



Resolution #2022-95
Right-of-Way-Vacation
File #VS0002-22

RESOLUTION NO. 2022- 95

**RIGHT-OF-WAY VACATION
FOR A PORTION OF HIDDEN VALLEY ROAD
PLANNING DEPARTMENT FILE #VS0001-22**

WHEREAS, Daniel E. Strauss, Registered Agent, Spirit Valley, LLC, represented Jeremy Grimm of Whiskey Rock Planning + Consulting, have filed a petition with Bonner County, Idaho for the vacation (abandonment) of a portion of right of way, Hidden Valley Road, located in a portion of Sections 12 and 13, Township 54 North, Range 5 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, Hidden Valley Road, located in a portion of Sections 12 and 13, Township 54 North, Range 5 West, Boise Meridian, Bonner County, Idaho (Planning Department File VS0001-22) on October 26, 2022 & November 9, 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, Hidden Valley Road, located in a portion of Sections 12 and 13, Township 54 North, Range 5 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 Hidden Valley Road has been brought before the County Commissioners in a public hearing in accordance with this section 40-203 of the state code.
 - b. Finding: Hidden Hoodoo Acres Llc are property holders of lots adjacent to Hidden Valley Road, 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 hearing dates of October 26, 2022 & November 9, 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 seeking to vacate approximately 2823 feet (per legal description) of right-of-way for Hidden Valley Road located on Parcels RP54N05W128400A, RP54N05W128550A, RP54N05W127950A, and terminating on parcel RP54N05W124800A.
 - f. 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.
 - g. Finding: Staff has received feedback from Bonner County Road & Bridge that opposes the proposed vacation.
 - h. Finding: Staff has received feedback from the Idaho Department of Lands stating no objection to the vacation of the public right of way at the end of Hidden Valley Road.
 - i. 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.
2. The abandonment of the public right of way is in the public interest.
- a. Finding: 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. The Idaho Department of Lands has commented on the proposal to vacate a portion of Hidden Valley Road and stated no objection to the proposal.
 - c. Bonner County Road & Bridge has commented in objection to the proposal to vacate a portion of Hidden Valley Road.
 - d. The Idaho Department of Water Resources commented and determined this application to be non-jurisdictional for the agency.
 - e. No other public agency comments were received indicating any potential harm to the interest of the public.
 - f. Public comments were received in support of and in opposition to the proposal.
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. The Idaho Department of Lands controls the land at the end of Hidden Valley Road. The Idaho Department of Lands has stated no objection to the vacation of a portion of Hidden Valley Road

WHEREAS, the Board of Commissioners, pursuant to the petition dated June 9, 2022, agreed to vest the vacated area to the owner of the lots adjacent to the right-of-way, shown of record to be Hidden Hoodoo Acres Llc, and;

WHEREAS, pursuant to the Board's condition of approval, the petitioners have paid all legal advertisement and recording costs for the vacation proceedings.

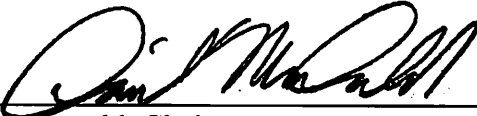
NOW, THEREFORE BE IT RESOLVED by the Board of County Commissioners, Bonner County, Idaho that a portion of right of way, Hidden Valley Road, located in a portion of Sections 12 and 13, Township 54 North, Range 5 West, Boise Meridian, Bonner County, Idaho, described below is hereby vacated.

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.

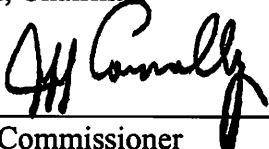
BE IT FURTHER RESOLVED that Bonner County does hereby grant, deed and convey the vacated right-of-way as described and shown in the attached legal description and exhibit A.

ADOPTED as a Resolution of the Board of County Commissioners of Bonner County, Idaho, upon a unanimous vote on November 9, 2022.

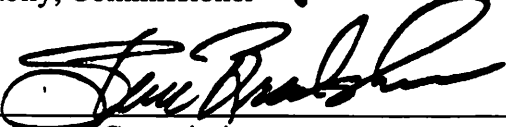
BONNER COUNTY BOARD OF COMMISSIONERS



Dan McDonald, Chairman

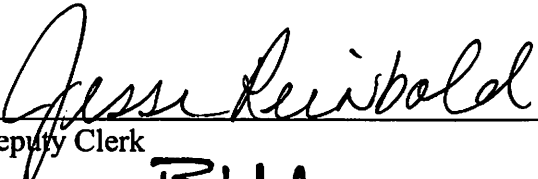


Jeff Connolly, Commissioner




Steve Bradshaw, Commissioner

ATTEST: Michael W. Rosedale, Clerk



By Deputy Clerk



Date 11/9/22

Legal: _____

LEGAL DESCRIPTION
FOR HIDDEN VALLEY ROAD VACATE

A STRIP OF LAND LOCATED IN A PORTION OF SECTIONS 12 AND 13, TOWNSHIP 54
NORTH, RANGE 5 WEST, BOISE MERIDIAN, BONNER COUNTY, IDAHO, BEING MORE
PARTICULARLY DESCRIBED AS FOLLOWS;

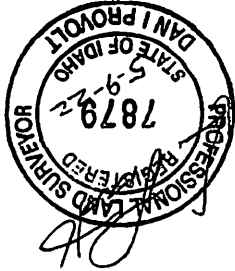
COMMENCING AT THE SOUTHEAST CORNER OF SAID SECTION 12;

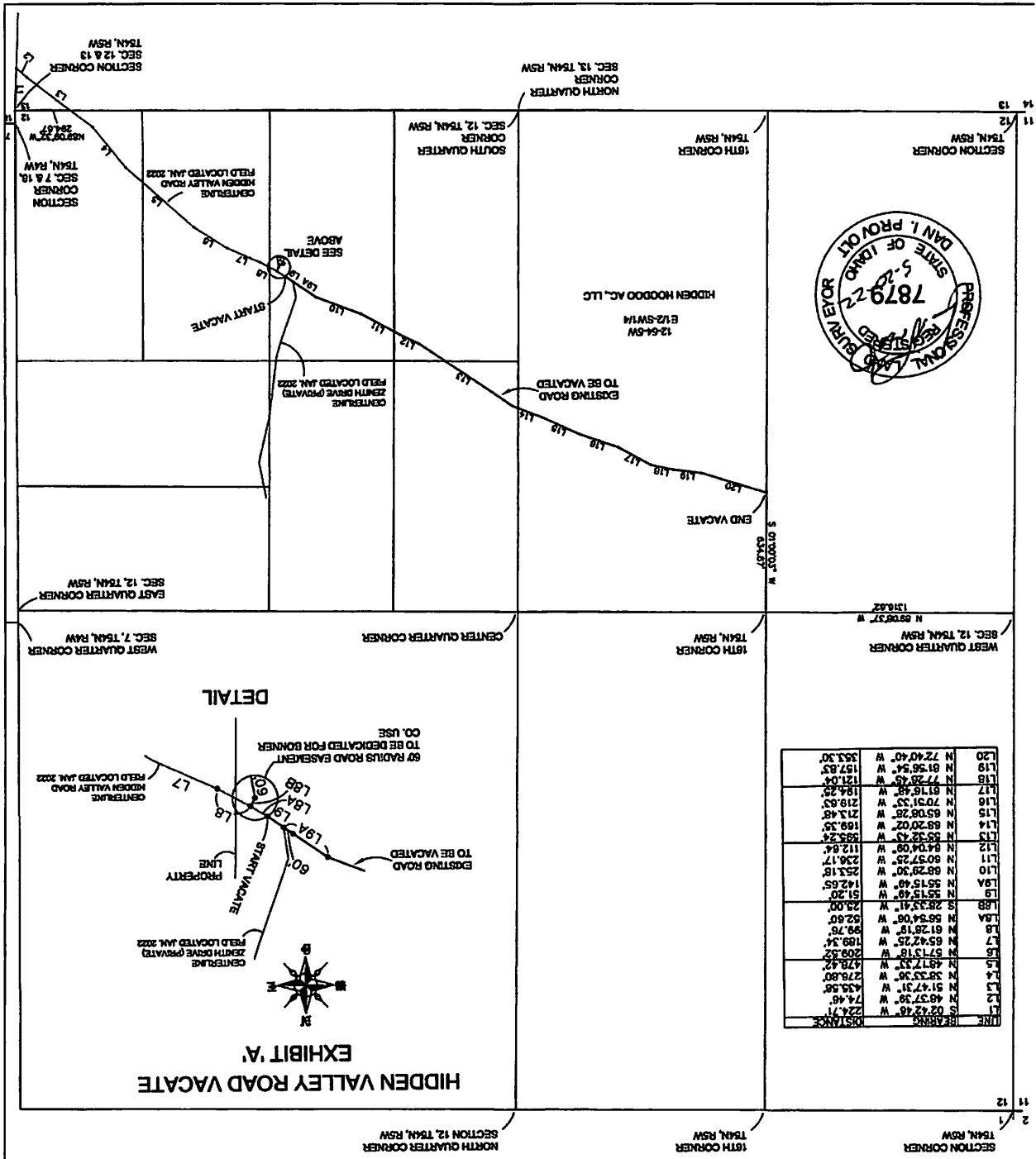
THENCE SOUTH 02 DEGREES 42' 46" WEST ALONG THE EAST LINE OF SAID SECTION 13,
224.71 FEET TO A POINT ON THE CENTER LINE OF HIDDEN VALLEY ROAD;

THENCE ALONG SAID CENTER LINE THE FOLLOWING 20 COURSES;

- 1) NORTH 48 DEGREES 37' 39" WEST, 74.46 FEET;
- 2) NORTH 51 DEGREES 47' 31" WEST, 435.58 FEET;
- 3) NORTH 38 DEGREES 33' 36" WEST, 276.80 FEET;
- 4) NORTH 48 DEGREES 17' 33" WEST, 478.42 FEET;
- 5) NORTH 57 DEGREES 13' 18" WEST, 209.52 FEET;
- 6) NORTH 65 DEGREES 42' 25" WEST, 189.34 FEET;
- 7) NORTH 61 DEGREES 26' 19" WEST, 99.76 FEET;
- 8) NORTH 56 DEGREES 54' 06" WEST, 52.60 FEET TO A POINT, SAID POINT BEING THE
TRUE POINT OF BEGINNING;

- 9) NORTH 55 DEGREES 15' 49" WEST, 193.85 FEET;
- 10) NORTH 68 DEGREES 29' 30" WEST, 253.18 FEET;
- 11) NORTH 60 DEGREES 57' 25" WEST, 236.17 FEET;
- 12) NORTH 64 DEGREES 04' 09" WEST, 112.64 FEET;
- 13) NORTH 55 DEGREES 32' 43" WEST, 595.24 FEET;
- 14) NORTH 68 DEGREES 20' 02" WEST, 169.35 FEET;
- 15) NORTH 65 DEGREES 08' 28" WEST, 213.48 FEET;
- 16) NORTH 70 DEGREES 51' 33" WEST, 219.63 FEET;
- 17) NORTH 61 DEGREES 16' 48" WEST, 194.25 FEET;
- 18) NORTH 77 DEGREES 26' 45" WEST, 121.04 FEET;
- 19) NORTH 81 DEGREES 56' 54" WEST, 157.83 FEET;
- 20) NORTH 72 DEGREES 40' 40" WEST, 353.30 FEET TO AN INTERSECTION WITH THE WEST
LINE OF THE EAST HALF OF THE SOUTHWEST QUARTER OF SAID SECTION 12, BEING
THE POINT OF TERMINUS, SAID POINT LIES SOUTH 01 DEGREES 00' 03" WEST, 634.87
FEET FROM THE NORTHWEST CORNER OF SAID EAST HALF OF THE SOUTHWEST
QUARTER.





LINE	BEARING	DISTANCE
L1	S 02.42.48 W	224.71
L2	N 48.37.39 W	74.48
L3	N 51.47.31 W	435.58
L4	N 43.33.35 W	278.82
L5	N 43.17.33 W	478.42
L6	N 57.13.18 W	208.42
L7	N 65.47.25 W	169.34
L8	N 61.28.19 W	99.76
L8A	N 56.34.06 W	62.60
L8B	S 28.33.41 W	23.00
L9	N 55.15.49 W	51.20
L10	N 58.29.30 W	252.18
L11	N 60.37.25 W	236.17
L12	N 64.04.09 W	112.64
L13	N 53.32.43 W	383.24
L14	N 68.20.02 W	169.35
L15	N 65.08.28 W	213.48
L16	N 70.01.33 W	218.83
L17	N 61.16.48 W	184.23
L18	N 77.26.49 W	121.04
L19	N 81.56.54 W	157.83
L20	N 72.40.40 W	353.30

