



**CITY OF SUN VALLEY
PLANNING AND ZONING COMMISSION
AGENDA REPORT**

To: Planning and Zoning Commission
From:  Mark Hofman, Community Development Director
Meeting Date: August 15, 2013
Agenda Item: Prospector Road Public Right-of-Way Vacation

SUBJECT: New public hearing for draft Ordinance No. 462 to vacate the end portion of the Prospector Road public right-of-way north of the Fischer and Reuther Subdivision as platted within the Prospector Subdivision No. 2. **Applicant:** Wally Huffman for Sun Valley Company and Tom Praggastis for Edmund and Carol Dumke. **Location:** Northerly terminus of Prospector Road, accessed from Fairway Road.

BACKGROUND: The Planning and Zoning Commission reviewed this street vacation project and held a public hearing for draft Ordinance No 462 at their July 11, 2013 regular meeting. After discussion, the Commission adopted a motion to recommend approval of Ordinance No. 462 to the City Council. In their motion, the Commission requested an additional statement be added to the first part of the draft Ordinance which reads, "Whereas, a private access driveway to provide access to Lots 5 and 6 of the Prospector Subdivision 2 is contemplated over the area to be vacated."

Subsequent to the public hearing and Commission action, it was brought to the attention of Community Development Department staff that the site notice required for adequate public notice was in error. The wrong notice was posted on site. To cure any public notice flaw for the project, staff completely re-noticed for a new public hearing with the Commission on August 15, 2013.

ANALYSIS: The entire July 11, 2013 Staff Report is attached as **Exhibit "PZ-B"** and the revised draft Ordinance No. 462 is attached as **Exhibit "PZ-A"**. The legal description and exhibit attached to draft Ordinance No. 462 fully detail the area of Prospector Road right-of-way proposed to be vacated.

Any action on the draft Street Vacation Ordinance by the Commission is a recommendation only and requires an additional public hearing and final action by the City Council. The Community Development Department has completed a comprehensive review of the proposed public street right-of-way vacation and has determined that all required materials have been satisfactorily submitted as per Development Code requirements.

Alternative Actions- Alternative actions available to the Planning and Zoning Commission include: (1) review the attached draft Ordinance No. 462, make the required findings, and take action to recommend adoption to the City Council; (2) continue the hearing for further information and review; or (3) discuss the findings and take action to recommend denial of Ordinance No. 462 to the City Council.

RECOMMENDATION: Before public comment is received, the Commission should disclose all information and contacts received outside the hearing on this item upon which the decision will be based, receive public testimony, and consider the facts and findings necessary to make a recommending decision on the draft Ordinance. The Community Development Director recommends that the Commission hold a new public hearing to correct any public notice flaw and recommend approval of draft Ordinance No. 462 to the City Council.

LIST OF ATTACHED EXHIBITS:

- | | |
|----------------|---|
| Exhibit "PZ-A" | Revised draft ordinance No. 462 for the Prospector Road Public Right-of-Way Vacation with attached legal description and exhibit. |
| Exhibit "PZ-B" | July 11, 2013 Planning and Zoning Commission Agenda Report with attached Exhibits "PZ-A" through "PZ-D". |

** The administrative record for the Ordinance to Vacate Public Right-of-Way is available for review in the Community Development Department at City Hall.

EXHIBIT "PZ-A"

**(DRAFT) ORDINANCE NO. 462
CITY OF SUN VALLEY**

PROSPECTOR ROAD RIGHT-OF-WAY VACATION

AN ORDINANCE OF THE CITY OF SUN VALLEY, IDAHO, VACATING A PORTION OF PROSPECTOR ROAD RIGHT-OF-WAY; PROVIDING FOR EXECUTION OF QUITCLAIM DEEDS BY THE MAYOR CONVEYING TITLE TO THE VACATED PROPERTY TO THE OWNERS OF PROPERTY ADJACENT TO THE VACATED RIGHT-OF-WAY; AND PROVIDING FOR THE EFFECTIVE DATE OF THIS ORDINANCE UPON PASSAGE, APPROVAL, AND PUBLICATION ACCORDING TO LAW.

WHEREAS, the Sun Valley City Council has determined, and hereby finds, that the following real property, that certain portion of Prospector Road, as described and depicted on Exhibit "A" hereto, incorporated by reference herein, is no longer needed for use as a public right of way, and that vacation of the aforementioned property is expedient for the public good; and

WHEREAS, the Sun Valley Planning and Zoning Commission held a properly noticed public hearing for the public right-of-way vacation at their meeting of August 15, 2013 to review the application and administrative record, consider Ordinance No. 462, take public and applicant testimony, and consider the required findings for making a recommendation to the City Council; and

WHEREAS, the Sun Valley City Council held a properly noticed public hearing at their meetings of ~~#####~~ ##, ~~#####~~ ## and ~~#####~~ ##, 2013 for the public right-of-way vacation to review the application and administrative record, consider the Planning and Zoning Commission's recommendation on Ordinance No. 462, take public and applicant testimony and consider the required findings for taking action; and

WHEREAS, a private access driveway to provide access to Lots 5 and 6 of the Prospector Subdivision 2 is contemplated over the area to be vacated; and

WHEREAS, the Sun Valley City Council believes it is appropriate to vacate a certain portion of Prospector Road.

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

SECTION 1. The City of Sun Valley hereby vacates that certain portion of Prospector Road, as described and depicted on Exhibit "A" hereto, and as shown on the official Prospector Subdivision No. 2 Plat of the City of Sun Valley, recorded as Instrument No. 142865, on file in the office of the Blaine County Recorder.

SECTION 2. The Mayor of the City of Sun Valley is hereby authorized to execute and deliver quitclaim deeds, on behalf of the City of Sun Valley, transferring title to the aforementioned real property to the adjacent property owners pursuant to Idaho Code Section 50-311.

SECTION 3. This Ordinance shall be in full force and effect from and after its approval, passage and publication as provided by law.

PASSED BY THE CITY COUNCIL OF THE CITY OF SUN VALLEY, IDAHO, AND APPROVED BY THE MAYOR OF THE CITY OF SUN VALLEY on this #### day of #####, 2013.

EFFECTIVE DATE OF PUBLICATION: ##### #, 2013.

APPROVED:

Dewayne Briscoe, Mayor
City of Sun Valley

ATTEST:

Hannah Stauts
City Clerk
City of Sun Valley

Benchmark Associates, P.A.

ENGINEERING, PLANNING, SURVEYING & MAPPING

P.O. Box 733 • 100 Bell Drive

Ketchum, Idaho 83340

208/726-9512 • Fax 208/726-9514 • www.bma5b.com



PROPOSED ROAD VACATION DESCRIPTION

PORTION OF PLATTED PROSPECTOR ROAD TO BE VACATED

Within: Prospector Subdivision No.2, Sun Valley, Blaine County, Idaho. Section 8,
Township 4 North, Range 18 East, Boise Meridian.

A portion of Prospector Road as platted within Prospector Subdivision No.2 according to the official plat thereof, recorded as Instrument No. 142865, records of Blaine County, Idaho. Said portion being more particularly described by metes and bounds as follows:

Commencing at a stone marking the SW corner of said Section 8 as shown on said plat of Prospector Subdivision No. 2;

thence N21°05'16"E, 3048.20 feet to a corner on the southerly boundary of Lot 1 within said plat Prospector Subdivision No. 2;

thence N18°40'22"E 1355.56 feet to the easternmost corner of Lot 6, Prospector Subdivision No. 2, said corner being the **True Point of Beginning**.

Thence S51°32'22"E, 40.00 feet to the easterly right-of-way of said Prospector Road;
thence along said right-of-way 138.76 feet along a curve concave to the southeast with a central angle of 18°57'10", and a radius of 419.48 feet;

thence S19°30'28"W, 129.24 feet;

thence 352.94 feet along a curve concave to the northwest with a central angle of 12°14'54", and a radius of 1651.00 feet;

thence N58°14'38"W, 40.00 feet to the westerly right-of-way of said Prospector Road;

thence along said right-of-way 344.39 feet along a curve concave to the northwest with a central angle of 12°14'54", and a radius of 1611.00;

thence N19°30'28"E, 129.24 feet;

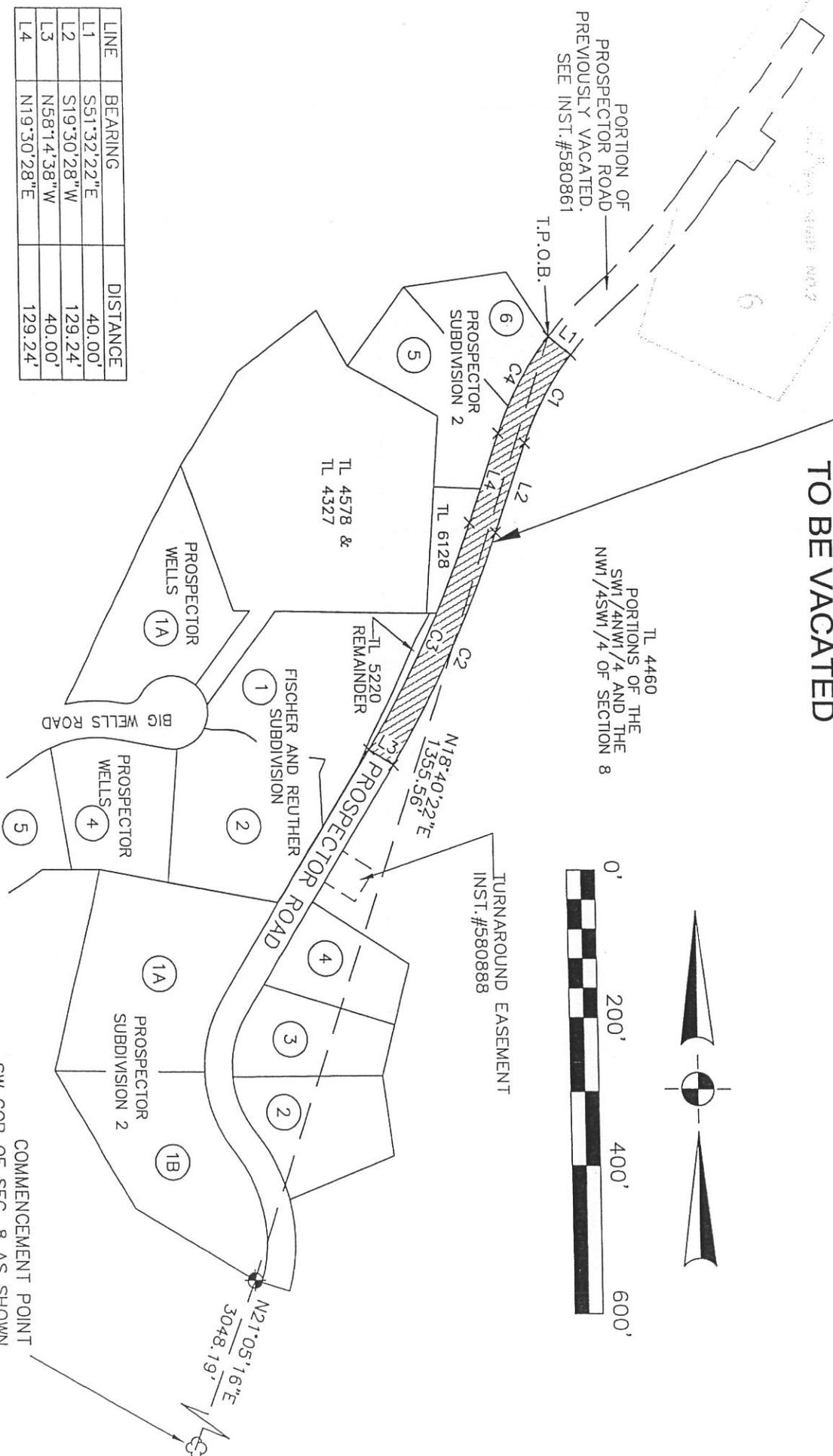
thence 151.99 feet along a curve concave to the southeast with a central angle of 18°57'10", and a radius of 459.48 feet to the **Point of Beginning**.

All as shown on the Exhibit attached hereto and made a part hereof.

Said portion of proposed vacated roadway having an approximate area of 24,930 square feet/0.57 acres.

Exhibit A

PORTION OF PROSPECTOR ROAD TO BE VACATED



LINE	BEARING	DISTANCE
L1	S51°32'22\"E	40.00'
L2	S19°30'28\"W	129.24'
L3	N58°14'38\"W	40.00'
L4	N19°30'28\"E	129.24'

CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING	DELTA ANGLE
C1	419.48'	138.76'	138.13'	S28°59'03\"W	18°57'10\"
C2	1651.00'	352.94'	352.27'	S25°37'55\"W	12°14'54\"
C3	1611.00'	344.39'	343.73'	N25°37'55\"E	12°14'54\"
C4	459.48'	151.99'	151.30'	N28°59'03\"E	18°57'10\"

COMMENCEMENT POINT
SW COR OF SEC. 8 AS SHOWN
ON THE PLAT OF PROSPECTOR SUB. 2

EXHIBIT A



**CITY OF SUN VALLEY
PLANNING AND ZONING COMMISSION
AGENDA REPORT**

To: Planning and Zoning Commission
From: *MH* Mark Hofman, Community Development Director
Meeting Date: July 11, 2013
Agenda Item: Prospector Road Public Right-of-Way Vacation

SUBJECT: Public hearing for draft Ordinance No. 462 to vacate the end portion of the Prospector Road public right-of-way north of the Fischer and Reuther Subdivision as platted within the Prospector Subdivision No. 2. **Applicant:** Wally Huffman for Sun Valley Company and Tom Praggastis for Edmund and Carol Dumke. **Location:** Northerly terminus of Prospector Road, accessed from Fairway Road.

BACKGROUND: In 2010, the Sun Valley Company filed a request for a public right-of-way vacation for a portion of Prospector Road in association with development applications for a three lot residential subdivision at the easterly terminus of Back Pay Way. The City of Sun Valley approved the street vacation (Ordinance No. 432) along with the associated development applications. However, as part of the review and approval process for the street vacation request, the City Council discussed the status and condition of an additional largely unimproved segment of Prospector Road and directed staff to investigate the potential for further street vacation action. Staff met with the adjacent property owners in late 2010 and in 2011 to determine if vacation of a further section of Prospector Road was appropriate.

ANALYSIS: The segment now proposed for vacation as public right-of-way by the City extends from the terminus of the previously approved 2010 vacation segment southward to a point just north of Lot 1 of the Fischer and Reuther Subdivision, which is the last improved driveway on the left side of Prospector Road. The right-of-way segment is forty (40) feet in width and approximately six hundred twenty (620) feet in length. The segment is partially paved with a narrow and deteriorating asphalt strip unmaintained by the City. However, much of the right-of-way area is largely native vegetated, undeveloped, with adjacent sloping topography. Staff will present a series of photos at the public hearing that depict the existing condition and location of the right-of-way segment. The legal description and exhibit attached to draft Ordinance No. 462 (**Exhibit "PZ-B"**) fully detail the area of Prospector Road right-of-way proposed to be vacated.

Development Code Section 9-4B-4 requires that whenever public rights of way are vacated, the City Council shall provide adjacent property owners with a quitclaim deed for the vacated rights of way in such proportions as are prescribed by law. Draft Ordinance No. 462 authorizes the Mayor to execute and deliver quitclaim deeds, on behalf of the City of Sun Valley, transferring title to the

forementioned real property to the adjacent property owners pursuant to Idaho Code Section 50-311. For much of the proposed Prospector Road segment to be vacated, Sun Valley Company is the adjacent property owner on both sides. For such areas, the area vacated would convey in entirety to Sun Valley Company (**see attached Exhibit "PZ-C"**). Edmund and Carol Dumke are the owners of Lots 5 and 6 of the Prospector Subdivision 2 at the northern portion of the street segment to be vacated. Sun Valley Company is the adjacent property owner opposite the Dumkes at Lots 5 and 6. For this area, the vacated right-of-way would be conveyed in equal proportion, half to Sun Valley Company and half to the Dumkes (**see attached Exhibit "PZ-D"**).

Any action on the draft Street Vacation Ordinance by the Commission is a recommendation only and requires an additional public hearing and final action by the City Council. The Community Development Department has completed a comprehensive review of the proposed public street right-of-way vacation and has determined that all required materials have been satisfactorily submitted as per Development Code requirements. However, three issues as follows should be presented and discussed by the Commission in their public hearing and recommendation:

Access to Existing Residential Lots- Existing Lots 5 and 6 of the Prospector Subdivision 2 are currently undeveloped and zoned Single-Family Residential (RS-1). Prospector Road was platted with the Prospector Subdivision 2 Plat to provide direct vehicular access to these two buildable lots. With the vacation of this portion of Prospector Road, it must be ensured that these two lots retain access into the future. The applicants have executed a Settlement Agreement, dated September 22, 2012, that describes the history of the road issue, specifically the future construction of an extension of Prospector Road to provide an improved roadway access to Dumke Lots 5 and 6. Pursuant to the Agreement, if the City vacates the segment of right-of-way, the Sun Valley Company shall convey by Quitclaim Deed to Dumke fee simple title to Tax Lots 6128, 5943, and 5220 as well as the portions of vacated roadway quitclaimed by the City to Sun Valley Company by Ordinance No. 462. The area to be quitclaimed to Dumke by Sun Valley Company as part of the Settlement Agreement assures that Lots 5 and 6 will have adequate access in the future of a width necessary to conform to City code and regulations along with additional property at the end of the new road which may be necessary or required to allow emergency vehicles an adequate turnaround area. The Settlement Agreement is expressly contingent on the City vacating the subject portion of Prospector Road. The Settlement Agreement has been reviewed by staff and determined to be adequate assurance that the access issue is resolved.

Zoning of Land to be Vacated- The Commission should discuss the zoning designation appropriate for the vacated land as represented on the Official Zoning Map of the City of Sun Valley. Currently the area is depicted as public right-of-way on the Zoning Map. If the right-of-way is vacated by the City does the area revert to the zoning designation of the adjacent property? In this case portions of the vacated area would be zoned and depicted on the Zoning Map as Outdoor Recreational (OR-1) and other portions as Single-Family Residential (RS-1). The zoning designation issue should be discussed fully as part of the public hearing with the City Attorney and the applicants such that the attached Draft Ordinance No. 462 may be modified as part of the Commission's recommendation to include the proper zoning.

Snow Plowing and Storage- The City's Streets Department is reviewing the street vacation to determine what effect if any the proposal will have on current and future snow plowing and storage activity. Staff will discuss the issue at the public hearing and determine if snow can be

plowed adequately or what measures would be needed to mitigate the vacation of right-of-way.

Alternative Actions- Alternative actions available to the Planning and Zoning Commission include: (1) review the attached draft Ordinance No. 462, make the required findings, and take action to recommend adoption to the City Council; (2) continue the hearing for further information and review; or (3) discuss the findings and take action to recommend denial of Ordinance No. 462 to the City Council.

RECOMMENDATION: Before public comment is received, the Commission should disclose all information and contacts received outside the hearing on this item upon which the decision will be based, receive public testimony, and consider the facts and findings necessary to make a recommending decision on the draft Ordinance. The Community Development Director recommends that the Commission recommend approval of draft Ordinance No. 462 to the City Council based on the facts and findings contained in **Exhibit "PZ-B"**.

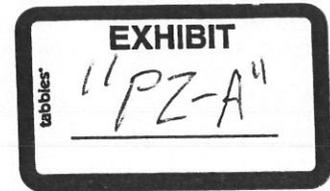
LIST OF ATTACHED EXHIBITS:

- | | |
|----------------|---|
| Exhibit "PZ-A" | Letter of request, dated January 22, 2013, for vacation of a portion of Prospector Road from Thomas C. Praggastis. |
| Exhibit "PZ-B" | Draft Ordinance No. 462 for the Prospector Road Public Right-of-Way Vacation with attached legal description and exhibit. |
| Exhibit "PZ-C" | Legal Description Conveyance: a Portion of Prospector Road, City of Sun Valley to Sun Valley Company. |
| Exhibit "PZ-D" | Legal Description Conveyance: a Portion of Prospector Road, City of Sun Valley to Dumke, |

** The administrative record for the Ordinance to Vacate Public Right-of-Way is available for review in the Community Development Department at City Hall.

THOMAS C. PRAGGASTIS
ATTORNEY AND COUNSELOR AT LAW
191 FIFTH STREET WEST
POST OFFICE BOX 6090
KETCHUM, IDAHO 83340

TELEPHONE
(208) 726-5961
FAX (208) 726-5998
EMAIL tom@tcplaw.net



January 22, 2013

HAND DELIVERED

Mark Hoffman
City of Sun Valley
Sun Valley, ID 83353

re: Request for Vacation of a Portion of Prospector Road

Dear Mark:

In accordance with our conversations over the past year, Sun Valley Company and my clients, Edmund and Carol Dumke, have agreed to request that the City vacate a portion of Prospector Road. The parties have entered into an Agreement regarding transferring several parcels of land owned by Sun Valley Company adjacent to the Dumke property. With the Agreement in place, the City, as you indicated to Mr. Huffman and to me was its intent, may proceed with vacating the Road.

I have worked with Benchmark Associates to have legal descriptions prepared for the various parcels of the Prospector Road that are to be vacated. I am enclosing those legal descriptions, along with a map, so that we are clear what part of Prospector Road is being vacated and what parts are being conveyed by the City to Sun Valley Company and to the Dumkes.

Please let me know what if anything else you need to start the proceedings. I would request that you send notices of meetings, etc, as follows:

Edmund Dumke
P. O. Box 569
Sun Valley, ID 83353

Thomas C. Praggastis
P. O. Box 6090
Ketchum, ID 83340

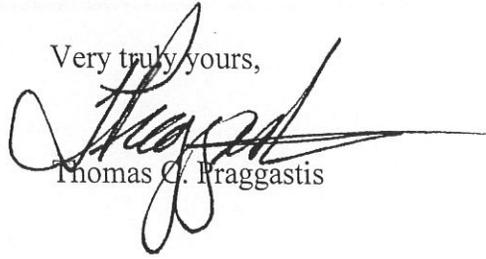
Mark Hoffman
January 22, 2013
Page 2

Wallace Huffman
Sun Valley Company
P. O. Box 10
Sun Valley, ID 83353

Scott Myeda
Sun Valley Company
550 East South Temple
Salt Lake City, UT 84102

Your assistance in this matter is appreciated.

Very truly yours,

A handwritten signature in black ink, appearing to read 'Praggastis', with a long horizontal flourish extending to the right.

Thomas C. Praggastis

encls.

cc: Scott Myeda, Sun Valley Company
Ed Dumke
Wally Huffman

EXHIBIT "PZ-B"

**(DRAFT) ORDINANCE NO. 462
CITY OF SUN VALLEY**

PROSPECTOR ROAD RIGHT-OF-WAY VACATION

AN ORDINANCE OF THE CITY OF SUN VALLEY, IDAHO, VACATING A PORTION OF PROSPECTOR ROAD RIGHT-OF-WAY; PROVIDING FOR EXECUTION OF QUITCLAIM DEEDS BY THE MAYOR CONVEYING TITLE TO THE VACATED PROPERTY TO THE OWNERS OF PROPERTY ADJACENT TO THE VACATED RIGHT-OF-WAY; AND PROVIDING FOR THE EFFECTIVE DATE OF THIS ORDINANCE UPON PASSAGE, APPROVAL, AND PUBLICATION ACCORDING TO LAW.

WHEREAS, the Sun Valley City Council has determined, and hereby finds, that the following real property, that certain portion of Prospector Road, as described and depicted on Exhibit "A" hereto, incorporated by reference herein, is no longer needed for use as a public right of way, and that vacation of the aforementioned property is expedient for the public good; and

WHEREAS, the Sun Valley City Council held a properly noticed public hearing at their meetings of ##### ##, ##### ## and ##### ##, 2013 for the public right-of-way vacation to review the application and administrative record, consider the Planning and Zoning Commission's recommendation on Ordinance No. 462, take public and applicant testimony and consider the required findings for taking action; and

WHEREAS, the Sun Valley City Council believes it is appropriate to vacate a certain portion of Prospector Road.

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

SECTION 1. The City of Sun Valley hereby vacates that certain portion of Prospector Road, as described and depicted on Exhibit "A" hereto, and as shown on the official Prospector Subdivision No. 2 Plat of the City of Sun Valley, recorded as Instrument No. 142865, on file in the office of the Blaine County Recorder.

SECTION 2. The Mayor of the City of Sun Valley is hereby authorized to execute and deliver quitclaim deeds, on behalf of the City of Sun Valley, transferring title to the aforementioned real property to the adjacent property owners pursuant to Idaho Code Section 50-311.

SECTION 3. This Ordinance shall be in full force and effect from and after its approval, passage and publication as provided by law.

PASSED BY THE CITY COUNCIL OF THE CITY OF SUN VALLEY, IDAHO, AND APPROVED BY THE MAYOR OF THE CITY OF SUN VALLEY on this #### day of #####, 2013.

EFFECTIVE DATE OF PUBLICATION: ##### ##, 2013.

APPROVED:

Dewayne Briscoe, Mayor
City of Sun Valley

ATTEST:

Hannah Stauts
City Clerk
City of Sun Valley

Benchmark Associates, P.A.

ENGINEERING, PLANNING, SURVEYING & MAPPING

P.O. Box 733 • 100 Bell Drive

Ketchum, Idaho 83340

208/726-9512 • Fax 208/726-9514 • www.bma5b.com



PROPOSED ROAD VACATION DESCRIPTION

PORTION OF PLATTED PROSPECTOR ROAD TO BE VACATED

Within: Prospector Subdivision No.2, Sun Valley, Blaine County, Idaho. Section 8,
Township 4 North, Range 18 East, Boise Meridian.

A portion of Prospector Road as platted within Prospector Subdivision No.2 according to the official plat thereof, recorded as Instrument No. 142865, records of Blaine County, Idaho. Said portion being more particularly described by metes and bounds as follows:

Commencing at a stone marking the SW corner of said Section 8 as shown on said plat of Prospector Subdivision No. 2;

thence N21°05'16"E, 3048.20 feet to a corner on the southerly boundary of Lot 1 within said plat Prospector Subdivision No. 2;

thence N18°40'22"E 1355.56 feet to the easternmost corner of Lot 6, Prospector Subdivision No. 2, said corner being the **True Point of Beginning**.

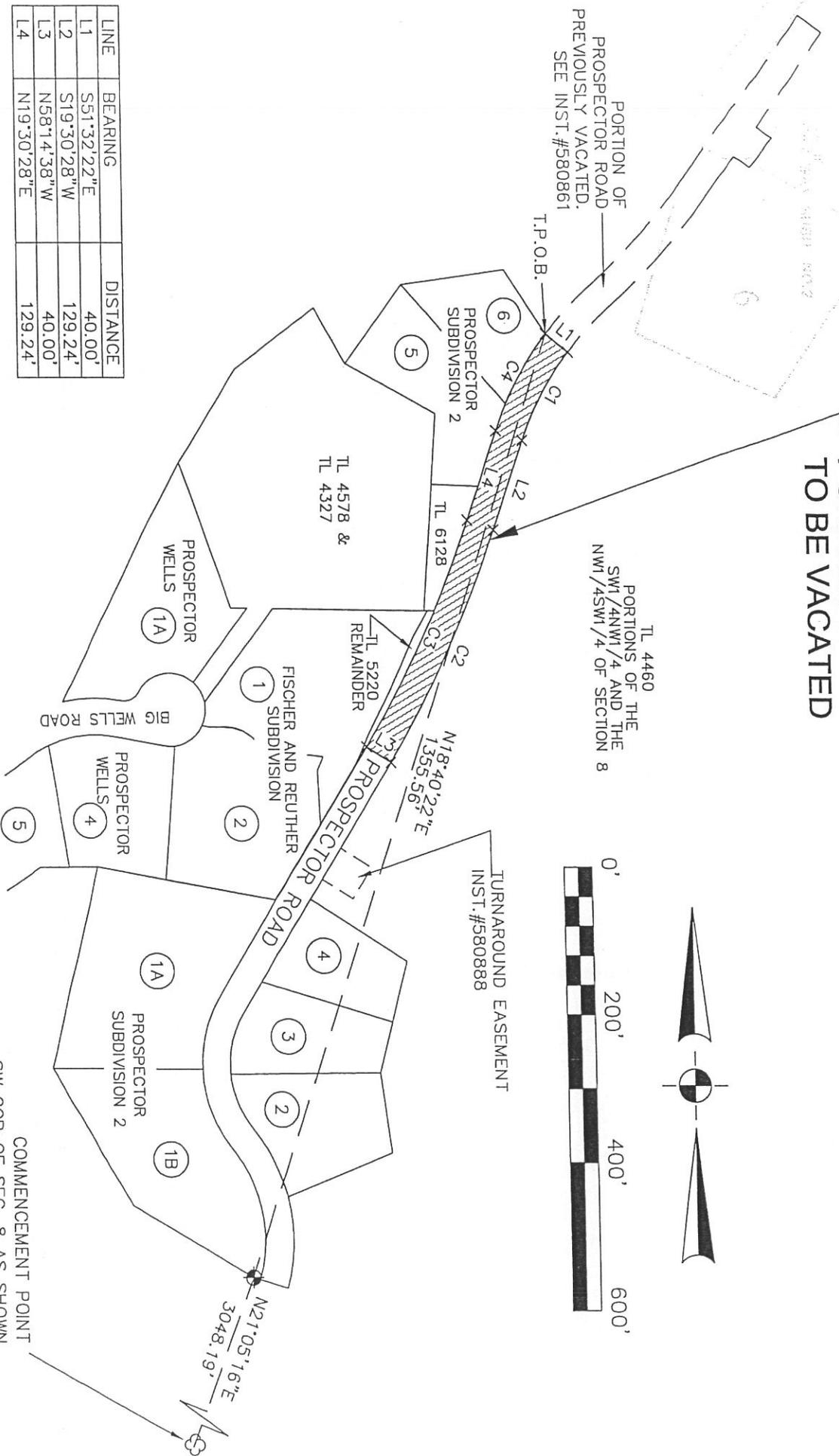
Thence S51°32'22"E, 40.00 feet to the easterly right-of-way of said Prospector Road;
thence along said right-of-way 138.76 feet along a curve concave to the southeast with a central angle of 18°57'10", and a radius of 419.48 feet;
thence S19°30'28"W, 129.24 feet;
thence 352.94 feet along a curve concave to the northwest with a central angle of 12°14'54", and a radius of 1651.00 feet;
thence N58°14'38"W, 40.00 feet to the westerly right-of-way of said Prospector Road;
thence along said right-of-way 344.39 feet along a curve concave to the northwest with a central angle of 12°14'54", and a radius of 1611.00;
thence N19°30'28"E, 129.24 feet;
thence 151.99 feet along a curve concave to the southeast with a central angle of 18°57'10", and a radius of 459.48 feet to the **Point of Beginning**.

All as shown on the Exhibit attached hereto and made a part hereof.

Said portion of proposed vacated roadway having an approximate area of 24,930 square feet/0.57 acres.

Exhibit A

PORTION OF PROSPECTOR ROAD TO BE VACATED



LINE	BEARING	DISTANCE
L1	S51°32'22"E	40.00'
L2	S19°30'28"W	129.24'
L3	N58°14'38"W	40.00'
L4	N19°30'28"E	129.24'

CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING	DELTA ANGLE
C1	419.48'	138.76'	138.13'	S28°59'03"W	18°57'10"
C2	1651.00'	352.94'	352.27'	S25°37'55"W	12°14'54"
C3	1611.00'	344.39'	343.73'	N25°37'55"E	12°14'54"
C4	459.48'	151.99'	151.30'	N28°59'03"E	18°57'10"

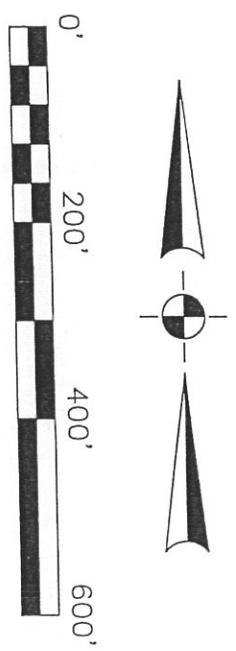
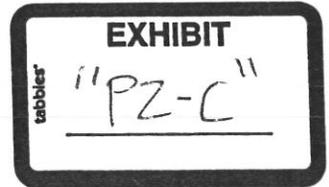


EXHIBIT A



LEGAL DESCRIPTION

CONVEYANCE :

CITY OF SUN VALLEY TO SUN VALLEY COMPANY

A PORTION OF PROSPECTOR ROAD

Benchmark Associates, P.A.

ENGINEERING, PLANNING, SURVEYING & MAPPING
P.O. Box 733 • 100 Bell Drive
Ketchum, Idaho 83340
208/726-9512 • Fax 208/726-9514



PORTION OF PROSPECTOR ROAD

Sun Valley, Blaine County, Idaho.

NW1/4 Section 8, Township 4 North, Range 18 East, Boise Meridian.

A portion of Prospector Road as depicted within Prospector Subdivision No. 2, according to the official plat thereof, recorded as Instrument No. 142865, records of Blaine County, Idaho, said portion being more particularly described by metes and bounds as follows:

Commencing at the southeast corner of Lot 5, Prospector Subdivision No. 2, said corner being on the westerly boundary of Prospector Road, and said corner being the **True Point of Beginning**

Thence along said westerly boundary of Prospector Road by the following 2 courses:
S19°30'28"W, 49.24 feet;

thence 344.39 feet along a curve to the right, said curve having a radius of 1611.00 feet, a central angle of 12°14'54", and a chord length of 343.73 feet which bears S25°37'55"W;
thence leaving said westerly boundary S58°14'38"E, 40.00 feet to a point on the easterly boundary of Prospector Road;

thence along the easterly boundary of Prospector Road by the following 3 courses:
352.94 feet along a curve to the left, said curve having a radius of 1651.00 feet, a central angle of 12°14'54", and a chord length of 352.27 feet which bears N25°37'55"E;
thence N19°30'28"E, 129.24 feet;

thence 138.76 feet along a curve to the right, said curve having a radius of 419.48 feet, a central angle of 18°57'11", and a chord length of 138.13 feet which bears N28°59'04"E, more or less, to a point on the southerly boundary of previously vacated Prospector Road (see Instrument No. 580861, Records of Blaine County, Idaho);

thence along said southerly boundary N51°32'22"W, 20.00 feet to a point on the centerline of Prospector Road;

thence leaving said southerly boundary and along said centerline by the following 2 courses: 145.38 feet along a curve to the left, said curve having a radius of 439.48 feet, a central angle of 18°57'11" and a chord length of 144.72 feet which bears S28°59'04"W;
thence: S19°30'28"W, 80.00 feet;

thence leaving said centerline N70°29'32"W, 20.00 feet to the **True Point of Beginning**.

Said portion having an approximate area of 20,357 square feet, or 0.47 acre.

Exhibit _____

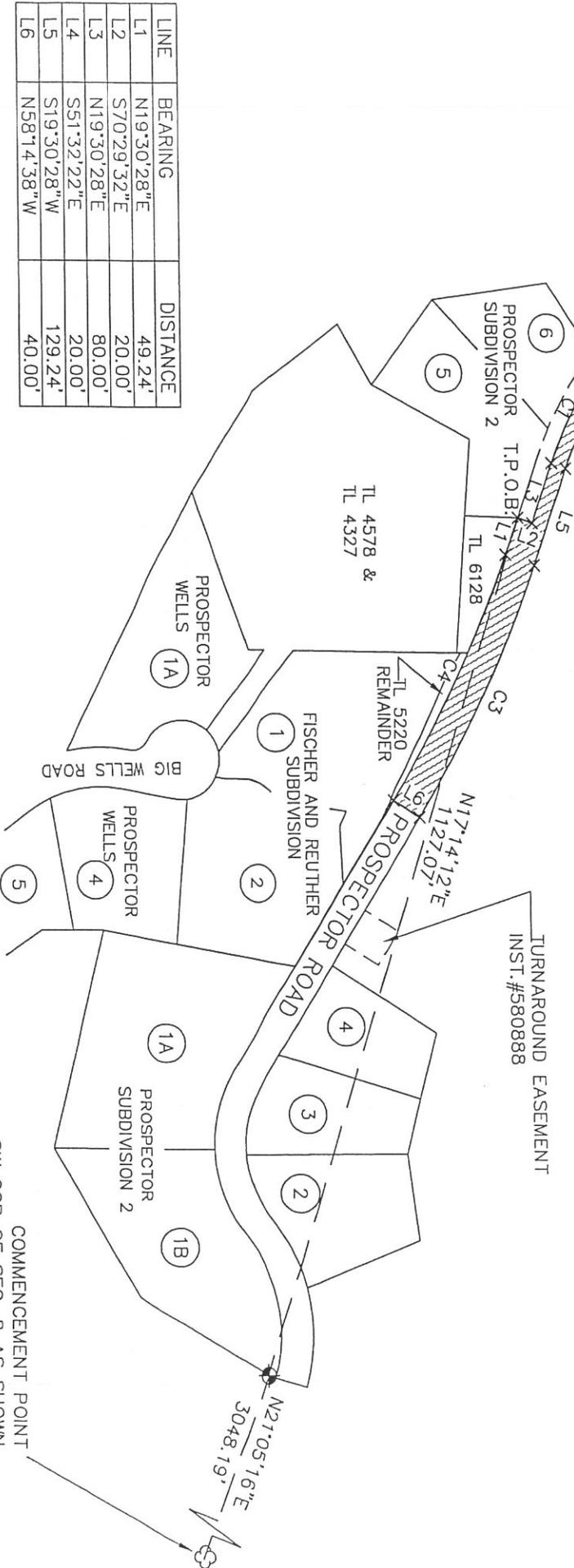
PORTION OF PROSPECTOR ROAD TO BE VACATED ADJACENT TO TAX LOTS 4460, 5220 & 6128.

PORTION OF
PROSPECTOR ROAD
PREVIOUSLY VACATED.
SEE INST. #580861

TL 4460
PORTIONS OF THE
SW 1/4 NW 1/4 AND THE
NW 1/4 SW 1/4 OF SECTION 8



TURNAROUND EASEMENT
INST. #580888

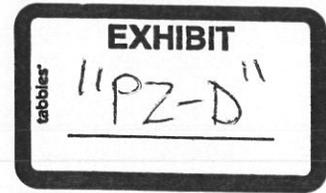


LINE	BEARING	DISTANCE
L1	N19°30'28\"E	49.24'
L2	S70°29'32\"E	20.00'
L3	N19°30'28\"E	80.00'
L4	S51°32'22\"E	20.00'
L5	S19°30'28\"W	129.24'
L6	N58°14'38\"W	40.00'

CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING	DELTA ANGLE
C1	439.48'	145.37'	144.71'	N28°59'03\"E	18°57'10\"
C2	419.48'	138.76'	138.13'	S28°59'03\"W	18°57'10\"
C3	1651.00'	352.94'	352.27'	S25°37'55\"W	12°14'54\"
C4	1611.00'	344.39'	343.73'	N25°37'55\"E	12°14'54\"

COMMENCEMENT POINT
SW COR OF SEC. 8 AS SHOWN
ON THE PLAT OF PROSPECTOR SUB. 2

EXHIBIT



LEGAL DESCRIPTION

CONVEYANCE :

CITY OF SUN VALLEY TO DUMKE

A PORTION OF PROSPECTOR ROAD

Benchmark Associates, P.A.

ENGINEERING, PLANNING, SURVEYING & MAPPING
P.O. Box 733 • 100 Bell Drive
Ketchum, Idaho 83340
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ROAD VACATION DESCRIPTION

PORTION OF PLATTED PROSPECTOR ROAD ADJACENT TO LOTS 5 & 6, PROSPECTOR SUBD. 2

Within: Prospector Subdivision No.2, Sun Valley, Blaine County, Idaho. Section 8,
Township 4 North, Range 18 East, Boise Meridian.

A portion of Prospector Road as platted within Prospector Subdivision No.2 according to the official plat thereof, recorded as Instrument No. 142865, records of Blaine County, Idaho. Said portion being more particularly described by metes and bounds as follows:

Commencing at a stone marking the SW corner of said Section 8 as shown on said plat of Prospector Subdivision No. 2;

thence N21°05'16"E, 3048.20 feet to a corner on the southerly boundary of Lot 1 within said plat Prospector Subdivision No. 2;

thence N18°40'22"E 1355.56 feet to the easternmost corner of Lot 6, Prospector Subdivision No. 2, said corner being the **True Point of Beginning**.

thence S51°32'22"E, 20.00 feet to the centerline of said Prospector Road;

thence following said centerline 145.37 feet along a curve concave to the southeast with a central angle of 18°57'10", and a radius of 439.48 feet;

thence continuing along said centerline S19°30'28"W, 80.00 feet;

thence departing said centerline N70°29'32"W, 20.00 feet to the westerly right-of-way of said Prospector Road;

thence along said right-of-way N19°30'28"E, 80.00 feet;

thence 151.99 feet along a curve concave to the southeast with a central angle of 18°57'10", and a radius of 459.48 feet to the **Point of Beginning**.

All as shown on the Exhibit attached hereto and made a part hereof.

Said portion of vacated Prospector Road having an approximate area of 4,574 square feet or 0.10 Acres.

Exhibit _____

