

Microfilm No. 529844  
Day July 20 1964  
At 10:24 O'Clock A.M.  
ABBE MACE  
FREMONT CO RECORDER  
Fee \$ Deputy  
Recorded at Request of

EXHIBIT "A"

ORDINANCE NO. 85-5

AN ORDINANCE ADOPTING AND PROVIDING FOR THE VACATION AND ABANDONMENT OF ALLEYWAYS PRESENTLY EXISTING AT THE MACK'S INN RESORT, FREMONT COUNTY, IDAHO.

WHEREAS, the County presently holds some interest in the alleyways (the "Alleys") located at Mack's Inn Resort and particularly described as follows:

The North 40 feet of the alley between Lot 71 Block 12 and Lot 68 Block 13 of the Flatrock Subdivision Plat and also that part of the alley that lies contiguous with the North 120 feet of Lot 73 Block 12 and Lot 70 Block 13 of the Flatrock Subdivision Plat as recorded in Fremont County, Idaho.

WHEREAS, the Board of County Commissioners has determined that no public purpose is served by continuing to hold any interest in the Alleys; and

WHEREAS, a public hearing has been held for the purpose of giving public consideration to the vacating and abandonment of said Alleys; and

WHEREAS, Bastian, Inc., is the owner of the property surrounding the Alleys and therefore most likely to benefit from the use thereof.

BE IT HEREBY ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF FREMONT COUNTY, IDAHO, AS FOLLOWS:

Section 1. Abandonment. The Alleys are hereby abandoned, vacated and released and any interest presently held therein by Fremont County is hereby relinquished forever.

Section 2. Conveyance. Fremont County shall acknowledge its abandonment by conveying any and all of its right title and interest in and to the Alleys to Bastian, Inc., by Quit-Claim Deed.

Section 3. Effective Date. This ordinance shall take effect immediately upon its passage and upon the publication thereof in at least one issue of a newspaper published within the County.

PASSED by the Board of County Commissioners of Fremont County, Idaho, on the 26th day of August, 1985.

BOARD OF COUNTY COMMISSIONERS

James Sidgeman  
Jay A. Miller  
Weldon Reynolds

Attest:

Betty G. Hill  
County Clerk

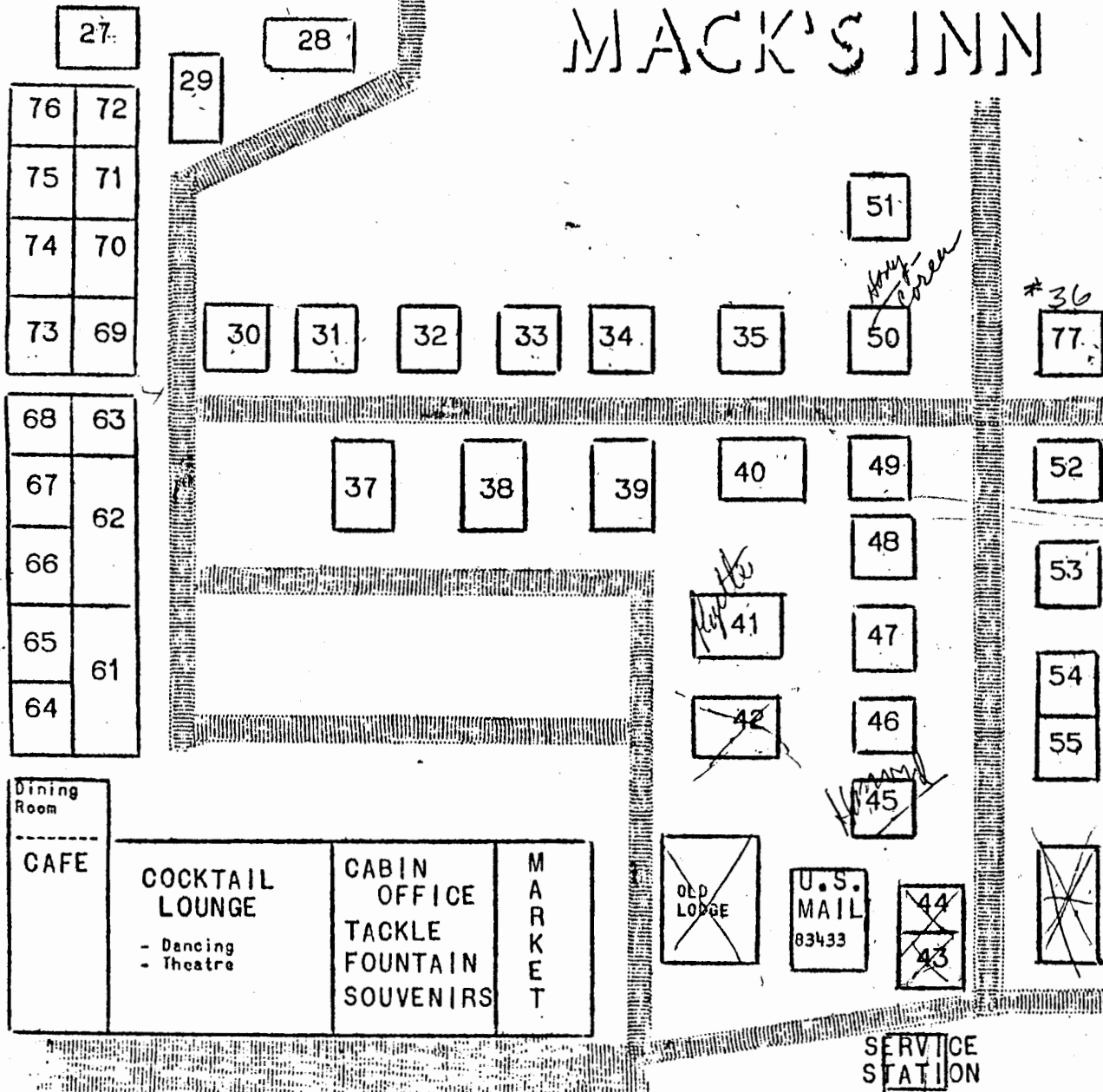
# MACK'S INN

S29644

*Wagon*

*M & H  
Crosby*

*Judy*



HIGHWAY 20  
191

*Wagon* MOTEL  
1 22 *Wagon*

## PETITION TO VACATE ALLEYS

The undersigned, Petitioner, Bastian, Inc., an Idaho corporation, by and through its attorney and pursuant to authority granted by said corporation, hereby petitions the Board of County Commissioners (the "Board") for Fremont County (the "County") as follows:

Description of Alleys

According to official ownership and property plats of the County, the County presently holds or claims some interest in the following described alleyways (the "Alleys"):

The North 40 feet of the alley between Lot 71 Block 12 and Lot 68 Block 13 of the Flatrock Subdivision plot and also that part of the alley that lies contiguous with the North 120 feet of Lot 73 Block 12 and Lot 70 Block 13 of the Flatrock Subdivision Plot as per recorded plot thereof in Fremont County, Idaho.

Request to Vacate

Bastian, Inc. requests that the Board acting for and on behalf of the County, vacate and relinquish any and all right, title and interest the County may possess in the Alleys and that the Alleys be conveyed to Petitioner by Quit-Claim Deed.

Basis for Vacating

The reason for vacating is that no public road, either improved or unimproved, trail, walkway or other use of the Alleys presently exists nor is any such use made of the Alleys. No public use of the Alleys has been made for a period of more than five (5) years. However, the Alleys are contiguous with the Snake River and its banks which is assumed to be a public waterway. The present development of resort cabins and common areas on the property surrounding the Alleys is inconsistent with use of the Alleys for public or private ingress or egress. No public purpose is served by continuing to hold the Alleys as a public way.

Further, Petitioner has proposed to the County the platting of the property surrounding the Alleys wherein the County may require such dedications of land and roadways as it may determine to be necessary for public purposes.

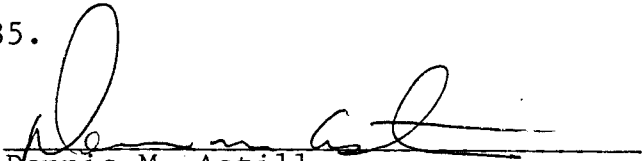
Proposed Ordinance

It is proposed that an ordinance should be adopted by the County in the form of Exhibit "A" which is attached hereto and by reference made a part hereof, vacates, abandons, and conveys the Alleys as set forth therein.

Request for Hearing

Petitioner hereby requests that this Petition be heard by the Board and decided upon at its next public meeting to be held on August 26, 1985 at the hour of 3 p.m. It is requested that notice of this Petition be given as required by law.

Dated: August 15, 1985.

  
Dennis M. Astill  
Attorney for Bastian, Inc., an  
Idaho corporation