



Committed to Service

Requirements for the Vacation and Exchange of Public Right(s)-of-Way

Applications for vacation of public right(s)-of-way should be submitted in writing to the Right-of-Way Section of the Ada County Highway District at 3775 Adams Street, Garden City, Idaho 83714.

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| <p><i>Date of Submittal:</i> _____</p> <p><i>Applicant Name(s):</i> _____</p> <p>_____</p> <p><i>Contact Email Address:</i> _____</p> <p><i>Contact Phone Number:</i> _____</p> <p><i>Location of Vacation: (Near which address or Parcel #)</i></p> <p>_____</p> <p><i>Closest Crossroads:</i></p> <p>_____</p> |
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FOR REQUESTS TO VACATE PUBLIC RIGHT-OF-WAY THE FOLLOWING IS REQUIRED:

_____ **1. Pre-Application Neighborhood Meeting Sign in Sheet.** At least 5 days but no more than 90 days before submitting a petition, the petitioner will invite all property owners within 300 feet of the proposed vacation parcel to a pre- application neighborhood meeting. Such invitations will be delivered to the mailing address as shown on the Ada county Assessor tax rolls. The petitioner will provide ACHD the sign in sheet along with satisfactory evidence of the delivery of the required invitations (example: certified mailing return receipts)

_____ **2. An application fee of \$2,500.00.** This application fee defrays costs of staff investigations, legal advertisement and administrative costs incurred by the Highway District in processing the vacation application. This fee does not include separate costs for appraisal and actual land purchase. Costs in the processing of the vacation application in excess of \$2,500.00 will be invoiced to applicant on completion of vacation procedures.

_____ **3. A petition signed by the property owners adjacent to the proposed vacated right-of-way.** The application must contain signatures, including names, addresses, telephone numbers and the Ada County Assessor’s parcel number of ALL adjacent property owners who consent to the proposed vacation.

_____ **4. A legal description of the proposed vacated right-of-way.** The legal description provided to ACHD must be stamped by a licensed surveyor of engineer and include an exhibit depicting the description. NOTE: If there are any ACHD facilities within the area to be vacated such as a storm drainpipe, etc.; a separate legal description will be required so that a permanent easement can be retained over the public facility.

_____ 5. **Appraisal** – Necessary for vacation* applications when the value of the proposed vacated area exceeds \$2,500.00. If it is determined by ACHD staff that the value of the land to be vacated will likely exceed \$2,500.00, the applicant shall provide, at the applicant's expense, an appraisal, written by a state licensed appraiser, of the land being vacated. The appraiser must use the "across the fence" valuation method using the applicants' property as the larger parcel. The appraiser shall not consider deductions for utility corridors or use as a right of way to determine the appraised value of the proposed vacated area. A list of qualified appraisers is attached to this application. For any questions call the ACHD Right of Way Section at 208-387-6270. In some cases, an appraisal may be required for exchange applications.

ALL applicants are advised of Section 40-203, Idaho Code, which provides that, if the Commissioners determine that a highway parcel to be vacated and abandoned has a fair market value of \$2,500.00 or more, a charge may be imposed upon the acquiring entity (applicant), not in excess of the fair market value of the parcel, as a condition of the vacation.

_____ 6. **The name, address and telephone number of the applicant and the applicant's representative.**

_____ 7. **A statement of the reasons for the vacation request.**

_____ 8. **A map or plat showing the area of right-of-way which is the subject of the vacation application.** (Note: A map or plat of existing right-of-way may be available in the office of the Ada County Highway District.)

_____ 9. **A description of how the applicant proposes the right-of-way to be vacated** (Please list full name and address of each Grantee)

_____ 10. **Applicants are required to contact Idaho Power to fulfill the Vacation application requirements.** Contact [Chris Jacky at 208-388-2699](mailto:Chris.Jacky@idpower.com). A separate fee is required. Please allow a minimum of 6 weeks for processing (application attached).

UPON RECEIPT OF THE APPLICATION FOR VACATION, THE STAFF OF THE ADA COUNTY HIGHWAY DISTRICT WILL DO THE FOLLOWING:

1. Conduct an on-site inspection of the right-of-way sought to be vacated.
2. Place on Technical Review Committee agenda for Staff review.
3. Staff will prepare recommendations for presentation to Board of Commissioners of the Ada County Highway District, to set the time, date and place of public hearing, and provide applicant a copy of staff recommendations to the Board. A hearing date will be established to consider the petition for vacation and to take public testimony.
4. A Notice of Public Hearing, together with the legal description of the property, will be published in the Idaho Press Tribune Newspaper or applicable newspaper.
 - a. For any vacation or vacation/exchange of right-of-way the notice will be published 3 times; 2 consecutive times, wait 1 week and publish 1-time, last notice at least 5 days but not more than 21 days prior to public hearing.
 - b. The Notice will be posted at the Ada County Highway District Administrative Offices 30 days prior to hearing. (Notices are located on the board near the main entrance).

5. Notify affected public utilities, ACHD Departments and other agencies that may have an interest in the vacation application to determine present use and future plans for the area of vacation, including, but not limited to present and future bike and pedestrian pathways, city parks, future access to and from properties.
6. Following acceptance of the application by the Board of Commissioners, staff will notify by certified letter property owners within 300 feet of the portion of the right-of-way proposed to be vacated (at least 30 days) prior to the date of the public hearing.
7. At the public hearing, following public testimony and upon due deliberation and vote by the Commission approving the Vacation and Abandonment, a RESOLUTION for Vacation and Abandonment containing Findings of Facts and Conclusions of Law will be presented to the Commissioners for approval and signature. Recording of the appropriate documents will be completed by the Highway District and appropriate distribution made to the applicant.

APPLICANTS WILL HAVE 90 DAYS TO REMIT PAYMENT FROM THE DATE THE COMMISSIONERS EXECUTE THE FINAL RESOLUTION. IF PAYMENT IS NOT RECEIVED WITHIN 120 DAYS, THE RESOLUTION SHALL BE NULLIFIED AND VOIDED BY THE COMMISSION WITH THE ADOPTION OF A RESOLUTION AT A PUBLIC HEARING.

Applicants are advised that approved vacations and exchanges of public right-of-way will be SUBJECT TO RETENTION of public and private utility easements, drainage easements, irrigation easements and other easements of record or not of record or in use upon or under said public right-of-way, together with provisions for replacing or relocating same. Costs associated with relocation or replacement of existing facilities shall be born by the applicant with approval of applicable utility or agency.

The normal time required to process an application for vacation is approximately 15 weeks.

Attachments:

1. Application for Release of Idaho Power Easement
2. Idaho Transportation Department Approved Appraiser List

References:

ACHD Ordinance No. 223 adopted January 25, 2017
I.C. 40-203

ITD APPROVED APPRAISER LIST

| Last Name | First Name | Firm | Address | Address | City | State | Zip | Phone |
|----------------|------------|--|--------------------------------|--|-------------|-------|------------|----------------|
| Brady | Robyn | Integra Realty Resources | 1661 W. Shoreline Dr., Ste.200 | rbrady@irr.com | Boise | Idaho | 83702 | (208) 342-2500 |
| Calhoun | Henry | H. S. Calhoun LLC | 802 W. Bannock St., Suite 1002 | scott@hscalhoun.com | Boise | Idaho | 83702 | (208) 331-5050 |
| Corlett | Joe | Mountain States Appraisal & Consulting | 1459 Tyrell Lane, Suite B | jcorlett@appraisaidaho.com | Boise | Idaho | 83706-4044 | (208) 336-1097 |
| Graham Boloque | Jody | Integrity Appraisal & Consulting | 4803 Emerald St. | jody@integrityappraisal.us | Boise | Idaho | 83706 | (208) 377-2750 |
| Hill | Johnston | Right of Way Specialists Inc. | 5134 S. Surprise Way Suite 205 | jhill@rowsid.com | Boise | Idaho | 83716 | (208) 859-8806 |
| Knipe | Bradford | Integra Realty Resources | 1661 Shoreline Dr. Suite 200 | bknipe@irr.com | Boise | Idaho | 83702-6748 | (208) 342-2500 |
| Nelson | Bill | Nelson Appraisal | 3178 S Crabapple Ln | appraiser@rwilliamnelson.com | Boise | Idaho | 83706 | 208-869-4402 |
| O'Neill | Brian | O'Neill Appraisal | 3085 E. Nature Dr. | oneillappraisal@cableone.net | Boise | Idaho | 83702 | (208) 342-1331 |
| Pomtier | Tom | Robert C Williams Appraisals Inc. | 1843 S Broadway Ave., Ste 104 | tpomtier@appraisaloffices.com | Boise | Idaho | 83706 | (208) 375-0106 |
| Reynolds | Brian | Headwaters Appraisal | 9548 W Thor Dr. | brian@headwatersappraisal.com | Boise | Idaho | 83709 | (208) 859-0388 |
| Robinson | Scott | Robinson Appraisal Service, LLC | 8969 Pandion Lane | srobinson57@outlook.com | Boise | Idaho | 83714 | (208) 853-5800 |
| Stenkamp | Joe | Joe Stenkamp, Real Estate Appraiser | 11733 Peconic Dr. | joehuge@msn.com | Boise | Idaho | 83709 | (208) 861-5419 |
| Thomason | James | | 1411 E Fairway | thomason8249@yahoo.com | Eagle | Idaho | 83616 | (208) 484-1339 |
| Thompson | Brent | Thompson & Associates M.B.T. | 101 Park Ave. | brentlymai@aol.com | Idaho Falls | Idaho | 83402 | (208) 524-5440 |
| Williams | Robert | Robert C Williams Appraisals Inc. | 1843 S Broadway Ave., Ste 104 | rcw@appraisaloffices.com | Boise | Idaho | 83706 | (208) 375-0106 |
| Wright | Michael | Wright Real Estate Services | 885 W. Beacon Light Road | mike@mvw885.com | Eagle | Idaho | 83616 | (208) 870-3185 |

Idaho Power Application for Release of Easement

This application form is to be used to request that Idaho Power release part or all of an existing Idaho Power easement. Upon submittal of this form, Idaho Power will initiate a review of the easement in question to determine if the easement (or portion thereof) can be released or whether it needs to be retained for Idaho Power's present or future use. Please note that acceptance of the application does not obligate Idaho Power Company to release any portion of the easement.

Timeframe:

The process will take a minimum of three weeks, depending upon the request. This timeframe begins once a complete application packet is received by the Corporate Real Estate Department of Idaho Power. If the application packet is not complete, you will be promptly notified.

Process:

Once received, the request will be reviewed to determine if the easement is required for current or future facilities. Please be aware that requests will not be approved if electrical facilities are present.

In some cases where electrical facilities are present, relocation of the facilities may be an option. Should the relocation of facilities be necessitated to allow an easement to be released, the cost of such relocation(s) would be paid by the applicant before the release is granted. If required, the acquisition of new easements or the relocation/removal of facilities must be completed prior to Idaho Power Company issuing a release of easement.

If the request is granted, then the appropriate documentation will be created and a copy will be sent to the applicant.

Required Enclosures:

- The application must be filled out in its entirety
- A complete, recorded copy of the document to be reviewed is required: Idaho Power Easement, Subdivision Plat, or Townsite Plat
 - Copies of these documents may be obtained through the county's assessor's office or a title company.
- A legal description prepared by a licensed surveyor defining the area being requested for release
- A map should also be included showing the property's boundaries, the easement area clearly marked, a compass and any neighboring streets or landmarks
- A non-refundable application fee of \$150 payable to Idaho Power Company

When the application is complete, send to the Corporate Real Estate Department, address listed on the application form. If questions arise on the required content of this application, please call 208-388-2699.

Idaho Power Application for Release of Easement



Applicant may be requested to pay other costs if required to complete this request (e.g., surveying, appraisal, title search, etc.)

Corporate Real Estate Department
 Attn: Easement Specialist
 P.O. Box 70
 Boise, ID 83707-0070
 Phone: (208) 388-2699

Applicant Information

| | | | |
|------------------|------|--------|-------------|
| Applicant's Name | | Date | |
| Mailing Address | | City | State Zip |
| Phone | Cell | E-mail | |

Type: Idaho Power Easement Public Utility Easement Road Right of Way

Easement Information

| | | |
|--------------|---------------|----------------|
| Instrument # | Date Recorded | Execution Date |
|--------------|---------------|----------------|

Location Information

| | | | | |
|-------------|---------|----------|-----------------------------------|---------|
| County | Quarter | Township | Range | Section |
| Subdivision | Block | Lot | Parcel Number / Assessor's Number | |

In addition to information provided, please explain request. (If more space is needed, please use the backside of this form.)

Required Enclosures (see explanations on cover letter)

| | |
|---|---|
| <input type="checkbox"/> Complete Application | <input type="checkbox"/> Copy of easement, subdivision plat, or city town site |
| <input type="checkbox"/> Map of Location | <input type="checkbox"/> \$150 Application Fee <input type="checkbox"/> Legal Description |

 Applicant's Signature

For IPC Use Only

| | | | |
|----------------|----------------------|--------------|----------------|
| Release Number | Application Received | Check Number | Date Completed |
|----------------|----------------------|--------------|----------------|