

## Development Services

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**To:** Mayor and Garden City Council  
**From:** Jenah Thornborrow, Development Services Director  
**CC:** Garden City Legal Department  
**Subject:** EASFY2016-7 and EASFY2016-8 disclaimer of interest request  
**Date:** August 4, 2016 for August 8, 2016 City Council

### **Request**

The applicants have requested that the City disclaim interest to the pedestrian portion a 10' easement noted on the Riverside Village No. 3 Subdivision, common to lots 53 and 54 of block 2 that is noted on the plat as "emergency access, and pedestrian easement". As noted in the application materials, they believe that the City has never claimed interest, but would like to have this confirmed for public record.

**Public Hearing** This request includes a public hearing.

### **Potential Actions**

The question before City Council is to determine if there is any legal and verifiable evidence for the City to establish a claim to the subject easement. If the City Council finds that there is no verifiable evidence that the City has a claim to the easement, the City Attorney may draft a corresponding letter to the property owners. If the City Council determines that there may be evidence indicating that the City has claim to the easement, the claim and considerations to vacate the easement would require additional proceedings.

Any unresolved claim to the easement will be a matter between the property owners and the party making the claim.

### **Background**

Riverside Village No. 3 was filed with Ada County in 1981 (Book 5, Pages 4251-4253; Instrument Number 8123410). Noted on the plat are three 10' wide easements common to Block 2 Lots 53 and 54, Lots 37 and 38, and Lots 24 and 25; 5' on each lot that state: "Emergency access, and pedestrian easement". These three easements on Riverside Village Subdivision No. 3 connect the public right of way of Lake's Edge Place Street to the edge of the subdivision boundary where the Garden City owned, un-platted property, Ada County Parcel number S0524336070 where the public Greenbelt, Nature Path is located. The easements are not further defined on the plat nor is there a separate document further describing the easement. The beneficiary of the easements is silent.

### **Review**

Staff reviewed affiliated documents and previous actions taken by the City in an effort to ascertain if there is any existing evidence that may impact the Council's decision.

## Development Services

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The following plats were reviewed for similar easements:

Riverside Village No. 1

Riverside Village North No. 1

Riverside Village No. 2

Riverside Village North No. 2

Riverside Village No. 3

Riverside Village No. 3A

Riverside Village No. 4

Riverside Village No. 3

There are three easements in Riverside Village No. 3 that are 10' in width and note "Emergency Access, and Pedestrian Easement". The subject easement is one of these easements. All three of these easements run from public right-of-way to the City owned lot that contains the public Garden City Nature Path.

Riverside Village No. 2 contains three 10' easements similar in nature. Riverside Village No. 4 contains a 15' easement. These four easements differ from the Riverside Village No.3 easements in that they state: "Emergency Access Easement" and do not run to the edge of the property. Rather, they run to an Emergency Access easement that has been vacated, Resolution No. 972-13.

Riverside Village No. 5 contains a 25' Sanitary Sewer Easement and Public Utility Easement through lots 142 and lot 140. Lot 140 is a lot that is designated specifically for greenbelt.

The beneficiary of all above noted easements is silent, with the exception of the public utility easement.

Resolution No. 972-13 vacated the emergency access easement in the Riverside Village Subdivision #2, #3, and #4 and at the Woods at Riverside Subdivision for non-use and lack of necessity January 28<sup>th</sup>, 2013 noting:

**"WHEREAS**, during the development of the Riverside Village Subdivision Nos. 2, 3 & 4 and the Woods at Riverside Subdivision, emergency access easement were noted on the plats for accessing the Boise River for maintenance and emergencies. The easements have never been used for this purpose and have largely been incorporated in to the landscaping of the homeowners who purchased the lots;

**WHEREAS**, the easements are no long necessary and by a separate document a new easement will be provided to allow access along or over the Garden City nature path by the City and respective home owner associations;

## Development Services

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**WHEREAS**, it is in the best interest of the City to vacate the easements and remove any uncertainty as to the City role and responsibility to continue to recognize the easements and perhaps enforce the rights of the grantees.”

### **Notice**

A public hearing is not required to note that the City does not claim interest to an easement. This is a legal matter rather than a land use matter, and would typically be done through a letter to the requestor without any public notification. However, due to the interest related to this easement, and potential that evidence may exist that the City is unaware of, a public hearing was scheduled by the Mayor. Notice was provided by:

- A notice ran in the Idaho Statesman on two separate occurrences on two successive weeks with publishing dates of July 15, 2016 and July 22, 2016.
- Certified return receipt notice was mailed to all property owners of record within 300’ of the proposal on July 13th.
- All Home Owners Association in Garden City Boundaries north of the Boise River, West of Glenwood Road were notified if the City was able to determine a contact address.
- The application was sent to the list of agencies of record that land use applications are sent to in instances of public hearing on July 6th.
- The application materials were placed online and accessible to the public beginning July 6<sup>th</sup>.

### **Evidence Provided by Agencies**

This application was sent to agencies that may have interest in these applications. The request was formally reviewed by:

- Garden City Development Services: Provided this memorandum
- Garden City Attorney: Provided a legal opinion of the matter in a memorandum dated 8/4/2016
- Garden City Clerk/Treasurer: Provided a letter dated 7/28/2016 indicating that the City does not have record of the City expending any funds related to this easement
- Garden City Public Works Department: Provided a letter dated 7/28/2016 indicating that the City does not have any record of the City maintaining this easement
- Garden City Sewer Division of Public Works: Noted no impact on the sewer system
- North Ada County Fire and Rescue: Noted no objection
- Central District Health: Noted no objection
- Idaho Transportation Department : Noted no objection

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### **Evidence Provided by Applicant:**

As part of the application the applicant has provided the following Exhibits:

- Sanders Deed
- Lorensen Deed
- Garden City Deed (Idaho Department of Lands quitclaiming certain properties to Garden City for the use of greenbelt and park)
- Sanders Assessment
- Lorensen Assessment
- Garden City Assessment
- Sanders Assessor's Map
- Sanders aerial overlay
- Lorensen Assessor's Map
- Lorensen aerial overlay
- Portion of the plat showing subject easement
- Covenants prior to plat 8123410
- Supplemental covenants 8145513
- Supplemental covenants 8626046
- Amendment to covenants 103039822
- Restated Covenants 107153537

The applicant has cited article 4.08 (b) of the Riverside covenants:

Article 4.08: "The following easements have been granted for the use and benefit of each Lot, each Owner, the Association, and their successors and assigns, for the purposes incident to such use, development, and maintenance of Riverside Village."

(b) "If so designated on the recorded plat of a portion of the Riverside Village, easements to allow for pedestrian access to and from the public greenbelt adjacent to the Boise River from public rights-of-way within the Riverside Village". The applicants have provided this document with an accompanying letter noting "We believe the developer, having previously recorded the covenants, knew that they had previously stated the Pedestrian Easement's use and benefit resided in the Association and therefore did not need to make further recitation on the plat." Please note that the City does not review nor enforce covenants.

### **Public Comment**

To date the City has received 49 written comments including 45 in opposition, 1 in favor, and 3 from the applicants.

A number of comments indicate use and make the claim of prescriptive easement. One comment references a Riverside Village Home Owners Association small claims court

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case related to a public easement. The City Attorney has advised that any claim to this easement by these individuals is a private matter between the claimants and the property owners.

### **Attachments**

Draft Resolution

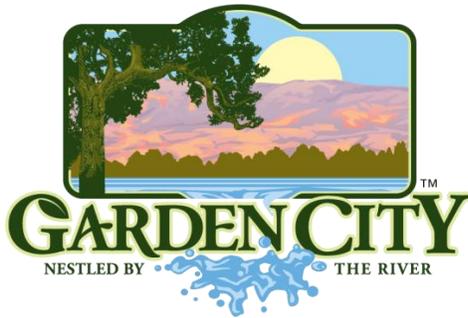
Application documents

Riverside Subdivision Plats

Agency Comments

Written Public Comments

\*The noticing documents are a part of the record and available upon request.



## CITY OF GARDEN CITY

6015 Glenwood Street ■ Garden City, Idaho 83714  
Phone 208/472-2900 ■ Fax 208/472-2996

**TO:** Mayor and Council

**FROM:** Charles I. Wadams, City Attorney

**DATE:** 8/4/2016

**SUBJECT:** August 8, 2016 public hearing regarding requested “confirmation of noninterest” on portion(s) of properties totaling 10 feet, noted on the Riverside Village No. 3 Subdivision, common to lots 53 and 54 of block 2, which is referenced on the plat as “emergency access and pedestrian easement”

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**ACTION REQUIRED:** Within the City Council’s discretion.

**RECOMMENDATION:** None.

**FISCAL IMPACT/BUDGET IMPLICATIONS:** None known.

**BACKGROUND:** On June 20, 2016, two homeowners requested that the City conduct a “vacation of easement (confirmation of noninterest)” on portion(s) of properties totaling 10 feet, noted on the Riverside Village No. 3 Subdivision, common to lots 53 and 54 of block 2, which is referenced on the plat as “emergency access and pedestrian easement.” The 10 foot portion of property in question runs from the public right-of-way to the City owned lot that contains the public Garden City Nature Path.

Regarding the two applications by the landowners, the Legal Notice of Public Hearings states:

THE FOLLOWING ITEM WILL BE HEARD AT A PUBLIC HEARING BEFORE THE GARDEN CITY COUNCIL AT 6:00 P.M. MONDAY, AUGUST 8, 2016, AT GARDEN CITY HALL, 6015 GLENWOOD STREET, GARDEN CITY, IDAHO TO CONSIDER A REQUEST FOR:

**EASFY2016-7 PEDESTRIAN ACCESS EASEMENT DISCLAIMER OF INTEREST** REQUEST 4810 Lakes Edge Place in Garden City, Idaho: A request for the City of Garden City to disclaim interest to the pedestrian portion of a 5’ wide Pedestrian and Emergency Access Easement on lot

**Memorandum on requested “confirmation of noninterest” in property that is noted on a plat as “emergency access and pedestrian easement,” Page 1**

54 of a 10' wide easement common to lots 53 and 54, Block 2 of Riverside Subdivision No. 3. Applicant Carl A. Sandors.

**EASFY2016-8 PEDESTRIAN ACCESS EASEMENT DISCLAIMER OF INTEREST** REQUEST 4812 Lakes Edge Place n Garden City, Idaho: A request for the City of Garden City to disclaim interest to the pedestrian portion of a 5' wide Pedestrian and Emergency Access Easement on lot 53 of a 10' wide easement common to lots 53 and 54, Block 2 of Riverside Subdivision No. 3. Applicants Holly and Glen Lorensen.

**ANALYSIS:** The issue presented is what should be considered by the City Council on August 8, 2016. The two applicants initially requested that the City conduct a "vacation of easement (confirmation of noninterest)" on portion(s) of properties totaling 10 feet, which runs from Lake's Edge Place to the Garden City Nature Path, and is referenced on the plat as "emergency access and pedestrian easement." The two applicants later clarified that they were "requesting Garden City vacate the Pedestrian easement or in some fashion confirm they have no interest."

Generally speaking, an easement is a right of use, falling short of ownership, and usually for a certain stated purpose. I.C. § 50-1301(1). However, neither the Idaho Code nor the Garden City Code enumerates a procedure for "confirmation of noninterest" or "disclaimer of interest" in an easement. In the context of easements, neither of these terms are found in code. Therefore, the request could be addressed administratively.

Regarding municipal corporations, which are addressed in Title 50 of the Idaho Code, there is a specific procedure for vacation of a plat or any part thereof. See I.C. § 50-1306A. Also within the boundaries of a city, there is a specific procedure for vacation of easements. See I.C. § 50-1325. Both vacation of plats and vacation of easements have specific notice requirements. See *also* I.C. § 40-203(1).

The legal notice for the August 8, 2016 public hearing does not include vacation of a plat or vacation of an easement because staff has been unable to identify an ownership interest to vacate. Therefore, the issue of whether to vacate a plat or easement should not be considered on August 8, 2016.

What the publication does provide notice of is consideration of a "disclaimer of interest request." Some may disagree about what the wording "emergency access and pedestrian easement" on the plat means. However, staff is unaware of any information indicating that the City has any legal interest in the portion(s) of properties. The City Council has the discretion to allow citizens to express opinions on matters of concern, and an opportunity to present information on an issue, and then decide how to proceed. The issue was set for a public hearing because it is likely a quasi-judicial matter should the Council decide to act.

There have been multiple public comments about the August 8, 2016 public hearing. Some of the concerns are regarding whether the applicants can put up a gate on the

**Memorandum on requested "confirmation of noninterest" in property that is noted on a plat as "emergency access and pedestrian easement," Page 2**

property that would restrict public access. That issue is not in front of the City Council, and likely would need to be ultimately decided by the court in a legal action brought by a private party. Some other public concerns are about the doctrines of “adverse possession” (in the case of land) and “prescriptive use” (in the case of rights-of-way and other easements). The basic idea behind these doctrines is that if a person acts like they own something for long enough, then the person may actually own it. See *State v. Fox*, 100 Idaho 140, 594 P.2d 1093 (1979). However, the issues of adverse possession and prescriptive use are not before the City Council, and would need to be decided by the court in a legal action brought by a private party.

In conclusion, the only issue before the City Council on August 8, 2016, regarding the portion(s) of properties totaling 10 feet, noted on the Riverside Village No. 3 Subdivision, common to lots 53 and 54 of block 2, is whether the City has any interest in the property, if the Council decides to consider it. However, Garden City is not required to consider disclaiming any interest in the property on August 8, 2016, as the code does not require it in the context before City Council.

It is in the Council’s discretion on how to proceed concerning this very narrow issue. If the Council decides to act, this would likely be a quasi-judicial matter requiring a public hearing. If the Council decides not to act, this narrow issue could be handled administratively by city staff. Nothing that the Council decides to do on August 8, 2016 would prohibit a private party from filing a claim in court.



**CITY OF GARDEN CITY  
TREASURY/CLERK**

6015 N. Glenwood Street, Garden City, Idaho 83714  
Phone 208/472-2907 • Fax 208/472-2931

July 28, 2016

City of Garden City  
Development Services  
Jenah Thornborrow, Director  
6015 N. Glenwood St.  
Garden City, ID 83714

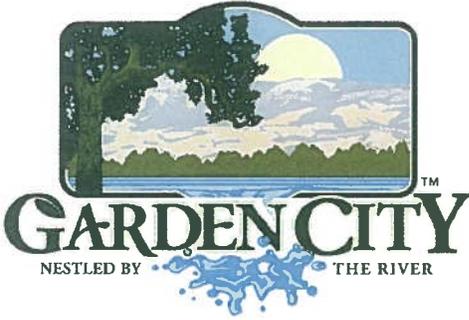
Re: EASFY2016-7 and EASFY2016-8

Dear Ms. Thornborrow,

The City of Garden City has no record of any funds being expended on the property within the easements in question.

Sincerely,

  
Lisa M. Leiby  
City Treasurer/Clerk



## PUBLIC WORKS DEPARTMENT

6015 Glenwood Street • Garden City, Idaho 83714  
Phone 208/472-2949 • Fax 208/343-4026

Date: 7.28.2016

To: Jenah Thornborrow, Development Services Director

From: Colin Schmidt, Public Works Director

Re: 10' easement located at Riverside Village No. 3, common lots 53 and 54 of block 2.

Director Thornborrow,

Garden City Public Works has no record of maintenance taking place at the easement described above.

Sincerely,

A handwritten signature in black ink, appearing to read "Colin Schmidt". The signature is fluid and cursive, with a large initial "C" and "S".

Colin Schmidt



**CENTRAL DISTRICT HEALTH DEPARTMENT**  
**Environmental Health Division**

Return to:

- ACZ
- Boise
- Eagle
- Garden City
- Kuna
- Meridian
- Star

Rezone # EASFY 2016-7 / EASFY 2016-8

Conditional Use # \_\_\_\_\_

Preliminary / Final / Short Plat \_\_\_\_\_

City of Garden City  Star

- 1. We have No Objections to this Proposal.
- 2. We recommend Denial of this Proposal.
- 3. Specific knowledge as to the exact type of use must be provided before we can comment on this Proposal.
- 4. We will require more data concerning soil conditions on this Proposal before we can comment.
- 5. Before we can comment concerning individual sewage disposal, we will require more data concerning the depth of:
  - high seasonal ground water       waste flow characteristics
  - bedrock from original grade       other \_\_\_\_\_
- 6. This office may require a study to assess the impact of nutrients and pathogens to receiving ground waters and surface waters.
- 7. This project shall be reviewed by the Idaho Department of Water Resources concerning well construction and water availability.
- 8. After written approval from appropriate entities are submitted, we can approve this proposal for:
  - central sewage       community sewage system       community water well
  - interim sewage       central water
  - individual sewage       individual water
- 9. The following plan(s) must be submitted to and approved by the Idaho Department of Environmental Quality:
  - central sewage       community sewage system       community water
  - sewage dry lines       central water
- 10. This Department would recommend deferral until high seasonal ground water can be determined if other considerations indicate approval.
- 11. If restroom facilities are to be installed, then a sewage system MUST be installed to meet Idaho State Sewage Regulations.
- 12. We will require plans be submitted for a plan review for any:
  - food establishment       swimming pools or spas       child care center
  - beverage establishment       grocery store
- 13. Infiltration beds for storm water disposal are considered shallow injection wells. An application and fee must be submitted to CDHD.

14. \_\_\_\_\_  
 \_\_\_\_\_

Reviewed By: *Ron Padgett*  
 Date: 7/12/16



**IDAHO TRANSPORTATION DEPARTMENT**

P.O. Box 8028  
Boise, ID 83707-2028

(208) 334-8300  
itd.idaho.gov

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July 20, 2016

Garden City Development Service Division  
City of Garden City  
6015 Glenwood Street  
Garden City, Idaho 83714

**VIA EMAIL**

**RE: EASFY2016-7 PEDESTRIAN ACCESS EASEMENT DISCLAIMER**

The Idaho Transportation Department (ITD) has reviewed the referenced application for a pedestrian access easement disclaimer by Carl A. Sanders located at 4810 Lakes Edge Place, west of SH-44 (Glenwood Street). ITD has the following comments:

1. ITD has no objection to the proposed pedestrian access easement disclaimer.
2. This project does not abut the State highway system.

If you have any questions, you may contact Shona Tonkin at 334-8341 or me at 332-7190.

Sincerely,

A handwritten signature in blue ink that reads 'Ken Couch'.

Ken Couch  
Development Services Coordinator  
Ken.Couch@itd.idaho.gov

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Michael G. Irvan  
*Commissioner/  
Administrative Chief*

Margaret Dimmick  
*Commissioner*

Jeff Ramey  
*Commissioner*

Shelley Young  
*Administrative  
Manager*

August 1, 2016

Garden City Development Services - Planning

Re: Vacation of Easement Application EAS2016-7; 4810 Lakes Edge Pl.

This application is for the vacation of a pedestrian easement.

The North Ada County Fire & Rescue has reviewed the application for the vacation of a pedestrian access easement and has no objections.

Regards,

Ron Johnson  
Division Chief – Assistant Fire Marshal  
Boise Fire Department

Michael G. Irvan  
*Commissioner/  
Administrative Chief*

Margaret Dimmick  
*Commissioner*

Jeff Ramey  
*Commissioner*



Shelley Young  
*Administrative  
Manager*

August 1, 2016

Garden City Development Services - Planning

Re: Vacation of Easement Application EAS2016-8; 4812 Lakes Edge Pl.

This application is for the vacation of a pedestrian easement.

The North Ada County Fire & Rescue has reviewed the application for the vacation of a pedestrian access easement and has no objections.

Regards,

Ron Johnson  
Division Chief – Assistant Fire Marshal  
Boise Fire Department

**From:** [Troy Vaughn](#)  
**To:** [Jenah Thornborrow](#)  
**Cc:** [Colin Schmidt](#)  
**Subject:** RE: Garden City Agency Notice  
**Date:** Monday, July 11, 2016 9:34:42 AM

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Good morning,  
I don't see any issues that would involve Public Works.  
Thanks,

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**From:** Jenah Thornborrow  
**Sent:** Thursday, July 07, 2016 11:15 AM  
**To:** Troy Vaughn  
**Subject:** RE: Garden City Agency Notice

Kind of. See attached that contains a map for further clarification of the area.

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**From:** Troy Vaughn  
**Sent:** Thursday, July 07, 2016 7:44 AM  
**To:** Jenah Thornborrow; Erika Akin; building  
**Subject:** RE: Garden City Agency Notice

Is this the easement that runs right off the back porches of the properties?  
Thanks,

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**From:** planning  
**Sent:** Wednesday, July 06, 2016 4:21 PM  
**To:** planning; Sharla Arledge; Colin Schmidt; Kevin Wallis; Lindsey Pettyjohn; Troy Vaughn; Chas Heaton; City Council; Charles Wadams; Frank Walker; Rick Allen; Abe Blount; Adam Straubinger; [bob\\_kibler@fws.gov](mailto:bob_kibler@fws.gov); S. Bryce Farris; [carla.bernardi@cablone.biz](mailto:carla.bernardi@cablone.biz); [clittle@achdidaho.org](mailto:clittle@achdidaho.org); [cmiller@compassidaho.org](mailto:cmiller@compassidaho.org); [cnitz@adaweb.net](mailto:cnitz@adaweb.net); [criddle@cityofboise.org](mailto:criddle@cityofboise.org); Danielle Robbins; [dgordon@cityofboise.org](mailto:dgordon@cityofboise.org); Mark Perfect; Eric Exline; [fromm.carla@epa.gov](mailto:fromm.carla@epa.gov); [greg.j.martinez@usace.army.mil](mailto:greg.j.martinez@usace.army.mil); [idprospect@aol.com](mailto:idprospect@aol.com); [jamie.huff@dhs.gov](mailto:jamie.huff@dhs.gov); Joe Canning\_Work; Jim Morrison; Jim Poe; Katy Moeller; Lnette Daw; Lori Badigian ; [linda.clark@deg.idaho.gov](mailto:linda.clark@deg.idaho.gov); [lisaharm@msn.com](mailto:lisaharm@msn.com); Lisa Leiby; Mack Myers; [mark.wasdahl@itd.idaho.gov](mailto:mark.wasdahl@itd.idaho.gov); [mark@pioneerirrigation.com](mailto:mark@pioneerirrigation.com); [mreno@cdhd.idaho.gov](mailto:mreno@cdhd.idaho.gov); [msinglet@intgas.com](mailto:msinglet@intgas.com); Nadine Curtis; New Dry Creek Ron Sedlacek; [parks4fun4u@aol.com](mailto:parks4fun4u@aol.com); Pam Beaumont; [Projectmgr@boiseriver.org](mailto:Projectmgr@boiseriver.org); Fairview Acres; Ronald Johnson ; [rkinney@republicservices.com](mailto:rkinney@republicservices.com); Rob Olson; [rphillips@idahopower.com](mailto:rphillips@idahopower.com); [rward@idfg.idaho.gov](mailto:rward@idfg.idaho.gov); [sanderst@dhw.idaho.gov](mailto:sanderst@dhw.idaho.gov); [sdouglas@idl.idaho.gov](mailto:sdouglas@idl.idaho.gov); Shelley Young; [syarrington@achdidaho.org](mailto:syarrington@achdidaho.org); Tina Fuller; [tmcmorrow@spro.net](mailto:tmcmorrow@spro.net); Tom Patterson; [wbsdmb@qwestoffice.net](mailto:wbsdmb@qwestoffice.net); Ken Couch  
**Cc:** building  
**Subject:** Garden City Agency Notice

FROM: Garden City Development Service Department, City of Garden City, (208) 472-2921, 6015 Glenwood, Garden City, ID 83714.

THE FOLLOWING ITEMS WILL BE HEARD AT A PUBLIC HEARING BEFORE THE GARDEN CITY CITY COUNCIL AT 6:00 P.M. Monday, August 8, 2016, AT GARDEN CITY HALL, 6015 GLENWOOD STREET, GARDEN CITY, IDAHO TO CONSIDER A REQUEST FOR:

EASFY2016-7 PEDESTRIAN ACCESS EASEMENT DISCLAIMER OF INTEREST REQUEST 4810 Lakes Edge Place in Garden City, Idaho: A request for the City of Garden City to disclaim interest to the pedestrian portion of a 5' wide Pedestrian and Emergency Access Easement on lot 54 of a

10' wide easement common to lots 53 and 54, Block 2 of Riverside Subdivision No. 3.  
Applicant Carl A. Sandors.

EASFY2016-8 PEDESTRIAN ACCESS EASEMENT DISCLAIMER OF INTEREST REQUEST 4812 Lakes Edge Place n Garden City, Idaho: A request for the City of Garden City to disclaim interest to the pedestrian portion of a 5' wide Pedestrian and Emergency Access Easement on lot 53 of a 10' wide easement common to lots 53 and 54, Block 2 of Riverside Subdivision No. 3.  
Applicants Holly and Glen Lorensen. [glorensen@pioneertitleco.com](mailto:glorensen@pioneertitleco.com)

## **Application materials can be found at**

[http://www.gardencityidaho.org/index.asp?SEC=435AAA7D-EB0F-4395-AA73-B9091191194B&DE=0BA51696-40CE-40F8-B462-44176DF56435&Type=B\\_EV](http://www.gardencityidaho.org/index.asp?SEC=435AAA7D-EB0F-4395-AA73-B9091191194B&DE=0BA51696-40CE-40F8-B462-44176DF56435&Type=B_EV)

NOTE: Please send comments to Garden City Development Services by **July 27, 2016**. If you do not respond by this date it will be considered "No Comment".

It is the responsibility of those interested and/or affected jurisdictions to schedule their own applicable meeting. In some cases, Garden City's applications are processed before other jurisdictions' response, and the conditions of approval state that the approval is subject to statutory requirements of affected other jurisdictions. Please address your comments to the applicant as well as Development Services Department [planning@gardencityidaho.org](mailto:planning@gardencityidaho.org) or Development Services Department, 6015 Glenwood, Garden City, Idaho 83714

**From:** [John Evans](mailto:John.Evans@GardencityIdaho.org)  
**To:** [Charles Wadams](mailto:Charles.Wadams@GardencityIdaho.org); [Frank Walker](mailto:Frank.Walker@GardencityIdaho.org) Private; [Jenah Thornborrow](mailto:Jenah.Thornborrow@GardencityIdaho.org)  
**Subject:** Fwd: August 8 Agenda Public Easement Request  
**Date:** Wednesday, August 03, 2016 1:14:41 PM

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Sent from my iPhone

Begin forwarded message:

**From:** "[howconsat@gmail.com](mailto:howconsat@gmail.com)" <[howconsat@gmail.com](mailto:howconsat@gmail.com)>  
**Date:** August 3, 2016 at 12:39:45 PM MDT  
**To:** John Evans <[jevans@GARDENCITYIDAHO.ORG](mailto:jevans@GARDENCITYIDAHO.ORG)>  
**Subject:** **August 8 Agenda Public Easement Request**

Mayor Evans,

The comments contained, herein, pertain to, "A request for the City of Garden City to disclaim interest to the Pedestrian portion of a 5' wide Pedestrian and Emergency Access Easement on lot 53 of a 10' wide easement common to lots 53 and 54, Block 2 of Riverside Subdivision No. 3. Applicants Holly and Glen Lorensen." The request appears on the City Council August 8 Calendar.

I strongly recommend that the current request for the City of Garden City to "disclaim interest" to the Pedestrian portion of the above referenced Easement be denied. A few years ago, then RVHOA President Rod Bulcher and I appeared in Small Claims Court in order to recover costs incurred by the RVHOA in defense of keeping open to the public the Riverside Easement. The issue was an acrimonious one, and the struggle to keep that particular Riverside Village Easement open for unrestricted public foot traffic went on for a lengthy period. All attempts at mediating the issue were unsuccessful. Ultimately, the dispute landed in Small Claims Court for resolution. The Judge's ruling in the Case stipulated that Riverside Village Homeowners were entitled to recover all costs incurred in defending a public easement, and that the Riverside Easement must remain open with no blockage to public foot traffic. And, to date, that Easement remains open to public foot traffic, but with restrictions on dogs, boats, etc. as defined by the Easement. I believe the legal outcome of this earlier attempt at vacating existing conditions that attach to a long-standing public easement provides an obvious caveat for any future action on attempts at closing or vacating existing claims that attach to our Riverside Village Public Easements. Those Easement restrictions are made known to Buyers at time of purchase, and are accepted by Buyers at that time.

Our Riverside Village Homeowner's Board recently "denied" a request made by Holly and Glen Lorensen to place coded-gate access on the same Easement that now appears on your August 8 agenda. In light of the recent "denial" of the Homeowner's request to defacto "privatize" a public easement, I'm curious as to

the motives of those same Homeowner's in now making this current "request" of the City. I believe that any action taken by the City to "disclaim interest" in that Easement could only weaken the public's rights, in not only that Easement, but other Riverside Village public easements as well. After all, why should the City begin to relinquish existing easement rights? I see no compelling reason for the City to take such action. Furthermore, I believe, if the City approves this request, it will send the wrong message to all City of Garden City Communities regarding respect for other City-held public easement rights, as well.

Once again, I strongly recommend that the City deny the request.

Respectfully,

Howard Sattler  
4814 a Lake Front Pl.  
Garden City, ID 83714

---

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To:	Message Score: 1	High (60): <b>Pass</b>
<a href="mailto:jevans@gardencityidaho.org">jevans@gardencityidaho.org</a>	My Spam Blocking Level: High	Medium (75): <b>Pass</b>
From:		Low (90): <b>Pass</b>
<a href="mailto:howconsat@gmail.com">howconsat@gmail.com</a>	<a href="#">Block</a> this sender	
	<a href="#">Block gmail.com</a>	

*This message was delivered because the content filter score did not exceed your filter level.*

**From:** [Nancy And Lee](#)  
**To:** [Jenah Thornborrow](#); [Erika Akin](#); [building](#)  
**Subject:** Lakes Edge easement  
**Date:** Wednesday, August 03, 2016 11:49:45 AM

---

This easment has high usage and should be made an easment for public access to nature trail.

1) Since the nature path designation as footpath only has more significant benefit to residents next to river to reduce access by eliminating easment would make the path more of a private than public facility.

2). There is a extended section of nature path behind Long Lake which is not accessible and the Lakes Edge easment is the first access at the South end of Long Lake and then gets significant usage.

3) Eliminating this easement might encourage the owners adjacent to other easements to take the same action, setting a precedent and ultimately making nature trail less accessible and more of a private (not public) amenity for Riverside Village owners.

4) The easment has a long history of public usage and precedent of its usage has been established.

Lee Sopwith  
5273 N Blackbird Way  
Garden City, ID 83714  
208-447-8282

Sent from my iPad

---

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To: [planning@gardencityidaho.org](mailto:planning@gardencityidaho.org)  
From: nlsopwith@cableone.net

Message Score: 30  
My Spam Blocking Level: High

High (60): **Pass**  
Medium (75): **Pass**  
Low (90): **Pass**

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*This message was delivered because the content filter score did not exceed your filter level.*

EASFY2016-8 PEDESTRIAN ACCESS EASEMENT DISCLAIMER OF INTEREST REQUEST 4812 LAKES EDGE  
Place n Garden City, Idaho: A request for the City of Garden City to disclaim interest to the pedestrian portion of a 5'  
wide Pedestrian and Emergency Access Easement on lot 53 of a 10' wide easement common to lots 53 and 54, Block 2  
of Riverside Subdivision No. 3. Applicants Holly and Glen Lorensen.

Your Name JOHN MAWDS Date 7-28-16  
Your Physical Address: 5162 N MAJESTY AVE GARDEN CITY 83714  
(Please select) Regarding this application, I:  
 Support the Application  Am Neutral  Oppose the Request

Comments: SEE ATTACHES

Signature: 

EASFY2016-8 PEDESTRIAN ACCESS EASEMENT DISCLAIMER OF INTEREST REQUEST 4812 Lakes Edge Place n Garden City, Idaho: A request for the City of Garden City to disclaim interest to the pedestrian portion of a 5' wide Pedestrian and Emergency Access Easement on lot 53 of a 10' wide easement common to lots 53 and 54, Block 2 of Riverside Subdivision No. 3. Applicants Holly and Glen Lorensen.

Your Name JARIS M. LANCE Date 7-26-16  
Your Physical Address: 8316W. CREEK RUN WAY, GARDEN CITY, ID. 83714  
(Please select) Regarding this application, I:  
 Support the Application  Am Neutral  Oppose the Request

Comments:

Signature: Jaris M. Lance

EASFY2016-8 PEDESTRIAN ACCESS EASEMENT DISCLAIMER OF INTEREST REQUEST 4812 Lakes Edge Place n Garden City, Idaho: A request for the City of Garden City to disclaim interest to the pedestrian portion of a 5' wide Pedestrian and Emergency Access Easement on lot 53 of a 10' wide easement common to lots 53 and 54, Block 2 of Riverside Subdivision No. 3. Applicants Holly and Glen Lorensen.

Your Name GAIL LeBow

Date July 27, 2016

Your Physical Address: 5398 Cattail Way Garden City 83714

(Please select) Regarding this application, I:

Support the Application  Am Neutral  Oppose the Request

Comments:

Please see typed  
Comments  
attached -  
Thank you.

Signature: Gail LeBow

I am writing to oppose the request re: EASFY 2016-8 Pedestrian Access Easement disclaimer of Interest request, 4812 Lakes Edge Place in Garden City.

This access point as well as the other access points along the trail are extremely important to the health, welfare and quality of life of those of us who use and enjoy the Garden City Nature Trail.

Acting in favor of closing access to public use at this location would cause more use of the other access points as well as setting a dangerous precedent which could lead to petitions by other property owners to close the other access points.

Many Nature Trail users, myself included, were staunch supporters of efforts of Riverside Subdivision and Garden City to oppose the use of bicycles on that trail. We, along with residents of Riverside Village, donated money and time and effort to assure that the path would become the wonderful Nature Trail and community asset that it is today. Much good feeling is generated in Garden City by the many ways we are able to work together. Closing public access runs the serious risk of dividing the community and setting a bad precedent.

A much better outcome than restricting the access would be for the City to perfect the easement, and to clarify that the easement is for use by the general public.

Those of us who walk and visit on the Garden City Greenbelt are so tremendously grateful for the jewel that we enjoy. My sincere thanks to the Mayor and the Garden City Council for all you do to make our City such a great place to live. Working together to protect the public access to the GC Greenbelt is really important. I hope that you will be able to find a way to create a win-win situation for the public and for the property owners.

Thank you.

Gail LeBow

GAIL LeBow  
5398 Cattail Way  
Garden City 83714

EASFY2016-8 PEDESTRIAN ACCESS EASEMENT DISCLAIMER OF INTEREST REQUEST 4812 Lakes Edge Place n Garden City, Idaho: A request for the City of Garden City to disclaim interest to the pedestrian portion of a 5' wide Pedestrian and Emergency Access Easement on lot 53 of a 10' wide easement common to lots 53 and 54, Block 2 of Riverside Subdivision No. 3. Applicants Holly and Glen Lorensen.

Your Name Barbara A. Spencer Date 7/15/16  
Your Physical Address: 4828 Lakes Edge Pl.

(Please select) Regarding this application, I:

Support the Application  Am Neutral  Oppose the Request

Comments: *I use this easement on a daily basis. It was guaranteed when I purchased this property from Evans Brothers.*

Signature: *Barbara A. Spencer*

*We certainly do not want to disallow emergency personnel from using this easement if necessary.*

**EASFY2016-7 PEDESTRIAN ACCESS EASEMENT DISCLAIMER OF INTEREST REQUEST**

4810 Lakes Edge Place in Garden City, Idaho: A request for the City of Garden City to disclaim interest to the pedestrian portion of a 5' wide Pedestrian and Emergency Access Easement on lot 54 of a 10' wide easement common to lots 53 and 54, Block 2 of Riverside Subdivision No. 3.

Your Name Stanley E. Moore Date 7/15/16

Your Physical Address: 4828 Lakes Edge Pl.

(Please select) Regarding this application, I:

Support the Application  Am Neutral  Oppose the Request

Comments: *This notice should go to all residents of Riverside Village, not just those within 300 ft. All residents are able to use this easement*

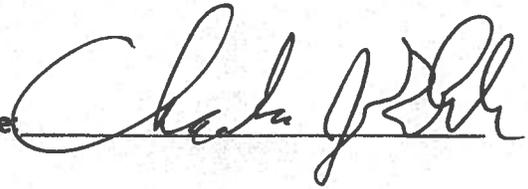
Signature: Stanley E Moore

*Go along with the Board's decision. Do not disclaim interest in this easement!*

EASFY2016-8 PEDESTRIAN ACCESS EASEMENT DISCLAIMER OF INTEREST REQUEST 4812 Lakes Edge Place n Garden City, Idaho: A request for the City of Garden City to disclaim interest to the pedestrian portion of a 5' wide Pedestrian and Emergency Access Easement on lot 53 of a 10' wide easement common to lots 53 and 54, Block 2 of Riverside Subdivision No. 3. Applicants Holly and Glen Lorensen.

Your Name G HARRY RINARD Date 7/24/16  
Your Physical Address: 8590 WEST CREEK RUN  
(Please select) Regarding this application, I: GARDEN CITY ID 83714  
 Support the Application  Am Neutral  Oppose the Request

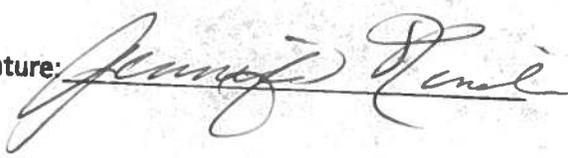
Comments:

Signature: 

EASFY2016-8 PEDESTRIAN ACCESS EASEMENT DISCLAIMER OF INTEREST REQUEST 4812 Lakes Edge Place n Garden City, Idaho: A request for the City of Garden City to disclaim interest to the pedestrian portion of a 5' wide Pedestrian and Emergency Access Easement on lot 53 of a 10' wide easement common to lots 53 and 54, Block 2 of Riverside Subdivision No. 3. Applicants Holly and Glen Lorensen.

Your Name Jennifer Binelli Date 7/25/16  
Your Physical Address: 8590 W CREEK RUN WAY  
(Please select) Regarding this application, I: GARDEN CITY ID 83714  
 Support the Application  Am Neutral  Oppose the Request

Comments:

Signature: 

EASFY2016-8 PEDESTRIAN ACCESS EASEMENT DISCLAIMER OF INTEREST REQUEST 4812 Lakes Edge  
Place n Garden City, Idaho: A request for the City of Garden City to disclaim interest to the pedestrian portion of a 5'  
wide Pedestrian and Emergency Access Easement on lot 53 of a 10' wide easement common to lots 53 and 54, Block 2  
of Riverside Subdivision No. 3. Applicants Holly and Glen Lorensen.

Your Name PAUL RUEHIRT  
Your Physical Address: 4882 LAKES EDGE PL

Date 7-20-16

(Please select) Regarding this application, I:  
 Support the Application  Am Neutral  Oppose the Request

Comments:

Signature: 

EASFY2016-8 PEDESTRIAN ACCESS EASEMENT DISCLAIMER OF INTEREST REQUEST 4812 Lakes Edge  
Place n Garden City, Idaho: A request for the City of Garden City to disclaim interest to the pedestrian portion of a 5'  
wide Pedestrian and Emergency Access Easement on lot 53 of a 10' wide easement common to lots 53 and 54, Block 2  
of Riverside Subdivision No. 3. Applicants Holly and Glen Lorensen.

Your Name PATRICIA FITZGERALD  
Your Physical Address: 4882 LAKES EDGE PL.

Date 7.16.16

(Please select) Regarding this application, I:

Support the Application  Am Neutral  Oppose the Request

Comments:

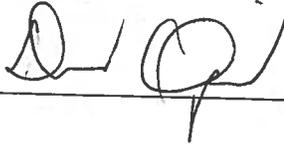
I AM OPPOSED  
TO GARDEN CITY  
DISCLAIMING INTEREST  
IN THE EASEMENT  
LOCATED BETWEEN 4812  
AND 4810 LAKES EDGE PL.

Signature: Patricia Fitzgerald

EASFY2016-6 PEDESTRIAN ACCESS EASEMENT DISCLAIMER OF INTEREST REQUEST 4812 Lakes Edge Place in Garden City, Idaho: A request for the City of Garden City to disclaim interest to the pedestrian portion of a 5' wide Pedestrian and Emergency Access Easement on lot 53 of a 10' wide easement common to lots 53 and 54, Block 2 of Riverside Subdivision No. 3. Applicants Holly and Glen Lorensen.

Your Name David Opalenik Date 7/21/2016  
Your Physical Address: 4873 Riverfront Pl. Garden City 83714  
(Please select) Regarding this application, I:  
 Support the Application  Am Neutral  Oppose the Request

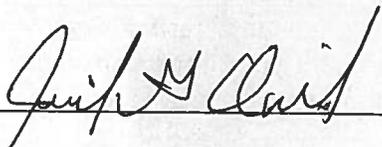
Comments:

Signature: 

EASFY2016-7 PEDESTRIAN ACCESS EASEMENT DISCLAIMER OF INTEREST REQUEST  
4810 Lakes Edge Place in Garden City, Idaho: A request for the City of Garden City to disclaim interest to the pedestrian portion of a 5' wide Pedestrian and Emergency Access Easement on lot 54 of a 10' wide easement common to lots 53 and 54, Block 2 of Riverside Subdivision No. 3.

Your Name Jennifer Opalenik Date 7/21/2016  
Your Physical Address: 4873 Riverfront Pl. Garden City 83714  
(Please select) Regarding this application, I:  
 Support the Application  Am Neutral  Oppose the Request

Comments:

Signature: 

**EASFY2016-7 PEDESTRIAN ACCESS EASEMENT DISCLAIMER OF INTEREST REQUEST**

4810 Lakes Edge Place in Garden City, Idaho: A request for the City of Garden City to disclaim interest to the pedestrian portion of a 5' wide Pedestrian and Emergency Access Easement on lot 54 of a 10' wide easement common to lots 53 and 54, Block 2 of Riverside Subdivision No. 3.

Your Name Joanne Thompson Date July 25, 2016

Your Physical Address: 4880 LAKEVIEW PI Garden City

(Please select) Regarding this application, I:  
 Support the Application  Am Neutral  Oppose the Request

Comments: It is important that there is access to the Greenbelt along the nature path. I believe this is the first step in closing such access.

Signature: Joanne Thompson

**EASFY2016-7 PEDESTRIAN ACCESS EASEMENT DISCLAIMER OF INTEREST REQUEST**

4810 Lakes Edge Place in Garden City, Idaho: A request for the City of Garden City to disclaim interest to the pedestrian portion of a 5' wide Pedestrian and Emergency Access Easement on lot 54 of a 10' wide easement common to lots 53 and 54, Block 2 of Riverside Subdivision No. 3.

Your Name Tom Scheffel

Date 7/25/16

Your Physical Address: 4847 Lakes Edge Place

(Please select) Regarding this application, I:

Support the Application  Am Neutral  Oppose the Request

Comments:

A lot of good people use that access to the nature trail, including guests of Riverside Village residents.

Signature:

Thomas J Scheffel

**From:** [Brenda Reynolds](#)  
**To:** [Jenah Thornborrow](#); [Erika Akin](#); [building](#)  
**Subject:** Easement on Lakes Edge Pl.  
**Date:** Thursday, July 28, 2016 6:03:39 PM

---

My husband and I have been living on Lakes Edge Pl for 17 1/2 years. We use that easement on an almost daily basis. It will be very difficult for us to walk around the long way to the nature path, if we can no longer use that easement.

We knew about the easement when we decided to purchase our home. It made the neighborhood much more appealing to us. It was a factor in our decision to buy the home.

The people who bought their homes beside the easement also knew about the easement before they chose to purchase their homes.

I feel very strongly that our right to use the easement should not be taken away. The property owners should not have the option to take away our access to the nature path. If they cannot tolerate the foot traffic between their houses, they can put their homes on the market and move to a place that gives them the privacy they seek.

Sincerely,  
Brenda Reynolds  
5004 Lakes Edge Pl

---

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To: [planning@gardencityidaho.org](mailto:planning@gardencityidaho.org)  
From: [bcampreynolds@gmail.com](mailto:bcampreynolds@gmail.com)

Message Score: 2  
My Spam Blocking Level: High

High (60): **Pass**  
Medium (75): **Pass**  
Low (90): **Pass**

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**From:** [Chris Hyer](#)  
**To:** [Jenah Thornborrow](#); [Erika Akin](#); [building](#)  
**Subject:** EASFY2016-8 Pedestrian Access Easement Disclaimer of Interest Request  
**Date:** Wednesday, July 27, 2016 7:31:26 PM

---

My name is Christopher Lee Hyer and I reside at 5293 N. Watersedge Avenue, Garden City, Idaho 83714.

I am writing to urge you to deny the petition to disclaim interest and instead to order the city to perfect the easement to clarify that the easement is for use by the general public.

My wife and I have lived in the Meadow Creek subdivision for about 12 years. We were informed of this easement by our real estate agent who used it as a selling point. We have used the easement many times each week to gain access to the Nature Path.

On personal note, I have muscular dystrophy and I am urged to walk daily. Without this access to the greenbelt, I would have to walk up to the main green belt access to walk along the river. This extra distance would preclude me from being able to walk along the river and enjoy our wonderful pedestrian section of the Garden City Nature Path.

Thank you for your consideration,

Christopher Lee Hyer

---

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To: [planning@gardencityidaho.org](mailto:planning@gardencityidaho.org)  
From: onyxhyer@gmail.com

Message Score: 50  
My Spam Blocking Level: High

High (60): **Pass**  
Medium (75): **Pass**  
Low (90): **Pass**

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**From:** [david.wiles2@gmail.com](mailto:david.wiles2@gmail.com)  
**To:** [Jenah Thornborrow](#); [Erika Akin](#); [building](#)  
**Subject:** EASFY 2016  
**Date:** Friday, July 29, 2016 8:40:43 AM

---

To whom it may concern:

We are opposed to the request to shut down the public access to the Boise River from the Riverside subdivision. We have lived in the neighborhood for 18 years and have used this access on numerous occasions. Closing this access will diminish our ability to enjoy the walking path along the river.

Regards,

David and Colleen Wiles  
8569 W. Creekrun Way, Garden City, ID

---

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To: [planning@gardencityidaho.org](mailto:planning@gardencityidaho.org)  
From: david.wiles2@gmail.com

Message Score: 1  
My Spam Blocking Level: High

High (60): **Pass**  
Medium (75): **Pass**  
Low (90): **Pass**

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**From:** [Diana Gustafson](#)  
**To:** [Jenah Thornborrow](#); [Erika Akin](#); [building](#)  
**Subject:** EASFY2016-7 and EASFY2016-8  
**Date:** Thursday, July 28, 2016 8:31:49 PM

---

July 28, 2016

Dear Garden City Council:

We are writing with regard to EASFY2016-7 and EASFY2016-8 which are currently set for hearing on August 8, 2016. We are sure you have heard from many who are concerned about the closure of an access to the Nature Trail, especially one they have used for years.

We live adjacent to the emergency access between Flake Country Subdivision and Arapaho Cove Subdivision. There are many people who walk past our home daily and we understand concerns about people coming on to our property and the littering that occurs. Our belief is if there is a concern, the property owner should designate the pathway and, if necessary, post a sign asking the public to respect the owners' privacy and property by not littering, cleaning up after pets and keeping the noise level down.

We can understand property owners' concern about people entering their property and a feeling of trespass. But it has to be noted that the title report had to report any easements on the property, and they purchased the property with that knowledge.

For many nearby residents the access to the Nature Trail is through the property in question as well as the easements between Lots 37 and 38 and between Lots 24 and 25. To close any of these access points will greatly limit the nearby neighbors to access to the Nature Trail. We urge the Garden City Council to deny the request to disclaim interest to the pedestrian portion of a 5' wide Pedestrian and Emergency Access Easement.

Very truly yours,

Murray & Diana Gustafson  
5201 N Navaho Way  
Garden City, Idaho

---

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To: [planning@gardencityidaho.org](mailto:planning@gardencityidaho.org)  
From: [dianagus@cableone.net](mailto:dianagus@cableone.net)

Message Score: 2  
My Spam Blocking Level: High

High (60): **Pass**  
Medium (75): **Pass**  
Low (90): **Pass**

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*This message was delivered because the content filter score did not exceed your filter level.*

**From:** [Dorian Duffin](#)  
**To:** [Jenah Thornborrow](#); [Erika Akin](#); [building](#)  
**Subject:** Comment on EASFY2016-7 and EASFY2016-8.  
**Date:** Thursday, July 28, 2016 5:21:08 PM

---

Dear Garden City Council,

RE: EASFY2016-7 and EASFY2016-8.

I oppose the request and ask that you maintain pedestrian access at the subject properties. However, I ask that you work with Riverside Village and the homeowners to mitigate concerns. Thank you for the opportunity to comment.

Dorian Duffin  
7840 Apache Way  
Garden City, ID 83714

---

**Total Control Panel**

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To:	Message Score: 2	High (60): <b>Pass</b>
<a href="mailto:planning@gardencityidaho.org">planning@gardencityidaho.org</a>	My Spam Blocking Level: High	Medium (75): <b>Pass</b>
From: dorianduffin@gmail.com		Low (90): <b>Pass</b>
	<a href="#">Block</a> this sender	
	<a href="#">Block</a> gmail.com	

*This message was delivered because the content filter score did not exceed your filter level.*

**From:** [Douglas Baalson](#)  
**To:** [Jenah Thornborrow](#); [Erika Akin](#); [building](#)  
**Subject:** Easement  
**Date:** Monday, July 25, 2016 11:12:10 AM

---

My name is Douglas Baalson, 5349 N Riffle Way, Garden City, Idaho 83714.

I want to emphatically express my opposition to the abandonment of the easement from Lakes Edge to the nature path. This will impact hundreds of homes north of the river. The people who bought these houses knew that there was an easement when they purchased said property.

I want to also say that Garden City has failed miserably in notifying homeowners on the north side of the river of this proposed action. You have to do better.

---

**Total Control Panel**

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To: [planning@gardencityidaho.org](mailto:planning@gardencityidaho.org)  
From: flaa1881@gmail.com

Message Score: 2  
My Spam Blocking Level: High

High (60): **Pass**  
Medium (75): **Pass**  
Low (90): **Pass**

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**Flake Country Subdivision Neighborhood Association**  
7840 Apache Way; Garden City, Idaho 83714



July 27, 2016

Dear Garden City Council:

The Flake Country Subdivision Neighborhood Association has the following comments regarding EASFY2016-7 and EASFY2016-8.

Several families in our neighborhood rely on this path to access the Boise River. Actually, some of our neighbors have accessed the river near this location for over 40 years (way before Riverside Village was developed). We urge Garden City to work with the applicants to keep this path and others open. We have the following concerns.

- The Nature Trail and the Boise River belong to everyone and it is important to allow neighbors access through this path and the other access points.
- If you close one access point, the remaining access points will have increased traffic, which is unfair to those homeowners.
- Although there is access to the Nature Trail from Riverside Park, it is quite far for many neighbors (especially our elderly neighbors) and there is very limited parking at the park.
- Garden City already worked hard to turn the Greenbelt into a walking-only Nature Trail due in large part from homeowner pressure. If this latest request has a domino effect, and other homeowners request the same, neighbors could conceivably lose all access to the Nature Trail (except for Riverside Park).

It is our understanding that the general public does not know about these access points to the river, so users are likely from adjoining neighborhoods. We doubt that the applicants would be requesting closure unless there was some sort of problem. Therefore, we ask that Garden City and Riverside Village work together with the applicants to mitigate any problems. Perhaps a sign asking folks to keep their voices down and respect the neighbors would be appropriate. Or, maybe a sign asking people to keep their pets on a short leash and clean up after them would be in order. Maybe add some pavers designating a walkway if landscaping is being damaged?

Please consider our concerns. We have accessed the river for over 50 years. Please work with the applicants and Riverside Village to continue our access to the Boise River.

Sincerely,

A handwritten signature in black ink, appearing to read "Murray Gustafson". The signature is fluid and cursive.

Murray Gustafson, President  
Flake Country Subdivision Neighborhood Association

**From:** [Multanen, Gary](#)  
**To:** [Jenah Thornborrow](#); [Erika Akin](#); [building](#)  
**Subject:** Proposed closing of Green Belt Access.  
**Date:** Wednesday, July 27, 2016 5:48:44 AM

---

My wife and I use the access three or four times per week. We are not in favor of it being closed.

Gary Multanen  
5296 N. BLACKBIRD WAY  
Garden City

Sent from my Verizon, Samsung Galaxy smartphone

---

**Total Control Panel**

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To:	Message Score: 2	High (60): <b>Pass</b>
<a href="mailto:planning@gardencityidaho.org">planning@gardencityidaho.org</a>	My Spam Blocking Level: High	Medium (75): <b>Pass</b>
From:		Low (90): <b>Pass</b>
<a href="mailto:gary.multanen@bestbath.com">gary.multanen@bestbath.com</a>	<a href="#">Block</a> this sender	
	<a href="#">Block</a> bestbath.com	

*This message was delivered because the content filter score did not exceed your filter level.*

**From:** [Neil Buttram](#)  
**To:** [Jenah Thornborrow](#); [Erika Akin](#); [building](#)  
**Subject:** EASFY2016-8 Pedestrian Access Disclaimer  
**Date:** Tuesday, July 26, 2016 4:19:01 PM  
**Attachments:** [pastedImage.png](#)

---

I was unable to get through on your FAX line so am e-mailing comments.

## FAX

To: Garden City Hall Development fax # 208-472-2996  
Fm: Glen N Buttram fax # 661-752-7639  
Subject: EASFY 2016-8 Easement Disclaimer

EASFY2016-8 PEDESTRIAN ACCESS EASEMENT DISCLAIMER OF INTEREST  
REQUEST 4812 Lakes Edge Place n Garden City, Idaho: A request for the City of Garden City to disclaim interest to the pedestrian portion of a 5' wide Pedestrian and Emergency Access Easement on lot 53 of a 10' wide easement common to lots 53 and 54, Block 2 of Riverside Subdivision No. 3. Applicants Holly and Glen Lorensen.

Your Name Glen N Buttram 7/26/2016 Date  
Your Physical Address: 5176 N Blackbird Way, Garden City  
**(Please select)** Regarding this application, I:  
 Support the Application  Am Neutral  Oppose the Request

Comments:

1. It takes away a right I have to use original negotiated easement for river access.
2. The applicants will gain, but neighbor will still bear full easement access of his 5' portion of the now 10' easement. That's not fair.

Signature: 

---

Total Control Panel

[Login](#)

To: [planning@gardencityidaho.org](mailto:planning@gardencityidaho.org)

Message Score: 58

High (60): **Pass**

From: [bev\\_neil@msn.com](mailto:bev_neil@msn.com)

My Spam Blocking Level: High

Medium (75): **Pass**

Low (90): **Pass**

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**From:** [Jennifer](#)  
**To:** [Jenah Thornborrow](#); [Erika Akin](#); [building](#)  
**Subject:** Easement to river Path  
**Date:** Tuesday, July 26, 2016 8:09:59 PM

---

## To Mayor Evans and Garden City Council

I am writing to request/plead that Garden City Council to deny the petition to disclaim interest and instead to order the city to perfect the easement to clarify that the easement is for use by the general public. This easement has been of special value to me as I love to walk on that part of the Nature Path and am unable to make really long hikes due to my physical condition. Please keep this access open to all.

Sincerely.

Jennifer Brodie

**Your right to use the easement as access to the Nature Path could be lost** if the council agrees with the petition. If you desire to maintain your existing right, ask the council to deny the petition to disclaim interest and instead to order the city to perfect the easement to clarify that the easement is for use by the general public. The present easement is written as a pedestrian (for Riverside Village residents) and an emergency access easement. It now includes a prescriptive right (established in common law by historical usage) for general public access to the greenbelt. Acknowledging the easement for public use would establish that Garden City will continue to enforce accessibility by the general public. If you submit a written comment, see page two of the attached document. If you wish to address the council personally, the hearing is set for 6pm in the council chambers on August 8.

---

### Total Control Panel

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To:  
[planning@gardencityidaho.org](mailto:planning@gardencityidaho.org)  
From:  
brodiejennifer@hotmail.com

Message Score: 1  
My Spam Blocking Level: High

High (60): **Pass**  
Medium (75): **Pass**  
Low (90): **Pass**

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**From:** [Jennifer](#)  
**To:** [Jenah Thornborrow](#); [Erika Akin](#); [building](#)  
**Subject:** Easement to river Path  
**Date:** Tuesday, July 26, 2016 8:17:04 PM

---

**To Mayor Evans and Garden City Council**

I am writing to request/plead that Garden City Council to deny the petition to disclaim interest and instead to order the city to perfect the easement to clarify that the easement is for use by the general public. This easement has been of special value to me as I love to walk on that part of the Nature Path and am unable to make really long hikes due to my physical condition. Please keep this access open to all.

Sincerely,

Jennifer Brodie

---

Total Control Panel

[Login](#)

To: [planning@gardencityidaho.org](mailto:planning@gardencityidaho.org)  
From: [brodiejennifer@hotmail.com](mailto:brodiejennifer@hotmail.com)

Message Score: 1  
My Spam Blocking Level: High  
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High (60): **Pass**  
Medium (75): **Pass**  
Low (90): **Pass**

*This message was delivered because the content filter score did not exceed your filter level.*

**From:** [Joseph Robert Ingrao Jr.](#)  
**To:** [Jenah Thornborrow](#); [Erika Akin](#); [building](#)  
**Date:** Tuesday, July 26, 2016 3:07:48 PM

---

Please keep the path way at the end of Lakes Edge Place open to all legal traffic. I walk the belt once or twice the day and we need open access to the belt as the city continues to grow. Thank you. Question: when the owner bought the property din't they know about the access? Sorry!

Joe Ingrao  
853-5399  
Meadow Creek

---

**Total Control Panel**

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To:	Message Score: 2	High (60): <b>Pass</b>
<a href="mailto:planning@gardencityidaho.org">planning@gardencityidaho.org</a>	My Spam Blocking Level: High	Medium (75): <b>Pass</b>
From:		Low (90): <b>Pass</b>
<a href="mailto:ingraoassociates@gmail.com">ingraoassociates@gmail.com</a>	<a href="#">Block</a> this sender	
	<a href="#">Block</a> gmail.com	

*This message was delivered because the content filter score did not exceed your filter level.*

**From:** [Douglas Baalson](#)  
**To:** [Jenah Thornborrow](#); [Erika Akin](#); [building](#)  
**Subject:** Easement  
**Date:** Wednesday, July 27, 2016 10:45:20 AM

---

The Homeowner's Association for Meadow Creek, is opposed to the proposed abandonment of and easement fro Lakes Edge to the nature path running parallel to the river. The Board of Directors has asked me to communicate to you that we are opposed to this action.

We plan on sending a representative to verbally state this at the August 8th meeting.

Board of Directors, Meadow Creek HOA  
Douglas Baalson, Treasurer

---

**Total Control Panel**

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To: [planning@gardencityidaho.org](mailto:planning@gardencityidaho.org)  
From: flaa1881@gmail.com

Message Score: 2  
My Spam Blocking Level: High

High (60): **Pass**  
Medium (75): **Pass**  
Low (90): **Pass**

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July 28, 2016

7601 W. Apache Way  
Garden City, ID 83714

RE: EASFY 2016-8 and EASFY2016-7 Pedestrian Access Easement Disclaimer of Interest Request

Dear Garden City Hall Development Services Representatives:

I'm am writing to express my concerns about **EASFY 2016-8 and EASFY2016-7 Pedestrian Access Easement Disclaimer of Interest Request**. While I'm not sure of the reasoning and motivations of the homeowners who made this request (I read the letters and application and it wasn't clear to me), I do want to stress that the Nature Path and access to the Nature Path is a very important to my family.

I've looked at the easement in question on Google and have driven by. To me, it doesn't seem to be the best place to have an access point, especially a public one. Though I could see it being a pedestrian access for people walking to it from the neighborhood. My concern is that if this easement is repealed then that action will set a precedent for homeowners trying to accomplish similar actions of closing access points.

It is hard for me to agree with the abandonment of easements because it's hard to know what future residents will need. Access to open, public spaces is so important to healthy communities. I trust that you will make the best call based on the information, the city plans, all residents, and input such as this.

Thank you for your service.

Sincerely,

*Sarah Harris*

Sarah Harris

If you wish to provide written comment, please submit the following form or any additional written testimony to City Hall Development Services 6015 Glenwood, Garden City Idaho 83714 no later than **July 29, 2016**.

.....  
**EASFY2016-7 PEDESTRIAN ACCESS EASEMENT DISCLAIMER OF INTEREST REQUEST**

4810 Lakes Edge Place in Garden City, Idaho: A request for the City of Garden City to disclaim interest to the pedestrian portion of a 5' wide Pedestrian and Emergency Access Easement on lot 54 of a 10' wide easement common to lots 53 and 54, Block 2 of Riverside Subdivision No. 3.

Your Name L Sheldon and Jeanne S Barker

Date July 26, 2016

Your Physical Address: 4776 Riverine Pl, Garden City 83714-1955

**(Please select)** Regarding this application, I:

Support the Application     Am Neutral     Oppose the Request

Comments:    Please see attached letter

Signature:  \_\_\_\_\_

July 26, 2016

Ms. Jenah Thornborrow,  
Director, Development Services  
City Hall  
6015 N. Glenwood St  
Garden City, Idaho 83714

Subject: EASFY2016-7 Pedestrian Access Easement Disclaimer of Interest Request

Dear Ms. Thornborrow:

This letter is in support of the request for disclaimer of interest in a Pedestrian Easement common to lots 53 and 54, Block 2 of Riverside Subdivision No. 3.

The plat for these homes includes a 15-foot-wide easement on the two lots, labeled as Emergency Access and Pedestrian Easement. A few years ago the City formally vacated the Emergency Access portion of the easement. Now the homeowners on whose property the easement sits have asked the City to also clarify that the City has no interest in the remaining Pedestrian Easement.

In the August 10, 2015 Council Meeting, City Attorney Frank Walker made two statements regarding the Pedestrian Easement:

1. The easement does not appear to meet the criteria for a prescriptive easement, and
2. The City has no obvious legal right to the easement, which is really a Riverside Village Homeowners Association issue.

Therefore, the purpose of this current request is simply to more formally clarify and support a stated opinion by the City Attorney, that was supported by Council comments. Thus we hope the City Council will support this fair and reasonable request.

Please feel free to contact us with any questions.

Sincerely,



L. Sheldon Barker  
4776 Riverine Pl  
Garden City, Idaho 83714  
[Shelbark70@outlook.com](mailto:Shelbark70@outlook.com)  
208 854 1806



Jeanne S Barker  
[jjbbark@hotmail.com](mailto:jjbbark@hotmail.com)

**From:** [Teresa Hyer](#)  
**To:** [Jenah Thornborrow](#); [Erika Akin](#); [building](#)  
**Subject:** EASFY2016-8 Pedestrian Access Easement Disclaimer of Interest Request  
**Date:** Wednesday, July 27, 2016 8:01:09 PM

---

To Whom it May Concern:

My name is Teresa Hyer. I live at 5293 N. Watersedge Avenue, Garden City, Idaho.

I am writing to urge you to deny the petition to disclaim interest and instead to order the city to perfect the easement to clarify that the easement is for the use of the general public.

I have lived in this neighborhood for many years and used this access from the time we moved into this subdivision 12 years ago.

I like to walk my dog on the greenbelt. With this access, it is easy for us to get to the path and walk to the new bridge where she can swim after her ball. Without this access, one has to walk to the end of the subdivision. If someone wants to go in the other direction, he/she would have to walk over to Ulmer and connect that way.

It would be a shame to have this wonderful nature path but no access for people to enjoy it.

Thank you for your time,

Teresa Hyer

---

**Total Control Panel**

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To: [planning@gardencityidaho.org](mailto:planning@gardencityidaho.org)  
From: [jaxhyer@gmail.com](mailto:jaxhyer@gmail.com)

Message Score: 10  
My Spam Blocking Level: High

High (60): **Pass**  
Medium (75): **Pass**  
Low (90): **Pass**

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**From:** [Victoria Zwainz](#)  
**To:** [Jenah Thornborrow](#); [Erika Akin](#); [building](#)  
**Subject:** Pedestrian Access Easement  
**Date:** Thursday, July 28, 2016 11:01:12 AM

---

To the Garden City Council:

Please deny the petition to disclaim interest for a pedestrian access easement at the end of Lake's Edge Place. My preference would be for the council to order the city to perfect the easement to clarify that the easement is for use by the general public.

Thank you for your consideration of this request.

Respectfully,  
Victoria Zwainz  
9050 W. Woodglade Lane Garden City, ID

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**Total Control Panel**

[Login](#)

To:	Message Score: 1	High (60): <b>Pass</b>
<a href="mailto:planning@gardencityidaho.org">planning@gardencityidaho.org</a>	My Spam Blocking Level: High	Medium (75): <b>Pass</b>
From: vicky@me.com		Low (90): <b>Pass</b>
	<a href="#">Block</a> this sender	
	<a href="#">Block</a> me.com	

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**Flake Country Subdivision Neighborhood Association  
7840 Apache Way; Garden City, Idaho 83714**



July 27, 2016

Dear Garden City Council:

The Flake Country Subdivision Neighborhood Association has the following comments regarding EASFY2016-7 and EASFY2016-8.

Several families in our neighborhood rely on this path to access the Boise River. Actually, some of our neighbors have accessed the river near this location for over 40 years (way before Riverside Village was developed). We urge Garden City to work with the applicants to keep this path and others open. We have the following concerns.

- The Nature Trail and the Boise River belong to everyone and it is important to allow neighbors access through this path and the other access points.
- If you close one access point, the remaining access points will have increased traffic, which is unfair to those homeowners.
- Although there is access to the Nature Trail from Riverside Park, it is quite far for many neighbors (especially our elderly neighbors) and there is very limited parking at the park.
- Garden City already worked hard to turn the Greenbelt into a walking-only Nature Trail due in large part from homeowner pressure. If this latest request has a domino effect, and other homeowners request the same, neighbors could conceivably lose all access to the Nature Trail (except for Riverside Park).

It is our understanding that the general public does not know about these access points to the river, so users are likely from adjoining neighborhoods. We doubt that the applicants would be requesting closure unless there was some sort of problem. Therefore, we ask that Garden City and Riverside Village work together with the applicants to mitigate any problems. Perhaps a sign asking folks to keep their voices down and respect the neighbors would be appropriate. Or, maybe a sign asking people to keep their pets on a short leash and clean up after them would be in order. Maybe add some pavers designating a walkway if landscaping is being damaged?

Please consider our concerns. We have accessed the river for over 50 years. Please work with the applicants and Riverside Village to continue our access to the Boise River.

Sincerely,

A handwritten signature in cursive script, appearing to read "Murray Gustafson".

Murray Gustafson, President  
Flake Country Subdivision Neighborhood Association

GENERAL SUGGESTIONS FOR TESTIFYING OR SUBMITTING WRITTEN TESTIMONY

1. **State your recommendation and remember your objective!** It is your objective to persuade the decision makers to vote or decide in favor of your side of the issue. It generally will not help your cause to anger, alienate or antagonize the decision makers who are listening or reading your testimony.
2. **Speak to the point.** Public Officials have received testimony from hundreds of people. They are grateful when the testimony is pertinent, well organized, and directly regards the matter at hand. Long stories, lectures, abstract complaints about generalities, or redundant testimonies are usually ineffective.
3. **Be informed!** Get a copy of the application and staff report and read it ahead of time. Plan your comments accordingly.
4. **Be reasonable.** Put yourself in the shoes of the decision makers. They must balance all points of view, interests and proposals being made. They must also make sure that their decisions adhere to all local, state and federal laws.

GENERAL RULES FOR ORAL TESTIMONY AT HEARING:

1. No Person shall be permitted to speak at the public hearing until the person is recognized by the chairperson or Mayor to do so.
2. All testimony at the public hearing will be limited to three (3) minutes
3. No person shall be permitted to testify at the public hearing unless such person has signed their full name and written their residential address on the signup sheets. Your name and address must be stated verbally for the record.
4. Testimony should not be repetitious with other entries into the record.
5. If oral testimony fails to comply with the aforementioned standards, the chairperson or Mayor may declare such testimony out of order and require it to cease.

STANDARDS FOR WRITTEN TESTIMONY:

1. Written testimony to be considered as part of the record shall be submitted to the City at least eight days prior to the hearing.
2. Testimony should directly address the subject at hand.
3. Written testimony shall include the signature and address of the submitter.
4. The committee may require an oral reading of such written testimony if the committee deems it necessary.
5. If written testimony fails to comply with the aforementioned standards, the committee may declare such testimony inadmissible.

If you wish to provide written comment, please submit the following form or any additional written testimony to City Hall Development Services 6015 Glenwood, Garden City Idaho 83714 no later than July 29, 2016.

.....  
EASFY2016-8 PEDESTRIAN ACCESS EASEMENT DISCLAIMER OF INTEREST REQUEST 4812 Lakes Edge Place n Garden City, Idaho: A request for the City of Garden City to disclaim interest to the pedestrian portion of a 5' wide Pedestrian and Emergency Access Easement on lot 53 of a 10' wide easement common to lots 53 and 54, Block 2 of Riverside Subdivision No. 3. Applicants Holly and Glen Lorensen.

Your Name Karen Raese Date 7/29/16  
 Your Physical Address: 5194 N Watersedge Ave, Garden City, ID 83714  
 (Please select) Regarding this application, I:  
 Support the Application  Am Neutral  Oppose the Request

Comments:  
All attached sheets

Signature: Karen Raese

Karen Raese

5194 N Watersedge Ave

Garden City, ID 83714

July 28, 2016

To Whom it May Concern,

I am writing today in opposition to the request to change the status of the pedestrian easement at the south end of Lakes Edge Place. I have enjoyed using the pedestrian easement since 1983 when my husband and I moved to Riverside Village. It has long been a neighborhood amenity and one that we think adds to the enjoyment and use of the Garden City section of the green belt path. While we now live in Meadow Creek, we still use this easement. Removing this access point may reduce the use of the public greenbelt. Only those who are strong walkers with plenty of time will be able to manage the longer distances between greenbelt access points on the north side of the green belt. As a Registered Dietitian I often think about how we can take steps to deal with obesity issues. Creating healthier communities must be supported by providing many opportunities for physical activity in our neighborhoods. Keeping this easement in place I think will be a positive thing for Garden City.

Sincerely,

Karen M Raese

George Wagner  
4781 Rivervista PL  
Garden City, Idaho 83714  
July 28, 2016

Development Services  
Garden City  
6015 Glenwood  
Garden City, Idaho 83714

Dear Mayor Evans and City Council:

RE: EASFY2016-8 PEDESTRIAN ACCESS EASEMENT DISCLAIMER OF INTEREST  
REQUEST

Garden City has an interest in the Pedestrian and Emergency Access Easement in question and should deny the request. Please consider:

The easement was included on the Plat for Riverside Village No. 3 as Recorded on September 3, 1981. On the face of the Plat the Easement is labeled "Emergency access and pedestrian easement".

For 35 years the easement has been open and used without restriction for pedestrian access from Lake's Edge Place a public street to the Public Greenbelt along the Boise River.

The easement has been a public easement, established on a recorded plat and used as a public easement for 35 years.

The easement's dual purpose as both a pedestrian easement and emergency access easement testifies to its public nature.

From the parking lot on Riverside Drive to the West Bridge the Nature Trail and walking path is more than a mile and a half long. There are very few easements allowing access along the Nature Trail and it is in the interest of Garden City and the public for long established easements to be protected and defended for public use.

The decision here should be easy. Should Garden City side with a few property owners who have property fronting the Nature Trail with an agenda to restrict access to this great public amenity or should Garden City side with all of the folks who count on the few existing easements for pedestrian access? You should do the right thing here and deny the request.

Sincerely,



George Wagner

Chuck Rinaldi  
8590 West Creekrun Way  
Garden City, ID 83714  
July 24, 2016

Garden City Mayor and Council:

I wish to oppose the request to disclaim Garden City's interest in the pedestrian access easement at Lakes Edge Place. I have used this access for the 24 years I have lived in the neighborhood and have seen no problems other than those caused by poor drainage. Very rarely, I have seen one vehicle parked in the cul-de-sac that may or may not be from the same subdivision. The easement is an emergency access and could prevent a rapid citizen or official response if the location is gated as has been proposed. I am also concerned that the location could then be a trespass situation resulting in frequent calls to Garden City dispatch. It is one of very few ways to reach the pedestrian Greenbelt we all have worked to preserve and is a great neighborhood asset.

Sincerely,

A handwritten signature in cursive script that reads "Chuck Rinaldi". The signature is written in black ink and is positioned below the word "Sincerely,".

Chuck Rinaldi

Jennifer Rinaldi  
8590 West Creekrun Way  
Garden City, ID 83714  
July 24, 2016

Garden City Mayor and Council:

I wish to oppose the request to disclaim Garden City's interest in the pedestrian access easement at Lakes Edge Place. This is an access I use frequently to get to the great walking path we fought to preserve and it is used primarily, if not exclusively, by neighborhood walkers and runners. Were this easement to be restricted by gating or signage, the other very few easements may also be removed as well. My main alternative would then be to drive and park at the Optimist Park which is already overused. Thank you for your consideration.

Sincerely,

A handwritten signature in cursive script that reads "Jennifer Rinaldi". The signature is fluid and elegant, with a large initial "J" and a long, sweeping underline.

Jennifer Rinaldi

GENERAL SUGGESTIONS FOR TESTIFYING OR SUBMITTING WRITTEN TESTIMONY

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.....  
 EASFY2016-8 PEDESTRIAN ACCESS EASEMENT DISCLAIMER OF INTEREST REQUEST 4812 Lakes Edge Place n Garden City, Idaho: A request for the City of Garden City to disclaim interest to the pedestrian portion of a 5' wide Pedestrian and Emergency Access Easement on lot 53 of a 10' wide easement common to lots 53 and 54, Block 2 of Riverside Subdivision No. 3. Applicants Holly and Glen Lorensen.

Your Name Tom Arilooski Date 7/18/16  
 Your Physical Address: 4828 N PARKVIEW PL GC 83714

(Please select) Regarding this application, I:  
 Support the Application  Am Neutral  Oppose the Request

Comments:

Signature: 

GENERAL SUGGESTIONS FOR TESTIFYING OR SUBMITTING WRITTEN TESTIMONY

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5. If written testimony fails to comply with the aforementioned standards, the committee may declare such testimony inadmissible.

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**EASFY2016-7 PEDESTRIAN ACCESS EASEMENT DISCLAIMER OF INTEREST REQUEST**

4810 Lakes Edge Place in Garden City, Idaho: A request for the City of Garden City to disclaim interest to the pedestrian portion of a 5' wide Pedestrian and Emergency Access Easement on lot 54 of a 10' wide easement common to lots 53 and 54, Block 2 of Riverside Subdivision No. 3.

Your Name Linda Baker-Arkoosh Date 7/18/16  
 Your Physical Address: 4888 N Lakes Edge Pl. Garden City

(Please select) Regarding this application, I:  
 Support the Application  Am Neutral  Oppose the Request

Comments:

Signature: 

Development Services Department

6015 Glenwood Street

Garden City Idaho 83714

Re: EASFY 2016-8 Pedestrian Access Easement Disclaimer of Interest Request 4812 Lakes Edge Place, Garden City, Idaho: A request for the City of Garden City to disclaim interest to the pedestrian portion of a 5' wide Pedestrian and Emergency Access Easement on lot 53 of a 10' wide easement common to lots 53 and 54, Block 2 of Riverside Subdivision No.3, Applicants Holly and Glen Lorensen.

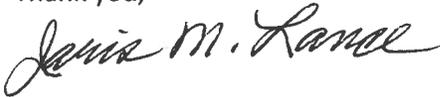
City Council Members,

This pedestrian access easement has been available to the public for some time and I have been one of many to use it as access to the Nature Path on the river. I would like to be able to use this easement in the future and ask that the council vote against the request to have it closed.

I have never seen any disrespectful use of this Pedestrian Access Easement and it has been a wonderful short cut to the Nature Path on the river for myself and others. The fact that this is an Emergency Access Easement to the Nature Path is also a very important reason for it to be continued to be open for the safety of those who use the Nature Path.

I ask again for your vote to keep this easement open for the good of the community.

Thank you,

A handwritten signature in black ink that reads "Jaris M. Lance". The signature is written in a cursive, flowing style.

Jaris M. Lance

8316 W. Creekrun Way

Garden City, ID. 83714

To Whom It May Concern:

The Board of Directors for Meadow Creek, a subdivision of 216 homes located north of the Boise River, is on record opposing the proposed abandonment of an easement from Lakes Edge to the nature path running along the river. We will send a representative from the HOA to attend the meeting being held on August 8, 2016 to verbally communicate this if necessary. We want to be very clear that any attempts at easement abandonment will be opposed by us.

We feel that the homeowner(s) who are attempting to receive permission from Garden City for abandonment, purchased their properties with full knowledge that an easement exists. There is a direct effect of such action that is both physical and financially detrimental to homes located north of the river.

Yours truly,

A handwritten signature in cursive script, appearing to read "Douglas Baalson".

Douglas Baalson, Treasurer

# John Mandas

---

5162 N Marsh Ave Garden City, Idaho 83714 | 208-861-8501 | johnmandas@gmail.com

**July 28, 2016**

City of Garden City  
City Hall Development Services  
6015 Glenwood St  
Garden City, Idaho 83714

**Dear City Council:**

I am writing in regards to the current easement at Lakes Edge Place.

I have used this easement many times beginning in the mid 90's and at times have found it necessary for one reason or another to access the Greenbelt. I understand that home ownership changes and some people may find it troublesome to have a pedestrian path on their property. I feel that one of the treasures in living in the Riverside Village area is the access to the Greenbelt that many of us enjoy today and have for some time.

I personally am very respectful of the home owner's property and I have witnessed many others showing the same respect. I believe that it would be a huge disappointment if this easement was taken away from our community. I also believe that it was used recently for a medical emergency. I think that occurred over the 4<sup>th</sup> of July weekend. SO of course, this is another reason to keep it in place.

Sincerely,



**John Mandas**

EASYFY2016-8 PEDETRIAN ACCESS EASEMENT DISCLAIMER OF INTEREST REQUEST 4812 Lakes Edge Place in Garden City, Idaho:  
A request for the City of Garden City to disclaim interest to the pedestrian portion of a 5' wide Pedestrian and Emergency Access Easement on lot 53 of a 10' wide easement common to lots 53 and 54, Block 2 of Riverside Subdivision No. 3. Applicants Holly and Glen Lorenzen.

Your Name: *Claudia A. Hambacker* Date: *7-28-2016*  
Your Physical Address: *5627 NORTH RIFLE WAY*  
*Boise, ID 83714*

(Please select) Regarding this application, I:

Support the Application     Am Neutral     Oppose the Request

Comments:

I want the Garden City council to deny the petition to disclaim interest in this easement. Instead I would urge the council to clarify that the easement is for use by the general public. I want the message sent that we want to maintain access to the Nature Path so that other homeowners are not encouraged to try to eliminate easements in the future.

Signature: *Claudia A. Hambacker*

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Access Easement on lot 53 of a 10' wide easement common to lots 53 and 54, Block 2 of Riverside Subdivision No. 3. Applicants  
Holly and Glen Lorensen.

Your Name: *Gregory W Hambacher* Date: *7/28/2016*  
Your Physical Address: *5627 N Ripple Way Garden City, ID 83714*

(Please select) Regarding this application, I:

Support the Application     Am Neutral     Oppose the Request

Comments:

I want the Garden City council to deny the petition to disclaim interest in this easement. Instead I would urge the council to clarify that the easement is for use by the general public. I want the message sent that we want to maintain access to the Nature Path so that other homeowners are not encouraged to try to eliminate easements in the future.

Signature: *Gregory W Hambacher*

GENERAL SUGGESTIONS FOR TESTIFYING OR SUBMITTING WRITTEN TESTIMONY

1. **State your recommendation and remember your objective!** It is your objective to persuade the decision makers to vote or decide in favor of your side of the issue. It generally will not help your cause to anger, alienate or antagonize the decision makers who are listening or reading your testimony.
2. **Speak to the point.** Public Officials have received testimony from hundreds of people. They are grateful when the testimony is pertinent, well organized, and directly regards the matter at hand. Long stories, lectures, abstract complaints about generalities, or redundant testimonies are usually ineffective.
3. **Be informed!** Get a copy of the application and staff report and read it ahead of time. Plan your comments accordingly.
4. **Be reasonable.** Put yourself in the shoes of the decision makers. They must balance all points of view, interests and proposals being made. They must also make sure that their decisions adhere to all local, state and federal laws.

GENERAL RULES FOR ORAL TESTIMONY AT HEARING:

1. No Person shall be permitted to speak at the public hearing until the person is recognized by the chairperson or Mayor to do so.
2. All testimony at the public hearing will be limited to three (3) minutes
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4. Testimony should not be repetitious with other entries into the record.
5. If oral testimony fails to comply with the aforementioned standards, the chairperson or Mayor may declare such testimony out of order and require it to cease.

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1. Written testimony to be considered as part of the record shall be submitted to the City at least eight days prior to the hearing.
2. Testimony should directly address the subject at hand.
3. Written testimony shall include the signature and address of the submitter.
4. The committee may require an oral reading of such written testimony if the committee deems it necessary.
5. If written testimony fails to comply with the aforementioned standards, the committee may declare such testimony inadmissible.

If you wish to provide written comment, please submit the following form or any additional written testimony to City Hall Development Services 6015 Glenwood, Garden City Idaho 83714 no later than **July 29, 2016**.

.....  
EASFY2016-8 PEDESTRIAN ACCESS EASEMENT DISCLAIMER OF INTEREST REQUEST 4812 Lakes Edge Place n Garden City, Idaho: A request for the City of Garden City to disclaim interest to the pedestrian portion of a 5' wide Pedestrian and Emergency Access Easement on lot 53 of a 10' wide easement common to lots 53 and 54, Block 2 of Riverside Subdivision No. 3. Applicants Holly and Glen Lorensen.

Your Name Theresa O'Keefe Date 7/20/16  
 Your Physical Address: 5096 N Backwater Ave, Garden City, Id 83714  
 (Please select) Regarding this application, I:  
 Support the Application  Am Neutral  Oppose the Request

Comments:

Signature: Theresa O'Keefe

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.....  
**EASFY2016-7 PEDESTRIAN ACCESS EASEMENT DISCLAIMER OF INTEREST REQUEST**

4810 Lakes Edge Place in Garden City, Idaho: A request for the City of Garden City to disclaim interest to the pedestrian portion of a 5' wide Pedestrian and Emergency Access Easement on lot 54 of a 10' wide easement common to lots 53 and 54, Block 2 of Riverside Subdivision No. 3.

Your Name Carol Sanders

Date 7/26/2016

Your Physical Address: 4810 Lakes Edge Pl

(Please select) Regarding this application, I:  
 Support the Application  Am Neutral  Oppose the Request

Comments: I am one of the applicants

Signature: Carol Sanders

GENERAL SUGGESTIONS FOR TESTIFYING OR SUBMITTING WRITTEN TESTIMONY

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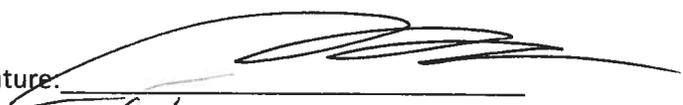
.....  
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4810 Lakes Edge Place in Garden City, Idaho: A request for the City of Garden City to disclaim interest to the pedestrian portion of a 5' wide Pedestrian and Emergency Access Easement on lot 54 of a 10' wide easement common to lots 53 and 54, Block 2 of Riverside Subdivision No. 3.

Your Name Glen Lowensen Date 7-26-16  
Your Physical Address: 4812 Lakes Edge Place

(Please select) Regarding this application, I:  
 Support the Application     Am Neutral     Oppose the Request

Comments:

Signature:   
Glen Lowensen

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Your Name Holly Lorensen Date July 25 2016  
 Your Physical Address: 4812 Lakes Edge Place Garden City, ID 83714

(Please select) Regarding this application, I:  
 Support the Application     Am Neutral     Oppose the Request

Comments:  
see attached letter and attachment

Signature: Holly Lorensen

Holly Lorensen  
4812 Lakes Edge Place  
Garden City, Idaho 83714

July 25, 2016

RE: EASFY2016-8 PEDESTRIAN ACCESS EASEMENT DISCLAMINER OF INTEREST REQUEST 4812  
Lakes Edge Place in Garden City, Idaho: A request for the City of Garden City to disclaim  
interest to the pedestrian portion of a 5' wide Pedestrain and Emrgency Access Easement on  
Lot 53 of f 10' wide easement common to lots 53 and 54 , Block 2 of Riverside Subdivision No. 3

City Hall Development Services  
6015 Glenwood Street  
Garden City, Idaho 83714

Dear Development Services Staff,

Glen and I built our home at 4812 Lakes Edge Place and took possession in August 1986. At that time, the Nature Path was privately owned by Riverside Village and much of the subdivision was not developed. There was little pedestrian traffic on the easement on the west side of my home. My home is a zero lot line patio home which shares a platted pedestrian easement with my neighbor at 4810 Lakes Edge Place. This easement is unique because it is the only easement in Riverside Village placed between two patio homes whose foundations are 14 (fourteen) feet apart. My home is graded about two feet higher than my neighbor's at 4810 Lakes Edge Place. The close proximity of the homes and the unusual topography has led to a massive water drainage issue affecting both properties. The collection of rainfall, runoff from my roof, and overlapping sprinkling by both homeowners has caused flooding of the easement and the front yard at 4810 Lakes Edge Place. Maintaining the five foot pedestrian easement has been untenable. Glen and I, after getting ACC committee approval, started to remedy this problem in spring of 1987. We had a professional landscape contractor bank up the soil at our foundation with retaining blocks and soil, add non-spreading upright shrubs, and replace existing sprinklers with drip irrigation. Glen and I have continued through the years to level the ground with the addition of soil to the easement by professional landscapers. We installed french drains on our neighbor's property with their permission to correct drainage issue. We paved a five foot wide path with packed granite in the pedestrian easement with ACC Committee and the previous neighbor's permission. We have replaced sod in the easement many times, but it is quickly destroyed. We have met all requirements of CC&R's Article IV. Section 4.08 EASEMENTS and tried to meet Article IV. Section 4.13 GRADING AND DRAINAGE specifications. All of our efforts have been fruitless and we cannot meet the CC&R drainage standards per consultation and work with many landscape contractors, nor can we meet the aesthetic requirement. All other easements in Riverside Village are between large lots and are level.

NOTE: Riverside Village CC&R's and Plat Map of our Easement are included in the Application Materials we submitted to Garden City on June 20, 2016.

There are currently five pedestrian easements in Riverside Village. The only open easement west of us is at 9009 W Riverside Drive. It has been closed to dogs by court order. This has diverted all dog walkers living west of us to our easement. There was also a pedestrian easement west of us in the Woods Subdivision. It was gated off a few years ago and is only accessible by Woods owners. Most homes in Riverside Village and subdivisions adjacent to Riverside Village are west of our home, so I believe our easement has the most pedestrian/dog traffic.

The Nature Path became a public park in the recent past and ALL easements in Riverside Village are being used as throughways by the public and adjoining subdivisions without restriction which is illegal per the CC&R Article IV, Section 4.08. This has created particular hardship to Glen, I, and our neighbor at 4810 Lakes Edge Place as we try to maintain our delicate path and to retain the aesthetic standard required in the CC&R's

We believe we meet the legal definition of hardship due to narrowness of path due to close proximity of our homes, uneven topography, natural obstructions prohibiting proper water drainage, hardship of maintaining aesthetic path, vastly increased foot traffic due to closure of the two contiguous pedestrian easement paths west of us, and illegal use of easement by residents of adjacent subdivisions. Thus, we applied for a Variance outlined in Riverside Village CC&R Article X Section 10.10 VARIANCES to restrict the traffic on our easement to rightful users, which are Riverside Village Homeowners and Guests as defined in CC&R Section 4.08. We asked for a gate with self closing hinges, and a coded keypad on both sides to protect our fragile private property by restricting use of it to rightful users. I presented the application for a Variance in a special RVHOA Board Meeting April 2, 2016 after 18 months of writing complaints to board. After the appeal meeting, we received a letter of Conditional Approval dated May 2, 2016 from Terry Copple, Esq. representing Sentry Management, Inc. (See Attachment #1) One of the stated conditions (2.6) was that we obtain a "Letter from an authorized official of Garden City disclaiming any jurisdiction or rights in the easement area.....". Therefore, we made the application to the city in June 2016 to disclaim interest in the 5 foot wide pedestrian easement on our joint property following instructions from Jenah Thornborrow of Development Services Department after speaking with Mayor Evans. The outcome of this application is the scheduled City Council Hearing on August 8, 2016.

A Special Membership Meeting of Riverside Village Homeowners was held on July 12, 2016 after all Owners were notified by US Mail. The agenda was for all residents to voice their opinion of our Variance application. The meeting was poorly attended and those present were very contentious and often out of order. Many owners were irate that they did not have the right to vote on the issue per regulation in CC&R Article X. A couple of owners contend the easement is totally public and must be NOT be restricted in any manner or have signage, although it is on private property.

We received a letter from the RVHOA Board on July 14, 2016 notifying us that our request for Variance was denied. The board advised us to apply to post a sign at our expense stating that the path is for RVHOA Owners Only. IF THE EASEMENT ON MY PRIVATE PROPERTY IS UNDER CONTROL OF THE HOA AND GARDEN CITY (WHICH THEY ASK ME TO DISPROVE IN THIS ACTION), CAN THE BOARD GIVE ME PERMISSION TO POST A SIGN WITHOUT CITY APPROVAL?

In summary, we wish the city to approve our application so that we may negotiate with the board to remedy of our easement problems within acceptable legal parameters and excuse Garden City's involvement.

Sincerely

A handwritten signature in cursive script that reads "Holly Lorenson". The signature is written in black ink and is positioned to the right of the word "Sincerely".

Holly Lorenson

*Davison, Copple, Copple & Copple, LLP*  
Attorneys at Law

Direct Contact:

Terry C. Copple  
Direct: (208) 472-4551

E-Mail: [tc@davisoncopple.com](mailto:tc@davisoncopple.com)  
<http://www.davisoncopple.com>

199 North Capitol Boulevard, #600  
Post Office Box 1583  
Boise, Idaho 83701

Telephone: (208) 342-3658  
Facsimile: (208) 386-9428

May 2, 2016

**SENT VIA EMAIL**

[tparrott@sentrymgt.com](mailto:tparrott@sentrymgt.com)

Tisha Parrott  
Community Association Manager  
Sentry Management, Inc.  
6149 S. Meeker Place, Ste. 150  
Boise, ID 83713

Re: Riverside Village Consent Agreement

Dear Tisha:

Enclosed herewith is a draft agreement for your review. As you review it, please note the following:

1. This is a form that we are providing to you in Word format so that you can alter it, as needed.
2. We have cast the agreement in the form of a consent for particular legal reasons so you may want to call me to discuss those reasons.
3. The Board of Directors should pass a resolution approving of the form once it gets to the point of being finalized.
4. The Architectural Control Committee may add additional terms and so that is the reason why we state that the Owner must sign off on any additional Architectural Control Committee conditions. Alternatively, you can add those conditions into the draft agreement at the time of the approval.
5. Please make sure that the correct address and lot number for the Owner is included in Paragraph 1 of the agreement.

rec'd  
5/2-16  
E  
143011007  
delivered  
by  
hand  
to  
Holly  
Coverson  
by  
Doreal  
Kochler

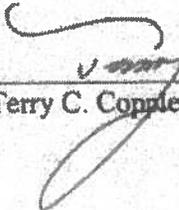
Tisha Parrott  
Sentry Management, Inc.  
May 2, 2016  
Page 2

6. Please also ensure that the right subdivision number is applicable as stated in Paragraph 2 of the agreement.

If you have any suggested changes or alterations to the agreement after your review thereof, please do not hesitate to contact me.

Very truly yours,

DAVISON, COPPLE, COPPLE & COPPLE, LLP

By: 

Terry C. Copple, of the firm

TCC/ms  
Enclosure

## CONSENT TO INSTALLATION OF GATE

THIS CONSENT TO INSTALLATION OF GATE ("Agreement") is made and entered into this \_\_\_ day of \_\_\_\_\_, 20\_\_\_, by and between the RIVERSIDE VILLAGE HOME OWNERS ASSOCIATION, INC., an Idaho non-profit corporation (hereinafter referred to as "HOA"); and \_\_\_\_\_ (hereinafter collectively referred to as "Owner").

### BACKGROUND

1. Owner is the record owner of real property located by street address at \_\_\_\_\_, Boise, Idaho, and also being known as Lot \_\_\_, Block \_\_\_ of the Riverside Village Subdivision No. \_\_\_; and

2. The HOA is the duly appointed homeowners' association for the Riverside Village Subdivision No. \_\_\_ in accordance with the terms of the Amended and Restated Declaration of Covenants, Conditions, Restrictions and Easements dated on or about November 10, 2007; and

3. Owner desires to install a locked and coded gate in accordance with the terms of the Owner's application submitted to the Architectural Control Committee ("ACC") for a consent to such action by the HOA; and

4. The ACC of the HOA has granted its consent to the construction of the gate in accordance with the plans and specifications submitted to the ACC of the HOA, provided Owner complies with the terms and conditions set forth in this Agreement with regard to its location, construction and maintenance; and

5. Owner is willing to comply with all of the conditions established by the ACC of the HOA as set forth in the terms of this Agreement and the HOA is willing to enter into this Agreement and grant its consent upon compliance by Owner with the conditions set forth in this Agreement.

NOW THEREFORE, in consideration of the terms and conditions of this Agreement, and other valuable consideration, the receipt and sufficiency of which is hereby acknowledged by the parties, it is hereby agreed as follows:

1. HOA Consent. HOA hereby grants its consent to Owner to installing at Owner's sole expense a coded and locked gate in accordance with the terms of this Agreement.

2. Conditions To Be Satisfied Prior To Construction Of Gate. Owner agrees that Owner shall deliver to the HOA all of the following documents and information prior to the commencement of construction, along with a fully Owner executed copy of this Agreement for execution by the HOA:

2.1 Complete plans and specifications for the construction of the gate and all improvements being constructed by Owner on or about the location of the proposed gate. The plans and specifications should specify the building materials to be used, including fence materials, gates, posts, cut sheets, lock set and hinges.

2.2 Site plan showing the exact location of the construction of the gate and related improvements which location shall not be altered or changed by Owner after the execution of this Agreement by the HOA. Owner agrees that Owner shall not expand the improvements in any way that have been consented to by the HOA.

2.3 A true and accurate copy of the construction contract with the contractor who will be performing the installation work for the gate and related improvements.

2.4 Copy of the written approval of the ACC of the HOA signed and initialed on each page by Owner thereby signifying Owner's approval of the other terms and conditions thereof, if any, and Owner's agreement to comply with those conditions.

2.5 All access codes for the coded and locked gate shall be provided to the HOA who shall provide the access codes to all members of the HOA and such other parties as the HOA may determine in its sole and absolute discretion.

2.6 Letter from an authorized official of Garden City disclaiming any jurisdiction or rights in the easement area of the gate and confirming in writing that Garden City has no objections to the installation of the gate and that the proposed construction complies with the applicable building codes of Garden City.

2.7 Certificate of liability insurance wherein the HOA is listed as an additional insured on the Owner's liability policy with coverage in an amount of not less than \$1,000,000.00.

2.8 Owner at Owner's sole cost shall post a sign at the location of the proposed gate providing notice that the gate area is accessible to HOA members, their guests and other authorized parties.

2.9 The gate and related improvements constructed by Owner shall be at Owner's own risk.

3. Construction And Maintenance. Owner hereby agrees with the HOA that the gate and related improvements shall be constructed in compliance with all building code requirements of Garden City and shall be constructed entirely on the real property owned by Owner and shall not encroach upon any other owner's property unless such other owner agrees to the terms of this Agreement. The gate and related improvements shall be constructed strictly in compliance with the terms of the plans and specifications provided to the HOA. The gate and all improvements shall remain in compliance with all other requirements of the ACC of the HOA. After construction, the Owner shall maintain, repair and replace the gate and related improvements as constructed at the sole cost of Owner and shall keep the gate and improvements in an attractive, neat, and safe condition.

4. Indemnity.

4.1 Owner and for Owner's successors, assigns, transferees, grantees and heirs does hereby indemnify, hold harmless and shall defend the HOA against any claims which may arise or be asserted against the HOA by any member of the HOA or any member of the public or other third party for any bodily injury, death, or property damage arising out of the installation, ownership, management, repair, and replacement of the gate and related improvements. This indemnity shall specifically include defending the HOA against any such claim at the sole expense and cost of Owner without contribution from the HOA.

4.2 If any third party institutes litigation claiming that the installation of Owner's gate and related improvements is unlawful, unauthorized, or impairs their alleged access rights and the HOA is joined as a party in such litigation, then Owner agrees to defend the HOA at Owner's sole cost and expense with the HOA's attorney to be selected by the HOA. Failure to so defend the HOA can result in the termination of this Agreement by the HOA.

4.3 Owner acknowledges and agrees that the terms of this indemnity shall survive any cancellation or termination of this Agreement for any cause. In further consideration of the terms of this Agreement, Owner does hereby release the HOA for any claim, cause of action, or allegation of damage arising out of the consent to the installation of the gate and related improvements.

5. Control Of Gate And Related Improvements. Owner acknowledges and confirms that the installation of the gate and its maintenance and repair shall be under the exclusive control of the Owner, subject to the terms herein, and that the HOA shall have no duty to repair, maintain, or otherwise operate the gate, or any related improvements.

6. Termination. Either party shall be entitled to terminate the terms of this Agreement upon a breach of the other party of the terms thereon after five (5) days' written notice of default to the other party. Notwithstanding the foregoing, either party may terminate this Agreement upon sixty (60) days' notice to the other party. In the event that this Agreement is terminated, Owner shall promptly, at Owner's sole cost and expense, remove the gate and related improvements and restore the real property at the location of the gate back to its original condition as if the gate and related improvements had never been installed.

7. Access Through Gate. Owner agrees, as a material term of this Agreement, that the coded gate shall remain open for access at all times of the day and night, 365 days a year, to the members of the HOA, their guests and those third parties whom the HOA has provided the current code to as part of this Agreement.

8. Change In Code. Owner agrees that Owner shall not change the access code on the locked gate until it has given at least five (5) days' written notice to the HOA in order to allow the HOA to disseminate the new code to its members and those third parties as it may elect.

9. Limited Nature Of Agreement. This Agreement constitutes the consent of the HOA to the construction of the gate and related improvements and does not vest any rights, property interest, or ownership interest whatsoever in any property or property interests owned or held by the HOA and is limited to the consent as herein set forth.

10. Costs. In the event that either party to this Agreement is compelled to institute litigation to enforce the terms thereof, the prevailing party in any such litigation or any appeal thereof shall be entitled to an award of reasonable costs and attorneys' fees.

11. Binding Effect. This Agreement shall be binding upon the parties' transferees, assignees and grantees.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement the day and year first above written.

OWNER:

\_\_\_\_\_  
\_\_\_\_\_

HOA:

RIVERSIDE VILLAGE HOME OWNERS ASSOCIATION, INC.

By: \_\_\_\_\_  
Its: \_\_\_\_\_