



110110849

143

**ORDINANCE NO. 652**

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 C-3-DA (HIGHWAY 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, and as generally shown on Exhibit "B", 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 as generally shown on Exhibit "B", has requested, in writing, a rezone from RUT to C-3-DA; and,

WHEREAS, the property described in Exhibit "A" is identified by the Ada County Assessor's Office as parcel numbers R1006840300 and R1006840400; and,

WHEREAS, the Planning and Zoning Commission of the City, pursuant to public notice as required by law, held a public hearing on July 7, 2008, 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 November 16, 2008, 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 C-3-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 City of Eagle and the owner entered into the Pre-annexation and Development Agreement recorded September 9, 2009 with the Ada County Recorder as Instrument No. 109105071; and,

WHEREAS, the Ada County Board of Commissioners approved the preliminary plat, Ada County application number 2010000571-S on November 10, 2010, attached hereto and incorporated herein as Exhibit "C"; and,

WHEREAS, pursuant to Ada County Code 8-6-3, the City acknowledges that certain development rights pursuant to the approved preliminary plat application number 2010000571-S shall be deemed vested by virtue of Ada County's approval.

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 C-3-DA (Highway 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 C-3-DA zoning district.

**Section 4:** The City Council hereby finds and determines that the Preliminary Plat set forth in Exhibit "C" attached hereto and incorporated by reference herein shall be deemed as vested and is in substantial conformance with the Pre-Annexation and Development Agreement Concept Plan and is enforceable by the City of Eagle.

**Section 5:** 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 6:** 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 7:** 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.

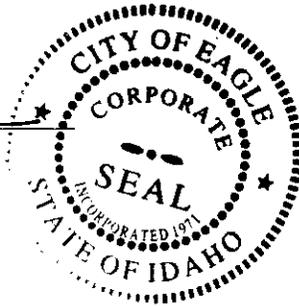
DATED this 23rd day of November 2010.

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



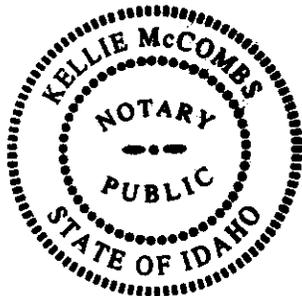
STATE OF IDAHO )

: ss.

County of Ada )

On this 24<sup>th</sup> 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



THE LAND GROUP, INC.

March 24, 2008  
Project No. 07172  
Legal Description  
Annexation and Rezone  
40.59 Acres

**Exhibit "A"**

A tract of land situated in the Southwest One Quarter of the Southwest One Quarter of Section 24, Township 4 North, Range 1 West, Boise Meridian, Ada County, Idaho, described as follows:

Commencing at a found brass cap monumenting the West One Quarter Corner of said Section 24, thence following the westerly line of the Southwest One Quarter of said Section 24, South  $00^{\circ}47'25''$  West a distance of 1,323.65 feet to a point, which bears North  $00^{\circ}47'25''$  East a distance of 1,323.53 feet from a found aluminum cap monumenting the southwest corner of said Section 24, and being the POINT OF BEGINNING.

Thence leaving said westerly line, South  $89^{\circ}32'03''$  East a distance of 1,333.47 feet to a point;

Thence South  $00^{\circ}43'59''$  West a distance of 1,327.22 feet to a point on the southerly line of the Southwest One Quarter of said Section 24;

Thence following said southerly line, North  $89^{\circ}22'32''$  West a distance of 1,334.77 feet to a found aluminum cap monumenting the Southwest corner of said Section 24;

Thence following the westerly line of the Southwest One Quarter of said Section 24, North  $00^{\circ}47'25''$  East a distance of 1,323.53 feet to the POINT OF BEGINNING.

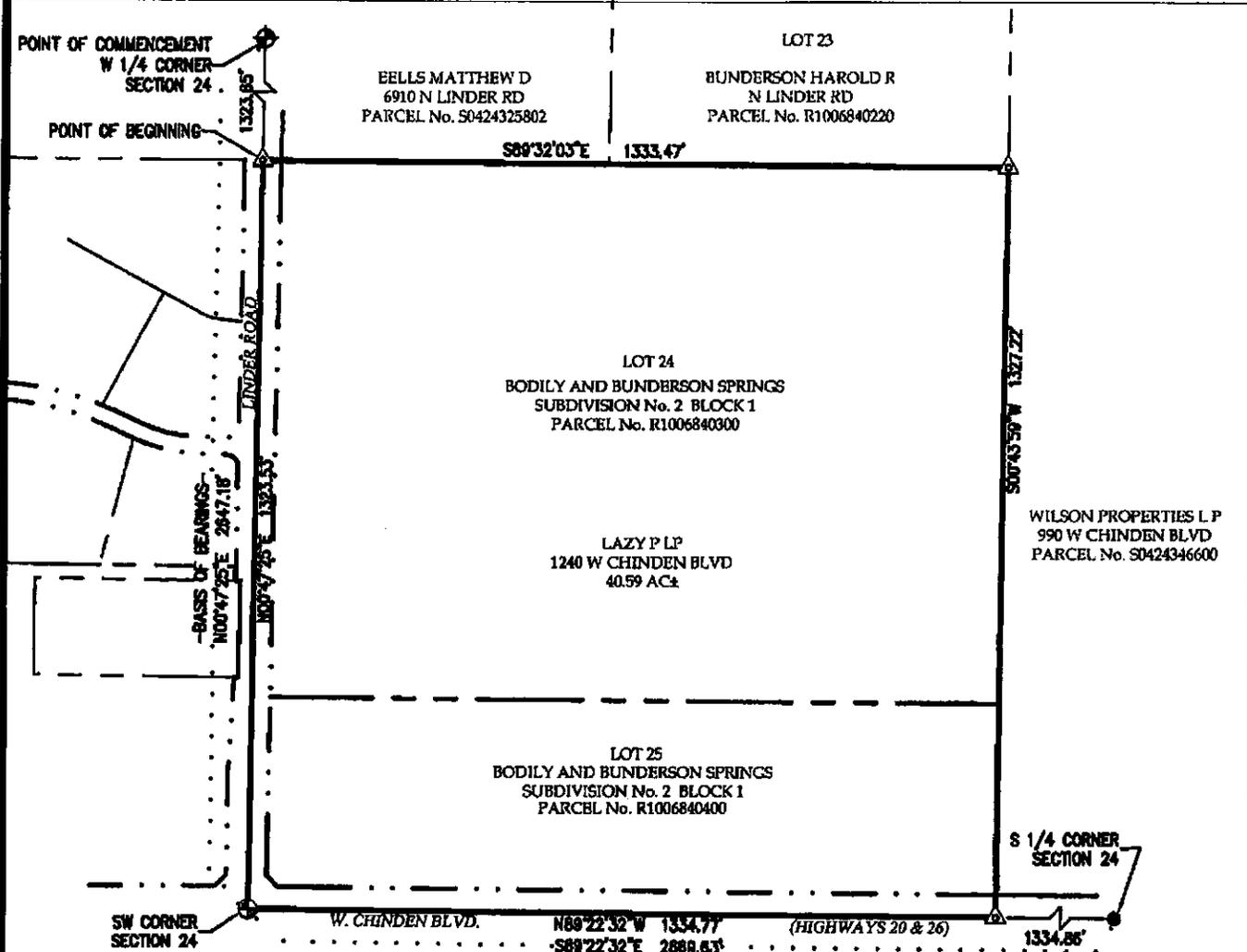
The above-described tract of land contains 40.59 acres, more or less, subject to all existing easements and rights-of-way

Prepared By: THE LAND GROUP, INC.  
462 E. SHORE DRIVE, SUITE 100  
EAGLE, IDAHO 83616  
208-939-4041  
208-939-4445 (FAX)



3.24.08

Situated in the SW 1/4 of the SW 1/4 of Section 24,  
Township 4 North, Range 1 West, B.M.,  
Ada County, Idaho



### Legend

- ◆ BRASS CAP
- ⊕ ALUMINUM CAP
- 5/8" STEEL PIN
- ▲ CALCULATED POINT
- BOUNDARY LINE
- - - ADJOINING PROPERTY LINE
- · · RIGHT-OF-WAY LINE
- - - SECTION LINE
- - - LOT LINE



ENGINEER/SURVEYOR	PROJECT INFORMATION	SCALE: 1" = 300'
 <p><b>THE LAND GROUP, INC.</b>          • Landscape Architecture          • Civil Engineering          • Site Planning          • Golf Course Irrigation &amp; Engineering          • Graphic Communication          • Land Surveying          462 E. Shore Dr., Eagle ID, 83616          Phone (208) 939-1041 Fax (208) 939-4445          www.thelandgroupinc.com</p>	<p align="center"><b>EXHIBIT "B"</b> Annexation and Rezone</p>	<p align="center">03.24.08 PROJECT NO. 07172 <b>1 OF 1</b></p>







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

December 20, 2010

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

Dear Sir or Madame:

Enclosed herewith please find a copy of Ordinance No. 652 that annexes property into the City of Eagle that was recorded on November 24, 2010. Also enclosed is the Clerk Certification for the ordinance.

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.

RECEIVED

DEC 21 2010

TECHNICAL SUPPORT