

RESOLUTION NO. 20- 88

**RIGHT-OF- WAY VACATION
FOR A PORTION OF Hamptons Lots Subdivision a public Right-Of-Way
PLANNING DEPARTMENT FILE VS001-20**

WHEREAS, Steve Phillabaum filed a petition with Bonner County, Idaho for the vacation (abandonment) of that portion of Hamptons Lots Subdivision, situated near lot 7 according to the plat thereof recorded in Book 3 of Plats, Page 178, records of Bonner County, Idaho; and

WHEREAS, the Bonner County Board of Commissioners held a duly noticed public hearing for the vacation of that portion of Hamptons Lots Subdivision public Right-Of-Way (Planning Department File VS001-20) on November 18, 2020, pursuant to the procedures of Idaho Code §50-1306A and IC §50-1325.; 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 Hamptons Lots Subdivision a public Right-Of-Way access easement, concluding that:

- 1.) This proposal is compliant with the vacation criteria and standards set for at Idaho Code §50-1306A and IC §50-1325.
- 2.) No public agency has objected to the proposed right-of-way vacation. There are no utilities located within the areas that are proposed to be vacated, according to the application. Local utility providers were routed as part of agency review, and none responded.

WHEREAS, the Board of Commissioners, pursuant to the petition dated November 18, 2020 acknowledge that the vacated area is already vested in the owners of Lot 7 Hamptons Lots Subdivision, show of record to be Steve Phillabaum.

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 Hamptons Lots Subdivision public Right-Of-Way, depicted 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 depicted in Exhibit A.

ADOPTED as a Resolution of the Board of County Commissioners of Bonner County, Idaho, upon a majority vote on December 22, 2020.

BONNER COUNTY BOARD OF COMMISSIONERS

Chairman Dan McDonald: Aye


Commissioner Steve Bradshaw: Aye

Commissioner Jeff Connolly: Aye

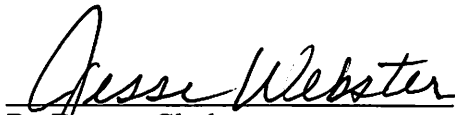
BONNER COUNTY BOARD OF COMMISSIONERS


Dan McDonald, Chairman


Jeff Connolly, Commissioner


Steve Bradshaw, Commissioner

ATTEST: Michael W. Rosedale, Clerk


By Deputy Clerk

12/22/20
Date

Legal: 

VS0001-20 Exhibit A

Legal Description

THAT PORTION OF THE SOUTHWEST QUARTER OF SECTION 16, TOWNSHIP 61, NORTH, RANGE 4 WEST, BOISE MERIDIAN, BONNER COUNTY, IDAHO DESCRIBED AS FOLLOWS: BEGINNING AT A FOUND ½" IRON PIPE MARKING THE NORTHWEST CORNER OF LOT 7, HAMPTON LOTS, BOOK 3 OF PLATS, PAGE 178, BONNER COUNTY, IDAHO; THENCE N0°09'44"E 40.00' FEET ALONG THE EXTENSION OF THE EAST LINE OF SAID LOT 7 TO THE NORTH LINE OF A 40.00' FOOT RIGHT OF WAY SHOWN OF SAID PLAT; THENCE N89°24'57"E 40.59 FEET, TO A FOUND ½" IRON PIPE MARKING AN ANGLE POINT ON THE NORTH LINE OF SAID LOT 7; THENCE ALONG THE EASTERLY AND NORTHERLY BOUNDARIES OF SAID LOT 7 THE FOLLOWING TWO (2) COURSES: 1) S0°20'58"E 40.12 FEET 2) N89°14'49" 40.23 FEET, TO THE POINT OF BEGINNING, CONTAINING 1618 SQ. FT



Bonner County Planning Department

"Protecting property rights and enhancing property value"

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PLANNING ITEM #1

December 22, 2020

Memorandum

To: Board of County Commissioners

From: Joshua C. Pilch, Bonner County Asst. Planning Director

Re: Vacation, File VS0001-20

The Board of Commissioners approved the vacation (Abandonment) of that portion of Hamptons Lots Subdivision public right of way, situated near lot 7 according to the plat thereof recorded in Book 3 of Plats, Page 178, records of Bonner County, Idaho following a public hearing November 18, 2020. This has the effect of vacating that portion of the public right of way.

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 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 11/27/2020

(Recommendation)

Staff recommends the Board approve the resolution for a vacation of a portion of public right of way as described in File VS0001-20.

I move to approve Resolution # 20- 88 vacating a portion of Hamptons Lots Subdivision public right of way, situated near lot 7 according to the plat thereof recorded in Book 3 of Plats, Page 178, records of Bonner County, Idaho and conveying the vacated area already vested in the owner of Lot 7 of the Hamptons lot Subdivision, to show record of owner, Steve and Cheryl Phillabaum.

Recommendation Acceptance: ☒ Yes ☐ No  Date: 12/22/20
Commissioner Dan McDonald, Chairman