

86

ORDINANCE NO. 1303

AN ORDINANCE FOR THE ANNEXATION OF PROPERTY GENERALLY LOCATED NORTH OF VISTAIR SUBDIVISION, EAST OF SCOTCH PINES ROAD, AND SOUTH OF AIRPORT ROAD, WHICH PROPERTY IS MORE PARTICULARLY DESCRIBED IN EXHIBITS "A" AND "B", ALL SITUATED IN PAYETTE COUNTY, IDAHO, AND ADJACENT AND CONTIGUOUS TO THE CORPORATE CITY LIMITS; ESTABLISHING AND DETERMINING THE LAND USE CLASSIFICATION OF SAID LAND AS A-RESIDENTIAL; DESIGNATING THAT PROPERTY DESCRIBED IN EXHIBITS A AND B AS A CATEGORY B ANNEXATION; MAKING CERTAIN FINDINGS IN THE OFFICIAL MINUTES OF THE CITY CLERK; PROVIDING THAT COPIES OF THIS ORDINANCE SHALL BE FILED WITH THE PAYETTE COUNTY ASSESSOR, THE PAYETTE COUNTY RECORDER, AND THE IDAHO STATE TAX COMMISSION; PROVIDING AN EFFECTIVE DATE; PROVIDING FOR PUBLICATION BY SUMMARY.

WHEREAS, the City of Payette hereby annexes pursuant to Idaho Code § 50-222; and,

WHEREAS, the City of Payette hereby zones pursuant to Idaho Code § 67-6525; and,

WHEREAS, the Payette City Council has adopted findings in support of the annexation and re-zone (contained in Exhibit "C" attached hereto); and,

WHEREAS, the City of Payette has annexed under Category B of the Idaho Code, wherein the subject lands contain less than one hundred (100) separate private ownerships and platted lots of record and where not all such landowners have consented to annexation, and all lands to be annexed are contiguous or adjacent to the City and lie within the area of impact; and,

WHEREAS, the Payette Planning & Zoning Commission, pursuant to public notice, held a public hearing on March 26, 2009, and recommended to the Mayor and Council that the proposed annexation be approved as set forth in the City's annexation plan and said lands be zoned A-Residential; and,

**Instrument # 360186**

STATE OF IDAHO, PAYETTE COUNTY  
5-8-2009 12:38:00 No. of Pages: 7  
Recorded for: CITY OF PAYETTE  
BETTY J DRESSEN F. 0.00  
Ex-Officio Recorder Deputy *[Signature]*  
index to: ORDINANCE - MISC.

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WHEREAS, the Payette City Council, pursuant to public notice, held a public hearing, on April 20, 2009, on the proposed annexation and zoning for the property described in Section One below, as required by Idaho Code § 50-222 and Idaho Code § 67-6525.

**NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF PAYETTE, IDAHO:**

**Section 1.** The lands and territory situated in Payette County, Idaho, adjacent and contiguous to the City of Payette, Idaho, particularly described in "Exhibit A" which is attached hereto, are incorporated hereat as if set out in full verbatim, are annexed and incorporated into the territorial limits of the City of Payette, Idaho.

**Section 2.** From and after the effective date of this ordinance, all property included within the boundaries and territory described in Section 1 shall be subject to all the statutes pertaining to the City of Payette and all ordinances, resolutions, police regulations, taxation and other powers of the City of Payette. All persons and property within the territory so annexed shall be and are entitled to all benefits and rights as are the persons and property presently within the corporate limits of the City of Payette.

**Section 3.** The City Engineer of the City of Payette is hereby directed to lodge and file with the City Clerk of Payette within ten (10) days after passage and approval hereof, a legal description and map prepared in a draftsman like manner which shall plainly and clearly designate the boundaries of the lands and territory annexed, pursuant to the provisions of Section 1.

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86

**FINDINGS**

**Section 4.** The City Council having considered the written and oral comments of property owners whose land would be annexed and other affected persons, makes the following express findings:

- (A) The land to be annexed meets the applicable requirements of a Category B annexation and does not fall within the exceptions or conditional exceptions contained in this section;
- (B) The annexation would be consistent with the public purposes addressed in the annexation plan prepared by the city;
- (C) The annexation is reasonable necessary for the orderly development of the city.

The City Council directs the City Clerk to set forth said findings in the minutes of the City Council meeting at which the annexation is approved.

**Section 5.** Pursuant to the findings of the Payette City Council, the land use classification of the lands described in "Exhibit A" annexed hereto is established as A-Residential as provided by the Zoning Ordinance of the City of Payette. The findings with respect to zoning of the lands being annexed are:

- A. The proposed zoning complies with and conforms to the Comprehensive General 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 surrounding zoning and development.

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(46)

- D. The proposed annexation incorporates the Payette water planning area.
- E. The proposed zoning and annexation honors the negotiated Area of Impact Agreement with Payette County.
- F. The proposed zoning is consistent with the Payette County Comprehensive Plan.

**Section 6.** The City Clerk is hereby directed to alter all use and area maps as well as the official zoning maps, comprehensive plan and all official maps depicting the boundaries of the City of Payette, in accordance with this ordinance.

**Section 7.** After annexation of the property described in Exhibit "A", any resident of the annexed area who has a drinking well and a properly functioning septic tank/drain field, will have an option to defer connection to city water and sewer service after the city provides access to water and sewer for their property for up to ten (10) years or until the existing water and sewer system at the time of annexation fails.

**Section 8.** The City Clerk of the City of Payette is hereby directed to file, within (10) days after the passage and approval hereof, a certified copy of this Ordinance with the Payette County Assessor, County Recorder and County Treasurer of Payette County, Idaho, and the State Tax Commission of Idaho, and to file a copy of said legal description and map, as prepared and lodged with her by the City Engineer, with the County Assessor and County Recorder of Payette County, Idaho, and the State Tax Commission of Idaho, all as provided by Idaho Code § 50-223 and § 63-2215.

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A

0360184

**LEGAL DESCRIPTION  
FOR  
BABICHENKO ANNEXATION**

**OVERALL ANNEXATION BOUNDARY  
INCLUDING SCOTCH PINES AND AIRPORT ROADS**

THAT PORTION OF THE NORTHWEST QUARTER OF SECTION 26, TOWNSHIP 9 NORTH, RANGE 5 WEST, BOISE MERIDIAN, PAYETTE COUNTY, IDAHO, DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF THE SOUTHEAST QUARTER OF THE NORTHWEST QUARTER;  
THENCE NORTH 00°35'25" EAST 25.00 FEET TO THE **TRUE POINT OF BEGINNING**:

THENCE SOUTH 89°05'26" EAST ALONG THE LINE PARALLEL WITH THE NORTH LINE OF SAID SOUTHEAST QUARTER, 663.62 FEET;

THENCE SOUTH 0°38'49" WEST 1329.81 FEET ALONG THE EAST LINE OF WEST ONE HALF OF THE SOUTHEAST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION 26 TO A POINT ON THE EAST-WEST CENTER LINE OF SAID SECTION 26;

THENCE NORTH 89°04'28" WEST 713.35 FEET ALONG THE SAID CENTER LINE:

THENCE NORTH 06°22'29" EAST 250.00 FEET TO A POINT ON THE LINE PARALLEL WITH WEST LINE OF SAID SOUTHEAST QUARTER;

THENCE NORTH 0°38'09" EAST 1055.75 FEET ALONG SAID LINE TO A POINT ON THE NORTH LINE OF THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION 26;

THENCE NORTH 0°35'25" EAST 25.00 FEET ALONG THE LINE PARALLEL WITH THE EAST LINE OF THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION 26;

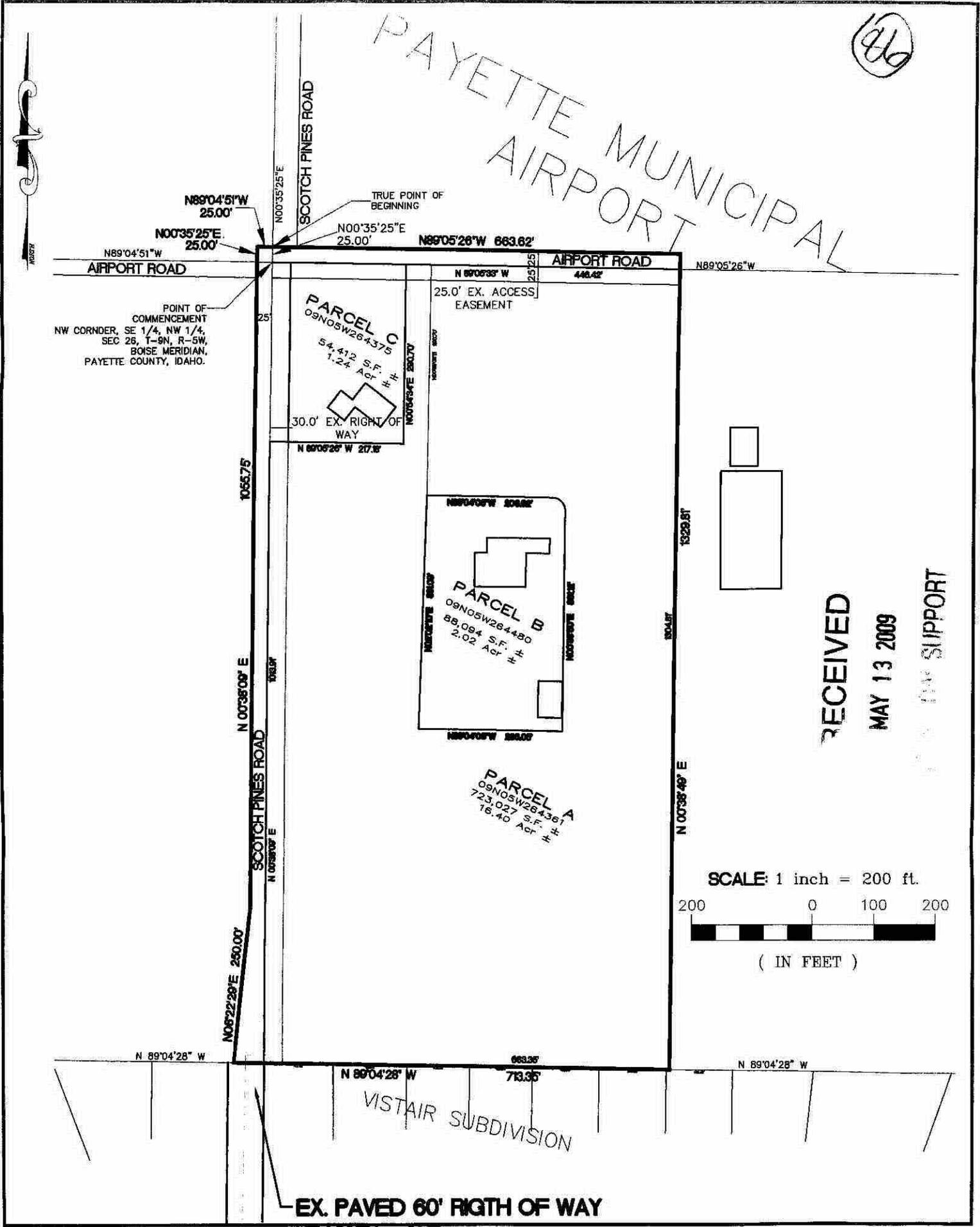
THENCE SOUTH 89°04'52" EAST 25.00 FEET ALONG THE LINE PARALLEL WITH SOUTH LINE OF SAID NORTHWEST QUARTER TO THE **TRUE POINT OF BEGINNING**.

DESCRIBED PARCEL TO BE ANNEXED CONTAINS +- 21.08 ACRES

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**MAY 13 2009**  
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# PAYETTE MUNICIPAL AIRPORT

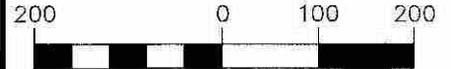


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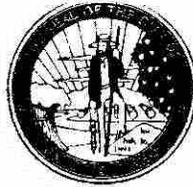
SUPPORT

SCALE: 1 inch = 200 ft.



( IN FEET )

Bobbie Black  
Deputy City Clerk



(46)

CITY OF PAYETTE  
700 Center Avenue  
Payette, Idaho 83661  
642-6024

OFFICE OF THE CITY CLERK

May 12, 2009

State Tax Commission  
PO Box 36  
Boise, ID 83722

Subject: Ordinance #1303

Enclosed please find signed recorded Ordinance #1303, vicinity map and annexed area map.

If you have any questions, please contact me at 642-6024.

Respectfully,

Bobbie Black  
Deputy City Clerk

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