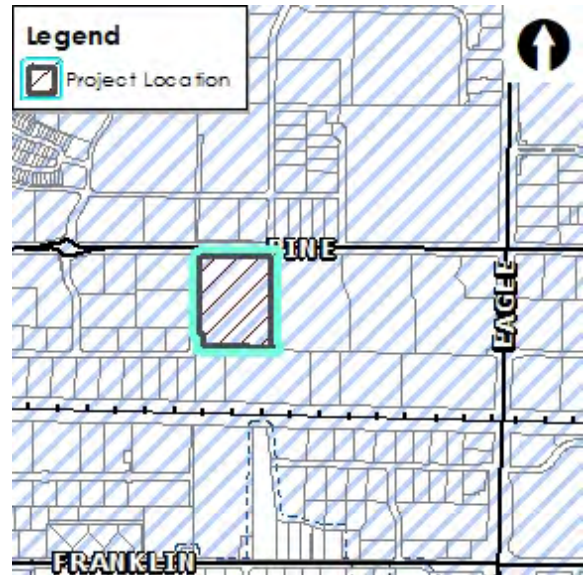


STAFF REPORT
COMMUNITY DEVELOPMENT DEPARTMENT



HEARING DATE: 4/6/2021
TO: Mayor & City Council
FROM: Alan Tiefenbach, Associate Planner
208-489-0573
SUBJECT: H-2021-0011
Scentsy Warehouse 4 Easement
Vacation
LOCATION: The site is located at 2499 E. Pine Ave, at the southwest corner of E. Pine Ave. and N. Hickory Ave., in the SE ¼ of Section 8, Township 3N, Range 1E.



I. PROJECT DESCRIPTION

Request to vacate the 5-foot drainage, utility construction and maintenance easement platted with Gemstone Center No. 5; currently depicted on Lot 7, Block 1 of the Scentsy Commons Subdivision.

II. APPLICANT INFORMATION

A. Applicant:

Kristen McNeill, The Land Group – 462 E. Shore Dr, Ste 100, Eagle, ID 83616

B. Owner:

H.O.T. 1LLLP – PO Box 1335, Meridian, ID, 83680

III. STAFF ANALYSIS

In February of 2021, the Council approved an amendment to the existing Scentsy Campus Development Agreement (Inst. #111052691). The purpose of this amendment was to add warehouse uses as a principally permitted use to allow construction of a 211,500 sq. ft. warehouse building. During review of the Certificate of Zoning Compliance (CZC) for this building, it was discovered that there was a 5-foot wide public drainage, utility construction and maintenance easement which was dedicated with Gemstone Center No. 5 Plat and replatted on Lot 7, Block 1 of the Scentsy Commons Subdivision. This easement bisects the site north to south at the western portion where the new building is proposed. Vacation of this easement was a condition of approval of the CZC so the applicant could proceed with applying for a building permit.

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

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 Easement Proposed to be Vacated

EXHIBIT "A"
HOT 1 LLLP
SCENTSY WAREHOUSE #4

EASEMENT VACATION

A 5 foot-wide easement being a portion of Lot 7, Block 1 of Scentsy Commons Subdivision, as same is shown on the official plat thereof, recorded in Book 108, Page 15229, Ada County records, situate in the Southeast Quarter of Section 8, Township 3 North, Range 1 East, Boise Meridian, City of Meridian, Ada County, Idaho, being more particularly described as follows:

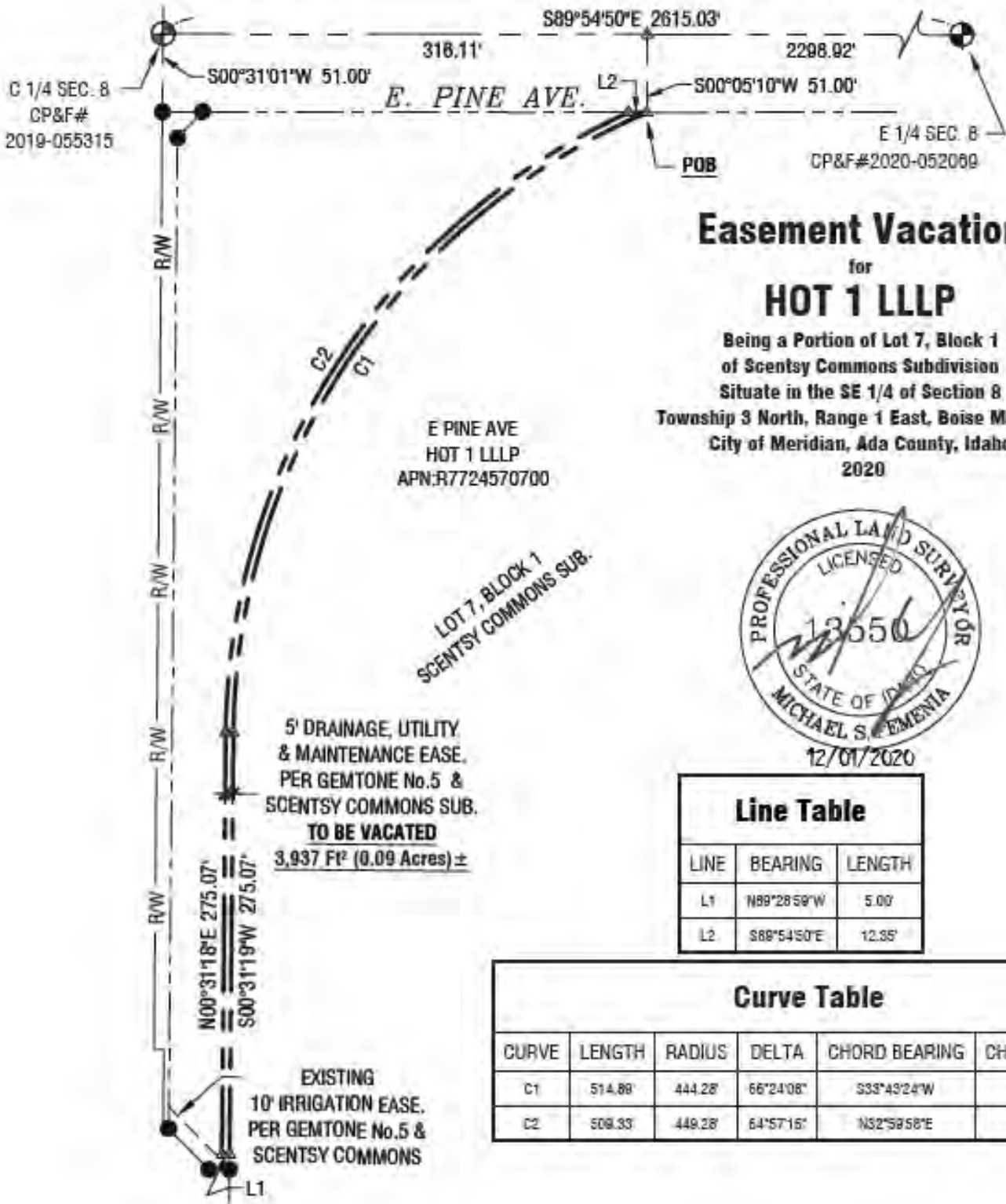
Commencing at the Center Quarter corner of said Section 8 (from which the East One Quarter corner of said Section 8 bears South 89°54'50" East, 2615.03 feet distant); thence on the east-west mid-section line of said Section 8, South 89°54'50" East, 316.11 feet; thence leaving said mid-section line, South 00°05'10" West, 51.00 feet, to a point common with the northerly lot line Lot 7, Block 1 of said Scentsy Commons Subdivision and the southerly right of way line of East Pine Avenue, said point being the **POINT OF BEGINNING**:

Thence 514.89 feet on the arc of a curve to the left, having a radius of 444.28 feet, a central angle of 66° 24' 08", and whose long chord bears South 33° 43' 24" West, 486.56 feet;
Thence South 00° 31' 19" West, 275.07 feet, to a point on an existing 10 foot-wide irrigation easement per said Scentsy Commons Subdivision;
Thence on said irrigation easement, North 89° 28' 59" West, 5.00 feet;
Thence leaving said irrigation easement, North 00° 31' 18" East, 275.07 feet to a point of curvature;
Thence 509.33 feet on the arc of a curve to the right, having a radius of 449.28 feet, a central angle of 64° 57' 16", and whose long chord bears North 32° 59' 58" East, 482.49 feet, to a point on said southerly right of way line;
Thence on said southerly right of way line, South 89° 54' 50" East, 12.35 feet to the **POINT OF BEGINNING**.

The above described easement contains 3,937 Ft² (0.09 Acres), more or less.

PREPARED BY:
The Land Group, Inc.
Michael Femenia, PLS





Easement Vacation for HOT 1 LLLP

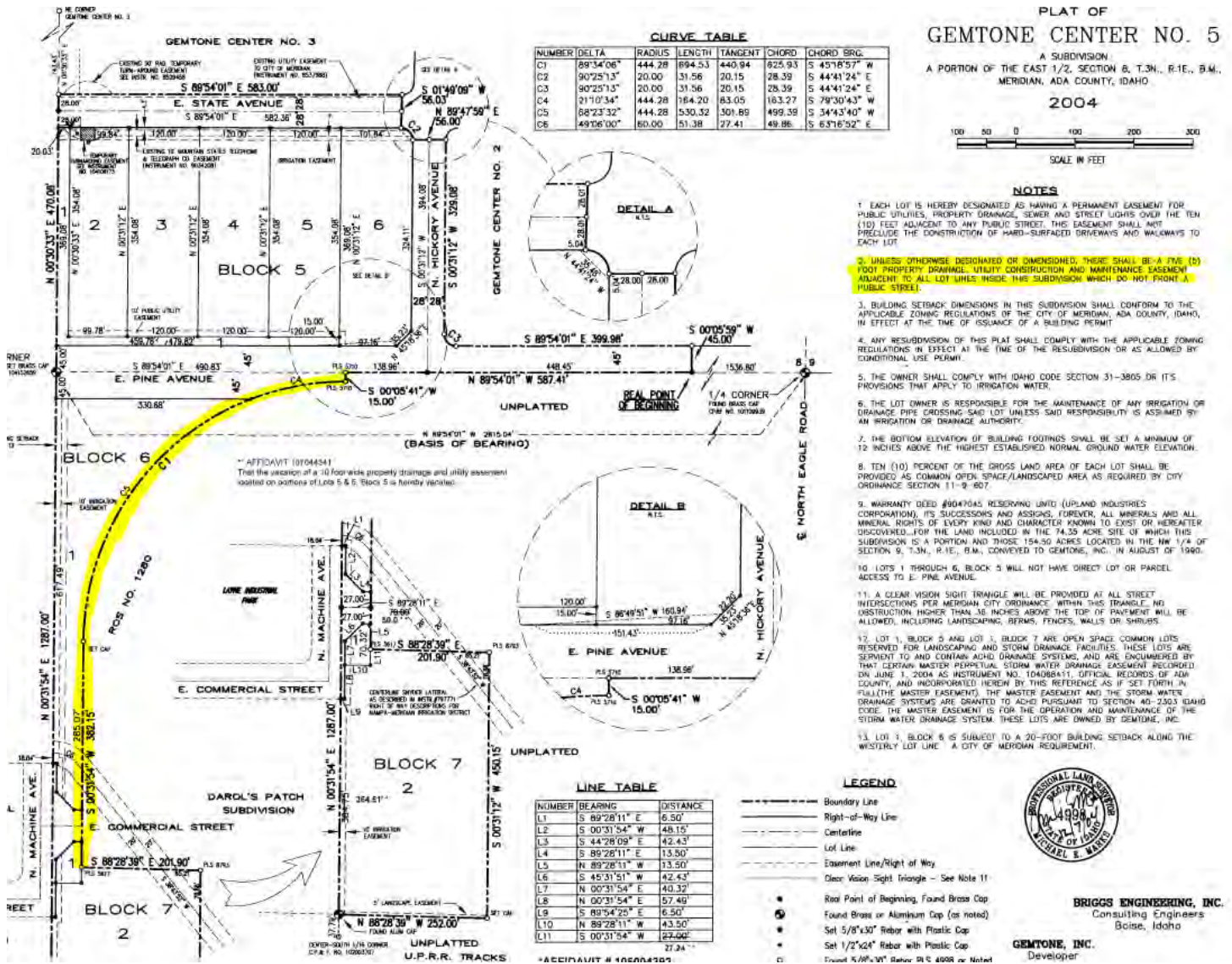
Being a Portion of Lot 7, Block 1
of Scentsy Commons Subdivision
Situate in the SE 1/4 of Section 8
Township 3 North, Range 1 East, Boise Meridian
City of Meridian, Ada County, Idaho
2020



Line Table		
LINE	BEARING	LENGTH
L1	N89°28'59"W	5.00'
L2	S89°54'50"E	12.35'

Curve Table					
CURVE	LENGTH	RADIUS	DELTA	CHORD BEARING	CHORD LENGTH
C1	514.89'	444.28'	66°24'08"	S33°43'24"W	485.59'
C2	508.33'	449.28'	64°57'15"	N52°58'58"E	482.48'

C. Plat Showing the Location of the Easement



D. Relinquishment Letters



February 1, 2021

Sent via email to kmcneill@thelandgroupinc.com

Re: Partial Relinquishment of a Public Utility Easement (PUE) located in Block 1, Lot 7, Scentsy Commons Subdivision, City of Meridian, Ada County, Idaho

Dear Kristen

This is in response to the relinquishment request submitted to Idaho Power Company and received on January 8, 2021, regarding the possible partial relinquishment of a public utility easement within the above noted subdivision. The attached Exhibits more specifically identify the "easement area" requested for relinquishment highlighted in red.

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 easement 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,

A handwritten signature in cursive script that reads "Krista Englund".

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

Centurylink/Lumen

To whom it may concern:

We, the undersigned public utility company, Centurylink/Lumen. Release the rights for the property drainage, utility and maintenance easement that is located within the western portion of Parcel R7724570700 of the scentsy commons sub 3 subdivision in Meridian, Idaho.

Carson Gallegos
Network Engineer II
Centurylink/Lumen
1315 W Amity Rd, Boise Idaho 83705



WESTERN REGION OFFICE
555 SOUTH COLE ROAD • BOISE, ID. 83709
(208) 377-6000 • Fax (208) 377-6867
www.intgas.com

January 6, 2021

To Whom It May Concern:

We, the undersigned public utility company, Intermountain Gas Company, release rights for the property drainage, utility and maintenance easement that is located within the western portion of Parcel R7724570700 of the Scentsy Commons Sub 3 Subdivision in Meridian, Idaho.

A handwritten signature in black ink that reads "Bryna Ostler". The signature is written in a cursive, flowing style.

GIS Field Technician
Intermountain Gas Company

Kristen McNeill

From: Greg Curtis <gcurtis@nmid.org>
Sent: Monday, January 4, 2021 6:50 AM
To: Kristen McNeill
Cc: Dave Duvall
Subject: RE: Vacation Application Request E. Pine Ave- Nampa Meridian Irrigation District - TLG PN 120154

Kristen,

As noted on your attached exhibit, Nampa & Meridian Irrigation District's (NMID) Snyder Lateral and easement lies within the SW corner of this lot and must be protected. The easement for the Snyder Lateral at this location is a minimum of 40' total, 20' from centerline from each side of centerline. Any encroachment into this easement must be reviewed and approved by NMID in writing.

As for the area showing the 5' drainage and utility easement, NMID holds no claim to any easement in this area except for where it intersects with the Snyder Lateral and therefore NMID will have no further comment regarding the rest of this 5' easement outside of the Snyder Lateral easement. All private laterals and waste ways must be protected. It is recommended that irrigation water be available to all developments within the NMID. Developers must comply with Idaho Code 31-3803.

Hopefully this email will work for your needs, if not please let me now.

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





Re: Vacation of Easement--Gemstone Center Subdivision No.3--Meridian, ID

Dear Kristen McNeill:

Cable One, Inc. d/b/a Sparklight has reviewed the proposed utility easement vacation. Based on this review, we have no objection to vacating the property drainage and utility easement between Lots 1, 2, 3, and 4, block 4, of the Gemstone Center No.3 Subdivision in Meridian, Idaho.

Sincerely,

C. Goettsche

02 / 19 / 2021