

0362466

ORDINANCE NO. 321

AN ORDINANCE FOR THE ANNEXATION OF PROPERTY SITUATED IN PAYETTE COUNTY, IDAHO, LYING ADJACENT AND CONTIGUOUS TO THE CORPORATE LIMITS OF THE CITY OF NEW PLYMOUTH; ESTABLISHING AND DETERMINING THE LAND USE CLASSIFICATION OF SAID LAND AS RESIDENTIAL A, SINGLE FAMILY; DESIGNATING THE ANNEXATION AS A CATEGORY "A" ANNEXATION; MAKING CERTAIN FINDINGS; PROVIDING AN EFFECTIVE DATE; PROVIDING FOR SEVERABILITY; PROVIDING FOR PUBLICATION BY SUMMARY

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF NEW PLYMOUTH, IDAHO:

Section 1. Those lands situated in Payette County, Idaho, which are adjacent and contiguous to the City of New Plymouth, Idaho, and which are more particularly described herein are annexed and incorporated in the territorial limits of the City of New Plymouth, Idaho.

Section 2. The property which is being annexed is more particularly described as follows: See Exhibits, A & B

Section 3. From and after the effective date of this ordinance, all property included within the boundaries of that property described in Section 2 shall be subject to all the statutes pertaining to the City of New Plymouth and all ordinances, resolutions, police regulations, taxation and other powers of the City of New Plymouth.

Section 4. The City Council having considered the written and oral comments of property owner whose land is being annexed and other affected persons, makes the following express findings:

- (A) The land to be annexed meets the applicable requirements of a Category A annexation because the owner thereof has requested that the property be annexed and included within the incorporated boundaries of the City of New Plymouth.
- (B) The annexation is reasonable and necessary for the orderly development of the city.

Section 5. Pursuant to the request of the Applicant and the findings of the New Plymouth City Council, the land use classification of the lands described above and annexed hereto is established as Residential "A," Single Family as provided by the Zoning Ordinance of the City of New Plymouth. The findings with respect to zoning of the lands being annexed are:

RECEIVED

DEC 16 2009

TECHNICAL SUPPORT

0362466

- A. The proposed zoning complies with and conforms to the New Plymouth Comprehensive Plan.
- B. The proposed zoning will provide and maintain existing and future capabilities of public utilities.
- C. The proposed zoning will maintain and preserve compatibility of the surrounding zoning and development.
- D. The proposed zoning is consistent with the Impact Area Agreement negotiated with Payette County.

Section 6. If any section of this ordinance is found to be unenforceable or unconstitutional, the remainder of the ordinance shall be considered as Ordinance 321.

Section 7. This Ordinance may be published in summary fashion as provided by the statutes of the State of Idaho.

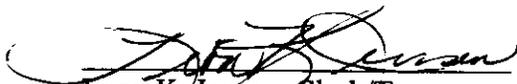
Section 8. This Ordinance shall be in full force and effect immediately upon its passage, approval and publication.

Passed and Approved by the City Council and the Mayor of the City of New Plymouth, Idaho, this 3rd day of August, 2009.

APPROVED:


Joe Cook, Mayor

ATTEST:

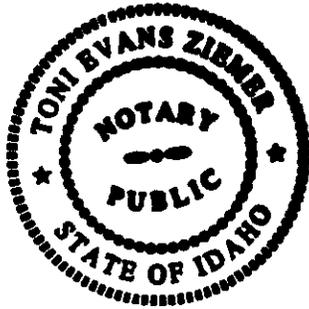

Leon K. Jensen, Clerk/Treasurer

0362466

State of Idaho)
) ss.
County of Payette)

On this 3rd day of August, in the year of 2009, before me, a notary public for the State of Idaho, personally appeared JOE COOK and LEON K. JENSEN, personally known to me to be the persons whose names are subscribed to the within instrument, and acknowledged to me that they executed the same on behalf of the City of New Plymouth in their official capacities as Mayor and Clerk/Treasurer.

Toni Evans Ziemer
Notary Public for Idaho
Residing at: New Plymouth, Idaho
Commission expires: 6-7-2012



RECEIVED
DEC 16 2009
TECHNICAL SUPPORT

0362466

EXHIBIT A

Land in Twp. 7 N. R. 4 W., B.M., Payette County, Idaho:

In Sec. 4: A parcel of land in the SE $\frac{1}{4}$ SW $\frac{1}{4}$, more particularly described as follows:

Beginning at the Southwest corner of said SE $\frac{1}{4}$ SW $\frac{1}{4}$;
thence North along the West line of said SE $\frac{1}{4}$ SW $\frac{1}{4}$
481.6 feet;
thence East 342.9 feet to a point on the West line of
an alley;
thence Southeasterly 541.4 feet along said alley line
following the line of a curve the radius of which
is 1825.6 feet to a point on the South line of said
SE $\frac{1}{4}$ SW $\frac{1}{4}$;
thence West along said South line 588 feet to the
point of beginning.

ALSO,

A parcel of land in the SW $\frac{1}{4}$ SW $\frac{1}{4}$, more particularly described as follows:

Beginning at the Southeast corner of said SW $\frac{1}{4}$ SW $\frac{1}{4}$;
thence West along the South side line of said SW $\frac{1}{4}$ SW $\frac{1}{4}$,
275 feet, more or less, to the center of an existing
drain;
thence Northeasterly along said center line 588 feet,
more or less, to a point on the East side line of
said SW $\frac{1}{4}$ SW $\frac{1}{4}$, said point being 481.6 feet North of
the Southeast corner of said SW $\frac{1}{4}$ SW $\frac{1}{4}$;
thence South along said East side line 481.6 feet to
the Point of Beginning.

TOGETHER WITH all water and water rights, ditches and ditch rights, tenements and hereditaments, appurtenances and fixtures, and permits and licenses belonging thereto or in anywise appertaining, including five (5) shares in the Farmers Co-Operative Irrigation Co., Ltd.

RECEIVED
DEC 16 2009
TECHNICAL SUPPORT

0362466

Exhibit "B"

Land in Twp. 7N. , R. 4 W., B.M., Payette County, Idaho:

In Sec. 4: A Parcel of land in the S 1/2 SW 1/4 SW 1/4, more particularly described as follows:

Beginning at the Southeast corner of said S 1/2 SW 1/4 SW 1/4;
 Thence west along the South side line of said S 1/2 SW 1/4 SW 1/4 275 feet, more or less, to the center of an existing drain;
 Thence Northeasterly along said center line a distance of 185 feet to the True Point of Beginning;
 Thence North parallel to the East side line of said S 1/2 SW 1/4 SW 1/4 a distance of 320 feet more or less to a point being 481.6 feet North of the South line of said S 1/2 SW 1/4 SW 1/4;
 Thence East parallel to the South line of said S 1/2 SW 1/4 SW 1/4 a distance of 180.5 feet more or less to the point of intersection of the East side line of said S 1/2 SW 1/4 SW 1/4 and the center line of said drain, which point is 481.6 feet north of the Southeast corner of said S 1/2 SW 1/4 SW 1/4;
 Thence Southwesterly along said center line to the True Point of Beginning.

Instrument # 362466

STATE OF IDAHO, PAYETTE COUNTY
 9-8-2009 01:57:25 No. of Pages: 5
 Recorded for : CITY OF NEW PLYMOUTH
 BETTY J DRESSEN Fee: 0.00
 Ex-Officio Recorder Deputy
 Index to: ORDINANCE - MISC



RECEIVED

DEC 16 2009

TECHNICAL SUPPORT

