



district designations for the said Subject Property would be "CL" (Commercial Local) and "RM" (Residential Medium); 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 January 11, 2010 at 7:00 P.M. and Commission reported its recommendations to the City Council at its March 10, 2010 regular meeting; and a public hearing was conducted before the Heyburn City Council on March 10, 2010 at 7:00 P.M.; and both bodies did invite and take public comment and received documents which were all 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 that the entire forty acres of the Subject Property be annexed and zoned as CG ("Commercial General"); and the City Council after due deliberation, agreed that the entire forty acre tract should be annexed and 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 further findings and conclusions:

1. The Subject Property is contiguous to the City of Heyburn and is within the City's Area of Impact.
2. The Subject property has been laid off in lots and blocks of less than five (5) acres as contemplated in Idaho Code Section 50-222 (5) (b) (ii).
3. The Subject property may be annexed pursuant to Idaho Code Section 50-222 (3) (b) as a "Category B" since the Subject Property contains less than one hundred (100) separate private ownerships and platted lots of record and where landowners owning more than fifty percent (50%) of the area of the subject private lands have consented to annexation prior to the commencement of the annexation process.
4. The City has domestic water and sewer facilities adjacent to the Subject Property.
5. The property owner of the Subject Property has requested to be annexed into the City and has petitioned the City to be annexed.
6. Plan of annexation was published as required by Idaho Code Section 50-222 (5) (b) (iii).

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7. The Subject Property is located on 21<sup>st</sup> Street and therefore as such the Subject Property has great potential for residential and commercial development.

8. The Subject Property can be served now or in the future by all of the City's municipal utility services.

9. The City has adequate means to provide law enforcement as needed in the subject property.

10. The City's current Comprehensive Plan encourages that the City's economy should be enhanced with further commercial development and this annexation would aid in fulfilling that planning goal.

11. 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 serve the Subject Property all in order to provide for orderly development of the Subject Property as an area of mixed residential and commercial uses.

12. The current use of the Subject Property is agricultural. The petitioner has requested that the land be zoned commercial. The City finds that CL ("Commercial Local") is most appropriate use for the South four hundred feet of the property and the remainder should be designated "RM" (Residential Medium").

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:

The SE $\frac{1}{4}$ SE $\frac{1}{4}$  of Section 9, Township 10 South, Range 23 East, Boise Meridian, Minidoka County.

Section 2: The said Subject Property should be and hereby is zoned as follows: The South FOUR HUNDRED FEET shall be and is designated "CL" (Commercial Local) and the balance of the property shall be and is designated "RM" (Residential Medium"). 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

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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 24th day of March, 2010 by the City Council of the City of Heyburn.

APPROVED this 24th day of March, 2010, by the Mayor of the City of Heyburn.

THE CITY OF HEYBURN

  
By: George A. Anderson, Mayor

Attest:

  
Deborah F. Hopkins, City Clerk



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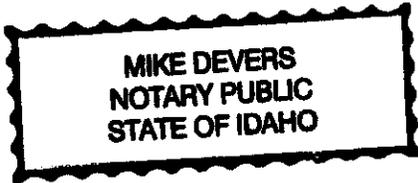
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STATE OF IDAHO            )  
  ) ss.  
County of Minidoka        )

On this 24 day of March, 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 Deborah F. Hopkins, 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.

(SEAL)



  
\_\_\_\_\_  
Notary Public for Idaho  
Residing at Boise, Idaho  
Commission Expires: 2-28-16

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**EXHIBIT "A"**  
(Area Map)

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