

ORDINANCE NO.1153

AN ORDINANCE OF THE CITY OF KETCHUM, BLAINE COUNTY, IDAHO, CONVEYING UNDERUTILIZED REAL PROPERTY BELONGING TO THE CITY TO WIT: LOTS 1, 2, 3, AND 4 OF BLOCK 67, CITY OF KETCHUM WHICH ARE PORTIONS OF THE FORMER OLD UNION PACIFIC RAILROAD COMPANY AND OREGON SHORTLINE RAILROAD COMPANY RIGHT-OF-WAY AS SHOWN ON THE PLAT OF THE ORIGINAL TOWNSITE OF KETCHUM; AND, ORDER CONVEYANCE OF DEED TO THE UNDERLYING PROPERTY OWNERS THOMAS MONGE AND ELMAR GRABHER; PROVIDING A REPEALER CLAUSE; PROVIDING A SAVINGS AND SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF KETCHUM, BLAINE COUNTY, IDAHO:

SECTION 1. That upon the Ketchum City Council having held a public hearing before the Ketchum City Council upon notice pursuant to Idaho Code §§ 50-1401 *et seq.* it is found by the Ketchum City Council to be in the best interest of the City of Ketchum and for the public good and convenience that the portions of the old Union Pacific Railroad Company and Oregon Shortline Railroad Company right-of-way, more particularly described in Exhibit "A", attached hereto and made a part hereof, be conveyed to the underlying property owners; that said real property is underutilized and not needed for public use; that no damages result to any adjoining property owners or anyone else; that there is no need for said portion of the old railroad right of way as adjoining properties have alternative accesses; that said portion of right-of-way has never been fully opened, improved or maintained for vehicular access by the City of Ketchum and to do so would be unnecessary; and, that public transportation in the vicinity is in no way affected by said vacation.

SECTION 2. That that portion of the old Union Pacific Railroad Company and Oregon Shortline Railroad Company right-of-way, more particularly described on Exhibit "A" attached hereto and made a part hereof, is of nominal value; that pursuant to Blaine County Case CV-2015-671, both the City and the underlying property owners each have claimed colorable title to said property; that pursuant to a Settlement Agreement and Release between the parties, the City believes it to be in the best interest of City to quitclaim the subject real property to the underlying property owners for a cost of FIFTEEN THOUSAND DOLLARS (\$15,000.00) and a dismissal of all claims each party may have against the other.

SECTION 3. To the extent such easements presently exist, the City of Ketchum, Idaho, hereby RESERVES unto itself public utility easements over, under and across said real property and retains the right to maintain, operate, repair, replace, by itself or by any licensee or franchisee, any poles, wires, pipes, conduits, sewer mains, water mains or other facility or utility now equipment located in for the maintenance or operation of any the street rights-of-way, or portion thereof vacated by this Ordinance.

**Instrument # 639383**

HAILEY, BLAINE, IDAHO

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Recorded for : CITY OF KETCHUM

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Fee: 0.00

Ex-Officio Recorder Deputy

Index to: ORDINANCES

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SECTION 4. That title to said real property shall by separate instrument be quitclaimed to the owner of record of the adjoining properties, Thomas Monge and Elmar Grabher, as described in the municipal quitclaim deed in Exhibit "B".

SECTION 5. REPEALER CLAUSE. All Ordinances or parts thereto in conflict herewith are hereby repealed.

SECTION 6. SAVINGS AND SEVERABILITY CLAUSE. I any section, paragraph, sentence or provision hereto or the application thereto to any particular circumstances shall ever be held invalid or unenforceable by a Court a competent jurisdiction, such decision shall not affect the remainder hereto, which shall continue in full force and effect and applicable to all circumstances to which it may validly apply.

SECTION 7. EFFECTIVE DATE. This Ordinance shall become effective upon its passage, approval and publication according to law.

PASSED BY THE KETCHUM CITY COUNCIL and approved by the Mayor this 4<sup>th</sup> day of April, 2016.

RE-APPROVED BY THE KETCHUM CITY COUNCIL and re-approved by the Mayor this 17<sup>th</sup> day of October, 2016 for publishing and recording purposes.

CITY OF KETCHUM  
Blaine County, Idaho



By: *Nina Jonas*  
Nina Jonas, Mayor

ATTEST:

By: *Robin Stet*  
City Clerk

( S E A L )

**EXHIBIT "A"**

**Legal Description**

**Any and all interest in lots 1, 2, 3, and 4, of Block 67, located in the Ketchum Townsite, Blaine County, Idaho, including any interest in a former 100 foot Railroad Right-of-Way located in said lots.**