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ORDER GRANTING PETITION FOR ANNEXATION
TO NORTH KOOTENAI WATER DISTRICT

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MAY 12 2009

Kootenai County, Idaho

PILLAR ROCK ANNEXATION

TECHNICAL SUPPORT

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, 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 Petitions were executed by more than 60% of the property owners 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 7, 2009, with notice of this hearing ("Notice") given by both publication and mailing. Notice was published in the *Coeur d'Alene Press* on April 23, 2009, and April 30, 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.

DANIEL J. ENGLISH 10P I 2210568000
 KOOTENAI CO. RECORDER Page 1 of 10
 BBB Date 05/08/2009 Time 15:44:54
 REC-REQ OF NORTH KOOTENAI WATER DIS
 RECORDING FEE: 30.00
 2210568000 XK

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(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).

(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 7, 2009.

NORTH KOOTENAI WATER DISTRICT

By: *Thomas C.*
Chairman, Board of Directors

ATTEST:

Frank
Secretary



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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

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BEFORE THE BOARD OF DIRECTORS OF THE
NORTH KOOTENAI WATER DISTRICT
KOOTENAI COUNTY, IDAHO

IN THE MATTER OF THE INCLUSION OF CERTAIN REAL PROPERTY IN NORTH KOOTENAI WATER DISTRICT BY PETITION FOR THE INCLUSION OF CERTAIN REAL PROPERTY IN NORTH KOOTENAI WATER DISTRICT

COMES NOW Petitioner, ~~MSP and A. Solamita~~ ~~MSP and A. Solamita~~ ~~and~~ ~~Pillar Rock~~ ~~Boulder L.L.C.~~ and petitions the Board of Directors of North Kootenai Water District ("District") as follows:

I.

Petitioners are the owners of the real property situated within the County of Kootenai, State of Idaho, particularly described in Exhibit "A", attached hereto, and incorporated herein by reference.

II.

Petitioners are desirous that the above-described property be included in, made or part of, and be served with water system improvements in North Kootenai Water District, Kootenai County, Idaho.

III.

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 filed with the Clerk of the District Court, Kootenai County, Idaho and also with the State of Idaho Tax Commission.

IV.

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:

- 1. The Petitioners shall pay for the actual costs incurred by the District for District administration, engineering, legal, inspection, and preparation of any necessary

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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.

2. The Petitioner shall be responsible for all water facilities that will be necessary to serve the Petitioner's annexed property. 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 have the right to dictate where and how the Petitioner's water facilities that serve his 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.
3. The District shall not be obligated to serve any property annexed within the District where the District has determined there is not sufficient water system capacity to adequately serve such property. There shall arise no right to service or obligation by the District for service upon annexation and as among other properties annexed to the District, and there shall be no priority for service until each water connection permit has been obtained. If construction is not completed within two (2) years from the date the water connection permit was issued, any priority for service shall become null and void. The District may extend the time for completion upon a request by the property owner and a showing of good cause why such extension should be granted.
4. At the time each water connection permit is issued and prior to connection of the water system to each private facility, a service availability fee of no less than _____ Dollars (\$ _____) per lot or equivalent dwelling unit shall be paid to repay the District for the cost of developing the District's core water collector lines, and treatment facilities including the debt retirement of such facilities committed to prior to inclusion of the annexed property into the District. Such service availability fees may increase at such time as the District determines such fees are not adequate to reimburse the District for the cost incurred in developing the water system. The service availability fee shall be in addition to actual costs required for connecting to the actual main water line.
5. And such other conditions as the District may prescribe.

WHEREFORE, Petitioners pray that this petition be set for hearing at the earliest practicable time, and that the Board grant the petition including the conditions as set forth in Paragraph IV above.

DATED this 30th day of Jun, 09.

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Petitioner: Paul J. Salento
Address: Same
Petitioner: Marilyn Salento
Address: 508 E. Shore Pines Ct. ←
Post Falls, ID. 83854
Signed: Paul J. Salento

STATE OF IDAHO
County of Kootenai) ss.
)

On this 30th day of January, 2009, before me, a Notary Public in and for the State of Idaho, personally appeared Paul J. Salento & Marilyn Salento, known to be the person or persons whose names are subscribed to the foregoing instrument, and acknowledged to be that they executed the same.

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

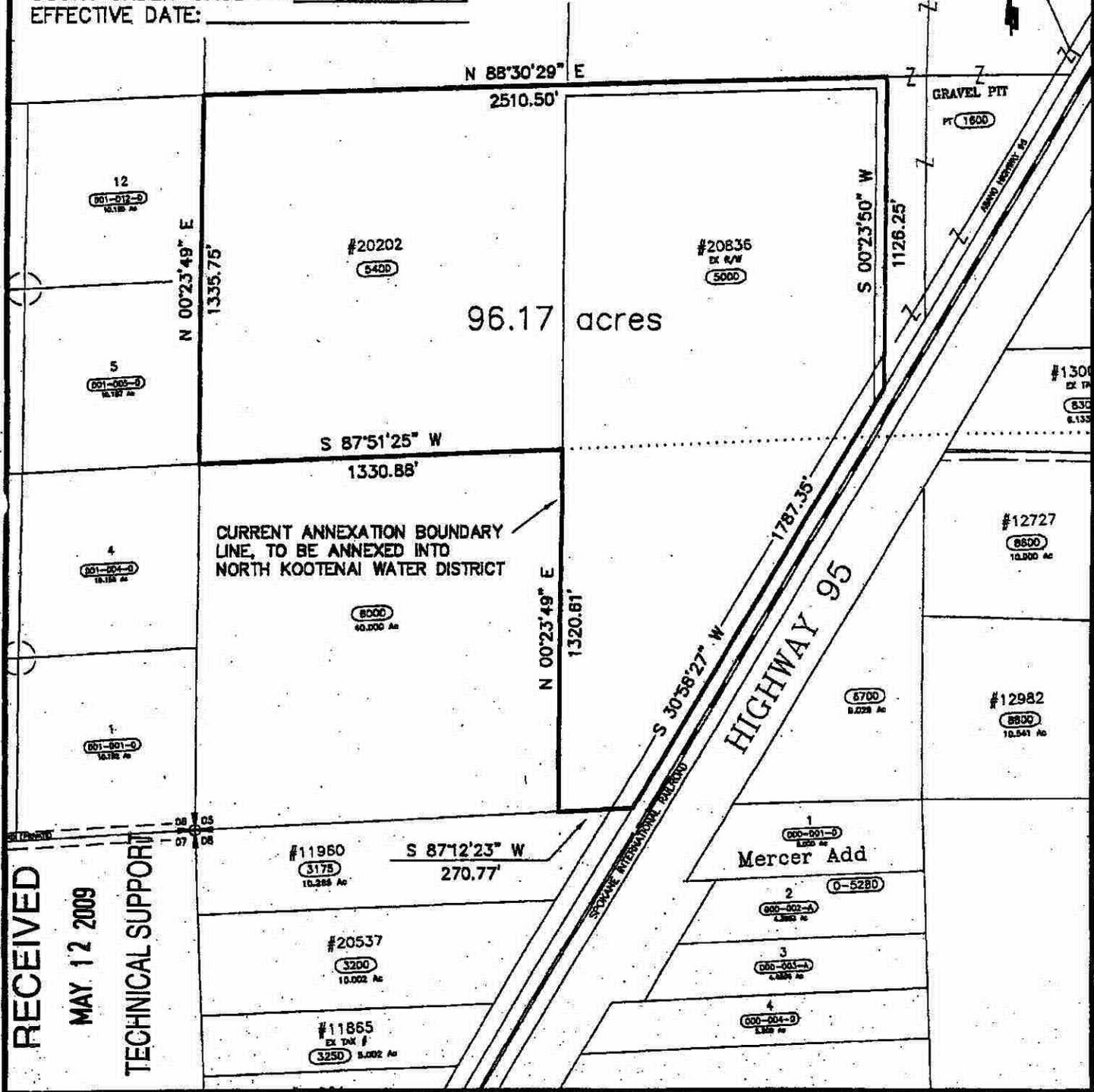


Jan D. Pool
Notary Public for Idaho
Print Name: Jan D Pool
My commission expires: 9-24-13

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**NORTH KOOTENAI WATER DISTRICT ANNEXATION EXHIBIT
OF T.N. 20202 AND T.N. 20836
IN THE SW¼ OF SECTION 5, TOWNSHIP 52 NORTH, RANGE 03 WEST,
KOOTENAI COUNTY, IDAHO**

NORTH KOOTENAI WATER DISTRICT
ANNEXATION BY DISTRICT
COURT ORDER—CASE No. _____
EFFECTIVE DATE: _____



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TITLE: T.N. 20202 AND T.N. 20836 NORTH KOOTENAI WATER DISTRICT ANNEXATION EXHIBIT		FRAME & SMETANA, PA Consulting Engineers 603 North 4th Street, Coeur d'Alene, Idaho, 83814 Ph. (208)844-2121/Fax 785-5502/ Email: smetana@coadepa.net		
SCALE: 1"=500'	DATE: 3-03-09	FILE: C371	SHEET 1 OF 1	

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NOTICE OF PUBLIC HEARING OF ANNEXATION OF PROPERTY

NORTH KOOTENAI WATER DISTRICT
Kootenai County, Idaho

PILLAR ROCK ANNEXATION

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: May 7, 2009
Time: 12:30 p.m.
Location: 1841 W. Hayden Ave., Hayden, ID 83835

The annexation hearing is based upon petitions filed by Marilyn Solamito and Paul J. Solamito, property owners, of the Pillar Rock property ("Pillar Rock"). 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 2nd day of April, 2009.

NORTH KOOTENAI WATER DISTRICT,
Kootenai County, Idaho

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AFFIDAVIT OF PUBLICATION

STATE OF IDAHO,
County of Kootenai,

} ss.

Kattie Hoy

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

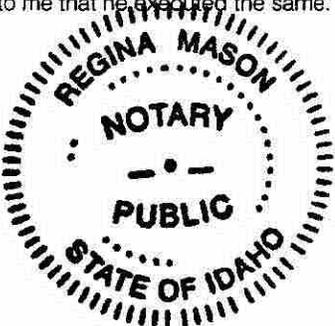
of which the annexed is a printed copy, was published in the regular *Thursday* issue of said newspaper for *2* consecutive *weeks* commencing on the *23* day of *April* 20*09* and ending on the *30* day of *April* 20*09*, and such publication was made as often during said period as said *Daily* newspaper 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 Hoy*. On this *30* day of *April* in the year of *2009*, before me, a Notary Public, personally appeared *Kattie Hoy*, 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.

MY COMMISSION EXPIRES 6/18/09



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NOTICE OF PUBLIC HEARING OF ANNEXATION OF PROPERTY

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NORTH KOOTENAI WATER DISTRICT
Kootenai County, Idaho

PILLAR ROCK ANNEXATION

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Date: May 7, 2009
Time: 12:30 p.m.
Location: 4841 W. Hayden Ave.
Hayden, ID 83835

The annexation (hearing is) based upon petitions filed by Marilyn Solamito and Paul J. Solamito, property owners of the Pillar Rock property (Pillar Rock 2). 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 2291
Hayden, ID 83835

All persons interested in appearing at the public hearing of the hearing may show cause, showing why the petition for annexation should not be granted. The Board shall consider all such objections. Any objection filed must be supported by a written statement of the cause in writing and be delivered as an affidavit for the public hearing. Property within the boundaries of the District.

Any person who wishes to appear at the public hearing should file a written statement of the cause in writing and be delivered as an affidavit for the public hearing. Property within the boundaries of the District.

North Kootenai Water District
P.O. Box 2291
Hayden, ID 83835

Following the public hearing, written comments by the public and a record of the public hearing will be prepared. The Board will not be bound by the public hearing. The Board will hold a public hearing on the petition for annexation on May 11, 2009.

REGINA MASON, Notary Public
NORTH KOOTENAI WATER DISTRICT, Kootenai County, Idaho
Legal 6272 en
April 23, 2009

**NORTH KOOTENAI WATER DISTRICT
ANNEXATION OF TN 20202 AND TN 20836
IN THE SW¼ OF SECTION 5, TOWNSHIP 52 NORTH, RANGE 03 WEST,
BOISE MERIDIAN, KOOTENAI COUNTY, IDAHO**

LEGAL DESCRIPTION

A PARCEL OF LAND BEING A PORTION OF THE SOUTHWEST QUARTER OF SECTION 5, TOWNSHIP 52 NORTH, RANGE 3 WEST, B.M., KOOTENAI COUNTY, IDAHO, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF THE SAID SOUTHWEST QUARTER OF SECTION 5, SAID CORNER BEING THE TRUE POINT OF BEGINNING FOR THIS DESCRIPTION;

THENCE ALONG THE NORTH LINE OF SAID SOUTHWEST QUARTER OF SECTION 5, N 88°30'29" E, 2510.50 FEET;

THENCE LEAVING THE SAID NORTH LINE, S 00°23'50" W, 1126.25 FEET TO A POINT ON THE EXISTING NORTHWESTERLY RIGHT OF WAY LINE OF THE UNION PACIFIC RAILROAD;

THENCE ALONG THE SAID NORTHWESTERLY RIGHT OF WAY LINE, S 30°58'27" W, 1787.35 FEET TO A POINT ON THE SOUTH LINE OF SAID SOUTHWEST QUARTER OF SECTION 5;

THENCE LEAVING THE SAID NORTHWESTERLY RIGHT OF WAY LINE ALONG SAID SOUTH LINE, S 87°12'23" W, 270.77 FEET TO THE SOUTHEAST CORNER OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 5;

THENCE LEAVING THE SAID SOUTH LINE, N 00°23'49" E, 1320.61 FEET TO THE NORTHEAST CORNER OF THE SAID SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 5;

THENCE S 87°51'25" W, 1330.88 FEET TO THE SOUTHWEST CORNER OF THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 5;

THENCE N 00°23'49" E, 1335.75 FEET TO THE TRUE POINT OF BEGINNING;
CONTAINING APPROXIMATELY 96.17 ACRES, MORE OR LESS.

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