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

IN RE:
Petition for Abandonment and Vacation of A Future Road Easement in Open Air Estates Subdivision, Bonneville County, Idaho

Request by Bart Davis

FINDINGS OF FACT

INTRODUCTION

This matter comes before the Bonneville County Commissioners as a request to vacate a fifty (50) foot wide future road easement in the Open Air Estates 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 future road easement in Bonneville County, said petition submitted by Bart Davis, 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 future road easement that was dedicated to Bonneville County, Idaho, on the recorded plat of Open Air Estates, Instrument No. 455979.

3. The easement requested for vacation is described as a fifty (50) foot wide future road easement running through Lots 1, 2, 3, 4, 7 and 8 Block 2 in Open Air Estates, 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 June 22, 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. No oral or written comments were received from the general public or public utility companies in opposition to the vacation of the easement.

9. 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 future road easement running through Lots 1, 2, 3, 4, 7 and 8 Block 2 in Open Air Estates, 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 June 22, 2016, and the board accepted all information relating to the proceeding.

3. No comments were received from the public or public utility companies in opposition to the abandonment of the described easements.

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 Open Air Estates identifies the location of a fifty (50) foot wide future road easement running through Lots 1, 2, 3, 4, 7 and 8 Block 2.
   b) The identified easement does not provide access to public lands or waters.
   c) The vacation of the identified easement does not land lock any parcel of land and will not prevent the future flow of traffic through Open Air Estates to adjacent properties.
   d) It is in the public interest to vacate said described easement.

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 described future road easement.

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 22nd day of June, 2016.
BONNEVILLE COUNTY COMMISSIONERS

Roger S. Christensen  Chairman

Lee Staker  Member

Dave Radford  Member

Attest:  
Bonneville County Clerk