

ORDINANCE NO. 391
CASE NO. OA-117-05
HAYDEN LAKE AREA OF CITY IMPACT MAP ORDINANCE

AN ORDINANCE OF KOOTENAI COUNTY, IDAHO, PURSUANT TO IDAHO CODE SECTION 67-6526, ADOPTING A MAP IDENTIFYING THE HAYDEN LAKE 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 Hayden Lake, Idaho, and Kootenai County, Idaho, have heretofore adopted an Area of City Impact pursuant to Ordinance No. 228, and an accompanying map pursuant to Ordinance No. 227, both adopted by Kootenai County on June 21, 1995; and

WHEREAS, during the ensuing years, the area in and around the Area of City Impact has continued to develop and traffic congestion and speed has continued to increase along streets within the city that are used by new residents for access to the new development; and

WHEREAS, the parties now wish to renegotiate said Area of City Impact to address the issues of development and traffic on city streets and have conferred and negotiated in good faith upon a new Area of City Impact for the City of Hayden Lake within the unincorporated area of Kootenai County; and

WHEREAS, the Kootenai County Planning and Zoning Commission, pursuant to public notice as required by law, held a public hearing on the proposed new Area of City Impact on July 14, 2006; and

WHEREAS, the Board of County Commissioners, pursuant to public notice as required by law, held a public hearing on the proposed new Area of City Impact on September 7, 2006; and

WHEREAS, the City of Hayden Lake and Kootenai County, in accordance with the procedure required by law, have mutually agreed upon a new Area of City Impact of the City of Hayden Lake 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

The Hayden Lake 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 in Section 3. The boundaries of this Area of City Impact shall be in effect until amended or modified as allowed by law.

SECTION 2

LEGAL DESCRIPTION: A legal description for the Area of City Impact for the City of Hayden Lake, Idaho, being portions of Section 7, Section 9, Section 16, Section 17, Section 18, Section 19 and all of Section 8, all located in Township 51 North, Range 3 West, Boise Meridian, Kootenai County, Idaho, more particularly described as follows:

BEGINNING at the southwest corner of said Section 18;

THENCE, northerly along the west line of said Section 18 and said Section 7, to the southwest corner of Lot 1, Block 26, Avondale on Hayden Third Addition, on the northerly right-of-way line of Strahorn Road;

THENCE, leaving said west line, in a generally northeasterly direction, along the northerly right-of-way of Strahorn Road, and the northeasterly extension thereof, to a point of intersection with the north line of said Section 7;

THENCE, easterly along the north line of said Section 7 to a point of intersection with the northerly extension of the east line of Lot 6, Block 25, Avondale on Hayden Third Addition;

THENCE, southerly along said line, and continuing southerly along the east lines of Lots 5 and 4, Block 25, Avondale on Hayden Third Addition, to the southeast corner of said Lot 4, said point also being the northwest corner of lot 5, Block 11, Avondale on Hayden Second Addition;

THENCE, easterly along the north lines of Lots 5, 4, 3, 2, and 1, Block 11, Avondale on Hayden Second Addition, to the northeast corner of said Lot 1, said point also being on the northerly right-of-way line of St. James Avenue;

THENCE, easterly on said northerly right-of-way line of St. James Avenue to the northwest corner of Lot 1, Block 28, Avondale on Hayden Fourth Addition;

THENCE, easterly along the northerly property lines of Lots 1, 2, and 3, Block 28, Avondale on Hayden Fourth Addition, to the point of intersection with the westerly line of Lot 2, Block 42, Avondale on Hayden Ninth Addition;

THENCE, northwesterly along said westerly line to the northwest corner of said Lot;

THENCE, northeasterly along the northerly line of said Lot 2 to the northeast corner of said Lot; said point also being on the westerly right-of-way line of St. James Avenue;

THENCE, northeasterly across said St. James Avenue to the northwest corner of Lot 4, Block 41, Avondale on Hayden Ninth Addition, said point also being on the easterly right-of-way line of said St. James Avenue;

THENCE, northeasterly along the northerly line of said Lot 4 to the northernmost northeast corner of said Lot, said point also being on the westerly line of dedicated right-of-way for Common Space;

THENCE, southeasterly across said Common Space to the northernmost corner of Lot 8, Block 45, Avondale on Hayden Eleventh Addition, said Point also being on the easterly right-of-way for said Common Space;

THENCE, southeasterly along the line common to said Lot 8 and Lot 9, Block 45, Avondale on Hayden Eleventh Addition, to the southernmost corner of said Lot 9, said point also being on the northerly right-of-way line of York Court;

THENCE, northeasterly along said right-of-way line and the extension thereof, to a point of intersection with the west line of said Section 8;

THENCE, northerly along the west line of said Section 8 to the northwest corner of said Section;

THENCE, easterly along the north line of said Section to the northeast corner of said Section, also being the northwest corner of Section 9;

THENCE, easterly along the north line of Section 9 to the northeast corner of said Section;

THENCE, southerly along the east line of Section 9 to the point of intersection with the shore line of Hayden Lake;

THENCE, along said shore line in a generally southwest direction to the point of intersection of the north line of Section 16 with said shore line,

THENCE, continuing along said shore line in a generally southwest direction to the point of intersection of the east line of said Section 17 with said shore line,

THENCE, continuing along said shore line in a generally westward direction to the point of intersection of the eastern city boundary of the City of Hayden Lake;

THENCE, continuing along said shore line in a generally southwest direction to the point of intersection of the east line of Section 18 with said shore line;

THENCE, continuing along said shore line in a generally southwest direction to the point of intersection of the north line of said Section 19 with said shore line;

THENCE, continuing along said shore line in a southerly direction to the southeast corner of that real property described in Book 91. Page 514, Kootenai County Records, a.k.a. Tax No. 1560, in said Section 19;

THENCE, westerly along the south line and its extension of said parcel to the westerly right-of-way of Chalet Road;

THENCE, in a generally northeasterly direction, along said right-of-way to its intersection with the easterly extension of the south line of Block 13, Hayden Lake Country Homes;

THENCE, along the south line of said Block 13, and the easterly and westerly extensions thereof, to the west line of said Section 19;

THENCE, northerly along the west line of said Section 19 to the southwest corner of said Section 18, which is the POINT OF BEGINNING.

EXCEPTING THEREFROM, all parcels within the city limits of the City of Hayden Lake.

SECTION 3

Map attached.

SECTION 4

RENEGOTIATION: In accordance with Idaho Code. Section 67-6526(d), the City or County may request, in writing, renegotiation of any provisions of this Ordinance at any time. Within thirty (30) days of receipt of such request by either party, a meeting between the two (2) jurisdictions shall occur. While renegotiation is occurring, all provisions of this Ordinance shall remain in effect until the Ordinance is amended or a substitute Ordinance is adopted by the City and Kootenai County, in accordance with the notice and hearing procedures provided in Title 67, Chapter 65, of Idaho Code, or until a declaratory judgment from the District Court is final.

SECTION 5

That this Map is adopted in conjunction with Ordinance No. 389 , and is intended to be an integral part of said Ordinance.

SECTION 6

SEVERABILITY. 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 7

NON-WAIVER: 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 8

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

SECTION 9

EFFECTIVE DATE

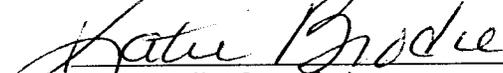
This Ordinance shall take effect and be in full force upon its passage, approval, and publication in one (1) issue of the *Coeur d'Alene Press*.

DATED this 14th day of September, 2006

KOOTENAI COUNTY
BOARD OF COMMISSIONERS


S.J. "Gus" Johnson, Chairman


Elmer R. Currie, Commissioner


Katie Brodie, Commissioner

ATTEST
DANIEL J. ENGLISH, CLERK
OFFICE OF THE CLERK OF DISTRICT COURT
AUDITOR AND RECORDER
KOOTENAI COUNTY, IDAHO

BY: Deputy Clerk

Publication Date: 9-19-06

Chickadee

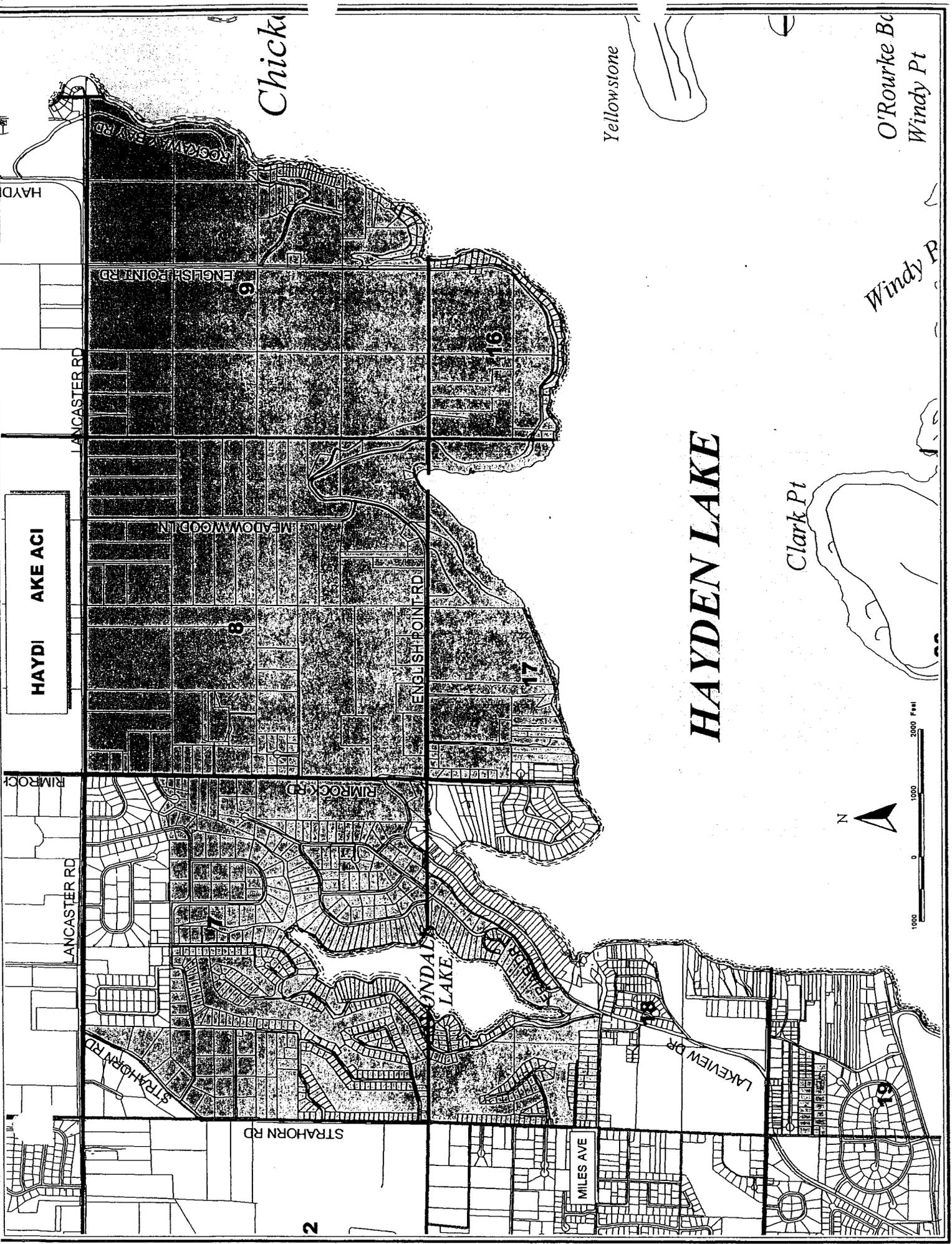
Yellowstone

O'Rourke Bc
Windy Pt

Windy P

Clark Pt

HAYDEN LAKE



HAYDI AKE AGI

HAYDI AKE AGI

RIMROCK

LANCASTER RD

STRAHORN RD

MILES AVE

RIMROCK RD

HAYDEN LAKE

ENGLISH POINT RD

MEADOWOOD LN

ENGLISH POINT RD

ROSKY W. BAY RD

HAYD

LANCASTER RD

STRAHORN RD

LAKEVIEW DR

19

8

9

16

17