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**ORDINANCE NO. 762**

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 2755 West State Street; and

WHEREAS, the Planning and Zoning Commission of the City, pursuant to public notice as required by law, held a public hearing on August 1, 2016, 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 September 13, 2016, 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-DA (Mixed Use with a development agreement) 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-DA 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.





October 27, 2016  
Project No.: 16-051

**EXHIBIT A  
LEGAL DESCRIPTION FOR  
ANNEXATION AND REZONE TO MU-DA**

A parcel of land being a portion of Government Lot 5 of Section 7, Township 4 North, Range 1 East, Boise Meridian, City of Eagle, Ada County, Idaho and being more particularly described as follows:

Commencing at a found brass cap marking the South 1/4 corner of said Section 7, which bears S01°11'30"W a distance of 2,629.42 feet from an aluminum cap marking the center of said Section 7, thence following the easterly line of the Southwest 1/4 of Section 7, N01°11'30"E a distance of 1,332.23 feet to a point on the centerline of W. State Street (S.H. 44);

Thence leaving said easterly line and following said centerline, S89°41'32"W a distance of 983.74 feet to the **POINT OF BEGINNING.**

Thence leaving said centerline, S01°06'54"W a distance of 935.64 feet to a point;

Thence S85°38'52"W a distance of 142.28 feet to a point;

Thence N79°06'08"W a distance of 198.00 feet to a point;

Thence N01°08'44"E a distance of 907.21 feet to a point on said centerline of W. State Street (S.H. 44);

Thence following said centerline N89°41'32"E a distance of 336.38 feet to the **POINT OF BEGINNING.**

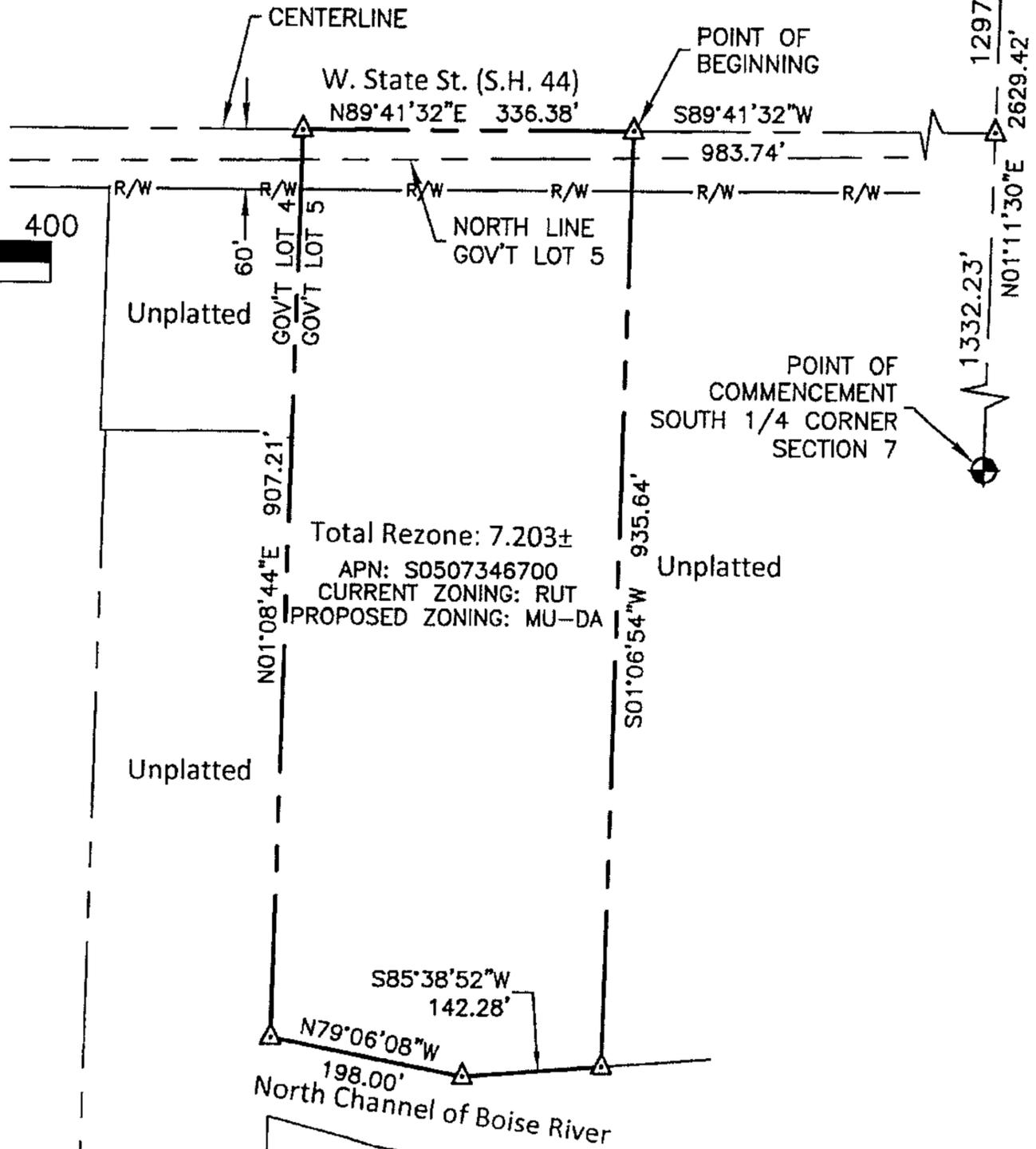
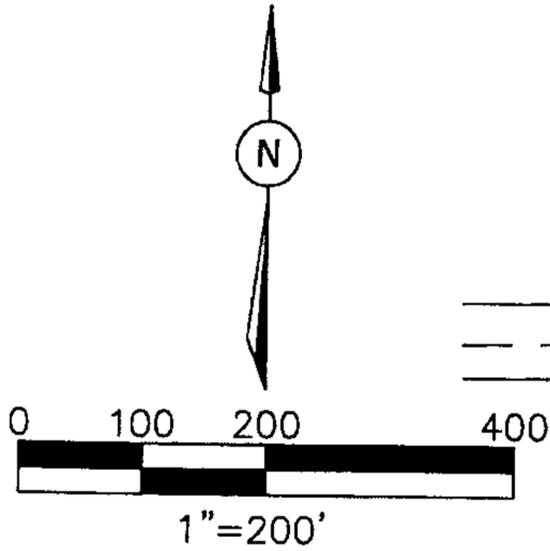
Said parcel contains 7.203 acres, more or less, and is subject to all existing easements and/or rights-of-way of record or implied.

Attached is **EXHIBIT B** and by this reference made a part of.



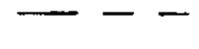
10-27-2016

CENTER SECTION 7



Total Rezone: 7.203±  
 APN: S0507346700  
 CURRENT ZONING: RUT  
 PROPOSED ZONING: MU-DA

LEGEND

-  BRASS CAP
-  ALUMINUM CAP
-  CALCULATED POINT
-  REZONE BOUNDARY
-  GOV'T/SECTION LINE
-  RIGHT-OF-WAY LINE
-  ROAD CENTERLINE



ENGINEERS . SURVEYORS . PLANNERS

9233 WEST STATE STREET  
 BOISE, IDAHO 83714  
 PHONE (208) 639-6939  
 FAX (208) 639-6930

DATE: 10-27-2016

PROJECT: 16-051

SHEET:  
 1 OF 1

EXHIBIT B - ANNEXATION AND REZONE  
 RICHARD AND SHARON TERRY

A PORTION OF GOVERNMENT LOT 5, SECTION 7, T.4N., R.1E., B.M.,  
 CITY OF EAGLE, ADA COUNTY, ID

P:\16-051\CAD\SURVEY\EXHIBITS\16-051 ANNEXATION AND REZONE.DWG , AARON BALLARD, 10/27/2016, KYOCERA TASKALFA 4550CI KX.PC3, .....