

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE OF THE CITY OF POCATELLO, A MUNICIPAL CORPORATION OF IDAHO, ABANDONING AND VACATING THE PUBLIC'S INTEREST OF APPROXIMATELY .323 ACRES OF APEX ROAD MORE PARTICULARLY DESCRIBED ON THE ATTACHED EXHIBIT "A"; PROVIDING THAT THE PUBLIC RIGHT-OF-WAY HEREIN VACATED SHALL BE DISTRIBUTED IN ITS ENTIRETY TO THE ADJOINING PROPERTY OWNER, THOMAS J. KATSILOMETES, IN ACCORDANCE WITH IDAHO CODE SECTIONS §50-311 AND §50-1306(A) AS DEEMED TO BE IN THE BEST INTERESTS OF THE OWNER OF THE VACATED PROPERTY AND FOR THE PUBLIC GOOD; PROVIDING THAT THIS ORDINANCE SHALL BE IN FULL FORCE AND EFFECT FROM AND AFTER ITS PASSAGE, APPROVAL, AND PUBLICATION ACCORDING TO LAW.

WHEREAS, Application was made to the City of Pocatello requesting that the public right-of-way above described be abandoned and vacated; and

WHEREAS, a Public Hearing was held at the regular City Council meeting on April 7, 2022; and

WHEREAS, the conditions set forth within the Council Decision, dated May 5, 2022, have been met and it is timely to prepare, adopt, and record this Ordinance to effectuate the transfer of ownership; and

WHEREAS, the City Council deems that the proposed vacation of the right-of-way does not adversely affect the rights of the public;

NOW THEREFORE, BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF POCATELLO AS FOLLOWS:

Section 1: That the platted right-of-way identified as approximately .323 acres of Apex Road located on the north side of said Apex Road, more particularly described on Exhibit A, is hereby vacated.

Section 2: That the lands herein vacated shall be distributed to the adjoining property owner and developer, Thomas J. Katsilometes, in accordance with Idaho Code Section §50-311 as deemed to be in the best interests of the adjoining property owner and for the public good.

Section 3: That this Ordinance shall be in full force and effect from and after its passage, approval, and publication according to law.

PASSED AND APPROVED this \_\_\_\_ day of May, 2022.

CITY OF POCA TELLO, a municipal corporation of Idaho

\_\_\_\_\_  
BRIAN C. BLAD, Mayor

ATTEST:

\_\_\_\_\_  
KONNI R. KENDELL, City Clerk

STATE OF IDAHO            )  
  ss:  
County of Bannock         )

On this \_\_\_\_ day of \_\_\_\_\_, 2022, before me, the undersigned, a Notary Public in and for the State, personally appeared Brian C. Blad and Konni R. Kendell, known to me to be the Mayor and City Clerk, respectively, of the City of Pocatello, and acknowledged to me that they executed the foregoing instrument for and on behalf of said municipal corporation and that said municipal corporation executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal, the date and year in this certificate first above written.

(SEAL)

\_\_\_\_\_  
NOTARY PUBLIC FOR IDAHO  
Residing in \_\_\_\_\_  
Commission Expires \_\_\_\_\_

EXHIBIT A

A parcel of land located in the Southwest Quarter of the Southeast Quarter of Section 19, Township 6 South, Range 35 East, Boise Meridian, Bannock County, Idaho, more particularly described as follows:

Commencing at the South Quarter Corner of Section 19, Township 6 South, Range 35 East, Boise Meridian, being marked with a Bannock County Brass Cap Monument as described in Comer Perpetuation Instrument No. 9001550;

Thence North  $00^{\circ}08'29''$  West (basis of bearing per information from Tuscan Heights Subdivision Instrument No. 20324675), along the Meridional Centerline of said Section 19, a distance of 1324.18 feet to the Center South 1/16 Corner on the Meridional Centerline of said Section 19, being marked by a 5/8-inch rebar;

Thence South  $89^{\circ}43'48''$  East, along the South 1/16 line of said Section 19, a distance of 295.78 feet to the Northeast Corner of said Subdivision;

Thence South  $24^{\circ}30'04''$  West, along the Easterly Boundary line of said Subdivision, a distance of 429.31 feet to a point on the Northerly Right of Way line of Apex Road as described in Deed Inst No. 481330 to the City of Pocatello also being the Northeast corner of Vacation Ordinance No. 2663, and Inst. No. 20103038, also being the Northwest corner of Vacation Ordinance No. 3051, Deed Inst No. 22008636;

Thence South  $63^{\circ}34'55''$  East, along the former Right of Way line of Apex Road (being the Northerly boundary of the parcel vacated by Vacation Ordinance No. 3051, Deed Inst No. 22008636), a distance of 121.45 feet to a point of tangency of a 1,196.95-foot radius curve whose center bears South  $26^{\circ}25'05''$  West;

Thence following said curve in a clockwise direction, along said former Right of Way line of Apex Road (being the Northerly boundary of the parcel vacated by Vacation Ordinance No. 3051, Deed Inst No. 22008636) through a central angle of  $00^{\circ}38'56''$  with an arc length of 13.55 feet, (the chord of said curve bears South  $63^{\circ}15'27''$  East a distance of 13.55 feet), being the POINT OF BEGINNING;

Thence continuing along said curve in a clockwise direction, along said Right of Way line of Apex Road through a central angle of  $17^{\circ}20'06''$  with an arc length of 362.14 feet, (the chord of said curve bears South  $54^{\circ}15'56''$  East a distance of 360.76 feet), to a point on the East Right of Way line of Apex Road;

Thence South  $44^{\circ}24'06''$  West, along the East Right of Way line of Apex Road a distance of 40.00 feet to a point of non-tangency of a 1,156.95-foot radius curve whose center bears South  $44^{\circ}24'06''$  West;

Thence following said curve in a counter clockwise direction through a central angle of  $16^{\circ}54'23''$  with an arc length of 341.38 feet, (the chord of said curve bears North  $54^{\circ}03'05''$  West a distance of 340.15 feet), to a point being the Southeast corner of the parcel vacated by Vacation Ordinance No. 3051, Deed Inst No. 22008636 also depicted as the Southeast corner of the parcel shown in a Record of Survey for Bill Isley recorded August 20, 2013 as Bannock County Instrument No. 2131496 I also being the east point of curve "CI" as shown therein;

Thence North  $14^{\circ}52'14''$  East, along the intermediate West Right of Way line of Apex Road a distance of 40.96 feet (also being the southernmost portion of the East boundary of the parcel vacated by Vacation Ordinance No. 3051, Deed Inst No. 22008636 depicted as intersecting the east point of curve "CI" as shown in a Record of Survey for Bill Isley recorded August 20, 2013 as Bannock County Instrument No. 21314961) and the POINT OF BEGINNING.

Containing 0.323 acres, more or less.