

**ORDINANCE 2019-17  
CITY OF KUNA, IDAHO**

**ORDINANCE AMENDING THE EXTERIOR BOUNDARIES  
OF THE KUNA MUNICIPAL IRRIGATION SYSTEM  
[DB Development LLC real property]**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF KUNA:**

- **MAKING CERTAIN FINDINGS; and**
- **ENLARGING THE BOUNDARIES OF THE KUNA MUNICIPAL IRRIGATION SYSTEM BY THE INCLUSION OF ADA COUNTY ASSESSOR'S DB DEVELOPMENT LLC.; AND**
- **DECLARING WATER RIGHTS APPURTENANT THERETO ARE POOLED FOR DELIVERY PURPOSES; and**
- **DIRECTING THE CITY CLERK TO RECORD THIS ORDINANCE AS PROVIDED BY LAW; and**
- **DIRECTING THE CITY ENGINEER TO PROVIDE NOTICE OF THIS ORDINANCE TO THE BOISE~KUNA IRRIGATION DISTRICT, THE OWNERS AND UPDATE THE IRRIGATION SYSTEM MAP; and**
- **PROVIDING AN EFFECTIVE DATE.**

**The City Council findings:** The City Council makes the following findings of its authority, purpose and the history of the enactment of this ordinance:

- 1.1 The City of Kuna has established and operates, as authorized by Title 50, Chapter 18, Idaho Code, a municipal irrigation system, known and referred to as *Kuna Municipal Irrigation System* (the "KMIS"); and
- 1.2 Commencing with the establishment of the KMIS and with every additional real property enlarging KMIS, the City Council has passed and enacted an ordinance pursuant to Idaho Code Section 50-1832 describing and enlarging the exterior boundaries of KMIS; and

- 1.3 It is the intention of the City Council to include that certain real property identified by the Ada County Assessor's office as DB DEVELOPMENT LLC. [legally described in **Exhibit A** attached to this Ordinance and by this reference incorporated herein] (the "SUBJECT REAL PROPERTIES") within the boundaries of KMIS and which SUBJECT REAL PROPERTIES are depicted on the attached **Exhibit B** Location Map; and
- 1.4 It is therefore necessary as required by Idaho Code Section 50-1832 to approve and enact this Ordinance in order to include the Subject Real Properties within the boundaries of KMIS.

**NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF KUNA, Ada County, Idaho, as follows:**

Section 1: The boundaries of the Kuna Municipal Irrigation System are enlarged by the inclusion of the SUBJECT REAL PROPERTIES and the boundaries thereof are adjusted accordingly, said SUBJECT REAL PROPERTY being described as follows in **Exhibit A** attached hereto this Ordinance.

Section 2: Declaring the water rights appurtenant thereto are hereby pooled for delivery purposes.

Section 3: The City Clerk is hereby directed to record, in the office of the recorder for Ada County, a certified copy of this ordinance as required by Section 50-1832, Idaho Code.

Section 4: The City Engineer is hereby directed to give notice of this action by forwarding a certified copy of this Ordinance to Boise~Kuna Irrigation District, the owner of the SUBJECT REAL PROPERTIES and to update the official City map of the exterior boundaries of KMIS.

Section 5: Effective Date: This Ordinance shall take effect and be in force from and after its passage, approval, and publication as required by law.

DATED this 7<sup>th</sup> day of May, 2019.

CITY OF KUNA



Joe L. Stear, Mayor

ATTEST:

  
Chris Engels, City Clerk



## EXHIBIT A

### LEGAL DESCRIPTION FOR WATER RIGHTS ON DB DEVELOPMENT LLC

A parcel of land situated in a portion of the Northwest 1/4 of the Southwest 1/4 of Section 14, Township 2 North, Range 1 West, B.M., City of Kuna, Ada County, Idaho and being more particularly described as follows:

Commencing at a found brass cap marking the Southwest corner of said Section 14, which bears S00°14'54"W a distance of 2,661.44 feet from a found brass cap marking the West 1/4 corner of said Section 14, thence following the westerly line of the Southwest 1/4 of said Section 14, N00°14'54"E a distance of 1,330.72 feet to a found 5/8-inch rebar marking the Southwest corner of said Northwest 1/4 of the Southwest 1/4 (South 1/16 Corner of Sections 14 and 15);

Thence leaving said westerly line and following the southerly line of said Northwest 1/4 of the Southwest 1/4, S89°45'56"E a distance of 48.00 feet to a found 5/8-inch rebar on the easterly right-of-way line of North Ten Mile Road and being the **POINT OF BEGINNING**.

Thence leaving said southerly line and following said easterly right-of-way line, N00°14'54"E a distance of 576.19 feet to a set 5/8-inch rebar;

Thence leaving said easterly right-of-way line, S89°45'06"E a distance of 189.84 feet to a set 5/8-inch rebar;

Thence S00°14'54"W a distance of 59.05 feet to a set 5/8-inch rebar;

Thence S89°45'06"E a distance of 54.00 feet to a set 5/8-inch rebar;

Thence S00°14'54"W a distance of 254.00 feet to a set 5/8-inch rebar;

Thence S89°45'06"E a distance of 866.74 feet to a set 5/8-inch rebar;

Thence N00°14'54"E a distance of 5.13 feet to a set 5/8-inch rebar;

Thence N53°17'28"W a distance of 24.45 feet to a set 5/8-inch rebar;

Thence N00°14'04"E a distance of 50.00 feet to a set 5/8-inch rebar;

Thence S89°45'56"E a distance of 40.03 feet to a set 5/8-inch rebar;

Thence N00°00'45"E a distance of 105.08 feet to a set 5/8-inch rebar on the boundary of the United States Teed Lateral easement;

Thence following said easement, S85°11'05"E a distance of 140.36 feet to a set 5/8-inch rebar on the easterly line of said Northwest 1/4 of the Southwest 1/4 and also being on the subdivision boundary of Palomar Heights No. 5 Subdivision (Book 82, Pages 9045-9047 records of Ada County, Idaho);

Thence leaving said easement and following said easterly line and said subdivision boundary of Palomar Heights No. 5 Subdivision, S00°09'17"W a distance of 426.41 feet to a found 5/8-inch rebar marking the Southeast corner of said Northwest 1/4 of the Southwest 1/4 (Southwest 1/16 corner);

Thence leaving said easterly line and following the southerly line of said Northwest 1/4 of the Southwest 1/4 and said subdivision boundary of Palomar Heights No. 5 Subdivision and Palomar Heights No. 3 Subdivision (Book 79, Pages 8474-8476, records of Ada County, Idaho), N89°45'56"W a distance of 1,271.12 feet to the **POINT OF BEGINNING**.

Said parcel contains 9.953 acres, more or less.

