



ORDINANCE NO. 1051

AN ORDINANCE VACATING AND ABANDONING A PORTION OF THE CITY PLATTED PROPERTY ADJACENT TO 44 SOUTH CENTER STREET; EXCESS RIGHT-OF-WAY ADJACENT TO 896 UNIVERSITY BLVD; AN EASEMENT ON 7TH SOUTH; ACQUIRE RIGHT-OF-WAY ON 2ND WEST; LAND EXCHANGE ON THE CORNER OF 1ST EAST AND VALLEY RIVER DRIVE; AND VACATE A PORTION OF RIGHT-OF-WAY ON THE CORNER OF SOUTH 2ND WEST AND WEST 4TH SOUTH IN THE CITY OF REXBURG, IDAHO, AND DIRECTING THAT THE VACATED AND ABANDONED PROPERTY BE CONVEYED TO THE ADJOINING PROPERTY OWNERS

BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF REXBURG, IDAHO:

SECTION I: That the following described City Platted Property; Street Right-of-Way and Property Easement be vacated as described by the following:

Vacating certain platted city property adjacent to 44 South Center of the City of Rexburg, Idaho, to-wit:

Commencing at a point 3 feet South and 111 feet west of the Northeast corner of Lot 4 in Block 39 of the Original Rexburg Townsite as per the recorded plat and running thence south 35 feet; thence west 10 feet; thence south 15 feet; thence west 13.5 feet more or less to the existing fence; thence north 50 feet; thence east 23.5 feet to the point of beginning.

University Blvd Street Right-of-Way adjacent to 896 University Blvd of the City of Rexburg, Idaho, to-wit:

A parcel of land situated in Madison County, State of Idaho, Township 6 North, Range 39 East of the Boise Meridian, Section 36 more particularly described as follows: Beginning at the Southwest corner of Section 36; thence North 0 degrees 24' 43" West for a distance of 2717.59 feet; Thence North 89 degrees 56' 42" East for a distance of 1781.63 to the beginning of a tangent curve right; thence along the arc for a distance of 435.75 with a radius = 1004.93; thence North 89 degrees 57' 23" East for a distance of 27.46 feet to the point of beginning; thence North 89 degrees 57' 23" East for a distance of 149.08 feet; thence South 30 degrees 07' 51" West for a distance of 72.83; thence North 60-48-14 West for a distance of 128.90 to the point of beginning.

7th South Easement made defunct due to the construction of 7th South adjacent to 7th South and 2nd West of the City of Rexburg, Idaho, to-wit:

Defunct Easement: A portion of that real property conveyed from Bowen and Thomason to W. R. Henderson and Francie Henderson by the warranty deed recorded October 14, 1992 as instrument No. 244011, Madison county records, said portion more particularly described as follows:

Township 6 North, Range 40 East, Boise Meridian, Madison County, Idaho.
Section 30: A portion of the Southwest Quarter.

The south 49.50 feet (3 rods) of the hereinabove referenced lands of Henderson, being a portion of the 3 rod wide street easement granted from Bowen and Thomason to the city of Rexburg by the Grant of Easement recorded January 16, 1978 as Instrument No. 170771, Madison county records.

2ND WEST RIGHT-OF-WAY DEEDED TO REXBURG FROM W. R. HENDERSON

A portion of that real property conveyed from Bowen and Thomason to W. R. Henderson and Francie Henderson by the warranty deed recorded October 14, 1992 as instrument no. 244011, Madison County records, said portion more particularly described as follows:

Township 6 North, Range 40 East, Boise Meridian, Madison County, Idaho.
Section 30: a portion of the Southwest Quarter.

Beginning at the Southeast Corner of the aforesaid Southwest Quarter of Section 30 and running thence along the East line thereof North $0^{\circ}15'38''$ West 10.00 feet to the intersection thereof with the North line of the 7th South right-of-way as depicted on the Idaho Department of Transportation highway right-of-way plans of the South Rexburg Arterial, Federal Aid Project No. Stp-7866(100), said intersection being called out as 12.661 meters left of centerline station 101+40.168 on said highway right-of-way plans;

Thence continuing along said East line of the Southwest Quarter of Section 30 North $0^{\circ}15'38''$ West 0.31 feet; Thence north $87^{\circ}33'02''$ west 54.17 feet to a point 42.50 feet left of point of curve centerline station 101+23.348 as said station is shown on said Right-of-way plans; Thence along a line parallel with the centerline of said 7th South street, and 42.50 feet, by right angle measure, Northeasterly therefrom, North $87^{\circ}33'02''$ West 293.84 feet;

Thence North $0^{\circ}16'07''$ West 632.92 feet to the North line of said lands conveyed to Henderson; Thence along said North line South $89^{\circ}45'57''$ West 8.25 feet to the Northwest corner of said lands of Henderson; Thence along the West line thereof South $0^{\circ}16'07''$ East 659.52 feet to the South line of said section 30; Thence along said South section line North $89^{\circ}46'00''$ East 355.87 feet to the point of beginning. The above described area contains 0.27 acres, more or less.

Land exchange between the City of Rexburg and Ferguson and Company, LP, P.O. Box 519 Rexburg, Id 83440. The said property is located on the corner of 1st East and Valley River Drive in Rexburg, Madison County, Idaho, and more particularly described as follows:

That the property herein found and declared not now needed for public use being exchanged by the City is described as follows:

TRACT NO. 1

(CITY OF REXBURG PROPERTY LOCATED ON THE CORNER OF 1ST EAST AND VALLEY RIVER DRIVE)

Part of Lot 1, Block3, of the original Rexburg town site located in Section 19, Township 6 North, Range 40 East, B.M., Madison County, Idaho described as:

Beginning at a point that is S $89^{\circ}44'55''$ W 684.55 feet from the East $\frac{1}{4}$ Corner of said Section 19, being the true point of beginning; thence South 70.34 feet; thence N $54^{\circ}10'08''$ W 30.81 feet; thence N $0^{\circ}15'31''$ W 52.20 feet; thence N $89^{\circ}44'55''$ E 25.21 feet to the true point of beginning. The above tract of land contains approximately 1536.52 sq. ft.

City to exchange the above described property for the following described real property:

Tract No. 2

(FERGUSON AND COMPANY, LP, PROPERTY LOCATED ON THE CORNER OF 1ST EAST AND VALLEY RIVER DRIVE)

Part of Lot 1, Block3, of the original Rexburg town site located in Section 19, Township 6 North, Range 40 East, B.M., Madison County, Idaho described as:

Beginning at a point that is S $00^{\circ}14'47''$ E 30.00 feet along the section line and S $89^{\circ}45'13''$ W 352.37 feet from the East $\frac{1}{4}$ Corner of said Section 19, said point being on the southerly line of Valley River Drive, and running thence S $89^{\circ}45'13''$ W 8.29 feet to the point of a non tangent curve; thence to the right along said curve 155.19 feet (Curve Data Delta = $14^{\circ}02'41''$ R = 633.11 feet) chord bears N $83^{\circ}13'26''$ W 154.81 feet; thence N $76^{\circ}02'00''$ W 44.90 feet to the true point of beginning; thence N $76^{\circ}02'00''$ W 31.53 feet; thence N $79^{\circ}00'13''$ W 26.98 feet; thence N $84^{\circ}25'20''$ W 44.06 feet; thence N $86^{\circ}06'46''$ W 25.84 feet; thence South 19.35 feet; thence N $89^{\circ}44'55''$ E 126.72 feet to the true point of beginning. The

above tract of land contains approximately 1536.52 sq. ft.

That property of the City of Rexburg described in Section I (**Tract No. 1**) is hereby exchanged with property of Ferguson and Company, LP described in Section I (**Tract No. 2**); for the exclusive use of the owners as provided by the statutes of the State of Idaho. Title to said property shall be transferred to the separate owners and the Mayor and City Clerk are directed to execute to said owners in the name of the City of Rexburg, a Warranty Deed to the property so transferred as provided by law.

Vacate a portion of the right-of-way on South 2nd West and West 4th South (Christensen Auto body).

Commencing at a point 222 feet West of the Southeast Corner of Lot 5, Block 9, of the Parker Addition to the City of Rexburg, Madison County, State of Idaho, as per the recorded plat thereof, and running N85°31'23"E 103.82 feet, thence along a curve to the left with a radius of 240 feet and a cord bearing of N82°04'30"E and a cord length of 28.87, thence N78°37'04"E 22.13 feet, thence along a curve to the left with a radius of 70 feet and a cord bearing of N39°18'48"E and a cord length of 88.70 feet, thence North 80.87 feet to the North line of Lot 5, thence along a curve to the right with a radius of 237 feet and a cord bearing of S51°40'54"W and a cord distance of 267.65 feet to the point of beginning.

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 City Platted Property, Street Right-of-Way, and Abandoned Easement. Title to said portion of the City Platted Property, Street Right-of-Way, and Abandoned Easement so vacated and abandoned shall revert to the adjoining property owners except for the utility easements in the aforementioned properties, and the Mayor and City Clerk are directed to execute to said owners in the name of the City of Rexburg, Quitclaim Deeds to the portion of said City Platted Property, Street Right-of-Way, and Abandoned Easement 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 City Platted Property, Street Right-of-Way, and Abandoned Easement of said city property shall remain as public easements and are not vacated.

SECTION II: The vacation of such portion of the City Platted Property, Street Right-of-Way, and Abandoned Easement 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 3rd day of November, 2010.

Richard Woodland, Mayor

(SEAL)

ATTEST:

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 CITY PLATTED PROPERTY ADJACENT TO 44 SOUTH CENTER STREET; EXCESS RIGHT-OF-WAY ADJACENT TO 896 UNIVERSITY BLVD; AN EASEMENT ON 7TH SOUTH; ACQUIRE RIGHT-OF-WAY ON 2ND WEST; LAND EXCHANGE ON THE CORNER OF 1ST EAST AND VALLEY RIVER DRIVE; AND VACATE A PORTION OF RIGHT-OF-WAY ON THE CORNER OF SOUTH 2ND WEST AND WEST 4TH SOUTH IN THE CITY OF REXBURG, IDAHO, AND DIRECTING THAT THE VACATED AND ABANDONED PROPERTY BE CONVEYED TO THE ADJOINING PROPERTY OWNERS.

PASSED BY THE CITY COUNCIL AND APPROVED BY THE MAYOR this 3rd day of November, 2010.

Blair D. Kay, City Clerk

(SEAL)