

RESOLUTION NUMBER 07-090

A RESOLUTION OF THE CITY OF KETCHUM, IDAHO, PROVIDING FOR EXECUTION OF A RIGHT-OF-WAY AGREEMENT BETWEEN THE CITY OF KETCHUM AND LOT 5A, LLC, CONCERNING THE CONSTRUCTION, INSTALLATION AND MAINTENANCE OF IMPROVEMENTS WITHIN A PORTION OF SUN VALLEY ROAD AND LEADVILLE AVENUE, CITY OF KETCHUM.

WHEREAS, LOT 5A, LLC. (collectively referred to as the "Owners") are the owners of Lot 5A, Block 4, Original Ketchum Townsite, Ketchum, Idaho ("Property").

WHEREAS, Owners wish to construct, install and maintain certain improvements in or above the public right-of-way of Sun Valley Road and Leadville 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, Owners desire to enter into the Right-of-Way Agreement with the City for the construction, installation and maintenance of said Improvements within the Sun Valley Road and Leadville Avenue right-of-way adjoining Lot 5A, Block 4, Ketchum Townsite

NOW, THEREFORE, BE IT RESOLVED by the Mayor and City Council of the City of Ketchum that the Mayor is hereby authorized and directed to execute the Right-of-Way Agreement between the City of Ketchum and Lot 5A, LLC, for the construction, installation and maintenance of improvements within the Sun Valley Road and Leadville Avenue right-of-way adjoining Lot 5A, Block 4, Ketchum Townsite, Ketchum, Idaho

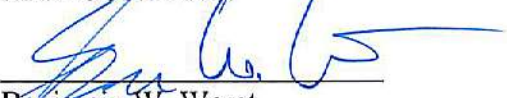
This Resolution will be in full force and effect upon its adoption this second (2nd) day of July 2007.

CITY OF KETCHUM, IDAHO



Randy Hall, Mayor

APPROVED AS TO FORM
AND CONTENT.



Benjamin W. Worst,
City Attorney

ATTEST:



Sandra E. Cady, CMC
City Treasurer/Clerk

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EXHIBIT "A"

1. Four balconies over the Leadville Avenue right-of-way. Four balconies are twenty-five (25) feet, six (6) inches in height and located on the third level. The four balconies encroach over the right-of-way from three (3) feet, six (6) inches to a maximum of four (4) feet, six (6) inches. One balcony is fifteen (15) feet in height and located on the second level. This balcony encroaches over the right-of-way (5) feet, five (5) inches.
2. One balcony over the Sun Valley Road right-of-way. The balcony is approximately twenty-six (26) feet, six (6) inches in height. The balcony encroaches over the right-of-way by three (3) feet.
3. A covered walkway over the Sun Valley Road right-of-way. The cover of the walkway is twenty-six (26) feet in height. The cover of the walkway encroaches on the the right-of-way approximately two (2) feet, six (6) inches.
4. A bay window/turret over the Leadville Avenue and Sun Valley Road right-of-way. The bay window/turret is twenty-six (26) feet in height. The bay window/turret encroaches over the Sun Valley Road right-of-way by one (1) foot, eight (8) inches and encroaches over the Leadville Avenue right-of-way by two (2) feet, four (4) inches.

All as approved in Design Review Approval #07-001.