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CITY OF DONNELLY ORDINANCE NO. 207A

AN ORDINANCE WHICH AMENDS AND RESTATES PREVIOUS NO. 207, ADOPTED ON JANUARY 13, 2010, AND RECORDED AT THE OFFICE OF THE RECORDER OF VALLEY COUNTY AS INSTRUMENT NO. 348865 ON JANUARY 22, 2010, THIS ORDINANCE 207A SUPERSEDES PREVIOUS ORDINANCE 207.

THIS ORDINANCE OF THE CITY OF DONNELLY, COUNTY OF VALLEY, STATE OF IDAHO, ANNEXING CERTAIN ADJACENT AND CONTIGUOUS REAL PROPERTY TO THE CITY OF DONNELLY; PROVIDING FOR THE ZONING OF SAID ANNEXED REAL PROPERTY; PROVIDING THAT SUCH REAL PROPERTY AND ALL PERSONS WITHIN THE LIMITS OF SUCH ANNEXED REAL PROPERTY SHALL BE SUBJECT TO ALL PROVISIONS OF ALL ORDINANCES OF THE CITY OF DONNELLY; PROVIDING FOR THE FILING OF THE COPIES OF THE ORDINANCE; PROVIDING FOR COMPLIANCE WITH IDAHO CODE SECTION 63-215; AND PROVIDING FOR THE EFFECTIVE DATE OF THIS ORDINANCE.

WHEREAS, the City Council of the City of Donnelly ("City Council") has heard an application by the City of Donnelly, for the annexation of certain real property contiguous and adjacent to the City of Donnelly ("City"), located at the southwestern tip of the City limits on Eld Lane, and more particularly described in Exhibits A and B ("Parcel") attached hereto and incorporated herein by this reference;

WHEREAS, the City Council has determined that the annexation of the Parcel will further the City's interest and protect the health, safety, and welfare of the citizens of Donnelly;

WHEREAS, the City Council has determined that the proposed annexation represents an orderly extension of City boundaries;

WHEREAS, the City Council has determined that the proposed annexation lies within the City of Donnelly Area of City Impact and represent a Category A annexation pursuant to Idaho Code §50-222;

WHEREAS, the City Council has determined that the proposed annexation is harmonious and in accordance with specific goals and policies of applicable components of the Donnelly Comprehensive Plan;

WHEREAS, the City Council has determined that the City services can be extended to accommodate the proposal; and,

WHEREAS, the City Council has determined that the fiscal impact of the development of the necessary public services will be adequately addressed by annexation fees paid by the applicant.

RECEIVED

MAR 23 2010

TECHNICAL SUPPORT

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND THE CITY COUNCIL OF THE CITY OF DONNELLY, COUNTY OF VALLEY, STATE OF IDAHO, AS FOLLOWS:

SECTION 1. The real property depicted in Exhibit A attached hereto, the Parcel and all real property within the exterior boundaries denoted as "New City Limit Lines" are hereby declared to be part of the City of Donnelly and annexed thereto. The annexed property is further described and depicted in EXHIBIT B, attached hereto and incorporated herein by this reference.

SECTION 2. The real property shall be, and hereby, classified and zoned as part of the Light Industrial Zoning District, as defined by Donnelly Zoning Ordinance 171 Article 6, as amended and as delineated on attached Exhibit B.

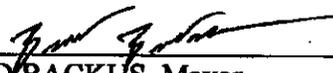
SECTION 3. From and after the effective date of this Ordinance all property and persons within the above-described parcel of land shall be subject to the provisions of all ordinances of the City of Donnelly.

SECTION 4. Pursuant to Idaho Code §50-223, the Clerk of the City of Donnelly shall, within ten (10) days following the effective date of this Ordinance, file a certified copy of this Ordinance with the Valley County Auditor, the Valley County Treasurer, the Valley County Assessors, and the Idaho State Tax Commission.

SECTION 5. The Clerk of the City of Donnelly shall, within ten (10) days following the effective date of this Ordinance, cause one copy of the legal description and map prepared in a draftsman like manner which shall plainly and clearly designate the boundaries of the altered portion of the City of Donnelly to be filed with the Valley County Recorder, the Valley County Assessor, and the Idaho State Tax Commission.

SECTION 6. This Ordinance shall be in full force and effect from and after its passage, approval and publication according to law.

PASSED AND ADOPTED BY THE DONNELLY CITY COUNCIL AND APPROVED BY THE MAYOR THIS 15TH DAY OF MARCH, 2010.



BRAD BACKUS, Mayor
City of Donnelly

Attest:



Judy Linman,
Clerk, City of Donnelly



EXHIBIT A – City of Donnelly Ordinance 207A

LEGAL DESCRIPTION CITY OF DONNELLY ANNEXATION PARCEL

A parcel of land, a portion of the NE 1/4 of the SW 1/4 of Section 15, T.16N., R.3 E., B.M., Valley County, Idaho, more particularly described as:

COMMENCING at a brass cap marking the center 1/4 corner of said Section 15; thence, along the north line of said SW 1/4 of said Section 15,

- A.) N.89°14'41"W., 164.38 feet to a point on the west Right-of-Way line of the abandoned Idaho Northern Branch of the Oregon Shortline Railroad, from which the west 1/4 corner of said Section 15 bears N.89°14'41"W., 2486.31 feet, the **POINT OF BEGINNING**; thence, departing said 1/4 section line, along said Right-of-Way line,
 - 1.) S.7°29'01"E., 78.28 feet to the beginning of a tangent curve; thence,
 - 2.) along said curve to the right having a radius of 5679.65 feet, an arc length of 347.25 feet, through a central angle of 3°30'11", and a chord bearing and distance of S.5°43'55"E, 347.19 feet; thence, departing said Right-of-Way line,
 - 3.) N.89°14'41"W., 1043.70 feet; thence,
 - 4.) N.0°09'34"W., 422.50 feet to the north line of said SW 1/4; thence, along said 1/4 section line,
 - 5.) S.89°14'41"E., 1000.00 feet to the **POINT OF BEGINNING**,
CONTAINING 9.93 Acres, more or less.

EXHIBIT B

RECORD OF SURVEY

FOR THE
CITY OF DONNELLY
LOCATED IN
THE SW 1/4 OF SECTION 16, T.16N., R.3E., E.M.,
VALLEY COUNTY, IDAHO
JANUARY, 2010

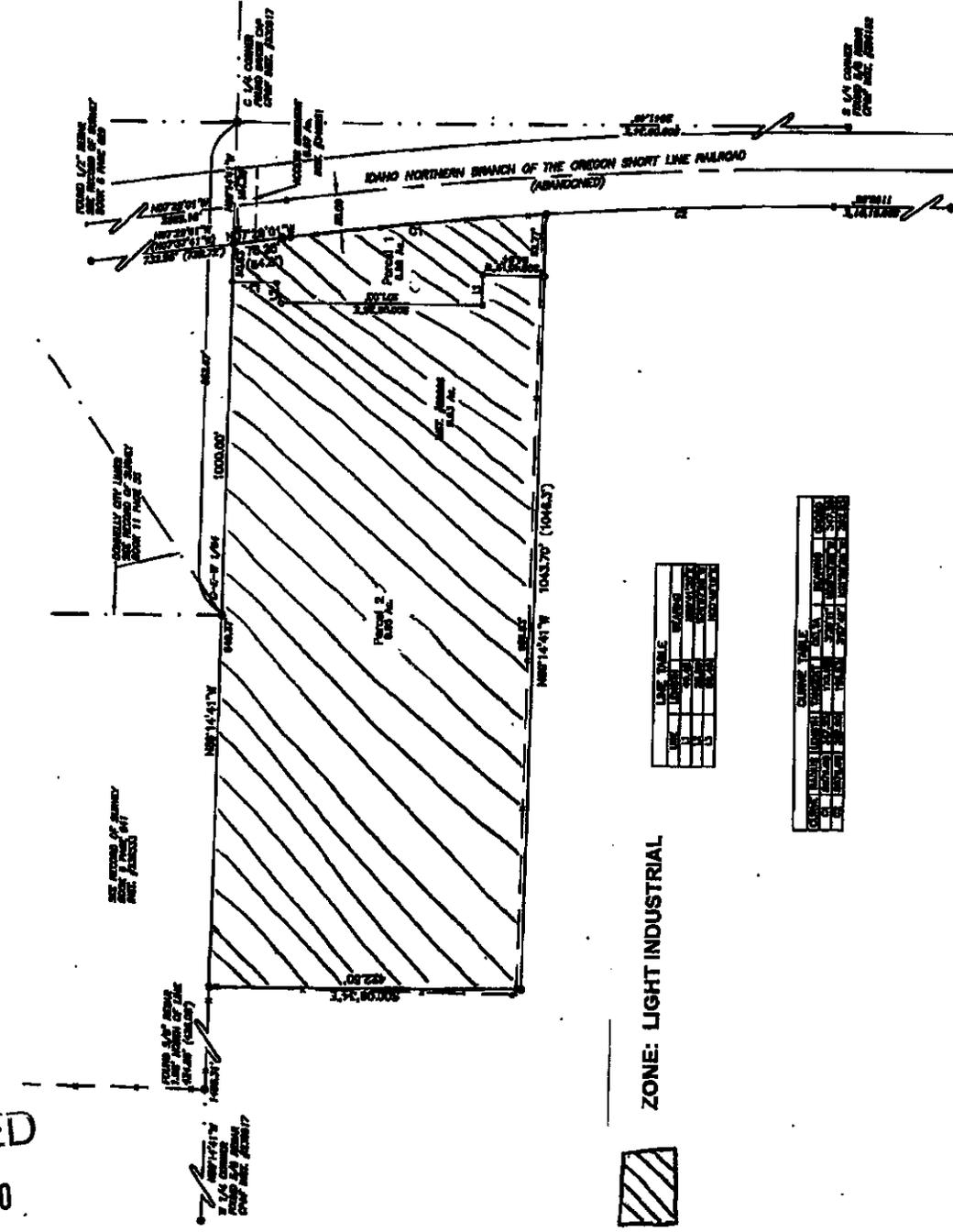
Instrument # 348835

VALLEY COUNTY, CASCADE, IDAHO
1-20-2010 04:20:54 No. of Pages: 1
Recorded for: SECESH ENGINEERING
ARCHIE N. BANBURY
EX-Officio Recorder Deputy *Archie Banbury*
Fees: 5.00
INDEX TO: RECORD OF SURVEY

RECORDERS STAMP
BOOK NO. 11 PAGE NO. 666
OF RECORDS OF SURVEY

RECEIVED
MAR 23 2010

TECHNICAL SUPPORT



Readings Based on GPS Derived State Plane Grid

The parcel was depicted on City Record of Survey 886 approved by the City of Donnelly on January 30, 2010

LEGEND

- FOUND 5/8" IRON PIN
- FOUND 1/2" IRON PIN
- SET 1/2" IRON PIN IMPULSIVE CAP AND L.S. 8577
- SET 5/8" IRON PIN IMPULSIVE CAP AND L.S. 8577
- ⊕ FOUND BRASS CAP MARKER
- FOUND CONCRETE T/W POST
- CALCULATED POSITION - NOTHING SET
- (D.A.S.) SECOND DMS

I, Archie Banbury, a Professional Land Surveyor Registered in the State of Idaho, do hereby certify that this plat was prepared from notes taken during the actual survey made by me in January, 2010 and that it correctly represents the facts, conditions and relations as recorded in said field notes.



SECESH ENGINEERING INC.

P.O. Box 70
McCall, ID 83858
(208) 634-6308

SUBSET NO. 1 OF 1

ZONE: LIGHT INDUSTRIAL



LINE	DATE	BY	REVISION

OWNER	ADDRESS	PHONE	DATE

PUBLIC NOTICES

CITY OF DONNELLY ORDINANCE NO. 207A

AN ORDINANCE WHICH AMENDS AND RESTATES PREVIOUS NO. 207, ADOPTED ON JANUARY 13, 2010, AND RECORDED AT THE OFFICE OF THE RECORDER OF VALLEY COUNTY AS INSTRUMENT NO. 34883 ON JANUARY 22, 2010, THIS ORDINANCE 207A SUPERSEDES PREVIOUS ORDINANCE 207.

THIS ORDINANCE OF THE CITY OF DONNELLY, COUNTY OF VALLEY, STATE OF IDAHO, ANNEXING CERTAIN ADJACENT AND CONTIGUOUS REAL PROPERTY TO THE CITY OF DONNELLY; PROVIDING FOR THE ZONING OF SAID ANNEXED REAL PROPERTY; PROVIDING THAT SUCH REAL PROPERTY AND ALL PERSONS WITHIN THE LIMITS OF SUCH ANNEXED REAL PROPERTY SHALL BE SUBJECT TO ALL PROVISIONS OF ALL ORDINANCES OF THE CITY OF DONNELLY; PROVIDING FOR THE FILING OF THE COPIES OF THE ORDINANCE; PROVIDING FOR COMPLIANCE WITH IDAHO CODE SECTION 63-214; AND PROVIDING FOR THE EFFECTIVE DATE OF THIS ORDINANCE.

WHEREAS, the City Council of the City of Donnelly ("City Council") has heard an application by the City of Donnelly, for the annexation of certain real property contiguous and adjacent to the City of Donnelly ("City"), located at the southwest tip of the City limits on Elm Lane, and more particularly described in Exhibits A and B ("Parcel") attached hereto and incorporated herein by this reference;

WHEREAS, the City Council has determined that the annexation of the Parcel will further the City's interest and protect the health, safety, and welfare of the citizens of Donnelly;

WHEREAS, the City Council has determined that the proposed annexation represents an orderly extension of City boundaries;

WHEREAS, the City Council has determined that the proposed annexation lies within the City of Donnelly Area of City Impact and represent a Category A annexation pursuant to Idaho Code §50-222;

WHEREAS, the City Council has determined that the proposed annexation is harmonious and in accordance with specific goals and policies of applicable components of the Donnelly Comprehensive Plan;

WHEREAS, the City Council has determined that the City services can be extended to accommodate the proposed; and

WHEREAS, the City Council has determined that the fiscal impact of the development of the necessary public services will be adequately addressed by annexation fees paid by the applicant.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND THE CITY COUNCIL OF THE CITY OF DONNELLY, COUNTY OF VALLEY, STATE OF IDAHO, AS FOLLOWS:

SECTION 1. The real property depicted in Exhibit A attached hereto, the Parcel and all real property within the center boundaries denoted as "New City Limit Lines" are hereby declared to be part of the City of Donnelly and annexed thereto. The annexed property is further described and depicted in EXHIBIT B, attached hereto and incorporated herein by this reference.

SECTION 2. The real property shall be, and hereby, classified and named as part of the Light Industrial Zoning District, as defined by Donnelly Zoning Ordinance 171 Article 6, as amended and as delineated on attached Exhibit B.

SECTION 3. From and after the effective date of this Ordinance all property and persons within the above-described parcel of land shall be subject to the provisions of all ordinances of the City of Donnelly.

SECTION 4. Pursuant to Idaho Code §50-222, the Clerk of the City of Donnelly shall, within ten (10) days following the effective date of this Ordinance, file a certified copy of this Ordinance with the Valley County Auditor, the Valley County Treasurer, the Valley County Assessor, and the Idaho State Tax Commission.

SECTION 5. The Clerk of the City of Donnelly shall, within ten (10) days following the effective date of this Ordinance, cause one copy of the legal description and map prepared in a different file manner which shall plainly and clearly delineate the boundaries of the abovesaid portion of the City of Donnelly to be filed with the Valley County Recorder, the Valley County Assessor, and the Idaho State Tax Commission.

SECTION 6. This Ordinance shall be in full force and effect from and after its passage, approval and publication according to law.

PASSED AND ADOPTED BY THE DONNELLY CITY COUNCIL AND APPROVED BY THE MAYOR THIS 15TH DAY OF MARCH, 2010.

Brad Backler
BRAD BACKLER, Mayor
City of Donnelly

Attest:
Judy Limman
Judy Limman,
Clerk, City of Donnelly

EXHIBIT A - City of Donnelly Ordinance 207A

LEGAL DESCRIPTION CITY OF DONNELLY ANNEXATION PARCEL.

A parcel of land, a portion of the NE 1/4 of the SW 1/4 of Section 15, T.16N., R.3 E., E.M., Valley County, Idaho, more particularly described as:

COMMENCING at a house cap marking the corner 1/4 corner of said Section 16; thence, along the north line of said SW 1/4 of said Section 15;

A) N.89°44'1"W, 184.38 feet to a point on the west Right-of-Way line of the abandoned Idaho Northern Branch of the Oregon Shortline Railroad, from which the west 1/4 corner of said Section 15 bears N.89°44'1"W, 2488.21 feet, the POINT OF BEGINNING; thence, departing said 1/4 section line, along said Right-of-Way line,

- 1) S.7°29'07"E, 78.28 feet to the beginning of a tangent curve; thence, along said curve in the right hand having a radius of 6879.85 feet, an arc length of 347.23 feet, through a central angle of 9°30'17", and a chord bearing and distance of S.6°43'59"E, 347.18 feet; thence, departing said Right-of-Way line,
- 2) S.7°29'07"E, 78.28 feet to the beginning of a tangent curve; thence, along said curve in the right hand having a radius of 6879.85 feet, an arc length of 347.23 feet, through a central angle of 9°30'17", and a chord bearing and distance of S.6°43'59"E, 347.18 feet; thence, departing said Right-of-Way line,
- 3) N.89°44'1"W, 1043.70 feet; thence,
- 4) N.0°09'24"W, 422.80 feet to the north line of said SW 1/4; thence, along said 1/4 section line,
- 5) S.89°44'4"E, 1000.00 feet to the POINT OF BEGINNING.

CONTAINING 9.93 Acres, more or less.

ATTN: 4991006600-80
Title No. 4991006600-80
MHL No. 003081626/Davis

NOTICE OF TRUSTEE'S SALE

On Thursday, July 1, 2010 at the hour of 10:30 o'clock A.M., of said day, in the office of Alliance Title & Escrow Corp. located at 331 Delahand Lane, McCall, ID 83638.

Alliance Title & Escrow Corp., as successor trustee, will sell at public auction, to the highest bidder, for cash, cashier's check, certified check or teller's check, (from a bank which has a branch in the community at the site of the sale), money order, State of Idaho check or local government check, or cash equivalent in lawful money of the United States, all payable at the same time of sale, the following described real property, situated in the County of Valley, State of Idaho, and described as follows, to wit:

All that certain lot, piece or parcel of land, situate in Valley County, Idaho, and shown as Lot 16, Block 1, of Turmanek Resort Planned Unit Development, Phase 2.1, a plat which is recorded in the office of the Recorder of Valley County, Idaho.

THE TRUSTEE HAS NO KNOWLEDGE OF A MORE PARTICULAR DESCRIPTION OF THE ABOVE-DESCRIBED REAL PROPERTY, BUT FOR PURPOSES OF COMPLIANCE WITH IDAHO CODE, SECTION 60-113, THE TRUSTEE HAS BEEN INFORMED THAT THE STREET ADDRESS OF: 25 Golden Bar Court, Donnelly, ID 83613, MAY SOMETIME BE ASSOCIATED WITH SAID REAL PROPERTY.

If the successful bidder cannot provide the bid price by means of one of the above means of payment, the sale will be postponed for 10 minutes only to allow the high bidder to obtain payment in a form prescribed herein above. If the high bidder is unsuccessful in obtaining payment so directed within 10 minutes, the sale will be re-held immediately and any bid by the high bidder from the previous sale, will be rejected, all in accordance with Idaho Code 45-1502 et. Sec.

Said sale will be made without covenant or warranty regarding title, possession or encumbrances to satisfy the obligation secured by and pursuant to the power of sale contained in the deed of trust executed by Raymond Davis and Birtina Davis, husband and wife, as Grantor to Alliance Title & Escrow Corp., as Successor Trustee, for the benefit and security of The Bank of New York Mellon Bank The Bank of New York, as Trustee for the holders of the Certificates, First Horizon Mortgage Pass-Through Certificates Series FHAS1 2006-ARA 5.7, by First Horizon Home Loans, a division of First Tennessee Bank National Association, Master Servicer, in its capacity as agent for the Trustee under the Pooling and Servicing Agreement as Successor Beneficiary, recorded April 20, 2005 as Instrument No. 294655, Mortgage records of Valley County, Idaho. THE ABOVE GRANTORS ARE NAMED TO COMPLY WITH SECTION 45-1506(4)(a), IDAHO CODE. NO REPRESENTATION IS MADE THAT THEY ARE OR ARE NOT, PRESENTLY RESPONSIBLE FOR THIS OBLIGATION.

The default, for which this sale is to be made is failure to:

Make principal and interest payments as set forth on said Deed of Trust and Promissory Note. The original loan amount was \$560,000.00 together with interest thereon at the rate of 6.1250% per annum, as evidenced in Promissory Note dated April 7, 2005. Payments are in default for the months of October 2009 through and including January 2010 in the amount of \$3,305.06 per month and continuing each and every month thereafter until date of sale or reinstatement. The principal balance as of January 25, 2010 is \$568,000.00 together with accrued and accruing interest thereon at the rate of 6.1250% per annum. The per diem is \$93.97. In addition to the above, there is also due any late charges, advances, escrow collection fees, attorney fees, fees or costs associated with this foreclosure.

The balance owing as of this date on the obligation secured by said deed of trust is \$568,000.00, excluding interest, costs and expenses actually incurred in enforcing the obligations hereunder or in this sale, as trustee's fees and/or reasonable attorney's fees as authorized in the promissory note secured by the aforementioned Deed of Trust.

Dated: March 2, 2010

Alliance Title & Escrow Corp.

By: /s/ Bobbi Chisfield, Trust Officer
Phone: 208-947-1533

Publish 3/17, 3/24, 3/31, and 4/7/2010

SUMMARY OF ORDINANCE NO. 640

AN ORDINANCE OF THE CITY OF CASCADE, VALLEY COUNTY, IDAHO, AMENDING SECTION 1 OF CHAPTER 3 TITLE 8 OF THE CASCADE CITY CODE BY THE ADDITION OF A NEW SUBSECTION "WATER USER"; AMENDING SECTION 1 OF CHAPTER 3 TITLE 8 BY CHANGING THE ADJUSTMENT FACTOR OF A 1 INCH WATER METER FROM A FACTOR OF 2 TO 1; AMENDING SECTION 3 OF CHAPTER 3 TITLE 8 BY CHANGING THE RESPONSIBLE PARTY FOR PAYMENT OF CHARGES FROM "WATER USER" TO RECORD TITLE HOLDER; REMOVING SUBSECTION E OF SECTION 7 CHAPTER 3 TITLE 8; AMENDING SUBSECTION A OF SECTION 11 CHAPTER 3 TITLE 8 (WATER TURN ON OR TURN OFF CHARGES; TRANSFER FEE) OF THE CASCADE CITY CODE TO PROVIDE THAT RECORD TITLE HOLDERS OF THE PREMISES SHALL BE RESPONSIBLE FOR WATER FEES; PROVIDING FOR CONNECTION FEES TO BE SET BY RESOLUTION OF THE CITY COUNCIL; ELIMINATING PROVISION FOR THE TRANSFER OF BILLING FOR A WATER ACCOUNT TO ANOTHER PARTY; PROVIDING THAT ALL OTHER SECTIONS OF TITLE 8 NOT HEREIN AMENDED SHALL REMAIN IN FULL FORCE AND EFFECT; PROVIDING THAT THIS ORDINANCE SHALL BE IN FULL FORCE AND EFFECT FROM AND AFTER ITS PASSAGE, APPROVAL, AND PUBLICATION ACCORDING TO LAW.

The full text of this ordinance is available at the City Clerk's Office, Cascade City Hall, 105 S. Main Street, Cascade, Idaho.

THE FOREGOING SUMMARY IS APPROVED FOR publication this 8th day of March, 2010, by the City Council of the City of Cascade.

CITY OF CASCADE, a municipal corporation of Idaho

/s/ R.W. Carter, Mayor

ATTEST:

/s/ Wesley J. Hedin, Clerk/Treasurer

PUBLISH: 3-17-2010

