

**ORDINANCE NO. 2020-09
CITY OF KUNA, IDAHO**

**CARL BADER
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. R5070503500 OWNED BY CARL BADER, 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**, CARL BADER (the “Owner”) is the owner of the certain real property which has been designated by the Ada County Assessor’s office as Parcel No. **R5070503500** 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 November 12, 2019 as required by Section 67-6525, Idaho Code, made findings (approved by the Commission on November 26, 2019) 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 January 21, 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 (January 21, 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 18th day of February, 2020.

CITY OF KUNA



Joe Stear, Mayor

ATTEST:


Chris Engels, City Clerk

EXHIBIT A
CARL BADER
REZONE TO R-6

LEGAL DESCRIPTION

Commencing at the northwest corner of said Section 26; thence from said Point of Commencement, South 00°20'23" West, along the west line of said Section 26, a distance of 2,644.28 feet to the west quarter corner of said Section 26; thence along the south line of the northwest quarter of said Section 26, South 89°48'56" East, a distance of 218.00 feet to a point on a line lying 218.00-feet easterly of and parallel with, the west line of said Section 26; thence leaving said south line, North 00°20'23" East, along said parallel line, a distance of 25.00 feet to the **Point of Beginning** of this description;

thence from said **Point of Beginning**, the following seven (7) consecutive courses and distances:

1. continuing North 00°20'23" East, along said parallel line, a distance of 225.60 feet to a point on a line lying 250.6-feet northerly of and parallel with, the south line of the northwest quarter of said Section 26,
2. North 89°48'56" West, along said parallel line, a distance of 193.00 feet to a point on a line lying 25.00-feet easterly of and parallel with, the west line of said Section 26,
3. North 00°20'23" East, along said parallel line, a distance of 134.62 feet to a point on a line lying 275.6-feet southerly of and parallel with, the north line of Lot 20 as shown on the Plat of the Kuna Orchard Tracts recorded in Book 6 of plat books, at Page 291, Ada County Records,
4. South 89°51'52" East, along said parallel line, a distance of 193.00 feet, to a point on a line lying 218.00-feet easterly of and parallel with, the west line of said Section 26,
5. North 00°20'23" East, along said parallel line, a distance of 225.60 feet to a point on a line lying 50.00-feet southerly of and parallel with, the north line of said Lot 20,
6. North 89°51'52" West, along said parallel line, a distance of 193.00 feet to a point on a line lying 25.00-feet easterly of and parallel with, the west line of said Section 26, and
7. North 00°20'23" East, along said parallel line, a distance of 50.00 feet to the northwest corner of said Lot 20, said corner also being the southwest corner of the Placerville Subdivision recorded in Book 99 of plats, at Pages 12,726 through 12,728 inclusive, Ada County Records;

thence along the respective northerly, easterly, and southerly lines of said Lot 20, the following three (3) consecutive courses and distances:

1. South 89°51'52" East, along the southerly line of said Placerville Subdivision, a distance of 632.46 feet to the northeast corner of said Lot 20,
2. South 00°19'47" West, a distance of 636.35 feet to the southeast corner of said Lot 20, and
3. North 89°48'56" West, a distance of 439.57 feet to the **Point of Beginning**.

Containing an area of 7.24 acres of land, more or less.

