

4F/B

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ORDINANCE NO. 3046

AN ORDINANCE ANNEXING CERTAIN LANDS TO THE CITY OF IDAHO FALLS LOCATED GENERALLY SOUTH OF TOWNSHIP ROAD, WEST OF HOLMES AVENUE, NORTH OF YORK ROAD, AND EAST OF PARK ROAD; AMENDING THE LEGAL DESCRIPTION OF THE CITY WITH THE APPROPRIATE COUNTY AND STATE AUTHORITIES; AND PROVIDING SEVERABILITY, PUBLICATION BY SUMMARY, AND ESTABLISHING EFFECTIVE DATE.

WHEREAS, the lands described in Section 1 of this Ordinance are contiguous and adjacent to the City limits of the City of Idaho Falls, Idaho; and

WHEREAS, such lands described herein are subject to annexation to the City pursuant to the provisions of Idaho Code Section 50-222, and other laws, as amended; and

WHEREAS, the annexation of the lands described in Section 1 is reasonably necessary to assure the orderly development of the City in order to allow efficient and economically viable provision of tax-supported and fee-supported municipal services; to enable the orderly development of private lands which benefit from a cost-effective availability of City services in urbanizing areas; and to equitably allocate the costs of City/public services in management of development on the City's urban fringe; and

WHEREAS, the City has authority to annex lands into the City upon compliance with procedures required in Idaho Code Section 50-222, as amended; and

WHEREAS, any portion of a highway lying wholly or partially within the lands to be annexed are included in the lands annexed by this Ordinance; and

WHEREAS, the lands annexed by this Ordinance are not connected to the City only by a "shoestring" or a strip of land which comprises a railroad or right-of-way; and

WHEREAS, all private landowners have consented to annexation of such lands where necessary; and

WHEREAS, the lands to be annexed are contiguous to the City and the City of Idaho Falls Comprehensive Plan includes the area of annexation; and

WHEREAS, after considering the written and oral comments of property owners whose lands would be annexed and other affected persons, City Council specifically makes the following findings:

REC'D JAN 19 2016

Instrument # 1514492
IDAHO FALLS, BONNEVILLE, IDAHO
12-23-2015 10:44:51 AM No. of Pages: 4
Recorded for: CITY OF IF
RONALD LONGMORE Fee: 0.00
Ex-Officio Recorder Deputy
Index to: ORDINANCE

1) That the lands annexed meet the applicable requirements of Idaho Code Section 50-222 and does not fall within exceptions or conditional exceptions contained in Idaho Code Section 50-222;

2) The annexation is consistent with public purposes addressed in annexation and related plans prepared by the City; and

3) Annexation of the lands described in Section 1 are reasonably necessary for the orderly development of the City; and

WHEREAS, it appears to the City Council that the lands described hereinbelow in Section 1 of this Ordinance should be annexed to and become a part of the City of Idaho Falls, Idaho; and

WHEREAS, the City wishes to exercise jurisdiction over the annexed lands in a way that promotes the orderly development of such lands; and

WHEREAS, the City of Idaho Falls Comprehensive Plan sets out policies and strategies designed to promote and sustain future growth within the City; and

WHEREAS, for consistency with the Comprehensive Plan, the Council desires to designate the lands within the area of annexation as "Low Density Residential"; and

WHEREAS, such designation is consistent with policies and principles contained within the City of Idaho Falls Comprehensive Plan; and

WHEREAS, the City desires the City of Idaho Falls Comprehensive Plan Map to be amended to reflect the designation contained in this Ordinance.

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

SECTION 1. Annexation of Property. The lands described herein are hereby annexed to the City of Idaho Falls, Idaho:

Commencing at the Northeast Corner of Section 6, Township 1 North, Range 38 East of the Boise Meridian, Bonneville County, Idaho; running thence S.00°16'48"W. along the Section line 2053.95 feet; thence N.89°43'12"W. 1317.34 feet to the Southwest Corner of Sunterra, Division No. 2, an Addition to the City of Idaho Falls, Bonneville County, Idaho; thence N.00°14'52"E. along the West boundary of said Sunterra, Division No. 2 a distance of 55.00 feet to the Southerly boundary of the City of Idaho Falls Annexation line, Ordinance number 2971; thence N.89°43'12"W. along said Southerly boundary 308.62 feet to the TRUE POINT OF BEGINNING; running thence S.89°51'14"W. 7.97 feet; thence S.00°08'46"E. 74.94 feet; thence N.89°43'12"W. 199.25 feet; thence N.75°32'02"W. 174.70 feet to a point on the East boundary line of Lot 7, Block 2, Yorkside Subdivision, Division No. 1, City of Idaho Falls, Bonneville County, Idaho; said point also being the Southwest corner of said City of Idaho Falls Ordinance number 2971; thence along said Annexation line the following three (3) courses; (1) thence N.47°40'51"E. 285.00 feet; (2) thence S.41°41'38"E. 216.18 feet; (3) thence S.89°43'12"E. 21.66 feet to the TRUE POINT

OF BEGINNING

Containing: 1.127 Acres

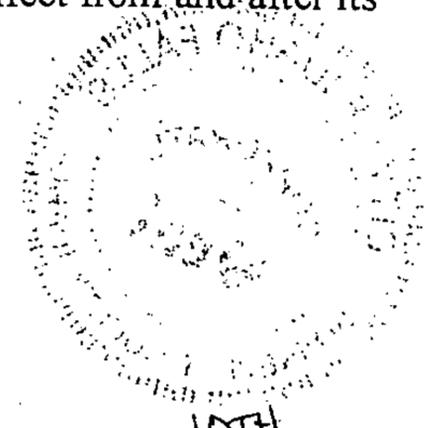
SECTION 2. Amended Map and Legal Description. The City Clerk shall file a certified copy of this Ordinance with the Bonneville County Auditor, Treasurer, and Assessor, within ten (10) days after the effective date hereof. The City Engineer shall, within ten (10) days after such effective date, file an amended legal description and map of the City, with the Bonneville County Recorder and Assessor and the Idaho State Tax Commission, all in accordance with Idaho Code Section 63-2215.

SECTION 3. Findings. That the findings contained in the recitals of this Ordinance be, and the same are hereby, adopted as the official City Council findings for this Ordinance, and that any further findings relative to this Ordinance shall be contained in the officially adopted Council minutes of the meeting in which this Ordinance was passed.

SECTION 4. Savings and Severability Clause. The provisions and parts of this Ordinance are intended to be severable. If any section, sentence, clause or phrase of this Ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this Ordinance.

SECTION 5. Publication. This Ordinance, or a summary thereof in compliance with Idaho Code, shall be published once in the official newspaper of the City, and shall take effect immediately upon its passage, approval, and publication.

SECTION 6. Effective Date. This Ordinance shall be in full force and effect from and after its passage, approval and publication.



PASSED BY THE COUNCIL AND APPROVED BY THE MAYOR this 10TH day of DECEMBER, 2015.

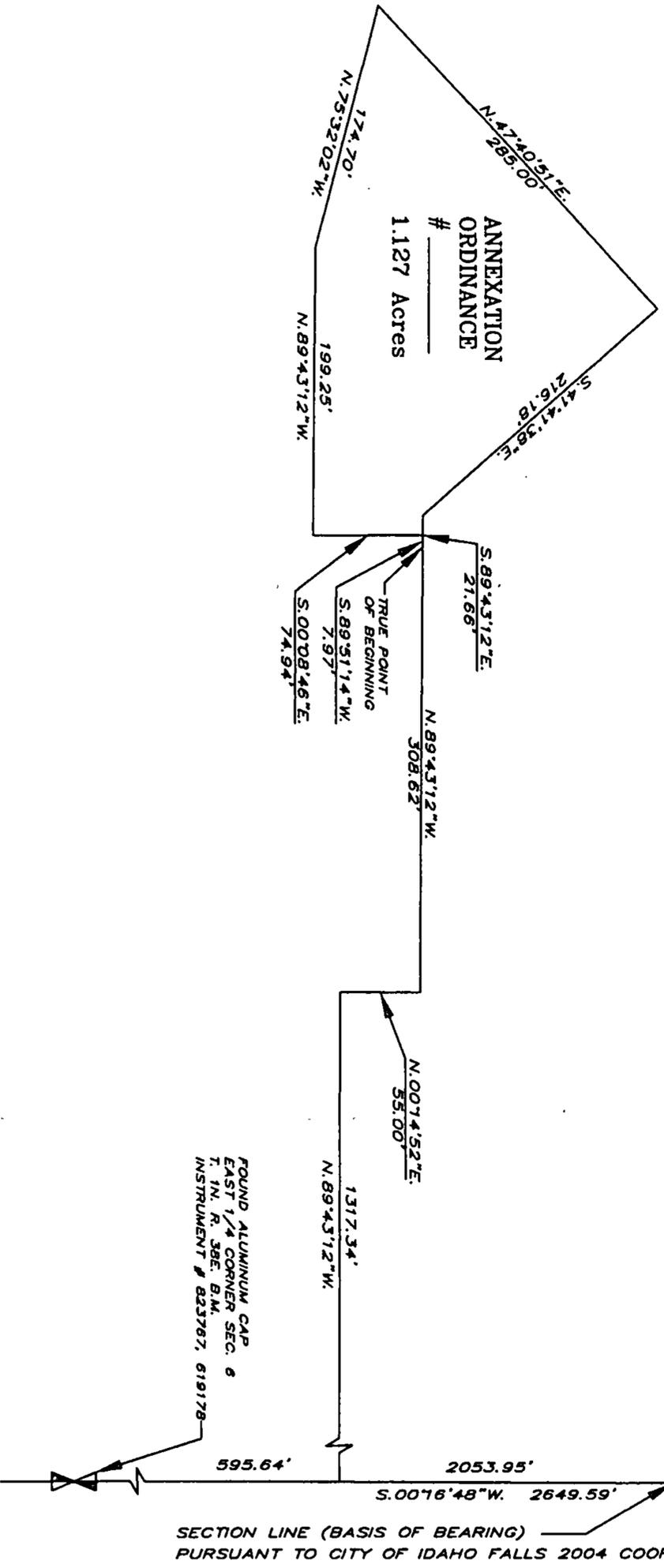


Rebecca L. Noah Casper
Rebecca L. Noah Casper, Mayor

Kathy Hampton

CITY OF IDAHO FALLS
 BONNEVILLE COUNTY
 NE 1/4 OF SEC. 6, T. 1 N. R. 38 E., B.M.

ANNEXATION
 ORDINANCE
 # 3046



T. 2 N.
T. 1 N.

FOUND BRASS CAP -
 N.E. CORNER SEC. 6
 T. 1 N. R. 38 E. B.M.
 INSTRUMENT # 502090

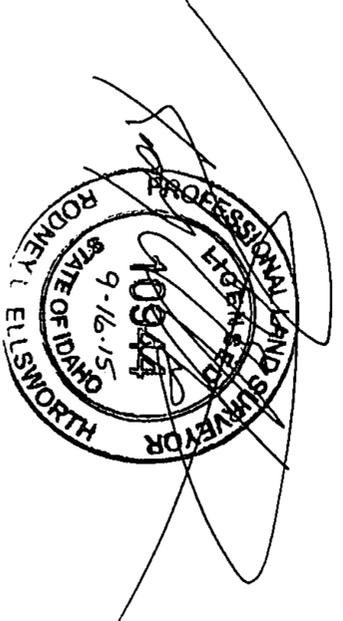
FOUND ALUMINUM CAP -
 EAST 1/4 CORNER SEC. 6
 T. 1 N. R. 38 E. B.M.
 INSTRUMENT # 823767, 619178

SECTION LINE (BASIS OF BEARING)
 PURSUANT TO CITY OF IDAHO FALLS 2004 COORDINATE SYSTEM

Containing: 1.127 Acres

Commencing at the Northeast Corner of Section 6, Township 1 North, Range 38 East of the Boise Meridian, Bonneville County, Idaho; running thence S.0076°48'W, along the Section line 2053.95 feet; thence N.89°43'12"W, 1317.34 feet to the Southwest Corner of Sunterra, Division No. 2, an Addition to the City of Idaho Falls, Bonneville County, Idaho; thence N.001°45'2"E, along the West boundary of said Sunterra, Division No. 2 a distance of 55.00 feet to the Southerly boundary of the City of Idaho Falls Annexation line, Ordinance number 2971; thence N.89°43'12"W, along said Southerly boundary 308.62 feet to the TRUE POINT OF BEGINNING; running thence S.89°51'4"W, 7.97 feet; thence S.00°08'46"E, 74.94 feet; thence N.89°43'12"W, 199.25 feet; thence N.75°32'02"W, 174.70 feet to a point on the East boundary line of Lot 7, Block 2, Yorkside Subdivision, Division No. 1, City of Idaho Falls, Bonneville County, Idaho, said point also being the Southwest corner of said City of Idaho Falls Ordinance number 2971; thence along said Annexation line the following three (3) courses: (1) thence N.47°40'51"E, 285.00 feet; (2) thence S.41°41'38"E, 216.18 feet, (3) thence S.89°43'12"E, 21.66 feet to the TRUE POINT OF BEGINNING

RECORDED WITH THE BONNEVILLE COUNTY RECORDERS OFFICE
 AS INSTRUMENT NO. 1514492



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| ANNEXATION | | Job No. |
| YORKSIDE DIV. NO. 2 | | 950 |
| PART OF NE 1/4, SEC. 6, T. 1 N., R. 38 E. B.M. | | Sht. 1 of 1 |
| BONNEVILLE COUNTY, IDAHO | | |
| Scale: 1" = 100' | Date: SEPTEMBER, 2016 | |
| Drawn By: B.D.E. | Checked: ANNEXATION | |
| 808 628 6414 | Fax 808 628 2614 | |
| 283 1st Street, Idaho Falls, ID. 83401 | | |
| | | Ellsworth & Associates PLLC |