

Instrument # 373051
RIGBY, JEFFERSON, IDAHO
12-18-2008 09:42:00 No. of Pages: 5
Recorded for : CITY OF RIGBY
CHRISTINE BOULTER Fee: 0.00
Ex-Officio Recorder Deputy
Index to: ORDINANCE

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CITY ORDINANCE NO 08-536
OF THE CITY OF RIGBY, JEFFERSON COUNTY, IDAHO

230

AN ORDINANCE AMENDING THE ZONING OF THE CITY OF RIGBY
AND PLANNING AND ZONING MAP OF THE CITY OF RIGBY,
JEFFERSON COUNTY, IDAHO, BY ANNEXING AND ZONING
A CERTAIN PARCEL OF LAND INTO THE CITY OF RIGBY
AS R-1 IN CONFORMANCE WITH RIGBY PLANNING
AND ZONING ORDINANCE.

PREAMBLE

Since certain real property lying contiguous to the City boundaries shall be annexed into the corporate limits of the City of Rigby, and this property needs to be zoned for the benefit of the City of Rigby;

WHEREAS, public hearings were held on March 13, 2008 before the Planning and Zoning Commission and on May 6, 2008, before the Rigby City Council, following publication and notice,

BE IT ORDAINED by the Mayor and City Council of the City of Rigby, Idaho, as follows:

SECTION ONE

The Rigby City Council determines that upon the recommendations of the Rigby Planning and Zoning Commission hearing, publication and notice, it would be in the best interests of the City of Rigby, to zone the below-described property R-1 and shall be incorporated into the City of Rigby and as such, shall be subject to taxation by the City; this City Council has the authority to incorporate the below-described property to the City of Rigby, pursuant to Idaho Code §50-222:

GENERAL LOCATION: Located approximately 247 North 4000 East

THE LEGAL DESCRIPTION IS: *Tract 1 Beginning at a point 140 rods North from the Southwest Corner of Section 20, Township 4 North, Range 39 East of the Boise Meridian, Jefferson County, Idaho, and running thence East 160 rods; thence North 60 rods; more or less to the South Bank of the Alliance Canal; thence in a Westerly direction following the meandering of said bank of said canal to a point 20 rods North of the place of beginning; thence South 20 rods to the place of beginning. Beginning at the Southwest Section Corner, Section 20 Township 4 North, Range 39, East of the Boise Meridian; thence North along the West Section line of said Section for a distance of 2539.53 feet to the True Point of Beginning; thence North along said Section line for a distance of 117.88 feet to the South Bank of the Alliance Canal; thence N82°42'17"E for a distance of 411.71 feet to a point also on the South Bank of said canal; thence South for a distance of 170.16 feet; thence West for a distance of 408.38 feet to the True Point of Beginning. Tract 2 Beginning at a point 140 rods North from the Southeast Corner of Section 20, Township 4 North, Range 39 East of the Boise Meridian, Jefferson County, Idaho, running thence West 160 rods, thence North 30 rods, thence East 160 rods; thence South 30 rods to the place of beginning. Together with: all improvements, water, water rights, ditches, ditch rights, easements, tenements, hereditaments, appurtenances, reversions, remainders, rents, issues and profits. Subject to: Rights of way for roads and ditches now existing on the property plus all easements and rights of way of record. If any covenants, restrictions, reservations, applicable building and zoning ordinances and regulations and restrictions and*

SECTION TWO

The Mayor of the City of Rigby is hereby authorized and directed to amend the zoning map of the territories zoned under the provisions of this Ordinance.

SECTION THREE

The corporate limits of the City of Rigby are hereby extended and increased so as to include and embrace within the corporate limits of the City of Rigby the territory described in Section One hereof, and such territory is hereby annexed and declared to be a part of the City of Rigby.

SECTION FOUR

The annexations are in accordance with the provisions of Idaho Code §67-6525.

SECTION FIVE

It is further resolved that the Planning and Zoning laws shall reflect the R-1 zone.

SECTION SIX

The map or plat attached to this Ordinance is an accurate map of the territory annexed, the same is hereby adopted as the official map and plat of the territory hereby annexed, which map and plat shows legal boundaries thereof, together with the avenues, streets, alleys, and lanes and the locations thereof, the same is hereby dedicated to public use for the purposes designated on the map or plat, if any.

SECTION SEVEN

The Mayor of the City of Rigby is hereby authorized and directed to certify that the map is an accurate map of the territory annexed under the provisions of this Ordinance.

SECTION EIGHT

This Ordinance, with a certified copy of the official map attached hereto, shall be recorded within ten (10) days of the passage of the Ordinance in the office of the auditor, treasurer and assessor, County of Jefferson, State of Idaho. Pursuant to Idaho Code §50-223, a copy of this Ordinance shall also be filed with the Idaho State Tax Commission to comply with the requirements of Section 63-2215 of the Idaho Code.

SECTION NINE

The Rigby City Council does not deem it appropriate to survey the land to be annexed in this instance.

SECTION TEN

On the filing and recording of the copy of this Ordinance, together with the attached official map, in the office of the County Recorder of the County of Jefferson, State of Idaho, the fee of all

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avenues, lanes, streets, highways, roads and alleys shown in and on the map and plat shall vest in the City of Rigby.

SECTION ELEVEN

If any provision of this Ordinance shall be held invalid, its invalidity shall not affect any other provisions of this Ordinance that can be given effect without the invalid provision, and for the purpose of the provisions of this Ordinance are hereby declared to be severable.

SECTION TWELVE

The property to be annexed is that of a category "A" annexation as set forth in Idaho Code Section 50-222 and that all procedural requirements have been met for such annexations.

SECTION THIRTEEN

Pursuant to Idaho Code §50-901A, a summary of this Ordinance may be published.

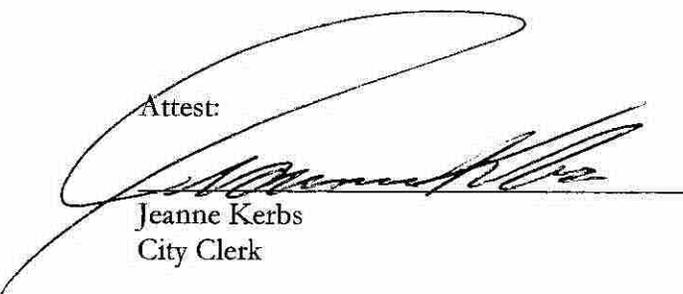
Passed by the City Council of the City of Rigby on the 6th day of May, 2008.

CITY OF RIGBY



Honorable Ryan H. Brown
Mayor, City of Rigby

Attest:



Jeanne Kerbs
City Clerk

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SUMMARY OF RIGBY CITY
ORDINANCE NO. 08-536

A SUMMARY OF THE RIGBY CITY ORDINANCE NO. 08-536 PROVIDING FOR THE INITIAL ZONING AND EXTENSION OF THE CORPORATE LIMITS OF THE CITY OF RIGBY, JEFFERSON COUNTY, IDAHO, IS AS FOLLOWS:

PREAMBLE: States that a request has been made to annex certain real property into the City limits of the City of Rigby, more particularly described by the map attached hereto.

SECTION ONE: States that the Rigby City Council finds that annexation would be in the City's best interest and described by the map attached hereto:

GENERAL LOCATION: Located approximately 247 North 4000 East

THE LEGAL DESCRIPTION IS:

Tract 1 Beginning at a point 140 rods North from the Southwest Corner of Section 20, Township 4 North, Range 39 East of the Boise Meridian, Jefferson County, Idaho, and running thence East 160 rods; thence North 60 rods; more or less to the South Bank of the Alliance Canal; thence in a Westerly direction following the meandering of said bank of said canal to a point 20 rods North of the place of beginning; thence South 20 rods to the place of beginning.
Beginning at the Southwest Section Corner, Section 20 Township 4 North, Range 39, East of the Boise Meridian; thence North along the West Section line of said Section for a distance of 2539.53 feet to the True Point of Beginning; thence North along said Section line for a distance of 117.88 feet to the South Bank of the Alliance Canal; thence N82°42'17"E for a distance of 411.71 feet to a point also on the South Bank of said canal; thence South for a distance of 170.16 feet; thence West for a distance of 408.38 feet to the True Point of Beginning. Tract 2 Beginning at a point 140 rods North from the Southeast Corner of Section 20, Township 4 North, Range 39 East of the Boise Meridian, Jefferson County, Idaho, running thence West 160 rods, thence North 30 rods, thence East 160 rods; thence South 30 rods to the place of beginning.
Together with: all improvements, water, water rights, ditches, ditch rights, easements, tenements, hereditaments, appurtenances, reversions, remainders, rents, issues and profits.
Subject to: Rights of way for roads and ditches now existing on the property plus all easements and rights of way of record. If any covenants, restrictions, reservations, applicable building and zoning ordinances and regulations and restrictions and

SECTION TWO: States that the Mayor is authorized to amend the zoning map.

SECTION THREE: States that the corporate limits are extended and increased to include the territory described in Section One.

SECTION FOUR: States that the annexation is in accordance with Rigby Ordinance.

SECTION FIVE: States the Planning and Zoning laws shall reflect the Zone.

SECTION SIX: States the accuracy of the annexation and that the same is dedicated to public use.

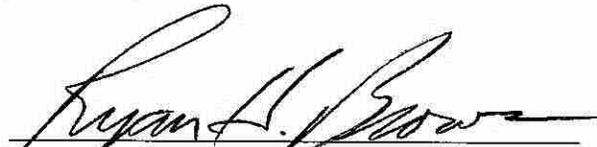
SECTION SEVEN: States the Mayor is authorized to certify the map is accurate.

- SECTION EIGHT: States the official map shall be recorded and filed with the Idaho State Tax Commission.
- SECTION NINE: States the City Council does not deem a survey necessary.
- SECTION TEN: Upon filing and recording the copy of this Ordinance, with the official map, the fee shall vest in the City of Rigby.
- SECTION ELEVEN: States that if any provision shall be held invalid, its invalidity shall not affect any other provisions.
- SECTION TWELVE: States the property to be annexed is that of a category "A" annexation as set forth in Idaho Code Section 50-222.
- SECTION THIRTEEN: Provides for a summary of this Ordinance to be published.

This Ordinance will take effect thirty (30) days after passage by the City Council.

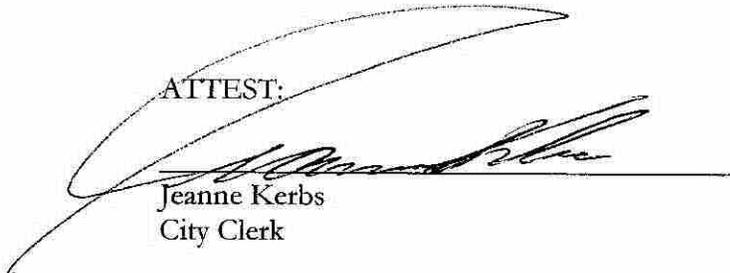
The full text of the Ordinance is available for inspection at the Rigby City Hall to any citizen upon request during normal office hours.

CITY OF RIGBY



Honorable Ryan H. Brown
Mayor, City of Rigby

ATTEST:

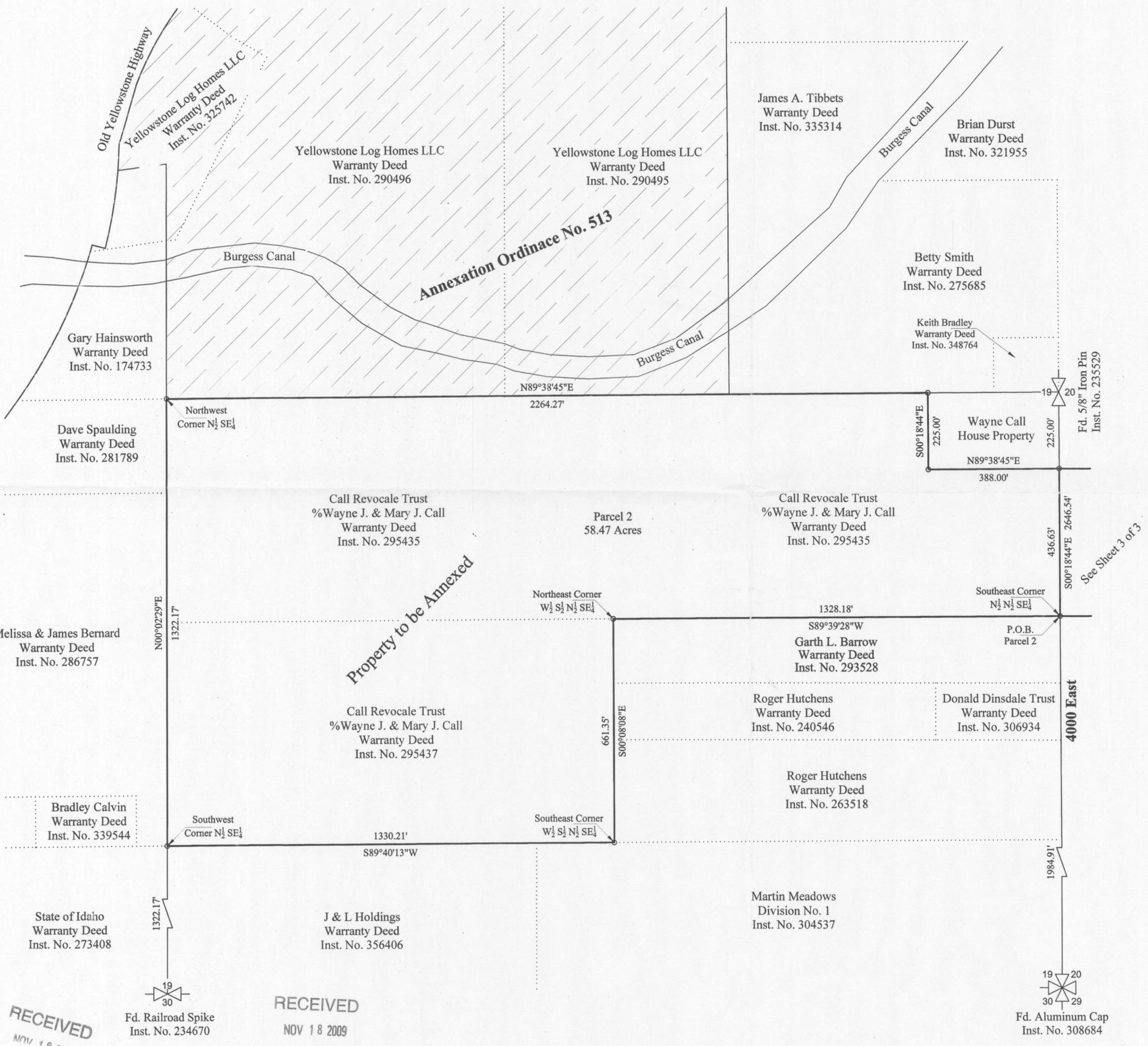


Jeanne Kerbs
City Clerk

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Narrative
 The ground distances as shown on this Record of Survey are based on the NAD 83 IDAHO EAST ZONE, then scaled using a Combined Adjustment Factor of 1.000277273. The Section Control was gathered using a Topcon HiPer + GPS base receiver set on the IDTD 6 RGBY GPS Control Monument, which has an Elevation of 4852.90 Feet (NAVD 88). This Survey was performed at the request of Wayne Call and the City of Rigby for Annexation purposes. It is not intended to be a Boundary Survey. No Boundary monument have been set.

Parcel 2
 A Parcel of Land Situated in Jefferson County, State of Idaho, Township 4 North, Range 39 East of the Boise Meridian, Section 19, More Particularly Described as Follows: Beginning at the Southeast Corner of Section 19, Township 4 North, Range 39 East, B.M.
 Thence N00°18'44"W along the East line of Section 19 for a Distance of 1984.91 feet to the Southeast Corner of the North Half (N 1/2) of the North Half (N 1/2) of the Southeast Quarter (SE 1/4), said point also being the True point of Beginning.
 Thence S89°39'28"W for a Distance of 1328.18 feet to the Northeast Corner of the West Half (W 1/2) of the South Half (S 1/2) of the North Half (N 1/2) of the Southeast Quarter (SE 1/4) of said Section 19;
 Thence S00°08'08"E for a Distance of 661.35 feet to the Southeast Corner of the West Half (W 1/2) of the South Half (S 1/2) of the North Half (N 1/2) of the Southeast Quarter (SE 1/4) of said Section 19;
 Thence S89°40'13"W for a Distance of 1330.21 feet to the Southwest Corner of the North Half (N 1/2) of the Southeast Quarter (SE 1/4) of said Section 19;
 Thence N00°02'29"E for a Distance of 1322.17 feet to the Northwest Corner of the North Half (N 1/2) of the Southeast Quarter (SE 1/4) of said Section 19;
 Thence N89°38'45"E along the North line of said North Half (N 1/2) for a Distance of 2264.27 feet;
 Thence S00°18'44"E for a Distance of 225.00 feet;
 Thence N89°38'45"E for a Distance of 388.00 feet to the East line of Section 19;
 Thence S00°18'44"E along said East line for a Distance of 436.63 feet to the True Point of Beginning, Containing 58.47 Acres More or Less.

Legend
 — Annexation Line
 Adjacent Property Line
 o Calculated Corner, Not Set

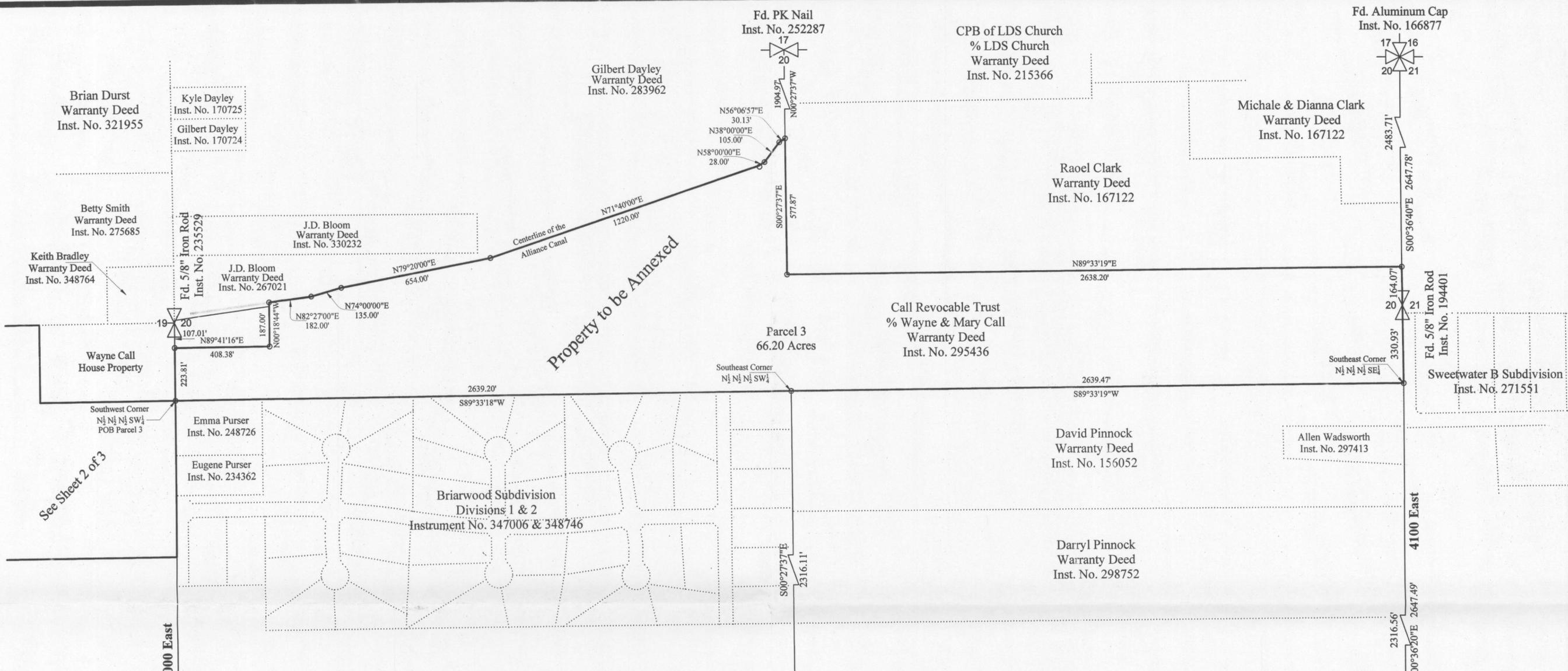
TE THOMPSON ENGINEERING, INC.
 CONSULTING ENGINEERS
 RIGBY, IDAHO 83442

CERTIFICATE OF SURVEY
 I, Kevin L. Thompson, do hereby Certify that I am a Registered Professional Land Surveyor in the State of Idaho, and that the attached plat was drawn from an actual Survey made on the ground under my direct supervision, and that this map is an accurate representation of said Survey.

Date: April 8, 2008
 License No. 10563

ANNEXATION MAP			
LOCATED IN THE SE 1/4 OF SECTION 19, TOWNSHIP 4 NORTH, RANGE 39 EAST, JEFFERSON COUNTY, IDAHO			
Project Name:	Wayne Call	Scale 1" = 200'	
Job Number:	2008-23		
CoGo File:	4-39-19.Pro		
Date:	April 8, 2008	Sheet	Of
Surveyor:	K.L.T.	2	3
Drawn By:	J.W.T.		

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Property to be Annexed

Narrative

The ground distances as shown on this Record of Survey are based on the NAD 83 IDAHO EAST ZONE, then scaled using a Combined Adjustment Factor of 1.000277273. The Section Control was gathered using a Topcon HiPer + GPS base receiver set on the IDTD 6 RGBY GPS Control Monument, which has an Elevation of 4852.90 Feet (NAVD 88). This Survey was performed at the request of Wayne Call and the City of Rigby for Annexation purposes. It is not intended to be a Boundary Survey. No Boundary monument have been set. The North line of the Annexation Boundary follows the Centerline of the Alliance Canal. Warranty Deed Inst. No. 295436 calls for the South Bank of the Canal. Warranty Deed Inst. No. 283962 calls for a line lying north of the Alliance Canal. We called to the Centerline of the Canal for the purposes of not creating a gap between the two Warranty Deeds.

Parcel 3

A Parcel of Land Situated in Jefferson County, State of Idaho, Township 4 North, Range 39 East of the Boise Meridian, Section 20, More Particularly Described as Follows: Beginning at the Southwest Corner of Section 20, Township 4 North, Range 39 East, B.M.
 Thence N00°18'44"W along the West line of Section 20 for a Distance of 2315.72 feet to the Southwest Corner of the North Half (N 1/2) of the North Half (N 1/2) of the North Half (N 1/2) of the Southwest Quarter (SW 1/4) of said Section 20, said point also being the True point of Beginning.
 Thence N00°18'44"W along the West line of Section 20 for a Distance of 223.81 feet;
 Thence N89°41'16"E for a Distance of 408.38 feet;
 Thence N00°18'44"W for a Distance of 187.00 feet more or less to the Centerline of the Alliance Canal;
 Thence along said canal the following Seven (7) Calls:
 Thence N82°27'00"E for a Distance of 182.00 feet;
 Thence N74°00'00"E for a Distance of 135.00 feet;
 Thence N79°20'00"E for a Distance of 654.00 feet;
 Thence N71°40'00"E for a Distance of 1220.00 feet;
 Thence N58°00'00"E for a Distance of 28.00 feet;
 Thence N38°00'00"E for a Distance of 105.00 feet;
 Thence N56°06'57"E for a Distance of 30.13 feet to the East line of the West Half (W 1/2) of said Section 20;
 Thence S00°27'37"E along said East line for a Distance of 577.87 feet;
 Thence N89°33'19"E for a Distance of 2638.20 feet to the East line of said Section 20;
 Thence S00°36'40"E along said East line for a Distance of 164.07 feet to the East Quarter Corner (E 1/4) of said Section 20;
 Thence S00°36'20"E along the East line of Section 20 for a Distance of 330.93 feet to the Southeast Corner of the North Half (N 1/2) of the North Half (N 1/2) of the North Half (N 1/2) of the Southeast Quarter (SE 1/4) of said Section 20;
 Thence S89°33'19"W for a Distance of 2639.47 feet to the Southeast Corner of the North Half (N 1/2) of the North Half (N 1/2) of the North Half (N 1/2) of the Southwest Quarter (SW 1/4) of said Section 20;
 Thence S89°33'18"W along the South line of said North Half (N 1/2) for a Distance of 2639.20 feet to the True Point of Beginning, Containing 66.20 Acres More or Less.

Legend

- Annexation Line
- Adjacent Property Line
- o Calculated Corner, Not Set

TE THOMPSON ENGINEERING, INC.
 CONSULTING ENGINEERS
 RIGBY, IDAHO 83442

CERTIFICATE OF SURVEY

I, Kevin L. Thompson, do hereby Certify that I am a Registered Professional Land Surveyor in the State of Idaho, and that the attached plat was drawn from an actual Survey made on the ground under my direct supervision, and that this map is an accurate representation of said Survey.



April 8, 2008 Date
 10563 License No.

ANNEXATION MAP

LOCATED IN THE SE 1/4 OF SECTION 20, TOWNSHIP 4 NORTH, RANGE 39 EAST, JEFFERSON COUNTY, IDAHO

Project Name:	Wayne Call	Scale 1" = 300'
Job Number:	2008-23	
CoGo File:	4-39-20.Pro	Sheet 3
Date:	April 8, 2008	
Surveyor:	K.L.T.	Of 3
Drawn By:	J.W.T.	

Fd. Railroad Spike
 Inst. No. 308684

Fd. Aluminum Cap
 Inst. No. 252288

Fd. Aluminum Cap
 Inst. No. 308682

See Sheet 2 of 3