February 4, 2015

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 portion of N. Ballantyne Lane.

CONSENT AGENDA ITEM – February 18, 2015 Commission Meeting

EXECUTIVE SUMMARY:

This vacation/exchange is to vacate portion of N. Ballantyne Lane, .359 acres, more or less.

FACTS & FINDINGS:

1. ACHD has received a petition and application for the vacation of the above referenced right-of-way from Michael Wright at Eagle MF Partners LLC, the owner of one of two adjacent parcels. This owner is in the process of purchasing the other adjacent parcel from the owners Fred Kunkler and Lois Kunkler.

2. The area being proposed for vacation contains approximately .359 acres. The value of the right-of-way to be vacated is considered to be $34,428.

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 2073 and declare the public right-of-way of Ballantyne Lane, 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, March 25, 2015 at 6:00 p.m., or as soon thereafter as the matter may be heard.

4. Staff recommends a different amount than the appraised amount and will address at the time of the public hearing.

Attachments:

1. Vicinity Map
2. Notice of Public Hearing
3. Resolution 2073

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:

Vacation / Exchange – Vacate Public Right of Way known as a portion of Ballantyne Lane, which will be vacated to Eagle MF Partners, LLC in Section 7, Township 4 North, Range 1 East, Boise Meridian, Ada County, Idaho.

DESCRIPTIONS TO BE VACATED:
(see attached)

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 25, 2015 at 6:00 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 10th, 11th and 18th, 2015
RESOLUTION NUMBER 2073
OF THE ADA COUNTY HIGHWAY DISTRICT

A RESOLUTION FINDING CERTAIN PUBLIC RIGHT-OF-WAY PROPOSED TO BE ABANDONED/VACATED OWNED BY Ada County Highway District 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 4, 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 Eagle MF Partners, LLC ("the applicant").

(2) ACHD has negotiated with Eagle MF Partners, LLC an exchange of the subject public right-of-way for a parcel of real property owned by Eagle MF Partners, LLC described on Exhibit “B” attached hereto attached hereto (the “Exchange Parcel”).

(3) An appraisal/determination of value of the subject public right-of-way was prepared by Integrity Appraisal and Consulting, Inc., on October 27, 2014; said appraisal/determination of value was prepared in accordance with the Uniform Standards of Professional Appraisal and determined the discounted fair market value of the subject right-of-way to be $17,214 dollars (see Exhibit "C"). Staff recommends a full fair market value of $34,428 dollars.

(4) 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.

(5) 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.

(6) 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 25, 2015 at 6:00 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 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 10th, 11th, and 18th 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 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 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: ________________

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.