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Custer County Reg. of
City of Mackay
Time 11:25AM Date 11/23/2009
Barbara C. Tierney, Clerk
Christy Jones
Deputy

ORDINANCE NO. 400

AN ORDINANCE ANNEXING CERTAIN REAL PROPERTY SITUATED IN THE UNINCORPORATED AREA OF CUSTER COUNTY, IDAHO, AND CONTIGUOUS TO THE CORPORATE LIMITS OF THE CITY OF MACKAY, TO THE CITY OF MACKAY, IDAHO; PROVIDING FOR THE ZONING CLASSIFICATION OF SAID REAL PROPERTY DESCRIBED HEREIN TO INDUSTRIAL ZONE; AMENDING THE ZONING MAP OF THE CITY OF MACKAY TO REFLECT SAID CHANGE; DIRECTING THAT COPIES OF THIS ORDINANCE BE FILED AS PROVIDED BY LAW; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Mackay, Idaho 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 in the manner provided by Section 50-222, Idaho Code; and WHEREAS, the Custer County Livestock Marketing Association, Inc. owns real property situated in the unincorporated area of Custer County and particularly described in Exhibit "A" of this ordinance, and intends to annex said real property to the City of Mackay; and

WHEREAS, the property described in Exhibit "A" is located adjacent to the northeast boundary of the Mackay City limits; and

WHEREAS, the Mackay City Council, pursuant to public notice as required by law, held a public hearing on December 2, 2008 on the proposed annexation and zoning for the real property described in Exhibit "A" as required by Section 67-6525, Idaho Code, made findings and determined that the annexation should be granted and that a zoning classification of Industrial for the property described in Exhibit "A" is appropriate to meet the requirements of Idaho Code, Mackay City Code and should be granted.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF MACKAY, IDAHO, as follows:

Section 1: The Mackay City Council hereby finds and declares that the real property particularly described in Exhibit "A", attached hereto and incorporated herein by reference, 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.

Section 2: The real property, all situated in Custer County, Idaho, adjacent and contiguous to the City, particularly described in Exhibit "A" and as generally shown on Exhibit "B", attached here to and included herein by reference, is hereby annexed to the incorporated territorial limits of the City of Mackay, Idaho.

Section 3: The City Council hereby finds and determines that it is in the best interests of the

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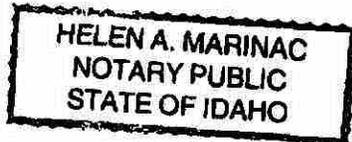
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On this 6th day of October, in the year 2009, before me, the undersigned, a Notary Public in and for said State, personally appeared Mayor Digbee and Leggy Trent, known to me to be the MAYOR and CITY CLERK of said municipal corporation that executed this instrument and the persons who executed the said instrument on behalf of said corporation, and acknowledged to me that such corporation executed the same. In witness whereof, I have hereunto set my hand and affixed my official seal the day and year first written.

Helena A. Marinac, Notary Public

Residing at: Mackay

My Commission Expires: 8-29-2012



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EXHIBIT A

**CITY OF MACKAY ANNEXATION
BOUNDARY LEGAL DESCRIPTION**

A tract located in the Southwest Quarter of Section 21, T 7 N, 24 F.B.M., Custer County Idaho, more particularly described as follows.

Commencing at the Southwest 1/16th Corner said Section 21, said point being on the current City of Mackay corporate limits and the TRUE POINT OF BEGINNING;

Thence S 46°11'46"E 135.00 feet along said corporate limits to a point;

Thence N 43°10'29"E 348.85 feet;

Thence N 57°11'08" W 400.50 feet to point on the West 1/16th line of said Section 21;

Thence N 55°27'48" W 522.85 feet;

Thence S 06°06'06" W 545.20 feet;

Thence S 46°11'46" E 68.52 feet to a point 200.00 feet measured perpendicular from the Centerline of abandoned railroad track;

Thence S 43°48'14" W 116.06 feet to a point on the South 1/16th Line of said Section 21 and the Current City of Mackay corporate limits'

Thence S 89°52'38" E 520.01 feet along said corporate limits and the South 1/16 Line of said Section 21 to the Southwest 1/16th corner of said Section 21 and the TRUE POINT OF BEGINNING;

Said tract contains 7.69 acres more or less.

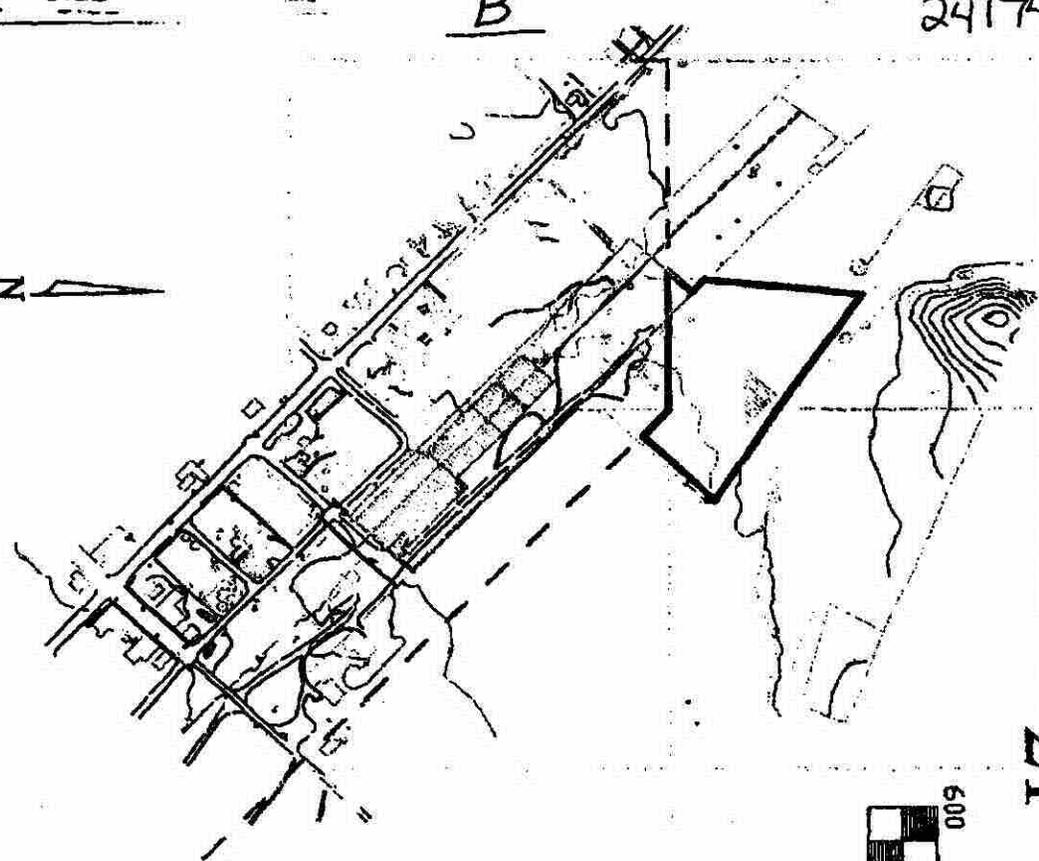
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B

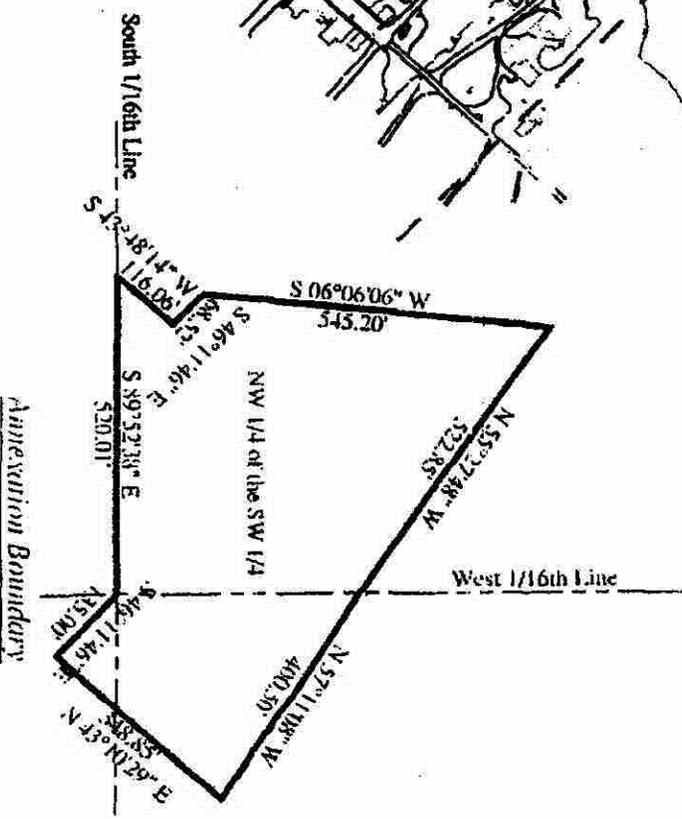


21



Section 21, T. 7 N., R. 24 E. B.M.

- Current City Boundary
- Annexation Boundary
- Centerline Railroad Track



811-1

1



HARRINGTON ENGINEERING & DEVELOPMENT CO.
525 BRYDEN AVENUE LEWISTON, IDAHO 83501
720-840-2123

Annexation Drawing
City of Mackay Idaho

SCALE 1" = 500'	
DRAWN BY BJW	CHECKED BY JSD
DATE 9-17-08	NO. 111
SHEET 1	
DRAWING NO. 811-1	

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SUMMARY OF ORDINANCE NO. 400
OF THE CITY OF MACKAY, IDAHO

PUBLIC NOTICE IS HEREBY GIVEN that the City of Mackay, Idaho, adopted at its regular meeting of October, 2009, that Ordinance No. 400 **PROVIDING FOR THE ANNEXATION OF CERTAIN REAL PROPERTY; PROVIDING FOR ZONING CLASSIFICATION; PROVIDING FOR AMENDMENT TO THE CITY MAP AND FOR PROVIDNG NOTICE THEREOF; APPROVING A SUMMARY OF THE ORDINANCE AND PROVIDING AN EFFECTIVE DATE.**

The effective date of the Ordinance is October 6, 2009. A copy of the full text of the Ordinance is available at Mackay City Hall, in Mackay, Idaho. Examination may be requested in writing or in person during regular business hours of the City of Mackay, from 8:00 a.m. until 5:00 p.m. pursuant to Section 50-901A(4), Idaho Code.

DATED this 6th day of October, 2009.

ATTEST:

City of Mackay, Idaho


CITY CLERK


MAYOR

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**STATEMENT OF ATTORNEY FOR THE CITY OF MACKAY
AS TO ADEQUACY OF SUMMARY
OF ORDINANCE NO 400.**

The undersigned, Steve Stephens, in his capacity as Attorney for the City Mackay, Idaho, hereby certifies that he is a legal advisor of the City and has reviewed a copy of the attached Summary of Ordinance No. 400 of the City of Mackay, Idaho, and has found the same to be true and complete and provides adequate notice to the public pursuant to Idaho Code Section 50-901A(3).

DATED this 6th day of October, 2009.

_____/s/ (signature on file)_____

Steve Stephens

Attorney for the City of Mackay

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Notice

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Custer County Planning & Zoning Office,
 801 Main Street PO Box 383, Challis Idaho
 83226.

This notice is given pursuant to the
 provisions of Section 67-6509, 67-
 6511, Idaho Code, and all amendments
 thereof.

DATED the 15th day of September
 2008.

Custer County Planning
 and Zoning Commission
 Stacie Angelopoulos
 Planning and Zoning Administrator
 (Pub. Sept. 18, 2008)

LEGAL NOTICE

NOTICE OF PUBLIC HEARING ANNEXATION & ZONE CLASSIFICATION

NOTICE IS HEREBY GIVEN that the
 Mackay Planning and Zoning Commis-
 sion will hold a public hearing at City
 Hall, 302 S. Main Street, Mackay, Idaho
 on October 3, 2008 at 7:00 pm on zon-
 ing classification for an annexation
 of approximately 7.69 acres. Zoning
 requested is light industrial.

GENERAL LOCATION: The property
 is located to the north and east of city
 limits, also known as the old stockyard
 property.

LEGAL DESCRIPTION: A tract of land
 located in the Southwest Quarter of Sec-
 tion 21, T 7 N, 24 E, B.M., Custer County
 Idaho, more particularly described as
 follows.

Commencing at the Southwest 1/16th
 Corner of said Section 21, said point
 being on the current City of Mackay
 corporate limits and the TRUE POINT
 OF BEGINNING;

Thence S 46°11'46" E 135.00 feet along
 said corporate limits to a point;

Thence N 43°10'29" E 348.85 feet;

Thence N 57°11'08" W 400.50 feet to
 a point on the West 1/16th line of said
 Section 21;

Thence N 55°27'48" W 522.85 feet;

Thence S 06°06'06" W 545.20 feet;

Thence S 46°11'46" E 68.52 feet to a
 point 200.00 feet measured perpendicu-
 lar from the Centerline of abandoned
 railroad track;

Thence S 43°48'14" W 116.06 feet
 to a point on the South 1/16th Line of
 said Section 21 and the current City of
 Mackay corporate limits;

Thence S 89°52'38" E 520.01 feet along
 said corporate limits and the South 1/16
 line of said Section 21 to the Southwest
 1/16th corner of said Section 21 and the
 TRUE POINT OF BEGINNING;

Said tract contains 7.69 acres more of
 less.

All persons desiring to be heard should
 appear at this hearing. Written testi-
 mony may be sent to the City of Mackay
 Planning and Zoning Commission, PO
 Box 509, Mackay, ID 83251, but must
 be received by October 1, 2008. Written
 testimony received after this date will
 not be entered into the record or read
 at the public hearing. A complete file
 on this matter may be reviewed by the
 public at the Mackay City Hall. If you
 need further information, please call
 our office at (208) 588-2274.

Published 09/18/2008

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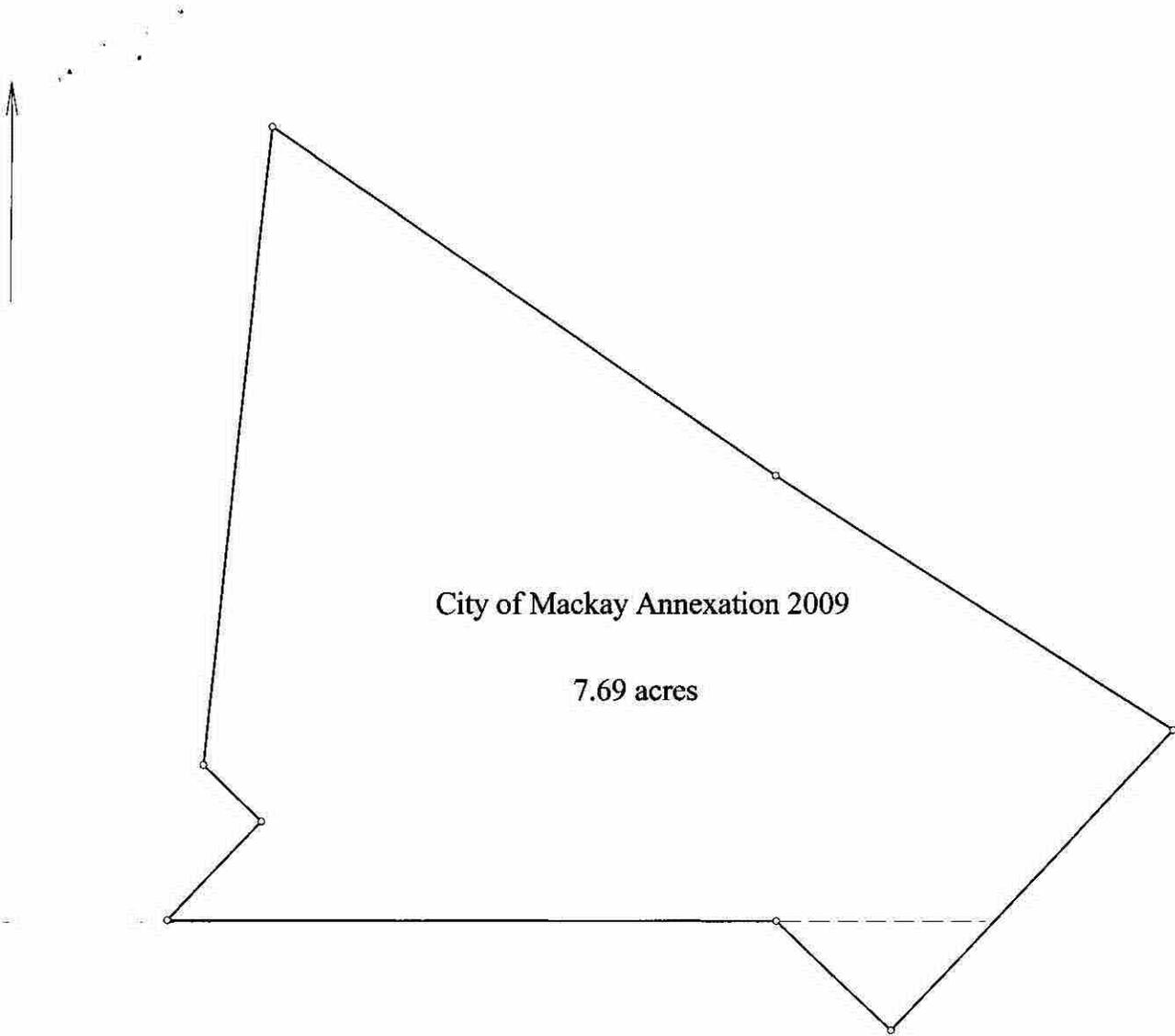
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*Faxed to
 Jack Hammond
 9-19-08
 10:25
 AM*

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Title:		Date: 01-18-2005
Scale: 1 inch = 150 feet	File: JACK.DES	
Tract 1: 7.691 Acres: 335009 Sq Feet: 31123.3 Sq Meters: No significant closure error. : Perimeter = 2657 feet		
001=/sw,sw,sw,21.07n,24e	005=n55.2748w 522.85	009=s89.5238e 520.01
002=s46.1146e 135.00	006=s06.0606w 545.20	
003=n43.1029e 348.85	007=s46.1146e 68.52	
004=n57.1108w 400.50	008=s43.4814w 116.06	

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Mackay

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SW 1/16

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NOV 05 2009
TECHNICAL SUPPORT

0390000



CITY OF MACKAY

203 SOUTH MAIN
P.O. BOX 509
MACKAY, ID 83251
208-588-2274 Phone & Fax

MAYOR; Otto J. HIGBEE

CITY COUNCIL:

Cindy Kimball

Jared Lambson

Mike Foster

Kelly Webb

July 13, 2009

State Tax Commission
Mr. Jeff Servatius-G.I.S. Dept.
800 Park Blvd. Plaza IV
P. O. Box 36
Boise, ID 83722

Dear Jeff:

The City of Mackay completed the annexation process at the December 2, 2008 Council meeting. Would you complete what is necessary for the State so Custer County has the annexation of record?

If you need any additional information, you can contact me by e-mail at mackaywater@cs.com or my cell phone 589-2180.

Sincerely,

OTTO J. HIGBEE
Mayor

Encl: map
Encl: legal description

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City of Mackay Annexation
Boundary Legal Description

9-17-08

A tract of land located in the Southwest Quarter of Section 21, T 7 N, 24 E, B.M., Custer County Idaho, more particularly described as follows.

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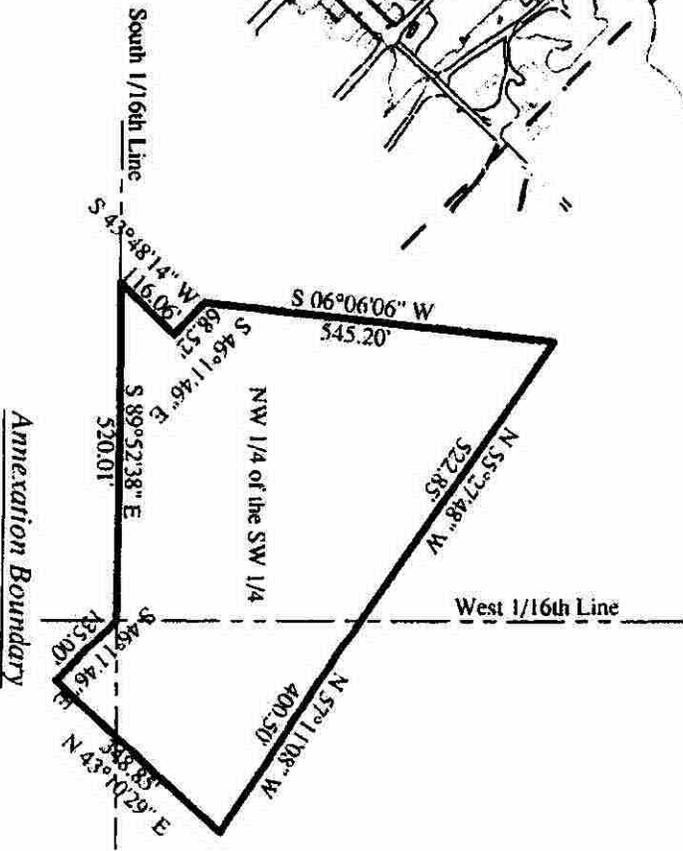
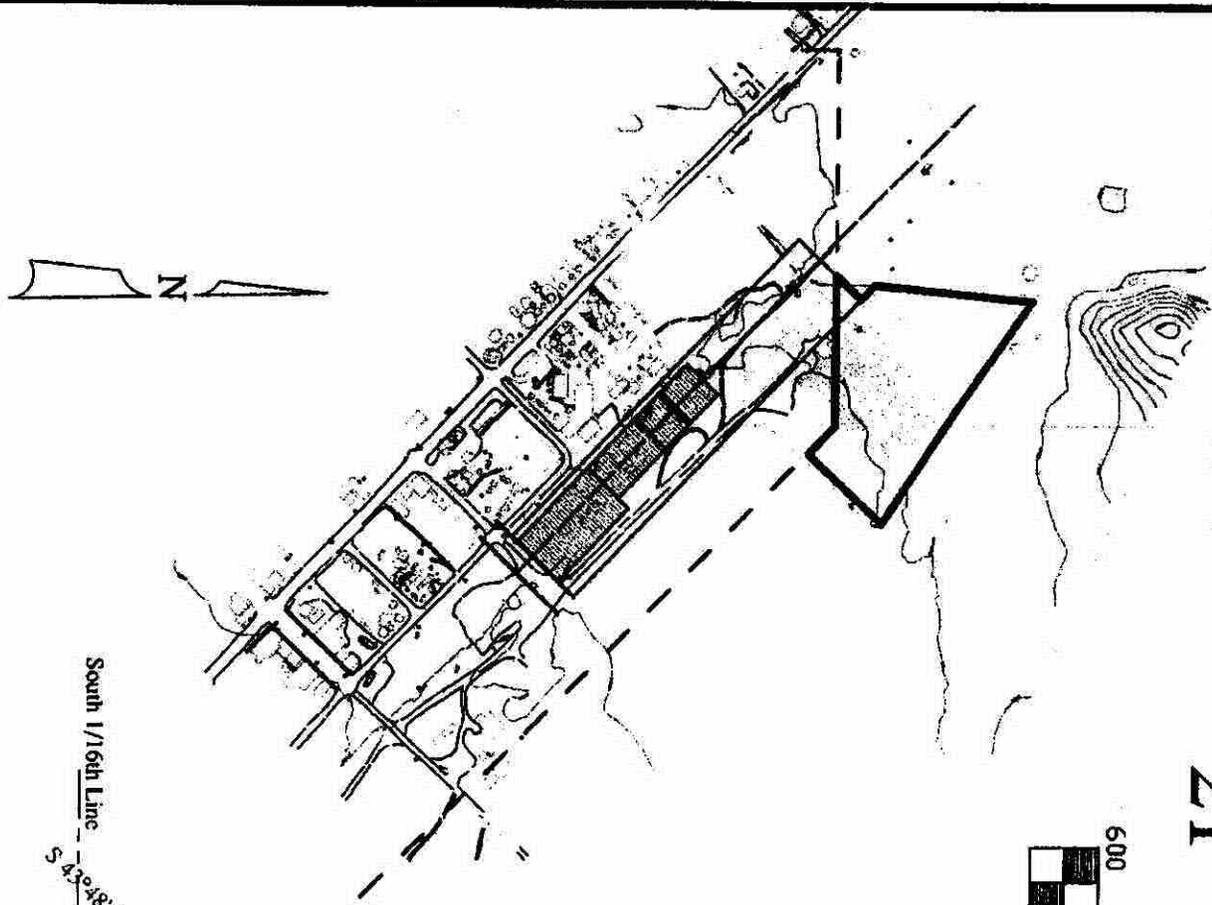
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Section 21, T. 7 N., R. 24 E. B.M.



- Current City Boundary
- Annexation Boundary
- Centerline Railroad Track



SCALE 1" = 600'	
DRAWN BY BJW	CHECKED BY JSH
DATE 9-17-08	JOB # 811
SHEET 1	
DRAWING # 811-1	



HAMMOND ENGINEERING & DEVELOPMENT CO.
528 BRYDEN AVENUE LEWISTON, IDAHO 83501
(208) 798-5422

Annexation Drawing
City of Mackay Idaho

DRAWING NO.
811-1

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