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**ORDINANCE NO. 651**

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 MU-DA (MIXED USE 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 MU-DA; and

WHEREAS, the property described in Exhibit "A" is identified by the Ada County Assessor's Office as parcel numbers S0424346750, S0424314800 and R2910711100; and

WHEREAS, the Planning and Zoning Commission of the City, pursuant to public notice as required by law, held a public hearing on November 16, 2009, 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 February 23, 2010, 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 MU-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.

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 here to 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 MU-DA (Mixed Use 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 MU-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 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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OCT 30 2008

File: \_\_\_\_\_  
Route to: \_\_\_\_\_***FOX Land Surveys, Inc.*****1515 South Shoshone St. Δ Boise Idaho Δ 83705 Δ 208-342-7957 Δ 208-342-7437 FAX****ANNEXATION DESCRIPTION**

**THE EAST ½ OF THE SOUTHWEST ¼ OF SECTION 24 AND LOT 1, BLOCK 2, FOXTAIL SUBDIVISION AND ADJACENT RIGHTS-OF-WAY, WITHIN A PORTION OF THE SOUTHWEST ¼ OF THE SOUTHEAST ¼ OF SECTION 24, TOWNSHIP 4 NORTH, RANGE 1 WEST, BOISE MERIDIAN, ADA COUNTY, IDAHO**

The East ½ of the Southwest ¼ of Section 24 and Lot 1, Block 2, Foxtail Subdivision and adjacent Rights-of-Way, within a portion of the Southwest ¼ of the Southeast ¼ of Section 24, Township 4 North, Range 1 West, Boise Meridian, Ada County, Idaho; more particularly described as follows;

Commencing at the found Aluminum Cap Monument marking the Southwest corner of Section 24, from which the found 5/8 inch rebar with plastic cap stamped "CSC PLS 5082" marking the South ¼ corner thereof bears South 89°22'30" East, a distance of 2,669.54 feet;

- A. thence along the southerly boundary of Section 24, South 89°22'30" East, a distance of 1334.77 feet to the West 1/16<sup>th</sup> Corner common to Sections 24 and 25, the **TRUE POINT OF BEGINNING**;
- B. thence along the West 1/16<sup>th</sup> line of Section 24 (also being the easterly boundary of Bodily and Bunderson Springs Subdivision No. 2), North 00°44'04" East, a distance of 2651.62 feet to the Center-West 1/16<sup>th</sup> Corner of said Section;
- C. thence along the East-West Center line of Section 24 (also being the boundaries of Bodily and Bunderson Springs Subdivision No. 2 and Winward River Heights Subdivision), South 89°34'04" East, a distance of 1332.07 feet to a found Aluminum Cap Monument marking the Center corner thereof;
- D. thence along the North-South Center line of Section 24 South 00°40'33" West, a distance of 1982.43 feet to the northwesterly corner of Lot 1, Block 2 of Foxtail Subdivision;
- E. thence along the common boundary of Lots 1 and 2 and the easterly prolongation thereof, South 89°37'12" East, a distance of 369.38 feet to its intersection with the Center line of North Fox Run Avenue;
- F. thence along said Center line, South 00°40'43" West, a distance of 673.67 feet to its

intersection with the Southerly boundary of Section 24, from which a found 5/8 inch rebar with plastic cap stamped "CSC PLS 5082" bears North 00°40'43" East, a distance of 40.00 feet;

G. thence along said boundary, North 89°37'12" West, a distance of 369.35 feet to a found 5/8 inch rebar with plastic cap stamped "CSC PLS 5082" marking the South ¼ corner of Section 24;

H. thence continuing along the Southerly boundary of Section 24, North 89°22'30" West, a distance of 1334.77 feet to the **TRUE POINT OF BEGINNING**.

Containing 3,787,500 square feet (86.949 acres) more or less.

Subject to existing easements and rights-of-way as any may exist, of record or not of record.

Refer to the attached sketch.

Fox Land Surveys, Inc.  
Timothy J. Fox, President, PLS 7612

**END OF DESCRIPTION**



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WINWARD RIVER HEIGHTS SUBDIVISION

ANNEXATION SKETCH  
THE EAST 1/2 OF THE SW 1/4  
OF SECTION 24  
AND LOT 1, BLOCK 2,  
FOXTAIL SUBDIVISION

UNPLATTED

ANNEXATION AREA



SCALE 1"= 40



FOXTAIL  
SUBDIVISION

W. SLY FOX ST.

W. GRAY FOX CT

S89° 37' 12"E  
369.38

S0° 40' 43"W  
673.67

N89° 37' 12"W  
369.35

S0° 40' 33"W  
1982.43

S89° 34' 04"E  
1332.07

N0° 44' 04"E  
2651.62

N89° 22' 30"W  
1334.77

N89° 22' 30"W  
1334.77

S89° 22' 30"E  
1334.77

S89° 22' 30"E  
1334.77

POINT OF  
COMMENCEMENT

TRUE POINT OF BEGINNING

STATE HIGHWAY 20-26 (WESTCHINDEN BLVD.)

FOX LAND SURVEYS INC.  
(208) 342-7957

BODLY AND  
BUNDERSON SPRINGS  
SUBDIVISION NO. 2





James D. Reynolds  
Mayor

City of Eagle

P.O. Box 1520  
Eagle, Idaho 83616

208-939-6813

Council Members:  
John Grasser  
Michael Huffaker  
Norm Semanko  
Al Shoushtarian

November 29, 2010

Idaho State Tax Commission  
P.O. Box 36  
Boise, Id 83722

Dear Sir or Madame:

Enclosed herewith please find a copies of Ordinance No. 649, 650 and 651 that annex property into the City of Eagle. The mentioned ordinances were recorded on November 24, 2010. Also enclosed is the Clerk Certification for the ordinances.

If you have any questions I can be reached at Eagle City Hall, 489-8781.

Sincerely,

Tracy E. Osborn, CMC  
Sr. Deputy City Clerk/Treasurer

Encl.

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