

RECEIVED

MAY 18 2012

TECHNICAL SUPPORT  
CITY OF ST. CHARLES, STATE OF IDAHO

Instrument # 212219

BEAR LAKE COUNTY

5-4-2012 08:52:19 No. of Pages: 4

Recorded for : CITY OF ST. CHARLES

KERRY HADDOCK

Ex-Officio Recorder Deputy

Index to: ORDINANCE

Fee: 0.00

Cindy Garner

037

## ORDINANCE No 2012 -01

AN ORDINANCE OF THE CITY OF ST. CHARLES A MUNICIPAL CORPORATION OF IDAHO, ANNEXING AND ZONING A PARCEL OF LAND LOCATED NORTH OF THE CITY LIMITS OF ST. CHARLES, SAID LAND BEING MORE GENERALLY DESCRIBED AS SET FORTH IN ATTACHED EXHIBIT "A", CLASSIFIED AS A CATEGORY A ANNEXATION.

ALSO: PROVIDING FOR THE CITY CLERK TO FILE A CERTIFIED COPY OF THIS ORDINANCE WITH THE IDAHO STATE TAX COMMISSION AND WITH THE BEAR LAKE COUNTY AUDITOR, TREASURER, AND ASSESSOR IN ACCORDANCE WITH IDAHO CODE §§ 50-223 AND 63-215;

ALSO: PROVIDING FOR SAID LAND TO BE ZONED COMMERCIAL ; AND PROVIDING FOR THIS ORDINANCE TO BE IN FULL FORCE AND EFFECT FROM AND AFTER ITS PASSAGE, APPROVAL, AND PUBLICATION ACCORDING TO LAW, THE RULE REQUIRING THAT AN ORDINANCE BE READ ON THREE SEPARATE OCCASIONS HAVING BEEN DISPENSED WITH.

WHEREAS, there are certain lands lying contiguous and/or adjacent to the City of St. Charles, subject to annexation in accordance with the provisions of Idaho Code §50-222; and

WHEREAS, the owners of the lands, have applied for annexation of these lands, and a public hearing pursuant to the requirements of I.C. § 50-222, was held on April 4, 2012, before the St. Charles City Council, and public comment being received in favor and in opposition to the same, and all landowners subject to the annexation being in favor of the annexation; and

WHEREAS, the City finds based on the facts presented at the hearing that this is a Category A annexation pursuant to and as defined by I.C. § 50-222 (3)(a); and

WHEREAS, the City and property owners have entered into an AGREEMENT regarding the extension of the city's water and sewer services to the property being annexed, specifically regarding payment for those services being provided; and

WHEREAS, the City Council has determined that it is in the best interest of the City of St. Charles and the residents thereof that the said lands heretofore described in this title and hereinafter described in this ordinance be annexed to the City of St. Charles and be simultaneously zoned;

NOW THEREFORE, BE IT ORDAINED BY THE MAYOR AND THE CITY COUNCIL OF THE CITY OF ST. CHARLES, STATE OF IDAHO AS FOLLOWS:

Section 1: That the land described in Exhibit "A" attached hereto and made a part hereof by reference, and as depicted on the map attached hereto and made a part hereof, be hereby annexed and made a part of the City of St. Charles, a municipal corporation of Idaho.

Section 2: That the land described in this ordinance described be hereby zoned Commercial in its entirety, and that the official zoning map adopted by the City of St. Charles be hereby amended to incorporate the land annexed herein, and to depict the zone herein established upon said land.

Section 3: That the AGREEMENT referenced above, and attached hereto as Exhibit "B", is hereby adopted and incorporated herein by reference as a part of this ordinance.

Section 4: That immediately after the passage, approval, and publication of this ordinance according to law, the City Clerk is hereby directed to file with the Bear Lake County Auditor, Treasurer, and Assessor, and with the Idaho State Tax Commission, a certified copy of this ordinance.

Section 5: That upon the passage, approval, and publication of this ordinance according to law, the incorporated limits of the City of St. Charles shall extend to and include the lands hereinabove described and thereafter all property and persons within the limits of the lands herein annexed shall be subject to all of the provisions of the laws of the City of St. Charles and to the police regulations thereof.

Section 6: That this Ordinance shall be in full force and effect from and after its passage, approval, and publication according to law.

Section 7: One half (1/2) plus one (1) of the members of the full council agree to dispense with the rule requiring the reading of this ordinance on three (3) separate occasions.

Section 8: Severability: If any portion of this ordinance is determined by a Court of competent jurisdiction to be invalid or unenforceable, all other provisions of this ordinance shall remain in full force and effect.

PASSED AND APPROVED by the Mayor and the City Council of the City of St. Charles, Bear Lake County, Idaho, this 10<sup>th</sup> day of April, 2012.

  
 Alan Michelson, Mayor

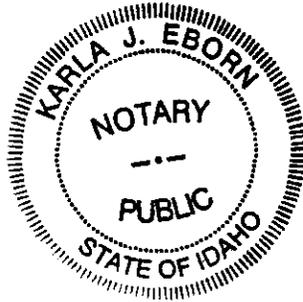
ATTEST:

  
 Peggy Pugmire, City Clerk

PUBLISHED:  
STATE OF IDAHO )  
 ) ss.  
COUNTY OF BEAR LAKE )

On this 4th day of ~~April~~ <sup>May</sup> 2012, before me, the undersigned, a Notary Public for the State, personally appeared Alan Michelson and Peggy Pugmire, known to me to be the Mayor and City Clerk, respectively, of the City of St. Charles, and acknowledged to me that they executed the foregoing instrument for and on behalf of said municipal corporation and that said municipal corporation executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal, the date and year in this certificate first above written.



Karla J. Eborn  
NOTARY PUBLIC FOR IDAHO  
Residing in: Ovid ID  
My commission expires: 11-21-13

Exhibit "A"

Located in section 14, Township 15 South, Range 43 East, Boise Meridian in the City of St. Charles, Bear Lake County, Idaho being more particularly described as follows:

A parcel of land located in the Northeast Quarter of Section 14, Township 15 South, Range 43 East, Boise Meridian, Bear Lake County, Idaho and further described as follows:

Beginning at the Northeast Corner of said Section, located South 89°15'58" East 2655.41 feet from the North Quarter Corner of said Section; thence South 271.21 feet; thence West 697.01 feet to a 1/2" rebar with cap labeled LS 1252; thence South 00°01'29" East 288.66 feet to a 5/8" rebar with cap labeled "A. A. HUDSON, PLS 4735", the TRUE POINT OF BEGINNING; thence South 00°01'29" East 357.41 feet to a 5/8" rebar with cap on the North right of way line of a North Shore Road, a county road; thence South 89°46'57" West 578.65 feet along said North right of way line to a right of way monument on the Easterly right of way line of Highway 89, said point being on a 11277.12 foot radius non-tangent curve whose center bears North 72°47'43" East (radius is 11399.16 feet by record); thence Northwesterly along said curve through a central angle of 2°21'18" a distance of 463.49 feet to a 5/8" rebar with cap (chord bears North 16°01'38" West 463.46 feet); thence North 78°43'10" East 445.43 feet to a 5/8" rebar with cap, thence South 57°19'04" East 320.33 feet to the True Point of Beginning.

Subject to an irrigation easement along the St. Charles Irrigation Co. canal.

AND

A parcel of land located in Section 14, Township 15 South, Range 43 East, Boise Meridian, Bear Lake County, Idaho, and further described as follows:

Beginning at the Northeast Corner of said Section 14, from which the North Quarter Corner of Section 14 bears North 89°15'58" West 2655.41 feet; thence South 994.63 feet (South 990.00 feet by record) to the South right of way line of North Shore Road; thence South 89°46'57" West 200.08 feet (West 198.00 feet by record) along said right of way line to a 5/8" rebar with cap labeled, A.A. Hudson, PLS 4735", set on a fence line, thence South 89°46'57" West 935.95 feet along said right of way line to a 5/8" rebar with cap the TRUE POINT OF BEGINNING; thence South 03°46'57" West 51.12 feet (North 4° East 51.00 feet by record) to a 5/8" rebar with cap; thence North 82°49'57" East 20.12 feet (South 83°3' West 17.5 feet by record) to a 5/8" rebar with cap set on a fence line; thence South 00°25'57" East 62.97 feet along said fence line to a 5/8" rebar with cap; thence South 02°19'09" West 83.46 feet to a 5/8" rebar with cap; thence South 87°40'51" East 1 0.00 feet to a 5/8" rebar with cap; thence South 02°19'09" West 19.25 feet to a 5/8" rebar with cap; thence North 87°40'51" West 10.00 feet to a 5/8" rebar with cap; thence South 02°19'09" West 36.06 feet to a 5/8" rebar with cap; thence South 89°46'57" West 46.51 feet to a 5/8" rebar with cap set on the Easterly right of way line of Highway 89, also being the beginning of a 11399.16 foot radius non-tangent curve concave to the Northeast, whose center bears North 71°07'29" East; thence Southeasterly along said curve through a central angle of 00°05'07" a distance of 16.98 feet (chord=South 18°55'05" East 16.98 feet) along said right of way line to a 5/8" rebar with cap set at the beginning of a fence line; thence North 89°53'32" East 203.4 feet along said fence line; thence North 00°04'28" West 266.64 feet; thence South 89°46'57" West 173.5 feet to the True Point of Beginning.



