

ORDINANCE NO. 214

AN ORDINANCE OF KOOTENAI COUNTY, IDAHO, PURSUANT TO IDAHO CODE SECTION 67-6526, ADOPTING A MAP IDENTIFYING THE DALTON GARDENS AREA OF CITY IMPACT WITHIN THE UNINCORPORATED AREA OF KOOTENAI COUNTY, IDAHO; PROVIDING FOR SEVERABILITY; PROVIDING A SAVINGS CLAUSE; REPEALING ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT HERewith; AND PROVIDING AN EFFECTIVE DATE HEREOF.

WHEREAS, pursuant to Idaho Code Section 67-6526, the City of Dalton Gardens, Idaho, and Kootenai County, Idaho, have conferred and negotiated in good faith upon an Area of City Impact for the City of Dalton Gardens within the unincorporated area of Kootenai County; and

WHEREAS, a public hearing, pursuant to public notice as required by law, was held by the duly-constituted Planning and Zoning Commission of Kootenai County, Idaho, on November 29, 1994, on the Map identifying an Area of City Impact, following which hearing said Commission made a recommendation to the Board of County Commissioners of Kootenai County, Idaho; and

WHEREAS, the Board of County Commissioners of Kootenai County, Idaho, pursuant to public notice as required by law, held a public hearing on the proposed Map identifying an Area of City Impact on December 19, 1994; and

WHEREAS, the City of Dalton Gardens and Kootenai County, in accordance with the procedure required by law, have mutually agreed upon a Map identifying an Area of City Impact for the City of Dalton Gardens 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 forth on the Map set forth in said Section 2, which Map shall be in effect until amended or modified as allowed by law.

Section 2

A legal description for the Area of City Impact for the City of Dalton Gardens, Idaho, being those portions of Sections 24, 25, and 36, Township 51 North, Range 4 West; and Sections 19, 30, and 31, Township 51 North, Range 3 West, Boise Meridian, Kootenai County, Idaho; more particularly described as follows:

BEGINNING at the point of intersection of the East right-of-way line of Government Way (a.k.a. Old U.S. Highway 95), and the East-West centerline of Section 36, Township 51 North, Range 4 West, Boise Meridian, Kootenai County, Idaho, said beginning point being 30 feet East of the West Quarter corner of said Section 36;

thence East along said East-West centerline of Section 36 and continuing along the East-West centerline of Section 31, Township 51 North, Range 3 West, Boise Meridian, to the East Quarter corner of said Section 31;

thence North along the East line of Sections 31 and 30, to the Northeast corner of the Southeast Quarter of the Northeast Quarter of Section 30 being a point on the southerly line of the Hayden Lake Recreational Water and Sewer District as defined in Exhibit B, Case No. 34668, First District Court, State of Idaho;

thence northwesterly and westerly along said line as follows:

West along the North line of said Southeast Quarter of the Northeast Quarter to the Northwest corner thereof;

thence North, 345 feet, more or less, along the East line of the Northwest Quarter of the Northeast Quarter of said Section 30;

thence North $89^{\circ}59'57''$ West, 475.00 feet (of record as West, parallel with the North line of said Section 30, a distance of 475 feet, more or less);

thence North $47^{\circ}00'03''$ West, 575.00 feet (of record as North 47° West, 575 feet, more or less);

thence South $86^{\circ}59'57''$ West, 150.00 feet (of record as South 87° West, 150 feet, more or less);

thence South $68^{\circ}42'25''$ West, 1660.00 feet (of record as South 66° West, 1657 feet, more or less) along the southerly line of WOODLAND HEIGHTS 5TH ADDITION, according to the plat on file in Book G of Plats at page 64, and said southerly line extended to the Northeast corner of Lot 7, Block 2, WOODLAND HEIGHTS, according to the plat on file in Book E of Plats at page 129;

thence along the northeasterly line of Block 2 of said WOODLAND HEIGHTS as follows:

South 82°20'15" West, 52.47 feet;

thence North 83°51'30" West, 158.91 feet;

thence North 64°21'30" West, 415.97 feet;

thence North 49°39'15" West, 647.74 feet, to the Northwest corner of Lot 1, said Block 2;

thence North 31°28'59" West, 450.19 feet;

thence North 89°29'17" West, 170.00 feet;

thence North 0°46'08" West, 239.76 feet, to the North line of said Section 30;

thence North 89°00'11" West, 30.0 feet along said North line to the corner common to Sections 24 and 25, Township 51 North, Range 4 West and said Sections 19 and 30, Township 51 North, Range 3 West;

thence North, 1139.26 feet along the West line of Section 19, Township 51 North, Range 3 West, Boise Meridian, to the Southwest corner of the Dalton Water Association tract;

thence along the southerly line of said tract as follows:

North 69°20' East, 187.00 feet;

thence North 20°40' West, 50.00 feet;

thence North 69°20' East, 197 feet, more or less, to the North line of the Southwest Quarter of the Southwest Quarter of said Section 19;

thence West, 342 feet, more or less, along said North line to the Northwest corner of said Southwest Quarter of the Southwest Quarter;

thence South, 115.12 feet along the West line of said Section 19 and the East line of Section 24, Township 51 North, Range 4 West, Boise Meridian, to the Northeast corner of Tax Number 10001 (Book 82, page 933);

thence southwesterly along the northwesterly line of Tax Number 10001 as follows:

South 68°28'06" West, 633.85 feet;

thence South 51°52'34" West, 263.29 feet;

thence South 28°47'04" West, 269.98 feet;

thence South 33°08'44" West, 319.38 feet;

thence South 35°06'49" West, 340.48 feet to the North line of Section 25;

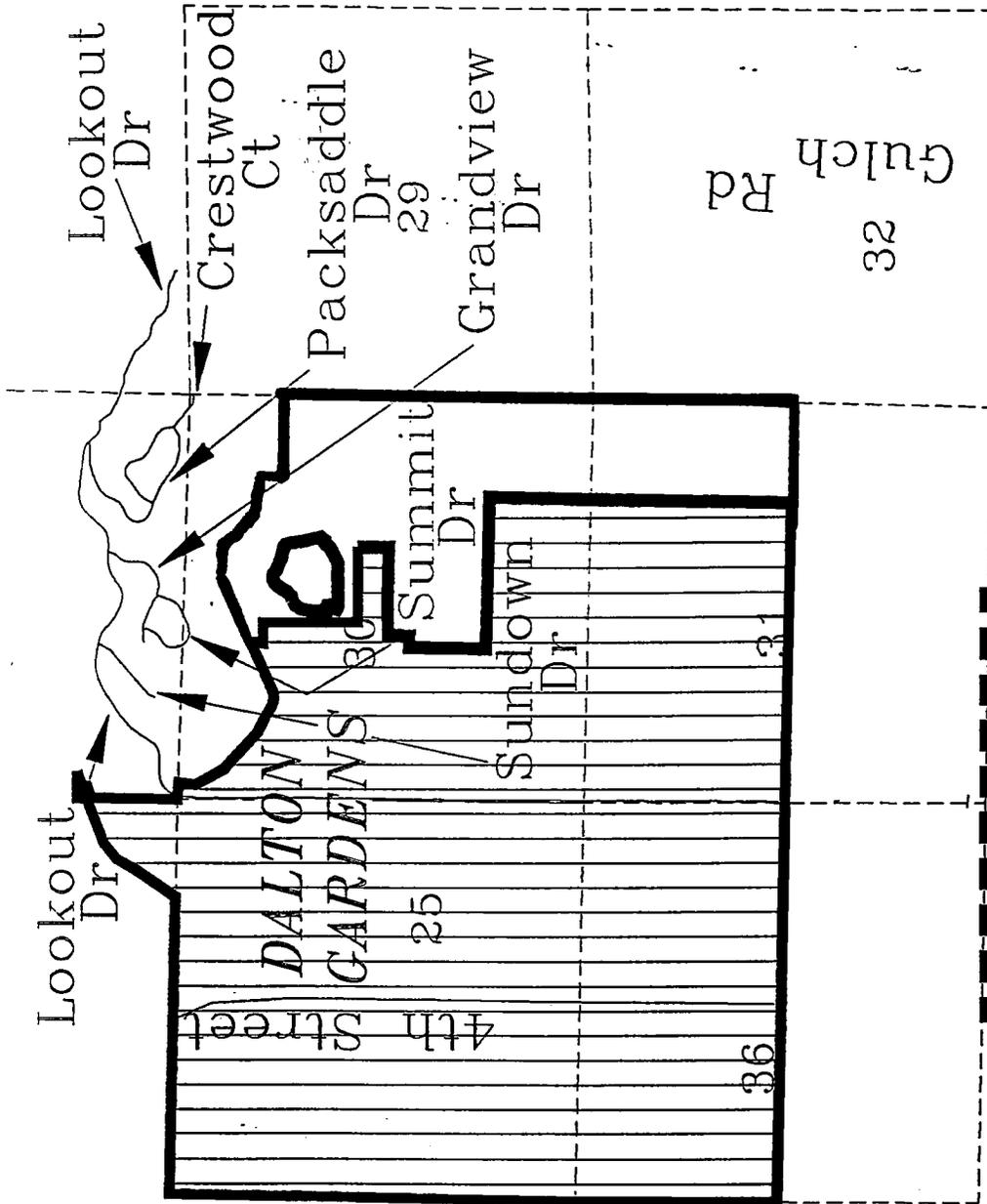
thence along the North line of Section 25, Township 51 North, Range 4 West, Boise Meridian, to a point on the East right-of-way line of Government Way (a.k.a. Old U.S. Highway 95), said point being 30.00 feet East of the Northwest corner of said Section 25;

thence South along the East right-of-way line of U.S. Highway 95, to the POINT OF BEGINNING.



CARTOGRAPHY BY:
KOOTENAI COUNTY
GEOGRAPHIC INFORMATION SERVICE
November 17, 1984

DALTON GARDENS



Section 3

That this Map is adopted in conjunction with Ordinance No. 215, and is intended to be an integral part of said Ordinance.

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 manner, affect the prosecution for violation of such Ordinance committed prior to the effective date of this Ordinance or 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 Board of County Commissioners of Kootenai County, Idaho, or the validity of any such action to be taken upon matters pending before the Board of County Commissioners on the effective date of this Ordinance.

Section 6

All Ordinances and parts of Ordinances in conflict with this Ordinance are hereby repealed.

Section 7

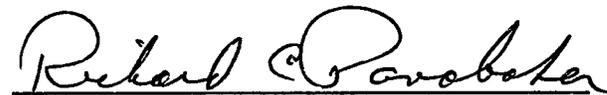
This Ordinance shall take effect and be in full force upon its passage, approval and publication in one (1) issue of the Coeur d'Alene Press, a newspaper of general circulation within Kootenai County, Idaho.

DATED this 11th day of January 1995.

KOOTENAI COUNTY
BOARD OF COMMISSIONERS

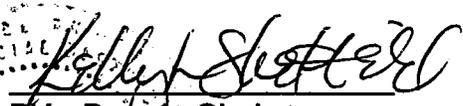

Dick Compton, Chairman


Bob Macdonald, Commissioner


Richard C. Panabaker, Commissioner

ATTEST:

TOM TAGGART, CLERK


BY: Deputy Clerk

Publish: January 16, 1995

