

Instrument # 1029204
Bonner County, Sandpoint, Idaho
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Recorded for: BONNER COUNTY COMMISSIONERS
Michael W. Rosedale Fee: \$0.00
Ex-Officio Recorder Deputy
Index to: MISC

Instrument # 1027906
Bonner County, Sandpoint, Idaho
11/22/2023 09:32:58 AM No. of Pages: 6
Recorded for: BONNER COUNTY COMMISSIONERS
Michael W. Rosedale Fee: \$0.00
Ex-Officio Recorder Deputy
Index to: MISC

*Re-record to correct
last paragraph of
Resolution.*

**BONNER COUNTY BOARD OF COMMISSIONERS
RESOLUTION NO. 23- 03**

**RIGHT-OF- WAY VACATION
FOR THOMAS STREET AND A PORTION OF MARKHAM STREET, CAMPBELL STREET
AND AN ALLEY
PLANNING DEPARTMENT FILE #VS0004-22**

WHEREAS, Celia Thomas & John Winings filed a petition with Bonner County, Idaho for the vacation (abandonment) of Thomas Street and a portion of Markham Street, Campbell Street and an alley, as described in Exhibit A, lying in a portion of Section 30, Township 56 North, Range 3 West, Boise Meridian, Idaho; and

WHEREAS, the Bonner County Board of Commissioners held a duly noticed public hearing for the vacation of these roadways as described in Exhibit A on October 25, 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 Thomas Street, a portion of Markham Street, and an alley; and denied the vacation of Campbell Street, as described in Exhibit A, lying in a portion of Section 30, Township 56 North, Range 3 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, 40-203.

Finding

Bonner County Road & Bridge has strenuously opposed the vacation of Campbell Street as originally proposed.

Conclusion 2

Bonner County has received specific objections to the application to vacate the described platted area of Campbell Street as described in Exhibit A, lying in a portion of Section 30, Township 56 North, Range 3 West, Boise Meridian, Idaho.

Finding

No public agency has opposed the vacation proposal as modified and approved by this decision.

Conclusion 3

Bonner County has not received objections to the application to vacate the described platted areas of Thomas Street, a portion of Markham Street, and an alley.

BOARD OF COUNTY COMMISSIONERS
RESOLUTION VACATING THOMAS STREET AND A PORTION OF MARKHAM STREET, CAMPBELL STREET AND AN ALLEY
FILE #VS0004-22

Finding

There is no evidence in the record which shows that these public rights-of-way have been abandoned.

Finding

It is in the public interest to maintain access between Blue Spruce Lane and River Run Drive via Campbell Street, thereby maintaining this access for emergencies, evacuations, and alternative access during construction projects.

Conclusion 4

The abandonment of the following public right-of-way is in the public interest: Thomas Street, a portion of Markham Street, and an alley as described in Exhibit A, lying in a portion of Section 30, Township 56 North, Range 3 West, Boise Meridian, Idaho.

Conclusion 5

The abandonment of the following public right-of-way is not in the public interest: Campbell Street as described in Exhibit A, lying in a portion of Section 30, Township 56 North, Range 3 West, Boise Meridian, Idaho.

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.

Finding

No real property adjoining the area to be vacated would be left without access to an established highway or public right-of-way, provided that the planned project REPLAT OF T.S. CAMPBELL'S ADDITION (as modified by this decision) is completed and recorded.

Finding

This modified approval decision will maintain public access between Blue Spruce Lane and River Run Drive via Campbell Street.

Conclusion 6

By partially 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.

WHEREAS, the Board of Commissioners, pursuant to the petition dated June 6, 2023, agreed to vest the vacated area to the owners of the adjacent real estate, one-half on each side;

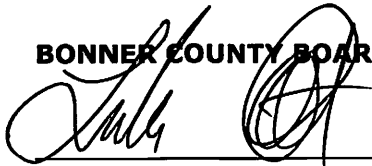
NOW, THEREFORE BE IT RESOLVED by the Board of County Commissioners, Bonner County, Idaho, that Thomas Street, a portion of Markham Street, and an alley as described in Exhibit A, lying in a portion of Section 30, Township 56 North, Range 3 West, Boise Meridian, Idaho, are hereby vacated.

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-ways as described in Exhibit A as modified by this decision to John L Winings and Marni K Winings as co-trustees of the Winings Family Trust, and John Walter Thomas and Celia Thomas, the owners 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 21st day of November, 2023.

BONNER COUNTY BOARD OF COMMISSIONERS



Luke Omodt, Chairman

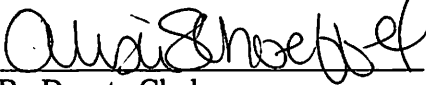


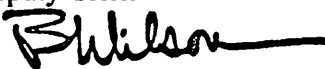
Asia Williams, Commissioner



Steve Bradshaw, Commissioner

ATTEST: Michael W. Rosedale, Clerk



By Deputy Clerk


1.2.2024
Date

Legal: _____

EXHIBIT "A"

**STREETS AND ALLEYS TO BE VACATED WITHIN T.S. CAMPBELLS ADDITION TO LACLEDE,
RECORDED IN BOOK 1 OF PLATS ON PAGE 133.**

That portion of the alley adjacent to Lots 1, 2, 3, 4, and 5, Block 2 not already vacated.

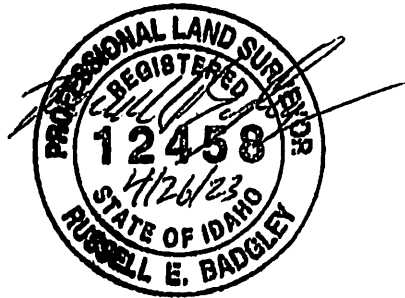
All of Thomas Street.

All of the alley within Block 1.

All of Campbell Street adjacent to the South line of Lots 1, 2, 3, 4, and 5, Block 1.

That portion of Markham Street not already vacated more particularly described below.

Beginning at the Southwest corner of Lot 1, Block 2;
thence $S0^{\circ}26'46''W$, 60.00 feet to the Northwest corner of Lot 10, Block 1;
thence along the West line of said Lot 10, $S0^{\circ}26'46''W$, 95.00 feet;
thence $N89^{\circ}33'14''W$, 60.00 feet to the West right-of-way of Markham Street;
thence along said right-of-way $N0^{\circ}26'46''E$, 155.00 feet to the intersection with the
extension of the North right-of-way line of Thomas St;
thence along said extension $S89^{\circ}33'14''E$, 60.00 feet to the Point of Beginning.





Bonner County Planning Department

"Protecting property rights and enhancing property value"

1500 Highway 2, Suite 208, Sandpoint, Idaho 83864

Phone (208) 265-1458 - Fax (208) 265-1463

Email: planning@bonnercountyid.gov - Web site: www.bonnercountyid.gov

January 2, 2024

Memorandum

To: Board of County Commissioners

From: Jake Gabell, Bonner County Planning Director

Re: Right-of-Way Vacation for Thomas Street and a portion of Markham Street, Campbell Street and an alley, Planning Department File #VS0004-22

The Bonner County Board of Commissioners (Board) held a duly noticed public hearing on October 25, 2023 for the right-of-way vacation (abandonment) of Thomas Street and a portion of Markham Street, Campbell Street, and an alley, lying in a portion of Section 30, Township 56 North, Range 3 West, Boise Meridian, Idaho. The Board approved to vacate Thomas Street, a portion of Markham Street and an alley. The Board did not approve to vacate Campbell Street.

The Board approved the resolution, Resolution 23-93, on November 21, 2023. It was later discovered that the resolution contained minor scrivener's errors in the final paragraph regarding the ownership information. These errors were corrected and need approval in order to be recorded.

Distribution:

Jake Gabell


Travis Haller

Jason Johnson

(Recommendation)

Staff recommends the Board approve revised resolution

Recommendation Acceptance: Yes No


Commissioner Luke Omodt, Chairman

Date: 1-2-24