

ORDINANCE NUMBER 1008

AN ORDINANCE OF THE CITY OF KETCHUM, IDAHO, AMENDING THE KETCHUM MUNICIPAL CODE, TITLE 17 "ZONING", CHAPTER 17.12 "ESTABLISHMENT OF DISTRICTS", AND THE CITY OF KETCHUM ZONING MAP, BY CHANGING THE ZONING OF LOTS 1, 2 AND 3 OF BLOCK 85, KETCHUM TOWNSITE AND LOTS 1, 2, 3 AND 4, BLOCK 86, KETCHUM TOWNSITE FROM GENERAL RESIDENTIAL – LOW DENSITY (GR-L) TO GENERAL RESIDENTIAL – HIGH DENSITY (GR-H); REQUIRING THE OWNER TO ENTER A DEVELOPMENT AGREEMENT WITH THE CITY PURSUANT TO KETCHUM MUNICIPAL CODE CHAPTER 17.154 AND IDAHO CODE SECTION 67-6511A; PROVIDING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING A REPEALER CLAUSE; PROVIDING A CODIFICATION 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"), are the owners of record of certain real property located in the City of Ketchum, Idaho, known as Lots 1, 2 and 3 of Block 85, Ketchum Townsite and Lots 1, 2, 3 and 4, Block 86, Ketchum Townsite (collectively the "Property") and

WHEREAS, Owners requested that the Property be rezoned from General Residential – Low Density (GR-L) to General Residential – High Density (GR-H); (the "Property"); and

WHEREAS, the City will grant such request and amend the official zoning map for the Property on condition that the Owners enter a Development Agreement with the City, a true and correct copy of which is attached hereto as Exhibit "B", imposing certain restrictions on the uses and development allowed on the Property (the "Development Agreement"); and

WHEREAS, such restrictions are set forth in the Development Agreement; and

WHEREAS, pursuant to Section 17.154 of the Ketchum City Code and Idaho Code Section 67-6511A, the City has the authority to rezone the Property and to enter into the Development Agreement for the purpose of allowing, by agreement, a specific development to proceed in a specific area and for specific purposes and/or uses which are appropriate in the area; and

WHEREAS, the requested change in zoning satisfies the requirements of all applicable law and will assure compliance with the conditions of approval; and

WHEREAS, all public hearings pursuant to notice as required by law or other action required to be held or taken prior to the adoption and execution of the rezoning of the Property and the Development Agreement have been held and/or taken; and

WHEREAS, it is the intent and desire of the parties hereto that development and uses of the Property proceed subject to the terms and conditions of the Development Agreement.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and City Council of the City of Ketchum, Idaho:

SECTION 1. That Zoning Code Title 17, Chapter 17.12 Establishment of Districts, and the City of Ketchum Zoning Map are hereby amended, altered and changed by amending the Ketchum Municipal Code Title 17 "Zoning", Chapter 17.12 "Establishment Of Districts", and the City Of Ketchum Zoning Map by changing the zoning of the following parcels of real property as follows:

Lots 1, 2 and 3 of Block 85, Ketchum Townsite and Lots 1, 2, 3 and 4, Block 86, Ketchum Townsite from General Residential – Low Density (GR-L) to General Residential – High Density (GR-H);

Subject to the Owners entering a Development Agreement with the City substantially in the form of Exhibit "B" attached hereto pursuant to Ketchum Municipal Code Chapter 17.154 and Idaho Code Section 67-6511A.

SECTION 2. SAVINGS AND SERERABILITY CLAUSE. It is hereby declared to be the legislative intent that the provisions and parts of this Ordinance shall be severable. If any paragraph, 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 portions of this Ordinance.

SECTION 3. REPEALER CLAUSE. All City of Ketchum ordinances or resolutions or parts thereof which are in conflict herewith are hereby repealed.

SECTION 4. 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 5. 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 6. EFFECTIVE DATE. This Ordinance shall be in full force and effect from and after its passage, approval and publication on March 14, 2007.

PASSED BY THE CITY COUNCIL OF THE CITY OF KETCHUM, IDAHO
and APPROVED by the Mayor this 5th of March, 2007.

CITY OF KETCHUM, IDAHO



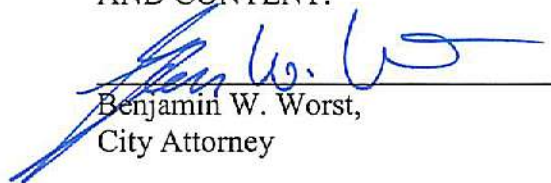
RANDY HALL,
Mayor

ATTEST:



Sandra E. Cady, CMC
City Treasure/Clerk

APPROVED AS TO FORM
AND CONTENT:



Benjamin W. Worst,
City Attorney



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EXHIBIT A

PUBLICATION OF SUMMARY OF ORDINANCE NO. 1008
CITY OF KETCHUM, IDAHO

AN ORDINANCE OF THE CITY OF KETCHUM, IDAHO, AMENDING THE KETCHUM MUNICIPAL CODE, TITLE 17 "ZONING", CHAPTER 17.12 "ESTABLISHMENT OF DISTRICTS", AND THE CITY OF KETCHUM ZONING MAP, BY CHANGING THE ZONING OF LOTS 1, 2 AND 3 OF BLOCK 85, KETCHUM TOWNSITE AND LOTS 1, 2, 3 AND 4, BLOCK 86, KETCHUM TOWNSITE FROM GENERAL RESIDENTIAL – LOW DENSITY (GR-L) TO GENERAL RESIDENTIAL – HIGH DENSITY (GR-H); REQUIRING THE OWNER TO ENTER A DEVELOPMENT AGREEMENT WITH THE CITY PURSUANT TO KETCHUM MUNICIPAL CODE CHAPTER 17.154 AND IDAHO CODE SECTION 67-6511A; PROVIDING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING A REPEALER CLAUSE; PROVIDING A CODIFICATION CLAUSE; PROVIDING FOR PUBLICATION BY SUMMARY; AND PROVIDING AN EFFECTIVE DATE.

A summary of the principal provisions of Ordinance No. 1008 of the City of Ketchum, Blaine County, Idaho, adopted on March 5, 2007, is as follows:

Section 1: That Zoning Code Title 17, Chapter 17.12 Establishment of Districts, and the City of Ketchum Zoning Map are hereby amended, altered and changed by amending the Ketchum Municipal Code Title 17 "Zoning", Chapter 17.12 "Establishment Of Districts", and the City Of Ketchum Zoning Map by changing the zoning of the following parcels of real property as follows:

Lots 1, 2 and 3 of Block 85, Ketchum Townsite and Lots 1, 2, 3 and 4, Block 86, Ketchum Townsite from General Residential – Low Density (GR-L) to General Residential – High Density (GR-H);

Subject to the Owners entering a Development Agreement with the City substantially in the form of Exhibit "B" [to Ordinance No. 1008] attached hereto pursuant to Ketchum Municipal Code Chapter 17.154 and Idaho Code Section 67-6511A.

Section 2: Provides a savings and severability clause.

Section 3 Provides a repealer clause.

Section 4: Provides a codification clause.

Section 5: Provides for publication of a summary of the Ordinance.

Section 6: 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:

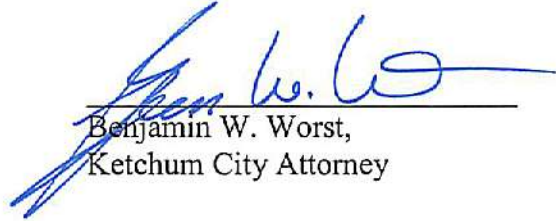


Sandra E. Cady, CMC
City Treasurer/Clerk

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. 1008 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