

RESOLUTION NO. 2025- 23

**RIGHT-OF-WAY VACATION  
FOR A PORTION OF OLNEY BOULEVARD  
PLANNING DEPARTMENT FILE #VS0005-24**

**WHEREAS**, William L Herrington, Trust A of the Thomas and Marjorie Family Trust, Mariah Hill LLC, represented by Jeremy Grimm, Whiskey Rock Planning, have filed a petition with Bonner County, Idaho for the vacation (abandonment) of a portion of right of way, Olney Boulevard, 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, Olney Boulevard, located in the NW 1/4 of the SW 1/4, of Section 03, Township 56 North, Range 2 West, Boise Meridian, Bonner County, Idaho (Planning Department File VS0005-24) on December 11, 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, Olney Boulevard, located in the NW 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 Olney Boulevard 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, William L Herrington, Trust A of the Thomas and Marjorie Family Trust, Mariah Hill LLC, are property holders of lots adjacent to Olney Boulevard, 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 December 11, 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 Olney Boulevard was made available to the public on November 12, December 4 and December 6, 2024.

- e. Finding: The applicant is requesting to vacate a portion of Olney Boulevard located adjacent to Parcels RP00122000003BA, RP00122000002AA, and RP00122000001BA.
  - f. Finding: The applicant is requesting to vacate approximately 0.45-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.
2. Bonner County has not received objections to the petition or application to vacate the described area.
- a. Finding: Staff has received feedback from Bonner County Road & Bridge that supports the proposed vacation.
  - b. Finding: Staff has received no comment or feedback opposing the proposed vacation.
  - c. 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.
  - d. 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.
3. 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. Finding: Bonner County Road & Bridge has commented in support of the application and stated that the proposal will be a benefit to the public. No other public agencies or commented or public comments were received indicating any potential harm to the interest of the public.
  - c. 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.
  - d. Finding: The Board of County Commissioners determined that no monetary compensation would be necessary for this vacated portion of Olney Boulevard.
4. The landowner or landowners abutting said right-of-way do have access to his, her or their property from some other public street, public right-of-way or private road.
- a. Finding: All properties abutting Olney Boulevard have access from Lakeshore Drive, a Bonner County-owned and maintain public right-of-way.

5. 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 September 16, 2024 agreed to vest the vacated area to the owners of the lots adjacent to the right-of-way, shown of record to William L Herrington, Trust A of the Thomas and Marjorie Family Trust, Mariah Hill LLC and;

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

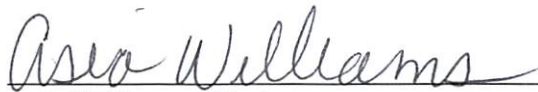
**NOW, THEREFORE BE IT RESOLVED** by the Board of County Commissioners, Bonner County, Idaho that a portion of right of way Olney Boulevard, located in the NW 1/4 of the SW 1/4, of Section 03, Township 56 North, Range 2 West, Boise Meridian, Bonner County, Idaho, described below is hereby vacated.

**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.

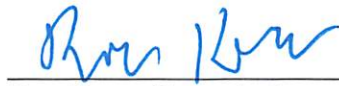
**BE IT FURTHER RESOLVED** that Bonner County does hereby grant, deed and convey the vacated right-of-way as described and shown in the attached legal description and exhibit A

**ADOPTED** as a Resolution of the Board of County Commissioners of Bonner County, Idaho, upon a unanimous vote on December 11, 2024.

#### **BONNER COUNTY BOARD OF COMMISSIONERS**



Asia Williams, Chair



Ron Korn, Commissioner



Brian Domke, Commissioner

ATTEST: Michael W. Rosedale, Clerk

Austin Schaeffer  
By Deputy Clerk

4.1.2025  
Date

B. Wilson  
Legal:

Exhibit A



**GLAHE & ASSOCIATES, Professional Land Surveyors**

P.O. Box 1863  
303 Church Street  
Sandpoint, ID 83864

Phone: (208) 265-4474  
Fax: (208) 265-0675  
Website: glaheline.com

HERRINGTON	S3, T56N, R2W, B.M.
LEGAL DESCRIPTION-OLNAY BLVD. VACATION	BONNER COUNTY, IDAHO

A PARCEL OF LAND LYING IN THE SOUTHWEST QUARTER OF SECTION 3, TOWNSHIP 56 NORTH, RANGE 2 WEST, BOISE MERIDIAN, BONNER COUNTY, IDAHO, AND AS SHOWN ON RECORD OF SURVEY, INSTRUMENT. NO. 616204, BONNER COUNTY RECORDS, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF LOT 1 OF EVERGREEN LODGE AS RECORDED IN BOOK 1 OF PLATS, PAGE 77, BONNER COUNTY, IDAHO, BEING MARKED BY A 3/4" PIPE WHICH LIES SOUTH 14°31'21" EAST, 570.10 FEET FROM THE EAST QUARTER CORNER OF SAID SECTION 3, MARKED WITH A 3.5" ALUMINUM CAP BY THE ARMY CORPS OF ENGINEERS, THENCE ALONG THE WESTERLY SIDE OF SAID PLAT, SOUTH 11°01'12" WEST, 79.90 FEET TO SOUTHERLY RIGHT-OF-WAY OF OLNAY BOULEVARD, AS SHOWN ON SAID PLAT AND SAID INSTRUMENT NO. 616204.

THENCE ALONG SAID RIGHT-OF-WAY, NORTH 72°11'23" EAST, 453.02 FEET;

THENCE LEAVING SAID RIGHT-OF-WAY, NORTH 00°00'00" EAST, 42.01 FEET TO THE INTERSECTION OF THE SOUTHERLY LINE OF THAT PORTION OF OLNAY BOULEVARD VACATED PER COMMISSIONER JOURNAL #3, PAGE 294, APRIL 12, 1948 AND THE SOUTHERLY RIGHT OF WAY OF LAKESHORE DRIVE;

THENCE ALONG SAID SOUTHERLY LINE OF VACATED PORTION OF OLNAY BOULEVARD, SOUTH 72°11'23" WEST, 363.84 FEET;

THENCE CONTINUING ALONG SAID SOUTHERLY LINE, NORTH 59°16'02" WEST, 40.03 FEET, TO THE SOUTH LINE OF SAID LOT 1;

THENCE ALONG SAID SOUTH LINE OF LOT 1, SOUTH 72°11'23" WEST, 37.00 FEET TO THE POINT OF BEGINNING, ENCOMPASSING AN AREA OF 0.45 ACRES, MORE OR LESS.

Tyson L.A. Glahe, PLS

Digitally signed by Tyson L.A. Glahe,  
PLS  
Date: 2022.12.19 11:26:14 -08'00'







# Bonner County

## Planning Department

April 1, 2025

### Memorandum

**Planning**  
Item #1

To: Commissioners

From: Alex Feyen, Assistant Director

Re: Resolution for the Vacation of a Portion of Olney Boulevard, Planning File VS0005-24

The Bonner County Board of Commissioners (Board) held a duly noticed public hearing on December 11, 2024 for the right-of-way vacation (abandonment) of a portion of Olney Boulevard, lying in a portion of Section 03, Township 56 North, Range 2 West, Boise Meridian, Idaho. The Board approved File #VS0005-24-to vacate a portion of Olney Boulevard.

*B. Wilson*

**Legal Review:**

Email is attached verifying that all legal questions/concerns have been resolved and that it has been approved.

Distribution: \_\_\_\_\_

Original to BOCC

\_\_\_\_\_

Copy to Jake Gabell, Alex Feyen, Jessica Montgomery

A suggested motion would be: **Based on the information before us I move to approve Resolution #2025 - 23, vacating a portion of Olney Boulevard located in Section 03, Township 56 North, Range 2 West, Boise Meridian, Idaho.**

Recommendation Acceptance: ☒ Yes ☐ No

*Asia Williams*  
Asia Williams, Chair

*4/1/25*  
Date