

**ORDINANCE NO. 2020-35
CITY OF KUNA, IDAHO**

**DURRANT RUSSEL C & MARIE B LIVING TRUST
MUNICIPAL REZONE**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF KUNA:

- **MAKING CERTAIN FINDINGS; AND**
- **REZONING CERTAIN REAL PROPERTY, TO WIT: ADA COUNTY PARCEL NO. S1301336350 OWNED BY DURRANT RUSSEL C & MARIE B LIVING TRUST, SITUATED WITHIN THE CORPORATE LIMITS OF THE CITY OF KUNA, ADA COUNTY, IDAHO; AND**
- **AMENDING THE ZONING MAP; AND**
- **DIRECTING THE CITY ENGINEER AND THE CITY CLERK; AND**
- **PROVIDING AN EFFECTIVE DATE.**

Section 1: The City Council Finds:

- 1.1 **WHEREAS**, City of Kuna, Idaho is a municipal corporation organized and operating under the laws of the State of Idaho and is authorized under the provisions of 67-6511, Idaho Code, to establish within its jurisdiction one or more zones or zoning districts where appropriate which zoning districts are established in Kuna City Code § 5-2-2; and
- 1.2 **WHEREAS**, DURRANT RUSSEL C & MARIE B LIVING TRUST (the “Owner”) is the owner of the certain real property which has been designated by the Ada County Assessor’s office as Parcel No. **S130133650** and which is more particularly described in “Exhibit A” – Legal Description and “Exhibit B” – Location Map, attached to this Ordinance and incorporated herein by reference (the “Subject Real Property”) and has requested that the Subject Real Property be rezoned from the City’s **A. – AGRICULTURE ZONING DISTRICT TO R-6 – MEDIUM DENSITY RESIDENTIAL (the “Rezone”)**; and
- 1.3 **WHEREAS**, the Planning and Zoning Commission of the City, pursuant to public notice as required by law, held a public hearing on October 13, 2020 as required by Section 67-6525, Idaho Code, made findings (approved by the Commission on October 27, 2020) where it was recommended to the Mayor and Council that the rezoning for the lands described in Exhibit A from Agriculture (A) to Medium Density Residential (R-6) be approved; and
- 1.4 **WHEREAS**, the Kuna City Council, pursuant to public notice as required by law, held a public hearing on December 1, 2020 on the Rezone, as required by Section 67-6525, Idaho Code, and in accordance with the provisions of Kuna City Code Section 5-1A-7 made

findings (December 15, 2020) and determined that the requested rezone should be granted with a zoning classification R-6 (Medium Density Residential); and

- 1.5 WHEREAS**, it is necessary that the City Council adopt this Ordinance, as required by Section 67-6511 (2) Idaho Code and Kuna City Code § 5-1A-7 G, to complete the process of implementing the decision of the Kuna City Council to Rezone the Subject Real Property.

Section 2: Action:

- 2.1** The Subject Real Property is rezoned from **A. – AGRICULTURE ZONING DISTRICT TO R-6 – MEDIUM DENSITY RESIDENTIAL (the “Rezone”)**;
- 2.2** The Zoning Map of the City of Kuna is hereby amended to comply with this Rezone.

Section 3: Directing the City Engineer and City Clerk:

- 3.1** The City Engineer is directed to change the zoning district depictions of the Subject Real Property on the Zoning Map of the City in accordance with this Rezone ordinance; and
- 3.2** The City Clerk is directed to file, this Ordinance in the official records of the City and to provide a conformed copy to the City Engineer, Planning and Zoning Director and Owner.

Section 4: Effective Date

- 4.1** This Ordinance shall take effect and be in force from and after its passage, approval, and publication as required by law and at the discretion of the City Clerk and In lieu of publication of the entire ordinance, a summary thereof in compliance with Section 50-901A, Idaho Code, may be published.

DATED this 15th day of December, 2020.

CITY OF KUNA



Joe Stear, Mayor

ATTEST:



Chris Engels, City Clerk

EXHIBIT A

DURRANT RUSSEL C & MARIE B LIVING TRUST REZONE TO R-6

LEGAL DESCRIPTION

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

Commencing at the SW corner of said Section 1 from which the S1/4 corner of said Section 1 bears South 89°32'42" East, 1640.54 feet;

thence along the South boundary line of said Section 1 South 89°32'42" East, 870.00 feet to the **REAL POINT OF BEGINNING**;

thence leaving said South boundary line North 00°27'18" East, 200.00 feet;

thence North 39°38'24" East, 1,499.69 feet to a point on the centerline of the Mason Creek Feeder Canal;

thence along said centerline the following 3 courses and distance:

thence South 68°25'33" East, 119.88 feet;

thence continuing along said centerline 139.82 feet along the arc of a non-tangent curve to the right, said curve having a radius of 143.00 feet, a central angle of 56°01'16" and a long chord which bears South 40°24'54" East, 134.32 feet;

thence South 12°24'16" East, 69.49 feet;

thence leaving said centerline South 37°08'45" West, 1,385.60 feet;

thence South 59°45'00" East, 15.20 feet;

thence South 05°24'43" West, 31.41 feet to a point on the South boundary line of said Section 1;

thence along said South boundary line North 89°32'42" West, 345.31 feet to the **REAL POINT OF BEGINNING**. Containing 12.16 acres, more or less.

