June 7, 2016

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 a portion of the storm drain easement in Exchange and Dedication to the storm drain of a
portion of Lot 8, Block 1 of the proposed Cedarfield Subdivision No. 1, by Kent Brown Planning
Services on behalf of Corey Barton Homes, Inc. for the development of Cedarfield Subdivision
No. 1

CONSENT AGENDA ITEM – June 22, 2016 Commission Meeting

EXECUTIVE SUMMARY:

This action is to vacate .750 acres, (32,660 Sq. Ft.), more or less, of the storm drainage easement located on the
west side of Echohawk Way, at the entrance of the proposed Cedarfield Subdivision No. 1, in the Southeast
Quarter of Section 10 of Township 4 North, Range 1 East, Eagle, Idaho. In exchange, the applicant offers
dedication of .218 acres, (9,495 Sq. Ft.), Lot 8, Block 1 of the proposed Cedarfield Subdivision No. 1 for continued
use as a storm drainage easement. The applicant is requesting that the storm drainage easement be reconfigured
to fit within the Lot 8, Block 1 of the proposed Cedarfield Subdivision No.1. The physical location of the existing
drainage pond easement will remain the same but will be smaller with the proposal.

FACTS & FINDINGS:

1. ACHD has received a petition and application for the vacation and exchange of the above referenced right-of-
way from Kent Brown, Kent Brown Planning Services on behalf of the adjacent landowners, Corey Barton
Homes, Inc.

2. The area being proposed for vacation contains approximately .750 acres, (32,660 Sq. Ft., more or less); the
area being proposed for dedication contains approximately .218 acres, (9,495 Sq. Ft. more or less).

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 adopts Resolution Number 2137, and sets a date for the public hearing as identified below.


3. Date of Public Hearing – Wednesday, July 20, 2016 at 12:00p.m., or as soon thereafter as the matter may be heard.

Attachments:

1. Vicinity Map
2. Notice of Public Hearing
3. Resolution 2137

cc: Right-of-Way File
This map is a general depiction intended for visual reference only.

Cedarfield Vacation and Exchange

Exchange Parcel - Lot 8, Block 1 of Cedarfield Subdivision No. 1

Existing Storm Drain Easement to be Vacated

1 inch = 212 feet

ATTACHMENT 1

2013 Aerials

Parcel Lines
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 a portion of the Storm Water Drainage Easement located in the Southeast Quarter of Section 10 of Township 4N, Range 1E, Eagle, Ada County, Idaho to Corey Barton Homes, Inc. in exchange for lands also described below.

DESCRIPTIONS TO BE VACATED:
(see attached Exhibit “A”)

DESCRIPTION TO BE DEDICATED:
(see attached Exhibit “B”)

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 **July 20, 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

Publication Dates: July 5th, 6th and 13, 2016.
EASEMENT DESCRIPTION
for Drainage Facility Maintenance

A parcel of land located in the Southeast 1/4, Section 10, T.4N., R.1E., B.M., Ada County, Idaho and more particularly described as follows;

Commencing at a brass cap marking the center one-quarter corner of Section 10, T.4N., R.1E., B.M., Ada County, Idaho, which is the Point-of-Beginning of Ringo Ridge Estates Subdivision No. 1, as recorded, and documented by CP&F No. 102133981, thence S. 38°57'57" E. 1707.23 feet to a point which points bears S. 51°02'03" W. 2062.36 feet from the East one-quarter corner of said Section 10 and said point being this description's POINT-OF-BEGINNING;

thence N. 89°38'02" W. 196.42 feet to a point,
thence N. 11°27'12" W. 60.01 feet to a point,
thence N. 71°52'43" E. 107.87 feet to a point,
thence N. 20°41'56" W. 159.58 feet to a point,
thence S. 84°11'24" E. 124.94 feet to a point,
thence S. 10°45'13" E. 59.70 feet to a point,
thence S. 13°40'01" E. 88.00 feet to a point-of-curve,
thence 59.01 feet along a curve, to the right having a radius of 230.00 feet, a central angle of 14°42'04", and a long chord which bears S. 06°18'58" E. 58.85 feet to a point-of-tangency,
thence S. 01°02'06" W. 27.60 feet to the POINT-OF-BEGINNING.

32,660SF more or less
EXHIBIT 'A'
ACHD POND EASEMENT TO BE VACATED & NEW ACHD POND EASEMENT

9/15/2015
Exhibit "B"

Easement Description for
ADA COUNTY HIGHWAY DISTRICT

Cedarfield Subdivision No. 1

A portion of the East 1/2 of Section 10, Township 4 North, Range 1 East, Boise Meridian, Eagle, Ada County, Idaho being more particularly described as follows:

COMMENCING at the Center-South 1/16 corner of said Section 10 from which the South 1/4 corner of said Section 10 bears South 00°25'10" West, 1334.29 feet; Thence South 89°07'24" East, 1007.04 feet to the REAL POINT OF BEGINNING;

Thence North 00°52'36" East, 100.00 feet;

Thence South 89°07'24" East, 31.17 feet;

Thence 31.70 feet along the arc of a curve to the left having a radius of 125.00 feet, a central angle of 14°31'51", and a long chord which bears North 83°36'40" East, a distance of 31.62 feet;

Thence North 76°20'45" East, 2.89 feet;

Thence South 62°55'34" East, 26.50 feet to the West right-of-way line of North Echohaw Way;

Thence along said line 45.38 feet along the arc of a non-tangent curve to the right having a radius of 215.00 feet, a central angle of 12°05'40", and a long chord which bears South 07°36'12" East, a distance of 45.30 feet;

Thence South 01°34'21" East, 48.26 feet;

Thence leaving said line North 89°07'24" West, 97.85 feet to the REAL POINT OF BEGINNING. Contains 9,495 square feet, more or less.
RESOLUTION NUMBER 2137
OF THE ADA COUNTY HIGHWAY DISTRICT

A RESOLUTION FINDING CERTAIN PUBLIC STORM WATER DRAINAGE EASEMENT PROPOSED TO BE ABANDONED/VACATED AND EXCHANGED FOR REAL PROPERTY OWNED BY Corey Barton Homes, Inc. 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 June 7, 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 perpetual storm water drainage easement owned by the District described on Exhibit “A” attached hereto (hereinafter “subject easement”) is no longer useful to the Ada County Highway District and should be abandoned/vacated as proposed by Corey Barton Homes, Inc. (“the applicant”).

(2) ACHD has negotiated with Corey Barton Homes, Inc. an exchange of the current public storm water drainage easement for Lot 8, Block 1 of the proposed Cedarfield Subdivision No. 1 owned by Corey Barton Homes, Inc. described on Exhibit “B” attached hereto (the “Exchange Parcel”).

(3) The Exchange Parcel is needed by the Ada County Highway District for a public use authorized by law to accommodate a drainage pond for storm water.

(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 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 and exchange is hereby set for July 20, 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 why the exchange should not be made; and

BE IT FURTHER RESOLVED, notice of such hearing shall be published in accordance with Idaho law, on the 5th, 6th and 13th of July, 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 )
County of Ada ) ss.

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: ____________

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.