September 11, 2017

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

FROM: Dawn Battles
Planner, Development Services

SUBJECT: Vacation - Establish a Public Hearing date to request the acceptance for the Vacation of Right-of-Way known as an alley in Block 12 lying between West Belmont Street and West University Drive, located in the North One Half of Section 15, Township 3 North, Range 2 East, Boise Meridian, City of Boise, Ada County, Idaho, and an alley in Block 16 lying between West Belmont Street and Beacon Street, located in the Northeast One Quarter of Section 15, Township 3 North, Range 2 East, Boise Meridian, City of Boise, Ada County, Idaho.

CONSENT AGENDA ITEM – Resolution No. 2183 September 20, 2017 Commission Meeting

EXECUTIVE SUMMARY:

This action is to vacate two alleyways totaling 11,200 square feet (5,600 sf each), more or less, of Right-of-Way known as an alley in Block 12 lying between West Belmont Street and West University Drive, located in the North One Half of Section 15, Township 3 North, Range 2 East, Boise Meridian, City of Boise, Ada County, Idaho, and an alley in Block 16 lying between West Belmont Street and Beacon Street, located in the Northeast One Quarter of Section 15, Township 3 North, Range 2 East, Boise Meridian, City of Boise, Ada County, Idaho.

FACTS & FINDINGS:

1. ACHD has received a petition and application for the vacation of the above referenced right-of-way from The Land Group, Inc. on behalf of Boise State University (Idaho State Board of Education).

2. The area being proposed for vacation contains approximately 11,200 SF, more or less.

3. The vacation of the two alleyways is being requested because BSU is going to construct two new facilities on each block. The construction of a new Material Science Building (classrooms) and a facilities building and warehouse for BSU, which will be used as a central receiving site. Therefore, freight and other delivery vehicles will frequently require access. A vacation will give BSU more flexibility and control over access and site layout.
4. *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:**

1. The applicant will pay the fees for postage and publication of notices required for each application per the Right-of-Way Vacation and Property Exchange Agreement dated September 1, 2010 that was adopted by Resolution No. 954.

**POLICY IMPACTS:**

None

**RECOMMENDATION:**

Staff recommends that the Board of Commissioners adopts Resolution Number 2183 and declares the public right-of-way of an alley in Block 12 lying between West Belmont Street and West University Drive and an alley in Block 16 lying between West Belmont Street and Beacon Street Boise, Idaho as no longer useful to the District, and to set a date for the public hearing and the advertising schedule as identified below.

1. Notify property owners within 300 feet  September 21, 2017
3. Date of Public Hearing  October 25, 2017 at 6:00pm

**Attachments:**

1. Vacation Site Map
2. Notice of Public Hearing
3. Resolution 2183

**cc:** The Land Group, Inc.
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 an alley in Block 12 lying between West Belmont Street and West University Drive, located in the North One Half of Section 15, Township 3 North, Range 2 East, Boise Meridian, City of Boise, Ada County, Idaho, and an alley in Block 16 lying between West Belmont Street and Beacon Street, located in the Northeast One Quarter of Section 15, Township 3 North, Range 2 East, Boise Meridian, City of Boise, Ada County, Idaho which will be vacated to Boise State University (Idaho State Board of Education).

DESCRIPTIONS TO BE VACATED:

See Attached Exhibit “A”

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 October 25, 2017 at 6 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: October 10, October 11, and October 18, 2017.
March 13, 2017  
Project No. 116115  

EXHIBIT "A"  

BOISE STATE UNIVERSITY  
BLOCK 12 ALLEY VACATION DESCRIPTION  

A parcel of land being the Public Alley in Block 12 of South Boise First Subdivision, lying between West Belmont Street and West University Drive, being located in the North One Half of Section 15, Township 3 North, Range 2 East, Boise Meridian, City of Boise, Ada County, Idaho, being more particularly described as follows:

Commencing at the Northwest corner of Lot 1, Block 12 of South Boise First Subdivision, according to the official plat thereof, filed in Book 1 of Plats at Page 16 of Ada County Records, said point being the POINT OF BEGINNING;

Thence South 00°25'57" West, a distance of 400.01 feet (formerly described as 400 feet) on the West lot line of Lots 1 through 16, Block 12 of said Subdivision and the East line of the Alley in said Block 12 to the Southwest corner of Lot 16 of said Block 12, said point being on the northerly right-of-way line of West Belmont Street;
Thence North 89°47'40" West, a distance of 14.00 feet on the northerly right-of-way line of West Belmont Street to the Southeast corner of Lot 16 of said Block 12;
Thence North 00°25'57" East, a distance of 400.01 feet (formerly described as 400 feet) on the East line of Lots 17 through 32 of said Block 12, and the West line of the Alley in said Block 12 to the Northwest corner of Lot 32 of said Block 12;
Thence South 89°47'42" East, a distance of 14.00 feet on the south right-of-way line of West University Drive to the point of beginning.

The above-described parcel contains 5,600 square feet more or less.

PREPARED BY:  
THE LAND GROUP, INC.

James R. Washburn
March 13, 2017
Project No. 116115

EXHIBIT “A”

BOISE STATE UNIVERSITY
BLOCK 16 ALLEY VACATION DESCRIPTION

A parcel of land being the Public Alley in Block 16 of South Boise First Subdivision, lying between West Belmont Street and Beacon Street, being located in the Northeast One Quarter of Section 15, Township 3 North, Range 2 East, Boise Meridian, City of Boise, Ada County, Idaho, being more particularly described as follows:

Commencing at the Northwest corner of Lot 1, Block 16 of South Boise First Subdivision, according to the official plat thereof filed in Book 1 of Plats at Page 16 of Ada County Records, said point being the POINT OF BEGINNING;

Thence South 00°12’38” West, a distance of 400.00 feet on the West lot line of Lots 1 through 16, Block 16 of said Subdivision and the East line of the Alley in said Block 16 to the Southwest corner of Lot 16 of said Block 16, said point being on the northerly right-of-way line of West Belmont Street;

Thence North 89°47’59” West, a distance of 14.00 feet on the northerly right-of-way line of West Belmont Street to the Southeast corner of Lot 16 of said Block 16;

Thence North 00°12’38” East, a distance of 400.00 feet on the East line of Lots 17 through 32 of said Block 16, and the West line of the Alley in said Block 16 to the Northwest corner of Lot 32 of said Block 16;

Thence South 89°47’40” East, a distance of 14.00 feet on the south right-of-way line of West University Drive to the point of beginning.

The above-described parcel contains 5,600 square feet more or less.

PREPARED BY:
THE LAND GROUP, INC.

James R. Washburn
RESOLUTION NUMBER 2183
OF THE ADA COUNTY HIGHWAY DISTRICT

A RESOLUTION FINDING CERTAIN PUBLIC RIGHT OF WAY PROPOSED BY Boise State University (Idaho State Board of Education) 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 September 11, 2017, 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 Boise State University (Idaho State Board of Education) (“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 October 25, 2017 at 6:00 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 10th, 11th and 18th of October, 2017 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 ______________________, 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

STATE OF IDAHO )
) ss.
County of Ada )

On this ____ day of __________________ _____ 2017, before me, a notary public in and for said State, personally appeared President, Paul Woods, Commissioners, Rebecca W. Arnold, Sara M. Baker, Jim D. Hansen, and Kent Goldthorpe, 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: ____________________