

Ordinance No. 383370  
2:53 3-17-2010 O'Clock AM  
Clerk of Recorder  
Deputy

RIGBY CITY ORDINANCE NO.09-546

AN ORDINANCE ANNEXING CERTAIN LANDS AND DESIGNATING OF THE ZONING FOR SAID LANDS UNDER JEFFERSON COUNTY'S ZONING ORDINANCE TO THE CITY'S ZONING ORDINANCE; AMENDING THE ZONING MAP OF THE CITY OF RIGBY TO REFLECT SAID CHANGE, AND PROVIDING AN EFFECTIVE DATE

NC  
City of Rigby  
034

Ref # 381339

PREAMBLE

Since certain real property lying contiguous or adjacent or completely surrounded by the current City boundaries shall be annexed into the corporate limits of the City of Rigby, and this property needs to be zoned for the benefit of the City of Rigby;

WHEREAS, a public hearing was held on November 17, 2009 before the Rigby City Council, following publication and notice;

WHEREAS the City of Rigby is an Idaho municipal corporation organized and operating under the laws of the State of Idaho;

WHEREAS pursuant to Chapter 65, Title 67, Idaho Code, the City of Rigby has the authority to adopt, establish, and amend a zoning ordinance;

WHEREAS, pursuant to Chapter 2, Title 50, Idaho Code, the City of Rigby has the authority of annexation;

WHEREAS, the Mayor and Council have determined that good cause exists for amending the official zoning map of the City of Rigby;

WHEREAS the Property is properly a Category A annexation and/or in the City of Rigby's Area of Impact and is contiguous to the city limits of the City of Rigby;

WHEREAS the owners of the Property have consented to annexation by enclaved lands and/or by having connected the Property to the City of Rigby's water system prior to July 1, 2008;

WHEREAS the Council has determined that the annexation and zone change of the Property is appropriate, reasonable, and is reasonably necessary to assure the orderly development of the City of Rigby to allow efficient and economically viable provision of tax supported and fee-supported municipal services, to enable the orderly development of private lands which benefit from the cost-effective availability of municipal services in urbanizing areas, and to equitably allocate the costs of public services in management of development on the urban fringe;

WHEREAS the Council has determined that the annexation and zone change is in accordance with the Comprehensive Plan of the City of Rigby, relevant City Codes, and relevant portions of the Idaho Codes; and

WHEREAS the Council has complied with all statutory procedural requirements for annexation of the Property as a "Category A" annexation; and

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TECHNICAL SUPPORT

WHEREAS the Council has determined that the proposed annexation of the Property meets the requirements for a "Category A" annexation;

WHEREAS the real property described below ("Property") is presently zoned under the zoning ordinance of Jefferson County, Idaho;

### LEGAL DESCRIPTION

GENERAL LOCATION: Various parcels within and directly adjacent to the City of Rigby corporate limits

### THE LEGAL DESCRIPTION FOR CITY OF RIGBY PERIMIETER ANNEXATION IS:

A Parcel of Land Situated in Jefferson County, State of Idaho, Township 4 North, Range 38 East of the Boise Meridian, Sections 13 & 24, and Township 4 North, Range 39 East of the Boise Meridian, Sections 7, 17, 18, 19 & 20, More Particularly Described as Follows: Beginning at the Northeast Corner of Section 13, Township 4 North, Range 38 East, B.M., said point being the True Point of Beginning.

Thence S89°42'50"W along the North line of Section 13 for a Distance of 186.00 feet; thence S00°08'28"W for a distance of 1173.86 feet; thence N89°51'31"W for a distance of 1136.98 feet; thence S00°18'00"W for a distance of 159.12 feet; thence S89°31'26"W for a distance of 1323.49 feet to the North/South center section line of Section 13; thence S00°27'27"W along said North/South center section line for a distance of 3188.32 feet; thence N89°35'40"E for a distance of 685.27 feet; thence S00°07'06"W for a distance of 768.99 feet to the North line of Section 24; thence S00°07'06"W for a distance of 58.70 feet; thence S88°48'08"W for a distance of 73.62 feet; thence S89°38'03"W for a distance of 101.34 feet; thence S01°18'37"E for a distance of 928.45 feet; thence N76°45'36"E for a distance of 185.99 feet; thence N80°21'27"E for a distance of 79.98 feet; thence N72°45'51"E for a distance of 165.00 feet; thence N77°41'51"E for a distance of 260.00 feet; thence N70°23'19"E for a distance of 132.49 feet; thence S00°10'51"W for a distance of 35.42 feet; thence N76°15'00"E for a distance of 79.41 feet; thence N78°15'00"E for a distance of 52.00 feet; thence N81°15'00"E for a distance of 60.00 feet; thence N84°00'00"E for a distance of 50.00 feet; thence N84°30'00"E for a distance of 44.00 feet; thence N89°15'00"E for a distance of 80.00 feet; thence S86°30'00"E for a distance of 63.00 feet; thence S83°00'00"E for a distance of 44.00 feet; thence S77°00'00"E for a distance of 45.00 feet; thence S65°30'00"E for a distance of 32.00 feet; thence N00°17'25"E for a distance of 82.00 feet; thence N89°35'51"E for a distance of 425.04 feet; thence S00°07'49"W for a distance of 589.24 feet; thence N89°21'08"E for a distance of 370.00 feet to the West line of Section 19, T4N R39E; thence S00°07'49"W along said West line for a distance of 483.35 feet; thence S89°52'17"E for a distance of 241.81 feet; thence N66°33'19"E for a distance of 172.94 feet; thence S78°37'53"E for a distance of 412.58 feet; thence S58°19'57"E for a distance of 187.72 feet; thence S00°07'37"W for a distance of 363.58 feet; thence S89°52'11"E for a distance of 27.12 feet; thence S00°14'15"W for a distance of 36.62 feet; thence N89°30'19"E for a distance of 423.76 feet; thence N82°02'14"E for a distance of 905.70 feet; thence N82°15'20"E for a distance of 227.82 feet to the North/South center section line of Section 19, T4N R39E; thence S00°02'29"W along said North/South center section line for a distance of 1788.43 feet; thence N89°40'13"E for a distance of 1330.21 feet; thence N00°08'08"W for a distance of 661.36 feet; thence N89°39'28"E for a distance of 1328.18 feet to the West line of Section 20, T4N R39E; thence N00°18'44"W along said West line for a distance of 330.81 feet; thence N89°33'18"E for a distance of 2639.20 feet to the North/South Center Section line of Section

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20; thence N89°33'19"E for a distance of 2639.47 feet to the East line of Section 20; thence N00°36'20"W along said East line for a distance of 330.93 feet to the East Quarter Corner (E ¼) of Section 20; thence N00°36'40"W along the East line of Section 20 for a distance of 164.07 feet; thence S89°33'19"W for a distance of 2638.20 feet to the North/South Center Section line of Section 20; thence N00°27'37"W along said North/South line for a distance of 577.87 feet; thence S56°06'57"W for a distance of 30.13 feet; thence S38°00'00"W for a distance of 105.00 feet; thence S58°00'00"W for a distance of 28.00 feet; thence S71°40'00"W for a distance of 1220.00 feet; thence S79°20'00"W for a distance of 654.00 feet; thence S74°00'00"W for a distance of 135.00 feet; thence S82°27'00"W for a distance of 182.00 feet; thence S00°18'44"E for a distance of 187.00 feet; thence S89°41'16"W for a distance of 408.38 feet to the East line of Section 19, T4N R39E; thence S00°18'44"E along said East line for a distance of 117.99 feet; thence S89°38'45"W for a distance of 388.00 feet; thence N00°18'44"W for a distance of 225.00 feet; thence S89°38'45"W for a distance of 590.77 feet; thence N00°19'18"W for a distance of 1986.84 feet; thence N89°41'06"E for a distance of 979.00 feet to the West line of Section 20, T4N R39E; thence N00°11'46"W along said West line for a distance of 0.15 feet; thence N89°32'24"E for a distance of 991.68 feet; thence N00°27'36"W for a distance of 234.00 feet; thence N89°32'23"E for a distance of 173.00 feet; thence N00°27'39"W for a distance of 426.00 feet to the South line of Section 17, T4N R39E;

Thence N89°32'23"E along said South line for a distance of 1468.64 feet to the South Quarter (S1/4) Corner of Section 17, T4N R39E; thence N89°32'12"E for a distance of 2631.65 feet to the Southeast Corner of Section 17; thence N00°02'40"E along the East line of Section 17 for a distance of 1567.50 feet; thence S89°32'13"W for a distance of 2632.78 feet to the North/South Center Section line of Section 17; thence S00°00'09"W along said North/South line for a distance of 82.49 feet; thence S89°32'23"W for a distance of 1601.40 feet; thence S00°02'09"E for a distance of 214.50 feet; thence S89°32'23"W for a distance of 1031.25 feet to the West line of Section 17; thence N00°02'09"W along said West line for a distance of 1360.68 feet to the West Quarter (W1/4) Corner of Section 17; thence N00°02'18"W along the West line of Section 17 for a distance of 1186.06 feet; thence N27°08'27"E for a distance of 420.01 feet; thence N89°42'09"E for a distance of 1293.70 feet; thence N00°17'51"W for a distance of 1072.46 feet to the North line of Section 17; thence S89°42'09"W along said North line for a distance of 1480.70 feet to the Northeast Corner of Section 18, T4N R39E; thence S89°43'20"W along the North line of Section 18 for a distance of 671.18 feet; thence N29°20'13"E for a distance of 364.39 feet to the beginning of a curve left; thence along said curve, Delta = 11°42'01" Radius = 2221.79' Arc = 453.71' for a Chord distance of 452.92 feet and a Chord Bearing of N23°29'12"E; thence N89°22'47"W for a distance of 457.57 feet; thence N88°38'47"W for a distance of 545.00 feet; thence S00°02'58"E for a distance of 476.00 feet; thence N89°58'13"E for a distance of 545.71 feet; thence S00°02'58"E for a distance of 275.64 feet to the North line of Section 18; thence S89°43'20"W along said North line for a distance of 1859.59 feet to the North Quarter (N1/4) Corner of Section 18; (said Corner being a 5/8" Iron Rod) thence S89°42'21"W along the North line of Section 18 for a distance of 2527.37 feet to the True Point of Beginning, Containing 1514.74 Acres More or Less.

**Subject to:** Easements and Right-of-Ways for highways, roads, ditches, canals, power poles, and transmission lines as they exist.

NOW, THEREFORE, BE IT HEREBY ORDAINED by the Mayor and City Council of the City of Rigby as follows:

SECTION ONE: The Rigby City Council finds and determines that upon the public hearing, publication and notice, it would be in the best interest of the public health, safety, and welfare of the City of Rigby and the residents and property therein that the Property be annexed into the City of Rigby and designated entirely pursuant to the zoning ordinance of the City of Rigby to zone the property as R-1 and shall be incorporated into the City of Rigby as such, shall be subject to taxation by the City; this city Council has the authority to incorporate the parcels of land under

county jurisdiction within the City of Rigby limits and to update its boundaries as below-described, pursuant to Idaho Code Section 50-222.

SECTION TWO: The above-described real property be and the same hereby is annexed and made a part of the City of Rigby.

SECTION THREE: The Mayor of the City of Rigby is hereby authorized and directed to amend the zoning map of the territories to reflect the foregoing changes in municipal boundaries and zoning classification under the provisions of this ordinance.

SECTION FOUR: The corporate limits of the City of Rigby are hereby extended and increased so as to include and embrace within the corporate limits of the City of Rigby all parcels under county jurisdiction and bring the boundaries as described herein, and such territory is hereby annexed and declared to be a part of the City of Rigby.

SECTION FIVE: The annexation was in accordance with the provisions of Idaho Code Section 67-6525.

SECTION SIX: The Planning and Zoning laws shall reflect the R-1 zone.

SECTION SEVEN: The map or plat attached to this Ordinance is an accurate map of the territory annexed, the same is hereby adopted as the official map and plat of the territory hereby annexed, which map and plat shows legal boundaries thereof, together with the avenues, streets, alleys, and lanes and the locations thereof, the same is hereby dedicated to public use for the purpose designated on the map or plat, if any.

SECTION EIGHT: The Mayor of the City of Rigby is hereby authorized and directed to certify that the map is an accurate map of the territory annexed under the provisions of this Ordinance.

SECTION NINE: This Ordinance, with a certified copy of the official map attached hereto, shall be recorded within ten (10) days of the passage of the Ordinance in the office of the auditor, treasurer and assessor, County of Jefferson, State of Idaho. Pursuant to Idaho Code 50-223, a copy of this Ordinance shall also be filed with the Idaho State Tax Commission to comply with the requirements of Section 63-2215 of the Idaho Code.

SECTION TEN: On the filing and recording of the copy of this Ordinance, together with the attached official map, in the office of the County Recorder of the County of Jefferson, State of Idaho, the fee of all avenues, lanes, streets, highways, roads and alleys shown in and on the map and plat shall vest in the City of Rigby.

SECTION ELEVEN: If any provision of this Ordinance shall be held invalid, its invalidity shall not affect any other provisions of this Ordinance that can be given effect without the invalid provision, and for the purpose of the provisions of this Ordinance are hereby declared to be severable.

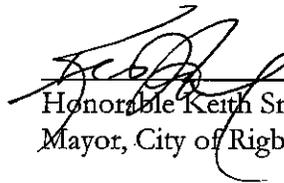
SECTION TWELVE: The property to be annexed is that of a Category "A" annexation as set forth in Idaho Code Section 50-222 and that all procedural requirements have been met for such annexation.

SECTION THIRTEEN: Pursuant to Idaho Code 50-901A, a summary of this Ordinance may be published.

SECTION FOURTEEN: The Clerk of the City of Rigby is directed to promptly fulfill the provisions of Idaho Code Section 50-223 and other applicable law to effect the annexation and zoning designation herein.

This ordinance shall become effective upon its passage by the Mayor and City Council and due publication.

PASSED BY THE CITY COUNCIL AND APPROVED BY THE MAYOR this 17<sup>th</sup> day of November, 2009.

  
\_\_\_\_\_  
Honorable Kerith Smith  
Mayor, City of Rigby

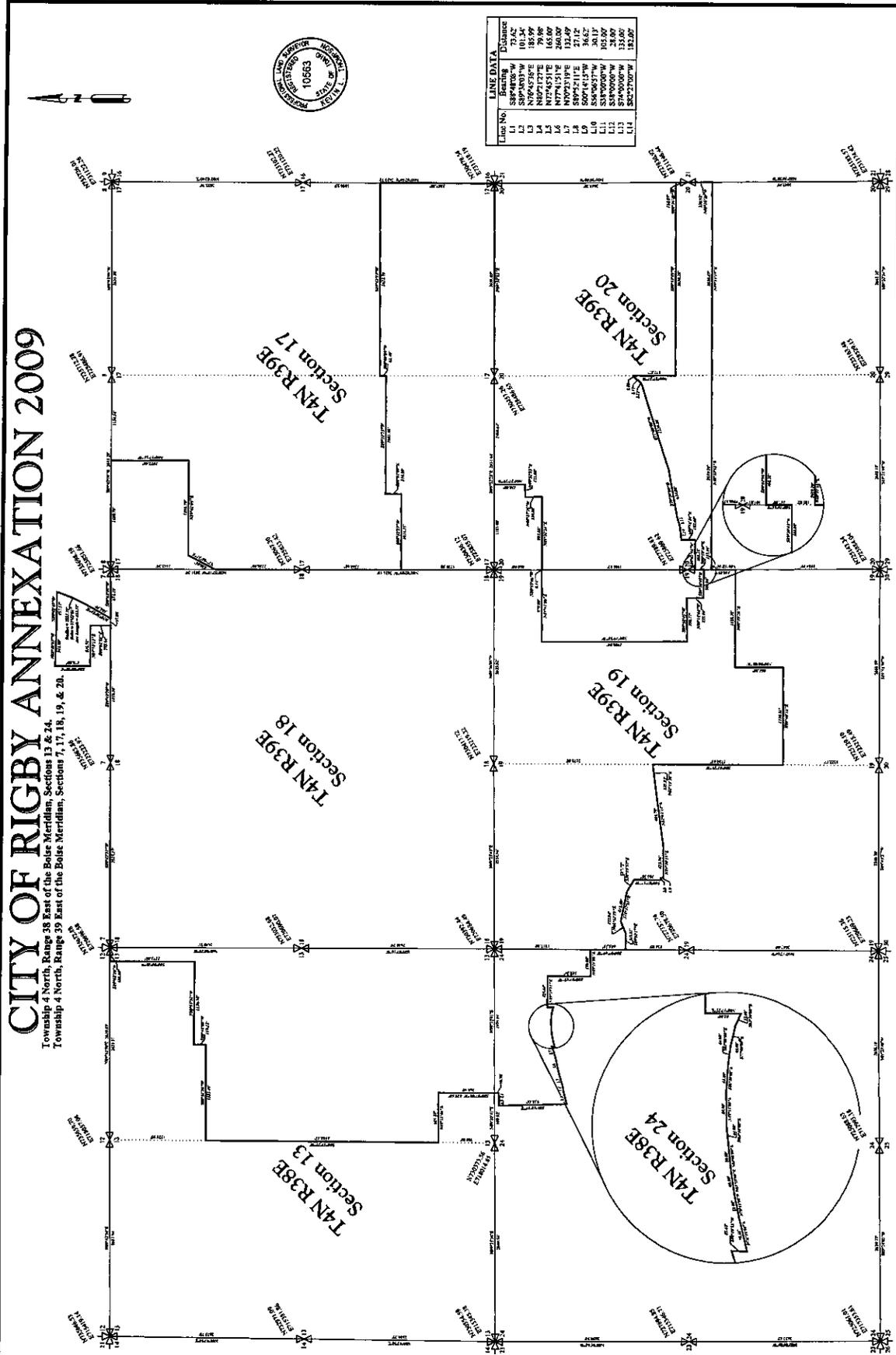
ATTEST:

  
\_\_\_\_\_  
David Swager  
City Clerk  
Approved as to form:

  
\_\_\_\_\_  
Robin D. Dunn, Esq.  
City Attorney

# CITY OF RIGBY ANNEXATION 2009

Township 4 North, Range 28 East of the Base Meridian, Sections 13 & 14, Township 4 North, Range 29 East of the Base Meridian, Sections 7, 17, 18, 19, & 20.



Line No.	Bearing	Distance
L1	S88°48'00"W	79.62
L2	S89°00'00"W	101.34
L3	N80°12'00"E	79.06
L4	N77°45'31"E	165.00
L5	N77°45'31"E	266.00
L6	S89°52'11"E	271.12
L7	S89°52'11"E	36.62
L8	S89°52'11"E	30.17
L9	S89°52'11"E	28.00
L10	S89°52'11"E	28.00
L11	S89°52'11"E	28.00
L12	S89°52'11"E	28.00
L13	S89°52'11"E	28.00
L14	S89°52'11"E	28.00

Project Name: City of Rigby  
 Job Number: 2009-008  
 CoGo File: CityofRigby2008-08.Pro  
 Date: December 9, 2009  
 Surveyor: K.L.T.  
 Drawn By: J.W.T.

Scale: 1" = 600'  
 Sheet 1 of 1

**Narrative**  
 This survey was performed at the request of the City of Rigby. Each Quarter Corner and Section Center as shown on this map show the ground Northing and Eastings based on the NAD 83 IDAHO EAST ZONE with a Combined Scale Factor of 1.0002727%. The information was gathered using a Topcon HiPer GPS receiver set on the ITRF 06 BGRY GPS RGS Station in RIGBY mode and using the published Elevation of 4832.90 feet.





*Planning & Zoning*  
*City of Rigby*  
158 West Fremont • Rigby, Idaho 83442

March 24, 2010

State Tax Commission  
Attn; County Support  
P O Box 36  
Boise, ID 83722

Re: annexations

Enclosed with this letter is the recent Perimeter Annexation Ordinance (09-546) that was filed by the City of Rigby. I have included a map with the detail information as well as the ordinance.

Please feel free to contact me at (208) 745-8111 ext. 19 if you have any questions or I can be of further assistance.

Sincerely,

Paula Sessions  
Planning and Zoning Administrator

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