

# MEMORANDUM

**To:** Mayor and City Council  
**From:** Scott Spjute, Planning  
**Date:** October 28, 2015  
**Subject:** Northwest “Clean-Up” Annexation / CAR15-25

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On September 14, 2015, the Boise City Planning and Zoning Commission recommended annexation of a number of scattered parcels in the northwest area of the city. Some of them were enclaves created by last year’s Northwest annexation; others are along the boundary of the city where annexation seems appropriate. The annexation is comprised of approximately 69 parcels on 169 acres. In accordance with state law, the State Street right of way will also be annexed.

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## **SUMMARY**

In 2014 the City annexed roughly 600 acres of land located in the extreme northwest portion of the area of impact, between State Street and Hill Road and west to Horseshoe Bend Road. A number of parcels were excluded from that annexation because they were over 5 acres in size and not yet surrounded, or because the City was seeking to stay below the 50% “consent” threshold required by State law for a certain type of Category B annexation.

The present effort seeks to incorporate those parcels, of which there are 69 totaling 169 acres. Once again, some parcels will need to be excluded because they are over 5 acres in size and will not be surrounded by the city until this annexation is accomplished. This seemingly inefficient and illogical method of squaring up the city’s borders through annexation is made necessary by the current state annexation law. Parcels over five acres cannot be annexed without consent of the owner until they are surrounded by land within a city.

The reasons for annexation of these parcels are explained in the annexation plan. In short, it is not reasonable for a parcel to be subject to Ada County jurisdiction while all those around or adjacent to it are subject to Boise City’s. Annexation leads to a unified community and can prevent the fragmentation of local governmental authority among a large number of special districts. Fragmentation may cause conflicts of authority and the absence of cooperation, political irresponsibility, duplication of services, inadequate service levels, lack of effective area-wide planning and programming, financial inequities and other problems.

Political boundaries will, after annexation, more nearly reflect the true and existing sociological, economic, cultural, and physical boundaries of the city. The lands being considered for annexation and the City are inextricably bound together.

State code allows annexations of up to 99 parcels where not all owners consent to annexation under the Category B procedures, in which special notice and preparation of an annexation plan are required. The notice was sent in accordance with state law and the annexation plan is attached to this report. In nearly all instances, zoning will be assigned that most closely matched the current Ada County zoning. In other instances, zoning will be assigned that is different from County zoning but which is in line with the land use designation under Blueprint Boise

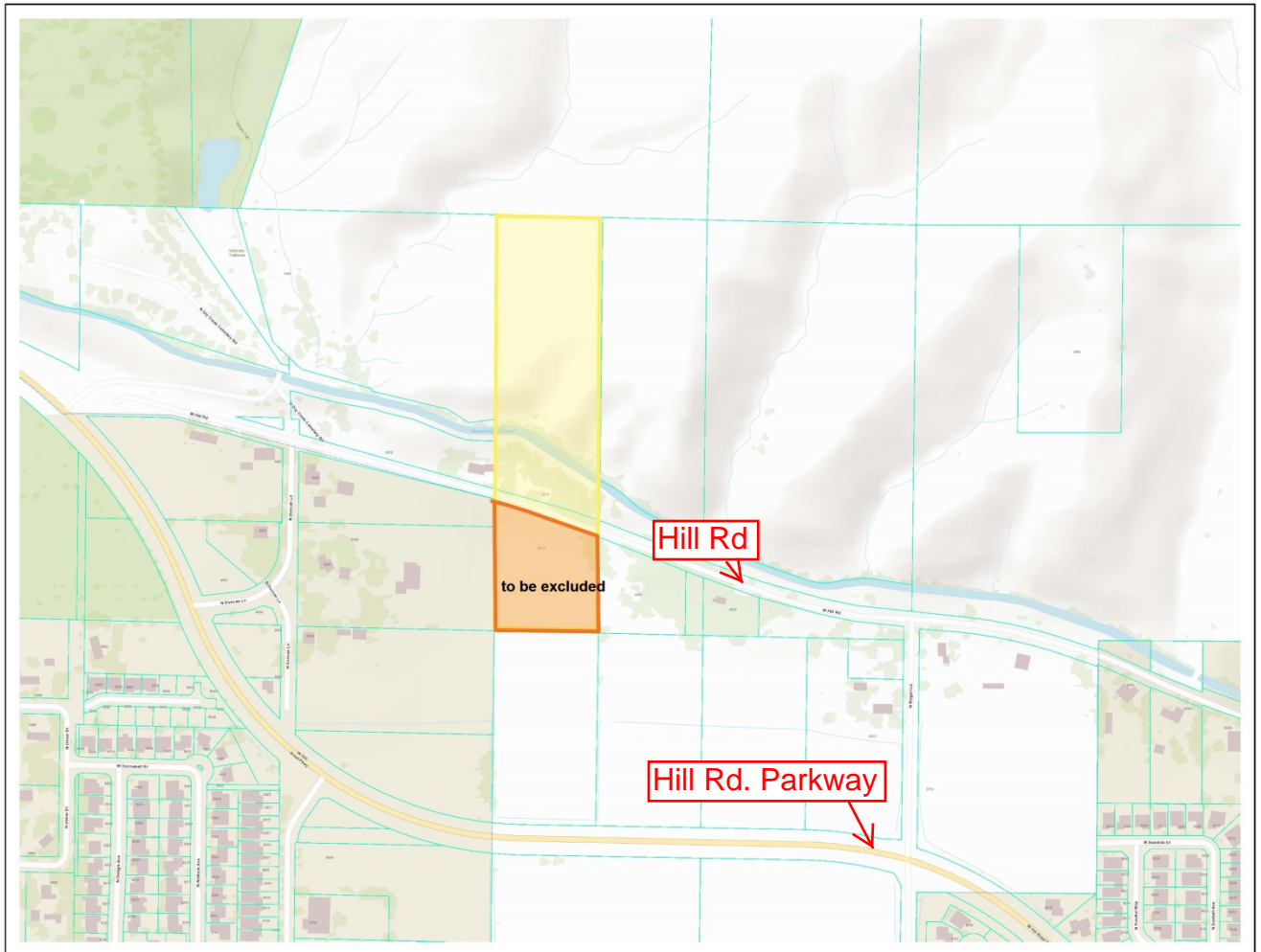
For reasons outlined in this report, the Planning Team feels that inclusion into Boise City is appropriate at this time and recommends that the Commission and Council enact and adopt an ordinance effecting annexation.

### **Special Note**

The Planning Commissioners were informed at the September 14 hearing that there is one parcel that should be excluded. That exclusion is based on an obscure exemption contained in Idaho State Code, 50-222. It states: *Splits of ownership which occurred prior to January 1, 1975, and which were the result of placement of public utilities, public roads or highways, or railroad lines*

*through the property shall not be...sufficient evidence that the land has been laid off or subdivided in lots or blocks.*

The parcel in question is the south portion of a former 10 acre parcel that was split by Hill Road prior to 1975. The original proposal was to annex this parcel as it is less than 5 acres in size. Staff alerted to commission at the hearing and the commission agreed that if the exemption does apply, the parcel should not be annexed.



# Planning Division Annexation Report

**File Number** CAR15-25  
**Applicant** Boise City  
**Property Location** Northwest Area of City  
**Initial Public Hearing Date** P&Z: September 14, 2015  
**By** Boise City Planning and Zoning Commission  
**Planning Team Member** Scott Spjute

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## Attachments

Maps  
Annexation Plan  
Comments



# 1. Executive Summary

## Description of Request

Boise City requests annexation of 69 parcels on approximately 169 acres located throughout the northwest area of the City. The annexation is comprised of parcels bordering the city or that have been excluded from previous annexations for various reasons, but which are now surrounded or nearly surrounded by land within the City.

## Planning Team Recommendation

Approval

## Summary

In 2014 the City annexed roughly 600 acres of land located in the extreme northwest portion of the area of impact, between State Street and Hill Road and west to Horseshoe Bend Road. A number of parcels were excluded from that annexation because they were over 5 acres in size and not yet surrounded, or because the City was seeking to stay below the 50% “consent” threshold required by State law for a certain type of Category B annexation.

The present effort seeks to incorporate those parcels, of which there are 69 totaling 169 acres. Once again, some parcels will need to be excluded because they are over 5 acres in size and will not be surrounded by the city until this annexation is accomplished. This seemingly inefficient and illogical method of squaring up the city’s borders through annexation is made necessary by the current state annexation law. Parcels over five acres cannot be annexed without consent of the owner until they are surrounded by land within a city.

The reasons for annexation of these parcels are explained in the annexation plan. In short, it is not reasonable for a parcel to be subject to Ada County jurisdiction while all those around or adjacent to it are subject to Boise City’s. Annexation leads to a unified community and can prevent the fragmentation of local governmental authority among a large number of special districts. Fragmentation may cause conflicts of authority and the absence of cooperation, political irresponsibility, duplication of services, inadequate service levels, lack of effective area-wide planning and programming, financial inequities and other problems.

Political boundaries will, after annexation, more nearly reflect the true and existing sociological, economic, cultural, and physical boundaries of the city. The lands being considered for annexation and the City are inextricably bound together.

State code allows annexations of up to 99 parcels where not all owners consent to annexation under the Category B procedures, in which special notice and preparation of an annexation plan are required. The notice was sent in accordance with state law and the annexation plan is attached to this report. In nearly all instances, zoning will be assigned that most closely matched the current Ada County zoning. In other instances, zoning will be assigned that is different from County zoning but which is in line with the land use designation under Blueprint Boise

For reasons outlined in this report, the Planning Team feels that inclusion into Boise City is appropriate at this time and recommends that the Commission and Council enact and adopt an ordinance effecting annexation.















## 2. Facts, Standards of Review & Reason for the Decision

### Type of Application

Annexation with zoning designations in accordance with the following examples:

<u>Ada County Zone</u>	<u>Boise City Zone</u>
RUT, R1	R-1A (large lot, semi-rural)
R4, R6, R8, R8M	R-1C (single family urban densities)
R12	R-2D (higher density residential)
R20	R-3D (high density residential)
C1	C-1D (neighborhood commercial)
C2	C-2D (general commercial)
RP	A1 (Open Space)

### Standards of Review

#### Section 11-06-01.03 Public Hearing

The Planning and Zoning Commission shall advertise, provide notice and conduct a public hearing in accordance with Section 11-03-06 of this Ordinance for each application to amend this Ordinance or to reclassify a zoning district.

Any recommendation of the Commission relating to change, modification and reclassification of zoning districts and land use classifications and the regulations and standards thereof shall be in writing. Their recommendation shall include findings of fact supporting the purposes and objectives of zoning and otherwise securing public health, safety and general welfare. The recommendation shall specifically find that such changes, modifications and reclassifications of zoning districts and land use classifications and the regulations and the standards thereof:

- A. Comply with and conform to the Comprehensive Plan; and
- B. Provide and maintain sufficient transportation and other public facilities, and does not adversely impact the delivery of services by any political subdivision providing services.
- C. Maintain and preserve compatibility of surrounding zoning and development.

Failure of an application to meet these findings shall not prevent the request from being forwarded to the City Council for consideration after Commission review. Notice of the Commission's recommendation shall be included in the notice of the public hearing of the City Council.

In addition to the above requirements, the new State law regarding annexation, adopted in 2002, outlines the rules and procedures for annexations. The annexation being contemplated at this time is considered a Category B, Subset i, annexation. This is an annexation wherein the subject lands contain less than one hundred separate private ownerships and platted lots of record and where not all such landowners have consented to annexation

The procedures are as follows:

Lands lying contiguous or adjacent to the Boise City limits may be annexed by the City if the proposed annexation meets the requirements of Category 'B'. Upon determining that a proposed annexation meets such requirements, Boise City may initiate the planning and zoning procedures set forth in Chapter 65, Title 67, Idaho Code, to establish the comprehensive planning policies, where necessary, and zoning classification of the lands to be annexed. Further, notice is required to property owners 28 days before the initial hearing and an annexation plan must be prepared and made available to the public.

## **Analysis Supporting Reasons for Decision**

Proper annexation of areas adjacent to cities is often crucial to establishing and maintaining urban order and effective government. Rapid development and population growth frequently occur just outside city boundaries where property is cheaper and zoning laws may be less restrictive. Boise, like many other cities large and small, is surrounded by "fringe" areas. With the development of fringe communities come the problems that concentrations of people create—increased traffic congestion on inadequate roads, the need for improved police and fire protection, and inadequate land use planning resulting in disorderly growth. Now that city development has encompassed the subject properties, annexation is even more crucial.

These problems, unfortunately, cross boundary lines and become a city's problem too. Lack of good transportation planning spreads traffic congestion into the city. Lack of necessary police protection or confusion about jurisdictional boundaries between City police and the Ada County sheriff can encourage the spread of crime throughout the entire urban community. Lack of proper planning and land use (zoning) control allows uses that may threaten the social and economic life and cohesiveness of the community.

The growth of separate fringe areas may produce a complex pattern of government by multiple jurisdictions—city, county, and special districts—that can lead to administrative confusion, inefficiency, duplication, and excessive costs. The urban community can become a tangle of small competitive governmental units that lack the administrative, jurisdictional, or financial ability to provide the essential services and facilities necessary for sound development. Once this complex pattern becomes established, vested interests and sectional jealousies make change difficult, if not impossible.

At the same time, economic and social ties between cities and their fringe areas can be strong. Outlying areas benefit in many ways from city parks and recreational facilities, streets, utilities, and other facilities and programs, often without contributing a proportionate share of the cost to the city. Moreover, suburban people may request services equivalent to those provided within the city and may recognize that their taxes and other costs (including utility costs and fire insurance premiums) in an unincorporated area are not necessarily lower and are often equal to, or greater than, those within the city.

A logical solution is often annexation, as allowed under Section 50-222 of Idaho Code. Properly used, annexation preserves a growing urban area as a unified whole. It enables urbanized and urbanizing areas to unite with the core city to which the fringe is socially and economically related. It facilitates the full utilization of existing municipal resources. City administrative and technical personnel are able to address the fringe area's municipal needs, and do this in a manner consistent

with policies of the City's comprehensive plan. As a general note, annexation is often preferable to the incorporation of new cities, since new incorporations in urban areas may cause conflicts of authority, the absence of cooperation, duplication of facilities, and an imbalance between taxable resources and municipal needs. Industrial, commercial, and high-income residential areas may offer a high level of urban services, while the low and moderate income residential satellite city may strain to provide minimal services. In both instances, satellite residents and businesses draw on the resources of the core city without contributing toward the cost of these resources. An example of this scenario might be Garden City and its symbiotic relationship with Boise City.

Annexation, therefore, is appropriate as Boise City is surrounded by a growing area; there is a need for orderly planning and city services in fringe areas; and since needed services can best be supplied by the city. In general, annexation is a solution in instances when a central city is able to address emerging fringe area concerns.

More than ever, both Ada County and Boise City local government officials are recognizing that what is "urban" should be "municipal." Urban growth without central planning and control becomes urban sprawl. If Boise City is to continue to effectively provide urban services, it must be allowed to follow natural growth patterns into those fringe areas where there is urban development. The city must be able to guide development in an orderly manner, and avoid the need to extend costly urban services to distant and scattered "pockets" of development. Annexation can help guarantee to Boise City a measure of responsible control over its future.

While property owners on the fringe of the city seldom agree to annexation, primarily because of increases in property taxes and franchise fees, after annexation these lands will be privy to all the services, amenities and advantages inherent with being in Boise City limits. Staff is recommending that the Council annex the subject lands for reasons that are larger in scope than I impact individual properties and that deal with comprehensive planning issues and plans for provision of necessary services that have been in place for many years.

Comprehensive Planning. By agreement with Ada County, Boise City's Comprehensive Plan applies to the entire Area of Impact. Unfortunately, the zoning ordinance, subdivision ordinance and other City ordinances, which are the primary tools by which the goals and policies of the Comprehensive Plan are implemented, have no application beyond City limits. Ada County, in reviewing development proposals, requests comments from the City relative to the Comprehensive Plan, but is in no way bound to adhere to those comments or to implement the City's recommendations. Further, Ada County does not have the same tools available to ensure that development occurs in accordance with the Comprehensive Plans goals and policies. These tools include a Design Review Staff and Committee, an in-house Parks Department, a Fire Department and a Public Works Department capable of providing sewer service, street lights, drainage review, etc. While the Comprehensive Plan is to guide development and growth, the best way for that to be accomplished is for annexation to occur. The standards set forth in the Comprehensive Plan assume that annexation will occur in tandem with development. When that cannot or does not happen, it is necessary for the City to undertake these types of Category B annexation efforts.

Area of Impact. Section 67-6526 of the State law requires that cities adopt an area of impact and prescribes the factors that shall be considered in defining its boundaries. They are 1) trade area; 2) geographic factors; and 3) areas that can reasonably be expected to be annexed to the city.



*Trade Area.* The subject lands most assuredly lie within what could reasonably be considered as Boise City’s trade area, although this term is not defined in the law. It is also realistic to assume that the vast majority of property owners have their places of employment in the City and do their shopping, business and other activities in the City.

*Geographic Factors.* There are no geographic features separating this area from Boise City such as rivers, ridges, canyons, or valleys that might make it unreasonable to be included in Boise’s Area of Impact.

*Reasonable Expectation of Annexation.* The information contained in this report and the discussion of services in the Annexation Plan argue that this area should “reasonably be expected to be annexed to the city.” Therefore, because of their location within the area of impact, it has always been anticipated that the subject lands would eventually be annexed. This notion is based on the state law, as well as the other factors discussed herein.

## MUNICIPAL SERVICES

Boise City can provide services to the area commensurate with what is being provided to current residents of the City.

Police. The Boise City Police already patrol around the area. No significant outlays will be required to provide service to the enclaves after annexation.

Fire. Fire and Emergency Medical Services will be provided from the Boise Fire Department or through contract from NACFR or Eagle Fire.

Parks. All of the existing City parks and greenbelts are available for use by the neighboring residents of the subject area.

Public Works. Annexation of these areas will have little financial impact on the Sewer Fund. The City currently serves customers both inside and outside of the city limits under the same set of rules and fees, with the exception that due on sale sewer connection only applies within city limits. Annexation should result in less administrative burdens with the City undertaking all of the new development permitting obligations, rather than Public Works having to deal with the County and State for building and plumbing permits. Annexation covenants will no longer be required.

## 3. General Information

### Notifications

Neighborhood Meeting held on **August 17, 2015.**

Newspaper notification published on: **August 15, 2015.**

Radius notice mailed on: **August 7, 2015.**

Staff posted notice on site on: **August 26, 2015.**

### Size of Property

Approximately 169 acres

## **Land Use**

### **Existing Land Use**

Multiple uses.

### **Present Zoning**

Multiple zones.

### **Requested Zoning**

City zones will be assigned based on the most equivalent to existing County zone and/or the Blueprint Boise land use designation.

### **Hazards**

None Known.

## **4. Boise City Comprehensive Plan**

All of the subject lands are located in the Boise Area of City Impact and fall under the jurisdiction of the Boise City comprehensive plan, Blueprint Boise. However, there will be a much better opportunity to implement the 12 major comprehensive plan goals if the area is under the jurisdiction of the City's development codes, including the subdivision and zoning ordinances.

### **Boise City Comprehensive Plan Goals, Objectives and Policies**

**Goal PDP5: Plan for and coordinate the efficient expansion of public facilities and infrastructure to serve future growth.**

#### **PDP5.2: Central Sewage and Collection Systems**

Install public sewage treatment and collection systems to be available for use coincident with new development, except as otherwise provided in the Foothills Plan.

**Goal PDP3: Plan for a coordinated and sustainable pattern of growth within the Area of City Impact.**

**PDP3.2:** Annex lands within the Area of City Impact when it can be demonstrated that the proposed annexation is consistent with the goals and policies of the Comprehensive Plan. Consistency with the Comprehensive Plan includes substantial compliance with the level of service standards identified in Figure 10-1.

**Figure 10-1  
Level of Service Standards for Community Services and Facilities  
Service Standards Service Area**

**TYPE I — CONCURRENT WITH THE ISSUANCE OF ANY DEVELOPMENT PERMIT**

Fire*	4 minute response, unless excepted by Fire Department	1.5 mile
Water	35 psi residential/1,500 gpm fire flow	Community
	40 psi non-residential/1,500 gpm fire flow	Community
Sewer **	Available to site	Community
Treatment:	Federal Standards + capacity	
Collection:	capacity	
Schools	System capacity	Community
Streets	Authorization by ACHD	Community
Police/Sheriff	Available	
Solid Waste	Weekly pick-up	Community
Electricity	Available	Community
Telephone	Available	Community
Storm Drainage	Approved on site or public system	Community

\* Fire Station “set-a-side” shall be required within the City Area of Impact.

\*\* See the exception for the Southwest Planning Area identified under Objective 2, Policy 2 in the Sewer Facilities section of the “Public Facilities, Utilities and Services” chapter of this plan.

**TYPE II — CONCURRENT — FIVE YEAR CAPITAL IMPROVEMENT PLAN/OR OTHER LONG- RANGE PLAN\*\*\***

**Service Service Standards Service Area**

Police	Priority 1 — 3 min. response	Community
Parks & Neighborhood park	= 1.4 acres/1,000 pop.	1/2 mile radius
Open Space Community park	= .9 acres/1,000 pop.	1 mile radius
Large urban park	= 1.8 acres/1,000 pop.	Community
Regional park	= 6 acres/1,000 pop.	Region
Special use areas	= 2.4 acres/1,000 pop.	Community
Natural open space	= 8.3 acres/1,000 pop.	Community Schools
Elementary Schools	13 — 15 acres/550 — 600 students	1/2 mile radius
Jr. High	30 — 35 acres/1,000 students	Multiple neighborhoods
High School	50 — 60 acres/1,800 — 2,500 students	Multiple neighborhoods
Storm drainage	Federal standard	Community
Streets	Adherence to the LOS standards adopted in the	Community

\*\*\* Type II Concurrence in any given service category may be excepted by the service provider for specific sites

based on findings that adherence to the adopted standards is undesirable or not intended for the area according to the plans of the service provider.

The City will be providing services over which it has control based on the standards described in the above table from Chapter 2 of Blueprint Boise.

## **5. Annexation law from Boise City Zoning Ordinance**

### **11-03-04**

A request for the annexation of property into the city may be initiated by the Council, the PZC, or by property owners or holders of valid purchase. When the annexation request is initiated by the property owner, the PZC may expand or modify the annexation request.

#### **(4) Step 4: Notice**

(a) The Director shall provide notice for advisory and decision hearings pursuant to Section 11-03-03.4 and this Section.

(b) For Category B lands, compliance with the notice and hearing procedures governing a zoning district boundary change as set forth in Section 67-6511, Idaho Code, on the question of whether the property should be annexed and, if annexed, the zoning designation to be applied thereto; provided however, the initial notice of public hearing concerning the question of annexation and zoning shall be published in the official newspaper of the city as designated in Section 1-20-01 and mailed by first class mail to every property owner with lands included in such annexation proposal not less than 28 days prior to the initial public hearing. All public hearing notices shall establish a time and procedure by which comments concerning the proposed annexation may be received in writing and heard and, additionally, public hearing notices delivered by mail shall include a one page summary of the contents of the city's proposed annexation plan and shall provide information regarding where the annexation plan may be obtained without charge by any property owner whose property would be subject to the annexation proposal.

#### **(5) Step 5: Application Processing**

The Director shall refer the application to other agencies and prepare a report of findings and recommendations pursuant to Section 11-03-03.4 and this Section.

#### **(6) Step 6: Public Hearing(s)**

Public hearings shall be as follows:

##### **(a) Planning and Zoning Commission**

The PZC shall hold at least one public hearing for each annexation request. The PZC shall file its recommendation with the City Clerk. The PZC's recommendation shall be that the annexation will:

- i. Incorporate the Boise sewer planning area;
- ii. Honor negotiated area of impact agreements;
- iii. Attempt to balance costs of services with anticipated revenues; and
- iv. Promote other goals of population balance, contiguous development, and prevention of costs due to leap frog development.

##### **(b) City Council**

The Council shall hear an annexation request in a public hearing pursuant to Section 11-03-03.4.

## **(7) Step 7: Decision**

The Council shall render a decision in a public hearing pursuant to Section 11-03-03.4 and this Section. The implementation of a decision to annex shall conclude with the passage of an ordinance of annexation.

## **6. Staff Recommendation and Reasons for Decision**

The Planning team finds that the proposed annexation meets the goals of orderly development, efficient delivery of services and equitable allocation of costs for service. It is therefore recommended that the City Council approve CAR15-25, subject to the findings required by state and local code as discussed below.

### **Standards for Review and Required Findings**

Staff recommends approval.

The Commission is to make the following findings in forwarding a recommendation for approval of an annexation:

- A. That the annexation shall incorporate the Boise sewer planning area.

The subject lands have been within the City's sewer planning area for many years.

- B. Honor negotiated area of impact agreements.

The only reference to unilateral annexations in the Area of Impact Agreement (B.C.C. 11-01-07) is a statement that annexation shall occur within the Area of Impact. The implication is that cities may annex lands within the area of impact when it is necessary or convenient for the orderly growth of the city. This report clearly demonstrates that it is.

- C. Attempt to balance costs of services with anticipated revenues.

No significance cost of services or revenues are anticipated.

- D. Promote other goals of population balance, contiguous development and prevention of costs due to leap frog development.

Part of the intent behind annexing the Area of Impact is to prevent the sort of "leap frog" development that has resulted in the unplanned, haphazard development patterns which are seen in some areas. By annexing where feasible and practical the City will help to ensure that future development, as much as possible, occurs contiguous with City limits and thereby facilitates the more efficient and economical delivery of services.

### **Zoning**

The only change made to the existing zoning will be to assign a City zone that is as equivalent to current Ada County zoning and/or which matches the land use designation of Blueprint Boise. The City is to make the following findings when reclassifying the zoning of properties:

- A. Comply with and conform to the Comprehensive Plan.

The zoning being applied will match the existing Ada County zoning and/or the comprehensive plan. Future decisions on requests for zone changes will be based on the Comprehensive Plan Land Use Map and Zoning Consistency Matrix, as well as the other applicable goals and policies contained in the Plan.

- B. Provide and maintain sufficient transportation and other public facilities, and does not adversely impact the delivery of services by any political subdivision providing services.

Transportation services and other public facilities can best be planned for and provided under the auspices of one jurisdiction. Only Boise City operates any sort of transit system which might feasibly service the area someday.

- D. Maintain and preserve compatibility of surrounding zoning and development.

This finding is satisfied since the City is assigning zoning which is comparable to the zoning that exists now under County jurisdiction or which matches the land use designation of Blueprint Boise. Future developments that involve requests for zone changes will also be evaluated against this standard. The following demonstrates the comparable City zoning that will be applied if the annexation is approved.

<u>Ada County Zone</u>	<u>Boise City Zone</u>
RUT, R1	R-1A (large lot, semi-rural)
R4, R6, R8, R8M	R-1C (single family urban densities)
R12	R-2D (higher density residential)
R20	R-3D (high density residential)
C1	C-1D (neighborhood commercial)
C2	C-2D (general commercial)
RP	A1 (Open Space)

State Code also requires that the following findings be made and set forth in the minutes of the City Council meeting:

**(A) The land to be annexed meets the applicable requirements of this section and does not fall within the exceptions or conditional exceptions contained in this section (ISC 50-222):**

1. Category B. Annexations. For the lands which are contiguous with city limits and which number less than 100 parcels, the City completed the following steps:

a. On August 26, 2015, a notice of annexation hearing and map were posted in the subject area.

b. Notice was published in the Idaho Statesman to satisfy the zoning hearing requirement. The date was August 15, 2015.

c. A notice was sent directly to each affected property owner. The notice was sent on August 7, 2015, over 28 days in advance of the first public hearing and contained:

1. An invitation to attend an informal question and answer session held on August 17.
2. A map of the annexation area in which the owner's property lay with the annexation areas highlighted.
3. A summary of the annexation plan.
4. An invitation to attend the public hearing before the Planning and Zoning Commission on August 17.
5. Instructions on how and by when to submit written information.
6. Instructions on how and where to obtain a copy of the annexation plan, free of charge.

2. Prior to beginning annexation proceedings, the City determined that the subject lands contain less than one hundred separate private ownerships and platted lots of record.

3. Properties which are more than five acres in size, not surrounded by the City and which are not connected to City sewer are not being proposed for annexation, unless agreed to by the owner.

4. The City has prepared an annexation plan, appropriate to the scale of the annexation, which contains the following elements:

- a. The manner of providing tax-supported municipal services, if any, to the lands proposed to be annexed;
- b. The changes in taxation and other costs, using examples, which would result if the subject lands were to be annexed;
- c. The means of providing fee-supported municipal services, if any, to the lands proposed to be annexed;
- d. A brief analysis of the potential effects of annexation upon other units of local government which currently provide tax-supported or fee-supported services to the lands proposed to be annexed; and,
- e. The proposed future land use plan and zoning designation or designations, subject to public hearing, for the lands proposed to be annexed.

**(B) The annexation would be consistent with the public purposes addressed in the annexation plan prepared by the city.**

Purposes addressed and supported in the annexation plan include:

1. When the interrelationship between the city and the fringe area is close, there is need for unified planning and zoning. By means of annexation, Boise's zoning ordinances can be extended to unincorporated parcels in the Northwest area, thus helping to assure orderly provision of services. Coordinated action is much easier to achieve if the area is not under separate Ada County jurisdiction.

2. Annexation leads to a unified community and can prevent the fragmentation of local governmental authority among a large number of special districts. Fragmentation may cause conflicts of authority and the absence of cooperation, political irresponsibility, duplication of services, inadequate service levels, lack of effective area-wide planning and programming, financial inequities and other problems.
3. Political boundaries will, after annexation, more nearly reflect the true and existing sociological, economic, cultural, and physical boundaries of the city. The subject parcels and the City of Boise are already inextricably bound together.
4. Urban growth without central planning and control becomes urban sprawl. If Boise City is to continue to effectively provide urban services, it must be allowed to follow natural growth patterns into those fringe areas where there is urban development. The city must be able to guide development in an orderly manner, and avoid the need to extend costly urban services to distant and scattered “pockets” of development. Annexation can help guarantee to Boise City a measure of responsible control over its future.
5. Annexation will allow people and businesses that are part of the city in social, economic and practical senses to be included in a legal sense. And it will enable those who are part of the community to fully participate in community activities through service as elected officials by eligibility to serve as appointed officers on city boards and commissions.

**(C) The annexation is reasonably necessary for the orderly development of the city.**

1. It has been the intent of this report and the annexation plan to demonstrate that this annexation will contribute to the efficient delivery of services and will thus benefit the entire community. The state legislature declared that it is also the policy of the State of Idaho,
 

*...That cities of the state should be able to annex lands which are reasonably necessary to assure the orderly development of Idaho's cities in order to allow efficient and economically viable provision of tax-supported and fee-supported municipal services, to enable the orderly development of private lands which benefit from the cost-effective availability of municipal services in urbanizing areas and to equitably allocate the costs of public services in management of development on the urban fringe. (I.C. 50-222(1))*
2. The goal of orderly development is hindered when a City has urbanizing areas receiving municipal services adjacent to its borders that are not annexed. The City is unable to fully implement the goals and policies of its comprehensive plan in such circumstances.
3. The proposed annexation will contribute toward the stated goal of equitable allocation of costs by requiring a consistent property tax assessment among residents who have access to all of the municipal services offered by the City.



**CITY OF BOISE**  
PLANNING & ZONING COMMISSION MEETING

**CAR15-00025**

MINUTES • September 14, 2015

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City Hall – Council Chambers

6:00PM

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FINAL

**COMMISSION MEMBERS PRESENT**

- Stephen Bradbury, Chair
- Rich Demarest, Vice-Chair
- Milt Gillespie
- Douglas Gibson
- Chris Danley
- Steve Miller
- Rick Just
- Garrett Richardson (Student Commissioner)

**CAR15-00025 / Boise City**

REQUEST FOR AN ANNEXATION THAT CONTAINS 67 PARCELS TOTALING 169 ACRES LOCATED IN THE NORTHWEST AREA OF THE CITY. ZONING TO BE ASSIGNED WILL MATCH ADA COUNTY ZONING OR THE BOISE CITY COMPREHENSIVE PLAN LAND USE MAP DESIGNATION. PROPERTY OWNERS MAY OBTAIN A COPY OF THE WRITTEN ANNEXATION PLAN FREE OF CHARGE BY SENDING AN E-MAIL TO [CCARROLL@CITYOFBOISE.ORG](mailto:CCARROLL@CITYOFBOISE.ORG) OR BY PHONING 208-384-3830. THE PLANNING COMMISSION WILL CONSIDER WRITTEN COMMENTS THAT ARE RECEIVED VIA LETTER OR E-MAIL BY SEPTEMBER 10 AT 5:00 PM. [Scott Spjute](#)

**APPLICANT TESTIMONY**

**Scott Spjute (City of Boise):** Mr. Chairman, members of the Commission, for many years the City of Boise has had an ongoing annexation program designed to bring into the City those areas outside City limits in the area of impact that can or out to be part of the City due to their proximity, receiving services or other factors. If you recall, that last year you annexed a recommended annexation of about 900 acres out in the north/west area. This current annexation includes some of those that you see out to the top left and there will be a subsequent annexation that you'll see next week that included the other parcels around the Crane Creek Country Club and then out in south/east Boise. Tonight's annexation deals with just those areas in the north/west. So there's a reason that we did not annex these last year when we did the north/west annexation, it's because of the way state code reads. State code prohibits it from annexing parcels larger than 5 acres unless they're surrounded by City limits. It also has, for that type of category, the annexation, a requirement that owners of more than 50 percent of the lands being considered for annexation have consented there too. So, we have to kind of jerry-rig, if you will, our annexation boundaries according to the vagaries of state law and that's what we're doing here. What we're presenting, what the planning department is presenting, is parcels that are eligible for annexation and hopefully they make some sense with boundaries as well. Now, you'll see off to the right of the map

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down in the south/east area some white parcels, the blue by the way, is existing City limits and the gray is what we're proposing to be annexed. Those white parcels will be eligible for annexation after this one is done because they're not surrounded and some of them are over 5 acres, so that's the way we have to do things in the state of Idaho with the way the annexation law reads. As you know, Boise's Comprehensive Plan, Blue Print Boise, is in effect in the area of impact and this is a land use map that's a part of the Comprehensive Plan that designates land use categories for every parcel. You'll see that most of the area in the south/west is compact or suburban which are residential designations. When we annex parcels this way, that is not owner initiated. When the City initiates the annexation we try to give the same zoning that the county has in effect at the time, or the closest equivalent that we can, or zoning that is in compliance with the Comprehensive Plan, and that's what we're doing with this annexation as well. Here's the existing zoning, I know that's small for you to see, but we've got the zoning, the county zoning is there now and then the City will give its zoning that is roughly equivalent to that county zoning. Typically, the big issue with annexations is an increase in property taxes, now there's a lot of data and numbers here, but bottom line is when we drop off a few taxing entities with annexation and we add Boise City and some others with annexation the property tax goes up, in this case about 37 percent. So, it's a significant increase to property taxes. Boise, of course, is a full service City and Ada County doesn't have the same service that Boise does, and that explains part of the reason for the increase, but that's just the way things stand. So, for an example, the property tax increase on a \$150,000 home with a homeowner's exemption would be about \$350 a year. In making a recommendation to the City Council as to whether to annex, and of course you can recommend yes, no, or for part of the annexation, but these are some findings that need to be made that the annexation incorporates the sewer planning area which is sort of an antiquated term for the area of impact, that it honors the area of impact agreement with Ada County, that we can balance the services and revenues, and there's not enough revenues to be gained from this annexation to make a significant difference, and then to promote other goals that are contained in the Comprehensive Plan. With regard to the zoning that you need to apply, just these three items, which is compliance with the comprehensive plan, maintaining the ability to provide services, transportation and others and then preserving compatibility of surrounding zoning and development. And again, the zoning, other than the jurisdiction, is not going to change, it's going to be pretty much the same. The new state law adds these three criteria for an annexation and these need to be record in the City Council minutes should the City Council decide to annex, and basically that it meets the requirements of the state code which is Title 50-222, that it's consistent with the purposes of annexation as expressed in the annexation plan and then that it's appropriate for the orderly development of the City. So that's about what we have. Annexation is a legislative action. It's not quasi-judicial, it's legislative. That means the issues are not impacts on individual properties, it's not sewer connection, it's not police vs. Ada County Sheriff or trash collection, it's not who maintains the streets and it's not about the keeping of livestock after annexation. The issues are whether the annexation is appropriate for the good of the Boise City as a whole. Because it's a legislative action, no one has the right to be annexed; no one has the right not to be annexed. Again, we're not talking about individual parcels and impacts on individual properties. In conformance with state and local statutes, it's up to the Commission and Council to decide again if annexation is desirable or necessary, and part of the obligation for you is to consider the best interest of the community as a whole. So with that, I will close my remarks.

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**Chairman Demarest:** Are there any questions for Mr. Spjute. Actually, it's from the Commission. Public testimony is after we hear from the applicant. The applicant in this case is the City. We will get to you, don't worry. From the Commission, any questions? Commissioner Gillespie?

**Commissioner Gillespie:** Mr. Chairman. Mr. Spjute, could you just run through for us again, because I know it will come up in public testimony, but if someone owns a parcel larger than 5 acres, we're going to hear a lot about that I think, just again, the state law that the City is relying upon to make this decision?

**Scott Spjute (City of Boise):** Yes. The City cannot annex parcels larger than 5 acres unless they're surrounded which is why we're going back and picking up some of these others. You might notice a couple of these parcels look like they might be larger than 5 acres. Well, as a whole they are, but the parcels are comprised of smaller, platted lots. So the lots are under 5 acres and that means they are not eligible for the exemptions allowed in state code and they are eligible for annexation.

**Chairman Demarest:** Okay, Commissioners? So I think we're going to go right then to public testimony. Those who signed up, by the way if you didn't sign up, I know in one case which is item 11 we've got a lot of sign-ups and may have ran out of paper, everybody will get a chance, if you didn't sign up we will still give you your 3 minutes, alright? But, we'll go through those who have signed up first and then I'll ask if anybody else wants to sign up. So, the first sign-up is walker Roles. Again, 14:11 when you get up to the microphone we'll have a timer right up here, we do ask that as soon as that hit's zero, you want to come right up here, sir right up over here, front and center, if you would just keep an eye on the 3 minute time, it'll be called as well, we do appreciate if you stop right at that moment. Mr. Roles, please state your name and address for the record.

**PUBLIC TESTIMONY**

**Walker Roles (7610 Gary Lane):** I have lived in my place for 46 years; I'm pretty well set there. I've raised up most kinds of livestock. I currently raise, I have cattle and turkeys and chickens. Nobody has ever come along and tried to buy my place or was interested in buying it; they wanted me to give it to them. I'm old enough that I have a hard time trying to figure out how I would move away from there if they did. If the taxes go up on my place, I guess the City will probably own it; unless I can sell it, because with a fixed income as a retired person, I don't have that much money, and at the age of 65, 66, it's a little hard to go find a part time job to pay for the extra taxes. I know the City of Boise is hard luck for not having enough taxes, maybe, but some of us have a hard time paying the taxes that we're paying. So, I wonder whether it's worthwhile to come in and take somebody's property away from them and say; hey, now you got to do everything my way and charge a lot of extra money. The only thing I'm going to get out of it is nothing. The police department, I have been living there for 46 years and I haven't called the Sherriff yet, so I don't need that kind of stuff. I've got all the other conveniences I need, I do believe, and I enjoy raising a garden and feeding myself and raising chickens and things like that so I can live and survive on our retirement. But, if I sell my house and go someplace else, I'll have to start all over again and try to figure out a way to make it work. As it is, I've got my irrigation water piped in, I don't have to dig holes and make way..

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**Whitney Montgomery (City of Boise):** Time.

**Chairman Demarest:** Sir, Walker, thank you for your time. Folks, please don't clap. That's not really part of the decorum of what we're about tonight. We're going to listen very carefully and inventively to everybody's comments. Somehow, clapping isn't going to help us. Also, divides the group here. Okay, next person on the sign-up sheet is Richard Llewellyn?

**Richard Llewellyn (9170 Hill Road):** Thank you, could I ask a question quickly?

**Chairman Demarest:** Would you simply state your name and address for the record and then.

**Richard Llewellyn (9170 Hill Road):** Yes, Richard Llewellyn, 9170 Hill Road. Is there a record of which written testimonies have been received? I did submit a written testimony.

**Chairman Demarest:** Yes, we do have that.

**Richard Llewellyn (9170 Hill Road):** Do you have my written testimony?

**Chairman Demarest:** I believe we do, yes.

**Richard Llewellyn (9170 Hill Road):** Okay. Then I would just like to touch on a couple of paragraphs because it's too long to read and you probably don't want to hear it all again. First, there's a specific legal issue with annexation of part of our property. All of our property in question, with the exception of lot 28 of the Roberts and Hill Subdivision, was obtained through patent by Henry Dickman in 1890 and homesteaded by Ephriam Lucas in 1891. The tax parcel south of West Hill Road, I won't name that tax parcel, included in the proposed annexation has always been a part of the residence and acreage north of the road. There has been no division or subdividing sale or separate platting of this land since the original patenting. The routing of Hill Road has been the only separation. This tract is significantly larger than 5 acres and thus, according to Idaho Statute 50-222, cannot be annexed without our consent. So, there is part of a legal argument, I think, you all need to be aware of; it does not fit into the categories that are legal. I would like to skip down, just address this more, this area more broadly. While there are these legal issues with annexing parts of our land, perhaps the more significant question is whether it is in the best interest of the City, particularly north/west Boise, to divide a significant portion of the last remaining rural and agricultural land in the area. This is the tracks comprised of the pastures and fields north of the train ditch, west of Bogart Lane and east of Duncan Lane. There are a few, if any practical reasons to do so. The reasonable outer limits in north/west Boise have already been established. There are only two homes in this area and all three of the land owners oppose annexation. Furthermore, the land is agricultural and requires weed and pest control more readily permitted or facilitated by Ada County regulations and services. For example, last year alone more than 50 gophers were trapped from our pasture and I see that you don't have pest control for gophers, at least if I'm a part of the City. So, there are clear reasons to make broad swaths during the planning of a City, but there also may be good reasons to make exceptions

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for the contextual details of the land do not correspond to those abstractions on a map. I believe this is one case in which allowing the natural and historic boundaries to take precedence is both practical and beneficial. Therefore, I ask that all of our land, as well as the larger tract between Bogart and Duncan Lanes of which they are a part, that you remove the proposed annexation and I know there are other people with similar arguments and I would back there's as well. Thank you.

**Chairman Demarest:** Thank you, Mr. Llewellyn. Okay, so the next person on our sign-up sheet is Neil Parker. Again, if everybody would simply state your name and address for the record as soon as you get up to the microphone.

**Neil Parker (8895 Hill Road):** My comments pertain to the fairly large contiguous area in the upper left part of the map with boundaries of Hill Road, Bogart Lane, the drain ditch that align parallel and east of Duncan Lane. This area of more than 40 acres is owned by three land owners, as Richard mentioned, all of whom are opposed to annexation. Other than the landowner's homes that have been there for up to 80 years or more, the area consists entirely of alfalfa fields, livestock pastures, growths of trees, and some fallow ground. There's no development of any kind underway or planned. Two of the three owners don't have access to City sewer, nor would they want it if they did. The third was financially coursed into hooking up when they were denied a permit to rebuild a perfectly adequate, conventional drain field but were told that they would have to install an exorbitantly expensive above ground system. Since this was prior to 2008, when the unfortunate practice was finally ended, the City considered this to give them implied consent to annex. Last year at this time, during the larger north/west Boise annexation, this area was excluded because it did not meet criteria for annexation. I'm sure if the City had felt it had an adequate case back then it would have pursued it with vigor. So I would like to pose the question, what has transpired within a year's time to make something that wasn't appropriate then, appropriate now? Has there been any development of any kind, or any planning for development? Not at all. Have there been any new sewer hookups? No there haven't. Is this area now surrounding by City limits? No, only on two and a half sides, and even this is a result of the previous forced annexation that the City now wants to use as justification for this forced annexation. This is not appropriate, nor is it right. There is also a question of legality for annexation. In a category the annexation parcels of more than 5 acres are exempt. According to assessor's data available on their website, the bottom two square shaped parcels consist of almost 14 acres each. The City says they actually consist of 4 rectangular parcels even though the map doesn't show this. If you take a piece of land that's almost 28 acres and divide it into 4 parcels, each of these parcels, obviously, exceeds 5 acres. As such, they are not legal to be annexed, and yet the City purposes to do so without explaining how it intends to skirt the law. In summary, I would like to quote something from the City's guidelines for annexation. If Boise City is to continue to effectively provide urban services, it must be allowed to follow natural growth patterns into those fringe areas where there is urban development. In this fringe area, there is no urban development, none. Also, one of the claims made for the 2014 annexation was that it was reasonably necessary for the orderly development of the City. We submit that neither an honest or intelligent argument could be made at this time for annexing some hay fields, horse pastures and growths of trees in order to ensure Boise's orderly development. The land owners of this area I've described respectfully request that it be excluded from this annexation proposal. Thank you for your time and consideration.

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**Cindy Hensley (7000 W. Hill Road):** I live near all of the people that have spoken. I would just like to say, one, I don't see any benefit to myself, or to my neighbors to being annexed. As for the gopher situation was mentioned, I too have had many gophers caught on my property. Not to mention the increase in the property taxes; not thrilled about that. My biggest concern is that I'm on the north side of the water ditch and in order, if the time comes when I have to be on City sewer, I would have to pay, right, because the owner would have to pay for that to be done, to be accessed to the City sewer? Is that correct, that the homeowner would pay that cost?

**Chairman Demarest:** I believe that is correct.

**Cindy Hensley (7000 W. Hill Road):** Okay, if that's the case, then I would have to pay for at least 160 or more feet in order to get to, maybe even farther, to get to the sewer. I would invite the Council to come out and physically look at these properties, because I do not believe it is a benefit for the City and certainly, not for myself or my neighbors and I think that's all I have to say.

**Chairman Demarest:** Thank you, ma'am. Last person on the sign-up sheet, but again, remember, I'll give anybody the three minutes on this particular item, is Jim Pendleton; Mr. Pendleton.

**James Pendleton (7010 Hill Road):** I live above the Farmers Union Canal that separates us from the sewer that is currently on Hill Road. That is the biggest issue, besides the property tax increase, the fact that we are isolated from the rest of the City by the Farmers Union Canal and the bridge that we use to access our property across the canal is 12 feet wide, inadequate for two emergency response vehicles to pass on the bridge. The bridge may have been determined, recently, what it's limits are, but that was then with some kind of either, magnetic or x-ray to look inside of the bridge and come up with a weight limitations, but I question whether or not this bridge is adequate for any kind of development that would take place above the canal, other than individual homes and very few of those, probably 6. Cindy mentioned the sewer and the sewer is probably the most important as far as being annexed into the City. For us to hook up to the sewer we would have to pay not only a hook up fee but there is a 20 foot setback on the uphill side and a 15 foot setback on the downhill side and a 4 foot depth below the bottom of the canal for a sewer line to go in. So, that expense, I would expect to be incurred by the City and I just wonder if the City is planning to bring the sewer to the north side of the canal. Thus, not enabling us to hook up and eliminating some of the isolation that we have from the services that are provided to those people who reside below the canal on the south side of the canal. That's pretty much it, plus I don't see that we get anything out of this annexation. We already have police coverage and fire with mutual agreements with the County and all we're seeing out of this kind of a land grab and 35 percent increase in taxes, which is more than a land grab, it's taking money out of your pocket. Like Walker Roles said, he can't afford that. I appreciate it. Thank you.

**Whitney Montgomery (City of Boise):** Time.

**Chairman Demarest:** Your time is up sir. Thank you. So that takes care of everybody on the sign-up sheet but is there anybody here who on item number 1. CAR15-000025, it's a recommendation for an

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annexation to the City Council, anybody here that didn't have a chance to sign up who would like to speak on this particular item? Okay, I see no one. Oh, I'm sorry, come on up. So, since you didn't sign up you still get your 3 minutes but there should be a little white sign-up sheet up there, if you could just make sure that your name and address is on there before you leave the room, bring it up to us before the hearing is over. Just state your name and address for the record.

**Shane Cobb (7055 Hill Road):** My parcel is directly across the street from the bridge that they spoke about and actually, I wasn't planning on talking, the reason I'm up here is on behalf of my neighbor, Fred Freeland, who lives directly east of me. What I heard Mr., what's your last name? Spjute? What I heard him say is part of the purpose of this annexation is to surround properties so that they can take them in the future and I don't like that I'm going to be annexed, my dad's property is right next door to me as well to the east, but right next door to us is Fred Freeland. Fred Freeland owns a whole corner right below the red arrow and to the right. That is going to be surrounded property; he owns roughly 8 acres at this time, it is agricultural completely, he raises cows and has since 1966. So, as I understand it, if this annexation goes through he will then be surrounded and next year his property will be up for annexation as well. So, I wanted to make a record of that, that I'm here on behalf of him, as well as us. That's all I have to say.

**Chairman Demarest:** Thank you, Sir. Anyone else? I see no one else so I'm going to close the public portion of the meeting and give the applicant a chance to respond or rebut.

**PUBLIC TESTIMONY CLOSED**

**APPLICANT REBUTTAL**

**Scott Spjute (City of Boise):** Actually, just one point. Mr. Llewellyn raised an interesting issue. Depending on when Hill Road was established in his area, when that property was established, there is an exemption for when a road divides a property prior to January 1, 1975. It's possible there could be an exemption there. Now, I read his letter and meant to look into that, so if there is an exemption we will obviously not proceed and I will look for the opportunity to speak with Mr. Llewellyn. I think other than that, I have nothing further.

**Chairman Demarest:** Thank you. So, we're going to turn it over to the Commission to render its decision. Item number 1, CAR15-00025, a recommendation or not to City Council for annexation. Commissioners?

**Commissioner Miller:** Mr. Chair?

**Chairman Demarest:** Commissioner Miller.

**Commissioner Miller:** I would just like to ask two clarifying questions of Mr. Spjute, if possible.

**Chairman Demarest:** That's Fine.

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**Commissioner Miller:** The first is when was this area placed into the area of City impact?

**Scott Spjute:** Late 80's

**Commissioner Miller:** Okay and the second is we heard a discussion of two parcels and a discussion of the size that might be larger than 5 acres. Do you have any additional information that you could provide us on those at this time?

**Scott Spjute:** Well, the one was Mr. Llewellyn, who his contention is the part of the property lies north of Hill Road and part of it lies south and he's saying that's all one property. The assessor actually assigns it two different parcel numbers and it's divided by Hill Road and so that's, we're just including the south part one of which is 2.5 acres and the other is 1.5 acres, but I will look closely into that to make sure that it doesn't fall under an exemption. The other discussion had to do with some lots that are in Roberts and Hill Subdivision, the subdivision that was platted in I think 1906. All the lots in that subdivision are under 5 acres. Now they've been combined, people own two or three lots and so he's right, there are two of those parcels that total 13 acres in size, but those parcels are comprised of individual lots, and that makes them eligible for annexation.

**Chairman Demarest:** Okay. Commissioners?

**MOTION:**            **COMMISSIONER GILLESPIE MOVED TO RECOMMEND APPROVAL OF CAR15-00025 IN ACCORDANCE WITH THE PROJECT REPORT AND CONDITIONS OF APPROVAL THEREIN**

**SECONDER:**        **COMMISSIONER JUST**

**Chairman Demarest:** Discussion, Commissioner Gillespie?

**Commissioner Gillespie:** Mr. Chairman, the technical issues notwithstanding, and I have every confidence the City and the homeowners will work that out and that the homeowners will be adequately represented in that process. Nobody really, in my mind, contradicted the basic idea of why we do annexations and if we look at page 5 of the staff report we see a fairly comprehensive argument, and to my mind that argument was not refuted in the public testimony. So, I think that the request does meet all the applicable state code and that the City did demonstrate the public purpose of the annexation request.

**Chairman Demarest:** Thank you. Commissioners? Further discussion?

**Commissioner Gibson:** Mr. Chairman?



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**Chairman Demarest:** Commissioner Gibson.

**Commissioner Gibson:** I'm going to be voting in favor of the motion but I would like to receive additional information on future applications for annexations specific to sewer connectivity and issues relative to extensions. I believe that that is a valid question that was brought up by the public testimony and I would, in the future, when we see additional annexations along this line, will ask that question specifically of staff.

**Chairman Demarest:** Thank you.

**Commissioner Miller:** Mr. Chair?

**Chairman Demarest:** Commissioner Miller.

**Commissioner Miller:** I won't belabor the point but the fact that this has been in the area of City impact for over two decades, or there about, to me, seems to indicate that this has been something that has been considered for quite a while and isn't something we're just coming to in a quite sonic fashion. The second thing I'd say is that, well, I'm blanking on the second thing I was going to say, sorry about that, but I'm going to be voting in favor of the motion as well.

**Chairman Demarest:** Thank you. Further discussion? Hearing none. So, we have a motion to recommend to City Council item number 1, CAR15-00025. All those in favor signify by saying aye.

**ALL IN FAVOR, NONE OPPOSED, MOTION CARRIES.**

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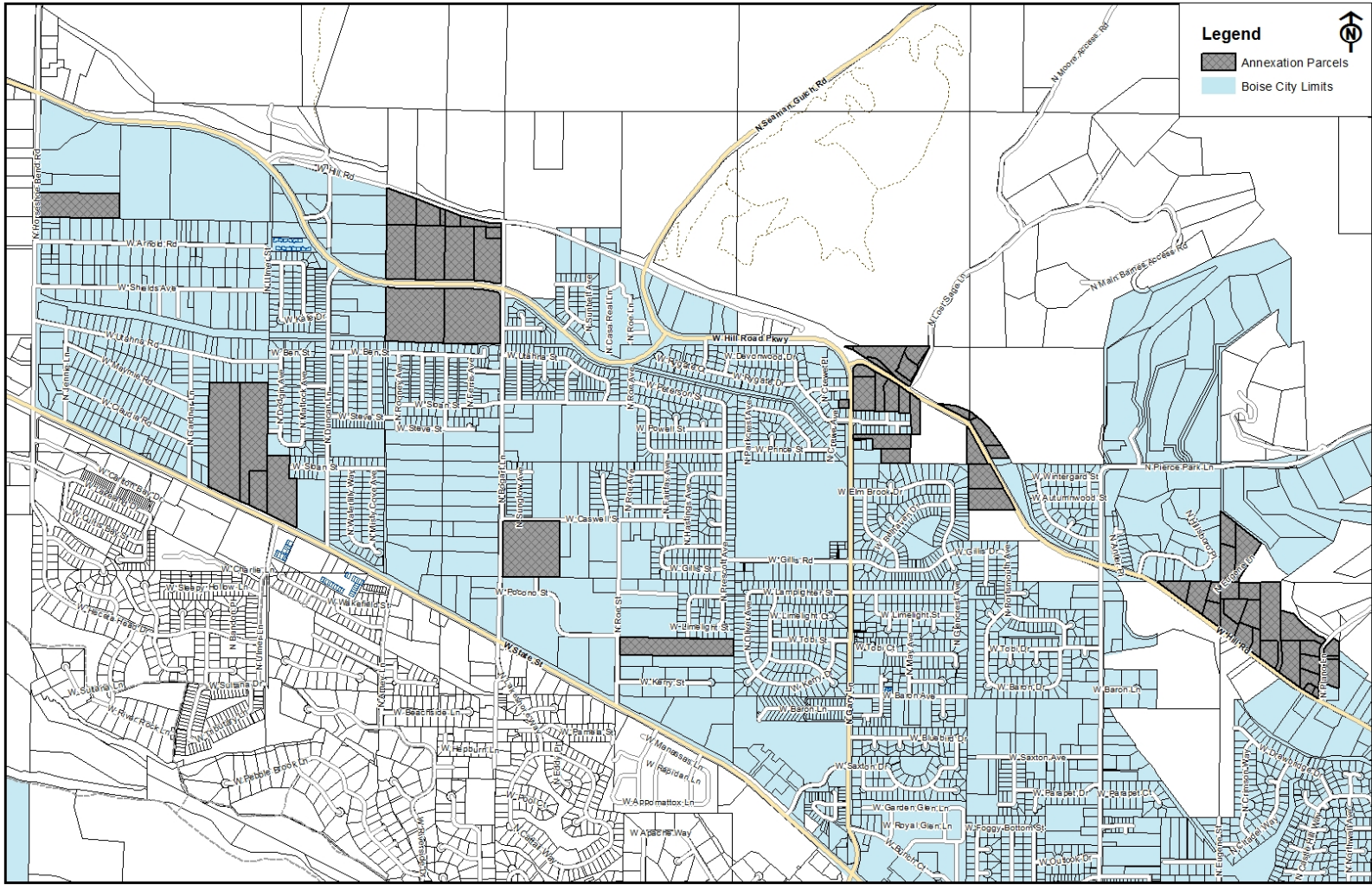
# ANNEXATION PLAN

CAR15-25

PURPOSES, BOUNDARIES, ZONING, FIRE PROTECTION,  
POLICE SERVICES, PARKS AND RECREATION, LIBRARIES,  
SEWER, STREET LIGHTS, PROPERTY TAX IMPACTS,  
FREQUENTLY ASKED QUESTIONS

*For a group of parcels  
adjacent to or surrounded  
by city limits in the City's  
Northwest Planning Area.*

# Annexation Boundary





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## Purposes of Annexation

1. When the interrelationship between the city and the fringe area is close, there is need for unified planning and zoning. By means of annexation, Boise's zoning ordinances can be extended to unincorporated parcels in the Northwest area, thus helping to assure orderly provision of services. Coordinated action is much easier to achieve if the area is not under separate Ada County jurisdiction.
2. Annexation leads to a unified community and can prevent the fragmentation of local governmental authority among a large number of special districts. Fragmentation may cause conflicts of authority and the absence of cooperation, political irresponsibility, duplication of services, inadequate service levels, lack of effective area-wide planning and programming, financial inequities and other problems.
3. Political boundaries will, after annexation, more nearly reflect the true and existing sociological, economic, cultural, and physical boundaries of the city. The subject parcels and the City of Boise are already inextricably bound together.
4. Urban growth without central planning and control becomes urban sprawl. If Boise City is to continue to effectively provide urban services, it must be allowed to follow natural growth patterns into those fringe areas where there is urban development. The city must be able to guide development in an orderly manner, and avoid the need to extend costly urban services to distant and scattered "pockets" of development. Annexation can help guarantee to Boise City a measure of responsible control over its future.
5. Annexation will allow people and businesses that are part of the city in social, economic and practical senses to be included in a legal sense. And it will enable those who are part of the community to fully participate in community activities through service as elected officials by eligibility to serve as appointed officers on city boards and commissions.

# **FIRE PROTECTION**



Service will continue to be provided to the annexed area as is currently being done via contract with the North Ada County Fire and Rescue District and the Eagle Fire District (west of Abe Ave).

Boise City has analyzed the Northwest Annexation area and its impact on the two Fire Districts and has concluded that both districts will have enough capacity within their respective levies to absorb the loss in value. The following assumptions were used in the analysis:

Growth in Market Values in 2014 – 10% (conservative)

Property Tax growth (including New Construction) – 4% (also conservative)

## Special Notes:

The Eagle Fire District has plenty of levy capacity to absorb the loss in market value as a result of the annexation. Its levy rate is currently at .0021 and under the analysis would decline slightly, while the districts cap at .0024.

The NACFR District, however, is already at the cap and would need to experience at least a 9% growth in market value to offset the loss in market value from annexation. If the market value exceeds 9%, NACFR would be in a position to recover some of their foregone property taxes, as well.

In conclusion, there should be no negative financial impact on either district as a result of annexation.



# **PUBLIC WORKS / SEWER**

## **PUBLIC WORKS / SEWER**

Public Works has reviewed the proposed Infill Annexation in the northwest area.

### **I. GROUNDWATER / AIR QUALITY**

#### **A. Assumptions**

Groundwater and air quality activities are addressed on a regional or site-by-site basis; there is no anticipated additional workload.

### **II. SOLID WASTE**

#### **A. Assumptions**

It is more cost effective and efficient for Republic Services to collect trash in equipment and crews assigned to the city contract than to have the trash collected by trucks which leapfrog in the annexed/non-annexed areas. Annexation of this area would, therefore, be a practical solution to the waste of time and energy of separate city/county collection or evaluating combined collection routes.

#### **B. Issues**

Area of Residential Development – Residential trash expenses are best if balanced with commercial development and commercial customers. This annexation does not appear to include any significant offsetting commercial development.

#### **C. Miscellaneous**

If this area is annexed, it will require additional staff time and expenses to provide notification to residents and businesses of the changes in solid waste services. Also, staff time will be needed to transfer services and coordinate changes with Republic Services and Ada County. Additional resources must be allocated to IT and Utility Billing staff for new customers and additional billings. The City franchise agreement with Republic Services provides for service in annexed areas to be initiated within 90 days of annexation. We may also need to coordinate the timing of the transfer of billing and services from Ada County to the city. New residents and businesses will likely have lower solid waste rates and additional services under the city franchise agreement.

### **III. STORMWATER**

#### **A. Assumptions**



The elements of the Boise stormwater management plan, as required by the stormwater NPDES permit, include coordination among Co-Permitted entities. Lead responsibilities for Boise City include education and outreach, and stormwater management and discharge control ordinance compliance. Individual responsibilities for Boise City include good housekeeping and regulatory activities for the specific Boise City facilities. The proposed annexations should not require additional staff, capital costs, or operation costs. The annexation should not increase any stormwater program revenues.

#### B. Issues

##### Public Works Stormwater Program

This annexation is located adjacent to, and within, the existing service area for the current public works stormwater program. The number and type of services that will be extended into this area is not expected to be significant or to warrant additional resources and will not affect outreach efforts to the targeted groups (i.e., development community, industrial facilities, residents, etc.).

##### Planning & Development Services Construction Site Program

The Planning and Development Services Construction Site Program implements erosion and sediment control regulations within Boise City jurisdictions. These annexations would provide for a slight increase in the area regulated by this program and input from the planning and development services construction site program is recommended.

#### IV. DRAINAGE

##### A. Issues

The area contains numerous drains and irrigation canals which occasionally have issues to be resolved.

##### B. Budget Needs

Minor staff time will be required to review development applications and to resolve drainage issues. This can be handled with existing staff.

#### V. STREET LIGHTING

##### A. Assumptions

All existing street lights within the annexation area are operated and maintained by Ada County Highway District or by homeowners associations. The City of Boise would inherit those responsibilities upon annexation. However, no such existing lights have been identified.

##### B. Budget Needs

Capital Expenditures:

The annexation will require capital expenditures for installation of new lights to bring individual areas up to the City’s standards. Based on recent experience staff estimates few additional lights will be desired and estimates are found in the table below, along with estimated costs. In recent years these costs have been funded from the County Street Light trust fund.

O&M: The City will incur additional O&M costs for those that will be added to the system. The resulting estimated annual O&M costs are shown in the table below. Additional street light oversight should be able to be handled with existing staff.

<b>Estimated existing lights (assume O&amp;M)</b>	<b>Estimated additional lights (LED)</b>	<b>Estimated capital for additional lights</b>	<b>Estimated capital for conversion of existing lights to LED</b>	<b>Total estimated annual O&amp;M</b>
0	2	\$5,000	\$0	\$100

VI. SEWER

A. Assumptions/Issues. Annexation of these areas will have little financial impact on the sewer enterprise fund. The City currently serves customers both inside and outside of the city limits under the same set of rules and fees. Annexation should result in less administrative burdens with the City undertaking all of the new development permitting obligations, rather than Public Works having to interface with the County and State for building and plumbing permits.



## **POLICE SERVICES**



Ada County currently responds to service calls in this area. Upon annexation, Boise Police Department would provide service. The City would extend urban level policing services to the subject parcels without significant adjustment to current staffing levels or organizational structure. BPD officers will support future development in the proposed annexation area and surrounding city area. All other police services will be coordinated with existing staff.

The Boise Police Department assigns its staff and resources according to a system of 10 different geographical areas. In addition to responding to calls for police service through the E911 system, Boise Police officers, staff, and programs are available through a Neighborhood Service Team (NST) which will be assigned to this area. The NST is comprised of officers, detectives, School Resource Officers, Crime Prevention specialists, Crime Analysts, BPD Police Commanders and others who are committed to resolving problems and enhancing the quality of life as it relates to peace and safety.

The owners of land in the Northwest area currently pay tax revenue to the County for public safety services.

## **LIBRARY SERVICES**

Residents in this area are currently served by the Eagle Public Library, Garden City Library, and the Boise Public Library Collister branch through the LYNX Consortium Open Access agreement. The service will not be impacted by the annexation and residents will be able to continue using any of these library facilities.



The library will not need additional funding to provide the service. It is the same level of service the residents are currently experiencing.

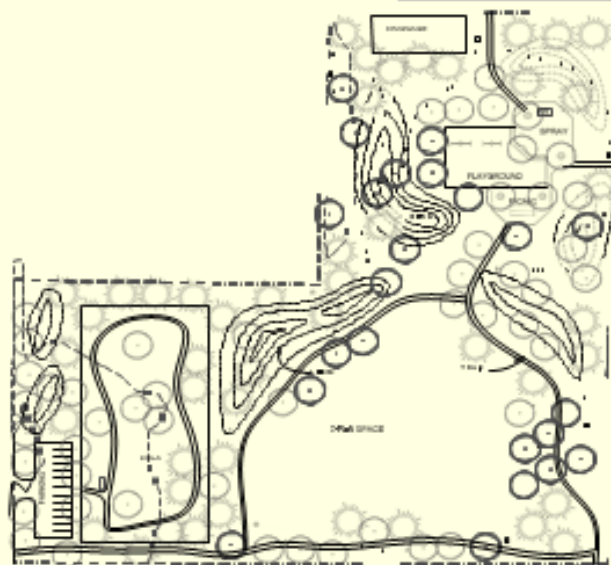
# PARKS

One new neighborhood park, Magnolia, is planned for the area. Park improvements should begin in 2015 or 16.



## ■ Magnolia Park Site

- > SPRAY PARK
- > PLAYGROUND
- > DOG OFF-LEASH AREA
- > TREES
- > SHELTER
- > FORMAL PICNIC AREA
- > DISC GOLF
- > OPEN PLAY AREA
- > FISHING
- > TENNIS COURT
- > CHESS TABLES
- > INTERPRETIVE SIGNS
- > BASEBALL / SOFTBALL FIELD



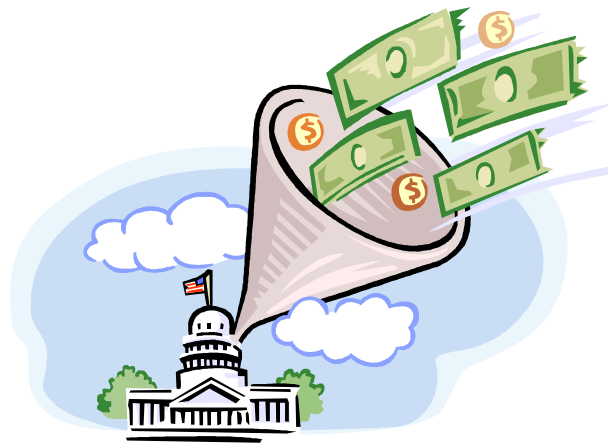
## Optimist Sports Complex

### Optimist Youth Sports Complex

- 51 acre park
- Sports fields
- Open play areas
- Fishing pond
- Public art
- Tennis court
- Restrooms



# PROPERTY TAX IMPACT



## PROPERTY TAX IMPACT AND IMPACTS ON OTHER TAXING DISTRICTS

Properties in Ada County within Boise City’s area of impact but outside Boise City limits are assessed property taxes by some of all of the following: the School District, Ada County, the Ada County Highway District, the Emergency Medical System, Ada Community Library, Whitney Fire Protection District, North Ada County Fire and Rescue, Pest Extermination, and some other special districts. Upon annexation into the City, the fire district, the library district, and the pest extermination district taxes are eliminated from tax bills and Boise City’s taxes are added.

There are many different “tax code areas” in Ada County with different combinations of taxing districts and most have different tax rates because of the different special districts and school districts.

# TYPICAL PROPERTY TAX IMPACT

## Tax Levies

Tax Code Area	18 (before annexation)	01-44 (after annexation)
Ada County	.003024432	.003024432
Pest Extermination	.000141920	
Emergency Medical	.000157028	.000157028
Ada County Hwy District	.001083315	.001083315
School Dist. #1	.005232940	.005232940
Ada Community Library	.000566678	
Whitney Fire	.002081454	
Mosquito Abatement	.000030348	.000030348
College of Western Idaho	.000166280	.000166280
Dry Creek Cemetery	.000039691	.000039691
Boise City		.007483707
<b>Total Levy</b>	<b>.012524086</b>	<b>.017217741</b>
<b>Increase</b>		<b>.004693655 (37.5%)</b>

## Typical Property Tax Increase

(Assume a homeowner's exemption of 50% up to \$89,580)

<u>Assessed Value</u>	<u>Property Tax Increase (annual)</u>
\$150,000 home	\$353.02
\$200,000 home	\$518.26
\$500,000 business	\$2,3468.80



## **OTHER TAXES, FEES AND CHARGES**

Taxes, other than property tax, are the same for taxpayers in and out of the City.

Residents within Boise City pay fees for services such as trash collection, user fees for services that require individual registration such as recreation programs, or reservation of park facilities. Resident fees for City services are generally lower than non-resident fees and the lower fees are available immediately after annexation.

Boise City also collects franchise fees for electric, water, natural gas, cable television, and trash hauling services, with rates from 1% to 5%. County franchise fees would no longer be collected on billings from those companies.



City building permits and zoning approvals will be required for new construction or remodeling as required within the uniform building codes and City zoning ordinances. After annexation, Boise residents are no longer required to obtain county building or zoning permits. The costs for City building permits and zoning applications differ from those in Ada County.



## Boise City Planning & Development Services

150 N. Capitol Blvd ■ P O Box 500 ■ Boise, Idaho 83701-0500

Phone 208/384-3830 ■ Fax 384-3753 ■ [www.cityofboise.org/pds](http://www.cityofboise.org/pds)

### Zoning and Land Use Plan

The Boise City Comprehensive Plan – Blueprint Boise – has a land use map that shows the land use designation for the various lands and parcels proposed for annexation. Generally, the designation will reflect current use of the property.



The lands will be subject to Boise City zoning ordinances upon annexation.

Zoning Designation: In most cases, the zoning designation will match as closely as possible the current zoning in Ada County. In some cases, a zoning designation more compatible with surrounding zoning and more in compliance with Blueprint Boise may be applied.

#### Ada County Zone

RUT, R1  
R4, R6, R8, R8M  
R12  
R20  
C1  
C2  
RP

#### Boise City Zone

R-1A (large lot, semi-rural)  
R-1C (single family urban densities)  
R-2D (higher density residential)  
R-3D (high density residential)  
C-1D (neighborhood commercial)  
C-2D (general commercial)  
A1 (Open Space)



## FREQUENTLY ASKED QUESTIONS

### 1. What will be the change in my property taxes?

The examples and table above should give a fairly accurate representation of the increase in taxes that will occur after annexation. Property taxes are levied in the fall and are due on December 20th, although some people choose to pay them in two installments – December and the following June. After annexation, Boise City taxes will not be due until the following December.

There are many different “tax code areas” in Ada County with different combinations of taxing districts. Most have different tax rates because of the different special districts and school districts. Please contact the Boise City Budget Office at 384-3725 if you have questions or would like a specific computation of possible tax impacts on your property.



### 2. What will change with my sewer service? How much will it cost?

The City currently serves customers inside and outside of the city limits under the same set of rules and fees. It is important to note that the City has made significant investments in providing sewer service and capacity to areas outside City limits in the Area of Impact. Numerous agreements have been entered into regarding annexation of these areas as a result of connection to sewers. One major investment the City has made in providing sewer service to the impact area is the completion of Sewer Master Plans. These Master Plans identify the size, location and depth of sewers that will be necessary in order to serve all existing structures and to serve future development of the areas. The City has already constructed and/or accepted construction of sewers in many locations in the northwest area.

Cost. The City bills for sewer services two months in advance based on average winter water consumption by each customer. Each customer's average winter monthly water consumption (as determined annually from water usage occurring between October 15th and April 15th) is multiplied by a factor to determine that customer's sewage collection and treatment bill. Customers who use less than the average amount of residential water will have a lower fee and conversely customers who use more than the average amount of water will have a higher fee. The City's fees for sewer service will be included in its bills for trash collection billed every two months.

### **3. What will I get for the increased property taxes?**

Probably the most noticeable change is that the area will be served by City Police, rather than the County Sheriff. Your property taxes will also pay for libraries, parks, greenbelt, fire protection, etc. You will also be entitled to a lower rate for City-sponsored recreation programs.

### **4. Can I keep my animals? What about my home business, or daycare?**

Any activity that you are conducting on your property that is legal under Ada County law will be grandfathered, if not outright allowed, under City law. The City does allow the keeping of farm animals on lots one acre in size or larger. The City also allows in-home daycares and other in-home businesses, subject to some restrictions.

### **5. Why is the City annexing this area?**

- These areas have been in the City's sewer planning area as well as in the Area of Impact for many years. Now many of the properties are surrounded by or adjacent to city limits. State Law describes the Area of Impact as land which can reasonably be expected to be annexed, and which is connected economically and geographically to the City.
- By agreement with Ada County, the City's comprehensive plan is in force within the Area of Impact. However, the primary implementing tool for the plan is the zoning ordinance, which will not apply to the area until it is annexed.
- The city is better able to provide comprehensive and transportation planning, building permit services, and code enforcement than Ada County.
- Annexation will provide area residents the opportunity to vote for those who are already making decisions affecting their property.

**6. Will school district boundaries change?**

No.

**7. Will I be required to connect to City water? My well works just fine.**

Boise City is not in the water business. The annexation would not affect any change in water service.

**8. When will the final decision on annexation be made?**

The Boise City Council will make the decision at a public hearing probably six to eight weeks after the Planning and Zoning Commission conducts a hearing to make a recommendation to the Council. If the Council chooses to annex, the effective date would likely be in December, 2015.

**10. Will annexation affect my subdivision's CC&R's (Covenants, Conditions and Restrictions)?**

No. These are private agreements between property owners. The City does not administer or enforce such agreements.

Stephanie Bacon  
6024 Plano Lane  
Boise ID 83703

September 5, 2015

To: Boise City Planning and Zoning Commission  
Re: File Number CAR15-00025

To the Planning and Zoning Commission,

I have lived on Plano Lane for more than 13 years, and have opposed and outlasted a misguided proposal (ultimately rejected, twice, by the city) to build a large subdivision in the ecologically sensitive hills above my home; so I have had ample opportunity to consider my neighborhood and its relationship to the city.

I chose my county-zoned home because I am committed to sustainable agriculture, and wanted to have the option to raise animals and market-garden on my acre plus lot. I am a dedicated organic gardener, and rely upon my hens and (when possible) my bees for humane and sustainable food sources. While city zoning may not impact the activities I am currently involved in, I think it probable that it would limit my agrarian options down the road.

I feel that our area is stronger and more resilient, in terms of sustainability, if some diversity in zoning is retained. While some areas under consideration for annexation may be arguably fully surrounded by city zoning and development, Plano Lane borders on the foothills that Boise City has worked hard to protect, via the Foothills Ordinance, the tax levy and subsequent purchases and acquisitions of open land, including the Polecat Gulch complex directly adjacent to the land above Plano Lane. It is wise and appropriate to allow a margin of county zoning to act as a development buffer between the city and the foothills.

In the 13 years that I have lived here, I cannot recall a single instance in which I or my neighbors needed or wanted city services. Being annexed to the city cannot in any way improve my situation, only detract from and restrict it---at significant expense to myself and the other affected county homeowners. In the matter of this annexation, we do not want it, we do not support it, and cannot afford it.

Sincerely,

Stephanie Kathryn Bacon

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SEP 08 2015  
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SERVICES

Reference file # CAR15-00025

September 7, 2015

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SEP 10 2015  
DEVELOPMENT  
SERVICES

Planning and Zoning Committee and Mayor Bieter,

I am writing this letter because of deep concern regarding the City of Boise Annexation Proposal.

My neighbors and I have absolutely nothing to gain and much to lose. There is nothing listed for the "benefits" that we are not already utilizing.

What will happen is a significant increase on our property taxes and a loss of services that are free to us now including Ada County Pest Control, eventually septic and perhaps even water services.

The major concern regarding septic and water is that if we are expected to join with city services will the city pay for that cost? Given where we live that would be a sizable expense and we will already be giving a considerable increase on our property taxes. Three of us live on the North side of the Farmer's water ditch. Can we expect the city to help us through that transition?


Some other concerns we have include the issue of once annexed if the city will pave and maintain our road; if trash pick-up will happen at the bottom of our driveway instead of on Hill Rd (160 ft. from our door).

Again, this annexation is of zero benefit to us. I invite the Planning and Zoning committee to come and physically look at our properties. I hope these concerns are addressed at the meeting.


Thank you,

Cyndi Haensli

Cyndi Haensli  
7000 W Hill Rd.  
208-854-1347

  
7010 Hill Rd

Marilyn Plummer  
7107 Hill Rd.  
Boise, Ida  
208-853-1645

  
7200 Hill rd, Boise Idaho  
Share = Sheri Cobb  
7055 Hill Road  
Boise, Id Sheri Cobb

Skylar Stewart  
~~M. Stewart~~  
7120 Hill Rd  
Boise ID  
253-6908



STANLEY & DONNA MATLOCK  
8633 N Bogart Lane  
Boise, ID 83714

September 8, 2015

Boise City Planning & Zoning  
150 N Capitol Blvd.  
Boise, ID 83701

RE: CAR 15-00025

Dear Sir:

We do not feel that this is the proper time for annexation of this area.

We would like to request that none of the Matlock property be annexed into Boise City. This is farm land and will continue to be farmed. If our renter decides not to farm in the future our son Steven Matlock will farm it.

There are no development plans for this property.

This area of Northwest Boise is in pasture and farm land and is the last open space left.

The following are the property we wish excluded from annexation.

Parcel number	Acreage	
R7498004765	4.170	
R7498005695	13.846	
R7498004750	13.778	
R7498004762	.50	
R7498000999	3.307	
R7498000986	.421	
R7498000985	.312	
R7498000980	<u>2.655</u>	
	38.989	Acres Bogart Lane to Duncan Lane (This was all one piece of property before the Parkway cut it into)
SO514438875	4.88	
SO514438930	<u>5.00</u>	
	<u>9.88</u>	Acres on Duncan Lane & State St.
	48.869	Total acres

Sincerely,

*Donna Matlock*  
Stanley & Donna Matlock

I am writing to voice my opposition to the annexation by Boise City of the property at 7107 Hill Road. This property has been owned by my family since the 1940's. This proposed annexation does not benefit this property in any way, and results only in increasing the taxes and benefiting future development of open spaces in this formerly rural area.

The parcel on the corner of Hill Road and Gary Lane, formerly condemned by ACHD because of safety concerns, and consequently owned by the county has recently been sold to a developer. This developer is requesting being brought into the city. I believe that because of this request some of the adjoining properties are now being considered for annexation as well. I do not want to be brought into the city. Water, sewer, sidewalks and other city amenities are not available to this parcel, and will not be for at least five years. The home owners on Hill Road were informed when they repaved Hill Road that no services that would require digging up the road would be allowed for five years, consequently being annexed by the city will change nothing that would benefit the property but will raise the taxes significantly benefiting only Boise City and future developers.

I do not believe a developer has more rights than a regular citizen. I also do not understand how a parcel that was condemned because of unsafe access is now safe even though nothing has changed with the access or safety issues. The only difference being it is now owned by a developer not an individual. Until this parcel was sold by the county to the developer, we were told at different times by county employees that we would most likely not be annexed by Boise City because the properties in this area are acreages and the city could not offer services to us. Why now, unless this is to benefit a future developer?

Please consider the concerns of ALL of the property owners who will be effected by this annexation. None of the property owners on your proposed annexations map, except for the development company, want or will benefit in any way from this annexation. The property directly East of us and closer to the city is not being annexed. The property at 6913 Hill Road, also East of us, is not being annexed.

Please exclude the rural acreage at 7107 Hill Road from your annexation at least until a time when annexation will be mutually beneficial.

Marilyn Plummer



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SEP 10 2015

DEVELOPMENT  
SERVICES

CAR15-00025

September 10, 2015

To Mayor Bieter and Boise City Council,

My name is James Pendleton. Marilyn Plummer and I reside at 7010 W. Hill Road, an area that is currently under consideration for annexation into the Boise City limits. We have lived at this address for twenty years. We oppose annexation for many reasons.

We currently have police and fire protection through mutual-aid agreements between the city and the county. We see no need for further protection. Our protection won't change after annexation.

We live in a rural setting on the north side of the Farmers Union canal in the western foothills, opposite Hill Road which is on the south side of the Farmers Union canal.

We live on a one lane gravel road that is accessed from a single lane, load limited bridge crossing the Farmers Union Canal: a twelve foot wide bridge that is insufficient for two emergency response vehicles to pass.

Currently we have two sewer drain fields, both meeting current county codes, and have no desire to hook to the city sewer, which doesn't even serve our area on the north side of Farmers Union canal at present.

Garbage collection, through the county, requires our garbage cans be on Hill road for pickup. If we are in the city, will our pickup be from the bottom of our driveway, as is pickup for residents of Boise?

Our biggest concerns are the before mentioned bridge and the fact that there is no sewer on our side of the canal. What do you plan to do about that?

Does the city plan on constructing a new bridge, which will be sufficient for two emergency vehicles to pass, and then paving our gravel access road; and also does the city plan to bring the sewer to our side of the canal to facilitate hookup?

How will our neighbor to the west – Sutton/Stewart – hook up to the sewer, as they currently access their property across the Farmers Union canal on their own private bridge and have no frontage on Barnes Main Access/Lost Sage road?

Pest control, which the county provides, is critical to our area which interfaces with the wildlands of the Boise foothills and receives annual migrations of gophers into our lawns and gardens. Will you provide pest control for us?

Lastly, the four purposes you list for annexation are not pertinent to us and don't apply to our small area that is isolated from the rest of city by the Farmers Union canal.

As per the above, we are established and have been for many years (30-50) and see no need for unified planning and zoning for us. We are already bound by county zoning and building codes.

Your second purpose "Annexation... prevents...inadequate service levels" implies you are going to provide us with sewer on our side of the canal. Will you?

We are ¼ mile from the nearest city limit boundary which is delineated by the perimeter of the closest developed residential community to us. Why propose this long distance land grab, especially as we are isolated above a major canal separating us from the rest of the community and many of the services they are provided?

With respect,



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SEP 10 2015

DEVELOPMENT  
SERVICES



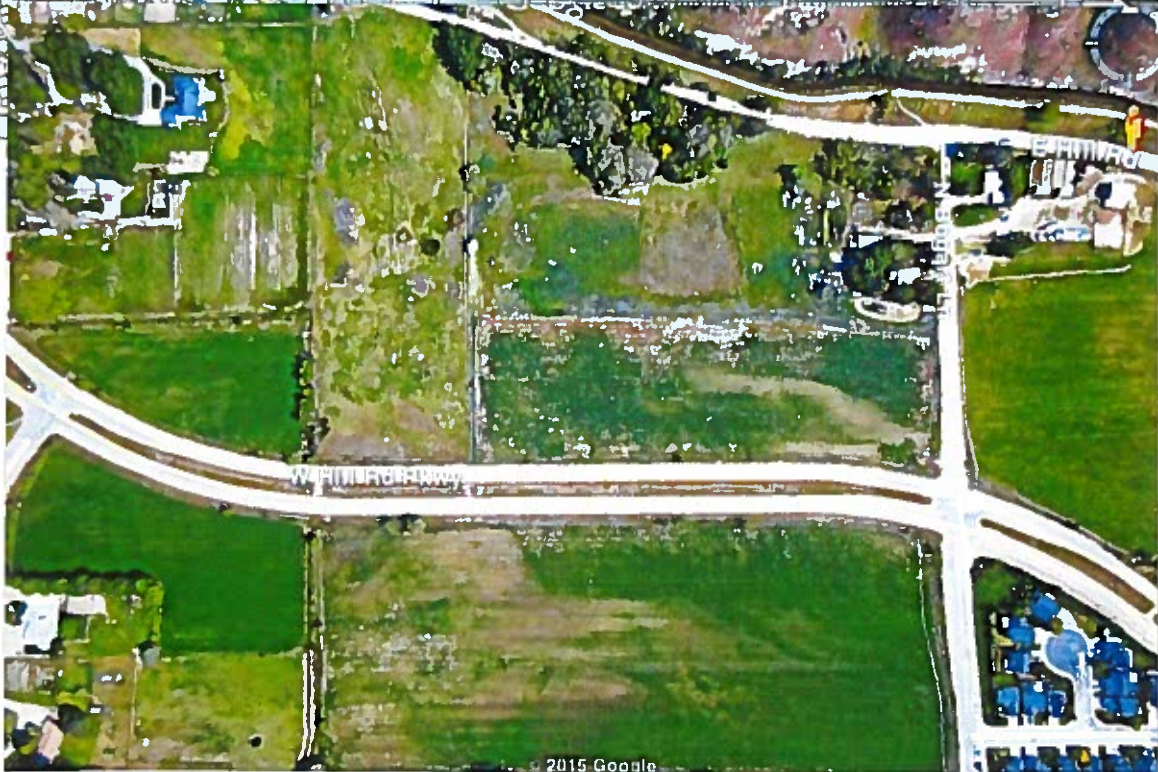
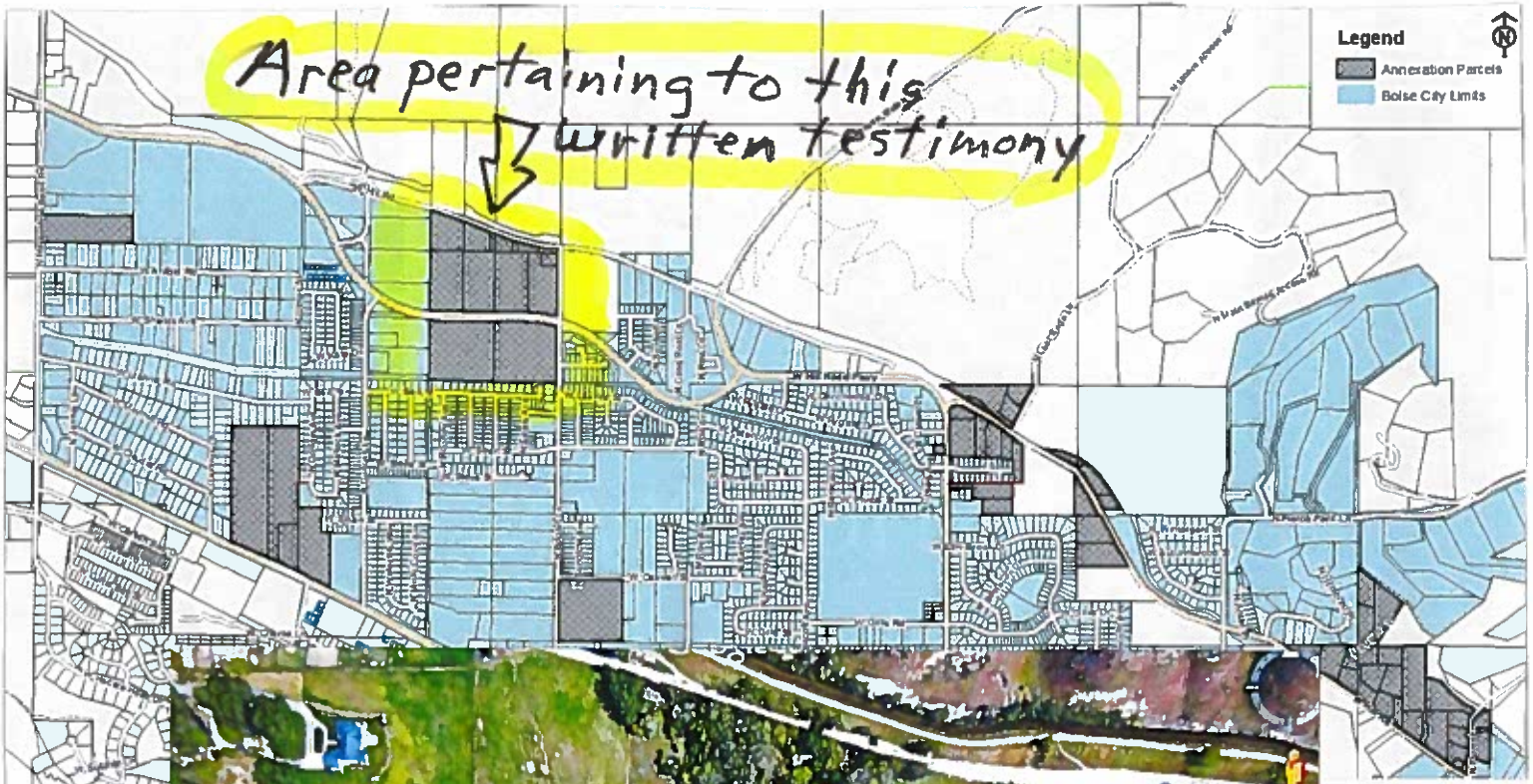
September 9, 2015

To: Members of the Planning and Zoning Commission

From: Neil and Teresa Parker, 8895 Hill Rd., Boise, Idaho 83714

Re: Annexation Proposal CAR15-00025

Please Note: This written testimony pertains to just one portion of the overall annexation proposal. It is the large portion in the upper left section of the map, bordered on the north by Hill Rd., on the east by Bogart Ln., on the south by the drain ditch, and on the west by a line parallel to and east of Duncan Ln. Below are both a map and a Google Earth photo of this area, which is made up of 12 contiguous parcels according to Ada County Assessor data:



Top and bottom of photo chopped off a little, but pretty close



We would like to voice our strenuous objection to this area being annexed in terms of the following three points:

**Inaccurate, Misleading, And Confusing Data**

The public in general, and those being subjected to forced annexation in particular, are entitled to an expectation that accurate and transparent data is used to determine what is legally annexable and what is not. This is of particular importance in a Category B annexation such as this where only parcels of less than five acres are annexable. One would assume that the City is using acreage data available on the assessors maps found at City of Boise.org GIS Maps. Here is what these maps show for the acreages of the following parcels:

The square parcel at bottom left is listed on its data sheet as being 13.846 acres; the other square parcel to its right is 13.778. The four, equally-sized rectangular parcels just above this are listed as follows, left to right: 4.62, 13.846, 13.778, and 4.17 (with the small subsection of the last parcel being .5) Obviously, there can't be four parcels of apparently equal size, and two of them at less than 5 acres and the other two at almost 14. But to err is human, so perhaps this is just a mistake that hasn't been corrected yet. Of significantly more concern here is the following.

At the informational meeting in August, we asked Mr. Spujte why the two, square parcels at the bottom could be considered annexable since it's easy to see they are well over five acres each. His explanation was that that each square parcel is actually bisected by a vertical line that creates four parcels across the bottom instead of two. (Invisible lines, perhaps?) If we accept that explanation, then what is 13.846 acres divided by two, and 13.778 acres divided by two? It makes each of these four bottom parcels well over five acres, and therefore not legally annexable. Also, what acreage has the landowner been paying property taxes on for many, many years? If tax assessments have been based upon the two square parcels being 13+ acres each, and they really are smaller, I think we have a serious problem here involving a repayment of tax overcharges.

If the City would argue that 13+ acres per square section is not the case, where is its data to support a smaller size? Is it easily available to the public? Does it stand up to scrutiny and make sense without a lawyer's contortions of logic to make it plausible? If the acreage numbers shown on the Assessors website are inaccurate, this is unprofessional at minimum, and of more concern, if they are accurate, it leads one to question why annexation is being pursued for parcels that are too large to be legally annexable, and this based upon the City's own numbers. Bottom line is that an annexation proposal that is based in any degree upon inaccurate, misleading, or confusing data should not be allowed to go forward.

**Inappropriateness Of Annexation For This Area**

Please consider the following facts about this area:

- It is owned by three families, all of whom are very much opposed to annexation.
- Other than two homes and a smattering of outbuildings, it is 100% used for farming and pasturing livestock, plus some areas of fallow agricultural land and groves of trees.
- There is no development, subdividing, or homebuilding of any kind going on currently, and no plans for doing so. One of the stated purposes of annexation says that "If Boise City is to continue to effectively provide urban services, it must be allowed to follow natural growth



patterns into those fringe areas where there is urban development.” There is no urban development here.....none. In fact, there hasn’t been a house built in the described area in probably the last 80 years or more.

- It will likely never be surrounded by Boise city limits.
- Two of the landowners’ homes, one within the proposed annexation, and one adjacent, do not have access to city sewer, nor do they desire it. The third landowner was financially coerced into hooking up when they were denied a permit to rebuild an affordable, conventional drainfield, and told they would have to install an exorbitantly expensive above-ground system. This was most certainly a tactic to gain the infamous, pre-2008 “implied consent” for annexation because the groundwater level in this area is not prohibitively high, and conventional drainfields nearby work perfectly, as did for many years the one needing replacement or relocation.
- This is not a suburban area with a so-called country setting or feel; it is a valuable and fairly unique remnant of the real country—still being farmed and pastured, and with the only homes being two farmhouses that were first built early in the last century.
- There may be compelling reasons to annex at some point in the future if development overtakes the area, but for now, it would be entirely inappropriate.....no more appropriate than taking a similarly-sized farming area with similar demographics out in rural Ada County somewhere and proposing to annex that. One of the claims made for the 2014 NW Boise annexation was that it was “reasonably necessary for the orderly development of the city.” We don’t think an intelligent or honest argument could be made now for annexing some hayfields and horse pastures to ensure Boise’s “orderly development.”

**It’s The Same Now As It Was Then**

During the large NW Boise annexation of 2014, this area and others now being considered were exempted. Mr. Spujte was asked at the P&Z public hearing and/or the Boise City Council public hearing why this was the case. His response, as we best recollect (since he hasn’t responded to our recent emailed inquiry into what he remembers saying) was that these areas, including the one where we live, were exempted because they consisted of large open areas and fields with little or no development.

At the risk of pointing out the obvious, this area where our family and our neighbors live is still comprised of exactly the same large open areas and fields with no development as it was a year ago. If it was inappropriate for annexation then, as Mr. Spujte said it was, it is intrinsically every bit as inappropriate now. The fact that city limits have since come up to meet it on two and a half sides due to a forced annexation smacks more of legal maneuvering than it does reasonableness.....and so we are appealing for reasonableness, and fairness, and appropriateness as we respectfully request that the section of land described in this testimony be removed from consideration for annexation. Thank you for your time.

Sincerely,  
*Neil and Teresa Parker*  
Neil and Teresa Parker

Jim and Rhonda Morris  
7141 West Hill Road  
Boise, Idaho

Jim and Rhonda Morris  
2395 U.S. Highway 20  
Arco, Idaho 83213

August 10, 2015

Boise City Planning and Zoning  
150 N. Capitol Blvd.  
Boise, Idaho 83702

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Concerning File Number: CAR15-00025

We are strongly opposed to the annexation of our property and neighboring properties into the City of Boise. We purchased our house and property (approximately one acre) a little over one year ago. Our property is located on West Hill Road, east of the intersection with Gary Lane. As soon as we conclude our affairs in Butte County, we intend to make this our permanent residence.

We selected this location because of the rural setting and we can keep our horses on the property. Our neighbor to the west raises cows and chickens. Also immediately adjacent to us on our west property line is a small parcel that until recently was owned by Ada Highway District. It was recently sold to an individual. Some people maintain an attractive and productive community garden here. To the east our neighbors maintain a large, productive garden and open space. Across Hill Road to the north, residents keep horses, have large lots, and maintain secluded and well screened homes.

If annexed into the City, we expect that zoning provisions of the city will allow higher density housing by permitting one residence per lot instead of one residence per acre. We understand that the intentions for the parcel of land on our west property line, which was previously owned by the Highway District, are to place one or more residences here. We, and our neighbors, have previously brought to the attention of Ada County and the City of Boise, the matter that

placing a residence here creates a very unsafe access and egress condition for the occupants and traffic at the intersection of Gary Lane and Hill Road. We also understand that this parcel was previously condemned and acquired by the Ada Highway District because of these same concerns.

While we are unable to attend the hearing on September 14, we wish to have our concerns noted and our opposition to annexation of the properties north and south of Hill Road, immediately east of Gary Lane noted.

Sincerely,



Jim Morris



Rhonda Morris

August 28, 2015

Stephen Bradbury, Chair  
Boise City Planning and Zoning Commission  
150 N Capitol Blvd #2,  
Boise, ID 83702

Dear Mr. Bradbury

I currently live at and own a home at 6720 W. Hill Road. The property is currently located in the county and is being proposed for annexation by the City of Boise under Annexation Plan CAR15-25. I respectfully request that my property be removed from annexation for the following reasons:

1. Alignment of the true and existing sociological, economic and cultural boundaries of the city. My home as well as the neighboring parcels proposed for annexation are located in a relatively low density and rural part of Hill Road with that are not in character with the high density and developed neighborhoods that are more consistent with the true and existing sociological, economic and cultural boundaries of the City of Boise. The proposed annexation includes parcels that are well within the city limits and surrounded by all sides the city. My property as well as the neighboring properties proposed for annexation would create a "peninsula" or "island" of Boise City limits and would result in our properties being surrounded by unincorporated and open space areas. Therefore, inclusion of my property fails to provide alignment of the true and existing sociological, economic and cultural boundaries of the city.
2. Interrelationship between the fringe and city: My property clearly is the fringe part of the city limits. However, the process of selecting my property and the neighboring parcels was one based on a simple criteria of proximity and not one of proper planning. For example, my property, and the area in general, does not receive any primary city services such as sewer services. More importantly, the City does not currently have any immediate plans to extend sewer services to my area. I could understand the importance of annexation into the city if basic services such as sewer were being extended to this area. In contrast, most of the other in-fill parcels proposed for annexation currently receive or have access to these type of basic services. Therefore, inclusion of my property fails to provide alignment of services within the fringe area.
3. Urban growth without central planning and controls becomes urban sprawl: Inclusion of my property is based merely on proximity and not one based on any clear planning criteria. Inclusion actually creates more of the scattered pockets of development growth pattern that the proposed annexation plan purports to address. Therefore, inclusion of my property is counterproductive to the urban sprawl goals the city is attempting to achieve.
4. Police Services: The change in police services is the most critical and objectionable issue for me. Currently, the Ada County Sheriff's Department provides excellent protection to my home and neighborhood. In addition, I have serious concerns about the Boise Police Department's (BPD)

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ability to provide equal or better policing services. In fact, I am in a unique position to provide an informed view on the quality and differences between the two law enforcement agencies.

Last October, my home was attacked on two consecutive evenings by an arsonist. The attacks occurred two days after neighbor's home, which is located in the City, was burned to the ground by the arsonist. Needless to say, I had the unfortunate opportunity to observe firsthand the actions of both the Boise Police Department and Ada County Sheriff's Department. I observed BPD mishandle and misplace critical information that could have prevented the two attacks on my home. In addition, I observed a general disinterest and lack of effort on the part of BPD to communicate with the Ada County Sheriff or neighbors in the area. For example, BPD failed to inform anyone, including its on officers on duty in the area, a person of interest had been arrested by BPD in the neighbor's house three days prior to it burning.

The person of interest turned out to be the arsonist. Consequently, BPD had the person's name and understanding of his general whereabouts as well as a female companion's name. Yet, BPD failed to follow up on any of this information in the days following the first arson attack. I asked the obvious question as to why BPD hadn't followed up on any of these leads and the response provided was that it was an issue of workload.

Consequently, BPD was aware of individual's name but made no effort to locate him after the fire at my neighbors and the second fire at my home. In fact, none of the responding BPD officers were briefed on the previous events and some officers were even surprised to learn that the house next door had burned. It seems reasonable to me that BPD would have made it known to patrol officers in the area that two arson attacks had occurred. Rather, it appeared that BPD was treating the two arson events as separate and isolated events. Bear in mind, the two homes are within 100 feet of each other.

In contrast, the Sheriff's Department was very responsive and immediately followed up with me and neighbors in the area. They also provided some recommendations regarding security and safety around our house that were critical to us protecting ourselves during the second arson attack.

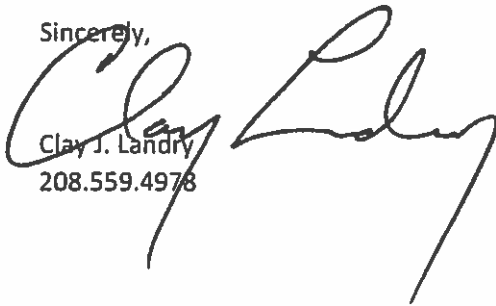
I also think it is worth mentioning that the arsonist was arrested within in the Boise city limits approximately .5 miles from my home. The arresting officers included a deputy sheriff and the Garden City Chief of Police but did not include any BPD officers. Most of the BPD officers involved in the incident were standing on my property line, which also happens to be the city boundary, making it clear to me that there were jurisdictional issues. I've latter since learned that while those jurisdictional boundaries exist, there is also cooperative agreement between the two agencies allowing responses in the fringe areas.

The annexation of my property will create more confusion related to the law enforcement duties in the fringe areas since the annexation will result in my home being with the city limits but surrounded by unincorporated areas.

I am certain that no City Council wants to hear that their police force is not capable of providing adequate policing services to its residents. I also realize that the events that occurred at my home are extreme and complicated, but they also make it clear that there are serious questions regarding BPD's ability to serve this rural fringe area. I am quite confident based on the actions I observed that annexation into the City will reduce the quality of law enforcement that I currently enjoy and ultimately reduce the safety of my family.

Therefore, I respectfully request that my home at 6720 W. Hill be removed from annexation until such time that the City is providing basic services in the area and can demonstrate that it can provide policing services that are equal to or exceed those already in place. Any other such action, I fear, will put my family at risk.

Sincerely,



Clay J. Landry  
208.559.4978

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To: Members of the Planning and Zoning Commission

From: Richard Llewellyn, 9170 Hill Rd., Boise, Idaho 83714

Re: Annexation Proposal CAR15-00025

We recently received notice of an intent to annex into Boise some of our property that includes pasture but not our residence. I am writing to oppose this annexation, on the grounds that this property has been a natural, and by large, legal, contiguous parcel of land conjoined with either our residence or the larger NE quarter of Section 14 in Township 4N Range 1E, since its patenting and homesteading in the 1800s.

All of our property in question, with the exception of Lot 28 of the Roberts and Hill Subdivision, was obtained through patent by Henry Dickman in 1890 and homesteaded by Ephriam Lucas in 1891. The tax parcel south of W Hill Rd (#S0514110505), included in the proposed annexation, has always been part of the residence and acreage north of the road (tax parcel # S0514110500): there has been no division or subdividing sale of this land since the original patenting; the routing of Hill Road has been the only separation. This tract is significantly larger than five acres, and thus, according to Idaho Statute 50-222, cannot be annexed without our consent.

The southerly portion of this pasture (corresponding to tax parcel #R7498006441) , which was a lot of the Roberts and Hill subdivision created in 1908, was naturally conjoined with the existing residence through the purchases of Roy and Clare Sacks in 1910. Since that time, and through more than a dozen sales, the southerly portion of the pasture has always been transferred with the northerly acreage. Indeed, this union may have been necessary, since Lot 28 was landlocked due to an unfulfilled easement of a right of way along its southern border. Moreover, since that time, these lands have always been transferred with water delivered by Farmers Union Canal required for its irrigation as a single pasture. This water is carried by a head gate and lateral running a few yards from our house north of Hill Rd. which has the sole purpose of irrigating our property. To annex the southerly portion of our pasture would divide land that has been treated as a single whole for more than a century, and by my family since 1958.

My father obtained the eastern parts of our land from our neighbors Lloyd and Rhoda Taylor in the mid-1960s. To the best of my knowledge, these also have remained intact with the acreage north of Hill Rd since the original patenting and homesteading by Dickman and Lucas, respectively.

Of this eastern acreage, there is confusion over whether our land delineated by tax parcel #S0514110050 is included in the annexation. One map from the written annexation plan shows that it is included, another in the plan shows that it is excluded, while a map provided during the informational meeting of August 17, 2015, showed again that it is excluded. This is part of our land acquired in the mid-1960s that currently provides a wood lot, asparagus, an occasional vegetable garden, and wildlife habitat, and is also irrigated by our head gate and lateral. It has long been treated as part of the larger whole.

While there are these legal issues with annexing parts of our land, perhaps the more significant question is whether it is in the best interest of the City, and particularly Northwest Boise, to divide a significant portion of the last remaining rural and agricultural land in the area. This is the tract comprised of the pastures and fields north of the drain ditch, west of Bogart Lane, and east of Duncan Lane. There are few if any practical reasons to do so: the reasonable outer limits of NW Boise have already been established, there are only two homes in this area, and all three of the land owners oppose annexation. Furthermore, the land is agricultural and requires weed and pest control more readily permitted or facilitated by Ada County regulations and services: e. g. last year alone more than fifty gophers were trapped from our pasture.

There are clear reasons to make broad swaths during the planning of a city, but there may also be good reasons to make exceptions where the contextual details of the land do not correspond to those abstractions on a map. I believe this is one case in which allowing the natural and historic boundaries to take precedence is both practical and beneficial. Therefore I ask that all of our land, as well as the larger tract between Bogart and Duncan Lanes of which they are a part, be removed from the proposed annexation.

Sincerely,

Dr. Richard Llewellyn

Resident Member of Llewellyn Hill Road Family Limited Partnership

## Colleen Carroll

---

**From:** norman@radiothrills.com  
**Sent:** Wednesday, November 11, 2015 7:41 PM  
**To:** Colleen Carroll  
**Subject:** CAR-1500025

Council Members: I live at 7107 Hill Road in a house purchased by my parents, Mr. & Mrs. M. Elwood Davis in 1943. The house has remained in our family ever since. When we moved here, downtown was 5 miles away and Hill Road was gravel. Now Boise has grown to surround us on three sides and wants to force us to become part of the city. From what I can tell, we gain no benefits by doing so, but accrue substantial increases in taxes.

We are on the edge of the city and as Ada County residents have managed with our neighbors to continue a more or less rural atmosphere on our part of Hill Road. There are lots of old growth trees and properties are generally small acreages. In spite of increased traffic, it is still a pleasant drive and a distinctly different atmosphere than on State Street, one mile away. If you incorporate our acreages into the city it will open the door to "developers" and our rural atmosphere will soon be replaced with duplexes, fourplexes, apartments, and perhaps commercial enterprises. Is this really what you want for one of the last parts of Boise that retains its older atmosphere? Is the additional revenue you will get all you care about? If that is so, I feel very sad about the future of this city. None of my neighbors want to be annexed into the city. One is in his 90s and lives on a fixed income. The additional taxes he will have to pay if his property is annexed may force him to sell his home. Is this what you want? These are just a few properties on the edge of town. Have a heart and leave us alone.

Sincerely, Norman Davis

November 11, 2015

To: Members of Boise City Council

From: Richard Llewellyn, 9170 Hill Rd; Boise, ID 83714

Re: Annexation Proposal CAR15-00025

We have requested that the City of Boise refrain from annexing the properties between Duncan and Bogart Lanes, north of the drain ditch up to Hill Rd. In a previous statement to the Planning and Zoning Committee, we expressed a statement giving the reasons for this request (attached at end). Here we focus on the legality of annexing the northern part of our pasture, which lies south of Hill Road but has never been platted or laid off separately from our residence and foothills north of the road. The basis of our argument is that the combined acreage of these tax parcels are greater than five acres, and that the only reason separate tax parcels were assigned each is due to the presence of Hill Road.

#### **A BRIEF SUMMARY OF ALL INSTRUMENTS OF RECORD AFFECTING THE PROPERTY**

In order to establish the legal continuity of the acreage in question, we have provided selected copies from our Title of Abstract, prepared during my father's 1958 purchase of the property described as the West 1/2 of the West 1/2 of the North East 1/4 of the North East 1/4 of Section 14, Township 4 North, Range 1 East. Please observe that the property has always been described thus since the date it was divided from the larger NE quarter of the NE quarter of Section 14 when, in 1918, Alphonse J. Lambrigger purchased it from Roy and Clare Sacks, along with Lot 28 of the Roberts and Hill Subdivision, and a small triangle of land that forms the driveway to the residence north of the road. Before that, the land which now comprises tax parcel # and # was always transferred as part of the larger property described by the NE ¼ of the NE ¼ of Section 14, from the time of its first patenting in 1890 until the present.

A brief summary of the documents follows. This listing is in order of the attached scanned images, but please note that the given page numbers are those of the original Abstract of Title, and are usually visible at the bottom of each page. It may be helpful to view the maps attached after the sequence of deeds.

- Henry Dickman obtained by patent NE 1/4 of NE 1/4 of section 14 in 1890. (p.19, 20, 21)

- Henry and Pauline Dickman sold to Ephriam B. Lucas the above in 1891. (p.23)
- Ephriam B. Lucas declared Homestead in 1891. (p.24)
- Ephriam and Mary Lucas sold right of way to Farmers Union Canal in 1894. (p.25)
- Ephriam and Mary Lucas sold to Annie L. Martin (to marry as Annie L. Grady) the NE 1/4 of NE 1/4 of section 14 in 1898. (p.28, 29)
- Annie L. and John F. Grady sold to Roy and Clare Sacks NE 1/4 of NE 1/4 of section 14 in 1910. (p.31)
- Roy and Clare Sacks bought lot 28 of Roberts and Hill subdivision in 1910 from CH Roberts. From this point forward lot 28 has remained part of the acreage, forming the southern half of the pasture which is still irrigated from the head gate on Farmers Union Canal located above the residence north of Hill Rd. (p.34)
- In 1910 Alphonse J. Lambrigger bought the W ½ of the W ½ of the NE ¼ of the NE ¼ of Section 14 from Roy and Clare Sacks, along with lot 28 of Roberts and Hill subdivision, and the 6 and 2/3 shares of Boise Valley Water carried by Farmers Union Canal which has been transferred with the property until the present. (p.34)
- Henry Schmelzel bought W 1/2 of W 1/2 of NE 1/4 of section 14, and lot 28 of Roberts and Hill from A.J Lambrigger, and the small driveway parcel in from Roy and Clare Sacks in 1918. (p. 37, 40)

From this point forward, the land is always described as above with the caveat that the driveway portion may or may not be separately listed.

- Henry and Elizabeth Schmelzel sold above to C.W. Gamble in 1923. (p. 44)
- C.W. and Claire Gamble sold above to Mary (May?) Thomas in 1925. (p. 44, 45)
- May Thomas sold above to James and Margaret Alexander in 1930. (p. 53)
- James Alexander died in 1934; property left to wife Marguerite Alexander. (p. 58, 59)
- Marguerite Alexander sold the above to Nicholas and Zettie Swain in 1934. (p. 59)
- Nicholas and Zettie Swain sold above to Ellen and M.E. McMillan in 1935. (p. 60)
- Ellen and M.E. McMillan sold above to Myrtle L. Bethel in 1941. (p.73)

- The above property was gifted from Willis to Myrtle Bethel. (p.73, 74)
- Myrtle and Willis Bethel sold the above to Oliver and Jennifer Latham in 1944. (p.76)
- Oliver and Jennifer Latham sold the above to Roy and Lelah Blodgett in 1946. (p.78)
- Roy and Lelah Blodgett sold the above to C.M. Ramsey in 1946. (p.86)
- C. M. Ramsey sold the above to F.C and Charlotte Ramsey in 1948. (p.87)
- F.C and Charlotte sold the above to H.S. and Clara Farley in 1950. (p.88)
- H.S. and Clara Farely sold to David and Ava Llewellyn in 1958. (last page)

No subdividing or laying off of this property has occurred since 1958.

These documents establish that the land now represented by tax parcel S0514110505 to the south of Hill Rd and tax parcel S0514110500 to the north constitute a single lot of record.

## **THE BEARING OF HILL ROAD ON THE STATUS OF OUR PROPERTY**

Regarding the question of when Hill Road was established that was raised during the Planning and Zoning Commission: we believe it has no bearing, other than being earlier than 1975, on the question of whether these tax parcels represent a single legal acreage. To quote from Idaho Statute Title 50, Municipal Corporations, Chapter Two, General Provisions – Government – Territory, Annexation by Cities:

(3) Annexation classifications. Annexations shall be classified and processed according to the standards for each respective category set forth herein. The three (3) categories of annexation are:

...

(b) Category B: Annexations wherein:

- (I) The subject lands contain less than one hundred (100) separate private ownerships and platted lots of record and where not all such landowners have consented to annexation; or
- (ii) The subject lands contain more than one hundred (100) separate private ownerships and platted lots of record and where landowners owning more than fifty percent (50%) of the area of the subject private lands have consented



to annexation prior to the commencement of the annexation process; or ...

This annexation request is clearly in Category B. Requirements of Category B are as follows:

(5) Annexation procedures. Annexation of lands into a city shall follow the procedures applicable to the category of lands as established by this section. The implementation of any annexation proposal wherein the city council determines that annexation is appropriate shall be concluded with the passage of an ordinance of annexation.

...

(b) Procedures for category B annexations: A city may annex lands that would qualify under the requirements of category B annexation if the following requirements are met:

(I) The lands are contiguous or adjacent to the city and lie within the city's area of city impact;

(ii) **The land is laid off into lots or blocks containing not more than five (5) acres of land each, whether the same shall have been or shall be laid off, subdivided or platted in accordance with any statute of this state or otherwise, or whenever the owner or proprietor or any person by or with his authority has sold or begun to sell off such contiguous or adjacent lands by metes and bounds in tracts not exceeding five (5) acres, or whenever the land is surrounded by the city. Splits of ownership which occurred prior to January 1, 1975, and which were the result of placement of public utilities, public roads or highways, or railroad lines through the property shall not be considered as evidence of an intent to develop such land and shall not be sufficient evidence that the land has been laid off or subdivided in lots or blocks.**

The land in question was laid off in an approximately 10 acre property upon the sale from Roy and Clare Sacks to A. J. Lambrigger in 1910. There has been no further laying off or subdivision of this property, as shown in the continual record of deeds that follows.

Because Hill Road was established before 1975, according to the statute above, this separate assignment alone does not reduce the property's acreage below the five acre threshold.

It is important here to state that the spirit as well as the letter of the law favors leaving the property intact. It discusses "an intent to develop" as the primary factor determining whether an acreage is subject to forced annexation. Here we have shown no intent to develop: indeed, we believe that the best hope for leaving the land in its rural state, one that is much appreciated by neighbors, the occasional landscape painter or photographer, cyclists, and wildlife, is to leave it undivided.

The particular history of the land is obfuscated by the separate tax parcel numbers given to the property

to the north and south of Hill Rd. I asked Markey DeRoest, Land Records Technician for the Ada County Assessor on November 9, 2015, why the property had two separate tax parcels when there was no laying off platting. She found that it had been assigned separate parcel numbers solely due to Hill Road crossing the property, and that combining these into one tax parcel would only require filling out a form.

As stated above, we believe that the historical date upon which Hill Road was established through this property does not bear on Statute 50-222 (except that it was clearly after 1975). Nonetheless, we have investigated the road's history by searching Idaho's Archive Library for records and maps and by contacting Ada County Highway Department's Legal Department (I spoke with Graciela Del Real on November 9, 2015). It is well known that a wagon trail passed roughly along the route of Hill Road toward Freezeout Hill. However, the route seems to have fell to disuse, as by 1910, the plat of Roberts and Hill subdivision shows no road whatsoever, even though Hill Road in its present location would have passed through the center of lot 5 and the corner of lot 6 (see detail of Platt and signature, p of attachment). It seems odd that such an omission would have occurred as public access is critical to the platting of subdivisions. Clearly Hill Road existed in some form by 1918, as it is mentioned as the 'County Road' in its current location on the east side of the property during the sale from A.J Lambrigger to Henry Schmelzel. However, Metsker's 1938 Atlas of Ada County, well known for its accuracy and detail, shows a dirt road ending approximately at the western side of our present day property, and then starting again west of Duncan Lane. This may have been an oversight, but it does corroborate the absence of Hill Road in the Roberts and Hill Plat of 1910.

According to ACHD, Hill Rd existed in some form as a wagon trail during the 1800s, but they did not provide a date as to when it became officially recognized. They found that it is a road by 'prescriptive easement,' and thus may have no singular date of establishment. It is plausible that it once represented a northern route of the Oregon Trail which fell to disuse in the early 1900s and was reestablished by the 1940s, and surveyed and paved either in the latter part of that decade or the 1950s. Regardless, the property was contiguous and under U.S. jurisdiction before any wagon train traveled over the Rocky Mountains.

## THE DIFFERENCE BETWEEN LOTS OF RECORD AND TAX PARCELS

As a final argument to confirm that these two tax parcels represent a single lot of record, we point to the general acceptance that describing land into tax parcels does not directly alter the legal status of the land with regard to its use, subdivision, or potential for development. Though we have not yet found a local source, we do find many supporting statements that lots of legal description and tax parcels are distinct:

From Wikipedia:

A type of the Lot and Block system is frequently used for tax identification purposes in the United States. This designation, often called a *Tax Identification Number* or *Tax Parcel Number*, is not directly based on the legal description of the property.

[https://en.wikipedia.org/wiki/Lot\\_and\\_block\\_survey\\_system](https://en.wikipedia.org/wiki/Lot_and_block_survey_system)

From Florida:

LOT and PARCEL are often used interchangeably. However, there is a difference. In simplest language, a PARCEL is a quantity of land identified for taxation purposes, while a LOT is a recognized subdivision of property with a written legal description that addresses permissions or constraints upon its development. ... It is common for a lot and a parcel to share the same space and have common boundaries, but this is not always the case.

[http://www.coab.us/documents/41/113/Parcels,%20Lots%20and%20Legal%20Lots%20of%20Record\\_02-11-08.pdf](http://www.coab.us/documents/41/113/Parcels,%20Lots%20and%20Legal%20Lots%20of%20Record_02-11-08.pdf)

From a professional GIS discussion board:

Lots are definitely different than tax parcels, since you work for the city most likely you have a mixture of platted lands (subs, blocks, lots) and metes and bounds descriptions from deeds. Tax shops will sometimes "merge" two adjacent lots to create a new Tax Parcel for the purpose of sending one tax bill. Sometimes tax parcels reference existing lots, blocks, subdivisions[sic] but don't correspond to the original platted lot(s) shape. Sometimes Tax Parcels don't follow legal subdivision rules and regulations as the City/County may require, these are for taxes only.

<https://geonet.esri.com/thread/57250>

From Washington County, OR:

What is the difference between a "taxlot" and a "legal lot of record?"

A "taxlot" is an area of land defined by a polygon on the assessor map. An account number is assigned to track the ownership and tax information related to it. A "legal lot of record" is tracked by the Planning office, who track if a parcel was created legally by deed, ordinance, and within zoning laws. A "legal lot of record" can be a taxlot but not all taxlots are "legal lots of record."

<http://www.co.washington.or.us/AssessmentTaxation/faq.cfm>

From Zillow:

Lastly, what is a Tax Lot? Tax Lots, in general, are really the tools of the Tax Assessors for that jurisdiction. They have nothing to do with Building Lots or Legal Lots. They are numbers which are assigned for the sake of the assessment of taxes - that's it (or at least all it should be). I have seen many cases where multiple Legal Lots are assigned one Tax Lot number. I have also seen Tax Lots that were not Legal Lots.

<http://www.zillow.com/advice-thread/Legal-Lots-vs-Buildable-Lots-vs-Tax-Lots/353577/>

## **CONCLUSION**

We have emphasized the clear legal basis for excluding the northern part of our pasture from annexation. However, as explained in our previous statement for the Planning and Zoning Commission, we emphasize that there is no pressing need for the City to annex any of our property, or those of our neighbors. Although it may not be the intention of the City, annexation has often preceded the subdivision and development of the agricultural land between Pierce Park and Bogart Lane. Almost all of the open spaces have disappeared in a few short decades – as a child I could easily walk from Duncan Lane to Pierce Park Elementary school crossing only fields and pastures. Annexation increases the cost of retaining land in its rural state, restricts future agriculture to those practices that may be grandfathered in, and essentially channels open land toward subdivision. This change is irreversible, and more than likely will be regretted by most citizens of Boise in the decades to come. We believe that it is not in our interest, or the interest of the City of Boise, to annex the remaining rural areas near Boise.

No. C-8863

## ABSTRACT OF TITLE

To

Block 28 of Roberts and Hill Subdivision in the SE $\frac{1}{4}$  of the NE $\frac{1}{4}$  and the W $\frac{1}{2}$  of the NE $\frac{1}{4}$ , and the NW $\frac{1}{4}$  of the SE $\frac{1}{4}$  of Section 14, in Township 4 North of Range 1 East of the Boise Meridian, in Ada County, State of Idaho.

Also the W $\frac{1}{2}$  of the W $\frac{1}{2}$  of the NE $\frac{1}{4}$  of the NE $\frac{1}{4}$  of Section 14, in Township 4 North of Range 1 East of the Boise Meridian, in Ada County, State of Idaho.

---

*Prepared By*

Capitol Title Company

BOISE, IDAHO

## CERTIFICATE

The CAPITOL TITLE COMPANY, an Idaho Corporation, certifies:

That the foregoing abstract of title comprises a correct abstract of all instruments of record in the office of the County Recorder of Ada County, State of Idaho affecting the title to the property described in the caption of this abstract;

That during the period covered by this certificate no judgments appear in the dockets maintained in said county of any court of record against any person as named in the within chain of title which are liens against the property other than as shown herein;

That all general taxes assessed against the property are shown in accordance with the assessment roll in the office of the treasurer in and for Ada County, Idaho;

That there are no probate proceedings or district court actions, which affect the title to the property except as shown herein.

OTHER THAN AS SHOWN HEREIN THIS ABSTRACT DOES NOT INCLUDE AN EXAMINATION OF OR A REPORT ON:

Any instrument filed or recorded in chattel or personal property records, mineral rights, water rights, drainage rights, and matters relating thereto and proceedings under the Mental Health Statute, Chap. 290, Page 622, S. L. 1951, affecting any persons in this chain of title.

This abstract consists of 5 pages numbered from 93  
97 to both inclusive, and covers the period of time  
from July 29, 1958 at 3:00 P.M.  
to August 8, 1958 at 4:01 P.M.

Dated at Boise, Idaho, this 8th day of August 1958.

Capitol Title Company

Order No. C-8863  
ml

By *Jackson E. Bee*  
Secretary





(Continuation of Entry No. 33.)

State of Idaho }  
United States } ss.  
County of Ada }

PATENT

Dated June 6th, 1890  
Recorded March 18th, 1895

35.

Jennie Duncan being first duly sworn on her oath deposes and says, that Catherine Pierce, John B. Pierce, and herself are the only heirs of John B. Pierce, deceased, and that all are over the age of 21 years.

for the west half of the North west quarter of Section Thirteen and the north East quarter of the North East quarter of Section Fourteen in Township Four North of Range One East of Boise Meridian in Idaho Territory, containing one hundred and twenty acres according to the Official Plat of the Survey of the said Land, returned to the General Land Office by the Surveyor General

Jennie Duncan  
S. E. Blaine  
Notary Public,

(SEAL)

By the President  
Benjamin Harrison  
By M. McLean, Secretary  
T. S. Maxwell, Recorder  
of the General Land Office

Seal of the U. S.  
Land Office

Jos. Perrault, Receiver

to Susan and Pauline  
Dickman, his wife 34.  
Henry Dickman

RECEIVER'S RECEIPT No. 734

Dated January 17, 1890  
Recorded April 12th, 1890  
Book 1 of Land Claims at Page 397  
Consideration \$4.50

Received of Henry Dickman the sum of Four dollars Fifty cents, being the balance of payment required by law for the entry of West of the Northwest  $\frac{1}{4}$  Sec. 13 and Northeast  $\frac{1}{4}$  of Northeast  $\frac{1}{4}$  of Section 14 in Township 4 N of Range 1 E. containing One hundred & Twenty acres, under Section 2291 of the Revised Statutes of the United States.

The Solicitor's Loan and Trust Company, a corporation

Jos. Perrault, Receiver

Covers:

The following described real estate situate in the County, Territory of Idaho, to-wit:

(continued)

R.R.  
2



United States

to

Henry Dickman

35.

PATENT

Dated June 6th, 1890  
Recorded March 18th, 1895  
Book 3 of Patents at Page 359

For the West half of the North West quarter of Section Thirteen and the north East quarter of the North East quarter of Section Fourteen in Township Four North of Range One East of Boise Meridian in Idaho Territory, containing one hundred and twenty acres, according to the Official Plat of the Survey of the said Land, returned to the General Land Office by the Surveyor General.

(Seal of the U. S.)  
( Land Office )

By the President  
Benjamin Harrison  
By M. McKean, Secretary  
I. R. Conwell, Recorder  
of the General Land Office

Henry Dickman and Pauline  
Dickman, his wife

to

36.

MORTGAGE

Dated April 7th, 1890  
Ack'd April 12th, 1890  
Before Jeremiah Brumback, N.P.  
Ack. in Ada Co. Idaho. Terr. Seal.  
Separate examination of wife  
Witnesses: J. Brumback  
J. A. Hays  
Recorded April 12th, 1890  
Book 8 of Mortgages at Page 57  
Consideration \$500.00

The Solicitor's Loan and Trust  
Company, a corporation

Covers:

The following described real estate situate in Ada County, Territory of Idaho, to-wit:

(continued)

RRB  
21



(Continuation of Entry No. 36.)

The North East quarter (¼) of the North East quarter (¼) of Section Fourteen (14) in Township Four (4) North of Range One (1) East of the Boise Meridian. (also other property. . . .) Containing One Hundred and Twenty (120) acres of land. Together with all water rights and privileges appertaining thereto.

Secures the payment of one note for \$500.00 with interest thereon at the rate of seven per cent. per annum, payable annually on the first days of April.

Henry Dickman  
Pauline Dickman

The Solicitors' Loan and Trust Company, a corporation

SATISFACTION OF MORTGAGE

Dated April 8th, 1895

Ack'd April 8th, 1895

by Theodore Frothingham, Vice President and W. G. MacFarland, Secretary

Before J. R. Ritter, N.P. residing in the City and County of Philadelphia, Penna.

Ack. in City and County of Philadelphia, Pennsylvania. Seal.

Witnesses: W. Scott Dailey and Henry T. Woodville

Recorded April 23rd, 1895

Book 3 of Satisfactions of Mortgages at Page 207

to 37.

Henry Dickman and Paulina Dickman, his wife.

Certify and declare that a certain Mortgage, bearing date the Seventh day of April 1890 made and executed by Henry Dickman and Paulina Dickman, his wife of Ada County, State (late Territory) of Idaho the parties of the first part therein, to The Solicitors' Loan and Trust Company, the party of the second part therein, on all the certain lot or parcel of land with the Messuages or tenements thereon erected situate, lying and being in the County of Ada, State (late Territory) of Idaho and bounded and particularly described as follows, to-wit: The West half (½) of the North West Quarter (¼) of Section Thirteen (13) and the North East quarter (¼) of the Northeast quarter (¼) of Section Fourteen (14) in Township Four (4) North of Range One (1) East of the Boise Meridian, containing One Hundred and Twenty (120) Acres of land. Together with all water rights and privileges appertaining thereto, and the consideration of said Mortgage being Five Hundred Dollars and recorded in the office of the Auditor of the County of Ada, State (late Territory) of Idaho in Book 8 of Mortgages, on page 57 on the 12th day of April at 4:10 o'clock P.M. A.D. 1890, together with the debt thereby secured is fully paid, satisfied and discharged.

The Solicitors Loan and Trust Company  
Theodore Frothingham  
Vice Pres.  
W. G. MacFarland, Secy.

(CORP. SEAL)

R.R.



(Continuation of Entry No. 39.)

the consideration of said Mortgage being Seventy-four 70/100 dollars and recorded in the office of the Auditor of the County of Ada Territory of Idaho in Book 8 of Mortgages, on page 62 on the Twelfth day of April at 4:20 o'clock P.M. A.D. 1890, together with the debt thereby secured is fully paid, satisfied and discharged.

(CORP. SEAL)

The Solicitors' Loan and Trust  
Company  
Theodore Frothingham, Vice-Pres.  
Dan'l W. Slack, Sec'y

Henry Dickman and Paulina  
Dickman, his wife

to 40.

Ephriam B. Lucas

WARRANTY DEED

Dated May 16th, 1891  
Ack'd May 16th, 1891  
Before Jonas W. Brown, N.P.  
Ack. in Ada Co. Idaho. Seal.  
Separate examination of wife  
Recorded May 21st, 1891  
Book 18 of Deeds at Page 85  
Consideration \$2,000.00

Grant, bargain, sell, convey, and confirm all of the following described real estate situated in Ada County, State of Idaho, to-wit:  
The North East one quarter of the North East one quarter of Section Fourteen, (also other property. . . .) all in Township Four North (4N) Range One East (1E) of Boise Meridian.

Henry Dickman  
Paulina Dickman

E. B. Lucas

to 41.

DECLARATION OF HOMESTEAD

Dated May 21st, 1891  
Ack'd May 21st, 1891  
Before Sherman G. King, ex-officio  
Recorder  
Ack. in Ada Co. Idaho. Seal.  
Witness: Sherman G. King  
Recorded May 21st, 1891  
Book 2 of Declarations of Home-  
steads at Page 216  
Valuation \$2,000.00

The Public

Know all men by Presents, that I do hereby certify and declare that I am married, and that I do now, at the time of making this declaration actually reside with my family on the land and premises hereinafter described. That my family consists of a wife and three children.

That the land and premises on which I reside are bounded and described as follows, to-wit, situate and being in the County of Ada, State of Idaho, and more particularly described as follows, to-wit:

The North East one quarter of the North East one quarter of Section Fourteen, (also other property. . . .) all being in Township Four (4) North of Range One (1) East of the Boise Meridian, containing 120

R.R. 24



(Continuation of Entry No. 41.)

acres of land.

That it is my intention to use and claim the said lot of land and premises above described, together with the dwelling house thereon, and its appurtenances, as a Homestead, and I do hereby select and claim the same as a Homestead.

That the actual cash value of said property, I estimate to be Two Thousand (2000) dollars.

E. B. Lucas

E. B. Lucas and Mary Elizabeth Lucas

DECLARATION OF HOMESTEAD

Dated September 22nd, 1894  
Ack'd September 22nd, 1894  
Before Sherman G. King,  
Recorder Ada County, Idaho.  
Ack. in Ada Co. Idaho. Seal.  
Separate examination of wife.  
Witnesses: S. G. King; J. W. Kelly  
Recorded September 22nd, 1894  
Book 2 of Declarations of Homesteads at Page 371  
Valuation \$2,000.00

to 42.

The Public

Know all men by these Presents: That we, do hereby certify and declare that we are married and that we do now, at the time of making this declaration, actually reside with our family on the land and premises hereinafter described. That our family consists of ourselves and four children: That the land and premises on which we reside are bounded and described as follows to wit: situate and being in the County of Ada, State of Idaho, and more particularly described as follows, to-wit:

The North east one quarter of the North east one quarter of Section Fourteen (also other property. . . .) all being in Township Four (4) North of Range one (1) East of the Boise Meridian, containing 120 acres of land.

That it is our intention to use, and claim the said lot of land and premises, above described, together with the dwelling house thereon and its appurtenances, as a Homestead and we do hereby select and claim the same as a Homestead. That the actual cash value of said property we estimate to be Two Thousand (2000) Dollars.

E. B. Lucas

her

Mary Elizabeth X Lucas  
mark

Witness to mark of  
Mary Elizabeth Lucas:  
S. G. King -- J. W. Kelly

R.R. 21



Eph Lucas and Mary J. Lucas,  
husband and wife

to 43.

The Farmers Union Ditch Company,  
Limited, a corporation.

WARRANTY DEED

Dated October 12th, 1894  
Ack'd October 12th, 1894  
Before Frank T. Wyman, N.P.  
Ack. in Ada Co. Idaho. Seal.  
Recorded November 24th, 1894  
Book 28 of Deeds at Page 68  
Consideration \$1.00

Grant, bargain, sell, convey and confirm all of the following described real estate situate in Ada County, State of Idaho, to-wit:

A strip of ground fifty feet wide for a right of way, on which to construct and maintain an irrigating Ditch or Canal, along the line of the survey for the said Farmers Union Ditch, through the West half of the North West quarter of Section Thirteen and the North East quarter of the North East quarter of Section Fourteen, in Township Four North of Range One East.

Witness to mark of  
Mary J. Lucas:  
Frank T. Wyman

Eph Lucas  
her  
Mary J. X Lucas  
mark

Ephraim B. Lucas and Mary E. Lucas,  
his wife

to 44.

The Middlesex Banking Company of  
Middletown, Connecticut, a corp.

MORTGAGE

Dated March 19th, 1895  
Ack'd March 22nd, 1895  
Before W. Scott Neal, N.P.  
in and for Ada County  
State of Idaho  
Ack. in Ada Co. Idaho. Seal.  
My comm. exp. May 16th, 1895  
Separate examination of wife  
Witness: W. Scott Neal  
Recorded March 22nd, 1895  
Book 17 of Mortgages at Page 168  
Consideration \$800.00

Covers:

All that certain real estate, lying and being in the County of Ada, and State of Idaho, described as follows, to wit:

The North East quarter of the North East quarter of Section Fourteen (14) Township Four (4) North, Range One (1) East, Boise Meridian (also other property. . . . . ) containing One Hundred and twenty (120) acres.

Also granting herewith a one fourth interest in the Valley Ditch and any and all rights to the waters of the Boise River for irrigation purposes owned by the parties of the first part.

Together with all the rights to the use of water for irrigating said premises and for domestic use thereon to which the said parties of the first part, or the premises hereby conveyed, are now or may hereafter become entitled or which now are or may hereafter be used on said premises however the same may be evidenced, and together with all shares of stock or shares of water in any ditch or irrigation company which in any manner entitle said parties of first part to water for irrigating or domestic purposes upon said premises.

(continued)



(Continuation of Entry No. 44.)

Secures the payment of one note for the sum of \$800.00 with interest at six per cent per annum and a second note for the sum of \$161.15 with interest at twelve per cent per annum, said notes being dated the 19th day of March 1895.

Witness to mark:  
W. Scott Neal.

Ephraim B. Lucas  
her  
Mary E. X Lucas  
mark

THE MIDDLESEX BANKING COMPANY

SATISFACTION OF MORTGAGE

Dated June 21<sup>st</sup>, 1900  
Ack'd June 21<sup>st</sup>, 1900  
By Robert N. Jackson, President  
of the corporation  
Before E. A. Gladwin, N.P.  
in and for Middlesex County,  
Connecticut  
Ack. in Middlesex Co. Connecticut  
Seal.  
Witnesses: E. A. Gladwin and  
E. L. Ferree  
Recorded December 20th, 1904  
Book 6 of Satisfactions of  
Mortgages at Page 105

to 45.

Ephraim B. Lucas and Mary E. Lucas,  
his wife

Certify that a certain Mortgage on the following described land, to-wit: The West half of the North west quarter of Section 13 and the North East quarter of the North east quarter of Section 14 all in Township 4 North, Range 1 East, Boise Meridian, in Ada County, State of Idaho, dated the 19th day of March 1895 executed by Ephraim B. Lucas and Mary E. Lucas his wife to the said Company and recorded in the office of the County recorder of said county, in Book 17 of Mortgages page 168 on the 22nd day of March 1895 is, with the debt named therein, fully paid and satisfied; and it hereby consents to the discharge of the same upon the records, according to the Statute in such case provided.

THE MIDDLESEX BANKING COMPANY  
By Robt N. Jackson  
Its President

(NO SEAL)

Eph B. Lucas and Mary E. Lucas,  
his wife

to 48.

Annie L. Martin

WARRANTY DEED

Dated October 7th, 1898  
Ack'd October 7th, 1898  
Before Jonas W. Brown, N.P.  
Ack. in Ada Co. Idaho. Seal.  
Separate examination of wife  
Witness: Jonas W. Brown  
Recorded March 23rd, 1900  
Book 38 of Deeds at Page 203  
Consideration \$1500.00

Grant, bargain, sell, convey, and confirm all of the following described real property situate in Ada County, State of Idaho, to-wit:

The North-east quarter of the North-east quarter of Section Fourteen in Township Four North of Range One East of the Boise Meridian (also other property. . . . .) containing one hundred and twenty acres of land.

(U.S.I.R. Stamps)  
(\$1.50 cancelled)

Eph B. Lucas  
Mary E. Lucas

Annie L. Grady nee Annie L.  
Martin and John F. Grady,  
husband and wife

to 49.

Minnie A. Puckett

MORTGAGE

Dated April 7th, 1900  
Ack'd April 7th, 1900  
Before W. Scott Neal, N.P.  
Ack. in Ada Co. Idaho. Seal.  
Separate examination of wife  
Witness: W. Scott Neal  
Recorded April 7th, 1900  
Book 24 of Mortgages at Page 298  
Consideration \$400.00

Covers:

All that real property situate, in the County of Ada and State of Idaho, and bounded and particularly described as follows, to-wit:

The North-east Quarter of the North-east quarter (N.E.1/4 of N.E.1/4) of Section Fourteen (14) all in Township Four (4) North Range (1) East of Boise Meridian, in the County of Ada and State of Idaho (other property...

Containing one hundred and twenty (120) acres according to Government survey.

Together with all irrigation ditches or rights therein appertaining or belonging thereto or water rights or privileges in what is known as the Farmers Union Ditch Company, Limited.

Secures the payment of one note for \$400.00 dated April 7th, 1900, due five years after date with interest at the rate of 8 per cent per annum. Interest to be paid semi-annually.

Annie L. Grady  
John E. Grady

R



On the margin of the record of that certain Mortgage recorded in Book 24 of Mortgages at Page 298 of the Ada County records appearing as Entry No. 49 above, appears the following endorsement:

"I hereby acknowledged full and entire satisfaction of the debt secured by this mortgage.

Minnie A. Puckett

Signed and acknowledged before me this 4 day of Jany, 1910.

W. L. Cuddy  
Ex-officio Recorder  
Ada Co. Idaho  
By Otto F. Peterson, Deputy"

Mery E. Lucas, a widow

to 51.

Annie L. Grady

QUITCLAIM DEED

Dated December 19th, 1904  
Ack'd December 19th, 1904  
Before W. Scott Neal, N.P.  
Ack. in Ada Co. Idaho. Seal.  
Recorded December 20th, 1904  
Book 53 of Deeds at Page 184  
Consideration \$1.00

Remise, release and forever quitclaim, all those certain lots pieces or parcels of lend, situate, lying and being in the County of Ada State of Idaho, bounded and particularly described as follows, to-wit:

The North East quarter (1/4) of the North east quarter (1/4) of Section Fourteen (14) (also other property. . . .) all in township four (4) North of range One (1) east of Boise Meridian, and containing 120 acres according to government survey. Together with all irrigation ditches or water rights appertaining thereto or in any wise belonging.

Witnesses to mark:  
W. Scott Neal  
Ira E. Barber

her  
Mary E. X Lucas  
mark

28

Annie L. Grady nee Annie L.  
Martin and John E. Grady,  
wife and husband

to

54.

Roy Sacks and Clare Sacks,  
husband and wife

WARRANTY DEED

Dated January 4th, 1910  
Ack'd January 4th, 1910  
Before W. Scott Neal, N.P.  
Ack. in Ada Co. Idaho. Seal.  
Witness: W. Scott Neal  
Recorded January 5th, 1910  
Book 82 of Deeds at Page 207  
Consideration \$600.00

Grant, bargain, sell, convey and confirm, all the following described real estate, situated in Ada County State of Idaho, to-wit:

The Northeast quarter of the northeast quarter (NE  $\frac{1}{4}$  of NE  $\frac{1}{4}$ ) of section fourteen (14), Township four (4) North, range one (1) east of Boise Meridian, Area Forty (40) acres. Together with all irrigation ditches or laterals or water rights therein belonging or in any wise appertaining thereto: including one quarter ( $\frac{1}{4}$ ) of a share of the capital stock of the Farmer's Union Ditch Company, Limited. Also One twentieth of a share of the Valley Ditch.

John E. Grady  
Annie L. Grady nee  
Annie L. Martin

Roy Sacks and Clare Sacks  
(husband and wife)

to

55. *R&W*

Alphonse John Lambrigger

MORTGAGE

Dated June 1, 1910  
Ack'd June 2, 1910  
Before Mont P. Meholin, N.P.  
Ack. in Ada Co. Idaho. Seal.  
Witnesses: M. P. Meholin  
Recorded June 2nd, 1910  
Book 57 of Mortgages at Page 32  
Consideration \$1,000.00

Covers:

All of the following described real estate situate in Ada County, State of Idaho, to-wit:

The Northeast Quarter of the Northeast quarter (N.E.  $\frac{1}{4}$  of N.E.  $\frac{1}{4}$ ) of Section Fourteen (14) Township Four (4) North Range One (1) East of Boise Meridian, Area Forty (40) acres. Together with all irrigation ditches or laterals or water rights therein belonging or in any wise appertaining thereto. Including one quarter ( $\frac{1}{4}$ ) of a share of the Capital Stock of the Farmer's Union Ditch Company, Limited.

Secures the payment of one note for \$1000.00 dated June 1, 1910 and due on or before three years after date, with interest at eight per cent per annum, payable \_\_\_\_\_.

Roy Sacks,  
Clare Sacks.



(Continuation of Entry No. 59.)

in the office of the County Recorder of the County of Ada, State of Idaho, in Book 44 of Mortgages, on page 239, on the 13th day of May, A.D. 1908 together with the debt thereby secured, is paid, satisfied and discharged as to Lot 28 of Roberts and Hill Subdivision being a part of the mortgaged premises, to remain in full force as to the remainder thereof.

Julius C. Miller

C. H. Roberts, Trustee

to

60.

WARRANTY DEED

Dated June 2, 1910  
Ack'd June 2, 1910  
Before J. F. Colvin, N.P.  
Ack. in Ada Co. Idaho. Seal.  
Witnesses: J. F. Colvin,  
E. E. Thompson  
Recorded June 2nd, 1910  
Book 85 of Deeds at Page 175  
Consideration \$1.00 & o.v.c.

Roy Sacks

Grant, bargain, sell, convey and confirm all of the following described real estate situated in Ada County, State of Idaho, to-wit:

Block Twenty-eight (28) of the Roberts & Hills Subdivision according to the recorded plat thereof as the same is of record in the office of the County Recorder of said Ada County, Idaho, together with all ditches, laterals and water rights appurtenant or thereunto belonging, including five inches of water from the Boise Valley Ditch.

C. H. Roberts, Trustee

Roy Sacks and Clara Sacks,  
husband and wife

to

61.

WARRANTY DEED

Dated October 22, 1918  
Ack'd October 22nd, 1918  
Before Wm. J. Lachner, N.P.  
for Oregon  
Residing at Baker, Oregon  
Ack. in Baker Co. Oregon. Seal.  
My Commission expires May 6th, 1921  
Witnesses: Wm. J. Lachner  
Carl E. Silven  
Recorded November 30th, 1918  
Book 132 of Deeds at Page 33  
Consideration \$2300.00

A. J. Lambrigger

Grant, bargain, sell, convey, and confirm all of the following described real estate situate in Ada County, State of Idaho, to-wit:

The  $W\frac{1}{2}$  of the  $W\frac{1}{2}$  of the  $NE\frac{1}{4}$  of the  $NE\frac{1}{4}$  of Sec. 14 Tp. 4 North of Ra. 1 E. of the Boise Meridian, and a parcel of land adjoining the above described land on the East of About 13 square rods in a 3 cornered shape bounded on the south by the County road and by the Farmers union ditch on the north. Also Block 28 of the Roberts and Hill Subdivision of Ada County, Idaho. Plat on file. Also six and two thirds shares of Boise Valley water stock carried in the Farmers Union ditch.

Roy Sacks  
Clara Sacks

R.B.





Flora H. Lambrigger

SATISFACTION OF MORTGAGE

Dated December 17th, 1920  
Ack'd January 7th, 1921 before  
E. J. Blair N.P. Residing at Wood-  
lake, California Tulare Co. Seal  
Recorded Jan. 14, 1921  
Book 26 of Satisfaction of  
Mortgage at page 99

to 1.

Roy Sacks and Clare Sacks,  
husband and wife

Certify and declare that a certain Mortgage, bearing date the twentieth day of July A.D. 1915 made and executed by Roy Sacks and Clare Sacks, husband and wife, the parties of the first part therein, to Alphonse J. Lambrigger the party of the second part therein, recorded in the office of the County Recorder of the County of Ada, State of Idaho, in Book 81 of Mortgages, on page 20, on the thirtieth day of August A.D. 1915, together with the debt thereby secured, is fully paid, satisfied and discharged.

Flora H. Lambrigger

Roy Sacks and Clare Sacks,  
husband and wife

QUITCLAIM DEED

Dated December 17th, 1920  
Ack'd Dec. 18th, 1920 by Roy Sacks  
before C.H. Roberts N.P. residing  
at Boise, Idaho Ada Co. Seal  
Ack'd January 7th, 1921 by Clare  
Sacks before E.J. Blair N.P. in  
and for the County of Tulare, State  
of California, Tulare Co. Seal  
Witness C.H. Roberts  
Recorded Jan. 14, 1921  
Book 147 of Deeds at page 513  
Consideration \$1.00 & o.v.c.

to 2.

Henry A. Schmelzel

Remise, release and forever QUITCLAIM, all those certain lots, pieces, or parcel of land, situate, lying and being in the County of Ada, State of Idaho, bounded and particularly described as follows to wit:

The west one Half ( $W\frac{1}{2}$ ) of the west One half ( $W\frac{1}{2}$ ) of the Northeast Quarter ( $NE\frac{1}{4}$ ) of the Northeast Quarter ( $NE\frac{1}{4}$ ) of Section Fourteen (14), Township Four (4) North of Range One (1) East of Boise Meridian, and a parcel of land adjoining the above described land on the East, of about thirteen (13) square rods, in a three-cornered shape, bounded on the South by the County Road and by the Farmers Union Ditch on the North; also lot numbered Twenty eight (28), of Roberts and Hill Sub-division of the  $SE\frac{1}{2}$  of  $NE\frac{1}{4}$ , the  $W\frac{1}{2}$  of  $NE\frac{1}{4}$  and  $NW\frac{1}{4}$  of  $SE\frac{1}{4}$ , all of Sec. 14, T. 4N., R 1 E.B.M., as designated on the official plat of said subdivision now on file in the office of the Recorder for said Ada County, Idaho. Together with all water rights and ditch rights thereunto belonging. and especially  $5-2/3$  shares of stock of the Boise Valley Irrigation Ditch Co.

This deed is given to clear the title to said premises from any and all claims of parties of the first part who hereby declare that the warranty Deed heretofore executed by them, conveying said premises was by way of sale and for full value.

Roy Sacks

Clare Sacks



(Continuation of Entry No. 2.)

thirteen (13) square rods, in a three cornered shape, bounded on the South by the County Road and by the Farmers Union Ditch on the North;

Also Lot numbered Twenty-eight (28) of Roberts and Hill Subdivision of the SE $\frac{1}{4}$  of NE $\frac{1}{4}$ , the W $\frac{1}{2}$  of NE $\frac{1}{4}$  and NW $\frac{1}{4}$  of SE $\frac{1}{4}$ , all of Sec. 14, T. 4 N. R. 1 E. B.M., as designated on the official plat of said subdivision now on file in the office of the Recorder for said Ada County, Idaho.

Secures the payment of one note for \$300.00 dated Jan. 31st, 1925, due on or before Oct. 15th, 1925, with interest at the rate of 8 per cent per annum from date.

B. B. Jordan  
Vada Jordan

Henry A. Schmelzel and  
Elizabeth Schmelzel, his  
wife

to 3.

C. W. Gamble

WARRANTY DEED

Dated December 11th, 1923  
Ack'd December 12th, 1923  
Before F. M. Baker, N.P. resid-  
ing at Boise, Idaho. Ack. in Ada  
Co. Seal  
Recorded February 28th, 1925  
Book 169 of Deeds at Page 197  
Consideration \$1.00 & o.g. & v.c.

Grant, bargain, sell, convey and confirm, all the following describ-  
ed real estate, situated in Ada County, State of Idaho, to-wit:

// The West One half (W $\frac{1}{2}$ ) of the West one half (W $\frac{1}{2}$ ) of the Northeast  
Quarter (NE $\frac{1}{4}$ ) of the Northeast Quarter (NE $\frac{1}{4}$ ) of Section Fourteen (14),  
Township Four (4) North of Range One (1) East of Boise Meridian, and a  
parcel of land adjoining the above described land on the East, of about  
thirteen (13) square rods, in a three cornered shape, bounded on the South  
by the County Road and by the Farmers Union Ditch on the North; also Lot  
numbered Twenty-eight (28) of Roberts and Hill Subdivision of the SE $\frac{1}{4}$  of  
NE $\frac{1}{4}$ , the W $\frac{1}{2}$  of NE $\frac{1}{4}$  and NW $\frac{1}{4}$  of SE $\frac{1}{4}$ , all of Sec. 14, T. 4 N. R. 1 E. B. M.,  
as designated on the official plat said subdivision now on file in the  
office of the Recorder for said Ada County, Idaho.

Together with all water rights and ditch rights thereunto belonging,  
and especially 6-2/3 shares of stock of the Boise Valley Irrigation Ditch  
Company.// Subject to one certain mortgage for \$2000.00 recorded October  
6th, 1919, Book 93 of Mortgages at page 536.

(U.S.I.R. Stamps \$5.00)  
( Cancelled )

Henry A. Schmelzel  
Elizabeth Schmelzel

C. W. Gamble and Claire E.  
Gamble, his wife

to 4.

May Thomas, a single woman

WARRANTY DEED

Dated January 28th, 1925  
Ack'd January 28th, 1925  
Before H. S. Bywater, N.P. Resid-  
ing at Boise, Idaho. Ack. in Ada  
Co. Seal  
Recorded February 28th, 1925  
Book 169 of Deeds at Page 198  
Consideration \$1.00 & o.g. & v.c.

(continued)



(Continuation of Entry No. 4.)

Grant, bargain, sell, convey and confirm, all the following described real estate, situated in County of Ada, State of Idaho, to-wit:

The West One half (W $\frac{1}{2}$ ) of the West one half (W $\frac{1}{2}$ ) of the Northeast Quarter (NE $\frac{1}{4}$ ) of the Northeast Quarter (NE $\frac{1}{4}$ ) of Section Fourteen (14), Township Four (4) North of Range One (1) East of the Boise Meridian; and a parcel of land adjoining the above described land on the East, of about thirteen (13) square rods, in a three cornered shape, bounded on the South by the County Road and by the Farmers Union Ditch on the North; also Lot numbered Twenty-eight (28) of Roberts and Hill Subdivision of the SE $\frac{1}{4}$  of NE $\frac{1}{2}$ , the W $\frac{1}{2}$  of NE $\frac{1}{2}$  and NW $\frac{1}{2}$  of SE $\frac{1}{2}$ , all of Sec. 14, T. 4 N. R. 1 E. B.M., as designated on the official plate of said subdivision now on file in the office of the Recorder for said Ada County, Idaho.

Together with all water rights and ditch rights thereunto belonging, and especially 5-2/3 shares of stock of the Boise Valley Irrigation Ditch Company.

Subject to one certain mortgage for \$2000.00 recorded October 6th, 1919, Book 93 of Mortgages at page 536.

(U.S.I.R. Stamps \$4.00)  
(Cancelled )

C. W. Gamble  
Claire E. Gamble

Treasurer of Ada County,  
Idaho

to 5.

Ada County, Idaho

DELINQUENT TAX

Treasurer's Receipt No. 3392  
Dated January 7th, 1924  
Amount \$10.90

Covers: Lot 28, Roberts & Hill Sub. Assessed to H. A. Schmelzer for State, County and School District Taxes for the year 1923, now delinquent.

*Redeemed April 13, 1925*  
*W. H. Thomas*  
*my*  
CITY ABSTRACT & TITLE CO.

Treasurer of Ada County,  
Idaho

to 6.

Ada County, Idaho

DELINQUENT TAX

Treasurer's Receipt No. 10688  
Dated January 7th, 1924  
Amount \$13.88

Covers: W. 10 A. NE $\frac{1}{2}$  NE $\frac{1}{2}$ , Sec. 14, Twp. 4 N. Range 1 E. Assessed to W. H. Thomas for State, County and School District Taxes for the year 1923, now delinquent.

*Redeemed April 13, 1925*  
*W. H. Thomas*  
*my*  
CITY ABSTRACT & TITLE CO.



1.  
May Thomas, a single  
woman

to

James Alexander and Margaret  
E. Alexander, husband and  
wife

WARRANTY DEED

Dated April 28th, 1930  
Ack'd April 28th, 1930 before  
H. S. Bywater N.P. for the State of Idaho  
Residing at Boise, Idaho. (Ack'd in Ada  
Co.) Seal. One witness.  
Consideration \$1.00 & o.g. & v.c.  
Recorded November 20th, 1931 at 10:46 A.M.  
Book 199 of Deeds at page 59

Grant, bargain, sell, convey and confirm all of the following described real estate situated in County of Ada, State of Idaho, to-wit:  
The West One half ( $W\frac{1}{2}$ ) of the West one half ( $W\frac{1}{2}$ ) of the Northeast Quarter ( $NE\frac{1}{4}$ ) of the Northeast Quarter ( $NE\frac{1}{4}$ ) of Section Fourteen (14), Township Four (4) North of Range One (1) East of Boise Meridian; and a parcel of land adjoining the above described land on the East, of about thirteen (13) square rods, in a three cornered shape, bounded on the South by the County Road and by the Farmers Union Ditch on the North; also Lot numbered Twenty-eight (28) of the Roberts and Hill Subdivision of the  $SE\frac{1}{4}$  of  $NE\frac{1}{4}$ , the  $W\frac{1}{2}$  of  $NE\frac{1}{4}$  and  $NW\frac{1}{4}$  of  $SE\frac{1}{4}$ , all of Sec. 14, T. 4 N. R. 1 E. B.M., as designated on the official plat of said subdivision now on file in the office of the Recorder for said Ada County, Idaho. Together with all water rights and ditch rights thereunto belonging, and especially  $\frac{2}{3}$  shares of stock of the Boise Valley Irrigation Ditch Company.

As part of the purchase price parties of the second part assume and agree to pay a certain mortgage of \$2,000.00 on this property, recorded in Book 116 at page 144, Ada County, State of Idaho.

(Signed) May Thomas.

2.  
James Alexander and Margaret  
Alexander, his wife

to

Ada J. Fraser

MORTGAGE

Dated November 1st, 1931  
Ack'd November 20th, 1931 before  
T. B. Chapman, N.P. (Ack. in Ada Co.)  
Idaho. Seal.  
Consideration \$2000.00  
Recorded December 1st, 1931 at 1:03 P.M.  
Book 136 of Mortgages at page 117

Covers: All that certain lot, piece or parcel of land situate, lying and being in County of Ada, and State of Idaho, and partially described as follows, to-wit:

The West One Half ( $W\frac{1}{2}$ ) of the West One Half ( $W\frac{1}{2}$ ) of the Northeast Quarter ( $NE\frac{1}{4}$ ) of the Northeast Quarter ( $NE\frac{1}{4}$ ) of Section Fourteen (14) Township Four (4) North, of Range One (1) East of Boise Meridian, and a parcel of land adjoining the above described land on the East of about thirteen (13) square rods, in a three-cornered shape, bounded on the South by the County Road and by the Farmers' Union Ditch on the North; also Lot numbered Twenty-eight (28) of Roberts and Hill Subdivision of the  $SE\frac{1}{4}$  of  $NE\frac{1}{4}$ , the  $W\frac{1}{2}$  of the  $NE\frac{1}{4}$ , and  $NW\frac{1}{4}$  of  $SE\frac{1}{4}$ , all in Section 14, Township 4 North, Range 1 East, Boise Meridian, as designated on the official plat said subdivision now on file in the office of the recorder for said Ada County, Idaho. Together with all water

(Continued)

R.R.B.  
54



1.  
Ada J. Fraser

to

James Alexander and  
Margarete Alexander

SATISFACTION OF MORTGAGE

Dated \_\_\_\_\_  
Ack'd September \_\_\_\_\_, 1934, before  
Howard E. Stein, N. P., for the State  
of Idaho, Residing at \_\_\_\_\_, Idaho.  
(Ack'd in Ada Co.) Seal.  
One Witness.  
Recorded Sept. 19, 1934 at 10:55 A. M.  
Book 41 of Satisfactions at Page 501

Certify and declare that a certain mortgage, bearing date the 1st day of November A. D. 1931, made and executed by James Alexander and Margarete Alexander, the parties of the first part therein, to Ada J. Fraser, the party of the second part therein, recorded in the office of the County Recorder of the County of Ada, State of Idaho, in Book 136 of Mortgages, on page 117 on the 1st day of December A. D. 1931, together with the debt thereby secured is fully paid, satisfied and discharged.

(Signed) Ada J. Fraser

2.

IN THE PROBATE COURT OF ADA COUNTY, STATE OF IDAHO

IN THE MATTER OF THE  
ESTATE OF JAMES ALEXANDER,  
Deceased.

DECREE OF DISTRIBUTION

Dated September 17th, 1934  
Recorded Sep. 19, 1934 at 10:54 A. M.  
Book 208 of Deeds at Page 240.

It appearing to the satisfaction of the court that due and legal notice has been given by the clerk for the time and in the manner as directed by this court to all persons interested in said estate to appear and show cause why the whole estate should not be distributed to the widow of said James Alexander, deceased and on this date fixed for said hearing and no one appearing to oppose said distribution and it also appearing from the report of the appraisors that the whole value of said estate does not exceed the sum of Fifteen Hundred (\$1500) Dollars, and it further appearing that all expenses of the last illness of deceased, funeral charges, and expenses of administration have been paid, and it further appearing that said estate is community property and that said James Alexander, deceased, left surviving him Marguarite E. Alexander, widow.

IT IS HEREBY ORDERED, ADJUDGED, AND DECREED That the whole estate of said James Alexander, deceased, hereinafter particularly described is distributed as follows to Marguerite E. Alexander, widow of said James Alexander, to-wit:

The West One half ( $W\frac{1}{2}$ ) of the West One half ( $W\frac{1}{2}$ ) of the Northeast Quarter ( $NE\frac{1}{4}$ ) of the Northeast Quarter ( $NE\frac{1}{4}$ ) of Section Fourteen (14), Township Four (4) North of Range One (1) East of Boise Meridian, and a parcel of land adjoining the above described land on the East, of about thirteen (13) square rods, in a three cornered shape, bounded on the South by the County Road and by the Farmers Union Ditch on the North; also Lot numbered Twenty-eight (28) of Roberts and Hill Subdivision of the  $SE\frac{1}{4}$  of  $NE\frac{1}{4}$ , the  $W\frac{1}{2}$  of  $NE\frac{1}{4}$  and  $NW\frac{1}{4}$  of  $SE\frac{1}{4}$ , all of Sec. 14, T. 4 N., R. 1 E. B. M., as designated on the official plat said subdivision now on file in the office of the Recorder for said Ada County, Idaho.

(Continued)



(Entry #2 Continued)

Together with all water rights and ditch rights thereunto belonging, and especially 6-2/3 shares of stock of the Boise Valley Irrigation Ditch Company.

The above is the estate referred to in this decree and of which distribution is ordered, adjudged and decreed as aforesaid.

Done in open court this 17th day of September, 1934.

(Signed) John Jackson  
Judge of the Court.

PROBATE COURT ADA COUNTY, IDAHO  
RECORDED IN BOOK \_\_\_\_\_ PAGE \_\_\_\_\_  
FILED SEP. 17, 1934 \_\_\_\_\_ No. \_\_\_\_\_  
John Jackson  
Probate Judge & Ex-Officio Clerk.

State of Idaho )  
County of Ada ) ss.

I hereby certify that the foregoing instrument is a true and correct copy of the original on file in this office.

Dated Sept. 17, 1934.

(Signed) John Jackson  
Probate Judge and Ex-Officio  
Clerk of the Probate Court  
of Ada County, Idaho.

(SEAL)

3.  
Marguerite E. Alexander

to

Nicholas B. Swain and  
Zettie L. Swain

WARRANTY DEED

Dated September 18th, 1934  
Ack'd September 19th, 1934, before  
T. S. Shrontz, N. P., for the State of  
Idaho, Residing at Boise, Idaho.  
(Ack'd in Ada Co.) Seal.  
Consideration \$2,500.00 One Witness.  
Recorded Sept. 19, 1934 at 10:56 A. M.  
Book 207 of Deeds at Page 27.

Grant, bargain, sell, convey and confirm, all of the following described real estate, situated in County of Ada, State of Idaho, to-wit:  
The West One half (W $\frac{1}{2}$ ) of the West one half (W $\frac{1}{2}$ ) of the Northeast Quarter (NE $\frac{1}{4}$ ) of the Northeast Quarter (NE $\frac{1}{4}$ ) of Section Fourteen (14), Township Four (4) North of Range One (1) East of the Boise Meridian; and a parcel of land adjoining the above described land on the East, of about thirteen (13) square rods, in a three cornered shape, bounded on the South by the County Road and by the Farmers Union Ditch on the North; also Lot numbered Twenty-eight (28) of Roberts and Hill Subdivision of the SE $\frac{1}{2}$  of NE $\frac{1}{4}$ , the W $\frac{1}{2}$  of NE $\frac{1}{4}$  and NW $\frac{1}{2}$  of SE $\frac{1}{4}$ , all of Sec. 14, T. 4 N., R. 1 E. B. M., as designated on the official plat of said subdivision now on file in the office of the Recorder for said Ada County, Idaho.

Together with all water rights and ditch rights thereunto belonging, and especially 2-2/3 shares of stock of the Boise Valley Irrigation Ditch Company.

(Signed) Marguerite E. Alexander

R.R.B.  
60

4.  
Nicholas B. Swain and  
Zettie L. Swain, husband  
and wife

to

Ellen McMillan and M. E.  
McMillan, wife and husband

WARRANTY DEED-INSTRUMENT #161922

Dated February 26th, 1935  
Ack'd February 26th, 1935, before  
Karl L. Mann, N. P., for the State of  
Idaho, Residing at Emmett, Idaho.  
(Ack'd in Gem Co.) Seal.  
Consideration \$10.00 & o.v.c.  
Recorded March 11th, 1935 at 9:42 A. M.  
Book 209 of Deeds at Page 50

Grant, bargain, sell, convey and confirm, all of the following described real estate, situated in the County of Ada, State of Idaho, to-wit:

The West half of the West half of the Northeast Quarter of the Northeast Quarter of Section 14, Township 4 North, of Range 1 East, B. M., and a parcel of land adjoining the above described land on the east of about 13 square rods, in a three cornered shape, bounded on the south by the County Road and by the Farmers Union Ditch on the North;

Also Lot Twenty-eight of Roberts and Hill Subdivision of the SE $\frac{1}{4}$  of NE $\frac{1}{4}$  the W $\frac{1}{2}$  of NE $\frac{1}{4}$  and NW $\frac{1}{4}$  of SE $\frac{1}{4}$ , all of Section 14, Twp. 4 N., R. 1 E., B. M., as designated on the official plat of said subdivision now on file in the office of the Recorder of said Ada County, Idaho.

Together with all water rights and ditch rights thereunto belonging, and especially 6 &  $\frac{2}{3}$  shares of stock in the Boise Valley Irrigation Ditch Company.

(Signed) Nicholas B. Swain  
Zettie L. Swain

{ U.S.I.R. Stamps \$1.50 }  
{ Cancelled }



M. E. McMillan and Ellen  
McMillan, husband and wife

WARRANTY DEED

Dated August 28, 1941  
Ack'd August 28th, 1941  
Before J.M. Dodds, N.P. for the  
State of Idaho, Residing at Boise,  
Idaho. Ack. in Ada Co. Idaho. Seal.  
Recorded August 30th, 1941 at  
10:42 A.M.  
Book 251 of Deeds at page 54  
Consideration \$10.00 & O.V.C.

to 1.

Myrtle L. Bethel

Grant, bargain, sell, convey and confirm all of the following de-  
scribed real estate, situated in the County of Ada, State of Idaho, to-wit:  
The West half of the West half of the Northeast Quarter of the North-  
east Quarter of Section 14, Township 4 North, of Range 1 East, B.M., and  
a parcel of land adjoining the above described land on the east of about  
13 square rods, in a three cornered shape, bounded on the south by the  
County Road and by the Farmers Union Ditch on the North;

Also Lot Twenty-eight of Roberts and Hill Subdivision of the SE $\frac{1}{4}$  of  
NE $\frac{1}{4}$  the W $\frac{1}{2}$  of NE $\frac{1}{4}$  and NW $\frac{1}{4}$  of SE $\frac{1}{4}$ , all of Section 14, Twp. 4 N. R. 1 E. B.M.,  
as designated on the official plat of said subdivision now on file in the  
office of the Recorder of said Ada County, Idaho.

Together with all water rights and ditch rights thereunto belonging,  
and especially 6 & 2/3 shares of stock in the Boise Valley Irrigation Ditch  
Company.

(U.S.I.R. Stamps )  
(\$3.85 Cancelled)

M. E. McMillan  
Ellen McMillan

WILLIS R. BETHEL

DEED OF GIFT

Dated September 1st, 1942  
Ack'd September 1st, 1942  
Before J.M. Dodds, N.P. for Idaho,  
Residing at Boise, Idaho. Ack. in  
Ada Co. Idaho. Seal.  
Recorded September 9th, 1942  
Book 257 of Deeds at page 364  
Consideration Love and Affection

to 2.

MYRTLE L. BETHEL

WITNESSETH:

That the said party of the first part, for and in consideration of the  
love and affection which he bears toward the said party of the second part,  
his wife, and for the purpose of making her a gift for her better mainten-  
ance, support and livelihood, does by these presents give, grant, alien,  
convey and confirm unto the said party of the second part, and to her heirs  
and assigns forever, the following described real estate situated in Ada  
County, State of Idaho, to-wit:

The West half of the West half of the Northeast Quarter of the North-  
east Quarter of Section 14, Township 4 North, of Range 1 East, B.M., and a  
parcel of land adjoining the above described land on the east of about 13  
square rods, in a three cornered shape, bounded on the south by the County  
Road and by the Farmers Union Ditch on the North;

Also Lot Twenty-eight of Roberts and Hill Subdivision of the SE $\frac{1}{4}$  of  
NE $\frac{1}{4}$  the W $\frac{1}{2}$  of NE $\frac{1}{4}$  and NW $\frac{1}{4}$  of SE $\frac{1}{4}$ , all in Section 14, Twp. 4 N., R. 1 E.,  
B.M., as designated on the official plat of said subdivision now on file  
in the office of the Recorder of said Ada County, Idaho.

(Continued)

R.R.B.  
73



(Continuation of Entry No.2)

Together with all water rights and ditch rights thereunto belonging, and especially 6 & 2/3 shares of stock in the Boise Valley Irrigation Ditch Company.

TOGETHER with all water, water rights, ditch and canal rights thereunto belonging and together with all and singular the tenements, hereditaments, and appurtenances thereunto belonging, or in anywise appertaining, and the reversion and reversions, remainder and remainders, rents, issues and profits thereof;

To have and to hold the same unto the said party of the second part, her heirs and assigns forever, for her sole and separate estate, with the appurtenances, rents, issues and profits, relinquishing for himself and his heirs all right or claim to the same, or any part thereof, as community property, so the same may be held by her as her sole and separate property, and not in any respect community property.

Willis R. Bethel

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R.R.B.  
74

1.  
Myrtle L. Bethel and Willis  
R. Bethel, husband and wife

to

Oliver D. Latham and Jennie  
Latham, husband and wife

WARRANTY DEED

Dated February 21st, 1944  
Ack'd February 21st, 1944  
Before B. B. Titus N.P. for the State  
of Idaho, Residing at Boise, Idaho.  
(Ack'd in Ada Co.) Seal.  
Consideration \$10.00 & o.v.c.  
Recorded March 7, 1944 at 2:34 P. M.  
Book 269 of Deeds at Page 297.

169/297

Grant, bargain, sell, convey and confirm, all of the following described real estate, situated in the County of Ada, State of Idaho, to-wit:  
W $\frac{1}{2}$  of W $\frac{1}{2}$  of the NE $\frac{1}{4}$  of the NE $\frac{1}{4}$  and Block 28 of Roberts Hill Subdivision all in Section 14, Twp. 4 North, Range 1 E. B. M., together with appurtenant water rights and ditch rights.

This deed is given subject to the 1944 taxes & last 1943 which parties of the second part assume and agree to pay.

This deed also conveys a parcel of land adjoining the above described land on the East of about 13 square rods, in a three cornered shape, bounded on the South by the County Road and by the Farmer's Union Ditch on the North, located in the same Section, Township and Range as above described land.

(U.S.I.R. Stamps)  
(\$6.05 cancelled)

(Signed) Myrtle L. Bethel  
Willis R. Bethel

COMPAN

RRB.  
76

2.  
OLIVER D. LATHAM and JENNIE  
LATHAM, husband and wife

to

ROY BLODGETT and LELAH I.  
BLODGETT, husband and wife

WARRANTY DEED - #249592  
Dated May 7th, 1946  
Ack'd May 7th, 1946, before Z. Reed  
Millar, N.P., for the State of Idaho,  
Residing at Boise, Idaho.  
(Ack'd in Ada Co.,) Seal.  
Consideration \$10.00 & o.v.c.  
Recorded May 9th, 1946 at 2:22 P.M.  
Book 294 of Deeds at page 222

Grant, bargain, sell, convey and confirm the following described  
real estate, situated in County of Ada, State of Idaho, to-wit:  
Block 28 of Roberts and Hill Subdivision in the SE $\frac{1}{4}$  of the NE $\frac{1}{4}$  and  
the W $\frac{1}{2}$  of the NE $\frac{1}{4}$ , and the NW $\frac{1}{4}$  of the SE $\frac{1}{4}$  of Section 14, in Township 4  
North of Range 1 East of the Boise Meridian, in Ada County, State of Idaho;  
Also the W $\frac{1}{2}$  of the W $\frac{1}{2}$  of the NE $\frac{1}{4}$  of the NE $\frac{1}{4}$  of Section 14 in Township 4  
North of Range 1 East of the Boise Meridian, in Ada County, State of Idaho,  
together with all water, water rights, ditches and ditch rights thereunto  
belonging, and especially 6-2/3 shares of stock in the Boise Valley Irr-  
igation Ditch Company.

(Signed) Oliver D. Latham  
Jennie Latham

(U.S.I.R. Stamps)  
(\$9.35 cancelled)

COMPANY



ROY BLODGETT and LELAH  
I. BLODGETT, husband  
and wife.

to

C. M. RAMSEY, a CHARLOTTE  
bachelor husband and wife.

WARRANTY DEED #406740  
Dated August 28, 1946  
Ack'd August 28, 1946  
Recorded February 18, 1957  
At 2:49 P.M.  
Book of Deeds  
At page  
Consideration \$10.00 &  
o.v.c.

Grant, bargain, sell, convey and confirm unto the said party of the second part, and his heirs and assigns forever, all of the following described real estate, situated in, County of Ada, State of Idaho, to-wit:

Block 28 of Roberts and Hill Subdivision in the SE $\frac{1}{4}$  of the NE $\frac{1}{4}$  and the W $\frac{1}{2}$  of the NE $\frac{1}{4}$ , and the NW $\frac{1}{4}$  of the SE $\frac{1}{4}$  of Section 14 in Township 4 North of Range 1 East of the Boise Meridian, in Ada County, State of Idaho. Also the W $\frac{1}{2}$  of the W $\frac{1}{2}$  of the NE $\frac{1}{4}$  of the NE $\frac{1}{4}$  of Section 14 in Township 4 North of Range 1 East of the Boise Meridian, in Ada County, State of Idaho, together with all water, water rights, ditches and ditch rights there-to belonging.

( U.S.I.R. Stamps )  
( \$9.35 Cancelled )

Roy Blodgett  
Lelah I. Blodgett

Acknowledged by Roy Blodgett and Lelah I. Blodgett, husband and wife, C. M. Ramsey, a bachelor, before Z. Reed Millar N.P. for the State of Idaho, Residing at Boise, Ack. in Ada Co., Idaho. (SEAL)

F. C. RAMSEY and CHARLOTTE  
RAMSEY, husband and wife.

UNITED STATES OF AMERICA,

to PLAINTIFF,

H. S. FARLEY and CLARA  
FARLEY, husband and wife.

WARRANTY DEED #406742  
Dated February 3, 1950  
Ack'd February 3, 1950  
Recorded February 18, 1957  
At 2:49 P.M.  
Book of Deeds  
At page  
Consideration \$10.00 &  
o.v.c.

Grant, bargain, sell, convey and confirm unto the said parties of the second part, and to their heirs and assigns forever, all of the following described real estate, situated in the, County of Ada, State of Idaho, to-wit:

Block 28 of Roberts and Hill Subdivision in the SE $\frac{1}{4}$  of the NE $\frac{1}{4}$  and the W $\frac{1}{2}$  of the NE $\frac{1}{4}$  and the NW $\frac{1}{4}$  of the SE $\frac{1}{4}$  of Section 14 in Township 4 North of Range 1 East of the Boise Meridian, in Ada County, State of Idaho. Also the W $\frac{1}{2}$  of the W $\frac{1}{2}$  of the NE $\frac{1}{4}$  of the NE $\frac{1}{4}$  of Section 14 in Township 4 North of Range 1 East of the Boise Meridian, in Ada County, State of Idaho, together with all water, water rights, ditches and ditch rights thereunto belonging.

( U.S.I.R. Stamps)  
( \$2.20 Cancelled)

F. C. Ramsey  
Charlotte Ramsey

Acknowledged by F. C. Ramsey and Charlotte Ramsey, husband and wife, before Z. Reed Millar N.P. for the State of Idaho, Residing at Boise, Ack. in Ada Co., Idaho. (SEAL)



SPECIAL ASSESSMENTS

Search made only in the assessment rolls of the City Clerk's office in the City of Boise and does not include a search for average charges.

DAVID L. LLEWELLYN AND  
AVA M. LLEWELLYN, husband  
and wife

MORTGAGE # 434233  
Dated July 23, 1958  
Ack'd July 23, 1958  
Recorded July 29, 1958  
At 3:00 P.M.  
Book 309 of Mortgages  
At page 440

PROVIDENT FEDERAL SAVINGS  
AND LOAN ASSOCIATION a  
corporation

Covers:

Block 28 of Roberts and Hill Subdivision in the SE $\frac{1}{4}$  of the NE $\frac{1}{4}$ , and the W $\frac{1}{2}$  of the NE $\frac{1}{4}$  and the NW $\frac{1}{4}$  of the SE $\frac{1}{4}$  of Section 14, in Township 4 North of Range 1 East of the Boise Meridian, in Ada County, State of Idaho. Also the W $\frac{1}{2}$  of the W $\frac{1}{2}$  of the NE $\frac{1}{4}$  of the NE $\frac{1}{4}$  of Section 14, in Township 4 North of Range 1 East of the Boise Meridian, in Ada County, State of Idaho.

Secures the payment of one certain note dated July 23, 1958, executed and delivered by mortgagors to mortgagee, in the principal sum of Fifteen Thousand DOLLARS; (\$15,000.00) and to secure payment of such further principal sums as prior to July 31, 1978, the maturity date of this mortgage, the mortgagee may additionally loan to and for the account of mortgagors; together with the interest, and the costs and charges in case of default; PROVIDED, this mortgage shall not at any time secure more than the principal sum of \$15,000.00, together with the interest, and the costs and charges in case default; and to secure the performance of the mortgagors' covenants in this mortgage contained.

David L. Llewellyn  
Ava M. Llewellyn

Acknowledged by David L. Llewellyn and Ava M. Llewellyn, husband and wife, before John W. Hewitt N.P. for the State of Idaho, Residing at Boise, Ack. in Ada Co., Idaho. (SEAL)

JUDGMENTS

SPECIAL ASSESSMENTS

H. S. FARLEY and CLARA  
FARLEY, husband and wife.

WARRANTY DEED # 434782  
Dated July 23, 1958  
Ack'd July 23, 1958  
Recorded August 8, 1958  
At 4:00 P.M.  
Book of Deeds  
At page  
Consideration

to

Not in Sales.

DAVID L. LLEWELLYN and AVA  
M. LLEWELLYN, husband and wife

Grant, bargain, sell and convey unto David L. Llewellyn & Ava M. Llewellyn, husband and wife the grantees, the following described premises, in Ada County Idaho, to-wit:

Block 28 of Roberts and Hill Subdivision in the SE $\frac{1}{4}$  of the NE $\frac{1}{4}$  and the W $\frac{1}{2}$  of the NE $\frac{1}{4}$  and the NW $\frac{1}{4}$  of the SE $\frac{1}{4}$  of Section 14 in Township 4 North of Range 1 East of the Boise Meridian, in Ada County, State of Idaho. Also the W $\frac{1}{2}$  of the W $\frac{1}{2}$  of the NE $\frac{1}{4}$  of the NE $\frac{1}{4}$  of Section 14 in Township 4 North of Range 1 East of the Boise Meridian, in Ada County, State of Idaho, together with all water, water rights, ditches and ditch rights there-  
unto belonging.

TAXES

( U.S.I.R. Stamps) H. S. Farley  
( \$22.00 Cancelled) Clara Farley

Acknowledged by H.S. Farley and Clara Farley, husband and wife, before G. E. Bellier N.P. for the State of Idaho, Residing at Boise, Ack. in Ada Co., Idaho. (SEAL)

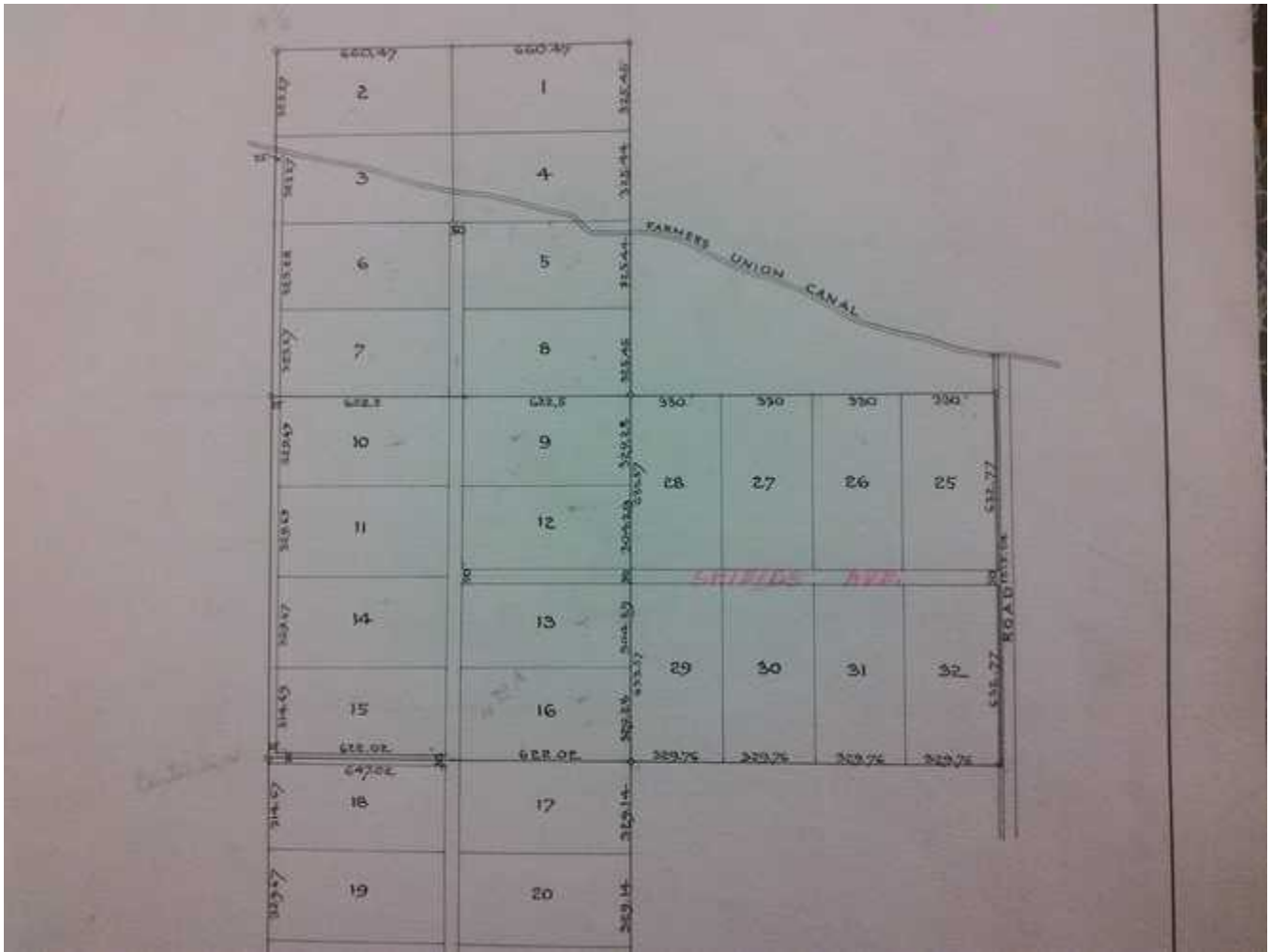
These taxes include assessments in the following Drainage and Fire Districts.

Drainage District #2.  
Angle Fire Protection District.

JUDGMENTS

2011





Plat of Roberts and Hill Subdivision produced in 1910. Note complete absence of Hill Road between Bogart (north-south Road on east border) and Duncan Lane.

On this 27th day of May in the year 1908, I, Claude H. Roberts, a Notary Public in and for said County, personally appeared Ulysses G. Wallace known to me to be the person whose name is subscribed to the within instrument, and who is the owner of the above described land, and acknowledged to me that he executed the same.

In witness whereof I have hereunto set my hand and affixed my official seal the day and year first above written.  
Claude H. Roberts  
Notary Public



I, Frank J. King, do hereby certify that the following is a correct description of the land included in the accompanying plat, to wit: S.E. 1/4 of N.E. 1/4, W. 1/2 of N.E. 1/4, and N.W. of S.E. 1/4, all of Sec. 14, Twp. 4 N., R. 1 E., Boise Meridian and Base, and that the plat has been prepared from actual surveys made on the ground and is correct.

In witness whereof I have hereunto set my hand the 27th day of May, 1908.  
Frank J. King  
Surveyor

State of Idaho }  
County of Ada } S.S.

20180

I hereby certify that this instrument was filed for record at request of W. L. Hill, at 20 minutes past 4 o'clock P. M., this 20 day of June, A. D. 1908, in my office, and duly recorded in Book 4 of Plat Books, at page 159.

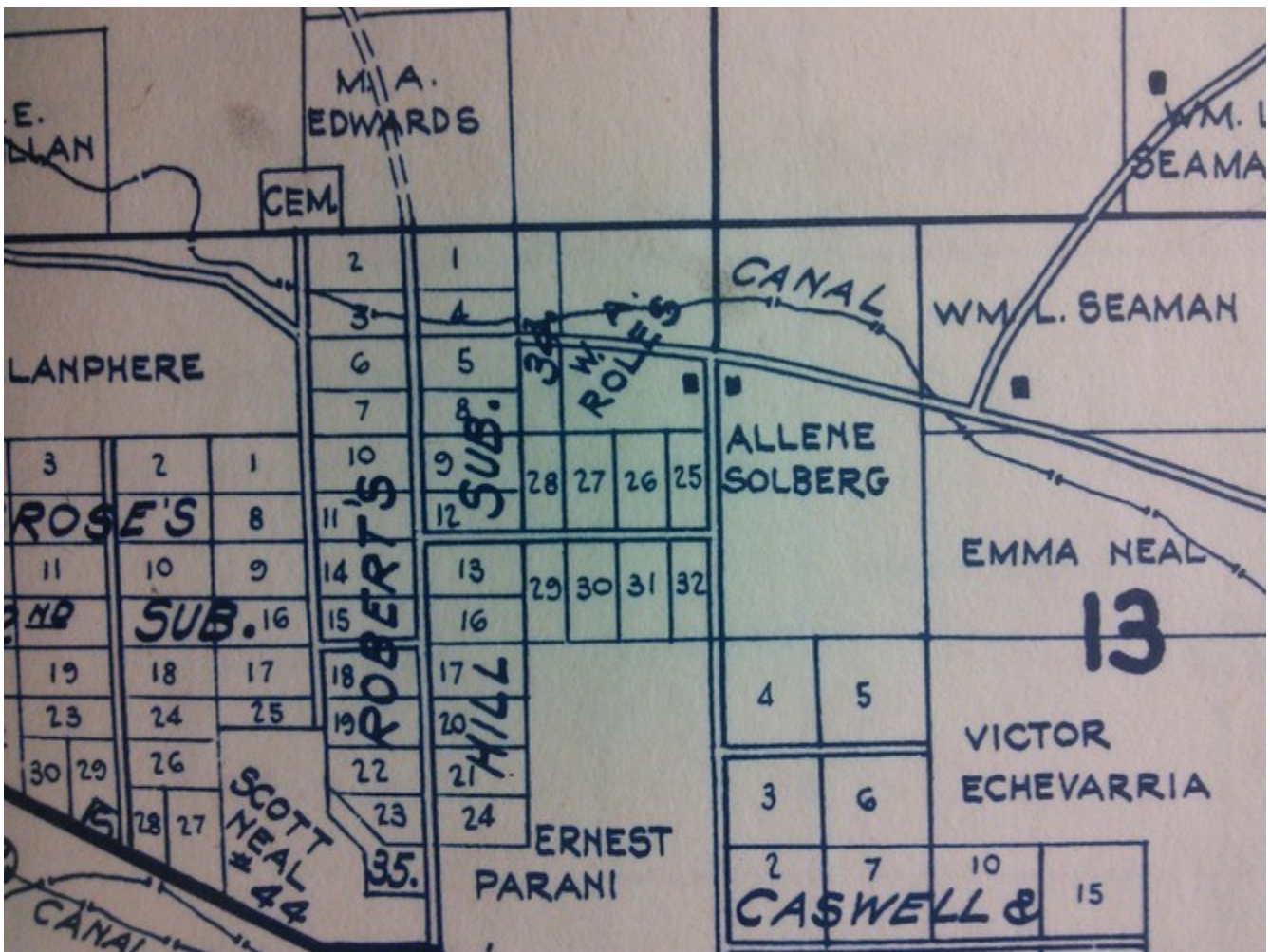
Fees \$3.50

W. L. Cuddy  
Ex Officio Recorder  
W. D. McReynolds

Certificate of Roberts and Hill Plat, signed by Frank King, surveyor.







Metsker's 1938 Atlas detail of the NE quadrant of Section 14, with Roberts and Hill Subdivision Plat and our property in question labeled #34 across Hill Rd, which apparently forms a dead end before Duncan Lane. Property #34 corresponds to the W 1/2 of the W 1/2 of the NE 1/4 of the NE 1/4 was then owned by M. McMillan (see labels next page). The legend on the following page shows that Hill Rd was then dirt.



23. C. MOORE	28. M. E. McMILLAN
24. J. H. CONE	
25. G. W. BURNS	
26. C. SCHMELZER Et al	BROSE'S 2 <sup>ND</sup> SUB
27. A. VOLLMER	Sec. 14
28. R. McGRATH	
29. L. HUCKBA	1. TO 20. 22. TO 30.
30. M. GOODALL	J. W. BROSE
31. C. W. WATKINS	21. A. L. KITCHENS
32. O. J. MILLER	
33. C. THURMAN Et al.	
34. M. McMILLAN	WEBSTER SUB.
35. J. DODGINS	Sec. 22
36. C. W. PIERCE	
37. B. PIERCE	1. 2. 3. C. H. SCHMELZER
41. T. J. SCOTT	E. 1. 37 CHNS. OF 4. TO
42. G. L. McGRATH	C. H. SCHMELZER
43. A. A. JOHNSTON	4. TO 7. EXC. E. 1. 37 CHNS
44. C. H. BOLLMAN	R. F. JENSEN
45. O. & F. JACKSON	& TO 11. J. FLUHARTY
46. A. E. PETERSON	
47. E. GOULD Et al.	
48. S. D. ENGLE	STEIN'S SUB.
49. J. GRUBB	Sec. 23 + 24
50. C. B. LEMON	

Metsker's 1938 Atlas of ownership labels for Township 4N, 1E.

42. H. AUSTIN  
43. J. WILLIAMS

STRAW GLENN 2<sup>ND</sup> SUB.  
SEC. 25

49. O. MONTANDON  
50. J. D. COX  
51. W. ELLIOTT  
52. M. BARNUM  
56. T. SHEFFER EST.  
57. 58. W. T. MONTGOMERY

--LEGEND--

PAVED ROADS  
STATE HWYS. UNPAVED  
IMPROVED ROADS  
DIRT ROADS  
INFERIOR ROADS  
RAILROADS  
TRAILS  
INTERMITTENT CREEKS  
SCHOOLS



en

Legend for Metsker's 1938 Atlas.

To: Members of the Planning and Zoning Commission  
From: Richard Llewellyn, 9170 Hill Rd., Boise, Idaho 83714  
Re: Annexation Proposal CAR15-00025

We recently received notice of an intent to annex into Boise some of our property that includes pasture but not our residence. I am writing to oppose this annexation, on the grounds that this property has been a natural, and by large, legal, contiguous parcel of land conjoined with either our residence or the larger NE quarter of Section 14 in Township 4N Range 1E, since its patenting and homesteading in the 1800s.

All of our property in question, with the exception of Lot 28 of the Roberts and Hill Subdivision, was obtained through patent by Henry Dickman in 1890 and homesteaded by Ephriam Lucas in 1891. The tax parcel south of W Hill Rd (#S0514110505), included in the proposed annexation, has always been part of the residence and acreage north of the road (tax parcel # S0514110500): there has been no division or subdividing sale of this land since the original patenting; the routing of Hill Road has been the only separation. This tract is significantly larger than five acres, and thus, according to Idaho Statute 50-222, cannot be annexed without our consent.

The southerly portion of this pasture (corresponding to tax parcel #R7498006441) , which was a lot of the Roberts and Hill subdivision created in 1908, was naturally conjoined with the existing residence through the purchases of Roy and Clare Sacks in 1910. Since that time, and through more than a dozen sales, the southerly portion of the pasture has always been transferred with the northerly acreage. Indeed, this union may have been necessary, since Lot 28 was landlocked due to an unfulfilled easement of a right of way along its southern border. Moreover, since that time, these lands have always been transferred with water delivered by Farmers Union Canal required for its irrigation as a single pasture. This water is carried by a head gate and lateral running a few yards from our house north of Hill Rd. which has the sole purpose of irrigating our property. To annex the southerly portion of our pasture would divide land that has been treated as a single whole for more than a century, and by my family since 1958.

My father obtained the eastern parts of our land from our neighbors Lloyd and Rhoda Taylor in the mid-1960s. To the best of my knowledge, these also have remained intact with the acreage north of Hill Rd since the original patenting and homesteading by Dickman and Lucas, respectively.

Of this eastern acreage, there is confusion over whether our land delineated by tax parcel #S0514110050 is included in the annexation. One map from the written annexation plan shows that it is included, another in the plan shows that it is excluded, while a map provided during the informational meeting of August 17, 2015, showed again that it is excluded. This is part of our land acquired in the mid-1960s that currently provides a wood lot, asparagus, an occasional vegetable garden, and wildlife habitat, and is also irrigated by our head gate and lateral. It has long been treated as part of the larger whole.

While there are these legal issues with annexing parts of our land, perhaps the more significant question is whether it is in the best interest of the City, and particularly Northwest Boise, to divide a significant portion of the last remaining rural and agricultural land in the area. This is the tract comprised of the pastures and fields north of the drain ditch, west of Bogart Lane, and east of Duncan Lane. There are few if any practical reasons to do so: the reasonable outer limits of NW Boise have

already been established, there are only two homes in this area, and all three of the land owners oppose annexation. Furthermore, the land is agricultural and requires weed and pest control more readily permitted or facilitated by Ada County regulations and services: e. g. last year alone more than fifty gophers were trapped from our pasture.

There are clear reasons to make broad swaths during the planning of a city, but there may also be good reasons to make exceptions where the contextual details of the land do not correspond to those abstractions on a map. I believe this is one case in which allowing the natural and historic boundaries to take precedence is both practical and beneficial. Therefore I ask that all of our land, as well as the larger tract between Bogart and Duncan Lanes of which they are a part, be removed from the proposed annexation.

Sincerely,

Dr. Richard Llewellyn, resident member of Llewellyn Hill Road Family Limited Partnership



**From:** [Colleen Carroll](#)  
**To:** [Scott Spjute](#)  
**Cc:** [Whitney Montgomery](#)  
**Subject:** FW: CAR15-00025 ; BOISE CITY ANNEXATION  
**Date:** Thursday, November 12, 2015 2:05:35 PM

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**From:** Kris Litzinger [mailto:kris@sunvalley.net]  
**Sent:** Thursday, November 12, 2015 12:58 PM  
**To:** Colleen Carroll  
**Cc:** klitzinger@sunvalley.net  
**Subject:** CAR15-00025 ; BOISE CITY ANNEXATION

Regarding the Legal Notice of Public Hearing scheduled for 11/17/2015, I have the following testimony:

I am a homeowner of one of the parcels you are requesting to annex. My address is 6755 W. Hill Road, Boise, ID. In no way, shape or form am I in favor of your plans to annex my property, for the following reasons:

1. **Fire** service will remain the same, **as per your letter**, being currently contracted with the North Ada County Fire and Rescue District and Eagle Fire District.
2. **Sewer** is **not available** for approximately one mile from each direction of my property. It may be years before you are able to provide my property with this service.
3. **Water** is **not available** for approximately one mile from each direction of my property. It may be years before you are able to provide my property with this service.
4. **Police** is currently handled by Ada County Sheriff and the service has always been prompt and more than adequate.
5. **Library:** The service will not be impacted by the annexation, as your letter states.
6. **Parks and Recreation** for me will not be impacted. I have no children in Optimist and when I did, I paid the full cost of participation.
7. **Property Taxes** will increase to me, per your letter, 35% after annexation. This will be the **ONLY** change that will affect me or my neighbors on this section of Hill Road. Your claim that if you are to continue to effectively provide urban services, is null and void, as you do not currently provide services, nor can you provide the above services. The only thing you want is the increased 35% of my money.

So, in breaking down your justification for annexing my property, you have none.

1. **FIRE - NO CHANGE**
2. **SEWER - NO CHANGE**
3. **WATER - NO CHANGE**
4. **POLICE - NO CHANGE - NOT NEEDED**
5. **LIBRARY - NO CHANGE**
6. **PARKS - NO CHANGE - NOT NEEDED**
7. **PROPERTY TAXES - 35% INCREASE IN TAXES**
8. **ZONING - NO CHANGE NEEDED**

*Many thanks,*

*Ken and Kris Litzinger*  
*Resident*  
*6755 W. Hill Road*  
*Boise, ID 83714*

208-861-5562  
208-861-7122



This email has been checked for viruses by Avast antivirus software.  
[www.avast.com](http://www.avast.com)

**From:** [Colleen Carroll](#)  
**To:** [Scott Spjute](#)  
**Cc:** [Whitney Montgomery](#)  
**Subject:** FW: Written Testimony Re. CAR15-00025  
**Date:** Thursday, November 12, 2015 3:50:31 PM

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-----Original Message-----

From: Neil Parker [<mailto:bigtabby@me.com>]  
Sent: Thursday, November 12, 2015 3:29 PM  
To: Colleen Carroll  
Subject: Written Testimony Re. CAR15-00025

To Members of Boise City Council:

This testimony pertains specifically to one portion of the overall annexation proposal. It is the large portion in the upper left section of the map, bordered on the north by Hill Rd., on the east by Bogart Ln., on the south by the drain ditch, and on the west by a line parallel to and east of Duncan Ln. This is where our family and two neighbors live--Richard Llewellyn and Stan and Donna Matlock, all of whom are opposed to this area being annexed.

All of the approx. 45 acres in the described area belong to the landowners cited above, but there are only two dwellings in the entire area, since Mr. Llewellyn lives just across Hill Rd. These two older homes and a few outbuildings are all there are here. The rest is entirely alfalfa fields, pasture, groves of trees, and fallow land. There is no development of any kind either underway or planned for this area. City sewer service is not even available to two of the three homes of the landowners.

One of the City's published reasons for annexing reads as follows: "If Boise City is to continue to effectively provide urban services, it must be allowed to follow natural growth patterns into those fringe areas where there is urban development." Where is the "urban development" in these 40-some acres of agricultural land where Boise has not even extended sewer lines to serve two of the three landowner/residents? There is no urban development whatsoever to justify the quoted reason for annexation.

Another justification that Boise City uses for annexation is when an area is surrounded by city limits. This area is only surrounded by city limits on two and a half sides, and even that much is merely the result of the forced annexation of a year ago. That would seem to be a form of legal maneuvering to say in effect that this area which was considered inappropriate for annexation just a year ago is now appropriate, i.e. using one forced annexation to justify another in the stark absence of actual valid reasons such as home-building and the extension of sewer lines.

Boise City guidelines state that annexation needs to meet the requirement of being "reasonably necessary for the orderly development of the city." Annexing this sizable chunk of undeveloped agricultural land which lacks city infrastructure and is home to only two families does not by any means meet the test of "reasonableness." It was exempted from annexation a year ago because the City deemed that it did not meet standards of appropriateness. Nothing that would somehow make annexation the correct or ethical thing to do has happened since then--no subdividing, no building, (and no plans for such) and no extension of utilities.

For the reasons stated, and others which will likely be expressed by our neighbor, Richard Llewellyn, please remove the described area from this annexation proposal. It may in the future meet reasonable standards for annexation, but at this time it does not.

Thank you,

Neil and Teresa Parker  
8895 Hill Rd.  
Boise, Idaho 83714

November 10, 2015

Jim and Rhonda Morris  
7141 W. Hill Road  
Boise, ID 83714

Boise City Council  
150 N. Capitol Blvd.  
Boise, ID 83702

Reference: CAR15-00025

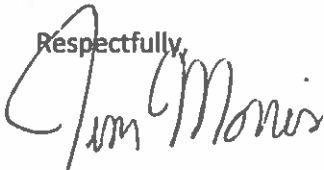
To Members of Boise City Council:

We are adamantly opposed to the annexation of our property into the City of Boise. We purchased our home here nearly two years ago at this location because of the semi-rural nature of ours and neighboring properties. We pasture horses on our acre and neighbors have cows, chickens and large, productive vegetable gardens. The area is very well suited to this lifestyle.

As hopefully responsible elected officials, you should be made aware of and be concerned with a potentially unsafe traffic situation that will be created at the intersection of Gary Lane and West Hill Road by the annexation of this land and the subsequent change in zoning. As currently zoned by Ada County we understand that potentially one residence could be placed on the corner of Gary Lane and West Hill Road. Ingress and egress for such a single residence would be risky at this high traffic intersection. But we have been advised that under City of Boise zoning up to three or four residences are planned. As the deciding officials, you should be concerned with public safety and the liability.

Please exclude the parcels of land east and northeast of the intersection of Gary Lane and West Hill Road from annexation.

Respectfully,

  
Jim Morris

  
Rhonda Morris