

428499

Instrument # 428499  
STATE OF IDAHO, PAYETTE COUNTY  
6-8-2020 11:05:23 AM No. of Pages: 9  
Recorded for : PAYETTE, CITY OF  
BETTY J DRESSEN Fee: 0.00  
Ex-Officio Recorder Deputy *Melody Capener*  
Index to: ORDINANCE - MISC

ORDINANCE NO. 1472

AN ORDINANCE FOR THE ANNEXATION OF PROPERTY GENERALLY LOCATED NORTH OF MONTESA SUBDIVISION AND WEST OF AND ADJACENT TO US HIGHWAY 95, 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 C-COMMERCIAL & B-RESIDENTIAL; 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 March 26, 2020 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 C-Commercial and B-Residential, and,

WHEREAS, the Payette City Council, pursuant to public notice, held a public hearing, on June 3, 2020 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 "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:

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- (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 and 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 C-Commercial along and adjacent to US Highway 95 the length of the parcel and approximately 274 feet to the west and the remainder established as B-Residential 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.

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 2<sup>rd</sup> day of June, 2020.

APPROVED and SIGNED by the Mayor of the City of Payette, Idaho,

428499

This 4<sup>th</sup> day of June, 2020.

APPROVED:

Jeffrey T. Williams, Mayor

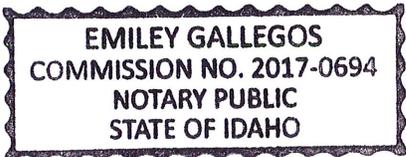
ATTEST:

Mary Cordova

Mary Cordova, City Clerk

State of Idaho )  
 ) ss.  
County of Payette )

On this 4<sup>th</sup> day of June, in the year of 2020, before me EMILEY GALLEGOS, a notary public, personally appeared MARY CORDOVA and JEFFREY T. WILLIAMS, 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 Payette in their official capacities as Mayor and City Clerk.



Emiley Gallegos  
Notary Public For Idaho  
Residing at: Canyon County  
Commission expires: March 22, 2022

EXHIBIT "A"

## 428499

A parcel of land being a portion of the SW 1/4 of Section 27, Township 9 North, Range 5 West, Boise Meridian, Payette County, Idaho, as shown on that certain survey recorded as Instrument No. 334493, Book 8 Page 96 which is also a portion of Block 26 of Official Plat of North Payette, as per plat in Book 1 of Plats, Page 23, Records of Payette County, Idaho and more particularly described as follows:

Commencing at the SE corner of said SW 1/4, (1/4 corner common to sections 27 and 34 of said Township).

Thence N. 00° 00' 00" E., a distance of 1309.03 feet to the NE corner of Sweetbriar Subdivision according to the Plat filed in Book 6 of Plats, Page 42, Records of Payette County, Idaho, the POINT OF BEGINNING;

Thence along the north boundary of said Sweetbriar Subdivision, N. 89° 11' 52" W., a distance of 804.50 feet to the NW corner of said Sweetbriar Subdivision;

Thence N. 89° 12' 16" W., a distance of 374.88 feet to the easterly boundary of Hughes Subdivision as shown in Book 2 of Plats, Page 38 Records of Payette County, Idaho;

Thence along the easterly boundary of said Hughes Subdivision, N. 00° 41' 46" E., a distance of 1312.12 feet to the northerly boundary of said SW 1/4;

Thence along the north boundary of said SW 1/4, S. 89° 27' 10" E., a distance of 1179.36 feet to the NE corner of said SW 1/4, (Center 1/4 corner);

Thence along the easterly line of said SW 1/4, S. 00° 41' 39" W., a distance of 1313.21 feet to the Center South 1/16 corner;

Thence S. 00° 41' 50" W., a distance of 4.10 feet to the POINT OF BEGINNING.

This parcel contains 35.594 acres more or less.

Date: March

ANNEXATION DESCRIPTION

A parcel of land being a portion of the SW 1/4 of Section 27, Township 9 North, Range 5 West, Boise Meridian, Payette County Idaho, as shown on that certain survey recorded as Instrument No. 334493, Book 8 Page 96 which is also a portion of Block 26 of Official Plat of North Payette, as per plat in Book 1 of Plats, Page 23, Records of Payette County, Idaho and more particularly described as follows:

Commencing at the SE corner of said SW 1/4, (1/4 corner common to sections 27 and 34 of said Township). Thence N. 00° 00' 00" E., a distance of 1309.03 feet to the NE corner of Sweetbriar Subdivision according to the Plat filed in Book 6 of Plats, Page 42, Records of Payette County, Idaho, the POINT OF BEGINNING;

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Thence N. 89° 12' 16" W., a distance of 374.88 feet to the easterly boundary of Hughes Subdivision as shown in Book 2 of Plats, Page 38 Records of Payette County, Idaho;

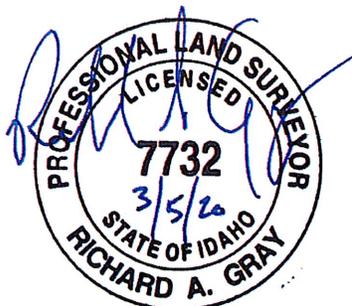
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Thence along the north boundary of said SW 1/4, S. 89° 27' 10" E., a distance of 1179.36 feet to the NE corner of said SW 1/4, (Center 1/4 corner);

Thence along the easterly line of said SW 1/4, S. 00° 41' 39" W., a distance of 1313.21 feet to the Center South 1/16 corner;

Thence S. 00° 41' 50" W., a distance of 4.10 feet to the POINT OF BEGINNING.

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s89°27'10"e  
1179.36

n00°41'46"e  
1312.12

s00°41'39"w  
1313.21

374.88  
n89°12'16"w

804.5  
n89°11'52"w



# Montesa Annexation

3/4/2020

Scale: 1 inch= 160 feet

File:

Tract 1: 35.5949 Acres, Closure: s56.2916w 0.03 ft. (1/183751), Perimeter=4988 ft.

- 01 n89.1152w 804.5
- 02 n89.1216w 374.88
- 03 n00.4146e 1312.12
- 04 s89.2710e 1179.36
- 05 s00.4139w 1313.21
- 06 s00.4150w 4.1

