

Instrument # 978562  
Bonner County, Sandpoint, Idaho  
03/16/2021 01:33:07 PM No. of Pages: 8  
Recorded for BOCC  
Michael W. Rosedale Fee: \$0.00  
Ex-Officio Recorder Deputy CB  
Index to: MISC



**RESOLUTION NO. 21 - 27**

**Road & Bridge**

**RIGHT OF WAY DESIGNATION**

**WHEREAS**, Bonner County has acquired an interest in real property RP56N02W219990A through a warranty deed recorded as Bonner County Instrument Number 975169 and which is attached hereto as Exhibit A; and

**WHEREAS**, I.C. 40-202 provides that a county commission may enact a resolution establishing an interest in property for highway system purposes; and

**WHEREAS**, I.C. 40-202(2) provides that a county with highway jurisdiction may hold title to an interest in real property for public right-of way purposes without incurring an obligation to construct or maintain a highway within the right-of-way until the county determines that the necessities of public travel justify opening a highway within the right-of-way; and

**WHEREAS**, I.C. 40-202(4) provides that when a public right-of-way is created in accordance with the provisions of I.C. 40-202(2) there shall be no duty to maintain that public right-of-way, nor shall there be any liability for any injury or damage for failure to maintain it or any highway signs.

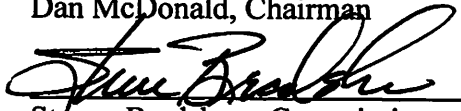
**NOW, THEREFORE, BE IT RESOLVED** that the ownership of the real property described herein and as attached as exhibit A is accepted by Bonner County as a right-of-way, under the terms of Title 40, Idaho Code, and such acceptance shall not incur any obligation on the part of Bonner County to construct or maintain such right-of-way as a public highway, until the County determines that the necessities of public travel justify opening a highway within the right-of-way.

**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 March 2021.

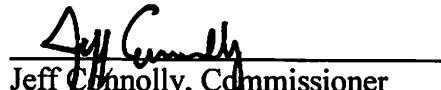
**BOARD OF BONNER COUNTY COMMISSIONERS**



Dan McDonald, Chairman



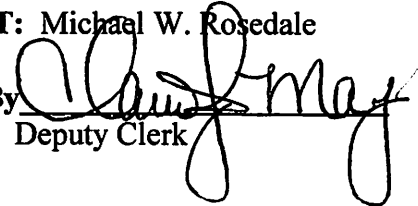
Steven Bradshaw, Commissioner



Jeff Connolly, Commissioner

**ATTEST:** Michael W. Rosedale

By



Deputy Clerk

Instrument # 975169  
Bonner County, Sandpoint, Idaho  
01/28/2021 08:46:17 AM No. of Pages: 4  
Recorded for: TITLEONE  
Michael W. Rosadale Fee: \$16.00  
Ex-Officio Recorder Deputy cbrannon  
Index to: WARRANTY DEED

When recorded mail to:  
Bonner County  
Road & Bridge Department  
1500 Hwy 2, Suite 101  
Sandpoint, ID 83864

GENERAL WARRANTY DEED

20394378

THE STATE OF IDAHO           §  
  §     KNOW ALL PERSONS BY THESE PRESENTS:  
COUNTY OF BONNER         §


Dal Gene Bradetich and Pamela J. Bradetich, husband and wife ("GRANTOR"), for and in consideration of the sum of TEN AND NO/100 DOLLARS (\$10.00) cash and other good and valuable consideration to it paid by BONNER COUNTY, State of Idaho ("GRANTEE"), whose mailing address is 1500 Highway 2, Suite 101, Sandpoint ID 83864, the receipt and sufficiency of which are hereby acknowledged and confessed, has GRANTED, BARGAINED, SOLD, and CONVEYED, and by these presents does GRANT, BARGAIN, SELL, and CONVEY unto the Grantee that certain tract of land ("Land") described on Exhibit "A" hereto, together with all improvements thereon and all rights and appurtenances appertaining thereto, and all of Seller's rights and interest, if any, in and to all easements and alleys, highways, or streets in, on, across or adjoining the Land (herein collectively called the "Property").

This Deed is executed by GRANTOR and accepted by GRANTEE subject to validly existing and enforceable rights, interests, and estates, if any do in fact exist, but only to the extent that the same do in fact exist, of third parties in connection with those items set out and listed on Exhibit "B" hereto (herein called the "Permitted Encumbrances"). GRANTOR covenants with GRANTEE that GRANTOR has legal power and lawful authority to convey the Land.

TO HAVE AND TO HOLD the Property together with all and singular the rights and appurtenances thereto in anywise belonging unto GRANTEE, its legal representatives, successors, and assigns forever; and GRANTOR does hereby bind itself, its legal representatives, successors, and assigns to WARRANT AND FOREVER DEFEND all and singular the Property, subject to the Permitted Encumbrances, unto GRANTEE, its legal representatives, successors, and assigns, against every person whomsoever lawfully claiming or to claim the same or any part thereof.

WITNESS THE EXECUTION HEREOF as of the 25 day of January, 2021.

GRANTOR:

  
Dal Gene Bradetich

  
Pamela J. Bradetich

**Deed Exhibits:**

Exhibit A: Legal Description  
Exhibit B: Permitted Encumbrances

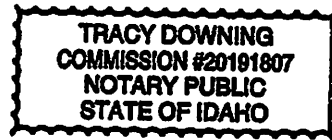
STATE OF IDAHO            )  
  ) ss.  
COUNTY OF BONNER        )

This instrument was acknowledged before me on the 25 day of January, 2021, by Dal Gene Bradetich and Pamela J. Bradetich.

WITNESS my hand and notarial seal on this 25 day of January, 2021.

Tracy Downing  
Notary Public

My Commission Expires: 8/22/25



Legal Description of Land

That portion of the Southeast Quarter of Section 21, Township 56 North, Range 2 West. B.M., Bonner County, Idaho, more particularly described as follows:

Commencing at the Southeast Corner of said Section, thence S89°40'17"W, along the south line of said Southeast Quarter, 684.78 feet;

Thence N00°19'43"W 25.00 feet to the **POINT OF BEGINNING**;

Thence N00°19'27"W, 48.00 feet;

Thence N89°40'17"E, 66.87 feet to a curve, concave northwesterly, with a radius of 437.00 feet and a chord bearing N73°22'23"E for a distance of 250.47 feet;

Thence Northeasterly along said curve an arc length of 254.03';

Thence N56°43'12"E, 13.56 feet to a tangent curve, concave southeasterly and having a radius of 583.00 feet;

Thence Northeasterly along said curve an arc length of 338.63';

Thence N90°00'00"E, 22.79 feet to a point on the west line of the east 25.00 feet of said Southeast Quarter;

Thence S00°09'59"W, along said west line to a point on the north line of the south 25.00 feet of said Southwest Quarter;

Thence S89°40'17"W, along said south line, 660.00 feet to the **POINT OF BEGINNING**;

Containing: 2.0 acres, more or less.

**Exhibit "B"**  
**Permitted Encumbrances**

Right of way Deed, recorded October 30, 1915 recorded in Book 31 of Deeds, page 74 under Instrument No. 35110, records of Bonner County, Idaho

The right of the public in and to any and all easements and rights of way for any and all public roads now established or existing on said premises, or any part thereof, as reserved by Humbird Lumber Company, a corporation in deed recorded in records of Bonner County, Idaho.

Recorded: September 16, 2006  
Instrument No.: 65722  
Book/Page: 46 of Deeds at Page(s) 187

An easement for the purpose shown below and rights incidental thereto as set forth in a document.

Granted to: Northern Idaho Rural Electric Rehabilitation Association Inc.

Purpose: Public Utilities and right of way  
Recorded: May 17, 1939  
Instrument No.: 98176  
Book/Page: 61 of Deeds, page 91

An easement for the purpose shown below and rights incidental thereto as set forth

Granted to: Bonner County

Purpose: public highway  
Recorded: September 21, 1950  
Instrument No.: 36013  
Book/Page: 80 of Deeds, page 598

An easement for the purpose shown below and rights incidental thereto as set forth in a document.

Granted to: Northern Lights, Inc.

Purpose: Public Utilities  
Recorded: November 3, 1980  
Instrument No.: 234816  
Book/Page: 88 of Miscellaneous, page 561

Terms and provisions contained in Easement Deed by Court Order in Settlement of Landowner Action.

Recorded: September 28, 2011 Instrument No.: 815904

Terms and provisions and conditions contained in Successor Trustee's Timber Deed.

Recorded: February 12, 2019 Instrument No.: 934446

An easement for the purpose shown below and rights incidental thereto as set forth in a document.

Granted to: Northern Lights, Inc.

Purpose: Public Utilities  
Recorded: February 20, 2019  
Instrument No.: 934726

All matters, and any rights, easements, interests or claims as disclosed by Record of Survey recorded August 29, 2019 as Instrument No.944276.

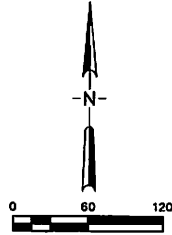
Recorded Survey Instrument #944276

# RECORD OF SURVEY

A PORTION OF THE SE1/4 OF OF THE SE1/4 OF SECTION 21,  
TOWNSHIP 56 NORTH, RANGE 2 WEST, B.M.,  
BONNER COUNTY, IDAHO

**RECORDER'S CERTIFICATE**  
THIS MAP WAS FILED AT THE OFFICE OF THE RECORDER, COUNTY OF BONNER, STATE OF IDAHO, AT THE REQUEST OF RUEN-YEAGER & ASSOCIATES, INC.  
ON THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ 20\_\_\_\_ AT \_\_\_\_\_ O'CLOCK \_\_\_\_\_ M., AS INSTRUMENT NO. \_\_\_\_\_

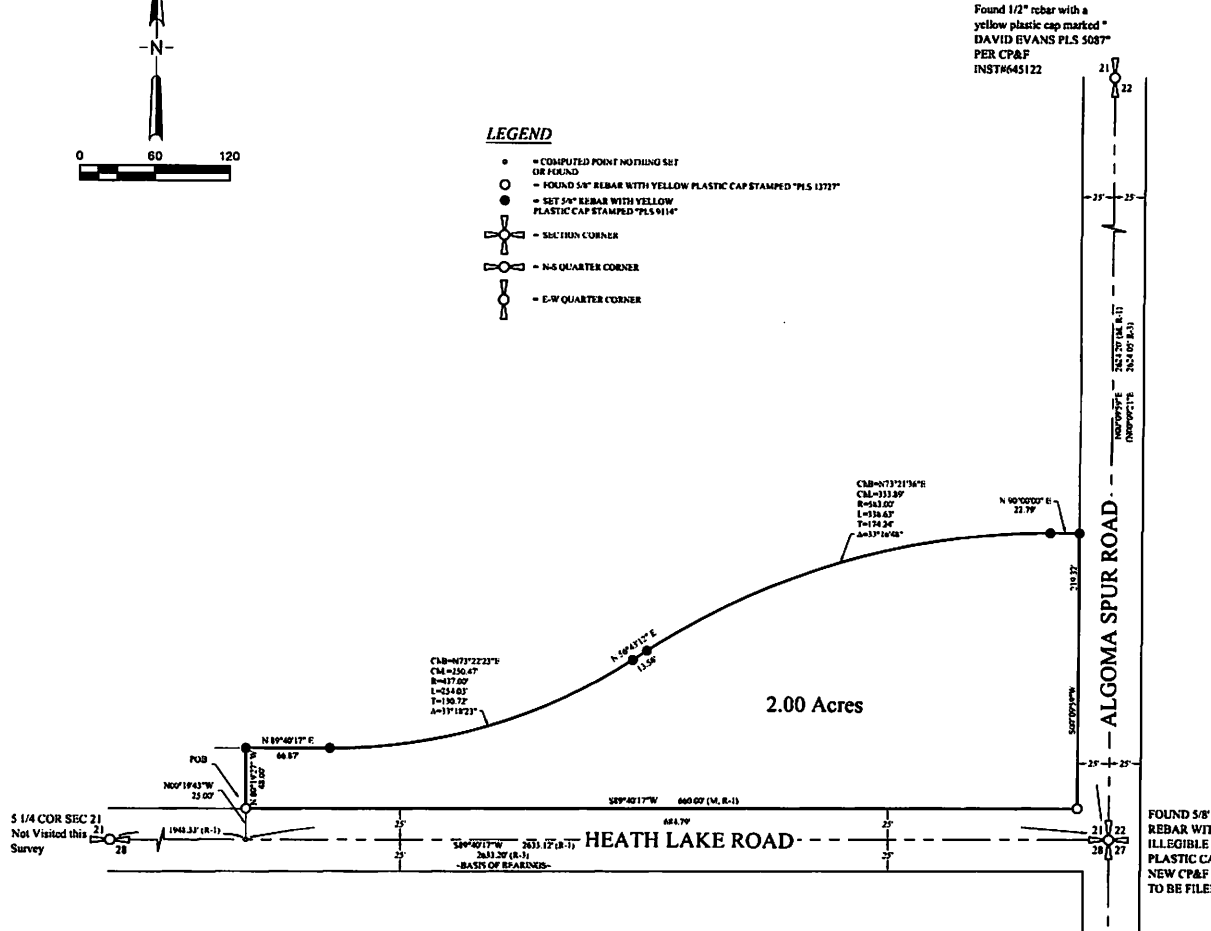
COUNTY RECORDER: \_\_\_\_\_



**LEGEND**

- = COMPUTED POINT NOTHING SET OR HEAD
- = FOUND 5/8" REBAR WITH YELLOW PLASTIC CAP STAMPED "PLS 13727"
- = SET 5/8" REBAR WITH YELLOW PLASTIC CAP STAMPED "PLS 9114"
- ⊕ = SOUTH CORNER
- ⊖ = N-S QUARTER CORNER
- ⊙ = E-W QUARTER CORNER

Found 1/2" rebar with a yellow plastic cap marked "DAVID EVANS PLS 5087" PER CP&F INST#645122



**SURVEY NARRATIVE**

**PURPOSE OF SURVEY**  
The purpose of this survey was to delineate a parcel of acquisition by the Bonner County Public Works Department for road purposes. A previous survey by Ruen Yeager and Associates (R-1) depicted a larger area (2.5 acres). At the request of Bonner County Public Works, the acquisition is to be reduced to 2.00 acres.

**BOUNDARY DELINEATION**  
The east line of the Southeast Quarter of Section 21 was determined by accepting found corner monuments as shown. The south line of the Southeast Quarter of Section 21 was determined by accepting a found monument at the southeast corner and by accepting a found monument from the previous Ruen Yeager survey (R-1) at the southwest corner of the acquisition parcel.

Bonner county claims a 50 foot wide right-of-way for both roads shown.

**BASIS OF BEARINGS**

N89°19'15"W between found monuments at the Southeast Corner and East Quarter of Section 21 per Record of Survey (R-1).

**REFERENCES**

- (R-1) = Record of Survey by Thomas A. Yeiser, Instrument No. 944276, Bonner County Records.
- (R-2) = Record of Survey by Lance G. Miller, Instrument No. 372289, Bonner County Records.
- (R-3) = Record of Survey by Douglas R. Meigs, Instrument No. 128483, Bonner County Records.

**SURVEYOR'S NOTES**

- 1) This survey was performed, and the corners shown as found herein were located on 8/27/20.
- 2) This survey was performed with a 1 second robotic total station using field traverse procedures, and using Global Positioning System (GPS) equipment with 5cm. ± 1 ppm. accuracy which meet or exceeds State of Idaho requirements.

**SURVEYORS CERTIFICATE**

I, Rich Walters, PLS No. 9114, a Professional Land Surveyor in the State of Idaho, do hereby certify that this survey was made by me or under my direction, in accordance with the laws of the State of Idaho.



FOUND 5/8" REBAR WITH ILLIGIBLE PLASTIC CAP NEW CP&F TO BE FILED

NW	NE	DATE NAME FILED: RJS
E1	E2	PROJECT NO. P19747
SW	SE	DRAWN BY: SLCYV
		CHECKED BY: RW
		LAST EDIT: 10/13/20
		SHEET: 1 OF 1



**RUEN-YEAGER & ASSOCIATES, INC.**  
CONSULTING ENGINEERS - LAND SURVEYORS  
PLANNERS

3201 N. HUNTER RD., STE. #102  
COEUR D'ALENE, IDAHO 83814 (208)232-0820  
210 PINE ST.  
SANDPOINT, IDAHO 83864 (208)285-4429



# BONNER COUNTY ROAD & BRIDGE

1500 Highway 2, Suite 101 • Sandpoint, ID 83864 • Phone: (208) 255-5681 – Fax: (208) 263-9084  
E-mail: roads@co.bonner.id.us

**R&B  
Item # 2**

March 9, 2021

To: Commissioners

From: Matt Mulder, PE, Staff Engineer for Road & Bridge Dept

Re: Heath Lake Rd Parcel Conversion to Right-of-Way

Bonner County acquired a 2 acre parcel of ground at the northwest corner of the intersection of Heath Lake Rd and Algoma Spur Rd (RP56N02W219990A, see attached exhibit). This parcel was paid for by BNSF and deeded to Bonner County as part of our project to close the Heath Lake Rd railroad crossing, eliminate the connection to Hwy 95, and to re-align Heath Lake Rd at Algoma Spur Rd to provide for a safer intersection.

Before the road is re-aligned through this 2 acre parcel, the parcel should be dedicated to the public for the purposes of public right-of-way in perpetuity. The attached resolution details that dedication.

Distribution: \_\_\_ Original to Records Office  
                  1 Copy to Road & Bridge  
                  1 Copy to BOCC

Legal Review: X Format by Scott Bauer

*SB*

A suggested motion would be: **I move to approve Resolution 2021-27 accepting the land identified as Parcel RP56N02W219990A as right-of-way under the provisions of Title 40, Idaho Code.**

Recommendation Acceptance:  yes  no

*[Signature]* date: 3/16/21  
Commissioner Dan McDonald, Chairman