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ORDINANCE NO. 649

TECHNICAL SUPPORT

AN ORDINANCE ANNEXING CERTAIN REAL PROPERTY SITUATED IN THE UNINCORPORATED AREA OF ADA COUNTY, IDAHO, AND CONTIGUOUS TO THE CORPORATE LIMITS OF THE CITY OF EAGLE, TO THE CITY OF EAGLE, IDAHO; CHANGING THE ZONING CLASSIFICATION OF SAID REAL PROPERTY DESCRIBED HEREIN FROM RUT (RURAL-URBAN TRANSITION) TO CBD-DA (CENTRAL BUSINESS DISTRICT WITH A DEVELOPMENT AGREEMENT); AMENDING THE ZONING MAP OF THE CITY OF EAGLE 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 Eagle, 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 owner of the real property situated in the unincorporated area of Ada County and particularly described in Exhibit "A" of this ordinance has requested, in writing, annexation of said real property to the City of Eagle; and

WHEREAS, the owner of the real property situated within the City of Eagle and particularly described in Exhibit "A" of this ordinance has requested, in writing, a rezone from RUT to CBD-DA; and

WHEREAS, the property described in Exhibit "A" is located at 460 South Eagle Road; and

WHEREAS, the Planning and Zoning Commission of the City, pursuant to public notice as required by law, held a public hearing as required by Section 67-6525, Idaho Code, and made a recommendation to the Mayor and Council; and

WHEREAS, the Eagle City Council, pursuant to public notice as required by law, held a public hearing on the proposed annexation and zoning for the real property described in Exhibit "A" and as required by Section 67-6525, Idaho Code, made findings and determined that the requested annexation should be granted and that a zoning classification of CBD-DA for the property described in Exhibit "A" is appropriate to meet the requirements of Idaho Code, Eagle City Code and the Eagle Comprehensive Plan and should be granted; and

WHEREAS, the Eagle City Council adopted Ordinance No. 165 on June 12, 1990, which included an error in the legal description that omitted the real property particularly described in Exhibit "A", thus leaving an enclave parcel that was intended to be annexed into the City of Eagle and a zoning classification provided

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

Section 1: The Eagle 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 Ada County, Idaho, adjacent and contiguous to the City, particularly described in Exhibit "A" and as generally shown on Exhibit "B", attached hereto and included herein by reference, is hereby annexed to the incorporated territorial limits of the City of Eagle, Idaho.

Section 3: The City Council hereby finds and determines that the real property particularly described in Exhibit "A" and generally as shown on Exhibit "B", attached hereto and incorporated by reference, is hereby removed from the RUT (Rural-Urban Transition) zoning classification and is hereby included in the CBD-DA (Central Business District with a development agreement) zoning classification all pursuant to the Zoning Ordinance of the City of Eagle. The City Council further finds and determines that said zone change is in accordance with the Eagle Comprehensive Plan and relevant City Codes and that the Zoning Map of the City is hereby amended to include the real property described in Exhibit "A" in the CBD-DA zoning district.

Section 4: From and after the effective date of this Ordinance, all property and persons within the boundaries and territory described above shall be subject to all ordinances, resolutions, police regulations, taxation, and other powers of the City of Eagle.

Section 5: The City Clerk is hereby directed to file, within ten (10) days of passage and approval of this Ordinance, a certified copy of this Ordinance with the offices of the Auditor, Treasurer, and Assessor of Ada County, Idaho, and with the Idaho State Tax Commission, Boise, Idaho, as required by Section 50-223, Idaho Code, and to comply with the provisions of Section 63-215, Idaho Code, with regard to the preparation and filing of a map and legal description of the real property annexed by this Ordinance.

Section 6: This Ordinance shall take effect and be in force from and after its passage, approval, and publication as required by law. In lieu of publication of the entire ordinance, a summary thereof in compliance with Section 50-901A, Idaho Code, may be published.

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DATED this 23rd day of November 2010.

CITY COUNCIL OF THE CITY OF EAGLE
Ada County, Idaho

James D. Reynolds
James D. Reynolds, Mayor

ATTEST:

Sharon K. Bergmann
Sharon K. Bergmann, Eagle City Clerk



STATE OF IDAHO)

: ss.

County of Ada)

On this 24th day of November, in the year 2010, before me, the undersigned, a Notary Public in and for said State, personally appeared James D Reynolds and Tracy E Osborn, 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.

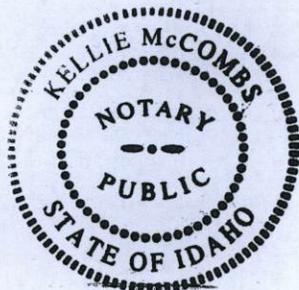
In witness whereof, I have hereunto set my hand and affixed my official seal the day and year first written.

Kellie McCombs

Notary Public

Residing at: Emmett, ID

My Commission Expires: 1-14-15



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EXHIBIT "A"

**PROPERTY DESCRIPTION
OF THE
ALBERTSONS PARCEL, EAGLE, IDAHO**

A parcel of land located in the NW 1/4 of the NW 1/4 of Section 16, Township 4 North, Range 1 East, Boise Meridian, Ada County, Idaho, more particularly described as follows:

Commencing at the Northwest Corner of said Section 16, which is an aluminum monument;

Thence South 89° 52' 48" East 65.00 feet along the North line of the NW1/4 NW 1/4 to an aluminum cap right of way monument on the easterly right of S. Eagle Road also know as State Highway 55;

Thence South 00° 38' 25" West 65.00 feet along the said easterly right of way of State Highway 55 to the **REAL POINT OF BEGINNING**:

Thence South 89° 52' 48" East 107.67 feet to a point;

Thence South 00° 55' 47" West 85.01 feet parallel with the west line of the NW 1/4 NW 1/4 to a point;

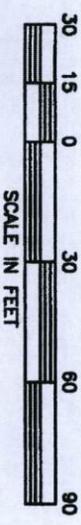
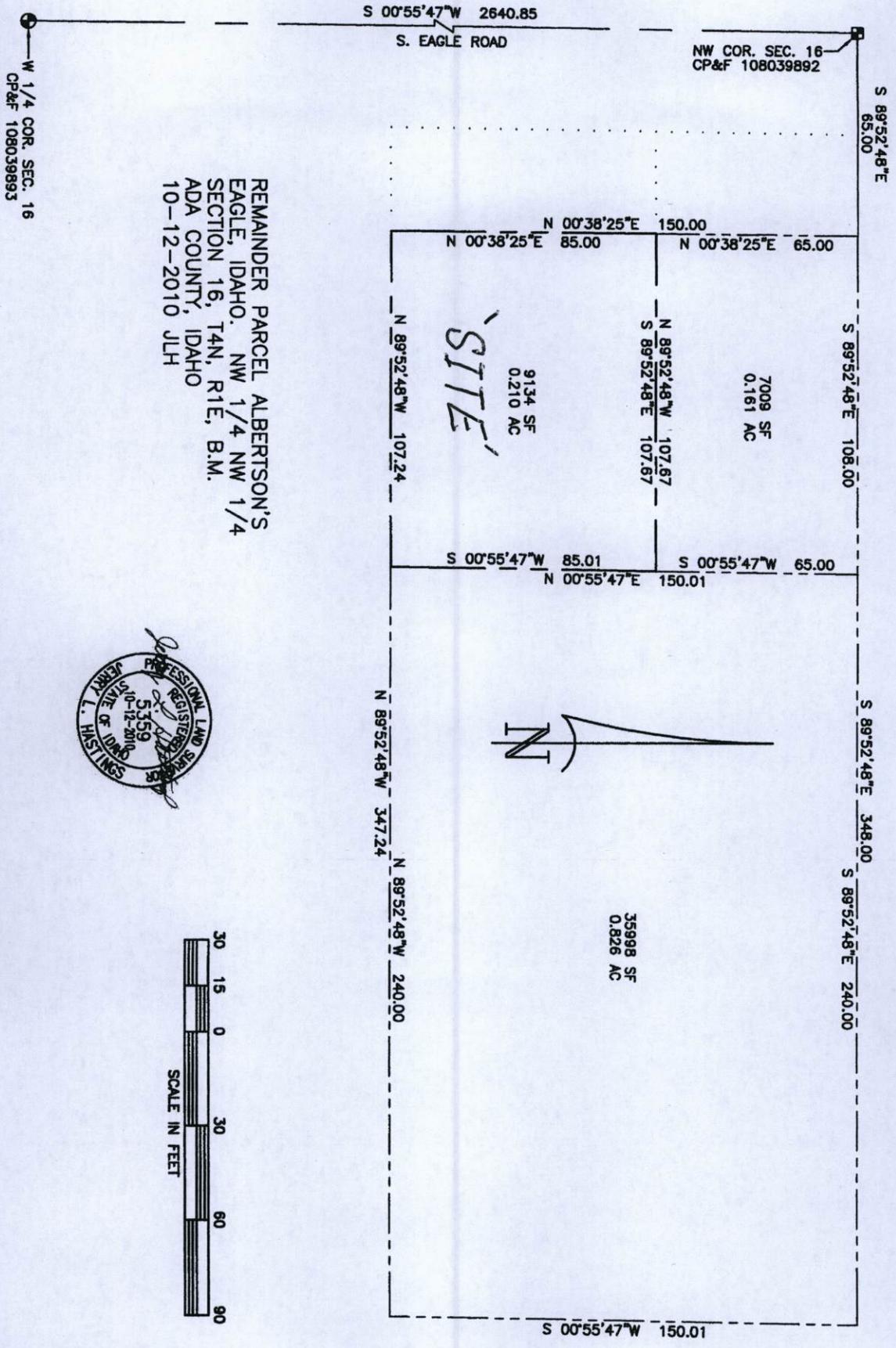
Thence North 89° 52' 48" West 107.24 feet to a point on the easterly right of State Highway 55;

Thence North 00° 38' 25" East 85.00 feet along the easterly right of State Highway 55 to the **POINT OF BEGINNING**.

Said parcel containing 0.21 acres, more or less.



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Vicinity Map: 460 S. Eagle Road

