November 26, 2018

TO: ACHD Board of Commissioners & Bruce S. Wong, Director

FROM: Lorie Baird, Right-of-Way Agent/Real Estate Management Specialist Real Estate Section

SUBJECT: Public Hearing Declaring the following ACHD Owned Property to be Surplus Property and Directing Sale: 3508 W. State Street, Boise.

AGENDA ITEM – December 5th, 2018, Commission Meeting

FACTS & FINDINGS:

(1) The Ada County Highway District ("ACHD") is the owner of real property located in Ada County, Idaho, more particularly described on Exhibit "A" attached hereto (the "Subject Property")

(2) The municipal address of the Subject Property is 3508 W. State Street, Boise, is depicted on Exhibit "B" attached hereto.

(3) The Subject Property was purchased as part of project #611026, State Street and Veterans Memorial Parkway. After removing the property that was needed for the project the remainder portion of the property is not right-of-way required for any Project or any future planned expansion of the adjoining ACHD public right-of-way, and in no other respect is it needed by ACHD in connection with the performance of its highway or other statutory responsibilities.

(4) An independent appraisal of the Subject Property set the fair market value to be $85,000.00.

(5) Within the meaning of Idaho Code, section 40-1309, the Subject Property is no longer useful to ACHD and it is surplus property. It is in the best interests of the District that the Subject Property be sold as surplus property.

(6) Before ACHD can sell or exchange the Subject Property as surplus property, Idaho Code, section 40-1309, requires that the Commission conduct a public hearing at which any person
may appear and show cause that the subject property is still useful to the District and that the proposed sale or exchange of the subject property should not be made. If the Commissioners determine that the sale or exchange of the Subject Property is in the best interests of the District, the Commission shall adopt resolution #2267 finding that the Subject Property is no longer useful to ACHD and finding that the Subject Property is surplus property and that it should be sold or exchanged and establishing the procedures for the public sale.

(7) The public hearing on this matter is scheduled for December 5th, 2018 at 12:00 pm. Notice of the public hearing was published in accordance with Idaho Code, section 40-206 and is attached hereto as Exhibit “C”.

(8) Absent cause being shown at the scheduled public hearing that the Subject Property is still useful to the District and why the sale of the Subject Property should not be made, after the public hearing is closed staff recommends that the Subject Property be declared surplus property with a determined fair market value of $85,000.00 and that it be found to be in the best interests of the ACHD and it patrons that the Subject Property be offered for sale as surplus property.

(9) Before the District disposes of the Subject Property at public sale it must first notify any person who owns real property which is contiguous with the Subject Property that they have first option to purchase the Subject Property for an amount not less than the current determined fair market value. Staff recommends that if an owner of real property which is contiguous with the Subject Property agrees to purchase the Subject Property for an amount not less than the current determined value, the Director be authorized and directed to execute the contract of sale and any other documents required to complete the transaction, and the President of the Commission be authorized and directed to execute the Quitclaim Deed without further notice and without further action by the Commission.

(10) If the Subject Property is not purchased by any person who owns real property which is contiguous with the Subject Property and a public sale becomes necessary, staff recommends that the terms and requirements of the public sale should be:

a. the public sale shall be by solicited sealed bids.

b. the minimum bid shall be not less than one hundred percent (100%) of the current determined fair market value of the Subject Property.

c. the high bidder shall pay to ACHD 10 percent (10%) of the purchase price by cash or cashier’s check drawn on a national or state of Idaho chartered bank, by 4:30pm on the day of the auction with the remainder due at closing, not more than 90 days after the day of the auction;

d. upon receipt of full payment, ACHD will convey title to the Subject Property “as-is” without warranty of any kind, by Quitclaim Deed;

e. ACHD reserves the right to reject any and all bids presented at the auction.
(11) If ACHD is unable to sell the Subject Property to the owner(s) of contiguous property or at the public sale, Staff recommends that the Chief of Staff be authorized and directed to negotiate the sale of the Subject Property by public or private sale, at a price not less than the determined fair market value, or at a price less than the determined fair market value with Commission approval.

(12) A proposed form of Resolution is attached hereto as Exhibit “D”.

FISCAL IMPACT

ACHD will convert an asset it has no use for into cash that it can use for highway purposes.

ALTERNATIVES:

1. Adopt the attached Resolution #2267 finding that the Subject Property is no longer useful to the Ada County Highway District or necessary for its use and finding that the Subject Property should be sold or exchanged and establishing the procedures for the public sale.

2. Do not find that the Surplus Property is no longer useful to ACHD and/or necessary for its use and take no further action.

RECOMMENDATIONS

Recommend the Board adopt Alternative 1.

ENCLOSURES:

1. Exhibit “A”, Legal description of Subject Property
2. Exhibit “B”, Map showing site location
3. Exhibit “C”, Notice of Public Hearing
4. Exhibit “D”, Resolution #2267
Legal Description
3508 W State Street

A parcel being a portion of Lots 5 thru 10 of Block 23 of the Cruzen Addition as shown in Book 3 of Plats of Page 115, records of Ada County, Idaho, also being a portion of Parcel B as shown on Record of Survey No. 6083, recorded as Instrument No. 103031812, records of Ada County, Idaho, being located in the SW ¼ of Section 33, Township 4 North, Range 2 East, Boise Meridian, Ada County, Idaho, and more particularly described as follows:

Commencing at a Brass Cap monument marking the northwest comer of said SW ¼, from which a Brass Cap monument marking the southwest comer of said SW ¼ bears S 0°21'03" W a distance of 2644.60 feet;

Thence S 0°21'03" W along the westerly boundary of said SW ¼ distance of 763.84 feet to a point marking the intersection of W Dewey St. and W. State St.;

Thence S 46°41'25" E along the centerline of said W State St. a distance of 72.09 feet to a point;

Thence continuing along said centerline S 44°22'54" E a distance of 64.98 feet to a point;

Thence leaving said centerline N 45°37'06" E a distance of 61.50 feet to a point on the northeasterly right-of-way of said W State St. and the POINT OF BEGINNING;

Thence S 44°22'54" E along said northeasterly right-of-way a distance of 48.99 feet to a point on the southeasterly boundary of Parcel B of said Record of Survey No. 6083;

Thence along said southeasterly boundary the following described courses:

Thence N 38°29'17" E a distance of 7.54 feet to a point;

Thence N 46°56'45" E a distance of 5.85 feet to a point;

Thence N 43°31'00" E a distance of 71.38 feet to a point;

Thence N 44°21'15" E a distance of 27.44 feet to appoint marking the northeasterly corner of said Parcel B;

Thence N 46°40'09" W along the northeasterly boundary of said Parcel B a distance of 50.00 feet to a point of the northwesterly boundary of Block 23 of said Cruzen Addition;

Thence S 43°30'52" W along said northwesterly boundary a distance of 106.68 feet to a point on said northeasterly right-of-way of W State St.;

Thence S 28°30'27" W along said northeasterly right-of-way a distance of 3.66 feet to the POINT OF BEGINNING.

This parcel contains 5516 square feet (0.127 acres) and is subject to any easements existing or in use.
NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN, that the Board of Commissioners of the Ada County Highway District will hold a public hearing in accordance with the provisions of Idaho Code, section 40-1309 and ACHD Policy section 2033.2.2, to consider whether the following described real property ("Subject Property") located in Ada County, Idaho, is no longer useful to the District and is surplus property and should be sold. At the public hearing, any person interested may appear and show cause that the Subject Property is still useful to the District and that the proposed sale should not be made.

Street Address: 3508 W. State Street, Boise

Legal Description:

A parcel being a portion of Lots 5 thru 10 of Block 23 of the Cruzen Addition as shown in Book 3 of Plats of Page 115, records of Ada County, Idaho, also being a portion of Parcel B as shown on Record of Survey No. 6083, recorded as Instrument No. 103031812, records of Ada County, Idaho, being located in the SW ¼ of Section 33, Township 4 North, Range 2 East, Boise Meridian, Ada County, Idaho, and more particularly described as follows:

Commencing at a Brass Cap monument marking the northwest corner of said SW ¼, from which a Brass Cap monument marking the southwest corner of said SW ¼ bears S 0°21'03" W a distance of 2644.60 feet;

Thence S 0°21'03" W along the westerly boundary of said SW ¼ distance of 763.84 feet to a point marking the intersection of W Dewey St. and W. State St.;

Thence S 46°41'25" E along the centerline of said W State St. a distance of 72.09 feet to a point;

Thence continuing along said centerline S 44°22'54" E a distance of 64.98 feet to a point;

Thence leaving said centerline N 45°37'06" E a distance of 61.50 feet to a point on the northeasterly right-of-way of said W State St. and the POINT OF BEGINNING;

Thence S 44°22'54" E along said northeasterly right-of-way a distance of 48.99 feet to a point on the southeasterly boundary of Parcel B of said Record of Survey No. 6083;

Thence along said southeasterly boundary the following described courses:

Thence N 38°29'17" E a distance of 7.54 feet to a point;

Thence N 46°56'45" E a distance of 5.85 feet to a point;

Thence N 43°31'00" E a distance of 71.38 feet to a point;

Thence N 44°21'15" E a distance of 27.44 feet to appoint marking the northeasterly corner of said Parcel B;

Thence N 46°40'09" W along the northeasterly boundary of said Parcel B a distance of 50.00 feet to a point of the northwesterly boundary of Block 23 of said Cruzen Addition;

Thence S 43°30'52" W along said northwesterly boundary a distance of 106.68 feet to a point on said northeasterly right-of-way of W State St.;

Notice of Public Hearing
(8-1-12)
Thence S 28°30'27" W along said northeasterly right-of-way a distance of 3.66 feet to the POINT OF BEGINNING.

This parcel contains 5516 square feet (0.127 acres) and is subject to any easements existing or in use.

The public hearing will be held in the auditorium of the Ada County Highway District, 3775 Adams Street, Garden City, Idaho on Wednesday, Dec. 5th, 2018 at 12:00 p.m., or as soon thereafter as the matter may be heard, at which hearing any person may appear and show cause why the sale should not be made.

If you have any concerns or questions, please contact Lorie Baird at 208-387-6277 or LBaird@achd.idaho.org

ADA COUNTY HIGHWAY DISTRICT

By: Bruce S. Wong, Director

DIRECTIONS TO IDAHO STATESMAN: Publish in accordance with Idaho Code, section 40-206, two (2) consecutive times, on November 29th and November 30th, 2018, the last day of publication to be not less than five (5) days prior to the hearing.
RESOLUTION NUMBER 2267
OF THE ADA COUNTY HIGHWAY DISTRICT

A RESOLUTION FINDING REAL PROPERTY OF THE ADA COUNTY HIGHWAY DISTRICT IS NO LONGER USEFUL TO THE DISTRICT OR NECESSARY FOR ITS USE AND DECLARING SUCH REAL PROPERTY TO BE SURPLUS PROPERTY WITH A VALUE DETERMINED TO BE $85,000.00 AND AUTHORIZING THE SALE OF THE SUBJECT REAL PROPERTY TO AN OWNER OF ADJOINING REAL PROPERTY OR TO THE GENERAL PUBLIC BY LIVE PUBLIC AUCTION OR SEALED BIDS.

WHEREAS, a hearing notice was duly published in accordance with Idaho Code, Sections 40-1309 and 40-206, and District Policy section 2033.2.2, on the 29th day of November, 2018 and on the 30th day of November, 2018, in the Idaho Statesman, a daily newspaper published in Ada County, Idaho, the last day of publication at least five (5) days prior to the hearing; and

WHEREAS, no one appeared at the public hearing to show cause that the subject real property, the municipal address is 3508 W. State Street, Boise, and the legal description of which is attached hereto as Exhibit “A”, and a vicinity map of which is hereto attached is still useful to the District or to object to the proposed sale, and no cause was presented which persuades the Ada County Highway District Board of Commissioners that the Subject Property is still useful to the District and that it should not be declared to be surplus property and that it should not be sold; and

WHEREAS, District Real Estate Management Specialist Lorie Baird, presented a District Staff Report dated November 26, 2018, which by this reference is hereby incorporated herein, as supplemented by the oral presentation of Lorie Baird, which presented the requirements for such a sale which are available to the Commission under Idaho Code, section 40-1309; and

WHEREAS, the Board of Commissioners of the Ada County Highway District is fully advised and hereby makes the following findings of fact:

(1) the Subject Property described on Exhibit “A” attached hereto is no longer useful to the Ada County Highway District or necessary for its use; and

(2) the Subject Property is surplus property, with its fair market value determined to be $85,000.00; and

(3) it appears the proposed sale of the Subject Property is in the best interests of the Ada County Highway District and its patrons and the Subject Property should be offered for sale as surplus property of the District.

Resolution, page 1
(8-1-12)
S:\Surplus Properties\3508 State Street\1A - Resolution Authorizing Sale.DOC
NOW, THEREFORE, BE IT RESOLVED, in accordance with Idaho Code, Section 40-1309 and District Policy section 2033.2.2, the Ada County Highway District Board of Commissioners declares and directs that the Subject Property be offered for sale to the owner(s) of property which is contiguous with the Subject Property at the determined fair market value of $85,000.00 and upon such terms and conditions as are set forth in District policy and otherwise deemed necessary and advisable. In which case, the Director is hereby authorized and directed to execute such necessary contracts, closing instructions and other documents required to consummate the sale and the President of the Board of Commissioners is hereby authorized and directed to execute and deliver a deed conveying the Subject Property without further action of the Commission.

BE IT FURTHER RESOLVED, that if the District is unable to sell the Subject Property to the owner(s) of property which is contiguous with the Subject Property at the determined fair market value of $85,000.00, the Subject Property shall then be offered for sale by the District by solicitation of sealed bids with the minimum bid price the determined fair market value of $85,000.00, and upon such terms and conditions as are set forth in District policy and otherwise deemed necessary and advisable. Such consideration of sealed bids shall be conducted by the Commission on the 9th day of January, 2019 at 12:00 pm. Notice of such solicitation of sealed bids shall be published at least two (2) consecutive times, with the last notice published not less than ten (10) days prior to the opening of sealed bids.

BE IT FURTHER RESOLVED, that if the Subject Property is unsold after solicitation of sealed, the Chief of Staff may negotiate the sale of the Subject Property at a private sale to a member of the general public in a commercially reasonable manner including a sale price not less than the determined value of $85,000.00 and upon such terms and conditions as are set forth in District policy and otherwise deemed necessary and advisable. In which case, the Director is hereby authorized and directed to execute such necessary contracts, closing instructions and other documents required to consummate the sale and the President of the Board of Commissioners is hereby authorized and directed to execute and deliver a deed conveying the Subject Property without further action of the Commission. Otherwise, the Subject Property may be sold at a price less than the determined value of $85,000.00, and upon such terms and conditions as are set forth in District policy and otherwise deemed necessary and advisable, with Commission approval, following negotiations by the Chief of Staff as directed by the Commission, and upon such approval by the Commission, the Director shall be authorized and directed to execute such necessary contracts, closing instructions and other documents required to consummate the sale and the President of the Board of Commissioners shall be authorized and directed to execute and deliver a deed conveying the Subject Properties without further action of the Commission.
ADOPTED AND APPROVED by the Board of Commissioners of the Ada County Highway District on this 5th day of December, 2018.

ADA COUNTY HIGHWAY DISTRICT
BOARD OF COMMISSIONERS

By: ________________________________ 
Sara M. Baker, President

By: ________________________________ 
Rebecca W. Arnold, Vice President

By: ________________________________ 
Jim D. Hansen, Commissioner

By: ________________________________ 
Kent Goldthorpe, Commissioner

By: ________________________________ 
Paul Woods, Commissioner

ATTEST:

______________________________
Bruce S. Wong, Director

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.