

**VACATION OF RIGHT-OF-WAY
PUBLIC HEARING: THURSDAY APRIL 17, 2025
STAFF REPORT**

File: VAC25-0001

APPLICANT/OWNER: Johnathan Balls on behalf of Pocatello/Chubbuck School District 25
LOCATION: 1800 Bench Road
REQUEST: Vacation of 1.59 acres (more or less) of Bench Road

RECOMMENDATION & CONDITIONS: Based on the information presented in this report, staff recommends approval of vacating the subject Right-Of-Way (ROW), with the following conditions attached:

1. The standards and requirements as outlined in the Public Works Memorandum shall be strictly adhered to. This includes retaining a 70-foot wide easement coinciding with existing Right Of Way (ROW) width and defined as a public access and maintenance utility easement;
2. The legal description for the subject parcel shall be reviewed and approved by the City Surveyor prior to recording;
3. The end of Bench Road which is blocked to vehicular traffic shall remain as such with exception of placing a gate with Knox Box to be used for secondary emergency access only. This is a recommendation of Public Works;
4. Per recommendation of Bannock Transportation Planning Organization (BTPO), the area of vacation shall remain open to pedestrian and bicycles as Bench Road is a designated bike route.;
5. Parking shall be prohibited adjacent (to the east) of the residences addressed 1794 through 1734 Cheshire Avenue;
6. Any other requirements not herein noted above but applicable as part of an approved ROW vacation shall be strictly adhered to.

REQUEST: An application has been submitted by Johnathan Balls on behalf of Pocatello/Chubbuck School District 25, requesting to vacate the public's interest entailing 69,260 square-feet or 1.59-acres (more or less) of the 1800 block of Bench Road extending from the South entrance into Connections Credit Union to the southern - most entrance of Highland High's parking lot (refer to the aerial and the site map for details).

In addition - per Idaho Code §50-1321 the applicant obtained written consent for adjoining property owners abutting Bench Road. Such is provided as part of the City Council agenda packet.

BACKGROUND: The applicant is desirous of vacating the aforementioned Right-Of-Way (ROW) to increase safety for students, staff and patrons of Highland High.

NOTIFICATION: All property owners within a 300-foot radius of the existing property boundaries have been provided notice of the public hearing by mail in order that they may provide comment on the proposed request. Notice was also provided in the legal section of the Idaho State Journal.

UTILITY PROVIDER & CITY DEPARTMENT NOTICE: Utility providers and affected City departments were provided notice on 3/6/2025. Staff received comment from personnel representing Intermountain Gas Company, Sparklight, and Lumen all of which have infrastructure within the area to vacated. This being the case Public Works Staff is requiring that an Access and Utility Easement be maintained across the entire length and width of the area of vacation (refer to Public Works Memorandum)

CRITERIA FOR REVIEW: The City Council shall review the facts and circumstances of each proposal in terms of the standards listed in the Table below:

Table 1. Vacation of Right-of-Way Review Criteria Analysis

Compliant				
Yes	No	N/A		
☒	☐	☐	Requirement 1	DESCRIBE WHY THE REQUESTED VACATION IS EXPEDIENT FOR THE PUBLIC GOOD
			Applicant Response	With over 1600 students and staff at Highland High School, Bench Road, located in front of Highland High School, has been a congested bottleneck when turning onto Fairway Drive for decades. School District #25 now owns the land across from Highland High School and plans to put a parking lot there, with the additional student, staff, and patron crossing Bench Road in front of the school, safety is now an even greater concern. With the vacation of Bench Road, a redesign of that front roadway could help with traffic flow from the South parking lot as well as provide safety for those crossing Bench Road from the west parking lot to the school.
			Staff Review	School District 25 officials are planning on constructing additional parking on the 6.58-acre lot directly West of Highland High. As such District officials are desirous in

				vacating 1.59-acres (more or less) of Bench Road in hopes of making it safer for students, faculty and the general public. This may include installation of “speed bumps” painting, or other techniques that may not be permitted if the ROW were to remain in the public’s interest. The District will not be permitted to construct any “permanent” structures in light of the fact that an Access & Utility Easement will remain over the 1.59-acres (see Staff condition #1). Existing infrastructure consist of an 18-inch critical water main; a 6-inch cast iron water line; an 8-inch sewer main in addition to gas, cable and power. The latter currently consist of overhead lines however Idaho Power officials are working to put such underground.
☒	☐	☐	Requirement 2	IDENTIFY ANY “DAMAGES” THAT THE CITY MAY INCUR AS A RESULT OF THE REQUESTED VACATION AND DESCRIBE ANY PROPOSED TERMS AND CONDITIONS FOR MITIGATING ANY “DAMAGES.”
			Applicant Response	There are no foreseeable damages the city might incur as a result of this vacation.
			Staff Review	Staff does not anticipate any damages will incur upon the general public by vacating the 1.59-acres of Bench Road provided all conditions are adhered to as recommended by Staff.
☒	☐	☐	Requirement 3	DESCRIBE THE REQUESTED MANNER OF REVERSION OF THE REQUESTED VACATED AREA AND HOW IT IS IN THE BEST INTERESTS OF THE ADJOINING PROPERTY OWNERS.
			Applicant Response	The only foreseeable reason for reversion of the requested vacated area would be if the city intended to open up Bench Road at Highland’s south parking lot for everyday travel. If this ever were to happen, working with the school district, the straight roadway would be built back.
			Staff Review	Bench Road shall remain closed to vehicular traffic south of the existing parking. The reasoning is to “force” traffic to the Fairway/Olympus signal while not allowing traffic through the neighborhood extending from the Olympus/Bench Road intersection and blocked-off portion of Bench.
☒	☐	☐	Requirement 4	EXPLAIN WHY GRANTING THE REQUESTED VACATION WILL NOT IMPAIR THE RIGHTS OF ANY LOT OWNER OR PUBLIC UTILITY.

			Applicant Response	Since students, staff, and patrons at Highland High School would be the only ones that would use the roadway, it will not impair any other lot owner or public utility.
			Staff Review	As noted earlier in this report significant infrastructure exist therefore an Access and Utility Easement shall remain over the entirety of the vacated ROW.
			Requirement 5	PROVIDE ANY ADDITIONAL INFORMATION THAT YOU FEEL IS APPLICABLE TO THIS PETITION.
☒	☐	☐	Applicant	For over 60 years, the current traffic pattern has existed at Highland High School. With this vacation, we now have an opportunity to significantly improve this area around the school, including an increase in safety.
			Staff Review	No additional comment

ATTACHMENTS:

- A. Petition for vacation application with attachments
- B. Public Works Memorandum
- C. Correspondence Received

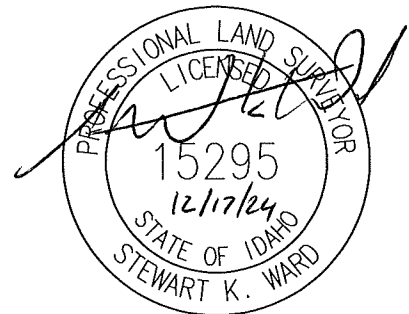
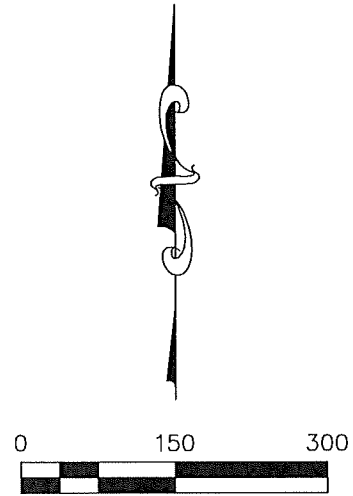
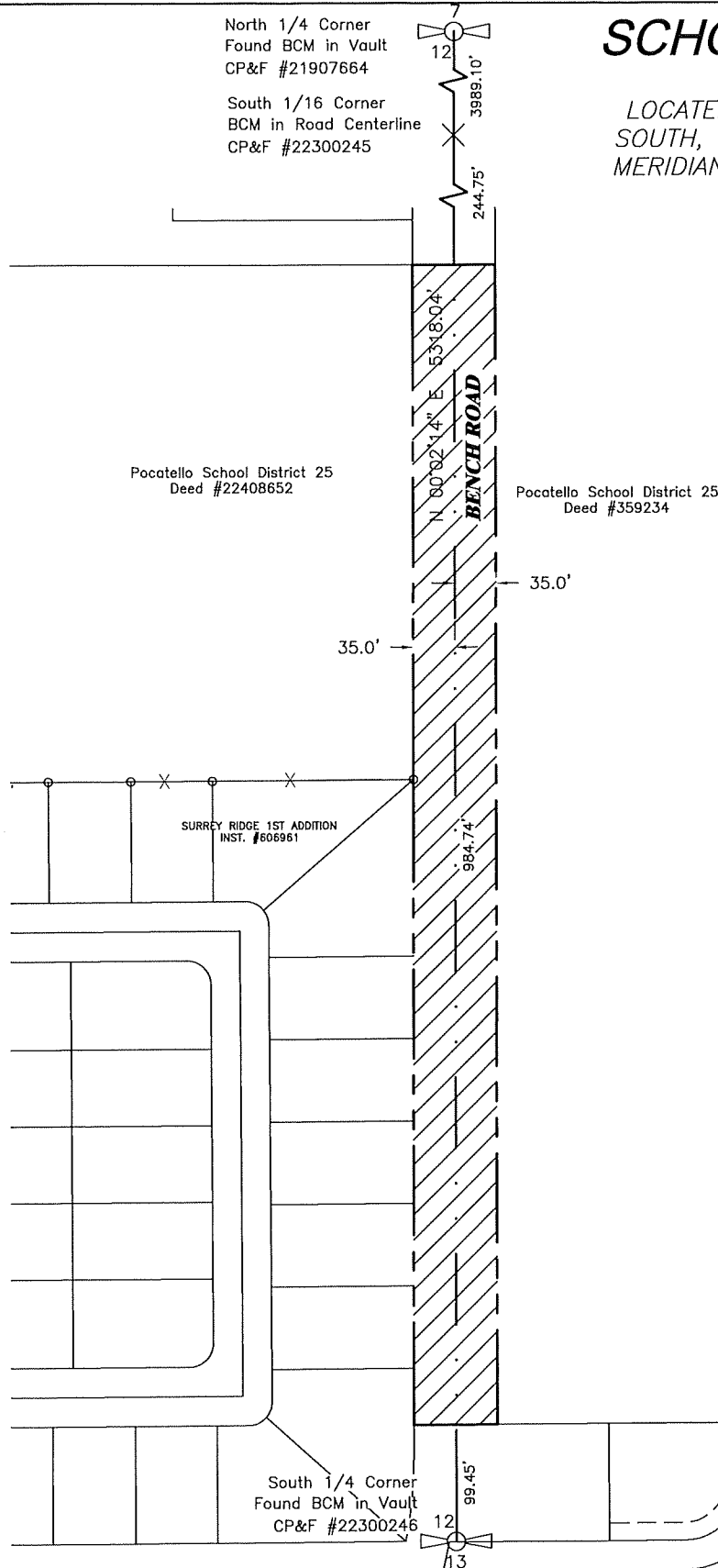
ATTACHMENT A
PETITION FOR VACATION WITH
ATTACHMENTS

Pocatello Planning Map



SCHOOL DISTRICT 25

LOCATED IN SECTION 12, TOWNSHIP 6 SOUTH, RANGE 34 EAST, OF THE BOISE MERIDIAN, IN THE COUNTY OF BANNOCK.



DIOPTRA

4880 Clover Dell Rd.
Chubbuck, ID 83202
Ph.208-237-7373
www.dioptrageomatics.com

Bench Rd Vacation

Client: School District 25		Project: 24119
Date: 12-16-24	Drawn By: SKW	Scale: 1"=150'



Per Idaho Code §50-1321 and as an adjoining property owner to the public right-of-way vacation request, I (we) give consent to the vacation of Bench Road right-of-way.

Property owner signature: Stephanie Schickedanz

Property owner signature: _____

STATE OF Idaho)
) ss
 County of Bannock)

Dated this 05 day of March, 2025, the property owner Stephanie Schickedanz has SUBSCRIBED AND SWORN before me on this day and year the authorization and information above written.



Jonathan R. Balls
 NOTARY PUBLIC FOR IDAHO

Residing at: 13236 N Moonglow Ln Pocatello ID

Commission Expires: 4-9-2026

STATE OF Idaho)
) ss
 County of Bannock)

Dated this _____ day of _____, 20____, the property owner _____ has SUBSCRIBED AND SWORN before me on this day and year the authorization and information above written.

(seal)

 NOTARY PUBLIC FOR IDAHO

Residing at: _____

Commission Expires: _____

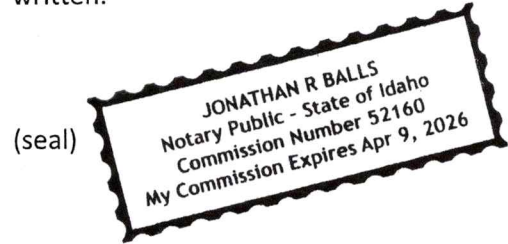
Per Idaho Code §50-1321 and as an adjoining property owner to the public right-of-way vacation request, I (we) give consent to the vacation of Bench Road right-of-way.

Property owner signature: 

Property owner signature: _____

STATE OF Idaho)
)
 ss
 County of Bannock)

Dated this 18 day of February, 2025, the property owner Michael Stokes has SUBSCRIBED AND SWORN before me on this day and year the authorization and information above written.




 NOTARY PUBLIC FOR IDAHO

Residing at: 13236 N Moonglow LN Pocatello ID
 Commission Expires: 4-9-2026

STATE OF Idaho)
)
 ss
 County of Bannock)

Dated this _____ day of _____, 20____, the property owner _____ has SUBSCRIBED AND SWORN before me on this day and year the authorization and information above written.

(seal)

 NOTARY PUBLIC FOR IDAHO

Residing at: _____

Commission Expires: _____

Per Idaho Code §50-1321 and as an adjoining property owner to the public right-of-way vacation request, I (we) give consent to the vacation of Bench Road right-of-way.

Property owner signature: Carrie Baker

Property owner signature: _____

STATE OF Idaho)
 ss
County of Bannock)

Dated this 20 day of February, 2025, the property owner Carrie Baker has SUBSCRIBED AND SWORN before me on this day and year the authorization and information above written.



J. R. Balls
NOTARY PUBLIC FOR IDAHO

Residing at: 13236 N Moonglow Pocatello ID

Commission Expires: 04-09-2026

STATE OF Idaho)
 ss
County of Bannock)

Dated this _____ day of _____, 20____, the property owner _____ has SUBSCRIBED AND SWORN before me on this day and year the authorization and information above written.

(seal)

NOTARY PUBLIC FOR IDAHO

Residing at: _____

Commission Expires: _____

Per Idaho Code §50-1321 and as an adjoining property owner to the public right-of-way vacation request, I (we) give consent to the vacation of Bench Road right-of-way.

Property owner signature: Michael D. Wheelock

Property owner signature: _____

STATE OF Idaho)
) ss
 County of Bannock)

Dated this 18 day of February, 2025, the property owner Michael D. Wheelock has SUBSCRIBED AND SWORN before me on this day and year the authorization and information above written.



Jonathan R. Balls
 NOTARY PUBLIC FOR IDAHO

Residing at: ~~Jefferson~~ 13236 N Morgan Ln Pasco WA

Commission Expires: 4-9-2026

STATE OF Idaho)
) ss
 County of Bannock)

Dated this _____ day of _____, 20____, the property owner _____ has SUBSCRIBED AND SWORN before me on this day and year the authorization and information above written.

(seal)

 NOTARY PUBLIC FOR IDAHO

Residing at: _____

Commission Expires: _____

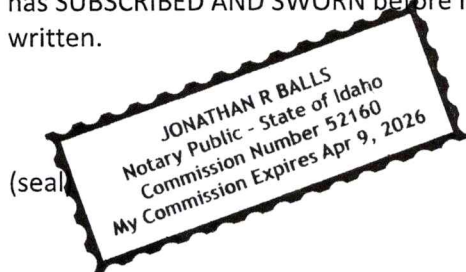
Per Idaho Code §50-1321 and as an adjoining property owner to the public right-of-way vacation request, I (we) give consent to the vacation of Bench Road right-of-way.

Property owner signature: 

Property owner signature: _____

STATE OF Idaho)
 ss
County of Bannock)

Dated this 19 day of February, 2025, the property owner Brian Barnes has SUBSCRIBED AND SWORN before me on this day and year the authorization and information above written.




NOTARY PUBLIC FOR IDAHO

Residing at: 13236 N Mayflower Pocatello ID

Commission Expires: 4-9-2026

STATE OF Idaho)
 ss
County of Bannock)

Dated this _____ day of _____, 20____, the property owner _____ has SUBSCRIBED AND SWORN before me on this day and year the authorization and information above written.

(seal)

NOTARY PUBLIC FOR IDAHO

Residing at: _____

Commission Expires: _____

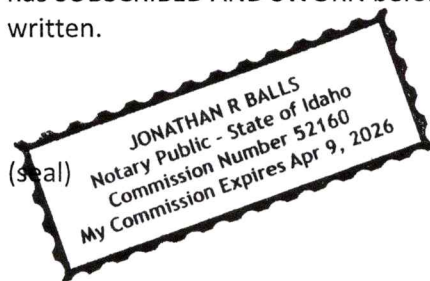
Per Idaho Code §50-1321 and as an adjoining property owner to the public right-of-way vacation request, I (we) give consent to the vacation of Bench Road right-of-way.

Property owner signature: Lisa Devlin

Property owner signature: _____

STATE OF Idaho)
 ss
County of Bannock)

Dated this 19 day of February, 2025, the property owner Lisa Devlin has SUBSCRIBED AND SWORN before me on this day and year the authorization and information above written.



Jonathan R. Balls
NOTARY PUBLIC FOR IDAHO

Residing at: 13236 N Moonglow Pocatello ID
Commission Expires: 04-09-2026

STATE OF Idaho)
 ss
County of Bannock)

Dated this _____ day of _____, 20____, the property owner _____ has SUBSCRIBED AND SWORN before me on this day and year the authorization and information above written.

(seal)

NOTARY PUBLIC FOR IDAHO

Residing at: _____

Commission Expires: _____

Per Idaho Code §50-1321 and as an adjoining property owner to the public right-of-way vacation request, I (we) give consent to the vacation of Bench Road right-of-way.

Property owner signature: JoAnn B. Bugbee

Property owner signature: _____

STATE OF Idaho)
)
 County of Bannock)

Dated this 20 day of February, 2025, the property owner JoAnn Bugbee has SUBSCRIBED AND SWORN before me on this day and year the authorization and information above written.



Jonathan R. Balls
 NOTARY PUBLIC FOR IDAHO

Residing at: 13236 N Manglow Pocatello ID

Commission Expires: 04-09-2026

STATE OF Idaho)
)
 County of Bannock)

Dated this _____ day of _____, 20____, the property owner _____ has SUBSCRIBED AND SWORN before me on this day and year the authorization and information above written.

(seal)

 NOTARY PUBLIC FOR IDAHO

Residing at: _____

Commission Expires: _____



Bench Rd. Vacation

A strip of land located in Section 12, Township 6 South, Range 34 East Boise Meridian, Bannock County, Idaho, being a portion of Bench Road, being seventy (70) feet wide, thirty-five (35) each side of the following described centerline:

Commencing at the South Quarter corner of Section 12, Township 6 South, Range 34 East and running thence N 00°02'14" E 99.45 feet along the meridional centerline of said Section 12, also being the centerline of Bench Road, to a point on the south boundary of a parcel described in Deed Instr. #359234 said point being the **True Point of Beginning**;

Thence continuing N 00°02'14" E 984.74 feet along said meridional centerline to the intersection of the extended north line of a parcel described in Deed Instr. #22408652 to the **Point of Terminus**.

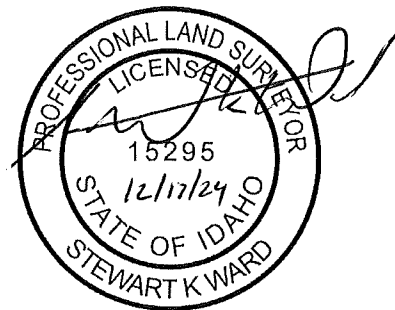
The strip of land contains ±1.59 acres

SKW/AJT

December 16, 2024

Z:\projects\2024 Projects\24119-Bench Rd Vacation\Legals\Bench Rd Vacation.docx

The sidelines of the strip of land are to lengthen or shorten as required to create a continuous strip of land.



ATTACHMENT B
PUBLIC WORKS MEMORANDUM

Memorandum

To: Matthew Lewis, Senior Planner

From: Merrill Quayle PE, Public Works Engineer *MB*

Date: 3.20.2025

Re: Bench Road Partial Vacation of Right-Of-Way – City Council (4.3.2025)
Application VAC25-0001

The Public Works Departments have reviewed the right-of-way vacation application request for the above-mentioned project and submits that the following items shall be addressed and approved prior to recording the vacation ordinance. Approval is contingent on the completeness, accuracy, serviceability, and compliance to City Standards.

1. Retain and record 70-foot wide easement coinciding of the existing right-of-way width and defined as a public access and utility maintenance easement.
2. Retain pedestrian and bicycle access from the adjacent subdivision and through the vacated portion of the right-of-way as recommended by the Bannock Transportation Planning Organization (BTPO).
3. There Shall not be any direct vehicle access to the south end of the vacated right-of-way. However, there should be emergency access established with a gate and Knox lock.
4. Any improvements to this area should be reviewed and approved through a city application and permitting process.



ATTACHMENT C
CORRESPONDENCE RECEIVED (VIA EMAIL)

From: [Barron, Nicholas](#)
To: [Planning](#)
Cc: [Christ, Russ](#); [Lewis, Matthew](#)
Subject: RE: NOTICE: VAC25-0001, VACATION OF RIGHT-OF-WAY; 1800 BENCH ROAD)
Date: Friday, March 7, 2025 11:05:48 AM
Attachments: [image002.png](#)
[image003.png](#)
[image004.png](#)
[image001.png](#)

Good morning.

We've got fiber running up both sides of the highlighted area on Bench Rd. Aerial on one side and underground on the other. Please let me know if I can be of any assistance.

In addition, Ryan Charles is no longer with Cable One (Sparklight). Feel free to replace his email with mine on your mailing list.

Nick Barron

Field Operations Manager | **Sparklight**
Gateway Valley
1525 Sherry Ave, Idaho Falls, ID 83401
204 W Alameda Rd, Pocatello, ID 83201

nicholas.barron@sparklight.biz



From: Christ, Russ <Russell.Christ@cableone.biz>
Sent: Thursday, March 6, 2025 3:33 PM
To: Barron, Nicholas <Nicholas.Barron@sparklight.biz>; Brown, Dave <David.Brown@sparklight.biz>
Subject: FW: NOTICE: VAC25-0001, VACATION OF RIGHT-OF-WAY; 1800 BENCH ROAD)

FYI

Cable One®

Russell Christ
Construction Coordinator | **Cable One**
T: 208-223-0648
204 W Alameda Rd
Pocatello, ID 83201
russell.christ@cableone.biz

Connecting our customers and
communities to what matters most.

From: Lewis, Matthew <mlewis@pocatello.gov>
Sent: Thursday, March 6, 2025 11:18 AM
To: Century Link <biser.fan@centurylink.com>; Commissioner Cheryl Rogers <cherrog@gmail.com>; Dave Spillet <dspillet@idahopower.com>; halj@bannockcounty.us; Idaho Fish & Game <dan.garren@idfg.idaho.gov>; Idaho Fish & Game <becky.johnson@idfg.idaho.gov>; Idaho Power, Matt Pallante <MPallante@idahopower.com>; Idaho Power, Matt Stucki <mstucki@idahopower.com>; Idaho Power, Travis Hanks <thanks@idahopower.com>; Intermountain Gas Company <phillip.colborn@intgas.com>; Intermountain

From: [Fan, Biser](#)
To: [Lewis, Matthew](#)
Subject: RE: NOTICE: VAC25-0001, VACATION OF RIGHT-OF-WAY; 1800 BENCH ROAD
Date: Thursday, March 6, 2025 11:40:29 AM
Attachments: [image002.png](#)
[image003.png](#)
[image004.png](#)

Good Morning,

LUMEN has a direct buried copper cable (30"-36" deep) placed along the west R-O-W of Bench Rd. We would like to maintain our facility in place. If this is not possible, please notify the School District a relocation effort would need to be coordinated, and new easement established.



Thank you,



Biser Fan
Network Implementation Engineer II
Pocatello, ID 83201
Cell: (208) 608-3973

From: Lewis, Matthew <mlewis@pocatello.gov>
Sent: Thursday, March 6, 2025 11:18 AM
To: Fan, Biser <Biser.Fan@lumen.com>; Commissioner Cheryl Rogers <cherrog@gmail.com>; Dave Spillett <dspillett@idahopower.com>; halj@bannockcounty.us; Idaho Fish & Game <dan.garren@idfg.idaho.gov>; Idaho Fish & Game <becky.johnson@idfg.idaho.gov>; Idaho Power, Matt Pallante <MPallante@idahopower.com>; Idaho Power, Matt Stucki <mstucki@idahopower.com>; Idaho Power, Travis Hanks <thanks@idahopower.com>; Intermountain Gas Company <phillip.colborn@intgas.com>; Intermountain Gas Company <ashley.snyder@intgas.com>; ITD Chris Peirsol <Chris.Peirsol@itd.idaho.gov>; James Murphy <james.murphy@intgas.com>; Karen Aguilar <grannychef53@gmail.com>; Mori Byington <MORI@BANNOCKPLANNING.ORG>; N BANNOCK FIRE DISTRICT <jrfarnsworth@northbannockfire.us>; School District 25 - T Walton <waltonto@sd25.us>; School District 25 J Balls <ballsjo@sd25.us>; School District 25 J Smith <smithjo@sd25.us>; SE ID Health Dept <kkeller@siph.idaho.gov>; Sparklight Const Coordinator

From: [Colborn, Phillip](#)
To: [Planning](#)
Cc: [Murphy, James](#)
Subject: RE: NOTICE: VAC25-0001, VACATION OF RIGHT-OF-WAY; 1800 BENCH ROAD)
Date: Monday, March 10, 2025 10:43:34 AM

To whom it may concern,

Intermountain Gas Company requests that a public utility easement be added for IGC's existing facilities located in the proposed vacation.

Thanks

Phillip Colborn

Intermountain Gas Company
Pocatello Operations Manager
(208) 637-6431
phillip.colborn@intgas.com

From: [Hanks, Travis](#)
To: [Lewis, Matthew](#)
Cc: [Fernandes, Aaron](#)
Subject: RE: NOTICE: VAC25-0001, VACATION OF RIGHT-OF-WAY; 1800 BENCH ROAD)
Date: Monday, March 31, 2025 10:17:51 AM
Attachments: [image001.png](#)
[Bench Road Vacation Exhibit.pdf](#)
[AERIAL 1800 BENCH RD.pdf](#)

Hi Matt,

Idaho Power has an overhead powerline running along the east side of Bench Road through the subject area. I'm a little late responding to this email but, if possible, I would like to request that we retain a public utility easement over the area and retain and protect the existing facilities. I believe one of our designers is currently working with the school district to convert the overhead line to underground.

Regards,

Travis Hanks, PLS

SURVEYOR

Idaho Power | Corporate Services & Communications

Office 208-236-7868 | Mobile 208-431-7223

301 E. Benton St. | Pocatello, ID | 83201

From: Lewis, Matthew <mlewis@pocatello.gov>
Sent: Thursday, March 6, 2025 11:18 AM
To: Century Link <biser.fan@centurylink.com>; Commissioner Cheryl Rogers <cherrog@gmail.com>; Spillett, Dave <DSpillett@idahopower.com>; halj@bannockcounty.us; Idaho Fish & Game <dan.garren@idfg.idaho.gov>; Idaho Fish & Game <becky.johnson@idfg.idaho.gov>; Pallante, Matthew <MPallante@idahopower.com>; Stucki, Matt <MStucki@idahopower.com>; Hanks, Travis <THanks@idahopower.com>; Intermountain Gas Company <phillip.colborn@intgas.com>; Intermountain Gas Company <ashley.snyder@intgas.com>; ITD Chris Peirsol <Chris.Peirsol@itd.idaho.gov>; James Murphy <james.murphy@intgas.com>; Karen Aguilar <grannychef53@gmail.com>; Mori Byington <MORI@BANNOCKPLANNING.ORG>; N BANNOCK FIRE DISTRICT <jrfarnsworth@northbannockfire.us>; School District 25 - T Walton <waltonto@sd25.us>; School District 25 J Balls <ballsjo@sd25.us>; School District 25 J Smith <smithjo@sd25.us>; SE ID Health Dept <kkeller@siph.idaho.gov>; Sparklight Const Coordinator <russell.christ@sparklight.biz>; SPARKLIGHT TECH OPER MGR <RYAN.CHARLES@SPARKLIGHT.BIZ>; Williams Gas Pipeline West <bret.blair@williams.com>
Cc: Babb, Becky <becky.babb@pocatello.gov>; Anglesey, James <janglesey@pocatello.gov>; Flynn, Jennifer <jflynn@pocatello.gov>; Quayle, Merrill <mquayle@pocatello.gov>
Subject: [EXTERNAL] RE: NOTICE: VAC25-0001, VACATION OF RIGHT-OF-WAY; 1800 BENCH ROAD)

Correction on the aerial – Please note that the vacation does not extend past the