

REC'D DEC 30 2016

246

Bill No. \_\_\_\_\_

CITY OF MELBA  
CANYON COUNTY, STATE OF IDAHO

ORDINANCE NO. 252

BY COUNCILMAN Hendrickson

AN ORDINANCE OF THE CITY OF MELBA, CANYON COUNTY, STATE OF IDAHO, PROVIDING DEFINITIONS FOR THIS ORDINANCE, MAKING CERTAIN FINDINGS: THAT CERTAIN LAND LIES CONTIGUOUS OR ADJACENT TO THE CITY LIMITS OF THE CITY OF MELBA, COUNTY OF CANYON, STATE OF IDAHO; THAT THE LAND MEETS THE REQUIREMENTS OF A CATEGORY "A" ANNEXATION; THAT THE PROPERTY IS OWNED BY THE CITY OF MELBA, WHO HAS CONSENTED TO THE ANNEXATION; THAT IT IS IN THE BEST INTEREST OF THE CITY TO ANNEX THE SUBJECT PROPERTY TO THE CITY OF MELBA AND TO ACCORDINGLY DESIGNATE THE ZONING UPON ANNEXATION TO BE WITHIN AN (M-1) LIGHT INDUSTRIAL DISTRICT ZONE; AND DECLARING THAT SAID LAND, BY PROPER LEGAL DESCRIPTION AS DESCRIBED BELOW, BE A PART OF THE CITY OF MELBA; REPEALING ALL ORDINANCES, RESOLUTIONS, ORDERS OR PARTS THEREOF IN CONFLICT HEREWITH; AND DIRECTING THE CITY ENGINEER TO ADD SAID REAL PROPERTY TO THE OFFICIAL MAPS OF THE CITY OF MELBA, IDAHO IN A MANNER WHICH SHALL PLAINLY AND CLEARLY DESIGNATE THE BOUNDARIES OF THE CITY AS ALTERED BY THIS ANNEXATION; AND DIRECTING THE CLERK OF THE CITY OF MELBA TO PUBLISH THIS ORDINANCE AND TO FILE A CERTIFIED COPY OF THE ORDINANCE AND MAP OF THE AREA TO BE ANNEXED WITH CANYON COUNTY RECORDER, AUDITOR, TREASURER AND ASSESSOR, AND THE STATE TAX COMMISSION OF THE STATE OF IDAHO, PURSUANT TO IDAHO CODE § 50-223 AND § 63-215.

BE IT ORDAINED by the Mayor and Council of the City of Melba, Canyon County, state of Idaho:

**Section 1. Definitions:** For all purposed of this Ordinance the following terms shall have the meaning as herein set forth unless the context of the work in this Ordinance clearly requires otherwise:

1.1 **City:** means and refers to the City of Melba, an Idaho Municipal Corporation existing within the County of Canyon state of Idaho.

- 1.2 City Impact Area:** means and refers to that certain unincorporated area lying and surrounding the City which has been established by ordinances of the City and of Canyon County, state of Idaho in accordance with the provisions of Idaho Code Section 67-6526.
- 1.3 City Comprehensive Plan:** means and refers to the City's comprehensive plan entitled Melba Comprehensive Plan prepared and adopted on July 12, 1994 in accordance with the "Local Land Use Planning Act" as codified in Chapter 65 of Title 67 Idaho Code.
- 1.4 Commission:** means and refers to the Planning and Zoning Commission of the City.
- 1.5 Real Property:** means and refers to the Real Property which is the Subject of this Annexation and which is legally described as follows:

A tract of land in the Northeast quarter Southwest quarter of section 36, Township 1 North, Range 2 West, Boise-Meridian, Canyon County, Idaho, being more particularly described as: Commencing at a brass cap marking the southwest corner of the Northeast quarter Southwest quarter of Section 36, Township 1 North, Range 2 West, Boise-Meridian, Canyon County, Idaho, from which the northwest corner of said Northeast quarter Southwest quarter bears North 00° 03'06" West 1326.82 feet; thence North 89° 57'24" East 899.27 feet (shown of record as East 900 feet) to a point; thence North 00° 03'06" West 734.93 feet (shown of record as North 735 feet) to the REAL POINT OF BEGINNING; thence North 00° 03'06" West 125.00 feet (shown of record as North 125 feet) to a steel pin; thence South 89° 57'24" West (shown of record as West), 100.00 feet to a point; thence South 00° 03'06" East 125.00 feet to a point; thence North 89° 57' 24" East (shown of record as East), 100.00 feet to the REAL POINT OF BEGINNING.

- 1.6 Ordinance:** means and refers to this Ordinance of Real Property Annexation and Zoning designation.

**Section 2: Findings:** For the purposes of this Ordinance the Mayor and Council make the following findings:

- 2.1** The Real Property, which is the subject of this Ordinance lies immediately adjacent of the City of Melba, Idaho; and
- 2.2** The City is the owner of the Real Property and has consented to its annexation into the City; and
- 2.3** The Real Property is located adjacent to existing City municipal water facilities and is adjacent to a public street known and designated at Loomis Avenue; and
- 2.4** The annexation, which is the subject of this Ordinance, is a category (a) annexation as provided by Idaho Code Section 50-222 by reason of the consent of the owner; and

- 2.5 The annexation of the Real Property to the City is reasonably necessary to assure the orderly development of the City to allow efficient and economically viable provision of the fee-supported City domestic water system; and
- 2.6 The Real Property is land locked and does/does not include any public highway right-of-way and there is no need for any negotiation with the Nampa Highway District No. 1 in compliance with Idaho Code Section 50-222; and
- 2.7 The City Council has received the recommendation for annexation of the Real Property and zoning designation from the Commission; and
- 2.8 The Real Property is within the City Impact Area; and
- 2.9 That the proposed zoning designation of the Real Property upon annexation of M-1 Light Industrial is pursuant to the City's valid and existing City Comprehensive Plan and the same is not in conflict with the policies of the City Comprehensive Plan; and
- 2.10 That it is in the best interests of the City to approve the application for Annexation and zoning of the Real Property.

### **Section 3. Real Property Annexation**

- 3.1 That the above described Real Property is hereby annexed to and made a part of the City of Melba, Canyon County, Idaho.

### **Section 4. Real Property Zoning**

- 4.1 That the Real Property herein by this ordinance annexed to the City of Melba is zoned and the same is hereby designated as a M-1 Light Industrial.

### **Section 5. Mapping**

- 5.1 The City Engineer is hereby directed to alter all use and area maps as well as the official zoning map, comprehensive plan and all official maps depicting the boundaries and zones of the City of Melba in accordance with this ordinance.

### **Section 6. Repeal**

- 6.1 All ordinances, resolutions, orders or parts thereof in conflict herewith are hereby repealed, rescinded and annulled.

### **Section 7. Effective Date**

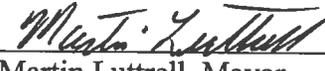
- 7.1 This ordinance shall be in full force and effect from and after its passage, approval and publication within one month, according to law.

**Section 8. Directions to Clerk**

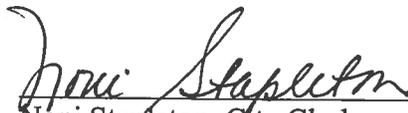
8.1 The Clerk of the City of Melba shall, within ten (10) days following the effective date of this ordinance, duly file a certified copy of this ordinance and a map prepared in a draftsman like manner plainly and clearly designating the boundaries of the City of Melba, including the lands herein annexed, with the following Canyon County offices to-wit: the Recorder, Auditor, Treasurer and Assessor and shall also file simultaneously a certified copy of this ordinance and map with the State Tax Commission of the state of Idaho, all in compliance with I.C. §§ 50-223 and 63-215.

PASSED BY THE CITY COUNCIL of the City of Melba this <sup>12<sup>th</sup></sup>~~18<sup>th</sup>~~ day of December 2016.

APPROVED BY THE MAYOR of the City of Melba this <sup>12<sup>th</sup></sup>~~18<sup>th</sup>~~ day of December, 2016.

  
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Martin Luttrell, Mayor

**ATTEST:**

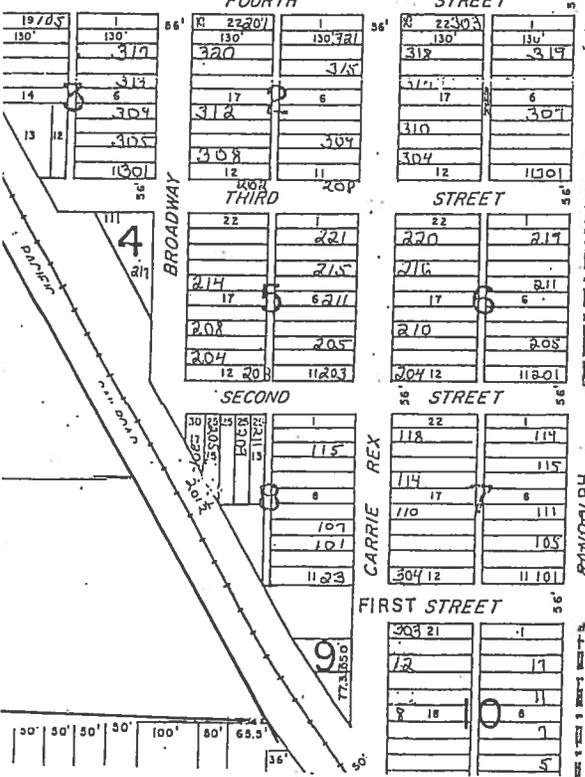
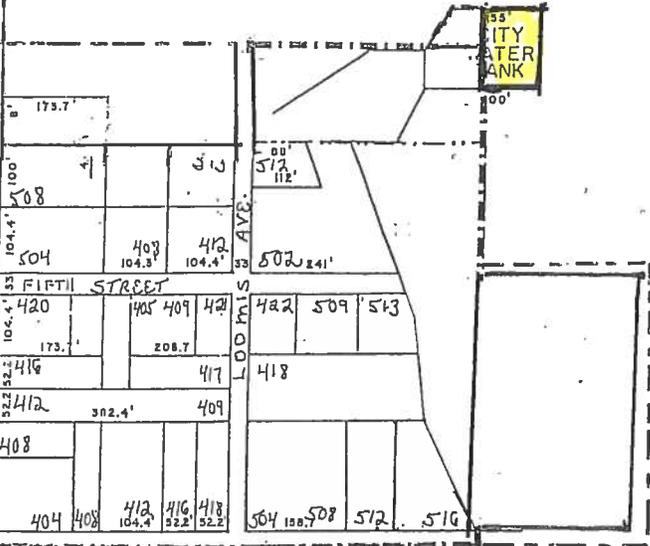
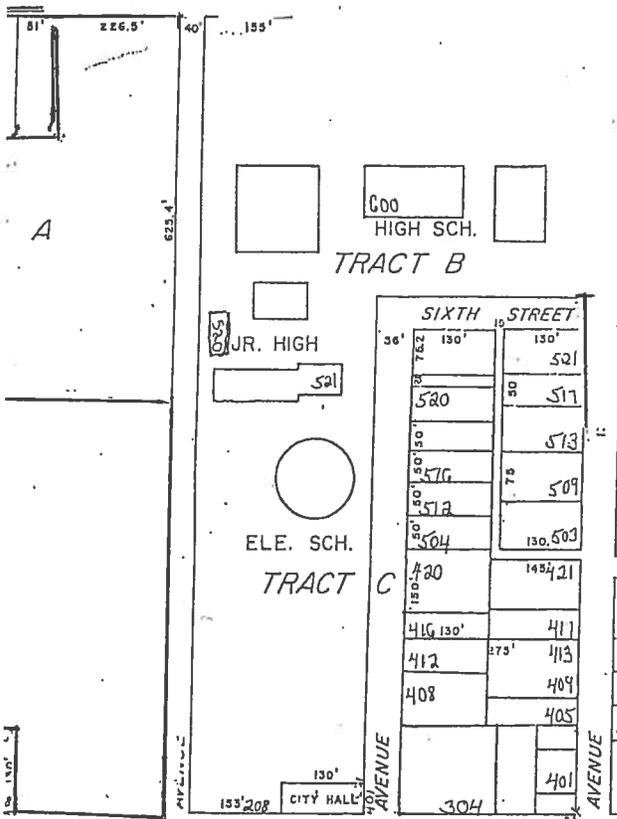
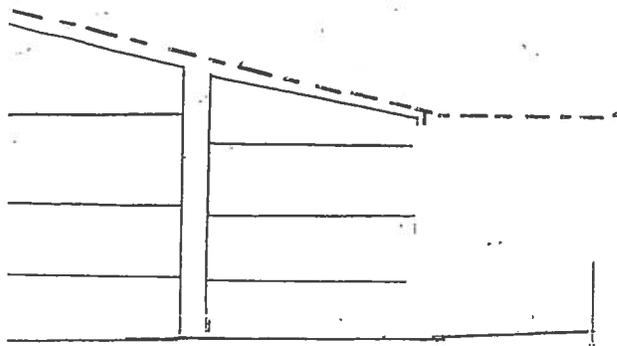
  
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Noni Stapleton, City Clerk

CITY CLERK'S ROUTING AND ACTION LEDGER [Not part of Ordinance]		
Sponsored by:	<u>Councilmember Hinderliter</u>	
First Readings:	<u>12-12-2016</u>	[date]
Adopted after first reading by suspension of the Rule as allowed pursuant to Idaho Code 50-902:	YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>	
Second Reading:	<u>N/A</u>	[date]
Third Reading:	<u>N/A</u>	[date]
Passed by Council and duly signed:	<u>12-12-16</u>	[date]
Ordinance Published [or notice of published summary]	<u>1-3-2017</u>	[date]
Original Ordinance filed in Ordinance Book:	<u>12-28-2016</u>	[date]
[ ] Sent to Sterling Codifiers, Inc.:	<u>N/A</u>	[date]

State Tax Commission 12-28-2016

REC'D DEC 30 2016

City of Melba  
Canyon County Idaho  
W 1/2 SW 1/4 Sec. 36 T. 1 N. R. 2 W., B.M.



Melba City Ordinance No. 252  
Annexing a Parcel Adjacent to  
Municipal Water Tower  
and Loomis Ave



2016-052988  
RECORDED  
12/20/2016 03:40 PM



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CHRIS YAMAMOTO  
CANYON COUNTY RECORDER  
Pgs=6 MBROWN NO FEE  
ORDINANCE  
CITY OF MELBA

**Canyon County  
Recorder's Office  
Document  
Cover Sheet**



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