

DATE: 12-10-2015 **FILE NO:** DEV2015-00010

Site addresses: 205, 207, 209, 211 E. 36th Street, Garden City, ID 83714
Parcels: R2734540341, R2734540331, R2734540311

Subdivision Name & Lot & Block:
 Fairview Acres Sub. No. 5, Lots 28-32, Block 28

What are you trying to achieve with this application:
 Adjust lot lines to create 4 building lots for building, retain one larger lot.

Applicant's Engineer: D&A Engineers, Inc., David Crawford
Address: 5505 W. Franklin Road, Boise, ID 83705
Phone: 208-343-3381

Email:

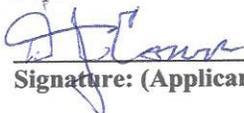
APPLICATION INFORMATION REQUIRED (PROVIDE TWO COPIES & ELECTRONIC SUBMITTAL OF ALL MATERIALS):

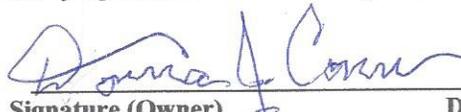
- ^{see GC Code Table 8-2B-2 attached} Proof lots are legally conforming
 - Legal Descriptions - attached
 - Record of Survey (ROS) - attached
 - Fee
 - Proof of title (warranty deed) - attached
- (Fold ROS into 8 1/2 X 11 with Title Block/ Panel face up so as to fit within a legal folder) showing existing and proposed lot lines, streets, utility easements and other such items as the City Engineer may require. The proposed Record of Survey shall also include the following endorsements: certificate of lot owner(s) and acknowledgement; certificate of surveyor; certificate of City Engineer; and County Recorder's certificate

RECORD OF SURVEY SHALL CONTAIN THE FOLLOWING:

1. Record of survey to show original property/lot line plus "new" property/lot line.
2. Square footage of adjusted property/lots including lot closure calculations to be placed on record of survey.
3. Correct street names as may be determined by the Ada County Street Name Committee.
4. Record of survey to show existing easements of records, including those attested by general note on the original subdivision plat.
5. Adjacent property shall be indicated.
6. Parcel adjustment note on record of survey.
7. All existing buildings shall be shown on the record of survey and shall meet zoning and building requirements or as specifically approved.

I consent to this application and hereby certify that information accompanying this application is correct to the best of my knowledge. I will hold harmless and indemnify the City of Garden City from any and all claims and/or Causes of Action arising from or out the issuance of a permit from the Planning and Zoning Department.


 Signature: (Applicant) _____ Date: Dec. 8 2015


 Signature (Owner) _____ Date: Dec. 8, '15
 Printed Name: Donna J. Conn
 Email: _____

section, shall be used for determining maximum building height, required setbacks, maximum lot coverage and minimum lot size standards for development in each of the respective base zoning districts.

B. Clarification; Certain Exceptions: Subsections E through H of this section set forth certain exceptions and additional clarification for the form standards.

C. Allowed Exceptions: Exceptions from the form standards are allowed as set forth in chapter 3, "Overlay Zoning District Regulations", of this title, and through a planned unit development (PUD) as set forth in chapter 6, article B, "Specific Provisions", of this title.

D. Additional Provisions: Additional provisions as set forth in chapter 4, "Design And Development Regulations", of this title may also affect the form standards.

**TABLE 8-2B-2
FORM STANDARDS IN ALL BASE ZONING DISTRICTS**

District	Maximum Height*	Setbacks				Street Side	Maximum Lot Coverage	Minimum Lot Area/DU*
		Front	Rear	Interior Side	Street Side			
R-1	35'	20'	15'	5'	20'	30%	1 acre	
R-2	35'	15'/20**	15'	0/5**	20'	70%	6,000* sq. ft.	
R-3	45'	15'/20**	15'	0/5**	20'	70%	4,000 sq. ft.	
R-20	55'	20'	12'	8'	15'	80%	2,000 sq. ft.	
C-1	55'	5'	5**	5**	10'	n/a	3,000 sq. ft.	
C-2	55'	20'	5'	5'	20'	n/a	n/a	
M	72'	10' max	5'	0/3'	0'	n/a	n/a	
LI	55'	20'	5**	5**	20'	n/a	n/a	

Conn Property →

* Indicates an exception that follows.

E. Maximum Height Limit:

1. The maximum height limitations shall not apply to the following architectural features not intended for human occupation: spire or steeple, belfry, cupola, chimney. Such architectural features shall have a maximum height limit of twenty feet (20') as measured from the roofline.

2. The maximum height limitations shall not apply to the following: fire and hose tower; power line tower; water tank or tower; windmill; wireless communication facility, or other commercial or personal tower and/or antenna structure; or other appurtenances usually required to be placed above the level of the ground and not intended for human occupancy.

F. Setbacks:

1. Encroachments: Encroachments allowed in any setback:

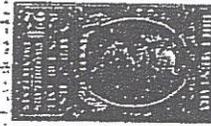
DEC 10 2015

CORPORATION WARRANTY DEED

THIS INDENTURE, Made this 7th day of August, in the year of our Lord 1967, between HOME FINANCE Co., INC., a corporation duly organized and existing under the laws of the State of Idaho and having its principal office in Idaho at Boise in the County of Ada, party of the first part, and HAROLD A. CONN and
DOYNA J. CONN, husband and wife
of _____, County of Ada, State of Idaho
part ies of the second part:

WITNESSETH, That the said party of the first part, having been hereunto duly authorized by resolution of its Board of Directors, for and in consideration of the sum of Ten Dollars (\$10.00) and other valuable consideration, lawful money of the United States of America, to it in hand paid by the said part ies of the second part, the receipt whereof is hereby acknowledged, has granted, bargained and sold, and by these presents does grant, bargain, sell, convey and confirm unto the said part ies of the second part, and to their heirs and assigns forever, all the following described real estate situated in the County of Ada, State of Idaho, to-wit:

Lots Twenty-eight (28) and Twenty-nine (29), Block Twenty-eight (28) of Fairview Acres Subdivision Number Five (5), as the same are numbered and designated on the official plat of said subdivision now on file in the office of the County Recorder, Ada County, Idaho, and subject to taxes and all assessments for the year of 1957 and thereafter.



TOGETHER With all and singular the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, and the reversion and reversions, remainder and remainders, rents, issues and profits thereof, and all estate, right, title and interest in and to the said property, as well in law as in equity, of the said party of the first part; excepting and reserving from this conveyance and the premises hereby granted all water rights pertaining to or connected with the lands hereby conveyed, and all water and water rights and ditches and ditch rights used on said lands or in connection therewith and also all under-ground waters heretofore appropriated or which may be hereafter appropriated at or upon such land or for the irrigation of such land.

TO HAVE AND TO HOLD, All and singular, the above mentioned and described premises, together with the appurtenances, unto the part ies of the second part, and to their heirs and assigns forever, and the said party of the first part, and its successors, the said premises in the quiet and peaceable possession of the said part ies of the second part, their heirs and assigns, against the said party of the first part, and its successors, and against all and every person and persons whomsoever, lawfully claiming or to claim the same, shall and will warrant and by these presents forever defend.

IN WITNESS WHEREOF, The party of the first part has caused its corporate name to be hereunto subscribed by its President and its corporate seal to be affixed by its Secretary in pursuance to said resolution the day and year first above written.

HOME FINANCE CO., INC.

By Don H. Eagleson
Don H. Eagleson Its President.
Attest: Pat T. Fitzgerald
Pat T. Fitzgerald Its Secretary.

X
VEST

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DEC 10 2015

STATE OF IDAHO, }
COUNTY OF ADA, } ss.

On this 7th day of August, in the year 1967, before me, the undersigned, a Notary Public in and for the said State, personally appeared Don H. Eagleson and Pat T. Fitzgerald, known to me to be the President and Asst. Secretary respectively of the corporation that executed this instrument or the persons who executed the instrument on behalf of said corporation, and acknowledged to me that such corporation 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.

Laurie S. Schwab
Notary Public for the State of Idaho,
Residing at Boise, Idaho.

No. 705084

CORPORATION
WARRANTY DEED

Home Services Co.

-TO-
Edward A. Mann
et al

Dated....., 19.....

STATE OF IDAHO, }
COUNTY OF *Ada* } ss.

I hereby certify that this instrument was filed for record at the request of *Edward A. Mann*

at minutes past *10* o'clock *A M*, this *7th* day of *August*, A.D. 19*67* in my office, and duly recorded in Book

..... of at page.....

CLARENCE A. PLANTING
Ex-Officio Recorder.

By *Laurie S. Schwab*
Deputy

Fees, \$ *2.10*

Mail to *229 East 36th*
Boise Idaho
83704

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DEC 10 2015

BOOK 506 PAGE 154 WARRANTY DEED

For Value Received GORDON R. HUIT and NINA A. HUIT, husband and wife,

the grantors, do hereby grant, bargain, sell and convey unto HAROLD A. CONN and DONNA J. CONN, husband and wife,

the grantee, the following described premises, in Ada County Idaho, to wit:

Lot 30 in Block 28 of Fairview Acres Subdivision No. 5 according to the Plat thereof, filed in Book 11 of Plats at Page 619

X VEST



TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee and their heirs and assigns forever. And the said Grantors do hereby covenant to and with the said Grantee, that they are the owners in fee simple of said premises; that they are free from all incumbrances except taxes and assessments

and that they will warrant and defend the same from all lawful claims whatsoever, except as above stated.

Dated: January 15, 1963.

Gordon R. Huit
Nina A. Huit

Washington
STATE OF IDAHO, COUNTY OF Grant
On this 15th day of Jan., 1963
before me, a notary public in and for said State, personally appeared Gordon R. Huit and Nina A. Huit, husband and wife,
known to me to be the persons whose names are subscribed to the within instrument, and acknowledged to me that they executed the same
Notary Public
Residing at President Washington
Comm. Expires June 17, 1966

STATE OF IDAHO, COUNTY OF ada
I hereby certify that this instrument was filed for record at the request of Harold A. Conn
at 15 minutes past 11 o'clock A.M.,
this 14 day of Nov.
1963, in my office, and duly recorded in Book of Deeds at page
JERRY THOMAS
Ex-Officio Recorder
By [Signature] Deputy.
Fees \$ 7.00
Mail to: 209 E 36th Boise

INSTRUMENT NO. 500221



AFFIDAVIT OF SURVIVING SPOUSE OF TESTATE DECEDENT

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STATE OF IDAHO)
) ss.
COUNTY OF ADA)

I, Donna J. Conn, being first sworn, deposes

and says:

VEST
REF

1. That Harold A. Conn, the Decedent, died on the 24th day of July, 2007, in Ada County, State of Idaho.

A true and correct copy of the death certificate is attached hereto.

2. That the Decedent died more than three years ago, leaving a last will and testament, and the Decedent's will was not probated in any court.

3. That Decedent and I were married on the 5th day of December, 1951, and remained married until the time of death.

4. That the below-described property was community property at the time of death:

East 36th Street
Garden City, ID. 83714

5. That I am currently named as the property owner along with my deceased spouse.

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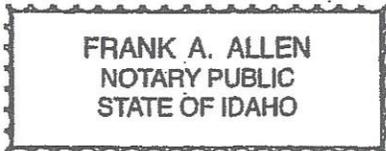
DEC 10 2015

Donna J. Conn
 Signature
 Mailing Address: 209 E. 36th Street
Garden City, Idaho
83714

STATE OF IDAHO)
) ss.
 County of Ada)

On this 8th day of August, 2012, before me, a notary public, personally appeared Danna J. Conn, known or identified to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that he/she executed the same.

Frank A. Allen
 Notary Public for Idaho
 Commission Expires 02-10-2018





B & A Engineers, Inc.
Consulting Engineers & Surveyors
5505 W. Franklin Rd. Boise, Id. 83705
Phone. 208-343-3381 Facsimile 208-342-5792

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**Donna Conn Parcel Description
Parcel "A"**

December 3, 2015

A portion of Lots 30, 31, & 32, Block 28 of Fairview Acres Subdivision No. 5 as shown in Book 11 of Plats at Page 619 records, Ada County, Idaho. Situate in the northeast quarter of the southeast quarter of Section 13, Township 4 North, Range 1 East, Boise Meridian, Garden City, Ada County, Idaho, and being more particularly described as follows:

Commencing at the westerly corner of said Lot 32; thence S45°40'05"E, 2.02 feet along the southwesterly boundary of said Lot 32 to the right-of-way of 36th Street and to the **Point of Beginning**;

Thence N51°32'13"E, 146.16 feet along the easterly right-of-way of 36th Street;

Thence S45°40'05"E, 147.99 feet along a line parallel to the northeasterly boundary of said Lot 30 to the southeasterly boundary of said Lot 30;

Thence S51°32'55"W, 146.16 feet along the southeasterly boundary of said Lots 30 through 32 to the southerly corner of said Lot 32;

Thence N45°40'05"W, 147.96 feet along the southwesterly boundary of said Lot 32 to the **Point of Beginning**.

Comprising 21,458 square feet, more or less
Subject to easements and right-of-ways of record or apparent



B & A Engineers, Inc.
Consulting Engineers & Surveyors
5505 W. Franklin Rd. Boise, Id. 83705
Phone. 208-343-3381 Facsimile 208-342-5792

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Donna Conn Parcel Description Parcel "B"

December 3, 2015

A portion of Lots 29, & 30, Block 28 of Fairview Acres Subdivision No. 5 as shown in Book 11 of Plats at Page 619 records, Ada County, Idaho. Situate in the northeast quarter of the southeast quarter of Section 13, Township 4 North, Range 1 East, Boise Meridian, Garden City, Ada County, Idaho, and being more particularly described as follows:

Commencing at the westerly corner of Lot 32, Block 28 of Fairview Acres Subdivision No. 5 as shown in Book 11 of Plats at Page 619 records, Ada County, Idaho; thence S45°40'05"E, 2.02 feet along the southwesterly boundary of said Lot 32 to the right-of-way of 36th Street; thence N51°32'13"E, 146.16 feet along the right-of-way of 36th Street to the **Point of Beginning**:

Thence continuing N51°32'13"E, 25.70 feet along the southeasterly right-of-way of 36th Street;

Thence S45°40'05"E, 90.00 feet along a line parallel to the southwesterly boundary of said Lot 29;

Thence S44°21'19"E, 21.83 feet;

Thence S45°40'05"E, 36.11 feet along a line parallel to the southwesterly boundary of said Lot 29;

Thence S51°32'55"W, 25.20 feet along the southeasterly boundary of said Lot 29;

Thence N45°40'05"W, 147.99 feet along a line parallel to the southwesterly boundary of said Lot 29 to the southeasterly right-of-way of 36th Street to the **Point of Beginning**.

Comprising 3,750 square feet, more or less
Subject to easements and right-of-ways of record or apparent





B & A Engineers, Inc.
Consulting Engineers & Surveyors
5505 W. Franklin Rd. Boise, Id. 83705
Phone. 208-343-3381 Facsimile 208-342-5792

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**Donna Conn Parcel Description
Parcel "C"**

December 3, 2015

A portion of Lots 28 & 29, Block 28 of Fairview Acres Subdivision No. 5 as shown in Book 11 of Plats at Page 619 records, Ada County, Idaho. Situate in the northeast quarter of the southeast quarter of Section 13, Township 4 North, Range 1 East, Boise Meridian, Garden City, Ada County, Idaho, and being more particularly described as follows:

Commencing at the westerly corner of Lot 32, Block 28 of Fairview Acres Subdivision No. 5 as shown in Book 11 of Plats at Page 619 records, Ada County, Idaho; thence S45°40'05"E, 2.02 feet along the southwesterly boundary of said Lot 32 to the right-of-way of 36th Street; thence N51°32'13"E, 171.86 feet along the right-of-way of 36th Street to the **Point of Beginning**;

Thence continuing N51°32'13"E, 32.76 feet along the southeasterly right-of-way of 36th Street;

Thence S45°40'05"E, 90.00 feet along a line parallel to the northeasterly boundary of said Lot 29;

Thence S24°41'49"E, 22.35 feet;

Thence S45°40'05"E, 36.12 feet along a line parallel to the northeasterly boundary of said Lot 29;

Thence S51°32'55"W, 25.20 feet along the southeasterly boundary of said Lot 29;

Thence N45°40'05"W, 36.11 feet along a line parallel to the southwesterly boundary of said Lot 29;

Thence N44°21'19"W, 21.83 feet;

Thence N45°40'05"W, 90.00 feet along a line parallel to the easterly boundary of said Lot 29 to the southeasterly right-of-way of 36th Street, to the **Point of Beginning**.

Comprising 4,457 square feet, more or less
Subject to easements and right-of-ways of record or apparent





B & A Engineers, Inc.
Consulting Engineers & Surveyors
5505 W. Franklin Rd. Boise, Id. 83705
Phone. 208-343-3381 Facsimile 208-342-5792

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**Donna Conn Parcel Description
Parcel "D"**

December 3, 2015

A portion of Lot 28, Block 28 of Fairview Acres Subdivision No. 5 as shown in Book 11 of Plats at Page 619 records, Ada County, Idaho. Situate in the northeast quarter of the southeast quarter of Section 13, Township 4 North, Range 1 East, Boise Meridian, Garden City, Ada County, Idaho, and being more particularly described as follows:

Commencing at the westerly corner of Lot 32, Block 28 of Fairview Acres Subdivision No. 5 as shown in Book 11 of Plats at Page 619 records, Ada County, Idaho; thence S45°40'05"E, 2.02 feet along the southwesterly boundary of said Lot 32 to the right-of-way of 36th Street; thence N51°32'13"E, 204.62 feet along the right-of-way of 36th Street to the **Point of Beginning**:

Thence continuing N51°32'13"E, 26.21 feet along the southeasterly right-of-way of 36th Street;

Thence S45°40'05"E, 90.00 feet along a line parallel to the northeasterly boundary of said Lot 28;

Thence S22°12'56"E, 22.61 feet;

Thence S45°40'05"E, 36.12 feet along a line parallel to the northeasterly boundary of said Lot 28;

Thence S51°32'55"W, 25.20 feet along the southeasterly boundary of said Lot 28 and along the southeasterly boundary of said Lot 29;

Thence N45°40'05"W, 36.12 feet along a line parallel to the southwesterly boundary of said Lot 28;

Thence N24°41'49"W, 22.35 feet;

Thence N45°40'05"W, 90.00 feet along a line parallel to the southwesterly boundary of said Lot 28 to the **Point of Beginning**.

Comprising 3,801 square feet, more or less
Subject to easements and right-of-ways of record or apparent





B & A Engineers, Inc.

Consulting Engineers & Surveyors
5505 W. Franklin Rd. Boise, Id. 83705
Phone. 208-343-3381 Facsimile 208-342-5792

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DEC 10 2015

Donna Conn Parcel Description Parcel "E"

December 3, 2015

A portion of Lot 28, Block 28 of Fairview Acres Subdivision No. 5 as shown in Book 11 of Plats at Page 619 records, Ada County, Idaho. Situate in the northeast quarter of the southeast quarter of Section 13, Township 4 North, Range 1 East, Boise Meridian, Garden City, Ada County, Idaho, and being more particularly described as follows:

Commencing at the northwesterly corner of said Lot 28; thence S45°40'05"E, 2.02 feet along the easterly boundary of said Lot 28 to the right-of-way of 36th Street which is the **Point of Beginning**;

Thence continuing S45°40'05"E, 148.01 feet along the northeasterly boundary of said Lot 28 to the northeasterly corner of said Lot 28;

Thence S51°32'55"W, 30.24 feet along the southeasterly boundary of said Lot 28;

Thence N45°40'05"W, 36.12 feet along a line parallel to the northeasterly boundary of said Lot 28;

Thence N22°12'56"W, 22.61 feet;

Thence N45°40'05"W, 90.00 feet along a line parallel to the northeasterly boundary of said Lot 28 to the southeasterly right-of-way of 36th Street;

Thence N51°32'13"E, 21.17 feet along the southeasterly right-of-way of 36th Street to the **Point of Beginning**.

Comprising 3,532 square feet, more or less
Subject to easements and right-of-ways of record or apparent



Statement in Support and Explanation of
Lot Line Adjustment Application
of Donna J. Conn
to Garden City Planning & Development

Made on behalf of Donna J. Conn, owner/applicant and by Jim Neill, owner in equity (part)

Summary

We are pleased to enclose the application of Donna J. Conn for a lot line adjustment for her five existing lots on East 36th Street. At present, each of the lots is the original 50-foot width, as platted over a half century ago. The lot line adjustment ("LLA") will create four townhouse lots that are adjusted in size for the existing market, and leave a larger parcel for construction of a home for the property owner and her family. The larger parcel may also be further subdivided, triggered by this LLA, though that subdivision will have to follow the usual lengthy and expensive process. Meanwhile, the LLA process, an excellent simplified process made available by the City of Garden City, can be used to create better land use results, more equitably. It can break an impasse of less wealthy property owners subjected to city land use sanctions, and allow those property owners to act for their own improvement and in support of recent public expenses in the improvement of 36th Street. Without the expedited lot line adjustment process ("LLA"), these good outcomes would be unlikely to occur. While mercifully the city code does not require a detailed application, we offer this statement to support and explain the application. Because it is not required, it may be ignored or skimmed, but we hope it will be useful to the reader.

The Core Question

For the applicant: How does the applicant property owner get the development value out of her land, without losing it in the development process?

For the city: How does the city get properties to conform with and participate in its Comprehensive Plan vision, when the city does not own the properties, and the path to participate is, to the property owner, obstructed by expense, time-consuming, based on flexible but variable standards, and yielding uncertain outcomes at unknown future times?

Background facts

The property consists of something less than nine tenths of an acre. It is five city lots from one of the original "Fairview Acres" subdivisions, all of the block on the easterly side of 36th between Carr and Clay, except for the parcels on the corners. It has 250 feet of frontage. It is about 150 feet deep. The property represents a significant part of the frontage on 36th Street, recently rebuilt by the Garden City and ACHD at significant trouble and public expense. Its re-development would change almost a full block of streetscape from older mobile homes to new buildings.

Donna Conn and her husband Harold acquired the property in the 1960's. They had a small trailer court there. Harold Conn served on city council. Donna was active in the community as a writer for the Statesman, and the Garden City Gazette. In the 1960's, the city and the neighborhood were very different. It wasn't long since Garden City funded the public purse off the share of gambling profits from the Green Lantern and Ranch Club and other small casino-bars on Chinden. The Davis Pack meat-packing plant still occupied the Waterfront District Subdivision site, Esther Simplot Park was a concrete plant, the ponds along the river were gravel pits. Brew pubs and wineries were not even pipe dreams--the Riverside Hotel was in that category. As a resident for over 50 years, Mrs. Conn has many community connections, like the "Wampum Hut" metal-detecting group and Senior Center. Harold passed away in 2007. The trailer court of numerous rentals shrank to a family group.

Donna and Harold raised their children on the property. Their daughter Patricia still lives there, and raised her own children in the community, its churches and schools: Falcon, who recently served in the Navy; Tom, still in the Marines; young Donna, a single mother.

Buildings: there are three buildings on the property, all mobile homes. One was a residence but now principally storage, one is the residence of Donna Conn, the third is the residence of Mrs. Conn's daughter and her family.

Objective

The immediate overall objective: Fund a new house for the property owner and her extended family.

The zoning application objective: Create lots compatible with the neighborhood, four townhouses now and a cottage development later.

The townhouse lots are about the same size building areas or larger than recent (last 10 years) nearby subdivisions of Waterfront District, Village Oak and Canalside. See plan with setbacks and building envelopes, attached.

Subdividing off the townhouse lots by this LLA process leaves a remaining lot with 145 feet of frontage, about 148 feet deep, about 21,000 SF or almost half an acre. This is the same scale as the cottage development portion of six cottages in Village Oak Subdivision across 36th Street. Any actual cottage development will take time and money, but in the meantime this larger parcel can be a homesite for the Conn family.

As to land use design considerations, there is continuity with the housing types in the adjacent Village Oak Subdivision. The townhouse lots will be across 36th Street from townhouse or live-work lots approved in the Village Oak Subdivision. The Conn residence and future cottage development will be across 36th from the cottages and smaller residences (Lots 1 and 26) and cottages of Village Oak.

The proposed townhouses would have a single common driveway using an existing driveway opening on 36th Street, so there is no need for the expense, delay and regulatory review of a new driveway opening. The townhouses and common driveway would allow for rear-loaded garages, and the lots are slightly wider at the rear so that the garages may be either attached or detached.

Procedure

This application is a lot line adjustment. It requires no public hearing. It can be approved administratively, without City Council action. It is quick and efficient, creating a path for property owner development action without financial penalty.

Property's procedural history

As the home to aging mobile homes, the property has been the target of city code violation notices. A travel trailer on the property, occupied by a family friend as a residence, was removed at city request. A trailer owned by Mrs. Conn's brother was heavily damaged by fire, and was removed. An A-frame building was removed. Another trailer was dismantled and removed. A frame addition at the rear of a trailer was removed under city supervision and the threat of fines and penalties.

In many building code enforcement situations, the property owner is between a rock and a hard place. On the one hand, due to the age of structures or trailers, they may be prohibited from making repairs, or repairs may be very expensive band-aids on a building facing eventual demolition. On the other hand, the property owner does not have the financial means to make the tremendous jump to full demolition and reconstruction. The extended family does not have the means to substantially rehabilitate the trailers, but has worked with the city to meet building maintenance concerns. (As Mrs. Conn has adult onset polio and is in her 80's, she is unemployed. She had recent hip replacement surgery and uses a wheelchair. Her daughter, in her fifties, has very limited vision, faces eventual blindness, and has other health issues. She has limited employment. One grandson is in the service, another just out and beginning college next year, the granddaughter, with an infant son, is not employed full time.

Besides the lack of money for development, also facing this property owner, and others with similar situations, are the risks of delay and price changes during that delay. Nearby subdivisions Waterfront District, Canalside and Village Oak are all still incomplete after almost ten years. Before taking the leap from her current defensive ownership mode, Mrs. Conn had to determine:

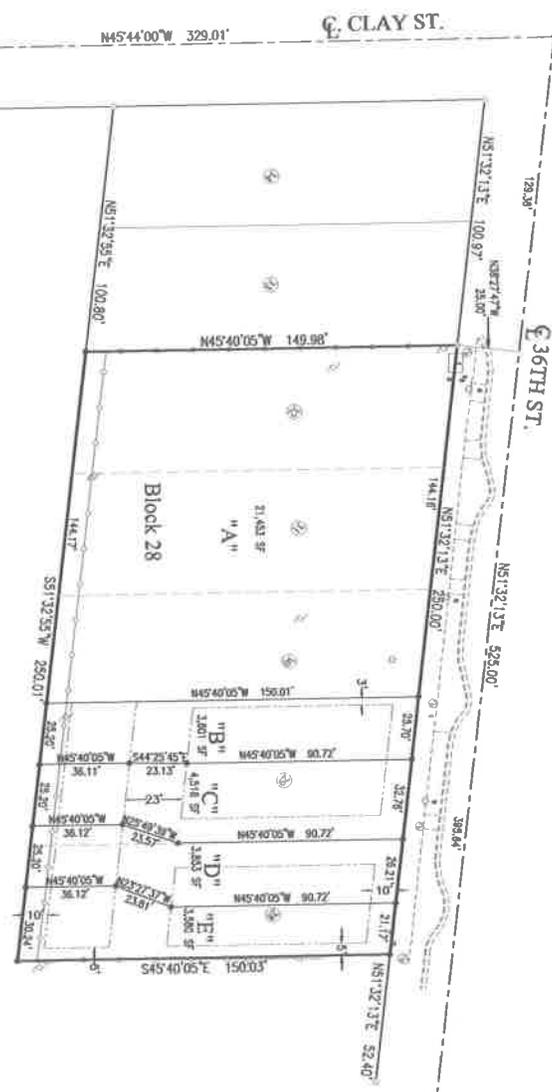
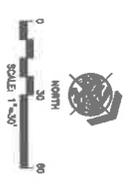
- (1) what saleable lots could she create,
- (2) what value or price did those lots have in the current market,

- (3) what was the net value of those lots after costs of subdivision and sale,
- (4) what house design would fit her needs, and
- (5) when could the house be permitted, bid at a price within the net lot sale proceeds, and built in a period of rising construction costs?

Of course, these questions had to be resolved in the midst of regular life—hip fracture, surgery, rehab, doctor’s visits, bills, taxes and personal and family concerns.

Mrs. Conn has been able to go through the above five steps, and has an application being prepared to construct a home from the net proceeds of sale of the LLA townhouse lots. She has a contract for sale of the lots. The missing element is the LLA itself.

This lot line adjustment process will allow the sale of lots and construction of a modern, code-compliant home, without losing a large part of the proceeds to costs that do not have a tangible benefit.



Legend

- PROJECT / PROPERTY BOUNDARY
- PARCEL LINE
- STREET CENTERLINE
- - - - - EXISTING LOT LINE TO BE MOVED
- BUILDING SET BACK LINES
- EXISTING FENCE
- EXISTING TELEPHONE RISER
- EXISTING UTILITY POLE
- STREET LIGHT
- ⊙ ORIGINAL LOT NUMBER
- PARCEL DESIGNATION
- FOUND 1/2" PIN
- SET 1/2" X 1/2" IRON PIN WITH PLASTIC CAP USED PER IA 4118

Acknowledgment

STATE OF IOWA }
 COUNTY OF IOWA }
 ON THIS _____ DAY OF _____ IN THE YEAR OF _____ BEFORE ME, THE UNDERSIGNED
 PERSONALLY APPEARED _____, known to me to be the person
 whose name is subscribed to the within instrument and acknowledged to me that he
 executed the same.
 I, JAMES NEILL, being of legal age and sound mind, do hereby certify that the above written
 instrument is the true and correct copy of the original as presented to me.

Notes
 1. THIS PROPERTY IS CURRENTLY ZONED R-1.
 2. ALL EXISTING BUILDINGS ARE ACCURATELY DEPICTED.

Reference Documents
 SUBDIVISION PLAT
 FRANKLIN ACRES SUBDIVISION NO. 3
 RECORDS OF SURVEY
 PGS NO. 4424
 PGS NO. 5198
 SHE DEPICTED THE SAME.

Acknowledgment

STATE OF IOWA }
 COUNTY OF IOWA }
 ON THIS _____ DAY OF _____ IN THE YEAR OF _____ BEFORE ME, THE UNDERSIGNED
 PERSONALLY APPEARED _____, known to me to be the person
 whose name is subscribed to the within instrument and acknowledged to me that he
 executed the same.
 I, JAMES NEILL, being of legal age and sound mind, do hereby certify that the above written
 instrument is the true and correct copy of the original as presented to me.

Owner's Certificate

THIS IS TO CERTIFY THAT THE ABOVE IS THE AUTHORIZED AGENT OF THE OWNER
 AND THAT HE AGREES WITH THE PROPERTY LINE ADJUSTMENT AS SHOWN ON THIS MAP.

JAMES W. NEILL _____ DATE _____
 JESSICA J. COHEN _____ DATE _____

Surveyor's Certificate

I, JAMES NEILL, being a duly licensed and qualified professional land surveyor, licensed in the State
 of Iowa, and that this record of survey has been prepared from a survey
 made on the ground under my supervision, and that this record of survey is
 correct in accordance with the laws of the State of Iowa, and that I have
 caused representation and filing of this record of survey to be made
 in accordance with the laws of the State of Iowa, and that I have caused
 this record of survey to be filed in the office of the State of Iowa, and that
 I have caused this record of survey to be filed in the office of the State of Iowa.

JAMES W. NEILL, L.S. 4118



County Recorder's Certificate

STATE OF IOWA }
 COUNTY OF IOWA }
 I, JAMES NEILL, being of legal age and sound mind, do hereby certify that the within instrument was filed at the
 REQUEST OF _____ IN THE YEAR OF _____ AT _____ MINUTES PAST _____ O'CLOCK _____ M.,
 THIS _____ DAY OF _____, A.D. 2011.
 FEE: _____
 EX-DISTRICT RECORDER CHRISTOPHER D. RICH
 COUNTY, IOWA

**Record of Survey
 Property Line Adjustment For:
 James Neill**

LOTS 28 THROUGH 32, BLOCK 28 OF FRANKLIN ACRES SUBDIVISION NO. 3 AS SHOWN
 IN BOOK 17, PAGE 18 OF RECORDS OF SURVEY IN THE STATE OF IOWA
 COUNTY, IOWA

DPT. AGENT J. A. 2015
 SURVEY BY J.A. CHAMBERLAIN
 DRAWN BY J.A. CHAMBERLAIN
 328 NUMBER 1001
 IOWA NO. 2011-5-4-3-11-4118



B&A Engineers, Inc.
 Consulting Engineers, Surveyors & Planners
 5065 W. Franklin Rd., Boone, IA 52705
 (563) 385-5351



THE LAND GROUP, INC.

To: **Jeff Lowe**
Planning & Development Services
City of Garden City
6015 North Glenwood Street
Garden City, ID 83714

Copy: **Joe Canning, PE**

From: **Jason Densmer, PE**
Phone: 208.939.4041
Fax: 208.939.4445
E-mail: Jason@thelandgroupinc.com

Date: December 30, 2015

Pages: 2

Media: E-mail

Subject: **Donna Conn Property Line Adjustment
DEV2015-00010
Review #1**

Status: **Recommended for Approval with comments**

Jeff:

On behalf of the City of Garden City, I have reviewed the submitted application materials for a property line adjustment of properties owned by Donna Conn (Lots 28 through 32, Block 28 of Fairview Acres Subdivision No. 5) prepared by B&A Engineers. Please direct the following comments to the applicant's engineer and land surveyor.

Comments reflect review of the following documents:

1. Application material packet containing:
 - a. Lot Line Adjustment Application form
 - b. Legal descriptions of adjusted properties
 - c. Proof of title
 - d. Record of Survey

e. Applicant's narrative explanation

Review Comments:

1. The proposed Parcels A, B and C intersect with an existing building. I understand from City communications that the applicant will be required to remove the existing building prior to the City Engineers' signature on the property line adjustment survey.
2. The applicant's narrative indicates that the proposed "townhouse" parcels will share a common access point to 36th Street at an existing driveway. If so, appropriate cross-access easements should be established and are recommended to be illustrated on the Record of Survey.