(Space above reserved for recording)

ORDINANCE NO. 2020-04
CITY OF KUNA, IDAHO

ORDINANCE AMENDING THE EXTERIOR BOUNDARIES OF THE KUNA MUNICIPAL IRRIGATION SYSTEM [GREYHAWK LAND COMPANY 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 GREYHAWK LAND COMPANY 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 GREYHAWK LAND COMPANY 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 21st day of January, 2020.

CITY OF KUNA

Joe L. Stear, Mayor

ATTEST:

Chris Engels, City Clerk

CITY OF KUNA CORPORATE SEAL STATE OF IDAHO

EXHIBIT A

LEGAL DESCRIPTION FOR WATER RIGHTS ON GREYHAWK LAND COMPANY LLC. GREYHAWK SUBDIVISION NO. 9

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

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

thence along the West boundary line of Greyhawk Subdivision No. 1, as filed in Book 99 of Plats at Pages 12854-12858, records of Ada County, Idaho, and along the West boundary line of Greyhawk Subdivision No. 2, as filed in Book 106 of Plats at Pages 14699-14701, records of Ada County, Idaho, South 00°11'49" West, 1,084.25 feet to the **REAL POINT OF BEGINNING**;

thence continuing along the West boundary line of said Greyhawk Subdivision No. 2 and along the West boundary lines of Greyhawk Subdivision No. 4, as filed in Book 109 of Plats at Pages 15482-15484, records of Ada County, Idaho, Greyhawk Subdivision No. 6, as filed in Book 112 of Plats at Pages 16292-16294 and Greyhawk Subdivision No. 8, as filed in Book 115 of Plats at Pages 17281-17284, records of Ada County, Idaho South 00°11'49" West, 1,198.93 feet;

thence leaving the West boundary line of said Greyhawk Subdivision No. 8 North 89°48'11" West, 143.00 feet;

thence South 68°52'28" West, 62.26 feet;

thence North 89°48'11" West, 100.00 feet;

thence North 00°11'49" East, 280.00 feet;

thence North 06°11'00" West, 89.99 feet;

thence North 00°11'49" East, 115.00 feet;

thence North 13°50'21" West, 51.54 feet;

thence North 00°11'49" East, 230.00 feet;

thence North 14°13'59" East, 51.54 feet;

thence North 00°11'49" East, 230.00 feet;

thence North 02°45'19" East, 67.21 feet;

thence North 00°11'49" East, 122.00 feet;

thence South 89°48'11" East, 115.00 feet;

thence South 76°18'26" East, 51.42 feet;

thence South 89°48'11" East, 143.00 feet to the **REAL POINT OF BEGINNING**. Containing 8.67 acres, more or less.

EXHIBIT B
LOCATION MAP
N
N Kristy Ave
E Yankee Basin Dr
N Russell Ln
E Whitbeck Dr
E Shady Ridge Dr
Kuna Canal
SUBJECT PROPERTY
E Firestone Dr
N Snow Hawk Ave
N Greenville Ave
N Destiny Ave
N Kay Ave
E Brush Creek St
E Ardell Rd
LEGEND
SUBJECT PROPERTY
KUNA MUNICIPAL IRRIGATION SYSTEM
NEW YORK IRRIGATION DISTRICT
BOISE KUNA IRRIGATION DISTRICT
ML3