



# Memo

To: Mayor and Hayden City Council

From: Dulci Kau, P.E., City Engineer

Date: 5/12/2026

**Agenda Item: Acceptance of the Right-of-Way Dedication and Grant of Easement Associated with John & Tara Arts Accessory Dwelling Unit**

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## **Agenda Item Location**

Consent

## **Background and Recommended Action or Motion**

John and Tara Ares have received a building permit for an Accessory Dwelling Unit (PB26-0044) at 757 W Lacey Avenue and has provided the right-of-way dedication and grant of easement required by Hayden City Code 11-4-7(c).

Staff recommends the City Council accept the grant of easement and dedication of right-of-way, and permit the Mayor to sign on behalf of the City prior to recording with Kootenai County.

## **Functional Impact of Authorizing**

If accepted, City Council acknowledges the owner has met the requirements City Code 11-4-7(c) site development.

## **Functional Impact of Not Authorizing**

If not approved, City Council would need to provide cause and reason for denial and a path forward for acceptance.

## **Fiscal Impact**

This item has no fiscal impact on the City of Hayden.

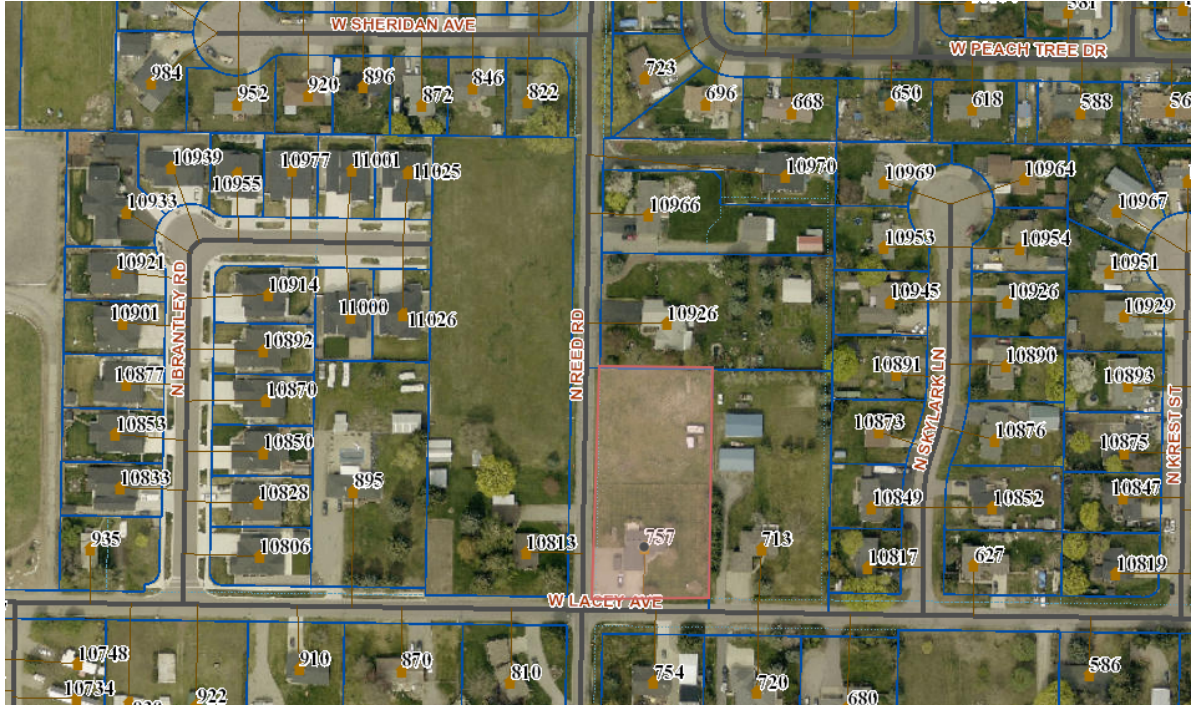
## **Budget Funding Source / Transfer Request**

N/A

## **Attachment**

Right-of-Way Dedication and Grant of Easement

Figure 1 - Vicinity Map



After recording return document to:  
City of Hayden  
8930 N Government Way  
Hayden, Idaho 83835

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**Document Title:** RIGHT-OF-WAY DEDICATION DEED  
**Grantor(s):** John Charles Arts and Tara Lynn Arts, husband and wife  
**Grantee(s):** City of Hayden

### RIGHT-OF-WAY DEDICATION DEED

The Grantor(s), **John Charles Arts and Tara Lynn Arts, husband and wife**, in consideration of the sum of One and No/100 Dollars (\$1.00), and other valuable consideration of which is hereby acknowledged, hereby grants unto the **CITY OF HAYDEN**, a municipal corporation, and its assigns, a public right-of-way, to be used for all lawful right of way purposes, surface and subsurface, including but not limited to right-of-way uses as well as sidewalks, plantings, right of way beautification improvements where deemed appropriate by the City, installation, operation and maintenance of utilities, stormwater and such other uses that municipalities may make of rights-of-way and easements from time to time, now or in the future, for the use and benefit of the public, over, under, upon and across the hereinafter described lands. All such uses are unrestricted in location within the right-of-way and shall not be limited in any way whatsoever by the state of being, condition or location of the street.

The City of Hayden shall have the right to utilize such additional width as may be necessary temporarily for the placing of excavated materials thereon and for initial construction and maintenance operations. The City of Hayden agrees that it will at its own expense and to the extent reasonably practicable, restore the surface of land to the same conditions that existed prior thereto.

Said lands being situated in the City of Hayden, Kootenai County, State of Idaho, legally described as follows:

**See Exhibit A**

Also, the undersigned hereby requests the Assessor and Treasurer of said County to set-over to the remainder the lien of all unpaid taxes, if any, affecting the property hereby conveyed.

It is understood and agreed that delivery of this Deed is hereby tendered and that the terms and obligations hereof shall not become binding upon the City of Hayden unless and until accepted and approved hereon in writing for the City of Hayden, by the Mayor.

CITY OF HAYDEN


Attest:

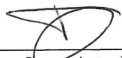
\_\_\_\_\_  
City Clerk

By: \_\_\_\_\_  
Mayor

Date: \_\_\_\_\_

DATED this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

  
\_\_\_\_\_  
John Charles Arts- Husband

  
\_\_\_\_\_  
Tara Lynn Arts- Wife

INDIVIDUAL ACKNOWLEDGEMENT – John Charles Arts

STATE OF IDAHO)

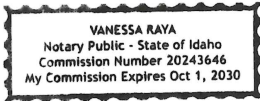
) ss

County of Kootenai )

On this 30 day of April, 2020 before me, a Notary for the State of Idaho, personally appeared John Charles Arts known, or identified to me to be the individual(s) described in and who executed the foregoing instrument, and acknowledged that he signed and sealed the same as his free and voluntary act and deed, for the uses and purposes therein mentioned.

GIVEN under my hand and official seal the day and year last above written.

(SEAL)



Vanessa

Notary Public in and for the State of Idaho,  
Residing at: Post Falls, ID  
My commission expires: Oct 1, 2030

INDIVIDUAL ACKNOWLEDGEMENT – Tara Lynn Arts

STATE OF IDAHO)

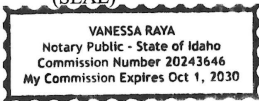
) ss

County of Kootenai )

On this 30 day of April, 2020 before me, a Notary for the State of Idaho, personally appeared Tara Lynn Arts known, or identified to me to be the individual(s) described in and who executed the foregoing instrument, and acknowledged that she signed and sealed the same as her free and voluntary act and deed, for the uses and purposes therein mentioned.

GIVEN under my hand and official seal the day and year last above written.

(SEAL)

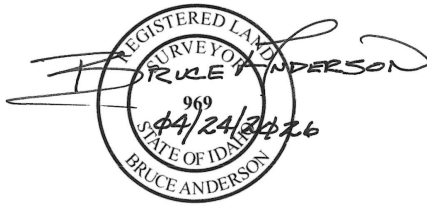


Vanessa

Notary Public in and for the State of Idaho,  
Residing at: Post Falls ID  
My commission expires: Oct 1, 2030

Exhibit "A"

A 9.5 foot Right-of-Way easement running parallel and adjoining to a 20 FT. easement as shown on Record of Survey, Instrument #3040068000.



# RECORD OF SURVEY

For Right-of-Way Dedication & Grant of Easement  
 Part of The West Half of Tract 119, Hayden Lake Irrigated Tracts Amended  
 Northeast Quarter of Section 14, Township 51 North, Range 04 West, B.M.  
 City of Hayden, County of Kootenai, Idaho

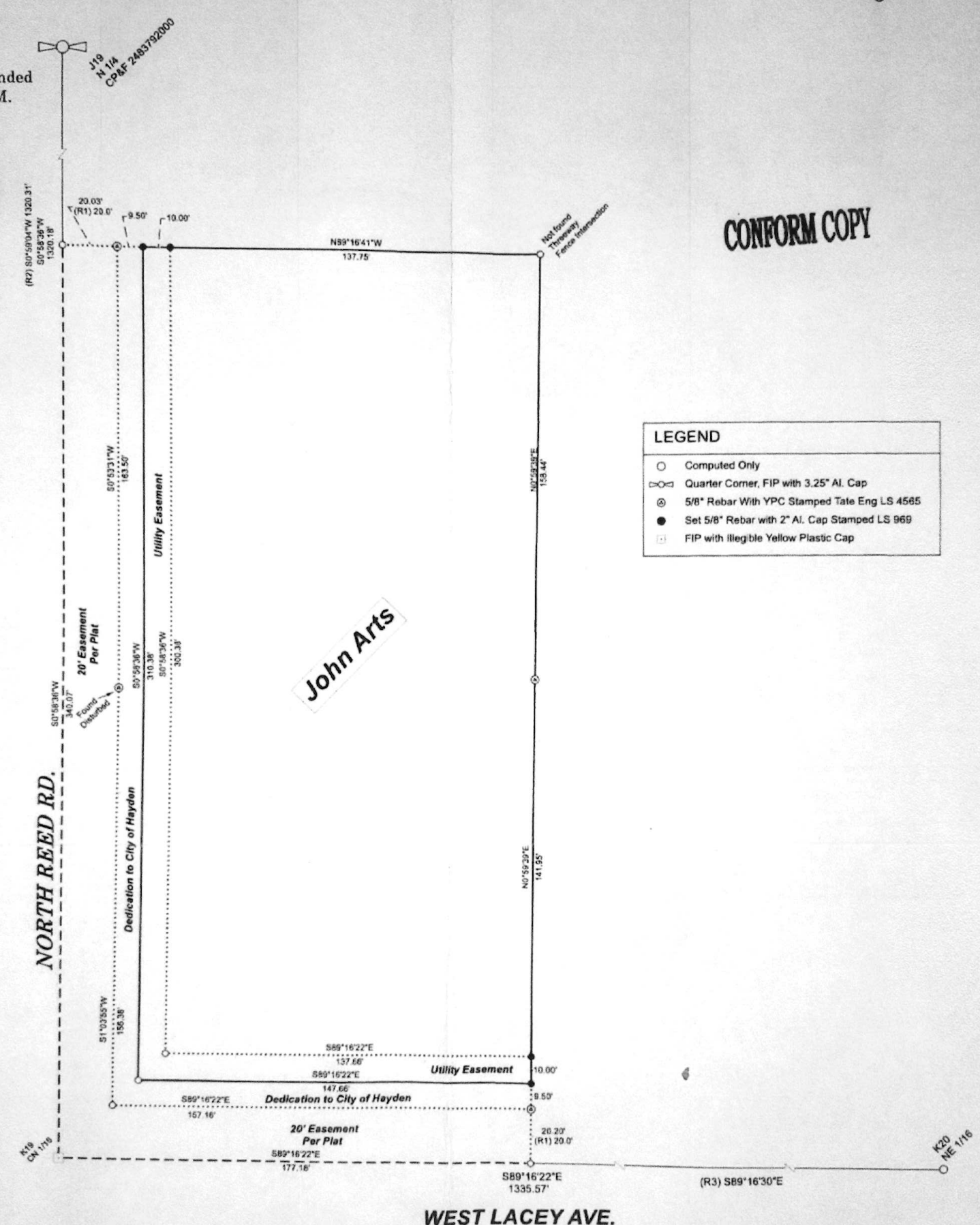
Book 33 Page 477  
 Instrument # 3040068000  
 STATE OF IDAHO  
 COUNTY OF KOOTENAI  
 At the request of  
 Bruce Anderson, LS  
 Jennifer Locke, Clerk/Auditor  
 At 1 minutes past 9 o'clock a.m.  
 Date April 22, 2026  
 By *[Signature]* Deputy  
 Fee: \$5.00

## REFERENCE DOCUMENTS

- (R1) Plat, Hayden Lake Irrigated Tracts, Book C of Plat Page 66-67
- (R2) Record of Survey, Instrument #2872325000 Filed 2021, C. Johnson PLS 9367
- (R3) Record of Survey, Instrument #2604326000 Filed 2016, G. Russel PLS 13419

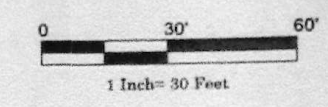
## SURVEYOR'S NOTE

During the course of this survey, there was an apparent unrecorded survey around this subject parcel. Found were 5/8" rebar with yellow plastic caps marked Tate Eng. LS 4565 (Ernie Warner). The intent of the found survey was clear and the monuments were accepted at their found locations. No attempt was made to go beyond the subject parcel to verify the extent of this unrecorded survey. Tate Engineering has since gone out of business and E. Warner has retired.

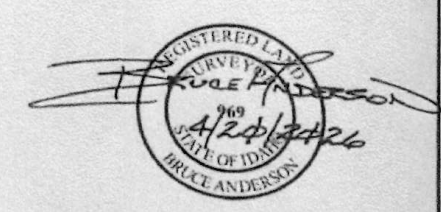


CONFORM COPY

LEGEND	
○	Computed Only
⊙	Quarter Corner, FIP with 3.25" Al. Cap
⊗	5/8" Rebar With YPC Stamped Tate Eng LS 4565
●	Set 5/8" Rebar with 2" Al. Cap Stamped LS 969
⊠	FIP with illegible Yellow Plastic Cap



**BASIS OF BEARING**  
 The basis of bearing of this survey is the line from the Center North 1/16 corner to the North Quarter of Section 14. Coordinates are based upon Idaho State Plane Coordinate System, NAD83(2011), West Zone, survey feet. Bearings are GRID bearings. Distances measured are TRUE GROUND.  
 Combined Adjustment Factor: 0.99990147  
 Geodetic north is an angular rotation of 0°46'32" to the left.



## SURVEYOR'S CERTIFICATE

I, Bruce Anderson, Land Surveyor #969 State of Idaho, hereby certify that this Record of Survey was executed by me or under my direct supervision in conformance with the laws of the State of Idaho regarding surveys.

FILE NAME		
Arts.TRV	DATE	DRAWN BY
30 FV/in	4-17-2026	ORR
JOB	REVIEWED	SHEET
ARTS	BA	

Note: This Record of Survey does not attempt to show the easements or right-of-way or record or in view, nor the location or size of perspective easements, fence lines or other physical features on the property. Buildings, roads, fences, water and sewer lines shown hereon are

After recording return document to:  
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**Document Title:** GRANT OF EASEMENT  
**Grantor(s):** John Charles Arts and Tara Lynn Arts, husband and wife  
**Grantee(s):** City of Hayden

#### GRANT OF EASEMENT

The Grantor(s), **John Charles Arts and Tara Lynn Arts, husband and wife**, in consideration of the sum of One and No/100 Dollars (\$1.00), and other valuable consideration of which is hereby acknowledged, hereby grants unto the **CITY OF HAYDEN**, a municipal corporation, and its assigns, an easement, to be used for all lawful right of way purposes, surface and subsurface, including but not limited to right-of-way uses as well as sidewalks, plantings, right of way beautification improvements where deemed appropriate by the City, installation, operation and maintenance of utilities, stormwater, snow storage and such other uses that municipalities may make of rights-of-way and easements from time to time, now or in the future, for the use and benefit of the public, over, under, upon and across the hereinafter described lands. All such uses are unrestricted in location within the easement and shall not be limited in any way whatsoever by the state of being, condition or location of the street.

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Said lands being situated in the City of Hayden, Kootenai County, State of Idaho, legally described as follows:

For legal description and additional conditions, see Exhibit "A" attached hereto and made a part hereof.

John Charles Arts  
John Charles Arts- Husband

Tara Lynn Arts  
Tara Lynn Arts- Wife

INDIVIDUAL ACKNOWLEDGEMENT – John Charles Arts

STATE OF IDAHO) ) ss  
County of Kootenai )

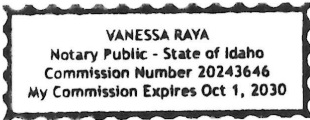
On this 30 day of April, 2026 before me, a Notary for the State of Idaho, personally appeared John Charles Arts known, or identified to me to be the individual(s) described in and who executed the foregoing instrument, and acknowledged that he signed and sealed the same as his free and voluntary act and deed, for the uses and purposes therein mentioned.

GIVEN under my hand and official seal the day and year last above written.

(SEAL)

Vanessa Raya

Notary Public in and for the State of Idaho,  
Residing at: Post Falls ID  
My commission expires: Oct 1, 2030



INDIVIDUAL ACKNOWLEDGEMENT – Tara Lynn Arts

GRANT OF EASEMENT  
Page 3 of 5

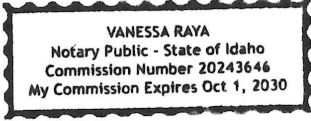
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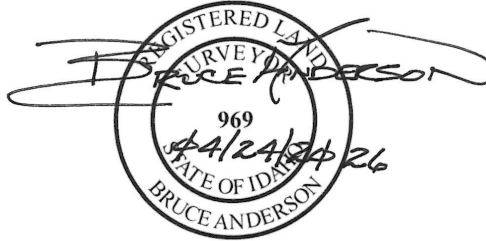
(SEAL)



Vanessa Raya  
Notary Public in and for the State of Idaho,  
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Exhibit "A"

A 10.0 foot utility easement running parallel and adjoining a 9.5 foot easement as described on Record of Survey, Instrument #3040068000.



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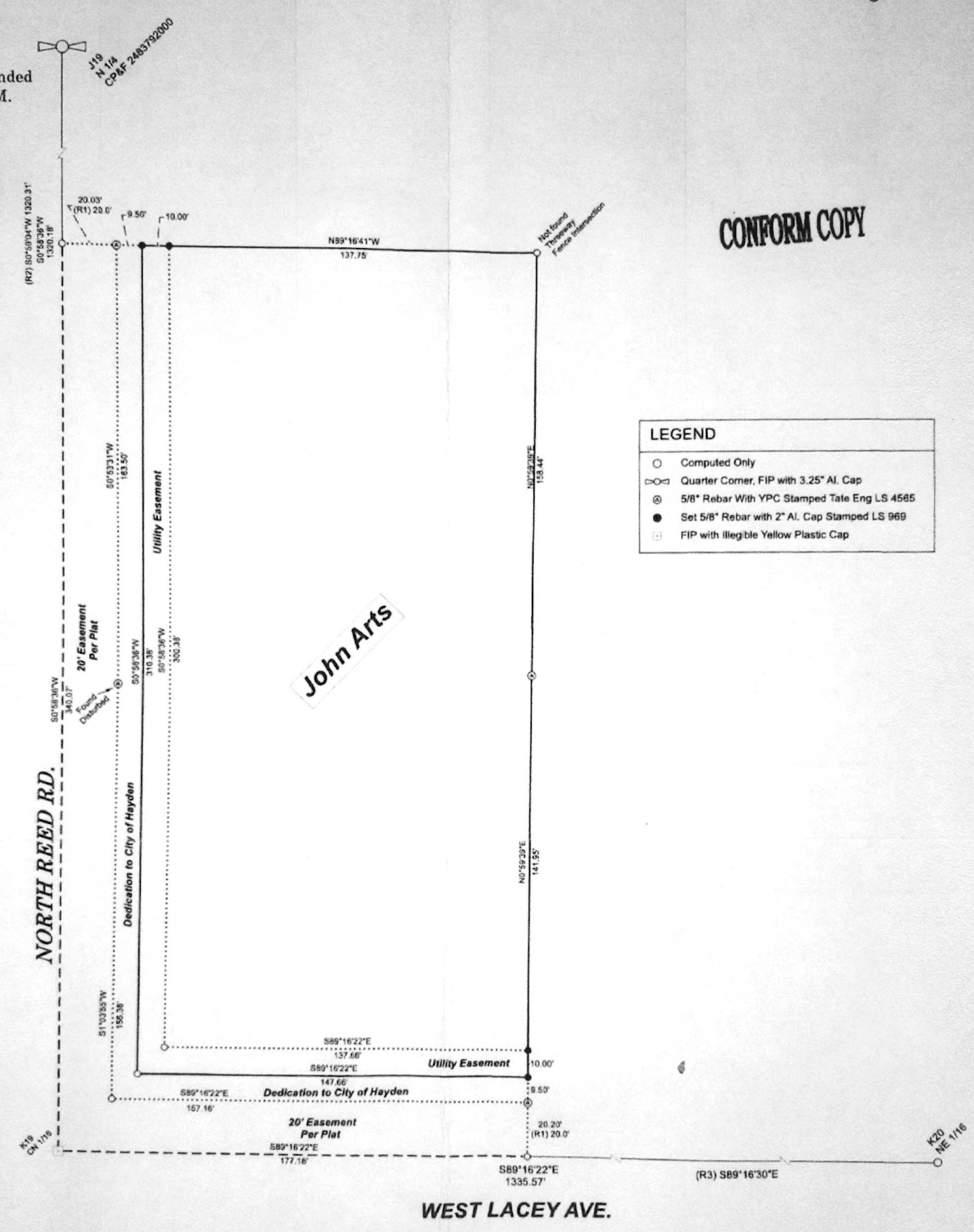
Book 33 Page 477  
 Instrument # 3040068000  
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 COUNTY OF KOOTENAI  
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 Bruce Anderson, LS  
 Jennifer Locke, Clerk/Auditor  
 At 1 minutes past 9 o'clock a.m.  
 Date April 22, 2026  
 By *[Signature]* Deputy  
 Fee: \$5.00

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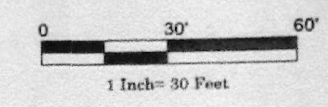
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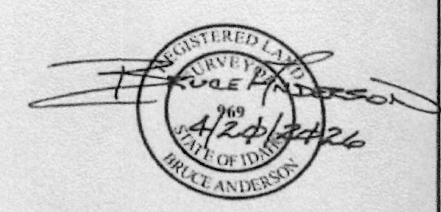
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FILE NAME		
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ARTS	BA	

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