To: ACHD Commission  
From: Kaci Bader, Development Review Coordinator  
Subject: Final Plat: Amended Plat for U.S. Bank Plaza Condominium  
Project Number: FPLT15-0123  
Meeting Date: January 13, 2016

FACTS & FINDINGS:
1. Amended Plat for U.S. Bank Plaza Condominium is a 30 commercial unit condominium on 2.2 acres. This site is located on the south west corner of West Main Street and South Capitol Boulevard.

2. The applicant is KC Gardner Riverwoods, LC, Gardner Plaza, LLC, and Valley Regional Transit, and the principals for the applicant is Christian K. Gardner, Manager and Kelli Fairless, Executive Director.

3. The preliminary plat for U.S. Bank Plaza Condominium was approved on January 21, 2014. All conditions of the preliminary plat have been satisfied.

RECOMMENDATION:
1. Approve the final plat of Amended Plat for U.S. Bank Plaza Condominium and authorize the President to endorse.

ATTACHMENTS:
1. Final Plat  
2. Vicinity Map  
AMENDED PLAT FOR
U.S. BANK PLAZA
CONDOMINIUM

LEVEL 5

CONDOMINIUM PLAT OF
U.S. BANK PLAZA
CERTIFICATE OF OWNERS

KNOW ALL MEN BY THESE PRESENTS, THAT KC GARDNER RIVERWOODS, L.C. A UTAH LIMITED LIABILITY COMPANY, GARDNER PLAZA, LLC, AN IDAHO LIMITED LIABILITY COMPANY AND VALLEY REGIONAL TRANSIT, A POLITICAL SUBDIVISION OF THE STATE OF IDAHO ARE OWNERS OF THE REAL PROPERTY IN THE CITY OF BOISE, COUNTY OF ADA, STATE OF IDAHO AS DESCRIBED BELOW:

A PARCEL OF LAND Situated in the NORTH 1/4 OF SECTION 10, TOWNSHIP 3 NORTH, RANGE 2 EAST, BOISE MERIDIAN, ADA COUNTY, IDAHO BEING A PORTION OF BLOCK 18 CITY OF BOISE, TOWNSHIP 3 NORTH, RANGE 2 EAST, BOISE MERIDIAN, AND KNOWN AS PARCEL 15-16-18-002, AS MORE FULLY DESCRIBED IN THE OFFICIAL RECORDS OF ADA COUNTY, IDAHO, BOOK 47682, PAGE 130, AS APPRAISER OF THE IDAHO STATE CONDOMINIUM, IDAHO, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

ALL OF UNIT 5 AND UNIT 6 OF U.S. BANK PLAZA CONDOMINIUM RECORDED IN THE OFFICIAL RECORDS OF ADA COUNTY, IDAHO.

CONTAINING 6633 SQUARE FEET IN AREA OR 0.146 ACRES.

IT IS THE INTENTION OF THE UNDERSCRIBERS TO HEREBY CREATE A PROJECT INCLUDINE SAID REAL PROPERTY IN THIS CONDOMINIUM PLAT. THE OWNERS ALSO HEREBY CERTIFY THAT THEY CONSENT TO THE RECORDATION OF DOCUMENTS PURSUANT TO CHAPTER 25, TITLE 35 OF THE IDAHO CODE AND THAT THIS PLAT COMPLIES WITH IDAHO CODE 55-104.2. ALL THE UNITS IN THIS CONDOMINIUM PROJECT SHALL RECEIVE DOMESTIC WATER FROM AN EXISTING SYSTEM AND UNLIMITED WATER (IDAHO) AGREED TO IN WRITING TO SERVE ALL UNITS IN THIS CONDOMINIUM PROJECT.

THE EASEMENTS SHOWN ON THIS PLAT AND DEFINED IN THE DECLARATIONS ARE NOT DEDICATED TO THE PUBLIC, BUT THE RIGHT TO USE SAID EASEMENTS IS HEREBY PERPETUALLY RESERVED FOR PUBLIC UTILITIES AND FOR SUCH OTHER USES AS DESIGNATED HEREOF.

KC GARDNER RIVERWOODS, L.C., AN IDAHO LIMITED LIABILITY COMPANY, BY ITS MANAGER, KC GARDNER (L.C.), A UTAH LIMITED LIABILITY COMPANY,

BY: CHRISTIAN K. GARDNER

NAME: CHRISTIAN K. GARDNER

TITLE: MANAGER

STATE OF: IDAHO
COUNTY OF: BOISE

ON THIS ___ DAY OF __________, 2014, BEFORE ME, A NOTARY PUBLIC IN AND FOR SAID STATE, PERSONALLY APPEARED CHRISTIAN K. GARDNER, KNOWN OR IDENTIFIED TO ME TO BE ONE OF THE MANAGERS OF KC GARDNER RIVERWOODS, L.C., A UTAH LIMITED LIABILITY COMPANY, WHO SUBSCRIBED SAID COMPANY’S NAME TO THE FOREGOING INSTRUMENT AND ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME IN SAID COMPANY’S NAME.

IN WITNESS WHEREOF, I HAVE HEREUNTO SET MY HAND AND AFFIRM MY OFFICIAL SEAL, THE DAY AND YEAR IN THIS CERTIFICATE FIRST ABOVE WRITTEN.

NOTARY PUBLIC FOR IDAHO

RESIDING AT

MY COMMISSION EXPIRES

GARDNER PLAZA, LLC

AN IDAHO LIMITED LIABILITY COMPANY

BY: NAME

IDAHO MANAGER

STATE OF: IDAHO
COUNTY OF: BOISE

ON THIS ___ DAY OF __________, 2014, BEFORE ME, A NOTARY PUBLIC IN AND FOR SAID STATE, PERSONALLY APPEARED CHRISTIAN K. GARDNER, KNOWN OR IDENTIFIED TO ME TO BE ONE OF THE MANAGERS OF KC GARDNER RIVERWOODS, L.C., A UTAH LIMITED LIABILITY COMPANY, A MANAGER ON BEHALF OF KC GARDNER RIVERWOODS, L.C., A UTAH LIMITED LIABILITY COMPANY, WHO SUBSCRIBED SAID COMPANY’S NAME TO THE FOREGOING INSTRUMENT AND ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME IN SAID COMPANY’S NAME.

IN WITNESS WHEREOF, I HAVE HEREUNTO SET MY HAND AND AFFIRM MY OFFICIAL SEAL, THE DAY AND YEAR IN THIS CERTIFICATE FIRST ABOVE WRITTEN.

NOTARY PUBLIC FOR IDAHO

RESIDING AT

MY COMMISSION EXPIRES

VALLEY REGIONAL TRANSIT

A POLITICAL SUBDIVISION OF THE STATE OF IDAHO

BY: NAME

SECRETARY/GENERAL MANAGER

STATE OF: IDAHO
COUNTY OF: BOISE

ON THIS ___ DAY OF __________, 2014, BEFORE ME, A NOTARY PUBLIC IN AND FOR SAID STATE, PERSONALLY APPEARED KELLI TABBEDO, KNOWN OR IDENTIFIED TO ME TO BE THE EXECUTIVE DIRECTOR OF VALLEY REGIONAL TRANSIT, WHO SUBSCRIBED SAID ENTITY’S NAME TO THE FOREGOING INSTRUMENT, AND ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME IN SAID COMPANY’S NAME.

IN WITNESS WHEREOF, I HAVE HEREUNTO SET MY HAND AND AFFIRM MY OFFICIAL SEAL, THE DAY AND YEAR IN THIS CERTIFICATE FIRST ABOVE WRITTEN.

NOTARY PUBLIC FOR IDAHO

RESIDING AT

MY COMMISSION EXPIRES

CERTIFICATE OF OWNERS ASSOCIATION

U.S. BANK PLAZA CONDOMINIUM ASSOCIATION, INC. A NONPROFIT CORPORATION FORMED UNDER THE LAWS OF THE STATE OF IDAHO TO BE THE MANAGEMENT BODY AS PERMITTED BY THE PROVISIONS OF THE IDAHO CONDOMINIUM PROPERTY ACT, CHAPTER 15, TITLE 55, IDAHO CODE.

DATE

SIGNATURE

PRINTED NAME

ACKNOWLEDGMENT

STATE OF: IDAHO
COUNTY OF: BOISE

ON THIS ___ DAY OF __________, 2014, BEFORE ME, A NOTARY PUBLIC IN AND FOR SAID STATE, PERSONALLY APPEARED I, JEREMY M. DOONAN, KNOWN OR IDENTIFIED TO ME TO BE THE PRESIDENT OF U.S. BANK PLAZA CONDOMINIUM ASSOCIATION, INC., WHO SUBSCRIBED SAID COMPANY’S NAME TO THE FOREGOING INSTRUMENT, AND ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME IN SAID COMPANY’S NAME.

IN WITNESS WHEREOF, I HAVE HEREUNTO SET MY HAND AND AFFIRM MY OFFICIAL SEAL, THE DAY AND YEAR IN THIS CERTIFICATE FIRST ABOVE WRITTEN.

NOTARY PUBLIC

RESIDING AT

MY COMMISSION EXPIRES

CERTIFICATE OF LAND SURVEYOR

I, MARIE W. WOODIN, DO HEREBY CERTIFY THAT I AM A PROFESSIONAL LICENSED LAND SURVEYOR, LICENSED BY THE STATE OF IDAHO, LICENSE NO. 1072, AND THAT THIS MAP HAS BEEN PREPARED FROM AN ACTUAL SURVEY BASED ON THE GROUND UNDER MY DIRECT SURVEY, AND THAT THIS MAP IS AN ACCURATE REPRESENTATION OF SAID SURVEY, AND IS IN CONFORMITY WITH THE CURRENT LAWS OF THE STATE OF IDAHO PERTAINING TO PLATS, SURVEYS AND CONDOMINIUMS.

DATE

SIGNATURE

PRINTED NAME

CERTIFICATE OF LAND SURVEYOR

U.S. BANK PLAZA CONDOMINIUM ASSOCIATION, INC. A NONPROFIT CORPORATION FORMED UNDER THE LAWS OF THE STATE OF IDAHO TO BE THE MANAGEMENT BODY AS PERMITTED BY THE PROVISIONS OF THE IDAHO CONDOMINIUM PROPERTY ACT, CHAPTER 15, TITLE 55, IDAHO CODE.

DATE

SIGNATURE

PRINTED NAME

ACKNOWLEDGMENT

STATE OF: IDAHO
COUNTY OF: BOISE

ON THIS ___ DAY OF __________, 2014, BEFORE ME, A NOTARY PUBLIC IN AND FOR SAID STATE, PERSONALLY APPEARED KELLI TABBEDO, KNOWN OR IDENTIFIED TO ME TO BE THE EXECUTIVE DIRECTOR OF VALLEY REGIONAL TRANSIT, WHO SUBSCRIBED SAID ENTITY’S NAME TO THE FOREGOING INSTRUMENT, AND ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME IN SAID COMPANY’S NAME.

IN WITNESS WHEREOF, I HAVE HEREUNTO SET MY HAND AND AFFIRM MY OFFICIAL SEAL, THE DAY AND YEAR IN THIS CERTIFICATE FIRST ABOVE WRITTEN.

NOTARY PUBLIC FOR IDAHO

RESIDING AT

MY COMMISSION EXPIRES

CERTIFICATE OF LAND SURVEYOR

I, MARIE W. WOODIN, DO HEREBY CERTIFY THAT I AM A PROFESSIONAL LICENSED LAND SURVEYOR, LICENSED BY THE STATE OF IDAHO, LICENSE NO. 1072, AND THAT THIS MAP HAS BEEN PREPARED FROM AN ACTUAL SURVEY BASED ON THE GROUND UNDER MY DIRECT SURVEY, AND THAT THIS MAP IS AN ACCURATE REPRESENTATION OF SAID SURVEY, AND IS IN CONFORMITY WITH THE CURRENT LAWS OF THE STATE OF IDAHO PERTAINING TO PLATS, SURVEYS AND CONDOMINIUMS.

DATE

SIGNATURE

PRINTED NAME
PLAT SHOWING AMENDED PLAT FOR U.S. BANK PLAZA CONDOMINIUM

APPROVAL OF CENTRAL DISTRICT HEALTH DEPARTMENT
SANITARY RESTRICTIONS AS REQUIRED BY IDAHO CODE TITLE 56, CHAPTER 15 HAVE BEEN SATISFIED. ACCORDING TO THE LETTER TO BE READ ON FILE WITH THE COUNTY RECORDER OR HIS AGENT LISTING THE CONDITIONS OF APPROVAL, SANITARY RESTRICTIONS MAY BE RE-IMPOSED, IN ACCORDANCE WITH SECTION 56-1506, IDAHO CODE, BY ISSUANCE OF CERTIFICATION OF DISAPPROVAL.

CENTRAL DISTRICT HEALTH DEPARTMENT

APPROVAL OF ADA COUNTY HIGHWAY DISTRICT
THE FOREGOING PLAT WAS ACCEPTED AND APPROVED BY THE BOARD OF ADA COUNTY HIGHWAY DISTRICT COMMISSIONERS IN THE ___________ DAY OF ___________, ___________.

CHAIRMAN

APPROVAL OF CITY ENGINEER
I, THE UNDERSIGNED BOISE CITY ENGINEER, HEREBY STATE THAT THE RECOMMENDED CONDITIONS OF BOISE CITY HAVE BEEN SATISFIED FOR THIS PLAT.

BOISE CITY ENGINEER

APPROVAL OF CITY COUNCIL
I, THE UNDERSIGNED CITY CLERK IN AND FOR THE CITY OF BOISE, ADA COUNTY, IDAHO, DO HEREBY CERTIFY THAT AT A REGULAR MEETING OF THE CITY COUNCIL HELD ON THE 4TH DAY OF MARCH 2014 THIS CONDOMINIUM PLAT WAS DULY ACCEPTED AND APPROVED.

CITY CLERK, BOISE (IDAHO)

CERTIFICATE OF COUNTY SURVEYOR
I, THE UNDERSIGNED COUNTY SURVEYOR IN AND FOR ADA COUNTY, IDAHO, DO HEREBY CERTIFY THAT I HAVE CHECKED THIS PLAT AND THAT IT COMPLIES WITH THE STATE OF IDAHO CODE TITLE 56, CHAPTER 15 AND STATE OF IDAHO CODE RELATING TO PLATS, SURVEYS, AND CONDOMINIUM PROJECTS.

COUNTY SURVEYOR

CERTIFICATE OF THE COUNTY TREASURER
I, THE UNDERSIGNED COUNTY TREASURER IN AND FOR THE COUNTY OF ADA, STATE OF IDAHO, PER THE REQUIREMENTS OF I.C. 50-1506 DO HEREBY CERTIFY THAT ALL AND ALL CURRENT AMOUNT DELINQUENT COUNTY PROPERTY TAXES, FOR THE PROPERTY INCLUDED IN THIS PLAT HAVE BEEN PAID IN FULL. THIS CERTIFICATION IS VALID FOR THE NEXT THIRTY (30) DAYS ONLY.

DATE

COUNTY TREASURER

COUNTY RECORDER'S CERTIFICATE
STATE OF IDAHO ___________
COUNTY OF ADA ___________
I, HEREBY CERTIFY THAT THE INSTRUMENT WAS FILED FOR RECORD AT THE REQUEST OF KC GARDNER RANCHHOOD, LLC AT ___________ MINUTES PAST__ O'CLOCK __M__ ON THIS ___________ DAY OF ___________, ___________, IN BOOK ___________ OF PLATS AT PAGES ___________.

DEPUTY

EX-OFFICIO RECORDER
Date: January 21, 2014

To: Horrocks Engineering
5700 East Franklin Road Suite 160
Nampa, ID 83687

Subject: Gardner Plaza/SUB13-00060
101 S. Capitol Boulevard
Condominium Plat

This is a staff level approval of a preliminary plat for Gardner Plaza.

The District received a condominium plat application that proposed to plat the existing US Bank Building and adjacent parking lot. The District does not have any additional requirements at this time. The applicant is working on development plans for the proposed Unit B to include two new buildings, and the VRT multi-modal site. ACHD will establish conditions and requirements with the review of those applications.

The applicant will be required to pay all applicable platting and review fees prior to final approval.

The applicant shall be required to meet all of the ACHD Standard Conditions of Approval as well as all ACHD Policies and requirements that may apply as noted below.

Please review the Applicant's Responsibilities and Development Process Checklist below.

If you have any questions, please feel free to contact me at 208-387-6144.

Christy Little
Planning Review Supervisor
Development Services

CC: Geoff Wardle, Gardner Company
City of Boise
Standard Conditions of Approval

1. All irrigation facilities shall be relocated outside of the ACHD right-of-way.

2. Private Utilities including sewer or water systems are prohibited from being located within the ACHD right-of-way.

3. In accordance with District policy, 7203.6, the applicant may be required to update any existing non-compliant pedestrian improvements abutting the site to meet current Americans with Disabilities Act (ADA) requirements. The applicant’s engineer should provide documentation of ADA compliance to District Development Review staff for review.

4. Replace any existing damaged curb, gutter and sidewalk and any that may be damaged during the construction of the proposed development. Contact Construction Services at 387-6280 (with file number) for details.

5. A landscaping agreement and compliance with the District’s Tree Planter policy is required for all landscaping proposed within ACHD right-of-way or easement areas.

6. All utility relocation costs associated with improving street frontages abutting the site shall be borne by the developer.

7. It is the responsibility of the applicant to verify all existing utilities within the right-of-way. The applicant at no cost to ACHD shall repair existing utilities damaged by the applicant. The applicant shall be required to call DIGLINE (1-811-342-1585) at least two full business days prior to breaking ground within ACHD right-of-way. The applicant shall contact ACHD Traffic Operations 387-6190 in the event any ACHD conduits (spare or filled) are compromised during any phase of construction.

8. Utility street cuts in pavement less than five years old are not allowed unless approved in writing by the District. Contact the District’s Utility Coordinator at 387-6258 (with file numbers) for details.

9. All design and construction shall be in accordance with the ACHD Policy Manual, ISPWC Standards and approved supplements, Construction Services procedures and all applicable ACHD Standards unless specifically waived herein. An engineer registered in the State of Idaho shall prepare and certify all improvement plans.

10. Construction, use and property development shall be in conformance with all applicable requirements of ACHD prior to District approval for occupancy.

11. No change in the terms and conditions of this approval shall be valid unless they are in writing and signed by the applicant or the applicant’s authorized representative and an authorized representative of ACHD. The burden shall be upon the applicant to obtain written confirmation of any change from ACHD.

12. If the site plan or use should change in the future, ACHD Planning Review will review the site plan and may require additional improvements to the transportation system at that time. Any change in the planned use of the property which is the subject of this application, shall require the applicant to comply with ACHD Policy and Standard Conditions of Approval in place at that time unless a waiver/variance of the requirements or other legal relief is granted by the ACHD Commission.
Request for Appeal of Staff Decision

1. **Appeal of Staff Decision:** The Commission shall hear and decide appeals by an applicant of the final decision made by the ROWDS Manager when it is alleged that the ROWDS Manager did not properly apply this section 7101.6, did not consider all of the relevant facts presented, made an error of fact or law, abused discretion or acted arbitrarily and capriciously in the interpretation or enforcement of the ACHD Policy Manual.

   a. Filing Fee: The Commission may, from time to time, set reasonable fees to be charged the applicant for the processing of appeals, to cover administrative costs.

   b. Initiation: An appeal is initiated by the filing of a written notice of appeal with the Secretary of Highway Systems, which must be filed within ten (10) working days from the date of the decision that is the subject of the appeal. The notice of appeal shall refer to the decision being appealed, identify the appellant by name, address and telephone number and state the grounds for the appeal. The grounds shall include a written summary of the provisions of the policy relevant to the appeal and/or the facts and law relied upon and shall include a written argument in support of the appeal. The Commission shall not consider a notice of appeal that does not comply with the provisions of this subsection.

   c. Time to Reply: The ROWDS Manager shall have ten (10) working days from the date of the filing of the notice of appeal to reply to the notice of the appeal, and may during such time meet with the appellant to discuss the matter, and may also consider and/or modify the decision that is being appealed. A copy of the reply and any modifications to the decision being appealed will be provided to the appellant prior to the Commission hearing on the appeal.

   d. Notice of Hearing: Unless otherwise agreed to by the appellant, the hearing of the appeal will be noticed and scheduled on the Commission agenda at a regular meeting to be held within thirty (30) days following the delivery to the appellant of the ROWDS Manager’s reply to the notice of appeal. A copy of the decision being appealed, the notice of appeal and the reply shall be delivered to the Commission at least one (1) week prior to the hearing.

   e. Action by Commission: Following the hearing, the Commission shall either affirm or reverse, in whole or part, or otherwise modify, amend or supplement the decision being appealed, as such action is adequately supported by the law and evidence presented at the hearing.