

**ORDINANCE NUMBER 1124**

AN ORDINANCE VACATING WICK STRASSE RIGHT OF WAY CONTAINED WITHIN THE PLAT OF BAVARIAN VILLAGE SUBDIVISION, LOCATED WITHIN THE CITY OF KETCHUM, IDAHO, AND RECORDED UNDER INSTRUMENT NUMBER 139821 RECORDS OF BLAINE COUNTY, IDAHO; ABANDONING SAID RIGHT OF WAY, AND REVERTING SAID RIGHT OF WAY TO THE ADJOINING LANDOWNERS; AND, ESTABLISHING THE EFFECTIVE DATE HEREOF.

**WHEREAS**, the City of Ketchum conducted duly noticed public hearings and provided notice on the petition for vacation by TBDBV, LLC, BV, LLC – Dennis Hanggi, Glen H. Hamilton Trust, pursuant to Ketchum Municipal Code §16.04.050 and Idaho Code §50-1324 and 50-311;

**WHEREAS**, the City of Ketchum has determined that the Wick Strasse right of way within the Plat of Bavarian Village Subdivision has not been opened or used by the public for five (5) or more years for vehicular access, that it is not being used for access by the City; that it does not provide vehicular or non-motorized access to any other properties, and that access to prior development utilizing this right of way was developed and maintained by the property owners before the development was razed;

**WHEREAS**, the Petitioners have proposed to grant easements necessary to create a private drive and cul de sac to provide access to the adjacent Lot 5, 6, 7, and 8, Bavarian Village Subdivision for future development and have agreed that access to these lots shall be limited to the private drive and not permitted from any adjacent city street;

**WHEREAS**, the Petitioners will facilitate the transfer of water rights associated with the well that exists on Lot 6 of Bavarian Village Subdivision to the City of Ketchum recognizing that future development of the property will require connection to the City of Ketchum central water system;

**WHEREAS**, the Petitioners proposed and the City finds acceptable the recordation of Declarations of Special Covenants, Conditions and Restrictions which name the City as a third party beneficiary to ensure installation of required utilities prior to issuance of a building permit for any of the properties bordering Wick Strasse Street; and

**WHEREAS**, City of Ketchum has determined that it is in best interests of the public to vacate said Street and such vacation will not impair the rights of the adjoining landowners or the public,

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



**SECTION 1.** All of Wick Strasse Right of Way contained within the Plat of Bavarian Village Subdivision, located within the City of Ketchum, Idaho, and recorded under Instrument Number 139821, Records of Blaine County, Idaho, is hereby vacated and abandoned and reverts back to the adjoining landowners pursuant to Idaho Code §50-1324 and 50-311.

**SECTION 2. 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 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. CODIFICATION CLAUSE.** 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 4. PUBLICATION.** This Ordinance shall be published once in the official newspaper of the City, and shall take effect immediately upon its passage, approval, and publication.


**SECTION 5. REPEALER CLAUSE.** All City of Ketchum code sections, ordinances or resolutions or parts thereof, which are in conflict herewith are hereby repealed.

**SECTION 6. EFFECTIVE DATE.** This Ordinance shall be in full force and effect from and after its passage, approval and publication.

PASSED BY THE CITY COUNCIL OF THE CITY OF KETCHUM, IDAHO, and approved by the Mayor this 5<sup>th</sup> day of January, 2015.

  
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Nina Jonas, Mayor

ATTEST:

  
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Sandra E. Cady, CMC  
City Treasurer/Clerk

