### Instrument # 571980

HAILEY, BLAINE, IDAHO 10-20-2009 05:15:00

10-20-2609 05:15:00 No. of Pages: 11 Recorded for : CITY OF KETCHUM

JOLYNN DRAGE
Ex-Officio Recorder Deputy\_

Index to: ORDINANCES

er Deputy\_\_\_\_\_\_Fee: 0.00

CORRECTING 570556

### **ORDINANCE NO. 1057**

AN ORDINANCE ANNEXING CERTAIN REAL PROPERTY SITUATED IN THE UNINCORPORATED AREA OF BLAINE COUNTY, IDAHO, AND CONTIGUOUS TO THE CORPORATE LIMITS OF THE CITY OF KETCHUM, INTO THE CITY OF KETCHUM, IDAHO; ESTABLISHING THE ZONING CLASSIFICATION OF SAID REAL PROPERTY DESCRIBED HEREIN; AMENDING THE ZONING MAP OF THE CITY OF KETCHUM TO REFLECT SAID CHANGES; DIRECTING THAT COPIES OF THIS ORDINANCE BE FILED AS PROVIDED BY LAW; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Ketchum, Idaho is a municipal corporation organized and operating under the laws of the State of Idaho and is authorized to annex to and incorporate within the boundaries of the City contiguous real property in the manner provided by Section 50-222, Idaho Code; and

WHEREAS, the owners of the real property situated in the unincorporated area of Blaine County and particularly described in Exhibit "A" of this ordinance have requested, in writing, annexation of said real property into the City of Ketchum; and

WHEREAS, the owners of the real property situated within the City of Ketchum and particularly described in Exhibit "A" of this ordinance (the "Subject Property") have requested, in writing, a rezone from RD (Recreational Development) to RU (Recreational Use) and T (Tourist), with overlay zones of FP (Floodplain), A (Avalanche) and MO (Mountain); and

WHEREAS, the requested zoning of the Subject Property is depicted and more particularly described in Exhibit "B" of this ordinance; and

WHEREAS, the Planning and Zoning Commission of the City, pursuant to public notice as required by law, held public hearings on June 10, 11, 12 and 19, 2008; July 1, 2008; and December 8, 2008, as required by Section 67-6525, Idaho Code, and made a recommendation to the Mayor and Council; and

WHEREAS, the Ketchum City Council, pursuant to public notice as required by law, held public hearings on December 1, 2008 and February 11 and 12, 2009, on the proposed annexation and zoning for the real property described in Exhibit "A" as required by Section 67-6525, Idaho Code, made findings and determined that the requested annexation should be granted and that zoning classifications of RU (Recreational Use) and T (Tourist), with overlay zoning classifications of FP (Floodplain), A (Avalanche) and MO (Mountain), for the property described

in Exhibit "A," and depicted on Exhibit "B," are appropriate to meet the requirements of Idaho Code, Ketchum City Code and the Ketchum Comprehensive Plan and should be granted.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF KETCHUM, IDAHO, as follows:

<u>Section 1</u>: The Ketchum City Council hereby finds and declares that the real property particularly described in Exhibit "A", and as depicted on Exhibit "B", attached hereto and incorporated herein by reference, are contiguous to the City, that said property can be reasonably assumed to be used for the orderly development of the City, and that the owner of said properties have requested, in writing, annexation thereof to the City.

<u>Section 2</u>: The real property, all situated in Blaine County, Idaho, adjacent and contiguous to the City, particularly described in Exhibit "A," and as depicted Exhibit "B," attached hereto and incorporated herein by reference, are hereby annexed to the incorporated territorial limits of the City of Ketchum, Idaho.

Section 3: The City Council hereby finds and determines that it is in the best interests of the public health, safety, and welfare of the City of Ketchum and the residents and property therein that the real property particularly described in Exhibit "A" attached hereto and incorporated by reference, is hereby removed from the RD (Recreational Development – Blaine County Designation) District classification and is hereby included in the RU (Recreational Use) and T (Tourist) District classifications, with overlay zones of FP (Floodplain), A (Avalanche) and MO (Mountain), all pursuant to the Zoning Ordinance of the City of Ketchum and a Development Agreement recorded in the records of Blaine County, Idaho, as Instrument No. 5000 — , on the 13000 day of 10000 — , 2009. The City Council further finds and determines that said zone change is in accordance with the Ketchum Comprehensive Plan and relevant City Codes.

<u>Section 4</u>: The official Zoning Map of the City of Ketchum, Idaho is hereby amended to reflect the foregoing change in zoning classification.

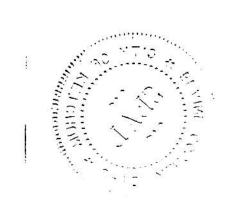
<u>Section 5</u>: From and after the effective date of this Ordinance, all property and persons within the boundaries and territory described above shall be subject to all ordinances, resolutions, police regulations, taxation, and other powers of the City of Ketchum.

<u>Section 6:</u> The City Clerk is hereby directed to file, within ten (10) days of passage and approval of this Ordinance, a certified copy of this Ordinance with the offices of the Auditor, Treasurer, and Assessor of Blaine County, Idaho, and with the Idaho State Tax commission, Boise, Idaho, as required by Section 50-223, Idaho Code, and to comply with the provisions of Section 63-2215, Idaho Code, with regard to the preparation and filing of a map and legal description of the real property annexed by this Ordinance.

Section 7: This Ordinance shall take effect and be in force from and after its passage, approval,

and publication as required by law. In lieu of publication of the entire ordinance, a summary thereof in compliance with Section 50-901A, Idaho Code, may be published.

DATED this 17 day of August, 2009.
CITY COUNCIL OF THE CITY OF KETCHUM Blaine County, Idaho
Randy Hall, Mayor
ATTEST:
Sander E. Cale
Sandra Cady, Ketchum City Clerk
STATE OF IDAHO)
: ss. County of Blaine )
On this 25 TH day of AUGULT, in the year 2009, before me, the undersigned, a Notary Public in and for said State, personally appeared SANDRA E. CADY and PANDY HACE, known to me to be the MAYOR and CITY CLERK of said municipal corporation that executed this instrument and the persons who executed the said instrument on behalf of said corporation, and acknowledged to me that such corporation executed the same.
In witness whereof, I have hereunto set my hand and affixed my official seal the day and year first written.
KETCHUM, Notary Public Residing at: KETCHUM  My Commission Expires: 01/27/2012



. . . .



### Benchmark Associates, P.A.

ENGINEERING, PLANNING, SURVEYING & MAPPING

PO Box 733: 100 Bell Drive

Ketchum, Idaho 83340

208-788-1479 : Facsimile 208-788-1044



### LEGAL DESCRIPTION FOR: PROPOSED WARM SPRINGS RANCH ANNEXATION INTO THE CITY OF KETCHUM

### A PARCEL OF LAND

Located Within: Sections 11, 12 and 13, and a Portion of H.E.S. 292, Township 4 North, Range 17 East, Boise Meridian, Blaine County, Idaho

Being all of Tax Lots 8074 (formerly T.L. 6980), 8079 (formerly T.L. 7642), 8080 (formerly T.L. 7643) and 8082 (formerly T.L. 7926), also a Portion of Tax Lots 8075 (formerly T.L. 7638), 8076 (formerly T.L. 7639) and 8077 (formerly T.L. 7640), Township 4 North, Range 17 East, Boise Meridian:

The above described Parcels being shown on that Record of Survey recorded as Instrument #536423, records of Blaine County, Idaho and being more particularly described by metes and bounds as follows:

COMMENCING at the Center North 1/16 corner of Section 13, running thence S89°27'01"W, 660.25 feet to the CENW 1/64 Corner of said Section 13, said corner being the TRUE POINT OF REGINNING

thence S89°50'16"W, 664.57 feet to the Northwest 1/16 Corner of said Section 13;

thence N01°28'41"E, 882.68 feet to a point lying S01°28'41"W, 451.06 feet from the West 1/16 Corner common to Sections 12 and 13;

thence N33°55'54"W, 539.60 feet along a PROPOSED BLM LAND ACQUISITION PARCEL to a point on the Section Line Common to said Sections 12 & 13 said point lies S89°24'51"W, 312.86 feet from said West 1/16 corner common to Section 12 and 13;

thence along said Section Line S89°24'51"W, 340.51 feet to the WW1/64 Corner of said Sections 12 & 13;

thence along said Section Line S89°41'29"W, 652.58 feet to the Section Corner Common to Section 12 & 13 only;

thence along the Section Line Common to Sections 11 and 12, N00°46'11"E, 422.02' to the intersection of said Section Line and the Southern Boundary of H.E.S. 292;

thence S80°24'44"W, 2206.75 feet along the south boundary of said H.E.S. 292 to the east boundary of Tax Lot 3082;

thence N00°26'48"E, 765.87 feet along the east boundary of said Tax Lot 3082 and Tax Lot 2784 to a point on the south boundary of Tax Lot 5103 and Mendivil Subdivision, recorded as Instrument #282852, records of Blaine County;

thence S53°49'42"E, 183.90 feet along said south boundary of Tax Lot 5103 to southwest corner of Lot 12, Warm Springs Creekside Subdivision, recorded as Instrument #16033, records of Blaine County;

```
thence along the south boundary of said Warm Springs Creekside Subdivision by the following courses:
```

S46°44'58"E, 73.97 feet; S56°52'58"E, 75.36 feet; S61°05'58"E, 74.58 feet; S65°47'22"E, 101.10 feet; S89°01'17"E, 100.62 feet; N73°12'29"E, 98.50 feet; N74°59'49"E, 97.10 feet; N80°34'44"E, 76.20 feet; N79°49'43"E, 75.99 feet; N80°40'31"E, 76.18 feet; N86°16'48"E, 77.89 feet; N71°01'39"E, 75.00 feet; N69°42'41"E, 65.71 feet;

N66°05'23"E, 169.14 feet; thence N41°05'16"E, 140.77 feet the southernmost corner of Lot 1A, Lost Hills Subdivision recorded as Instrument #460880, records of Blaine County, Idaho;

thence N38°01'39"E, 69.39 feet along the south boundary of said Lot 1A;

thence continuing along said south boundary N55°19'48"E, 43.17 feet to the southwest corner of Rockview West Condominiums, recorded as Instrument #198899, records of Blaine County, Idaho:

thence along south boundary of said Rockview West Condominiums N55°19'48"E, 26.29 feet; thence continuing along said south boundary N67°46'41"E, 60.05 feet to the southwest corner of Lot 1, Fern Tree West Subdivision, recorded as Instrument #213825, records of Blaine County, Idaho:

thence along the south boundary of said Lot 1 by the following courses: N67°46'41"E, 13.93 feet; N77°05'15"E, 76.50 feet;

N84°23'36"E, 40.45 feet to the southwest corner of Fern Tree West Condominiums, recorded as Instrument #232805, records of Blaine County, Idaho;

Thence along the south boundary of Fern Tree West Condominiums N84°23'36"E, 25.31 feet; thence continuing along said south boundary N63°56'57"E, 68.33 feet to the southwest corner of Rockview East Townhouses, recorded as Instrument #397778, records of Blaine County, Idaho; thence N85°01'05"E, 104.78 feet along the south boundary of Rockview East Townhouses to the southwest corner of Ketch and Release Townhouses, recorded as Instrument #404114, records of Blaine County, Idaho;

thence along the south boundary of Ketch and Release Townhouses by the following courses: N85°31'10"E, 27.06 feet;

S05°42'25"E, 19.21 feet;

S88°19'11"E, 65.22 feet to the southwest corner of Pioneer Condominiums, recorded as Instrument #267425, records of Blaine County, Idaho;

thence N87°36'51"E, 63.73 feet along the south boundary of said Pioneer Condominiums to a point on the westerly boundary of Sun River Townhomes, recorded as Instrument #311138, records of Blaine County, Idaho;

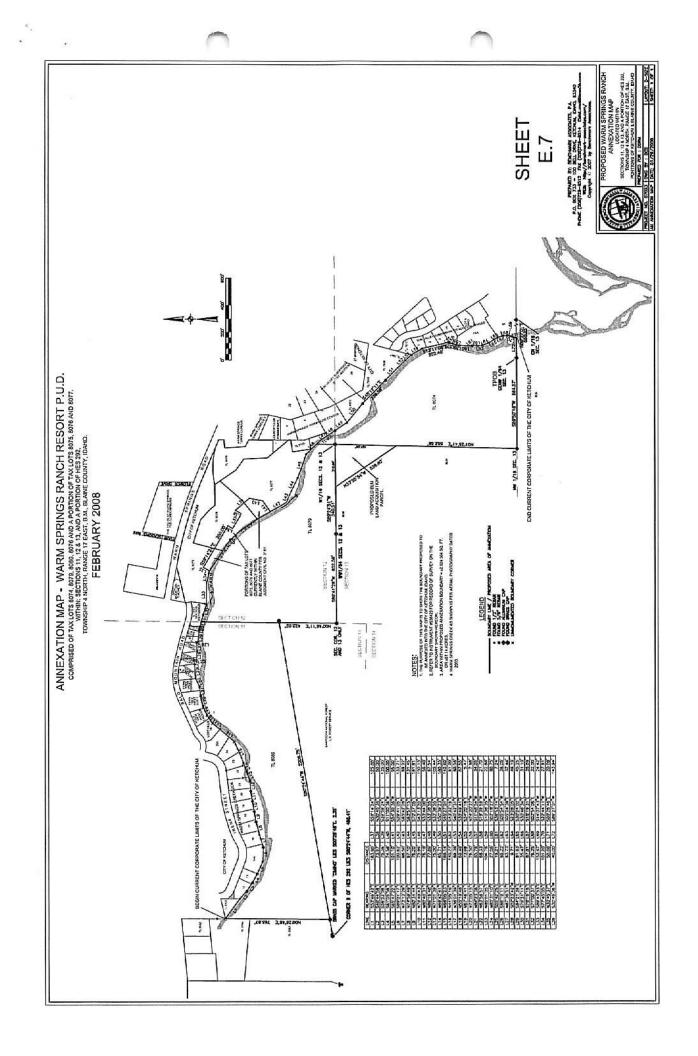
thence S02°23'42"W, 9.71 feet along the west boundary of said Sun River Townhomes; thence S84°21'39"E, 81.63 feet along the south boundary of said Sun River Townhomes; thence along said south boundary S76°31'11"E, 35.47 feet to the southwest corner of Tax Lot 7833 as shown on that Record of Survey for Mr. Don Gilday recorded as Instrument #268626, records of Blaine County, Idaho;

thence along the Southerly Boundary of said Tax Lot 7833 S76°19'18"E, 87.81 feet; thence continuing along said Southerly Boundary S71°00'37"E, 76.25 feet to a point on the Southerly boundary of Tax Lot 8075;

thence along said Southerly boundary of Tax Lot 8075 S89°43'23"E, 152.67 feet; thence continuing along said southerly boundary S77°45'05"E, 101.20 feet;

thence departing said Southerly Boundary and following the existing Corporate Limits of Ketchum per Judgment Civil No. 3167 by the following courses:

```
N30°45'37"E, 50.00 feet;
thence S59°14'24"E, 350.00 feet;
thence S30°45'36"W, 40.00 feet;
thence S59°14'24"E. 125.00;
thence N30°45'36"E, 50.00 feet;
thence S39°59'24"E, 135.00 feet;
thence S11°00'36"W, 100.00 feet;
thence S54°30'36"W, 95.00 feet to a point on the Southerly Boundary of Tax Lot 8077;
thence along said Southerly Boundary by the following courses:
S29°41'05"E, 133.71 feet;
thence S65°42'28"E, 69.22 feet;
thence S63°57'15"E, 131.45 feet;
thence S70°37'05"E, 181.81 feet;
thence S43°13'55"E, 150.15 feet;
thence S33°44'00"E, 56.40 feet to the Southernmost Corner of said Tax Lot 8077;
thence along the northerly boundary of Tax Lot 8082 S33°38'55"E, 67.54 feet to the intersection
of Sections 12 and 13 and the Southwesterly boundary of Warm Springs Townhouse No. 2, said
plat being on file of the Blaine County Recorder;
thence S33°38'55"E, 105.44 feet along said boundary to the Northwesterly corner of Tax Lot
6571;
thence S50°39'23"E, 180.35 feet along the Southwesterly boundary of Tax Lot 6571;
thence S45°12'11"E, 239.58 feet to the Westerly corner of Tax Lot 7948;
thence S45°27'01"E, 142.60 feet along the Southwesterly boundary of Tax Lot 7948;
thence S43°32'16"E, 61.00 feet along the Southwesterly boundary of Tax Lot 7948 to the
Westerly corner of Tax Lot 3217;
thence S40°42'31"E, 60.56 feet along the Southwesterly boundary of Tax Lot 3217 to the
Westerly corner of Tax Lot 7617;
thence S30°49'41"E, 87.55 feet to a point on the Westerly boundary of Lot 1, Block 5, SUN
VALLEY SUBDIVISION 1ST ADDITION REVISED;
thence $13°11'08"E, 202.40 feet along said Westerly boundary;
thence S34°20'18"E, 5.47 feet to a point on the Northerly boundary of Lot 4A, SUN VALLEY
SUB., 1ST ADD. REV., BLOCK 5, REPLAT OF LOT 4 AND LOT 7A said plat being on file with
the Blaine County Recorder;
thence N74°20'27"W, 7.98 feet along said Northerly boundary;
thence along the Westerly boundary of said Lot 4A and Lot 7AA of same said REPLAT by the
following courses:
thence S11°48'54"W, 34.06 feet;
thence S19°39'59"W, 21.70 feet;
thence S10°38'35"W, 22.88 feet;
thence S02°18'27"W, 90.75 feet;
thence S36°53'14"E, 7.24 feet:
thence S05°54'54"W, 38.05 feet,
thence S05°24'39"E, 37.44 feet;
thence S23°28'05"E, 49.10 feet;
thence S30°24'02"E, 45.25 feet,
thence S30°46'34"E, 31.10 feet to the northwest corner of Lot 8A, SUN VALLEY SUB., 1ST
ADD., REV., BLOCK 5, REPLAT OF LOTS 8A & 9A;
thence along the Westerly boundary of said Lot 8A by the following courses: thence S18°19'31"E,
36.69 feet;
thence S02°54'06"E, 32.00 feet;
thence S14°07'43"W, 24.42 feet;
thence S22°44'11"W, 27.91 feet:
thence S00°26'46"E, 20.08 feet to a point on the Southerly boundary of the NE1/4NW1/4 of
Section 13:
thence S89°27'01"W, 143.94 feet along said Southerly boundary to the TRUE POINT OF
BEGINNING.
```



**Exhibit B: Annexation Ordinance 1057** 

Table 1: WSRR Annexation Areas: Recommended Zoning and Uses

	Zoning District	Limit Uses to the Following
Block 1	T	Uses/buildings as identified in the
(Urbanized areas north of Warm Springs Creek-includes lands already within city limits)		Development Agreement
Block 2 (Golf Course and Open Space-to be annexed)	RU	Golf Course; Open Space, and related open space uses/buildings as identified in the Development Agreement
Block 3* (Westerly Estate Lot- to be annexed)	T	One family dwelling; as identified in the Development Agreement
Block 4 (7 residential villas- to be annexed)	Т	One family dwelling; duplex; hotel; tourist housing accommodations
Block 5 (6 residential villas- to be annexed)	T	One family dwelling; duplex; hotel; tourist housing accommodations
Block 6 (12 residential villas and Hotel Events House- to be annexed)	T	One family dwelling; duplex; hotel
Block 7 (Open Space- to be annexed)	RU	Golf Course; Open Space, and related open space uses/buildings as identified in the Development Agreement
Block 8* (Southern Estate Lot - to be annexed)	Т	One family Dwelling; as identified in the Development Agreement

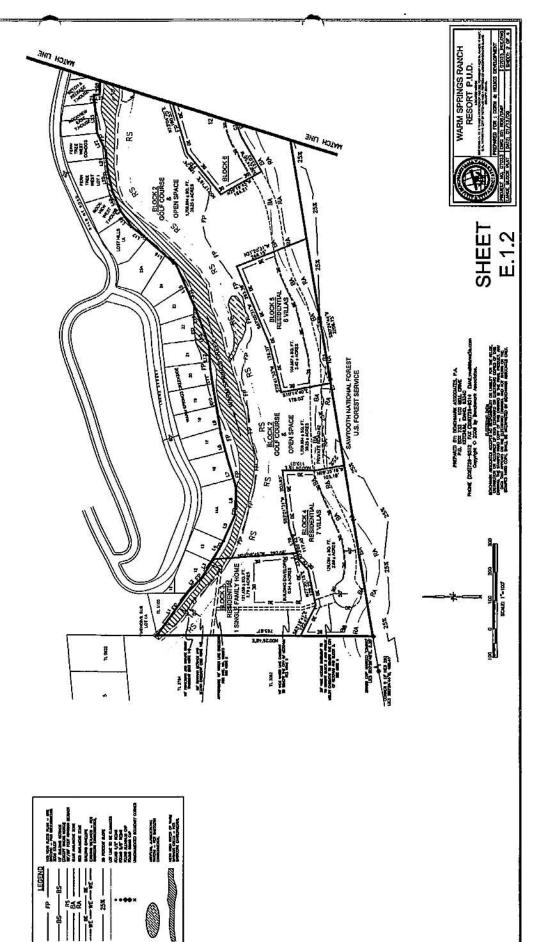
<sup>\*</sup>Areas within 50 feet of the mean high water mark to be managed consistently with other riparian areas, as outlined in the Development Agreement.

### WARM SPRINGS RANCH RESORT P.U.D. LARGE BLOCK PLAT

LOCATED WITHIN SECTIONS 11, 12, & 13 AND A PORTION OF HES 292, TOWNSHIP 4 NORTH, RANGE 17 EAST, B.M., WITHIN THE CITY OF KETCHUM AND A PORTION OF UNINCORPORATED BLAINE COUNTY, IDAHO.

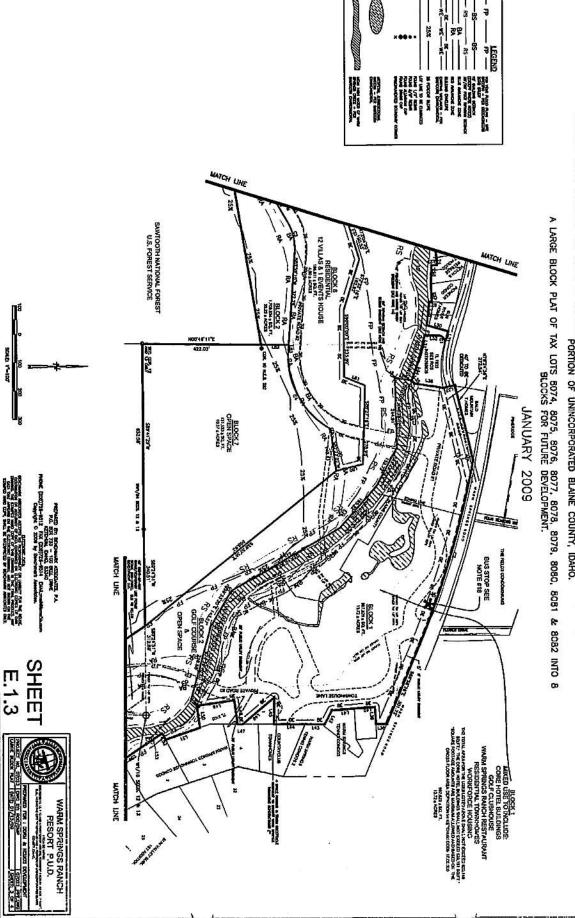
A LARGE BLOCK PLAT OF TAX LOTS 8074, 8075, 8076, 8077, 8078, 8079, 8080, 8081 & 8082 INTO B BLOCKS FOR FUTURE DEVELOPMENT.

JANUARY 2009



# WARM SPRINGS RANCH RESORT P.U.D. LARGE BLOCK PLAT

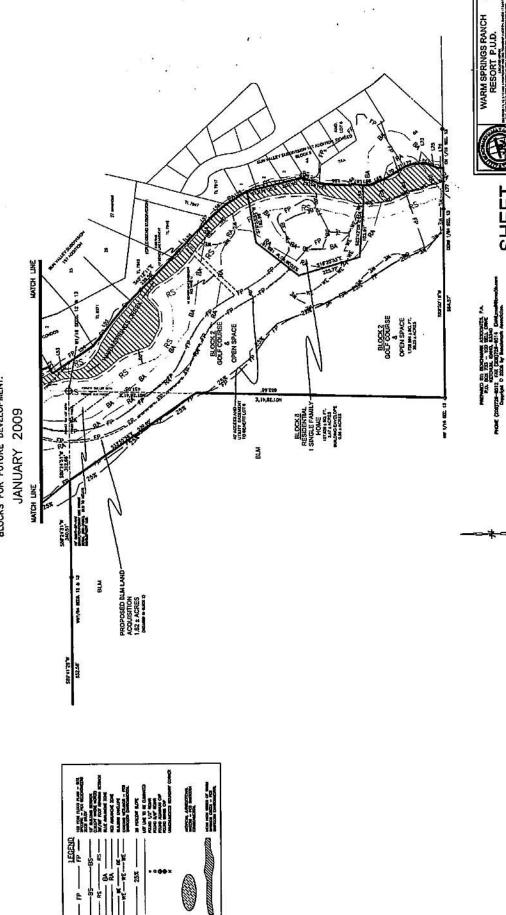
LOCATED WITHIN SECTIONS 11, 12, & 13 AND A PORTION OF HES 292, TOWNSHIP 4 NORTH, RANGE 17 EAST, B.M., WITHIN THE CITY OF KETCHUM AND A PORTION OF UNINCORPORATED BLAINE COUNTY, IDAHO.



## WARM SPRINGS RANCH RESORT P.U.D. LARGE BLOCK PLAT

LOCATED WITHIN SECTIONS 11, 12, & 13 AND A PORTION OF HES 292, TOWNSHIP 4 NORTH, RANGE 17 EAST, B.M., WITHIN THE CITY OF KETCHUM AND A PORTION OF UNINCORPORATED BLAINE COUNTY, IDAHO.

A LARGE BLOCK PLAT OF TAX LOTS 8074, 8075, 8076, 8077, 8078, 8079, 8080, 8081 & 8082 INTO 8 BLOCKS FOR FUTURE DEVELOPMENT.



SHEET E.1.4

MODELLA CONTRACTOR DESCRIPTION OF LOGICAL CONTRACTOR OF CO