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RESOLUTION NO. 09-06

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

GANTENBEIN EXCLUSION

FILED BY
Sagle Valley W&S
2010 JAN -8 P 2:15
MARIE SCOTT
BONNER COUNTY RECORDER
CB DEPUTY

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 42-3219 to consider exclusion of property within 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 exclusion of real property within the District.

NOW, THEREFORE, BE IT RESOLVED as follows:

Section 1: Findings of the Board Relative to the Petition for Exclusion 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 Kenneth Gantenbein, Property Owner, dated October 12, 2009, ("the westerly 727 feet of the Hidden Pines Mobile Home Park property"). (A copy of the petition with signatures thereon is attached hereto and incorporated herein by this referenced as Exhibit "A".)

(b) The Hidden Pine Mobile Home Park property proposed to be excluded from the District is described and depicted in map form as Exhibit "A-1", hereto.

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Sagle Valley Water and Sewer District
Gantenbein - Hidden Pine Resolution
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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 exclusion process.

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

Section 2: Public Hearing. The Board hereby sets October 21, 2009, as the date of the public hearing on the Petition to Exclude Real Property from 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 excluded from 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 42-3219, 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.

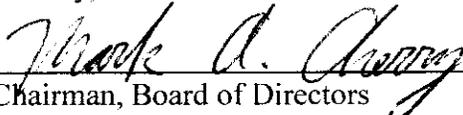
Section 4: Ratification. The Board hereby ratifies all acts taken by members of the Board and/or agents on behalf of the Board or District relative to this potential exclusion and the hearing process is hereby ratified and approved.

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.

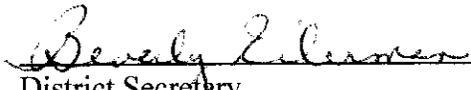
Section 6: Effective Date. This Resolution shall become and is effective as of the date of its adoption.

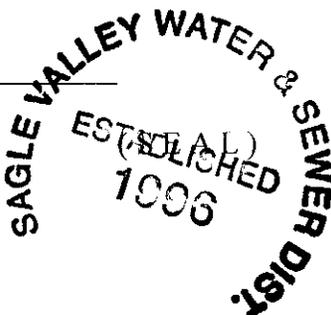
DATED this 9th day of December, 2009.

SAGLE VALLEY WATER AND SEWER DISTRICT,
Bonner County, Idaho


Chairman, Board of Directors

ATTEST:


District Secretary



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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: *Scott Liss*
Greg Ehlman
Beverly Ehlman

NAYS, Directors: *0*

ABSENT, Directors: *Mark Cherry*
Kelly Herndon

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 9th day of December, 2009.

Beverly Ehlman

District Secretary

(SEAL)



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

**EXCLUSION OF PROPERTY PETITION
FROM THE
SAGLE VALLEY WATER AND SEWER DISTRICT**

The undersigned property owner hereby petitions the Sagle Valley Water and Sewer District for exclusion from the Sagle Valley Water and Sewer District.

APPLICANT INFORMATION:

Petitioner's Name: Kenneth J. Gantenbein

Phone No: 208-263-1434 ^{Cell} ~~Fax~~ No: 208-290-6870

Petitioner's Address: 111 Gun Club Rd #6

City: Sagle State: ID Zip: 83860

E-Mail: Ken@Kcgantenbein.com

Petitioner's Interest In Property: Owner

Parcel Number: A portion of RP 56N02W153051 Site Acreage: 8.6 acres

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

Being a parcel of land located in the Northwest Quarter of Section 15, Township 56 North, Range 2 West, Boise Meridian, Bonner County, Idaho more particularly described as follows:

COMMENCING at the northwest corner of said Section 15,

thence S0°18'35"W along the west line of said section, a distance of 25.00 feet to the southerly right of way line of county road number S-96 (Gun Club Road);

thence N89°43'10"E along said right of way line and parallel to the north line of said Section 15, a distance of 380.00 feet to the **TRUE POINT OF BEGINNING**;

thence continuing N89°43'10"E along said right of way, a distance of 727.55 feet;

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thence S0°18'35"W, 522.42 feet;

thence N89°59'30"W, 727.52 feet;

thence N0°18'35"E, 518.74 feet to the POINT OF BEGINNING.

Current Use: Mobile Home Park, AKA Hidden Pines Mobile Home Park

I (We) the undersigned do hereby make petition for exclusion 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-notification for 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.

THIS DECLARATION IS SIGNED AND ACKNOWLEDGED BY THE PETITIONER

AS THE OWNER OF ALL PROPERTY DESCRIBED IN THIS PETITION THIS 12

day of October, 2009.

IN WITNESS WHEREOF, parties have hereunto subscribed their names to this

instrument this 12 day of October, 2009.


Kenneth J. Gantenbein

STATE OF Idaho)
County of Bonner) ss.

On this 12 day of October, 2009, before me the undersigned, a Notary Public in and for said State, personally appeared Kenneth J.

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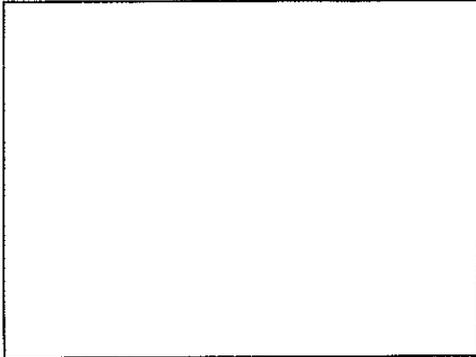
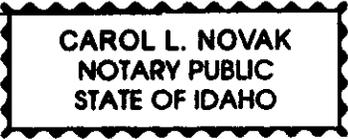
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Gantenbein, known or identified to me to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same as such.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate last above written.

Carol L. Novak
Notary Public in and for Idaho
Residing at: Goodlander
Commission expires: 3-11-2010

Kenneth J. ...
Applicant Signature

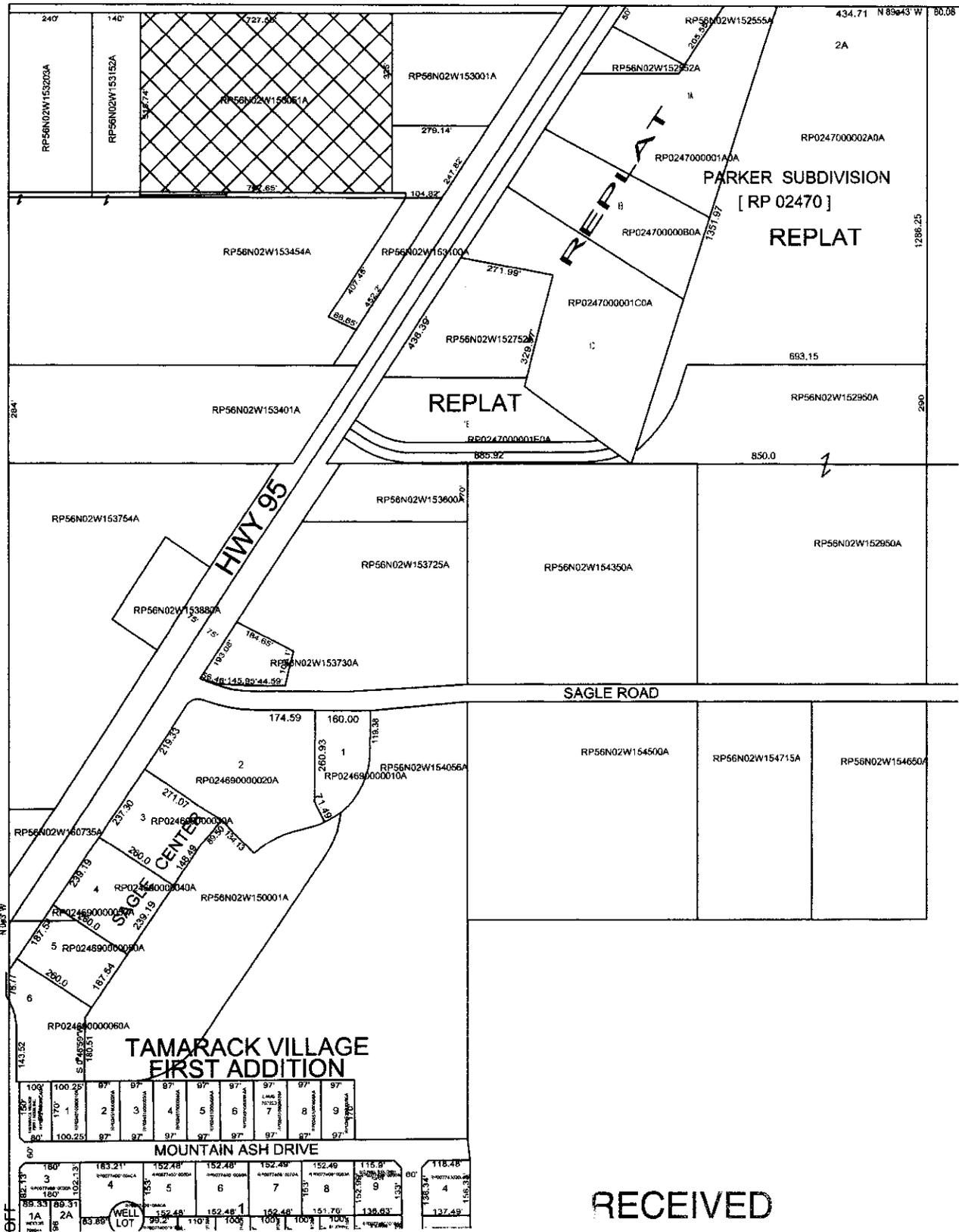


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GANTENBEIN EXHIBIT "A"

T56N,R2W SEC.15



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PLAT SUPPORT

ORDER GRANTING PETITION FOR EXCLUSION
FROM SAGLE VALLEY WATER AND SEWER DISTRICT
Bonner County, Idaho

GANTENBEIN EXCLUSION

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 Exclusion 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, within the boundaries of the District, filed a Petition for Exclusion from the District which complied with the requirements of Idaho Code §42-3219 (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 exclusion petition. (The area covered by the exclusion petition 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 Exclusion.

(5) The public hearing was set for October 21, 2009, with notice of this hearing ("Notice") given by both publication and mailing. Notice was published in the Bonner County Dailey Bee on October 1, 2009, and October , 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 42-3219 that the failure of any other individuals to show cause in writing as to the exclusion 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 exclusion, find it in the best interests of the District its residents and those who are in the area to be excluded from the District, to exclude the area covered by the Petition.

(8) Subject to the conditions placed on the exclusion 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 excluded from 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 §42-3219.

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. Clowry
Chairman, Board of Directors

ATTEST:

Beverly Eilerman
Secretary

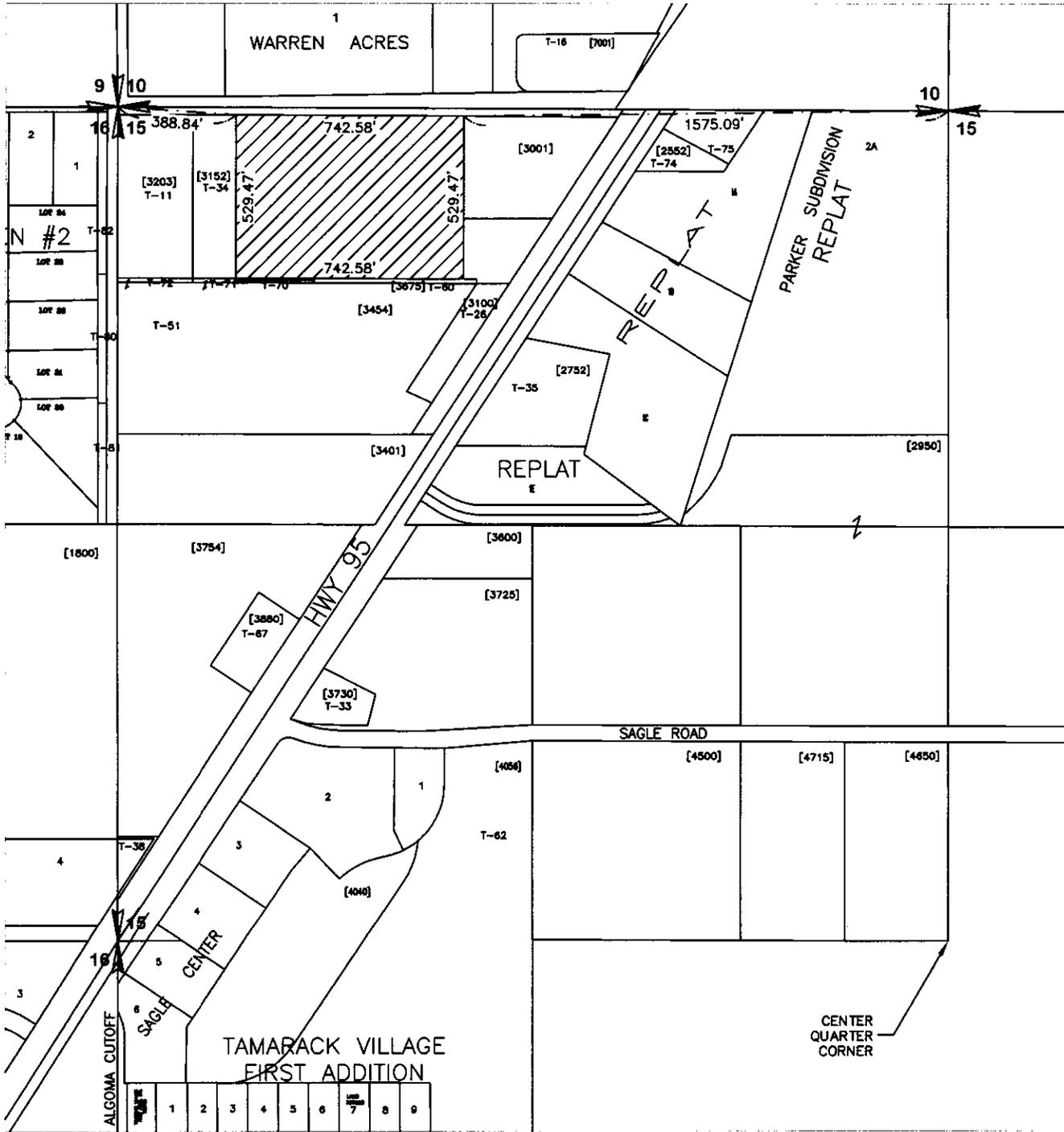
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SUPPORT

LIST OF EXHIBITS

- A. Petition requesting exclusion
- 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

GANTENBEIN PARCEL

SECTION 15, TOWNSHIP 56 NORTH, RANGE 2 WEST, BOISE MERIDIAN, BONNER COUNTY, IDAHO



TRUE NORTH



SCALE IN FEET
(1"=500')

SHEET TITLE: GANTENBEIN PARCEL		DATE: 1-06-10
		SCALE: 1"=500'
		DRAWN: CMA
		CHECKED: REH
 James A. Sewell and Associates, LLC 1205 HIGHWAY 2, SUITE 101 SANDPOINT, IDAHO 83864, (208) 263-4160		PROJ. NO.: 19033-06-003
		CAD. FILE: SWS.DWG
		SHT. 1 OF 1