

**ORDINANCE 2019-25
CITY OF KUNA, IDAHO**

**ORDINANCE AMENDING THE EXTERIOR BOUNDARIES
OF THE KUNA MUNICIPAL IRRIGATION SYSTEM
[SDN 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 SDN LLC REAL PROPERTY.; 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 SDN 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 16th day of July, 2019.

CITY OF KUNA



Joe L. Stear, Mayor

ATTEST:


Chris Engels, City Clerk



EXHIBIT A

LEGAL DESCRIPTION FOR WATER RIGHTS ON SDN LLC.

A parcel of land situated in a portion of Government Lots 1 and 2 of Section 19, Township 2 North, Range 1 East, Boise Meridian, City of Kuna, Ada County, Idaho and being more particularly described as follows:

Commencing at a found aluminum cap marking the Northwest corner of said Section 19, which bears N00°46'08"E a distance of 2,649.32 feet from a found aluminum cap marking the West 1/4 corner of said Section 19, thence following the westerly line of said Government Lot 1, S00°46'08"W a distance of 1,146.19 feet;

Thence leaving said westerly line, S89°13'52"E a distance of 70.00 feet to a found 5/8-inch rebar marking the Southwest corner of Ashton Estates Subdivision No. 1 (Book 114 of Plats at Pages 17055 - 17059, records of Ada County, Idaho), on the easterly right-of-way line of North Meridian Road/State Highway 69 and being the **POINT OF BEGINNING**.

Thence following the southerly boundary line of said Ashton Estates Subdivision No. 1 the following twenty-four (24) courses:

1. 16.95 feet along the arc of a circular curve to the right, said curve having a radius of 39.50 feet, a delta angle of 24°35'20", a chord bearing of N78°42'55"E and a chord distance of 16.82 feet to a found 5/8-inch rebar;
2. S88°59'25"E a distance of 184.94 feet to a found 5/8-inch rebar;
3. 43.08 feet along the arc of a circular curve to the right, said curve having a radius of 27.50 feet, a delta angle of 89°45'33", a chord bearing of S44°06'38"E and a chord distance of 38.81 feet to a found 5/8-inch rebar;
4. S89°13'52"E a distance of 50.00 feet to a found 5/8-inch rebar;
5. N00°46'08"E a distance of 4.58 feet to a found 5/8-inch rebar;
6. 35.44 feet along the arc of a circular curve to the right, said curve having a radius of 22.50 feet, a delta angle of 90°14'27", a chord bearing of N45°53'22"E and a chord distance of 31.89 feet to a found 5/8-inch rebar;
7. S88°59'25"E a distance of 80.15 feet to a found 5/8-inch rebar;
8. 35.10 feet along the arc of a circular curve to the right, said curve having a radius of 22.50 feet, a delta angle of 89°22'40", a chord bearing of S44°18'05"E and a chord distance of 31.65 feet to a found 5/8-inch rebar;
9. S00°23'15"W a distance of 5.24 feet to a found 5/8-inch rebar;
10. S88°59'25"E a distance of 50.00 feet to a found 5/8-inch rebar;
11. N00°23'15"E a distance of 3.80 feet to a found 5/8-inch rebar;
12. 38.11 feet along the arc of a circular curve to the right, said curve having a radius of 22.50 feet, a delta angle of 97°02'57", a chord bearing of N48°54'43"E and a chord distance of 33.72 feet to a found 5/8-inch rebar;

13. 32.06 feet along the arc of a compound curve to the right, said curve having a radius of 175.00 feet, a delta angle of 10°29'45", a chord bearing of S77°18'56"E and a chord distance of 32.01 feet to a found 5/8-inch rebar;
14. N17°43'40"E a distance of 50.00 feet to a found 5/8-inch rebar;
15. N00°23'15"E a distance of 219.67 feet to a found 5/8-inch rebar;
16. S89°36'45"E a distance of 100.00 feet to a found 5/8-inch rebar;
17. S00°23'15"W a distance of 18.81 feet to a found 5/8-inch rebar;
18. S89°36'45"E a distance of 70.88 feet to a found 5/8-inch rebar;
19. N00°23'15"E a distance of 5.00 feet to a found 5/8-inch rebar;
20. S89°36'45"E a distance of 287.68 feet to a found 5/8-inch rebar;
21. S00°23'15"W a distance of 5.00 feet to a found 5/8-inch rebar;
22. S89°36'45"E a distance of 65.00 feet to a found 5/8-inch rebar;
23. N00°23'15"E a distance of 13.38 feet to a found 5/8-inch rebar;
24. S89°36'45"E a distance of 118.80 feet to a found 5/8-inch rebar on the easterly line of said Government Lot 1;

Thence leaving said southerly boundary line and following said easterly line, S00°45'15"W a distance of 431.12 feet to a found 1/2-inch rebar marking the Northeast corner of said Government Lot 2;

Thence leaving said easterly line of Government Lot 1 and following the easterly line of Government Lot 2, S00°45'15"W a distance of 404.27 feet to a set 5/8-inch rebar;

Thence leaving said easterly line, N89°36'45"W a distance of 113.46 feet to a set 5/8-inch rebar;

Thence S00°23'15"W a distance of 15.00 feet to a set 5/8-inch rebar;

Thence N89°36'45"W a distance of 115.00 feet to a set 5/8-inch rebar;

Thence N00°23'15"E a distance of 250.00 feet to a set 5/8-inch rebar;

Thence N89°36'45"W a distance of 530.00 feet to a set 5/8-inch rebar;

Thence N00°23'15"E a distance of 58.16 feet to a set 5/8-inch rebar;

Thence N89°36'45"W a distance of 102.92 feet to a set 5/8-inch rebar;

Thence S00°46'08"W a distance of 569.96 feet to a set 5/8-inch rebar;

Thence N89°58'53"W a distance of 312.80 feet to a set 5/8-inch rebar on the easterly right-of-way line of said North Meridian Road/State Highway 69;

Thence following said easterly right-of-way line, N00°46'08"E a distance of 682.34 feet to a point being witnessed by a set 5/8-inch rebar bearing N04°34'59"E a distance of 2.00 feet;

Thence N04°34'59"E a distance of 150.33 feet to a found brass cap highway monument;

Thence N00°46'08"E a distance of 29.51 feet to the **POINT OF BEGINNING**.

Said parcel contains 17.760 acres, more or less, and is subject to all existing easements and/or rights-of-way of record or implied.

 LAM

