

Valley County Planning and Zoning Department

219 N. Main
 PO Box 1350
 Cascade, ID 83611
 www.co.valley.id.us
 cherrick@co.valley.id.us
 208-382-7115



Application for Vacations
 of Plats, Portions Thereof,
 Public Rights-of Ways,
 or Easements

See Section 10-6-2 Valley County Code

Subject to I.C. 55-22 Underground Facilities Damage Prevention

TO BE COMPLETED BY THE PLANNING AND ZONING DEPARTMENT		<input checked="" type="checkbox"/> Check # <u>1909</u> or <input type="checkbox"/> Cash
FILE # <u>VAC 24-01</u>		FEE \$ <u>500⁰⁰</u>
ACCEPTED BY <u>we</u>		DEPOSIT _____
CROSS REFERENCE FILE(S): _____		DATE <u>1-12-2024</u>
PROPOSED USE: <u>Vacate portions of Bings Rd + Brad's LN</u>		
<input type="checkbox"/> Vacation of Plat <input checked="" type="checkbox"/> Vacation of Road and/or Right-of-Way <input type="checkbox"/> Vacation of Utility Easement <input type="checkbox"/> Other		

Name of Applicant(s): BEN R PAYNE
 Applicant's Signature: Ben R Payne Date: _____
 Mailing Address of Applicant(s): 15620 CHAPARRAL AVE CALDWELL ID
 Phone #: [REDACTED] email: [REDACTED] 836007

Required Attachments

1. Narrative describing property and the reason(s) for the request
2. Map, sketch, or plat showing the property and names and addresses of owners of adjoining property.
3. Letters from, or signatures on a petition, of each owner of adjoining property stating:
 - their approval of the proposed vacation,
 - their willingness to share in the costs,
 - they are aware that vacated property becomes part of adjoining property subject to the rights and easements of utilities.
4. Application for Release of Idaho Power Easement, if applicable.
5. An application processing fee of \$500.00.

Submit **ten copies** of all application materials with the fee to the Planning and Zoning Administrator a minimum of 45 days prior to the regularly scheduled Planning and Zoning meeting. Regularly scheduled meetings are held the second Thursday of each month. When an application is submitted, it will be reviewed in order to determine compliance with application requirements. A hearing date will be scheduled only after an application has been accepted as complete or if applicant requests the hearing in writing.

Hello,

We are requesting to have Bings Road and Brads Lane Vacated. These two roads run through our property. We own the lots that surround these two roads. I have high lighted them in yellow as well.

We spoke to Jeff McFadden this past summer and he said that they have no plans to open these two roads to West Mountain Rd.

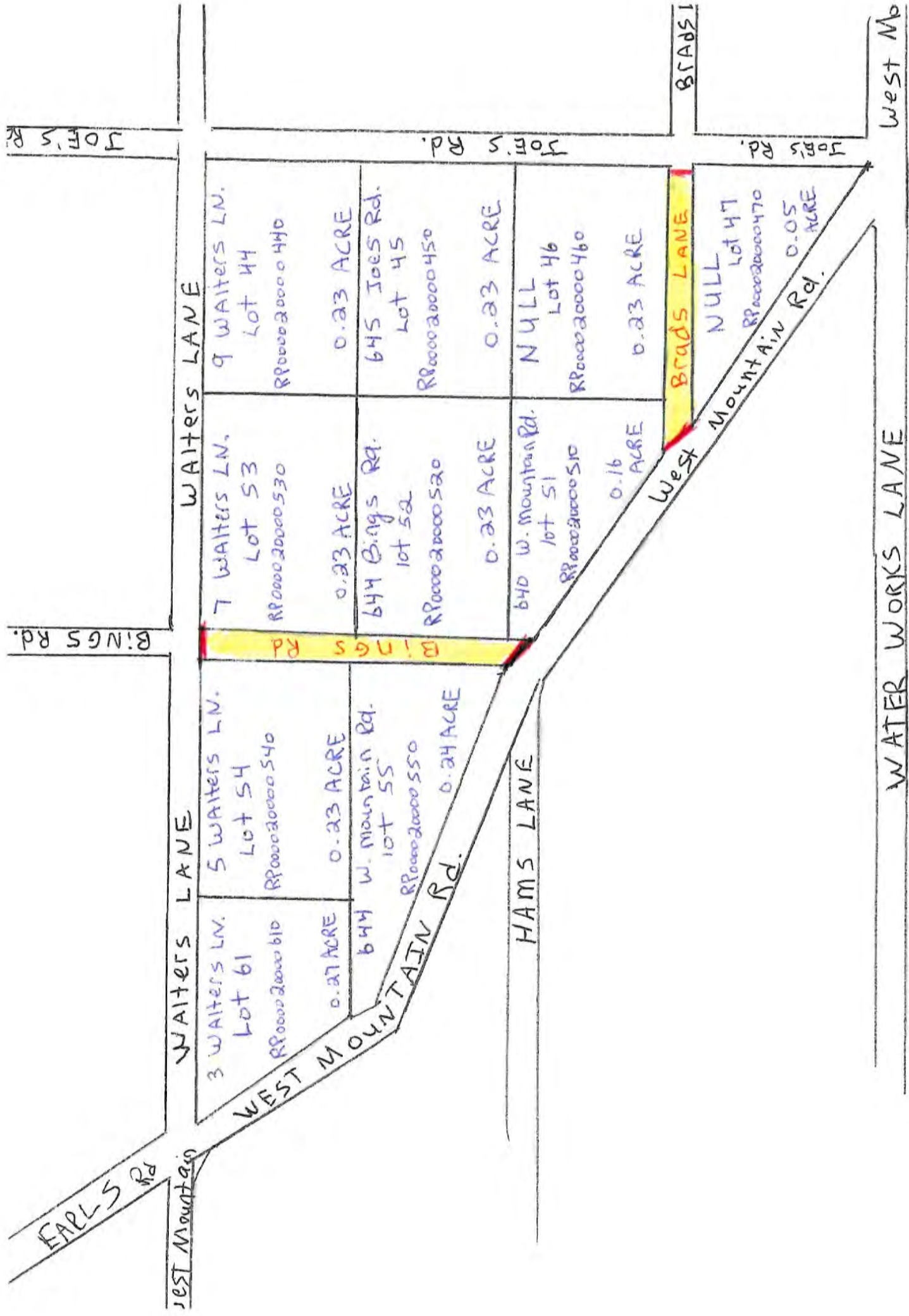
I also spoke to Idaho Power and they have no easement to be released.

If you need anything further from us please let me know.

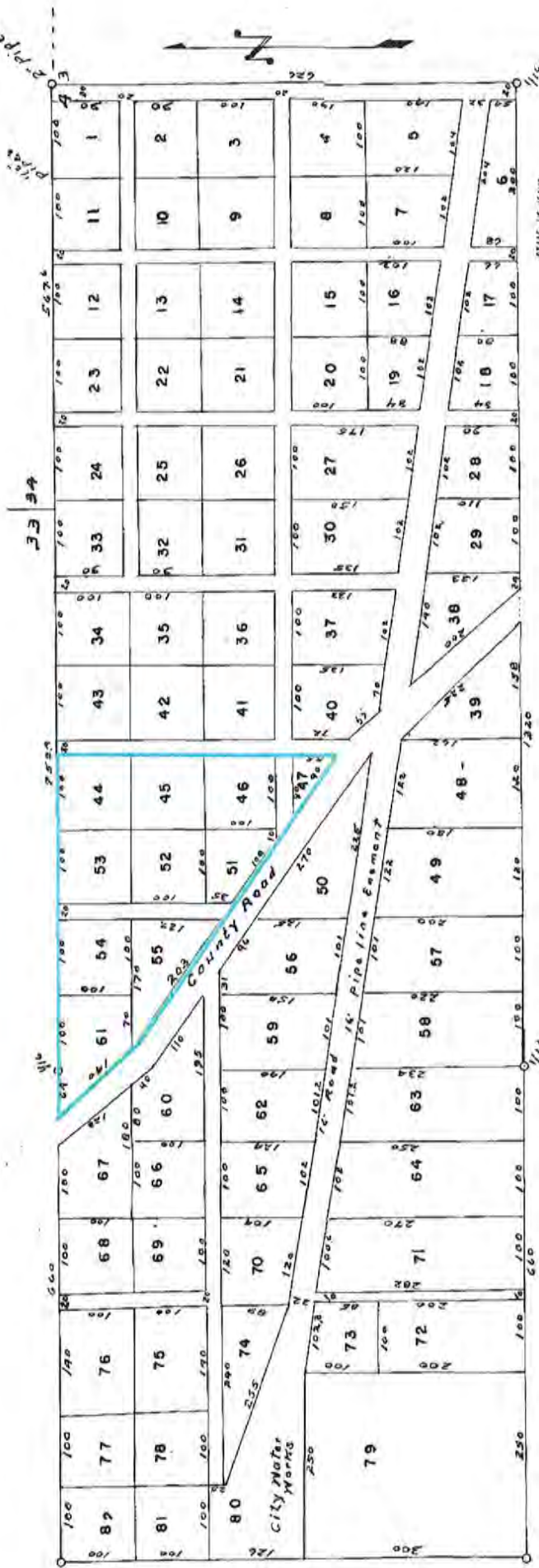
Thank you.

Ben & Connie Payne

or



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STATE OF IDAHO, County of Valley, ss.

I hereby certify that this instrument was filed for record at the request of

of 20 minutes past 12 o'clock of 21 1956 in my office and duly recorded in Book 20 of 1956 at Page 41. By Notary Public, Mary R. Allen, Notary Public, Idaho, 1956.

MAP OF ALLEN SUB-DIVISION Section 4 T13 N R3 E B.M. Valley County Idaho. Scale 1 in = 100 ft.

State of Idaho } ss. County of Valley }

I Geo W Knowles do hereby certify that the following is a correct description of the land in the accompanying plat to-wit: commencing at the NE corner of Section 26 T13 N R3 E B.M. thence South on the East line of said Section 26 to the South line of lots 1 of said Section, thence West along the South line of lots 1 of said Section, thence North parallel to the East line of said Section 26 to the North line of said Section, thence East on said Section line 190 ft. to the point of beginning. And I further do certify that the plat was made by me from an actual survey in September, 1956, and that all lot stakes were set by me as shown on the plat.

Geo W Knowles C.E. 229 Emmett Idaho

Subscribed and sworn to before me this 8 day of October 1956

Notary Public

State of Idaho } ss. County of Valley }

He Dr. and Mary A Allen do hereby certify that we are the owners of the land described in the Engineers Certificate shown on the plat, and that we intend to include the same in the plat that we do hereby plat the said land as follows: Sub-Division in Section 4 T13 N R3 E B.M. Valley County Idaho according to the plat hereto attached, and do hereby certify that all lots and streets are as shown on the plat, and we hereby dedicate to the use of the public the right of way over said streets. In witness whereof we have hereunto set our hand and seal this 8 day of October 1956.

Mary R. Allen Notary Public

Subscribed and sworn to before me this 8 day of October 1956

Notary Public

Approved and accepted by the County Commissioners of Valley County Idaho this 8 day of October 1956

Chairman

Clerk

5. The Land is described as follows:

LOTS 44, 45, 46, 47, 51, 52, 53, 54, 55 AND 61 OF ALLEN SUBDIVISION ACCORDING TO THE OFFICIAL PLAT IN THE OFFICE OF THE RECORDER, VALLEY COUNTY, IDAHO, RECORDED OCTOBER 8, 1956 AS INSTRUMENT NO. 50355 BOOK 2 OF PLATS, AT PAGE 12.



By:

Authorized Countersignature

(This Schedule A valid only when Schedule B is attached.)

This page is only a part of a 2016 ALTA ® Commitment for Title Insurance issued by Old Republic National Title Insurance Company. This Commitment is not valid without the Notice; the Commitment to Issue Policy; the Commitment Conditions; Schedule A; Schedule B, Part I - Requirements; Schedule B, Part II - Exceptions; and a counter-signature by the Company or its issuing agent that may be in electronic form.

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9. 2021 taxes are an accruing lien, not yet due and payable until the fourth Monday in November of the current year. The first one-half is not delinquent until after December 20 of the current year, the second one-half is not delinquent until after June 20 of the following year.

Taxes which may be assessed and entered on the property roll for 2021 with respect to new improvements and first occupancy, which may be included on the regular property, which are an accruing lien, not yet due and payable.

General taxes as set forth below. Any amounts not paid when due will accrue penalties and interest in addition to the amount stated herein:

Year	Original Amount	Amount Paid	Parcel Number	Covers
2021	\$62.76	\$31.38	RP000020000440	Lot 44
2021	\$62.76	\$31.38	RP000020000450	Lot 45
2021	\$62.76	\$31.38	RP000020000460	Lot 46
2021	\$11.12	\$5.56	RP000020000470	Lot 47
2021	\$53.42	\$26.71	RP000020000510	Lot 51
2021	\$62.76	\$31.38	RP000020000520	Lot 52
2021	\$62.76	\$31.38	RP000020000530	Lot 53
2021	\$62.76	\$31.38	RP000020000540	Lot 54
2021	\$63.76	\$31.88	RP000020000550	Lot 55
2021	\$67.48	\$33.74	RP000020000610	Lot 61

Homeowners Exemption IS NOT in effect for 2021.
Circuit breaker IS NOT in effect for 2021.

10. All matters, covenants, conditions, restrictions, easements and any rights, interests or claims which may exist by reason thereof, disclosed by the recorded plat of said subdivision, but deleting any covenant, condition or restriction indicating a preference, limitation or discrimination based on race, color, religion, sex, handicap, familial status, or national origin to the extent such covenants, conditions or restrictions violate 42 USC 3604(c).
11. Easement granted to United States of America, recorded April 7, 1942, as Instrument No. 23105.
12. Easement and Right of Way Agreement upon the terms, conditions and provisions contained therein: Recorded: March 6, 1951, Instrument No. 12132

This page is only a part of a 2016 ALTA © Commitment for Title Insurance issued by Old Republic National Title Insurance Company. This Commitment is not valid without the Notice; the Commitment to Issue Policy; the Commitment Conditions; Schedule A; Schedule B, Part I - Requirements; Schedule B, Part II - Exceptions; and a counter-signature by the Company or its issuing agent that may be in electronic form.

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WARRANTY DEED

THIS INDENTURE, Made this 6th day of April, 1942, between MARY R. ALLEN and D. K. ALLEN, her husband, of Cascade, County of Valley, State of Idaho, Grantors, and UNITED STATES OF AMERICA, its successors and assigns, Grantee,

WITNESSETH, That the said Grantors, for and in consideration of the sum of FIFTEEN THOUSAND FIVE HUNDRED SIXTY SIX and 02/100 (\$15,566.02), lawful money of the United States of America, to them in hand paid by the said Grantee in pursuance of the Act of June 17, 1902 (32 Stat. 300) and acts amendatory thereof or supplementary thereto, the receipt whereof is hereby acknowledged, have granted, bargained and sold, and by these presents do grant, bargain, sell, convey and confirm unto the said UNITED STATES OF AMERICA, its successors and assigns, forever, all of the following described real estate, situated in the County of Valley, State of Idaho, to wit:

A perpetual easement and flowage right on the following described land including the permanent right to construct, operate and maintain a reservoir thereon and to flood the same with the water of said reservoir (normal water surface of said reservoir at the dam to be maintained at not higher than 4,828 feet above mean sea level, U. S. Bureau of Reclamation datum):

Also, a perpetual easement to construct, operate and maintain and use for road purposes a strip of land thirty (30) feet in width over and across any portion of the following described property:

VALLEY COUNTY, IDAHO

Lots three (3) and four (4) and the Southwest quarter of the Northwest quarter (SW¹/₄ NW¹/₄) and the Northwest quarter of the Southwest quarter (NW¹/₄ SW¹/₄) of Section Two (2), Township thirteen (13) North, Range three (3) East, Boise Meridian, and Lots one (1), two (2), three (3) and four (4) and the Northeast quarter (NE¹/₄) of Section three (3), Township thirteen (13) North, Range three (3) East, Boise Meridian.

TOGETHER with all and singular the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, the reversion and reversions, remainder and remainders, rents, issues and profits thereof, and all estate, right, title and interest in and to the said property, as well in law as in equity, of the said Grantors.

TO HAVE AND TO HOLD, All and singular the above mentioned and described premises, together with the appurtenances, unto the UNITED STATES OF AMERICA, its successors and assigns forever, and the said Grantors and their heirs, the said premises in the quiet and peaceable possession of the said United States of America, its successors and assigns, against the said Grantors and their heirs, and against all and every person and persons whomsoever, lawfully claiming or to claim the same shall and will WARRANT and by these presents forever DEFEND.

IN WITNESS WHEREOF, the Grantors above named have hereunto set their hands and seals the day and year first above written.

WITNESSES: D. K. Allen (SEAL)
C. L. Schoenhut Mary R. Allen (SEAL)

CORRECT AS TO ENGINEERING DATA R L E

STATE OF IDAHO }
County of Valley } ss.

On this 6th day of April, 1942, before me, C. L. Schoenhut, a Notary Public in and for said State, personally appeared Mary R. Allen and D. K. Allen, her husband, known to me to be the persons whose names are subscribed to the within instrument, and acknowledged to me that they executed the same.

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

(SEAL) C. L. Schoenhut
Notary Public for Idaho,
residing at

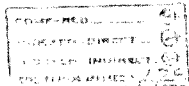
My commission expires: Nov. 15 1945

STATE OF IDAHO, }
County of Valley } ss.

I hereby certify that this instrument was filed for record at the request of C. L. Schoenhut at no minutes past 10 o'clock A. M., this 7 day of April 1942 in my office and duly recorded in Book 20 of Deeds at Page 556.

Forest E. Robb
Ex-Officio Recorder
By [Signature]

Fees, \$1.20



INSTRUMENT NUMBER 42192

EASEMENT AND RIGHT OF WAY AGREEMENT

Between D. E. ALLEN and
MARY R. ALLEN,
Husband and Wife,

PARTIES OF THE FIRST PART,

and VILLAGE OF CASCADE,
VALLEY COUNTY, STATE
OF IDAHO,

PARTY OF THE SECOND PART.

THIS INDENTURE Made and entered into this 5th day of March, 1951, by and between D. E. Allen and Mary R. Allen, husband and wife of Cascade, Valley County, Idaho, parties of the first part and the Village of Cascade, Valley County, State of Idaho, the party of the second part,

W I T N E S S E S :

The parties of the first part do hereby grant and convey to the party of the second part a full, continuous and perpetual right of way and easement for a pipe line across the lands of the parties of the first part located and situated in Section 35, Township 14 North, Range 3 East, Boise Meridian and Section 3, Township 14 North, Range 3 East, Boise Meridian, all in Valley County, Idaho, which said right of way and easement is particularly described in the official plat thereof on file and of record in the office of the U. S. Department of Interior, Bureau of Reclamation, Boise, Idaho, known as Cascade Water Supply

MISCELLANEOUS RECORD No. 8

Scheme "B", together with the full and free right of ingress and egress upon said premises for the maintenance and operation of said pipe line.

As consideration for said easement and right of way, the said party of the second part does hereby grant to the parties of the first part the right to tap said water line for the purpose of attaching thereto not more than two faucets of not more than one inch in diameter, together with the perpetual right to draw from said pipe line, free of charge, all water necessary for the use and operation of said faucets. The parties of the first part shall tap said water line at any point deemed desirable by them but within said Section 3, Township 13 North, Range 3 East, Boise Meridian.

It is specifically understood that the parties of the first part shall bear all costs of tapping said pipe line including the necessary fittings therefor and the parties of the first part shall, at their own expense, install and maintain said faucets and pipe lines leading thereto.

This indenture shall be binding upon the heirs, executors, administrators, successors and assigns of the parties hereto.

IN WITNESS WHEREOF, The parties of the first part have hereunto set their hands, and the party of the second part has caused this instrument to be executed by the Chairman of its Board of Trustees pursuant to due authorization of its Board of Trustees, the day and year herein first above written.

D. K. Allen
Mary R. Allen
PARTIES OF THE FIRST PART
VILLAGE OF CASCADE, VALLEY COUNTY
STATE OF IDAHO

By Leslie Whitson
Chairman of the Board of Trustees
PARTY OF THE SECOND PART

(SEAL)

Attest:
Fred J. Gardner
Clerk

STATE OF IDAHO }
County of Valley } ss.

On this 5th day of March, 1951, before me, the undersigned, a Notary Public in and for said State, personally appeared D. K. ALLEN and MARY R. ALLEN, husband and wife, known to me to be the persons whose names are subscribed to the above and foregoing instrument and acknowledged to me that they 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.

Robert H. Remaklus
Notary Public for Idaho
Residing at Cascade, Idaho

(SEAL)

STATE OF IDAHO }
County of Valley } ss.

On this 6th day of March, 1951, before me, the undersigned, a Notary Public in and for said State, personally appeared LESLIE WHITSON and FRED J. GARDNER, known to me to be Chairman and Clerk, respectively, of the VILLAGE OF CASCADE, VALLEY COUNTY, STATE OF IDAHO, that executed the within instrument, and acknowledged to me that said Village 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.

Robert H. Remaklus
Notary Public for Idaho
Residing at Cascade, Idaho

(SEAL)

STATE OF IDAHO,)
County of Valley) ss.

I hereby certify that this instrument was filed for record at the request of D. K. Allen at 50 minutes past 10 o'clock A.M. this 6 day of March, 1951 in my office and duly recorded in Book 8 of Miscellaneous at page 621.

COMPARED	<input checked="" type="checkbox"/>
INDEXED-DIRECT	<input checked="" type="checkbox"/>
INDEXED-INDIRECT	<input checked="" type="checkbox"/>
FILED	<input checked="" type="checkbox"/>

Forest E. Robb
Ex-Officio Recorder

Forest E. Robb
Recorder

Fees, \$ 1.75