

ORDINANCE NUMBER 894

AN ORDINANCE OF THE CITY OF McCall, VALLEY COUNTY, IDAHO ANNEXING CERTAIN REAL PROPERTY LOCATED IN THE IMPACT AREA OF VALLEY COUNTY, IDAHO, ESTABLISHING THE ZONING CLASSIFICATION UPON ANNEXATION OF PROPERTIES AS R8 MEDIUM DENSITY RESIDENTIAL; PROVIDING FOR RELATED MATTERS; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of McCall, Valley County, Idaho, is a municipal corporation duly organized and operating under the laws of the State of Idaho; and

WHEREAS, the City of McCall, Valley County, Idaho, is authorized to annex real property through the category A annexations process in the manner provided by Idaho Code §50-222; and

WHEREAS, according to the provisions of Idaho Code §67-6511 the City of McCall, Valley County, Idaho, is authorized to establish within its jurisdiction one or more zones or zoning districts where appropriate; and

WHEREAS, the annexations of the subject parcels qualify for Category A because the parcels are residential enclaves of fewer than 100 parcels, zoned for residential purposes and entirely surrounded by incorporated area; and

WHEREAS, City Code of McCall Title 3.13.06 provides the methods by which to establish zoning upon annexation; and

WHEREAS, on March 16, 2006, the McCall City Council created a R8 zone intended to permit the development of medium density neighborhoods consisting with maximum density of eight (8) units per acre; and

WHEREAS, the City of McCall conducted a review of all City limits ordinances and discovered that approximately 14 acres of the Payette River, 1.7 acres owned by the City of McCall, and 5.3 acres of undeveloped residentially zoned property are within the Impact Area.

WHEREAS, the City of McCall would like to continue the same R8 zoning designation for the properties as when they were in the Impact Area (Valley County); and

WHEREAS, the R8 zone is generally in conformity with the McCall Comprehensive Plan; and

WHEREAS, the McCall Planning and Zoning Commission, in accordance with public notice procedure, held a public hearing on January 10, 2012 for purposes of hearing this zoning upon annexation application. At that time, the Commission heard testimony on the proposed zoning upon annexation land use application, made findings of fact and conclusions of law as required by law, and recommended to the McCall City Council that the requested zoning upon annexation be approved, subject to conditions of approval; and

WHEREAS, the McCall City Council held a public hearing on February 9, 2012 on the proposed zoning upon annexation, made findings of fact and conclusions of law as required by law,

finding that the zoning upon annexation application is generally in accord with the policies of the McCall Comprehensive Plan and in the best interests of the citizens of the City of McCall.

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

Section 1: The Mayor and Council of the City of McCall, Idaho (the "City"), hereby find and declare that the zoning upon annexation of the certain real property, described in **Exhibit A** and depicted in **Exhibit B**, does not require an amendment to the Comprehensive Plan.

Section 2: The Mayor and Council of the City of McCall, Idaho (the "City"), hereby find and declare that the real property described in Section 1 of this ordinance is a residential enclave, that said property can be reasonably assumed to be used for the orderly development of the City, and that the requirements of Section 50-222, Idaho Code, for annexation of said property, have been satisfied.

Section 3: The real property, all located in Valley County, Idaho, particularly described in **Exhibit A** which is annexed hereto and by reference incorporated herein, is hereby annexed to and incorporated within the territorial limits of the City of McCall, Idaho. 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, regulations, taxation, and other powers of the City of McCall.

Section 4: The zoning classification for the property described in Section 1 above is hereby established as the R8 Zone as provided in the McCall City Code Title 3.

Section 5: The City Clerk is hereby directed to file, within ten (10) days of passage and approval of this Ordinance, certified copies of this Ordinance with the offices of the Auditor, Treasurer, and Assessor of Valley 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 63-2215, 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, or a summary thereof in compliance with Section 50-901A, Idaho Code, shall be published once and shall take effect and be in force from and after its passage, approval, and publication.

PASSED AND APPROVED BY THE MAYOR AND COUNCIL OF THE CITY OF MCCALL, IDAHO, THIS 9 DAY OF FEBRARY, 2012.

Attest:

By


BessieJo Wagner, City Clerk



Approved:

By

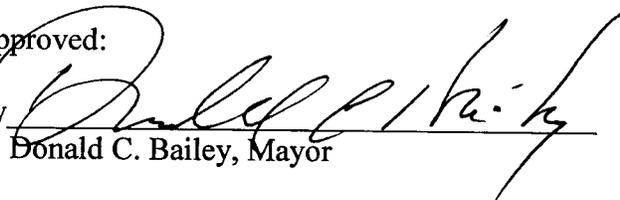

Donald C. Bailey, Mayor

EXHIBIT A
LEGAL PROPERTY DESCRIPTION
RIVER/DEINHARD PROPERTIES

PARCEL # RP18N03E177803

Inst# 268550

A PARCEL OF LAND FOR RIGHT-OF-WAY PURPOSES FOR DEINHARD LANE, PROJECT NO. STP-3270(101), SITUATED IN THE N1/2 OF THE SE1/4 OF SECTION 17, T.18N., R.3E., B.M., VALLEY COUNTY, IDAHO, BEING A PORTION OF THAT CERTAIN 15.838 ACRE PARCEL OF LAND AS SHOWN ON RECORDED OF SURVEY RECORDED IN BOOK 6, PAGE 549. VALLEY COUNTY RECORDS, MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE ¼ CORNER COMMON TO SAID SECTION 17 AND 16, FROM WHICH CORNER THE WEST ¼ CORNER OF SECTION 17 BEARS N. 89 ° 52' 02"W., 1633.469 METERS, (5359.14 FEET); THENCE, ALONG THE EAST-WEST MID-SECTION LINE OF SAID SECTION,

A) N. 89°52'02"W., 330.483 METERS, (1084.26 FEET) TO THE **POINT OF BEGINNING**; THENCE,

1) S. 57°36'22"W., 40.603 METERS, (133.21 FEET) TO THE BEGINNING OF A TANGENT CURVE; THENCE,

2) SOUTHWESTERLY ALONG SAID CURVE TO THE RIGHT HAVING A RADIUS OF 180.480 METERS, (592.12 FEET), AN ARC LENGTH OF 154.699 METERS, (507.54 FEET), THROUGH A CENTRAL ANGLE OF 49°06'40", AND A CHORD BEARING AND DISTANCE OF S.82°09'42"W., 150.006 METERS, (492.14 FEET); THENCE, TANGENT FROM SAID CURVE,

3) N. 73°16' 58"W., 69.185 METERS, (226.98 FEET) TO THE EAST BANK OF THE NORTH FORK OF THE PAYETTE RIVER; THENCE, ALONG SAID EAST BANK,

4) N. 34°52'38"E., 15.413 METERS, (50.57 FEET); THENCE,

5) N. 42°00'28"E., 13.729 METERS, (45.04 FEET) TO A POINT ON THE ABOVE-DESCRIBED MID-SECTION LINE; THENCE, ALONG SAID LINE,

6) S. 89°52'02"E., 231.150 METERS, (758.36 FEET) TO THE **POINT OF BEGINNING**.

CONTAINING 2.17 ACRES, (0.879 HA).

SUBJECT TO ALL COVENANTS, RIGHTS, RIGHT-OF-WAY, AND EASEMENTS OF RECORD.

PARCEL # RP18N03E177855

INST# 245010

A PARCEL OF LAND SITUATE IN THE' NE ¼ OF' THE SE ¼, AND GOVERNMENT LOT 6, OF SECTION 17, T. 18N., R. 3E., B.M., CITY OF MCCALL, VALLEY COUNTY, IDAHO, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT A BRASS CAP MARKING THE CORNER COMMON TO SECTIONS 16 AND 17, T. 18N., R. 3E., B.M., CITY OF MCCALL, VALLEY COUNTY, IDAHO, THE REAL POINT OF BGINNING:

THENCE, S. 00° 33' 24" W., 285.69 FEET ALONG THE LINE COMMON TO SAID SECTIONS 16 AND 17 TO A ½" X 24" REBAR, THENCE, N. 89° 52' 18" W., 1,517.59 FEET TO A ½" X 24" REBAR,
THENCE, S. 63° 36' 33" W., 631.38 FEET TO A ½" X 24" REBAR,
THENCE, S. 69° 00' 40" W., 349.18 FEET TO A ½" X 24" REBAR,
THENCE, CONTINUING S. 69° 00' 40" W., 37.00 FEET TO THE HIGH WATER MARK OF THE NORTH FORK OF THE PAYETTE RIVER, THENCE, NORTHEASTERLY ALONG SAID HIGH WATER MARK:
N. 29° 29' 43" E., 93.73 FEET;
N. 34° 21' 24" E., 104.66 FEET;
N. 53° 45' 36" E., 76.43 FEET;
N. 44° 59' 18" E., 142.34 FEET;
N. 49° 54' 47" E., 119.30 FEET;
N. 56° 17' 53" E., 75.15 FEET;
N. 29° 02' 39" E., 116.93 FEET;
N. 34° 52' 38" E., 167.64 FEET;
N. 42° 00' 28" E., 44.79 FEET TO THE NORTH BOUNDARY OF SAID GOVERNMENT LOT 6,
THENCE, S. 89° 52' 18" E., 42.78- FEET ALONG SAID NORTH BOUNDARY TO A 5/8" REBAR,
THENCE, CONTINUING S. 89° 52' 18" E., 1799.85 FEET TO THE POINT OF BEGINNING, CONTAINING 15.838 ACRES, MORE OR LESS.

PAYETTE RIVER PARCEL

The portion of the Payette River from where the Payette River crosses the Section line shared by Section 17 and 20 of Township 18N Range 3E then North to the existing City limits which lays 320 Ft south of the Deinhard Lane Bridge.

EXHIBIT B
MAP
ANNEXATION – ZONING
BEFORE

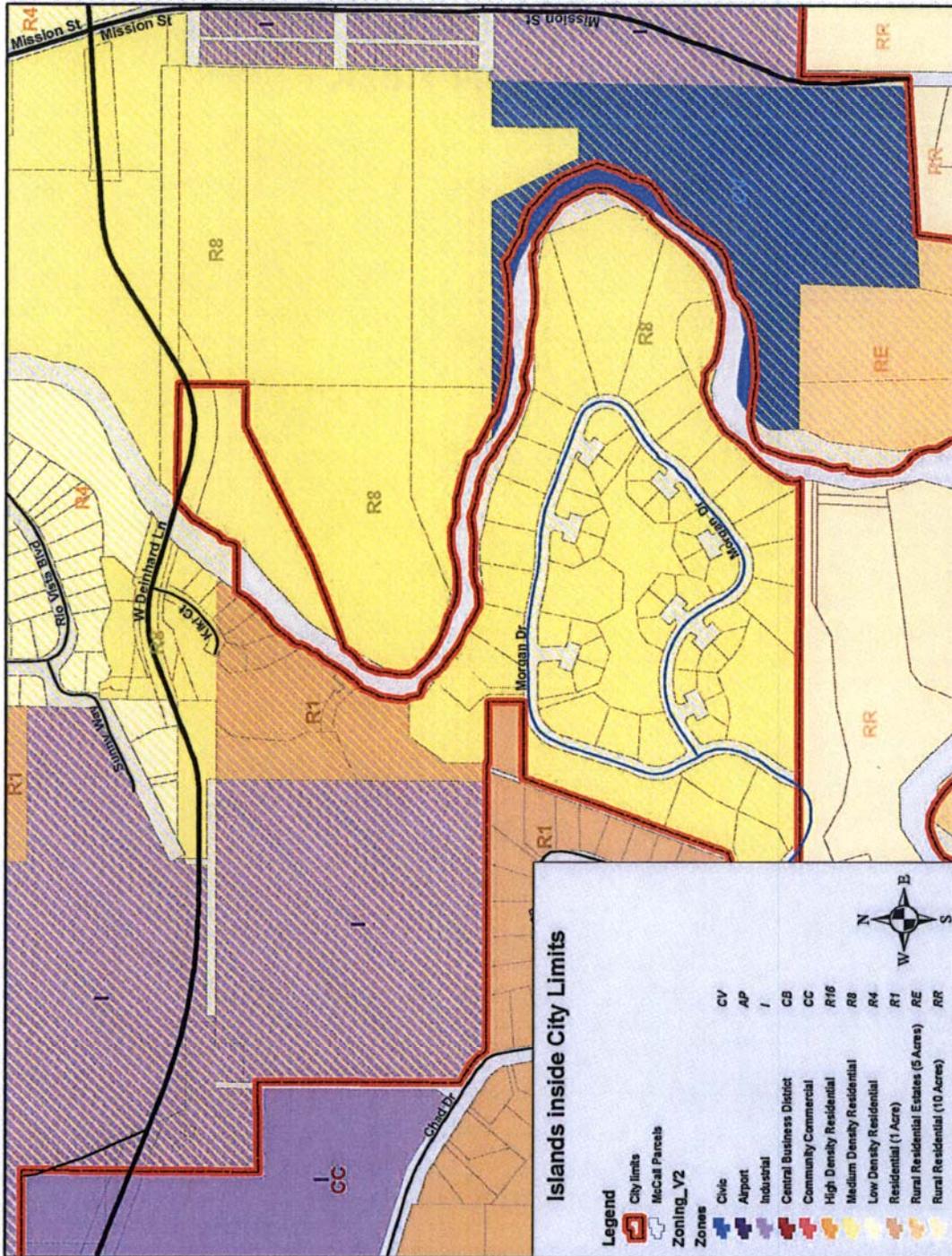
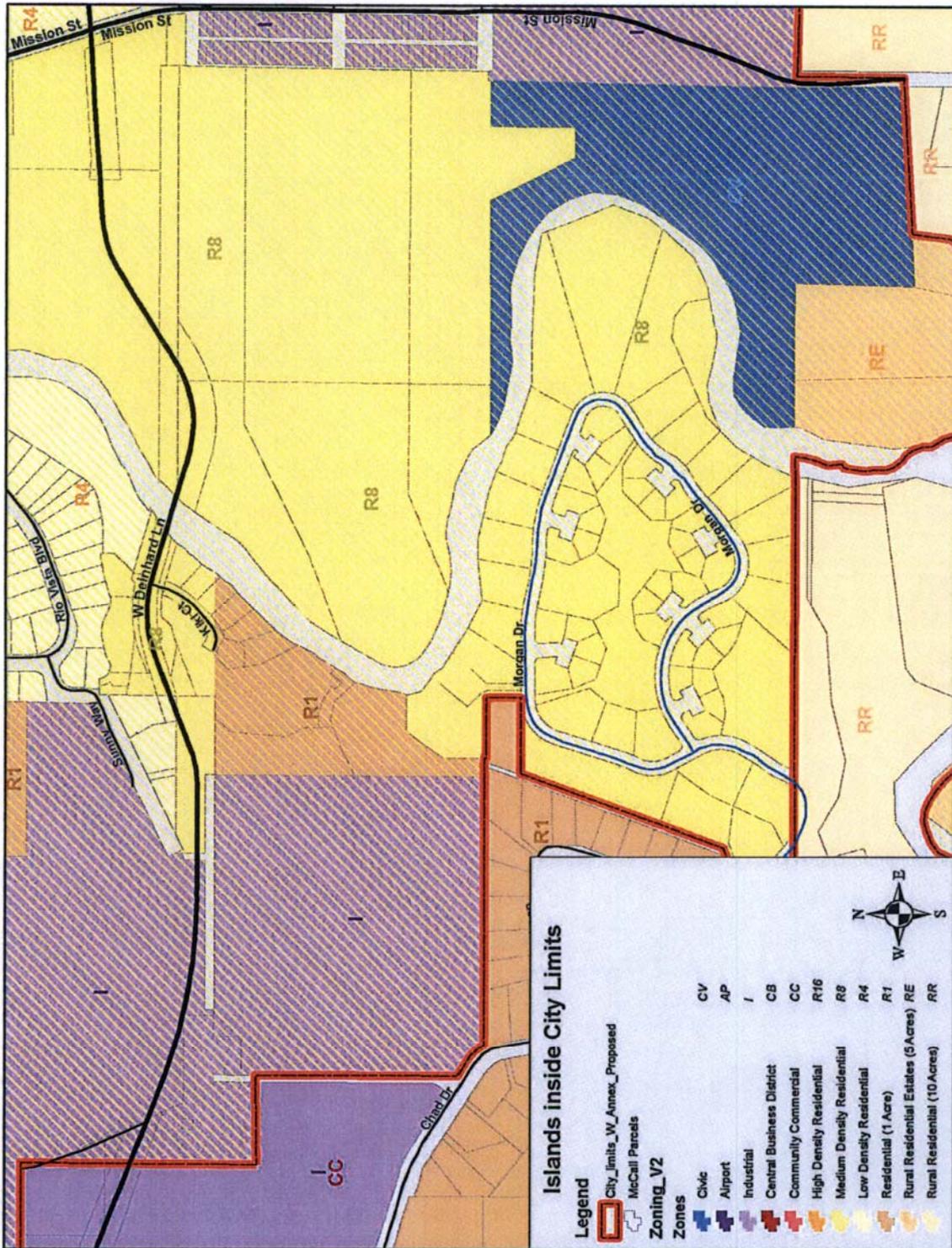
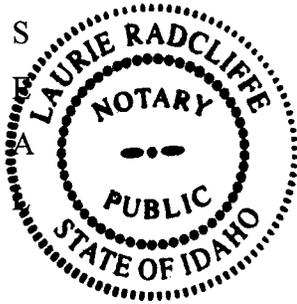


EXHIBIT B
MAP
ANNEXATION – ZONING
AFTER



STATE OF IDAHO)
COUNTY OF VALLEY) ss

On this 17 day of February, 2012, before me, Laurie Radcliffe, a notary public, personally appeared Donald C. Bailey, known or identified to me to be the Mayor of the City of McCall, and acknowledged that he/she executed the same on behalf of such said City of McCall.

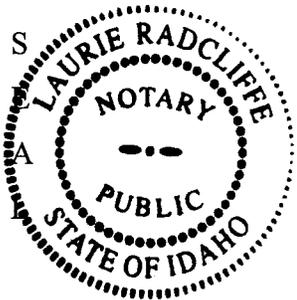


Laurie Radcliffe
Notary Public Signature

My Commission Expires: 2-4-17

STATE OF IDAHO)
COUNTY OF VALLEY) ss

On this 17 day of February, 2012, before me, Laurie Radcliffe, a notary public, personally appeared BessieJo Wagner, known or identified to me to be the City Clerk of the City of McCall, and acknowledged that he/she executed the same on behalf of such said City of McCall.



Laurie Radcliffe
Notary Public Signature

My Commission Expires: 2-4-17

**A SUMMARY OF ORDINANCE NO. 894
PASSED BY THE CITY OF McCALL, IDAHO**

AN ORDINANCE OF THE CITY OF MCCALL, VALLEY COUNTY, IDAHO, ANNEXING CERTAIN REAL PROPERTY LOCATED IN THE IMPACT AREA OF VALLEY COUNTY, IDAHO, ESTABLISHING THE ZONING CLASSIFICATION UPON ANNEXATION OF PROPERTIES AS R8 MEDIUM DENSITY RESIDENTIAL; PROVIDING FOR RELATED MATTERS; AND PROVIDING AN EFFECTIVE DATE.

This ordinance provides that on March 16, 2006, the McCall City Council created an R8 zone intended to permit the development of medium density neighborhoods consisting with maximum density of eight (8) units per acre. This ordinance establishes that approximately 14 acres of the Payette River, 1.7 acres owned by the City of McCall, and 5.3 acres of undeveloped residentially zoned property be R8, are annexed and incorporated within the City of McCall, and said real properties are described as follows:

RIVER/DEINHARD PROPERTIES

**PARCEL # RP18N03E177803
Inst# 268550**

A PARCEL OF LAND FOR RIGHT-OF-WAY PURPOSES FOR DEINHARD LANE, PROJECT NO. STP-3270(101), SITUATED IN THE N1/2 OF THE SE1/4 OF SECTION 17, T.18N., R.3E., B.M., VALLEY COUNTY, IDAHO, BEING A PORTION OF THAT CERTAIN 15.838 ACRE PARCEL OF LAND AS SHOWN ON RECORDED OF SURVEY RECORDED IN BOOK 6, PAGE 549. VALLEY COUNTY RECORDS, MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE ¼ CORNER COMMON TO SAID SECTION 17 AND 16, FROM WHICH CORNER THE WEST ¼ CORNER OF SECTION 17 BEARS N. 89 ° 52' 02"W., 1633.469 METERS, (5359.14 FEET); THENCE, ALONG THE EAST-WEST MID-SECTION LINE OF SAID SECTION,

A) N. 89°52'02"W., 330.483 METERS, (1084.26 FEET) TO THE **POINT OF BEGINNING**; THENCE,

1) S. 57°36'22"W., 40.603 METERS, (133.21 FEET) TO THE BEGINNING OF A TANGENT CURVE; THENCE,

2) SOUTHWESTERLY ALONG SAID CURVE TO THE RIGHT HAVING A RADIUS OF 180.480 METERS, (592.12 FEET), AN ARC LENGTH OF 154.699 METERS, (507.54 FEET), THROUGH A CENTRAL ANGLE OF 49°06'40", AND A CHORD BEARING AND DISTANCE OF S.82°09'42"W., 150.006 METERS, (492.14 FEET); THENCE, TANGENT FROM SAID CURVE,

3) N. 73°16' 58"W., 69.185 METERS, (226.98 FEET) TO THE EAST BANK OF THE NORTH FORK OF THE PAYETTE RIVER; THENCE, ALONG SAID EAST BANK,

4) N. 34°52'38"E., 15.413 METERS, (50.57 FEET); THENCE,

5) N. 42°00'28"E., 13.729 METERS, (45.04 FEET) TO A POINT ON THE ABOVE-DESCRIBED MID-SECTION LINE; THENCE, ALONG SAID LINE,

6) S. 89°52'02"E., 231.150 METERS, (758.36 FEET) TO THE POINT OF BEGINNING. CONTAINING 2.17 ACRES, (0.879 HA).

SUBJECT TO ALL COVENANTS, RIGHTS, RIGHT-OF-WAY, AND EASEMENTS OF RECORD.

PARCEL # RP18N03E177855

INST# 245010

A PARCEL OF LAND SITUATE IN THE' NE ¼ OF' THE SE ¼, AND GOVERNMENT LOT 6, OF SECTION 17, T. 18N., R. 3E., B.M., CITY OF MCCALL, VALLEY COUNTY, IDAHO, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT A BRASS CAP MARKING THE CORNER COMMON TO SECTIONS 16 AND 17, T. 18N., R. 3E., B.M., CITY OF MCCALL, VALLEY COUNTY, IDAHO, THE REAL POINT OF BEGINNING:

THENCE, S. 00° 33' 24" W., 285.69 FEET ALONG THE LINE COMMON TO SAID SECTIONS 16 AND 17 TO A ½" X 24" REBAR, THENCE, N. 89° 52' 18" W., 1,517.59 FEET TO A ½" X 24" REBAR,

THENCE, S. 63° 36' 33" W., 631.38 FEET TO A ½" X 24" REBAR,

THENCE, S. 69° 00' 40" W., 349.18 FEET TO A ½" X 24" REBAR,

THENCE, CONTINUING S. 69° 00' 40" W., 37.00 FEET TO THE HIGH WATER MARK OF THE NORTH FORK OF THE PAYETTE RIVER, THENCE, NORTHEASTERLY ALONG SAID HIGH WATER MARK:

N. 29° 29' 43" E., 93.73 FEET;

N. 34° 21' 24" E., 104.66 FEET;

N. 53° 45' 36" E., 76.43 FEET;

N. 44° 59' 18" E., 142.34 FEET;

N. 49° 54' 47" E., 119.30 FEET;

N. 56° 17' 53" E., 75.15 FEET;

N. 29° 02' 39" E., 116.93 FEET;

N. 34° 52' 38" E., 167.64 FEET;

N. 42° 00' 28" E., 44.79 FEET TO THE NORTH BOUNDARY OF SAID GOVERNMENT LOT 6,

THENCE, S. 89° 52' 18" E., 42.78- FEET ALONG SAID NORTH BOUNDARY TO A 5/8" REBAR,

THENCE, CONTINUING S. 89° 52' 18" E., 1799.85 FEET TO THE POINT OF BEGINNING, CONTAINING 15.838 ACRES, MORE OR LESS.

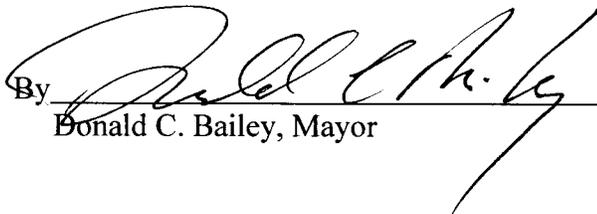
The Ordinance shall be effective upon its passage, approval and publication as required by law.

The full text and map of the Ordinance is available for review at City Hall and will be provided by the City Clerk to any citizen upon personal request, or can be viewed on the City website at www.mccall.id.us.

APPROVED BY THE COUNCIL OF THE CITY OF McCALL, IDAHO, THIS 9 DAY OF FEBRUARY, 2012.



Approved:

By  _____
Donald C. Bailey, Mayor

ATTEST:

By  _____
BessieJo Wagner, City Clerk

ORDINANCE SUMMARY CERTIFICATION

Ordinance No. 894

Certification of City Legal Advisor
of the Summary prepared
for the above-numbered Ordinance

The undersigned City of McCall Legal Advisor, having reviewed the above-numbered Ordinance and the Summary for the above-numbered Ordinance, believes the Summary of the above-numbered Ordinance is true and complete and that it provides adequate notice to the public of the identity and principal provisions of the Ordinance.

Dated this 9th day of February, 2012.



William F. Nichols

City of McCall
Certificate of Recording Officer

STATE OF IDAHO }
 }
County of Valley }

I, the undersigned, the duly appointed, qualified, City Clerk of the City of McCall, Idaho, do hereby certify the following:

1. That pursuant to the provisions of Section 50-207, Idaho Code, I keep a correct journal of the proceedings of the Council of the City of McCall, Idaho, and that I am statutory custodian of all laws, ordinances and resolutions of said City.
2. That the attached Ordinance No. 894 is a true and correct copy of an ordinance passed at a regular meeting of the Council of the City of McCall held on February 9, 2012 and duly recorded in my office; and
3. That said regular meeting was duly convened and held in all respects in accordance with law and to the extent required by law, due and proper notice of such meeting and that a legally sufficient number of members of the Council voted in the proper manner and for the passage of said ordinance; and that all other requirements and proceedings incident to the proper adoption and passage of said ordinance have been duly fulfilled, carried out and observed; and that I am authorized to execute this certificate.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the City of McCall, Idaho this 17 day of February 2012.



BessieJo Wagner
BessieJo Wagner, City Clerk