

ORDINANCE NO. 2019-03

**CITY OF KUNA, IDAHO
ORDINANCE AMENDING THE EXTERIOR BOUNDARIES
OF THE KUNA MUNICIPAL IRRIGATION SYSTEM
[Black Creek LTD Partnership 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 PARCEL NOS. R0615254601 AND A PORTION OF S1324449005 [MERLIN POINT SUBDIVISION NO. 1]; 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 Parcel Nos. R0615254601 and a portion of S1324449005, and platted as MERLIN POINT SUBDIVISION NO. 1 [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 5th day of February, 2019.

CITY OF KUNA



Joe L. Stear, Mayor

ATTEST:

Chris Engels
Chris Engels, City Clerk



EXHIBIT A

LEGAL DESCRIPTION FOR WATER RIGHTS ON MERLIN POINT SUBDIVISION NO. 1

A parcel being a portion of Lots 3, 5, and 7 of Block 15 of the Amended Plat of Avalon Orchard Tracts, as shown in Book 6 of Plats on Page 254, records of Ada County, Idaho, and a portion of the SE ¼ of Section 24 of Township 2 North, Range 1 West, Boise Meridian, City of Kuna, Ada County, Idaho, and more particularly described as follows:

Commencing at a Brass Cap monument marking the southeast corner of said SE ¼, from which a 5/8 inch diameter iron pin marking the southwest corner of said SE ¼ bears N 88°38'59" W a distance of 2667.49 feet;

Thence N 88°38'59" W along the southerly boundary of said SE ¼ a distance of 2015.09 feet to a point;

Thence leaving said southerly boundary N 1°21'01" E a distance of 60.00 feet to a Brass Cap Monument marking the initial point of Sunbird Village Subdivision No. 1 as shown in Book 70 of Plats on Pages 7232 and 7233, records of Ada County, Idaho, and the **POINT OF BEGINNING**;

Thence N 1°17'30" E along the westerly boundary of said Block 15 of the Amended Plat of Avalon Orchard Tracts, also being the easterly boundary of said Sunbird Village Subdivision No. 1, the easterly boundary of Sunbird Village Subdivision No. 2 as shown in Book 89 of Plats on Pages 9407 and 9408, records of Ada County, Idaho, and the easterly boundary of Tomorrow Village Subdivision No. 3 as shown in Book 97 of Plats on Pages 12234 thru 12236, records of Ada County, Idaho, a distance of 1259.25 feet to a 5/8 inch diameter iron pin marking the northeast corner of said Tomorrow Village Subdivision No. 3;

Thence S 88°40'00" E along the southerly boundary of Tomorrow Subdivision No. 2 as shown in Book 91 of Plats on Pages 10745 thru 10747, records of Ada County, Idaho, the southerly boundary of Mino Landing Subdivision as shown in Book 76 of Plats on Pages 7929 and 7930, records of Ada County, Idaho, and the northerly boundary of said Block 15 of the Amended plat of Avalon Orchard Tracts a distance of 883.56 feet to a 5/8 inch diameter iron pin;

Thence leaving said boundary S 1°17'30" W a distance of 297.76 feet to a 5/8 inch diameter iron pin;

Thence S 88°42'30" E a distance of 38.58 feet to a 5/8 inch diameter iron pin;

Thence S 1°17'30" W a distance of 660.89 feet to a 5/8 inch diameter iron pin;

Thence S 88°42'30" E a distance of 125.82 feet to a 5/8 inch diameter iron pin;

Thence S 1°17'30" W a distance of 300.39 feet to a 5/8 inch diameter iron pin on the northerly right-of-way of E. Kuna Rd.;

Thence S 89°25'45" W along said northerly right-of-way a distance of 18.90 feet to a 5/8 inch diameter iron pin;

Thence continuing along said northerly right-of-way N 88°38'59" W a distance of 1029.07 feet to the **POINT OF BEGINNING**;

This parcel contains 27.27 acres.

Clinton W. Hansen, PLS
Land Solutions, PC
June 2, 2017



