
(Space above reserved for recording)

**ORDINANCE NO. 2019-40
CITY OF KUNA, IDAHO**

**ORDINANCE AMENDING THE EXTERIOR BOUNDARIES
OF THE KUNA MUNICIPAL IRRIGATION SYSTEM
[SELECT DEVELOPMENT & CONTRACTING 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 SELECT DEVELOPMENT & CONTRACTING 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 SELECT DEVELOPMENT & CONTRACTING 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 15th day of October, 2019.

CITY OF KUNA



Joe L. Stear, Mayor

ATTEST:

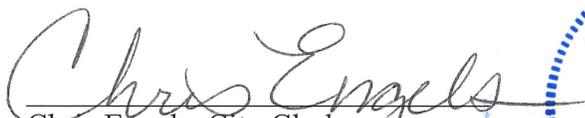

Chris Engels, City Clerk



EXHIBIT A

LEGAL DESCRIPTION FOR WATER RIGHTS ON
SELECT DEVELOPMENT & CONTRACTING LLC.
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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.

