

2013137

STATE OF IDAHO
COUNTY OF KOOTENAI
AT THE REQUEST OF
**City of Dalton*

2006 FEB 13 P 12: 20

*City of Dalton
6360 N. 4th St.*

**CITY OF DALTON GARDENS, IDAHO
ORDINANCE NO. 181**

Dalton Gardens, ID 83815

DANIEL J. ENGLISH *PRM*
DEPUTY ~~_____~~
FEES _____
N/C
3pgs

**RIGHT-OF-WAY VACATION
PORTIONS OF RIGHT-OF-WAY OF DEERHAVEN AVENUE**

AN ORDINANCE OF THE CITY OF DALTON GARDENS, A MUNICIPAL CORPORATION OF IDAHO, PROVIDING FOR THE VACATION OF DEERHAVEN AVENUE; PROVIDING FOR DISPOSITION OF THE VACATED RIGHT-OF-WAY; PROVIDING FOR RETENTION OF EASEMENTS, AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the owners of land have petitioned the City to vacate portions of right-of-way adjoining their property located along Deerhaven Avenue east of 15th Street;

WHEREAS, on the 29th day of September, 2005, the City Council conducted a public hearing on the matter of vacating said right-of-way and on the 29th day of September, 2005, the City Council determined that the requested vacation serves the public interest;

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

Section 1: The following described right-of-way located in the City of Dalton Gardens, Kootenai County, Idaho be and the same hereby is vacated and revert to the adjoining property owners as set forth in Section 2:

That portion of Deerhaven Avenue lying southerly of the south line of tract 41, Dalton Gardens Add, according to the plat recorded in Book "B" of Plats, page 151, records of Kootenai County, Idaho.

Also lying southerly of the south line of Lot 1, Block 1, Woodland Heights, according to the plat recorded in Book "E" of Plats, page 129, records of Kootenai County, Idaho.

And also lying northerly of the north line of tract 80, Dalton Gardens Add, according to the plat recorded in Book "B" of Plats, Page 151, records of Kootenai County, Idaho.

Section 2: That the vacated right-of-way shall revert to the adjoining property owners as follows:

The Northern One-Half (1/2) of the right-of-way shall revert to the adjacent property owner to the North of the vacated right-of-way and the Southern One-Half (1/2) of the right-of-way shall revert to the adjacent property owners to the South of the right-of-way, to wit:

NORTHERN ONE-HALF:

Property 041-BA – Trojan
Property 041-AB – McDonald
Property 001-001-0 – Montreuil Trust

SOUTHERN ONE-HALF:

Property 080-AA – Montreuil

(See Exhibit “A” attached hereto and by reference incorporated herein.)

Section 3: All existing easements and franchise of any lot owner or public utility shall not be impaired by this vacation as provided by law.

Section 4: Severability.

The Ordinance is hereby declared to be severable. Should any portion of this ordinance be declared invalid by a court of competent jurisdiction, the remaining provisions shall continue in full force and effect and shall be read to carry out the purpose(s) of the ordinance before the declaration of partial invalidity.

Section 5: Repeal of Conflicting Provisions.

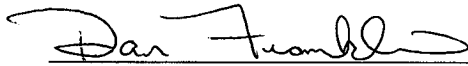
All provisions of the current Dalton Gardens City Code or ordinances of the City of Dalton Gardens which conflict with the provisions of this ordinance are hereby repealed to the extent of such conflict.

Section 6: Effective Date.

This Ordinance shall be in full force and effect from and after its passage, approval, and publication according to law.

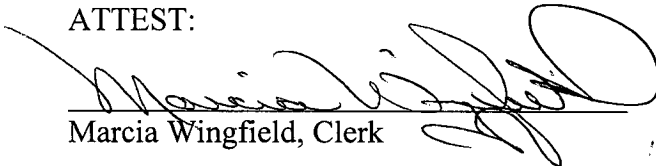
PASSED by the City Council on the 2nd day of February, 2006.

APPROVED BY THE Mayor on the 2nd day of February, 2006.

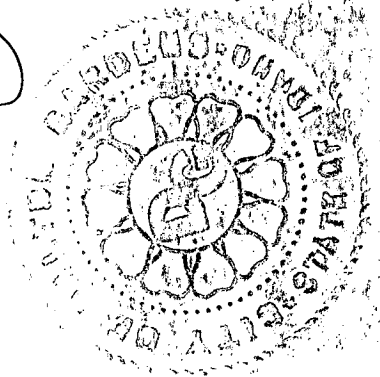


Dan Franklin, Mayor

ATTEST:



Marcia Wingfield, Clerk



D-0000-0
0.818

D-0000-0
0.818

D-0000-0
0.818

002-002-0
0.845 Ac

EXHIBIT
A

WOODLAND DR

041-AA
1.051 Ac

041-AC
0.222 Ac

041-BA
0.845 Ac

41

041-AB
1.411 Ac

001-001-0
0.781 Ac

Dave Trojan

Don MacDonald

Montreuil
Trust

DEERHAVEN AVE

Paul Montreuil

080-AA
2.443 Ac

80

2013137

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO, }
County of Kootenai, } ss.

Kattie Hoy

being first duly sworn

upon oath deposes and says:

1. I am now and at all times hereinafter mentioned was a citizen of the United States, resident of the State of Idaho, over the age of twenty-one years and not a party of the above entitled action.

2. I am now and at all times hereinafter mentioned was the printer (principal clerk) of the "Coeur d'Alene Press," a newspaper printed and published daily except Sunday in Coeur d'Alene, Kootenai County, Idaho, and having a general circulation in said county.

3. The

Legal Notice

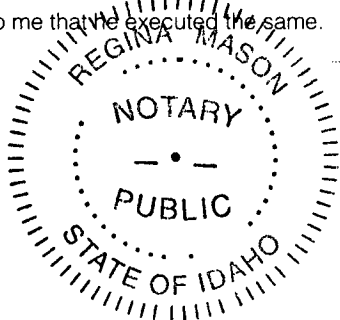
of which the annexed is a printed copy, was published in the regular *Thursday* issue of said newspaper for *one* consecutive *day* commencing on the *9* day of *February* 20*06* and ending on the *9* day of *February* 20*06* and such publication was made as often during said period as said *Daily* newspaper was regularly issued.

4. That said newspaper has been continuously and uninterruptedly published in said Kootenai County, during a period of more than seventy-eight consecutive weeks immediately prior to the first publication of said notice *Kattie Hoy*

On this *9* day of *February* in the year of *2006*, before me, a Notary Public, personally appeared *Kattie Hoy*, 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.

Regina Mason

Notary Public for the State of Idaho,
residing at Coeur d'Alene, Idaho.



MY COMMISSION EXPIRES 6/18/09

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RIGHT-OF-WAY OF
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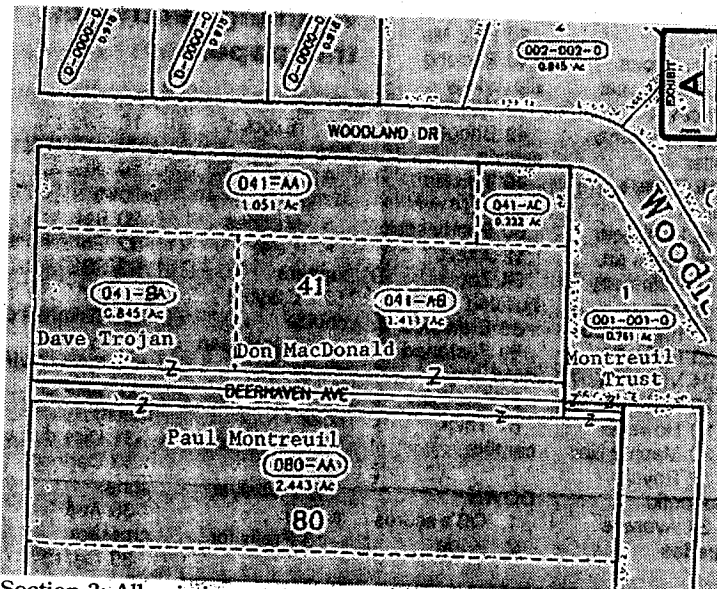
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APPROVED BY THE Mayor on the 2nd day of February, 2006.

Dan Franklin, Mayor

ATTEST:

Marcia Wingfield, Clerk

Legal 8671

February 9, 2006