



POST FALLS HIGHWAY DISTRICT
5629 E SELTICE WAY
POST FALLS, ID 83854
(208) 765-3717
(208) 765-0493 FAX

VACATION AND ABANDONMENT OF PUBLIC RIGHTS-OF-WAY

All vacations and abandonment procedures will comply with the requirements of Idaho Code Title 40, Chapter 2, Section 203. The following is to provide the applicant with a guide and may not be all-inclusive.

Fees

Applicants seeking vacation or abandonment of public rights-of-way must pay all fees associated with this process to cover the actual cost of the proceeding, including but not limited to, District legal advice, District engineering costs, legal advertising, certified mailings, and recording of document. Petitioner shall pay all current and outstanding fees prior to the Board making its final decision.

Procedures for Filing Petitions to Abandon and Vacate

Contact the District Clerk to be put on the agenda and present your petition.

All petitions to abandon and vacate shall contain the following:

- ❑ Name, address, and telephone number of applicant, and/or representative who can be contacted in the event additional information is required.
- ❑ Statement of the basis, including reasons, upon which the abandonment and vacation is sought.
- ❑ A map or plat showing the area of public right-of-way sought to be abandoned and vacated certified by an Idaho Professional Land Surveyor (PLS) or and Idaho Professional Engineer (PE).
- ❑ Legal description of the public right-of-way to be abandoned and vacated certified by an Idaho PLS or PE.
- ❑ Designation of, including name and address, of all property owners of record of land within 300-feet (abutting for validation) the portion of the public right-of-way proposed to be abandoned and vacated, as identified with the Kootenai County Assessor's parcel number. (I.C. 50-1306A)
- ❑ Designation of, including name and address, of all possible underground utilities.
- ❑ Any additional attachments as desired. (I.C. 50-1306A)

Note: All exhibits, including maps, plans, pictures, etc., should include date, name of person who prepared them, and any other pertinent information.

Public Hearing and Decision

(To be done by the District)

- ❑ Prepare public notice 30 days prior to public hearing
- ❑ Mail notice to underground utilities 30 days prior to public hearing
- ❑ Mail notice to adjoining property owners 30 days prior to public hearing
- ❑ Publish notice of hearing three (3) times in paper, in accordance with I.C. 40-203 (f).

The Public Hearing (may take one or more meetings):

- ❑ Receive public testimony and review written correspondence
- ❑ Discussion and deliberations
- ❑ Decision shall be written and supported by findings and fact and if it is in the public's best interest
- ❑ Discuss fair market value; if \$2,500 or more, a charge may be imposed upon the acquiring entity, I.C. 40-203 (i).
- ❑ If approved by the Board, a resolution will be prepared and signed; a quitclaim deed will be recorded upon payment of all costs
- ❑ Appeals may be made to the district court of the county pursuant to I.C. §40-208

NOTES FOR THE APPLICANT:

No highway or public right-of-way or parts thereof shall be abandoned and vacated so as to leave any real property adjoining the highway or public right-of-way without access to an established highway or public right-of-way.

In the event of abandonment and vacation, rights-of-way, easements, or utilities as described in I.C. §55-2202 may be reserved.

A proposed division or reversion of the public right-of-way sought to be abandoned and vacated if other than normal one-half ($\frac{1}{2}$) to each adjacent property owner, or a statement that each adjacent property owner shall receive one-half ($\frac{1}{2}$) of the public right-of-way sought to be abandoned and vacated.

If the Board determines that a public right-of-way parcel to be abandoned and vacated in accordance with the provisions of this section has a fair market value of Two Thousand Five Hundred Dollars (\$2,500) or more, a charge may be imposed upon the acquiring entity, not in excess of the fair market value of the parcel, as a condition of the abandonment and vacation.

Requested parcel must remain for public use until such time abandonment is authorized.

PETITION FOR ABANDONMENT & VACATION OF RIGHT OF WAY

The undersigned, _____, being fee owners of an interest in the real property described herein, do request that the Post Falls Highway District abandon and vacate public right of way, adjacent to and in the vicinity of the Petitioners' ownership.

Legal description of the public right-of-way to be abandoned and vacated certified by an Idaho PLS or PE (If space is not adequate, attach legal description, labeled Exhibit _____):

The basis and reason for this request is (If space is not adequate, attach basis and reason, labeled Exhibit _____):

Assessed value of public right-of-way which is the subject of this Petition for Abandonment and Vacation, established by averaging assessed property values of three (3) adjoining parcels (Subject to the discretion of the Board of Commissioners in which an appraisal by an independent appraiser may be requested.)

Calculated Acreage _____ Notes:	Value _____
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PETITIONER INFORMATION:

Road Name (if applicable) _____

Petitioner _____ Phone _____

E-Mail _____ Fax _____

Address _____ City/St/Zip _____

Represented by (if other than owner) _____

Firm _____ Phone _____

E-Mail _____ Fax _____

Address _____ City/St/Zip _____

REQUIRED ATTACHMENTS:

- ❑ A map or plat showing the area of public right-of-way sought to be abandoned and vacated certified by an Idaho Professional Land Surveyor (PLS) or and Idaho Professional Engineer (PE).
- ❑ Designation of, including name and address, of all property owners of record of land within 300-feet (abutting for validation) the portion of the public right-of-way proposed to be abandoned and vacated, as identified with the Kootenai County Assessor's parcel number. (I.C. 50-1306A)
- ❑ Designation of, including name and address, of all possible underground utilities. (I.C. 50-1306A)

Additional attachments including but not limited to maps, plans, pictures, etc., may be included. All exhibits should include date, name of person who prepared them, include a key number, etc.

Petitioner certifies that the information given herein, including all submittals and attachments is true and correct to the bet of his/her knowledge. Petitioner understands the Public Hearing date set by the Board of Commissioners may need to be extended if the petition and submittals are found to be incomplete. Petitioner agrees to pay all current and outstanding fees prior to the Board making its final decision. Petitioner understands the decision of the Board may take more than one meeting to make a decision. Petitioner understands that conditions may be placed on this request if approved.

Signed this _____ day of _____, 2014.

Signature of Petitioner(s):

<i>District Use Only:</i>	<i>Date Stamp:</i>
_____ <i>Board Meeting Agenda</i> <i>To set date for Public Hearing.</i>	
_____ <i>Public Hearing Date</i>	