

REC'D JUN 10 2021

Doc. 115

ORDINANCE NUMBER 414  
CITY OF NEW PLYMOUTH, IDAHO

AN ORDINANCE ANNEXING TWO PARCELS OF PROPERTY, OWNED BY DALLAS & BETTY HAWKER TRUST, PARCEL 1: A PARCEL OF LAND BEING A PORTION OF THE SE  $\frac{1}{4}$  NW  $\frac{1}{4}$  SE  $\frac{1}{4}$  AND BEING ALL OF THE E  $\frac{1}{2}$  SW  $\frac{1}{4}$  SE  $\frac{1}{4}$  IN SECTION 9. TOWNSHIP 7 NORTH, RANGE 4 WEST, BOISE MERIDIAN, PAYETTE COUNTY IDAHO, AND PARCEL 2: A PARCEL OF LAND BEING A PORTION OF THE NE  $\frac{1}{4}$  NW  $\frac{1}{4}$  SE  $\frac{1}{4}$  LYING WEST OF A DRAIN DITCH IN SECTION 9, TOWNSHIP 7 NORTH, RANGE 4 WEST, BOISE MERIDIAN, PAYETTE COUNTY IDAHO, WHICH PROPERTY IS MORE PARTICULARLY DESCRIBED BELOW; SAID PROPERTY IS ADJACENT AND CONTIGUOUS TO THE CORPORATE CITY LIMITS OF THE CITY OF NEW PLYMOUTH; ESTABLISHING AND DETERMINING THE LAND USE CLASSIFICATION OF SAID LAND AS RESIDENCE A ONE-FAMILY DISTRICT; DESIGNATING THAT PROPERTY DESCRIBED 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 New Plymouth annexes property pursuant to Idaho Code Section 50-222; and,

WHEREAS, the City of New Plymouth zones property pursuant to Idaho Code Section 67-6525; and,

WHEREAS, the New Plymouth City Council has provided for the annexation and zoning of that property described below and has adopted findings in support of the annexation; and,

WHEREAS, the City of New Plymouth has annexed under Category A of the Idaho Code because the landowner has 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 New Plymouth Planning & Zoning Commission, pursuant to public notice, held a public hearing and recommended to the Mayor and Council that the proposed annexation be approved and said lands be zoned Residence A One-Family District; and,

WHEREAS, the New Plymouth City Council, pursuant to public notice, held a public hearing on May 17, 2021 on the proposed annexation and zoning for the property described in Sections 1 and 2 below, as required by Idaho Code Section 50-222 and

Instrument # 437494

STATE OF IDAHO, PAYETTE COUNTY

6-8-2021 09:27:54 AM No. of Pages: 7

Recorded for : CITY OF NEW PLYMOUTH

LINDSEY BRATCHER

Fee: 0.00

Ex-Officio Recorder Deputy

Index to: ORDINANCE - MISC

Idaho Code Section 67-6525.

**NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF NEW PLYMOUTH, IDAHO:**

**Section 1.** Parcel 1: Those lands and territory situated in Payette County, Idaho, adjacent and contiguous to the City of New Plymouth, Idaho, described as a parcel of land being a portion of the SE  $\frac{1}{4}$  NW  $\frac{1}{4}$  SE  $\frac{1}{4}$  and being all of the E  $\frac{1}{2}$  SW  $\frac{1}{4}$  SE  $\frac{1}{4}$  in Section 9. Township 7 North, Range 4 West, Boise Meridian, Payette County Idaho, and more particularly described as follows:

Commencing at a found 3-inch diameter brass disk marking the North West corner of said SE  $\frac{1}{4}$  (Center 1/4 corner), from which a found 3-inch diameter illegible aluminum disk marking the North East corner of said SE  $\frac{1}{4}$ , (East 1/4 Corner) bears S. 88° 10' 34" E., a distance of 2734.73 feet;

Thence along the northerly boundary of said SE  $\frac{1}{4}$ , S. 88° 10' 34" E., a distance of 683.61 feet to a found 5/8-inch diameter iron pin with no cap marking the North West corner of the NE  $\frac{1}{4}$  NW  $\frac{1}{4}$  SE  $\frac{1}{4}$ ;

Thence along the westerly boundary of said NE  $\frac{1}{4}$  NW  $\frac{1}{4}$  SE  $\frac{1}{4}$ , S. 01° 11' 31" W., a distance of 660.85 feet to the north west corner of said SE  $\frac{1}{4}$  NW  $\frac{1}{4}$  SE  $\frac{1}{4}$ , being the POINT OF BEGINNING;

Thence along the northerly boundary of said SE  $\frac{1}{4}$  NW  $\frac{1}{4}$  SE  $\frac{1}{4}$ , S. 88° 01' 28" E., a distance of 400.69 feet;

Thence leaving said northerly boundary, S. 42° 34' 31" E., a distance of 415.30 feet to the easterly boundary of said SE  $\frac{1}{4}$  NW  $\frac{1}{4}$  SE  $\frac{1}{4}$ ;

Thence along the easterly boundary of said SE  $\frac{1}{4}$  NW  $\frac{1}{4}$  SE  $\frac{1}{4}$ , S. 00° 56' 26" W., a distance of 366.71 feet to the North East corner of said E  $\frac{1}{2}$  SW  $\frac{1}{4}$  SE  $\frac{1}{4}$ , (South east 1/16 corner);

Thence along the easterly boundary of said E  $\frac{1}{2}$  SW  $\frac{1}{4}$  SE  $\frac{1}{4}$ , S. 00° 56' 26" W., a distance of 1320.48 feet to a found illegible 5/8-inch diameter iron pin marking the south east corner of said E  $\frac{1}{2}$  SW  $\frac{1}{4}$  SE  $\frac{1}{4}$ , (East 1/16 corner common to sections 9 and 16);

Thence along the southerly boundary of said E  $\frac{1}{2}$  SW  $\frac{1}{4}$  SE  $\frac{1}{4}$ , N. 87° 47' 42" W., a distance of 695.56 feet to the south west corner of said E  $\frac{1}{2}$  SW  $\frac{1}{4}$  SE  $\frac{1}{4}$ ;

Thence along the westerly boundary of said E  $\frac{1}{2}$  SW  $\frac{1}{4}$  SE  $\frac{1}{4}$ , N. 01° 11' 51" E., a distance of 1319.42 feet the north west corner of said E  $\frac{1}{2}$  SW  $\frac{1}{4}$  SE  $\frac{1}{4}$ ;

Thence along the westerly boundary of said SE  $\frac{1}{4}$  NW  $\frac{1}{4}$  SE  $\frac{1}{4}$ , N. 01° 11' 31" E., a distance of 660.85 feet to the POINT OF BEGINNING.

are annexed and incorporated into the territorial limits of the

City of New Plymouth, Idaho.

**Section 2.** Parcel 2: Those lands and territory situated in Payette County, Idaho, adjacent and contiguous to the City of New Plymouth, Idaho, described as a parcel of land being a portion of the NE  $\frac{1}{4}$  NW  $\frac{1}{4}$  SE  $\frac{1}{4}$  lying west of a drain ditch in Section 9, Township 7 North, Range 4 West, Boise Meridian, Payette County Idaho, more particularly described as follows:

Commencing at a found 3-inch diameter brass disk marking the NW corner of said SE  $\frac{1}{4}$  (Center  $\frac{1}{4}$  corner), from which a found 3-inch diameter illegible aluminum disk marking the NE corner of said SE  $\frac{1}{4}$ , (East  $\frac{1}{4}$  corner) bears S.  $88^{\circ} 10' 34''$  E., a distance of 2734.73 feet;

Thence along the northerly boundary of said SE  $\frac{1}{4}$ , S.  $88^{\circ} 10' 34''$  E., a distance of 683.61 feet to a found  $\frac{5}{8}$ -inch diameter iron pin with no cap marking the NW corner of said NE  $\frac{1}{4}$  NW  $\frac{1}{4}$  SE  $\frac{1}{4}$ , being the POINT OF BEGINNING;

Thence continuing along the northerly boundary of said SE  $\frac{1}{4}$ , S.  $88^{\circ} 10' 34''$  E., a distance of 236.04 feet to the centerline extended of a drain ditch;

Thence along the approximate centerline of said drain ditch, S.  $11^{\circ} 30' 21''$  W., a distance of 670.67 feet to the southerly boundary of said NE  $\frac{1}{4}$  NW  $\frac{1}{4}$  SE  $\frac{1}{4}$ ;

Thence along the southerly boundary of said NE  $\frac{1}{4}$  NW  $\frac{1}{4}$  SE  $\frac{1}{4}$ , N.  $88^{\circ} 01' 28''$  W., a distance of 115.96 feet to the south west corner of said NE  $\frac{1}{4}$  NW  $\frac{1}{4}$  SE  $\frac{1}{4}$ ;

Thence along the westerly boundary of said NE  $\frac{1}{4}$  NW  $\frac{1}{4}$  SE  $\frac{1}{4}$ , N.,  $01^{\circ} 11' 31''$  E., a distance of 660.85 feet to the POINT OF BEGINNING.

are annexed and incorporated into the territorial limits of the City of New Plymouth, Idaho.

**Section 3.** 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 New Plymouth and all ordinances, resolutions, police regulations, taxation and other powers of the City of New Plymouth. 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 New Plymouth.

**Section 4.** The City Engineer of the City of New Plymouth is hereby directed to lodge and file with the City Clerk of New Plymouth within ten (10) days after passage and approval hereof,

a 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 Sections 1 and 2.

**Section 5.** 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 is reasonably 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 6.** Pursuant to the findings of the New Plymouth City Council, the land use classification of the lands described above is established as Residence A One-Family District provided by the Zoning Ordinance of the City of New Plymouth. The findings with respect to zoning of the lands being annexed are:

- A. The proposed zoning will provide and maintain existing and future capabilities of public utilities.
- B. The proposed zoning will maintain and preserve compatibility of surrounding zoning and development.
- C. The proposed zoning and annexation honors the negotiated Area of Impact Agreement with Payette County.
- D. The proposed zoning is consistent with and complies with the New Plymouth Comprehensive Plan.

**Section 7.** 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 New Plymouth, in accordance with this ordinance.

**Section 8.** The City Clerk of the City of New Plymouth 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 Section 50-223 and Section 63-2215.

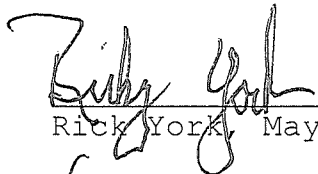
**Section 9.** This Ordinance may be published in summary form as provided by law.

**Section 10.** This Ordinance shall be in full force and effect immediately upon its passage, approval and publication.

PASSED by the Council of the City of New Plymouth, Idaho, this 7 day of June 2021.

APPROVED by the Mayor of the City of New Plymouth, Idaho, this 7 day of June 2021.

APPROVED:

  
\_\_\_\_\_  
Rick York, Mayor

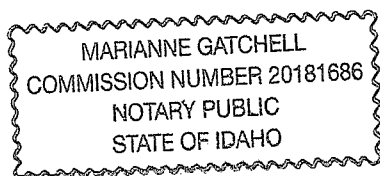
ATTEST:  
  
\_\_\_\_\_  
Danielle, Painter, City Clerk

STATE OF IDAHO            )  
                                  :    ss  
County of Payette        )

On this 7 day of June, 2021 personally appeared Rick York, Mayor and Danielle Painter, City Clerk, personally known to me to be the persons whose names are subscribed to the within instrument and acknowledged to me that they executed the same on behalf of the City of New Plymouth in their official capacities as Mayor and Deputy City Clerk.

  
\_\_\_\_\_  
Notary Public

(SEAL)



My Commission Expires: 8-29-24

