

RESOLUTION NO. 2025-04

A RESOLUTION OF EAST SIDE HIGHWAY DISTRICT ESTABLISHING STANDARDS FOR IMPLEMENTING IDAHO CODE SECTION 40-203, ABANDONMENT AND VACATION HEARING PROCEDURES.

WHEREAS, East Side Highway District has jurisdiction and responsibility for all public highways and public right-of-way within its district, except state highways and interstate freeways; and

WHEREAS, Idaho Code section 40-203 establishes a procedure to abandon and vacate any highway or public right-of-way in the highway district system, including those that furnish public access to state and federal public lands and waters;

WHEREAS, pursuant to this statute, any resident or property holder with the highway district system may petition the Board of Commissioners for abandonment and vacation of any highway or public right-of-way within their highway system;

WHEREAS, pursuant to this statute, the highway district may require payment of a reasonable fee as determined by the Board of Commissioners to cover the cost of the proceedings;

WHEREAS, the Board of Commissioners is required by this statute to hold a public hearing to consider the proposed abandonment and vacation petition;

WHEREAS, the Board of Commissioners requires staff to prepare a report addressing the petition;

WHEREAS, many times, petitioners refuse to pay the required fee if the Board of Commissioners determines it is not in the public's best interest to grant the petition; and

WHEREAS, the Board of Commissioners desires to have an established procedure for applicants to follow in processing the petition; and

WHEREAS, the Board of Commissioners desire to have uniformity in determining the fair market value of the abandoned and vacated public highway or public right-of-way.

NOW, THEREFORE, BE IT RESOLVED, that the East Side Highway District Board of Commissioners that the following process is established for abandonment and vacation of public highways or public rights-of-way:

1. A petition containing the applicant's name, address, phone number, and email shall be presented to the East Side Highway District. If an owner's representative presents the petition, the petition shall contain the owner's name, address, phone number, and email. The petition shall be signed by the owner and the owner's representative if applicable. If the identified segment of highway or public right-of-way is adjacent to parcels other than the owner applying

for abandonment and vacation, it must be signed by all property owners adjacent to the proposed abandoned and vacated right-of-way joining in the request to abandon and vacate the highway or public right-of-way.

2. The petition shall identify all segments of the highway or public right-of-way that the petitioner desires to be abandoned and the Kootenai County parcel identification number(s) of the adjacent parcel(s).

3. The abandonment and vacation application fee shall accompany the petition.

4. The petition must state why the petitioner(s) are requesting abandonment and vacation of the highway or public right-of-way.

5. A map showing the area of highway or public right-of-way that is the subject of the vacation application must accompany the petition.

6. The petition must list the person(s) or legal entities the property is to be vested in after vacation and abandonment, including their full name, addresses and telephone contact information of each Grantee.

7. Upon staff's determination that a complete application has been presented, staff will prepare a staff report.

8. Upon completion of the staff report, the petitioner shall pay any additional fees due.

9. Upon receipt of the additional fees, staff shall release the staff report and request the Board of Commissioners to schedule the public hearing on the petition. At the Board of Commissioners sole discretion, the Board of Commissioners may bifurcate the hearing into two separate public hearings, with the first hearing to determine if abandoning and vacating the highway or public right-of-way serves the best interests of the public, and the second hearing to determine the fair market value of the abandoned and vacated highway or public right-of-way.

10. The fair market value will be determined based on an "across the fence" valuation using the applicant's property or the larger parcel(s). This valuation at the Board of Commissioner's sole discretion can be derived from the Kootenai County Assessor's adjacent parcel(s) value, a competitive market analysis provided by petition utilizing a realtor acceptable to the Director of Highways, a purchase and sale agreement provided by petitioner concerning the adjacent parcel(s) executed within the prior twelve (12) months between independent parties acting in their own best interests, or a licensed appraiser acceptable to the Director of Highways.

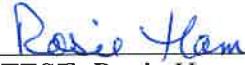
12. The Board may issue a decision granting a conditional abandonment and vacation requiring the petitioner to meet certain terms, or the abandonment and vacation decision will be of no further force or effect. If the petitioner fails to meet the Board of Commissioners' conditions, no final order of abandonment and vacation will be entered by the Board of Commissioners.

13. If the Board of Commissioners grants abandonment and vacation, the final order shall preserve utility corridors as required by Idaho Code section 40-203(3).

PASSED BY, and approved by the East Side Highway District Board of Commissioners this 12th day of May, 2025.

SEAL:


Chairman of Board, Graham Christensen


ATTEST: Rosie Ham, District Clerk

CERTIFICATE

I, Rosie Ham, East Side Highway District, do hereby certify that the foregoing is a full, true, and correct copy of Resolution 2025-04 adopted at the May 12, 2025 board meeting of the East Side Highway District, and that the same is now in full force and effect.

IN WITNESS WHEREOF, I have hereunto set my hand and impressed the official seal of the East Side Highway District, on the 12th day of May, 2025.


Rosie Ham, District Clerk