

# Bredeson Law Group

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November 10, 2016

VIA U.S. MAIL

Idaho State Tax Commission  
P.O. Box 36  
Boise, ID 83722-0410

*RE: CITY OF HAYDEN LAKE ANNEXATION ORDINANCE NO. 280*

To Whom It May Concern:

Pursuant to the filing requirements of Idaho Code Sections 50-223 and 63-215, enclosed please find a complete copy of City of Hayden Lake Ordinance No. 280, which annexed additional property into the City.

Please call or email with any questions.

Sincerely,



Pete B. Bredeson  
City Attorney for the City of Hayden Lake

enc: (1)

REC'D NOV 14 2016

## ORDINANCE NO. 280

AN ORDINANCE OF THE CITY OF HAYDEN LAKE, IDAHO, A MUNICIPAL CORPORATION OF THE STATE OF IDAHO, ANNEXING CERTAIN LAND INTO THE CITY AND ZONING THE SAME AS RESIDENTIAL, SETTING FORTH AUTHORITY FOR SUCH ACTION, FINDINGS OF FACT AND CONCLUSIONS OF LAW; PROVIDING FOR SEVERABILITY, PREEMPTION AND PRECEDENCE; PROVIDING FOR THE REPEAL OF CONFLICTING ORDINANCES; PROVIDING AN EFFECTIVE DATE; AND PROVIDING FOR SUSPENSION OF THE RULES.

NOW THEREFORE, BE IT ORDAINED by the Mayor and City Council of the City of Hayden Lake, Idaho (hereinafter referred to as the "City Council" and "City" respectively) as follows:

### SECTION ONE: ANNEXATION OF CERTAIN LAND INTO THE CITY AND ZONING THE SAME AS RESIDENTIAL

#### A. Statutory and Regulatory Authority

The Legislature of the State of Idaho in Idaho Code Sections 50-222 and 67-6525 allows municipalities to annex and zone contiguous or adjacent lands where all property owners consent so long as the notice and hearing procedures set forth in Idaho Code Section 67-6509 are followed. Idaho Code Section 67-6509 requires that notice of the time and place of such a hearing, along with a summary of the plan to be discussed, be published once at least fifteen (15) days prior to the hearing. The notice also needs to be sent to all political subdivisions providing services within the planning jurisdiction, including school districts, at least fifteen (15) days prior to the hearing. Kootenai County Ordinance also requires that the County be notified of any City annexation hearings at least thirty (30) days before the hearing.

Idaho Code Section 67-6511(2)(a) requires the City Council "to determine the extent and nature of the [zoning] amendment[s] requested." Also, [p]articular consideration shall be given to the effects of any proposed zone change upon the delivery of services by any political subdivision providing public services, including school districts, within the planning jurisdiction." *Id.* Idaho Code Section 67-6511(1) requires the City Council to make zoning decisions "in accordance with" the City's Comprehensive Plan (hereinafter the "Plan"). "The governing body charged with making zoning decisions in accordance with the comprehensive plan must make a factual inquiry into whether [the] requested zoning ordinance or amendment reflects the goals of, and takes into account those factors in, the comprehensive plan in light of the present factual circumstances surrounding the request." *Evans v. Teton County*, 139 Idaho 71, 76, 73 P.3d 84, 89 (2003) (citations omitted). Finally, Idaho Code Sections 67-6511(2)(b) and (c) also require the City Council to consider the Plan when reviewing amendments to the City's Zoning Ordinance and analyze such amendments to ensure that they are not in conflict with the policies of the Plan.

Zoning Ordinance and analyze such amendments to ensure that they are not in conflict with the policies of the Plan. The Goals and Policies set forth in the Plan are as follows:

**Goal 1 – Land Use**

The physical development of the City should be accomplished by systematic and deliberate decisions, recognizing all the available alternatives, and all the effects and the desires of the citizens.

**Policies**

- 1) Insure that adequate information and analysis of the effects of a proposed development activity is available to the Council and used by the Council as a basis for land use decisions.
- 2) Provide a reliable basis for public and private investment by establishing such standards as zoning, subdivision, erosion/storm water management codes and policies for utility extension.
- 3) Periodically review the Comprehensive Plan to insure that it is consistent with the desires and thinking of the citizens.
- 4) Coordinate with citizen organizations and governmental agencies which have developed programs which affect the physical development within or adjacent to the City of Hayden Lake, e.g., Hayden Lake Recreational Water & Sewer District, Hayden Lake Watershed Association, Idaho Dept. of Environmental Quality, Panhandle Health District, USDA/Forest Service and the Kootenai County Noxious Weed Control Department.

**Analysis:** As is stated above, the notice and hearing procedures that are set forth in Idaho Code Sections 50-222, 67-6525 and 67-6509, along with County Ordinance No. 389, have been complied with in considering the proposed amendments, thereby providing assurance that this decision is made in a systematic and deliberate manner with the opportunity for input from citizens and governmental agencies. With respect to alternatives, the City could decide not to annex the Subject Property. However, since the relatively small Subject Property is located outside of the City while the Applicant's adjacent parcel is located within the City, that alternative does not seem logical. Therefore, the proposed amendments adequately reflect Goal 1 of the Plan. With respect to the Goal 1 Policies, the statutory requirements that have been followed in considering these amendments along with the input received from City staff assure that adequate information and analysis is available to and utilized by the City Council in making this decision. With respect to Policy 2, the amendments further the establishment of standards for zoning, subdivisions and other standards found in the City Code by expanding the City's jurisdiction. Turning to Policy 3, the proposal does not necessitate changes to the Comprehensive Plan. Policy 4 is covered by the statutory notice and hearing procedures discussed above. Therefore, the

proposed amendment reflects Goal 1 and is not in conflict with the Goal 1 Policies.

## **Goal 2 - Natural Resources**

Ensure a balanced environment where physical development may occur with minimal adverse affect to the natural amenities of the area.

### **Policies**

- 1) The City should adopt standards for the designation, enhancement, and maintenance of the following identified natural resources: health of mature trees, natural landscapes, quiet streets, slow residential traffic, high water quality and open space.
- 2) For all new developments, the City should encourage development to conserve natural amenities, such as streams, wooded areas, open space, greenbelts, quiet streets, aquifer protection, and incorporate these natural features into the development plan as open spaces, buffer areas or other common areas.
- 3) The City should encourage landscape plans for projects removing a substantial amount of earth, and the City should consider adoption of standards which will minimize damage by earth-moving equipment.

**Analysis:** Goal 2 and its Policies are reflected and promoted more directly in other sections of the City Code. So long as these other provisions of the Code are followed and enforced, the decision at hand will have no negative effect on Goal 2 or its Policies.

## **Goal 3 - Hazardous Areas**

Protect lives and property from unacceptable risks resulting from natural and man-made hazards.

### **Policies**

- 1) The City should identify all hazardous areas in the City including hazardous areas in any adopted Area of City Impact.
- 2) Structures should not be built in slide hazard areas unless adverse impacts can be mitigated.
- 3) Develop guidelines and ordinances to mitigate erosion, storm water, landslides, and other hazards that may result from land development.
- 4) For development projects of significant size, as determined by the City, the City should require an impact analysis of traffic, storm water, wastewater, schools,

water, and pedestrian traffic, prior to approval.

**Analysis:** Goal 3 and its Policies are reflected and promoted more directly in other sections of the City Code. So long as these other provisions of the Code are followed and enforced, the decision at hand will have no negative effect on Goal 3 or its Policies.

#### **Goal 4 - Transportation**

Maintain an efficient transportation system in the City of Hayden Lake.

##### **Policies**

- 1) All components of the transportation system should be coordinated with neighboring jurisdictions and with state and federal programs.
- 2) Maintenance and improvement of existing streets should have priority over construction of new streets.
- 3) The City prefers public streets over private streets.
- 4) For adequate access and circulation of emergency vehicles, all non-through streets should end in a cul-de-sac.
- 5) The City should encourage transportation systems that insure safe pedestrian and bicyclist access.
- 6) New development should be reviewed to determine the traffic impact to existing streets.
- 7) The City should assess the impact costs of new development, both residential and business, on existing streets.
- 8) The City should as a condition of approval for any development of four (4) or more lots, require dedication to the appropriate agency(ies) of sufficient rights-of-way, improvements and access to accommodate any increase in traffic volume resulting from the development.
- 9) Development proposals should include traffic impact studies to determine the feasibility and conformance with existing and proposed transportation systems. The studies should consider all existing and proposed contributions to the transportation routes.

**Analysis:** Goal 4 and its Policies are reflected and promoted more directly in other sections of the City Code. So long as these other provisions of the Code are followed and enforced, the decision at hand will have no negative effect on Goal 4 or its

Policies.

### **Goal 5 - Population and Housing**

The growth of the City should be contained within well defined City limits and should be managed to maintain the rural residential quality of housing.

#### **Policies**

- 1) Annexations should be considered only when an annexation would preserve the quality of life in the City.
- 2) Future growth in the City should be promoted by filling existing developed areas that are already served by community services and utilities.
- 3) Continue to encourage single-family housing to insure a quiet lifestyle and protect property values consistent with the existing development pattern in the City.
- 4) New additional housing units should conform to building codes and the Comprehensive Plan.
- 5) Housing in hazard areas, such as steep slopes or slippage areas, should be discouraged.
- 6) New streets, roads, and public utilities built to serve new housing should be designed and constructed to City approved standards.

**Analysis:** With respect to Goal 5 and its Policy 1, there is no evidence that annexation of the Subject Property would not maintain the rural residential quality of housing or quality of life in the City. Turning to Policy 2, the Subject Property is located adjacent to or within an existing developed area that is already served by community services and utilities. Finally, the proposal has no negative impact on Policies 3 through 6. Therefore, the proposed amendments reflect Goal 5 and are not in conflict with the Goal 5 Policies.

### **Goal 6 - Public Services, Facilities and Utilities**

Promote the development of facilities and utilities and services necessary for the well-being of the citizens of the City in a manner which will guide development in conformance with the Comprehensive Plan.

#### **Policies**

- 1) The development of facilities and utilities should be accomplished as elements of a complete and integrated utility and facilities plan.

- 2) City services and facilities should not be extended beyond the municipal boundaries.
- 3) Public buildings and facilities should be designed and located so that:
  - a) Capacities are related to present and future plans.
  - b) Ample land is available for expansion.
  - c) Joint use or multiple use of buildings is encouraged to reduce public costs.
- 4) Supply systems adequate in both quantity and quality should be encouraged as part of all new development.
- 5) Water supply systems for development should include considerations for domestic use, irrigation, sanitation and fire protection.
- 6) Support Hayden Lake Recreational Water & Sewer District's effort to provide adequate sewage treatment systems for all development in order to reduce or eliminate pollution of Hayden Lake.
- 7) Support Panhandle Health District to provide adequate on-site sewage disposal.
- 8) Support Northern Lakes Fire District's effort to provide fire protection to the City.
- 9) Coordinate with the Fire District to insure that new development is designed and located so fire protection can be effectively provided.
- 10) The extension of all utility systems should be accomplished in a manner which is orderly and properly coordinated so that it is the least disruptive to the natural environment and other public utilities.

**Analysis:** Goal 6 and its Policies are reflected and promoted more directly in other sections of the City Code. So long as these other provisions of the Code are followed and enforced, the decision at hand will have no negative effect on Goal 6 or its Policies.

#### **Additional Goal 1**

Encourage full citizen participation in public decision-making.

#### **Policies**

- 1) The public health, safety and welfare of the whole community should be given priority over the special interests of a small group.

**Analysis:** As is stated above, the notice and hearing procedures that are set forth in Idaho Code Sections 50-222, 67-6525 and 67-6509 along with County Ordinance No.

389 have been followed, thereby providing assurance that Additional Goal 1 and its Policy are promoted.

## **Additional Goal 2**

Develop and maintain a comprehensive plan and planning process that is adaptable to changing conditions.

### **Policies**

- 1) Assure that land use decisions conform to the adopted Comprehensive Plan.
- 2) The Comprehensive Plan for the City should be reviewed and updated periodically as warranted by growth.
- 3) The Council should meet with a standing committee for long range planning at least biannually.
- 4) Avoid the adoption of regulations that impose unnecessary technical limitations on the use of property or that adversely impact property values.
- 5) Consider and support private property rights when implementing plans and regulations in accordance with Idaho Code.

**Analysis:** The present analysis assures that the proposed amendments conform to the Comprehensive Plan, thereby satisfying Policy 1. Policies 2 and 3 are not applicable to this decision. With respect to Policy 4, allowing the Subject Property to be annexed into the City and zoned as Residential would allow the Applicants to build their desired shop, so that Policy is satisfied here. Turning to Policy 5, pursuant to the Regulatory Takings Act Guidelines that are published by the Office of the Idaho Attorney General, which are incorporated into the Comprehensive Plan, no constitutional issues appear to be present in relation to the proposed amendments. With respect to Guideline No. 3, the proposed amendments obviously do not deprive property owners of all economically viable uses of their property. Turning to Guideline No. 4, such amendments will also not have a significant impact on property owners' economic interests. As for Guideline No. 5, the proposed amendments do not deny a fundamental attribute of property ownership. Finally, the proposed amendments substantially advance the City's legitimate interests in protecting the health and general welfare of its current and future citizens. Therefore, such amendments reflect Additional Goal 2 and are not in conflict with its Policies.

### **C. Annexation**

For the reasons set forth above, the Subject Property is hereby annexed into the City. The corporate limits of the City are hereby extended and increased so as to include and embrace within the corporate limits of the City the land described in Exhibit A, and such territory is declared to be a part of the City. Pursuant to Idaho Code Section 50-223,

a legal description of the City's new municipal boundaries is attached hereto as Exhibit B, along with a map thereof as Exhibit C. Pursuant to Idaho Code Sections 50-222 and 50-223, this Ordinance shall be recorded in the records of Kootenai County and filed with the Idaho State Tax Commission, County Auditor, County Treasurer and County Assessor.

**D. Zoning**

For the reasons set forth above, the initial zoning designation of the Subject Property shall be Residential.

**SECTION TWO: SEVERABILITY, PREEMPTION AND PRECEDENCE**

This Ordinance is hereby declared to be severable. Should any portion of this Ordinance be declared invalid by a court of competent jurisdiction, the remaining provisions shall continue in full force and effect and shall be read to carry out the purpose(s) of the Ordinance before the declaration of partial invalidity. In the event that federal or state laws, rules or regulations preempt a provision or limit the enforceability of a provision of this Ordinance, then the provision shall be read to be preempted to the extent and for the time required by law. In the event such federal or state law, rule or regulation is subsequently repealed, rescinded, amended or otherwise changed so that the provision hereof that had been preempted is no longer preempted, such provision shall thereupon return to full force and effect, and shall thereafter be binding without the requirement of further action by the City, and any amendments to this Ordinance as a result of such provision being preempted shall no longer be of any force or effect with respect to that provision.

**SECTION THREE: REPEAL OF CONFLICTING ORDINANCES**

All Ordinances and parts of Ordinances in conflict with the provisions of this Ordinance to the extent of such conflict are hereby repealed.

**SECTION FOUR: EFFECTIVE DATE**

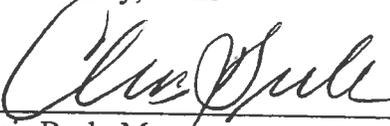
This Ordinance shall take effect and be in full force from and after its passage, approval and publication.

**SECTION FIVE: SUSPENSION OF THE RULES**

Passed under suspension of the rules at a regular meeting of the City Council of the City of Hayden Lake, Kootenai County, Idaho, held on the 1<sup>st</sup> day of November, 2016, on which a roll call vote was duly taken and duly enacted.

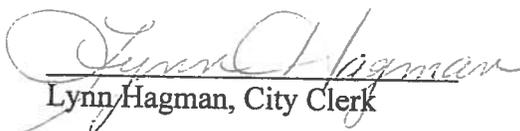
DATED this 1<sup>st</sup> day of November, 2016.

CITY OF HAYDEN LAKE  
Kootenai County, Idaho

By:   
Chris Beck, Mayor

Councilman Gorman voted yes  
Councilman Graves voted absent  
Councilman Frey voted yes  
Councilman Ackerman voted yes

ATTEST:

  
Lynn Hagman, City Clerk



(SEAL)

**EXHIBIT 'A'**  
**LEGAL DESCRIPTION**  
**OF**  
**PROPOSED CITY OF HAYDEN LAKE**  
**ANNEXATION**

A parcel of land in Lot 1, Block 6, POINT HAYDEN, as recorded in Book "E" of Plats at Page 19, in Government Lot 4, Section 17, Township 51 North, Range 3 West, Boise Meridian, Kootenai County, Idaho, further described as follows:

BEGINNING at a point on the East line of said Lot 1, Block 6 which bears North 01° 37' 13" East, a distance of 105.61 feet from the Southeast corner of said Lot 1; thence

North 01° 37' 13" East along the East line of Lot 1, a distance of 335.62 feet to the Northeast corner of said Lot 1; thence

North 89° 39' 00" West along the North line of Lot 1, a distance of 19.66 feet; thence

South 01° 39' 00" West, a distance of 321.95 feet to the centerline of a road; thence

South 54° 39' 14" East along said centerline, a distance of 23.84 feet to the POINT OF BEGINNING.

## EXHIBIT B

### Current City of Hayden Lake Municipal Boundaries

The Municipal Boundaries of the City of Hayden Lake, containing portions of Sections 7, 17, 18 and 19 of Township 51 North, Range 3 West, Boise Meridian, and also containing portions of Sections 13 and 24 of Township 51 North, Range 4 West, Boise Meridian, all in Kootenai County, Idaho, more particularly described as follows:

BEGINNING at the Northwest Corner of Lot 2, Block 1 of the Plat of "McCall Addition" (recorded in Book I of Plats, Page 209, official records of Kootenai County), said Corner taken to be coincident with the Northeast Corner of Tax No. 8668, and situated on the Southerly Line of the Right-of-Way for Hayden Avenue;

Thence, along said Southerly Line of the Right-of-Way for Hayden Avenue, Westerly, 633 feet, more or less, to a point of intersection with the Southerly extension of the Westerly line of Tract 61 of the Plat of "Avondale" (recorded in Book B of Plats, Page 132, official records of Kootenai County);

Thence, along said Southerly extension and the West lines of Tracts 61 and 62 of said Plat of "Avondale", Northerly, 1315 feet, more or less, to the Northwest Corner of said Tract 62, taken to be situated on the Southerly line of the Right-of-Way for Dakota Avenue;

Thence, crossing Dakota Avenue, Northerly, 30 feet, more or less, to the Southwest Corner of Tract 63 of said Plat of "Avondale", taken to be situated on the Northerly line of the Right-of-Way for Dakota Avenue;

Thence, along said Northerly line of the Right-of-Way for Dakota Avenue, taken to be coincident with the Southerly lines of Tracts 63 and 72 of said Plat of "Avondale", Easterly, 1303 feet, more or less, to the Southeast Corner of said Tract 72, taken to be situated on the Westerly line of the Right-of-Way for Strahorn Road;

Thence, along said the Easterly lines of Tracts 71 and 72 of said Plat of "Avondale", taken to be coincident with the Westerly line of the Right-of-Way for Strahorn Road, and the Northerly extension of said Easterly line of Tract 71, Northerly, 1308 feet, more or less, to the East – West Centerline of said Section 13;

Thence, along said East – West Centerline of said Section 13, Easterly, 15 feet, more or less, to the Quarter Section Corner common to said Sections 13 and 18;

Thence, along the East – West Centerline of said Section 18, Easterly, 1300 feet, more or less, to a point of intersection with the Southerly extension of the Westerly line of Tax No. 3476;

Thence, along said Westerly line of said Tax No. 3476, and said Southerly extension, Northerly, 353 feet, more or less, to the Northwest Corner thereof;

Thence, along the Northerly lines of said Tax No. 3476 and Tax No. 3980, Easterly, 200 feet, more or less, to the Northeast Corner of said Tax No. 3980;

Thence, along the Easterly line of said Tax No. 3980, and the Southerly extension thereof, Southerly, 352 feet, more or less, to a point of intersection with said East – West Centerline of said Section 18;

Thence, along the North line of said Lot 1, Easterly, 310 feet, more or less, to a point on a line offset 20 feet Westerly from and parallel with the Easterly line of said Lot 1;

Thence, along said 20 foot Easterly offset line, Southerly, 441 feet, more or less, to a point on the Easterly South line of said Lot 1;

Thence, along said Easterly South line of Lot 1, said line taken to be coincident with the North lines of Tax No.'s 7462 and 7461, a distance of 155 feet more or less, to the Northwest corner of said Tax No. 7461;

Thence, along the Westerly boundary of said Tax No. 7461, Southerly, 152 feet, more or less, to the shoreline of Hayden Lake;

Thence, meandering along said shoreline of Hayden Lake, Southwesterly, 895 feet, more or less, to the most Southerly Corner of Lot 18, Block 1, of said Plat of "Point Hayden";

Thence, continuing to meander along said shoreline of Hayden Lake, Northwesterly and Northerly, 2600 feet, more or less, to the most Northerly point on said shoreline at Berven Bay;

Thence, continuing to meander along said shoreline of Hayden Lake, Southwesterly and Southerly, 7315 feet, more or less, to the Southeast Corner of Tax No. 1560;

Thence, along the South line of said Tax No. 1560, Westerly, 1685 feet, more or less, to the Southwest Corner thereof, taken to be situated on the Easterly line of the Right-of-Way for Chalet Road;

Thence, along said Easterly line of the Right-of-Way for Chalet Road, Northeasterly, 710 feet, more or less, to a point of intersection with the Easterly extension of the Northerly line of Block 11 of the Plat of "Hayden Lake Country Homes" (recorded in Book C of Plats, Page 149, official records for Kootenai County);

Thence, along the Northerly lines of Blocks 11 and 12 of said Plat of "Hayden Lake Country Homes" and the respective Easterly and Westerly extensions thereof, Westerly, to a point of intersection with the Westerly line of said Section 19, said Westerly line taken to be coincident with the Easterly line of said Section 24, and also to be coincident with the Easterly line of that parcel of land which was the subject of a Record of Survey, by Jon P. Monaco, recorded in Book 18 of Records of Survey, Page 148, official records of Kootenai County (said parcel hereinafter referred to as the "McCall Parcel");

Thence, along said Easterly line of said Section 24, South 00°16'13" East, 308.47 feet, more or less, to the Southeast Corner of said "McCall Parcel";

Thence, along the Southerly line of said "McCall Parcel", South 89°53'25" West, 700.53 feet, more or less, to the Southwest corner thereof;

Thence, along the Westerly line of said "McCall Parcel", North 00°02'38" West, 678.65 feet, more or less, to the Southwest Corner of Tax No. 8668, taken to be coincident with a corner of Lot 2, Block 1, of the Plat of "McCall Addition";

Thence, along the Southerly line of said Tax No. 8668, taken to be coincident with the boundary of said Lot 2, Block 1, of the Plat of "McCall Addition", South 89°30'00" East, 35.00 feet, more or less, to the Southeast Corner of said Tax No. 8668, taken to be coincident with a corner of said Lot 2, Block 1, of the Plat of "McCall Addition";

Thence, along the Easterly line of said Tax No. 8668, taken to be coincident with the boundary of said Lot 2, Block 1, of the Plat of "McCall Addition", North 00°02'38" West, 100.00 feet, more or

Thence, along said East – West Centerline of said Section 18, Easterly, 250 feet, more or less, to a point of intersection with the Westerly line of the Right-of-Way for Lakeview Drive (also known as Wright's Park Road);

Thence, along said Westerly line of the Right-of-Way for Lakeview Drive, Northeasterly, to the most Southerly Corner of Lot 75 of the Plat of "Wright's Park" (recorded in Book C of Plats, Page 71, official records of Kootenai County);

Thence, along the Southwesterly line of said Lot 75, Northwesterly, 130 feet, more or less, to the most Westerly Corner of said Lot 75;

Thence, along the Northwesterly boundary of said Plat of "Wright's Park", Northeasterly, 2635 feet, more or less, to a point of intersection with the Northerly line of said Section 18, taken to be coincident with the Southerly line of said Section 7;

Thence, along said Northerly line of said Section 18, Easterly, to a point of intersection with the Easterly line of the Right-of-Way for Lakeview Drive;

Thence, along said Easterly line of the Right-of-Way for Lakeview Drive, Northeasterly and Easterly, 585 feet, more or less, to a point of intersection with the Easterly line of the Southwest Quarter of the Southeast Quarter of the Southeast Quarter of said Section 7;

Thence, along said Easterly line of the Southwest Quarter of the Southeast Quarter of the Southeast Quarter of said Section 7, Southerly, 218 feet, more or less, to the Southeast Corner thereof;

Thence, along said Northerly line of Section 18, Easterly, 660 feet, more or less, to the Northeast Corner thereof;

Thence, along the Easterly line of said Section 18, taken to be coincident with the Westerly line of said Section 17, Southerly, 1320 feet, more or less, to the Northwest corner of Government Lot 4, of said Section 17, taken also to be the Northwest corner of Tax No. 14587;

Thence, along the Northerly line of said Government Lot 4, said line taken to be coincident with the North lines of Tax No.'s 14587 and 14590, Easterly, 330 feet, more or less, to the Northeast Corner of said Tax No. 14590, said Corner also taken to be the Northeast corner of the North 270 feet of the West 330 feet of said Government Lot 4;

Thence, along the Easterly lines of Tax No.'s 14590 and 14588, taken to be coincident with the East line of said North 270 feet of the West 330 feet of Government Lot 4, Southerly, 270 feet, more or less to the Southeast corner of said Tax No. 14588, taken to be coincident with the Southeast corner of said North 270 feet of the West 330 feet of Government Lot 4, and said Corner also taken to be coincident with the Northeast Corner of Lot 3, Block 6, of the Plat of "Point Hayden" (recorded in Book "E" of Plats, Page 19, official records of Kootenai County);

Thence, along the Southerly lines of Tax No.'s 14588 and 14589, taken to be coincident with the South line of said North 270 feet of the West 330 feet of Government Lot 4, and also taken to be coincident with the North lines of Lots 2 and 3, Block 6, of said Plat of "Point Hayden", Westerly, 330 feet, more or less, to the Southwest Corner of said North 270 feet of the West 330 feet of Government Lot 4, taken to be coincident with the Southwest Corner of said Tax No. 14589, and said Corner also taken to be coincident with the Northwest Corner of said Lot 2;

Thence, along said Easterly line of Section 18, Southerly, 90 feet, more or less, to the Northwest Corner of Lot 1, Block 6, of said Plat of "Point Hayden";

less, to the Northeast Corner of said Tax No. 8668, taken to be coincident with the Northwest Corner of said Lot 2, Block 1, of the Plat of "McCall Addition", said Corner being the POINT OF BEGINNING.

AND ALSO INCLUDING:

A continuous segment 200 feet in width measured perpendicularly to said shoreline into, over and upon the waters of Hayden Lake, more particularly described as follows:

BEGINNING at the Southwest Corner of said Tax No. 7461, taken to be situated upon said shoreline;

Thence, meandering along said shoreline of Hayden Lake, Southwesterly, 895 feet, more or less, to the most Southerly Corner of Lot 18, Block 1, of said Plat of "Point Hayden";

Thence, continuing to meander along said shoreline of Hayden Lake, Northwesterly and Northerly, 2600 feet, more or less, to the most Northerly point on said shoreline at Berven Bay;

Thence, continuing to meander along said shoreline of Hayden Lake, Southwesterly and Southerly, 7315 feet, more or less, to the Southeast Corner of Tax No. 1560, being the Terminus of said segment.

ALSO INCLUDED IN THIS DESCRIPTION IS THE FOLLOWING PARCEL, ANNEXED BY CITY OF HAYDEN LAKE ORDINANCE NO. 173, EFFECTIVE DATE AUGUST 7, 2001:

An annexation into the Municipal Boundaries of the City of Hayden Lake, containing Lots 1 and 2 of Block 13 of the amended plat of "Hayden Lake Country Homes" (recorded in Book C of Plats, Page 149, as Instrument No. 53775, official records of Kootenai County), along with a portion of that tract of land described in Kootenai County Recorder's Instrument No. 1545953 (also known as Tax No. 1481), being together now known as Tax No. 18910 (and described in Kootenai County Recorder's Instrument No. 1664791), and also along with a portion of the Right-of-Way for Chalet Road, all situated in the Northwest Quarter of Section 19, Township 51 North, Range 3 West, Boise Meridian, Kootenai County, Idaho, and being more particularly described as follows:

BEGINNING at the Northwest Corner of said Lot 2, said Corner being situated South 57°10'53" East, 1328.99 feet, more or less, from the Northwest Corner of said Section 19;

Thence, along the Northerly lines of said Lots 1 and 2, South 89°52'46" East, 155.84 feet, more or less, to the Northeast Corner of said Lot 1, taken to be situated upon the Westerly line of the Right-of-Way for said Chalet Road;

Thence, along said Westerly line of the Right-of-Way for Chalet Road, as follows:

Crossing Ladybug Lane, North 15°49'16" East, 31.12 feet, more or less, to the Southeast Corner of Lot 12, Block 11, of said amended plat of "Hayden Lake Country Homes";

Along the Easterly line of said Lot 12, North 15°49'16" East, 103.92 feet, more or less, to the Corner common to said Lot 12 and Lot 13 of said Block 11;

Along the Easterly line of said Lot 13, North 29°47'48" East, 113.20 feet, more or less, to the Northeast Corner thereof;

Thence, along the Easterly extension of the Northerly line of said Block 11, South 89°48'35" East, 46.01 feet, more or less, to a point on the Easterly line of the Right-of-Way for Chalet Road;

Thence, along said Easterly line of the Right-of-Way for Chalet Road, as follows:

South 29°47'48" West, 115.24 feet, more or less;

South 16°32'52" West, 300.62 feet, more or less, to a point of intersection with the Easterly extension of the Northerly line of the Plat of "Forest Hills Second Addition" (recorded in Book G of Plats, Page 143, official records of Kootenai County);

Thence, along said Northerly line of the plat of "Forest Hills Second Addition" and the Easterly extension thereof, North 89°58'55" West, 152.23 feet, more or less, to a point of intersection with the Southerly extension of the Westerly line of said Lot 2;

Thence, along the Westerly line of Lot 2 and said Southerly extension thereof, North 00°04'12" East, 160.45 feet, more or less, to the POINT OF BEGINNING.

ALSO INCLUDED IN THIS DESCRIPTION IS THE FOLLOWING PARCEL, ANNEXED BY CITY OF HAYDEN LAKE ORDINANCE NO. 174, EFFECTIVE DATE NOVEMBER 13, 2001:

A portion of the Southeast Quarter of the Southeast Quarter of Section 7, Township 51 North, Range 3 West, Boise Meridian, more particularly described as follows:

BEGINNING at the Southeast Corner of said Section 7, thence North 01°00'06" East along the East section line of said Section 7 a distance of 70.00 feet thence, departing said section line North 88°59'54" West a distance of 60.00 feet thence, South 53°27'11" West a distance of 113.52 feet to a point on the South section line of said Section 7 thence, South 88°41'09" East along said section line a distance of 150.00 feet to the POINT OF BEGINNING.

ALSO INCLUDED IN THIS DESCRIPTION IS THE FOLLOWING PARCEL, ANNEXED BY CITY OF HAYDEN LAKE ORDINANCE NO. 180, EFFECTIVE DATE MARCH 18, 2002:

A parcel of land, being a portion of Tract 74 of the Plat of "Avondale" (recorded in Book B of Plats, Page 132, official records of Kootenai County), and being situated in the Southeast Quarter of the Southeast Quarter of Section 13, Township 51 North, Range 4 West, Boise Meridian, Kootenai County, Idaho, more particularly described as follows:

Commencing at the Southeast Corner of said Section 13, taken to be monumented by a 1/2 inch rebar with no cap (see Corner Perpetuation and Filing Instrument No. 1528357, official records of Kootenai County);

Thence, along the South line of said Southeast Quarter of Section 13, North 89°41'35" West, 649.75 feet, more or less, to a point of intersection with the Southerly extension of the Westerly line of said Tract 74;

Thence, along said Westerly line of Tract 74, and said Southerly extension thereof, North 00°50'44" East, 341.07 feet, more or less, to a point of cusp situated South 00°50'44" West, 319.72 feet, from a 1/2 inch rebar taken to monument the Northwest Corner of said Tract 74, said point taken to be monumented by a 5/8 inch rebar with a plastic cap, and said point also being the TRUE POINT OF BEGINNING of this description;

Thence, continuing along said Westerly line of Tract 74, North 00°50'44" East, 319.72 feet, to said 1/2 inch rebar taken to monument the Northwest Corner of said Tract 74;

Thence, along the North line of said Tract 74, South 89°43'51" East, 281.32 feet, to a point of cusp monumented by a 5/8 inch rebar with plastic cap;

Thence, 192.74 feet along the arc of a 200.00 foot radius curve concave to the South, having a central angle of 55°12'54", and a long chord bearing South 62°39'43" West, 185.36 feet, to a point of tangency monumented by a 5/8 inch rebar with plastic cap;

Thence, South 35°03'16" West, 148.19 feet, to a point of tangent curvature monumented by a 5/8 inch rebar with plastic cap;

Thence, 119.41 feet along the arc of a 200.00 foot radius curve concave to the East, having a central angle of 34°12'31", and a long chord bearing South 17°57'00" West, 117.65 feet, to the TRUE POINT OF BEGINNING.

ALSO INCLUDED IN THIS DESCRIPTION IS THE FOLLOWING PARCEL, ANNEXED BY CITY OF HAYDEN LAKE ORDINANCE NO. 205:

A portion of Tract 74 of the plat of AVONDALE, recorded in Book B of plats, Page 132, Kootenai County Records, situated in the Southeast Quarter of Section 13, Township 51 North, Range 4 West, Boise Meridian, Kootenai County, Idaho, more particularly described as follows:

BEGINNING at the Southeast corner of said Tract 74, taken to be situated at the intersection of the Westerly line of the Right-of-Way for Strahorn Road and the Northerly line of the Right-of-Way for Hayden Avenue, as said Rights-of-Way were established by said plat of AVONDALE;

Thence, along the South line of said Tract 74, taken to be coincidental with said Northerly line of the Right-of-Way for Hayden Avenue, North 89°41'35" West, 389.68 feet, to a point on the Easterly line of the West 245 feet of said Tract 74, said point taken to be the Southeast corner of that parcel of land described in the Warranty Deed recorded as Kootenai County Recorder's Instrument No. 1723306 (hereinafter referred to as the "1723306 Parcel");

Thence, along the East line of said "1723306 Parcel", taken to be coincidental with the Easterly line of the West 245 feet of said Tract 74, North 00°50'44" East, 210.78 feet, to the Northeast corner thereof, being a point of intersection with the Southerly line of the North 420 feet of said Tract 74;

Thence, along the North line of said "1723306 Parcel", and also along the North line of Lot 1, Block 5, of the plat of HAYDEN LAKE COUNTRY CLUB ESTATES P.U.D., recorded in Book I of plats, Page 374, Kootenai County Records, both of which are taken to be coincidental with the South line of said North 420 feet of Tract 74, North 89°41'35" West, 245.01 feet, to a point of intersection with the West line of said Tract 74, on the Easterly and Southerly lines of the Right-of-Way for Country Club Drive, as it was established by said plat of HAYDEN LAKE COUNTRY CLUB ESTATES P.U.D.;

Thence, along said Easterly and Southerly lines of the Right-of-Way for Country Club Drive, as follows:

Along said West line of Tract 74, North 00°50'44" East, 100.29 feet, to a point of tangent curvature;

119.41 feet along the arc of a 200.00 foot radius curve concave to the East, having a central angle of 34°12'32" and a long chord bearing North 17°57'01" East, 117.65 feet, to a point of tangency;

North 35°03'16" East, 148.19 feet, to a point of tangent curvature;

192.74 feet along the arc of a 200.00 foot radius curve concave to the South, having a central angle of 55°12'53" and a long chord bearing North 62°39'43" East, 185.36 feet, to a point of tangency with the North line of said Tract 74;

Along said North line of Tract 74, South 89°43'51" East, 355.07 feet, to a point of intersection with said Westerly line of the Right-of-Way for Strahorn Road;

Thence, leaving said Right-of-Way for Country Club Drive, along said Westerly line of the Right-of-Way for Strahorn Road, South 00°59'55" West, 631.22 feet, to the POINT OF BEGINNING.

ALSO INCLUDED IN THIS DESCRIPTION IS THE FOLLOWING PARCEL, ANNEXED BY CITY OF HAYDEN LAKE ORDINANCE NO. 228:

A continuous segment 500 feet in width measured perpendicular to said shoreline into, over and upon the waters of Hayden Lake, located within Sections 17, 18 and 19, Township 51 North, Range 3 West, Kootenai County, Idaho, more particularly described as follows:

**BEGINNING** at the Southwest Corner of Tax No. 7461, taken to be situated upon said shoreline;

Thence meandering along said shoreline of Hayden Lake, Southwesterly 895 feet more or less to the most southerly corner of Lot 18, Block 1 of Point Hayden as recorded in Book E of Plats, Page 19, records of Kootenai County

Thence continuing along said shoreline, northwesterly and northerly 2600 feet more or less to the most northerly corner of said shoreline at Berven Bay;

Thence continuing along said shoreline, southwesterly and southerly 7315 feet more or less to the southeast corner of Tax No. 1560, being the terminus of said segment.

**EXCEPTING THEREFROM**

A continuous strip of land 200 feet perpendicular to the above reference shoreline.

ALSO INCLUDED IN THIS DESCRIPTION IS THE FOLLOWING PARCEL, ANNEXED BY CITY OF HAYDEN LAKE ORDINANCE NO. 233:

A 16 foot alley as shown on the Map of Wright's Park as recorded in Book C, Page 71, records of Kootenai County, Idaho, located in Section 18, Township 51 North, Range 3 West, Kootenai County, Idaho, more particularly described as follows:

A 16 foot alley being bound on the southeast by the northwesterly line of said Lots 40 through 58 of said Wright's Park and being bound on the northwest by the northwesterly line of said 16 foot alley as shown on said Wright's Park.

ALSO INCLUDED IN THIS DESCRIPTION IS THE FOLLOWING PARCEL,

Parcel II of a Warranty Deed recorded June 9, 2003 as Instrument Number 1805795, records of Kootenai County, Idaho more particularly described as follows:

A triangular shaped parcel of land located in the Southeast quarter of Section 7, Township 51 North, Range 3 West, Boise Meridian, Kootenai County, Idaho and being described by metes and bounds as follows:

BEGINNING at a set iron rod and PLS 4194 cap marking the intersection of the south line of Section 7 with the westerly right-of-way line of Lakeview Drive and further being the Northeast corner of Lot 40, Wright's Park as recorded in Book "C" of Plats at Page 71;

Thence along said south line of Section 7 and the north line of Lot 40, Wright's Park, North 88°41'09" West, a distance of 186.88 feet to a set iron rod and PLS 4194 cap at the Northwest corner of Wright's Park;

Thence North 21°37'36" West, a distance of 32.79 feet to a set iron rod and PLS 4194 cap marking the most southerly corner of Lot 8, Block 31, Fifth Addition to Avondale on Hayden as recorded in Book "E" of Plats at Page 132;

Thence South 80°05'09" East, a distance of 201.93 feet to the POINT OF BEGINNING.

**TOGETHER WITH:**

A part of the Southeast Quarter of Section 7, Township 51 North, Range 3 West, Boise Meridian, Kootenai County, Idaho, more particularly described as follows:

Beginning at the Southern most corner of Lot 8, Block 31, Fifth Addition to Avondale on Hayden; thence North 36°31'15" East, along the eastern side of said Block 31 and the northeasterly extension thereof, a distance of 304.04 feet;

Thence South 53°28'45" East, 160 feet, more or less, to the northern right of way line of Lakeview Drive,

Thence southwesterly along the said northern right of way line of Lakeview Drive, 200 feet, more or less, to the south line of said Southeast Quarter and the North line of Lot 40, Wright's Park;

Thence West along the said North line of Lot 40 extended 200 feet, more or less, to the northwest corner of Wright's Park, thence northeasterly to the place of beginning.

**TOGETHER WITH:**

A part of the of the Southeast Quarter of Section 7, Township 51 North, Range 3 West, Boise Meridian, Kootenai County, Idaho, more particularly described as follows:

Commencing at the Southern most corner of Lot 8, Block 31, Fifth Addition to Avondale on Hayden; thence North 36°31'15" East, along the eastern side of said Block 31 and the northeasterly extension thereof, a distance of 304.04 feet;

Thence South 53°28'45" East, 160 feet, more or less, to the northwesterly right of way line of Lakeview Drive, said point being the TRUE POINT OF BEGINNING:

Thence continuing South 53°28'45" East a distance of 50 feet more or less to the Southeasterly right of way line of said Lakeview Drive as shown on the plat of Berven Bay Terrace II, recorded in Book F, Page 158, records of Kootenai County, Idaho;

Thence southwesterly along said right of way line a distance of 186 feet more or less to an intersection with the south line of said Southeast quarter;

Thence Westerly along said south line a distance of 68 feet more or less to the northwesterly right of way line of said Lakeview Drive.

Thence northeasterly along said northwesterly right of way line a distance of 220 feet more or less to the TRUE POINT OF BEGINNING.

**TOGETHER WITH:**

A parcel of land in Lot 1, Block 6, POINT HAYDEN, as recorded in Book "E" of Plats at Page 19, in Government Lot 4, Section 17, Township 51 North, Range 3 West, Boise Meridian, Kootenai County, Idaho, further described as follows:

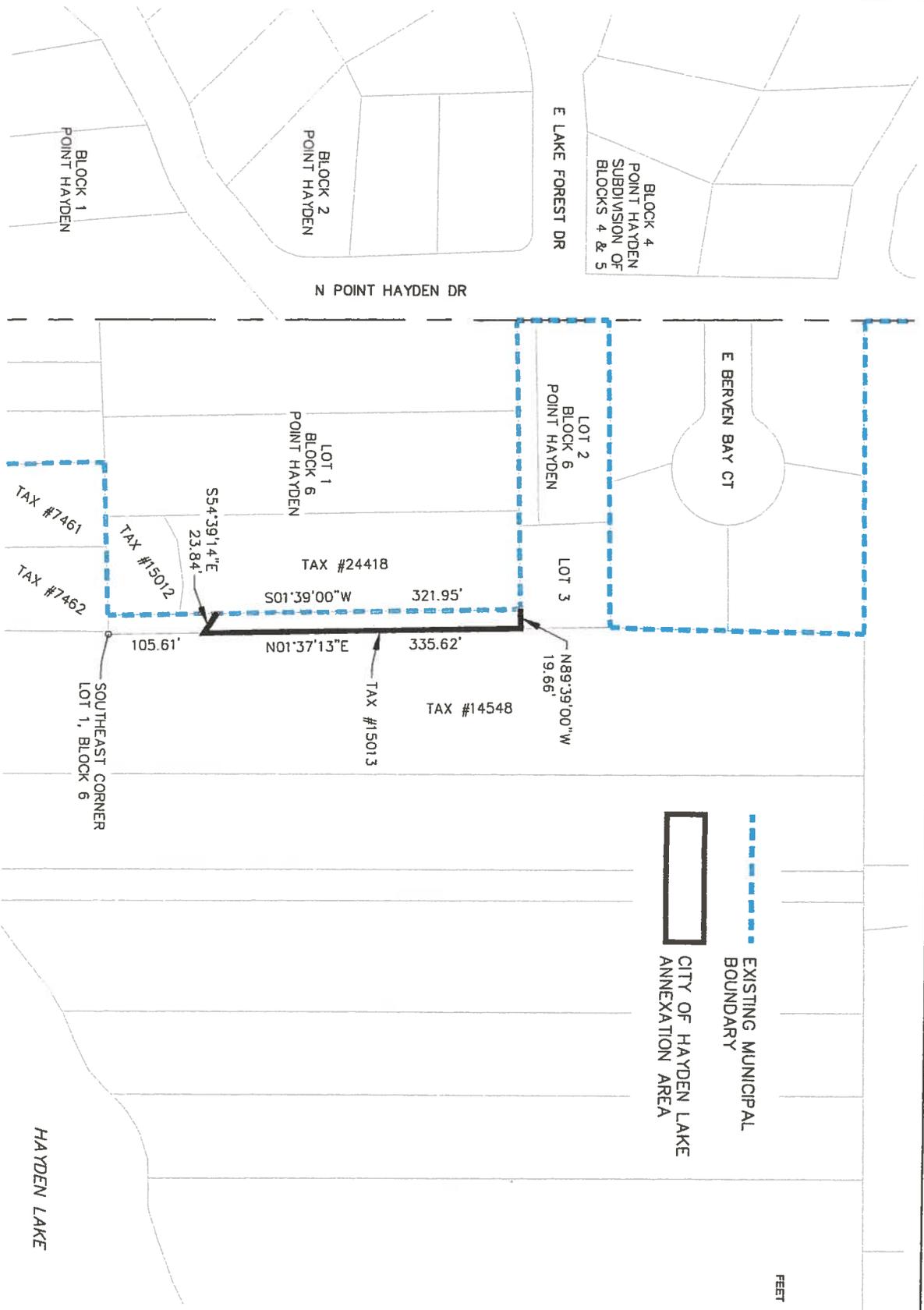
BEGINNING at a point on the East line of said Lot 1, Block 6 which bears North 01° 37' 13" East, a distance of 105.61 feet from the Southeast corner of said Lot 1; thence

North 01° 37' 13" East along the East line of Lot 1, a distance of 335.62 feet to the Northeast corner of said Lot 1; thence

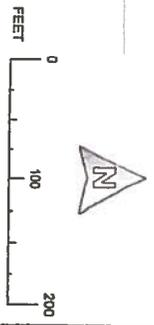
North 89° 39' 00" West along the North line of Lot 1, a distance of 19.66 feet; thence

South 01° 39' 00" West, a distance of 321.95 feet to the centerline of a road; thence

South 54° 39' 14" East along said centerline, a distance of 23.84 feet to the POINT OF BEGINNING.



--- EXISTING MUNICIPAL BOUNDARY  
 \_\_\_\_\_ CITY OF HAYDEN LAKE ANNEXATION AREA

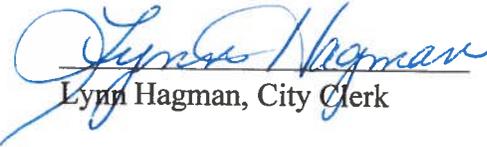


<p><b>1 of 1</b></p>	<p><b>EXHIBIT C</b>  <b>FOR CITY OF HAYDEN LAKE</b></p>	<p><b>WELCH-COMER</b>                  ENGINEERS &amp; SURVEYORS</p> <p>www.welchcomer.com                  350 E. Kathleen Ave.                  Coeur d'Alene, ID 83815</p> <p>208-664-8382                  (toll free) 877-815-5672                  (fax) 208-664-8946</p>
	<p><b>PROPOSED ANNEXATION</b>  <b>TAX NO. 15013</b>  <b>SEC. 17, T. 51 N, R. 3 W, B.M.</b></p>	

PROJECT NO.: 11260  
 DESIGNED BY: JMM  
 DRAWN BY: JMM  
 CHECKED BY: JMM  
 DATE: 10/18/2016  
 SCALE: 1" = 100'  
 SHEET NO.: 1

CERTIFICATION

I hereby certify that the above is a true copy of an Ordinance passed at a regular, duly called meeting of the City Council, City of Hayden Lake, held on November 1, 2016.

  
Lynn Hagman, City Clerk

(SEAL)

