ORIGINAL

450943

RECEIVED
MAY 04 2009
TECHNICAL SUPPORT

75

COPY

ORDINANCE NO. 234

AN ORDINANCE OF THE CITY OF SMELTERVILLE, SHOSHONE COUNTY, IDAHO, A POLITICAL SUBDIVISION OF THE STATE OF IDAHO, ESTABLISHING ZONING FOR CERTAIN REAL PROPERTY TO BE ANNEXED INTO THE CITY OF SMELTERVILLE, AMENDING THE CITY'S COMPREHENSIVE PLAN AND THE ADOPTION AND PASSAGE OF AN ORDINANCE FOR ANNEXATION, AND FOR THE REPEAL OF CONFLICTING CODES AND ORDINANCES; AND PROVIDING AN EFFECTIVE DATE FOR THE PROVISIONS OF THIS ORDINANCE.

BE IT HEREBY ORDAINED by the Mayor and City Council, of the City of Smelterville, Shoshone County, Idaho:

The City Council held a public hearing on the establishment of zoning for the proposed annexed property. At this hearing the City Council made certain Findings of Fact, Conclusions of Law and Order, which were made a part of the official record of the City.

The property annexed to the City of Smelterville is more particularly described in what has been marked as Exhibit "A", which is attached hereto and incorporated herewith as if fully set forth herein.

All of the property described in Exhibit "A", is contiguous or adjacent to the City of Smelterville.

All parcels involved in the annexation are platted and contain less than (5) acres each.

The annexed real property shall be zoned commercial.

The City's Comprehensive Plan shall be amended to include the annexed property.

It is in the best interests of the health, safety and welfare of the City of Smelterville, its citizens and the property owners of the property described herein to be annexed into the City of Smelterville.

Said annexation will promote the orderly growth and development of the City.

RECEIVED
MAY 04 2009
TECHNICAL SUPPORT

450943

(75)

The record owners of the property to be annexed have consented unanimously in writing to the annexation of their real property into the City and the terms of those agreements are intended to be incorporated herein.

All legal procedures required by Idaho law; specifically including I.C. 50-222 have been satisfied prior to the properties being annexed.

NOW THEREFORE, IT IS HEREBY ORDAINED by the Mayor and City Council of the City of Smelterville, Idaho, that the real property listed in Exhibit "A", attached hereto be and hereby is ANNEXED into the City of Smelterville, Shoshone County, Idaho.

IT IS FURTHER ORDAINED that pursuant to the annexation the real property shall be zoned commercial.

IT IS FURTHER ORDAINED that the Comprehensive Plan for the City of Smelterville be and hereby is amended to include the newly annexed real property.

FINALLY, IT IS FURTHER ORDAINED that the City Clerk is ordered to file with the Shoshone County Recorder a certified copy of this Ordinance, and by doing so said real property described herein shall be declared to be a part of the City of Smelterville, Shoshone County, Idaho.

If any part of this Ordinance shall be declared invalid for any reason whatsoever, such decision shall not effect the remaining portions of this Ordinance which shall remain in full force and effect. To this end the provisions of this ordinance shall be severable.

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

The provisions of this Ordinance shall supersede similar terms and ordinances and does hereby repeal all other ordinances in conflict herewith.

Passed under suspension of rules upon which roll call vote was duly taken and enacted as an Ordinance of the City

450943

(75)

of Smelterville at a special meeting of the City Council held on the 25TH day of July, 2008.

CITY OF SMELTERVILLE
Shoshone County, Idaho

By: _____
TOM BENSON
Mayor

ATTESTED TO BY:

_____
MARY EIXENBERGER
City Clerk

RECEIVED
MAY 04 2009
TECHNICAL SUPPORT

APPROVED AS TO FORM:

_____
HOLLIS J. ANDERSON
City Attorney

* * * * *

(75)

450943

IT WAS MOVED by: Dennis Rose

and SECONDED by: Vicky Benson

to approve and pass the foregoing Ordinance No. 234.

CITY COUNCIL MEMBERS	YES	NO	ABSTAIN	ABSENT
1. Vicky Benson	X			
2. Tonia Cote	X			
3. William (Bill) Keller	X			
4. Dennis Rose	X			
5.				
6.				

RECEIVED
MAY 04 2009
TECHNICAL SUPPORT

* * * * * *

STATE OF IDAHO)
) ss.
County of Shoshone)

I, MARY EIXENBERGER, Clerk of the City of Smelterville, Idaho, do hereby certify that at the special meeting of the council of said City of Smelterville held the 25TH day of July, 2008, the foregoing ordinance was unanimously approved and passed.

IN WITNESS WHEREOF, I have hereunto set my hand and the official seal of my office this 25TH day of July, 2008.

Mary Eixenberger
MARY EIXENBERGER, City Clerk

* * * * *

(75)

450943

STATE OF IDAHO)
) ss.
County of Shoshone)

MARY EIXENBERGER, being first duly sworn, deposes and says:

She is the City Clerk for the City of Smelterville, Idaho.

She has read the foregoing Ordinance, knows the contents therof and knows the same to be full, true and correct copy of the Ordinance unanimously approved and passed at the special meeting of the Smelterville City Council on the 25TH day of July, 2008.

SUBSCRIBED AND SWORN to before me this 20 day of August, 2008.

MICHELLE SAMPONT
NOTARY PUBLIC
STATE OF IDAHO

Michelle Sampont
Notary Public for Idaho
Residing at: Osburn Id
Commission expires: 4/4/2014

* * * * *
* * * * *

RECEIVED
MAY 04 2009
TECHNICAL SUPPORT

450943

75

RECEIVED
MAY 04 2009
TECHNICAL SUPPORT

EXHIBIT "A"

SMELTERVILLE ANNEXATION PROPERTIES

The legal descriptions of these properties are as follows:

WALMART:
A parcel of land located in the Southeast Quarter of Section 34, Township 49 North, Range 2 East, B.M., Shoshone County, Idaho, and more particularly described as follows:

Parcel 1 as shown on the Record of Survey – Lot Line Adjustment recorded under Auditor's File No. 428263

Lots 1, 2 and a portion of Lot 3, Block 3 of Silver Valley Business Center more particularly described as follows:

A parcel of land located in the Southeast Quarter of Section 34, Township 49 North, Range 2 East, B.M., Shoshone County, Idaho

Parcel 1 as shown on record of Survey-Lot Line Adjustment recorded under Auditor's File number 428263 more particularly described as follows:

Beginning at the Southwest corner of Parcel 1 as shown on the Record of Survey-Lot Line Adjustment recorded under Auditor's recording number 428263; thence

North 01°20'00" East along the West line of said parcel 1 a distance of 584.93 feet to the Northwest corner of said Parcel 1, said point being on the Southerly Right of Way Line of commerce Drive; thence

South 88°40'39" East along the Southerly Right of Way Line of Commerce Drive a distance of 553.66 feet to the beginning of a curve concave to the North and having a radius of 11689.48 feet from which point a chord bearing of South 89° 41'53" East a distance of 416.43 feet; thence

Easterly along said curve through a central angle of 02°02'28" an arc distance of 416.45 feet to the Northeast corner of said Parcel 1; thence leaving said Right of Way Line, South 00°14'36" East a distance of 111.61 feet; thence

South 08°50'49" West a distance of 111.73 feet; thence

South 00°50'09" West a distance of 377.49 feet to the Southeast corner of said Parcel 1, said point being a non-tangent curve concave to the North and having a radius of 5679.65 feet from which point a chord bearing of North 87°31'48" West a distance of 718.15 feet; thence

EXHIBIT
"A"

(75)

450943

RECEIVED
MAY 04 2009
TECHNICAL SUPPORT

Westerly along said curve through a central angle of 7°14'58" an arc distance of 718.63 feet; thence

South 06°45'48" West a distance of 30.00 feet; thence

North 83°14'12" West a distance of 242.00 feet to the POINT OF BEGINNING.

GREG GERVAIS:
For real property situated in Shoshone County, Idaho, and more particularly described as follows:

Lot 1 in Block 2 of Silver Valley Business Center, according to the official plat thereof, filed in Official Records of Shoshone County, Idaho.

GENE WEBBERDING:
Smelterville Substation:
A plot of ground situated in the Northwest Quarter of the Northwest Quarter (NW ¼ of NW ¼) of Section Two (2), Township Forty-eight (48) North, Range Two (2), East of the Boise Meridian, more particularly described as follows, to-wit:

Beginning at the Northwest Corner, a point on the South line of Hill Street, in the Village of Smelterville, Idaho, from which the Northwest Corner of said Section Two (2) bears North 23°48' West 863.54 feet distant; thence South 18° East 50.00 feet to the Southwest Corner; thence North 71°42' East 65.00 feet to the Southeast Corner; a point in the center of "C" Street; thence North 18° 18' West 50.00 feet to the Northeast Corner, a point in the center of "C" Street on the South line of Hill Street; thence South 71° 42' West 65.00 feet to the Northwest Corner, the place of beginning, and containing .0746 acres, more or less.

ZANETTI BROTHERS, INC.:
Lot 2, Block 2 of the Silver Valley Business Center, Shoshone County, Idaho, according to the official and recorded plat thereof.

75

450943

RECEIVED
MAY 04 2009
TECHNICAL SUPPORT

Union Pacific Railroad Right of Way
City of Smelterville
"Rails to Trails"

Commencing at the witness corner to the Section corner common to Sections 33 and 34, Township 49 North, Range 2 East, B.M., and Sections 3 and 4, Township 48 North, Range 2 East. B.M., Shoshone County, State of Idaho as described in the Corner Perpetuation and Filing Record form on file as Instrument No. 386567, from which the Quarter corner common to said Sections 33 and 34 bears North 00°31'24" West a distance of 2465.49 feet; thence

North 27°23'03" West a distance of 382.65 feet to an iron rod, 5/8 inch diameter with a plastic cap marked PLS6374 a point on the North boundary line of the Union Pacific Railroad Right of Way as shown on survey recorded as Instrument No. 421483, records of Shoshone County, State of Idaho, the True Point of Beginning; thence

Along said right of way line, South 82°55'00" East 700.29 feet to a point; thence

South 07°05'00" West, 30.00 feet to a point; thence

South 82°55'00" East, 138.80 feet to a point being the Southwest corner of Silver Valley Business Center as described in survey recorded as Instrument No. 404045, records of Shoshone County, State of Idaho; thence

Continuing on and along the North boundary of Union Pacific Railroad right of way, South 83°14'12" East, 2828.77 feet to a point; thence

North 06°45'48" East, 30.00 feet to a point; thence

Along said North boundary of Union Pacific Railroad right of way on a curve to the left with a radius of 5679.65 feet a distance of 1431.15 feet (long chord bearing of North 88° 52'34" East a distance of 1427.37 feet to a point; thence

North 82°12'51" East, a distance of 405.71 feet to a point; thence

North 82°12'52" East a distance of 1075.18 feet to a point being the intersection of said railroad right of way with the west boundary of the Smelterville Interchange of I-90; thence

Continuing North 82°12'52" East on and along said Union Pacific Railroad Right of Way, 820 feet more or less to a point, being a point described in said Railroad Annexation Parcel recorded as Instrument No. 392037, records of Shoshone County, State of Idaho; thence

South 07°47'30" East, a distance of 100.00 feet to the South line of said Union Pacific Railroad Right of Way; thence

75

450943

South 82°12'52" West on and along said South boundary line of said Union Pacific Railroad Right of Way, 820 feet more or less to a point being on the West right of way line of Smelterville I-90 Interchange; thence

South 82°12'52" West a distance of 1075.18 feet to a point; thence

South 82°12'51" West a distance of 405.71 feet to a point; thence

Continuing along the South boundary of Union Pacific Railroad right of way on a curve to the right with a radius of 5779.65 feet a distance of 1456.37 feet (long chord bearing South 88°52'34" West a distance of 1452.52 feet to a point; thence

North 06°45'56" East 10.00 feet to a point; thence

North 83°14'04" West, 437.88 feet to a point; thence

Continuing on and along said South boundary of Union Pacific Railroad right of way, North 83°14'12" West, 2390.85 feet to a point; thence

North 82°55'00" West, 839.09 feet to a point being South 07°47'30" West of the True Point of Beginning; thence

North 07°47'30" East, a distance of 90.00 feet more or less to the True Point of Beginning. The Area being 616456.1 SqFt or 14.152 Acres.

RECEIVED
MAY 04 2009
TECHNICAL SUPPORT

450943 (75)

49N02E-35-5950
49N02E-35-5950
O-3150-003-094-0
O-3150-003-095-0
O-3150-003-096-0
O-3150-003-097-A
O-3150-003-098-0
49N02E-34-0790
49N02E-03-0320
49N02E-03-1300
49N02E-03-0400
49N02E-02-3950
49N02E-02-3100
49N02E-02-3700
F-0100-007-011-0
F-0100-007-015-0
F-0000-002-2500
F-0000-033-8980
F-0000-035-0300
F-0300-006-0720
F-0300-008-0100
F-0300-008-0200
F-0300-008-0400
F-0300-008-0500
F-0300-008-0600
F-0300-008-0700
F-0300-008-0800
F-0300-008-0900
F-0300-008-1000
F-0300-008-1100
F-0300-008-1200
F-0300-008-1300
F-0300-008-1400
F-0300-008-1500
F-0300-008-1600
F-0300-008-1700
F-0300-008-1800
F-0300-008-1900
F-0300-008-2000
F-0300-008-2100
F-0300-008-2200
F-0300-008-2300
F-0300-008-2400
F-0300-008-2500
F-0300-008-2600
F-0300-008-2700
F-0300-008-2800
F-0300-008-2900
F-0300-008-3000
F-0300-008-3100
F-0300-008-3200
F-0300-008-3300
F-0300-008-3400
F-0300-008-3500
F-0300-008-3600
F-0300-008-3700
F-0300-008-3800
F-0300-008-3900
F-0300-008-4000
F-0300-008-4100
F-0300-008-4200
F-0300-008-4300

450943

(75)

49N02E-34-4900
49N02E-34-5300
49N02E-34-6200
49N02E-34-6800
48N02E-03-2500
48N02E-03-3200
48N02E-03-3500
48N02E-03-2600
48N02E-03-3700
48N02E-03-4300
48N02E-03-1300
O-3150-003-002-A
O-3150-003-001-0
O-3150-001-002-0
F-0000-003-2550
F-0000-003-0925
F-0000-003-0930
F-0000-003-0950
F-0000-003-1100
1
2
4

(75)

Hollis J. Anderson, P.A.
Attorney at Law
416 Sixth Street
Wallace, Idaho 83873
(208) 752-1271 Fax (208) 556-3411

29 April 2009

RECEIVED
MAY 04 2009
TECHNICAL SUPPORT

Mr. Craig Johnson
IDAHO STATE TAX COMMISSION
800 Park Blvd.
Box 36
Boise, Idaho 83712

RE: *CITY OF SMELTERVILLE - ANNEXATION ORDINANCE*

Dear Craig:

Enclosed please find your recorded copy of the Annexation Ordinance passed by the Smelterville City Council on July 25, 2008. As you know, since that time as the City Attorney for the City of Smelterville, I have been working with the State of Idaho and the Idaho State Tax Commission to confirm and obtain approval for the legal descriptions for the real property involved in this annexation. Therefore, there was a delay in recording this ordinance.

The enclosed copy of the recorded ordinance is for your information and records. If you have any questions in this regard, please feel free to direct them to me. I am happy to assist you in any way that I am able.

Thanks again for your very kind assistance in this matter. It was greatly appreciated.

Sincerely,

Hollis J. Anderson
Enclosure