BEFORE THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF BONNEVILLE, STATE OF IDAHO

IN RE:
Petition for Abandonment and Vacation of A Public Utility Easement in Mountain View Addition Division No. 2, 1st Amended Subdivision, Bonneville County, Idaho

Request by Max Bosworth

INTRODUCTION

This matter comes before the Bonneville County Commissioners as a request to vacate a ten (10) foot wide public utility easement in the Mountain View Addition Division No. 2, 1st Amended subdivision as recorded in Bonneville County, Idaho.

FINDINGS OF FACT

1. The Board of Commissioners of Bonneville County received a Petition for Abandonment and Vacation of a public utility easement in Bonneville County, said petition submitted by Max Bosworth, owner of property within Bonneville County, Idaho, as provided by Idaho Code §50-1306A and 50-1317.
2. The petition requested abandonment and vacation of a public utility easement that was dedicated to Bonneville County, Idaho, on the recorded plat of Mountain View Addition Division No. 2, 1st Amended, with Instrument No. 571110.
3. The easement requested for vacation is described as a ten (10) foot wide utility easement running through Lots 22-A and 22-B Block 2 in Mountain View Addition Division No. 2, 1st Amended, Bonneville County, Idaho, as identified and noted on the recorded plat thereof.
4. A notice of the requested easement vacation was mailed to property owners within 300 feet of the requested abandonment and a public notice was published as required by law.
5. A notice of the requested abandonment was mailed to public utility companies as required by law.
6. A public hearing for the easement vacation was held on December 7, 2016 at approximately 10:00 a.m. in the Bonneville County courthouse.
7. At the public hearing the Bonneville County Board of Commissioners took oral and written testimony from all interested persons on the easement vacation.
8. Max Bosworth testified in favor of the easement vacation.
9. No oral or written comments were received from the general public in opposition to the vacation of the easement.
10. Written comments were received from Rocky Mountain Power indicating no opposition to the easement vacation as long as it did not affect their 16 foot wide power line easement located in Lot 22-A.
11. Written comments were received from Cable One indicating opposition to the easement vacation located east of the 16 foot wide power line easement located in Lot 22-A and all of the portion in Lot 22-B because of their cable being in those locations.
12. Minutes of the public hearing were taken and placed in the official minutes of the Bonneville County Board of Commissioners.

CONCLUSION OF LAW

After due consideration of the testimony presented at the aforementioned public hearing and based upon evidence presented, The Bonneville County Board of Commissioners issues the following findings and conclusions of law:

1. A petition was duly presented by a landowner of Bonneville County to abandon and vacate a public utility easement running through Lots 22-A and 22-B Block 2 in Mountain View Addition Division No. 2, 1st Amended, Bonneville County, Idaho, as identified and noted on the recorded plat thereof.
2. Letters and a notice of public hearing were duly prepared, mailed and published as required by law. A public hearing was held pursuant to the notice and letters on December 7, 2016, and the board accepted all information relating to the proceeding.
3. No comments were received from the public in opposition to the abandonment of the described easements but a written comment in opposition was received from Cable One.
4. The Bonneville County Board of Commissioners reviewed all information and testimony at the time of the public hearing and due process was allowed to all interested parties.
5. After considering all of the testimony and information presented at the aforementioned public hearing, the Bonneville County Board of Commissioners conclude as follows:
   a) The recorded plat of Mountain View Addition Division No. 2, 1st Amended identifies the location of a ten (10) foot wide utility easement running along the north line of Lots 22-A and 22-B Block 2 along with a 16 foot wide utility (power line) easement running north-south through Lot 22-A Block 2.
   b) A portion of the identified 10 foot utility easement located west of the 16 foot power line easement in Lot 22-A does not contain any utility company facilities. The portion of the 10 foot utility easement east of the 16 foot wide power line easement in Lot 22-A and the portion of easement in Lot 22-B does contain facilities for Cable One.
c) It is in the public interest to vacate the portion of the ten (10) foot wide utility easement along the north line of Lot 22-A Block 2 located west of the 16 foot power line easement in said lot.

ORDER

Based upon the foregoing Findings of Fact and Conclusions of Law, the Bonneville County Board of Commissioners hereby orders as follows:

1. An Order shall be entered vacating the utility easement described as: the ten (10) foot wide utility easement along the north line of Lot 22-A Block 2 in the Mountain View Addition Division No. 2, 1st Amended, located west of the 16 foot wide utility (power line) easement in said lot.
2. That the foregoing Finding of Fact and Conclusions of Law and this Order shall be recorded in the office of the Bonneville County Recorder.

It is hereby Ordered this 14th day of December, 2016.

BONNEVILLE COUNTY COMMISSIONERS

Roger B. Christensen   Chairman

Lee Staker             Member

Dave Radford           Member

Attest: Cheryl Matthiesen
Bonneville County Clerk

Deputy

11-5-22