April 3, 2017

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

FROM: Lorie Williams, Right-of-Way Agent/
      Real Estate Management Specialist
       Real Estate Section

SUBJECT: Public Hearing Declaring the following ACHD Owned Properties to be Surplus Property and Directing Sale: 156 W. Main Street & 120 W. Main Street, Kuna.

AGENDA ITEM – April 12, 2017, Commission Meeting

FACTS & FINDINGS:

(1) The Ada County Highway District (“ACHD”) is the owner of real property located in Ada County, Idaho, more particularly described on Exhibit “A” attached hereto (the “Subject Property”).

(2) The municipal addresses of the Subject Properties are 156 W. Main Street & 120 W. Main Street, Kuna, is depicted on Exhibit “B” attached hereto.

(3) The Subject Properties are not right-of-way required for any Project or any future planned expansion of the adjoining ACHD public right-of-way, and in no other respect is it needed by ACHD in connection with the performance of its highway or other statutory responsibilities.

(4) Because the properties can only be accessed through 120 W. Main Street, we will be selling both properties together. An independent appraisal of the Subject Properties set the fair market value to be $260,000.00.

(5) Within the meaning of Idaho Code, section 40-1309, the Subject Properties are no longer useful to ACHD and they are surplus properties. It is in the best interests of the District that the Subject Properties be sold as surplus property.

(6) Before ACHD can sell or exchange the Subject Properties as surplus property, Idaho Code, section 40-1309, requires that the Commission conduct a public hearing at which any
person may appear and show cause that the subject properties are still useful to the District and that the proposed sale or exchange of the subject properties should not be made. If the Commissioners determine that the sale or exchange of the Subject Properties are in the best interests of the District, the Commission shall adopt resolution #2179 finding that the Subject Properties are no longer useful to ACHD and finding that the Subject Properties are surplus property and that they should be sold or exchanged and establishing the procedures for the public sale.

(7) The public hearing on this matter is scheduled for April 12, 2017 at 12:00 pm. Notice of the public hearing was published in accordance with Idaho Code, section 40-206 and is attached hereto as Exhibit “C”.

(8) Absent cause being shown at the scheduled public hearing that the Subject Properties are still useful to the District and why the sale of the Subject Properties should not be made, after the public hearing is closed staff recommends that the Subject Properties be declared surplus property with a determined fair market value of $260,000.00 and that it be found to be in the best interests of the ACHD and it patrons that the Subject Properties be offered for sale as surplus property.

(9) Before the District disposes of the Subject Properties at public sale it must first notify any person who owns real property which is contiguous with the Subject Properties that they have first option to purchase the Subject Properties for an amount not less than the current determined fair market value. Staff recommends that if an owner of real property which is contiguous with the Subject Properties agrees to purchase the Subject Properties for an amount not less than the current determined value, the Director be authorized and directed to execute the contract of sale and any other documents required to complete the transaction, and the President of the Commission be authorized and directed to execute the Quitclaim Deed without further notice and without further action by the Commission.

(10) If the Subject Properties are not purchased by any person who owns real property which is contiguous with the Subject Properties and a public sale becomes necessary, staff recommends that the terms and requirements of the public sale should be:

a. the public sale shall be by solicited sealed bids.

b. the minimum bid shall be not less than one hundred percent (100%) of the current determined fair market value of the Subject Properties.

c. the high bidder shall pay to ACHD 10 percent (10%) of the purchase price by cash or cashier’s check drawn on a national or state of Idaho chartered bank, by 4:30pm on the day of the auction with the remainder due at closing, not more than 90 days after the day of the auction;

d. upon receipt of full payment, ACHD will convey title to the Subject Properties “as-is” without warranty of any kind, by Quitclaim Deed;

e. ACHD reserves the right to reject any and all bids presented at the auction.
(11) If ACHD is unable to sell the Subject Properties to the owner(s) of contiguous property or at the public sale, Staff recommends that the Chief of Staff be authorized and directed to negotiate the sale of the Subject Properties by public or private sale, at a price not less than the determined fair market value, or at a price less than the determined fair market value with Commission approval.

(12) A proposed form of Resolution is attached hereto as Exhibit “D”.

FISCAL IMPACT

ACHD will convert an asset it has no use for into cash that it can use for highway purposes.

ALTERNATIVES:

1. Adopt the attached Resolution #2179 finding that the Subject Properties are no longer useful to the Ada County Highway District or necessary for its use, and finding that the Subject Properties should be sold or exchanged and establishing the procedures for the public sale.

2. Do not find that the Surplus Properties are no longer useful to ACHD and/or necessary for its use and take no further action.

RECOMMENDATIONS

Recommend the Board adopt Alternative 1.

ENCLOSURES:

1. Exhibit “A”, Legal descriptions of Subject Properties
2. Exhibit “B”, Map showing site locations
3. Exhibit “C”, Notice of Public Hearing
4. Exhibit “D”, Resolution #2179
Ada County Highway District
Project No. 313043
Linder Avenue/Main Street/3rd Street
Roundabout

*Parcels 4 and 13*

Combined Parcel Boundary Description

A parcel located in the SE ¼ of the SE ¼ of Section 23, Township 2 North, Range 1 West, Boise Meridian, and being a part of Lots 19 through 24 of Block 3 of the *KUNA TOWNSITE (AMENDED)* as shown in Book 4 of Plats at Page 187 on file in the office of the Recorder, Ada County, Idaho, more particularly described as follows:

Commencing at a 5/8 inch diameter iron pin marking the southeasterly corner of said SE ¼ of the SE ¼, from which a brass cap monument marking the northeasterly corner of said SE ¼ of the SE ¼ bears N°1°13'54" E a distance of 1328.63 feet;

Thence N°1°13'54" E along the easterly boundary of said SE ¼ of the SE ¼ a distance of 819.95 feet to a point;

Thence leaving said easterly boundary N 88°26'31" W a distance of 74.91 feet to a point on the southerly boundary of said Block 3 and the POINT OF BEGINNING;

Thence continuing N 88°26'31" W along said southerly boundary a distance of 99.82 feet to the southwesterly corner of said Lot 19;

Thence leaving said southerly boundary N 1°16'23" E along the westerly boundary of said Lot 19 a distance of 139.99 feet to the northwesterly corner of said Lot 19;

Thence S 88°26'28" E along the northerly boundary of said Lots 19 through 24 a distance of 144.43 feet to a point;

Thence leaving said northerly boundary S 7°45'46" W a distance of 58.08 feet to a point;

Thence S 21°48'14" W a distance of 18.73 feet to a point;

Thence S 9°29'43" W a distance of 15.79 feet to a point;

Thence a distance of 53.35 feet along the arc of a 58.00 foot radius curve right, said curve having a central angle of 52°42'23" and a long chord bearing S 35°50'54" W a distance of 51.49 feet to a point on the easterly boundary of said Lot 22;

Thence S 1°14'44" W along said easterly boundary a distance of 6.49 feet to the POINT OF BEGINNING.
This parcel contains 18,275 square feet (0.419 acres) and is subject to any other easements existing or in use.

Prepared by: Glenn K. Bennett, PLS
Civil Survey Consultants, Incorporated
December 5, 2016
EXHIBIT “B”

This map is a representation of features on the ground and not survey grade. It is not to scale for any inaccuracies therein.

t: 625
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 Idaho Code, section 40-1309 and ACHD Policy section 2033.2.2, to consider whether the following described real property ("Subject Property") located in Ada County, Idaho, is no longer useful to the District and is surplus property and should be sold. At the public hearing, any person interested may appear and show cause that the Subject Property is still useful to the District and that the proposed sale should not be made.

Street Address: 156 W. Main Street & 120 W. Main Street, Kuna

Legal Description:

Combined Parcel Boundary Description and being a part of Lots 19-24 of Block 3 of the Kuna Townsite (Amended) Located in the SE ¼ of the SE ¼ of Section 23, Township 2 North, Range 1 West, Boise Meridian, Ada County, Idaho

The public hearing will be held in the auditorium of the Ada County Highway District, 3775 Adams Street, Garden City, Idaho on Wednesday, April 12, 2017 at 12:00 p.m., or as soon thereafter as the matter may be heard, at which hearing any person may appear and show cause why the sale should not be made.

By: ____________________________

Bruce S. Wong, Director
RESOLUTION NUMBER 2179
OF THE ADA COUNTY HIGHWAY DISTRICT

A RESOLUTION FINDING REAL PROPERTIES OF THE ADA COUNTY HIGHWAY DISTRICT IS NO LONGER USEFUL TO THE DISTRICT OR NECESSARY FOR ITS USE AND DECLARING SUCH REAL PROPERTIES TO BE SURPLUS PROPERTY WITH A VALUE DETERMINED TO BE $260,000.00 AND AUTHORIZING THE SALE OF THE SUBJECT REAL PROPERTIES TO AN OWNER OF ADJOINING REAL PROPERTY OR TO THE GENERAL PUBLIC BY LIVE PUBLIC AUCTION OR SEALED BIDS.

WHEREAS, a hearing notice was duly published in accordance with Idaho Code, Sections 40-1309 and 40-206, and District Policy section 2033.2.2, on the 4th day of April, 2017 and on the 5th day of April, 2017, in the Idaho Statesman, a daily newspaper published in Ada County, Idaho, the last day of publication at least five (5) days prior to the hearing; and

WHEREAS, no one appeared at the public hearing to show cause that the subject real properties, the municipal addresses of which are 156 W. Main Street & 120 W. Main Street, Kuna, and the legal descriptions of which are attached hereto as Exhibit "A", and a vicinity map of which is hereto attached hereto as Exhibit "B" ("Subject Properties"), are still useful to the District or to object to the proposed sale; and no cause was presented which persuades the Ada County Highway District Board of Commissioners that the Subject Properties are still useful to the District and that they should not be declared to be surplus property and that they should not be sold; and

WHEREAS, District Real Estate Management Specialist Lorie Williams, presented a District Staff Report dated April 12, 2017, which by this reference is hereby incorporated herein, as supplemented by the oral presentation of Lorie Williams, which presented the requirements for such a sale which are available to the Commission under Idaho Code, section 40-1309; and

WHEREAS, the Board of Commissioners of the Ada County Highway District is fully advised and hereby makes the following findings of fact:

(1) the Subject Properties described on Exhibit "A" attached hereto are no longer useful to the Ada County Highway District or necessary for its use; and
(2) the Subject Properties are surplus property, with its fair market value determined to be $260,000.00; and
(3) it appears the proposed sale of the Subject Properties is in the best interests of the Ada County Highway District and its patrons and the Subject Properties should be offered for sale as surplus property of the District.
NOW, THEREFORE, BE IT RESOLVED, in accordance with Idaho Code, Section 40-1309 and District Policy section 2033.2.2, the Ada County Highway District Board of Commissioners declares and directs that the Subject Properties be offered for sale to the owner(s) of property which is contiguous with the Subject Properties at the determined fair market value of $260,000.00 and upon such terms and conditions as are set forth in District policy and otherwise deemed necessary and advisable. In which case, the Director is hereby authorized and directed to execute such necessary contracts, closing instructions and other documents required to consummate the sale and the President of the Board of Commissioners is hereby authorized and directed to execute and deliver a deed conveying the Subject Properties without further action of the Commission.

BE IT FURTHER RESOLVED, that if the District is unable to sell the Subject Properties to the owner(s) of property which is contiguous with the Subject Properties at the determined fair market value of $260,000.00, the Subject Properties shall then be offered for sale by the District by solicitation of sealed bids with the minimum bid price at the determined fair market value of $260,000.00, and upon such terms and conditions as are set forth in District policy and otherwise deemed necessary and advisable. Such consideration of sealed bids shall be conducted by the Commission on the 10th day of May, 2017 at 12:00 pm. Notice of such solicitation of sealed bids shall be published at least two (2) consecutive times, with the last notice published not less than ten (10) days prior to the opening of sealed bids.

BE IT FURTHER RESOLVED, that if the Subject Properties are unsold after solicitation of sealed, the Chief of Staff may negotiate the sale of the Subject Properties at a private sale to a member of the general public in a commercially reasonable manner including a sale price not less than the determined value of $260,000.00 and upon such terms and conditions as are set forth in District policy and otherwise deemed necessary and advisable. In which case, the Director is hereby authorized and directed to execute such necessary contracts, closing instructions and other documents required to consummate the sale and the President of the Board of Commissioners is hereby authorized and directed to execute and deliver a deed conveying the Subject Properties without further action of the Commission. Otherwise, the Subject Properties may be sold at a price less than the determined value of $260,000.00, and upon such terms and conditions as are set forth in District policy and otherwise deemed necessary and advisable, with Commission approval, following negotiations by the Chief of Staff as directed by the Commission, and upon such approval by the Commission, the Director shall be authorized and directed to execute such necessary contracts, closing instructions and other documents required to consummate the sale and the President of the Board of Commissioners shall be authorized and directed to execute and deliver a deed conveying the Subject Properties without further action of the Commission.

Resolution, page 2
(8-1-12)
EXHIBIT "D"

ADOPTED AND APPROVED by the Board of Commissioners of the Ada County Highway District on this 12th day of April, 2017.

ADA COUNTY HIGHWAY DISTRICT
BOARD OF COMMISSIONERS

By: ________________________________
    Paul Woods, President

By: ________________________________
    Rebecca W. Arnold, Vice President

By: ________________________________
    Sara M. Baker, Commissioner

By: ________________________________
    Jim D. Hansen, Commissioner

By: ________________________________
    Kent Goldthorpe, Commissioner

ATTEST:

______________________________
Bruce S. Wong, Director

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.

Resolution, page 3
(8-1-12)
S:\Surplus Properties\156 W. Main St. Kuna\A - Resolution Authorizing Sale.Doc