

ORDINANCE NO. 154

AN ORDINANCE VACATING THE FOLLOWING ALLEYWAYS LOCATED WITHIN THE CITY OF PECK, COUNTY OF NEZ PERCE, STATE OF IDAHO TO THE ABUTTING PROPERTY OWNERS; DIRECTING THE CITY CLERK TO CAUSE A CERTIFIED COPY OF THIS ORDINANCE TO BE RECORDED AT THE OFFICE OF THE RECORDER OF NEZ PERCE COUNTY, STATE OF IDAHO; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the owners of the real property abutting and adjacent to the alleyways described in Section 1 below have petitioned the City Council to vacate said alleyways, and;

WHEREAS, a Public Hearing was held on said petition on December 12, 2007, and a written notice of said Public Hearing containing a description of the property to be vacated and the date, time and location of the Public Hearing was given by certified mail with return receipt at least ten (10) days prior to the date of the Public Hearing to all property owners within 300 feet of the area's described in the petition, and;

WHEREAS, the written notice containing the property description and the date, time and location was posted in three conspicuous places in said city and published once a week for two (2) consecutive weeks in the official newspaper of the City previous to the date of said Public Hearing, and;

WHEREAS, it is the determination of the Peck City Council that it is in the best interest of the City of Peck and its inhabitants and of the property owners abutting said alleyways particularly described in Section 1 below, that said alleyways be vacated as public streets in the City of Peck, with the City retaining all rights of easements for future utility or water line needs.

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

Section 1: The alleyways located in the City of Peck, Nez Perce County, Idaho, particularly described as follows:

- 1) That portion of Howard Street in the City of Peck, Idaho, abutting and between Blocks 54 and 61.

Be hereby vacated as public streets of the City of Peck, Idaho, and said alleyways shall revert to the owners of the adjacent real property.

Section 2: That the City Clerk be and is hereby authorized and directed to cause a certified copy of this ordinance to be recorded at the office of the recorder of Nez Perce County, Idaho.

Section 3: That the Mayor and City Clerk be and are hereby authorized to execute and deliver, upon request therefore, a quitclaim deed in and to the City's interest in said alleyways to the abutting real property owners, as their respective rights may appear.

Section 4: This ordinance shall take effect and be in force from and after its passage, approval and publication.

CITY OF PECK: December 12, 2007.

CITY OF PECK, IDAHO

By:

Nancy J. Greene
Nancy J. Greene
Mayor

ATTEST:

Tami K. Firzlaff
Tami K. Firzlaff
City Clerk

INST. NO. 754259

FILED FOR RECORD

FEE NIC REC. BY City of Peck

2008 MAR 4 AM 11 14 PO Box 105

PATTY O. WEEKS
RECORDER, NEZ PERCE CO. ID.

BY Cludy Cook DEPUTY

Peck ID

83545

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AFFIDAVIT OF PUBLICATION

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WHEREAS, the written notice containing the property description and the date, time and location was posted in three conspicuous places in said city and published once a week for two (2) consecutive weeks in the official

Karen Lewis, being duly sworn, deposes and says, I am the Legal Clerk of the Tribune Publishing Company, a corporation organized and existing under and by virtue of the laws of the State of Idaho and under and by virtue of the laws of the State of Washington, paper of general circulation published at Lewiston, Nez Perce County, Idaho; That the said Lewiston Tribune is an established newspaper and has been published regularly and issued regularly at least once a day for more than 105 consecutive years next immediately preceding the first publication of this notice, and has been so published uninterrupted for said period; that the 481860ORDINANCE attached hereto and which is made a part of this affidavit was published in the said Lewiston Tribune, 1 time(s). Publication being on 02/05, or once a DAY for 1 consecutive DAY, the first publication thereof being on the 02/05/2008, and the last publication thereof being on the 02/05/2008, and said 481860ORDINANCE was so published in the regular and entire issue of said newspaper and was not in a supplement thereof and was so published in every issue and number of the said paper, during the period and times of publication as set forth above.

Karen J Lewis

State of Idaho

S.S.

County of Nez Perce

On this 5 day of Feb in the year of 2008, before me, a Notary Public, personally appeared Karen J Lewis, known or identified to me to be the person whose name subscribed to the within instrument, and being by me first duly sworn, declared that the statements therein are true, and acknowledged to me that he executed the same.

Sam Nity
Notary Public in and for the State of Idaho,
residing at Lewiston, there in
Commission Expires 11/23/2010

