



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.

<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>Location of Vacation: (Near which address or Parcel #)</i></p> <p>_____</p> <p><i>Closest Crossroads:</i></p> <p>_____</p>
--

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 or 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 drain pipe, 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. 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. A list of qualified appraisers is attached to this application. For any questions call the ACHD Right-of-Way Section at 387-6300. * 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 Statesman 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 borne 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