

**KUNA CITY ORDINANCE NO. 2019-01
SELECT DEVELOPMENT & CONTRACTING LLC
MUNICIPAL ANNEXATION AND ZONING ORDINANCE**

**A MUNICIPAL ANNEXATION AND ZONING ORDINANCE OF THE CITY COUNCIL
AND THE CITY OF KUNA, IDAHO;**

- **MAKING CERTAIN FINDINGS AND DECLARATION OF AUTHORITY; AND**
- **ANNEXING CERTAIN REAL PROPERTIES, TO WIT: ADA COUNTY ASSESSOR'S PARCEL NOS. S1419223000 AND S1418346600 OWNED BY SELECT DEVELOPMENT & CONTRACTING LLC SITUATED WITHIN THE UNINCORPORATED AREA OF ADA COUNTY, IDAHO AND CONTIGUOUS TO THE CORPORATE LIMITS OF THE CITY OF KUNA, INTO THE CITY OF KUNA, IDAHO; AND**
- **RESPECTIVELY ESTABLISHING R-6 AND R-4 ZONING DISTRICT CLASSIFICATION OF SAID REAL PROPERTIES; AND**
- **AMENDING THE OFFICIAL ZONING MAP; AND**
- **DIRECTING THE CITY ENGINEER AND THE CITY CLERK; AND**
- **PROVIDING AN EFFECTIVE DATE.**

THE CITY COUNCIL MAKES THE FOLLOWING FINDINGS AND DECLARATIONS OF ITS AUTHORITY, HISTORY AND PROCESS OF THIS IDAHO CODE SECTION 50-222 (3) (a) CATEGORY "A" ANNEXATION AND ZONING ORDINANCE as follows:

1. The City of Kuna, Idaho is a municipal corporation organized and existing under the laws of the state of Idaho (the "City") and is authorized to annex into and incorporate within the boundaries of the City contiguous real property in the manner provided by Section 50-222, Idaho Code; and
2. Select Development & Contracting LLC (the "Owner") is the owner Ada County Assessor's Parcel Nos S1419223000 [legally described in Exhibit A-1 attached hereto and by this reference herein incorporated] and S1418346600 [legally described in Exhibit A-2 attached hereto and by this reference herein incorporated] (the "Real Properties")
3. The Real Properties are both situated in the unincorporated area of Ada County, and
4. The Owner has filed with the City the following written requests and applications:
 - Annexation of Parcel No S1419223000 with an R-6 zoning district classification; and

- Annexation of Parcel No. S1418346600 with an R-4 zoning district classification; and
5. The Planning and Zoning Commission of the City (the “Commission”), pursuant to public notice as required by law, held a public hearing on October 9, 2018 as required by Section 67-6525, Idaho Code, made findings (approved by the Commission on October 23, 2018 recommending to the Mayor and the City Council of the City (the ”Council”) that the Owner’s annexation and zoning applications for parcel no. S1419223000 be approved with a zoning district classification of R-6 and that the Owner’s annexation and zoning applications for parcel no. S1418346600 be approved with the zoning district classification of R-4; and
 6. The Council, pursuant to public notice as required by law, held a public hearing on November 20, 2018 on the Owner’s applications and requests for the Real Properties annexation and zoning, as required by Section 67-6525, Idaho Code, and made findings (approved on December 4, 2018) wherein the City Council determined that the Owner’s written request and applications for annexation of parcel no. S1419223000 should be granted with an R-6 zoning district classification, and the Owner’s written request and applications for annexation of parcel no. S1418346600 should be granted with an R-4 zoning district classification.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND THE CITY COUNCIL OF THE CITY OF KUNA, IDAHO, as follows:

Section 1: The Council hereby finds and declares that the Real Properties described below are contiguous to the City, that said Real Properties can reasonably be assumed to be a part of the orderly development of the City, and that the Owner of said Real Properties has requested and made an application, in writing, for the annexation thereof to the City.

Section 2: The Real Properties, are situated within Ada County, Idaho and are adjacent and contiguous to the City, are designated by the Ada County Assessor’s Office as Parcel Nos. S1419223000 and S1418346600; and are more particularly and legally described in “Exhibit A-1” and “Exhibit A-2” –and are depicted in “Exhibit B” – Location Map, attached hereto and incorporated herein by reference; and

Section 3: The Real Property, designated by Ada County Assessor’s Office as Parcel No. S1419223000 [more particularly and legally described in “Exhibit A-1”], is annexed to and incorporated within the incorporated territorial limits of the City of Kuna, Idaho.

Section 4: The Real Property, designated by Ada County Assessor’s Office as Parcel No. S1418346600 [more particularly and legally described in “Exhibit A-2”], is annexed to and incorporated within the incorporated territorial limits of the City of Kuna, Idaho.

Section 5: From and after the effective date of this Ordinance, all property and persons within the boundaries and territory of the Real Properties shall be subject to all ordinances, resolutions, police regulations, taxation and other powers of the City of Kuna.

Section 6: The zoning district classification of the real property, described in Section 3 above, is established as R-6 in accordance with the Zoning Ordinance of the City; and

Section 7: The zoning district classification of the real property described in Section 4 above is established as R-4, in accordance with the Zoning Ordinance of the City; and

Section 8: The Official Zoning Map of the City (the "Zoning Map") is hereby amended and the City Engineer is directed to include on the Zoning Map the Real Property described in Sections 3 and designate said Real Properties with an R-6 zoning district classification; and

Section 9: The Official Zoning Map of the City (the "Zoning Map") is hereby amended and the City Engineer is directed to include on the Zoning Map the Real Property described in Sections 3 and designate said Real Properties with an R-4 zoning district classification; and

Section 10: The City Clerk is hereby directed to file, within ten (10) days of passage and approval of this Ordinance, a certified copy of this Ordinance with the offices of the Auditor, Treasurer, and Assessor of Ada County, Idaho, and with the Idaho State Tax Commission, Boise, Idaho, as required by Section 50-223, Idaho Code, and to comply with the provisions of Section 63-215, Idaho Code, with regard to the preparation and filing of a map and legal description of the real property annexed by this Ordinance.

Section 11: This Ordinance shall take effect and be in force from and after its passage, approval, and publication as required by law. In lieu of publication of the entire ordinance, a summary thereof in compliance with Section 50-901A, Idaho Code, may be published.

DATED this 2nd day of January, 2019.

CITY OF KUNA



Joe Stear, Mayor

ATTEST:



Chris Engels, City Clerk



EXHIBIT A-1

SELECT DEVELOPMENT & CONTRACTING LLC
MUNICIPAL ANNEXATION

PARCEL NO. S1419223000 Legal Description

BASIS OF BEARINGS for this description is South 89°35'05" East, between an illegible aluminum cap marking the NW Corner of Section 19, and a brass cap PLS 8575, marking the North 1/4 Corner of said Section 19, both in T. 2 N., R. 1 E., B.M., Ada County, Idaho.

A parcel of land lying within Government Lot 1, Section 19, T. 2 N., R. 1 E., B.M., Ada County, Idaho, more particularly described as follows:

COMMENCING at an illegible aluminum cap marking the NW Corner of said Section 19;

Thence South 89°35'05" East, coincident with the north line of said Government Lot 1, Section 19, a distance of 882.73 feet to the **POINT OF BEGINNING**;

Thence continuing South 89°35'05" East, coincident with said north line of Government Lot 1, Section 19, a distance of 335.00 feet to the W1/16 of said Section 19;

Thence leaving said north line of Government Lot 1, Section 19, South 0°48'31" West, coincident with the east line of said Government Lot 1, Section 19, a distance of 534.53 feet;

Thence leaving said east line of Government Lot 1, Section 19, North 47°20'47" West, 60.21 feet to the east bank of the Kuna Canal;

Thence North 31°15'28" West, coincident with said east bank of the Kuna Canal, 580.50 feet to the **POINT OF BEGINNING**.

Less any rights of way and/or easements.

The above described parcel of land contains 2.28 acres, more or less.

EXHIBIT A-2

SELECT DEVELOPMENT & CONTRACTING LLC
MUNICIPAL ANNEXATION

PARCEL NO. S1418346600 Legal Description

BASIS OF BEARINGS for this description is South 89°35'05" East, between an illegible aluminum cap marking the SW Corner of Section 18, and a brass cap PLS 8575, marking the South 1/4 Corner of said Section 18, both in T. 2 N., R. 1 E., B.M., Ada County, Idaho.

A parcel of land lying within the SE1/4 of the SW1/4 of Section 18, T. 2 N., R. 1 E., B.M., Ada County, Idaho, more particularly described as follows:

COMMENCING at an illegible aluminum cap marking the SW Corner of said Section 18;

Thence South 89°35'05" East, coincident with the south line of the SW1/4 of said Section 18, a distance of 1235.78 feet to the W1/16 corner of said Section 18, the **POINT OF BEGINNING**;

Thence leaving said south line of said SW1/4 of Section 18, North 0°09'26" East, coincident with the west line of the SE1/4 of the SW1/4 of said Section 18, a distance of 1324.14 feet to the SW1/16 corner of said Section 18;

Thence leaving said west line of the SE1/4 of the SW1/4 of Section 18, South 89°32'05" East, coincident with the north line of said the SE1/4 of the SW1/4 of Section 18, a distance of 1325.47 feet to the CS1/16 corner of said Section 18;

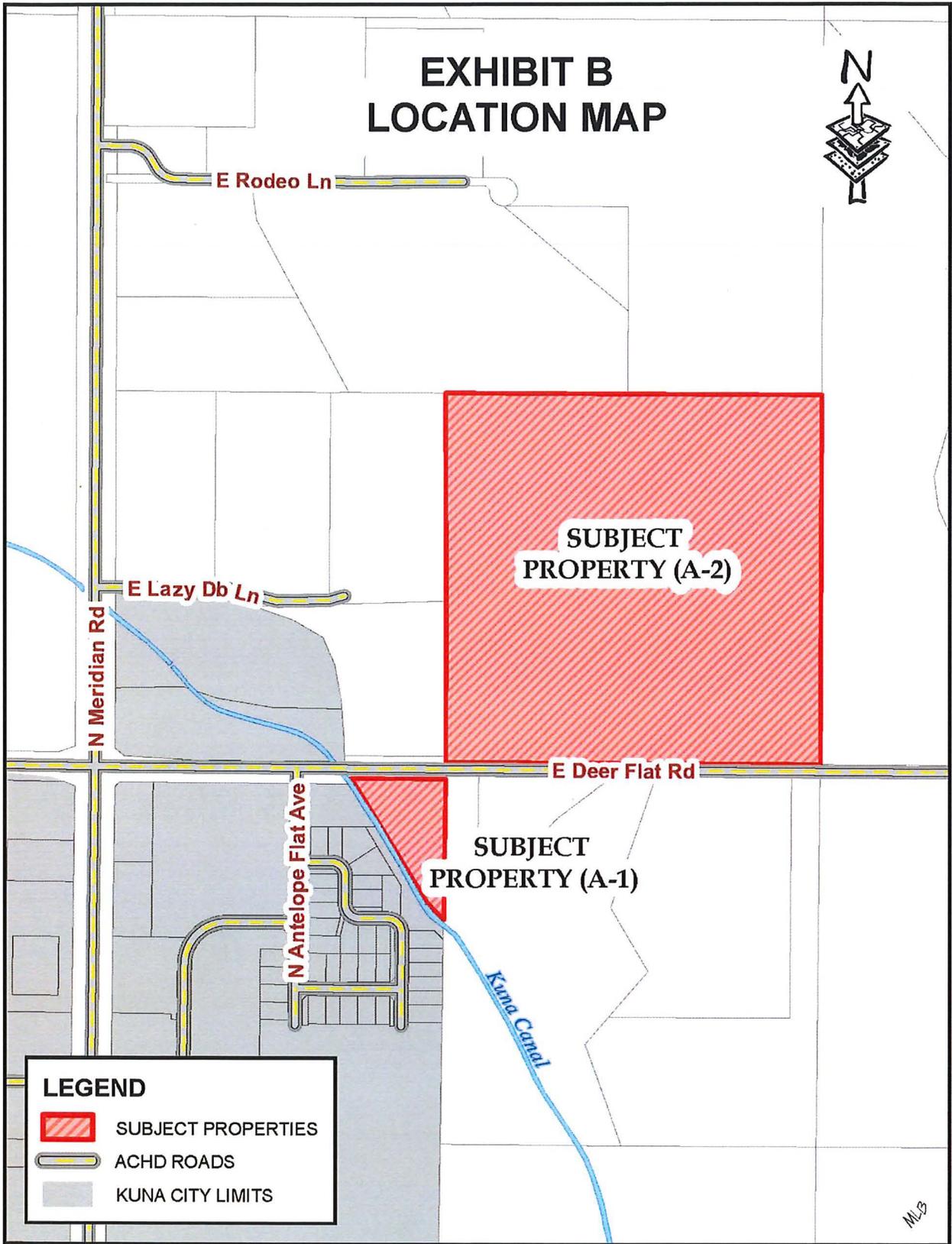
Thence leaving said north line of the SE1/4 of the SW1/4 of Section 18, South 0°15'37" West, coincident with the east line of said the SE1/4 of the SW1/4 of Section 18, a distance of 1322.97 feet to the brass cap PLS 8575, marking the S1/4 corner of said Section 18;

Thence leaving said east line of the SE1/4 of the SW1/4 of Section 18, North 89°35'05" West, coincident with said south line of the SW1/4 of Section 18, a distance of 1323.09 feet to the **POINT OF BEGINNING**.

Less any rights of way and/or easements.

The above described parcel of land contains 40.24 acres, more or less.

EXHIBIT B LOCATION MAP



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