



City of Ketchum

March 2nd, 2020

Mayor Bradshaw and City Councilors
City of Ketchum
Ketchum, Idaho

Mayor Bradshaw and City Councilors:

Recommendation to Hold a Public Hearing and Approve the Readjustment of Lot Lines Application for the West Ketchum Residences Project

Recommendation and Summary

Staff recommends the Ketchum City Council hold a public hearing and approve the West Ketchum Residences Readjustment of Lot Lines application to remove the property lines separating Lots 5A, 6A, 7A, and 8A to form Lot 5AA of Bavarian Village Subdivision.

Recommended Motion: "I move to approve the West Ketchum Residences Readjustment of Lot Lines application subject to conditions 1-8."

The reasons for the recommendation are as follows:

- Staff has reviewed the vacation of Wick Strasse right-of-way in 2015 and found that the developer was not required to install sidewalks at that time. The West Ketchum Residences project shall comply with all conditions and requirements associated with the vacation.
- The request to change the lot configuration within the Bavarian Village Subdivision meets all applicable standards for Readjustment of Lot Lines contained in Ketchum Municipal Code's (KMC) Subdivision (Title 16) regulations.

Analysis

When this application was first considered on February 18th, the Ketchum City Council discussed the vacation of Wick Strasse right-of-way in 2015. The Council moved to continue review of the application and directed Staff to research if the installation of sidewalks was required as a condition of the 2015 vacation. The vacation did not require the developer to install sidewalks. Staff has added a condition of approval to this application that the West Ketchum Residences project must comply with all requirements of the 2015 Wick Strasse Right-of-Way Vacation, which includes the transfer of the well water right.

The zoning code requires that developers install sidewalks in the Community Core, Tourist Zone, and Light Industrial districts (Ketchum Municipal Code §17.124.140), but not in residential neighborhoods. The City has the flexibility to choose whether or not to require sidewalks in residential areas through other provisions of Ketchum Municipal Code (Ketchum Municipal Code §12.04.030.M & §17.96.060.B).

Financial Impact

No financial impact as the application proposes a minor change to an existing plat of record.

Attachments

- A. Draft Findings of Fact, Conclusions of Law, and Decision
- B. Bavarian Village Subdivision: Block 1: Lot 5AA
- C. Wick Strasse Right-of-Way Vacation: Findings of Fact, Conclusions of Law, and Decision & Ordinance Number 1124

Attachment A:

Draft Findings of Fact,
Conclusions of Law, and
Decision



City of Ketchum
Planning & Building

IN RE:)
)
West Ketchum Residences) KETCHUM CITY COUNCIL
Readjustment of Lot Lines Procedure) FINDINGS OF FACT, CONCLUSIONS OF LAW, AND
Date: February 18, 2020) DECISION
)
File Number: P19-142)

PROJECT: West Ketchum Residences Readjustment of Lot Lines

APPLICATION TYPE: Readjustment of Lot Lines

FILE NUMBER: P19-142

ASSOCIATED PERMITS: Design Review P19-143

OWNERS: West Ketchum Residences, LLC

REPRESENTATIVE: Robert Parker & Galena Engineering

REQUEST: Readjustment of Lot Lines procedure to vacate the common boundary lines between Lots 5A, 6A, 7A, & 8A as well as the associated private access and public utility easement within Bavarian Village Subdivision to form amended Lot 5AA.

LOCATION: Bavarian Village Subdivision Lots 5A, 6A, 7A, & 8A (156 Wick Strasse & 150, 152, and 154 Bird Drive)

NOTICE: A public hearing notice was mailed to all property owners within 300 ft of the development site and political subdivisions on January 29, 2020. The public hearing notice was published in the Idaho Mountain Express on January 29, 2020.

ZONING: General Residential High Density (GR-H) Zoning District

OVERLAY: None

FINDINGS OF FACT

1. The Readjustment of Lot Lines procedure will vacate the common boundary lines between Lots 5A, 6A, 7A, & 8A as well as the associated private access and public utility easement within Bavarian Village Subdivision to form amended Lot 5AA.
2. The application will combine 4 vacant lots to form the 1.09 acre project site for the West Ketchum Residences, a new 10-unit townhome development within 5 duplexes.

3. Each townhome unit will have its own garage accessed from a snow-melted, private driveway. This application removes a recorded access easement that will be replaced by the shared private driveway. This proposed access includes a fire truck turnaround, which has been reviewed and approved by the Fire Department, Streets Department, and City Engineer.
4. Consistent with KMC §16.04.020, the proposal meets the definition of Readjustment of Lot Lines because: (1) Lot 5AA complies with the dimensional standards required for properties located within the General Residential High Density (GR-H) Zoning District, and (2) the proposal does not create additional lots or dwelling units.

READJUSTMENT OF LOT LINES: *A change or modification of the boundary lines between existing lots or parcels of land or between dwelling units which does not reduce the area, frontage, width, depth or building setback lines of each lot below the minimum zoning requirements and which does not create additional lots or dwelling units. "Readjustment of lot lines" includes other minor changes to a subdivision, condominium, or townhouse plat such as, but not limited to, notation changes, boundary shifts and removal of lot line(s), each of which do not reduce the area, frontage, width, depth or building setback lines of each lot below the minimum zoning requirements nor create additional lots or dwelling units (KMC §16.04.020).*

5. Consistent with KMC §16.04.060.B, the Readjustment of Lot Lines application was transmitted to City Departments including the City Engineer, Fire, Building, Utilities, and Streets departments for review. The City Departments had no comments or concerns regarding the proposal.
6. All land, condominium, and townhouse subdivisions in the City of Ketchum are subject to the standards contained in Ketchum Municipal Code, Title 16, Subdivision. Many standards are related to the design and construction of multiple new lots that will form new blocks and infrastructure, such as streets that will be dedicated to and maintained by the City. The standards for certain improvements (KMC §16.04.040) including street, sanitary sewage disposal, planting strip improvements are not applicable to the subject project as the application proposes to designate existing common area as limited common area. The proposed Fisher Condominiums: Units A & 2A Subdivision Plat meets the standards for Readjustment of Lot Lines under Title 16 of Ketchum Municipal Code subject to conditions of approval. The Readjustment of Lot Lines does not change the existing residential use or alter the existing development.

CONCLUSIONS OF LAW

1. The City of Ketchum is a municipal corporation established in accordance with Article XII of the Constitution of the State of Idaho and Title 50 Idaho Code and is required and has exercised its authority pursuant to the Local Land Use Planning Act codified at Chapter 65 of Title 67 Idaho Code and pursuant to Chapters 3, 9 and 13 of Title 50 Idaho Code to enact the Ordinances and regulations, which Ordinances are codified in the Ketchum City Code ("KMC") and are identified in the Findings of Fact and which are herein restated as Conclusions of Law by this reference and which City Ordinances govern the applicant's Readjustment of Lot Line application for the development and use of the project site.
2. The Council has authority to hear the applicant's Condominium Subdivision application pursuant to Chapter 16.04 of Ketchum Code Title 16.
3. The City of Ketchum Planning Department provided adequate notice for the review of this application.
4. The Readjustment of Lot Lines application is governed under Sections 16.04.010, 16.04.020, 16.04.30, 16.04.060, and 16.04.070 of Ketchum Municipal Code Chapter 16.04.

5. The proposed Bavarian Village Subdivision: Block 1: Lot 5AA Subdivision Plat meets the standards for approval under Title 16 of Ketchum Municipal Code subject to conditions of approval.

DECISION

THEREFORE, the Ketchum City Council **approves** this Condominium Subdivision Final Plat application this Monday, March 2nd, 2020 subject to the following conditions:

CONDITIONS OF APPROVAL

1. The recorded plat shall show a minimum of two Blaine County Survey Control Monuments with ties to the property and an inverse between the two monuments. The Survey Control Monuments shall be clearly identified on the face of the map.
2. An electronic CAD file shall be submitted to the City of Ketchum prior to final plat signature by the City Clerk. The electronic CAD file shall be submitted to the Blaine County Recorder's office concurrent with the recording of the Plat containing the following minimum data:
 - a. Line work delineating all parcels and roadways on a CAD layer/level designated as "parcel";
 - b. Line work delineating all roadway centerlines on a CAD layer/level designated as "road"; and,
 - c. Line work that reflects the ties and inverses for the Survey Control Monuments shown on the face of the Plat shall be shown on a CAD layer/level designated as "control"; and,
 - d. All information within the electronic file shall be oriented and scaled to Grid per the Idaho State Plane Coordinate System, Central Zone, NAD1983 (1992), U.S. Survey Feet, using the Blaine County Survey Control Network. Electronic CAD files shall be submitted in a ".dwg", ".dgn" or ".shp" format and shall be submitted digitally to the City on a compact disc. When the endpoints of the lines submitted are indicated as coincidental with another line, the CAD line endpoints shall be separated by no greater than 0.0001 drawing units.
5. The applicant shall provide a copy of the recorded Final Plat and the associated condominium owners' documents to the Planning and Building Department for the official file on the application.
6. The Final Plat mylar shall contain all items required under Title 50, Chapter 13, Idaho Code as well as all items required pursuant to KMC §16.04.030J including certificates and signatures.
7. All governing ordinances and department conditions pertinent to the Fire Department, Building Department, Utilities Department, Street Department and Ketchum City Engineer shall be met.
8. The project shall meet all conditions specified in the Findings of Fact, Conclusions of Law, and Decision for the Wick Strasse Right-of-Way Vacation approved by Ketchum City Council on December 1, 2014 and shall comply with all provisions of Ordinance Number 1124 approved by the Ketchum City Council on January 5, 2015.

Findings of Fact **adopted** this 2nd day of March, 2020

Neil Bradshaw, Mayor

Robin Crotty, City Clerk

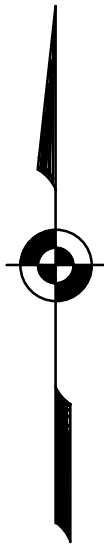
Attachment B:
Bavarian Village Subdivision:
Block 1: Lot 5AA

A PLAT SHOWING
LOT 5AA, BLOCK 1, BAVARIAN VILLAGE SUBDIVISION

WHEREIN THE COMMON BOUNDARY LINES OF LOTS 5A, 6A, 7A, & 8A, ARE VACATED AS SHOWN AND THE PRIVATE ACCESS & PUBLIC UTILITY
EASEMENT TO BENEFIT LOTS 5A, 6A, 7A, & 8A, IS VACATED AS SHOWN

LOCATED WITHIN SECTION 13, T.4 N., R.17 E., B.M., CITY OF KETCHUM, BLAINE COUNTY, IDAHO

DECEMBER 2019



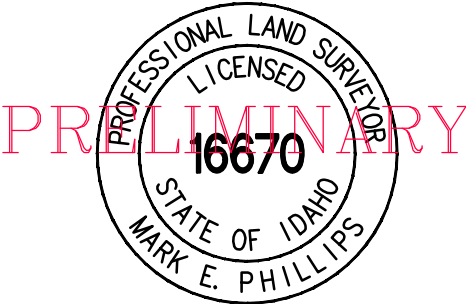
SCALE: 1" = 30'

LEGEND

- Property Line
- Adjoiner's Lot Line
- Lot Line to be Vacated Hereon
- Easement to be Vacated (See Note 4)
- Easements per Instrument Numbers 660648, 660804, 661177, & 661178 (See Note 4)
- Proposed Easement, type & width as shown
- GIS Tie Line
- Found 1/2" Rebar
- Found 5/8" Rebar
- Record Bearing & Distance, Bavarian Village Subdivision: Lots 3A, 4A, 5A, 6A, 7A, & 8A, Instrument Number 631181

SURVEY NARRATIVE & NOTES

- The purpose of this survey is to vacate the common lot lines to lots 5A, 6A, 7A, & 8A, Block 1, Bavarian Village Subdivision, creating Lot 5AA, Block 1, Bavarian Village Subdivision, as shown, vacate the Private Access & Public Utility Easement to benefit Lots 5A, 6A, 7A, & 8A, vacate Utility Easements per instrument Numbers 660803 & 661188, records of Blaine County, Idaho, and show the monuments found during the boundary retracement of the lots listed above. The boundary shown is based on found monuments and the recorded plat of Bavarian Village Subdivision: Lots 3A, 4A, 5A, 6A, 7A & 8A, Instrument Number 631181, records of Blaine County, Idaho. All found monuments have been accepted. Additional Documents used in the course of this survey include; Bavarian Village Subdivision, Instrument Number 139821, records of Blaine County, Idaho.
- Except as specifically stated or depicted on this map, this survey does not purport to reflect any of the following which may be applicable to subject real property: natural hazards, encroachments, wetlands, easements, building setbacks, restrictive covenants, subdivision restrictions, zoning or any other land-use regulations. An independent title search has not been performed by the surveyor for this project.
- An ALTA Commitment for Title Insurance for Lots 5A, 6A, 7A, & 8A, Bavarian Village Subdivision, has been issued by Stewart Title Guaranty Company, File Number 1921742, with a Commitment Date of August 1, 2019. Certain information contained in said title policy may not appear on this map or may affect items shown hereon. It is the responsibility of the owner or agent to review said title policy. Some of the encumbrances and easements listed in the title report are NOT plotted hereon. Review of specific documents is required, if further information is desired.
- A Proposed 10' Public Utility Easement, extending from the Northeast Corner of the subject property, along Bird Drive, to the Southeast Corner of the subject property will encompass Utility Easements per Instrument Numbers 660648, 660804, 661177, & 661178, records of Blaine County, Idaho. The Vacation of Utility Easements per Instrument Numbers 660803 & 661188, records of Blaine County, Idaho, will need to be done with a separate document recorded after coordination with Idaho Power Company, since said easements were not created on a plat.
- The owner/subdivider is West Ketchum Residences, LLC c/o Robert Parker, PO Box 284, Sun Valley, ID 83353. The surveyor/representative is Mark Phillips, Galena Engineering Inc., 317 N River Street, Hailey, ID 83333.
- The Current Zoning is GR-H. Refer to the City of Ketchum Zoning Code for more information about this zone.
- Refer to the Engineering Base Drawing, prepared by Galena Engineering, Inc., for existing conditions and proposed improvements.



MARK E. PHILLIPS, P.L.S. 16670

LOT 5AA, BLOCK 1,
BAVARIAN VILLAGE
SUBDIVISION
GALENA ENGINEERING, INC.
HAILEY, IDAHO

SHEET 1 OF 2

Job No. 7818

HEALTH CERTIFICATE: Sanitary restrictions as required by Idaho Code Title 50, Ch. 13, have been satisfied. Sanitary restrictions may be reimposed in accordance with Idaho Code Title 50, Ch. 13, Sec. 50-1326, by issuance of a Certificate of Disapproval.

Date

South Central Public Health District

Attachment C:
Wick Strasse Right-of-Way
Vacation: Findings of Fact,
Conclusions of Law, and
Decision & Ordinance Number
1124

IN RE:)
)
Wick Strasse Street,) **KETCHUM CITY COUNCIL - FINDINGS**
Petition to Vacate) **OF FACT, CONCLUSIONS OF LAW**
City Rights of Way) **AND DECISION**
)

BACKGROUND FACTS

APPLICANT: TBDBV, LLC; BV, LLC – Dennis Hanggi and Glen H. Hamilton Trust, owners of Lots 1 and 5-8, within the subject subdivision.

REPRESENTATIVE: Benchmark Associates

REQUEST: Request to vacate the Wick Strasse Street right of way (adjacent to Lots 5-8, Bavarian Village Subdivision).

NOTICE: All requirements of notice have been met. Legal notice was published in the Mountain Express, a newspaper of general circulation, on October 29, 2014 and November 5, 2014. A notice of the public hearing regarding this matter was mailed by certified mail to property owners within 300 feet of the boundaries of the subject property on November 4, 2014.

ZONING: The subject area proposed for vacation is located in the General Residential – High Density Zone District (GR-H).

REVIEWER: Rebecca F. Bundy, Senior Planner

Regulatory Taking Notice: Applicant has the right, pursuant to section 67-8003, Idaho Code, to request a regulatory taking analysis.

GENERAL FINDINGS OF FACT

1. The applicant is petitioning the City of Ketchum to vacate the full portion of the Wick Strasse Street right of way. This right of way (which is partially paved) served as a driveway and parking court for what was once the Bavarian Village housing complex. Bavarian Village has since been razed and the property is vacant, with the exception of a water pump house.

2. The Planning and Zoning Commission conducted a public hearing on this application on September 22, 2014, and recommended approval to the City Council, subject to the proposed conditions below.

3. Based on discussions with the applicant and Idaho Power representatives, there are reportedly utilities (notably water lines and underground electric lines and related facilities) that are located on the subject property but have not been mapped by the applicant.

4. The applicants do not have a development plan (subdivision, PUD, multi-family etc.) proposed in conjunction with the requested vacation petition. Presently, lots that adjoin the Wick Strasse Street right of way are under ownership of the applicants, with Lot 5 belonging to Glen H. Hamilton Trust, Lot 6 belonging to TBDBV, LLC, and Lots 7 and 8 belonging to BV, LLC. Considering that all of the parcels in the subdivision are legally defined lots, they may be sold separately (except Lot 1) and change ownership at any time. With this in mind the city needs to ensure that all of the properties upon development can be served with city utilities, adequate access and meet city and applicable codes. (Lots 2, 3 and 4 are unaffected by the vacation, as they have access from Rember Street or Bird Drive.) According to the proposed plat, Lots 5, 6, 7, and 8 have frontage on the proposed new private road and gain area within each re-platted lot.) The applicant has submitted Declarations of Special Covenants, Conditions and Restrictions which name the City as a third party beneficiary to Section 1.C Declarant's Responsibility for Construction, which requires installation of all required utilities prior to issuance of a building permit for any of the properties bordering Wick Strasse Street. This document has been reviewed by the City Attorney to ensure that it adequately ensures installation of the utility lines and protects the City.

5. The owners within the subdivision currently possess a well, that was to be located in a one hundred (100) square foot Lot 1 at the southwest corner of Lot 6, but in actuality straddles the lot line between Lots 4 and 6. Upon development of the now vacant lots, the lots will be required to be served by Ketchum's municipal water service lines, and the well should be abandoned.

The City Council found that the applicant is amenable to said transfer and is researching his water right; therefore, prior to issuance of a building permit for any lot served by the currently named Wick Strasse Street or abandonment of the well, whichever comes first, the applicant shall transfer the water right for that well to the City. The means for said transfer shall be reviewed and approved by the City Attorney.

6. To better understand the developability of the land, the tables below provide an itemization based upon the zoning parameters of the GR-H Zoning District, if Wick Strasse Street were to be vacated as requested, with some assumptions. Those assumptions include a maximum FAR of 1.4, that units would be 1,800 square feet in size, maximum 35 foot height (likely needed to achieve maximum FAR), and calculated on developable lot area (excludes areas committed to a public or private street, alley, fire lane, private driveway easement). Many scenarios are possible and these assumptions are not moderate or the extreme, but they are possible. **Table 1** illustrates the developability of all of the lots within the Bavarian Village. **Table 2** illustrates only those lots (Lots 5, 6, 7, and 8) that would take access from Wick Strasse Street if vacated. (Lots 6 and 8 have frontage on Bird Drive, however, with Wick Strasse as a public street or vacated, upon development the City would require access from Wick Strasse versus Bird Drive to manage curb cuts and vehicular turning movements.) The potential of a high number of new units is very possible and must be considered.

The vacation of Wick Strasse Street results in a total of 5,719 square feet of lot area being added to Lots 5, 6, 7 and 8. This additional lot area results in an additional development

potential of about 8,000 square feet of gross floor area on those lots. Total possible development, assuming vacation of Wick Strasse Street as requested, is summarized below:

Table 1

Bavarian Village - Total Possible Development

	Area (sf)	Max FAR	Possible GFA
Lot 2	9078	1.4	12709.2
Lot 3	9078	1.4	12709.2
Lot 4	9047	1.4	12665.8
Lot 5	10115	1.4	14161
Lot 6	11444	1.4	16021.6
Lot 7	9365	1.4	13111
Lot 8	11168	1.4	15635.2
Max possible GFA			97013 sf
Assume 1800 sf/unit			53.9 possible units

Table 2

Possible Development Accessed by Wick Strasse

	Area (sf)	Max FAR	Possible GFA
Lot 5	10115	1.4	14161
Lot 6	11444	1.4	16021.6
Lot 7	9365	1.4	13111
Lot 8	11168	1.4	15635.2
Max possible GFA			58928.8 sf
Assume 1800 sf/unit			32.7 possible units

7. Attachments to the November 17, 2014 staff report:

A. Applicant's Submittal:

- ROW Vacation Application
- Applicant's Exhibit A & B
- Draft Declarations of Special Covenants, Conditions and Restrictions, received November 10, 2014
- Lawson letter dated, January 27, 2014
- Lawson letter dated, July 11, 2014

B. Correspondence from the public for the Planning and Zoning Commission's September 22, 2014 public hearing. No comment has been received for the City Council hearing.

- Cheryl Concannon, email, 9/11/14
- Clyde Holt, email, 9/11/14
- Elizabeth Insinger, email, 9/12/14

CONSIDERATIONS & RECOMMENDATION

1. All public rights of way and lands are entrusted to the City for the good of the community and should be evaluated with a long term perspective. Wick Strasse Street has been privately maintained in the past, and the Street Department would prefer not to maintain and perform snow removal on the dead end street in the future. In addition, the property contains a well, located on the lot line between Lots 4 and 6, that would be required to be abandoned upon application for building permits for those lots. The applicant discussed with the Council the possibility of granting that water right to the City and has agreed to initiate the process for doing so.
2. City staff have conducted site visits to the property, met with applicant representatives, and evaluated the value and potential purposes of the land proposed for vacation and the impact of the proposed vacation. Engaged in this review were representatives from the Fire Department, Streets Department, Utilities Department, and Parks and Recreation Department. One key concern of staff has to do with who would actually build the access road or driveway, and utilities to serve the adjoining lots. That has been determined in the Declarations of Special Covenants, Conditions and Restrictions to the City Attorney's satisfaction as follows, "Declarant's Responsibility for Construction. Declarant shall construct and install the right-of way described in paragraph A and the utility lines and facilities described in paragraph B, before the issuance by the City of a building permit for any improvement on the Property. As an incident of the work the well house on Lot 1 shall be removed. Declarant shall bear all costs related to the installation, operation, maintenance, repair and replacement of such right-of-way and utility facilities located in the Easement Area, shall repair to the original specifications any damage resulting from such use and shall provide as-built plans for all such improvements and facilities to the Owners within thirty (30) days after the date of completion of construction of same. An infrastructure construction plan shall be developed and submitted to the City before the commencement of any work by Declarant."

PROCESS AND CRITERIA FOR REVIEW

The Planning and Zoning Commission is a recommending body to the City Council on right of way vacations and has recommended approval of the current application. The City Council has conducted a duly-noticed public hearing on the matter. Title 16, Subdivision Ordinance, Ketchum Municipal Code offers the following for Vacations and Dedications:

16.04.050: VACATIONS AND DEDICATIONS:

- A. *Application: Any property owner desiring to vacate an existing public street, alley or easement right of way, or desiring to dedicate a street or alley right of way shall file an application with the administrator. Upon receipt of the completed application and other information reasonably required by the administrator, the date of acceptance of the application shall be affixed on the application. Thereafter, such application shall be placed upon the commission agenda for consideration at a regular meeting of the commission, and the procedures followed for such vacations shall comply with Idaho*

Code sections 50-1321, 50-1325 and 50-1306(A), including subsequent amendment or codification.

- B. Commission Action: The commission shall consider the application and testimony of the applicant and such other information as may come before it with regard to the proposed vacation or dedication. The commission shall consider the interests of the adjacent property owners, public utilities, conformance of the proposal with the comprehensive plan and the future development of the neighborhood, and shall make its recommendations for accepting or rejecting such application. If dedication of a street is accepted, recommendations for improvements to be made prior to the acceptance shall be made by the commission.*
- C. Council Action: In considering an application for vacation of an existing street, alley or easement right of way, the council shall establish a date for public hearing and give such notice as required by law. The council shall hear and consider the public testimony, applicant testimony, recommendations of the commission, and any other information as may be brought before the council. Whenever the council vacates an existing public street, the city shall provide adjacent property owners with a quitclaim deed for the vacated street as prescribed by law. Such vacation shall become effective upon delivery of such deed(s). When considering an application for dedication to the public of a street, alley or easement right of way, the council may require certain improvements be constructed or performance bond furnished prior to acceptance of the dedication. To complete the acceptance of any dedication, the council shall accept same by resolution or by approval of a final subdivision plat.*
- D. Exemptions: The provisions of this section shall not apply to the widening of any street which is shown in the comprehensive plan or the dedication of non-vehicular easements to the city. (Ord. 316 § 5, 1979)*

Findings:

- 1. This application has been made by the owner of all properties abutting the public right-of-way proposed for vacation, and said request for vacation has been adequately noticed, per I.C. 50-1321.
- 2. Portions of the right of way considered for vacation have been used by the surrounding properties for access and utility easements. Such uses may continue after vacation occurs.
- 3. The vacation has been found in the public interest because access issues, water rights, and development of the road/installation of utilities to each of the lots have been addressed to the Council's satisfaction.

CONCLUSIONS OF LAW

- 1. The City of Ketchum is a municipal corporation organized under Article XII of the Idaho Constitution and the laws of the State of Idaho, Title 50, Idaho Code.

2. Under Chapter 65, Title 67 of the Idaho Code, the City has passed a land use and subdivision ordinance, Title 16.

3. The City of Ketchum Planning Department provided adequate notice of the time, place and summary of the applicant's proposal to be heard by the City Council for review of this application.

4. The proposed vacation **does** meet the standards of approval under Idaho Code Section 50-311 and Ketchum Subdivision Code Title 16, Chapter 16.04.050, subject to conditions of approval.

DECISION

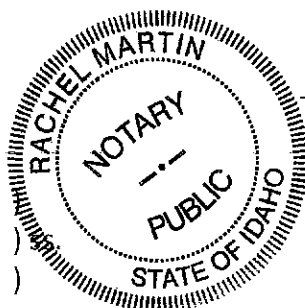
THEREFORE, the Ketchum City Council **approves** the request of TBDBV, LLC; BV, LLC – Dennis Hanggi and Glen H. Hamilton Trust, to vacate City right-of-way for Wick Strasse Street as shown in attached Attachment A, Exhibits A and B, subject to the following conditions:

1. Vehicular access to the lots contiguous with the currently named Wick Strasse Street, whether in its present location or in a future location, shall come off of said street and not off of Bird Drive.
2. Prior to issuance of a building permit for any lot served by the currently named Wick Strasse Street, the property owner shall submit civil engineered drawings, stamped by an engineer licensed in the State of Idaho, for street and utility improvements to serve all properties served by the Wick Strasse easement. Said drawing shall be reviewed and approved by the Public Works Director prior to issuance of building permit.
3. Prior to issuance of a building permit for any lot served by the currently named Wick Strasse Street or abandonment of the well on Lot 1, whichever comes first, the applicant shall transfer the water right for that well to the City. The means for said transfer shall be reviewed and approved by the City Attorney.

Findings of Fact **adopted** this 1st day of December, 2014.

STATE OF IDAHO

County of Blaine



A handwritten signature in cursive script, appearing to read 'Nina Jonas'.

Mayor Nina Jonas

On this 1st day of December, 2014, before me, the undersigned, a Notary Public in and for said State, personally appeared Nina Jonas, known or identified to me to be the person whose name is subscribed to the within instrument.

WITNESS my hand and seal the day and year in this certificate first above written.

Rachel Martin

Notary Public for Idaho

Residing at: Blaine County

Commission Expires: NOV 5, 2019

Attachment A:

- Exhibit A
- Exhibit B

EXHIBIT A


1. Refer to the original plan of an **EXISTING VILLAGE SUBDIVISION** for restrictions and conditions affecting this property.
2. Boundary lines and easements shown herein are per plat.
3. A Title Search has not been performed.
4. A Title Policy has not been submitted to Benchmark Associates, Inc. as the title insurer for this project. No title search may be conducted within said policy may be requested. Cancellation of this map is not warranted in the event of a title search.
5. It is the responsibility of the owner or agent to request or obtain title insurance.
6. Utilities shown herein are per surface evidence only. Location of underground utilities and services should be confirmed prior to excavation or design.
7. Easements from **NOV 29**.
8. Building walls shown herein are outside faces of building unless otherwise noted.

- LEGEND:**

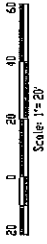
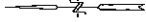
PROPERLY BOUNDARY	✓	✓
SHOULD INFILTRATE	---	---
APPROXIMATE SLOPE IN	---	---
APPROXIMATE WATER IN	---	---
WATER FLOW	---	---
LIGHT POLL	⊙	→
INDICATES TREE	•	•
DOWNHILL TREE	•	•

WICK STRASSE
VACATION EXHIBIT



	LOCATED WITHIN:	
	SEC. 13, T4N, R7E, B.M., BLAINE COUNTY, IDAHO,	
PREPARED FOR: DENNIS HANGGI		
A SITE MAP	PLOT BY: DWS/CPL	DATE: 01/07/2013
PROD BY: MD 17/151	FILE: 123456.DWG	USER: DWS

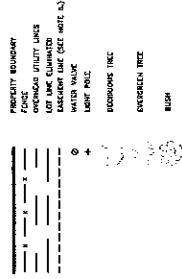
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P.O. BOX 753
KETCHUM, IDAHO 83340



NOTES:

1. Refer to the original plat of: **BAVARIAN VILLAGE SUBDIVISION** for restrictions and conditions affecting this property.
2. Boundary lines and easements shown hereon are per plat.
3. A Title Search has not been performed.
4. A Title Policy has not been submitted to Benchmark Associates, nor has a Title Search been requested. Certain information not shown hereon may be required to complete a title policy. It is the responsibility of the owner or agent to request or furnish said information.
5. Utilities shown hereon are per surface evidence only. Location of underground utilities and services should be confirmed prior to excavation or design.
6. Elevations from NGVD 29.
7. Building walls shown hereon are outside face of building unless otherwise noted.
8. A 25 foot wide and 60 foot diameter Private Access and Public Utility Easement is granted within Lots 5, 6, 7 & 8 to benefit Lots 5, 6, 7 & 8 as shown hereon.

LEGEND:



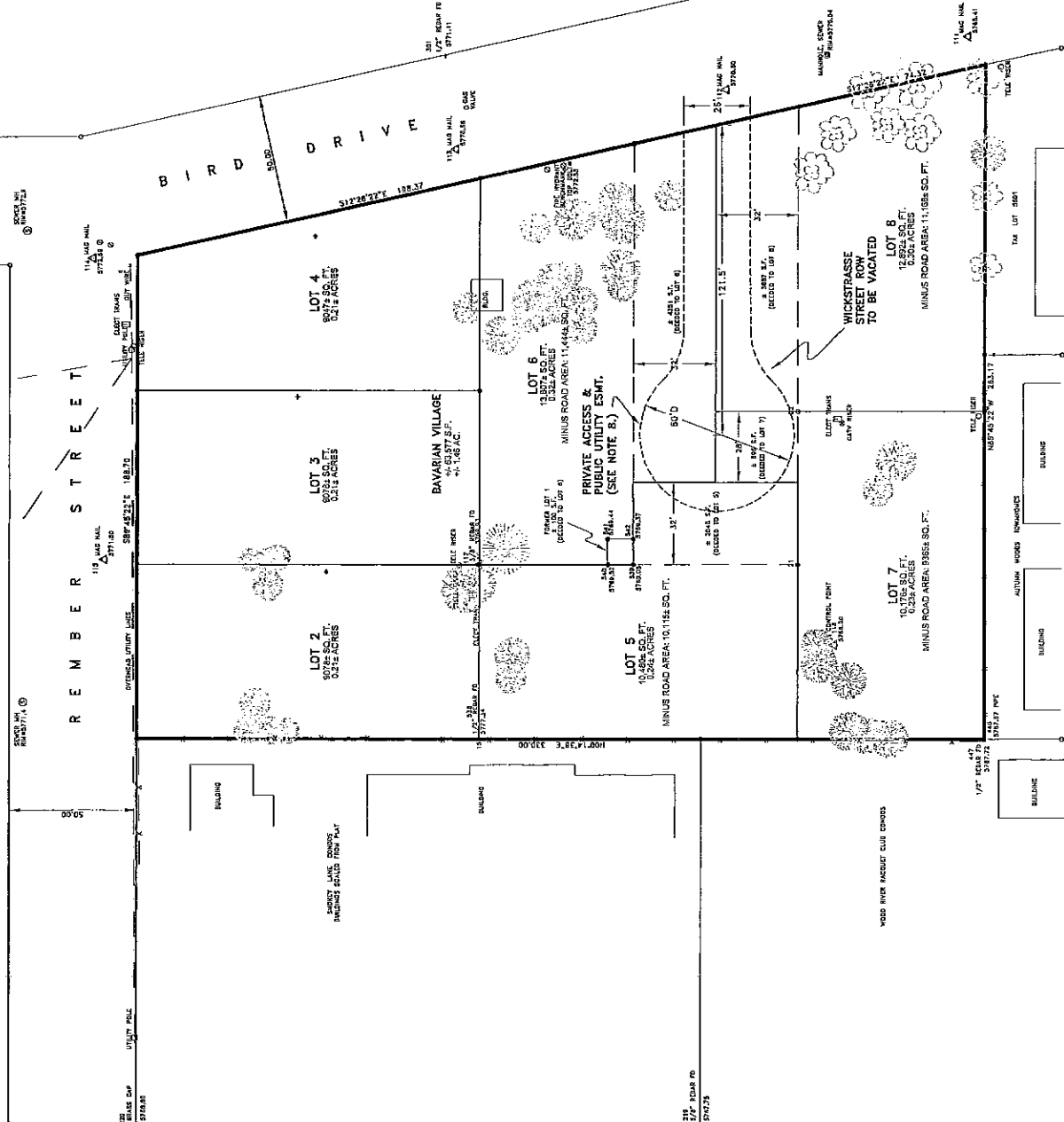
**RIGHT-OF-WAY
TO BE DEEDED TO
ADJOINING LOTS**

EXHIBIT B



**WICK STRASSE
VACATION EXHIBIT**

LOCATED WITHIN:
SEC. 13, T4N, R17E, B.M., JANE COUNTY, ILLINOIS
PREPARED FOR: DENNIS HANCOCK
A SITE MAP
PROJECT NO. 17131 PTF-13131-14537 DMC (2)-DPT PTF-00451 DRD



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KITCHEN, ILLINOIS 63340
(202) 748-4512

ORDINANCE NUMBER 1124

AN ORDINANCE VACATING WICK STRASSE RIGHT OF WAY CONTAINED WITHIN THE PLAT OF BAVARIAN VILLAGE SUBDIVISION, LOCATED WITHIN THE CITY OF KETCHUM, IDAHO, AND RECORDED UNDER INSTRUMENT NUMBER 139821 RECORDS OF BLAINE COUNTY, IDAHO; ABANDONING SAID RIGHT OF WAY, AND REVERTING SAID RIGHT OF WAY TO THE ADJOINING LANDOWNERS; AND, ESTABLISHING THE EFFECTIVE DATE HEREOF.

WHEREAS, the City of Ketchum conducted duly noticed public hearings and provided notice on the petition for vacation by TBDBV, LLC, BV, LLC – Dennis Hanggi, Glen H. Hamilton Trust, pursuant to Ketchum Municipal Code §16.04.050 and Idaho Code §50-1324 and 50-311;

WHEREAS, the City of Ketchum has determined that the Wick Strasse right of way within the Plat of Bavarian Village Subdivision has not been opened or used by the public for five (5) or more years for vehicular access, that it is not being used for access by the City; that it does not provide vehicular or non-motorized access to any other properties, and that access to prior development utilizing this right of way was developed and maintained by the property owners before the development was razed;

WHEREAS, the Petitioners have proposed to grant easements necessary to create a private drive and cul de sac to provide access to the adjacent Lot 5, 6, 7, and 8, Bavarian Village Subdivision for future development and have agreed that access to these lots shall be limited to the private drive and not permitted from any adjacent city street;

WHEREAS, the Petitioners will facilitate the transfer of water rights associated with the well that exists on Lot 6 of Bavarian Village Subdivision to the City of Ketchum recognizing that future development of the property will require connection to the City of Ketchum central water system;

WHEREAS, the Petitioners proposed and the City finds acceptable the recordation of Declarations of Special Covenants, Conditions and Restrictions which name the City as a third party beneficiary to ensure installation of required utilities prior to issuance of a building permit for any of the properties bordering Wick Strasse Street; and

WHEREAS, City of Ketchum has determined that it is in best interests of the public to vacate said Street and such vacation will not impair the rights of the adjoining landowners or the public,

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



SECTION 1. All of Wick Strasse Right of Way contained within the Plat of Bavarian Village Subdivision, located within the City of Ketchum, Idaho, and recorded under Instrument Number 139821, Records of Blaine County, Idaho, is hereby vacated and abandoned and reverts back to the adjoining landowners pursuant to Idaho Code §50-1324 and 50-311.

SECTION 2. SAVINGS AND SEVERABILITY CLAUSE. It is hereby declared to be the legislative intent that the provisions and parts of this Ordinance shall be severable. If any paragraph, part, section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be invalid for any reason by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance.

SECTION 3. CODIFICATION CLAUSE. The City Clerk is instructed to immediately forward this ordinance to the codifier of the official municipal code for proper revision of the code.

SECTION 4. PUBLICATION. This Ordinance shall be published once in the official newspaper of the City, and shall take effect immediately upon its passage, approval, and publication.

SECTION 5. REPEALER CLAUSE. All City of Ketchum code sections, ordinances or resolutions or parts thereof, which are in conflict herewith are hereby repealed.


SECTION 6. EFFECTIVE DATE. This Ordinance shall be in full force and effect from and after its passage, approval and publication.

PASSED BY THE CITY COUNCIL OF THE CITY OF KETCHUM, IDAHO, and approved by the Mayor this 5th day of January, 2015.



Nina Jonas, Mayor

ATTEST:


Sandra E. Cady, CMC
City Treasurer/Clerk

