


RECORDING REQUESTED BY AND
WHEN RECORDED MAIL TO.

City of Ketchum
Post Office Box 2315
Ketchum, ID 83340


Instrument # 550470
HAILEY, BLAINE, IDAHO
2007-08-10 03:06:00 No. of Pages: 6
Recorded for : CITY OF KETCHUM
JOLYNN DRAGE Fee: 0.00
Ex-Officio Recorder Deputy RF
Index to: ORDINANCES

ORDINANCE NUMBER 1007

AN ORDINANCE OF THE CITY OF KETCHUM, IDAHO VACATING THE FIRST STREET RIGHT-OF-WAY BETWEEN BLOCKS 85 AND 86, KETCHUM TOWNSITE FROM THE WALNUT AVENUE RIGHT-OF-WAY ON THE WEST TO THE PUBLIC ALLEY TO THE EAST WHICH TRANSECTS BLOCKS 85 AND 86, KETCHUM TOWNSITE; AND AUTHORIZING THE MAYOR TO EXECUTE A QUIT CLAIM DEED; PROVIDING A REPEALER CLAUSE; PROVIDING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING A CODIFYING CLAUSE; PROVIDING FOR PUBLICATION BY SUMMARY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, JACK E. BARITEAU, JR. AND DIANE BARITEAU, husband and wife,; JACK E. BARITEAU, JR., TRUSTEE OF THE JACK E. BARITEAU, JR., SEPARATE PROPERTY TRUST, DATED OCTOBER 2, 1996,; STEVENSON KETCHUM FUND, LLC, a California limited liability company,; MKD INVESTMENTS, L.P., a California limited partnership, and THE FLANAGAN REVOCABLE TRUST DATED NOVEMBER 10, 1993, all as Tenants in Common (collectively the "Owners"), have requested that the City vacate the First Street right-of-way between Blocks 85 and 86, Ketchum Townsite from the Walnut Avenue right-of-way on the west to the public alley to the east which transects Blocks 85 and 86, Ketchum Townsite; and

WHEREAS, Owners, as tenants in common, own Lots 1 – 4, Block 86, Ketchum Townsite and Lots 1-3, Block 85 Ketchum Townsite and are therefore the only owners having an interest in the property adjacent to the area proposed to be vacated; and

WHEREAS, the Ketchum Planning and Zoning Commission and Ketchum City Council have held public hearings duly noticed as required by law; and

WHEREAS, the Ketchum City Council deems granting such request expedient for the public good and in the best interests of the health, safety and welfare of the residents of and visitors to the City of Ketchum.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF KETCHUM, IDAHO:

SECTION 1. That said portion of the Rights of Way more particularly described as follows:

Parcel A: THE FIRST STREET RIGHT-OF-WAY BETWEEN BLOCKS 85 AND 86, KETCHUM TOWNSITE FROM THE WALNUT AVENUE RIGHT-OF-WAY ON THE WEST TO THE PUBLIC ALLEY TO THE EAST WHICH TRANSECTS BLOCKS 85 AND 86, KETCHUM TOWNSITE.



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IS HEREBY ABANDONED, VACATED AND CLOSED; subject, however, to the conditions contained herein.

SECTION 2. That this grant is made subject to all existing easements, franchise and utility rights and other encumbrances known or of record and shall in no way impair the same.

SECTION 3. That the Ketchum City Council finds and deems, pursuant to Idaho Code § 50-311, such vacation to be in the best interest of and expedient for the public good and orders that a quitclaim deed to the vacated portions, more particularly described herein, shall be executed by the Mayor of the City of Ketchum and delivered to the owners of the adjoining properties.

SECTION 4. REPEALER CLAUSE. Any ordinance or portions of ordinances in conflict with the provisions or this Ordinance are hereby repealed.

SECTION 5. SAVINGS AND SEVERABILITY CLAUSE. It is hereby declared to be the legislative intent that the provisions and parts of this Ordinance shall be severable. If any part, section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be invalid for any reason by a Court of competent jurisdiction, such decision shall not affect the validity of the remaining portion of this Ordinance.

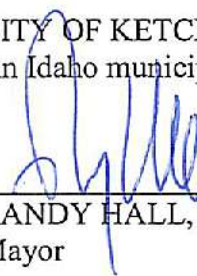
SECTION 6. CODIFICATION CALUSE. The City Clerk is instructed to immediately forward this ordinance to the codifier of the official municipal code for proper revision of the code.

SECTION 7. PUBLICATION. This Ordinance, or a summary thereof in compliance with Section 50 901A, Idaho Code, substantially in the form attached hereto as Exhibit "A" shall be published once in the official newspaper of the City, and shall take effect immediately upon its passage, approval, and publication.

SECTION 8. EFFECTIVE DATE. This Ordinance shall become effective upon its passage, approval and publication according to law on March 14, 2007.

PASSED BY THE CITY COUNCIL and approved by the Mayor this 5th day of March, 2007.

CITY OF KETCHUM,
An Idaho municipal corporation

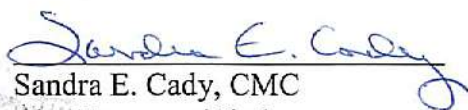


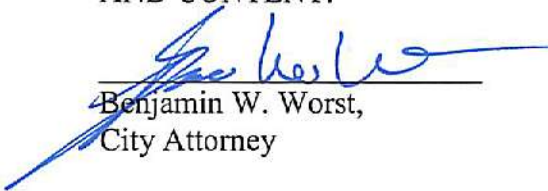
RANDY HALL,
Mayor

ATTEST:

APPROVED AS TO FORM

AND CONTENT:


Sandra E. Cady, CMC
City Treasurer/Clerk


Benjamin W. Worst,
City Attorney

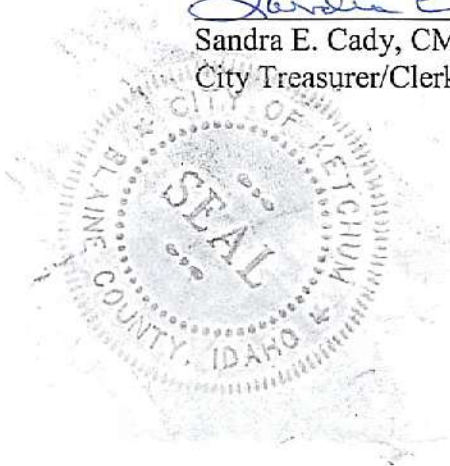




EXHIBIT A

PUBLICATION OF SUMMARY OF ORDINANCE NO. 1007
CITY OF KETCHUM, IDAHO

AN ORDINANCE OF THE CITY OF KETCHUM, IDAHO VACATING THE FIRST STREET RIGHT-OF-WAY BETWEEN BLOCKS 85 AND 86, KETCHUM TOWNSITE FROM THE WALNUT AVENUE RIGHT-OF-WAY ON THE WEST TO THE PUBLIC ALLEY TO THE EAST WHICH TRANSECTS BLOCKS 85 AND 86, KETCHUM TOWNSITE; AND AUTHORIZING THE MAYOR TO EXECUTE A QUIT CLAIM DEED; PROVIDING A REPEALER CLAUSE; PROVIDING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING A CODIFYING CLAUSE; PROVIDING FOR PUBLICATION BY SUMMARY; AND PROVIDING AN EFFECTIVE DATE.

A summary of the principal provisions of Ordinance No. 1007 of the City of Ketchum, Blaine County, Idaho, adopted on March 5, 2007, is as follows:

Section 1. That said portion of the Rights of Way more particularly described as follows:

Parcel A: THE FIRST STREET RIGHT-OF-WAY BETWEEN BLOCKS 85 AND 86, KETCHUM TOWNSITE FROM THE WALNUT AVENUE RIGHT-OF-WAY ON THE WEST TO THE PUBLIC ALLEY TO THE EAST WHICH TRANSECTS BLOCKS 85 AND 86, KETCHUM TOWNSITE.

IS HEREBY ABANDONED, VACATED AND CLOSED; subject, however, to the conditions contained herein.

Section 2. That this grant is made subject to all existing easements, franchise and utility rights and other encumbrances known or of record and shall in no way impair the same.

Section 3. That the Ketchum City Council finds and deems, pursuant to Idaho Code § 50-311, such vacation to be in the best interest of and expedient for the public good and orders that a quitclaim deed to the vacated portions, more particularly described herein, shall be executed by the Mayor of the City of Ketchum and delivered to the owners of the adjoining properties.

Section 4: Provides a repealer clause.

Section 5: Provides a savings and severability clause.

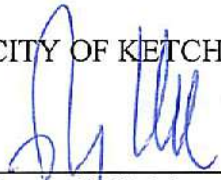
Section 6: Provides a codification clause.

Section 7: Provides for publication of a summary of the Ordinance.

Section 8: Establishes the effective date of March 14, 2007.


The full text of this Ordinance is available at the City Clerk's Office, Ketchum City Hall, 480 East Avenue North, Ketchum, Idaho 83340 and will be provided to any citizen upon personal request during normal office hours.

CITY OF KETCHUM, IDAHO



Randy Hall, Mayor

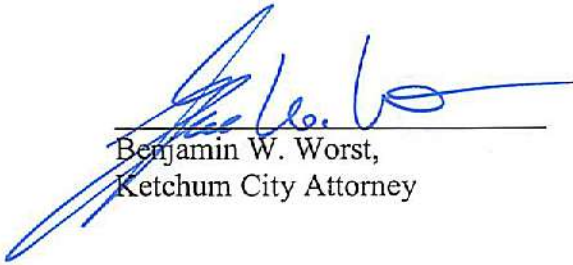
ATTEST:


Sandra E. Cady, CMC
City Treasurer/Clerk

STATEMENT OF LEGAL ADVISOR

I, the undersigned attorney at law, duly licensed in the State of Idaho and serving as City Attorney to the City of Ketchum, Idaho, hereby certify that I have read the attached Summary of Ordinance No. 1007 of the City of Ketchum and that the same is true and complete and provides adequate notice to the public of the contents of said Ordinance.

Dated this 14th day of March, 2007.



Benjamin W. Worst,
Ketchum City Attorney

Publish: Idaho Mountain Express
Date: March 14, 2007