

**RESOLUTION NO. 2025-04**

**A RESOLUTION DECLARING THE INTENTION OF THE CITY OF PECK, NEZ PERCE COUNTY, IDAHO TO VACATE A PORTION OF 35 FEET OF PUBLIC RIGHT-OF-WAY, PREVIOUSLY PLATTED AS SOUTH PARK STREET EASEMENT ADJACENT TO PLOT 65 LOTS 6, 7, 8, 9, AND 10 IN THE CITY OF PECK, AND RECORDED IN THE OFFICE OF THE NEZ PERCE COUNTY RECORDER.**

**A RESOLUTION OF THE CITY OF PECK'S FINDINGS OF FACT, CONCLUSIONS OF LAW & DECISION APPROVING THE RIGHT OF WAY VACATION OF A PORTION OF EASEMENT KNOWN AS SOUTH PARK STREET AND PROVIDING FOR AN EFFECTIVE DATE**

**WHEREAS**, the City of Peck has reviewed the Findings of Fact, Conclusions of Law & Decision in regards to the vacation of a portion of a right-of-way easement known as South Park Steet Easement adjacent to Plot 65 Lots 6, 7, 8, 9, AND 10; and

**WHEREAS**, the City of Peck is a municipal corporation operating and existing under and pursuant to the laws of the State of Idaho; and

**WHEREAS**, the City of Peck is of the opinion that it is in the best interest of the residents of the City to vacate said portion of right-of-way, in accordance with Idaho Code § 40-203.

**NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF PECK, IDAHO**, as follows:

SECTION 1: That Findings of Fact, Conclusions of Law & Decision attached and by this reference as set out in its entirety shall be and is hereby approved.

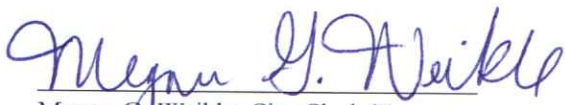
SECTION 2: The Peck City Council held a public hearing, in accordance with Idaho Code §40-203, where testimony was heard on Wednesday, November, 12th at 6:00 p.m. The public hearing was held at the Peck Community Building Meeting Room in Peck, Idaho.

SECTION 3: The City Council hereby determines and states that it is its intention to vacate a portion of public right-of-way, previously platted South Park Street Easement in the City of Peck, and recorded in the office of the Nez Perce County Recorder.

This Resolution shall be in full force and effect after its passage and approval.

ADOPTED by the Council of the City of Peck, Idaho this 12th day of November, 2025.

ATTEST:

  
Megan G. Weikle, City Clerk-Treasurer

  
Cheryl L. Carson, Mayor

**IDAHO CODE STANDARDS AND FINDINGS OF FACTS  
IN THE MATTER OF VACATING A PORTION OF S PARK STREET  
FOR BLOCK 65 LOTS 6-10, PECK, IDAHO**

**TYPE OF REQUEST:**

Ms. Bobbi Kaufman [PO Box 2464, Orofino, ID 83544] is requesting the city of Peck to vacate a portion of S Park Street along Block 65 Lots 6-10 to have enough room to set a manufactured home, meet setbacks, and install a new septic system. This property is in Section 11, Township 36 North, Range 1 West, plat of Peck Block 65 Lots 1-10, located between S Main Street and S Park Street, a Peck address in Nez Perce County.

**STANDARDS/FINDINGS OF FACT:**

1. **Standards:** The city of Peck is the owner of the streets and right of ways as platted.

**Findings of Fact:** (Exhibit A) The plat of Peck was recorded April 17, 1899 (Instrument number CAB11 184-A & CAB11-184-B). Along with lots, blocks, and streets, the Clearwater Valley Railway Proposed Right-of Way for one hundred (100) feet was shown.

(Exhibit B) On December 3, 1923, the Board of County Commissioners of Nez Perce County took up the matter of real property acquired by Tax Deed from the County Treasurer for delinquent taxes for the year of 1919. By resolution, the Board offered for sale at public auction a list of property to be sold that included Receipt No: 6188; Assessed to: Rollie C. Kirby et-al; Description: Proposed Right of Way of the Clearwater Valley R.R. Co, Peck; Amount: \$36.95. (Exhibits C & D) On January 5, 1924, Nez Perce County sold this property to the Village of Peck as the highest bidder for ten (\$10) dollars and a deed was filed and recorded on April 4, 1924. (Exhibit E) The proposed right of way of the Clearwater Valley Railroad Co is now known as S Park Street.

2. **Standards:** Pursuant to Title 50 Chapter 3 Idaho Code, the city of Peck has the power to vacate a portion of a street.

**Findings of Fact:** (Exhibit H) Title 50 Chapter 3 Idaho Code § 50-311 empowers cities to vacate streets, or a portion of, whenever deemed expedient for the public good. The amount of damage resulting from the vacation of any street shall be determined under such terms and conditions as may be provided by city council. When a street is vacated, the same shall revert to the owner of the adjacent real estate, one half (1/2) on each side thereof, or as the city council deems in the best interests of the adjoining properties, but the right of way, easements and franchise rights or any lot owner or public utility shall not be impaired thereby.

(Exhibit E) Professional Land Surveyor Terry Golding of Golding and Mapping Surveying, license number L-7379, was hired to survey this property. Block 65 Lots 5, 6, and 7 property lines are in the county road, and Lots 4, 8, 9, and 10 property lines are within the county right-of-way.

*To the city of Peck for the November 12, 2025, City Council Meeting*

As demonstrated on the preliminary record of survey, the landowners along the county road lose a certain amount of usable property due to the right-of-way and required setbacks. Requesting to vacate a portion of the existing one hundred (100) feet of S Park Street along Block 65 Lots 6-10 with maintaining a utility easement for the existing infrastructure does not impede any other owners or future use of the city street. The additional land will allow the home to be set on Lots 6 and 7, meet setbacks, and have room for the carport, deck, and septic system. It also provides the opportunity for other landowners along S Park Street to request a portion of this street to be vacated in the future with the city maintaining adequate right of way.

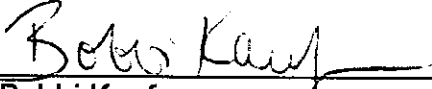
(Exhibit F) A memo dated July 10, 2006, by past City Councilman Linda Carpenter discussed Park Street and the existing right of way and a suggestion of vacating a portion of this back to the adjacent landowners. (Exhibits C & D) With the documents provided, there is proof that the city of Peck owns S Park Street as it was not ever deeded to the railroad.

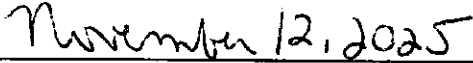
(Exhibit G) The city of Peck has previously vacated portions of streets. Resolution No. 2018-05 vacated the right of way portions of Block 34 and Block 49 known as East Waskey Street signed and passed on June 27, 2018. This is proof that city council has the authority to make this decision.

**CONCLUSION:**

As demonstrated above, the facts to support a decision to vacate a portion of S Park Street along Block 65 Lots 6-10 have been shown. I ask that City Council approve this request and set a date to pass a resolution.

Sincerely,

  
\_\_\_\_\_  
Bobbi Kaufman

  
\_\_\_\_\_  
Date

**IDAHO CODE STANDARDS AND FINDINGS OF FACTS  
IN THE MATTER OF VACATING A PORTION OF S PARK STREET  
FOR BLOCK 65 LOTS 1-10, PECK, IDAHO**

---

**EXHIBITS:**

- Exhibit A.** Plat of Peck-Instrument CAB11 184-A & CAB11-184B
- Exhibit B.** Nez Perce BOCC Meeting Minutes from December 3, 1923
- Exhibit C.** Deed from Nez Perce County to Village of Peck for Park Street 1/5/1924
- Exhibit D.** Deed pg. 0258 & 0259 recorded 4/4/1924
- Exhibit E.** Golding Surveys for Lots 1-10 Block 65 and proposed vacation
- Exhibit F.** Memo dated 7/10/2006 by Councilman Linda Carpenter
- Exhibit G.** Resolution No. 2018-05
- Exhibit H.** Idaho Code Title 50 Chapter 3 Section 50-311

*To the city of Peck for the November 12, 2025, City Council Meeting*

As demonstrated on the preliminary record of survey, the landowners along the county road lose a certain amount of usable property due to the right-of-way and required setbacks. Requesting to vacate a portion of the existing one hundred (100) feet of S Park Street along Block 65 Lots 6-10 with maintaining a utility easement for the existing infrastructure does not impede any other owners or future use of the city street. The additional land will allow the home to be set on Lots 6 and 7, meet setbacks, and have room for the carport, deck, and septic system. It also provides the opportunity for other landowners along S Park Street to request a portion of this street to be vacated in the future with the city maintaining adequate right of way.


(Exhibit F) A memo dated July 10, 2006, by past City Councilman Linda Carpenter discussed Park Street and the existing right of way and a suggestion of vacating a portion of this back to the adjacent landowners. (Exhibits C & D) With the documents provided, there is proof that the city of Peck owns S Park Street as it was not ever deeded to the railroad.

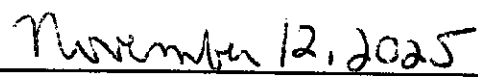
(Exhibit G) The city of Peck has previously vacated portions of streets. Resolution No. 2018-05 vacated the right of way portions of Block 34 and Block 49 known as East Waskey Street signed and passed on June 27, 2018. This is proof that city council has the authority to make this decision.

**CONCLUSION:**

As demonstrated above, the facts to support a decision to vacate a portion of S Park Street along Block 65 Lots 6-10 have been shown. I ask that City Council approve this request and set a date to pass a resolution.

Sincerely,

  
\_\_\_\_\_  
Bobbi Kaufman

  
\_\_\_\_\_  
Date





B

Board meets pursuant to recess.

All members present.

The following action was had to-wit:

The Board at this time takes up the matter of real property acquired by Tax Deed from the County Treasurer, as follows.

THAT WHEREAS, certain real property heretofore acquired by the County through tax deeds for delinquent taxes for the year 1919, AND WHEREAS, the said property is not necessary for the use of the County and the same should be offered for sale at public auction to the highest bidders, THEREFORE, be it resolved, and it is hereby ordered, that all the real property heretofore acquired by NezPerce County, through tax deed from the County Treasurer, be offered for sale at public auction at the court house door on the 5th day of January, 1924, at the hour of 10 o'clock A.M. and sold to the highest bidder, for cash, and the Clerk of the Board is hereby authorized and directed to cause notice of such sale to be given by publication in the Lewiston Tribune, for at least 30 days previous to the date of said sale.

The list of property to be sold is as follows to-wit:

Receipt No.	Assessed to	Description	Amount.
718	Wm. P. Gropp	SESW, NWSE, and S4SE, Sec 2, Twp, 33, N.R. 4, W.B.M.	
1717	Katherine E. S. Gehre	Assessors No. 1244 & 1245 being a part of SWNE, Sec. 2, Twp, 35, N.R. 2, W.B.M.	34.98
3906	W. H. Krass	NWNW, Sec. 22, Twp, 36, N.R. 4, W.B.M.	6.58
4477	J. M. Thornton	SENE, Sec. 1, Twp, 37, N.R. 2, W.B.M.	5.00
4479	J. M. Thornton	NESSE, Sec. 1, Twp, 37, N.R. 2, W.B.M.	12.31
5529	Celia Caldwell	Lots 4 to 9 inclusive Enterprise add Lewiston.	13.59
5750	Ella M. Osborne	Lot 8 Block B. McAllister Add, Lewiston.	9.89
5859	Viola Miller	Lot 12 Block 15 NezPerce Add, Lewiston.	18.38
5887	G. A. Heidinger	Lot 12 Block 15 NezPerce Add, Lewiston.	9.06
5892	P. G. Zook	Lots 5 & 6 Block 10 Riverview Add, Lewiston	12.31
5923	Catherine L. Waite	Lots 7-8 & 9 Blk. 11 Riverview Add, Lewiston	12.83
5943	S. E. Miller	Lot 6, Block 17 Riverview Add, Lewiston.	7.04
5953	Viola Miller	Lots 1-2 & 3 Block 25 Riverview Add Lewiston	15.32
6028	I. H. Ratcliffe	Lots 7 & 8 Blk. 28 Riverview Add, Lewiston.	9.06
6090	A. V. Ball	All of Blocks 23- & 24 Peck.	7.34
6091	D. S. Waskey	Lots 1 & 2 Blk. 47 Peck	7.99
6092	J. J. Day	Lots 3 & 4 Blk 47 Peck	7.34
6093	Mrs Mona Ratcliffe	Lot 5 Block 47 Peck	4.71
6094	D. S. Waskey	Lot 6 Block 47 Peck	4.71
6097	Edwin Leland	Lot 7 Block 47 Peck	4.71
6112	D. S. Waskey	Lot 7 Block 48 Peck	4.71
6116	J. J. Day	Lots 2 & 3 Block 51 Peck	7.34
6119	E. D. Nichols	Lots 8 & 9 Block 51 Peck	7.33
6155	D. S. Waskey	Lot 2 Block 52 Peck	4.71
6158	D. S. Waskey	Lot 9 Block 63 Peck	3.61
6160	D. S. Waskey	Lots 2 & 3 Block 64 Peck	6.24
6161	J. J. Day	Lot 5 Block 64 Peck	3.61
6165	J. J. Day	Lot 6 Block 64 Peck	3.88
6165	J. J. Day	Lot 6 Block 65 Peck	3.89
6188	Rollie C. Kirby et-al	Proposed Right of Way of the Clearwater Valley R.R. Co. Peck	36.95
6203	Clyde Gobel	Lot 13 Blk. 2 Lapwai.	13.73
6235	W. S. Adrom	Lot 12 Blk. 6 Lapwai	20.00
6237	W. S. Adrom	Lot 1, Blk. 1. Tolyaultkts Add, Lapwai	40.33
6240	W. S. Adrom	Lot 4, Blk. 1. Tolyaultkts Add, Lapwai	67.66
6276	Chas H. Rogers	Lot 1, Blk. 7. Tolyaultkts Add, Lapwai	25.29
6307	W. W. Glasby, Est.	Lot 9, Blk. 9. Tolyaultkts Add, Lapwai	25.41
6352	Mrs F. B. Wampner	Lot 4, Blk. 3. Cuidesac	6.08



C

# DEED

THIS INDENTURE, Made this 5th day of January in the y  
of our Lord One Thousand Nine Hundred and twenty-four, by and betwe  
NEZ PERCE COUNTY, a Municipal corporation, created and existing under and by virtue of the  
Laws of the State of Idaho, the Party of the First Part, and  
Village of Peck  
of        County of Nez Perce State of Idaho  
the Party of the Second Part,

WITNESSETH:—

THAT WHEREAS, on the 3rd day of December, 1923, by authority of a  
resolution regularly passed, an order was duly made and entered by the Board of Commissioners  
of Nez Perce County, Idaho, it was found and determined that the property hereinafter described  
was not necessary for the use of said County and directing that the same be sold at public auction  
to the highest bidder on the fifth day of January, 1924, at the hour of 10  
o'clock A.M. of said day, at the Court House door in accordance with the provisions of Sec-  
tion 3423 of the Compiled Statutes of Idaho;

AND WHEREAS, pursuant to said Order due and legal notice of said sale was given by pub-  
lication in the Lewiston ~~Week~~ Tribune, a newspaper of general circulation, printed and pub-  
lished at Lewiston in Nez Perce County, Idaho, for the time and in the manner provided by statute;

AND WHEREAS, pursuant to said Order and Notice, and on the fifth  
January, A. D., 1924, at the hour of ten o'clock A. M., the said real  
estate was sold at public auction at the Court House door in the City of Lewiston, Nez Perce  
County, Idaho;

AND WHEREAS, at such sale Village of Peck became the pur-  
chaser of the hereinafter described real estate for the sum of ten and no/100 - - -  
DOLLARS, he being the highest and best bidder, and the said sum being the highest and best sum  
bid therefor.

NOW THEREFORE, for and in consideration of the premises aforesaid, and the sum of  
ten and no/100 - - - - - DOLLARS, lawful money of the  
United States of America, to it in hand paid, by the said Party of the Second Part, the receipt where-  
of is hereby acknowledged, the Party of the First Part does by these presents grant, bargain, sell  
and convey, unto the said Party of the Second Part, its heirs and assigns forever, all those  
certain lots, pieces or parcels of real estate, situate, lying and being in the County of Nez Perce,  
State of Idaho, and bounded and more particularly described as follows, to-wit:  
Proposed right of way of the Clearwater Valley R. R. Co., Peck, Idaho.

This conveyance is made subject to any lien for taxes which may have attached to said lands  
subsequent to the year 1919.

TOGETHER WITH ALL AND SINGULAR the tenements, hereditaments and appurten-  
ances thereunto belonging, or in anywise appertaining, and the reversion and reversions, remain-  
der and remainders, rents, issues and profits thereof.

TO HAVE AND TO HOLD, all and singular the said premises, together with the appurten-  
ances, unto the said Party of the Second Part, its heirs and assigns FOREVER.

C

# DEED

THIS INDENTURE, Made this 5th day of January in the year of our Lord One Thousand Nine Hundred and twenty-four, by and between NEZ PERCE COUNTY, a Municipal corporation, created and existing under and by virtue of the Laws of the State of Idaho, the Party of the First Part, and Village of Peck the Party of the Second Part,

WITNESSETH:—

THAT WHEREAS, on the 3rd day of December, 1923, by authority of a resolution regularly passed, an order was duly made and entered by the Board of Commissioners of Nez Perce County, Idaho, it was found and determined that the property hereinafter described was not necessary for the use of said County and directing that the same be sold at public auction to the highest bidder on the fifth day of January, 1924, at the hour of 10 o'clock A. M. of said day, at the Court House door in accordance with the provisions of Section 423 of the Compiled Statutes of Idaho;

AND WHEREAS, pursuant to said Order due and legal notice of said sale was given by publication in the Lewiston Morning Tribune, a newspaper of general circulation, printed and published at Lewiston in Nez Perce County, Idaho, for the time and in the manner provided by statute;

AND WHEREAS, pursuant to said Order and Notice, and on the fifth day of January, A. D., 1924, at the hour of ten o'clock A. M., the said real estate was sold at public auction at the Court House door in the City of Lewiston, Nez Perce County, Idaho;

AND WHEREAS, at such sale Village of Peck became the purchaser of the hereinafter described real estate for the sum of ten and no/100 DOLLARS, he being the highest and best bidder, and the said sum being the highest and best sum bid therefor.

NOW THEREFORE, for and in consideration of the premises aforesaid, and the sum of ten and no/100 DOLLARS, lawful money of the United States of America, to it in hand paid, by the said Party of the Second Part, the receipt whereof is hereby acknowledged, the Party of the First Part does by these presents grant, bargain, sell and convey, unto the said Party of the Second Part, its heirs and assigns forever, all those certain lots, pieces or parcels of real estate, situate, lying and being in the County of Nez Perce, State of Idaho, and bounded and more particularly described as follows, to-wit:

Proposed right of way of the Clearwater Valley R. R. Co., Peck, Idaho.

This conveyance is made subject to any lien for taxes which may have attached to said lands subsequent to the year 1919.

TOGETHER WITH ALL AND SINGULAR the tenements, hereditaments and appurtenances thereunto belonging, or in anywise appertaining, and the reversion and reversions, remainders and remainders, rents, issues and profits thereof.

TO HAVE AND TO HOLD, all and singular the said premises, together with the appurtenances, unto the said Party of the Second Part, its heirs and assigns FOREVER.

D

## D E E D.

THIS INDENTURE, made this 5th day of January, in the year of our Lord one thousand nine hundred twenty-four, by and between Nez Perce County, a municipal corporation created and existing under and by virtue of the laws of the State of Idaho, the party of the first part, and Village of Peck, of County of Nez Perce, State of Idaho, the party of the second part, WITNESSETH:

That WHEREAS, on the 3rd day of December, 1923, by authority of a resolution <sup>regularly</sup> passed, an order was duly made and entered by the Board of Commissioners of Nez Perce County, Idaho, it was found and determined that the property hereinafter described was not necessary for the use of said county, and directing that the same be sold at public auction to the highest bidder on the fifth day of January, 1924, at the hour of 10 o'clock A.M., of said day, at the court house door in accordance with the provisions of Section 3423 of the Compiled Statutes of Idaho;

And WHEREAS, pursuant to said order due and legal notice of said sale was given by publication in the Lewiston Weekly Tribune, a newspaper of general circulation, printed and published at Lewiston, in Nez Perce County, Idaho, for the time and in the manner provided by statute;

And WHEREAS, pursuant to said order and notice, and on the fifth day of January, 1924, at the hour of ten o'clock A. M., the said real estate was sold at public auction at the court house door in the City of Lewiston, Nez Perce County, Idaho;

And WHEREAS, at such sale, Village of Peck became the purchaser of the hereinafter described real estate for the sum of ten and no/100 dollars, he being the highest and best bidder, and the said sum being the highest and best sum bid therefor.

Now, therefore, for and in consideration of the premises aforesaid, and the sum of ten and no/100 dollars, lawful money of the United States of America, to it in hand paid by the said party of the second part, the receipt whereof is hereby acknowledged, the party of the first part does by these presents, grant, bargain, sell and convey unto the said party of the second part, its heirs and assigns forever, all those certain lots, pieces or parcels of real estate, situate, lying and being in the County of Nez Perce, State of Idaho, and bounded and more particularly described as follows, to-wit:

Proposed right of way of the Clearwater Valley R. R. Co., Peck, Idaho.

This conveyance is made subject to any lien for taxes which may have attached to said lands subsequent to the year 1919.

Together with all and singular, the tenements, hereditaments and appurtenances thereunto belonging, or in anywise appertaining, and the reversion and reversions, remainder and remainders, rents, issues and profits thereof.

TO HAVE AND TO HOLD, all and singular the said premises, together with the appurtenances unto the said party of the second part, its heirs and assigns forever.

over and above his expenses "shall be turned into the county treasury at the end of each quarter." Under Section 8 of the same article the neglect or refusal of the sheriff to account for and pay such fees into the county treasury within the time fixed is made a felony.

The case of *Finley v. Territory* (Okla.) 73 Pac. 273, discusses at considerable length the principal questions involved here, but I think the whole matter may be determined upon the authority of the case of *Rhea v. Board*, 12 Ida. 455.

I am of the opinion that the sheriff is required by law to account for fees or compensation received from the federal government for the care of federal prisoners.

COUNTIES: FEES, JURORS AND WITNESSES.

9. It is the duty of the County Auditor to draw warrants for witnesses' fees in criminal cases in the district court upon the certificate of the clerk of the district court, and for attorneys' fees for the defense of an indigent defendant in a criminal case on the certificate of the judge of the court, without said claims being submitted to the board of county commissioners, such claims having already been audited by the clerk or the judge of the court. Claims for fees for jurors and witnesses in criminal cases in the district court, and jurors and witnesses in criminal cases in the probate and justice courts and jurors and witnesses at coroners' inquests must be audited by the board of county commissioners.

COUNTIES. NEGLIGENCE OF EMPLOYEE.

10. A county in managing a ferry is acting in its sovereign, not its proprietary capacity, and is therefore not liable for the negligent acts of the ferryman.

COUNTIES: OFFICER, CLAIMS OF.

11. A county officer, who is delinquent in his taxes, cannot compel the county commissioners to allow his claims and order warrants issued in his favor while he is so delinquent.

12. A claim for the regular, fixed salary of a county officer has to be presented to the Board of County Commissioners for the purpose of being audited, and allowed or disallowed, before the auditor of the county is authorized to issue a warrant therefor.

COUNTIES: PROPERTY, SALE OF.

13. Section 3423, Compiled Statutes, covers the sale of property belonging to the county not necessary for its use, and the provisions of this section as to paying the proceeds into the county treasury "for use of the county," must be considered in connection with the fact that the county takes title in trust for the various taxing districts represented. So far as the sale of property is concerned, however, Section 3423 should be followed.

14. When a county acquires title to property by the tax route, it has a right to dispose of it the same as any other property.

COUNTIES: PROSECUTING ATTORNEY'S DUTIES.

15. The Prosecuting Attorney when acting on behalf of the public administrator in administering estates under her jurisdiction must do so without charge.

IN WITNESS WHEREOF, the Board of County Commissioners of Nez Perce County, Idaho, has caused the name of said county to be hereunto subscribed by the Chairman of said board, and the seal of said board of commissioners to be hereunto affixed, the day and year in this instrument, first above written.

NEZ PERCE COUNTY, IDAHO.

By L. J. Southwick, Chairman of the Board  
of County Commissioners of Nez Perce  
County, Idaho. (Seal)

ATTEST:

Thos. D. Barton, Clerk of the  
Board of County Commissioners  
of Nez Perce County, Idaho.. (Seal)

STATE OF IDAHO, )  
County of Nez Perce.) ss.

On this 5th day of January, in the year 1924, before me, G. A. Woelflen, Probate Judge for Nez Perce County, Idaho, personally appeared L. J. Southwick, known to me to be the Chairman of the Board of County Commissioners of Nez Perce County, State of Idaho, the corporation that executed the foregoing instrument, and acknowledged to me that such corporation 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.

(Seal)

G. A. Woelflen, Probate Judge for Nez Perce  
County, Idaho.

Filed for record at 10:30 o'clock A. M., April 4, 1924, request Village of Peck.

Thos. D. Barton, County Recorder.

EXHIBIT

E

SPLIT OF OLD EXISTING  
SIDEWALK LOCATIONS.

NE1/4-SW1/4  
SE1/4-SW1/4

FD. 2" DIA. ALUM. CAPPED  
MON. MK'D. "PLS 7379,  
SEE C.P.F.#789200

SET COTTON GIN SPIKE AT  
CENTERLINE INTERSECTION  
PER R.O.S. 534903.

SE1/4-SW1/4  
SW1/4-SE1/4

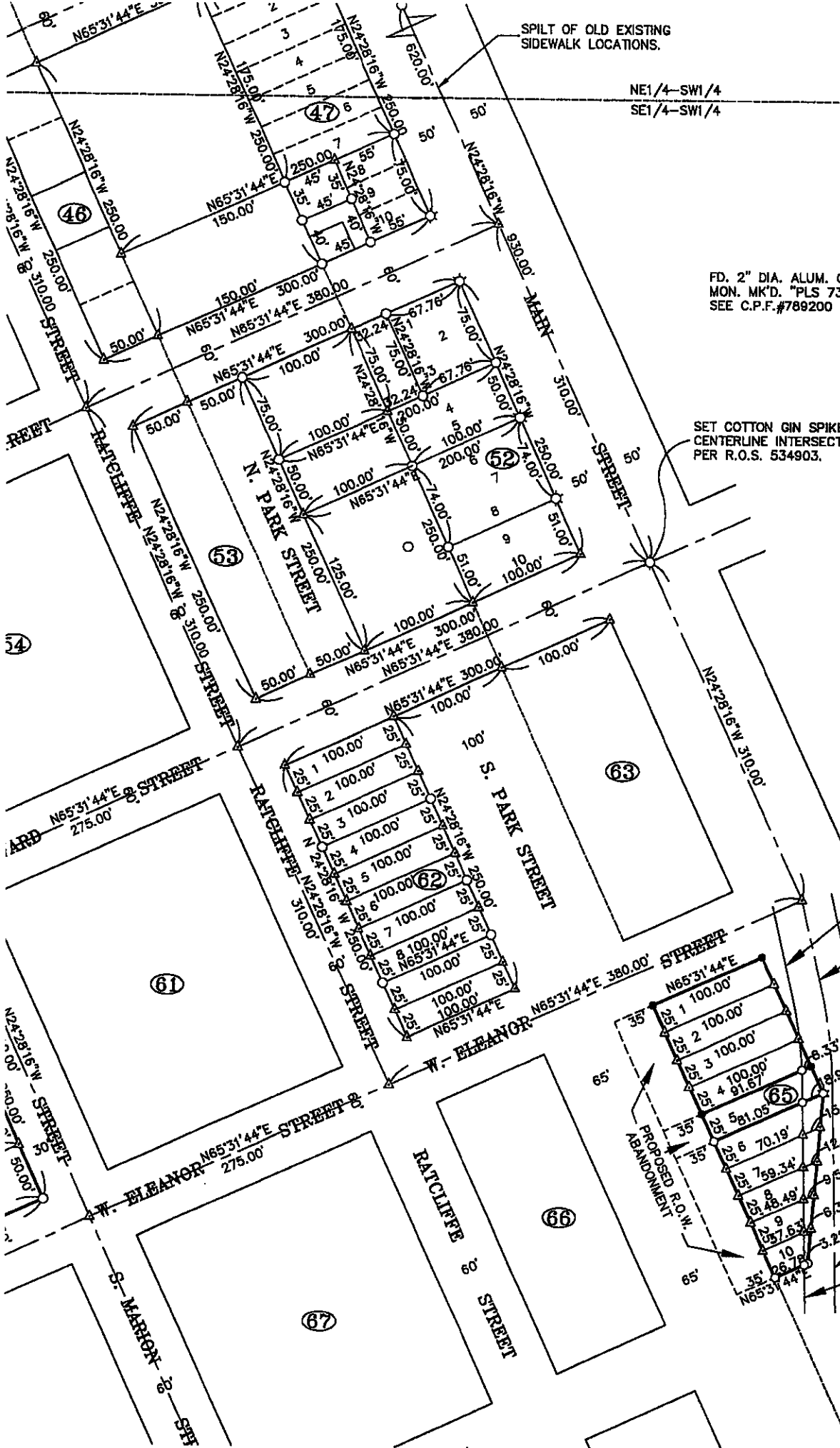
25' OFFSET TO  
MAIN STREET C/L.

CENTERLINE OF  
MAIN STREET PER  
PAINTED CENTERLINE.

N00°29'19"E  
5258.91'

CENTERLINE OF  
MAIN STREET PER  
PAINTED CENTERLINE.

25' OFFSET TO  
MAIN STREET C/L.





7/10/06

RE: Railroad right of way along Park Street, Peck, Idaho.

Bill Reynolds of N.P. County said to call Title Company. He said that Park St. has a 100 right of way from Husseys to Howard St. and from Kirby St. to Bear Creek..... all other streets in town have 60 ft. He suggested that we deed (abandon/vacate) 40 ft. or so (?) to the adjacent property owners who want it and not sell it. It would push their property values up and we would get a little more tax money.

Kathy at 1<sup>st</sup> American Title (746-2323) said their books do not go back far enough. Deed we have shows the Clearwater R.R. Co. deeded their proposed right of way to Peck in 1924. (Peck was incorporated in 1905 and the town took its name from a railroad surveyor, so obviously the original granting of a right of way to the railroad would have to have been dated prior to 1905.) They would have to go search auditors records. Expensive! She suggested we have a survey done. Expensive! She will have her supervisor call if they can figure out any other way to find information. She suggested I call Debbie at the County Assessors office.

I called Debbie at N.P. Assessors office (799-3010). She said she did not know of any difference between proposed street/alley right of way and proposed railroad right of way. Ask city attorney....since this is not property with a legal description showing lot and block numbers.

Kathy at 1<sup>st</sup> American Title called again and said that her supervisor said it probably would not do any good to look for a deed granting the railroad the right of way because at that time it was probably a grant. Her supervisor suggested that we ask our attorney about a "quiet title action" which would probably require a survey.

Linda Carpenter  
Councilman

RESOLUTION NO. 2018-05

A RESOLUTION OF THE CITY OF PECK'S FINDINGS OF FACT, CONCLUSIONS OF LAW & DECISION APPROVING THE RIGHT OF WAY VACATION OF A PORTION OF BLOCK 34 AND BLOCK 49 KNOWN AS EAST WASKEY STREET AND PROVIDING FOR EFFECTIVE DATE.

WHEREAS, the City of Peck has reviewed the Findings of Fact, Conclusions of Law & Decision in regards to the vacation of a portion of a right-of-way on Block 34 and Block 49 known as East Waskey Street; and

WHEREAS, the attached Findings of Fact, Conclusions of Law & Decision set out the terms and conditions for vacation of a portion of a right-of-way on East Waskey Street; and

NOW THEREFORE be it resolved by the Mayor and City Council of the City of Peck as follows:

1. That Findings of Fact, Conclusions of Law & Decision attached and by this reference as set out in its entirety shall be and is hereby approved.
2. This Resolution shall be in full force and effect after its passage and approval.

DATED this 27<sup>th</sup> day of June, 2018.

CITY OF PECK

By: Nancy J. Greene  
Nancy J. Greene, Mayor

ATTEST:

Tami Firzloff  
Tami Firzloff, City Clerk



# Idaho Statutes



Idaho Statutes are updated to the website July 1 following the legislative session.

TITLE 50  
MUNICIPAL CORPORATIONS  
CHAPTER 3  
POWERS

50-311. CREATION - VACATION OF STREETS - EMINENT DOMAIN - REVERSION OF VACATED STREETS. Cities are empowered to: create, open, widen or extend any street, avenue, alley or lane, annul, vacate or discontinue the same whenever deemed expedient for the public good; to take private property for such purposes when deemed necessary, or for the purpose of giving right of way or other privileges to railroad companies, or for the purpose of erecting malls or commons; provided, however, that in all cases the city shall make adequate compensation therefor to the person or persons whose property shall be taken or injured thereby. The taking of property shall be as provided in title 7, chapter 7, Idaho Code. The amount of damages resulting from the vacation of any street, avenue, alley or lane shall be determined, under such terms and conditions as may be provided by the city council. Provided further that whenever any street, avenue, alley or lane shall be vacated, the same shall revert to the owner of the adjacent real estate, one-half (1/2) on each side thereof, or as the city council deems in the best interests of the adjoining properties, but the right of way, easements and franchise rights of any lot owner or public utility shall not be impaired thereby. In cities of fifty thousand (50,000) population or more in which a dedicated alley has not been used as an alley for a period of fifty (50) years shall revert to the owner of the adjacent real estate, one-half (1/2) on each side thereof, by operation of the law, but the existing rights of way, easements and franchise rights of any lot owner or public utility shall not be impaired thereby.

History:

[50-311, added 1967, ch. 429, sec. 42, p. 1249; am. 1973, ch. 268, sec. 1, p. 563.]

How current is this law?