

ORDER ADOPTING RESOLUTION NO. 226-A


A RESOLUTION OF THE CAMAS COUNTY BOARD OF COUNTY COMMISSIONERS

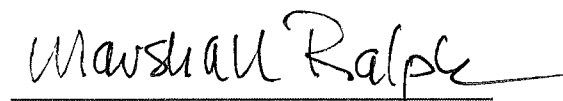
RESOLVED, that the Findings of Fact, Conclusion of Law, Decision and Order copied and attached hereto collectively as Exhibit 1, arising from the public hearing on the Petition of Camas County for the Abandonment and or Vacation of a Public Highway or Road within Camas County, Idaho, known as S 400 West and 200 South Road, which public hearing was held January 13, 2025, are hereby adopted.


DATED the 10th day of February 2025.

COMMISSIONERS:


Travis Kramer, Chair


Galen Colter


Marshall Ralph

Attest

Brianna Walter, Clerk

RESOLUTION TO ABANDON S 400 WEST and 200 SOUTH ROAD

BEFORE THE CAMAS COUNTY BOARD OF COUNTY COMMISSIONERS

FINDINGS OF FACT AND CONCLUSIONS OF LAW

In the matter of a:

Hearing on Petition to Abandon and or Vacate a portion of a road in Camas County, Idaho known as s 400 West and 200 South Road.

On January 13, 2025, a hearing was held in the Camas County Courthouse to determine whether to abandon and or vacate a portion of S 400 West 200 South Road as a public highway or public right of way by determining if it is in the public interest to do so. The road is located in A section of S 400 West and 200 South Road. Described as a public road in Township 1 South, Range 13 East, EBM, in Camas County, and proceed south from an existing county road along the section lines between sections 25, 26, 35 and 36 for a total length of approximately 1 mile more or less from the point of beginning to a point exactly five thousand two hundred eighty (5,280) feet south of the corners where section 23, 24, 25 and 26 meet.

The public hearing was duly noticed by publication in the weekly Camas Courier and on the county website and letters were sent to all adjoining landowners as required by Idaho Code 40-203. At the hearing, present was the petitioner Ryan Porter, multiple members of the public and county staff and officials. The record indicates that public comment was received both orally and in writing at the hearing on January 13, 2025.

The following Findings of Fact were relied upon to reach the determination by the Camas County Board of County Commissioners (BOCC). If any of these Findings of Fact are deemed to also constitute Conclusions of Law, they shall be incorporated therein. The Findings of Facts consist of a summary of those facts and exhibits, if any, received by the BOCC as part of the underlying record in the instant case, or presented on the record at the public hearing in this matter, and which the BOCC have most heavily relied upon in reaching their determination in this case.

FINDINGS OF FACT

- A. Notice of the hearing and Intent to Abandon or Vacate in Resolution No. 226 was provided pursuant to Idaho statute to the petitioner, current adjoining landowners, and published in the Camas County Courier Newspaper and on the Camas County website.

- B. Evidence was received by the petitioner, that he desired a portion of S 400 West and 200 South Road to be abandoned and or vacated, more particularly described as A section of S 400 West and 200 South Road. Described as a public road in Township 1 South, Range 13 East, EBM, in Camas County, and proceeding south from an existing county road along the section lines between sections 25, 26, 35 and 36 for a total length of approximately 1 mile more or less from the point of beginning to a point exactly five thousand two hundred eighty (5,280) feet south of the corners where section 23, 24, 25 and 26 meet.

- C. Josh Ashmead, Camas County Road and Bridge Supervisor, spoke regarding the abandonment of this section of S 400 W 200 S Road stating that the road in question had very little recorded history This section of road receives approximately \$4,090.00 in state highway gas taxes per annum.
- D. That Camas County Road and Bridge currently blades and sprays for weeds annually, that portion of the road being petitioned for abandonment.
- E. That Camas County Road and Bridge performs no winter maintenance on this stretch of road.
- F. That there was no evidence presented that the road, if abandoned, would landlock any adjoining property owner on the property in question.
- G. That the referenced road has appeared on official highway maps and there is no record of this section of the road having been previously vacated or abandoned.
- H. That by all indications, this section of road serves no current travel purpose to the public at large.

APPLICABLE LEGAL STANDARDS

A. ALL APPLICABLE STATUTES CONTAINED WITHIN IDAHO CODE, TITLE 40, CHAPTER 2, AND ANY CROSS REFERENCES CONTAINED THEREIN, TOGETHER WITH ANY LEGAL AUTHORITY CONTAINED IN THE RECORD.

B. SPECIFICALLY, IDAHO CODE 40-203 which provides:

40-203. ABANDONMENT AND VACATION OF COUNTY AND HIGHWAY DISTRICT SYSTEM HIGHWAYS OR PUBLIC RIGHTS-OF-WAY. (1) A BOARD OF COUNTY OR HIGHWAY DISTRICT COMMISSIONERS, WHICHEVER SHALL HAVE JURISDICTION OF THE HIGHWAY SYSTEM, SHALL USE THE FOLLOWING PROCEDURE TO ABANDON AND VACATE ANY HIGHWAY OR PUBLIC RIGHT-OF-WAY IN THE COUNTY OR HIGHWAY DISTRICT SYSTEM INCLUDING THOSE WHICH FURNISH PUBLIC ACCESS TO STATE AND FEDERAL PUBLIC LANDS AND WATERS:

(A) THE COMMISSIONERS MAY BY RESOLUTION DECLARE THEIR INTENTION TO ABANDON AND VACATE ANY HIGHWAY OR PUBLIC RIGHT-OF-WAY OR TO RECLASSIFY A PUBLIC HIGHWAY AS A PUBLIC RIGHT-OF-WAY, WHERE DOING SO IS IN THE PUBLIC INTEREST.

(B) ANY RESIDENT, OR PROPERTY HOLDER, WITHIN A COUNTY OR HIGHWAY DISTRICT SYSTEM INCLUDING THE STATE OF IDAHO, ANY OF ITS SUBDIVISIONS, OR ANY AGENCY OF THE FEDERAL GOVERNMENT MAY PETITION THE RESPECTIVE COMMISSIONERS FOR ABANDONMENT AND VACATION OF ANY HIGHWAY OR PUBLIC RIGHT-OF-WAY WITHIN THEIR HIGHWAY SYSTEM. THE PETITIONER SHALL PAY A REASONABLE FEE AS DETERMINED BY THE COMMISSIONERS TO COVER THE COST OF THE PROCEEDINGS.

(c) THE COMMISSIONERS SHALL ESTABLISH A HEARING DATE OR DATES ON THE PROPOSED ABANDONMENT AND VACATION.

(d) THE COMMISSIONERS SHALL PREPARE A PUBLIC NOTICE STATING THEIR INTENTION TO HOLD A PUBLIC HEARING TO CONSIDER THE PROPOSED ABANDONMENT AND VACATION OF A HIGHWAY OR PUBLIC RIGHT-OF-WAY, WHICH SHALL BE MADE AVAILABLE TO THE PUBLIC NOT LATER THAN THIRTY (30) DAYS PRIOR TO ANY HEARING AND MAILED TO ANY PERSON REQUESTING A COPY NOT MORE THAN THREE (3) WORKING DAYS AFTER ANY SUCH REQUEST.

(e) AT LEAST THIRTY (30) DAYS PRIOR TO ANY HEARING SCHEDULED BY THE COMMISSIONERS TO CONSIDER ABANDONMENT AND VACATION OF ANY HIGHWAY OR PUBLIC RIGHT-OF-WAY, THE COMMISSIONERS SHALL MAIL NOTICE BY UNITED STATES MAIL TO KNOWN OWNERS AND OPERATORS OF AN UNDERGROUND FACILITY, AS DEFINED IN SECTION 55-2202, IDAHO CODE, THAT LIES WITHIN THE HIGHWAY OR PUBLIC RIGHT-OF-WAY.

(f) AT LEAST THIRTY (30) DAYS PRIOR TO ANY HEARING SCHEDULED BY THE COMMISSIONERS TO CONSIDER ABANDONMENT AND VACATION OF ANY HIGHWAY OR PUBLIC RIGHT-OF-WAY, THE COMMISSIONERS SHALL MAIL NOTICE TO OWNERS OF RECORD OF LAND ABUTTING THE PORTION OF THE HIGHWAY OR PUBLIC RIGHT-OF-WAY PROPOSED TO BE ABANDONED AND VACATED AT THEIR ADDRESSES AS SHOWN ON THE COUNTY ASSESSOR'S TAX ROLLS AND SHALL PUBLISH NOTICE OF THE HEARING AT LEAST TWO (2) TIMES IF IN A WEEKLY NEWSPAPER OR THREE (3) TIMES IF IN A DAILY NEWSPAPER, THE LAST NOTICE TO BE PUBLISHED AT LEAST FIVE (5) DAYS AND NOT MORE THAN TWENTY-ONE (21) DAYS BEFORE THE HEARING.

(g) AT THE HEARING, THE COMMISSIONERS SHALL ACCEPT ALL INFORMATION RELATING TO THE PROCEEDINGS. ANY PERSON, INCLUDING THE STATE OF IDAHO OR ANY OF ITS SUBDIVISIONS, OR ANY AGENCY OF THE FEDERAL GOVERNMENT, MAY APPEAR AND GIVE TESTIMONY FOR OR AGAINST ABANDONMENT.

(h) AFTER COMPLETION OF THE PROCEEDINGS AND CONSIDERATION OF ALL RELATED INFORMATION, THE COMMISSIONERS SHALL DECIDE WHETHER THE ABANDONMENT AND VACATION OF THE HIGHWAY OR PUBLIC RIGHT-OF-WAY IS IN THE PUBLIC INTEREST OF THE HIGHWAY JURISDICTION AFFECTED BY THE ABANDONMENT OR VACATION. THE DECISION WHETHER OR NOT TO ABANDON AND VACATE THE HIGHWAY OR PUBLIC RIGHT-OF-WAY SHALL BE WRITTEN AND SHALL BE SUPPORTED BY FINDINGS OF FACT AND CONCLUSIONS OF LAW.

(i) IF THE COMMISSIONERS DETERMINE THAT A HIGHWAY OR 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; PROVIDED, HOWEVER, NO SUCH CHARGE SHALL BE IMPOSED ON THE LANDOWNER WHO ORIGINALLY DEDICATED SUCH PARCEL TO THE PUBLIC FOR USE AS A HIGHWAY OR PUBLIC RIGHT-OF-WAY; AND PROVIDED FURTHER, THAT IF THE HIGHWAY OR PUBLIC RIGHT-OF-WAY WAS ORIGINALLY A FEDERAL LAND RIGHT-OF-WAY, SAID HIGHWAY OR PUBLIC RIGHT-OF-WAY SHALL REVERT TO A FEDERAL LAND RIGHT-OF-WAY.

(j) THE COMMISSIONERS SHALL CAUSE ANY ORDER OR RESOLUTION TO BE RECORDED IN THE COUNTY RECORDS AND THE OFFICIAL MAP OF THE HIGHWAY SYSTEM TO BE AMENDED AS AFFECTED BY THE ABANDONMENT AND VACATION.

(k) FROM ANY SUCH DECISION, A RESIDENT OR PROPERTY HOLDER WITHIN THE COUNTY OR HIGHWAY DISTRICT SYSTEM, INCLUDING THE STATE OF IDAHO OR ANY OF ITS SUBDIVISIONS, OR ANY AGENCY OF THE FEDERAL GOVERNMENT, MAY APPEAL TO THE DISTRICT COURT OF THE COUNTY IN WHICH THE HIGHWAY OR PUBLIC RIGHT-OF-WAY IS LOCATED PURSUANT TO SECTION 40-208, IDAHO CODE.

(2) 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. THE BURDEN OF PROOF SHALL BE ON THE IMPACTED PROPERTY OWNER TO ESTABLISH THIS FACT.

(3) IN THE EVENT OF ABANDONMENT AND VACATION, RIGHTS-OF-WAY OR EASEMENTS SHALL BE RESERVED FOR THE CONTINUED USE OF EXISTING SEWER, GAS, WATER, OR SIMILAR PIPELINES AND APPURTENANCES, OR OTHER UNDERGROUND FACILITIES AS DEFINED IN SECTION 55-2202, IDAHO CODE, FOR DITCHES OR CANALS AND APPURTENANCES, AND FOR ELECTRIC, TELEPHONE AND SIMILAR LINES AND APPURTENANCES.

(4) (A) WHEN A COUNTY OR HIGHWAY DISTRICT IS TO CONSIDER THE ABANDONMENT OR VACATION OF ANY HIGHWAY, PUBLIC STREET OR PUBLIC RIGHT-OF-WAY THAT WAS ACCEPTED AS PART OF A RECORDED PLATTED SUBDIVISION, SUCH ABANDONMENT SHALL BE ACCOMPLISHED PURSUANT TO THE PROVISIONS OF THIS SECTION.

(B) WHEN A COUNTY OR HIGHWAY DISTRICT IS TO CONSIDER THE ABANDONMENT OR VACATION OF ANY HIGHWAY, PUBLIC STREET, OR PUBLIC RIGHT-OF-WAY THAT WAS ACCEPTED AS PART OF A PLATTED SUBDIVISION THAT HAS NEVER BEEN IMPROVED OR DEVELOPED, SUCH VACATION OR ABANDONMENT MAY BE APPROVED THROUGH THE DEDICATION OF A NEW HIGHWAY, PUBLIC STREET, OR PUBLIC RIGHT-OF-WAY WITHOUT COMPENSATION AS SET FORTH IN SUBSECTION (1)(i) OF THIS SECTION.

(C) WHEN A COUNTY IS TO CONSIDER THE ABANDONMENT OR VACATION OF ANY PRIVATE RIGHT-OF-WAY THAT WAS ACCEPTED AS PART OF A RECORDED PLATTED SUBDIVISION, SAID ABANDONMENT OR VACATION SHALL BE ACCOMPLISHED PURSUANT TO THE PROVISIONS OF CHAPTER 13, TITLE 50, IDAHO CODE.

(5) IN ANY PROCEEDING UNDER THIS SECTION OR SECTION 40-203A, IDAHO CODE, OR IN ANY JUDICIAL PROCEEDING DETERMINING THE PUBLIC STATUS OR WIDTH OF A HIGHWAY OR PUBLIC RIGHT-OF-WAY, A HIGHWAY OR PUBLIC RIGHT-OF-WAY SHALL BE DEEMED ABANDONED IF THE EVIDENCE SHOWS:

(A) THAT SAID HIGHWAY OR PUBLIC RIGHT-OF-WAY WAS CREATED SOLELY BY A PARTICULAR TYPE OF COMMON LAW DEDICATION, SUCH AS A DEDICATION BASED UPON A PLAT OR OTHER DOCUMENT THAT WAS NOT RECORDED IN THE OFFICIAL RECORDS OF AN IDAHO COUNTY;

(B) THAT SAID HIGHWAY OR PUBLIC RIGHT-OF-WAY IS NOT LOCATED ON LAND OWNED BY THE UNITED STATES OR THE STATE OF IDAHO NOR ON LAND ENTIRELY SURROUNDED BY LAND OWNED BY THE UNITED STATES OR THE STATE OF IDAHO NOR DOES IT PROVIDE THE ONLY MEANS OF ACCESS TO SUCH PUBLIC LANDS; AND

(C)(i) THAT SAID HIGHWAY OR PUBLIC RIGHT-OF-WAY HAS NOT BEEN USED BY THE PUBLIC AND HAS NOT BEEN MAINTAINED AT THE EXPENSE OF THE PUBLIC IN AT LEAST THREE (3) YEARS DURING THE PREVIOUS FIFTEEN (15) YEARS; OR

(ii) SAID HIGHWAY OR RIGHT-OF-WAY WAS NEVER CONSTRUCTED AND AT LEAST TWENTY (20) YEARS HAVE ELAPSED SINCE THE COMMON LAW DEDICATION.

(6) ALL OTHER HIGHWAYS OR PUBLIC RIGHTS-OF-WAY MAY BE ABANDONED AND VACATED ONLY UPON A FORMAL DETERMINATION BY THE COMMISSIONERS PURSUANT TO THIS SECTION THAT RETAINING THE HIGHWAY OR PUBLIC RIGHT-OF-WAY FOR USE BY THE PUBLIC IS NOT IN THE PUBLIC INTEREST, AND SUCH OTHER HIGHWAYS OR PUBLIC RIGHTS-OF-WAY MAY BE VALIDATED OR JUDICIALLY DETERMINED AT ANY TIME NOTWITHSTANDING ANY OTHER PROVISION OF LAW. PROVIDED THAT ANY ABANDONMENT UNDER THIS SECTION SHALL BE SUBJECT TO AND LIMITED BY THE PROVISIONS OF SUBSECTIONS (2) AND (3) OF THIS SECTION.

CONCLUSIONS OF LAW

The Board of County Commissioner for Camas County hereby finds that the underlying record supports the following conclusions:

1. Evidence was presented to support the County's decision to abandon or vacate A section of S 400 West and 200 South Road. Described as a public road in Township 1 South, Range 13 East, EBM, in Camas County, and proceed south from an existing county road

along the section lines between sections 25, 26, 35 and 36 for a total length of approximately 1 mile more or less from the point of beginning to a point exactly five thousand two hundred eighty (5,280) feet south of the corners where section 23, 24, 25 and 26 meet.

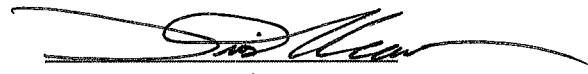
2. It was determined from the record that there will be no adverse consequences to the public regarding travel access by the abandonment.
3. That the BOCC is aware of the provision in Idaho Code 40-203(i) regarding assessment of fair market value of the proposed abandoned property.
4. It is found that the BOCC's intention to abandon a portion of this road as stated in specificity in Resolution 226-A declaring the county's intention to abandon S 400 West and 200 South Road that it is in the best interest of the public.
5. Camas County will no longer maintain the particular referenced section of S 400 West and 200 South to Camas County Road & Bridge standards.
6. Furthermore, the commissioners shall cause a resolution to be recorded in the Camas County records and the official map of the highway system to be amended, if necessary, as affected by the abandonment of the stated portion of S 400 West and 200 South Road as a public highway and or Right of Way.

DECISION

As a result of the Conclusions of Law outlined above, together with the Findings of Fact as applied, the Camas County Board of County Commissioners hereby determines that ABANDONMENT and VACATION of the specific portion of S 400 West and 200 South Road as referenced herein, is hereby, **GRANTED**.

PETITIONERS AND THE PUBLIC ARE NOTIFIED THAT this order constitutes a final decision of the Board of County Commissioners in this matter. Any resident or property holder within a county or highway district system, including the state of Idaho or any of its subdivisions or any agency of the federal government, may appeal to the district court of the county in which the highway or public right of way is located pursuant to section 40-208, Idaho Code, and the procedures outlined therein.

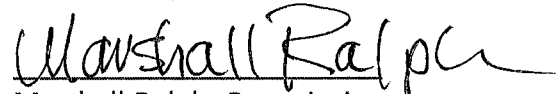
DATED THIS 10th day of February 2025.



Travis Kramer, Chairman



Galen Colter, Commissioner



Marshall Ralph, Commissioner

Attested to by: 
Brianna Walter, Camas County Court Clerk