

BY THE COUNCIL: JACOBS, JORGENSEN, PAGE, RASMUSSEN

A RESOLUTION AUTHORIZING THE ABANDONMENT AND VACATION OF A PART OF A PLAT CREATING FOUR EASEMENTS INCLUDING A 20' INGRESS-EGRESS EASEMENT FOR LOT 15 BLOCK 1, A 20' INGRESS-EGRESS EASEMENT FOR LOT 16 BLOCK 1 OF THE ROCKCRESS SUBDIVISION NO. 2, AND TWO TEN FOOT (10') PUBLIC UTILITIES, DRAINAGE, AND PRESSURE IRRIGATION EASEMENTS ON LOTS 15 AND 16 BLOCK 1 OF THE ROCKCRESS SUBDIVISION NO. 2, GARDEN CITY, ADA COUNTY, IDAHO; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the 20' ingress-egress easement for lot 15 block 1 and the 20' ingress-egress easement for lot 16 block 1 is drawn on the plat and the easements for public utilities, drainage and irrigation are described in note 5 as a 10' permanent public utilities, drainage, and irrigation easement lying five feet on both sides of each common interior lot line, and in note 6 as all lots abutting the exterior boundary of the subdivision are designated as having a permanent public utilities, drainage, and irrigation easement over the ten feet adjacent to the said exterior boundary of Rockcress Subdivision No. 2, Page 7549, Book 75 recorded with the Ada County Recorder's Office;

WHEREAS, in accordance with Idaho Code § 50-1306A, on March 26, 2025, with clarification of the request on April 24, 2025, Steve Heath of Heath Development and Construction Management Services LLC, on behalf of the owner of the affected property, Robert G. Cluff ("Petitioner"), petitioned the Garden City Council ("Council") to request to vacate the part of the Plat creating the ingress-egress and public utility, drainage, and irrigation Easements ("Easement");

WHEREAS, Exhibit A depicts the part of the Plat to be vacated;

WHEREAS, in accordance with Idaho Code § 50-1306A, the Petition, **Exhibit B**, set forth particular circumstances of the requests to vacate; contained a legal description of the portion of the Plat to be vacated; and provided the names of the persons affected thereby;

WHEREAS, the City has acted in accordance with Idaho Code § 50-1306A;

WHEREAS, the part of the Plat is within the jurisdictional boundaries of the City;

WHEREAS, the Petition does not affect the public right-of-way;

WHEREAS, the Petition was reviewed by: (a) the City Engineer; (b) Garden City Development Serves; (c) Garden City Public Works; and (d) the Garden City Attorney;

WHEREAS, relinquishment of any rights to the easements has been provided by (a) Idaho Power; (b) Intermountain Gas; (c) Sparklight; and (d) Century Link; **Exhibit C**;

WHEREAS, a public hearing was scheduled for May 14, 2025;

WHEREAS, written notice of public hearing on the Petition was given, by certified mail with return receipt, on or prior to April 11, 2025, more than ten (10) days prior to the date of public hearing to all property owners within three hundred feet (300') of the boundaries of the area described in the Petition;

WHEREAS, written notice of public hearing, by certified mail with return receipt, on or prior to April 29, 2025, more than ten (10) days prior to the date of public hearing was sent to all utilities including Idaho Power, Intermountain Gas, Sparklight, Century Link, and Ada County Highway District;

WHEREAS, such notice of public hearing and the intent to vacate was published on April 21, 2025, and April 28, 2025, in the Idaho Press, the official newspaper of the City. The publish dates were two (2) successive weeks and more than seven (7) days prior to the hearing; and

WHEREAS, the Council, by formal motion, approved the Petition with the following restrictions deemed necessary in the public interest: (a) fees to cover the cost of publication shall be paid by the Petitioner.

NOW THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF GARDEN CITY, IDAHO:

SECTION 1. That it is the opinion of the Council that the part of the Plat that creates the Utility Easement is no longer needed by the city.

SECTION 2. That the vacation of the part of the Plat that creates the Easement is in order and does not adversely affect present and future citizens.

SECTION 3. That any unresolved claim(s) to the part of the Plat and the Access Easement will be a matter between the Petitioner and the claimant(s).

SECTION 4. That the vacation of the Easement is in the public interest.

SECTION 5. That the part of the 20' ingress-egress easement for lot 15 block 1 and the 20' ingress-egress easement for lot 16 block 1 is drawn on the plat and the easements for public utilities, drainage and irrigation are described in note 5 as a 10' permanent public utilities, drainage, and irrigation easement lying five feet on both sides of each common interior lot line, and in note 6 as all lots abutting the exterior boundary of the subdivision are designated as having a permanent public utilities, drainage, and irrigation easement over the ten feet adjacent to the said exterior boundary of Rockcress Subdivision No. 2, Page 7549, Book 75 recorded with the Ada County Recorder's Office, is hereby abandoned and vacated.

SECTION 6. That the Rockcress Subdivision No. 2 Plat and all parts thereof are to remain in effect.

SECTION 7. That the City relinquishes any and all of its rights to the Easement.

SECTION 8. That upon the passage and approval of this Resolution, the appropriate City staff is hereby directed to proceed to take those steps necessary to implement the vacation.

SECTION 9. That this Resolution shall be in full force and in effect immediately upon its adoption and approval.

PASSED by the Council and **APPROVED** by the Mayor of the City of Garden City, Idaho, this 12th day of May 2025.

ATTEST:

Lisa M. Leiby, City Clerk

APPROVED:

John G. Evans, Mayor