



**TO: BOARD OF ADA COUNTY COMMISSIONERS**

**HEARING DATE: April 6, 2016**

**STAFF: Kristy Inselman, Associate Planner**

**PROJECT NO.: 201600210 PBA-V, Property Boundary Adjustment & Variance**

**APPLICANT: Brian Callahan**

### **INTRODUCTION**

An application for property boundary adjustment and a variance to grant relief from development standards for platted lots in a property boundary adjustment to be in substantial conformance to the recorded plat; specifically to allow for the property boundary adjustment to have a deviation greater than 25% in dimensional standards. The properties contain 18.1-acres and are located on the north side of King Road, east of Locust Grove Road in the Braithwait Subdivision in Section 29, T.2N R.1E.

### **EXECUTIVE SUMMARY**

The applicant is requesting a property boundary adjustment of property lines between Lots 3, 4, and 5 and Lot 2, Block 1 of Braithwait Subdivision. The applicant is also seeking a variance for relief from the development standard that requires platted lots that are part of a property boundary adjustment to be in substantial conformance with the recorded plat and not exceed 25% in dimensional standards. With substantial conformance, the parcels could only be adjusted by 25% up to a maximum of 1.25 acres from the existing 1-acre. However, the allowance of 25% does not provide enough land to adjust the property lines to include the agricultural easement areas granted to each of the residential lots on the recorded plat and subsequently deeded to the property owners in 1998. Adjusting the property lines to include the agricultural easement areas identified on the Braithwait Subdivision plat would correct the existing issue of illegally created lots, allow the property owners to utilize the land they were deeded, and would leave Lot 2, Block 1 with 10.26 acres, which meets the dimensional standard for the Rural Residential (RR) designation.

It should be noted that the Board has approved similar variances in the past. In 2015 and 2014, the Board approved variances (Project #201500685-PBA-V & #2014000952-PBA-V) for relief from the development standard for platted lots that are part of a property boundary adjustment; specifically for the property boundary adjustment to not be in substantial conformance by having a deviation greater than 25% in dimensional standards. The variance for the 2015 application was needed to correct the issue of split zoning and site constraints with a canal that bisects the property. The variance for the 2014 application was needed for a property boundary adjustment between a residential lot and a common lot in a non-farm subdivision.

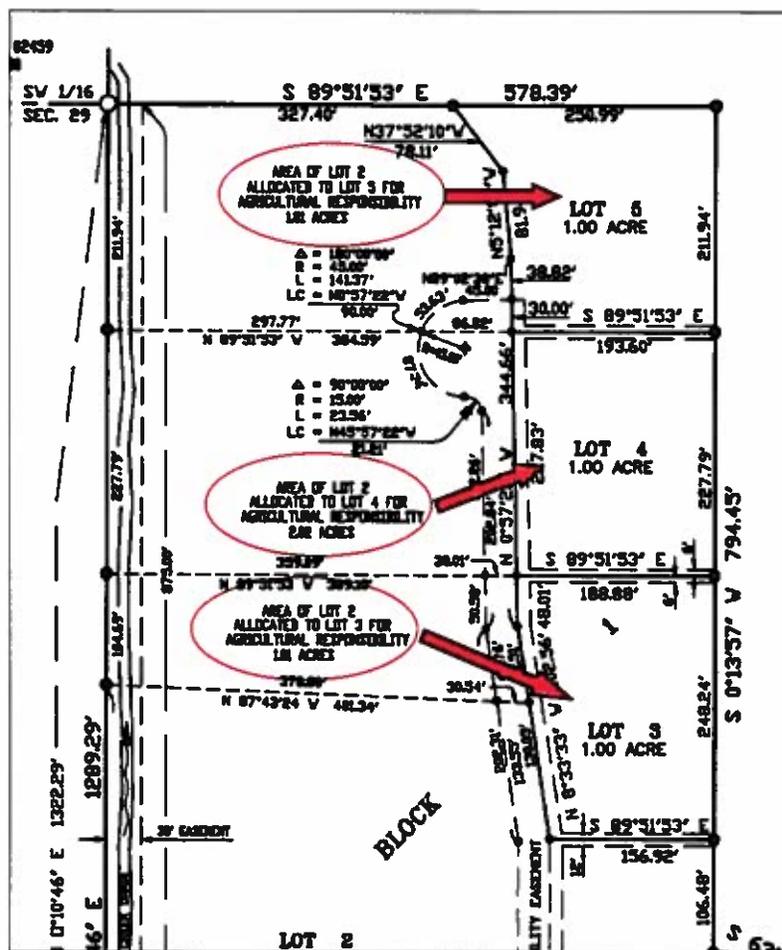
**SITE HISTORY:**

Braithwait Subdivision is a non-farm residential subdivision that was recorded on February 26, 1998 and is zoned Rural Residential (RR). Braithwait Subdivision consists of four (4) residential lots and one (1) open space lot. The open space lot was deed restricted for fifteen (15) years, which expired in 2013.

After the plat was recorded, deeds were created in 1998 transferring ownership of portions of Lot 2 to the owners of Lots 3, 4 & 5. At the time, the Assessor did not process the deeds due to plat note #4's deed restriction. The deeds transferring ownership of portions of Lot 2 created an illegal subdivision. On October 1, 1999, Ada County Development Services issued a letter (Exhibit #13) to Lee and Rayan Braithwait stating that the Warranty Deed transfers of the deed restrict Lot 2 Block 1 were in violation of provisions of Section 8-4B-7E(1)(a) and Section 8-4B-7E(1)(f)(4) of the Ada County Code.

In February 2015, the Ada County Assessor's office processed the deeds because the deed restriction for Lot 2, Block 1 had expired. Lot 2 now contains four parcels that are not in conformance with Ada County Code, creating an illegal subdivision, resulting in the property not being eligible to receive any building permits.

On the recorded plat for Braithwait Subdivision, agricultural easement areas were identified on the plat located within Lot 2, Block 1, for use and responsibility by the residential lots located adjacent to each easement area. The property owners wished to have legal title to the agriculturally allocated easement areas identified on the plat as shown below, and subsequent deeds included the easement areas were recorded:



The Owners of lots 3, 4, and 5 desire the ability and opportunity to receive title to the portions of Lot 2 allocated parcels which abut and are contiguous to their lots. This will increase the total area of each of the lots. Lot 3 will increase from 1-acre to 2.01 acres in size, Lot 4 will increase from 1-acre to 3.02 acres in size, and Lot 5 will increase from 1-acre to 2.81 acres in size.

The agricultural easement areas were deeded to the owners of lots 3, 4 & 5 beginning in 1998 and continuing on all subsequent deeds as follows:

- **Lot 3, Block 1** (Inst #98029307 – March 31, 1998, Inst #104066884 – May 28, 2004, Inst #105052102 – April 27, 2005, Inst #2014088468 – October 30, 2014) – Exhibit #10
- **Lot 4, Block 1** (Inst #98029308 – March 31, 1998, Inst #111071483 – September 2, 2011) – Exhibit #11
- **Lot 5, Block 1** (Inst #98043269 – May 5, 1998, Inst #98066482 – July 10, 1998, Inst #98095191 – October 2, 1998, Inst #109005324 – January 16, 2009) – Exhibit #12

At the time this staff report was written, the following agencies have provided comments: Ada County Building Division, Boise Project Board of Control, Central District Health, and Ada County Engineering/Surveying Division. The Ada County Building Official responded that in Exhibit #17 the Building Division has no objection to the proposed property boundary adjustment and variance. Boise Project Board of Control replied in Exhibit #19 that they have no objection to the mentioned property easement adjustment proposal. There are no Boise Project facilities located on the above mentioned properties; however, they do in fact possess a valid water right. Local irrigation/drainage ditches that cross this property, in order to serve neighboring properties, must remain unobstructed and protected by an appropriate easement. Central District Health replied in Exhibit #20 that they have no objection to the proposal. However, no buildings shall be allowed on these acquired areas until approved by CDHD. Any building may require ground water monitoring and Nutrient Pathogen Study. The Ada County Engineer stated in Exhibit #23 that the applicant shall submit a draft copy of the Record of Survey for the PBA to this office for review prior to recording. Said R.O.S. shall identify each resultant "Parcel" by a unique name (ie: Parcel A, Parcel B, etc.). The applicant shall submit a draft of the revised Maintenance Agreement for the Private Road (S. Braithwait Ln.) that updates the responsibilities established in the CC&R's of Braithwait Subdivision (Inst# 98020488)..

### RECOMMENDATION

Based upon Staff's review of the application, staff concludes that this application complies with the Ada County Code and recommends approval to the Board as set out in the proposed Findings of Fact and Conclusions of Law attached hereto.

The Board should consider the evidence and testimony presented during the public hearing prior to rendering its decision concerning this application.

### EXHIBIT LIST – PROJECT NO. 201600210 PBA-V:

1. Pre-Application Notes dated December 30, 2015 – 3 pages
2. Master Application and Checklists submitted February 18, 2016 – 7 pages
3. Detailed Letter for Variance submitted February 18, 2016 – 3 pages
4. Detailed Letter for Property Boundary Adjustment submitted February 18, 2016 – 2 pages
5. Braithwait Subdivision Plat submitted February 18, 2016 – 2 pages
6. Aerial submitted February 18, 2016 – 1 page

7. Neighborhood Meeting Certification submitted February 18, 2016 – 2 pages
8. Lot 1, Block 1 (Braithwait Sub) Deeds submitted February 18, 2016 – 1 page
9. Lot 2, Block 1 (Braithwait Sub) Deeds submitted February 18, 2016 – 3 pages
10. Lot 3, Block 1 (Braithwait Sub) Deeds submitted February 18, 2016 – 8 pages
11. Lot 4, Block 1 (Braithwait Sub) Deeds submitted February 18, 2016 – 5 pages
12. Lot 5, Block 1 (Braithwait Sub) Deeds submitted February 18, 2016 – 8 pages
13. Letter from Ada County Development Services dated October 1, 1999 – 1 page
14. Existing CC&R's for Braithwait Subdivision – 2 pages
15. Vicinity/Aerial Maps – 2 pages
16. Agency Transmittal dated February 22, 2016 – 2 pages
17. Memo from Building Official dated February 22, 2016 – 1 page
18. Submittal Letter to Applicant dated March 2, 2016 – 1 page
19. Letter from Boise Project Board of Control received March 2, 2016 – 1 page
20. Memo from Central District Health Department received March 3, 2016 – 1 page
21. Radius Notice sent on March 3, 2016 – 2 pages
22. Radius Map & Mailing List – 2 pages
23. Memo from the Ada County Engineer dated March 11, 2016 – 1 page
24. Legal Notice of Public Hearing published on March 22, 2016 – 1 page
25. Site Posting Certification and Photos dated March 18, 2016 – 2 pages

## 5. Pre-Application Conference Notes



### ADA COUNTY DEVELOPMENT SERVICES

200 W. FRONT STREET  
BOISE, IDAHO 83702-7300  
PHONE (208) 287-7900

#### PREAPPLICATION CONFERENCE NOTES

**Preapplication Number: 201501192 - PREAP - A**

Status: Active

Date Received: 12/22/2015

Date Closed:

Meeting Date: 12/30/2015 Date Assigned: 12/22/2015

Project Description:

Applicant's Name:  
KULCHAK CRAIG

Discuss Property Boundary Adjustment and variance applications in order to correct an illegal subdivision.

No. of Lots/Units: 0 Total Acres:

**Development Services Staff Assigned To Meeting:**

Staff Name:	Attended Meeting?
KRISTY INSELMAN	<input checked="" type="checkbox"/>
MARK PERFECT	<input checked="" type="checkbox"/>

Unique Features:

Sewer/Septic:

Water/Well:

General Property Location:

**Parcel Info:**

**Zone Info:**

**Twn / Rng / Sec Info:**

**Overlay Areas Info:**

Comp Plan:

**Agencies To Contact:**

Agency Name:  
ADA COUNTY HIGHWAY DISTRICT/ PLANNING DEPT - (208)-387-6170

Contact Person:  
LITTLE CHRISTY

Comments:

CENTRAL DISTRICT HEALTH DEPARTMENT - (208)-327-8517

RENO MIKE

Comments:

IDAHO POWER COMPANY - (208)-388-2699

HORNSBY COURTNEY

Comments:

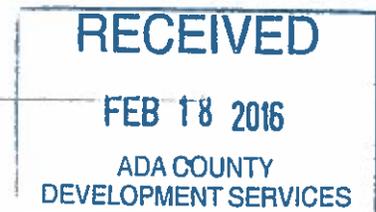
**Proposed Allowed Uses:**

Dwelling, single-family detached

**Required Applications:**

App Type:	Descriptive Name:
PBA	PROPERTY BOUNDARY ADJUSTMENT
V	VARIANCE

**Notes:**



12/30/2015

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## ADA COUNTY DEVELOPMENT SERVICES

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### PREAPPLICATION CONFERENCE NOTES

The properties are located in the RR zone, in the Brathwait Subdivision

#### 8-4C-3: PROCESS:

A. Application: An application and fees, as set forth in chapter 7, article A of this title, shall be submitted to the director on forms provided by the development services department.

B. Tentative Approval; Requirements: Upon tentative approval of the application by the director subject to any applicable conditions of approval and the regulations of subsection 8-7-2A of this title, the applicant or owner shall have one year to complete the following tasks:

1. Cause the property to be surveyed and a record of survey recorded.
2. Execute and record the necessary deeds to accomplish the property boundary adjustments as approved;
3. Obtain new tax parcel numbers from the Ada County assessor; and
4. Provide copies of the recorded record of survey, recorded deeds, and the new tax parcel numbers to the director.

C. Issuance Of Approval Letter: Upon determination by the director that the final property boundary adjustment is in conformance with this article, the director shall issue a letter stating that the property boundary adjustment has received final approval. (Ord. 389, 6-14-2000; amd. Ord. 490, 4-9-2003)

#### 8-4C-4: STANDARDS:

A. A property boundary adjustment shall not reduce the property size below the minimum dimensional standards prescribed by this title including regulations for individual wastewater treatment systems and wells as set forth in section 8-4A-22 of this chapter.

B. If one or more of the properties is nonconforming as to the minimum dimensional standards prescribed by this title, the property boundary adjustment shall not increase the nonconformity.

C. A property boundary adjustment shall not increase the original number of properties.

D. A property boundary adjustment shall not change or move any public streets, private roads, easements, or publicly dedicated areas in any manner.

E. The property boundary adjustment shall not constitute a relocation of a property.

F. For platted lots, the property boundary adjustment shall be in substantial conformance to the recorded plat. (Ord. 389, 6-14-2000; amd. Ord. 490, 4-9-2003)

#### 8-4C-5: REQUIRED FINDING:

In order to approve the application, the decision making body shall find that the proposed property boundary adjustment complies with the standards in section 8-4C-4 of this article. (Ord. 389, 6-14-2000)

#### **A** Variance: -7-4: VARIANCES:

Applications for floodplain variance shall comply with the regulations of section 8-3F-11 of this title and are not subject to the regulations of this section.

#### A. Process:

1. An application and fees, as set forth in article A of this chapter, shall be submitted to the director on forms provided by the development services department.
2. The board shall apply the standard listed in subsection B of this section and the findings listed in subsection C of this section to review the variance.

B. Standard: The variance shall comply with Idaho Code section 67-6516.

C. Required Findings: In order to grant a variance, the board shall make the following findings:

1. The variance shall not grant a right or special privilege that is not otherwise allowed in the base district;
2. The variance relieves an undue hardship due to characteristics of the site; and

12/30/2015

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**ADA COUNTY  
DEVELOPMENT SERVICES**

200 W. FRONT STREET  
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PHONE (208) 287-7900

**PREAPPLICATION CONFERENCE NOTES**

3. The variance shall not be detrimental to the public health, safety, and welfare. (Ord. 389, 6-14-2000; amd. Ord. 738, 2-23-2010)

**Meeting Notes:**

The applicant would need to submit a property boundary adjustment and variance application. The property boundary adjustment is needed to combine the properties together.

The variance is needed to address the finding for the property boundary adjustment regarding dimensional standards.

Both applications will run concurrently and it will be a public hearing item before the Board of County Commissioners.

Staff recommend that they contact the assessor's office regarding the existing ag exemption on these properties.

**Additional Preap Conference:** Not Recommended

**Neighborhood Meeting Required?** No

**Cross References:**



# MASTER APPLICATION/PETITION REQUEST

ADA COUNTY DEVELOPMENT SERVICES

200 W. Front Street, Boise, Idaho 83702. www.adaweb.net phone: (208) 287-7900 fax: (208) 287-7909

### TYPE OF ADMINISTRATIVE APPLICATION:

- ACCESSORY USE\*
- FARM DEVELOPMENT RIGHT
- FLOODPLAIN PERMIT
- HILLSIDE DEVELOPMENT\*
- HIDDEN SPRINGS ADMINISTRATIVE
- HIDDEN SPRINGS SPECIAL EVENT
- LIGHTING PLAN
- LANDSCAPE PLAN
- DRAINAGE PLAN
- MASTER SITE PLAN\*
- EXPANSION NONCONFORMING USE
- ONE TIME DIVISION
- PRIVATE ROAD
- PROPERTY BOUNDARY ADJUSTMENT
- PLANNED UNIT DEVELOPMENT (PUD)
- SIGN PLAN
- TEMPORARY USE\*

### TYPE OF HEARING LEVEL APPLICATION:

- CONDITIONAL USE
- DEVELOPMENT AGREEMENT
- SUBDIVISION, PRELIMINARY\*
- PLANNED COMMUNITIES\*
- SUBDIVISION, SKETCH PLAT\*
- VACATION
- VARIANCE
- ZONING MAP AMENDMENT
- ZONING TEXT AMENDMENT

### TYPE OF HEARING LEVEL PETITION:

- COMPREHENSIVE PLAN MAP OR TEXT AMENDMENT PETITION CHECKLIST

### TYPE OF ADDENDA:

- APPEAL
- ADMINISTRATIVE MODIFICATION
- DEVELOPMENT AGREEMENT MODIFICATION
- FINAL PLAT
- TIME EXTENSION



### REQUIRED SUBMITTALS:

- CHECKLIST for applicable application(s). If multiple applications, do not duplicate submittals.
- \*SUPPLEMENTAL WORKSHEET REQUIRED

### SITE INFORMATION:

Section: SE ¼ SW ¼ Sec. 29 Township: 2N. Range: 1E. Total Acres: 20.6  
 Subdivision Name: Braithwait Subdivision Lots: 1, 2, 3, 4, 5 Block 1  
 Site Address: 3878 E. King Road City: Kuna  
 Tax Parcel Number(s): R1060700100, R1060700210, 1060700230, 1060700240, 1060700250,  
 1060700300, 1060700400, 1060700500  
 Existing Zoning: RR Proposed Zoning: RR Area of Impact: Kuna  
 Overlay District: Kuna

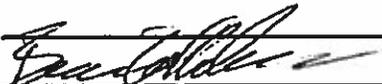
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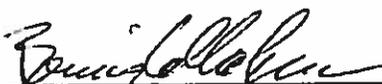
Project #: 201600210-V-7BA	Planning Fees/GIS: V 550.00	Engineering Fees: —
Received By: BA Date: 2/18/16 Stamped <input checked="" type="checkbox"/>	309.00	

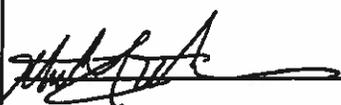
# 859.00

VERSION 2013-09

- 1 -

<b>APPLICANT/AGENT:</b>	<b>ADDITIONAL CONTACT if applicable:</b>
Name: Brian Callahan	Name: Doug Unger
Address: 1230 South Braithwait Lane City: Kuna, ID 83634	Address: 910 Main Street, Suite 310 City: Boise, ID 83702
Telephone: 208.362.4244 Fax: 208.362.4190 Email: <a href="mailto:bcallahan@capaving.com">bcallahan@capaving.com</a>	Telephone: 208.433.9395 Fax: 208.433.9395 Email: <a href="mailto:dunger@mat-eng.com">dunger@mat-eng.com</a>
I certify this information is correct to the best of my knowledge.	<b>ENGINEER/SURVEYOR if applicable:</b> Name: Doug Unger - Matrix Engineering, Inc. Address: 910 Main Street Suite 310 City: Boise, ID 83702 Telephone: 208.433.9395 Fax: 208.433.9395 Email: <a href="mailto:dunger@mat-eng.com">dunger@mat-eng.com</a>
 Signature: (Applicant)	1/26/16 Date

<b>OWNER(S) OF RECORD:</b>	<b>ADDITIONAL CONTACT if applicable:</b>
Name: Brian Callahan & Heather Callahan	Name: _____
Address: 1230 South Braithwait Lane	Address: _____
City: Kuna, ID 83634	City: _____
Telephone: 208.362.4244 Fax: 208.362.4190 Email: <a href="mailto:bcallahan@capaving.com">bcallahan@capaving.com</a>	Telephone: _____ Fax: _____ Email: _____
I consent to this application, I certify this information is correct, and allow Development Services staff to enter the property for related site inspections. I agree to indemnify, defend and hold Ada County and its employees harmless from any claim or liability resulting from any dispute as to the statements contained in this application or as to the ownership of the property, which is the subject of this application. to the best of my knowledge.	<b>ENGINEER/SURVEYOR if applicable:</b> Name: _____ Address: _____ City: _____ Telephone: _____ Fax: _____ Email: _____
 Signature: (Applicant)	1/26/16 Date

OWNER(S) OF RECORD:	ADDITIONAL CONTACT if applicable:
Name: Mark Munson & Janelle Munson	Name: _____
Address: 1300 South Braithwait Lane	Address: _____
City: Kuna, ID 83634	City: _____
Telephone: <u>208.863.3112</u>	Telephone: _____ Fax: _____
Fax: _____	Email: _____
Email: <u>Aawcole@live.com</u>	
I consent to this application, I certify this information is correct, and allow Development Services staff to enter the property for related site inspections. I agree to indemnify, defend and hold Ada County and its employees harmless from any claim or liability resulting from any dispute as to the statements contained in this application or as to the ownership of the property, which is the subject of this application to the best of my knowledge.	ENGINEER/SURVEYOR if applicable:
	Name: _____ Address: _____ City: _____ Telephone: _____ Fax: _____ Email: _____
 _____	
Signature: (Applicant) _____ Date <u>1-25-15</u>	

OWNER(S) OF RECORD:	ADDITIONAL CONTACT if applicable:
Name: Bennie Howard & Heather Howard	Name: _____
Address: 1360 South Braithwait Lane	Address: _____
City: Kuna, ID 83634	City: _____
Telephone: <u>(208) 573-6886</u>	Telephone: _____ Fax: _____
Fax: _____	Email: _____
Email: <u>nhowe@live.com</u>	
I consent to this application, I certify this information is correct, and allow Development Services staff to enter the property for related site inspections. I agree to indemnify, defend and hold Ada County and its employees harmless from any claim or liability resulting from any dispute as to the statements contained in this application or as to the ownership of the property, which is the subject of this application to the best of my knowledge.	ENGINEER/SURVEYOR if applicable:
	Name: _____ Address: _____ City: _____ Telephone: _____ Fax: _____ Email: _____
 _____	
Signature: (Applicant) _____ Date <u>1/26/2016</u>	

<b>OWNER(S) OF RECORD:</b>	<b>ADDITIONAL CONTACT if applicable:</b>
Name: Steven E. Jensen – Heritage Trust	Name: _____
Address: 3878 East King Road	Address: _____
City: Kuna, ID 83634	City: _____
Telephone: 208.761.9267	Telephone: _____ Fax: _____
Fax: _____	Email: _____
Email: _____	
I consent to this application, I certify this information is correct, and allow Development Services staff to enter the property for related site inspections. I agree to indemnify, defend and hold Ada County and its employees harmless from any claim or liability resulting from any dispute as to the statements contained in this application or as to the ownership of the property, which is the subject of this application to the best of my knowledge.	<b>ENGINEER/SURVEYOR if applicable:</b>
	Name: _____
	Address: _____
	City: _____
	Telephone: _____ Fax: _____
	Email: _____
<i>Steven E. Jensen</i> 2-11-2016	
Signature: (Applicant)	Date

ALL OWNER(S) OF RECORD (ON THE CURRENT DEED) MUST SIGN

# ADA COUNTY DEVELOPMENT SERVICES

200 w. Front Street, Boise, ID 83702 [www.adaweb.net](http://www.adaweb.net) phone: (208)287-7900 fax: (208)287-7909



## VARIANCE CHECKLIST (ACC 8-7-4)

A Variance request requires a public hearing.

### GENERAL INFORMATION:

Applicant	Description	Staff
X	One paper copy and one electronic copy of all required submittals.	
X	Completed and signed Master Application.	
X	<b>DETAILED LETTER</b> by the applicant fully describing the request of project and addressing the following:	
X	✓ Reason for the variance. Be specific.	
X	✓ Explain how the variance does not grant a right of special privilege that is not otherwise allowed in the base district.	
X	✓ Explain how the variance relieves an undue hardship due to the characteristics of the site.	
X	✓ Explain how the variance is not detrimental to the public health, safety, ad welfare.	
X	✓ What is the hardship if the variance is denied?	
X	✓ Are there characteristics of the property that are usual and make is necessary to obtain the variance?	
X	✓ Were you aware of this hardship prior to purchasing or developing the property?	
X	✓ How does the request comply with Idaho Code 67-6516?	
X	<b>CURRENT SITE PLAN</b> One reduced copy to 8 ½ x 11.	
X	<b>DEED</b> or evidence of proprietary interest.	
X	<b>NEIGHBORHOOD MEETING CERTIFICATION</b>	
X	<b>PRE-APPLICATION CONFERENCE NOTES</b>	
X	<b>MUST COMPLY WITH SIGN POSTING REGULATIONS (ACC8-7A-5)</b>	
X	<b>APPLICATION FEE:</b> Call County for Current Planning Fee or go to <a href="http://www.adaweb.net">www.adaweb.net</a> for fees.	

*APPLICATIONS WILL NOT BE ACCEPTED UNLESS ALL APPLICABLE ITEMS ON THE FORMS ARE SUBMITTED.*

# ADA COUNTY DEVELOPMENT SERVICES

200 w. Front Street, Boise, ID 83702 [www.adaweb.net](http://www.adaweb.net) phone: (208)287-7900 fax: (208)287-7909

## PROPERTY BOUNDARY ADJUSTMENT CHECKLIST (ACC 8-4C)

A Property Boundary Adjustment request is a staff level application.

### GENERAL INFORMATION:

Applicant	Description	Staff
X	One paper copy and one electronic copy of all required submittals.	
X	Completed and signed Master Application.	
X	<b>DETAILED LETTER</b> by the applicant fully describing the request of project and addressing the following:	
X	✓ Reason for the property boundary adjustment.	
X	✓ Is a vacation or variance involved with the property boundary adjustment? YES ( xx ) NO ( )	
X	<b>SITE PLAN</b> showing all existing and proposed easements, property lines, adjusted property lines, and structures drawn to scale on 8 ½" x 11" paper.	
X	<b>DEED</b> or evidence of proprietary interest.	
X	<b>SITE INFORMATION PROPERTY #1</b>	
	Location: Ada County	
	Site Address: 3878 E. King Road, Kuna, ID 83634	
	¼ Section: SW Section: 29 Township: 2N Range: 1E	
	Total Acres: 1.75	
	Subdivision Name: Braithwait Subdivision	
	Lot: 1 Block: 1	
	Tax Parcel Number(s): R1060700100	
	Zoning: RR	
	Area of City Impact: Kuna	
X	Owner(s) of record (All owners must sign master application.) Steven E. Jensen Heritage Trust	
X	<b>SITE INFORMATION PROPERTY #2</b>	
	Location: Ada County	
	Site Address: S. Braithwait Lane	
	¼ Section: SW Section: 29 Township: 2N Range: 1E	
	Total Acres: 15.11	
	Subdivision Name: Braithwait Subdivision	
	Lot: 2 Block: 1	
	Tax Parcel Number(s): R1060700250 – 1.81 AC (Brian L. Callahan) R1060700210 – 10.26 AC (Brian L. Callahan) R1060700240 – 2.02 AC (Mark J. Munson) R1060700230 – 1.01 AC (Bennie N. Howard)	
	Zoning: RR	
	Area of City Impact: Kuna	
X	Owner(s) of record (All owners must sign master application.) Brian L. Callahan Mark J. Munson Bennie N. Howard	

X	<b>SITE INFORMATION PROPERTY #3</b>	
	Location: Ada County	
	Site Address: 1360 S. Braithwait Lane, Kuna, ID 83634	
	¼ Section: SW Section: 29 Township: 2N Range: 1E	
	Total Acres: 1.00	
	Subdivision Name: Braithwait Subdivision	
	Lot: 3 Block: 1	
	Tax Parcel Number(s): R1060700300	
	Zoning: RR	
	Area of City Impact: Kuna	
X	Owner(s) of Record (All owners must sign master application.) Bennie N. Howard	
X	<b>SITE INFORMATION PROPERTY #4</b>	
	Location: Ada County	
	Site Address: 1300 S. Braithwait Lane, Kuna, ID 83634	
	¼ Section: SW Section: 29 Township: 2N Range: 1E	
	Total Acres: 1.00	
	Subdivision Name: Braithwait Subdivision	
	Lot: 4 Block: 1	
	Tax Parcel Number(s): R1060700400	
	Zoning: RR	
	Area of City Impact: Kuna	
X	Owner(s) of record (All owners must sign master application.) Mark J. Munson	
X	<b>SITE INFORMATION PROPERTY #5</b>	
	Location: Ada County	
	Site Address: 1230 S. Braithwait Lane, Kuna, ID 83634	
	¼ Section: SW Section: 29 Township: 2N Range: 1E	
	Total Acres: 1.00	
	Subdivision Name: Braithwait Subdivision	
	Lot: 5 Block: 1	
	Tax Parcel Number(s): R1060700500	
	Zoning: RR	
	Area of City Impact: Kuna	
X	Owner(s) of record (All owners must sign master application.) Brian L. Callahan	
X	<b>APPLICATION FEE:</b> Call County for Current Planning Fee or go to <a href="http://www.adaweb.net">www.adaweb.net</a> for fees.	

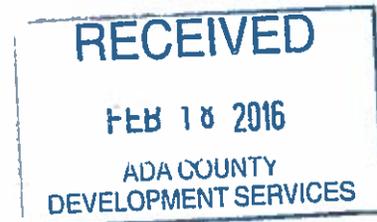
APPLICATIONS WILL NOT BE ACCEPTED UNLESS ALL APPLICABLE ITEMS ON THE FORMS ARE SUBMITTED.

**1.a Detailed Letter Specific to Variance Checklist (ACC8-7-4)**



January 22, 2016

Mark Perfect, Planning & Zoning Administrator  
Kristy Inselman, Associate Planner  
Ada County Development Services  
200 West Front Street  
Boise, ID 83702



**RE: Braithwait Subdivision - Title Transfer and Conveyance of Deed-Restricted, Open-Space Allocated Lot 2  
Detailed Letter for Variance Checklist**

Parcels No.: R1060700100, R1060700210, R1060700230, R1060700240, R1060700250, R1060700300, R1060700400, R1060700500  
*Pre-application Number: 201501192-PREAP-A*

Dear Mark & Kristy:

Matrix Engineering, on behalf of Brian Callahan, and the residential property owners in the Braithwait Subdivision, provide the following responses to address the Detailed Letter requirement of the Variance Checklist (ACC8-7-4):

***Reason for the variance. Be specific.***

→ At the time the Braithwait Subdivision Plat was filed a condition existed in which Lot 2 of the Subdivision was a 15.11 acre deed-restricted lot and could only be used for common open-space purposes as defined in the non-farm development section of the Ada County Code, Section 8-4B-7 and in the planned development provisions of the Ada County Code found in Title 8, Chapter 9. This condition encumbered Lot 2 for a period of not less than fifteen (15) years from the recording date of the final plat, February 26, 1998. The 15 year timeline has now expired and the Owners of the Braithwait Subdivision residential properties (Lots 3, 4, and 5) desire the ability and opportunity to receive title to the portions of the Lot 2 allocated parcels which abut and are contiguous to their individual parcels. Transference of Lot 2 allocations to Lots 3, 4, and 5 will increase the total area and usefulness of each one of the residential lots. Proper property tax assignment within the Ada County Assessor's Office will also be amended and remedied with this variance. These modified residential lots will not qualify for construction of homes, however the owner's will benefit from the expanded use of their property, including the option to construct uninhabited structures as provided by Ada County policy. After the deed-restricted property is conveyed to the three (3) residential parcels, a balance of 10.26 acres will exist which will create a fifth residential property with will align with the Ada County Comprehensive Plan.

***Explain how the variance does not grant a right of special privilege that is not otherwise allowed in the base district.***

→ The Braithwait Subdivision deed-restricted period of Lot 2 has expired. This variance will transfer the allocated portions of Lot 2 for ownership conveyance to the adjacent

residential parcels, Lots 3, 4, and 5. After assignment to Lots 3, 4, and 5, the balance of the Lot 2 allocated property will result in an additional residential property consisting of 10.26 acres, which is allow per the Ada County Comprehensive Plan. Access to the new residential lot will be via E. Braithwait Lane, a private roadway. The requested variance does not seek special privilege. The objective of the residential property owners in the Braithwait Subdivision is to make better use, and take better care, of deed-restricted property which was never used for its intended purpose, and has mostly remained dormant since the inception of the Subdivision. Currently the allocated parcel is not properly administered on the Ada County tax roll. The title conveyance of the deed-restricted Lot 2 to the residential properties will provide the condition in which taxing responsibility can be corrected.

***Explain how the variance relieves an undue hardship due to the characteristics of the site.***

→ This variance relieves an undue hardship which resulted from formerly ill-conceived land use planning. At the time the Braithwait Subdivision Plat was filed, Section 8-4B-7 of the Ada County Code allowed for the gross density within a non-farm development to be one dwelling per five (5) acres. The allowable number of dwelling units in the Braithwait Subdivision, based upon 20.6 acres is 4.12. Non-farm developments which allow rural residential (RR) development densities of one (1) acre lots are no longer allowed by Ada County Code (ACC). The 15 year time period which encumbered the beneficial use of the deed-restricted Lot 2 in the Braithwait Subdivision has passed. With the Lot 2 deed-restrictions, the residential property owners were not motivated stakeholders with regard to the ownership of an open-space property. This variance will relieve this condition, and present enhanced pride and right of ownership to property which was formerly not under direct stewardship of individual stakeholders.

***Explain how the variance is not detrimental to the public health, safety, and welfare.***

→ The variance as advanced by the Applicants merely involves property boundary line adjustments to convey current deed-restricted, allocated parcels, with an agricultural responsibility, to individual residential parcel, for use in a like-wise capacity. Additionally a fifth 10.26 acre residential lot will result. This variance will pose no public health, safety, and welfare detriment to others. The character of the rural area will remain, and the land use aligns with the Ada County Comprehensive Plan. Private property ownership and associated stewardship to the land will be enhanced. Any subsequent use of the former allocated Lot 2 property by the Owner(s) will be administered and governed by a building permit or accessory application process. No detrimental condition will exist, or will be created.

***What is the hardship if the variance is denied?***

→ Denial of this variance will perpetuate a condition in which Lot 2 is not properly assessed with property tax (inequitable burden to Brian and Heather Callahan), and further results in an on-going dormancy of the expired deed-restricted, open-space, allocated parcel. The variance will offer better use of the property, and will enhance the care which the property receives.

***Are there characteristics of the property that are usual and make is necessary to obtain the variance?***

→ The 15.11 acre allocated property remains an administrative burden to the homeowners in the Braithwait Subdivision as the deed-restricted property was never used for its intended purposes due to lack of individual ownership. Obtaining a variance will provide the true ownership objective desired by each residential lot/home owner in the Braithwait Subdivision. The variance will also correct a property taxing conflict with the deed-restricted parcel. The inclusion of the fifth 10.26 acre residential parcel will also create addition private property tax revenue for Ada County.

***Were you aware of this hardship prior to purchasing or developing the property?***

→ The recorded Final Plat of the Braithwait Subdivision stated the deed-restricted condition of Lot 2 for a period of not less than fifteen (15) years from the recording date of the Final Plat. This condition, which encumbered the 15.11 acre parcel has now expired. This hardship was recognized, however it is also recognized that the hardship has now expired, and conveyance of the Lot 2 property should be assigned for private ownership and use.

***How does the request comply with Idaho Code 67-6516?***

→ The variance advanced by the Braithwait Subdivision property owners recognizes and aligns with the specific guidelines of Idaho Code 67-6516 – Local Land Use Planning. By preparation and submittal of the documents associated with the variance, the conditions stated by 67-6516 are being complied with.

Matrix Engineering is prepared to address any additional requirement associated with the processing and approval of the Ada County Development Services Application related to the Braithwait Subdivision conveyance of allocated Lot 2. If you have any questions or need additional information, please call me at (o) 208.433.9395, (c) 208.860.3127 or via email at [dunger@mat-eng.com](mailto:dunger@mat-eng.com).

Sincerely,  
**Matrix Engineering, Inc.**



Doug Unger, P.E.  
Principal Engineer

**1.b Detailed Letter Specific to Property Boundary Adjustment Checklist (ACC8-4C)**



January 22, 2016

Mark Perfect, Planning & Zoning Administrator  
Kristy Inselman, Associate Planner  
Ada County Development Services  
200 West Front Street  
Boise, ID 83702

**RE: Braithwait Subdivision - Title Transfer and Conveyance of Deed-Restricted, Open-Space Allocated Lot 2  
Detailed Letter for Property Boundary Adjustment Checklist  
Parcels No.: R1060700100, R1060700210, R1060700230, R1060700240, R1060700250, R1060700300, R1060700400, R1060700500  
Pre-application Number: 201501192-PREAP-A**

Dear Mark & Kristy:

Matrix Engineering, on behalf of Brian Callahan, and the residential property owners in the Braithwait Subdivision, provide the following responses to address the Detailed Letter requirement of the Property Boundary Adjustment Checklist (ACC8-4C):

***Reason for the property boundary adjustment?***

➔ The purpose of the property boundary adjustment is to dissolve the expired Lot 2 deed-restricted, open-space 15.11 acre allocated parcel for ownership conveyance to the adjacent residential parcels, and additionally, create a new 10.26 acre residential lot.

The Applicants seeks to convey Lot 2 of Block 1, a former 15.11 acre open space set-aside lot, to the adjacent residential parcels via property boundary adjustment. The Lot 2 - 15.11 acre set-aside parcel provided allocated area to residential lots 1, 3, 4, and 5 as defined on the Final Plat. This variance will also create a fifth - 10.26 acre residential lot within the recorded boundary of the Braithwait Subdivision. The perimeter subdivision boundary lines of the 19.68 acre Braithwait Subdivision will not be altered, nor will the total gross area of the property change as a result of this Ada County Development Services - Master Application/Petition Request.

Lot 2 of Block 1 was deed-restricted for a period of fifteen (15) year from the recording date of the Final Plat, February 26, 1998. The expiration of the deed-restricted Lot 2 open space set-aside provides for the allocated portions of Lots 2 adjacent to the residential Lots 3, 4, and 5, to be conveyed to these properties via property boundary adjustment. Re-assignment of the

deed-restricted property will also create a fifth 10.26 acre residential parcel within the boundary of the Braithwait Subdivision.

The property boundary adjustments will increase the area of residential Lots 3, 4, and 5, and result in the conditions, as summarized in the following table:

Property Boundary Adjustment Summary				
Lot No.	Existing Area of Lot	Allocated Area Assigned to Lot	Total Area of Lot with Allocation	Notes
1	1.75 AC	10.26 AC	1.75 AC	The 10.26 acres of Lot 2 allocated to Lot 1 will become a 5th residential parcel within the Braithwait Subdivision. New 10.26 acre parcel will be designated as Lot 2.
2	15.11 AC	10.26 AC	10.26 AC	After the allocated portions of Lot 2 are conveyed to the adjacent residential Lots of 3, 4, and 5; a fifth legal lot of 10.26 acres will be created.
3	1.00 AC	1.81 AC	2.81 AC	The Property Boundary Adjustment will not create an additional lot.
4	1.00 AC	2.02 AC	3.02 AC	The Property Boundary Adjustment will not create an additional lot.
5	1.00 AC	1.01 AC	2.01 AC	The Property Boundary Adjustment will not create an additional lot.

***Is a vacation or variance involved with the property boundary adjustment?***

**YES (xx) NO ( )**

➔ Variance Checklist (ACC8-7-4) has been prepared and attached as a requirement of the Ada County Development Services – Master Application/Petition Request document. Pertinent information associated with the Variance Checklist and Property Boundary Adjustment Checklist is contained/included within.

Matrix Engineering is prepared to address any additional requirement associated with the processing and approval of the Ada County Development Services Application related to the Braithwait Subdivision conveyance of allocated Lot 2. If you have any questions or need additional information, please call me at (o) 208.433.9395, (c) 208.860.3127 or via email at [dunger@mat-eng.com](mailto:dunger@mat-eng.com).

Sincerely,  
**Matrix Engineering, Inc.**

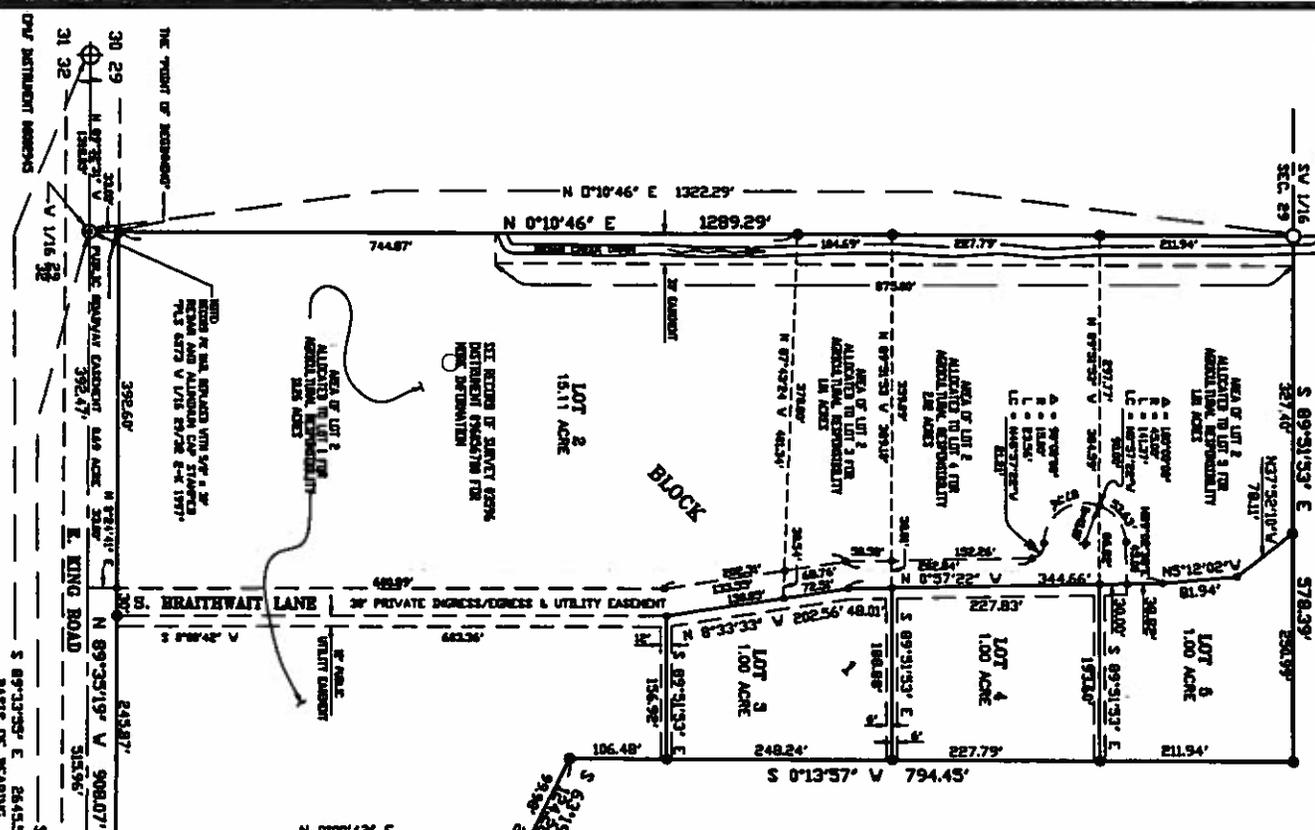


Doug Unger, P.E.  
Principal Engineer

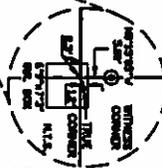
PLATE COUNTY  
 1871725  
 RECORD OF SURVEY #849  
 INSTRUMENT NUMBER

# BRAITTHWALT SUBDIVISION

A PORTION OF THE SE 1/4 OF THE SW 1/4 OF SECTION 29,  
 T. 2 N., R. 1 E., B.M., ADA COUNTY, IDAHO  
 1998



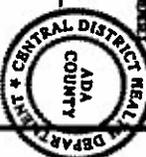
- ⊕ FROM 3 1/2" BARS OF IRON.
- ⊕ FROM 2" ALUMINA COP NEEDED.
- FROM 5/8" COP WITH 1 1/2" ALUMINA COP NEEDED 1/2" DIA.
- FROM 1/2" COP.
- FROM 1/4" COP WITH 3/4" 2" COP WITH FLANGE.
- SET 5/8" 2" COP WITH FLANGE COP NEEDED 7/8" LARGEST.
- SET 5/8" 2" COP WITH 1 1/2" ALUMINA COP.
- ( ) RECORD DATA.
- EASEMENT.
- SECTION LINE 1/2" COPIED.
- ADDITIONAL SECTION LINES.



1. BUILDING STRUCTURES AND FOUNDATIONAL STRUCTURES IN THIS SUBDIVISION SHALL BE IN COMPLIANCE WITH THE APPLICABLE ZONING REGULATIONS OF ADA COUNTY.
2. ANY RE-SUBDIVISION OF THIS PLAT SHALL COMPLY WITH THE APPLICABLE REGULATIONS IN EFFECT AT THE TIME OF THE RE-SUBDIVISION.
3. THIS DEVELOPMENT RESERVES SECTION 29-4892 OF THE IDAHO CODE (BOBTL TO PLANNING ACT) UNLESS OTHERWISE PROVIDED BY AN AGREEMENT IN WRITING. THE DEVELOPER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE ADA COUNTY COMMISSIONER OF PLANNING AND ZONING. THE DEVELOPER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE ADA COUNTY COMMISSIONER OF PLANNING AND ZONING. THE DEVELOPER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE ADA COUNTY COMMISSIONER OF PLANNING AND ZONING.
4. LOT 2 OF BLOCK 1 OF THE OPEN SPACE LOT SET ASIDE FOR AGRICULTURAL PURPOSES SHALL BE USED AS A PASTURE AND SHALL NOT BE USED FOR ANY OTHER PURPOSES. THE DEVELOPER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE ADA COUNTY COMMISSIONER OF PLANNING AND ZONING.
5. THE DEVELOPER, LOTS 2 THROUGH 10, SHALL NOT BE SERVED BY ANY WATER SYSTEM COMMON TO ONE OR MORE LOTS, BUT WILL BE SERVED BY INDIVIDUAL WELLS (OWNED AND MAINTAINED BY THE DEVELOPER).
6. DELIVERY OF UTILITIES TO ALL PARTS OF THIS SUBDIVISION PROVIDED BY THE DEVELOPER SHALL BE AT THE DEVELOPER'S EXPENSE AND SHALL BE PROVIDED AT THE DEVELOPER'S EXPENSE.
7. OTHER THAN THE ACCESS RIGHTS SPECIFICALLY APPROVED BY ADA COUNTY HIGHWAY DISTRICT, ACCESS TO OR FROM ANY LOT SHALL BE PROVIDED BY THE DEVELOPER.
8. PUBLIC UTILITY EXHIBITS, 100 FEET WIDE, ARE ALONG THE EASTERN SIDE OF THE 1/2" BAITTHWALT LANE EASEMENT, AND ARE CONVEYED UPON THE BROTHER LOT LOTS BETWEEN LOTS 2, 4, 6, 8, AND ALSO UPON THE SOUTH LINE OF LOT 3.

APPROVED BY GENERAL INVESTOR, IN WITNESS WHEREOF, I HAVE SIGNED THIS INSTRUMENT AND CAUSED IT TO BE RECORDED AS REQUIRED BY IDAHO CODE TITLE 59 CHAPTER 13 HAVE BEEN FULLY RECORDED AND ARE LINTED FOR THE FOLLOWING LOTS:  
 BLOCK 1 LOTS 1 & 3  
 SIGNATURE RESTRICTIONS AS REQUIRED BY IDAHO CODE TITLE 59 CHAPTER 13 HAVE NOT BEEN SIGNED AND ARE ON FILE FOR THE FOLLOWING LOTS:  
 BLOCK 1 LOTS 4 & 5  
 NO OWNER SHALL CONSTRUCT ANY BUILDING, SHEDDING OR SHEDS WHICH NECESSARILY REQUIRE THE SUPPLYING OF WATER OR SEWAGE FACILITIES FOR PERSONS USING SUCH PREMISES UNLESS SIGNATURE RESTRICTIONS REQUIREMENTS ARE SIGNED AND LINTED.

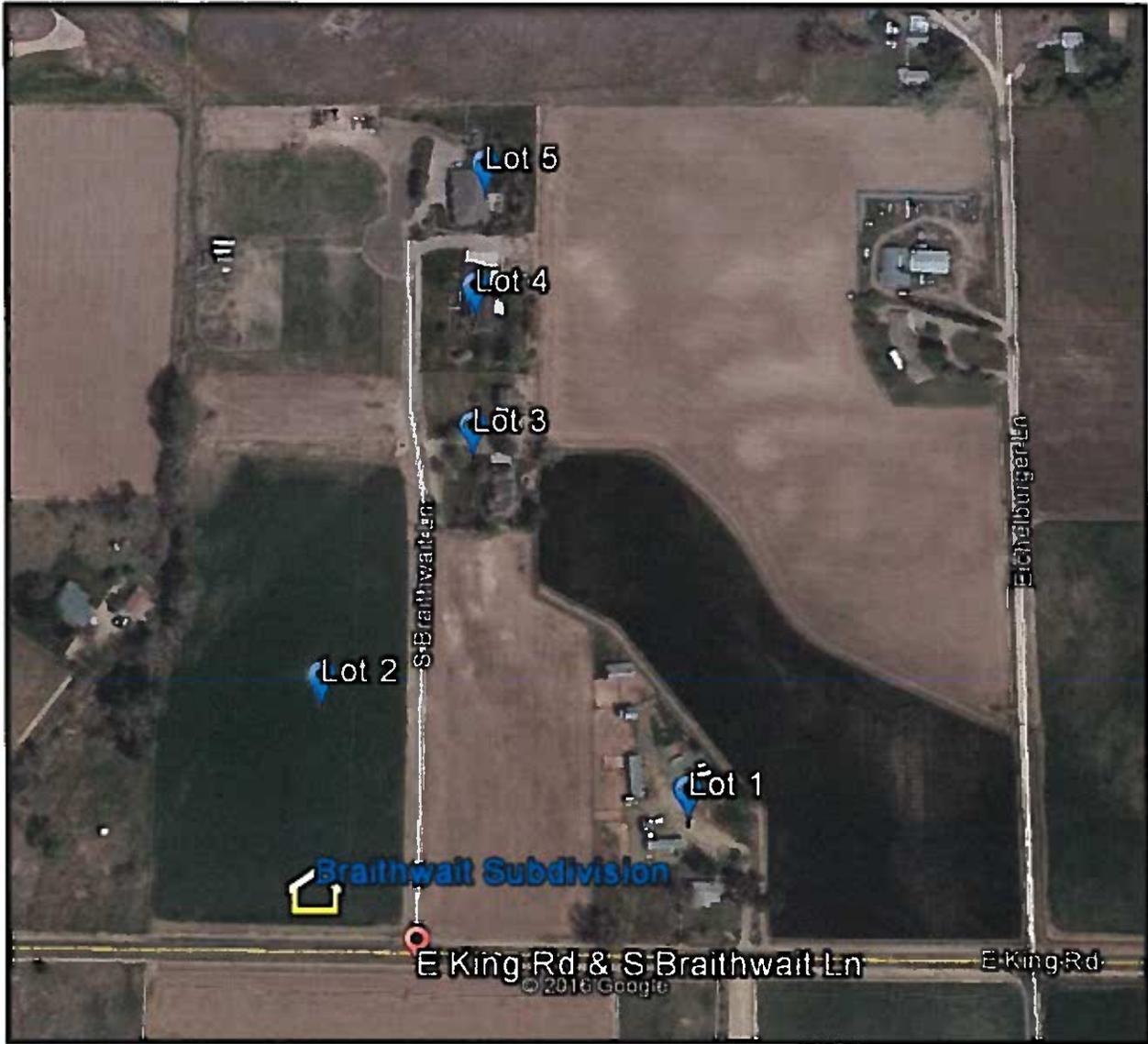
DATE: 1/23/98  
 Thomas E. Edward EHS  
 DISTRICT REALTOR REPRESENTATIVE



2nd K LAND SURVEYING  
 FOREMAN J. KERRICK, P.L.S. # 4375  
 404 S. WASHINGTON AVE., SPOKANE, ID 83407  
 (208) 326-4444

PL 115 95 78211





Google Earth Image of Braithwait Subdivision

RECEIVED

FEB 18 2016

ADA COUNTY DEVELOPMENT SERVICES

4. Neighborhood Meeting Certification

Neighborhood Meeting Certification

ADA COUNTY DEVELOPMENT SERVICES, 200 W. Front Street, Boise, Idaho 83702 www.adaweb.net (208) 287-7900

GENERAL INFORMATION:

You must conduct a neighborhood meeting prior to application for variance, conditional use, zoning ordinance map amendment, expansion or extension of a nonconforming use, and/or a subdivision. Please see Section 8-7A-3 of the Ada County Code or ask one of our planners for more information on neighborhood meetings.

You may request a list of the people you need to invite to the neighborhood meeting from our department. This list includes all involved Neighborhood Associations and property owners within 300, 1,000, or 2,640 feet of the subject property boundary need to be invited to your meeting. See ACC 8-7A-5C (1) & (2) for uses and districts requiring the 1000' or 2,640' notification.

Once you have held your neighborhood meeting, please complete this certification form and include it with your application.

Please Note: The neighborhood meeting must be conducted in one location for attendance by all neighboring residents. Contacting and/or meeting individually with residents does not comply with the neighborhood meeting requirements.

Description of proposed project: MASTER APPLICATION/PETITION REQUEST

Date and time of neighborhood meeting: JAN. 26, 2016 6:30 PM

Location of neighborhood meeting: INTERSECTION OF E. KING RD & S. BRAITHWAIT LN (Entrance to BRAITHWAIT SUB)

SITE INFORMATION:

Location: Quarter: SW Section: 29 Township: 2N Range: 1E Total Acres: 19.86 Subdivision Name: BRAITHWAIT SUBDIVISION Lot: 1-5 Block: 1

Site Address: E. KING ROAD - ENTRANCE TO BRAITHWAIT SUB. KUNA ID

Tax Parcel Number(s):

Table with 2 columns: Lot, Parcel No. containing parcel numbers 1 through 5.

APPLICANT:

Name: DOUG LINGER for BRIAN CALLAHAN Address: 1230 S. BRAITHWAIT LANE City: KUNA State: ID Zip: 83624 Telephone: 208.362.4244 Fax: 208.362.4190 Email: bcallahan@capaving.com

I certify that a neighborhood meeting was conducted at the time and location noted on this form and in accord with Section 8-7A-3 of the Ada County Code.

Signature: (Applicant) [Handwritten Signature]

Date 01.26.16

OFFICE USE ONLY table with columns: File No., Received By, Date, Stamp.

Neighborhood Meeting Braithwait Subdivision - Variance and Boundary Line Adjustment Meeting Held on January 26, 2016 at 6:30 PM. Table with columns: Name/Attendee, Address, Email/Phone.

**NEIGHBORHOOD MEETING NOTIFICATION LETTER**

**MATRIX** ENGINEERING, INC.  
*(mă'triks) the point from which something originates or develops*

Sanna Building • 910 West Main Street • Suite 310 • Boise, ID 83702 • 208 433 9395

January 15, 2016

**TO:** Interested Neighbors

**RE:** Neighborhood Meeting Notification for  
Braithwait Subdivision Variance and Boundary Adjustment  
Parcel Numbers: R1060700100, R1060700210, R1060700250, R1060700300,  
R1060700400, R1060700230, & R1060700500 - Ada County, Idaho

In accordance with Ada County Code Section 8-7A-3, you are thereby invited to attend a meeting to learn about the Variance and Boundary Adjustment, which the residences of Braithwait Subdivision are seeking. More specifically the property is identified as Ada County Assessor Parcel numbers: R1060700100, R1060700210, R1060700250, R1060700300, R1060700400, R1060700230, & R1060700500 - further described as a portion of the SW1/4 Section 29. T2N., R1E. - See attached map. Additional information about the proposed Variance and Boundary Adjustment will be available at the meeting.

**WHEN:** Tuesday - January 26<sup>th</sup>, 2016 from 6:30 PM to 7:30 PM  
**WHERE:** Intersection of E. King Road and S. Braithwait Lane  
(entrance to Braithwait Subdivision)

If you have any questions and/or comments regarding the neighborhood meeting for Braithwait Subdivision Variance and Boundary Adjustment please contact:

Craig Kulchak: 208.919.1141  
or  
Doug Unger  
Matrix Engineering  
910 Main St., Ste. 310  
Boise, ID 83702  
(o) 208.433.9395, or (c) 208.860.3127

Thank you in advance for your participation. We look forward to seeing you at the meeting.

Sincerely,  
Matrix Engineering



Doug Unger, P.E.  
Principal Engineer

ADA COUNTY RECORDER  
J. DAVID NAVARRO  
BOISE, IDAHO

RECORDED - REQUEST OF

FEE 3 DEPUTY M Olson

2001 SP 28 P11 4: 38

101100845



TITLEONE

Order No.: A013662

HC/AG

**WARRANTY DEED**

**FOR VALUE RECEIVED,**

BRIAN L. CALLAHAN and HEATHER A. CALLAHAN , HUSBAND AND WIFE  
The Grantor(s), do(es) hereby grant, bargain sell and convey unto  
SHARON D. GRIGG, A SINGLE PERSON, and WAYNE L. PAYTON, A SINGLE  
PERSON

whose current address is 3878 1/2 EAST KING ROAD KUNA, ID 83634

the Grantee(s), the following described premises, in ADA County, Idaho, TO WIT:

Lot 1 in Block 1 of BRAITWAIT SUBDIVISION, according to the plat thereof. filed in  
Book 75 of Plats at Pages 7844 and 7845, records of Ada County, Idaho.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee, heirs and  
assigns forever. And the said Grantor(s) do(es) hereby covenant to and with the said Grantee(s), that (s)he is/are the  
owner(s) in fee simple of said premises, that they are free from all encumbrances EXCEPT: Subject to all existing  
patent reservations, easements, right(s) of way, protective covenants, zoning ordinances, and applicable building  
codes, laws and regulations, general taxes and assessments, including irrigation and utility easements (if any) for the  
current year, which are not due and payable,  
and that Grantor(s) will warrant and defend the same from all lawful claims whatsoever.

Dated: 09/21/01

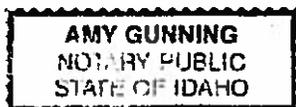
BRIAN L. CALLAHAN

HEATHER A. CALLAHAN

STATE OF IDAHO  
COUNTY OF ADA

ON THIS <sup>25<sup>th</sup></sup> ~~21<sup>st</sup>~~ OF SEPTEMBER, 2001, BEFORE ME, THE UNDERSIGNED, A NOTARY  
PUBLIC PERSONALLY APPEARED BRIAN L. CALLAHAN AND HEATHER A.  
CALLAHAN. KNOWN TO ME OR PROVEN TO ME ON THE BASIS OF SATISFACTORY  
EVIDENCE TO BE THE PERSON(S) WHOSE NAME(S) IS/ARE SUBSCRIBED TO THE  
WITHIN INSTRUMENT AND ACKNOWLEDGED TO ME THAT THEY EXECUTED THE  
SAME.

\_\_\_\_\_  
NOTARY PUBLIC  
RESIDING AT: BOISE, ID  
MY COMMISSION EXP. 6/19/06





A Pioneer Company  
**PIONEER TITLE COMPANY**  
 OF ADA COUNTY  
 821 W. State St. / Boise, Idaho 83702  
 (208) 373-3744

ADA COUNTY RECORDER  
 DAVID NAVARRO  
 BOISE, IDAHO

2001 JUN 12 PM 4:18

RECORDED - REQUEST OF  
 FEE 9- DEPUTY *Alison*  
 101057207

PIONEER TITLE

**WARRANTY DEED**

For Value Received LEE J. BRAITHWAIT AND RAYAN BRAITHWAIT, HUSBAND AND WIFE

hereinafter referred to as Grantor, does hereby grant, bargain, sell, warrant and convey unto

BRIAN L. CALLAHAN AND HEATHER A. CALLAHAN, HUSBAND AND WIFE

hereinafter referred to as Grantee, whose current address is 1230 BRAITHWAITE LANE, KUNE, ID 83634

the following described premises, to-wit:

SEE EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF

To HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee, his heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee, that Grantor is the owner in fee simple of said premises; that said premises are free from all encumbrances except current years taxes, levies, and assessments, and except U.S. Patent reservations, restrictions, easements of record, and easements visible upon the premises, and that Grantor will warrant and defend the same from all claims whatsoever.

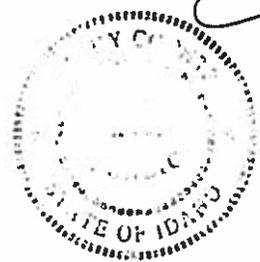
Dated: June 8, 2001

*Lee J. Braithwait*  
 \_\_\_\_\_  
 Lee J. Braithwait

*Rayan Braithwait*  
 \_\_\_\_\_  
 Rayan Braithwait

STATE OF IDAHO. County of ADA, ss.

On this 8TH day of JUNE, in the year of 2001, before me THE UNDERSIGNED, notary public personally appeared LEE J. BRAITHWAIT AND RAYAN BRAITHWAIT known or identified to me to be the person/persons whose name is/are subscribed to the within instrument, and acknowledged to me that he/she/they executed the same.



*Kathy Coontz*  
 \_\_\_\_\_  
 KATHY COONTZ  
 Notary Public of IDAHO  
 Residing at BOISE  
 Commission expires: August 15, 2002

File Number: P180792

## EXHIBIT A

The land referred to in this Commitment is described as follows:

**LOTS 1 AND 2 BLOCK 1 BRAITHWAIT SUBDIVISION ACCORDING TO THE PLAT THEREOF, SAID IN BOOK 75 OF PLATS AT PAGES 7844 AND 7845, RECORDS OF ADA COUNTY, IDAHO.**

## EXCEPTING THEREFROM:

COMMENCING AT THE SOUTHWEST 1/16 CORNER OF SAID SECTION 29, TOWNSHIP 2 NORTH, RANGE 1 EAST, BOISE MERIDIAN, ADA COUNTY, IDAHO AND RUNNING THENCE SOUTH 00 DEGREE 10'46" WEST, 211.94 FEET ALONG THE WEST BOUNDARY OF SAID SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER, AS SHOWN ON THE AFORESAID BRAITHWAIT SUBDIVISION PLAT, FILED IN THE RECORDS OF SAID COUNTY, TO THE POINT OF BEGINNING;

THENCE

SOUTH 89 DEGREES 51'53" EAST, ALONG A LINE WHICH IS AN EXTENSION OF THE LINE COMMON TO LOTS 4 AND 5 OF THE BRAITHWAIT SUBDIVISION, 384.59 FEET, TO THE WEST CORNER COMMON TO SAID LOTS;

THENCE

SOUTH 00 DEGREE 57'22" EAST, ALONG THE WEST LINE OF THE AFORESAID LOT 4, 227.83 FEET, TO THE WEST CORNER COMMON TO LOTS 3 AND 4 OF THE AFOREMENTIONED SUBDIVISION;

THENCE

NORTH 89 DEGREES 51'53" WEST, ALONG AN EXTENSION OF THE LINE COMMON TO SAID LOTS, 389.10 FEET, TO THE AFOREMENTIONED WEST BOUNDARY OF THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER;

THENCE

NORTH 00 DEGREE 10'46" EAST, ALONG SAID BOUNDARY, 227.79 FEET, TO THE POINT OF BEGINNING

## FURTHER EXCEPTING THEREFROM:

COMMENCING AT THE SOUTHWEST 1/16 CORNER OF SAID SECTION 29, TOWNSHIP 2 NORTH, RANGE 1 EAST, BOISE MERIDIAN, ADA COUNTY, IDAHO AND RUNNING THENCE SOUTH 00 DEGREE 10'48" WEST, 439.73 FEET ALONG THE WEST BOUNDARY OF SAID SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER, AS SHOWN ON THE AFORESAID BRAITHWAIT SUBDIVISION PLAT, FILED IN THE RECORDS OF SAID COUNTY, TO THE POINT OF BEGINNING; THENCE

SOUTH 89 DEGREES 51'53" EAST, ALONG A LINE WHICH IS AN EXTENSION OF THE LINE COMMON TO LOTS 3 AND 4 OF THE BRAITHWAIT SUBDIVISION, 389.10 FEET, TO THE WEST CORNER COMMON TO SAID LOTS; THENCE

SOUTH 00 DEGREE 57'22" EAST, ALONG THE WEST LINE OF THE AFORESAID LOT 3, 48.01 FEET; THENCE

SOUTH 08 DEGREES 33'33" EAST, CONTINUING ALONG SAID WEST LINE 72.51 FEET; THENCE

NORTH 87 DEGREES 43'24" WEST, 401.34 FEET, GENERALLY ALONG AN EXISTING FENCE LINE, TO THE AFOREMENTIONED WEST BOUNDARY OF THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER; THENCE

NORTH 00 DEGREE 10'48" EAST, ALONG SAID BOUNDARY, 104.69 FEET TO THE POINT OF BEGINNING.

## AND FURTHER EXCEPTING THEREFROM:

File Number: P180792

BEGINNING AT THE SOUTHWEST 1/16 CORNER OF SAID SECTION 29, TOWNSHIP 2 NORTH, RANGE 1 EAST, BOISE MERIDIAN, ADA COUNTY, IDAHO AND RUNNING THENCE SOUTH 89 DEGREES 51'53" EAST, 327.40 FEET ALONG THE NORTH BOUNDARY OF SAID SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER, AS SHOWN ON THE AFORESAID BRAITHWAIT SUBDIVISION PLAT, FILED IN THE RECORDS OF SAID COUNTY, TO THE NORTHWEST CORNER OF LOT OF SAID SUBDIVISION; THENCE SOUTH 37 DEGREES 52'10" EAST, ALONG THE WEST LINE OF SAID LOT 78.11 FEET; AND THENCE CONTINUING ALONG SAID LOT LINE, SOUTH 05 DEGREES 12'02" EAST, 81.94 FEET, AND SOUTH 00 DEGREES 57'22" EAST, 88.82 FEET, TO THE WEST CORNER COMMON TO LOTS 4 AND 5 OF THE AFORESAID SUBDIVISION; THENCE NORTH 89 DEGREES 51'53" WEST, ALONG AN EXTENSION OF THE LINE COMMON TO SAID LOTS, 384.59 FEET, TO THE WEST BOUNDARY OF THE AFOREMENTIONED SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER; THENCE NORTH 00 DEGREE 10'46" EAST, ALONG SAID BOUNDARY, 211.94 FEET, TO THE POINT OF BEGINNING.

END OF LEGAL DESCRIPTION



A Pioneer Company

**PIONEER TITLE COMPANY**  
OF ADA COUNTY

8151 W. Rifleman Ave / Boise, Idaho 83704 / (208) 377-2700

*Man P 158177 SK/SGT*

**WARRANTY DEED**  
(INDIVIDUAL)

FOR VALUE RECEIVED      LEE J. BRAITHWAIT AND RAYAN BRAITHWAIT, HUSBAND AND WIFE

Grantor s, do hereby grant, bargain, sell and convey unto      KENNETH S. NICHOLS and JODIE L. NICHOLS, husband and wife

the Grantee s, whose current address is: 1948 E. GLENLOCH STREET, MERIDIAN, ID 83642  
the following described real property in ADA County, State of Idaho, more particularly described as follows, to-wit:

AREA OF LOT 2 ALLOCATED TO LOT 3 FOR AGRICULTURAL RESPONSIBILITY. SEE EXHIBIT 'A' FOR COMPLETE LEGAL DESCRIPTION ATTACHED HERETO AND MADE A PART HEREOF.

**PIONEER TITLE CO**

ADA COUNTY RECORDER  
J. DAVID NAVARRO  
BOISE, IDAHO

1998 MR 31 PM 4:04

RECORDED - REQUEST OF

FEE 6.00 DEPUTY *C. Morrison*

**98029307**

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee and Grantee heirs and assigns forever. And the said Grantor do hereby covenant to and with the said Grantee s, the Grantor s are the owner s in fee simple of said premises; that said premises are free from all encumbrances, EXCEPT those to which this conveyance is expressly made subject and those made, suffered or done by the Grantee s and subject to reservations, restrictions, dedications, easements, rights of way and agreements, (if any) of record, and general taxes and assessments, (includes irrigation and utility assessments, (if any) for the current year, which are not yet due and payable, and that Grantor s will warrant and defend the same from all lawful claims whatsoever.

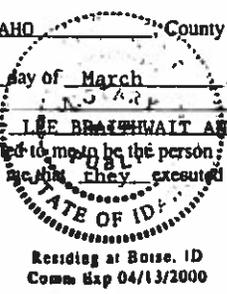
Dated: March 10, 1998

*[Signature]*  
LEE BRAITHWAIT

*[Signature]*  
RAYAN BRAITHWAIT

STATE OF IDAHO County of ADA ss.

On this 10 day of March, in the year of 1998, before me THE UNDERSIGNED, a notary public, personally appeared LEE BRAITHWAIT AND RAYAN BRAITHWAIT known or identified to me to be the person s whose name s are subscribed to the within instrument, and acknowledged to me that they executed the same.



Notary Public: *[Signature]*  
Residing at: BOISE, IDAHO  
My Commission Expires: 4-13-2000

EXHIBIT A

The land referred to in this Commitment is described as follows:

LOT 3 BLOCK 1 BRAITHWAIT SUBDIVISION ACCORDING TO THE PLAT THEREOF, FILED IN BOOK 75 OF PLATS AT PAGES 7844 AND 7845, RECORDS OF ADA COUNTY, IDAHO.

AND A PORTION OF LOT 2 BLOCK 1 DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST 1/16 CORNER OF SAID SECTION 29, TOWNSHIP 2 NORTH, RANGE 1 EAST, BOISE MERIDIAN, ADA COUNTY, IDAHO AND RUNNING THENCE SOUTH 00 DEGREE 10'46" WEST, 439.73 FEET ALONG THE WEST BOUNDARY OF SAID SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER, AS SHOWN ON THE AFORESAID BRAITHWAIT SUBDIVISION PLAT, FILED IN THE RECORDS OF SAID COUNTY, TO THE POINT OF BEGINNING;

THENCE SOUTH 89 DEGREES 51'53" EAST, ALONG A LINE WHICH IS AN EXTENSION OF THE LINE COMMON TO LOTS 3 AND 4 OF THE BRAITHWAIT SUBDIVISION, 389.10 FEET, TO THE WEST CORNER COMMON TO SAID LOTS;

THENCE SOUTH 00 DEGREE 57'22" EAST, ALONG THE WEST LINE OF THE AFORESAID LOT 3, 48.01 FEET;

THENCE SOUTH 08 DEGREES 33'33" EAST, CONTINUING ALONG SAID WEST LINE 72.51 FEET;

THENCE NORTH 87 DEGREES 43'24" WEST, 401.34 FEET, GENERALLY ALONG AN EXISTING FENCE LINE, TO THE AFOREMENTIONED WEST BOUNDARY OF THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER;

THENCE NORTH 00 DEGREE 10'46" EAST, ALONG SAID BOUNDARY, 104.69 FEET TO THE POINT OF BEGINNING.

END OF LEGAL DESCRIPTION

ADA COUNTY RECORDER J. DAVID NAVARRO  
BOISE IDAHO 05/28/04 01:32 PM  
DEPUTY Joanne Hooper  
RECORDED - REQUEST OF  
Alliance Title  
AMOUNT 6.00

2



## WARRANTY DEED

Order No.: AT-5000421472SL

### FOR VALUE RECEIVED

Kenneth S. Nichols and Jodie L. Nichols, husband and wife,  
the grantor(s), do(es) hereby grant, bargain, sell and convey unto

Justin Reiswig and Theresa K. Reiswig, Husband and Wife,

whose current address is

1360 S Braithwait Lane, Kuna, ID, 83634,

the grantee(s), the following described premises, in Ada County, Idaho, TO WIT:

### EXHIBIT A

Lot 3 in Block 1 of Braithwait Subdivision, according to the official plat thereof, filed in Book 75 of Plats at Page(s) 7844 and 7845, Official Records of Ada County, Idaho.

And a portion of Lot 2 Block 1 described as follows:

Commencing at the Southwest 1/16 corner of said Section 29, Township 2 North, Range 1 East, Boise Meridian, Ada County, Idaho and running thence  
South 00°10'46" West, 439.73 feet along the West boundary of said Southeast Quarter of the Southwest Quarter, as shown on the aforesaid Braithwait Subdivision Plat, filed in the records of said county, to the POINT OF BEGINNING; thence  
South 89°51'53" East, along a line which is an extension of the line common to Lots 3 and 4 of the Braithwait Subdivision, 389.10 feet, to the West corner common to said lots; thence  
South 00°57'22" East, along the West line of the aforesaid Lot 3, 48.01 feet; thence  
South 08°33'33" East, continuing along said West line 72.51 feet; thence  
North 87°43'24" West, 401.34 feet, generally along an existing fence line, to the aforementioned West boundary of the Southeast Quarter of the Southwest Quarter; thence  
North 00°10'46" East, along said boundary, 104.69 feet to the POINT OF BEGINNING.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee, heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee(s), that (s)he is/are the owner(s) in fee simple of said premises; that they are free from all encumbrances Except: Current Year Taxes, conditions, covenants, restrictions, reservations, easements, rights and rights of way, apparent or of record.

And that (s)he will warrant and defend the same from all lawful claims whatsoever.

Dated: May 25, 2004

Kenneth S. Nichols

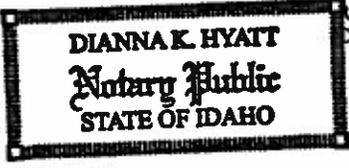
Jodie L. Nichols

State of Idaho                    )  
  )ss  
County of Ada                    )

On this 27th day of May, 2004, before me, a Notary Public in and for said state, personally appeared KENNETH S. NICHOLS AND JODIE L. NICHOLS known or identified to me to be the person(s) whose name(s) is/are subscribed to the within Instrument and acknowledged to me that he/she/~~they~~ executed same.  
IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.

*Dianna K. Hyatt*  
\_\_\_\_\_  
Notary Public for the State of Idaho

Residing at: *Borise ID*  
Commission Expires: *03/12/2010*





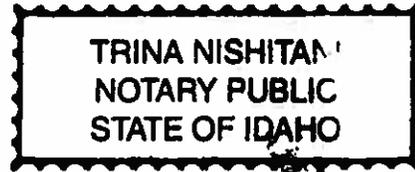
STATE OF Idaho )  
 ) ss.  
COUNTY OF Canyon )

On this 26 day of April, 2005, before me, the undersigned, a Notary Public, in and for said State, personally appeared Theresa K. Reiswig, known to me to be the person whose name is subscribed to the within instrument, as the Attorney-in-Fact of Justin Reiswig, and acknowledged to me that he/she subscribed the name of Justin Reiswig, thereto as principal, and his (her) own name as attorney-in-fact.

WITNESS MY HAND AND OFFICIAL SEAL.



Notary Public: Trina Nishitani  
Residing at: Caldwell, Idaho  
My commission expires 6/28/2009



**Legal Description  
EXHIBIT "A"**

Order Number: 5035929

Lot 3, in Block 1 of Braithwait Subdivision, According to the official Plat thereof, filed in Book 75 of Plats at Pages 7844-7845, records of Ada County, Idaho.

And a portion of Lot 2 Block 1 of said subdivision described as follows:

Commencing at the Southwest 1/16 corner of said Section 29, Township 2 North, Range 1 East, Boise Meridian, Ada County, Idaho and running thence South 00°10'46" West, 439.73 feet along the West boundary of said Southeast Quarter of The Southwest Quarter, as shown on the aforesaid Braithwait Subdivision Plat, filed in the Records of said county, to the **Point of Beginning**; thence South 89°51'53" East, along a line which is an extension of the line common to Lots 3 and 4 of the Braithwait Subdivision, 389.10 feet, to the West corner common to said lots; thence South 00°57'22 East, along the West line of the aforesaid Lot 3, 48.01 feet; thence South 08°33'33' East, continuing along said West line 72.51 feet; thence North 87°43'24" West, 401.34 feet, generally along an existing fence line, to the aforementioned West boundary of the Southeast Quarter of the Southwest Quarter; thence North 00°10'46" East, along said boundary, 104.69 feet to the **Point of Beginning**.



ADA COUNTY RECORDER Christopher D. Rich  
BOISE IDAHO Pgs=1 VICTORIA BAILEY  
TITLEONE BOISE

2014-088468  
10/30/2014 11:18 AM  
\$10.00

Order Number: 14241842

**Warranty Deed**

For value received,

**Brian J. Van Manen and Chryste L. Van Manen, husband and wife**

the grantor, does hereby grant, bargain, sell, and convey unto

**Bennie N. Howard and Heather A. Howard, husband and wife**

whose current address is 1360 S Braithwait Ln Kuna, ID 83634

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

Lot 3 in Block 1 of Braithwait Subdivision, according to the official plat thereof, filed in Book 75 of Plats at Pages 7844 and 7845, records of Ada County, Idaho.

And a portion of Lot 2 in Block 1, described as follows:

Commencing at the Southwest 1/16 corner of said Section 29, Township 2 North, Range 1 East, Boise Meridian, Ada County, Idaho and running thence  
South 00°10'46" West, 439.73 feet along the West boundary of said Southeast quarter of the Southwest quarter, as shown on the aforesaid Braithwait Subdivision Plat, filed in the records of said county, to the Point of Beginning; thence  
South 89°51'53" East, along a line which is an extension of the line common to Lots 3 and 4 of the Braithwait Subdivision, 389.10 feet, to the West corner common to said lots; thence  
South 00°57'22" East, along the West line of the aforesaid Lot 3, 48.01 feet; thence  
South 08°33'33" East, continuing along said West line 72.51 feet; thence  
North 87°43'24" West, 401.34 feet, generally along an existing fence line, to the aforementioned West boundary of the Southeast quarter of the Southwest quarter; thence  
North 00°10'46" East, along said boundary, 104.69 feet to the Point of Beginning.

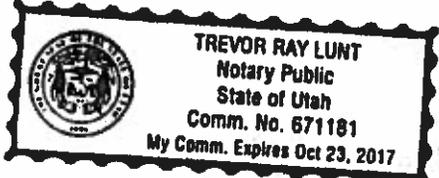
To have and to hold the said premises, with their appurtenances unto the said Grantee, its heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee, that Grantor is the owner in fee simple of said premises; that they are free from all encumbrances except those to which this conveyance is expressly made subject and those made, suffered or done by the Grantee; and subject to all existing patent reservations, easements, right(s) of way, protective covenants, zoning ordinances, and applicable building codes, laws and regulations, general taxes and assessments, including irrigation and utility assessments (if any) for the current year, which are not due and payable, and that Grantor will warrant and defend the same from all lawful claims whatsoever. Whenever the context so requires, the singular number includes the plural.

\_\_\_\_\_  
Brian J. Van Manen  
  
\_\_\_\_\_  
Chryste L. Van Manen

State of Idaho County of Socorro, ss.

On this 29<sup>th</sup> day of October in the year of 2014, before me, the undersigned, a Notary Public in and for said State, personally appeared Brian J. Van Manen and Chryste L. Van Manen, known or identified to me to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same.

\_\_\_\_\_  
Notary Public  
My Commission Expires: Oct 23, 2017  
(seal)





A Pioneer Company

**PIONEER TITLE COMPANY  
OF ADA COUNTY**

8151 W. Rifleman Ave / Boise, Idaho 83704 / (208) 377-2700

READ AND APPROVED BY Jm

P158178 SK/SG

**WARRANTY DEED  
(INDIVIDUAL)**

FOR VALUE RECEIVED LEE J. BRAITHWAIT AND RAYAN BRAITHWAIT, HUSBAND AND WIFE

Grantor s , do hereby grant, bargain, sell and convey unto **MARK MUNSON AND JANELLE MUNSON,**  
HUSBAND AND WIFE

the Grantee s , whose current address is: 11974 W. FLINTLOCK DRIVE, BOISE, ID 83713  
the following described real property in ADA County, State of Idaho, more particularly described as  
follows, to-wit:

AREA OF LOT 2 ALLOCATED TO LOT 4 FOR AGRICULTURAL RESPONSIBILITY. SEE ATTACHED  
EXHIBIT 'A' FOR COMPLETE LEGAL DESCRIPTION ATTACHED HERETO AND MADE A PART  
HEREOF.

**PIONEER TITLE CO**

ADA COUNTY RECORDER  
J. DAVID NAVARRO  
BOISE, IDAHO

1998 HR 31 PM 4:04

RECORDED - REQUEST OF

FEE 6.00 DEPUTY C. Marowan

**98029308**

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee and Grantee heirs  
and assigns forever. And the said Grantor s do hereby covenant to and with the said Grantee s, the Grantor s are the  
owner s in fee simple of said premises; that said premises are free from all encumbrances, EXCEPT those to which this  
conveyance is expressly made subject and those made, suffered or done by the Grantee s and subject to reservations,  
restrictions, dedications, easements, rights of way and agreements, (if any) of record, and general taxes and assessments,  
(includes irrigation and utility assessments, (if any) for the current year, which are not yet due and payable, and that Grantor s  
will warrant and defend the same from all lawful claims whatsoever.

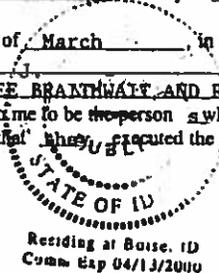
Dated: March 03, 1998

[Signature]  
LEE BRAITHWAIT

[Signature]  
RAYAN BRAITHWAIT

STATE OF IDAHO County of ADA, ss.

On this 10 day of March, in the year of 1998, before me THE UNDERSIGNED  
J., a notary public, per-  
sonally appeared LEE BRAITHWAIT AND RAYAN BRAITHWAIT  
known or identified to me to be the person s whose name s are subscribed to the within instrument, and  
acknowledged to me that they executed the same.



Notary Public: [Signature]  
Residing at: BOISE, IDAHO  
My Commission Expires: 4-13-2000

FILE NUMBER: P158178

EXHIBIT A

The land referred to in this Commitment is described as follows:

LOT 4 BLOCK 1 BRAITHWAIT SUBDIVISION ACCORDING TO THE PLAT THEREOF, FILED IN BOOK 75 OF PLATS AT PAGES 7844 AND 7845, RECORDS OF ADA COUNTY, IDAHO.

AND A PORTION OF LOT 2, BLOCK 1 DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST 1/16 CORNER OF SAID SECTION 29, TOWNSHIP 2 NORTH, RANGE 1 EAST, BOISE MERIDIAN, ADA COUNTY, IDAHO AND RUNNING THENCE SOUTH 00 DEGREE 10'46" WEST, 211.94 FEET ALONG THE WEST BOUNDARY OF SAID SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER, AS SHOWN ON THE AFORESAID BRAITHWAIT SUBDIVISION PLAT, FILED IN THE RECORDS OF SAID COUNTY, TO THE POINT OF BEGINNING;  
THENCE SOUTH 89 DEGREES 51'53" EAST, ALONG A LINE WHICH IS AN EXTENSION OF THE LINE COMMON TO LOTS 4 AND 5 OF THE BRAITHWAIT SUBDIVISION, 384.59 FEET, TO THE WEST CORNER COMMON TO SAID LOTS;  
THENCE SOUTH 00 DEGREE 57'22" EAST, ALONG THE WEST LINE OF THE AFORESAID LOT 4, 227.83 FEET, TO THE WEST CORNER COMMON TO LOTS 3 AND 4 OF THE AFOREMENTIONED SUBDIVISION;  
THENCE NORTH 89 DEGREES 51'53" WEST, ALONG AN EXTENSION OF THE LINE COMMON TO SAID LOTS, 389.10 FEET, TO THE AFOREMENTIONED WEST BOUNDARY OF THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER;  
THENCE NORTH 00 DEGREE 10'46" EAST, ALONG SAID BOUNDARY, 227.79 FEET, TO THE POINT OF BEGINNING

END OF LEGAL DESCRIPTION



**WHEN RECORDED**

**RETURN TO:**

McAnaney & Associates, PLLC  
1101 W. River Street, Suite 100  
Boise, Idaho 83702

**SEND TAX NOTICES TO:**

Mark Munson and Janelle Munson  
1300 S. Braithwait Lane  
Kuna, Idaho 83634

**QUITCLAIM DEED**

GRANTORS, Mark Munson and Janelle Munson, husband and wife, do hereby REMISE, RELEASE and forever QUITCLAIM, unto Mark J. Munson and Janelle Munson, as husband and wife, and as an estate in community property with right of survivorship, whose current address is 1300 S. Braithwait Lane, Kuna, Idaho 83634, as GRANTEES and to Grantees' successors and assigns, all of Grantors' right, title and interest in and to the real property situated in Ada County, Idaho, more particularly described as follows:

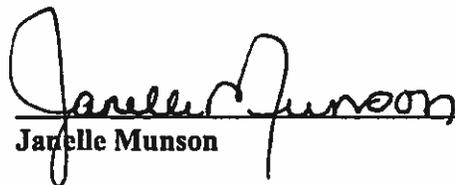
See attached Exhibit A.

TOGETHER with all tenements, hereditaments and appurtenances thereunto belonging.

In construing this deed, and where the context so requires, the singular includes the plural and the masculine, the feminine and the neuter.

IN WITNESS WHEREOF, Grantors have hereunto subscribed their names to this instrument this 1 day of September, 2011.

  
\_\_\_\_\_  
Mark Munson

  
\_\_\_\_\_  
Janelle Munson



**EXHIBIT A**

**LOT 4 BLOCK 1 BRAITHWAIT SUBDIVISION ACCORDING TO THE PLAT THEREOF, FILED IN BOOK 75 OF PLATS AT PAGES 7844 AND 7845, RECORDS OF ADA COUNTY, IDAHO.**

**AND A PORTION OF LOT 2, BLOCK 1 DESCRIBED AS FOLLOWS:**

**COMMENCING AT THE SOUTHWEST 1/16 CORNER OF SAID SECTION 29, TOWNSHIP 2 NORTH, RANGE 1 EAST, BOISE MERIDIAN, ADA COUNTY, IDAHO AND RUNNING THENCE SOUTH 00 DEGREE 10'46" WEST, 211.94 FEET ALONG THE WEST BOUNDARY OF SAID SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER, AS SHOWN ON THE AFORESAID BRAITHWAIT SUBDIVISION PLAT, FILED IN THE RECORDS OF SAID COUNTY, TO THE POINT OF BEGINNING;**

**THENCE SOUTH 89 DEGREES 51'53" EAST, ALONG A LINE WHICH IS AN EXTENSION OF THE LINE COMMON TO LOTS 4 AND 5 OF THE BRAITHWAIT SUBDIVISION, 384.59 FEET, TO THE WEST CORNER COMMON TO SAID LOTS;**

**THENCE SOUTH 00 DEGREE 57'22" EAST, ALONG THE WEST LINE OF THE AFORESAID LOT 4, 227.83 FEET, TO THE WEST CORNER COMMON TO LOTS 3 AND 4 OF THE AFOREMENTIONED SUBDIVISION;**

**THENCE NORTH 89 DEGREES 51'53" WEST, ALONG AN EXTENSION OF THE LINE COMMON TO SAID LOTS, 389.10 FEET, TO THE AFOREMENTIONED WEST BOUNDARY OF THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER;**

**THENCE NORTH 00 DEGREE 10'46" EAST, ALONG SAID BOUNDARY, 227.79 FEET, TO THE POINT OF BEGINNING**



A Pioneer Company

**PIONEER TITLE COMPANY**  
OF ADA COUNTY

8151 W. Rifleman Ave / Boise, Idaho 83704 / (208) 377-27000 "

P158179 SK/SG

BC

**WARRANTY DEED**  
(INDIVIDUAL)

FOR VALUE RECEIVED                      LEE BRAITHWAIT and RAYAN BRAITHWAIT, husband and wife

Grantor s , do hereby grant, bargain, sell and convey unto                      **BRIAN L. CALLAHAN and HEATHER A. CALLAHAN**, husband and wife

the Grantee s , whose current address is: 410 W. WOODBURY DRIVE, MERIDIAN, ID 83642  
the following described real property in ADA                      County, State of Idaho, more particularly described as follows, to-wit:  
SEE EXHIBIT 'A' FOR COMPLETE LEGAL DESCRIPTION.

ADA COUNTY RECORDER  
J. DAVID NAVARRO  
BOISE, IDAHO

RECORDED - REQUEST OF

FEE 6.00 DEPUTY Shelley

1998 MY -5 PM 4:13

98043269

PIONEER TITLE

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee s and Grantee heirs and assigns forever. And the said Grantor s do hereby covenant to and with the said Grantee s, the Grantor s are the owner s in fee simple of said premises; that said premises are free from all encumbrances, EXCEPT those to which this conveyance is expressly made subject and those made, suffered or done by the Grantee s and subject to reservations, restrictions, dedications, easements, rights of way and agreements, (if any) of record, and general taxes and assessments, (includes irrigation and utility assessments, (if any) for the current year, which are not yet due and payable, and that Grantor s will warrant and defend the same from all lawful claims whatsoever.

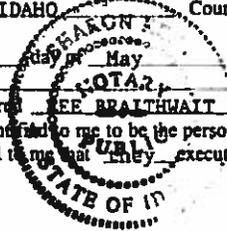
Dated: May 01, 1998

[Signature]  
LEE BRAITHWAIT

[Signature]  
RAYAN BRAITHWAIT

STATE OF IDAHO                      County of ADA                      ss.

On this 01 day of May, in the year of 1998, before me SHARON KENT, a notary public, personally appeared LEE BRAITHWAIT AND RAYAN BRAITHWAIT, known or identified to me to be the person s whose name s are subscribed to the within instrument, and acknowledged to me that they executed the same.



Notary Public: [Signature]  
Residing at: BOISE, IDAHO  
My Commission Expires: 4-13-2000

Residing at Boise, ID  
Comm Exp 04/13/2000

FILE NUMBER: P158179

EXHIBIT A

The land referred to in this Commitment is described as follows:

LOT 5 BLOCK 1 BRAITHWAIT SUBDIVISION ACCORDING TO THE PLAT THEREOF, FILED IN BOOK 75 OF PLATS AT PAGES 7844 AND 7845, RECORDS OF ADA COUNTY, IDAHO.

AND A PORTION OF LOT 2 BLOCK 1 DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST 1/16 CORNER OF SAID SECTION 29, TOWNSHIP 2 NORTH, RANGE 1 EAST, BOISE MERIDIAN, ADA COUNTY, IDAHO AND RUNNING THENCE SOUTH 89 DEGREES 51'53" EAST, 327.40 FEET ALONG THE NORTH BOUNDARY OF SAID SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER, AS SHOWN ON THE AFORESAID BRAITHWAIT SUBDIVISION PLAT, FILED IN THE RECORDS OF SAID COUNTY, TO THE NORTHWEST CORNER OR LOT OF SAID SUBDIVISION; THENCE SOUTH 37 DEGREES 52'10" EAST, ALONG THE WEST LINE OF SAID LOT, 78.11 FEET; AND THENCE CONTINUING ALONG SAID LOT LINE, SOUTH 05 DEGREES 12'02" EAST, 81.94 FEET, AND SOUTH 00 DEGREE 57'22" EAST, 68.82 FEET, TO THE WEST CORNER COMMON TO LOTS 4 AND 5 OF THE AFORESAID SUBDIVISION; THENCE NORTH 89 DEGREES 51'53" WEST, ALONG AN EXTENSION OF THE LINE COMMON TO SAID LOTS, 384.59 FEET, TO THE WEST BOUNDARY OF THE AFOREMENTIONED SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER; THENCE NORTH 00 DEGREE 10'46" EAST, ALONG SAID BOUNDARY, 211.94 FEET, TO THE POINT OF BEGINNING.

@

END OF LEGAL DESCRIPTION

### WARRANTY DEED

**FOR VALUE RECEIVED**

Brian L. Callahan and Heather A. Callahan, husband and wife

GRANTOR(S), does(do) hereby GRANT, ~~BUY~~ **BARGAIN**, SELL and CONVEY unto  
Reyes Lopez Jr. and Rosa ~~Sing~~ Lopez, husband and wife

GRANTEE(S), whose current address is: 275 Carrie Drive Elmore Mountain Home, Id 83647  
the following described real property in Elmore County, State of Idaho.  
more particularly described as follows, to wit:

see attached legal description

ADA COUNTY RECORDER  
J. DAVID NAVARRO  
BOISE, IDAHO  
1998 JUL 10 AM 10:33  
RECORDED - REQUEST OF  
Bryan Callahan  
FEE 6 DEPUTY [Signature]  
98066482

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee(s), and Grantee(s) heirs and assigns forever. And the said Grantor(s) does(do) hereby covenant to and with the said Grantee(s), that Grantor(s) is/are the owner(s) in fee simple of said premises; that said premises are free from all encumbrances, EXCEPT those to which this conveyance is expressly made subject and those made, suffered or done by the Grantee(s); and subject to reservations, restrictions, dedications, easements, rights of way and agreements, (if any) of record, and general taxes and assessments, (including irrigation and utility assessments, if any) for the current year, which are not yet due and payable, and that Grantor(s) warrant and defend the same from all lawful claims whatsoever, except those of record.

Dated: June 19, 1998

[Signature] Brian L. Callahan  
[Signature] Heather A. Callahan

STATE OF Idaho, County of Ada, ss.  
On this 9th day of July  
in the year of our Lord one thousand nine hundred and ninety eight, before me, the undersigned, a Notary Public in and for said State, personally appeared  
Brian L. Callahan and Heather A. Callahan

known or identified to me to be the person whose name  
is subscribed to the within instrument, and  
acknowledged to me that they executed the same.  
Signature: [Signature]  
Name: Hannelte Lowder  
Residing at: Boise, Idaho  
My commission expires: 7-1-2004



**LEGAL DESCRIPTION**

Lot 5 in Block 1 of BRAITHWAIT SUBDIVISION, according to the official plat thereof, filed in Book 75 of Plats at Pages 7844 and 7845, records of Ada County, Idaho.

AND a portion of Lot 2 in Block 1 of BRAITHWAIT SUBDIVISION described as follows:

Beginning at the Southwest 1/16 corner of said Section 29, Township 2 North, Range 1 East, Boise Meridian, Ada County, Idaho and running thence;  
South 89°51'53" East 327.40 feet along the North boundary of said Southeast quarter of the Southwest quarter, as shown on the aforesaid BRAITHWAIT SUBDIVISION Plat filed in the records of said County, to the Northwest corner of lot of said subdivision; thence  
South 37°52'10" East, along the West line of said lot 78.11 feet; and thence continuing along said lot line,  
South 05°12'02" East 81.94 feet, and  
South 00°57'22" East 68.82 feet to the West corner common to Lots 4 and 5 of the aforesaid subdivision; thence  
North 89°51'53" West, along an extension of the line common to said lots, 384.59 feet to the West boundary of the aforementioned Southeast quarter of the Southwest quarter; thence  
North 00°10'46" East, along said boundary, 211.94 feet to the POINT OF BEGINNING.



A Pioneer Company

**PIONEER TITLE COMPANY  
OF ADA COUNTY**

8151 W. Rifleman Ave / Boise, Idaho 83704 / (208) 377-2700

P171163 SKIPP

**WARRANTY DEED  
(INDIVIDUAL)**

FOR VALUE RECEIVED REYES LOPEZ, JR AND ROSA ELIA LOPEZ; HUSBAND AND WIFE

Grantor s , do hereby grant, bargain, sell and convey unto HEATHER A. CALLAHAN AND BRIAN L. CALLAHAN, WIFE AND HUSBAND

the Grantee s , whose current address is: 1230 BRAITHWAIT LANE, KUNA, ID 83634  
the following described real property in ADA County, State of Idaho, more particulary described as follows, to-wit:  
SEE EXHIBIT 'A' FOR COMPLETE LEGAL DESCRIPTION ATTACHED HERETO AND MADE A PART THEREOF CONSISTING OF (1) PAGE.

PIONEER TITLE  
ADA COUNTY RECORDER  
J. DAVID HAVARD  
BOISE, IDAHO  
1998 OC -2 PM 4:28

RECORDED - REQUEST OF  
FEE DEPUTY  
98095191

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee s and Grantee heirs and assigns forever. And the said Grantor s do hereby covenant to and with the said Grantee s, the Grantor s are the owner s in fee simple of said premises; that said premises are free from all encumbrances, EXCEPT those to which this conveyance is expressly made subject and those made, suffered or done by the Grantee s and subject to reservations, restrictions, dedications, easements, rights of way and agreements, (if any) of record, and general taxes and assessments, (includes irrigation and utility assessments, (if any) for the current year, which are not yet due and payable, and that Grantor s will warrant and defend the same from all lawful claims whatsoever.

Dated: September 30, 1998

REYES LOPEZ, JR.

ROSALIA LOPEZ

STATE OF IDAHO, County of ADA, ss.

On this 30TH day of SEPTEMBER, in the year of 1998, before me SHARON KENT, a notary public, personally appeared REYES LOPEZ, JR. AND ROSA ELIA LOPEZ, known or identified to me to be the person s whose name s ARE subscribed to the within instrument, and acknowledged to me that THEY executed the same.

Notary Public  
Commission Expires

Notary Public:   
Residing at: BOISE, IDAHO  
My Commission Expires: 4-13-2000

Exhibit 12  
201600210-PBA-V  
Brian Callahan

EXHIBIT A

LOT 5 BLOCK 1 BRAITHWAIT SUBDIVISION ACCORDING TO THE PLAT THEREOF, FILED IN BOOK 75 OF PLATS AT PAGES 7844 AND 7845, RECORDS OF ADA COUNTY, IDAHO.

AND A PORTION OF LOT 2 BLOCK 1 DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST 1/16 CORNER OF SAID SECTION 29, TOWNSHIP 2 NORTH, RANGE 1 EAST, BOISE MERIDIAN, ADA COUNTY, IDAHO AND RUNNING THENCE SOUTH 89 DEGREES 51'53" EAST, 327.40 FEET ALONG THE NORTH BOUNDARY OF SAID SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER, AS SHOWN ON THE AFORESAID BRAITHWAIT SUBDIVISION PLAT, FILED IN THE RECORDS OF SAID COUNTY, TO THE NORTHWEST CORNER OR LOT OF SAID SUBDIVISION; THENCE SOUTH 37 DEGREES 52'10" EAST, ALONG THE WEST LINE OF SAID LOT, 78.11 FEET; AND THENCE CONTINUING ALONG SAID LOT LINE, SOUTH 05 DEGREES 12'02" EAST, 81.94 FEET, AND SOUTH 00 DEGREE 57'22" EAST, 68.82 FEET, TO THE WEST CORNER COMMON TO LOTS 4 AND 5 OF THE AFORESAID SUBDIVISION; THENCE NORTH 89 DEGREES 51'53" WEST, ALONG AN EXTENSION OF THE LINE COMMON TO SAID LOTS, 384.59 FEET, TO THE WEST BOUNDARY OF THE AFOREMENTIONED SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER; THENCE NORTH 00 DEGREE 10'46" EAST, ALONG SAID BOUNDARY, 211.94 FEET, TO THE POINT OF BEGINNING.

END OF LEGAL DESCRIPTION

11A

2

ADA COUNTY RECORDER J. DAVID NAVARRO      AMOUNT 6.00      2  
 BOISE IDAHO 01/16/09 04:37 PM  
 DEPUTY Bonnie Oberbillig  
 RECORDED - REQUEST OF  
 Title One



A0279595 HL/AL

### QUITCLAIM DEED

FOR VALUE RECEIVED,  
**Heather A. Callahan and Brian L. Callahan, wife and husband**

Does hereby convey, release, remise and forever quit claim unto  
**Brian L. Callahan and Heather A. Callahan, husband and wife**  
 whose current address is: 1230 S. Braithwait Lane, Kuna, ID 83634

the following described premises: See legal description attached

TO HAVE AND TO HOLD the said premises, unto the said grantees, heirs and assigns forever.

Date: January 12, 2009

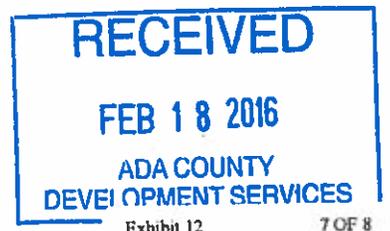
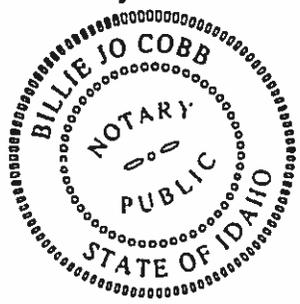
Heather A. Callahan

Brian L. Callahan

State of Idaho  
 County of Ada

On this 12th of January, 2009, before me, the undersigned, a notary public personally appeared Brian L. Callahan and Heather A. Callahan, known to me or proven to me on the basis of satisfactory evidence to be the persons whose names are subscribed to the within instrument and acknowledged to me that they executed the same.

Notary Public  
 Residing at: Meridian ID  
 Commission Expires: 11/12/2010



Lot 5 Block 1 Braithwait Subdivision according to the plat thereof, filed in Book 75 of Plats at Pages 7844 and 7845, records of Ada County, Idaho.

And a portion of Lot 2 Block 1 described as follows:

Beginning at the Southwest 1/16 corner of said Section 29, Township 2 North, Range 1 East, Boise Meridian, Ada County, Idaho, and running thence  
South 89°51'53" East, 327.40 feet along the North boundary of said Southwest quarter of the Southwest quarter, as shown on the aforesaid Braithwait Subdivision plat, filed in the records of said county, to the Northwest corner or Lot of said subdivision; thence  
South 37°52'10" East, along the west line of said lot, 78.11 feet; and thence continuing along said lot line,  
South 05°12'02" East, 81.94 feet, and  
South 00°57'22" East, 68.82 feet, to the west corner common to Lots 4 and 5 of the aforesaid subdivision;  
thence  
North 89°51'53" West, along an extension of the line common to said lots, 384.59 feet, to the West boundary of the aforementioned Southeast quarter of the Southwest quarter; thence  
North 00°10'46" East, along said boundary, 211.94 feet, to the Point of Beginning.

(A0879595.PFD/A0879595/23)

ADA COUNTY  
DEVELOPMENT SERVICES



PHONE: (208) 364-2277  
FAX: (208) 364-2406

650 MAIN STREET, BOISE, IDAHO 83702

BUILDING • ENGINEERING • PLANNING • ZONING

October 1, 1999

Lee and Rayan Braithwait  
3878 E. King Road  
Kuna, ID 83634

RE: BRAITHWAIT SUBDIVISION 96-42-PDR-NF

Dear Mr. Braithwait:

The Ada County Assessor has notified this Department of the filing of deeds transferring ownership of portions of Lot 2, Block 1, of the Braithwait Subdivision to Brian and Heather Callahan, and Kenneth and Jodie Nichols.

On November 20, 1997, the Board of County Commissioners approved the Braithwait Subdivision final plat. This subdivision was applied for and approved as a non-farm residential development. Lot 2, Block 1 is the lot that is deed restricted for 15 years. The deeds that have been forwarded to this Department show that ownership of portions of Lot 2, Block 1 being transferred to other parties.

Such actions are in violation of the provisions of Section 8-4B-7E(1)(a) and Section 8-4B-7E(1)(f)(4) of the Ada County Code.

Please contact Daren Fluke, Planner III, of this office within ten (10) days of the date of this letter to discuss how to resolve this situation. Failure to contact Mr. Fluke within the specified timeframe will result in this matter being turned over to the Prosecuting Attorney for legal action against you to rectify this matter.

Sincerely,

Jeffrey L. Patlovich, AICP  
Director  
Ada County Development Services

cc: Daren Fluke, Planner III  
Ada County Assessor

# Declaration of Protective Covenants and Restrictions for Braithwait Subdivision, Lots #3, #4 and #5.

This master declaration is made this 11<sup>th</sup> day of March, 1998, by Lee J. Braithwait and Rayan Braithwait (herein Grantor). Grantor does hereby certify and declare that he is owner of that certain real property situated in the County of Ada, State of Idaho, more particularly described as Lots #3, #4 and #5 plus the restricted land attached to each Lot on the official plat on file in the office of the Ada County recorder, as shown by book 75, page 7844 thru 7845, instrument 98017400.

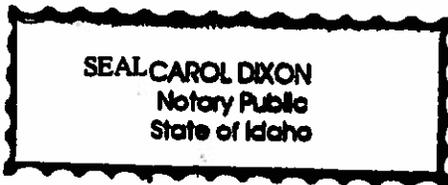
## GENERAL RESTRICTIONS AND COVENANTS:

- a. **GENERAL APPEARANCE AND NEATNESS OF PROPERTY:** Each Lot shall be maintained in a neat and orderly fashion. Landscaping must be maintained and property cared for. Dwelling in good repair and appearance. Pasture shall not be allowed to overgrow or become a fire hazard.
- b. **DWELLING:** Dwelling must be permanently set on a concrete foundation. Dwelling must not be less than 1350 sq. foot living space and must be of new construction. All County Construction Setbacks must be observed.
- c. **IRRIGATION WATER:** The use of irrigation water from the Kuna Water District must be coordinated with other users on the system. Waste water entering the Subdivision on Lot #3 is free and is subject to coordination between the users. Maintenance of water ditches and pipes are the responsibility of the lot owner in which it crosses.
- d. **FIREARMS:** The discharge of powder burning firearms is prohibited. This area has an abundance of natural wildlife, harassment or the killing of these creatures is prohibited. Gophers, Mice and Rats are excluded.
- e. **PRIVATE LANE:** The maintenance of the Private Lane is the combined responsibility of the three Lot owners.
- f. **REFUSE AND DUMPING:** No lot or building site shall be used or maintained as a dumping ground for rubbish, trash, abandoned cars, garbage or other waste materials.

IN WITNESS WHEREOF, the undersigned have hereto caused their names to be subscribed and seal affixed this 11<sup>th</sup> day of March, 1998.

Notary Public

*Debra Boise*  
620-00



*Lee J. Braithwait*  
Lee J. Braithwait

*Rayan Braithwait*  
Rayan Braithwait

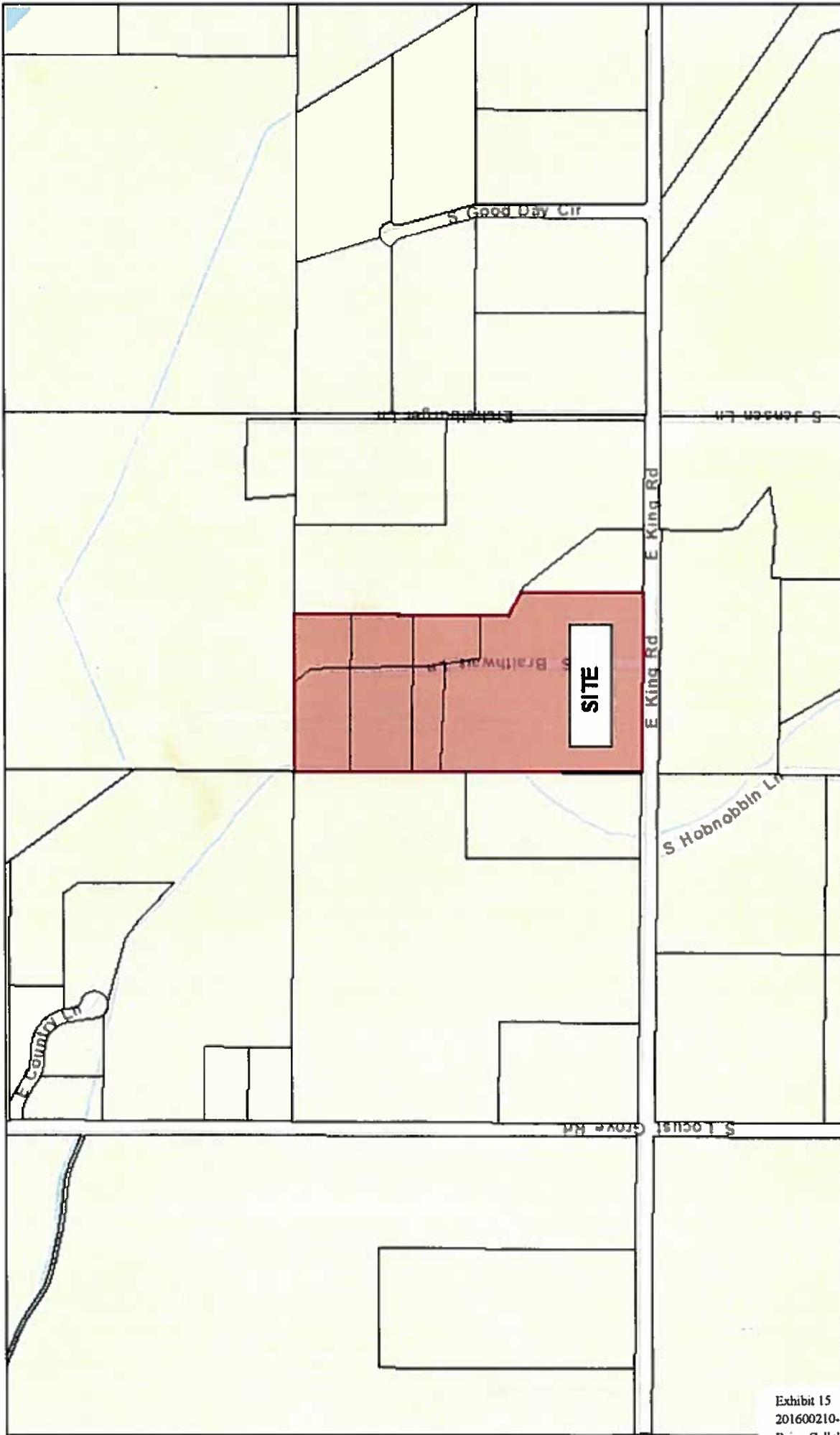
ADA COUNTY RECORDER  
J. DAVID NAVARRO  
BOISE, IDAHO

1998 MR -5 AM 11:48

RECORDED - REQUEST OF

*Braithwait Subdivision*  
FEE 10 DEPUTY *[Signature]*  
1998020488





Date: 3/25/2016

0 0.05 0.1 0.2 Miles

N

This map is a user generated static output from an internet mapping site and is for general reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable. THIS MAP IS NOT TO BE USED FOR NAVIGATION.

- Parcels
- imits
- BOISE
- EAGLE
- GARDEN CITY
- KUNA
- MERIDIAN
- STAR
- Parks

# 201600210-PBA-V: Aerial

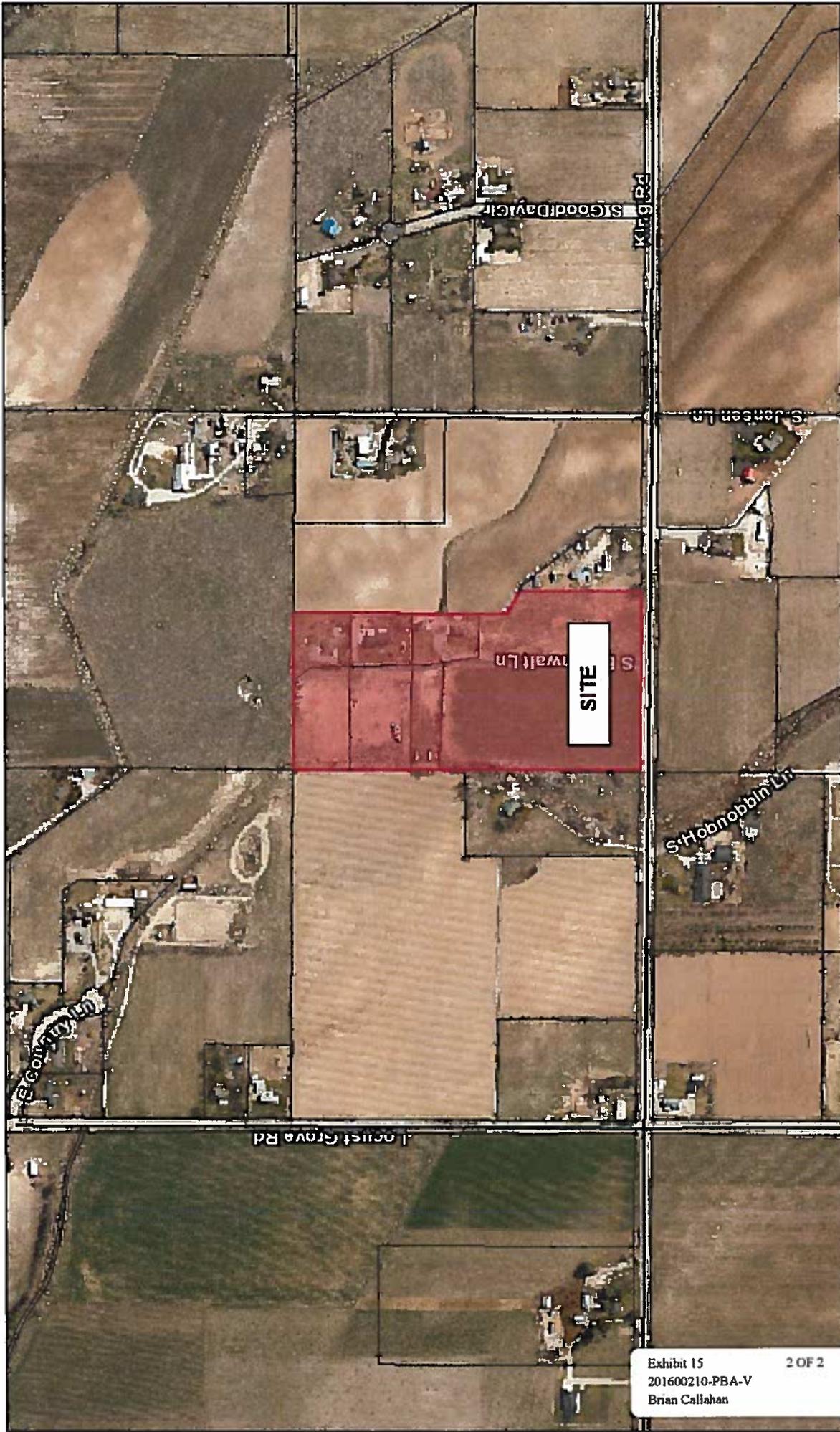


Exhibit 15  
201600210-PBA-V  
Brian Callahan

2 OF 2

- parcels
- EAGLE
- MERIDIAN
- Major Streets
- GARDEN CITY
- STAR
- Parks
- BOISE
- KUNA
- Street Names



Date: 3/25/2016

This map is a user generated static output from an internet mapping site and is for general reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable. THIS MAP IS NOT TO BE USED FOR NAVIGATION.

**Kristy Inselman**

**From:** Kristy Inselman  
**Sent:** Monday, February 22, 2016 3:56 PM  
**To:** laurenboehlke@yahoo.com; mreno@cdhd.idaho.gov; lbadigia@cdhd.idaho.gov; jtillman@kunafire.com; velta@nyid.org; clittle@achdidaho.org; syarrington@achdidaho.org; Mark Ferm; Angela Gilman; Jerry Hastings; Jean Schaffer; Dale Ann Barton; Kristy Inselman  
**Cc:** Kristy Inselman  
**Subject:** Ada County Application Transmittal Notice.

<b>Ada County Development Services Planning &amp; Zoning Division Transmittal</b>
---

<b>File Number:</b> <a href="#">201600210-PBA / V</a>	<b>X-Reference:</b> NONE
<b>Description:</b> Variance and property boundary adjustment applications to combine the existing residential lots with the easement areas granted on the Braithwait Subdivision Plat to Lots 3, 4 & 5. This will remove the easement areas from Lot 2.	
<b>Reviewing Body:</b> BOCC	<b>Hearing Date:</b> 4/6/2016
<b>Applicant:</b> MATRIX ENGINEERING INC	<b>P&amp;Z Recommendation:</b>
<b>Property:</b> The property contains 18.857 acres and is located at 3878 E KING RD KUNA 83634, Section 29 2N 1E.	

Ada County Development Services is requesting comments and recommendations on the application referenced above. To review detailed information about the request please either click on the file number identified above, or visit the Ada County Development Service’s Application Tracking System (ATS) web site at [gisx.adaweb.net/acdsv2/](http://gisx.adaweb.net/acdsv2/) and search by file number. Hover over the pushpin that appears on the map with your mouse and select “Additional Info” from the pop-up box. You will then be able to review individual documents, drawings and other information detailing the request.

We request that you submit your comments or recommendations by 3/8/2016. When responding, please reference the file number identified above. If responding by email, please send comments to [kinsel@adaweb.net](mailto:kinsel@adaweb.net).

To request a hard copy of materials associated with this application, for additional information, or to provide comment on Ada County’s Development Services ATS, please call me at the number listed below.

Sincerely yours,  
KRISTY INSELMAN, ASSOCIATE PLANNER  
200 W Front Street  
Boise ID 83702  
[kinsel@adaweb.net](mailto:kinsel@adaweb.net)  
(208) 287-7998



**ADA COUNTY DEVELOPMENT SERVICES**  
**Planning & Zoning Division Transmittal**

To: BOISE PROJECT BOARD OF CONTROL	Date: 2/22/2016
File Number: 201600210-PBA / V	X-Reference: NONE
Description: Variance and property boundary adjustment applications to combine the existing residential lots with the easement areas granted on the Braithwait Subdivision Plat to Lots 3, 4 & 5. This will remove the easement areas from Lot 2.	
Reviewing Body: BOCC	Hearing Date: 4/6/2016
Applicant: MATRIX ENGINEERING INC	P & Z Recommendation:
Property: The property contains 18.857 acres and is located at 3878 E KING RD KUNA 83634, Section 29 2N 1E.	

Ada County Development Services is requesting comments and recommendations on the application referenced above. To review detailed information about the request please visit the Ada County Development Service's Application Tracking System (ATS) web site at [gisx.adaweb.net/acdsv2/](http://gisx.adaweb.net/acdsv2/) and search for the file number. Hover over the pushpin that appears on the map with your mouse and select 'Additional Info' from the pop-up box. You will then be able to review individual documents, maps and other information detailing the request.

We request that you submit your comments or recommendations by 3/8/2016. When responding, please reference the file number identified above.

To request a hard copy of materials associated with this application, for additional information, or to provide comment on Ada County's Development Services ATS, please call me at the number listed below.

Sincerely yours,

KRISTY INSELMAN, ASSOCIATE PLANNER      (208) 287-7998      [kinselman@adaweb.net](mailto:kinselman@adaweb.net)  
 200 W Front Street, Boise ID 83702

14 ADA COUNTY DEVELOPMENT SERVICES  
 200 W FRONT ST RM 2125  
 BOISE, ID 83702

BOISE PROJECT BOARD OF CONTROL  
 ATT: BOB CARTER  
 2465 OVERLAND RD  
 BOISE ID 83705

MEMORANDUM

---



DATE: 2/22/2016

RE: 201600210-PBA/V Braithwait

TO: Kristy Inselman, Associate Planner

FROM: Mark Ferm, Ada County Building Official

---

Summary of Project:

Variance and property boundary adjustment applications to combine the existing residential lots with the easement areas granted on the Braithwait Subdivision Plat to Lots 3, 4 & 5. This will remove the easement areas from Lot 2.

Findings and Conditions:

The Building Division has no objection to the proposed property boundary adjustment and variance.

Conclusion:

Approved as submitted

Mark Ferm  
Ada County Building Official  
200 W Front Suite 2125  
Boise Idaho 83702  
Phone 287-7910

[markf@adaweb.net](mailto:markf@adaweb.net)



ADA COUNTY  
Development Services Department

Megan M. Leatherman, MCRP  
Director

March 2, 2016

Ada County Courthouse  
200 West Front Street  
Boise ID 83702  
208.287.7900  
Fax 208.287.7909  
www.adacounty.id.gov

Brian Callahan  
1230 South Braithwait Lane  
Kuna, ID 83634

RE: PROJECT NO.201600210-PBA-V; Brian Callahan

Department Divisions  
Building  
Engineering & Surveying  
Permitting  
Planning & Zoning

Dear Mr. Callahan;

Ada County Commissioners  
Jim Tibbs, First District  
Rick Yzaguirre, Second District  
David L. Case, Third District

This is to notify you that your application has been scheduled to be heard by the Board of Ada County Commissioners on **April 6, 2016**. This hearing will begin at 6:00 p.m. and will be held in the Commissioners Main Hearing Room #1235, on the first floor, 200 W. Front Street, Boise, ID. You or your representative must be present.

A copy of the staff report will be sent to you prior to the meeting. Please contact me if you have any questions or comments regarding this application, the staff report, or any conditions, which may be attached to the staff report.

In accordance with State law, "**Notice of Public Hearing**" must be posted on the site. Ada County recently amended the code to require the applicant to post the sign.

If the property is not posted correctly or the certification form is not submitted to Development Services at least seven (7) days prior to the public hearing, the application will be tabled until the next available hearing date. The sign is required to be posted ten (10) days in advance of the hearing. The certification form is available to download on our website at [www.adaweb.net/DevelopmentServices](http://www.adaweb.net/DevelopmentServices).

The sign is required to be taken down no later than three (3) days after the final decision. If there are multiple hearings on the application, the sign **does not** need to be taken down between hearings. However, the sign will need to be updated with the new hearing dates as the application goes through the hearing process.

I can be reached at 287-7998 or via email at [kinsel@adaweb.net](mailto:kinsel@adaweb.net).

Sincerely,

A handwritten signature in cursive script that reads "Kristy Inselman".

Kristy Inselman  
Associate Planner  
Ada County Development Services, Planning & Zoning Division

Cc: Doug Unger

**RON PLATT**  
CHAIRMAN OF THE BOARD

**RICHARD MURGOITIO**  
VICE CHAIRMAN OF THE BOARD

**TIMOTHY M. PAGE**  
PROJECT MANAGER

**ROBERT D. CARTER**  
ASSISTANT PROJECT MANAGER

**APRYL GARDNER**  
SECRETARY-TREASURER

**JERRI FLOYD**  
ASSISTANT SECRETARY-TREASURER

# BOISE PROJECT BOARD OF CONTROL

(FORMERLY BOISE U.S. RECLAMATION PROJECT)

2465 OVERLAND ROAD  
BOISE, IDAHO 83705-3155

OPERATING AGENCY FOR 167,000  
ACRES FOR THE FOLLOWING  
IRRIGATION DISTRICTS



NAMPA-MERIDIAN DISTRICT  
BOISE-KUNA DISTRICT  
WILDER DISTRICT  
NEW YORK DISTRICT  
BIG BEND DISTRICT

TEL: (208) 344-1141  
FAX: (208) 344-1437

25 February 2016

Ada County Development Services  
Courthouse  
200 West Front Street 2<sup>nd</sup> floor  
Boise, Idaho 83702

RE: Matrix Engineering Inc  
3878 E King Rd Kuna  
Boise-Kuna Irrigation District  
Reed Lateral 23+30  
Sec. 29, T2N, R1E, BM.

201600210-PBA / V

BK-217A

Kristy Inselman, Associate Planner:

Boise Project has no objection to the above mentioned property easement adjustment proposal.

There are no Boise Project facilities located on the above-mentioned properties, however they do in fact possess a valid water right.

Local irrigation/drainage ditches that cross this property, in order to serve neighboring properties, must remain unobstructed and protected by an appropriate easement.

If you have any further questions or comments regarding this matter, please do not hesitate to contact me at (208) 344-1141.

Sincerely,

Thomas Ritthaler  
Entry Management / GIS

tbr:tr

cc: Ray Moore  
Lauren Boehlke  
File

Watermaster, Div: 3 BPBC  
Secretary - Treasurer, BKID



# CENTRAL DISTRICT HEALTH DEPARTMENT

## Environmental Health Division

Return to:

**RECEIVED**  
MAR 03 2013  
ADA COUNTY  
DEVELOPMENT SERVICES

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

Rezone # 201600210-PBA-V

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

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

Braithwait Sub

- 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. No objection to this proposal. However Reviewed By: [Signature]  
no building shall allowed on these Date: 2/26/12  
aquired areas until approved by subd CDHD.  
Any building may require ground water  
& Nutrient Pathogen Study



ADA COUNTY  
Development Services Department

March 3, 2016

Dear Property Owner:

LEGAL NOTICE IS HEREBY GIVEN THAT the Board of Ada County Commissioners will hold a public hearing on **April 6, 2016**, at 6:00 p.m. in the Commissioners Main Hearing Room #1235, on the first floor, 200 W. Front Street, Boise, ID, to hear the following:

**201600210-PBA-V, Brian Callahan:** An application for a property boundary adjustment and a variance application requesting to combine the existing residential lots with the easement areas granted on the Braithwait Subdivision Plat to Lots 3, 4 and 5. This would remove those easements from Lot 2. The property is located at on the north side of King Road, east of Locust Grove Road, and contains 20.6 acres; Section 29, T.2N, R.1E.

Contact Kristy Inselman, Associate Planner, at 287-7998 or [kinselman@adaweb.net](mailto:kinselman@adaweb.net) for more information.

This is an Official Notice of Public Hearing regarding the use of a property near your own. You have been notified because records indicated that you own property near or within **1000'** of the applicant's project boundary. You are invited to attend the public hearing and offer your comments for consideration. If you are unable to attend, you may send comments to our office before the hearing date, and they will be entered in the public hearing record.

**This application can be viewed [online](#) by completing the following:**

- 1 Type [gisx.adaweb.net/acdsv2/](http://gisx.adaweb.net/acdsv2/)
- 2 Enter "**201600210-V**" in search application by file number
- 3 Click on 'Application Information'
- 4 Review documents by clicking on 'Supporting Documents'

Five (5) days prior to the hearing you can go the [www.adacounty.id.gov](http://www.adacounty.id.gov) to view the agenda or staff report.

NOTES:

- This item may not be heard at the scheduled time of 6:00 p.m. as multiple items may be considered during the hearing.
- Video, audio, PowerPoint, or other computer-generated visuals used to present testimony, must be provided to the Planner ½ hour prior to the start of the hearing: file format compatibility cannot be guaranteed.™
- Auxiliary aids or services for persons with disabilities are available upon request. Please call 287-7900 three days prior to this public hearing to make arrangements.

Megan M. Leatherman, MCRP  
Director

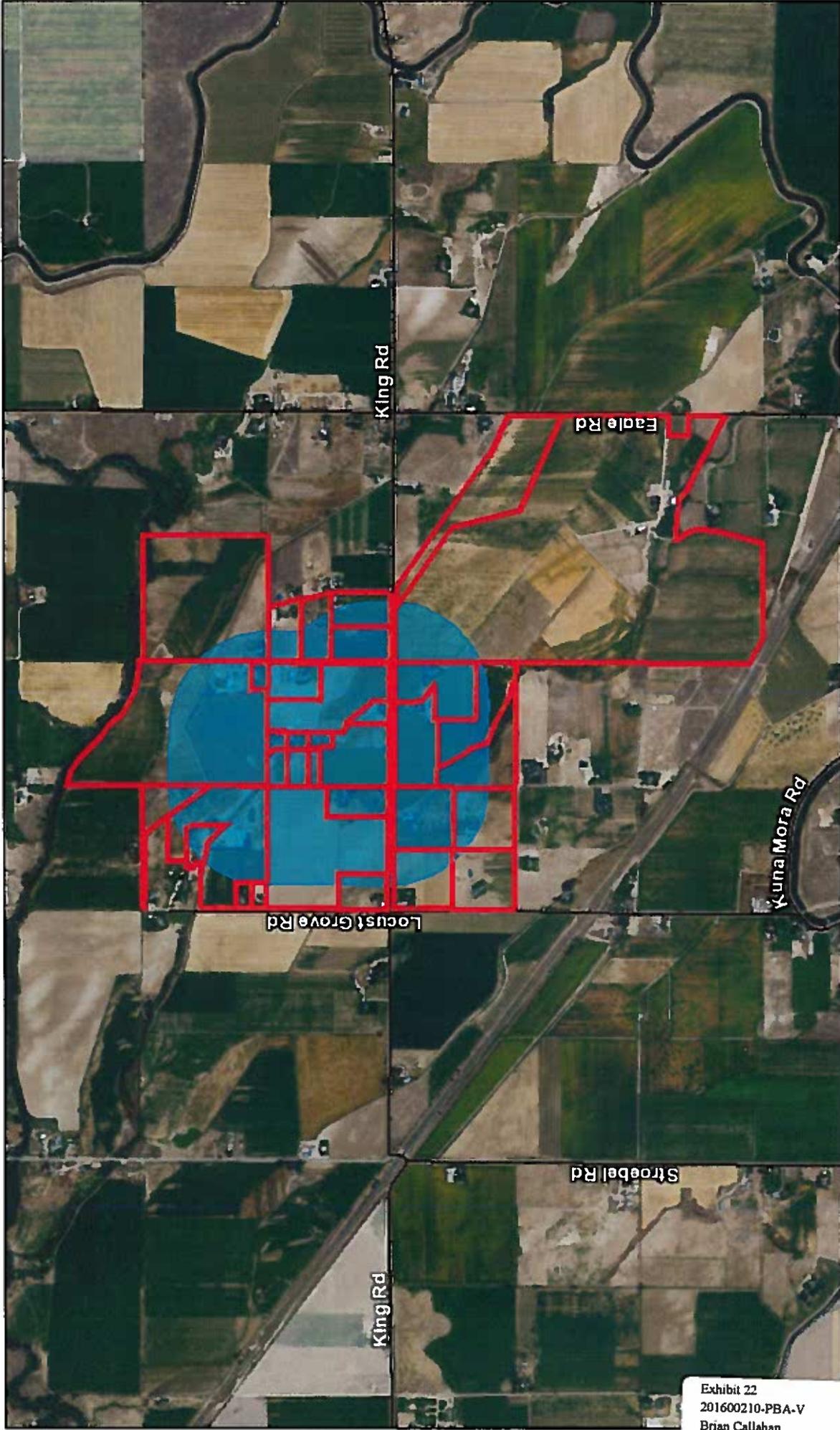
Ada County Courthouse  
200 West Front Street  
Boise ID 83702  
208.287.7900  
Fax 208.287.7909  
[www.adacounty.id.gov](http://www.adacounty.id.gov)

Department Divisions  
Building  
Engineering & Surveying  
Permitting  
Planning & Zoning

Ada County Commissioners  
Jim Tibbs, First District  
Rick Yzaguirre, Second District  
David L. Case, Third District



# 201600210-PBA-V: Radius Map



0 0.15 0.3 0.6 Miles

Date: 3/1/2016



- Search Results:**
- EAGLE
  - GARDEN CITY
  - KUNA
  - BOISE
  - MERIDIAN
  - STAR
  - Major Streets
  - Parks

This map is a user generated static output from an internet mapping site and is for general reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable. THIS MAP IS NOT TO BE USED FOR NAVIGATION.

PRIMOWNER	SECOWNER	ADDCONCAT	STATCONCAT
BB RANCHES I LLC		265 N 100 E	BOUNTIFUL, UT 84010-0000
BELL GARY N &	KAREN D	1933 S JENSEN RD	KUNA, ID 83634-2562
CALLAHAN BRIAN L &	HEATHER A	1230 S BRAITHWAIT LN	KUNA, ID 83634-0000
CONNELLY LAURI J		1156 S LOCUST GROVE RD	KUNA, ID 83634-0000
CONNELLY MICHAELS &	LAURI J	1156 S LOCUST GROVE RD	KUNA, ID 83634-0000
EICHELBERGER LELAND E &	JOAN F	4010 E KING RD	KUNA, ID 83634-2538
EICHELBERGER RALPH C LIFE ESTATE		4008 E KING RD	KUNA, ID 83634-0000
EICHELBERGER STEVEN C &	MARGARET L	4004 E KING RD	KUNA, ID 83634-0000
FISHWILD JAMES C &	JERIE E	1186 S LOCUST GROVE RD	KUNA, ID 83634-0000
FLOYD GILBERT ALTON &	JO LYNN	PO BOX 394	KUNA, ID 83634-0394
FRITSCHLE CARTER L &	NANCI L	4000 E KING RD	KUNA, ID 83634-2538
HINES GUS &	ERNESTINE M	5781 E KING RD	KUNA, ID 83634-0000
HOFFMANN RALPH & WILMA FAMILY TRUST		PO BOX 118	KUNA, ID 83634-0000
HOWARD BENNIE N &	HEATHER A	1360 S BRAITHWAIT LN	KUNA, ID 83634-0000
HOWARD SUSAN A		1578 S LOCUST GROVE RD	KUNA, ID 83634-0000
JENSEN CAROL &	HART P	3995 E KING RD	KUNA, ID 83634-2507
JENSEN STEVEN E HERITAGE TRUST		1694 N CALAVERAS PL	KUNA, ID 83634-0000
LAWLER WILLIAM T &	HAZEL M	1459 S GOOD DAY CIR	KUNA, ID 83634-0000
MEYERS DONNA M		4096 E KING RD	KUNA, ID 83634-0000
MRS PROPERTIES LLC		PO BOX 100	KUNA, ID 83634-0000
MUNSON MARK J &	JANELLE	1300 S BRAITHWAIT LN	KUNA, ID 83634-0000
PASMA NANCY J		1305 S GOOD DAY CIR	KUNA, ID 83634-0000
RILEY ELDON R &	JACQUELINE M	1860 S LOCUST GROVE RD	KUNA, ID 83634-0000
ROMANS NICK A		705 W THATCHER ST	BOISE, ID 83702-4202
SMITH MICHAEL R		PO BOX 100	KUNA, ID 83634-0000
STILSON BILLIE B JR		1666 S LOCUST GROVE RD	KUNA, ID 83634-2426
TALLON SANDRA A FAMILY TRUST		3901 E KING RD	KUNA, ID 83634-0000
WILLIAMS JAMES L &	BEVERLY J	3386 E COUNTRY LN	KUNA, ID 83634-0000

# MEMORANDUM

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**DATE:** 11 March, 2016

**RE:** Recommendation Regarding File 201600210 PBA V for Lots 2-5 Block 1 in Braithwait Sub., 3878 E. King Rd., Kuna, ID

**TO:** Kristy Inselman, Associate Planner

**FROM:** Dale Meyers, Associate County Surveyor

**CC:** Angela Gilman, Ada County Engineer

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Kristy,

Per your request I have reviewed the project referenced above. The documents reviewed include:

- Detailed Letter
- Site Plan

My comments and Conditions of Approval are as follows

Submit a draft copy of the Record of Survey for the PBA to this office for review prior to recording. Said R.O.S. shall identify each resultant "Parcel" by a unique name (ie: Parcel A, Parcel B, etc.)

Submit a draft of the revised Maintenance Agreement for the Private Road (S. Braithwait Ln.) that updates the responsibilities established in the CC&R's of Braithwait Sub. (Inst#98020488)

Please let me know if you have any questions.

Thank you,

Dale

**LEGAL NOTICE OF PUBLIC HEARING** Legal notice is hereby given that the Board of Ada County Commissioners will hold a public hearing on April 6, 2016 at 6:00 p.m. in the Commissioners Main Hearing Room #1235, on the first floor, 200 W. Front Street, Boise, ID, to hear a request for: 201400392-DA-M & 201503797-S-ZC, TEALEYS LAND SURVEYING; Preliminary Plat, Zoning Ordinance Map Amendment and Development Agreement Modification applications for Running Springs Sub No 3. This phase consists of 14 residential lots, and 5 common lots. The zoning ordinance map amendment is to rezone the property from a Medium High Density Residential (R8) District to a High Density Residential (R12) District. This is a revised preliminary plat application to change the originally approved duplex lots to single family attached lots. The property contains 2.93 acres and is located at 10333 W. Lake Hazel Rd., Boise ID 83709 in Section 2, T. 2N, R. 1E. Kristy Inselman 287-7998. 201600181-V-MSP-CU, ADAM ROE; A Conditional Use, Master Site Plan, and Variance application for a contractor's yard for Roe Painting. The contractor's yard will include an office in the existing dwelling, and an existing outbuilding of 2,400 square feet. The Variance application to allow for the existing building used for a contractor's yard to be located at 55" instead of 100" adjacent to a residential zone. The property contains 9.271 acres and is located at 7085 S Eagle Rd., Meridian, ID 83642 in Section 5, T. 2N, R. 1E. Diana Sanders 287-7905. 201600210-PBA-V, MATRIX ENGINEERING INC.; Variance and property boundary adjustment applications to combine the existing residential lots with the easement areas granted on the Braithwait Subdivision Plat for Lots 3, 4 & 5. This will remove the easement areas from Lot 2. The properties contain approximately 18.1 acres and are located on the north side of King Road, east of S. Locust Grove Road on Braithwait Lane, Meridian, ID 83642 in Section 29, T. 2N, R. 1E. Kristy Inselman 287-7998. Staff Reports Available On-Line 5 Days before Hearing Date - adaweb.net Auxiliary aids or services for persons with disabilities are available upon request. Please call 287-7900 or 287-7979 (TDD) by 5:00 p.m. three days prior to this public hearing so that arrangements can be made. **BOARD OF ADA COUNTY COMMISSIONERS Mark Perfect Planning & Zoning Administrator Pub. Mar. 22, 2016 Publish Dates: 3/22/2016 -4/5/2016 1**

# Sign Posting Certification

ADA COUNTY DEVELOPMENT SERVICES, 200 W Front Street, Boise, Idaho 83702

www.adaweb.net | (208) 287-7900

## GENERAL INFORMATION:

You must post the property at least ten (10) days prior to the scheduled public hearing. The Certification form must be submitted at least seven (7) days prior to the scheduled public hearing. Please review Section 8-7A-5 of the Ada County Code for all sign posting requirements.

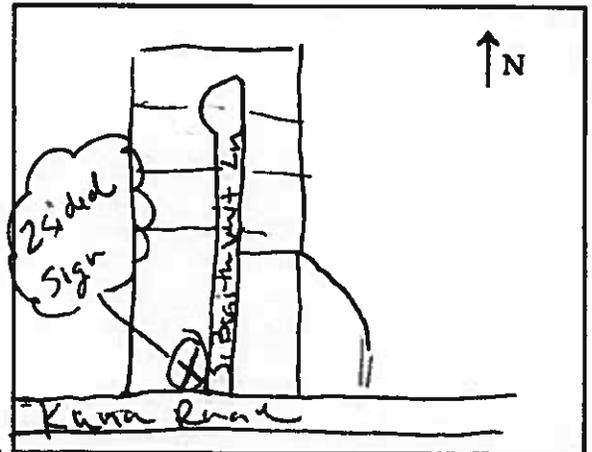
Please attach dated photographs of each sign with the certification.

## PROJECT INFORMATION:

Location:	Quarter: <u>SE, SW</u>	Section: <u>29</u>	Township: <u>2N</u>	Range: <u>1E</u>	Total Acres: <u>24.69</u>
Project Name:	<u>Braithwait Subdivision</u>			Lot:	Block:
Site Address:	<u>1230 South Braithwait Lane, Kuna, ID 83634</u>			Tax Parcel Number(s):	
File Number:	<u>201600210-PBA-V</u>			Date Posted: <u>18/MAR/2016</u>	

<b>APPLICANT:</b> <u>Craig Kulchak</u>		
Name:		
Address: <u>4839 Mountain View Dr</u>		
City: <u>Boise</u>	State: <u>ID</u>	Zip: <u>83704</u>
Telephone: <u>(209) 919-1141</u>	Fax:	
<p>I certify that the property was posted at least ten (10) days prior to the scheduled public hearing and have attached dated photographs of each sign in accordance with Section 8-7A-5 of the Ada County Code.</p>		
		<u>19/MAR/2016</u>
Signature: (Applicant)		Date

Please draw a diagram of sign location(s) on the property



OFFICE USE ONLY			
File No.:	Received By:	Date:	Stamped:

