

ADA COUNTY RECORDER J. DAVID NAVARRO
BOISE IDAHO 07/27/09 12:31 PM
DEPUTY Vicki Allen
RECORDED - REQUEST OF
Boise City

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(166)

ORDINANCE NO. 6729

BY THE COUNCIL:

BISTERFELDT, CLEGG, EBERLE,
JORDAN, SHEALY & TIBBS

AN ORDINANCE (CAR09-00008/BOISE CITY FOR PROPERTY LOCATED AT 7000 E. COLUMBIA ROAD) 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 A-1 (OPEN LAND) AND R-1C (SINGLE FAMILY RESIDENTIAL); PROVIDING THAT COPIES OF THIS ORDINANCE SHALL BE FILED WITH THE ADA COUNTY ASSESSOR, THE ADA COUNTY RECORDER AND TREASURER 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 May 4, 2009, and recommended to the Mayor and Council that annexation be approved and said lands be zoned A-1 (Open Land) and R-1C (Single Family Residential); and

WHEREAS, the Boise City Council, pursuant to public notice as required by law, held a public hearing on June 16, 2009, 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

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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 A-1 (Open Land) and R-1C (Single Family Residential), all as provided by the Zoning Ordinance of Boise City. The reasoned statement is:

- A. That the annexation shall incorporate the Boise sewer planning area.

The subject lands have been within the City's sewer planning area for many years. New development will require connection to City sewer, which is generally available throughout the subject area, or will be available with extension to new development.

- B. Honor negotiated area of impact agreements.

The only reference to unilateral annexations in the Area of Impact Agreement (B.C.C. 11-15) is a statement that annexation shall occur within the Area of Impact. The implication is that cities may annex lands within the area of impact when it is necessary or convenient for the orderly growth of the city. This report clearly demonstrates that it is.

- C. Attempt to balance costs of services with anticipated revenues.

The annexations will result in property tax, franchise fee, development fees, state shared sales tax and other revenues. The receipt of revenues will occur over time because of constraints, including those set by under Idaho Code. For example, property taxes will not accrue until nine months after the annexation is effective. State shared revenues will not be

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obtained until the State recognizes the population and market value added to the City in the annexations. That will occur typically one to 6 years after the annexations are completed.

Costs for City services to the residents in the annexation areas will be provided either immediately after annexation (for example, police and fire services) or when revenues to support the services are received (for example, street lights or park development.) The cost of services projected to be provided to the annexation areas have been planned to balance with the anticipated revenues. Preliminary estimates of revenues support the services and facilities planned for the areas after annexation to the City.

- D. Promote other goals of population balance, contiguous development and prevention of costs due to leap frog development.

Part of the intent behind annexing the Area of Impact is to prevent the sort of "leap frog" development that has resulted in the unplanned, haphazard development patterns which are seen in some areas. By annexing where feasible and practical the City will help to ensure that future development, as much as possible, occurs contiguous with City limits and thereby facilitates the more efficient and economical delivery of services.

Zoning – A-1 (Open Land) and R-1C (Single Family Residential)

The only change made to the existing zoning will be to assign a City zone that is equivalent to current Ada County zoning. The City makes the following findings in reclassifying the zoning of the properties:

- A. Comply with and conform to the Comprehensive Plan.

The zoning being applied will match the existing Ada County zoning. Future decisions on requests for zone changes will be based on the Comprehensive Plan Land Use Map and Zoning Consistency Matrix, as well as the other applicable goals and policies contained in the Plan.

- B. Provide and maintain sufficient transportation and other public facilities, and does not adversely impact the delivery of services by any political subdivision providing services.

Transportation services and other public facilities can best be planned for and provided under the auspices of one jurisdiction. Only Boise City operates any sort of transit system which might feasibly service the area someday.

- C. Maintain and preserve compatibility of surrounding zoning and development.

The City is assigning zoning which is comparable to the zoning that exists now under County

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jurisdiction. Future developments that involve requests for zone changes will also be evaluated against this standard. The following is the City zoning that shall be applied.

Ada County

Boise City

R8 and R12 (Medium Density Res.)
RUT (Rural Urban Transition)

R-1C (Single Family Residential)
A-1 (Open Land)

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 from and after its passage, approval and publication.

PASSED by the Council of the City of Boise City, Idaho, this 21st day of July, 2009.

APPROVED by the Mayor of the City of Boise City, Idaho, this 21st day of July, 2009.

APPROVED:

ATTEST:



MAYOR David H. Bieter



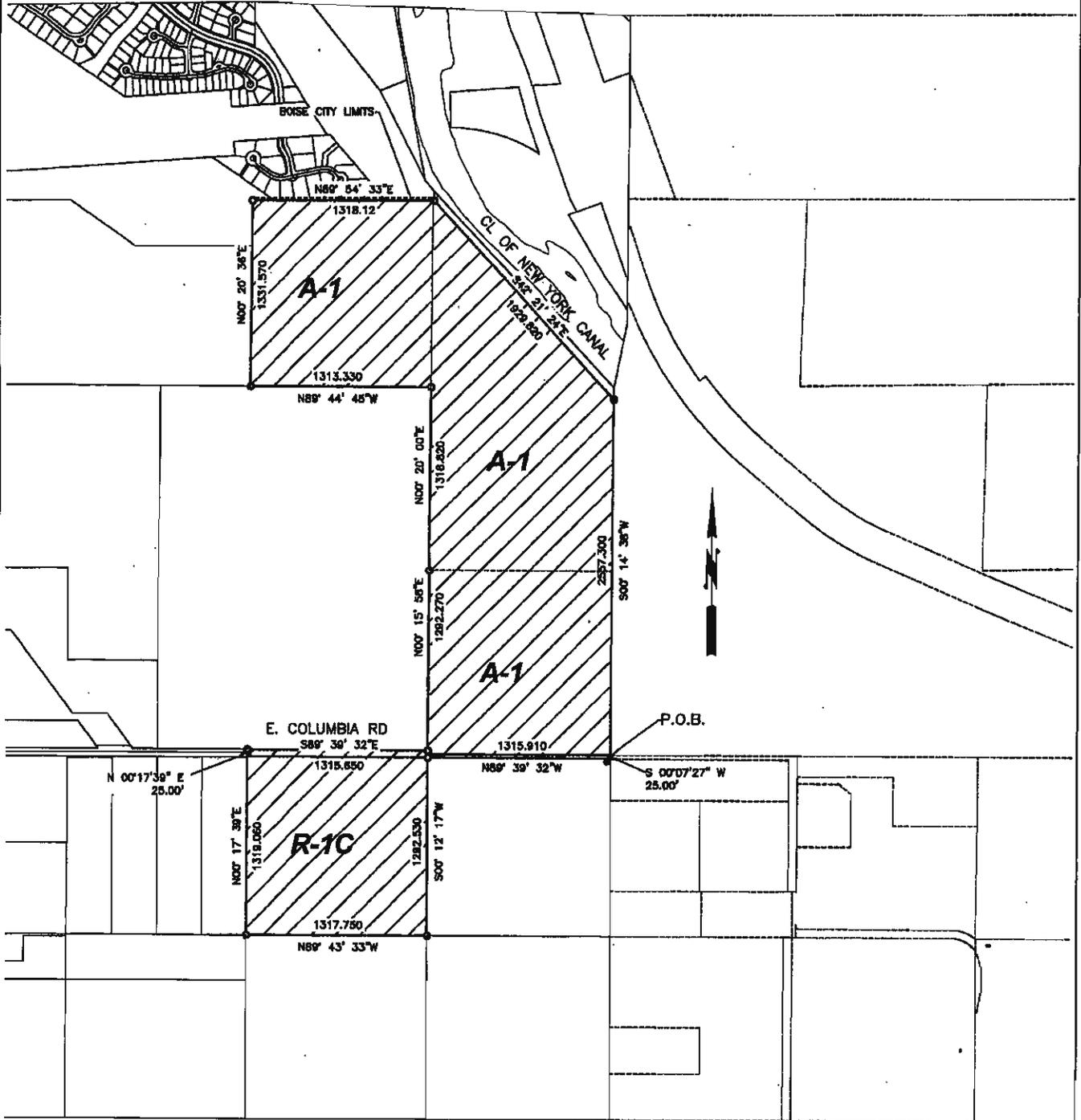
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BOISE CITY  ANNEXED AREA  SECTIONS 4&9 TOWNSHIP 2N RANGE 3E



BOISE CITY ANNEXATION
CAR-09-00008
EXHIBIT 'A'

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ORDINANCE NO. 6729 ACRES: 180.29 EFFECTIVE DATE: 7/27/09

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Exhibit B

**EAST COLUMBIA
PROPOSED ANNEXATION DESCRIPTION**

An area of land located in the East Half of Section 4 and the Northwest Quarter of the Northeast Quarter of Section 9 of Township 2 North, Range 3 East, Boise Meridian, Ada County, Idaho, more particularly described as follows:

Beginning at the northeast corner for Section 9;

Thence South $00^{\circ}07'27''$ West 25.00 feet along the easterly boundary of Section 9 to the southerly right of way of East Columbia Road;

Thence parallel with the northerly boundary of Section 9 North $89^{\circ}39'32''$ West 1315.91 feet to the easterly boundary of the Northwest Quarter of the Northeast Quarter of Section 9;

Thence South $00^{\circ}12'17''$ West 1292.53 feet to the southeast corner of the Northwest Quarter of the Northeast Quarter of Section 9;

Thence North $89^{\circ}43'33''$ West 1317.75 feet to the southwest corner of the Northwest Quarter of the Northeast Quarter of Section 9;

Thence North $00^{\circ}17'39''$ East 1319.06 feet to the Quarter Corner common to Sections 9 and 4;

Thence North $00^{\circ}17'39''$ East 25.00 feet to the northerly right of way of East Columbia Road;

Thence parallel with the southerly boundary of Section 4 South $89^{\circ}39'32''$ East 1315.65 feet to the westerly boundary of the Southeast Quarter of the Southeast Quarter of Section 4;

Thence North $00^{\circ}15'58''$ East 1292.27 feet to the northwest corner of the Southeast Quarter of the Southeast Quarter of Section 4;

Thence North $00^{\circ}20'00''$ East 1318.82 feet to the northwest corner of the Northeast Quarter of the Southeast Quarter of Section 4;

Thence North $89^{\circ}44'45''$ West 1313.33 feet to the Center Quarter Corner for Section 4;

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Thence North $00^{\circ}20'36''$ East 1331.57 feet to the northwest corner of the Southwest Quarter of the Northeast Quarter of Section 4;

Thence along the existing Boise City Limits North $89^{\circ}54'33''$ East 1318.12 feet more or less to the centerline of the New York Canal;

Thence along the centerline of the New York Canal South $42^{\circ}21'24''$ East 1929.82 feet more or less to the easterly boundary of Section 4;

Thence along the easterly boundary of Section 4 South $00^{\circ}14'38''$ West 2557.30 feet to the Point of Beginning.

Said area of land contains 180.29 Acres more or less.

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**LEGAL NOTICE
ORDINANCE NO. 6729**

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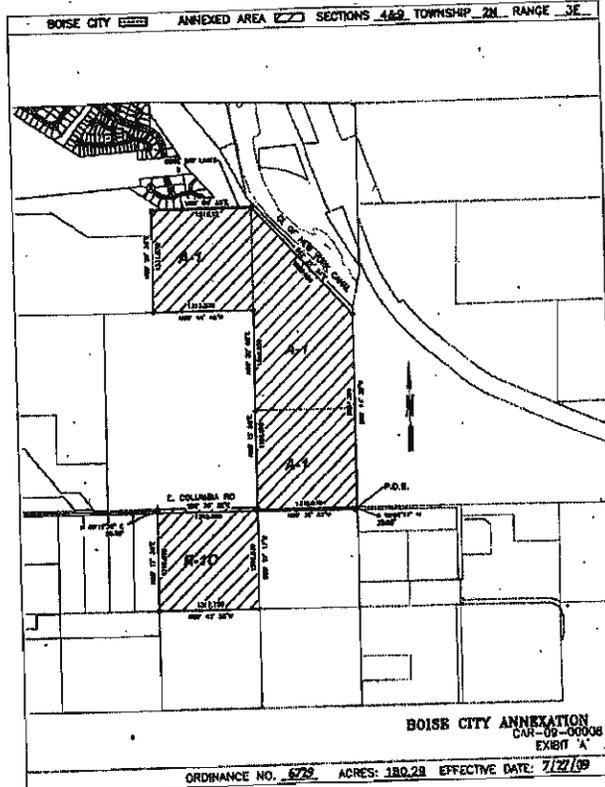
Section 7. That this Ordinance shall be in full force and effect from and after its passage, approval and publication.

PASSED by the Council of the City of Boise City, Idaho, this 22nd day of July, 2009.

APPROVED by DAVID h. BIETER, the Mayor of the City of Boise City, Idaho, this 22nd day of July, 2009.

Faw, City Clerk

ATTEST: John



Pub. July 27, 2009

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