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ORDINANCE NO. 684

AN ORDINANCE ANNEXING CERTAIN REAL PROPERTY SITUATED IN THE UNINCORPORATED AREA OF ADA COUNTY, IDAHO, AND CONTIGUOUS TO THE CORPORATE LIMITS OF THE CITY OF EAGLE, TO THE CITY OF EAGLE, IDAHO; CHANGING THE ZONING CLASSIFICATION OF SAID REAL PROPERTY DESCRIBED HEREIN FROM RUT (RURAL-URBAN TRANSITION) TO A-R-DA (AGRICULTURAL RESIDENTIAL WITH A DEVELOPMENT AGREEMENT); AMENDING THE ZONING MAP OF THE CITY OF EAGLE TO REFLECT SAID CHANGE; DIRECTING THAT COPIES OF THIS ORDINANCE BE FILED AS PROVIDED BY LAW; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Eagle, 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, the owner of the real property situated in the unincorporated area of Ada County and particularly described in Exhibit "A" of this ordinance has requested, in writing, annexation of said real property to the City of Eagle; and

WHEREAS, the owner of the real property situated within the City of Eagle and particularly described in Exhibit "A" of this ordinance has requested, in writing, a rezone from RUT to A-R-DA; and

WHEREAS, the property described in Exhibit "A" is located at 11075 Horseshoe Bend Road; and

WHEREAS, the Planning and Zoning Commission of the City, pursuant to public notice as required by law, held a public hearing on May 7, 2012, as required by Section 67-6525, Idaho Code, and made a recommendation to the Mayor and Council; and

WHEREAS, the Eagle City Council, pursuant to public notice as required by law, held a public hearing on June 12, 2012, on the proposed annexation and zoning for the real property described in Exhibit "A" as required by Section 67-6525, Idaho Code, made findings and determined that the requested annexation should be granted and that a zoning classification of A-R-DA for the property described in Exhibit "A" is appropriate to meet the requirements of Idaho Code, Eagle City Code and the Eagle Comprehensive Plan and should be granted.

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

Section 1: The Eagle City Council hereby finds and declares that the real property particularly described in Exhibit "A", attached hereto and incorporated herein by reference, is contiguous to the City, that said property can be reasonably assumed to be used for the orderly development of the City, and that the owner of said property has requested, in writing, annexation thereof to the City.

Section 2: The real property, all situated in Ada County, Idaho, adjacent and contiguous to the City, particularly described in Exhibit "A" and as generally shown on Exhibit "B", attached here to and included herein by reference, is hereby annexed to the incorporated territorial limits of the City of Eagle, Idaho.

Section 3: The City Council hereby finds and determines that the real property particularly described in Exhibit "A" and generally as shown on Exhibit "B", attached hereto and incorporated by reference, is hereby removed from the RUT (Rural-Urban Transitional) zoning classification and is hereby included in the A-R-DA (Agricultural-Residential up to one (1) dwelling unit per five (5) acres with a development agreement) zoning classification all pursuant to the Zoning Ordinance of the City of Eagle. The City Council further finds and determines that said zone change is in accordance with the Eagle Comprehensive Plan and relevant City Codes and that the Zoning Map of the City is hereby amended to include the real property described in Exhibit "A" in the A-R-DA zoning district.

Section 4: 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 Eagle.

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 25th day of September 2012.

CITY COUNCIL OF THE CITY OF EAGLE

Ada County, Idaho

James D. Reynolds
James D. Reynolds, Mayor

ATTEST:

Sharon K. Bergmann
Sharon K. Bergmann, Eagle City Clerk

STATE OF IDAHO)

: ss.

County of Ada)

On this 26 day of September, in the year 2012, before me, the undersigned, a Notary Public in and for said State, personally appeared James D. Reynolds and James D. Reynolds, known to me to be the MAYOR and CITY CLERK of said municipal corporation that executed this instrument and the persons who executed the said instrument on behalf of said corporation, and acknowledged to me that such corporation executed the same.

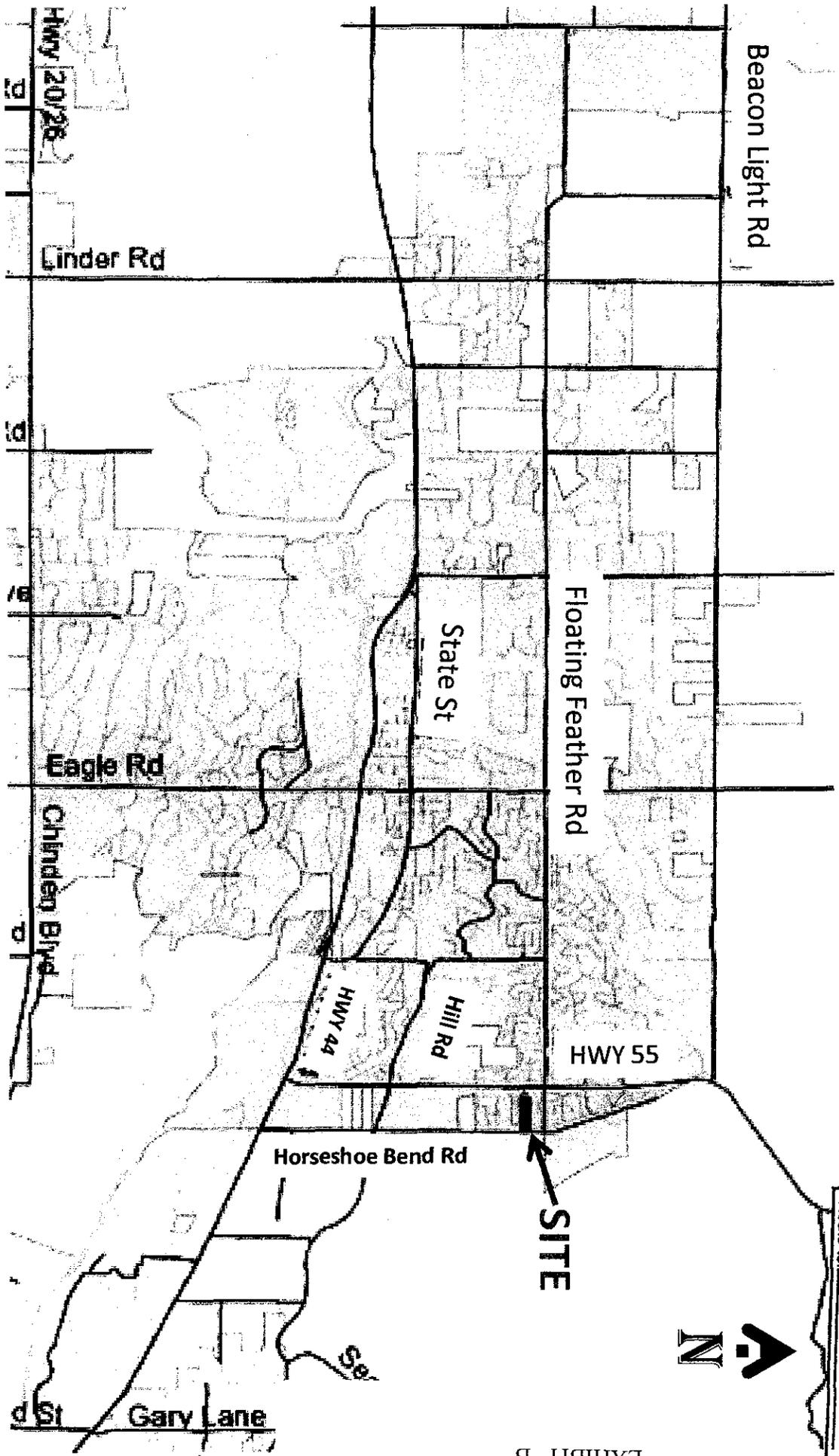
In witness whereof, I have hereunto set my hand and affixed my official seal the day and year first written.

Tracy E. Osborn
Notary Public
Residing at: Ada County, Id
My Commission Expires: 01/12/2015

RECEIVED & FILED
CITY OF EAGLE

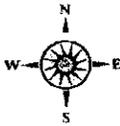
MAR 26 2012

File: _____
Route to: _____

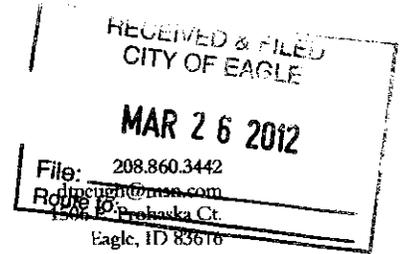


SUMMER LAWNS ANNEXATION VICINITY MAP

EXHIBIT "B"



DTP SURVEYING, LLC
Professional Land Surveyor



March 6, 2012

MARTIN ANNEXATION DESCRIPTION
RUT to A-R-DA

Part of the Northeast quarter of the Northeast quarter in Section 10, T.4N.,R.1E., B.M., Ada County, Idaho, described as follows:

From Section corner common to Sections 2, 3, 10, and 11, T.4N.,R.1E., B.M., Ada County, Idaho; running thence South on the Section line 451.8 feet to the REAL POINT OF BEGINNING:

- Thence West, 1013.5 feet to a point;
- Thence South 8°00' West, 51.4 feet to a point;
- Thence South 59°45' West, 288.1 feet to a point;
- Thence East, 1269.0 feet to a point on the Section line;
- Thence North 196.0 feet to the Place of Beginning.

Written from data of record without benefit of a field survey by DTP Surveying, LLC.





City of Eagle

P.O. Box 1520
Eagle, Idaho 83616

208-939-6813

James D. Reynolds
Mayor

Council Members:
Mark L. Butler
Mary Defayette
John Grasser
Norm Semanko

CLERK'S CERTIFICATION

STATE OF IDAHO)

: ss.

County of Ada)

I, Tracy E. Osborn, the duly appointed, qualified and acting Sr. Deputy City Clerk/Treasurer of the City of Eagle, County of Ada, State of Idaho, do hereby certify that the attached is a full, true and complete copy of Ordinance 684, that was recorded on September 27, 2012.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the City of Eagle, Idaho, 12th day of October, 2012.

Tracy E. Osborn
Tracy E. Osborn,
Sr. Deputy City Clerk/Treasurer

