

**CITY COUNCIL DECISION
ANNEXATION AND ZONING REQUEST**

APPLICANT/OWNER: Bill Isley
477 La Valle Strada
Pocatello, ID 83201

LOCATION OF REQUEST: Approximately 77.95 acres of land located north of East Center Street and southeast of Vista Drive, legally described on the attached Exhibit “A”

NATURE OF REQUEST: Request to annex the subject property into the corporate boundary of the City and zone the same as Residential Low Density (RL) with a concurrent Comprehensive Plan Land Use Map designation of Residential (R)

At a Public Hearing held April 9, 2025, the Planning and Zoning Commission heard testimony and later made Findings of Fact and drew conclusions therefrom based on the standards listed therein. A copy of the Findings of Fact is attached hereto as Exhibit “B” for reference.

**PLANNING AND ZONING COMMISSION’S RECOMMENDATION
TO POCATELLO CITY COUNCIL**

Based upon the conclusions contained in Exhibit B, the Commission recommended approval of the request.

ANNEXATION AND ZONING ORDINANCE STANDARDS FOR DECISION

1. Cities have the authority to annex land into a City which is reasonably necessary to assure the orderly development of the City pursuant to Idaho Code §50-222.

2. Development standards in Residential Low Density (RL) zoning districts are contained in Table 17.03.500 of the Pocatello Municipal Code.

3. City of Pocatello Resolution No. 2006-02 provides for the developer of real property being annexed into the city limits to provide a water source sufficient to support the water needs of the development of said property, or to provide a cash payment of an amount sufficient to purchase a water source utilizing a formula determined by the City.

POCATELLO CITY COUNCIL FINDINGS OF FACT AND CONCLUSIONS

At its regularly-scheduled meeting on May 1, 2025, the City Council held a public hearing and considered the record of the application and the Findings of Fact from the Planning and Zoning Commission. The Applicant, represented by Sunrise Engineering Inc., and City staff made presentations. One public comment was received in opposition to the application.

After discussion, the City Council found that the application is in compliance with the review criteria relevant to the proposed annexation.

POCATELLO CITY COUNCIL DECISION

After considering the above-named Findings of Fact and Conclusions, public comments, and the Applicant's proposal; the Pocatello City Council hereby approves the annexation and zoning of approximately 77.95 acres of land located north of East Center Street and southeast of Vista Drive as described in Exhibit A, subject to the following terms and conditions:

1. The subject property shall be annexed into the corporate boundaries of the City of Pocatello.

2. Any standards/regulations not herein noted but applicable to the proposed development shall be strictly adhered to.

3. Any activity requiring a separate development or building permit shall comply with applicable regulations.

4. All terms and conditions set out in the Memorandum of Understanding with Applicant, dated April 3, 2025, attached hereto and incorporated herein as Exhibit "C", shall be met.

ADOPTED this ____ day of May, 2025.

Approved as to form and content

CITY OF POCATELLO, a municipal
corporation of Idaho

JARED JOHNSON, City Attorney

BRIAN C. BLAD, Mayor

ATTEST:

KONNI R. KENDELL, City Clerk

STATE OF IDAHO)
)
) ss:
County of Bannock)

On this ____ day of _____, 2025, before me, the undersigned, a Notary Public for the State, personally appeared Brian C. Blad and Konni R. Kendell, known to me to be the Mayor and City Clerk, respectively, of the City of Pocatello, and acknowledged to me that they executed the foregoing instrument for and on behalf of said municipal corporation and that said municipal corporation executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal, the date and year in this certificate first above written.

(SEAL)

NOTARY PUBLIC FOR IDAHO

Residing in:

Commission Expires:

EXHIBIT A
ANNEXATION FOR THE RIDGES @ HIGH TERRACE

A PORTION OF LAND LOCATED IN SECTION 19, TOWNSHIP 6 SOUTH, RANGE 35 EAST, BOISE MERIDIAN, BANNOCK COUNTY, IDAHO, DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST 1/16 CORNER OF SECTION 19, BEING MARKED BY A BANNOCK COUNTY BRASS CAP MONUMENT AS DESCRIBED IN CORNER PERPETUATION & FILING INST. NO. 22205345;

THENCE SOUTH 00°26'15" EAST, ALONG THE WEST LINE OF SECTION 19 AND THE EAST BOUNDARY OF CURRENT CITY OF POCA TELLO CITY LIMITS ORDINANCE NO. 3065, A DISTANCE OF 1085.17 FEET TO THE **POINT OF BEGINNING**;

THENCE SOUTH 55°15'01" EAST, LEAVING SAID WEST LINE OF SECTION 19 AND SAID EAST BOUNDARY OF CURRENT CITY OF POCA TELLO CITY LIMITS ORDINANCE NO. 3065, A DISTANCE OF 423.79 FEET TO A POINT ON THE LATITUDINAL CENTERLINE OF SECTION 19;

THENCE SOUTH 89°51'09" EAST, ALONG SAID LATITUDINAL CENTERLINE OF SECTION 19, A DISTANCE OF 980.77 FEET TO THE CENTER 1/4 CORNER OF SECTION 19;

THENCE SOUTH 89°52'08" EAST, CONTINUING ALONG SAID LATITUDINAL CENTERLINE OF SECTION 19, A DISTANCE OF 1302.07 FEET TO THE CENTER EAST 1/16 CORNER OF SECTION 19;

THENCE SOUTH 00°08'22" EAST, LEAVING SAID LATITUDINAL CENTERLINE OF SECTION 19 AND FOLLOWING ALONG THE EAST 1/16 LINE OF SECTION 19, A DISTANCE OF 1327.29 FEET TO THE SOUTHEAST 1/16 CORNER OF SECTION 19, ALSO BEING A POINT ON THE NORTH BOUNDARY OF THE CURRENT CITY OF POCA TELLO CITY LIMITS ORDINANCE NO. 1367;

THENCE NORTH 89°44'04" WEST, LEAVING SAID EAST 1/16 LINE OF SECTION 19 AND FOLLOWING ALONG THE SOUTH 1/16 LINE OF SECTION 19 AND THE NORTH BOUNDARY OF THE CURRENT CITY OF POCA TELLO CITY LIMITS ORDINANCE NO. 1367, A DISTANCE OF 1318.89 FEET TO THE CENTER SOUTH 1/16 CORNER OF SECTION 19;

THENCE NORTH 89°44'30" WEST, CONTINUING ALONG SAID SOUTH 1/16 LINE OF SECTION 19 AND SAID NORTH BOUNDARY OF THE CURRENT CITY OF POCA TELLO CITY LIMITS ORDINANCE NO. 1367, A DISTANCE OF 1314.60 FEET TO THE SOUTHWEST 1/16 CORNER OF SECTION 19, ALSO BEING A POINT ON THE EAST BOUNDARY OF THE CURRENT CITY OF POCA TELLO CITY LIMITS ORDINANCE NO. 2681;

THENCE NORTH 00°02'40" EAST, LEAVING SAID SOUTH 1/16 LINE OF SECTION 19 AND FOLLOWING ALONG THE WEST LINE OF SECTION 19 AND SAID EAST BOUNDARY OF THE CURRENT CITY OF POCA TELLO CITY LIMITS ORDINANCE NO. 2681, A DISTANCE OF 29.92 FEET TO THE SOUTH CORNER OF LOT 1, BLOCK 1 OF HIDDEN VALLEY SUBDIVISION 2ND ADDITION – REPLAT (RECORD INST. NO. 21713050);

THENCE LEAVING THE WEST LINE OF SECTION 19 AND FOLLOWING ALONG THE BOUNDARY OF SAID HIDDEN VALLEY SUBDIVISION 2ND ADDITION – REPLAT AND THE EAST BOUNDARY OF THE CURRENT CITY OF POCA TELLO CITY LIMITS ORDINANCE NO. 2681 FOR THE FOLLOWING SIX (6) COURSES:

1. NORTH 50°34'10" EAST A DISTANCE OF 120.00 FEET;
2. SOUTH 54°58'19" EAST A DISTANCE OF 96.80 FEET;
3. NORTH 47°10'02" EAST A DISTANCE OF 267.58 FEET;
4. NORTH 16°48'16" WEST A DISTANCE OF 211.07 FEET;
5. NORTH 53°22'16" WEST A DISTANCE OF 131.33 FEET;
6. SOUTH 83°30'41" WEST A DISTANCE OF 202.71 FEET TO A POINT ON THE WEST LINE OF SECTION 19;

THENCE NORTH 00°02'40" EAST, FOLLOWING ALONG SAID WEST LINE OF SECTION 19 AND SAID EAST BOUNDARY OF THE CURRENT CITY OF POCA TELLO CITY LIMITS ORDINANCE NO. 2681, A DISTANCE OF 831.64 FEET TO THE CENTER WEST 1/16 CORNER OF SECTION 19;

THENCE NORTH 00°26'15" WEST, LEAVING SAID EAST BOUNDARY OF THE CURRENT CITY OF POCA TELLO CITY LIMITS ORDINANCE NO. 2681 AND FOLLOWING ALONG SAID WEST LINE OF SECTION 19 AND THE EAST BOUNDARY OF THE CURRENT CITY OF POCA TELLO CITY LIMITS ORDINANCE NO. 3065, A DISTANCE OF 240.67 FEET TO THE **POINT OF BEGINNING**.

CONTAINING 77.95 ACRES, MORE OR LESS.

LEGAL DESCRIPTION
ANNEXATION FOR THE RIDGES @ HIGH TERRACE

A PORTION OF LAND LOCATED IN SECTION 19, TOWNSHIP 6 SOUTH, RANGE 35 EAST, BOISE MERIDIAN, BANNOCK COUNTY, IDAHO, DESCRIBED AS FOLLOWS:

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CONTAINING 77.95 ACRES, MORE OR LESS.

**FINDINGS OF FACT & DECISION
CITY OF POCA TELLO
PLANNING & ZONING COMMISSION
HEARING APRIL 9, 2025**

APPLICANT: Bill Isley, represented by Rob Heuseveldt, Sunrise Engineering

SUVEYOR/ENGINEER: Sunrise Engineering

REQUEST: Annexation and Zoning The Ridges at High Terrace Division 1-3

GENERAL LOCATION: North of E. Center and Southeast of Vista Drive, including parcels RPR3851011410, RPR3851011411, and RPR3851011506

FILE: ANEX25-0003

STAFF: Becky Babb, Planning Manager

- I. GENERAL BACKGROUND:** Bill Isley, represented by Sunrise Engineering, has submitted an Annexation and Zoning Application to expand the corporate boundary of the City to properties identified as parcels RPR3851011410, RPR3851011411, and RPR3851011506. The application requests a zoning map designation of Residential Low Density (RL).
- II. PUBLIC HEARING:** A public hearing was held before the Planning & Zoning Commission on the evening of April 9, 2025. The applicant provided a summary of the proposed annexation and zoning request. Staff provided a brief presentation and recommendation regarding the application. There were no comments from the public provided.
- III. NOTIFICATION:** Notice was published in the Idaho State Journal and a sign was posted on the subject property on March 25, 2025. All property owners within three hundred feet (300') of the external boundaries of the land being considered have been provided notice of the public hearing in order that they may provide comment on the proposed zone map amendment. No written comments were received from the public.
- IV. CRITERIA FOR REVIEW:** The Planning and Zoning Commission and City Council shall review the facts and circumstances of each proposal in terms of the standards listed in the table below:

Table 1. Annexation and Zoning Review Criteria Analysis

REVIEW CRITERIA (17.02.170.E):				
Compliant			City Code and P&Z Findings	
Yes	No	N/A	Code Section	Analysis
			Idaho Code 50-222	Annexation by Cities
☒	☐	☐	<i>Finding</i>	The applicant's proposal is in statutory compliance with Idaho State Code Section 50-222 (5.a) Annexation with consent. In the case of a prospective annexation where all landowners of the subject property have requested annexation or where consent has been given by the

				landowner or landowners of a contiguous parcel or parcels or where implied consent has been given.
☒	☐	☐	17.02.170.E1	How the requested zoning at the location in question would be in the community's best interest.
			<i>Finding</i>	82 acres (more or less) of the subject land is proposed to be zoned Residential Low Density (RL) in accordance with the City's Future Land Use Map designation of Residential (R).
☒	☐	☐	17.02.170.E2	How the list of uses permitted by the zoning ordinance would blend with surrounding land uses.
			<i>Finding</i>	The uses proposed respond to current development that exists throughout the subject land in general. Current uses include a mix of residential uses. The proposed development includes networked trails, in accordance with existing recreational use.
☒	☐	☐	17.02.170.E3	If the subject site is physically suitable for the type and intensity of land uses permitted under the proposed zoning district.
			<i>Finding</i>	The subject properties are suitable for the type and intensity of land uses permitted within the RL zoning districts.
☒	☐	☐	17.02.170.E4	If the uses permitted in the proposed zoning district would be adequately served by public facilities and services such as thoroughfares, police and fire protection, drainage, refuse disposal, water, sewer, and schools, to ensure the public health, safety and general welfare.
			<i>Finding</i>	The proposed Preliminary Plat for The Ridges at High Terrace will extend Center Street to its completion. Three proposed roads (unnamed) will be constructed throughout the phases. The road will be built to city standards including curb, gutter, and sidewalk for adjacent platted lots. See the Public Works Memorandum for further comments/conditions regarding proposed streets/ROW improvements (Attachment A of the Preliminary Plat Ridges at High Terrace Staff Report).
☒	☐	☐	17.02.170.E5	If the uses permitted in the zoning district would be compatible in terms of their scale, mass, coverage, density, and intensity with adjacent land uses.
			<i>Finding</i>	The subject properties are undeveloped. The proposed uses in the Residential Low Density zoning district would be compatible with existing development within and surrounding the subject property.
☒	☐	☐	17.02.170.E6	Whether the proposed zoning designation is consistent with the Future Land Use Map designation.
			<i>Finding</i>	The adopted Future Land Use Map designation for the subject property is Residential (R), which is consistent with the proposed zone.

V. **PLANNING & ZONING COMMISSION RECOMMENDATION:** In consideration of the application, the Planning & Zoning Commission recommends **approval** of the Annexation and Zoning Application from Bill Isley to expand the corporate boundary of the City to properties identified as parcels RPR3851011410, RPR3851011411, and RPR3851011506, with a zoning map designation of Residential Low Density (RL), finding the application meets the standards for approval under **Idaho Code 50-222** and Section 17.02.170 E. Criteria for Review of Pocatello City Code.



Richard Phillips, Chair
Planning & Zoning Commission
Authorized to sign 4/9/2025

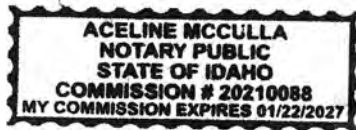
STATE OF IDAHO)

ss:

County of Bannock)

On this 11th day of April, 2025, before me, the undersigned, a Notary Public in and for the State, personally appeared Planning & Zoning Commission Chairman Richard Phillips, known to me or proved to me to be the person whose name is subscribed to the foregoing instrument, and being duly sworn, acknowledged to me that he executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.



Aceline McCulla
Notary Public for Idaho
Residing in Pocatello, Idaho

MEMORANDUM OF UNDERSTANDING

This Memorandum of Understanding, hereinafter referred to as "MOU", is entered into this 3rd day of April, 2025, between the CITY OF POCA TELLO, a municipal corporation of Idaho, hereinafter referred to as "CITY", and THE RIDGE AT HIGH TERRACE, LLC, a limited liability company of Idaho, hereinafter referred to as "GRANTOR";

WHEREAS, Grantor purchased certain real property located outside the city boundaries from Empire Investment, LLC; and

WHEREAS, following purchase, Grantor discovered nonconforming easement language from easements made in favor of the City and recorded in 1975 and 1976 in relation to the water fees associated with said property; and

WHEREAS, City staff evaluated said easement language and determined the language to be insufficiently clear as to what circumstances would constitute water fees; and

WHEREAS, for and in consideration of the best interest of the utility patrons of the City of Pocatello, the City agrees to provide certain exceptions to development requirements on the cited real property.

NOW, THEREFORE, the parties hereto agree as follows:

1. City shall waive the water fees associated with annexation, pursuant to Resolution 2006-02, for parcels R3851011401, RPCPP149500, RPCPP149600, R3851011408, R3851011410, and R3853026801.

2. The parties understand that while Grantor shall be responsible for all annexation and plat fees, all capacity fees and permits for each developed parcel shall be collected with the issuance of a building permit for each developed parcel, pursuant to City policy.

3. City has identified two (2) pipe segments in need of realignment under the proposed development plans. City shall provide tapping sleeves, valves, and caps along with the associated equipment time and labor for installation at four (4) locations on the 12-inch waterline. Said line is located between Vista Drive and the currently improved north end of Center Street, and between Vista Drive and the Alameda water reservoir. City acknowledges Grantor is grading the area for development as The Ridge @ High Terrace, a proposed but not yet approved or annexed subdivision to City, under a grading permit issued by Bannock County. City shall pay and reimburse Grantor:

- a. The cost difference for materials, including pipe and fittings only, to increase the pipe size from the minimum required eight inch (8") ductile iron to twelve inch (12") ductile iron on the two described realignment pipe segments; and
- b. The cost difference for the labor to install the twelve inch (12") ductile iron on the two (2) described realignment pipe segments to replace the eight inch (8") ductile iron pipe.

4. Grantor shall be responsible for the excavation of the tap locations, replacement of ductile iron pipe and installation of the pipe, backfill, and surface restoration at the pipe realignment locations referred to in section 3, subject to reimbursement by the City of the items specified in said section.

5. City shall provide approval to extend the low-pressure water zone of upper East Center Street water zone along the roadway extension of East Center Street. This would include the conditions approved under the Tuscany Heights subdivision plat. The same conditions would apply to the East Center Street extension and the proposed cul-de-sacs between Elevation 5,000 Division 1 plat and Tuscany Heights subdivision plat, more particularly shown in Exhibit "A" and Exhibit "B".

6. City agrees to make available existing City easements across neighboring properties for installation of sewer extensions to serve the proposed development.

7. Grantor shall hold harmless, defend, and indemnify City, its agents, officials, and employees from any and all claims, actions, causes of action, suits, charges, and judgments whatsoever arising out of the use by any party other than City or its employees.

8. This MOU embodies the whole understanding of the parties. No prior or contemporaneous understanding between City and Grantor, or any third party, shall be incorporated into this understanding.

9. The individuals executing this MOU hereby acknowledge and represents that (s)he has the power and authority to so bind the respective corporation or individual.

10. If any provision or portion of any provision of this MOU shall be deemed illegal or unenforceable by a court of competent jurisdiction, the unaffected provisions or portions hereof shall remain in full force and effect.

11. Grantor may directly assign, transfer or encumber in whole the rights and responsibilities in or to this MOU to another party by providing thirty (30) days written notice to the City.

12. The terms of this MOU shall be effective until the responsibilities described herein are completed by both parties.

IN WITNESS WHEREOF, the parties have caused this MOU to be executed by their authorized representatives the date and year first above written.

CITY OF POCA TELLO, a municipal
corporation of Idaho



BRIAN C. BLAD, Mayor


KONNI R. KENDALL, City Clerk


BILL ISLEY

MEMORANDUM OF UNDERSTANDING – The Ridge @ High Terrace, LLC
Page | 3

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SS:

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ACELINE MCCULLA
NOTARY PUBLIC
STATE OF IDAHO
COMMISSION # 20210088
MY COMMISSION EXPIRES 01/22/2027

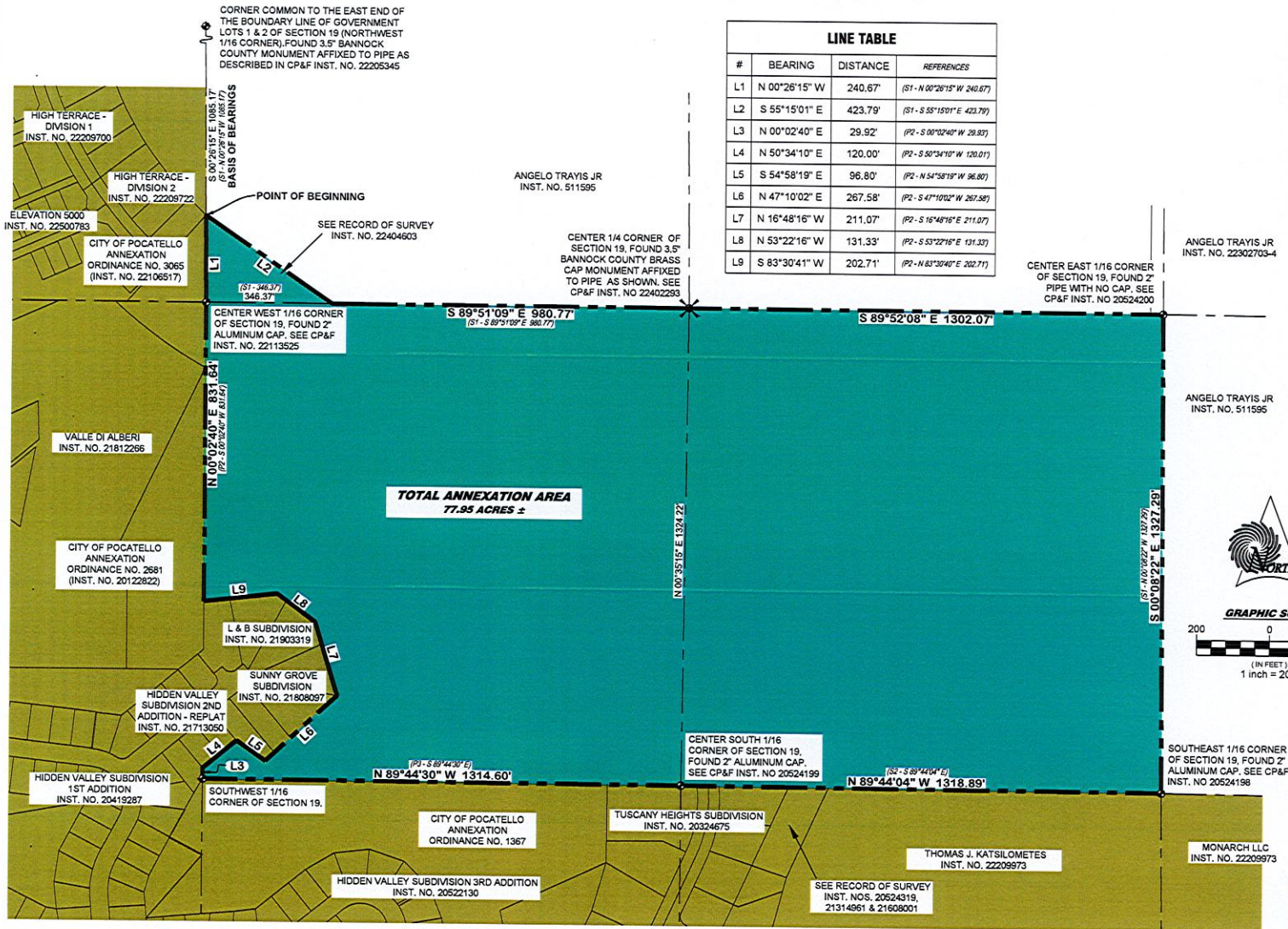
Decline McCulla
NOTARY PUBLIC FOR IDAHO
Residing in Pocatello, Idaho
My commission expires: 1.22.2027

EXHIBIT A

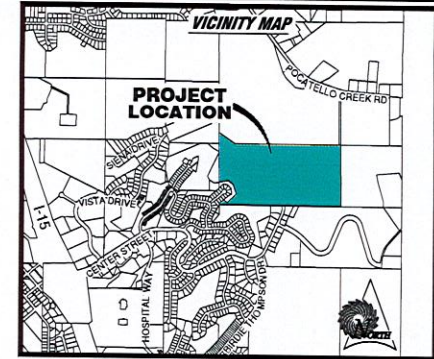


ANNEXATION MAP FOR: THE RIDGE @ HIGH TERRACE

LOCATED IN SECTION 19, TOWNSHIP 6 SOUTH, RANGE 35 EAST,
BOISE MERIDIAN, BANNOCK COUNTY, IDAHO

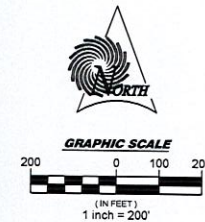


LINE TABLE			
#	BEARING	DISTANCE	REFERENCES
L1	N 00°28'15" W	240.67'	(S1 - N 00°28'15" W 240.67')
L2	S 55°15'01" E	423.79'	(S1 - S 55°15'01" E 423.79')
L3	N 00°02'40" E	29.92'	(P2 - S 00°02'40" W 29.92')
L4	N 50°34'10" E	120.00'	(P2 - S 50°34'10" W 120.00')
L5	S 54°58'19" E	96.80'	(P2 - N 54°58'19" W 96.80')
L6	N 47°10'02" E	267.58'	(P2 - S 47°10'02" W 267.58')
L7	N 16°48'16" W	211.07'	(P2 - S 16°48'16" E 211.07')
L8	N 53°22'16" W	131.33'	(P2 - S 53°22'16" E 131.33')
L9	S 83°30'41" W	202.71'	(P2 - N 83°30'41" E 202.71')



LEGEND

- FOUND 1/4 CORNER AS NOTED
- FOUND 1/16 CORNER AS NOTED
- CURRENT CITY OF POCATELLO CITY LIMITS
- PROPOSED ANNEXATION AREA
- ANNEXATION BOUNDARY LINE
- SECTION LINES
- ADJACENT PROPERTY LINES
- (S1) RECORD INFORMATION PER RECORD OF SURVEY INST. NO. 22404603
- (S2) RECORD INFORMATION PER RECORD OF SURVEY INST. NO. 20524319
- (S3) RECORD INFORMATION PER RECORD OF SURVEY INST. NO. 21608001
- (P1) RECORD INFORMATION PER SUBDIVISION PLAT INST. NO. 21812266
- (P2) RECORD INFORMATION PER SUBDIVISION PLAT INST. NOS. 21808097, 21713050 & 21903319
- (P3) RECORD INFORMATION PER SUBDIVISION PLAT INST. NOS. 20522130 & 20324675



BASIS OF BEARING

THE WEST LINE OF SECTION 19 WAS ASSUMED TO BE SOUTH 00°26'15" EAST BETWEEN THE NORTHWEST 1/16 CORNER AND THE CENTER WEST 1/16 CORNER PER THE CENTRAL MERIDIAN OF IDAHO STATE PLANE EAST ZONE COORDINATE SYSTEM.

EXHIBIT B

ANNEXATION MAP FOR:
THE RIDGE @ HIGH TERRACE
LOCATED IN SECTION 19, TOWNSHIP 6 SOUTH, RANGE 35 EAST,
BOISE MERIDIAN, BANNOCK COUNTY, IDAHO

SUNRISE
ENGINEERING

REVISIONS
1. SURVEYED BY: MSB, RTS, MLM
OFFICE WORK BY: MSB, MLM
2. DATE: February 25, 2025
DRAWING: P:\BBAD Investments, LLC\12419 - The Ridges @ High Terrace
Subdivision\SURVEY\CAD\TR@HT ANNEX MAP.dwg
SCALE: 1 INCH = 200 FEET PROJECT NO: 12419 SHEET 1 OF 1