

## Valley County Planning and Zoning

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**STAFF REPORT:** Petition to Vacate and Validate Portions of Old Council Road to Realign West Mountain Road Intersection

**MEETING DATE:** March 2, 2026

**TO:** Board of County Commissioners

**STAFF:** Cynda Herrick, AICP, CFM, Planning and Zoning Director

**PETITIONER:** D.L. Evans Bank, c/o Robert J. Squire,  
PO Box 1188, Burley, 83318

**REPRESENTATIVE:** Christopher Meyer, Givens Pursley,  
PO Box 2720, Boise, ID 83701

**LOCATION:** T.17N R.2E Section 24

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Old Council Road was validated as a public road by the Board of County Commissioners on May 5, 2025, by Resolution 2025-11 Council Road Validation. (attached)

On December 5, 2025, D.L. Evans Bank submitted a petition to vacate a portion of Old Council Road and then validate a new segment for Old Council Road to realign the road's connection to West Mountain Road and then provide a "Recreational Access Easement Agreement for Segment 2 of Old Council Road" (easement).

The petition requests the Board of County Commissioners:

- vacate a 0.3-mile-long segment ("Segment 1") and
- validate a 0.1-mile-long segment ("Segment 2") with a width of 50-ft to provide a more efficient connection to West Mountain Road that will be an easement for right-of-way for travel and other purposes.

D.L. Evans Bank would be responsible for constructing Segment 2 as a two-lane gravel road.

The petition proposes a permanent easement and right-of-way for Segment 2 to be granted to the County by D.L. Evans Bank in exchange for the vacation of Segment 1. **The easement would limit the use of the road as described in the easement to year-round recreation use, access to the FAA site, and limit the county's ability to make improvements to the primitive road.**

### FINDINGS:

1. The Revised Petition to Vacate and Validate Two Short Segments of Old Council Road to Realign the Road's Connection to West Mountain Road and Recreational Access Easement

Agreement for Segment 2 of Old Council Road was transmitted to Valley County on December 5, 2025. (attached)

2. The proper legal requirements for advertisement of the hearing have been fulfilled as required by the Valley County Land Use and Development Ordinance, Valley County Code, and by the Laws of the State of Idaho.
  - Legal notice was posted in the *Star News* on February 5, 2026, and February 12, 2025.
  - Potentially affected agencies were notified on January 16, 2026.
  - Property owners, including the petitioner and representative, along both the existing Old Council Road and the proposed Segment 2 were notified by fact sheet sent January 16, 2026.
  - The notice was posted online at the Valley County website – meeting dashboard on January 16, 2026.
  - The petition was added to the meeting dashboard on January 23, 2026.
  - The intersection of Old Council Road and West Mountain Road was posted on January 22, 2026.

3. Agency comment received:

Emily Hart, McCall Airport Manager, had no comments. (January 16, 2026)

Valley County Parks and Recreation Staff stated the access points provide important access for recreation in summer and winter. It is currently a groomed snowmobile route that accesses West Mountain. There are only two other access points, both with limited parking and conflicts with property owners. Considering the potential for development in the area, creating parking and access options from West Mountain Road will facilitate recreation growth alongside development. In winter, the Old Council Road is used by the FAA snowcat as well as contractors to access the COM sites on No Business Mountain. Segment 2 provides a shorter avenue for access than Segment 1. If approved, a dedicated right-of-way, wide enough to accommodate a 20-ft-wide snowmobile route in addition to any plowed lanes for vehicles is requested. In addition, a 1-acre parking lot off West Mountain at the intersection, with a recreational lease or easement, should be considered in the negotiations with DL Evans. (February 23, 2026)

Paul Ashton, Parametrix and Valley County Engineer, stated the new alignment may not represent a direct benefit to the County beyond removing the existing low-volume four-leg intersection at Smylie Lane. If approved, the new segment should align the Old Council Road to intersect close to perpendicular with West Mountain Road. A new gravel road should be constructed to meet the Standard Local Road section in the Valley County Minimum Standards for Public Roads, including providing 70-ft of dedicated right-of-way in fee and not as an easement. Additional right-of-way may be required. Drainage features should be designed per Valley County Minimum Standards for Public Roads. (February 23, 2026)

4. Public comment received:

Hallie Adams, Project Manager for DF Development LLC, prefers that any realignment of Old Council Road be handled as a formal realignment of County right-of-way, not a vacation of public right-of-way in exchange for a private easement. Vacating the existing ROW and

replacing it with an easement reduces long-term certainty, weakens public control, and creates avoidable access risk. Maintaining continuous County-owned ROW is the prudent course. (February 20, 2026)

Monte Post, 3030 West Mountain Road, prefers the road realignment follow his western property line and not the south property line as proposed. A land trade is proposed. (February 22, 2026)

Dawn Swensson, 380 Smylie Lane, is opposed to the road location as presented due to safety and impact to existing residents. Parking for winter and summer use of the road is a concern. Suggestions include relocating the road to the north along the shorter and westerly section of the triangle piece owned by the Posts. Walk-through gates of 6 to 8-ft should be added to all cattleguard locations along Old Council Road. Signage and functional gate latches or chains should be included for horses and pedestrians to use the road. (February 21, 2026)

Leo Stoddard, 651 Stockton DR, is purchasing 1520 acres accessed by Old Council Road; the proposal would limit access to this site. He hopes the road would not change to a recreational use only road. (February 24, 2026)

5. Valley County Code 5-4-4 Designation of Road Names and 5-4-7 Changes in Road Names and Public/Private Declaration apply to this proposal. (Attached)

#### **STAFF COMMENTS:**

##### **Easement and Petition**

Limiting the road to recreation use and the county not being able to make improvements will inhibit development of land to the west of the DL Evans property. The easement also did not include an easement for utilities.

Easement Section 1.4 limits the roadway to members of the public as ingress and egress to and from public land for year-round recreational purposes. It also allows access to FAA facilities.

Easement Section 1.5 states the easement does not authorize Valley County or any other person or entity to pave, widen, or otherwise improve the roadway without the express written permission of the Bank.

##### **Idaho Statutes (attached)**

*Excerpts...*

##### **IC 40-203. Abandonment and vacation of county and highway district system highways or public rights-of-way**

- Requires the Board to decide if the vacation or abandonment is in the public interest of the highway jurisdiction affected by the abandonment or vacation.
- States the abandonment or vacation shall not leave any real property adjoining the highway or public right-of-way without access.
- States the action will be effective upon recordation of a resolution or order and the official map of the highway system to be amended.

**IC 40-203A. Validation of county or highway district system highway or public right-of-way.**

- Requires the property to be surveyed.
- Requires the order and survey to be recorded, and the official highway system map be amended.

**If the Board determines that the vacation of Segment 1 and the validation and acceptance of the recreation easement for Segment 2 is in the public interest, the following should occur:**

- 1) A survey should be provided by DL Evans bank. The survey would be a recorded document.
- 2) Findings of Fact and Conclusions of Law will be written, approved, and then recorded.
- 3) A resolution will be written, approved, and then recorded. The resolution would be both for the vacation and validation of the road.
- 4) The easement would be recorded simultaneously with the resolution.
- 5) A plan and timeline would need to be agreed upon for when improvements would be made to Segment 2. (After construction, the official highway system map would be updated.)

**If the Board determines that the actions are NOT in the public interest, the following should occur:**

- 1) Findings of Fact and Conclusions of Law will be written, approved, and then recorded.

**ATTACHMENTS:**

- Petition and Easement, with Cover Letter dated December 5, 2025
- Map Depicting Segments 1, 2, 3, and 4
- Resolution 2025-11 Council Road Validation – Instrument # 2025-002120
- Idaho State Statutes 40-203 and 40-203A
- Valley County Code
  - 5-4-4: Designation of Road Names
  - 5-4-7: Changes In Road Names and Public/Private Declaration
- Responses
- *(visual aides)*
- Maps: Location and Aerial
- Pictures from January 22, 2026
- Assessor's Plat for T17N R2E Section 24
- Record of Survey
  - ROS 14-187
  - UNRECORDED - Old Council Road

**END OF STAFF REPORT**

# GIVENS PURSLEY L.L.P.

Attorneys and Counselors at Law

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Megann E. Meier  
Christopher H. Meyer  
L. Edward Miller  
Judson B. Montgomery

Deborah E. Nelson  
Randall A. Peterman  
Blake W. Ringer  
Michael O. Roe  
Danielle M. Strollo  
Marcus H. Waterman  
Robert B. White  
Michael V. Woodhouse

Kenneth L. Pursley (1940-2015)  
James A. McClure (1924-2011)  
Raymond D. Givens (1917-2008)

December 5, 2025

Valley County Board of County Commissioners  
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Re: Revised Realignment Petition – Old Council Road

Ladies and Gentlemen:

On behalf of my client, D.L. Evans Bank (the "Bank"), I am submitting for filing with the County the Bank's *Revised Petition to Vacate and Validate Two Segments of Old Council Road to Realign the Road's Connection to West Mountain Road* ("Revised Realignment Petition").

Attached as Exhibit 2 to the *Revised Realignment Petition* is a proposed permanent easement to be granted to the County by the Bank. The Bank welcomes input from the County and the Public regarding this petition and the proposed input. The Bank appreciates the County's

Valley County Officials  
December 5, 2025  
Page 2 of 2

cooperation as we move forward in efforts to permanently protect public recreational access to public lands facilitated by Old Council Road.

Sincerely,



Christopher H. Meyer

Encl: *Revised Realignment Petition*

cc: Robert J. Squire, VP General Counsel and Corporate Secretary, D.L. Evans Bank

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*Attorneys for Petitioner D.L. Evans Bank*

**BEFORE THE BOARD OF COUNTY COMMISSIONERS  
OF VALLEY COUNTY, IDAHO**

IN THE MATTER OF THE VALIDATION  
AND VACATION OF PARTS OF  
COUNCIL ROAD

D.L. EVANS BANK,  
Petitioner

**REVISED PETITION TO VACATE AND  
VALIDATE TWO SHORT SEGMENTS OF  
OLD COUNCIL ROAD TO REALIGN THE  
ROAD'S CONNECTION TO WEST  
MOUNTAIN ROAD**

**PETITION**

Pursuant to Idaho Code §§ 40-203 and 40-203A, D.L. Evans Bank ("**Bank**"), through its undersigned counsel, hereby submits this petition ("**Revised Realignment Petition**") to the Valley County ("**County**") Board of County Commissioners ("**Board**"). The Bank asks the Board to vacate a 0.3 mile long segment of Old Council Road ("**Segment 1**") and to validate instead a 0.1 mile long segment ("**Segment 2**"), which will provide a more efficient connection to West Mountain Road.

This *Revised Realignment Petition* supersedes and replaces the *Petition to Vacate and Validate Two Short Segments of Old Council Road to Realign the Road's Connection to West Mountain Road* filed on June 13, 2025.

The *Revised Realignment Petition* follows and implements the decision by the Board on April 21, 2025 to validate all of Old Council Road located within Valley County (“**April Validation**”). The Board’s vote to validate was followed by its issuance of *Findings of Fact and Conclusions of Law* (“**Findings**”) dated May 5, 2025 (recorded as Instrument # 2025-002119) and its *Resolution 2025-11* (“**Resolution**”) also dated May 5, 2025 (recorded as Instrument # 2025-002120). The Bank received no notice of the Findings or the Resolution.

The *Findings* and the *Resolution* both included the following statement: “DL Evans Bank may petition to change the intersection of Old Council Road with West Mountain Road through the road validation and vacation process.” This *Revised Realignment Petition* is intended to effectuate the invitation provided in the County’s decision to validate.

Attached to this *Revised Realignment Petition* as Exhibit 1 is “Revised Map Depicting Council Road, including Segments 1, 2, 3 & 4.” This is the same map that was attached as Exhibit 1 to the Bank’s *Revised Petition to Vacate or Validate Parts of Council Road* (“**First Revised Petition**”) dated October 17, 2024. Segments 1 and 2 referenced above are the same as Segments 1 and 2 described in the *First Revised Petition*.

Segments 1 and 2 both connect Old Council Road to West Mountain Drive. Both are located on Bank property. Segment 1 is the existing unimproved two-lane road now physically in place. The Bank asks that Segment 1 be vacated and replaced with Segment 2. The Bank will undertake the expense of constructing Segment 2 as a two-lane gravel road.

In exchange for the vacation of Segment 1, the Bank will convey to the County a permanent right-of-way or other appropriate property interest for Segment 2. A proposed easement and right-of-way for Segment 2 is attached hereto as Exhibit 2.

**COMMUNICATIONS**

The Bank requests that communications regarding this *Revised Realignment Petition* and any resulting proceedings or appeal be sent to undersigned counsel.

Respectfully submitted this 5<sup>th</sup> day of December, 2025.

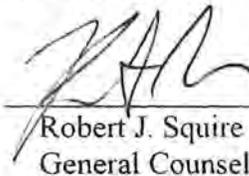
GIVENS PURSLEY LLP

By

  
Christopher H. Meyer

D.L. EVANS BANK

By

  
Robert J. Squire  
General Counsel

*Attorneys for Petitioner D.L. Evans Bank*

**CERTIFICATE OF FILING**

I HEREBY CERTIFY that on this 5<sup>th</sup> day of December, 2025, the foregoing together with any exhibit(s) that follow were filed and copied as shown below.

**DOCUMENT FILED:**

VALLEY COUNTY BOARD OF COUNTY  
COMMISSIONERS  
County Courthouse  
P.O. Box 1350  
Cascade, ID 83611-1350  
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- U. S. Mail
- Hand Delivered
- Overnight Mail
- E-mail

**COURTESY COPIES :**

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Valley County Recreation Director  
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Prosecutor  
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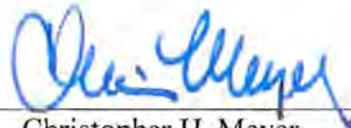
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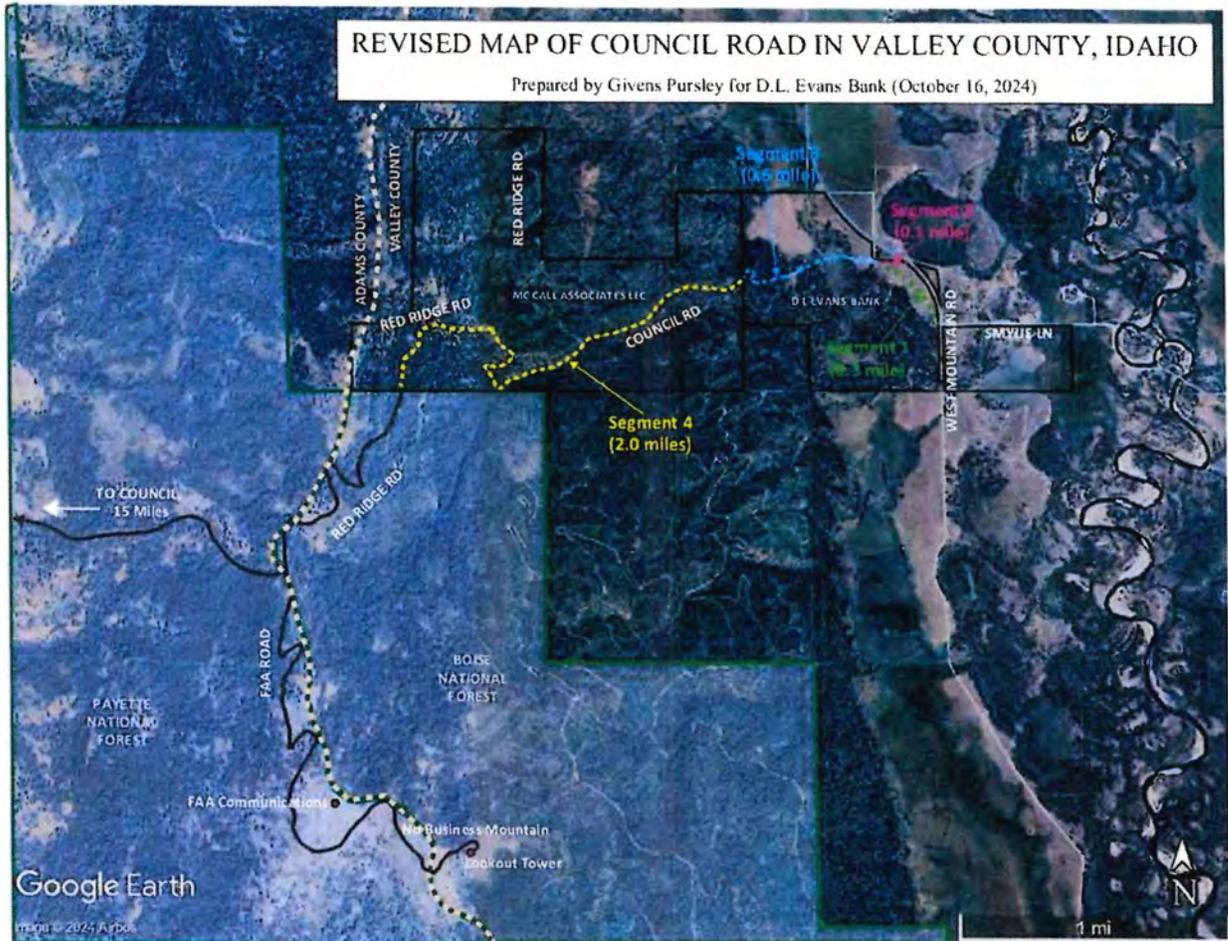
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Christopher H. Meyer

**Exhibit 1      MAP DEPICTING COUNCIL ROAD, INCLUDING SEGMENTS 1, 2, 3 & 4**



**Exhibit 2      PROPOSED EASEMENT**

Prepared by:  
D.L. Evans Bank

After recording, return to:  
Robert J. Squire  
General Counsel  
D.L. Evans Bank  
P.O. Box 1188  
Burley, ID 83318

*Note: This is a proposed easement provided  
as Exhibit 2 to the Bank's Revised  
Realignment Petition (12/5/2025)*

Space Above This Line for Recorder's Use

## RECREATIONAL ACCESS EASEMENT AGREEMENT FOR SEGMENT 2 OF OLD COUNCIL ROAD

This *Recreational Access Easement Agreement for Segment 2 of Old Council Road* ("**Easement Agreement**") is made by and between D.L. Evans Bank, an Idaho Corporation ("**Bank**") and Valley County, a political subdivision of the State of Idaho ("**Valley County**"). The Bank and Valley County are referred to herein as a "**Party**" or collectively as "**Parties**."

### RECITALS

A. The Bank is the owner of real property in Valley County, Idaho ("**Bank Property**") whose boundaries are depicted on the map set out as Exhibit A attached hereto.

B. The road that is the subject of this *Easement Agreement* is a portion of a road (referred to herein as "**Segment 2**") known as Old Council Road. Segment 2 is located within Valley County, Idaho and is depicted on the map set out as Exhibit A.

C. Old Council Road is a primitive, unpaved road that provides access to national forest land in Valley and Adams Counties. It also connects to and provides access to a road generally known as **FAA Road** that is used by the Federal Administration ("**FAA**") to access aviation support facilities in the No Business Mountain area of Valley County. FAA Road is also depicted on Exhibit A.

D. On May 5, 2025, the Valley County Board of County Commissioners validated the portions of Old Council Road identified as "**Segment 1**," "**Segment 3**," and "**Segment 4**" as depicted on Exhibit A.

E. Segment 1 is the portion of Old Council Road that that crosses the Bank Property.

F. In exchange for vacating Segment 1, the Bank agreed to provide to the County a right-of-way for travel and other purposes within Segment 2 as described in section 1 of this Easement Agreement ("**Easement**"). This Easement provides a shorter and more efficient means of public access to Segments 3 and 4 of Old Council Road. The Bank's grant of this Easement is conditioned upon the Commissioners' vacation of any interest it may own in the road, highway, right-of-way, or easement within Segment 1.

G. For these reasons, the Bank as Grantor desires to grant to Valley County an Easement on the terms contained herein.

## AGREEMENT PROVISIONS

NOW, THEREFORE, in consideration of the above recitals, the mutual covenants contained herein, and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the Parties hereby agree as follows:

### 1. GRANT AND SCOPE OF EASEMENT FOR SEGMENT 2.

1.1 **Grant and Acceptance.** The Bank hereby grants, and Valley County hereby does accept, an Easement within Segment 2 with a width of 50 feet (25 feet on each side of the centerline described in Exhibit B) for the purposes and on the terms and conditions described herein.

1.2 **Non-exclusive.** The Easement granted by this *Easement Agreement* is non-exclusive, meaning that the Bank may grant other easements within the Easement including but not limited to utility easements.

1.3 **Roadway Construction.** Within the 50-foot Easement, the Bank shall construct, at its sole expense, a two-lane gravel road of not more than 25-feet in width ("**Roadway**"). The Roadway shall be serviceable for its intended purposes (allowing safe passage of vehicles), but need not be constructed to County road standards. The Bank may construct gates (which shall not be locked) or cattleguards on the Roadway. Once constructed, the Bank shall have no further responsibility for maintenance or repair of the Roadway.

1.4 **Public Use of Roadway.** The Roadway may be used by members of the public as ingress and egress to and from public land for year-round recreational purposes. This use shall include travel by foot, snowmobile, horseback, bicycle, and other motorized or non-motorized land vehicle capable of navigating the Roadway. The Roadway may also be used by federal, state, and local governmental entities for public safety, winter trail grooming, and other public purposes, including access to FAA facilities. This *Easement Agreement* does not authorize parking within the Easement or elsewhere. Nor does the *Easement Agreement* authorize any other use by the public of that portion of the Easement outside of the Roadway.

1.5 **County Use and Maintenance.** This *Easement Agreement* authorizes, but does not require, Valley County (including its professional contractors) to engage in maintenance of the Roadway as necessary to maintain it in its primitive gravel condition. Such maintenance may include removal of trees, vegetation, or other obstacles, as well as repair of flood damage. Such maintenance may also include grading, replacement of gravel to the extent necessary to make the road passable for the recreational and other purposes described herein. This *Easement Agreement* does not authorize Valley County or any other person or entity to pave, widen, or otherwise improve the Roadway without the express written permission of the Bank. In addition to maintenance of the Roadway (not to exceed 25-feet in width), the County is authorized, but not required, to use the remaining portion of the 50-foot Easement for any purpose beneficial to the use and maintenance of the Roadway, including without limitation

signage, fencing, drainage, snow plowing, snow removal, firefighting, law enforcement, rescue, and other emergency actions.

1.6 **Signage**. This *Easement Agreement* authorizes Valley County to post signs notifying the traveling public as to the following: (1) restrictions on use of the Roadway or Old Council Road (consistent with this *Easement Agreement*), (2) warning of dangerous conditions on the Roadway or Old Council Road, (3) restrictions on parking, and (4) instructions to respect private property, to close gates, not to litter, not to create nuisances, and not to trespass. The Parties agree to cooperate with each other with respect to such signage. In the event of disagreement between the Parties, Valley County will defer to the preferences of the Bank regarding signage.

1.7 **Cattle Guards**. This *Easement Agreement* authorizes Valley County to replace gates with cattle guards or similar devices within the Easement at or near the termini of the Roadway.

1.8 **Notice to the Bank**. Valley County shall provide notice to the Bank reasonably in advance of any maintenance and other non-emergency activities (other than routine access) authorized by sections 1.5, 1.6, and 1.7.

1.9 **No Obstruction**. In the absence of written permission by Valley County, the Bank may not obstruct the Roadway so as to impair the recreational and other access provided by this *Easement Agreement*. Without such permission, the Bank shall not place, or caused to be placed, any lock on a gate that would restrict passage by the public or others on any part of the Roadway.

1.10 **Volunteer Repairs**. The Bank, in its sole discretion, may authorize recreational users or other volunteers to undertake road maintenance on the Roadway consistent with the scope of activities authorized for Valley County maintenance under section 1.5. Such maintenance or other activities shall be undertaken in accordance with any terms set by the Bank. The County may also impose terms and conditions or otherwise limit or prohibit volunteer repairs.

1.11 **Trespassing**. Except in the case of law enforcement or other public safety emergency action by governmental authorities as described in section 1.5, the access rights created by this *Easement Agreement* include only ingress and egress within the physical bounds of the Roadway, and do not allow any trespass by the public upon the Bank Property including for hunting, camping, or any other purpose.

1.12 **County Enforcement**. To the extent it has resources available, Valley County agrees to provide law enforcement and other support to enforce the limitations on public use described in sections 1.11, 2.1 and 2.2 and otherwise to protect the Bank Property from damage and nuisance resulting from public use of the Roadway.

## 2. PROTECTION OF RIGHTS OF D.L. EVANS AND THE PUBLIC.

2.1 **Protection of the Bank.** The access and other rights granted by this *Easement Agreement* shall be exercised by Valley County, the public, and others only in a manner that does not damage the Bank Property or impair its use and enjoyment by the Bank.

2.2 **Protection of Public Use.** The access and other rights granted by this *Easement Agreement* shall be exercised by Valley County, the public, and others only in a manner that does not damage the Roadway or impair its use and enjoyment by members of the public and others entitled to its use.

## 3. RETAINED RIGHTS.

3.1 **Bank's Rights.** As Grantor of the Easement and owner of the servient estate, the Bank reserves and retains all rights of ownership within the Easement that do not impair the access or other rights granted by this Easement. Nothing contained herein prevents the Bank or its agents or contractors from constructing or maintaining any improvement that does not restrict passage by the public or others over the Roadway in accordance with the terms of this *Easement Agreement* or impair use by the County as described in section 1.5. The Bank's retained rights include, but are not limited to, the Bank's right to travel upon, maintain, repair, grade, groom, or improve the Roadway, the Bank's right to fence or place other barriers designed to keep users of the Roadway confined to the Roadway and eliminate stops along the Roadway, the Bank's right to install signage adjacent to the Roadway, and the Bank's right to place cattle guards or gates within the road, so long as gates are unlocked in compliance with section 1.9.

3.2 **Additional Rights.** Nothing in this *Easement Agreement* prevents the Bank from granting additional rights, licenses, or permissions to Valley County or others by explicit written agreement. No such additional rights, licenses, or permissions shall be implied based on this *Easement Agreement*, the conduct of the Parties, or otherwise.

## 4. STATUTORY LIMITATION ON LIABILITY.

4.1 **Recreational Purposes.** The purposes for which the public is being permitted to use the Roadway under this *Easement Agreement* fall within the definition of "recreational purposes" in Idaho Code § 36-1604(b).

4.2 **Owners.** The Bank (as owner of the underlying fee) and Valley County (as Grantee of this Easement) are both deemed "owners" within the meaning of Idaho Code § 36-1604(b) and are entitled to protection from liability under Idaho Code § 36-1604.

4.3 **Exempt from Duty to Warn.** In accordance with Idaho Code § 36-1604(c), neither the Bank nor Valley County owes any duty of care to keep the Roadway safe for entry by others, or to give any warning of a dangerous condition, use, structure, or activity on such premises to such persons entering for such purposes. Furthermore, neither the installation of a sign or other form of warning of a dangerous condition, use, structure, or activity, nor any modification made for the purpose of improving the safety of others, nor the failure to maintain or keep in place any sign or other form of warning or modification made to improve safety, shall create liability on the part of the Bank or Valley County.

4.4 **Risk of Use on User.** In accordance with Idaho Code § 36-1604(d), by permitting the public to use the Roadway, neither the Bank or Valley County (1) extend any assurance that the Roadway and adjacent premises are safe for any purpose, (2) confer upon any member of the public using said road as the legal status of an invitee or licensee to whom a duty of care is owed, or (3) assume any responsibility for or incur liability for injury to person or property caused by an act or omission of any person.

## 5. MISCELLANEOUS.

5.1 **Effective Date.** This *Easement Agreement* shall be effective upon each of the following: (1) its approval and acceptance by a majority vote of the Commissioners in a properly noticed public meeting of the Commissioners in compliance with applicable law and (2) its recording in the official public records of Valley County maintained by the County Clerk, which recording shall not occur or be effective unless this *Easement Agreement* is executed and notarized by each of the individuals in the signature blocks below.

5.2 **Duration.** The term of this *Easement Agreement* shall be perpetual unless terminated by written agreement of the Parties; provided that if the Roadway ceases to provide access to public land and is no longer needed by the FAA for access to its facilities, this *Easement Agreement* may be terminated by either Party upon 60 day's advance notice to the other Party and recording thereof in the official public records of Valley County.

5.3 **Not a Public Dedication.** Under no circumstances shall the *Easement* granted by this *Easement Agreement* be considered a dedication to the public or a conveyance in fee simple.

5.4 **No Third-Party Rights.** This *Easement Agreement* creates legally enforceable rights only in Valley County. Valley County may enforce this *Easement Agreement*, as provided herein, for the benefit of members of the public or other users (including the FAA), but no such third party itself shall have a cause of action to enforce this *Easement Agreement*.

5.5 **Notices.** Any notice under this *Easement Agreement* shall be in writing and shall be sent by U.S. Mail (sent via certified mail, postage prepaid) or by public or private 24-hour overnight courier service (so long as such service provides written confirmation of delivery) (including U.S. Postal Service Express Mail). All notices shall be addressed to the Parties at their then current address.

5.6 **Modification.** The scope of rights to the use of the Roadway and other rights and obligations set out under this *Easement Agreement* may be modified by written agreement of the Parties, which modification shall be effective when lawfully recorded in the official records of Valley County.

5.7 **Recitals and Exhibits.** The recitals and exhibits contained herein are incorporated herein and are deemed a part of the *Easement Agreement*. However, in the event of any conflict between such recitals and/or exhibits and the terms and conditions set out under the "Agreement Provisions" portion of this *Easement Agreement*, the latter shall control. In the event of any discrepancy between Exhibit A and Exhibit B, Exhibit B shall control.

5.8 **Paragraph Headings.** The headings included in the sections and paragraphs of this *Easement Agreement* are for the convenience of the reader. They shall not change the meaning or alter the interpretation of any provision of this *Easement Agreement*.

5.9 **Authority.** The Parties acknowledge and affirm that each person executing this *Easement Agreement* and all other documents to be executed pursuant thereto on behalf of either Party has the authority to enter into this *Easement Agreement* and to execute such documents, and the signatures of such person are binding upon and enforceable against the applicable Party.

5.10 **Governing Law.** The laws of the State of Idaho shall govern this *Easement Agreement*. Venue shall be proper in the Fourth District Court of the state of Idaho, in and for Valley County.

5.11 **Default.** In the case of a breach of any of the terms of this *Easement Agreement*, the Party claiming that the breach has occurred shall provide the Party alleged to have committed the breach with written notice of the breach and, when actions to cure the breach are reasonably possible, an opportunity within which to cure the breach (of at least 15 calendar days). “**Default**” for purposes of sections 5.11 and 5.12 shall be defined as an uncured breach of any of the terms of this *Easement Agreement*.

5.12 **Remedies.** In the event of a Default hereunder by any Party, the non-defaulting Party shall have all remedies available at law or in equity, including the availability of injunctive relief. The remedies specified in this *Easement Agreement* shall be cumulative and in addition to all other remedies provided for in this *Easement Agreement*.

5.13 **Nonwaiver of Remedies.** The failure or neglect of a Party to enforce any remedy available by reason of the failure of the other Party to observe or perform a term or condition set forth in this *Easement Agreement* shall not constitute a waiver of the right to otherwise enforce such term or condition, nor shall it estop such Party from otherwise enforcing such term or condition. A waiver by a Party (i) shall not affect any term or condition other than the one specified in such waiver, and (ii) shall waive a specified term or condition only for the time and in a manner specifically stated in the waiver.

5.14 **Attorney Fees.** If a suit, action, or other proceeding arising out of or related to this *Easement Agreement* is instituted by any Party to this *Easement Agreement*, the prevailing Party shall be entitled to recover its reasonable attorneys’ fees, expert witness fees, and costs (i) incurred in any settlement negotiations, (ii) incurred in preparing for, prosecuting or defending any suit, action, or other proceeding, and (iii) incurred in preparing for, prosecuting or defending any appeal of any suit, action, or other proceeding.

5.15 **Entire Agreement.** This *Easement Agreement* constitutes the entire agreement among the Parties and supersedes all prior understandings, memoranda, correspondence, conversations, and negotiations addressing the subject of this Agreement.

5.16 **Severability.** In the event any portion of this *Easement Agreement* or part thereof is determined by any court of competent jurisdiction to be invalid, void, or otherwise unenforceable, the remaining provisions hereof, or parts thereof, shall remain in full force and

effect, and shall in no way be affected, impaired, or invalidated thereby, it being understood and agreed that such remaining provisions shall be construed in a manner most closely approximating the intentions of the Parties with respect to the invalid, void, or unenforceable provision or part thereof.

5.17 **Successors and Assigns.** This *Easement Agreement* shall inure to the benefit of and be binding upon the Parties hereto, their successors and upon any person or entity acquiring the Bank Property, or any portion thereof, or any interest therein, whether by operation of law or otherwise.

5.18 **Agreement Construction.** Each of the Parties to this *Easement Agreement* has been represented by legal counsel, or has had the opportunity to consult legal counsel, in the course of negotiating and preparing this *Easement Agreement*. Accordingly, the language of this *Easement Agreement* shall be construed simply, according to its fair meaning, and not strictly for or against either Party, regardless of which Party caused its preparation.

5.19 **Counterparts.** This *Easement Agreement* may be executed in multiple counterparts, each of which shall be deemed an original, but all of which, together, shall constitute one and the same instrument.

IN WITNESS WHEREOF, the undersigned have caused this *Easement Agreement* to be executed on the dates written below.

D.L. EVANS BANK, an Idaho Corporation

Dated: \_\_\_\_\_

By: \_\_\_\_\_

Robert J. Squire  
Its General Counsel

VALLEY COUNTY, a political subdivision of the State of Idaho

Dated: \_\_\_\_\_

By: \_\_\_\_\_

Sherry Maupin, Commissioner Chairman

Dated: \_\_\_\_\_

By: \_\_\_\_\_

Katlin Caldwell, Commissioner

Dated: \_\_\_\_\_

By: \_\_\_\_\_

Neal Thompson, Commissioner,

Attest:

Dated: \_\_\_\_\_

\_\_\_\_\_  
Douglas Miller, County Clerk and Recorder

- NOTARY ACKNOWLEDGEMENTS FOLLOW -

STATE OF IDAHO    )  
                          ) ss.  
County of Cassia    )

On this \_\_\_\_ day of \_\_\_\_\_, before me, a Notary Public in and for said State, personally appeared ROBERT J. SQUIRE, known or identified to me to be the General Counsel of D.L. Evans Bank, and who subscribed said name to the foregoing instrument, and acknowledged to me that he/she executed the same in said company name.

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

\_\_\_\_\_  
Notary Public for the State of \_\_\_\_\_  
Residing at \_\_\_\_\_  
My Commission expires: \_\_\_\_\_

STATE OF IDAHO    )  
                          ) ss.  
County of Valley    )

On this \_\_\_\_ day of \_\_\_\_\_, before me, a Notary Public in and for said State, personally appeared SHERRY MAUPIN, known or identified to me to be Commissioner Chairman, District 2 of Valley County, and who subscribed said name to the foregoing instrument, and acknowledged to me that Valley County 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.

\_\_\_\_\_  
Notary Public for the State of Idaho  
Residing at \_\_\_\_\_  
My Commission expires: \_\_\_\_\_



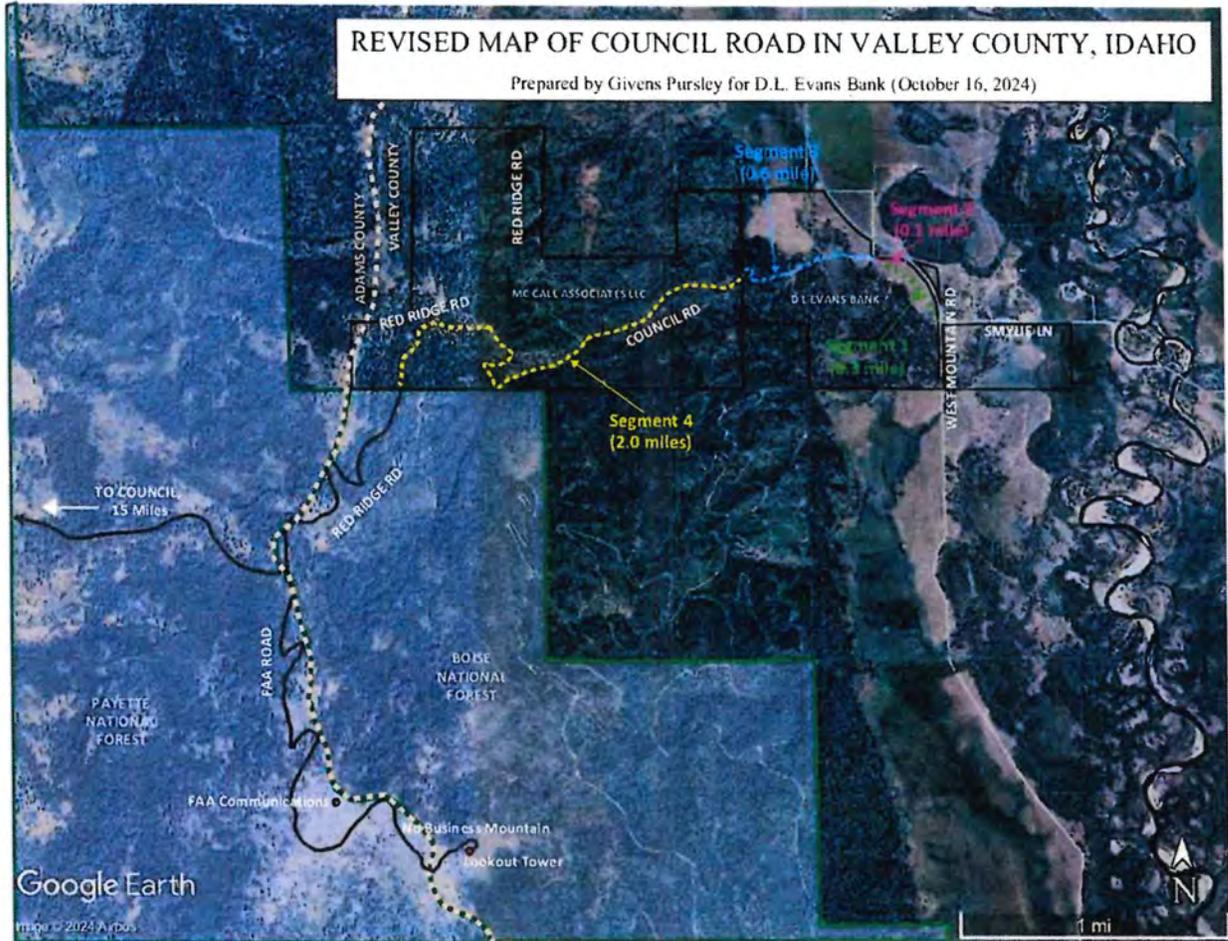
STATE OF IDAHO, )  
 ) ss.  
County of Valley )

On this \_\_\_ day of \_\_\_\_\_, before me, a Notary Public in and for said State, personally appeared DOUGLAS MILLER, known or identified to me to be the County Clerk and Recorder of Valley County, and who subscribed said name to the foregoing instrument, and acknowledged to me that Valley County 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.

\_\_\_\_\_  
Notary Public for the State of Idaho  
Residing at \_\_\_\_\_  
My Commission expires: \_\_\_\_\_

# Exhibit A: Map of Bank Property and Old Council Road



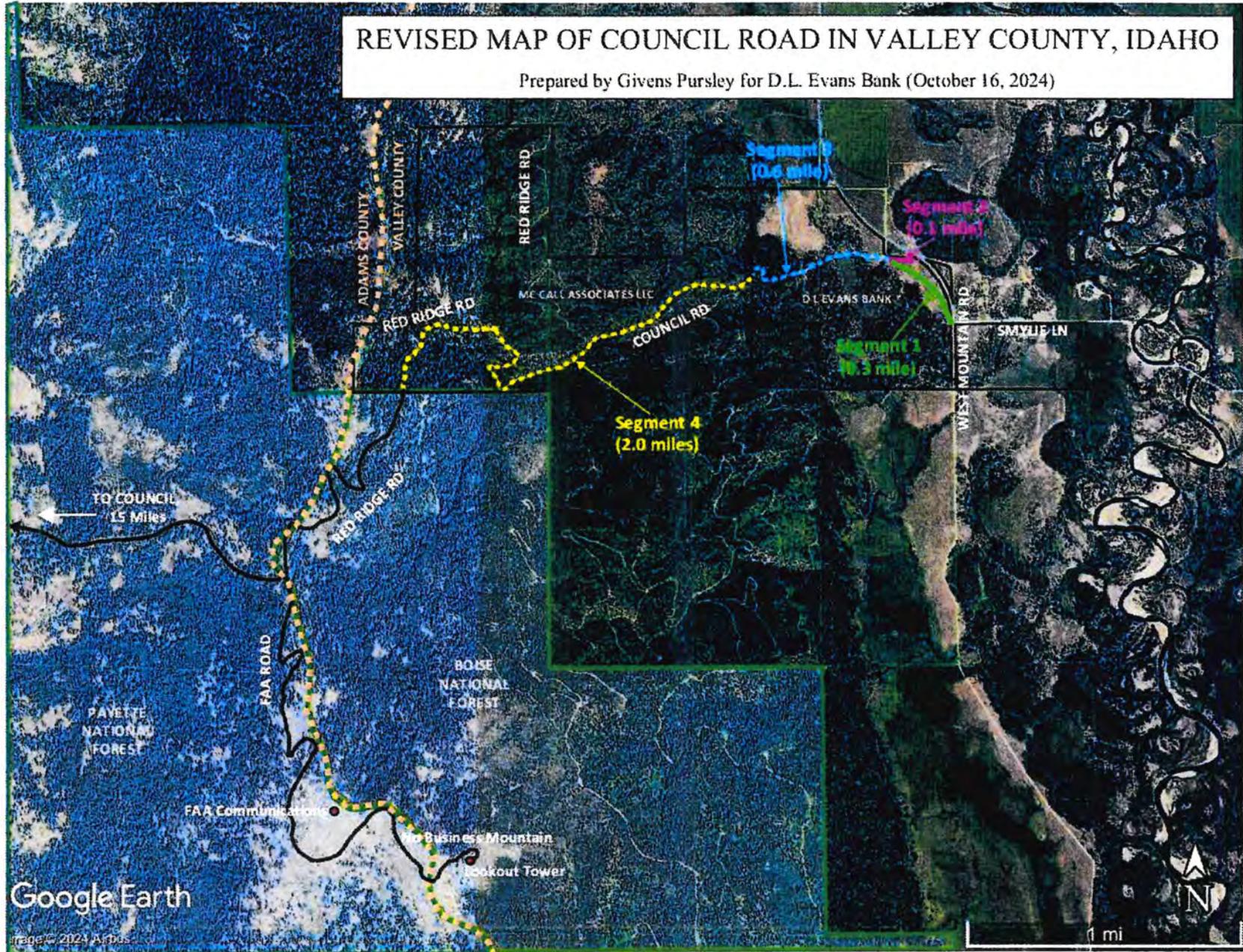
**Exhibit B:** Centerline Description of the Roadway

{to be added}

Exhibit 1

REVISED MAP DEPICTING COUNCIL ROAD, INCLUDING SEGMENTS 1, 2, 3 & 4

Segment 1 (0.3 miles)  
Segment 2 (0.1 miles)





**RESOLUTION 2025-11**

**Council Road Validation**

**A RESOLUTION OF VALLEY COUNTY, IDAHO, THAT VALIDATES OLD COUNCIL ROAD AS A PUBLIC ROAD**

WHEREAS Idaho Code § 40-203A provides for validation of a public road if doubt exists regarding the establishment of a public highway; and

WHEREAS Idaho Code § 40-203A provides for the vacation of a road if the commissioners decide that the vacation of a road is in the public interest of the jurisdiction affected by the vacation; and

WHEREAS Council Road is an east-west running road that originates at an intersection with what is known today as West Mountain Road or Donnelly-Tamarack Falls Road in the southwest quarter of Section 24, Township 17 North, Range 2 East of the Boise Meridian in Valley County, Idaho. The road runs west through the southern half of Section 23, into the southeast quarter of Section 22, and into the northeast quarter of Section 27 (all in the same township), where it crosses the county line into Adams County and intersects with other roads, some of which lead to Council, Idaho. Historically, the road has been called Council-Long Valley Road, Council Road, No Business Road (for its proximity to No Business Mountain), and FAA No Business Road.

WHEREAS the public and Federal Aviation Administration asked the Board of County Commissioners (BOCC) for access to public lands on West Mountain with limited accessibility that can best be accessed via Old Council Road; and

WHEREAS Valley County hired Historical Research Associates on May 1, 2023, to research the history of Council Road; and

WHEREAS Washington and Boise Counties (predecessor counties of Adams and Valley Counties) cooperatively constructed Council Road in 1902 using public funds to shorten the distance between Long Valley and the railroad in Council; and

WHEREAS the Boise County Commissioners declared Council Road as a public road on October 14, 1902; and

WHEREAS proper notice for a hearing to validate or vacate Old Council Road was given via posting to the Star News, posting the Old Council Road intersection with West Mountain Road, letters to adjacent property owners, and posting to the Valley County website; and

WHEREAS DL Evans Bank submitted a petition to vacate or validate parts of Old Council Road; and

WHEREAS the BOCC completed a survey of the portion of Council Road that crosses private property in December 2024; and

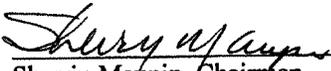
WHEREAS the BOCC held a public hearing on April 21, 2025, wherein the BOCC received public and agency comments and considered the DL Evans Bank petition.

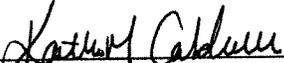
NOW, THEREFORE, BE IT RESOLVED, by the Valley County Board of Commissioners, Valley County, Idaho that:

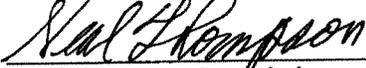
1. Validating Council Road is in the public interest and a partial vacation is not in the public interest.
2. That Council Road is a public road, and access shall be granted to the public.
3. The name of the road shall be Old Council Road on County records and maps.
4. Old Council Road shall be designated as a public road on the County maps.
5. The County Road Department shall mark the road intersections with Old Council Road with appropriate signage to indicate it is a public road.
6. Any gates on Old Council Road must be unlocked or replaced with cattle guards to allow public access.
7. DL Evans Bank may petition to change the intersection of Old Council Road with West Mountain Road through the road validation and vacation process.

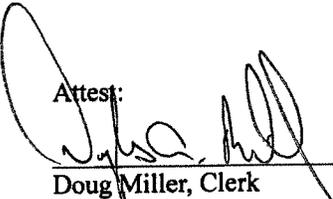
This resolution shall be in full force and effect upon its passage and approval.

Adopted this 5<sup>th</sup> day of May 2025.

  
\_\_\_\_\_  
Sherry Maupin, Chairman

  
\_\_\_\_\_  
Katlin Caldwell, Commissioner

  
\_\_\_\_\_  
Neal Thompson, Commissioner

Attest:  
  
\_\_\_\_\_  
Doug Miller, Clerk

TITLE 40  
HIGHWAYS AND BRIDGES  
CHAPTER 2  
GENERAL PROVISIONS

**40-203. Abandonment and vacation of county and highway district system highways or public rights-of-way.**

(1) A board of county or highway district commissioners, whichever shall have jurisdiction of the highway system, shall use the following procedure to abandon and vacate any highway or public right-of-way in the county or highway district system including those which furnish public access to state and federal public lands and waters:

(a) The commissioners may by resolution declare their intention to abandon and vacate any highway or public right-of-way or to reclassify a public highway as a public right-of-way, where doing so is in the public interest.

(b) Any resident, or property holder, within a county or highway district system including the state of Idaho, any of its subdivisions, or any agency of the federal government may petition the respective commissioners for abandonment and vacation of any highway or public right-of-way within their highway system. The petitioner shall pay a reasonable fee as determined by the commissioners to cover the cost of the proceedings.

(c) The commissioners shall establish a hearing date or dates on the proposed abandonment and vacation.

(d) The commissioners shall prepare a public notice stating their intention to hold a public hearing to consider the proposed abandonment and vacation of a highway or public right-of-way, which shall be made available to the public not later than thirty (30) days prior to any hearing and mailed to any person requesting a copy not more than three (3) working days after any such request.

(e) At least thirty (30) days prior to any hearing scheduled by the commissioners to consider abandonment and vacation of any highway or public right-of-way, the commissioners shall mail notice by United States mail to known owners and operators of an underground facility, as defined in section [55-2202](#), Idaho Code, that lies within the highway or public right-of-way.

(f) At least thirty (30) days prior to any hearing scheduled by the commissioners to consider abandonment and vacation of any highway or public right-of-way, the

commissioners shall mail notice to owners of record of land abutting the portion of the highway or public right-of-way proposed to be abandoned and vacated at their addresses as shown on the county assessor's tax rolls and shall publish notice of the hearing at least two (2) times if in a weekly newspaper or three (3) times if in a daily newspaper, the last notice to be published at least five (5) days and not more than twenty-one (21) days before the hearing.

(g) At the hearing, the commissioners shall accept all information relating to the proceedings. Any person, including the state of Idaho or any of its subdivisions, or any agency of the federal government, may appear and give testimony for or against abandonment.

(h) After completion of the proceedings and consideration of all related information, the commissioners shall decide whether the abandonment and vacation of the highway or public right-of-way is in the public interest of the highway jurisdiction affected by the abandonment or vacation. The decision whether or not to abandon and vacate the highway or public right-of-way shall be written and shall be supported by findings of fact and conclusions of law.

(i) If the commissioners determine that a highway or public right-of-way parcel to be abandoned and vacated in accordance with the provisions of this section has a fair market value of two thousand five hundred dollars (\$2,500) or more, a charge may be imposed upon the acquiring entity, not in excess of the fair market value of the parcel, as a condition of the abandonment and vacation; provided, however, no such charge shall be imposed on the landowner who originally dedicated such parcel to the public for use as a highway or public right-of-way; and provided further, that if the highway or public right-of-way was originally a federal land right-of-way, said highway or public right-of-way shall revert to a federal land right-of-way.

(j) The commissioners shall cause any order or resolution to be recorded in the county records and the official map of the highway system to be amended as affected by the abandonment and vacation.

(k) From any such decision, a resident or property holder within the county or highway district system, including the state of Idaho or any of its subdivisions, or any agency of the federal government, may appeal to the district court of the county in which the highway or public right-of-way is located pursuant to section [40-208](#), Idaho Code.

(2) No highway or public right-of-way or parts thereof shall be abandoned and vacated so as to leave any real property adjoining the highway or public right-of-way without access to

an established highway or public right-of-way. The burden of proof shall be on the impacted property owner to establish this fact.

(3) In the event of abandonment and vacation, rights-of-way or easements shall be reserved for the continued use of existing sewer, gas, water, or similar pipelines and appurtenances, or other underground facilities as defined in section [55-2202](#), Idaho Code, for ditches or canals and appurtenances, and for electric, telephone and similar lines and appurtenances.

(4)

(a) When a county or highway district is to consider the abandonment or vacation of any highway, public street or public right-of-way that was accepted as part of a recorded platted subdivision, such abandonment shall be accomplished pursuant to the provisions of this section.

(b) When a county or highway district is to consider the abandonment or vacation of any highway, public street, or public right-of-way that was accepted as part of a platted subdivision that has never been improved or developed, such vacation or abandonment may be approved through the dedication of a new highway, public street, or public right-of-way without compensation as set forth in subsection (1)(i) of this section.

(c) When a county is to consider the abandonment or vacation of any private right-of-way that was accepted as part of a recorded platted subdivision, said abandonment or vacation shall be accomplished pursuant to the provisions of [chapter 13, title 50](#), Idaho Code.

(5) In any proceeding under this section or section [40-203A](#), Idaho Code, or in any judicial proceeding determining the public status or width of a highway or public right-of-way, a highway or public right-of-way shall be deemed abandoned if the evidence shows:

(a) That said highway or public right-of-way was created solely by a particular type of common law dedication, such as a dedication based upon a plat or other document that was not recorded in the official records of an Idaho county;

(b) That said highway or public right-of-way is not located on land owned by the United States or the state of Idaho nor on land entirely surrounded by land owned by the United States or the state of Idaho nor does it provide the only means of access to such public lands; and

(c)(i) That said highway or public right-of-way has not been used by the public and has not been maintained at the expense of the public in at least three (3) years during the previous fifteen (15) years; or

(ii) Said highway or right-of-way was never constructed and at least twenty (20) years have elapsed since the common law dedication.

(6) All other highways or public rights-of-way may be abandoned and vacated only upon a formal determination by the commissioners pursuant to this section that retaining the highway or public right-of-way for use by the public is not in the public interest, and such other highways or public rights-of-way may be validated or judicially determined at any time notwithstanding any other provision of law. Provided that any abandonment under this section shall be subject to and limited by the provisions of subsections (2) and (3) of this section.

#### 40-203A. Validation of county or highway district system highway or public right-of-way.

(1) Any resident or property holder within a county or highway district system, including the state of Idaho or any of its subdivisions, or any agency of the federal government, may petition the board of county or highway district commissioners, whichever shall have jurisdiction of the highway system, to initiate public proceedings to validate a highway or public right-of-way, including those which furnish public access to state and federal public lands and waters, provided that the petitioner shall pay a reasonable fee as determined by the commissioners to cover the cost of the proceedings, or the commissioners may initiate validation proceedings on their own resolution, if any of the following conditions exist:

(a) If, through omission or defect, doubt exists as to the legal establishment or evidence of establishment of a highway or public right-of-way;

(b) If the location of the highway or public right-of-way cannot be accurately determined due to numerous alterations of the highway or public right-of-way, a defective survey of the highway, public right-of-way or adjacent property, or loss or destruction of the original survey of the highways or public rights-of-way; or

(c) If the highway or public right-of-way as traveled and used does not generally conform to the location of a highway or public right-of-way described on the official highway system map or in the public records.

(2) If proceedings for validation of a highway or public right-of-way are initiated, the commissioners shall follow the procedure set forth in section 40-203, Idaho Code, and shall:

- (a) If the commissioners determine it is necessary, cause the highway or public right-of-way to be surveyed;
  - (b) Cause a report to be prepared, including consideration of any survey and any other information required by the commissioners;
  - (c) Establish a hearing date on the proceedings for validation;
  - (d) Cause notice of the proceedings to be provided in the same manner as for abandonment and vacation proceedings; and
  - (e) At the hearing, the commissioners shall consider all information relating to the proceedings and shall accept testimony from persons having an interest in the proposed validation.
- (3) Upon completion of the proceedings, the commissioners shall determine whether validation of the highway or public right-of-way is in the public interest and shall enter an order validating the highway or public right-of-way as public or declaring it not to be public.
- (4) From any such decision, any resident or property holder within a county or highway district system, including the state of Idaho or any of its subdivisions, or any agency of the federal government, may appeal to the district court of the county in which the highway or public right-of-way is located pursuant to section 40-208, Idaho Code.
- (5) When a board of commissioners validates a highway or public right-of-way, it shall cause the order validating the highway or public right-of-way, and if surveyed, cause the survey to be recorded in the county records and shall amend the official highway system map of the respective county or highway district.
- (6) The commissioners shall proceed to determine and provide just compensation for the removal of any structure that, prior to creation of the highway or public right-of-way, encroached upon a highway or public right-of-way that is the subject of a validation proceeding, or if such is not practical, the commissioners may acquire property to alter the highway or public right-of-way being validated.
- (7) This section does not apply to the validation of any highway, public street or public right-of-way which is to be accepted as part of a platted subdivision pursuant to chapter 13, title 50, Idaho Code.

## Valley County Code

### 5-4-4: DESIGNATION OF ROAD NAMES:

- A. **Applicability; Official Road Name List:** It is hereby established in the unincorporated areas of the county that the following rules and regulations for the naming of roads shall apply. The board shall, by resolution, establish the official road name list. Thereafter, all new roads shall be established in accordance with the standards hereinafter set forth. It is anticipated that the incorporated cities will cooperate with standards and approval processes established for the sake of public safety and operation of the 911 system.
- B. **Standards For Determining And Approving Road Dedications:** The following standards shall be used in determining and approving road names:
1. **Duplications:** There shall be no duplication of road names by sound or spelling in the county. Differentiation shall not be by the addition of suffixes, such as road, lane, etc.
  2. **Submittal Of Names For Future Road Dedications:** Names for future road dedications shall be submitted to the Valley County Planning and Zoning Administrator or their designee for approval as requested by the person or agency proposing the road dedication, subject to all provisions of this chapter.
    - a. The proposed road name shall be "saved" for a period of two (2) years before another person or agency can assume the name, unless withdrawn by the applicant.
    - b. The proposed road name shall be sent for comment to the Assessor and the 911 dispatch supervisor for consideration and comment.
  3. **Alignment:** A proposed road shall be considered in general alignment with an existing road if it is no farther than one hundred fifty feet (150') from centerline to centerline. Where a proposed road is in the same alignment as an existing road and is a continuation of that road, the name of the existing road shall be maintained with the appropriate designation.
  4. **Connection With Two Differently Named Roads:** Where a proposed road or lane connects two (2) differently named roads located on the same alignment, the planning and zoning administrator shall designate the name, giving consideration to the length, collector status, period of usage and number of residents affected.
  5. **Cul-De-Sac:**
    - a. **Less Than One Hundred Feet:** A cul-de-sac (court or place) which has an overall length of one hundred feet (100') or less (as measured from the centerline of the principal road to the point of radius or centroid of the cul-de-sac) shall carry the same name and the same designation of the road from which it emerges. When a proposed court or place, which has an overall length of one hundred feet (100') or less, is in alignment with a road, it shall carry the same name of the roadway from which it emerges and the appropriate designation.
    - b. **More Than One Hundred Feet:** A cul-de-sac (court or place) which has an overall length of more than one hundred feet (100') (as measured from the centerline of the principal road to the point of radius) shall carry a new name, and must be named in accordance with the provisions herein.
  6. **Aligns With Existing Road:** A proposed road which aligns with an existing road shall carry the correct road designation (road, drive, avenue or way), even though the existing road designation may be incorrect.
  7. **L Shaped Road:** Both portions of an "L" shaped road shall carry the same name if either leg is one hundred feet (100') or less in length; all others shall carry two (2) names.
  8. **Obvious Change In Direction:** If the Planning and Zoning Administrator determines that a road makes a very obvious change in direction, a new road name shall be assigned except

#### **5-4-7: CHANGES IN ROAD NAMES AND PUBLIC/PRIVATE DECLARATION:**

- A. Application: Where necessary or desirable, any person may make application to the Planning and Zoning Administrator to change a road name, or the Planning and Zoning Administrator may do so for reasons of duplication, similar pronunciation or spelling or for other reasons relating to public safety or convenience. The Board shall not change signs without compensation or agreement from the applicant.
- B. Changes Necessitated Due To Duplication: In the case of road name changes necessitated due to duplication, similar pronunciation or spelling, the Planning and Zoning Administrator shall determine the road name to be changed and select the new name to be used. The Planning and Zoning Administrator shall take into consideration the number of existing addresses on the roads in question, the length of time each road has used the name in question, the date of the original dedication of said road(s), each road's compliance with this chapter and any other factor pertinent to resolving the similar pronunciation or spelling. No road name(s) may be changed until the proposed names have been checked against the official road name map and list.
- C. Public Hearings: The board shall hold public hearings on this matter. All property owners and residents having frontage on the affected road shall be notified by mail under the following procedures:
1. The applicant shall submit a list of addresses of all dwellings located on the affected road to the planning and zoning administrator or their designee along with a fee as adopted by resolution.
  2. The Planning and Zoning Administrator or their designee shall compare the submitted list to the land ownership records and mail notification to all affected residents and property owners.
  3. The Planning and Zoning Administrator shall mail notification to political subdivisions, other interested parties, and publish in the newspaper a minimum of fifteen (15) days prior to the hearing.
  4. The Planning and Zoning Administrator shall also place a sign on the road at least one week prior to the hearing if it is reasonable to do so.
  5. The board shall hold a public hearing on the road name change thirty (30) to forty five (45) days after the receipt and acceptance of the road name change application.
  6. Failure of the planning and zoning administrator or his designee to mail said notice to all residents and property owners in no way shall affect the validity of such procedures; provided, that such failure shall have occurred in good faith.
- D. Manner Of Making Changes: All changes shall be made in such a manner as to create the least possible inconvenience to residents and property owners in the area.
1. No change shall become effective for at least fifteen (15) days after official action by the board.
  2. No change shall become effective until the road sign is changed or installed.
  3. All residents and property owners shall be mailed notification of the board's final decision within seven (7) days of said action. Notice shall state that the name change is not official until the sign is placed.
  4. The Planning and Zoning Administrator shall make the change in the Official Road Name List and on the Official Road Name Map when the change is effective.
- E. Location Of Signs: All road name signs shall be located in such a manner as to be clearly visible to persons operating vehicles on the road. The minimum letter size shall be four

inches (4") in height and placed on a six inch (6") x variable length blank. Existing names exceeding the ten (10) letter length restriction shall use four inch (4") lettering, if deemed necessary by the board. All signs shall be reflectorized or illuminated in addition to having contrasting colors. All dedicated road signs shall be green, all private road signs shall be blue, all lettering shall be white. All road name signs shall have the names lettered on both sides and shall be positioned so that the name is visible from both directions of the road.

Parametrix No. 314-4875-001

Kerstin Dettrich  
Valley County Road and Bridge Director  
520 South Front Street  
P.O. Box 672  
Cascade, ID 83611

Re: Petition 25-004 - Revised Petition to Vacate and Validate Two Segments of Old Council Road to Realign the Road

Dear Kerstin:

Per your request, we have reviewed the above referenced petition to vacate and validate segments of Old Council Road, along with the proposed easement agreement, and supporting survey documentation. From a Road and Bridge perspective, there are several items we recommend the County consider as part of its evaluation.

The existing roadway is currently functioning and providing access to Old Council Road. As such, the new alignment may not represent a direct benefit to the County beyond removing the existing low-volume four-leg intersection at Smylie Lane.

If the segment is approved, then due to the curvature of West Mountain Road, the new segment should align Old Council Road to intersect close to perpendicular with West Mountain Road to provide adequate sight-distance and improved operational safety. Although not located on the applicant's property, we recommend obliterating the existing gravel access adjacent to the proposed intersection, which was the original West Mountain Road alignment, in order to eliminate potential conflicts and confusion.

The petition indicates the new segment would be constructed as a two-lane gravel road. The gravel road should be constructed to meet the Standard Local Road section in the Valley County Minimum Standards for Public Roads, including providing 70 feet of dedicated right-of-way in fee and not as an easement. Additional right-of-way may be required to align the new intersection properly.

Drainage features should be designed per Valley County Minimum Standards for Public Roads.

Please contact me if you have any questions.

Sincerely,

Parametrix



Paul Ashton, PE



**From:** Hallie Adams <Hallie.Adams@dfdevelopmentllc.com>  
**Sent:** Friday, February 20, 2026 12:33 PM  
**To:** Cynda Herrick <cherrick@valleycountyid.gov>  
**Cc:** Hibbert, Nicole <Nicole.Hibbert@WilksBrothers.com>; Christine Richman <crichman@gbsbsconsulting.com>; Scott Carlton <scott.carlton@dfdevelopmentllc.com>  
**Subject:** March 2nd Public Hearing - Old Council Road

Hi Cynda,

DF Development would like to provide the below comments regarding the March 2<sup>nd</sup> public hearing on the proposed vacation of a portion of Old Council Road:

If a realignment of Old Council Road is necessary, DF Development strongly prefers that it be handled as a formal realignment of County right-of-way – not a vacation of public right-of-way in exchange for a private easement.

Vacating the existing ROW and replacing it with an easement reduces long-term certainty, weakens public control, and creates avoidable access risk. Maintaining continuous County-owned right-of-way is the appropriate and prudent course.

Please confirm that this email will be included in the record for the hearing.

Thank you,

Hallie Adams  
Project Manager  
DF Development, LLC  
[hallie.adams@dfdevelopmentllc.com](mailto:hallie.adams@dfdevelopmentllc.com)  
Office: 817-490-6834



CONFIDENTIALITY NOTICE: This e-mail, including any attachments, is for viewing and use solely by the intended recipient(s), and may contain confidential, privileged and/or proprietary information. If you have or believe that you may have received this e-mail in error, please contact the sender immediately by replying to this email and please permanently delete all copies of this email, including any sent (reply) copy, from your computer.

# Valley County Recreation Department

P.O. Box 1350 • 219 N. Main Street  
Cascade, Idaho 83611-1350

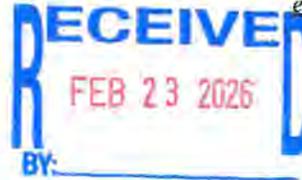
Phone (208) 382-4425



**DAVE BINGAMAN**  
*Valley County Recreation Director*  
[dbingaman@valleycountyid.gov](mailto:dbingaman@valleycountyid.gov)

**EMILY HOLMES**  
*Valley County Recreation Planner*  
[eholmes@valleycountyid.gov](mailto:eholmes@valleycountyid.gov)

**DANNY AMEN**  
*Valley County Recreation Coordinator*  
[dagen@valleycountyid.gov](mailto:damen@valleycountyid.gov)



Valley County Parks and Recreation Department asks that the following points be included in the public record and considered as they pertain to any determination on the petition to vacate and validate segments of Old Council Road.

Old Council Road provides important access for recreation in summer and winter. It is currently a groomed snowmobile route that accesses West Mountain. There are currently only 2 other access points for West Mountain, both with limited parking, both currently have conflicts in winter with property owners on historically groomed routes. As other access points in the valley become increasingly popular and crowded, improving and maintaining recreation options off West Mountain Road will help to disperse visitor use especially as it becomes more developed and heavily trafficked in upcoming years. Public lands in the West Mountains run the risk of being "land-locked" by private developments if historic access points are not maintained.

We need to consider the future growth of recreation and access in new developments at historical access points. With the potential for development above the DL Evans Bank section and other nearby housing developments already underway, creating dedicated parking and access options from West Mountain Road will facilitate recreation growth alongside development. The West Mountains are under-utilized (compared to other areas in Valley County) by recreators and hold potential for increased recreational use. In winter, the Old Council Road connection is used by the FAA snowcat as well as Valley County contractors to access the communication sites on No Business Mountain. Segment 2 provides a shorter avenue for access than Segment 1 and supports these ongoing activities.

If the County moves forward the Vacation and Validation, we ask that a dedicated Right of Way be wide enough to accommodate a 20-foot-wide snowmobile route in addition to any plowed lanes for vehicles. Because the right-of-way for wheeled vehicles is subject to P&Z and VC Road Department regulations, we ask that guaranteed and safe snowmobile access on a designated route be considered in tandem with any plans for plowing the road segment. In addition, we would like to ask that a 1-acre parking lot off West Mountain Road at the intersection of the new segment be considered in the negotiations with DL Evans. This could be accomplished with a Recreational Lease or Easement to ensure safe, adequate parking for this important recreational access point. As the area grows, West Mountain will become a major connector and recreational parking on the road will not be feasible.

Thank you for considering our comments in support of this petition, and for supporting the future of recreation in the West Mountains.

Valley County Parks and Recreation Staff

From: Monte Post [REDACTED]  
Sent: Sunday, February 22, 2026 11:17 AM  
To: Cynda Herrick <cherrick@valleycountyid.gov>  
Subject: Proposed route for old Council Road. Cinda

2/22/26, 10:56 AM

IMG\_2412.png



Blue line is my Proposed route,  
The red line is what I would like to  
trade for the ground in front of my house  
at 3030 west mountain Rd

I do not want the Proposed road to go  
down the South side of my Property,  
It would come out at my drive way  
at 3030 west mountain Rd.

February 21, 2026

Valley County Board of County Commissioners  
c/o Cynda Herrick AICP, CFM,  
Planning and Zoning Director  
PO Box 1350  
Cascade, ID 83611

VALLEY COUNTY COMMINSSIONERS AND  
PLANNING AND ZONING OFFICIALS,

This letter is in response to the *Petition to Vacate and Validate Two Segments of Old Council Road to West Mountain Road to realign* and change it's intersection with West Mountain Road submitted by D.L. Evans Bank.

After living full time near the impact of this proposed change for more than four years and discussion with neighbors who also will be impacted by any changes, I am sharing concerns and suggestions related to the concerns.

First the concerns include:

- Changing the exit of Old Council Road to the proposed location on West Mountain locates the intersection directly across from a neighbor who often has grandchildren visiting, In addition to safety for his grandchildren and lights from vehicles shining directly to that property there are other privacy issues with that intersection location.
- The proposed exit/intersection is on a slight downhill sloped bend in the road where the gravel trucks heading south on West Mountain have gained speed before approaching the frequent turns onto Smylie Lane. During the majority of the year, this is a concern for vehicles entering West Mountain in either direction with increasing gravel truck traffic.
- The proposed exit/intersection location is adjacent to a mail box and may adversely impact safe mail delivery.

- What is the proposed exit/intersection fencing plan? There were no details described in the petition. Since the proposed new location for the intersection continues to have a permanent easement, will road access remain open at all times, have gates, a cattle guard or some other security for grazing livestock and allow access or will the whole road be fenced? The type of fencing, gates and access is a concern for those who want to continue to use Old Council Road without crossing a cattle guard.
- Parking for winter use and summer use of Old Council Road is a concern. Currently trailer parking for the winter use by sled dog teams, snow mobiles, equestrians and other access has been cleared and often used in a small section on West Mountain south of the Smylie Lane intersection. Will that area still be used for parking in the winter? Will those wanting to recreate using Old Council Road need to travel along West Mountain for about ¼ mile up to a new proposed access/intersection? Are there plans for public winter and summer use parking long West Mountain somewhere else if there is a change to the Old Council Road intersection location?

Second, suggestions are being included taking into consideration property owners along Old Council Road, both sides of West Mountain and others who recreate in this area.

- Map jpg is attached to illustrate\*\*\* **If a change of intersection must be made, Change location of the exit/intersection from Old Council Road onto West Mountain Road to the north along the shorter and westerly section of the triangle piece owned by the Posts.** (Using high school geometry in real life.) This option likely provides a cost savings with less distance for new road to be constructed, changes the entry to a location with equal to improved visibility for entering traffic on West Mountain, allows the exit/intersection to face in a direction where there are no homes and towards property already owned by D.L. Evans.
- I suggest anywhere Old Council Road is gated across the road and/or access is controlled by a cattleguard, **a walk-through gate of 6'to 8' feet be added to allow horses and humans to have road access without crossing a cattleguard.** Signage and a functional gate latch or chain is expected. A road easement should allow plenty of room for a walk gate even with a cattle guard or drive through gates.

I am planning to attend the meeting however wanted to make sure to submit this in writing.

Sincerely,

Dawn Swensson, 380 Smylie Lane, McCall, 83638



**From:** Leo Stoddard [REDACTED]  
**Sent:** Tuesday, February 24, 2026 9:47 AM  
**To:** Cynda Herrick <cherrick@valleycountyid.gov>  
**Cc:** adi.stoddard@gmail.com [REDACTED]  
**Subject:** Re: Old Council RD

Cynda,

I am closing on the 1520 acre property on Friday. I purchased the property with the guarantee that we have full use of the county road. The new proposal is a really big deal and would limit the access to our large property. It was confirmed by the road department that old council road is an absolute county road for public use. We have had several conversations with the county about this access. I would hope it would not change to a recreational use only road.

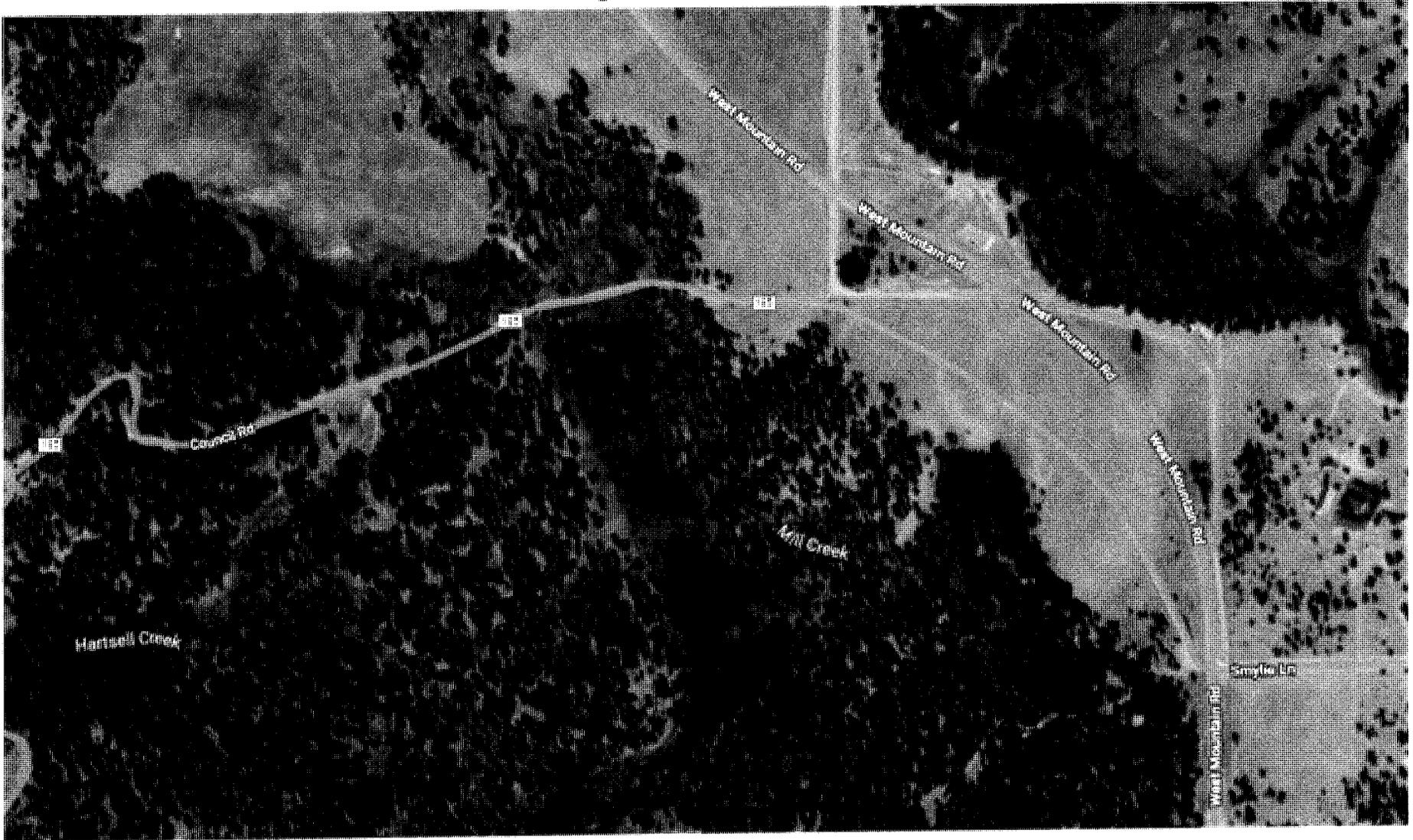
Can you forward me the proposed changes of the road use or information about the meeting march 2nd?

Much thanks,

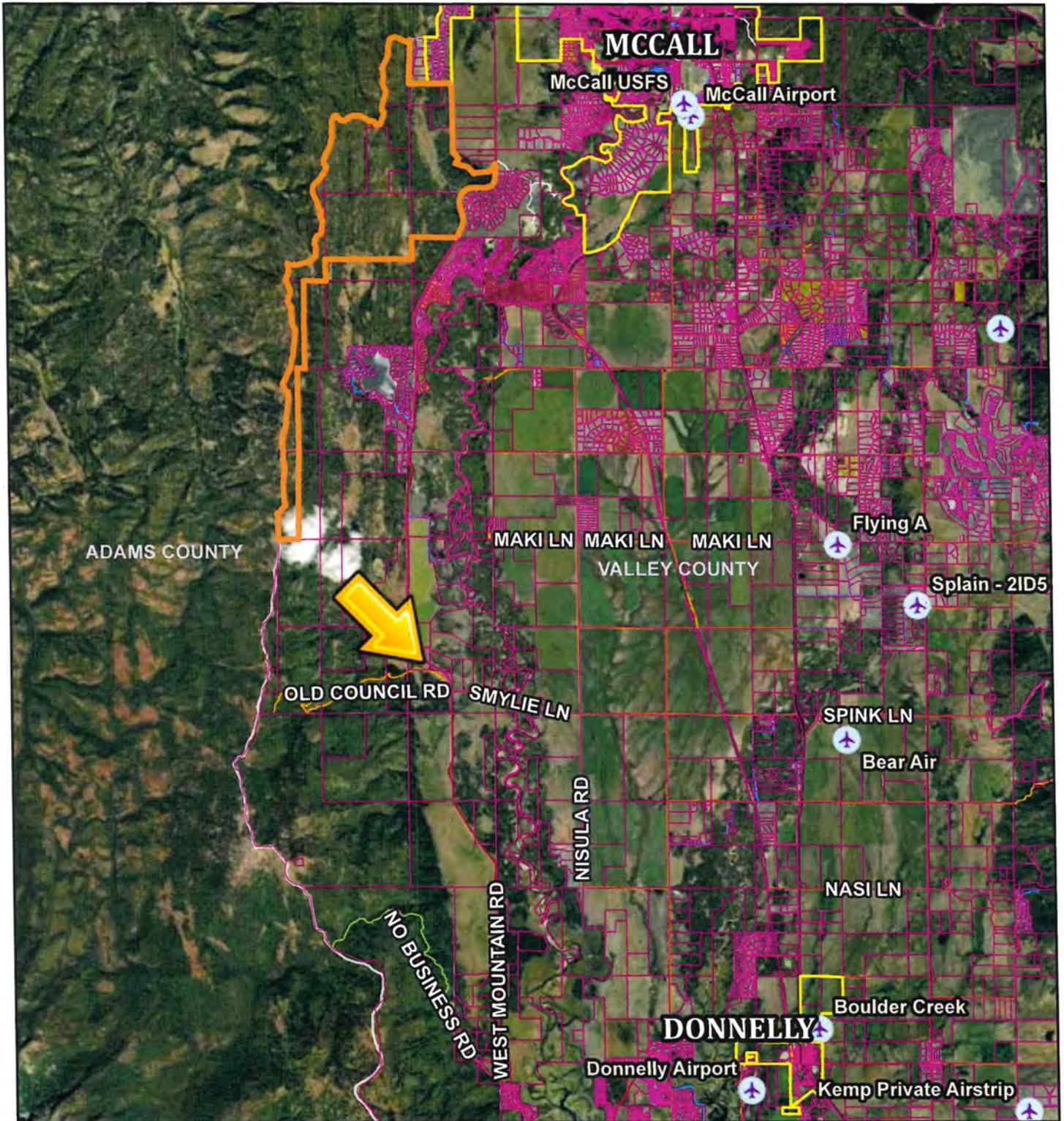
Leo

Leo Stoddard  
651 Stockton Drive McCall, Idaho 83638  
[REDACTED]

Google Maps – Aerial View



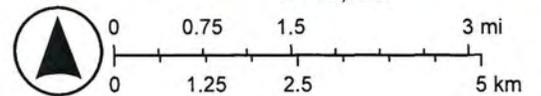
# Old Council Road - Location Map



1/7/2026, 3:39:37 PM

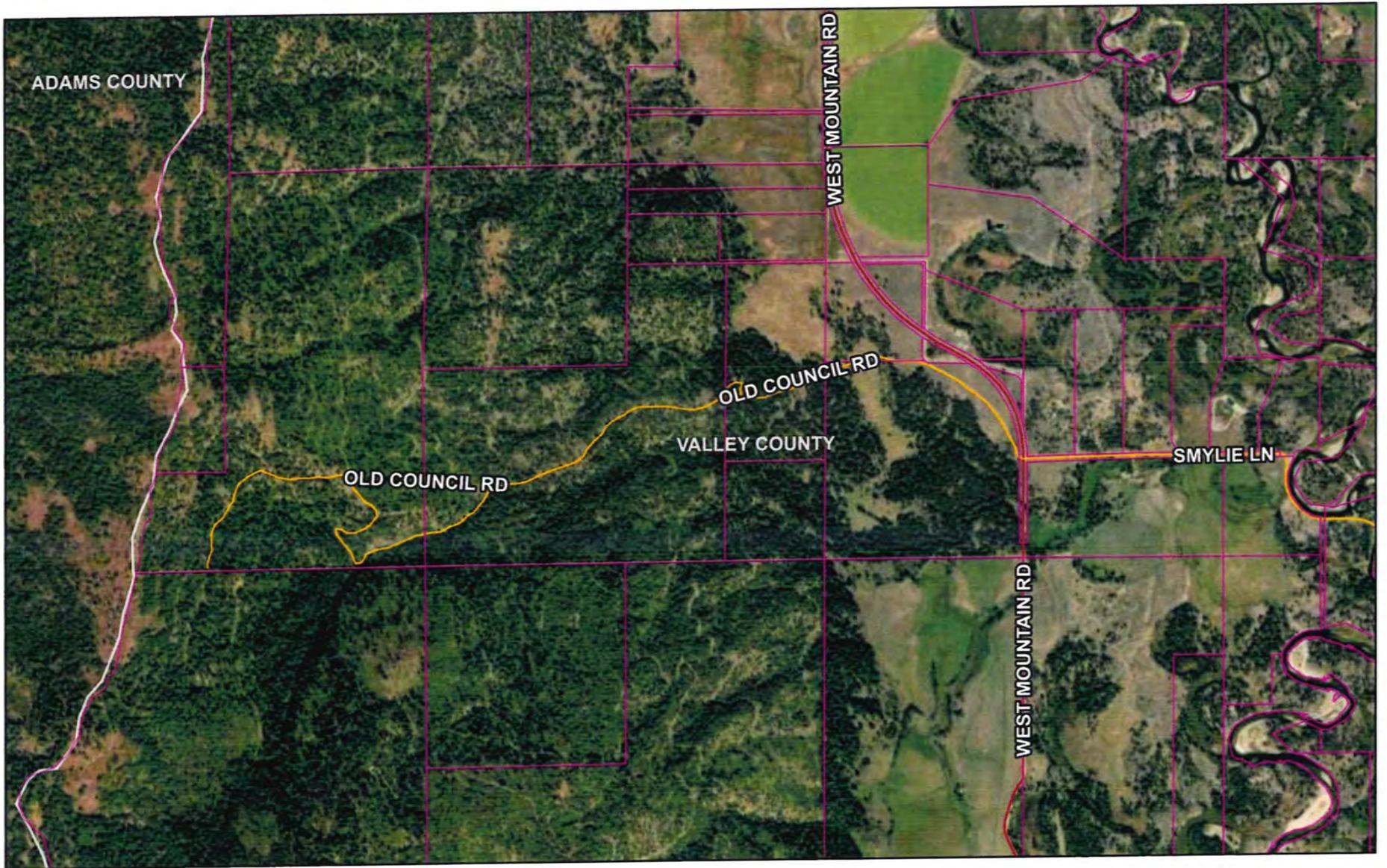
1:143,622

-  Airstrips
-  Municipal Boundaries
-  Parcel Boundaries
- Roads
  -  MAJOR
  -  COLLECTOR
  -  URBAN/RURAL
  -  USFS
  -  PRIVATE
  -  OTHER



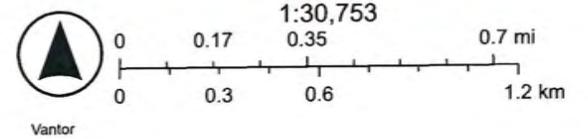
Earthstar Geographics

# Old Council Road



1/7/2026, 3:31:55 PM

- Parcel Boundaries
- URBAN/RURAL
- Roads
- COLLECTOR



Looking Westerly at Intersection of Old Council Road and West Mountain Road

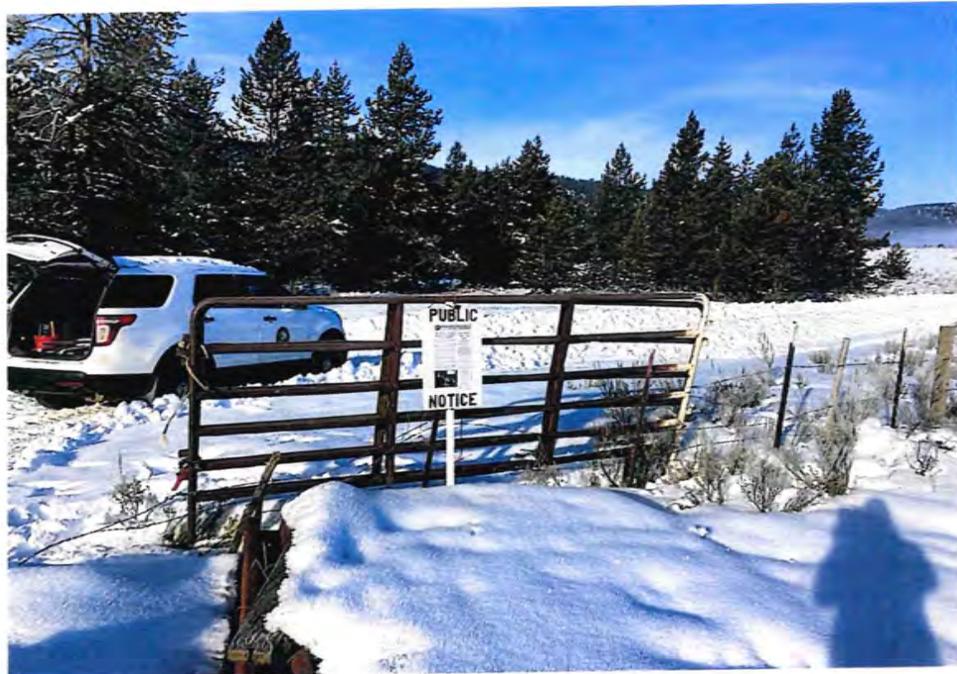
(Source Google Maps – Street View, August 2024)



# Looking Westerly at Intersection of West Mountain Road and Proposed Segment 2

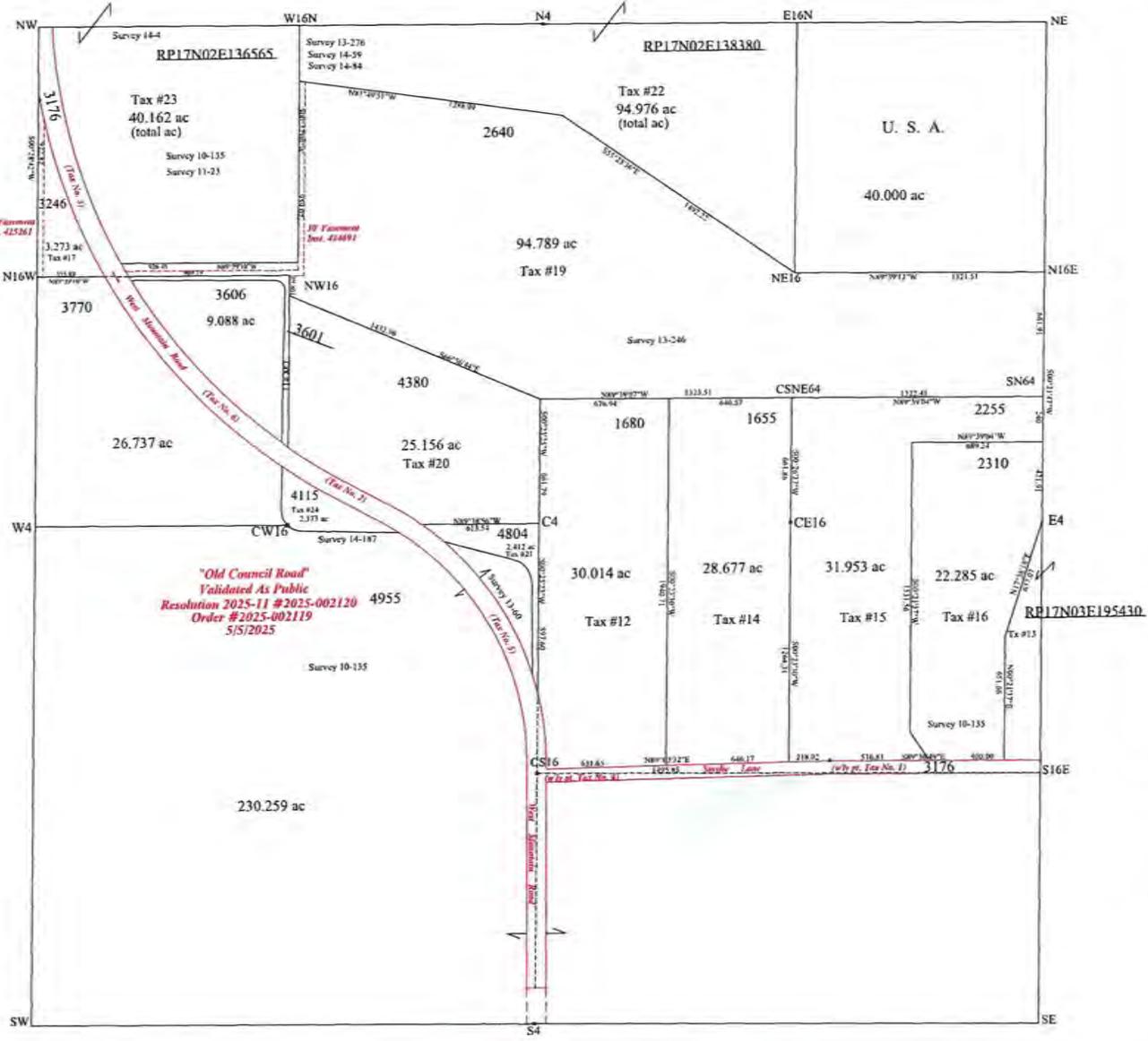
(Source Google Maps – Street View, August 2024)





**PLAT TITLE**

T W P . 1 7 N  
R O 2 E  
S E C . 2 4



**"Old Council Road"**  
Validated As Public  
Resolution 2025-11 #2025-002120  
Order #2025-002119  
5/5/2025

**VALLEY COUNTY**  
Cartography Dept.  
Assessor's Office  
Cascade, ID 83611

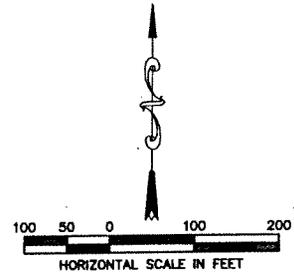
Filename:  
Valley County Base Map  
Scale: 1" = 400 ft.  
Date: 5/19/2025  
Drawn by: L. Frederick

This drawing is to be used for reference purposes ONLY. The County is NOT responsible for any inaccuracies contained herein.

# RECORD OF SURVEY for MONTE POST

Located In a Portion of the W1/2 of Section 24  
T. 17 N., R. 2 E., B.M.,  
Valley County, Idaho

Instrument # 446410  
VALLEY COUNTY, CASCADE, IDAHO  
12-3-2021 12:22:03 PM No. of Pages: 1  
Recorded for: CISP BOWERS  
DOUGLAS A. MILLER For: E.80  
E-Office Recorder Deputy  
here is RECORD OF SURVEY



### Legend

- Set 5/8 Inch Rebar
- Found Monument as Noted
- Found 5/8 Inch Rebar
- Found 1/2 Inch Rebar
- Exterior Boundary Line (Parcel A)
- Parcel Line
- - - Section Subdivisional Line

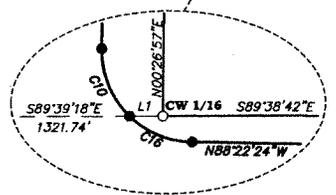
CURVE TABLE				
CURVE	LENGTH	RADIUS	BEARING	CHORD
C10	89.07	110.03	N22°21'15"W	86.65
C11	40.33	3040.86	S55°49'55"E	40.33
C12	283.21	3040.86	S58°53'15"E	283.11
C13	31.28	1460.42	S61°12'41"E	31.28
C14	87.21	1460.42	S58°36'25"E	87.20
C15	67.02	975.28	N86°24'18"W	67.00
C16	82.26	110.03	S66°57'00"E	80.36
C17	1383.40	3040.86	S42°25'09"E	1371.50
C18	1253.15	2940.86	S42°42'51"E	1243.69
C19	340.26	2940.86	S58°13'35"E	340.07
C20	196.61	1560.42	N57°54'07"W	196.48
C21	148.89	1560.42	N51°38'12"W	148.84
C22	961.00	1560.42	N31°13'01"W	945.88
C23	1450.36	1460.42	N28°26'44"W	1391.49

### Survey Narrative

The purpose of this survey was to delineate the boundaries of Tax Numbers 9, 10 & 18 as shown.

1/4  
S. 24  
FOUND 5/8 W/ AC  
C.P.F. INST. NO. 189582

LINE TABLE		
LINE	LENGTH	BEARING
LI	1.57	S89°39'18"E



### Notes

Horizontal datum based on Idaho State Plane, Idaho West Zone 1103. Coordinates were derived from GPS observations and projected to ground by applying a scale factor of 1.0002839329 to grid values. Distances are ground distances and are in U.S. survey feet.

- Refer to ROS Book 10, page 135. It was discovered that Grid distances were used during the course of this survey and it's associate legal descriptions. Dimensions from this data were scaled to ground for this survey.
- Refer to ROS Book 13, page 60.
- Refer to ROS Book 13, page 246.
- Refer Quitclaim Deed Inst. No. 441629.
- Refer to Warranty Deed Inst. No. 423020.

**CERTIFICATE OF SURVEYOR**  
I, George J. Bowers IV, do hereby certify that I am a registered Professional Land Surveyor, licensed by the State of Idaho, and that this map has been prepared from an actual survey made on the ground by me or under my supervision, and that this map is an accurate representation of said survey, and is in conformity with the current laws of the State of Idaho pertaining to plots and surveys, including Title 55, Chapter 16, Corner Perpetuation and Filing.



Bowers Land Surveys, Inc.

P.O. BOX 976 - CASCADE, IDAHO 83611 - PHONE: 208.469.0457

JOB NO: 21007  
DRAWN BY: CB  
DATE: 11/18/21  
SHEET: 1 OF 1

# RECORD OF SURVEY

## "COUNCIL ROAD RIGHT-OF-WAY"

FOR  
VALLEY COUNTY

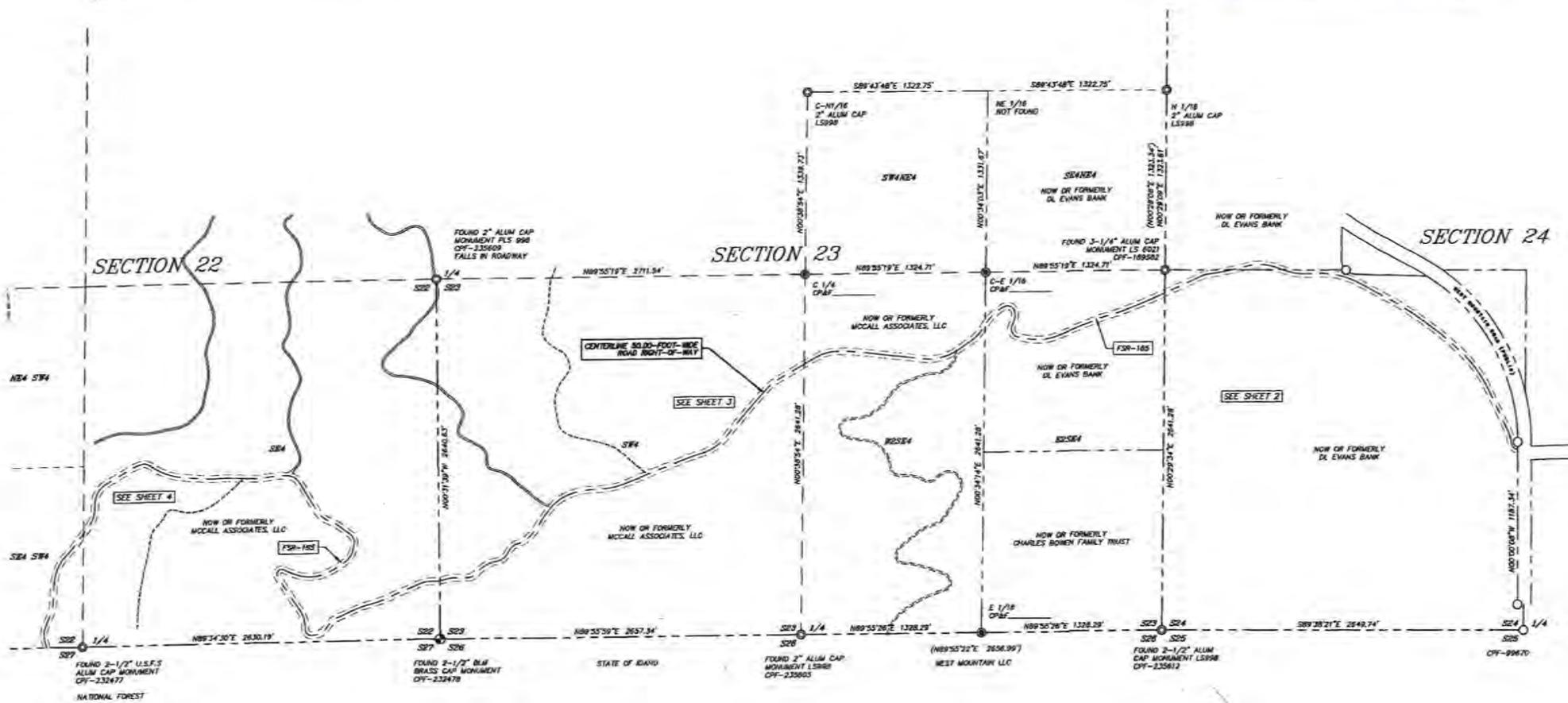
LOCATED IN A PORTION OF SECTIONS 22, 23 AND 24  
TOWNSHIP 17 NORTH, RANGE 2 EAST, B.M.  
VALLEY COUNTY, IDAHO  
2024

# DRAFT



### BASIS OF BEARINGS

BEARINGS ARE BASED ON THE CITY OF MCCALL GRID  
(MODIFIED STATE PLANE COORDINATE SYSTEM). DISTANCES  
SHOWN ARE TRUE GROUND DISTANCES.



SECTION 27

- LEGEND**
- SECTION LINE
  - - - QUARTER SECTION LINE
  - - - - SIXTEENTH SECTION LINE
  - EXISTING PARCEL LINE
  - ROADWAY CENTERLINE
  - - - EASEMENT LINE
  - ⊙ FOUND BRASS CAP MONUMENT
  - ⊙ FOUND ALUMINUM CAP MONUMENT
  - FOUND 3/8" REBAR
  - ⊙ SET 2-1/2" ALUMINUM CAP MONUMENT ON 3/8-1/2" REBAR, L314217

SECTION 26

**CERTIFICATE OF SURVEYOR**

I, DANIEL T. DUNN, DO HEREBY CERTIFY THAT I AM A REGISTERED PROFESSIONAL LAND SURVEYOR, LICENSED BY THE STATE OF IDAHO, AND THAT THIS MAP HAS BEEN PREPARED FROM AN ACTUAL SURVEY MADE ON THE GROUND BY ME OR UNDER MY SUPERVISION, AND THAT THIS MAP IS AN ACCURATE REPRESENTATION OF SAID SURVEY, AND IS IN CONFORMITY WITH THE CURRENT LAWS OF THE STATE OF IDAHO PERTAINING TO PLATS AND SURVEYS.



SHEET 1 OF 4

25 COYOTE TRAIL  
CASCADE, ID 83611

PHONE: (208) 634-6896  
WWW.DUNNLANDSURVEYS.COM

**dunn**  
LAND SURVEYS, INC.

# RECORD OF SURVEY

"COUNCIL ROAD RIGHT-OF-WAY"  
FOR  
VALLEY COUNTY

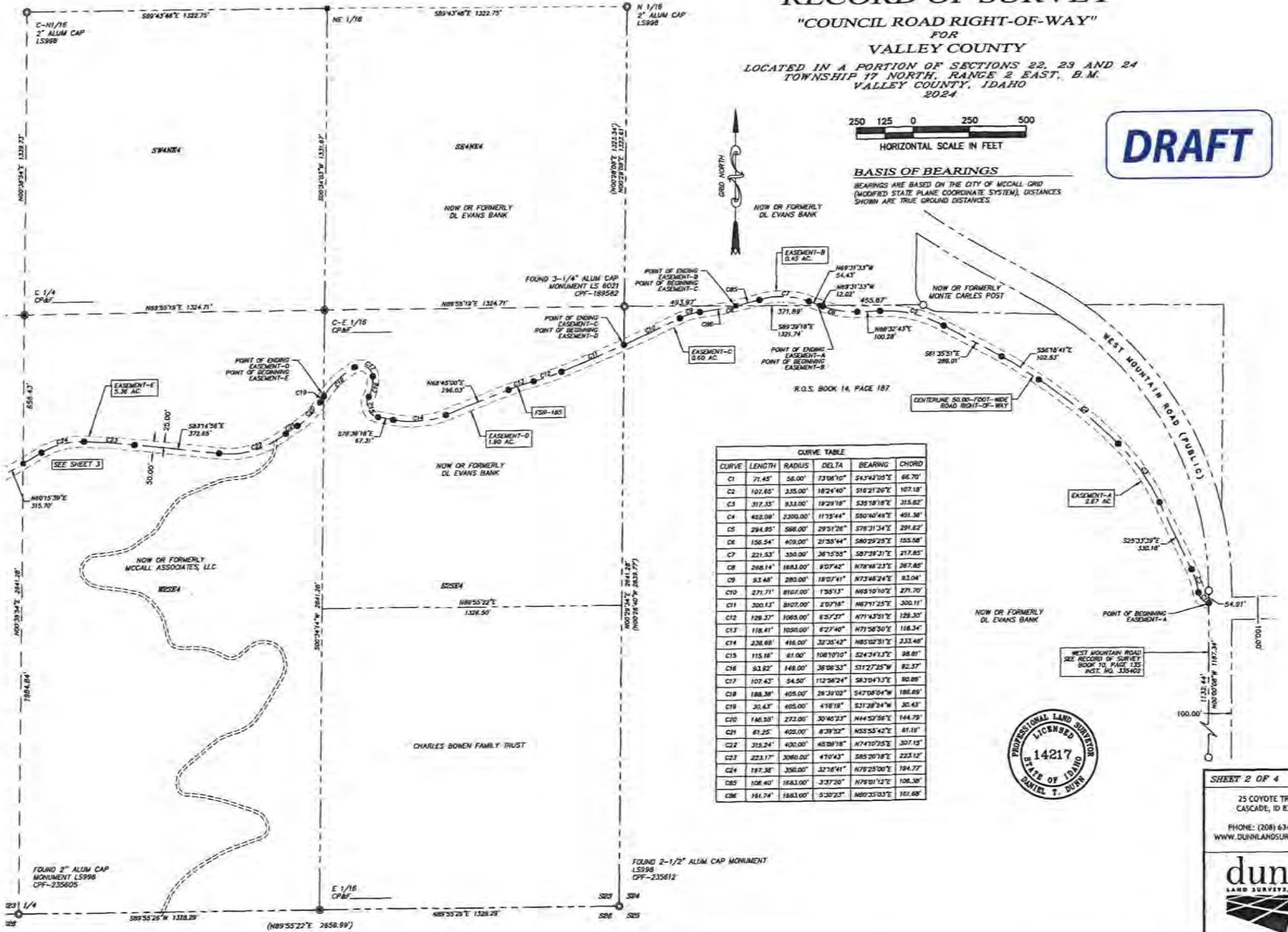
LOCATED IN A PORTION OF SECTIONS 22, 23 AND 24  
TOWNSHIP 17 NORTH, RANGE 2 EAST, B.M.  
VALLEY COUNTY, IDAHO  
2024

**DRAFT**



### BASIS OF BEARINGS

BEARINGS ARE BASED ON THE CITY OF MCCALL GRID  
(MODIFIED STATE PLANE COORDINATE SYSTEM). DISTANCES  
SHOWN ARE TRUE GROUND DISTANCES.



CURVE	LENGTH	RADIUS	DELTA	BEARING	CHORD
C1	71.45'	56.00'	73°06'10"	S43°42'05"E	66.70'
C2	107.65'	235.00'	182°44'00"	S16°21'30"E	107.18'
C3	317.35'	933.00'	18°29'18"	S35°18'18"E	315.82'
C4	432.09'	2300.00'	11°35'44"	S50°46'49"E	451.36'
C5	294.85'	586.00'	29°51'26"	S78°31'34"E	291.82'
C6	156.54'	409.00'	21°55'44"	S80°29'25"E	153.98'
C7	221.53'	359.00'	36°35'55"	S87°39'31"E	217.85'
C8	268.14'	1683.00'	9°07'42"	N78°16'23"E	267.85'
C9	93.46'	280.00'	18°07'41"	N73°46'24"E	83.04'
C10	271.71'	8107.00'	1°35'13"	N65°10'10"E	271.70'
C11	300.13'	8107.00'	2°07'16"	N67°11'25"E	300.11'
C12	128.37'	1068.00'	8°57'27"	N77°43'51"E	128.30'
C13	118.41'	1026.00'	6°27'40"	N75°56'30"E	118.34'
C14	236.66'	416.00'	32°35'42"	N85°02'51"E	233.46'
C15	115.16'	61.00'	108°10'10"	S24°34'13"E	98.81'
C16	93.92'	149.00'	36°08'53"	S11°27'25"W	92.37'
C17	107.43'	54.50'	112°56'24"	S63°04'13"E	90.89'
C18	188.36'	405.00'	28°30'02"	S47°08'04"W	185.69'
C19	30.43'	405.00'	4°18'19"	S31°39'24"W	30.43'
C20	146.55'	273.00'	30°46'23"	N44°52'56"E	144.79'
C21	61.25'	405.00'	8°39'52"	N55°53'42"E	61.19'
C22	315.24'	405.00'	45°28'18"	N74°17'05"E	307.15'
C23	223.17'	3060.00'	4°10'43"	S85°20'16"E	223.12'
C24	197.36'	306.00'	32°16'41"	N78°25'00"E	194.77'
C25	106.40'	1683.00'	3°37'20"	N78°01'12"E	106.38'
C26	161.74'	1683.00'	5°30'23"	N80°25'03"E	161.68'



SHEET 2 OF 4  
25 COYOTE TRAIL  
CASCADE, ID 83611  
PHONE: (208) 634-6896  
WWW.DUNNLANDSURVEYS.COM





# RECORD OF SURVEY

"COUNCIL ROAD RIGHT-OF-WAY"  
FOR  
VALLEY COUNTY

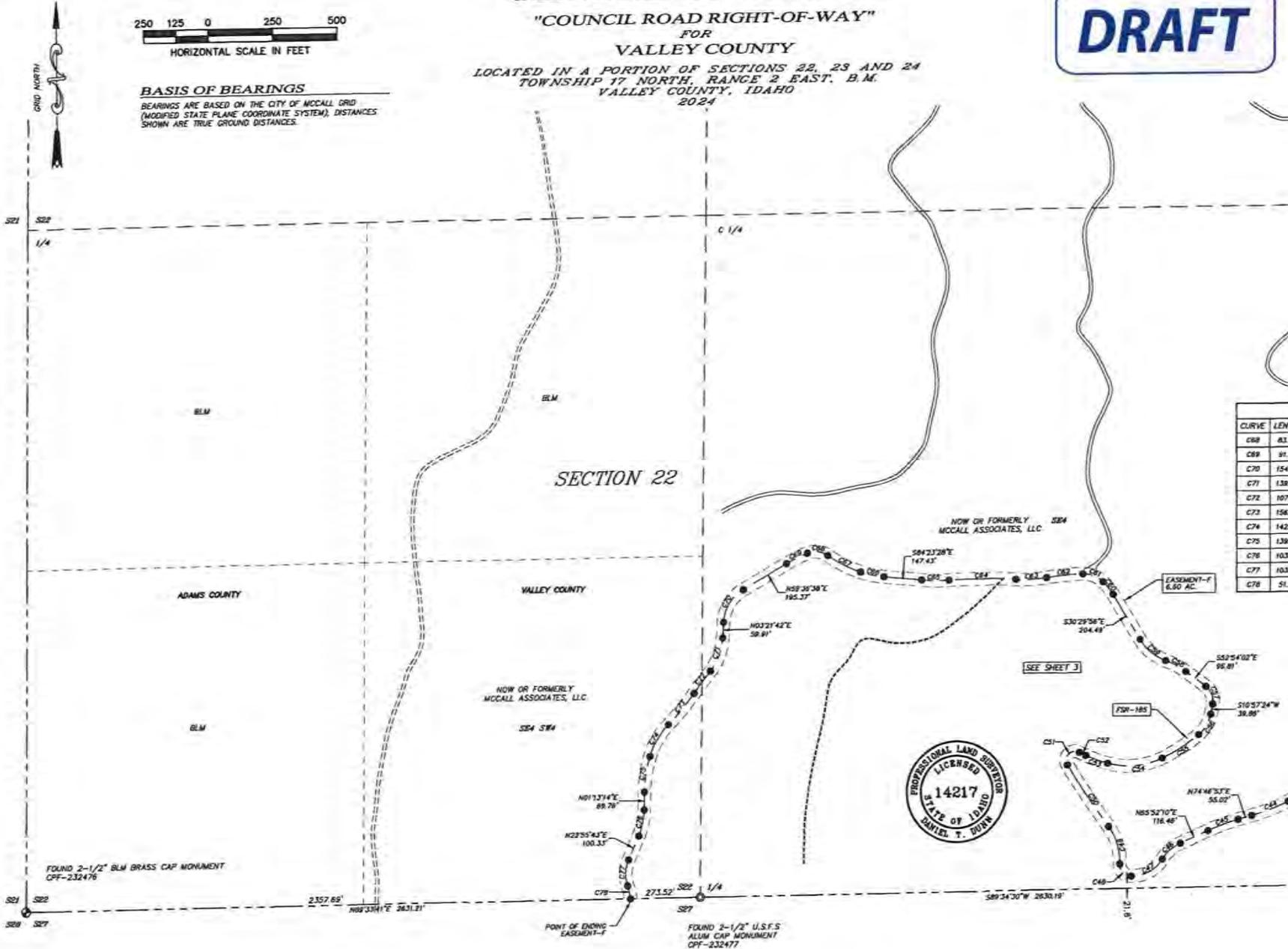
LOCATED IN A PORTION OF SECTIONS 22, 23 AND 24  
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VALLEY COUNTY, IDAHO  
2024

**DRAFT**



**BASIS OF BEARINGS**

BEARINGS ARE BASED ON THE CITY OF MCCALL GRID  
(MODIFIED STATE PLANE COORDINATE SYSTEM). DISTANCES  
SHOWN ARE TRUE GROUND DISTANCES.



CURVE TABLE					
CURVE	LENGTH	RADIUS	DELTA	BEARING	CHORD
C68	83.70'	83.00'	57°50'05"	S82°46'10"E	80.27'
C69	91.14'	600.00'	8°42'10"	N63°57'43"E	91.05'
C70	154.13'	157.00'	56°14'56"	N31°29'10"E	148.02'
C71	138.54'	235.00'	34°01'18"	N20°22'21"E	137.50'
C72	107.17'	4000.00'	1°32'08"	N36°36'56"E	107.17'
C73	156.37'	1000.00'	8°57'33"	N40°19'40"E	156.21'
C74	142.35'	295.00'	27°38'54"	N30°59'00"E	141.99'
C75	136.09'	500.00'	15°56'19"	N09°11'25"E	136.64'
C76	103.43'	273.00'	21°42'28"	N12°04'28"E	102.82'
C77	103.54'	148.00'	40°54'48"	N02°28'19"E	101.35'
C78	51.20'	278.00'	10°30'55"	N12°43'58"W	51.13'



**SHEET 4 OF 4**

25 COYOTE TRAIL  
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