



Bonner County Planning Department

"Protecting property rights and enhancing property value"

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January 6, 2025

Whiskey Rock Planning
614 Creekside Ln.
Sandpoint, ID 83864

Subject: File VS0005-24 – Vacation – Olney Boulevard

To whom it may concern:

The Bonner County Commissioners at the December 11, 2024, public hearing approved the referenced petition with conditions.

Commissioner Korn made a motion to approve this petition, FILE #VS0005-24, to vacate the remainder of Olney Boulevard as identified in Annex B of the Staff Report, finding that it is in accord with Idaho Code §40-203 as enumerated in the foregoing conclusions of law, and based upon the evidence submitted up to the time the Staff Report was prepared and testimony received at this hearing. I further move to adopt the findings of fact and conclusions of law as set forth in the Staff Report (or as amended during this meeting) and direct planning staff to draft written findings and conclusions to reflect this motion and transmit to all interested parties. The action that could be taken to obtain the vacation is to complete the Conditions of Approval as adopted. This action does not result in a taking of private property. Commissioner Williams seconded the motion.

Roll Call Vote:

Commissioner Williams	Aye
Commissioner Korn	Aye

The motion passed.

Notice of public hearing mailed via regular U.S. mail on November 12, 2024.

(18 at \$.68 each)	\$12.24
Legal Notice published 11/12/24, 12/4/24, and 12/11/24	\$169.37
TOTAL DUE:	\$181.61

Findings of Fact:

The applicant is seeking to vacate Olney Boulevard, a public right-of-way, that is adjacent to parcels RP00122000003BA, RP00122000002AA, RP00122000001BA.

- The applicant is requesting to vacate approximately 0.45-acres of an existing Right-of-Way, per the legal description provided by the applicant.
- 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.
- Staff has received feedback from Bonner County Road & Bridge that supports the proposed vacation.
- Staff has received no comment or feedback opposing the proposed vacation.
- 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.
- 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 is in use.

Conclusions of Law:

Based upon the findings of fact, the following conclusions of law are adopted:

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Conclusion 1:

This proposal was reviewed for compliance with the vacation criteria and standards set forth at Idaho Code, 40-203.

Conclusion 2:

Bonner County has not received objections to the petition or application to vacate the described area.

Conclusion 3:

The abandonment of the public right-of-way **is** in the public interest.

Conclusion 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.

Conclusion 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.

Conditions of approval:

1. The vacation of the above-described right-of-way shall be effective upon the recording of a resolution by the Bonner County Commissioners granting the vacation.
2. The costs for legal advertisements and recording fees shall be borne by the applicant and shall be paid prior to the recording of the resolution vacating the right-of-way.
3. The petitioner shall provide for easements for continued use of any 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 pursuant to Idaho Code §40-203(3).

Please contact this department if you have any questions.

Sincerely,


Asia Williams, Chair
Bonner County Commissioners