

CITY OF HAYDEN RESOLUTION NO. 2026-_____

A RESOLUTION OF THE CITY OF HAYDEN, IDAHO, APPROVING THE COMMENCEMENT OF CONDEMNATION PROCEEDINGS FOR THE REAL PROPERTY LOCATED AT 3410 WEST HAYDEN AVENUE, HAYDEN, KOOTENAI COUNTY, IDAHO AND LEGALLY DESCRIBED AS NW-NW-NW-NW, E2-SW-NW-NW-NW22 51N 04W; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, The City of Hayden, is a lawfully recognized municipal corporation within the State of Idaho and is authorized to exercise the power of eminent domain proceedings pursuant to Idaho Code § 50-311 and Idaho Code § 7-701 *et. seq.*

WHEREAS, the City of Hayden, Idaho, is engaged in the construction of a highway project designated as 41014.020, HAYDEN AVE & ATLAS RD ROUNDABOUT, (hereinafter referred to as the “project”); and

WHEREAS, a portion of the project will require the acquisition of land for right of way and construction including control of the property legally described in Exhibit A attached hereto and incorporated herein.

WHEREAS, the City of Hayden, Idaho, has determined that it necessary and in the public interest to acquire real property for the above purpose; and

WHEREAS, the City of Hayden has engaged in good faith negotiations with the property owner without success and it is necessary that the real property described in Exhibit A be acquired by condemnation proceedings in order to complete the project.

NOW, THEREFORE, BE IT RESOLVED:

Section 1. That it is necessary to acquire the real property, rights of way, access control, and temporary easements described in Exhibit A through condemnation in accordance with Idaho Code § 50-311 and Idaho Code § 7-701 *et. seq.*

Section 2. The real property described in Exhibit A, and illustrated in Exhibit B is to be acquired for a public use authorized by law, the taking of the property is necessary to such use, and the taking located in the manner which will be most compatible with the greatest public good and least private injury.

Section 3. The property is not already appropriated to a public use.

Section 4. The names and addresses of the record title owner of the property described in Exhibit A is 3140 W Hayden LLC, 4742 42nd Avenue SW #156 Seattle, Washington 98116.

Section 5. The City of Hayden commenced negotiations to purchase the property on the 17th day of February, 2026 by certified U.S. Mail, addressed to the person shown in the official records of the county assessor as the owner of the property and did deliver the following: (A) a summary of rights form required by Chapter 7, Title 7, Idaho Code. (B) a written offer to purchase the Property, and (C) a copy of an appraisal prepared on behalf of the City of Hayden. More than 30 days have elapsed since the City of Hayden made this offer.

Section 6. The City of Hayden, by and through its employees, contractors, and agents, has sought in good faith to purchase the property described in Exhibit A, but the City of Hayden has been unable to make any reasonable bargain therefor.

Section 7. It is timely to acquire the property.

Upon a motion made by Council Member _____, seconded by Council Member _____, the following vote was recorded:

Council Member Roetter	___ Yes	___ No
Council Member DePriest	___ Yes	___ No
Council Member Shafer	___ Yes	___ No
Council Member Davidson	___ Yes	___ No

Upon said roll call, this Resolution was duly enacted as a Resolution of the city of Hayden, Kootenai County, Idaho, on the ___ day of _____, 2026.

APPROVED by the City Council on the ___ day of _____, 2026.

CITY OF HAYDEN

Alan Davis, Mayor

ATTEST:

Abbi Sanchez, City Clerk

Exhibit A

Legal Description- 3140 W. Hayden, LLC

That portion of the northwest quarter of Section 22, Township 51 North, Range 4 West, Boise Meridian, Kootenai County, Idaho described as follows:

Commencing at a 3 1/2 inch aluminum cap marking the northwest corner of said Section 22 as shown on Corner Perpetuation and Filing recorded as Instrument Number 2466168000, records of Kootenai County, said monument bears N 88°28'40" W a distance of 2630.18 feet from a 2 1/2 inch brass cap marking the North quarter corner of said Section 22 as shown on Corner Perpetuation and Filing recorded as Instrument Number 2417005000, records of Kootenai County.

Thence along the North line of said northwest quarter, S 88° 28' 40" E a distance of 30.30 feet;

Thence perpendicular to the South right of way of Hayden Avenue S 01° 31' 20" W a distance of 25.00 feet to the right of way intersection of Atlas Avenue and said Hayden Avenue, said point also being the **TRUE POINT OF BEGINNING;**

Thence along the South right of way of said Hayden Avenue, S 88° 28' 40" E a distance of 187.85 feet;

Thence perpendicular to said South right of way, S 01° 31' 20" W a distance of 17.89 feet;

Thence parallel with the North line of said northwest quarter, N 88° 28' 40" W a distance of 55.94 feet to the beginning of a non-tangent curve to the left having a radius of 279.00 feet;

Thence southwest along said curve, through an arc length 113.73 feet, through a central angle of 23° 21' 23", a chord bearing of S 71° 34' 38" W and a chord distance of 112.95 feet to the beginning of a non-tangent compound curve to the left, having a radius of 39.00 feet;

Thence southwest along said curve, through an arc length 26.34 feet, through a central angle of 38° 41' 57", a chord bearing of S 40° 32' 58" W and a chord distance of 25.84 feet to the beginning of a non-tangent compound curve to the left, having a radius of 69.00 feet;

Thence southeast along said curve, through an arc length 31.80 feet, through a central angle of 26° 24' 25", a chord bearing of S 07° 59' 47" W and a chord distance of 31.52 feet;

Thence S 05° 12' 26" E a distance of 36.27 feet to the beginning of a curve to the right, having a radius of 440.00 feet;

Thence southeast along said curve, through an arc length 46.38 feet, through a central angle of 06° 02' 24", a chord bearing of S 02° 11' 14" E and a chord distance of 46.36 feet;

Thence parallel with the West line of said Section 22, S 00° 49' 59" W a distance of 115.62 feet to the South line of the northwest quarter of the northwest quarter of the northwest quarter of the northwest quarter said Section 22;

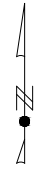
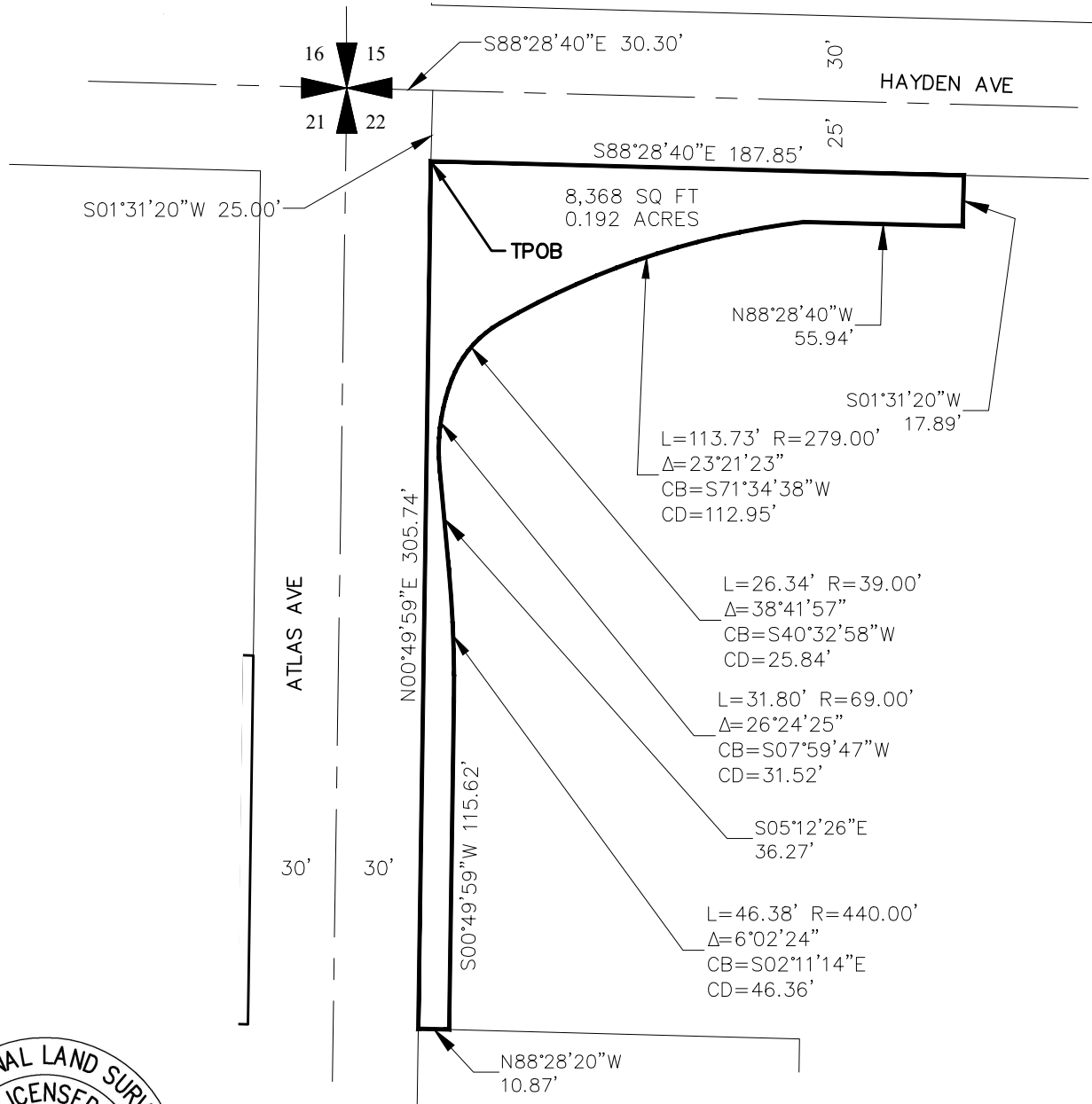
Exhibit A

Thence along said South line, N 88° 28' 20" W a distance of 10.87 feet to the East right of way of Atlas Avenue;

Thence along said East right of way, N 00° 49' 59" E a distance of 305.74 feet to the **TRUE POINT OF BEGINNING.**

Contains 8,368 Square feet or 0.192 acres more or less.

EXHIBIT B
 RIGHT OF WAY – 3140 W HAYDEN LLC
 LOCATED IN THE NORTHWEST QUARTER OF
 SECTION 22, TOWNSHIP 51 NORTH, RANGE 4 WEST,
 CITY OF HAYDEN, KOOTENAI COUNTY, IDAHO



SCALE: 1"=60'



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EXHIBIT B – RIGHT OF WAY
 3140 W Hayden LLC
 PROPOSED RIGHT OF WAY
 H00000223225

PROJECT NO.: 41014.020
 DESIGNED BY: MLH
 DRAWN BY: FVR
 DWG: 41014.020EX01.DWG
 DATE: 05/14/2024
 SHEET NO: **1 OF 1**