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**ORDINANCE NO. 626**

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 A-R-DA (AGRICULTURAL-RESIDENTIAL 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 A-R-DA; and

WHEREAS, the property described in Exhibit "A" is located at 3633 West Floating Feather Road; and

WHEREAS, the Planning and Zoning Commission of the City, pursuant to public notice as required by law, held a public hearing on January 26, 2009, 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 March 10, 2009, 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 A-R-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 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 A-R-DA (Agricultural-Residential 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 A-R-DA (Agricultural-Residential 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.

**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.

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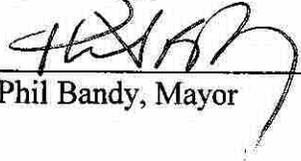
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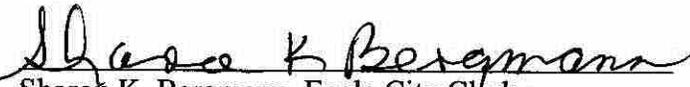
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DATED this 9th day of ~~July~~ <sup>June</sup> 2009.

CITY COUNCIL OF THE CITY OF EAGLE  
Ada County, Idaho

  
\_\_\_\_\_  
Phil Bandy, Mayor

ATTEST:

  
\_\_\_\_\_  
Sharon K. Bergmann, Eagle City Clerk



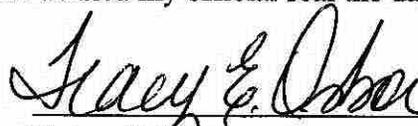
STATE OF IDAHO )

: ss.

County of Ada )

On this 10<sup>th</sup> day of June, 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.

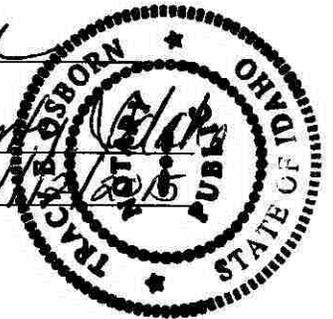
In witness whereof, I have hereunto set my hand and affixed my official seal the day and year first written.



Notary Public

Residing at: Ada County, Idaho

My Commission Expires: 07/12/2015



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# EXHIBIT A

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THE LAND GROUP, INC.

June 10, 2009  
Project No. 08178  
Abundant Life Baptist Church  
Annexation and Rezone  
Legal Description  
5.79 Acres

Lot 5, Block 1 of Ray's Acres Subdivision (on file in Ada County, Idaho in Book 30 of Plats at Pages 1870 and 1871) situated in a portion of the Northwest One Quarter of the Northeast One Quarter of Section 12, Township 4 North, Range 1 West, Boise Meridian, City of Eagle, Ada County, Idaho, described as follows:

Commencing at the North One Quarter Corner of said Section 12 and being on the centerline of W. Floating Feather Road, thence following the northerly line of the Northeast One Quarter of said Section 12 and said centerline, South 89°22'21" East a distance of 1,021.57 feet to a point, which bears North 89°22'21" West a distance of 1,620.46 feet from the Northeast Corner of said Section 12 and being the POINT OF BEGINNING.

Thence following said northerly line and said centerline, South 89°22'21" East a distance of 299.96 feet to a point on the easterly line of said Ray's Acres;

Thence leaving said northerly line and said centerline and following the said easterly line of Ray's Acres, South 0°31'14" West a distance of 852.27 feet to a point on the northerly line of Lot 6, Block 1 of said Ray's Acres;

Thence leaving said easterly line of Ray's Acres and following said northerly line of Lot 6, North 84°12'59" West a distance of 302.33 feet to a point on the easterly line of Lot 4, Block 1 of said Ray's Acres;

Thence leaving said northerly line and following said easterly line of Lot 4, North 00°35'49" East a distance of 825.10 feet to the POINT OF BEGINNING.

The above-described tract of land contains 5.79 acres, more or less, subject to any existing easements or rights-of-way.

Attached hereto is Exhibit "B", and by this reference is made a part hereof.

Prepared By: THE LAND GROUP, INC.  
462 E. SHORE DRIVE, SUITE 100  
EAGLE, IDAHO 83616  
208-939-4041  
208-939-4445 (FAX)



Landscape Architecture • Site Planning • Civil Engineering • Golf Course Irrigation & Engineering • Graphic Communication  
140 River Vista Place, Twin Falls, Idaho P208.733.4041 F 208.733.4045 • [www.thelandgroupinc.com](http://www.thelandgroupinc.com)  
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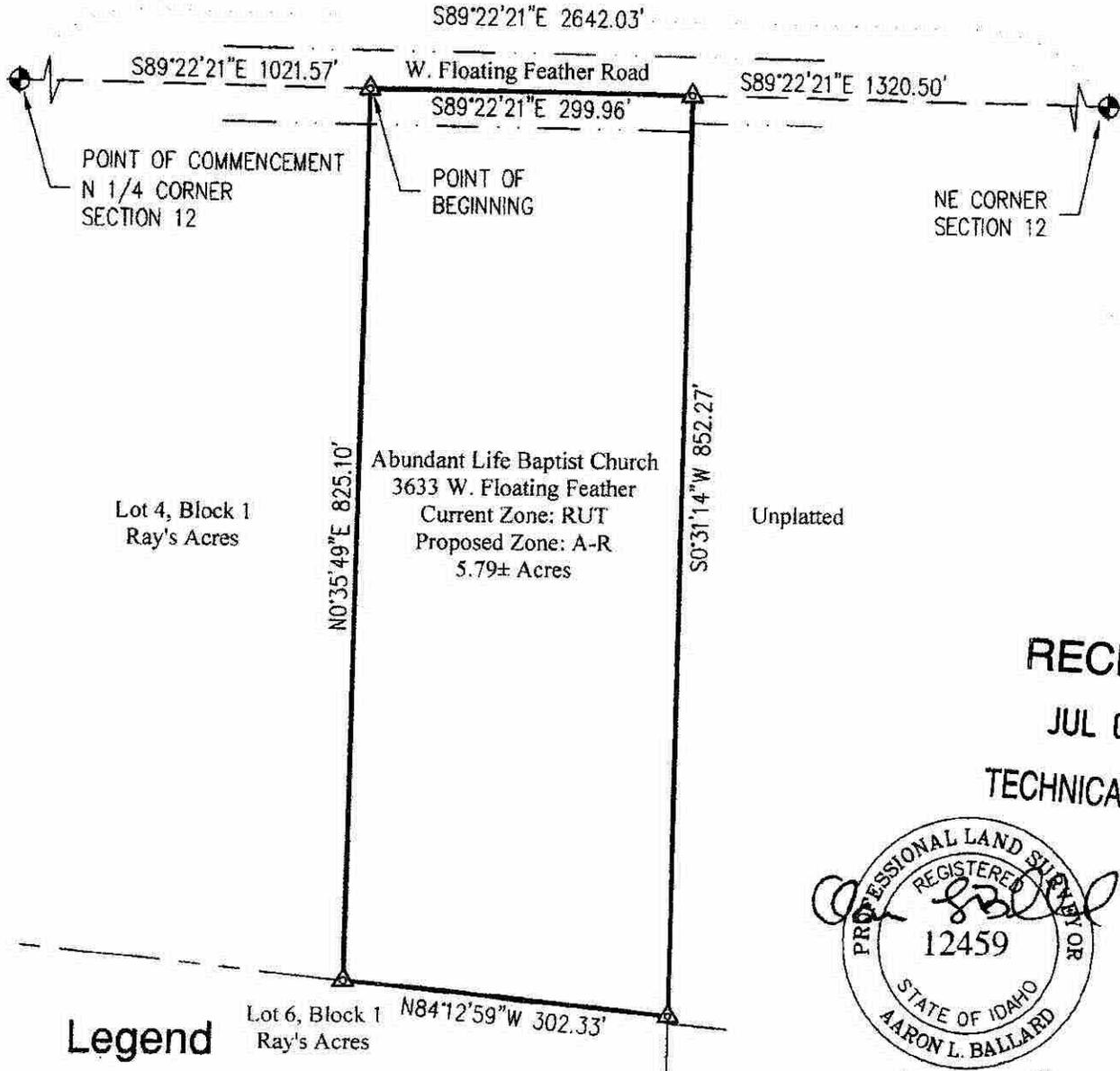
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Lot 5, Block 1 of Ray's Acres Subdivision Situated in a portion of the  
NW 1/4 of the NE 1/4 Section 12, T.4N., R.1W., B.M.  
City of Eagle, Ada County, Idaho  
2008



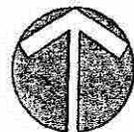
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6.10.09



Legend

- FOUND BRASS CAP
- ▲ CALCULATED POINT
- ANNEXATION AND REZONE BOUNDARY
- - - - - SECTION LINE

Lot 6, Block 1 N84°12'59"W 302.33'  
Ray's Acres

Lot 4, Block 1  
Ray's Acres

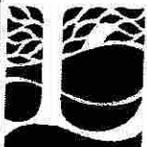
Abundant Life Baptist Church  
3633 W. Floating Feather  
Current Zone: RUT  
Proposed Zone: A-R  
5.79± Acres

Unplatted

Exhibit "B"

PROJECT INFORMATION

1"=150'



THE LAND GROUP, INC.

- Landscape Architecture
- Civil Engineering
- Site Planning
- Golf Course Irrigation & Engineering
- Graphic Communication
- Land Surveying

462 E. Shore Dr., Eagle ID 83616  
Phone (208) 939-4041 Fax (208) 939-4445  
www.thelandgroupinc.com

Exhibit "B"  
Annexation & Rezone  
Abundant Life Baptist

11-19-08

08178

1 of 1



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 )

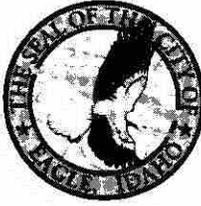
: ss.

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. 626, passed and approved on the 9<sup>th</sup> day of June, 2009

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the City of Eagle, Idaho, 29<sup>th</sup> day of June, 2009.

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



Mayor Phil Bandy

**CITY OF EAGLE**

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

Council: Steve Guerber  
Michael Huffaker  
Norm Semanko  
Al Shoushtarian

June 29, 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. 626 which annexes property into the City of Eagle recorded on June 11, 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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