



ORDINANCE 970

AN ORDINANCE VACATING AND CLOSING A PORTION OF THE RIGHT-OF-WAY FOR VISTA AVENUE IN THE CITY OF REXBURG, IDAHO, AND DIRECTING THAT THE VACATED 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 platted right-of-way for Vista Avenue of the City of Rexburg, Idaho, to-wit:

1. A portion of the Vista Avenue right-of-way, east of Lot 13 Block 4 Crest Haven Subdivision, Rexburg, Idaho, as contained by the extension of the north and south boundary lines of said lot, to the east side of said right-of-way.
2. A portion of the Vista Avenue right-of-way, east of Lot 14 Block 4 Crest Haven Subdivision, Rexburg, Idaho, as contained by the extension of the north and south boundary lines of said lot, to the east side of said right-of-way.
3. A portion of the Vista Avenue right-of-way, east of Lot 15 Block 4 Crest Haven Subdivision, Rexburg, Idaho, as contained by the extension of the north and south boundary lines of said lot, to the east side of said right-of-way.
4. A portion of the Vista Avenue right-of-way, east of Lot 16 Block 4 Crest Haven Subdivision, Rexburg, Idaho, as contained by the extension of the north and south boundary lines of said lot, to the east side of said right-of-way.
5. A portion of the Vista Avenue right-of-way, east of Lot 17 Block 4 Crest Haven Subdivision, Rexburg, Idaho, as contained by the extension of the north and south boundary lines of said lot, to the east side of said right-of-way.
6. A portion of the Vista Avenue right-of-way, east of Lot 18 Block 4 Crest Haven Subdivision, Rexburg, Idaho, as contained by the extension of the north and south boundary lines of said lot, to the east side of said right-of-way.
7. A portion of the Vista Avenue right-of-way, east of Lot 19 Block 4 Crest Haven Subdivision, Rexburg, Idaho, as contained by the extension of the north and south boundary lines of said lot, to the east side of said right-of-way.
8. A portion of the Vista Avenue right-of-way, east of Lot 20 Block 4 Crest Haven Subdivision, Rexburg, Idaho, as contained in the following description:

To be granted to the owner of Lot 20, Township 6 North, Range 40 East, Boise Meridian, Madison County, Idaho.

Section 31: A portion of the Crest Haven Subdivision more particularly described as follows:

COMMENCING AT THE NORTHEAST CORNER OF THE SOUTHEAST QUARTER OF SAID SECTION 31; THENCE SOUTH 89°40'39" WEST ALONG THE NORTH LINE OF THE NORTHEAST QUARTER OF THE SOUTHEAST QUARTER FOR 268.83 FEET TO A POINT; THENCE NORTH 5°58'07" WEST (RECORDED AS NORTH 6°00'00" EAST) FOR 30.15 FEET TO A POINT ON THE NORTH BOUNDARY OF SUNRISE DRIVE; THENCE ALONG THE NORTH BOUNDARY OF SUNRISE DRIVE SOUTH 89°40'39" WEST FOR 268.34 FEET TO THE EAST BOUNDARY OF VISTA AVENUE; THENCE NORTH, ALONG THE EAST BOUNDARY OF VISTA AVENUE FOR 652.82 FEET TO THE TRUE POINT OF BEGINNING.

THENCE CONTINUING NORTH 43.51 FEET TO A POINT OF CURVATURE; THENCE ALONG A NON-TANGENT CURVE TO THE RIGHT, CONCAVE TO THE NORTH, A RADIAL LINE TO THE CENTER BEARING NORTH 25°52'20" WEST WITH DELTA ANGLE OF 52°54'28", RADIUS OF 55.00 FEET, ARC

LENGTH OF 50.79 FEET, TANGENT OF 27.37 FEET, CHORD OF 49.00 FEET
AND CHORD BEARING OF NORTH 89°25'06" WEST TO THE WEST BOUNDARY
OF VISTA AVENUE;

THENCE SOUTH ALONG THE WEST BOUNDARY OF VISTA AVENUE FOR
44.01 FEET TO THE SOUTH BOUNDARY OF LOT 20; THENCE EAST 49.00 FEET
TO THE TRUE POINT OF BEGINNING.

THIS RIGHT-OF-WAY CONTAINS 1954.11 SQUARE FEET.

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. Title to said portion of the street right-of-way so vacated shall revert to the adjoining property owners, 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, subject to reversion to the City of Rexburg, Idaho, in the event the present property owners ever attempt to sell or dispose of said property.

Any and all existing 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 for Vista Avenue 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 CITY COUNCIL AND APPROVED BY THE MAYOR this 16th day of August, 2006.

Shawn Larsen, 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:

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ADJOINING PROPERTY OWNERS**

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August, 2006.

Blair D. Kay, City Clerk

(SEAL)