

CITY OF BONNERS FERRY

7232 Main Street
P.O. Box 149
Bonners Ferry, Idaho 83805
Phone: 208-267-3105 Fax: 208-267-4375

STAFF REPORT FOR VACATION OF PLATTED ALLEYWAY FILE #VC02-16 – CASE VACATION

Prepared by: Lisa Ailport, AICP
City Planner

Project Description: Petition to vacate a portion of a 16-foot alleyway within Block 17, of the Amended Plat of Bonners Ferry, Book 1C, Page 67, which can be generally be described as being between Lots 1-3 and Lots 22-24.

Location: The project is located south east of Boundary Street and North of North River Drive.

Parcel size: 1,696 square feet is proposed to be vacated.

Applicant: Robert and Linda Case

Applicant's Representative: Clare Marley, Ruen-Yeager and Associates

Property Owner: Same as applicant's

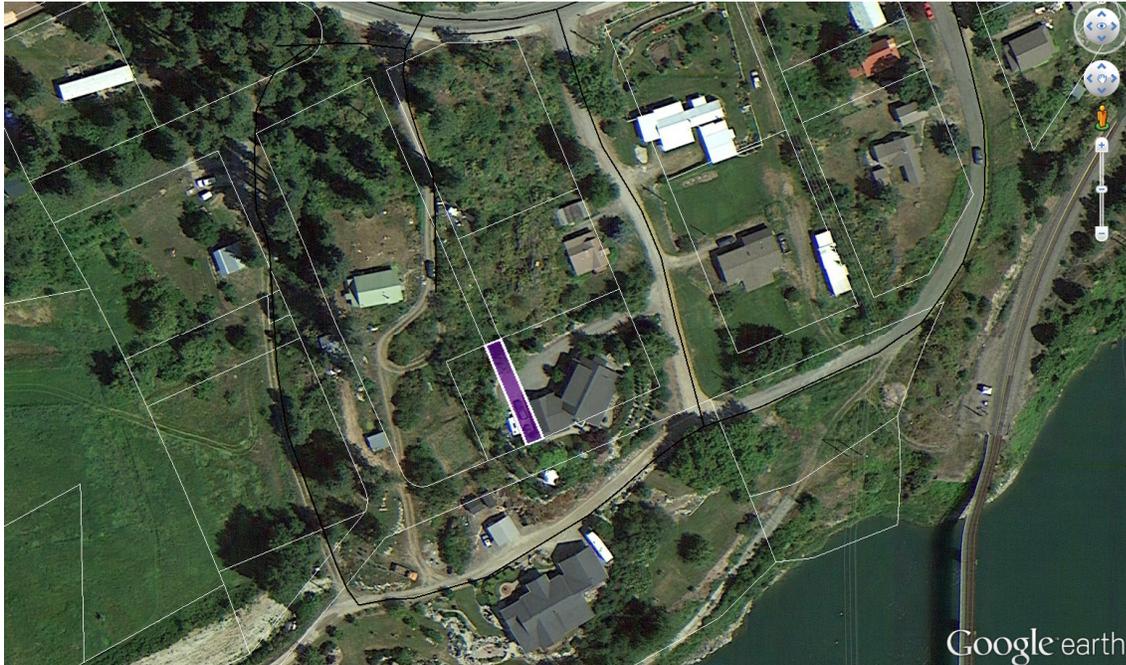
Petition filed with City: October 21, 2016

Notice Provided: Mailed: December 6, 2016
Published in Paper: December 1, 2016 and December 8, 2016

Council Packets: Staff report
Application and Petitions
Traffic Safety Minutes of November 16, 2016
Public Comments
Plat of Amended Plat of Bonners Ferry
Official notice and official mailing of record

PROJECT SUMMARY

The applicant is requesting to vacate a portion of a platted alleyway located adjacent to existing property owned by the applicant (see aerial below). The applicant asserts the vacation is requested because the public right-of-way serves no public need, has never been constructed in 125 years and cannot physically connect to the existing public road.



Alleyway serves no public need:

According to the application, no utilities are located within the alley. A review of city plans and utilities also concludes that no city utilities are located within the alley. Staff also forwarded the file to the City departments seeking comments or feedback regarding the request and did not receive any response from city agencies/departments regarding the proposed vacation.

Alleyway has never been constructed:

According to the application, the alleyway was dedicated to the public with the recording of the plat of Bonners Ferry, Idaho on July 9, 1890 when Bonners Ferry was still a part of Kootenai County. The plat has been in existence since 1890, over 125 years, and the alleyway, according to the applicant has only been improved with the homeowner's improvements (see application photos).

Alleyway cannot physically connect to the public road:

The platted alleyway intersects an existing public right-of-way, however this area is not where the physical road is located. As shown in the above aerial, North River Drive is physically located south of the platted right of way, which is likely due to topography in the area. According to the application, a bench/slope runs east to west which prohibits connection to the existing road known as North River Drive. Photos were submitted with the application showing the topographic constraints.

ANALYSIS:

According to Idaho Code 50-311, the City may vacate a public right-of-way when it is determined to be “expedient for the public good” to do so. Furthermore, IC 50-1306A stipulates certain procedures to be adhered to and a public hearing held. Once these requirements have been met, the City Council may grant the request to vacate with such restrictions as they deem necessary in the public interest.

While State statutes dictate the council can take this action once the notification procedures have been completed, the City does little to standardize how to evaluate the what “expedient for the public good” means. Staff, in processing the application to hearing has attempted to extract out facts through the application and petition materials and by routing the request to agencies and departments to seek comments and/or recommendations by those departments.

The application was routed to the Traffic Safety Committee, which met on November 16, 2016. This vacation request was the first petition many on the Committee had ever considered. Staff provided the following questions in order help the dialog of evaluating what how vacating the right-of-way could affect city connectivity and use:

1. Has the right-of-way served the public in the past?
 - a. Has the right of way served as a transportation corridor in the past?
 - b. Has there ever been any city owned or public utilities within the right of way?
2. Does the right-of-way currently serve the public?
 - a. Is there currently any recognized use of the right of way such as trails, pathways or other travelways?
 - b. Does anyone or any property require the right of way to maintain access to property?
3. Will the right-of-way serve the public in the future?
 - a. Is there a future need to maintaining or keeping the right of way to connect trail systems or pathways?
 - b. Will there be a need to in the future have a corridor for future transportation planning efforts?

After evaluating the above the Traffic Safety Committee felt the existing alley did not serve the interest of the public currently or in the future, and therefore made a motion to recommend approval to City Council (see attached minutes).

No other departments or agencies commented on the file.

PUBLIC COMMENTS

The City received public comments from the following. A summary of the comments are included, but the council packet includes the entire comment:

Steve Galbraith provided written letter of opposition, received on December 13, 2016, noting that the vacation, if approved, would limit access to an existing power pole that serves three properties in the area.

Staff Note: The existing power pole may be located within the platted right-of-way of North River Drive. This portion of the right-of-way is not being requested as part of the vacation request. Furthermore, a condition securing the franchised rights of any easements is provided as a condition of approval (see condition #3).

DeAnna Galbraith provided a written letter of opposition to the file received December 12, 2016 noting similar issues as did Steve Galbraith did regarding access to the existing power pole.

Lillian Clements provided a written letter to the file, received December 9, 2016, noting that she walks her dogs along Arapaho alley and the vacation would restrict her access to the public alleyway. She is opposed to the vacation.

COUNCIL ACTION:

Ultimately it is City Council who has to weigh the facts and the testimony at the hearing to ensure adequate evidence supports what “expedient for the public good” is and what it means. Draft findings have been prepared based on the file.

APPLICABLE LAWS:

Idaho Code §50-311(Vesting) Idaho Code §50-1306, (procedural)

Idaho Code §50-1320 (Vesting) Idaho Code §50-1324 (Taxes pd)

DRAFT MOTION BY THE COUNCIL

Motion to Approve: I move to approve this file VC02-16, to vacate a portion of a 16-foot wide alleyway within Block 17 of the Amended Plat of Bonners Ferry, book 1C Page 67, finding that it is in accord with Idaho Code 50-1306A and the standards of approval as outlined in the staff report and testimony received at this hearing. I further move to adopt the following findings of fact and reasoned decisions and including the conditions of approval (as amended, or as submitted) and enumerated in the staff report. The actions to be taken to obtain the vacation is to complete the conditions of approval as provided. (read conclusions 1-3)

Motion to Deny: I move to deny this file VC02-16, to vacate a portion of a 16-foot wide alleyway within Block 17 of the Amended Plat of Bonners Ferry, book 1C Page 67, finding that it is not in accord with Idaho Code 50-1306A and the standards of approval as outlined in the staff report and the testimony received at the public hearing. Furthermore, I move to adopt the following findings of fact and reasoned decisions (read conclusions 1-3- noting the findings that support your claim-which conclusions does it fail to meet)

The actions to be taken to receive approval is

1. Submit a new petition that meets the standards of Idaho Code 50-311 and 50-1306A

REASONED DECISION

***The above staff report and subsequent evidence in the record provides for the findings of fact required in order to make any conclusion of law. Based upon those findings, the following conclusions are proposed to be adopted by the City Council by motion to approve.**

Conclusion 1:

The proposal was review for compliance with I.C. §50-1306A notification requirements, procedures, and §50-1324 necessity of taxes paid. Therefore, the proposal **is/is not** in accordance with the applicable notification standards.

Finding: Certified mailings of the request to vacate was sent to landowners within 300-feet of the lands to be vacated on December 6, 2016 (file record).

Finding: Notification of the proposed hearing was published in the December 1st, and December 8th by affidavit of publication by the Bonners Ferry Herald (file record).

Conclusion 2:

The vacation of right-of-way **is/is not** in the interest of the public

Draft Finding: The alleyway has not been constructed in 125 years and does not contain any known easements or utilities (application).

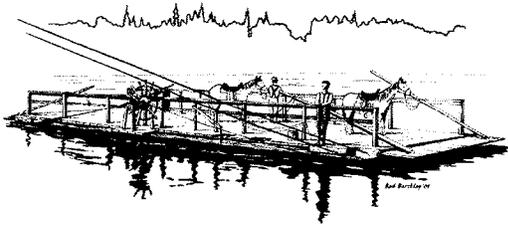
Draft Finding: Physical topographic constraints prevent future construction of the alleyway and prevent the alley from connecting to the existing North River Drive in (application).

Draft Finding: The Traffic Safety Committee made a motion to recommend approval of the vacation finding that the right-of-way does not currently serve the interest of the public and will not serve the interest of the public in the future (draft 11/16 minutes).

CONDITIONS OF APPROVAL

1. The vacation of the above described right-of-way shall be effective upon recording of a resolution by the Council granting the vacation, vesting to reside with Robert and Linda Case.
2. Prior to recording of the vacation resolution, warranty deed(s) shall be prepared for recording combining the vacated alleyway with the ownership on either side of the alleyway to the satisfaction of the City. Once the vacation is recorded, the deed(s) shall be recorded combining the ownership into one parcel of land. The deed(s) shall reference the following language in the recording of the property consolidation, "The franchised rights of and easements of public utilities, if any, shall not be impaired by the recording of the vacation and shall remain in force."

Vc 62-14



CITY OF BONNERS FERRY

PETITION TO VACATE RIGHTS OF WAY (IDAHO CODE - TITLE 50)

Applicant's Name: Linda and Robert Case **Date:** 10/06/16

Mailing Address: P.O. Box 239, Bonners Ferry, ID 83805

Day Telephone Number: (208) 660-1915 **E-mail Address:** _____

Applicant's Name: _____ **Date:** _____

Mailing Address: _____

Day Telephone Number: () **E-mail Address:** _____

Applicant's Representative: Clare Marley, AICP

Company Ruen-Yeager and Associates, Inc.

Mailing Address: 219 Pine Street, Sandpoint, ID 83864

Day Telephone Number: (208) 265-4629 **E-mail Address:** cmarley@ruenyeager.com

DESCRIPTION:

Subdivision Name: Amended Plat of Bonners Ferry **Instrument #** ROS 267641

Block Number 17 **Lot Number(s)** 22-25 **Book of Plat No.** 1-C **Pages:** 67

Quarter: _____ **Section:** 27 **Township:** 62N **Range:** 1E

Location of Property: *(Street Address or cross streets)* 7306 Boundary Street

Parcel or Tax Lot Number (if available) RPB0120017024BA; RPB0120017024BA

(This information can be obtained from County Assessor's Office)

REQUEST

(If more space is needed, please use additional paper)

Please explain why the vacation is necessary:

The vacation of the 16-foot wide alley adjoining the subject parcels is requested because the public right-of-way serves no public need, has never been constructed, and cannot physically connect to the public roadway to the south. See attached narrative for further explanation.

RECEIVED

OCT 21 2016

RECEIVED

OCT 21 2016

Please explain why this vacation is in the interest of the public to vacate:

Please see attached narrative in support of the petition to vacate.

Are there any utilities within the existing right-of-way? If yes, please explain None.

Will any utilities remain in the same location if the vacation is approved? If yes, please explain: Not applicable. There are no utilities in the alley.

Does that applicant propose to provide any easements as part of the vacation? If yes, please explain: None are proposed.

Title to Vacated Portion to be Vested With: The full 16-foot width of the platted alleyway between ;
And petitioners' property, as described, is to be vested with Robert and Linda Case.

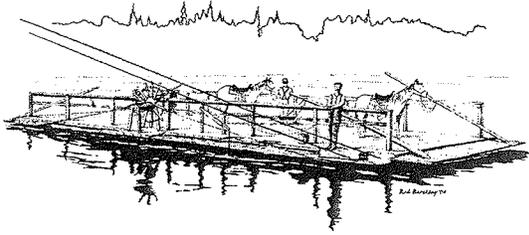
I (we), the undersigned, do hereby petition the City of Bonners Ferry to vacate the right of way described in this application and do certify that all information, statements, attachments and exhibits submitted herewith are true to the best of my (our) knowledge.

See attached
Applicant Signature

_____, 20____
Date

Applicant Signature

_____, 20____
Date



CITY OF BONNERS FERRY

PETITION TO VACATE RIGHTS OF WAY (IDAHO CODE - TITLE 50)

Applicant's Name: _____ Date: _____

Mailing Address: _____

Day Telephone Number: (____) _____ E-mail Address: _____

Cell Phone: (____) _____ Fax: (____) _____

Describe Request: *(If more space is needed, please use the backside of this form)*

Location of Property: *(Street Address or cross streets)* _____

DESCRIPTION:

Instrument # _____ Date Recorded _____

Quarter: _____ Section: _____ Township: _____ Range: _____

Subdivision Name: *(if applicable)* _____

Block Number _____ Lot Number(s) _____

Book of Plat No. _____ Pages: _____ through _____

Parcel or Tax Lot Number *(if available)* _____

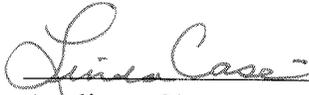
(All of this information can be obtained from your County Assessor's Office)

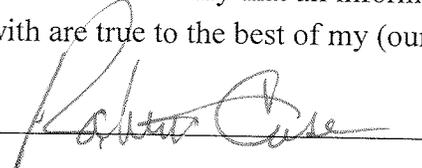
Title to Vacated Portion to be Vested With: _____;

And _____

(Note: Whenever a street, alley or other right-of-way is vacated, title shall revert to the owner of adjacent real estate, one-half on each side thereof or as the City of Bonners Ferry deems in the best interests of the adjoining properties, un less the right-of-way was dedicated as part of a plat. In that event, the right-of-way should be vacated only to the property within the subdivision.)

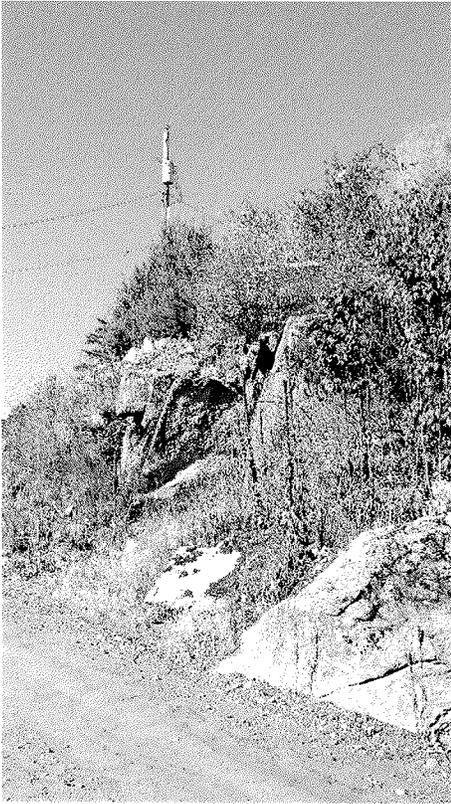
I (we), the undersigned, do hereby petition the City of Bonners Ferry to vacate the right of way described in this application and do certify that all information, statements, attachments and exhibits submitted herewith are true to the best of my (our) knowledge.


Applicant Signature


Date Sept. 16, 2016

**Evidence in support of petition to vacate alleyway
Linda and Robert Case, petitioners
City of Bonners Ferry, ID**

ITEM	EVIDENCE
Request	To vacate a 16-foot wide public alley bisecting property owned by the petitioners.
Location	Adjoining property at 7306 Boundary Street, Bonners Ferry, ID.
Legal	A portion of the 16-foot wide alley in Block 17 of the Amended Plat of Bonners Ferry in Section 27, Township 62 North, Range 1 East, B.M., Boundary County, as recorded in Book 1-C, Page 67, records of Boundary County, Idaho, lying between Lots 22 through 24, and a portion of Lots 1 through 3 of said plat. (See attached legal description by James R. Staples, PLS.)
Background	The subject alleyway was dedicated to the public with the recording of the plat of Bonners Ferry, Idaho on July 9, 1890, when Boundary County was still a part of Kootenai County. (See attached plat of Bonners Ferry, Idaho.) Although dedicated to the public more than 125 years ago, this portion of the dedicated alleyways of the plat of Bonners Ferry has never been constructed and is not currently maintained by the City of Bonners Ferry.
Setting	The south end of the dedicated alleyway intersects with the platted portion of North River Drive. (See attached preliminary survey.) However, North River Drive was not constructed within its dedicated right-of-way due to steep, rocky slopes. The physical road is constructed south of the platted right-of-way, as seen in the aerial photo and close-up below. The alley does not provide a through way to North River Drive due to topographic constraints.
Aerial photo of North River Drive and alleyway	

<p>Close-up showing dedicated right-of-way</p>		<p>Note: The aerial photograph from Google Earth shows approximate locations of structures in relation to legal boundaries, such as rights-of-way and property lines.</p>
<p>Slope</p>	<p>Photos demonstrating the sloped, rocky area between the platted alleyway and current North River Drive are shown below.</p>	
<p>Photos:</p> <p>Left, view from North River Drive upslope to petitioners' home</p> <p>Right, view looking west from North River Drive below petitioners' home</p>		
<p>Provisions of Idaho Code, §50-311</p>	<p>Cities have the power to vacate alleys, as authorized by Idaho Code §50-311 and §50-1306A.</p> <p>IC §50-311 empowers the city to vacate public rights-of-way “whenever deemed expedient for the <u>public good</u>.” Whenever an alley or street is vacated, the land shall revert to the owner “of adjacent real estate, one-half (½) on each side thereof, or as the city council deems in the best interests of the adjoining properties...” The rights of any utilities shall not be impaired by the proposed vacation.</p>	

<p>§50-1306A</p>	<p>There are no utilities located within the alley, according to the landowners. However, the petitioners would agree to a condition stating: “The franchise rights and easements of public utilities, if any, shall not be impaired by the vacation and shall remain in force.”</p> <p>The petitioners own both sides of the 16-foot wide alley, as evidenced by the deeds and preliminary survey submitted with this petition. Therefore, once vacated, the petitioners request the city council grant ownership of the subject alley to them in its entirety.</p> <p>Vacation of the alley is in the public good because the alley cannot be reasonably constructed to serve the physical North River Drive roadway due to rock outcroppings and steep slopes. The alley serves no public need.</p> <p>IC §50-1306A provides that the city shall give legal notice and conduct a public hearing, and “may grant the request to vacate with such restrictions as they deem necessary <u>in the public interest.</u>”</p> <p>The petitioners would agree to the condition preserving any potential utility easements, though none are known to exist. Also, should the city determine the combining of the vacated alley with adjacent land is needed to meet the “public interest” requirement or subdivision laws, they would agree to combine by deed the alleyway with their adjoining properties.</p>
<p>Public interest</p>	<p>When considering vacations of public rights-of-way, the governing bodies need to determine whether the vacation is in the public interest. While not defined by state code, “public interest” can include future extensions of public roads, legal access to other properties, use of the right-of-way for public utilities, or use of the land for snow storage. As evidenced by the photographs below, and attached, the alley has not been constructed and has been converted over time to a parking area, landscape wall, and patio area. Construction of the alley would serve no practical purpose because it cannot connect to the physical North River Drive at the south end or properties to the north. Development of the alley would require removal of rock and placement of fill. The development would not be in the public interest due to the expense, lack of need for access, and the environmental effects of extensive rock removal and fill. Most importantly, the extended alley could not physically connect to the actual roadway below. Since the alley is not used by the public, there is no need for snow storage. Lastly, the vacation of the right-of-way will not deprive any property of legal access. All surrounding properties have access to their properties via other existing public rights-of-ways, prescriptive roads, or private access, as evidenced by the survey, aerials, plats, and site observations.</p>

**Photo of
northeast
end of alley**



**Photo of
dedicated
alley area,
looking
toward south.
North River
Drive is
located
downslope
from this
point.**

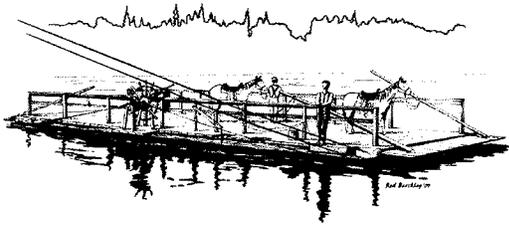


**LEGAL DESCRIPTION
FOR
VACATION OF PART OF THE ALLEYWAY
IN
BLOCK 17 OF THE AMENDED PLAT OF BONNERS FERRY**

A part of the 16.00 foot alley in Block Seventeen (17) of the Amended Plat of Bonners Ferry in Section Twenty-seven (27), Township Sixty-two (62) North, Range One (1) East of the Boise Meridian, Boundary County, Idaho; as recorded in Book 1-C, Page 67, records of Boundary County, Idaho and more particularly described as follows:

Beginning at the northeast corner of Lot 3, Block 17 of the Amended Plat of Bonners Ferry, marked on the ground by a 5/8" rebar and plastic cap stamped PLS 3628; thence along the east line of Lots 1, 2, and 3 of Block 17, S 21°22'11" E, 106.99 feet, to the southeast corner of Lot 1, Block 17 of the Amended Plat of Bonners Ferry, marked on the ground by a 5/8" rebar and plastic cap stamped PLS 3628; thence N 68°05'53" E, 16.00 feet, to the southwest corner of Lot 24, Block 17 of said Amended Plat and marked on the ground by a 5/8" rebar and plastic cap stamped PLS 3628; thence, along the west line of Lots, 22, 23, and 24 of Block 17, N 21°22'11" W, 106.85 feet, to the northwest corner of Lot 22, Block 17 of said Amended Plat and marked on the ground by a 5/8" rebar and plastic cap stamped PLS 3628; thence S 68°36'59" W, 16.00 feet to the POINT OF BEGINNING.





CITY OF BONNERS FERRY

PETITION TO VACATE RIGHTS OF WAY (IDAHO CODE - TITLE 50)

Applicant's Name: Linda and Robert Case **Date:** 10/06/16

Mailing Address: P.O. Box 239, Bonners Ferry, ID 83805

Day Telephone Number: (208) 660-1915 **E-mail Address:** _____

Applicant's Name: _____ **Date:** _____

Mailing Address: _____

Day Telephone Number: () _____ **E-mail Address:** _____

Applicant's Representative: Clare Marley, AICP

Company Ruen-Yeager and Associates, Inc.

Mailing Address: 219 Pine Street, Sandpoint, ID 83864

Day Telephone Number: (208) 265-4629 **E-mail Address:** cmarley@ruenyeager.com

DESCRIPTION:

Subdivision Name: Amended Plat of Bonners Ferry **Instrument #** ROS 267641

Block Number 17 **Lot Number(s)** 22-25 **Book of Plat No.** 1-C **Pages:** 67

Quarter: _____ **Section:** 27 **Township:** 62N **Range:** 1E

Location of Property: *(Street Address or cross streets)* 7306 Boundary Street

Parcel or Tax Lot Number (if available) RPB0120017024BA; RPB0120017024BA

(This information can be obtained from County Assessor's Office)

REQUEST

(If more space is needed, please use additional paper)

Please explain why the vacation is necessary:

The vacation of the 16-foot wide alley adjoining the subject parcels is requested because the public right-of-way serves no public need, has never been constructed, and cannot physically connect to the public roadway to the south. See attached narrative for further explanation.

Please explain why this vacation is in the interest of the public to vacate:

Please see attached narrative in support of the petition to vacate.

Are there any utilities within the existing right-of-way? If yes, please explain None.

Will any utilities remain in the same location if the vacation is approved? If yes, please explain: Not applicable. There are no utilities in the alley.

Does that applicant propose to provide any easements as part of the vacation? If yes, please explain: None are proposed.

Title to Vacated Portion to be Vested With: The full 16-foot width of the platted alleyway between ;
And petitioners' property, as described, is to be vested with Robert and Linda Case.

I (we), the undersigned, do hereby petition the City of Bonners Ferry to vacate the right of way described in this application and do certify that all information, statements, attachments and exhibits submitted herewith are true to the best of my (our) knowledge.

_____, 20____
Applicant Signature Date

_____, 20____
Applicant Signature Date

BONNERS FERRY IDAHO.

THE BONNERS FERRY CO. PRINCIPAL OFFICE
 SPOKANE FIELDS WASHINGTON
 E. B. WRIGHT, President
 S. B. WRIGHT, Vice President
 O. H. T. HALL, Secretary & Treasurer
 D. M. McCHESNEY, C. E.

PLAT 11 OF 1890, PAGE 11

County of Idaho } ss
 County of Kootenai }

I know all men by their persons that are the
 Bonners Ferry Company, E. B. Wright, President, S. B. Wright, Vice
 President and O. H. T. Hall, Secretary and Treasurer, have laid off and plotted
 out and shown on this map, which is being filed in the Public Lands
 Office at Boise, Idaho, Kootenai County, about one and a half miles
 (1.5) rods above where Bonners Ferry crossed the river, about
 along the North Bank of said river, exactly 100 rods above at right
 angles North to point of beginning, said plat contains the
 names of the Bonners Ferry, and its alleys, streets and public use
 areas. In witness whereof all do hereby set our hands and seals
 this 25th day of June, 1890, that the same is our free and voluntary
 act and deed.
 In presence of us as Witnesses (508)
 Arthur E. Barnes
 H. C. Jones
 Colby Hunt

State of Washington } ss
 County of Spokane }

I hereby certify that on the 25th day of
 June, 1890, personally appeared before me O. H. T. Hall, a notary
 public in and for said county, E. B. Wright, President, S. B. Wright,
 Vice President, and O. H. T. Hall, Secretary and Treasurer, of the
 Bonners Ferry Company, personally known to me to be
 persons who signed the same as their free and voluntary act
 and deed, for the uses and purposes herein mentioned.
 In witness whereof I have set my hand and affixed my official
 seal this 25th day of June, 1890.

(Seal)
 State of Idaho } ss
 County of Kootenai }

Filed for record at the request of O. H. T. Hall on the 26th day of July, 1890 at 6:30 a.m. and recorded in Book 11 of Plats on Page 11. Filed at Oregon County Records.

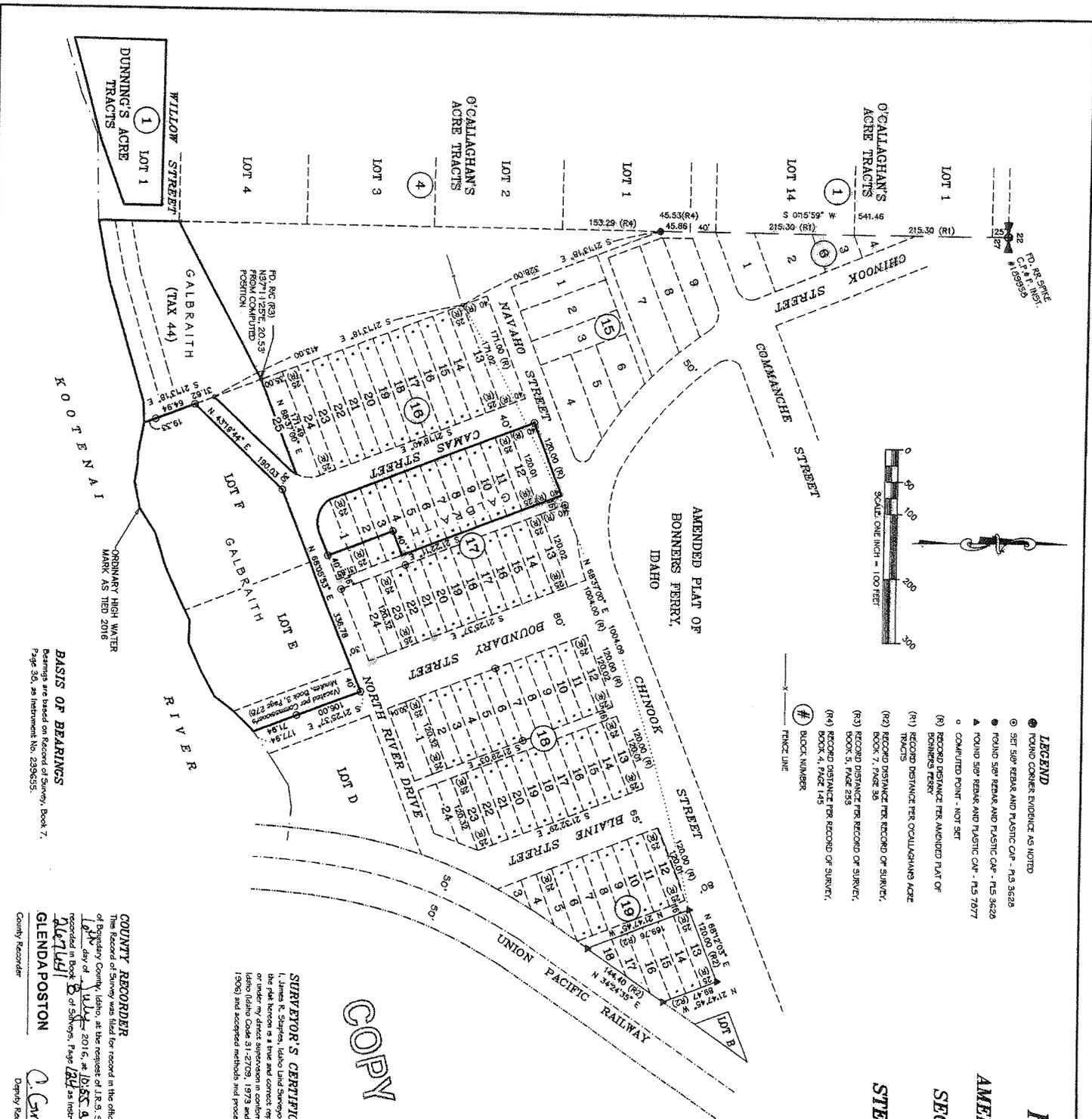
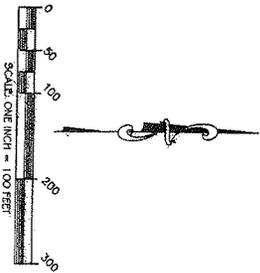


July 1890
 Kootenai County
 streets & alleys dedicated to public

RECORD OF SURVEY

AMENDED PLAT OF BONNERS FERRY IN SECTION 27, T. 62N, R. 1E, B.M. BOUNDARY COUNTY, IDAHO FOR STEPHEN AND DEANNA GALBRAITH

- LEGEND**
- FOUND CORNER EVIDENCE AS NOTED
 - SET 5/8" REBAR AND PLASTIC CAP - PLS 3628
 - FOUND 5/8" REBAR AND PLASTIC CAP - PLS 3628
 - ▲ FOUND 5/8" REBAR AND PLASTIC CAP - PLS 7677
 - COMPUTED POINT - NOT SET
 - (R) RECORD DISTANCE PER AMENDED PLAT OF BONNERS FERRY
 - (R1) RECORD DISTANCE PER O'CALLAGHAN'S ACRE TRACTS
 - (R2) RECORD DISTANCE PER RECORD OF SURVEY, BOOK 7, PAGE 36
 - (R3) RECORD DISTANCE PER RECORD OF SURVEY, BOOK 5, PAGE 533
 - (R4) RECORD DISTANCE PER RECORD OF SURVEY, BOOK 4, PAGE 145
 - Ⓢ BLOCK NUMBER
 - FINCH LINE



NOTE

- The field survey was conducted utilizing grade surveys as follows:
 - The plat of O'Callaghan's Acre Tracts as recorded in Book 1 of Plats, Page 67
 - The plat of Bonners Ferry as recorded in Book 1 of Plats, Page 33
 - The plat of Dunsmuir's Acre Tracts as recorded in Book 1 of Plats, Page 69
 - Record of Survey Book 4, Page 26, Instrument Number 194372
 - Record of Survey Book 4, Page 145, Instrument Number 197662
 - Record of Survey Book 5, Page 233, Instrument Number 197662
 - Record of Survey Book 5, Page 446, Instrument Number 226604
 - Record of Survey Book 7, Page 36, Instrument Number 235853
- The hinge point on the west line of the Amended Plat of Bonners Ferry was determined from Record of Survey Book 4, Page 145 showing the found corner and cap set at the hinge point per this survey.
- The alignment of the west line of Blocks 15, 16 and Lot F was determined by a line from the hinge point set per Record of Survey Book 4, Page 145 to the adjusted corners of the original 1894 QLO survey and the call to the west line of the Townsite of Bonners Ferry in said QLO notes.
- Record distances held along the west side of Blocks 15 and 16 with the excess/deficiency in the west line of Lot F.
- Existing fences and lines of occupation were evaluated in the final boundary determination for this survey and are shown on the face of this survey.
- The 35' foot dimension along the west line of the North Hill of Lot 25, Block 15, and the alignment of the south line of Blocks 17 and 18 was based on Record of Survey Book 5, Page 233.
- The eastern corner of this survey was limited to and delineated by Record of Survey Book 7, Page 36.

COPY

SURVEYOR'S CERTIFICATION

I, **J.R.S. SURVEYING, INC.**, State of Idaho, do hereby certify that the above and foregoing plat, map and description of a survey made by me or under my direct supervision and in accordance with the provisions of Idaho (Idaho Code 31-2709, 1973 and Idaho Code 35-1903 through 1906) and accepted methods and procedures of surveys:



BASIS OF BEARINGS

Bearings are based on Record of Survey, Book 7, Page 36, as Instrument No. 235853.

COUNTY RECORDER

This Record of Survey was filed for record in the office of the Recorder of Boundary County, Idaho, at the request of J.R.S. Surveying, Inc. the day of June, 2016, at 10:55 a.m. and duly recorded in Book 8 of Surveys, Page 145 as Instrument No. 235853

GLENDAL POSTON
County Recorder

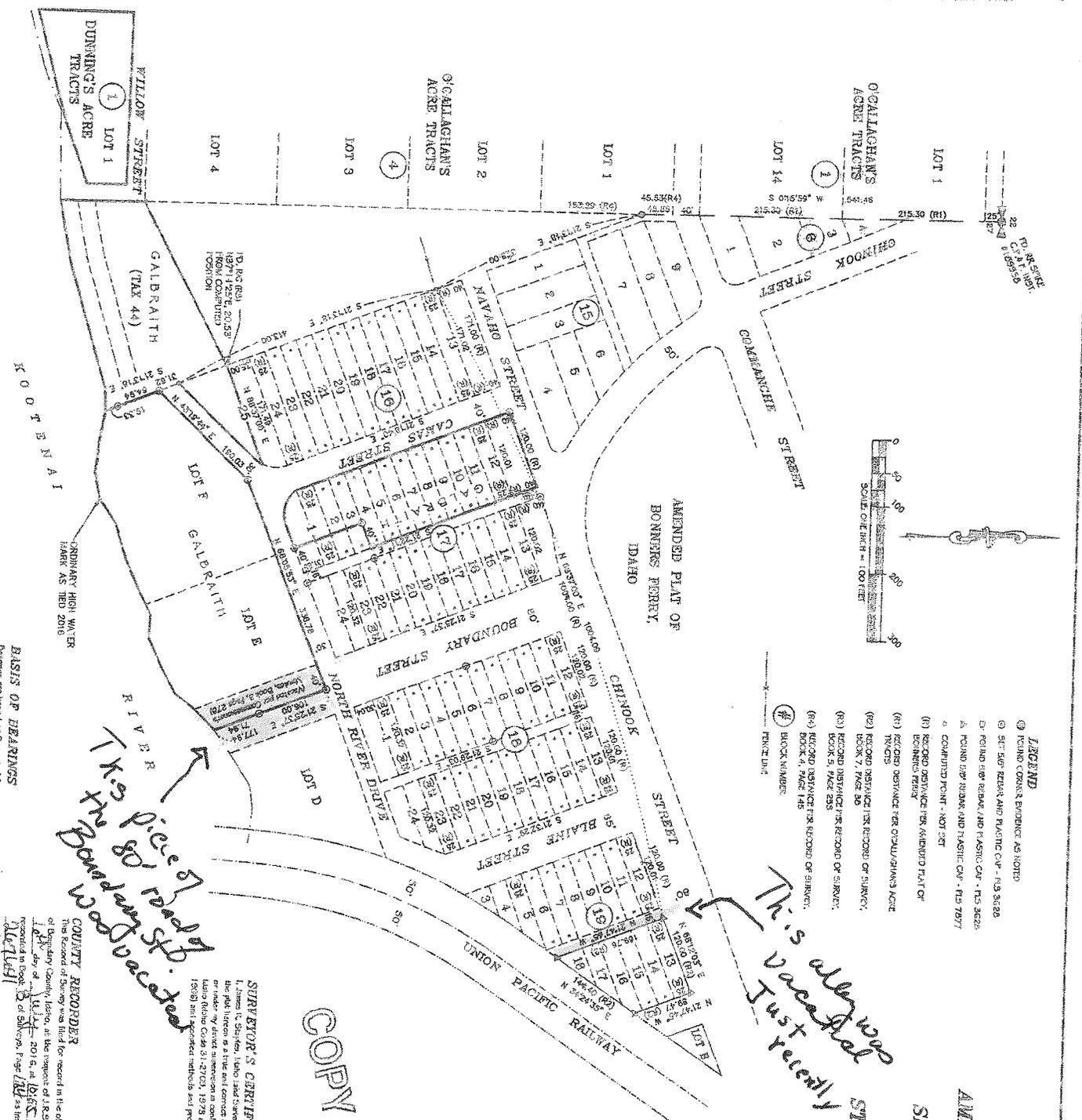
Stephanie
Deputy Recorder

J.R.S. SURVEYING, INC.	
PO BOX 9908-6708 MAY	
BONNERS FERRY, ID 83805	
(201) 257-7655	
RECORD OF SURVEY	
JOB SURVEY & RECORD CERTIFICATE	APPROVAL NO. 1
DATE: 6/11/16	DATE: 06-06-2016
BY: J.R.S.	BY: G.P.
PROFESSIONAL SURVEYOR	PROFESSIONAL SURVEYOR
NO. 3628	NO. 1410

RECORD OF SURVEY

AMENDED PLAT OF BONNERS FERRY
 IN
 SECTION 27, T. 62N, R. 1E, B.M.
 BOUNDARY COUNTY, IDAHO
 FOR
 STEPHEN AND DEANNA GABRIATHY

- LEGEND**
- ① FOUND CORNER EVIDENCE AS NOTED
 - ② SET 5/6" REBAR AND PLASTIC CAP - 1/2" 36228
 - ③ FOUND 5/8" REBAR AND PLASTIC CAP - 1/2" 36228
 - ④ FOUND 1/2" REBAR AND PLASTIC CAP - 1/2" 7877
 - ⑤ COMPILED POINT - NOT SET
 - ⑥ RECORD DISTANCE PER AMENDED PLAT OF BONNERS FERRY
 - ⑦ RECORD DISTANCE PER OVALUM'S ACCE TRACTS
 - ⑧ RECORD DISTANCE PER RECORD OF SURVEY, BOOK 7, PAGE 80
 - ⑨ RECORD DISTANCE PER RECORD OF SURVEY, BOOK 5, PAGE 235
 - ⑩ RECORD DISTANCE PER RECORD OF SURVEY, BOOK 4, PAGE 145
 - ⑪ BLOCK NUMBERS
 - ⑫ FENCE LINE



This alley was vacated just recently

The piece of road by the bridge is vacated

COPY

NOTE

The field survey was conducted utilizing post surveys as follows:

- 1. Amended Plat of Bonners Ferry as recorded in Book 1 of Plans, Page 67
- 2. The plat of O'Callaghan's Acre Tracts as recorded in Book 1 of Plans, Page 33
- 3. The plat of Dunning's Tracts as recorded in Book 1 of Plans, Page 69
- 4. Record of Survey Book 4, Page 145, Independent Number 178872
- 5. Record of Survey Book 4, Page 235, Independent Number 197662
- 6. Record of Survey Book 5, Page 80, Independent Number 226194
- 7. Record of Survey Book 7, Page 80, Independent Number 226194

The hinge point on the west side of the Amended Plat of Bonners Ferry was determined from Record of Survey Book 4, Page 145 within the level and cap and set at the hinge point for the survey.

The alignment of the west line of Blocks 15, 16 and Lot 7 was determined by a set of the hinge point set per Record of Survey Book 4, Page 145 to the adjacent corner of the original 1934 O/O survey and the call to the west line of the boundary of Bonners Ferry in said O/O index.

Percent distances held along the west side of Block 15 and 16 with the (recess) deficiency in the west line of Lot 7.

Footing fences and lines of occupation were established in the field boundary determination for this survey and are shown on the face of this survey.

The 35' foot dimension along the west line of the North Half of Lot 21, Block 15, and alignment of the south line of Blocks 17 and 18 was based on Record of Survey Book 7, Page 235.

The section adjacent to the survey was found to and delineated by Record of Survey Book 7, Page 36.



SURVEYOR'S CERTIFICATION

I, James E. Shiffen, Idaho Licensed Surveyor No. 18028, do hereby certify that the plat hereon is a true and correct representation of the survey made by me or under my direct supervision in compliance with the Statute of this State of Idaho Code 51-2701, 1979 and Idaho Code 51-1801 through 1983 and approved methods and procedures of surveys.

COUNTY RECORDER
 This Record of Survey was filed for record in the office of the Recorder of Boundary County, Idaho, at the request of J.E.S. Surveying, Inc. this 11th day of June, 2019, at 10:05 A.M. and duly recorded in Book 1 of Records of Surveys, Page 145 as Instrument No. 20190611.

GLENDAPOSTON
 County Recorder

J.E.S. SURVEYING, INC.
 PO BOX 6089-0790 HELEN
 BOUNDERS FERRY, ID 83605
 (208) 397-7665
STEVEN G. SHIFFEN
 LICENSED SURVEYOR
 No. 18028
 Exp. 06/30/2021

BASIS OF HEARINGS

Surveys are based on Record of Survey, Book 7, Page 36 as instrument No. 226194.

AMENDED PLAT OF BONNERS FERRY

BOUNDARY COUNTY

8 2 2 1 6

COMPARER

WARRANTY DEED

THIS INDENTURE, Made this 2nd day of December, 1948, in the year of our Lord one thousand nine hundred and forty-eight, between Leona Hall Greenhood and Otto Greenhood (wife and husband), of Sandpoint, County of Bonner, State of Idaho, the parties of the first part, and Leolio E. Frans and Elva S. Frans, husband and wife, of Haplos, County of Boundary, State of Idaho, the party of the second part.

WITNESSETH, That the said parties of the first part, for and in consideration of the sum of One dollar (1.00) and other valuable consideration ----- DOLLARS, lawful money of the United States of America,

to them in hand paid by the said party of the second part, the receipt whereof is hereby acknowledged, has granted, bargained and sold, and by these presents do as grant, bargain, sell, convey and confirm unto the said party of the second part, and to his heirs and assigns, forever, all of the following described real estate, situated in Bonners Ferry, County of Boundary, State of Idaho, to-wit:

Lots 17, 18, 19, 20, 21, 22, 23, 24, and that part of lot 25 not previously deeded to the Spokane International Railroad Company in that certain deed appearing as instrument No. 20773 of records, all in Block 16 as in records now recorded at the Courthouse of Boundary County, Idaho and lots 1 to 17 inclusive Block 17, North of the river, Bonners Ferry, Idaho.

(\$.40 revenue stamps attached and duly cancelled)

TOGETHER, with all and singular the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, the reversion and reversions, remainder and remainders, rents, issues and profits thereof; and all estate, right, title and interest in and to the said property, as well in law as in equity, of the said parties of the first part. TO HAVE AND TO HOLD, All and singular the above mentioned and described premises, together with the appurtenances, unto the party of the second part, and to his heirs and assigns forever, and the said parties of the first part, and their heirs, the said premises in the quiet and peaceable possession of the said party of the second part, his heirs and assigns, against the said parties of the first part, and their heirs, and against all and every person and persons whomsoever, lawfully claiming or to claim the same shall and will WARRANT and by these presents forever DEFEND.

IN WITNESS WHEREOF, The said parties of the first part have hereunto set their hands and seals the day and year first above written.

Signed, Sealed and Delivered in Presence of
Leona Hall Greenhood [SEAL]
Otto Greenhood [SEAL]

STATE OF IDAHO, } ss.
County of Boundary

On this 4th day of December, 1948, in the year 1948, before me Estelle Jacobson, a Notary Public in and for said State, personally appeared Otto & Leona Greenhood

known to me to be the persons whose names subscribed to the within instrument, and acknowledged to me that they executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal, the day and year in this certificate first above written.

Estelle Jacobson
Notary Public for the State of Idaho,

(Notarial Seal) Residing at -----, Idaho.

STATE OF IDAHO, } ss.
County of Boundary

I hereby certify that this instrument was filed for record at the request of Boundary Abst. Co. at 5 minutes past 11:00 o'clock A.M., this 10 day of Oct., A.D. 1948, in my office, and duly recorded in Book 34 of Deeds at page 125.

Marian Masenbrink
Ex-Officio Recorder.

By D. M. Plumlee, Deputy.

BOUNDARY COUNTY, IDAHO

described property, to-wit:
Lots 17, 18,19, 20, 21, 22, 23, 24 and that
part of Lot 25 not previously deeded to the
Spokane International Railroad Company in that
certain deed appearing as Instrument #20773 of
records, all in Block 16 as in records now record-
ed at the Courthouse of Boundary County, Idaho,
and Lots 1 to 17 inclusive, Block 17, North of
the River, Bonners Ferry, Idaho.

Together with the tenements, hereditaments, and appurtenances whatsoever thereunto
belonging or in anywise appertaining.

TO HAVE AND TO HOLD, All and singular the above mentioned and described premises, to-
gether with the appurtenances unto the said party of the second part, his heirs and assigns
forever.

IN WITNESS WHEREOF, The said party of the first part, guardian as aforesaid, has here-
unto set her hand and seal, the day and year first above written.

Leona V. Jacobson

STATE OF IDAHO,)
)ss.
County of Bonner,)

On this 21st day of December, 1951, before me, Raymond T. Greene, Jr., a Notary Public
in and for said county and state, personally appeared LEONA V. JACOBSON, known to me to be
the person whose name is subscribed to the within instrument and acknowledged to me that
she executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day
and year first above written.

Raymond T. Greene, Jr.

Notary Public in and for the State
of Idaho, residing at Sandpoint.
Commission expires: 1-20-52.

(Notarial Seal)

STATE OF IDAHO)
)SS
County of Boundary)

Filed for record at the request of Boundary Abst. Co. on the 10 day of Oct. 1960 at
11:10 o'clock A.M., and recorded in Book 33 of Deeds on page 3.

Marian Mesenbrink, County Recorder

Fee \$1.75

By D. M. Plumlee, Deputy

~~COMPANER~~

8 2 2 1 8

QUIT CLAIM DEED

THIS INDENTURE, Made the 8th day of March in the year of our Lord one thousand nine hundred
and sixty between CARL R. TIFFT and LUCY L. TIFFT, husband and wife of Sandpoint, County
of Bonner, State of Idaho parties of the first part, and ELVA S. FRANS of Bonners Ferry,
County of Boundary, State of Idaho, party of the second part.

WITNESSETH, That the said parties of the first part, for and in consideration of the
sum of Ten and no/100ths- - - -DOLLARS lawful money of the United States of America, to
them in hand paid by the said party of the second part, the receipt whereof is hereby ack-
nowledged, do by these presents, demise, release, and forever quit-claim unto the said
party of the second part, to her heirs and assigns all the certain lot piece or parcel of
land, situated in the said -- County of Boundary, State of Idaho, and bounded and part-
icularly described as follows, to-wit:

WARRANTY DEEDS

Lots Seventeen (17), Eighteen (18), Nineteen (19), Twenty (20), Twenty-one (21), Twenty-two (22), Twenty-three (23), Twenty-four (24), and that part of lot Twenty-five (25) not previously deeded to the Spokane International Railway Company in that certain deed appearing as Instrument No. 20773 of records, all in Block Sixteen (16) as in records now recorded at the Courthouse of Boundary County, Idaho; Lots One (1) to Seventeen (17) inclusive, Block Seventeen (17), North of the River, in Bonners Ferry, Idaho

TOGETHER with all and singular the tenements, hereditaments and appurtenances thereunto belonging, or in anywise appertaining, and the reversion and reversions, remainder and remainders, rents, issues and profits thereof.

TO HAVE AND TO HOLD, All and singular the said premises together with the appurtenances unto the said party of the second part, and to her heirs and assigns forever.

IN WITNESS WHEREOF, The said parties of the first part have hereunto set their hands and seals the day and year first above written.

Signed, sealed and delivered in the presence of } Carl R. Tift (SEAL)
- - - - - } Lucy E. Tift (SEAL)

STATE OF IDAHO, }
County of Bonnor } ss.

On this 8th day of March, in the year 1960, before me the undersigned a Notary Public in and for the said County and State personally appeared Carl R. Tift and Lucy L. Tift, Husband and Wife known to me to be the persons whose names are subscribed to the within instrument, and acknowledged to me that they executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.

Richard Barker
Notary Public in and for the State of Idaho
Residing at Sandpoint, Idaho.
My commission expires 5-1-63

(Notarial Seal)

STATE OF IDAHO }
County of Boundary } ss.

I hereby certify that this instrument was filed for record at request of Boundary Abst. Co. at 20 minutes past 11:00 o'clock A.M., this 10 day of Oct. A.D., 1960 in my office and duly recorded in Book 33 of Deeds at Page 4.

Marian Mesenbrink, Ex-officio Recorder
By D. M. Plumlee, Deputy

Fees \$1.50

COMPARED

8 2 2 4 9

WARRANTY DEED

THIS INDEMTURE, Made this 6th day of October, 1960, between LINDSAY-HELMER HARDWARE CO., a partnership, of Bonners Ferry, County of Boundary, State of Idaho, the party of the first part, and H. BOYD LINDSAY of Bonners Ferry, County of Boundary, State of Idaho, the party of the second part.

WITNESSETH: That the said party of the first part for and in consideration of the sum of One and no/100 (\$1.00) Dollar lawful money of the United States of America, to them in

BA2010280
①

248519

STATE OF IDAHO }
County of Boundary } ss.
Filed by: Boundary Abstract
on 11-24-10 at 1:18
Glenda Poston
County Recorder J. Isaac
By Deputy
Fee \$ 10.00 Chg.
Mall to BA

PERSONAL REPRESENTATIVE'S DEED

THIS DEED, made by GLENDA McCALMANT, Personal Representative of the Estate of ELVA S. DOUGLAS, Deceased, Grantor, to STEPHEN E. GALBRAITH and DEANNA S. GALBRAITH, husband and wife, as community property with rights of survivorship, Grantee, whose address is 6528 N. River Drive, Bonners Ferry, ID 83805.

WHEREAS, Grantor is the qualified Personal Representative of said estate, filed as Case Number CV-2010-66 in Boundary County, Idaho; and

WHEREAS, Grantee is entitled to distribution of the hereinafter described real property;

THEREFORE, for valuable consideration received, Grantor quit claims, transfers, grants, bargains, sells and conveys to Grantee the following described real property in Boundary County, Idaho:

Lots 1 through 12 LESS the East 40 feet of Lots 1, 2 and 3, all in Block 17 of the amended Plat of Bonners Ferry, as shown by the plat recorded in Book 1 of Plats, Page 67, on file with the Boundary County Idaho recorder.

TOGETHER with all appurtenances.

TOGETHER with all after acquired interests.

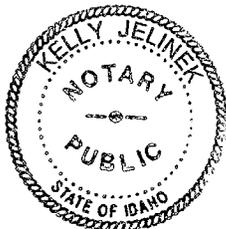
SUBJECT TO such rights, easements, covenants, restrictions, and zoning regulations as appear of record or by use upon the premises.

EXECUTED this 23rd day of November, 2010.

Glenda McCalmant
GLENDA McCALMANT, Personal
Representative of the Estate of ELVA S.
DOUGLAS,

STATE OF IDAHO)
County of Boundary)

On this 23rd day of ~~April~~ November, 2010, before me, the undersigned Notary Public, personally appeared GLENDA McCALMANT, known or identified to me to be the Personal Representative of the Estate of ELVA S. DOUGLAS, Deceased, and known or identified to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that she executed the same as said Personal Representative of said estates.



Kelly Jelinek
Notary Public for Idaho
Residing at NAPLES
Commission Expires: 10/22/2013

WARRANTY DEED

For Value Received **Elva S. Douglas, a widow, formerly known as Elva S. Frans**

Hereinafter called the Grantor, hereby grants, bargains, sells and conveys unto

Robert C. Case and Linda L. Case, husband and wife

whose address is: **P.O. Box 839, Bonners Ferry, ID 83805**

Hereinafter called the Grantee, the following described premises situated in **Boundary** County, Idaho, to-wit:

The Northeasterly 40 feet of Lots 1, 2 and 3, Block 17, Amended Plat of Bonners Ferry according to the plat thereof recorded in Book 1 of Plats, Page 67 with the Boundary County, Idaho recorder.

SUBJECT TO all easements, right of ways, covenants, restrictions, reservations, applicable building and zoning ordinances and use regulations and restrictions of record, and payment of accruing present year taxes and assessments as agreed to by parties above.

TO HAVE AND TO HOLD the said premises, with its appurtenances unto the said Grantee and to the Grantee's heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee, that the Grantor is the owner in fee simple of said premises; that said premises are free from all encumbrances except current years taxes, levies, and assessments, and except U. S. Patent reservations, restrictions, easements of record, and easements visible upon the premises, and that Grantor will warrant and defend the same from all claims whatsoever.

Dated: March 16, 2005

Elva S. Douglas
Elva S. Douglas

Elva S. Frans
Elva S. Frans

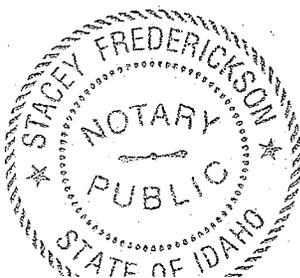
STATE OF Idaho

)ss.

COUNTY OF BOUNDARY

On this 17th day of March, 2005, before me the undersigned notary public, personally appeared Elva S. Douglas, a widow, formerly known as Elva S. Frans, known or identified to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that she executed the same.

Stacey Frederickson
Notary Public of Idaho
Residing at: Boundary County, Idaho
Commission Expires: 03/18/08





End
of 16'
wide
Non-Existing
Alley
on
South
End



This is
the 30'
wide
Non-
Existing
Road

16' wide
City Alley on
North Side

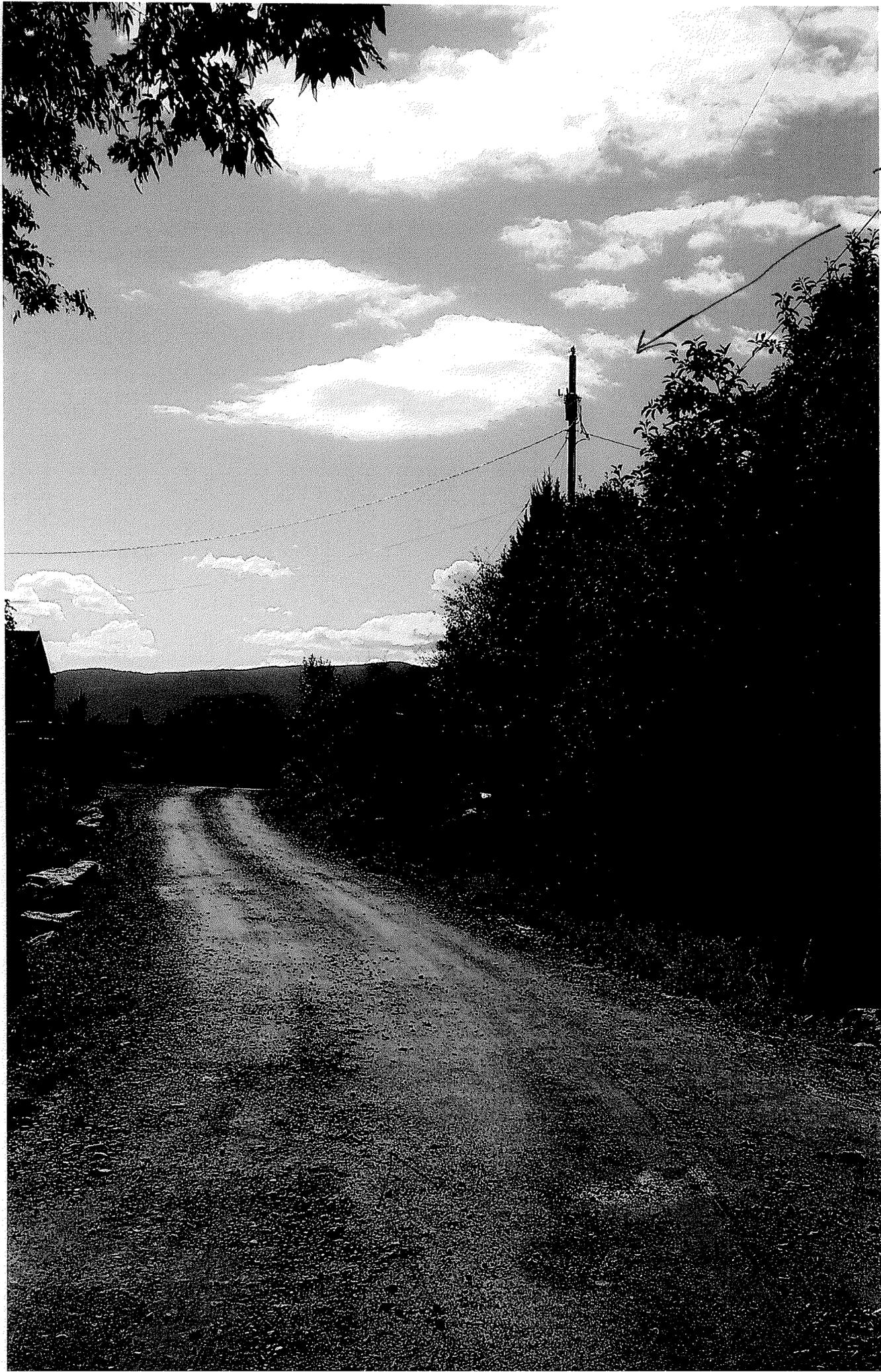




North Side of
Alpine
Circuit



End of
16'
Alley
on
North
Side

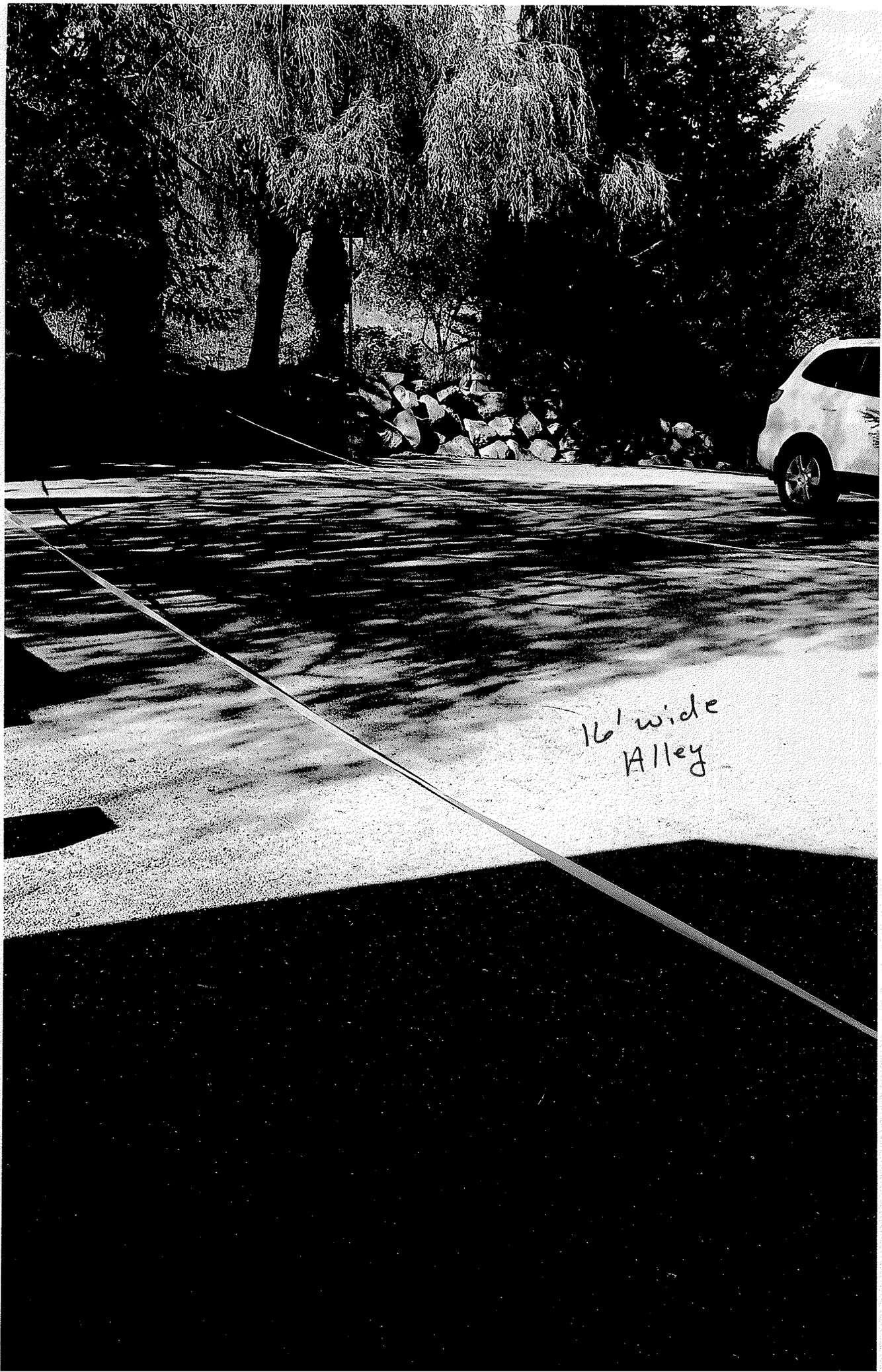


Top of
the
30' wide
Non-Existing
Road

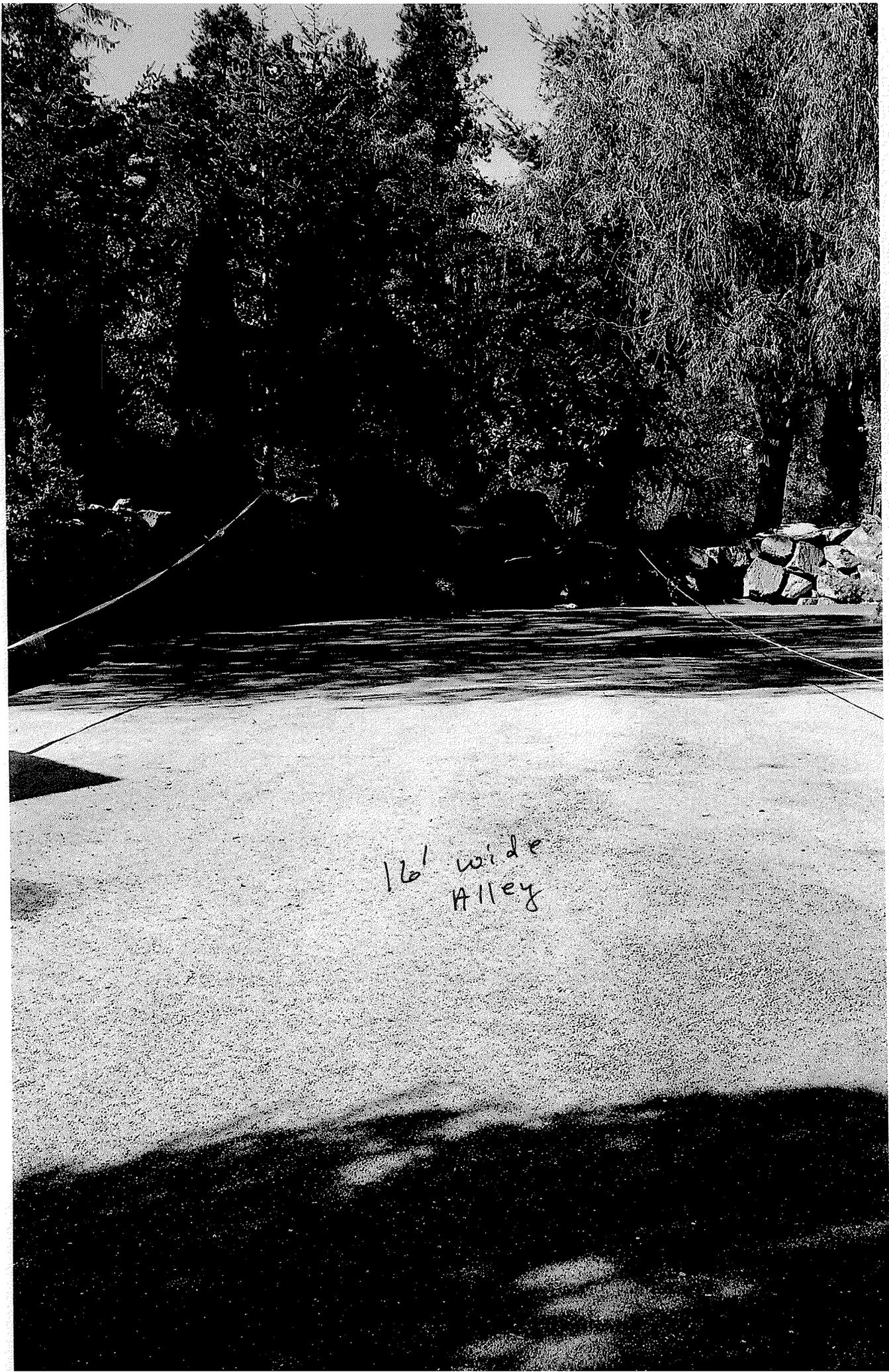
30' wide

Non-Existing Road on
top of hill

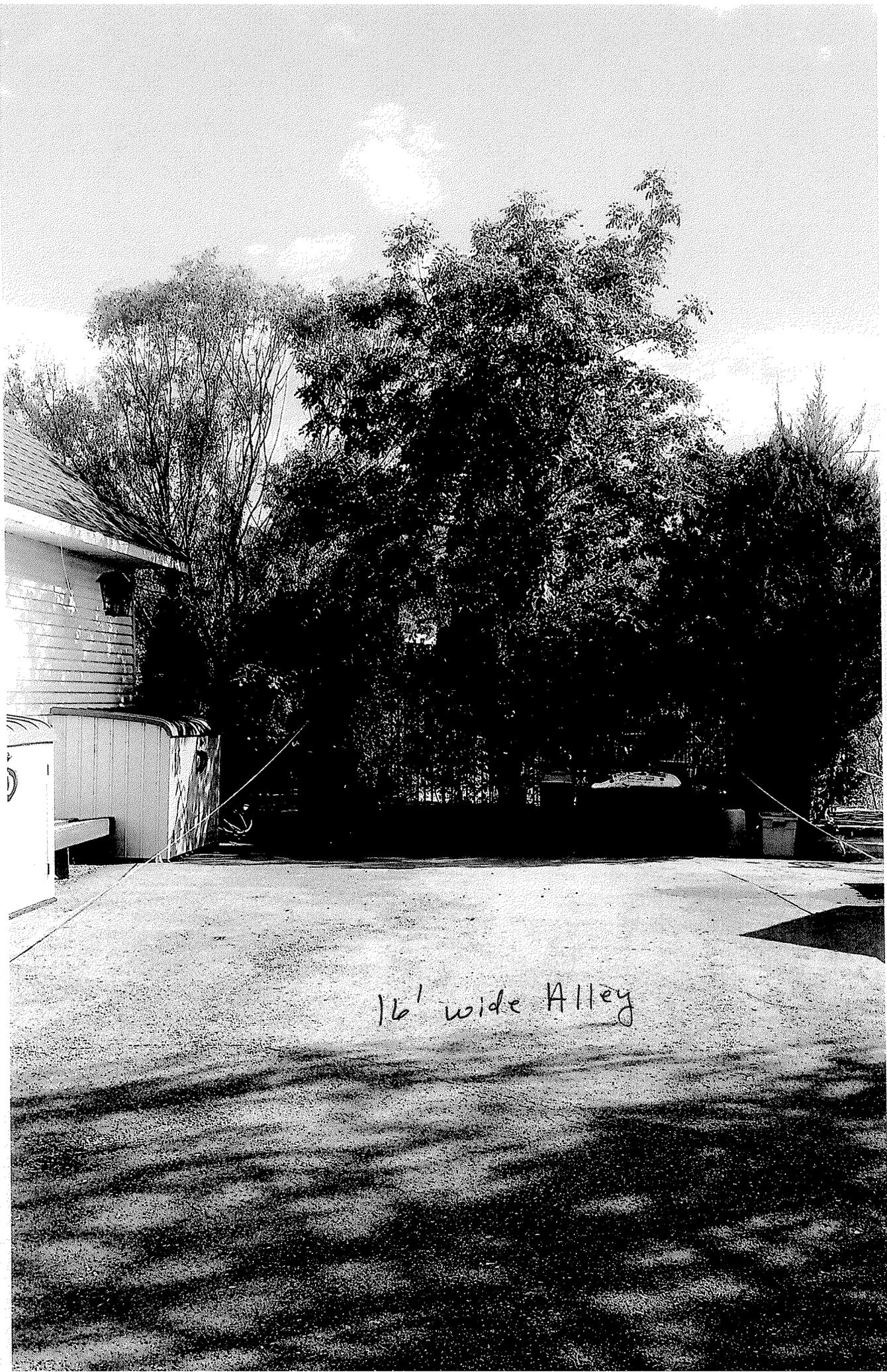




16' wide
Alley



161 wide
Alley



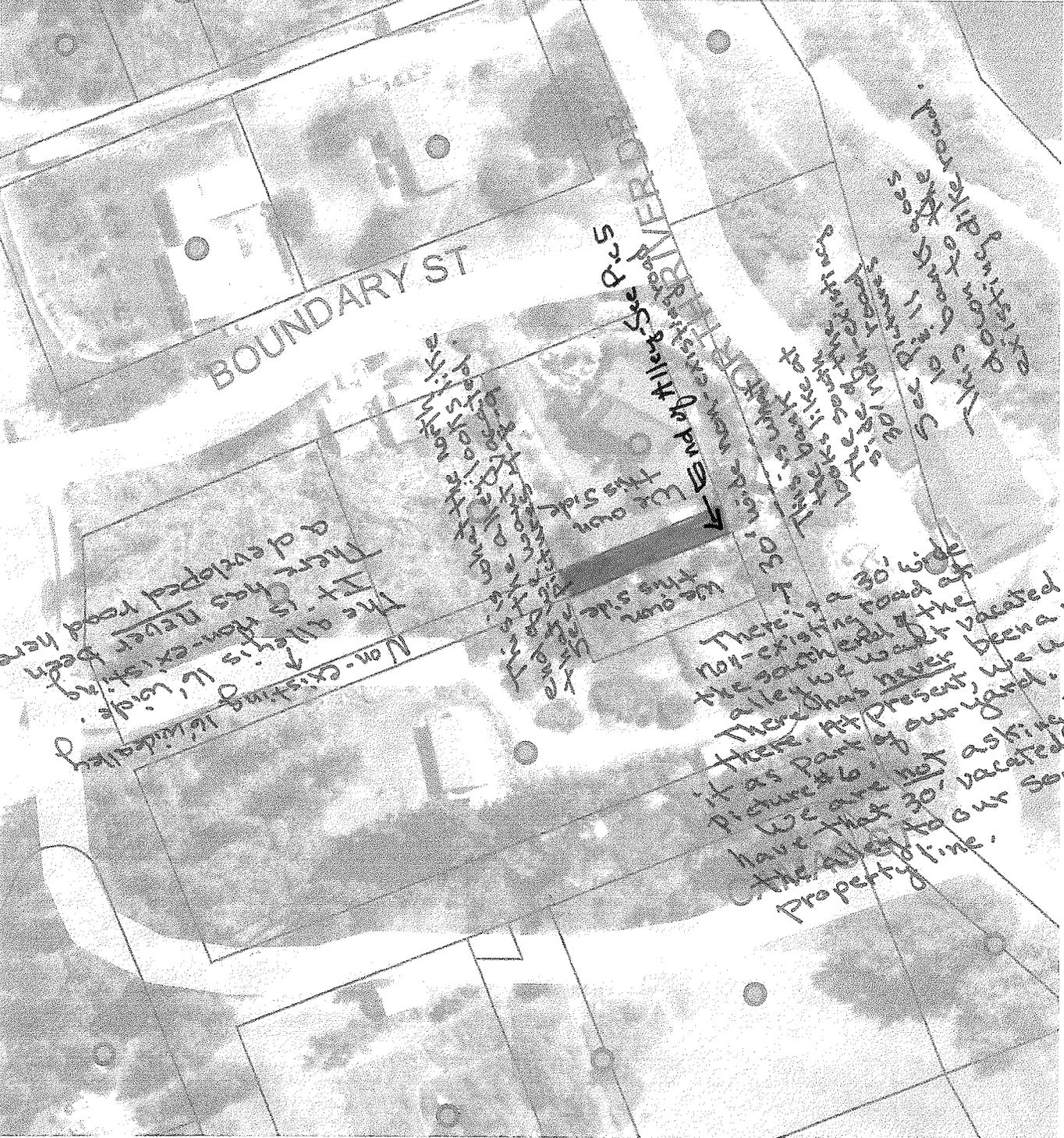
16' wide Alley





The area in pink is the piece of the alley we are asking to have vacated. We have been using this 16' wide alley as part of our driveway for the past 15 years.

See pictures 1-2-3 & 4
 We own the property on both sides of that alley. We need that road to get backed out of our garage.
 The South end of that alley ends in our patio See pictures 5 & 6



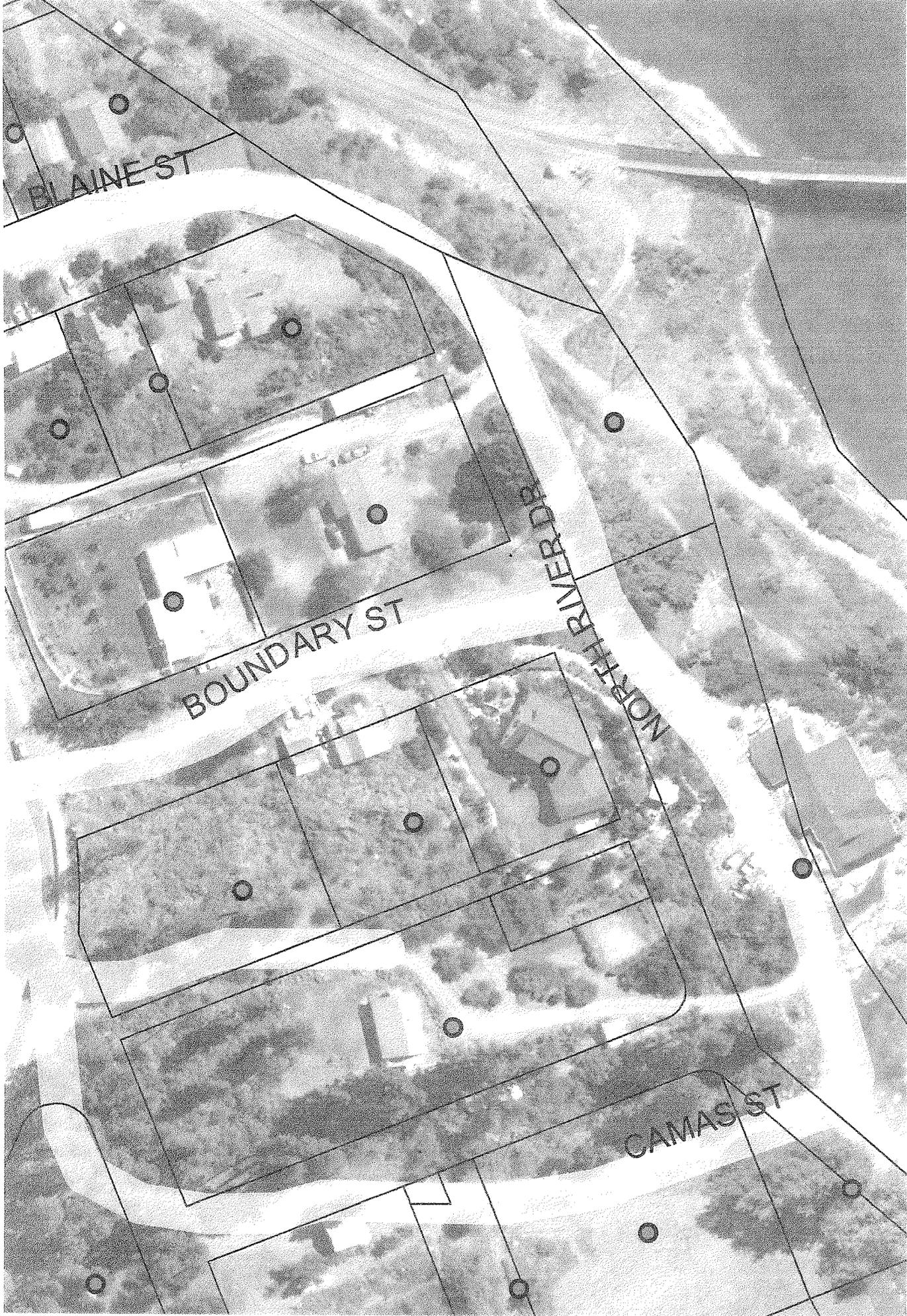
Non-existing 16' wide alley
 The alley is 16' wide. It is non-existing. There has never been a developed road here.

This is what the other side looks like. It is a 30' wide alley. We own this side. See pictures 1-2-3 & 4.

We own this side

There is a 30' wide non-existing road at the south end of the alley we want vacated. There has never been a road there. At present, we use it as part of our yard. See picture 6.
 We are not asking to vacate the 30' wide alley to our south property line. See picture 6.

This is what the other side looks like. It is a 30' wide alley. We own this side. See pictures 1-2-3 & 4.
 This is what the other side looks like. It is a 30' wide alley. We own this side. See pictures 1-2-3 & 4.



BLAINE ST

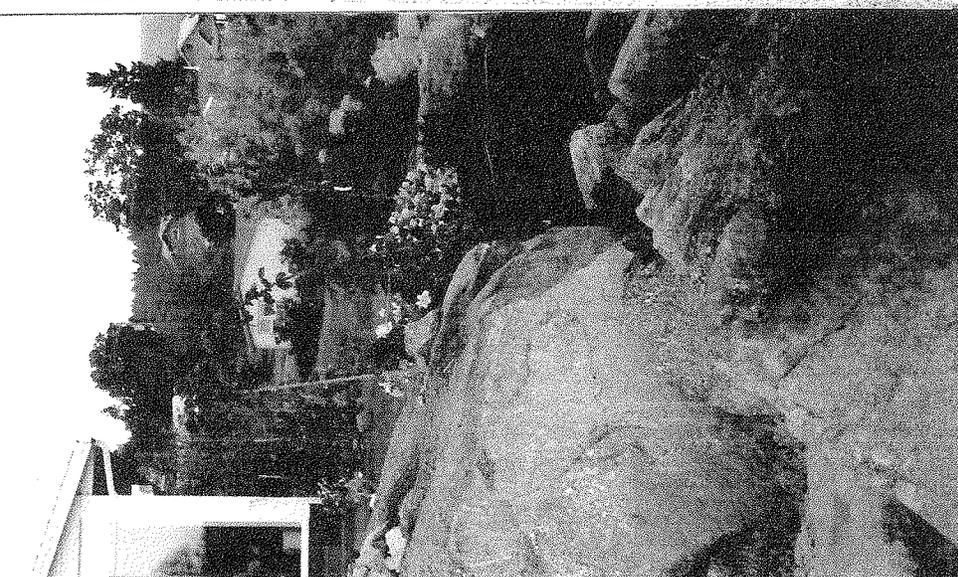
BOUNDARY ST

CAMAS ST

NORTH RIVER RD



Looking toward
the river -
South end
of alley





Looking
toward the
north end
of alley



State of Colorado } ss.
County of Summit }

Know all men by these presents that we, Merrill A Wright and Margaret Wright, his wife do hereby donate to the public, for the use of travel, the Streets, Avenues and alleys, of this corrected and amended plat, of the townsite of Bonners Ferry, Idaho, located in lot two (2) of the NE 4 of NW 4 Section 27, T62 R1E, EBM: Reserving however, to the grantors the, right to use and control said Streets, Avenues and alleys, except that portion in actual use for necessary travel, until a legally incorporated town or village shall have been organized within the limits of said townsite or plat and is so continued. We further reserve the right to the grantors to have the exclusive use, for all time, of said Streets, Avenues and alleys for the purposes of constructing and operating any and all kinds of Street car lines, telegraph, telephone and electric light lines. Witness our hands and seals this 13th day of April 1910.

Witness.

C W Burnheimer
G C Saunders
Chas Westaway
J. G. ...

Merrill A Wright (Seal)
Margaret Wright (Seal)

State of Colorado) ss.
County of Gilpin)

Personally appeared before me this day, Margaret Wright, personally known to me to be the person who signed the foregoing instrument in writing and acknowledged that she signed, sealed and delivered said instrument in writing as here free and voluntary act and deed for the uses and purposes therein set forth

Seal

Witness my hand and Notarial Seal this 13th day of April AD 1910 My commission expires December 30, 1912.

William E. Withrow,
Notary Public

State of Colorado) ss.
County of Summit)

Personally appeared before me this day, Merrill A. Wright, personally known to me to be the person who signed the foregoing instrument in writing and acknowledged that he signed sealed and delivered said instrument in writing as his free and voluntary act and deed for the uses and purposes therein set forth

May A D. 1910.

Witness my hand and Notarial Seal this 6th day of My commission expires January 28, 1911.

William H. Briggles,
Notary Public.

2003

SURVEYORS CERTIFICATE

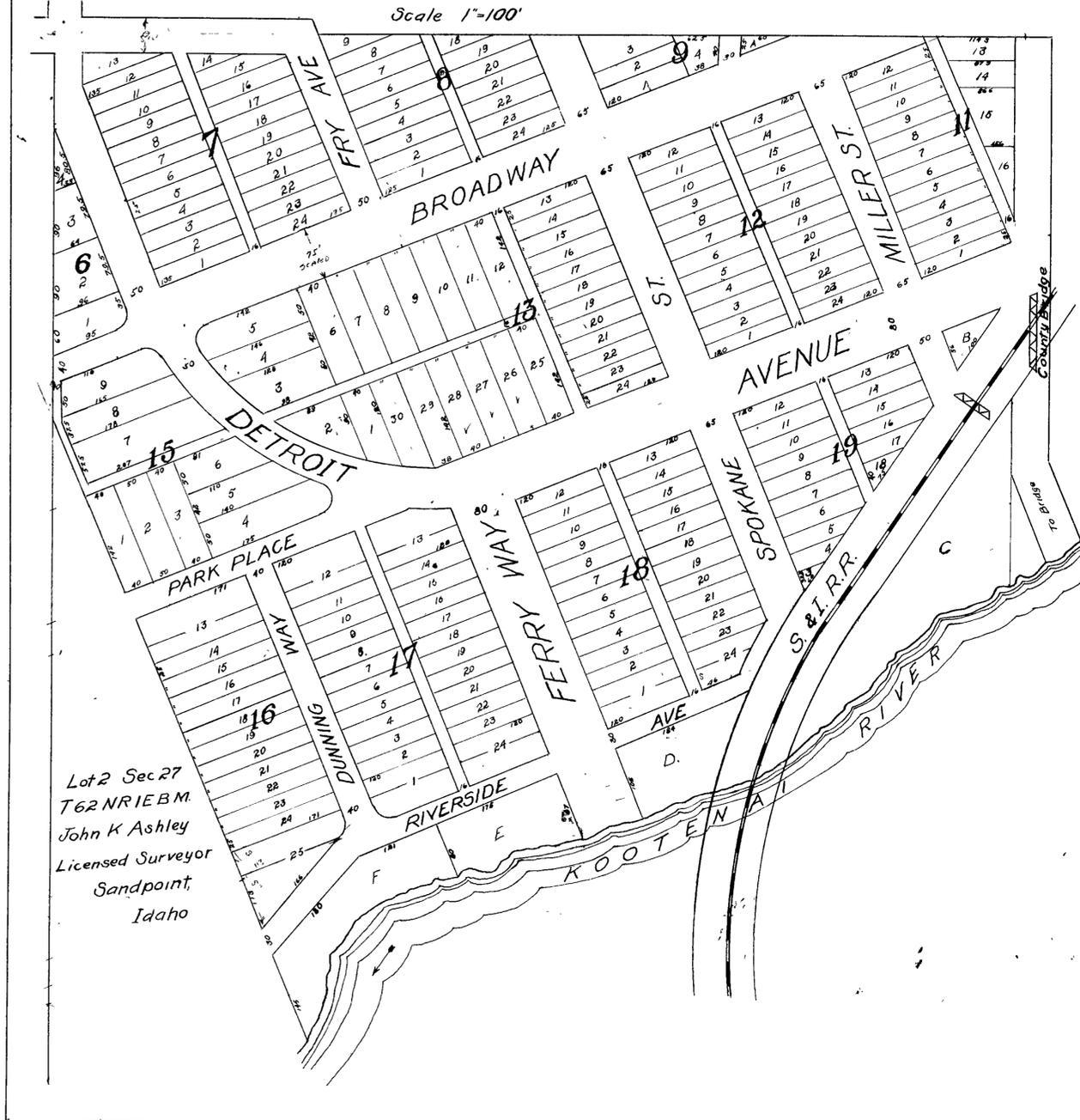
I hereby certify this is a correct plat of the Survey of BONNERS FERRY, as made by me.

John K. Ashley
Licensed Surveyor

STATE OF IDAHO) ss.
County of Boundary)
Filed for record at the request of
Merrill A. Wright
on the 13th day of March 1910 Lot 2, 15
of block P. M. and recorded in Book
of Plats on page 67
J. V. Stansbury
County Recorder.
By Margaret Reed
Deputy
Fee \$ 1.59
Mail to

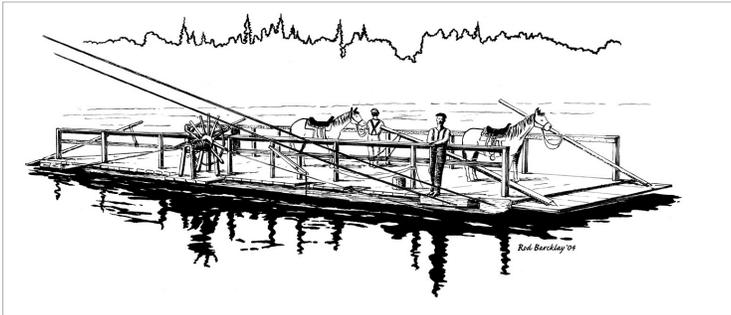
AMENDED PLAT OF
BONNERS FERRY,
IDAHO

Scale 1"=100'



Lot 2 Sec 27
T62 NR1E BM.
John K Ashley
Licensed Surveyor
Sandpoint,
Idaho

112
112
300



CITY OF BONNERS FERRY
7232 Main Street
P.O. Box 149
Bonners Ferry, ID 83805
Phone: (208) 267-3105 Fax: (208) 267-4375

NOTICE OF PUBLIC HEARING

Notice is hereby given that the Bonners Ferry City Council, pursuant to Idaho Code 50-13 will conduct a public hearing at City Hall, 7232 Main Street, on **Tuesday, December 20, at 6:00 p.m.** to consider vacating a portion of a 16-foot wide public alleyway. Linda and Robert Case are seeking to vacate a portion of a 16-foot wide alleyway near North River Drive (south) and Boundary Street (east). The portion to be vacated is within Block 17 of the Amended Plat of Bonners Ferry, Book 1C, Page 67 and can be generally described as being between Lots 1-3 and Lots 22-24. The vacation will encompass approximately 1,696 square feet, all of which would be conveyed to the applicant in accordance with Idaho Code, if approved. Vacations are allowed only when they are found to be in the interest of the public, per IC. 50-1306A(3).

The deadline for submitting written comment and/or material is 5:00 p.m. December 13, 2016. Written comment may be mailed to City of Bonners Ferry, P. O. Box 149, Bonners Ferry, ID 83805, or faxed to (208) 267-4375. Written comment of one page or less will be accepted at the hearing provided the person submitting the material reads it into the record.

Anyone requiring special accommodation due to disability should contact the City Clerk at (208) 267-3105 at least two days prior to the meeting.

City of Bonners Ferry

ATTEST: _____
City Clerk

Publish: December 1, 2016
December 8, 2016

The Traffic Safety Committee meeting of November 16, 2016 convened at 1:07 p.m. at City Hall. Present for the meeting were John Marquette, Richard Hollenbeck, Don Lindsay, Foster Mayor, Police Chief Vic Watson, City Administrator Mike Klaus, City Planner Lisa Ailport, Street Superintendent John Youngwirth, and Clerk Kris Larson.

Foster Mayor moved to approve the October 19, 2016 meeting minutes. John Marquette seconded the motion. The motion passed, all in favor.

Lisa Ailport spoke regarding File #VC02-16: Vacation of a portion of a 16 foot alleyway near North River Drive and Boundary Street (amended plat of Bonners Ferry). She reviewed a record of survey from JRS Surveying with the group to display where the proposed vacation request is located. John Youngwirth said the alley does not exist. Don Lindsay asked if the alley is abandoned what the taxable value would be. Lisa said the applicant owns lots 1, 2, and 3 and on the other side of the alley lots 22, 23, and 24. She said they will be required to combine the lots with the abandoned alleyway.

John Youngwirth asked if Galbraith's are aware of this abandonment and if they were okay with it. Lisa said we have not notified everyone yet as we are in the process of working with agencies now. If the application goes forward the public within 300 feet will be notified of the hearing date.

Foster asked if the property serves any purpose now and if it will ever be needed in the future. Lisa said State statue says the vacation should be in the public interest. She submitted a list of questions to the group for consideration of what public interest may be. Foster said he appreciated the definitions.

John Youngwirth said there is physically no alley there. It is a rock outcropping. Mike Klaus said the upper portion of the alley may be usable but the south end is not. John Youngwirth said it is worth more for tax purposes than an alley.

John Marquette said he does not see why there would be a problem vacating this alley. Vic said the applicant has utilized the alley property already, and he thinks the best avenue would be to vacate the property. Lisa said in the interest of the City, someone that takes over city property does not necessarily warrant property by abandonment. She said future value needs to be considered such as if the City would want to have a trail or park in that area.

Vic asked if the Committee feels there is future value in the land for the City or the public. Mike said it could be used for a pedestrian path to North River Drive but steps would have to be built. John Youngwirth said he sees taxable value as a benefit. Mike said if it was flat ground he would feel differently than he does now but because it is so steep and rocky that it does not seem to have future value.

Vic said he is satisfied that the right of way does not serve the public currently or in the future.

Foster Mayo moved that the right of way for the alley does not serve the interest of the public now or in the future. John Marquette seconded the motion. The motion passed, all in favor.

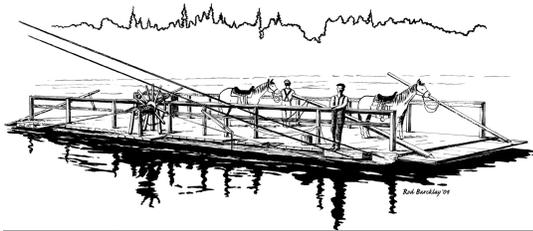
John Youngwirth said there is no handicapped parking space near the Hair Connection and Mugsy's where people are being dropped off to get their hair done. He said it would need a handicapped sign and designation for parking space. John Marquette moved to recommend to City Council that we put a handicapped parking space in front of Mugsy's and the Hair Connection on Main Street. Don Lindsay seconded the motion. The motion passed, all in favor.

Richard Hollenbeck asked what the rules were for people parking camp trailers on the streets. Vic said he needs to know where it is and how the City has the area marked. He said if it is not prohibited it would be allowed as long as it has a current license. Richard is concerned about snow plowing this winter. He said it is on Eisenhower near his residence.

Richard Hollenbeck had a request from a resident on Montana and Hazel Streets to put a centerline on the street because people cut the corner when they are traveling to and from the cemetery. John Youngwirth said it is too late this year to paint, but he will do it next year.

Mike Klaus spoke regarding the speed limit from the Golf Course to the City limits. He would like to see the speed limit reduced in this area as sight distance is a problem, and he is concerned about people pulling on the highway from the Golf Course and from the side roads in that area. Foster said there were three fatalities in that area in the past few years. Foster was discouraged with the State's work on the speed limit in the Three Mile area as they only reduced the speed limit by 5 miles per hour.

There being no further business, the meeting adjourned at 1:47 p.m.



CITY OF BONNERS FERRY

7232 Main Street
P.O. Box 149
Bonners Ferry, Idaho 83805
Phone: 208-267-3105 Fax: 208-267-4375

November 3, 2016

TO:

- | | |
|--|--|
| <input type="checkbox"/> Panhandle Health District | <input type="checkbox"/> Idaho Dept. of Water Resources |
| <input checked="" type="checkbox"/> City of Bonners Ferry Street Dept. | <input checked="" type="checkbox"/> City of Bonners Ferry Utility (Electric) |
| <input checked="" type="checkbox"/> City of Bonners Ferry Fire Dept. | <input checked="" type="checkbox"/> City of Bonners Ferry Police Dept. |
| <input checked="" type="checkbox"/> City of BF Utility (Sewer/Water) | <input checked="" type="checkbox"/> Traffic Safety Committee |
| <input type="checkbox"/> Boundary County School District | <input type="checkbox"/> Fish and Wildlife Service |
| <input type="checkbox"/> Avista Power Company | <input type="checkbox"/> Forest Service |
| <input type="checkbox"/> Frontier | <input type="checkbox"/> State Fire Prevention Marshall (Dist. 1) |
| <input type="checkbox"/> Idaho Dept. of Fish and Game | <input type="checkbox"/> Other _____ |

FROM: Lisa M. Ailport, AICP, City Planner

SUBJECT: **File #VC02-16: Vacation of a portion of a 16-foot Alleyway near North River Drive & Boundary St (Amended Plat of Bonners Ferry)**

The enclosed application has been submitted to the City of Bonners Ferry for processing. Linda and Robert Case are seeking to vacate a portion of a 16-foot wide alleyway near North River Drive (south) and Boundary Street (east). The portion to be vacated is within Block 17 of the Amended Plat of Bonners Ferry, Book 1C, Page 67 and can be generally described as being between Lots 1-3 and Lots 22-25 (see attached application). The vacation will encompass approximately 1,696 square feet, all of which would be conveyed to the applicant in accordance with Idaho Code, if approved. Vacations are allowed only when they are found to be in the interest of the public, per IC. 50-1306A(3). Please review the application relative to your agency's area of expertise and include any recommended conditions of approval or if any additional information is requested by your agency prior to City staff scheduling or holding this project for public hearing.

Please respond by **November 18, 2016 by 5:00 pm**, in order for your comments to be included with the file record. Comments received after the above date, may be entered as public comments. If no response is provided, staff will conclude your agency has no objections to the project or recommended conditions.

If you have no comment or response, you may indicate below and return this form to the City as soon as possible to speed processing time. Thank you for your assistance.

NO COMMENT _____
Agency Name, Initials of Agency Representative Date

c: Applicant (w/o enclosures)
Project Representative (w/o enclosures).

Members of the City Council,

Pertaining to the matter of vacating the alley (VC-02-16) also known as Arapaho Alley, and giving the land to Bob and Linda Case, I Steve Galbraith, oppose the action.

If vacated, it would be difficult to access the power pole and transformer that feeds three different properties. If that transformer requires repair or replacement, that could force access through our property instead of the existing city right of way. It would also cause new work costs to increase because of more difficult access, which would be passed on to us for the work we have planned for our neighboring investment property.

For my investment property which borders the Case's property and the alley, the power has to be redirected. That location has an extremely old secondary power pole that needs replaced because of deteriorated condition, the height being too low for safety, and the lines cross over a portion of the Case's private land. Part of the power line is on a portion of the alley that the Cases are requesting to vacate. It would be beneficial to us if that dilapidated power pole, power line, and phone provisions are relocated fully onto the existing legal right of way, which is the alley.

I met with Dave Sims and Mike Klaus last summer about re-plotting and vacating the platted section of North River Drive between Boundary Street and Camas Street. Dave and Mike both agreed that they would like to re-plot the entire area and deal with the prescriptive-use North River Drive road surface through our property, but said they would let us proceed *only if* both parties (Cases and Galbraiths) came to agreement for everything. The Cases declined to agree.

At this point, it would be extremely unjust and inappropriate to act on the Case's request, only to benefit them. Their request should fall under the same guidelines of requiring agreement between both parties and be beneficial to all the public's best interest that the alley serves. Since it does not, we need to retain the alley right of way.

Therefore, I oppose this request to vacate the alley.

Very Respectfully,
Steve Galbraith

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DEC 13 2016

CITY OF OCHILERS FERRY

4:06 PM
DH

In reference to the petition to vacate Arapaho Alley, I, DeAnna Galbraith oppose this action because it would adversely affect our neighboring home and investment properties.

Page 2 of their petition pictures a utility pole on the steep bank (Exhibit A attached), near the southern end of Arapaho Alley. Those utilities service multiple locations; our personal home, our neighboring investment properties, and the Cases. The alley *does* provide good access to that pole and was the access means during construction of the Case's and Galbraith's homes.

Last June Steve and I ordered a survey from JRS Surveying to include the Arapaho Alley right of way because we plan to use it for utilities to our neighboring investment property. The investment property borders the Cases on the Arapaho Alley side. After the survey solidified our intentions to utilize the alley, the Cases started this course of action to have the alley vacated. There is need for neighboring parties to utilize the alley and that need is the reason Steve and I invested in the expensive land survey, prior to this petition.

The secondary utility pole supplying power to our investment property is too short for safety, old, decayed, and in the way for the future plans. The pole needs replaced and relocated out of the way of re-development plans for those 13 lots. There is also a current problem of the utility lines crossing over land that Bob and Linda currently own, which will result in a future dispute when it comes time to do the work for relocating the pole and the lines across their land. If Arapaho Alley is vacated, it will compound the issue further. Because the utilities may supply more than one house when the re-development is complete, we plan to relocate the utilities onto the Arapaho Alley right of way, which is why we had the alley surveyed last summer.

Bob and Linda have integrated large amounts of city property on three sides around them for their personal use, solely in their best interest. They've encroached onto Boundary Street, Platted North River Drive and Arapaho Alley as I've indicated in Exhibit A. I watched Steve help them measure the city right of ways before they submitted their original house building permit, so they are fully aware of their encroachments. They built landscape structures and barriers on city property that are partially indicated in their documentation but are not pictured or adequately described. They chose not to obtain city permissions, submit permits, or conform to required set-backs. They violated city codes and requirements and should not be rewarded for doing so, because it will punish us. Their landscaping items are the only things that impede Arapaho Alley.

We've hosted multiple meetings trying to reach agreement beneficial to both parties for these issues. Recently Steve and I offered to give the city more land from our private home if a vacate agreement included the platted North River Drive, and then we would swap some land with the Cases. That plan would have *substantially* benefited them as well as provided a good pathway for us to relocate the utilities along the property line we share, not to interfere with our re-development plans. They rejected all offers.

Therefore, we need to return to our best and first option of using Arapaho Alley. The Case's action to vacate didn't commence until after we conducted the land survey and after multiple attempts failed to reach agreement with them. There is need to regain and sustain access to the utility pole at the southern end which services multiple homes, in addition to neighboring parties utilizing the alley for future city utility placement.

Please do not vacate the alley to their sole benefit. It would adversely affect our neighboring properties that have existing need and plan future use of the asset; therefore it is not in the best interest of the neighboring public.

Thank you for your time and consideration of this matter.

DeAnna Galbraith

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DEC 12 2016
CITY OF BOULDER COUNTY

P1FCU

FAX

To: CITY OF BONNERS FERRY From: LILLIAN CLEMENTS

Fax: 208-267-7375

Pages: 1

Phone: 208-267-1403

Date: 12/09/2016

Re: ANNEX OF PROPERTY

cc:

Urgent For Review Please Comment Please Reply Please Recycle

Comments:

If you need to get ahold of Lillian her number is 208-267-1403.

RECEIVED
DEC 09 2016
CITY OF BONNERS FERRY

City of Bonners Ferry 12-9-16

The notice of Robert and Linda Case wanting to have a portion of the alley way west of them vacated so it can be annex onto their property. I DO NOT agree. This is not in the interest of the public. I have watched the Case's spread out onto land that is not theirs as the survey they have recently done will bear out.

This is land open to the public use. I walk my dogs down this portion of the ally 2 or 3 times a month. we walk all around our area everyday. If the Case's are allowed to get this property, the extra 1696 sq. ft. of land, by the city of Bonners Ferry, they will close it off and it will no longer be available.

If they are allowed to get this property then the City should narrow down Boundary St. from 80 ft. wide to 40 ft. wide, that way all the property owners would be entitled to extra free property.

The Case's are no more entitled to this property for their personal use then the rest of us are.

Hillian Clements - Property owner
7317 Boundary St.
Bonners Ferry, ID

Faxed to 208 267 4375

DEC 09 2016

P1FCU

FAX

RECEIVED

DEC 09 2016

CITY OF BONNERS FERRY

To: CITY OF BONNERS FERRY From: LILLIAN CLEMENTS

Fax: 208-267-4375 Pages: 1

Phone: 208-267-1403 Date: 12/06/2016

Re: ANNEX OF PROPERTY cc:

Urgent For Review Please Comment Please Reply Please Recycle

Comments:

If you have an questions you can call her at 208-267-1403.

Thank you

City of Bonners Ferry 12-4-16

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Lillian Clements - Property owner
7317 Boundary St.
Bonners Ferry, ID

Faxed to 208 267 4375

RECEIVED

DEC 09 2016

CITY OF BONNERS FERRY