

ADA COUNTY RECORDER J. DAVID NAVARRO
BOISE IDAHO 10/08/09 01:27 PM
DEPUTY Bonnie Oberbillig
RECORDED - REQUEST OF
Eagle City

AMOUNT .00 6



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OCT 23 2009

TECHNICAL SUPPORT

ORDINANCE NO. 633

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 identified by the Ada County Assessor's Office as parcel number S050421575; and

WHEREAS, the Planning and Zoning Commission of the City, pursuant to public notice as required by law, held a public hearing on October 6, 2008, 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 October 28, 2008, 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.

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 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.

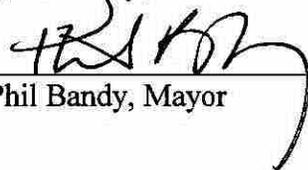
Section 7: The City Clerk is hereby directed to file, within ten (10) days of passage and approval of this Ordinance, a certified copy of this Ordinance with the offices of the Auditor, Treasurer, and Assessor of Ada County, Idaho, and with the Idaho State Tax commission, Boise, Idaho, as required by 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.

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.

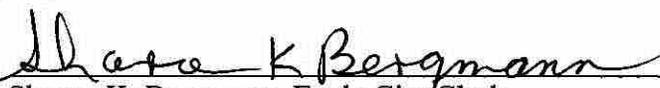
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DATED this 22nd day of September 2009.

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 23 day of September, 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: 01/12/2015

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Project No. 06-046-01

EXHIBIT "A"

Date:

<p>RECEIVED & FILED CITY OF EAGLE</p> <p>AUG 07 2008</p> <p>File: _____</p> <p>Route to: _____</p>

**SPRINGHAVEN SUBDIVISION
ANNEXATION AND REZONE DESCRIPTION**

A parcel of land located in Government Lot 3 in the NW 1/4 of Section 4, T. 4 N., R. 1 E., B.M., Ada County, Idaho, more particularly described as follows:

Commencing at the section corner common to Sections 4 and 5 of said T. 4 N., R. 1 E. and Sections 32 and 33 of T. 5 N., R. 1 E., B.M.;

Thence South 89°45'00" East, 2318.24 feet on the section line common to said Sections 4 and 33 to a point, (from which point the 1/4 section corner common to said Sections 4 and 33 bears South 89°45'00" East, 331.15 feet distant) said point being the **REAL POINT OF BEGINNING**;

Thence leaving said section line, South 00°19'35" East, 424.21 feet (formerly described as South 0°19'16" East, 424.28 feet) on the westerly boundary line of that parcel of land as described in Warranty Deed Instrument Number 105190535 of Ada County Records;

Thence North 89°46'50" West, 331.16 feet (formerly described as North 89°46'50" West 331.16 feet) on the northerly boundary line of said parcel of land described in Warranty Deed Instrument Number 105190535;

Thence South 00°18'09" East, 862.27 feet (formerly described as South 0°18'57" East, 862.50 feet) on the westerly boundary line of said parcel of land described in Warranty Deed Instrument Number 105190535 to a point on the southerly boundary line of said Government Lot 3, which line is also the northerly boundary line of Los Luceros Acres Subdivision, as same is shown on the Plat thereof recorded in Book 32 of Plats at Page 1969 of Ada County Records;

Thence North 89°30'05" West, 413.37 feet (formerly described as North 89°30'05" West) on the southerly boundary line of said Government Lot 3 and the northerly boundary line of said Los Luceros Acres Subdivision;

Thence leaving said lines, North 00°18'37" West, 350.00 feet (formerly described as North);

Thence North 89°30'05" West, 249.00 feet (formerly described as West) to a point on the westerly boundary line of said Government Lot 3, said line also being the easterly boundary line of Bighorn No. 2 Subdivision, as same is shown on the Plat thereof recorded in Book 84 of Plats at Page 9276 of Ada County Records;

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Thence North 00°18'37" West, 168.31 feet on the westerly boundary line of said Government Lot 3 and said easterly Subdivision boundary line;

Thence North 43°51'49" East, 949.37 feet (formerly described as North 43°51'44" East, 949.49 feet);

Thence North 00°15'00" East, 78.09 feet to a point on the section line common to said Sections 4 and 33;

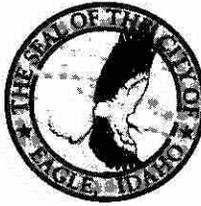
Thence South 89°45'00" East, 331.14 feet (formerly described as 331.18 feet) on the section line common to said Sections 4 and 33 to the real point of beginning. Said parcel contains 14.36 acres more or less.

PREPARED BY:
Engineering NorthWest, LLC



James R. Washburn, PLS

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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

October 22, 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. 633 that annexes property into the City of Eagle recorded on October 8, 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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