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ADA COUNTY RECORDER DAVID NAVARRO AMOUNT .00 5  
BOISE IDAHO 02/25/09 3 AM  
DEPUTY Vicki Allen  
RECORDED - REQUEST OF  
Eagle City



109021223

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MAR 03 2009  
TECHNICAL SUPPORT

**ORDINANCE NO. 609**

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; CHANGING THE ZONING CLASSIFICATION OF SAID REAL PROPERTY DESCRIBED HEREIN FROM RUT (RURAL - URBAN TRANSITION) TO R-E-DA (RESIDENTIAL - ESTATES WITH A DEVELOPMENT AGREEMENT); AMENDING THE ZONING MAP OF THE CITY OF EAGLE TO REFLECT SAID CHANGE; 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 owner 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 owner of the real property situated within the City of Eagle and particularly described in Exhibit "A" of this ordinance has requested, in writing, a rezone from RUT to R-E-DA; and

WHEREAS, the property described in Exhibit "A" is located at 1651 and 1655 N. Meridian Road; and

WHEREAS, the Planning and Zoning Commission of the City, pursuant to public notice as required by law, held a public hearing on December 4, 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 January 23, 2007, 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 R-E-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 here to and included herein by reference, 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, be removed from the RUT (Rural – Urban Transition) zoning classification and included in the R-E-DA (Residential – Estates with a development agreement) zoning classification 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 described real property generally as shown on Exhibit "B" and located as specifically described in the attached legal description Exhibit "A" all situated in the City of Eagle, Ada County, Idaho, is hereby removed from the RUT (Rural – Urban Transition) zoning classification and the real property described in Exhibit "A" is hereby included in the R-E-DA (Residential – Estates with a development agreement) zoning classification.

**Section 5:** The official Zoning Map of the City of Eagle, Idaho, is hereby amended to reflect the foregoing change in zoning classification.

**Section 6:** 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 7:** 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.

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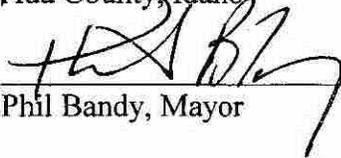
TECHNICAL SUPPORT

**Section 8:** 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.

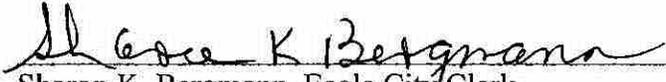
DATED this 10<sup>th</sup> day of February, 2009.

CITY COUNCIL OF THE CITY OF EAGLE

Ada County, Idaho

  
Phil Bandy, Mayor

ATTEST:

  
Sharon K. Bergmann, Eagle City Clerk



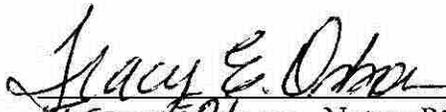
STATE OF IDAHO )

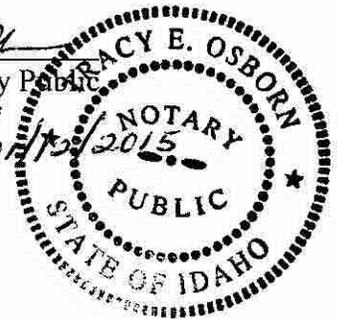
: ss.

County of Ada )

On this 10 day of February, 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, Notary Public  
Residing at: Kuna, Idaho  
My Commission Expires: 07/25/2015



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LEGAL DESCRIPTION

EXHIBIT "A"

RECEIVED & FILED  
CITY OF EAGLE

OCT 03 2006

File: \_\_\_\_\_

Route to: \_\_\_\_\_

A portion of the Northeast quarter Southeast quarter, Section 1, Township 4 North, Range West, Boise Meridian, Ada County, Idaho, more particularly described as follows:

Beginning at the Southeast corner of said Section 1; thence  
 North 1331.00 feet along the East line of said Section 1 to the Southeast corner of the said  
 Northeast quarter which is the REAL POINT OF BEGINNING; thence  
 West 212.86 feet along the South line of said Northeast quarter to a point in the Dry Creek  
 Canal; thence  
 along the centerline of said canal as follows:  
 North 22°16' West 287.06 feet to a point  
 North 31°46' West 103.38 feet to a point; thence  
 North 42°18' West 313.80 feet to a point; thence  
 leaving said canal, East 587.25 feet to a point on the East line of said Section 1; thence  
 South 585.63 feet along the East line of said Section 1, to the REAL POINT OF BEGINNING.

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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

**CLERK'S CERTIFICATION**

STATE OF IDAHO )

: ss.

County of Ada )

I, Tracy E. Osborn, the duly appointed, qualified and acting Sr. Deputy City Clerk/Treasurer of the City of Eagle, County of Ada, State of Idaho, do hereby certify that the attached is a full, true and complete copy of Ordinance No. 609, passed and approved on the 10<sup>th</sup> day of February, 2009

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the City of Eagle, Idaho, 27<sup>th</sup> day of February, 2009.

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



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**MAR 03 2009**

**TECHNICAL SUPPORT**



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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

February 27, 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. 609 which annexes property into the City of Eagle recorded on February 25, 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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