

CONFORM
COPY

DANIEL J. ENGLISH 14P I 2286713000
KOOTENAI CO. RECORDER Page 1 of 14
BBB Date 10/20/2010 Time 12:54:17
REC-REQ OF CITY OF HARRISON
RECORDING FEE: 0.00
2286713000 XK 5

CITY OF HARRISON
ORDINANCE NO. 2010-437

119

AN ORDINANCE ANNEXING CERTAIN REAL PROPERTY SITUATED IN THE UNINCORPORATED AREA OF KOOTENAI COUNTY, IDAHO, AND CONTIGUOUS TO THE CORPORATE LIMITS OF THE CITY OF HARRISON, IDAHO; CHANGING THE ZONING CLASSIFICATION OF SAID REAL PROPERTY DESCRIBED HEREIN TO MU-DA (MIXED USE WITH A DEVELOPMENT AGREEMENT), MU-DA-FP (MIXED USE WITH A DEVELOPMENT AGREEMENT AND FLOODPLAIN OVERLAY), S-FP (SHORELINE WITH A FLOODPLAIN OVERLAY) AND FORTY ACRES OF UNZONED LAKE BED; AMENDING THE ZONING MAP OF THE CITY OF HARRISON 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 Harrison, 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 owners of the real property situated in the unincorporated area of Kootenai County depicted on **Exhibit A** and particularly described in **Exhibit B** of this ordinance have requested or consented to annexation of said real property to the City of Harrison; and

WHEREAS, the owner of the aforementioned real properties have requested or consented to the zone of MU-DA (Mixed Use with a Development Agreement), MU-DA-FP (Mixed Use with a Development Agreement and Floodplain Overlay), S-FP (Shoreline with a Floodplain Overlay), and un-zoned lake bed, as depicted on **Exhibit A** and particularly described in **Exhibit B**; and

WHEREAS, the Planning and Zoning Commission of the City of Harrison, pursuant to public notices as required by law, held public hearings on October 29, 2009 as required by Section 67-6525, Idaho Code, and made recommendations to the Mayor and Council; and

WHEREAS, the Harrison City Council, pursuant to public notices as required by law, held public hearings on February 25, 2010 (Oral Testimony) and March 11, 2010 (Written testimony) on the proposed annexations and zoning for the aforementioned real property as required by Section 67-6525, Idaho Code, made findings and determined that the requested annexations should be granted and that the zoning classifications of MU-DA (Mixed Use with a Development Agreement), MU-DA-FP (Mixed Use with a Development Agreement and Floodplain Overlay), S-FP (Shoreline with a Floodplain Overlay), and un-zoned lake bed for the aforementioned real property is appropriate to meet the requirements of Idaho Code, Harrison City Code and the Harrison Comprehensive Plan and should be granted.

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

Section 1: The Harrison City Council hereby finds and declares that the real property depicted on **Exhibit A** and particularly described in **Exhibit B**, 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 owners of said property have requested or have consented to annexation thereof to the City.

Section 2: The real property, all situated in Kootenai County, Idaho, adjacent and contiguous to the City, depicted on **Exhibit A** and particularly described in **Exhibit B**, attached hereto and incorporated herein by reference, is hereby annexed to the incorporated territorial limits of the City of Harrison, Idaho.

Section 3: The City Council hereby finds and determines that the real property particularly described in **Exhibit B** and generally shown on **Exhibit A**, attached hereto and incorporated by reference, be removed from the Kootenai County zoning classifications and included in the MU-DA (Mixed Use with a development agreement), MU-DA-FP (Mixed Use with a development agreement and Floodplain), S-FP (Shoreline with Floodplain) and Un-zoned Lake Bed zoning classifications pursuant to the Zoning Ordinance of the City of Harrison. The City Council further finds and determines that said zone change is in accordance with the Harrison Comprehensive Plan and relevant City Codes.

Section 4: The official Zoning Map of the City of Harrison, Idaho, is hereby amended to reflect the foregoing change in zoning classifications.

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 Harrison.

Section 6: 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 Kootenai 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 1st day of October, 2010.

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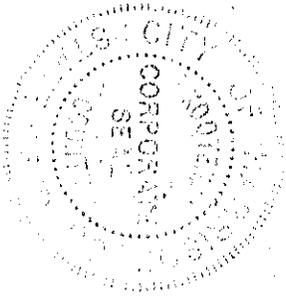
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CITY COUNCIL OF THE CITY OF HARRISON
Kootenai County, Idaho

Wanda Irish
Wanda Irish, Mayor

ATTEST:

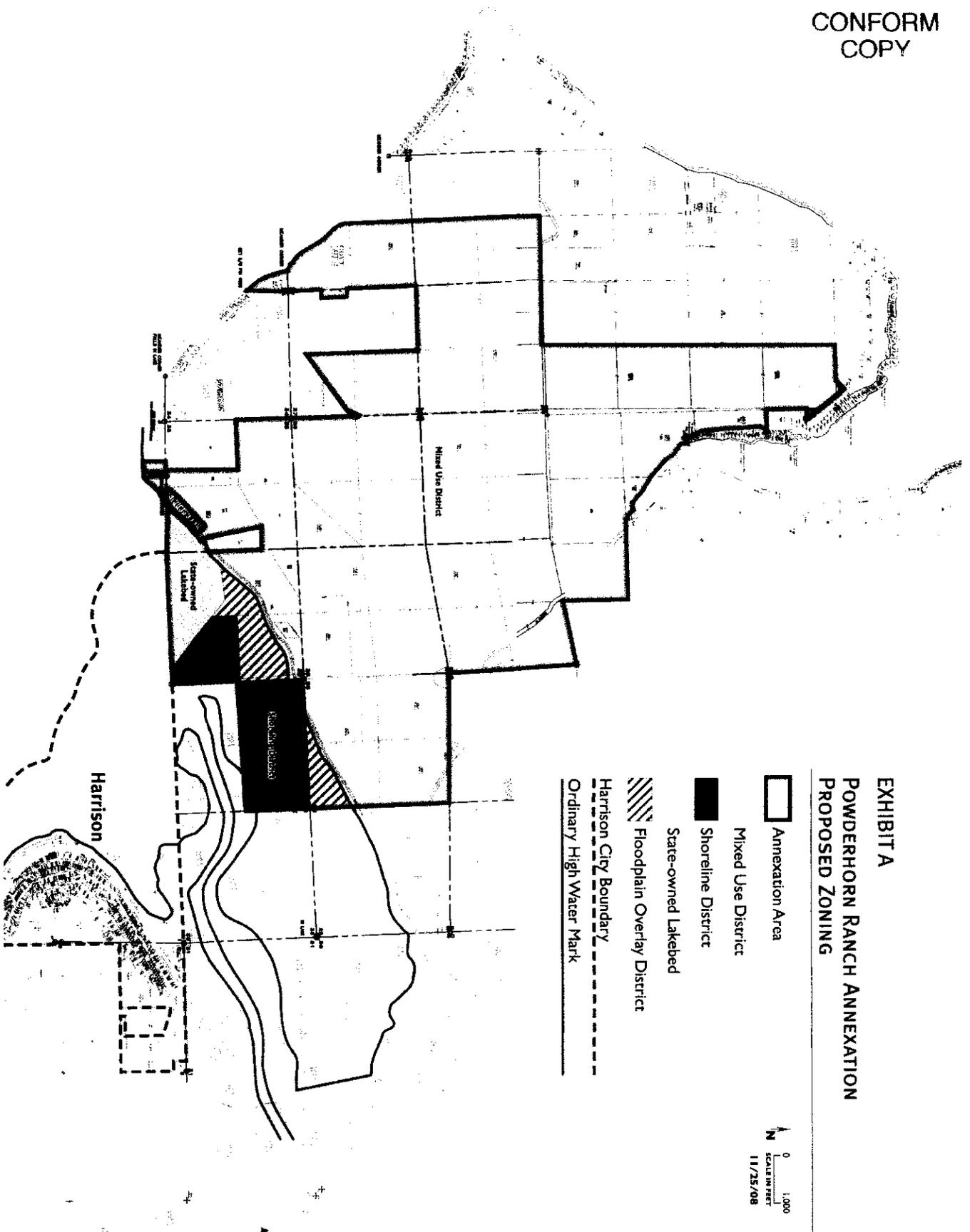
Jann Patterson
Jann Patterson, Harrison City Clerk

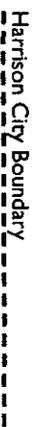
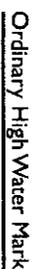


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EXHIBIT A
POWDERHORN RANCH ANNEXATION
PROPOSED ZONING



-  Annexation Area
-  Mixed Use District
-  Shoreline District
-  State-owned Lakebed
-  Floodplain Overlay District
-  Harrison City Boundary
-  Ordinary High Water Mark

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SCALE IN FEET
11/25/08

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J-U-B ENGINEERS, Inc.
ENGINEERS • SURVEYORS • PLANNERS

Regional Office
7825 Meadowlark Way
Coeur d'Alene, ID 83815

208-762-8787
Fax: 208-762-9797
www.jub.com

LEGAL DESCRIPTION
OF THE
ANNEXATION BOUNDARY
(INCLUDING AREAS INSIDE AND OUTSIDE OF ACI)
OF
POWDERHORN RANCH
TO THE
CITY OF HARRISON

That portion of Sections 15, 22, 23, 25, 26, 27, 34, 35 and 36, Township 48 North, Range 4 West, and that portion of Section 3, Township 47 North, Range 4 West, Boise Meridian, Kootenai County, Idaho, more particularly described as follows:

BEGINNING at the W1/4 corner of said Section 25, from which the NW corner of said Section bears N01°13'19"W a distance of 2,724.57 feet;

thence S89°20'55"E along the north line of the SW1/4 of said Section 25 a distance of 2,688.59 feet to the NE corner of said SW1/4;

thence S01°20'30"E along the east line of said SW1/4 a distance of 2,857.60 feet to the SE corner of said SW1/4;

thence S01°11'28"E along the east line of the NE1/4 of the NW1/4 of said Section 36 a distance of 1,311.58 feet to the NE corner of Government Lot 4 of said Section 36;

thence S88°13'23"W along the north line of said Government Lot 4 a distance of 2,678.78 feet to the NW corner of said Government Lot 4;

thence S00°31'07"E along the west line of said Government Lot 4 a distance of 1,355.80 feet to the SE corner of said Section 35, point being on the City of Harrison Municipal Boundary per City of Harrison Ordinance Number 284;

thence S89°49'38"W along the south line of said Section 35 a distance of 3,373.15 feet to the shoreline of Lake Coeur d'Alene, said point hereinafter referred to as Point "A";

thence along said shoreline approximately 950 feet to "Point B", for closure purposes the bearing and distance from Point "A" to Point "B" is S51°50'36"W a distance of 946.96 feet;

thence N00°19'23"W a distance of 474.82 feet;

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Exhibit B
Legal Description



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thence S89°55'29"W a distance of 100.00 feet;

thence S00°19'23"E a distance of 418.76 feet to the shoreline of Lake Coeur d'Alene, said point hereinafter referred to as Point "C";

thence along said shoreline approximately 230 feet to Point "D", for closure purposes the bearing and distance from Point "C" to Point "D" is N87°59'42"W a distance of 224.30 feet;

thence N00°19'23"W a distance of 410.62 feet to a point on the north line of said Section 3;

thence N89°55'29"E along said north line a distance of 43.96 feet;

thence N00°37'09"E a distance of 1,308.21 feet to the south line of the NW1/4 of the NW1/4 of said Section 35;

thence N00°37'09"E a distance of 165.24 feet;

thence S87°30'20"W a distance of 950.50 feet to the west line of said Section 35;

thence N01°19'52"W along said west line a distance of 1,170.06 feet to the SW corner of said Section 26;

thence N01°32'53"W along the west line of said Section 26 a distance of 1,287.69 feet to a point on the northwesterly right-of-way line of Powderhorn Bay Road;

thence along said right-of-way line the following (3) three courses:

- 1) S24°17'22"W a distance of 85.26 feet;
- 2) S54°14'25"W a distance of 1,440.07 feet;
- 3) S67°15'53"W a distance of 85.73 feet to the west line of E1/2 of the SE1/4 of said Section 27;

thence N01°15'36"W along said west line a distance of 975.16 feet;

thence continuing along said west line, N01°05'24"W a distance of 1,335.73 feet;

thence S88°26'24"W along the north line of said SE1/4 a distance of 1,310.07 feet to the NW corner of said SE1/4;

thence S01°30'20"E along the west line of said SE1/4 a distance of 1,434.92 feet;

thence S88°37'20"E a distance of 165.12 feet;

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thence $S01^{\circ}30'20''E$ a distance of 528.38 feet;

thence $N88^{\circ}37'20''W$ a distance of 165.12 feet to said west line of the $SE1/4$;

thence $S01^{\circ}05'13''E$ along said west line a distance of 647.90 feet to the $N1/4$ corner of said Section 34;

thence $S01^{\circ}10'14''E$ a distance of 883.84 feet to the shoreline of Lake Coeur d'Alene, said point hereinafter referred to as Point "E";

thence along said shoreline approximately 3,000 feet to the west line of the $NE1/4$ of the $SW1/4$ of said Section 27, said point hereinafter referred to as Point "F", for closure purposes the bearing and distance from Point "E" to Point "F" is $N29^{\circ}27'14''W$ a distance of 2,832.10 feet;

thence $N01^{\circ}19'40''W$ along the west line of the $E1/2$ of the $SW1/4$ of said Section 27 a distance of 992.04 feet, to the north line of said $SW1/4$;

thence $N01^{\circ}19'44''W$ along the west line of the $SE1/4$ of the $NW1/4$ of Section 27 a distance of 2,643.03 feet to the NW corner of the $NE1/4$ of the $NW1/4$ of said Section 27;

thence $N88^{\circ}28'38''E$ along the north line of said $NW1/4$ of Section 27 a distance of 635.46 feet to the southerly right-of-way line of East Point Road;

thence $S69^{\circ}01'09''E$ along said right-of-way line a distance of 65.95 feet;

thence continuing along said right-of-way line, $N88^{\circ}26'19''E$ a distance of 1,954.57 feet to the west line of the $E1/2$ of the $SE1/4$ of Section 22;

thence $N00^{\circ}01'13''E$ along said west line a distance of 2,981.75 feet to the north line said $SE1/4$;

thence $N00^{\circ}09'11''E$ along the west line of the $E1/2$ of the $NE1/4$ of said Section 22 a distance of 2,957.82 feet to the north line of said $NE1/4$;

thence $N88^{\circ}22'28''E$ along said north line a distance of 770.14 feet;

thence $N49^{\circ}24'44''E$ a distance of 206.81 feet to the southwesterly plat boundary of Jensen Powderhorn Bay, First Addition, according to the plat thereof recorded in Book "E" of Plats at Page 250, records of Kootenai County, Idaho;

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thence S37°11'32"E along said southwesterly boundary a distance of 998.67 feet to the north line of Bates' Summer Home Tracts, according to the plat thereof recorded in Book "C" of Plats at Page 73, records of Kootenai County, Idaho;

thence S89°23'28"W along the north line of said Tracts a distance of 215.80 feet to the NW corner thereof;

thence S00°13'10"W along the westerly line of said Tracts a distance of 807.31 feet to the SW corner thereof;

thence N89°22'47"E along the south line of said Tracts a distance of 390.75 feet to a point on the westerly plat boundary of Jensen Powderhorn Bay Addition, according to the plat thereof recorded in Book "E" of Plats at Page 80, records of Kootenai County, Idaho;

thence along said plat boundary the following ten (10) courses:

- 1) S27°34'25"W a distance of 128.89 feet;
- 2) S01°55'06"E a distance of 320.18 feet;
- 3) S00°16'45"E a distance of 336.37 feet;
- 4) S04°28'05"E a distance of 167.20 feet;
- 5) S04°54'58"E a distance of 282.48 feet;
- 6) S10°36'41"E a distance of 180.72 feet;
- 7) S28°19'48"E a distance of 170.62 feet;
- 8) S36°58'47"E a distance of 93.34 feet;
- 9) S00°19'10"E a distance of 75.34 feet;
- 10) N61°30'36"E a distance of 154.34 feet to the shoreline of Lake Coeur d'Alene, said point hereinafter referred to as Point "G";

thence along said shoreline approximately 1,130 feet to Point "H", for closure purposes the bearing and distance from Point "G" to Point "H" is S64°52'19"E a distance of 456.46 feet;

thence S22°27'31"E a distance of 606.85 feet;

thence S69°44'23"E a distance of 147.99 feet;

thence S61°25'05"E a distance of 173.83 feet;

thence S53°22'03"E a distance of 128.58 feet;

thence S48°07'58"E a distance of 168.29 feet;

thence S54°55'47"E a distance of 101.71 feet;

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thence S83°06'43"E a distance of 47.40 feet;

thence N83°39'47"E a distance of 62.15 feet;

thence S46°42'04"E a distance of 179.37 feet to the north line of the SE1/4 of the SW1/4 of said Section 23;

thence N88°09'33"E along said north line a distance of 490.99 feet to the west line of the SW1/4 of the SE1/4;

thence N83°23'40"E along the north line of said SW1/4 of the SE1/4 a distance of 1,323.33 feet to the east line of said SW1/4 of the SE1/4;

thence S00°09'45"W along said east line a distance of 1,412.45 feet to the south line of said SE1/4;

thence N79°13'10"E along said south line a distance of 1,330.98 feet to the SE corner of said Section 23;

thence S01°13'19"E along the east line of the NE1/4 of Section 26, a distance of 2,724.57 feet to the POINT OF BEGINNING.

EXCEPTING therefrom the following parcels:

Parcel A

Any point lying within Harlow Point Lots, according to the plat thereof recorded in Book "D" of Plats at Page 167, records of Kootenai County, Idaho.

Parcel B

COMMENCING at the N1/4 corner of Section 35, Township 48 North, Range 4 West, Boise Meridian, Kootenai County, Idaho, thence S00°13'40"W, along the east line of the NW1/4 of said Section 35 a distance of 746.48 feet to the POINT OF BEGINNING;

thence S00°13'41"W a distance of 1,153.97 feet to the shoreline of Lake Coeur d'Alene;

thence S37°08'35"W, along said shoreline a distance of 229.01 feet;

thence leaving said shoreline, N14°43'15"W a distance of 1,384.36 feet;

thence S89°43'15"E a distance of 494.66 feet to the POINT OF BEGINNING.

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Parcel C

BEGINNING at the northerly most corner of Lot 1 of Harlow Point Lots according to the plat thereof recorded in Book "D" of Plats at Page 167, records of Kootenai County, Idaho;

thence N47°51'36"E a distance of 120.00 feet;

thence S37°50'00"E a distance of 137.62 feet to the northwesterly right-of-way line of Harlow Point Road;

thence S21°55'40"W, along said northwesterly right-of-way line a distance of 138.51 feet to the southeasterly most corner of said Lot 1;

thence N37°50'00"W a distance of 198.36 feet along the northeasterly line of said Lot to the POINT OF BEGINNING.

Total Annexed Area after removing excepted Parcels A, B and C: 1,935 acres, more or less.

Note:

This legal description was prepared using a compilation of record information along with field ties to select Section and Quarter Section monuments. It was prepared to accurately depict an area of Annexation, and should not be used for property conveyance.

Jeremy Russell
 12/24/08

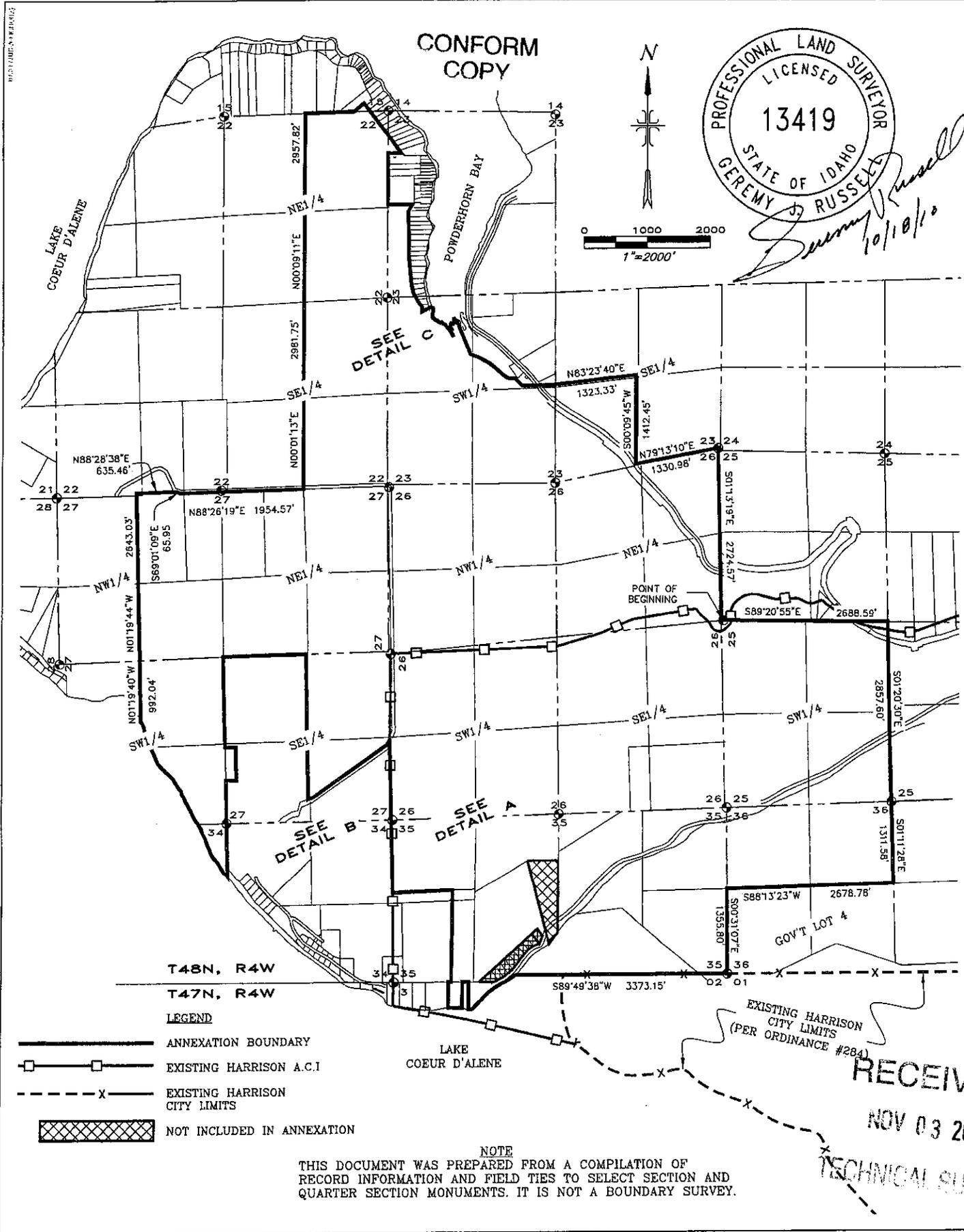
PROFESSIONAL LAND SURVEYOR
 LICENSED
 13419
 STATE OF IDAHO
 GEREY J. RUSSELL

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T48N, R4W

T47N, R4W

LEGEND

- ANNEXATION BOUNDARY
- EXISTING HARRISON A.C.I.
- EXISTING HARRISON CITY LIMITS
- NOT INCLUDED IN ANNEXATION

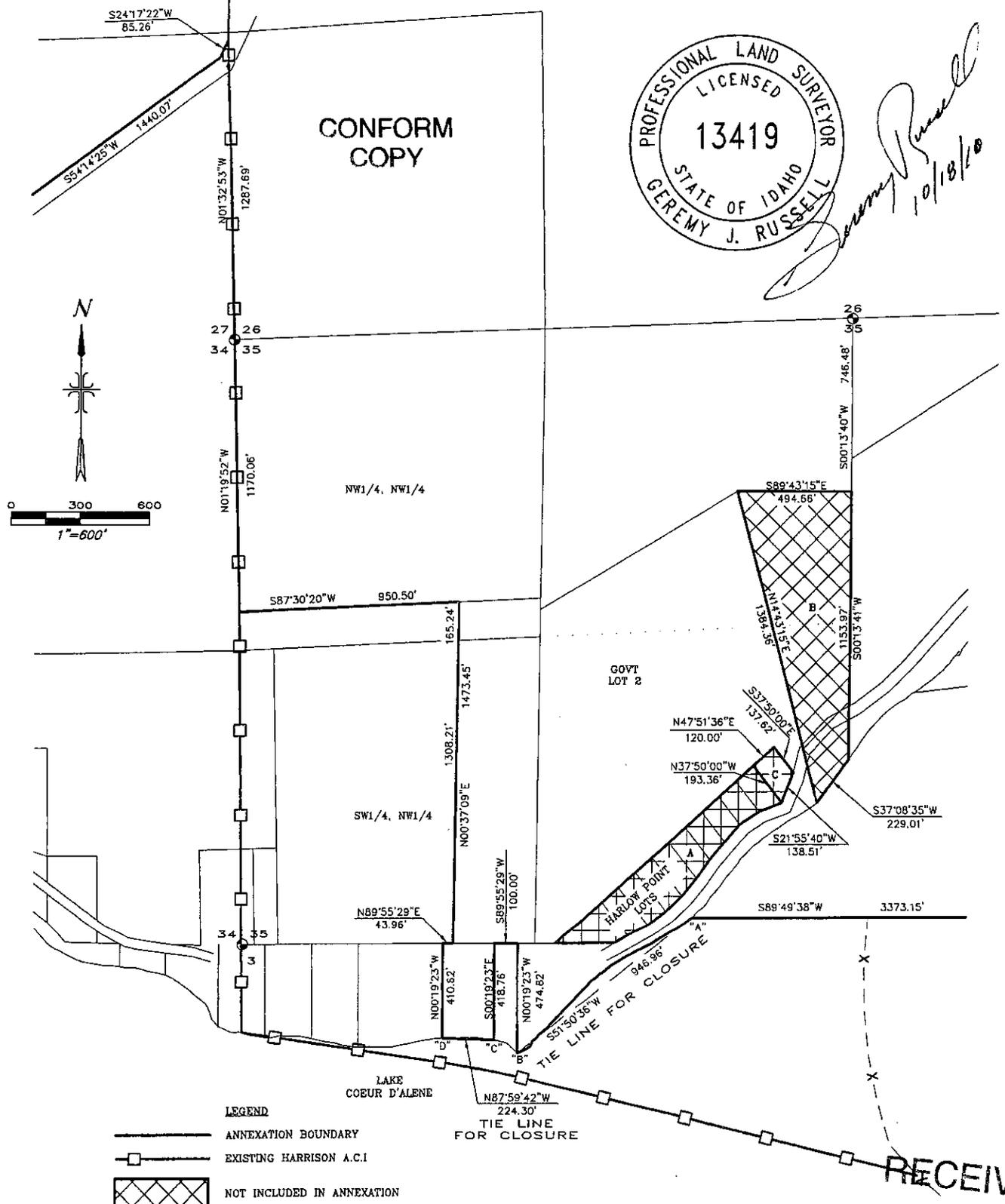
NOTE
 THIS DOCUMENT WAS PREPARED FROM A COMPILATION OF
 RECORD INFORMATION AND FIELD TIES TO SELECT SECTION AND
 QUARTER SECTION MONUMENTS. IT IS NOT A BOUNDARY SURVEY.

CITY OF HARRISON
 ANNEXATION ORDINANCE NO. 2010-437



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- LEGEND**
- ANNEXATION BOUNDARY
 - EXISTING HARRISON A.C.I.
 - NOT INCLUDED IN ANNEXATION

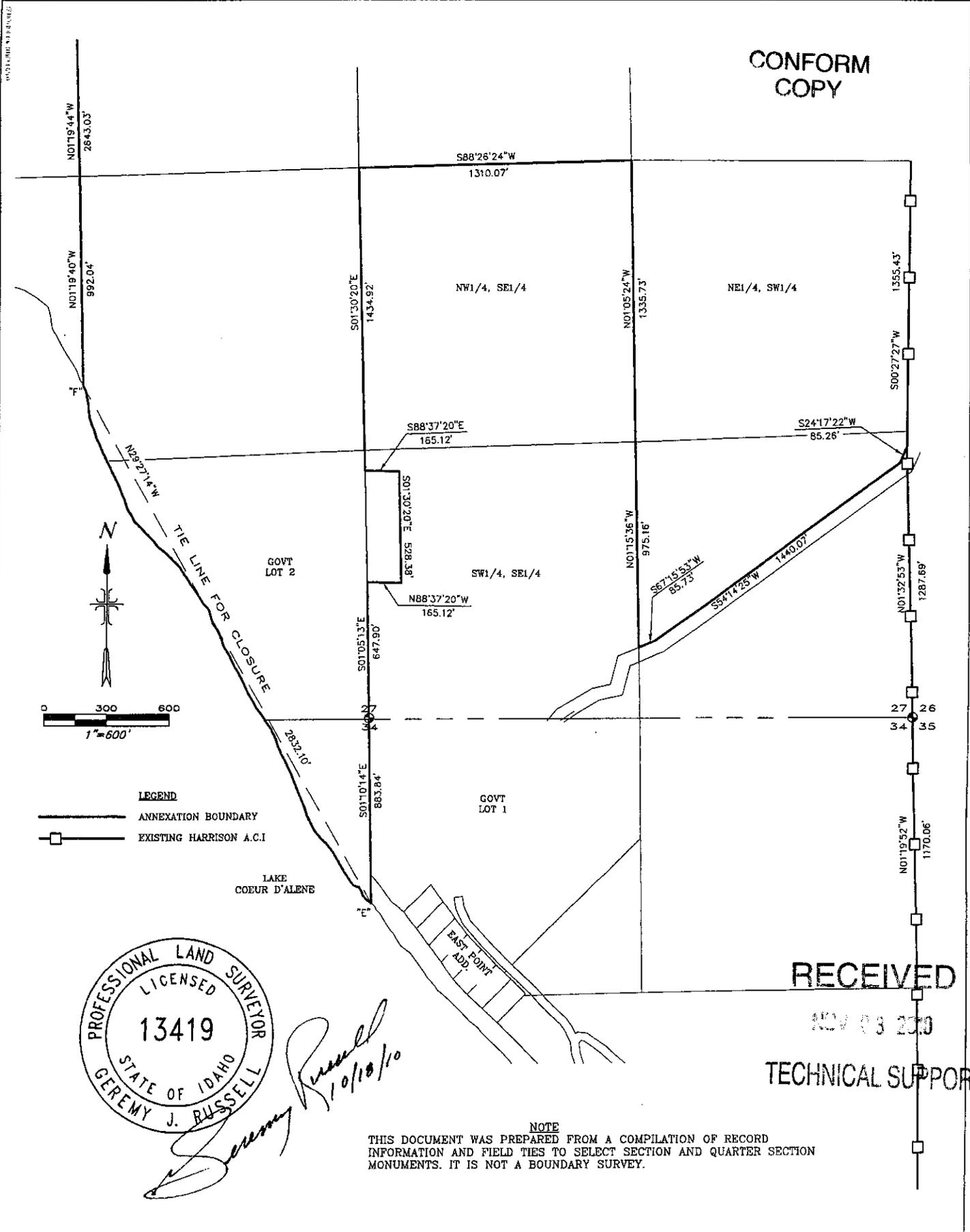
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CITY OF HARRISON
 ANNEXATION ORDINANCE NO. 2010-437
 DETAIL A

CAD FILE: Annexation boundary



Jeremy Russell
10/18/10

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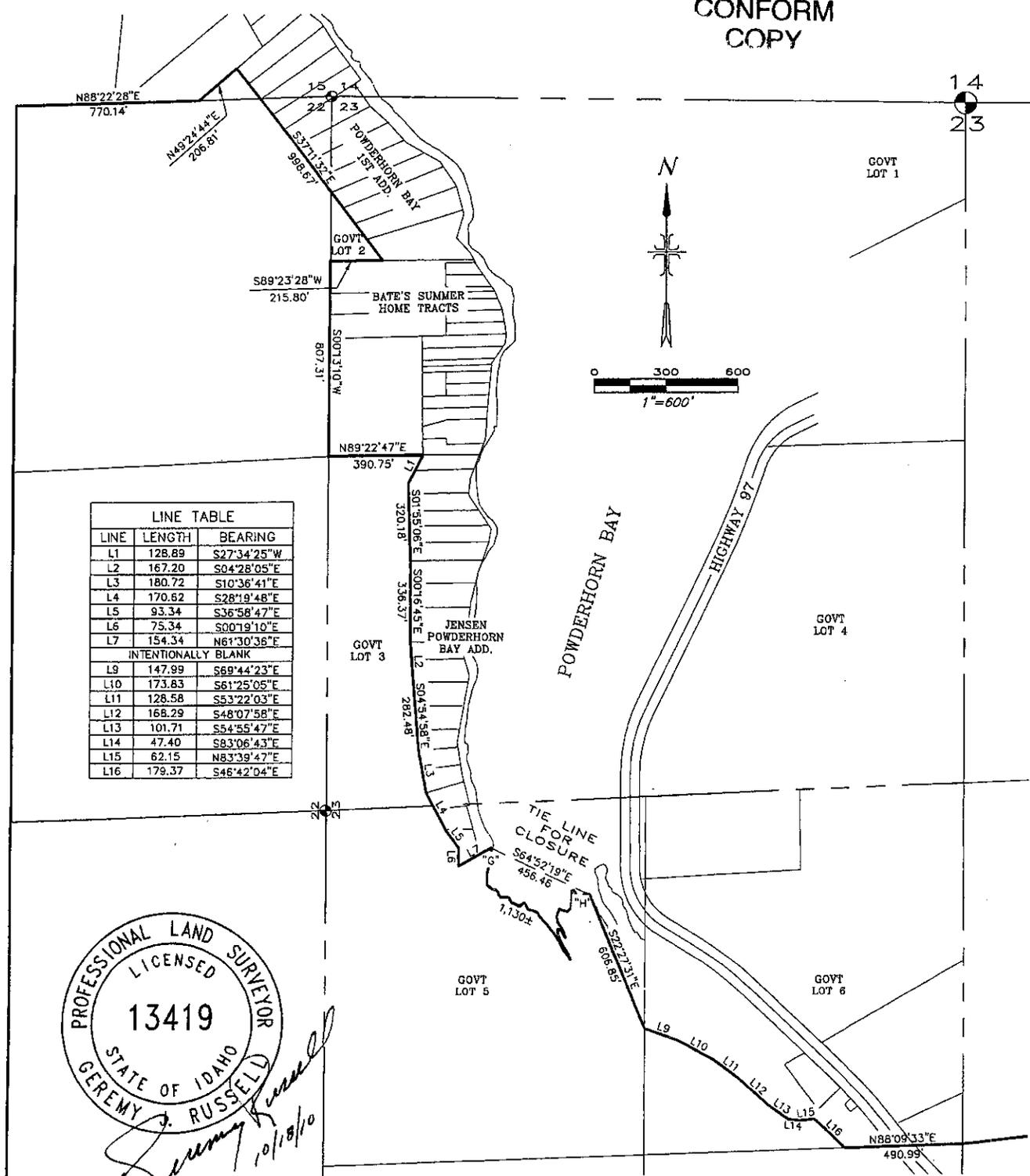
CITY OF HARRISON
ANNEXATION ORDINANCE NO. 2010-437

DETAIL B

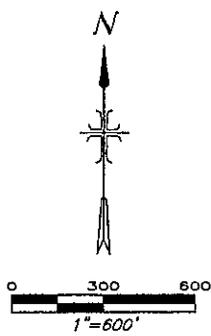


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14
23



LINE	LENGTH	BEARING
L1	128.89	S27°34'25"W
L2	167.20	S04°28'05"E
L3	180.72	S10°36'41"E
L4	170.82	S28°19'48"E
L5	93.34	S36°58'47"E
L6	75.34	S00°19'10"E
L7	154.34	N61°30'36"E
INTENTIONALLY BLANK		
L9	147.89	S69°44'23"E
L10	173.83	S61°25'05"E
L11	128.58	S53°22'03"E
L12	168.29	S48°07'58"E
L13	101.71	S54°55'47"E
L14	47.40	S83°06'43"E
L15	62.15	N83°39'47"E
L16	179.37	S46°42'04"E



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10/18/10

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ANNEXATION BOUNDARY

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NOTE
THIS DOCUMENT WAS PREPARED FROM A COMPILATION OF RECORD INFORMATION AND FIELD TIES TO SELECT SECTION AND QUARTER SECTION MONUMENTS. IT IS NOT A BOUNDARY SURVEY.

CITY OF HARRISON
ANNEXATION ORDINANCE NO. 2010-437
DETAIL C

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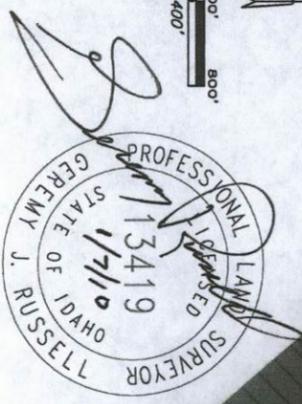
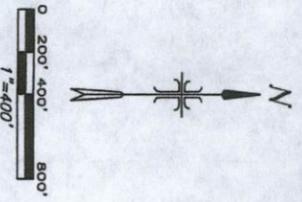


RECORD INFORMATION

- R1: HARLOW POINT LOTS, BOOK D OF PLATS, PAGE 197, RECORDED JAN. 12, 1962
- R2: RECORD OF SURVEY, BOOK 3 OF SURVEYS, PAGE 5
- R3: RECORD OF SURVEY, BOOK 3 OF SURVEYS, PAGE 315
- R4: RECORD OF SURVEY, BOOK 18 OF SURVEYS, PAGE 38
- R5: RECORD OF SURVEY, BOOK 21 OF SURVEYS, PAGE 171
- R6: RECORD OF SURVEY, BOOK 23 OF SURVEYS, PAGE 170
- R7: RECORD OF SURVEY, BOOK 28 OF SURVEYS, PAGE 99
- RB: GLO NOTES & PLATS

LEGEND

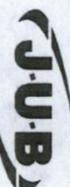
- (A) = FOUND BRASS CAP PER CP&F #872243
- (B) = POSITION ESTABLISHED BY PROPORTIONATE MEASURE
- (C) = FOUND BRASS CAP PER CP&F #1934102
- (D) = FOUND BRASS CAP PER CP&F #872244
- (E) = CORNER FALLS IN THE LAKE - POSITION ESTABLISHED PER R2
- (F) = CORNER FALLS IN THE LAKE - POSITION ESTABLISHED PER R2
- (G) = FOUND BRASS CAP PER CP&F #1789425
- (H) = POSITION ESTABLISHED AT INTERSECTION OF THE SOUTH BOUNDARY OF THE TOWNSHIP AND THE EXTENSION OF THE EAST LINE OF THE SE1/4 OF SECTION 26
- (I) = FOUND ALUMINUM CAP PER CP&F #1431543
- NOT A PART OF THE POWDERHORN ANNEXATION REQUEST
- COEUR D'ALENE INDIAN RESERVATION



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DATE: 10/20/10

**Powderhorn Ranch
Annexation Contiguity Exhibit**
T. 47 N., R. 4 W. & T. 48 N., R. 4 W., B.M.