## **RESOLUTION NUMBER 740**

A RESOLUTION OF THE CITY OF KETCHUM, IDAHO, PROVIDING FOR EXECUTION OF A RIGHT-OF-WAY AGREEMENT BETWEEN THE CITY OF KETCHUM AND KETCHUM WEST LLC CONCERNING THE INSTALLATION OF LANDSCAPE IMPROVEMENTS WITHIN A PORTION OF FOURTH AVENUE RIGHT-OF-WAY, CITY OF KETCHUM.

WHEREAS, Ketchum West L.L.C. (referred to as the "Owners") is the owner of Valley Run Townhomes, Ketchum Townsite, Ketchum, Idaho ("Property");

WHEREAS, Owner wishes to install and maintain landscape improvements in the public right-of-way of Fourth Avenue, as shown on Exhibit "A", attached hereto and made a part hereof ("Improvements");

WHEREAS, the City of Ketchum ("City") finds that said Improvements will not impede the use of said right-of-way or jeopardize the public health, safety and welfare at this time subject to the terms and provisions of the Right-of-Way Agreement;

WHEREAS, the City finds that only the proposed trees, and no maintained ground cover, may be located within the right-of-way, because a maintained ground cover would cause said portion of right-of-way to appear private, as opposed to public; and,

WHEREAS, Owner desires to enter into the Right-of-Way Agreement with the City for the installation and maintenance of said Improvements within the Fourth Avenue right-of-way.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and City Council of the City of Ketchum:

- 1. The Right-of-Way Agreement for the installation and maintenance of Improvements within the Fourth Avenue right-of-way adjoining Valley Run Townhomes, Ketchum Townsite, Ketchum, Idaho is hereby approved.
- 2. The Mayor is hereby authorized to execute the Right-of-Way Agreement on behalf of the City of Ketchum, Idaho.

PASSED by the City Council and APPROVED by the Mayor this 7<sup>th</sup> day of February, 2000.

GUY P. COLES, Mayor

ATTEST:

Sandra E. Cady, City Clerk

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