

INSTRUMENT NO. 2009055555

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INSTRUMENT NO. 2009058364

RESOLUTION NO. 09-218

A RESOLUTION OF THE CANYON COUNTY BOARD OF COUNTY COMMISSIONERS RESCINDING RESOLUTION NO. 09-208 AND CORRECTING THE LEGAL DESCRIPTION OF PROPERTY ANNEXED INTO THE UPPER DEER FLAT RURAL FIRE DISTRICT ON DECEMBER 17, 1971

The following resolution and order was considered and adopted by the Canyon County, Idaho Board of Commissioners ("the Board") on this 2 day of ~~November~~ 2009.

Upon motion of Commissioner Riuk and the second by Commissioner Alder, the Board resolves as follows:

WHEREAS, Idaho Code § 31-1411 provides for the procedures for annexation of territory into a fire protection district; and

WHEREAS, Idaho Code § 31-1411 provides that upon approval of a petition for annexation by the board of a fire protection district, it shall send a certified copy of the order containing an accurate legal description of the annexed territory to the board of county commissioners of the county where the fire district is situated, and that the board of county commissioners shall thereafter enter and record an order of annexation so that the annexed property is entered on the tax rolls; and

WHEREAS, on December 17, 1971, the Canyon County Board of County Commissioners accepted the annexation of certain property into the Upper Deer Flat Rural Fire District ("fire district"), which acceptance is reflected in the minutes for that date, a copy of which is attached hereto as Exhibit "A"; and

WHEREAS, the minutes reflect the following property of Donald Tieg to be included in the annexation into the fire district: Sec. 8 IN - 2 SE¼ less tax 1, E½ SW¼ less tax 2 N.W.¼ less S½ SWNW and less W½ N.W. N.W. and less N.W. S.W. N.W. (emphasis added); and

WHEREAS, it was recently discovered that the description for the Donald Tieg property contained a typographical error and should read as follows: Sec. 8 IN - 2 SE¼ less tax 1, E½ SW¼ less tax 2 N.W.¼ less S½ SWNW and less W½ N.W. N.W. and less N.W. S.W. N.W. (emphasis added); and

WHEREAS, notwithstanding the typographical error in the legal description for the Donald Tieg property, that property was correctly mapped by the County as part of the fire district; and

RESCINDING RESOLUTION NO. 09-208
CORRECTION OF TIEGS PROPERTY DESCRIPTION
UPPER DEER FLAT RURAL FIRE PROTECTION DISTRICT

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TECHNICAL SUPPORT

WHEREAS, because of the incorrect legal description, the State Tax Commission has recently informed the Canyon County Assessor's Office that it had not placed the correct Donald Tiegs property in its mapping of the fire district, and requested that the County correct the discrepancy; and

WHEREAS, on October 5, 2009, the Board adopted Resolution No. 09-208 to clarify the legal description for the Donald Tiegs property; and

WHEREAS, the State Tax Commission has now requested that the County clarify the legal description for the "tax 2" property that is identified in the legal description; and

WHEREAS, in order to comply with the State Tax Commission's request, the Board finds that it is in its best interests to rescind Resolution No. 09-208, and to adopt a new resolution to incorporate the legal description for tax 2, which description is attached hereto as Exhibit "A"; and

WHEREAS, in order to correct and clarify the property that was annexed into the fire district, the Board finds it in the best interest of the County and the public to adopt a resolution to properly identify the legal description for the Donald Tiegs property that was annexed into the fire district on December 17, 1971, and to set out the legal description for the tax 2 lot.

NOW THEREFORE, THE BOARD HEREBY RESOLVES, that Resolution No. 09-2089 is hereby rescinded.

IT IS ALSO FURTHER RESOLVED that the following described property was annexed into the fire district on December 17, 1971: Sec. 8 IN - 2 SE $\frac{1}{4}$ less tax 1, E $\frac{1}{2}$ SW $\frac{1}{4}$ less tax 2 N.W. $\frac{1}{4}$ less S $\frac{1}{2}$ SWNW and less W $\frac{1}{2}$ N.W. N.W. and less N.W. S.W. N.W, and that the legal description for tax 2 is attached hereto as Exhibit "A."

IT IS ALSO FURTHER RESOLVED that this action merely clarifies the action that was taken by the Board on December 17, 1971, and that this property since that date has been included as property annexed into the fire district.

IT IS FURTHER RESOLVED BY THE BOARD, that this resolution shall be effective this 8 day of November 2009.

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TECHNICAL SUPPORT

- Motion Carried Unanimously
- Motion Carried/Split Vote Below
- Motion Defeated/Split Vote Below

David J. Ferdinand, II
 DAVID J. FERDINAND, II, Chairman

Steven Trille
 STEVEN TRILLE, Member

Kathryn Alder
 KATHRYN ALDER, Member

Yes	No	Did Not Vote
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

ATTEST: WILLIAM H. HURST, CLERK

By: *Monica Reeves*
 Deputy Clerk

Date: 11-2-09



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EXHIBIT "A"

Commencing at the Southwest corner of Section 8, T. 1 N. R. 2 W.B.M. and running S. 89° 05' 40" E. 1330.3 feet along the South boundary of said Section 8 to the Southwest corner of the E½ SW¼, said Section 8; thence N. 0° 39' 45" E. 2062.4 feet along the West boundary of the said E½, SW¼, Section 8 to the TRUE POINT OF BEGINNING; thence continuing N. 0° 39' 45" E. 100.0 feet to a point that bears S. 0° 39' 45" W. 465.0 feet from the Northwest corner of the said E½, SW¼, Section 8; thence S. 89° 13' 40" E. 120.2 feet on a line 465.0 feet South of and parallel to the East and West one-quarter line of said Section 8; thence S. 0° 39' 45" W. 100.0 feet to a point; thence N. 89° 13' 40" W. 120.2 feet to the point of beginning.

2009058364

RECORDED

2009 NOV 17 PM 1 07

WILLIAM H. HURST
CANYON CITY RECORDER
BY *William H. Hurst*

REQUEST: CANYON COUNTY
TYPE *Resolution* FEE *✓*

REQUEST: CANYON COUNTY
TYPE *Resolution* FEE *✓*

WILLIAM H. HURST
CANYON CITY RECORDER
BY *William H. Hurst*

2009 NOV 2 PM 10 24

RECORDED

2009055555

November 17, 2009

The enclosed resolution replaces the previous one sent which was numbered 09-208.

The enclosed resolution is the correct one numbered 09-218.

Claudia Amaral, Deputy Clerk
Canyon County Commissioners Office

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TECHNICAL SUPPORT