HIGHWAY DISTRICT No.4
15435 HIGHWAY 44
CALDWELL, IDAHO 83607

TELEPHONE 208.454.8135
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HIGHWAY DISTRICT NO. 4
PETITION AND PROCESS FORM FOR ABANDONMENT AND VACATION OF HIGHWAY DISTRICT SYSTEM HIGHWAY AND/ OR RIGHT-OF-WAY
Idaho Code Sections 40-203 and HSDP § 2150

[This is a 5 page form]

This petition and process form is applicable to any request for an abandonment and vacation of Public Highway Right-of-Way, Open Public Right-of-Way and Closed Public Right-of-Way under the jurisdiction of this Highway District.

Information to Petitioner:

1. The Petitioner must complete this form and pay the filing fee before the Highway District will process this form. Any additional costs will be charged to the Petitioner at the actual amount above those included in the fee.

2. All relevant information and attachments must be supplied. Please mark non- applicable portions of the petition form "N.A." The information on the application for completeness shall be determined by the Secretary of the Highway District, which shall include a determination of the petition/s fee/s. No petition shall be considered filed by the Highway District unless the petition form is completed, and the application/s fee/s has been received by the Highway District's Secretary/Treasurer.

3. This form includes relevant initial routing information which is completed by Highway District staff.

4. All petitions provided in this form are filed with the Secretary of the Highway District at the administrative office located at 15435 Hwy 44, Caldwell, Idaho 83607.

5. Petitioner, if a natural person, must be over the age of 18.

6. Petitioner may be required to submit a review request and pay fees to public utilities operating within the area of the requested vacation and abandonment.

7. ATTACH CERTIFICATE OF SECRETARY OF STATE IN THE EVENT THE PETITIONER IS A LEGAL ENTITY: [Petitioner must be, if not a natural person, an entity in good standing in the State of Idaho; a registered trust; or agent.]

   CERTIFICATE OF SECRETARY OF STATE ATTACHED: _____
   TRUST REGISTRATION OR AGENT STATEMENT: _____

8. If the Commission determines that the highway or public right-of-way parcel to be abandoned and vacated has a fair market value of twenty-five hundred ($2,500) or more and the landowner did not originally dedicate the parcel to the public for use as a highway or public right-of-way, t**he petitioner may be requested to provide a certified appraisal at the petitioner's expense and pay to the Highway District the fair market value of the public right-of-way parcel to be abandoned and vacated**.

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PETITION REQUEST

Petitioner's Legal Name: _____ Address: _____

_____

Phone: _____ E-mail _____

[Petitioner to mark with an X and initial as appropriate to Petitioner circumstances]

Petitioner is either a resident, or property holder, within Highway District No. 4

Resident: _____ Property Holder: _____

Petitioner:

_____ Was the owner who dedicated and/or transferred the subject Right-of-Way to Highway District.

_____ Was not the owner who dedicated and/or transferred the subject Right-of-Way to Highway District.

Legal Description of the Highway, or public right-of-way, which is the subject of this Petition for Abandonment and Vacation. [If inadequate space, attach legal description to this Petition Request]

_____

_____

_____

_____

_____

Petitioner is to provide and attach an accurate scale drawing of the area and adjacent property affected showing all property lines and methods of access to other properties in the event this Petition Request is granted. [Only the Highway District Engineer and or Director of Highways may waive this requirement]

Scale drawing attached: _____[initialed by Petitioner]

Petitioner's Signature: _____ Date: _____

Petitioner's signature herein is Petitioner's verification that all information above stated is true and correct.

PLEASE NOTE: In the case of a Petition involving a Highway and/or Right-of-Way which is either within one (1) mile of a City, or the established county/city impact area, or adjacent to a platted area, within one (1) mile of a city, or the established county/city impact area, the Petitioner must furnish a certified copy of the consent to the Petition Request by the City Council before the Highway District Commissioners will set the matter for public hearing on this Petition Request. [See Idaho Code Section 50-1330]

PETITION PROCESS

Official Use below line:
All blanks are to be initialed and dated by the appropriate Highway District officials as indicated. D. means Director. E. means Highway District Engineer. P.T. means Permit Technician. S. means Secretary. If a blank is not appropriate the Highway District official shall indicate N.A. and their initials.
This Petition Request Process is in chronological order and the stage of the process is evidenced by the official's initials. Highway District officials shall not process this Petition Request unless all the steps preceding the official's action have been completed on this form.

Completed by District Secretary:

☐ Above Petition Request form has been submitted

Fee: _____ Paid by: _____

Petition Request form and routed to Director: _____ [date]

Initialed by S._____

Completed by Director, District Engineer and Permit Technician :

Review by Director of Petition Request: _____ [date]
Initialed by D._____

Highway District Engineer and/or Permit Technician verify information on Petition regarding Highway Districts ownership of Highway and/or Right-of-Way, subject of the Petition Request [District Engineer and/or Permit Technician may at this stage consult with Highway District Attorney as needed for review regarding Highway District ownership and procedural issues]:
_____ [date] Initialed by E. _____/or P.T._____
_____ [date]

Highway District Engineer and Permit Technician verify information on subject Highway and/or Right-of-Way concerning whether it is, or part is, in a plat and if the same is either within one (1) mile of a City or the established county/city impact area or adjacent to a platted area within one (1) mile of a city or the established county/city impact area.

Within or partially within a Plat: _____ Yes _____No

Within 1 mile [etc.] of a city: _____Yes _____No

_____[date] Initialed by P.T._____[date] Initialed by E._____

Highway District Engineer and/or Permit Technician inspects the subject Highway and/or Right-of-Way to determine if there are:

1) any obstructions and/or encroachments and/or installations therein; and
2) any easements for continued use and service of existing and/or possible new sewer, gas, water, or similar pipelines and appurtenances, or other underground facilities as defined in Section 55-2202, Idaho Code, and/or ditches or canals and appurtenances, and/or electric, telephone and similar lines and appurtenances as allowed by law, and/or by the original dedication in the plat in the subject Highway and/or Right-of-Way; and
3) any intersecting roadways and public use of or access to parcels by use of the subject Highway and/or Right-of-Way; and

4) any other circumstances relative to the interests of the public in the subject Highway and/or Right-of-Way; and
5) to photograph and document existing conditions within subject Highway and/or Right-of-Way; and
6) in the event the Petitioner did not transfer the subject Highway and/or Right-of-Way to the Highway District a preliminary determination of whether or not subject Highway and/or Right-of-Way has a fair market value of $2,500.00 or greater and in the event it does exceed said value determine and recommend whether or not the payment of fair market value should be a subject of a condition of abandonment and vacation. [See I.C. § 40-203 (1) (i)].

Highway District Engineer and/or Permit Technician prepare preliminary recommendations regarding the Petition Request, and determines if the subject Highway and or right-of-way is within an area that by law requires City Council approval.

Recommendations attached: _____[date] Initialed by E. ____ and /or P.T._____

Initial meeting/s with Petitioner held which includes Highway District Engineer and/or Permit Technician. Agenda for meeting to include review with Petition Request and preliminary recommendations of the Engineer and/or Permit Technician. Until all recommendations of Engineer and/or Permit Technician have been addressed and satisfactorily resolved the initial meeting may be continued from time to time to complete this process. This process shall include any requirement of the Petitioner to obtain the consent of a City Council. If required and submitted the Consent is attached to this Petition Request and included as part of the record thereof.

Initial Meeting completed satisfactorily: _____ [dates] Initialed by E._____ and/or P.T. _____

Agreed Recommendations of Engineer and/or Permit Technician and Petitioner attached: _____[date] Initialed by D._____ and/or E. _____

Petition Request Submitted to Highway District Board of Commissioners for purpose of setting a Public Hearing date.

_____ [date] Initialed by D._____

Board of Commissioners set Hearing for following Date and Time:

_____

_____ [date] Initialed by S. _____

Secretary clarifies and follows notice process as required by I.C. §§ 40-203 and/or 50-1317
Causes Notice of Hearing to be prepared and Causes the same to be:
Published 3 consecutive times in Idaho Press-Tribune with the last publication not greater than 21 days and not less than 5 days prior to hearing; and
Posted at least 30 full days prior to hearing in three (3) conspicuous places within Subdivision, Canyon County, Idaho; and
Mailed at least thirty (30) days prior to the hearing to the abutting owners as shown on the tax rolls of Assessor's office. **Notice** is to be mailed to known owners and operators of any underground facility, as defined in Section 55-2202, Idaho Code at least 30 days before the hearing. Notice to be mailed to any city within one (1) mile of the subject Highway and/or right-of-way and causes a copy to be mailed to all political subdivisions providing services within the subject Highway and/or right-of-way.

_____ [date] Initialed by S_____

<u>Permit Technician</u> and or Highway District Engineer conduct any additional needed investigation into subject Petition Request and **finalize recommendations** and report to the Board of Commissioners for public hearing and supply copy to Petitioner prior to hearing.

_____ [date] Initialed by <u>P.T.</u>_____ [date] Initialed by E._____

Secretary prepares Affidavit of Posting, Mailing, and receives Affidavit of Publication from Idaho Press-Tribune for the record of the hearing:

_____ [date] Initialed by S._____

Public Hearing Conducted by Board of Commissioners:

Hearing is recorded and exhibits and reports made part of the record along with testimony of Petitioner, testimony and recommendations of Highway District Engineer and/or Permit Technician and any other persons with relevant testimony.

Commissioners make preliminary decision and request Legal Counsel to Prepare Findings of Fact, Conclusions of Law and Order of Decision, and set a date and time for receipt of the same and for final decision on Petition Request.

_____ [Date] Initialed by S._____

Board of Commissioners finalizes and adopts **Findings of Fact, Conclusions of Law and Order of Decision**

Copy Findings of Fact, Conclusions of Law and Order of Decision is provided to Petitioner and anyone demanding notice thereof.

_____ [Date] Initialed by S._____

Certified Copy of the Findings of Fact, Conclusions of Law and Order of Decision **is recorded** only in the event the Petition is Granted and/or conditionally granted.

_____ [Date] Initialed by S._____