



Memo

To: Mayor and Hayden City Council

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

Date: 12/4/2025

Agenda Item: Acceptance of Grant of Easement and Right-of-way Dedication and Acceptance of Public Infrastructure Associated with Church of Living Water Inc. Site Plan

Agenda Item Location

Consent

Background and Recommended Action or Motion

Church of Living Water, Inc. has submitted site plans for a new commercial structure at 1212 W Hayden Avenue and has provided the dedication of right-of-way and grant of easement required by Hayden City Code 11-4-7(c).

Staff recommends the City Council accept the right-of-way dedication and grant of easement and permit the Mayor to sign on behalf of the City prior to re-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 plan 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

Grant of Easement and Right-of-Way Dedication

Figure 1 - Vicinity Map



RECORDING FEE: \$15.00

DD



Return document to:
City of Hayden
C/O City Engineer
8930 N Government Way
Hayden, Idaho 83835

Document Title: RIGHT-OF-WAY DEDICATION DEED
Grantor(s): CHURCH OF LIVING WATER INC
Grantee(s): City of Hayden
Legal Description: TAX #6209 [IN TRACT 193 HLIT]
Assessor's Tax Parcel Number: TAX #6209

RIGHT-OF-WAY DEDICATION DEED

The Grantor(s), **CHURCH OF LIVING WATER INC**, 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 in EXHIBIT "A" and shown in EXHIBIT "B" attached hereto and made a part hereof.

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

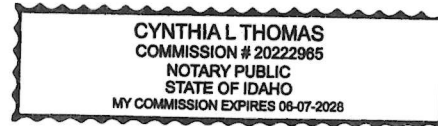
DATED this _____ day of _____, 20____.



Oleg Bueller, Authorized Signer
Church of Living Water, Inc

11-24-25


Date



ACKNOWLEDGEMENT

STATE OF IDAHO)
) SS
COUNTY OF KOOTENAI)

THIS RECORD WAS ACKNOWLEDGED BEFORE ME ON THIS 24th DAY OF November
IN THE YEAR OF 2025, BY OLEG BUELLER FOR CHURCH OF LIVING WATER, INC.



NOTARY PUBLIC IN AND FOR THE STATE OF IDAHO
RESIDING AT: Coeur d'Alene, ID
MY COMMISSION EXPIRES: 6-7-28

EXHIBIT "A"

LEGAL DESCRIPTION

A STRIP OF LAND OVER UNDER AND ACROSS A PORTION OF TRACT 193 OF HAYDEN LAKE IRRIGATED TRACTS AMENDED LYING WITHIN SECTION 23, TOWNSHIP 51 NORTH, RANGE 4 WEST, BOISE MERIDIAN, CITY OF HAYDEN, KOOTENAI COUNTY IDAHO, AND BEING SHOWN IN EXHIBIT "B" AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTH QUARTER CORNER OF SAID SECTION 23, BEING A FOUND 2" ALUMINUM CAP P.L.S. 9367, FROM WHICH THE NORTHWEST CORNER OF SECTION 23 BEARS NORTH 89°28'29" WEST A DISTANCE OF 2656.34 FEET; THENCE, ALONG THE NORTH LINE OF THE NORTHWEST QUARTER OF SECTION 23 NORTH 89°28'29" WEST A DISTANCE OF 1328.32 FEET; THENCE, SOUTH 1°02'19" WEST A DISTANCE OF 43.00 FEET TO THE **TRUE POINT OF BEGINNING**.

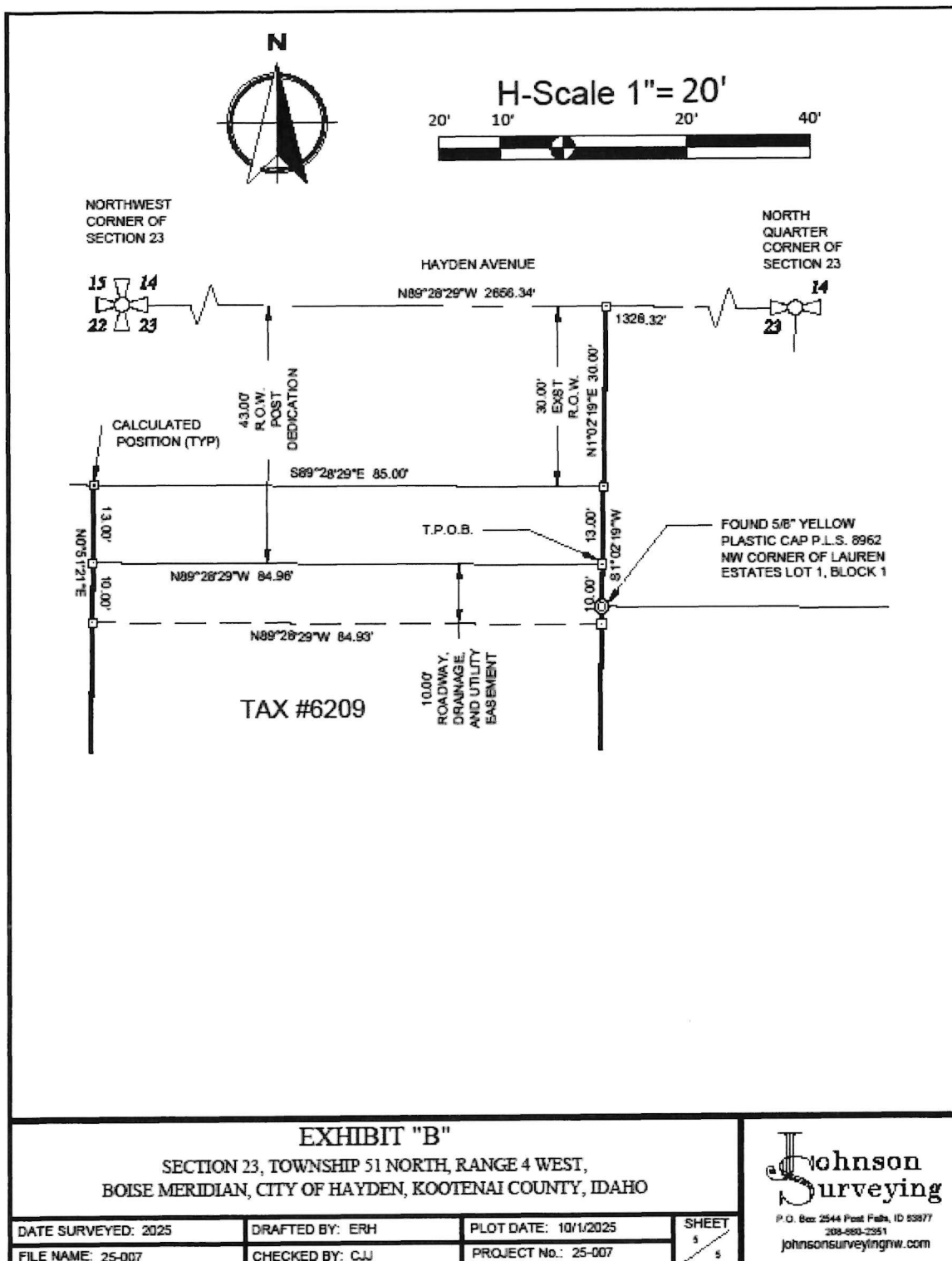
THENCE, NORTH 89°28'29" WEST A DISTANCE OF 84.96 FEET;

THENCE, NORTH 0°51'21" EAST A DISTANCE OF 13.00 FEET TO A POINT ON THE SOUTH RIGHT-OF-WAY OF HAYDEN AVENUE;

THENCE, ALONG SAID SOUTH RIGHT-OF-WAY SOUTH 89°28'29" EAST A DISTANCE OF 85.00 FEET;

THENCE, SOUTH 1°02'19" WEST A DISTANCE OF 13.00 FEET TO THE **TRUE POINT OF BEGINNING**;

SAID STRIP OF LAND CONTAINING 1,105 SQUARE FEET, MORE OR LESS.



RECORDING FEE: \$15.00

DE



Return document to:
City of Hayden
C/O City Engineer
8930 N Government Way
Hayden, Idaho 83835

Document Title: GRANT OF EASEMENT
Grantor(s): CHURCH OF LIVING WATER, INC
Grantee(s): City of Hayden
Legal Description: TAX #6209 [IN TRACT 193 HLIT]
Assessor's Tax Parcel Number: TAX #6209

GRANT OF EASEMENT

The Grantor(s), **CHURCH OF LIVING WATER, INC**, 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 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 in EXHIBIT "A" and shown in EXHIBIT "B" attached hereto and made a part hereof.

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

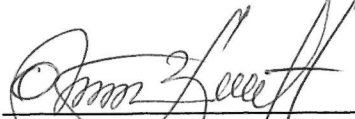
Attest:

City Clerk

By: _____
Mayor

DATED this _____ day of _____, 20____.

DATED this 24th day of November, 2025

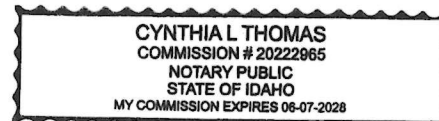


Oleg Bueller, Authorized Signer
Church of Living Water, Inc.

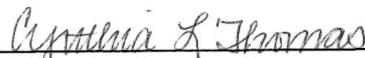
ACKNOWLEDGEMENT

STATE OF IDAHO) s.s.

COUNTY OF KOOTENAI)



THIS RECORD WAS ACKNOWLEDGED BEFORE ME ON THIS 24th DAY OF November
IN THE YEAR OF 2025, BY OLEG BUELLER FOR CHURCH OF LIVING WATER, INC.



NOTARY PUBLIC IN AND FOR THE STATE OF IDAHO

RESIDING AT: Coeur d'Alene, ID

MY COMMISSION EXPIRES: 6-7-28

GRANT OF EASEMENT

Page 3 of 5

EXHIBIT "A"
LEGAL DESCRIPTION

A STRIP OF LAND OVER UNDER AND ACROSS A PORTION OF TRACT 193 OF HAYDEN LAKE IRRIGATED TRACTS AMENDED LYING WITHIN SECTION 23, TOWNSHIP 51 NORTH, RANGE 4 WEST, BOISE MERIDIAN, CITY OF HAYDEN, KOOTENAI COUNTY IDAHO, AND BEING SHOWN IN EXHIBIT "B" AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTH QUARTER CORNER OF SAID SECTION 23, BEING A FOUND 2" ALUMINUM CAP P.L.S. 9367, FROM WHICH THE NORTHWEST CORNER OF SECTION 23 BEARS NORTH 89°28'29" WEST A DISTANCE OF 2656.34 FEET; THENCE, ALONG THE NORTH LINE OF THE NORTHWEST QUARTER OF SECTION 23 NORTH 89°28'29" WEST A DISTANCE OF 1328.32 FEET; THENCE, SOUTH 1°02'19" WEST A DISTANCE OF 43.00 FEET TO THE **TRUE POINT OF BEGINNING**.

THENCE, SOUTH 1°02'19" WEST A DISTANCE OF 10.00 FEET;

THENCE, NORTH 89°28'29" WEST A DISTANCE OF 84.93 FEET;

THENCE, NORTH 0°51'21" EAST A DISTANCE OF 10.00 FEET;

THENCE, SOUTH 89°28'29" EAST A DISTANCE OF 84.96 FEET TO THE **TRUE POINT OF BEGINNING**.

SAID STRIP OF LAND CONTAINING 849 SQUARE FEET, MORE OR LESS.

