

**WORLEY HIGHWAY DISTRICT BOARD OF COMMISSIONERS
REGULAR MEETING
AUGUST 8, 2018
9:00 A.M.**

MINUTES

Chairman James Mangan called the meeting to order at 9:02 a.m. with Commissioner George Miller appearing telephonically, and Commissioner Corinne Johnson present. Also present were Supervisor Kevin Howard, Administrative Assistant Tomi Maynard, Assistant Supervisor Dustin Howe and

Daniel Keys, Attorney for the District
Andrey Russu, Russu Addition
Brent Condie, Finnebott Road

Eli Robu, Russu Addition
GE Siegford, HMM engineering

APPROVAL OF AGENDA

Mangan MOVED to approve the agenda as presented. Johnson SECONDED the motion. The motion PASSED UNANIMOUSLY.

CONFLICTS OF INTEREST ON AGENDA

Chairman James Mangan asked if any Board member had a conflict of interest with any item on the agenda. James Mangan, and George Miller and Corinne Johnson all indicated no conflicts.

APPROVAL OF MINUTES

Mangan MOVED to approve the minutes of the July 25, 2018 regular meeting. Johnson SECONDED the motion. The motion PASSED UNANIMOUSLY.

ABANDONMENT HEARING – ROAD #417

Commissioner Mangan opened the hearing at 9:03 a.m. and appointed Daniel Keys to act as the Board's hearing officer.

Keys instructed those present to limit testimony to reasons why the petition should or should not be granted, and to direct all testimony to the Board not to others present. He asked Howard to present the staff report and recommendations to the Board.

Howard reported that after the petition was made to the Highway District he investigated the ROW and properties. He concluded that the abandonment of this segment of ROW will not leave any adjacent parcels without access. As such he would recommend that the Board consider abandonment.

Keys invited the petitioner to address the Board. Eli Robu 20042 S Providence Ln, Worley, indicated that the family brought the petition in an effort to prevent any future problems regarding the construction of family homes on the parcels indicated. He thanked the Board in advance for considering abandonment.

Brent Condi 18442 S Finnebott Road, Worley, indicated that he is in support of the ROW being abandoned as he has structures that may be in proximity to the ROW. Howard clarified that the abandonment being considered is only in regards to the parcels indicated on exhibit A. Condi would have to file a separate petition. Condi exited at 9:13 AM.

Mangan read the following into record:

RESOLUTION NO. 2018-08

A RESOLUTION AUTHORIZING ABANDONMENT/VACATION OF A PORTION OF PUBLIC RIGHT-OF-WAY FOR A PORTION OF ROAD NO. 417, ROCKFORD BAY/STATELINE ROAD.

WHEREAS, a petition to abandon and vacate a portion of public right-of-way consisting of Road No. 417, Rockford Bay/Stateline Road as described in Exhibit "A" and depicted in Exhibit "B" attached hereto and incorporated herein was received by Worley Highway District;

WHEREAS, all required notices were given in accordance with Idaho Code § 40-203;

WHEREAS, public notice was properly published in accordance with Idaho Code § 40-203;

WHEREAS, the public hearing was conducted August 8, 2018;

WHEREAS, following the closing of the public hearing, the Board of Commissioners entered into deliberations; and

WHEREAS, in accordance with Idaho Code § 40-203, the Commissioners make the following findings of fact and conclusions of law following such deliberations;

FINDINGS OF FACT:

1. The District received an oral petition for abandonment and vacation at its April 25, 2018 Board meeting from Eli Robu and as agent for Andrey Russu. Thereafter, the District scheduled a public hearing for August 8, 2018 to hear the request.

2. Property owners within 300 feet of the subject right of way and utilities were notified of the public hearing by certified mail on July 2nd, 2018.

3. A Notice of Public Hearing was published in the Coeur d'Alene Press on July 12, 19 and 26, 2018, and a confirmation of publication was received by the Worley Highway District.

4. Any and all comments received are on file with the Worley Highway District.

5. Staff caused an appraisal of the value of the real property to be prepared using the assessed value. The fair market value of the subject right-of-way is Nine Thousand Three Hundred Seventy U.S. Dollars and Ninety-Six Cents (\$9,370.96).

6. At a future date, the petitioner intends to plat real property and dedicate right-of-way to Worley Highway District. The petitioner has requested a credit for this future dedication against any amounts owed from this proceeding.

7. The abandonment of the subject public right-of-way is not necessary to provide access to real property not owned by petitioner.

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8. It is in the public interest to abandon and vacate the subject right-of-way and reserve an easement for any existing public or private utilities.

9. The abandoned right of way does have a value in excess of Two Thousand Five Hundred Dollars (\$2,500.00.)

CONCLUSIONS OF LAW:

1. The proposed portion of public right-of-way is not needed by the Worley District.

2. The proposed vacation and abandonment is in the public's best interest.

3. Consideration for the fair market value of the right-of-way being abandoned is required in the amount of Nine Thousand Three Hundred Seventy Dollars and Ninety-Six Cents (\$9,370.96). The abandonment of the right-of-way is contingent upon petitioner paying this amount to Worley Highway District. If petitioner desires a credit against this amount for dedication of right-of-way dedication acceptable to the Worley Highway District, petitioner must deed such right-of-way to the Worley Highway District to obtain a credit against the amount owing.

4. Existing rights-of-way, easements and franchise rights of any property owner or public utility shall not be impaired by this abandonment and vacation, as provided by law, and that the underlying property owner shall in no manner pave or place any obstruction over any public utilities.

NOW THEREFORE, BE IT RESOLVED, in accordance with Idaho Code § 40-203, and based upon the preceding findings of fact and conclusions of law, the proposed abandonment/vacation of the public right-of-way described in Exhibit "A" attached hereto and incorporated herein is hereby authorized, and Worley Highway District staff is hereby directed to record this resolution upon receipt of payment from the petitioner of the amounts set forth herein.

Chairman Mangan moved for the approval of Resolution 2018-08. Maynard called the roll with the Commissioners voting as follows: Commissioner Johnson, aye; Chairman Mangan, aye; Commissioner Miller, aye.

Mangan declared the hearing closed at 9:24 a.m.

Eli Robu and Andrey Russu exited at 9:25 a.m.

Danielle Keys exited at 9:27 a.m.

PUBLIC COMMENTS

None.

Kootenai County Community Development

Unless desired by the board, projects that have seen no activity will not be read in the consideration of time.

1. Hager Estates, Minor: Status Report

Susan Weeks has begun legal action to settle this matter. **No additional information this month.**

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2. The Club at Rock Creek, Major Subdivision:

The interior roads have been under construction and have had periodic on-site inspection by JUB as well as inspection of daily field reports provided by ALLWEST Testing on behalf of the developer.

Additionally, before the board today is the construction plans for Loffs Bay Road. Per the Road Development Agreement by and between the district and the developer, the second phase of Loffs Bay Road is to be reconstructed this year so as to be completed by this coming spring. Several reviews were completed by JUB on behalf of the district. Concerns were made and subsequently addressed and reviewed once again. That said, before the board today is a completed set of construction plans for approval. Andrew (Drew) Baden (JUB) is here today to answer and questions you may have regarding the plan set. Should there be no major or significant concerns or changes, approval of the plan set and signature by the board is requested by the developers. **No additional information this month.**

3. Russu Addition, MIN17-0021:

I defer to the minutes of the abandonment hearing.

4. York Subdivision:

I have checked with Kootenai County and the status is "Pending Surveyor Review" as of July 6, 2018. **No additional information this month.**

5. Ritz Ranch, Minor Subdivision:

G.E. Siegford and staff at HMH have confirmed that the unopened public right-of-way as shown on the proposed plat is accurate. The developer will be moving forward with his application. **No additional information this month.**

6. Lakeside Condominiums, modification:

The district is waiting for the final plat (Mylar) to come before the board for signature.

7. Mica View Estates, Replat of Lots 1 & 2:

The district is waiting for the final plat (Mylar) to come before the board for signature.

WHD Construction Projects

1. Rockford Bay Road/Loffs Bay Road (W) Intersection: Status Report

Susan Weeks has placed the right-of-way acquisition for this intersection next on her list of tasks for the district following the Kidd Island Road acquisitions. **No additional information this month.**

2. Kidd Island Road Project: Status Report

In your packets you will find an update from Bionomics as to the studies, findings and data that have yet to be compiled. **No additional information this month.**

3. Finnebott, Bennion & Sun Up Intersections:

On the check register you will find a check made to Ron Harvey as a deposit for his services for right-of-way acquisition. Once received, he will make contact with the adjacent property owners. **No additional information this month.**

4. Watson Road Slide:

I have sent an email inquiring as to when the district needs to apply for an extension for the construction period for the repairs. **No additional information this month.**

WHD Misc. Projects

1. 2018 LHSIP Grant – Delineators & Signage:

I have received a few emails from LHTAC asking for details on the requested signs. The order for the signs will be made by their staff. Once the district takes possession of the signs, the schedule will be created for installation. **No additional information this month.**

2. Koth Road ROW Status:

Staff recommends discussion in executive session with the district’s attorney present. **No additional information this month.**

3. Hull Loop:

The right-of-way has been surveyed and delineated. The crew will be able to replace culverts, clean ditches and work on the shouldering of the roadway without worry of working outside of the right-of-way.

4. Dower Road:

The right-of-way has been surveyed and delineated. The crew will be able to replace culverts, clean ditches and work on the shouldering of the roadway without worry of working outside of the right-of-way.

New Business

BILLS PRESENTED FOR APPROVAL AND DISCUSSION OF FINANCES

Mangan MOVED that the bills be approved as presented on the check registers. Johnson SECONDED the motion. The motion PASSED UNANIMOUSLY.

UPCOMING MEETINGS

The next regular board meeting and budget hearing is August 29, 2018 at 9:00 AM.

EXECUTIVE SESSION

None.

COMMISSIONER COMMENTS

None.

ADJOURNMENT

Chairman Mangan adjourned the meeting at 9:38 a.m.

RESPECTFULLY SUBMITTED BY:

Tomi K. Maynard
Tomi Maynard, Administrative Assistant

APPROVED BY:

James Mangan
James Mangan, Chairman

August 29, 2018
Date