



# Memo

To: Mayor and Hayden City Council

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

Date: 6/10/2025

**Agenda Item: Acceptance of Anne Wagstaff Dedication of Right-of-Way and Grant of Easement**

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## **Agenda Item Location**

Consent

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

As a part of Building Permit PB24-0456 (Parcel No. H00000194375) the property owner is required to dedicate right-of-way and grant an easement in accordance with the City of Hayden Transportation Plan in effect at the time of building permit. The property owner has provided the required right-of-way and easement documentation.

Staff recommends acceptance of Anne Wagstaff's dedication of right-of-way and grant of easement and permit the Mayor to sign on behalf of the City prior to recordation with Kootenai County.

## **Functional Impact of Authorizing**

If approved, the City would have the right-of-way and easement in accordance with the Transportation Plan.

## **Functional Impact of Not Authorizing**

If not approved, the City would have to acquire the easement at the expense of the citizens of Hayden to comply with the Transportation Plan.

## **Fiscal Impact**

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

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

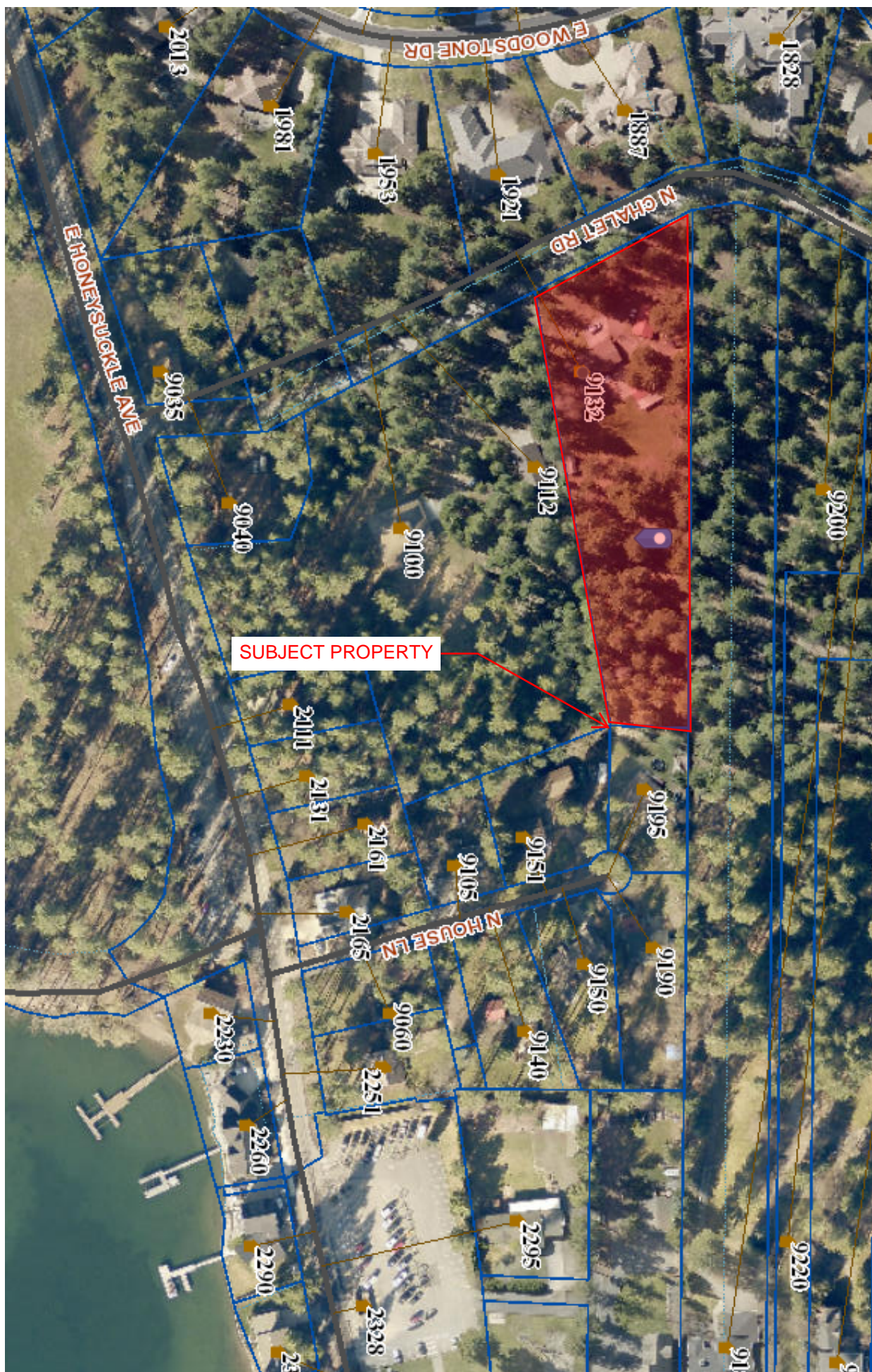
N/A

## **Attachment**

Vicinity Map

Right-of-Way Dedication

Grant of Easement



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):**          *Anne B Wagstaff*  
**Grantee(s):**          **City of Hayden**  
**Legal Description:**   *Tax #5625 of Section 19 Township 51 North 03 West*  
**Assessor's Tax Parcel Number:** *Parcel #H-0000-019-4375*

### **RIGHT-OF-WAY DEDICATION DEED**

The Grantor(s), *Anne B. Wagstaff*, whose address is 9132 N Chalet Road, Hayden, Idaho 83835, ("Grantor"), 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, whose address is 8930 N Government Way, Hayden, Idaho 83835 ("Grantee") 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:

For legal description and sketch, see Exhibits "A" and "B" attached hereto and made a part hereof.

Also, the undersigned hereby requests the Assessor and Treasurer of said County 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 Easement 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:

\_\_\_\_\_  
Abbi Sanchez, City Clerk

By: \_\_\_\_\_  
Alan Davis, Mayor

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

DATED this 30<sup>th</sup> day of May, 2024: 2025

\_\_\_\_\_  
Anne B. Wagstaff, Owner

STATE OF IDAHO                    )  
  :ss  
County of Kootenai                )

On this \_\_\_ day of \_\_\_\_\_, 2024, before me, a Notary for the state of Idaho, personally appeared Alan Davis and Abbi Sanchez, known , or identified to me to be the Mayor and City Clerk, of the city of Hayden, Kootenai County, Idaho, executing the herein instrument, and acknowledged to me that such City of Hayden executed the same.

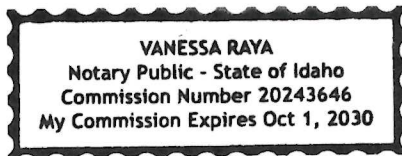
IN WITNESS WHEREOF, I have hereto set my hand and affixed my official seal the date and year in this certificate first above written.

\_\_\_\_\_  
Notary Public for the state of Idaho  
Residing at:  
Commission Expires:

STATE OF IDAHO                    )  
  ) ss.  
County of Kootenai                )

On this 30<sup>th</sup> day of May, <sup>2025</sup>2024, before me, a Notary Public in and for said state, personally appeared Anne B. Wagstaff, known or identified to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that she executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.



*Vanessa Raya*  
Notary Public for Idaho  
Residing at Hauden, Idaho  
My commission expires Oct 1, 2030

EXHIBIT A  
LEGAL DESCRIPTION

**Right of Way Dedication**

The West 10 feet of Tax No. 5625, described as follows:

Tax No. 5625

From Survey Plat

A portion of Government Lot 2, Sec. 19, Twp. 51 N., Range 3 W.B.M., Kootenai County, Idaho. The said tract of land is described as follows: Beginning at a point 1396.3 feet South and 1054.3 feet N.  $89^{\circ}57'$  E. of the Northwest corner of Sec. 19, Twp. 51 N., R. 3 W.B.M.; thence N.  $89^{\circ}57'$  E. 621.0 feet; thence S.  $1^{\circ}12'$  W. along the West line of Lot 9, of the Mark House Subdivision 90.4 feet; thence S.  $79^{\circ}38'$  W. 426.0 feet; thence S.  $80^{\circ}34'$  W. 103.5 feet to the East side of road; thence N.  $28^{\circ}08'$  W. along the East side of road 208.0 feet to the point of beginning.

EXHIBIT B  
SKETCH



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

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**Document Title:** GRANT OF EASEMENT  
**Grantor(s):** *Anne B. Wagstaff*  
**Grantee(s):** City of Hayden  
**Legal Description:** *Tax #5625 of Section 19 Township 51 North Range 03 West*  
**Assessor's Tax Parcel Number:** *Parcel #H-0000-019-4375*

### GRANT OF EASEMENT

For VALUABLE CONSIDERATION, the receipt and sufficiency of which are hereby acknowledged. *Anne B. Wagstaff*, whose address is 9132 N Chalet Road, Hayden, Idaho 83835, ("Grantor"), hereby grants unto the **CITY OF HAYDEN**, a municipal corporation, ("Grantee") whose address is 8930 N Government Way, Hayden, Idaho 83835, its successors and 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, 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 easement 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:

For legal description and sketch, see Exhibits "A" and "B" attached hereto and made a part hereof.

It is understood and agreed that delivery of this Easement 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:

\_\_\_\_\_  
Abbi Sanchez, City Clerk

By: \_\_\_\_\_  
Alan Davis, Mayor

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

DATED this 30<sup>th</sup> day of May, 2024-2025

\_\_\_\_\_  
Anne B. Wagstaff, Owner

STATE OF IDAHO                    )  
  :ss  
County of Kootenai                )

On this \_\_\_\_ day of \_\_\_\_\_, 2024, before me, a Notary for the state of Idaho, personally appeared Alan Davis and Abbi Sanchez, known , or identified to me to be the Mayor and City Clerk, of the city of Hayden, Kootenai County, Idaho, executing the herein instrument, and acknowledged to me that such City of Hayden executed the same.

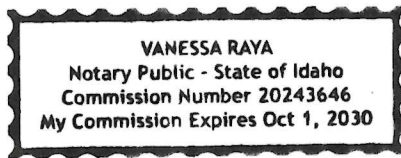
IN WITNESS WHEREOF, I have hereto set my hand and affixed my official seal the date and year in this certificate first above written.

\_\_\_\_\_  
Notary Public for the state of Idaho  
Residing at:  
Commission Expires:

STATE OF IDAHO                     )  
  ) ss.  
County of Kootenai                     )

On this 30<sup>th</sup> day of May, 2024, before me, a Notary Public in and for said state, personally appeared Anne B. Wagstaff, known or identified to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that she executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.



*Vanessa RAYA*  
Notary Public for Idaho  
Residing at Hayden, Idaho  
My commission expires Oct 1, 2030

EXHIBIT A  
LEGAL DESCRIPTION

**Utility Easement**

The East 10 feet of the West 20 feet of said Tax No. 5625, described as follows:

Tax No. 5625

From Survey Plat

A portion of Government Lot 2, Sec. 19, Twp. 51 N., Range 3 W.B.M., Kootenai County, Idaho. The said tract of land is described as follows: Beginning at a point 1396.3 feet South and 1054.3 feet N.  $89^{\circ}57'$  E. of the Northwest corner of Sec. 19, Twp. 51 N., R. 3 W.B.M.; thence N.  $89^{\circ}57'$  E. 621.0 feet; thence S.  $1^{\circ}12'$  W. along the West line of Lot 9, of the Mark House Subdivision 90.4 feet; thence S.  $79^{\circ}38'$  W. 426.0 feet; thence S.  $80^{\circ}34'$  W. 103.5 feet to the East side of road; thence N.  $28^{\circ}08'$  W. along the East side of road 208.0 feet to the point of beginning.

EXHIBIT B  
SKETCH

