

SUMMARY STATEMENT

Rowley v. Ada County Highway District, Docket No. 40672

The Idaho Supreme Court vacated the Ada County district court's grant of summary judgment to Terrie Rowley on a declaratory action concerning ownership of a walkway and remanded with directions to the district court to enter summary judgment in favor of Ada County Highway District ("ACHD"). The district court held that the subdivision plats showed the original developers clearly and unequivocally dedicated the walkway to the public and as a result ACHD owned the walkway. The Supreme Court held the developers did not clearly intend to dedicate the walkway to the public because the plat language dedicated "all streets and rights of way easements not heretofore dedicated," but the original developers did not label or otherwise indicate on the plat that the walkway was public or a right-of-way easement. No attorney fees were awarded on appeal. Costs to ACHD.