



DEVELOPMENT SERVICES DEPARTMENT

6015 Glenwood Street ■ Garden City, Idaho 83714
Phone 208/472-2921 ■ Fax 208/472-2996 ■
www.gardencityidaho.govoffice

To: Mayor and City Council
From: Jenah Thornborrow, Development Services Director
Subject: Vacation of Easements in Plantation Subdivision No. 2
Date: For July 8, 2019 Meeting

Requested Actions:

1. Public Hearing EASFY2019-5 a vacation of a 15' access easement; adoption of Resolution 1064-19 (provided approval of vacation)
2. Public Hearing EASFY2019-6 a vacation of a 20' water and sewer easement; adoption of Resolution 1065-19 (provided approval of vacation)

Please note, that while some of the application documents and this memorandum address both easements, separate actions should be taken.

The attached draft resolutions act as a draft findings of fact, conclusions of law, and decision document for the approval of the requests.

Executive Summary:

The applicant is requesting a vacation of two separate easements on lot 1 block 1 of Plantation No. 2 Subdivision. The reason that the applicant has given for the request is to remove any unnecessary encumbrances on the property to assist with future redesign and development of the property.

The first easement that is being requested to vacate is a 15' access easement. The applicant has provided a letter noting that they believe that the easement has reserved for Plantation Development, Inc., "Plantation", and that they believe that Glass Creek, LLC is legally the beneficiary of the easement.

The second easement is to vacate a 20' water and sewer easement. The initial review of the easement concluded that there were city water and sewer facilities in a portion of the easement. A supplementary submittal by the applicant indicated that the facilities in the easements have been replaced by other systems and abandoned.

Analysis: Garden City Code does not specifically address the vacation of easements. As this easement is noted on the plat, *Idaho Code 1306A Vacation of Plats- Procedure* has been utilized.

Development Services, City Engineer, City Attorney; Public Works have received, reviewed, and found no issue with the request to vacate the 15' access easement. It is recommended that only the portion without necessary utilities is vacated.

Public Comment:

There have been five public comments received by the City. There is one comment opposed to the vacation of the 20' water and sewer easement noting that there are facilities in the easement. There is one comment in opposition to vacating both easements without accompanying redevelopment plans. There is one comment opposed to vacating the 15' access easement noting a desire to preserve access and use by the general public. There is one comment in general support of both applications, and one comment neutral to both requests.

Impact on City Resources: No impact noted.

Public Notice: This application has been in accordance with Idaho Code 1306A.

Attachments:

- Resolution 1064-19 and exhibits
- Resolution 1065-19 and exhibits
- Application Documents
- Agency reviews
- Public comment
- Legal noticing documents