

STAFF REPORT
COMMUNITY DEVELOPMENT DEPARTMENT



HEARING DATE: 10/11/2022

TO: Mayor & City Council

FROM: Sonya Allen, Associate Planner
208-489-0573

SUBJECT: H-2022-0067
5156 W. Highland Fall Dr. - VAC

LOCATION: 5156 W. Highland Fall Dr., in the SE 1/4
of Section 21, T.4N., R.1W.



I. PROJECT DESCRIPTION

Request to vacate a 35-foot long by 2-foot wide portion of the 10-foot wide pressure irrigation easement along the west side of Lot 6, Block 3 Fairbourne Subdivision No. 3.

II. APPLICANT INFORMATION

A. Applicant:

Andrew George – P.O. Box 2208, Eagle, ID 83616

B. Owner:

Element Custom Homes, LLC – 23 Larkspur Circle, McCall, ID 83638

C. Representative:

Same as Applicant

III. UNIFIED DEVELOPMENT CODE

Per UDC [Table 11-5A-2](#), vacation of a utility easement falls under “all others”, which requires approval from City Council at a public hearing.

IV. NOTICING

	City Council Posting Date
Newspaper Notification	9/25/2022

Radius notification mailed to
properties within 300 feet

9/23/2022

Next Door posting

9/23/2022

V. STAFF ANALYSIS

The Applicant requests approval to vacate a 35-foot long by 2-foot wide portion of the 10-foot wide pressure irrigation easement depicted on the recorded plat along the west side of Lot 6, Block 3 Fairbourne Subdivision No. 3.

A legal description and exhibit map of the portion of the easement proposed to be vacated is included in Section VII below.

The reason for the request is that a portion of the home under construction on the subject lot encroaches 2-feet into the easement area. The Applicant's narrative states the irrigation easement is for ongoing operations and maintenance of a 6-inch diameter pipeline. The line was installed 4-feet from the west property line on the lot. Reducing the easement width to 8-feet where the home encroaches will still allow adequate space for operating and maintaining the pipeline.

A [relinquishment letter](#) was received from Sam Johnson, President of the Fairbourne Subdivision Owner's Association stating they have no objection to the partial vacation of the pressure irrigation easement as proposed. A [letter](#) was also received from Settler's Irrigation District stating they do not own or operate the pressure irrigation system for Fairbourne Subdivision.

VI. DECISION

A. Staff:

Staff recommends approval of the partial vacation of the pressure irrigation easement as proposed by the Applicant and as agreed upon by the easement holder.

VII. EXHIBIT

Legal Description & Exhibit Map of the Portion of the Utility Easement Proposed to be Vacated

EASEMENT VACATION DESCRIPTION FOR FAIRBOURNE DEVELOPMENT, LLC

An existing easement located in the NE 1/4 of the SE 1/4 of Section 21, Township 4 North, Range 1 West, Boise Meridian, City of Meridian, and being a part of Lot 6 of Block 3 of *FAIRBOURNE SUBDIVISION NO. 3* as shown in Book 122 of plats at Pages 19189 – 19193 in the office of the Recorder, Ada County, Idaho, more particularly described as follows:

Commencing at a 1/2 inch diameter iron pin marking the southwesterly corner of said Lot 6, from which a 1/2 inch diameter iron pin marking the northwesterly corner of said Lot 6 bears N 0°29'33" E a distance of 120.00 feet;

Thence N 90°00'00" E along the southerly boundary of said Lot 6 a distance of 10.00 feet to a point marking the southeasterly corner of an existing 10 foot pressure irrigation easement as shown on the plat of said *FAIRBOURNE SUBDIVISION NO. 3*;

Thence leaving said southerly boundary N 0°29'33" E along the easterly boundary of said easement a distance of 17.50 feet to the POINT OF BEGINNING;

Thence continuing N 0°29'33" E a distance of 35.00 feet to a point;

Thence leaving said easterly boundary N 90°00'00" W a distance of 2.00 feet to a point;

Thence S 0°29'33" W a distance of 35.00 feet to a point;

Thence N 90°00'00" E a distance of 2.00 feet to the POINT OF BEGINNING.

This parcel contains 70.00 square feet (0.002 acres) and is subject to any easements existing or in use.

Prepared by: Kyle A. Koomler, PLS
Civil Survey Consultants, Incorporated
May 13, 2022



SKETCH TO ACCOMPANY EASEMENT VACATION DESCRIPTION FOR
FAIRBOURNE DEVELOPMENT, LLC, LOCATED IN THE NE 1/4 OF
THE SE 1/4 OF SECTION 21, TOWNSHIP 4 NORTH, RANGE 1
WEST, BOISE MERIDIAN, CITY OF MERIDIAN, ADA COUNTY, IDAHO

