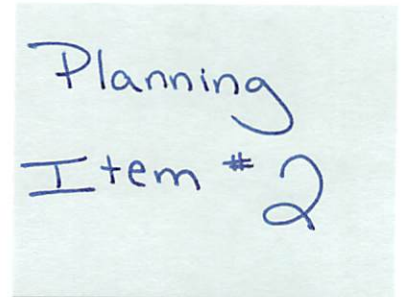




Planning Department

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



December 16, 2015

Memorandum

To: Board of County Commissioners

From: Clare Marley, AICP *CM*

Re: Resolution vacating portion of Birch Bay Lane (Raabe), File #VS1826-15

The Board of Commissioners approved the vacation of a portion of Birch Bay Lane following a public hearing August 6, 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.

Suggested motion: I move to approve Resolution # 15-101, vacating a portion of Birch Bay Lane public right-of-way, File #VS1826-15 and authorize the Board to sign said resolution.

Recommendation Acceptance: ☒ Yes ☐ No

[Signature] Date: 12/22/15
Commissioner Cary Kelly, Chairman

RESOLUTION NO. 15- 101

**RIGHT-OF- WAY VACATION
FOR PORTION OF BIRCH BAY LANE
PLANNING DEPARTMENT FILE #VS1826-15**

WHEREAS, Rodney and Debra Raabe filed a petition with Bonner County, Idaho for the vacation (abandonment) of a ±4,000 square foot portion of Birch Bay Lane public right-of-way, located in Section 31, Township 57 North, Range 2 West and 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 #VS1826-15) on August 6, 2015, pursuant to the procedures of Idaho Code §40-203 and §50-1317; 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, pursuant to the petition dated June 10, 2015, agreed to vest the vacated area to the owner of the adjacent Lot 12A, Block 1, of the Replat of Lots 1, 2 & 6-13 of Birch Bay Lake Shore Lots, shown of record to be Rodney D. and Debra L. Raabe, petitioners; 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.

BE IT FURTHER RESOLVED that Bonner County does hereby grant, deed and convey the vacated right-of-way, as described, to Rodney D. and Debra L. Raabe, owners of Lot 12A, Block 1, of the Replat of Lots 1, 2 & 6-13 of Birch Bay Lake Shore Lots (Book 10 of Plats, Page 132).

ADOPTED as a Resolution of the Board of County Commissioners of Bonner County, Idaho, upon a majority vote on the 22nd day of December, 2015.

BONNER COUNTY BOARD OF COMMISSIONERS

Chairman Cary Kelly:

Aye

Commissioner Todd Sudick:

Aye

Commissioner Glen Bailey:

Aye

BONNER COUNTY BOARD OF COMMISSIONERS

Cary Kelly
Cary Kelly, Chairman

Todd Sudick
Todd Sudick, Commissioner

Glen Bailey
Glen Bailey, Commissioner

ATTEST: Michael W. Rosedale, Clerk

Deborah C. Smith
By Deputy Clerk

12/22/15
Date

Legal: B. Wilson

EXHIBIT
A

LEGAL DESCRIPTION OF RIGHT OF WAY VACATION

July 1, 2015

Being the following described portion of public road shown on the plat of "Birch Bay Lake Shore Lots," according to the plat thereof recorded in Book 2 of Plats, Page 76, and situated in Government Lot 1, Section 6, Township 56 North, Range 2 West, Boise Meridian, Bonner County, Idaho:

Beginning at the southeast corner of Lot 13, Block 1 of said plat;

Thence along the boundary of said lot the following two courses:

1. N14°20'E, 115.19 feet;
2. S45°00'E, 46.50 feet to the easterly boundary of said plat;

Thence S14°20'W along said easterly boundary a distance of 81.87 feet to a point on the easterly prolongation of the south boundary line of said Lot 13;

Thence S89°10'W along said boundary line prolongation a distance of 41.14 feet to the Point of Beginning.



BIRCH BAY LAKE SHORE LOTS and I checked the conditions involved sufficiently to determine that it con-
with the requirements of the laws relating to the firm
of plots.
Dated this 25 day of Jan. 1961.

By William Bonner

Accepted and approved by the Board of County Commissioners of Bonner County Idaho, this 6th day of July 1961.

I hereby certify that the required taxes on the herein platted land have been paid.
Dated the 22 day of Jan 1961

POWERS CASEMENT

15.02.86
Maurice Garry
(secret)

10

453.4
429.6

S. 65	
N. 14	
N. 40	

ROAD

3. 20
5. 20

and wife hereby certify that they are the owners of the land shown within the boundaries of the plat shown herein and they have caused the same to be laid off into lots, blocks and roads, the said plat to be known as BIRCH BAY LAKE SHORE LOTS, the same being a parcel of land within part of Government Lot 9, Section 6, Township 57 North, Range 2 West of the 66th Meridian, and Government Lot 1, Section 6, Township 56 North, Range 2 West of the 66th Meridian.

Sections 5 and 6; thence N 46°02' W. 300.0 feet to the True Point of Quarter corner between Sections 5 and 6; Township 36 North, Range 2 West, of the Boise Meridian, at a point which is 2429.60 feet north of the quarter corner between Sections 5 and 6;

215.80' feet; hence N 65° 03' W, 330.80' (Rec. 105.80) feet to the center line of slough; hence along the center line of slough S 35° 42' W, 163.20 feet; hence 6.11° 53' E, 146.7 feet; hence S 47° 06' W, 210 feet to the shoreward of the center line of slough.

The public roads shown are hereby dedicated to the public for use as public roads forever. Lot A and Lot B shown herein are hereby reserved for the use of the owners of all property in this plot and any subsequent additions thereto as a recreation and beach area. The private road shown herein is reserved for the use of the owners of all property in this plot.

thereof extends northeasterly to the northeasterly boundary line of this plot, and Lot 13 in said Block 1 shall include the land lying between the northeasterly extension of the northeasterly line of said lot 1 and the easterly boundary line of this plot.

J-1015 E shown herein, and of Lot 5 and Lots 19 to 24 in Block 1, noted within Warranty Easement Tract J-1016 IE shown herein, shall be subject to the Perpetual Rights of Way and Warranty Easements conveyed to the United States of America in connection with Abony Falls Project, Idaho, and

2. day of February 1961.

STATE OF WASHINGTON } SS
COUNTY OF SPOKANE }

AGRICULTURAL COMMISSION

Witness: Mr. Jack W. Howell & C. E. Gass.

Attest:
Notary Public in and for the State of Washington
Residing at Spokane

BOUNDARY TRAVERSE	
LATITUDE	DEPARTURE
N S	E W
185.6	7.56
185.6	18.45

Signed _____

Robert F. Stewart

as shown thereon have been established on the ground.

of BIRCH BAY LAKE SHORE LOTS in Bonner County Idaho.

Signed *W. H. H. H. H.*

10.04
107.76
25.77
104.8
121.51
403.37
504.2
25.9
104.8

204.34
179.34
101.50

IN	W	W	W	W
GOVT. LOT 1 SECTION 6 T. 56 N. R. 2 W. BM.	80.3	45.17	66.39	
	79.9	69.74	39.00	
GOVT. LOT 9 SECTION 31 T. 57 N. R. 2 W. BM.	102.8	43.90	92.95	
	78.0	43.90	92.95	

Scale: 1" = 100'

Signed _____
 Philip L. Sargent, Registered Land Surveyor, No. 712
 1964, and that all of correct, together with the
 as shown thereon have been established on the
 ground.
 Signed _____
 Philip L. Sargent, Registered Land Surveyor, No. 712
 SUREYOR'S AFFIDAVIT
 I hereby certify that the tracing is a true and correct
 of BIRCH BAY LAKE SHORE LOTS in Bonner
 County, Idaho.
 Signed _____
 Philip L. Sargent, Registered Land Surveyor, No. 712
 BIRCH BAY LAKE SHORE LOTS
 IN
 GOVT LOT 1 SECTION 36 T. 56 N. R. 2 W. B.M.
 GOVT LOT 1 SECTION 31 T. 57 N. R. 2 W. B.M.
 BONNER COUNTY
 IDAHO
 January 10 1961
 Philip L. Sargent - Registered Land Surveyor, No. 712