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ORDINANCE NO. 525

TECHNICAL SUPPORT

AN ORDINANCE OF THE CITY OF HEYBURN, MINIDOKA COUNTY, IDAHO, ANNEXING CERTAIN REAL PROPERTY OWNED BY THE MINIDOKA COUNTY FIRE PROTECTION DISTRICT LOCATED IN MINIDOKA COUNTY; AND, FINDING SUCH TO BE CONSISTENT WITH THE CITY'S COMPREHENSIVE PLAN AND DESIGNATING THE ZONING FOR SUCH LAND AS "CG" (COMMERCIAL GENERAL) AND, PROVIDING FOR ADOPTION WITH ONLY ONE READING; AND, PROVIDING FOR EFFECTIVE DATE.

WHEREAS, the City finds that the land described below, (the "Subject Property"), is contiguous to the City as set forth on the area map attached as Exhibit "A"; and,

WHEREAS, the said Subject Property may likely be developed for commercial uses in the future and the Minidoka County Fire Protection District intends to construct a fire station and firefighter training facility on the Subject Property; and,

WHEREAS, the City has determined and hereby finds that it either has adequate current facilities and resources to provide City utility services to the Subject Property or that it will obtain or develop such in the future as it is able to do so; and,

WHEREAS, the City hereby determines and declares that it is in the best interests of not only the property owners of the Subject Property, but also the City as a whole for such land to be annexed into the City and that such annexation is consistent with the City's current version of the City's Comprehensive Plan and that such annexation is reasonable given all factors; and,

WHEREAS, the owner ("petitioner") of such Subject Property, the Minidoka County Fire Protection District, has requested annexation and the City can proceed with the annexation as a "Category A" type of annexation as set forth in Idaho Code Section 50-222 (3) and (5)(a); and,

WHEREAS, the City has determined that the most appropriate zoning district designations for the said Subject Property would be "CG" (Commercial General); and,

WHEREAS, pursuant to the laws of the State of Idaho and the ordinances of the City, public hearings were held pursuant to public notice as follows: before the Heyburn Planning and Zoning Commission on November 9, 2009 at 7:00 P.M. and reported its recommendations to the City Council at its December 9, 2009 regular meeting; and before the Heyburn City Council on December 9, 2009 at 7:00 P.M.; and both bodies did invite and take public comment and received documents which were all

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admitted to the official record of the proceedings and were also duly reviewed; and,

WHEREAS, the Planning and Zoning Commission, after due deliberation, recommended to the Council that such petition for annexation be granted and the Subject Property be zoned as CG ("Commercial General"); and the City Council after due deliberation, agreed that such petition should be granted and finds that such zoning designation is in the best interests of the City, its growth, economic development and is consistent with the City's Comprehensive Plan; and,

FURTHER, consistent with the foregoing, the City makes the following findings and conclusions:

1. The Subject Property is contiguous to the City of Heyburn.
2. The City has domestic water and sewer facilities adjacent to the Subject Property.
3. The property owner of the Subject Property has requested to be annexed into the City and has petitioned the City to be annexed.
4. The Subject Property is near Interstate 84 and 21st Street, and therefore such the Subject Property has great potential for commercial development and is less suitable or desirable for residential development.
5. The Subject Property can be served now or in the future by all of the City's municipal utility services.
6. The City has adequate means to provide law enforcement as needed in the subject property.
7. The City's current Comprehensive Plan ("Plan") encourages or provides:
 - A. That the City's economy should be enhanced with further commercial development. The Plan noted the positive economic effects of the J.R. Simplot Company potato processing plant on the City, which plant was closed subsequent to the adoption of the Plan. The business and jobs lost as a result of that plant closing have not been fully replaced by new businesses which have opened in the area since such closure.
 - B. The City has need of the Petitioner placing a fire station on the subject property, which use is in the best interests of the City and its residents.

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8. The current use of the Subject Property is agricultural. The petitioners have requested that the land be zoned commercial. The City finds that CG ("Commercial General") is most appropriate at this time. If the land were zoned as agricultural, the City would have less ability to control and plan for eventual commercial development of the Subject Property and the land in that area and therefore the City's planning needs are better served by zoning the land as CG ("Commercial General") at this time.

9. Annexation of the Subject Property at this time is in the best interests of the City so that the City can continue to plan and make further arrangements to provide municipal utilities and develop appropriate roads and other infrastructure to the Subject Property in order for it to be developed as a commercial area.

10. The annexation of the Subject Property will allow for orderly growth and economic development of the City and is in the best interests of the City and its citizens.

NOW THEREFORE, be it ordained by the Mayor and City Council of the City of Heyburn as follows:

Section 1: The following described land (the Subject Property) is hereby declared to be annexed to and incorporated into the City of Heyburn as a part of said City; and, the city limits of the City of Heyburn being enlarged to encompass such land within its borders:

Township 10 South, Range 23 East, Boise Meridian, Minidoka County, Idaho

Section 10: A portion of the SE $\frac{1}{4}$ SW $\frac{1}{4}$ more particularly described as follows: Beginning at the Southwest corner of the SE $\frac{1}{4}$ SW $\frac{1}{4}$ marked by a $\frac{5}{8}$ " rebar; Thence along the West line thereof North 00° 21' 30" West 25.00 feet to a $\frac{1}{2}$ " rebar on the North line of the 21st Street easement per City Ordinance No. 384, recorded October 10, 1996 as Document No. 426449, Minidoka County records; Thence continuing along the West line of the SE $\frac{1}{4}$ SW $\frac{1}{4}$ north 00° 21' 30" West 1263.51 feet to a $\frac{1}{2}$ " rebar; Thence continuing North 00° 21' 30" West 35.00 feet to the Northwest corner of the SE $\frac{1}{4}$ SW $\frac{1}{4}$; Thence along the North line thereof North 89° 40' 41" East 191.00 feet; Thence South 00° 21' 30" East 35.00 feet to a $\frac{1}{2}$ " rebar; Thence continuing South 00° 21' 30" East 1263.40 feet to a $\frac{1}{2}$ " rebar on the North line of the aforesaid 21st Street easement; Thence continuing South 00° 21' 30" East 25.00 feet to the South line of the SE $\frac{1}{4}$ SW $\frac{1}{4}$; Thence along said South line South 89° 38' 49" West 191.00 feet to the TRUE

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POINT OF BEGINNING.

Section 2: The said Subject Property should be and hereby is zoned as follows: "CG" (Commercial General). Such designation as to such land shall be deemed an amendment to the City's Official Zoning Map.

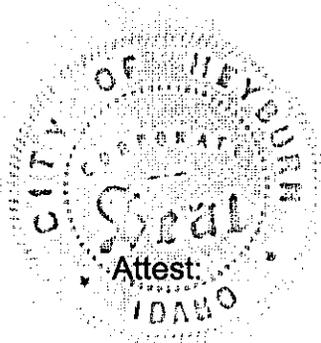
Section 3: The City Council having by authorizing motion and vote waived the rule of requiring three separate readings of this Ordinance, by title and in full, therefore this ordinance shall be in full force and effect from and after its first and only reading, passage, approval and publication.

PASSED this 13th day of January, 2010 by the City Council of the City of Heyburn.

APPROVED this 13th day of January, 2010, by the Mayor of the City of Heyburn.

THE CITY OF HEYBURN


By: George A. Anderson, Mayor




Linda L. Dayley, Clerk

Instrument # 506345

MINIDOKA COUNTY, RUPERT, IDAHO

2-5-2010 12:57:55 No. of Pages: 7

Recorded for : CITY OF HEYBURN

DUANE SMITH Fee: 0.00

Ex-Officio Recorder Deputy 

ORDINANCE NO. 525, Page 4

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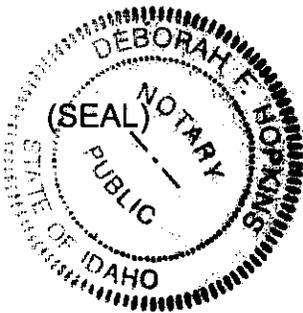
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STATE OF IDAHO)
) ss.
County of Minidoka)

On this 19th day of January, 2010, before me the undersigned, a Notary Public in and for said state, personally appeared George A. Anderson, known to me to be the Mayor of the City Heyburn, Idaho and Linda L. Dayley, the Clerk of said City and the persons whose names are subscribed to the foregoing instrument and acknowledged to me that they executed and attested the same on behalf of and as authorized by said city as its authorized representatives.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year first above written.



Deborah E. Hopkins
Notary Public for Idaho
Residing at Report, Idaho
Commission Expires: 4-15-2015

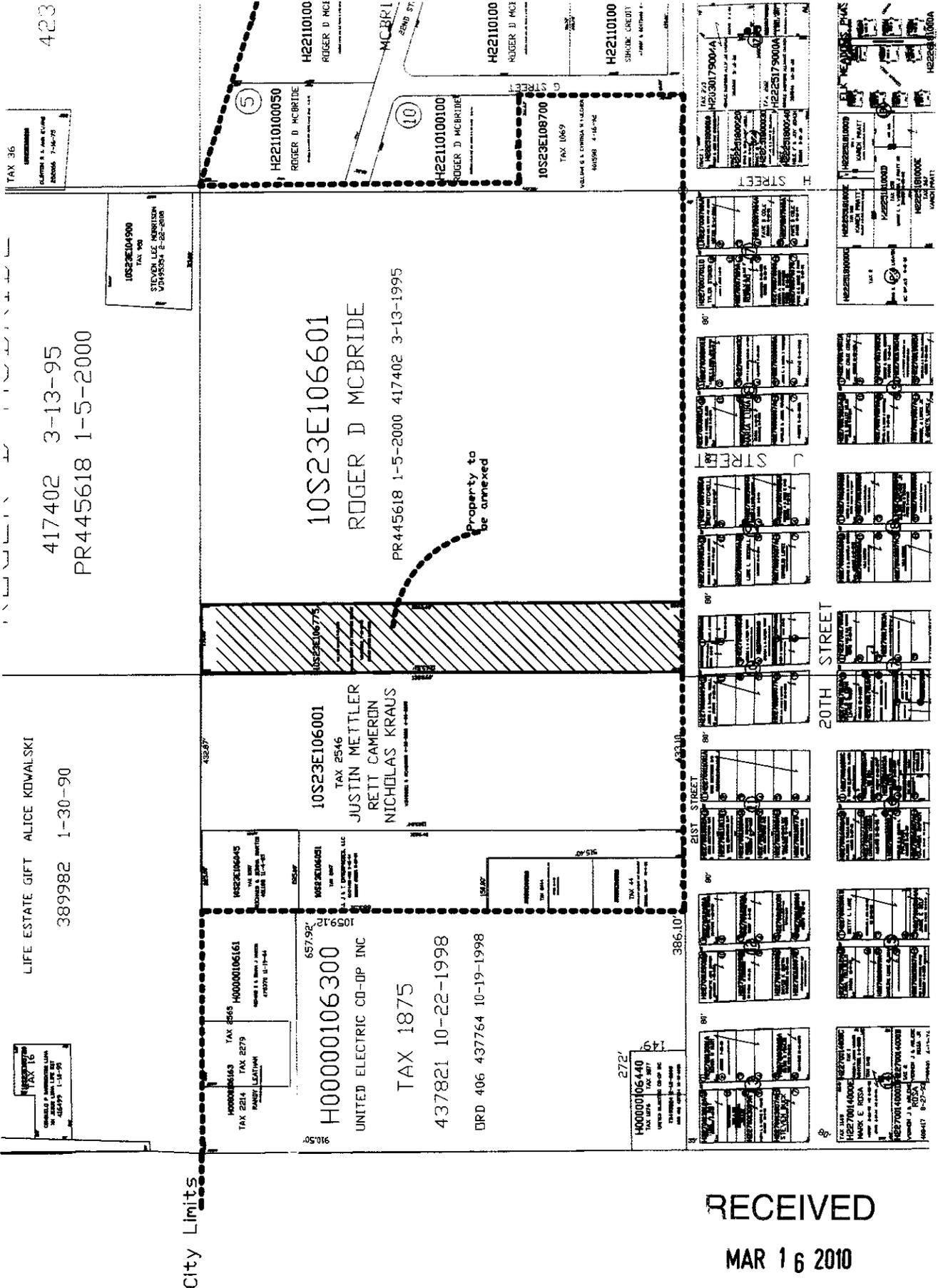
EXHIBIT "A"
(Area Map)

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EXHIBIT "A"



TAX 36
 CLAYTON S. & ANN E. LANE
 2000A 7-16-75

417402 3-13-95
 PR445618 1-5-2000

LIFE ESTATE GIFT ALICE KOWALSKI
 389982 1-30-90

TAX 16
 STEVEN LEE MERRISON
 171495304 E-22-2000

10S23E104900
 TAX 90
 STEVEN LEE MERRISON
 171495304 E-22-2000

City Limits

10S23E106601
 ROGER D MCBRIDE
 PR445618 1-5-2000 417402 3-13-1995
 Property to be annexed

10S23E106001
 TAX 2546
 JUSTIN METTLER
 RETT CAMERON
 NICHILAS KRAUS

10S23E106445
 TONYA M. MERRISON
 171495304 E-22-2000

10S23E106451
 TAX 407
 J. L. CAMPBELL, LLC
 171495304 E-22-2000

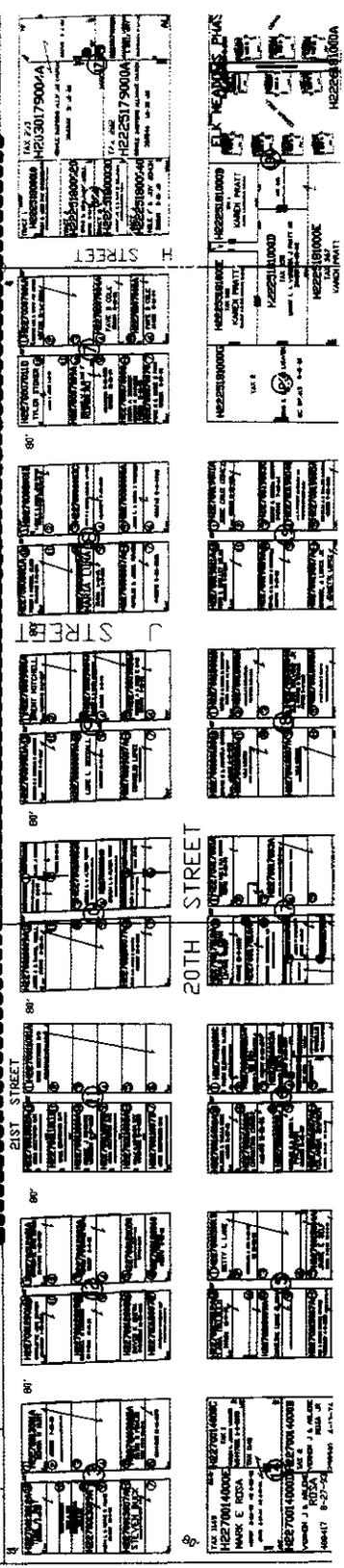
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 UNITED ELECTRIC CO-OP INC
 TAX 1875
 437821 10-22-1998
 DRD 406 437764 10-19-1998

H221101000
 ROGER D MCBRIDE

H221101000
 ROGER D MCBRIDE

H221101000
 SHIRLEY CREDIT
 171495304 E-22-2000

10S23E108700
 TAX 069
 WILLIAM S. & CYNTHIA H. LEBLANC
 171495304 E-22-2000



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