

INSTRUMENT NO. 2009013627

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ORDINANCE NO. 444

TECHNICAL SUPPORT

West Highlands Ranch

AN ORDINANCE ANNEXING TO THE CITY OF MIDDLETON, IDAHO, CERTAIN REAL PROPERTY SITUATED IN THE UNINCORPORATED AREA OF CANYON COUNTY, IDAHO, AND CONTIGUOUS TO THE CORPORATE LIMITS OF THE CITY OF MIDDLETON, IDAHO; ESTABLISHING THE ZONING CLASSIFICATION OF SAID REAL PROPERTY TO R-3 SINGLE FAMILY RESIDENTIAL; WITH A DEVELOPMENT AGREEMENT DIRECTING THAT COPIES OF THIS ORDINANCE BE FILED AS PROVIDED BY LAW; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Middleton, Idaho (the "City"), 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 is generally located on the northeast corner of Emmett road and Willis Road and located approximately ½ mile northeast of the intersection of Hartley Road and Willis Road, Middleton, Idaho and comprises 40.56 acres in the manner provided by Section 50-222, Idaho Code; and

WHEREAS, the owner of the real property situated in the unincorporated area of Canyon County and particularly described in Exhibit A attached and hereby made a part of this ordinance, has requested, in writing, annexation of said real property to the City of Middleton; and

WHEREAS, the Planning and Zoning Commission of the City, pursuant to public notice as required by law, held public hearings on December 15, 2008 and January 26, 2009 as required by Section 67-6525, Idaho Code, and recommended to the Mayor and Council that they approve the request for annexation and zoning 40.56 acres to R-3 single-family residential with a Development Agreement; and

WHEREAS, the Middleton City Council, pursuant to public notice as required by law, held a public hearing on March 4, 2009 on the annexation and recommended zoning for the real property described in Exhibit A attached, as required by Section 67-6525, Idaho Code;

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF MIDDLETON, IDAHO, AS FOLLOWS:

Section 1. The Middleton City Council hereby finds and declares that the real property described in Exhibit A attached 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 with a zoning designation described in Exhibit A, zoning 40.56 acres to R-3 single family residential with a Development Agreement attached as Exhibit 1-A.

Section 2. The real property, all situate in Canyon County, Idaho, adjacent and contiguous to the City, described in Exhibit A attached, is hereby annexed to and incorporated in the territorial limits of the City of Middleton, 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 Middleton, Idaho.

Section 4. The zoning classification of the land described in Exhibits A attached is hereby established as zoning 40.56 acres to R-3 single family residential; as provided by the zoning ordinance of the City and in accordance with the Comprehensive Plan. The Zoning Map is hereby amended to include the real property described in Exhibit A attached in the zoning 40.56 acres to R-3 single family residential classification.

Section 5. The City Clerk is hereby directed to file, within ten (10) days of the passage, approval and publication of this ordinance, a certified copy of this ordinance with the offices of the Auditor, Treasurer and Assessor of Canyon 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 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 18th day of March, 2009

CITY OF MIDDLETON  
Canyon County, Idaho

By Vicki Thurber  
Vicki Thurber, Mayor

ATTEST:

Ellen Smith  
Ellen Smith, City Clerk



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**EXHIBIT A**  
**Legal Description of Additional Property**



IDAHO  
SURVEY  
GROUP

1450 East Waterlower St.  
Suite 150  
Meridian, Idaho 83642

Phone (208) 846-8570  
Fax (208) 884-5399

August 6, 2008

**DESCRIPTION FOR ANNEXATION PARCELS  
WEST HIGHLANDS RANCH SUBDIVISION**

Parcels of land located in the South ½ of Section 36, T.5N., R.3W., B.M., Canyon County, Idaho, said parcels being more particularly described as follows:

**PARCEL A**

**BEGINNING** at the southwest corner of the said Section 36, from which the South ¼ corner of said section bears North 89°37'36" East, 2659.58 feet;

Thence along the West boundary of said Section 36 North 00°09'52" East, 330.20 feet to a point on the existing Middleton City Limits boundary;

Thence along the existing Middleton City Limits boundary:

Thence North 89°37'40" East, 330.20 feet;

Thence South 00°09'52" West, 330.19 feet to a point on the South boundary of said Section 36;

Thence along said South section boundary South 89°37'36" West, 330.20 feet to the **Point Of Beginning**. Said parcel containing 2.50 acres, more or less.

**PARCEL B**

Commencing at a 5/8" iron pin marking the Center of said Section 36, (controlling property corner C.P. & F. No. 200005347), said corner bears North 49° West, 0.99 feet from the Center of section as described in C.P. & F. No. 200555833; thence along the North line of said NW ¼ of the SE ¼ as located from said controlling property corner North 89°56'41" East, 427.45 feet to a point on the extended centerline of an irrigation ditch and the **Real Point of Beginning**;

Thence continuing North 89°56'41" East, 902.72 feet to the C-E 1/16 corner;

Thence South 00°00'00" West, 1320.06 feet to the SE 1/16 corner, said corner being on the existing Middleton City Limits boundary;

Thence along said City Limits boundary North 89°58'18" West, 1330.50 feet to the C-S 1/16 corner;

Thence leaving said City Limits boundary and along the West line of said NW ¼ of the SE ¼ as located from said controlling property corner (C ¼) North 00°00'51" East, 915.48 feet to a point in said irrigation ditch;

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*Professional Land Surveyors*

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Thence along the center of said ditch North  $89^{\circ}49'53''$  East, 41.10 feet;

Thence North  $58^{\circ}32'46''$  East, 18.99 feet;

Thence North  $43^{\circ}53'39''$  East, 451.29 feet;

Thence North  $40^{\circ}13'17''$  East, 88.82 feet to the Point of Beginning. Containing 38.06 acres, more or less;



80414\80414-ANNEX.DES.DOC

West Highlands Ranch

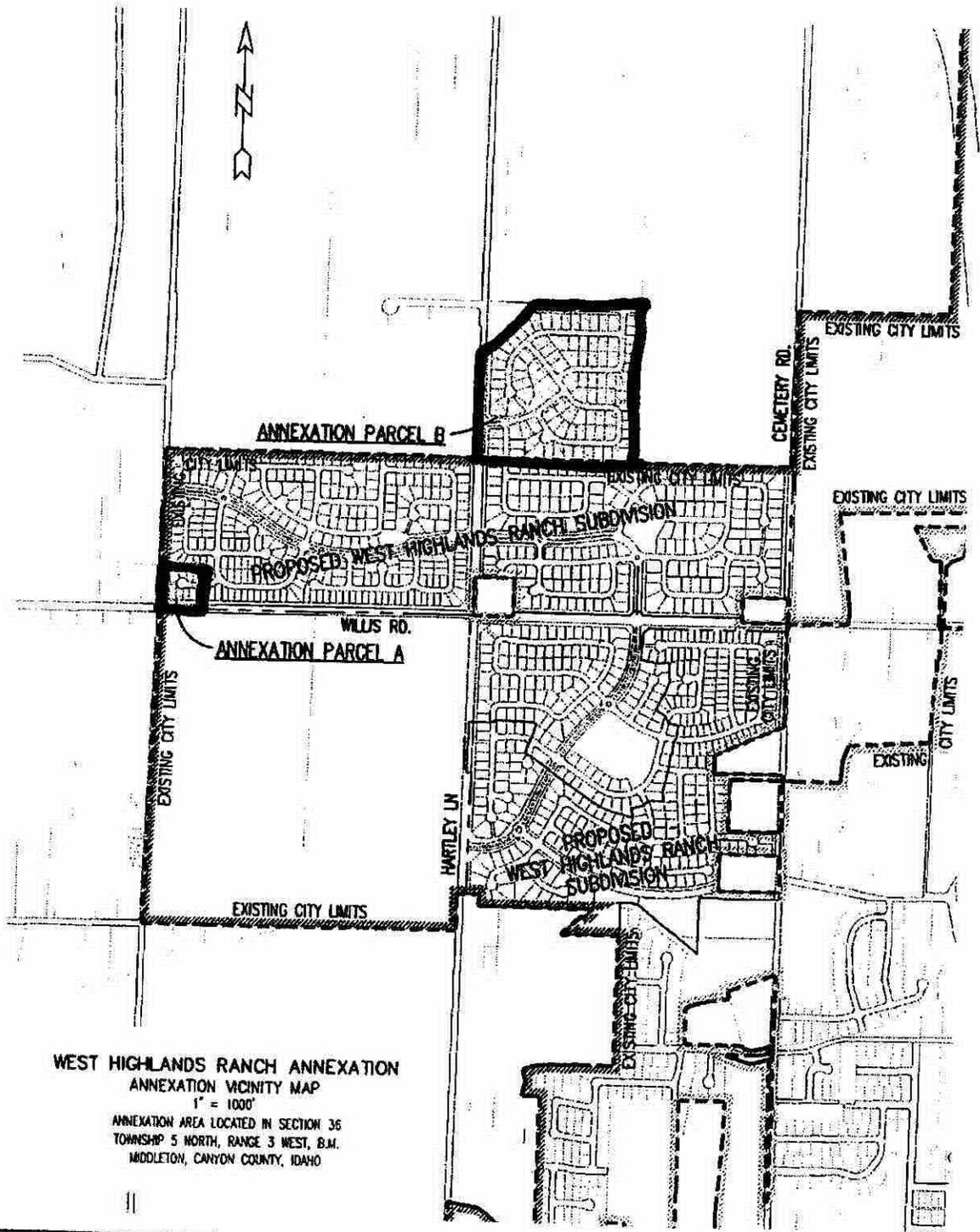
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**EXHIBIT B**  
**Annexation Vicinity Map**



**WEST HIGHLANDS RANCH ANNEXATION**  
**ANNEXATION VICINITY MAP**  
 1" = 1000'  
 ANNEXATION AREA LOCATED IN SECTION 36  
 TOWNSHIP 5 NORTH, RANGE 3 WEST, 8.M.  
 MIDDLETON, CANYON COUNTY, IDAHO

2009013627

RECORDED

2009 MAR 23 PM 3 37

WILLIAM H. HURST  
CANYON COUNTY RECORDER

BY *[Signature]*

REQUEST TYPE City of Middleton  
FEE Ordinance

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# CITY OF MIDDLETON

P.O. Box 487 • 6 N. Dewey Avenue • Middleton, Idaho 83644

(208) 585-3133 • Fax (208) 585-9601

citmid@cableone.net • www.middleton.id.gov

March 23, 2009

Idaho State Tax Commission  
Technical Support Division  
800 Park Blvd. Plaza 4  
PO Box 36  
Boise, Idaho 836722

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RE: annexation ordinance 444

Dear Sir or Madam:

Enclosed please find a recorded copy of Ordinance #444 for annexation into the City of Middleton.

If you have any questions, please do not hesitate to call me.

Sincerely,

Ellen Smith CMC  
City Clerk