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RESOLUTION NO. 2008-4

FILED BY
K&L Hates
2009 FEB -2 P 2:11
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CLERK OF DISTRICT COURT
RECORDER
CB DEPUTY

A Resolution of the Granite-Reeder Water and Sewer District, of Bonner County, Idaho accepting a petition of property owner for annexation; making certain findings relative to the petition; setting a public hearing to consider the possible annexation of certain real property into the district; directing that notice of such public hearing be published and posted; and other matters properly relating thereto

GRANITE-REEDER WATER AND SEWER DISTRICT
Bonner County, Idaho

Szybnski Annexation

BE IT RESOLVED BY THE BOARD OF DIRECTORS OF GRANITE-REEDER WATER AND SEWER DISTRICT, of Bonner County, Idaho, as follows:

WHEREAS, Granite-Reeder Water and Sewer District (the "District") is a duly and properly formed water district under and by virtue of the laws of the State of Idaho and is governed by a Board of Directors (the "Board");

WHEREAS, the Board has authority pursuant to Idaho Code § 42-3218 to consider annexation of property into the District upon the presentation of a petition of property owners meeting certain requirements;

WHEREAS, certain property owners have presented an appropriate petition to the Board of Directors for consideration;

WHEREAS, the Board wishes to make certain findings regarding this petition and also set a public hearing on the possible annexation of real property into the District.

NOW, THEREFORE, BE IT RESOLVED as follows:

Section 1: Findings of the Board Relative to the Petition for Annexation of Real Property. The Board hereby makes the following findings of fact relative to the petitions it has received from property owners:

(a) The Board has received 1) a petition signed by Mike and Tracie Szybnski, dated August 28, 2008, ("the Szybnski Property"). (A copy of the petition with signature thereon is attached hereto and incorporated herein by this referenced as Exhibit "A".)

(b) The Szybnski property proposed to be annexed into the District is described and depicted in map form as Exhibit "A-1", hereto.

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(c) The petitioners did pay a reasonable filing fee as determined by the Board, and have also provided security for other expenses that the Board and District may incur in the annexation process.

(d) The Board wishes to hold a public hearing on the annexation of the property to obtain further comments from those affected.

Section 2: Public Hearing. The Board hereby sets October 6, 2008, as the date of the public hearing on the Petition to Annex Real Property into the District. The hearing will be held at 6:00 p.m. in the offices of the Board, located at Copper Bay Construction Co. office, 799 Hagman Road, Priest Lake, Idaho. The Board will consider written comments, public testimony and other information in making its determination as to whether this real property should be annexed into the District. The Board also reserves the right to continue this public hearing to such later date as it may deem advisable in order to make its final decision.

Section 3: Notice. Pursuant to Idaho Code Section 42-3218, the Secretary of the District shall publish notice of the public hearing in the official newspaper of the District, twice, with the first publication at least twelve (12) days in advance of the public hearing and the second publication, one week later.

Section 4: Ratification. The Board hereby ratifies all acts taken by members of the Board and/or agents on behalf of the Board or District relative to this potential annexation and the hearing process is hereby ratified and approved.

Section 5: Severability. If any section, paragraph, clause, or provision of this Resolution shall be held to be invalid or unenforceable for any reason, the invalidity or unenforceability of each section, paragraph, clause, or provision shall in no manner affect any remaining provision of this Resolution.

Section 6: Effective Date. This Resolution shall become and is effective as of the date of its adoption.

DATED this 3rd day of September, 2008.

GRANITE-REEDER WATER AND SEWER DISTRICT, Bonner County, Idaho

Vincent Aguirre

Chairman, Board of Directors

ATTEST:

Donald R. Pratt

District Secretary
(SEAL)

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I, the undersigned, Secretary of the Board of Directors of Granite-Reeder Water and Sewer District, of Bonner County, Idaho, hereby certify that the foregoing Resolution is a full, true, and correct copy of a Resolution duly adopted at a regular meeting of the District, duly and regularly held at the regular meeting place thereof on September 3, 2008, of which meeting all members of the Board had due notice and at which a majority thereof were present; and that at said meeting said Resolution was adopted by the following vote:

AYES, and in favor thereof, Directors:

NAYS, Directors:

ABSENT, Directors:

ABSTAIN, Directors:

I further certify that I have carefully compared the same with the original Resolution on file and of record in my office; that said Resolution is a full, true, and correct copy of the original Resolution adopted at said meeting; and that said Resolution has not been amended, modified, or rescinded since the date of its adoption, and is now in full force and effect.

IN WITNESS WHEREOF, I have set my hand and affixed the official seal of the District on September 3, 2008.

Donald R. Pratt
District Secretary

(SEAL)

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GRANITE REEDER WATER AND SEWER DISTRICT
Bonner County, Idaho

REQUEST FOR ANNEXATION TO AND INCLUSION IN DISTRICT

WHEREAS, Granite Reeder Water and Sewer District, of Bonner County, Idaho, (the "District"), has been duly and properly created under and by virtue of the constitution and laws of the State of Idaho and is governed by a Board of Directors therefore (the "Board");

WHEREAS, ^{MIKE + TRACIE} SEYBNSKI ("Property Owner") has expressed an interest in being included within the boundaries of the District;

WHEREAS, the Property Owner now seeks annexation to and inclusion of certain real property (the "Real Property") in the District;

WHEREAS, the Board has estimated that the cost and expense of including the Real Property owned by Property Owner within the District is minimal; and

WHEREAS, the Property Owner and the Board believe that inclusion of the Real Property within the District will result in an increase in the benefits to the Property Owner and the District;

NOW, THEREFORE, THE UNDERSIGNED REPRESENTATIVE OF THE OWNER OF SAID REAL PROPERTY hereinafter described:

(1) Requests annexation to and inclusion in Granite Reeder Water and Sewer District for the purposes of receiving access to sewer improvements ("Improvements") provided by the District and agree to pay all expenses due and owing for said inclusion and Improvements. Property Owner understands that the District has adopted policies related to the connection to and receipt of the benefits of said Improvements. Property Owner understands that the Real Property may not yet have access to said Improvements, but are willing to wait for this access.

(2) Agree and request that said Improvements be made therein and that the cost and expense of the same shall be assessed to the hereinafter described Real Property and the assessment shall be levied against said Real Property as provided by law and in accordance to the benefit attributable thereto.

(3) Waive any irregularities in the inclusion of this property into the District and into the Local Improvement District which has been formed to construct and finance the Improvements.

(4) Certify that the undersigned is the representative of and authorized signator for the Property Owner and has legal authority to sign this document on behalf of the owner of this Real

ACKNOWLEDGMENT AND ACCEPTANCE BY DISTRICT

PASSED AND APPROVED this 29th day of August 2008, by the Board of Directors of Granite Reeder Water and Sewer District.

Nimant Aguirre
Chairman, Board of Directors

ATTEST:

Donald Pratt
District Secretary

(SEAL)

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NOTICE OF PUBLIC HEARING
OF ANNEXATION OF PROPERTY
INTO GRANITE-REEDER WATER AND SEWER DISTRICT

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GRANITE-REEDER WATER AND SEWER DISTRICT
Bonner County, Idaho

SZYBNSKI ANNEXATION

The Board of Directors (the "Board") of the Granite-Reeder Water and Sewer District (the "District") will be holding a public hearing on the annexation of property into the District. The public hearing will be held as follows:

Day: Monday

Date: October 6, 2008

Time: 6:00 p.m.

Location: Copper Bay Construction Co. Office
799 Hagman Road, Priest Lake ID

The annexation hearing is based upon petitions filed by Mike and Tracie Szybnski, dated August 28, 2008. A copy of the Petition and a description of the area covered by the Petition can be obtained from the District by sending a request to:

Granite-Reeder Water and Sewer District
P.O. Box 2290
Hayden, ID 83835

All persons interested in appearing at the time and place of the hearing may show cause in writing why the Petition for Annexation should not be granted. The Board shall consider, at the hearing, any objection presented in writing. The failure of any person to show cause in writing shall be deemed as an assent to include their property within the boundaries of the District.

Anyone wishing to provide written comments, who is unable to attend the hearing, may provide them in advance of the hearing by sending them, first class mail, postage pre-paid, to:

Granite-Reeder Water and Sewer District
Attn: Secretary
P.O. Box 2290
Hayden, ID 83835

Failure to have your written comments to the Board in advance of the public hearing means they will not be considered by the Board at the public hearing.

DATED this 3rd day of September, 2008.

GRANITE-REEDER WATER AND SEWER DISTRICT,
Bonner County, Idaho

By: Donald R. Pratt
Its: Secretary

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Order No.: 2030705915XS

LEGAL DESCRIPTION

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EXHIBIT 'A'

A parcel of land lying in a portion of Government Lot 3 of Section 19, Township 61 North, Range 4 West, Boise Meridian, Bonner County, Idaho, more particularly described as follows:

Commencing at the East Quarter corner of said Section 19, said corner bears South $89^{\circ}36'26''$ East, 665.70 feet from the Homestead Entry Survey (H.E.S.) No. 773 Corner No. 1;

Thence North $89^{\circ}36'26''$ West, 648.20 feet, along the East-West centerline of said Section 19, to the True Point of Beginning;

Thence leaving said East-West Section Centerline, South $00^{\circ}28'30''$ West, 290.13 feet, along a line parallel with the East line of Tract "A" of said H.E.S. No. 773 Survey, to a point;

Thence South $76^{\circ}09'13''$ West, 515.63 feet to a point on the Southerly line of Tract "A" of said H.E.S. No. 773 Survey;

Thence Northwesterly and Southeasterly, along the Southerly, Westerly and Northerly line of said Tract "A", the following four (4) described courses:

1. North $03^{\circ}07'00''$ West, 137.94 feet to Corner No. 4 of said H.E.S. No. 773 Survey, said corner being the Original Stone Monument.
2. North $59^{\circ}52'00''$ West, 190.35 feet (190.08 feet, record) to Corner No. 5 of said H.E.S. No. 773 Survey, said corner being the Original Stone Monument, said Corner also being on the West line of said Government Lot 3.
3. North $00^{\circ}06'47''$ East, 184.10 feet (184.14 feet, record) to a found $\frac{5}{8}$ inch Rebar by PLS 882, monumenting Corner No. 6 of said H.E.S. No. 773 Survey, said corner also being the Northwest corner of said Government Lot 3.
4. South $89^{\circ}40'20''$ East, 657.32 feet along the North line of said Government Lot 3, to Corner No. 1 of said H.E.S. No. 773 Survey, said Corner being the Original Stone Monument.

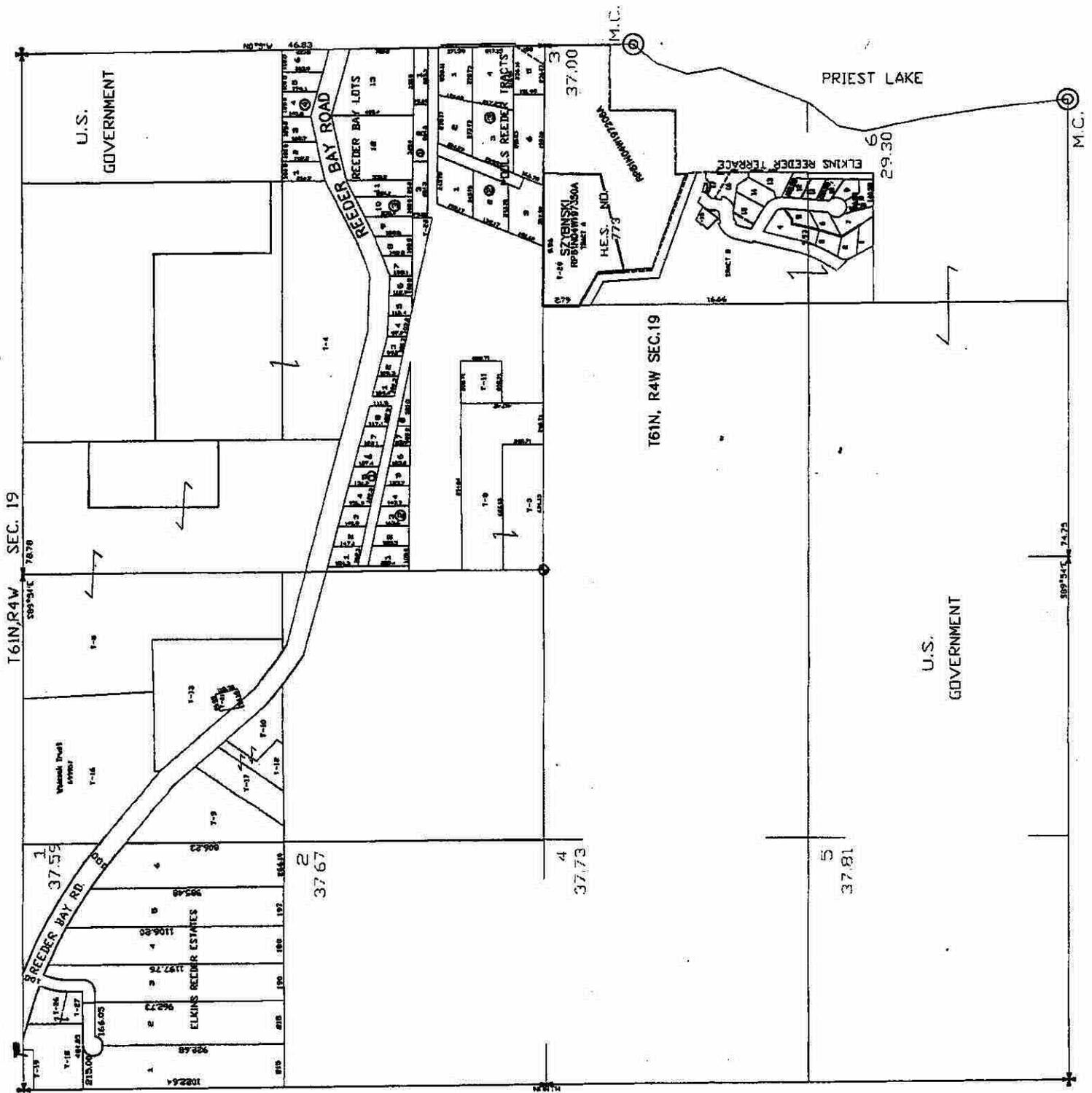
Thence South $89^{\circ}36'26''$ East, 17.50 feet along the North line of said Government Lot 3, to the True Point of Beginning.

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AFFIDAVIT OF PUBLICATION

TECHNICAL SUPPORT

State of Idaho

ss.

County of Bonner, Terri Jure

being first duly sworn on oath deposes and says that

he/she is Managing Editor

of the Priest River Times, a newspaper printed and published at Priest River, Bonner County, Idaho; that the

said newspaper has been continuously and uninterruptedly

published in said Bonner County during a period of 12

months prior to the first publication of the hereto attached

notice of publication in the case of:

Public Hearing - Annexation of Property - Szubnski

as it was published in the regular and entire issue of the

said newspaper for a period of 2 consecutive weeks,

commencing on 17th day of September,

20 08 and ending on the 24th day of

September, 20 08 and that said notice was

published in said newspaper.

On this 24th day of September in the

year of 2008, before me, a Notary Public, personally

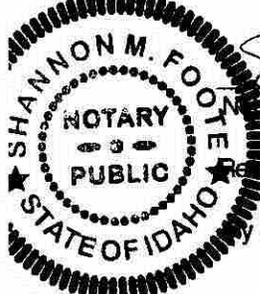
appeared Terri Jure,

known or identified to me to be the person whose name

subscribed to the within instrument, and being by me first

duly sworn, declared that the statements therein are true,

and acknowledged to me that he executed the same.



Shannon M. Foote
Notary Public for Idaho

Residing at Priest River

My commission expires: 10.9.13

NOTICE OF PUBLIC HEARING OF ANNEXATION OF PROPERTY

INTO GRANITE-REEDER WATER AND SEWER DISTRICT GRANITE-REEDER WATER AND SEWER DISTRICT

Bonner County, Idaho SZYBNSKI ANNEXATION

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P.O. Box 2290
Hayden, ID 83835
All persons interested in appearing at the time and place of the hearing may show cause in writing why the Petition for Annexation should not be granted. The Board shall consider, at the hearing, any objection presented in writing. The failure of any person to show cause in writing shall be deemed as an assent to include their property within the boundaries of the District. Anyone wishing to provide written comments who is unable to attend the hearing, may provide them in advance of the hearing by sending them, first class mail, postage pre-paid, to: Granite-Reeder Water and Sewer District

Attn: Secretary
P.O. Box 2290
Hayden, ID 83835

Failure to have your written comments to the Board in advance of the public hearing means they will not be considered by the Board at the public hearing.

DATED this 3rd day of September, 2008.
GRANITE-REEDER WATER AND SEWER DISTRICT
Bonner County, Idaho
PRT Legal 623251
September 17, 24, 2008