DATE: January 28, 2015

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

FROM: David Serdar, ACHD
       Right of Way Supervisor

SUBJECT: Vacation of Public Right of Way - Establish a Public Hearing date to request acceptance of an application to vacate the right of way on E. Plexi Drive in Trailblazer Subdivision. The parcel of land is located in the Southwest quarter of the Northeast quarter of Section 10, Township 2 North, Range 3 East, Boise Meridian, Ada County, Idaho.

CONSENT AGENDA ITEM – February 11, 2015 Commission Meeting

FACTS & FINDINGS:

1. ACHD received a petition and application for the vacation of the above-referenced right of way from Hawkins Companies Commercial Developers, on behalf of Patriot Capitol Partners LLC.

2. The area being proposed for the vacation encompasses approximately 80,134 square feet, more or less (Attachment 1).

3. The subdivision, as approved by Ada County in 2013, has many site improvement requirements. The number of parcels created through this subdivision process, nine (9), is not enough, under current market conditions to carry the costs of the requirements that were imposed in the subdivision process. The road has never been built.

4. The entire Trailblazer Subdivision plat is going to be vacated after E. Plexi Dr. is vacated by ACHD. (The vacation of a plat does not remove ACHD’s ownership or interest in the right of way. Therefore, it is preferred to have the right of way vacated prior to the vacation of the plat.)

5. Idaho Code, section 50-1306A(6) requires that before vacation 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 vacation should not occur.
FISCAL IMPACT:

1. The required application fee of $1,000 was paid by the applicant.

2. Because the applicant originally dedicated the land to the District, our policy # 4002.4.9, section c, on page 4000-5 of the policy manual does not require payment for the vacation.

RECOMMENDATION:

Staff recommends that the Board of Commissioners accept and approve the application to vacate a portion of the public right of way on E. Plexi Dr. and approve the following dates for the Public Hearing and the advertising schedule for the said Vacation.

- Notify owners within 300 feet: February 12, 2015
- Date of Public Hearing: March 18, 2015

Attachments:

1. Vacation site map
2. Public Hearing Notice
3. Resolution Number 2091

CC: ACHD Right of Way Files
    Hawkins Companies Commercial Developers
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 – Vacate E. Plexi Drive as shown and dedicated to the public on the plat of Trailblazer Subdivision. This is a parcel of land located in the Southwest quarter of the Northeast quarter of Section 10, Township 2 North, Range 3 East, B.M.

DESCRIPTION:

East Plexi Drive as shown and dedicated to the public on the plat of Trailblazer Subdivision, which was recorded in Ada County on December 20, 2013 in Book 106, Page 14613 through 14617, Instrument No. 113135465, and lying in the Southwest quarter (SW ¼) of the Northeast quarter (NE ¼) of Section 10, Township 2 North, Range 3 East, B.M.

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. The public hearing will be held in the Office of the Ada County Highway District, 3775 Adams Street, Garden City, Idaho 83714, on March 18, 2015 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

Publication Dates: March 3, March 4, and March 11, 2015
RESOLUTION NUMBER 2091
OF THE ADA COUNTY HIGHWAY DISTRICT

A RESOLUTION FINDING CERTAIN PUBLIC RIGHT OF WAY PROPOSED BY PATRIOT CAPITOL PARTNERS LLC 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 January 28, 2015 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 Patriot Capitol Partners LLC (“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 March 18, 2015 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 3rd, 4th and 11th of March, 2015 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 _____________________, 2015.
ADA COUNTY HIGHWAY DISTRICT
BOARD OF COMMISSIONERS:

By: ____________________________________
Jim D. Hansen, President

By: ____________________________________
Sara M. Baker, Vice President

By: ____________________________________
Rebecca W. Arnold, Commissioner

By: ____________________________________
Kent Goldthorpe, Commissioner

By: ____________________________________
Paul Woods, Commissioner

ATTEST:

____________________________
Bruce S. Wong, Director

STATE OF IDAHO    )
    ) ss.
County of Ada    )

On this ____ day of __________________ _____ 2015, before me, a notary public in and for said State, personally appeared President, Jim D. Hansen, Commissioners Sara M. Baker, Rebecca W. Arnold, Kent Goldthorpe, and Paul Woods, 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: ________________