



# MEMO TO CITY COUNCIL

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## Request to Include Item on the City Council Work Session Consent Agenda

**From:** Steve Siddoway, Parks & Recreation Director  
William L. M. Nary, City Attorney/Risk Manager

**Meeting Date:** May 28, 2024

**Topic:** Full Release of Access and Parking Easement (Instrument No. 112096134)

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### Recommended Council Action:

Approve the full release of the access and parking easement described below, which is no longer necessary.

### Background:

The City recently acquired approximately 11.365 acres of real property ("Property") from the West Ada School District ("District"). The Property, which is located adjacent to Settlers Park, is encumbered by a 2012 access and parking easement ("Easement") between the City and the District (Instrument No. 112096134). The Easement no longer valid, however, since the City now owns the Property. Under Idaho law, "one cannot have an easement in one's own lands." *Fitzpatrick v. Kent*, 166 Idaho 365, 369, 458 P.3d 943, 947 (2020). Therefore, it is recommended that the City extinguish the Easement by executing and recording the attached instrument.

### Attachment:

Full Release of Easement