

RESOLUTION NUMBER 04-068

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF KETCHUM, IDAHO, AUTHORIZING THE MAYOR TO EXECUTE A RELEASE OF EASEMENT, RELEASING ALL RIGHT, TITLE, AND INTEREST THE CITY OF KETCHUM MAY HAVE IN AND TO THAT CERTAIN EASEMENT RECORDED AS INSTRUMENT NUMBER 221559, CONCERNING CERTAIN REAL PROPERTY LOCATED AT 308 SKIWAY DRIVE, KETCHUM, IDAHO, ("THE PROPERTY").

WHEREAS, the Property, which is located at 308 Skiway Drive, Ketchum, Idaho, was formerly subdivided into two separate lots, Lot 1 and Lot 14 Warm Springs Village Subdivision, Second Addition Revised; and,

WHEREAS, the owner of Lot 14 granted a Declaration of Restricted Covenant and Grant of Easement to the owner of Lot 1, recorded November 25, 1981 as Blaine County Instrument No. 221559 (the "Easement"); and,

WHEREAS, the express purpose of the Easement was for the owner of Lot 14 to provide a certain number of parking spaces to the owner of Lot 1; and,

WHEREAS, Lot 1 and Lot 14 were later consolidated into the Property by a replat recorded June 19, 1998, as Blaine County Instrument No. 41552; and,

WHEREAS, pursuant to that replat, the condominiums formerly located on Lot 1 were vacated, and the lot line between the former Lot 1 and Lot 14 was also vacated; and,

WHEREAS, as a result of this consolidation of Lot 1 and Lot 14 into the Property, and since the ownership of the former Lot 1 and Lot 14 is held by one entity, Eagle Crest, Inc, an Oregon corporation, able to do business in Idaho, the Easement is extinguished, terminated and vacated, never to be revived except by a new express easement to be recorded in the real property records of Blaine County, Idaho by Eagle Crest, Inc; and,

WHEREAS, the Easement was granted jointly to the owner of Lot 14 and to the City of Ketchum, and pursuant to its terms the Easement shall not be terminable without the prior written consent of the City of Ketchum; and,

WHEREAS, due to the fact that the former Lot 1 and Lot 14 are now consolidated into the Property, which is one lot, not only has the need for the

Easement expired, but the need for the City to require the Easement has expired, since further development of the Property would require express approval from the City.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and City Council of the City of Ketchum, Idaho that the Mayor is hereby authorized to execute a Release of Easement, releasing all right, title, and interest the City of Ketchum may have in and to that certain Easement recorded as Instrument No. 221559, concerning certain real property located at 308 Skiway Drive, Ketchum, Idaho.


PASSED BY THE CITY COUNCIL and approved by the Mayor this 31st day of August, 2004.

CITY OF KETCHUM, IDAHO



EDWARD SIMON, Mayor

ATTEST:



Sandra E. Cady, CMC
City Treasurer/Clerk

APPROVED AS TO FORM
AND CONTENT:



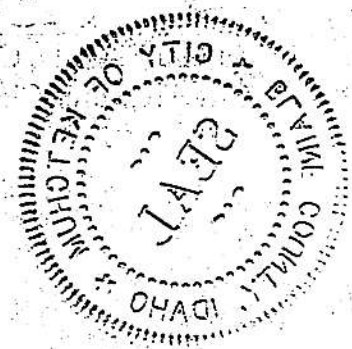
Benjamin W. Worst
City Attorney

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