DATE: November 19, 2013

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

FROM: Summer Day
Right-of-Way Technician, Right-of-Way

SUBJECT: Vacation of Public Right-of-Way - Acceptance of an application to vacate a 30 foot wide portion of N. Horseshoe Bend Rd., being a portion of the Southwest ¼ of the Northwest ¼ of Section 14, Township 4 North, Range 1 East, Boise Meridian, Ada County, Idaho.

CONSENT AGENDA ITEM – December 4, 2013 Commission Meeting

FACTS & FINDINGS:

1. ACHD received a petition and application for the vacation of the above-referenced right-of-way from Scott Noriyuki, on behalf of Utahna Properties, LLC.

2. Utahna Properties, LLC is requesting this vacation to incorporate the land into a new project. (Attachment 2). The area being proposed for vacation encompasses approximately .123 acres or 5,398 sf of land.

FISCAL IMPACT:

1. Utahna Properties, LLC paid the required application fee of $1,000.
2. Valuation for vacation estimated to be $32,388.00.
3. Utahna Properties, LLC will be buying the property from ACHD at the estimated value.
4. Appraisal was completed by Idaho Commercial Appraisal and submitted to ACHD.
RECOMMENDATION:

Staff recommends that the Board of Commissioners accept and approve the application for Vacation of a portion of Horseshoe Bend Road and approve the following dates for the Public Hearing and the advertising schedule for the said Vacation.

- Notify owners within 300 ft: December 5, 2013
- Date of Public Hearing: January 8, 2014

Attachments:
- 1 - Application letter from Northside Management on behalf of Utahna Properties, LLC
- 2 - Depiction of proposed vacation parcel
- 3 - Vacation site map
- 4 - Public Hearing Notice

CC: ACHD ROW Files
Northside Management
October 15th, 2013

Ada County Highway District
Attn: Summer Day
Right of Way Technician
Planning & Project Management Department

RE: 8100 N. Horseshoe Bend Rd - Request to Purchase Right of Way

Dear Summer,

On behalf of my client, Utahna Properties, LLC please accept this application for request to purchase a 30 foot wide tract of Public Right of Way. Total square feet is approximately 5,398.

The purpose of the purchase is to incorporate the land into our overall project via Record of Survey and a Master Site Plan application with Ada County. In compliance with the ACHD Requirements for the Vacation and Exchange of Public Right(s)-of-Way application I am submitting the following with this letter:

- Completed application (option C)
- Pre-Application Neighborhood Meeting Sign-in Sheet
- Application fee of $1,000
- *No petition signatures required* The R.O.W. has not been used within the past 5 years
- Attached legal description and exhibit
- Property appraisal
- Vicinity map
- Ada County concurrence of obtaining the R.O.W. via attached Pre Application Conference notes

Thank you and please do not hesitate to contact me with any questions.

Sincerely,

Scott Noriyuki
NorthSide Management
6810 Farmhill Pl
Boise, Idaho 83714
(208) 230-1202
scott@northsidemgt.com
Vicinity Map of R.O.W. Vacation
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:

Vacation / Exchange – Vacate Public Right of Way known as a portion of Horseshoe Bend Road, which will be vacated to Utahna Properties, LLC in Section 14 of Township 4N, Range 1E, Boise Meridian, Ada County, Idaho

DESCRIPTION:

A 30 foot wide tract of land being a portion of North Horseshoe Bend Road, situated in a portion of the Southwest One Quarter of the Northwest One Quarter of Section 14, Township 4 North, Range 1 East, Boise Meridian, Ada County, Idaho, described as follows:

COMMENCING at the West One Quarter Corner of said Section 14, thence following the westerly line of said Section 14, North 00°41'22" East a distance of 177.95 feet;

Thence leaving said westerly line, South 89°18'38" East a distance of 40.37 feet to a point 40.00 feet from and parallel to the centerline of North Horseshoe Bend Road, said point being the POINT OF BEGINNING.

Thence following a line 40.00 feet from and parallel to said centerline of North Horseshoe Bend Road, North 0°36'17" East a distance of 182.38 feet;

Thence leaving said parallel line, South 69°35'18" East a distance of 31.89 feet to a point on the easterly right-of-way line of said North Horseshoe Bend Road, said point also being the northwest corner of Lot 1, Block 4 of Randall Acres Subdivision No. 9 (according to the official plat thereof, filed in Book 13 of Plats as Pages 807 and 808, official records of Ada County, Idaho);

Thence following said easterly right-of-way line and the westerly line of Lots 1 and 2, Block 4 of said Randall Acres Subdivision No. 9, South 0°36'17" West a distance of 177.46 feet to the southwest corner of said Lot 2, Block 4;

Thence leaving said easterly right-of-way line and said westerly line, North 78°18'07" West a distance of 30.57 feet to the POINT OF BEGINNING.

The above-described tract of land contains 5,398 square feet more or less, subject to all existing easements and rights-of-way.

Attachment 4
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.

The public hearing will be held in the Office of the Ada County Highway District, 3775 Adams Street, Garden City, Idaho 83714, on January 8, 2013 at 12:00 p.m., or as soon thereafter as the matter may be heard.

Anyone wishing further information concerning this vacation and abandonment 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

RESOLUTION NUMBER 2021
OF THE ADA COUNTY HIGHWAY DISTRICT

A RESOLUTION FINDING CERTAIN PUBLIC RIGHT-OF-WAY PROPOSED BY THE STATE OF IDAHO TO BE ABANDONED/VACATED 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 SHOULD NOT BE MADE.

WHEREAS, based on the facts and information presented in the Staff Report dated November 19, 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 the State of Idaho ("the applicant").

(2) 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.

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

NOW, THEREFORE, BE IT RESOLVED, in accordance with Idaho Code, section 40-203 and 40-1309, a public hearing before the Board of Commissioners to consider the proposed abandonment/vacation is hereby set for January 8, 2014 at 12:00 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

BE IT FURTHER RESOLVED, notice of such hearing shall be published in accordance with Idaho law, on the 24th and 25th of December, 2013 and January 1, 2014 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.
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: ____________________

*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.
October 11, 2013
Project No. 113169
ACHD R/W Vacation Description
Vineyard Sr. Community
5,398 Square Feet

THE LAND GROUP, INC.

Exhibit “A”

A 30 foot wide tract of land being a portion of North Horseshoe Bend Road, situated in a portion of the Southwest One Quarter of the Northwest One Quarter of Section 14, Township 4 North, Range 1 East, Boise Meridian, Ada County, Idaho, described as follows:

COMMENCING at the West One Quarter Corner of said Section 14, thence following the westerly line of said Section 14, North 0°41'22" East a distance of 177.95 feet;
Thence leaving said westerly line, South 89°18'38" East a distance of 40.37 feet to a point 40.00 feet from and parallel to the centerline of North Horseshoe Bend Road, said point being the POINT OF BEGINNING.

Thence following a line 40.00 feet from and parallel to said centerline of North Horseshoe Bend Road, North 0°36'17" East a distance of 182.38 feet;
Thence leaving said parallel line, South 69°35'18" East a distance of 31.89 feet to a point on the easterly right-of-way line of said North Horseshoe Bend Road, said point also being the northwest corner of Lot 1, Block 4 of Randall Acres Subdivision No. 9 (according to the official plat thereof, filed in Book 13 of Plats as Pages 807 and 808, official records of Ada County, Idaho);
Thence following said easterly right-of-way line and the westerly line of Lots 1 and 2, Block 4 of said Randall Acres Subdivision No. 9, South 0°36'17" West a distance of 177.46 feet to the southwest corner of said Lot 2, Block 4;
Thence leaving said easterly right-of-way line and said westerly line, North 78°18'07" West a distance of 30.57 feet to the POINT OF BEGINNING.

The above-described tract of land contains 5,398 square feet more or less, subject to all existing easements and rights-of-way.

Attached hereto is Map Exhibit “B” and by this reference is made a part hereof.

Prepared By: THE LAND GROUP, INC.
462 E. SHORE DRIVE, SUITE 100
EAGLE, IDAHO 83616

Site Planning • Landscape Architecture • Civil Engineering • Golf Course Irrigation & Engineering • Graphic Communication • Surveying
467 E. Shore Drive, Ste. 100, Eagle, Idaho 83616 • P 208.939.4041 F 208.939.4445 • www.thelandgroupinc.com

N. Horseshoe Bend Road
NO41'22"E (SECTION LINE)
NO35'17"E (CENTERLINE)

NEW R/W LINE

EXISTING R/W LINE

Drain No. 15
(Irrigation Drainage Dist. No. 2)

30' ACHD R/W VACATION
5,398 SQ. FT.

Lots 1 & 2
Block 4
Randall Acres
Subdivision No. 9

W. Utahna Street

W 1/4 CORNER
SECTION 14

R/W Vacation

THE LAND GROUP
INCORPORATED
462 East Shore Drive, Suite 100
Eagle, Idaho 83616
Phone 208.939.4041 - Fax 208.939.4445

Exhibit B
Vineyard Sr. Community
ACHD R/W Vacation

Boise, Idaho

1 of 1