

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF POCATELLO, A MUNICIPAL CORPORATION OF IDAHO, REZONING APPROXIMATELY 17.41 ACRES OF LAND LOCATED IN THE 1500 BLOCK OF LAKEVIEW DRIVE, POCATELLO, IDAHO, FROM ZONING DESIGNATIONS RESIDENTIAL MEDIUM DENSITY SINGLE-FAMILY (RMS) AND RESIDENTIAL ESTATE (RE) TO RESIDENTIAL MEDIUM DENSITY MULTI-FAMILY (RMM), SAID PROPERTY BEING MORE PARTICULARLY DESCRIBED ON THE ATTACHED EXHIBIT "A"; PROVIDING FOR THE REPEAL OF ALL ORDINANCES IN CONFLICT HEREWITH; AND PROVIDING THAT THIS ORDINANCE SHALL BE IN FULL FORCE AND EFFECT FROM AND AFTER ITS PASSAGE, APPROVAL, AND PUBLICATION ACCORDING TO LAW.

WHEREAS, Grove Apartments Pocatello, LLC, Hawkes Investments, LLC and CMJ Holdings, LLC made application to the City to rezone approximately 17.41 acres of land located in the 1500 block of Lakeview Drive, Pocatello, more particularly described on Exhibit "A", from Residential Medium Density Single-Family (RMS) and Residential Estate (RE) to Residential Medium Density Multi-Family (RMM); and

WHEREAS, the Planning and Zoning Commission held a Public Hearing on February 8, 2023, to consider the rezoning request as required by law, and thereafter recommended approval of the request; and

WHEREAS, the City Council being fully advised and having held a Public Hearing on the request March 2, 2023, adopting its written decision March 16, 2023, in compliance with the laws of the State of Idaho and of the City of Pocatello, having decided to grant the rezoning request; and

WHEREAS the proposed rezone is in compliance with the laws of the State of Idaho and of the City of Pocatello.

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

Section 1: That the land described in Exhibit A previously zoned Residential Medium Density Single-Family (RMS) and Residential Estate (RE) be, and the same hereby is, rezoned to Residential Medium Density Multi-Family (RMM).

Section 2: That this ordinance repeals all ordinances or parts of ordinances in conflict herewith.

Section 3: That the official zoning map adopted by the City of Pocatello and on file with the City Clerk in accordance with applicable law be amended to incorporate the change of zoning provided for in this Ordinance.

Section 4: 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 April, 2023.

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 April, 2023, before me, the undersigned, a Notary Public 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 NORTHWEST 1/4 OF SECTION 24, TOWNSHIP 6 SOUTH, RANGE 34 EAST, B.M., BANNOCK COUNTY IDAHO, DESCRIBED AS FOLLOWS:

BEGINNING AT THE CENTER-WEST 1/16 CORNER OF SAID SECTION 24, BEING MARKED BY A 2" ALUMINUM CAP AS DESCRIBED IN CORNER PERPETUATION INSTRUMENT NUMBER 891040;

THENCE, ALONG THE LATITUDINAL CENTERLINE OF SAID SECTION 24, NORTH 89°50'48" WEST, A DISTANCE OF 586.67 FEET TO THE SOUTHEAST CORNER OF THE LAKEVIEW HEIGHTS SUBDIVISION, FILED IN THE BANNOCK COUNTY RECORDERS OFFICE UNDER INSTRUMENT NUMBER 320344;

THENCE, ALONG THE EAST BOUNDARY LINE OF SAID LAKEVIEW HEIGHTS SUBDIVISION, NORTH 00°28'25" EAST, A DISTANCE OF 420.75 FEET TO A SOUTHWESTERLY CORNER OF THE EAST RIDGE ESTATES SUBDIVISION, FILED IN THE BANNOCK COUNTY RECORDERS OFFICE UNDER INSTRUMENT NUMBER 523245;

THENCE ALONG LOT 25, BLOCK 1 OF SAID EAST RIDGE SUBDIVISION FOR THE FOLLOWING EIGHT (8) COURSES:

- 1) NORTH 00°28'25" EAST, A DISTANCE OF 213.77 FEET;
- 2) NORTH 89°43'11" EAST, A DISTANCE OF 105.82 FEET TO THE BEGINNING OF A 20.00 FOOT RADIUS CURVE WHOSE CENTER BEARS SOUTH 00°16'49" EAST;
- 3) ALONG SAID CURVE, IN A CLOCKWISE DIRECTION THROUGH A CENTRAL ANGLE OF 90°00'00", AN ARC DISTANCE OF 31.42 FEET (THE CHORD BEARS SOUTH 45°16'49" EAST, A DISTANCE OF 28.28 FEET) TO A POINT OF NON-TANGENCY;
- 4) THENCE NORTH 89°43'11" EAST, A DISTANCE OF 50.00 FEET;
- 5) THENCE NORTH 00°16'51" EAST, A DISTANCE OF 45.00 FEET;
- 6) THENCE NORTH 59°47'41" EAST, A DISTANCE OF 280.00 FEET;
- 7) THENCE NORTH 69°07'41" EAST, A DISTANCE OF 84.75 FEET;
- 8) THENCE NORTH 80°37'41" EAST, A DISTANCE OF 10.00 FEET;

THENCE NORTH 43°56'13" EAST A DISTANCE OF 114.99 FEET, TO A POINT ON THE EASTERLY BOUNDARY OF SAID EAST RIDGE SUBDIVISION;

THENCE, ALONG SAID EASTERLY BOUNDARY LINE, NORTH 00°20'45" EAST, A DISTANCE OF 214.98 FEET TO THE SOUTHEAST BOUNDARY CORNER OF THE HUNTER HEIGHTS TOWNHOUSE SUBDIVISION, FILED IN THE BANNOCK COUNTY RECORDERS OFFICE UNDER INSTRUMENT NUMBER 20609393;

THENCE, ALONG THE EAST BOUNDARY LINE OF SAID HUNTER HEIGHTS

TOWNHOUSE SUBDIVISION, NORTH 00°20'45" EAST, A DISTANCE OF 200.00 FEET TO THE NORTHWEST 1/16 CORNER OF SAID SECTION 24, BEING MARKED BY A 2" ALUMINUM CAP AS DESCRIBED IN CORNER PERPETUATION INSTRUMENT NUMBER 891041;

THENCE, ALONG THE NORTH 1/16 LINE OF SAID SECTION 24, NORTH 89°48'45" EAST, A DISTANCE OF 12.09 FEET TO A POINT ON THE WESTERLY RIGHT-OF-WAY LINE OF INTERSTATE 15;

THENCE, ALONG THE WESTERLY RIGHT-OF-WAY LINE OF SAID 1-15, SOUTH 19°03'17" EAST, A DISTANCE OF 1,411.04 FEET TO A POINT ON THE WEST 1/16 LINE OF SAID SECTION 24;

THENCE, ALONG THE WEST 1/16 LINE OF SAID SECTION 24, NORTH 89°50'48" WEST, A DISTANCE OF 480.80 FEET TO THE POINT OF BEGINNING.

CONTAINING 17.41 ACRES, MORE OR LESS.

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF POCATELLO, A MUNICIPAL CORPORATION OF IDAHO, ABANDONING AND VACATING THE PUBLIC’S INTEREST OF APPROXIMATELY .413 ACRES OF RIGHT-OF-WAY LOCATED ON NORTH 6TH AVENUE 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, BANNOCK COUNTY, IDAHO, 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 City Council abandon and vacate the public right-of-way above described; and

WHEREAS, a Public Hearing was held at the regular City Council meeting on October 6, 2022; and

WHEREAS, the conditions set forth within the Council Decision, dated October 20, 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 .413 acres located on North 6th Avenue, more particularly described on Exhibit A, is hereby vacated.

Section 2: That the lands herein vacated shall be distributed to the adjoining property owner, Bannock County, Idaho, 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 April, 2023.

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 April, 2023, 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 tract of land located in the Southeast 1/4, of Section 26, Township 6 South, Range 34 East, Boise Meridian, Bannock County Idaho, more particularly described as follows:

ALL OF THAT PORTION OF NORTH 6TH AVENUE, OF THE ORIGINAL POCATELLO TOWN SITE, AS A PART OF THE OFFICIAL RECORDS OF BANNOCK COUNTY IDAHO, LYING BETWEEN THE SOUTHEAST RIGHT OF WAY LINE OF EAST CLARK STREET, AND THE NORTHWEST RIGHT OF WAY LINE OF EAST CENTER STREET, LYING BETWEEN BLOCK 268 AND BLOCK 234 OF THE ORIGINAL POCATELLO TOWN SITE.

COMPRISING 0.41 ACRES MORE OR LESS

EXCEPTING AND RESERVING THEREFROM:

A PUBLIC UTILITY, AND STORMWATER DRAINAGE EASEMENT OVER AND ACROSS THE AFORMENTION STRIP OF LAND.