

Instrument # 995704  
Bonner County, Sandpoint, Idaho  
11/16/2021 11:00:10 AM No. of Pages: 5  
Recorded for: B0CC  
Michael W. Rosedale Fee: \$0.00  
Ex-Officio Recorder Deputy \_\_\_\_\_  
Index to: MISC

*RS*



**Resolution #2021-114**

**Planning**

**Right-Of-Way Vacation**

**File #VS0006-21**

RESOLUTION NO. 21- 114

**RIGHT-OF- WAY VACATION  
FOR PORTIONS OF TERRY TRAIL  
PLANNING DEPARTMENT FILE VS0006-21**

**WHEREAS**, Brock Parker filed a petition with Bonner County, Idaho for the vacation (abandonment) of that portion of right of way as the end of Terry Trail located in a portion Northwest ¼ of Section 13 Township 56 North Range 5 West, Boise Meridian, Bonner County, Idaho as described; and

**WHEREAS**, the Bonner County Board of Commissioners held a duly noticed public hearing for the vacation of that portion of right-of-way at the end of Terry Trail, located within the Northwest ¼ Section 13 Township 56 North Range 5 West, Boise Meridian, Bonner County, Idaho (Planning Department File #VS0006-21) on November 16, 2021, 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 portion right-of-way at the end of Terry Trail within the portion Northwest Quarter of Section 13, Township 56 North, Range 5 West, Boise Meridian, Idaho, finding and concluding that:

Conclusion 1

This proposal was reviewed for compliance with the vacation criteria and standards set forth at Idaho Code, Title 40, Chapter 2, Highways and Bridges, General Provisions.

Conclusion 2

The abandonment of the public right-of-way is in the public interest.

Conclusion 3

By granting this petition for vacation of public right-of-way, real property adjoining the subject highway or public right-of-way will not be left without access to an established highway or public right-of-way.

Conclusion 4

The landowner or landowners abutting said right-of-way do have access to his, her, their property from some other public street, public right-of-way, or private road.

Conclusion 5

The public right-or-way has been opened or used by the public for a period of five years.

**WHEREAS**, the Board of Commissioners, pursuant to the petition dated November 16, 2021, agreed to vest the vacated area to the owners of the parcels through which the right-of-way traverses, shown of record to be Brock Parker

**WHEREAS**, pursuant to the Board's conditions 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 portion of Terry Trail, located within of Section 13, Township 56 North, Range 5 West, Boise Meridian, Idaho, 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:

**COMMENCING** at the North Quarter Corner of said Section 13, which is a 1/2 inch Iron Pipe as shown on Corner Perpetuation Form by PLS No. 6019, recorded November 3, 2005, under Instrument No.691298, CP & F records of Bonner County, Idaho.

THENCE North 88°30'35" West along the North line of said Section 13, a distance of 1011.26 feet to a point on the westerly right of way of a 60 foot wide road. Said point lies South 88°30'35" East, 1496.75 feet distant from the calculated Northwest Corner of said Section 13 which falls within Priest River and is referenced by a 4 x 4" Concrete Monument, Witness Corner which falls North 88°30'35"W, a distance of 112.20 feet distant from said Section Corner, as shown on Corner Perpetuation Form by PLS No. 5087, recorded August 20, 1998, under Instrument No.529609, CP & F records of Bonner County, Idaho. Said point being the **True Point of Beginning of this description;**

THENCE South 00°11'57" West along said westerly right of way, a distance of 299.91 feet;

THENCE South 88°31'42" East, 60.01 feet to the easterly right of way of said 60 foot wide road;

THENCE North 00°11'57" East along said easterly right of way, a distance of 299.89 feet to said North line of said Section 13;

THENCE North 88°30'35" West, along said North line a distance of 60.02 feet to the **Point of Beginning;**

The area of the above described parcel contains approximately:

**17,995.4 square feet or 0.41 acres.**

The basis of bearing for this legal description is the NAD 83, Idaho West Zone, Transverse Mercator Coordinate Grid, from GPS observations.

ADOPTED as a Resolution of the Board of County Commissioners of Bonner County, Idaho, upon a majority vote on the 16<sup>th</sup> day of November 2021.

This is to correct the legal description adopted on June 9, 2021.

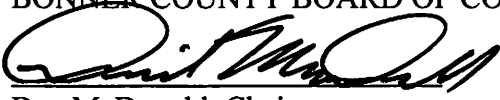
**BONNER COUNTY BOARD OF COMMISSIONERS**

Chairman: Dan McDonald Aye

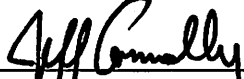
Commissioner Jeff Connolly: Aye

Commissioner: Steve Bradshaw Aye

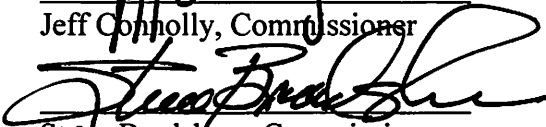
**BONNER COUNTY BOARD OF COMMISSIONERS**



Dan McDonald, Chairman

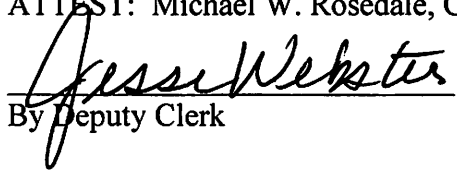


Jeff Connolly, Commissioner



Steve Bradshaw, Commissioner

ATTEST: Michael W. Rosedale, Clerk



By Deputy Clerk

11/16/2021  
Date

Legal: \_\_\_\_\_



# Bonner County Planning Department

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November 8, 2021

## Memorandum

To: Board of County Commissioners

From: Daniel Britt, Bonner County Planner

Re: Road Vacation- VS0006-21- Resolution No. 21-50

Parker is a Title 40 road vacation. The vacation meets all the standards of a Title 40 road vacation. The property is accessed off Terry Trail. The vacation was approved by the Bonner County Board of Commissioners on June 9, 2021. The parcel is located in a portion of Section 13, Township 56 North, Range 5 West situated on Terry Trail, Priest River. It has been identified the legal description in the recorded resolution is incorrect and the necessary correction need to be re-adopted.

Legal Review: \_\_\_\_\_

Distribution: Milton Ollerton  
Jeannie Welter  
Daniel Britt

Consent Agenda: I move to approve the corrections in the legal description for file VS0006-21. I further move to approve resolution # 114, replacing resolution #21-50, vacating a 60 ft. portion of Terry Trail as shown on the submitted site plan and legal description.

Recommendation Acceptance:  Yes  No

Commissioner Dan McDonald, Chairman

Date: 11/16/21