

Instrument # 973211
Bonner County, Sandpoint, Idaho
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Michael W. Rosedale Fee: \$0.00
Ex-Officio Recorder Deputy
Index to: MISC



Resolution #2020-91
Planning
Right-Of-Way Vacation
File #VS0004-20

RESOLUTION NO. 20- 91

**RIGHT-OF- WAY VACATION
FOR A PORTION OF Easement in Lot 24A of Carr Creek Subdivision
PLANNING DEPARTMENT FILE VS0004-20**

WHEREAS, Neil Howard filed a petition with Bonner County, Idaho for the vacation (abandonment) of that portion of easement located inside Lot 24A of Carr Creek Subdivision, according to the plat thereof recorded in Book 7 of Plats, Page 13, 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 easement inside Lot 24A of Carr Creek Subdivision (Planning Department File VS0004-20) on December 9, 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 easement inside Lot 24A of Carr Creek Subdivision, concluding that:

- 1.) This proposal is compliant with the vacation criteria and standards set for at Idaho Code §50-1306A and IC §50-1325.
 - a. Finding: The vacation is for five (5) feet of a 30-foot easement as shown on Lot 24A of the Carr Creek Subdivision plat.
- 2.) The abandonment of the easement is in the public interest.
 - a. Finding: No public agency or neighbors have objected to the proposed vacation.
- 3.) By granting this petition for vacation, the exchange of land is from the existing easement is beneficial to applicant, the public and the County.
 - a. Finding: Granting the easement creates a setback from the easement to the existing structure to the benefit of plowing and other maintenance on the easement.

WHEREAS, the Board of Commissioners, pursuant to the petition dated December 9, 2020 acknowledge that the vacated area is already vested in the owners of Lot 24A of Carr Creek Subdivision, show of record to be Neil Howard.

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 five (5) foot portion of a 30-foot easement inside Lot 24A of Carr Creek Subdivision, 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.

A tract of land 25 feet in width for an easement for ingress, egress and utilities, located in Lot 24A of Carr Creek Subdivision, as recorded in Book 4 of Plats, Page 117, records of Bonner County, Idaho being more particularly described as follows:

Beginning at the northerly most corner of said Lot 24A and extending from the existing 60 foot easement as shown on said plat southwesterly adjacent to and parallel with the westerly line of Lot 24A to a point that extends 60 feet beyond the northeast corner of Lot 6, Block 2, First Addition to Carr Creek Subdivision as recorded in Book 5 of Plats, Page 17, records of Bonner County, Idaho.

ADOPTED as a Resolution of the Board of County Commissioners of Bonner County, Idaho, upon a majority vote on December 9, 2020.

BONNER COUNTY BOARD OF COMMISSIONERS

Chairman Dan McDonald:

Aye

Commissioner Steve Bradshaw:

Aye

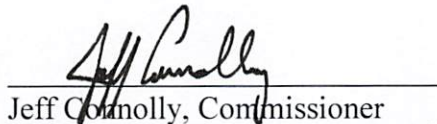
Commissioner Jeff Connolly:

Aye

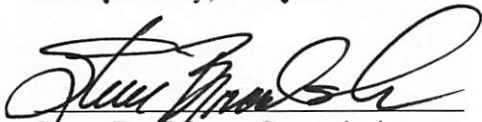
BONNER COUNTY BOARD OF COMMISSIONERS



Dan McDonald, Chairman



Jeff Connolly, Commissioner



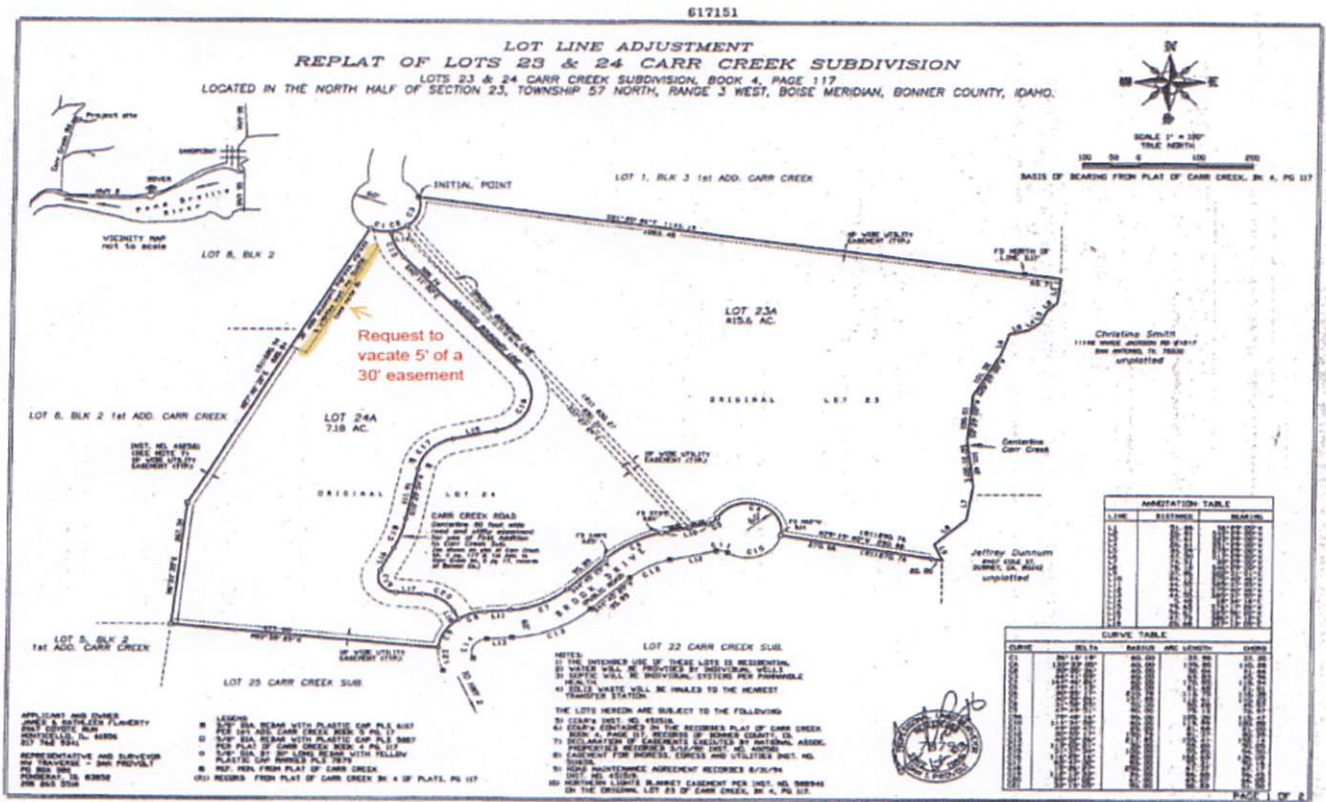
Steve Bradshaw, Commissioner

ATTEST: Michael W. Rosedale, Clerk

Clay May
By Deputy Clerk

12/29/2020
Date

Legal: *Bulison*





Bonner County Planning Department

"Protecting property rights and enhancing property value"

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Phone (208) 265-1458 - Fax (208) 265-1463

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

December 17, 2020

Memorandum

To: Board of County Commissioners

From: Milton Ollerton, Bonner County Planning Director

Re: Vacation, VS0004-20

This is the resolution finalizing the vacation of 5 feet of a 30 foot ingress/egress easement located inside Lot 24A of Carr Creek Subdivision. On December 9, 2020 the Board held a public hearing and determined the granting of the vacation as in the public interest.

Recording the resolution completes this file.

The plat is located off Carr Creek Road in a portion of Section 23, Township 57 North, Range 03 West.

Legal Review: _____


Distribution: Milton Ollerton
Jeannie Welter

(Recommendation)

Staff recommends the Board approve the resolution for vacating 5 feet of a 30 foot ingress/egress easement inside Lot 24A of the Carr Creek Subdivision. File VS0004-20.

I move to approve Resolution # 20- 91 vacating 5 feet of a 30 foot ingress/egress easement inside Lot 24A of the Carr Creek Subdivision and conveying the vacated area already vested in the owner of Lot 24A of the Carr Creek Subdivision, to show record of owner, Neil Howard.

Recommendation Acceptance: ☒ Yes ☐ No

 Date: 12/29/20
Commissioner Dan McDonald, Chairman