April 11, 2013

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

FROM: David Serdar
Right-of-Way Supervisor

SUBJECT: Vacation/Exchange - Establish a Public Hearing date to request the acceptance for the Vacation of the portion of Mace Road lying easterly of W. Island Wood Drive and west of Eagle Road, in Exchange and Dedication to the public, a portion of Mace Road lying westerly of W. Island Wood Drive.

CONSENT AGENDA ITEM – April 24, 2013 Commission Meeting

EXECUTIVE SUMMARY:

This vacation/exchange is to vacate a portion of Mace Road lying easterly of W. Island Wood Drive and west of Eagle Road, 2.20 acres, more or less. In exchange, the proponent offers dedication to the public portion of Mace Road lying westerly of W. Island Wood Drive, 2.15 acres, more or less.

FACTS & FINDINGS:

1. ACHD has received a petition and application for the vacation and exchange of the above referenced right-of-way from the adjacent landowner, Gardner Mace Ranch, L.C., a Utah limited liability company.

2. The area being proposed for vacation contains approximately 2.20 acres and the right-of-way proposed to be dedicated contains approximately 2.15 acres. The value of the right-of-way to be vacated in exchange for the new right-of-way to be to be dedicated is considered comparable.

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 1093 and declare the public right-of-way as a portion of known Mace Road lying easterly of W. Island Wood Drive and west of Eagle Road, Eagle, Idaho as no longer useful to the District and set a date for the public hearing as identified below.

3. Date of Public Hearing – Wednesday, May 22nd, 2013 at 6:00 p.m. or as soon thereafter as the matter may be heard.

Attachments:
1. Vicinity Map
2. Notice of Public Hearing
3. Resolution 1093

cc: Right-of-Way File
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 parcel of land situated in Government Lot 8 and the bed of the 1867 North Channel of the Boise River of Section 17; Township 4 North; Range 1 East; Boise Meridian; Eagle City; Ada County; Idaho; and being more particularly described as follows:

Commencing at the east quarter-section corner of Section 17, Township 4 North, Range 1 East, Boise Meridian, from which the northeast corner of Section 17 bears N00°55'42"E, 2640.97 feet;

Thence S00°55'56"W, 42.86 feet along the east line of Government Lot 8;

Thence, at a right angle, N89°04'04"W, 52.72 feet to the west right-of-way line of South Eagle Road (Highway 55) and the Mace/Warren property line per agreement (Record of Survey 306 Instrument Number 8151134, Quitclaim Deed Instrument Number 98076971, Record of Survey 2500 Instrument Number 9342159, and Record of Survey 425 Instrument Number 8251977, records of Ada County, Idaho) and the boundary of Two Rivers Subdivision (Book 80 of Plats at Pages 8661 thru 8665, records of Ada County, Idaho), the POINT OF BEGINNING:

Thence N45°56'11"W, 361.20 feet along the Mace/Warren property line and boundary of Two Rivers Subdivision to the boundary of Two Rivers Subdivision No. 4 (Book 84 of Plats at Pages 9314 & 9315, records of Ada County, Idaho);

Thence N36°57'13"W, 409.15 feet along the Mace/Warren property line and boundary of Two Rivers Subdivision No. 4;

Thence N53°06'35"W, 205.76 feet along the Mace/Warren property line and boundary of Two Rivers Subdivision No. 4;

Thence S81°27'28"W, 944.68 feet along the Mace/Warren property line, boundary of Two Rivers Subdivision No. 4, and the boundary of the aforesaid Two Rivers Subdivision;

Thence, at a right angle, N08°32'32"W, 50.00 feet;

Thence N81°27'28"E, 965.62 feet, parallel with and 50 feet from the Mace/Warren property line, the boundary of Two Rivers Subdivision, and the boundary of Two Rivers Subdivision No. 4;

Thence S53°06'35"E, 233.79 feet, parallel with and 50 feet from the Mace/Warren property line and boundary of Two Rivers Subdivision No. 4;

Thence S36°57'13"E, 412.31 feet, parallel with and 50 feet from the Mace/Warren property line and boundary of Two Rivers Subdivision No. 4;

Thence S45°56'11"E, 297.13 feet, parallel with and 50 feet from the Mace/Warren property line and Two Rivers Subdivision to the west right-of-way line of South Eagle Road (Highway 55);
Thence S00°58'07"W, 7.15 feet along the west right-of-way line of South Eagle Road (Highway 55) to the aforesaid Mace/Warren property line and boundary of Two Rivers Subdivision;

Thence S06°55'04"E, 71.12 feet along the west right-of-way line of South Eagle Road (Highway 55), the Mace/Warren property line, and boundary of Two Rivers Subdivision to the POINT OF BEGINNING.

The above-described parcel contains 2.20 acres, more or less.

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 parcel of land situated in Government Lots 5 & 6 and the bed of the 1867 North Channel of the Boise River of Section 17; Township 4 North; Range 1 East; Boise Meridian; Eagle City; Ada County; Idaho; and being more particularly described as follows:

Commencing at the east quarter-section corner of Section 17, Township 4 North, Range 1 East, Boise Meridian, from which the northeast corner of Section 17 bears N00°55'42"E, 2640.97 feet;

Thence S00°55'56"W, 42.86 feet along the east line of Government Lot 8;

Thence, at a right angle, N89°04'04"W, 52.72 feet to the west right-of-way line of South Eagle Road (Highway 55) and the Mace/Warren property line per agreement (Record of Survey 306 Instrument Number 8151134, Quitclaim Deed Instrument Number 98076971, Record of Survey 2500 Instrument Number 9342159, and Record of Survey 425 Instrument Number 8251977, records of Ada County, Idaho) and the boundary of Two Rivers Subdivision (Book 80 of Plats at Pages 8661 thru 8665, records of Ada County, Idaho);

Thence N45°56'11"W, 361.20 feet along the Mace/Warren property line and boundary of Two Rivers Subdivision to the boundary of Two Rivers Subdivision No. 4 (Book 84 of Plats at Pages 9314 & 9315, records of Ada County, Idaho);

Thence N36°57'13"W, 409.15 feet along the Mace/Warren property line and boundary of Two Rivers Subdivision No. 4;

Thence N53°06'35"W, 205.76 feet along the Mace/Warren property line and boundary of Two Rivers Subdivision No. 4;

Thence S81°27'28"W, 944.68 feet along the Mace/Warren property line, boundary of Two Rivers Subdivision No. 4, and boundary of Two Rivers Subdivision to the POINT OF BEGINNING:

Thence continuing S81°27'28"W, 715.32 feet along the Mace/Warren property line, boundary of Two Rivers Subdivision No. 5 (Book 85 of Plats at Pages 9522 thru 9524, records of Ada County, Idaho), and boundary of Two Rivers Subdivision No. 9 (Book 89 of Plats at Pages 10360 thru 10362, records of Ada County, Idaho);

Thence S84°27'18"W, 922.76 feet along the Mace/Warren property line and boundary of Two Rivers Subdivision No. 9;

Thence N85°18'46"W, 518.87 feet along the Mace/Warren property line, boundary of Two Rivers Subdivision No. 9, and boundary of Two Rivers Subdivision No. 10 (Book 89 of Plats at Pages 10370 thru 10373, records of Ada County, Idaho);

Thence N84°25'41"W, 236.28 feet along the Mace/Warren property line and boundary of Two Rivers Subdivision No. 10 to the boundary of the Knickrehm parcel (Bargain and Sale Deed Instrument Number 8658959, and the aforementioned Record of Survey 425, records of Ada County, Idaho);

Thence N01°32'26"W, 26.93 feet along the boundary of the Knickrehm parcel;
Thence N83°56'52"W, 409.03 feet along the boundary of the Knickrehm parcel;

Thence S35°15'43"W, 338.73 feet along the boundary of the Knickrehm parcel to the boundary of the Rambo parcel (Warranty Deed Instrument Number 8709454, and the aforementioned Record of Survey 425, records of Ada County, Idaho);

Thence S43°46'37"W, 296.29 feet along the boundary of the Rambo parcel;

Thence 83.99 feet on a non-tangent curve to the right, concave southeasterly, having a radius of 620.00 feet, a central angle of 7°45'43", a chord bearing of N39°36'40"E, and a chord length of 83.93 feet;

Thence N43°29'32"E, 155.75 feet;

Thence 105.39 feet on a curve to the left, having a radius of 695.00 feet, a central angle of 8°41'17", a chord bearing of N39°08'54"E, and a chord length of 105.29 feet;

Thence N34°48'15"E, 294.03 feet;

Thence S83°37'44"E, 414.65 feet;

Thence S84°25'37"E, 240.00 feet;

Thence S85°18'46"E, 502.40 feet, parallel with and 34.00 feet from the Mace/Warren property line, boundary of Two Rivers Subdivision No. 9, and boundary of Two Rivers Subdivision No. 10;

Thence 26.79 feet on a curve to the left, having a radius of 150.00 feet, a central angle of 10°13'56", a chord bearing of N89°34'16"E, and a chord length of 26.75 feet;

Thence N84°27'18"E, 884.73 feet, parallel with and 34.00 feet from the Mace/Warren property line and boundary of Two Rivers Subdivision No. 9;

Thence 41.33 feet on a curve to the left, having a radius of 790.00 feet, a central angle of 2°59'50", a chord bearing of N82°57'23"E, and a chord length of 41.32 feet;

Thence N81°27'28"E, 693.76 feet, parallel with and 34.00 feet from the Mace/Warren property line, boundary of Two Rivers Subdivision No. 9, the boundary of Two Rivers Subdivision No. 5;

Thence 171.93 feet on a curve to the right, having a radius of 428.92 feet, a central angle of 22°58'00", a chord bearing of 587°03'32"E, and a chord length of 170.78 feet, to the corner

between Two Rivers Subdivision and Two Rivers Subdivision No. 4 on the Mace/Warren property line;

Thence S81°27'28"W, 167.36 feet along the Mace/Warren property line and boundary of Two Rivers Subdivision to the POINT OF BEGINNING.

The above-described parcel contains 2.15 acres, more or less.

The public hearing will be held in the Office of the Ada County Highway District, 3775 Adams Street, Garden City, Idaho 83714, on **Wednesday, May 22, 2013, 6:00 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: May 7, 8, and 15th, 2013
RESOLUTION NUMBER 1093
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 Gardner Mace Ranch, L.C., a Utah limited liability company, 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 April 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 described on Exhibit "A" 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 Gardner Mace Ranch, L.C., a Utah limited liability company (the applicant).

(2) ACHD has negotiated with Gardner Mace Ranch, L.C., a Utah limited liability company an exchange of the subject public right-of-way for a parcel of real property owned by Gardner Mace Ranch, L.C., a Utah limited liability company described on Exhibit "B" attached hereto attached hereto (the "Exchange Parcel").

(3) The Exchange Parcel is needed by the Ada County Highway District for a public use authorized by law to accommodate the right-of-way of Mace Road for future development.

(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 May 22, 2013 at 6 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 7th, 8th and 15th day of May, 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 )
         ss. ) ss.
County of Ada )

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: ________________