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RESOLUTION NO. 2009-4

TECHNICAL SUPPORT

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

SAGLE VALLEY WATER AND SEWER DISTRICT
Bonner County, Idaho

VICTORY BAPTIST CHURCH 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:

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Sagie Valley 2010
2010 JAN - 9 A 9:45
MARIE SCOTT
BONNER COUNTY RECORDER
DEPUTY

(a) The Board has received 1) a petition signed by Joel Andring, Property Owner, dated January 23, 2009, ("the Victory Baptist Church property"). (A copy of the petition with signatures thereon is attached hereto and incorporated herein by this referenced as Exhibit "A".)

(b) The Victory Baptist Church 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 May 13, 2009, as the date of the public hearing on the Petition to Annex Real Property into the District. The hearing will be held at 6:30 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.

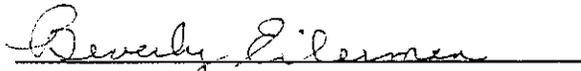
DATED this 8th day of April, 2009.

SAGLE VALLEY WATER AND SEWER
DISTRICT, Bonner County, Idaho

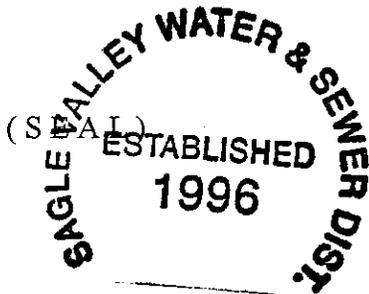


Chairman, Board of Directors

ATTEST:



District Secretary



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 April 8, 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: Mark Cherry, Greg Eilerman, Bev Eilerman, Scott Lies + Calvin Hanson

NAYS, Directors: 0

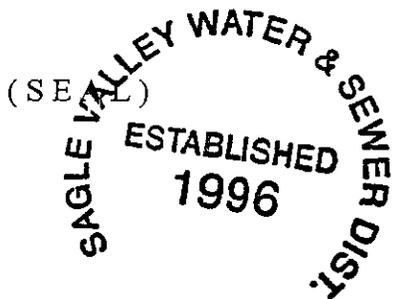
ABSENT, Directors: 0

ABSTAIN, Directors: 0

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 8th day of April, 2009.

Beverly Eilerman
District Secretary



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

VICTORY BAPTIST CHURCH 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 were 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 May 13, 2009, with notice of this hearing ("Notice") given by both publication and mailing. Notice was published in the *Coeur d'Alene Press* on May 1, 2009, and May 8, 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 deannex 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 May 13, 2009.

SAGLE VALLEY WATER AND SEWER
DISTRICT

By: Mark A. Cherry
Chairman, Board of Directors

ATTEST:

Beverly Telesman
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

VICTORY BAPTIST CHURCH 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: Thursday
Date: May 13, 2009
Time: 6:30 p.m.
Location: 83 Meadowlark Drive
Sagle, ID 83860

The annexation hearing is based upon petitions filed by Joel Andring, property owner(s) of the Victory Baptist Church property ("Victory Baptist Church"). 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 8th day of April, 2009.

SAGLE VALLEY WATER AND SEWER
DISTRICT, Bonner County, Idaho

By: Beverly Lillerman
Its: Secretary

EXHIBIT A

Petition for Annexation

SAGLE VALLEY WATER AND SEWER DISTRICT
P O Box 901
Sagle, ID 83860
Phone #: (208) 263-0993

PETITION TO ANNEX INTO THE SAGLE VALLEY WATER AND SEWER DISTRICT

The undersigned property owner hereby petitions the Sagle Valley Water and Sewer District to Annex their listed properties into the Sagle Valley Water and Sewer District.

APPLICANT INFORMATION:

Petitioner's Name: Victory Baptist Church, Inc. of Sandpoint, Idaho

Phone No: 263-8020 Fax No: _____

Petitioner's Address: PO Box 648

City: Sagle State: Idaho Zip: 83860

Representative: Joel Andring

E-Mail: Joel Andring - jahandring@yahoo.com

Petitioner's Interest In Property: Owner

Parcel Number: RP56N02W16177 Site Acreage: 42,706 sq. ft. 0.98 acres

LEGAL DESCRIPTION: The Property effected by this petition is described as follows:

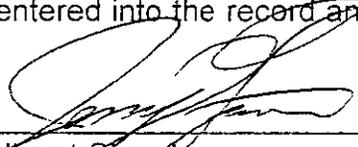
See Attached Deed # 742575

Current Use: Vacant, Proposed Church

I (We) the undersigned do hereby make petition for annexation of the property described in this petition, and do certify that we have provided accurate information as required by this petition form, to the best of my (our) ability.

NOTE: The applicant (or a representative) must be at the meeting representing this proposal, or the application will not be heard. The applicant will be responsible for costs in re-noticing the hearing.

Please be advised that all exhibits presented will need to be identified at the meeting, be entered into the record and retained in the file.



Applicant Signature

Dated this 1-23-09 Day of _____ 2009

RECEIVED STAMP HERE

FEES: \$ _____
RECEIVED BY: _____

APPLICATION RECEIVED BY: TITLE:

Instrument Number

Escrow No.: 6201-3190-LM

742575

FILED BY
North Idaho Title
2007 DEC 12 P 12:10
300
MARIE SCOTT
BONNER COUNTY RECORDER

WARRANTY DEED

FOR VALUE RECEIVED, **SUNNY A. WINTER, A SINGLE PERSON**, Hereinafter called Grantor, does hereby grant, bargain, sell and convey unto **VICTORY BAPTIST CHURCH, INC. OF SANDPOINT, IDAHO, AN IDAHO CORPORATION**, Grantee, whose address is:

P.O. Box 648, Saale, ID 83860
the following described premises, County of BONNER, to-wit:

A TRACT OF LAND IN THE EAST HALF OF THE EAST HALF OF THE EAST HALF OF THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 16, TOWNSHIP 56 NORTH, RANGE 2 WEST, BOISE MERIDIAN, BONNER COUNTY, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

FROM THE NORTHEAST CORNER OF SAID EAST HALF OF THE EAST HALF OF THE EAST HALF OF THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER SOUTH 00 DEGREES 11' 27" WEST ALONG THE EAST LINE OF SAID EAST HALF OF THE EAST HALF OF THE EAST HALF OF THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER, A DISTANCE OF 1048.48 FEET TO THE TRUE POINT OF BEGINNING; THENCE SOUTH 88 DEGREES 21' 19" WEST, A DISTANCE OF 163.51 FEET; THENCE SOUTH 00 DEGREES 10' 35" WEST ALONG THE WEST LINE OF SAID EAST HALF OF THE EAST HALF OF THE EAST HALF OF THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER, A DISTANCE OF 262.20 FEET; THENCE NORTH 88 DEGREES 19' 27" EAST, ALONG THE SOUTH LINE OF SAID EAST HALF OF THE EAST HALF OF THE EAST HALF OF THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER, A DISTANCE OF 163.45 FEET; THENCE NORTH 00 DEGREES 11' 27" EAST ALONG SAID EAST LINE, A DISTANCE OF 262.12 FEET TO THE TRUE POINT OF BEGINNING.

LESS THE WEST 30.0 FEET, DEDICATED AS PUBLIC RIGHT OF WAY, MAY 4, 1989 UNDER INSTRUMENT NO. 361225, OFFICIAL RECORDS OF BONNER COUNTY AND ALSO EXCEPT THE SOUTH 16.0 FEET THEREOF, WHICH IS RESERVED FOR A PUBLIC ROADWAY.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee(s), their heirs and assigns forever, and the said Grantor(s) do(es) hereby covenant to and with the said Grantee(s), that he/she/they is/are the owner(s) in fee simple of said premises; that they are free from all encumbrances EXCEPT CURRENT TAXES AND EASEMENTS OF RECORD OR IN VIEW.

And that he/she/they will warrant and defend the same from all lawful claims whatsoever.

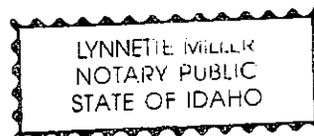
DATED December 04, 2007

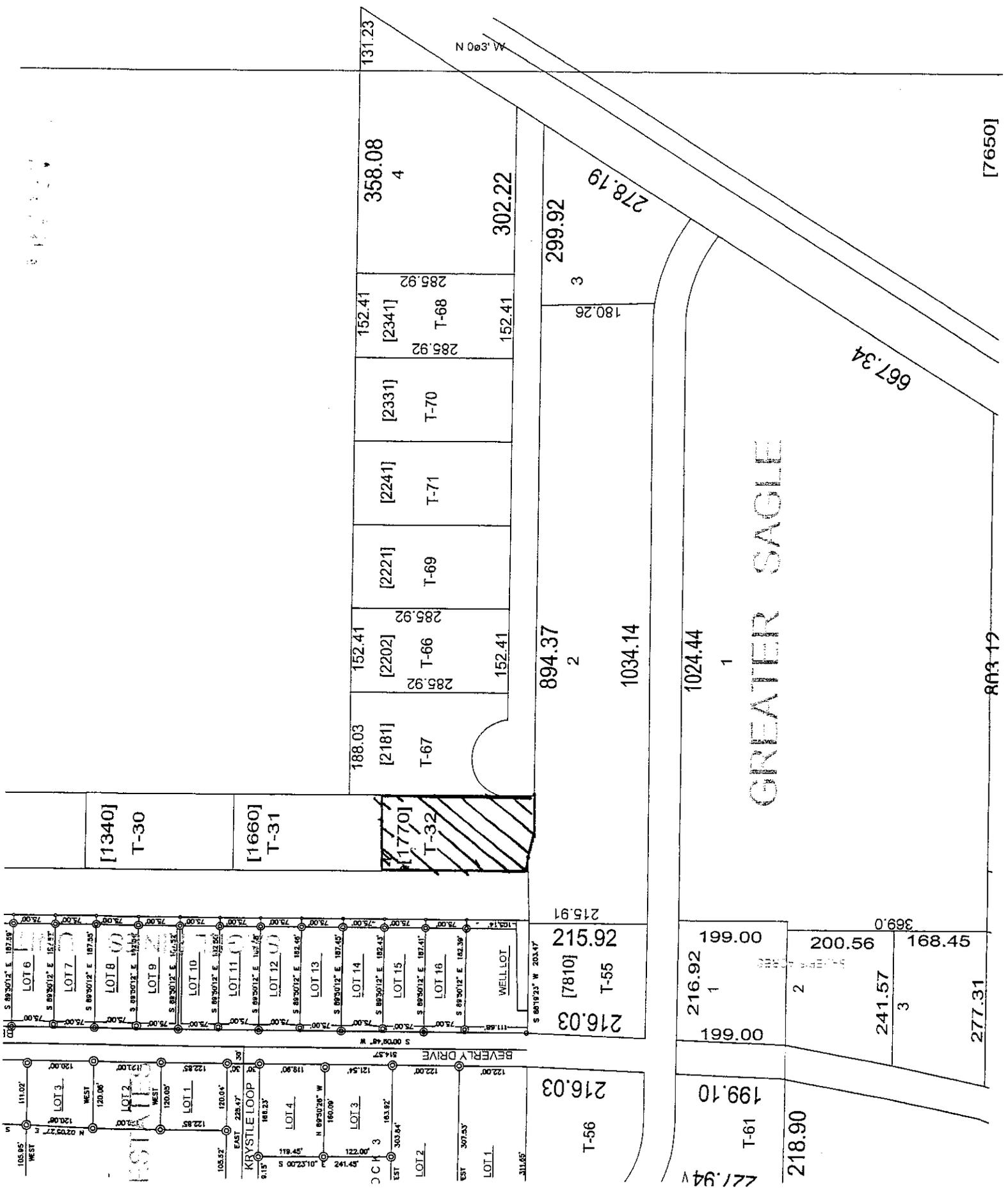
By: Sunny A. Winter
SUNNY A. WINTER

State of IDAHO)
County of BONNER)

On this 10th day of DECEMBER, 2007, before me, the undersigned, a Notary Public in and for said State, personally appeared SUNNY A. WINTER, known or identified to me to be the person(s) whose name is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same.

Lynnette Miller
Notary Public in and for County and State
Residing at: ATHOL
My commission expires: MAY 2, 2011





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GREATER SAGLE

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3
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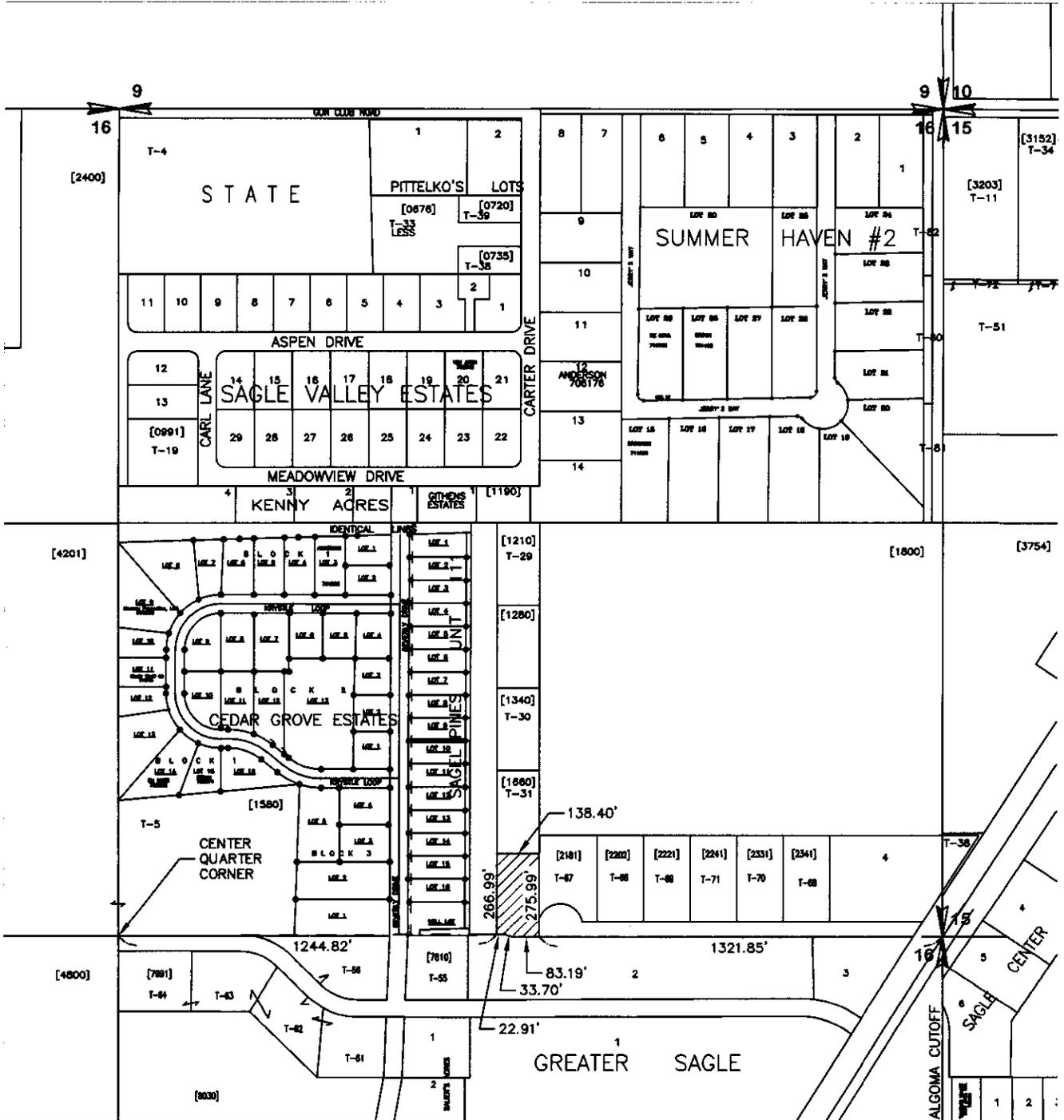
R03-19

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VICTORY BAPTIST CHURCH

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



TRUE NORTH



SCALE IN FEET
(1"=500')

SHEET TITLE:

VICTORY BAPTIST CHURCH



James A. Sewell and Associates, LLC

1205 HIGHWAY 2, SUITE 101
SANDPOINT, IDAHO 83864, (208) 263-4160

DATE: 1-06-10
SCALE: 1"=500'
DRAWN: CMA
CHECKED: RFH
PROJ. NO.: 13033-05-003
CAD FILE: SWS (1) 0101 200
SHT. 1 OF 1