

STATE BOARD OF LAND COMMISSIONERS
May 12, 1998
Regular Agenda

SUBJECT

Approval of quitclaim deed to the City of Garden City to consummate Settlement Agreement in *State v. Idaho Forest Industries, Inc. and Evans Brothers Construction, Inc.*, Ada County Case No. 97796.

BACKGROUND

The background of this case, and a discussion of the Settlement Agreement, was set forth in the July 29, 1996 Land Board memorandum when this matter was presented to the Board. Attachment 1. A copy of the original 1980 Agreement concerning the Riverside Village and associated greenbelt development is included as Attachment 2, and the 1996 Settlement Agreement is included as Attachment 3. The City of Garden City, although not a party to the case, has entered into the settlement due to its role as the eventual owner of the subject greenbelt pursuant to the terms of the 1980 Agreement, and has agreed to maintain the pathway as a public entity. Attachment 4. The Settlement Agreement was approved by the District Court upon joint motion of the parties. A total of about 20.1 acres of State land between the Boise River and the Riverside Village subdivision are involved.

DISCUSSION

The terms of the Settlement Agreement have been implemented by the defendants and the City of Garden City. The deteriorated greenbelt and tree roots have been removed, the pathway resurfaced with angular bedding chips that have set-up into a firm pathway, the bridges have been completed, and the State has received the necessary survey information. The Department has not pursued compensation for the land on which the greenbelt is located because the land will be used for public purposes, i.e. a greenbelt and public park.

The City of Garden City has also made a formal request for title to the subject lands pursuant to Section 3 of the 1980 Agreement. Attachment 5. Idaho Forest Industries, Inc. is prepared to transfer title to the City of Garden those portions of the greenbelt that it owns pursuant to Section 5 of the 1980 Agreement.

A draft quitclaim deed to effect the transfer of the subject lands from the State to the City of Garden City is included as Attachment 6. The deed includes the standard reservation of State mineral rights as well as a restriction on use of the property for greenbelt and public park purposes and an automatic reversion of title to the State if public use of the area is terminated in the future.

Upon execution of the quitclaim deed by the Board, the State will voluntarily dismiss the pending Ada County case.

RECOMMENDATION

The Department recommends that the Board approve transfer of the subject land to the City of Garden City in accordance with the terms of the attached quitclaim deed.

BOARD ACTION **APPROVED MAY 12 1998**

ATTACHMENTS

1. July 29, 1996 Land Board Memorandum
2. 1980 Agreement
3. 1996 Settlement Agreement
4. Riverside Village Agreement (Garden City)
5. Garden City's March 13, 1998 Request for Title to Greenbeit Property
6. Draft Quitclaim Deed