

699455

ORDINANCE NO. 245

FILED BY
City of Clark Fork
2006 MAR -7 P 1:06
no file
MARIE SCOTT
BONNER COUNTY RECORDER
MS DEPUTY

AN ORDINANCE OF THE CITY OF CLARK FORK, A MUNICIPAL CORPORATION OF THE STATE OF IDAHO, VACATING PUBLIC RIGHT-OF-WAY; PRESERVING EASEMENTS; PROVIDING SEVERABILITY; PROVIDING REPEAL OF CONFLICTING ORDINANCES; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the owner of real property abutting a portion of what appears to be right-of-way on the north side of Lots 10, 11, and 12 of Block 11 of Clarksfork, as recorded in Book 1 of Plats, Page 114 has petitioned the City Council of the city of Clark Fork for vacation of said right-of-way; and

WHEREAS, the city has determined that it is in the best interest of the city of Clark Fork that the remainder of that same right-of-way from Third Avenue to the existing alley between lots 1, 2, 3, and 4 and Lots 10, 11, 12 of Block 11 and the right-of-way that abuts the northern boundary line of lot 4 of Block 12 from the east right-of-way line of Calahan Street to the southern right-of-way line of Highway 200 should also be vacated; and

WHEREAS public hearing was held before the City Council on the 13th day of February, 2006 in accordance with law, testimony taken, and a finding by the City Council that it is in the best interests of the city of Clark Fork and the citizens thereof that said right-of-way be vacated.

NOW, THEREFORE, IT IS ORDAINED by the mayor and city council of the city of Clark Fork, Bonner County, Idaho as follows:

Section 1: That the right-of-way described as follows is hereby vacated and depicted in Exhibit "A" attached hereto and incorporated herein by reference:

A portion of Section 2, Township 55 North, Range 2 East, Boise Meridian, Bonner County, Idaho, described as follows:

That portion of the right-of-way depicted on the Clarksfork, as recorded in Book 1 of Plats, Page 114, that abuts the northwestern boundary of Lots 4, 5, 6, 7, 8, and 9 of Block 11 to the south side of the alley between Lots, 1, 2, 3, 4, and 5 and Lots 10, 11, and 12 of Block 11; the portion of the right-of-way that abuts the northwestern boundary of Lots, 10, 11 and 12 of Block 11 from the north side of the alley between Lots, 1, 2, 3, 4, and 5 and Lots 10, 11, and 12 of Block 11 to the west line of Calahan Street; and that portion of

the right-of-way that abuts the north west boundary of Lot 4 Block 12 from the east line of Calahan Street to the southern right-of-way line of Highway 200.

Section 2: That the portion of the right-of-way being vacated abutting each of the properties to the south side of the vacated right-of-way shall revert to the respective abutting property.

Section 3: That the existing, easements and franchise rights of any lot owner or public utility shall not be impaired by this vacation, as provided by law.

Section 4: Severability. This ordinance is hereby declared to be severable. Should any portion of this ordinance be declared invalid by a court of competent jurisdiction, the remaining provisions shall continue in full force and effect and shall be read to carry out the purpose(s) of the ordinance before the declaration of partial invalidity.

Section 5: Repeal of Conflicting Provisions. All provisions of the ordinances of the city of Clark Fork which conflict with the provisions of this ordinance are hereby repealed to the extent of such conflict.

Section 6: Effective Date.

This ordinance shall be effective upon passage and publication as provided by law.

Enacted by the city council as an ordinance of the City of Clark Fork on the 21st day of February, 2006.

CITY COUNCIL MEMBERS	YES	NO	ABSENT	ABSTAIN
Brian Lee Cantrell	X	_____	_____	_____
Linda V. Reed	X	_____	_____	_____
Russell Schenck	X	_____	_____	_____
Lynn Siple	X	_____	_____	_____

Approved by the Mayor on the 21st day of February, 2006.

CITY OF CLARK FORK

Thomas A. Shields
Thomas A. Shields, Mayor

ATTEST:

Jonell Davisson
Jonell Davisson, City Clerk

CLARKSFORK

BONNER CO. IDAHO

Scale - 1" = 200'
 Part - 2110-2115-54

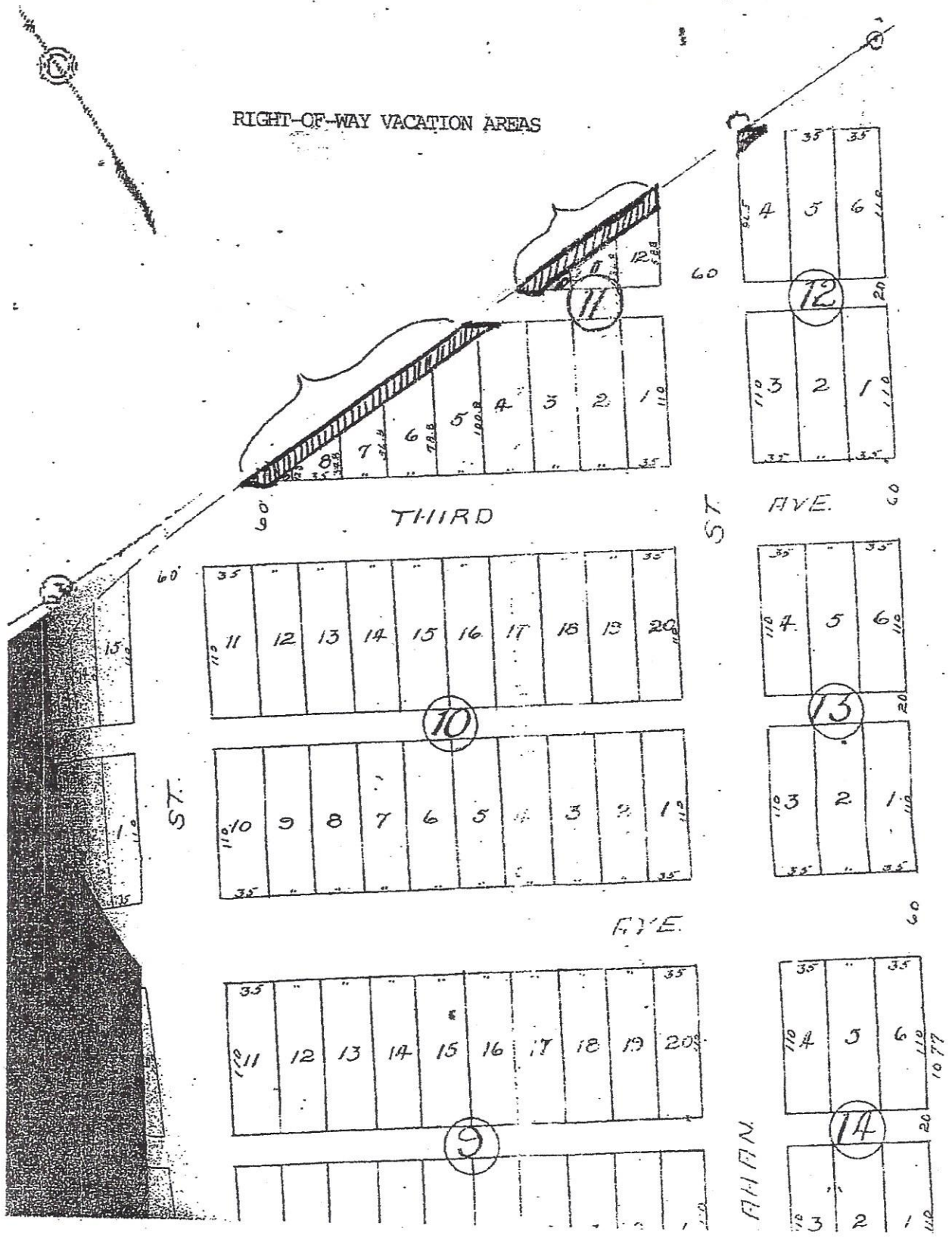


EXHIBIT A

STATEMENT OF LEGAL ADVISER

I, Nancy Stricklin, am a legal adviser for the city of Clark Fork, Idaho. I have examined the attached summary of Clark Fork Ordinance No. 245, Right of Way Vacation Ordinance, and find it to be a true and complete summary of said ordinance which provides adequate notice to the public of the contents thereof.

Nancy Stricklin
Nancy Stricklin

Date 2/23/06