



OFFICIALS
Joe Stear, Mayor
Briana Buban-Vonder Haar, Council President
Richard Cardoza, Council Member
Warren Christensen, Council Member
Greg McPherson, Council Member

CITY OF KUNA
Kuna City Hall Conference Room, 751 W 4th Street, Kuna, Idaho 83634

*****NOTICE*****
Special City Council Meeting
AGENDA
Friday, December 20, 2019

10:00 A.M. SPECIAL CITY COUNCIL MEETING
Kuna City Hall Conference Room
751 W 4th Street, Kuna, Idaho 83634

1. Call to Order and Roll Call

2. Ordinances:

A. Consideration to approve Ordinance No. 2019-01A ACTION ITEM

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

- MAKING CERTAIN FINDINGS AND DECLARATION OF AUTHORITY; AND
- ANNEXING CERTAIN REAL PROPERTIES, TO WIT: ADA COUNTY ASSESSOR'S PARCEL NO. S1419223001 AND LUGARNO TERRA SUBDIVISION OWNED BY SELECT DEVELOPMENT & CONTRACTING LLC SITUATED WITHIN THE UNICORPORATED 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.

Consideration to waive three readings

Consideration to approve Ordinance

B. Consideration to approve Ordinance No. 2019-35A ACTION ITEM

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

- MAKING CERTAIN FINDINGS AND DECLARATION OF AUTHORITY; AND
- ANNEXING CERTAIN REAL PROPERTY, TO WIT: ADA COUNTY ASSESSOR'S PARCEL NO. R4313530015 OWNED BY COTTONWOOD CROSSING FARM, LLC SITUATED WITHIN THE UNICORPORATED AREA OF ADA COUNTY, IDAHO AND CONTIGUOUS TO THE CORPORATE LIMITS OF THE CITY OF KUNA, INTO THE CITY OF KUNA, IDAHO; AND

NOTICE: Copies of all agenda materials are available for public review in the Office of the City Clerk. Persons who have questions concerning any agenda item may call the City Clerk's Office at 922-5546. In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the City Clerk at 922-5546 at least forty-eight (48) hours prior to the meeting to allow the City to make reasonable arrangements to ensure accessibility to this meeting.

- RESPECTIVELY ESTABLISHING R-2 ZONING DISTRICT CLASSIFICATION OF SAID REAL PROPERTY; AND
- AMENDING THE OFFICIAL ZONING MAP; AND
- DIRECTING THE CITY ENGINEER AND THE CITY CLERK; AND
- PROVIDING AN EFFECTIVE DATE.

Consideration to waive three readings
Consideration to approve Ordinance

C. Consideration to approve Ordinance No. 2019-48 ACTION ITEM

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 PATAGONIA 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 NEW YORK IRRIGATION DISTRICT, THE OWNERS AND UPDATE THE IRRIGATION SYSTEM MAP; and
- PROVIDING AN EFFECTIVE DATE.

Consideration to waive three readings
Consideration to approve Ordinance

D. Consideration to approve Ordinance No. 2019-49 ACTION ITEM

A MUNICIPAL ANNEXATION ORDINANCE OF THE CITY COUNCIL OF THE CITY OF KUNA;

- MAKING CERTAIN FINDINGS; AND
- ANNEXING CERTAIN REAL PROPERTIES, TO WIT: ALL LANDS LEGALLY DESCRIBED IN EXHIBIT A, OWNED BY GREYHAWK WEST LLC, GREYHAWK LAND COMPANY LLC & BRADFORD A. WATERS, 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
- ESTABLISHING THE ZONING CLASSIFICATIONS OF SAID REAL PROPERTIES; AND
- DIRECTING THE CITY ENGINEER AND THE CITY CLERK; AND
- PROVIDING AN EFFECTIVE DATE.

Consideration to waive three readings
Consideration to approve Ordinance

3. Adjournment:

(Space above reserved for recording)

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

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

- **MAKING CERTAIN FINDINGS AND DECLARATION OF AUTHORITY; AND**
- **ANNEXING CERTAIN REAL PROPERTIES, TO WIT: ADA COUNTY ASSESSOR’S PARCEL NO. S1419223001 AND LUGARNO TERRA SUBDIVISION 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 of Ada County Assessor’s Parcel No. S1419223001 [legally described in Exhibit A-1 attached hereto and by this reference herein incorporated] and Lugarno Terra Subdivision [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. S1419223001 with an R-6 zoning district classification; and
 - Annexation of Lugarno Terra Subdivision 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. S1419223001 be approved with a zoning district classification of R-6 and that the Owner’s annexation and zoning applications for Lugarno Terra Subdivision 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. S1419223001 should be granted with an R-6 zoning district classification, and the Owner’s written request and applications for annexation of Lugarno Terra Subdivision should be granted with an zoning district classification of R-4.

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 No. S1419223001 and Lugarno Terra Subdivision; 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. S1419223001 [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 Lugarno Terra Subdivision [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 Section 3 and designate said Real Property 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 Section 4 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 17th day of December, 2019.

CITY OF KUNA

Joe L. Stear, Mayor

ATTEST:

Chris Engels, City Clerk

EXHIBIT A-1

**SELECT DEVELOPMENT & CONTRACTING LLC
MUNICIPAL ANNEXATION**

PARCEL NO. S1419223001 Legal Description

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

COMMENCING at the northwest corner of said Section 19, marked by an aluminum cap/PLS 7323, from which the northeast corner of Government Lot 1 of said Section 19, marked by a 5/8 inch rebar/cap PLS 10561, bears South 89°35'05" East, 1235.78 feet;

Thence South 89°35'05" East, coincident with the north line of said Government Lot 1, Section 19, a distance of 882.93 feet to the **POINT OF BEGINNING**;

Thence continuing South 89°35'05" East, coincident with said north line of Government Lot 1, a distance of 352.85 feet to the northeast corner of said Government Lot 1, marked by an aluminum cap/PLS 10561;

Thence South 0°45'45" West, coincident with the east line of said Government Lot 1, a distance of 529.49 feet to a 5/8 inch rebar/cap PLS 16662 being an angle point on the easterly line of Ashton Estates Subdivision No. 1, Book 114, Pages 17055-17059, Ada County Records;

Thence North 45°03'35" West, coincident with said easterly line of Ashton Estates Subdivision No. 1, a distance of 82.21 feet to a 5/8 inch rebar/cap PLS 16662;

Thence North 31°15'05" West, coincident with said easterly line and the prolongation of said easterly line of the Ashton Estates Subdivision No. 1, a distance of 554.37 feet to the **POINT OF BEGINNING**.

The above described parcel of land contains 2.269 acres, more or less.

BASIS OF BEARINGS for this description is South 89°35'05" East, between northwest corner and the N1/4 corner of Section 19, T. 2 N., R. 1 E., B.M., Ada County, Idaho.

EXHIBIT A-2

SELECT DEVELOPMENT & CONTRACTING LLC MUNICIPAL ANNEXATION

Lugarno Terra Subdivision Legal Description

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

COMMENCING at the southwest corner of said Section 18, marked by an aluminum cap/PLS 7323, from which the S1/4 corner of said Section 18, marked by a brass cap/PLS 8575, bears South 89°35'05" East, 2558.87 feet;

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, marked by an aluminum cap/ PLS 10561 and the **POINT OF BEGINNING**;

Thence North 00°09'26" East, coincident with the west line of said SE1/4 SW1/4 of Section 18, a distance of 1324.09 feet to the SW1/16 corner of said Section 18, marked by a 5/8" rebar/cap PELS 3260;

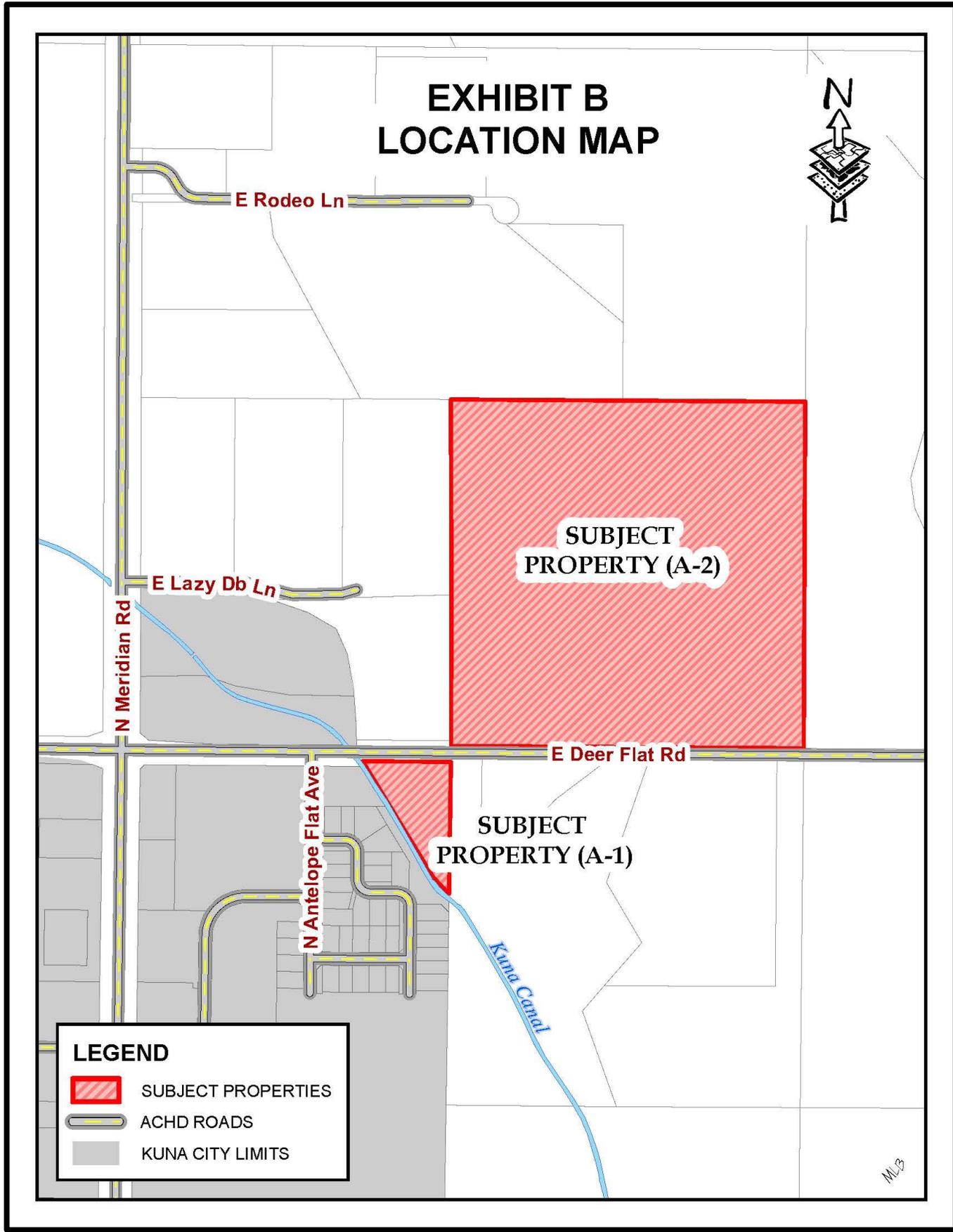
Thence South 89°39'42" East, coincident with the north line of said SE1/4 SW1/4 of Section 18, a distance of 1325.67 feet to the CS1/16 corner of said Section 18, marked by an iron pipe;

Thence South 00°16'07" West, coincident with the east line of said SE1/4 SW1/4 of Section 18, a distance of 1325.87 feet to the S1/4 corner of said Section 18, marked by a brass cap/PLS 8575;

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

The above described parcel of land contains 40.28 acres, more or less.

BASIS OF BEARINGS for this description is South 89°35'05" East between the SW Corner of Section 18 and the South 1/4 Corner of Section 18, T. 2 N., R. 1 E., B.M., Ada County, Idaho.



(Space above reserved for recording)

**KUNA CITY ORDINANCE NO. 2019-35A
COTTONWOOD CROSSING FARM, LLC
MUNICIPAL ANNEXATION AND ZONING ORDINANCE**

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

- **MAKING CERTAIN FINDINGS AND DECLARATION OF AUTHORITY; AND**
- **ANNEXING CERTAIN REAL PROPERTY, TO WIT: ADA COUNTY ASSESSOR'S PARCEL NO. R4313530015 OWNED BY COTTONWOOD CROSSING FARM, 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-2 ZONING DISTRICT CLASSIFICATION OF SAID REAL PROPERTY; 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. Cottonwood Crossing Farm, LLC (the "Owners") is the owner Ada County Assessor's Parcel No. R4313530015 [legally described in Exhibit A attached hereto and by this reference herein incorporated] (the "Real Property").

3. The Real Property is 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. R4313530015 with an R-2 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 April 23, 2019 as required by Section

67-6525, Idaho Code, made findings (approved by the Commission on June 11, 2019, recommending to the Mayor and the City Council of the City (the "Council") that the Owners' annexation and zoning applications for parcel No. R4313530015 be approved with a zoning district classification of R-2; and

6. The Council, pursuant to public notice as required by law, held a public hearing on July 2, 2019 on the Owner's applications and requests for the Real Property annexation and zoning, as required by Section 67-6525, Idaho Code, and made findings (approved on August 6, 2019) wherein the City Council determined that the Owners' written request and applications for annexation of parcel No. R4313530015 should be granted with an R-2 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 Property described below is contiguous to the City, that said Real Property can reasonably be assumed to be a part of the orderly development of the City, and that the Owner of said Real Property has requested and made application, in writing, for the annexation thereof to the City.

Section 2: The Real Property, is situated within Ada County, Idaho and is adjacent and contiguous to the City, is designated by the Ada County Assessor's Office as Parcel No. R4313530015; and is more particularly and legally described in "Exhibit A" and is 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. R4313530015 [more particularly and legally described in "Exhibit A"], is annexed to and incorporated within the incorporated territorial limits of the City of Kuna, Idaho.

Section 4: From and after the effective date of this Ordinance, all property and persons within the boundaries and territory of the Real Property shall be subject to all ordinances, resolutions, police regulations, taxation and other powers of the City of Kuna.

Section 5: The zoning district classification of the Real Property, described in Section 3 above, is established as R-2 in accordance with the Zoning Ordinance of the City; and

Section 6: 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 Section 3 and designate said Real Property with an R-2 zoning district classification; and

Section 7: 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 descriptions of the real Property annexed by this Ordinance.

Section 8: 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 17th day of December, 2019.

CITY OF KUNA

Joe L. Stear, Mayor

ATTEST:

Chris Engels, City Clerk

EXHIBIT A

**COTTONWODD CROSSING FARM, LLC
MUNICIPAL ANNEXATION**

A portion of Lot 1, Block 1 of Ironhorse Subdivision as shown in Book 91 of Plats at Pages 10651 through 10655 records, Ada County, Idaho. Situate in the southeast quarter of Section 3, Township 2 North, Range 1 West, Boise Meridian, Ada County, Idaho, being more particularly described as follows:

Commencing at the easterly corner common to said Lot 1 and Lot 2, Block 1 of said Ironhorse Subdivision, which is the **POINT OF BEGINNING**:

Thence 126.35 feet along a non-tangent curve deflecting to the left, having a radius of 392.69 feet, a central angle of 18°26'09", a long chord bearing of S14°32'18"E and a long chord distance of 125.81 feet along the northeasterly boundary of said Lot 1;

Thence S21°44'13"E, 50.53 feet continuing along the northeasterly boundary of said Lot 1;

Thence S30°03'14"E, 7.08 feet continuing along the northeasterly boundary of said Lot 1;

Thence 145.48 feet along a tangent curve deflecting to the right, having a radius of 203.44 feet, a central angle of 40°58'20", a long chord bearing of S08°34'13"E and a long chord distance of 142.40 feet continuing along the easterly boundary of said Lot 1;

Thence S11°54'56"W, 162.71 feet continuing along the easterly boundary of said Lot 1 to the southeast corner of said Lot 1;

Thence S89°54'57"W, 2.28 feet along the southerly boundary of said Lot 1;

Thence N00°30'23"W, 269.99 feet along the westerly boundary of said Lot 1;

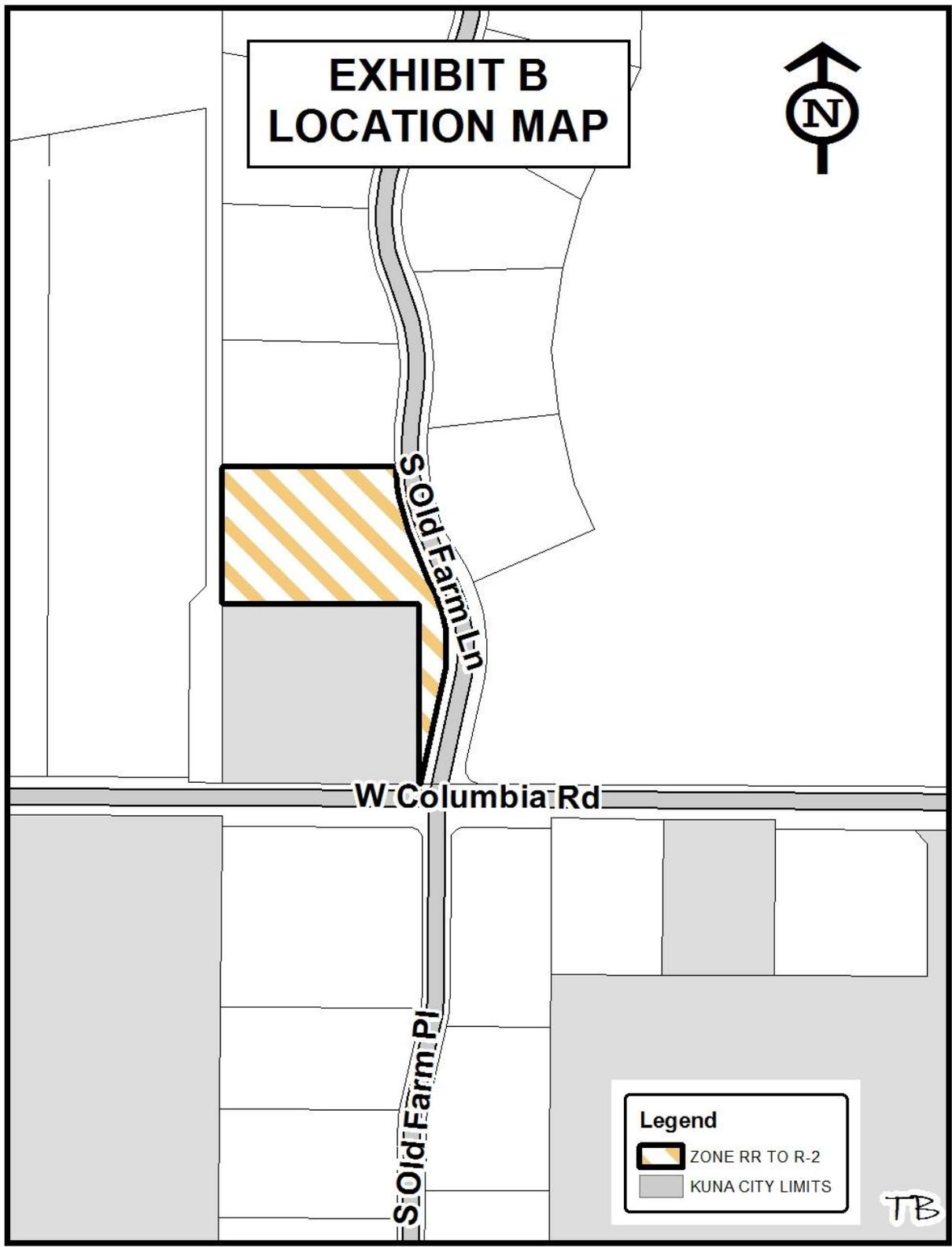
Thence S89°54'57"W, 294.32 feet along the southerly boundary of said Lot 1 to the westerly boundary of said Lot 1;

Thence N00°22'27"W, 203.73 feet along the westerly boundary of said Ironhorse Subdivision to the extension of the lot line common to said Lots 1 and 2;

Thence N89°38'55"E, 258.87 feet along the extension of the lot line common to said Lots 1 and 2 and the northerly boundary of said Lot 1 to the **POINT OF BEGINNING**.

Comprising 65,821 square feet, more or less.

Subject to easements of record or apparent.



(Space above reserved for recording)

**ORDINANCE NO. 2019-48
CITY OF KUNA, IDAHO**

**ORDINANCE AMENDING THE EXTERIOR BOUNDARIES
OF THE KUNA MUNICIPAL IRRIGATION SYSTEM
[PATAGONIA 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 PATAGONIA 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 NEW YORK 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 PATAGONIA 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 New York 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 17th day of December, 2019.

CITY OF KUNA

Joe L. Stear, Mayor

ATTEST:

Chris Engels, City Clerk

EXHIBIT A

**LEGAL DESCRIPTION FOR WATER RIGHTS ON
PATAGONIA DEVELOPMENT LLC.
PATAGONIA ESTATES NO. 4**

KNOW ALL MEN BY THESE PRESENTS: THAT WE, THE UNDERSIGNED, ARE THE OWNERS OF THE REAL PROPERTY DESCRIBED BELOW IN ADA COUNTY, IDAHO, AND THAT WE INTEND TO INCLUDE THE FOLLOWING DESCRIBED PROPERTY IN THIS PATAGONIA SUBDIVISION NO. 4;

A PARCEL LOCATED IN THE S ½ OF SECTION 7, TOWNSHIP 2 NORTH, RANGE 1 EAST, BOISE MERIDIAN, CITY OF KUNA, ADA COUNTY, IDAHO, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT AN ALUMINUM CAP MONUMENT MARKING THE NORTHEAST CORNER OF THE SW ¼ OF SAID SECTION 7, FROM WHICH AN ALUMINUM CAP MONUMENT MARKING THE NORTHWEST CORNER OF THE SW ¼ OF SAID SECTION 7 BEARS N 89°19'20" W A DISTANCE OF 2561.82 FEET;

THENCE S 89°19'11" E ALONG THE NORTHERLY BOUNDARY OF SAID S ½ OF SECTION 7 A DISTANCE OF 57.00 FEET TO A 5/8 INCH DIAMETER REBAR;

THENCE LEAVING SAID NORTHERLY BOUNDARY S 0°28'13" W A DISTANCE OF 330.84 FEET TO A 5/8 INCH DIAMETER REBAR;

THENCE A DISTANCE OF 501.90 FEET ALONG THE ARC OF A 757.00 FOOT RADIUS CURVE RIGHT, SAID CURVE HAVING A CENTRAL ANGLE OF 37°59'16" AND A LONG CHORD BEARING S 19°27'51" W A DISTANCE OF 492.76 FEET TO A 5/8 INCH DIAMETER REBAR;

THENCE S 38°27'29" W A DISTANCE OF 663.87 FEET TO A 5/8 INCH DIAMETER REBAR ON THE NORTHERLY BOUNDARY OF PATAGONIA SUBDIVISION NO. 2 AS SHOWN IN BOOK 112 OF PLATS ON PAGES 16476 THRU 16480, RECORDS OF ADA COUNTY, IDAHO;

THENCE N 55°36'52" W ALONG SAID NORTHERLY BOUNDARY A DISTANCE OF 20.05 FEET TO A 5/8 INCH DIAMETER REBAR;

THENCE CONTINUING ALONG SAID NORTHERLY BOUNDARY N 51°32'31" W A DISTANCE OF 94.00 FEET TO A 5/8 INCH DIAMETER REBAR MARKING THE NORTHWEST CORNER OF SAID PATAGONIA SUBDIVISION NO. 2;

THENCE S 38°27'29" W ALONG THE WESTERLY BOUNDARY OF SAID PATAGONIA SUBDIVISION NO. 2 A DISTANCE OF 0.41 FEET TO A 5/8 INCH DIAMETER REBAR MARKING AT THE NORTHEASTERLY CORNER OF PATAGONIA SUBDIVISION NO. 3 AS SHOWN IN BOOK 115 OF PLATS ON PAGES 17107 THRU 17111, RECORDS OF ADA COUNTY, IDAHO;

THENCE N 55°26'08" W ALONG THE NORTHERLY BOUNDARY OF SAID PATAGONIA SUBDIVISION NO. 3 A DISTANCE OF 577.34 FEET TO A 5/8 INCH DIAMETER REBAR ON THE EASTERLY BOUNDARY OF SAID PATAGONIA SUBDIVISION NO. 3;

THENCE ALONG SAID EASTERLY BOUNDARY THE FOLLOWING COURSES:

THENCE N 34°33'52" E A DISTANCE OF 182.00 FEET TO A 5/8 INCH DIAMETER REBAR;

THENCE N 55°26'08" W A DISTANCE OF 25.58 FEET TO A 5/8 INCH DIAMETER REBAR;

THENCE N 34°33'52" E A DISTANCE OF 118.00 FEET TO A 5/8 INCH DIAMETER REBAR MARKING THE NORTHEAST CORNER OF SAID PATAGONIA SUBDIVISION NO. 3;

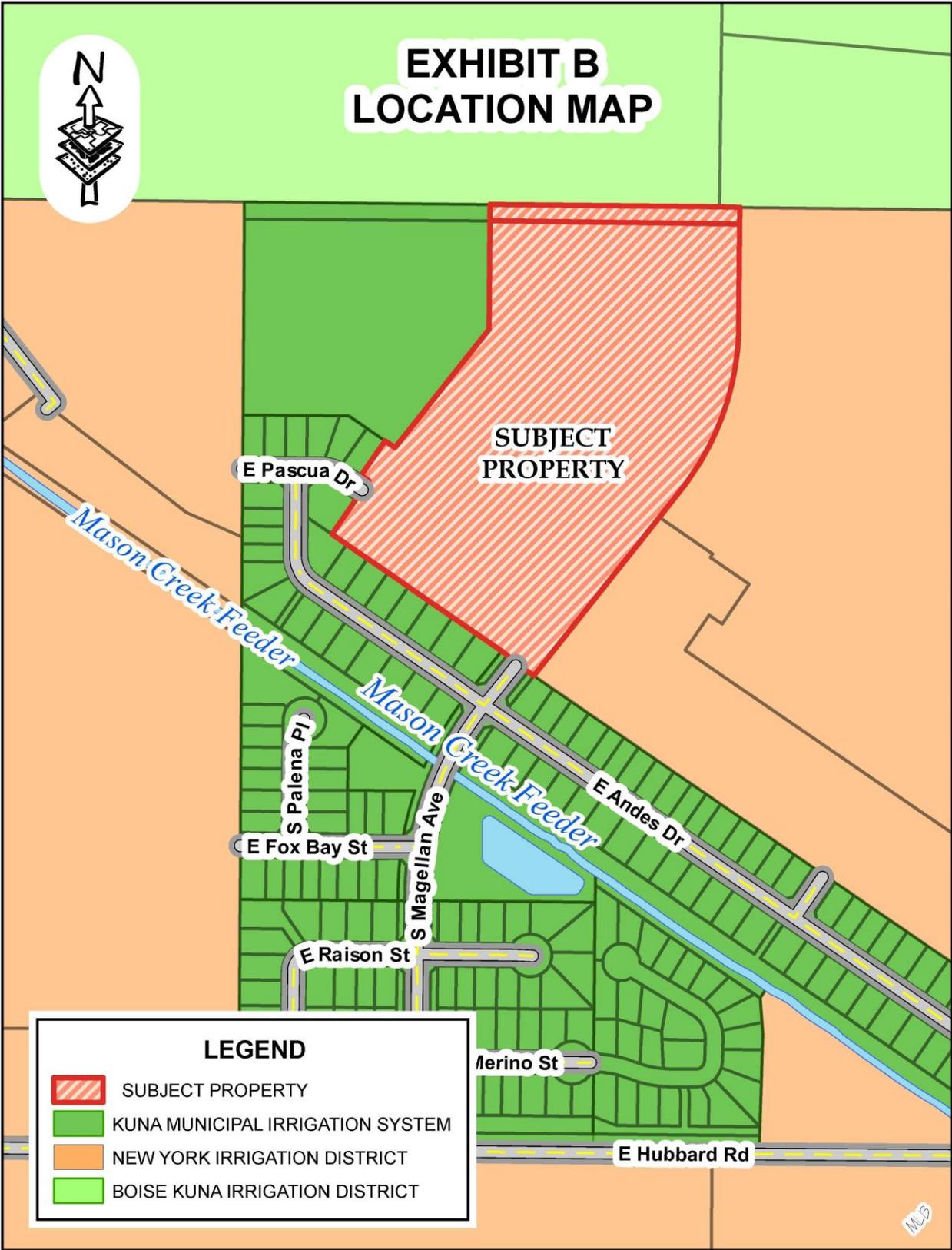
THENCE LEAVING SAID EASTERLY BOUNDARY S 55°26'07" E A DISTANCE OF 33.98 FEET TO A 5/8 INCH DIAMETER REBAR;

THENCE N 38°27'29" E A DISTANCE OF 423.96 FEET TO A 5/8 INCH DIAMETER REBAR;

THENCE N 0°28'13" E A DISTANCE OF 352.32 FEET TO A 5/8 INCH DIAMETER REBAR ON THE NORTHERLY BOUNDARY OF SAID S ½ OF SECTION 7;

THENCE ALONG SAID NORTHERLY BOUNDARY S 89°19'20" E A DISTANCE OF 645.00 FEET TO THE POINT OF BEGINNING.

THIS PARCEL CONTAINS 20.74 ACRES.



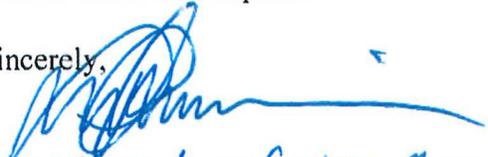
August 9, 2019

City of Kuna
Attn: City Engineer
6950 N. Ten Mile Rd.
Meridian, ID 83642

RE: Patagonia Subdivision No. 4 Annexation into KMID

Dear City Engineer:

I am submitting a request to annex the property hereafter known as Patagonia Subdivision No 4 into the Kuna Municipal Irrigation District (KMID). The property is generally located northside of E Hubbard Road and between Meridian Road and Locust Grove Road. The annexation is approximately 20.74 acres as shown on the attached Exhibit A. My understanding this will pool the water rights of Ada County tax parcel S1407315000, 20.74 acres more or less for delivery purposes by the City of Kuna. Exhibit A is a legal description of the area in Patagonia Subdivision No 4 will irrigate said subdivision using the City of Kuna PI system under this request.

Sincerely,

Greg Johnson *Larry Squires, Manager*
Patagonia Development LLC

Project: Patagonina Subdivision No 4
Contract: KENT BROWN
Address: 3161 E SPRINGWOOD DR MERIDIAN ID 83642
Phone: 208-871-6842
Email: kentlkb@gmail.com

(Space above reserved for recording)

**KUNA CITY ORDINANCE NO. 2019-49
GREYHAWK WEST LLC, GREYHAWK LAND COMPANY LLC &
BRADFORD A. WATERS
MUNICIPAL ANNEXATION**

A MUNICIPAL ANNEXATION ORDINANCE OF THE CITY COUNCIL OF THE CITY OF KUNA;

- **MAKING CERTAIN FINDINGS; AND**
- **ANNEXING CERTAIN REAL PROPERTIES, TO WIT: ALL LANDS LEGALLY DESCRIBED IN EXHIBIT A, OWNED BY GREYHAWK WEST LLC, GREYHAWK LAND COMPANY LLC & BRADFORD A. WATERS, 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**
- **ESTABLISHING THE ZONING CLASSIFICATIONS OF SAID REAL PROPERTIES; AND**
- **DIRECTING THE CITY ENGINEER AND THE CITY CLERK; AND**
- **PROVIDING AN EFFECTIVE DATE.**

WHEREAS, the City of Kuna, Idaho is a municipal corporation organized and operating under the laws of the State of Idaho 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

WHEREAS, the owner of the parcels of real property situated in the unincorporated area of Ada County and as more particularly described in Section 2 of this ordinance, have requested, in writing, annexation of said real properties into then City of Kuna; and

WHEREAS, the Planning and Zoning Commission of the City, pursuant to public notice as required by law, held a public hearing on May 28, 2019, as required by Section 67-6525, Idaho Code, made findings (approved by the Commission on June 11, 2019) where it was recommended to the Mayor and Council that the annexation for lands described in Exhibit A and the R-6 zoning request, be approved;

WHEREAS, the Kuna City Council, pursuant to public notice as required by law, held a public hearing on August 6, 2019, on the proposed annexation and zoning for the real property described in Section 2 below, as required by Section 67-6525, Idaho Code, made findings (approved by Council on August 20, 2019) where it was determined that the requested annexation for lands described in Exhibit A with the R-6 zoning request, be approved; and

WHEREAS, the zoning classification of R-6 is appropriate to meet the requirements of the Kuna City Code and should be granted.

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

Section 1: The Kuna City Council hereby finds and declares that the real properties described below are contiguous to the City, that said properties can be reasonably assumed to be used for the orderly development of the City, and that the owner of said properties has requested, in writing, annexation thereof to the City.

Section 2: The real properties, all situated in Ada County, Idaho, adjacent to and contiguous to the City, commonly known as and more particularly described in “Exhibit A” – Legal Description and “Exhibit B” – Location Map, attached hereto and incorporated herein by reference, is annexed to and incorporated in the incorporated territorial limits of the City of Kuna, Idaho.

Section 3: From and after the effective date of this Ordinance, all property and persons within the boundaries and territory described above shall be subject to all ordinances, resolutions, police regulations, taxation and other powers of the City of Kuna.

Section 4: The zoning land use classifications of the land described in Section 2 above is hereby established as R-6, as provided by the Zoning Ordinance of the City. The Zoning Map of the City is hereby amended to include the real property described in Section 2 above in the R-6 zoning land use classification.

Section 5: 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 6: 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 17th day of December, 2019.

CITY OF KUNA

Joe L. Stear, Mayor

ATTEST

Chris Engels, City Clerk

EXHIBIT A

**GREYHAWK WEST LLC, GREYHAWK LAND COMPANY LLC &
BRADFORD A. WATERS
MUNICIPAL ANNEXATION**

Legal Description.

A parcel of land located in the NW 1/4 of Section 13, T.2N., R.1W., B.M., Ada County, Idaho, more particularly described as follows:

Commencing at the North 1/4 corner of said Section 13, from which the Northwest corner of said Section 13 bears North 88°53'13" West, 2642.77 feet;

thence along the North-South centerline of said Section 13 South 00°11'49" West, 612.01 feet to the **REAL POINT OF BEGINNING**;

thence continuing along said North-South centerline South 00°11'49" West, 1,370.45 feet;

thence leaving said North-South centerline North 88°48'07" West, 796.99 feet;

thence North 18°46'17" West, 143.20 feet;

thence North 08°03'02" West, 99.25 feet;

thence North 05°35'18" East, 258.00 feet;

thence North 09°33'16" East, 297.30 feet;

thence North 11°25'03" East, 208.36 feet;

thence North 02°42'42" West, 126.88 feet;

thence North 23°53'52" West, 276.32 feet;

thence South 89°13'32" East, 185.79 feet;

thence North 00°50'58" East, 613.99 feet to a point on the North boundary line of said Section 13;

thence along said North boundary line South 88°53'13" East, 267.07 feet;

thence leaving said North boundary line South 00°50'58" West, 613.61 feet;

thence South 89°07'12" East, 410.98 feet to the **REAL POINT OF BEGINNING**. Containing 29.13 acres, more or less.

