

STAFF REPORT

COMMUNITY DEVELOPMENT DEPARTMENT



HEARING DATE: 11/17/2020

TO:

Mayor & City Council

FROM:

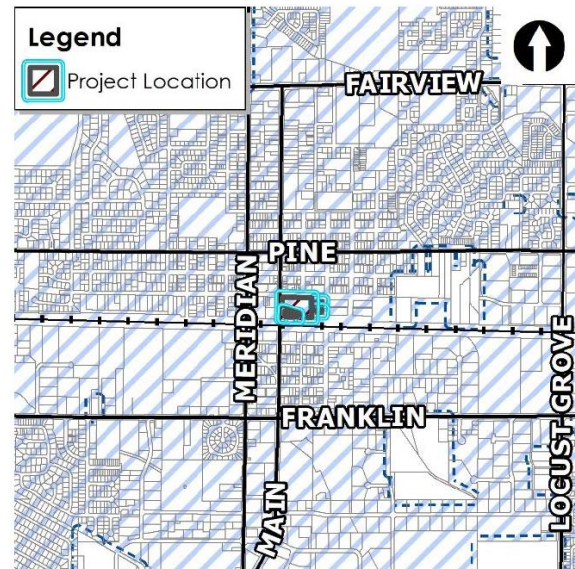
Alan Tiefenbach, Associate Planner
208-489-0573

SUBJECT:

H-2020-0103
Union 93 (AKA Meridian Station)

LOCATION:

SEC of N. Main St. and E. Broadway Ave., north of the railroad tracks.



I. PROJECT DESCRIPTION

Request to vacate approximately 0.43 acres of existing public right-of-way that was dedicated with the Amended Plat of Rowan Addition.

II. APPLICANT INFORMATION

A. Applicant:

Mike Chidester, Galena Opportunity Fund – 999 W. Main Street, STE 1400, Boise, ID 83701

B. Owner:

ADA County Highway District (ACHD)

III. STAFF ANALYSIS

The applicant requests approval to vacate .43 acres of platted right-of-way (ROW) dedicated with the Amended Plat of Rowan Addition in 1895 (see Exhibit V.B). The portions of right of way that were dedicated includes a public alley, Broadway Ave. and Railroad Ave. The subject request includes vacating a portion of the Broadway Ave. ROW and all of the public alley and Railroad Ave. ROW in order to construct two (2) 100-foot tall vertically integrated structures. The proposed towers are shown to be located within these portions of ROW (see Exhibit V.C). A condition of approval of the CUP requires the applicant to secure the vacation approval prior to submitting for a certificate of zoning compliance.

The applicant has submitted letters from potential easement holders (Idaho Power and Intermountain Gas). These agencies have submitted written consent agreeing to vacate the easements (see Exhibit V.D.). However, Idaho Power has responded they maintain electrical facilities near or within the vacation area and they retain all existing rights to operate, maintain, repair, replace, or otherwise

modify the lines. The applicant should coordinate with Idaho Power and ACHD regarding the relocation of these lines prior to commencing with construction on the site. Per ACHD, the applicant will be dedicating additional right-of-way along N. Main Street and E. Broadway Avenue to accommodate other utility providers.

In order for ACHD to act on the applicant's request to vacate the existing right-of-way, ACHD must receive a recommendation for approval (consent) from the City Council. Because the applicant's request is consistent with the condition approved with the Meridian Station project, staff supports the request to vacate the surplus ROW as proposed.

IV. DECISION

A. Staff:

Staff recommends the Council approve the subject vacation application.

V. EXHIBITS

A. Vicinity Map



B. Legal Description and Exhibit Map of Public Right of Way Proposed to be Vacated



Sawtooth Land Surveying, LLC

P: (208) 398-8104 F: (208) 398-8105
2030 S. Washington Ave., Emmett, ID 83617

ACHD Relinquishment Parcels Description

Parcel 1:

A parcel of land being that part of Railroad Avenue lying westerly of the easterly boundary of Block 3 extended, as shown on the official plat of the Amended Plat of Rowan Addition to Meridian filed in Book 2 of Plats at Page 52 of Official Records, Ada County, located in NE1/4 SW1/4 of Section 7, T. 3 N., R. 1 E., B.M., City of Meridian, Ada County, Idaho more particularly described as follows;

COMMENCING at a 5/8" rebar with an illegible cap marking the intersection of E. 3rd Street and E. Broadway Avenue;

Thence S. 01°21'54" W., coincident with the centerline of said E. 3rd Street, a distance of 402.42 feet to the northerly right of way of the Union Pacific Railroad;

Thence N. 88°30'19" W., coincident with said northerly right of way of the Union Pacific Railroad, a distance of 40.00 feet to said easterly boundary of Block 3 extended and the **POINT OF BEGINNING**;

Thence continuing N. 88°30'19" W., coincident with said northerly right of way of the Union Pacific Railroad, a distance of 153.59 feet to the west line of said NE1/4 SW1/4;

Thence N. 00°26'55" E., coincident with said west line of the NE1/4 SW1/4, a distance of 84.61 feet to the SW corner of said Block 3 of the Amended Plat of Rowan Addition to Meridian;

Thence S. 88°30'19" E., coincident with the south line of said Block 3, a distance of 155.29 feet to the SE corner of said Block 3;

Thence S. 01°21'54" W., coincident with said easterly boundary of Block 3 extended, a distance of 84.60 feet to the **POINT OF BEGINNING**.

Said Parcel 1 contains 0.300 acres more or less.

Parcel 2:

A parcel of land being the 16-foot wide alley located within Block 3, as shown on the official plat of the Amended Plat of Rowan Addition to Meridian filed in Book 2 of Plats at Page 52 of Official Records, Ada County, located in NE1/4 SW1/4 of Section 7, T. 3 N., R. 1 E., B.M., City of Meridian, Ada County, Idaho more particularly described as follows;

COMMENCING at a 5/8" rebar with an illegible cap marking the intersection of E. 3rd Street and E. Broadway Avenue;

Thence S. 01°21'54" W., coincident with the centerline of said 3rd Street, a distance of 40.00 feet;

Thence N. 88°42'22" W., 40.00 feet to the NE corner of said Block 3

Thence S. 01°21'54" W., coincident with the easterly boundary of said Block 3, a distance of 120.84 feet to the NE corner of said alley and the **POINT OF BEGINNING**;

Thence continuing, S. 01°21'54" W., coincident with said easterly boundary of Block 3, a distance of 16.00 feet to the SE corner of said alley;

Thence N. 88°36'26" W., coincident with the southerly line of said alley, a distance of 157.22 feet to the SW corner of said alley and the westerly boundary of said Block 3;

Thence N. 00°26'55" E., coincident with said westerly boundary of Block 3, a distance of 16.00 feet to the NW corner of said alley;

Thence S. 88°36'26" E., coincident with the northerly line of said alley, a distance of 157.47 feet to the **POINT OF BEGINNING**.

Said Parcel 2 contains 0.058 acres more or less.

Parcel 3:

A parcel of land being the southerly 20.00 feet of E. Broadway Ave., lying westerly of the easterly boundary of Block 3 extended as shown on the official plat of the Amended Plat of Rowan Addition to Meridian filed in Book 2 of Plats at Page 52 of Official Records, Ada County, located in NE1/4 SW1/4 of Section 7, T. 3 N., R. 1 E., B.M., City of Meridian, Ada County, Idaho more particularly described as follows;

COMMENCING at a 5/8" rebar with an illegible cap marking the intersection of E. 3rd Street and E. Broadway Avenue;

Thence S. 01°21'54" W., coincident with the centerline of said E. 3rd Street, a distance of 60.00 feet;

Thence N. 88°42'22" W., 40.00 feet to the NE corner of said Block 3 and the **POINT OF BEGINNING**;

Thence continuing N. 88°42'22" W., coincident with the northerly boundary of said Block 3, a distance of 159.40 feet to the NW corner of said Block 3 and the west line of said NE1/4 SW1/4;

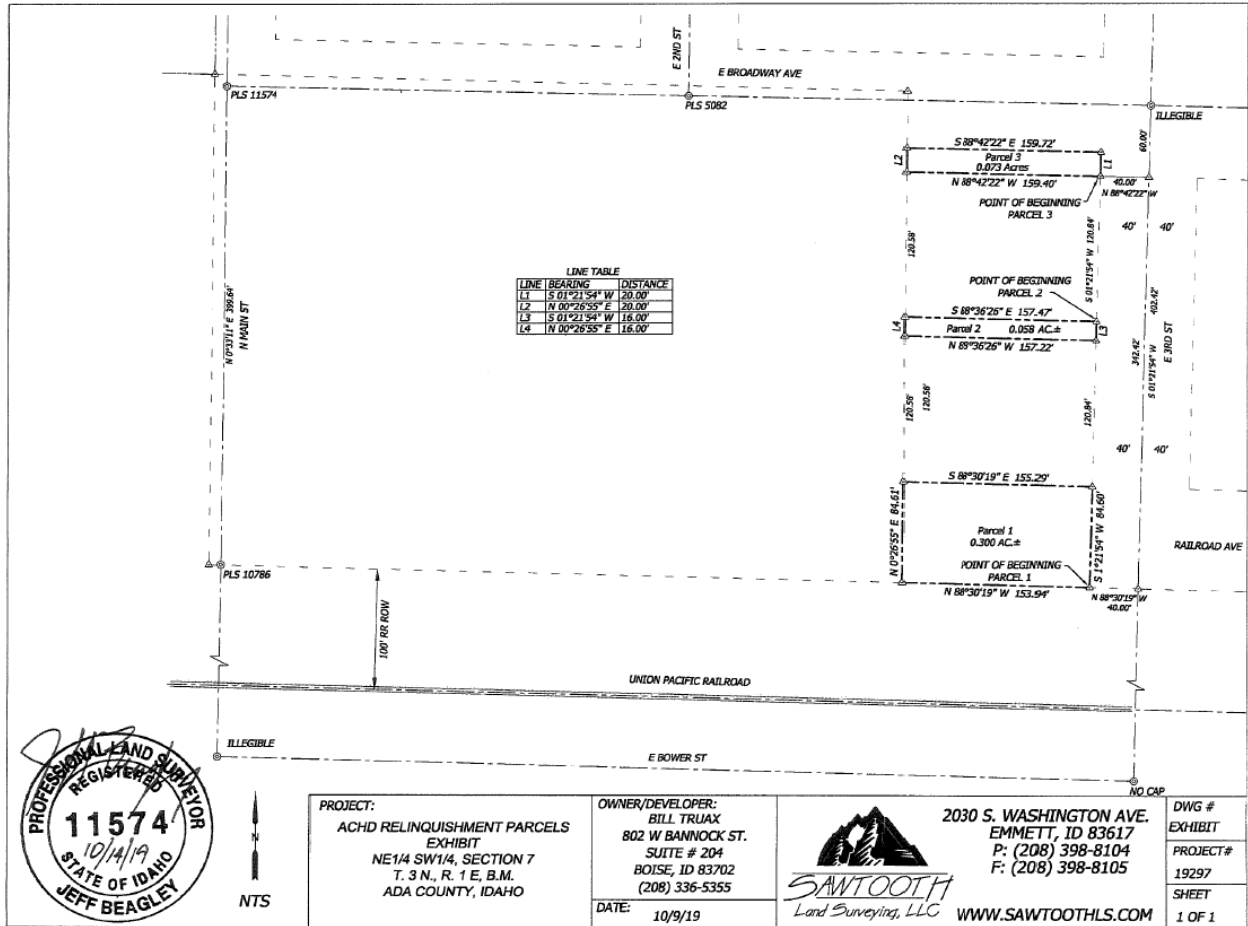
Thence N. 00°26'55" E., coincident with said west line of the NE1/4 SW1/4, a distance of 20.00 feet;

Thence S. 88°42'22" E., parallel with the north line of said Block 3 and 40.00 feet south of and parallel with the centerline of said E. Broadway Ave., a distance of 159.72 feet to said easterly boundary of Block 3 extended;

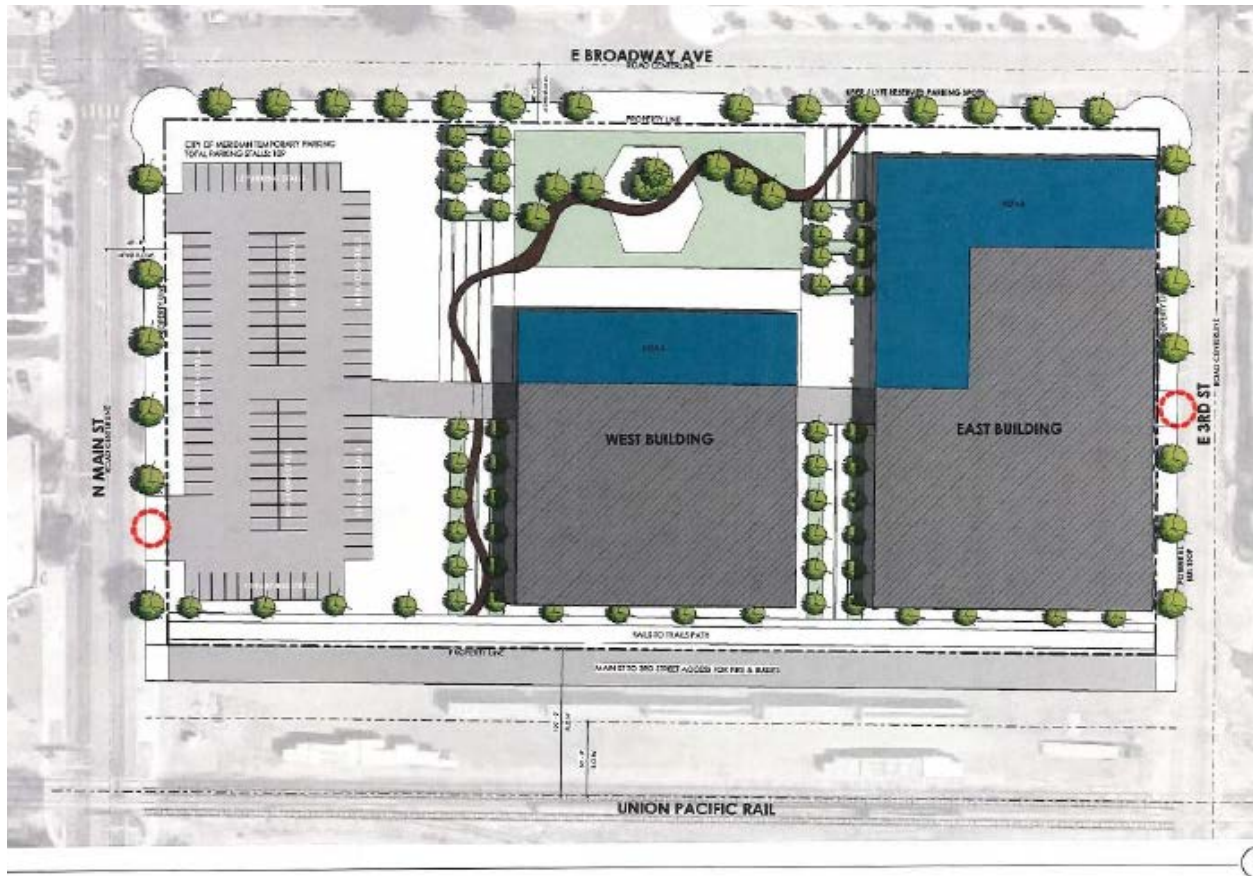
Thence S. 01°21'54" W., coincident with said easterly boundary of Block 3 extended, a distance of 20.00 feet to the **POINT OF BEGINNING**.

Said Parcel 3 contains 0.073 acres more or less.





C. Site Plan Showing the Location of the Meridian Station Buildings



D. Relinquishment Letters



September 24, 2020

Sent via email to: shartsock@achdidaho.org

Re: East Broadway Investment Company, LLC request to vacate a portion of NE 3rd St. and E. Broadway Ave.

Dear Commissioners:

This is in response to the Notice of Public Hearing sent to Idaho Power Company received in our office September 22, 2020, regarding the possible vacation of three certain parcels within the Amended Plat of Rowan Addition to Meridian identified in the attached public notice (exhibit A), legal description (exhibit B), and aerial image (exhibit C).

Idaho Power's records indicate that the Company does maintain electrical facilities within or near the proposed parcels. We are acceptable to vacating the three parcels however, we must retain all existing rights related thereto and require that any vacation of the parcels by Ada County Highway District reserve to Idaho Power the continued right to operate, maintain, repair, replace, or otherwise modify or add to Idaho Power's facilities within the Right-of-Way, including the right of ingress and egress thereto.

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

Sincerely,



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

208-388-2245
kenglund@idahopower.com

EASEMENT VACATION

Vacate the utility easement within Block 3 of Rowan Addition. See attached ACHD Relinquishment Parcels Description

INTERMOUNTAIN GAS COMPANY

By: Roger Phillips

Name: Roger Phillips

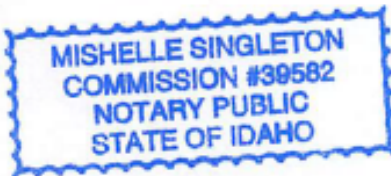
Title: Dist Ops Manager

STATE OF IDAHO)

COUNTY OF ADA)

On this 25 day of Oct., in the year of 2019, before me, the undersigned, personally appeared Roger Phillips, known to me to be the person whose name is subscribed to the within instrument, who, being by me first duly sworn, did depose and say that he is Dist. Ops Manager of Intermountain Gas Company and the he executed the foregoing instrument on behalf of said firm for the use and purposes stated therein.

IN WITNESS WHEREOF, I have se my hand and affixed my official seal the day and year in this certificate first above written.



Mishelle Singleton
Notary Public for Idaho

Residing at: Kuna, ID

Commission Expires: 2-21-2021