

ORDINANCE NO. 511

069

Correcting the Legal Description of Ordinance No. 375 2006 659 83

AN ORDINANCE ANNEXING TO THE CITY OF MIDDLETON, IDAHO, CERTAIN REAL PROPERTY SITUATED IN THE UNINCORPORATED AREA OF CANYON COUNTY, IDAHO, AND CONTIGUOUS TO THE CORPORATE LIMITS OF THE CITY OF MIDDLETON, IDAHO; ESTABLISHING THE ZONING CLASSIFICATION OF SAID REAL PROPERTY AS R-3 LOW DENSITY RESIDENTIAL AND 4.5 ACRES AS C-1 NEIGHBORHOOD COMMERCIAL; DIRECTING THAT COPIES OF THIS ORDINANCE BE FILED AS PROVIDED BY LAW; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Middleton, Idaho, (the "City") 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 Canyon County and particularly described in Exhibit A, attached and hereby made a part of this ordinance, has requested, in writing, annexation of said real property to 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 April 18, 2005, as required by Idaho Code §67-6525 and recommended to the Mayor and Council that they approve the request for annexation and zoning to R-3 Low Density Residential, and 4.5 acres as C-1 Neighborhood Commercial; and

WHEREAS, the Middleton City Council, pursuant to public notice as required by law, held a public hearing on June 1, 2005, on the annexation and recommended zoning for the real property described in Exhibit A attached, as required by Idaho Code 67-6525; and

WHEREAS, the Middleton City Council, on July 20, 2005, adopted Ordinance No. 375, annexing certain real property, known as the Meadow Park Estates, Crossings at Park and Pines at Meadow Park subdivisions; and

WHEREAS, when Ordinance No. 375 was published, a portion of the legal description was incorrect, attached hereto as Exhibit B; and

WHEREAS, the legal description attached hereto as Exhibit A corrects the legal description that was attached to Ordinance No. 375, and attached hereto as Exhibit B, which inadvertently omitted textually a portion of the property intended to be annexed in 2005 and that was shown in the plans, maps and plats that were the subject of the 2005 public hearings; and

WHEREAS, at the time of the public hearings held in 2005, the real property described on Exhibit A was included in the maps and other descriptions used for purposes of the public hearings and the City of Middleton is adopting this ordinance to correct the portion of the legal description that was incorrect;

RECEIVED

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

Section 1: The Middleton City Council hereby finds and declares that the real property described in Exhibit A attached 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 with a zoning designation of R-3 Low Density Residential.

Section 2: The real property, currently situated in Canyon County, Idaho, adjacent and contiguous to the City, described in Exhibit A, is hereby annexed to and incorporated in 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 in Exhibit A shall be subject to the ordinances, resolutions, police regulations, taxation and other powers of the City of Middleton, Idaho.

Section 4: The zoning classification of the land described in Exhibit A is hereby established as R-3, as provided by the zoning ordinance of the City and in accordance with the Comprehensive Plan. The Zoning Map is hereby amended to include the real property described in Exhibit A with a R-3 Low Density Residential classification.

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 §50-223, and to comply with the provisions of Idaho Code §63-2215, with regard to the preparation and filing of a map and legal description of the real property annexed by the ordinance.

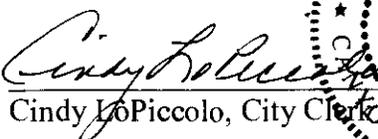
Section 6: This ordinance shall take effect and be in force from and after its passage, approval and publication as required by law. In lieu of publication of the entire ordinance, a summary thereof in compliance with Idaho Code §50-901A may be published.

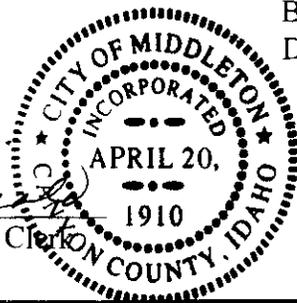
DATED this 3rd day of July, 2013.

CITY OF MIDDLETON
Canyon County, Idaho

By: 
Darin J. Taylor, Mayor

ATTEST:


Cindy LoPiccolo, City Clerk



RECEIVED

JUL 10 2013

EXHIBIT A

THE PINES AT MEADOW PARK ANNEXATION DESCRIPTION

A parcel of land being a portion of the NW1/4 SE1/4 of Section 31, Township 5 North, Range 2 West, Boise Meridian, Canyon County Idaho, more particularly described as follows:

Commencing at the northeast corner of the SE1/4, (East 1/4 Corner), said corner monumented with a found 3-inch diameter brass disk stamped "LS 3627 1980";

Thence S. 89 33' 44" W., a distance of 1326.36 feet along the northerly boundary of the NE1/4 SE1/4 to the northeast corner of said NW1/4 SE1/4, said corner monumented with a 5/8 inch diameter iron pin and being the POINT OF BEGINNING;

Thence S. 00 04' 04" E., a distance of 280.40 feet (formerly S. 00 03' 20" E., a distance of 279.92 feet), along the easterly boundary of said NW1/4 SE1/4 to a point monumented with a found 5/8-inch diameter iron pin marked "BLS LS 797;

Thence S. 82 24' 13" W., a distance of 283.57 feet (formerly S. 82 24' 57" W., a distance of 283.77 feet), to a point monumented with a found 5/8-inch diameter iron pin marked "BLS LS 797;

Thence S. 00 02' 14" W., a distance of 382.04 feet (formerly S. 00 03' 41" W., a distance of 381.71 feet), to a point monumented with a found 5/8-inch diameter iron pin marked "BLS LS 797;

Thence S. 89° 59' 48" E., a distance of 281.82 feet to a point on the east boundary of said NW1/4 SE1/4;

Thence S. 00° 04' 04" E., a distance of 621.87 feet along said east boundary to the southeast corner of said NW1/4 SE1/4;

Thence S. 89° 38' 40" W., a distance of 1329.04 feet along the south boundary of said NW1/4 SE1/4 to the southwest corner of said NW1/4 SE1/4;

Thence N. 00 02' 56" E., a distance of 1319.92 feet (formerly N. 00 04' 26" E.), along said west boundary to the northwest corner of said NW1/4 SE1/4, monumented with a found 5/8-inch diameter iron pin marked "Brownell PLS 8960";

Thence N. 89 33' 44" E., a distance of 1326.36 feet (formerly N. 89 36' 41" E., a distance of 1326.36 feet), along the northerly boundary of said NW1/4 SE1/4 to the POINT OF BEGINNING.

This annexation parcel contains 37.67 acres more or less.

EXHIBIT B

EXHIBIT A

Northwest Quarter of the Southeast Quarter (NW1/4SE1/4) of Section 31, Township 5 North, Range 2 West, Boise Meridian, Canyon County, Idaho, being more particularly described as follows:

EXCEPT THEREFROM:

BEGINNING at the Northeast corner of said Northwest Quarter of the Southeast Quarter (aka Center East one sixteenth corner) thence; along the Easterly line of said Northwest Quarter of the Southeast Quarter,

South 00° 06' 23" West 290.48 feet, to a fence line, thence; along said fence line,

South 82° 51' 02" West 287.40 feet, thence;

South 03° 32' 08" West 341.27 feet, thence;

South 87° 08' 22" West 248.81 feet, thence;

South 16° 29' 39" West 325.00 feet, to a fence corner, thence; along a fence line,

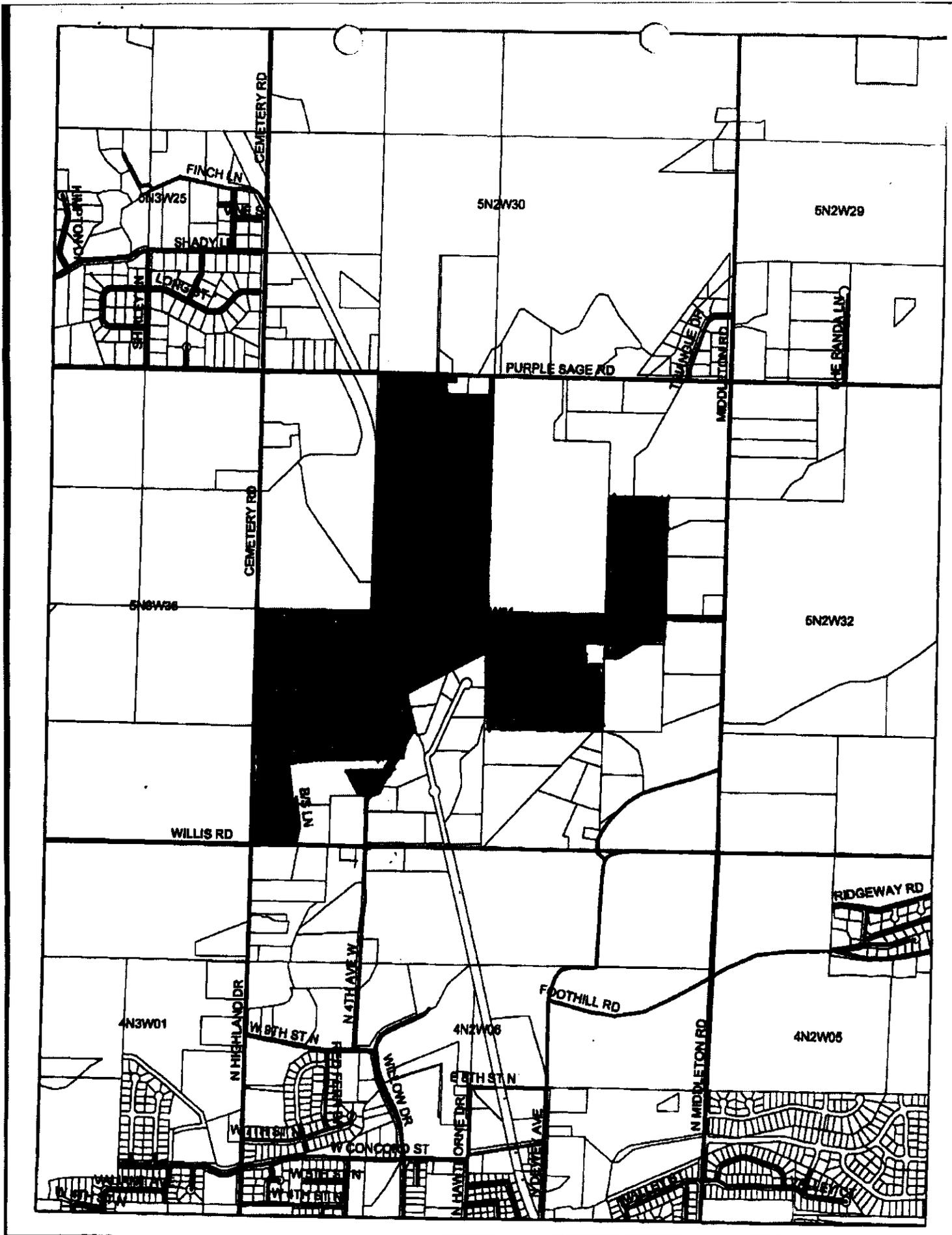
South 70° 02' 03" West 727.43 feet, to the Westerly line of said Northwest Quarter of the Southeast Quarter, also being the Easterly line of the SHANY'S ACRES SUBDIVISION, thence; along the Westerly of said Northwest Quarter of the Southeast Quarter and the Easterly line of said subdivision,

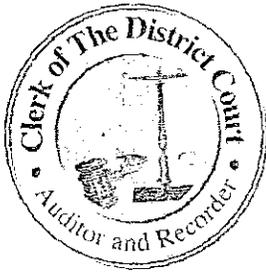
North 00° 15' 03" East 1,243.74 feet, to the Northwest corner of said Northwest Quarter of the Southeast Quarter, thence, along the Northerly line of said Northwest Quarter of the Southeast Quarter,

South 89° 48' 30" East 1,325.78 feet to the POINT OF BEGINNING.

Option Agreement

1 Dec
Dec 1, 2006





2013-030405

RECORDED

07/05/2013 11:03 AM



00054360201300304050050058

CHRIS YAMAMOTO

CANYON COUNTY RECORDER

Pgs=5 RECORD1

NO FEE

ORDINANCE

MIDDLETON CITY OF

Canyon County Recorder's Office Cover Page



CITY OF MIDDLETON

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

July 8, 2013

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

Subject: City of Middleton, Idaho – Ordinance No. 511 correcting the legal description of Ordinance No. 375 for Annexation of Meadow Park Estates, Crossings at Park and Pines at Meadow Park subdivisions, Middleton, Idaho

Dear Mr. Johnson,

Enclosed please find a copy of Ordinance No. 511, with corrected legal description pertaining to a prior annexation of property into the boundaries of the City of Middleton, Idaho. The original map was correct regarding this annexation, however, the legal description was incorrect and the correction was requested by Canyon County Assessor's office. The original Ordinance No. 375 was adopted by Middleton City Council on July 20, 2005, however, not recorded until 2006 - a copy would have been sent to you around that time period.

Please contact me if you have any questions. Thank you.

Very truly yours,

Cindy LoPiccolo, City Clerk
City of Middleton, Idaho

Enclosure