

REC'D MAR 11 2024

STATE OF IDAHO  
 County of Boundary, ID  
 Filed by: City of Bonners Ferry  
 on 2-26-2024 at 3:10  
 Glenda Poston  
 County Recorder C. Granger  
 By Deputy  
 Fee \$ 0  
 Mail to inter office mail

**CITY OF BONNERS FERRY, IDAHO**

**ANNEXATION AND AMENDMENT TO OFFICIAL ZONING MAP**

**SCRIVENER'S ERROR CORRECTION TO ORDINANCE #612  
RECORDED AT INSTRUMENT #295000, RECORDS OF BOUNDARY COUNTY, IDAHO**

**FILE #AN06-23, CITY OF BONNERS FERRY**

**ORDINANCE NO. 616A**

AN ORDINANCE OF THE CITY OF BONNERS FERRY, A MUNICIPAL CORPORATION OF THE STATE OF IDAHO, CORRECTING MAPPING ILLUSTRATIONS AND ATTACHING LEGAL DESCRIPTIONS FOR SUBJECT LANDS FOR ORDINANCE #612, RECORDED AT INSTRUMENT #295000, RECORDS OF BOUNDARY COUNTY, REGARDING THE ANNEXATION OF CERTAIN LANDS SITUATED IN BOUNDARY COUNTY, IDAHO, WHICH ARE ADJACENT AND CONTIGUOUS TO THE CORPORATE LIMITS OF THE CITY OF BONNERS FERRY; ESTABLISHING THE ZONING CLASSIFICATION OF SAID LANDS AS COMMERCIAL IN PART AND RESIDENTIAL B IN PART; PROVIDING THAT COPIES OF THIS ORDINANCE SHALL BE FILED WITH THE BOUNDARY COUNTY ASSESSOR, THE BOUNDARY COUNTY RECORDER, AND THE IDAHO STATE TAX COMMISSION, AS REQUIRED BY LAW; PROVIDING SEVERABILITY; PROVIDING THIS ORDINANCE SHALL BE IN FULL FORCE AND EFFECT FROM AND AFTER ITS PASSAGE, APPROVAL AND PUBLICATION ACCORDING TO LAW.

**WHEREAS**, the City of Bonners Ferry, Idaho has adopted Ordinance #612 enacting the annexation and zoning of lands situated in Boundary County, consistent with the Idaho Local Land Use Planning Act and laws of the City of Bonners Ferry; and

**WHEREAS**, the Bonners Ferry City Council determined that said lands and territory owned by Idaho Transportation Department, U.S. Forest Service, Boundary County, and Glenda Poston and Robert Wendel are contiguous and adjacent to the City of Bonners Ferry and that annexation of said lands can reasonably be used for orderly development; and

**WHEREAS**, the Bonners Ferry Planning & Zoning Commission, pursuant to public notice as required by law, held a public hearing on June 15, 2023, and recommended to the Mayor and

Council that the comprehensive plan Future Land Use Map be amended to designate these land as General Commercial & Mixed Use and to zone lands owned by the U.S. Forest Service and adjacent public rights-of-way as Commercial and to zone lands owned by Poston/Wendel and the adjacent rights-of-way as Residential B; and

**WHEREAS**, the Bonners Ferry City Council, pursuant to the recommendation of the Bonners Ferry Planning and Zoning Commission recommendation, held a public meeting on July 18, 2023, on the proposed zoning and annexation for the property described in Corrected Exhibit A, as required by Idaho Code, Section 67-6525; and

**WHEREAS**, the Mayor and Council approved the zoning and annexation of these lands and adopted Ordinance #612 enacting the zoning and annexation; and

**WHEREAS**, the City later learned that the map provided in Exhibit A of Ordinance #612 did not show the full extents of Wendel Street and U.S. Highway 95 and did not clarify the extent of Pine Island Road; and

**WHEREAS**, it is the intention of the City to have the previously annexed area include the full extents of the public rights-of-way as described in Ordinance #612 and has therefore corrected the attached Exhibit A to properly illustrate the westerly extent of Wendel Street and northerly extent of U.S. Highway 95, to clarify the Pine Island Road extent to the easterly railroad right-of-way, and to include attachments providing legal descriptions of the referenced properties, as indicated in the initial recording.

**NOW THEREFORE**, Be it ordained by the Mayor and the Council of the City of Bonners Ferry, Idaho, as follows:

**Section 1:** The lands and territory situated in Boundary County, Idaho, adjacent and contiguous to the City of Bonners Ferry, Idaho, having previously been annexed to and incorporated in the territorial limits of the City of Bonners Ferry, Idaho by Ordinance #612, are hereby confirmed to be those lands particularly described and illustrated in Corrected Exhibit A and its attachments, which is made a part of this ordinance by reference.

**Section 2.** From and after the effective date of this ordinance, all property included within the boundaries of the land described in Corrected Exhibit A and its attachments, shall be subject to all the statutes pertaining to the City of Bonners Ferry and all ordinances, resolutions, police

regulations, taxation and other powers of the City, and all persons and property within the territory so annexed shall be and are entitled to all benefits and rights as are the persons and property presently within the corporate territorial limits of Bonners Ferry.

**Section 3.** The lands made a part of Corrected Exhibit A shall be zoned on the Official Zoning Map of the City of Bonners Ferry as “Commercial” for those properties owned by the U.S. Forest Service and adjacent public rights-of-way and be zoned “Residential B” for those lands owned by Poston/Wendel and adjacent public rights-of-way.

**Section 4.** The Clerk of the City of Bonners Ferry shall cause this ordinance to be recorded with the Boundary County Recorder and filed with the Boundary County Assessor and the Idaho State Tax Commission, in accord with the provisions of Idaho Code §65-215.

**Section 5: PROVISIONS SEVERABLE:** The provisions of this Ordinance are hereby declared to be severable and if any provision of this Ordinance or application of such provision to any person or circumstance is declared invalid for any reason, such declaration shall not affect the validity of remaining portions of this Ordinance.

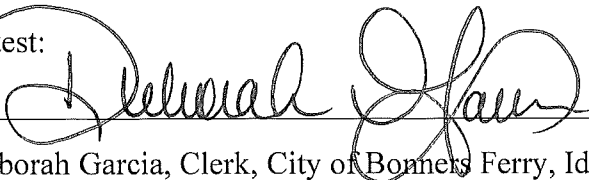
**Section 6: EFFECTIVE DATE:** This ordinance shall be effective upon its passage and publication in the manner provided by law.

**ROLL CALL:**

Council President Arthur	<u>yes</u>
Council Member Poston	<u>Absent</u>
Council Member Thompson	<u>yes</u>
Council Member Smith	<u>yes</u>

CITY OF BONNERS FERRY, IDAHO

BY:   
Mayor Rick Alonzo

Attest:   
Deborah Garcia, Clerk, City of Bonners Ferry, Idaho

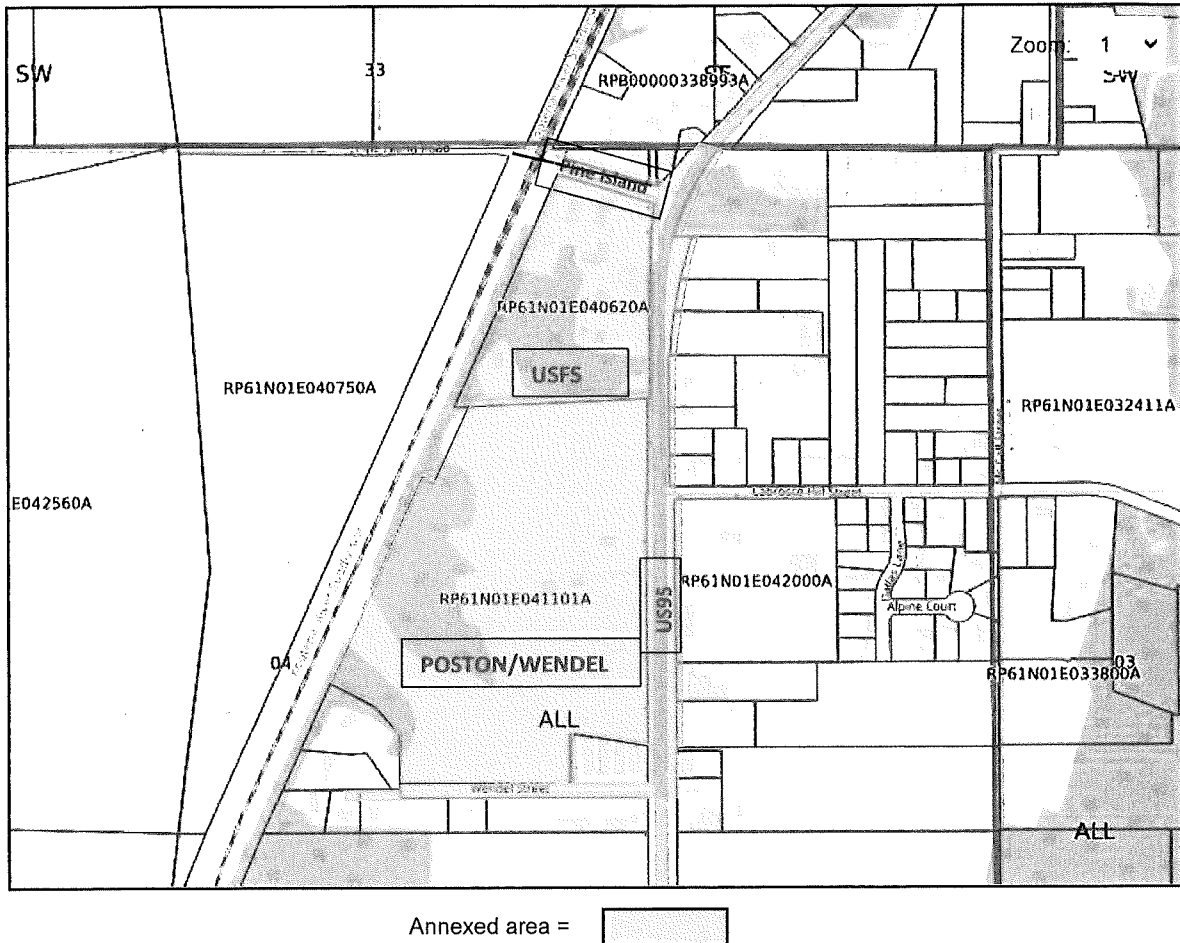
02/26/2024  
Date

296481

**EXHIBIT A - CORRECTED**

**DESCRIPTIONS & ILLUSTRATIONS FOR CITY OF BONNERS FERRY ANNEXATION, FILE #AN06-23 WEST**

Map of annexations:



**PARCELS FOR ANNEXATION:**

**RP61N01E040620A**

**US Forest Service**

**6286 Main St.**

**Generally described as Tax 17, Section 4, Township 61 North, Range 1 East, B.M.**

**Described in attached document 19-339**

**RP61N01E041101A**

**Poston/Wendel**

**6182 Main St.**

**Generally described as Tax 129 less Co RD and RR R/W & Hwy**

**Described at Instrument #264761, attached**

**Wendel Street public right-of-way**

**As described in attached R-O-W deeds, Instruments #117904 and #120936**

**U.S. Highway 95 from its intersection with Wendel Street, north to the north section line of Section 4, Township 61 North, Range 1 East, B.M.**

**That portion of Pine Island Road lying north and east of the property described in Instrument #19-339 (US Forest Service) between U.S. Highway 95 right-of-way and the easterly Great Northern/Burlington Northern right-of-way.**

296481

USFS LAND

19 - 339

Section 4  
TWP 61  
Range 1E

17 Beginning at Corner No. 1, a point on the County Road right-of-way from which the Northeast corner of Section 4-61-1E, B.N. bears North 82°08' East, 1343.71 feet; thence South 5°30' West 211.5 feet along County Road right-of-way; thence South 1°21' West, 187.5 feet along County Road right-of-way to point intersecting North and South Highway (U.S. Highway #95) right-of-way at point of tangent of curve Station 77 + 93.7; thence along North and South Highway right-of-way South 0°21' East, 351.0 feet to Corner No. 2; thence South 87°17' West 755.0 feet to corner No. 3; thence along right-of-way fence of Great Northern Railway, North 24°21' East, 980.8 feet to Corner No. 4, a point on southerly side of right-of-way of County Road; thence along said County Road right-of-way South 73°3' East, 386.3 feet to Corner No. 1, the place of beginning.

Containing 10.7 acres, more or less, all in Lot 2,  
Section 4-61-1E B.M.

United States  
of America

POSTON/WENDEL LAND

STATE OF IDAHO } SS.  
 County of Boundary }  
 Filed by: Paine Hamblen LLP  
 on 8-27-15 at 11:45  
 Glenda Poston County Recorder  
 By Deputy Q. Grainger  
 Fee \$ 19.00  
 Mail to

**FILED FOR RECORD AT THE REQUEST OF AND AFTER RECORDING RETURN TO:**

Scott L. Simpson  
 PAINE HAMBLÉN LLP  
 717 W. Sprague Avenue, Suite 1200  
 Spokane, WA 99201

**264761**

**CORRECTION DEED OF CO-PERSONAL REPRESENTATIVES**

Reference #: 262631

**LARRY A. WENDEL and ROBERT G. WENDEL**, as the duly appointed, qualified and acting Domiciliary Foreign Co-Personal Representatives of the Estate of **RUTH M. WENDEL**, Deceased, having been so appointed pursuant to a "PROOF OF AUTHORITY OF DOMICILIARY FOREIGN PERSONAL REPRESENTATIVE" filed in Case No. CV-2012-175 in the District Court of the First Judicial District of the State of Idaho, in and for the County of Boundary, on the 14th day of May, 2012, herein the **GRANTORS**, do hereby grant and convey unto the **GRANTEE**, **Robert G. Wendel**, whose address is 15325 E. Bella Vista Court, Veradale, WA 99037, all of the right, title and interest of the decedent at the time of her death in and to the following described real property, situate in the County of Boundary, State of Idaho, described as follows:

A tract of land situated in Government Lots Two (2) and Three (3) of Section Four (4), Township Sixty-one (61) North, Range One (1) East of the Boise Meridian, Boundary County, Idaho; more particularly described as follows:

**DEED OF CO-PERSONAL REPRESENTATIVES**

264761

Beginning at the intersection of the line between said Government Lots 2 and 3 and the westerly right of way of U.S. Highway No. 2 and 95, which is N 89°39'43" W, 1379.06 feet from the N1/16 corner of Sections 4 and 5 as shown on Record of Survey, Book 8 of Surveys, Page 56, as Instrument No. 264077; thence, leaving said line between Government Lots 2 and 3 and along said right of way, S 00°13'46" E, 974.98 feet to a 5/8" rebar and plastic cap stamped PLS 7877; thence, leaving said right of way and along the boundary of that parcel shown on Book 5 of Surveys, Page 57, as Instrument No. 208709 the following Three (3) courses: N 80°49'05" W, 304.03 feet to a 5/8" rebar and plastic cap stamped PLS 7877; thence S 00°05'54" E, 197.60 feet to a 5/8" rebar and plastic cap stamped PLS 7877; thence, continuing S 00°05'54" E for a distance of 20.95 feet to the north line of Instrument No. 120936; thence, along said north line N 89°46'58" W, 650.18 feet to a 5/8" rebar and plastic cap which marks on the ground the southeast corner of that parcel described in Instrument No. 118037; thence, leaving said north line and along the boundary of that parcel described in Instrument No. 118037, the following Three (3) courses: N 00°11'42" E, 217.22 feet to a 5/8" rebar and plastic cap stamped PLS 7877; thence; N 42°48'18" W, 143.00 feet to a 5/8" rebar and plastic cap stamped PLS 7877; thence N 61°48'18" W, 195.94 feet to the intersection with the easterly right of way of the Burlington Northern-Santa Fe Railway which is marked on the ground by a 5/8" rebar and plastic cap stamped PLS 7877; thence, along said right of way N 24°36'44" E, 1177.33 feet to a 5/8" rebar and plastic cap stamped PLS 7877; thence, leaving said right of way and along the south line of that parcel described in Book 19 of Deeds, Page 339, N 88°04'12" E, 740.78 feet to the intersection with the westerly right of way of U.S. Highway No. 2 and 95, which is marked on the ground by a 5/8" rebar and plastic cap stamped PLS 7877; thence, along said right of way S 00°13'46" E, 367.60 feet to the intersection with the line between Government Lots 2 and 3; thence, along said line N 89°39'43" W, 17.00 feet to the POINT OF BEGINNING, encompassing an area of 32.44 acres;

LESS the county road right of way granted per Instrument No. 117904, and less the railroad right of way granted per Instrument No. 65893, records of Boundary County, Idaho

(Assessor's Tax Parcel Nos. RP1N01E041101A)

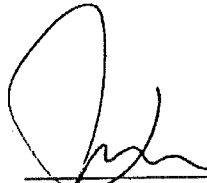
DEED OF CO-PERSONAL REPRESENTATIVES

-2-

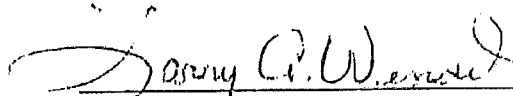
264761

Reference is hereby made to the Last Will and Testament of Ruth M. Wendel, Deceased, dated the 12th day of August, 1997, admitted to probate in the Superior Court of the State of Washington, in and for the County of Spokane, Case No. 11-4-01378-4, authenticated copies of which are filed in Case No. CV-2012-175, in the District Court of the First Judicial District of the State of Idaho, in and for the County of Boundary, and the provisions of §§ 15-3-701 et seq., of the Idaho Code, this Deed given pursuant to the authority therein granted.

IN WITNESS WHEREOF, the Grantors have hereunto caused this instrument to be executed this 21<sup>ST</sup> day of July, 2015.



Robert G. Wendel  
Domiciliary Foreign Co-Personal  
Representative of the Estate of  
Ruth M. Wendel, Deceased.



Larry A. Wendel  
Domiciliary Foreign Co-Personal  
Representative of the Estate of  
Ruth M. Wendel, Deceased.

DEED OF CO-PERSONAL REPRESENTATIVES

-3-

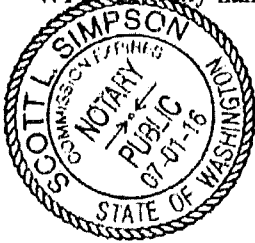


264761

STATE OF WASHINGTON )  
 )ss.  
County of Spokane )

On this 21<sup>st</sup> day of July, 2015, before me, Scott L. Simpson, the undersigned Notary Public in and for said State, personally appeared Robert G. Wendel, as Domiciliary Foreign Co-Personal Representative of the Estate of Ruth M. Wendel, Deceased, known to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that she executed the same.

WITNESS my hand and official seal.

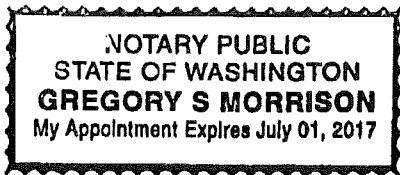


Scott L. Simpson  
Scott L. Simpson  
Notary Public for Washington  
Residing at Spokane  
Comm. expires: July 1, 2016

STATE OF WASHINGTON )  
 )ss.  
County of Spokane )

On this 17<sup>th</sup> day of August, 2015, before me, Gregory S. Morrison, the undersigned Notary Public in and for said State, personally appeared Larry A. Wendel, as Domiciliary Foreign Co-Personal Representative of the Estate of Ruth M. Wendel, Deceased, known to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that she executed the same.

WITNESS my hand and official seal.



Gregory S. Morrison  
Print Name: Gregory S. Morrison  
Notary Public for Spokane County, WA  
Residing at Spokane  
Comm. expires: 7-1-17

QUITCLAIM DEED

OCTOBER 1974

THIS INDENTURE, MADE this 7th day of September, 1974, between the Heirs of the Henry Wendel Estate, namely, Loretta Wendel Johnston, Mary Wendel McNearney, Frances Wendel Mace, Albert W. Wendel, Arthur E. Wendel and Joseph James Wendel; Grantors, and The County of Boundary, Idaho as Grantee

WITNESSETH: For and in the consideration of One Dollar (\$1.00) and other valuable considerations, to them in hand paid by grantee, do by these presents remise, release and forever quitclaim unto the grantee for the use of a roadway, the following described property;

Commencing at the East Quarter (E 1/4) Corner, Section Four (4), Township Sixty-one (61) North, Range One (1) East, 2330.71 feet West and 165.0 feet North to a point of beginning; thence North 25 feet; thence East to the West right-of-way line of U.S. highway 95 and 2,; thence South along said Right-of-way 25 feet; thence West to point of beginning.

IN WITNESS WHEREOF, grantors have hereunto set their hands and subscribed their names on the aforesaid date.

Loretta Wendel Johnston a widow
Mary Wendel McNearney a widow
Frances Wendel Mace a widow

Albert W Wendel single

Joseph James Wendel his markingle

Arthur E Wendel

Ruth M. Wendel wife of Arthur E. Wendel

STATE OF IDAHO )

ss.

COUNTY OF BOUNDARY)

On this 7th day of September 1974, before me, the undersigned Notary Public, personally appeared, Loretta Wendel Johnston, Mary Wendel McNearney, Frances Wendel Mace, Albert W. Wendel, Joseph James Wendel, Arthur E. Wendel and Ruth Wendel, husband and wife known to me to be the Heirs to the Wendel Estate and to be the persons whose names are subscribed to the within Deed and acknowledged to me that they executed the same,

Walter Bauman

Notary Public for Idaho

Residing at Bonners Ferry,

Comm. Expires August 25, 75

MAY 13

117904

1974

FILED IN 117904

County of ...

Filed for record at the request of  
County Commissioner

RECEPTION ( )  
INDEXED ( )  
FILMED ( )  
DELIVERED ( )  
MAILED ( )

on the 26 day of Nov 1974 at 1140

Book 49  
of Instruments on page 591

County Recorder

R. Praeger  
Deputy

(1) North ... (2) ...

(3) ... (4) ...

(5) ... (6) ...

(7) ... (8) ...

(9) ... (10) ...

(11) ... (12) ...

(13) ... (14) ...

(15) ... (16) ...

(17) ... (18) ...

(19) ... (20) ...

(21) ... (22) ...

(23) ... (24) ...

(25) ... (26) ...

(27) ... (28) ...

(29) ... (30) ...

WENDEL ROAD 2

RIGHT OF WAY DEED

THIS INDENTURE, Made the 16 day of March, 1976, between Bertha Washburn, of Boundary County, State of Idaho, party of the first part, dealing with her sole and separate property, more specifically described herein, and the County of Boundary, State of Idaho, party of the second part.

WITNESSETH, That the party of the first part, in consideration of ONE AND NO/100 DOLLAR (\$1.00) in hand paid, the receipt whereof is hereby acknowledged, and the benefits which will accrue to the land of the party of the first part by the exercise of the rights herein granted, have granted, bargained, sold and conveyed, and by these presents does grant, bargain, sell and convey unto the said party of the second part, and to its successors and assigns, the following described piece or parcel of land, situated in the County of Boundary, State of Idaho, to-wit:

Commencing at the East Quarter (E $\frac{1}{4}$ ) corner, Section Four (4), Township Sixty-one (61) North, Range One (1) East; thence West 1370.0 feet to West side of Highway #95 right-of-way; thence North 140.0 feet which is point of beginning; thence West 1177.86 feet; thence North 25.0 feet to center-line of County road; thence East 1177.86 feet to Highway #95 right-of-way; thence South 25.0 feet to point of beginning.

A Twenty-five (25) foot strip all in Govt. Lot No. 3, Section Four (4), Township Sixty-one (61) North, Range One (1) East, B.M.

TO HAVE AND TO HOLD all and singular the said piece or parcel of land unto the said County of Boundary, its successors and assigns, for the purpose of a public highway forever.

IN WITNESS WHEREOF, the party of the first part hereunto sets her hand, the day and year above written.

Bertha Washburn  
First Party

STATE OF IDAHO )  
                  ) ss.  
County of Boundary )

On this day personally appeared before me Bertha Washburn to me known to be the individual described in and who executed the foregoing instrument, and acknowledged to me that she signed the same as her free and voluntary act and deed, for the uses and purposes therein mentioned.

GIVEN under my hand and official seal this 16<sup>th</sup> day of March, 1976.

Judith Brown  
Notary Public for Idaho  
Residing at Bonners Ferry  
Com. Exp. 10-30-78

120936

STATE OF ILLINOIS  
County of Boundary | SS

Filed for record at the request  
County Commissioner  
on the 16 day of March 1926 at 3:15  
o'clock P. M., and recorded in Book 23  
of Instruments in page 70

MARIAN MESENERINK

County Recorder

By B. H. [Signature]

Deputy

Fee \$ \_\_\_\_\_

Mail to \_\_\_\_\_

RECEPTION   
INDEXED   
FILMED   
DELIVERED   
MAILED

**SUMMARY FOR PUBLICATION  
CITY OF BONNERS FERRY, IDAHO ORDINANCE NO. 616A  
REGARDING SCRIVENER'S ERROR CORRECTION TO ORDINANCE #612  
ANNEXATION AND AMENDMENT TO ZONING MAP  
FILE #AN06-23, CITY OF BONNERS FERRY**

Pursuant to Idaho Code Section 50-901A, the City of Bonners Ferry, Idaho hereby gives notice of the adoption of City of Bonners Ferry Ordinance No.616A adopted on February 20, 2024. The full title of the ordinance is:

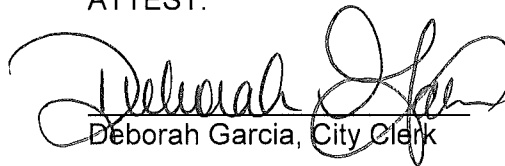
AN ORDINANCE OF THE CITY OF BONNERS FERRY, A MUNICIPAL CORPORATION OF THE STATE OF IDAHO, CORRECTING MAPPING ILLUSTRATIONS AND ATTACHING LEGAL DESCRIPTIONS FOR SUBJECT LANDS FOR ORDINANCE #612, RECORDED AT INSTRUMENT #295000, RECORDS OF BOUNDARY COUNTY, REGARDING THE ANNEXATION OF CERTAIN LANDS SITUATED IN BOUNDARY COUNTY, IDAHO, WHICH ARE ADJACENT AND CONTIGUOUS TO THE CORPORATE LIMITS OF THE CITY OF BONNERS FERRY; ESTABLISHING THE ZONING CLASSIFICATION OF SAID LANDS AS COMMERCIAL IN PART AND RESIDENTIAL B IN PART; PROVIDING THAT COPIES OF THIS ORDINANCE SHALL BE FILED WITH THE BOUNDARY COUNTY ASSESSOR, THE BOUNDARY COUNTY RECORDER, AND THE IDAHO STATE TAX COMMISSION, AS REQUIRED BY LAW; PROVIDING SEVERABILITY; PROVIDING THIS ORDINANCE SHALL BE IN FULL FORCE AND EFFECT FROM AND AFTER ITS PASSAGE, APPROVAL AND PUBLICATION ACCORDING TO LAW.

The ordinance corrects map illustrations to show the extents of U.S. Highway 95, Wendel Street, and Pine Island Road as previously properly described and annexed into the City of Bonners Ferry, Idaho at Ordinance #612, and to include the legal descriptions of the properties indicated as attached in the original recording. The full text of Ordinance No.616A is available at Bonners Ferry City Hall, 7232 Main Street, Bonners Ferry, Idaho 83805, during regular business hours.

City of Bonners Ferry, Idaho

ATTEST:

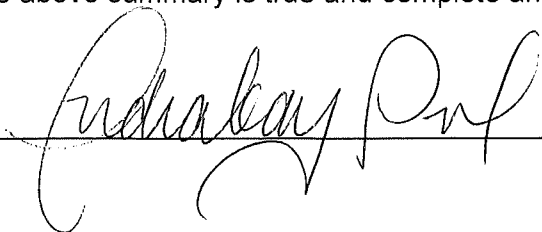
  
Rick Alonzo, Bonners Ferry Mayor

  
Deborah Garcia, City Clerk

02/26/2024  
Date

City Attorney Statement Pursuant to Idaho Code Section 50-901A(3)

I, Andrakay Pluid, duly appointed City Attorney for the City of Bonners Ferry, Idaho, certify that the above summary is true and complete and provides adequate notice to the public.



Dated: 2/26/24