

EXECUTIVE SUMMARY
“THE TRIANGLE SUBDIVISION” - PLAT NOTE CONSIDERATION

TO: Mayor Blad and City Council Members
FROM: Merrill Quayle, P.E., Public Works Development Engineer. *MB*
DATE: Meeting Date – November 5, 2020
SUBJECT: Plat note consideration (Note Exclusion) – “The Triangle Subdivision”

REQUEST

A request from Red Cedar Wealth Advisors, represented by Trent Yost (mailing address: 151 N 3rd Ave. Suite 100, Pocatello, Idaho 83201), to exclude note 2 and 3 from “The Triangle Subdivision” recorded plat. The notes cover Lots 3-13 Block 1, are pertaining to the live-work units within the platted subdivision. There are three other property owners within this subdivision and all three are in favor of the notes being excluded (Attached Exhibit A).

STAFF RECOMMENDATION

Staff recommends the notes also be excluded and have Legal Department prepare a council decision to be recorded and attached to the recorded plat on file at Bannock County.

BACK GROUND

The Triangle Subdivision plat was approved by the City Council May 15, 2008 and recorded September 28, 2008 (Attached Exhibit B). The notes which covers Lots 3-13 Block 1 of The Triangle Subdivision were for the placement and construction of live-work units within the subdivision and are as follows;

2. Lots 3-13 are for individual sale and shall be retained specifically for live-work units.
3. Live-work units are defined as – multi floor building with possible commercial or retail on the main floor with residential on the top floor. This development allows townhouse type construction on lots 3-13. Homeowners
3. Declaration of Covenants and restrictions require the City of Pocatello Legal Department review and approval.

There was an error on the numbering so there is two number (3) notes on the plat. Both number (3) notes are part of this request.

This area is located between Pocatello Avenue and N. 3rd Ave (east and westerly directions), and Lander St. and Wyeth St. (north and southerly directions). The live-work units would face 3rd Ave. After the recording of the plat there was an economical down turn which delayed building in the Pocatello Area. The live-work unit concept also has not been embraced in the Pocatello area making these lot more of a challenge to develop.

The area also was in an Urban Renewal District and was under agreement for redevelopment which placed the conditions of the live-work units. The Pocatello Development Authority on August 19, 2020 authorized the Chair to sign the release of the deed of trust for the properties finding the Triangle Project is in full performance of the redevelopment grant agreement and the live-work units would not need to be constructed.

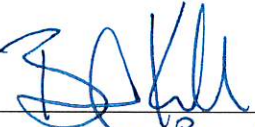
I am a property owner within The Triangle Subdivision, a plat that was approved by the City Council of the City of Pocatello on May 15, 2008 and recorded September 28, 2008. It is my understanding that there is a request, to be heard on November 5, 2020 by City Council, to have notes 2 and 3 be excluded from the plat. The notes are as follows:

2. Lots 3-13 are for individual sale and shall be retained specifically for live-work units.
3. Live-work units are defined as – multi floor building with possible commercial or retail on the main floor with residential on the top floor.

This development allows townhouse type construction on lots 3-13. Homeowners Declaration of Covenants and restrictions require the City of Pocatello Legal Department review and approval.


As a current property owner within The Triangle Subdivision plat, and authorized to sign as such, I have no objection to excluding these notes from the plat.

Lot 1 Block 1 The Triangle Subdivision

Signature 
Printed Name Brandon Keller
Company SJK Development
Title Manager


Date 10/27/2020

Lot 2 Block 1 The Triangle Subdivision

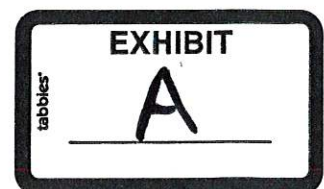
Signature 
Printed Name MICHAEL R. JAGLOWSKI
Company TRIANGLE INC.
Title PRESIDENT

Date 10/23/2020

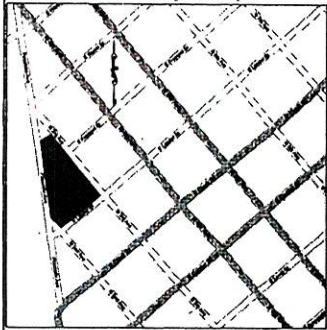
Lot 14 Block 1 The Triangle Subdivision

Signature 
Printed Name Robert Fackrell
Company RCF Enterprise
Title President

Date 10/27/2020



Vicinity Map:



Found 2" City of Pocatello N. Cap in Intersection of Pocatello Ave and Wyeth Ave

TIES FROM INTER OF 3RD AND LANDER TO COR.	TIE	BEARING	DISTANCE
POB		N65°10'06"W	42.39
Tie Pt #1		N79°01'03"W	187.89
Tie Pt #2		N90°44'06"W	182.76
Tie Pt #3		N44°18'32"W	410.07
Tie Pt #4		N54°06'14"W	147.32

PROJECT NOTES

- OWNERSHIP OF LOT 15 (COMMON AREA) SHALL BE PROPORTIONED BASED ON LOT SQUARE FOOTAGE. LOT 1 31.1%, LOT 2 12.2%, LOTS 3,4,7,8,11,12,13 3.6% EACH, LOTS 5,6,9,10 3.1% EACH, AND LOT 14 18.1% INTEREST IN THE OWNERSHIP OF LOT 15 (COMMON AREA). LOT 15 SHALL NOT BE SOLD, SUBDIVIDED, OR CONSTRUCTED UPON EXCEPTING THE CONSTRUCTION APPROVED IN THIS DEVELOPMENT. LOT 15 IS COVERED IN ITS ENTIRETY BY A PUBLIC UTILITIES AND ACCESS EASEMENT.
- LOTS 3-13 ARE FOR INDIVIDUAL SALE AND SHALL BE RETAINED SPECIFICALLY FOR LIVE-WORK UNITS.
- LIVE-WORK UNITS ARE DEFINED AS- MULTI FLOOR BUILDINGS WITH POSSIBLE COMMERCIAL OR RETAIL ON THE MAIN FLOOR WITH RESIDENTIAL ON THE TOP FLOOR.
- THIS DEVELOPMENT ALLOWS TOWNHOUSE TYPE CONSTRUCTION ON LOTS 3-13. HOMEOWNER DECLARATION OF CONVENTS AND RESTRICTIONS REQUIRES THE CITY OF POCATELLO LEGAL DEPARTMENT REVIEW AND APPROVAL.
- EASEMENTS DEDICATED ARE 10' WIDE AND ARE FOR PUBLIC UTILITIES AND DRAINAGE UNLESS OTHERWISE NOTED.
- BASIS OF BEARING PER CITY DATUM FROM OPS OBSERVATION ON CITY PK HAIL CONTROL POINT CALLED "CITY HALL" AND AMERICAN ROAD TRI-STATION. COORDINATES PROVIDED BY CITY OF POCATELLO SURVEYOR RICHARD GREEN.
- CENTERLINES OF 2ND AND 3RD AVENUE NORTH ARE BASED ON CALCULATIONS FROM RECORD OF SURVEY INST.# 20628208 BY RODNEY BURCH PLS 10900.
- MONUMENT EASEMENT IS FOR THE SOLE PURPOSE OF ERECTING AN MAINTAINING AN PYRAMD SHAPED MONUMENT. MONUMENT TO BE MAINTAINED BY THE HOME OWNERS ASSOCIATION.
- A PORTION OF FREMONT STREET THE ALLEY IN BLOCK 343 VACATED BY CITY ORDINANCE #2766 AND RECORDED IN INSTRUMENT #20512156

BOUNDARY DESCRIPTION

All of Block 343 and Lots 3-5 of Block 342 and a portion of the vacated Fremont Street in the Pocatello Original Townsite located in the southwest quarter of Section 26, Township 6 South, Range 34 East, B.M., Bannock County Idaho described as:

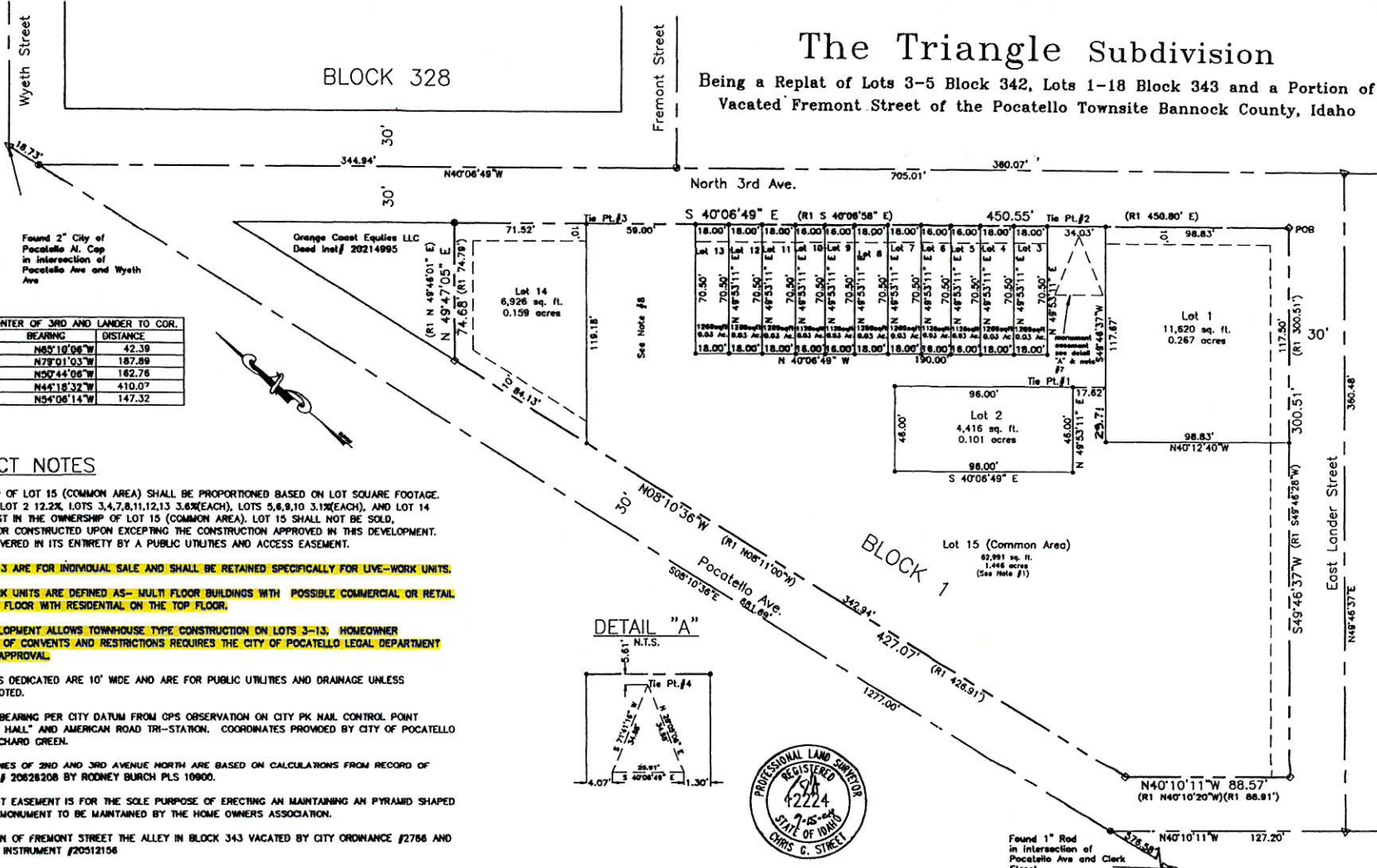
Beginning at the most easterly corner of Block 343 which corner being at the point of intersection of Northwestery Right of Way line for East Lander Street with the Southwestery Right of Way line of North 3rd Avenue; thence along said Northwestery Right of Way line of East Lander Street S49°46'37"W 300.51 feet to the Northeastery Right of Way line of North 2nd Avenue, thence N40°10'11"W along said Right of Way line of said North 2nd Avenue 88.57 feet to the Easterly Right of Way line of Pocatello Avenue; thence N08°10'36"W along said Right of Way line of Pocatello Avenue 427.07 feet to the Northwestery corner of said Lot 3 of Block 342 of the Pocatello Original Townsite; thence N49°47'05"E along the boundary of Lot 3 74.88 feet to said Southwestery Right of Way line of North 3rd Avenue; thence S40°06'49"E along said Right of Way line 450.55 feet to the Point of Beginning

Parcel Contains 2.17 Acres more or less



The Triangle Subdivision

Being a Replat of Lots 3-5 Block 342, Lots 1-18 Block 343 and a Portion of Vacated Fremont Street of the Pocatello Townsite Bannock County, Idaho



LEGEND:

- POB
- EASEMENT SIDE LINE (See Note # 4)
- ROAD CENTERLINE
- LOT LINES
- SUBDIVISION LINE
- SET 1/2" x 24" IRON ROD WITH PLASTIC CAP STAMPED 12224
- SET 5/8" x 30" IRON ROD WITH ALUMINUM CAP STAMPED PLS 12224
- FOUND CENTERLINE 2" ALUMINUM CAP PLS 2341 PER ROS INST#20719269 (unless otherwise noted)
- FOUND 5/8" IRON ROD WITH PLASTIC CAP PLS 10900 REPLACED CAP WITH 2" ALUMINUM CAP PLS 12224
- RECORD BEARING AND DISTANCES PER RECORD OF SURVEY INST# 20628208

RECORDING INSTRUMENT NO.

The Triangle Subdivision

Being a Replat of Lots 3-5 Block 342, Lots 1-18 Block 343 and the vacated Fremont Street in the Pocatello Townsite, Bannock County, Idaho

Scale: 1:40	Drawn By: cqs	Job #: 208041-001
Date: 8-14-08	Checked: cqs	Sheet: 1 of 2
Drawing File: 208041 Triangle FP 8-13-08.dwg		

356 West Sunnyside, Suite B
 Idaho Falls, Idaho 83404
 Ph: (208) 542-6120
 Fax: (208) 542-6287

KELLER
 associates

OWNER'S DEDICATION

KNOW ALL MEN BY THESE PRESENTS THAT WE, THE UNDERSIGNED OWNERS OF THE LAND DESCRIBED IN THE BOUNDARY DESCRIPTION HAVE CAUSED THE SAME TO BE SUBDIVIDED INTO A BLOCK AND LOTS AND DO HEREBY WARRANT AND SAVE THE CITY OF POCATELLO HARMLESS FROM ANY EXISTING EASEMENTS OR ENCUMBRANCES. IT IS THE INTENTION OF WE THE OWNERS TO INCLUDE ALL OF THE LAND DESCRIBED IN THE BOUNDARY DESCRIPTION IN THIS PLAT. THE LOCATION AND THE DIMENSIONS OF THE BLOCK AND LOTS ARE TO BE AS SHOWN ON THE ACCOMPANYING MAP OF THE PROPERTY. THE EASEMENTS SHOWN ARE DEDICATED TO THE PUBLIC FOR PUBLIC UTILITIES, DRAINAGE, OR FOR ANY OTHER USE DESIGNATED ON THE PLAT, AND NO STRUCTURES OTHER THAN THOSE FOR SUCH UTILITY PURPOSES ARE TO BE ERRECTED WITHIN THE LINES OF SAID EASEMENTS.

IN WITNESS WHEREOF WE THE OWNERS DO HERUNTO SET OUR HANDS.

Michael R. Jaglowski, President Triangle, Inc

Wendy F. Jaglowski, Secretary Triangle, Inc

Brandon Keller, Member JLK Development, LLC

ACKNOWLEDGMENT

STATE OF IDAHO County of Bannock

ON THIS 22nd DAY OF September IN THE YEAR 2008, BEFORE ME A NOTARY PUBLIC PERSONALLY APPEARED MICHAEL R. JAGLOWSKI, KNOWN OR IDENTIFIED TO ME TO BE THE PRESIDENT OF THE CORPORATION THAT EXECUTED THE INSTRUMENT OR THE PERSON WHO EXECUTED THE INSTRUMENT ON BEHALF OF SAID CORPORATION, AND ACKNOWLEDGED TO ME THAT SUCH CORPORATION EXECUTED THE SAME.

Signature of Notary Public

NOTARY PUBLIC FOR THE STATE OF IDAHO RESIDING AT Pocatello, ID COMMISSION EXPIRATION DATE: 02/27/09

ACKNOWLEDGMENT

STATE OF IDAHO County of Bannock

ON THIS 22nd DAY OF September IN THE YEAR 2008, BEFORE ME A NOTARY PUBLIC PERSONALLY APPEARED WENDY F. JAGLOWSKI, KNOWN OR IDENTIFIED TO ME TO BE THE PRESIDENT OF THE CORPORATION THAT EXECUTED THE INSTRUMENT OR THE PERSON WHO EXECUTED THE INSTRUMENT ON BEHALF OF SAID CORPORATION, AND ACKNOWLEDGED TO ME THAT SUCH CORPORATION EXECUTED THE SAME.

Signature of Notary Public

NOTARY PUBLIC FOR THE STATE OF IDAHO RESIDING AT Pocatello, ID COMMISSION EXPIRATION DATE: 02/27/09

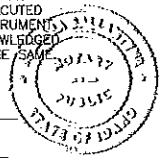
ACKNOWLEDGMENT

STATE OF IDAHO County of Bannock

ON THIS 23 DAY OF September THE YEAR 2008, BEFORE ME BRANDON KELLER, PERSONALLY APPEARED OR IDENTIFIED TO ME TO BE A MEMBER OF THE LIMITED LIABILITY COMPANY THAT EXECUTED THE INSTRUMENT OR THE PERSON WHO EXECUTED THE INSTRUMENT ON BEHALF OF SAID LIMITED LIABILITY COMPANY AND ACKNOWLEDGED TO ME THAT SUCH LIMITED LIABILITY COMPANY EXECUTED THE SAME.

Signature of Notary Public

NOTARY PUBLIC FOR THE STATE OF IDAHO RESIDING AT Boise COMMISSION EXPIRATION DATE: 3-1-2009



TREASURER'S CERTIFICATE

PURSUANT TO 50-1308, IDAHO CODE. I, RADENE BARKER DO HERBY CERTIFY THAT ALL COUNTY PROPERTY TAXES DUE ON THE PROPERTY BEING SUBDIVIDED, BOTH DELINQUENT AND CURRENT, HAVE BEEN PAID IN FULL.

THROUGH 2007. Radene Barker, County Treasurer. Date: 9/29/08. Signature of Radene Barker and Beanna Zhanab.

CULINARY WATER

ALL LOTS IN THIS SUBDIVISION ARE ELEGIBLE TO RECEIEVE WATER FROM THE EXISTING CITY OF POCATELLO MUNICIPAL WATER SYSTEM

SURVEYOR'S CERTIFICATE

I, Chris C. Street, a registered professional land surveyor of the State of Idaho do hereby certify that a survey was made under my direction of that land described in the accompanying boundary description and that the plat upon which this certification appears was made under my direction. I further certify that the accompanying map correctly depicts the division of the land as marked upon the ground, that the monuments shown conforms with that set or found upon the ground, and that the pertinent provisions of the statutes of the State of Idaho together with all local ordinances pertaining thereto have been complied with.

Signature of Chris C. Street. Date: 7-16-08. Chris C. Street



CITY SURVEYOR CERTIFICATE

THIS IS TO CERTIFY THAT I, RICHARD GREEN, A REGISTERED LAND SURVEYOR, REGISTERED BY THE STATE OF IDAHO, HAVE CHECKED THIS PLAT AND THE COMPUTATIONS SHOWN HEREON AND FIND NO DISAGREEMENTS WITH IDAHO CODE OR LOCAL ORDINANCES PERTAINING THERETO.

Signature of Richard Green. Date: 9/24/08. Richard Green, P.L.S. 942 POCATELLO CITY SURVEYOR

COUNTY SURVEYOR

I, TIM SHURTLIFF, SURVEYOR IN AND FOR BANNOCK COUNTY, IDAHO, DO HERBY CERTIFY THAT I HAVE CHECKED THIS PLAT AND COMPUTATIONS SHOWN HERON, AND HAVE DETERMINED THAT THE REQUIREMENTS OF IDAHO CODE 50-1305 HAVE BEEN MET, AND I APPROVE THE SAME FOR FILING THIS 29 DAY OF Sept. 2008

Signature of Tim Shurtliff. Idaho License No. 977

COUNTY RECORDER'S CERTIFICATE

I, DALE HATCH, CERTIFY THAT THIS PLAT WAS FILED FOR RECORD IN THE OFFICE OF THE RECORDER OF THE COUNTY OF BANNOCK, IDAHO ON THIS 29 DAY OF Sept. 2008 AT 2:13 P.M. AT THE REQUEST OF KELLER ASSOCIATES INC. AND WAS DULY RECORDED IN RECORD OF PLATS IN BOOK 911 PAGE 1.

20821538 INSTRUMENT NO. Dale Hatch by m. John DALE HATCH, BANNOCK COUNTY RECORDER

SOUTHEASTERN DISTRICT HEALTH DEPARTMENT

A SANITARY RESTRICTION IS IN FORCE PER IDAHO CODE 50-1326 TO 50-1329 ON THIS PLAT. NO BUILDING, DWELLING, OR SHELTER SHALL BE ERRECTED UNTIL SANITARY RESTRICTION REQUIREMENTS ARE SATISFIED AND LIFTED.

SANITARY RESTRICTIONS ARE SATISFIED AND LIFTED THIS 29 DAY OF September 2008.

Ken Keller, E.H.S. KEN KELLER, E.H.S. SOUTHEAST DISTRICT HEALTH DEPARTMENT

CITY OF POCATELLO

The plot on which this certification appears is hereby approved by the City of Pocatello, Idaho this 26th day of September 2008

Signature of Roger Chase, Mayor. Signature of Brenda Whitworth, Deputy Clerk. Signature of Merril Quoyle, Engineer for the City.

DECLARATIONS OF COVENANTS, CONDITIONS, AND RESTRICTIONS

ARE RECORDED UNDER INSTRUMENT NUMBER 20820212 AND ARE HERBY MADE A PART OF THE PLAT.

The Triangle Subdivision

Being a Replat of Lots 3-5 Block 342, Lots 1-18 Block 343 and a portion of the vacated Fremont Street in the Pocatello Townsite, Bannock County, Idaho

Table with 3 columns: Scale, Drawing File, Drawing Date, Drawn By, Checked, Sheet, Job #.

KELLER associates logo and address: 356 West Sunnyside, Suite B Idaho Falls, Idaho 83404 Ph: (208) 542-6120 Fax: (208) 542-6287