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ORDINANCE NO. 6699

BY THE COUNCIL:

BISTERFELDT, CLEGG, EBERLE,
JORDAN, SHEALY & TIBBS

AN ORDINANCE (CAR08-00019/WAYNE ELDREDGE) FOR PROPERTY LOCATED AT 1689 S. ENTERTAINMENT AVE.) ANNEXING CERTAIN LANDS AND TERRITORY, SITUATED IN ADA COUNTY, IDAHO, AND ADJACENT AND CONTIGUOUS TO THE CORPORATE LIMITS OF THE CITY OF BOISE CITY; ESTABLISHING AND DETERMINING THE LAND USE CLASSIFICATION OF SAID LANDS AS C-1D (NEIGHBORHOOD COMMERCIAL WITH DESIGN REVIEW); PROVIDING THAT COPIES OF THIS ORDINANCE SHALL BE FILED WITH THE ADA COUNTY ASSESSOR, THE ADA COUNTY RECORDER, AND THE IDAHO STATE TAX COMMISSION, AS REQUIRED BY LAW; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the owner of the lands and territory, situated in Ada County and particularly described in Section One of this ordinance, has requested, in writing, annexation of said lands to the city; and

WHEREAS, the Boise City Council has found and determined that said lands and territory are contiguous and adjacent to Boise City and that annexation of said lands can reasonably be used for orderly development of Boise City; and

WHEREAS, the Boise City Planning & Zoning Commission, pursuant to public notice as required by law, held a public hearing on September 8, 2008, and recommended to the Mayor and Council that annexation be approved and said lands be zoned C-1D (Neighborhood Commercial with Design Review); and

WHEREAS, the Boise City Council, pursuant to public notice as required by law, held a public hearing on December 2, 2008, on the proposed zoning for the property described in Section One below, all as required by Idaho Code, Section 67-6525.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF BOISE CITY, IDAHO:

Section 1. The lands and territory situated in Ada County, Idaho, adjacent and contiguous to the City of Boise City, Idaho, particularly described in Exhibits "A" & "B" which is annexed hereto

and by reference made a part of this ordinance as though fully set forth herein, be, and the same are hereby, annexed to and incorporated in the territorial limits of the City of Boise City, Idaho.

Section 2. From and after the effective date of this ordinance, all property included within the boundaries and territory described in Section 1 hereof and annexed as provided by said Section shall be subject to all the statutes pertaining to Boise City and all ordinances, resolutions, police regulations, taxation and other powers of Boise City, and all persons and property within the territory so annexed shall be and are entitled to all benefits and rights as are the persons and property presently within the corporate territorial limits of Boise City.

Section 3. The City Engineer of Boise City is hereby directed to lodge and file with the City Clerk of Boise City within ten (10) days after the passage and approval hereof, a legal description and map prepared in a draftsmanlike manner which shall plainly and clearly designate the boundaries of the lands and territory annexed, pursuant to the provisions of Section 1 hereof.

Section 4. Pursuant to the findings of the Boise City Council, the land use classification of the lands described in Exhibits "A," and "B" annexed hereto and by reference made a part thereof is hereby fixed and established as C-1D (Neighborhood Commercial with Design Review), all as provided by the Zoning Ordinance of Boise City. The reasoned statement is:

The Boise City Comprehensive Plan designates the site as "Industrial". This location is appropriate for C-1D (Neighborhood Commercial with Design Review) zoning because of the adjacent commercial zones. Per the Area of Impact Agreement, Section 11-15-02 the subject property is located within the Boise City Area of Impact. The annexation of the site conforms with many Comprehensive Plan policies by promoting proper growth management which will help to minimize sprawl (Goal 8.0). The request for C-1D zoning is consistent with the land use consistency matrix (Policy 8.1.1). The zoning designation of C-1D (Neighborhood Commercial with Design Review) will help buffer the dwellings west of the site from the more intense commercial uses to the east.

The annexation will not adversely affect public services. ACHD has responded that the proposal will not adversely affect the roadway system. The proposed annexation does not constitute leap-frog development, and is in an area already served with the necessary services. The site is located within Boise City's Area of Impact and within the Boise Sewer Planning Area. It is adjacent to Boise City limits along three boundaries and is within service areas for police and fire protection.

The proposed annexation will continue a preexisting land use trend of commercial in this area. The annexation will not negatively impact neighboring properties or public services. Policies of the Comprehensive Plan for sustainable growth and economic development will also be met by this proposal. The zoning designation of C-1D is appropriate. A parcel to the north is zoned C-1D and

there are parcels zoned C-2D to the east.

The requested zone is supported by the goals and objectives of the Comprehensive Plan, Policy 8.0.4.6 discourages the creation of "single use" commercial district, while promoting uses that serve a variety of shopping, entertainment, work and dwelling needs, and with different hours of operation. The proposed zoning and use will accomplish this as the theater and restaurant uses to the east have busy evening hours, and the retail store will have day tome hours and buffer the residential uses to the west.

Section 5. The zoning maps of Boise, Idaho, as the same are provided in Section 11-2-1.2, Boise City Code, are hereby changed, altered, and amended to include the real property described in Section 4 above in the land use classification therein described.

Section 6. The City Clerk of Boise City is hereby directed to file, within ten (10) days after the passage and approval hereof, a certified copy of this Ordinance with the Ada County Assessor, County Recorder and County Treasurer of Ada County, Idaho, and the State Tax Commission of Idaho, and to file a copy of said legal description and map, as prepared and lodged with her/him by the City Engineer, with the County Assessor and County Recorder of Ada County, Idaho, and the State Tax Commission of Idaho, all as provided by Sections 50-223 and 63-2215, Idaho Code.

Section 7. That this Ordinance shall be in full force and effect immediately upon its passage, approval and publication.

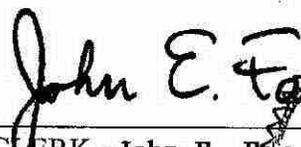
PASSED by the Council of the City of Boise City, Idaho, this 27th day of January, 2009.

APPROVED by the Mayor of the City of Boise City, Idaho, this 27th day of January, 2009.

APPROVED:

ATTEST:


MAYOR - David H. Bieter


CITY CLERK - John E. Fawcett



DISPOSAL PARCEL 1

EXHIBIT A

Land situated in Ada County.

A parcel of land being a portion of the NW1/4 of the NE1/4 of Section 24, Township 3 North, Range 1 East, Boise Meridian, described as follows, to wit:

Commence at a brass cap marking the N 1/4 corner of Section 24, Township 3 North, Range 1 East, Boise Meridian;

thence S 89°29'02" E along the north line of said Section 24, a distance of 672.12 feet to a point on the centerline of Ash Park Lane, said point being 7.50 feet right of Overland Road station 4+72.95;

thence S 0°27'38" W along the centerline of Ash Park Lane, a distance of 468.82 feet to a point, said point being on centerline at station 4+76.32;

thence S 89°32'22" E a distance of 26.71 feet to a 5/8" rebar with an orange plastic cap marked "TTD", and the POINT OF BEGINNING;

thence S 89°45'09" E a distance of 138.38 feet to a 5/8" rebar with an orange plastic cap marked "TTD" on the west right-of-way of a commercial frontage road and a point of intersection with a non-tangent curve;

thence southwesterly along the arc of said curve to the right, a distance of 38.78 feet to a 5/8" rebar with an orange plastic cap, marked "TTD" on the northerly right-of-way of Dorian Street, said curve being concave northwesterly, having a radius of 30.00 feet, a central angle of 74°04'01" and a chord bearing S 56°20'46" W, a distance of 36.14 feet;

thence N 89°45'09" W a distance of 80.24 feet along the said northerly right-of-way of Dorian Street to a right-of-way monument and a point of intersection with a non-tangent curve;

thence northwesterly along the arc of said curve to the right, a distance of 36.90 feet, said curve being concave northeasterly, having a radius of 30.00 feet, a central angle of 70°28'12" and a chord bearing N 54°08'31" W, a distance of 34.62 feet to the POINT OF BEGINNING;

The area above described contains approximately 0.0570 acres and is subject to all easements of record or in use.



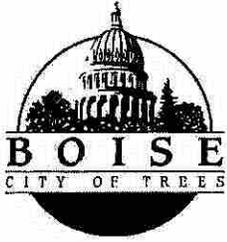
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JUL 15 2008

Michael J. Ryan, PLS
#9370

PLANNING & DEVELOPMENT
SERVICES

CAR 08 00019



BOISE CITY ANNEXATION

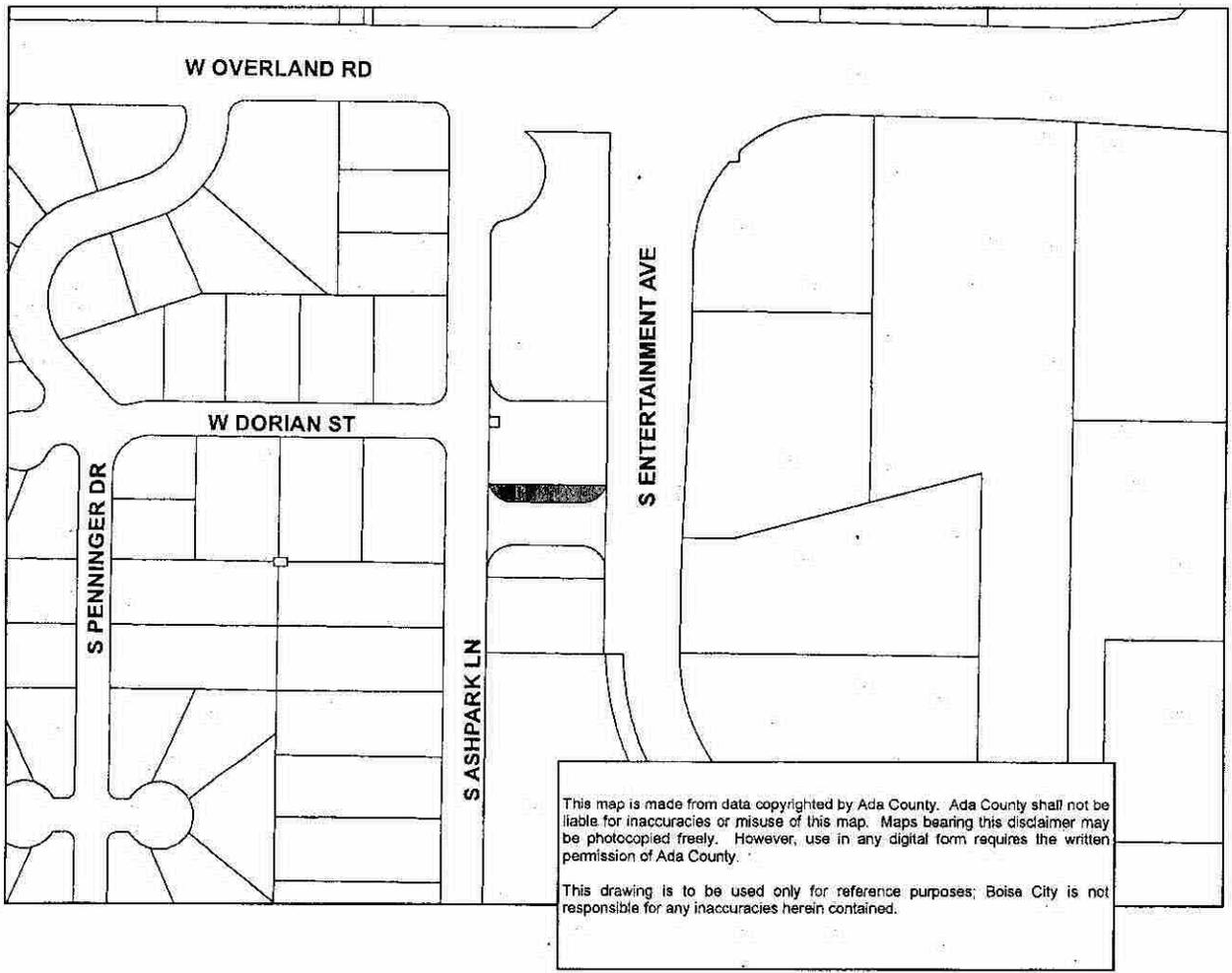
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CAR08-00019

Exhibit B

Sections 24 Township 3N Range 1E

Acres ±0.057



ANNEXATION

ORDINANCE # 6699

EFFECTIVE DATE 2/2/09

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Alex Charlton - Boise City Ordinance 6699

From: Alex Charlton
To: Annexation
Date: 2/2/2009 3:30 PM
Subject: Boise City Ordinance 6699
Attachments: Return Form Single Page.pdf; 6699afterrecording.pdf

Attached is annexation Ordinance 6699. Please submit confirmation of receipt of this Ordinance by email or with the attached form. The address for this annexation (Parcel: S1124120623) is 7980 W Dorian St. There is no subdivision affected by this annexation.

Thanks

Alex Charlton
Administrative Secretary
Office of the City Clerk
150 N Capital BLVD
Boise Idaho 83702
P: 384-3705
F: 384-3711