

CITY OF STAR

LAND USE STAFF REPORT

TO: Mayor & Council

FROM: MEETING DATE: FILE(S) #: City of Star Planning Department August 6, 2024 VAC-24-03- Vacation of Utility Easements located on Lot 11, Block 2 of Starpointe Subdivision

OWNER/APPLICANT/REPRESENTATIVE

Property Owner:

W. West Development 1409 N. Main Street Meridian, Idaho 83642 Representative:

Randy Clarno, Criterion Land Management 1861 S. Wells Ave, Suite 200 Meridian, Idaho 83642

REQUEST

Request: The Applicant is seeking approval of a vacation of existing utility easements for Lot 11, Block 2 of Starpointe Subdivision.

PROPERTY INFORMATION

Property Location: The subject properties are located at 8554 W. Graye Street, generally located on the west side of N. Star Road between W. Chinden Blvd and W. Joplin Road. Ada County Parcel No. R8108660880.

APPLICATION REQUIREMENTS

Application Submitted & Fees Paid

July 1, 2024

STAFF REVIEW AND RECOMMENDATIONS

Based upon the information provided to staff in the application, staff finds that the proposed vacation of easements meets the requirements, standards and intent of the Comprehensive Plan and Zoning Ordinance. Staff recommends that Council approve the requested vacation as part of their consent agenda.

COUNCIL ACTION

The Council may **approve**, **conditionally approve**, **deny** or **table** this request for vacation of easements.

Council considers the following:

- 1. This application complies with the framework of Star's Comprehensive Plan;
- 2. The vacations do not create any landlocked property;
- 3. The vacations do not restrict access to any parcel;
- 4. The vacations do not reduce the quality of public services to any parcel of land.

PROPOSED CONDITIONS OF APPROVAL

- 1. The applicant shall comply with all requirements of the City Engineer.
- 2. The applicant shall comply with any requirements of the Star Sewer & Water District.

COUNCIL DECISION

The Star City Council ______ File VAC-24-03 Easement Vacation for Lot 11, Block 2 of Starpointe Subdivision on ______, 2024.



VACATION APPLICATION

***All information must be filled out to be processed.

FILE NO.: VAC-24-03		
Date Application Received: 07	/01/2024 Fee Paid:	\$980
Processed by:		

Applicant Information:

PRIMARY CONTACT IS: Applicant 💢 Owner Representative
Applicant Name: <u>Criterion Land Management</u> Applicant Address: <u>1861 Swells Ave, Swite 200, Meridian, ID</u> Zip: <u>B3642</u> Phone: <u>208-229-2021</u> Email: <u>receptiondes Ke criterion land</u> .com
Owner Name: <u>WWest Development</u> Owner Address: <u>1409 N Main St, Meridian, ID 83642</u> Zip: <u>83642</u> Phone: <u>208-229-2021</u> Email:
Representative (e.g., architect, engineer, developer): Contact: <u>Randal Clarno</u> Firm Name: Criterion Land Management
Address: <u>1861 5 Wells Ave Suite 200</u> , Meridian, ID Zip: <u>83642</u> Phone: <u>208-229-2021</u> Email: <u>randy Ocriterion Landicom</u>
Property Information:
Site Location: StarPointe
Parcel Number(s): R 8108660880 and R 8108660820
Approved Zoning Designation:
Application Requirements:
(Applications are required to contain <u>one</u> copy of the following unless otherwise noted.)
ApplicantStaff $(\sqrt{)}$ Description $(\sqrt{)}$

Becchption	
Pre-application meeting with the Planning Department required prior to submittal.	
Completed and signed Vacation Application	BN
Fee	BN
	Pre-application meeting with the Planning Department required prior to submittal. Completed and signed Vacation Application

City of Star, P.O. Box 130, Star, Idaho 83669 P: 208-286-7247

	If the signature on this application is not the owner of the property, an original notarized statement (Affidavit of Legal Interest) from the owner stating the applicant is authorized to submit this application is required.	BN
	Narrative fully describing the proposed request including the following:	
 Particular circumstances regarding the request to vacate 		BN
	 Names of the persons affected by the proposed vacation 	

Relinquishment of easement letters from the applicable parties (e.g. public utilities: phone, power, gas, cable, applicable irrigation and/or drainage entity, etc.)	BN
 Legal description of platted area or property to be vacated (with engineers seal). Submit two (2) paper and one (1) electronic copy 	BN
Copy of recorded deed.	BN
Electronic copy of vicinity map showing the location of subject property	BN
 Electronic copy of site plan or plat showing the proposed vacation	BN
Submit recorded copy of Survey to the Star City Planning Department prior to any building permits being issued.	

FEE REQUIREMENT:

** I have read and understand the above requirements. I further understand fees are due at the time of filing. I understand that there may be other fees associated with this application incurred by the City in obtaining reviews or referrals by architect, engineering, or other professionals necessary to enable the City to expedite this application. I understand that I, as the applicant, am responsible for all payments to the City of Star.

Applicant/Representative Signature

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**Note: All presentation boards, material boards, and documentation that are a part of the public hearing shall become property of the City of Star.

City of Star, P.O. Box 130, Star, Idaho 83669 P: 208-286-7247

AFFIDAVIT OF LEGAL INTEREST

STATE OF Idaho		
COUNTY OF All) ss		
1 W West Development LLC	. 1409 N Mai	n St
(name)	(address)	
Meridian	ID	83642
(city)	(state)	(zip)
being first duly sworn upon oath, depose and	I say: That I am the record	d owner of the property
described on the attached, and I grant my pe	rmission to <u>Criterion</u>	Land Management,
18615 Wells Ave Ste 200 Meridian,	Ib (nan	83647
(address)	(state)	(zip)

to submit the accompanying application pertaining to that property.

Address or location of property: A portion of Lot 11, Block 2 Starpointe Subdivision

I agree to indemnify, defend and hold the City of Star and its employees harmless from any claim or liability resulting from any dispute as to the statements contained herein or as to the ownership of the property which is the subject of the application.

I understand there may be direct costs incurred by the City in obtaining a review of the application by architects, engineers, or other professionals necessary to enable the City to approve or disapprove the application. I understand that I will be billed on a monthly basis and will remit payment within 30 days.

I hereby grant permission to the City of Star staff to enter the subject property for the purpose of site inspections related to processing said application(s).

Type of application:	Vacation +	Application,			
Dated this	4th day of	Que	1	2074	
	uuy or	S (All	estre (, =,	
		(Sigi	nature)		-

SUBSCRIBED AND SWORN to before me the day and year first above written.

Noelle Muller

Notary Public for Idaho Residing at: 1861 Swells Ave Ste 200, Meridian, ID 83642 My Commission Expires: 10/28/2028

WA COWW EXHIBES 10/28/2028 OHADI 70 JTATZ NOTARY PUBLIC COMMISSION NO. 20225174 NOELLE MULLER

City of Star, P.O. Box 130, Star, Idaho 83669 P: 208-286-7247



June 19TH, 2024

Narrative:

The easements are being vacated in conjunction with the elimination of lot lines and to ensure there will be underlying encumbrances to the future development of the site. The persons affected would be the utility companies in easement. These companies have produced letters stating they have no objections to vacating the easement.

Description for Easement Vacation May 13, 2024

A portion of Lot 11, Block 2, Starpointe Subdivision as filed in Book 127 of Plats at Pages 20400 through 20406, records of Ada County, Idaho, situated in the Northwest 1/4 of the Southeast 1/4 of Section 19, Township 4 North, Range 1 West, Boise Meridian, City of Star, Ada County, Idaho and more particularly described as follows:

Commencing at the Southwest corner of said Lot 11; thence on the west boundary line of said Lot 11, North 00°51'13" East, 16.50 feet to the **POINT OF BEGINNING**;

thence continuing North 00°51'13" East, 103.50 feet to the Northwest corner of said Lot 11;

thence South 89°09'04" East, 70.00 feet to the Northeast corner of said Lot 11;

thence on the east boundary line of said Lot 11, South 00°51'13" West, 103.50 feet to the permanent public utilities, irrigation and property drainage easement as shown on said Starpointe Subdivision;

thence on said easement line the following five (5) courses and distances:

North 89°09'04" West, 5.00 feet;

North 00°51'13" East, 93.50 feet;

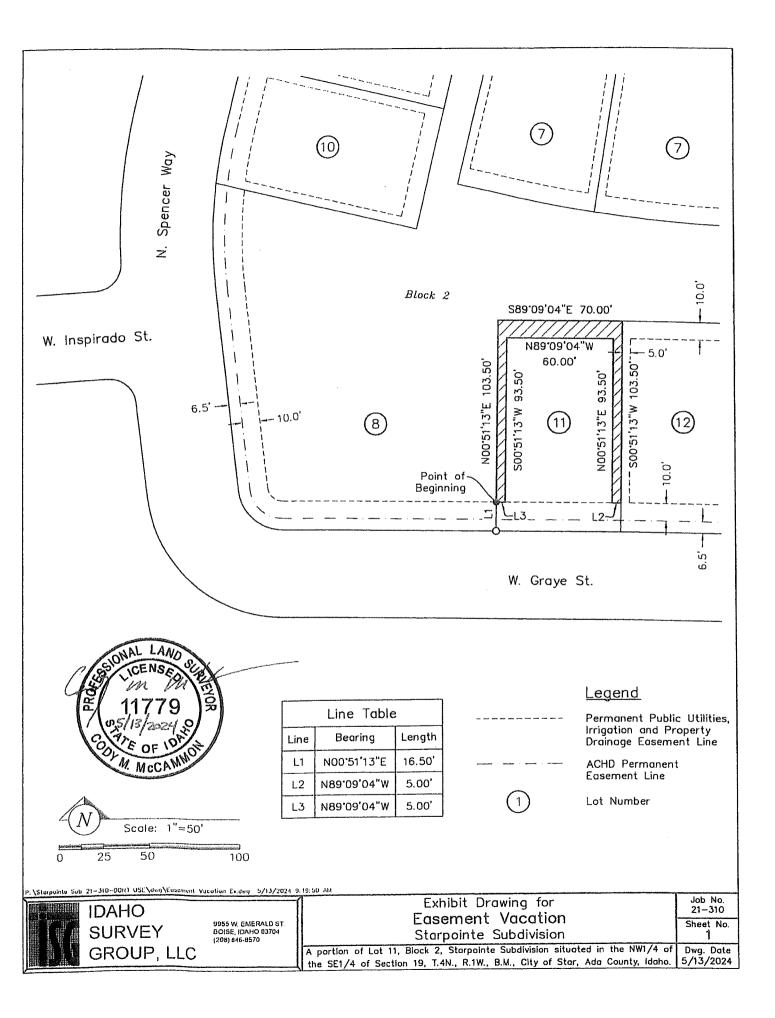
North 89°09'04" West, 60.00 feet;

South 00°51'13" West, 93.50 feet;

North 89°09'04" West, 5.00 feet to the POINT OF BEGINNING.

Containing 1,635 square feet, more or less.





Description for Easement Vacation May 13, 2024

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thence continuing North 00°51'13" East, 103.50 feet to the Northwest corner of said Lot 11;

thence South 89°09'04" East, 70.00 feet to the Northeast corner of said Lot 11;

thence on the east boundary line of said Lot 11, South 00°51'13" West, 103.50 feet to the permanent public utilities, irrigation and property drainage easement as shown on said Starpointe Subdivision;

thence on said easement line the following five (5) courses and distances:

North 89°09'04" West, 5.00 feet;

North 00°51'13" East, 93.50 feet;

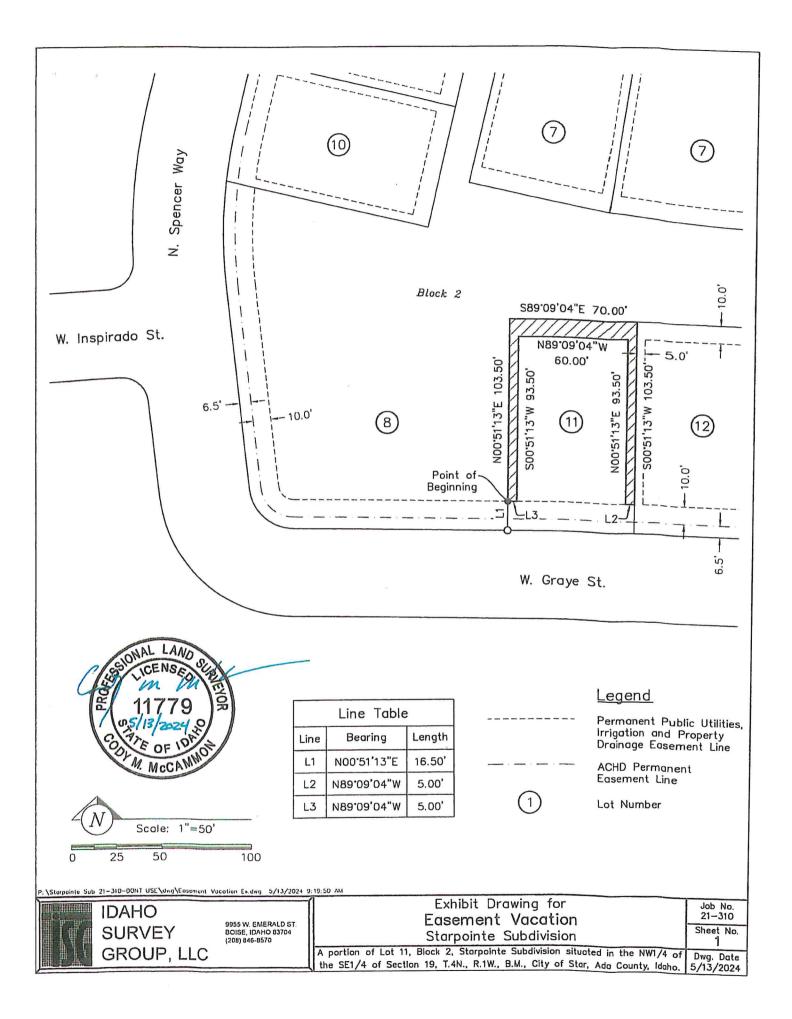
North 89°09'04" West, 60.00 feet;

South 00°51'13" West, 93.50 feet;

North 89°09'04" West, 5.00 feet to the POINT OF BEGINNING.

Containing 1,635 square feet, more or less.





Description for Parcel 1 April 6, 2024

Lots 8 and 11, Block 2, Starpointe Subdivision as filed in Book 127 of Plats at Pages 20400 through 20406, records of Ada County, Idaho, situated in the Northwest 1/4 of the Southeast 1/4 of Section 19, Township 4 North, Range 1 West, Boise Meridian, City of Star, Ada County, Idaho and more particularly described as follows:

BEGINNING at the southeast corner of said Lot 11;

thence on the northerly right-of-way line of W. Graye Street the following two (2) courses and distances:

North 89°09'04" West, 191.15 feet;

35.99 feet on the arc of a curve to the right having a radius of 25.00 feet, a central angle of 82°29'12", and a long chord which bears North 47°54'28" West, 32.96 feet to the easterly right-of-way line of N. Spencer Way;

thence on said easterly right-of-way line the following two (2) courses and distances:

North 06°39'52" West, 114.54 feet;

61.25 feet on the arc of a curve to the right having a radius of 275.00 feet, a central angle of 12°45'37", and a long chord which bears North 00°17'03" West, 61.12 feet to the southwest corner of Lot 10, Block 2 of said Starpoint Subdivision;

thence South 76°53'22" East, 118.01 feet to the southeast corner of said Lot 10;

thence North 13°06'38" East, 140.00 feet to the northeast corner of Lot 9, Block 2 of said Starpoint Subdivision;

thence North 76°53'22" West, 120.02 feet to the northwest corner of said Lot 9;

thence on the easterly right-of-way line of N. Spencer Way, 23.56 feet on the arc of a curve to the right having a radius of 15.00 feet, a central angle of 90°00'00", and a long chord which bears North 58°06'38" East, 21.21 feet to the southerly right-of-way line of W. Happy Day Drive;

thence on said southerly right-of-way line, South 76°53'22" East, 122.30 feet to the northwest corner of Lot 7, Block 2 of said Starpoint Subdivision ;

thence South 13°08'12" West, 125.00 feet to the southwest corner of said Lot 7;



thence on the southerly lot lines of Lots 1 through 7, Block 2 of said Starpointe Subdivision the following three (3) courses and distances:

South 76°53'22" East, 34.47 feet;

120.23 feet on the arc of a curve to the left having a radius of 650.00 feet, a central angle of 10°35'54", and a long chord which bears South 82°11'19" East, 120.06 feet;

South 87°29'16" East, 355.76 feet to the southeast corner of said Lot 1;

thence North 02°30'44" East, 125.00 feet to the northeast corner of said Lot 1;

thence on the southerly right-of-way line of W. Happy Day Drive the following two (2) courses and distances:

South 87°29'16" East, 1.96 feet;

23.13 feet on the arc of a curve to the right having a radius of 15.00 feet, a central angle of 88°20'29", and a long chord which bears South 43°19'02" East, 20.90 feet to the westerly right-of-way line of N. Fireball Avenue;

thence on said westerly right-of-way line the following two (2) courses and distance:

South 00°51'13" West, 259.69 feet;

23.56 feet on the arc of a curve to the right having a radius of 15.00 feet, a central angle of 90°00'00", and a long chord which bears South 45°51'13" West, 21.21 feet to the southeast corner of Lot 17, Block 2 of said Starpointe Subdivision;

thence North 00°51'13" East, 120.00 feet to the northeast corner of said Lot 17;

thence on the northerly lot lines of Lots 12 through 17, Block 2 of said Starpointe Subdivision, North 89°09'04" West, 420.00 feet to the northeast corner of said Lot 11;

thence South 00°51'13" West, 120.00 feet to the POINT OF BEGINNING.

Containing 71,784 square feet or 1.648 acres, more or less.



June 5, 2024

Sent via email to receptiondesk@criterionland.com

Criterion Land Management %Noelle Muller 1861 S. Wells Ave., Ste. 200 Meridian, ID 83642

Subject: Relinquishment of Public Utility Easement / Block 2, Lot 11, Starpointe Subdivision, Ada County, ID

Dear Noelle:

This is in response to the relinquishment request submitted to Idaho Power Company and received in our office June 3, 2024, regarding the possible relinquishment of a public utility easement (PUE) located at Block 2, Lot 11, Starpointe Subdivision, Ada County. The attached Exhibits 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 along the east, north, and west parcel boundaries while retaining the frontage (southerly boundary) of Lot 11, Block 2, Starpointe Subdivision, in order to combined lots 8 and 11 as identified in the attached exhibits.

Thank you once again for providing Idaho Power Company the opportunity to review and comment upon the subject petition for relinquishment.

Sincerely,

UIOK,

Megan Kelly Associate Real Estate Specialist Idaho Power | Corporate Real Estate 208-388-5263 | easements@idahopower.com

> 1221 W. Idaho St (83702) P.O. Box 70 Boise, ID 83707

CONTRACTOR IDAHO POWER

Description for Easement Vacation May 13, 2024

A portion of Lot 11, Block 2, Starpointe Subdivision as filed in Book 127 of Plats at Pages 20400 through 20406, records of Ada County, Idaho, situated in the Northwest 1/4 of the Southeast 1/4 of Section 19, Township 4 North, Range 1 West, Boise Meridian, City of Star, Ada County, Idaho and more particularly described as follows:

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thence on the east boundary line of said Lot 11, South 00°51'13" West, 103.50 feet to the permanent public utilities, irrigation and property drainage easement as shown on said Starpointe Subdivision;

thence on said easement line the following five (5) courses and distances:

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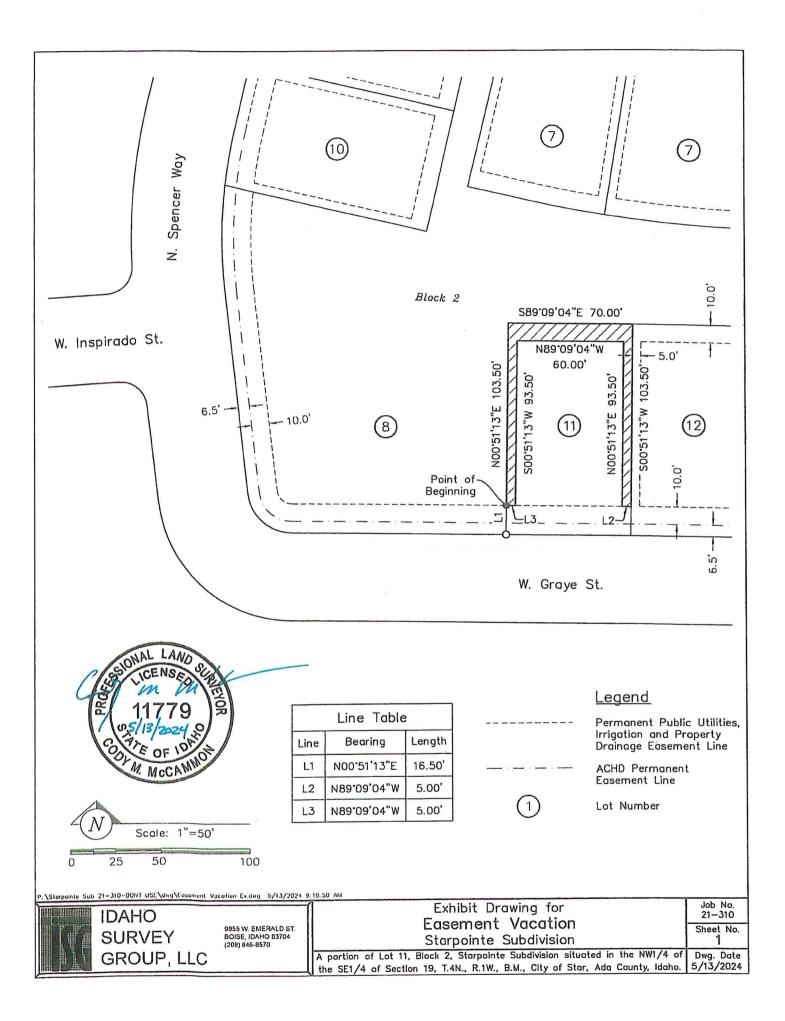
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June 5, 2024

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OUK

Megan Kelly Associate Real Estate Specialist Idaho Power | Corporate Real Estate 208-388-5263 | easements@idahopower.com

> 1221 W. Idaho St (83702) P.O. Box 70 Boise, ID 83707

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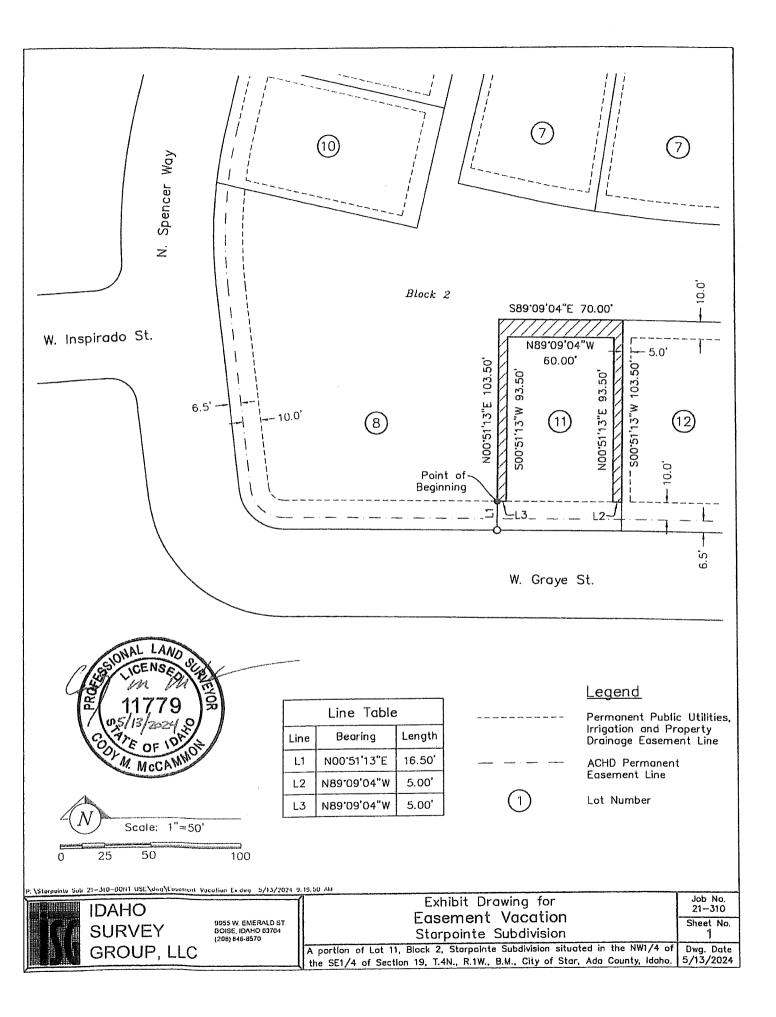
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Containing 1,635 square feet, more or less.





c/o Development Services Inc. 9601 W State Street, Suite 203 Boise, ID 83714 208-939-6000 www.dev-services.com

June 13, 2024

SUBJECT: Request for the Vacation of Easements located on Lot 8 and Lot 11, Block 2 Starpointe Subdivision, situated in the Northwest ¼ of the Southeast ¼ of Section 19, T4N, R1W, City of Star, Ada County, Idaho

To Whom It May Concern:

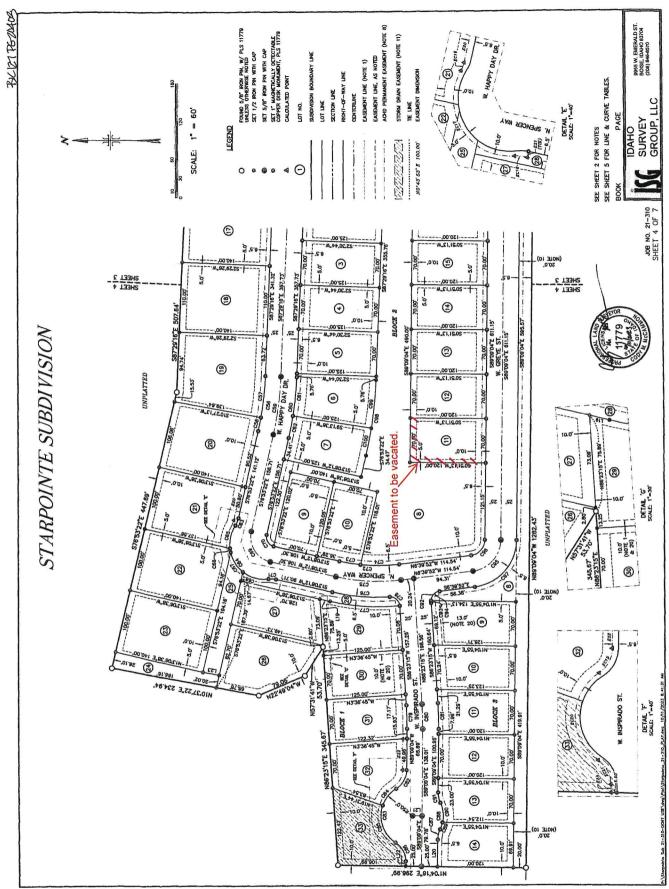
Starpointe Homeowners Association has reviewed the request for the subject vacation and has determined that is has no objections with respect to these areas proposed for vacation as shown and/or described on Exhibit "A", said Exhibit "A" attached hereto and incorporated by this reference.

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

Sincerely

Starpointe Homeowners Association

DocuSigned by: Graye Wolfe, President





May 23, 2024

Noelle Muller Criterion Land Management 1861 S Wells Avenue, Suite 200 Meridian, Idaho 83642

Re: Star Sewer and Water District StarPointe Lot 11 Easement Vacation

Dear Ms. Muller

The District has reviewed request the Easement Vacation for the StarPointe Lot 11 for conformance with the Star Sewer and Water District policies and procedures as well as are Standard Specifications. The District currently does not have any utilities located within the Easement purposed to be vacated. Additionally, we do not have any intent to construct utilities in this easement.

Upon completion of our review the District find your proposal to vacate said easement acceptable.

Very truly yours,

2 Myr

Ryan V. Morgan, P.E. District Engineer

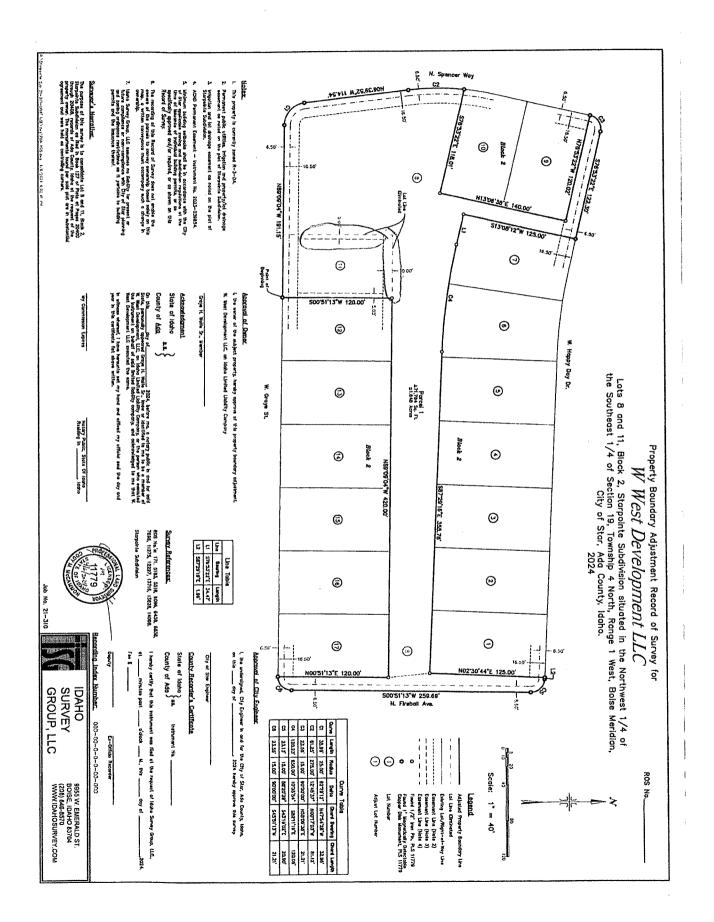
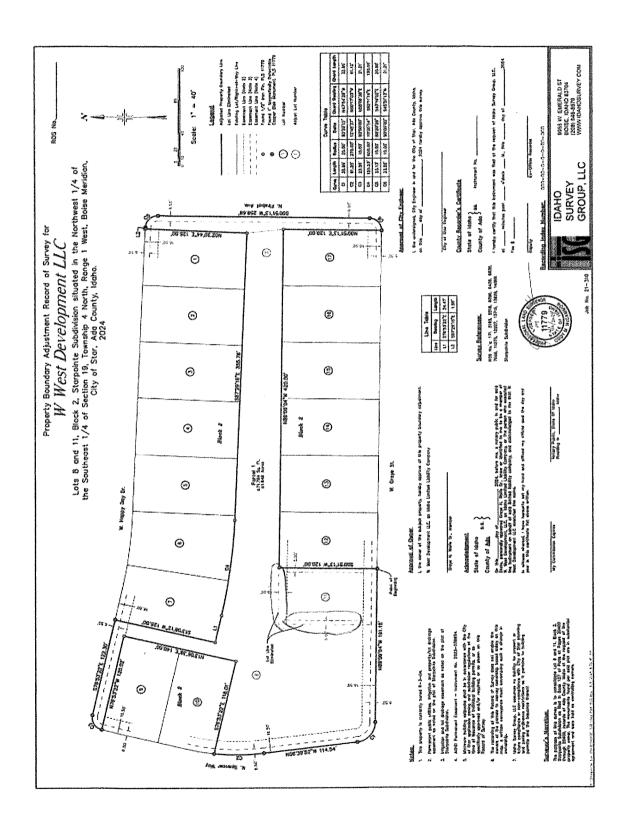


Exhibit "A"





May 17, 2024

Criterion Land Management, LLC 1861 S Wells Ave. Ste. 200 Meridian, ID 83642

RE: STARPOINTE SUBDIVISION

Located in Sec 19, T4N., R1W., B.M., Star,

Ada County, Idaho

This letter is to advise that Intermountain Gas has no objections in the vacation of easement with regards to L8 and L11, Block 2, within the subdivision of Starpointe Sub. Located in Sec 19, T4N., R1W., B.M., Star, Ada County, Idaho.

If you have any additional questions, please feel free to contact us.

Sincerely,

Intermountain Gas Co.

Monica Taylor

Monica Taylor ESR Technician Nampa District Office Ph. 208-468-6711 Fax 208-468-6726



Re: Vacation of Easements-- --

Dear:

Cable One Inc dba Sparklight has reviewed the proposed utility easement vacation for <u>Starpointe</u> <u>Subdivision</u>. Based on this review we have no objections to the proposed vacation of public utility easements.

Sincerely,

Signature: Ararda Moore

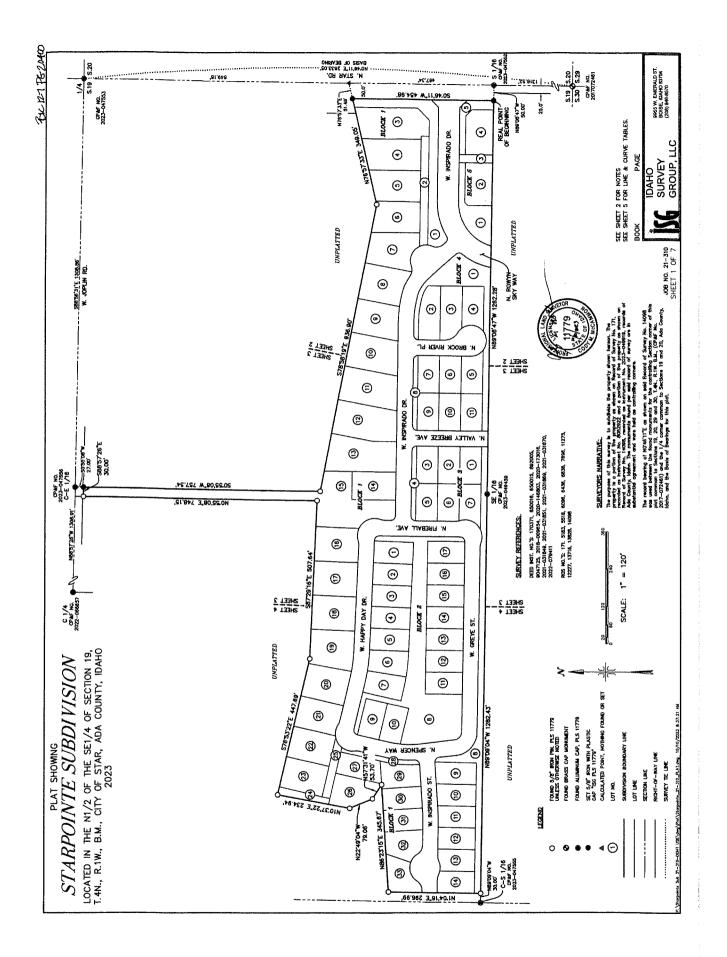
Date:___6/26/2024

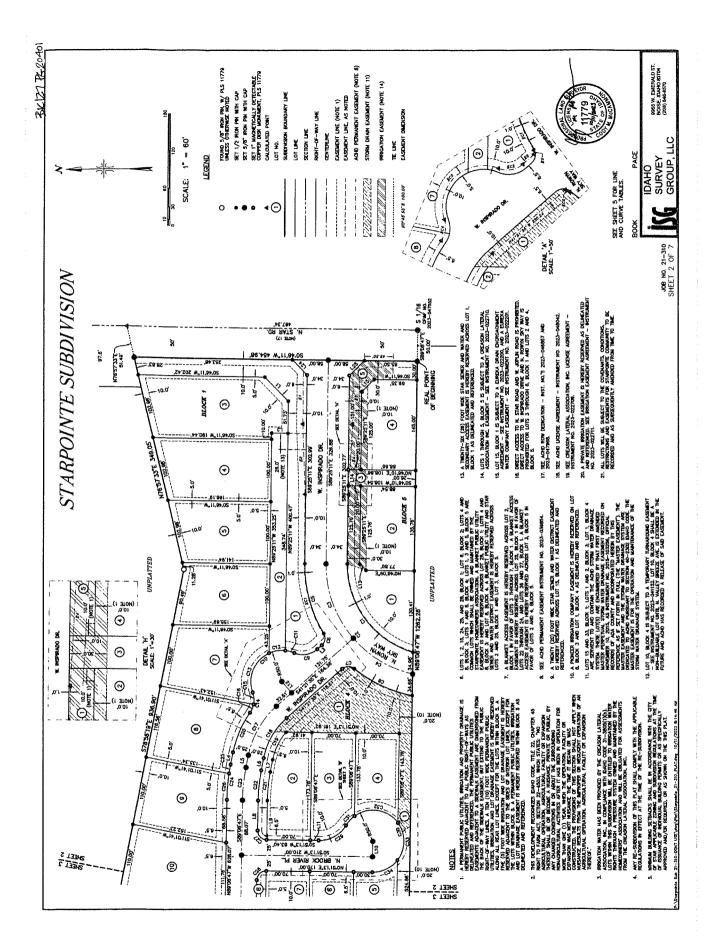
Electronic Record of Contracts

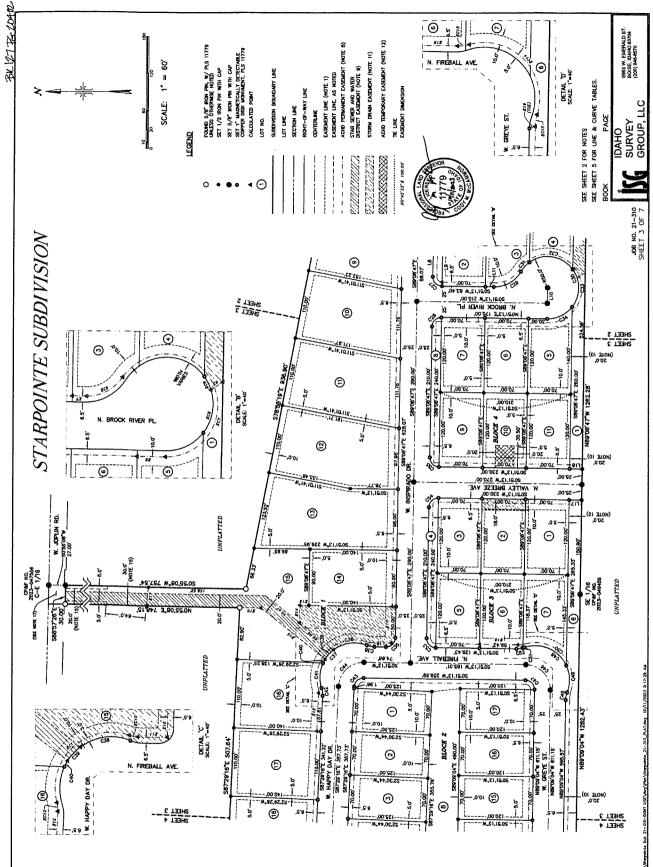
This document was generated as a record of certain contracts created, accepted and stored electronically.

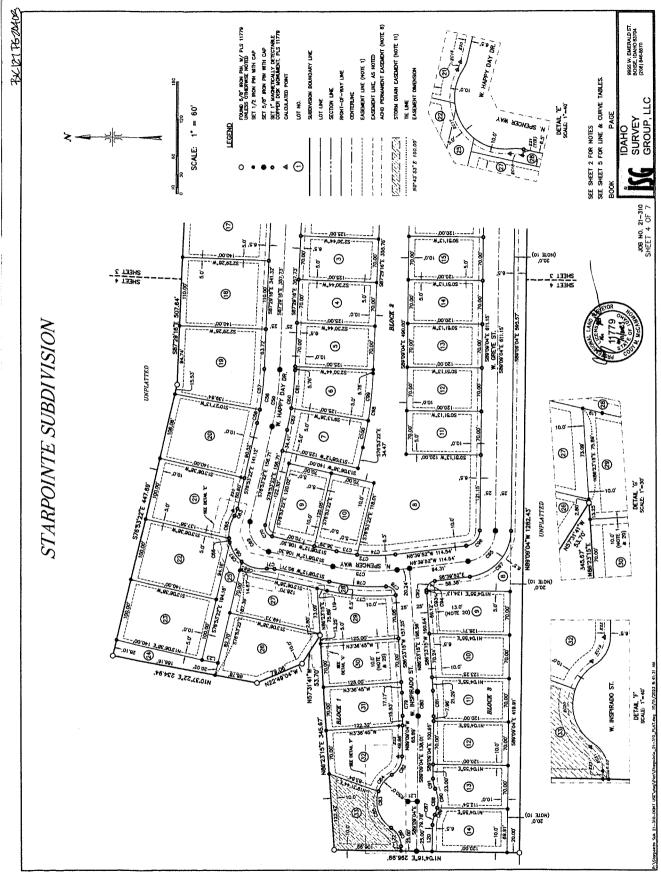
		IC	
Summary of C This document co	ontracts ontains the following contracts.		
Title			ID
Easements / Right of Way (Criterion Land Management, LLC and Cable One, Inc.)		ca29ee1f-0405-4e2f-a265-ca2faee1f172	
Contract signe	d by:		
Amanda Moo	bre	Signer ID: Email:	eb487b1d-bb09-4796-907a-53e9a325e280 amanda.moore@sparklight.biz
Date / Time: IP Address: User Agent:	Jun 26, 2024 at 4:53 PM EDT 24.116.124.244 Mozilla/5.0 (Windows NT 10.0; Win64; x64) AppleWe Edg/126.0.0.0	ebKit/537.36	(KHTML, like Gecko) Chrome/126.0.0.0 Safari/537.36

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	PACTH ADDIUS 1.1.2.7.9.15.00 1.2.1	LLC
STARPOINTE SUBDIVISION	CHIRE LAIRE AALE CHIRE LEMCH RAMIS DELTA CHORD BRG,	SHEE
STARPOINTE	CIPRE TABLE CIPRE TABLE C2 22.112 50.00 237.147 60.000 60.017 C3 23.115 50.00 237.9473 550.067 60.017 C3 23.115 50.00 237.9473 550.067 60.017 C3 23.115 50.00 237.97 560.00 12.117 50.00 C3 12.444 50.00 12.9473 550.00 12.977 96.00 12.97 C4 12.114 50.00 12.975 550.00 12.97 96.00 12.97 12.97 C4 12.144 50.00 12.975 550.00 12.97 12.97 12.97 C4 12.144 50.00 12.975 560.00 12.97 56.00 12.97 12.97 C4 12.144 50.00 12.975 56.00 12.97 56.00 12.97 56.00 C4 12.97 50.00 57.97 56.00 57.97 57.97	
	CMNE LAME LAME LAME CAME CAME <th< td=""><td>b Starpsaiú <u>sa 21-310-0041 (187 kan</u>¢)Nat∖Starpsain. <u>1</u>-310-2441 ang 10/10/2023 € 43:51 All</td></th<>	b Starpsaiú <u>sa 21-310-0041 (187 kan</u> ¢)Nat∖Starpsain. <u>1</u> -310-2441 ang 10/10/2023 € 43:51 All

BU ET REAM

