

COMMUNITY DEVELOPMENT DEPARTMENT REPORT



HEARING DATE: 10/8/2024

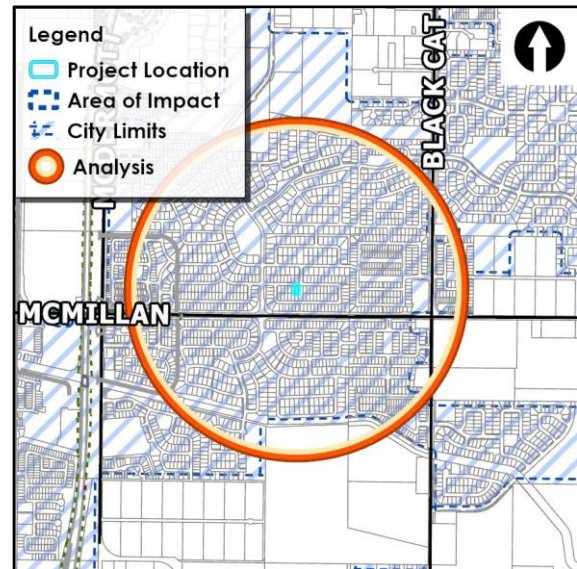
TO: Mayor & City Council

FROM: Linda Ritter, Associate Planner
208-884-5533
lritter@meridiancity.org

APPLICANT: Kyle Prewett, Toll Brothers

SUBJECT: H-2024-0042
The Oaks North No. 5 VAC

LOCATION: 5449 W. Daphne Drive, located in the SW ¼ of the SE ¼ and the SE ¼ of the SW ¼ of SEC 28, T.4N., R.1W.



I. PROJECT OVERVIEW

A. Summary

Request to vacate a one (1) foot portion of the permanent easement for public utilities, pressure irrigation, and lot drainage encumbering the subject lot for Lot 3, Block 5 of the Oaks North Subdivision No. 5.

B. Issues/Waivers

None

C. Recommendation

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.

D. Decision

Select: Pending.

II. COMMUNITY METRICS

Table 1: Land Use

Description	Details	Map Ref.
Existing Land Use(s)	Residential	-
Proposed Land Use(s)	Residential	-
Existing/Proposed Zoning	Residential/R-8	V.A.2
Future Land Use Designation	Medium Density Residential	V.A.3

Table 2: Process Facts

Description	Details
Preapplication Meeting date	8/20/2024
Neighborhood Meeting	N/A
Site posting date	N/A

Note: See section III. City/Agency Comments for comments received.

III. STAFF ANALYSIS

The Applicant requests approval to vacate a one (1) foot portion of the permanent easement for public utilities, pressure irrigation, and lot drainage encumbering the subject lot. The beforementioned easements have been re-established as a result of the approved Property Boundary Adjustment (PBA) and subsequent recording of a quitclaim deed, which formally established a new property boundary. The vacation of this portion of the easement will allow for the home already constructed on the subject lot to no longer be located in the subject easement.

The lot originated when The Oaks North Subdivision No. 5 final plat was recorded as instrument number 2021-042866 on March 16, 2021. The lot was subsequently adjusted as a result of a PBA application (PBA-2023-0019), which was approved on March 29, 2024. These lots are zoned in the R-8 (medium-density residential) zoning district.

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

Relinquishment letters were received from CenturyLink, DBA Silver Star, Sparklight (former Cable One), Intermountain Gas, Settlers Irrigation District and Idaho Power for the portion of the easement proposed to be vacated.

III. CITY/AGENCY COMMENTS

A. Relinquishment Letters

See public record (copy the link into a separate browser)

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=361620&dbid=0&repo=MeridianCity>

IV. ACTION

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.

B. City Council:

Pending

V. EXHIBITS

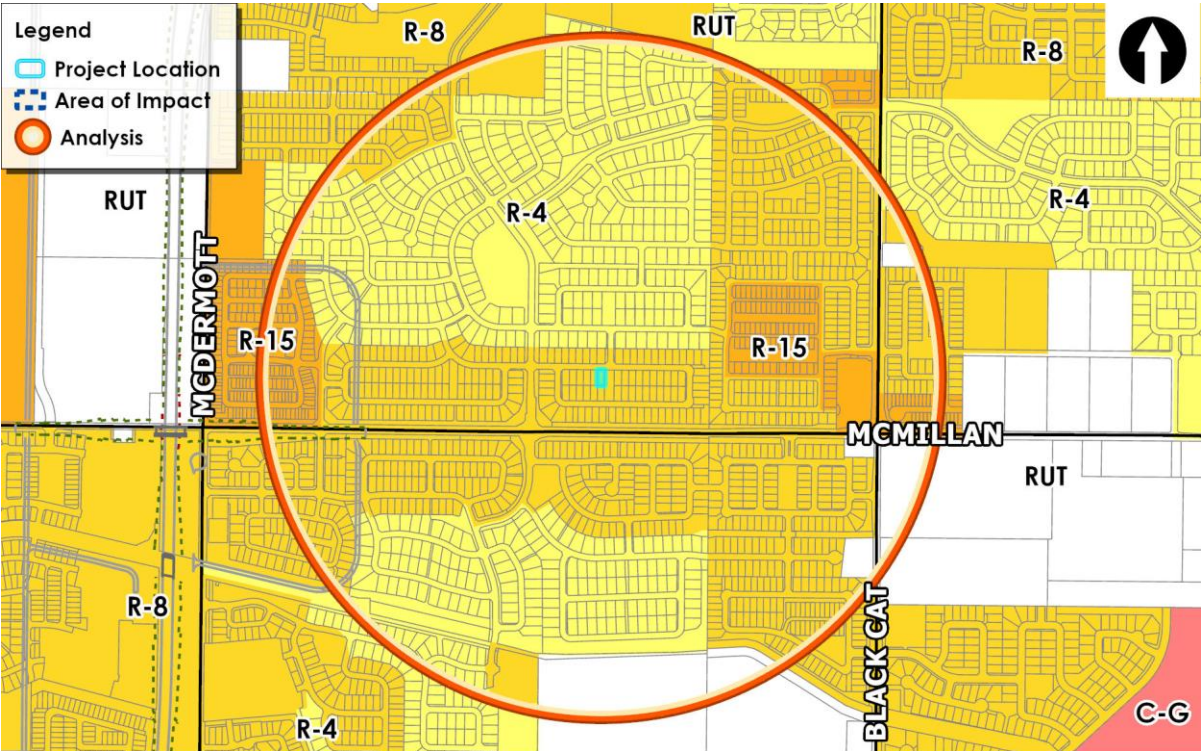
A. Project Area Maps

(link to [Project Overview](#))

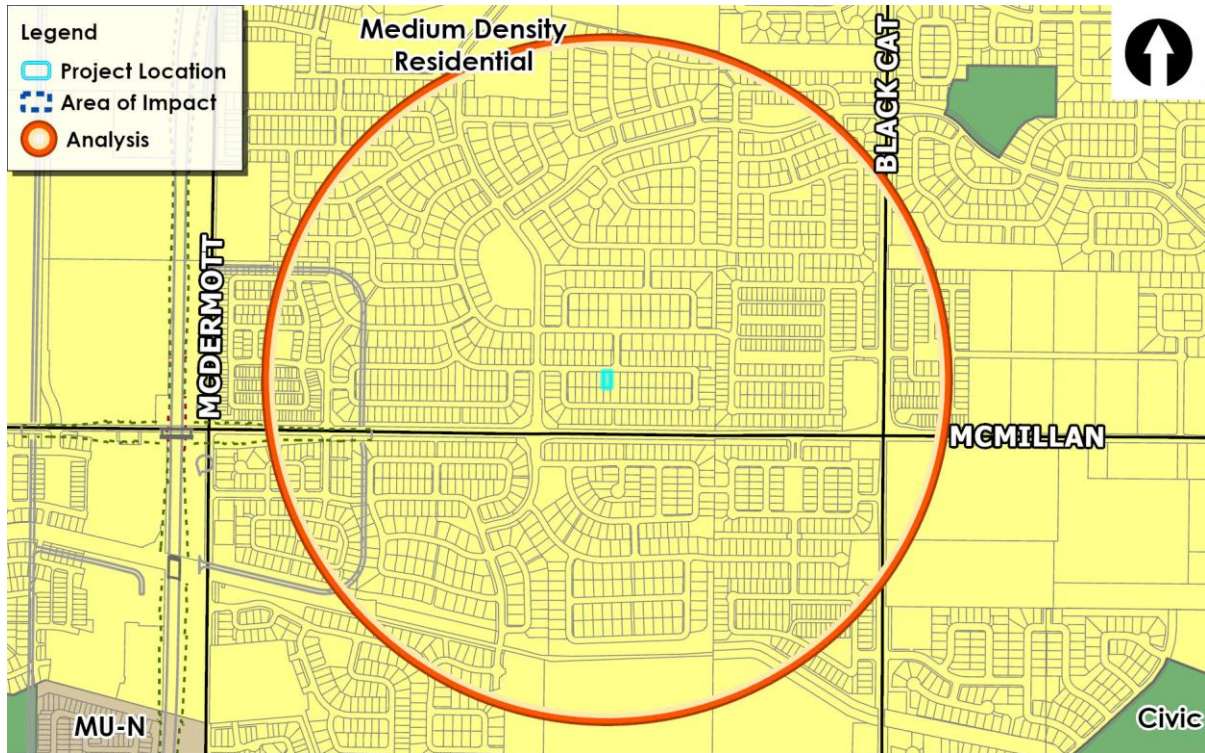
1. Aerial



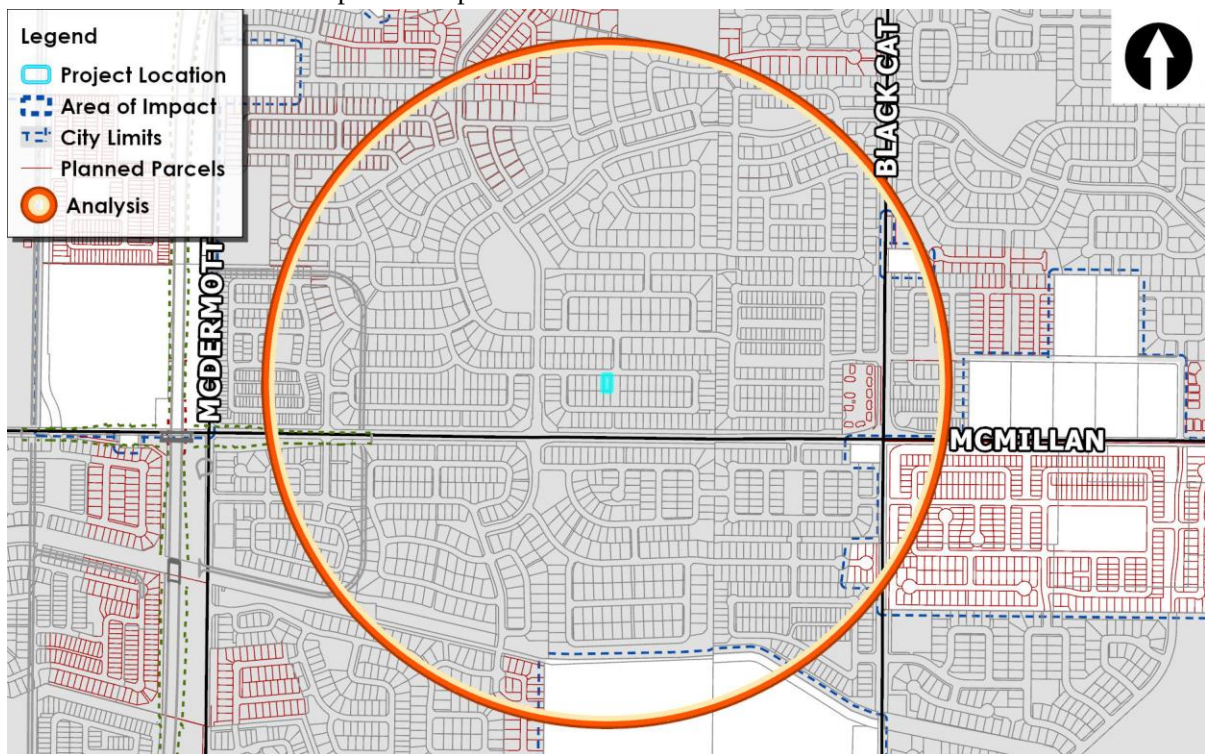
2. Zoning Map



3. Future Land Use



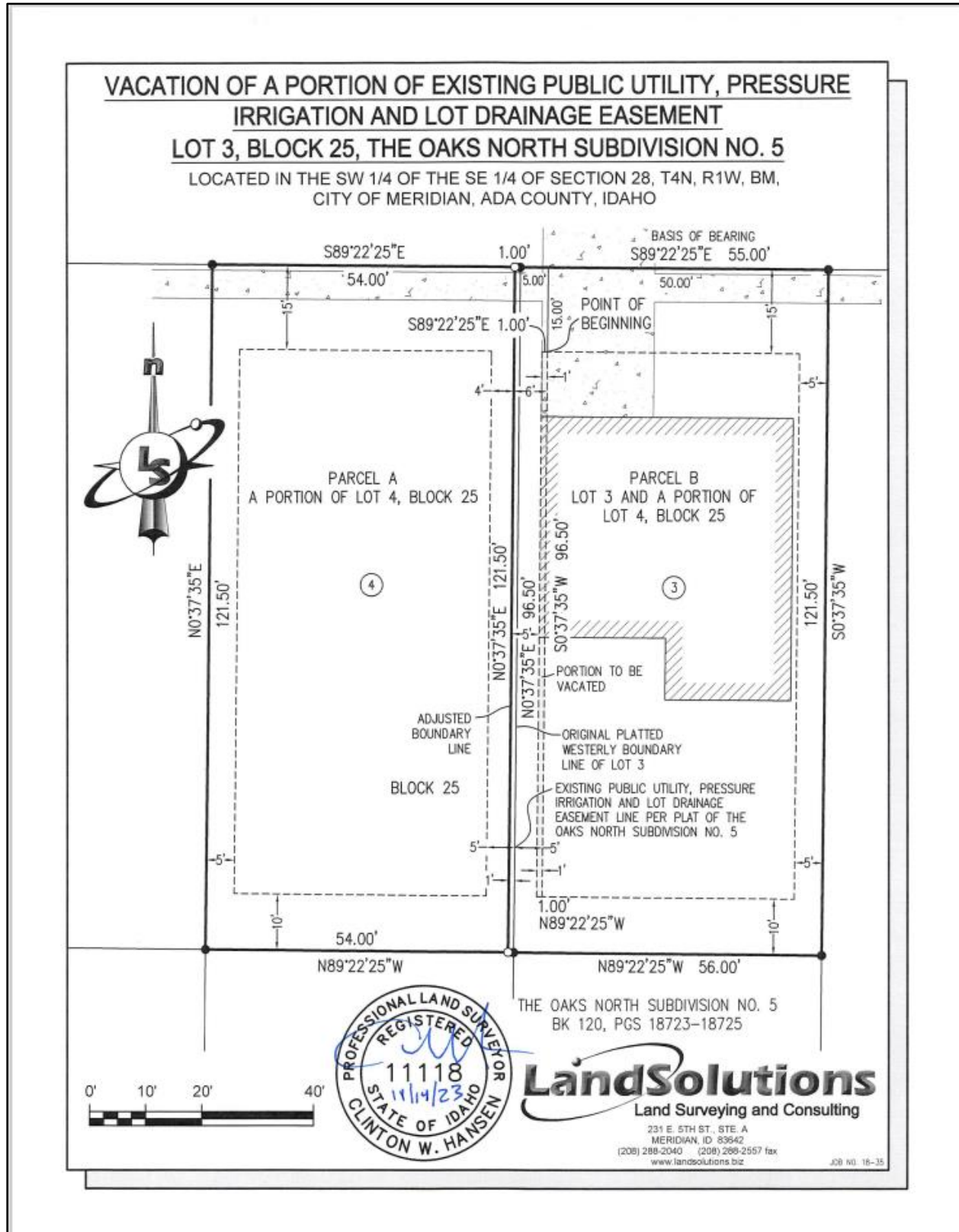
4. Planned Development Map



B. Subject Site Photos



C. Site Plan (date: 11/23/2023)



D. Legal Description (date: 11/23/2023)

Legal Description
The Oaks North Subdivision No. 5
Public Utility, Pressure Irrigation and Lot Drainage Easement
Partial Vacation – Lot 3, Block 25

A portion of an easement in Lot 3, Block 25 of The Oaks North Subdivision No. 5, as shown in Book 120 of Plats on Pages 18723 through 18725, records of Ada County, Idaho, being located in the SW ¼ of the SE ¼ of Section 28, Township 4 North, Range 1 West, Boise Meridian, City of Meridian, Ada County, Idaho, more particularly described as follows:

Commencing at a 1/2 inch diameter iron pin monument marking the northwesterly corner of said Lot 3, from which a 1/2 inch diameter iron pin monument marking the northeasterly corner of said Lot 3 bears S 89°22'25" E a distance of 55.00 feet;

Thence along the northerly boundary of said Lot 3 S 89°22'25" E a distance of 5.00 feet to a point;

Thence leaving said northerly boundary S 0°37'35" W a distance of 15.00 feet to the **POINT OF BEGINNING**;

Thence continuing S 0°37'35" W a distance of 96.50 feet to a point;

Thence N 89°22'25" W a distance of 1.00 feet to a point;

Thence N 0°37'35" E a distance of 96.50 feet to a point;

Thence S 89°22'25" E a distance of 1.00 feet to the **POINT OF BEGINNING**.

This parcel contains 96.50 square feet (0.002 acres), more or less.

Clinton W. Hansen, PLS
Land Solutions, PC
November 14, 2023



Oaks North No. 5 PBA
Easement Vacation Parcel
Job No. 18-35
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