

**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 20<sup>th</sup> day of December, 2019.

CITY OF KUNA



\_\_\_\_\_  
Joe 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.

# EXHIBIT B LOCATION MAP

