



004

ORDINANCE NO. 6798

BY THE COUNCIL:

BISTERFELDT, CLEGG, EBERLE,  
JORDAN, SHEALY AND THOMSON

**AN ORDINANCE (CAR10-00007 / ANNEXATION / BOISE PARKS AND RECREATION DEPARTMENT) FOR PROPERTY LOCATED NORTH OF HILL ROAD, BETWEEN PIERCE PARK AND SHAW MOUNTAIN ROAD, ANNEXING CERTAIN LANDS AND TERRITORY SITUATED IN ADA COUNTY, IDAHO, AND ADJACENT AND CONTIGUOUS TO THE CORPORATE LIMITS OF THE CITY OF BOISE CITY; ESTABLISHING AND DETERMINING THE LAND USE CLASSIFICATION OF SAID LANDS AS A-2 (OPEN LAND); PROVIDING THAT COPIES OF THIS ORDINANCE SHALL BE FILED WITH THE ADA COUNTY AUDITOR, THE ADA COUNTY TREASURER, THE ADA COUNTY ASSESSOR, THE ADA COUNTY RECORDER, AND THE IDAHO STATE TAX COMMISSION; PROVIDING THAT A COPY OF SAID LEGAL DESCRIPTION AND MAP BE RECORDED WITH THE ADA COUNTY RECORDER AND FILED WITH THE ADA COUNTY ASSESSOR AND THE IDAHO STATE TAX COMMISSION AS REQUIRED BY LAW; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the owner of the lands and territory, situated in Ada County and particularly described in Section One of this ordinance, has requested, in writing, annexation of said lands to the city; and

**WHEREAS**, the Boise City Council has found and determined that said lands and territory are contiguous and adjacent to Boise City and that annexation of said lands can reasonably be used for orderly development of Boise City; and

**WHEREAS**, the Boise City Planning & Zoning Commission, pursuant to public notice as required by law, held a public hearing on July 12, 2010, and recommended to the Mayor and Council that annexation be approved and said lands be zoned A-2 (Open Land ); and

**WHEREAS**, the Boise City Council, pursuant to public notice as required by law, held a public hearing on August 31, 2010, on the proposed zoning for the property described in Section One below, all as required by Idaho Code, Section 67-6525.

**NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF BOISE CITY, IDAHO:**

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O-35-10

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**Section 1.** The lands and territory situated in Ada County, Idaho, adjacent and contiguous to the City of Boise City, Idaho, particularly described in Exhibits "A" & "B" which is attached hereto and by reference made a part of this ordinance as though fully set forth herein, be, and the same are hereby, annexed to and incorporated into the territorial limits of the City of Boise City, Idaho.

**Section 2.** From and after the effective date of this ordinance, all property included within the boundaries and territory described in Section 1 hereof and annexed as provided by said Section shall be subject to all the statutes pertaining to Boise City and all ordinances, resolutions, police regulations, taxation and other powers of Boise City, and all persons and property within the territory so annexed shall be and are entitled to all benefits and rights as are the persons and property presently within the corporate territorial limits of Boise City.

**Section 3.** The City Engineer of Boise City is hereby directed to lodge and file with the City Clerk of Boise City within ten (10) days after the passage and approval hereof, a legal description and map prepared in a draftsmanlike manner which shall plainly and clearly designate the boundaries of the lands and territory annexed, pursuant to the provisions of Section 1 hereof.

**Section 4.** Pursuant to the findings of the Boise City Council, the land use classification of the lands described in Exhibits "A" and "B" annexed hereto and by reference made a part thereof is hereby fixed and established as A-2 (Open Land), all as provided by the Zoning Ordinance of Boise City. The reasoned statement is:

- A. That the annexation shall incorporate the Boise sewer planning area.

The subject lands have been within the City's sewer planning area for many years. New development, though not likely to occur, would require connection to City sewer, which is generally available throughout of the subject area, or will be available with extension to new development.

- B. Honor negotiated area of impact agreements.

The only reference to unilateral annexations in the Area of Impact Agreement (B.C.C. 11-15) is a statement that annexation shall occur within the Area of Impact. The implication is that cities may annex lands within the area of impact when it is necessary or convenient for the orderly growth of the city. This report clearly demonstrates that it is.

- C. Attempt to balance costs of services with anticipated revenues.

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No costs of services or revenues are anticipated.

- D. Promote other goals of population balance, contiguous development and prevention of costs due to leap frog development.

Part of the intent behind annexing the Area of Impact is to prevent the sort of "leap frog" development that has resulted in the unplanned, haphazard development patterns which are seen in some areas. By annexing where feasible and practical the City will help to ensure that future development, as much as possible, occurs contiguous with City limits and thereby facilitates the more efficient and economical delivery of services.

### **Zoning**

The only change made to the existing zoning will be to assign a City zone that is equivalent to current Ada County zoning. The City is to make the following findings when reclassifying the zoning of properties:

- A. Comply with and conform to the Comprehensive Plan.

The zoning being applied will be the City's closest equivalent to the existing Ada County zoning. Future decisions on requests for zone changes will be based on the Comprehensive Plan Land Use Map and Zoning Consistency Matrix, as well as the other applicable goals and policies contained in the Plan.

- B. Provide and maintain sufficient transportation and other public facilities, and does not adversely impact the delivery of services by any political subdivision providing services.

Transportation services and other public facilities can best be planned for and provided under the auspices of one jurisdiction. Only Boise City operates any sort of transit system which might feasibly service the area someday.

- C. Maintain and preserve compatibility of surrounding zoning and development.

This finding is satisfied since the City is assigning zoning which is comparable to the zoning that exists now under County jurisdiction. Future developments that involve requests for zone changes will also be evaluated against this standard. The following demonstrates the comparable City zoning that will be applied if the annexation is approved.

Ada County  
RP

Boise City  
A-2 (Open Land)

**Section 5.** The zoning maps of Boise, Idaho, as the same are provided in Section 11-2-1.2,

Boise City Code, are hereby changed, altered, and amended to include the real property described in Section 4 above in the land use classification therein described.

**Section 6.** The City Clerk of Boise City is hereby directed to file, within ten (10) days after the passage and approval hereof, a certified copy of this Ordinance with the Ada County Auditor, Ada County Treasurer, Ada County Assessor, and the Idaho State Tax Commission, and to file a copy of said legal description and map, as prepared and lodged with the City Clerk by the City Engineer, with the Ada County Assessor, Ada County Recorder and the Idaho State Tax Commission, all as provided by Sections 50-223 and 63-215, Idaho Code.

**Section 7.** That this Ordinance shall be in full force and effect immediately upon its passage, approval and publication.

**PASSED** by the Council of the City of Boise, Idaho, this 14th day of December, 2010.

**APPROVED** by the Mayor of the City of Boise, Idaho this 14th day of December, 2010.

**APPROVED:**



David H. Bieter  
MAYOR

**ATTEST:**



CITY CLERK *Craig Croner*



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**EXHIBIT A**

**Maps (3)**

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**EXHIBIT B**

**Property Descriptions (3)**

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ANNEXATION DESCRIPTION  
FOR  
FOOTHILLS PROPERTY ACQUISITION  
SECTION 36, T4N,R2E,BM

A parcel of land being the Southwest  $\frac{1}{4}$  of the Northwest  $\frac{1}{4}$  of Section 36, Township 4 North, Range 2 East, Boise Meridian, Ada County, Idaho, more particularly described as follows:

Beginning at the southwest corner for said Section 36; thence along the westerly boundary of Section 36 North  $0^{\circ}03'45''$  West 2620.74 feet to the West  $\frac{1}{4}$  corner of Section 36, the True Point of Beginning;

Thence along the southerly boundary of said Southwest  $\frac{1}{4}$  of the Northwest  $\frac{1}{4}$  South  $89^{\circ}13'32''$  East 1327.29 feet to the southeast corner of the Southwest  $\frac{1}{4}$  of the Northwest  $\frac{1}{4}$  ;

Thence along the easterly boundary of the Southwest  $\frac{1}{4}$  of the Northwest  $\frac{1}{4}$  North  $0^{\circ}02'03''$  East 1302.27 feet to the northeast corner of the Southwest  $\frac{1}{4}$  of the Northwest  $\frac{1}{4}$  ;

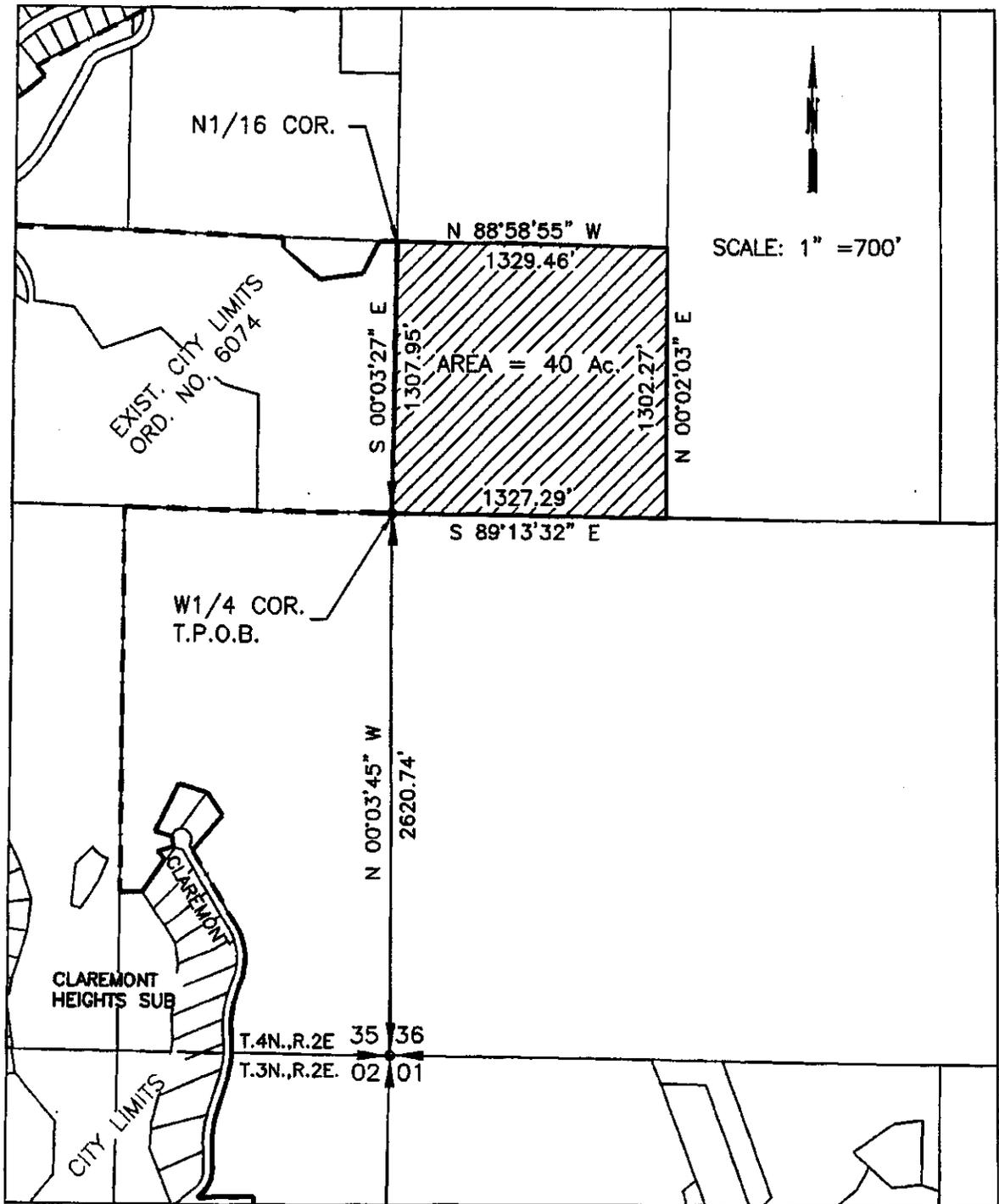
Thence along the northerly boundary of the Southwest  $\frac{1}{4}$  of the Northwest  $\frac{1}{4}$  North  $88^{\circ}58'55''$  West 1329.46 feet to the northwest corner of the Southwest  $\frac{1}{4}$  of the Northwest  $\frac{1}{4}$  of Section 36;

Thence along the westerly boundary of Section 36 and the existing easterly boundary of Boise City Limits as described in Annexation Ordinance No. 6074, South  $0^{\circ}03'27''$  East 1307.95 feet to the True Point of Beginning.

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SECTIONS 36 TOWNSHIP 4N RANGE 2E

BOISE CITY  ANNEXED AREA 



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ANNEXATION2010.S.D.

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ANNEXATION DESCRIPTION  
FOR  
FOOTHILLS ACQUISITION  
SECTIONS 16 & 21, T4N,R2E,BM

An area of land located in portion of Section 16 and the Northwest ¼ of Section 21 of Township 4 North, Range 2 East, Boise Meridian, Ada County, Idaho, more particularly described as follows:

BEGINNING at the section corner common to Sections 16, 17, 20 and 21 of Township 4 North, Range 2 East, Boise Meridian;

Thence along the westerly boundary of Section 16 North 00°10'14" East 1314.75 feet to the northwest corner of the Southwest ¼ of the Southwest ¼ of Section 16;

Thence along the northerly boundary of said Southwest ¼ of the Southwest ¼ South 89°05'52" East 1332.94 feet to the northeast corner of the Southwest ¼ of the Southwest ¼ ;

Thence along the westerly boundary of the Northeast ¼ of the Southwest ¼ North 00°08'37" East 1315.18 feet to the northwest corner of the Northeast ¼ of the Southwest ¼ ;

Thence along the westerly boundary of the Southeast ¼ of the Northwest ¼ North 00°07'40" East 1314.18 feet to the northwest corner of the Southeast ¼ of the Northwest ¼ ;

Thence along the northerly boundary of the Southeast ¼ of the Northwest ¼ South 89°06'32" East 1332.06 feet to the northwest corner of the Southwest ¼ of the Northeast ¼ ;

Thence along the northerly boundary of the Southwest ¼ of the Northeast ¼ South 89°09'58" East 1329.11 feet to the northeast corner of the Southwest ¼ of the Northeast ¼ ;

Thence along the easterly boundary of the Southwest ¼ of the Northeast ¼ South 00°03'11" West 1315.22 feet to the southeast corner of the Southwest ¼ of the Northeast ¼ ;

Thence along the easterly boundary of the West ½ of the Southeast ¼ South 00°03'05" West 2631.96 feet to the to southeast corner of the West ½ of the Southeast ¼ ;

Thence along the southerly boundary of Section 16 North 89°05'07" West 1333.59 feet to the South ¼ Corner of Section 16;

Thence continuing along the southerly boundary of Section 16 North 89°04'47" West 875.90 feet;

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(continued)

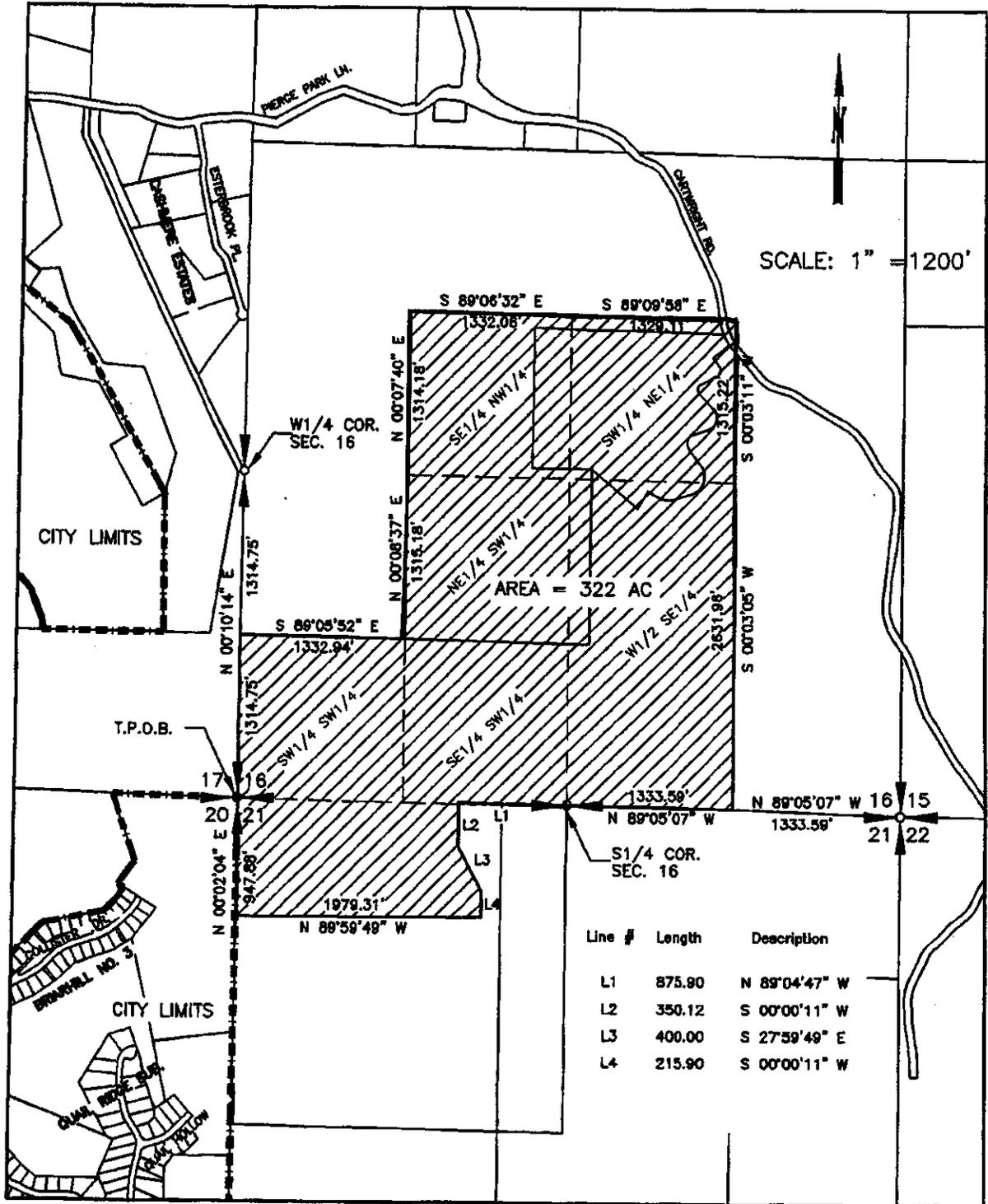
Thence South 00°00'11" West (recorded as S 0°00'00" W) 350.12 feet;  
Thence South 27°59'49" East (recorded as S 28°00'00" E) 400.00 feet;  
Thence South 0°00'11" West (recorded as S 0°00'00" W) 215.90 feet;  
Thence North 89°59'49" West (recorded as S 90°00'00" W) 1979.31 feet  
to the westerly boundary of Section 21 and the existing Boise City Limits as  
described in Ordinance No. 5318;

Thence along the westerly boundary of Section 21 and existing Boise City  
Limits North 00°02'04" East (formerly N 00°12'26" E) 947.88 feet to the POINT  
OF BEGINNING.

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SECTIONS 16 & 21 TOWNSHIP 4N RANGE 2E

BOISE CITY  ANNEXED AREA 



BOISE CITY ANNEXATION  
CAR-10-07  
EXHIBIT 'A'

ORDINANCE NO. \_\_\_\_\_ ACRES: 322 EFFECTIVE DATE: \_\_\_\_\_

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ANNEXATION DESCRIPTION  
FOR  
CITY OF BOISE  
PARCELS 1 AND 2

**PARCEL 1**

A parcel of land located in Government Lots 3, 4 and 5 of Section 1, Township 3 North, Range 2 East, Boise Meridian, Ada County, Idaho, more particularly described as follows:

**Beginning** at the northwest corner for Section 1;

Thence along the northerly boundary of said Section 1 South  $89^{\circ} 06' 33''$  East 1259.11 feet (record S $89^{\circ} 06' 31''$ E)

Thence South  $20^{\circ} 25' 47''$  East 610.42 feet;

Thence South  $50^{\circ} 32' 28''$  West 79.46 feet;

Thence South  $12^{\circ} 29' 20''$  East 83.79 feet;

Thence South  $66^{\circ} 42' 08''$  West 675.53 feet;

Thence South  $30^{\circ} 10' 27''$  East 361.41 feet to the centerline of an existing gravel road;

Thence South  $19^{\circ} 53' 22''$  East 99.51 feet to the northerly boundary of the Boise Barracks Military Reserve and existing Boise City limits;

Thence along said City limits South  $70^{\circ} 06' 38''$  West 626.04 feet;

Thence leaving said City limits North  $00^{\circ} 56' 32''$  East 190.00 feet;

Thence South  $70^{\circ} 06' 38''$  West 493.87 feet (record S $70^{\circ} 05' 47''$ E) to the westerly boundary of Section 1;

Thence along said westerly boundary North  $00^{\circ} 56' 32''$  East 1588.37 feet to the **POINT OF BEGINNING**.

Parcel of land contains 40.96 Acres more or less.

**Parcel 2**

A parcel of land located in the South ½ of the Northeast ¼ and the North ½ of the Southeast ¼ and part of Government Lots 3, 6 and 7 of Section 1, Township 3 North, Range 2 East, Boise Meridian, Ada County, Idaho, more particularly described as follows:

Beginning at the Northeast Corner for Section 1, thence along the easterly boundary of said Section 1 South 00° 29' 22" West 1320.92 feet (record S0° 29' 28"W 1320.85) to the Northeast Corner of the South ½ of the Northeast ¼, the **TRUE POINT OF BEGINNING**;

Thence along the northerly boundary of the South ½ of the Northeast ¼ North 88° 53' 43" West 2649.74 feet (record N88° 53' 38"W 2649.68) to the Northwest Corner of the South ½ of the Northeast ¼ ;

Thence along the westerly boundary of said Northeast ¼ North 00° 38' 29" East 706.23 feet;

Thence North 68° 37' 57" West 85.13 feet to the southeast corner of that parcel of land described in Warranty Deed Instrument No. 103099577, Records of Ada County;

Thence along the southerly boundary of said parcel South 84° 04' 43" West 139.45 feet;

Thence continuing along the southerly boundary of said parcel North 48° 09' 32" West 152.20 feet;

Thence South 27° 00' 48" West 120.72 feet;

Thence South 50° 27' 38" West 420.51 feet;

Thence South 26° 38' 53" West 482.50 feet to the southeasterly corner of that parcel of land described in Warranty Deed Instrument No.8613944, Records of Ada County;

Thence South 13° 45' 37" East 130.71 feet;

Thence South 65° 39' 12" West 392.00 feet;

Thence North 27° 42' 52" West 81.91 feet;

Thence North 46° 24' 44" West 75.84 feet;

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Thence North 71° 03' 09" West 50.69 feet;

Thence South 87° 51' 17" West 41.16 feet to the easterly boundary of the Boise Barracks Military Reserve and existing Boise City limits;

Thence along said City limits South 20° 33' 01" East 487.84 feet (record S20° 32' 25"E) to a B.L.M. Brass Cap Witness Point;

Thence continuing along said City limits South 20° 32' 35" East 1585.93 feet (record S20° 32' 25"E) to a B.L.M. Brass Cap Witness Point;

Thence continuing along said easterly boundary of the Military Reserve South 20° 31' 27" East 591.13 feet to the southerly boundary of Government Lot 7;

Thence along the southerly boundary of Government Lot 7 South 88° 44' 30" East 462.73 feet to the Southwest Corner of the North ½ of the Southeast ¼;

Thence along said southerly boundary South 88° 46' 17" East 2659.88 feet to the southeast corner of the North ½ of the Southeast ¼ ;

Thence along the easterly boundary of Section 1 North 00° 21' 14" East 1321.88 feet (record N0° 21' 05"E 1321.71) to the East ¼ Corner;

Thence along the easterly boundary of Section 1 North 00° 29' 29" East 1320.74 feet (N0° 29' 28"E 1320.86) to the **TRUE POINT OF BEGINNING.**

Parcel contains 218.82 Acres more or less.

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Parcels (outline)

PARCEL	PROPY	GISVECTOR2.C	GISVECTOR2.GISVECTOR2.C	GISVECTOR2.GDO.A	GISVECT1	GISVECTOR2.GDO.ADA	GISVECT	GISV
S0616244250	2010	BOISE CITY	PO BOX 500	PO BOX 500	BOISE, ID 83701-0000L	N CARTWRIGHT RD	N	N
S0616131250	2010	BOISE CITY	PO BOX 500	PO BOX 500	BOISE, ID 83701-0000L	N CARTWRIGHT RD	N	N
S0616427800	2010	BOISE CITY	PO BOX 500	PO BOX 500	BOISE, ID 83701-0000L	N CARTWRIGHT RD	N	N
S0616336000	2010	BOISE CITY	PO BOX 500	PO BOX 500	BOISE, ID 83701-0000L	N CARTWRIGHT RD	N	N
S0621212565	2010	BOISE CITY	PO BOX 500	PO BOX 500	BOISE, ID 83701-0000R	6301 N COLLISTER DR	N	N
S0636233600	2010	BOISE CITY	PO BOX 500	PO BOX 500	BOISE, ID 83701-0000L	N CLAREMONT DR	N	N
S1001244200	2010	BOISE CITY	PO BOX 500	PO BOX 500	BOISE, ID 83701-0000C	1800 N MOUNTAIN COVE	N	N
S1001223150	2010	BOISE CITY	PO BOX 500	PO BOX 500	BOISE, ID 83701-0000L	N MOUNTAIN COVE RD	N	N
S1001131300	2010	BOISE CITY	PO BOX 500	PO BOX 500	BOISE, ID 83701-0000L	N MOUNTAIN COVE RD	N	N

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GISVECT  
 CARTWRI RD BOISE, ID PAR #425 SEC 16 4N PART PAF #131210-S #244200-S RP 335 80.1 4N2E16 4N 2E 16  
 CARTWRI RD BOISE, ID PAR #125 SEC 16 4N PARCEL 2 #244200-B #121210-S RP 335 40.005 4N2E16 4N 2E 16  
 CARTWRI RD BOISE, ID PAR #780 SEC 16 4N PARCEL 1 #121210-B RP 335 40.005 4N2E16 4N 2E 16  
 CARTWRI RD BOISE, ID SW4SW4 SEC 16 4N #L0616336000-R RP 335 120 4N2E17 4N 2E 16  
 COLLISTE DR BOISE, ID PAR #256 SEC 21 4N PARCEL 4 #212551-B #212552-E RP 335 40.081 4N2E17 4N 2E 21  
 CLAREMC DR BOISE, ID SW4NW4 SEC 36 4N #230000 R RP 233 40 4N2E35 4N 2E 36  
 MOUNTAII RD BOISE, ID PAR #420 SEC 1 3N #S100124 #8402323-24 RP 38 8.57 3N2E01 3N 2E 01  
 MOUNTAII RD BOISE, ID PAR #315 SEC 01 3N PARCEL 1 #212506-B RP 38 40.96 4N2E35 3N 2E 01  
 MOUNTAII RD BOISE, ID PAR #130 N2SE4 & L SEC 1 3N PARCEL 2 #212506-C RP 38 218.82 3N2E01 3N 2E 01

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## CITY OF BOISE

**TO:** Mayor and City Council  
**FROM:** Scott Spjute, Zoning Administrator  
**ORDINANCE:** O-35-10  
**DATE:** November 18, 2010  
**SUBJECT:** CAR10-00007 / Annexation of nine parcels totaling 659 acres /  
Boise Parks and Recreation Department

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### **ACTION REQUIRED**

Three Readings

### **RECOMMENDATION**

Approval

### **BACKGROUND**

These are lands owned by Boise Parks and Recreation and are located in the foothills. The lands are vacant and with the annexation will be brought under City jurisdiction. The proposed annexation meets the goals of orderly development, efficient delivery of services and equitable allocation of costs for service.

### **ATTACHMENTS**

Ordinance, maps (Exhibit A) and property descriptions (Exhibit B)

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