

**ORDINANCE NO. 91-1**  
**CITY OF CLARK FORK, BONNER COUNTY, IDAHO**

ORDINANCE VACATING PORTIONS OF FIFTH STREET, MILL STREET AND A PORTION OF THE ALLEY GENERALLY BOUNDED BY FOURTH STREET AND FIFTH STREET, AND MAIN STREET AND STEVENS STREET; AND, DETERMINING NO RESTRICTIONS AS BEING NECESSARY IN THE PUBLIC INTEREST.

WHEREAS, by its Petition to Vacate Platted Streets and Alley ("Petition"), filed with the City Clerk on March 27, 1991, Bonner County School District No. 82 ("District") petitioned the City of Clark Fork, Bonner County, Idaho ("City") to vacate portions of two platted streets and one platted alley, lying within Nagel's Addition to the Village of Clarksfork, as recorded in Book 1 of Plats, at Page 124, Records of Bonner County, Idaho, and Nagel's Amended Addition to Clark Fork as recorded in Book 1 of Plats, Page 124, records of Bonner County, Idaho, located in Section 2, Township 55 North, Range 2 East, Boise Meridian, Bonner County, Idaho; and

WHEREAS, the portions of the platted streets and alley affected by the Petition lie within an area presently occupied by the Clark Fork High School property owned by the District; and,

WHEREAS, the streets and alley to be vacated are not in use as existing public rights-of-way; and,

WHEREAS, the streets and alley to be vacated lie within the City limits of the City, and, pursuant to I.C. 50-1306A, the City may lawfully grant the Petition; and,

WHEREAS, the City gave notice of the public hearing regarding the Petition as scheduled for 7:30 o'clock p.m. on Wednesday, April 10, 1991, at the City Hall of the City ("Hearing"); and,

WHEREAS, notice of the hearing was published once a week for two successive weeks in the official newspaper of the City, the last of which publications occurred on April 3, 1991, which was not less than seven (7) days prior to the date of the hearing; and,

WHEREAS, written notice of the hearing was given, by certified mail with return receipt, at least ten (10) days prior to the date of the hearing to all property owners within 300 feet of the boundaries of the area described in the Petition; and,

WHEREAS, the District has filed with the City its Proof of Notice by Affidavit Mailing, and its Affidavit of Publication; and,

WHEREAS, the City conducted the hearing on April 10, 1991, following notice, and pursuant to I.C. §50-1306A; and,

WHEREAS, the adoption of the ordinance requested by the Petition was tabled, and the hearing on the Petition was continued, to allow notice to certain owners of real property who were required by statute to be, but who were inadvertently not, notified; and,

WHEREAS, the District has filed with the City the District's Supplemental Proof of Notice by Affidavit of Mailing; and,

WHEREAS, the City has conducted the continuation of the hearing on May 8, 1991, following notice, and pursuant to I.C. §50-1306A.

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF CLARK FORK, BONNER COUNTY, IDAHO AS FOLLOWS:

SECTION 1: Pursuant to I.C. §50-1306A (3) the following portions of the above-described streets and alley are hereby vacated:

A. Fifth Avenue Vacation:

A parcel of land located in Nagel's Amended Addition to Clark Fork, recorded in Book 1 of Plats, Page 124, records of Bonner County, Idaho, more particularly described as follows:

All that portion of Fifth Avenue that is Northeasterly of Block 12, Northeasterly of Mill Street and that portion of Fifth Avenue that is Northeasterly of Block 26, lying Northwesterly of the Northeasterly extension of the Southeasterly boundary of Lot 13, in Block 26, all in said Nagel's Amended Addition to Clark Fork.

B. Mill Street Vacation:

A parcel of land located in Nagel's Amended Addition to Clark Fork, recorded in Book 1 of Plats, Page 124, records of Bonner County, Idaho more particularly described as follows:

All that portion of Mill Street that is Northeasterly of Fourth Avenue of said Nagel's amended Addition to Clark Fork.

C. Alley Vacation:

A parcel of land located in Nagel's Amended Addition to Clark Fork, recorded in Book 1 of Plats, Page 124, records of Bonner County, Idaho more particularly described as follows:

All that portion of the alley in Block 12 and that portion of the alley in Block 26 that is Northwesterly of the Northeasterly extension of the Southeasterly boundary of Lot 8, of Block 26, all in said Nagel's Amended Addition to Clark Fork.

SECTION 2: It is hereby deemed by the City that there are no restrictions on such vacation which are necessary in the public interest.

SECTION 3: This ordinance shall be in full force and effect after its publication in full or by summary in at least one issue of the Bonner County Daily Bee, which is declared to be the official newspaper of the City in regard to this ordinance.

ADOPTED AT A REGULAR SESSION OF THE CITY COUNCIL ON THIS 8<sup>th</sup> DAY OF MAY, 1991.

CITY OF CLARK FORK, COUNTY OF BONNER

BY:

Ambrose V. Martinosky  
Ambrose V. Martinosky, Mayor

ATTEST:

Beth Parenti  
Beth Parenti, City Clerk