

ORDINANCE ____

AN ORDINANCE OF THE CITY OF NAMPA, CANYON COUNTY, IDAHO, VACATING A 20,482 SQAURE FOOT PORTION THE PUBLIC RIGHT-OF-WAY AND ALLEY FOR SOUTH IVY STREET DIRECTLY SOUTH OF HAWAII AVENUE ABUTTING THREE PARCELS R1177901100, R1178000000 & R1178001000 ADDRESSED RESPECTIVELY AS 0, 605, & 611 E HAWAII AVE, MORE PARTICULARLY A 2650 SQ. FT. PORTION OF IVY STREET RIGHT-OF-WAY ADJACENT TO PARCELS R1177901100, R1177900000 & R1178000000 ADDRESSED RESPECTIVELY AS 0, 515, & 605 E HAWAII AVE, AND THE ALLEY BETWEEN PARCELS R1177901100 (0.82 ACRES AT 0 E HAWAII AVE) AND R1177900000 (0.82 ACRES AT 515 E HAWAII AVE), LOCATED IN THE NW 1/4 OF SECTION 34, T3N, R2W, BM AND MORE SPECIFICALLY DESCRIBED BELOW AND RETAINING A UTLITY EASEMENT FOR IDAHO POWER AS THEY EXIST WITHIN THE PROPERTY BOUNDARIES, IN NAMPA, CANYON COUNTY, IDAHO, AND DIRECTING THE CITY ENGINEER TO ALTER THE USE AND AREA MAP AND OTHER APPLICABLE MAPS ACCORDINGLY; PROVIDING FOR AN EFFECTIVE DATE; PROVIDING FOR SEVERABILITY; AND REPEALING ALL ORDINANCES, RESOLUTIONS, ORDERS AND PARTS THEREOF IN CONFLICT HERewith.

BE IT ORDAINED by the Mayor and City Council of the City of Nampa, County of Canyon, State of Idaho:

Section 1: That the following described Right-of-Way and alley to including 20,482 sq. ft. portion of S Ivy St directly south of Hawaii Ave and abutting three parcels R1177901100, R1178000000 & R1178001000 respectively addressed as 0, 605, & 611 E Hawaii Ave., more particularly a 2650 sq. ft. portion of Ivy Street Right-of-Way adjacent to parcels R1177901100, R1177900000 & R1178000000 respectively addressed as 0, 515, & 605 E Hawaii Ave, and the alley between parcels R1177901100 (0.82 acres at 0 E Hawaii Ave) and R1177900000 (0.82 acres at 515 E Hawaii Ave), located in the NW 1/4 of Section 34, T3N, R2W, BM, be vacated and said vacation being more particularly described in **Exhibit A** and graphically depicted in **Exhibit B** both attached hereto and made a part hereof by this reference. The above described vacation was approved for the White Pines Apartment Homes for Brandon McDougald/Kimley-Horn & Associates, Inc., representing Pedcor Investments, LLC/Patrick Stoffregen (VAC-00066-2024, VAC-00067-2024, VAC-00068-2024). A utility easement for Idaho Power is retained as they exist within the boundaries of the subject property. The above-described portion of a public right-of-way and alley be and hereby is, vacated, as of the effective date of this ordinance.

Section 2: That pursuant to Idaho Code § 50-301, the Nampa City Council finds it to be in the best interests of the public that the right-of-way easement described in **Exhibit A** be vacated.

Section 3: This ordinance is subject to the following conditions:

1. Developer's civil engineer shall account for existing E Hawaii Ave street drainage volumes to low point at S Ivy St right of way, provide calculation for adequate seepage bed facility sizing and location in the Ivy St right of way to be vacated. Developer shall then provide an easement of sufficient size to allow for the future construction of a public seepage bed in the section of S Ivy St right of way to be vacated.
2. Developer will be responsible to determine the existence and location of any existing onsite public mainlines and associated easements. Any existing public mainlines with no recorded easement will need to be contained within an easement.
3. The ordinance shall retain a utility easement for Idaho Power facilities as they exist in the project boundaries.
4. Applicant shall provide Idaho Power a copy of the City Council Decision Letter and recorded vacation within 30 days of receiving the recorded variance from the city.
5. If CenturyLink facilities are found and/or damaged within the vacated area as described, the Applicant will bear the cost of relocation and repair of said facilities.

Section 4: This ordinance shall be in full force and effect from and after its passage, approval, and publication, according to law. The City Engineer shall alter the use and area and other applicable city maps so they reflect the vacation of the portion of the right-of-way and alley as described herein.

Section 5: This ordinance is hereby declared to be severable. If any portion of this ordinance is declared invalid by a court of competent jurisdiction, the remaining provisions shall continue in full force and effect and shall be read to carry out the purposes of the ordinance before the declaration of partial invalidity.

Section 6: All ordinances, resolutions, orders and parts thereof in conflict herewith are repealed.

PASSED BY THE COUNCIL OF THE CITY OF NAMPA, IDAHO, THIS __ DAY OF _____ 2024.

APPROVED BY THE MAYOR OF THE CITY OF NAMPA, IDAHO, THIS __ DAY OF _____ 2024.

Approved:

By _____
Mayor

ATTEST:

City Clerk

EXHIBIT A - Legal Descriptions

February 15, 2024

Vacation of a Portion of South Ivy Street Entire Right of Way Description

A vacation of a portion of South Ivy Street located on the east side of Block 187 and west side of Block 188 of the Amended Plat of Kurtz Addition to Nampa Idaho as on file in Book 2 of Plats at Page 37 in the Office of the Recorder for Canyon County, Idaho, situated in the Northwest quarter of Section 34, Township 3 North, Range 2 West, Boise Meridian, Nampa, Canyon County, Idaho as shown on the Record of Survey on file under Instrument No. 2016-034466 in said Office of the Recorder, said parcel being more particularly described as follows:

Commencing at the Northeast corner of Block 187, said point being on the south right-of-way line of Hawaii Street, and the west right-of-way line of Ivy Street, said point also being South $0^{\circ}37'42''$ West 40.00 feet and North $89^{\circ}12'42''$ West 40.00 feet from the monument located at the intersection of Hawaii Street and Ivy Street; said monument being North $0^{\circ}11'48''$ East 295.98 feet along the section line and South $89^{\circ}12'42''$ East 1875.16 feet from the West quarter corner of said Section 34, marked by an aluminum cap and running;

Thence South $89^{\circ}12'42''$ East 80.00 feet along the south right-of-way line of Hawaii Street to the west line of said Block 188 and the east right-of-way line of said South Ivy Street;

Thence South $0^{\circ}37'42''$ West 256.02 feet along said right-of-way and Block line;

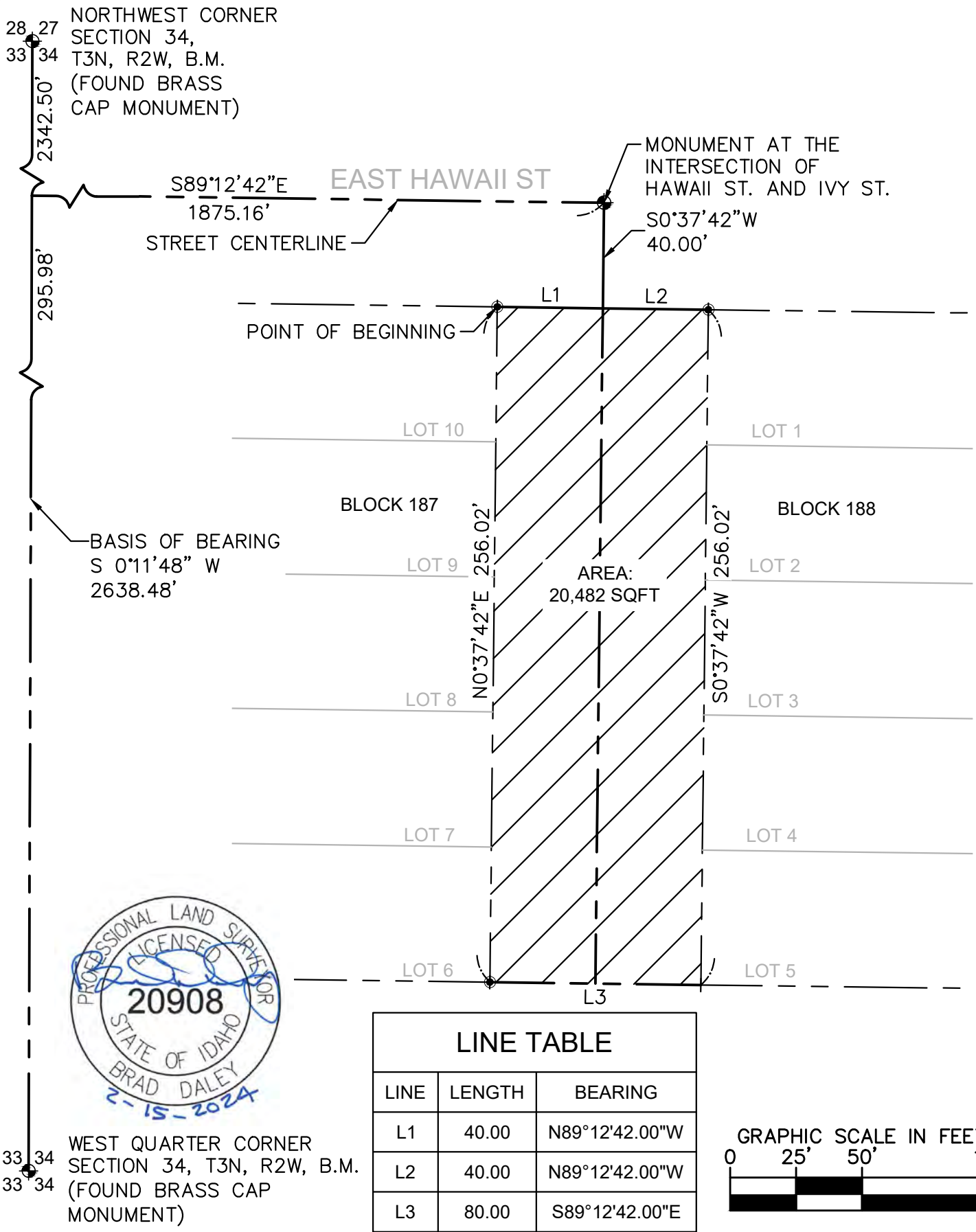
Thence North $89^{\circ}12'42''$ West 80.00 feet to the west right-of-way line and the east line of said Block 187;

Thence North $0^{\circ}37'42''$ East 256.02 feet along said right-of-way and Block line to the point of beginning.

Vacation contains 20,482 sq. ft. 0.470 acres



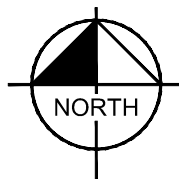
K:\BOI_Civil\093691000 Pedcor White Pine\CADD\Survey\Current\Ivy-Street_Vacation - Full.dwg Layout1 Feb 15, 2024 4:55pm by: Gage Pero



Kimley»Horn
1100 W. IDAHO STREET
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BOISE, IDAHO 83702
PHONE: (208) 297-2885
www.kimley-horn.com

PROJECT:

IVY STREET VACATION



TITLE:

VACATION PLAN

JOB NO.: 093691000
SCALE: 1" = 50'
DATE: 02/15/2024
SHEET:
EXHIBIT A



Parcels E and K Alley Vacation Description

A vacation of the alley located between Lots 1 through 5 and Lots 6 through 10 of Block 187 of the Amended Plat of Kurtz Addition to Nampa Idaho as on file in Book 2 of Plats at Page 37 in the Office of the Recorder for Canyon County, Idaho, situated in the Northwest quarter of Section 34, Township 3 North, Range 2 West, Boise Meridian, Nampa, Canyon County, Idaho as shown on the Record of Survey on file under Instrument No. 2016-034466 in said Office of the Recorder, said alley being more particularly described as follows:

Beginning at the Northwest corner of a Lot 10, Block 187, also being the south right-of-way line of Hawaii Street, said point being South 89°12'42" East 200.33 feet and South 0°58'10" West 40.00 feet from the monument located at the intersection of Hawaii Street and Juniper Street; said monument being North 0°11'48" East 295.98 feet along the section line and South 89°12'42" East 1495.04 feet from the West quarter corner of said Section 34, marked by an aluminum cap and running;

Thence South 0°37'42" West 256.02 feet along the west line of said Lots 6 through 10; to the south line of Lot 6;

Thence North 89°12'42" West 20.00 to the east line of Lots 1 through 5;

Thence North 0°37'42" East 256.02 feet along the east line of said Lots 1 through 5 to the south right-of-way line of Hawaii street;

Thence South 89°12'42" East 20.00 feet along the south right-of-way line of Hawaii street to the point of beginning.

Vacation contains 5,120 sq. ft. 0.117 acres

Alley Vacation Description

A vacation of the alley located between Lots 1 through 5 and Lots 6 through 10 of Block 187 of the Amended Plat of Kurtz Addition to Nampa Idaho as on file in Book 2 of Plats at Page 37 in the Office of the Recorder for Canyon County, Idaho, situated in the Northwest quarter of Section 34, Township 3 North, Range 2 West, Boise Meridian, Nampa, Canyon County, Idaho as shown on the Record of Survey on file under Instrument No. 2016-034466 in said Office of the Recorder, said alley being more particularly described as follows:

Beginning at the Northwest corner of a Lot 10, Block 187, also being the south right-of-way line of Hawaii Street, said point being South 89°12'42" East 200.33 feet and South 0°58'10" West 40.00 feet from the monument located at the intersection of Hawaii Street and Juniper Street; said monument being North 0°11'48" East 295.98 feet along the section line and South 89°12'42" East 1495.04 feet from the West quarter corner of said Section 34, marked by an aluminum cap and running;

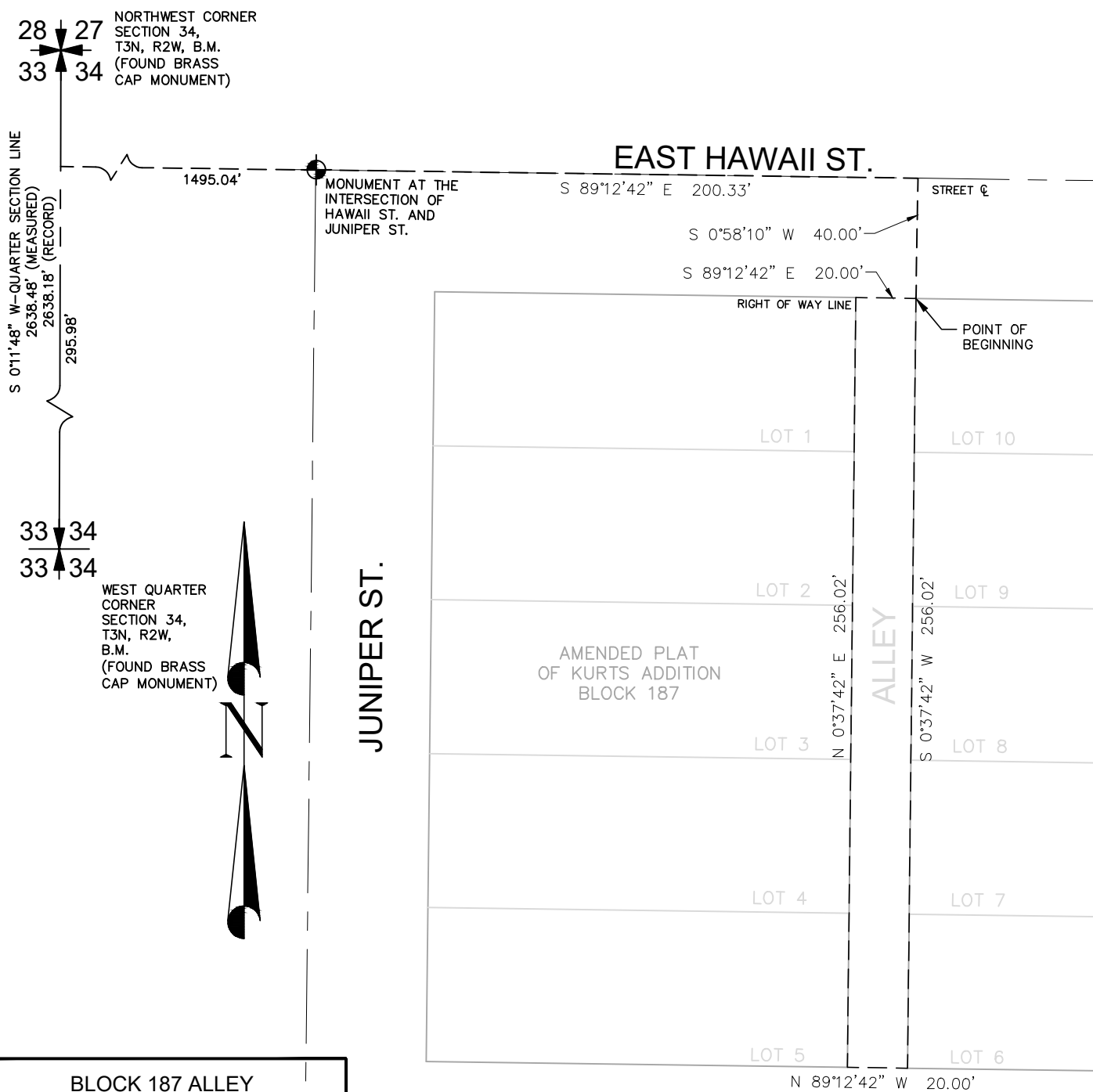
Thence South 0°37'42" West 256.02 feet along the west line of said Lots 6 through 10; to the south line of Lot 6;

Thence North 89°12'42" West 20.00 to the east line of Lots 1 through 5;

Thence North 0°37'42" East 256.02 feet along the east line of said Lots 1 through 5 to the south right-of-way line of Hawaii street;

Thence South 89°12'42" East 20.00 feet along the south right-of-way line of Hawaii street to the point of beginning.

Vacation contains 5,120 sq. ft. 0.117 acres



BLOCK 187 ALLEY
VACATION EXHIBIT

DRAWN BY:
DIAMOND LAND SURVEYING

SCALE:
1" = 50'

October 2, 2024

Vacation of the Five-Foot Right of Way Description

A vacation of the right-of-way along the southernmost portion of the Amended Plat of Kurtz Addition to Nampa Idaho as on file in Book 2 of Plats at Page 37 in the Office of the Recorder for Canyon County, Idaho, five (5) distally south along Blocks 187 and 188 of said subdivision and projection easterly to the westerly ten (10) feet of the vacated alley in Block 188, situated in the Northwest quarter of Section 34, Township 3 North, Range 2 West, Boise Meridian, Nampa, Canyon County, Idaho as shown on the Record of Survey on file under Instrument No. 2016-034466 in said Office of the Recorder, said parcel being more particularly described as follows:

Commencing at the Southwest corner of Block 187, said point being on the east right-of-way line of Juniper Street, said point also being South 0°37'41" West 296.13 feet and South 89°12'42" East 40.00 feet from the monument located at the intersection of Hawaii Street and Juniper Street; said monument being North 0°11'48" East 295.98 feet along the section line and South 89°12'42" East 1495.04 feet from the West quarter corner of said Section 34, marked by an aluminum cap and running;

Thence South 89°12'35" East 530.07 feet along the south line of said Blocks 187 and 188 and said projection;

Thence South 0°37'41" West 5.00 feet;

Thence North 89°12'35" West 530.07 feet;

Thence North 0°37'41" East 5.00 feet to the point of beginning.

Vacation contains 2,650 sq. ft. 0.061 acres

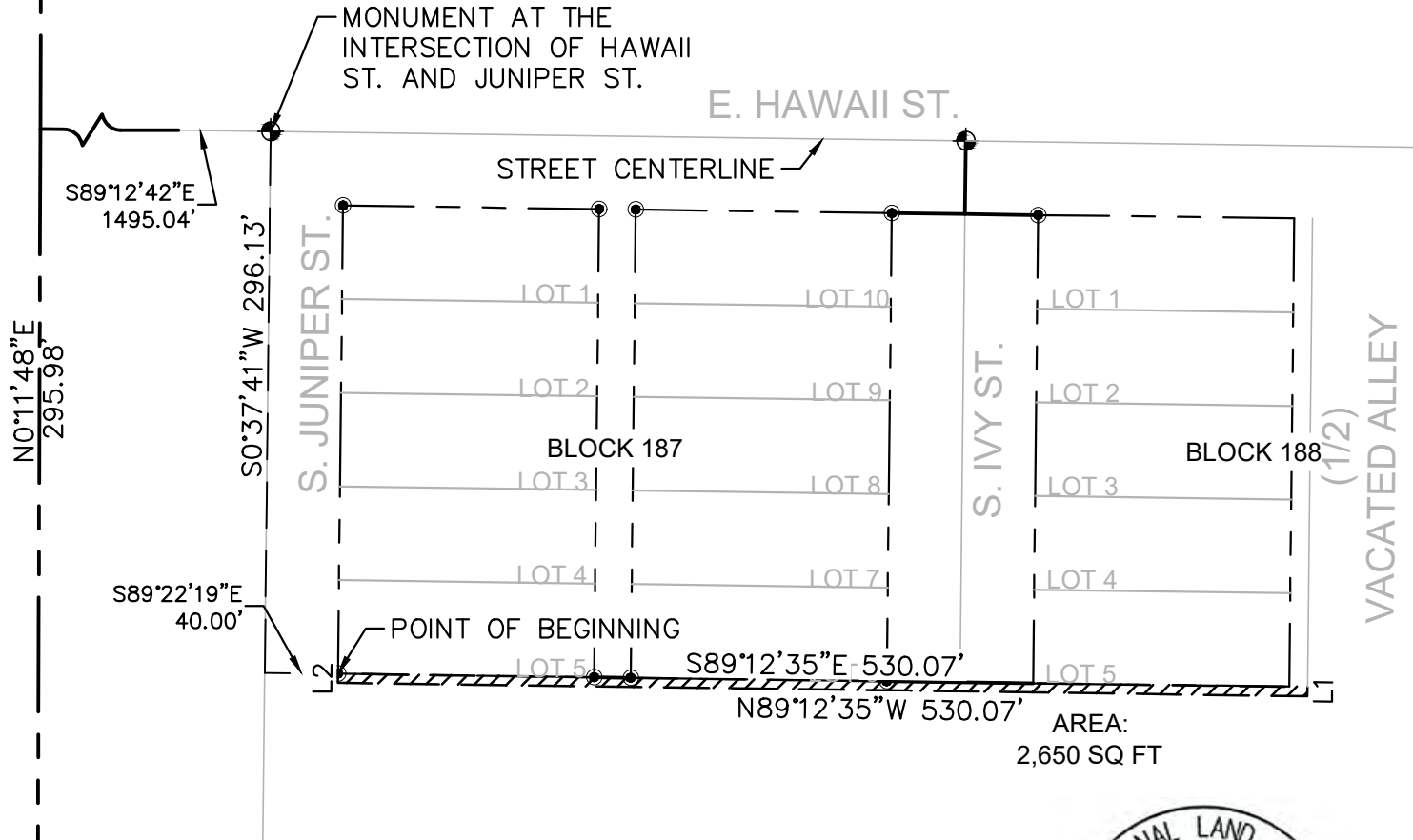


K:\BOI_Civil\093691000 Pedoor White Pine\Project Files\KH-Survey\Legals\Exhibits\Five-Foot-Right-of-Way_Vacation - Full.dwg Exhibit Oct 02, 2024 3:11pm by: Brad Daley

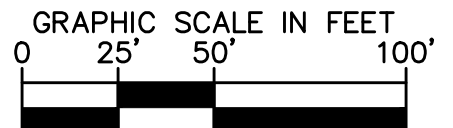
28, 27
33, 34
NORTHWEST CORNER
SECTION 34,
T3N, R2W, B.M.
(FOUND BRASS
CAP MONUMENT)

LINE TABLE

LINE	BEARING	LENGTH
L1	S0°37'41"W	5.00
L2	N0°37'41"E	5.00



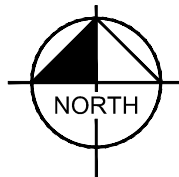
33, 34
33, 34
WEST QUARTER CORNER
SECTION 34, T3N, R2W, B.M.
(FOUND BRASS CAP
MONUMENT)



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PROJECT:

STREET VACATION



TITLE:

VACATION PLAN

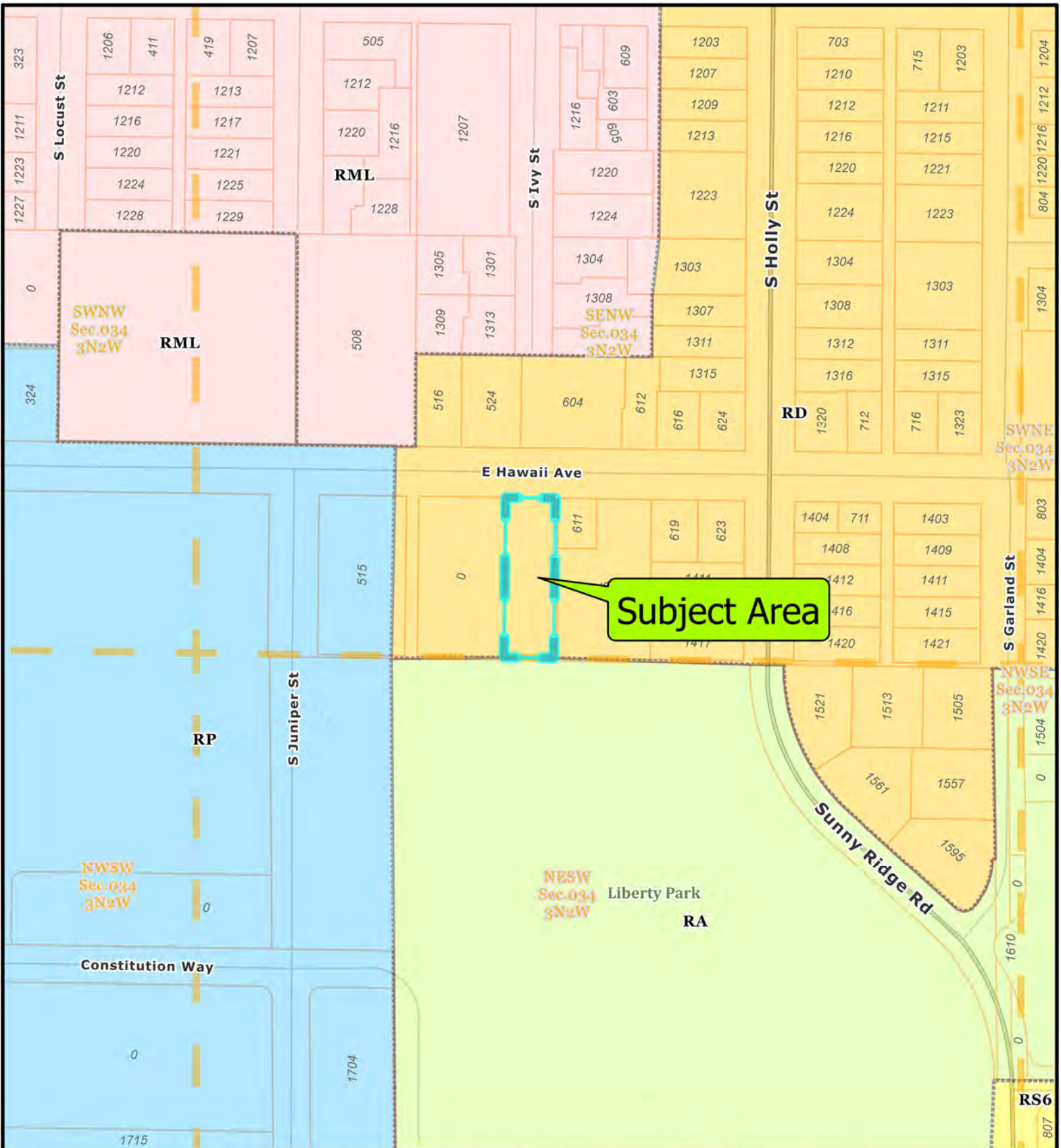
JOB NO.: 093691000

SCALE: 1" = 100'

DATE: 10/1/2024

SHEET:
EXHIBIT A

EXHIBIT B – Maps/Depictions



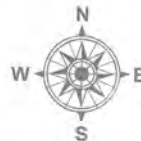
Subject Area



White Pine Apartment Homes **411 E Hawaii Ave.** **Vacation of Ivy St. Public** **Right of Way**

Vacation

Visit Planning & Zoning
at cityofnampa.us
for more info.

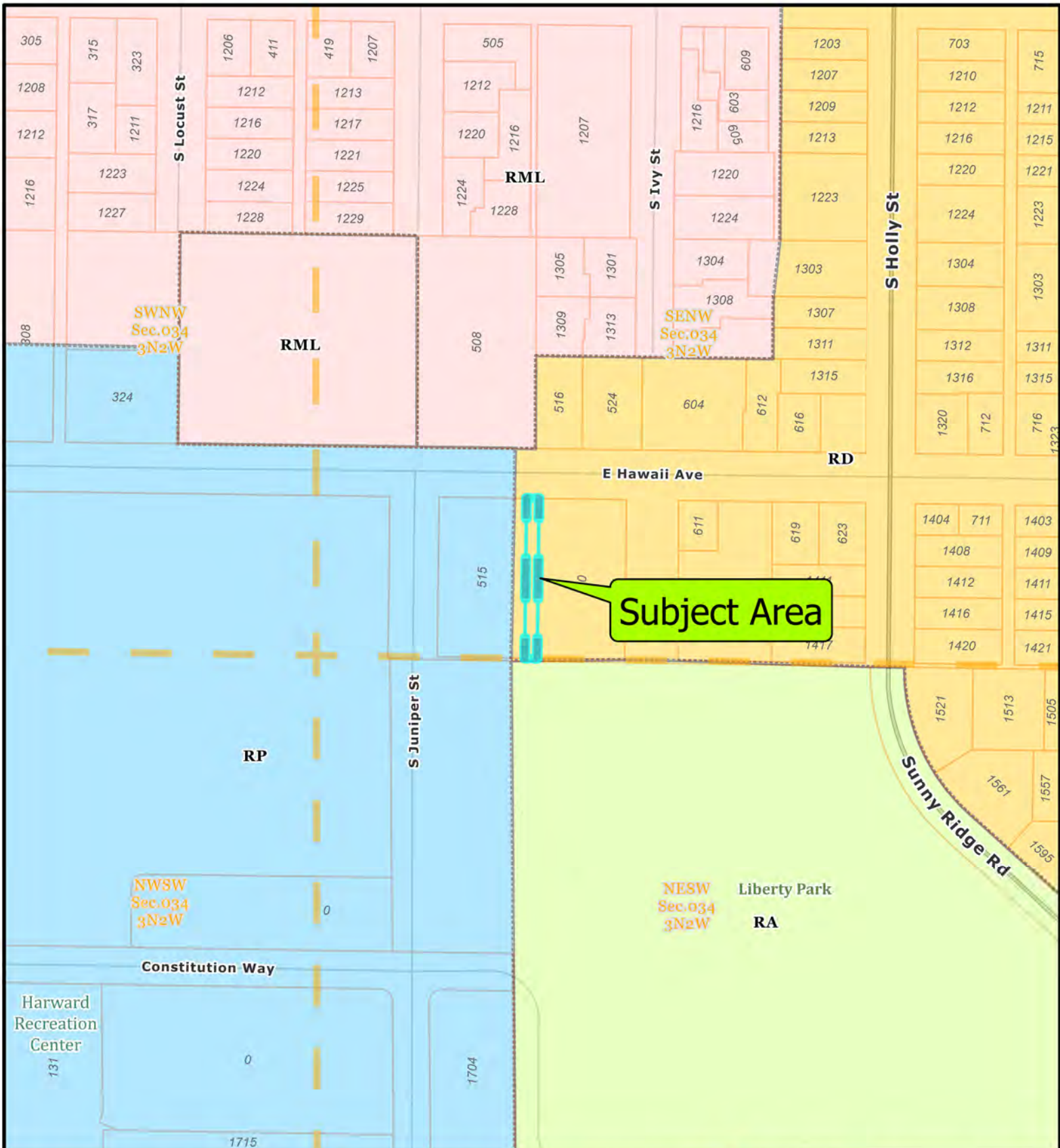


NAMPAProud

VAC-00066-2024

10/30/2024
For illustrative purposes only.

Subject Area	GB1	RML
County Parcels	GB2	RP
PLSS	GBE	RS4
Zoning	HC	RS6
AG	IH	RS7
BC	IL	RS8.5
BF	IL_RS	RS12
BN	IP	RS15
DB	IP_RS	RS18
DH	RA	RS22
DV	RD	U
Enc	RMH	Unzoned



White Pine Apartment Homes
411 E Hawaii Ave.
Vacation of Alley located
adjacent to parcels
R1177901100 & R117900000.

Visit Planning & Zoning
at cityofnampa.us
for more info.



0 50 100 150 200 Feet

Subject Area
County Parcels
PLSS

Zoning

AG
BC
BF
BN
DB
DH
DV
Enc

GB1
GB2
GBE
HC
IH
IL
IL_RS
IP
IP_RS
RA
RD
RMH

RML
RP
RS4
RS6
RS7
RS8.5
RS12
RS15
RS18
RS22
U
Unzoned

NAMPAProud

VAC-00067-2024

10/30/2024

(for illustrative purposes only.)



White Pine Apartment Homes
411 E Hawaii Ave.
Vacation of Ivy St ROW
adjacent to parcels
R1177901100,
R1177900000 & R1178000000.

Vacation

Visit Planning & Zoning
at cityofnampa.us
for more info.



0 50 100 150 200 Feet

NAMPAProud

VAC-00068-2024

10/30/2024

For illustrative purposes only.

- Subject Area
- County Parcels
- PLSS
- Zoning**
- AG
- BC
- BF
- BN
- DB
- DH
- DV
- Enc

- GB1
- GB2
- GBE
- HC
- IH
- IL
- IL_RS
- IP
- IP_RS
- RA
- RD
- RMH
- RML
- RP
- RS4
- RS6
- RS7
- RS8.5
- RS12
- RS15
- RS18
- RS22
- U
- Unzoned