

ORDINANCE NUMBER 957

AN ORDINANCE OF THE CITY OF KETCHUM, IDAHO VACATING THE PORTION OF FIFTH STREET WEST BETWEEN SECOND AVENUE NORTH AND THIRD AVENUE NORTH (FIFTH STREET WEST BETWEEN BLOCKS 65 & 66, KETCHUM TOWNSITE), AND VACATING THE ALLEY LOCATED WITHIN BLOCKS 65 & 66, KETCHUM TOWNSITE FROM SIXTH STREET WEST TO FOURTH STREET WEST (COLLECTIVELY THE "RIGHTS OF WAY") BOTH OF WHICH ARE COMMONLY KNOWN AS THE "SIMPLOT PROPERTY"; PROVIDING A REPEALER CLAUSE; PROVIDING A SAVINGS AND SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Owners of the real property on both sides of the Rights of Way are currently in the process of master planning their properties; and

WHEREAS, in the course of such planning, the owners have requested that the City vacate the Rights of Way; and

WHEREAS, the Ketchum City Council has held public hearings duly noticed as required by law, and

WHEREAS, the Ketchum City Council deems granting such request expedient for the public good because the proposed vacations are a necessary component of the master plan which will result in overall better planning and better use of Blocks 65 & 66, Ketchum Townsite in addition to the creation of public open space and parks, public parking, safer traffic circulation, safer and more aesthetically pleasing placement of the community trail, a permanent home for a the Sun Valley Center for the Arts all in the best interests of the health, safety and welfare of the residents of and visitors to the City of Ketchum; and

WHEREAS, to the extent that any ordinances or sections of ordinances have been superseded by other ordinances or by this Ordinance, the same should be repealed.

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

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

Parcel A: THE PORTION OF FIFTH STREET WEST BETWEEN SECOND AVENUE NORTH AND THIRD AVENUE NORTH (FIFTH STREET WEST BETWEEN BLOCKS 65 & 66, KETCHUM TOWNSITE); and

Parcel B: THE ALLEY LOCATED WITHIN BLOCKS 65 & 66,
KETCHUM TOWNSITE, FROM SIXTH STREET WEST TO
FOURTH STREET WEST;

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

SECTION 2. That the City of Ketchum reserves 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, replacement, and relocate, by itself or by any licensee or franchise, any poles, wires, pipes, conduits, sewers, mains, water mains or other facility or equipment for the maintenance or operation of any utility now located in said portions of streets and alley, or a portion thereof vacated by this Ordinance.

SECTION 3. 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 4. 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 that title to the vacated portions, more particularly described herein, shall be conveyed to the owners of the adjoining properties.

SECTION 5. REPEALER CLAUSE. Any ordinance or portions of ordinances in conflict with the provisions of this Ordinance are hereby repealed.

SECTION 6. 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 7. EFFECTIVE DATE. This Ordinance shall become effective upon its passage, approval and publication according to law.

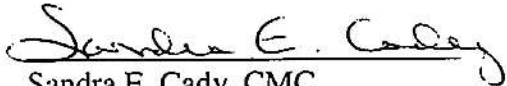
PASSED BY THE CITY COUNCIL and approved by the Mayor this 21st day of November, 2005.

CITY OF KETCHUM,
An Idaho municipal corporation



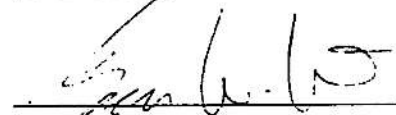
EDWARD SIMON
Mayor

ATTEST:



Sandra E. Cady, CMC
City Treasurer/Clerk

APPROVED AS TO FORM
AND CONTENT:



Benjamin W. Worst,
City Attorney