



City of Ketchum

CITY COUNCIL MEETING AGENDA MEMO

Meeting Date:	May 15, 2023	Staff Member/Dept:	Morgan Landers, AICP – Director of Planning and Building
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Agenda Item:	Recommendation to approve the Quit Claim Deed for the alley vacation associated with the 1st and 4th Mixed Use Development
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Recommended Motion:

Recommendation to affirm, ratify, and approve the P&Z recommendation for vacation of the northern portion of the alley adjacent to the 1 st and 4 th Mixed Use Development with ½ of the length to each adjoining property owner as reflected in the deeds.

Reasons for Recommendation:

- | |
|---|
| <ul style="list-style-type: none"> The 1st and 4th Mixed Use project received Design Review approval on June 10, 2019 and the City Council approved the Condominium Preliminary Plat on July 5, 2022. Both reflecting vacation of the alley between 3rd and 4th Streets and N 1st Ave and N 2nd Ave as shown in Attachment 1. |
| <ul style="list-style-type: none"> The City Council approved the alley vacation request on December 16, 2019. The City Council also approved a lot line shift application to vacate the alley, of which was recorded on February 22, 2023 under Instrument Number 698988 (Attachment 1). |
| <ul style="list-style-type: none"> The Quit Claim Deeds (Attachment 2) serve the purpose of legally transferring the property from the City of Ketchum to the two adjacent property owners as plats do not affect the transfer of ownership. Prior to execution of the deeds, final exhibits with legal descriptions for each piece of the alley as shown in Attachment A will be attached to each deed for reference. |

Policy Analysis and Background (non-consent items only):

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Sustainability Impact:

None OR state impact here: Approval of the final plat does not limit the city’s ability to reach its sustainability goals outlined in the Sustainability Action Plan.

Financial Impact:

None OR Adequate funds exist in account:	None
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Attachments:

- | |
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| 1. Recorded Plat for Lot Consolidation from Alley Vacation |
| 2. Quit Claim Deeds |



City of Ketchum

Attachment 1: Recorded Plat for Lot Consolidation from Alley Vacation

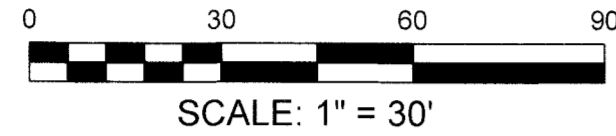
KETCHUM TOWNSITE: BLOCK 57: LOTS 1B & 6A

LOCATED WITHIN: SECTION 13, TOWNSHIP 4 NORTH, RANGE 17 EAST, B.M.,
CITY OF KETCHUM, BLAINE COUNTY, IDAHO

WHEREIN THE BOUNDARY COMMON TO AMENDED LOTS 1 & 2 IS ELIMINATED AND THE EAST 15' OF
VACATED ALLEY IS ADDED TO AMENDED LOT 2, CREATING LOT 1B;

AND THE WEST 15' OF VACATED ALLEY IS ADDED TO THE EAST 50' OF LOTS 5 & 6, CREATING LOT 6A.

JUNE 2022



LEGEND

- BOUNDARY LINE
- STREET CENTERLINE
- PUBLIC MONUMENT TIES
- LOT LINE ELIMINATED
- FOUND 1/2" REBAR
- FOUND 5/8" REBAR
- SET 5/8" REBAR, PLS 20893
- SET BRASS SURVEY MARKER, PLS 20893

SURVEYOR'S NARRATIVE:

1. THE PURPOSE OF THIS PLAT IS TO RECONFIGURE AMENDED LOTS 1 & 2, THE EAST 50' OF LOTS 5 & 6, AND THE VACATED ALLEY INTO LOTS 1B & 6A. FOUND MONUMENTS WERE ACCEPTED AS EITHER ORIGINAL, OR REPLACEMENTS OF ORIGINAL CORNERS. SET MONUMENTS WERE ESTABLISHED BY BLOCK BREAKDOWN AND PROPORTIONING RECORD DISTANCES.
2. DOCUMENTS USED IN THE COURSE OF THIS SURVEY:
 - a. "A RECORD OF SURVEY OF: KETCHUM TOWNSITE, BLOCK 57, LOTS 1A & 2A", RECORDED AS INSTRUMENT NO. 656178.
 - b. AMENDED LOTS 1 & 2 PER THE PLAT OF THE "RE-DIVISION OF LOTS 1 & 2, BLOCK 57, ORIGINAL KETCHUM TOWNSITE", RECORDED AS INSTRUMENT NO. 191607.
 - c. THE EASTERLY 50 FEET OF LOTS 5 AND 6 PER CORPORATION WARRANTY DEED, RECORDED AS INSTRUMENT NO. 445984.

NOTES:

1. EASEMENT A: A 30' WIDE BY 110' PUBLIC UTILITY, EMERGENCY ACCESS AND PUBLIC PEDESTRIAN ACCESS EASEMENT. SAID EASEMENT INCLUDES MUTUAL RECIPROCAL INGRESS AND EGRESS TO BENEFIT THE OWNERS AND TENANTS OF LOTS 1B AND 6A. PUBLIC PEDESTRIAN AMENITIES MAY BE INSTALLED WITHIN THIS EASEMENT BY THE OWNERS OF LOT 1B & LOT 6A AND/OR BY THE CITY OF KETCHUM.
2. NO BUILDINGS ON LOT 1B OR LOT 6A SHALL ENCROACH INTO THE APPROXIMATELY 30' X 110' VACATED ALLEY.
3. DEVELOPMENT AGREEMENT #20427 FOR LOT 1B WAS RECORDED AS INSTRUMENT NO. 665841 AND THE FIRST AMENDMENT TO DEVELOPMENT AGREEMENT #20427 WAS RECORDED AS INSTRUMENT NO. 679218, RECORDS OF BLAINE COUNTY, IDAHO.
4. RIGHT-OF-WAY ENCROACHMENT AGREEMENT 20548 WAS RECORDED AS INSTRUMENT NO. 675091 AND ENCROACHMENT AGREEMENT 20536 WAS RECORDED AS INSTRUMENT NO. 675171, RECORDS OF BLAINE COUNTY, IDAHO.

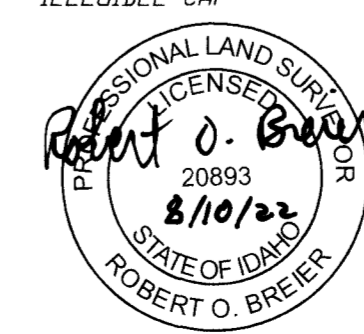
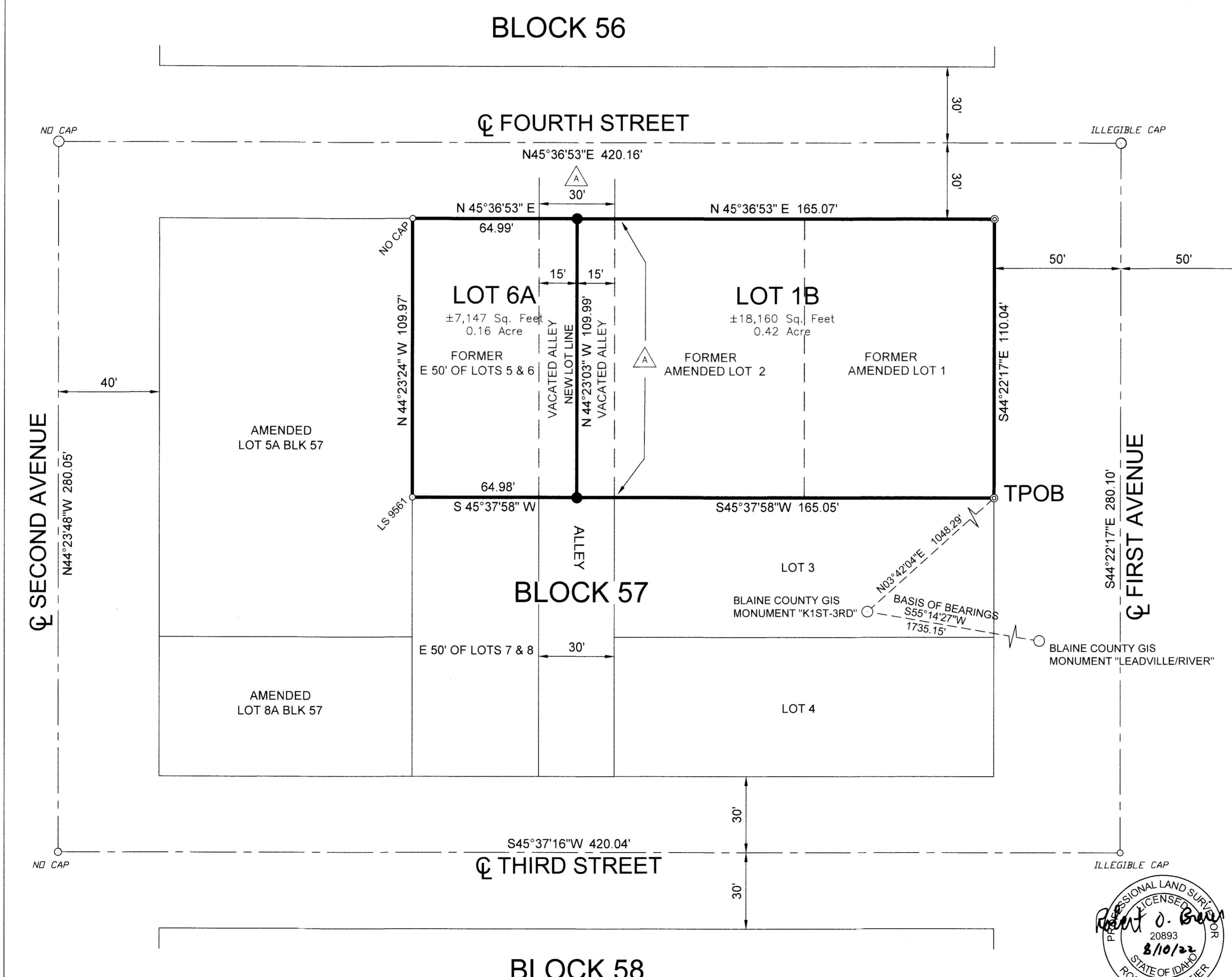
BLOCK 37

HEALTH CERTIFICATE

Sanitary restrictions as required by Idaho Code Title 50, Chapter 13, have been satisfied. Sanitary restrictions may be reimposed, in accordance with Idaho Code Title 50, Chapter 13, Section 50-1326, by the issuance of a certificate of disapproval.

Date: 9-15-2022

South Central Public Health District, REHS



PREPARED BY: BENCHMARK ASSOCIATES

			KETCHUM TOWNSITE: BLOCK 57: LOTS 1B & 6A		
			LOCATED WITHIN SECTION 13, TOWNSHIP 4 NORTH, RANGE 17 EAST, B.M., CITY OF KETCHUM, BLAINE COUNTY, IDAHO		
PREPARED FOR: JACK BARITEAU			PROJECT NO. 19020		
DWG BY: DWS/CPL			19020-2022.DWG		
DATE: 06/21/2022			SHEET: 1 OF 3		

KETCHUM TOWNSITE: BLOCK 57: LOTS 1B & 6A

OWNER'S CERTIFICATE

THIS IS TO CERTIFY that WAYPOINT PEARL, LLC, an Idaho limited liability company is the owner in fee simple of Real Property described as follows:

A parcel of land located within Section 13, Township 4 North, Range 17 East, Boise Meridian, Ketchum, Idaho, more particularly described as follows:

Lots 1 and 2, of RE-DIVISION OF LOTS 1 & 2, BLOCK 57, ORIGINAL KETCHUM TOWNSITE, according to the official plat thereof, recorded as Instrument No. 191607, records of Blaine County, Idaho.

The easements shown hereon are not dedicated to the public, but the right to use said easements for the intended purposes is hereby reserved. No structures other than for such utility and other designated uses are to be erected within the lines of said easements.

Pursuant to Idaho Code 50-1334, the undersigned, as owner, does hereby state that the lots on this plat are eligible to receive water service from the Ketchum Water Department, and that said district has agreed in writing to serve the lots shown on this plat.

IN WITNESS WHEREOF, I have hereunto set my hand.

WAYPOINT PEARL, LLC, an Idaho limited liability company

By: *Jack Eli Bariteau, Jr.*
JACK ELI BARITEAU, JR. Managing Member
Signed this 14th day of February, 2023

ACKNOWLEDGMENT

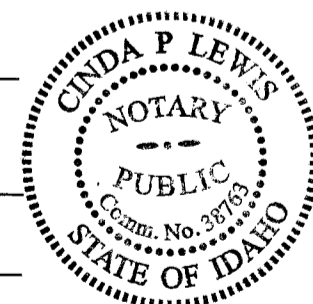
STATE OF IDAHO

COUNTY OF BLAINE

On this 14th day of FEBRUARY, in the year of 2023, before me, the undersigned, personally appeared JACK ELI BARITEAU, JR., known or identified to me (or proved to me), to be the Managing Member of WAYPOINT PEARL, LLC, an Idaho limited liability company and acknowledged to me that he and said limited liability company executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal the day and year in this certificate first above written.

Cinda P. Lewis
Notary Public
Residing at: KETCHUM, ID
Commission Expires: 09-28-2026



OWNER'S CERTIFICATE

THIS IS TO CERTIFY that 160 W. 4TH STREET, LLC, an Idaho limited liability company is the owner in fee simple of Real Property described as follows:

A parcel of land located within Section 13, Township 4 North, Range 17 East, Boise Meridian, Ketchum, Idaho, more particularly described as follows:

The easterly 50 feet of Lots 5 and 6, Block 57 of the VILLAGE OF KETCHUM, according to the official map thereof, recorded as Instrument No. 302967, records of Blaine County, Idaho.

The easements shown hereon are not dedicated to the public, but the right to use said easements for the intended purposes is hereby reserved. No structures other than for such utility and other designated uses are to be erected within the lines of said easements.

Pursuant to Idaho Code 50-1334, the undersigned, as owner, does hereby state that the lots on this plat are eligible to receive water service from the Ketchum Water Department, and that said district has agreed in writing to serve the lots shown on this plat.

IN WITNESS WHEREOF, I have hereunto set my hand.

160 W. 4TH STREET LLC, an Idaho limited liability company

By: *David G. Whorton*
Its: Managing Member
Signed this 4th day of August, 2022

ACKNOWLEDGMENT

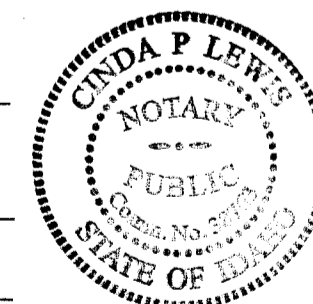
STATE OF IDAHO

COUNTY OF BLAINE

On this 4th day of AUGUST, in the year of 2022, before me, the undersigned, personally appeared DAVID G. WHORTON, known or identified to me (or proved to me), to be the Manager of 160 W. 4TH STREET, LLC, an Idaho limited liability company and acknowledged to me that he and said limited liability company executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal the day and year in this certificate first above written.

Cinda P. Lewis
Notary Public
Residing at: KETCHUM, ID
Commission Expires: 09-28-2026



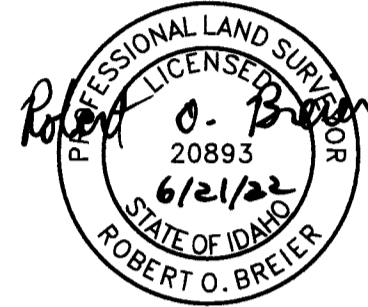
	KETCHUM TOWNSITE: BLOCK 57: LOTS 1B & 6A	
	LOCATED WITHIN: SEC. 13, T4N, R17E, B.M., CITY OF KETCHUM, BLAINE COUNTY, IDAHO	
PREPARED FOR: JACK BARITEAU		
PROJECT NO. 19020	DWG BY: CPL	FILE: 19020CRT.DWG
FINAL PLAT	DATE: 04/27/2022	SHEET: 2 OF 3

KETCHUM TOWNSITE: BLOCK 57: LOTS 1B & 6A

SURVEYOR'S CERTIFICATE

I, Robert O. Breier, a duly Registered Professional Land Surveyor in the State of Idaho, do hereby certify that this is a true and accurate map of the land surveyed under my direct supervision in accordance with the State of Idaho Code relating to plats and surveys.

ROBERT O. BREIER, P.L.S. #20893



COUNTY SURVEYOR'S APPROVAL

This is to certify that I, SAM YOUNG, County Surveyor for Blaine County, Idaho, have checked the foregoing plat and computations for making the same and have determined that they comply with the laws of the State of Idaho relating thereto.

Sam Young
BLAINE COUNTY SURVEYOR

6/27/22
DATE

BLAINE COUNTY TREASURER'S CERTIFICATE

On this 22nd day of February, 2023, the foregoing plat was approved and accepted by the Blaine County Treasurer, Blaine County, Idaho.

By: *Morgan Drage*

BLAINE COUNTY RECORDER'S CERTIFICATE

Instrument # 698988
 HAILEY, BLAINE, IDAHO
 2-22-2023 01:11:40 PM No. of Pages: 3
 Recorded for: BENCHMARK PARTNERS, LLC
 STEPHEN MCDUGALL GRAHAM Fee: 12.00
 Ex-Officio Recorder Deputy
 Index to: PLATS

KETCHUM CITY COUNCIL CERTIFICATE

I, the undersigned, City Clerk in and for the City of Ketchum, Blaine County, Idaho do hereby certify that at a regular meeting of the City Council held on the 13th day of June, 2022, this plat was duly accepted and approved.

Lisa Enourato
 City Clerk, INTERIM
 LISA ENOURATO



CITY ENGINEER'S CERTIFICATE

I, the undersigned, City Engineer in and for the City of Ketchum, Blaine County, Idaho do hereby approve this plat on this 12th day of July, 2022, and certify that it is in accordance with the City of Ketchum subdivision ordinance.

Sherril Newland
 SHERRIL NEWLAND, City Engineer

CITY PLANNER'S CERTIFICATE

I, the undersigned, Planner in and for the City of Ketchum, Blaine County, Idaho do hereby approve this plat on this 12th day of JULY, 2022, and certify that it is in accordance with the City of Ketchum subdivision ordinance.

By: *Morgan Landers*
 MORGAN LANDERS, SENIOR PLANNER

	KETCHUM TOWNSITE: BLOCK 57: LOTS 1B & 6A	
	LOCATED WITHIN: SEC. 13, T4N, R17E, B.M., CITY OF KETCHUM, BLAINE COUNTY, IDAHO	
PREPARED FOR: JACK BARITEAU		
PROJECT NO. 19020	DWG BY: CPL	FILE: 19020CRT-2022.DWG
FINAL PLAT	DATE: 04/27/2022	SHEET: 3 OF 3



City of Ketchum

Attachment 2: Quit Claim Deeds

QUITCLAIM DEED

For value received City of Ketchum, (“Grantor”), hereby releases and forever Quitclaims unto Waypoint Pearl, L.L.C., (“Grantee”), whose address is PO BOX 84, Sun Valley, ID 83353, all interest in which Grantor has or may hereafter acquire in the following described real property:

All that certain lot, piece or parcel of land situated in Blaine County, Idaho and as shown on Exhibit A attached hereto, a plat which is recorded in the office of the recorder of Blaine, County, Idaho.

IN WITNESS WHEREOF, the Grantor has executed this instrument on this _____ day of _____, 2023.

Neil Bradshaw
Mayor

STATE OF IDAHO)
) ss.
COUNTY OF _____)

THIS IS TO CERTIFY that on this ____ day of _____, 2023, personally appeared before me, the undersigned, a Notary Public in and for the State of Idaho, duly commissioned and sworn as such, personally appeared Neil Bradshaw, Mayor of City Ketchum known to be the individual described in and who executed the within and foregoing instrument, and acknowledged to me that the same was signed as their free and voluntary act and deed, for the uses and purposes therein mentioned.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal the day and year first hereinabove written.

Notary Public in and for Idaho
My commission expires: _____

IN WITNESS WHEREOF, the Grantee has executed this instrument on this _____ day of _____, 2023.

WAYPOINT PEARL, L.L.C.

Jack E. Bariteau
Member

STATE OF IDAHO)
) ss.
COUNTY OF _____)

THIS IS TO CERTIFY that on this ____ day of _____, 2023, personally appeared before me, the undersigned, a Notary Public in and for the State of Idaho, duly commissioned and sworn as such, personally appeared Jack E. Bariteau known to me to be the individual described in and who executed the within and foregoing instrument, and acknowledged to me that the same was signed as their free and voluntary act and deed, for the uses and purposes therein mentioned.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal the day and year first hereinabove written.

Notary Public in and for Idaho
My commission expires: _____

Exhibit "A"

Legal Description of Property

QUITCLAIM DEED

For value received City of Ketchum, (“Grantor”), hereby releases and forever Quitclaims unto 160 W 4th Street, L.L.C., (“Grantee”), whose address is PO Box 2638, Ketchum, ID 83340, all interest in which Grantor has or may hereafter acquire in the following described real property:

All that certain lot, piece or parcel of land situated in Blaine County, Idaho and as shown on Exhibit A attached hereto, a plat which is recorded in the office of the recorder of Blaine, County, Idaho.

IN WITNESS WHEREOF, the Grantor has executed this instrument on this _____ day of _____, 2023.

Neil Bradshaw
Mayor

STATE OF IDAHO)
) ss.
COUNTY OF _____)

THIS IS TO CERTIFY that on this ____ day of _____, 2023, personally appeared before me, the undersigned, a Notary Public in and for the State of Idaho, duly commissioned and sworn as such, personally appeared Neil Bradshaw, Mayor of City Ketchum known to me to be the individual described in and who executed the within and foregoing instrument, and acknowledged to me that the same was signed as their free and voluntary act and deed, for the uses and purposes therein mentioned.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal the day and year first hereinabove written.

Notary Public in and for Idaho
My commission expires: _____

IN WITNESS WHEREOF, the Grantee has executed this instrument on this _____ day of _____, 2023.

160 W 4TH STREET, L.L.C.

Dave Whorton
As Member

STATE OF IDAHO)
) ss.
COUNTY OF _____)

THIS IS TO CERTIFY that on this ____ day of _____, 2023, personally appeared before me, the undersigned, a Notary Public in and for the State of Idaho, duly commissioned and sworn as such, personally appeared Dave Whorton known to me to be the individual described in and who executed the within and foregoing instrument, and acknowledged to me that the same was signed as their free and voluntary act and deed, for the uses and purposes therein mentioned.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal the day and year first hereinabove written.

Notary Public in and for Idaho
My commission expires: _____

IN WITNESS WHEREOF, the Grantor has executed this instrument on this _____ day of _____, 2023.

Exhibit "A"

Legal Description of Property