

RESOLUTION NO. 09-230

A RESOLUTION OF THE CANYON COUNTY BOARD OF COUNTY COMMISSIONERS ANNEXING PROPERTIES INTO THE UPPER DEER FLAT FIRE DISTRICT

The following resolution and order was considered and adopted by the Canyon County, Idaho Board of Commissioners ("Board") on this 17 day of November, 2009.

Upon the motion of Commissioner Alden and the second by Commissioner Rull, the Board resolves as follows:

WHEREAS, Idaho Code § 31-801 grants general powers and duties, subject to the restrictions of law, to the boards of county commissioners in their respective counties; and

WHEREAS, Idaho Code § 31-807 authorizes the Board to manage county property subject to restrictions including, but not limited to, those described in Idaho Code § 31-808; and

WHEREAS, Idaho Code § 31-1411 establishes a procedure for the de-annexation of property from one fire district and annexation into another fire district; and

WHEREAS such procedure has been followed by the Marsing Rural Fire District and the Upper Deer Flat Fire District with regard to certain properties, owned by the County and situated adjacent to the Pickles Butte Sanitary Landfill, upon petition of Canyon County; and

WHEREAS both fire districts have resolved and agreed that realignment of the subject properties into the Upper Deer Flat Fire District will clarify the jurisdictional response to fires on County-owned property, thus leading to an improved response to requests for service in both Fire Districts, see attachment "A", incorporated by reference hereto; and

WHEREAS, the properties at issue are described as follows:

- 1. S 1/2 SW 1/4; SE 1/4; SE 1/4 NE 1/4; S 1/2 NE 1/4 NE 1/4; NW 1/4 NE 1/4 NE 1/4; and the E. 560 feet W 1/2 NE 1/4 lying South of the Deer Flat Road; Section 20, Township 2 North, Range 3 West, Boise Meridian, approximately 343.64 acres; and
2. N 1/2 NE 1/4; NE 1/4 NW 1/4 except for 3.25 acres in the southwest corner south of Nash Road; 3.62 acres north of Nash Road in the Northeast corner of the SE 1/4 NW 1/4; Section 29, Township 2 North, Range 3 West, Boise Meridian, approximately 120.37 acres.

NOW THEREFORE, THE BORAD HEREBY RESOLVES, that the above described properties be and are annexed into Upper Deer Flat Fire District and the tax rolls be adjusted accordingly, as necessary.

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NOV 18 2009

RESOLUTION ANNEXING PROPERTIES INTO UPPER DEER FLAT RURAL FIRE DISTRICT

TECHNICAL SUPPORT

RESOLUTION NO. 09-230

IT IS FURTHER RESOLVED BY THE BOARD, that this resolution shall be effective this 17 day of November, 2009.

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

	Yes	No	Did Not Vote
<u>DAVID J. FERDINAND, II, Chairman</u>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<u>STEVEN J. RULE, Member</u>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<u>KATHRYN ALDER, Member</u>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

ATTEST: WILLIAM H. HURST, CLERK

By: Claudia Armaul  
Deputy Clerk



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TECHNICAL SUPPORT

RESOLUTION ANNEXING PROPERTIES INTO  
UPPER DEER FLAT RURAL FIRE DISTRICT

RESOLUTION NO. 09-230

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NOV 18 2009

PROSECUTING ATTORNEY  
CANYON COUNTY

November 4, 2009

Canyon County Board of County Commissioners  
David J. Ferdinand, Chairman  
Steven J. Rule, Member  
Kathryn Alder, Member  
1115 Albany Street  
Caldwell, Idaho 83605

Marsing Rural Fire District Commissioners  
Jerry Floyd, Chairman  
Jim Bowers, Member  
Robert Memberg, Member

Re: Two Properties to Be De-Annexed From Marsing Rural Fire District and  
Annexed Into Upper Deer Flat Fire District

Dear Commissioners:

We have received a resolution of the Marsing Rural Fire District constituting their approval that two properties, described below, be de-annexed from their district so that those properties can be annexed into the Upper Deer Flat Fire District. We hereby accept that letter, attached hereto, and join the Marsing Rural Fire District in expressing a belief that this realignment will clarify the jurisdictional response to fires on County-owned property adjacent to the Pickles Butte Sanitary Landfill, thus leading to an improved response to requests for service for both of our Fire Districts.

Although we have already held a hearing and provided public notice pursuant to I.C. § 31-1411 on this matter, we understand the Idaho State Tax Commission has identified some procedural deficiencies in the process. We accordingly intend by this Resolution to accept the below-described properties from the Marsing Rural Fire District into the Upper Deer Flat Fire District, upon petition of Canyon County, owner, and to request a Resolution from the Canyon County Board of County Commissioners ordering this annexation and causing the property's inclusion on the tax rolls.

The properties at issue are described as:

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TECHNICAL SUPPORT

ATTACHMENT A

October 16, 2009

Page 2 of 2

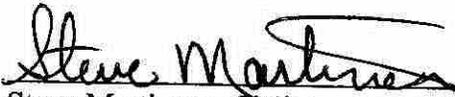
1. S  $\frac{1}{2}$  SW  $\frac{1}{4}$ ; SE  $\frac{1}{4}$ ; SE  $\frac{1}{4}$  NE  $\frac{1}{4}$ ; S  $\frac{1}{2}$  NE  $\frac{1}{4}$  NE  $\frac{1}{4}$ ; NW  $\frac{1}{4}$  NE  $\frac{1}{4}$  NE  $\frac{1}{4}$ ; and the E 560 feet W  $\frac{1}{2}$  NE  $\frac{1}{4}$  lying South of the Deer Flat Road; Section 20, Township 2 North, Range 3 West, Boise Meridian, approximately 343.64 acres; and.

2. N  $\frac{1}{2}$  NE  $\frac{1}{4}$ ; NE  $\frac{1}{4}$  NW  $\frac{1}{4}$  except for 3.25 acres in the southwest corner south of Nash Road; 3.62 acres north of Nash Road in the northeast corner of the SE  $\frac{1}{4}$  NW  $\frac{1}{4}$ ; Section 29, Township 2 North, Range 3 West, Boise Meridian, approximately 120.37 acres.

Please let us know if you have questions or concerns. We look forward to receiving a copy of Canyon County's final resolution on this matter.

Cordially,

UPPER DEER FLAT COMMISSIONERS

  
Steve Martineau, Chairman

  
Dale Sayers, Member

  
Norman Shroll, Member

Attachment

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TECHNICAL SUPPORT

Marsing Rural Fire District  
PO Box 299  
Marsing, ID 83639

October 14, 2009

Dale Sayers  
Steve Martineau  
Norman Shroll  
Upper Deer Flat Fire District Commissioners  
9500 Missouri Ave.  
Nampa, ID 83686

RE: Two Properties to be De-Annexed from Marsing Rural Fire District and Annexed into Upper Deer Flat Fire District

Dear Commissioners:

Pursuant to I.C. § 31-1411, please accept this letter as notice of our approval that two properties, described below, owned by Canyon County, be de-annexed from the Marsing Rural Fire District and annexed into the Upper Deer Flat Fire District. We believe this realignment would clarify the jurisdictional response to fires on County-owned property adjacent to the Pickles Butte Sanitary Landfill, thus leading to an improved response to requests for service for both of our Fire Districts.

We request that you grant Canyon County's petition for annexation of the following two parcels into the Upper Deer Flat Fire Protection District:

1. S  $\frac{1}{2}$  SW  $\frac{1}{4}$ ; SE  $\frac{1}{4}$ ; SE  $\frac{1}{4}$  NE  $\frac{1}{4}$ ; S  $\frac{1}{2}$  NE  $\frac{1}{4}$  NE  $\frac{1}{4}$ ; NW  $\frac{1}{4}$  NE  $\frac{1}{4}$  NE  $\frac{1}{4}$ ; and the E 560 feet W  $\frac{1}{2}$  NE  $\frac{1}{4}$  lying South of the Deer Flat Road; Section 20, Township 2 North, Range 3 West, Boise Meridian, approximately 343.64 acres; and.
2. N  $\frac{1}{2}$  NE  $\frac{1}{4}$ ; NE  $\frac{1}{4}$  NW  $\frac{1}{4}$  except for 3.25 acres in the southwest corner south of Nash Road; 3.62 acres north of Nash Road in the northeast corner of the SE  $\frac{1}{4}$  NW  $\frac{1}{4}$ ; Section 29, Township 2 North, Range 3 West, Boise Meridian, approximately 120.37 acres.

See attached map.

We understand that the State Tax Commission has declined to accept this annexation, despite your District noticing and holding an appropriate hearing on the matter because no record of our written approval could be found. We trust this letter will satisfy such condition.

Cordially,

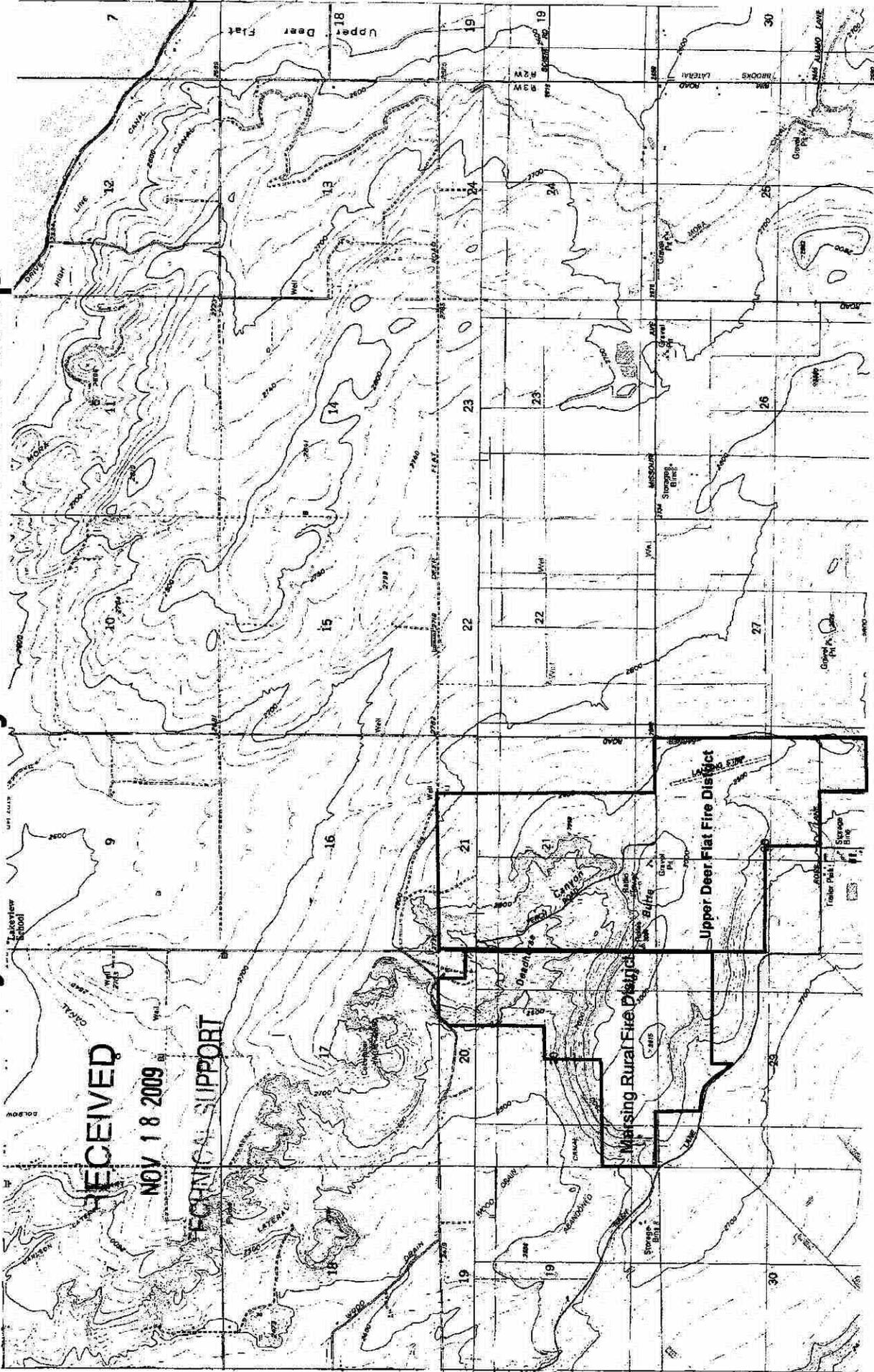
  
Jerry Floyd, Chairman

  
Jim Bowers

  
Robert Malmberg

cc: Craig Johnson, Idaho State Tax Commission  
Jack Biddle, CCSW

# Canyon County Land Ownership



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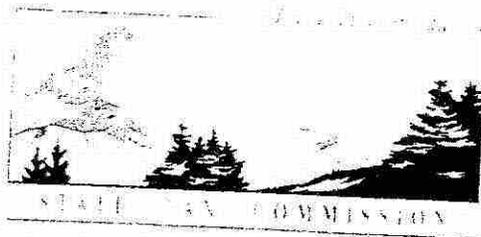
TECHNICAL SUPPORT

Marking Rural Fire District

Upper Deer Flat Fire District

Map Prepared by CCSW June 23, 2009

May 11 2009



Dale Jeffers  
Upper Deer Flat Fire District  
5691 Diamond Ridge Way  
Nampa, ID 83686

Subject: Ordinance No. PICKLES BUTTE UPPER DEER FLAT FIRE

Dear Mr. Jeffers

The Tax Commission has received and reviewed the above referenced action. This review cannot be completed because it does not comply with legal description and mapping requirements.

- Annexation overlaps with Marsing Fire District in Sec 20 and sec 29.

Before this annexation can be processed for the 2010 year, the discrepancies listed need to be corrected. Thank you for your attention to the required legal descriptions and mapping requirements. If you have any questions, please call me at (208) 334-7750

Sincerely

Craig Johnson  
GIS Analyst  
Technical Support Bureau, Idaho State Tax Commission

2009058265

RECORDED

2009 NOV 17 AM 11 10

WILLIAM H. HURST  
CANYON COUNTY RECORDER  
BY *[Signature]*

REC'D EST CANYON COUNTY  
TYPE 15/11/09 FEE *[Signature]*