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**ORDINANCE NO. 691**

AN ORDINANCE ANNEXING CERTAIN REAL PROPERTY SITUATED IN THE UNINCORPORATED AREA OF ADA COUNTY, IDAHO, AND CONTIGUOUS TO THE CORPORATE LIMITS OF THE CITY OF EAGLE, TO THE CITY OF EAGLE, IDAHO; CHANGING THE ZONING CLASSIFICATION OF SAID REAL PROPERTY DESCRIBED HEREIN FROM RUT (RURAL-URBAN TRANSITION) TO MU-DA (MIXED USE WITH A DEVELOPMENT AGREEMENT); AMENDING THE ZONING MAP OF THE CITY OF EAGLE TO REFLECT SAID CHANGE; DIRECTING THAT COPIES OF THIS ORDINANCE BE FILED AS PROVIDED BY LAW; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Eagle, Idaho is a municipal corporation organized and operating under the laws of the State of Idaho and is authorized to annex to and incorporate within the boundaries of the City contiguous real property in the manner provided by Section 50-222, Idaho Code; and

WHEREAS, the owner of the real property situated in the unincorporated area of Ada County and particularly described in Exhibit "A" of this ordinance has requested, in writing, annexation of said real property to the City of Eagle; and

WHEREAS, the owner of the real property situated within the City of Eagle and particularly described in Exhibit "A" of this ordinance has requested, in writing, a rezone from RUT to MU-DA; and

WHEREAS, the property described in Exhibit "A" is located at 3703 and 3705 North Emmett Highway; and

WHEREAS, the Planning and Zoning Commission of the City, pursuant to public notice as required by law, held a public hearing on November 19, 2007, as required by Section 67-6525, Idaho Code, and made a recommendation to the Mayor and Council; and

WHEREAS, the Eagle City Council, pursuant to public notice as required by law, held a public hearing on December 18, 2007, on the proposed annexation and zoning for the real property described in Exhibit "A" as required by Section 67-6525, Idaho Code, made findings and determined that the requested annexation should be granted and that a zoning classification of MU-DA for the property described in Exhibit "A" is appropriate to meet the requirements of Idaho Code, Eagle City Code and the Eagle Comprehensive Plan and should be granted.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF EAGLE, IDAHO, as follows:

**Section 1:** The Eagle City Council hereby finds and declares that the real property particularly described in Exhibit "A", attached hereto and incorporated herein by reference, is contiguous to the City, that said property can be reasonably assumed to be used for the orderly development of the City, and that the owner of said property has requested, in writing, annexation thereof to the City.

**Section 2:** The real property, all situated in Ada County, Idaho, adjacent and contiguous to the City, particularly described in Exhibit "A" and as generally shown on Exhibit "B", attached here to and included herein by reference, is hereby annexed to the incorporated territorial limits of the City of Eagle, Idaho.

**Section 3:** The City Council hereby finds and determines that the real property particularly described in Exhibit "A" and generally as shown on Exhibit "B", attached hereto and incorporated by reference, is hereby removed from the RUT (Rural-Urban Transition) zoning classification and is hereby included in the MU (Mixed Use) zoning classification all pursuant to the Zoning Ordinance of the City of Eagle. The City Council further finds and determines that said zone change is in accordance with the Eagle Comprehensive Plan and relevant City Codes and that the Zoning Map of the City is hereby amended to include the real property described in Exhibit "A" in the MU zoning district.

**Section 4:** 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, police regulations, taxation, and other powers of the City of Eagle.

**Section 5:** The City Clerk is hereby directed to file, within ten (10) days of passage and approval of this Ordinance, a certified copy of this Ordinance with the offices of the Auditor, Treasurer, and Assessor of Ada 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 63-215, 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.



# Exhibit "A"

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Knoll Winery

## LEGAL DESCRIPTION FOR City of Eagle Annexation of Knoll Winery

A parcel of land located in the Southwest 1/4 of the Northeast 1/4 of Section 33 and the Northwest 1/4 of the Southeast 1/4 of section 33, Township 5 North, Range 1 West, Boise Meridian, Canyon County, Idaho. Being further described as follows:

### BASIS OF BEARINGS:

The South line of the Southwest 1/4 of the Southeast 1/4 of Section 5, Township 4 North, Range 5 West, Boise Meridian, derived from Record of Survey No 6332 Instrument No 10392475 recorded in the office of the Ada County Recorder on November 14, 2005 taken as South 89°27'06" East with the distance between monuments shown to be 1326.62 feet.

**BEGINNING** at a point being the Center South 1/16 corner of Section 33, Township 5 North, Range 1 West, Boise Meridian from which the South 1/4 corner of said section 33 bears South 00°01'57" West a distance of 1325.07 feet;

→ thence along west line of the Northwest 1/4 of the Southeast 1/4 of said Section 33, North 00°01'57" East, a distance of 1226.44 feet

thence leaving said west line North 89°58'03" East a distance of 28.66 feet;

thence North 00°01'57" East a distance of 658.58 feet;

thence South 89°58'03" East to a point on the Centerline of State Highway 16 being centerline station 155+21.04 a distance of 136.36 feet;

thence along said Centerline following a curve to the left from a tangent which bears South 20°32'48" East, with a radius of 1,909.86 feet and a central angle of 16°38'53" an arc length of 554.94 feet with a chord bearing of South 28°52'15" East, and a chord distance of 552.99 feet to Centerline Sta 149+66.1

thence continuing along said Centerline through a 360 foot spiral curve to the left beginning at Sta 149+66.1 ending at Sta 146+06.1 with a Spiral Delta of 5°24' and  $a = 5/6$  with a chord bearing of South 40°47'41" East, and a chord distance of 359.86 feet;

thence continuing along said Centerline through a tangent from Sta 146+06.1 to Sta 145+47.6 South 42°35'41" East a distance of 58.50 feet;

thence continuing along said Centerline through a 360 foot spiral curve to the right beginning at sta 145+47.6 ending at Sta 141+87.6 with Spiral Delta of 5°28' and  $a = 5/6$  and a chord bearing of South 40°47'41" East a chord distance of 359.86 feet;

thence continuing along said Centerline along a curve to the right begin at Sta 141+87.6 ending at a point on curve being the intersection of Highway Centerline and the South line of the Northwest 1/4 of the Southeast 1/4 of said Section 33 being Centerline Sta 132+82.41 from a tangent which bears South 37°11'41" East, with a radius of 1,909.86 feet and a central angle of 27°09'20" an arc length of 905.19 feet with a chord bearing of South 23°37'01" East, and a chord distance of 896.74 feet;

thence leaving said Centerline and continuing along said south line of the Northwest 1/4 of the Southeast 1/4 of Section 33 North 89°36'26" West a distance of 1,302.19 feet to the **POINT OF BEGINNING**;

Said Parcel containing 330,525 square feet or 7.59 acres, more or less and is subject to all existing easements and rights-of-ways of record or implied.

**END OF DESCRIPTION**

*This description was prepared from record information no field survey was conducted to verify boundary or monuments nor accuracy of the record.*

*Record Data:*

*(Ada County) Record of Survey No. 6332*

*(Ada County) Subdivision Plat – The Trellis Subdivision Book 87 Page 9991*

*ITD highway plans Project DS-3832*

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