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

FROM: David Serdar
Right of Way Supervisor

DATE: January 4, 2015

SUBJECT: Vacation/Exchange of Public Right of Way - Public Hearing and adoption of Resolution Number 2124 for an application to vacate the alley West of 2351 N. 15th St., located in the SW ¼ of the NE ¼ and the SE ¼ of the NW ¼ of Section 34, Township 4 North, Range 2 East, Boise Meridian, City of Boise, Ada County, Idaho.

Regular Agenda / Public Hearing for Board of Commissioners meeting January 13, 2016

EXECUTIVE SUMMARY

This action is to vacate the alley West of 2351 N. 15th St., 0.183 acres, more or less.

FACTS & FINDINGS

1. ACHD received a petition and application for the vacation of the above-referenced right of way from Jon Breckon of Breckon Land Design of behalf of Doug Jayo-Jayo Construction (Attachment 1).

2. The area being proposed for the vacation encompasses approximately 0.183 acres, more or less. (Attachment 2).

3. The applicant is requesting this vacation to acquire ground they need to fulfill a requirement of their development application.

4. 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.

5. Notice of the public hearing was published in the Idaho Statesman on December 29th, 30, 2015 and January 6th, 2016, with the last date of publication at least five (5) days before the hearing.
6. In accordance with Idaho Law and ACHD policy, comments were requested from the following public and private agencies and public utilities, regarding their plans for the area of the proposed vacation. In addition, ACHD staff has been notified and comments were requested concerning the requested vacation.

A. ACHD Staff comments:
   Requirement of Development application
   Boise City Parks Dept.

B. The following agencies had no response:
   Intermountain Gas Company
   Integra Telecom
   AT&T Communications
   American Fiber Systems
   Qwest
   Cable One Television
   Ada County Development Services
   Time Warner Telecom
   Bench Sewer District
   Boise City Fire Dept.
   Boise City Development Services
   Boise City Canal Company
   Boise City Clerk
   Boise Project Board of Control
   Boise Warm Springs Water District
   Idaho Power
   The following agencies responded and had no objection:
   Nampa & Meridian Irrigation District
   Tesoro Logistics
   United Water

C. The following agencies responded and made comments:
   Boise City Public Works-Applicant needs to grant new sewer easement or relocate. Applicant has been notified of this comment.

1. There is no access to Federal or State lands or waters that will be denied if the requested vacation is approved.
2. On November 5, 2015 a letter was sent out notifying all the property owners within 300 feet of the requested vacation of the public hearing date.

3. The public hearing for the vacation and abandonment of the above referenced public Right of Way will be conducted on January 13, 2016-2nd hearing.

4. Attachment 3 for Commission review and consideration is Resolution Number 2124.

5. Approval of the vacation and abandonment is subject to retention of the 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 the relocation or replacement of existing facilities.

6. Costs associated with relocation or replacement of existing easements and facilities shall be borne by the applicant with approval of the applicable utility or agency.

**FISCAL IMPACT**

The required application fee of $1000.00 was paid by the applicant. If the Vacation Resolution is adopted, the applicant will be purchasing the property from ACHD at considered value of $43,989.00.

**POLICY IMPLICATIONS**

The public hearing and the vacation procedures were accomplished according to current ACHD policies.

**RECOMMENDATIONS**

Staff recommends that the Board of Commissioners adopt and sign Resolution Number 2124 and the president of the board sign the quitclaim deed (Attachment 4) to vacate the alley West of 2351 N. 15th St., located in the SW¼ of the NE¼ and the SE¼ of the NW¼ of Section 34, Township 4 North, Range 2 East, Boise Meridian, City of Boise, Ada County, Idaho.

**ATTACHMENTS:**

1. Application for vacation
2. Depiction of proposed vacation parcel and exchange area
3. Resolution Number 2124
4. Quitclaim Deed to Paramount Parks at Highland, LLC

cc: Right of Way File  
Breckon Land Design