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BENEWAH COUNTY

J. MICHELE REYNOLDS, CLERK

*Transferred Section 5.14 to City of St. Maries*

ORDINANCE NO. 2011-678

AN ORDINANCE OF THE CITY OF ST. MARIES, A MUNICIPAL CORPORATION OF THE STATE OF IDAHO, PROVIDING FOR ANNEXATION OF CERTAIN REAL PROPERTY LYING IN TOWNSHIP 46 NORTH, RANGE 2 WEST, SECTION 21, BENEWAH COUNTY, IDAHO, OWNED BY THE CITY OF ST. MARIES LYING WEST OF AND ADJACENT TO THE CITY LIMITS ON THE SOUTH SIDE OF STATE HIGHWAY 5, COMMONLY KNOWN AS THE WOODLAWN CEMETERY, TOGETHER WITH ADDITIONAL PROPERTY ACQUIRED ON THE SOUTH SIDE OF STATE HIGHWAY 5 AND A STRIP OF LAND ALONG THE EXTENSION OF JEFFERSON AVENUE; AND REAL PROPERTY OWNED BY THE CITY CURRENTLY USED FOR THE BENEWAH COUNTY FAIRGROUNDS AND MULLAN TRAIL PARK LYING ON THE NORTH SIDE OF STATE HIGHWAY 5; PROVIDING ZONING OF THE PROPERTY SO ANNEXED AS PARKS AND RECREATION (P-R); PROVIDING FOR AMENDMENT TO THE OFFICIAL ZONING MAP; PROVIDING FOR CITY JURISDICTION; PROVIDING FOR THE REPEAL OF CONFLICTING ORDINANCES, PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE UPON PUBLICATION; PROVIDING DIRECTION TO THE CITY CLERK TO FILE WITH BENEWAH COUNTY AND THE IDAHO STATE TAX COMMISSION.

WHEREAS, the City Council of the City of St. Maries, as the applicant for the proposed annexation of real properties described below, all of which are owned by the City, and the subsequent zoning of said properties as Parks and Recreation (P-R); and

WHEREAS, public hearings, duly noticed, were held before both the Planning & Zoning Commission on February 23, 2011 and the St. Maries City Council on May 23, 2011 in accordance with law; and

WHEREAS, the Benewah County Commissioners, on behalf of Benewah County, have consented to annexation of that portion of the real property currently leased for the use of Benewah County for the County Fairgrounds and Mullan Trail Park; and

WHEREAS, the City Council, based upon the recommendation of the Planning and Zoning Commission and upon its own findings has determined that said annexation is provided for under existing law in that the land in question adjoins the corporate limits and is contiguous, that the proposed zoning is suitable and compatible with surrounding land uses and that said land uses would fit in with the general development of the City and would be in the best interest of the citizens of the City of St. Maries:

NOW THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF ST. MARIES, BENEWAH COUNTY, IDAHO, AS FOLLOWS:

SECTION 1: That the following described properties owned by the City of St. Maries, which are contiguous and adjacent to the City of St. Maries, to wit:

the Northeast Quarter of the Southeast Quarter of Section 21, Township 46 North, Range 2 West, B.M., Benewah County, Idaho, excepting therefrom:  
**BEGINNING** at the Southeast 1/16 corner of said section (the Southwest corner of the Northeast Quarter of said Southeast Quarter), monumented with an iron pipe, 2 inches diameter, with a brass cap, 2-1/2 inches diameter marked RLS 703, from which the Center-East 1/16 corner of said section (the Northwest corner of the Northeast Quarter of said Southeast Quarter), monumented with an iron rod, 5/8 inch diameter, with an aluminum cap, 2 inches diameter marked PLS 6766, bears North 0° 04' 20" East, 1311.42 feet distant; thence North 0° 04' 20" East, 469.65 feet along the West line of the Northeast Quarter of said Southeast Quarter, to a point on the southerly right-of-way line of STATE HIGHWAY No. 5, said point monumented with an iron rod, 30 inches long, 5/8 inch diameter, with a plastic cap marked PLS 6766; thence leaving said West line, and traversing said southerly right-of-way line of STATE HIGHWAY No. 5, as follows: 239.32 feet along the arc of a 326.50 foot radius curve left, said curve having a chord bearing North 84° 18' 13" East, 234.00 feet distant, to an iron rod, 30 inches long, 5/8 inch diameter, with a plastic cap marked PLS 6766; thence North 63° 11' 47" East, 99.02 feet (of record as North 63° 10' 00" East and North 63° 55' East) to an iron rod, 30 inches long, 5/8 inch diameter, with a plastic cap marked PLS 6766; thence South 3° 00' 08" East, 538.03 feet, and leaving said southerly right-of-way line, to a point on the South line of the Northeast Quarter of said Southeast Quarter, monumented with an iron rod, 30 inches long, 5/8 inch diameter, with a plastic cap marked PLS 6766; thence South 89° 57' 42" West, 350.00 feet along said South line, to the POINT OF BEGINNING.

AND,

That part of the Southeast Quarter of the Southeast Quarter of Section 21, Township 46 North, Range 2 West, B.M., Benewah County, Idaho, described as follows:

Beginning at the Northeast Corner of the Southeast Quarter of the Southeast Quarter of said Section 21; thence West along the North Boundary of said Southeast Quarter of the Southeast Quarter of said Section 21, a distance of 340 feet to a point, thence South 70 feet to a point; thence East a distance of 340 feet to a point on the Section line common to Sections 21 and 22, Township 46 North, Range 2 West B.M.; thence North along said Section line a distance of 70 feet to the point of beginning.

AND,

A part of the Southeast Quarter of Section 21, Township 46 North, Range 2 West of the Boise Meridian, Benewah County, Idaho; more particularly described as follows:

**COMMENCING** at the Southeast 1/16 corner of said section (the Northwest corner of the Southeast Quarter of said Southeast Quarter) monumented with an iron pipe, 2 inches diameter, with a brass cap, 2-1/2 inches diameter marked RLS 703, from which the South 1/16 corner common to said Section 21 and Section 22 (the Northeast corner of the Southeast Quarter of said Southeast Quarter), monumented with an iron rod, 5/8 inch diameter with a plastic cap marked Bloom

3318, bears South 89°59'46" East, 1320.32 feet (of record as North 89°58'15" East, 1321.17 feet) distant;  
 thence North 89°57'42" East, 350.00 feet along the North line of the Southeast Quarter of said Southeast Quarter, to an iron rod, 30 inches long, 5/8 inch diameter, with a plastic cap marked PLS 6766, the POINT OF BEGINNING;  
 thence continuing North 89°57'42" East, 410.92 feet along said North line to an iron rod, 5/8 inch diameter, with an aluminum cap, 2 inches diameter, marked PLS 703;  
 thence South 0°00'15" West, 197.74 feet (of record as South 0° 02' 02" East, 198.00 feet and South, 198.00 feet), and leaving said North line, to an iron rod, 5/8 inch diameter, with an aluminum cap, 2 inches diameter, marked PLS 703;  
 thence South 0°01'53" East, 78.65 feet (of record as South 0°02'02" East, 78.50 feet and South, 78.50 feet) to an iron rod, 5/8 inch diameter, with an aluminum cap, 2 inches diameter, marked PLS 703;  
 thence South 0°00'55" East, 78.53 feet (of record as South 0°02'02" East, 78.50 feet and South, 78.50 feet) to an iron rod, 5/8 inch diameter, with an aluminum cap, 2 inches diameter, marked PLS 703;  
 thence South 0°01'50" West, 115.02 feet (of record as South 0°02'02" East, 115.00 feet and South, 115.00 feet) to an iron rod, 5/8 inch diameter, with an aluminum cap, 2 inches diameter, marked PLS 703;  
 thence South 88°54'11" West, 260.35 feet to the Northwest corner of JEFFERSON AVENUE, as conveyed by Warranty Deed, in Book O-2 of Deeds at Page 91, recorded June 12, 1963, records of said County, monumented with an iron rod, 30 inches long, 5/8 inch diameter, with a plastic cap marked PLS 6766;  
 thence North 17°36'17" West, 497.97 feet, and leaving said JEFFERSON AVENUE, to the POINT OF BEGINNING.

AND,

A part of the Southeast Quarter of Section 21, Township 46 North, Range 2 West of the Boise Meridian, Benewah County, Idaho; more particularly described as follows:

COMMENCING at the South 1/16 corner common to said Section 21 and Section 22 (the Northeast corner of the Southeast Quarter of said Southeast Quarter), monumented with an iron rod, 5/8 inch diameter, with a plastic cap marked Bloom 3318, from which the Southeast corner of said Section 21, monumented with an iron pipe, 2 inches diameter, with a brass cap, 2-1/2 inches diameter, marked RLS 703,

bears South 0°04'23" East, 1313.29 feet distant;  
 thence South 0°05'24" East, 469.42 feet (of record as South 0°00'50" East, 469.59 feet) along the East line of the Southeast Quarter of said Southeast Quarter, also being the West right-of-way line of 23rd Street, to an iron rod, 30 inches long, 5/8 inch diameter, with a plastic cap marked PLS 6766, the POINT OF BEGINNING;  
 thence continuing South 0°05'24" East, 4.15 feet (of record as South 0°06'20" East, 3.6 feet), along said East line, also said West line, to a point on the North line of JEFFERSON AVENUE, as conveyed by Warranty Deed, in Book O-2 of Deeds, at Page 91, recorded June 12, 1963, records of said County;  
 thence South 89°56'49" West, 820.46 feet along said North line, and leaving said East line, also said West line, to the Northwest corner of said JEFFERSON AVENUE, monumented with an iron rod, 30 inches long, 5/8 inch diameter, with a plastic cap marked PLS 6766;  
 thence North 88°54'11" East, 260.35 feet, and leaving said North line, to an iron rod, 5/8 inch diameter, with an aluminum cap, 2 inches diameter, marked PLS 703;  
 thence North 89°58'01" East, 200.03 feet (of record as North 89°57'58" East, 200.00 feet and East, 200.00 feet) to an iron rod, 5/8 inch diameter, with an aluminum cap, 2 inches diameter, marked PLS 703;

thence South 89°58'10" East, 360.12 feet (of record as South 89°58'14" East, 359.91 feet) to the POINT OF BEGINNING.

be and the same are hereby annexed to and declared to be a part of the City of St. Maries, County of Benewah, Idaho, and zoned Parks and Recreation (P-R).

SECTION 2: That the City of St. Maries official zoning map be amended to include and designate the annexed property which is described in Section 1, as Parks and Recreation (P-R).

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 St. Maries.

SECTION 4: That any ordinance or part thereof in conflict with the provisions of this Ordinance is hereby repealed.

SECTION 5: That if any part whatsoever of this Ordinance shall be held invalid, such a decision or decisions shall not affect the validity of the remaining parts.

SECTION 6: That 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.

SECTION 7: The City Clerk is hereby directed to file, within ten (10) days of passage, approval, and publication of this Ordinance, a certified copy of this Ordinance with the offices of the Auditor, Treasurer, and Assessor of Benewah 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.

PASSED upon suspension of the rules, upon a roll call vote, and duly enacted at a regular session of the St. Maries City Council, held on Monday, the 15<sup>th</sup> day of June, 2011.

Recusal and abstention from all deliberations and vote: \_\_\_\_\_

ATTEST:

CITY OF ST. MARIES, IDAHO

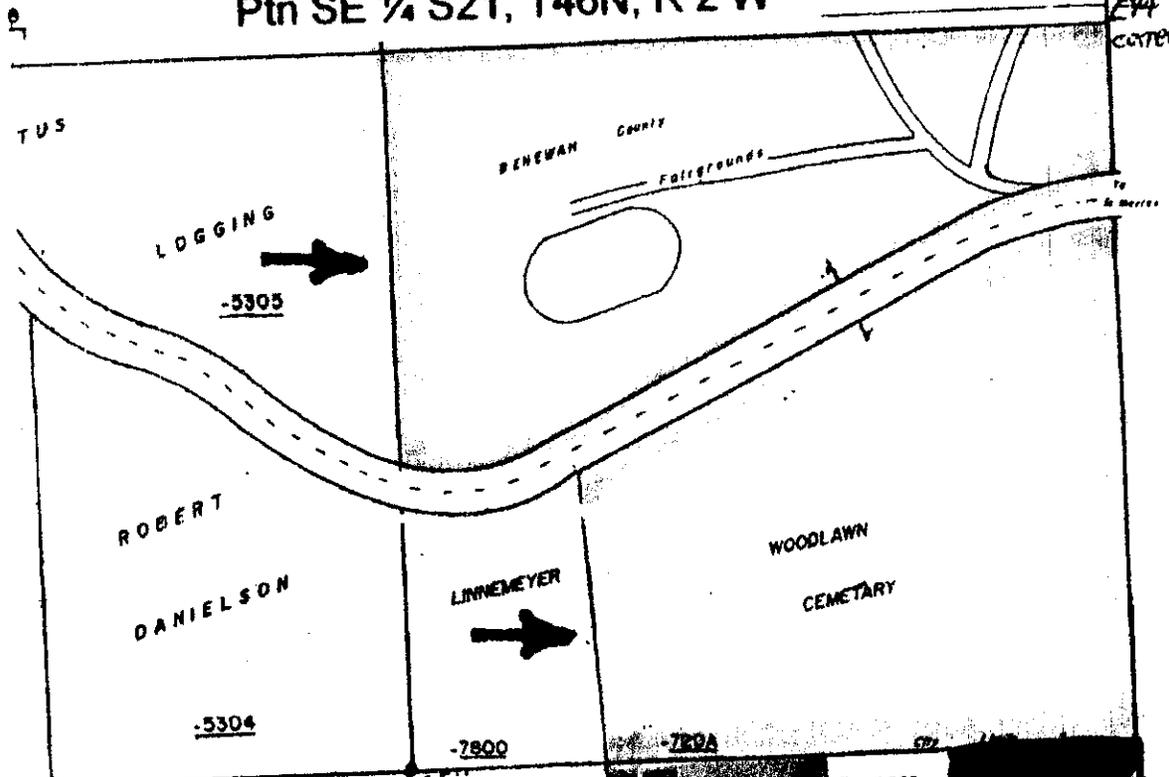
By: Stacie Schiermeister  
Stacie Schiermeister, City Clerk

By: Tami Holdahl  
Tami Holdahl, Mayor

Published: 6/29/11  
Recorded: 6/30/11

SEE  
**PARKER'S**  
**ADD.**

Ptn SE 1/4 S21, T46N, R 2 W



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EMEYER

-840A

Tax # 781  
CITY OF  
ST. MARIES  
-2300

TOX # 2822

CITY OF ST. MARIES

ROBERT ALLEN

CHURCH OF LATTER DAY SAINTS -2820

Jehovah WITNESS -2822

CITY OF ST. MARIES

SEE  
**CROMWELL**  
**ADDITION**

ASSEMBLY OF  
GOD -3400  
CHURCH  
#759

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