

CITY OF BOISE

51

ADA COUNTY RECORDER Christopher D. Rich
BOISE IDAHO Pgs=6 VICTORIA BAILEY
BOISE CITY

2016-028872
04/07/2016 02:15 PM
NO FEE



Ordinance NO. ORD-6-16

BY THE COUNCIL

CLEGG , JORDAN, LUDWIG, MCLEAN,
QUINTANA, AND THOMSON

AN ORDINANCE (CAR13-00007 FOR PROPERTY LOCATED AT 5237 E. SAWMILL WAY) ANNEXING 11.97 ACRES OF CERTAIN LANDS AND TERRITORY SITUATED IN ADA COUNTY, IDAHO, ADJACENT AND CONTIGUOUS TO THE CORPORATE LIMITS OF THE CITY OF BOISE CITY; ESTABLISHING AND DETERMINING THE LAND USE CLASSIFICATION OF SAID 11.97 ACRES AS A-2 (OPEN LAND); SETTING FORTH A REASONED STATEMENT IN SUPPORT OF SUCH ANNEXATION AND ZONE CHANGE; DIRECTING THE CITY ENGINEER TO LODGE AND FILE A LEGAL DESCRIPTION AND MAP FOR SAID ANNEXED LANDS AND TERRITORY; PROVIDING THAT COPIES OF THIS ORDINANCE SHALL BE FILED WITH THE ADA COUNTY AUDITOR, THE ADA COUNTY TREASURER, THE ADA COUNTY ASSESSOR, THE ADA COUNTY RECORDER, AND THE IDAHO STATE TAX COMMISSION; PROVIDING THAT A COPY OF SAID LEGAL DESCRIPTION AND MAP OF SAID ANNEXED LANDS AND TERRITORY BE RECORDED WITH THE ADA COUNTY RECORDER AND FILED WITH THE ADA COUNTY ASSESSOR AND THE IDAHO STATE TAX COMMISSION, AS REQUIRED BY LAW; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the owner of the lands and territory, situated in Ada County and particularly described in Section One of this ordinance, has agreed to annexation of said lands to the city; and

WHEREAS, the Boise City Council has found and determined that said lands and territory are contiguous and adjacent to Boise City and that annexation of said lands can reasonably be used for orderly development of Boise City; and

WHEREAS, the Boise City Planning & Zoning Commission, pursuant to public notice as required by law, held a public hearing on August 12, 2013, and recommended to the Mayor and Council that annexation be denied; and

WHEREAS, the Boise City Council, pursuant to public notice as required by law, held a public hearing on January 14, 2014 and February 2, 2016, on the proposed zoning for the property described in Section One below, all as required by Idaho Code, Section 67-6525.

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

REC'D APR 18 2016

CITY OF BOISE

Section 1. The lands and territory situated in Ada County, Idaho, adjacent and contiguous to the city of Boise City, Idaho, particularly described in Exhibits A and B, attached hereto and by reference made a part of this ordinance as though fully set forth herein, be, and the same are hereby, annexed to and incorporated in the territorial limits of the City of Boise City, Idaho.

Section 2. From and after the effective date of this ordinance, all property included within the boundaries and territory described in Section 1 hereof and annexed as provided by said Section shall be subject to all the statutes pertaining to Boise City and all ordinances, resolutions, police regulations, taxation and other powers of Boise City, and all persons and property within the territory so annexed shall be and are entitled to all benefits and rights as are the persons and property presently within the corporate territorial limits of Boise City.

Section 3. Pursuant to the findings of the Boise City Council, the land use classification of the lands described in Exhibits A and B attached hereto and by reference made a part thereof is hereby fixed and established as A-2 (Open Land), as provided by the Zoning Ordinance of Boise City.

Section 4. Pursuant to Idaho Code § 67-6535, the Boise City Council hereby adopts the following Reasoned Statement in support of the Annexation and Rezone:

The annexation is consistent with the standards of *BCC 11-03-04.15.6(a)*. It does not constitute leap frog development and the land is within the City's Area of Impact and Sewer Planning Area, adjacent to previously annexed properties. While the site is designated 'Large Lot Residential' on the Land Use Map, there are sensitive land uses in the area that could be negatively impacted by residential zoning. The A-2 (Open Land) zone will ensure preservation of the natural resource functions of the site and eliminate the potential for future conflicts between incompatible land uses.

Section 5. The City Engineer of Boise City is hereby directed to lodge and file with the City Clerk of Boise City within ten (10) days after the passage and approval hereof, a legal description and map prepared in a draftsmanlike manner which shall plainly and clearly designate the boundaries of the lands and territory annexed, pursuant to the provisions of Section 1 hereof.

Section 6. The zoning maps of Boise, Idaho, are hereby changed, altered, and amended to include the real property described in Exhibits A and B above in the land use classification of A-2 (Open Land).

Section 7. The City Clerk of Boise City is hereby directed to file, within ten (10) days after the passage and approval hereof, a certified copy of this Ordinance with the Ada County Auditor, Ada County Treasurer, Ada County Assessor, and the Idaho State Tax Commission, and to file a copy of said legal description and map, as prepared and lodged with the City Clerk by the City Engineer, with the Ada County Assessor, Ada County Recorder and the Idaho State Tax Commission, all as provided by Sections 50-223 and 63-215, Idaho Code.

CITY OF BOISE

Section 8. That this Ordinance shall be in full force and effect immediately upon its passage, approval and publication.

ADOPTED by the Council of Boise City, Idaho, on April 5, 2016.

APPROVED by the Mayor of the Boise City, Idaho, on April 5, 2016.

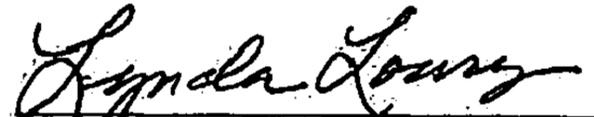
APPROVED:



David H. Bieter, Mayor



ATTEST:



Lynda Lowry, Ex-Officio City Clerk



City of Boise
Ordinance
Annexation

**Planning and Development
Services**
150 N Capitol Blvd
Boise, ID 83702
1-800-377-3529

TO: Mayor and Council
FROM: Hal Simmons, Planning and Development Services
NUMBER: ORD-6-16
DATE: February 3, 2016
SUBJECT: CAR13-00007 / Ordinance

BACKGROUND:

This item was heard by City Council on January 14, 2014 (#2168 & #2166).

On January 28, 2014 the City Council directed that the parties seek mediation. (#2409).

The applicant requested deferral from March 18, 2014 to April 1, 2014.

The item was deferred at the April 1, 2014 hearing.

On February 2, 2016 the Boise City Council Approved/Adopted the reasons for the decision on CAR13-00007.

FINANCIAL IMPACT:

None

ATTACHMENTS:

- Exhibit A (map) (PDF)
- Exhibit B (legal) (PDF)

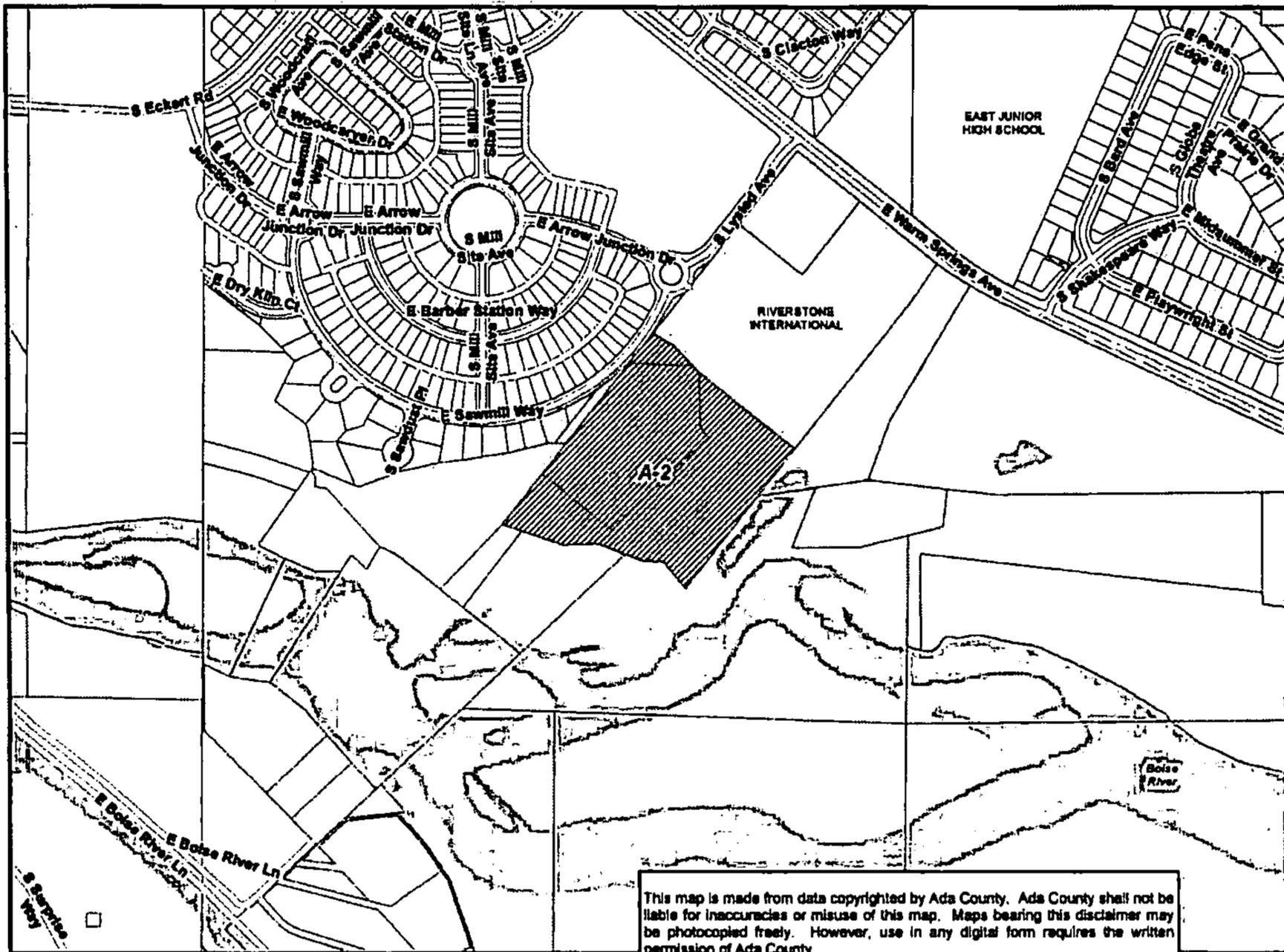


BOISE CITY ANNEXATION

CAR13-00007

Section 29 Township 3N Range 3E

Acres ± 11.97



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This drawing is to be used only for reference purposes; Boise City is not responsible for any inaccuracies herein contained.

 ANNEXATION

ORDINANCE # 6-16



Sawtooth Land Surveying, LLC

P: (208) 398-8104 F: (208) 398 5105
207 W. Main St, Emmett, ID 83617

**Legal Description
for
Barber Mill Estates**

Located within the SE 1/4, of Section 29, T. 3 N., R. 3 E., B.M., Ada County, Idaho, more particularly described as follows:

Commencing at a found brass cap, marking the W 1/4 corner of said Section 29;

Thence South 42°27'24" West, 649.80 feet to a found 5/8" rebar/cap PLS 7880, shown on Record of Survey No. 5828, Ada County Records;

Thence South 38°49'47" West, 889.76 feet. to a found 1/2" rebar (no cap) and the Point of Beginning;

Thence South 59°49'22" East, 92.78 feet, to a found 1/2" rebar (no cap, bent);

Thence South 43°35'07" East, 135.31 feet. to a found 1/2" rebar (no cap);

Thence South 51°22'19" East, 456.94 feet. to a found 5/8" rebar/cap PLS 7880;

Thence South 38°42'45" West, 666.01 feet, to a found aluminum cap PLS 972;

Thence North 39°54'05" West, 128.90 feet;

Thence North 89°27'62" West, 74.35 feet;

Thence North 69°23'32" West, 182.44 feet;

Thence South 89°08'08" West, 129.82 feet;

Thence North 71°40'07" West, 241.49 feet;

Thence North 38°49'47" East, 913.71 feet to the Point of Beginning;

The above described parcel contains 11.97 acres, more or less.

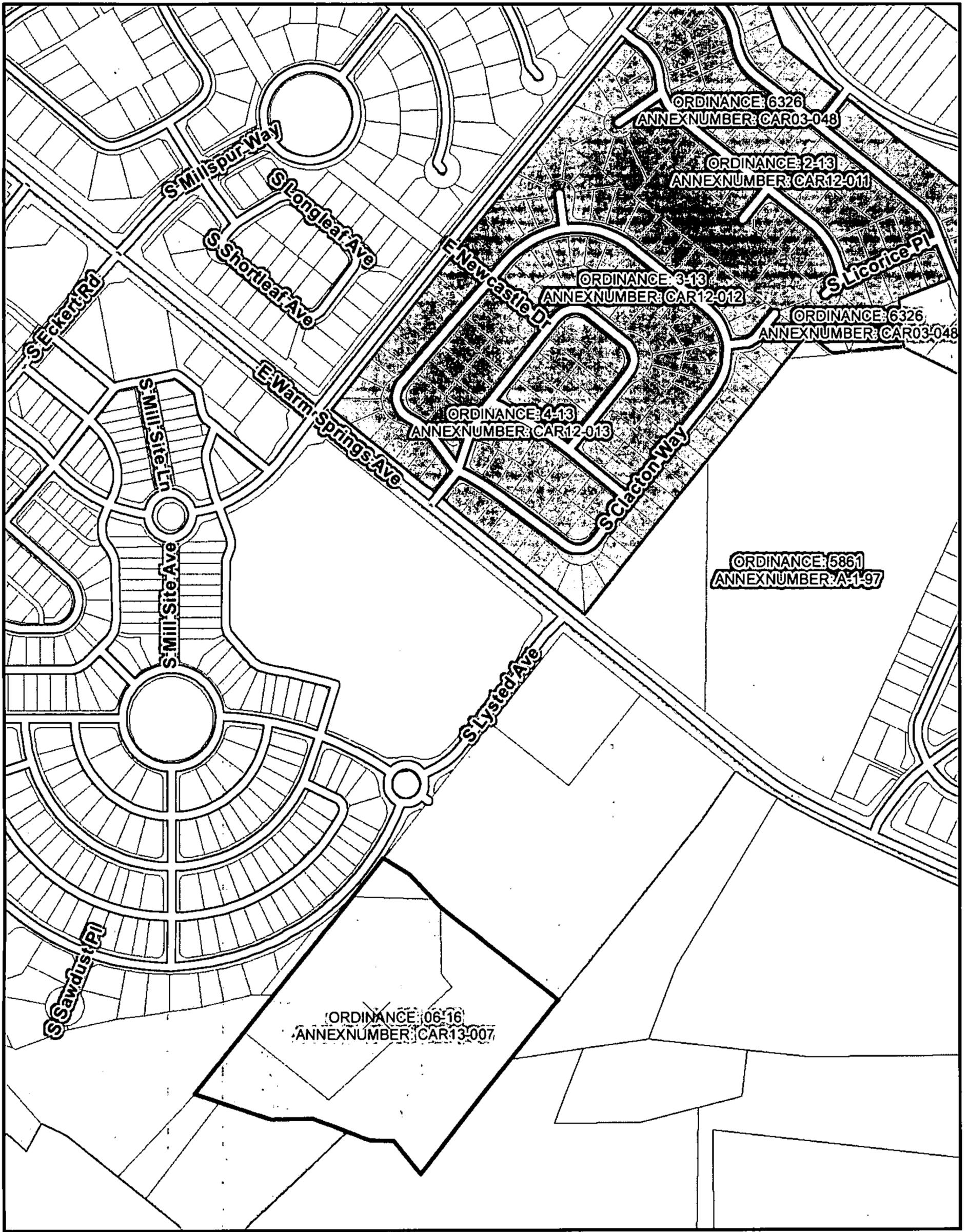
Together with and subject to covenants, easements and restrictions of record..

Carl Porter, PLS 14221
End Description



5/19/13

Date




 City of Boise
 Public Works
 GIS Services
 Date: 4/7/2016



Annexation Map
 ORD 06-16
 CAR13-007

Name: NewAnnexationsLocation
 I:\Workspaces\PublicWorks\Engineering\Projects\Annexations\Maps\NewAnnexationsLocation.mxd

This drawing is to be used only for reference purposes. Boise City is not responsible for any transactions based on this map.
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