

Instrument # 984956
Bonner County, Sandpoint, Idaho
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Recorded for: BOCC
Michael W. Rosedale Fee: \$0.00
Ex-Officio Recorder Deputy _____
Index to: MISC

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Resolution #2021-48

Planning

Right-Of-Way Vacation File #VS0003-21

RESOLUTION NO. 21- 48

**RIGHT-OF- WAY VACATION
FOR PORTIONS OF WHITETAIL DRIVE IN GROUSE VALLEY ADDITION
PLANNING DEPARTMENT FILE #VS0003-21**

WHEREAS, Shawna and Candace Kirk, with Glahe and Associates have filed a petition with Bonner County, Idaho for the vacation (abandonment) of a portion of right of way, Whitetail Drive, located within the Grouse Valley Addition in Section 17, Township 59 North, Range 1 East, Boise Meridian, Bonner County, Idaho; and

WHEREAS, the Bonner County Board of Commissioners held a duly noticed public hearing for the vacation (abandonment) of a portion of right of way, Whitetail Drive, located within the Grouse Valley Addition in Section 17, Township 59 North, Range 1 East, Boise Meridian, Bonner County, Idaho (Planning Department File VS0003-21) on June 09, 2021 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 a portion of right of way, Whitetail Drive, located within the Grouse Valley Addition in Section 17, Township 59 North, Range 1 East, Boise Meridian, Bonner County, Idaho, concluding that:

- 1.) This proposal is compliant with the vacation criteria and standards set for at Idaho Code §40-203.
- 2.) The abandonment of the easement is in the public interest.
 - a. Finding: The proposed alternate right-of-way does not impact any other neighboring properties adversely. No public agency has objected to the proposed right-of-way vacation. Additionally, 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 of right of way at the end of Camp Bay Road, located within the South 1/2 of Section 18, Township 56 North, Range 1 East, Boise Meridian, Bonner County, Idaho is beneficial to applicant, the public and the County.
 - a. Finding: The proposed vacation does not leave any real property adjoining the public right-of-way without access to an established public right-of-way as the proposed alternate public right-of-way continues to provide adequate access to all the impacted adjoining real properties.

WHEREAS, the Board of Commissioners, pursuant to the petition dated March 31, 2021 acknowledge that the vacated area is already vested in the petitioner, show of record to be Shawna and Candace Kirk.

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 a portion of right of way, Whitetail Drive, located within the Grouse Valley Addition in Section 17, Township 59 North, Range 1 East, Boise Meridian, Bonner County, Idaho, described below 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:

ALL that a portion of right of way, Whitetail Drive, located within the Grouse Valley Addition in Section 17, Township 59 North, Range 1 East, Boise Meridian, Bonner County, Idaho, said right-of-way being a strip of land, the centerline of which is generally described as follows:

COMMENCING at the intersection of the south line of said Lot 3 and the east right-of-way of said Whitetail Drive;

A portion of a sixty (60) foot wide public right-of-way known as Whitetail Drive, as shown on the plat of Grouse Valley Addition, as recorded in Book 2 of Plats, Page 100, records of Bonner County, Idaho, over and across a portion of Lots 3, 4, and 5 of Block 2 of said plat of Grouse Valley Addition, being in Section 17, Township 59 North, Range 1 East, Boise Meridian, Bonner County, Idaho, and more particularly described as follows:

Thence leaving said south line and along said east right-of-way, North $33^{\circ}30'22''$ East, a distance of 24.82 feet to the TRUE POINT OF BEGINNING;

Thence continuing along said east right-of-way the following three (3) courses:

1. Thence North $33^{\circ}30'22''$ East, 126.84 feet;
2. Thence 180.87 feet along a curve to the left having a radius of 272.36 feet and a delta angle of $38^{\circ}02'57''$ (chord North $14^{\circ}28'53''$ East, 177.56 feet);
3. Thence North $04^{\circ}32'35''$ West, 415.81 feet;

Thence leaving said east right-of-way, South $62^{\circ}24'27''$ West, 65.21 feet to the west right-of-way of said Whitetail Drive;

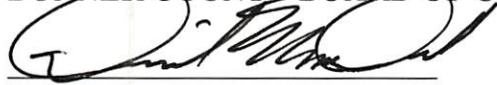
Thence along said west right-of-way the following three (3) courses:

1. South $04^{\circ}32'35''$ East, 390.28 feet;
2. Thence 141.02 feet along a curve to the right having a radius of 212.36 feet and a delta angle of $38^{\circ}02'57''$ (chord South $14^{\circ}28'53''$ West, 138.45 feet);
3. Thence South $33^{\circ}30'22''$ West, 141.67 feet;

Thence South 70°22'34" East, 61.81 feet to the TRUE POINT OF BEGINNING, encompassing an area of 1.0 Acres more or less.

ADOPTED as a Resolution of the Board of County Commissioners of Bonner County, Idaho, upon a majority vote on June 09, 2021.

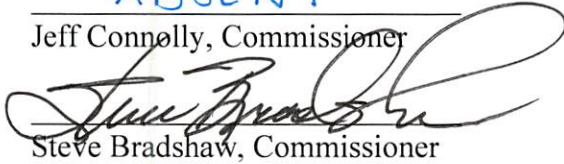
BONNER COUNTY BOARD OF COMMISSIONERS



Dan McDonald, Chairman

ABSENT

Jeff Connolly, Commissioner



Steve Bradshaw, Commissioner

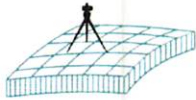
ATTEST: Michael W. Rosedale, Clerk



By Deputy Clerk

June 9, 2021
Date

Legal: B Wilson



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

Vacating Right of Way

Legal Description

1.0 Ac.

Bonner County, Idaho

Section 17, Township 59 North, Range 1 East, B.M.

A portion of a sixty (60) foot wide public right-of-way known as Whitetail Drive, as shown on the plat of Grouse Valley Addition, as recorded in Book 2 of Plats, Page 100, records of Bonner County, Idaho, over and across a portion of Lots 3, 4, and 5 of Block 2 of said plat of Grouse Valley Addition, being in Section 17, Township 59 North, Range 1 East, Boise Meridian, Bonner County, Idaho, and more particularly described as follows:

COMMENCING at the intersection of the south line of said Lot 3 and the east right-of-way of said Whitetail Drive;

Thence leaving said south line and along said east right-of-way, North 33°30'22" East, a distance of 24.82 feet to the **TRUE POINT OF BEGINNING**;

Thence continuing along said east right-of-way the following three (3) courses:

1. Thence North 33°30'22" East, 126.84 feet;
2. Thence 180.87 feet along a curve to the left having a radius of 272.36 feet and a delta angle of 38°02'57" (chord North 14°28'53" East, 177.56 feet);
3. Thence North 04°32'35" West, 415.81 feet;

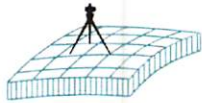
Thence leaving said east right-of-way, South 62°24'27" West, 65.21 feet to the west right-of-way of said Whitetail Drive;

Thence along said west right-of-way the following three (3) courses:

1. South 04°32'35" East, 390.28 feet;
2. Thence 141.02 feet along a curve to the right having a radius of 212.36 feet and a delta angle of 38°02'57" (chord South 14°28'53" West, 138.45 feet);
3. Thence South 33°30'22" West, 141.67 feet;

Thence South 70°22'34" East, 61.81 feet to the **TRUE POINT OF BEGINNING**, encompassing an area of 1.0 Acres more or less.





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

New Right of Way

Legal Description

1.0 Ac.

Bonner County, Idaho

Section 17, Township 59 North, Range 1 East, B.M.

A sixty (60) foot wide strip of land over and across a portion of Lots 3, 4, and 5 of Block 2 of the plat of Grouse Valley Addition, as recorded in Book 2 of Plats, Page 100, records of Bonner County, Idaho, being in Section 17, Township 59 North, Range 1 East, Boise Meridian, Bonner County, Idaho, and being thirty (30) feet on each side of the following described centerline:

COMMENCING at the intersection of the south line of said Lot 3 and the east right-of-way of Whitetail Drive, a public road;

Thence leaving said east right-of-way and along said south line, North 89°21'59" West, a distance of 35.72 feet to the existing centerline of said Whitetail Drive;

Thence leaving said south line of said Lot 3, and along said existing centerline of Whitetail Drive, North 33°30'22" East, a distance of 36.79 feet to the **TRUE POINT OF BEGINNING**;

Thence leaving said existing centerline and along the following four (4) courses:

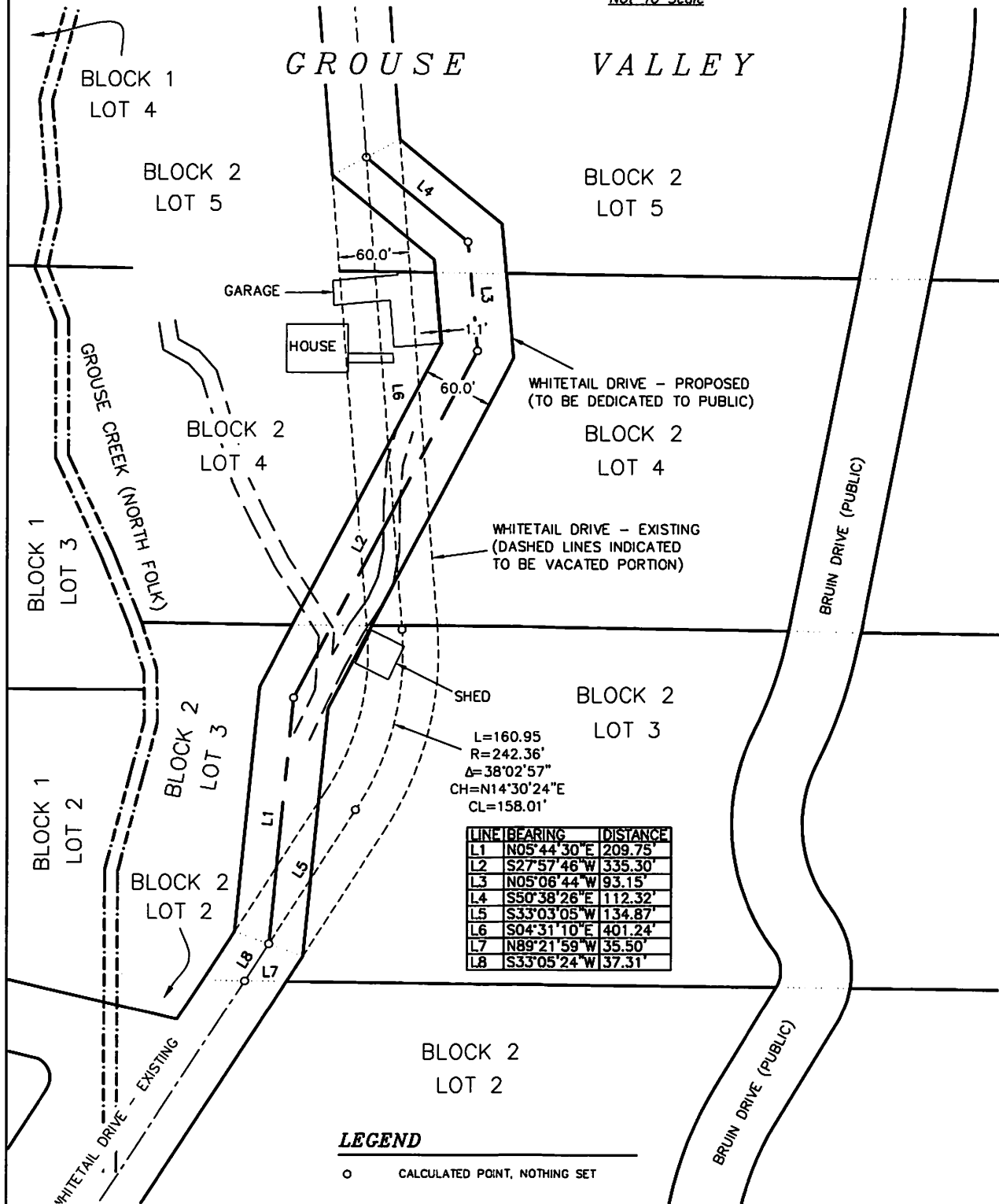
- 1) North 05°44'30" East, a distance of 210.26 feet;
- 2) North 27°57'46" East, a distance of 332.28 feet;
- 3) North 05°06'44" West, a distance of 93.15 feet;
- 4) North 50°38'26" West, a distance of 112.32 feet to the existing centerline of said Whitetail Drive, and the **POINT OF TERMINUS**, encompassing an area of 1.0 Acres more or less.

The sidelines of the above described strip of land shall be extended and/or shortened as to begin at the existing east and west right-of-way lines of said Whitetail Drive, and to be extended and/or shortened as to terminate at the existing east and west right-of-way lines of said Whitetail Drive.



EXHIBIT MAP
 FOR
KIRK
 LYING IN A PORTION OF THE
 SW¼ OF SECTION 22,
 TOWNSHIP 57 NORTH, RANGE 2 WEST,
 BOISE MERIDIAN, BONNER COUNTY, IDAHO

Not To Scale



1/4	SECTION	TOWNSHIP	RANGE	MONTANA	IDAHO
	17	59 N	1 E	OREGON	WASHINGTON
PROJECT #: 20-138 KIRK			Plot Date: 3/12/2021		
DRAWING NAME: 20-138 KIRK EXHIBIT					

EXHIBIT MAP
 FOR
KIRK

Scale: 1"=80'

Checked By: TLAG
 Drawn By: TSH

Sheet: 1 of 1

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 208-286-4474