

STAFF REPORT
COMMUNITY DEVELOPMENT DEPARTMENT



HEARING DATE: April 9, 2024

TO: Mayor & City Council

FROM: Linda Ritter, Associate Planner
208-884-5533

SUBJECT: H-2024-0004
The Oaks North No. 1 (Lots 11 and 12, Block 7) - VAC

LOCATION: 5662 and 5682 W. Daphne Drive, in the SW ¼ of the W ½ Section 28 T.4N. R.1W.



I. PROJECT DESCRIPTION

Request to vacate the five-foot (5') public utilities, pressurized irrigation and drainage easement located along the interior side lot line of Lots 11 and 12, Block 7, of the Oaks North No. 1 Subdivision.

II. APPLICANT INFORMATION

A. Applicant:

Kyle Prewett, Toll Brothers – 3103 Sheryl Drive, Suite 100, Meridian, ID 83642

B. Owner:

Ryan Hammons – Toll Brothers Southwest LLC, 3103 W. Sheryl Drive, Ste 100, Meridian, ID 83642

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	3/24/2024
Radius notification mailed to properties within 300 feet	3/22/2024
Next Door posting	3/24/2024

V. STAFF ANALYSIS

The Applicant requests approval to vacate the five-foot (5') public utilities, pressurized irrigation and drainage easement located along the interior side lot line of Lots 11 and 12, Block 7, of the Oaks North No. 1 Subdivision. The beforementioned easements have been re-established as a result of the approved Property Boundary Adjustment (PBA-2023-0015) and subsequent recording of a quitclaim deed, which formally established a new property boundary. The vacation of these easements will allow for the construction of a single-family residential home.

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

The Applicant submitted [*relinquishment letters*](#) from all impacted utility companies consenting to the partial vacation of easement as proposed. Letters were received from Settlers Irrigation District, Century Link/Lumen, Idaho Power, Intermountain Gas Company, Millennium Networks, LLC and Cable One Inc.

VI. DECISION

A. Staff:

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

VII. EXHIBIT

Legal Description & Exhibit Map of the Public Utility Easement Proposed to be Vacated and Relocated

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**NEW LOT 11 PUBLIC UTILITY, PRESSURE IRRIGATION,
AND LOT DRAINAGE EASEMENT VACATION**

THAT PORTION OF NEW LOT 11, BLOCK 7, RECORD OF SURVEY NO. 14169, RECORDED UNDER RECORDING NUMBER 2023-060382, SITUATED IN THE SOUTHEAST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 28, TOWNSHIP 4 NORTH, RANGE 1 WEST, B.M. CITY OF MERIDIAN, ADA COUNTY, IDAHO, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT A 1/2" IRON PIN MARKING THE NORTHEAST CORNER OF SAID NEW LOT 11, FROM WHICH A 1/2" IRON PIN MARKING THE SOUTHEAST CORNER OF SAID NEW LOT 11, BEARS S00°43'02"W, A DISTANCE OF 123.55 FEET;

THENCE S00°43'02"W, ALONG THE EAST LINE OF SAID NEW LOT 11, A DISTANCE OF 10.00 FEET TO A POINT;

THENCE LEAVING SAID EAST LINE N89°22'55"W, A DISTANCE OF 5.00 FEET TO THE **POINT OF BEGINNING**;

THENCE CONTINUING N89°22'55"W, A DISTANCE OF 5.00 FEET;

THENCE S00°43'02"W, A DISTANCE OF 98.53 FEET;

THENCE S89°16'58"E, A DISTANCE OF 5.00 FEET;

THENCE N00°43'02"E, A DISTANCE OF 98.54 FEET TO THE **POINT OF BEGINNING**.



CONTAINS: 493 +/- SQ. FT. (0.11 +/- ACRES)

ESE Consultants, Inc.
3103 W. Sheryl Drive · Suite 100 · Meridian, ID 83642
(208) 424-0020

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NEW LOT 12 PUBLIC UTILITY, PRESSURE IRRIGATION, AND LOT DRAINAGE EASEMENT VACATION

THOSE PORTIONS OF NEW LOT 12, BLOCK 7, RECORD OF SURVEY NO. 14169, RECORDED UNDER RECORDING NUMBER 2023-060382, SITUATED IN THE SOUTHEAST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 28, TOWNSHIP 4 NORTH, RANGE 1 WEST, B.M, CITY OF MERIDIAN, ADA COUNTY, IDAHO, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

EASEMENT NO. 1

COMMENCING AT A 1/2" IRON PIN MARKING THE NORTHEAST CORNER OF SAID NEW LOT 12, FROM WHICH A 1/2" IRON PIN MARKING THE SOUTHEAST CORNER OF SAID NEW LOT 12, BEARS S00°43'02"W, A DISTANCE OF 123.46 FEET;

THENCE S00°43'02"W, ALONG THE EAST LINE OF SAID NEW LOT 11, A DISTANCE OF 10.00 FEET TO A POINT;

THENCE LEAVING SAID EAST LINE N89°22'55"W, A DISTANCE OF 5.00 FEET TO THE **POINT OF BEGINNING**;

THENCE CONTINUING N89°22'55"W, A DISTANCE OF 5.00 FEET;

THENCE S00°43'02"W, A DISTANCE OF 98.53 FEET;

THENCE S89°16'58"E, A DISTANCE OF 5.00 FEET;

THENCE N00°43'02"E, A DISTANCE OF 98.54 FEET TO THE **POINT OF BEGINNING**.

TOGETHER WITH;

EASEMENT NO. 2

COMMENCING AT A 1/2" IRON PIN MARKING THE NORTHEAST CORNER OF SAID NEW LOT 12, FROM WHICH A 1/2" IRON PIN MARKING THE SOUTHEAST CORNER OF SAID NEW LOT 11, BEARS S00°43'02"W, A DISTANCE OF 123.46 FEET;

THENCE S00°43'02"W, ALONG THE EAST LINE OF SAID NEW LOT 12, A DISTANCE OF 10.00 FEET TO A POINT;

THENCE LEAVING SAID EAST LINE N89°22'55"W, A DISTANCE OF 55.00 FEET TO THE **POINT OF BEGINNING**;

THENCE CONTINUING N89°22'55"W, A DISTANCE OF 5.00 FEET;

THENCE S00°43'02"W, A DISTANCE OF 98.36 FEET;

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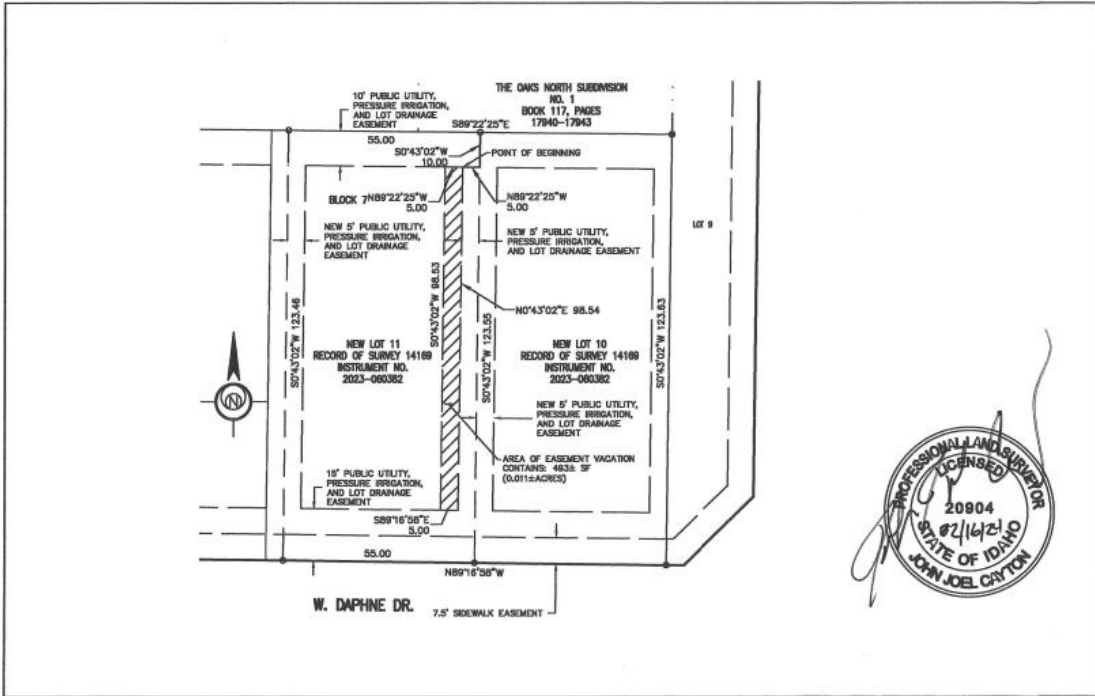
THENCE S89°16'58"E, A DISTANCE OF 5.00 FEET;

THENCE N00°43'02"E, A DISTANCE OF 98.37 FEET TO THE **POINT OF BEGINNING**.

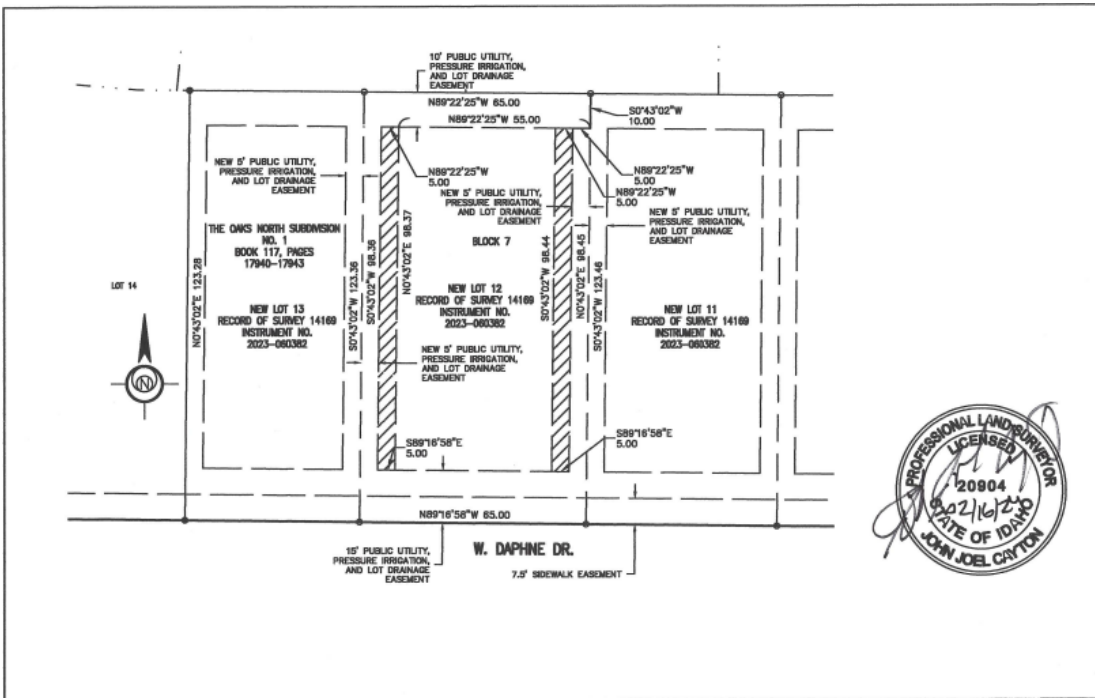
EASEMENT NO. 1 AREA CONTAINS: 492 +/- SQ. FT. (0.11 +/- ACRES)

EASEMENT NO. 2 AREA CONTAINS: 492 +/- SQ. FT. (0.11 +/- ACRES)





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