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RESOLUTION NO. 09-03

A RESOLUTION of the Sagle Valley Water and Sewer District, of Bonner County, Idaho accepting a petition of property owners for annexation; making certain findings relative to the petition; setting a public hearing to consider the 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

FILED BY
Sagle Valley
2010 JAN -5 P 3:54
MARIE SCOTT
BONNER COUNTY RECORDER
CB DEPUTY

SAGLE VALLEY WATER AND SEWER DISTRICT
Bonner County, Idaho
HESTER & KELSEY ANNEXATION

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

WHEREAS, Sagle Valley Water and Sewer District (the "District") is a duly and properly formed water and sewer 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 Section 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 Tom Kelsey, Property Owner, dated September 23, 2009, ("the 14 Meadowlark Drive"). (A copy of the petition with signatures thereon is attached hereto and incorporated herein by this referenced as Exhibit "A".)

(b) The 14 Meadowlark Drive property proposed to be annexed into the

District is described and depicted in map form as Exhibit "A-1", hereto.

(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 December 9, 2009, as the date of the public hearing on the Petition to Annex Real Property into the District. The hearing will be held at 7:00 p.m. at a private residence located at 83 Meadowlark Drive, Sagle, ID 83860, 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.

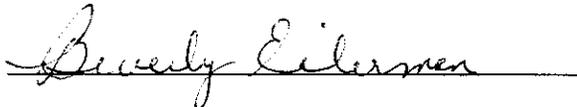
Section 6: Effective Date. This Resolution shall become and is effective as of the date of its adoption.

DATED this 9th day of December, 2009.

SAGLE VALLEY WATER AND SEWER
DISTRICT, Bonner County, Idaho

Chairman, Board of Directors

ATTEST:



District Secretary

(S E A L)

I, the undersigned, Secretary of the Board of Directors of Sagle Valley 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 December 9, 2009, 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: *Greg Eilerman*
Scott Liss
Beverly Eilerman

NAYS, Directors: *Ø*

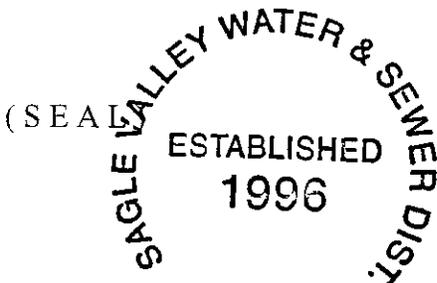
ABSENT, Directors: *Mark Cherry*
Kelly Haxson

ABSTAIN, Directors: *Ø*

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 this 9th day of December, 2009.

Beverly Eilerman
District Secretary



ORDER GRANTING PETITION FOR ANNEXATION
TO SAGLE VALLEY WATER AND SEWER DISTRICT
Bonner County, Idaho

HESTER & KELSEY ANNEXATION

THE BOARD OF DIRECTORS (the "Board") OF SAGLE VALLEY WATER AND SEWER DISTRICT, Bonner County, Idaho (the "District") makes the following findings relative to a Petition for Annexation presented to the Board:

(1) The District is a validly formed water district under and by virtues of the laws of the State of Idaho.

(2) The owners of certain real property located in Bonner County, Idaho, generally adjacent to the boundaries of the District, filed a Petition for Annexation with the District which complied with the requirements of Idaho Code §42-3218(a) (a copy of the Petition and attachments thereto are attached hereto as Exhibit "A" as though fully set forth herein).

(3) After a thorough examination and review by the Board and its consultants, it was established that the Petition was executed by the property owner(s) in the area covered by the annexation. (The area covered by the annexation is set forth in the map attached hereto and incorporated herein by this reference as Exhibit "B".)

(4) The Board set a public hearing on the Petition for Annexation.

(5) The public hearing was set for December 9, 2009, with notice of this hearing ("Notice") given by both publication and mailing. Notice was published in the Bonner County Dailey Bee on November 25, 2009, and December 2, 2009. (A copy of the Notice and Affidavit of Publication are attached hereto and incorporated herein by this reference as Exhibit "C".) At this public hearing the Board and its consultants were prepared to respond to any questions or issues raised.

(6) The Board has assumed, pursuant to the provisions of Idaho Code Section 42-3218(b) that the failure of any other individuals to show cause in writing as to the annexation of the property described in Exhibit "B", is deemed as their assent.

(7) The Board, after consideration of the records and files herein and the public health and safety of the current and future residents and businesses in the District and the area proposed for annexation, find it in the best interests of the District its residents and those who are in the area to be annexed into the District, to annex the area covered by the Petition.

(8) Subject to the conditions placed on the annexation by the District, the real property described in the map attached hereto as Exhibit "B" and legally described in Exhibit "D" attached hereto is hereby incorporated into the District as of the date this Order is recorded with the County Recorder.

(9) The Secretary of the District is hereby directed to file this Order in the records of the District and transmit this Order and all the attachments thereto to the appropriate Bonner County offices for filing pursuant to Idaho Code §42-3218(b).

(10) Petitioner(s) agree to pay for their share of a New Facility Plan or Facility Plan Amendment and Preliminary Engineering Report as required by the Idaho Department of Environmental Quality.

(11) Conditions: This annexation is conditioned upon completion of the following:

That the petitioners property owners will complete and pay for certain improvements to the specifications and requirements of the District (at their sole discretion) in order to provide service to the property included in this annexation.

Should it be later determined that one or more of the above conditions has not been satisfactorily achieved, the Board shall have the right to remove or de-annex this property from the boundaries of the District.

This Order is adopted by a majority vote of the Board of Directors at a meeting on December 9, 2009.

SAGLE VALLEY WATER AND SEWER
DISTRICT

By: Mark A. Cherry
Chairman, Board of Directors

ATTEST:

Beverly Eilerman
Secretary

LIST OF EXHIBITS

- A. Petition requesting annexation
- B. Map of the area to be annexed
- C. Notice and Affidavit of Publication of Public Hearing
- D. Legal Description of real property annexed into District

NOTICE OF PUBLIC HEARING OF ANNEXATION OF PROPERTY
INTO SAGLE VALLEY WATER AND SEWER DISTRICT

SAGLE VALLEY WATER AND SEWER DISTRICT
Bonner County, Idaho

HESTER & KELSEY ANNEXATION

The Board of Directors (the "Board") of the Sagle Valley 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: Wednesday
Date: December 9, 2009
Time: 7:00 p.m.
Location: 83 Meadowlark Drive
Sagle, ID 83860

The annexation hearing is based upon petitions filed by Jack Hester and Thomas Kelsey, property owner(s) of property located at 14 Meadowlark Drive, Sagle, Idaho. A copy of the Petitions and a description of the area covered by the Petition can be obtained from the District by sending a request to:

Sagle Valley Water and Sewer District
P.O. Box 901
Sagle, ID 83860

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:

Sagle Valley Water and Sewer District
Attn: Secretary
P.O. Box 901
Sagle, ID 83860

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.

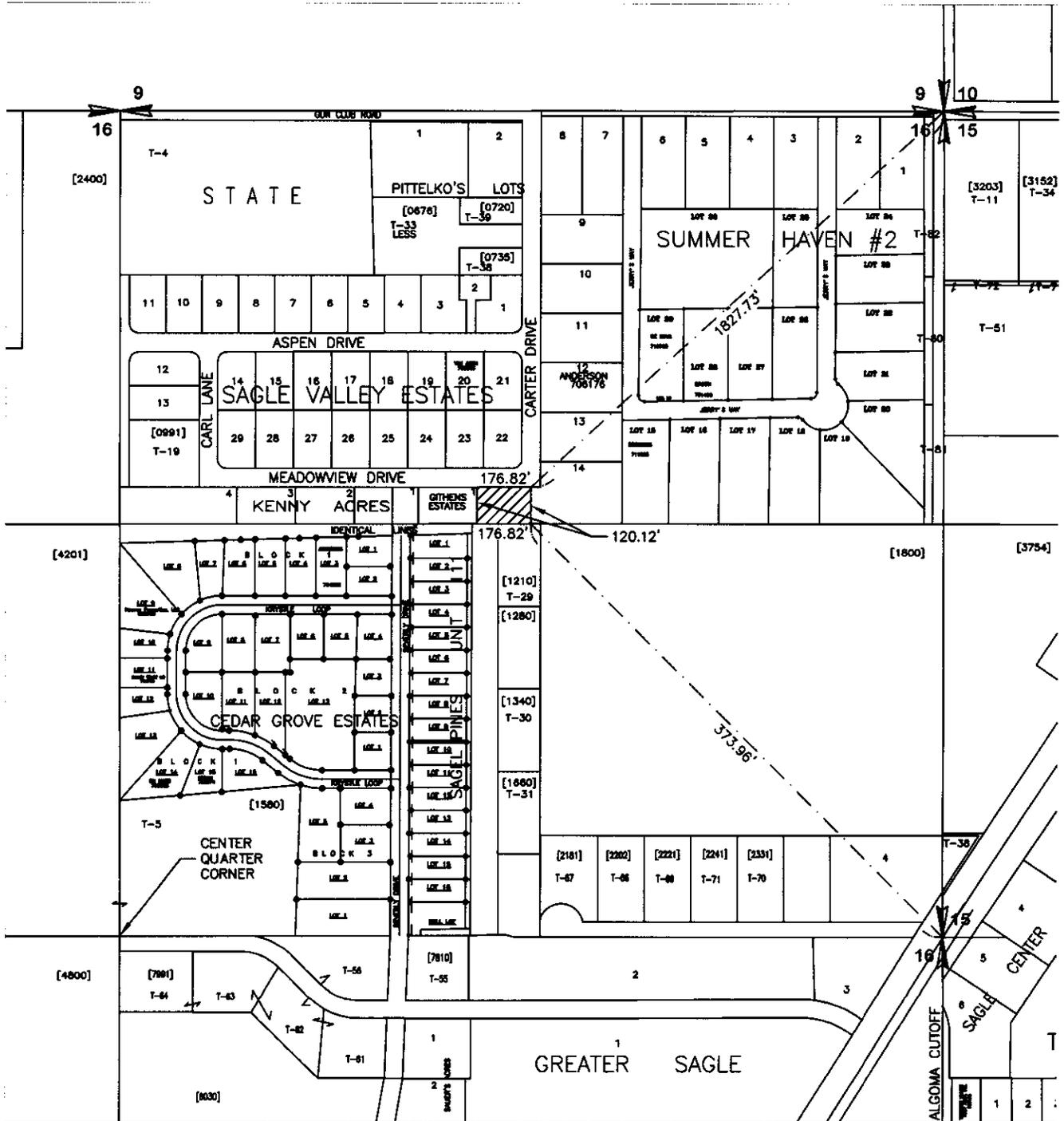
DATED this 25 th day of November, 2009.

SAGLE VALLEY WATER AND SEWER DISTRICT,
Bonner County, Idaho

By: *Beverly Eilerman*
Its: Secretary

HESTER & KELSEY PARCEL

SECTION 16, TOWNSHIP 56 NORTH, RANGE 2 WEST, BOISE MERIDIAN, BONNER COUNTY, IDAHO



TRUE NORTH



0 250 500



SCALE IN FEET
(1"=500')

SHEET TITLE: HESTER & KELSEY PARCEL		DATE: T-06-10
 James A. Sewell and Associates, LLC 1205 HIGHWAY 2, SUITE 101 SANDPOINT, IDAHO 83864, (208) 263-4160		SCALE: 1"=500'
		DRAWN: CMA
		CHECKED: RFH
		PROJ. NO.: 19033-05-003
		CAD FILE: SWS1617.DWG
		SHT. 1 OF 1