ADA COUNTY RECORDER J. DAVID NAVARRO AMOUNT .00 11
BOISE IDAHO 07/22/08 02:06 PM
DEPUTY Gail Garrett
RECORDED-REQUEST OF
Ada County Commissioners
108083473

BEFORE THE BOARD OF ADA COUNTY COMMISSIONERS

IN THE MATTER OF THE PETITION OF MICHAEL W. ALDER FOR ANNEXATION OF TERRITORY LOCATED IN ADA COUNTY TO THE KUNA RURAL PROTECTION DISTRICT, LOCATED IN ADA COUNTY, IDAHO	)	**ORDER**

The Kuna Rural Fire Protection District Board of Commissioners' Findings of Fact, Conclusions of Law and Order of Annexation (attached as Exhibit A) state that the Fire Protection Board of Commissioners took up the matter pursuant to the petition of Michael W. Alder for annexation of his property into the Kuna Rural Fire Protection District. The Findings of Fact, (Section 2 of the Findings of Fact, Conclusions of Law and Order of Annexation, Exhibit A) notes that a notice of public hearing on the requested annexation was published on December 5, 2007 in the *Kuna Melba News.* Page 1 of the Findings of Fact, Conclusions of Law and Order of Annexation (Exhibit A) indicates a public hearing was held on December 12, 2007, and continued on January 9, 2008 and February 13, 2008. The Fire Protection Board of Commissioners' Secretary certified that the Findings of Fact and Conclusions of Law were adopted on February 13, 2008 and the Fire Protection Board of Commissioners ordered the annexation of the following described parcels into the Fire District pursuant to the provisions of Idaho Code § 31-1411.

NOW, THEREFORE, IT IS HEREBY ORDERED, that the territory, hereinafter described, located within the County of Ada, Idaho, be and the same is hereby declared annexed to the Kuna Rural Fire Protection District, Ada County, Idaho in accordance with the provisions of Idaho Code § 31-1411 and the boundaries of the territory annexed to said Kuna Rural Fire Protection District be, and the same are hereby fixed as follows:

The East half of the Southeast quarter of Section 33, Township 2 North, Range 2 East, Boise Meridian;

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EXCEPTING THEREFROM that portion of the East half of the Southeast quarter of Section 33, Township 2 North, Range 2 East, Boise Meridian, described as follows: Commencing at the Southeast corner of the East half of the Southeast quarter; running thence West along the section line a distance of 990 feet, being the REAL POINT OF BEGINNING; running thence North a distance of 660 feet; running thence West a distance of 330 feet; running thence South a distance of 660 feet to the section line; running thence East along the section line a distance of 330 feet to the REAL POINT OF BEGINNING.

IT IS FURTHER ORDERED that a signed copy of this *Order* be transmitted to the Kuna Rural Fire Protection District Board of Commissioners; that pursuant to Idaho Code 63-215, a copy of this *Order*, containing the legal description, and map be delivered to the in the office of the County Recorder of Ada County for recording; and a copy of this *Order* and map be delivered to the County Assessor of Ada County, for filing.

IT IS FURTHER ORDERED that, from and after the date hereof, the above-described territory, excluding the excepted area, shall be included within the boundaries of said Kuna Rural Fire Protection District.

DATED this 22 day of July 2008.

Board of Ada County Commissioners

By: _____
Fred Tilman, Chairman

By: _____
Paul R. Woods, Commissioner

By: _____
Rick Yzaguirre, Commissioner

ATTEST:

_____
J. David Navarro, Ada County Clerk

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CERTIFICATE OF SECRETARY
OF THE
KUNA RURAL FIRE DISTRICT

I, the undersigned, do hereby certify:

1. That I am the duly appointed and serving Secretary of the Kuna Rural Fire District, Ada and Canyon Counties, State of Idaho, whose address is 150 W Boise Street, Kuna, ID 83634.

2. That as the Secretary of this District, I am the custodian of its records and minutes and do hereby certify that on the **13th day** of **February, 2008** the attached **Findings of Fact, Conclusions of Law, and Order of Annexation** in the matter of the application of **Michael W. Alder** were duly adopted and ordered by the Board of Commissioners of the Kuna Rural Fire District, and said action was taken and authorized.

IN WITNESS WHEREOF I have hereunto subscribed my name on the 9 day of April, 2008.

KUNA RURAL FIRE DISTRICT

By: _____
Kent J. Regli, Secretary

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EXHIBIT
A

Approved Original 2/13/08

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THE BOARD OF COMMISSIONERS
OF THE
KUNA RURAL FIRE DISTRICT

* * * * * * *

In the matter of the application of **MICHAEL W. ALDER** which Real Property contains two parcels and is located north side of Kuna Mora Road and the West side of Vista (75 acres more or less) **For annexation of real property to the Kuna Rural Fire District**	)	**Case No. Annex 07-07** **FINDINGS OF FACT, CONCLUSIONS OF LAW, ORDER OF ANNEXATION**

The above entitled matter having come before the Board of Commissioners for public hearing on the 12th day of December, 2007 at 7:35 p.m. pursuant to the petition of **Michael W. Alder** for annexation of his real property into the Kuna Rural Fire District, On December 12, 2007 the hearing was opened at which time the Fire Chief Doug Rosin appeared and Tim Thomas appeared for the Applicant in favor. No one appeared in opposition to this petition. The Board of Commissioners closed the hearing for the receipt of testimony and evidence and proceeded to deliberation and directed the District's attorney to prepared these findings and continued the public hearing to January 9, 2008 at 7:15 p.m. at Station No. 1 of the Kuna Rural Fire District, 150 W Boise Street, Kuna, Idaho at which continued hearing the District's attorney presented these findings and which matter was again continued to February 13, 2008 at 7:30 P.M for the consideration of the prepared findings due to the fact that Commissioner Debi Engelhardt-Vogel was not present at the January 9th meeting and the February 13, 2008 scheduled hearing was convened at which meeting the Board of Commissioners of the Kuna Rural Fire District does hereby set forth the Record of the Proceedings, its Findings of Fact, Conclusions of Law and Order of Annexation and wherever within this document a Finding of Fact is made which references a point of law or statute the same shall also be considered a Conclusion of Law, all of which is set forth as follows:

SECTION 1.
RECORD OF PROCEEDINGS

The record of the proceedings of the above-referenced matter consists of the following, to-wit:

1.1 Exhibits:

	DESCRIPTION OF EVIDENCE	*Withdrawn*	*Refused*	*Admitted*
1	Petition of Annexation for Michael W. Alder			X
2	Legal Description of Real Property			X
3	Copy of most current Property Deed			X
4	Tax Parcel Numbers of Real Property			X
5	Copy of Tax Assessor Map Listing Parcels			X
7	Notice of Hearing published in *Kuna/Melba News*			X
8	Affidavit of publication			X

1.2 Witness Testimony

1.2.1 Members of the Kuna Rural Fire District Staff who testified at the December 12, 2007 hearing are as follows, to-wit:

1.2.1.1 Fire District Chief, Doug Rosin

1.2.1.2 Robin Ward, Recording Secretary

1.2.2 Mr. Joseph Tim Thomas appeared for the Petitioner in favor of the annexation.

1.2.3 No affected property owners or other persons appeared to offer testimony.

1.3 Judicial Notice

1.3.1 Judicial Notice was taken of the boundaries of the Kuna Rural Fire District and of the Kuna Rural Fire District Policy Code.

SECTION 2.
FINDINGS OF FACT

2.1 Findings: Notice has been given in accordance with the Law as herein specifically found:

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2.1.1 Notice Required: Notice of Hearing was published in the *Kuna Melba News,* the official newspaper of the Fire District as provided in § 3.1.3 KRFD Policy Code, in two issues of said newspaper prior to the date of the public hearing as required by I.C. § 31-1411.

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2.1.2 Notice Provided

2.1.2.1 Notice Published for the December 12, 2007 hearing:

Newspaper	*Date Published*
Kuna Melba News	December 5, 2007

2.2 Findings regarding the Real Property and Petitioner's interest in the Real Property

2.2.1 The Real Property which is the Subject of the above referenced Petition for annexation into the Kuna Rural Fire District contains Parcel A (**40 acres** more or less) and Parcel B (**35 acres** more or less) and is located north of W Kuna Mora Road and East of Pleasant Valley Road with the southern boundary of Parcel B being adjacent to W Kuna Mora Road. Said real property is legally described as follows:

The East Half of the Southeast quarter of Section 33, Township 2 North, Range 2 East, Boise Meridian;

EXCEPTING THEREFROM that portion of the East half of the Southeast quarter of Section 33, Township 2 North, Range 2 East, Boise Meridian, described as follows:

Commencing at the Southeast corner of the East half of the Southeast quarter; running thence West along the section line a distance of 990 feet, being the REAL POINT OF BEGINNING; running thence North a distance of 660 feet; running Thence West a distance of 330 feet; running thence South a distance of 660 feet to the section line; running thence East along the section line a distance of 330 feet to the REAL POINT OF BEGINNING

2.2.2 The Real Property is owned by Michael W. Alder and Leslie N. Alder, husband and wife, and Wayne M. Alder and Janet Alder, husband and wife, Petitioners for Annexation.

2.2.3 The Real Property is located within the County of Ada, State of Idaho.

2.2.4 The Real Property is not contiguous to the external boundaries of the Kuna Rural Fire District.

2.2.5 The Real Property consists of seventy-five [75] contiguous acres.

2.2.6 No one appeared in objection and no one filed any written objection to the annexation of the Real Property.

2.2.7 The Real Property is not within an incorporated city nor is it within a Rural Fire District.

2.2.8 The Real Property is unimproved ground upon which the Petitioners seek to a residence.

2.2.9 The Fire Chief offered testimony that the Real Property which is the subject of this annexation could be served by the Fire District personnel and equipment subject to the limitations posed by the distance between the existing station #1 and the location of the subject property. The Fire Chief stated that, given the fact there is no other fire district and/or city providing coverage to the subject property, and given the fact that the area is in need of fire protection and life preservation services, and considering the recent annexations into this Fire District in the vicinity and prospective annexations to the fire district which are anticipated to include areas between the existing Fire District Boundaries and the subject real property, it is in the best interests of the Fire District to annex the same.

2.2.10 It is in the best interests of the Fire District and of the Real Property and its owners that the Real Property be annexed to the Fire District and included within its boundaries.

SECTION 3.
CONCLUSIONS OF LAW

3.1 Idaho Code Section 31-1411 provides in the provisions therein relevant to this Petition as follows:

After the organization of a fire district, additional contiguous or noncontiguous territory lying within the same county may be added thereto and shall thereupon and thenceforth be included in such district. Noncontiguous territory annexed to an existing fire district shall consist of not less than forty (40) contiguous acres. At least seventy-five percent (75%) or more of the owners or contract purchasers of the land sought to be annexed shall petition the fire board and request annexation of the territory particularly described in said petition. Upon receipt of any such petition the fire board shall hold a hearing not less than ten (10) nor more than thirty (30) days thereafter, or upon the written consent of the petitioner within one hundred eighty (180) days, and said board shall cause notice of such hearing, designating the time and place, to be published in at least one (1) issue of a newspaper of general circulation within the district. Any person supporting or objecting to such petition shall be heard at such hearing, if in attendance, and at the close of such hearing said board shall approve or reject said petition. If the board approves said petition it shall make an order to that effect and certify a copy of said order containing an accurate legal description of the annexed territory to the board of county commissioners of the county where said fire district is situated. Said board of county commissioners shall thereupon enter an order of annexation and cause the same to be recorded so as to include the annexed property on the tax rolls as in this chapter provided....

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3.2 Idaho Code Section 63-215 (1) provides as follows:

Any taxing district which shall be formed or organized hereafter, or which shall change any existing boundaries hereafter, shall cause one (1) copy of the legal description and map prepared in a draftsmanlike manner which shall plainly and clearly designate the boundaries of such district or municipality as formed or organized, or as altered, to be recorded with the county recorder and filed with the county assessor in the counties within which the unit is located and with the state tax commission within thirty (30) days following the effective date of such formation, organization or alteration but no later than the tenth day of January of the year following such formation, organization or alteration. In the case of fire districts, the board of county commissioners approving the boundaries shall be responsible for delivering to the assessor and recorder the map and legal description of the amended district boundaries.

SECTION 4.
ORDER OF ANNEXATION OF REAL PROPERTY

Based upon the above and foregoing Findings of Fact and Conclusions of Law, and good cause appearing from the record, the Board of Commissioners of the Kuna Rural Fire District **DOES HEREBY ORDER AND THIS DOES ORDER THAT:**

4.1 The petition of petitioner is hereby granted; and

4.2 The following described Real Property be annexed and included within the boundaries of the Kuna Rural Fire District:

Parcel A (**40 acres** more or less) and Parcel B (**35 acres** more or less) and is located north of W Kuna Mora Road and East of Pleasant Valley Road with the southern boundary of Parcel B being adjacent to W Kuna Mora Road. Said real property is legally described as follows:

The East Half of the Southeast quarter of Section 33, Township 2 North, Range 2 East, Boise Meridian;

EXCEPTING THEREFROM that portion of the East half of the Southeast quarter of Section 33, Township 2 North, Range 2 East, Boise Meridian, described as follows:

Commencing at the Southeast corner of the East half of the Southeast quarter; running thence West along the section line a distance of 990 feet, being the REAL POINT OF BEGINNING; running thence North a distance of 660 feet; running Thence West a distance of 330 feet; running thence South a distance of 660 feet to the section line; running thence East along the section line a distance of 330 feet to the REAL POINT OF BEGINNING

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4.3 The Secretary of this District certify a true and correct copy of this order and to then forthwith submit the same to the Board of County Commissioners of Ada County; and

4.4 This Commission does hereby request that the Board of Ada County Commissioners to enter an order of annexation of the said described real property into the Kuna Rural Fire District and cause said Order to be recorded so as to include said described annexed real property on the tax rolls as provided in Idaho Code §31-1411.

4.5 The Kuna Rural Fire District Secretary shall cause one copy of the legal description of the herein described real property and map be prepared in a draftsman like manner and which map shall plainly and clearly designate the boundaries of the Fire District as altered by this annexation and is to then forthwith submit the same to the Board of County Commissioners of Ada County together with a certified copy of this Order; and

4.6 Upon the Board of County Commissioners having entered an order of annexation of the Real Property to this Fire District it is requested that the Board of Ada County Commissioners then deliver said legal description and map to the Ada County Assessor and Recorder and to the Idaho State Tax Commission within thirty (30) days of said Order in compliance with the provisions of I.C. § 63-215 (1).

DATED this 13th day of ~~January~~ February, 2008.

Larry Hansen, Commissioner District 1

Joe Stear, Commissioner District 2

Debi Engelhardt-Vogel, Commissioner District 5

[Absent from Hearing on December 12th - Not participating]
Linda Ostolasa, Commissioner District 3

[Absent from Hearing on December 12th - Not participating]
Kent J. Regli, Commissioner District 4

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Approved Original **2/13/08**

CERTIFICATE OF MAILING

I, the undersigned, hereby certify that a true and correct copy of the above and foregoing Order of Annexation was served by:

[ ] United States mail, postage prepaid
[ ] Facsimile transmission
[ ] Hand delivery

this _____ day of _____, 2008, to:

Ada County Board of Commissioners
200 West Front Street
Boise, ID 83702

_____
Robin Ward, Secretary
Kuna Rural Fire District

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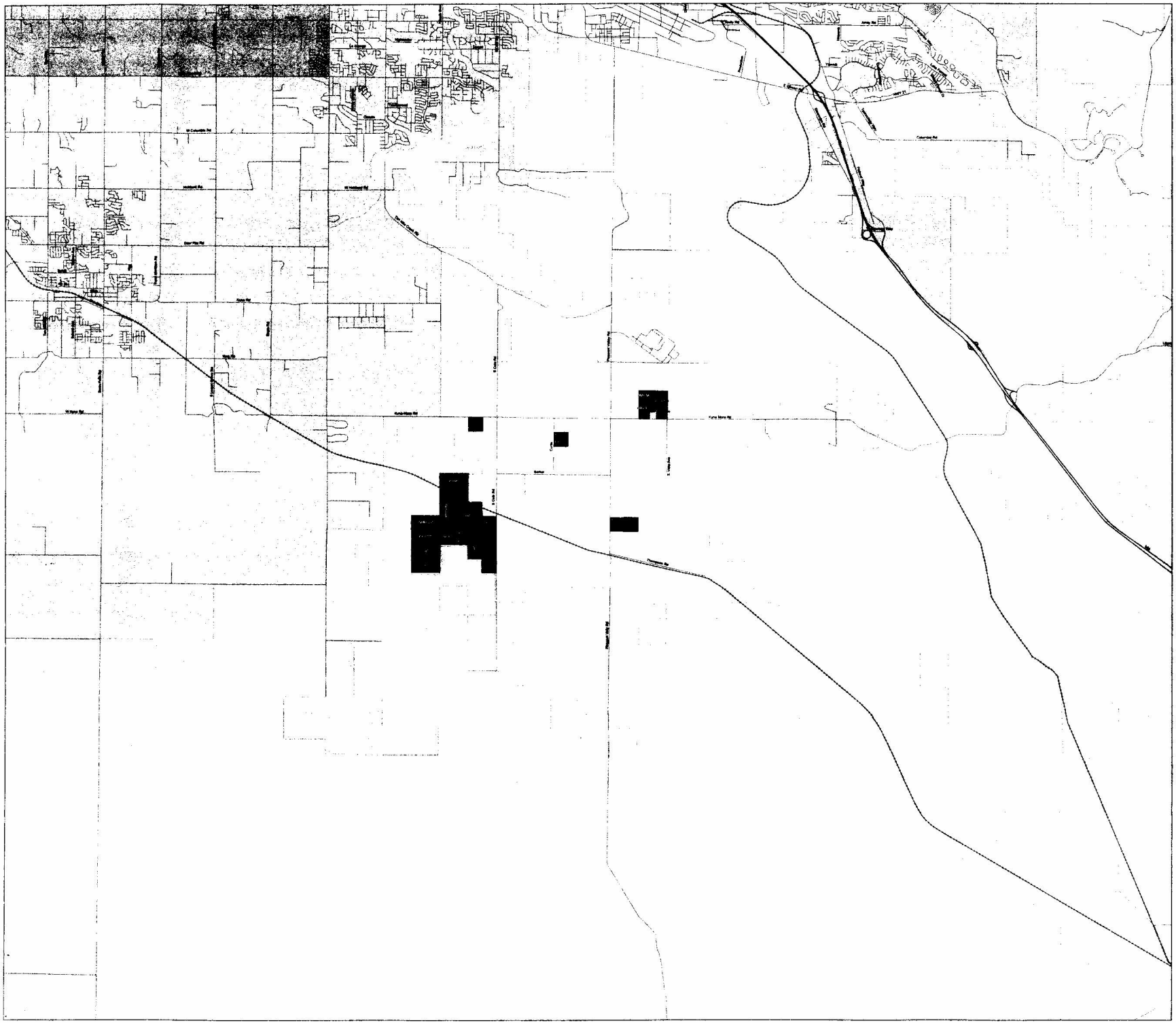

Kuna Rural Fire District
Proposed Annexation
Thomas / Alder / Vista

May 2008

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Fire District Boundaries as of 2008

- Kuna Rural Fire District
- BLM Fire Management
- Boise Fire District
- Melba Fire District
- Meridian Rural Fire Protection District
- Whitney Fire District

Recent Annexations

- Since 2005
- Proposed Thomas/Alder/Vista Annexation

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This map is made from data provided by Ada County.
Fire District boundaries are currently not being maintained.
COMPASS shall not be liable for inaccuracies or omissions of this map.
Maps bearing this disclaimer may be photocopied freely.

COMPASS
COMMUNITY PLANNING ASSOCIATION