

ORDINANCE NO. 271

AN ORDINANCE OF THE CITY OF CLARK FORK, A MUNICIPAL CORPORATION OF THE STATE OF IDAHO, VACATING A PORTION OF A PLATTED BUT UNDEVELOPED ALLEY IN BLOCK 15, NAGEL'S ADDITION IN THE CITY OF CLARK FORK. THE SITE IS LOCATED AT THE NORTHWEST CORNER OF PINE STREET AND HIGHWAY 200; NO RESTRICTIONS ARE NECESSARY IN THE PUBLIC INTEREST; PROVIDING SEVERABILITY; PROVIDING REPEAL OF ANY OTHER CONFLICTING ORDINANCES; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Clark Fork, Bonner County, Idaho ("City") is to vacate the one platted alley, lying in Block 15, Nagel's Addition to the City of Clark Fork, 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 property owner granted unto the City of Clark Fork a deeded easement over and across the following described real property situated in Bonner County, Idaho:

An easement for utilities, and ingress and egress except surface travel, over, across and through the south twenty (20') feet of the approximately South boundary, adjacent to Highway 200, of Lots 1,2,3 and 4, Block 15, Nagel's Addition, Section 2, Township 57 North, Range 3 East, Boise Meridian, Bonner County, Idaho (Block 15 of such subdivision is referred to below as "Block 15"), according to the plat thereof recorded in Book 1 of Plats, page 35, in August 1903 in the records of Kootenai County, Idaho, prior to creation of Bonner County (the "easement").

WHEREAS, the portions of the platted streets and alley affected lie within an area presently occupied by the PHI Center property owned by Iris DeMauro; and,

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

WHEREAS, pursuant to Idaho Code §50-311, any franchise rights or rights of public utilities shall not be impaired by this vacation; and,

WHEREAS, the streets and alley to be vacated lie within the limits of the City, and, pursuant to Idaho Code §50-1306A, the City may lawfully grant the vacation; and,

WHEREAS, the City gave notice of the public hearing regarding the vacation as scheduled for 6:30 o'clock p.m. on Monday, August 13, 2018, 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 August 3, 2018,

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, 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; and,

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

WHEREAS, the City conducted the hearing on August 13, 2018, following notice, and pursuant to Idaho Code §50-1306A; and,

WHEREAS, all conditions required of the property owner by the City as per the Written Decision dated November 10, 2014 have been completed.

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

Section 1: Pursuant to Idaho Code §50-1306A(3) the following portion of the above-described alley is hereby vacated:

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 15 lots 1-9, of Block 25, 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.

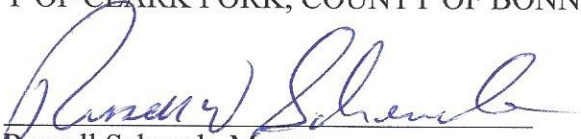
Section 3: The ordinance is hereby declared to be severable. Should any portion of this ordinance be declared invalid by a court of competent jurisdiction, the remaining provisions shall continue in full force and effect and shall be read to carry out the purpose(s) of the ordinance before the declaration of partial invalidity.

Section 4: All provisions of the current Clark Fork Municipal Code or 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 5: 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 13th DAY OF AUGUST, 2018.

CITY OF CLARK FORK, COUNTY OF BONNER

By: 
Russell Schenck, Mayor

ATTEST:
By: 
Amber Burgess, City Clerk

CITY COUNCIL MEMBERS:	YES	NO	ABSENT
Shari Jones	<u> √ </u>	<u> </u>	<u> </u>
Blaine Williams	<u> </u>	<u> </u>	<u> √ </u>
Sharon Banning	<u> √ </u>	<u> </u>	<u> </u>
Stanley Spanski	<u> √ </u>	<u> </u>	<u> </u>

