

BY THE COUNCIL

AN ORDINANCE (CAR14-14/BOISE CITY) ANNEXING CERTAIN LANDS AND TERRITORY SITUATED IN ADA COUNTY, IDAHO, AND ADJACENT AND CONTIGUOUS TO THE CORPORATE LIMITS OF THE CITY OF BOISE CITY; ESTABLISHING AND DETERMINING THE LAND USE CLASSIFICATION OF SAID LANDS; SETTING FORTH A REASONED STATEMENT IN SUPPORT OF SUCH ANNEXATION AND LAND USE CLASSIFICATION; 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 DESCRIPTIONS AND MAPS OF SAID ANNEXED LANDS AND TERRITORY 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 City of Boise initiated a Category B annexation, in accordance with Idaho Code Section 50-222, for more than 100 parcels that are contiguous and adjacent to Boise City and that can reasonably be annexed for the orderly development of Boise City; and

WHEREAS, the Boise City Planning & Zoning Commission, pursuant to public notice as required by law, held a public hearing on July 14, 2014, and recommended to the Mayor and Council that annexation be approved and said lands be zoned as described in Exhibit A; and

WHEREAS, the Boise City Council, pursuant to public notice as required by law, held a public hearing on September 16, 2014, on the proposed annexation and zoning for the property described in Section One below, all as required by Idaho Code Section 50-222, and did approve said annexation and zoning.

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

Section 1. That the lands and territory situated in Ada County, Idaho, adjacent and contiguous to the City of Boise City, Idaho, particularly described in Exhibit A, attached hereto and by reference made a part of this ordinance as though fully set forth herein, be, and the same are hereby, annexed to and incorporated in the territorial limits of the City of Boise City, Idaho.

Section 2. That from and after the effective date of this ordinance, all property included within the boundaries and territory described in Section 1 hereof and annexed as provided by said Section shall be subject to all the statutes pertaining to Boise City and all ordinances, resolutions, police regulations, taxation and other powers of Boise City; and 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 territorial limits of Boise City.

Section 3. That 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 annexed, pursuant to the provisions of Section 1 hereof.

Section 4. That pursuant to the findings of the Boise City Council, the land use classification of the lands described in Exhibit A attached hereto and by reference made a part thereof is hereby fixed and established as described in Exhibit B, as provided by the Zoning Ordinance of Boise City, based on the reasoned statement set forth in Exhibit B and the following conclusions:

The land to be annexed meets the applicable requirements for a Category B annexation and does not fall within the exceptions or conditional exceptions contained in Idaho Code 50-222. The annexation would be consistent with the public purposes addressed in the annexation plan prepared by the City and is reasonably necessary for the orderly development of the City. The proposed zoning complies with and conforms to the Comprehensive General Plan and will provide and maintain existing and future capabilities of public utilities. The proposed zoning will maintain and preserve compatibility of surrounding zoning and development. The annexation incorporates the Boise Sewer Planning Area, honors negotiated Area of Impact Agreements and is consistent with the Comprehensive Plan and/or zoning in Ada County prior to annexation.

Section 5. That the zoning maps of Boise, Idaho, as the same are provided in Section 11-04-01.2, Boise City Code, are hereby changed, altered, and amended to include the real property described in Exhibit A with the land use classifications described therein.

Section 6. That the City Clerk of Boise City is hereby directed to file, within ten days 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 50-223 and 63-215, Idaho Code.

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

ADOPTED by the Council of Boise City, Idaho, on December 9, 2014.

APPROVED by the Mayor of the Boise City, Idaho, on December 9, 2014.

APPROVED:

David H. Bieker, Mayor



ATTEST:

Lynda Lowry, Ex-Officio City Clerk

