RESOLUTION NUMBER 07-064

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF KETCHUM, IDAHO, AUTHORIZING AND DIRECTING THE MAYOR TO EXECUTE AN AGREEMENT PERMITTING LOT 5A, LLC TO SATISFY ITS INCLUSIONARY ZONING REQUIREMENT FOR ITS PROPOSED DEVELOPMENT ON LOT 5A, BLOCK 4, KETCHUM TOWNSITE WITH AN IN LIEU PAYMENT OF $895,000 AND REQUIRING THE CITY TO MAINTAIN EIGHT DIAGONAL PARKING SPACES FOR SHORT-TERM PARKING ON LEADVILLE AVENUE IN FRONT OF SUCH PROPERTY.

WHEREAS, pursuant to Idaho Code §50-301, Ketchum is empowered to enter into contracts as may be deemed necessary to promote the public health, safety, and welfare of Ketchum and its residents; and

WHEREAS, the approved Downtown Ketchum Master Plan calls for the creation of a central town plaza which can only be possible with the acquisition of Lots 5 & 6, Block 24, Ketchum Townsite (the "Town Plaza Property"); and

WHEREAS, the owner of the Town Plaza Property ("Mountain West Bank") is only willing to sell the Town Plaza Property to the Ketchum Urban Renewal Agency if the developer ("Lot 5A, LLC") of its new location on Lot 5A, Block 4, Ketchum Townsite ("Lot 5A") gives it substantial tenant improvements in the new building to be constructed on Lot 5A and if the City agrees to maintain eight diagonal parking spaces for short-term parking on Leadville Avenue in front of Lot 5A; and

WHEREAS, Lot 5A, LLC, is only able to deliver such substantial tenant improvements to Mountain West Bank if it can pay a fee in lieu for its inclusionary zoning requirement creating additional market-rate space for sale; and

WHEREAS, Ketchum Municipal Code Section 17.64.010.G.2.h. states that, "the City Council may consider a request by the property owner to pay a fee in lieu of constructing a complete community housing unit or provide other consideration as the City Council deems appropriate. The City Council has full discretionary power to determine said request. Said in lieu payment is not bound by any adopted fee schedule and is subject to negotiation on a case by case basis."; and

WHEREAS, Lot 5A, LLC has made such a request supported by consideration in the form of an in lieu payment of $895,000 and providing substantial tenant improvements for Mountain West Bank at its new location on Lot 5A; and

WHEREAS, the City Council has considered such request and, based on the need to acquire the Town Plaza Property and the request forming part of the unique consideration necessary to accomplish such acquisition, deems such request appropriate.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and the Ketchum City Council that the Mayor is authorized to execute a contract permitting Lot 5A, LLC to satisfy its inclusionary zoning requirement for its proposed development on Lot 5A, Block 4, Ketchum Townsite with an in lieu payment of $895,000 and requiring the City to maintain eight diagonal parking spaces for short-term parking on Leadville Avenue in front of such property.

This Resolution will be in full force and effect upon its adoption this sixteenth (16th) day of April 2007.

CITY OF KETCHUM, IDAHO

Baird Gourlay, Council President

ATTEST:

Sandra E. Cady, CMC
City Treasurer/Clerk

APPROVED AS TO FORM
AND CONTENT:

Benjamin W. Worst,
City Attorney