

ORDINANCE NO. 150

AN ORDINANCE VACATING THE FOLLOWING ALLEYWAYS LOCATED WITHIN THE CITY OF PECK, COUNTY OF NEZ PERCE, STATE OF IDAHO 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, STATE OF IDAHO; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the owners of the real property abutting and adjacent to the alleyways described in Section 1 below have petitioned the City Council to vacate said alleyways, and;

WHEREAS, a Public Hearing was held on said petition on March 21, 2007, and a written notice of said Public Hearing containing a description of the property to be vacated and the date, time and location of the Public Hearing was given by certified mail with return receipt at least ten (10) days prior to the date of the Public Hearing to all property owners within 300 feet of the area's described in the petition, and;

WHEREAS, the written notice containing the property description and the date, time and location was 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 owners abutting said alleyways particularly described in Section 1 below, that said alleyways be vacated as public streets in 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 alleyways located in the City of Peck, Nez Perce County, Idaho, particularly described as follows:

- 1) An alleyway located between and abutting Lot 2 and Lots 3 through 7, inclusive, of block 12 in the City of Peck, Idaho;
- 2) That portion of an alleyway abutting and between Lots 1 through 8, inclusive, and Lots 11 through 18, inclusive, of Block 14, in the City of Peck, Idaho;
- 3) That portion of West Elwood Street in the City of Peck, Idaho, abutting and between Blocks 12 and 14 of the City of Peck, Idaho;
- 4) That portion of N. Belle Street in the City of Peck, abutting and between the following described property: That portion of the roadway between Block 12, Block 14, Lots 1 through 8, inclusive, and Lots 1 through 4, inclusive of Block 13 in the City of Peck, Idaho.

Be hereby vacated as public streets of the City of Peck, Idaho, and said alleyways shall revert to the owners of the adjacent real property.

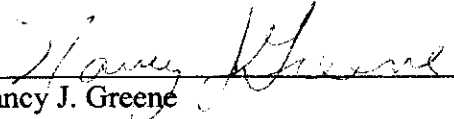
Section 2: That the City Clerk be and is hereby authorized and directed to cause a certified copy of this ordinance to be recorded at the office of the recorder of Nez Perce County, Idaho.

Section 3: That the Mayor and City Clerk be and are hereby authorized to execute and deliver, upon request therefore, a quitclaim deed in and to the City's interest in said alleyways to the abutting real 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: March 21, 2007.

CITY OF PECK, IDAHO

By: 
Nancy J. Greene
Mayor

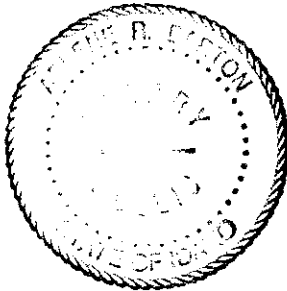
ATTEST:


Tami K. Firzlaff
City Clerk

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

On this 2nd day of May, 2007, before me appeared
NANCY J. GREENE and TAMI K. FIRZLAFF, 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.



Eugene R. Barton

Notary Public in and for the
State of Idaho, residing at
Peck, Idaho, therein.

My Commission expires: 4-4-2012

TRIBUNE PUBLISHING COMPANY, INC.

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AFFIDAVIT OF PUBLICATION**ORDINANCE NO.150**

458837

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WHEREAS, a Public Hearing was held on said petition on March 21 2007, and a written notice of said Public Hearing containing a description of the property to be vacated and the date, time and location of the Public Hearing was given by certified mail with return receipt at least ten (10) days prior to the date of the Public Hearing to all property owners within 300 feet of the area's described in the petition, and;

WHEREAS, the written notice containing the property description and the date, time and location was 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 owners abutting said

Karen Lewis, being duly sworn, deposes and says, I am the Legal Clerk of the Tribune Publishing Company, a corporation organized and existing under and by virtue of the laws of the State of Idaho and under and by virtue of the laws of the State of Washington, paper of general circulation published at Lewiston, Nez Perce County, Idaho; That the said Lewiston Tribune is an established newspaper and has been published regularly and issued regularly at least once a day for more than 105 consecutive years next immediately preceding the first publication of this notice, and has been so published uninterrupted for said period; that the 458837ORDINANCE attached hereto and which is made a part of this affidavit was published in the said Lewiston Tribune, 1 time(s). Publication being on 04/27, or once a DAY for 1 consecutive DAY, the first publication thereof being on the 04/27/2007, and the last publication thereof being on the 04/27/2007, and said 458837ORDINANCE was so published in the regular and entire issue of said newspaper and was not in a supplement thereof and was so published in every issue and number of the said paper, during the period and times of publication as set forth above.

State of Idaho

S.S.

County of Nez Perce

On this _____ day of _____ in the year of _____, before me, a Notary Public, personally appeared _____, known or identified to me to be the person whose name subscribed to the within instrument, and being by me first duly sworn, declared that the statements therein are true, and acknowledged to me that he executed the same.

Notary Public in and for the State of Idaho,
residing at Lewiston, therein
Commission Expires _____