

ORDINANCE NUMBER 898

AN ORDINANCE OF THE CITY OF KETCHUM, IDAHO, VACATING A PORTION OF WASHINGTON AVENUE FROM TENTH STREET TO THE KETCHUM STREET DEPARTMENT PROPERTY; A PORTION OF NINTH STREET FROM THE ALLEY BISECTING BLOCK 32, KETCHUM TOWNSITE TO FIRST AVENUE; A PORTION OF FIRST AVENUE FROM LOT 8A DESNOYERS SUBDIVISION TO AMENDED LOT 8, BLOCK 32, KETCHUM TOWNSITE; AND ALL OF THE ALLEY BETWEEN NINTH STREET AND TENTH STREET BISECTING BLOCK 31, KETCHUM TOWNSITE; THAT TITLE TO THE VACATED PARCELS SHALL REVERT TO THE CITY OF KETCHUM; PROVIDING FOR A REPEALER CLAUSE; PROVIDING A SAVINGS AND SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. That upon the Ketchum City Council ("Council") having held a public hearing duly noticed as required by law, it is found by the Council to be in the best interests of the City and deemed expedient for the public good that portions of the streets and alley hereinafter more particularly described, be vacated; that said parcels are necessary to realign the bike path adjacent to Hemingway School, and that this realignment will create a safer bike path segment through this area; that currently none of the described streets and alley parcels are improved for vehicular through traffic; that no comment adverse to the vacation of said streets and alley was received from any adjacent property owner; that public transportation in the vicinity is in no way affected by said vacation; that no damages result to any adjoining property owner or anyone else; and, the vacation conforms with the Comprehensive Plan.

SECTION 2. That said portions of streets and alley are more particularly described as follows:

- Parcel A: The alley between Ninth and Tenth Streets bisecting Block 31, Ketchum Townsite.
- Parcel B: A portion of First Avenue from Lot 8A, Desnoyers Subdivision to Amended Lot 8, Block 32, Ketchum Townsite.
- Parcel C: A portion of Ninth Street from the alley bisecting Block 32, Ketchum Townsite, to First Avenue.
- Parcel D: A portion of Washington Avenue from Tenth Street to the Ketchum Street Department property.

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

Instrument # 578983

HAILEY, BLAINE, IDAHO

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Recorded for : CITY OF KETCHUM

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Fee: 0.00

Ex-Officio Recorder Deputy

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SECTION 3. That the City of Ketchum reserves unto itself public utility easements over, under and across said portion of streets and alley herein particularly described and retains the right to maintain, operate, repair, replace and relocate, by itself or by any licensee or franchisee, any poles, wires, pipes, conduits, sewer mains, water mains or other facility or equipment for the maintenance or operation of any utility now located in said portion of streets and alley, or a portion thereof vacated by this Ordinance.

SECTION 4. That this grant is made subject to all existing easements, franchise and utility rights and other encumbrances known or of record. The abandonment and conveyance provided for herein shall extend only to the public right, title, easement and interest, and shall be construed to extend only to that interest the City of Ketchum may legally and lawfully abandon and vacate.

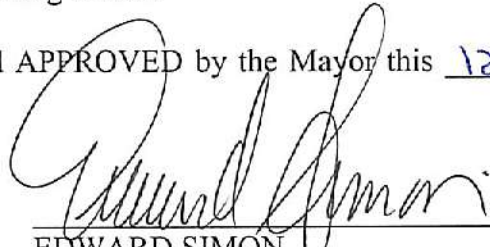
SECTION 5. That it is found by the Ketchum City Council, pursuant to Idaho Code § 50-311, to be in the best interests of the adjoining properties that title to the vacated portion, more particularly described herein, shall revert to the City of Ketchum.

SECTION 6. REPEALER CLAUSE. Any Ordinances or portions of ordinances in conflict with the provisions of this Ordinance are hereby repealed.

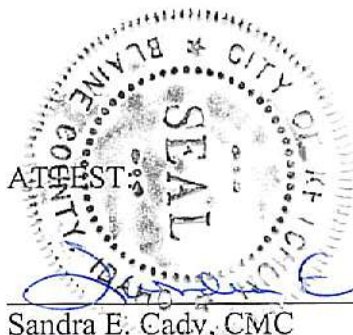
SECTION 7. SAVINGS AND SEVERABILITY CLAUSE. It is hereby declared to be the legislative intent that the provisions and parts hereof of this Ordinance shall be severable. If any part, section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be invalid for any reason by a Court of competent jurisdiction, such decision shall not affect the validity of the remaining portion of this Ordinance.


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

PASSED by the City Council and APPROVED by the Mayor this 12th day of June, 2002.



EDWARD SIMON
Mayor





Sandra E. Cady, CMC
City Clerk

