

ORDINANCE NO. 477

4

AN ORDINANCE EXCLUDING FROM THE CITY OF MIDDLETON, IDAHO, CERTAIN REAL PROPERTY CURRENTLY WITHIN THE CORPORATE BOUNDARY OF THE CITY; DIRECTING THAT COPIES OF THE ORDINANCE BE FILED AS REQUIRED BY LAW; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Middleton, Idaho (the "City") is a municipal corporation organized and existing under the laws of the State of Idaho and is authorized to exclude territory from its boundaries in the manner provided by Idaho Code §50-225; and

WHEREAS, the owner of the real property currently located within the corporate boundary of the City and described as 23161 Buskirk Drive, Lot 4 Block 3, Whisper Creek Estates Subdivision, Middleton, Idaho, has requested, in writing, exclusion of said real property from the City of Middleton; and

WHEREAS, the Planning and Zoning Commission of the City, pursuant to public notice as required by law, held a public hearing on February 27, 2012, as required by Idaho Code §67-6525 and recommended to the Mayor and Council that they approve the request for de-annexation from the City; and

WHEREAS, the Middleton City Council, pursuant to public notice as required by law, held a public hearing on March 21, 2012, on the exclusion request, as required by Idaho Code 67-6525;

NOW THEREFOR, BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF MIDDLETON, IDAHO, AS FOLLOWS:

Section 1: The Middleton City Council hereby finds and declares that the real property described as 23161 Buskirk Drive, Lot 4 Block 3, Whisper Creek Estates Subdivision, Middleton, Idaho, is not necessary for the orderly development of the City, and that the owner of said property has requested in writing exclusion from the City.

Section 2: The real property, currently situated within the corporate boundaries of the City, is hereby excluded from the territorial limits of the City of Middleton, Idaho.

Section 3: From and after the effective date of this ordinance, all property and persons within the boundaries and territory described above shall no longer be subject to the ordinances, resolutions, police regulations, taxation and other powers of the City of Middleton, Idaho, save only that the property shall not be relieved from its liability on account of any outstanding bonded or other indebtedness of the City of Middleton or any improvement district, if any.

Section 4: The Zoning Map is hereby amended to reflect the exclusion of the property from the City of Middleton, Idaho.

RECEIVED
JUN 11 2012
TECHNICAL SUPPORT

Section 5: The City Clerk is hereby directed to file, within ten (10) days of the passage, approval and publication of this ordinance, a certified copy of this ordinance with the offices of the Auditor, Treasurer and Assessor of Canyon County, Idaho, and with the Idaho State Tax Commission, Boise, Idaho, as required by Idaho Code §50-225, and to comply with the provisions of Idaho Code §50-215, with regard to the preparation and filing of a map and legal description of the real property excluded 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 Idaho Code §50-901A may be published.

DATED this 21st day of March, 2012.



CITY OF MIDDLETON
Canyon County, Idaho

By Darin J. Taylor
Darin J. Taylor, Mayor

ATTEST:

Elena Gomez
Elena Gomez, City Clerk

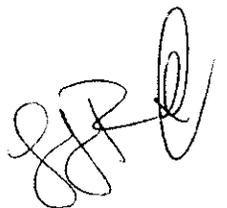
EXHIBIT A

Lot 4, Block 3, WHISPER CREEK ESTATES PHASE II AND III, Canyon County, Idaho, according to the plat filed in Book 22 of Plats, Page 20; records of Canyon County, Idaho.

AND

The 15.11 feet of vacated Lemp Road, as disclosed in Vacation, recorded October 4, 1995 as Instrument No. 9527918 and located Westerly and adjacent to Lot 4, Block 3, WHISPER CREEK ESTATES PHASE II AND III, Canyon County, Idaho, according to the plat filed in Book 22 of Plats, Page 20, records of said County.

As Amended by Affidavit recorded November 12, 1999 as Instrument No. 009944917, records of Canyon County, Idaho.

A handwritten signature in black ink, appearing to be "J.R.D.", located in the lower right quadrant of the page.A second handwritten signature in black ink, appearing to be "P.S.", located below the first signature in the lower right quadrant of the page.

2012022831

REQUEST: *Midvale City*
TYPE: *Ord. Fee*

RECORDED

C. J. Gray

2012 JUN 6 AM 8 03 AM

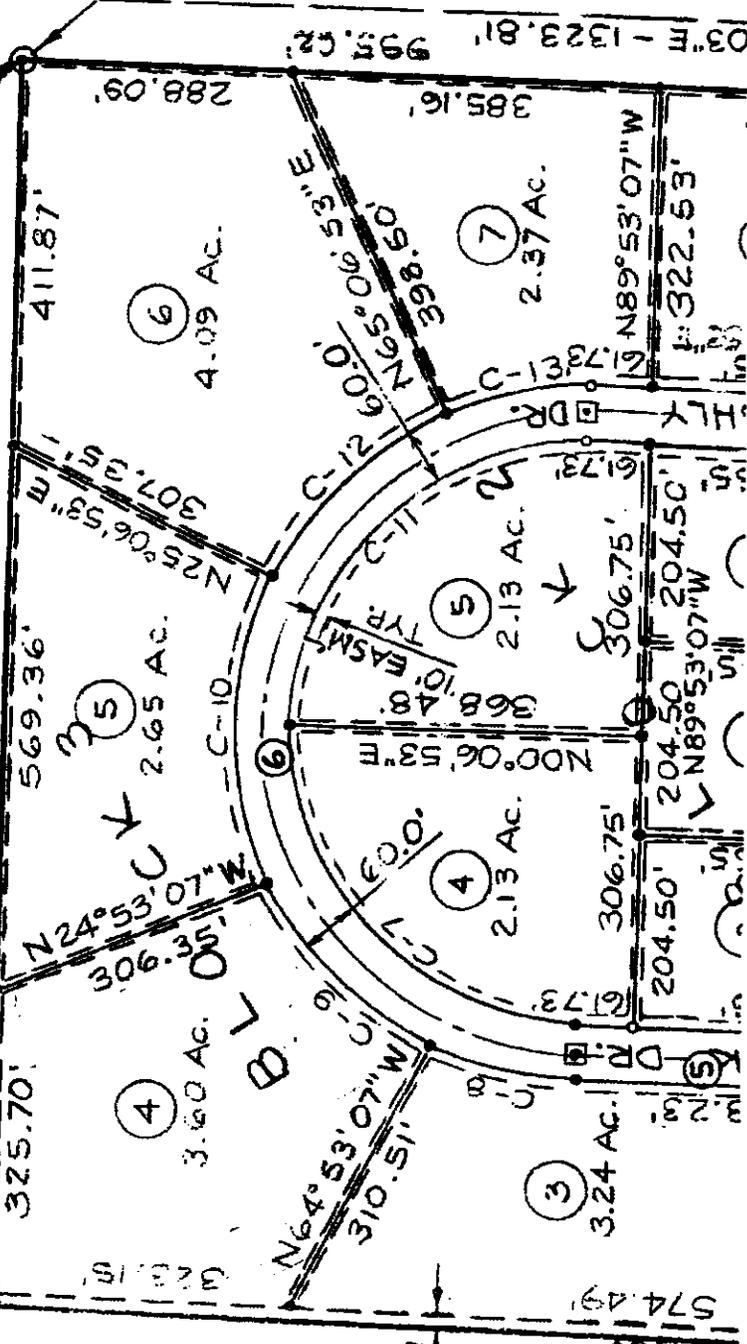
AREA **MAR**
YAMAMOTO
CANYON CNTY RECORDER

NW CORNER
SW 1/4, SE 1/4
SEC. 4, T4N,
R2W, B.M.
LAVA ROCK
(FOUND)

NE CORNER
SW 1/4, SE 1/4
SEC. 4, T4N,
R2W, B.M.

N 89° 58' 42" W 1321.92'

411.87'



FROM LEMP
PARK URBAN
TRACTS 150' R/W
SUBDIVISION

1. THE DRAIN COMMISSION SHALL COMPLY WITH THE REQUIREMENTS OF THE HEALTH RECOVERY ACT WITHIN THE DISTRICT COMMISSION.
2. THE COMMISSION SHALL COMPLY WITH THE REQUIREMENTS OF THE HEALTH RECOVERY ACT WITHIN THE DISTRICT COMMISSION.
3. THE COMMISSION SHALL COMPLY WITH THE REQUIREMENTS OF THE HEALTH RECOVERY ACT WITHIN THE DISTRICT COMMISSION.
4. THE COMMISSION SHALL COMPLY WITH THE REQUIREMENTS OF THE HEALTH RECOVERY ACT WITHIN THE DISTRICT COMMISSION.
5. THE COMMISSION SHALL COMPLY WITH THE REQUIREMENTS OF THE HEALTH RECOVERY ACT WITHIN THE DISTRICT COMMISSION.

03" FT - 1323.81' 995.02'

321.80'

306.75'

306.75'

385.16'

03" FT - 1323.81' 995.02'



CITY OF MIDDLETON

051

P.O. Box 487 ▪ 6 N. Dewey ▪ Middleton, ID 83644 ▪ (208) 585-3133 ▪ Fax (208) 585-9601
citmid@middletonidaho.us ▪ www.middleton.id.gov

June 6, 2012

Idaho State Tax Commission
Craig Johnson, Mapping Department
P.O. Box 36
Boise ID 83722-0410

Subject: City of Middleton, Idaho – **De-Annexation, 23161 Buskirk Drive, Lot 4 Block 3
Whisper Creek Estates Subdivision, Middleton, Idaho (David Richard,
applicant/property owner)**

Dear Mr. Johnson,

Enclosed please find a copy of Ordinance No. 477 (recorded with Canyon County Recorder's office), which legal description and map, pertaining to requested de-annexation of property from the boundaries of the City of Middleton, Idaho.

The City's zoning map will be amended to reflect the exclusion of the property from the City of Middleton, Idaho, and we understand that the de-annexation will not be effective with your office until 2013.

Please contact me if you have any questions or require something differently or in addition.
Thank you very much.

Very truly yours,

Cindy LoPiccolo, City Clerk
City of Middleton, Idaho

Enclosures