

BY THE COUNCIL: BEAUMONT, JORGENSEN, PAGE, SOUZA

AN ORDINANCE BY THE CITY OF GARDEN CITY, A MUNICIPAL CORPORATION ANNEXING CERTAIN LANDS AND TERRITORY LOCATED THROUGHOUT THE CITY OF GARDEN CITY, SITUATED IN ADA COUNTY, IDAHO, AND CONTIGUOUS TO THE CORPORATE LIMITS OF THE CITY OF GARDEN CITY; ESTABLISHING AND DETERMINING THE LAND USE CLASSIFICATION OF SAID LANDS OF A ZONING OF R-2 RESIDENTIAL LOW DENSITY ZONING; SETTING FORTH A REASONED STATEMENT IN SUPPORT OF SUCH ANNEXATION AND ZONE CHANGE; PROVIDING THAT A COPY OF SAID LEGAL DESCRIPTIONS AND MAPS OF SAID ANNEXED LANDS AND TERRITORY BE PROVIDED TO THE ADA COUNTY AUDITOR, ADA COUNTY TREASURER, ADA COUNTY ASSESSOR, AND THE IDAHO STATE TAX COMMISSION, AND TO FILE A COPY OF SAID LEGAL DESCRIPTION AND MAP WITH THE ADA COUNTY ASSESSOR, ADA COUNTY RECORDER AND THE IDAHO STATE TAX COMMISSION, AS REQUIRED BY LAW; AMENDING THE ZONING MAP OF THE CITY OF GARDEN CITY TO REFLECT SAID CHANGE; PROVIDING FOR SERVABILITY; APPROVING A SUMMARY OF THE ORDINANCE; AND PROVIDING AN EFFECTIVE DATE.

**WHEREAS**, the City of Garden City, Idaho is a municipal corporation organized and operating under the laws of the State of Idaho; and

**WHEREAS**, pursuant to Chapter 2, Title 50, Idaho Code, the City of Garden City has the authority to annex properties into the City's corporate limits; and

**WHEREAS**, the property owner Mcwhirter Revocable Trust initiated and gives their approval for a Category A annexation, in accordance with Idaho Code § 50-222, for a parcel contiguous and adjacent to Garden City and that can reasonably be used for the orderly development of Garden City; and

**WHEREAS**, the real property located at 6300 N. Ulmer Lane in Ada County, particularly described as, Lot 28, Steins Subdivision, Ada County Tax Parcel # R8123254980, identified in Exhibit A is presently zoned RUT under the zoning ordinance of Ada County; and

**WHEREAS**, the property owners have requested a rezone of the property to R-2 (Residential Low Density) under the zoning ordinance of Garden City; and

**WHEREAS**, the Garden City Planning and Zoning Commission, pursuant to public notice as required by law, held a public hearing on October 21, 2020 and recommended to the Mayor and Council that annexation and rezone be approved for said land depicted in Exhibit A; and

**WHEREAS**, the Garden City City Council, pursuant to public notice as required by law, held a public hearing on November 9, 2020, on the proposed annexation and zoning for the property described in Section One below, all as required by Idaho Code § 67-6525, and did approve said annexation and zoning.

**WHEREAS**, the City Council of the City of Garden City has determined that the zone change is in accordance with the Comprehensive Plan of the City of Garden City; and

**WHEREAS**, the City Council of the City of Garden City has determined that the zoning map amendment complies with the regulations, specifically the purpose statement, outlined for the R-2 (Residential Low Density) Zoning District; and

**WHEREAS**, the City Council of the City of Garden City has determined that the annexation and zoning map amendment is not materially detrimental to the public health, safety, or welfare of the community; and

**WHEREAS**, the City Council of the City of Garden City has determined that the annexation and zoning map amendment will not create an adverse impact upon the delivery of services.

**WHEREAS**, the Mayor and Council have determined that good cause exists for annexing the subject property and amending the official zoning map of the City of Garden City.

**NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF GARDEN CITY, ADA COUNTY, IDAHO:**

**SECTION 1:** the real property located at 6300 N. Ulmer Lane in Ada County, particularly described as, Lot 28, Steins Subdivision, Ada County Tax Parcel # R8123254980, depicted in Exhibit A, is hereby annexed and incorporated in the territorial limits of the City of Garden City, Idaho and rezoned to the Garden City zoning designation of R-2 (Residential Low Density).

**Section 2:** Pursuant to the findings of the Garden City Council, the land use classification of the land depicted in Exhibit A attached hereto and by reference made a part thereof is hereby fixed and established as described in Exhibit A, as provided by the Zoning Ordinance of Garden City, based on the following reasoned statement:

The land to be annexed meets the applicable requirements for a Category A annexation and does not fall within the exceptions or conditional exceptions contained in Idaho Code § 50-222. The annexation would be consistent with the public purposes

addressed in the annexation plan prepared by the City and is reasonably necessary for the orderly development of the City. The proposed zoning complies with and conforms to the Comprehensive General Plan and will provide and maintain existing and future capabilities of public utilities. The proposed zoning will maintain and preserve compatibility of surrounding zoning and development. The annexation honors the negotiated Area of Impact Agreements and is consistent with the Comprehensive Plan and/or zoning in Ada County prior to annexation.

**SECTION 3:** From and after the effective date of this ordinance, all property included within the boundaries and territory described in Section 1 hereof and annexed as provided by said Section shall be subject to all the statutes pertaining to Garden City and all ordinances, resolutions, police regulations, taxation and other powers of Garden City, and all persons and property within the territory so annexed shall be, and are, entitled to all benefits and rights as are the persons and property presently within the corporate territorial limits of Garden City.

**SECTION 4:** The official Zoning Map of the City of Garden City, Idaho is hereby amended to reflect the foregoing change in zoning classification.

**SECTION 5:** If any provision or section of this Ordinance shall be held to be invalid by a court of component jurisdiction, then such provision or section shall be considered separately and apart from the remaining provisions or sections of this Ordinance, which shall remain in full force and effect.

**SECTION 6:** The City Clerk of Garden City is hereby directed to file, within ten (10) days after the passage and approval hereof, a certified copy of this Ordinance with the Ada County Auditor, Ada County Treasurer, Ada County Assessor, and the Idaho State Tax Commission, and to file a copy of said legal description and map with the Ada County Assessor, Ada County Recorder and the Idaho State Tax Commission, all as provided by Sections 50-223 and 63-215, Idaho Code.

**SECTION 7:** That the summary of the Ordinance, attached hereto as **Exhibit B** is hereby approved as to both form and content.

**SECTION 8:** Pursuant to an affirmative vote of one-half (1/2) plus one (1) of the members of the full Council, the rule requiring two (2) separate readings by title and one (1) reading in full be, and the same is hereby, dispensed with and accordingly, this Ordinance is passed and adopted.

**SECTION 9:** This ordinance shall be in full force and effect from and after passage, approval, publication of the ordinance.

**ADOPTED** by the City Council and **APPROVED** by the Mayor of the City of Garden City, Idaho, this 9<sup>th</sup> day of November, 2020.

**ATTEST:**

**APPROVED:**

\_\_\_\_\_  
Lisa Leiby  
CITY CLERK

\_\_\_\_\_  
John G. Evans  
MAYOR

DRAFT

**CITY OF GARDEN CITY ORDINANCE 1019-20**

**EXHIBIT A: MAP OF ADA COUNTY TAX PARCEL R8123254980**



EXHIBIT "B"

**STATEMENT OF GARDEN CITY ATTORNEY  
AS TO ADEQUACY OF SUMMARY  
OF ORDINANCE NO. 1019-20**

The undersigned, Charles I. Wadams, in his capacity as City Attorney of the City of Garden City, Idaho, hereby certifies that he is the legal advisor of the City and has reviewed a copy of the attached Summary of Ordinance No. 1019-20 of the City of Garden City, Idaho, and has found the same to be true and complete and provides adequate notice to the public pursuant to Idaho Code § 50-901A(3).

DATED this \_\_\_\_\_ day of \_\_\_\_\_, 2020.

\_\_\_\_\_  
Charles I. Wadams  
City Attorney

**SUMMARY OF ORDINANCE NO. 1019-20  
OF THE CITY OF GARDEN CITY, IDAHO**

**PUBLIC NOTICE IS HEREBY GIVEN** that the City of Garden City, Idaho, adopted at its regular meeting of November 9, 2020, that Ordinance No. 1019-20 entitled:

**AN ORDINANCE BY THE CITY OF GARDEN CITY, A MUNICIPAL CORPORATION ANNEXING CERTAIN LANDS AND TERRITORY LOCATED THROUGHOUT THE CITY OF GARDEN CITY, SITUATED IN ADA COUNTY, IDAHO, AND CONTIGUOUS TO THE CORPORATE LIMITS OF THE CITY OF GARDEN CITY; ESTABLISHING AND DETERMINING THE LAND USE CLASSIFICATION OF SAID LANDS OF A ZONING OF R-2 RESIDENTIAL LOW DENSITY ZONING; SETTING FORTH A REASONED STATEMENT IN SUPPORT OF SUCH ANNEXATION AND ZONE CHANGE; PROVIDING THAT A COPY OF SAID LEGAL DESCRIPTIONS AND MAPS OF SAID ANNEXED LANDS AND TERRITORY BE PROVIDED TO THE ADA COUNTY AUDITOR, ADA COUNTY TREASURER, ADA COUNTY ASSESSOR, AND THE IDAHO STATE TAX COMMISSION, AND TO FILE A COPY OF SAID LEGAL DESCRIPTION AND MAP WITH THE ADA COUNTY ASSESSOR, ADA COUNTY RECORDER AND THE IDAHO STATE TAX COMMISSION, AS REQUIRED BY LAW; AMENDING THE ZONING MAP OF THE CITY OF GARDEN CITY TO REFLECT SAID CHANGE; PROVIDING FOR SERVABILITY; APPROVING A SUMMARY OF THE ORDINANCE; AND PROVIDING AN EFFECTIVE DATE.**

This ordinance annexes and incorporates a certain real property, real property located at 6300 N. Ulmer Lane in Ada County, particularly described as, Lot 28, Steins Subdivision, Ada County Tax Parcel # R8123254980 in the territorial limits

of the City of Garden City, Idaho and rezones the property from Ada County RUT zoning designation to Garden City R-2 (Residential Low Density) zoning designation.

The effective date of the ordinance is \_\_\_\_\_, 2020, and the date of its passage, approval, and publication. A copy of the full text of the ordinance is available at the city clerk's office, 6015 N. Glenwood Street, Garden City, Idaho 83714. Examination may be requested in writing or in person during regular business hours of the city clerk's office, from 8:00 a.m. until 5:00 p.m., pursuant to Section 50-901A(4), Idaho Code.

DATED this \_\_\_\_ day of \_\_\_\_\_, 2020.

ATTEST:

CITY OF GARDEN CITY, IDAHO:

\_\_\_\_\_  
Lisa M. Leiby, City Clerk

\_\_\_\_\_  
John G. Evans, Mayor