



# Planning & Development Services

PLANNING SERVICES

NEIGHBORHOOD & COMMUNITY SERVICES

911 NORTH 7<sup>th</sup> AVENUE | PO BOX 4169 | POCATELLO, IDAHO 83205-4169 | 208.234.6184 | <https://www.pocatello.us>

**\*\* NOTICE OF PUBLIC HEARING \*\***

HEARING DATE: Thursday, April 2, 2020

TIME: 6:00 p.m.

PLACE: City Council Chambers, City Hall, 911 North 7th, Pocatello, Idaho

ORGANIZATION HOLDING HEARING: Pocatello City Council

The Pocatello City Council will hear comments from the public concerning a request by Billy Isley to vacate the public's interest in the right-of-way near the east corner of Center Street and Apex Road. Application materials are enclosed for your review.

All interested persons are invited to attend the hearing to express their views regarding this proposal. Oral testimony may be offered at the meeting and may be restricted to no more than 3 minutes per person. Written testimony may be submitted up to the time of or at the hearing or submitted to the Planning & Development Services Department. Additional information may be obtained by calling 208.234.6184 or e-mailing [planning@pocatello.us](mailto:planning@pocatello.us).

City Hall is accessible to persons with disabilities. Program access accommodations may be provided with three (3) days' advance notice by contacting Skyler Beebe at [sbeebe@pocatello.us](mailto:sbeebe@pocatello.us); 208.234.6248 or 5815 South 5th Avenue, Pocatello, ID.

Sincerely,

**JAMES ANGLESEY | CITY OF POCATELLO**

Assistant Planner | Planning & Development Services

911 N 7<sup>th</sup> Avenue | PO Box 4169 | Pocatello ID 83205-4169

Office 208-234-6500 | [janglesey@pocatello.us](mailto:janglesey@pocatello.us)



PLANNING & DEVELOPMENT SERVICES  
PO Box 4169, 911 North Seventh Avenue  
Pocatello, Idaho 83205  
(208)234-6184 FAX (208)234-6586

**PETITION FOR VACATION OF RIGHT-OF-WAY**

Submittal Date: 2.24.20 Council Date: 4.2.20 Permit #: 20-410  
Submittal Approved by: ML Receipt #: \_\_\_\_\_ Receipt Date: 2.25.20  
Filing Fee: **\$535.00** + (11 Addresses x \$7.25/ea = **\$79.75**) + Survey Accuracy Review **\$200.00** = Total Due **\$814.75**

\* A pre-application meeting is required prior to the submittal of this application in order to determine the type of vacation request and required notices, mailings, fees and hearing procedures.

<b>Petitioner's Name:</b>	<b>Representative's Name (if applicable):</b>
Name: <u>Billy B Isley</u>	Name: <u>SAME</u>
Mailing address: <u>2227 E Center</u>	Mailing address: _____
City, State, Zip: <u>Pocatello, ID 83201</u>	City, State, Zip: _____
Phone: <u>208 243-4441</u>	Phone: _____
Email: <u>77isley@gmail.com</u>	Email: _____
General Site Location: <u>Center Street and Apex Rd.</u>	_____

**THE FOLLOWING INFORMATION MUST ACCOMPANY THIS APPLICATION TO BE COMPLETE**

1. Vacations of public rights-of-way are subject to compliance with Pocatello City Council Resolution Number 2016-11 adopted on August 18, 2016.
2. Review of vacation petitions is subject to compliance with the applicable provisions Idaho Statutes.
3. The petitioner is responsible for providing all required information in support of the petition and has the sole burden of proof and must provide specific responses to the attached review standards.
- \* 4. A complete legal description of the right-of-way proposed to be vacated and a copy of the recorded subdivision plat documenting the dedication and acceptance of the right-of-way or other applicable documentation. Legal descriptions and exhibit maps should be prepared by a licensed surveyor to avoid possible delays in the petition process. Legal descriptions will be verified by the City Surveyor prior to the petition being scheduled for full staff review and the City Council hearing.
5. Typed, gummed mailing labels with the names and addresses of the property owners, as shown on current County Assessor tax records, as required by the type of vacation petition. This may include all the property owners of record abutting the proposed right-of-way vacation and property owners within 300' of the boundary of the proposed right-of-way vacation. Some types of vacation requests require mailing by certified mail with return receipts.
6. A signed Affidavit of Mailing List must also be submitted (attached).
- \* 7. Written consent from all adjoining property owners of record that adjoin the proposed right-of-way vacation must be submitted with the petition.
8. This petition shall not be considered complete (nor will a hearing before the City Council be scheduled) until all required information has been submitted and verified.

I hereby acknowledge that I have read this petition form, and state that the information that I have provided is correct. I am also aware the petitioner or a duly authorized representative must be present at the public hearing.

Signature of Petitioner:  Date: 2/22/2020

Signature of Representative: \_\_\_\_\_ Date: \_\_\_\_\_

**REVIEW STANDARDS PER COUNCIL RESOLUTION 2016-11:**

The petitioner must provide specific responses to the following standards:

1. Describe why the requested vacation is expedient for the public good: Apex Road has been reduced to 60 ft ROW on both ends of requested vacation.

2. Identify any "damages" that the City may incur as a result of the requested vacation and describe any proposed terms and conditions for mitigating any "damages": NONE

3. Describe the requested manner of reversion of the requested vacated area and how it is in the best interests of the adjoining property owners: 40' Reversion to the N property to keep the alignment of the portion of the Road already vacated.

4. Explain why granting the requested vacation will not impair the rights of any lot owner or public utility: All public utilities have already taken the 40' vacation into account for Apex road.

5. Please provide any additional information that you feel is applicable to this petition: Vacation of 40' adjacent to this request was granted by City Ordinance 2939 in 2014 sub by plat of Tuxary Heights Subdivision recorded 9/10/2003 as instrument # 20324675 & city ordinance # 2663

## Apex Vacation

A parcel of land located in the Southwest 1/4 of Southeast 1/4, Section 19, Township 6 South, Range 35 East, Boise Meridian, Bannock County, Idaho, described as follows:

Commencing at the South 1/4 Corner of Section 19, Township 6 South, Range 35 East, Boise Meridian, being marked by a Bannock County Brass Cap Monument as described in Corner Perpetuation Inst. No. 90015501;

Thence North  $00^{\circ}08'29''$  West (basis of bearing per information from Tuscan Heights Subdivision Instrument No. 20324675) along the Meridional Centerline of said Section 19, a distance of 1324.18 feet, to the South 1/16 Corner on the Meridional Centerline of said Section 19, being marked by a 5/8 inch rebar;

Thence South  $89^{\circ}43'48''$  East, along the South 1/16 line of said Section 19, a distance of 295.78 feet, to the Northeast Corner of said Subdivision;

Thence South  $24^{\circ}30'04''$  West, along the Easterly Boundary line of said Subdivision, a distance of 429.31 feet to a point on the Northerly Right of Way line of Apex Road as described in Deed Inst. No. 481330 to the City of Pocatello also being the Northeast corner of Vacation Ordinance No. 2663, Deed Inst. No. 20103038, being the **POINT OF BEGINNING**;

Thence South  $63^{\circ}34'55''$  East, along said Right of Way line of Apex Road, a distance of 121.45 feet to a point of tangency of a 1196.95 foot radius curve whose center bears South  $26^{\circ}25'05''$  West;

Thence following said curve in a clockwise direction, along said Right of Way line of Apex Road, through a central angle of  $00^{\circ}38'56''$  with an arc length of 13.55 feet, (the chord of said curve bears South  $63^{\circ}15'27''$  East a distance of 13.55 feet);

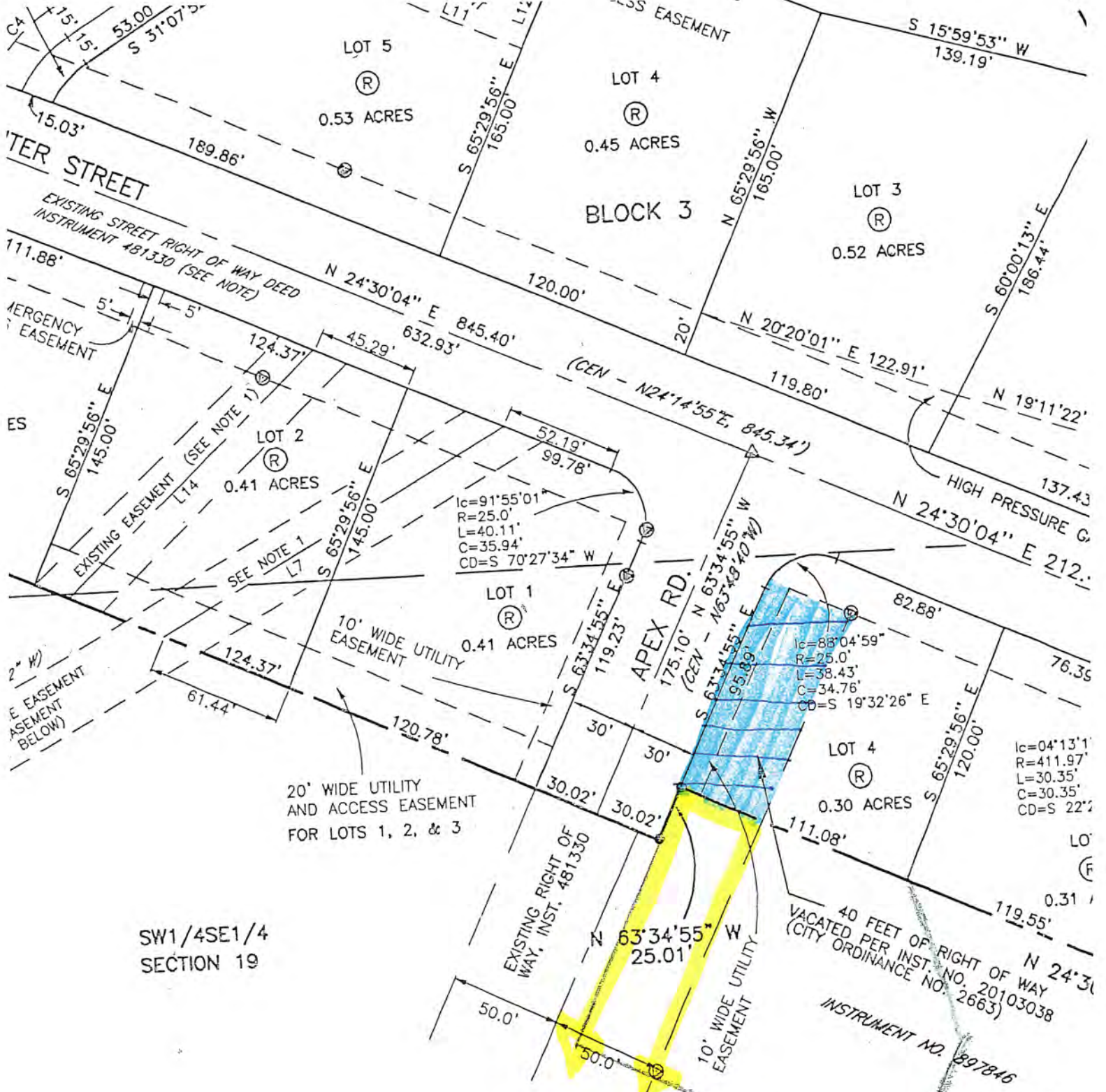
Thence South  $14^{\circ}52'14''$  West a distance of 40.96 feet, to a point of non-tangency of a 1156.95 foot radius curve whose center bears South  $27^{\circ}29'43''$  West;

Thence following said curve in a counter clockwise direction through a central angle of  $01^{\circ}04'38''$  with an arc length of 21.75 feet, (the chord of said curve bears North  $63^{\circ}01'58''$  West a distance of 21.75 feet);

Thence North  $63^{\circ}34'55''$  West a distance of 120.11 feet the Southeast corner of Lot 4 Block 2 of said Subdivision also being the Southeast corner of said Vacation;

Thence North  $24^{\circ}30'04''$  East, along the Easterly Boundary line of said Subdivision and the Easterly Boundary line of said Vacation, a distance of 40.02 feet, to the **POINT OF BEGINNING**.

Containing 0.13 Acres, more or less.



SW1/4SE1/4  
SECTION 19

REMARKS)

**GENERAL NOTES**

1. THE 30 FOOT WIDE WATER LINE EASEMENT (WHICH ENCLOSES TWO EXISTING WATER LINES) IN LOTS 1 AND 2, BLOCK 1, THE CENTERLINE WHICH IS DEFINED BY MEASUREMENT "L7" IN THE LINE TABLE IS GRANTED TO THE CITY OF POCATELLO TO REPLACE AN EXISTING EASEMENT (NOT ENCLOSING EXISTING WATER LINES) DESCRIBED IN INSTRUMENT 504290 WHOSE CENTERLINE IN LOT 2, BLOCK 1 IS DEFINED BY THE MEASUREMENT "L14" IN THE LINE TABLE AND TIED TO THE NORTHWEST CORNER OF SAID LOT 2.
2. EASEMENTS DEPICTED ON THE ACCOMPANYING MAP, ADJOINING THE RIGHT OF WAY LINES OF EAST CENTER STREET AND APEX ROAD ARE FOR PUBLIC UTILITIES, DRAINAGE AND ROADWAY SLOPE, ALL OTHER

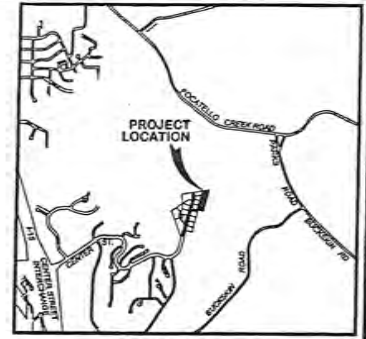
**CURVE TABLE**

NUMBER	DELTA ANG	RADIUS	ARC	TAN
C1	105°04'19"	25.00	45.85	32.62
C2	90°00'00"	30.00	47.12	30.00
C3	55°37'56"	115.00	111.66	60.67
C4	31°39'05"	75.00	41.43	21.26
C5	55°37'56"	85.00	82.53	44.85
C6	13°12'22"	85.00	19.59	9.84
C7	42°25'34"	85.00	62.94	32.99

**LINE TABLE**

NO.	DIRECTION	DIST.	NO.	DIRECTION
L1	S 65°29'56" E	2.94'	L8	N 31°07'5"
L2	N 24°30'04" E	30.00'	L9	N 24°30'0"

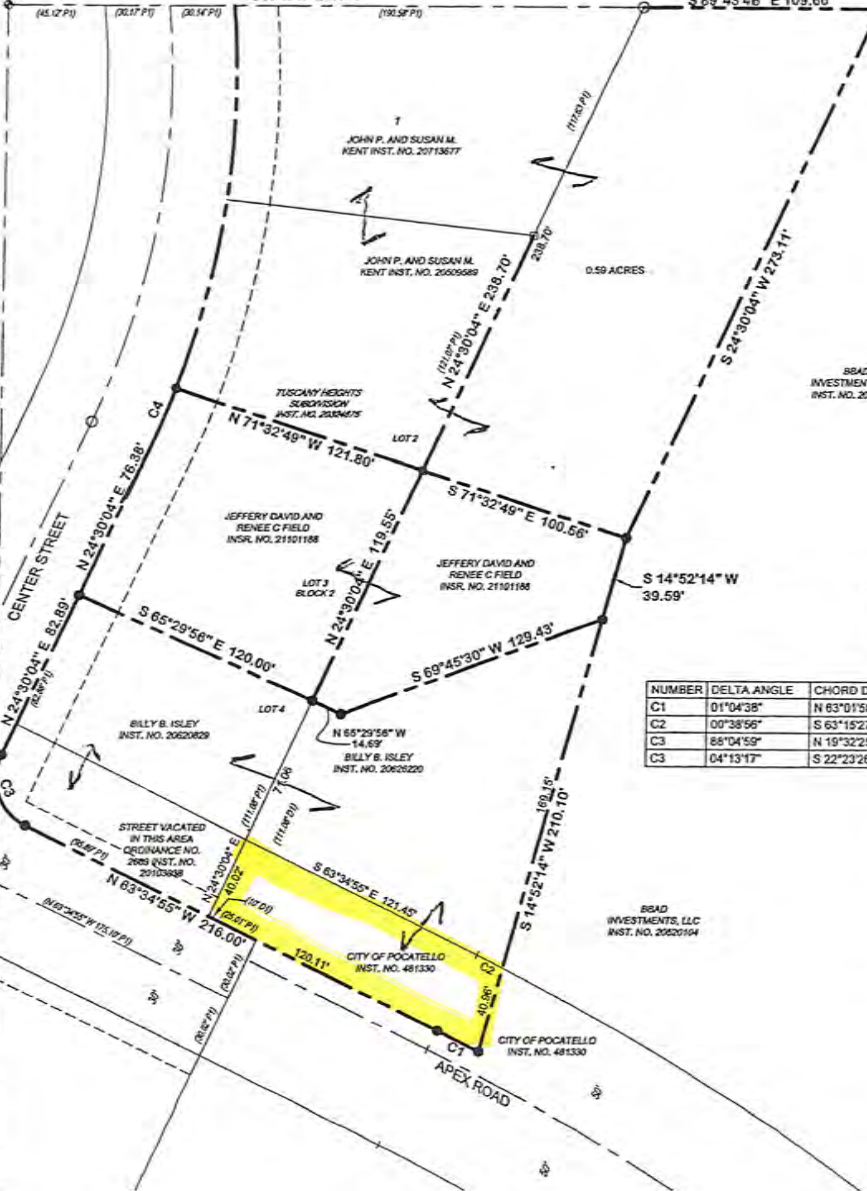
**RECORD OF SURVEY FOR  
BILL ISLEY**  
LOCATED IN SOUTHWEST QUARTER OF THE SOUTHEAST  
QUARTER OF SECTION 19, TOWNSHIP 6 SOUTH, RANGE 35  
EAST, BOISE MERIDIAN, BANNOCK COUNTY, IDAHO



VICINITY MAP

S 1/16 COR. MERIDIONAL  
CENTERLINE SEC. 19, FOUND 2"  
ALUMINUM CAP STAMPED PELS  
2341, SEE CORNER PERP. INST.  
NO. 20524199

SE 1/16 COR. SEC. 19, FOUND 2"  
ALUMINUM CAP STAMPED PELS  
2341, SEE CORNER PERP.  
INST. NO. 20524199



- LEGEND**
- FOUND 1/4 CORNER AS NOTED
  - FOUND 1/16 CORNER AS NOTED
  - FOUND 5/8 INCH REBAR WITH 2 INCH ALUM. CAP STAMPED (SHURLIFF LS 977)
  - FOUND 1/2 INCH REBAR WITH PLASTIC CAP STAMPED (SHURLIFF LS 977)
  - SET 1/2 INCH BY 30 INCH REBAR WITH PLASTIC CAP STAMPED (RMES PELS 2341)
  - SURVEYED BOUNDARY LINE
  - STREET CENTERLINE/SECTION LINE
  - EXISTING LOT/PROPERTY LINES
  - EASEMENT SIDELINE PER TUSCANY HEIGHTS SUBDIVISION INST. NO. 20324875
  - EXISTING LOT NUMBER

**REFERENCE DOCUMENTS**

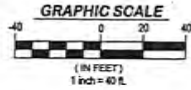
- (-P1) BEARING AND DISTANCE PER TUSCANY HEIGHTS SUBDIVISION INST. NO. 20324875
- (-D1) BEARING AND DISTANCE PER QUITCLAIM DEED INST. NO. 20628220

**CURVE TABLE**

NUMBER	DELTA ANGLE	CHORD DIRECTION	TANGENT	RADIUS	ARC LENGTH	CHORD LENGTH
C1	01°04'38"	N 63°01'58" W	10.88	1156.95	21.75	21.75
C2	00°38'56"	S 63°15'27" E	6.78	1196.95	13.55	13.55
C3	88°04'59"	N 19°32'25" W	24.18	25.00	38.43	34.76
C3	04°13'17"	S 22°23'28" W	15.19	411.97	30.35	30.35

**SURVEYOR'S CERTIFICATE**

I, JAY CORNELISON, A DULY LICENSED LAND SURVEYOR IN THE STATE OF IDAHO, HEREBY CERTIFY THAT THIS PLAT WAS FILED CORRECTLY REPRESENTS A SURVEY MADE UNDER MY DIRECTION OF THE LANDS SHOWN HEREON IN CONFORMANCE WITH THE REQUIREMENTS OF CHAPTER NINETEEN, TITLE FIFTY-FIVE OF THE IDAHO CODE.



*Jay Cornelison*  
JAY L. CORNELISON  
REGISTERED ENGINEER - LAND SURVEYOR  
2341  
8-20-13 DATE

**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 20th DAY OF AUGUST 2013 AT 4:22 PM AT THE REQUEST OF RMES

AND  
WAS DULY RECORDED IN RECORD OF SURVEYS IN BOOK 970 AT PAGE 21314961  
INSTRUMENT NO.  
*Dale Hatch by D Murphy*  
DALE HATCH, COUNTY RECORDER

**BASIS OF BEARING**  
PER CITY DATUM BASED ON THE CENTRAL MERIDIAN OF EAST ZONE OF IDAHO STATE PLANE COORDINATE SYSTEM.

RECORD OF SURVEY FOR  
**BILL ISLEY**  
LOCATED IN SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 19, TOWNSHIP 6 SOUTH, RANGE 35 EAST, BOISE MERIDIAN, BANNOCK COUNTY, IDAHO

REVISIONS

1	MODIFIED BY: JLC 8-19-13	SURVEYED BY: SFT MSB
2		OFFICE WORK BY: MSB
		FIELD BOOK NO: 05-03
		DATE: APRIL 25, 2008
		PROJECT NO: 08040
		DRAWINGS: R:\08\Isley_BMCONTR ST ROD 08040\Civil 3D\Isley-base.dwg

SCALE: 1 INCH = 40 FEET

SHEET 1 OF 1

S 1/4 COR. SEC. 19, FOUND  
BANNOCK COUNTY  
MONUMENT, SEE CORNER  
PERP. INST. NO. 90015501