



**ORDINANCE NO. 1040**

**AN ORDINANCE VACATING AND ABANDONING A PORTION OF THE RIGHT-OF-WAY ON 6<sup>TH</sup> SOUTH BETWEEN 3<sup>RD</sup> WEST AND 4<sup>TH</sup> WEST IN THE CITY OF REXBURG, IDAHO, AND DIRECTING THAT THE VACATED PROPERTY BE CONVEYED TO THE ADJOINING PROPERTY OWNERS**

BE IT ORDAINED BY the City of Rexburg, Idaho:

**SECTION I:** That the following described street Right-of-Way for 6<sup>th</sup> South between 3<sup>rd</sup> West and 4<sup>th</sup> West of the City of Rexburg, Idaho, to wit:

**6<sup>TH</sup> SOUTH (NORTH SIDE)**

Beginning at a point that is N89°45'53"E 770.21 feet along section line and N00°15'07"W 755.23 feet from the Southwest corner of Section 30 Township 6 North, Range 40 East of the Boise Meridian, Madison County, Idaho. Said point of beginning also being on the North right of way line of 6<sup>th</sup> South; and running thence N89°44'58"E 547.66 feet along said right of way line; thence S00°16'00"E 15.50 feet; thence S89°44'58"W 547.67 feet; thence N00°15'07"W 15.50 feet to the point of beginning, Containing 8488.88 sq ft.

**6<sup>TH</sup> SOUTH (SOUTH SIDE)**

Beginning at a point N89 45'33"E 770.21 feet along section line and N00°15'07"W 656.23 feet from the southwest corner of Township 6 North, Range 40 East of the Boise Meridian, Madison County, Idaho. Point of Beginning also being on the south right of way line of 6<sup>th</sup> South and running thence 00°15'07"W 15.50 feet; Thence N89°44'58"E 547.68 feet; Thence S00°16'00"E 15.50 feet to said south right of way line; Thence S89°44'58"W 547.69 feet to the point of beginning; Containing 8489.12 sq. ft.

Is hereby vacated, closed and discontinued for the exclusive use of the owners of the adjacent real estate as provided by the statutes of the State of Idaho and allowing the City of Rexburg to maintain current and future utility easements in the abandoned (99) foot right-of-way. Title to said portion of the street right-of-way so vacated shall revert to the adjoining property owners except for the utility easements in the abandoned (99) foot right-of-way, and the Mayor and City Clerk are directed to execute to said owners in the name of the City of Rexburg, a Quitclaim Deed to the portion of said street right-of-way so vacated and closed as provided by law.

Any and all existing and future easements for public utilities located in the portion of the vacated right-of-way of said street shall remain as public easements and are not vacated.

**SECTION II:** The vacation of such portion of the Right-of-Way of 6<sup>th</sup> South between 3<sup>rd</sup> West and 4<sup>th</sup> West is deemed expedient for the public good as it will promote the orderly development of said area.

**SECTION III:** This ordinance shall take effect and be in full force and effect from and after its passage, approval and due publication as provided by law.

PASSED BY THE COUNCIL AND APPROVED BY THE MAYOR, this 7<sup>th</sup> day of October, 2009.

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Richard S. Woodland, Mayor

(SEAL)

ATTEST:

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Blair D. Kay, City Clerk

STATE OF IDAHO)

)ss.

County of Madison )

I, BLAIR D. KAY, City Clerk of the City of Rexburg, Idaho, do hereby certify: That the above and foregoing is a full, true and correct copy of the Ordinance entitled:

**AN ORDINANCE VACATING AND ABANDONING A PORTION OF THE RIGHT-OF-WAY ON 6<sup>TH</sup> SOUTH BETWEEN 3<sup>RD</sup> WEST AND 4<sup>TH</sup> WEST IN THE CITY OF REXBURG, IDAHO, AND DIRECTING THAT THE VACATED PROPERTY BE CONVEYED TO THE ADJOINING PROPERTY OWNERS**

PASSED BY THE CITY COUNCIL AND APPROVED BY THE MAYOR this 7<sup>th</sup> day of October, 2009.

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Blair D. Kay, City Clerk

(SEAL)