

ORDINANCE No. 290
Case No. OA-89-99

AN ORDINANCE OF KOOTENAI COUNTY, IDAHO, PURSUANT TO *IDAHO CODE*, SECTION 67-6526, ADOPTING A MAP IDENTIFYING THE CITY OF HAUSER AREA OF CITY IMPACT WITHIN THE UNINCORPORATED AREA OF KOOTENAI COUNTY, IDAHO; PROVIDING FOR SEVERABILITY; PROVIDING A SAVINGS CLAUSE; AND PROVIDING AN EFFECTIVE DATE HEREOF.

WHEREAS, pursuant to *Idaho Code*, Section 67-6526, the City of Hauser, Idaho, and Kootenai County, Idaho, 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, public hearings, pursuant to public notice as required by law, were held by the duly-constituted Planning and Zoning Commission of Kootenai County, Idaho, on July 12, 1999 and September 27, 1999, on the Map identifying an Area of City Impact, following which hearings said Commission made a recommendation to the Board of County Commissioners of Kootenai County, Idaho; and,

WHEREAS, the Board of County Commissioners, pursuant to public notice as required by law, held a public hearing on the proposed Map identifying an Area of City Impact on October 20, 1999; and,

WHEREAS, the City of Hauser 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 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 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 Hauser, Idaho, being, Sections 1, 12, 13, 24 and a portion of Section 25, Township 51 North, Range 6 West, Sections 6, 7, 18, 19 and a portion of Sections 5, 8, 17, 20, 29, and 30 Township 51 North, Range 5 West, and Sections 30 and 31, Township 52 North, Range 5 West, Boise Meridian, Kootenai County, Idaho described as follows:

Commencing at the Northwest Corner of Government Lot 4 of Section 25 (Township 51 North, Range 6 West), said point being The REAL POINT OF BEGINNING,

thence along the northerly line of said Government Lot 4, the northerly line of the South $\frac{1}{2}$ of the East $\frac{1}{2}$ of the Southwest $\frac{1}{4}$ and the northerly line of the South $\frac{1}{2}$ of the Southeast $\frac{1}{4}$ of said Section 25 and it's easterly projection thereof East a distance of 4700 feet, more or less, to a point on the southerly line of Bonneville Power Administration, Washington Water Power and Pacific Gas and Transmission easements as they cross Section 30 (Township 51 North, Range 5 West),

thence leaving said easterly projection along the southerly line of said easements northeasterly a distance of 4600 feet, more or less, to a point on the southerly line of the North ½ of the Northeast ¼ of said Section 30,

thence leaving said southerly easement line along said southerly line East a distance of 1400 feet, more or less, to the Southeast Corner of said North ½,

thence leaving said southerly line along the southerly line of the North ½ of the Northwest ¼ of Section 29 (Township 51 North, Range 5 West) East a distance of 2640 feet, more or less to a point on the North-South Section line of said Section 29,

thence leaving said southerly line along the North-South Center of Section Line of said Section 29 North 1320 feet, more or less, to the North 1/4 Corner of said Section 29,

thence leaving said North-South Center of Section Line along the North-South Center of Section line of Section 20 (Township 51 North, Range 5 West) North a distance of 4550 feet, more or less, to a point on the center line of State Highway 53,

thence leaving said North-South Center of Section along said center line northeasterly a distance of 3500 feet, more or less to a point on the easterly line of Section 17 (Township 51 North, Range 5 West),

thence leaving said center line along the easterly line of said Section 17 North a distance of 1600 feet to a point,

thence leaving said easterly line South 70 degrees 32 minutes West a distance of 590 feet,

thence North 32 degrees 36 minutes West a distance of 1570 feet,

thence South 77 degrees 59 minutes West a distance of 1065 feet,

thence North 52 degrees 49 minutes West a distance of 2140 feet,

thence North 7 degrees 48 minutes West a distance of 945 feet,

thence North 21 degrees 49 minutes West a distance of 495 feet,

thence North 21 degrees 59 minutes West a distance of 1095 feet, more or less, to a point on the southerly end of Saddle Ridge,

thence along said Saddle Ridge the following courses:

North 38 degrees 47 minutes West a distance of 775 feet,

thence North 1 degrees 50 minutes West a distance of 800 feet, more or less, to a point on the easterly line of said Section 6 (Township 51 North, Range 5 West),

thence leaving said Ridge along said easterly line North a distance of 435 feet,

thence leaving said easterly line and continuing along said Ridge North 34 degrees 26 minutes East a distance of 1240 feet,

thence North 49 degrees 07 minutes East a distance of 1525 feet,

thence North 11 degrees 33 minutes East 1242 feet,

thence North 22 degrees 10 minutes East 792 feet,

thence North 11 degrees 54 minutes West a distance of 331 feet, more or less, to a point on the northerly line of Section 5 (Township 51 North, Range 5 West),

thence leaving said Ridge along the northerly line of said Section 5 West a distance of 2500 feet, more or less, to the Northeast Corner of said Section 5, also being the Southeast Corner of Section 31 (Township 52 North, Range 5 West),

thence leaving the northerly line of said Section 5 along the easterly line of said Section 31 North a distance of 5280 feet, more or less, to the Northeast Corner of said Section 31, said Corner being on the southerly line of Section 30 (Township 52 North, Range 5 West),

thence leaving said easterly line along the southerly line of said Section 30, East a distance of 250 feet, more or less, to the Southeast Corner of said Section 30,

thence leaving said southerly line along the boundary of said Section 30 the following courses:

North a distance of 5280 feet, more or less, to the Northeast Corner of said Section 30,

thence West a distance of 5280 feet, more or less, to the Northwest Corner of said Section 30,

thence South 5280 feet, more or less, to the Southwest Corner of said Section 30 being also the Northwest Corner of Section 31 (Township 52 North, Range 5 West),

thence leaving the boundary of said Section 30 along the westerly line of said Section 31 South a distance of 5280 feet, more or less, to the Southwest Corner of said Section 30 being also the Northeast Corner of Section 1 (Township 51 North, Range 6 West),

thence leaving the westerly boundary of said Section 31 along the northerly boundary of said Section 1, West a distance of 4400 feet, more or less, to a point on the westerly boundary of the State of Idaho,

thence leaving the northerly line of said Section 1 along said westerly boundary South a distance of 22910 feet, more or less, to the Northwest Corner of Government Lot 4 of said Section 25 (Township 51 North, Range 6 West) said point being THE REAL POINT OF BEGINNING.

Section 3

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 4

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 5

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 27th day of October, 1999.

BY ORDER OF THE KOOTENAI COUNTY
BOARD OF COMMISSIONERS



Richard Panabaker, Chairman

ATTEST:
DANIEL J. ENGLISH, CLERK


Deputy Clerk

Dick Compton, Commissioner


Ronald D. Rankin, Commissioner

Publication date: November 1, 1999.