

HAILEY ORDINANCE NO. 1011

AN ORDINANCE OF THE CITY OF HAILEY, IDAHO, AMENDING HAILEY'S ZONING ORDINANCE, ORDINANCE NO. 532, AND THE OFFICIAL ZONING MAP INCORPORATED THEREIN, BY CHANGING THE ZONING DISTRICT DESIGNATION OF THE HAILEY ZONING MAP, LOTS 11 AND 12, BLOCK 126, AND THE NORTH HALF OF VACATED CEDAR STREET, HAILEY TOWNSITE, FROM GENERAL RESIDENTIAL (GR) TO LIMITED BUSINESS (LB); PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE; AND PROVIDING FOR THE EFFECTIVE DATE OF THIS ORDINANCE UPON PASSAGE, APPROVAL AND PUBLICATION ACCORDING TO LAW.

WHEREAS, the Hailey City Council has found that the following amendment to the Hailey Official Zoning Map will generally conform to the Hailey Comprehensive Plan;

WHEREAS, the Hailey City Council has found that essential public facilities and services are available to support the full range of proposed uses without creating excessive additional requirements at public cost for the public facilities and services;

WHEREAS, the Hailey City Council has found that the proposed uses are compatible with the surrounding area;

WHEREAS, the Hailey City Council has found that the amendment will promote the public health, safety and general welfare of the general public; and

WHEREAS, the City of Hailey has entered into an Agreement, subject o Section 67-6511A of Idaho Code, with the lessee of said property and for the purpose of regulating the use of said property.

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

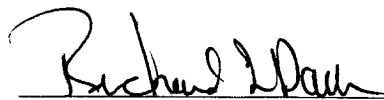
Section 1. Hailey Ordinance No. 532 and Hailey Official Zoning Map incorporated therein are hereby amended by changing the zoning district designation of Lots 11 and 12, Block 126 and the north half of vacated Cedar Street, Hailey Townsite, from General Residential (GR) to Limited Business (LB), subject to a development agreement to be recorded with the Blaine County Recorder, pursuant to Idaho Code Section 67-6511A, Hailey Zoning Ordinance Section 14.8.

Section 2. Should any section or provision of this Ordinance be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the Ordinance as a whole or any part thereof other than the part so declared to be unconstitutional or invalid.

Section 3. All City of Hailey ordinances or resolutions or parts thereof, which are in conflict herewith, are hereby repealed.

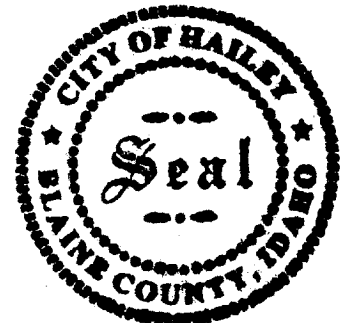
Section 4. This ordinance shall be in full force and effect from and after the required three (3) readings, approval, and publication according to law.

PASSED AND ADOPTED BY THE HAILEY CITY COUNCIL AND APPROVED BY THE MAYOR THIS 11th DAY OF AUGUST, 2008.


Richard L. Davis, Mayor, City of Hailey

Attest:


Mary Cone, City Clerk



AGENDA ITEM SUMMARY

DATE: 08/11/2008 DEPARTMENT: Legal

DEPT. HEAD SIGNATURE: _____



SUBJECT:

Senior Council's ordinance No. 1011, Development Agreement, Quitclaim Deed and Addendum to Lease Agreement.

AUTHORITY: ID Code _____ IAR _____ City Ordinance/Code _____
(IF APPLICABLE)

BACKGROUND/SUMMARY OF ALTERNATIVES CONSIDERED:

Hailey has been approached by representatives of the Senior Citizen's Center about several real property issues involving the Center. If you recall, the Senior's Council sought and received a rezone of property owned by Hailey. As a condition of the rezone, a development agreement was required. The primary purpose of the development agreement was to restrict the uses on the property once it became limited business (LB). A development agreement is attached. The Senior Citizen's Center is presently the owner of the south half of the previously vacated Cedar Street. The Senior Citizen's Center has agreed to convey title to this portion of vacated Cedar Street provided Hailey agrees to lease this property to the Senior's Council subject to the existing lease. I am attaching a proposed Quitclaim Deed which allows for the conveyance of the south portion of Cedar Street and a Second Addendum to Lease Agreement which changes the property description to include all of the property to be leased by the Senior's Council. If you have any questions, please contact me. Thank you.

Ned

FISCAL IMPACT / PROJECT FINANCIAL ANALYSIS: Casele # _____
Budget Line Item # _____ YTD Line Item Balance \$ _____
Estimated Hours Spent to Date: _____ Estimated Completion Date: _____
Staff Contact: _____ Phone # _____
Comments: _____

ACKNOWLEDGEMENT BY OTHER AFFECTED CITY DEPARTMENTS: (IF APPLICABLE)

___ City Attorney	___ Clerk / Finance Director	___ Engineer	___ Building
___ Library	___ Planning	___ Fire Dept.	___
___ Safety Committee	___ P & Z Commission	___ Police	___
___ Streets	___ Public Works, Parks	___ Mayor	___

RECOMMENDATION FROM APPLICABLE DEPARTMENT HEAD:

Make motions to a) authorize the Mayor to conduct the third reading of Ordinance No. 1011, read by title only and to sign Ordinance No. 1011 b) authorize the Mayor to sign the development agreement, c) authorize the Mayor to sign the quitclaim deed, and d) accept the quitclaim deed.

FOLLOW-UP REMARKS:

*
8/11 - 3rd reading conducted - authorized Mayor to sign
8/20 - published