



Ponderay - City Planning

PETITION TO VACATE PLATTED AREAS OR PLATTED RIGHTS-OF-WAY (IDAHO CODE – TITLE 50)

Cover Sheet

Site/Project Information

Brief Project Description: Vacation of a portion of a platted access and utility easement depicted on the Ponderay Place Plat, Bonner County Records, Book 11, Page 20. While the easement was depicted, it was never perfected via reservation on the face of the plat or by separate recorded document. A portion of the subject easement has since been conveyed to the City of Ponderay as public right-of-way.

Project Representative: City of Ponderay

E-mail:

Phone #'s: 208-265-5468

Location: East of Hawthorn Ave. South of Highway 200

Legal Description: Ponderay Place Plat, Bonner County Records, Book 11, Page 20. 11-57N-2W

Applicant/Owner Information

Name: Lewis Patrick
C/O City of Ponderay

Legal Owner: Ponderay Industrial Park, LLC

Signature:

Mailing Address: P.O. Box 500
Ponderay, ID 83852

E-Mail:

Phone #'s: 208-265-5468

Ponderay Planning Department

File Number:

Fees: N/A

Zoning: Industrial

Received By : **Date:**

Comments:

PROJECT DETAILS

Subdivision Name: Ponderay Place

Section: 11

Township: 57N

Range: 2W

Recording Instrument Number: 861642

Book: 11

Page: 20

Recording Date: 7/11/14

Portion of Plat to be Vacated (Right-of-Way, Lots, Easement, Other): A portion of the access and utility easement. See the attached exhibit

Directions to Area to be Vacated: Highway 200 East. Area to be vacated is located between the dedicated right-of-way and the Deidrich facility. A portion of the easement to be vacated is located under the existing structure.

Title to Vacated Portion to be Vested With: Ponderay Industrial Park, LLC

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 County deems in the best interests of the adjoining properties.

Explain the Reason for Requested Vacation: At this time, it is unclear whether the subject easement lawfully exists as it was not properly reserved in the owner's certificate and was not reserved or conveyed through a separate easement. When the building permit for the Diedrich facility was issued, the City sought guidance as to the legality of the easement from the City Attorney and was advised that due to the lack of conveyance it was not a legitimate easement, however, its depiction on the face of the plat could be misleading. Since the plat was approved and recorded by the City, staff feel that it is the City's obligation to complete the vacation process to provide clarity. At this time, the landowner has applied for preliminary plat approval concurrent with this application, which affords Ponderay to opportunity to work with them to ensure the invalid easement is eliminated on documents moving forward.

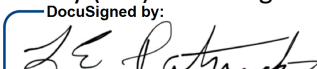
Will the vacation cause any properties to be left without access to any public right-of-way? No. All properties the benefit from the easement can now be accessed via public right-of-way.

What effect will the vacation have on the public? None

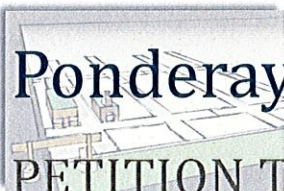
Are there sewer, water, gas, electrical or other utility or other easements located within the area to be vacated? The subject easement is for utilities as well as access. However, a portion of the easement has been dedicated to the City of Ponderay and is available for all utilities. The adjoining lot has been developed at this time. Based on previously reviewed applications, it does not appear that there are utilities located within the easement

If yes, please provide the details of the easement(s):

I (we), the undersigned, do hereby petition the City of Ponderay to vacate the platted area 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.

Petitioner's Signature:  Date: 6/2/2020

Petitioner's Signature: _____ Date: _____



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Ponderay, ID 83852

E-Mail:

Phone #'s: 208-265-5468

Ponderay Planning Department

File Number: VS20-024

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Zoning: Industrial

Received By : **Date:**

Comments:

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Petitioner's Signature:  Date: 7/9/20

Petitioner's Signature: _____ Date: _____