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ORDINANCE NO. 2009-31

AN ORDINANCE ANNEXING CERTAIN REAL PROPERTY, NOW KNOWN AS PARCELS R7439310015 & R7439310045; 353 E. MASON CREEK LN., MERIDIAN, IDAHO, SITUATED IN THE UNINCORPORATED AREA OF ADA COUNTY, IDAHO, AND CONTIGUOUS TO THE CORPORATE LIMITS OF THE CITY OF KUNA, TO THE CITY OF KUNA, IDAHO; ESTABLISHING THE ZONING CLASSIFICATION OF SAID REAL PROPERTY; DIRECTING THAT COPIES OF THIS ORDINANCE BE FILED AS PROVIDED BY LAW; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Kuna, 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, Leland & Kim Rice, owners of the parcels of real property situate in the unincorporated area of Ada County and particularly described in Section 2 of this ordinance has requested, in writing, annexation of said real property to the City of Kuna; and

WHEREAS, the Planning and Zoning Commission of the City, pursuant to public notice as required by law, held a public hearing on August 26, 2009, as required by Section 67-6525, Idaho Code, where it was recommended to the Mayor and Council that the annexation and zoning request be approved with a zoning classification of A, Agriculture and R-2, Low Density Residential; and

WHEREAS, the Kuna City Council, pursuant to public notice as required by law, held a public hearing on October 6, 2009, on the proposed annexation and zoning for the real property described in Section 2 below, as required by Section 67-6525, Idaho Code, made findings and determined that the requested annexation should be granted with a zoning classification of A, Agriculture and R-2, Low Density Residential; and

WHEREAS, the zoning classification of A and R-2 is appropriate to meet the requirements of the Kuna City Code and should be granted.

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

Section 1: The Kuna City Council hereby finds and declares that the real property described below is contiguous to the City, that said property can be reasonably assumed to be used for the orderly development of the City, and that

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the owners of said property have 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, commonly known as Parcels R7439310015 & R7439310045 and more particularly described in "Exhibit A"- Legal Description for A, Agriculture, "Exhibit B" for R-2, Low Density Residential lands and "Exhibit C"- Site Map, attached hereto and incorporated herein by reference as if fully set forth below, is annexed to and incorporated in the incorporated territorial limits of the City of Kuna, Idaho.

Section 3: 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 Kuna.

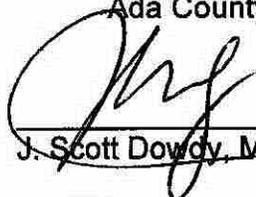
Section 4: The zoning land use classifications of the land described in Section 2 above is hereby established as A, Agriculture and R-2, Low Density Residential as provided by the Zoning Ordinance of the City. The Zoning Map of the City is hereby amended to include the real property described in Section 2 above in the A and R-2 zoning land use classification.

Section 5: 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 63-215, Idaho Code, with regard to the preparation and filing of a map and legal description of the real property annexed by this Ordinance.

Section 6: 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 20th day of October, 2009.

CITY OF KUNA
Ada County, Idaho

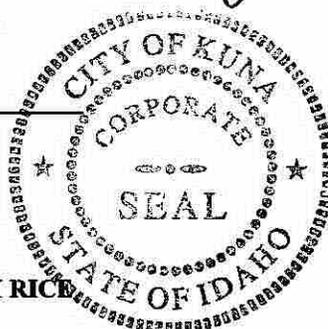


J. Scott Dowdy, Mayor

ATTEST:



Lynda Burgess, City Clerk



**A - Agricultural
Parcel One**

A parcel of land being portions of Lots 1 and 4 of Block 1 of Rice Ridge Subdivision, filed for record in the office of Ada County Recorder, Boise, Idaho in book 68 of Plats at page 6919, as shown on record of Survey No. 5572, filed for record in the office of the Ada County Recorder, Boise, Idaho under Instrument No. 101107313 lying in Government Lot 3, Section 7, T.2N., R.1E., B.M., Ada County, Idaho and more particularly described as follows:

BEGINNING at an iron pin marking the Northwest corner of said Lot 1; thence along the North boundary of said Lot 1

South 89°18'57" East 1194.28 feet to a brass cap marking the Northeast corner of said Lot 1; thence along the East boundary of said Lot 1

South 00°21'37" West 939.67 feet to an iron pin marking the Northeast corner of said Lot 4; thence along the North boundary of said Lot 4

North 66°23'57" West 170.26 feet to an iron pin; thence leaving said North boundary

North 52°25'09" West 476.88 feet to an iron pin on the boundary line common to said Lots 1 and 4; thence along the boundary line of said Lot 1

North 35°19'43" West 58.89 feet to an iron pin marking the Easterly corner of Lot 3 Block 1 of Rice Ridge Subdivision; thence continuing

North 38°01'10" West 257.96 feet to an iron pin; thence continuing

North 36°03'50" West 124.71 feet to an iron pin marking the Westerly corner of said Lot 2 of said Block 1 of Rice Ridge Subdivision; thence continuing

South 53°56'10" West 310.40 feet to a point marking the Westerly corner of said Lot 2; thence continuing

South 39°51'52" East 56.50 Feet to a point; thence continuing

South 46°26'19" East 190.71 feet to a point; thence continuing

South 54°36'30" east 154.49 feet to a point marking the Southerly corner of said Lot 3; thence along the Southeasterly boundary of said Lot 3

North 51°58'50" East 38.63 feet to an iron pin on the Northerly Easement line of Mason Creek Feeder Canal; thence along said Northerly easement line

South 55°28'32" East 872.84 feet to an iron pin on the Easterly boundary of said Lot 4; thence along said east boundaries of Lots 1 and 4

South 00°21'37" West 77.35 feet to an iron pin marking the South east corner of said Lot 1; thence along the Southerly boundary of said Lot 1

North 55°28'32" West 918.10 feet to an iron pin; thence continuing

North 54°36'30" West 166.59 feet to an iron pin; thence continuing

North 46°26'19" West 194.19 feet to an iron pin; thence continuing

North 39°51'52" West 242.71 feet to an iron pin marking the Southwest corner of said Lot 1; thence along the West boundary of said Lot 1

North 00°22'56" East 301.14 feet to the **POINT OF BEGINNING**,

Said parcel of land contains 16.866 acres, more or less.

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**R2 – Low Density Residential
Parcel Two**

A parcel of land being portions of Lots 1 and 4 of Block 1 of Rice Ridge Subdivision, filed for record in the office of the Ada County Recorder, Boise, Idaho in book 68 of Plats at page 6919, as shown on Record of Survey No. 5572, filed for record in the office of the Ada county Recorder, Boise Idaho under Instrument No.101107313 lying in Government Lot 3, Section 7 T.2N., R.1E., B.M., Ada County, Idaho and more particularly described as follows:

Commencing at an iron pin marking the Northwest corner of said Lot 1; hence along the North boundary of said Lot 1

South 89°18'57" East 1194.28 feet to a brass cap marking the Northeast corner of said Lot 1; thence along the East boundary of said Lot 1

South 00°21'37" West 939.67 to an iron pin marking the Northwest corner of said Lot 4, said point being the **POINT OF BEGINNING**; thence along the North boundary of said Lot 4

North 66°23'57" West 170.26 feet to an iron pin; thence leaving said North boundary

North 52°25'09" West 476.88 feet to an iron pin on the boundary line common to said Lots 1 and 4; thence along the boundary line of said Lot 4

North 35°19'43" West 58.89 feet to an iron pin marking the Easterly corner of Lot 3 of Block 1 of Rice Ridge Subdivision; thence along the Southeasterly boundary of said Lot 3

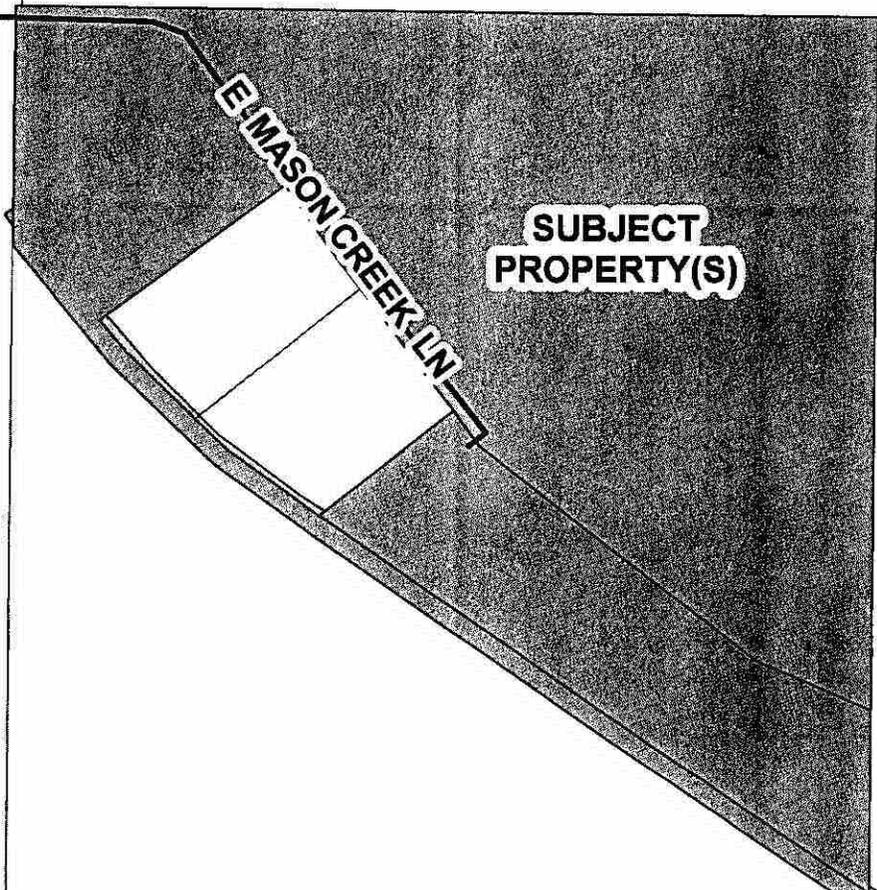
South 51°58'50" West 193.48 feet to an iron pin on the Northerly easement line of Mason Creek Feeder Canal; thence along said Northerly easement line

South 55°28'32" East 872.84 feet to an iron pin on the East boundary of said Lot 4; thence along the West boundary of said Lot 4

North 00°21'37" East 206.82 feet to the **POINT OF BEGINNING**,

Said parcel of land contains 2.824 acres, more or less.

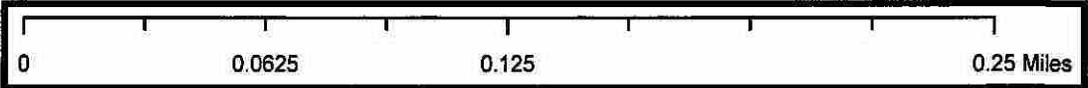
**ORDINANCE 2009-31
EXHIBIT C**



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