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Bonner County, Sandpoint, Idaho
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Resolution No. 23- 11

Right-Of-Way Vacation for a Portion of Blue Diamond
Road

File #VS0003-22

BONNER COUNTY BOARD OF COMMISSIONERS
RESOLUTION NO. 23- 11

RIGHT-OF- WAY VACATION
FOR PORTION OF BLUE DIAMOND ROAD
PLANNING DEPARTMENT FILE #VS0003-22

WHEREAS, Bonner County and Mr. Loel Fenwick have entered into a settlement agreement, resulting in the vacation (abandonment) of a portion of Blue Diamond Road, described in Exhibit A, located within parcels RP60N04W271201A and RP60N04W270702A, lying in the North half of Section 27, Township 60 North, Range 4 West, Boise Meridian, Idaho; and

WHEREAS, the Bonner County Board of Commissioners held a duly noticed public hearing for the vacation of this roadway as described in Exhibit A (Planning Department File #VS0003-22) on February 8, 2023 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 of Blue Diamond Road, described in Exhibit A, lying in the North half of Section 27, Township 60 North, Range 4 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.

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.

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

Access will be maintained via Tanglefoot Trail and Waterbird Landing.

WHEREAS, the Board of Commissioners, pursuant to the petition dated November 17, 2022, agreed to vest the vacated area to the owner of the parcels through which the right-of-way traverses, shown of record to be Loel Fenwick;

NOW, THEREFORE BE IT RESOLVED by the Board of County Commissioners, Bonner County, Idaho, that a portion of Blue Diamond Road, described in Exhibit A, lying in the North half of Section 27, Township 60 North, Range 4 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 in Exhibit A to Loel Fenwick the owner of the parcels in which these rights-of-way are described.

ADOPTED as a Resolution of the Board of County Commissioners of Bonner County, Idaho, upon a majority vote on the 8th day of February 2023.

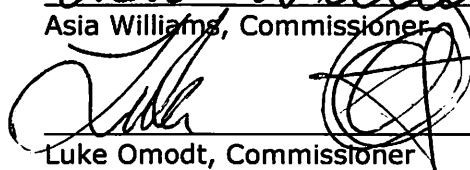
BONNER COUNTY BOARD OF COMMISSIONERS



Steve Bradshaw, Chairman



Asia Williams, Commissioner



Luke Omodt, Commissioner

ATTEST: Michael W. Rosedale, Clerk



By Deputy Clerk

2/8/23

Date

Legal: _____

Segment A to B:

An existing public road identified in Bonner County Resolution 96-31.

Segment B to C:

An existing road traversing through the SE1/4NW1/4, SW1/4NW1/4 which is Government Lot 3 and NW1/4NW1/4 which is Government Lot 2, all in section 27, to point C on the north boundary line of section 27, Township 60 North, Range 4 West, Boise Meridian, Bonner County, Idaho. Said segment is also the westerly road referenced within State of Idaho Acquired Easement No. 26, dated May 10, 1972. Recorded as Bonner County Instrument No. 140522. Visually depicted on aerial image attached as Exhibit A.

Segment C to D:

An easement sixty (60) feet in width, thirty (30) feet in width along both sides of the centerline of an existing road, starting at a point on the south section line of Section 22, Township 60 North, Range 4 West, Boise Meridian, Bonner County, Idaho, near the west line of the E1/2SW1/4SW1/4, which is in Government Lot 7, then heading north and northeasterly into the E1/2NW1/4SW1/4 of said Section 22, which is in Government Lot 4, then turning east in the NE1/4NW1/4SW1/4, and heading east through the N1/2NE1/4SW1/4 of said Section 22, then turning south southeasterly in the NE1/4NE1/4SW1/4 into the W1/4NW1/4SE1/4, which is in Government Lot 5, to a fork in the road where one road continues southwesterly through the SE1/4NE1/4SW1/4 and the other fork continues southeasterly across the SW1/4NW1/4SE1/4, in said Government Lot 5. Visually depicted on aerial image attached as Exhibit A.

Segment D to E:

An easement sixty-six (66) feet in width, thirty-three (33) feet in width along both sides of the centerline of flagged roadway location, starting at a point at the fork in the road in the SW1/4NW1/4SE1/4, which is in Government Lot 5, where one road continues southwesterly through the SE1/4NE1/4SW1/4 and the other fork continues southeasterly across the SW1/4NW1/4SE1/4, in said Government Lot 5; then continuing southeasterly along an existing road in said SW1/4NW1/4SE1/4 and continuing southeasterly into the NE1/4SW1/4SE1/4, which is in Government Lot 6, then continuing south southeasterly to a point near the south line of said Section 22 to the intersection with an existing road, then north northeasterly along said existing road to the Blue Diamond Marina located in the NE1/4SW1/4SE1/4, which is in Government Lot 6 in said Section 22. Visually depicted on aerial image attached as Exhibit A.

Segment B to Z:

An existing road the subject of an easement held by COUNTY, starting at a point at the intersection of 4 roads in the SE1/4NW1/4 of section 27, thence continuing easterly through the SE1/4NW1/4, SW1/4NE1/4, thence around a curve to the north through the SW1/4NE1/4 and continuing north through the NW1/4NE1/4 which is Government Lot 1, all in section 27, thence continuing north through the SW1/4SE1/4 which is Government Lot 6, of section 22, to point Z, at a road intersection in the SW1/4SE1/4 which is Government Lot 6, section 22, Township 60 North, Range 4 West, Boise Meridian, Bonner County, Idaho. Visually depicted on aerial image attached as Exhibit A.

Exhibit A



— "TWR" Boundary
 IDL Endowment

