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ORDINANCE NO. 2011-25

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TECHNICAL SUPPORT

AN ORDINANCE AMENDING ORDINANCE NO. 583A, ADOPTED ON APRIL 8, 2002, ESTABLISHING THAT THE 2003 MAP CORRECTLY IDENTIFIED THE PROPERTY ANNEXED INTO THE CITY; TO CORRECT THE ERRORS IN THE LEGAL DESCRIPTION TO INCLUDE THE ANNEXING OF CERTAIN REAL PROPERTY, NOW KNOWN AS PARCEL R6733660100; 769 S. SCHOOL AVENUE, KUNA, IDAHO, SITUATED IN THE UNINCORPORATED AREA OF ADA COUNTY, IDAHO, AND CONTIGUOUS TO THE CORPORATE LIMITS OF THE CITY OF KUNA, TO THE CITY OF KUNA, IDAHO; ESTABLISHING THE ZONING CLASSIFICATION OF SAID REAL PROPERTY; DIRECTING THAT COPIES OF THIS ORDINANCE BE FILED AS PROVIDED BY LAW; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Kuna, 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, Michael H. and Kathie K. Ashby, owners of the parcel of real property situate in the unincorporated area of Ada County and particularly described in Section 2 of this ordinance has requested, in writing, annexation of said real property to the City of Kuna; and

WHEREAS, the Planning and Zoning Commission of the City, pursuant to public notice as required by law, held a public hearing on June 26, 2001, as required by Section §67-6525, Idaho Code, where it was recommended to the Mayor and Council that the annexation and zoning request be approved with a zoning classification of R-4, Low Density Residential; and

WHEREAS, the Kuna City Council, pursuant to public notice as required by law, held a public hearing on July 23, 2001, on the proposed annexation and zoning for the real property described in Section 2 below, as required by Section §67-6525, Idaho Code, made findings and determined that the requested annexation should be granted with a zoning classification of R-4, Low Density Residential; and

WHEREAS, on April 8, 2002, the City Council passed ordinance 583A with a map attached as an exhibit depicting the area annexed into the City and this map correctly described the property annexed into the City; and

WHEREAS, on April 8, 2002, ordinance 583A had an incorrect legal description of the property to be annexed; and

WHEREAS, on April 19, 2002, the Idaho State Tax Commission provided a letter to the City confirming the map and legal provided with ordinance 630 was correct; and

WHEREAS, this amendment is necessary to correct the legal description of the property to reflect the properly annexed parcels into the City in 2002, so it conforms with the map and intent of the City; and

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

Section 1: The Kuna City Council hereby finds and declares that the map attached as Exhibit B to ordinance 630 correctly identified the property annexed into the City in 2002.

Section 2: The real property, all situated in Ada County, Idaho, adjacent and contiguous to the City, commonly known as Parcel R6733660100 and more particularly described in "Exhibit A"- Legal Description for R-4, Low Density Residential lands and "Exhibit B"- Site Map, attached hereto and incorporated herein by reference as if fully set forth below, is annexed to and incorporated in the incorporated territorial limits of the City of Kuna, Idaho.

Section 3: 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 Kuna.

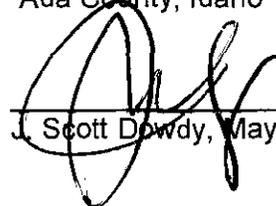
Section 4: The zoning land use classifications of the land described in Section 2 above is hereby established as R-4, Low Density Residential as provided by the Zoning Ordinance of the City. The Zoning Map of the City is hereby amended to include the real property described in Section 2 above in the R-4 zoning land use classification.

Section 5: 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 Ada 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 6: 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 6th day of December 2011.

CITY OF KUNA  
Ada County, Idaho

  
\_\_\_\_\_  
J. Scott Dowdy, Mayor

ATTEST:

  
Brenda S. Bingham, City Clerk

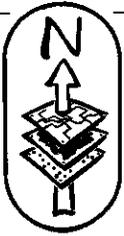


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**ORDINANCE 2011-25  
EXHIBIT A  
LEGAL DESCRIPTION**

Lot 1 Block 3 of Outpost Subdivision recorded in Book 87 page 10023-10024 of Ada County Book of Plats in the Ada County Recorder's Office.

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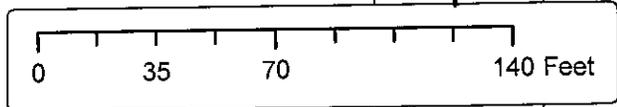
**ORDINANCE 2011-25  
EXHIBIT B**

W RECESS WAY

**SUBJECT  
PROPERTY**

S SCHOOL AVE

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