Instrument # 883885
BONNER COUNTY, SANDPOINT, IDAHO
12-29-2015 11:31:15 AM No. of Pages: 4
Recorded for : BC PLANNING
MICHAEL W ROSEDALE Fee: 0.00
Ex-Officio Recorder Deputy

#### RESOLUTION NO. 15- 104

#### RIGHT-OF- WAY VACATION FOR PORTION OF BIRCH BAY LANE PLANNING DEPARTMENT FILE #VS1833-15

WHEREAS, Kent Rudeen filed a petition with Bonner County, Idaho for the vacation (abandonment) of a  $\pm 5,390$  square foot portion of Birch Bay Lane public right-of-way, located in Section 6, Township 56 North, Range 2 West, B.M.; and

WHEREAS, the Bonner County Board of Commissioners held a duly noticed public hearing for the vacation of a portion of Birch Bay Lane (Planning Department File #VS1833-15) on December 9, 2015, 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 the subject portion of Birch Bay Lane, 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.
- 2.) The abandonment of the public right-of-way is in the public interest.
- 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; and

WHEREAS, the Board of Commissioners did adopt a finding stating: "The plat of Birch Bay Lake Shore Lots was recorded in 1961. The plat depicted the subject triangular-shaped portion of Birch Bay Lane as "county road," but did not include it within the plat. No deed for this portion of Birch Bay Lane has been found;" and

WHEREAS, the Board of Commissioners, pursuant to the petition dated September 25, 2015, agreed to vest the vacated area to the owner of the adjacent parcel known as RP56N02W060141A, shown of record to be Marjorie and Kent Rudeen; 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 the portion of Birch Bay Lane, 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.

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BE IT FURTHER RESOLVED that Bonner County does hereby quit claim its entire interest, if any, in the vacated right-of-way, as described, to Marjorie and Kent Rudeen, owners of adjoining parcel RP56N02W060141A.

ADOPTED as a Resolution of the Board of County Commissioners of Bonner County, Idaho, upon a majority vote on the 22<sup>nd</sup> day of December, 2015. a 29th

## BONNER COUNTY BOARD OF COMMISSIONERS

Chairman Cary Kelly:

Commissioner Todd Sudick:

Commissioner Glen Bailey:

BONNER COUNTY BOARD OF COMMISSIONERS

Cary Kelly, Chairman

Todd Sudick, Commissioner

Glen Bailey, Commissioner

ATTEST: Michael W. Rosedale, Clerk

**BOARD OF COUNTY COMMISSIONERS** RESOLUTION VACATING PORTION OF BIRCH BAY LANE, FILE #VS1833-15

### LEGAL DESCRIPTION OF BIRCH BAY LANE RIGHT OF WAY VACATION



September 25, 2015

Being that portion of Birch Bay Lane situated in Government Lot 1 of Section 6, Township 56 North, Range 2 West, Boise Meridian, Bonner County, Idaho more particularly described as follows:

Commencing at the east quarter corner of said Section 6;

Thence N0°12'00"E along the east line of said section a distance of 2429.60 feet to the northeast corner of that parcel of land described in the Warranty Deed recorded under Instrument Number 152304;

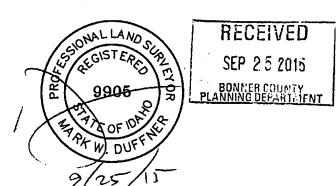
Thence along the boundary of said warranty deed parcel the following three courses:

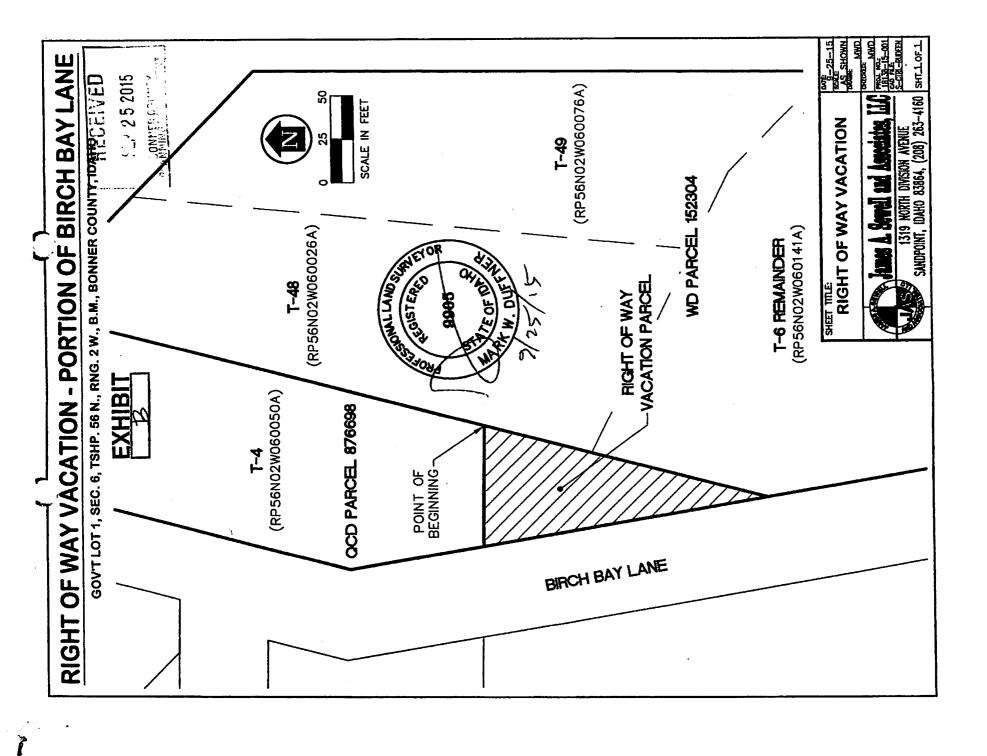
- 1) N46°02'00W, 200.00 feet;
- 2) S12°00'00"W, 42.80 feet;
- 3) S14°22'00"W, 230.00 feet to the southeast corner of that parcel of land described in the Quitclaim Deed recorded under Instrument Number 876698, said southeast corner being the True Point of Beginning of said Right of Way Vacation;

Thence continuing S14°22'00"W along the boundary of said Warranty Deed parcel recorded under Instrument Number 152304 a distance of 162.99 feet to an angle point in said warranty deed parcel boundary;

Thence, leaving said warranty deed parcel boundary, N9°50'52"W, 161.26 feet to the southeast corner of said parcel described in the Quitclaim Deed recorded under Instrument Number 876698;

Thence S89°10'00"E along said southerly boundary, a distance of 68.03 feet to the Point of Beginning.







# **Planning Department**

1500 Hwy 2, Suite 208 Sandpoint, ID 83864 (208) 265-1458

December 22, 2015

# Memorandum

To: Board of County Commissioners

From: Clare Marley, AICP

Re: Resolution vacating portion of Birch Bay Lane (Rudeen), File #VS1833-15

The Board of Commissioners approved the vacation of a portion of Birch Bay Lane following a public hearing December 9, 2015. The portion of public right-of-way is located north of Lakeshore Drive, south of Sandpoint.

Conditions of approval required the petitioners to reimburse the county for costs to publish and mail legal notices for the public hearing. The fees have been paid.

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)

I recommend the Board approve the resolution vacating the public right-of-way and authorize signatures on the resolution.

Suggested motion: I move to approve Resolution # 15-104, vacating a portion of Birch Bay Lane public right-of-way, File #VS1833-15 and authorize the Board to sign said resolution.

Commissioner Cary Kelly, Chairman