

**RESOLUTION NO. 21-13
DECLARATION OF VACATION
OF A PLATTED UTILITY AND DRAINAGE EASEMENT
IN GOLD DUST RANCH NO. 2**

**VAC-21-01 Vacation of Utility and Drainage Easement
Chapman**

Location: Gold Dust Ranch No. 2, Lots 244 and 245, in the NW ¼ Section 10, T.13N,
R.4E, Boise Meridian, Valley County, Idaho, addressed at 57 and 59 E.
Prospector Drive.

Whereas, the current action is to vacate the 10' drainage and utility easements centered between
Lots 244 and 245, as shown on the Gold Dust Ranch No. 2 Plat; and, to retain the utility easements on
the front and rear property lines as requested by Idaho Power;

Whereas, Gold Dust Ranch No. 2 was platted at Book 6, Page 1 on September 22, 1975;

Whereas, it has been determined that vacation of the drainage and utility easement shall not
inhibit future development of the neighborhood;

Therefore, the Board of County Commissioners hereby vacate the 10' drainage and utility easements
centered between Lots 244 and 245 in the Gold Dust Ranch No. 2 as shown on the attached plat; retain
the utility easements on the front and rear property lines (east and west) as requested by Idaho Power;
and, authorize the Chairman to sign this resolution.

Approved by the Board of County Commissioners of the County of Valley, State of Idaho, on this 24th
day of May, 2021.

Board of Valley County Commissioners

Elting Hasbrouck, Chairman

State of Idaho)
)SS
County of Valley)

On this ____ day of _____, 2021, before me, _____, the undersigned, a Notary Public in and for
said State, personally appeared Elting Hasbrouck known to be the person whose name subscribed to the within
Instrument, and acknowledged to me that he, she, they executed the same.

Notary Public, Residing at Cascade, Idaho
My Commission Expires: _____



Cynda Herrick, AICP, CFM
VALLEY COUNTY
IDAHO

PO Box 1350
219 North Main Street
Cascade, Idaho 83611

Planning & Zoning Administrator
Floodplain Coordinator

Phone: 208.382.7115
Fax: 208.382.7119
Email: cherrick@co.valley.id.us
Web: www.co.valley.id.us

STAFF REPORT
Vacation Application 21-01
Vacation of Utility and Drainage Easements

HEARING DATE: May 24, 2021
TO: Board of County Commissioners
STAFF: Cynda Herrick, AICP, CFM
APPLICANT: Steve and Merrie Chapman
1935 E Lockmeadow ST
Meridian ID 83646

LOCATION: 57 and 59 E Prospector Drive, Gold Dust Ranch No. 2, Lots 244 and 245, in the SW ¼ Section 10, T.13N, R.4E, Boise Meridian, Valley County, Idaho.

REQUEST: Vacate Platted Utility and Drainage Easements
EXISTING LAND USE: Bare Land

BACKGROUND:

Steve and Merrie Chapman are requesting a vacation of 10-foot-wide utility and drainage easements that are centered on the lot lines between Lot 244 and 245 of Gold Dust Ranch No. 2. The applicants own both lots. Removal of the easements would allow them to build over the lot line and give them more flexibility in the location of their future home, well, and septic system.

Gold Fork Ranch No. 2 Lot 244 contains 0.852 acres and Lot 245 contains 0.863 acres. The lots are addressed at 57 and 59 E Prospector Drive.

Access would be from a driveway from East Prospector Drive.

Gold Dust Ranch No. 2 was recorded at Book 6, Page 1 on September 22, 1975.

FINDINGS:

1. At a properly noticed public hearing on April 8, 2021, the Valley County Planning and Zoning Commission unanimously recommended approval of the proposed vacation. (Facts and Conclusions attached.)
2. Legal notice was posted in the *Star News* on April 29, 2021 and May 6, 2021. Potentially affected agencies were notified on April 20, 2021. Neighbors within 300 feet of the property line were notified by fact sheet sent April 20, 2021. The site was posted on May 4, 2021. The notice and application were posted online at www.co.valley.id.us/public-hearing-information on April 21, 2021.
3. Agency comment received (all)

Central District Health has no objection. (March 9, 2021 and April 21, 2021)

Idaho Power's review sent to the applicants indicated that there are no facilities within the easement area. Idaho Power agrees to relinquish their interest in the easement centered on the interior lot line so long as they retain the easement adjacent to E Prospectors Drive. (March 3, 2021) The same information was sent directly to Valley County in a letter dated March 28, 2021.

4. Neighbor comment received: (all)

Jerry Davis, owner of 53 E Prospectors Drive, said that his property naturally slopes toward 57 E Prospector Drive which may affect the applicant's building plans. (March 16, 2021)

Patricia Stewart is the owner of Gold Dust 2, Lot 230 which is located on the west side of the application site. She wants assurance that the proposed vacation would not negatively affect her lot. (Mar. 25, 2021)

5. Valley County Code:

10-6-2: VACATIONS OF PLATS, PUBLIC RIGHTS OF WAY OR EASEMENTS:

- A. Filing Of Application Required: An applicant wishing to vacate an existing subdivision, portion thereof, public right of way, or easement shall complete and file with the administrator an "application for total or partial vacation of an existing subdivision or other public right of way". This action shall be supplemental to, and in no way in conflict with, the applicant's obligation to comply with the provisions contained in Idaho Code sections 50-1317 through 50-1325.
- B. Placement On Commission Agenda: Upon receipt of the completed application, the administrator shall place said application on the agenda of the commission to be considered at its next regular meeting, subject to the same time limits prescribed for preliminary plat applications.

- C. Commission Review: The commission shall review the proposed vacation with regard to future development of the neighborhood. The commission shall also take into consideration the interests of adjacent property owners, of utilities, and of various public agencies where pertinent to the application.
- D. **Commission Recommendation:** Within ten (10) days, the commission shall make its recommendation concerning the application to the board who shall hold a public hearing and give such public notice as required by law.
- E. **Board Action:** The board may approve, deny or modify the application and shall record its action in the official minute book of the meetings of the board. Whenever public rights of way or lands are vacated, the board shall provide adjacent property owners with a quitclaim deed, as prepared by the applicant, for said vacated rights of way in such proportions as are prescribed by law. (Ord. 10-07, 8-26-2010)

SUMMARY:

- The Planning and Zoning Commission recommended approval.
- The Board needs to determine if the future development of the neighborhood would be inhibited by the vacation.
- Idaho Power has provided written approval and Zipley was noticed with no response.

Staff's Recommended Motion:

I move to approve Vacation Application No. 21-01 Vacation of Utility and Drainage Easements; accept the Planning and Zoning Commission Facts and Conclusions; and authorize the chairman to sign Resolution No. 2021-13 Declaration of Vacation.

ATTACHMENTS:

- Planning and Zoning Facts and Conclusions
- Vicinity Map
- Aerial Map
- Assessor's Plat T.13N R.4E Section 10
- Portion of Gold Dust Ranch No. 2 plat with lots highlighted
- Pictures taken March 30, 2021 and May 4, 2021
- Responses

END STAFF REPORT

**FINDINGS OF FACT AND CONCLUSIONS OF LAW BEFORE
THE VALLEY COUNTY PLANNING AND ZONING COMMISSION**

SUBJECT: Vacation Application No. VAC 21-01
Chapman Utility and Drainage Easement
Gold Dust Ranch No. 2, Lots 244 and 245

INTRODUCTION

This matter came before the Valley County Planning and Zoning Commission on April 8, 2021. The Commission reached a quorum. Commission members in attendance were Chairman Johanna Defoort, Neal Thompson, Brian Benton, Ray Cooper, and Scott Freeman.

The applicants, Steve and Merrie Chapman, were present and requested a vacation of the 10-foot wide utility and drainage easement centered on the lot line between Lots 244 and 245 in Gold Dust Ranch No. 2, addressed at 57 and 59 E Prospector Drive, in the SW ¼ Section 10, T.13N, R.4E, Boise Meridian, Valley County, Idaho.

FINDINGS OF FACT

Having given due consideration to the application and evidence presented and marked as exhibits on April 8, 2021, the Valley County Planning and Zoning Commission hereby makes the following findings of fact:

1. That the existing use of the property described in the Petition will not affect the future development of the adjacent neighbors or neighborhood.
2. That the proper legal requirements for advertisement of the hearing have been fulfilled as required by the Valley County Land Use and Development Ordinance and by the Laws of the State of Idaho.

Legal notice was posted in the *Star News* on March 18 and 25, 2021. Potentially affected agencies were notified on March 9, 2021. Neighbors within 300 feet of the property lines were notified by fact sheet sent March 12, 2021. The site was posted on March 30, 2021. The application and notice were posted on the Valley County website "Public Hearing Information" on March 9, 2021.

3. Other persons in attendance expressed neither approval nor disapproval of the proposed vacation.

CONCLUSIONS

Based on the foregoing findings, the Valley County Planning and Zoning Commission concludes, as follows:

1. That the proposed use is in harmony with the general purpose of Valley County ordinances and policies and would not be otherwise detrimental to the public health, safety and welfare.
2. Future development of the subdivision will not be inhibited by the vacation.

ORDER

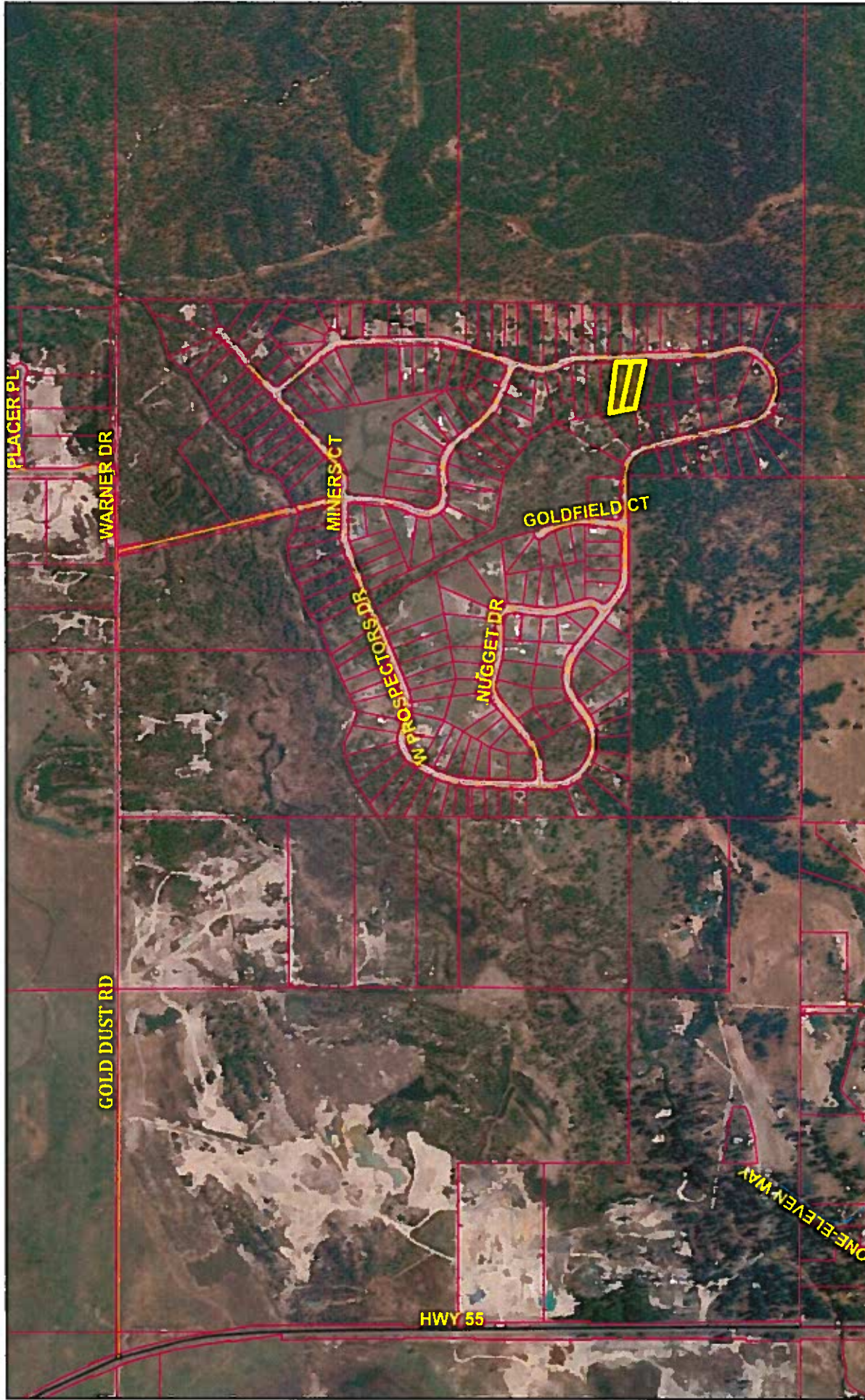
The Valley County Planning and Zoning Commission, pursuant to the aforementioned, recommends to the Board of County Commissioners that the application of Steve and Merrie Chapman for Vacation No. 21-01 Vacation of a Utility and Drainage Easement along the interior lot line between Lots 244 and 245 in Gold Dust Ranch No. 2, as described in the application, staff report, and minutes of the meeting be approved.

END FACTS AND CONCLUSIONS

Raymond L. Cooper
Chairman, Valley County Planning and Zoning

5-13-21
Date

VAC 21-01 Vicinity Map



3/2/2021, 1:51:38 PM

Parcel Boundaries

Other Parcels

All Road Labels

Roads

MAJOR

URBAN/RURAL

PRIVATE

0 0.1 0.2 0.35 0.4 mi

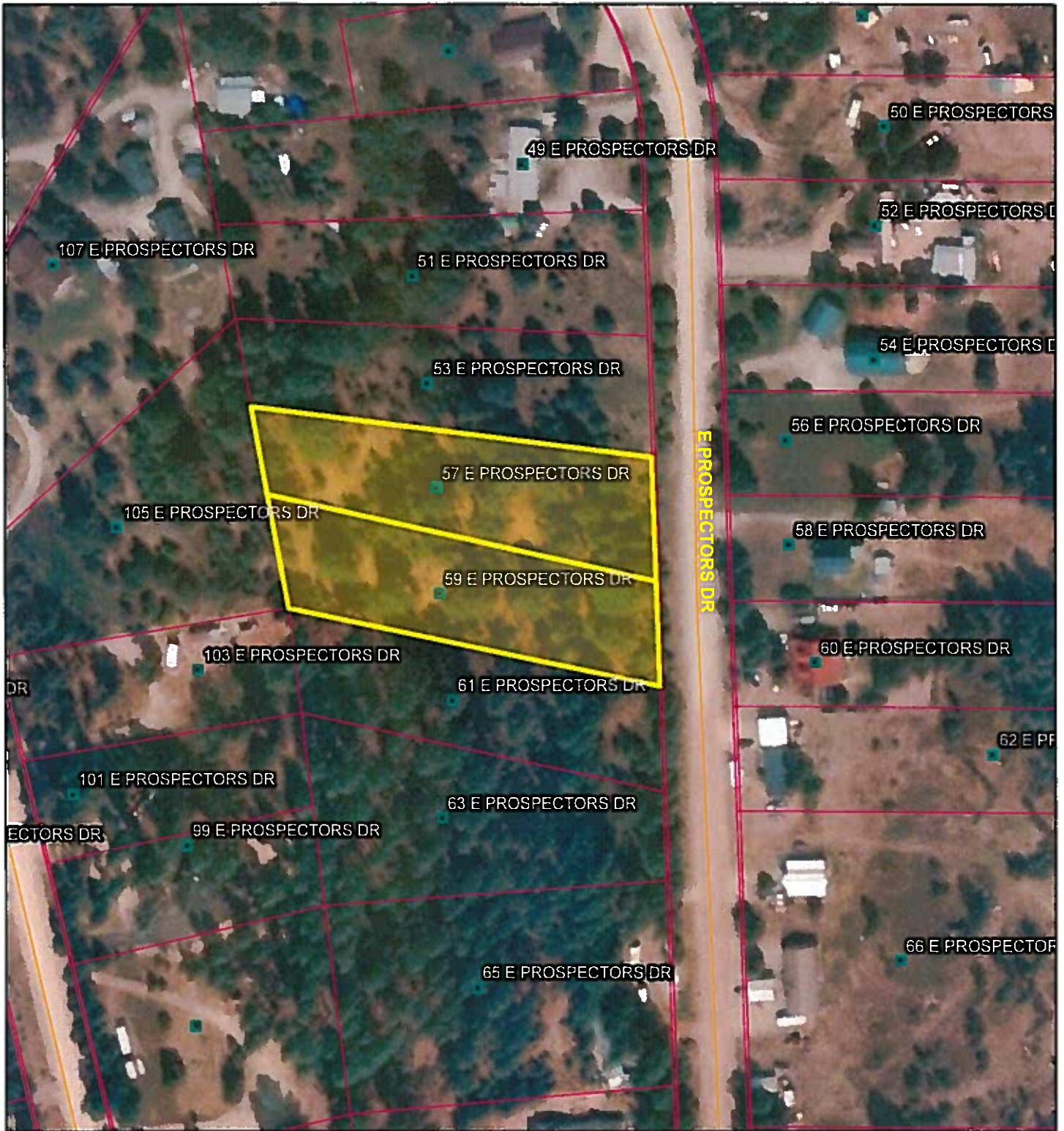
0 0.17 0.35 0.7 km

1:18,056

USDA FSA, GeoEye, Maxar

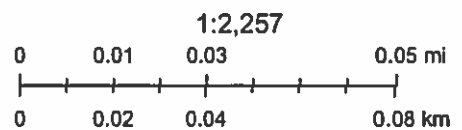
Web AppBuilder for ArcGIS
USDA FSA, GeoEye, Maxar | Valley County IT | IDWR | Valley County GIS

VAC 21-01



3/2/2021, 12:22:33 PM

- Parcel Boundaries
- Other Parcels
- Addresses
- All Road Labels
- Roads
- URBAN/RURAL



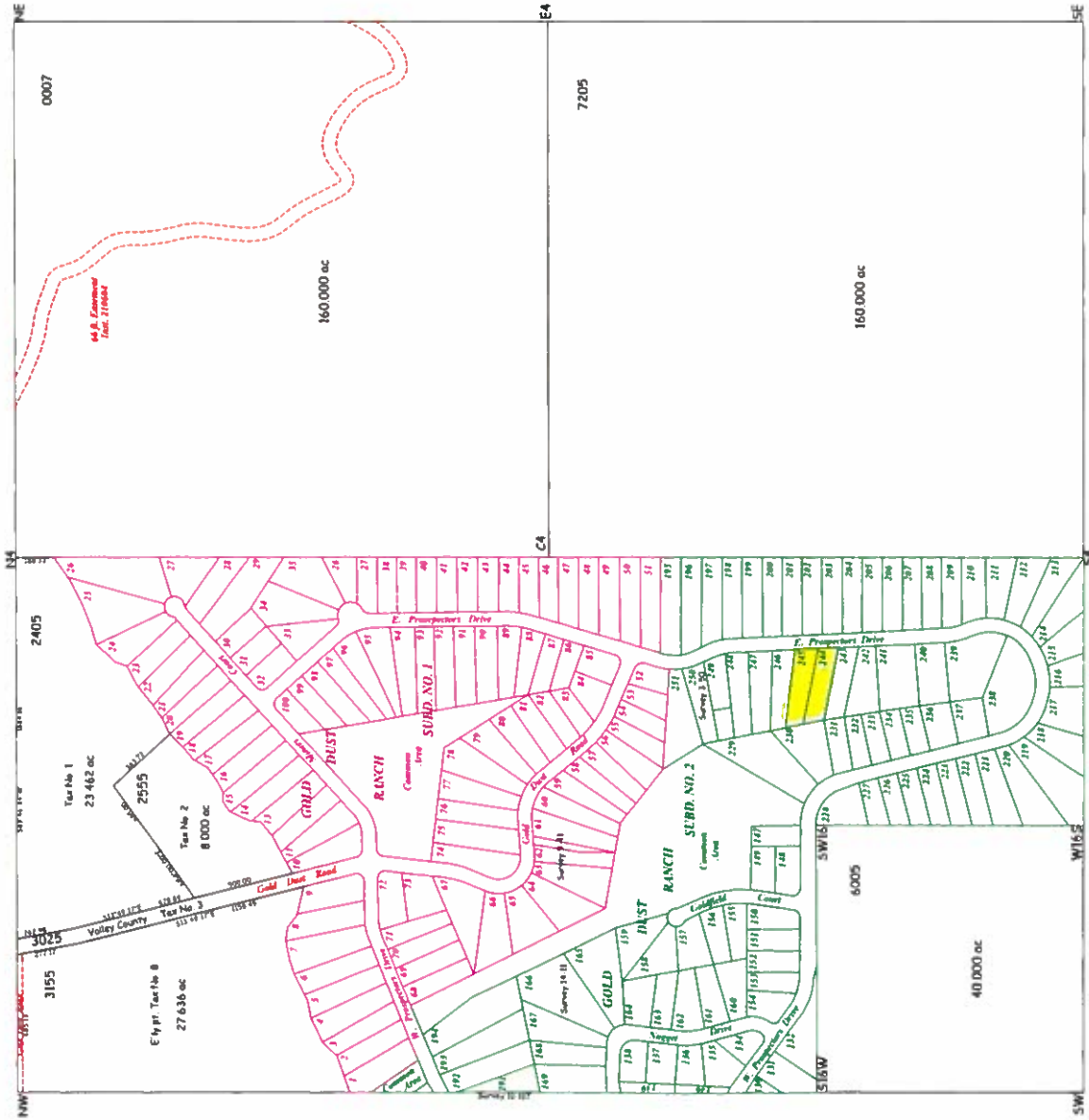
GeoEye, Maxar, Microsoft

PLAT TITLE

T W P . 1 3 N R O 4 E S E C . 1 0

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

Filename: VCM - Common Blue Map
Scale: 1" = 400 ft.
Date: 2/25/2020
Drawn by: L. Fredrick



RP 0 0104

82.4 Pg. 1 Int. 10-10-75 9-22-75

GOLD DUST RANCH NO.2

A SUBDIVISION IN

A PORTION OF SECTIONS 9 & 10, T.13N., R.4E., B.M.
VALLEY COUNTY, IDAHO

SMITH & MONROE ENGINEERS, INC.

Records are submitted for Recording.
Twenty sections. Commission
Minutes 82.5 Pg. 339 11-10-75
Ground Limit on all roads - 25 feet
Commissioner Minutes 82.4 Pg. 339 5-4-83



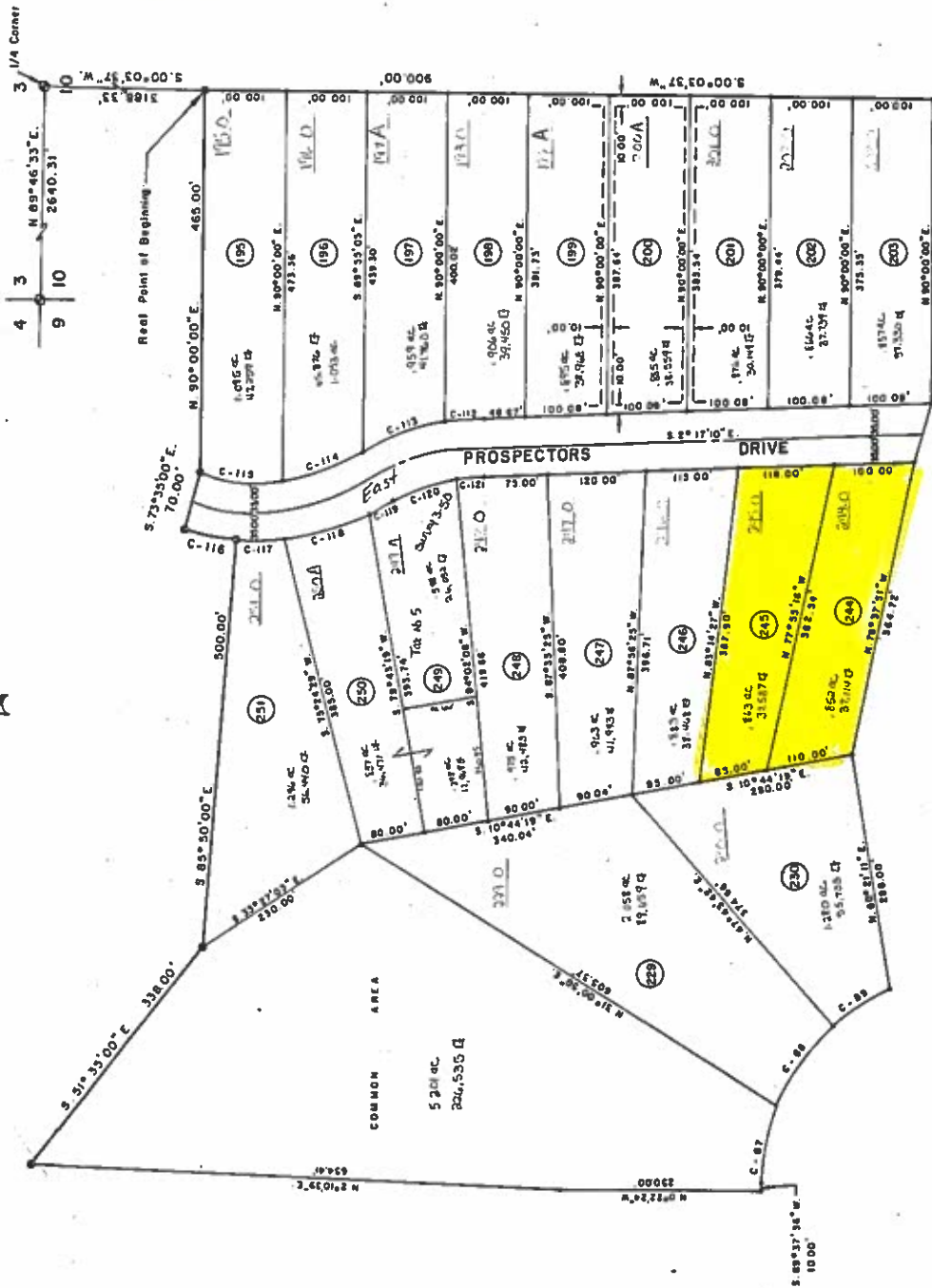
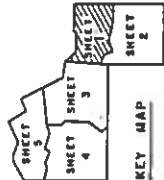
LEGEND

- 3/8" x 30" Steel Pin at Angle Points on Boundaries.
- 1/2" x 2 1/2" Steel Pin at Lot Corners.

(95) Lot Numbers

10' Utility & Easement
10' Inside All Lot Lines Along Roads, Subdivisions
10' Inside All Lot Lines Along Roads, Subdivisions
10' Centered on All Interior Lot Lines

• Brass Cap



CURVE	R	d	L	CH. L	BRC.
C-87	253.00'	21°20'44"	53.00'	1.945'	1.945'
C-88	253.00'	20°57'46"	120.00'	118.00'	1.945'
C-89	253.00'	18°05'55"	65.00'	84.51'	1.945'
C-90	253.00'	18°05'55"	65.00'	84.51'	1.945'
C-91	253.00'	18°05'55"	65.00'	84.51'	1.945'
C-92	253.00'	18°05'55"	65.00'	84.51'	1.945'
C-93	253.00'	18°05'55"	65.00'	84.51'	1.945'
C-94	253.00'	18°05'55"	65.00'	84.51'	1.945'
C-95	253.00'	18°05'55"	65.00'	84.51'	1.945'
C-96	253.00'	18°05'55"	65.00'	84.51'	1.945'
C-97	253.00'	18°05'55"	65.00'	84.51'	1.945'
C-98	253.00'	18°05'55"	65.00'	84.51'	1.945'
C-99	253.00'	18°05'55"	65.00'	84.51'	1.945'
C-100	253.00'	18°05'55"	65.00'	84.51'	1.945'
C-101	253.00'	18°05'55"	65.00'	84.51'	1.945'
C-102	253.00'	18°05'55"	65.00'	84.51'	1.945'
C-103	253.00'	18°05'55"	65.00'	84.51'	1.945'
C-104	253.00'	18°05'55"	65.00'	84.51'	1.945'
C-105	253.00'	18°05'55"	65.00'	84.51'	1.945'
C-106	253.00'	18°05'55"	65.00'	84.51'	1.945'
C-107	253.00'	18°05'55"	65.00'	84.51'	1.945'
C-108	253.00'	18°05'55"	65.00'	84.51'	1.945'
C-109	253.00'	18°05'55"	65.00'	84.51'	1.945'
C-110	253.00'	18°05'55"	65.00'	84.51'	1.945'
C-111	253.00'	18°05'55"	65.00'	84.51'	1.945'
C-112	253.00'	18°05'55"	65.00'	84.51'	1.945'
C-113	253.00'	18°05'55"	65.00'	84.51'	1.945'
C-114	253.00'	18°05'55"	65.00'	84.51'	1.945'
C-115	253.00'	18°05'55"	65.00'	84.51'	1.945'
C-116	253.00'	18°05'55"	65.00'	84.51'	1.945'
C-117	253.00'	18°05'55"	65.00'	84.51'	1.945'
C-118	253.00'	18°05'55"	65.00'	84.51'	1.945'
C-119	253.00'	18°05'55"	65.00'	84.51'	1.945'
C-120	253.00'	18°05'55"	65.00'	84.51'	1.945'
C-121	253.00'	18°05'55"	65.00'	84.51'	1.945'



03/30/2021



03/30/2021





Valley County Transmittal
Division of Community and Environmental Health

Return to:

- ☐ Cascade
☐ Donnelly
☐ McCall
☐ McCall Impact
☒ Valley County

Rezone # _____

Conditional Use # VAC 21-01

Preliminary / Final / Short Plat _____

57859 E Prospector Drive
Lots 244 & 245 Gold Dust Ranch #2

- ☒ 1. We have No Objections to this Proposal.
- ☐ 2. We recommend Denial of this Proposal.
- ☐ 3. Specific knowledge as to the exact type of use must be provided before we can comment on this Proposal.
- ☐ 4. We will require more data concerning soil conditions on this Proposal before we can comment.
- ☐ 5. Before we can comment concerning individual sewage disposal, we will require more data concerning the depth of:
☐ high seasonal ground water ☐ waste flow characteristics
☐ bedrock from original grade ☐ other _____
- ☐ 6. This office may require a study to assess the impact of nutrients and pathogens to receiving ground waters and surface waters.
- ☐ 7. This project shall be reviewed by the Idaho Department of Water Resources concerning well construction and water availability.
- ☐ 8. After written approvals from appropriate entities are submitted, we can approve this proposal for:
☐ central sewage ☐ community sewage system ☐ community water well
☐ interim sewage ☐ central water
☐ individual sewage ☐ individual water
- ☐ 9. The following plan(s) must be submitted to and approved by the Idaho Department of Environmental Quality:
☐ central sewage ☐ community sewage system ☐ community water
☐ sewage dry lines ☐ central water
- ☐ 10. Run-off is not to create a mosquito breeding problem
- ☐ 11. This Department would recommend deferral until high seasonal ground water can be determined if other considerations indicate approval.
- ☐ 12. If restroom facilities are to be installed, then a sewage system MUST be installed to meet Idaho State Sewage Regulations.
- ☐ 13. We will require plans be submitted for a plan review for any:
☐ food establishment ☐ swimming pools or spas ☐ child care center
☐ beverage establishment ☐ grocery store
- ☐ 14. _____

Reviewed By: [Signature]

Date: 3.9.21



Valley County Transmittal
Division of Community and Environmental Health

Return to:

- ☐ Cascade
☐ Donnelly
☐ McCall
☐ McCall Impact
☒ Valley County

Rezone # _____

Conditional Use # VAC 21-01

Preliminary / Final / Short Plat _____

Lot 244 & 245 Gold Dust Ranch #2
57859 E. Prospector

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☐ food establishment ☐ swimming pools or spas ☐ child care center
☐ beverage establishment ☐ grocery store
- ☐ 14. _____

Reviewed By: [Signature]

Date: 4/21/21



March 3, 2021

Sent via email to m_chpapman08@yahoo.com

Steve & Merrie Chapman
1935 E. Lochmeadow St.
Meridian, ID 83646

Re: Relinquishment of a portion of the Public Utility Easement (PUE) located in lots 244 and 245, Gold Dust Ranch No. 2 Subdivision in Valley County, Idaho.

Dear Steve & Merrie:

This is in response to the relinquishment application received by Idaho Power Company on February 25, 2021, regarding the possible partial relinquishment of the above noted PUE. The attached maps more specifically identify the "easement area" requested for relinquishment.

Idaho Power's review of the relinquishment application indicated that there are no facilities within the above noted easement area. As such, Idaho Power agrees to relinquish our interest in the 10' PUE centered on the interior lot line of lots 244 & 245 of the Gold Dust Ranch No. 2 Subdivision so long as we retain the 10' PUE that runs adjacent to East Prospectors Drive as shown on the attached document.

Thank you once again for providing Idaho Power Company the opportunity to review and comment upon the subject petition for relinquishment.

Sincerely,

Krista Englund

Krista Englund
Assoc. Real Estate Specialist
Land Management and Permitting Department
Corporate Real Estate
Idaho Power Company

208-388-2245
kenglund@idahopower.com

Sanitary Restriction Under Title So
Removed By Instrument No. 86213

GOLD DUST RANCH NO.2

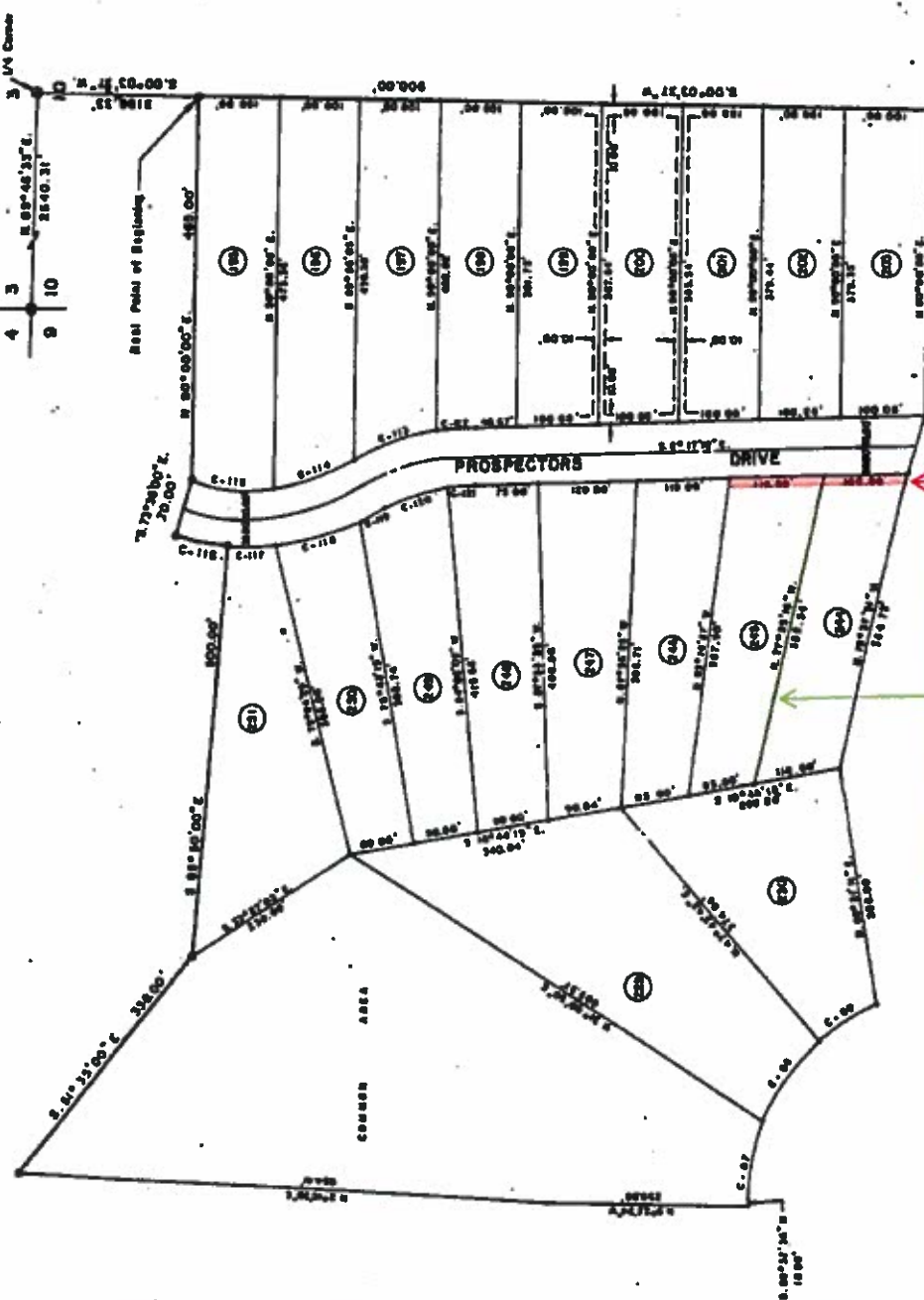
A SUBDIVISION IN
A PORTION OF SECTIONS 9 & 10, T.13N., R.4E., S.1M.
VALLEY COUNTY, IDAHO

SMITH & MONROE ENGINEERS, INC.



LEGEND

- 1/2" x 1/2" Steel Pin at Each Point on Boundary.
- 1/2" x 1/2" Steel Pin at Lot Corners.
- Lot Section.
- Surveying & Boundary Encumbrance.
- Public Use Lot Lines Along Road, Subdivision Boundary and Encumbrance Area Boundary.
- Boundary at all indicated Lot Lines.
- Drawn Map



Idaho Power agrees to relinquish interest in the 10' PUE centered between lot 244 & 245

IPC to retain 10' PUE that runs along Prospectors Drive

CURVE	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31	32	33	34	35	36	37	38	39	40	41	42	43	44	45	46	47	48	49	50	51	52	53	54	55	56	57	58	59	60	61	62	63	64	65	66	67	68	69	70	71	72	73	74	75	76	77	78	79	80	81	82	83	84	85	86	87	88	89	90	91	92	93	94	95	96	97	98	99	100	
1	100	101	102	103	104	105	106	107	108	109	110	111	112	113	114	115	116	117	118	119	120	121	122	123	124	125	126	127	128	129	130	131	132	133	134	135	136	137	138	139	140	141	142	143	144	145	146	147	148	149	150	151	152	153	154	155	156	157	158	159	160	161	162	163	164	165	166	167	168	169	170	171	172	173	174	175	176	177	178	179	180	181	182	183	184	185	186	187	188	189	190	191	192	193	194	195	196	197	198	199	200



March 28, 2021

Sent via email to cherrick@co.valley.id.us

Re: Relinquishment of a portion of the Public Utility Easement (PUE) located in lots 244 and 245, Gold Dust Ranch No. 2 Subdivision in Valley County, Idaho.

Dear Commissioners:

This is in response to a notice received by Idaho Power Company on March 12, 2021, regarding the possible partial relinquishment of PUE located within the above noted lots. The attached exhibit more specifically identifies the "Easement Area" requested for relinquishment.

Idaho Power's review of the relinquishment application indicated that there are no facilities within the Easement Area. As such, Idaho Power agrees to relinquish our interest in the 10' PUE centered on the interior lot line of lots 244 & 245 of the Gold Dust Ranch No. 2 Subdivision so long as we retain the 10' PUE that runs adjacent to East Prospectors Drive as shown on the attached document.

Thank you once again for providing Idaho Power Company the opportunity to review and comment upon the subject petition for relinquishment.

Sincerely,

Krista Englund
Assoc. Real Estate Specialist
Land Management and Permitting Department
Corporate Real Estate
Idaho Power Company

208-388-2245
kenglund@idahopower.com

Removed By Instrument No. 862/3

A SUBDIVISION IN
A PORTION OF SECTIONS 9 & 10, T.13N., R.4E., S.11N.
VALLEY COUNTY, IDAHO

SMITH & MONROE ENGINEERS, INC.



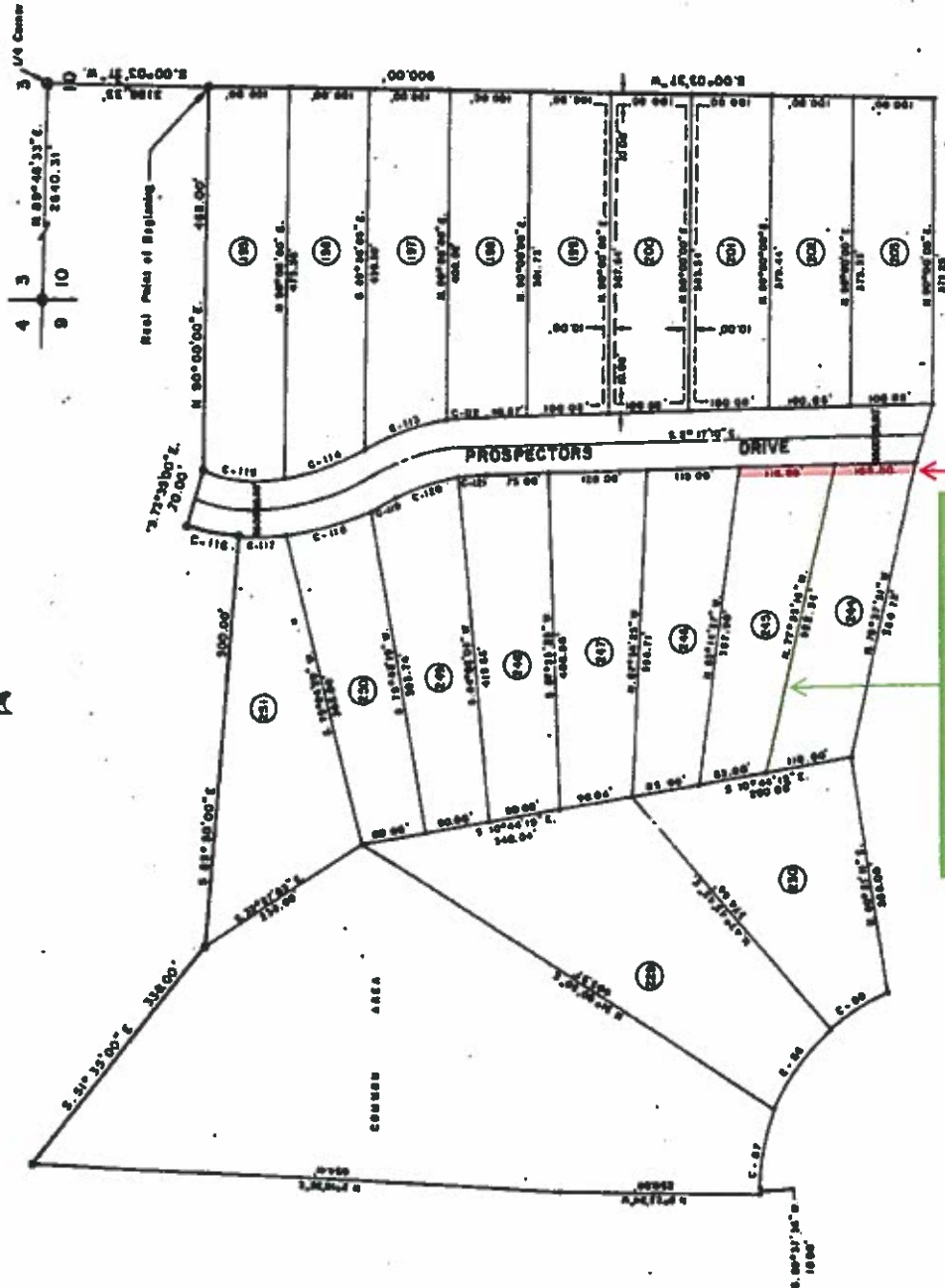
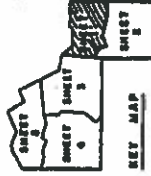
QMS037

- 3/4" x 10" Black Pin at Anglin Point on Boundary.
- 1/8" x 21" Steel Pin at 1st Corner.

McGraw-Hill

of County & District Secretary.
at 1000 1st Ave. New York, N.Y.
Boundary and Census Area Boundary
of District in All Districts of New York.

© 2004 Blackwell Publishing Ltd



Idaho Power agrees to relinquish interest in the 10' PUE centered between lot 244 & 245

IPC to retain 10' PUE that runs along Prospectors Drive

[illegible]

March 28, 2021

Sent via email to cherrick@co.valley.id.us

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Sincerely,



Krista Englund
Assoc. Real Estate Specialist
Land Management and Permitting Department
Corporate Real Estate
Idaho Power Company

208-388-2245
kenglund@idahopower.com

Removed By Instrument No. 86213

IN NONSTANDARD V

A PORTION OF SECTIONS 9 & 10, T.13N., R.4E., B.M.

VALLEY COUNTY, IDAHO

SMITH & MORROE ENGINEERS, INC.



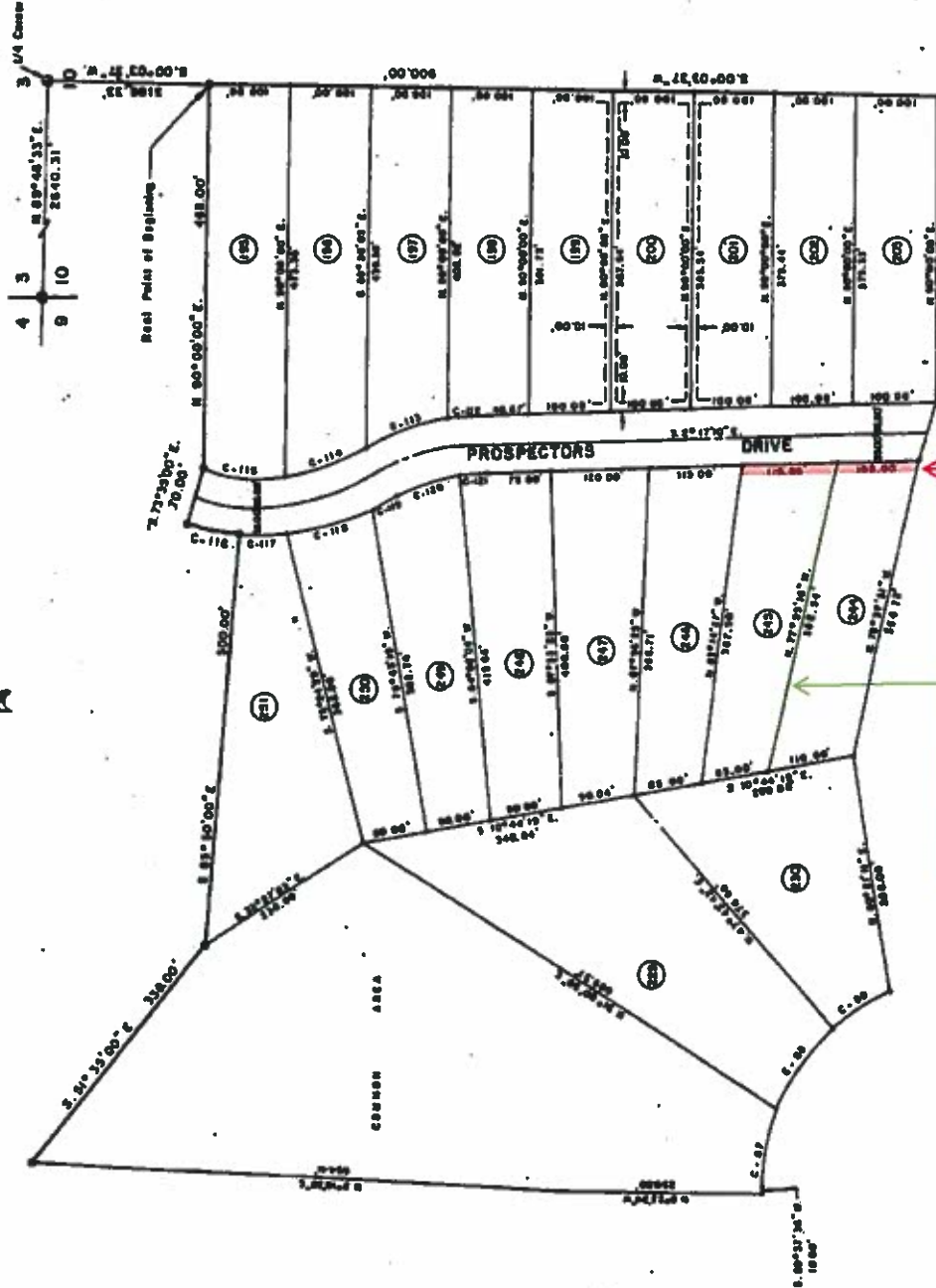
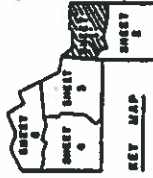
Legend

- 1/8" x 36" Steel Pins at Right Angles on Bottoms.
- 1/8" x 34" Steel Pins at Left Corners.

3

¹ Irving A. Berkoff's company.
in' builds All Let Lines Along Route, Substations
Boundary and Census Area Boundary
of District as All Interior Let Lines.

333



Idaho Power agrees to relinquish interest in the 10' PUE centered between lot 244 & 245

IPC to retain 10' PUE that runs along Prospectors Drive

[illegible]

501 LIONS

3-16-21

To Valley Co. P&Z commission,

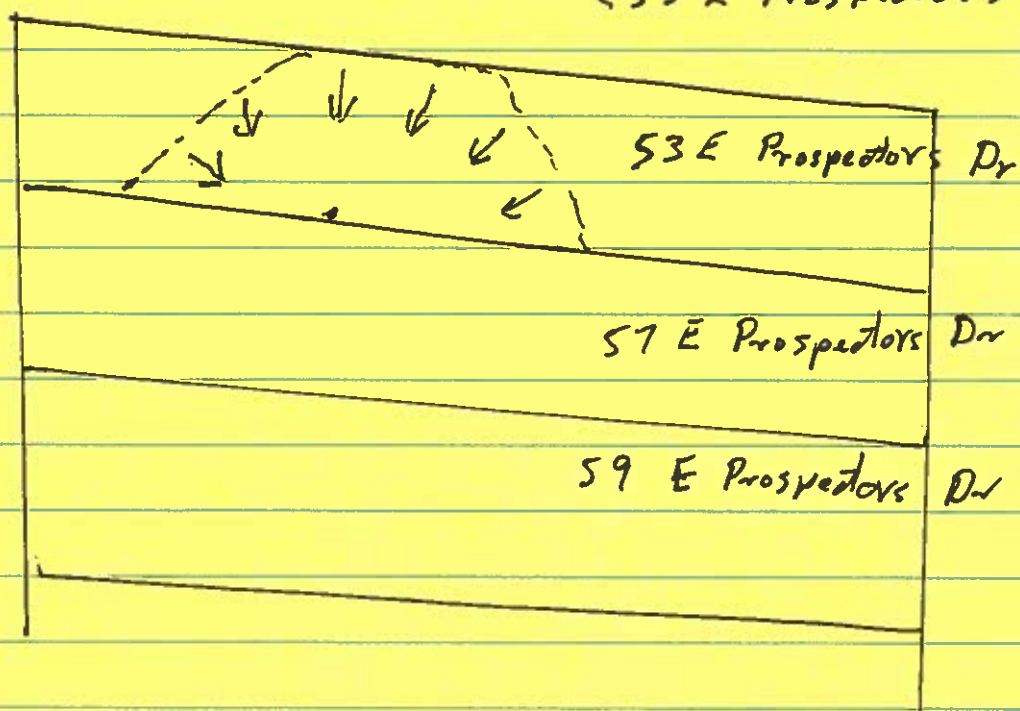
Regarding Vac 21-01 hearing of 4-8-21

I have been advised to make you aware
That our property at 53 East Prospectors Dr.
has $\frac{1}{4}$ acre that naturally slopes
to 57 E. Prospectors Dr. This area has
about 10 feet of fall towards the Chapman
Property. (see diagram)

This may not be a concern to
the Chapmans building plans, but
Thank you for your consideration.

208-850-8140

Jerry D Davis
5 N Queen Anne Ct
Nampa, Idaho 83687
(53 E Prospectors Dr)



From: Pat Stewart <hydrochic@hotmail.com>
Sent: Thursday, March 25, 2021 7:46 PM
To: Cynda Herrick <cherrick@co.valley.id.us>
Subject: P&Z Hearing April 8, 2021

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Thank you for providing the public hearing agenda. I own lot 230 in Gold Dust 2 which is located on the back side of lots 244 and 245. Since the utility and drainage easements are being addressed, I would like to share one thought. If and when vacation of those easements take place, it would be assuring to know that any changes would not negatively affect lot 230. The only thing I feel might affect it is if drainage is directed to the west for whatever reason. I can't imagine any reason that would happen, but felt I should mention it to you. Please keep me up to date on any future issues should they come up. Thanks again,
Patricia Stewart