

ORDINANCE NO. 544

AN ORDINANCE OF THE CITY OF HEYBURN, MINIDOKA COUNTY, IDAHO, ANNEXING CERTAIN REAL PROPERTY OWNED BY SHEILA CATMULL AND OTHERS, ADJACENT TO THE CITY AND LOCATED IN MINIDOKA COUNTY; AND DESIGNATING THE ZONING FOR SUCH LAND AS "CG" (COMMERCIAL GENERAL) AND, PROVIDING FOR ADOPTION WITH ONLY ONE READING; AND PROVIDING FOR EFFECTIVE DATE.

WHEREAS, the City finds that the land described below, (the "Subject Property"), is contiguous to the City as set forth on the area map attached as Exhibit "A" and within its area of impact; and

WHEREAS, the said Subject Property may likely be developed for commercial uses in the future; and

WHEREAS, the City has utility services adjacent to the Subject Property; and

WHEREAS, the City hereby determines and declares that it is in the best interests of not only the property owners of the Subject Property, but also the City as a whole for such land to be annexed into the City and that such annexation is consistent with the City's current version of the City's Comprehensive Plan and that such annexation is reasonable given all factors; and

WHEREAS, the co-owner ("petitioner") of such Subject Property, Sheila Kay Catmull, has requested annexation and the City can proceed with the annexation as a "Category A" type of annexation as set forth in Idaho Code Section 50-222 (3) and (5)(a); and

WHEREAS, a certain portion of the Subject Property is not owned by Petitioner and no consent for annexation has been obtained but should be annexed for the orderly development of the City and the City has adopted an appropriate Plan of Annexation; and

WHEREAS, the City has determined that the most appropriate zoning district designations for the said Subject Property would be "CG" (Commercial General); and

WHEREAS, pursuant to the laws of the State of Idaho and the ordinances of the City, public hearings were held pursuant to public notice as follows: before the Heyburn Planning and Zoning Commission on April 9, 2012 at 7:00 P.M. and reported its recommendations to the City Council at its April 25, 2012 regular meeting; and

before the Heyburn City Council on April 25, 2012 at 7:00 P.M.; and both bodies did invite and take public comment and received documents which were all admitted to the official record of the proceedings and were also duly reviewed; and

WHEREAS, the Planning and Zoning Commission, after due deliberation, recommended to the Council that such petition for annexation be granted and the Subject Property be zoned as "CG" (Commercial General); and the City Council after due deliberation, agreed that such petition should be granted and finds that such zoning designation is in the best interests of the City, its growth, economic development and is consistent with the City's Comprehensive Plan; and

FURTHER, consistent with the foregoing, the City makes the following findings and conclusions:

1. The Subject Property is contiguous to the City of Heyburn.
2. The City has domestic water and sewer facilities adjacent to the Subject Property.
3. The co-owner of a portion of the Subject Property has requested to be annexed into the City and has petitioned the City to be annexed and is therefore a "Category 'A'" annexation; and the remainder of the described property is owned by fewer than 100 owners and has been platted, sold or set off in one or more parcels of less than 5 acres, is therefore a "Category 'B'" annexation, all as set forth in Idaho Code Section 50-222. The statutory requirements for both types of annexations have been met.
4. The Subject Property is contiguous with the existing City limits on the eastern border of the land being annexed.
5. The Subject Property can be served now or in the future by all of the City's municipal utility services.
6. The City has adequate means to provide law enforcement to the areas in the Subject Property and the City can otherwise exercise its police powers within the bounds of such property.
7. The current use of the Subject Property is agricultural. The petitioners have requested that the land be zoned commercial or light industrial. The City finds that "CG" (Commercial General) is most appropriate at this time. The Comprehensive Plan of the City designates this area for possible future commercial development.
8. Annexation of the Subject Property at this time is in the best

interests of the City so that the City can continue to plan and make further arrangements to provide municipal utilities and develop appropriate roads and other infrastructure to the Subject Property in order for it to be developed as a commercial area.

9. The annexation of the Subject Property will allow for orderly growth and economic development of the City and is in the best interests of the City and its citizens.

NOW THEREFORE, be it ordained by the Mayor and City Council of the City of Heyburn as follows:

Section 1: The following described land (the Subject Property) is hereby declared to be annexed to and incorporated into the City of Heyburn as a part of said City; and the city limits of the City of Heyburn being enlarged to encompass such land within its borders:

THE HEREINAFTER DESCRIBED ANNEXATION AREA COMPRISES THOSE REAL PROPERTIES CONVEYED TO: PEDRO D. LARIOS AND TERESA J. LARIOS PER INSTRUMENT No. 393345, RECORDED SEPTEMBER 14, 1990, CATALINO LOYA AND PIEDAD G. LOYA PER INSTRUMENT No. 501564, RECORDED MARCH 27, 2009, SHEILA KAY CATMULL AND HENRY LYNN SCHODDE PER INSTRUMENT No. 506075, RECORDED JANUARY 19, 2010, ALL MINIDOKA COUNTY RECORDS. ALSO, THAT PORTION OF THE EASTERN IDAHO RAILROAD RIGHT OF WAY, AND THAT PORTION OF THE HIGHWAY 30 RIGHT OF WAY LYING IN THE HEREINAFTER DESCRIBED SE1/4SE1/4, THE WHOLE MORE PARTICULARLY DESCRIBED AS FOLLOWS:

TOWNSHIP 10 SOUTH, RANGE 23 EAST, BOISE MERIDIAN, MINIDOKA COUNTY, IDAHO.

SECTION 10: A PORTION OF THE SE1/4SE1/4, AND A PORTION OF THE NE1/4SE1/4

COMMENCING AT THE SOUTHEAST CORNER OF SAID SECTION 10, MARKED BY A 5/8" REBAR, AND RUNNING THENCE ALONG THE SOUTH LINE THEREOF SOUTH 89°38'53" WEST 504.44 FEET TO THE INTERSECTION THEREOF WITH THE SOUTHEASTERN LINE OF THE HIGHWAY 30 RIGHT OF WAY, AND THE TRUE POINT OF BEGINNING;

THENCE ALONG SAID SOUTHEASTERN LINE NORTH 45°09'39" EAST 708.77 FEET TO THE INTERSECTION THEREOF WITH THE EAST LINE OF SAID SE1/4SE1/4 OF SECTION 10;

THENCE ALONG SAID EAST LINE NORTH 0°12'47" WEST 391.44 FEET TO THE NORTHWESTERN LINE OF SAID EASTERN IDAHO RAILROAD RIGHT OF WAY;

THENCE CONTINUING ALONG SAID EAST LINE NORTH 0°12'47" WEST 79.67 FEET TO THE CENTERLINE OF THE 'B' CANAL;

THENCE CONTINUING ALONG SAID EAST LINE NORTH 0°12'47" WEST 353.14 FEET TO THE 5/8" REBAR MARKING THE SOUTHEAST CORNER OF SAID NE1/4SE1/4 OF SECTION 10;

THENCE ALONG THE EAST LINE THEREOF NORTH 0°12'47" WEST 1226.40 FEET TO THE SOUTH LINE OF THE INTERSTATE 84 RIGHT OF WAY;

THENCE ALONG SAID SOUTH RIGHT OF WAY LINE SOUTH 89°44'02" WEST 71.94 FEET;

THENCE CONTINUING ALONG SAID SOUTH RIGHT OF WAY ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 28,547.90 FEET, A CENTRAL ANGLE OF 2°29'58", AN ARC LENGTH OF 1245.43 FEET, A CHORD BEARING OF SOUTH 88°29'03" WEST AND A CHORD LENGTH OF 1245.33 FEET TO THE INTERSECTION THEREOF WITH THE WEST LINE OF SAID NE1/4SE1/4;

THENCE ALONG SAID WEST LINE SOUTH 0°17'33" EAST 1200.10 FEET TO THE 5/8" REBAR MARKING THE NORTHEAST CORNER OF SAID SE1/4SE1/4 OF SECTION 10;

THENCE ALONG THE WEST LINE THEREOF SOUTH 0°17'59" EAST 397.85 FEET TO THE CENTERLINE OF SAID 'B' CANAL;

THENCE CONTINUING ALONG LAST SAID WEST LINE SOUTH 0°17'59" EAST 899.18 FEET TO THE INTERSECTION THEREOF WITH THE NORTH LINE OF THAT REAL PROPERTY ANNEXED INTO THE CITY OF HEYBURN AS 'EASEMENT No. 5' OF ORDINANCE No. 383, RECORDED OCTOBER 10, 1996 AS INSTRUMENT No. 426449, MINIDOKA COUNTY RECORDS;

THENCE ALONG THE NORTH LINE THEREOF NORTH 89°38'53" EAST 434.03 FEET TO SAID NORTHWESTERN LINE OF THE EASTERN IDAHO RAILROAD RIGHT OF WAY;

THENCE ALONG SAID NORTHWESTERN LINE SOUTH 45°14'54" WEST 35.73 FEET TO THE INTERSECTION THEREOF WITH SAID SOUTH LINE OF SECTION 10;

THENCE ALONG LAST SAID SOUTH LINE NORTH 89°38'53" EAST 400.33 FEET TO THE TRUE POINT OF BEGINNING.

THE ABOVE DESCRIBED ANNEXATION AREA CONTAINS 73.56 ACRES, MORE OR LESS.

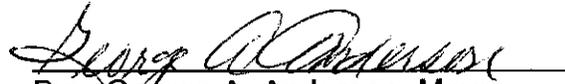
Section 2: The said Subject Property should be and hereby is zoned as follows: "CG" (Commercial General). Such designation as to such land shall be deemed an amendment to the City's Official Zoning Map.

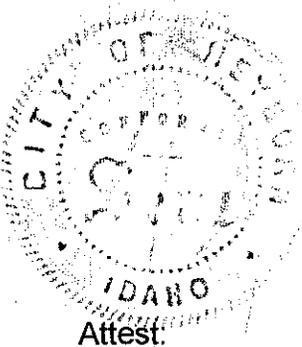
Section 3: The City Council having by authorizing motion and vote waived the rule of requiring three separate readings of this Ordinance, by title and in full, therefore this ordinance shall be in full force and effect from and after its first and only reading, passage, approval and publication.

PASSED this th 25 day of April, 2012 by the City Council of the City of Heyburn.

APPROVED this th 25 day of April, 2012, by the Mayor of the City of Heyburn.

THE CITY OF HEYBURN


By: George A. Anderson, Mayor



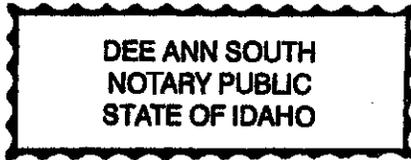

Deborah F. Hopkins, Clerk

STATE OF IDAHO)
) ss.
County of Minidoka)

On this 25th day of April, 2012, before me the undersigned, a Notary Public in and for said state, personally appeared George A. Anderson, known to me to be the Mayor of the City Heyburn, Idaho and Deborah F. Hopkins, the Clerk of said City and the persons whose names are subscribed to the foregoing instrument and acknowledged to me that they executed and attested the same on behalf of and as authorized by said city as its authorized representatives.

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

(SEAL)



Dee Ann South
Notary Public for Idaho
Residing at Heyburn, Idaho
Commission Expires: Oct 12, 2016

EXHIBIT "A"
PROPOSED ANNEXATION
TO THE
CITY OF HEYBURN

A PORTION OF THE EAST HALF
OF THE SE 1/4 OF SECTION 10,
T. 10 S., R. 23 E., B.M.,
MINIDOKA COUNTY, IDAHO

LOYA
INST. 501564

LARIOS
INST. 393345

HWY. 30



MOON & ASSOCIATES, INC.
ENGINEERING & LAND SURVEYING

65 F STREET ROBERT, IDAHO 83350
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