

BY THE COUNCIL:

CLEGG, EBERLE, JORDAN, MCLEAN,
QUINTANA AND THOMSON

AN ORDINANCE (CAR12-00004 / DE-ANNEXATION / BOISE CITY, DE-ANNEXATION OF 2.25 ACRES LOCATED AT 2288 N. GARDEN STREET, ZONED C-3D SERVICE COMMERCIAL WITH DESIGN REVIEW) DE-ANNEXING CERTAIN LANDS AND TERRITORY SITUATED IN ADA COUNTY, IDAHO, AND ADJACENT AND CONTIGUOUS TO THE CORPORATE LIMITS OF THE CITY OF BOISE CITY; PROVIDING THAT COPIES OF THIS ORDINANCE SHALL BE FILED WITH THE ADA COUNTY AUDITOR, THE ADA COUNTY TREASURER, THE ADA COUNTY ASSESSOR, THE ADA COUNTY RECORDER, AND THE IDAHO STATE TAX COMMISSION; PROVIDING THAT A COPY OF SAID LEGAL DESCRIPTION AND MAP BE RECORDED WITH THE ADA COUNTY RECORDER AND FILED WITH THE ADA COUNTY ASSESSOR AND THE IDAHO STATE TAX COMMISSION AS REQUIRED BY LAW; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the owner of the lands and territory, situated in Ada County and particularly described in Section One of this ordinance, has agreed to the de-annexation of said lands to the city; and

WHEREAS, the Boise City Planning & Zoning Commission, pursuant to public notice as required by law, held a public hearing on May 7, 2012, and recommended to the Mayor and Council that the de-annexation be approved; and

WHEREAS, the Boise City Council, pursuant to public notice as required by law, held a public hearing on July 10, 2012, on the proposed de-annexation for the property described in Section One below, all as required by Idaho Code, Section 67-6525.

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

Section 1. The lands and territory situated in Ada County, Idaho, adjacent and contiguous to the City of Boise City, Idaho, particularly described in Exhibits "A" & "B" which is attached hereto and by reference made a part of this ordinance, are hereby de-annexed and excluded from the incorporated territorial limits of the City of Boise, Idaho, and returned to the un-incorporated Ada County.

Section 2. From and after the effective date of this ordinance, all property included within the boundaries and territory described in Section 1 hereof and de-annexed as provided by said Section shall be subject to all the statutes pertaining to Ada County and all ordinances, resolutions, police regulations, taxation and other powers of Ada County, and all persons and property within the territory so de-annexed shall be and are entitled to all benefits and rights as are the persons and property presently within the corporate territorial limits of Ada County.

Section 3. The City Engineer of Boise City is hereby directed to lodge and file with the City Clerk of Boise City within ten days after the passage and approval hereof, a legal description and map prepared in a draftsmanlike manner which shall plainly and clearly designate the boundaries of the lands and territory de-annexed, pursuant to the provisions of Section 1 hereof.

Section 4. Pursuant to the findings of the Boise City Council, the land use classification of the lands described in Exhibits "A," and "B" are de-annexed hereto based on the following reasoned statement:

The exclusion of said lands is in compliance with Idaho State Code 50-225, does not create a disruption in the provision of services to said lands, and provides for a more reasonable boundary between Boise City and unincorporated Ada County.

Section 5. The zoning maps of Boise, Idaho, are hereby changed, altered, and amended to de-annex the real property described in Exhibits "A," and "B".

Section 6. The City Clerk of Boise City is hereby directed to file, immediately after the passage and approval hereof, a certified copy of this Ordinance with the Ada County Auditor, Ada County Treasurer, Ada County Assessor, and the Idaho State Tax Commission, and to file a copy of said legal description and map, as prepared and lodged with the City Clerk by the City Engineer, with the Ada County Assessor, Ada County Recorder and the Idaho State Tax Commission, all as provided by Sections 50-225 and 63-215, Idaho Code.

Section 7. That this Ordinance shall be in full force and effect immediately upon its passage, approval and publication.

PASSED by the Council of the City of Boise, Idaho, this 28th day of August, 2012.


APPROVED by the Mayor of the City of Boise, Idaho this 28th day of August, 2012.

APPROVED:

ATTEST:



David H. Bieter
MAYOR



Debbie Broughton
EX-OFFICIO CITY CLERK



CITY OF BOISE

TO: Mayor and Council
FROM: Scott Spjute
DATE: July 16, 2012
SUBJECT: CAR12-00004 / De-Annexation
ORDINANCE: O-22-12

ACTION REQUIRED: Three Readings

RECOMMENDATION: Approval

BACKGROUND: P&Z recommended approval on May 7, 2012. City Council approved on July 10, 2012.

ATTACHMENTS: Ordinance

DE-ANNEXATION DESCRIPTION
FOR
CRABSHACK PARCELS

A parcel of land lying in the SW1/4 of the SW1/4 of Section 4, Township 3 North, Range 2 East, Boise Meridian, Ada County, Idaho, more particularly described as follows:

Beginning at the Southwest corner of Section 4, thence along the westerly boundary of Section 4 North $0^{\circ}13'00''$ East 337.17 feet; thence South $89^{\circ}47'00''$ East 108.73 feet to the TRUE POINT OF BEGINNING;

Thence North $20^{\circ}49'40''$ West 67.96 feet;

Thence North $2^{\circ}37'39''$ West 393.43 feet to a point on the southwesterly boundary of that parcel of land conveyed to City of Boise by Warranty Deed, Instrument Number 106197552, Records of Ada County;

Thence along said southwesterly boundary South $59^{\circ}39'33''$ East 488.37 feet to a point on the northerly right of way of West Main Street;

Thence along said right of way South $60^{\circ}28'01''$ West 13.98 feet;

Thence continuing along said right of way South $39^{\circ}31'08''$ East 11.00 feet;

Thence continuing along said right of way South $60^{\circ}27'45''$ West 4.76 feet;

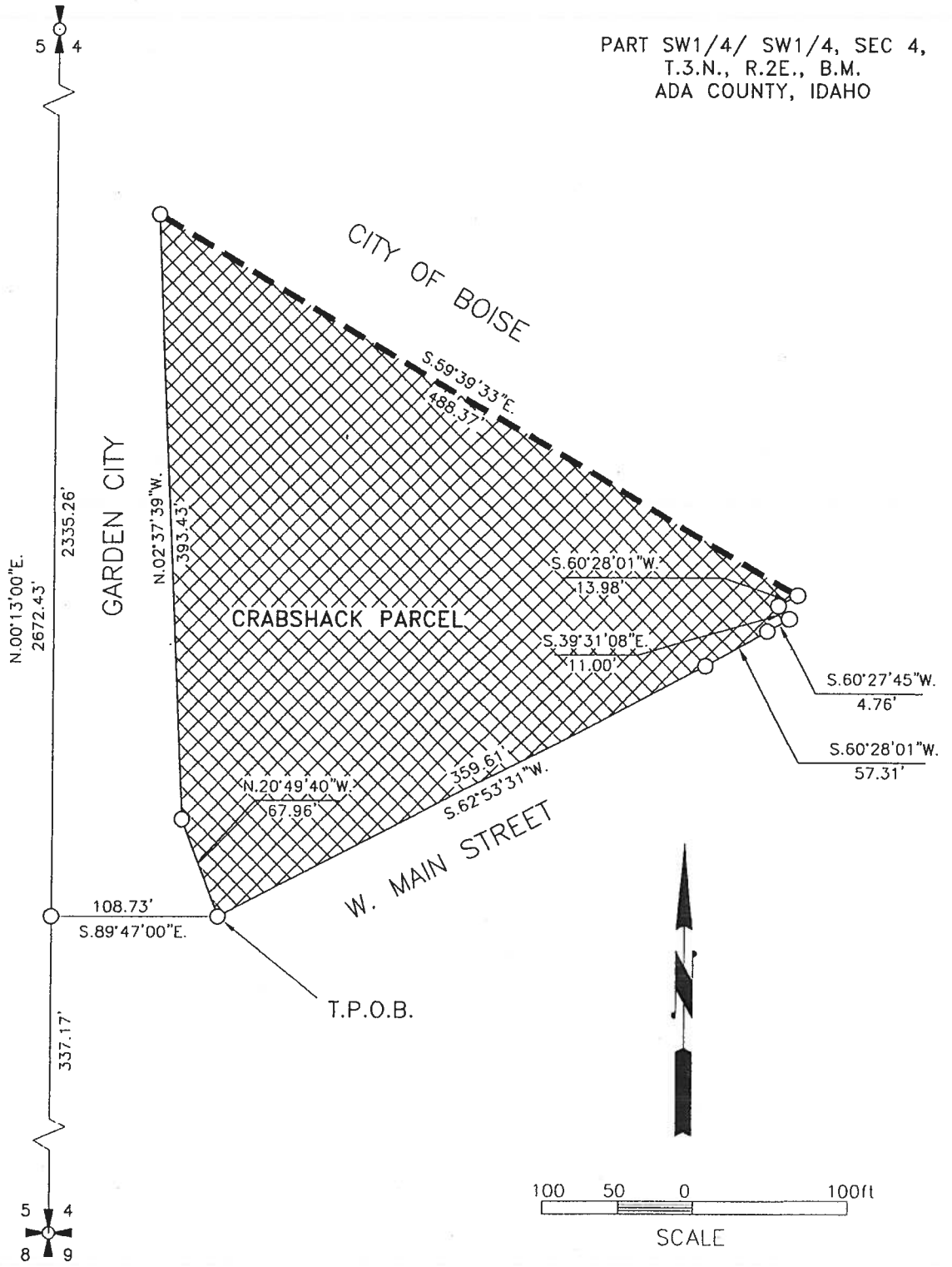
Thence continuing along said right of way South $60^{\circ}28'01''$ West 57.31 feet;

Thence continuing along said right of way South $62^{\circ}53'31''$ West 359.61 feet more or less to the TRUE POINT OF BEGINNING.

Parcel contains 2.25 Acres more or less.

BOISE CITY LIMITS  DE-ANNEXED AREA (BOISE CITY TO GARDEN CITY) 

PART SW1/4/ SW1/4, SEC 4,
T.3.N., R.2E., B.M.
ADA COUNTY, IDAHO



BOISE CITY DE-ANNEXATION
CRABSHACK PARCEL
EXHIBIT 'B'

ORDINANCE NO. _____ ACRES: _____ EFFECTIVE DATE: _____