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**Minutes of the
Hailey Hearing Examiner
October 26, 2009**

The meeting was called to order at 1:00 p.m. by Hearing Examiner Jay Webb. Staff present was City Attorney Ned Williamson and Planning Assistant Becky Mead.

City Initiated Vacation of City Streets & Alleyways

Vacation of the portions of right-of-way located between Rodeo Grounds, Hailey Elementary and Blaine Manor properties (previously known as the Wertheimer property).

City Attorney Ned Williamson presented the application. He explained the vacation was of streets and alleys generally located within the Hailey Elementary property, Blaine Manor property, and the Rodeo Grounds property within the Hailey Townsite. Attorney Williamson outlined the title and ownership issues; as an example, portions of Hailey Elementary School are built on unvacated portions of the alleys in Blocks 10 and 11 and on Second Avenue. He stated a portion of First Avenue (which appears to be part of the Rodeo Grounds) may not have been properly vacated. He said the Hailey Skate Park is partially located on this portion of First Avenue and it was conveyed by Hailey to the School District as part of an exchange of real properties in the 1960s. Attorney Williamson stated it was his belief that Hailey attempted to rectify the problem by vacating First Avenue in 1977 but mistakenly used an old legal description, not the updated description. He also said several streets were vacated but deeds were not recorded.

Attorney Williamson stated Section 50-311 "cities are empowered to vacate any street whenever deemed expedient for the public good"; and stated that this section further provides that "whenever any street, avenue, alley or lane shall be vacated, the same shall revert to the owner of the adjacent real estate, one-half on each side thereof, or as the City Council deems in the best interests of the adjoining properties". He explained the subject portions of right-of-way are currently utilized by the following entities:

- City of Hailey: Rodeo ground and arena; Hailey Skate Park
- Blaine County: Blaine Manor
- School District: Hailey Elementary School and related facilities, including playing fields.

Attorney Williamson explained the purpose for this vacation was to address the title problems with earlier conveyances.

Examiner Webb asked if there were any property owners or interested parties by ownership of property present to speak to this application.

Dr. Don Levin, PO Box 699, Hailey stated that he owns property north of Main Street along the area described by the City Attorney. He said the portion of First Avenue borders his property and the elementary school. He assumed the City's position was to recommend vacation of these properties and asked how this would impact the continuation of First Avenue that runs to the east of his building, which encompasses ten city lots going north. He asked the City Attorney if he was aware of any previous deeds or ordinances that would apply.

City Attorney stated that portion of First Avenue it was initially deeded from the City to the School District as part of exchange of property back in the 60s. He said that was Ordinance No. 274, which was amended twice by Ordinances 283 and Ordinance 340. He stated in 1977 that property was subject of another ordinance which vacated First Avenue and pointed out on the city map where it ended. He said that it encompassed all of First Avenue adjacent to Levin's property in 1977 vacated by an ordinance.

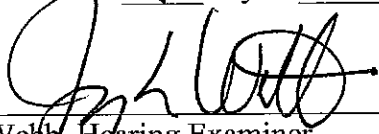
Levin said he assumes that would include the empty land between his building and the fence that would be approximately half of what First Avenue would have been. Attorney Williamson pointed out and explained to Levin on the city map what had occurred. Levin said nothing would really change affecting his property. City Attorney said the portion by his property is subject to Ordinance No. 371. Levin said what will be happening here would not have anything to do with his property. Attorney Williamson stated he did send these documents to Attorney Jim Laski. Levin stated he knew that and had spoken to him. Levin stated he appreciated this information and would be giving this information to Laski. Attorney Williamson stated there would be another hearing before the City Council the Hearing Examiner makes a recommendation only.

Attorney Williamson stated that some of the properties were not conveyed by deed. He recommends making a decision to vacate and then draft an ordinance and the associated deeds.

Examiner Webb asked if there were any further inquiries. Attorney Williamson stated Mike Chatterton was present in behalf of the school district. Chatterton said the have been working on this process for probably the last eight years.

Examiner Webb adjourned the meeting at 1:20 p.m.

Approved this 6 day of Nov., 2009.



Jay Webb, Hearing Examiner

Attest:



Becky Mead, Deputy Clerk