

Instrument # 979189
Bonner County, Sandpoint, Idaho
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Michael W. Rosedale Fee: \$0.00
Ex-Officio Recorder Deputy
Index to: MISC

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Resolution #2021-34

Planning

File No. VS0001-21

RESOLUTION NO. 21- 34

**RIGHT-OF- WAY VACATION
FOR PORTIONS OF ROAD IN FIRST ADDITION TO DUNCAN'S SUBDIVISION
PLANNING DEPARTMENT FILE VS0001-21**

WHEREAS, Yomanone, LLC filed a petition with Bonner County, Idaho for the vacation (abandonment) of a platted right of way, labeled as "Access Roadway," as shown on the submitted site plan labeled "EXHIBIT OF PROPOSED R/W VACATION," dated October 2020, within the First Addition to Duncan's Subdivision, lying in a portion of Section 10, Township 59 North, Range 4 West, Boise Meridian, Bonner County Idaho; and

WHEREAS, the Bonner County Board of Commissioners held a duly noticed public hearing for the vacation of these roadways as shown on the submitted site plan labeled "EXHIBIT OF PROPOSED R/W VACATION," (Planning Department File VS0001-21) on March 24, 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 portions of the "Access Roadway," as shown on the submitted site plan labeled "EXHIBIT OF PROPOSED R/W VACATION," within the First Addition to Duncan's Subdivision, lying in a portion of Section 10, Township 59 North, Range 4 West, Boise Meridian, Bonner County 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.

Finding

Vacating the approximately 8,364 square feet of the public right of way will not block access to surrounding parcels, provided the associated proposed re-plat in the submitted site plans is also completed.

Conclusion 2

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

Finding

Terms for the vacation of the approximately 8,364 square feet of the right of way have been agreed to by the interested parties in the submitted settlement agreement.

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.

Finding

All surrounding parcels will continue to have access, provided the associated proposed re-plat in the submitted site plans is also completed; and

WHEREAS, the Board of Commissioners, pursuant to the petition dated March 24, 2021, agreed to vest the vacated area to the owner of the adjacent parcels of the right-of-way portion, shown of record to be Yomanone, LLC; and

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 portions of the "Access Roadway," as shown on the submitted site plan labeled "EXHIBIT OF PROPOSED R/W VACATION," within the First Addition to Duncan's Subdivision, lying in a portion of Section 10, Township 59 North, Range 4 West, Boise Meridian, Bonner County 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.

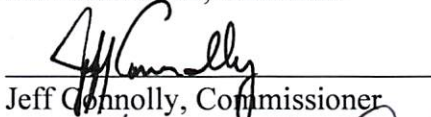
BE IT FURTHER RESOLVED that Bonner County does hereby grant, deed and convey the vacated right-of-way as shown on the submitted site plan labeled "EXHIBIT OF PROPOSED R/W VACATION," to Yomanone, LLC, the owner of the lots adjacent to the right-of-way as shown.

ADOPTED as a Resolution of the Board of County Commissioners of Bonner County, Idaho, upon a majority vote on the 24th day of March 2021.

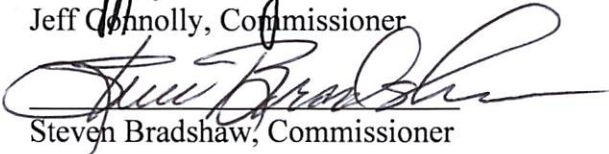
BONNER COUNTY BOARD OF COMMISSIONERS



Dan McDonald, Chairman

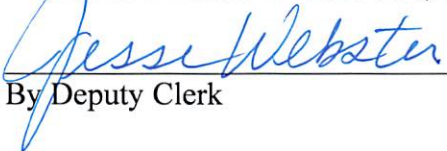


Jeff Connolly, Commissioner



Steven Bradshaw, Commissioner

ATTEST: Michael W. Rosedale, Clerk



By Deputy Clerk

3/24/21
Date

Legal: B Wilson