

ORDINANCE NO. 136

AN ORDINANCE VACATING THE ALLEY LOCATED IN BLOCK 44, BETWEEN WASKEY STREET AND KIRBY STREET, TO THE ABUTTING PROPERTY OWNERS; DIRECTING THE CITY CLERK TO CAUSE A CERTIFIED COPY OF THIS ORDINANCE TO BE RECORDED AT THE OFFICE OF THE RECORDER OF NEZ PERCE COUNTY, IDAHO; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the owners of the real property abutting the alley in Block 44, between Waskey Street and Kirby Street, located in the City of Peck, Idaho, having petitioned the City Council to vacate said alley, and

WHEREAS, a public hearing was held on said petition on the 3rd day of November, 1999, and a written notice of said public hearing was given by certified mail at least thirty (30) days by written notice thereof containing a description of the property to be vacated and posted in three conspicuous places in said City and published once a week for two (2) consecutive weeks in the official newspaper of the City previous to the date of said public hearing, and

WHEREAS, it is the determination of the Peck City Council that it is in the best interest of the City of Peck and its inhabitants and of the property abutting said alleyway, particularly described in Section 1 below, that said alley be vacated as a public street of the City of Peck.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF PECK, IDAHO, AS FOLLOWS:

Section 1: The alleyway located in Block 44 in the City of Peck, Nez Perce County, Idaho, particularly described as follows:

The alleyway in Block 44, between Waskey Street and Kirby Street,

be and the same hereby is vacated as a public street of the City of Peck, Idaho, and said alleyway shall revert to the owners of the adjacent real property.

Section 2: That the City Clerk be and is hereby authorized and directed to cause a certified copy of this ordinance to be recorded at the office of the Recorder of Nez Perce County, Idaho.

Section 3: That the Mayor and City Clerk be and are hereby authorized to execute and deliver, upon request therefor, a quitclaim deed in and to the City's interest in said alleyway to the abutting property owners, as their respective rights may appear.

Section 4: This ordinance shall take effect and be in force from and after its passage, approval and publication.

CITY OF PECK: November 3, _____, 1999.

CITY OF PECK, IDAHO

By *Randy Olson*
Randy Olson
Mayor

ATTEST:

Sharon Miller
Sharon Miller
City Clerk

INST. NO. 649665
FILED FOR RECORD
FILE NC REG. BY City of Peck
1999 NOV 17 A 11:53
PATTY O. WEEKS 11:53
RECORDER NEZ PERCE CO ID
BY *Sharon* DEPUTY
pa Box 105
Peck ID
83545

CITY OF PECK

PO BOX 105 • PECK, IDAHO 83545-0105

July 31, 2001

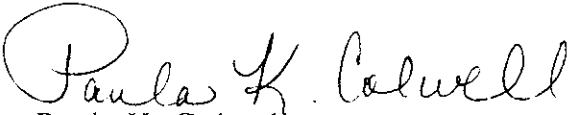
Mr. and Mrs. David Holland
PO Box 49
Peck, ID 83545-0049

Dear Mr. and Mrs. Holland:

Enclosed please find the original Quitclaim Deed for the alley that was vacated some time ago by the City of Peck. The deed was recorded as Instrument No. 665645 on July 23, 2001, in the records of Nez Perce County.

This is an original document so please keep it with your other important papers. Thank you.

Sincerely,


Paula K. Colwell
City Clerk/Treasurer

MICROFILM NO.

665645

QUITCLAIM DEED

INDEXED

FILMED

DELIVERED

MAILED

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THIS INDENTURE WITNESSETH: That as set forth in Ordinance No. 136 of the City of Peck, Idaho, recorded as microfilm no. 649665, records of Nez Perce County, Idaho, the CITY OF PECK, NEZ PERCE COUNTY, IDAHO, a municipal corporation, Grantor, does hereby remise, release and forever quit claim unto DAVID HOLLAND AND PENNY A, HOLLAND, husband and wife, of 250 N. Marion Street, Peck, Idaho, 83545, Grantees, the following described premises in Nez Perce County, State of Idaho to wit:

The East one-half (1/2) of the alley that runs northerly and southerly adjoining lots 1, 2 and 3, Block 44, Peck, Idaho, according to the recorded plat thereof.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the Grantee, their heirs and assigns forever.

DATED this 15 day of July, 2001.

INST. NO. 665645
FILED FOR RECORD
FEE N/C REG. BY City of Peck
2001 JUL 23 A 10:20 P.O. Box 105
Peck ID
83545
PATTY O. WEEKS
RECORDER, NEZ PERCE CO ID
BY [Signature] DEPUTY

[Signature]
Mayor, City of Peck
[Signature]
Clerk, City of Peck

STATE OF IDAHO)
)ss.
County of Nez Perce)

On this 15 day of July, 2001, before me, the undersigned, a Notary Public in and for the State, personally appeared RANDY OLSON and PAULA K. COLWELL, the Mayor and City Clerk, respectively of the City of Peck, Idaho, known to me to be the persons whose names are subscribed to the foregoing instrument and acknowledged to me that they executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.



Arlene R. Barton
Notary Public in and for the
State of Idaho, residing at
Peck, therein.
My Commission expires: 4-4-2006

William Vern McCann, Jr.

LAWYER

1027 BRYDEN AVENUE

LEWISTON, IDAHO 83501

TELEPHONE [208] 743-5517

FAX [208] 743-1009

March 14, 2000

Ms. Paula Jones
City of Peck
P O Box 105
Peck, ID 83545-0105

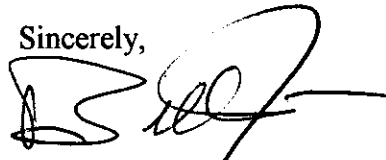
RE: Quitclaim Deed to Halsey

Dear Paula:

I have reviewed the request of Robert and Betty Halsey and I have drafted a Quitclaim Deed for the City of Peck to transfer the portion of the alleyway that was vacated in Ordinance No. 136 and now belongs to the Halseys. Enclosed please find an original Quitclaim Deed that I would ask you have both Mayor Randy Olson and Sharon Miller as Clerk sign in front of a notary public and return the same to my office.

If you have any questions regarding this matter, please call me.

Sincerely,



William Vern McCann, Jr.

WVM:ch
Enclosure