Instrument # 1013843
Bonner County, Sandpoint, Idaho
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Michael W Rosedale Fee: $0 00
Ex-Officio Recorder Deputy _____
Index to: MISC

Resolution #2022-88

Right-of-Way-Vacation

File #VS0002-22

RESOLUTION NO. 2022-88

RIGHT-OF-WAY VACATION
FOR A PORTION OF HARRIS AVENUE
PLANNING DEPARTMENT FILE #VS0002-22

WHEREAS, Willamette Valley Real Property, LLC, & Rod and Sonia Hollen, Riverview development, Inc., represented by Tom Yeiser, P.L.S., True Line Surveying, LLC have filed a petition with Bonner County, Idaho for the vacation (abandonment) of a portion of right of way, Harris Avenue, located in the SW 1/4 of the NE 1/4, of Section 25, Township 56 North, Range 6 West, Boise Meridian, Bonner County, Idaho; and

WHEREAS, the Bonner County Board of Commissioners held a duly noticed public hearing for the vacation (abandonment) of a portion of right of way, Harris Avenue, located in the SW 1/4 of the NE 1/4, of Section 25, Township 56 North, Range 6 West, Boise Meridian, Bonner County, Idaho (Planning Department File VS0002-22) on October 26, 2022 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 a portion of right of way, Harris Avenue, located in the SW 1/4 of the NE 1/4, of Section 25, Township 56 North, Range 6 West, Boise Meridian, Bonner County, Idaho, concluding that:

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.

    a. Finding: The request for vacating a portion of Harris Avenue has been brought the County Commissioners in a public hearing in accordance with this section 40-203 of the state code.

    b. Finding: The petitioners, Willamette Valley Real Property, LLC, & Rod and Sonia Hollen; Riverview development, Inc., are property holders of lots adjacent to Harris Avenue, located within Bonner County. The petitioners have paid the fee to cover the cost of the legal proceedings for this petition.

    c. Finding: The Commissioners established a hearing date of October 26, 2022 to consider the request for this proposed vacation.

    d. Finding: A public notice stating the intent to hold a public hearing to consider the proposed vacation of Harris Avenue was made available to the public on September 20, 2022, at least 30 days prior to the hearing.

e. Finding: The applicant is requesting to vacate a portion of Harris Ave. located adjacent to Parcels RP00540003022AA, RP00540006001AA, RP00540002022AA, RP56N06W251651A, & RP00540001023BA.

f. Finding: The applicant is requesting to vacate about ~25,600 square feet of an existing Right-of-Way, per GIS estimate.

g. Finding: Based on materials submitted in this application, no real property adjoining the area to be vacated would be left without access to an established highway or public right-of-way.

h. Finding: Staff has received feedback from Bonner County Road & Bridge that supports the proposed vacation.

i. Finding: Staff has received no comment or feedback opposing the proposed vacation.

j. Finding: Vacation of this right-of-way will not extinguish any rights-of-way or easements for the continued use of existing sewer, gas, water, or similar pipelines and appurtenances, or other underground facilities as defined in section 55-2202, Idaho Code, for ditches or canals and appurtenances, and for electric, telephone and similar lines and appurtenances.

k. Finding: Evidence in the record appears to show that this public right-of-way is abandoned. No evidence exists in the record to show that this right-of-way in use.

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

   a. Finding: 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.

   b. Bonner County Road & Bridge has commented in support of the application and stated that the proposal will be a benefit to the public.

   c. No other public agencies or commented or public comments were received indicating any potential harm to the interest of the public.

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.

   a. Finding: The proposed vacation does not leave any real property adjoining the highway or public right-of-way without access to an established highway or public right-of-way. No public comments were received establishing any impacts from the proposed vacation.

WHEREAS, the Board of Commissioners, pursuant to the petition dated July 11, 2022, agreed to vest the vacated area to the owners of the lots adjacent to the right-of-way, shown of record to be Willamette Valley Real Property, LLC, & Rod and Sonia Hollen, Riverview development, Inc., and;

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 a portion of right of way, Harris Avenue, located in the SW 1/4 of the NE 1/4, of Section 25, Township 56 North, Range 6 West, Boise Meridian, Bonner County, Idaho, described below 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 and shown in the attached legal description and exhibits A, B & C.

ADOPTED as a Resolution of the Board of County Commissioners of Bonner County, Idaho, upon a unanimous vote on October 26, 2022.

BONNER COUNTY BOARD OF COMMISSIONERS

Dan McDonald, Chairman

Jeff Connolly, Commissioner

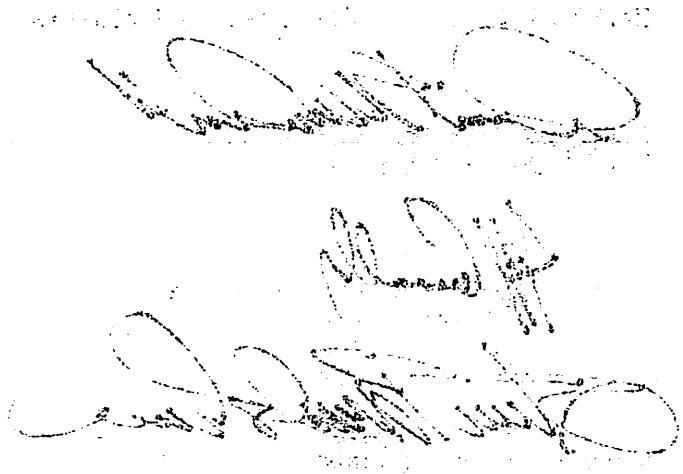
Steve Bradshaw, Commissioner

ATTEST: Michael W. Rosedale, Clerk

By Deputy Clerk

10/24/22
Date

Legal: _____



TRUE LINE SURVEYING
TLS, LLC

Harris Avenue Vacation

That portion of Harris Avenue, as shown on the official Plat of First Addition to Cedar Park, filed in Book 1 of Plats, Page 100, Bonner County Records, hereinafter referred to as Plat, being forty feet (40') in width lying between Fifth Street and State Highway 41, located in the SW1/4 of the NE1/4, of Section 25, Township 56 North, Range 6 West, Boise Meridian, Bonner County, Idaho, more particularly described as follows:

Commencing at the West 1/4 of said Section 25;

thence S88°54'42"E 1641.34 feet to the Center 1/4 of said Section 25;

thence N79°52'40"E 1107.25 feet to a point on the Northerly right-of-way line of U.S. Highway 41, and the Westerly right-of-way line of Harris Avenue, also being the **TRUE POINT OF BEGINNING**;

thence leaving said Northerly right-of-way line, N01°37'41"E 11.95 feet along the Westerly right-of-way line of Harris Avenue to the Southeast corner of Lot 23, Block 1 of said Plat;

thence continuing along said Westerly right-of-way line N01°37'41"E 171.12 feet to a point on the Southerly right-of-way line of Spring Street, also being the Northeast corner of said Lot 23;

thence leaving said Westerly right-of-way line, along said Southerly right-of-way line, S88°24'19"E 40.00 feet to the Easterly right-of-way line of Harris Avenue;

thence along said Easterly right-of-way line, S01°37'41"W 199.30 feet to said Northerly right-of-way line of U.S. Highway 41;

thence leaving said Easterly right-of-way line along said Northerly right-of-way line, N66°18'33"W 43.16 feet to the **TRUE POINT OF BEGINNING**;

TOGETHER WITH

That portion of Harris Avenue lying between Valley Street and Spring Street, formerly known as East Spring Street South, of said Plat, more particularly described as follows:

Commencing at the West 1/4 of Section 25;

thence S88°54'42"E 1641.34 feet to the Center 1/4 of said Section 25;

11358 N. Government Way, Hayden, Idaho 83835
208-667-1044

thence N79°52'40"E 1107.25 feet to a point on the Northerly right-of-way line of U.S. Highway 41;

thence leaving said Northerly right-of-way line, N01°37'41"E 183.07 feet along the Westerly right-of-way line of Harris Avenue to the Northeast corner of Lot 23, of Block 1 of said Plat;

thence N01°37'41"E 60.00 feet to the Southeast corner of Lot 22, Block 2, also being the **TRUE POINT OF BEGINNING**;

thence continuing along Westerly right-of-way line N01°37'41"E 275.36 feet to Southerly right-of-way line of Valley Street, also being the Northeast corner of Lot 23, Block 2, of said Plat;

thence leaving the Westerly right-of-way line of Harris Avenue, S88°16'09"E 40.00 feet to the Easterly right-of-way line of Harris Avenue;

thence along said Easterly right-of-way line, S01°37'41"W 275.27 feet to a point on the Northerly right-of-way line of Spring Street;

thence leaving said Easterly right-of-way line, N88°24'19"W 40.00 feet to the **TRUE POINT OF BEGINNING**;

TOGETHER WITH

That portion of Harris Avenue lying between Fifth Street and Valley Street, more particularly described as follows:

Commencing at the West 1/4 of Section 25;

thence S88°54'42"E 1641.34 feet, to the Center 1/4 of said Section 25;

thence N79°52'40"E 1107.25 feet to a point on the Northerly right-of-way line of U.S. Highway 41;

thence leaving said Northerly right-of-way line along the Westerly right-of-way line of Harris Avenue. N01°37'41"E 518.43 feet to the Southerly right-of-way line of Fifth Street, being the Northeast corner of Lot 23, Block 2 of said Plat;

thence leaving of said Southerly right-of-way line N01°37'41"E 50.00 feet to the Southeast corner of Lot 22, Block 3 of said Plat, also being the **TRUE POINT OF BEGINNING**;

thence along said Westerly right-of-way line N01°37'41"E 151.61 feet to the Northeast corner of said Lot 22 and the Southerly right-of-way line of Fifth Street;

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TLS, LLC

thence leaving the said Westerly right-of-way line S88°18'55"E 40.00 feet to the Easterly right-of-way line of Harris Avenue being the Northwest corner of Lot 1, Block 6 of said Plat;

thence along said Easterly right-of-way line S01°37'41"W 151.64 feet to the Southwest corner of Lot 1, Block 6 of said Plat;

thence leaving said Easterly right-of-way line N88°16'09"W 40.00 feet along the Northerly right-of-way line of Valley Street to the **TRUE POINT OF BEGINNING**.

PROFESSIONAL LAND SURVEYOR
LICENSED
13727
STATE OF IDAHO
THOMAS A. YEISER

8/1/22

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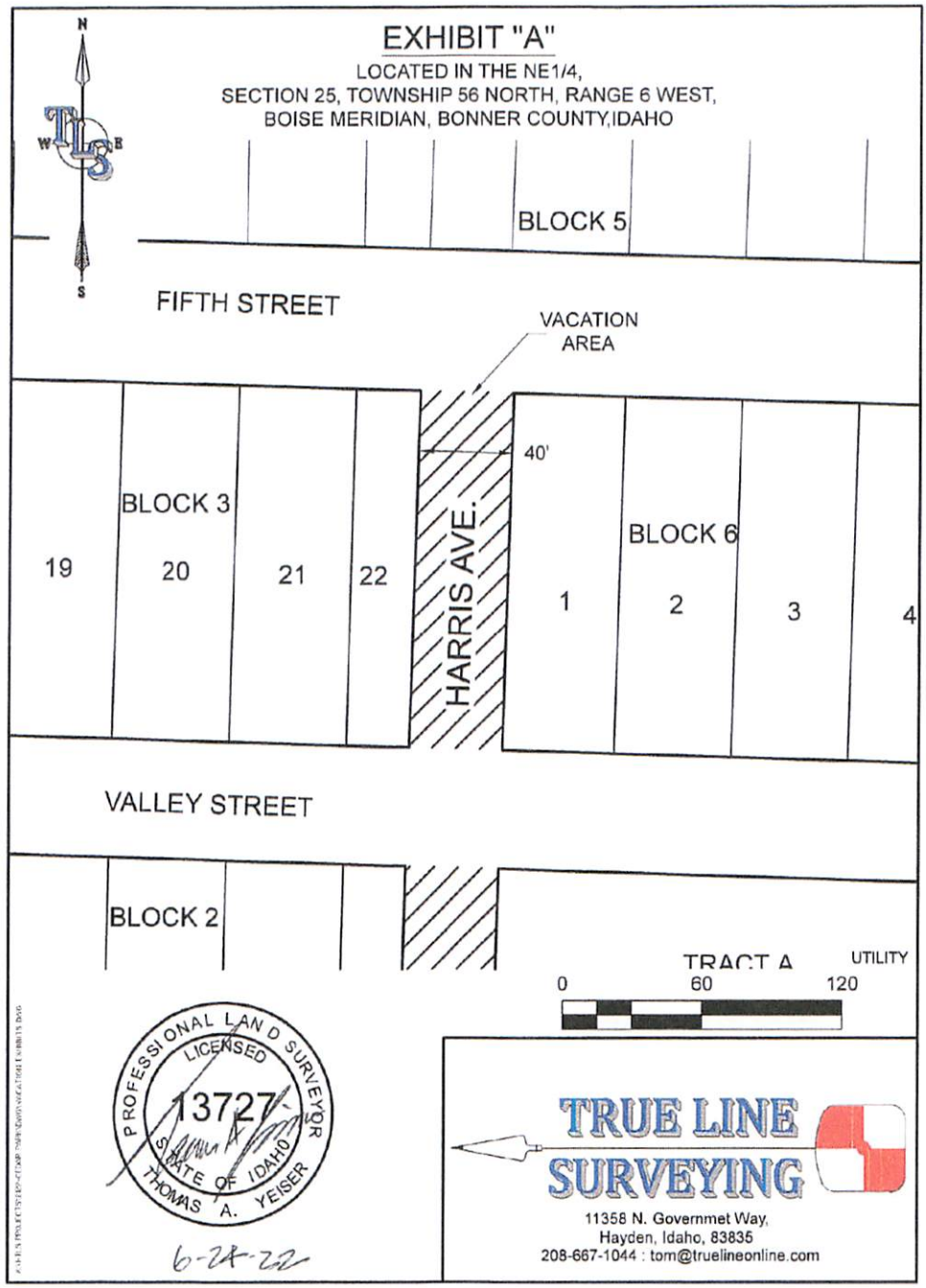
EXHIBIT "A"
LOCATED IN THE NE1/4,
SECTION 25, TOWNSHIP 56 NORTH, RANGE 6 WEST,
BOISE MERIDIAN, BONNER COUNTY,IDAHO
N
S
W
E
BLOCK 5
FIFTH STREET
VACATION AREA
40'
BLOCK 3
19
20
21
22
HARRIS AVE.
BLOCK 6
1
2
3
4
VALLEY STREET
BLOCK 2
TRACT A
UTILITY
0
60
120
PROFESSIONAL LAND SURVEYOR
LICENSED
13727
STATE OF IDAHO
THOMAS A. YEISER
6-24-22
TRUE LINE SURVEYING
11358 N. Governmet Way,
Hayden, Idaho, 83835
208-667-1044 : tom@truelineonline.com

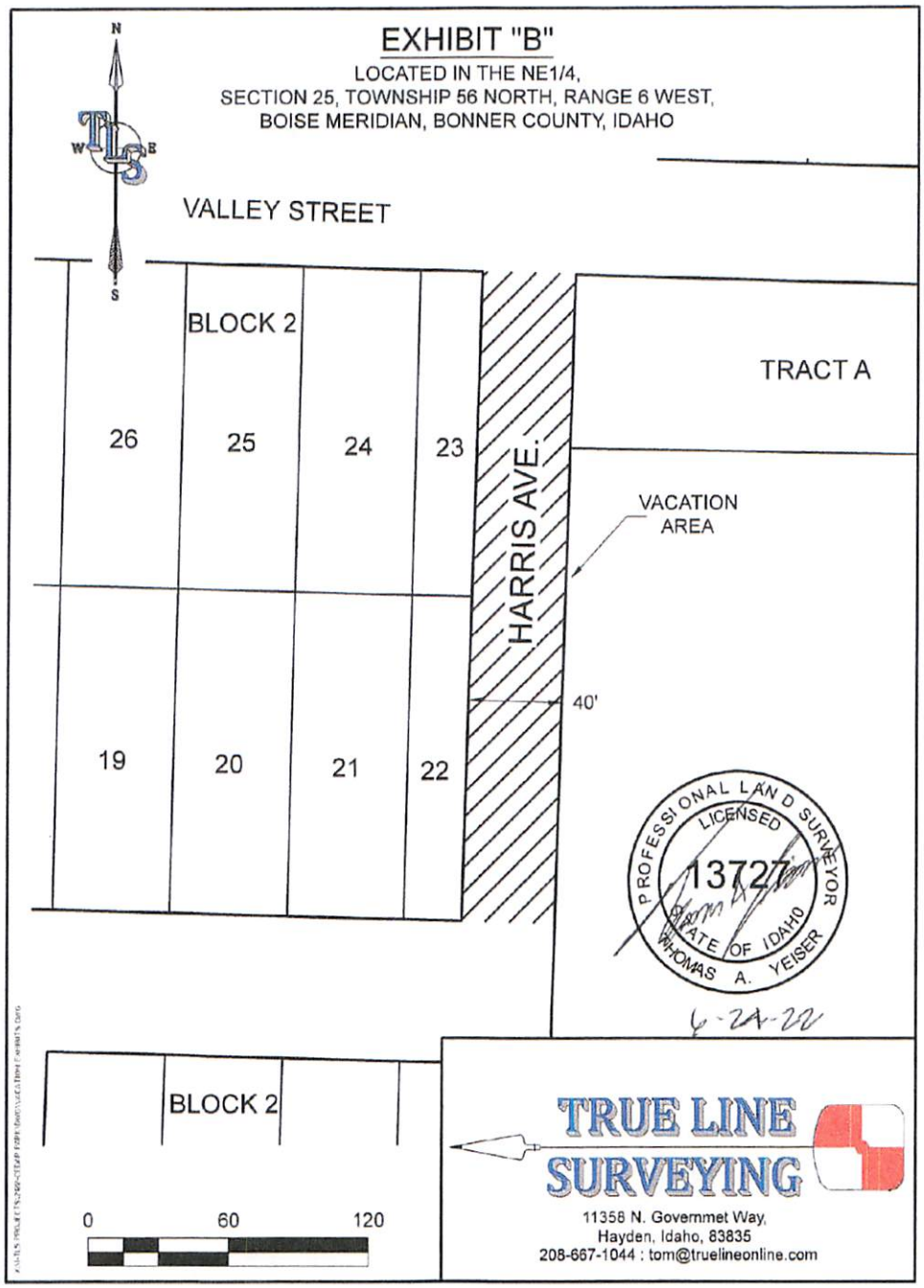
EXHIBIT "B"
LOCATED IN THE NE1/4,
SECTION 25, TOWNSHIP 56 NORTH, RANGE 6 WEST,
BOISE MERIDIAN, BONNER COUNTY, IDAHO
N
W
E
S
VALLEY STREET
BLOCK 2
26
25
24
23
19
20
21
22
HARRIS AVE.
TRACT A
VACATION AREA
40'
PROFESSIONAL LAND SURVEYOR
LICENSED
13727
STATE OF IDAHO
THOMAS A. YEISER
6-24-22
BLOCK 2
0
60
120
TRUE LINE SURVEYING
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Hayden, Idaho, 83835
208-667-1044 : tom@truelineonline.com

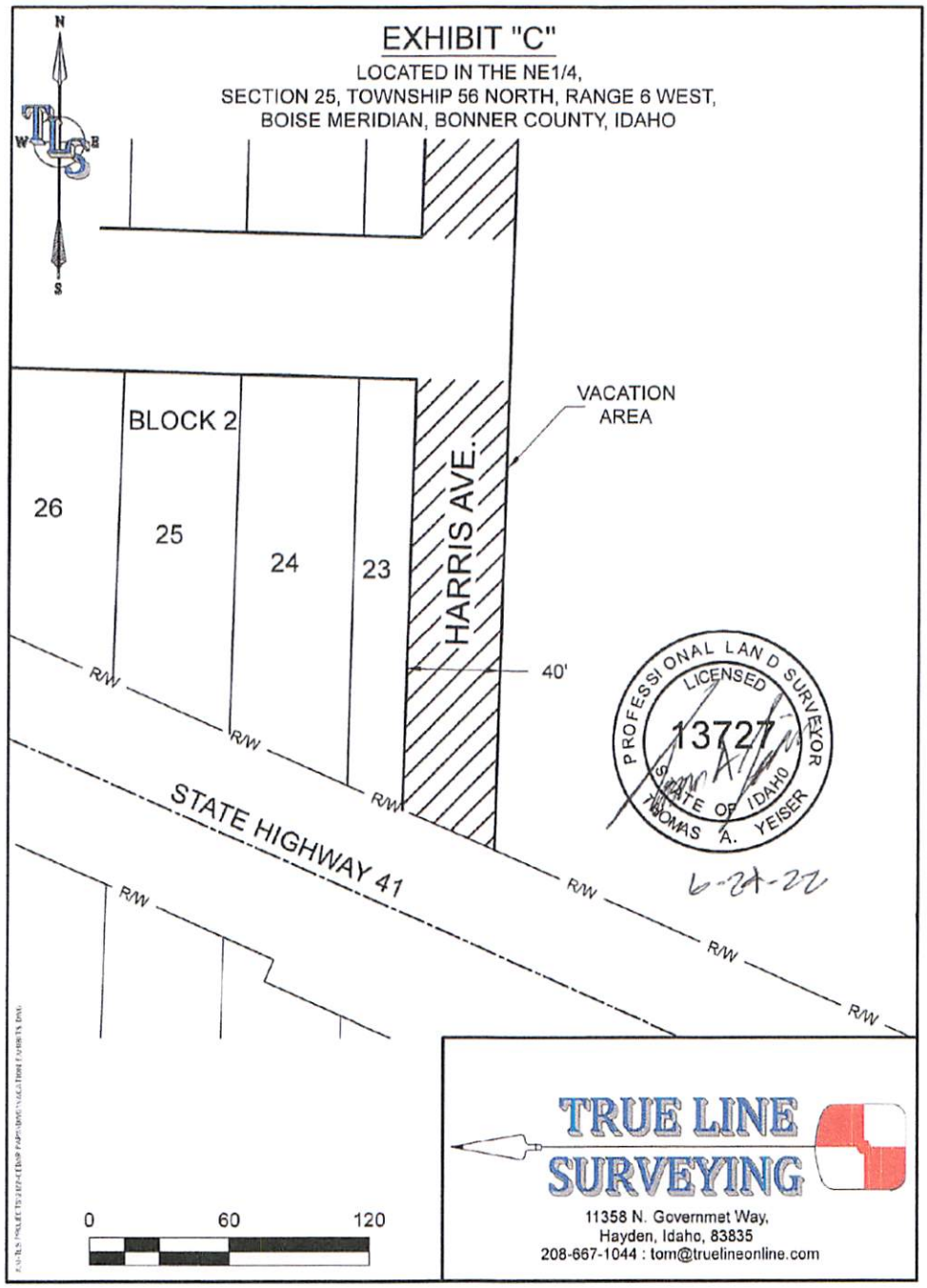
EXHIBIT "C"
LOCATED IN THE NE1/4,
SECTION 25, TOWNSHIP 56 NORTH, RANGE 6 WEST,
BOISE MERIDIAN, BONNER COUNTY, IDAHO
N
S
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E
BLOCK 2
26
25
24
23
HARRIS AVE.
VACATION AREA
40'
R/W
STATE HIGHWAY 41
PROFESSIONAL LAND SURVEYOR
LICENSED
13727
STATE OF IDAHO
THOMAS A. YEISER
6-24-22
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Hayden, Idaho, 83835
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