



CITY OF STAR

LAND USE STAFF MEMO

TO: Mayor & Council

FROM: City of Star Planning Department *Shen T. Smith*

MEETING DATE: November 19, 2024

FILE(S) #: Vacation of Right of Way for Grace Lane

REQUEST

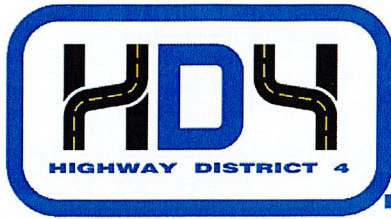
Request: Highway District #4 has requested consent from the Star City Council for the vacation of public right of way for Grace Lane (also referred to as "Bent Lane"), in Canyon County, Idaho. The property in question is outside of the Star City limits but within the Area of Impact.

STAFF REVIEW AND RECOMMENDATIONS

Based upon the information provided to staff in the request from Highway District #4, staff finds that the proposed vacation of right of way is not in conflict with the requirements, standards and intent of the Comprehensive Plan and Zoning Ordinance. Staff recommends that Council consent to the vacation of right of way of Grace Lane (also referred to as "Bent Lane"), and direct staff to notify Highway District #4 of its decision.

COUNCIL DECISION

The Star City Council hereby consents to the requested vacation of right of way for Grace Lane (also referred to as "Bent Lane" on this date _____, 2024.



HIGHWAY DISTRICT No.4
15435 HIGHWAY 44
CALDWELL, IDAHO 83607

TELEPHONE 208.454.8135
FAX 208.454.2008

October 22, 2024

CERTIFIED MAIL

Re: Petition for Vacation of Right-of-Way and Abandonment of Culvert
Bent Lane (North/South) Right-of-Way

Highway District No.4 received a petition request from Eric and Kristin Battey of Star, Idaho to vacate a public right-of-way, "Bent Lane" referenced as Grace Lane in the Canyon County Assessor Web Map. HD4 is seeking comments from public utilities regarding the proposed vacation as according to Idaho Code 40-203 (Abandonment and Vacation of Public Rights-of-Way) and consent of the vacation from Star City Council as according to Idaho Code 50-1321 (Acknowledgement and Filing of Consent). Utility comments may include the location of existing or planned utilities within the right-of-way, the need to preserve all or portions of the right-of-way for utility or access purposes, the need to reserve easement(s) in place of the right-of-way, full consent to abandon the right-of-way as proposed, or other comments of interest to the respective utility's interests.

The subject right-of-way was created by deed in 1984, and consists of a 33-foot wide right-of-way as referenced in the attached deed (Instrument Number 8427984). HD4 maintains the subject right-of-way and said right-of-way is identified in the official highway system map as public highways under the jurisdiction of HD4. The east boundary of the 33' wide ROW considered for vacation begins approximately 5' south of the ROW line of Bent Lane (east/west alignment) and extends approximately 420' south from that point. See attached vicinity maps for further information.

Preliminary review shows the subject ROW used for the following purposes:

- Public utilities observed—includes but not limited to power poles and sewer located within the ROW
- Access to the Canyon County Canal by Canyon County Water Company
- RCP culvert crossing of the Canyon County Canal

With the vacation request HD4 staff intends to recommend to the HD4 Board the following:

- Abandon in place the culvert crossing of the Canyon County Canal
- Utility easement and right to access irrigation and utilities within the former ROW

The subject right-of-way does not lie on an alignment consistent with a planned future arterial or collector road as defined by the Planning Functional Classification Maps adopted by Highway District No. 4, Star, or Canyon County.

For Adjacent Property Owners and Interested Persons:

Comments can be made prior to the hearing via email or letter. Testimony can also be received at the time of the public hearing. Public hearing date is TBD.

Please provide comments by mail or email to lriccio@hwydistrict4.org no later than 30 days from the date of this letter. If you have any questions you are welcome to email or call me at 208-454-8135.

Sincerely,

Leonard Riccio, P.E.
Transportation Planner
Senior Assistant Engineer

Deed Instrument Number 8427984

INSTRUMENT NO. *8427984* **WARRANTY DEED**

For Value Received, LLOYD O. RHAY, a widower, of Route 1, Star, Canyon County, Idaho,

the grantor does hereby grant, bargain, sell and convey unto BETTY SCHMIDT, a single woman dealing in her sole and separate property, of Route 1, Star, Canyon County, Idaho 83669, the grantee, the following described premises, situated in Canyon County, State of Idaho, to-wit:

Beginning at the Northeast corner of Section 13, Township 4 Nor., Range 2 West of the Boise Meridian, a bronze cap;

thence S 89°14½' W 1348.7 feet to the Northwest corner of the NE¼ NE¼ of said Section 13;

thence S 89°14½' W 50.0 feet to a steel pin;

thence S 0°00' W 862.4 feet to a steel pin;

thence South 89°14½' W 1268.5 feet to a steel pin, the REAL POINT OF BEGINNING;

thence S 0°28½' E 457.6 feet along the Easterly side of a road right of way to a steel pin;

thence S 89°14½' W 96.2 feet to a steel pin;

thence N 0°28½' W 457.6 feet to a steel pin;

thence N 89°14½' E 96.2 feet to the REAL POINT OF BEGINNING;

Except a right of way for a road 33.0 feet wide along the East side;

Above described tract contains 1.011 acres including the said right of way for the road and 0.664 acres excluding the right of way for the said road;

Together with all water, water rights, and rights of way for ditches appurtenant thereto or in anywise appertaining;

Subject to all existing rights of way and easements;

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee, her heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee, that he is the owner in fee simple of said premises; that said premises are free from all Incumbrances

and that he will warrant and defend the same from all lawful claims whatsoever.

Dated: November 26, 1984.

Lloyd O. Rhay
Lloyd O. Rhay

STATE OF IDAHO, COUNTY OF Canyon) ss.

On this 26th day of November, 1984, before me, a notary public in and for said State, personally appeared LLOYD O. RHAY, a widower,

known to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that he executed the same.

James K. ...
Notary Public.

Residing at Caldwell, Idaho



8427984


RECORDED

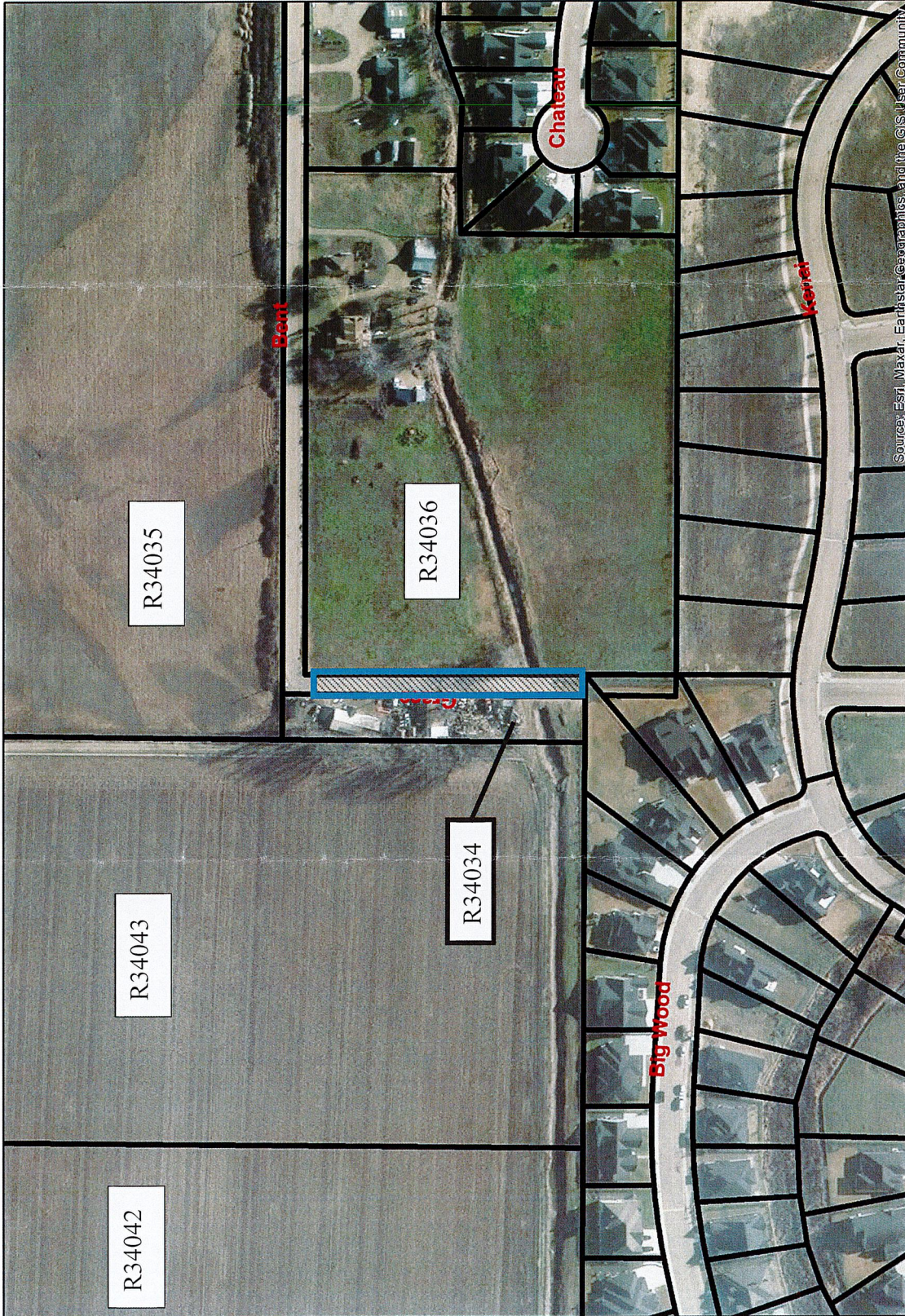
'84 NOV 26 PM 2 58

BILL STAKER
CANYON CENTER
BY *C. Blawie*

RECEIVED *Betty Schmut*
TYPE *Recd* \$ *4.00*

Vicinity Map (North/South) Bent Lane Vacation Limits

(ROW to be Vacated) 



Canyon County Plat Book

(ROW to Be Vacated)

