

68

STATE OF IDAHO
COUNTY OF BONNER
FIRST JUDICIAL DISTRICT

FILED BY
K&L Gates
2009 APR 16 P 1:08
33
MARIE SCOTT
BONNER COUNTY RECORDER

2009 APR -9 A 9:00

MARIE SCOTT
CLERK DISTRICT COURT
MS
DEPUTY

Michael C. Ormsby, ISB No. 4013
K&L GATES LLP
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Coeur d'Alene, ID 83814
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APR 23 2009

TECHNICAL SUPPORT

Attorney for Petitioner
GRANITE-REEDER WATER
AND SEWER DISTRICT

770232

IN THE DISTRICT COURT OF THE FIRST JUDICIAL DISTRICT
STATE OF IDAHO, IN AND FOR BONNER COUNTY

In the Matter of:

GRANITE-REEDER WATER
AND SEWER DISTRICT,

Petitioner.

Cause No. 13399

AMENDED MOTION AND ORDER
ANNEXING PROPERTY

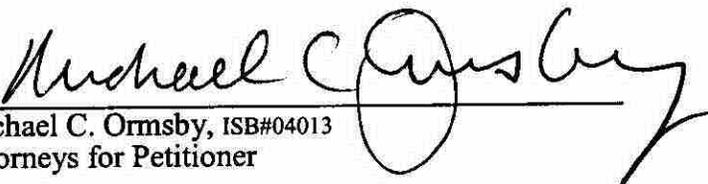
COMES NOW GRANITE REEDER WATER & SEWER DISTRICT (the "District"),
and moves the Court for an Order of the Court annexing certain real property commonly known
as the "Garritty Annexation",

This Motion is made pursuant to Idaho Code § 42-3218(a), the records and files herein
and the following Exhibits to this Motion:

A certified copy of the Board of Directors' Order Granting Petition for Annexation and the exhibits supporting the Board of Directors' Order are attached to this Motion and Order.

DATED this April 8, 2009.

K&L GATES LLP

By: 
Michael C. Ormsby, ISB#04013
Attorneys for Petitioner

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ORDER

STATE OF IDAHO
COUNTY OF CONNER
FIRST JUDICIAL DISTRICT

20 APR 15 10:41

MARIE SCOTT
CLERK DISTRICT COURT
AA
DEPUTY

The undersigned District Court Judge/Commissioner, having read and considered the Petitioner's Motion for an Order Annexing Property into the District and the attached exhibits, good cause appearing and being otherwise advised:

IT IS HEREBY ORDERED that the real property covered by the Annexation Petition and the Order of the Board of Directors of the District is hereby annexed GRANITE REEDER WATER & SEWER DISTRICT, effective the date of this Order.

DATED this 15th day of April, 2009, ~~anno pro tunc to August 15, 2008.~~


JUDGE/COMMISSIONER

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Amended Exhibit List

1. **Resolution accepting Annexation**
 - a. **Petition Request for Annexation**
 - b. **Legal Description of Property**
 - c. **Map of Property**
 - d. **Notice and Affidavit of Publication**

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(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 Property and that the description below represents a true, correct and complete property description.

DATED this 3 day of MAY, 2007.

PROPERTY OWNER: JIM HARRITY

By Jim Harrity
Property Owner [Title]

Legal Description of Property:

Area of Land to be Included:	Taxpayer: Yes	<input type="checkbox"/>
	No	<input checked="" type="checkbox"/>

STATE OF IDAHO)
County of Bonner) ss:

On this 4 day of MAY, 2007, before me, the undersigned Notary Public in and for the State of Idaho, personally appeared WAS HENRY, to me known to be the individual named in and who executed the foregoing instrument; and acknowledged that he executed the same as his voluntary act and deed.

IN WITNESS WHEREOF, I have hereunto set my hand under my official seal this ____ day of _____, 2007.

NOTARY PUBLIC in and for the State of Idaho, WAS HENRY
Residing at _____
My commission expires: _____

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May 17, 2007

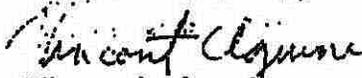
Jim Garritty
6906 N. Moffy Rock Ct.
Spokane, Wash. 99208

Dear Jim:

This letter is to inform you that the Board of Granite Reeder Sewer District accepted your application to be annexed into the District. However, we want you to understand that this may not mean we can hook you up if we do not have available room. You will be put on the list as of May 7, 2007 and as availability comes you will be hooked up on a priority list as of that date. Your request is for two hook ups.

If you have any questions please call me.

Sincerely,


Vincent Aguirre
Chairman of the Board
Box 456
Nordman, Idaho 83848
208-443-2550

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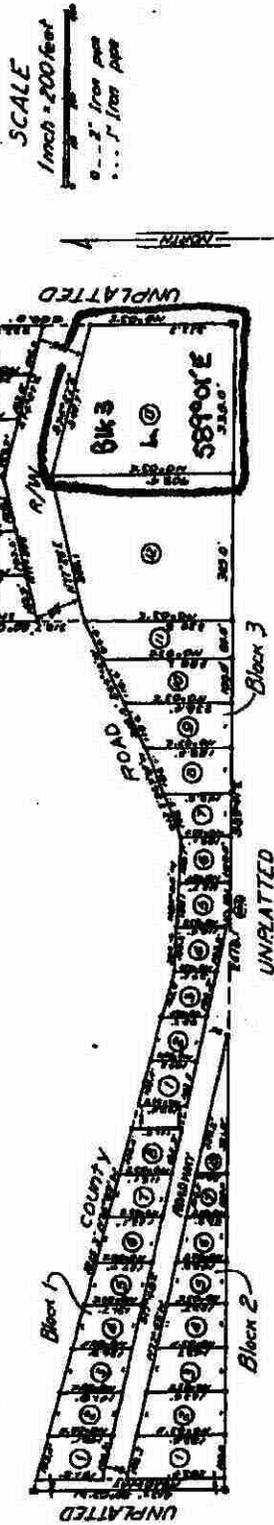
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REEDER BAY LOTS
 5 1/2 NE 1/4 (Part of thereof)
 Sec 19, T61N, R4W, B.M.
 Banner County, Idaho

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OWNER'S CERTIFICATION
 Ralph R. Shackelton and Neille H. Shackelton, husband and wife, hereby certify that they are the owners of the land embraced by the herein plat of REEDER BAY LOTS in the SE 1/4 Sec 19, T61N, R4W, B.M. Idaho, and had the same platted into lots, blocks and roadways as shown by the herein plat the boundaries of which are more specifically described as follows: Beginning at a 2" iron pipe which is 1320.0' S0703'W of the NE cor of Sec 19, T61N, R4W, B.M. Idaho, said iron pipe being the Initial Point of this survey: Thence N89°59'W, 660.0'; Thence S0°03'W, 318.7'; Thence S64°12'W, 315.6'; Thence S69°07'W, 213.3'; Thence N86°56'W, 300.4'; Thence N75°02'W, 1215.3'; Thence N0703E, 50°03'W, 413.1'; Thence S89°01'E, 2618.1'; Thence N0703E 660.0' to the Point-of-Beginning and they hereby dedicate to the public forever by deed and donation the roadways as shown on the herein plat.
 Dated this 19th day of August, 1959.

OWNER'S CERTIFICATION

Ralph R. Shackelton and Neille H. Shackelton, husband and wife, hereby certify that this is a correct plat of REEDER BAY LOTS that all the monuments as shown thereon were placed by me or under my supervision by actual survey in July, 1959 and that the metes and bounds description as given in the owner's certification is correct. Dated this 19th day of July, 1959.

SURVEYOR'S AFFIDAVIT

I hereby certify that this tracing is an exact copy of the final plat of REEDER BAY LOTS. Dated this 19th day of July, 1959.

COUNTY SURVEYOR'S AFFIDAVIT

I hereby certify that I have examined the herein plat of REEDER BAY LOTS and have checked the computations involved sufficiently to determine that it complies with the requirements of the laws relating to the filing of plats. Dated this 19th day of July, 1959.

COUNTY TREASURER

I hereby certify that all taxes which have been levied and become chargeable against the land shown on this plat and described in the foregoing owners certification, of this date have been fully paid and discharged. Dated this 21st day of August, 1959.

ACKNOWLEDGEMENT

COUNTY OF BONNER } ss.
 STATE OF IDAHO

On this 21st day of August, 1959, before me, a Notary Public, appeared Ralph R. Shackelton and Neille H. Shackelton, his wife, personally known to me to be the persons who subscribed their names to the foregoing owners certificate of REEDER BAY LOTS and acknowledged to me that they executed the same as their own free and voluntary act for the purposes therein stated. Signed and Officially sealed on the date above given.

My commission expires: _____
 Date: _____
 Notary Public in and for the State of Idaho

COUNTY COMMISSIONERS ACCEPTANCE AND APPROVAL
 Accepted and approved by the Board of County Commissioners of Bonner County Idaho on this 21st day of August, 1959.

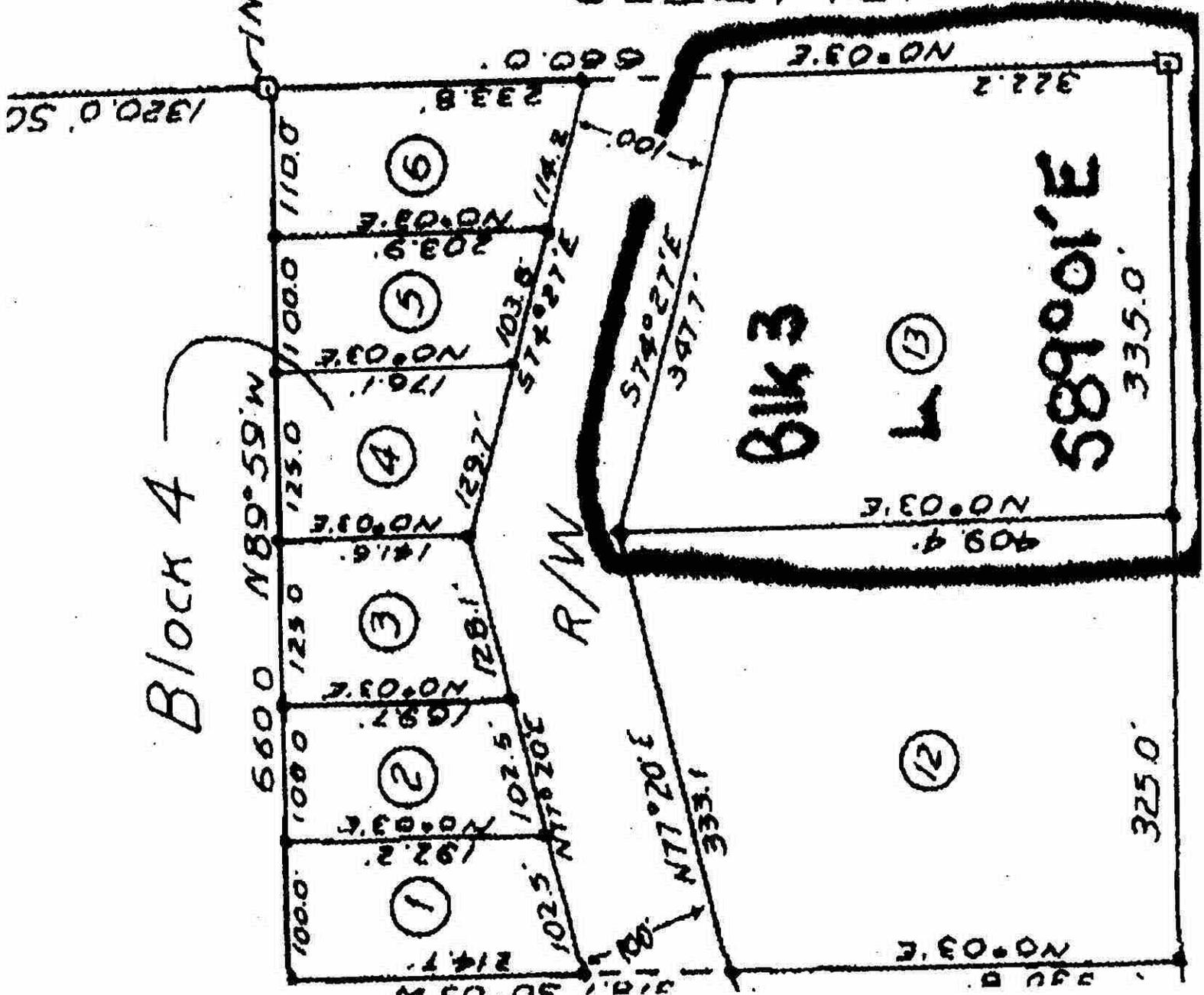
[Signature]
 Chairman of the Board

[Signature]
 Treasurer

[Signature]
 Notary Public in and for the State of Idaho

Block 4

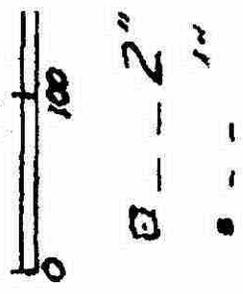
INITIAL POINT



UNPLATTED



56
1 inch



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

TECHNICAL SUPPORT

GRANITE-REEDER WATER AND SEWER DISTRICT
Bonner County, Idaho

GARRITTY 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 Jim Garritty, dated May 3, 2007. 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

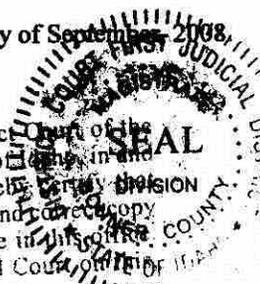
Failure to have your written comments to the Board in advance of the public hearing means they will not be considered by the Board at the public hearing.

DATED this 3rd day of September, 2008.

STATE OF IDAHO

County of Bonner

I, Marie Scott, Clerk of the District Court of the First Judicial District of the State of Idaho, in and for the County of Bonner, do hereby certify that the foregoing instrument is a true and correct copy of the original thereof now on file in my office. Witness my hand and seal of said Court, on this



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

By: Donald B. Pratt
Its: Secretary

the 15 day of April, 2009
By Marie Scott, Clerk
Deputy
Notice of Public Hearing

April 21, 2009

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Annie Haley
D (509) 241-1509
F (509) 456-0146
annie.haley@klgates.com

TECHNICAL SUPPORT

Mr. Jeff Servatius
Idaho State Tax Commission
P.O. Box 36
Boise, ID 83722-0410

Re: Granite Redder Water and Sewer District
Amended Recorded Motion & Order for Annexing Property - Garritty Annexation

Dear Mr. Servatius:

Enclosed is an Amended Recorded Motion & Order Annexing Property for the Garritty Annexation.

The Bonner County Recorder contacted our office because they discovered that the legal description attached to their copy of the Order was for a different property. They asked us to file an Amended Motion and Order to correct it. While the original Recorded copy previously sent to your office was correct, the Recorder's and Court Clerk's copies were not. It appears there was some sort of clerical error when the copies were made.

Please do not hesitate to contact me if you have any questions or need anything further.

Very truly yours,

KIRKPATRICK & LOCKHART PRESTON GATES ELLIS LLP

By 
Annie Haley
Paralegal

EAH:id
Enclosures