

RESOLUTION NO. 18- 120

**RIGHT-OF-WAY DEDICATION
FOR PORTION OF KELSO LAKE ROAD
PLANNING DEPARTMENT FILE #VS1850-16**

WHEREAS, certain lands, described in Exhibit "E" attached hereto, have been offered to Bonner County for the purpose of expanding a public right of way in exchange for Bonner County vacating a public right of way (Planning Department File VS1850-16); and

WHEREAS, the acceptance of such offer of lands is equivalent to a deed in fee simple to such lands to be held by Bonner County pursuant to Section 40-2302(1), Idaho Code; and

WHEREAS, pursuant to Section 40-604(3), Idaho Code, and Section 40-202(2), Idaho Code, right of way deeds shall be recorded with the County Clerk; and

WHEREAS, a deed has been prepared conveying said lands to Bonner County and said deeds contain an endorsement to be signed by the County acknowledging its acceptance of said lands; and

WHEREAS, the Board does find that the expansion of the public right of way is necessary for public convenience and will further the health, safety and welfare of the traveling public and the citizens of Bonner County; and

WHEREAS, in accepting lands for public rights of way, the County does not incur any obligation to construct or maintain a road within the right of way;

NOW, THEREFORE BE IT RESOLVED that the Board of County Commissioners, Bonner County, Idaho, do hereby accept the conveyance of lands described in Exhibit "E" and Exhibit "?" attached hereto for the purpose of establishing a public right of way without incurring any obligation to construct or maintain a public highway within said right of way;

BE IT FURTHER RESOLVED that the Chairman of the Board of County Commissioners of Bonner County, Idaho is hereby authorized to sign the endorsement upon the right of way deed signifying the acceptance of said lands for public right of way purposes;

BE IT FURTHER RESOLVED that the deed conveying said right of way, and bearing the signed endorsement from Bonner County is hereby ordered to be recorded according to law;

BE IT FURTHER RESOLVED that the Official Highway Map of Bonner County Idaho is hereby ordered to be amended to show the subject public right of way in accordance with Section 40-202, Idaho Code, and Title 2 of Bonner County Revised Code.

ADOPTED as a Resolution of the Board of County Commissioners of Bonner County, Idaho, upon a majority vote on the 9th day of October, 2018.

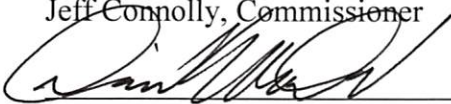
BONNER COUNTY BOARD OF COMMISSIONERS



Glen Bailey, Chairman

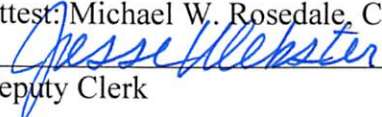
ABSENT

Jeff Connolly, Commissioner



Dan McDonald, Commissioner

Attest: Michael W. Rosedale, Clerk



Deputy Clerk

10-9-18
Date



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

September 25, 2018

Memorandum

To: Board of County Commissioners

From: Milton Ollerton, Bonner County Planning Director

Re: Resolutions vacating (abandonment) of 6.3 acres of Bonner County right-of-way located within the Clagstone Plat. The request also includes the dedication of a portion of Kelso Lake Road right-of-way, resulting in 0.4 acres.

The Board of Commissioners approved the vacation of rights-of-way located within the Clagstone Plat and the dedication of a portion of Kelso Lake Road right-of-way following a public hearing held on September 8, 2016.

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 have been made. Also, the new written legal descriptions have been provided to the county for recording with the resolution vacating the right-of-way.

Idaho Code §40-203 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.

(Recommendation)

Staff recommends the Board approve the resolution for the vacation of a portion of rights-of-way within the Clagstone Plat as described in the attached legal description.

Suggested motion: I move to approve Resolution # 18- 119 vacating a portions of rights-of-way within the Clagstone Plat as described herein, and Resolution #18- 120 the dedication of a portion of Kelso lake Road right-of-way, File #VS1850-16.

Recommendation Acceptance: ☒ Yes ☐ No

Glen Bailey Date: 9 Oct '18
Commissioner Glen Bailey, Chairman