

RESOLUTION NO. 194-2022

A RESOLUTION OF THE MAYOR AND CITY COUCIL OF THE
CITY OF WENDELL, IDAHO, GRANTING A PETITION FOR VACATION OF ALLEY

Presented to the Wendell City Council a Petition requesting the vacation of an alley generally located at 155 B Avenue East, Wendell, Idaho and generally described as the alley in block 104 lots 1 through 15 between Lot 10 and the alley between East Avenue B and East Avenue C running north to south.

WHEREAS, John Howsden and John's Tire ("John's Tire") submitted a petition ("Petition") to the City of Wendell requesting the vacation of an alley generally located at 155 B Avenue East, Wendell, Idaho and generally described as the alley in block 104, lots 1 through 15 between Lot 10 and the alley between East Avenue B and East Avenue C running north to south ("Subject Alley").

WHEREAS, on February 17, 2022, a Notice of Public Hearing was sent to the affected property owners within three hundred feet (300') of the Subject Alley and a Notice of Public Hearing was published on February 3 and February 10, 2022.

WHEREAS, the public hearing on the Petition was set for February 17, 2022 at 6:45 p.m.

WHEREAS, On February 17, 2022, the City of Wendell held a special City Council Meeting during which John's Tire presented testimony on the request made in the Petition. No testimony in opposition to the Petition was presented.


NOWTHEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF WENDELL, IDAHO THAT THE PETITION FOR VACATION OF ALLEY BE ADOPTED AS FOLLOWS:

- 1) Based upon the Petition and comments by John's Tire and city staff, the City Council deems the Petition requesting the vacation of the Subject Alley expedient for the public good and therefore grants the same.
- 2) Pursuant to Idaho Code sections 50-311 and 50-1306A, any right of way, easements or franchise rights of any lot owner or public utility shall not be impaired by the granting of the Petition.
- 3) The Subject Alley shall revert to the owner of the adjacent real estate, one-half (1/2) on each side thereof, pursuant Idaho Code section 50-311.
- 4) This decision is expressly contingent upon John's Tire taking such steps, and bearing the costs and expense of the same, necessary to effectuate said vacation of the Subject Alley including but not limited to, the creation and/or recording of any and all legal descriptions or such other documents which may be necessary or required:

RESOLUTION NO. 194-2022

- a) to effectuate the granting of the Petition and the reversion of the Subject Alley to the owners of adjacent real estate pursuant to Idaho Code section 50-311; and
- b) to preserve any right of way, easements or franchise rights of any lot owner or public utility currently existing in the Subject Alley.

DATED this 16th day of June 2022



Rebecca Vipperman, Mayor

ATTEST:



Karri French, City Clerk