

## Legislation Details (With Text)

<b>File #:</b>	BILL NO. 23-067	<b>Name:</b>	
<b>Type:</b>	Ordinance	<b>Status:</b>	Passed
<b>File created:</b>	2/24/2023	<b>In control:</b>	City Council - Regular Session
<b>On agenda:</b>	3/21/2023	<b>Final action:</b>	3/21/2023
<b>Title:</b>	An Ordinance approving an access easement across a City-owned parcel addressed 225 NW Chipman Road for the benefit of 221 NW Chipman Road, LLC and authorizing the Mayor to execute the same. (PWC 3/13/23)		
<b>Sponsors:</b>	Development Services		
<b>Indexes:</b>			
<b>Code sections:</b>			
<b>Attachments:</b>	1. Ordinance, 2. Exhibit 1: Egress Easement, 3. Exhibit A to Easement: Legal Description and Exhibit, 4. Supporting Document: Copy of 1969 Warranty Deed Acquiring Property Fee Simple for Chipman Rd Improvements, 5. Supporting Document: Location Map		

Date	Ver.	Action By	Action	Result
3/21/2023	1	City Council - Regular Session	for second reading	Pass
3/21/2023	1	City Council - Regular Session	adopted and numbered	Pass
3/13/2023	1	Public Works Committee	recommended for approval	

An Ordinance approving an access easement across a City-owned parcel addressed 225 NW Chipman Road for the benefit of 221 NW Chipman Road, LLC and authorizing the Mayor to execute the same. (PWC 3/13/23)

### Issue/Request:

An Ordinance approving an access easement across a City-owned parcel addressed 225 NW Chipman Road for the benefit of 221 NW Chipman Road, LLC and authorizing the Mayor to execute the same.

### Background:

In 1969, the City acquired a portion of property located at the southeast corner where NW Chipman Rd intersects with Union Pacific Railroad right-of-way. The property acquisition was related to the expansion of NW Chipman Rd from a two-lane road to a four-lane divided road. An existing driveway providing access to NW Chipman Rd from the abutting Sweet Lumber Co. (now the site of the Boise Cascade lumberyard) was located on the property acquired by the City. The driveway serving the lumberyard would remain in use, albeit in a reconfigured manner. The City did not acquire the property via right-of-way dedication; the property was acquired fee simple and thus is a recognized parcel of real property owned by the City.

The abutting site of the Boise Cascade lumberyard (221 NW Chipman Rd) is in the process of being sold. As part of the due diligence performed for the pending sale of the lumberyard property, no record was found for the existence of any access easement ensuring the continued use of the existing driveway across the City-owned parcel. A request has been made of the City to grant an access easement across the City-owned parcel to allow the continued use of the driveway serving the lumberyard property from NW Chipman Rd. Closing on the sale of the lumberyard property is on hold until such time as an access easement is secured from the City.

Proposed Committee Motion:

I move to recommend to the City Council for approval an Ordinance approving an access easement across a City-owned parcel addressed 225 NW Chipman Road for the benefit of 221 NW Chipman Road, LLC and authorizing the Mayor to execute the same.

Proposed City Council Motion:

FIRST MOTION: I move for a second reading of an Ordinance approving an access easement across a City-owned parcel addressed 225 NW Chipman Road for the benefit of 221 NW Chipman Road, LLC and authorizing the Mayor to execute the same.

SECOND MOTION: I move for adoption of an Ordinance approving an access easement across a City-owned parcel addressed 225 NW Chipman Road for the benefit of 221 NW Chipman Road, LLC and authorizing the Mayor to execute the same.

Josh Johnson, AICP, Director of Development Services

Recommendation: Staff recommends approval of an Ordinance approving an access easement across a City-owned parcel addressed 225 NW Chipman Road for the benefit of 221 NW Chipman Road, LLC and authorizing the Mayor to execute the same.

Committee Recommendation:

The Public Works Committee voted unanimously 4-0 to recommend to City Council approval of an Ordinance approving an access easement across a City-owned parcel addressed 225 NW Chipman Road for the benefit of 221 NW Chipman Road, LLC and authorizing the Mayor to execute the same. (PWC 3/13/23)