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ORDER GRANTING PETITION FOR ANNEXATION TO NORTH KOOTENAI WATER DISTRICT

Kootenai County, Idaho

MINZEL ANNEXATION

THE BOARD OF DIRECTORS (the "Board") OF NORTH KOOTENAI WATER DISTRICT (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 Kootenai County, Idaho, in need of consistent water supply and service, 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 a property owner in the area covered by the annexation who owns more than five (5) acres and is opting in to the District under the provisions of Idaho Code Section 42-3204. (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 June 4, 2009, with notice of this hearing ("Notice") given by both publication and mailing. Notice was published in the *Coeur d'Alene Press* on May 21, 2009, and May 28, 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.

DANIEL J. ENGLISH 19P I 2222738000
KOOTENAI CO. RECORDER Page 1 of 19
BBB Date 07/17/2009 Time 14:11:54
REC-REQ OF NORTH KOOTENAI WATER DIS
RECORDING FEE: 57.00
2222738000 XK

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(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 Kootenai County offices for filing pursuant to Idaho Code §42-3218(b) and to make any required filings with the Idaho State Tax Commission.

(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:

(a) That the water system which currently serves the petitioners and their neighbors is transferred, in a form acceptable to the District in its sole discretion.

(b) That the petitioner 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, including, but not limited to, a local improvement district to finance the necessary water system improvements, as determined by the District..

(c) 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 7/2, 2009.

NORTH KOOTENAI WATER DISTRICT

By: Thomas C

Chairman, Board of Directors

ATTEST:

Secretary

NORTH KOOTENAI WATER DISTRICT CORPORATE SEAL STATE OF IDAHO

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LIST OF EXHIBITS

A. Petition requesting annexation

B. Map of the area to be annexed

C. Notice of Public Hearing and Affidavit of Publication of Public Hearing

D. Legal Description of real property annexed into District

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EXHIBIT A

EXHIBIT B

EXHIBIT C

EXHIBIT D

EXHIBIT A

(1)

(151)

NORTH KOOTENAI WATER DISTRICT

PETITION FOR ANNEXATION

COMES NOW Petitioner, Vesh Putabayl for Carlos Mazzy and petitions the Board of Directors of North Kootenai Water District ("District") as follows:

1. Petitioners are the owners of the real property situated within the County of Kootenai, State of Idaho, located at the physical address of:

4789 E. Lancaster Rd

(Street Address or legal description)

2. Petitioners are desirous that the above-described property be included in, made a part of, and be served with water system improvements in North Kootenai Water District, Kootenai County, Idaho, in conjunction with the area-wide annexation of certain other real property in the Dodd Road, Boot Hill, Pony Lane, Morgan Lane, and Shire Lane areas. The proposed improvements include the installation of waterlines and storage facilities.

3. Petitioners request that, in accordance with the provisions of Section 42-3218, Idaho Code, notice of the filing of this petition be given and published in the official newspaper of the District in Kootenai County, Idaho, said notice to give all persons interested an opportunity to appear and show cause in writing, if any they have, why this petition should not be granted at the hearing, time and place to be set by this Board; that further, assuming that no valid objections are made to the inclusion of the above-described property within the boundaries of the District, the Board enter its order that the above-described property be included within the boundaries of the District, and that such order be recorder and filed with Kootenai County, Idaho and filed with the State of Idaho Tax Commission.

4. That Petitioners are aware that, as a condition of annexation, the District may require that the land described in this petition be subjected to the following requirements:

(a) The Petitioners shall pay for the actual costs incurred by the District for District administration, engineering, legal, inspection, and preparation of any necessary documents that are required by the District for annexation of the property. Such District costs shall include, but are not limited to, preparation of conditions of annexation, any needed water system master planning, design consultations, plan reviews, and final approval of the Petitioner's construction plans and specifications for water facilities. The purpose for this annexation petition is to construct and install water lines and storage facilities to the residents of the area.

(b) The Petitioner shall be responsible for the payment for all water facilities that will be necessary to serve the Petitioner's annexed property through the formation of a Local Improvement District. These water facilities will include those required within the annexed property as well as all necessary water facilities needed to extend water service from the District's existing facilities to those proposed to serve the annexed property. The District shall

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have the right to dictate where and how the Petitioner's water facilities that serve the annexed area may be connected to the District's water facilities. Upon completion of installation and approval by the District of all water facilities the Petitioner shall dedicate such facilities to the District.

(c) I am interested in annexing my property into the District and participating in a local improvement district if the estimated assessment is less than:

- ☒ $140,000
- ☐ $120,000
- ☐ $100,000
- ☐ $80,000
- ☐ $60,000
- ☐ I am not interested in annexing.

If the estimated cost of the water system improvements is greater than the amount checked above, I am not interested in annexation.

(d) And such other conditions as the District may prescribe.

DATED: 3/14/09

PROPERTY IDENTIFICATION: 51N03W052200

Petitioner: ~~Heidi~~ Heidi Puterbaugh For Arles Minzel
(*Print Name*)

Signature: Heidi Puterbaugh for Arles Minzel

Petitioner: _____
(*Print Name*)

Signature: _____

STATE OF IDAHO)
)ss.
COUNTY OF KOOTENAI)

On this 13 day of March, 2009, before me, the undersigned, a Notary Public in and for the State of Idaho, duly commissioned and sworn, personally appeared Heidi Puterbaugh and _____ (*strike out if not needed*), known or identified to me to be the person(s) whose name(s) are subscribed to the within instrument, and acknowledge to me that they executed the same.

CAROL L. VINEYARD
NOTARY
PUBLIC
STATE OF IDAHO

[Seal or Stamp]

Carol L Vineyard
Notary Public

Carol L Vineyard
(*Print Name*)

My appointment expires: 7/22/2011

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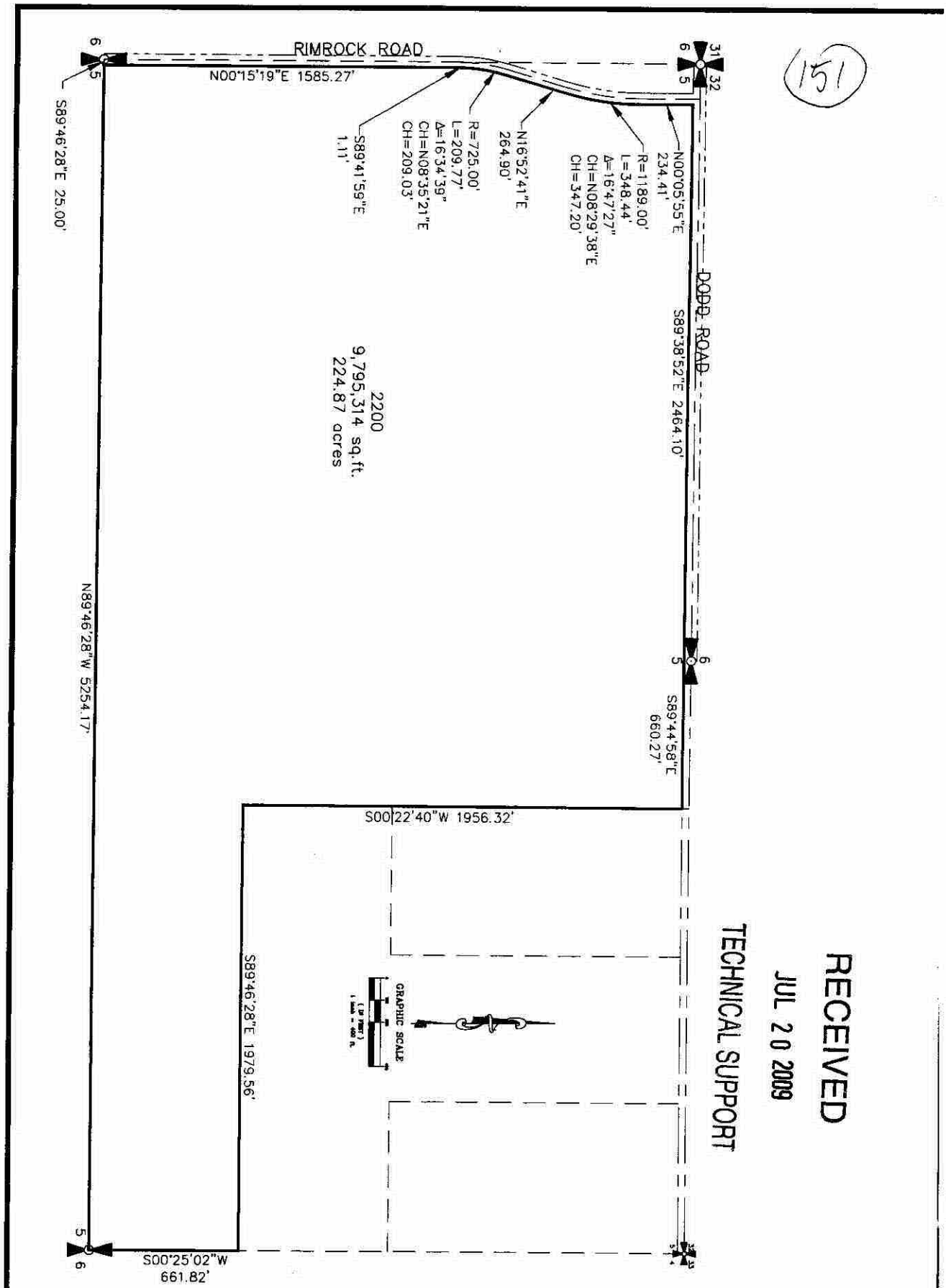
EXHIBIT B

\\Nas-01\CAD\CAD Projects\11228\dwg\Annexations\Minzel Parcels.dwg, 5/14/2009 5:21:10 PM, mhathaway, 1:2

(151)



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NKWD

ARLES MINZEL PARCEL
NKWD ANNEXATION

SKETCH OF PARCEL
51N03052200

WELCH-COMER
ENGINEERS | SURVEYORS

www.welchcomer.com
350 E. Kathleen Ave.
Coeur d'Alene, ID 83815
208-664-9382
(toll free) 877-815-5672
(fax) 208-664-5946

NO.	DATE	REVISION DESCRIPTION	BY

PROJECT NO.: 11228
DESIGNED BY: mih
DRAWN BY: mih
CHECKED BY: mih
DWG NAME: Minzel Parcels
DATE: 5-14-09
SHEET NO: 1

PROFESSIONAL LAND SURVEYOR
REGISTERED
12318
5-14-09
STATE OF IDAHO
MICHAEL LYNN HATHAWAY

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SEGREGATION REVISIONS

The revision dates below represent the file save dates for the posting of the listed revisions.
The archive dates for these revisions are posted within the ARCHIVE REVISIONS box in the drawing title block.

09/15/99 – VWC
Ptn of 51N03W-05-3175 cut to additional R/W; Remainder of 3175 redescribed as Tax #18303 (Y2K)

12/26/01 – SLW
51N03W-05-0300 cut of 2200 (02)

04/22/02 – SLW
Ptn of 51N03W-05-0300 and 0600 cut to additional R/W for Dodd Rd as Cat 18 (03)

01/20/04 – bc
Ptn of 51N03W-05-2200 cut to additional R/W as CAT 19 (04)

01/05/05 – ET
51N03W-05-0400 cut of 2200 as Tax #20340; 0200 cut of 2200 as Non-Contiguous Parcel (05)

10/21/05 – ET
51N03W-05-0400 combined w/ 0300 (05)

11/09/06 – SLM
Ptn of 51N03W-05-2200 and 7500 cut to additional R/W as CAT 19; Ptn of 7500 cut to additional R/W for Lancaster Rd as Exception (07)

12/21/07 – VMW
Ptn of 51N03W-05-6600 and 7175 cut to additional R/W (08)

THIS DRAWING IS TO BE USED FOR REFERENCE PURPOSES ONLY, AND THE COUNTY IS NOT RESPONSIBLE FOR ANY INACCURACIES HEREIN CONTAINED.

N
W E
S

KOOTENAI COUNTY
IDAHO

ARCHIVE REVISIONS

INITIALS	ACTIVITY	DATE
JCJ	CONVERSION	06-15-99
TH	8x8 CONVERSION	06-15-01

NAME FILE: VMW USED
DRAWING FILE: Q:\FINAL\5N3

NOTES:

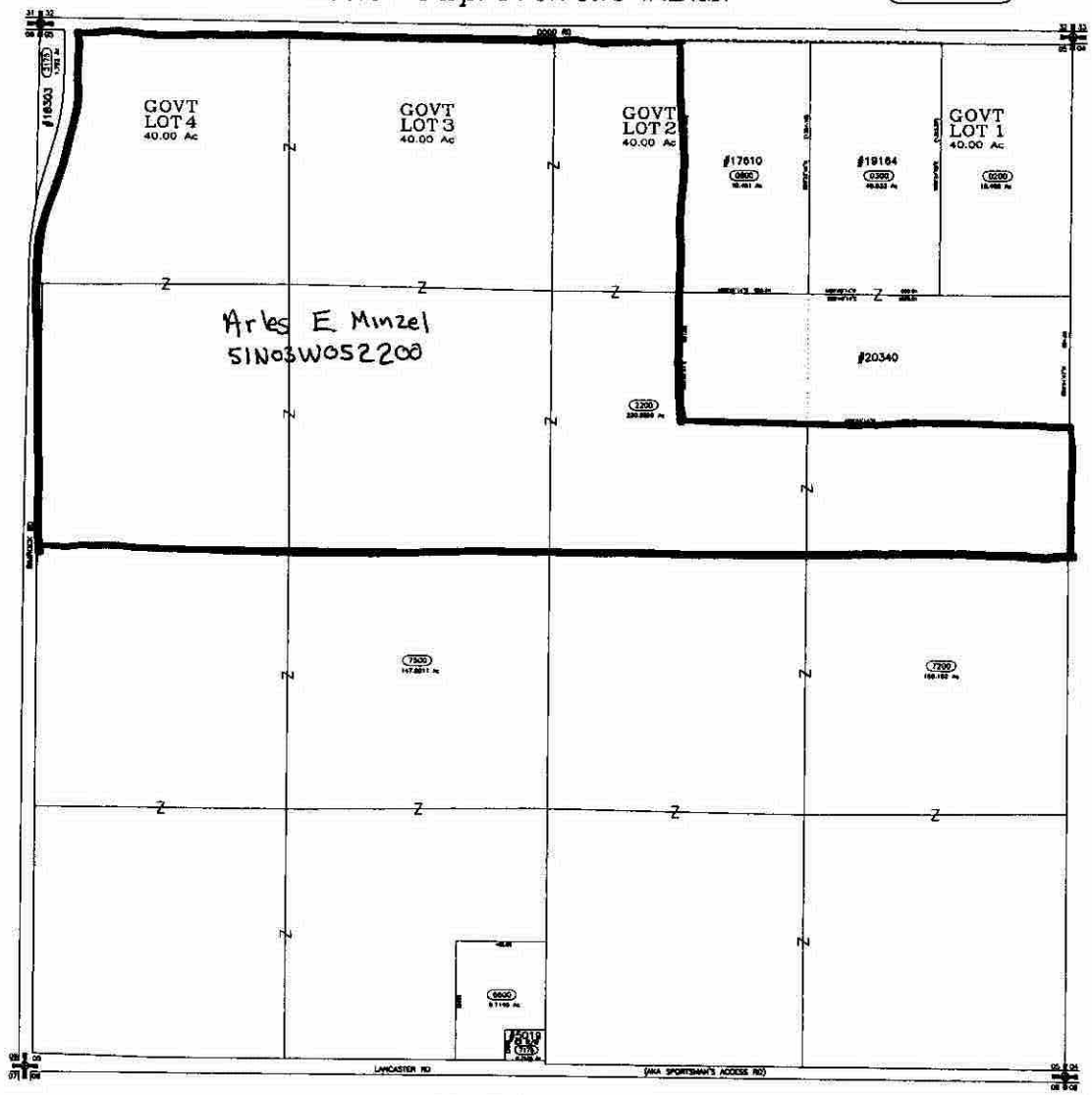
LOCATION OF ROADS SHOWN ARE BASED ON ACCESSIBLE ROAD INFORMATION AND MAY OR MAY NOT BE PUBLIC.

Records of Survey used:

BK/PG	DESCRIPTION

Sec.5 Twp. 51 N. R.3 W.B.M.

51N03W-05



FILENAME: 513V05X.extension)

Sec.5 Twp.51N. R.3W.B.M.

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EXHIBIT C

(151)

NOTICE OF PUBLIC HEARING OF ANNEXATION OF PROPERTY

NORTH KOOTENAI WATER DISTRICT
Kootenai County, Idaho

Peterson, Mauteuffel, Flanagan, Kraft, Kane, Doug Kraft,
Rains, Cox, Minzel, Helwich And Johnston Annexations

The Board of Directors (the "Board") of the North Kootenai Water 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:	June 4, 2009
Time:	12:30 p.m.
Location:	1841 W. Hayden Ave., Hayden, ID 83835

The annexation hearing is based upon petitions filed by Chax Peterson, Mark Mauteuffel, Ed Flanagan, Daryl and Sherryl Kraft, Justin and Angela Kane, Doug Kraft, Steve and Jennifer Rains, Robert and Virginia Cox, Arles Minzel, John and Marie Helwich and Candace Johnston, property owners within the 4-S Ranch and surrounding areas. 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:

North Kootenai Water 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:

North Kootenai Water 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 21st day of May, 2009.

NORTH KOOTENAI WATER DISTRICT
Kootenai County, Idaho

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AFFIDAVIT OF PUBLICATION

STATE OF IDAHO,
County of Kootenai. } ss.

Kattie Hay being first duly sworn upon oath deposes and says:

1. I am now and at all times hereinafter mentioned was a citizen of the United States, resident of the State of Idaho, over the age of twenty-one years and not a party of the above entitled action.

2. I am now and at all times hereinafter mentioned was the printer (principal clerk) of the "Coeur d'Alene Press," a newspaper printed and published daily except Sunday in Coeur d'Alene, Kootenai County, Idaho, and having a general circulation in said county.

3. The Legal Notice

of which the annexed is a printed copy, was published in the regular Thursday issue of said newspaper for 2 consecutive weeks commencing on the 21 day of May 2009 and ending on the 28 day of May 2009, and such publication was made as often during said period as said Daily newspaper was regularly issued.

4. That said newspaper has been continuously and uninterruptedly published in said Kootenai County, during a period of more than seventy-eight consecutive weeks immediately prior to the first publication of said notice Kattie Hay

On this 28 day of May in the year of 2009, before me, a Notary Public, personally appeared Kattie Hay, 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.

Regina Mason
Notary Public for the State of Idaho,
residing at Coeur d'Alene, Idaho.

REGINA MASON NOTARY PUBLIC STATE OF IDAHO

MY COMMISSION EXPIRES 6/18/15

NOTICE OF PUBLIC HEARING OF ANNEXATION OF PROPERTY

NORTH KOOTENAI WATER DISTRICT
Kootenai County, Idaho

PETERSON, MAUTEUFFEL, FLANAGAN, KRAFT, KANE, DOUG KRAFT, RAINS, COX, MINZEL, HELWICH AND JOHNSTON ANNEXATIONS

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Hayden, ID 83835

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North Kootenai Water 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 7th day of May, 2009.
NORTH KOOTENAI WATER DISTRICT, Kootenai County, Idaho
Legal 6574

EXHIBIT D

(151)
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Arles Minzel
Legal for Annexation
51N03W052200
5-14-09

That portion of the North half of Section 5, Township 51 North, Range 3 West, Kootenai County, Idaho, described as follows:

COMMENCING at the west quarter corner of said Section 5; Thence South 89°46'28" East along the south line of said North half a distance of 25.00 feet to the easterly right of way of Rimrock Road as shown on a record of survey recorded in Book 20 of Surveys, Pages 38 through 38G, records of Kootenai County, Idaho;

Thence along said easterly right of way the following 6 courses:

1) North 00°15'19" East along said easterly right of way distance of 1585.27 feet;
2) South 89°41'59" East a distance of 1.11 feet to the beginning of a non-tangent curve to the right having a radius of 725.00 feet;
3) Thence northerly along said non-tangent curve through an arc length of 209.77 feet, a central angle of 16°34'39", said curve having a chord bearing of North 08°35'21" East and a chord distance of 209.03 feet;
4) North 16°52'41" East a distance of 264.90 feet to the beginning of a non-tangent curve to the left having a radius of 1189.00 feet;
5) Thence, northerly along said non-tangent curve through an arc length of 348.44 feet;, a central angle of 16°47'27", said curve having a chord bearing of North 08°29'38" East and a chord distance of 347.20 feet;
6) North 00°05'55" East a distance of 234.41 feet to the southerly right of way of Dodd Road as shown on a record of survey recorded in Book 23 of surveys, Pages 277 through 277D, records of Kootenai County, Idaho;

Thence South 89°38'52" East along said southerly right of way a distance of 2464.10 feet;

Thence South 89°44'58" East along said southerly right of way a distance of 660.27 feet to the East line of the west half of Government Lot 2 of said Section 5;

Thence South 00°22'40" West along said East line and an extension thereof a distance of 1956.32 feet;

Thence South 89°46'28" East a distance of 1979.56 feet to the east line of said section 5;

Thence South 00°25'02" West along said East line a distance of 661.82 feet to the East quarter corner of said Section 5;

PROFESSIONAL LAND SURVEYOR REGISTERED 12318 5-14-09 STATE OF IDAHO MICHAEL LYNN HATHAWAY

Thence North 89°46'28" West along the south line of said North Half a distance of 5254.17 feet to the **TRUE POINT OF BEGINNING**.
CONTAINING 9,795,314 square feet or 224.87 acres more or less.