November 21, 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 an alley right-of-way located between N. 1st Street and N. 2nd Street in the block between W. State Street and W. Jefferson Street known as that certain 16-foot wide Alley of Block 61 of the Original Townsite of Boise City located in the Northeast Quarter of Section 10, Township 3 North, Range 2 East, Boise Meridian, City of Boise, Ada County, Idaho.

CONSENT AGENDA ITEM – Resolution No. 2207 December 6, 2017 Commission Meeting

EXECUTIVE SUMMARY:
This action is to vacate an alley right-of-way totaling 4,800 square feet (0.11 acres), more or less, located between N. 1st Street and N. 2nd Street in the block between W. State Street and W. Jefferson Street known as that certain 16-foot wide Alley of Block 61 of the Original Townsite of Boise City located in the Northeast Quarter of Section 10, 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 St. Luke’s Regional Medical Center.
2. The area being proposed for vacation contains approximately 4,800 square feet (0.11 acres), more or less.
3. The vacation of the alley right-of-way is being requested by St. Luke’s to accommodate the construction of a parking garage/central plant. A vacation will give St. Luke’s more flexibility and control over access and site layout. This building location was depicted in the St. Luke’s Master Plan that was approved by the City of Boise in 2016.
4. Idaho Code, section 50-1306A(6) requires that before a 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 be made.
FISCAL IMPACT:

1. The required application fee of $1,000 was paid by the applicant.
2. The applicant will pay the appraised value of $216,000 for the purchase of the property.

POLICY IMPACTS:

None

RECOMMENDATION:

Staff recommends that the Board of Commissioners adopts Resolution Number 2207 and declares the public right-of-way of the alley located between N. 1st Street and N. 2nd Street in the block between W. State Street and W. Jefferson Street known as that certain 16-foot wide Alley of Block 61 of the Original Townsite of Boise City 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 December 7, 2017
2. Publish in the Idaho Statesman Newspaper December 26, 2017 & December 27, 2017 & January 3, 2018
3. Date of Public Hearing January 10, 2018 at 12:00pm

Attachments:

1. Vacation Site Map
2. Notice of Public Hearing
3. Resolution 2207

cc: The Land Group, Inc.
ST. LUKE’S ALLEY VACATION

Vacation Area
4800 Sq. Ft. (0.11 Acres) ±
Parcels Lines
2016 Aerials

1 inch = 100 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 an alley located between N. 1st Street and N. 2nd Street in the block between W. State Street and W. Jefferson Street known as that certain 16-foot wide Alley of Block 61 of the Original Townsite of Boise located in the Northeast Quarter of Section 10, Township 3 North, Range 2 East, Boise Meridian, City of Boise, Ada County, Idaho which will be vacated to St. Luke’s Regional Medical Center, LTD.

DESCRIPTION TO BE VACATED:

That certain 16.00 foot wide Alley of Block 61 of the Original Townsite of Boise City according to the official plat thereof filed in Book 1 of Plats at Page 1, Ada County Records, said Alley located in the Northeast Quarter of Section 10 and the Northwest Quarter of Section 11, Township 3 North, Range 2 East, Boise Meridian, City of Boise, Ada County, Idaho, particularly described as follows:

Commencing at the East Quarter Corner of said Section 10, from which the Northeast Corner of said Section 10 bears North 00˚10'18" East, 2657.30 feet; Thence, North 05˚37'51" West, 155.61 feet to the most westerly corner of said Alley and the POINT OF BEGINNING;

Thence, along the northwesterly line of said Alley, North 35˚11'52" East, 16.00 feet;
Thence, along the northeasterly line of said Alley, South 54˚47'30" East, 300.03 feet;
Thence, along the southeasterly line of said Alley, South 35˚11'41" West, 16.00 feet;
Thence, along the southwesterly line of said Alley, North 54˚47'30" West, 300.03 feet to the POINT OF BEGINNING, containing 0.11 acres or 4,800 square feet, more or less.

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 January 10, 2018 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 2207
OF THE ADA COUNTY HIGHWAY DISTRICT

A RESOLUTION FINDING CERTAIN PUBLIC RIGHT-OF-WAY PROPOSED BY St. Luke’s Regional Medical Center, LTD 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 November 21, 2017, which by this reference is hereby incorporated herein, as supplemented by the oral presentation by the Development Services 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 St. Luke’s Regional Medical Center, LTD (“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 January 10, 2018 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 26th and 27th of December, 2017 and 3rd of January, 2018 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:
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: ____________________

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.