

RESOLUTION NO. 2024-

39

**RIGHT-OF-WAY VACATION  
FOR A PORTION OF COUNTY ROAD #105  
PLANNING DEPARTMENT FILE #VS0001-24**

**WHEREAS**, Southside Water & Sewer District, Murphy Timber Trust, Thomas H. Murphy, and Alexander D. Murray & Jill S. Kahn, represented by Bruce Coppess, Keller and Associates, Inc, have filed a petition with Bonner County, Idaho for the vacation (abandonment) of a portion of right of way, County Road #105, located in the SW 1/4 of the SW 1/4, of Section 03, Township 56 North, Range 2 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, County Road #105, located in the SW 1/4 of the NE 1/4, of Section 03, Township 56 North, Range 2 West, Boise Meridian, Bonner County, Idaho (Planning Department File VS0001-24) on June 12, 2024 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, County Road #105, located in the SW 1/4 of the SW 1/4, of Section 03, Township 56 North, Range 2 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 County Road #105 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, Southside Water & Sewer District, Murphy Timber Trust, Thomas H. Murphy, and Alexander D. Murray & Jill S. Kahn, are property holders of lots adjacent to County Road #105, 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 June 12, 2024 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 County Road #105 was made available to the public on May 7, 21, June 4, 2024, at least 30 days prior to the hearing.

- e. Finding: The applicant is requesting to vacate a portion of County Road #105 located adjacent to Parcels RP56N02W036301A, RP56N02W036460A and RP56N02W036100A.
  - f. Finding: The applicant is requesting to vacate approximately 1.475-acres of an existing Right-of-Way, per the applicant.
  - 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 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 Avista Utilities responded. No utility easements will be extinguished.
  - 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.
  - d. Finding: Due to the timeframe in which it was dedicated the road being vacated is an easement owned by the county rather than a full right of way.
  - e. Finding: The Board of County Commissioners determined that no monetary compensation would be necessary for this vacated portion of County Road #105, as Southside Water & Sewer District is a taxing agency that provides water and sewer services to the public within their taxing district.
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 March 19, 2024 agreed to vest the vacated area to the owners of the lots adjacent to the right-of-way, shown of record to be Southside Water & Sewer District, Murphy Timber Trust, Thomas H. Murphy, and Alexander D. Murray & Jill S. Kahn 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 County Road #105, located in the SW 1/4 of the SW 1/4, of Section 03, Township 56 North, Range 2 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.

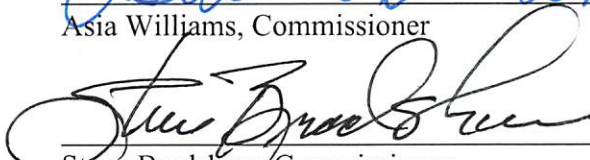
**BE IT FURTHER RESOLVED** that Bonner County does hereby grant, deed and convey the vacated right-of-way as described and shown in the attached legal description and exhibit A

ADOPTED as a Resolution of the Board of County Commissioners of Bonner County, Idaho, upon a unanimous vote on June 12, 2024.

**BONNER COUNTY BOARD OF COMMISSIONERS**


  
\_\_\_\_\_  
Luke Omodt, Chairman

  
\_\_\_\_\_  
Asia Williams, Commissioner

  
\_\_\_\_\_  
Steve Bradshaw, Commissioner

ATTEST: Michael W. Rosedale, Clerk

  
\_\_\_\_\_  
By Deputy Clerk

  
\_\_\_\_\_  
Date

Legal: Bulison

**EXHIBIT A**  
**LEGAL DESCRIPTION**  
**of**  
**OLD COUNTY ROAD**

A strip of Land 40 feet in width "locally known as Old County Road" shown on Record of Survey titled "Record of Survey for Tom H. Murphy and James Franklin Hubbard" recorded October 23, 2007, as Instrument No. 739672, records of Bonner County, across a portion of the Southwest 1/4 of Section 3, Township 56 North, Range 2 West, Boise Meridian, Bonner County, Idaho, said strip being 20 feet on each side of the centerline described as follows:

Beginning at a point 138.50 north, more or less, from the southwest corner of said Section 3, said point being the intersection of the Existing centerline and the west line of said Section 3, thence along said centerline South 88°18'41" East, 84.21 feet;

thence North 69°39'15" East, 475.32 feet;

thence North 71°06'41" East, 536.70 feet;

thence 114.62 feet along the arc of a non-tangent curve to the left having a radius of 160.00 feet and a central angle of 41°02'46", said curve having a long chord which bears North 50°35'21" East, a chord distance of 112.19 feet;

thence North 30°04'00" East, 395.69 feet, more or less, to the east line of the SW 1/4 of the SW 1/4 of said Section 3, said point being the POINT OF TERMINUS, lengthening and shortening the sidelines of said strip to terminate on the east line of the SW 1/4 of the SW 1/4 of Section 3, and the westerly line of said Section 3

Containing 64,262 square feet or (1.475 acres), more or less.



**GROWING POSSIBILITIES ►**





Alexander Feyen <alexander.feyen@bonnercountyid.gov>

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## VS0001-24 Resolution

**Bill Wilson** <bill.wilson@bonnercoid.gov>

Mon, Jun 17, 2024 at 1:28 PM

To: Jake Gabell <jake.gabell@bonnercountyid.gov>

Cc: Alex Feyen <alexander.feyen@bonnercountyid.gov>, Travis Haller <travis.haller@bonnercountyid.gov>, Jenna Crone <jenna.crone@bonnercountyid.gov>

Ok. I approve the resolution

William S. Wilson, Esq.  
Civil Deputy Prosecutor  
Bonner County Prosecutor's Office  
Boundary County Prosecutor's Office  
[bill.wilson@bonnercoid.gov](mailto:bill.wilson@bonnercoid.gov)

The communications contained herein are attorney-client privileged. If you have received this email by accident or for any reason are not the intended recipient then please delete this message.

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**From:** Jake Gabell <jake.gabell@bonnercountyid.gov>

**Sent:** Monday, June 17, 2024 1:25 PM

**To:** Bill Wilson <bill.wilson@bonnercoid.gov>

**Cc:** Alex Feyen <alexander.feyen@bonnercountyid.gov>; Travis Haller <travis.haller@bonnercountyid.gov>; Jenna Crone <jenna.crone@bonnercountyid.gov>

**Subject:** Re: [EXT SENDER] Re: [EXT SENDER] Re: VS0001-24 Resolution

[Quoted text hidden]



## 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](mailto:planning@bonnercountyid.gov) - Web site: [www.bonnercountyid.gov](http://www.bonnercountyid.gov)

June 24, 2024

# Memorandum

To: Board of County Commissioners

From: Alex Feyen, Bonner County Planner

Re: Right-of-Way Vacation for a portion of County Road #105, Planning Department File #VS0001-24.

The Bonner County Board of Commissioners (Board) held a duly noticed public hearing on June 12, 2024 for the right-of-way vacation (abandonment) of a portion of County Road #105, lying in a portion of Section 03, Township 56 North, Range 2 West, Boise Meridian, Idaho. The Board approved File #VS0001-24-to vacate a portion of County Road #105.

### Motion to Approve:

I move to approve resolution #2024-39 vacating a portion of County Road #105, located in Section 03, Township 56 North, Range 2 West, Boise Meridian, Idaho.

### Distribution:

Jake Gabell

Alex Feyen

Jenna Crone

(Recommendation)

Staff recommends the Board approve this resolution.

Recommendation Acceptance: ☒ Yes ☐ No

Handwritten signature of Luke Omodt in blue ink.

Commissioner Luke Omodt, Chairman

7-2-24  
Date