

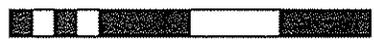


-  Park Place III
-  Roads
-  Other Parcels

**A Vicinity Map Showing
Park Place III & IV Townhomes**

Within Section 13, T.4N., R.17E., B.M., City of Ketchum, Idaho

0 100 200 300 400 Feet



ALPINE ENTERPRISES INC.
 PO Box 2037,
 280 River St. East
 Ketchum, ID 83340
 208-727-1988

RECORDING REQUESTED BY
AND WHEN RECORDED RETURN TO:

KNEELAND, KORB, COLLIER & LEGG, PLLC
Post Office Box 249
Ketchum, Idaho 83340
KKCL File No. 9034

(Space above line for Recorder's Use)

**WITHDRAWAL OF THE PARK PLACE CONDOMINIUM III PROJECT
FROM CONDOMINIUM PROPERTY ACT**

Jon D. Burke and Jennifer L. Burke, Trustees of the Jon D. and Jennifer L. Burke Family Revocable Trust Established the 9th day of December, 1980, ("Burke Family Trust"), and Sandra Bongard, an unmarried woman, ("Bongard"), (Burke Family Trust and Bongard are referred to collectively as "Declarants"), recite and declare as follows:

RECITALS

A. Burke Family Trust is the owner of Condominium Unit 1, and Bongard is the owner of Condominium Unit 2 as shown on the Condominium Map for Park Place III Townhouse Condominiums recorded as Instrument No. 212507, and as defined and described in the Condominium Declaration for Park Place III Condominiums, recorded as Instrument No. 212506, records of Blaine County, Idaho, being all the condominiums and real property of Park Place Condominium III project.

B. There are no liens affecting the Condominiums or the Common Area.

C. Declarants desire to withdraw Park Place III Townhouse Condominiums from the Idaho Condominium Property Act and to convert their respective condominiums to townhome ownership as provided hereinafter.

DECLARATION

Declarants, for valuable consideration received, represent and declare as follows:

1. Withdrawal. Declarants hereby withdraw Condominium Units 1 and 2, and the common area of Park Place III Townhouse Condominiums, Blaine County, Idaho, from the Idaho Condominium Property Act as provided by Idaho Code 55-1510, as amended, effective upon the recording of this Withdrawal with the Blaine County Recorder.

2. Release. The Condominium Map for Park Place III Townhouse Condominiums,

recorded as Instrument No. 212507, the Condominium Declaration for Park Place Condominium III, recorded as Instrument No. 212506, and any and all other documents filed for record with the Blaine County Recorder in connection with Park Place III Townhouse Condominiums are withdrawn and released of record effective upon the recording of this Withdrawal with the Blaine County Recorder.

3. Title. Upon recording of this Withdrawal the real property shall be deemed to be owned in common and each former condominium owner shall have an exclusive right to the occupancy of what formerly was his/her unit.

4. Legal Description. Upon recording of the plat for Park Place III Townhomes, the real property shall henceforth be owned and legally described as follows:

Burke Family Trust: Sublot 1, Park Place III Townhomes, Blaine County, Idaho.
Bongard: Sublot 2, Park Place III Townhomes, Blaine County, Idaho.

5. Successors. This Withdrawal runs with the real property and shall be binding on the successors in interest of the Declarants herein.

DATED this ____ day of _____, 2012.

DECLARANTS: JON D. AND JENNIFER L. BURKE FAMILY REVOCABLE TRUST established the 9th day of December, 1980

By _____
Jon D. Burke, Trustee

By _____
Jennifer L. Burke, Trustee

Sandra Bongard

RECORDING REQUESTED BY
AND WHEN RECORDED RETURN TO:

KNEELAND, KORB, COLLIER & LEGG, PLLC
Post Office Box 249
Ketchum, Idaho 83340
KKCL File No. 9034

(Space above line for Recorder's Use)

**WITHDRAWAL OF THE PARK PLACE CONDOMINIUM IV PROJECT
FROM CONDOMINIUM PROPERTY ACT**

Frank Williams Hayes aka Bill Hayes, an unmarried man ("Hayes"), and Bonnie L. Garmon, a _____ woman, and Stephen H. Poorman, a _____ may, as tenants in common (collectively "Garmon"), (Hayes and Garmon are referred to collectively as "Declarants"), recite and declare as follows:

RECITALS

A. Hayes is the owner of Condominium Unit 1, and Garmon is the owner of Condominium Unit 2 as shown on the Condominium Map for Park Place IV Townhouse Condominiums recorded as Instrument No. 224304, and as defined and described in the Condominium Declaration for Park Place IV Condominiums, recorded as Instrument No. 224303, records of Blaine County, Idaho, being all the condominiums and real property of Park Place Condominium IV project.

B. There are no liens affecting the Condominium Unit 2 or the common area. Unit 1 is encumbered by a Deed of Trust recorded February 25, 2003, as Instrument No. 479243, records of Blaine County, Idaho, with Capital Commerce Mortgage Co. as beneficiary ("Capital Deed of Trust"); and a Deed of Trust recorded July 12, 2010, as Instrument No. 578926, records of Blaine County, Idaho with William J. Barrett as Beneficiary ("Barrett Deed of Trust").

C. Declarants desire to withdraw Park Place IV Townhouse Condominiums from the Idaho Condominium Property Act and to convert their respective condominiums to townhome ownership as provided hereinafter.

DECLARATION

Declarants, for valuable consideration received, represent and declare as follows:

1. Withdrawal. Declarants hereby withdraw Condominium Units 1 and 2, and the common area of Park Place IV Townhouse Condominiums, Blaine County, Idaho, from the Idaho

Condominium Property Act as provided by Idaho Code 55-1510, as amended, effective upon the recording of this Withdrawal with the Blaine County Recorder.

2. Release. The Condominium Map for Park Place IV Townhouse Condominiums, recorded as Instrument No. 224304, the Condominium Declaration for Park Place Condominium IV, recorded as Instrument No. 224303, and any and all other documents filed for record with the Blaine County Recorder in connection with Park Place IV Townhouse Condominiums are withdrawn and released of record effective upon the recording of this Withdrawal with the Blaine County Recorder.

3. Title. Upon recording of this Withdrawal the real property shall be deemed to be owned in common and each former condominium owner shall have an exclusive right to the occupancy of what formerly was his/her unit. The Capital Deed of Trust, and the Barrett Deed of Trust shall be deemed forthwith, without change of seniority, transferred to and encumber the undivided interest of Hayes in the real property.

4. Legal Description. Upon recording of the plat for Park Place IV Townhomes, the real property shall henceforth be owned and legally described as follows:

Hayes: Sublot 1, Park Place IV Townhomes, Blaine County, Idaho.
Garmon: Sublot 2, Park Place IV Townhomes, Blaine County, Idaho.

5. Successors. This Withdrawal runs with the real property and shall be binding on the successors in interest of the Declarants herein.

DATED this _____ day of _____, 2012.

DECLARANTS:

Frank William Hayes aka Bill Hayes

Bonnie L. Garmon

Stephen H. Poorman

F:\WPDATA\smith,bruce\condo iv withdrawal.wpd

ACKNOWLEDGMENTS

STATE OF IDAHO)
) ss.
County of Blaine)

On this _____ day of _____, 2012, before me, the undersigned, a Notary Public in and for said State, personally appeared FRANK WILLIAM HAYES, aka Bill Hayes, and known to me to be the person whose name is subscribed to the within instrument as Declarant and acknowledged to me that he executed the same.

WITNESS my hand and seal the day and year in this certificate first above written.

(Seal)

Notary Public for _____
Residing at: _____
Commission Expires: _____

STATE OF IDAHO)
) ss.
County of Blaine)

On this _____ day of _____, 2012, before me, the undersigned, a Notary Public in and for said State, personally appeared BONNIE L. GARMON, known to me to be the person whose name is subscribed to the within instrument as Declarant and acknowledged to me that she executed the same.

WITNESS my hand and seal the day and year in this certificate first above written.

(Seal)

Notary Public for Idaho
Residing at: _____
Commission Expires: _____

STATE OF IDAHO)
) ss.
County of Blaine)

On this _____ day of _____, 2012, before me, the undersigned, a Notary Public in and for said State, personally appeared STEPHEN H. POORMAN, and known to me to be the person whose names are subscribed to the within instrument as Declarant and acknowledged to me that he executed the same.

WITNESS my hand and seal the day and year in this certificate first above written.

(Seal)

Notary Public for _____
Residing at: _____
Commission Expires: _____

RECORDING REQUESTED BY AND
WHEN RECORDED MAIL TO:

KNEELAND, KORB, COLLIER & LEGG, PLLC
Post Office Box 249
Ketchum, ID 83340
KKCL File No. 9034

(Space above line for Recorder's Use)

**TOWNHOME DECLARATION
OF
COVENANTS, CONDITIONS AND RESTRICTIONS
AND PARTY WALL AGREEMENT
FOR
PARK PLACE III TOWNHOMES**

THIS DECLARATION is made on the _____ day of _____, 2012 by Jon D. Burke and Jennifer L. Burke, Trustees of the Jon D. and Jennifer L. Burke Family Revocable Trust Established the 9th day of December 1980 ("Burke Family Trust"), and Sandra Bongard, an unmarried woman, ("Bongard"), (Burke Family Trust and Bongard are referred to collectively as "Declarants").

RECITALS

A. Burke Family Trust was the owner of Condominium Unit 1, Park Place III Townhomes Condominiums, Blaine County, Idaho, which condominium was converted to Sublot 1, Park Place III Townhomes, Blaine County, Idaho, by that certain Townhome Plat recorded _____, 2012, as Instrument No. _____.

B. Bongard was the owner of Condominium Unit 2, Park Place III Townhomes Condominiums, Blaine County, Idaho, which condominium was converted to Sublot 2, Park Place III Townhomes, Blaine County, Idaho, by that certain Townhome Plat recorded _____, 2012, as Instrument No. _____.

C. The legal character of the real property has been changed by converting condominium ownership to townhome ownership.

D. The real property is improved by two townhome residential family dwellings thereon known as Park Place III Townhomes, Blaine County, Idaho.

E. Declarants intend that the townhome subplot owners of Park Place III Townhomes be subject to this Declaration and shall be members of the architectural committee created hereby.

DECLARATION

NOW, THEREFORE, for valuable consideration, the receipt and sufficiency of which is acknowledged, Declarants hereby declare that:

1. Withdrawal as Condominium. Park Place III Condominiums is hereby removed and withdrawn from the Idaho Condominium Property Act pursuant to Idaho Code §55-1560, as amended, by that certain Withdrawal of the Park Place Condominium III Project from the Condominium Property Act recorded herewith.

2. Declaration. This Declaration is hereby established upon Park Place III Townhomes in furtherance of a general plan for improvement and sale of townhome sublots within the property for the purpose of enhancing and perfecting the value of each townhome unit therein, and for the benefit of each owner of a townhome unit in Park Place III Townhomes.

a) Townhome sublots within Park Place III Townhomes shall be held, conveyed, encumbered, leased, occupied or otherwise used, improved or transferred, in whole or in part, subject to this Declaration and any supplemental declaration.

b) This Declaration and any supplemental declaration shall run with Park Place III Townhomes and all townhome sublots located therein, and shall be binding upon and inure to the benefit of all parties having or hereafter acquiring any right, title or interest in Park Place III Townhomes or any portion thereof.

3. Definitions.

a) Townhome Sublot. A "townhome subplot" means an estate in real property with a fee interest in a townhome subplot shown and described on the plat for Park Place III Townhomes.

b) Townhome Unit. A "townhome unit" means a building on a townhome subplot shown and described on the plat for Park Place III Townhomes.

4. Property Rights.

a) Utilities. All townhome subplot owners shall have mutual non-exclusive reciprocal easements for existing and future water, cable tv, sewage, telephone and electrical lines

over, under and across their townhome units and townhome sublots for the repair, maintenance and replacement thereof subject to the restoration of the easement premises for any damage resulting from such repair or replacement.

b) Easements. All townhome subplot owners shall have mutual non-exclusive reciprocal easements over and across the common driveway, walkways and parking area for Park Place III Townhomes.

c) Encroachments. If any portion of a townhome subplot or unit encroaches on the other townhome subplot or unit, regardless of the cause, a valid easement exists for such encroachment and for the maintenance of it so long as it remains.

5. Use Restrictions.

a) Residential Use. The townhome sublots are restricted to residential uses permitted by the Ketchum Zoning Ordinance as amended from time to time.

b) Maintenance. Each owner of a townhome subplot shall be responsible for maintaining the interior of their townhome unit in a clean, sanitary, and attractive condition.

c) Offensive Conduct. No noxious or offensive activities shall be conducted within a townhome unit or townhome subplot. Nothing shall be done on or within the townhome units or townhome sublots that may be or may become an annoyance or nuisance to the residents of the townhome sublots, or that in any way interferes with the quiet enjoyment of the occupants of townhome units.

6. Parking Restrictions. No inoperative vehicle, any unsightly vehicle, or any improperly parked or stored vehicle located on a townhome subplot.

7. External Fixtures. No television or radio poles, antenna, flag poles, clotheslines, or other external fixtures other than those originally installed by Declarant or unanimously approved by the subplot owners, shall be constructed, erected or maintained on or within Park Place III Townhomes.

8. Trash. Trash, garbage or other waste shall be kept only in sanitary containers situated within the garage of the townhome unit. No owner shall permit or cause any trash or refuse to be kept on any portion of the Park Place III Townhomes other than receptacles customarily used for it, which shall be located in the garage of the townhome unit, except on the scheduled day for trash pickup.

9. Architectural Control.

a) Architectural Committee. The architectural committee shall be the subplot owners of Park Place III Townhomes as constituted from time to time. The architectural committee shall exercise its best judgment to see that all improvements, construction, landscaping and alterations that affect the exterior of Park Place III Townhomes conform and harmonize with the existing structures as to external design, materials, color and topography.

b) Approval. No improvements of any kind or of any nature shall be altered, constructed, erected or permitted, nor shall any excavating, clearing or landscaping be done on any townhome subplot within Park Place III Townhomes unless the same are approved by the architectural committee prior to the commencement of such work. Approval shall not be unreasonably denied or delayed.

10. Party Walls. Park Place III Townhomes are constructed with a common party wall. These walls and roof structures are situated on townhome subplot lines between adjoining townhome sublots, and, to the extent not inconsistent with the provisions of this Declaration, the general rules of law regarding party walls and liability for property damage due to negligence or willful acts or omissions shall apply thereto.

a) Maintenance. The cost of maintaining the party wall shall be borne equally by the townhome subplot owners on each side of said wall.

b) Damage to Party Wall. In the event of damage or destruction of said party wall from any cause, other than the negligence of a townhome subplot owner, or their tenants or guests, then the townhome subplot owners shall, at their joint expense, repair and rebuild said wall, and each party shall have the right to the full use of said wall so repaired or rebuilt. If either party's negligence shall cause damage to or destruction of said wall, such negligent party shall bear the entire cost of repair or reconstruction. If either party shall neglect or refuse to pay their share or all of such costs in the case of negligence, the other party may have the wall repaired and restored and shall be entitled to have a mechanic's lien filed and foreclosed on the townhome subplot of the party so failing to pay for the amount of such defaulting party's share of the repair or replacement costs.

c) Repair. Either party shall have the right to break through the party wall for the purpose of repairing or restoring utilities within the wall, subject to the obligation to restore the wall to its previous structural and aesthetic condition, at their own expense and the payment to the adjoining townhome subplot owner of any damages caused thereby.

d) Easement. Neither party shall alter or change said party wall in any manner, interior decoration excepted, and said party wall shall always remain in the same location as when erected, and each party to said common or division wall shall have a perpetual easement in that part of the townhome subplot of the other on which said party wall is located for party wall purposes.

e) Right to Contribution. The right of any townhome subplot owner to contribution from the other townhome subplot owner under this paragraph shall be appurtenant to the land and shall pass to such owner's successors in title.

f) Arbitration. In the case of a dispute or disagreement regarding the party wall that cannot be resolved by the parties, the disputed matter or matters shall be referred to three disinterested parties, one chosen by each side and those two to choose another, the decision in writing signed by any two (2) disinterested parties shall be final.

11. Insurance. The townhome subplot owners shall provide and be responsible for their own subplot casualty, liability and property damage insurance.

12. Amendment. This Declaration shall not be revoked nor shall any of its provisions herein be amended without the unanimous written consent of the townhome subplot owners, duly and properly recorded with the Blaine County Recorder.

IN WITNESS WHEREOF, the Declarant has executed this instrument on the day and year first above written.

DECLARANTS:

OWNER OF SUBLot 1

JON D. AND JENNIFER L. BURKE FAMILY REVOCABLE TRUST established the 9th day of December, 1980

By _____
Jon D. Burke, Trustee

By _____
Jennifer L. Burke, Trustee

OWNER OF SUBLot 2

Sandra Bongard

ACKNOWLEDGMENTS

STATE OF IDAHO)
) ss.
County of Blaine)

On this _____ day of _____, 2012, before me, the undersigned, a Notary Public in and for said State, personally appeared JON D. BURKE and JENNIFER L. BURKE, as Trustees of the Jon D. and Jennifer L. Burke Family Revocable Trust, and known to me to be the persons whose names are subscribed to the within instrument as Declarant and acknowledged to me that they executed the same.

WITNESS my hand and seal the day and year in this certificate first above written.

(Seal)

Notary Public for Idaho
Residing at: _____
Commission Expires: _____

STATE OF IDAHO)
) ss.
County of Blaine)

On this _____ day of _____, 2012, before me, the undersigned, a Notary Public in and for said State, personally appeared SANDRA BONGARD, known to me to be the person whose name is subscribed to the within instrument as Declarant and acknowledged to me that she executed the same.

WITNESS my hand and seal the day and year in this certificate first above written.

(Seal)

Notary Public for Idaho
Residing at: _____
Commission Expires: _____

F:\WPDATA\smith,bruce\townhome ecr.wpd

RECORDING REQUESTED BY AND
WHEN RECORDED MAIL TO:

KNEELAND, KORB, COLLIER & LEGG, PLLC
Post Office Box 249
Ketchum, ID 83340
KKCL File No. 9034

(Space above line for Recorder's Use)

**TOWNHOME DECLARATION
OF
COVENANTS, CONDITIONS AND RESTRICTIONS
AND PARTY WALL AGREEMENT
FOR
PARK PLACE IV TOWNHOMES**

THIS DECLARATION is made on the _____ day of _____, 2012 by Frank Williams Hayes aka Bill Hayes, an unmarried man ("Hayes") and Bonnie L. Garmon, a _____ woman, and Stephen H. Poorman, a _____ man, as tenants in common (collectively "Garmon"), (Hayes and Gorman are referred to collectively as "Declarants").

RECITALS

A. Hayes was the owner of Condominium Unit 1, Park Place IV Townhomes Condominiums, Blaine County, Idaho, which condominium was converted to Sublot 1, Park Place IV Townhomes, Blaine County, Idaho, by that certain Townhome Plat recorded _____, 2012, as Instrument No. _____.

B. Garmon was the owner of Condominium Unit 2, Park Place IV Townhomes Condominiums, Blaine County, Idaho, which condominium was converted to Sublot 2, Park Place IV Townhomes, Blaine County, Idaho, by that certain Townhome Plat recorded _____, 2012, as Instrument No. _____.

C. The legal character of the real property has been changed by converting condominium ownership to townhome ownership.

D. The real property is improved by two townhome residential family dwellings thereon known as Park Place IV Townhomes, Blaine County, Idaho.

E. Declarants intend that the townhome subplot owners of Park Place IV Townhomes be subject to this Declaration and shall be members of the architectural committee created hereby.

DECLARATION

NOW, THEREFORE, for valuable consideration, the receipt and sufficiency of which is acknowledged, Declarants hereby declare that:

1. Withdrawal as Condominium. Park Place IV Condominiums is hereby removed and withdrawn from the Idaho Condominium Property Act pursuant to Idaho Code §55-1560, as amended, by that certain Withdrawal of the Park Place Condominium IV Project from the Condominium Property Act recorded herewith.

2. Declaration. This Declaration is hereby established upon Park Place IV Townhomes in furtherance of a general plan for improvement and sale of townhome sublots within the property for the purpose of enhancing and perfecting the value of each townhome unit therein, and for the benefit of each owner of a townhome unit in Park Place IV Townhomes.

a) Townhome sublots within Park Place IV Townhomes shall be held, conveyed, encumbered, leased, occupied or otherwise used, improved or transferred, in whole or in part, subject to this Declaration and any supplemental declaration.

b) This Declaration and any supplemental declaration shall run with Park Place IV Townhomes and all townhome sublots located therein, and shall be binding upon and inure to the benefit of all parties having or hereafter acquiring any right, title or interest in Park Place IV Townhomes or any portion thereof.

3. Definitions.

a) Townhome Sublot. A "townhome subplot" means an estate in real property with a fee interest in a townhome subplot shown and described on the plat for Park Place IV Townhomes.

b) Townhome Unit. A "townhome unit" means a building on a townhome subplot shown and described on the plat for Park Place IV Townhomes.

4. Property Rights.

a) Utilities. All townhome subplot owners shall have mutual non-exclusive reciprocal easements for existing and future water, cable tv, sewage, telephone and electrical lines over, under and across their townhome units and townhome sublots for the repair, maintenance and replacement thereof subject to the restoration of the easement premises for any damage resulting from such repair or replacement.

b) Easements. All townhome subplot owners shall have mutual non-exclusive reciprocal easements over and across the common driveway, walkways and parking area for Park Place IV Townhomes.

c) Encroachments. If any portion of a townhome subplot or unit encroaches on the other townhome subplot or unit, regardless of the cause, a valid easement exists for such encroachment and for the maintenance of it so long as it remains.

5. Use Restrictions.

a) Residential Use. The townhome sublots are restricted to residential uses permitted by the Ketchum Zoning Ordinance as amended from time to time.

b) Maintenance. Each owner of a townhome subplot shall be responsible for maintaining the interior of their townhome unit in a clean, sanitary, and attractive condition.

c) Offensive Conduct. No noxious or offensive activities shall be conducted within a townhome unit or townhome subplot. Nothing shall be done on or within the townhome units or townhome sublots that may be or may become an annoyance or nuisance to the residents of the townhome sublots, or that in any way interferes with the quiet enjoyment of the occupants of townhome units.

6. Parking Restrictions. No inoperative vehicle, any unsightly vehicle, or any improperly parked or stored vehicle located on a townhome subplot.

7. External Fixtures. No television or radio poles, antenna, flag poles, clotheslines, or other external fixtures other than those originally installed by Declarant or unanimously approved by the subplot owners, shall be constructed, erected or maintained on or within Park Place IV Townhomes.

8. Trash. Trash, garbage or other waste shall be kept only in sanitary containers situated within the garage of the townhome unit. No owner shall permit or cause any trash or refuse to be kept on any portion of the Park Place IV Townhomes other than receptacles customarily used for it, which shall be located in the garage of the townhome unit, except on the scheduled day for trash pickup.

9. Architectural Control.

a) Architectural Committee. The architectural committee shall be the subplot owners of Park Place IV Townhomes as constituted from time to time. The architectural committee shall exercise its best judgment to see that all improvements, construction, landscaping and

alterations that affect the exterior of Park Place IV Townhomes conform and harmonize with the existing structures as to external design, materials, color and topography.

b) Approval. No improvements of any kind or of any nature shall be altered, constructed, erected or permitted, nor shall any excavating, clearing or landscaping be done on any townhome subplot within Park Place IV Townhomes unless the same are approved by the architectural committee prior to the commencement of such work. Approval shall not be unreasonably denied or delayed.

10. Party Walls. Park Place IV Townhomes are constructed with a common party wall. These walls and roof structures are situated on townhome subplot lines between adjoining townhome sublots, and, to the extent not inconsistent with the provisions of this Declaration, the general rules of law regarding party walls and liability for property damage due to negligence or willful acts or omissions shall apply thereto.

a) Maintenance. The cost of maintaining the party wall shall be borne equally by the townhome subplot owners on each side of said wall.

b) Damage to Party Wall. In the event of damage or destruction of said party wall from any cause, other than the negligence of a townhome subplot owner, or their tenants or guests, then the townhome subplot owners shall, at their joint expense, repair and rebuild said wall, and each party shall have the right to the full use of said wall so repaired or rebuilt. If either party's negligence shall cause damage to or destruction of said wall, such negligent party shall bear the entire cost of repair or reconstruction. If either party shall neglect or refuse to pay their share or all of such costs in the case of negligence, the other party may have the wall repaired and restored and shall be entitled to have a mechanic's lien filed and foreclosed on the townhome subplot of the party so failing to pay for the amount of such defaulting party's share of the repair or replacement costs.

c) Repair. Either party shall have the right to break through the party wall for the purpose of repairing or restoring utilities within the wall, subject to the obligation to restore the wall to its previous structural and aesthetic condition, at their own expense and the payment to the adjoining townhome subplot owner of any damages caused thereby.

d) Easement. Neither party shall alter or change said party wall in any manner, interior decoration excepted, and said party wall shall always remain in the same location as when erected, and each party to said common or division wall shall have a perpetual easement in that part of the townhome subplot of the other on which said party wall is located for party wall purposes.

e) Right to Contribution. The right of any townhome subplot owner to contribution from the other townhome subplot owner under this paragraph shall be appurtenant to the land and shall pass to such owner's successors in title.

f) Arbitration. In the case of a dispute or disagreement regarding the party wall that cannot be resolved by the parties, the disputed matter or matters shall be referred to three disinterested parties, one chosen by each side and those two to choose another, the decision in writing signed by any two (2) disinterested parties shall be final.

11. Insurance. The townhome subplot owners shall provide and be responsible for their own subplot casualty, liability and property damage insurance.

12. Amendment. This Declaration shall not be revoked nor shall any of its provisions herein be amended without the unanimous written consent of the townhome subplot owners, duly and properly recorded with the Blaine County Recorder.

IN WITNESS WHEREOF, the Declarant has executed this instrument on the day and year first above written.

DECLARANTS:

OWNER OF SUBLOT 1

Frank William Hayes aka Bill Hayes

OWNER OF SUBLOT 2

Bonnie L. Garmon

Stephen H. Poorman

ACKNOWLEDGMENTS

STATE OF IDAHO)
) ss.
County of Blaine)

On this _____ day of _____, 2012, before me, the undersigned, a Notary Public in and for said State, personally appeared FRANK WILLIAM HAYES, also known as Bill Hayes, and known to me to be the person whose name is subscribed to the within instrument as Declarant and acknowledged to me that he executed the same.

WITNESS my hand and seal the day and year in this certificate first above written.

(Seal)

Notary Public for Idaho
Residing at: _____
Commission Expires: _____

STATE OF IDAHO)
) ss.
County of Blaine)

On this _____ day of _____, 2012, before me, the undersigned, a Notary Public in and for said State, personally appeared BONNIE L. GARMON and STEPHEN H. POORMAN, known to me to be the persons whose names are subscribed to the within instrument as Declarant and acknowledged to me that they executed the same.

WITNESS my hand and seal the day and year in this certificate first above written.

(Seal)

Notary Public for Idaho
Residing at: _____
Commission Expires: _____

FAWPDATA\smith,bruce\townhome iv cer.wpd



DK ENGINEERING PLLC
P.O. Box 5716
Ketchum, ID 83340

Ketchum Planning & Zoning
P.O. Box 2315
Ketchum, ID 83340

Re: Park Place III & IV townhouse subdivision

To Whom It may Concern:

The owners of Unit 1 (Burke) and Unit 2 (Bongard) of Park Place III Townhouse Condominiums and Unit 1 (Hayes) and Unit 2 (Garmin) of Park Place IV Townhouse Condominiums propose to subdivide their property into townhouse sublots pursuant to Ketchum Municipal Code 16.04.070. In support of that proposal, I conducted an inspection on April 11, 2012 at for compliance with the definition of a Townhouse Development pursuant to Ketchum Municipal Code 16.04.020.

TOWNHOUSE DEVELOPMENT: A planned project of two (2) or more townhouse units that may be constructed as single building(s) containing two (2) or more townhouse units erected generally in a row, each unit being separated from the adjoining unit or units by a one hour fire resistant party wall or walls extending from the basement floor to the roof along the dividing townhouse subplot line, each unit having its own access to the outside, and no unit located over another unit in part or in whole; and/or may be constructed as single buildings containing single townhouse units, provided the separation between units and/or buildings complies with applicable codes. All townhouse developments shall be platted under the procedures contained in the subdivision ordinance in effect and shall be required to obtain design review approval prior to building permit issuance.

The units in question are built as off-set duplex units. The party wall was constructed as a double wall of 2x6's @ 16" o.c. with 5/8" GWB installed on the inside (occupied) faces. Through measurements of the offset between inside face of finish and exterior face of finishes, to my best ability to determine dimensions, there appears to be a 1" space between the rows of studs. This is consistent with UL Design U305, W301 for 1-hour construction, rated from both sides. However, even though the 5/8" wallboard thickness makes it almost certain that Type X GWB was installed, thus far we have been unable to positively identify the GWB used as Type X. Therefore, I am basing the fire-resistant rating on the International Building Code, 2009 Edition, Section 721, "Calculated Fire Resistance" Subsection 721.6.

721.6.1 General. This section contains procedures for calculating the fire-resistance ratings of walls, floor/ceiling and roof/ceiling assemblies based in part on the standard method of testing referenced in Section 703.2.

Received
8-16-12

The time allowed for the membrane is found in Table 721.6.2 (1) and is 30 minutes for 5/8" GWB (non-Type X). The time assigned to the studs @ 16" o.c. is 20 minutes per Table 721.6.2 (2). Since the membrane on the non-exposed side doesn't count, this gives 50-minutes for the assembly, rated from both sides. Table 721.6.2 (5) allows an addition of 15 minutes for the sound insulation batts installed in the wall giving a total of 65 minutes except the calculated fire-resistance per Section 721.6 is limited to 1-hour.

The space above the ceiling does not require modification as the ceiling is sheathed with 5/8" GWB with edge rafters above the wall line creating an effective fire barrier equivalent to 1-hour.

In Park Place IV a portion of the party wall is over crawl space. The crawl space has a 12-in thick concrete wall that stops at a plate line with edge 2x joists under the walls. See attached sketch. This does not meet the requirement that the 1-hour separation extend from the foundation. This will have to be corrected by the addition of 5/8" Type X, GWB to the face of the joists. Taping the joints will not be required.

CONCLUSION

In conclusion, the party crawl should have 5/8" Type X GWB attached to the open sides of the edge joists from each owner's crawl space. Once the GWB has been added, the construction will be compliant with Ketchum Municipal Code for the definition of Townhouse separation and comply with the 1-hour dwelling separation as required by Section R302.3 of the International Residential Code, 2009 Edition.

Respectfully,

DK Engineering PLLC

Dated: August 14, 2012

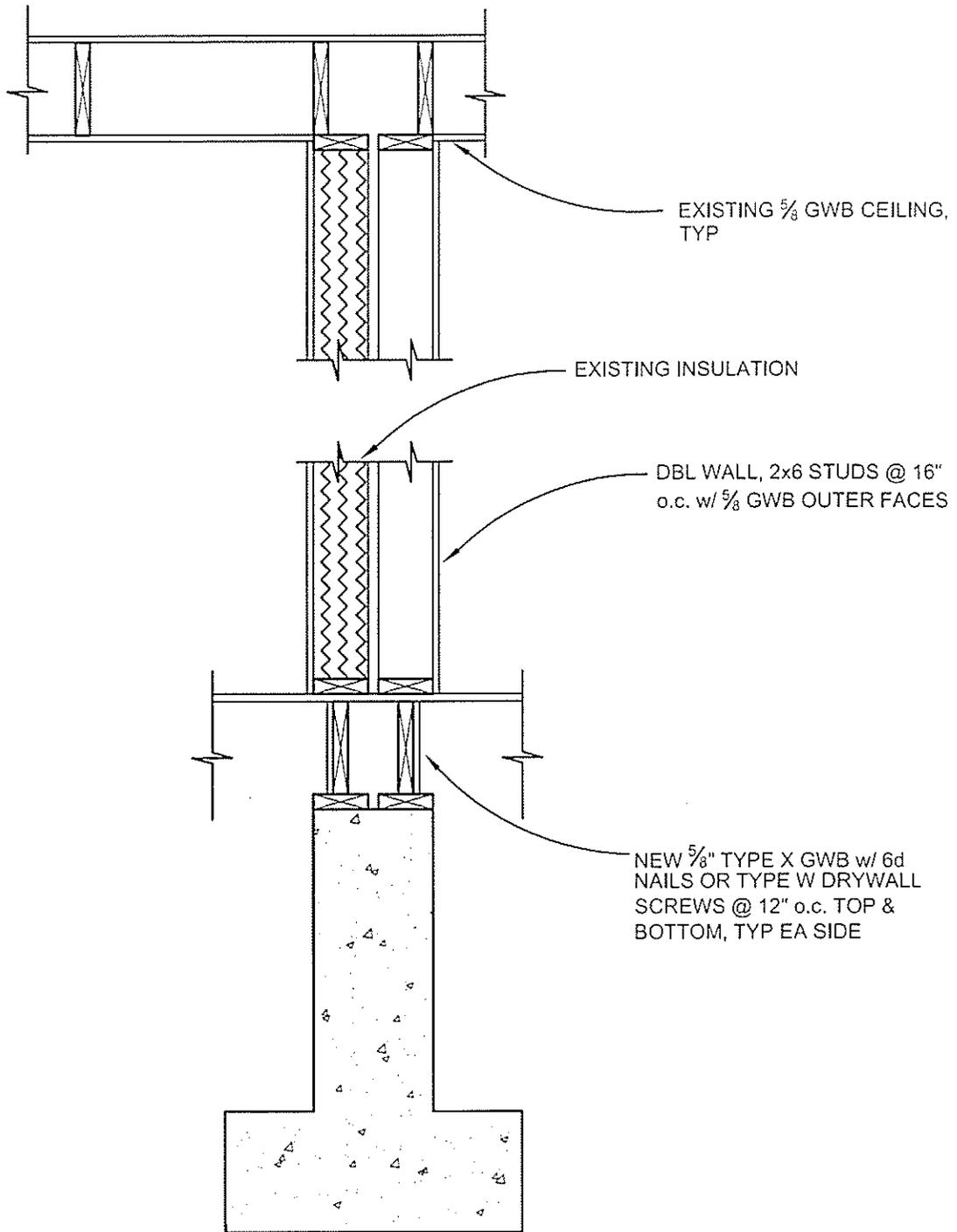
By: Dennis Keierleber

Dennis Keierleber P.E. Its member



CC: Bruce Smith

Attachment: Party wall sketch



1

SECTION THRU TYP PARTY WALL WITH CRAWL

SCALE: $\frac{3}{4}$ " = 1'-0"

Attachment B.

Original Park Place III and IV Condominiums recorded plat, dated December 1980

CERTIFICATE OF OWNERSHIP

This is to certify that we, the undersigned, are the owners in fee simple of the following described parcel of land: Lot 1, Block 68, Report of Block 68, City of Ketchum, Blaine County, Idaho.
It is the intent of the owners to include said land in this plat.
The restrictive covenants governing this subdivision are recorded under Instrument No. 212596 in the Blaine County Recorder's office.

CASA BLANCA COMPANY IDAHO GENERAL PARTNERSHIP

Emil J. Desch
Emil J. Desch
Alice Higgins
Alice Higgins

SURVEYORS CERTIFICATE

I, Richard D. Forbury, a duly licensed land surveyor in the State of Idaho, do hereby certify that this plat of Park Place III Townhouse Condominiums is a true and accurate map of the land surveyed under my direct supervision and that it is in accordance with the Idaho State Code relating to plats and surveys.

SANITARY RESTRICTIONS

COUNTY ENGINEER'S APPROVAL

I, Jim W. Koopce, County Engineer for Blaine County, Idaho, have checked the foregoing plat and computations for meeting the same and have determined that they comply with the laws of the State of Idaho relating thereto.



APPROVAL OF CITY ZONING COMMISSION

The foregoing plat was approved by the Ketchum City Zoning Commission on this 12 day of April, 1981.

Chairman *[Signature]*

APPROVAL OF CITY COUNCIL

The foregoing plat was approved by the City Council of Ketchum on this 12 day of April, 1981.

City Clerk *[Signature]*

CITY ENGINEER'S APPROVAL

The foregoing plat was approved by James V. Brinkley on this 12 day of April, 1981.
City Engineer

City Engineer *[Signature]*

COUNTY TREASURER'S APPROVAL

The taxes on the foregoing parcel of land have been paid to the date and this plat of Park Place III Townhouse Condominiums is hereby approved this 12 day of April, 1981.

[Signature]
Blaine County Treasurer

ACKNOWLEDGEMENT

STATE OF Idaho }
COUNTY OF Blaine }
On this 12 day of April, 1981, before me, a Notary Public in and for said state and personally appeared the persons whose names are subscribed to the Owner's Certificate 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 date certificate above written.

Honary Public *[Signature]*

COUNTY RECORDERS CERTIFICATE

STATE OF IDAHO }
COUNTY OF BLAINE }
This is to certify that the foregoing plat was filed in the office of the Recorder of Blaine County Idaho on this 12 day of April, 1981, and duly recorded in Plat Book 36271, at page 212596.

Recorder *[Signature]*
Blaine County Recorder
Sheet 2 of 2 MARK PLACED IN TOWNHOUSE COMMONS



March 1, 1982

Marie Iuse
Office of the Recorder
Blaine County Courthouse
Barley, Idaho 83303

Re: Park Place IV Townhouse Condominium Plat

Dear Marie:

The Ketchum City Council, at their regular meeting on March 1, 1982, granted an extension of the one year time limit to file plats as required in Ketchum Subdivision Ordinance Number 116 to Messrs. Alex Higgins and Paul Capka.

Please accept the above referenced plat for filing into the records of Blaine County until April 1, 1982, at which time the extension expires.

Thank you for your attention to this matter. If you have any questions, please let me know.

Sincerely,

Jana Hook
Jana Hook
City Planner
Blaine

cc: Mr. Alex Higgins
Mr. Paul Capka

CASA BLANCA COMPANY IDAHO GENERAL PARTNERSHIP
Emil J. Dapik
Alex Higgins

CERTIFICATE OF OWNERSHIP
This is to certify that we, the undersigned, are the owners in fee simple of the following described parcel of land: Lot 2, Block 1, Replat of Block 68, City of Ketchum, Blaine County, Idaho.
It is the intent of the owners to include said land in this plat.
The following comments governing this subdivision are recorded under instrument No. _____ in the Blaine County Recorder's office.

SANITARY RESTRICTIONS

SURVEYORS CERTIFICATE
I, Richard O. Fostbury, a duly licensed land surveyor in the State of Idaho, do hereby certify that this plat of Park Place IV Townhouse Condominiums is a true and accurate map of the land surveyed under my direct supervision and that it is in accordance with the Idaho State Code relating to plats and surveys.



COUNTY ENGINEER'S APPROVAL
I, Jim W. Koester, County Engineer for Blaine County, Idaho, have checked the foregoing plat and computations for making the same and have determined that they comply with the laws of the State of Idaho relating thereto.



APPROVAL OF CITY ZONING COMMISSION
The foregoing plat was approved by the Ketchum City Zoning Commission on this _____ day of _____, 1982.

Chairman

APPROVAL OF CITY COUNCIL

The foregoing plat was approved by the City Council of Ketchum on this _____ day of _____, 1982.

City Clerk

CITY ENGINEER'S APPROVAL

The foregoing plat was approved by _____, City Engineer for the City of Ketchum on this _____ day of _____, 1982.

City Engineer

COUNTY TREASURER'S APPROVAL

The taxes on the foregoing parcel of land have been paid to this date and this plat of Park Place IV Townhouse Condominiums is hereby approved this _____ day of _____, 1982.

Blaine County Treasurer

ACKNOWLEDGEMENT

STATE OF IDAHO } ss
COUNTY OF BLAINE }
On this _____ day of _____, 1982, before me, a Notary Public in and for said state personally appeared the persons whose names are subscribed to me that they executed the same. WHEREAS WHEREOF I have heretofore set my hand and affixed my official seal the day and date significant above written.



Holly Public

COUNTY RECORDERS CERTIFICATE

STATE OF IDAHO } ss
COUNTY OF BLAINE }
This is to certify that the foregoing plat was filed in the office of the Recorder of Blaine County, Idaho on this _____ day of _____, 1982, at _____ P.M. and duly recorded in Plat Book _____ of _____ page _____.

Blaine County Recorder
Sheepfolds Park Place IV Townhouse Condom

No. 224304

Attachment C.

Preliminary plat, dated August 11, 2012

Attachment D.
Comments

Rebecca Bundy

From: Mike Elle
Sent: Tuesday, August 28, 2012 11:13 AM
To: Rebecca Bundy; Paul J. Fitzer (PJF@msbtlaw.com); Brian Christiansen; Steve Hansen; Cedric Knehans; Juerg Stauffacher; Jeff C. Loomis (jloomis@galena-engineering.com)
Cc: Joyce Allgaier
Subject: RE: Park Place III & IV Subdivision

I don't have any comments on this project other than noting that utilities should not cross property lines that involve fire resistive rated walls between individual units.

Mike Elle
Chief of Fire and
Emergency Medical Services

Ketchum Fire Department
P.O. Box 966
480 East Avenue North
Ketchum, Idaho 83340

(208)726-7805 Office
(208)726-7812 Fax

From: Rebecca Bundy
Sent: Tuesday, August 28, 2012 10:17 AM
To: Paul J. Fitzer (PJF@msbtlaw.com); Brian Christiansen; Steve Hansen; Cedric Knehans; Juerg Stauffacher; Jeff C. Loomis (jloomis@galena-engineering.com); Mike Elle
Cc: Joyce Allgaier
Subject: Park Place III & IV Subdivision

Attached is the Subdivision application to convert Park Place III and IV duplexes from condominium ownership to townhome ownership. The Preplat and CCR files (describing reciprocal utility easements) are probably the most applicable for review. The hearing before the Planning Commission is scheduled for September 10. Please provide your comments by September 4.

We would like to meet to discuss the utilities crossing the proposed sublots and metering. Please let me know of your availability later in the week. Paul, could you conference call in?

Thank you!

Rebecca F. Bundy

Associate Planner, City of Ketchum
480 East Avenue North
P.O. Box 2315
Ketchum, Idaho 83340
t: 208.727.5082 - direct
o: 208.726.7801
f: 208.726.7812
www.ketchumidaho.org

Rebecca Bundy

From: Pat Cooley
Sent: Tuesday, August 28, 2012 1:13 PM
To: Rebecca Bundy
Cc: Steve Hansen; Dave Rambo
Subject: RE: Park Place III & IV Subdivision

Rebecca,

The utilities department has always required that each unit has its own tap, shutoff, and irrigation system in order to be town housed.

This property is served with four individual shut offs but due to the lay out it is not clear if all units have a separate stand alone irrigation system. The usages on file would indicate that the irrigation does not satisfy this requirement.

Please call me with any questions you may have.

Pat Cooley
208-720-7978

From: Steve Hansen
Sent: Tuesday, August 28, 2012 10:52 AM
To: Dave Rambo; Pat Cooley
Subject: FW: Park Place III & IV Subdivision

Dave;

I've asked Pat to keep up on the comments for various new developments but wanted to keep you in the loop also.

Steve

From: Rebecca Bundy
Sent: Tuesday, August 28, 2012 10:17 AM
To: Paul J. Fitzer (PJF@msbtlaw.com); Brian Christiansen; Steve Hansen; Cedric Knehans; Juerg Stauffacher; Jeff C. Loomis (jloomis@galena-engineering.com); Mike Elle
Cc: Joyce Allgaier
Subject: Park Place III & IV Subdivision

Attached is the Subdivision application to convert Park Place III and IV duplexes from condominium ownership to townhome ownership. The Preplat and CCR files (describing reciprocal utility easements) are probably the most applicable for review. The hearing before the Planning Commission is scheduled for September 10. Please provide your comments by September 4.

We would like to meet to discuss the utilities crossing the proposed sublots and metering. Please let me know of your availability later in the week. Paul, could you conference call in?

Thank you!

Rebecca F. Bundy

Associate Planner, City of Ketchum
480 East Avenue North
P.O. Box 2315
Ketchum, Idaho 83340
t: 208.727.5082 - direct
o: 208.726.7801

Rebecca Bundy

From: Brian Christiansen
Sent: Wednesday, August 29, 2012 2:16 PM
To: Rebecca Bundy
Subject: RE: Park Place III & IV Subdivision

Rebecca,

The only issue I have is with Park Place III Sublot 2 (291 Seventh Street). They have installed a railroad tie planter in the ROW and it needs to be removed.

BrianChristiansen
Street Superintendent
Box 2315 Ketchum, ID 83340
208-726-7831
bchristiansen@ketchumidaho.org

From: Rebecca Bundy
Sent: Tuesday, August 28, 2012 10:17 AM
To: Paul J. Fitzer (PJF@msbtlaw.com); Brian Christiansen; Steve Hansen; Cedric Knehans; Juerg Stauffacher; Jeff C. Loomis (jloomis@galena-engineering.com); Mike Elle
Cc: Joyce Allgaier
Subject: Park Place III & IV Subdivision

Attached is the Subdivision application to convert Park Place III and IV duplexes from condominium ownership to townhome ownership. The Preplat and CCR files (describing reciprocal utility easements) are probably the most applicable for review. The hearing before the Planning Commission is scheduled for September 10. Please provide your comments by September 4.

We would like to meet to discuss the utilities crossing the proposed sublots and metering. Please let me know of your availability later in the week. Paul, could you conference call in?

Thank you!

Rebecca F. Bundy
Associate Planner, City of Ketchum
480 East Avenue North
P.O. Box 2315
Ketchum, Idaho 83340
t: 208.727.5082 - direct
o: 208.726.7801
f: 208.726.7812
www.ketchumidaho.org

Rebecca Bundy

From: Jeff C. Loomis <jloomis@galena-engineering.com>
Sent: Friday, August 31, 2012 12:10 PM
To: Rebecca Bundy
Cc: Joyce Allgaier
Subject: RE: Park Place III & IV Subdivision

Rebecca – Here are my comments on the Park Place III & IV Townhomes:

Per our meeting yesterday, I believe we established from Pat Cooley that these existing condominium units have individual water meters, although these individual meters to have a common service connection to the City's water main. All of the sewer service connections to the units were not found, but it appears the units may have separate sewer service connections.

With regards to the existing utilities, the townhome agreement will have to include reciprocal easements across the entirety of each subplot to the other sublots to accommodate the existing utility connections across the proposed sublots...I believe this has been included in the proposed Townhome Declaration and CCR's.

Per townhome requirements, the units will need appropriate fire wall separation construction. The cover letter from Alpine Enterprises indicates the units have been inspected by Dennis Keierlieber, PE and "minor modifications" are required.

There is still a shared driveway between the two proposed final plats, which needs to be properly addressed in each Declaration and CCR's.

Thank you,

JEFF LOOMIS, PE

From: Rebecca Bundy [<mailto:RBundy@ketchumidaho.org>]
Sent: Tuesday, August 28, 2012 10:17 AM
To: Paul J. Fitzer (PJF@msbtlaw.com); Brian Christiansen; Steve Hansen; Cedric Knehans; Juerg Stauffacher; Jeff C. Loomis (jloomis@galena-engineering.com); Mike Elle
Cc: Joyce Allgaier
Subject: Park Place III & IV Subdivision

Attached is the Subdivision application to convert Park Place III and IV duplexes from condominium ownership to townhome ownership. The Preplat and CCR files (describing reciprocal utility easements) are probably the most applicable for review. The hearing before the Planning Commission is scheduled for September 10. Please provide your comments by September 4.

We would like to meet to discuss the utilities crossing the proposed sublots and metering. Please let me know of your availability later in the week. Paul, could you conference call in?

Thank you!

Rebecca F. Bundy

Associate Planner, City of Ketchum
480 East Avenue North
P.O. Box 2315
Ketchum, Idaho 83340
t: 208.727.5082 - direct
o: 208.726.7801
f: 208.726.7812
www.ketchumidaho.org

Attachment E.
Planning and Zoning Commission Findings of Fact,
dated October 8, 2012

IN RE:)
Park Place III & IV Townhomes)
) KETCHUM PLANNING AND ZONING
) COMMISSION - FINDINGS OF FACT,
File Number: 12-091) CONCLUSIONS OF LAW AND DECISION
)

BACKGROUND FACTS

APPLICANTS: Stephen Poorman and Bonnie Garmen, William Hayes, Sandra Bongard, and the Burke Family Trust

REPRESENTATIVE: Bruce Smith, Alpine Enterprises, Inc.

REQUEST: Preliminary plat approval for the conversion of two, two (2) unit condominium buildings into two, two (2) unit townhouse buildings on separate sublots. The end result would be 4 townhouse units each on its own subplot.

LOCATION: Park Place III Condominiums, Units 1 & 2 (720 North Third Avenue, 291 West Seventh Street) and Park Place IV Condominiums, Units 1 & 2 (271 West Seventh Street, Units 1 and 2)

ZONING: General Residential – Low Density (GR-L)

NOTICE: A public hearing notice was published in the Idaho Mountain Express on August 22, 2012. Property owners within 300 feet of the subject property were mailed notice on August 23, 2012. At the public hearing before the Commission on September 10, 2012, the hearing was continued on the record to a special meeting on September 21, 1012, at 9:00 a.m.

REVIEWER: Rebecca F. Bundy, Associate Planner

Regulatory Taking Notice: Applicant has the right, pursuant to section 67-8003, Idaho Code, to request a regulatory taking analysis.

GENERAL FINDINGS OF FACT

1. The applicant is requesting preliminary plat approval to convert two existing two (2) unit condominium buildings into two, two (2) unit townhouse buildings each on its own subplot.

2. At the September 10, 2012 public hearing, Planning Staff brought up issues and questions that such conversions bring into play. These are summarized in the Workshop Staff Report for the September 21, 2012 meeting.

3. On September 13, 2012, Planning Staff met with the Building Inspector, the Fire Chief and the City Attorney. The results of that meeting are summarized in the Workshop Staff Report for the September 21, 2012 meeting.

4. On September 18, 2012, P Planning Staff conducted a further conference call with Arlan Smith, Idaho Division of Building Safety (DBS), the City Attorney and the Building Inspector. The results of that meeting are summarized in the Workshop Staff Report for the September 21, 2012 meeting.

4. On September 21, 2012, prior to the second public hearing on this application, the Commission conducted a workshop on policy for conversion of existing attached, two-unit condominium structures to "townhouse" form of ownership. A plat note, describing the non-conforming status of the existing, older duplex housing stock, when converted to a "townhouse" type of ownership, will be required as Condition of Approval #10.

5. Dennis Keierleber, PE, structural engineer, has certified that the party wall between the units will meet one (1) hour fire separation requirements, with minor modifications required to the party wall in the crawlspace. These or any other modifications required to meet fire rated resistant wall separations must be certified by a registered design professional, licensed in the State of Idaho.

6. On August 30, 2012, Staff met with representatives from the Fire, Utility, and Street Departments and the City Engineer regarding the existing utilities, easements and street access. They were comfortable with the proposed reciprocal utility easements in the new CC&R's. Each unit's domestic water system is currently on its own meter, but the Utility Department will require that the landscaping water be supplied separately for each unit. In addition, the Street Department will require removal of an unpermitted railroad tie planter at 291 West Seventh Street, in the street right-of-way, that makes snow plowing on that street difficult and poses a risk to the plowing equipment. These requirements have been made conditions of approval.

7. The City Attorney has reviewed the project and the proposed CC&R's. He has made the following suggested change to the CC&R language: Paragraph 9 (a) should include "and otherwise in compliance with applicable local, state, and federal law". This change will be made a condition of approval.

8. On August 27, 2012, Staff met with the applicant to discuss the reciprocal utility easements and utility locations. Staff feels that the easement language should not be hidden in the CC&R's, but more clearly represented on the preliminary and final plat. With the townhouse form of ownership, each owner will now have their own piece of land for their own personal use instead of shared open space. This will allow owners to improve and add landscaping,

install outside terraces for outside living area, and make other investments on their land. Potentially, for the purposes of the maintenance, repair and replacement of the utility lines, private property could be excavated and improvements damaged. With the criss-cross of utilities running across the properties, Staff would like to see those easements and existing utility locations written in the plat notes, so future owners are made aware of them. This has been included as a condition of approval.

9. Attachments to the September 10, 2012 Staff Report:
- A. Application, submitted August 1, 2012
 - B. Original Park Place III and IV Condominiums recorded plat, dated December 1980
 - C. Preliminary plat, dated August 11, 2012
 - D. Comments

APPLICABLE EVALUATION STANDARDS FROM TITLE 16, CHAPTER 16.04

16.04.070 TOWNHOUSES.

B. Owner's Documents. The subdivider of the townhouse project shall submit with the preliminary plat application a copy of the proposed party wall agreement and any proposed document(s) creating an association of owners of the proposed townhouse sublots, which shall adequately provide for the control and maintenance of all commonly held facilities, garages, parking and/or open spaces. Prior to final plat approval, the subdivider shall submit to the city a final copy of said documents and shall file said documents prior to recordation of the plat, which shall reflect the recording instrument numbers.

Finding: The applicant has made a complete preliminary plat application including the submittal including CC&R's and Party Wall Agreement. The final documents shall be recorded with the final plat.

Conclusion: This standard has been met.

C. Preliminary Plat Procedure.

1. The subdivider may apply for preliminary plat approval from the commission pursuant to Section 16.04.030.D herein at the time application is made for design review approval pursuant to Chapter 17.96. The Commission may approve, deny or conditionally approve said preliminary plat upon consideration of the action taken on the application for design review of the project.

2. The preliminary plat, other data, and the commission's findings shall not be transmitted to the council until construction of the project has commenced under a valid building permit issued by the Ketchum building inspector. The council shall act on the preliminary plat pursuant to Section 16.04.030.E.

Finding: The project was recorded as a condominium subdivision in 1980. In order to convert the condominium subdivision to a townhouse subdivision, as a condition of approval, the applicants will be required to make improvements to the party wall to bring it into compliance

with the 2009 International Residential Code R302.2 or add a plat note that acknowledges that the structure does not comply with R302.2, but that it does comply with R302.3.

Conclusion: Staff has included a proposed condition of approval that would allow for this standard to be met (Condition #10).

D. Final Plat Procedure.

1. The final plat procedure contained in Section 16.040.030.F herein shall be followed. However, the final plat shall not be signed by the City Clerk and recorded until the townhouse has received:

- a. An approved life safety inspection for the building shell and all common areas from the Ketchum Building Official; and,
- b. Completion of all design review elements as approved by the Planning and Zoning Administrator.

2. The Council may accept a security agreement for any design review elements not completed on a case by case basis pursuant to Section 17.96.120.

Finding: This application is for preliminary plat.

Conclusion: This standard does not apply to the preliminary plat application.

E. Garage. All garages shall be designated on the preliminary and final plats and on all deeds as part of the particular townhouse units. Detached garages may be platted on separate sublots, provided that the ownership of detached garages is tied to specific townhouse units on the townhouse plat and in any owner's documents and that the detached garage(s) may not be sold and/or owned separate from any dwelling unit(s) within the townhouse development.

Finding: Each unit has an attached garage, and the garages are tied to each unit.

Conclusion: This standard has been met.

F. General Applicability. All other provisions of this chapter and all applicable ordinances, rules and regulations of the city and all other governmental entities having jurisdiction shall be complied with by townhouse subdivisions.

Finding: All other ordinances and regulations shall be followed.

Conclusion: This standard shall be met.

CONCLUSIONS OF LAW

1. The City of Ketchum is a municipal corporation organized under Article XII of the Idaho Constitution and the laws of the State of Idaho, Title 50, Idaho Code.
2. Under Chapter 65, Title 67 of the Idaho Code, the City has passed a land use and subdivision ordinance, Title 16.

3. The City of Ketchum Planning Department provided adequate notice of the time, place and summary of the applicant's proposal to be heard by the Commission for review of this application.
4. The proposed preliminary plat does meet the standards of approval under Title 16, Chapter 16.04, subject to conditions of approval.
5. This approval is given for the preliminary plat of Park Place III & IV Townhouse Subdivision, plans dated June 11, 2012 by Alpine Enterprises, Inc.

DECISION

THEREFORE, the Ketchum Planning and Zoning Commission **approves** this final plat application this 21st day of September, 2012, subject to the following conditions:

1. The Covenants, Conditions and Restrictions (CC&R's) and Party Wall Agreement shall be simultaneously recorded with the final plat, and the City will not now, nor in the future, determine the validity of either the CC&R's and Party Wall;
2. The failure to obtain final plat approval by the Council of an approved preliminary plat within one (1) year after approval by the Council shall cause all approvals of said preliminary plat to be null and void;
3. The recorded plat shall show a minimum of two Blaine County Survey Control Monuments with ties to the property and an inverse between the two monuments. The Survey Control Monuments shall be clearly identified on the face of the map;
4. An electronic CAD file shall be submitted to the City of Ketchum prior to final plat signature by the City Clerk. The electronic CAD file shall be submitted to the Blaine County Recorder's office concurrent with the recording of the Plat containing the following minimum data:
 - a. Line work delineating all parcels and roadways on a CAD layer/level designated as "parcel";
 - b. Line work delineating all roadway centerlines on a CAD layer/level designated as "road"; and,
 - c. Line work that reflects the ties and inverses for the Survey Control Monuments shown on the face of the Plat shall be shown on a CAD layer/level designated as "control"; and,
5. All information within the electronic file shall be oriented and scaled to Grid per the Idaho State Plane Coordinate System, Central Zone, NAD1983 (1992), U.S. Survey Feet, using the Blaine County Survey Control Network. Electronic CAD files shall be submitted in a ".dwg", ".dgn" or ".shp" format and shall be submitted digitally to the City on a compact disc. When the endpoints of the lines submitted are indicated as coincidental with another line, the CAD line endpoints shall be separated by no greater than 0.0001 drawing units.

6. Each unit shall install its own stand-alone irrigation system confined to its subplot property lines prior to approval of the final plat.
7. Park Place III, Unit 2 (291 West Seventh Street) must remove any portion of the railroad tie planter, that was installed in the street right-of-way without permission of the City, prior to approval of the final plat. Any landscaping to be placed in the city right of way necessitated by the removal of the planter structure shall meet with the approval of the Planning Division and the Streets Department.
8. The CC&R language for each subdivision shall be changed as follows: Paragraph 9 (a) should include "and otherwise in compliance with applicable local, state, and federal law", prior to final plat application.
9. The current utility locations, to the extent known, shall be made an exhibit of the CC&R's and recorded with them. At final plat submittal, a plat note shall be added that the utility easement language and locations can be found in the CC&R's, recorded as Instrument No. _____.
10. The units shall be brought into compliance with the International Residential Code, Section 302.2 for townhouse construction; or
 The following plat note shall be added to the application to the City Council for Preliminary Plat:
 "Although this unit was approved / constructed as a duplex condominium (currently governed by Section R302.3, Two-family dwellings, of the 2009 International Residential Code), on or about December 1980, this unit was converted to a non-conforming "Townhouse" pursuant to Ketchum Municipal Code, Section 16.04.070 TOWNHOUSES, insofar as the "Townhouse" is not in compliance with Section R302.2, Townhouses, of the 2009 IRC."
11. Any required construction improvements to the party wall between units shall be certified, by a licensed design professional in the State of Idaho prior to approval of the final plat.
12. A plat note shall be added that all parties acknowledge that the fire separation and structural integrity of the common wall between the units may not be compromised in the future in any way. This includes penetrations, removal of drywall, or any other alterations to the wall that would compromise its fire separation and structural integrity. Similar restrictions shall be spelled out in detail in the CC&R's or party wall agreement.
13. The applicant and his heirs, assigns and successors and interests shall hold the City harmless and indemnify the City as it pertains to the negligent or intentional actions that inhibit the viability of the common wall between the subject units.

Findings of Fact adopted this 8th day of October, 2012.



Deborah Burns, Co-Chair

Or

Rich Fabiano, Co-Chair

Planning and Zoning Commission

City of Ketchum, Idaho

P.O. Box 2315 Ketchum, ID 83340 (208) 726-3841 Fax: (208) 726-8234



October 8, 202

Mayor Hall and City Councilors
City of Ketchum
Ketchum, Idaho

Mayor Hall and City Councilors:

Acceptance of Property Dedication

Introduction/History

Blaine County discovered through a records search that they owned various pieces of property which more appropriately should be owned by the City of Ketchum. Those pieces are delineated in Attachment A to this report:

- 1) Lands below the mean high water mark of the Bigwood River on the east bank from approximately the Warm Springs Bridge south down to the BLM parcel near the Warm Springs Creek confluence.
- 2) A portion of Shady Lane Street.
- 3) A portion of Sage Road and Jane Lane streets.
- 4) A portion of Simpson Road.

The County Commissioners passed a Resolution to transfer these properties to the City (Attachment B to this report).

Current Report.

Per the City Attorney, a motion of the Council is needed to accept a land dedication.

Financial Requirement/Impact

The Streets Department currently maintains the various streets listed, and was unaware that they were not under City jurisdiction. Therefore, there is no additional impact the Streets Department from the acceptance of these streets. The Parks Department is supportive of receiving the dedication of land along the Bigwood River, but has noted that noxious weed abatement is needed.

Recommendation

Staff respectfully recommends that the Council accept the dedication, subject to resolution of the noxious weed abatement on the river parcel by the County.

Recommended Motion

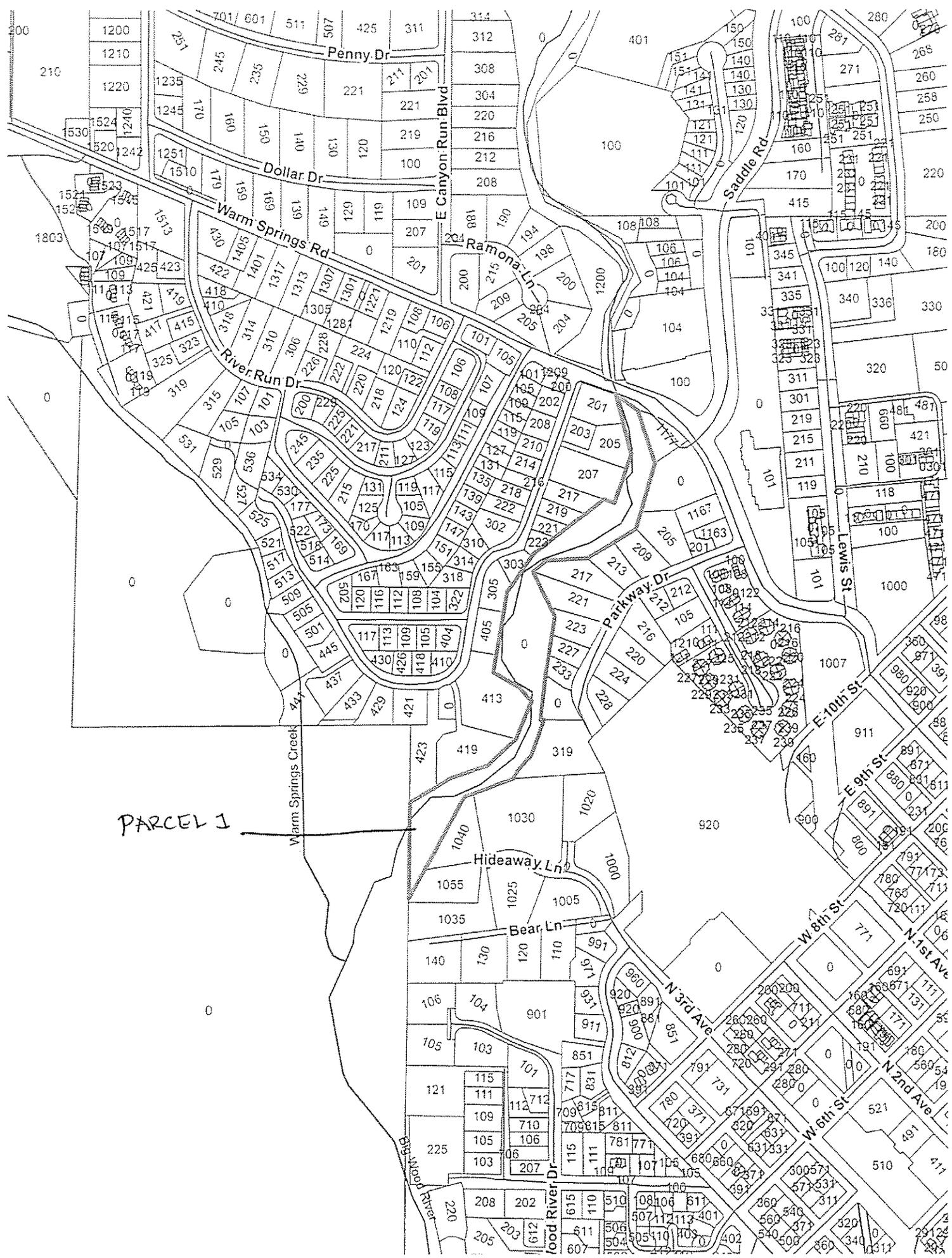
"I move to accept the dedication of the properties outlined in Blaine County Resolution 2012-22, subject to noxious weed abatement by the County on the parcel along the Bigwood River."

Sincerely,

A handwritten signature in black ink, appearing to be the initials 'LH' followed by a stylized flourish.

Lisa Horowitz
Community and Economic Development Director

ATTACHMENT 'A'



PARCEL 1



ATTACHMENT 'A'



PARCEL 3

PARCEL 2

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ORIGINAL

BLAINE COUNTY RESOLUTION 2012-22

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF BLAINE COUNTY, IDAHO, PURSUANT TO IDAHO CODE SECTION 31-808(9) DECLARING THAT THE TRANSFER OF CERTAIN PROPERTY TO ANOTHER POLITICAL SUBDIVISION OR TAXING DISTRICT IS IN THE PUBLIC INTEREST

BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF BLAINE COUNTY, IDAHO:

1. The Board of County Commissioners of Blaine County ("Board") has acquired and/or owns four parcels of property ("the subject properties") located within Blaine County, and within the City of Ketchum Idaho, and legally described as follows:

- a. TL 6317 & 6318 T4N, 17E Sec13 RPK4N17013078A 9.48 Acres, Value \$0.00
- b. Warm Springs Village 3rd Add Part of Lot 17, Block 1, Shady Lane, RPK0600001017A 0.116 Acres, Value \$0.00
- c. Warm Springs Village Subd Lots 10, Blk 2- Part of Sage Rd & Jane Lane RPK0585002010A, (two separate pieces) Value \$0.00
- d. Warm Springs Valley Sub FR Lot 3, Blk 1 – part of Simpson Road RPK0580001003A 0.156 Acres, Value \$0.00

2. The Board has been approached by The City of Ketchum seeking transfer of the subject property in order for the subject properties to be put to public use.

3. Idaho Code Section 31-808(9) authorizes the Board to grant, transfer, or exchange property with the federal government, the State, political subdivisions, taxing districts, or local historical societies, with or without compensation, upon adopting a resolution that the grant, transfer, or exchange is in the public interest.

4. Notice has been provided in accordance with Idaho Code Section 31-808(9) and 31-808(1).

5. The Board finds that it is in the public interest for the County not to seek compensation as the Assessor has determined the subject properties have no monetary value.

6. Accordingly, pursuant to Idaho Code Section 31-808(9), the Board hereby finds that the transfer of the subject properties from Blaine County to The City of Ketchum is in the public interest, and the City of Ketchum will execute the legal documents necessary to complete the transaction.

Regularly passed, approved and adopted by the Board of County Commissioners of Blaine County this 26 day of June, 2012.

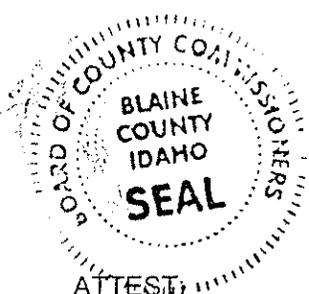
Instrument # 598760
 HAILEY, BLAINE, IDAHO
 6-26-2012 04:22:00 No. of Pages: 1
 Recorded for : BLAINE COUNTY
 JOLYNN DRAGE COMMISSIONERS
 Ex-Officio Recorder Deputy
 Index to: RESOLUTIONS
 Fee: 0.00

BOARD OF COUNTY COMMISSIONERS
BLAINE COUNTY, IDAHO


 ANGENIE MCCLEARY, CHAIRMAN


 TOM BOWMAN, COMMISSIONER


 LAWRENCE SCHOEN, COMMISSIONER




 Jolynn Drage, Clerk

MPP