

# City of Priest River

083

## Correction of Instrument #793589 Pertaining To Legal Description Contained in Priest River Ordinance #533

WHEREAS, Bonner County Instrument # 793589 was recorded by the City of Priest River on June 9, 2010 for the purpose of Deannexation of lands from the city; Providing for severability; and providing for an effective date.

WHEREAS, City Ordinance # 533 used the a legal description as recorded in Bonner County Instrument #759628 and;

WHEREAS, said Bonner County Instrument # 759628 included lands not intended for deannexation, in City Ordinance #533 and;

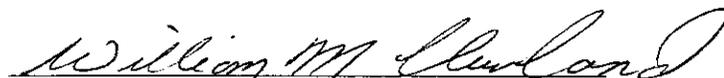
WHEREAS, this document has been reviewed by city civil counsel and will serve notice as to the corrections pertaining to Bonner County Instrument # 533 and;

WHEREAS, the City Council, on June 7, 2010, did duly approve and adopt City Ordinance # 533 containing Exhibit A describing the subject property and;

WHEREAS, said Exhibit A of City Ordinance #533 contained errors of description.

NOW THEREFORE, A CORRECTED EXHIBIT A IS BEING RECORDED IN BONNER COUNTY RECORDS AS FOLLOWS:

The attached Exhibit A, which is hereby incorporated within, is being recorded by the City of Priest River Correcting Exhibit A contained within Ordinance #533 previously recorded as Bonner County Instrument # 793589.

  
William M. Cleveland, Planning & Zoning Administrator

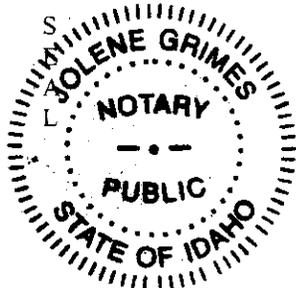
### ACKNOWLEDGEMENT

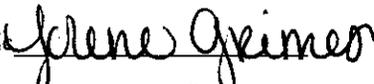
State of Idaho

SS

County of Bonner

On this 29 day of June, in the year of 20110, before me, a notary public in and for said State, personally appeared William M. Cleveland, personally known or identified to me to be the person and officers whose name is subscribed to the within instrument, and acknowledged to me that they executed the same.



Notary Public   
My commission expires on: 03-27-12

RECEIVED

JUL 06 2010

TECHNICAL SUPPORT

**EXHIBIT A**

**CARSON PARCEL**  
Description Taken From Instrument 759628

A tract of land located in the west one-half of Section 29 and east one-half of Section 30, Township 56 North, Range 4 West of the Boise Meridian, Bonner County, State of Idaho and being more particularly described as follows:

Commencing at the northeast corner of said Section 30, being a two and one-half inch diameter brass cap monument stamped "LS 922" that bears north  $00^{\circ}20'30''$  west a distance of 2639.78 feet from a two and one-half inch diameter brass cap monument stamped "LS 922" set for the east one-quarter corner of said Section 30;

Thence south  $02^{\circ}10'23''$  west a distance of 2417.36 feet (record north  $00^{\circ}51'$  west, 2419.65 feet) to a point on the center-line of B.P.A. access road No. AR-9-1;

Thence north  $01^{\circ}01'38''$  east a distance of 17.23 feet (record north  $00^{\circ}51'$  east) to the north right-of-way of said access road, said point of being an angle point on the southerly boundary of that property described in Warranty Deed Instrument Number 572590;

Thence north  $01^{\circ}02'40''$  east along a westerly boundary of said property described in Warranty Deed Instrument Number 572590 a distance of 54.36 feet to a point, said point being the TRUE POINT OF BEGINNING.

Thence north  $01^{\circ}02'40''$  east along said westerly boundary a distance of 198.37 feet to an angle point of said property described in Warranty Deed Instrument Number 572590.

Thence along the said westerly boundary north  $51^{\circ}53'02''$  west a distance of 117.68 feet to a point;

Thence leaving said westerly boundary north  $43^{\circ}01'03''$  east a distance of 361.86 feet to a point;

Thence south  $61^{\circ}40'18''$  east a distance of 66.75 feet to a point at the beginning of a curve to the left;

Thence along said curve to the left, said curve having a radius of 530.00 feet, a central angle of  $16^{\circ}35'44''$ , and a chord of south  $69^{\circ}58'10''$  east a distance of 152.98 feet, and arc length of 153.51 feet to a point at the end of said curve;

Thence south  $78^{\circ}16'02''$  east a distance of 170.62 feet to a point;

Thence south  $01^{\circ}16'53''$  west a distance of 215.48 feet to a point;

Thence south  $11^{\circ}02'40''$  west a distance of 2.86 feet to a point;

Thence north  $72^{\circ}25'13''$  west a distance of 199.97 feet to a point;

Thence south  $52^{\circ}00'00''$  west a distance of 420.59 feet back to the TRUE POINT OF BEGINNING.

Above described property containing 161,213 square feet, or 3.701 acres, more or less,

Basis of bearings for this description is south  $02^{\circ}10'23''$  west, between the northeast corner of Section 30 and a point on the center-line of B.P.A. Access Road No. AR-9-1 as described above and shown on the record of survey by Robert Bristol in May, 1990 as Instrument #375229, in Bonner County, Idaho Recorder's Office.

CARSON PARCEL  
Description Taken From Instrument 759628

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Thence south 02°10'23" west a distance of 2417.36 feet (record north 00°51' west, 2419.65 feet) to a point on the center-line of B.P.A. access road No. AR-9-1;

Thence north 01°01'38" east a distance of 17.23 feet (record north 00°51' east) to the north right-of-way of said access road, said point of being an angle point on the southerly boundary of that property described in Warranty Deed Instrument Number 572590;

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Thence north 01°02'40" east along said westerly boundary a distance of 198.37 feet to an angle point of said property described in Warranty Deed Instrument Number 572590.

Thence along the said westerly boundary north 51°53'02" west a distance of 117.68 feet to a point;

Thence leaving said westerly boundary north 43°01'03" east a distance of 361.86 feet to a point;

Thence south 61°40'18" east a distance of 66.75 feet to a point at the beginning of a curve to the left;

Thence along said curve to the left, said curve having a radius of 530.00 feet, a central angle of 16°35'44", and a chord of south 69°58'10" east a distance of 152.98 feet, and arc length of 153.51 feet to a point at the end of said curve;

Thence south 78°16'02" east a distance of 170.62 feet to a point;

Thence south  $01^{\circ}16'53''$  west a distance of 215.48 feet to a point;  
Thence south  $11^{\circ}02'40''$  west a distance of 2.86 feet to a point;

Thence north  $72^{\circ}25'13''$  west a distance of 199.97 feet to a point;

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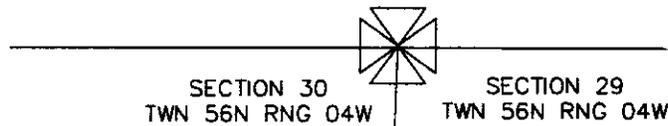
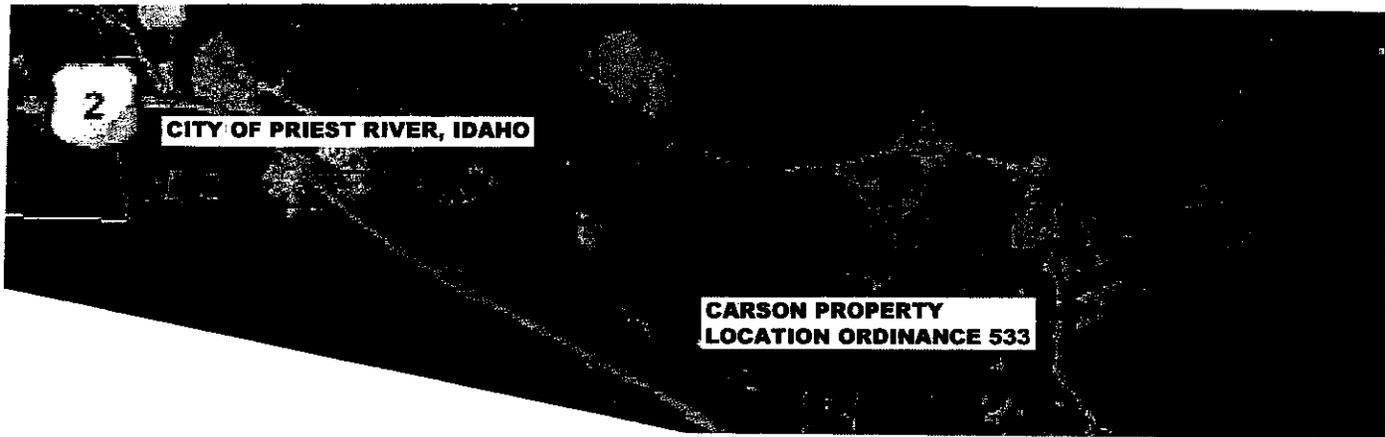
Above described property containing 161,213 square feet, or 3.701 acres, more or less,

Basis of bearings for this description is south  $02^{\circ}10'23''$  west, between the northeast corner of Section 30 and a point on the center-line of B.P.A. Access Road No. AR-9-1 as described above and shown on the record of survey by Robert Bristol in May, 1990 as Instrument #375229, in Bonner County, Idaho Recorder's Office.

# ORDINANCE 533

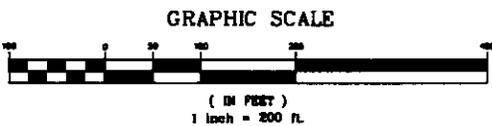
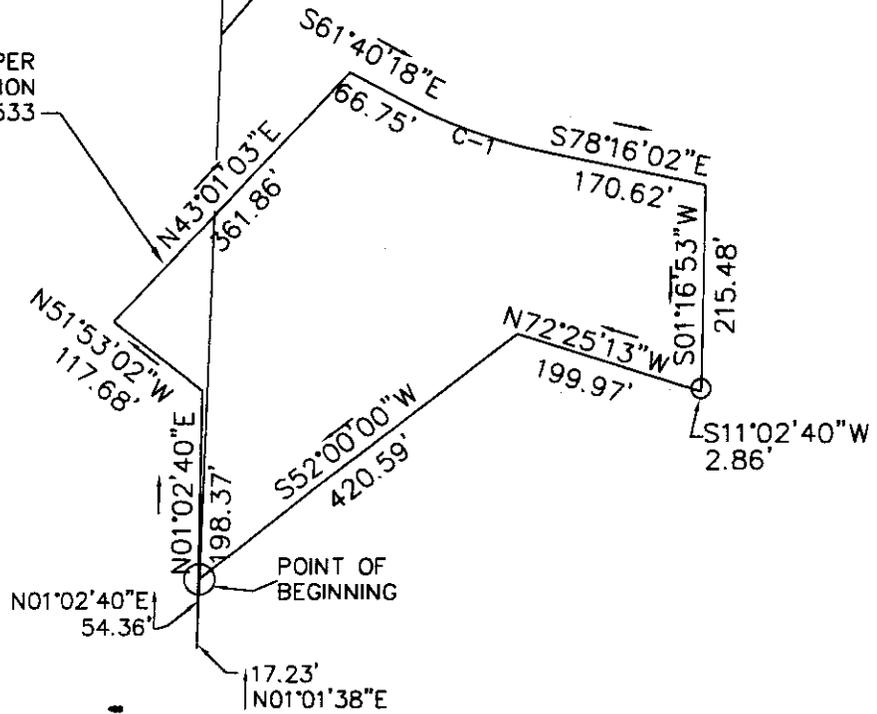
ORDINANCE 534 PROPERTY LOCATIONS

JUNE 21, 2010



CURVE TABLE					
CURVE	RADIUS	DELTA	CORD	CHORD LEN.	ARC
C1	530.00	16°35'44"	S69°58'10"E	152.98	152.98

DEANNEXED PORTION PER  
INST. #759628 DESCRIPTION  
PER ORDINANCE 533



CITY OF PRIEST RIVER  
ORDINANCE 833

AN ORDINANCE OF THE CITY OF PRIEST RIVER, BONNER COUNTY, IDAHO, PROVIDING FOR AUTHORITY; AND PROVIDING FOR DE-ANNEXATION OF LANDS FROM THE CITY; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City Council did adopt Ordinance 515 on September 22, 2008 resulting in the annexation of lands generally located in Sections 29 and 30, Township 56 North, Range 4 West, Boise Meridian, Bonner County, Idaho; and

WHEREAS, said annexation and Ordinance 515 were completed using an annexation agreement that included but was not limited to provisions referencing future divisions of lands; and

WHEREAS, certain property within said annexation and described in Exhibit A was subdivided from a parent parcel contrary to county ordinance provisions, city ordinance provisions and said annexation agreement; and

WHEREAS, said division of lands occurred and a deed recorded in Bonner County on September 29, 2008 as Instrument 759628; and

WHEREAS, said Instrument 759628 was recorded prior to the October 24, 2008 recording of Ordinance 515; and

WHEREAS, the current landowners of the property described in Exhibit A have communicated to the city they do not intend to cure the division utilizing city ordinances or to incur expenses to do the same; and

WHEREAS, the current landowners of the property described in Exhibit A delivered to the city a written request for de-annexation dated April 8, 2010; and

WHEREAS, the City Council considered said request in accordance with §50-222, Idaho Code and specifically Category A annexations as identified at §50-222(3)(a); and

WHEREAS, the City Council desires to grant the de-annexation request;

NOW THEREFORE, THE CITY COUNCIL OF PRIEST RIVER, IDAHO HEREBY ORDAINS AS FOLLOWS:

**SECTION 1**

The described lands in Exhibit A by this reference incorporated herein, in accordance with provisions contained in Title 50, Chapter 2, Idaho Code, are hereby de-annexed from the City of Priest River.

**SECTION 2**

The provisions of this ordinance are hereby declared to be individually severable. Should any provisions of this ordinance be declared invalid by a court of competent jurisdiction, such declaration shall not affect the validity of the remaining provisions.

**SECTION 3**

This ordinance shall be in full force and effective upon recording with the Bonner County Clerk and publication in one issue of the Priest River Times.

APPROVED AND ADOPTED AS AN ORDINANCE OF THE CITY OF PRIEST RIVER BY THE CITY COUNCIL UNDER SUSPENSION OF THE RULES AT A REGULAR MEETING OF THE PRIEST RIVER CITY COUNCIL ON THIS 7<sup>TH</sup> DAY OF JUNE, 2010 UPON THE FOLLOWING ROLL CALL VOTE:

**Roll Call:**

Councilmember Connolly \_\_\_\_\_  
Councilmember George \_\_\_\_\_  
Councilmember Perkins \_\_\_\_\_  
Councilmember Wagner \_\_\_\_\_

\_\_\_\_\_  
James L. Martin, Mayor

**ATTEST:**  
\_\_\_\_\_  
Laurel Knoles, City Clerk



EXHIBIT A  
CARSON PARCEL  
Description Taken From Instrument 759628

A tract of land located in the west one-half of Section 29 and the east one-half of Section 30, Township 56 North, Range 4 West of the Boise Meridian, Bonner County, State of Idaho and being more particularly described as follows:

Commencing at the northeast corner of said Section 30, being a two and one-half inch diameter brass cap monument stamped "LS 922" that bears north  $00^{\circ}20'30''$  west a distance of 2639.78 feet from a two and one-half inch diameter brass cap monument stamped "LS 922" set for the east one-quarter corner of said Section 30:

Thence south  $11^{\circ}39'51''$  west a distance of 1025.30 feet to a point on the northerly line of that certain tract of land described in the Instrument Number 550743, records of Bonner County and being the True Point of Beginning of this description:

Thence south  $44^{\circ}17'07''$  east along said northerly line a distance of 215.06 feet to an angle point:

Thence south  $48^{\circ}06'58''$  east a distance of 740.67 feet to a point on the easterly line of said Instrument:

Thence south  $08^{\circ}39'35''$  east along said east line a distance of 113.47 feet;

Thence south  $05^{\circ}14'28''$  west along said east line a distance of 156.53 feet:

Thence south  $01^{\circ}16'53''$  west along said east line a distance of 228.50 feet:

Thence south  $11^{\circ}02'40''$  west along said east line a distance of 131.12 feet:

Thence south  $29^{\circ}12'51''$  west along said easterly line a distance of 128.88 feet to a point on the southerly line of said instrument:

Thence south  $79^{\circ}01'37''$  west along said southerly line a distance of 108.23 feet:

Thence North  $34^{\circ}57'53''$  east along said southerly line a distance of 30.10 feet:

Thence south  $84^{\circ}02'06''$  west along said southerly line a distance of 246.31 feet:

Thence south  $89^{\circ}42'33''$  west along said southerly line a distance of 109.02 feet:

Thence north  $75^{\circ}01'34''$  west along said southerly line a distance of 54.29 feet:

Thence north  $01^{\circ}02'40''$  east along said westerly line a distance of 252.73 feet:

Thence north  $51^{\circ}53'02''$  west along said westerly line a distance of 470.61 feet.

Thence south  $35^{\circ}38'31''$  west along said westerly line a distance of 243.30 feet.

Thence north  $27^{\circ}15'45''$  west along said westerly line a distance of 298.04 feet.

Thence north  $33^{\circ}30'44''$  east along said westerly line a distance of 605.07 feet.

Thence north  $37^{\circ}20'34''$  west along said westerly line a distance of 374.48 feet.

Thence north  $09^{\circ}20'58''$  east along said westerly line a distance of 43.72 feet.

Thence south  $81^{\circ}32'48''$  east along said northerly line a distance of 418.69 feet to the above reference TRUE POINT OF BEGINNING of this description. Containing 24.50 acres more or less.

**LESS:**

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June 21, 2010

TO: Craig Johnson GIS Analyst  
Technical Support Bureau  
Idaho State Tax Commission  
800 Park Blvd., Plaza IV  
Boise, Idaho 83722

RE: Ordinance 533 & 534

Dear Mr. Johnson,

Please find within copies of Ordinances 533 & 534 adopted by the City of Priest River, Idaho. Ordinance 533 was recorded in Bonner County as instrument #793589 & Ordinance 534 was recorded as Instrument #793590 records of Bonner County. Unfortunately, in the confusion of an administrative change these ordinances were recorded with errors in the legal description: encompassing lands not intended for deannexation. Therefore, you will now notice that Instrument # 794704 is a recorded correction of the legal description recorded as Instrument #793589 for Ordinance #533. Additionally Instrument #794705 is a recorded correction for Instrument #793590, Ordinance #534. Both of these Ordinances are Deannexation of lands within the City.

Also, please find within maps prepared, by the City of the lands deannexed from the City, as described in the instruments of record for each property. We have also included details of some closure errors encountered in the recorded property descriptions. Exhibit A, of Instrument #794705, lists properties as Saccomanno 1 through Saccomanno 4. Saccomanno 1 though, contains descriptions of three parts of the whole. Therefore, you will find drawings labeled SACC-1A, SACC-1B, SACC-1C; SACC-1C has an error of 2.97'. SACC-2 and SACC-3 are interesting because SACC-3 includes the property described in SACC-2. Finally SACC-4 contains an error of 0.26 feet and this is detailed, as is the previous mentioned error, on the page containing the drawing of the overall description.

Well, hopefully I did not make that too confusing! Thank you for your work, effort, and time.

Sincerely,

A handwritten signature in cursive script, appearing to read "William M Cleveland", is written over a horizontal line.

William M Cleveland  
Planning & Zoning Administrator  
208\*448\*2123 ph.  
208\*448\*2232 fax