

RESOLUTION NO. 20- 24

**RIGHT-OF-WAY VACATION
FOR A PORTION OF BELLA CIRCLE
PLANNING DEPARTMENT FILE #VS0004-19**

WHEREAS, Gerald and Patricia Lewis, Richard Jones – Second Lion Development LLC & Third Lion Development LLC filed a petition with Bonner County, Idaho for the vacation (abandonment) of the portion of Bella Circle located in a portion of Section 2, Township 56 North, Range 2 West, Boise Meridian, Bonner County, Idaho as described in Exhibit A; and

WHEREAS, the Bonner County Board of Commissioners held a duly noticed public hearing for the vacation of that portion of Bella Circle described in Exhibit A (Planning Department File #VS0004-19) on December 11, 2019, pursuant to the procedures of Idaho Code §40-203; and

WHEREAS, following the duly noticed public hearing, the Bonner County Board of Commissioners did adopt findings of fact and conclusions of law in support of the abandonment of the subject portion of Bella Circle, concluding that:

1. This proposal is compliant with the vacation criteria and standards set forth at Idaho Code §40-203.
2. That portion of the Bella Circle Public Easement is hereby vacated and declared abandoned; and

WHEREAS, the Board of Commissioners, pursuant to the application dated October 3, 2019, legal description and survey provided agreed to vest the vacated area to the owners of Lots 6A of Amended Golden Meadows Phase III and Lots 1 and 2 of Bella Circle, shown of record to be Gerald and Patricia Lewis, Richard Jones – Second Lion Development LLC & Third Lion Development LLC; and

WHEREAS, pursuant to the Board's condition of approval, the petitioners have paid all legal advertisement and recording costs for the vacation proceedings.

NOW, THEREFORE BE IT RESOLVED by the Board of County Commissioners, Bonner County, Idaho, that the portion of Bella Circle, described in attached Exhibit A is hereby vacated.

BE IT FURTHER RESOLVED that all easements, franchise rights, appurtenances, or any other interests of any property owner or public utility in or across the property in question shall not be impaired by the granting of the vacation.

BE IT FURTHER RESOLVED that Bonner County does hereby grant, deed and convey the vacated right-of-way as described in Exhibit A and shown on the plat "A Replat of Lots 1 and 2 of Bella Circle", (File LS0002-20) to Gerald and Patricia Lewis, Richard Jones – Second Lion Development LLC & Third Lion Development LLC.

ADOPTED as a Resolution of the Board of County Commissioners of Bonner County, Idaho, upon a majority vote on March 10, 2020.

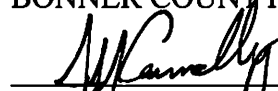
BONNER COUNTY BOARD OF COMMISSIONERS

Chairman Dan McDonald: Aye


Commissioner Jeff Connolly: Aye

Commissioner Steve Bradshaw: Aye


BONNER COUNTY BOARD OF COMMISSIONERS



Jeff Connolly, Chairman



Dan McDonald, Commissioner



Steve Bradshaw, Commissioner

ATTEST: Michael W. Rosedale, Clerk



By Deputy Clerk

Date MARCH 10, 2020

Legal: 

EXHIBIT A

**LEGAL DESCRIPTION
PORTION OF BELLA CIRCLE TO BE VACATED**

A portion of Bella Circle Public Right of Way as shown on the Plat of Amended Golden Meadows, Phase III, as recorded in Book 6 of Plats, Page 162, records of Bonner County, Idaho, more particularly described as follows;

Beginning at the Easterly-most corner of Lot 8, Block 1 of said Plat of Amended Golden Meadows, Phase III, said point being on the Northwesternly right of way of Bella Circle; thence along said right of way the following three (3) courses;

1.) 18.86 feet along a curve to the right with a radius of 20.00 feet, the chord of which bears S69°27'31"W a distance of 18.17 feet, to a point of reverse curve;

2.) 204.34 feet along a curve to the left with a radius of 74.69 feet (Record = 205.44 feet along a curve to the left with a radius of 75.00 feet), the chord of which bears S18°05'52"W a distance of 146.32 feet, to a point of reverse curve;

3.) 18.86 feet along a curve to the right with a radius of 20.00 feet, the chord of which bears S33°15'50"E a distance of 18.17 feet, to a point of non-tangent curve;

thence leaving said right of way 174.20 feet along a curve to the right with a radius of 205.00 feet, the chord of which bears N18°05'52"E a distance of 169.01 feet, to the Point of Beginning.





Bonner County Planning Department

"Protecting property rights and enhancing property value"

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Email: planning@bonnercountyid.gov - Web site: www.bonnercountyid.gov

February 28, 2020

Memorandum

To: Board of County Commissioners

From: Milton Ollerton, Bonner County Planning Director

Re: Vacation, Bella Circle File #VS0004-19

The Board of Commissioners approved the vacation (Abandonment) of a portion of Bella Circle following a public hearing December 11, 2019. This has the effect of vacating a bulb out portion of the roadway.

Conditions of approval required the petitioners to reimburse the county for costs to publish and mail legal notices for the public hearing. Payment of fees has been made. A written legal description and survey is provided for recording with the resolution vacating the right-of-way.

Idaho Code §40-203 requires a resolution be recorded confirming the vacation (abandonment) of the public right-of-way and the vesting of title for the abandoned right-of-way.

Distribution: Milton Ollerton
Jeannie Welter

Legal review ✓

(Recommendation)

Staff recommends the Board approve the resolution for a vacation of a bulb out portion of Bella Circle as described. File VS0004-19.

I move to approve Resolution # 20- 24 vacating a portion of Bella Circle in a portion of Section 2, Township 56 North, Range 2 West, Boise Meridian, Bonner County, Idaho., and conveying the vacated area to Gerald and Patricia Lewis, and Richard Jones – Second Hand Development LLC & Third Lion Development LLC..

Recommendation Acceptance: ☒ Yes ☐ No

Date: 3/20/20

Commissioner Dan McDonald, Chairman

Instrument # 954250
Bonner County, Sandpoint, Idaho
03/10/2020 11:27:32 AM No. of Pages: 4
Recorded for: BOCC
Michael W. Rosedale Fee: \$0.00
Ex-Officio Recorder Deputy
Index to: MISC



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