Date: Monday, June 13, 2011

To: Honorable Mayor and City Council

From: Jackie Fields, City Engineer

Request:

Consideration of a request to accept a perpetual waterline easement from Roger Wagner.

Background:

The City of Twin Falls Urban Renewal Agency (URA) is electing to install a 24" & 18" diameter waterline pipe in Kimberly Road from the Hankins Water tower to 3300 East and then south on 3300 East to Eldridge Avenue. The waterline and will improve fire flows to properties south of Kimberly Road between 3200 & 3300 east. In addition to the waterline improvement, the URA is installing 2 additional pumps and a backup generator as part of this project.

To construct said pipeline several private easements are necessary outside ITD and City of Twin Falls Right of way.

Approval Process:

City Council makes recommendation for Mayor to sign accepting public easement.

Budget Impact:

There is no budget impact associated with the Council's approval of this request.

Regulatory Impact:

Approval of this request will allow the URA to proceed with the project.

Conclusion:

Staff recommends that the Council approve the request as presented and the Mayor Sign attached easement accepting them.

Attachments:

1. Public Easement
2. Exhibit A (Easement Map)
3. Exhibit B (Legal Description)

PUBLIC EASEMENT

FOR VALUABLE CONSIDERATION, the receipt of which is hereby acknowledged, Roger Wagner, hereafter referred to as "Grantor", does hereby irrevocably grant and convey unto the CITY OF TWIN FALLS, IDAHO, a municipal corporation, hereafter referred to as "Grantee", a perpetual water line easement to be located upon, pass through, and across lands owned by Grantor, in the County of Twin Falls, Idaho, at the northeast corner of Hankins Road and Kimberly Road. Said easement right-of-way is particularly described as:

See attached Exhibits A & B.

Grantor agrees not to build or permit any obstruction, building or other structure, over, on, around or about said easement right-of-way that would interfere with Grantee's right hereunder including Grantee's right of ingress and egress for maintenance and upkeep.

It is agreed that the consideration for the easement hereby given is the sum of One Thousand Nine Hundred Eighty Three Dollars ($1,983.00) together with other good and valuable consideration, the receipt of which is hereby acknowledged, and that no further sum shall be collected hereafter for said easement. This agreement, together with Exhibit A and Exhibit B covers all of the agreements by the parties hereto and the parties agree further that there are no written or verbal agreements otherwise which change or add to the terms hereof. This grant of easement is perpetual, and shall bind the parties, their heirs, personal representatives, lawful assigns and successors in interest.

TO HAVE AND TO HOLD, said easement unto Grantee, its successors and assigns this 16 day of May, 2011.

GRANTOR

Roger Wagner

STATE OF IDAHO)
) ss.
County of Twin Falls)

On this 16th day of May, 2011, before me, the undersigned, a Notary Public in and for said County and State, personally appeared Roger Wagner, known to me to be the owner of the above noted property and GRANTOR of the foregoing grant of easement, and acknowledged to me that he executed the same for and on behalf of himself, having lawful authority to do so.

IN WITNESS THEREOF, I have hereunto set my hand and affixed my official seal, the day and year of this certificate first written.

TANYA C MOORE
Notary Public
State of Idaho
7/22/16

Notary Public in and for Idaho

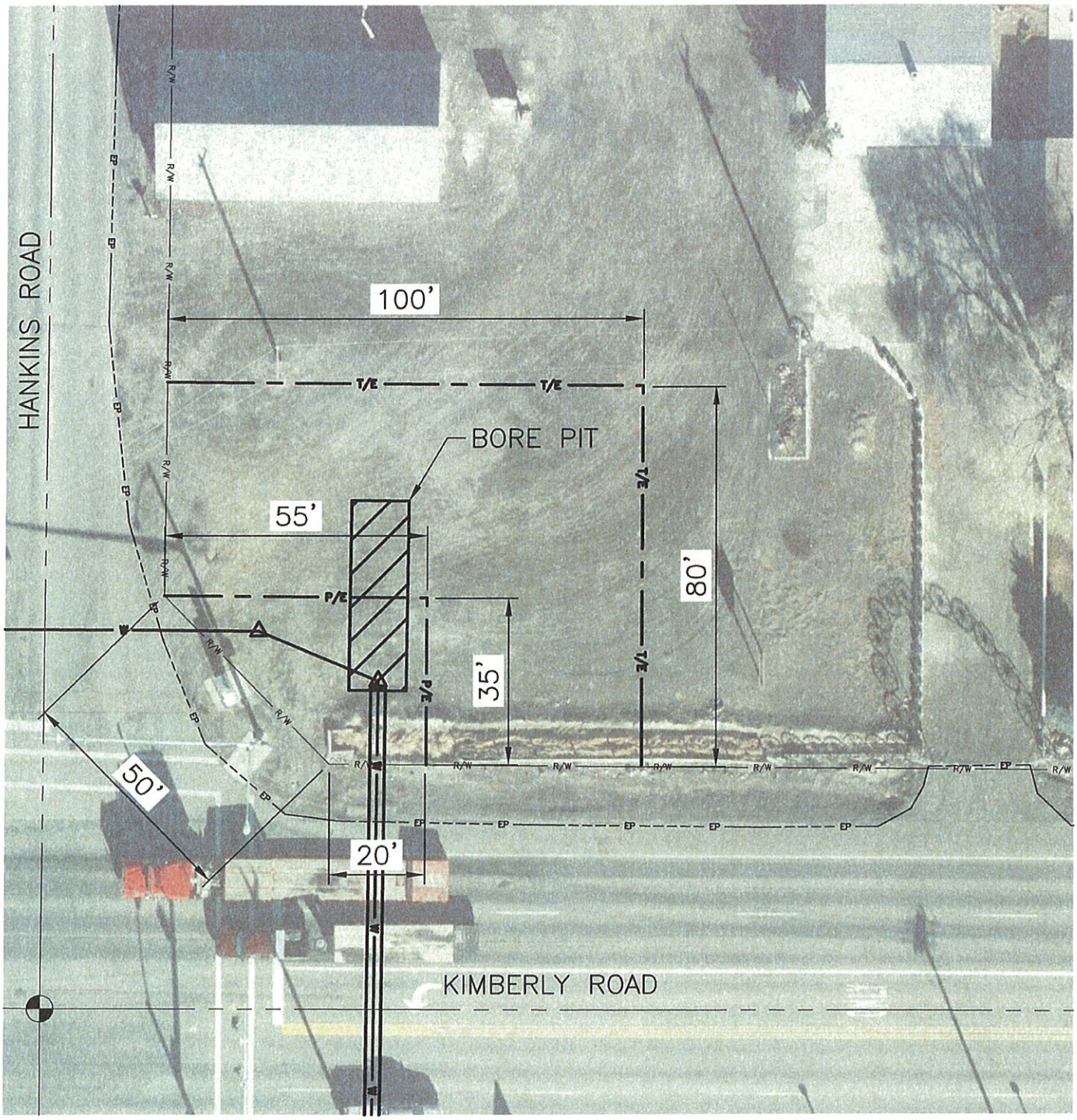
Residing at Filer, ID

GRANTEE
City of Twin Falls

By: _____
Don Hall, Mayor

Attest:_____
Travis Rothweiler, City Manager

City Council Approval Date:_____



P/E ≈ 1322 sq ft
T/E ≈ 7380 sq ft

Plot Date: 5/6/2011 9:21 AM Plotted By: Shawn Dulin
Date Created: 5/2/2011 F:\PROJECTS\JUB\60-11-018-TWIN_FALLS_URA_HANKINS_WATER_PHASE_2\CAD\SHEET\EXHIBITS\60-11-018 EASE.DWG

REUSE OF DRAWINGS
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NO	REVISION DESCRIPTION	BY	APR	DATE

FILE: 60-11-018 EASE
JUB PROJ. #: ####
DRAWN BY: SMD
DESIGN BY: JPE
CHECKED BY: DF
LAST UPDATED: 5/5/2011

J-U-B ENGINEERS, INC.

EXHIBIT A
ROGER WAGNER

TEMPORARY AND PERMANENT EASEMENTS

SHEET 1

EXHIBIT B

PERMANENT EASEMENT
LEGAL DESCRIPTION
WAGNER PARCEL

A parcel of land located in the Southwest Quarter, Southwest Quarter of Section 13, Township 10 South, Range 17 East, Boise Meridian, Twin Falls County Idaho, and being more particularly described as follows:

Commencing at the Southwest corner of said Section 13, from which the South Quarter corner of said Section bears South 89°49'17" East – 2638.96 feet;

THENCE North 00°27'33"East along the West boundary of said Section 13, a distance of 87.05 feet;
THENCE South 89°32'27" East, a distance of 25.00 feet to the Easterly Right-of-Way of Hankins Road and being the POINT OF BEGINNING;

THENCE continuing South 89°32'27" East, a distance of 55.08 feet
THENCE South 00°10'43" West, a distance of 35.15 feet to the Northerly Right-of-Way of Kimberly Road and being the point of beginning of a non-tangent curve to the right, of which the radius point lies North 00°35'21" East, a radial distance of 58,559.92 feet ;
THENCE Westerly along the arc of said 58,559.92 feet radius curve, through a central angle of 00°01'11", and whose long chord bears North 89°24'04" West - 20.25 feet, a distance of 20.25 feet;
THENCE North 44°27'27" West, along Hankins Road Right-of-Way a distance of 49.57 feet to the POINT OF BEGINNING.

The above described parcel contains 1,322.4 square feet, more or less.

PROFESSIONAL LAND SURVEYOR
REGISTERED
4 May 11
10785
STATE OF IDAHO
R. THOMAS RUBY