08°12'20" West 36.99 feet, thence

South 41°03'54" East 120.01 feet, thence

42.66 feet along a curve to the left; said curve having a radius of 266.00 feet, a delta angle of 9°11'21", and a chord bearing and distance of South 45°39'35" East 42.62 feet, thence

South 74°17'15" East 22.88 feet, thence

South 57°22'55" East 29.02 feet, thence

South 32°40'41" East 19.32 feet, thence

389.64 feet along a curve to the right; said curve having a radius of 377.00 feet, a delta angle of 59°13'01", and a chord bearing and distance of South 26°53'09" East 372.53 feet, thence

South 02°43'22" West 3.84 feet, thence

South 02°59'43" West 92.40 feet, thence

130.36 feet along a curve to the right; said curve having a radius of 325.00 feet, a delta angle of 22°58'55", and a chord bearing and distance of South 17°11'38" West 129.49 feet, thence

134.17 feet along a curve to the left; said curve having a radius of 268.00 feet, a delta angle of 28°41'05", and a chord bearing and distance of South 14°20'33" West 132.78 feet, thence

South 00°00'00" West 86.12 feet to the **POINT OF BEGINNING**.

Said tract of land contains approximately 66,586 square feet, or 1.529 acres more or less.

Together with and subject to covenants, easements and restrictions of record.
The public hearing will be held in the Office of the Ada County Highway District, 3775 Adams Street, Garden City, Idaho 83714, on Wednesday, March 20, 2013, 12:00 p.m., or as soon thereafter as the matter may be heard.

Anyone wishing further information concerning this vacation/abandonment and exchange should refer to the petition requesting said action, on file in the office of the Ada County Highway District.

ADA COUNTY HIGHWAY DISTRICT

By: __________________________

Bruce S. Wong, Director

Publication Dates: March 5, 6, and 13, 2013
RESOLUTION NUMBER 1085.
OF THE ADA COUNTY HIGHWAY DISTRICT

A RESOLUTION FINDING CERTAIN PUBLIC RIGHT-OF-WAY PROPOSED TO BE ABANDONED/VACATED AND EXCHANGED FOR REAL PROPERTY OWNED BY THE CLUB AT SPURWINING, LLC and PACIFIC LINKS COMPANY, LLC IS NO LONGER USEFUL TO THE DISTRICT, AND SETTING THE DATE, TIME AND PLACE OF A PUBLIC HEARING, OF WHICH NOTICE SHALL BE PUBLISHED AS AUTHORIZED BY LAW, WHERE ANY PERSON INTERESTED MAY APPEAR AND SHOW CAUSE WHY THE ABANDONMENT/VACATION AND EXCHANGE SHOULD NOT BE MADE.

WHEREAS, based on the facts and information presented in the Staff Report dated February 11, 2013 which by this reference is hereby incorporated herein, as supplemented by the oral presentation by Right-of-Way Staff for ACHD Right of Way, pursuant to Idaho Code, section 40-203 and 40-1309, the Board of Commissioners hereby makes the following findings of fact:

(1) The public right-of-way owned by the District as depicted on Exhibit "A" and described on Exhibit "B" which are attached hereto (hereinafter "subject public right-of-way") is no longer useful to the Ada County Highway District and should be abandoned/vacated as proposed by THE CLUB AT SPURWINING, LLC ("the applicant").

(2) ACHD has negotiated with THE CLUB AT SPURWINING, LLC an exchange of the subject public right-of-way for a parcel of real property owned by THE CLUB AT SPURWINING, LLC which will be dedicated to ACHD by plat and as depicted on said Exhibit "A" and described on Exhibit "C" which is attached hereto (the "Exchange Parcel").

(3) The Exchange Parcel will be needed by the Ada County Highway District for a public use authorized by law for a public road in the proposed Spurwing Challenge Subdivision.

(4) The values of subject public right-of-way and the subject Exchange Parcel are considered to be equal.

(5) Idaho Code, section 40-203 requires that before public right-of-way can be abandoned/vacated a public hearing must be held, with notice published in accordance with Idaho law, where any person may appear and show cause that the public right-of-way should not be abandoned/vacated.

(6) Idaho Code, section 40-1309 requires that before an exchange can be authorized a public hearing must be held, with notice published in accordance with Idaho law, where any person may appear and show cause that the exchange should not be made.

(7) Subject to consideration of testimony and new evidence that may be presented at the public hearing, it appears the proposed abandonment/vacation and exchange is in the best interests of the Highway District and its patrons.

NOW, THEREFORE, BE IT RESOLVED, in accordance with Idaho Code, section 40-1309 and 40-203, a public hearing before the Board of Commissioners to consider the proposed abandonment/vacation and exchange is hereby set for March 20, 2013 at 12 p.m., or as soon thereafter as the matter may be heard, at the offices of the Ada County Highway District, 3775 Adams Street, Garden City, Idaho, at which any person may appear to show cause why the subject public right-of-way should not be abandoned/vacated and why the exchange not be made; and

BE IT FURTHER RESOLVED, notice of such hearing shall be published in accordance with Idaho law, on the 5th, 6th, and 13th day of March, 2013 in the Idaho Statesman, a daily newspaper published in Ada County, Idaho.

ADOPTED AND APPROVED by the Board of Commissioners of the Ada County Highway District at its regular meeting held on this _______ day of _______, 2013.
ADA COUNTY HIGHWAY DISTRICT
BOARD OF COMMISSIONERS:

By: __________________________
Sara M. Baker, President

By: __________________________
John S. Franden, Vice President

By: __________________________
Rebecca W. Arnold, Commissioner

By: __________________________
Mitchell A. Jaurena, Commissioner

By: __________________________
Jim Hansen, Commissioner

ATTEST:

_____________________________
Bruce S. Wong, Director

STATE OF IDAHO )
County of Ada ) ss.

On this _______ day of ____________, 2013, before me, a notary public in and for said State, personally appeared
President, Sara M. Baker, Commissioners, John S. Franden, Rebecca W. Arnold, Mitchell A. Jaurena, and Jim Hansen, known
to me to be the Board of Commissioners, respectively, of the Ada County Highway District and that they executed this instrument
on behalf of said Highway District for the purposes therein stated.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal, the day and year in this certificate
first above written.

_____________________________
Notary Public for the State of Idaho
Residing at Boise, Idaho
My Commission Expires; ________________

The Ada County Highway District (ACHD) is committed to compliance with Title VI of the Civil Rights Act of 1964 and related regulations and directives. ACHD
assures that no person shall on the grounds of race, color, national origin, gender, disability or age, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any ACHD service, program or activity.