

Development Services Staff Report

To: Mayor and City Council
From: Jenah Thornborrow, Development Services Director
Subject: EASFY2022-0003, Resolution 1120-22, Vacation of a Public Utility Easement
Council Meeting Action: April 25, 2022

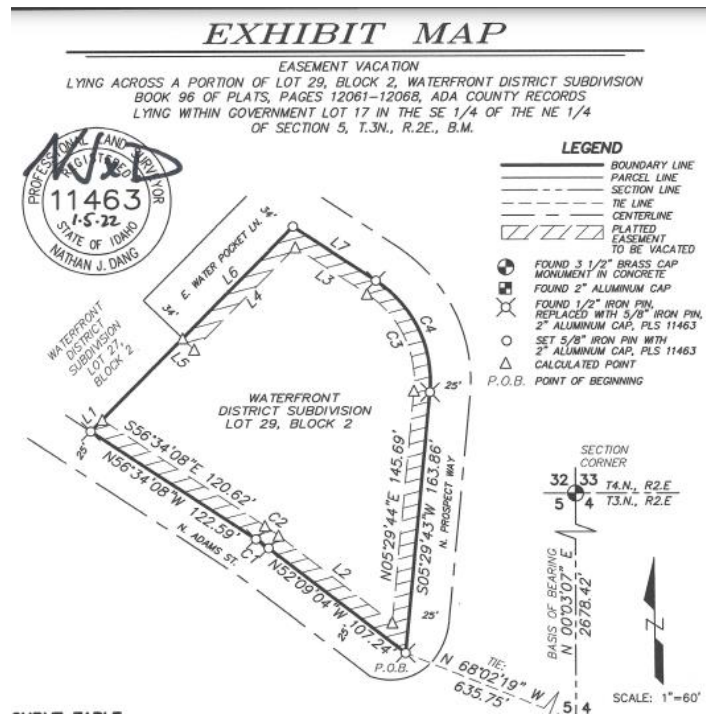
Public Hearing Needed

Action Requested: Approval of Resolution 1120-22 for the vacation of a 10' public utility easement.

Executive Summary:

Matthew Parks is requesting approval of a vacation of a 10' utility easement on Lot 29 Block 2 in plat note 8 of the Waterfront District Subdivision, Page 12061, Book 96 recorded with the Ada County Recorder's Office; site address 3615 N. Prospect Way, Garden City, Idaho, tax parcel ID R2942370930.

The easement shown below.



The petition indicates that there are no utilities within the Easement to be vacated that are not permitted by another easement. Idaho Power and Sparklight have facilities servicing Lot 29. Replacement easements have been provided for these providers in the draft Watergarden Condominiums plat.

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Analysis

The petitioner has provided relinquishment of the easement from the utilities: Idaho Power, Intermountain Gas, Fairview Acres Lateral Water Users Association, Cable One Inc., and Century Link. Richard Coville, Member of Energreen Development Company, LLC has provided an Affidavit of Legal Interest authorizing Mr. Parks to request this relinquishment.

Development Services, City Engineer, City Attorney, and Public Works received the request for review on February 15, 2022. The City Engineer provided comments on February 19, 2022, and March 12, 2022, related to additional submittal documents on March 4, 2022. Per the March 12, 2022, engineer review there are two comments outstanding:

1. Clarification request if the intent is a full release of easement rights or only a part of the land within the description provided.
2. Request to add “fire hydrants and their appurtenances” to easement notes on the condominium plat.

In an attempt to address the City Engineer’s concerns, Section 8 on page 2 of draft Resolution 1102-22 requires that the Water Garden Condominium Plat acknowledge the existing easements that will not be vacated. There has been insufficient time for confirmation from the City Engineer that this approach is acceptable. It is anticipated that this will be assessed prior to the hearing on April 25, 2022.

There have been no public comments received by the city related to the request.

Impact on City Resources: No impact noted.

Public Notice: This application has been noticed in the Idaho Statesman and property owners within 300’ of the property have been notified in accordance with Idaho Code § 50-1306A and § 50-1325 (§ 40-203).

Attachments

- [Resolution 1120-22 and resolution exhibits.](#)

Links:

- Application Materials
 - [February 10, 2022](#)
 - [March 7, 2022](#)
- Engineer Reviews
 - [February 19, 2022](#)
 - [April 5, 2022](#)
- [Legal noticing documents](#)