

BILL NO. _____
ORDINANCE NO. 773
BY COUNCILMAN NEIL BASKETT

AN ORDINANCE RECITING THE PASSAGE, APPROVAL AND PUBLICATION OF ORDINANCE NO. 770; DETERMINING THAT NO OBJECTIONS TO THE VACATION OF A PORTION OF FIRST AVENUE SOUTH WITHIN THE CITY OF PAYETTE, PAYETTE COUNTY, IDAHO, THE SAID PORTION OF FIRST AVENUE SOUTH BEING DESCRIBED AS FOLLOWS, TO WIT: IN THE CITY AND COUNTY OF PAYETTE, IDAHO, SITUATE IN THE NE1/4 SE1/4 OF SECTION 33, TOWNSHIP 9 NORTH, RANGE 5 WEST, BOISE MERIDIAN; IN W. F. MASTERS PLAT OF THE CITY OF PAYETTE AS PER PLAT RECORDS IN THE OFFICE OF THE PAYETTE COUNTY RECORDER OF PAYETTE, IDAHO IN BOOK 1 AT PAGE 20 OF PLATS: BEGINNING AT THE SOUTHEAST CORNER OF LOT 10 OF BLOCK 3 FOR A TRUE POINT OF BEGINNING; THENCE SOUTH A DISTANCE OF 100 FEET TO THE NORTHEAST CORNER OF LOT 1 OF BLOCK 2; THENCE WEST ALONG THE NORTH SIDELINE OF LOT 1 OF BLOCK 2 A DISTANCE OF 145 FEET TO THE NORTHWEST CORNER OF LOT 1 OF BLOCK 2; THENCE NORTH A DISTANCE OF 100 FEET TO THE SOUTHWEST CORNER OF LOT 10 OF BLOCK 3; THENCE EAST ALONG THE SOUTH SIDELINE OF LOT 10 OF BLOCK 3 A DISTANCE OF 145 FEET TO THE SOUTHEAST CORNER OF LOT 10 OF BLOCK 3, THE TRUE POINT OF BEGINNING; HAVE BEEN MADE OR FILED AND THAT NO CLAIM OR CLAIMS FOR DAMAGES WHICH WOULD BE SUSTAINED BY REASON THEREOF HAVE BEEN FILED; DETERMINING THAT THE VACATION OF THE PORTION OF SAID FIRST AVENUE SOUTH ABOVE DESCRIBED IS TO THE BEST INTERESTS AND ADVANTAGE OF THE CITY OF PAYETTE, ITS CITIZENS AND PROPERTY OWNERS; DETERMINING THAT NO DAMAGE WILL BE SUSTAINED BY ANY CITIZEN OR PROPERTY OWNER BY REASON OF THE VACATION OF SAID PORTION OF FIRST AVENUE SOUTH ABOVE DESCRIBED; PROVIDING THAT THE TITLE TO SAID PORTION OF FIRST AVENUE SOUTH ABOVE DESCRIBED WITHIN THE CITY OF PAYETTE, IDAHO, AS VACATED, SHALL REVERT TO THE PERSONS DEDICATING THE SAME, THEIR SUCCESSORS, HEIRS AND ASSIGNS, SUBJECT TO THE CITY OF PAYETTE RESERVING UNTO ITSELF AND TO ALL UTILITY COMPANIES ALL EXISTING EASEMENT RIGHTS IN THE AREA, IF ANY, PERTAINING TO SEWER LINES, POWER LINES, TELEPHONE LINES AND GAS LINES, TOGETHER WITH ACCESS TO AND FROM SAID AREA TO MAINTAIN, REPAIR OR REPLACE THE SAME; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HERewith AND PROVIDING FOR THE PUBLICATION OF THIS ORDINANCE AND ITS EFFECT.

BE IT ORDAINED By the Mayor and Council of the City of Payette, Idaho:

Section 1. That by Ordinance No. 770, passed by the Council and approved by the Mayor of the City of Payette, Idaho, on the 20th day of December, 1971, and published in the

Independent Enterprise, a newspaper published in the City of Payette, Idaho, in one issue thereof on the 23rd day of December, 1971, notice was given to all citizens and owners of property in the City of Payette, Idaho, that an application has been presented to the Mayor and Council of the City of Payette requesting the passage and approval of an ordinance vacating a portion of First Avenue South within the City of Payette, Payette County, Idaho, which portion of said street vacated is hereinabove described, subject to the City of Payette reserving unto itself and to all utility companies all existing easement rights in the area comprising easement rights for sewer lines, power lines, gas lines and telephone lines as presently located thereon or therein, with the further reservation to the City of Payette and all utility companies with easement rights in the area comprising said easement rights for access to and from said area to maintain, repair or replace the present existing sewer, power, telephone and gas lines as presently located thereon or therein, which ordinance provided the manner for filing claims for damages which would be sustained by the vacating of said portion of First Avenue South above described.

Section 2. That no objections to the granting of said application have been made or filed and no claim or claims for damages which would result therefrom have been made; and it is hereby determined that no citizen of or owner of property in the City of Payette, Idaho, will be damaged or injured by the vacation of said portion of First Avenue South above described, and that it is in fact to the best interest and advantage of the City of Payette, Idaho, and its citizens and its property owners, that the above described portion of said street be vacated, subject to the City of Payette reserving unto itself and to all utility companies all existing easement rights in the area comprising easement rights for sewer lines, power lines, telephone

lines and gas lines as presently located thereon or therein, with the further reservation to the City of Payette and all utility companies with easement rights to the area comprising said portion of said street vacated for access to and from said area to maintain, repair and replace the present existing sewer, power, telephone and gas lines as presently located thereon or therein.

Section 3. Be it ordained and established that said portion of First ~~Street~~^{Avenue} South above described, from and after the passage, approval and publication of this ordinance, shall be vacated, and shall no longer be open or subject to the use of the public; and thereupon the title to said portion of First ~~Street~~^{Avenue} South above described shall pass and revert to the persons dedicating the same or their successors, heirs and assigns, free of all easement and deduction heretofore existing for a public street therein, subject to the City of Payette reserving unto itself and to all utility companies all existing easement rights in the area comprising said portion of First Avenue South for access to and from said area to maintain, repair or replace the present existing sewer, power, telephone and gas lines as presently located thereon or therein.

Section 4. It appearing that no claim or claims for damages sustained by any citizen or citizens of the City of Payette, Idaho, or by any owner or owners of property therein, by reason of the vacation of said portion of First Avenue South as hereinbefore described has been filed or made, it is hereby determined that no damages will be sustained by the citizens of or owners of property in the City of Payette, Idaho, by reason of the vacation of said portion of First Avenue South above described.

Section 5. That all ordinances or parts of ordinances in conflict herewith are hereby repealed.

PASSED BY the Council of the City of Payette, this
17th day of January, 1972.

APPROVED BY the Mayor of the City of Payette, this
17th day of January, 1972.

Hesley O. Roehr
Mayor

ATTEST:

Barton B. Mieland
City Clerk