

0361342

ORDINANCE NO. 1304

AN ORDINANCE FOR THE ANNEXATION OF PROPERTY GENERALLY LOCATED NORTHWEST OF PAYETTE. IT INCLUDES THAT PROPERTY NOT INCLUDED WITHIN THE CITY LIMITS LYING WEST OF NORTH 9TH STREET RUNNING WEST TO THE SNAKE OR PAYETTE RIVERS, WHICH PROPERTY IS MORE PARTICULARLY DESCRIBED IN EXHIBITS "A" AND "B", 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 B-RESIDENTIAL, EXCEPT PARCELS #5294-1, #5451, #5450, #5449 & #5294 WHICH WILL BE ZONED INDUSTRIAL; DESIGNATING THAT PROPERTY DESCRIBED IN EXHIBITS A AND B AS A CATEGORY B 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 re-zone (contained in Exhibit "C" attached hereto); and,

WHEREAS, the City of Payette has annexed under Category B of the Idaho Code, wherein the subject lands contain less than one hundred (100) separate private ownerships and platted lots of record and where not 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 March 26, 2009, and unanimously recommended to the Mayor and Council that the proposed annexation be approved as set

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forth in the City's annexation plan and said lands be zoned B-Residential, except parcels #5294-1, #5451, #5450, #5449 & #5294 which will be zoned Industrial.

WHEREAS, the Payette City Council, pursuant to public notice, held a public hearing, on May 5, 2009, on the proposed annexation and zoning for the property described 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 "Exhibits A and B", 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 B 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 "Exhibits A & B" annexed hereto is established as B-Residential excepting parcels #5294-1, #5451, #5450, #5449 & #5294 which will be zoned 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 planning area.
- E. The proposed zoning and annexation honors the negotiated Area of Impact Agreement with Payette County.
- F. The proposed zoning is consistent with the Payette County 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 7. After annexation of the property described in "Exhibits A & B", any resident of the annexed area who has a drinking well and a properly functioning septic tank/drain field, will have an option to defer connection to city water and sewer service after the city provides access to water and sewer for their property until the existing water and sewer system at the time of annexation fails.

Section 8. 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

Parcel I: In Township 9 North, Range 5 West, Boise Meridian, Payette County, Idaho, those portions of Section 28, Section 29, and Government Lot 5 of Section 33, more particularly described as follows:

Commencing at the quarter corner of common to said Section 28 & 33; thence along the Section line common to said Sections, N89°14'28"W 677.13 feet, to a point on the existing line of the corporate limits of the City of Payette, said point being the **POINT OF BEGINNING**;

Thence along the said corporate city limit line the following courses:

- 1) S 00°58'07" W 65.62 feet;
- 2) S 01°18'15" W 124.78 feet;
- 3) S 01°08'43" W 60.39 feet;
- 4) S 40°02'13" E 293.87 feet;
- 5) N 88°05'02" W 223.86 feet;
- 6) N 32°57'08" W 334.98 feet;
- 7) N 88°46'29" W 864.37 feet; to the right bank of the Payette River;

thence along the right bank of the Payette River the following courses:

- 1) N 51°35'59" W 296.48 feet;
- 2) N 30°40'47" W 242.83 feet;
- 3) N 47°24'48" W 137.64 feet;
- 4) N 51°52'15" W 133.57 feet;
- 5) N 52°27'05" W 135.70 feet;
- 6) N 69°28'10" W 113.47 feet;
- 7) N 66°54'16" W 153.20 feet;
- 8) N 57°41'00" W 172.12 feet;
- 9) N 42°05'41" W 58.31 feet;
- 10) N 22°10'06" W 139.35 feet;
- 11) N 18°23'11" W 181.88 feet;
- 12) N 01°04'43" W 220.92 feet;
- 13) N 04°21'55" E 165.68 feet;
- 14) N 14°29'59" E 72.00 feet;
- 15) N 17°10'40" E 223.39 feet;
- 16) N 40°45'58" E 149.70 feet;
- 17) N 39°50'54" E 279.15 feet to a point on the existing line of the corporate limits of the City of Payette;

thence along the said corporate city limit line the following courses:

- 1) S 47°09'39" E 132.07 feet;
- 2) S 83°54'14" E 442.18 feet;
- 3) S 49°09'42" E 132.07 feet;
- 4) N 55°29'45" E 647.81 feet;
- 5) N 32°20'19" E 461.70 feet;
- 6) N 67°07'06" E 241.71 feet;

- 7) S 85°05'16" E 53.05 feet;
- 8) S 88°55'02" E 360.57 feet;
- 9) S 89°22'31" E 291.01 feet;
- 10) N 00°09'21" W 217.82 feet;
- 11) S 89°22'31" E 184.03 feet;
- 12) N 00°49'08" W 211.17 feet;
- 13) N 03°42'40" W 9.71 feet;
- 14) S 89°22'31" E 191.87 feet;
- 15) S 00°45'37" W 438.60 feet;
- 16) N 89°22'31" W 183.37' feet;
- 17) S 05°26'44" W 38.45 feet;
- 18) N 89°25'30" W 234.56 feet;
- 19) N 89°28'59" W 70.12 feet;
- 20) N 89°32'35" W 100.83 feet;
- 21) N 88°49'02" W 64.59 feet;
- 22) S 01°20'30" W 101.21 feet;
- 23) S 02°23'18" W 74.98 feet;
- 24) S 01°44'34" W 77.05 feet;
- 25) S 02°18'56" W 76.11 feet;
- 26) S 02°28'22" W 74.64 feet;
- 27) N 89°22'31" W 413.57 feet;
- 28) S 06°20'09" W 67.78 feet;
- 29) S 39°01'35" W 65.08 feet;
- 30) S 25°19'32" W 29.69 feet;
- 31) S 10°04'16" W 77.53 feet;
- 32) N 83°31'16" W 339.70 feet;
- 33) S 38°00'09" W 92.51 feet;
- 34) S 60°20'54" W 326.45 feet;
- 35) S 81°20'30" W 215.01 feet;
- 36) N 60°35'46" W 129.24 feet;
- 37) N 75°51'45" W 232.38 feet;
- 38) N 89°41'01" W 321.16 feet;
- 39) S 69°53'17" W 191.34 feet;
- 40) S 77°22'15" E 262.80 feet;
- 41) S 10°21'24" W 158.37 feet;
- 42) S 06°11'59" W 251.83 feet;
- 43) N 89°48'06" E 431.65 feet;
- 44) S 89°26'02" E 872.26 feet;
- 45) S 87°59'28" E 162.37 feet;
- 46) S 87°51'51" E 444.08 feet;
- 47) S 00°03'20" W 304.04 feet;
- 48) S 89°39'41" E 44.51 feet;
- 49) S 89°34'39" E 644.85 feet;
- 50) S 00°14'20" W 27.56 feet;

- 51) S 01°01'56" W 322.85 feet;
- 52) N 88°36'01" W 641.46 feet;
- 53) N 73°53'37" W 44.57 feet;
- 54) N 89°09'23" W 122.36 feet;
- 55) N 89°19'47" W 26.27 feet;
- 56) S 00°15'30" W 79.81 feet;
- 57) S 89°12'13" E 26.06 feet;
- 58) S 00°36'33" W 79.44 feet;
- 59) S 00°24'07" W 67.58 feet;
- 60) S 89°15'52" E 123.67 feet;
- 61) S 00°17'12" W 210.78 feet;
- 62) S 00°20'16" W 20.73 feet;
- 63) S 00°03'40" W 20.64 feet;
- 64) S 00°00'14" E 198.89 feet to the **POINT OF BEGINNING.**

Parcel II: In Assessor's Riverside Plat, as per Plat in Book 1, Page 10, Plat Records, Payette County, Idaho. In Block 23: Beginning at the SE corner of the SE1/4NE1/4 of Sec. 28, T9N, R5W, BM: thence West 660 feet, more or less, to the North and South center line of said SE1/4NE1/4; thence North 330 feet; thence East 660 feet, more or less, to the East side line of said SE1/4NE1/4; thence South 330 feet to the place of beginning; Save and excepting the road right-of-way along the East side thereof.

Parcel III: A portion of Block 3 of Assessor's Riverside Plat, according to the map thereof on file and of record in the office of the Recorder of Payette County, Idaho, said tract being situate in Government Lot 1 of Sec. 28, T9N, R5W, BM, and more particularly described as follows: Beginning at a point 1320 feet West and 661 feet North of the SE corner of aforesaid Government Lot 1; run thence North 339 feet, more or less, to the Easterly meander line of the Snake River; thence in a Southwesterly direction following said meander line of said river to a point 385 feet West of the point of beginning; thence East 385 feet, more or less, to the point of beginning.