

ORDINANCE NO. 173**AN ORDINANCE OF THE CITY OF PECK TO VACATE A PORTION OF A PUBLIC RIGHT-OF-WAY CONSISTING OF A PORTION OF BLOCK 34 AND BLOCK 49 KNOWN AS EAST WASKEY STREET TO THE TOWN OF PECK, IDAHO.**

WHEREAS, Timothy J. Craig has requested that the City vacate a portion of the City's right of way on East Waskey Street, located between Block 34 & Block 49 on property currently owned by Timothy J. Craig, Elsa Riek and Charles and Tamera Plank; and

WHEREAS, the City Council, at its regular meeting on August 16, 2017, considered Mr. Craig's request and received a written application for a right-of-way vacation on August 16, 2017; and

WHEREAS, a public hearing was held on November 15, 2017.

WHEREAS, the City has adopted Findings of Fact, Conclusions of Law and Decision, dated June 20, 2018.

NOW THEREFORE, be it ordained by and the Mayor and Council for the City of Peck, Nez Perce County, State of Idaho as follows:

Section 1. That a public right of way along and across the following described real estate shall be and is hereby vacated.

Southwest ¼ of Section 11, Township 36 North, range 01 West, Boise Meridian, Nez Perce County, Idaho described as follows:

That portion of a proposed roadway formerly known as East Waskey Street, between and abutting Block 34, Lot 10 and Lot 20, and Block 49, Lot 1, Lot 2 and Lot 3 in the City of Peck, Idaho.

Section 2. This vacation is subject to any easement or claim of easement or right-of-way for water, sewer, telephone, ditches, canals and appurtenances, gas, underground facilities or electrical or similar lines and appurtenances services presently existing. "Underground facility" means any item buried or placed below ground for use in connection with the storage or conveyance of water (unless being delivered primarily for irrigation), sewage, electronic, telephonic or telegraphic communications, cable television, electric energy, petroleum products, gas, gaseous vapors, hazardous liquids, or other substances and including, but not limited to, pipes, sewers, conduits, cables, valves, lines, wires, manholes, attachments, and those parts of poles or anchors below ground.

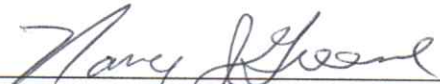
Section 3. This vacation is subject to any easement or claim of easement or right-of-way for utilities and of any utility franchise.

Section 4. That Timothy J. Craig shall pay the cost of surveys, publication, any title company expense and legal description preparation costs and such attorney fees incurred by the City in the vacation.

Section 5. This ordinance shall be in full force and effect from and after passage, approval, and publication.

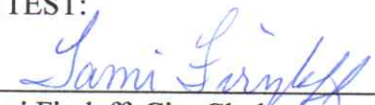
DATED this 27th day of June 2018.

CITY OF PECK:



Nancy J. Greene, Mayor

ATTEST:



Tami Firzlaff, City Clerk

TRIBUNE PUBLISHING COMPANY, INC
The Lewiston Tribune
505 C St., P.O.Box 957
Lewiston, Idaho 83501
(208) 743-9411

LEGAL ADVERTISING
INVOICE

Date:	07/08/2018	INVOICE NO.	145188
Account No.	745750		
Description	145188 ORDINANC		
Times	1	Lines	77
		Tab. lines	
		\$	120.12

Sold To: CITY OF PECK
PO BOX 105
PECK ID 83545

PO# Tami Firzlaff

NOTICE: This is a invoice of Purchase made by you. Statement will be rendered the first of the month
Please Retain This Invoice as Your Statement Will Refer to Invoice by No. Only.

ORDINANCE NO. 173

145188

AN ORDINANCE OF THE CITY OF PECK TO VACATE A PORTION OF A PUBLIC RIGHT-OF-WAY CONSISTING OF A PORTION OF BLOCK 34 AND BLOCK 49 KNOWN AS EAST WASKEY STREET TO THE TOWN OF PECK, IDAHO.

WHEREAS, Timothy J. Craig has requested that the City vacate a portion of the City's right of way on East Waskey Street, located between Block 34 & Block 49 on property currently owned by Timothy J. Craig, Elsa Riek and Charles and Tamera Plank; and

WHEREAS, the City Council, at its regular meeting on August 16, 2017, considered Mr. Craig's request and received a written application for a right-of-way vacation on August 16, 2017; and

WHEREAS, a public hearing was held on November 15, 2017.

WHEREAS, the City has adopted Findings of Fact, Conclusions of Law and Decision, dated June 20, 2018.

NOW THEREFORE, be it ordained by and the Mayor and Council for the City of Peck, Nez Perce County, State of Idaho as follows:

Section 1. That a public right of way along and across the following described real estate shall be and is hereby vacated.

Southwest 1/4 of Section 11, Township 36 North, range 01 West, Boise Meridian, Nez Perce County, Idaho described as follows:

That portion of a proposed roadway formerly known as East Waskey Street, between and abutting Block 34, Lot 10 and Lot 20, and Block 49, Lot 1, Lot 2 and Lot 3 in the City of Peck, Idaho.

Section 2. This vacation is subject to any easement or claim of easement or right-of-way for water, sewer, telephone, ditches, canals and appurtenances, gas, underground facilities or electrical or similar lines and appurtenances services presently existing. "Underground facility" means any item buried or placed below ground for use in connection with the storage or conveyance of water (unless being delivered primarily for irrigation), sewage, electronic, telephonic or telegraphic communications, cable television, electric energy, petroleum products, gas, gaseous vapors, hazardous liquids, or other substances and including, but not limited to, pipes, sewers, conduits, cables, valves, lines, wires, manholes, attachments, and those parts of poles or anchors below ground.

Section 3. This vacation is subject to any easement or claim of easement or right-of-way for utilities and of any utility franchise.

Section 4. That Timothy J. Craig shall pay the cost of surveys, publication, any title company expense and legal description preparation costs and such attorney fees incurred by the City in the vacation.

Section 5. This ordinance shall be in full force and effect from and after passage, approval, and publication.

DATED this 27th day of June 2018.

CITY OF PECK:
/s/ Nancy J. Greene
Nancy J. Greene, Mayor

ATTEST:
/s/ Tami Firzlaff
Tami Firzlaff, City Clerk

AFFIDAVIT OF PUBLICATION

Julie L. Winters, 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, publishers of the Lewiston Tribune, a newspaper 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 145188 ORDINANC attached hereto and which is made a part of this affidavit was published in the said Lewiston Tribune, 1 time(s). Publication being on 07/08, or once a Day for 1 consecutive Day, the first publication thereof being on the 07/08/2018, and the last publication thereof being on the 07/08/2018, and said 145188 ORDINANC 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.

Julie L. Winters

State of Idaho

S.S.

County of Nez Perce

On this 10th day of July in the year of 2018, before me, a Notary Public, personally appeared Julie L. Winters, 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.

Carol Peterson
Notary Public in and for the State of Idaho,
residing at Lewiston, therein
Commission Expires 9-1-2023

RECORDING REQUESTED BY AND
WHEN RECORDED RETURN TO:

*City of Peck
120 W. Howard Street
P.O. Box 105
Peck, Idaho 83545

Instrument # 859858

NEZ PERCE COUNTY

8-2-2018 10:20:28 AM No. of Pages: 2

Recorded for: CITY OF PECK *

PATTY WEEKS

Fee: 0.00

Ex-Officio Recorder Deputy

Index to: WRNTYQCD

Cindy S. Ocampo

QUITCLAIM DEED

For the consideration of ten dollars (\$10.00) and other good and valuable consideration the receipt of which is hereby acknowledged The City of Peck, a municipality and political subdivision of the State of Idaho ("Grantor"), does hereby release and forever quitclaim unto Elsa Riek ("Grantee"), whose address P.O. Box 55, Peck, Idaho 83545, Peck Idaho, and their heirs and assigns forever, all right, title and interest which Grantor now has or may hereafter acquire in the following described real property situated in Nez Perce County, State of Idaho, to-wit:

A part of the Waskey Street right of way lying between Blocks 34 and 49 in the Village of Peck, according to the recorded plat thereof, which is located in the Southwest $\frac{1}{4}$ of Section 11, Township 36 North, Range 1 West, Boise Meridian, Nez Perce County, State of Idaho, said right of way being more particularly described as follows:

COMMENCING at a 5/8" diameter rebar with a PLS 9165 cap marking the Southwest corner of Block 34 of the Village of Peck; thence North $65^{\circ}02'08''$ East, along the south boundary of said Block 34, a record distance of 215 feet (measured distance of 215.66 feet) to a set 5/8" diameter rebar with a PLS 9165 cap marking the Southeast corner of said Block 34; thence South $24^{\circ}57'52''$ East, on a bearing extended from the East boundary of said Block 34, a distance of 30 feet, to the platted centerline of Waskey Street and the **TRUE POINT OF BEGINNING**; thence South $65^{\circ}02'08''$ West, along the platted centerline of Waskey Street, a record distance of 115 feet (measured distance of 115.33 feet), to a point; thence South $24^{\circ}57'52''$ East, a distance of 30 feet to the Northwest corner of Lot 2, Block 49, of the Plat of Village of Peck, according to the recorded plat thereof; thence North $65^{\circ}02'08''$ East, along the North boundary of said Lot 2 and Lot 1, a record distance of 115 feet (measured distance of 115.33 feet), to a point on the North boundary of Lot 1; thence North $24^{\circ}57'52''$ West, on a bearing extended from the East boundary of said Block 34, a distance of 30 feet to the platted centerline of Waskey Street and the **TRUE POINT OF BEGINNING**.

Subject to any easements, recorded, unrecorded, written or unwritten.

Containing .08 acres, more or less.

Subject to any existing easements; recorded, unrecorded, written or unwritten.

TO HAVE AND TO HOLD, all and singular the said real property, together with all appurtenances, tenements, hereditaments, reversions, remainders, rents, issues, profits, rights-of-way, and water rights in anywise appertaining to the real property herein described, as well in law as in equity, unto Grantee, and to its heirs and assigns forever.

WITNESS the hand of said Grantor this 12th day of July, 2018.


Nancy Greene, Mayor

ATTEST:

Tam Firzlaff, City Clerk

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

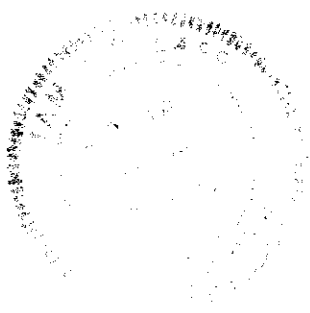
On this 15th day of July, 2018, before me a Notary Public, personally appeared Nancy Greene, known or identified to me be the Mayor of the City of Peck that executed the instrument or the person who executed the instrument on behalf of said municipality, and acknowledged to me that such municipality 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.

NOTARY PUBLIC FOR IDAHO

Residing at Peck 311

My Commission Expires 11-20-2027



Instrument # 859856

NEZ PERCE COUNTY

8-2-2018 10:19:07 AM No. of Pages: 2

Recorded for : CITY OF PECK *

PATTY WEEKS

Fee: 0.00

Ex-Officio Recorder Deputy

Index to: WANTY/OCB

RECORDING REQUESTED BY AND
WHEN RECORDED RETURN TO:

* City of Peck
120 W. Howard Street
P.O. Box 105
Peck, Idaho 83545

QUITCLAIM DEED

For the consideration of ten dollars (\$10.00) and other good and valuable consideration the receipt of which is hereby acknowledged The City of Peck, a municipality and political subdivision of the State of Idaho ("Grantor"), does hereby release and forever quitclaim unto Timothy J. Craig ("Grantee"), whose address is P.O. Box 119, Peck Idaho, and their heirs and assigns forever, all right, title and interest which Grantor now has or may hereafter acquire in the following described real property situated in Nez Perce County, State of Idaho, to-wit:

A part of the Waskey Street right of way lying between Blocks 34 and 49 in the Village of Peck, according to the recorded plat thereof, which is located in the Southwest $\frac{1}{4}$ of Section 11, Township 36 North, Range 1 West, Boise Meridian, Nez Perce County, State of Idaho, said right of way being more particularly described as follows:

BEGINNING at a 5/8" diameter rebar with a PLS 9165 cap marking the Southwest corner of Block 34 of the Village of Peck; thence North $65^{\circ}02'08''$ East, along the South boundary of Block 34 and the North right of way of East Waskey Street, a record distance of 215 feet (measured distance of 215.66 feet) to a set 5/8" diameter rebar with a PLS 9165 cap; thence South $24^{\circ}57'52''$ East, on a bearing extended from the East boundary of said Block 34, a distance of 30 feet, to the platted centerline of Waskey Street; thence South $65^{\circ}02'08''$ West, along the platted centerline of Waskey Street, a record distance of 215 feet (measured distance of 215.66 feet) to a point; thence North $24^{\circ}57'52''$ West, on a bearing extended from the West boundary of said Block 34, a distance of 30 feet to a set 5/8" diameter rebar with a PLS 9165 cap marking the Southwest corner of Block 34 of the Village of Peck and the **POINT OF BEGINNING**.

Subject to any easements, recorded, unrecorded, written or unwritten.

Containing .15 acres, more or less.

Subject to any existing easements; recorded, unrecorded, written or unwritten.

TO HAVE AND TO HOLD, all and singular the said real property, together with all appurtenances, tenements, hereditaments, reversions, remainders, rents, issues, profits, rights-of-way, and water rights in anywise appertaining to the real property herein described, as well in law as in equity, unto Grantee, and to its heirs and assigns forever.

WITNESS the hand of said Grantor this 12th day of July, 2018.


Nancy Greene, Mayor

ATTEST:

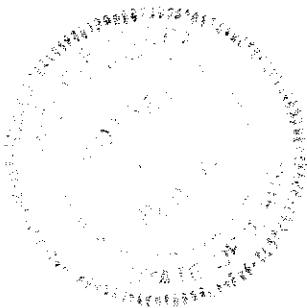
Tam Firzlauff
Tam Firzlauff, City Clerk

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

On this 22nd day of July, 2018, before me a Notary Public, personally appeared Nancy Greene, known or identified to me be the Mayor of the City of Peck that executed the instrument or the person who executed the instrument on behalf of said municipality, and acknowledged to me that such municipality 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.

NOTARY PUBLIC FOR IDAHO

Residing at Back IIMy Commission Expires 11-20-2020

Instrument # 859857
NEZ PERCE COUNTY

8-2-2018 10:19:52 AM No. of Pages: 2

Recorded for : CITY OF PECK

PATTY WEEKS

Ex-Officio Recorder Deputy

Index to: WRNTY/OC

Fee: 0.00

Cindy J. Ocampo

RECORDING REQUESTED BY AND
WHEN RECORDED RETURN TO:

Jennifer B. Douglass
Douglass Law, PLLC
322 Main Street
Lewiston, Idaho 83501

QUITCLAIM DEED

For the consideration of ten dollars (\$10.00) and other good and valuable consideration the receipt of which is hereby acknowledged The City of Peck, a municipality and political subdivision of the State of Idaho ("Grantor"), does hereby release and forever quitclaim unto Charles and Tamera Plank ("Grantees"), whose address 203 N Marguerite Street, Peck Idaho, and their heirs and assigns forever, all right, title and interest which Grantor now has or may hereafter acquire in the following described real property situated in Nez Perce County, State of Idaho, to-wit:

A part of the Waskey Street right of way lying between Blocks 34 and 49 in the Village of Peck, according to the recorded plat thereof, which is located in the Southwest ¼ of Section 11, Township 36 North, Range 1 West, Boise Meridian, Nez Perce County, State of Idaho, said right of way being more particularly described as follows:

COMMENCING at a 5/8" diameter rebar with a PLS 9165 cap marking the Southwest corner of Block 34 of the Village of Peck; thence South 24°57'52" East, on a bearing extended from the West boundary of said Block 34, a distance of 30 feet, to the platted centerline of Waskey Street and the **TRUE POINT OF BEGINNING**; thence North 65°02'08" East, along the platted centerline of Waskey Street, a record distance of 100 feet (measured distance of 100.33 feet), to a point; thence South 24°57'52" East, a distance of 30 feet to the Northeast corner of Lot 3, Block 49, of the Plat of Village of Peck, according to the recorded plat thereof; thence South 65°02'08" West, along the North boundary of said Lot 3, a record distance of 100 feet (measured distance of 100.33 feet), to the Southwest corner of said Lot 3; thence North 24°57'52" West, on a bearing extended from the West boundary of said Block 34, a distance of 30 feet to the platted centerline of Waskey Street and the **TRUE POINT OF BEGINNING**.

Subject to any easements, recorded, unrecorded, written or unwritten.

Containing .07 acres, more or less.

Subject to any existing easements; recorded, unrecorded, written or unwritten.

QUITCLAIM DEED

*CITY OF PECK
PO BOX 105
PECK, ID 83545-0105

1 of 2

1/2

TO HAVE AND TO HOLD, all and singular the said real property, together with all appurtenances, tenements, hereditaments, reversions, remainders, rents, issues, profits, rights-of-way, and water rights in anywise appertaining to the real property herein described, as well in law as in equity, unto Grantee, and to its heirs and assigns forever.

WITNESS the hand of said Grantor this 12th day of July, 2018.

Nancy J. Greene
Nancy Greene, Mayor

ATTEST:

Tami Firzlaff
Tami Firzlaff, City Clerk

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

On this 12th day of July, 2018, before me a Notary Public, personally appeared Nancy Greene, known or identified to me be the Mayor of the City of Peck that executed the instrument or the person who executed the instrument on behalf of said municipality, and acknowledged to me that such municipality 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.



Tami Firzlaff
NOTARY PUBLIC FOR IDAHO
Residing at Peck, ID
My Commission Expires 11-20-2020