

Instrument # 927246
Bonner County, Sandpoint, Idaho
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Recorded for: BOCC
Michael W. Rosedale Fee: \$0.00
Ex-Officio Recorder Deputy
Index to: MISC



RESOLUTION NO. 18- 109

**RIGHT-OF- WAY VACATION
FOR A PORTION OF CREEKFRONT LANE
PLANNING DEPARTMENT FILE #VS1950-18**

WHEREAS, Sheri Campbell filed a petition with Bonner County, Idaho for the vacation (abandonment) of that portion of Creekfront Lane Easement, an access easement of varying width, as shown on the plat of Shimmering Creek Estates, as recorded in Book 7 of Plats, Page 40, Instrument No. 626080, June 4, 2003, records of Bonner County, lying within Lot 5 of said plat, being more particularly described in Exhibit A.

WHEREAS, the Bonner County Board of Commissioners held a duly noticed public hearing for the vacation of that portion of Creekfront Lane Easement (Planning Department File #VS1950-18) on July 11, 2018, pursuant to the procedures of Idaho Code §50-1306A and IC §50-1325.; 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 subject portion of Susurro Lane access easement, concluding that:

- 1.) This proposal is compliant with the vacation criteria and standards set for at Idaho Code §50-1306A and IC §50-1325.
- 2.) 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. Local utility providers were routed as part of agency review, and none responded.
- 3.) By granting this petition for vacation, that portion shown to be vacated will be eligible to build upon pursuant to definition of 'setback' set forth in Bonner County Revised Code 12-819. All other building and development criteria is applicable pursuant to Bonner County Revised Code.

WHEREAS, the Board of Commissioners, pursuant to the petition dated April 11, 2018, acknowledge that the vacated area is already vested in the owner of Lot 5, show of record to be Sheri Campbell.

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

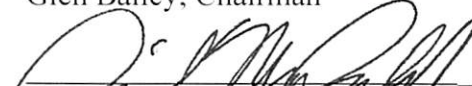
NOW, THEREFORE BE IT RESOLVED by the Board of County Commissioners, Bonner County, Idaho, that the portion of the Creekfront Lane access easement, described in attached Exhibit A and depicted in attached Exhibit B, is hereby vacated.

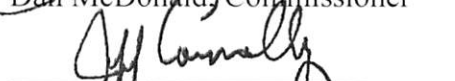
BE IT FURTHER RESOLVED that all easements, franchise rights, appurtenances, or any other interests of any property owner or public utility in or across the property in question shall not be impaired by the granting of the vacation.

ADOPTED as a Resolution of the Board of County Commissioners of Bonner County, Idaho, upon a majority vote on September 4, 2018.

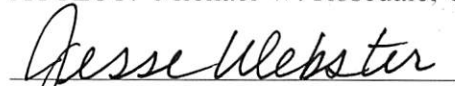
BONNER COUNTY BOARD OF COMMISSIONERS


Glen Bailey, Chairman


Dan McDonald, Commissioner


Jeff Connolly, Commissioner

ATTEST: Michael W. Rosedale, Clerk


By Deputy Clerk


Date

Legal review



GLAHE & ASSOCIATES, Professional Land Surveyors

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

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

Portion of Easement - Vacation

0.56 Acres

Bonner County, Idaho

Section 23, Township 58 North, Range 2 West, B.M.

A portion of the Creekfront Lane Easement as shown on the plat of Shimmering Creek Estates, as recorded in Book 7 of Plats, Page 40, Instrument No. 626080, June 4, 2003, records of Bonner County, lying within Lot 5 of said plat, being more particularly described as follows:

BEGINNING at the southwest corner of said Creekfront Lane Easement, common with the southwest corner of said Lot 5 of said plat of Shimmering Creek Estates, being on the easterly right-of-way of the Burlington Northern – Santa Fe Railroad;

Thence along said easterly right-of-way, the following two (2) courses:

1. North 09°17'20" East, a distance of 176.27;
2. South 80°42'40" East, a distance of 150.00 feet;

Thence leaving said easterly right-of-way, and along a southerly extension of said easterly right-of-way, South 09°17'20" West, a distance of 151.74 feet to the south line of said Lot 5;

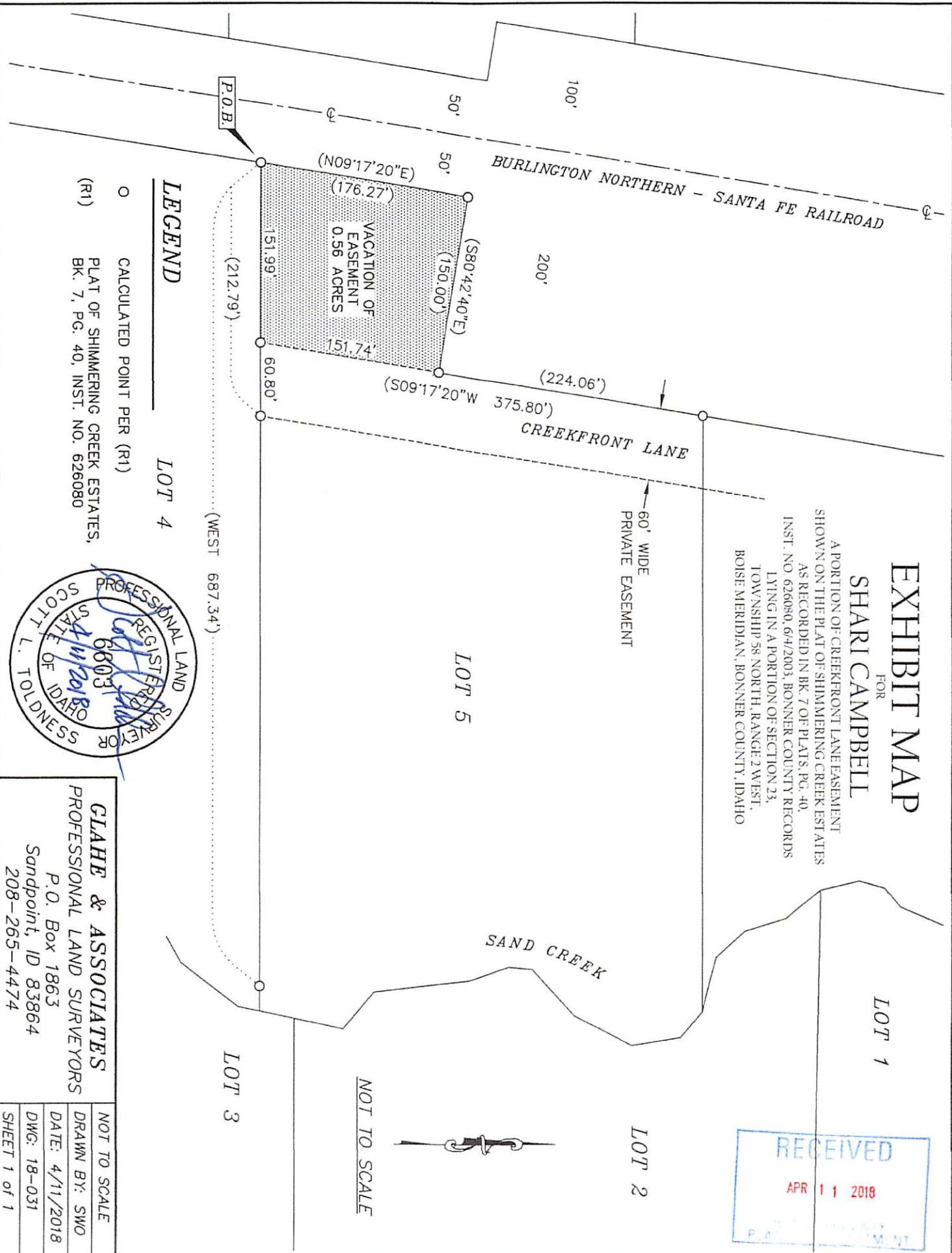
Thence along said south line, West, a distance of 151.99 feet to the **POINT OF BEGINNING**, encompassing an area of 0.56 acres.



EXHIBIT MAP

FOR
SHARI CAMPBELL

A PORTION OF CREEKFRONT LANE EASEMENT
SHOWN ON THE PLAT OF SHIMMERING CREEK ESTATES
AS RECORDED IN BK. 7 OF PLATS, PG. 40,
INST. NO. 626080, 6/4/2003, BONNER COUNTY RECORDS
LYING IN A PORTION OF SECTION 23,
TOWNSHIP 58 NORTH, RANGE 2 WEST,
BOISE MERIDIAN, BONNER COUNTY, IDAHO



LEGEND

○ CALCULATED POINT PER (R1)

(R1) PLAT OF SHIMMERING CREEK ESTATES,
BK. 7, PG. 40, INST. NO. 626080



GLAHE & ASSOCIATES
PROFESSIONAL LAND SURVEYORS
P.O. Box 1863
Sandpoint, ID 83864
208-265-4474

NOT TO SCALE

DRAWN BY: SWO

DATE: 4/11/2018

DWG: 18-031

SHEET 1 of 1



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

August 24, 2018

Memorandum

To: Board of County Commissioners

From: Milton Ollerton, Bonner County Planning Director

Re: Vacation, Creekfront Lane Easement File #VS1950-18

The Board of Commissioners approved the vacation (Abandonment) of a portion of Creekfront Lane following a public hearing July 11, 2018. This has the effect of relocating the right-of-way slightly to the west, to match the actual location of the existing road.

Conditions of approval required the petitioners to reimburse the county for costs to publish and mail legal notices for the public hearing. Payment of fees has been made. A new written legal description is provided for recording with the resolution vacating the right-of-way.

Idaho Code §50-1324 requires a resolution be recorded confirming the vacation (abandonment) of the public right-of-way and the vesting of title for the abandoned right-of-way.

Distribution: Milton Ollerton
Jeannie Welter

Legal review Bill Wilson

(Recommendation)

Staff recommends the Board approve the resolution for a vacation of a portion of Creekfront Lane as described. File VS1950-18.

J I move to approve Resolution # 18- 109 vacating a portion of Creekfront Lane in Section 23/24, Township 58 North, Range 2 West, Boise Meridian and conveying the vacated area already vested in the owner of Lot 5, Shimmering Creek Estates, show of record to be Sheri Cambell.

Recommendation Acceptance: ☒ Yes ☐ No

Glen Bailey Date: 4 Sep 18
Commissioner Glen Bailey, Chairman



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Legal review *SB*

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Recommendation Acceptance: ☒ Yes ☐ No

Glen Bailey Date: *4 Sep '18*
Commissioner Glen Bailey, Chairman