

# **Bond Case Briefs**

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## **EMINENT DOMAIN - IDAHO**

### **Richel Family Trust by Sheldon v. Worley Highway District**

**Supreme Court of Idaho, Boise, April 2020 Term - July 22, 2020 - P.3d - 2020 WL 4199493**

Trust landowner sought judicial review of validation order issued by Highway District Board of Commissioners that validated road which crossed properties owned by landowner and by neighbor.

The First Judicial District Court affirmed, and landowner appealed.

The Supreme Court held that:

- Evidence indicated that Highway District had authority to initiate validation proceedings;
- Documents which Highway District relied on were sufficient to support the existence of a public right-of-way for road over landowner's property; and
- Highway District's road validation order did not constitute a taking of landowner's property.

Evidence in road validation proceeding indicated that Highway District Board of Commissioners had authority to initiate validation proceedings regarding road over landowner's property, even though original deed purported to convey right-of-way to county rather than to Highway District; evidence in the record demonstrated that grantor intended to convey a public right-of-way to the appropriate political subdivision, and, regardless of the language of the deed, evidence demonstrated that a public right-of-way existed on the land and that the land was within the jurisdiction of the Highway District.

Documents which Highway District relied on were sufficient to support the existence of a public right-of-way for road over landowner's property, although field notes and surveys were omitted from the recording of original deed and original survey of the public right-of-way had been lost; there was evidence that original grantor petitioned for a public right-of-way, which was granted by Highway District Commissioners, that deed established the general location of the public right-of-way in the Northeast Quarter of the township Section, and that many historical maps corroborated that the road was located in the Northeast Quarter of the section in the same general location.

Highway District's road validation order did not constitute a taking of landowner's property, as deed had conveyed valid title to right-of-way to county.