

**ORDINANCE NO. \_\_\_\_**  
**Case No. ORA-13-0002**  
**City of Hauser ACI Map Amendment**

AN ORDINANCE OF KOOTENAI COUNTY, IDAHO, A POLITICAL SUBDIVISION OF THE STATE OF IDAHO, RELATING TO THE AREA OF CITY IMPACT FOR THE CITY OF HAUSER, IDAHO; ADOPTING A MAP AND LEGAL DESCRIPTION IDENTIFYING THE AREA OF CITY IMPACT FOR THE CITY OF HAUSER WITHIN THE UNINCORPORATED AREA OF KOOTENAI COUNTY, IDAHO PURSUANT TO SECTION 67-6526, IDAHO CODE; PROVIDING FOR SEVERABILITY; PROVIDING A SAVING CLAUSE; REPEALING ALL ORDINANCES IN CONFLICT HEREWITH; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, pursuant to section 67-6526, Idaho Code, the City of Hauser, Idaho (“the City”), and Kootenai County, Idaho (“the County”), have conferred and negotiated in good faith upon an Area of City Impact for the City of Hauser within the unincorporated area of Kootenai County; and

WHEREAS, on June 26, 2014, the Kootenai County Planning and Zoning Commission held a public hearing, pursuant to public notice as required by law, on the proposed map and legal description identifying the Area of City Impact for the City of Hauser, and at the conclusion of that hearing, the Commission made a recommendation of approval to the Kootenai County Board of Commissioners; and

WHEREAS, on July 10, 2014, the Kootenai County Board of Commissioners held a public hearing, pursuant to public notice as required by law, on the proposed map and legal description identifying the Area of City Impact for the City of Hauser; and

WHEREAS, the City and the County, in accordance with the procedure required by law, have mutually agreed upon a map and legal description identifying the Area of City Impact for the City of Hauser within the unincorporated area of Kootenai County, Idaho;

NOW THEREFORE, BE IT ORDAINED by the Board of County Commissioners of Kootenai County, Idaho:

**Section 1**

That Area of City Impact within the unincorporated area of Kootenai County is particularly described in Section 2 below, and also set out on the map depicted in Section 3 below, which Map shall be in effect until amended or modified as allowed by law. If there is any conflict or inconsistency between the map depicted in this section and the legal description set forth in section 2 above, the legal description shall take precedence.

## Section 2

The Area of City Impact for the City of Hauser within the unincorporated area of Kootenai County, Idaho is hereby legally described as follows:

The South Half of Section 6, all of Sections 7, 18, and 19, and portions of Sections 17, 20, and 30 within Township 51 North, Range 5 West, Boise Meridian, together with all of Sections 12, 13, 24, and a portion of Section 25 within Township 51 North, Range 6 West Boise Meridian, Kootenai County, Idaho; being more particularly described as follows:

BEGINNING at the northwest corner of said Section 12, Township 51 North, Range 6 West, said point being the TRUE POINT OF BEGINNING;

THENCE easterly along the north boundary of said Section 12 to the northeast corner of said Section 12, also being the southwest corner of said Section 6, Township 51 North, Range 5 West;

THENCE northerly along the west boundary of said Section 6 to the west quarter corner of said Section 6;

THENCE easterly along the east-west centerline of said Section 6 to the east quarter corner of said Section 6;

THENCE southerly along the east boundary of said Sections 6, 7, and 18 to the west quarter corner of said Section 17;

THENCE easterly along the east-west centerline of said Section 17 to the northeast corner of the West Half of the Southwest Quarter of said Section 17;

THENCE southerly along the east line of the West Half of the Southwest Quarter of said Section 17, a distance of 1980 feet more or less to the centerline of an existing private road as called for by quitclaim deeds, Instruments No. 2380981 and No. 2380982;

THENCE southerly along the centerline of said private road to the intersection with east line of the West Half of the Southwest Quarter of said Section 17, a distance of 18 feet more or less northerly of southeast corner of West Half of the Southwest Quarter of said Section 17;

THENCE southerly along the east line of the West Half of the Southwest Quarter of said Section 17, a distance of 18 feet more or less to the southeast corner of West Half of the Southwest Quarter of said Section 17;

THENCE southerly along the east line of the West Half of the Northwest Quarter of said Section 20 to the southerly right-of-way line of State Highway 53;

THENCE northeasterly along said southerly right-of-way of said State Highway 53 to the north-south centerline of said Section 20;

THENCE southerly along said north-south centerline to the south quarter corner of said Section 20;

THENCE westerly along the south boundary of said Section 20 and Section 19 to the westerly right-of-way line of an existing Burlington Northern Santa Fe Railroad right-of-way;

THENCE southeasterly along said westerly right-of-way to the southeast corner of that certain tract of land described in Book 228 Page 22 of deeds;

THENCE southwesterly along the southerly boundary of said tract to the southeast corner of West Prairie Industrial Park as shown in Book J Page 395 of plats;

THENCE continuing southwesterly along the southerly line of said West Prairie Industrial Park and the extension of said boundary to the southeast corner of Hauser Industrial Park, as shown in Book K Page 99 of plats, said point being the center north one-sixteenth corner of said Section 30;

THENCE southerly along the north-south centerline of said Section 30 to the northeasterly corner of that certain tract described in Instrument No. 1288570;

THENCE southwesterly along the northerly line of said tract extended to the west line of said Section 30;

THENCE northerly along said west line of Section 30 approximately 60 feet to the southeast corner of the North Half of the Southeast Quarter of said Section 25, Township 51 North, Range 6 West;

THENCE westerly along the south line of said North Half of the Southeast Quarter to the southwest corner of said North Half of the Southeast Quarter;

THENCE northerly along the west line of North Half of the Southeast Quarter and the South Half of the Northwest Quarter of said Section 25 to the northwesterly right-of-way of State Highway 53;

THENCE southwesterly along said northwesterly right-of-way to the west line of said Section 25;

THENCE northerly along the west line of said Sections 25, 24, 13, and 12, Township 51 North, Range 6 West to the TRUE POINT OF BEGINNING.

### **Section 3**

The following is the official map of the Area of City Impact for the City of Hauser within the unincorporated area of Kootenai County, Idaho:

*[Insert Map of Area of City Impact]*

**Section 4**

The provisions of this Ordinance are severable and if any provision, clause, sentence, subsection, word, or part thereof is held illegal, invalid, or unconstitutional or inapplicable to any person or circumstance, such illegality, invalidity, or unconstitutionality or inapplicability shall not affect or impair any of the remaining provisions, clauses, sentences, subsections, words, or parts of this Ordinance or their application to other persons or circumstances. It is hereby declared to be the legislative intent that this Ordinance would have been adopted if such illegal, invalid, or unconstitutional provision, clause, sentence, subsection, word, or part had not been included therein, and if such person or circumstance to which the Ordinance or part thereof is held inapplicable had been specifically exempt therefrom.

**Section 5**

Neither the adoption of this Ordinance nor the repeal of any Ordinance shall, in any other manner, affect the prosecution for violation of such Ordinance committed prior to the effective date of this Ordinance, be construed as a waiver of any license or penalty due under any such Ordinance or in any manner affect the validity of any action heretofore taken by the Mayor and City Council of the City of Hauser, Idaho, or the validity of any such action to be taken upon matters pending before the Mayor and City Council on the effective date of this Ordinance.

**Section 6**

All Ordinances and parts of Ordinances in conflict with this Ordinance, including, without limitation, Kootenai County Ordinance Nos. \_\_\_ and \_\_\_, are hereby repealed.

**Section 7**

This Ordinance shall take effect and be in full force upon its passage, approval and publication in one (1) issue of the *Coeur d'Alene Press*.

Dated this \_\_\_\_\_ day of July, 2014 by the following vote:

BY ORDER OF THE KOOTENAI COUNTY  
BOARD OF COMMISSIONERS

Yea    Nay

    \_\_\_\_\_  
W. Todd Tondee, Chairman

ATTEST:  
JIM BRANNON, CLERK

    \_\_\_\_\_  
Daniel H. Green, Commissioner

BY: \_\_\_\_\_  
DEPUTY CLERK

    \_\_\_\_\_  
Jai Nelson, Commissioner

C: City of Hauser, Community Development, Prosecuting Attorney (Civil Division), Ordinance File