

RESOLUTION NO. 2011-156
Farragut Trail Land Exchange

WHEREAS, Kootenai County owns a 12.244 acre parcel of land that was formally a railroad right of way serving Farragut Naval Station. The area currently provides access to waterways and recreational opportunities for the public; and

WHEREAS, this parcel of land is encumbered by a restrictive covenant for the benefit of the United States of America acting by and through the National Park Service. The covenant requires that the Kootenai County Board of Commissioners (hereinafter referred to as the “Board”) maintain and use this land as a park and recreational area; and

WHEREAS, the Idaho Transportation Department (ITD) is seeking to move and expand the US Highway 95 and State Highway 54 intersection; and

WHEREAS, the proposed move and expansion of the intersection overlaps approximately 1.442 acres of the land owned by Kootenai County (herein referenced in Attachment A) and of that 1.442 acres, .054 acre is existing right of way and 1.388 is sought to be acquired as new right of way by ITD; and

WHEREAS, this parcel of land has been assessed to have a value of \$5,502.00; and

WHEREAS, the Idaho Transportation Department has purposed to exchange a parcel of land which run adjacent to the new highway intersection and would connect Farragut Trail to SH54 and the City of Athol. As a part of the intersection expansion ITD has agreed pave and designate a separated Class I bike/pedestrian path within the parcel of land proposed to be exchange for Kootenai County’s parcel; and

WHEREAS, the parcel of land proposed to be exchanged with Kootenai County consists of 2.48 acres (herein referenced in Attachment B) and is assessed to have a value of \$8,080.00; and

WHEREAS, the National Parks Service will approve the land exchange if a recreational restrictive covenant is placed on the newly acquired parcel of land; and

WHEREAS, in connection with the expansion of the US Highway 95, ITD may also construct an extension of the public right-of-way known as Roberts Road across the Farragut Trail (herein referenced in Attachment C); and

WHEREAS, ITD has requested a permanent, non-exclusive easement to be granted to Lakes Highway District for the construction, use, operation, and maintenance of Roberts Road; and

WHEREAS, Title 31, Section 808 of the Idaho Code authorizes the Board, when in the county’s best interest, to exchange real property of equal value in order to aid the county in the control and management or use of county real property; and

WHEREAS, Title 31, Section 808(9) of the Idaho Code authorizes the Board at their discretion to exchange with the federal government any real property by adoption of a resolution that declares that the exchange of property is in the public interest; and

WHEREAS, it would benefit the public to have Farragut Trail connected to the City of Athol, to have the US95 and SH54 interchange expanded and moved, and to have Roberts Road extended; and

WHEREAS, there would be no cost to Kootenai County; and

NOW, THEREFORE, IT IS HEREBY RESOLVED that Kootenai County intends to enter into a land exchange agreement with the Idaho Transportation department whereby the land described in Attachment A would be exchanged for the land described in Attachment B and Kootenai County would sign a Declaration of Restriction imposing a restrictive covenant upon the land described in Attachment B which would ensure that the property be permanently used solely for park and recreational purposes. And Kootenai County would grant a permanent, non-exclusive easement to Lakes Highway District.

BE IT FURTHER RESOLVED that this Resolution shall supersede Resolution No. 2010-116, and that Resolution No. 2010-116 be, and is hereby, repealed.

Upon a motion made by Commissioner _____, seconded by Commissioner _____, that the foregoing be enacted as a Resolution of Kootenai County, the following roll call was recorded:

Commissioner Nelson:
Commissioner Green:
Chairman Tondee:

Upon said roll call, the text of the foregoing was duly enacted as a Resolution of the Board of Commissioners of Kootenai County, Idaho, on the _____ day of _____, 2011.

**KOOTENAI COUNTY
BOARD OF COMMISSIONERS**

**ATTEST:
CLIFFORD T. HAYES, CLERK**

W. Todd Tondee, Chairman

By: _____
Deputy Clerk

Daniel H. Green, Commissioner

Jai Nelson, Commissioner