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Re-recorded to correct legal description

ORDINANCE NO. 1416

AN ORDINANCE FOR THE ANNEXATION OF PROPERTY GENERALLY LOCATED AT 1835 NE 10TH AVENUE, WHICH PROPERTY IS MORE PARTICULARLY DESCRIBED IN EXHIBIT "A", ALL SITUATED IN PAYETTE COUNTY, IDAHO, AND ADJACENT AND CONTIGUOUS TO THE CORPORATE CITY LIMITS; ESTABLISHING AND DETERMINING THE LAND USE CLASSIFICATION OF SAID LAND AS I-INDUSTRIAL; DESIGNATING THAT PROPERTY DESCRIBED IN EXHIBIT "A" AS A CATEGORY A ANNEXATION; MAKING CERTAIN FINDINGS IN THE OFFICIAL MINUTES OF THE CITY CLERK; PROVIDING THAT COPIES OF THIS ORDINANCE SHALL BE FILED WITH THE PAYETTE COUNTY ASSESSOR, THE PAYETTE COUNTY RECORDER, AND THE IDAHO STATE TAX COMMISSION; PROVIDING AN EFFECTIVE DATE; PROVIDING FOR PUBLICATION BY SUMMARY.

WHEREAS, the City of Payette hereby annexes pursuant to Idaho Code § 50-222; and,

WHEREAS, the City of Payette hereby zones pursuant to Idaho Code § 67-6525; and,

WHEREAS, the Payette City Council has adopted findings in support of the annexation and,

WHEREAS, the City of Payette has annexed under Category A of the Idaho Code, wherein all such landowners have consented to annexation, and all lands to be annexed are contiguous or adjacent to the City and lie within the area of impact; and,

WHEREAS, the Payette Planning & Zoning Commission, pursuant to public notice, held a public hearing on September 22, 2016, and recommended to the Mayor and Council that the proposed annexation be approved as set forth in the City's annexation plan and said lands be zoned I-Industrial and,

WHEREAS, the Payette City Council, pursuant to public notice, held a public hearing, on October 17, 2016, on the proposed annexation and zoning for the property described

REC'D NOV 10 2016

Instrument # 405554
STATE OF IDAHO, PAYETTE COUNTY
11-8-2016 01:43:22 PM No. of Pages: 6
Recorded for: CITY OF PAYETTE
BETTY J DRESSEN Fee: 0.00
Ex-Officio Recorder Deputy *Christine Poe*
Index to: ORDINANCE - MISC

Instrument # 405164

STATE OF IDAHO, PAYETTE COUNTY
10-20-2016 11:10:24 AM No. of Pages: 6
Recorded for: CITY OF PAYETTE
BETTY J DRESSEN Fee: 0.00
Ex-Officio Recorder Deputy *Christine Poe*
Index to: ORDINANCE - MISC

in Section One below, as required by Idaho Code § 50-222 and Idaho Code § 67-6525.

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

Section 1. The lands and territory situated in Payette County, Idaho, adjacent and contiguous to the City of Payette, Idaho, particularly described in "Exhibit A" which is attached hereto, are incorporated hereat as if set out in full verbatim, are annexed and incorporated into the territorial limits of the City of Payette, Idaho.

Section 2. From and after the effective date of this ordinance, all property included within the boundaries and territory described in Section 1 shall be subject to all the statutes pertaining to the City of Payette and all ordinances, resolutions, police regulations, taxation and other powers of the City of Payette. 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 limits of the City of Payette.

Section 3. The City Engineer of the City of Payette is hereby directed to lodge and file with the City Clerk of Payette within ten (10) days after passage and approval hereof, a legal description and map prepared in a draftsman like manner which shall plainly and clearly designate the boundaries of the lands and territory annexed, pursuant to the provisions of Section 1.

Section 4. The City Council having considered the written and oral comments of property owners whose land would be annexed and other affected persons, makes the following express findings:

- (A) The land to be annexed meets the applicable requirements of a Category A annexation and does not fall within the exceptions or conditional exceptions contained in this section;
- (B) The annexation would be consistent with the public purposes addressed in the annexation plan prepared by the city;
- (C) The annexation is reasonable necessary for the orderly development of the city.

The City Council directs the City Clerk to set forth said findings in the minutes of the City Council meeting at which the annexation is approved.

Section 5. Pursuant to the findings of the Payette City Council, the land use classification of the lands described in Exhibit "A" annexed hereto is established as I-Industrial as provided by the Zoning Ordinance of the City of Payette. The findings with respect to zoning of the lands being annexed are:

- A. The proposed zoning complies with and conforms to the Comprehensive General Plan.
- B. The proposed zoning will provide and maintain existing and future capabilities of public utilities.
- C. The proposed zoning will maintain and preserve compatibility of surrounding zoning and development.
- D. The proposed annexation incorporates the Payette water and sewer planning area.
- E. The proposed zoning and annexation honors the negotiated Area of Impact Agreement with Payette County.

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F. The proposed zoning is consistent with the Payette Comprehensive Plan.

Section 6. The City Clerk is hereby directed to alter all use and area maps as well as the official zoning maps, comprehensive plan and all official maps depicting the boundaries of the City of Payette, in accordance with this ordinance.

Section 9. The City Clerk of the City of Payette is hereby directed to file, within (10) days after the passage and approval hereof, a certified copy of this Ordinance with the Payette County Assessor, County Recorder and County Treasurer of Payette County, Idaho, and the State Tax Commission of Idaho, and to file a copy of said legal description and map, as prepared and lodged with her by the City Engineer, with the County Assessor and County Recorder of Payette County, Idaho, and the State Tax Commission of Idaho, all as provided by Idaho Code § 50-223 and § 63-2215.

Section 10. This Ordinance may be published in summary form.

Section 11. This Ordinance shall be in full force and effect immediately upon its passage, approval and publication.

PASSED by the Council of the City of Payette, Idaho, this 17 day of October, 2016.

APPROVED by the Mayor of the City of Payette, Idaho, This 10/18 day of October, 2016.

APPROVED:

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EXHIBIT "A"

A parcel of land located at 1835 NE 10th Ave in the SW1/4SE1/4 of Sec.3, Twp. 8N, R 5W, BM, being all of Blocks 53 and 55 and a portion of Block 54, more particularly described as follows: Commencing on the west side line of said SW1/4 SE1/4 at a point 643.5 feet S of the NW corner of said SW1/4 SE1/4; thence south following said west side line 272.25 feet; thence east and parallel to the north side line of said SW1/4 SE1/4 660 feet; thence north and parallel to the west side line of said SW1/4 SE1/4 660 feet; thence north and parallel to the west side line of said SW1/4 SE1/4 915.75 feet to the north side line of SW1/4 SE1/4; thence west following said north side line 330 feet; thence south and parallel to the west side line of said SW1/4 SE1/4 643.5 feet; thence west 330 feet to the point of beginning; including all road right of ways of NE 10th Ave and Hurd Lane.

CORRECT LEGAL

EXHIBIT "A"

A parcel of land located at 1835 NE 10th Ave in the SW1/4SE1/4 of Sec.3, Twp. 8N, R 5W, BM, being all of Blocks 53 and 55 and a portion of Block 54, more particularly described as follows: Commencing on the west side line of said SW1/4 SE1/4 at a point 643.5 feet S of the NW corner of said SW1/4 SE1/4; thence south following said west side line 272.25 feet; thence east and parallel to the north side line of said SW1/4 SE1/4 660 feet; thence north and parallel to the west side line of said SW1/4 SE1/4 915.75 feet to the north side line of SW1/4 SE1/4; thence west following said north side line 330 feet; thence south and parallel to the west side line of said SW1/4 SE1/4 643.5 feet; thence west and parallel to the north side line of said SW1/4 SE1/4 330 feet to the point of beginning; including all road right of ways of NE 10th Ave and Hurd Lane.

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