June 18, 2015

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

FROM: David Serdar
Right-of-Way Supervisor

SUBJECT: Vacation - Establish a Public Hearing date to request the acceptance for the Vacation of portion
of Right-of-Way in Cloverdale Estates.

CONSENT AGENDA ITEM – July 1, 2015 Commission Meeting

EXECUTIVE SUMMARY:

This vacation/exchange is to vacate portion of Right-of-Way in Cloverdale Estates, .214 acres, more or less.

FACTS & FINDINGS:

1. ACHD has received a petition and application for the vacation/exchange of the above referenced right-of-
way from Jake T. Conklin at Goldenrod, LLC who, along with his partners, have contract to purchase the
adjacent property owned by Mark W. Graves Revocable Living Trust.

2. The area being proposed for vacation contains approximately .214 acres. The value of the right-of-way to
be vacated is considered to be $0.00 because Goldenrod LLC will dedicate new road in Spotted Dove
Subdivision of .381 acres for new N. Grenadier Ave.

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 2106 and declare the public right-of-way of shown on the Cloverdale Estates Subdivision plat, Boise, 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, August 5, 2015 at 12:00 p.m., or as soon thereafter as the matter may be heard.

Attachments:

1. Vicinity Map
2. Notice of Public Hearing
3. Resolution 2106

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 an unopened portion of right-of-way in Cloverdale Estates, which will be vacated to Goldenrod, LLC in Section 33, 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 August 5, 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: July 21st, 22nd, and 29th, 2015
THIRTY FOOT RIGHT-OF-WAY VACATION

BEING A PORTION OF THE CLOVERDALE ESTATES SUBDIVISION AS FILE IN BOOK 28 OF PLATS PAGES 1714 AND 1715 IN THE OFFICE OF THE RECORDER OF ADA COUNTY, IDAHO, RECORD AS INSTRUMENT NO. 818365. BEING ALL THAT PORTION OF A 30.00 FOOT ROAD RIGHT-OF-WAY LYING WEST OF SAID LOT 1, BLOCK 1 AND SOUTH OF W. GOLDENROD AVE. LOCATED IN THE SW 1/4 OF NE 1/4 OF SECTION 33, TOWNSHIP 4 NORTH, RANGE 1 EAST, BOISE MERIDIAN, CITY OF BOISE, ADA COUNTY IDAHO, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENING AT A FOUND 3 INCH DIAMETER BRASS CAP STAMPED “PLS 5710” MARKING THE NW CORNER OF SAID NE 1/4 (NORTH 1/4 CORNER). SAID CORNER BEARS S 89° 59’ 56’’ W, A DISTANCE OF 2654.20 FEET FROM A FOUND 3 INCH DIAMETER BRASS CAP STAMPED “PLS 8257” MARKING THE NE CORNER OF SAID NE 1/4, (SECTION CORNER COMMON TO SECTIONS 27, 28, 33 AND 34);

THENCE ALONG THE WESTERLY BOUNDARY OF SAID NE 1/4, S 00° 20’ 52’’ W, A DISTANCE OF 1320.56 FEET TO A POINT MARKING THE NW CORNER OF SAID SW 1/4 NE 1/4, (CN 1/16 CORNER);

THENCE CONTINUING ALONG THE WESTERLY BOUNDARY OF SAID NE 1/4, S 00° 20’ 20’’ W, A DISTANCE OF 25.00 FEET TO A SET 5/8 INCH DIAMETER IRON PIN STAMPED “CLS PLS 7732” MARKING THE POINT OF BEGINNING;

THENCE ALONG THE FOLLOWING COURSES;
S 89° 59’ 43’’ E, A DISTANCE OF 30.00 FEET;
S 00° 20’ 52’’ E, A DISTANCE OF 309.96 FEET;
N 89° 58’ 53’’ W, A DISTANCE OF 30.00 FEET;
N 00° 20’ 52’’ E, A DISTANCE OF 309.95 FEET TO THE POINT OF BEGINNING;

(SEE EXHIBIT A)

THIS PARCEL CONTAINS 9299 Sq. Ft./0.214 Ac. MORE OR LESS.
EXHIBIT A

BEING A PORTION OF CLOVERDALE ESTATES SUBDIVISION
LOCATED IN THE SW 1/4 NE 1/4 OF SECTION 33,
TOWNSHIP 4 NORTH, RANGE 1 EAST, BOISE
MERIDIAN, CITY OF BOISE, ADA COUNTY, IDAHO

N 1/4 COR. W. MCMILLAN RD.
CP&F 94000584 "PLS5710"
S 89°49'56" W 2654.20'

K 28 27

CP&F 105063902

"PLS8257" 33 34

BASIS OF BEARING

S 00°20'52" W 1320.56'

CN 1/16 COR. W. GOLDENROD AVE.
S 89°59'43" E
30.00'

POINT OF
BEGINNING

LEGEND

• FOUND BRASS CAP
• SET 5/8" STEEL PIN PLS 7732
• FOUND 5/8" STEEL PIN
• CALCULATED POINT
• BOUNDARY LINE
• LOT LINE

WESTCHESTER PLACE SUBD. NO. 3
N 00°22'29" E 308.89'
9299 Sq. Ft.

CLOVERDALE ESTATE SUBD.
LOT 1 BLOCK 1

"B&A PLS 4116"

N 89°59'03" W 30.00'

CLASSIC COVE SUBD.

NTS

7732
4-7/7
RESOLUTION NUMBER 2106
OF THE ADA COUNTY HIGHWAY DISTRICT

A RESOLUTION FINDING CERTAIN PUBLIC RIGHT OF WAY PROPOSED BY Goldenrod, 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 June 18, 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 Goldenrod, 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 August 5, 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 21st, 22nd, and 29th of July, 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: ________________