



ORDINANCE NO. 887

AN ORDINANCE ANNEXING CERTAIN LANDS TO THE CITY OF REXBURG, IDAHO; DESCRIBING SAID LANDS AND DECLARING SAME A PART OF THE CITY OF REXBURG, IDAHO; AND AMENDING AND CHANGING THE ZONING MAP OF THE CITY OF REXBURG, IDAHO, AND THE MADISON COUNTY-REXBURG COMPREHENSIVE PLAN TO SHOW SUCH ANNEXATION AND THE CLASSIFICATION OF THE SAME UNDER THE ZONING ORDINANCE OF THE CITY OF REXBURG, IDAHO; AND PROVIDING WHEN THIS ORDINANCE SHALL BECOME EFFECTIVE.

WHEREAS, the lands hereinafter described are contiguous and adjacent to the City of Rexburg, Idaho, and have been determined to be reasonably necessary to assuring the orderly development of the City of Rexburg, Idaho, and

WHEREAS, it appears to the Mayor and City Council of the City of Rexburg, Idaho, that the hereinafter described property is subject to annexation to the City of Rexburg under and pursuant to the provisions of Section 50-222, Idaho Code, and that said land should be annexed to and become a part of the City of Rexburg, Idaho, and

WHEREAS, the City Council referred the zoning of the affected territory for report and recommendations to the Planning and Zoning Commission, and the Planning and Zoning Commission made its report and recommendations for zoning classification of the hereinafter described property proposed to be annexed, and

WHEREAS, the Council has determined that the proper classification under the Zoning Ordinance of the City of Rexburg, Idaho, for the property to be annexed is as hereinafter set forth.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF REXBURG, AS FOLLOWS:

SECTION I: That the following described lands situated in Madison County, Idaho, shall be annexed with the designated zoning classification, to-wit:

Area One: (Parcels 1, 2, 3, 4, 6, 7 & 8 on the Annexation map dated April 02, 2003) - Annexation of all of Section 25, Township 6 North, Range 39 East, Boise Meridian, not already annexed to the City of Rexburg except for those three Tracts specifically not annexed as described in more detail below.

All property located within the described area shall be annexed with the zoning designation as indicated below, using as the reference for parcels, the Annexation map dated April 02, 2003:

Parcel 1 - Commonly known as the **Widdison Addition** - Zoned Rural Residential 1 (RR1)

Parcel 2 - Zoned Rural Residential 2 (RR2)

Parcel 3 - Zoned Low Density Residential-1 (LDR1) all portions East of Pioneer Road, - Zoned Medium Density Residential (MDR) for all portions West of Pioneer Road

Parcel 4 - Zoned Rural Residential 1 (RR1)

Parcel 4 (a) - Zoned Rural Residential 2 (RR2) (See attached Zoning map for Parcel identification)

Parcel 5 - Zoned Rural Residential 1 (RR1)

Parcel 6 (a) - Zoned Rural Residential 2 (RR2) (See attached Zoning map for Parcel identification)

Parcel 7 - Commonly known as **Willowbrook Subdivision** - Zoned Rural Residential 1 (RR1)

Parcel 8 - Commonly known as **Rexburg Acres** - Zoned Rural Residential 1 (RR1)

Parcels with **existing Residential uses or an RR1 Zone** will have the following treatment concerning a **window of opportunity** to connect to the City water and sewer systems from the passage of this Ordinance until October 31, 2004.

Said window shall be available for the existing residences and residential lots that are currently platted. The **window of opportunity** may not be used for the development of additional residential uses.

- 1) The **window of opportunity** will consist of the following:
 - a) The front footage will be calculated at 50% of the minimum front footage required for the assigned zone for existing residences.
 - b) The front foot fee will be charged at \$10.00 per foot for water.
 - c) The front foot fee will be charged at \$10.00 per foot for sewer.

Parcels with **existing Residential uses or an RR1 Zone** will have the following treatment concerning fees **after a sewer line is installed** in a reasonable location that will allow the resident to connect to the sewer system for the City of Rexburg:

- 1) Residents that **choose not** to connect to the City sewer system after the sewer line has been installed in a reasonable location near their property **during** and **after the window of opportunity** will have the following treatment:
 - a) Minimum sewer fees will be waived until the resident takes sewer service from the City of Rexburg.
 - b) Connection to the sewer system will be at the discretion of the resident.
- 2) Residents that **choose to** connect to the City sewer system after the sewer line has been installed in a reasonable location near their property and **after the window of opportunity** will have the following treatment.
 - a) All fees will be based on the existing fee structure that is in place at the time the resident chooses to connect to the City of Rexburg services for the waste water(sewer) and water systems.

Said annexation of **Area One** is intended to, and shall include, all portions of Section 25, Township 6 North, Range 39 East, Boise Meridian except as follows:

All parcels previously annexed by the City of Rexburg less the following parcels:

Tract I:

Commencing at a point 95 feet East and 265 feet South of the Northwest Corner of the Northeast Quarter of Section 25, Township 6 North, Range 39 East, Boise Meridian, Madison County, Idaho, and running thence East 235 feet; thence South 128 feet, thence West 235 feet, thence North 128 feet to the point of beginning.

Tract II:

Commencing at a point that is 95 feet East of the NW corner of the NE1/4 of Section 25, Township 6 North, Range 39 E.B.M., Madison County, Idaho, and running thence South 265 feet, thence East 235 feet, thence North 265 feet, thence West 235 feet to the point of beginning. EXCEPT County Road to the North.

Tract III:

Beginning at Northwest corner of Northeast quarter of Section 25, Township 6 North, Range 39 E.B.M., Madison County, Idaho, and running thence South 660 feet, thence East 330 feet, thence North 267 feet, thence West 235 feet, thence North 393 feet, thence West 95 feet, to the point of beginning.

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Area Two: (Parcel 9 on the Annexation map dated April 02, 2003) - Annexation of Property at approximately 925 West 7th South; more particularly described as follows:

The Northeast quarter of the Northwest quarter of Sect. 36, Township 6 North, Range 39 East, Boise Meridian.

Less the following:

Commencing at the Northeast corner of the Northwest quarter of Sect 36, Township 6 North, Range 39 E.B.M., and running thence West 361.5 feet, thence S 0_9=45@E 773 feet; thence East 361.5 feet; and thence N0_9=45@W 773 feet, to the point of beginning.

Also less the following:

Commencing at the SE corner of the NW1/4 of the NW1/4 of Sect 36, Township 6 North, Range 39 E.B.M., and running thence N0_23=05@W 1317.50 ft; thence N89_47=48@E 499.96; thence S6_48=42@W 426.45 ft; thence S6_33=28@W 854.33 ft; thence S4_23=45@W 46.26 ft; thence S89_49=40@W 339.40 ft to the point of beginning.

All property located within the described area shall be annexed with the zoning designation as indicated below, using as the reference for parcels, the Annexation map dated April 02, 2003:

Parcel 9 - Rural Residential 2 (RR2)

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Area Three: (Parcel 11 on the Annexation map dated April 02, 2003) - Annexation of Properties on both sides of South Millhollow Road from 350 – 700 South Millhollow Road; more particularly described as follows:

Commencing at the Northwest corner of SW1/4 of SE1/4 of Section 29, Township 6 North, Range 40 E.B.M., Madison County, Idaho, and running thence N00_22=55@W 995.7 ft; thence N89_45=52@E 462.58 ft; thence N22_50=03"W 184.21 ft; thence N72_37=54@E 149.66 ft; thence N17_22=23@W 100 ft; thence N72_38=00@E 86 ft; thence S20_31=56@E 1635.77 ft; thence N90_ W 1152 ft; thence N00_21=17@W 198.72 ft; to the point of beginning.

All property located within the described area shall be annexed with the zoning designation as indicated below, using as the reference for parcels, the Annexation map dated April 02, 2003:

Parcel 11-Rural Residential (RR2)

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Area Four: (Parcel 14 on the Annexation map dated April 02, 2003) - Annexation of Properties at 1050 North 2nd East More particularly described as follows:

Tract I:

Commencing at the SW corner of Sect 17, Township 6 North, Range 40 E.B.M., Madison County, Idaho, and running thence East 500 ft; thence North 230 ft; thence East 180 ft; thence North 210 ft; thence West 200 ft; thence South 100 ft; thence S89_49=40@W 480 ft; thence South 338.53 ft to the point of beginning, excepting there from the state highway right-of-way.

Tract II:

Commencing at a point that is North 340 ft and East 37.4 ft of the SW corner of Sect 17, Township 6 North, Range 40 E.B.M., Madison County, Idaho, and running thence North 82.99 ft; thence N58_47=31@E 33.37 ft; thence N89_27=04@E 401.8 ft; thence S0_11=00W 100 ft; thence S89_27=4@W 430.02 ft to the point of beginning.

Tract III:

Commencing at a point 500 ft East of the Southwest corner of Sect 17, Township 6 North, Range 39 E.B.M., Madison County, Idaho, and running thence North 230 ft; thence East 195 feet; thence South 230 ft; and thence West 195 feet to the point of beginning.

All property located within the described area shall be annexed with the zoning designation as indicated below, using as the reference for parcels, the Annexation map dated April 02, 2003:

Parcel 14 - Highway Business District (HBD)

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These Parcels as identified above and on the Annexation Map for the City of Rexburg dated April 02, 2003:

- 1) **Area One for Parcels 1, 2, 3, 4, 4a, 6, 6a, 7 & 8;**
- 2) **Area Two for Parcel 9;**
- 3) **Area Three for Parcel 11; and**
- 4) **Area Four for Parcel 14**

shall be, and the same hereby are annexed to the City of Rexburg and shall be, and are hereby declared to be a part of the City of Rexburg, Idaho.

SECTION II: That the above described property hereby be annexed to the City of Rexburg, and the same is hereby classified under the Zoning Ordinance of the City of Rexburg set forth above; that the Zoning Map and the Madison County-Rexburg Comprehensive Plan shall be amended to show this annexation and classification of the above described property so annexed and that said amendment shall be certified and declared to be the official Zoning Map of the City of Rexburg by a certificate of the Mayor and Council of the City of Rexburg endorsed thereon.

SECTION III: This ordinance shall be in full force and effect from and after its passage, approval and due publication.

PASSED BY THE CITY COUNCIL AND APPROVED BY THE MAYOR this 02nd Day of April, 2003.

Bruce Sutherland, Mayor

(SEAL)

ATTEST:

Blair D. Kay, City Clerk

PUBLISHED: April 07, 2003

STATE OF IDAHO)
)ss.
County of Madison)

I, BLAIR D. KAY, City Clerk of the City of Rexburg, Idaho, do hereby certify: That the above and foregoing is a full, true and correct copy of the Ordinance entitled:

AN ORDINANCE ANNEXING CERTAIN LANDS TO THE CITY OF REXBURG, IDAHO; DESCRIBING SAID LANDS AND DECLARING SAME A PART OF THE CITY OF REXBURG, IDAHO; AND AMENDING AND CHANGING THE ZONING MAP OF THE CITY OF REXBURG, IDAHO, AND THE MADISON COUNTY-REXBURG COMPREHENSIVE PLAN 2000 TO SHOW SUCH ANNEXATION AND THE CLASSIFICATION OF THE SAME UNDER THE ZONING ORDINANCE OF THE CITY OF REXBURG, IDAHO; AND PROVIDING WHEN THIS ORDINANCE SHALL BECOME EFFECTIVE.

PASSED BY THE CITY COUNCIL AND APPROVED BY THE MAYOR this 2nd day of April, 2003.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of said City of Rexburg, Idaho, this 02nd day of April, 2003.

Blair D. Kay, City Clerk

(SEAL)