

STAFF REPORT

COMMUNITY DEVELOPMENT DEPARTMENT



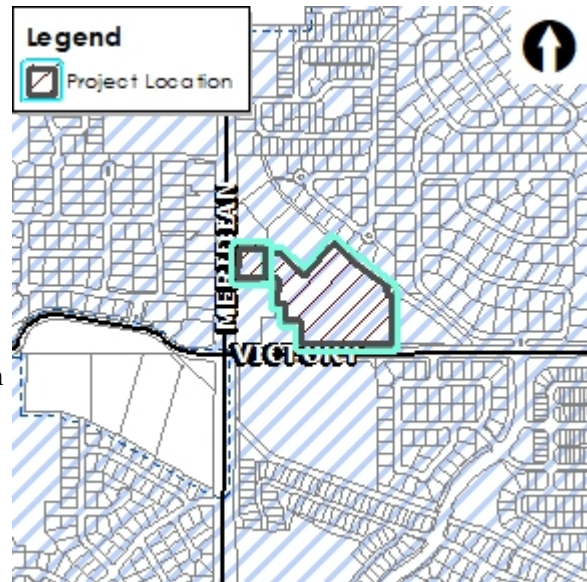
HEARING DATE: 8/10/2021

TO: Mayor & City Council

FROM: Alan Tiefenbach, Associate Planner
208-489-0573

SUBJECT: H-2021-0045
Victory Commons Easement Vacation

LOCATION: 130 E. Victory Rd. and 3030 S. Meridian Rd.



I. PROJECT DESCRIPTION

Request to vacate public utility, drainage, and irrigation easement that was initially established with the Mussel Corner Subdivision (recently replatted as the Victory Commons Subdivision No 1).

II. APPLICANT INFORMATION

A. Applicant / Representative:

Kindi Moosman, Horrocks Engineers, Inc – 2775 W. Navigator Dr, Suite 210, Meridian ID 83642

B. Owner:

Kuna Victory LLC – Box 51298, Idaho Falls, ID 83405

III. STAFF ANALYSIS

In September of 2020, the City Council approved the Victory Commons Final Plat Filing One (H-2020-0086), which allowed 4 commercial lots on 16.74 acres in the C-G zoning district. Following City Council approval and during further research, the applicant discovered there was a public utility, drainage and irrigation easement (PUDI) that had been recorded with the previous Mussell Corner Subdivision. This easement had historically been used by Nampa Meridian Irrigation District but drainage improvements made this easement no longer necessary.

The applicant has submitted letters from all potential easement holders (i.e. Cable One/Sparklight, Idaho Power, Intermountain Gas, Century Link, Nampa Meridian Irrigation District) who have all submitted written consent agreeing to vacate the easements.

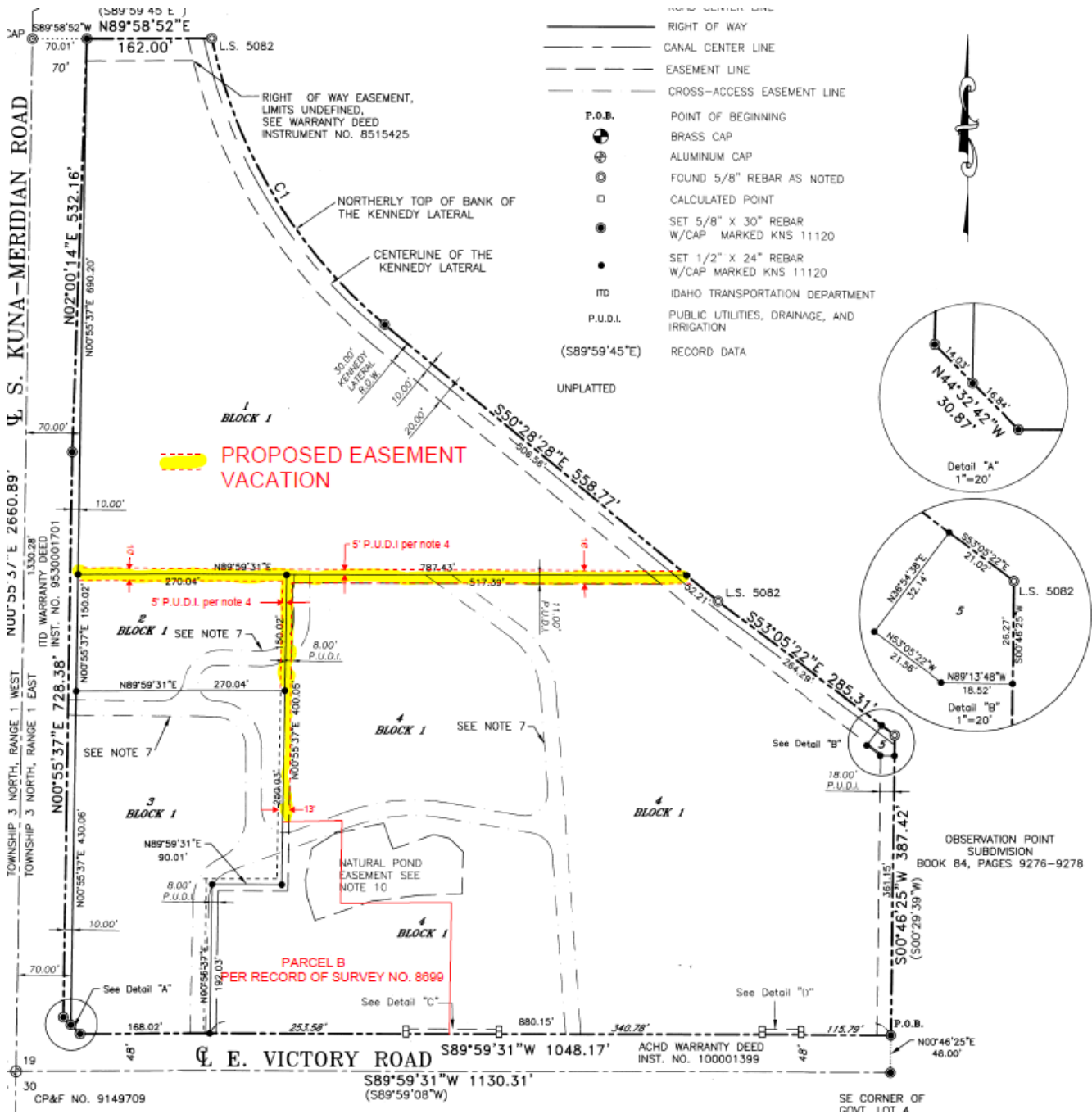
IV. DECISION

A. Staff:

Staff recommends approval of the vacation of easement request as proposed by the Applicant.

V. EXHIBITS

A. Recorded Mussell Corner Plat (date: April 2006)



B. Approved Victory Commons Subdivision No 1 (date: 4/1/2021)

VICTORY COMMONS SUBDIVISION NO. 1

A RE-SUBDIVISION OF PORTIONS OF LOTS 1, 2, AND 4, BLOCK 1, OF MUSSEL CORNER SUBDIVISION, ALSO BEING A PORTION OF PARCEL "A" OF RECORD OF SURVEY NO. 12282, LOCATED IN A PORTION OF GOVERNMENT LOT 4, SECTION 19, TOWNSHIP 3 NORTH, RANGE 1 EAST OF THE BOISE MERIDIAN, CITY OF MERIDIAN, ADA COUNTY, IDAHO
-2021-

MONUMENT CERTIFICATION:

THIS IS TO CERTIFY THAT THIS PLAT IS BEING RECORDED UNDER THE PROVISIONS OF IDAHO CODE 50-1331 THROUGH 50-1333 THE MONUMENTS DEFINING THE EXTERIOR BOUNDARY HAVE BEEN FOUND, ESTABLISHED, AND/OR REHABILITATED UPON THE RECORDING OF THIS PLAT AND THAT THE INTERIOR LOT AND EASEMENT CORNERS AS SHOWN HEREON ARE TO BE ESTABLISHED ON THE GROUND WITHIN 90 DAYS BEYOND THE SITE CONSTRUCTION COMPLETION DATE OF APRIL OF 2022 TO HONOR THE SURETY ON FILE WITH THE ADA COUNTY SURVEYOR.



0 80' 160'
SCALE 1" = 80'

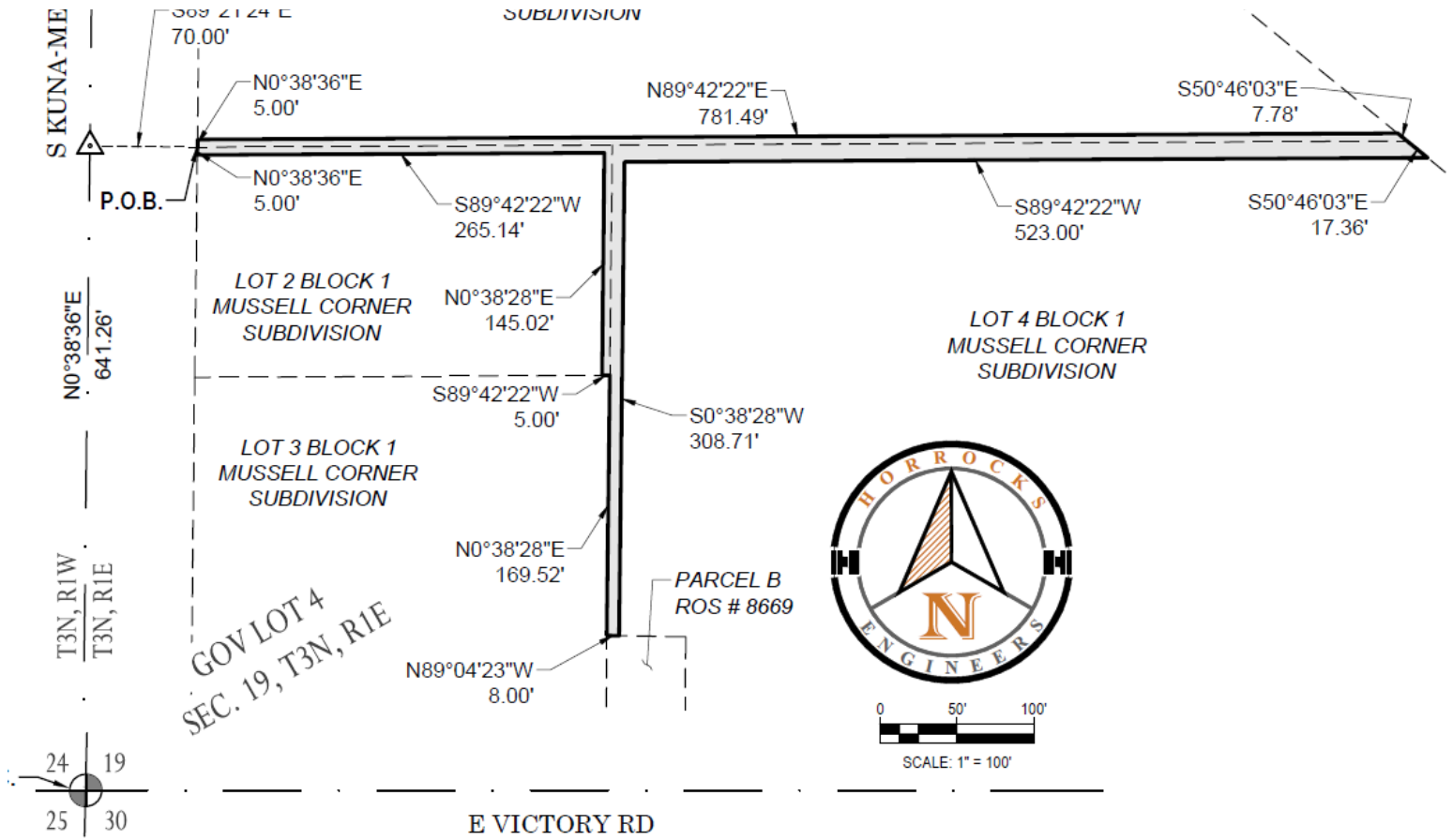
KEY NOTES:

- 3 THIS SUBDIVISION IS SUBJECT TO
- 13 SIXTEEN AND A HALF (16 1/2) FOOT SHALL BE MAINTAINED BY KUNA
- 14 FIVE (5) FOOT LANDSCAPE BUFF ASSIGNS
- 15 CITY OF MERIDIAN PEDESTRIAN F
- 16 RIGHT-OF-WAY EASEMENT PER V FORTH IN RIGHT-OF-WAY EASEM SPECIFICALLY AS A GRAVEL PIT II
- 17 TEN (10) FOOT PUBLIC UTILITY, IF
- 18 THIRTY (30) FOOT KENNEDY LATI DISTRICT FOR INGRESS-EGRESS.
- 19 EXISTING SIXTEEN (16) FOOT P U
- 20 IDAHO POWER EASEMENT PER IN
- 21 CITY OF MERIDIAN WATER EASEM
- 22 CITY OF MERIDIAN WATER EASEM
- 23 CITY OF MERIDIAN WATER EASEM
- 24 CITY OF MERIDIAN WATER EASEM
- 25 TEN (10) FOOT WIDE PERMANEN SUBDIVISION

Line Table

Line #	Length	Direction
L1	18 58'	S89°43'24"E
L2	50 01'	S89°43'24"E
L3	76 46'	N88°48'10"W
L4	31 43'	N89°43'24"W
L5	17 16'	N49°22'01"W
L6	33 32'	N0°55'07"E

C. Easement Vacation Exhibit



D. Easement Vacation Legal Description

2775 W. Navigator Drive, Suite 210
Meridian, Idaho 83642
www.horrocks.com



Date: April 09, 2020
Project: ID-1402-1810
Page: 1 of 2

***PUBLIC UTILITY DRAINAGE AND IRRIGATION EASEMENT
TO BE VACATED
MUSSELL CORNER SUBDIVISION***

This easement is situated in Government Lot 4 of Section 19, Township 3 north, Range 1 East, Boise Meridian, City of Meridian, Ada County, Idaho, being located in Lots 1, 2 and Lot 4, Block 1 of Mussell Corner Subdivision, on file in Book 95 of Plats in pages 11624-11626, in the Office of the Recorder, Ada County, more particularly described as follows:

COMMENCING at the southwest corner of said Government Lot 4; thence along the west boundary of said Government Lot 4,

- 1) N.00°38'36"E., 641.26 feet; thence leaving said west boundary,
- 2) S.89°21'24"E., 70.00 feet to the southwest corner of said Lot 1 and the **POINT OF BEGINNING**; thence along the west boundary of said Lot 1,
- 3) N.00°38'36"E., 5.00 feet; thence parallel with the south boundary of said Lot 1,
- 4) N.89°42'22"E., 781.49 feet to a point on the east boundary of said Lot 1; thence along said east boundary,
- 5) S.50°46'03"E., 7.78 feet to the northeast corner of said Lot 4; thence along the east boundary of said Lot 4,
- 6) S.50°46'03"E., 17.36 feet; thence parallel with and 11.00 feet south of the north boundary of said Lot 4,
- 7) S.89°42'22"W., 523.00 feet to a point which lies 11.00 feet south of and 8.00 feet east of the northwest corner of said Lot 4; thence parallel with the west boundary of said Lot 4,
- 8) S.00°38'28"W., 308.71 feet to a point on the north boundary of Parcel B per Record of Survey No. 8669, on file in the Office of the Recorder, Ada County; thence along the north boundary of said Parcel B,

- 9) N89°04'23"W., 8.00 feet to a point on the west boundary of said Lot 4; thence along said west boundary,
- 10) N.00°38'28"E., 169.52 feet to the southeast corner of said Lot 2; thence along the south boundary of said Lot 2,
- 11) S.89°42'22"W., 5.00 feet; thence parallel with the east boundary of said Lot 2,
- 12) N.00°38'28"E., 145.02 feet to a point which lies 5.00 feet west of and 5.00 feet south of the northeast corner of said Lot 2; thence parallel with the north boundary of said Lot 2,
- 13) S.89°42'22"W., 265.140 feet to a point on the west boundary of said Lot 2; thence along said west boundary,
- 14) N.00°38'36"E., 5.00 feet to the **POINT OF BEGINNING**.



E. Relinquishment Letters



Kindi Moosman
2775 W Navigator Dr., Suite 210
Meridian, ID 83642
435-669-4579
kindi.moosman@horrocks.com

No Reservations/No Objections

SUBJECT: APPROVAL TO PROCEED

Project Name: PUID Easement Vacation - Mussell Corner Subdivision

To Whom It May Concern:

Qwest Corporation, d/b/a CenturyLink QC ("CenturyLink") has reviewed the request for the subject matter and has determined that it has no objections with respect to the release of the area as shown and/or described for the property on Exhibit "A", said Exhibit "A" attached hereto and incorporated by this reference.

It is the intent and understanding of CenturyLink that this shall not reduce our rights to any other existing easement or rights we have on this site or in the area.

This response is submitted **WITH THE STIPULATION** that if CenturyLink facilities are found and/or damaged within the area as described, the Applicant will bear the cost of relocation and repair of said facilities. Contact TJ Eich (Tamara.Eich@centurylink.com) with any questions.

Sincerely,

Mary Hutton
Network Infrastructure Services
CenturyLink
P834116

Kindi Moosman

From: Greg Curtis <gcurtis@nmid.org>
Sent: Monday, May 17, 2021 1:49 PM
To: Kindi Moosman
Cc: Rob Sunderlage
Subject: RE: PUID Easement Vacation

Kindi,
NMID has no comment regarding the vacation of easement as depicted in the attached survey except for the portion which lies within the Kennedy Lateral easement area. The easement for the Kennedy Lateral must be protected. This email shall serve as NMID's official response.

Thanks,
Greg

Greg G Curtis
Water Superintendent
Nampa & Meridian Irrigation District Shop
5525 E. Greenhurst Rd. Nampa Idaho 83686
Phone:208-466-0663 Fax:208-463-0183

Website:www.nmid.org



September 11, 2020

Sent via email to kindi.moosman@horrocks.com

Horrocks Engineers
Kindi Moosman
2775 W. Navigator Dr., Suite 210
Meridian, ID 83642

Re: Relinquishment of a portion of Public Utility Easement (PUE) located in Lot 1, 2, 3, & 4,
Block 1, Mussell Corner Subdivision in Ada County, Idaho.

Dear Kindi:

This is in response to the relinquishment application received by Idaho Power Company on August 21, 2020, regarding the possible partial relinquishment of the above noted PUE. The attached maps you provided more specifically identify the "easement area".

Idaho Power's review of the relinquishment application indicated that there are no facilities within the above noted easement area. As such, Idaho Power agrees to relinquish the public utility easement within the area described in the attached documents.

Thank you once again for providing Idaho Power Company the opportunity to review and comment upon the subject petition for relinquishment.

Sincerely,



Krista Englund
Assoc. Real Estate Specialist
Land Management and Permitting Department
Corporate Real Estate
Idaho Power Company



April 29, 2020

To whom it may concern,

Intermountain Gas Company has no objection to the vacation of the utility easements in the Mussell Corner Subdivision. The east-west lot line between lot 1 and lots 2 and 4 block 1. And the North-South lot line between lots 2 and 3 and lot 4 block 1.

If there is any question you can contact me at 208-377-6812 or email bryce.ostler@intgas.com

Bryce Ostler
GIS Field Tech.



Re: Vacation of Easements--Mussell Corner Subdivision--Meridian, ID

Dear Dean Waite:

Cable One Inc dba Sparklight has reviewed the proposed utility easement vacation for Mussell Corner Subdivision. Based on this review we have no objections to the proposed vacation of public utility easements in lots 1,2, and 4 Block 1 of Mussell Corner Subdivision.

Sincerely,

02 / 10 / 2021