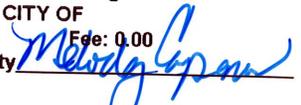


430767
RESOLUTION 2020-10

Instrument # 430767
STATE OF IDAHO, PAYETTE COUNTY
9-15-2020 03:58:52 PM No. of Pages: 4
Recorded for : PAYETTE, CITY OF
LINDSEY BRATCHER Fee: 0.00
Ex-Officio Recorder Deputy
Index to: EASEMENT - MISC



A RESOLUTION AUTHORIZING THE ABANDONMENT AND VACATION OF A PORTION OF A PLAT CREATING A TWELVE FOOT (12') PUBLIC UTILITY AND CTV EASEMENT ON LOT 5 AND 6, OF PAYETTE INDUSTRIAL SUBDIVISION No. 2 (Instrument No. 273879), PAYETTE, PAYETTE COUNTY, IDAHO; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the easement is described as a 12' Public Utility and TV easement on Lot 5 and 5 of the Payette Industrial Subdivision No. 2, recorded with Payette County Recorder's Office as Instrument No. 273879 ("Easement"); and,

WHEREAS, in accordance with Idaho Code § 50-1306A, on August 12, 2020, Eric Stricker, PLS, on behalf of the owner of the affected property, Todd & Kerri Phillips ("Petitioner"), petitioned the Payette City Council ("Council") to request to vacate the part of the Plat creating the Easement; and,

WHEREAS, in accordance with Idaho Code § 50-1306A, the Petition, **Exhibit B**, set forth particular circumstances of the requests to vacate and describes the part of the Plat to be vacated; and,

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

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; and,

WHEREAS, the Petition was reviewed by the City Engineer; City Public Works; and the City Attorney; and,

WHEREAS, a public hearing was scheduled for September 8, 2020; and,

WHEREAS, written notice of public hearing on the Petition was given, by certified mail with return receipt, on or prior to August 27, 2020, 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; and,

WHEREAS, such notice of public hearing and the intent to vacate was published on August 23, 2020, and August 30, 2020, 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 PAYETTE, IDAHO:

SECTION 1. That it is the opinion of the Council that the part of the Plat that creates the Easement is no longer needed by the City or public service providers.

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 Easement will be a matter between the Petitioner and the claimant(s).

SECTION 4. That the part of the Plat that creates the Easement on Lot 5 and 5 of the Payette Industrial Subdivision No. 2, recorded with Payette County Recorder's Office as Instrument No. 273879, is hereby abandoned, and vacated.

SECTION 5. That the Payette Industrial No. 02 Subdivision Plat and all parts thereof are to remain in effect.

SECTION 6. That the City relinquishes any and all of its rights to the Easement.

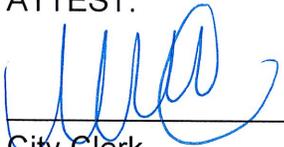
SECTION 7. That upon the passage and approval of this Resolution, the appropriate City staff is hereby directed to proceed to take those steps necessary to implement the vacation.

SECTION 8. That this Resolution shall be in full force and effect upon its passage and approval by the City.

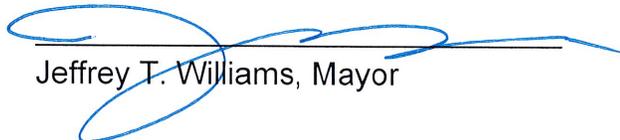
PASSED by the Council and **APPROVED** by the Mayor of the City of Payette, Idaho, this 8th day of September 2020.

ATTEST:

APPROVED:



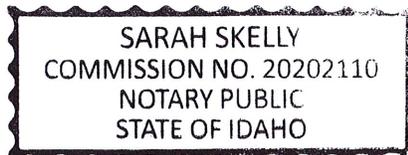
City Clerk



Jeffrey T. Williams, Mayor

STATE OF IDAHO)
) SS
COUNTY OF PAYETTE)

On this 8th day of September, in the year of 2020, before me, a Notary Public in and for said State personally appeared JEFFREY T. WILLIAMS and MARY CORDOVA, known or identified to me, to be the Mayor and City Clerk, respectively of the City of Payette that executed the said instrument, and acknowledged to me that such City of Payette executed the same.



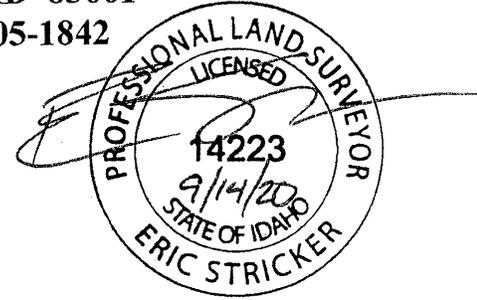


Notary Public of Idaho
Residing at: Payette
My commission expires: 6/26



430767

2074 Shelley Dr.
Payette, ID 83661
(208) 405-1842



Project: 20055
Date: September 14, 2020
Page: 1 of 1

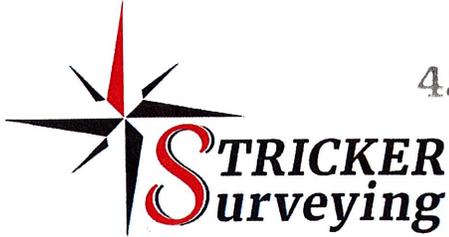
TODD PHILLIPS PUBLIC UTILITY & TV EASEMENT VACATION

This 12.00 foot wide easement is situated in a portion of Lots 5 and 6 of Payette Industrial Subdivision #2, on file in Plat Book 6 at Page 12 and further situated in a portion of the SE1/4 of the NE1/4 of Section 4 and the SW1/4 of the NW1/4 of Section 3, Township 8 North, Range 5 West, Boise Meridian, City of Payette, Payette County, Idaho the exterior boundary of which is more particularly described as follows:

BEGINNING at the southwest corner of said Lot 6 of Payette Industrial Subdivision #2; thence along the south boundary of said Lot 6,

- 1) S.89°25'24"E., 16.31 feet; thence along a line 15.00 feet easterly of and parallel with the westerly boundary of said Lot 6,
- 2) N.22°33'19"W., 6.53 feet; thence along a line 6.00 feet northerly of and parallel with said south boundary of said Lot 6,
- 3) S.89°25'24"E., 344.55 feet; thence along a line 6.00 feet westerly of and parallel with the east boundary of said Lot 5,
- 4) S.01°02'23"W., 12.00 feet; thence along a line 6.00 feet southerly of and parallel with the north boundary of said Lot 5,
- 5) N.89°25'24"W., 339.33 feet; thence along a line 12.00 feet easterly of and parallel with the westerly boundary of said Lot 5,
- 6) N.22°33'19"W., 6.53 feet to the **POINT OF BEGINNING**.

SUBJECT TO all Easements, Rights, Rights-of-Way and all other encumbrances of record or implied.



430767

2074 Shelley Dr.
Payette, ID 83661
(208) 405-1842

August 10, 2020

City of Payette
Attn: Mary Cordova
700 Center Avenue
Payette, ID 83661



Re: Lots 5 and 6 of Payette Industrial Subdivision #2

Dear Ms. Cordova,

I am submitting this letter on behalf of Todd and Kerri Phillips who are the owners of Lots 5 and 6 of Payette Industrial Subdivision #2. The Phillips wish to consolidate said Lots 5 and 6 into one lot by eliminating the platted lot line between said Lots 5 and 6. As per the plat of Payette Industrial Subdivision #2, this lot line contains a 12 foot wide "Public Utility & TV Easement" that is centered on the lot line. The Phillips hereby petition the City of Payette to vacate the "Public Utility & TV Easement". It does not appear that any public utilities are utilizing this easement and there are no persons, organizations or adjacent properties that would be negatively affected by the vacation of this easement.

Attached is a copy of the vesting Warranty Deed and a metes and bounds legal description of the subject lots.

Please feel free to contact me if you have any questions or need any additional information.

Sincerely,

Eric Stricker, PLS 14223