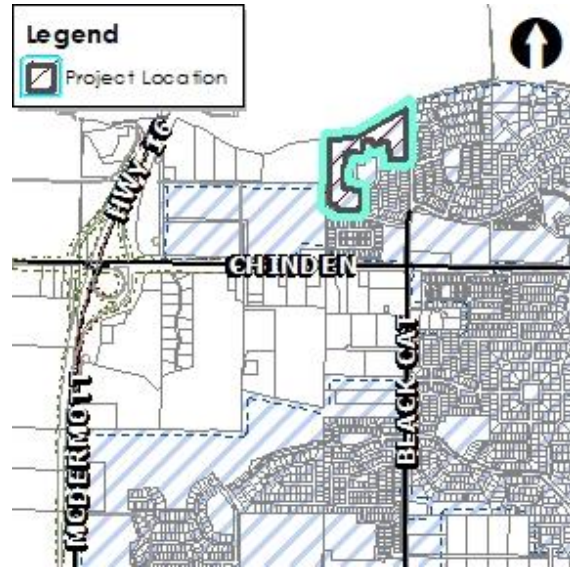


STAFF REPORT
COMMUNITY DEVELOPMENT DEPARTMENT



HEARING DATE: 7/19/2022
TO: Mayor & City Council
FROM: Alan Tiefenbach, Associate Planner
208-489-0573
SUBJECT: H-2022-0041
Fairbourne No. 3 (Lots 11 and 12,
Block 3) Vacation
LOCATION: The site is located between Lots 11 and 12, Block 3 of the Fairbourne Subdivision No 3 (5118 and 5102 W. Oakford Ct), generally north of W. Chinden Blvd and west of N. Black Cat Rd.



I. PROJECT DESCRIPTION

Request to vacate public utilities easement between Lots 11 and 12, Block 3 of the Fairbourne Subdivision No 3, by Sam Johnson

II. APPLICANT INFORMATION

A. Applicant / Representative:

James Money, Civil Survey Consultants – 2893 S. Meridian Rd, Meridian, ID 83642

B. Owner:

Fairbourne Development – 2701 E. Pine Ave, Meridian, ID 83642

III. STAFF ANALYSIS

The City Council approved the Fairbourne Subdivision for 176 single family lots and 1 commercial lot in 2018 (H-2018-0052). The Fairbourne Subdivision has built out in 3 phases, with the most recent, Fairbourne No 3 being approved for 65 buildable lots in December of 2020 (H-2020-0008).

A potential buyer intends to construct a single-family home that would straddle the platted internal lot line between Lots 11 and 12 Block 3 (5118 and 5102 W. Oakford Ct). As part of this construction, the applicant would merge the two lots together. However, there is a standard note on the plat that requires 5-foot drainage, utility construction and maintenance easements on either side of internal lot lines. A property boundary adjustment will be required as a condition of approval of the easement vacation.

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

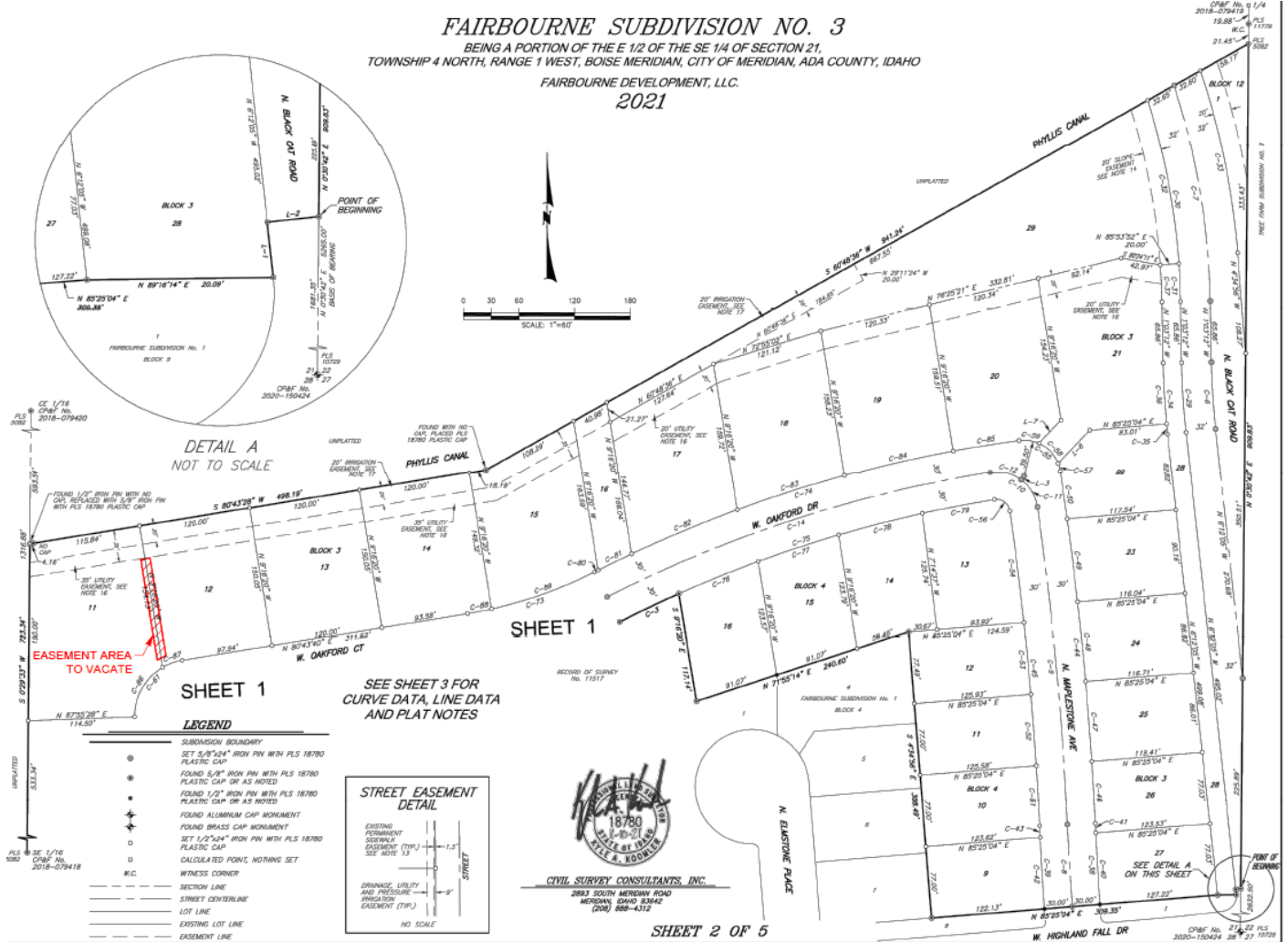
IV. DECISION

A. Staff:

Staff recommends approval of the vacation of easement request as proposed by the Applicant with the condition that the applicant complete a property boundary adjustment prior to issuance of building permit.

V. EXHIBITS

A. Recorded Plat (date: November 10, 2021)



B. Pertinent Plat Note

PLAT NOTES

1. BUILDING SETBACKS AND DIMENSIONAL STANDARDS IN THIS SUBDIVISION SHALL BE IN COMPLIANCE WITH THE APPLICABLE ZONING REGULATIONS OF THE CITY OF MERIDIAN.
 2. ANY RESUBDIVISION OF THIS PLAT SHALL CONFORM TO THE APPLICABLE ZONING REGULATIONS IN EFFECT AT THE TIME OF THE RESUBDIVISION.
 3. THIS DEVELOPMENT RECOGNIZES SECTION 22-4503 OF THE IDAHO CODE, RIGHT TO FARM ACT, WHICH STATES: "NO AGRICULTURAL OPERATION, AGRICULTURAL FACILITY OR EXPANSION THEREOF SHALL BE OR BECOME A NUISANCE, PRIVATE OR PUBLIC, BY ANY CHANGED CONDITIONS IN OR ABOUT THE SURROUNDING NONAGRICULTURAL ACTIVITIES AFTER IT HAS BEEN IN OPERATION FOR MORE THAN ONE (1) YEAR, WHEN THE OPERATION, FACILITY OR EXPANSION WAS NOT A NUISANCE AT THE TIME IT BEGAN OR WAS CONSTRUCTED. THE PROVISIONS OF THIS SECTION SHALL NOT APPLY WHEN A NUISANCE RESULTS FROM THE IMPROPER OR NEGLIGENT OPERATION OF AN AGRICULTURAL OPERATION, AGRICULTURAL FACILITY OR EXPANSION THEREOF."
 4. PER THE CITY OF MERIDIAN, THE BOTTOM ELEVATION OF THE STRUCTURAL FOOTINGS SHALL BE SET A MINIMUM OF 12 INCHES ABOVE THE HIGHEST ESTABLISHED NORMAL GROUNDWATER ELEVATION.
 5. ALL LOT LINES COMMON TO ANY STREET DEDICATED TO THE PUBLIC ARE SUBJECT TO A NINE (9) FOOT WIDE PERMANENT PUBLIC UTILITIES, DRAINAGE AND PRESSURE IRRIGATION EASEMENT UNLESS OTHERWISE SHOWN. THE EASEMENTS SHALL NOT PRECLUDE THE CONSTRUCTION OF HARD SURFACED DRIVEWAYS TO EACH LOT.
 6. ALL INTERIOR SIDE LOT LINES ARE SUBJECT TO A FIVE (5) FOOT WIDE PERMANENT PUBLIC UTILITIES, DRAINAGE AND PRESSURE IRRIGATION EASEMENT ON EACH SIDE UNLESS OTHERWISE SHOWN. ALL REAR LOT LINES ARE SUBJECT TO A TEN (10) FOOT WIDE PERMANENT PUBLIC UTILITIES, DRAINAGE AND PRESSURE IRRIGATION EASEMENT UNLESS OTHERWISE SHOWN. ALL OTHER EASEMENTS ARE AS SHOWN.
 7. DIRECT LOT OR PARCEL ACCESS TO N. BLACK CAT ROAD IS PROHIBITED.
 8. LOT 29 OF BLOCK 3 IS A PARK LOT WHICH SHALL BE OWNED AND MAINTAINED BY THE FAIRBOURNE SUBDIVISION OWNERS ASSOCIATION FOR THE BENEFIT OF THE RESIDENTS OF FAIRBOURNE SUBDIVISION. SAID LOT IS SUBJECT TO A PERMANENT PUBLIC UTILITIES, DRAINAGE AND PRESSURE IRRIGATION EASEMENT ACROSS THE ENTIRETY.
 9. LOTS 4, 9, 16 AND 28 OF BLOCK 3, LOTS 11 AND 20 OF BLOCK 5, AND LOT 1 OF BLOCK 12 ARE LANDSCAPE COMMON LOTS WHICH SHALL BE OWNED AND MAINTAINED BY THE FAIRBOURNE SUBDIVISION OWNERS ASSOCIATION. SAID LOTS ARE SUBJECT TO A PERMANENT PUBLIC UTILITIES, DRAINAGE AND PRESSURE IRRIGATION EASEMENT ACROSS THE ENTIRETY.
 10. THIS DEVELOPMENT IS SUBJECT TO THE TERMS OF A DEVELOPMENT AGREEMENT WITH THE CITY OF MERIDIAN RECORDED AS INSTRUMENT NO. 2018-098361, RECORDS OF ADA COUNTY, IDAHO.
-

C. Legal Description of Easement Vacation (date: March 17, 2022)

**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 Lots 11 and 12 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 northwesterly corner of said Lot 12, from which a 1/2 inch diameter iron pin marking the southwesterly corner of said Lot 12 bears S 9°16'20" E a distance of 154.13 feet;

Thence S 9°16'20" E along the westerly boundary of said Lot 12 a distance of 35.00 feet to the POINT OF BEGINNING;

Thence leaving said westerly boundary N 80°43'40" E a distance of 5.00 feet to a point;

Thence S 9°16'20" E a distance of 106.55 feet to a point;

Thence a distance of 10.52 feet along the arc of a 72.00 foot radius non-tangent curve left, said curve having a radius point bearing S 22°58'59" E, a central angle of 8°22'11" and a long chord bearing S 62°49'55" W a distance of 10.51 feet to a point;

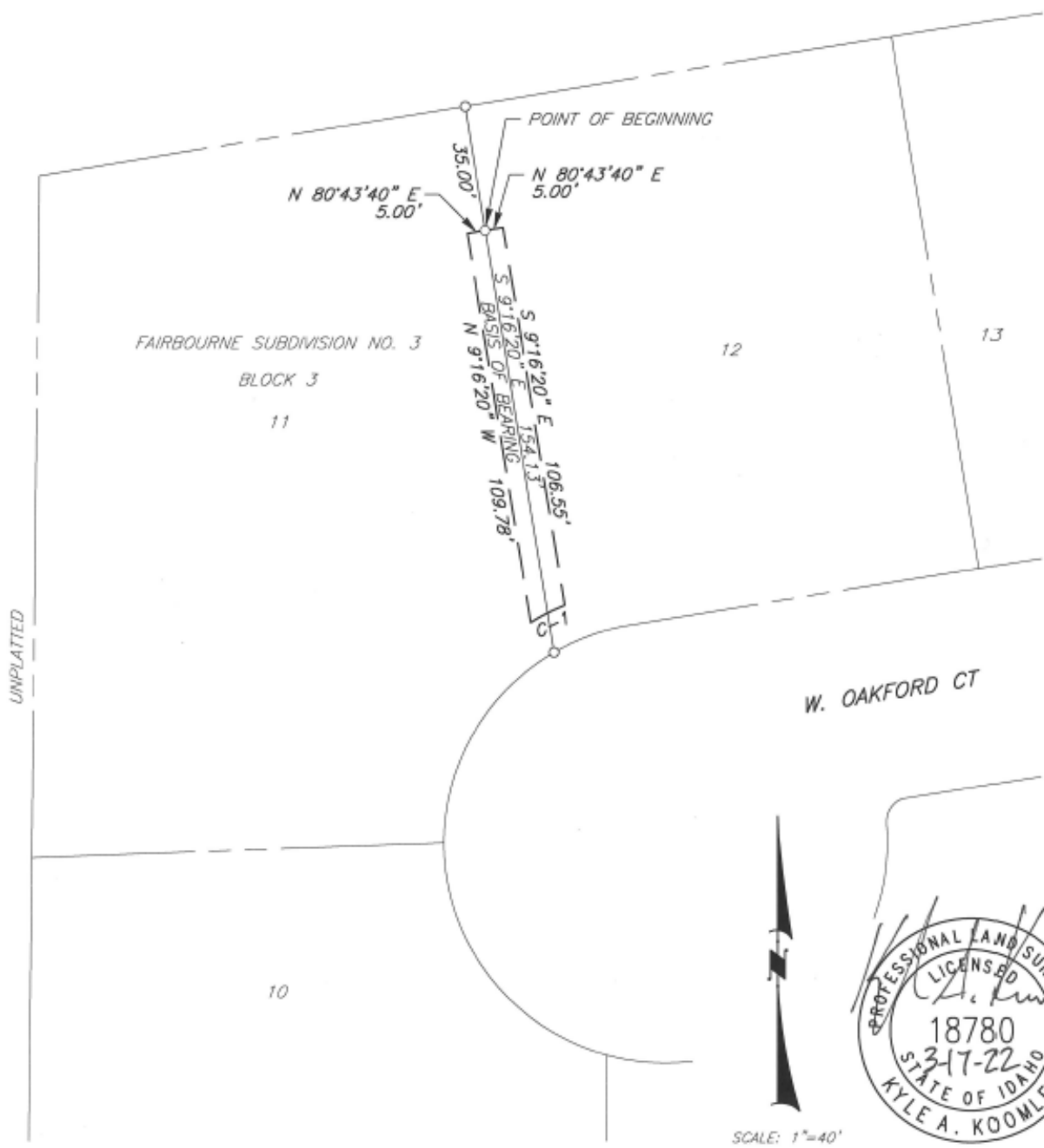
Thence N 9°16'20" W a distance of 109.78 feet to a point;

Thence N 80°43'40" E a distance of 5.00 feet to the POINT OF BEGINNING.

This parcel contains 1,080 square feet (0.025 acres) and is subject to any easements existing or in use.

Prepared by: Kyle A. Koomler, PLS
Civil Survey Consultants, Incorporated
March 17, 2022





CURVE DATA					
VE	DELTA	RADIUS	ARC	TANGENT	CHORD BRNG.

SCALE: 1"=40'



CIVIL SURVEY CONSULTANTS, INC.
 2893 SOUTH MERIDIAN ROAD
 MERIDIAN, IDAHO 83642
 (208)888-4312

E. Relinquishment Letters from Easement Holders (service providers)



CenturyLink

5/16/2022

Sam Johnson
Fairbourne Development
2701 E Pine Ave
Meridian, Idaho, 83642

VAC-Lot 11 & 12 Block 3 Fairbourne Subdivision No. 3
No Objection

**SUBJECT: Common Lot Line Lot 11 & 12 Block 3, City of Meridian, Ada County Idaho.
T4N R1W S21, NE1/4-SE1/4. Boise Meridian. Fairbourne Subdivision NO 3 book of Plats-
Pages 198189 – 19193 Office of the Recorder Ada County Idaho.
APN: R2734180200 – R2734180220**

To Whom It May Concern:

QWEST CORPORATION d/b/a CENTURYLINK QC has reviewed the request for the subject vacation and has determined that it has no objections with respect to the areas proposed for vacation. As documented in EXHIBIT A

It is the intent and understanding of CenturyLink that this Vacation shall not reduce our rights to any other existing easement or rights we have on this site or in the area.

This vacation response is submitted WITH THE STIPULATION that if CenturyLink QC facilities are found within the vacated area as described, the Applicant will relocate the facilities at Applicant's expense and within guidelines set by CenturyLink QC and all regulating entities. All relocations will be done under the supervision of a CenturyLink Inspector.

Sincerely yours,

Keith Sivils
Network Infrastructure Services
Qwest Corporation d/b/a CenturyLink QC
P841407

FAIRBOURNE

April 22, 2022

To whom it may concern,

The Fairbourne Subdivision Owners Association has no objection to the vacation of the utility easement centered on the lot line between lots 11 and 12 of block 3 of the Fairbourne #3 Subdivision as depicted in the attached vacation description by Civil survey Consultants dated March 17,2022. There are no pressure irrigation facilities within said easement nor is there a future need for facilities in said easement.

Sincerely,



Samuel M. Johnson

President - Fairbourne Subdivision Owners Association



April 22, 2022

Sent via email to JPetrie@civilsurvey.net

Fairbourne Development, LLC
C/O Sam Johnson
2701 E. Pine Ave.
Meridian, Idaho 83642

Re: Relinquishment of Public Utility Easement between Lots 11 & 12, Block 3 of the Fairbourne Subdivision No. 3, Ada County, ID

Dear Sam,

This is in response to the PUE relinquishment request submitted to Idaho Power Company and received in our office April 5, 2022, regarding the relinquishment of a public utility easement (PUE) located as noted above. The attached Exhibit A more specifically identifies the requested area for relinquishment.

Idaho Power's review of your request indicated that we do not have facilities located within the requested area. As such, Idaho Power agrees to relinquish our interest in the PUE that is located between Lots 11 & 12, Block 3 of the Fairbourne Subdivision No. 3.

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 black ink that reads "Laura Lacy".

Laura Lacy
Associate Real Estate Specialist
Idaho Power Company/ Corporate Real Estate
Land Management and Permitting Department
208-388-5070
llacy@idahopower.com



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

March 18, 2022

To whom it may concern,

Intermountain Gas Company has no objection to the vacation of the utility easement centered on the lot line between lots 11 and 12 of block 3 of the Fairbourne #3 Subdivision. The vacation description by Civil survey Consultants dated March 17, 2022 We do not any gas pipe in the easement. Please send me a copy of the final document vacation the easement for our records. Let me know if you have any questions.

GIS Field Technician
Intermountain Gas Company



To Whom It May Concern:

We, CableOne, Inc. dba Sparklight, vacate the easterly 5 feet side lot easement of Lot 11 and vacate the westerly 5 feet side lot easement for Lot 12 of Block 3 of Fairbourne Subdivision No 3. Attached is the Fairbourne Subdivision No 3 recorded plat with the easement highlighted in yellow that is being vacated. Fairbourne Subdivision No 3 is located in Meridian, Idaho.

C. Nothacke
Approver

Division VP
Title

05 / 04 / 2022
Date