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2009045696

2009 SEP 4 PM 12:00

RECEIVED  
CANYON COUNTY RECORDER  
BY [Signature]  
City of Middleton  
TYPE ORDINANCE

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SEP 08 2009

TECHNICAL SUPPORT

ORDINANCE NO. 449

SIDC of the Assembly of God, Inc.

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 5.96 ACRES TO R-4 COMBINED RESIDENTIAL; 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 generally located between south of East Main Street, approximately 300' east of Middleton Place Park and comprises 5.96 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 and zoning 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 August 17, 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 5.96 acres to R-4combined residential and

WHEREAS, the Middleton City Council, pursuant to public notice as required by law, held a public hearing on August 19, 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 zoning 5.96 acres to R-4 combined residential.

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 5.96 acres to R-4 combined 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 5.96 acres to R-4 combined 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 2nd day of September, 2009

CITY OF MIDDLETON  
Canyon County, Idaho

By *Vicki Thurber*  
Vicki Thurber, Mayor

ATTEST:

*Ellen Smith CMC*  
Ellen Smith CMC, City Clerk



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PC 47803

Exhibit "A"

That portion of the Northeast Quarter of the Northwest Quarter of Section 8, Township 4 North, Range 2 West, Boise Meridian, Canyon County, Idaho, described as follows:

COMMENCING at the Northeast corner of the Northeast Quarter of the Northwest Quarter of Section 8, Township 4 North, Range 2 West, Boise Meridian, Canyon County, Idaho; thence

South 01° 07' 35" West a distance of 50 feet along the East line of said Northeast Quarter of the Northwest Quarter to a point on the South right-of-way line of Main Street extended, marked by a found 1/2-inch iron pin and the TRUE POINT OF BEGINNING; thence continuing

South 01° 07' 35" West a distance of 671.32 feet to a found 1/2-inch iron pin; thence

North 88° 58' 00" West a distance of 387.99 feet; thence

North 01° 07' 35" East a distance of 666.32 feet to a point on the South right-of-way line of said Main Street extended, marked by a set 1/2-inch iron pin with plastic cap PLS 6552; thence

South 89° 42' 21" East a distance of 388.03 feet along the right-of-way to the TRUE POINT OF BEGINNING.

*D.G.* 5-26-09

200365448

RECORDED

2003 OCT 21 PM 2 34

G. NOEL JAMES  
CANYON CNTY RECORDER  
*by G. Noel James*

REQUEST *Henry Kamenick*  
TYPE *Alta* FEE *6.01*

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RECORDED

'98 NOV 19 PM 2 10

BY HED J KERR  
CANYON CNTY RECORDER

*HS*

**BASIS OF BEARINGS:**

THE BASIS OF BEARINGS FOR THIS SURVEY IS THE EAST LINE OF THE NORTHEAST 1/4 OF THE NORTHWEST 1/4 OF SECTION 8, TOWNSHIP 4 NORTH, RANGE 2 WEST, BOISE MERIDIAN AS SHOWN ON THAT CERTAIN RECORD OF SURVEY FILED WITH INSTR. NO. 9602167, RECORDS OF CANYON COUNTY, IDAHO, U.S. N 0187235' E

**LEGEND:**

- FOUND BRASS CAP MONUMENT
- FOUND 5/8" IRON PIN
- FOUND 1/2" IRON PIN
- SET 1/2" IRON PIN/PLASTIC CAP PLS 6592
- TRACE LINES (TYPES VARY)

**ANGLE:**

TRI COUNTY SURVEYING, INC. ASSUMES NO LIABILITY FOR ACCIDENT OR DAMAGE TO PERSONS OR PROPERTY CAUSED BY THE USE OF THIS SURVEY AND ZONING INFORMATION. THE USER SHALL BE RESPONSIBLE FOR VERIFYING THE ACCURACY OF THE PRINTED AND THE ESTIMATED INFORMATION.

**SURVEY FOR:**

DAN VAN ZANDT  
21 GOLDEN WEST REALTY  
517 S. 10th W  
CALDWELL, ID. 83405  
(208) 459-1697 FAX 459-1608

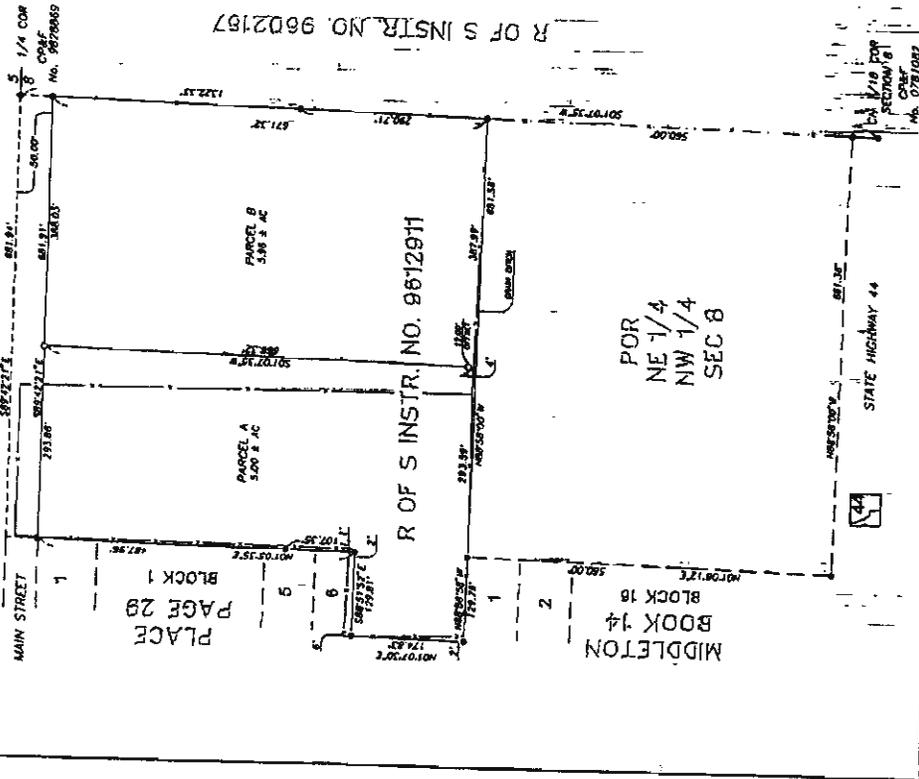
**TRI COUNTY SURVEYING, INC.**  
PROFESSIONAL LAND SURVEYORS

P.O. Box 974  
Emmett, Idaho 83617  
Phone: (208) 365-7470



INDEX No. 424-36-1-0-00-00 NOVEMBER 1998 JOB No. 90078

**AMENDED RECORD OF SURVEY**  
OF A PORTION OF THE NORTHEAST 1/4 OF THE NORTHWEST 1/4 OF SECTION 8, TOWNSHIP 4 NORTH, RANGE 2 WEST, BOISE MERIDIAN CANYON COUNTY, IDAHO



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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

September 4, 2009

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

RE: annexation ordinance 449

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

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