

**TWIN FALLS COUNTY**

Recorded for:

**WILLIAM R HOLLIFIELD**

8:16:35 AM 05-11-2012

**2012-008749**

No. Pages:3 Fee: \$ 16.00

**KRISTINA GLASCOCK**

County Clerk

Deputy: **BHUNTER**

ORDINANCE NO. 590

~~**TWIN FALLS COUNTY**~~

~~Recorded for:~~

~~**WILLIAM R. HOLLIFIELD**~~

~~2:26:12 PM 05-09-2012~~

~~**2012-008612**~~

~~No. Pages: Fee: \$ 13.00~~

~~**KRISTINA GLASCOCK**~~

~~County Clerk~~

~~Deputy: **SHARON**~~

085

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF KIMBERLY, IDAHO, EXCLUDING CERTAIN REAL PROPERTY, CURRENTLY SITUATED IN THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER OF TOWNSHIP 10 SOUTH, RANGE 18 EAST, BOISE MERIDIAN, SECTION 17, IN THE CITY OF KIMBERLY BACK INTO THE UNINCORPORATED AREA OF TWIN FALLS COUNTY, IDAHO.

WHEREAS, the City of Kimberly, Idaho is a municipal corporation organized and operating under the laws of the State of Idaho and is authorized to exclude property from the boundaries of the City in the manner proved by Section §50-225, Idaho Code; and;

WHEREAS, Lance and Kendra Godfrey, owner of the parcel of real property situated in the City of Kimberly and particularly described in section 2 of this ordinance has requested that said real property be excluded from the City of Kimberly; and

WHEREAS, the Planning and Zoning Commission of the City of Kimberly held a public hearing, and recommended the request of the land owner be granted;

WHEREAS, the Twin Falls County zoning classification of this parcel was Commercial Gateway under Title 17 of the Kimberly Municipal Code and such designation appears appropriate and should be applied.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF KIMBERLY, IDAHO:

Section 1: The Kimberly City Council hereby finds and declares that the real property describe below is currently described within the boundaries of the City; that city services are not available to the real property; and that the owner of said property has requested that said property be excluded from the City.

Section 2: The real property, all situated currently in the City of Kimberly, Twin Falls County, Idaho, located in the Southeast Quarter of the Southeast Quarter of Township 10 South, Range 18 East, Boise Meridian, Section 17 and more particularly described in Exhibit "A" – Legal Description, attached hereto and incorporated herein by reference as if fully set forth below, is excluded from the incorporated territorial limits of the City of Kimberly, 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 any ordinances, resolutions, police regulations, taxation, and other powers except those specifically delegated to the City of Kimberly, by the County of Twin Falls in the City's Area of Impact.

RECEIVED

AUG 3 2012

CLERK'S OFFICE

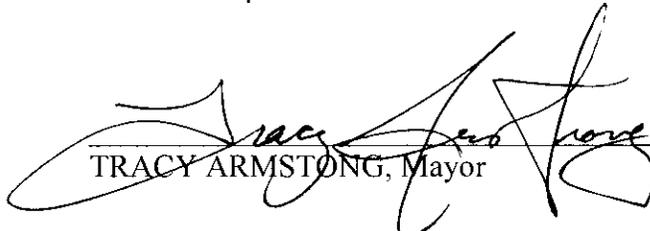
Section 4: The zoning land use classification of the land described in Section 2 above shall remain Commercial Gateway as it previous existed. The comprehensive plan and zoning map of the City are hereby amended to exclude the real property described in Section 2 above as property within the City's boundaries but may still include them in the land use classifications for future planning purposes.

Section 5: The City Clerk is hereby directed to file, within ten (10) days of the passage and approval of this ordinance, as certified copy of this Ordinance with the offices of the Auditor, Treasurer, and Assessor of Twin Falls County, Idaho, and with the Idaho State Tax Commission, Boise, Idaho as required by Section §50-223, Idaho Code, and to comply with the provision 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.

Enacted by the City Council as an ordinance of the City of Kimberly, Idaho, on the 16<sup>th</sup> day of April, 2012.

Approved by the Mayor on the 16<sup>th</sup> day of April, 2012.

  
TRACY ARMSTRONG, Mayor

ATTEST:

  
JENNIFER A. ROWE, City Clerk



No. T071199

## EXHIBIT "A"

A tract of land located in the Southeast Quarter of the Southeast Quarter of Section 17, Township 10 South, Range 18 East, Boise Meridian, Twin Falls County, Idaho, more particularly described as follows;

Beginning at the Southeast corner of said SE $\frac{1}{4}$ SE $\frac{1}{4}$ ;  
THENCE North 00°04'38" East a distance of 49.93 feet;  
THENCE North 89°17'52" West a distance of 62.09 feet to a right of way monument on the northerly boundary of Kimberly Road;  
THENCE North 89°17'52" West a distance of 843.88 feet along the northerly boundary of said Kimberly Road to a right of way monument;  
THENCE North 00°42'17" East a distance of 10.00 feet along the northerly boundary of said Kimberly Road;  
THENCE North 89°19'18" West a distance of 41.59 feet along the northerly boundary of said Kimberly Road to the TRUE POINT OF BEGINNING;  
THENCE North 89°19'18" West a distance of 373.37 feet along the Northerly boundary of said Kimberly Road;  
THENCE North 00°10'09" East a distance of 602.45 feet;  
THENCE South 89°19'06" East a distance of 465.54 feet;  
THENCE South 00°40'54" West a distance of 242.41 feet;  
THENCE North 89°19'18" West a distance of 90.00 feet;  
THENCE South 00°10'06" West a distance of 360.00 feet to the TRUE POINT OF BEGINNING.

# Hollifield Law Office

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August 21, 2012

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

Dear Mr. Johnson:

RE: City of Kimberly Deannexation  
Ordinance No. 590 and Ordinance No. 591

Enclosed are the original recorded Ordinance Nos. 590 and 591, excluding (2) parcels of real property in the City of Kimberly. The names of the owners and legal descriptions are contained in the ordinance. I am also enclosing a map of the City of Kimberly with the Area of Impact showing the location of the excluded parcels set out in Ordinance Nos 590 and 591.

If you have any questions, please do not hesitate to call me.

Thank you.

Sincerely,

A handwritten signature in black ink, appearing to read "W. Hollifield", written over the printed name.

WILLIAM R. HOLLIFIELD

WRH/sk  
enclosures

