CITY OF
Caldwell, Idaho
Planning & Zoning
HEARING REVIEW APPLICATION

Type of Review Requested (check all that apply)

☑ Annexation
☐ Deannexation
☐ Appeal/Amendment
☐ Comprehensive Plan Map Change
☐ Design Review
☐ Ordinance Amendment
☐ Special Use Permit
☐ Subdivision - Preliminary Plat
☐ Subdivision - Final Plat
☐ Subdivision - Short Plat
☐ Time Extension
☐ Variance
☐ Other

STAFF USE ONLY:

File number(s): Ann-19-11

Rush Annexation

Project name:

Date filed: 8/8/19
Date complete:

Related files:

Subject Property Information

Address: 4120 E Ustick Rd.
Parcel Number(s): 032497

Subdivision: N/A
Block: N/A
Lot: N/A
Acreage: 3.93
Zoning: C-3

Prior Use of the Property: Single Family Rural Residence

Proposed Use of the Property: Rezone to C-3 after or simultaneous to Annexation

Applicant Information:

Applicant Name: Esther Rush, Trust
Trustee: Darryl Rush
Phone: 208-514-9137

Address: 4120 E Ustick
City: Caldwell
State: ID
Zip: 83607

Email: N/A
Cell: N/A

Owner Name: Esther Rush, Trust

Phone: 208-514-9137

Address: 4120 E Ustick
City: Caldwell
State: ID
Zip: 83607

Email:
Cell:

Agent Name: (e.g., architect, engineer, developer, representative) Broker, for Seller: Doug Lampman

Address: 48 Yale
City: Nampa
State: ID
Zip: 83686

Email: doug@recenter.com
Cell: 208-901-5700

Authorization

Print applicant name: Darryl Rush, Trustee

Applicant Signature: Darryl Rush
Date: 8/8/19

621 Cleveland Boulevard  •  Caldwell, Idaho 83605  •  Phone: (208) 455-3021  •  www.cityofcaldwell.com/PlanningZoning
## Project Name: Esther Rush, Trust

### Applicant/Agent: Doug Lampman

<table>
<thead>
<tr>
<th>Applicant (V)</th>
<th>Please provide the following REQUIRED documentation:</th>
<th>Staff (V)</th>
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</thead>
<tbody>
<tr>
<td></td>
<td>Completed &amp; signed Hearing Review Master Application</td>
<td>✓</td>
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<tr>
<td></td>
<td>Narrative fully describing the proposed use/request, including current potable water supply and current sewage system</td>
<td>✓</td>
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<td>Recorded warranty deed for the subject property</td>
<td>✓</td>
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<td>Signed Property Owner Acknowledgement (if applicable)</td>
<td>✓</td>
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<td>Vicinity map, showing the location of the subject property</td>
<td>✓</td>
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<td>Site Plan The following are suggested items that may be shown on the site plan:</td>
<td>✓</td>
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<td>• Property boundaries of the site</td>
<td>✓</td>
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<td></td>
<td>• Existing buildings on the site</td>
<td>✓</td>
</tr>
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<td></td>
<td>• Parking stalls and drive aisles</td>
<td>✓</td>
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<tr>
<td></td>
<td>• Sidewalks or pathways (proposed and existing)</td>
<td>✓</td>
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<tr>
<td></td>
<td>• Fencing (proposed and existing)</td>
<td>✓</td>
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<td>Metes and bounds legal description for the site to be annexed in WORD format</td>
<td>✓</td>
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<tr>
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<td>Landscape Plan (if applicable)</td>
<td>✓</td>
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<tr>
<td></td>
<td>Neighborhood Meeting sign-in sheet</td>
<td>✓</td>
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<td>All of the above items shall be submitted in 8 ½ x 11 paper format AND in electronic format (preferably PDF or Word) on either a jump drive or CD. Please be aware the jump drive or CD will become part of the file and will not be returned.</td>
<td>✓</td>
</tr>
</tbody>
</table>

| Fee | | |

### STAFF USE ONLY:

- Date Application Received: 8/28/19
- Received by: LC
- Proposed Hearing Date: 10-8-19
- Hearing Body: 02

621 Cleveland Boulevard • Caldwell, Idaho 83605 • Phone: (208) 455-3021 • www.cityofcaldwell.com/PlanningZoning
To whom it may concern,

As per the county and city requirements a detailed description of the proposed property is to be attached to the application.

My clients are asking for an annexation into the city of Caldwell as well and a rezone to C-3. Per the all ready agreed to and subsequently executed agreement with the city (resolution #354-18, on December 3rd 2018) to install utilities in the street fronting the land under consideration by the appropriate municipal entities.

In discussions with the city the zoning will allow either commercial or multi family to be developed and subsequently add additional taxable revenue to the city. We informed the public Per the ordinance and held the community meeting on 8/15/2019. As the agent for the trust I spoke with a number of parties in advance of the meeting no one voiced and objection on those calls. I have attached the attendance sheet from the initial meeting as well as the addressee who were notified.

We look forward to answering any further questions as we proceed you may reach me At 208-901-5700 as agent for the owner /trust

Sincerely,
Douglas J. Lampman
Founder/Broker
ABR, CRB, GRI, MA
Homes Of Idaho, Inc.
You are invited to a community meeting.
On Thursday August 15th. At the subject property. The meeting will be held at 6:30pm to accommodate everyone's schedules.
We look forward to seeing you
At the property 4120 E Ustick.
This notice is in compliance with Caldwell's annexation and zoning ordinance.
A parcel of land situated in Government Lot 3, Section 1, Township 3 North, Range 3 West, Boise Meridian, Canyon County, Idaho. Said parcel is more particularly described as follows:

Beginning at the Northwest corner of said Government Lot 3; thence South 89°54'08" East along the North line thereof, a distance of 390.86 feet; thence South 03°55'42" West, a distance of 376.71 feet; thence South 55°10'06" West, a distance of 450.07 feet to a point on the West line of said Government Lot 3; thence North 00°23'46" East along said West line a distance of 633.57 feet to the POINT OF BEGINNING.
RIGHT OF WAY PURCHASE AGREEMENT

Parcel No.: R3249700000
Address: 4120 E. Usticke Road
Project Name: Usticke Road Widening
County of: Canyon

THIS AGREEMENT made this 16th day of November, 2018, between City of Caldwell, by and through its City Council, by its Mayor or the authorized representative, herein called "City," and the Esther E. Rush Life Estate & Esther Rush Trust herein called "Grantor." THE PARTIES hereto agree as follows:

1. City shall pay Grantor and the Lien holder(s), if any, such sums of monies and subject to the contingencies as are set out below. Grantor agrees to pay all taxes and assessments due and owing, including those for the year 2018; and Grantor shall execute and deliver to City a notarized instrument of conveyance corresponding to the interest being acquired.

2. This contract shall not be binding unless and until executed by the City of Caldwell, by its Mayor.

3. The parties have herein set out the whole of their agreement, the performance of which constitutes the entire consideration for the grant of said right-of-way and shall relieve the City of all future claims or obligations on that account or on account of the location, grade and construction of the proposed roadway.

4. Right-of-Way:

   City will pay Grantor for approximately 9,148 +/- square feet of new right-of-way $11,648.00

   TOTAL CONSIDERATION $11,648.00

5. POSSESSION

   Legal and Physical Possession- Grantor agrees to give the City legal and physical possession of the property herein being purchased by the City on December 03, 2018.

6. PRO-RATA REFUND OF TAXES

   The City agrees to pay the Grantor a pro-rata refund of taxes for the tax year of 2018. The pro-rata amount shall be calculated and paid after the entire taxes for 2018 have been paid and the calculation shall be based on the proportionate amount of land as applied to the land value and for that portion of the year beyond the date of this agreement.

7. BUILDING AND SETBACK

   Both parties understand and agree that this acquisition by the City will, in itself, not cause a violation of any current building or structure setback requirements and any current exceptions to the setback requirements shall be continued under grand-father rights.

8. INGRESS AND EGRESS

   Grantor hereby grants the City or its contractor a Temporary Easement of ingress and egress for construction of approach, landscape repair or any other item requiring a Temporary Easement. Said easement to terminate upon completion of construction.

Esther E. Rush Life Estate
Usticke Road Right-of-Way Purchase Agreement
MEMORANDUM
TO: Caldwell City Council
Meeting Date: December 03, 2018

AGENDA ITEM INFORMATION

SUBJECT:
Purchase Agreement:
48' Half Width Right-of-Way Along 4120 E. Ustick Road.

Requested Action:
Authorize the Mayor to execute the attached Right-of-Way Purchase Agreement

Department Submittals
Building Department
CDBG
Clerk
City Attorney
Finance Department
Human Resources
Planning & Zoning
Fire Department
Police Department
Public Works
Street Department
Water Department
WWTP
Engineering
Mapping

COST IMPACT: $11,648.00

FUNDING SOURCE: Parks and Recreation

TIMELINE: Payment to be made upon passage of the attached resolution. Construction currently anticipated for 2020

SUMMARY STATEMENT:
Currently the City is planning on widening Ustick Road, continuing from the eastern most limits of the Lake/Ustick Roundabout project to Cleveland Boulevard. To accommodate the proposed improvements, it is necessary to acquire right-of-way from Esther E. Rush, whose property address is 4120 E. Ustick Road. The City has agreed to pay Ms. Rush $11,648.00 for the right-of-way, place a driveway and to not commence the road construction until Ms. Rush is either no longer residing at the property or gives written consent to complete the road project while still residing in the residence as outlined in the Purchase Agreement in exchange for the 48' wide strip of right-of-way across the frontage for their property.

Included in the attached resolution is the authorization to the Mayor to execute the Right-of-Way Purchase Agreement on behalf of the City. Said Right-of-Way Purchase Agreement is attached for signature.

RECOMMENDED ACTION:
The Engineering Department has reviewed the attached documents and recommends that the City Council accept this right-of-way and approve the attached resolution.
Canyon County Parcel Information

Property ID: R3249700000
Alt Parcel ID: 03N03W012555
Property Address: 4120 E Ustick Rd
               Caldwell, ID 83607
Parcel City Code: Caldwell

Owner Information
Name: Rush Esther E Life Estate
       Rush Esther Trust
Address: 4120 E Ustick Rd
         Caldwell, ID 83607

Assessor Information
Legal Description: 01-3N-3W NW TX 98832 IN NENW LS RD
Twn/Range/Section: 03N03W01 Quarter: NW
Acres: 3.93 (171,191 SqFt)
Irrigation Dist: Pioneer Irrigation District
School District: 770 Vallivue School Dist
Instrument #: 2018054775
Subdivision:  -
Plat Instr. #:  -
Lot:  -
Block:  -
Recreation:  -

Assessed Values
Land Value: $87,600
Improvement Value: $93,800
Total Value: $181,400

Residential Characteristics
Main Floor SqFt: 945
Lower Floor SqFt: 0
Upper Floor SqFt: 324
Attic SqFt: 0
Bsmt SqFt: 0
Total SqFt: 1,269
Second Floor SqFt: 0
Year Built: 1940
Garage Area: 0
Attic Finished SqFt: 0
Bsmt Finished SqFt: 0
Half Baths: 0
Full Baths: 1
Decks: 0
Deck SqFt: 0
Porch SqFt: 184
Carport SqFt: 0
AC: None
Bedrooms: 3

Transfer Information
Rec. Date: 12/4/2018
Buyer: CITY OF CALDWELL
Sale Price: Doc Num: 0000054775
Doc Type: Seller: RUSH ESTHER TRUST