

**STAFF REPORT**  
**COMMUNITY DEVELOPMENT DEPARTMENT**



HEARING DATE: 5/23/2023

TO: Mayor & City Council

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

SUBJECT: H-2023-0024  
 Sky Mesa Highlands No. 1 (Lot 37, Block 1) - VAC

LOCATION: 6372 S. Cubola Way, in the SE 1/4 of Section 32, T.3N., R.1E.



**I. PROJECT DESCRIPTION**

Request to vacate the southerly 0.5-feet of the 5-foot wide side yard utility easement along the northern boundary of Lot 37, Block 1, Sky Mesa Highlands Subdivision No. 1.

**II. APPLICANT INFORMATION**

- A. Applicant:  
 Terry O'Brien, J-U-B Engineering, Inc. – 2760 W. Excursion Ln., Ste. 400, Meridian, ID 83642
- B. Owner:  
 Sky Mesa Development, LLC – 923 S. Bridgeway Pl., Eagle, ID 83616
- 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	5/7/2023

Radius notification mailed to properties within 300 feet

5/5/2023

Next Door posting

5/5/2023

## V. STAFF ANALYSIS

The Applicant requests approval to vacate the southerly 0.5-feet of the 5-foot wide side yard utility easement along the northern boundary of Lot 37, Block 1, Sky Mesa Highlands Subdivision No. 1.

*Note: New easements cannot be dedicated through the vacation process. A separate recorded easement is necessary to dedicate a new easement.*

A property boundary adjustment (PBA-2023-0002) was recently approved that shifted the northerly side property line 0.50-feet to the north.

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

The Applicant states there are no underground or overhead utilities in the subject easement area.

[Relinquishment letters](#) were received from Lumen (fka Century Link), Nampa & Meridian Irrigation District, Idaho Power, Intermountain Gas Company, Boise Project Board of Control on behalf of New York Irrigation District and Boise-Kuna Irrigation District, Sparklight, Veolia and TDS Telecom for the portion of the easement proposed to be vacated.

## VI. DECISION

### A. Staff:

Staff recommends approval of the partial vacation of the public utility easement as proposed by the Applicant and as agreed upon by the easement holders.

## VII. EXHIBIT

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



JUB-FAMILY OF COMPANIES

**Exhibit "A"**  
**Sky Mesa Highlands Subdivision No. 1**  
**Lot 37, Block 1 – Partial Easement Vacation**  
**Legal Description**

*Project No. 10-20-082      January 19, 2023*

A tract of land being a portion of Lot 37 of Block 1 as shown on the Plat of Sky Mesa Highlands Subdivision No. 1 recorded in Book 121 of Plats at Pages 19016 through 19028, Ada County Records, hereinafter referred to as "Sky Mesa Highlands No. 1", situate in the southeast quarter of Section 32, Township 3 North, Range 1 East, Boise Meridian, City of Meridian, County of Ada, State of Idaho, and being more particularly described as follows:

Commencing at the south sixteenth corner on the east line of said Section 32; thence from said Point of Commencement, South 00°13'37" West, coincident with the east line of said Section 32, a distance of 1,338.07 feet to the southeast corner of said Section 32; thence leaving said east line, North 89°56'45" West, coincident with the south line of said Section 32, a distance of 275.07 feet; thence leaving said south line, the following two (2) consecutive courses and distances:

1. North 00°03'15" East, a distance of 40.00 feet to a 5/8-inch rebar marking an angle point in the boundary line of said Sky Mesa Highlands No. 1, and
2. continuing North 00°03'15" East, coincident with said boundary line, a distance of 16.00 feet to a 1/2-inch rebar marking an angle point in the southerly line of Lot 38 of Block 1 as shown on said Sky Mesa Highlands No. 1;

thence leaving said boundary, coincident with the respective southerly and easterly lines of said Lot 38, the following three (3) consecutive courses and distances:

1. South 89°56'45" East, a distance of 191.11 feet to a 1/2-inch rebar,
2. North 45°08'26" East, a distance of 39.83 feet to a 1/2-inch rebar, and
3. North 00°13'37" East, a distance of 112.44 feet;

thence leaving the easterly line of said Lot 38, North 89°46'23" West, a distance of 25.00 feet to the northeasterly corner of the aforesaid Lot 37; thence South 00°13'37" West, coincident with the easterly line of said Lot 37, a distance of 5.00 feet to a point on a line lying 5.00-feet southerly of, measured at right angles, and parallel with the northerly line of said Lot 37; thence leaving said easterly line, North 89°46'23" West, coincident with said parallel line, a distance of 10.00 feet to the **Point of Beginning** of this description;

thence from said **Point of Beginning**, continuing North 89°46'23" West, coincident with said parallel line, a distance of 103.23 feet; thence North 48°27'41" West, a distance of 0.76 feet to a point on a line lying 4.50-feet southerly of, measured at right angles, and parallel with the northerly line of said Lot 37; thence

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2760 West Excursion Lane, Suite 400, Meridian, ID 83642-5752 W [www.iub.com](http://www.iub.com) P 208.376.7330

South 89°46'23" East, coincident with said parallel line, a distance of 103.80 feet to a point on a line lying 10.00-feet westerly of, measured at right angles, and parallel with the easterly line of said Lot 37; thence South 00°13'37" West, a distance of 0.50 feet to the **Point of Beginning**.

Containing an area of 52 square feet of land, more or less.

The above-described tract of land is shown on Exhibit "B" attached hereto and made a part hereof.

End of Description.

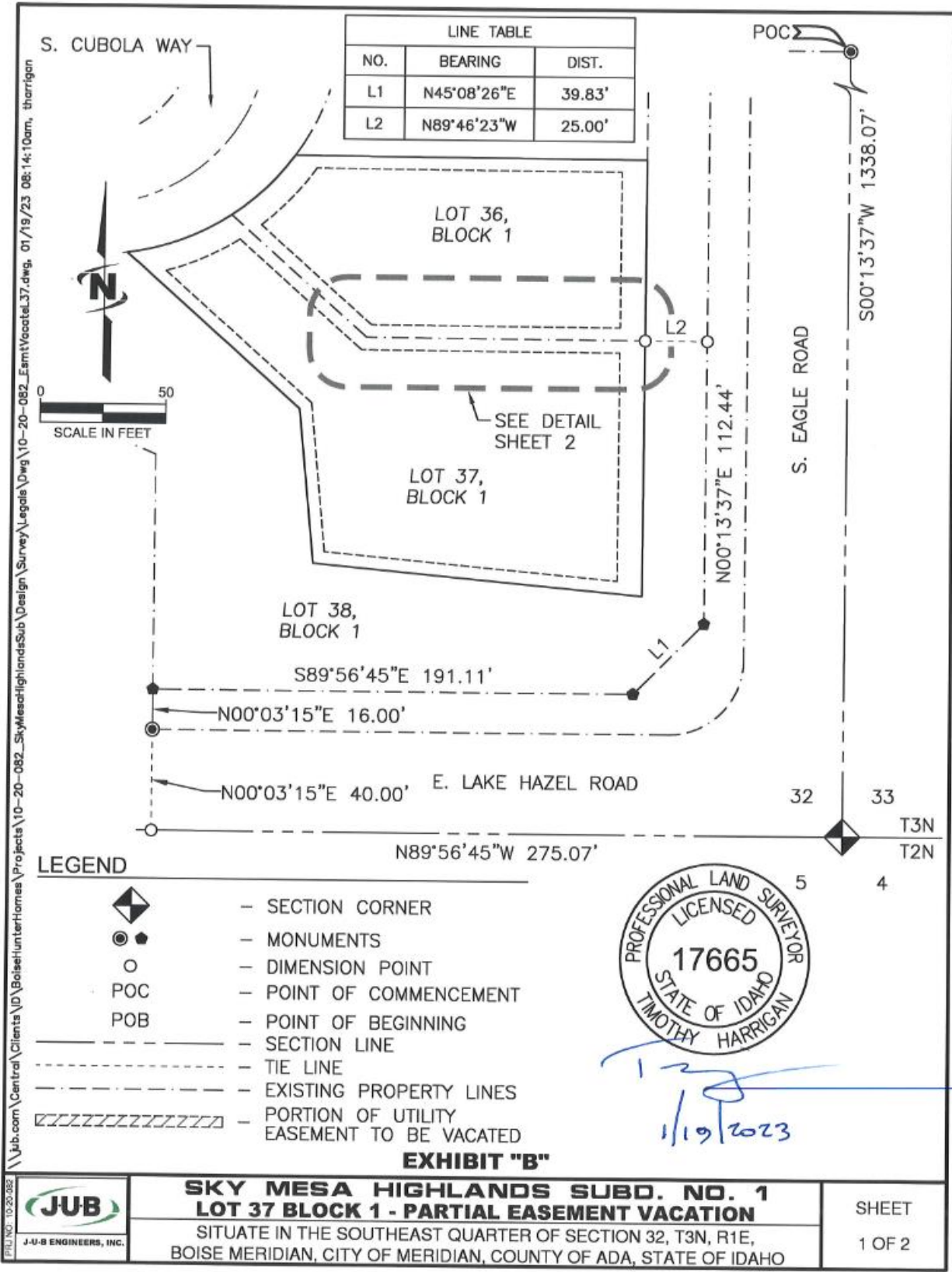
**J-U-B ENGINEERS, Inc.**

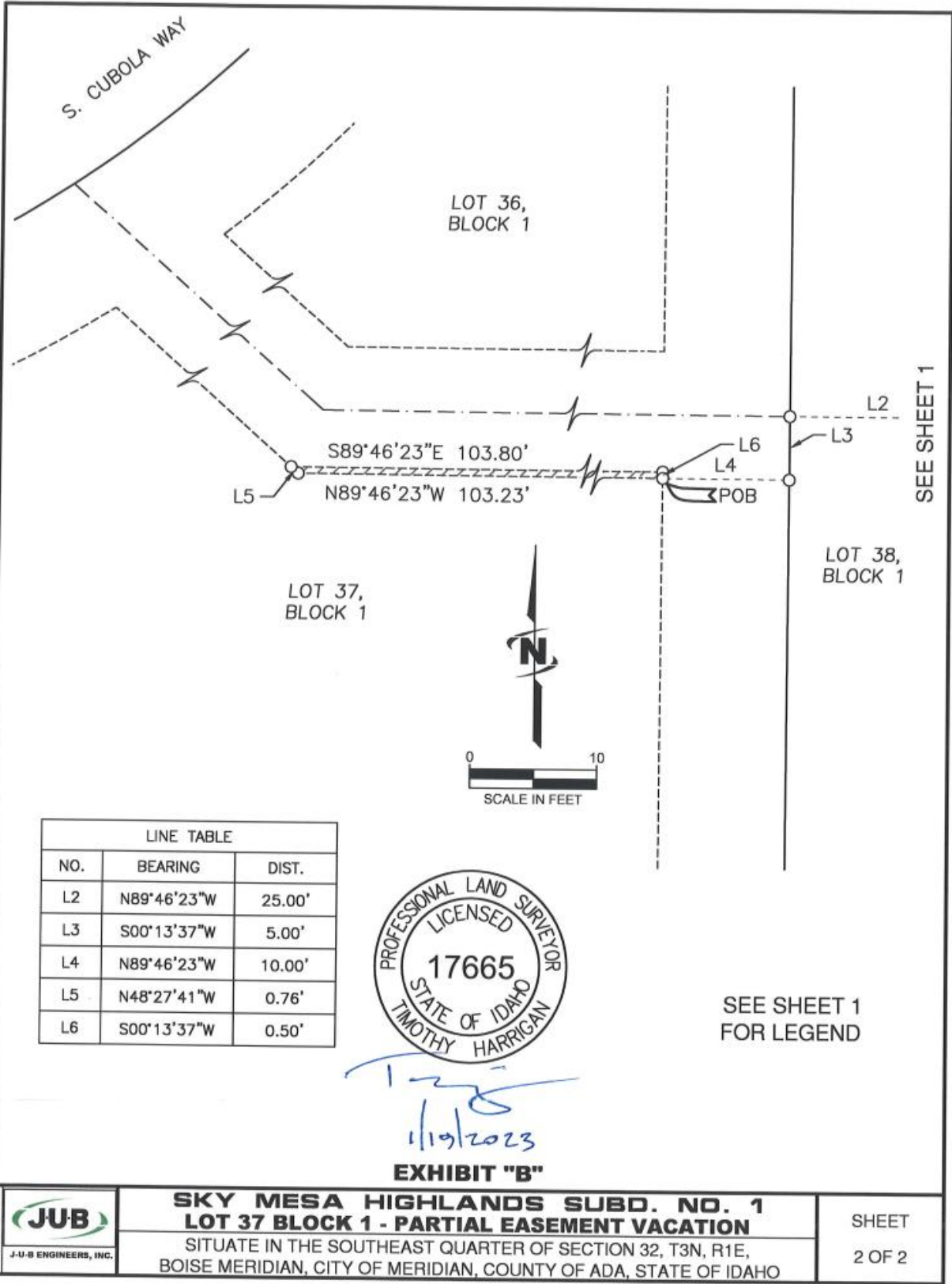
This description was prepared by me or under my direct supervision. If any portion of this description is modified or removed (including, but not limited to, the graphic portion shown on Exhibit "B") without the express written consent of Timothy Harrigan, PLS, all professional liability associated with this document is hereby declared null and void.

  
Timothy Harrigan, PLS 17665

  
Date







S89°46'23"E 103.80'  
 N89°46'23"W 103.23'

LINE TABLE		
NO.	BEARING	DIST.
L2	N89°46'23"W	25.00'
L3	S00°13'37"W	5.00'
L4	N89°46'23"W	10.00'
L5	N48°27'41"W	0.76'
L6	S00°13'37"W	0.50'



*Timothy Harrigan*  
 1/19/2023

**EXHIBIT "B"**



**SKY MESA HIGHLANDS SUBD. NO. 1  
 LOT 37 BLOCK 1 - PARTIAL EASEMENT VACATION**  
 SITUATE IN THE SOUTHEAST QUARTER OF SECTION 32, T3N, R1E,  
 BOISE MERIDIAN, CITY OF MERIDIAN, COUNTY OF ADA, STATE OF IDAHO

SHEET  
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