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ORDINANCE NO. 1429

AN ORDINANCE FOR THE ANNEXATION OF PROPERTY GENERALLY LOCATED AT 1706 6th AVENUE SOUTH, 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 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 July 27, 2017, 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 B-Residential and,

WHEREAS, the Payette City Council, pursuant to public notice, held a public hearing, on August 7, 2017, 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.

Instrument # 409969

STATE OF IDAHO, PAYETTE COUNTY
8-8-2017 01:41:37 PM No. of Pages: 6
Recorded for : CITY OF PAYETTE
BETTY J DRESSEN Fee: 0.00
Ex-Officio Recorder Deputy
Index to: ORDINANCE - MISC

Instrument # 410025

STATE OF IDAHO, PAYETTE COUNTY
8-11-2017 11:18:36 AM No. of Pages: 8
Recorded for : CITY OF PAYETTE
BETTY J DRESSEN Fee: 0.00
Ex-Officio Recorder Deputy
Index to: ORDINANCE - MISC

Betty J. Dreszen

**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 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

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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 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.

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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. 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.

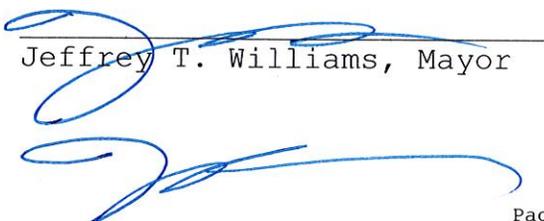
Section 8. This Ordinance may be published in summary form.

Section 9. 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 7th day of August, 2017.

APPROVED by the Mayor of the City of Payette, Idaho, This 8th day of August, 2017.

APPROVED:


Jeffrey T. Williams, Mayor

ATTEST:

Bobbie Black

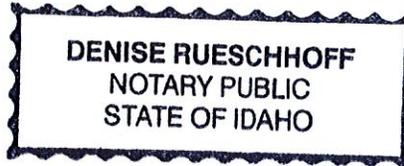
Bobbie Black, Deputy City Clerk

Bobbie Black

State of Idaho)
) ss.
County of Payette)

On this 8th day of August, in the year of 2017, personally appeared BOBBIE BLACK 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.

Denise Rueschhoff
Notary Public For Idaho
Residing at: Payette County, Idaho
Commission expires: 6-29-2023



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EXHIBIT "A"

BB

A portion of the NW1/4NE1/4 of section 3, township 8 north, range west, Boise, Meridian, Payette County, Idaho more particularly described as follows:
Commencing at the North 1/4 corner of Section 3, also being the NW corner of the NW 1/4 of the NE 1/4 as said corner is shown on that certain Record of Survey filed as Instrument No. 175649, Records of Payette County, Idaho, marked by a found PK nail; thence North 89°57'50" East along the North line of the NW 1/4 of the NE 1/4, a distance of 380.00 feet to a found PK nail per the above described Record of Survey, THE REAL POINT OF BEGINNING; thence continuing along the North line of the NW 1/4 of the NE 1/4, a distance of 12 feet to a set PK Nail; thence South 1°25'47" East, a distance of 158.21 feet to a set 1/2" iron pin L.S.4108; Thence North 89°22'14" East, a distance of 142.60 feet to a set 1/2" iron pin L.S. 4108; thence South 9°10'10" East a distance of 195.33 feet to a point on the northerly bank of the Lower Payette Canal marked by a set 1/2" iron pin L.S. 4108; thence northwesterly along the northerly bank of the Lower Payette Canal, the following course and distances: North 62°55'48" West, a distance of 95.44 feet; North 51°33'07" West, a distance of 19.25 feet; North 47° 09' 26" West, a distance of 55.84 feet; North 28°51' 09" West, a distance of 102.21 feet; thence leaving said Canal bank, North 00°13'30" East, a distance of 166.53 feet to the point of beginning.

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CORRECTED LEGAL
EXHIBIT "A"

A portion of the NW1/4NE1/4 of section 3, township 8 north, range 5 west, Boise, Meridian, Payette County, Idaho more particularly described as follows:

Commencing at the North 1/4 corner of Section 3, also being the NW corner of the NW 1/4 of the NE 1/4 as said corner is shown on that certain Record of Survey filed as Instrument No. 175649, Records of Payette County, Idaho, marked by a found PK nail; thence North 89°57'50" East along the North line of the NW 1/4 of the NE 1/4, a distance of 380.00 feet to a found PK nail per the above described Record of Survey, THE REAL POINT OF BEGINNING; thence continuing along the North line of the

NW 1/4 of the NE 1/4, a distance of 12 feet to a set PK Nail; thence South 1°25'47" East, a distance of 158.21 feet to a set 1/2" iron pin L.S.4108; Thence North 89°22'14" East, a distance of 142.60 feet to a set 1/2" iron pin L.S. 4108; thence South 9°10'10" East a distance of 195.33 feet to a point on the northerly bank of the Lower Payette Canal marked by a set 1/2" iron pin L.S. 4108; thence northwesterly along the northerly bank of the Lower Payette Canal, the following course and distances:

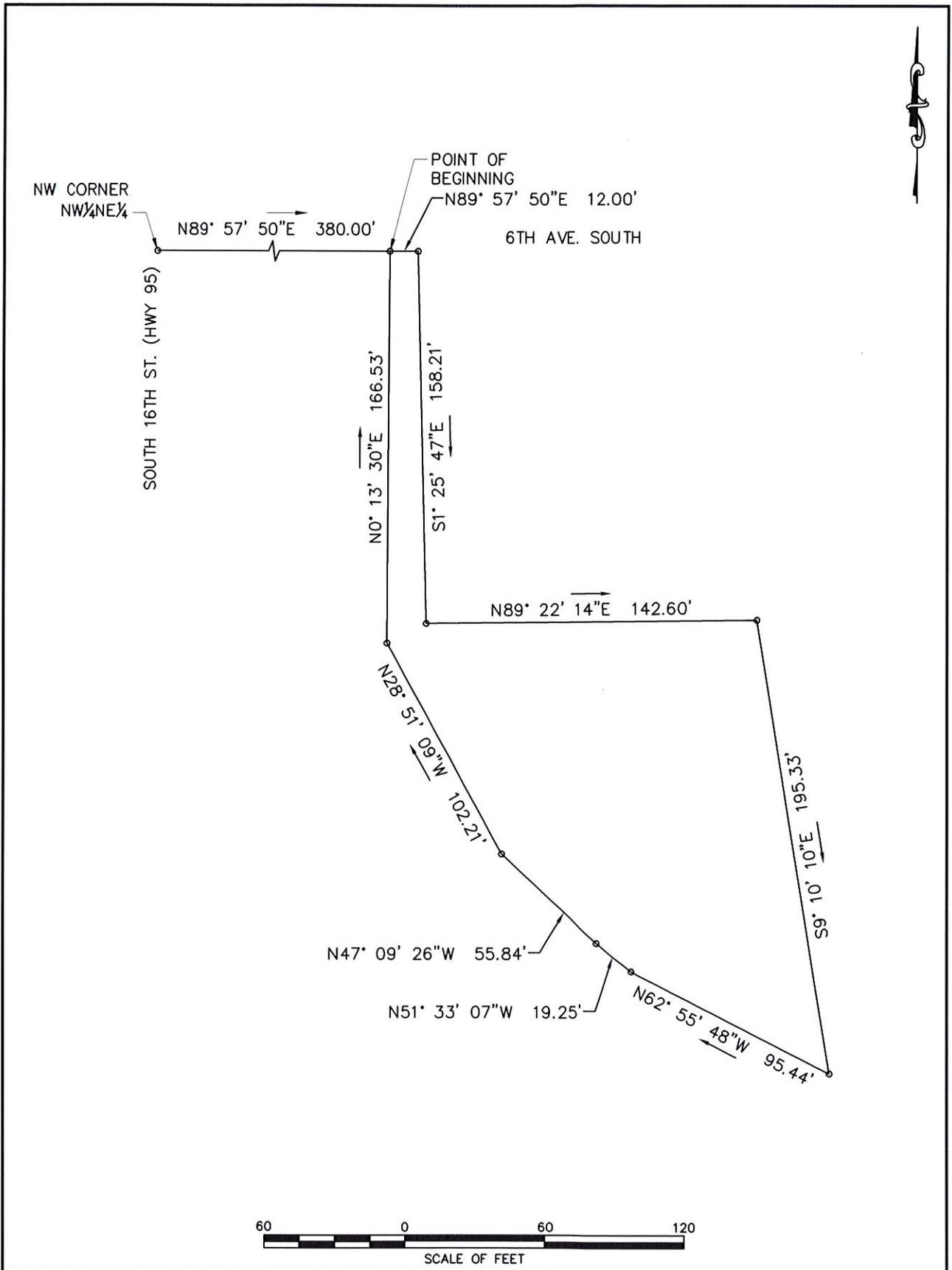
North 62°55'48" West, a distance of 95.44 feet;

North 51°33'07" West, a distance of 19.25 feet;

North 47° 09' 26" West, a distance of 55.84 feet;

North 28°51' 09" West, a distance of 102.21 feet; thence leaving said Canal bank, North 00°13'30" East, a distance of 166.53 feet to the point of beginning.

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**1706 6th AVE. SOUTH ANNEXATION EXHIBIT
CITY OF PAYETTE, IDAHO**