

ORDINANCE NO. 05-01

AN ORDINANCE OF CARIBOU COUNTY, IDAHO, PROVIDING FOR THE ABANDONMENT AND VACATION OF A CERTAIN COUNTY ROAD LOCATED IN CARIBOU COUNTY KNOWN AS FAIR TRAIL WAY ROAD; RESERVING A RIGHT-OF-WAY FOR WILLIAM R. AND NICKOLE MULLEN AND FOR THE BAILEY CREEK HOME OWNERS' ASSOCIATION; RESERVING RIGHTS-OF-WAY AND EASEMENTS FOR EXISTING SEWER, GAS, WATER, ELECTRIC, TELEPHONE, AND SIMILAR LINES AND APPURTENANCES THERETO; DIRECTING THE CLERK OF THE BOARD OF COUNTY COMMISSIONERS OF CARIBOU COUNTY TO CAUSE THIS ORDINANCE TO BE RECORDED IN THE OFFICE OF THE COUNTY RECORDER, TO BE PUBLISHED IN THE OFFICIAL NEWSPAPER OF THE COUNTY, AND THE OFFICIAL MAP OF THE HIGHWAY SYSTEM OF THE COUNTY TO BE AMENDED; WAIVING THE RULE THAT THIS ORDINANCE BE READ ON THREE (3) SEPARATE OCCASIONS; AND ESTABLISHING AN EFFECTIVE DATE OF THIS ORDINANCE.

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF CARIBOU COUNTY, IDAHO, AS FOLLOWS:

SECTION 1: William R. and Nickole Mullen of 11 East Hooper Avenue, Soda Springs, Idaho, did petition to abandon and vacate a county road or highway known as Fair Trail Way Road located in Caribou County, Idaho, and more specifically described as follows:

All of that portion of Fair Trail Way Road located in Caribou County, Idaho within Section 31, Township 9 South, Range 42 East, B.M.

SECTION 2: Notice of Public Hearing was prepared to consider the proposed abandonment and vacation of said county road or highway, which was mailed by United States Mail to known owners of property abutting the portion of the roadway to be abandoned and vacated, and said notice was also published in the Caribou County Sun, the official newspaper of the county, according to statute.

SECTION 3: A hearing upon the petition was held on June 27, 2005, before the Board of County Commissioners of Caribou County, Idaho. All persons were permitted to appear and give testimony for or against abandonment.

SECTION 4: The Board of County Commissioners has duly considered all information received from Petitioners, and from any person or entity attending or submitting information at the public hearing. The Board of County Commissioners finds that said roadway is not used or developed, does not provide access to public lands or any property other than that of the Petitioners, has been blocked at the upper end of said roadway to adjoining property by the owner of that property or his predecessors in interest, and all other properties which are served by said road have ingress and egress from other county roads. Therefore, it is not in the public interest to maintain said roadway as a public right-of-way. The Board of County Commissioners further finds that said parcel was originally dedicated to the public for use as a highway by the Petitioner's predecessors in interest and that no reimbursement to the county for abandonment of the right-of-way is required other than for the cost of publication of the notice of public hearing and for mailing of notice to adjoining or abutting landowners.

SECTION 5:

The Board of County Commissioners does hereby vacate and abandon all of that portion of Fair Trail Way Road located in Caribou County, Idaho, within Section 31, Township 9 South, Range 42 East, B.M. reserving to William R. and Nickole Mullen, their heirs, successors, and assigns, a permanent right-of-way and easement, fifty (50) feet in width to provide access and private ingress and egress to and from their property described in Exhibit "A" attached hereto and made a part of this ordinance, and a right-of-way and easement for the Bailey Creek Home Owners' Association for access to Lot 87, Bailey Creek Subdivision No. 1, located in Caribou County, Idaho, upon which a water tank is located for repair, replacement and maintenance of said water tank, and a right-of-way and easement for existing water, sewer, electric, gas, telephone, and similar utility lines, if any.

SECTION 6: The Clerk of Caribou, County, Idaho, is hereby directed to cause this ordinance to be published in the official newspaper of the county, and to cause the official map of the highway system to be amended to reflect this abandonment and vacation.

SECTION 7: The rule requiring that this ordinance be read on three (3) separate occasions is hereby waived.

SECTION 8: This ordinance shall be in full force and effect from and after its passage, approval, and publication according to law.

PASSED AND APPROVED by the Board of County Commissioners of Caribou County,
Idaho, this 27th day of June, 2005.

BOARD OF COUNTY COMMISSIONERS

BY: Bruce M Dredge
Bruce Dredge
Chairman, Board of County Commissioners

Attest:

Edith Bush

Edith Bush
County Clerk

Caribou County, Idaho:

Township 9 South, Range 42 East of the Boise Meridian:

Sections 31: Beginning at a point South 89°36'40" West 304.19 feet from
and 32: the Northeast Corner of Section 6, Township 10 South, Range
42 East of the Boise Meridian, Bear Lake County, Idaho,
this point also being the Southeast Corner of Lot 89,
Bailey Creek Subdivision No. 1, and running
thence North 13°30'00" West 236.09 feet to the South right
of way line of the Fair Trail Way and a point on a 167.00
foot radius curve to the left;
thence along said right of way line as follows:
thence Northeasterly along said curve for an arc distance of
78.86 feet (Central angle=27°03'25");
thence North 28°00'00" East 62.32 feet;
thence North 62°00'00" West 50.00 feet to the North right of
way line of said road, this point being Southwest Corner
of Lot 67 of said Subdivision;
thence North 49°00'00" West 224.28 feet;
thence North 50°30'00" East 120.84 feet to the South right
of way line of Creek Road and a point on a 880.00 foot
radius curve to the right;
thence along said right of way line as follows:
thence Northwesterly along the said curve for an arc
distance of 216.05 feet (Central angle=14°04'00") to a
point of compound curve with a 218.00 foot radius curve
to the right;
thence Northerly and Northeasterly along said curve for an
arc distance of 258.73 feet (Central angle=68°00'00");
thence North 38°00'00" East 88.00 feet to a point of
tangency with a 255.00 foot radius curve to the right;
thence Easterly along said curve for an arc distance of
362.16 feet (Central angle=81°22'16") to the West right
of way line of the Nasrullah Way and a point on a 69.18
foot radius curve to the left;
thence Northerly and Northwesterly along said right of way
line and curve for an arc distance of 151.31 feet
(Central angle=125°19'06");
thence leaving said right of way line North 0°19'06" West
65.01 feet to the North boundary line of above said
Subdivision;
thence South 89°40'54" West 1391.26 feet along the said
North boundary line;
thence South 4°16'00" East 1261.86 feet along the West
boundary line of said Subdivision;
thence South 83°33'00" West 541.22 feet;
thence North 89°36'40" East 1718.71 feet,
to the point of beginning.
EXCEPT THEREFROM, Beginning at a point which is West

2806.45 feet from the South Quarter Corner of Section 32,
Township 9 South, Range 42 East of the Boise Meridian,
and running
thence West 80.24 feet;
thence North $16^{\circ}00'$ West 214.43 feet to a point on a 508
foot radius curve to the right (Bearing of radius South
 $10^{\circ}04'36''$ East);
thence along said curve a distance of 125 feet (Central
angle= $14^{\circ}05'54''$);
thence leaving said curve on a bearing South $04^{\circ}00'$ East
212.68 feet,
to the point of beginning.