March 16, 2016

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 a
portion of Right-of-Way known as Krall St. located in Section 11, Township 3 North, Range 2
East, Boise Meridian, City of Boise, Ada County, Idaho.

CONSENT AGENDA ITEM – March 30, 2016 Commission Meeting

EXECUTIVE SUMMARY:

This action is to vacate .03 acres (1,342 SF), more or less, of Right-of-Way known as Krall Street, located in Section
11 of Township 3 North, Range 2 East, Boise, Idaho.

FACTS & FINDINGS:

1. ACHD has received a petition and application for the vacation and exchange of the above referenced right-of-
way from the adjacent landowner Lee Hill.

2. The area being proposed for vacation contains approximately .03 acres. The value of the right-of-way to be
vacated is approximately $10,100.

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.
The Applicant will pay $10,100 for the purchase of the property.

POLICY IMPACTS:

None
RECOMMENDATION:

Staff recommends that the Board of Commissioners adopts Resolution Number 2134 and declares the public right-of-way of a portion of E. Krall St., Boise, Idaho, as no longer useful to the District, and to set a date for the public hearing as identified below.


3. Date of Public Hearing – Wednesday, May 4, 2016 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 2134

cc: Right-of-Way File
Krall Street
Right of Way Vacation

Right-of-Way Vacation
Approx. 1,342 Sq. Ft.

Parcel Lines

1 inch = 40 feet
This map is a general depiction intended for visual reference only.
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 Public Right of Way known as E. Krall St., which will be vacated to Lee Hill in Section 11, Township 3 North, Range 2 East, Boise Meridian, Boise, Ada County, Idaho.

DESCRIPTIONS TO BE VACATED:

A portion of the Krall Street Right-of-Way adjacent to the Pump House Lot Warranty Deed Instrument Number 8934491 and shown on the Plat of Sunny Terrace and that portion of Government Lot 2 described in Quiet Title Judgement Instrument Number 107088809, all in Section 11, Township 3 North, Range 2 East, Boise Meridian, City of Boise, Ada County, Idaho more particularly described as follows;

Commencing at the found Brass Cap Monument marking the Quarter Corner common to Sections 11 and 12, from which a found Brass Cap Monument marking the northeast Corner of said Section bears North 00°30'18" East, a distance of 2,654.87 feet;

A. thence along the East-West Center Line of Section 11 (also being the Southerly boundary of Government Lot 1), South 89°51'32" West, a distance of 1310.83 feet to a found 1.25 inch rebar marking the southerly common Corner of Government Lots 1 and 2;

B. thence continuing along said Center Line (also being the southerly boundary of Government Lot 2) South 89°53'50" West, a distance of 264.27 feet to a found 5/8 inch rebar with plastic cap stamped "FLSI PLS 7612" marking the Southerly common Corner of Lot 1 and the Pump House Lot of Sunny Terrace;

C. thence along the common boundary of said Lots, North 00°06'10" West, a distance of 48.22 feet to northerly common Corner thereof as shown on Record of Survey 8299, the TRUE POINT OF BEGINNING;

D. thence along the northerly boundary of the Pump House Lot as shown on said Survey, South 89°52'09" West, a distance of 49.00 feet to a found 5/8 inch rebar with plastic cap stamped “FLSI PLS 7612” marking its intersection with the northeasterly boundary of property described in Judgement Instrument Number 107088809;

E. thence along said boundary North 36°18'51" West, a distance of 53.52 feet to a found 5/8 inch rebar with plastic cap stamped “FLSI PLS 7612”;

F. thence North 61°46'34" East, a distance of 12.69 feet to the new Southwesterly Right-of-Way of East Krall Street;
G. thence along said Right-of-Way South 50°30'08" East, a distance of 67.04 feet to an angle point;

H. thence continuing along the new Southwesterly Right-of-Way of East Krall Street South 75°06'08" East, a distance of 18.40 feet to its intersection with the common boundary of Lot 1 and the Pump House Lot of Sunny Terrace;

I. thence along said common boundary South 00°06'10" East, a distance of 1.65 feet to the POINT OF BEGINNING.

Containing 1,342 square feet more or less.

Subject to valid pre-existing rights as any may exist.

Any alteration of this description shall cause it to become null and void.

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 May 4, 2016 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

RESOLUTION NUMBER 2134
OF THE ADA COUNTY HIGHWAY DISTRICT

A RESOLUTION FINDING CERTAIN PUBLIC RIGHT OF WAY PROPOSED BY Lee Hill 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 March 16, 2016 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 Lee Hill (“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 May 4, 2016 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 19th, 20th and 27th of March, 2016 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 ______________________, 2016.
ADA COUNTY HIGHWAY DISTRICT
BOARD OF COMMISSIONERS:

By: ____________________________________
Kent Goldthorpe, President

By: ____________________________________
Paul Woods, Vice President

By: ____________________________________
Rebecca W. Arnold, Commissioner

By: ____________________________________
Sara M. Baker, Commissioner

By: ____________________________________
Jim D. Hansen, Commissioner

ATTEST:

________________________
Bruce S. Wong, Director

STATE OF IDAHO )
) ss.
County of Ada )

On this ____ day of ___________________ 2016, before me, a notary public in and for said State, personally appeared President, Kent Goldthorpe, Commissioners Sara M. Baker, Rebecca W. Arnold, Jim Hansen, 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: ___________________