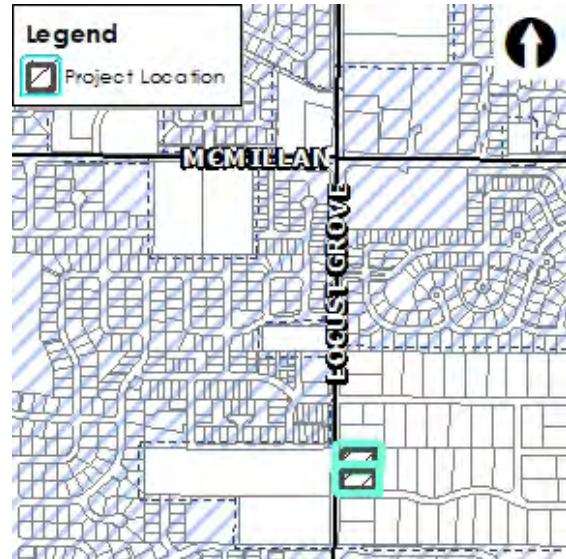


STAFF REPORT
COMMUNITY DEVELOPMENT DEPARTMENT



HEARING DATE: 6/22/2021
TO: Mayor & City Council
FROM: Alan Tiefenbach, Associate Planner
208-489-0573
SUBJECT: H-2021-0038
Roberts Annexation Easement Vacation
LOCATION: 1630 E. Paradise Ln



I. PROJECT DESCRIPTION

Request to vacate a 5-foot drainage, utility construction and maintenance easement platted between two lots (Lots 2&3, Block 1 of the Heritage Subdivision No 2).

II. APPLICANT INFORMATION

A. Applicant / Representative:

Benjamin Semple, Rodney Evans and Partners – 1014 S. La Pointe St., Ste 3, Boise ID 83706

B. Owner:

Denton Roberts – 4461 N. Diamond Creek Ave, Meridian, ID, 83646

III. STAFF ANALYSIS

On May 18, 2021 the City Council approved an annexation and zoning to R-2 on the subject property to allow the applicant to construct a new home. The property is presently comprised of two lots, and the proposed house would straddle the internal lot lines. As part of this construction, the applicant intends to merge the two lots together. However, there is a 5-foot drainage, utility construction and maintenance easement platted between the subject lots (Lots 2 & 3, Block 1 of the Heritage Subdivision No 2). A vacation of this easement was required as a condition of approval of the annexation. This vacation and a parcel boundary adjustment (PBA) to merge the lots is required before the applicant can 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) who have all submitted 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.

V. EXHIBITS

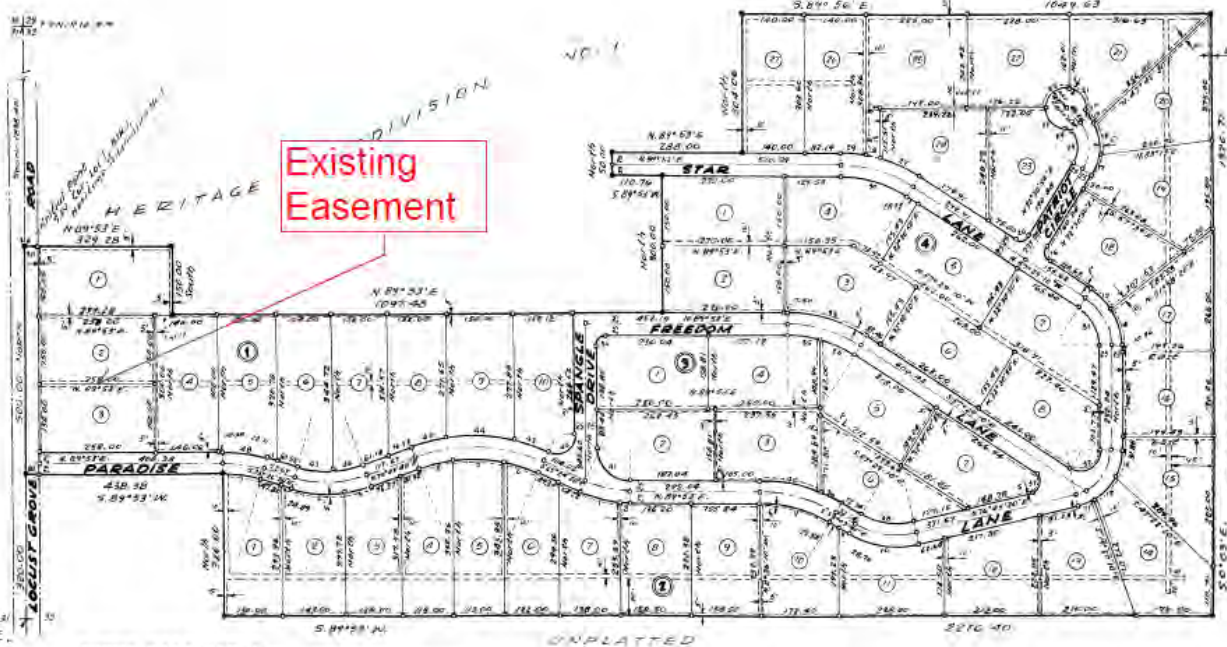
A. Recorded Plat (date: January 11, 1970)

HERITAGE SUBDIVISION NO. 2

A PART OF THE NW 1/4 Section 32, T.4N, R.1E, Boise Meridian
ADA COUNTY, IDAHO

TUDOR ENGINEERING COMPANY
BOISE, IDAHO

Scale - 1" = 160'



LEGEND

- 1/8" pin 30' long at boundary.
- 1/8" pin 24' long on lot corners and points of curvature.
- Easement line width as shown.
- Ⓢ Circle Number = Data in Table.

CURVE DATA TABLE

Cur. No.	Area	Δ	L	Lc	Brg.	Ch. No.	Area	Δ	L	Lc	Brg.
1	767.27	28.00	100.00	100.00	S 89° 53' 14"	20	503.28	28.00	100.00	100.00	S 89° 53' 14"
2	222.00	28.00	100.00	100.00	S 89° 53' 14"	20	503.28	28.00	100.00	100.00	S 89° 53' 14"
3	222.00	28.00	100.00	100.00	S 89° 53' 14"	20	503.28	28.00	100.00	100.00	S 89° 53' 14"
4	222.00	28.00	100.00	100.00	S 89° 53' 14"	20	503.28	28.00	100.00	100.00	S 89° 53' 14"
5	222.00	28.00	100.00	100.00	S 89° 53' 14"	20	503.28	28.00	100.00	100.00	S 89° 53' 14"
6	222.00	28.00	100.00	100.00	S 89° 53' 14"	20	503.28	28.00	100.00	100.00	S 89° 53' 14"
7	222.00	28.00	100.00	100.00	S 89° 53' 14"	20	503.28	28.00	100.00	100.00	S 89° 53' 14"
8	222.00	28.00	100.00	100.00	S 89° 53' 14"	20	503.28	28.00	100.00	100.00	S 89° 53' 14"
9	222.00	28.00	100.00	100.00	S 89° 53' 14"	20	503.28	28.00	100.00	100.00	S 89° 53' 14"
10	222.00	28.00	100.00	100.00	S 89° 53' 14"	20	503.28	28.00	100.00	100.00	S 89° 53' 14"
11	222.00	28.00	100.00	100.00	S 89° 53' 14"	20	503.28	28.00	100.00	100.00	S 89° 53' 14"
12	222.00	28.00	100.00	100.00	S 89° 53' 14"	20	503.28	28.00	100.00	100.00	S 89° 53' 14"
13	222.00	28.00	100.00	100.00	S 89° 53' 14"	20	503.28	28.00	100.00	100.00	S 89° 53' 14"
14	222.00	28.00	100.00	100.00	S 89° 53' 14"	20	503.28	28.00	100.00	100.00	S 89° 53' 14"
15	222.00	28.00	100.00	100.00	S 89° 53' 14"	20	503.28	28.00	100.00	100.00	S 89° 53' 14"
16	222.00	28.00	100.00	100.00	S 89° 53' 14"	20	503.28	28.00	100.00	100.00	S 89° 53' 14"
17	222.00	28.00	100.00	100.00	S 89° 53' 14"	20	503.28	28.00	100.00	100.00	S 89° 53' 14"
18	222.00	28.00	100.00	100.00	S 89° 53' 14"	20	503.28	28.00	100.00	100.00	S 89° 53' 14"
19	222.00	28.00	100.00	100.00	S 89° 53' 14"	20	503.28	28.00	100.00	100.00	S 89° 53' 14"
20	222.00	28.00	100.00	100.00	S 89° 53' 14"	20	503.28	28.00	100.00	100.00	S 89° 53' 14"
21	222.00	28.00	100.00	100.00	S 89° 53' 14"	20	503.28	28.00	100.00	100.00	S 89° 53' 14"
22	222.00	28.00	100.00	100.00	S 89° 53' 14"	20	503.28	28.00	100.00	100.00	S 89° 53' 14"
23	222.00	28.00	100.00	100.00	S 89° 53' 14"	20	503.28	28.00	100.00	100.00	S 89° 53' 14"
24	222.00	28.00	100.00	100.00	S 89° 53' 14"	20	503.28	28.00	100.00	100.00	S 89° 53' 14"

BUILDING SETBACKS
 Front - 25 Feet
 Sides - 10 Feet
 Rear - 25 Feet
 * Increase side setback 5 feet for each story above one.

INSTRUMENT NO. _____
 Building and Occupancy shall conform to the Standards established by the Restrictive Covenants as filed in Book _____ of the Miscellaneous Records at Page _____, Ada County, Idaho.

B. Record of Survey (date: December 2019)

RECORD OF SURVEY NO. 1410
 Instrument No. 2019-131998
 State of Idaho, County of ADA ss
 Filed for record at the request of Denton and Ancher Roberts
 45 Min. past 4 o'clock P. M. this _____ day of December, 2019
 By Deputy Recorder *Phil McGrane* Phil McGrane
 Ex-Officio Recorder
 Fee: AS.



SCALE: 1"= 30'

- LEGEND**
- Boundary
 - Record Boundary
 - Center Line
 - New Easement
 - Record Easement
 - Easement
- Record Data**
- Found 1/2" Rebar, Set Plastic Cap "FLSI PLS8575"
 - Set 1/2" Rebar, Plastic Cap "FLSI PLS" Calculation Point
 - Heritage Subdivision No. 2 Book 23, Page 1452; 05-05-1970
 - New Utility Easement
 - Platted Easement to be Released

NARRATIVE
 The purpose of the design survey was to provide support for the consolidation of Lots 2 & 3 of Heritage Subdivision No. 2 as described in Warranty Deed Instrument No. 114629285 into one buildable parcel. The relinquishment of the platted easement along the common lot line. The establishment of a new utility easement for underground lines. Five of the lot corners were found without caps in good condition to the calculated position. The SW corner was established by a bearing-bearing intersection holding the north and east bearings as found.

- NOTES**
- The recording of this Record of Survey does not enable the owners of the parcels to convey ownership based solely on this map. A written conveyance must accompany such change in ownership. This Record of Survey does not serve as a legal description for the property shown on this map.
 - Fox Land Surveys, Inc., assumes no liability for current or future compliance with applicable planning and zoning ordinances and/or restrictions.
 - Certification and certify as used herein mean to state or declare a professional opinion of conditions regarding these facts or findings, which are the subject of the certification, and does not constitute a warranty or guarantee, either express or implied.

BASIS OF BEARING
 The Basis of Bearings for this survey was established by GPS observations, projected to the Idaho state plane coordinate system, NAD 83 datum, West Zone. All bearings shown are on grid azimuth and all distances shown are at ground. Refer to the drawing for the specific lines and monuments used.

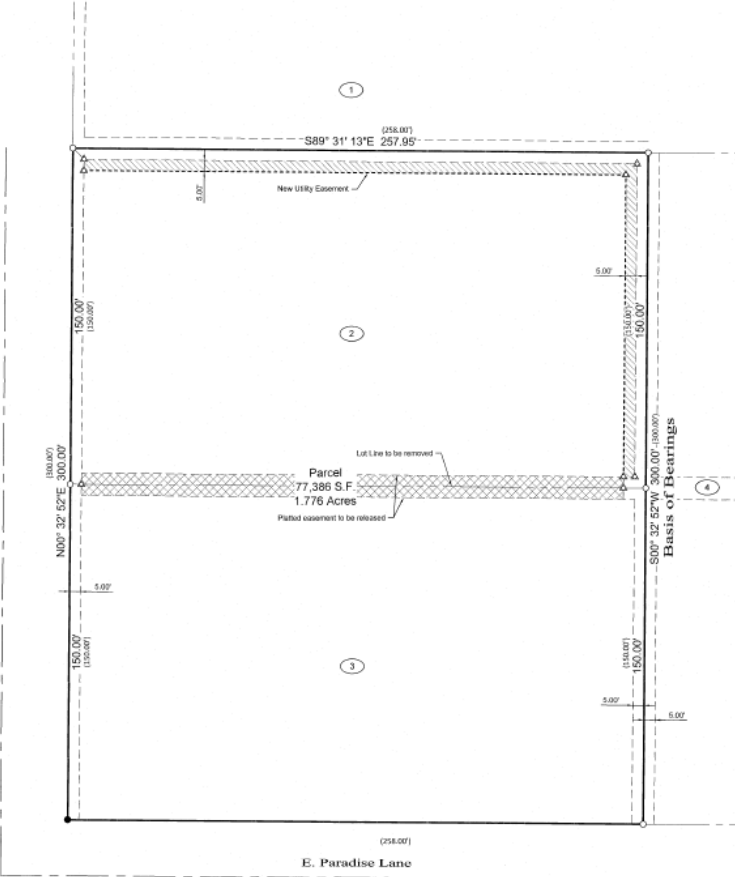
CERTIFICATE OF SURVEYOR
 I, Ronald M. Hodges, do hereby certify that I am a Professional Land Surveyor, licensed by the State of Idaho, and this map has been prepared from an actual survey made on the ground under my direct supervision, and is an accurate representation of said survey. It is in conformity with the Corner Perpetuation and Filing Act, State of Idaho Code §§ 1603 through 55-1612 and to the Idaho Code relating to Surveys.



INDEX# 411-32-4-3-0-23-1452
PARCEL CONSOLIDATION - RECORD OF SURVEY
 FOR
Denton and Ancher Roberts
 Lots 2 & 3, Block 1,
 Heritage Subdivision No. 2,
 Lying in Southwest 1/4 of the Northwest 1/4 of Section 32
 Township 4 North, Range 1 East, Boise Meridian,
 Ada County, Idaho

FOX LAND SURVEYS, INC.
 1515 S. Shoshone Street Boise Idaho 83705
 208-342-7957 - www.foxlandsurveys.com

ACAD DWG. FILE 19044MS	DR. TRC	CK. RMH	PLOT SCALE: 1:1
SCALE: 1"= 30'	DATE: December 2019	SHEET 1 OF 1	



C. Approved Site Plan (date: February 26, 2021)

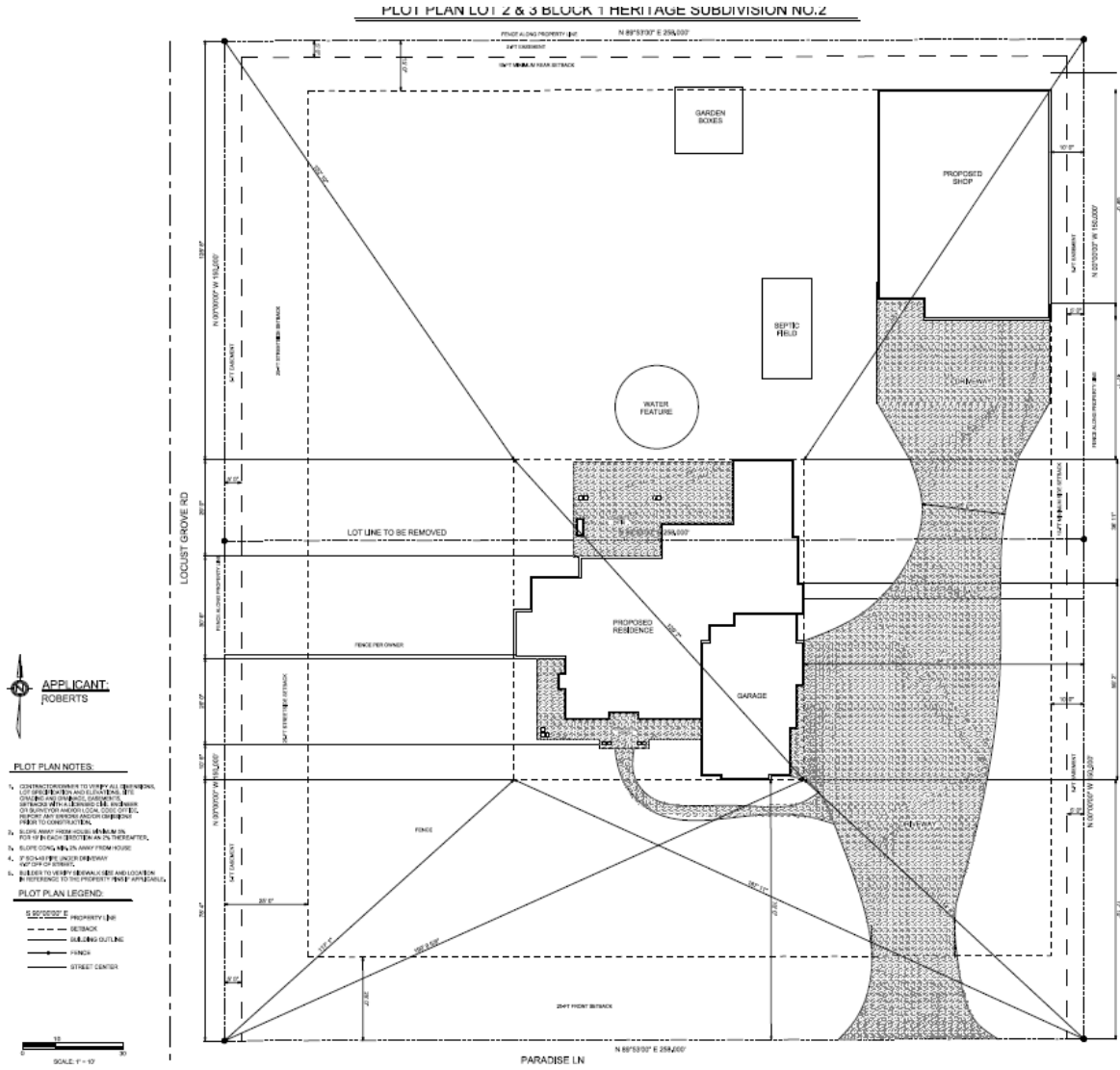




Exhibit 'A'
Denton and Ancheri Roberts
5-Foot Public Utility Easement Description

A Public Utility Easement within a portion of Lots 2 and 3 as shown on Heritage Subdivision No. 2, Book 23 Page 1453, within the Southwest 1/4, of the Northwest 1/4, of Section 32, Township 4 North, Range 1 East, Boise Meridian, Ada County, Idaho, being a (portion of Warranty Deed Instrument No. 113131269) more particularly described as follows:

COMMENCING at the Northeast corner of said Lot 2 as monumented by a found 1/2-inch rebar, placed cap stamped "FLSI PLS 8575", thence North 89°31'13" West, 257.95 feet, to the Northwest corner of said Lot 2 as monumented by a found 1/2-inch rebar, placed cap stamped "FLSI PLS 8575"; thence South 44°29'12" East, 7.07 feet to the **POINT OF BEGINNING**;

Thence South 89°31'13" East, 247.95 feet, along the south edge of existing utility easement;

Thence South 00°32'52" West, 140.00 feet, along the west edge of existing utility easement;

Thence North 89°31'37" West, 5.00 feet;

Thence North 00°32'52" East, 135.00 feet;

Thence North 89°31'13" West, 242.95 feet;

Thence North 00°32'49" East, 5.00 feet to the **POINT OF BEGINNING**.

Containing 1914.75 square feet more or less
As shown on Exhibit 'B' Survey Map
End of description

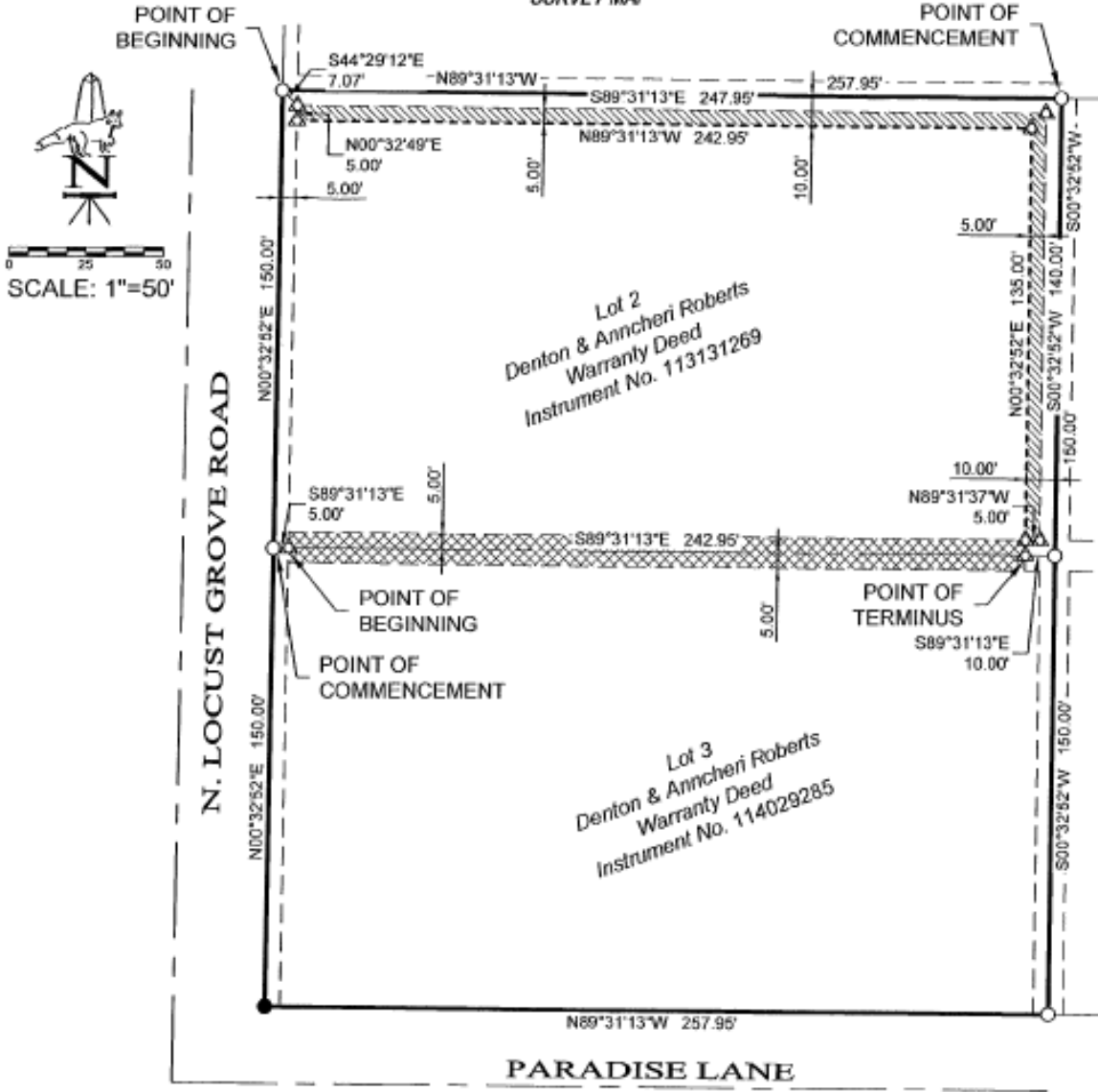
Prepared By:
Ronald M. Hodge, PLS 8575
Project Manager



RH:JR

EXHIBIT 'B'

SURVEY MAP



LEGEND

- BOUNDARY
- NEW EASEMENT
- RECORD EASEMENT PER HERITAGE SUB. No. 1
- TIE
- FOUND 1/2" REBAR, NO CAP, SET CAP "FLSI PLS8575"
- SET 1/2" REBAR, PLASTIC CAP "FLSI PLS8575"
- CALCULATION POINT
- NEW UTILITY EASEMENT AREA
- PLATTED EASEMENT AREA TO BE RELINQUISHED

NOTE: THIS DRAWING IS A VISUAL REFERENCE ONLY.



DS_JR	SCALE: 1"=30'	DATE: 12-31-2019	DENTON AND ANNCHE RI ROBERTS ADA COUNTY, IDAHO SEC.32, T.4N, R.1E, B.M.	FOX LAND SURVEYS INC. (208) 342-7957
DR_TRC	SHT. 1/1	19044MS.dwg		
SV_RMH				

E. Relinquishment Letters from Easement Holders (service providers)

5/23/2019

Bench Partners NW
1630 E Paradise Ln
Meridian ID 83646



Parcel R3581510030
No Reservations/No Objection

SUBJECT: Release of Utility Easement

To Whom It May Concern:

Qwest Corporation d/b/a CENTURYLINK QC ("CenturyLink") has reviewed the request for the subject vacation and has determined that it has no objections with respect to the areas proposed for vacation, which is the public utility easement as described by the plat of Heritage Subdivision No 2, bordering Lot 3, Block 1.

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 facilities are found and/or damaged within the vacated area as described, the Applicant will bear the cost of relocation and repair of said facilities.

Sincerely yours,

A handwritten signature in black ink that reads "Brad Baker". The signature is written in a cursive, slightly slanted style.

Brad Baker
Network Infrastructure Services
CenturyLink
P815746



August 7, 2020

Sent via email to rhodge@foxlandssurveys.com

Re: Partial relinquishment of the Public Utility Easement (PUE), Block 1, Lot 2 & 3, Heritage Subdivision, Ada County, Idaho

Dear Mr. Hodge:

This is in response to the relinquishment request submitted to Idaho Power Company on June 16, 2020, regarding the possible partial relinquishment of the above noted PUE. The attached Exhibits more specifically identify the "easement area" located within Block 1, Lot 2 & 3, of the Heritage Subdivision, Ada County, Idaho.

Idaho Power was granted a new easement for the new and existing facilities within the above described lots. As such, Idaho Power agrees to relinquish the public utility easement as described in the attached document.

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
Corporate Real Estate
Idaho Power Company

208-388-2245
kenglund@idahopower.com

EASEMENT VACATION

Intermountain Gas Company relinquishes any and all of their rights to the following described easement.

Any and all easements on Lot 3 Block 1 of the Heritage Subdivision #2 in T4N, R1E, Sec 32 Meridian, Ada County, Idaho

INTERMOUNTAIN GAS COMPANY

By: Roger Phillips

Name: Roger Phillips

Title: Dist Ops Manager

STATE OF IDAHO)

)

COUNTY OF ADA)

On this 20 day of May, in the year of 2019, before me, the undersigned, personally appeared Roger Phillips, known to me to be the person whose name is subscribed to the within instrument, who, being by me first duly sworn, did depose and say that he is Dist Ops Manager of Intermountain Gas Company and the he executed the foregoing instrument on behalf of said firm for the use and purposes stated therein.

IN WITNESS WHEREOF, I have se my hand and affixed my official seal the day and year in this certificate first above written.



Bryce Ostler
Notary Public for Idaho

Residing at: Boise, Ada County

Commission Expires: May 10, 2022

EASEMENT RELINQUISHMENT

By signing below, you agree to the relinquishment of any and all interest in the easement reserved by Heritage Subdivision No.2 (Bk. 23, Pg. 1453 Ada Co. Records), Township 4 North, Range 1 East, Section 32, Boise Meridian, Ada County, Idaho, by and for Sparklight, and certify that you have the vested authority to execute this request in the name of Sparklight.

By: [Signature]

Name: Cheryl Goettsche

Title: Sr. General Manager

Date: 5/18/21

State of Idaho)
County of Canyon) ss.

On this 18 day of April 2021, before me, the undersigned, a Notary Public in and for said state, personally appeared Cheryl Goettsche, known, or identified to me to be the Sr. General Manager of the Corporation known as **Sparklight**, who executed the foregoing instrument, and acknowledged to me that he/she executed the same in said Company name.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.



Katie Christine Flores

Notary Public for Idaho

Residing at Canyon County Idaho

My commission expires: 11-30-2026

EASEMENT RELINQUISHMENT

By signing below, you agree to the relinquishment of any and all interest in the easement reserved by Heritage Subdivision No.2 (Bk. 23, Pg. 1453 Ada Co. Records), Township 4 North, Range 1 East, Section 32, Boise Meridian, Ada County, Idaho, by and for Syringa Networks, and certify that you have the vested authority to execute this request in the name of Syringa Networks, LLC, an Idaho Limited Liability Company.

By: 

Name: Michael DeWitt

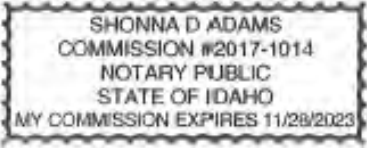
Title: OSP Manager

Date: 5/17/21

State of Idaho)
County of _____) ss.

On this 18 day of May, 2021, before me, the undersigned, a Notary Public in and for said state, personally appeared Michael DeWitt, known, or identified to me to be the OSP Manager of the Limited Liability Company known as **Syringa Networks, LLC**, who executed the foregoing instrument, and acknowledged to me that he executed the same in said LLC name.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.





Notary Public for Idaho
Residing at Mountain Home, Id.
My commission expires: 11/28/2023