

ORDINANCE NO. 342-2016
Garner / Heath ALLEY VACATION

Instrument # 129767
COUNCIL, ADAMS, IDAHO
7-19-2016 09:10:41 AM No. of Pages: 2
Recorded for : CITY OF NEW MEADOWS
SHERRY WARD Fee: 0.00
Ex-Officio Recorder Deputy *[Signature]*
Index to: ORDINANCE

AN ORDINANCE OF THE CITY OF NEW MEADOWS, A MUNICIPAL CORPORATION OF IDAHO, PROVIDING FOR THE VACATION OF AN ALLEYWAY WITHIN BLOCK 13 ADJACENT TO LOTS 1-5 AND LOT 19, DESCRIBED HEREIN; PROVIDING FOR DISPOSITION OF THE VACATED RIGHT-OF-WAY AS DESCRIBED HEREIN; PROVIDING AN EFFECTIVE DATE; AND PROVIDING FOR OTHER MATTERS PROPERLY RELATING THERETO.

WHEREAS, on the 11th day of July, 2016 the City Council conducted a public hearing on the matter of vacation of a portion of alley, New Meadows city, and determined that the requested vacation serves the public interest.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF NEW MEADOWS AS FOLLOWS:

SECTION 1: That the right-of-way described as follows is hereby vacated:

A 20.00-foot-wide parcel of land situate in the NE1/4 of the SW1/4 of Section 24, T. 19 N., R. 1 E., B.M., Adams County, Idaho, being that portion of alley lying north of and between the extended east and west sidelines of Block 13 of Lots 1-5 and Lot 19, New Meadows Town site, as shown on the official plat thereof, recorded as Instrument 116689 and Instrument 76186 in the Book of Plats, in the Office of the Recorder of Adams County, Idaho, more particularly described as follows:

Commencing at a point on the southerly right-of-way marking the Northwest Corner of Lot 19, Block 13, New Meadows Town site, as shown on the official plat thereof, recorded as Instrument 116689, in the Office of the Recorder of Adams County, Idaho, the **Real Point of Beginning**; thence, Easterly along the extended easterly boundary of said Block 13 Lot 19, 150.00 feet to a point on the southerly right-of-way of alley, thence, northerly along the northerly right-of-way of alley, 20.00 feet more less, to a point at the intersection of the extended easterly right-of-way of Lot 5 of said Block 13 as recorded as Instrument 76186, in the office of the Recorder of Adams County, Idaho, thence, westerly 150.00 feet along said southerly Lots 1 through 5 extending to a point on the southerly right-of-way of alley and South Heigho Avenue, marking the Southwest Corner of Lot 1, said Block 13, thence, southerly along said westerly right-of-way, 20.00 feet more or less, to the **Point of Beginning**.

SECTION 2: That the above described right of way be vacated in whole to the adjoining property owners north and south of said alley, which is currently Lynn and Judith Garner and Dave and Debra Heath.

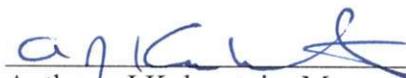
SECTION 3: That the existing right-of-way, easements and franchise rights of any public utility shall not be impaired by this vacation as provided by law.

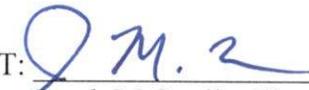
SECTION 4: Each owner of said property shall enter into an Easement Agreement with the City of New Meadows outlining the utility easement.

SECTION 5: 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 New Meadows on the 11th day of July, 2016.

Approved by the Mayor on the 12 day of July, 2016.


Anthony J Koberstein, Mayor

ATTEST: 
Jacob M Qualls, City Clerk / Treasurer



UTILITY RIGHT-OF WAY EASEMENT

THIS INDENTURE, made this 11th day of July, 2016, between Lynn & Judith Garner and Dave & Debra Heath, the parties of the first part, and hereinafter called the Grantors, and the City of New Meadows, Adams County, Idaho, a municipal corporation, the party of the second part, and hereinafter called the Grantee;

Instrument # 129768
COUNCIL, ADAMS, IDAHO
7-19-2016 09:15:11 AM No. of Pages: 4
Recorded for : CITY OF NEW MEADOWS
SHERRY WARD Fee: 0.00
Ex-Officio Recorder Deputy *Sherry Ward*
Index to: EASEMENT

WHEREAS, the Grantors desire to provide an underground and above ground utility right-of-way across the premises and property hereinafter particularly bounded and described; and

WHEREAS, the right-of-way contains underground pipelines and appurtenances previously constructed by the Grantee; and

WHEREAS, it will be necessary to maintain and service said pipeline and equipment from time to time by the Grantee; and

WHEREAS, it will be necessary to maintain and service said pathway from time to time by the Grantee;

NOW THEREFORE, in consideration of the benefits received by the Grantors through Ordinance # TBD-22016, and other good and valuable consideration, the Grantors do hereby convey, release, remise and forever quitclaim unto the Grantee an easement for the construction, operation and maintenance of utility lines, ancillary equipment under, above and across the following property:

DESCRIPTION OF THE PERMANANT EASEMENT PROPERTY:

A 20.00-foot-wide parcel of land situate in the NE1/4 of the SW1/4 of Section 24, T. 19 N., R. 1 E., B.M., Adams County, Idaho, being that portion of alley lying north of and between the extended east and west sidelines of Block 13 of Lots 1-5 and Lot 19, New Meadows Town site, as shown on the official plat thereof, recorded as Instrument 116689 and Instrument 76186 in the Book of Plats, in the Office of the Recorder of Adams County, Idaho, more particularly described as follows:

Commencing at a point on the southerly right-of-way marking the Northwest Corner of Lot 19, Block 13, New Meadows Town site, as shown on the official plat thereof, recorded as Instrument 116689, in the Office of the Recorder of Adams County, Idaho, the **Real Point of Beginning**; thence, Easterly along the extended easterly boundary of said Block 13 Lot 19, 150.00 feet to a point on the southerly right-of-way of alley, thence, northerly along the northerly right-of-way of alley, 20.00 feet more less, to a point at the intersection of the extended easterly right-of-way of Lot 5 of said Block 13 as recorded as Instrument 76186, in the office of the Recorder of Adams County, Idaho, thence, westerly 150.00 feet along said southerly Lots 1 through 5 extending to a point on the southerly right-of-way of alley and South Heigho Avenue, marking the Southwest Corner of Lot 1, said Block 13, thence, southerly along said westerly right-of-way, 20.00 feet more or less, to the **Point of Beginning**.

UTILITY RIGHT-OF WAY EASEMENT

SUBJECT TO:

All existing easements and road rights-of-way of record or appearing on the above-described parcel(s) of land.

The easement hereby granted is for the purposed of operation of utility lines and allied facilities, together with their maintenance, repair and replacement at the convenience of the Grantee, with the free right to access to such facilities at any and all times.

TO HAVE AND TO HOLD, the said easement and right-of-way unto the said Grantee, its successors and assigns forever.

IT IS EXPRESSLY UNDERSTOOD AND AGREED, by and between the parties that in making future repairs that the Grantee may or may not replace or restore the premises to a condition comparable to that existent prior to undertaking such repairs and replacements.

THE GRANTORS hereby covenant and agree that they will not place or allow to be placed any permanent structures or improvements on or adjoining the area described for this easement which would interfere with the use of said described easement for the purposes stated herein.

IN WITNESS WHEREOF, the same parties of the first part have hereunto subscribed their signatures the day and year first hereinabove written.

Lynn Garner

By: 
Lynn Garner, Co-Grantor

Judith Garner

By: 
Judith, Co-Grantor

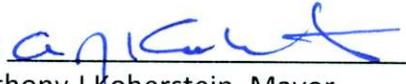
Dave Heath

By: 
Dave Heath, Co-Grantor

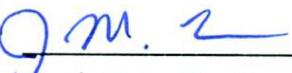
Debra Heath

By: 
Debra Heath, Co-Grantor

City of New Meadows

BY: 
Anthony J Koberstein, Mayor

ATTEST for the City of New Meadows


Jacob M Qualls, City Clerk / Treasurer

UTILITY RIGHT-OF WAY EASEMENT

STATE of IDAHO)
County of ADAMS)

On this 14th day of July, 2016, before me, Jacob M. Qualls, a Notary Public in and for said State, personally appeared LYNN GARNER, known or identified to me to be the persons whose name is subscribed to the within and foregoing instrument, and acknowledged to me that he executed the same.

Lynn Garner

Notary Public J.M. Qualls
Residing at: New Meadows
My Commission Expires: 11-05-2018



STATE of IDAHO)
County of ADAMS)

On this 14th day of July, 2016, before me, Jacob M. Qualls, a Notary Public in and for said State, personally appeared Judith Garner, known or identified to me to be the persons whose name is subscribed to the within and foregoing instrument, and acknowledged to me that he executed the same.

Judith Garner

Notary Public J.M. Qualls
Residing at: New Meadows
My Commission Expires: 11-05-2018



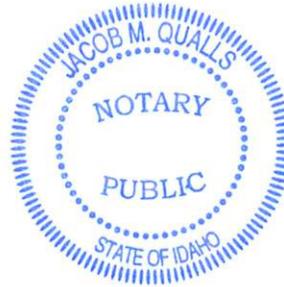
UTILITY RIGHT-OF WAY EASEMENT

STATE of IDAHO)
County of Adams)

On this 14th day of July, 2016, before me, Jacob M. Qualls, a Notary Public in and for said State, personally appeared DAVE Heath, known or identified to me to be the persons whose name is subscribed to the within and foregoing instrument, and acknowledged to me that he executed the same.

Dave Heath

Notary Public J.M. Qualls
Residing at: New Meadows
My Commission Expires: 11-05-2018



STATE of IDAHO)
County of ADAMS)

On this 14th day of July, 2016, before me, Jacob M. Qualls, a Notary Public in and for said State, personally appeared DEBRA Heath, known or identified to me to be the persons whose name is subscribed to the within and foregoing instrument, and acknowledged to me that he executed the same.

Debra Heath

Notary Public J.M. Qualls
Residing at: New Meadows
My Commission Expires: 11-05-2018

