



**City of Nampa  
Public Works Business Item**

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<b>TO:</b>	Mayor and Council
<b>FROM:</b>	Daniel Badger
<b>NUMBER:</b>	{{section.number}}-3
<b>DATE:</b>	November 4, 2024
<b>SUBJECT:</b>	<b>Action Item:</b> Authorize Mayor to sign the Amended Variance Conditions Acceptance Agreements with Highway District No. 4 for the Midway Park roadway improvements. (Approved by City Attorney Todd Lakey)

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**Background Summary:**

- In 2015 as part of the development of Midway Park’s first phase, the City entered into a Variance Conditions Acceptance Agreement with Highway District No. 4 (HD4)
  - The variance granted by HD4 was to allow the first phase of the park to be constructed without the full roadway widening of the frontages of Smith Avenue and Midway Road adjacent to the park (Exhibits A & B)
- In 2022 as part of the development of the second phase of Midway Park, the City worked with HD4 to Amend the Variance Conditions Acceptance Agreement to allow for the construction of the second phase under the same conditions (Exhibit C)
- The City and HD4 are unable to locate a fully executed copy of the Amended Variance Conditions Acceptance Agreement from 2022. HD4 was able to provide a copy of the agreement that was executed by HD4

**Reason for Project:**

- The City has awarded the contact to construct phase 3 of Midway Park and is working with Canyon County for issuance of a building permit for the project

- As part of that process, we need to again amend the Variance Conditions Acceptance Agreement (Exhibit D)
- The proposed amendments allow for construction of phase 3 without constructing the roadway improvements under the same conditions previously approved
- The amendments additionally allow the City, at its choice at the time of construction of the final phase of the park, to deposit the cost of the frontage improvements with HD4 in-lieu of constructing them. HD4 can then construct the improvements at such a time as they deem appropriate, likely coinciding with other roadway improvements in the area
- If the City were to be able to annex the area prior to the improvements being constructed HD4 would return the deposited funds back to the City

**Funding/Project Costs:**

**Staff Recommendation:**

- Facilities, Parks, Engineering, Public Works, and Legal have reviewed the draft agreements and recommend authorizing Mayor to sign the Amended Variance Conditions Acceptance Agreements with Highway District No. 4 for the Midway Park roadway improvements

**Attachments:**

- Exhibit A: Vicinity Map
- Exhibit B: 2015 Original Variance Agreement
- Exhibit C: 2022 Amended Variance Agreement
- Exhibit D: 2024 Amended Variance Agreement