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**ORDINANCE NO. 2019-06
CITY OF KUNA, IDAHO**

**ORDINANCE AMENDING THE EXTERIOR BOUNDARIES
OF THE KUNA MUNICIPAL IRRIGATION SYSTEM
[Challenger Development real property]**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF KUNA:

- **MAKING CERTAIN FINDINGS; and**
- **ENLARGING THE BOUNDARIES OF THE KUNA MUNICIPAL IRRIGATION SYSTEM BY THE INCLUSION OF ADA COUNTY ASSESSOR’S SILVER TRAIL SUBDIVISION NO. 3; AND**
- **DECLARING WATER RIGHTS APPURTENANT THERETO ARE POOLED FOR DELIVERY PURPOSES; and**
- **DIRECTING THE CITY CLERK TO RECORD THIS ORDINANCE AS PROVIDED BY LAW; and**
- **DIRECTING THE CITY ENGINEER TO PROVIDE NOTICE OF THIS ORDINANCE TO THE BOISE-KUNA IRRIGATION DISTRICT, THE OWNERS AND UPDATE THE IRRIGATION SYSTEM MAP; and**
- **PROVIDING AN EFFECTIVE DATE.**

The City Council findings: The City Council makes the following findings of its authority, purpose and the history of the enactment of this ordinance:

- 1.1 The City of Kuna has established and operates, as authorized by Title 50, Chapter 18, Idaho Code, a municipal irrigation system, known and referred to as *Kuna Municipal Irrigation System* (the “KMIS”); and
- 1.2 Commencing with the establishment of the KMIS and with every additional real property enlarging KMIS, the City Council has passed and enacted an ordinance pursuant to Idaho Code Section 50-1832 describing and enlarging the exterior boundaries of KMIS; and

- 1.3 It is the intention of the City Council to include that certain real property identified by the Ada County Assessor's office as SILVER TRAIL SUBDIVISION NO. 3 [legally described in **Exhibit A** attached to this Ordinance and by this reference incorporated herein] (the "SUBJECT REAL PROPERTIES") within the boundaries of KMIS and which SUBJECT REAL PROPERTIES are depicted on the attached **Exhibit B** Location Map; and
- 1.4 It is therefore necessary as required by Idaho Code Section 50-1832 to approve and enact this Ordinance in order to include the Subject Real Properties within the boundaries of KMIS.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF KUNA, Ada County, Idaho, as follows:

Section 1: The boundaries of the Kuna Municipal Irrigation System are enlarged by the inclusion of the SUBJECT REAL PROPERTIES and the boundaries thereof are adjusted accordingly, said SUBJECT REAL PROPERTY being described as follows in **Exhibit A** attached hereto this Ordinance.

Section 2: Declaring the water rights appurtenant thereto are hereby pooled for delivery purposes.

Section 3: The City Clerk is hereby directed to record, in the office of the recorder for Ada County, a certified copy of this ordinance as required by Section 50-1832, Idaho Code.

Section 4: The City Engineer is hereby directed to give notice of this action by forwarding a certified copy of this Ordinance to Boise-Kuna Irrigation District, the owner of the SUBJECT REAL PROPERTIES and to update the official City map of the exterior boundaries of KMIS.

Section 5: Effective Date: This Ordinance shall take effect and be in force from and after its passage, approval, and publication as required by law.

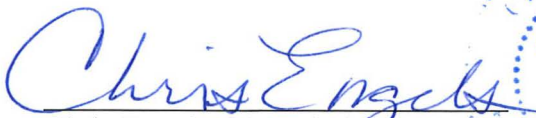
DATED this 19th day of February, 2019.

CITY OF KUNA



Joe L. Stear, Mayor

ATTEST:



Chris Engels, City Clerk



EXHIBIT A

**LEGAL DESCRIPTION FOR WATER RIGHTS ON
SILVER TRAIL SUBDIVISION NO. 3**

KNOW ALL MEN BY THESE PRESENTS: That the undersigned does hereby certify that it is the owner of a certain tract of land to be known as SILVER TRAIL SUBDIVISION NO. 3, and that it intends to include the following described land in this plat:

A re-subdivision of a portion of Lot 68, Block 1 of Danskin Ridge Subdivision No. 6 as shown in Book 103 of Plats at Pages 13739 through 13741 records of Ada County, Idaho. Situate in the west half of Section 11, Township 2 North, Range 1 West, Boise Meridian, Kuna City, Ada County, Idaho, and being more particularly described as follows:

Commencing at the southwest corner of said Section 11; thence N00°36'21"E, 2,657.55 feet along the westerly boundary of the southwest quarter of said Section 11 and along the centerline of South Ten Mile Road to the northwest corner of the southwest quarter of said Section 11; thence S89°23'19"E, 1,317.92 feet along the northerly boundary of the southwest quarter of said Section 11 and along a line 35-feet southerly of and parallel with the centerline of West Mason Creek Street to the westerly boundary of said Lot 68 and to the Point of Beginning:

- Thence N00°06'56"W, 772.41 feet along the westerly boundary of said Lot 68;
- Thence S82°11'14"E, 383.94 feet along the northerly boundary of said Lot 68;
- Thence N76°26'44"E, 39.85 feet along the boundary of Warranty Deed Inst. No. 2018-069723 records of Ada County, Idaho;
- Thence N50°01'20"E, 30.01 feet along the boundary of said Lot 68;
- Thence N30°26'45"E, 20.02 feet along the boundary of said Lot 68;
- Thence N08°09'56"E, 132.25 feet along the boundary of said Lot 68;
- Thence S79°09'18"E, 90.50 feet;
- Thence S70°00'00"E, 38.78 feet;
- Thence S37°15'03"E, 45.96 feet;
- Thence S24°46'23"W, 155.31 feet;
- Thence S15°52'49"W, 50.92 feet;
- Thence S29°17'17"W, 10.00 feet;
- Thence S00°06'56"E, 380.86 feet;
- Thence S07°43'29"W, 50.39 feet;
- Thence S00°36'41"W, 100.00 feet;
- Thence S89°23'19"E, 327.84 feet;
- Thence 58.06 feet along a tangent curve deflecting to the right having a radius of 297.00 feet, a central angle of 11°12'01", a long chord bearing of S83°47'18"E, and a long chord distance of 57.97 feet;
- Thence S11°48'42"W, 94.00 feet;
- Thence S00°06'56"E, 246.51 feet to the northerly boundary of Prairie Clover Estates Subdivision as shown in Book 69 of Plats at Pages 7074 through 7075 records of Ada County, Idaho and to the southerly boundary of said Lot 68;
- Thence N°89°27'25"W, 901.52 feet along the southerly boundary of said Lot 68, and along the northerly boundary of said Prairie Clover Estates Subdivision to the northwest corner of said Prairie Clover Estates Subdivision, to the easterly boundary of Silver Trail Subdivision No. 1 as shown in Book 108 of Plats at Pages 15053 through 15056 records of Ada County, Idaho and to the westerly boundary of the northeast quarter of the southwest quarter of said Section 11;
- Thence N00°44'56"E, 239.15 feet along said boundary of Silver Trail Subdivision No. 1 and the westerly boundary of said Lot 68 and to the southerly right-of-way of West Mason Creek Street, which is the Point of Beginning.

Comprising 15.59 acres, more or less.

