

429539

Instrument # 429539

STATE OF IDAHO, PAYETTE COUNTY  
7-23-2020 09:30:41 AM No. of Pages: 4  
Recorded for : CITY OF PAYETTE  
LINDSEY BRATCHER Fee: 0.00  
Ex-Officio Recorder Deputy  
Index to: ORDINANCE - MISC

*Christine Poe*

(Space above reserved for recording)

**ORDINANCE NUMBER 1477**

**AN ORDINANCE OF THE CITY OF PAYETTE, IDAHO, RE-ZONING CERTAIN LANDS LYING WITHIN THE CITY LIMITS OF PAYETTE, PAYETTE COUNTY, IDAHO, TO WIT PAYETTE COUNTY PARCEL P1940022000C OWNED BY TERESA L GUSTIN; MAKING CERTAIN FINDINGS; AMENDING THE ZONING MAP; DIRECTING THE CITY ENGINEER AND THE CITY CLERK; SETTING AN EFFECTIVE DATE.**

**SECTION 1: THE CITY COUNCIL FINDS:**

WHEREAS, the City of Payette, Idaho is a municipal corporation organized and operating under the laws of the State of Idaho and is authorized under the provisions of 67-6511, Idaho Code, to establish within its jurisdiction one or more zones or zoning districts where appropriate which zoning districts are established in Payette City Code§ 17.60.010; and,

WHEREAS, Teresa L. Gustin (the "Owner") is the owner of the certain real property which has been designated by the Payette County Assessor's office as Parcel No. P1940022000C, commonly known as 1020 6<sup>th</sup> Avenue South, which is more particularly described in "Exhibit A"-Legal Description attached to this Ordinance and incorporated herein by reference (the "Subject Real Property") and has requested that the Subject Real Property be rezoned from the City's C-COMMERCIAL DISTRICT TO B-RESIDENTIAL (the "Rezone"); and,

WHEREAS, the Planning and Zoning Commission of the City, pursuant to public notice as required by law, held a public hearing on June 4, 2020 as required by Section 67-6525, Idaho Code, and made findings where it was recommended to the Mayor and Council that the rezoning for the lands described in Exhibit A from C-Commercial to B-Residential be approved; and,

WHEREAS, the Payette City Council, pursuant to public notice as required by law, held a public hearing on July 13, 2020 on the Rezone, as required by Section 67-6525, Idaho Code, and in accordance with the provisions of Payette City Code Section 17.60.010 made findings and determined that the requested rezone should be granted with a zoning classification B-Residential; and,

WHEREAS, it is necessary that the City Council adopt this Ordinance, as required by Section 67-6511 (2) Idaho Code to complete the process of implementing the decision of the Payette City Council to Rezone the Subject Real Property.

**SECTION 2: ACTION:**

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

2.1 The Subject Real Property is rezoned from C-COMMERCIAL ZONING DISTRICT to B-RESIDENTIAL (the "Rezone").

2.2 The Zoning Map of the City of Payette is hereby amended to comply with this Rezone.

2.3 The City Engineer is directed to change the zoning district depictions of the Subject Real Property on the Zoning Map of the City in accordance with this Rezone ordinance; and

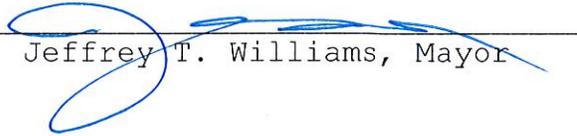
2.4 The City Clerk is directed to file this Ordinance in the official records of the City and to provide a copy to the City Engineer and Owner.

**SECTION 3: EFFECTIVE DATE:**

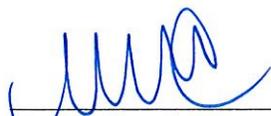
This Ordinance shall take effect and be in force from and after its passage, approval, and publication as required by law and at the discretion of the City Clerk and in lieu of publication of the entire ordinance, a summary thereof in compliance with Section 50-901A, Idaho Code, may be published.

SIGNED and DATED this 21<sup>st</sup> day of July, 2020.

CITY OF PAYETTE, Idaho

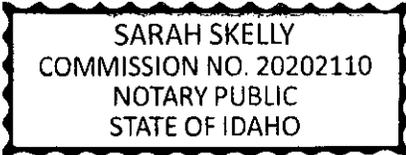
by  Jeffrey T. Williams, Mayor

Attest:

  
Mary Cordova, City Clerk

State of Idaho )  
 ) ss.  
County of Payette )

On this 21<sup>st</sup> day of July, in the year of 2020, before me Sarah Skelly, a notary public, personally appeared MARY CORDOVA and JEFFREY WILLIAMS, personally known to me to be the persons whose name is 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.



S. Skelly  
Notary Public For Idaho  
Residing at: Payette  
Commission expires: 6.18.26



2030 S. Washington Ave.  
Emmett, ID 83617  
P: (208) 398-8104  
F: (208) 398-8105

## Parcel A Description

**BASIS OF BEARING** for this description is S. 89°21'41" E., between an aluminum cap marking the NW corner of Section 3 and a brass cap marking the NE corner of Government Lot 4 of Section 3, both in T. 8 N., R. 5 W., B.M., City of Payette, Payette County, Idaho.

A parcel of land being a portion of Block 22 of Westslope Plat on file in Book 1 of Plats at Page 35, Payette County records. Located in Government Lot 4 of Section 3, T. 8 N., R. 5 W., B.M., City of Payette, Payette County, Idaho, more particularly described as follows:

**COMMENCING** at an aluminum cap stamped PLS 797, marking the NW corner of Section 3;

Thence S. 89°21'41" E., coincident with the north line of said Government Lot 4, a distance of 423.80 feet;

Thence leaving said north line, S. 0°38'38" W., 30.00 feet to a 5/8" rebar with cap PLS 11574 on the south right of way line of 6th Ave South and the **POINT OF BEGINNING**;

Thence S. 89°21'41" E., coincident with said south right of way line, a distance of 83.03 feet to a 5/8" rebar with cap PLS 11574;

Thence leaving said south right of way line, S. 0°38'38" W., parallel with the east line of said Block 22, a distance of 131.76 feet to a 5/8" rebar with cap PLS 11574;

Thence N. 87°42'25" W., 83.06 feet to a 5/8" rebar with cap PLS 11574;

Thence N. 0°38'38" E., parallel with the west line of said Block 22, a distance of 129.36 feet to the **POINT OF BEGINNING**.

The above described parcel contains 10,840 square feet, more or less.

