

**COUNCIL MEMBERS:**

LANCE	TRIP	DON	DAVID E.	WILLIAM A.	GREG	REBECCA
CLOW	CRAIG	HALL	JOHNSON	KEZELE	LANTING	MILLS SOJKA
<i>Mayor</i>					<i>Vice Mayor</i>	



**AGENDA**  
 Meeting of the Twin Falls City Council  
 Monday, October 17, 2011  
 City Council Chambers  
 305 3<sup>rd</sup> Avenue East - Twin Falls, Idaho

**5:00 P.M.**

PLEDGE OF ALLEGIANCE TO THE FLAG  
 CONFIRMATION OF QUORUM  
 INTRODUCTION OF STAFF  
 CONSIDERATION OF THE AMENDMENTS TO THE AGENDA:  
 PROCLAMATIONS: None.

AGENDA ITEMS	Purpose	By:
<b>I. <u>CONSENT CALENDAR:</u></b> 1. Consideration of accounts payable for October 11 - 17, 2011. 2. Consideration of the October 3, and October 10, 2011, City Council Minutes. 3. Consideration of a request to acquire of right-of-way at 1288 Eastland Drive North. 4. Consideration of a request to acquire of right-of-way at 1208 Eastland Drive North. 5. Consideration of a request to create a storm water public utility easement through ConAgra Foods Lamb Weston, Inc property. 6. Consideration of the Final Plat of Platinum Trio Subdivision, 0.195 (+/-) acres consisting of two (2) residential lots and located on the west side of the 300 block of Tyler Street, c/o Riedesel Engineering, Inc., on behalf of Habitat For Humanity of the Magic Valley, Inc.	<u>Action</u>	<u>Staff Report</u> Sharon Bryan L. Sanchez Jacqueline Fields Jacqueline Fields Jacqueline Fields Mitch Humble
<b>II. <u>ITEMS FOR CONSIDERATION:</u></b> 1. Consideration of a request to approve the 2012 Certified Local Government application to the Idaho State Historical Society from the Twin Falls City Historic Preservation Commission. 2. Public input and/or items from the City Manager and City Council.	Action	Mitch Humble
<b>III. <u>ADVISORY BOARD REPORTS/ANNOUNCEMENTS:</u></b>		
<b>IV. <u>PUBLIC HEARINGS:</u> 6:00 –</b> 1. Public hearing to consider adopting a resolution establishing fees for applications for improvement reimbursement. Proposed Resolution #1873.	Action	Troy Vitek
<b>V. <u>ADJOURNMENT:</u> to 67-2345 Executive Sessions:</b> 1. (1)(f) To communicate with legal counsel for the public agency to discuss the legal ramifications of and legal options for pending, litigation, or controversies not yet being litigated but imminently likely to be litigated. The mere presence of legal counsel at an executive session does not satisfy this requirement.		

*\*Any person(s) needing special accommodations to participate in the above noticed meeting should contact Leila Sanchez at (208) 735-7287 at least two working days before the meeting.*

### Twin Falls City Council-Public Hearing Procedures for Zoning Requests

1. Prior to opening the first Public Hearing of the session, the Mayor shall review the public hearing procedures.
  2. Individuals wishing to testify or speak before the City Council shall wait to be recognized by the Mayor, approach the microphone/podium, state their name and address, then proceed with their comments. Following their statements, they shall write their name and address on the record sheet(s) provided by the City Clerk. The City Clerk shall make an audio recording of the Public Hearing.
  3. The Applicant, or the spokesperson for the Applicant, will make a presentation on the application/request (request). No changes to the request may be made by the applicant after the publication of the Notice of Public Hearing. The presentation should include the following:
    - A complete explanation and description of the request.
    - Why the request is being made.
    - Location of the Property.
    - Impacts on the surrounding properties and efforts to mitigate those impacts.Applicant is limited to 15 minutes, unless a written request for additional time is received, at least 72 hours prior to the hearing, and granted by the Mayor.
  4. A City Staff Report shall summarize the application and history of the request.
    - The City Council may ask questions of staff or the applicant pertaining to the request.
  5. The general public will then be given the opportunity to provide their testimony regarding the request. The Mayor may limit public testimony to no less than two minutes per person.
    - Five or more individuals, having received personal public notice of the application under consideration, may select by written petition, a spokesperson. The written petition must be received at least 72 hours prior to the hearing and must be granted by the mayor. The spokesperson shall be limited to 15 minutes.
    - Written comments, including e-mail, shall be either read into the record or displayed to the public on the overhead projector.
    - Following the Public Testimony, the applicant is permitted five (5) minutes to respond to Public Testimony.
  6. Following the Public Testimony and Applicant's response, the hearing shall continue. The City Council, as recognized by the Mayor, shall be allowed to question the Applicant, Staff or anyone who has testified. The Mayor may again establish time limits.
  7. The Mayor shall close the Public Hearing. The City Council shall deliberate on the request. Deliberations and decisions shall be based upon the information and testimony provided during the Public Hearing. Once the Public Hearing is closed, additional testimony from the staff, applicant or public is not allowed. Legal or procedural questions may be directed to the City Attorney.
- \* Any person not conforming to the above rules may be prohibited from speaking. Persons refusing to comply with such prohibitions may be asked to leave the hearing and, thereafter removed from the room by order of the Mayor.

**COUNCIL MEMBERS:**

LANCE CLOW	TRIP CRAIG	DON HALL	DAVID E. JOHNSON	WILLIAM A. KEZELE	GREG LANTING	REBECCA MILLS SOJKA
<i>Mayor</i>				<i>Vice Mayor</i>		



**MINUTES**  
 Meeting of the Twin Falls City Council  
**Monday, October 3, 2011**  
 City Council Chambers  
 305 3<sup>rd</sup> Avenue East -Twin Falls, Idaho

**5:00 P.M.**

PLEDGE OF ALLEGIANCE TO THE FLAG  
 CONFIRMATION OF QUORUM  
 INTRODUCTION OF STAFF  
 CONSIDERATION OF THE AMENDMENTS TO THE AGENDA:  
 PROCLAMATIONS: None.

AGENDA ITEMS	Purpose	By:
<b>I. <u>CONSENT CALENDAR:</u></b> 1. Consideration of accounts payable for September 27- October 3, 2011. 2. Consideration of the September 27, 2011, City Council Minutes. 3. Findings of Fact, Conclusions of Law, and Decision for the Final Plat, Crowley's Corner Subdivision c/o Twin Falls Holding Co. & JUB Engineers, Inc. 4. Consideration of a request to approve the 2011 Oktoberfest event sponsored by Downtown Alive and Scott McNealy and Tony Prater to be held on Saturday, October 8, 2011.	<u>Action</u>	Staff Report Sharon Bryan L. Sanchez Mitch Humble  Dennis Pullin
<b>II. <u>ITEMS FOR CONSIDERATION:</u></b> 1. Presentation by Jim O'Donnell, Air Show Chairman, on the planning for the Air Magic Valley, Blue Angels Air Show to be held on July 28 - 29, 2012. 2. Consideration of a request to accept approximately 161 acres of BLM property being transferred to the City through Congressional Conveyance. 3. Consideration of adoption of one ordinance regarding a request for the annexation of 35 (+/-) acres for property located at the southeast corner of Pole Line Road and Washington Street North, <u>c/o Gerald Martens/EHM Engineering Inc., on behalf of BCM&amp;W, KLS&amp;M, and Canyon Vista Limited Partnership. (app.2390)</u> 4. Consideration of adoption of one ordinance regarding a request for a Zoning District Change and Zoning Map Amendment from R-4 to C-1 Business Park PUD to develop a planned commercial development on 70 (+/-) acres located at the southeast corner of Pole Line Road and Washington Street North, <u>c/o Gerald Martens/EHM Engineering, Inc., on behalf of BCM&amp;W, KLS&amp;M, and Canyon Vista Limited Partnership, Lazy J Ranch-Linda Wills. (app.2389)</u> 5. Consideration of adoption of one ordinance regarding a request that the role of the Animal Shelter Advisory Commission be eliminated from a codified position. 6. Public input and/or items from the City Manager and City Council.	Presentation  Action  Action  Action	Bill Carberry  Lee Glaesemann  Mitch Humble  Mitch Humble  Fritz Wonderlich
<b>III. <u>ADVISORY BOARD REPORTS/ANNOUNCEMENTS:</u></b>		
<b>IV. <u>PUBLIC HEARINGS:</u> 6:00</b> 1. A public hearing to receive input on the City's intent to offer for sale approximately 0.27 acre of City owned property located at 287 Washington Street North. 2. A public hearing to receive input on the City's intent to exchange approximately 10.3 acres of City owned property located along the canyon rim, generally at the north end of Hankins Road North.	Public Hearing  Public Hearing	Mitch Humble  Mitch Humble
<b>V. <u>ADJOURNMENT:</u></b>		

*\*Any person(s) needing special accommodations to participate in the above noticed meeting should contact Leila Sanchez at (208) 735-7287 at least two working days before the meeting.*

Present: Lance Clow, Trip Craig, Don Hall, David E. Johnson, Greg Lanting

Absent: William A. Kezele, Rebecca Mills Sojka

Staff Present: City Manager Travis Rothweiler, City Attorney Fritz Wonderlich, Staff Sergeant Dennis Pullin, Staff Engineer Lee Glaesemann, Community Development Director Mitch Humble, Deputy City Clerk Sharon Bryan.

Mayor Hall called the meeting to order at 5:00 P.M. He invited all present, who wished to, to recite the Pledge of Allegiance to the Flag with him. A quorum was present. Mayor Hall introduced staff.

**CONSIDERATION OF THE AMENDMENTS TO THE AGENDA:**

Staff requested that the following item be removed from the Consent Calendar:

2. Consideration of the September 27, 2011, City Council Minutes.

Vice Mayor Lanting made the motion to approve the amendment to the agenda as presented. The motion was seconded by Councilperson Clow and roll call vote showed all members present voted in favor of the motion. Approved 5 to 0.

Vice Mayor Lanting requested that the following item be removed from the Consent Calendar and heard separately:

4. Consideration of a request to approve the 2011 Oktoberfest event sponsored by Downtown Alive and Scott McNealy and Tony Prater to be held on Saturday, October 8, 2011.

**PROCLAMATIONS:** None.

**AGENDA ITEMS**

**I. CONSENT CALENDAR:**

1. Consideration of accounts payable for ~~September 27 – October 3, 2011.~~  
September 27 – 30, 2011, total: \$2,183,782.19  
Fire Payroll total: \$49,110.47  
Payroll September 29, 2011, total: \$19,074.64.
2. Consideration of the September 27, 2011, City Council Minutes.
3. Findings of Fact, Conclusions of Law, and Decision for the Final Plat, Crowley's Corner Subdivision c/o Twin Falls Holding Co. & JUB Engineers, Inc.
4. Consideration of a request to approve the 2011 Oktoberfest event sponsored by Downtown Alive and Scott McNealy and Tony Prater to be held on Saturday, October 8, 2011.

**MOTION:**

Vice Mayor Lanting made the motion to approve the Consent Calendar as presented with the exception of Item for Consideration I.2. Consideration of the September 27, 2011, City Council Minutes, and Item for Consideration I.4. Consideration of a request to approve the 2011 Oktoberfest event sponsored by Downtown Alive and Scott McNealy and Tony Prater to be held on Saturday, October 8, 2011. The motion was seconded by Councilperson Johnson and roll call vote showed all members present voted in favor of the motion. Approved 5 to 0.

- I. 4. Consideration of a request to approve the 2011 Oktoberfest event sponsored by Downtown Alive and Scott McNealy and Tony Prater to be held on Saturday, October 8, 2011.

Staff Sergeant Pullin reviewed the request. Staff recommends that this event be approved.

Discussion followed:

-Main to Gooding Street Closure.

**MOTION:**

Vice Mayor Lanting made the motion to approve the 2011 Oktoberfest event with the inclusion of Friday night that the entire street from Main to Gooding Street to be closed. The motion was seconded by Councilperson Clow and roll call vote showed all members present voted in favor of the motion. Approved 5 to 0.

**II. ITEMS FOR CONSIDERATION:**

1. Presentation by Jim O'Donnell, Air Show Chairman, on the planning for the Air Magic Valley, Blue Angels Air Show to be held on July 28 - 29, 2012.

Jim O'Donnell gave a presentation on the event using overhead projection.

2. Consideration of a request to accept approximately 161 acres of BLM property being transferred to the City through Congressional Conveyance.

Staff Engineer Glaesemann reviewed the request.

Staff recommends that the Council accept the conveyance of the BLM property to the City of Twin Falls.

Mike Courtney, Field Manager of the BLM, gave a review of the project.

Councilpersons Clow and Craig gave a brief history on the Auger Falls Project.

The Council commended Tom Courtney, former City of Twin Falls City Manager, and Gary L. Young, former City Engineer, for their participation in the purchase of the project.

Tom Courtney gave a brief history on the purchase and commended the Council and Staff Engineer Lee Glaesemann the work done on the purchase of the property.

Gary L. Young gave a brief history on the acquiring of the property.

**MOTION:**

Councilperson Clow made the motion to accept the conveyance of the BLM property to the City of Twin Falls, as presented. The motion was seconded by Councilperson Craig and roll call showed all members present voted in favor of the motion. Approved 5 to 0.

3. Consideration of adoption of one ordinance regarding a request for the annexation of 35 (+/-) acres for property located at the southeast corner of Pole Line Road and Washington Street North, c/o Gerald Martens/EHM Engineering Inc., on behalf of BCM&W, KLS&M, and Canyon Vista Limited Partnership. (app.2390)

Community Development Director Humble reviewed the request.

The ordinance has been prepared as directed by the Council and is recommended for adoption as submitted.

**MOTION:**

Councilperson Johnson made the motion to suspend the rules and place Ordinance #3015, entitled:  
AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TWIN FALLS, IDAHO, ANNEXING CERTAIN REAL PROPERTY BELOW DESCRIBED, PROVIDING THE ZONING CLASSIFICATION THEREFOR, AND ORDERING THE NECESSARY AREA OF IMPACT AND ZONING DISTRICTS MAP AMENDMENT.

on third and final reading by title only. The motion was seconded by Vice Mayor Lanting and roll call vote showed all members present voted in favor of the motion. Approved 5 to 0.

Deputy City Clerk Bryan read the ordinance title.

**MOTION:**

Councilperson Johnson made the motion to adopt Ordinance #3015 as presented. The motion was seconded by Councilperson Craig and roll call vote showed members present voted in favor of the motion. Approved 5 to 0.

4. Consideration of adoption of one ordinance regarding a request for a Zoning District Change and Zoning Map Amendment from R-4 to C-1 Business Park PUD to develop a planned commercial development on 70 (+/-) acres located at the southeast corner of Pole Line Road and Washington Street North, c/o Gerald Martens/EHM Engineering, Inc., on behalf of BCM&W, , KLS&M, and Canyon Vista Limited Partnership, Lazy J Ranch-Linda Wills. (app.2389)

Community Development Director Humble reviewed the request.

The ordinance has been prepared as directed by the Council and is recommended for adoption as submitted.

Discussion followed:

Community Development Director Humble stated that the 5-year timetable of PUD becomes effective the date the Council approves the agreement.

**MOTION:**

Councilperson Johnson made the motion to suspend the rules and place Ordinance #3016, entitled:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TWIN FALLS, IDAHO, REZONING REAL PROPERTY BELOW DESCRIBED; PROVIDING THE ZONING CLASSIFICATION THEREFOR; AND ORDERING THE NECESSARY AREA OF IMPACT AND ZONING DISTRICTS MAP AMENDMENT.

on third and final reading by title only. The motion was seconded by Vice Mayor Lanting and roll call vote showed all members present voted in favor of the motion. Approved 5 to 0.

Deputy City Clerk Bryan read the ordinance title.

**MOTION:**

Councilperson Craig made the motion to adopt Ordinance #3016 as presented. The motion was seconded by Councilperson Clow and roll call vote showed members present voted in favor of the motion. Approved 5 to 0.

5. Consideration of adoption of one ordinance regarding a request that the role of the Animal Shelter Advisory Commission be eliminated from a codified position.

City Attorney Wonderlich reviewed the request.

The ordinance has been prepared as directed by the Council and is recommended for adoption as submitted.

Discussion followed:

**MOTION:**

Vice Mayor Lanting made the motion to suspend the rules and place Ordinance #3017, entitled:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TWIN FALLS, IDAHO, REPEALING CHAPTER 9 OF TITLE 2 OF THE TWIN FALLS CITY CODE.

on third and final reading by title only. The motion was seconded by Councilperson Clow and roll call vote showed all members present voted in favor of the motion. Approved 5 to 0.

Deputy City Clerk Bryan read the ordinance title.

**MOTION:**

Councilperson Clow made the motion to adopt Ordinance #3017 as presented. The motion was seconded by Vice Mayor Lanting and roll call vote showed all members present voted in favor of the motion. Approved 5 to 0.

6. Public input and/or items from the City Manager and City Council.

The Council directed the City Attorney to review the section of the animal permit ordinance requiring circulation of petitions for animal permits to all households within three hundred feet of the applicant's property, to be evaluated by staff and presented to Council at a future meeting.

Councilperson Craig stated that an Open House for the TF Public Library will be held on October 7, 2011.

Recess at 6:00 P.M.

Reconvened at 6:05 P.M.

**III. ADVISORY BOARD REPORTS/ANNOUNCEMENTS:**

**IV. PUBLIC HEARINGS: 6:00**

1. A public hearing to receive input on the City's intent to offer for sale approximately 0.27 acre of City owned property located at 287 Washington Street North.

Community Development Director Humble reviewed the request.

Council discussion followed.

The public comment portion of the hearing was opened and closed with no input.

Discussion followed:

Community Development Director Humble stated that the proceeds from the sale will be accredited to the General Fund and the zoning for the property is C-1, as the property immediately adjacent to the west of the property is also C-1.

The public hearing was closed.

No action taken.

2. A public hearing to receive input on the City's intent to exchange approximately 10.3 acres of City owned property located along the canyon rim, generally at the north end of Hankins Road North.

Community Development Director Humble reviewed the request.

The public comment portion of the hearing was opened.

Gary L. Young, 313 Fillmore Street, gave a brief review on the purchase of the trail connection. He spoke in favor of the request.

The public comment portion of the hearing was closed.

The public hearing was closed.

**V. ADJOURNMENT: The meeting adjourned at 6:13 P.M.**

Sharon Bryan  
Deputy City Clerk



**Date:** Monday, October 24, 2011  
**To:** Honorable Mayor and City Council  
**From:** Jacqueline D. Fields, City Engineer

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**Consent Request:**

Consideration of a request to acquire of right-of-way at 1288 Eastland Drive North.

**Time Estimate:**

The staff presentation will take approximately 2 minutes

**Background:**

Eastland Drive N: Bowlin lane to Cheney Dr. was developed as a roadway reconstruction project to address pavement quality. While newer subdivisions are required to reconstruct pavement to the centerline of the road, older subdivisions were required to add lanes. In this section of Eastland Dr. N., there is a substantial amount of the roadway that was not rebuilt.

During the design phase, Civil Science was asked to investigate the opportunity of widening the portion of roadway across the Bowlin Lane subdivision. With acquisition of a portion of this parcel and one other, there is enough right-of-way to construct an additional northbound lane, and curb and gutter on the east side of the roadway. While this doesn't build the full width arterial section (5 lanes with separated sidewalk), the additional lane will be a major capacity improvement in this area and will clean up drainage issues as well.

**Approval Process:**

City Code 10-16-1(G) through (I) requires that a petition for dedication of right of way by made to the Council. The Council may approve, deny or modify the petition.

**Budget Impact:**

This is part of a series of projects that are funded out of reserves.

**Regulatory Impact:**

Approval of the request will allow staff to complete the acquisition. With acquisition of one other parcel, staff would instruct Civil Science to place the work in the project via change order.

**Conclusion:**

Staff recommends that the Council approve the request to acquire right of way from Aslett Living Family Trust in the amount of \$8,273.00.

**Attachments:**

1. Purchase agreement
2. Exhibit

## PURCHASE AGREEMENT

THIS AGREEMENT is made this 6 day of October, 2011 between City of Twin Falls, Idaho through its' authorized representatives, herein called "CITY" and Aslett Living Family Trust, herein called "Seller."

NOW THEREFORE, for good and sufficient consideration, IT IS AGREED:

**1. Sale and Purchase.** Seller agrees to sell and CITY agrees to purchase a right-of-way, together with all improvements, damages, and permanent easements, if any, associated therewith. The street address and the legal description of the right-of-way property, improvements and damages purchased is attached hereto as Exhibit A (the "Property").

**2. Payment.** In consideration for the purchase of the Property, CITY shall pay to Seller or Seller's lien holders, if any, the purchase price set out on EXHIBIT B attached hereto (the "Just Compensation"). The Just Compensation shall be paid to Seller upon Seller's execution and delivery to the CITY of a notarized deed and/or easement reflecting the interest being sold. This agreement shall become effective after acceptance and execution by the City of Twin Falls, its' authorized representative and City Council. Seller shall be notified and given copies of fully executed and dated documents.

**3. Temporary Construction Easement.** Seller hereby grants to CITY and its contractor(s) a temporary easement on, over, across, and through Sellers adjoining property for the ingress and egress to and construction on the Property. This easement will terminate upon completion of the construction project.

**4. Possession.** Upon execution of this Agreement and the payment by CITY of the Just Compensation and receipt thereof by Seller, Seller hereby grants possession of the Property to the CITY.

**5. Hazardous Materials.** Seller(s) understands, acknowledges and agrees that this transaction is contingent upon the environmental condition of the subject property and a full and complete disclosure by Seller(s) of any and all conditions or contamination on the subject property that does not or may not comply with local, state or Federal environmental laws, ordinances, rules, regulations and requirements (collectively, "Environmental Laws"), including, but not limited to, the Comprehensive Environmental Response, Compensation and Liability Act of 1980, as amended, 42 U.S.C. 9601 et seq. ("CERCLA"). Superfund Amendments and Reauthorization Act ("SARA"), and applicable state and local laws and regulations adopted pursuant to either of the foregoing. Seller(s) warrants that he/she/they/it has made a full and complete disclosure on attached Exhibit "A" of any and all such conditions or contamination of which Seller(s) has knowledge as of the date of execution of this Agreement. Seller(s) has knowledge as of the date of the time of closing, updating the disclosure with conditions or contaminations discovered or learned by Seller(s) between the execution of this

Project Name: Eastland Dr. North: Bowlin Ln. to Cheney Dr.  
City of Twin Falls  
Parcel I.D. No: RP10S17E025400

contaminations discovered or learned by Seller(s) between the execution of this Agreement and closing. CITY acknowledges that Seller is not required to undertake any inspection or investigation of the subject property and disclosures are limited to those items of which Seller(s) is aware without any inspection or investigation. CITY may undertake any reasonable environment assessment, inspection or investigation. If, in the sole and absolute discretion of the CITY, the condition of the subject property is unsuitable, CITY may terminate this Agreement.

**7. Entire Agreement** The parties have herein set out the whole of their agreement and the terms and conditions have been negotiated in good faith by both parties hereto. CITY's payment of the Just Compensation shall constitute the entire consideration for the sale of the Property and shall relieve CITY from any future claims or obligations on account of the location, grade, and/or construction of the proposed right-of-way, or any other damages of Seller related to CITY's purchase of the Property.

**8. Binding Effect** This contract shall be binding when executed by the Seller and the CITY's authorized representative.

IN WITNESS WHEREOF, the parties have executed this Agreement the day and year first above written.

CITY OF TWIN FALLS:

SELLER:

\_\_\_\_\_  
Don Hall, Mayor

  
\_\_\_\_\_  
Aslett Living Family Trust, Trustee

\_\_\_\_\_  
Travis Rothweiler, City Manager

  
\_\_\_\_\_  
Aslett Living Family Trust, Trustee

Project Name: Eastland Dr. North: Bowlin Ln. to Cheney Dr.  
City of Twin Falls  
Parcel I.D. No: RP10S17E025400

**EXHIBIT "A"**

Street address: 1288 Eastland Dr. North  
Twin Falls, Idaho

Legal description of purchase Property (Section 1 of the Agreement):

SEE WARRANTY DEED

Construction Agreements:

- (1) Installation of two (2) driveway accesses to said property along Eastland Drive North with locations to be identified by Ms. Judy Love. Driveway accesses shall be fifteen feet (15') in width.
- (2) Installation of new curb & gutter and sidewalk shall include installation of new asphalt as needed to create a smooth transition from back of new sidewalk to the existing asphalt parking and driveway area.
- (3) Area of relocation for mail box to be determined by Ms. Judy Love with local Postmaster approval.
- (4) Due to extensive construction caused damage experienced in the past, Ms. Judy Love will perform a pre- and post-construction walk thru with the Engineer and Construction Foreman to document existing conditions of the home and property and to help verify if there are new damages caused by the construction work that will need to be corrected by the City and/or Contractor.

Seller's disclosure of hazardous materials:

(1) None CM (Seller's Initials);

OR

(2) Seller's disclosure:

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After recording return to:  
City of Twin Falls  
321 Second Ave East  
Twin Falls ID 83301

Project Name: Eastland Dr. North: Bowlin Ln. to Cheney Dr.  
Parcel I.D. No: RP10S17E025400 A

## WARRANTY DEED

THIS INDENTURE, made this 6 day of October, 2011, between The Dale and Hazel Aslett Living Trust Dated February 10, 1996, Grantors, and the CITY OF TWIN FALLS, an Idaho municipal corporation, by and through its MAYOR and CITY COUNCIL, located at 321 Second Avenue East, Twin Falls, ID 83301, Grantee.

WITNESSETH: That the Grantors, for value received, do by these presents, grants, bargain, sell and convey unto the Grantee, the following described real property situated in the County of Twin Falls, State of Idaho, to-wit:

**SEE "EXHIBIT A" ATTACHED**

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee, and Grantee's assigns forever. And the said Grantors do hereby covenant to and with the said Grantee, that Grantors are the owners in fee simple of said premises; that said premises are free from all encumbrances, EXCEPT those to which this conveyance is expressly made subject and those made, suffered or done by the Grantee; and subject to reservations, restrictions, dedications, easements, right of way and agreements, (if any) of record, and general taxes and assessments, (includes irrigation and utility assessments, if any) for the current year, which are not yet due and payable, and that the Grantors will warrant and defend the same from all lawful claims whatsoever.

Page 1

**RECORD AT THE REQUEST OF THE CITY OF TWIN FALLS  
FEE EXEMPT - I.C. 67-2301**

**Aslett Parcel  
1288 Eastland Dr. North**

**Exhibit "A"**

**Beginning at a point on the existing easterly right-of-way line of Eastland Drive, said point of beginning being North 2617.5 feet along the Section Line and East on a line perpendicular to the said Section Line 25.00 feet, from the Southwest Corner of Section 2, Township 10 South, Range 17 East, Boise Meridian; thence East on a line perpendicular to Said Section Line 15.00 feet; thence South on a line parallel to Said Section Line 208.7 feet; thence West on a line perpendicular to Said Section Line 15.00 feet; thence North along the Existing easterly right-of-way line of Eastland Drive 208.7 feet to the point of beginning.**

**Containing: 0.072 Acres (3,136.32 sq. ft.)**



**CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT**

CIVIL CODE § 1189

State of California

County of LOS ANGELES }

On 10-6-2011 before me, MICHAEL J. BERNARDO, NOTARY PUBLIC  
Date Here Insert Name and Title of the Officer

personally appeared CINDY MEDUN  
Name(s) of Signer(s)

who proved to me on the basis of satisfactory evidence to be the person~~(s)~~ whose name~~(s)~~ is/~~are~~ subscribed to the within instrument and acknowledged to me that ~~he~~/~~she~~/~~they~~ executed the same in ~~his~~/~~her~~/~~their~~ authorized capacity~~(ies)~~, and that by ~~his~~/~~her~~/~~their~~ signature~~(s)~~ on the instrument the person~~(s)~~, or the entity upon behalf of which the person~~(s)~~ acted, executed the instrument.



I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature: Michael J. Bernardo  
Signature of Notary Public

Place Notary Seal Above

**OPTIONAL**

*Though the information below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent removal and reattachment of this form to another document.*

**Description of Attached Document**

Title or Type of Document: WARRANTY DEED

Document Date: 10-6-2011 Number of Pages: 2

Signer(s) Other Than Named Above: \_\_\_\_\_

**Capacity(ies) Claimed by Signer(s)**

Signer's Name: \_\_\_\_\_ Signer's Name: \_\_\_\_\_

Corporate Officer — Title(s): \_\_\_\_\_  Corporate Officer — Title(s): \_\_\_\_\_

Individual  Individual

Partner —  Limited  General  Partner —  Limited  General

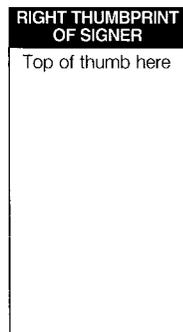
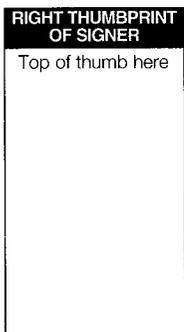
Attorney in Fact  Attorney in Fact

Trustee  Trustee

Guardian or Conservator  Guardian or Conservator

Other: \_\_\_\_\_  Other: \_\_\_\_\_

Signer Is Representing: \_\_\_\_\_ Signer Is Representing: \_\_\_\_\_





**Date:** Monday, October 24, 2011  
**To:** Honorable Mayor and City Council  
**From:** Jacqueline D. Fields, City Engineer

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**Consent Request:**

Consideration of a request to acquire of right-of-way at 1208 Eastland Drive North.

**Time Estimate:**

The staff presentation will take approximately 2 minutes

**Background:**

Eastland Drive N: Bowlin lane to Cheney Dr. was developed as a roadway reconstruction project to address pavement quality. While newer subdivisions are required to reconstruct pavement to the centerline of the road, older subdivisions were required to add lanes. In this section of Eastland Dr. N., there is a substantial amount of the roadway that was not rebuilt.

During the design phase, Civil Science was asked to investigate the opportunity of widening the portion of roadway across the Bowlin Lane subdivision. With acquisition of a portion of this parcel and one other, there is enough right-of-way to construct an additional northbound lane, and curb and gutter on the east side of the roadway. While this doesn't build the full width arterial section (5 lanes with separated sidewalk), the additional lane will be a major capacity improvement in this area and will clean up drainage issues as well.

**Approval Process:**

City Code 10-16-1(G) through (I) requires that a petition for dedication of right of way by made to the Council. The Council may approve, deny or modify the petition.

**Budget Impact:**

This is part of a series of projects that are funded out of reserves.

**Regulatory Impact:**

Approval of the request will allow staff to complete the acquisition. With acquisition of one other parcel, staff would instruct Civil Science to place the work in the project via change order.

**Conclusion:**

Staff recommends that the Council approve the request to acquire right of way from Murray and Kathryn Barkman in the amount of \$4,174.20.

**Attachments:**

1. Purchase agreement
2. Exhibit



P.O. Box 1907

324 Hansen Street East

Twin Falls, Idaho 83303-1907

Fax: (208) 736-2293

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ENGINEERING

208-735-7265

September 26, 2011

**TO:** Murray Barkman  
Kathryn Barkman  
1208 Eastland Dr. North  
Twin Falls, Idaho 83301

**RE:** Project Name: Eastland Dr. North: Bowlin Ln. to Cheney Dr.  
County Parcel #: RP 10S17E025410A

Dear Mr. and Mrs. Barkman:

The City of Twin Falls has planned a road improvement project for Eastland Drive, Twin Falls, and the right-of-way acquisition phase is now under way.

The requirement from your property amounts to 1,524.60 square feet for the right-of-way. The requirement for the area has been appraised by a qualified appraiser and the fair market value (FMV) established is \$2.00/sq. ft. plus damages. The just compensation offered is based off the appraisal report.

Enclosed is an acquisition packet containing the following:

- Signed Summary of Rights
- Purchase Agreement
- Warranty Deed
- W-9 Form
- Project Plan Sheet
- Return Envelope

If the above offer is satisfactory, please sign and return all original documents to this office. When fully executed, copies will be sent to you of your records. When I've received the documents, I will have the Agreement approved by the City Council and arrange for disbursement. Normal processing of payments takes approximately 45 days from the time we receive the signed documents.

If you would like to meet personally, or if you have any questions regarding this proposal, the project, or the documents, please don't hesitate calling. I can best be reached on my cell phone at 208-421-6602. If I'm not available, please be sure to leave your name and a number where you can be reached so that I can return your call as soon as possible.

Your cooperation and prompt attention to this matter is sincerely appreciated.

Sincerely,  
Deven C Elison, P.E.  
Civil Science Engineering  
in behalf of  
City of Twin Falls  
[delison@civilscience.com](mailto:delison@civilscience.com)



P.O. Box 1907

324 Hansen Street East

Twin Falls, Idaho 83303-1907

Fax: (208) 736-2293

**ENGINEERING**

**208-735-7265**

September 16, 2011

**TO:** Murray Barkman  
Kathryn Barkman  
1208 Eastland Dr. North  
Twin Falls, Idaho 83301

**FROM:** City Engineer, Jacqueline D. Fields, P.E.

**RE:** Advice of Rights

Earlier this year the City Council directed the City engineering staff to begin designing for the widening and reconstruction of certain sections of Eastland Drive. One of Eastland Drive's sections scheduled for widening and reconstruction is between Julie Lane and Candleridge Drive. To be able to build the road to its full design width, additional right-of-way will be required. This letter is to inform you of your rights as a land owner. Please be sure to read the entire letter as it contains helpful information regarding your property rights. Should you have any questions, you have been provided with our contact information and representative's name and we will also continue contact you in the near future to further discuss the right-of-way acquisition.

- (1) The City of Twin Falls has the power under the constitution and the laws of the state of Idaho and the United States to take private property for public use. This power is generally referred to as the power of "eminent domain" or condemnation. The power can only be exercised when:
  - (a) The property is needed for a public use authorized by Idaho law;
  - (b) The taking of the property is necessary to such use;
  - (c) The taking must be located in the manner which will be most compatible with the greatest public good and the least private injury.
- (2) The condemning authority must negotiate with the property owner in good faith to purchase the property sought to be taken and/or to settle with the owner for any other damages which might result to the remainder of the owner's property.
- (3) The owner of private property to be acquired by the condemning authority is entitled to be paid for any diminution in the value of the owner's remaining property which is caused by the taking and the use of the property taken proposed by the condemning authority. This compensation, called "severance damages," is generally measured by comparing the value of the property before the taking and the value of the property after the taking. Damages are assessed according to Idaho Code.
- (4) The value of the property to be taken is to be determined based upon the highest and best use of the property.

- (5) If the negotiations to purchase the property and settle damages are unsuccessful, the property owner is entitled to assessment of damages from a court, jury or referee as provided by Idaho law.
- (6) The owner has the right to consult with an appraiser of the owner's choosing at any time during the acquisition process at the owner's cost and expense.
- (7) The condemning authority shall deliver to the owner, upon request, a copy of all appraisal reports concerning the owner's property prepared by the condemning authority. Once a complaint for condemnation is filed, the Idaho rules of civil procedure control the disclosure of appraisals.
- (8) The owner has the right to consult with an attorney at any time during the acquisition process. In cases in which the condemning authority condemns property and the owner is able to establish that just compensation exceeds the last amount timely offered by the condemning authority by ten percent (10%) or more, the condemning authority may be required to pay the owner's reasonable costs and attorney's fees. The court will make the determination whether costs and fees will be awarded.
- (9) The form contemplated by this section shall be deemed delivered by United States certified mail, postage prepaid, addressed to the person or persons shown in the official records of the county assessor as the owner of the property. A second copy will be attached to the appraisal at the time it is delivered to the owner.
- (10) If a condemning authority desires to acquire property pursuant to this chapter, the condemning authority or any of its agents or employees shall not give the owner any timing deadline as to when the owner must respond to the initial offer which is less than thirty (30) days. A violation of the provisions of this subsection shall render any action pursuant to this chapter null and void.
- (11) Nothing in this section changes the assessment of damages set forth in section 7-711, Idaho Code.

I acknowledge the delivery of this Advice of Rights: Murray G. Barber 9-16-11  
Signature Date

## PURCHASE AGREEMENT

THIS AGREEMENT is made this <sup>46</sup> 9.29-11 day of SEPTEMBER, 2011 between **City of Twin Falls, Idaho** through its' authorized representatives, herein called "CITY" and **Murray and Kathryn Barkman**, herein called "Seller."

NOW THEREFORE, for good and sufficient consideration, IT IS AGREED:

**1. Sale and Purchase.** Seller agrees to sell and CITY agrees to purchase a right-of-way, together with all improvements, damages, and permanent easements, if any, associated therewith. The street address and the legal description of the right-of-way property, improvements and damages purchased is attached hereto as Exhibit A (the "Property").

**2. Payment.** In consideration for the purchase of the Property, CITY shall pay to Seller or Seller's lien holders, if any, the purchase price set out on EXHIBIT B attached hereto (the "Just Compensation"). The Just Compensation shall be paid to Seller upon Seller's execution and delivery to the CITY of a notarized deed and/or easement reflecting the interest being sold. This agreement shall become effective after acceptance and execution by the City of Twin Falls, its' authorized representative and City Council. Seller shall be notified and given copies of fully executed and dated documents.

**3. Temporary Construction Easement.** Seller hereby grants to CITY and its contractor(s) a temporary easement on, over, across, and through Sellers adjoining property for the ingress and egress to and construction on the Property. This easement will terminate upon completion of the construction project.

**4. Possession.** Upon execution of this Agreement and the payment by CITY of the Just Compensation and receipt thereof by Seller, Seller hereby grants possession of the Property to the CITY.

**5. Hazardous Materials.** Seller(s) understands, acknowledges and agrees that this transaction is contingent upon the environmental condition of the subject property and a full and complete disclosure by Seller(s) of any and all conditions or contamination on the subject property that does not or may not comply with local, state or Federal environmental laws, ordinances, rules, regulations and requirements (collectively, "Environmental Laws"), including, but not limited to, the Comprehensive Environmental Response, Compensation and Liability Act of 1980, as amended, 42 U.S.C. 9601 et seq. ("CERCLA"). Superfund Amendments and Reauthorization Act ("SARA"), and applicable state and local laws and regulations adopted pursuant to either of the foregoing. Seller(s) warrants that he/she/they/it has made a full and complete disclosure on attached Exhibit "A" of any and all such conditions or contamination of which Seller(s) has knowledge as of the date of execution of this Agreement. Seller(s) has knowledge as of the date of the time of closing, updating the disclosure with conditions or contaminations discovered or learned by Seller(s) between the execution of this

Project Name: Eastland Dr. North: Bowlin Ln. to Cheney Dr.  
City of Twin Falls  
Parcel I.D. No: RP10S17E025410

**EXHIBIT "A"**

Street address: 1208 Eastland Dr. North  
Twin Falls, Idaho

Legal description of purchase Property (Section 1 of the Agreement):

SEE WARRANTY DEED

Seller's disclosure of hazardous materials:

(1) None \_\_\_\_\_ *M.B.* (Seller's Initials);

OR

(2) Seller's disclosure:

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**EXHIBIT "B"**

**JUST COMPENSATION  
APPRAISAL SUMMARY**

<u>1,524.60</u> square feet of property	\$	3,049.20
<u>n/a</u> square feet of Public Utility Easement		0
<u>n/a</u> square feet of Temp Easement		0
<b>Proximity Damages</b>		
-2 Large Trees (12"+ Diameter)	\$	800.00
-Sprinkler System Repair	\$	325.00
Cost to Cure:	\$	1,125.00
Total Just Compensation (Rounded)	\$	<u>4,174.20</u>

SELLER:

Murray G. Baskman

Kathryn Baskman

AG  
CITY Initials

Agreement and closing. CITY acknowledges that Seller is not required to undertake any inspection or investigation of the subject property and disclosures are limited to those items of which Seller(s) is aware without any inspection or investigation. CITY may undertake any reasonable environment assessment, inspection or investigation. If, in the sole and absolute discretion of the CITY, the condition of the subject property is unsuitable, CITY may terminate this Agreement.

**6. Entire Agreement.** The parties have herein set out the whole of their agreement and the terms and conditions have been negotiated in good faith by both parties hereto. CITY's payment of the Just Compensation shall constitute the entire consideration for the sale of the Property and shall relieve CITY from any future claims or obligations on account of the location, grade, and/or construction of the proposed right-of-way, or any other damages of Seller related to CITY's purchase of the Property.

**7. Binding Effect.** This contract shall be binding when executed by the Seller and the CITY's authorized representative.

IN WITNESS WHEREOF, the parties have executed this Agreement the day and year first above written.

CITY OF TWIN FALLS:

SELLER:

\_\_\_\_\_  
Don Hall, Mayor

*Murray G. Barkman*  
\_\_\_\_\_  
Murray Barkman

\_\_\_\_\_  
Travis Rothweiler, City Manager

*Kathryn Barkman*  
\_\_\_\_\_  
Kathryn Barkman

After recording return to:  
City of Twin Falls  
321 Second Ave East  
Twin Falls ID 83301

Project Name: Eastland Dr. North: Bowlin Ln. to Cheney Dr.  
Parcel I.D. No: RP10S17E025410 A

## WARRANTY DEED

THIS INDENTURE, made this 29<sup>th</sup> day of SEPTEMBER, 2011, between Murray Barkman and Kathryn Barkman, Husband and Wife, Grantors, and CITY OF TWIN FALLS, an Idaho municipal corporation, by and through its MAYOR and CITY COUNCIL, located at 321 Second Avenue East, Twin Falls, ID 83301, Grantee.

WITNESSETH: That the Grantors, for value received, do by these presents, grants, bargain, sell and convey unto the Grantee, the following described real property situated in the County of Twin Falls, State of Idaho, to-wit:

**SEE "EXHIBIT A" ATTACHED**

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee, and Grantee's assigns forever. And the said Grantors do hereby covenant to and with the said Grantee, that Grantors are the owners in fee simple of said premises; that said premises are free from all encumbrances, EXCEPT those to which this conveyance is expressly made subject and those made, suffered or done by the Grantee; and subject to reservations, restrictions, dedications, easements, right of way and agreements, (if any) of record, and general taxes and assessments, (includes irrigation and utility assessments, if any) for the current year, which are not yet due and payable, and that the Grantors will warrant and defend the same from all lawful claims whatsoever.

IN WITNESS WHEREOF, Grantors have hereunto set their hands and seals the day and year first above written.

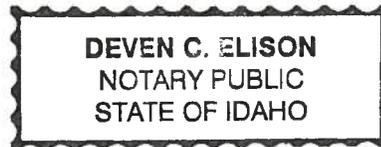
Murray Barkman  
Murray Barkman

Kathryn Barkman  
Kathryn Barkman

STATE OF IDAHO )  
 ) ss.  
County of TWIN FALLS )

On this 29<sup>TH</sup> day of SEPTEMBER, 2011, before me, the undersigned, a Notary Public in and for said State, personally appeared Murray and Kathryn Barkman, known or identified to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that she executed the same.

Deven C. Elison  
Notary Public for IDAHO  
Residing at TWIN FALLS  
My commission expires JULY 1<sup>ST</sup>, 2014



Barkman Parcel  
1208 Eastland Dr. North

Exhibit "A"

Beginning at a point which is on the existing easterly right-of-way line of Eastland Drive said point being North  $0^{\circ}29'55''$  West 1962.66 feet along the Section Line and North  $89^{\circ}53'30''$  East 25.00 feet, from the Southwest Corner of Section 2, Township 10 South, Range 17 East, Boise Meridian; thence North  $0^{\circ}29'55''$  West 100.86 feet along the existing easterly right-of-way line of Eastland Drive; thence South  $89^{\circ}40'32''$  East 15.00 feet; thence South  $0^{\circ}29'55''$  East 100.74 feet on a line parallel to the existing right-of-way line of Eastland Drive; thence South  $89^{\circ}53'30''$  West 15.00 feet to the point of beginning.

Containing: 0.035 acres (1,524.60 sq. ft.)



**Date:** Monday, October 18, 2010  
**To:** Honorable Mayor and City Council  
**From:** Jacqueline D. Fields, City Engineer

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**Consent Item Request:**

Consideration of a request to create a storm water public utility easement through ConAgra Foods Lamb Weston, Inc property.

**Time Estimate:**

The staff presentation will take approximately 2 minutes.

**Background:**

Russet Street is the south entrance into ConAgra's Processing Plant. Currently, storm water from the streets south of the property travels north along east and west surface gutters on Russet Street and runs onto the property. The water eventually drains to a low spot near the southwest corner of their "Silt Bay" and into the water treatment system. This off site run-on storm water is then discharged into the City's sanitary sewer system which is not permitted by code. The City has told ConAgra that they would assist in piping the storm water over to the Rock Creek Canyon wall and have it discharge into the creek. This easement will allow the City to construct the storm water sewer pipe.

**Approval Process:**

City Code 10-16-1(G) through (I) requires that a petition for dedication of easement be made to the Council. The Council may approve, deny or modify the petition.

**Budget Impact:**

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

**Regulatory Impact:**

**Conclusion:**

Staff recommends that the Council authorize the mayor to sign the easement as presented.

**Attachments:**

1. Public Utility Easement
2. Exhibit

AFTER RECORDING RETURN TO:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

### **GRANT OF EASEMENT**

FOR VALUE RECEIVED, **ConAgra Foods Lamb Weston, Inc.**, a Delaware corporation, for itself and its successors and assigns (“Grantor”) does hereby grant to **The City of Twin Falls**, an Idaho municipal corporation, (“Grantee”), a perpetual, non-exclusive easement (“Easement”) on, over, under and across the property situated in Twin Falls County, Idaho more particularly described on Exhibit “A” (“Easement Area”) for installing, maintaining, improving, repairing, and replacing underground public storm water facilities (“Facilities”). This grant is subject to all matters currently of record or appearing on the land. Grantor reserves the right to use the Easement Area for all purposes that do not unreasonably interfere with the Grantee’s use of the Easement as provided herein including, without limitation, the right to drive and park vehicles or other equipment over the Easement Area, the installation of typical industrial site (non-building) improvements in the Easement Area, the right to install, or for third parties to install, utilities, communication lines, or other industrial piping within the Easement Area. This Easement is granted on the conditions that: (i) Grantee promptly restore any damage to any improvements within the Easement Area resulting from Grantee’s exercise of rights granted herein, including damage to paving or fences; (ii) that Grantee’s exercise of rights granted herein does not unreasonably interfere with Grantor’s use of the Easement Area or its adjoining property or the operation of any business located thereon; (iii) that all Facilities placed within the Easement Area by, or on behalf of, Grantee shall remain the property of Grantee; (iv) that Grantee shall at all times maintain the Facilities in good working order; (v) the Facilities shall be installed and maintained in a manner to allow for a HS20 load capacity (AASHTO Standard) for truck and equipment traffic over the Facilities; and (vi) the installation, maintenance, use or removal of the Facilities does not create erosion that endangers people or property, including the property of Grantor and adjoining land owners.

Except in the case of an emergency, Grantee must provide Grantor forty-eight (48) hours prior notice if Grantee wishes to enter into the Easement Area for any purpose. Grantor may not use this Easement for any purpose other than as expressly provided herein. Grantee may not grant, assign or otherwise transfer this Easement, or any rights granted herein, to any third party without the express written consent of Grantor. Any grant, assignment or transfer by Grantee in violation of the terms of this Easement shall be null and void.

Grantee agrees to comply with all applicable laws, regulations, ordinances, administrative rules and orders applicable to the installation, use, maintenance, repair or removal of the Facilities, including without limitation the requirement to obtain and comply with any permits for storm water discharged through the Facilities.

Grantee agrees to indemnify and hold Grantor, its subsidiaries and affiliates, and their respective officers, employees, agents and contractors, harmless for any and all liability, damages, claims, expenses (including reasonable attorney fees), fines, and penalties resulting from: i) the failure of Grantee to comply with the terms and conditions of this Easement and covenants of Grantee; or (ii) the acts or

omissions of Grantee, its officers, employees, agents or contractors, in exercising any rights granted herein.

IN WITNESS WHEREOF, Grantor has executed this Grant of Easement this \_\_\_\_ day of \_\_\_\_\_, 2011.

GRANTOR:  
ConAgra Foods Lamb Weston, Inc.

By: \_\_\_\_\_  
Its: \_\_\_\_\_

GRANTEE:  
The City of Twin Falls, Idaho

By: \_\_\_\_\_  
Its: \_\_\_\_\_

STATE OF IDAHO )  
 )ss.  
COUNTY OF \_\_\_\_\_ )

On \_\_\_\_\_, 2011, before me, \_\_\_\_\_, a Notary Public, personally appeared \_\_\_\_\_, known or identified to me to be the \_\_\_\_\_ of the Grantor corporation and executed the above instrument on behalf of said corporation.

\_\_\_\_\_  
Notary Public for Idaho  
Printed Name: \_\_\_\_\_  
Commission Expires: \_\_\_\_\_

STATE OF IDAHO )  
 )ss.  
COUNTY OF \_\_\_\_\_ )

On \_\_\_\_\_, 2011, before me, \_\_\_\_\_, a Notary Public, personally appeared \_\_\_\_\_, known or identified to me to be the \_\_\_\_\_ of the Grantee and executed the above instrument on behalf of said municipal corporation.

\_\_\_\_\_  
Notary Public for Idaho  
Printed Name: \_\_\_\_\_  
Commission Expires: \_\_\_\_\_

**Exhibit "A"**  
**Description of the Easement Area**

**(See Attached)**



J-U-B ENGINEERS, INC.

J-U-B COMPANIES



THE LANGDON GROUP



GATEWAY MAPPING INC.

City of Twin Falls Easement Description  
for  
ConAgra Foods, Inc.  
4,824 Sq. Ft. Parcel

A parcel of land located in part of Lot 1, of Twin Falls Commercial Site Subdivision in the Southeast Quarter of Section 17, Township 10 South, Range 17 East, Boise Meridian, Twin Falls County, Idaho, and being more particularly described as follows:

Commencing at a the Southeast corner of said Section 17 which is monumented by a Brass Cap, from which the South Sixteenth corner of said Section 17 which is monumented by a 5/8 inch rebar bears North 89° 13'45" West, 1319.31 feet;

THENCE North 89° 13' 45" West along the southerly boundary of the SE4 for a distance of 402.72 feet to the centerline of Russet Street;

THENCE North 00° 50' 15" East along the centerline of said Russet Street for a distance of 627.83 feet;

THENCE South 89° 09'45" East a distance of 26.25 feet to a point on the easterly boundary of said Russet Street;

THENCE North 00° 50'15" East along the easterly boundary of said Russet Street for a distance of 4.77 feet to the POINT OF BEGINNING;

THENCE continuing North 00° 50'15" East along said easterly boundary for a distance of 15.02 feet;

THENCE North 88° 08'06" East for a distance of 24.60 feet;

THENCE North 01° 51'54" West for a distance of 15.00 feet;

THENCE North 88° 08'06" East for a distance of 30.00 feet;

THENCE South 01° 51'54" East for a distance of 15.00 feet;

THENCE North 88° 08'06" East for a distance of 49.98 feet;

THENCE North 48° 43'24" East for a distance of 85.10 feet;

THENCE North 03° 35'00" West for a distance of 88.81 feet;

THENCE North 86° 25'00" East for a distance of 15.00 feet;

THENCE South 03° 35'00" East for a distance of 96.18 feet;

THENCE South 48° 43'24" West for a distance of 97.84 feet;

THENCE South 88° 08'06" West for a distance of 110.67 feet to the POINT OF BEGINNING;

The above described parcel contains 4,824 Sq. Ft., more or less, and is subject to easements, covenants and restrictions of record.



CITY OF  
TWIN FALLS



ROCK CREEK

R/W

R/W

R/W

R/W

CENTERLINE OF  
RAILROAD

100'

EASTERN IDAHO  
RAILROAD

50'

100'

150'

RAILROAD  
RIGHT-OF-WAY

LOT 6

VACATED STREET  
RIGHT OF WAY

APPROXIMATE  
LOCATION  
OF OBLITERATED  
DRAIN LINE

CONCRETE  
SUPPORT

15'

PROPOSED STORM  
DRAIN EASEMENT  
(CITY OF TWIN FALLS)

PIPE  
OUTLET

CON-AGRA  
PROPERTY  
LINE

15'

R/W

R/W

RUSSET  
STREET

R/W

PROPOSED STORM  
DRAIN EASEMENT  
(HAMILTON)

LOT 1

0 60 120

SCALE IN FEET

Proposed Storm Drain Easement Exhibit  
for Con-Agra Foods



J-U-B ENGINEERS, INC.

PLANNING & ENGINEERING  
SURVEYING & MAPPING  
ENVIRONMENTAL CONSULTING



**DATE:** MONDAY -- OCTOBER 17, 2011  
**To:** Honorable Mayor and City Council  
**From:** Mitch Humble, Community Development Director

## ITEM I-1

**Request:** Consideration of the Final Plat of Platinum Trio Subdivision, 0.195 (+/-) acres consisting of two (2) residential lots and located on the west side of the 300 block of Tyler Street, c/o Riedesel Engineering, Inc. on behalf of Habitat For Humanity of the Magic Valley, Inc.

**Time Estimate:**

No presentation required.

**Background:**

<b>Applicant:</b>	<b>Status:</b> Owner/Developer	<b>Size:</b> 0.195 (+/-) acres (8,467 sq ft)
Habitat For Humanity of the Magic Valley, Inc. c/o Linda Fleming 669 Eastland Dr S Twin Falls, ID 83301	<b>Current Zoning:</b> R-4	<b>Requested Zoning:</b> Preliminary Plat approval
	<b>Comprehensive Plan:</b> Medium Density Residential	<b>Lot Count:</b> 2
	<b>Existing Land Use:</b> vacant residential property	<b>Proposed Land Use:</b> Zero Lot Line Residential subdivision
<b>Representative:</b>	<b>Zoning Designations &amp; Surrounding Land Use(s)</b>	
Riedesel Engineering, Inc. c/o Rod Mathis 202 Falls Ave Twin Falls, ID 83301 208-733-2446	<b>North:</b> OS; Harrison Park	<b>East:</b> R-4; Tyler Street, residential
	<b>South:</b> R-4; residential	<b>West:</b> R-4; alley, residential
	<b>Applicable Regulations:</b> 10-1-4, 10-1-5, 10-4-5, 10-11-1 thru 9, 10-12-2.3	

**Approval Process:**

**TF City Code Title 10; Chapter 12-Subdivision Regulations; Section 2.4-Final Plat; (A), (D) (I):**

**(A)Application:** After the approval or conditional approval of the preliminary plat, the subdivider may cause the total parcel, or any part thereof, to be surveyed, and a final plat prepared in accordance with the approved preliminary plat. The subdivider shall submit to the Administrator three (3) copies of the final plat. (Ord. 2012, 7-6-1981)

**(D)Administrator Review:**

1. **Acceptance:** Upon receipt of the final plat and compliance with all other requirements as provided for herein, the Administrator, after review by the City Engineering Department, shall certify the application as complete and shall affix the date of acceptance thereon.
2. **Resubmittal of Final Plat:** The Administrator shall review the final plat for compliance with the approved or conditionally approved preliminary plat. If the Administrator determines that there is substantial difference in the final plat than that which was approved as a preliminary plat or conditions which have not been met, the Administrator may require that the final plat be submitted to the Commission in the same manner as required in the preliminary plat process.
3. **Submission to the Council:** Upon the determination that the final plat is in compliance with the preliminary plat and all conditional requirements have been met, the Administrator shall place the final plat on the Council agenda at the next regular meeting. (Ord. 2620, 8-2-1999)

**(I)Approval Period:** Final plat shall be filed with the county recorder within one year after written approval by the council; otherwise such approval shall become null and void unless prior to said expiration date an extension of time is applied for by the subdivider and granted by the council.

**Budget Impact:**

Approval of this request will have negligible impact on the City budget.

## **Regulatory Impact:**

Approval of this request will allow the applicant to proceed to develop the property in conformance with an approved Preliminary & Final Plat, any conditions placed on that approval and approved construction plans.

## **History:**

No known zoning history. The North View Addition Subdivision was platted in 1909. There was a home built on lots 19 and 20, Block 1. In February 2011 the home was demolished. A house was constructed on Lot 19 and Lot 20 is currently vacant.

On September 26, 2011, the City Council approved a Parks In-Lieu contribution for the proposed Platinum Trio Subdivision and also waived the payment of a Parks In-Lieu fee.

## **Analysis:**

This Final Plat for the Platinum Trio Subdivision includes 0.195 (+/-) acres and is zoned R-4. The request is to plat two (2) lots for residential development. The site is located on the west side of the 300 block Tyler Street.

The proposed plat will divide an existing lot and portion of the lot to the south into two (2) lots. The property is currently vacant as the home on the property was demolished earlier this year. The applicant, Habitat for Humanity of the Magic Valley, constructed a home on the lot to the south in June 2011. A lot line adjustment took place that added some additional square footage to the northern lot. The lot is presently about 65'x130'. It is being subdivided into Lot 1 which is 4,241 sq ft and Lot 2 is 4,242 sq ft. The minimum lot square footage requirement for a single family residence in the R-4 zone is 4,000 sf and 7,000 sf for a duplex. The proposed development is for a zero lot line subdivision which as proposed meets the minimum standards.

As an additional two residential units is proposed there is a requirement for parkland dedication or an in-lieu contribution. As the property is not large enough to provide a park and there are park facilities directly to the north then an In-Lieu contribution was required and approved by the City Council on September 26, 2011.

Tyler Street is not built to its full width and curb and gutter are not present on this section. Construction of curb, gutter, and sidewalk are required by code and a patch of the roadway to the gutter. The preliminary plat reflects the siting of these improvements however the applicant is requesting that their construction be deferred. The City Council will review this request.

The Platinum Trio Subdivision lots are proposed to be accessed primarily from Tyler Street. There is also an alley located on the west side of the lots. The applicant anticipates that traffic generation from the property's additional residences would be typical and not a substantial impact. The applicant is proposing to develop a two (2) townhomes or attached single-family dwellings on the property line. The new construction would use City water and sewer services.

This is the first step of the plat approval process. A preliminary plat is presented to the Planning and Zoning Commission. The Commission may approve the preliminary plat, deny it, or approve it with conditions. A final plat, that is in conformance with the approved preliminary plat and including any conditions the Commission may have required, is then presented to the City Council. Only after a final plat has been approved by the City Council and construction plans approved, may the plat be recorded and lots sold for development.

The plat is consistent with other subdivision development criteria and is in conformance with the Comprehensive Plan which designates this area as appropriate for medium density residential uses.

## **On October 11, 2011 the Commission unanimously approved the preliminary plat of the Platinum Trio Subdivision subject to the following condition:**

1. Subject to site plan amendments as required by Building, Engineering, Fire, and Zoning officials to ensure compliance with all applicable City Code requirements and Standards.

### **Attachments:**

1. Application Narrative
2. Vicinity Map
3. Area Zoning Map
4. Aerial of the Project Site
5. Approved Preliminary Plat
6. Approved Preliminary Plat portion
7. Final Plat
8. Site Photo



**Preliminary Plat and Final Application Narrative  
300 Block of  
Tyler Street  
Platinum Trio Subdivision  
July 2011**

**REASON FOR REQUEST:**

Habitat for Humanity of the Magic Valley, Inc., (HFHOTMV) is the owner of two parcels of ground located in the 300 block of Tyler Street. HFHOTMV would like to develop the existing parcels into a 2-lot platted subdivision, consisting of two zero lot line town houses. The south 38.00-feet of Lot 19 was sold and had a building permit issued. The remaining north 13.5-feet will be combined with Lot 20 of said subdivision to create a two-lot subdivision called Platinum Trio. The parcel is approximately 65-feet wide and 130-feet in length, being approximately 0.194 acres in size. Presently the parcel of land being subdivided is vacant. The location of the new Townhouse building will be on Lots 1 & 2 of the new proposed Subdivision. The present zoning for this parcel of land is R-4 with the neighboring zoning being R-4 and OS. Lot 1 will have 4,241.24 SF, while Lot 2 will have 4,242.55 SF. Both lots meet the R-4 Zoning lot size requirement. The owner would like to have the preliminary and final plat applications combined as one application for action by the Planning and Zoning Commission and City Council. This proposed subdivision does not exceed 10-lots, has no new city street dedications, and there are no major or unusual development considerations.

**EXPLANATION OF THE PROJECT:**

Development of the Platinum Trio Plat Subdivision will make available one additional two-unit town house, helping to make the most of the existing unoccupied land and be a welcomed in-fill development. Building construction will consist of a zero lot line building. This project will not require the expenditure of municipal resources for the construction of water, sewer, drainage, pressure irrigation or transportation needs.

Domestic water will be provided by tying into the existing water line in the alley and providing each lot a new one-inch potable water service line. New 4-inch sewer service lines will be installed into each lot, which will provide sanitary sewer service.

HFHOTMV is asking for a waiver of the Water and Sewer Modeling requirement for this project. Development of this project involves the addition of one single-family residential Townhouse lot to the present water and sewer system of the City. While one lot was a previous developed lot, which was using the City's water and sewer services.

### PRESSURE IRRIGATION:

Pressure irrigation will not be required as part of this subdivision development. City Code 7-8-3 states any new parcel development of three-fourths ( $\frac{3}{4}$ ) of an acre or larger will install a pressure irrigation system. This parcel is 0.154 of an acre, with each lot having approximately 0.077 of an acre.

### HOURS OF OPERATION:

There are no set hours of operation as this is a residential development with the normal AM and PM traffic generation along with normal traffic generation throughout the day. As a residential development, there will be no employees.

### TRAFFIC IMPACT:

Using the Institute of "Transportation Engineers Trip Generation Manual" and a Land Use of "210 Single-Family Detached Housing", pages 269, 270 and 271, the vehicle trips were calculated as shown below using 2 living units. Because of the low number of Single-Family Detached units, the vehicle trips results were higher than normal, especially for the AM peak trips.

**WEEKDAY TRIPS**,  $T=0.70(X)+9.43$ . Or  $T=0.70(2)+11.53$ .  $\ln(T)=0.92\ln(2)+5.47$ , Vehicle Trips. The traffic generated by this development would be approximately 11 vehicles during the weekday with 50% entering and 50% exiting.

**AM PEAK HOUR BETWEEN 7 and 9 a.m. TRIPS**,  $\ln(T)=0.92\ln(X)+2.71$ , with (X) ='s number of Dwelling Units, and (T) ='s the number of trips. Approximately 5 Vehicle Trips for one hour between 7 and 9 am with 80% exiting and 20% entering the development.

**PM PEAK HOUR BETWEEN 4 and 6 p.m. TRIPS**,  $\ln T=0.90\ln(X)+0.53$ .  $\ln T=0.90\ln(2)+0.53=3.23$  or approximately 2 vehicles during one hour between 4 and 6 pm with 65% entering and 35% exiting the development.

## FIRE AND POLICE PROTECTION:

The City of Twin Falls Fire and Police Departments will supply fire and police protection.

## SCHOOLS:

Platinum Trio Subdivision is located in the Twin Falls School District. In close proximity are the schools of Harrison Elementary, Perrine Elementary School, Robert Stuart Junior High School, and the new Canyon Ridge High School.

## RECREATION:

HFHOTMV is asking the Park In Lieu payment be waved for this project.

## AIR QUALITY:

Development of this subdivision having three lots should not have any impact on the air quality in the area.

## SOLID WASTE:

Each resident will have their solid waste collected by the solid waste collection company under contract with the City of Twin Falls.

## MAINTENANCE RESPONSIBILITIES:

Lot owners will be responsible for maintenance of their lot.

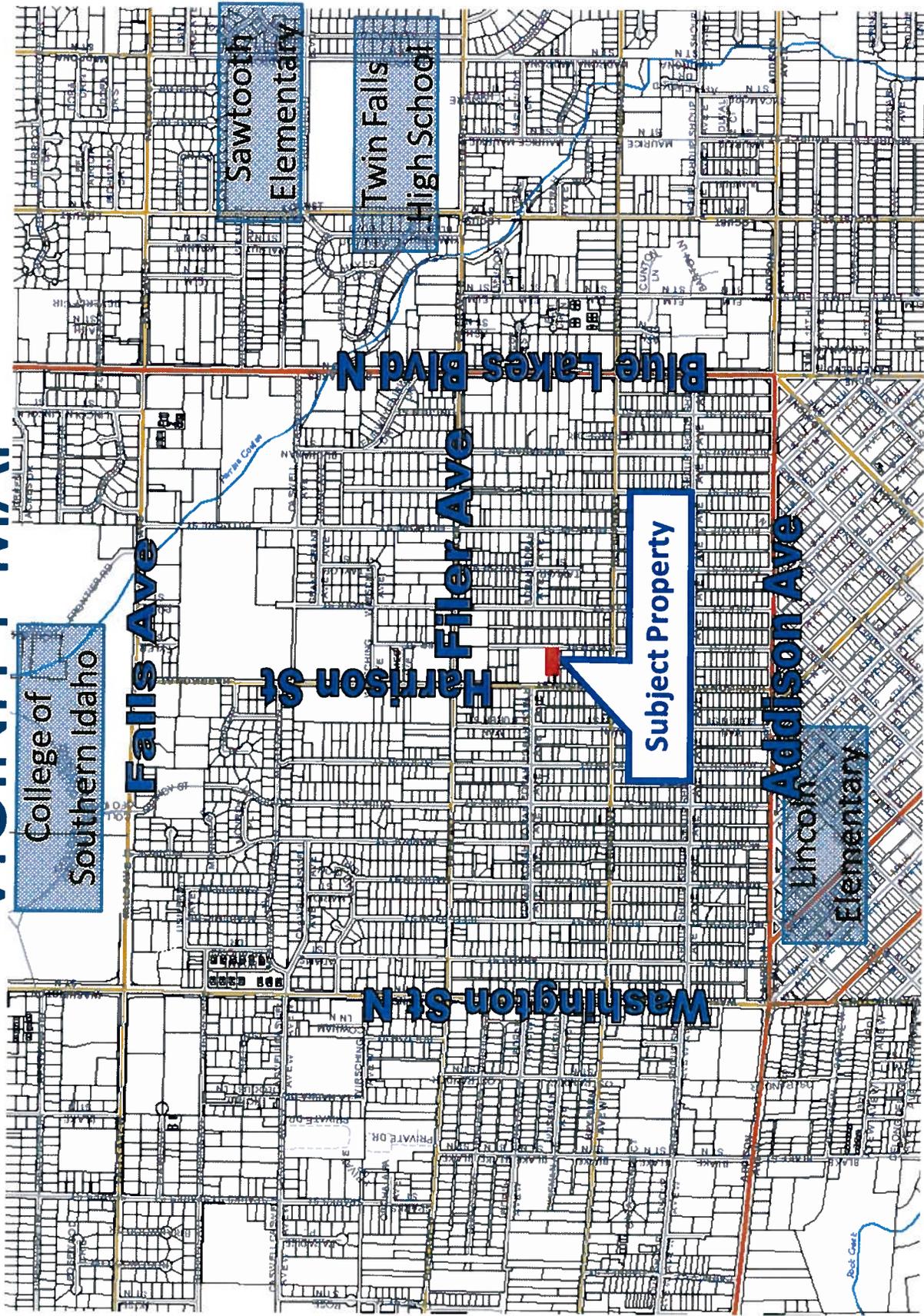
## EVALUATION OF EFFECTS ON SURROUNDING PROPERTIES

Development of this project should not have any major influence on the neighboring single-family residential properties in regards to noise, glare, odor, fumes, air quality, geological impact, water quality or vibration. Currently the areas around this project are developed as single-family homes, with the area north of the project being Harrison Park.

## ADDITIONAL INFORMATION:

The development of this parcel of ground does not involve any areas of special concerns such as a flood plain, large scale development, or an area that may be considered as hazardous or have any other unique area of concern.

# VICINITY MAP



College of Southern Idaho

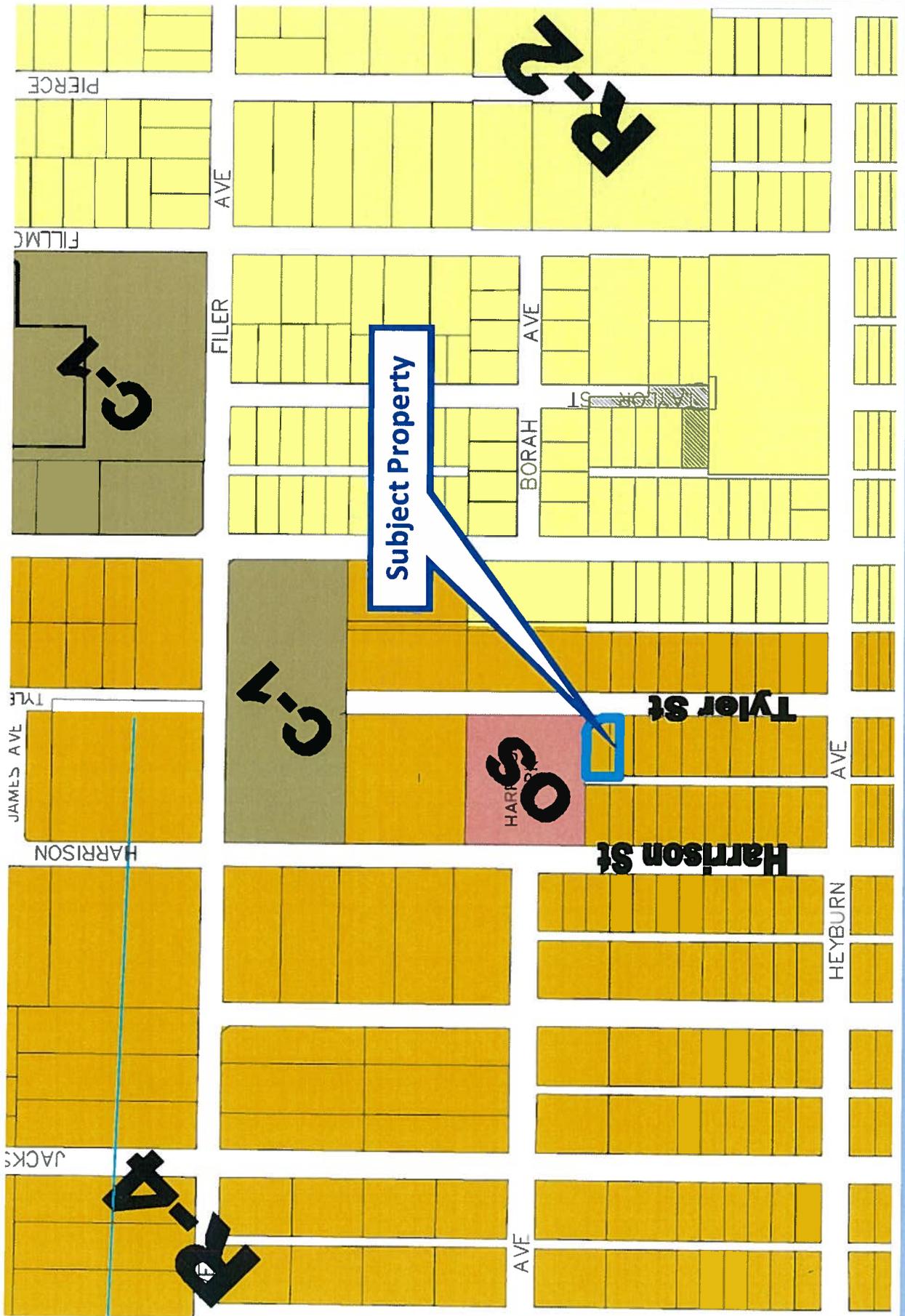
Sawtooth Elementary

Twin Falls High School

Subject Property

Lincoln Elementary

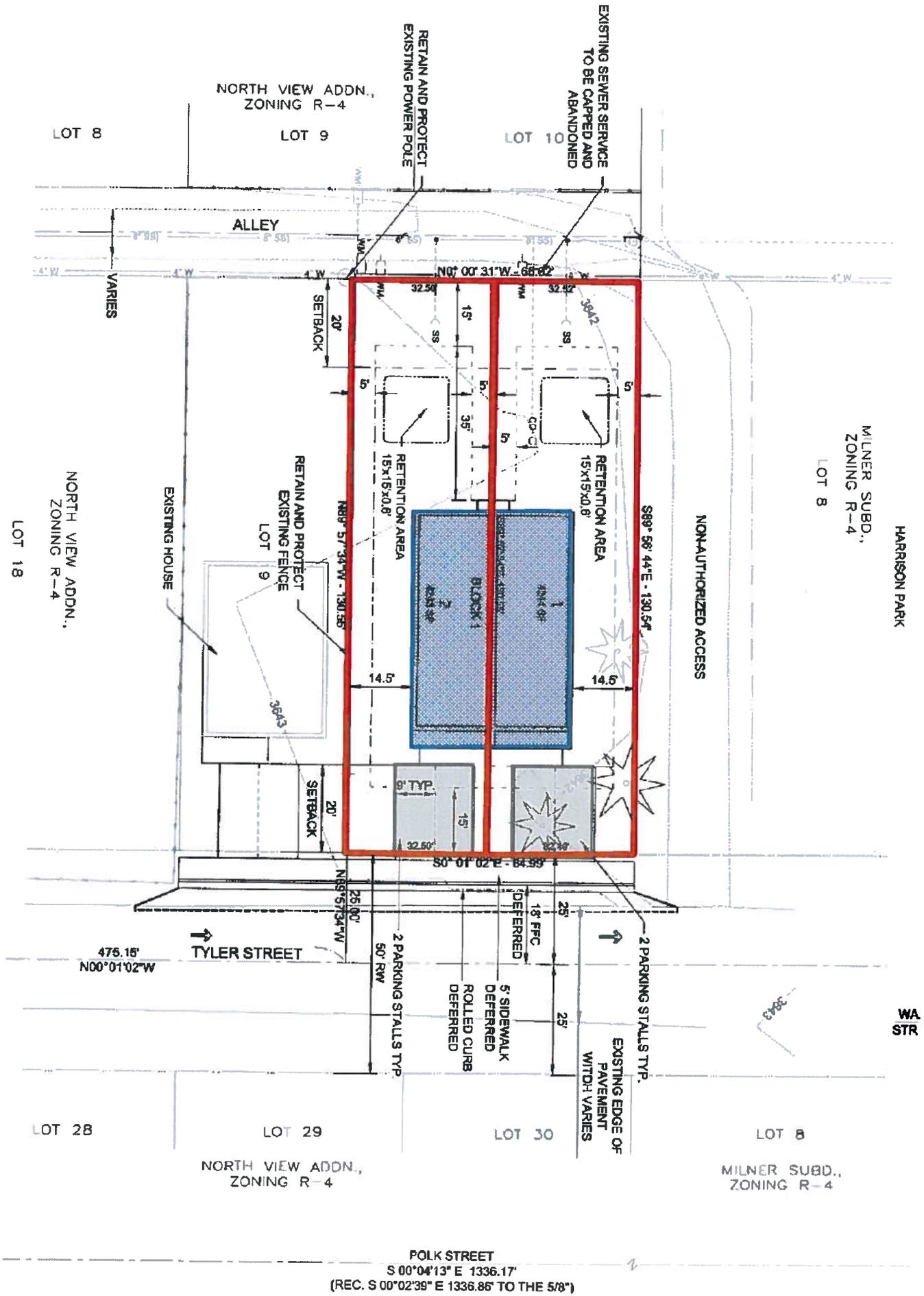
# ZONING MAP



# AERIAL VIEW







**PLATINUM TRIO SUBDIVISION**  
 A SUBDIVISION OF A PORTION OF  
 LOT 19 & ALL OF LOT 20, BLOCK 1,  
 NORTH VIEW ADDITION  
 A PORTION OF THE NW 1/4 SE 1/4  
 SECTION 9, T. 10 S., R. 17 E., B.M.  
 TWIN FALLS COUNTY, IDAHO  
 2011  
 0.195 ACRES



**LEGEND**

- BOUNDARY LINE
- RIGHT OF WAY
- LOT LINE
- SECTION LINE
- CENTERLINE
- UTILITY EASEMENT
- MAINTENANCE EASEMENT
- BRASS CAP
- FOUND 5/8" REBAR
- FOUND 1/2" REBAR
- SET 1/2"x24" REBAR & CAP
- SET 5/8"x30" REBAR & CAP
- COMPLETED POINT NOT SET
- LOT NUMBER
- BASIS OF BEARINGS
- CORNER PERPETUATION NUMBER
- ACRE
- SF

**NOTES:**  
 EACH LOT SHALL RETAIN ITS OWN STORM WATER RUNOFF FROM ROOFS, SIDEWALKS, PATIOS, ETC. IN A LANDSCAPED AREA.  
 MAINTENANCE EASEMENT AS SHOWN ON THIS PLAT IS FOR MAINTAINING THE ADJACENT RESIDENCE IF THE NEED ARISES. THE ADJACENT PROPERTY OWNER AFFECTED SHALL BE NOTIFIED 48 HOURS IN ADVANCE OF WHEN SAID MAINTENANCE SHALL BE STARTED AND SHALL NOT LAST LONGER THAN 48 HOURS TO COMPLETE. THE MAINTENANCE PERFORMED SHALL BE DONE BETWEEN THE HOURS OF 8 AM AND 7 PM LOCAL STANDARD TIME. SEE CITY CODE 10-123.06(9).

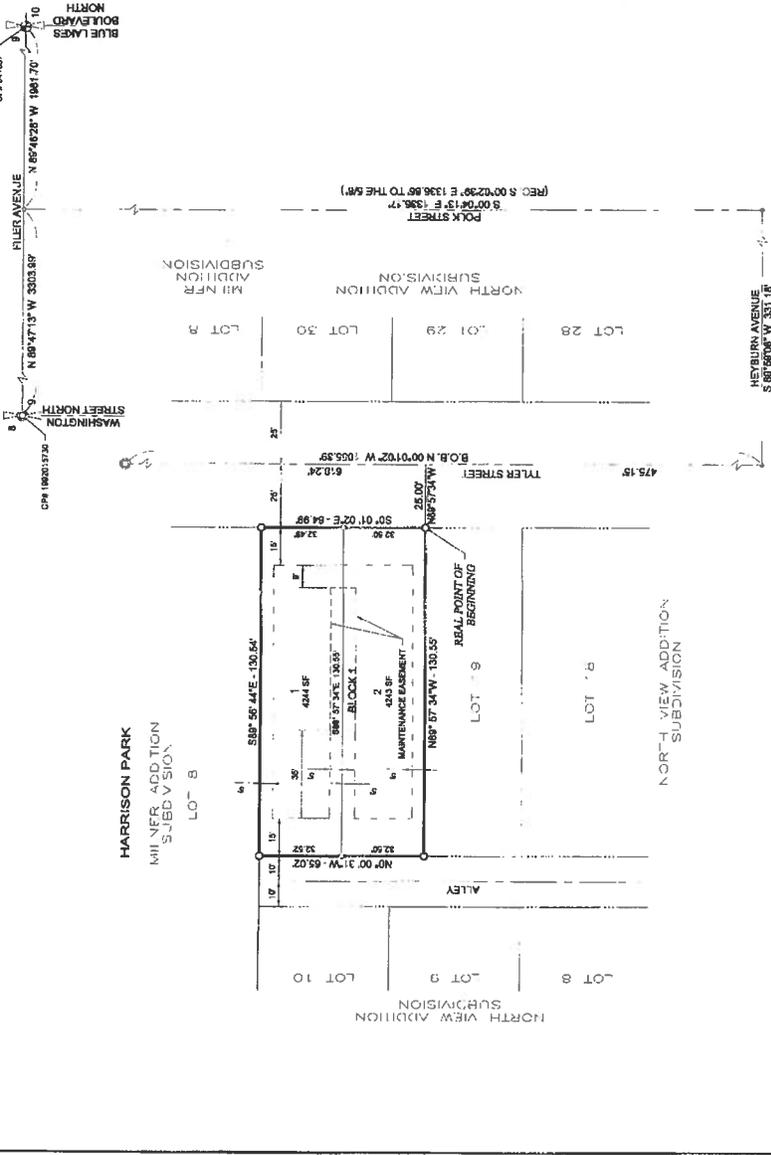
REF. QUITCLAIM DEED #2011-006202, WARRANTY DEEDS #2010-025011, RECORD OF SURVEY #1996-006700, PLAT #0000-012422.

**HEALTH CERTIFICATE**

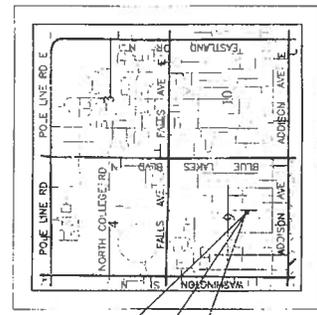
SANITARY RESTRICTIONS AS REQUIRED BY IDAHO CODE TITLE 50, CHAPTER 13, HAVE BEEN SATISFIED BASED ON THE STATE OF IDAHO, DEPARTMENT OF ENVIRONMENTAL QUALITY (DEQ) CONSTRUCTION PERMITS FOR THE PLAT. THE DEPARTMENT OF ENVIRONMENTAL QUALITY IS THE DEVELOPER FOR CONTINUED SATISFACTION OF THE SANITARY RESTRICTIONS. THE DEVELOPER CAUTIONS THAT AT THE TIME OF THIS APPROVAL, NO DRINKING WATER OR SEWERSEPTIC FACILITIES WERE CONSTRUCTED. BUILDING CONSTRUCTION CAN BE ALLOWED WITH APPROPRIATE BUILDING PERMITS IF DRINKING WATER OR SEWER FACILITIES HAVE SINCE BEEN CONSTRUCTED. THE DEVELOPER IS NOT RESPONSIBLE FOR THE CONSTRUCTION OF THESE FACILITIES. IF THE DEVELOPER FAILS TO CONSTRUCT FACILITIES OR MEETING LOCAL CODES, THEN SANITARY RESTRICTIONS MAY BE REIMPOSED, IN ACCORDANCE WITH SECTION 50-1326, IDAHO CODE BY THE ISSUANCE OF A CERTIFICATE OF DISAPPROVAL, AND NO CONSTRUCTION OF ANY BUILDING OR SHELTER REQUIRING DRINKING WATER OR SEWERSEPTIC FACILITIES SHALL BE ALLOWED.

DATE \_\_\_\_\_ DISTRICT HEALTH DEPARTMENT, EHS

RIEDEL ENGINEERING, INC.  
 2027 FALLS AVENUE  
 TWIN FALLS, IDAHO 83301  
 PLATINUM TRIO SUBDIVISION  
 SHEET 1 OF 2



NORTH VIEW ADDITION SUBDIVISION



VICINITY MAP  
 NOT TO SCALE



**CERTIFICATE OF OWNER**

I/US IS TO CERTIFY THAT THE UNDERSIGNED ARE THE OWNER(S) OF DESCRIBED PROPERTY:

A SUBDIVISION PLAT OF LOTS 19 AND 20, BLOCK 1, OF THE NORTH VIEW ADDITION IN THE NW/4 SE1/4 OF SECTION 9, T1ENCE SOUTH, R94E28" WEST A DISTANCE OF 1981.70 FEET TO A 1/2" REBAR AT THE CENTERLINE OF SAID STREET, AND FILER AVENUE, THENCE SOUTH 070°13' EAST 531.28 FEET TO THE CENTERLINE OF SAID STREET, THENCE NORTH 00°10'2" WEST A DISTANCE OF 473.15 FEET ALONG THE CENTERLINE OF FILER STREET, THENCE NORTH 89°57'34" WEST A DISTANCE OF 25.00 TO THE REAL POINT OF BEGINNING.

COMMENCING AT THE EAST QUARTER CORNER OF SAID SECTION 9, T1ENCE SOUTH, R94E28" WEST A DISTANCE OF 1981.70 FEET TO A 1/2" REBAR AT THE CENTERLINE OF SAID STREET, AND FILER AVENUE, THENCE SOUTH 070°13' EAST 531.28 FEET TO THE CENTERLINE OF SAID STREET, THENCE NORTH 00°10'2" WEST A DISTANCE OF 473.15 FEET ALONG THE CENTERLINE OF FILER STREET, THENCE NORTH 89°57'34" WEST A DISTANCE OF 25.00 TO THE REAL POINT OF BEGINNING.

THENCE NORTH 89°57'34" WEST A DISTANCE OF 130.55 FEET PARALLEL WITH THE SOUTH BOUNDARY OF LOT 19, BLOCK 1, NORTH VIEW ADDITION, THENCE NORTH 00°00'31" WEST A DISTANCE OF 66.62 FEET ALONG THE WEST BOUNDARY OF LOT 19 AND 20, BLOCK 1, NORTH VIEW ADDITION, THENCE SOUTH 89°56'44" EAST A DISTANCE OF 30.54 FEET ALONG THE NORTH BOUNDARY OF LOT 20, BLOCK 1, NORTH VIEW ADDITION.

THENCE SOUTH 00°10'2" EAST A DISTANCE OF 84.89 FEET ALONG THE EAST BOUNDARY OF LOT 19 AND 20, BLOCK 1, NORTH VIEW ADDITION AND THE REAL POINT OF BEGINNING, CONTAINING 0.195 ACRES MORE OR LESS.

THE EASEMENTS INDICATED HEREON THIS PLAT OF PLAT NUM 180 SUBDIVISION ARE NOT DEDICATED TO THE PUBLIC BUT THE RIGHT TO USE SAID EASEMENTS ARE HEREBY RESERVED FOR THE PUBLIC UTILITIES OR AS DESIGNATED HEREON AND NO PERMANENT STRUCTURES ARE TO BE PLACED THEREON WITHIN THE LINES OF SAID EASEMENTS AND SAID EASEMENTS ARE APPURTENANT TO ALL LOTS.

PURSUANT TO IDAHO CODE 50-1334, THE UNDERSIGNED AS OWNER(S), DO HEREBY STATE THAT THE UNDERSIGNED AS OWNER(S) WILL BE ELIGIBLE TO RECEIVE DOMESTIC WATER SERVICE FROM THE PLAT NUMBER 180 IN TWIN FALLS IDAHO DOMESTIC WATER SYSTEM, AND SAID CITY HAS AGREED IN WRITING TO SERVE SAID LOTS IN PLATINUM TRIO SUBDIVISION, AS SHOWN HEREON.

PURSUANT TO IDAHO CODE 31-3805, T-E UNDESIGNED AS OWNER(S), DO HEREBY STATE THAT THE IRRIGATION WATER APPURTENANT AND T-E ASSESSMENT OBLIGATION OF THE LOTS IN THIS PLAT HAVE BEEN TRANSFERRED TO THE PLAT OWNERS AND THAT A PRIVATE IRRIGATION WATER DELIVERY SYSTEM IS NOT PROVIDED.

PURSUANT TO IDAHO CODE 31-3805, THE UNDERSIGNED AS OWNER(S), DO HEREBY STATE THAT THE IRRIGATION WATER APPURTENANT AND T-E SYSTEM WHICH WILL BE DELIVERED TO THE LOTS WITHIN THIS PLAT AND T-E LAND OWNERS WILL NOT BE ENTITLED TO WATER RIGHTS AND WILL NOT BE OBLIGATED FOR ASSESSMENTS UNDER A SEPARATE AGREEMENT.

PURSUANT TO IDAHO CODE 32-2407 MAINTENANCE AND REED CONTROL FOR ALL LOTS SHALL BE THE RESPONSIBILITY OF THE UNDERSIGNED AS OWNER(S), UNTIL THE LOTS ARE SOLD AND THEREAFTER IS THE RESPONSIBILITY OF THE NEW/OLD LOT OWNERS.

IN WITNESS WHEREOF, I HAVE SET MY HAND ON THE DAY WRITTEN BELOW.

HABITAT FOR HUMANITY OF THE MAGIC VALLEY, INC.

JINDA FLEMING, DIRECTOR

DATE

**ACKNOWLEDGMENTS**

STATE OF IDAHO } SS  
COUNTY OF TWIN FALLS }

ON THIS DAY OF \_\_\_\_\_, 2011, BEFORE ME PERSONALLY APPEARED JINDA FLEMING, KNOWN AND IDENTIFIED TO ME TO BE AN IDAHO CORPORATION FOR THE LOCATION OF THE MAGIC VALLEY PLAT OF PLATINUM TRIO SUBDIVISION, AND I HAVE KNOWN OR BELIEVED TO BE KNOWN TO THE PERSON(S) WHO EXECUTED THE INSTRUMENT ON BEHALF OF THE COMPANY AND ACKNOWLEDGED TO ME THAT SUCH COMPANY EXECUTED THE SAME.

NOTARY PUBLIC OF IDAHO

RESIDENCE OF

MY COMMISSION EXPIRES

**CERTIFICATE OF SURVEYOR**

I, RICHARD T. CARLSON, A PROFESSIONAL LAND SURVEYOR LICENSED IN THE STATE OF IDAHO, DO HEREBY STATE THAT THE PLAT DEPICTED HEREON AND DESIGNATED HEREON AS PLATINUM TRIO SUBDIVISION WAS SURVEYED AND PREPARED IN ACCORDANCE WITH CHAPTER 16 OF THE IDAHO CODE, AND IS AN ACCURATE REPRESENTATION THEREOF.



DATE

**COUNTY SURVEYOR'S STATEMENT**

I, JOHN D. ROOT, A LICENSED PROFESSIONAL LAND SURVEYOR FOR TWIN FALLS COUNTY, IDAHO, DO HEREBY STATE THAT I HAVE CHECKED THE PLAT OF PLATINUM TRIO SUBDIVISION, AND FIND THAT IT COMPLES WITH THE STATE OF IDAHO CODE RELATING TO PLATS AND SURVEYS.

ACTING COUNTY SURVEYOR

DATE

STATE OF IDAHO } SS  
COUNTY OF TWIN FALLS }

ON THIS DAY OF \_\_\_\_\_, 2011, BEFORE ME PERSONALLY APPEARED JOHN C. ROOT, KNOWN OR IDENTIFIED TO ME TO BE AN IDAHO PROFESSIONAL LAND SURVEYOR, AND I HAVE KNOWN OR BELIEVED TO BE KNOWN TO THE PERSON(S) WHO EXECUTED THE SAME AND ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME.

NOTARY PUBLIC OF IDAHO

RESIDENCE OF

MY COMMISSION EXPIRES

**APPROVAL OF CITY COUNCIL**

IDAHO, DO HEREBY CERTIFY THAT A REGULAR MEETING OF THE CITY COUNCIL HELD ON THE DAY OF \_\_\_\_\_, 2011, THE FOREGOING PLAT OF PLATINUM TRIO SUBDIVISION, WAS DULY ACCEPTED AND APPROVED.

MAYOR

DEPUTY CITY CLERK

**APPROVAL OF CITY ENGINEER**

I, JACQUELINE D. FIELDS, CITY ENGINEER IN AND FOR THE CITY OF TWIN FALLS, IDAHO, HAVE REVIEWED THE ACCOMPANYING PLAT AND HEREBY STATE THAT IT CONFORMS WITH THE APPLICABLE ORDINANCES OF THE CITY OF TWIN FALLS, IDAHO.

JACQUELINE D. FIELDS, P.E., CITY ENGINEER

DATE

ATTEST

DATE

**CERTIFICATE OF COUNTY TREASURER**

COUNTY TREASURER IN AND FOR THE COUNTY OF TWIN FALLS, IDAHO PER THE REQUIREMENTS OF IDAHO CODE 50-1308, DO HEREBY CERTIFY THAT ANY AND ALL CURRENT AND DELINQUENT COUNTY PROPERTY TAXES THAT ARE DUE AND OWED TO THE COUNTY OF TWIN FALLS, IDAHO, AS OF THE DATE OF THIS INSTRUMENT, HAVE BEEN PAID IN FULL. THIS CERTIFICATE IS VALID FOR THE NEXT THIRTY DAYS ONLY.

COUNTY TREASURER

DATE

**COUNTY RECORDER'S CERTIFICATE**

INSTRUMENT NO.

STATE OF IDAHO } SS  
COUNTY OF TWIN FALLS }

HEREBY CERTIFY THAT THIS INSTRUMENT WAS FILED AT THE REQUEST OF \_\_\_\_\_, 2011, IN MY OFFICE AND WAS DULY RECORDED IN BOOK \_\_\_\_\_ OF PLATS AT PAGE \_\_\_\_\_.

DEPUTY

EX-OFFICIO RECORDER

RIEDEL ENGINEERING, INC.  
202 FALLS AVENUE  
TWIN FALLS, IDAHO 83301  
PLATINUM TRIO SUBDIVISION  
SHEET 2 OF 2







**Date:** Monday, October 17, 2011  
**To:** Honorable Mayor and City Council  
**From:** Mitch Humble, Community Development Director

---

**Request:**

Consideration of a request to approve the 2012 Certified Local Government application to the Idaho State Historical Society from the Twin Falls City Historic Preservation Commission.

**Time Estimate:**

The Historic Preservation Committee Chairman presentation may take up to ten (10) minutes.

**Background:**

Each year the Historic Preservation Commission (HPC) has submitted a Certified Local Government (CLG) grant application for historic preservation activities. For 2012 the proposed application is to print copies of the Design Guidelines for the Twin Falls Historic Warehouse District when they are approved by Council. The HPC will hold educational meetings to inform prospective developers, property owners and the public of the Design Guidelines and it's contents.

The HPC is developing Design Guidelines for the Twin Falls Historic Warehouse District with the 2011 CLG Grant. These guidelines are being developed with the assistance of Winter & Company, a consulting firm from Boulder, Colorado. The guidelines will contain detailed architectural standards with enough detail so the HPC can review and approve acceptable variances when necessary. The final guidelines will meet the Secretary of the Interior's Standards for Rehabilitation. The design guidelines will be completed by October 30, 2011. The guidelines will be presented to the Council for consideration of adoption soon thereafter. Approved guidelines that are at least referenced by City Code would better enable the HPC and City Staff to evaluate development and give guidance to developers in the Historic Warehouse District.

In addition to the publication of the design guidelines some of the grant would be used to send Kelly Weeks, Planner 1 and staff support to the HPC, to the National Alliance of Preservation Commission's biennial meeting in Norfolk, VA, July 18-22, 2012. This is a meeting of peers without federal and state involvement. Ann Swanson, Idaho State Historical Society, strongly recommends this conference for communities with design review.

The HPC is applying for a \$6,000.00 grant for the fiscal year 2012. The Idaho State Historical Society requires that the Mayor sign the application.

**Budget Impact:**

There is no significant budget impact associated with the Council's approval of this request. HPC is applying for a \$6,000.00 grant that has to be matched dollar for dollar. In the past the HPC has used their time and staff's time to make the match. The HPC is planning on using time as the match again this year.

**Regulatory Impact:**

Approval of this request will allow the HPC to proceed to submit the CLG application to the Idaho State Historical Society.

**Conclusion:**

The Historic Preservation Commission recommends that the Council approve and authorize the Mayor to sign the 2012 CLG application.

**Attachments:**

1. City of Twin Falls, Idaho FY 2012 CLG Grant Application

CITY OF TWIN FALLS, IDAHO  
FY 2012  
CLG GRANT APPLICATION

Contact Person: Darrell J. Buffaloe, Chair of the Twin Falls City Historical Preservation Commission. Phone (208) 944-4959; Address - 2545 Joshua Way, Twin Falls, ID 83301; e-mail - buffdarr@isu.edu.

A. Project Description:

Design guidelines for the Twin Falls Historic Warehouse District were developed by the 2011 CLG Grant. The 2012 grant will print copies of the guidelines to be used by property owners and developers. The grant will also be used to send the Twin Falls City Planner who supports the Historic Preservation Commission to the national Alliance of Preservation Commissions Biennial Forum in Norfolk, VA on July 18 – 22, 2012. Monthly HPC meetings will be conducted.

B. Goals and Objectives:

1. Print 100 +/- copies of the design guidelines to be used by developers and owners of buildings within the Historic Warehouse District. Train and educate economic development officials, building owners, and developers on the guidelines.
2. Send a Twin Falls City Planner to the NAPC Biennial Forum to develop professional contacts and better understanding of how to better preserve our historical buildings.
3. Hold monthly HPC meetings and provide staff support

C. Final Product:

1. The guidelines will be stored by the Twin Falls City Planning Office to be used by developers and building owners planning exterior changes to properties in the Historic District.
2. The printed guidelines will be used to deliver planned training sessions to interested organizations.
3. Information gained by the City Planner will be used to train members of the Historic Preservation Commission.
4. Minutes for HPC meetings.

D. The guidelines meet the Secretary of the Interior's Standards for Rehabilitation and will help the City insure historic building practices are approved.

E. Timetables:

1. Guidelines will be printed by a commercial printing service by February 1, 2012.
2. Public training sessions will be scheduled in April and June.
3. The City Planner will attend the NAPC meeting July 18 – 22, 2012.
4. HPC meetings will be held monthly.
5. Final project submitted to SHPO at end of grant period.

F. The repository for project materials will be the Twin Falls City Planning and Zoning Office.

---

Don Hall  
Mayor

CITY OF TWIN FALLS, IDAHO  
 FY 2012  
 CLG GRANT APPLICATION BUDGET

Expenses	CLG Grant Dollars		Local Match
<b>Personnel:</b>			
City Staff and Seven (7) HPC Members			\$6,000
<b>Activity:</b>			
Printing of 100 +/- copies of Design Guidelines	\$4,105		
Registration/travel/subsistence for City Planner to Attend the NAPC Forum	Registration	\$195	
	Travel	\$700	
	Subsistence	\$370	
	Lodging	\$630	
	Total:	\$1895.00	
<b>Total:</b>	\$6,000		\$6,000

Note: The match will come from City Staff and HPC time spent on training sessions and support of disseminating the information from the guidelines. Time will be spent in public hearings and scheduled meetings along with all necessary work. No federal funds are used to pay City Staff time and their time is not used to match other grants.

\_\_\_\_\_  
 Don Hall  
 Mayor



**Date:** Monday, October 17, 2011  
**To:** Honorable Mayor and City Council  
**From:** Troy Vitek, PE. Assistant City Engineer

---

**Request:**

Consideration of a request to adopt a resolution establishing fees for applications for improvement reimbursement.

**Time Estimate:**

The staff presentation will take approximately 5 minutes.

**Background:**

The City of Twin Falls adopted Ordinance Number 2974 and Resolution 1816 which allows developers to submit an application to the Improvement Reimbursement Committee of the City of Twin Falls if they wish to seek reimbursement for improvements for previously developed and accepted utilities and roadways that benefit future development.

Inputting the information into the City GIS system requires manpower and this fee is set up to help offset the cost of additional manpower to ensure the Reimbursements are being tracked and paid as approved by the Reimbursement Commission.

The Developers Council approached the City and asked that the Reimbursements be applied to future properties and parcels and are in favor of the fee amounts attached in the resolution.

On June 22, 2011 the Reimbursement Committee approved a fee structure of \$200.00 base fee plus \$10.00 per lot, tract, or parcel impacted. If there are greater than 200 lots impacted the fee will be based on time and materials.

**Approval Process:**

Idaho Statutes require that the Council hold a public hearing after 15 days notice in the newspaper for additional fees.

**Budget Impact:**

City staff will incur time and labor inputting the information into the City's GIS system, in order to properly administer the program and approval of this request will require a developer who wishes to receive a reimbursement per Resolution 1816 to pay a fee to the City.

**Regulatory Impact:**

Approval of the request will allow the City to implement the fees on the attached resolution.

**Conclusion:**

Staff recommends that the Council approve the request as presented and the fees associated with the attached resolution.

**Attachments:**



RESOLUTION NO. \_\_\_\_\_

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TWIN FALLS, IDAHO, ESTABLISHING FEES FOR APPLICATIONS FOR IMPROVEMENT REIMBURSEMENT.

WHEREAS, The Twin Falls City Council has established, by Resolution No. 1816, a procedure for private developers to obtain reimbursement for their extensions of the City's public water distribution system, wastewater collection system, transportation system, and pressure irrigation pump stations and distribution system; and,

WHEREAS, The Twin Falls City Council has created an Improvement Reimbursement Commission to administer the Improvement Reimbursement Resolution in Chapter 12 of Title 2 of the Twin Falls City Code; and,

WHEREAS, City staff will incur time and labor inputting the information into the City's GIS system, in order to properly administer the program; and,

WHEREAS, The Improvement Reimbursement Commission has recommended a fee structure to reimburse the City its costs in administering the program.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF TWIN FALLS, IDAHO:

That the following application fee schedule be implemented by the city:

Base fee for each application	\$200
Fee per lot, tract or parcel impacted	\$10
Fee for developments of greater than 200 lots	Actual cost in time and materials

PASSED BY THE CITY COUNCIL , 2011.

SIGNED BY THE MAYOR , 2011.

\_\_\_\_\_  
MAYOR

ATTEST:

\_\_\_\_\_  
DEPUTY CITY CLERK



Date: Oct. 13, 2011

222 Shoshone St W.  
Box 0346  
Twin Falls, Idaho 83303  
[www.willsinc.com](http://www.willsinc.com)

Office  
Fax

208-734-4411  
208-734-0410

To: Twin Falls City Council

Reference: Fee schedule for the Improvement Reimbursement Ordinance.

- The proposed fee schedule was determined in cooperation with the Developer's Council and its members. The proposed fee was emailed to the members for their input.
- The Developer's Council supports this application for the City Council to approve it and believe it is appropriate for cost to enforce the ordinance and the expense to record it into the city's GIS system.

Sincerely,

Brad Wills  
President