



**ORDINANCE NO. 777**

**AN ORDINANCE EXPRESSING AN INTENT OF THE CITY OF REXBURG TO EXCHANGE CERTAIN REAL PROPERTY BELONGING TO CROFTS, WHICH IS LOCATED IN THE SOUTHWEST QUARTER OF SECTION 32, TOWNSHIP 6 NORTH, RANGE, 40 E.B.M. (PART OF THE REXBURG HEIGHTS SUBDIVISION) FOR CERTAIN REAL PROPERTY CONSTITUTING A PUBLIC ROADWAY TRAVERSING THE PROPERTY AT A DIFFERENT LOCATION; GIVING NOTICE OF AN INTENT TO EXCHANGE UNLESS OBJECTION THERETO IS MADE WITHIN SIXTY (60) DAYS; EXPRESSING THE INTENT OF THE CITY COUNCIL THAT THE CONSIDERATION RECEIVED BY THE CITY IS ADEQUATE FOR THE EXCHANGE; AND ESTABLISHING THE EFFECTIVE DATE OF THE ORDINANCE.**

**WHEREAS**, a petition has been filed with the Rexburg City Clerk by Gordon S. and Claudia J. Crofts, Trustees from the Gordon S. and Claudia J. Crofts Revocable Living Trust; Blair and Kay Heinz, husband and wife; and Stephen Blair Cook; requesting the abandonment of the and wife; and Stephen Blair Cook; requesting the abandonment of the public roadway along the eastern boundary of the following described parcel, to-wit:

**PARCEL I.**

Beginning at a point that is North 1727.65 feet along the section line from the Southwest Corner of Section 32, Township 6 North, Range 40 East, Boise Meridian, said point being 50 feet South of the North line of property previously deeded to the city or Rexburg, and running thence West 190.00 feet along a line parallel to and 50 feet South of said North line of city property; thence South 45 o West 115.21 feet; thence North 81 o West 50.00 feet; thence North 9 o East 150.67 feet to a point of curve with a radius of 1185.88 feet and a chord that bears North 5 o 10'08" East 158.47 feet; thence to the left along said curve 158.59 feet; thence North 1 o 20'16" East 602.15 feet; thence South 88 o 39'44" East 50 feet; thence South 27 o 25'10" East 367.67 feet; thence South 20 o 57'04" East 236.73 feet; thence South 286.37 feet; thence West 35.00 feet to the point of beginning.

**AND WHEREAS**, Crofts have offered to deed to the City land constituting a fifty (50) foot public road and to grade the road providing access to Sky view Drive (South 2nd East) to the road along the section line, legally described as follows:

**PARCEL II.**

Part of the Northeast Quarter of the Southeast Quarter (NE 1/4 SE 1/4) of Section 31 and part of the Northwest Quarter of the Southwest Quarter (NW 1/4 SW 1/4) of Section 32, Township 6 North, Range 40 East of the Boise Meridian described as follows:

Beginning at a point that is North 1727.65 feet along the section line from the Southeast Corner of said Section 31 and running thence West 233. 09 feet to a point of curve with a radius of 29.83 feet and a chord that bears S 49 o 30'00" W 38.74 feet; thence to the left along said curve 42.16 feet through a central angle of 81 o 00'00"; thence N 9 o 00'00" E 93.65 feet to a point on a curve with a radius of 14.99 feet and a tangent that bears S 81 o 00'00" W; thence to the left along said curve 25.91 feet through a central angle of 99 o 00'00"; thence East 268.09 feet; thence South 50.00 feet; thence West 35.00 feet to the point of

beginning, containing 0.337 acres.

**AND WHEREAS**, the City Council has deemed it to be in the City's best interest and there is adequate consideration for said exchange, now therefore

BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF REXBURG, as follows.

**SECTION I:** That the City shall, sixty days from the passage of this Ordinance, abandon PARCEL I. in exchange for PARCEL II.

**SECTION II:** That upon receipt of a deed from the Crofts to the City of Rexburg, the City shall then abandon the property described as PARCEL I. to the adjoining property owners, one-half of said roadway to the adjoining property owners, reserving unto the City of Rexburg an easement at least twenty feet in width for all public utilities which are currently located in or may be placed in PARCEL I. Sixty days after the date of the passage of this ordinance, and if no objections are filed pursuant to Idaho Code, Sections 50-1403 and 1405, the City shall then accept a deed for Parcel II. from the Crofts and abandon PARCEL I. The City Council hereby authorizes the Mayor and City Clerk to then execute a deed conveying PARCEL I. to the adjoining property owners.

**SECTION III:** As a condition for this exchange, the newly located roadway shall be constructed at Crofts' or Heinz's expense and the newly constructed roadway in PARCEL II shall be maintained by Blair Heinz and his successors in interest, until the City accepts responsibility for the same, in writing, duly approved by Resolution of the City Council.

**SECTION IV:** This Ordinance shall become effective upon its passage, approval and publication in manner provided by law.

PASSED BY THE CITY COUNCIL AND APPROVED BY THE MAYOR, this 6th day of September, 1995.

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Nile L. Boyle, Mayor

(SEAL)

ATTEST:

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Rose Bagley, City Clerk

STATE OF IDAHO)

)ss

County of Madison )

I, ROSE BAGLEY, 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 EXPRESSING AN INTENT OF THE CITY OF REXBURG TO EXCHANGE CERTAIN REAL PROPERTY BELONGING TO CROFTS, WHICH IS LOCATED IN THE SOUTHWEST QUARTER OF SECTION 32, TOWNSHIP 6 NORTH, RANGE, 40 E.B.M. (PART OF THE REXBURG HEIGHTS SUBDIVISION) FOR CERTAIN REAL PROPERTY CONSTITUTING A PUBLIC ROADWAY TRAVERSING THE PROPERTY AT A DIFFERENT LOCATION; GIVING NOTICE OF AN INTENT TO EXCHANGE UNLESS OBJECTION THERETO IS MADE WITHIN SIXTY (60) DAYS; EXPRESSING THE INTENT OF THE CITY COUNCIL THAT THE CONSIDERATION RECEIVED BY THE CITY IS ADEQUATE FOR THE EXCHANGE; AND ESTABLISHING THE EFFECTIVE DATE OF THE ORDINANCE.**

PASSED BY THE CITY COUNCIL AND APPROVED BY THE MAYOR this 6th day of September, 1995.

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Rose Bagley, City Clerk

(SEAL)