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CITY OF BELLEVUE, IDAHO  
ORDINANCE NO. 2009-09

AN ORDINANCE OF THE CITY OF BELLEVUE, IDAHO, ANNEXING CERTAIN ADJACENT AND CONTIGUOUS LAND INTO THE CITY OF BELLEVUE, IDAHO; PROVIDING THAT SAID REAL PROPERTY AND ALL PERSONS WITHIN THE LIMITS OF SUCH ANNEXED TRACTS OF LANDS SHALL BE SUBJECT TO THE PROVISIONS OF ALL BYLAWS AND ORDINANCES OF THE CITY OF BELLEVUE, IDAHO; PROVIDING FOR AMENDMENTS TO THE BELLEVUE COMPREHENSIVE PLAN MAP AND OFFICIAL ZONING MAP WITH REGARD TO SAID REAL PROPERTY; PROVIDING FOR THE ZONING OF SAID REAL PROPERTY UPON ANNEXATION; PROVIDING FOR THE FILING OF COPIES OF THE ORDINANCES; PROVIDING A SAVINGS CLAUSE; AND, PROVIDING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE CITY OF BELLEVUE, IDAHO:

SECTION 1. The land lying adjacent and contiguous to the City of Bellevue, Idaho, and more particularly described in Exhibit "C-1" and "C-2", and incorporated herein by this reference, is hereby declared to be a part of the City of Bellevue, Idaho and is hereby annexed into the City of Bellevue, Idaho.

SECTION 2. From and after the effective date of this ordinance, all lands described in Exhibit "C-1" and "C-2", attached hereto and incorporated herein and by this reference shall be and are hereby subject to the provisions of all charter, bylaws and ordinances, rules and regulations of the City of Bellevue, Idaho.

SECTION 3. Pursuant to Idaho Code, the Clerk of the City of Bellevue, Idaho, shall, within ten (10) days following the effective date of this ordinance, file a certified copy of this ordinance with the Blaine County Assessor and the Idaho State Tax Commission.

SECTION 4. The Clerk of the City of Bellevue, Idaho, shall, within ten (10) days following the effective date of this ordinance, cause one (1) copy of the legal description and map prepared in a draftsman like manner which shall plainly and clearly designate the boundaries of the City of Bellevue, Idaho, as altered, to be filed with the Blaine County Recorder, the Blaine County Assessor and the Idaho State Tax Commission.

SECTION 5. The above described tract of land shall be and is hereby given the Comprehensive Land Use Designation of "GR-General Residential Zoning District" under the provisions of the Bellevue Comprehensive Plan and the Comprehensive Land Use Map of said city is hereby amended to so designate said real property.

SECTION 6. The above described tract of land shall be and is hereby zoned and classified "Transitional Zoning District" under the provisions of Ordinance Number 86

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03, as amended, of the City of Bellevue, Idaho (the Bellevue Zoning Ordinance) and that the portions of said tract of land are located within the special flood hazard area as depicted on the official Flood Insurance Map and defined by said Floodplain-Riparian Management Flood Control Regulation ordinance #2007-07, and the Avalanche Overlay District as defined in Ordinance 2007-03.

SECTION 7. Strahorn Partners, LLC, an Oregon corporation and the City of Bellevue each acknowledge and agree that annexation of the subject property will create burdens for additional public utilities, facilities, and services which are attributable to annexation of the annexation Parcel and its proposed future development, including, but not limited to traffic, streets, police, fire, emergency services, recreation, and general service impacts.

SECTION 8. Bellevue has determined that annexing the subject annexation parcel constitutes an orderly extension of its municipal boundaries, and that such annexation is not in conflict with the Bellevue Comprehensive Plan and, it is in the best interests of Bellevue to provide for orderly annexation and development of the underlying property.

SECTION 9. It has been determined that it is in the best interests of Bellevue and Strahorn Partners, LLC, that the annexation parcel be annexed into Bellevue in compliance with sections 4.2, 4.2.1, 4.5.1.5 and 4.5.3.3 of Ordinance No. 2009-04 Exhibit "1" recorded at Blaine County Idaho as instrument # 564524. The above sections are attached hereto as Exhibit "A", and Exhibit E-4.

SECTION 10. Strahorn Partners, LLC, an Oregon corporation agrees that upon compliance with section 4.2 attached hereto as Exhibit "A", land conveyance to the city shall include conveyance of all applicable water rights to the city for the subject annexation parcel.

SECTION 11. If any section or portion of this ordinance is for any reason held to be invalid by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance.

SECTION 12. This ordinance shall be in full force and effect from and after its passage, approval and publication according to law.

PASSED BY THE COMMON COUNCIL AND APPROVED BY THE MAYOR OF THE CITY OF BELLEVUE, IDAHO this 26 day of MARCH, 2009.

ATTEST:

  
Dorothy Barton, City Clerk



  
Jon B. Anderson, Mayor

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EXHIBIT "A"

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Sections from City of Bellevue Ordinance No. 2009-04 "Exhibit 1"  
Recorded as Instrument # 564524

4.2 61 Acre Parcel. Within fifteen (15) days from the date of this Agreement, Owner shall submit a complete annexation application for the 61 Acre Parcel to the City. The City shall waive all fees pertaining to the annexation of subject parcel, provided the 61 Acre Parcel is conveyed to the City within thirty (30) days from the date of its annexation into the City by fee simple title, free and clear of all liens and encumbrances. As used herein, the phrase "free and clear of all liens and encumbrances" shall mean free from financial liens, or encumbrances, including, but not limited to, mortgages and material man's liens, and the phrase "date of this Agreement" shall mean the date the signatures of both Owner and the City are affixed to the Agreement.

4.2.1 Owner shall be financially responsible for the clean up of any portions of the 61 Acre Parcel related to any past mining operations if an action is brought at any time by any State or Federal agency with jurisdiction over the same and to indemnify and hold the City harmless in the event any action is brought by the above-described agencies. In the event of such an action, the City hereby assigns to Owner all its rights with respect to said actions, including, but not limited to, defending, compromising and settling claims and pursuit of potential responsible parties for reimbursement, contribution and/or payment of required cleanup activities. Any cost paid by Owner for the cleanup of the 61 Acre Parcel shall be in addition to the Annexation Fees, described herein. As used in this paragraph, an "action" shall mean a determination by any State or Federal agency with jurisdiction that the portion of the 61 Acre Parcel affected by prior mining excavation poses a risk to the public and the remedial measures need to be taken to alleviate that risk.

4.5.1.5 Prior to the signing of the phase One Plat, construct rough grading of the road to the eastern end of the Annexation Parcel and connecting, in a bending manner, to the existing BLM road adjacent to the 61 Acre Parcel, and turnaround/parking area as identified on Exhibit E-4. For the purposes of this Agreement, "rough grading" shall not require addition of base materials or grading of the road to a condition better than the existing road as of the date of this Agreement. In addition, as depicted on Exhibit E-4, the Owner shall construct the Toe-of-Hill trail and shall also narrow and re-vegetate the existing Slaughterhouse Road consistent with best management practices. However, this portion of the improvement may be deferred until later Phases and completed as the currently existing trail is impacted by the Development.

4.5.3.3 Prior to the signing of the Phase Three Plat, extend stub utilities, which shall include power and communications, to the west end of Large Block Number 6.

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EXHIBIT C2  
LEGAL DESCRIPTION  
OF  
61 ACRE PARCEL  
SEPTEMBER 5, 2008

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A parcel of land located within Sections 19 and 30, Township 2 North, Range 19 East, Boise Meridian, Blaine County, Idaho, being more particularly described as follows:

Commencing at a Brass Cap marking the Southeast corner of Section 25, said Township and Range, thence North 89°09'57" West, 856.93 feet;  
thence North 33°14'37" East, 1564.65 feet;  
thence North 34°06'16" East, 529.84 feet;  
thence North 36°19'48" East, 877.52 feet;  
thence North 36°44'56" East, 212.31 feet;  
thence South 89°33'18" East, 361.86 feet;  
thence North 00°06'22" West, 487.92 feet;  
thence North 36°17'30" East, 972.37 feet;  
thence North 44°34'19" East, 337.09 feet;  
thence North 27°56'37" East, 771.67 feet to the TRUE POINT OF BEGINNING;

thence North 28°50'49" East, 998.41 feet;  
thence North 05°51'40" East, 157.93 feet;  
thence North 24°24'49" East, 1345.68 feet;  
thence North 27°55'37" East, 1710.00 feet;  
thence North 40°24'25" East, 548.59 feet;  
thence North 29°32'59" East, 284.42 feet;  
thence South 64°48'58" East, 346.10 feet;  
thence South 25°45'53" West, 1149.34 feet;  
thence South 26°20'45" West, 1661.77 feet;  
thence South 18°07'37" West, 630.06 feet;  
thence South 14°57'20" West, 639.37 feet;  
thence South 43°23'56" West, 585.10 feet;  
thence South 26°47'39" West, 194.03 feet;  
Thence North 84°42'44" West, 578.87 feet to the TRUE POINT OF BEGINNING  
containing 61.01 acres, more or less.

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website:bellevueidaho.us



## CITY OF BELLEVUE

115 East Pine, P.O. Box 825; Bellevue, ID 83313  
208-788-5351 • 208-788-2128 • Fax 208-788-2092

April 9, 2009

Idaho State Tax Commission  
PO Box 36  
Boise, ID 83722-0410

Re.: Annexation/Boundary Change

Gentlemen:

Enclosed is the City of Bellevue Ordinance #2009-09 annexing property into the City of Bellevue.

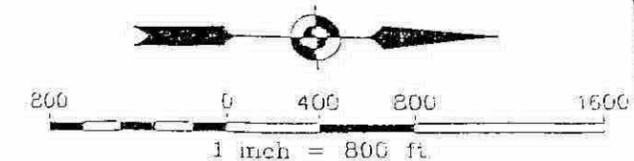
Thank you,

A handwritten signature in cursive script that reads "Dorothy A. Barton".

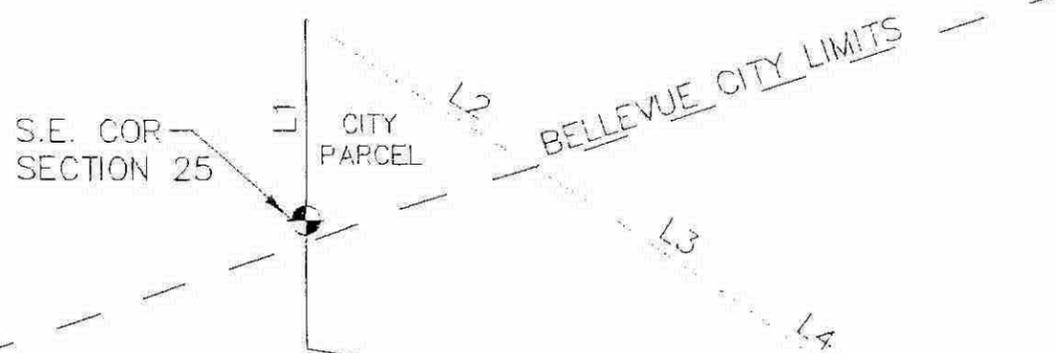
Dorothy Barton

Bellevue City Clerk/Treasurer

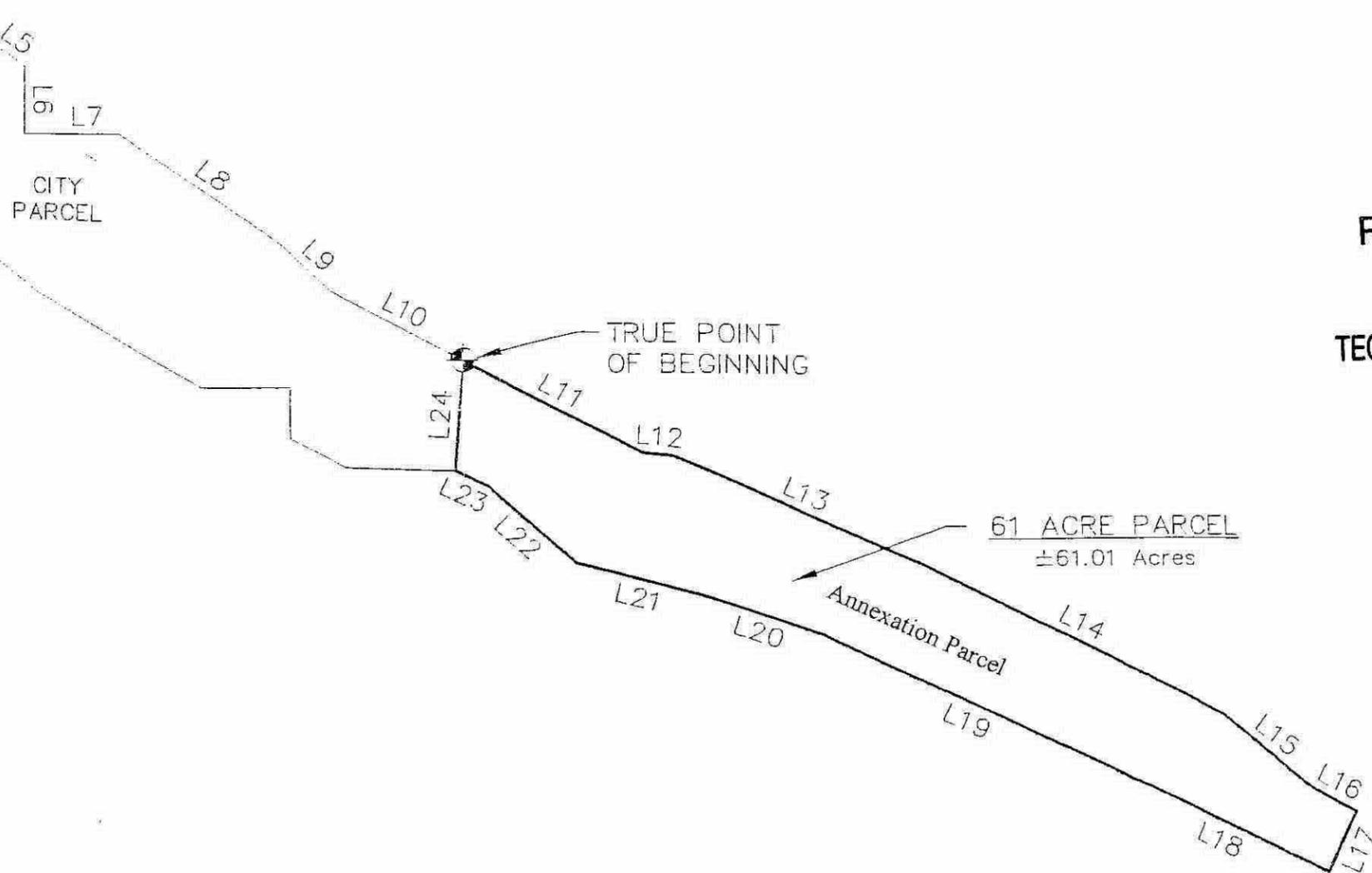
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LINE TABLE		
LINE	BEARING	LENGTH
L1	N89°09'57"W	856.93'
L2	N33°14'37"E	1564.65'
L3	N34°06'16"E	529.84'
L4	N36°19'48"E	877.52'
L5	N36°44'56"E	212.31'
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L14	N27°55'37"E	1710.00'
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L16	N29°32'59"E	284.42'
L17	S64°48'58"E	346.10'
L18	S25°45'53"W	1149.34'
L19	S26°20'45"W	1661.77'
L20	S18°07'37"W	630.06'
L21	S14°57'20"W	639.37'
L22	S43°23'56"W	585.10'
L23	S26°47'39"W	194.03'
L24	N84°42'44"W	578.87'



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NO.	DATE	BY	REVISIONS

GALENA  
ENGINEERING  
INC.

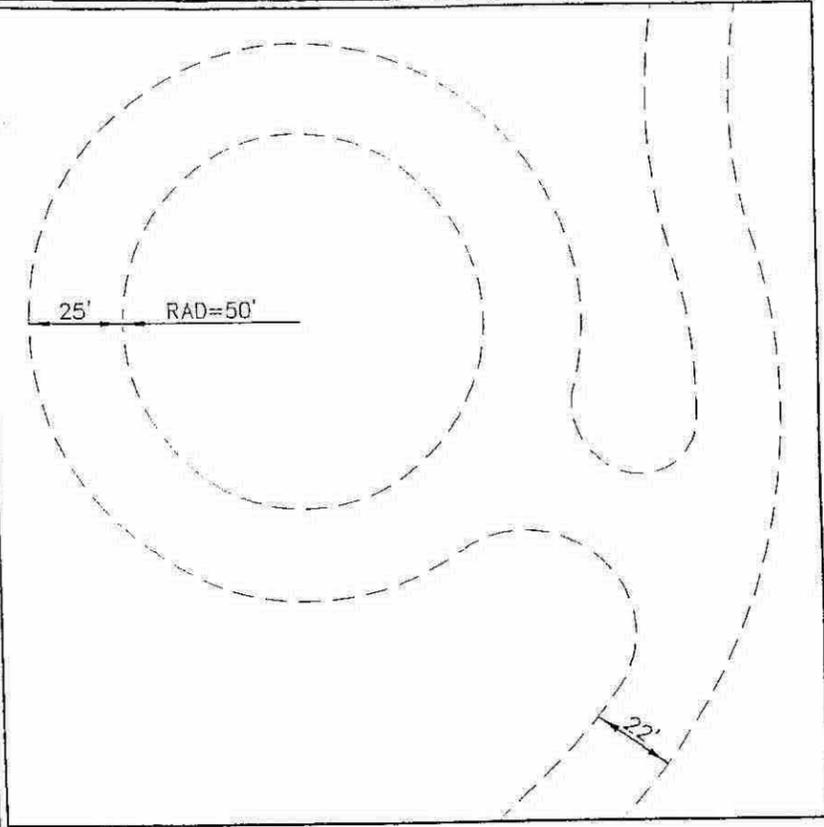
CIVIL ENGINEERS & LAND SURVEYORS  
317 N. River Street  
Hailey, Idaho 83333  
(208) 788-1705  
(208) 788-4612 fax  
email galena@galena-engineering.com

REUSE OF DRAWINGS  
These drawings, or any portion thereof, shall not be used on any Project or extensions of this Project except by agreement in writing with Galena Engineering, Inc.

MC 09/08/08  
DESIGNED BY DATE  
CT 09/08/08  
DRAWN BY DATE  
MC 09/08/08  
CHECKED BY DATE

A MAP SHOWING  
**EXHIBIT C1- 61 ACRE PARCEL**  
SECTIONS 19 & 30, T.2N., R.19E., B.M., BLAINE COUNTY, IDAHO

EXHIBIT C



**LEGEND**

- P/L — Boundary Line
- - - Phase Line
- - - City Limits
- - - Dedicated Right-of-way
- ▬ Proposed Paved Road (Phase 1)
- - - Proposed Dirt Road (Phase 1)

SEE DETAIL "A"

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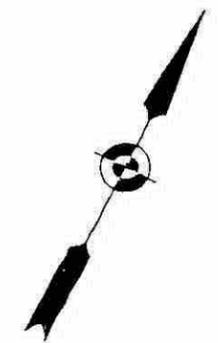
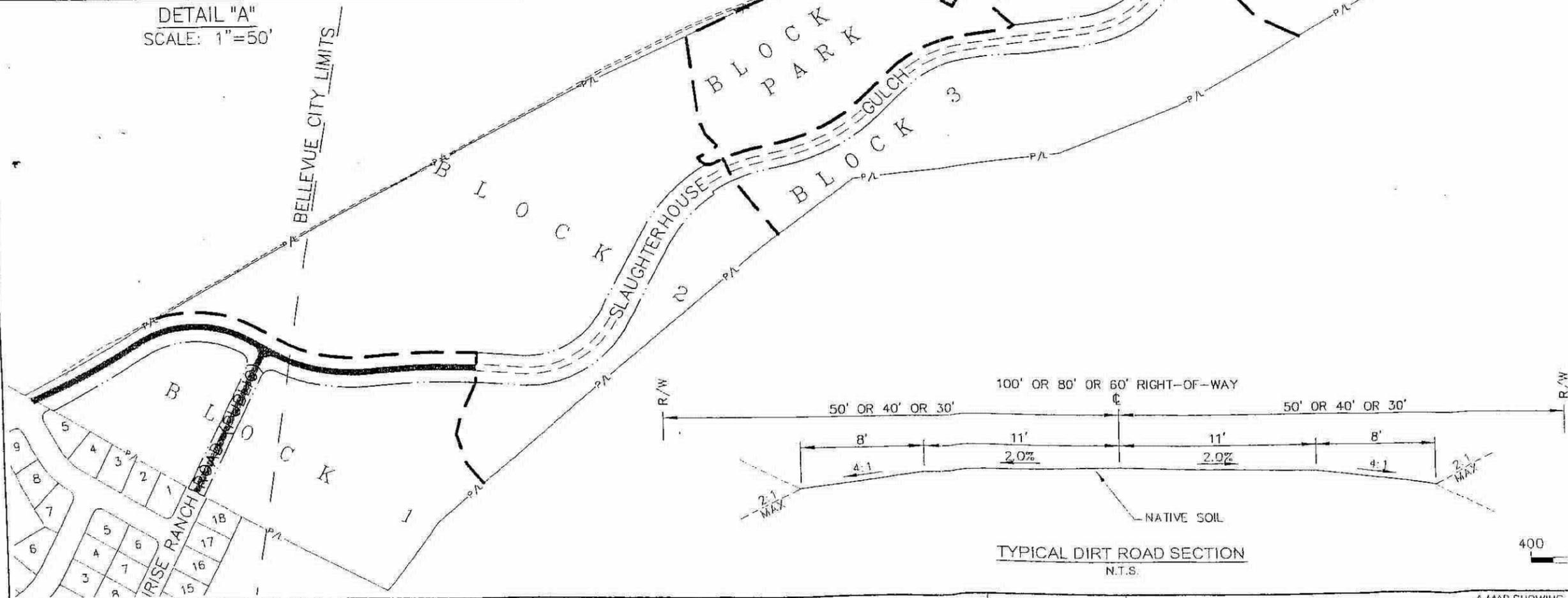
Block 6

BLM EXISTING ROAD

DETAIL "A"  
SCALE: 1"=50'

BELLEVUE CITY LIMITS

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NO	DATE	BY	REVISIONS

**GALENA ENGINEERING INC.**

CIVIL ENGINEERS & LAND SURVEYORS  
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Hailey, Idaho 83333  
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DESIGNED BY DATE  
CT 10/03/08  
DRAWN BY DATE  
MC 10/03/08  
CHECKED BY DATE

A MAP SHOWING  
**EXHIBIT E-4 - DIRT ACCESS TO 61 ACRE PARCEL**  
WITHIN SECTION 25, T.2N., R.18E. AND SECTION 30 T.2N., R.19E., B.M., CITY OF BELLEVUE, BLAINE COUNTY, IDAHO

PROJECT INFORMATION  
P:\sds\proj\4248 Bellevue Datum\dwg\Exhibit Maps\4248Exhibit\_D\_090808.dwg 10/3/2008 7:19:42 AM MDT

EXHIBIT E-4