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RECORDER

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CITY OF DOVER

ORDINANCE 109

AN ORDINANCE OF THE CITY OF DOVER, BONNER COUNTY, IDAHO, PROVIDING FOR AUTHORITY; AND PROVIDING FOR DE-ANNEXATION OF LANDS FROM THE CITY; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City Council did conduct a public hearing on a landowner's request for de-annexation of lands generally located in the northwest quarter of Section 35, Township 57 North, Range 1 East, Boise Meridian, Bonner County, Idaho; and

WHEREAS, the landowners provided a written request for de-annexation and the City Council considered said request in accordance with §50-222, Idaho Code and specifically Category A annexations as identified at §50-222(3)(a); and

WHEREAS, the City of Sandpoint conducted public hearings on an annexation request regarding the subject properties resulting in the approval of the request provided the City of Dover acts to de-annex said properties: and

WHEREAS, the City Council concludes the annexation is appropriate;

NOW THEREFORE, THE CITY COUNCIL OF DOVER, IDAHO HEREBY ORDAINS AS FOLLOWS:

SECTION 1

The described lands in Exhibit A and depicted on Exhibit B, by this reference incorporated herein, in accordance with provisions contained in Title 50, Chapter 2, Idaho Code, are hereby de-annexed from the City of Dover provided this action is followed by the timely annexation of the subject properties by the City of Sandpoint and future development on said properties to be served by City of Sandpoint utilities.

SECTION 2

The entire public right of way width adjoining the subject properties is included with this de-annexation action subject to the provision described in Section 1.

SECTION 3

The provisions of this ordinance are hereby declared to be individually severable. Should any provisions of this ordinance be declared invalid by a court of competent jurisdiction, such declaration shall not affect the validity of the remaining provisions.

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SECTION 4
This ordinance shall be in full force and effective upon recording with the Bonner County Clerk and publication in one issue of the Bonner County Daily Bee.

APPROVED, ADOPTED AND AFFRIMED AS AN ORDINANCE OF THE CITY OF DOVER BY THE CITY COUNCIL UNDER SUSPENSION OF THE RULES AT A REGULAR MEETING OF THE DOVER CITY COUNCIL ON THIS 11th DAY OF JUNE, 2009 UPON THE FOLLOWING ROLL CALL VOTE:

Jim Janish	Aye
Dave Darling	Aye
Marguerite Burge	Aye
Margaret Becker	Aye

Paul "Randy" Curless, Mayor

Attest:

Kym Holbert, City Clerk

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EXHIBIT A

Harris Property

That certain real property lying within the Southeast ¼ of the Southwest ¼ of Section 21, Township 57 North, Range 2 West, Boise Meridian, Bonner County, Idaho, and being a portion of that certain Quitclaim Deed recorded as Instrument Number 732088 on July 2, 2007, and also being a portion of that certain Warranty Deed recorded as Instrument Number 692988 on November 28, 2005, and also being a portion of that certain Warranty Deed recorded as Instrument Number 692987 on November 28, 2005, in the Records of said county, more particularly described as follows:

COMMENCING at the South 1/4 Corner of said Section 21, which bears North 89°16'23" West a distance of 2649.59 feet from the Southeast Corner of said Section 21, as shown on the Record of Survey filed as Instrument Number 706641 on June 21, 2006 in the Records of said county;

thence along the north-south ¼ section line of said Section 21, North 00°38'10" East a distance of 25.00 feet to the POINT OF BEGINNING on the northerly right of way of Ontario Street;

thence continuing along said north-south ¼ section line, North 00°38'10" East a distance of 470.00 feet as shown on the Record of Survey filed as Instrument Number 215936 on June 27, 1979 in the Records of said county;

thence South 48°33'55" West a distance of 700.47 feet to said northerly right of way of Ontario Street as shown on said Instrument Number 215936;

thence along said northerly right of way of Ontario Street, South 89°17'31" East a distance of 519.97 feet to the POINT OF BEGINNING, containing 2.80 acres, more or less.

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