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ORDINANCE NO. 569

AN ORDINANCE ANNEXING CERTAIN REAL PROPERTY SITUATED IN THE UNINCORPORATED AREA OF ADA COUNTY, IDAHO, AND CONTIGUOUS TO THE CORPORATE LIMITS OF THE CITY OF EAGLE, TO THE CITY OF EAGLE, IDAHO; ESTABLISHING THE ZONING CLASSIFICATION OF SAID REAL PROPERTY DESCRIBED HEREIN; AMENDING THE ZONING MAP OF THE CITY OF EAGLE TO REFLECT SAID CHANGES; DIRECTING THAT COPIES OF THIS ORDINANCE BE FILED AS PROVIDED BY LAW; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Eagle, Idaho is a municipal corporation organized and operating under the laws of the State of Idaho and is authorized to annex to and incorporate within the boundaries of the City contiguous real property in the manner provided by Section 50-222, Idaho Code; and

WHEREAS, the owners of the real property situated in the unincorporated area of Ada County and particularly described in Exhibit "A" of this ordinance has requested, in writing, annexation of said real property to the City of Eagle; and

WHEREAS, the owners of the real property situated within the City of Eagle and particularly described in Exhibit "A" of this ordinance have requested, in writing, a rezone from RUT to MU-DA; and

WHEREAS, the property described in Exhibit "A" is located at 4171 W. Old Valley Road; and

WHEREAS, the Planning and Zoning Commission of the City, pursuant to public notice as required by law, held a public hearing on November 6, 2006, as required by Section 67-6525, Idaho Code, and made a recommendation to the Mayor and Council; and

WHEREAS, the Eagle City Council, pursuant to public notice as required by law, held a public hearing on December 12, 2006, on the proposed annexation and zoning for the real property described in Exhibit "A" as required by Section 67-6525, Idaho Code, made findings and determined that the requested annexation should be granted and that a zoning classification of MU-DA for the property described in Exhibit "A" is appropriate to meet the requirements of Idaho Code, Eagle City Code and the Eagle Comprehensive Plan and should be granted.

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NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF EAGLE, IDAHO, as follows:

Section 1: The Eagle City Council hereby finds and declares that the real property particularly described in Exhibit "A", attached hereto and incorporated herein by reference, is contiguous to the City, that said property can be reasonably assumed to be used for the orderly development of the City, and that the owner of said property has requested, in writing, annexation thereof to the City.

Section 2: The real property, all situated in Ada County, Idaho, adjacent and contiguous to the City, particularly described in Exhibit "A" and as generally shown on Exhibit "B", attached, is hereby annexed to the incorporated territorial limits of the City of Eagle, Idaho.

Section 3: The City Council hereby finds and determines that it is in the best interests of the public health, safety, and welfare of the City of Eagle and the residents and property therein that the real property particularly described in Exhibit "A" and generally as shown on Exhibit "B", attached hereto and incorporated by reference, is hereby removed from the RUT (Rural Urban Transition) District classification and is hereby included in the Mixed Use (mixed use with a development agreement) District classification MU-DA all pursuant to the Zoning Ordinance of the City of Eagle. The City Council further finds and determines that said zone change is in accordance with the Eagle Comprehensive Plan and relevant City Codes.

Section 4: The official Zoning Map of the City of Eagle, Idaho, is hereby amended to reflect the foregoing change in zoning classification.

Section 5: From and after the effective date of this Ordinance, all property and persons within the boundaries and territory described above shall be subject to all ordinances, resolutions, police regulations, taxation, and other powers of the City of Eagle.

Section 6: The City Clerk is hereby directed to file, within ten (10) days of passage and approval of this Ordinance, a certified copy of this Ordinance with the offices of the Auditor, Treasurer, and Assessor of Ada County, Idaho, and with the Idaho State Tax commission, Boise, Idaho, as required by Section 50-223, Idaho Code, and to comply with the provisions of Section 63-2215, Idaho Code, with regard to the preparation and filing of a map and legal description of the real property annexed by this Ordinance.

Section 7: This Ordinance shall take effect and be in force from and after its passage, approval, and publication as required by law. In lieu of publication of the entire ordinance, a summary thereof in compliance with Section 50-901A, Idaho Code, may be published.

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TECHNICAL SERVICES

DATED this 13th day of January 2009.

CITY COUNCIL OF THE CITY OF EAGLE

Ada County, Idaho

Phil Bandy
Phil Bandy, Mayor

ATTEST:

Sharon K Bergmann
Sharon K. Bergmann, Eagle City Clerk



STATE OF IDAHO)

: ss.

County of Ada)

On this 14 day of January, in the year 2009, before me, the undersigned, a Notary Public in and for said State, personally appeared Phil Bandy and Sharon K Bergmann, known to me to be the MAYOR and CITY CLERK of said municipal corporation that executed this instrument and the persons who executed the said instrument on behalf of said corporation, and acknowledged to me that such corporation executed the same.

In witness whereof, I have hereunto set my hand and affixed my official seal the day and year first written.

Tracy E Osborn
Tracy E Osborn, Notary Public
Residing at: Sumner, Idaho
My Commission Expires: 01/21/2011



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CITY OF EAGLE

JAN 11 2007
File: _____
Route to: _____

EXHIBIT A

LEGAL DESCRIPTION OF PROPERTY

PARCEL A

PART OF THE SOUTHEAST SOUTHWEST OF SECTION 12, TOWNSHIP 4 NORTH, RANGE 1 WEST, BOISE MERIDIAN, IN ADA COUNTY, IDAHO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTH QUARTER CORNER OF SECTION 12, TOWNSHIP 4 NORTH, RANGE 1 WEST, BOISE MERIDIAN; THENCE NORTH 00°27'14" EAST, 277.99 FEET TO AN IRON PIN, WHICH IS THE REAL POINT OF BEGINNING; THENCE NORTH 64°20'43" WEST, 305.50 FEET ALONG THE NORTHERLY BANK OF THE BOISE RIVER TO AN IRON PIN; THENCE NORTH 88°52'46" WEST, 106.52 FEET ALONG THE RIVER BANK TO AN IRON PIN; THENCE NORTH 14°13'53" WEST, 380.88 FEET TO AN IRON PIN ON THE SOUTHERLY BOUNDARY LINE OF OLD VALLEY ROAD; THENCE NORTH 64°26'26" EAST, 375.19 FEET ALONG THE SOUTHERLY BOUNDARY LINE OF OLD VALLEY ROAD TO AN IRON PIN; THENCE SOUTH 43°13'46" EAST, 206.05 FEET ALONG THE SOUTHWESTERLY SIDE OF A 20 FOOT WIDE ACCESS EASEMENT TO AN IRON PIN; THENCE SOUTH 00°27'14" WEST, 515.30 FEET TO THE REAL POINT OF BEGINNING.

PARCEL B

PART OF THE SOUTHEAST SOUTHWEST OF SECTION 12, TOWNSHIP 4 NORTH, RANGE 1 WEST, BOISE MERIDIAN, IN ADA COUNTY, IDAHO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTH QUARTER CORNER OF SECTION 12, TOWNSHIP 4 NORTH, RANGE 1 WEST, BOISE MERIDIAN; THENCE NORTH 00°27'14" EAST, 277.99 FEET TO AN IRON PIN; THENCE NORTH 64°20'43" WEST, 305.50 FEET ALONG THE NORTHERLY BANK OF THE BOISE RIVER TO AN IRON PIN; THENCE NORTH 88°52'46" WEST, 106.52 FEET ALONG THE RIVER BANK, TO AN IRON PIN WHICH IS THE REAL POINT OF BEGINNING; THENCE NORTH 88°52'46" WEST, 145.08 FEET ALONG THE RIVER BANK, TO AN IRON PIN; THENCE SOUTH 54°45'14" WEST, 223.70 FEET ALONG THE RIVER BANK, TO AN IRON PIN; THENCE SOUTH 23°51'14" WEST, 233.20 FEET ALONG THE RIVER BANK, TO AN IRON PIN; THENCE NORTH 89°23'46" WEST, 132.10 FEET, LEAVING THE RIVER BANK, TO AN IRON PIN; THENCE NORTH 01°01'30" EAST, 546.15 FEET TO AN IRON PIN ON THE SOUTHERLY BOUNDARY LINE OF OLD SETTLERS ROAD; THENCE NORTH 82°12'25" EAST, 4.98 FEET ALONG THE SOUTHERLY BOUNDARY LINE OF OLD VALLEY ROAD, TO AN IRON PIN; THENCE 21.41 FEET ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 995.00 FEET, CENTRAL ANGLE OF 01°13'59", TANGENTS OF 10.71 FEET, AND A CHORD BEARING NORTH 81°35'53" EAST, 21.41 FEET, TO AN OLD VALLEY ROAD RIGHT-OF-WAY BRASS CAP; THENCE 287.11 FEET ALONG A CURVE TO THE LEFT, HAVING A RADIUS OF 995.00 FEET, CENTRAL ANGLE OF 16°31'59", TANGENTS OF 144.56 FEET, AND A CHORD BEARING OF NORTH 72°42'26" EAST, 286.12 FEET TO A PT CURVE POINT, WHICH LIES SOUTH 64°26'26" WEST, 10.00 FEET ALONG THE SAID SOUTHERLY BOUNDARY LINE FROM AN IRON PIN WITNESS CORNER; THENCE NORTH 64°26'26" EAST, 167.86 FEET ALONG SAID SOUTHERLY BOUNDARY LINE, TO AN

EXHIBIT A

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IRON PIN; THENCE
SOUTH 14°13'53" EAST, 380.88 FEET TO THE REAL POINT OF BEGINNING.

PARCEL C

TOGETHER WITH A NON-EXCLUSIVE EASEMENT FOR ROAD RIGHT-OF-WAY, BEING
A STRIP 25 FEET IN WIDTH LYING SOUTHERLY AND WESTERLY OF, AND ADJACENT
TO THE FOLLOWING DESCRIBED LINE:

PART OF THE SOUTHEAST QUARTER SOUTHWEST QUARTER OF SECTION 12,
TOWNSHIP 4 NORTH, RANGE 1 WEST, BOISE MERIDIAN, IN ADA COUNTY, IDAHO,
MORE PARTICULARLY DESCRIBED AS FOLLOWS:

FROM STATION 463+21 OF STATE HIGHWAY AS SHOWN ON THE OFFICIAL PLAT OF THE
LINDER CORNER (S.A.F. 142-B) HIGHWAY SURVEY ON FILE IN THE OFFICE OF
DEPARTMENT OF HIGHWAY OF THE STATE OF IDAHO, WHICH POINT IS RECORDED
UNDER RECORDER'S FEE NO. 146121, IN DEED BOOK 197, AT PAGE 299, IN THE
RECORDS OF ADA COUNTY, IDAHO, AS BEING 2640 FEET EAST AND 1095 FEET NORTH
OF THE SECTION CORNER COMMON TO SECTIONS 11, 12, 13 AND 14, TOWNSHIP 4
NORTH, RANGE 1 WEST, BOISE MERIDIAN; THENCE
SOUTH 63°07' WEST, 174.0 FEET TO A POINT; THENCE
SOUTH 26°55' EAST, 40.0 FEET TO AN IRON PIN WHICH IS THE REAL PLACE OF
BEGINNING; THENCE
SOUTH 44°12' EAST, 207.8 FEET TO AN IRON PIN; THENCE
SOUTH 0°31' EAST, 515.3 FEET TO AN IRON PIN; THENCE
NORTH 65°19' WEST, 305.5 FEET TO AN IRON PIN; THENCE
NORTH 89°51' WEST, 251.6 FEET TO AN IRON PIN; THENCE
SOUTH 53°47' WEST, 223.7 FEET TO AN IRON PIN; THENCE
SOUTH 22°43' WEST, 233.2 FEET TO AN IRON PIN; THENCE
SOUTH 89°38' WEST, 132.1 FEET TO AN IRON PIN; THENCE
NORTH 0°07' EAST, 544.0 FEET TO AN IRON PIN, BEING THE NORTHERLY TERMINUS OF
THIS EASEMENT LINE.

APN: S-0412-34-7200 - Parcel A
APN: S-0412-34-7190 - Parcel B
Commonly known as: 4171 W. Old Valley Road, Eagle, ID 83616

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ANGLE 3 HAMLET SUBDIVISION

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MAY 02 2006

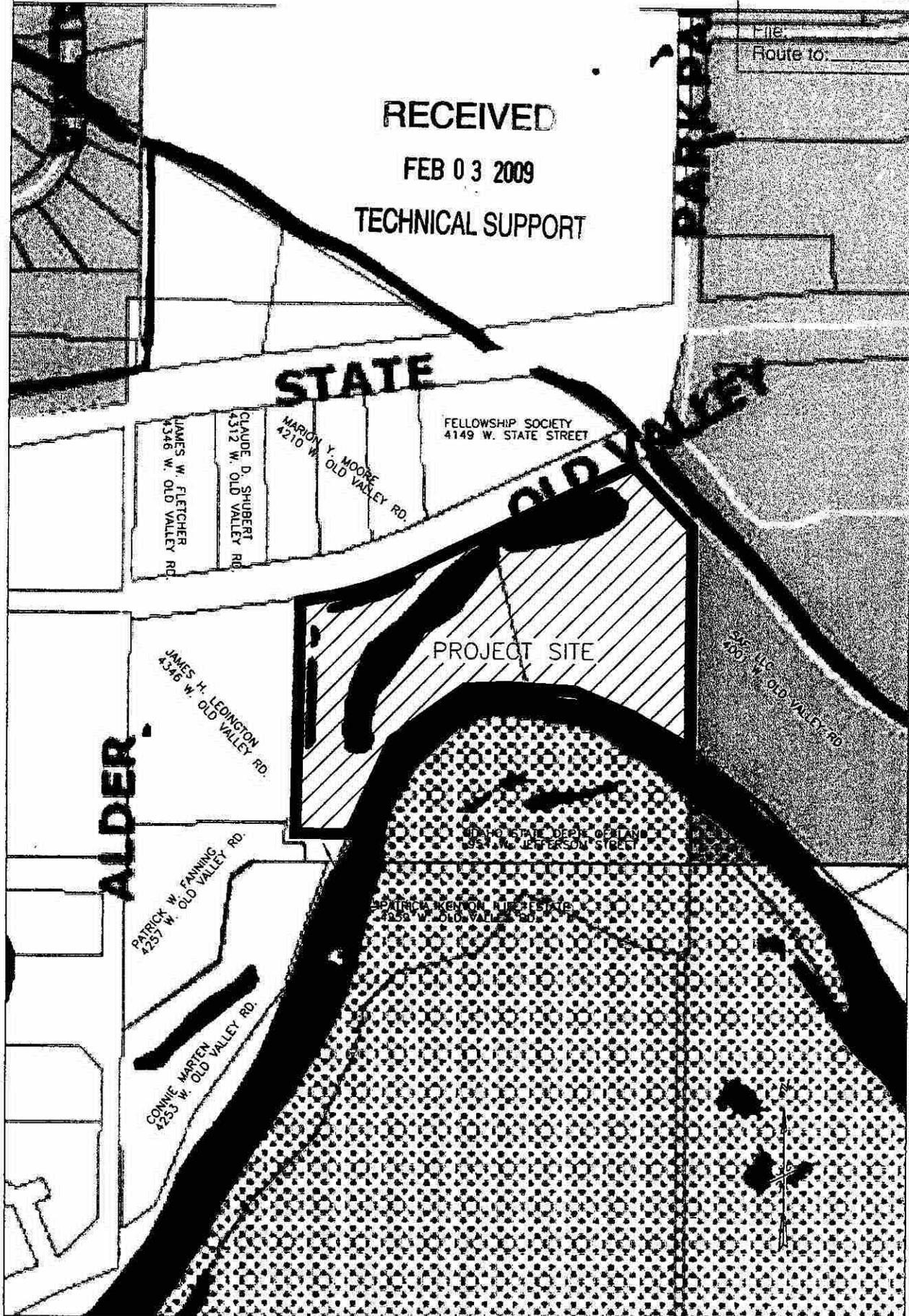
EXHIBIT "B"

File: _____
Route to: _____

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STATE

OLD VALLEY

ALDER

PROJECT SITE

JAMES W. FLETCHER
4346 W. OLD VALLEY RD.

CLAUDE D. SHUBERT
4312 W. OLD VALLEY RD.

MARION Y. MOORE
4210 W. OLD VALLEY RD.

FELLOWSHIP SOCIETY
4149 W. STATE STREET

JAMES H. LEDINGTON
4347 W. OLD VALLEY RD.

PATRICK W. FANNING
4237 W. OLD VALLEY RD.

CONNIE MARTEN
4253 W. OLD VALLEY RD.

W. STATE STREET
4251 W. STATE STREET

PATRICIA KENON KIRKPATRICK
4258 W. OLD VALLEY RD.

4251 W. OLD VALLEY RD.

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Mayor Phil Bandy

CITY OF EAGLE

P.O. Box 1520
Eagle, Idaho 83616
939-6813

Council: Steve Guerber
Michael Huffaker
Norm Semanko
Al Shoushtarian

January 30, 2009

Idaho State Tax Commission
P.O. Box 36
Boise, Id 83722

Dear Sir or Madame:

Enclosed herewith please find a copy of Ordinance No. 569 which annexes property into the City of Eagle recorded on January 26, 2009. Also enclosed is the Clerk Certification for the ordinance.

If you have any questions I can be reached at Eagle City Hall, 489-8781.

Sincerely,

Tracy E. Osborn, CMC
Sr. Deputy City Clerk/Treasurer

Encl.

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