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**ORDINANCE NO. 2021-01
CITY OF KUNA, IDAHO**

**ORDINANCE AMENDING THE EXTERIOR BOUNDARIES
OF THE KUNA MUNICIPAL IRRIGATION SYSTEM
[DB 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 DB 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 DB 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 5th day of January, 2021.

CITY OF KUNA



Joe L. Stear, Mayor

ATTEST:


Chris Engels, City Clerk



EXHIBIT A

**LEGAL DESCRIPTION FOR WATER RIGHTS ON
DB DEVELOPMENT LLC
SPRINGHILL 2 SUBDIVISION**

A parcel of land situated in a portion of the Northwest 1/4 of the Northwest 1/4 of Section 1, Township 2 North, Range 1 West, B.M., City of Kuna, Ada County, Idaho being more particularly described as follows:

Commencing at a found aluminum cap marking the Northwest corner of said Section 1, which bears N00°27'02"E a distance of 2,610.62 feet from a found aluminum cap marking the West 1/4 corner of said Section 1, thence following the westerly line of said Northwest 1/4, S00°27'02"W a distance of 666.72 feet to a found 5/8-inch rebar;

Thence leaving said westerly line, S89°32'58"E a distance of 48.00 feet to a found 5/8-inch rebar marking the Northwest corner of Springhill Subdivision No. 1 (Book 114 of Plats at Pages 17,026 through 17,031, records of Ada County, Idaho) and being on the easterly right-of-way of South Linder Road and being the **POINT OF BEGINNING**.

Thence following said easterly right-of-way, N00°27'02"E a distance of 616.44 feet to the southerly right-of-way of West Lake Hazel Road;

Thence leaving said easterly right-of-way and following said southerly right-of-way, S89°12'50"E a distance of 851.16 feet;

Thence leaving said southerly right-of-way, S00°47'06"W a distance of 225.56 feet;

Thence S54°18'56"E a distance of 50.00 feet;

Thence S35°41'04"W a distance of 51.33 feet;

Thence S54°18'56"E a distance of 39.42 feet;

Thence S16°31'36"W a distance of 138.00 feet;

Thence 13.39 along the arc of a circular curve to the right, said curve having a radius of 825.00 feet, a delta angle of 00°55'49", a chord bearing of S73°00'30"E and a chord distance of 13.39 feet;

Thence S17°27'25"W a distance of 168.00 feet;

Thence 294.47 feet along the arc of a circular curve to the left, said curve having a radius of 1,196.20 feet, a delta angle of 14°06'17", a chord bearing of N79°18'55"W and a chord distance of 293.73 feet;

Thence S03°10'04"W a distance of 174.19 feet;

Thence 9.23 feet along the arc of a circular curve to the right, said curve having a radius of 975.00 feet, a delta angle of 00°32'33", a chord bearing of S84°40'06"E and a chord distance of 9.23 feet;

Thence S05°36'11"W a distance of 113.00 feet to the boundary of said Springhill Subdivision No. 1;

Thence following said boundary the following eleven (11) courses:

1. 47.22 feet along the arc of a circular curve to the left, said curve having a radius of 862.09 feet, a delta angle of 03°08'18", a chord bearing of N85°57'56"W and a chord distance of 47.21 feet to a found 5/8-inch rebar;
2. N87°28'09"W a distance of 19.86 feet to a found 5/8-inch rebar;
3. N87°58'54"W a distance of 50.00 feet to a found 5/8-inch rebar;
4. N89°32'58"W a distance of 110.53 feet to a found 5/8-inch rebar;

5. N00°27'02"E a distance of 52.00 feet to a found 5/8-inch rebar;
6. S89°32'58"E a distance of 5.50 feet to a found 5/8-inch rebar;
7. N00°27'02"E a distance of 168.72 feet to a found 5/8-inch rebar;
8. S89°39'06"W a distance of 108.51 feet to a found 5/8-inch rebar;
9. N00°27'02"E a distance of 10.58 feet to a found 5/8-inch rebar;
10. N89°32'58"W a distance of 160.00 feet to a found 5/8-inch rebar;
11. N80°05'14"W a distance of 30.41 feet to the **POINT OF BEGINNING**.

Said parcel contains a total of 13.194 acres, more or less, and is subject to all existing easements and/or rights-of-way of record or implied.

EXHIBIT B LOCATION MAP



W Lake Hazel Rd

S Linder Rd

SUBJECT
PROPERTY

S Birch Creek Ave

W Crooked River Dr

LEGEND



SUBJECT PROPERTY

BOISE PROJECT BOARD OF CONTROL



BOISE KUNA IRRIGATION DISTRICT



NEW YORK IRRIGATION DISTRICT

MLB