November 29, 2018

TO: ACHD Commission, Director Wong

FROM: Bill Gall, Development Review Supervisor

SUBJECT: Resolution 2263 – Conditional acceptance of the transfer of property commonly known as Ballard Lane as unopened/unmaintained public right-of-way to ACHD

MEETING DATE: December 5, 2018

Facts & Findings

1. The owners of Parcels C & D of R/S 5935 and Lots 1, 2, 3 & 5, Block 1 of the Ballard Hills Subdivision wish to dedicate and transfer to the District without consideration, a 50-foot easement along the southern border of their property, which is located east of S. Ten Mile Road and which includes a private road commonly known and referred to as “W. Ballard Lane.”


3. Michelle Berriechoa owns Parcel D of R/S 5935 and Lot 1, Block 1 and Lot 2, Block 1 of the Ballard Hills Subdivision.

4. Donald S. Ballard and Harriet Kay Ballard owns Lot 3, Block 1 and Lot 5, Block 1 of the Ballard Hills Subdivision.

5. W. Ballard Lane is shown as a future collector on the Master Street Map.

6. Acceptance of the right-of-way dedication does not obligate ACHD to fund any portion of the design and construction of the roadway.

7. The adjoining property owners shall be solely responsible for the operation and maintenance of the existing private roadway until the right-of-way is opened and a public road is accepted for maintenance by ACHD in the future.

8. An existing 50-foot ingress/egress easement is currently in place across the referenced Parcels C & D and Lots 1, 2 & 3.

9. Prior to the acceptance of the Dedication Deeds, the existing ingress/egress easement should be released by the property owners.

10. Resolution Number 2263 conditionally accepts the Dedication Deeds and Release of Easements, transferring the Property to ACHD as unopened public right-of-way pursuant to Section 40-202 of
the *Idaho Code*, declares the Property to be unopened/unmaintained public right-of-way and directs the official map of the highway district to be amended accordingly.

11. Upon approval of Resolution 2263, the property owners will execute the required Release of Easements and Dedication Deeds.

12. The ACHD Legal Department has reviewed and approved Resolution 2263 as to form and content.

**Fiscal Implications**

None

**Recommendation**

1. Staff recommends that the ACHD Board of Commissioners adopt Resolution Number 2263 conditionally accepting the transfer of property as unopened/unmaintained public right-of-way, and direct the official map of the highway district to be amended accordingly upon execution of the Dedication Deeds and Release of Easements by the property owners.

**Attachments**

- Proposed Resolution Number 2263
- Area of Proposed Dedication
- Proposed Dedication Deeds with Legal Descriptions
- Proposed Release of Easement for existing ingress/egress easement
RESOLUTION NUMBER 2263

BY THE ADA COUNTY HIGHWAY DISTRICT BOARD OF COMMISSIONERS:
SARA M. BAKER, REBECCA W. ARNOLD, JIM HANSEN, KENT GOLDTHORPE, AND
PAUL WOODS.

A RESOLUTION CONDITIONALLY ACCEPTING DEDICATION DEEDS FROM KELSCH,
BERRIOCHOA AND BALLARD FOR THE TRANSFER OF PROPERTY TO ACHD AS
UNOPENED/UNMAINTAINED PUBLIC RIGHT-OF-WAY COMMONLY KNOWN AS “W.
BALLARD LANE”.

WHEREAS, Ada County Highway District (“District”) is a single county-wide highway district
organized and existing under the laws of the State of Idaho with the jurisdiction and authority
over all highways in Ada County, except for State highways and freeways; and

WHEREAS, Robert J. Kelsch and Virginia E. Kelsch (“Kelsch”), Michelle Berriochoa
(“Berriochoa”) and Donald S. Ballard and Harriet Kay Ballard (“Ballard”) wish to dedicate
and to transfer to the District without consideration, a certain parcel of real property 2.04
acres in size (“Property”), which is predominantly located east of S. Ten Mile Road and
which includes a private road commonly known and referred to as “W. Ballard Lane”; and

WHEREAS, Kelsch, Berriochoa and Ballard will execute Dedication Deeds transferring the
Property to the District, copies of which are attached hereto as Exhibit “A”, Exhibit “B” and
Exhibit “C”; and

WHEREAS, Kelsch, Berriochoa and Ballard will execute Release of Easements for the
existing ingress/egress easements currently in place, copies of which are attached hereto
as Exhibit “D”, Exhibit “E” and Exhibit “F”; and

WHEREAS, it is in the public interest for the District to accept the Property without payment
of additional consideration to Kelsch, Berriochoa and Ballard, as unopened/unmaintained
public right-of-way; and

NOW, THEREFORE, BE IT RESOLVED, that pursuant to section 40-202(2) of the Idaho
Code, the Ada County Highway District Board of Commissioners accepts the Property as
unopened public right-of-way and hereby declares it to be unopened/unmaintained public
right-of-way and directs the official map of the highway district to be amended accordingly
upon the following conditions: (1) that following approval of this Resolution Kelsch,
Berriochoa and Ballard will execute and record Dedication Deeds transferring the Property
to the District, copies of which are attached hereto as Exhibit “A”, Exhibit “B” and Exhibit
“C”; and (2) that following approval of this Resolution Kelsch, Berriochoa and Ballard will
execute and record Release of Easements for the existing ingress/egress easements currently in place, copies of which are attached hereto as Exhibit “D”, Exhibit “E” and Exhibit “F”.

**ADOPTED AND APPROVED** by the Board of Commissioners of the Ada County Highway District at its regular meeting held on this 5th day of December, 2018.

Signature page follows:
RESOLUTION 2263 – CONDITIONALLY ACCEPTING DEDICATION DEEDS FROM KELSCH, BERRIOCHOA AND BALLARD FOR THE TRANSFER OF PROPERTY AS UNOPENED/UNMAINTAINED PUBLIC RIGHT-OF-WAY.
EXHIBIT "A"

DEDICATION DEED

THIS INDENTURE, made this __________ day of ____________________, 20__,
Robert J. Kelsch and Virginia E. Kelsch, the “GRANTORS,” and ADA COUNTY HIGHWAY
DISTRICT, a body politic and corporate of the state of Idaho, the “GRANTEE”;

WITNESSETH:

FOR VALUE RECEIVED, the GRANTORS have dedicated, conveyed, remised, released
and quitclaimed and do hereby dedicate, convey, remise, release and quitclaim unto the
GRANTEE, and its successors and assigns forever, a strip of land for public right-of-way situated
in the COUNTY OF ADA, STATE OF IDAHO, more particularly described on Exhibit "A"
attached hereto and by this reference made a part hereof,

TOGETHER with all and singular the buildings, structures, improvements and fixtures
thereto, the tenements, hereditaments and appurtenances thereunto belonging or in anywise
appertaining, the reversion and reversions, remainder and remainders, and rents, issues and
profits thereof (collectively the “Premises”).

The current address of the GRANTEE is:

Ada County Highway District
3775 Adams Street
Garden City, Idaho 83714

GRANTEE herewith accepts from GRANTORS, the aforementioned dedicated public
right-of-way to have and to hold the said premises with their appurtenance unto the said
GRANTEE, its heirs and assigns forever, as unopened public right-of-way, that said GRANTEE
WILL NOT have the responsibility for construction and/or maintenance of said public right-of-
way until said public right-of-way has been constructed to the minimum standards for roads by
the adjacent property owners and/or persons using the road and until the same has been accepted
for maintenance and declared to be open by the GRANTEE.
IN WITNESS WHEREOF, this Dedication Deed has been duly executed by the GRANTORS, the day, month and year herein first above written.

______________________________
Robert J. Kelsch

______________________________
Virginia E. Kelsch

STATE OF IDAHO    )
                  ) ss.
County of Ada    )

On this _____ day of ________________________, 20__, before me, ____________________________________________, a Notary Public in and for the state of Idaho, personally appeared Robert J. Kelsch and Virginia E. Kelsch, known or proved to me to be the person(s) who executed the foregoing instrument, and acknowledged to me that they executed the same.

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

_______________________________
Notary Public for Idaho
Residing at ____________________, Idaho
My commission expires ____________

The Ada County Highway District (ACHD) is committed to compliance with Title VI of the Civil Rights Act of 1964 and related regulations and directives. ACHD assures that no person shall on the grounds of race, color, national origin, gender, disability or age, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any ACHD service, program or activity.
A parcel of land being a portion of Parcel C, Record of Survey No.5935, as filed in records of Ada County, Idaho as Instrument No.102108718 in the Northwest 1/4 of Section 35, Township 3 North, Range 1 West, Boise Meridian, Ada County, Idaho, more particularly described as follows:

Commencing at the section corner common to Sections 26, 27, 34 and 35, T.3N., R.1W., B.M., thence S 00°27’33” W 2648.47 feet along the westerly boundary of the NW ¼ said Section 35 to the Southwest corner of said NW ¼; Thence S 89°15’37” E 25.00 feet along the south boundary of said NW ¼ to a point on the easterly right-of-way of N Ten Mile Road, also being the Point of Beginning;

Thence N 00°27’33” E 50.00 feet along said easterly right-of-way to a point;

Thence S 89°15’37” E 710.00 feet to a point on the easterly boundary of said Parcel C;

Thence S 00°27’33” W 50.00 feet along said easterly boundary to a point marking the southeast corner of said Parcel C;

Thence N 89°15’37” W 710.00 feet along the southerly boundary of said Lot 1 to the Point of Beginning.

Said parcel of land contains 0.815 acres, more or less.
DEDICATION DEED

THIS INDENTURE, made this _______ day of ____________________, 20__, Michelle Berriochoa, the “GRANTOR,” and ADA COUNTY HIGHWAY DISTRICT, a body politic and corporate of the state of Idaho, the “GRANTEE”;

WITNESSETH:

FOR VALUE RECEIVED, the GRANTOR have dedicated, conveyed, remised, released and quitclaimed and do hereby dedicate, convey, remise, release and quitclaim unto the GRANTEE, and its successors and assigns forever, a strip of land for public right-of-way situated in the COUNTY OF ADA, STATE OF IDAHO, more particularly described on Exhibit "A" attached hereto and by this reference made a part hereof,

TOGETHER with all and singular the buildings, structures, improvements and fixtures thereto, the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, the reversion and reversions, remainder and remainders, and rents, issues and profits thereof (collectively the “Premises”).

The current address of the GRANTEE is:

Ada County Highway District
3775 Adams Street
Garden City, Idaho 83714

GRANTEE herewith accepts from GRANTOR, the aforementioned dedicated public right-of-way to have and to hold the said premises with their appurtenance unto the said GRANTEE, its heirs and assigns forever, as unopened public right-of-way, that said GRANTEE WILL NOT have the responsibility for construction and/or maintenance of said public right-of-way until said public right-of-way has been constructed to the minimum standards for roads by the adjacent property owners and/or persons using the road and until the same has been accepted for maintenance and declared to be open by the GRANTEE.
IN WITNESS WHEREOF, this Dedication Deed has been duly executed by the GRANTORS, the day, month and year herein first above written.

______________________________
Michelle Berriochoa

STATE OF IDAHO )
County of Ada ) ss.

On this _____ day of ________________________, 20__, before me,__________________________________, a Notary Public in and for the state of Idaho, personally appeared Michelle Berriochoa, known or proved to me to be the person(s) who executed the foregoing instrument, and acknowledged to me that they executed the same.

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

______________________________
Notary Public for Idaho
Residing at ________________, Idaho
My commission expires ____________

The Ada County Highway District (ACHD) is committed to compliance with Title VI of the Civil Rights Act of 1964 and related regulations and directives. ACHD assures that no person shall on the grounds of race, color, national origin, gender, disability or age, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any ACHD service, program or activity.
DESCRIPTION FOR
2844 W BALLARD LANE, MERIDIAN, ID
SOUTH 50- FEET

A parcel of land being a portion of Parcel D, Record of Survey No. 5935, as filed in records of Ada County, Idaho as Instrument No. 102108718 in the Northwest 1/4 of Section 35, Township 3 North, Range 1 West, Boise Meridian, Ada County, Idaho, more particularly described as follows:

Commencing at the section corner common to Sections 26, 27, 34 and 35, T.3N., R.1W., B.M., thence S 00°27’33” W 2648.47 feet along the westerly boundary of the NW ¼ said Section 35 to the Southwest corner of said NW ¼; Thence S 89°15’37” E 735.00 feet along the south boundary of said NW ¼ to a point, also being the Point of Beginning;

Thence N 00°27’33” E 50.00 feet along said easterly right-of-way to a point;

Thence S 89°15’37” E 662.29 feet to a point on the easterly boundary of said Parcel C;

Thence S 00°30’51” W 50.00 feet along said easterly boundary to a point marking the southeast corner of said Parcel C;

Thence N 89°15’37” W 662.24 feet along the southerly boundary of said Lot 1 to the Point of Beginning.

Said parcel of land contains 0.760 acres, more or less.
DESCRIPTION FOR
LOT 1, BLOCK 1, SOUTH 50-FEET

BALLARD HILLS SUBDIVISION

A parcel of land being a portion of Ballard Hills Subdivision, as filed in records of Ada County, Idaho in Book 87 at Pages 9879 and 9880 in the Northwest 1/4 of Section 35, Township 3 North, Range 1 West, Boise Meridian, Ada County, Idaho, more particularly described as follows:

Commencing at the section corner common to Sections 26, 27, 34 and 35, T.3N., R.1W., B.M., thence S 00°27'33" W 2648.47 feet along the westerly boundary of the NW ¼ said Section 35 to the Southwest corner of said NW ¼;

Thence S 89°15'37" E 1397.25 feet along the south boundary of said NW ¼ to the southwest corner of Lot 1, Block 1, said Ballard Hills Subdivision, the Point of Beginning;

Thence N 00°30'51" E 50.00 feet along the westerly boundary of said Lot 1 to a point;

Thence S 89°15'37" E 441.16 feet to a point on the easterly boundary of said Lot 1;

Thence S 00°30'51" W 50.00 feet along said easterly boundary to a point marking the southeast corner of said Lot 1;

Thence N 89°15'37" W 441.16 feet along the southerly boundary of said Lot 1 to the Point of Beginning.

Said parcel of land contains 0.506 acres, more or less.
DESCRIPTION FOR
LOT 2, BLOCK 1, SOUTH 50-FEET

BALLARD HILLS SUBDIVISION

A parcel of land being a portion of Ballard Hills Subdivision, as filed in records of Ada County, Idaho in Book 87 at Pages 9879 and 9880 in the Northwest 1/4 of Section 35, Township 3 North, Range 1 West, Boise Meridian, Ada County, Idaho, more particularly described as follows:

Commencing at the section corner common to Sections 26, 27, 34 and 35, T.3N., R.1W., B.M., thence S 00°27'33" W 2648.47 feet along the westerly boundary of the NW ¼ said Section 35 to the Southwest corner of said NW ¼;

Thence S 89°15'37" E 1838.41 feet along the south boundary of said NW ¼ to the southwest corner of Lot 2, Block 1, said Ballard Hills Subdivision, the Point of Beginning;

Thence N 00°30'51" E 50.00 feet along the westerly boundary of said Lot 2 to a point;

Thence S 89°15'37" E 387.01 feet to a point on the easterly boundary of said Lot 2;

Thence S 00°30'51" W 50.00 feet along said easterly boundary to a point marking the southeast corner of said Lot 2;

Thence N 89°15'37" W 387.01 feet along the southerly boundary of said Lot 2 to the Point of Beginning.

Said parcel of land contains 0.444 acres, more or less.
DEDICATION DEED

THIS INDENTURE, made this __________ day of _______________________, 20__, Donald S. Ballard and Harriet Kay Ballard, the “GRANTORS,” and ADA COUNTY HIGHWAY DISTRICT, a body politic and corporate of the state of Idaho, the “GRANTEE”;

W I T N E S S E T H:

FOR VALUE RECEIVED, the GRANTORS have dedicated, conveyed, remised, released and quitclaimed and do hereby dedicate, convey, remise, release and quitclaim unto the GRANTEE, and its successors and assigns forever, a strip of land for public right-of-way situated in the COUNTY OF ADA, STATE OF IDAHO, more particularly described on Exhibit "A" attached hereto and by this reference made a part hereof,

TOGETHER with all and singular the buildings, structures, improvements and fixtures thereto, the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, the reversion and reversions, remainder and remainders, and rents, issues and profits thereof (collectively the “Premises”).

The current address of the GRANTEE is:

Ada County Highway District
3775 Adams Street
Garden City, Idaho 83714

GRANTEE herewith accepts from GRANTORS, the aforementioned dedicated public right-of-way to have and to hold the said premises with their appurtenance unto the said GRANTEE, its heirs and assigns forever, as unopened public right-of-way, that said GRANTEE WILL NOT have the responsibility for construction and/or maintenance of said public right-of-way until said public right-of-way has been constructed to the minimum standards for roads by the adjacent property owners and/or persons using the road and until the same has been accepted for maintenance and declared to be open by the GRANTEE.
IN WITNESS WHEREOF, this Dedication Deed has been duly executed by the GRANTORS, the day, month and year herein first above written.

______________________________
Donald S. Ballard

______________________________
Harriet Kay Ballard

STATE OF IDAHO  )
) ss.
County of Ada  )

On this _____ day of ________________________, 20__, before me, ________________________________, a Notary Public in and for the state of Idaho, personally appeared Donald S. Ballard and Harriet Kay Ballard, known or proved to me to be the person(s) who executed the foregoing instrument, and acknowledged to me that they executed the same.

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

_______________________________
Notary Public for Idaho
Residing at ________________, Idaho
My commission expires ____________

The Ada County Highway District (ACHD) is committed to compliance with Title VI of the Civil Rights Act of 1964 and related regulations and directives. ACHD assures that no person shall on the grounds of race, color, national origin, gender, disability or age, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any ACHD service, program or activity.
DESCRIPTION FOR
LOT 3, BLOCK 1, SOUTH 50- FEET

BALLARD HILLS SUBDIVISION

A parcel of land being a portion of Ballard Hills Subdivision, as filed in records of Ada County, Idaho in Book 87 at Pages 9879 and 9880 in the Northwest 1/4 of Section 35, Township 3 North, Range 1 West, Boise Meridian, Ada County, Idaho, more particularly described as follows:

Commencing at the section corner common to Sections 26, 27, 34 and 35, T.3N., R.1W., B.M., thence S 00°27'33" W 2648.47 feet along the westerly boundary of the NW ¼ said Section 35 to the southwest corner of said NW ¼;

Thence S 89°15'37" E 2225.42 feet along the south boundary of said NW ¼ to the southwest corner of Lot 3, Block 1, said Ballard Hills Subdivision, the Point of Beginning;

Thence N 00°30'51" E 50.00 feet along the westerly boundary of said Lot 3 to a point;

Thence S 89°15'37" E 407.87 feet to a point on the easterly boundary of said Lot 3;

Thence S 00°50'30" W 50.00 feet along said easterly boundary to a point marking the southeast corner of said Lot 3;

Thence N 89°15'37" W 407.58 feet along the southerly boundary of said Lot 3 to the Point of Beginning.

Said parcel of land contains 0.468 acres, more or less.

[Signature and seal]

Ballad Hills Lot 3, Block 1          South 50-feet          April 8, 2018
DESCRIPTION FOR
LOT 5, BLOCK 1, SOUTH 50-FEET

BALLARD HILLS SUBDIVISION

A parcel of land being a portion of Ballard Hills Subdivision, as filed in records of Ada County, Idaho in Book 87 at Pages 9879 and 9880 in the North 1/2 of Section 35, Township 3 North, Range 1 West, Boise Meridian, Ada County, Idaho, more particularly described as follows:

Commencing at the section corner common to Sections 26, 27, 34 and 35, T.3N., R.1W., B.M., thence S 00°27'33" W 2648.47 feet along the westerly boundary of the NW ¼ said Section 35 to the Southwest corner of said NW ¼;

Thence S 89°15'37" E 2633.00 feet along the south boundary of said NW ¼ to the southwest corner of Lot 5, Block 1, said Ballard Hills Subdivision, the Point of Beginning;

Thence N 00°50'30" E 50.00 feet along the westerly boundary of said Lot 5 to a point;

Thence S 89°15'37" E 1051.31 feet to a point on the easterly boundary of said Lot 5;

Thence S 00°40'39" W 50.00 feet along said easterly boundary to a point marking the southeast corner of said Lot 5;

Thence N 89°15'37" W 1039.96 feet along the southerly boundary of said Lot 5 to the center of said S;

Thence continuing N 89°15'37" W 11.49 feet to the Point of Beginning.

Said parcel of land contains 1.207 acres, more or less.
RELEASE OF EASEMENT

WHEREAS, by easement dated February 4, 2003 and recorded in the Official Real Property Records of Ada County, Idaho as Instrument No. 2003-103018578, granted to Robert J. Kelsch and Virginia E. Kelsch (“GRANTEES”), a 50-foot ingress/egress easement for the construction, operation and maintenance of a private roadway known as W. Ballard Lane upon the following premises in Ada County, State of Idaho, to-wit:

Southernmost 50’ of Parcel C of Record of Survey No. 5935, in the North ½ of Section 35, T3N, R1W, BM.

And WHEREAS, the continuance of such easement is no longer necessary or desirable;

NOW, THEREFORE, in consideration of the premises, the said GRANTEES do hereby release and abandon the said rights and easement hereinabove referred to and described, with the intent that the same shall forthwith cease, determine and be extinguished.
IN WITNESS WHEREOF, this Release of Easement has been duly executed this ____ day of ____________, 201__.  

__________________________________
Robert J. Kelsch  

__________________________________
Virginia E. Kelsch  

STATE OF IDAHO  
)  
) ss.  
County of Ada  
)  

On this ____ day of ________________, 20__, before me, __________________________________, a Notary Public in and for the state of Idaho, personally appeared Robert J. Kelsch and Virginia E. Kelsch, known or proved to me to be the person(s) who executed the foregoing instrument, and acknowledged to me that they executed the same.  

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

__________________________________
Notary Public for Idaho  
Residing at ________________, Idaho  
My commission expires ____________

The Ada County Highway District (ACHD) is committed to compliance with Title VI of the Civil Rights Act of 1964 and related regulations and directives. ACHD assures that no person shall on the grounds of race, color, national origin, gender, disability or age, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any ACHD service, program or activity.
RELEASE OF EASEMENT

WHEREAS, by easement dated February 4, 2003 and recorded in the Official Real Property Records of Ada County, Idaho as Instrument No. 2003-103018578, granted to Michelle Berriochoa ("GRANTEE"), a 50-foot ingress/egress easement for the construction, operation and maintenance of a private roadway known as W. Ballard Lane upon the following premises in Ada County, State of Idaho, to-wit:

Southernmost 50’ of Parcel D of Record of Survey No. 5935 and Lot 1, Block 1 and Lot 2, Block 1 of the Ballard Hills Subdivision in the North ½ of Section 35, T3N, R1W, BM.

And WHEREAS, the continuance of such easement is no longer necessary or desirable;

NOW, THEREFORE, in consideration of the premises, the said GRANTEE does hereby release and abandon the said rights and easement hereinabove referred to and described, with the intent that the same shall forthwith cease, determine and be extinguished.
IN WITNESS WHEREOF, this Release of Easement has been duly executed this ____ day of ____________, 201__. 

__________________________________
Michelle Berriochoa

STATE OF IDAHO )
) ss.
County of Ada )

On this ____ day of _______________________, 20__, before me, ________________________, a Notary Public in and for the state of Idaho, personally appeared Michelle Berriochoa, known or proved to me to be the person(s) who executed the foregoing instrument, and acknowledged to me that they executed the same.

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

________________________________
Notary Public for Idaho
Residing at ________________, Idaho
My commission expires ____________

The Ada County Highway District (ACHD) is committed to compliance with Title VI of the Civil Rights Act of 1964 and related regulations and directives. ACHD assures that no person shall on the grounds of race, color, national origin, gender, disability or age, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any ACHD service, program or activity.
RELEASE OF EASEMENT

WHEREAS, by easement dated February 4, 2003 and recorded in the Official Real Property Records of Ada County, Idaho as Instrument No. 2003-103018578, granted to Donald S. Ballard and Harriet K. Ballard ("GRANTEES"), a 50-foot ingress/egress easement for the construction, operation and maintenance of a private roadway known as W. Ballard Lane upon the following premises in Ada County, State of Idaho, to-wit:

Southernmost 50’ of Lot 3, Block 1 of the Ballard Hills Subdivision in the North ½ of Section 35, T3N, R1W, BM.

And WHEREAS, the continuance of such easement is no longer necessary or desirable;

NOW, THEREFORE, in consideration of the premises, the said GRANTEES do hereby release and abandon the said rights and easement hereinabove referred to and described, with the intent that the same shall forthwith cease, determine and be extinguished.
IN WITNESS WHEREOF, this Release of Easement has been duly executed this ____ day of __________, 201__.

______________________________
Donald S. Ballard

______________________________
Harriet Kay Ballard

STATE OF IDAHO )
) ss.
County of Ada )

On this ____ day of ________________________, 20__, before me, ________________________________, a Notary Public in and for the state of Idaho, personally appeared Donald S. Ballard and Harriet Kay Ballard, known or proved to me to be the person(s) who executed the foregoing instrument, and acknowledged to me that they executed the same.

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

______________________________
Notary Public for Idaho
Residing at ________________, Idaho
My commission expires ____________

The Ada County Highway District (ACHD) is committed to compliance with Title VI of the Civil Rights Act of 1964 and related regulations and directives. ACHD assures that no person shall on the grounds of race, color, national origin, gender, disability or age, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any ACHD service, program or activity.