

245

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DEC 07 2009

TECHNICAL SUPPORT

ORDINANCE NO. 635

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-2-DA-P (RESIDENTIAL WITH A DEVELOPMENT AGREEMENT-PUD); 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-2-DA-P; and

WHEREAS, the property described in Exhibit "A" is located at 1252 North Emmett Highway; and

WHEREAS, the Planning and Zoning Commission of the City, pursuant to public notice as required by law, held a public hearing on June 18, 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 July 14, 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 R-2-DA-P 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-2-DA-P (Residential with a development agreement – PUD) 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-2-DA-P (Residential with a development agreement – PUD) 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 _____ th day of November 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 16 day of November, 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.



Lacy E. Osbeck
Notary Public
Residing at: Ada Co Idaho
My Commission Expires: 01/12/2015

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MAR 20 2009

Route to:

Project No.: 2417

Date: 3/20/09

78.13 Acres

245

A parcel of land located in a portion of the S1/2 of the SW1/4 of Section 3, and the SE1/4 of the SE1/4 of Section 4, and the NE1/4 of the NE1/4 of Section 9, and the NW1/4 of the NW1/4 of Section 10, T. 4 N., R. 1 W., B.M., Ada County, Idaho, being more particularly described as follows:

Commencing from a found brass cap marking the southeast 1/16 corner of said Section 4, CP&F Inst. No. 9274873, corner records of said Ada County; Thence a bearing of S 89°12'40" E, a distance of 40.00 feet on the north boundary of said SE1/4 of the SE1/4 of Section 4 to a found 5/8 inch iron pin on the east right-of-way boundary of State Highway 16 being the TRUE POINT OF BEGINNING.

Thence a bearing of S 89°17'49" E, a distance of 404.83 feet on said north boundary of the SE1/4 of the SE1/4 of Section 4 to a found 5/8 inch iron pin; Thence a bearing of S 89°16'35" E, a distance of 262.27 feet on said north boundary of the SE1/4 of the SE1/4 of Section 4 to a set 5/8 inch iron pin; Thence a bearing of N 89°53'33" W, a distance of 262.33 feet to a found 1/2 inch iron pin; Thence a bearing of S 00°33'58" W, a distance of 22.28 feet to a found 5/8 inch iron pin; Thence a bearing of S 30°22'10" E, a distance of 259.70 feet to a found 5/8 inch iron pin; Thence a bearing of S 29°18'28" E, a distance of 126.89 feet to a found 5/8 inch iron pin; Thence a bearing of N 87°55'00" E, a distance of 111.86 feet to a found 5/8 inch iron pin; Thence a bearing of S 89°55'10" E, a distance of 541.34 feet to a found 1/2 inch iron pin; Thence a bearing of N 10°10'28" W, a distance of 352.13 feet to a found 5/8 inch iron pin on said north boundary of the SE1/4 of the SE1/4 of Section 4; Thence a bearing of S 89°13'36" E, a distance of 88.39 feet to a found 1/2 inch iron pin marking the south 1/16 corner common to said Sections 3 and 4; Thence a bearing of S 89°12'28" E, a distance of 1,690.47 feet on the north boundary of said S1/2 of the SW1/4 of Section 3 to a found 5/8 inch iron pin; Thence a bearing of S 04°14'44" E, a distance of 211.38 feet to a found 5/8 inch iron pin; Thence a bearing of S 00°44'10" W, a distance of 377.75 feet to a found 1/2 inch iron pin; Thence a bearing of S 85°07'08" W, a distance of 6.77 feet to a found 5/8 inch iron pin; Thence a bearing of N 00°53'19" E, a distance of 56.25 feet to a found 5/8 inch iron pin; Thence a bearing of N 84°12'45" W, a distance of 983.37 feet to a set 5/8 inch iron pin; Thence a bearing of S 23°33'37" W, a distance of 848.03 feet to a point on the centerline of a drainage ditch from which a set 5/8 inch iron pin bears N 23°33'37" E, a distance of 53.70 feet; Thence a bearing of S 58°55'29" W, a distance of 22.24 feet on said centerline of a drainage ditch to a point; Thence a bearing of S 59°45'05" W, a distance of 1,931.02 feet to a point from which a found 5/8 inch iron pin bears N 00°39'35" E, a distance of 29.98 feet; Thence a bearing of N 00°39'35" E, a distance of 909.35 feet on said east right-of-way boundary of State Highway 16 to a found 5/8 inch iron pin on the north boundary of said NE1/4 of the NE1/4 of Section 9; Thence a bearing of N 00°55'55" E, a distance of 1325.58 feet to the POINT OF BEGINNING.

Said parcel of land contains 78.13 acres more or less, together with and subject rights-of-way and easements of record and/or use.

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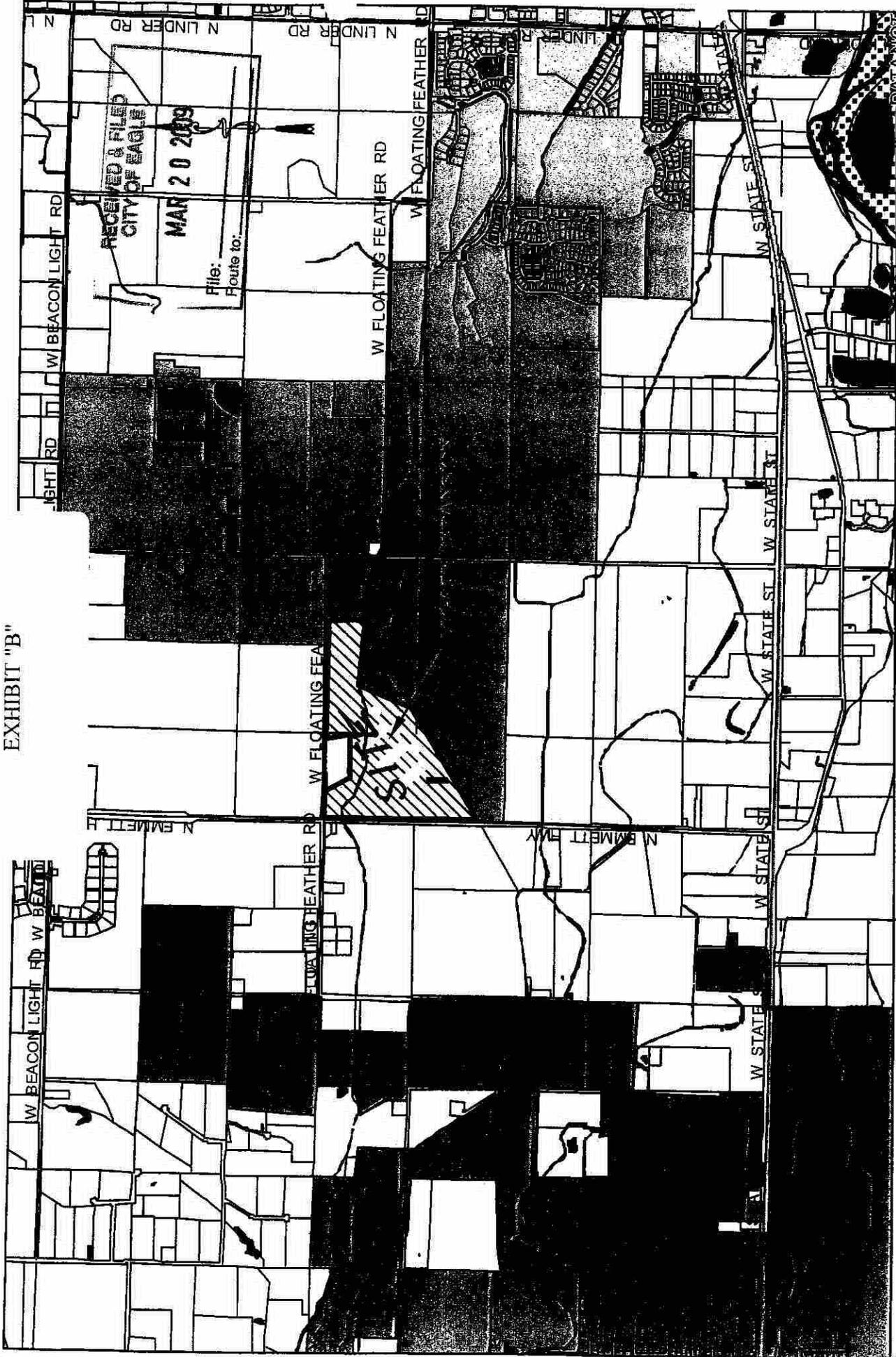
TECHNICAL SUPPORT

Prepared by Rennison Fodrea, Inc.



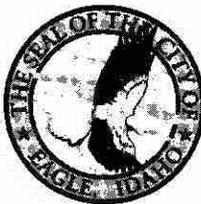
23

EXHIBIT "B"



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CITY OF EAGLE
MAR 20 2009
File:
Route to:

<p>RENNISON FODREA, INC. ENGINEERS. SURVEYORS. PLANNERS.</p> <p>CASCADE 105 N. Main Street, P.O. Box 188 Cascadia, Idaho 83611 Office: 208.382.4902 Fax: 208.382.3410</p> <p>EAGLE 430 E. State St., Suite 140 Eagle, Idaho 83616 Office: 208.938.2440 Fax: 208.938.2441</p>	<p>VICINITY MAP LEGACY EXPANSION PARCEL EAGLE SPORT LEGENDS DEVELOPMENT #2, LLC</p>	<p>DATE 03/20/09</p> <p>P.N. 2417</p> <p>P.M. JER</p> <p>CAD RRB</p>	<p>EXHIBIT V-M</p> <p>SCALE: 1" = 2,000'</p>
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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)

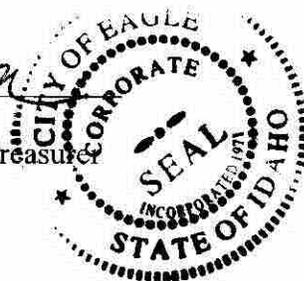
: ss.

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. 635, passed and approved on the 10th day of November, 2009

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the City of Eagle, Idaho, 2nd day of December, 2009.

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



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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

December 2, 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. 635 that annexes property into the City of Eagle recorded on November 19, 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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