

**RESOLUTION 09-03 AND ORDER**

A RESOLUTION AND ORDER OF THE BOARD OF DIRECTORS OF THE NORTH LAKE RECREATIONAL SEWER AND WATER DISTRICT, VALLEY COUNTY, IDAHO, INCLUDING (ANNEXING) CERTAIN PROPERTY GENERALLY KNOWN AS NORTHWIND SUBDIVISION WITHIN THE BOUNDARY OF THE NORTH LAKE RECREATIONAL SEWER AND WATER DISTRICT; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS; pursuant to provision of Section 42-3218, Idaho Code, the boundaries of any recreational sewer and water district may be changed upon application for inclusion of property by the property owners paying fees thereof, meeting conditions imposed and after due and lawful notice of a public hearing upon said application;

WHEREAS; a Petition for Annexation (inclusion) of property to the North Lake Recreational Sewer and Water District of Valley County, Idaho, together with a tender of the annexation fee required by the District was filed and presented by SANWAN, LLC, address: 3652 S. McCormick Ave, Boise, ID 83709, owner of the Northwind Subdivision;

WHEREAS; at a regularly and duly called and convened meeting held August 14, 2009, the Board of Directors of said District (Board) approved and granted the Petition of Annexation (inclusion), subject to all conditions specified in said Petition; and approved the Conditions of Annexation, subject to all conditions specified in the Conditions of Annexation which all shall be subject to the limitations and obligations imposed by Sections 42-3218 and 42-3220, Idaho Code, the Board specifically finding that: (i) the Petition for Annexation (inclusion) and the Conditions of Annexation was in substantial compliance with the law and executed and acknowledged by the true and lawful property owners in the manner and form required by law; (ii) it would be in the best interest of the District and the properties affected to annex and include the property of the Petitioners; (iii) the Notice of hearing of said Petition was given in the manner required by law; and (iv) there is not good cause to deny the Petition for Annexation;

WHEREAS; no person filed any written objections with the District prior to or during the August 14, 2009 hearing showing cause why the petition should not be granted; and,

WHEREAS; no petition requesting an election to determine whether annexation shall be made was filed with the District.

NOW, THEREFORE, BE IT RESOLVED AND ORDERED BY THE BOARD OF DIRECTORS OF THE NORTH LAKE RECREATIONAL SEWER AND WATER DISTRICT OF VALLEY COUNTY, IDAHO AS FOLLOWS:

Section 1. That the Petition for Annexation (inclusion) to the North Lake Recreational Sewer and Water District submitted by the owners, a copy of which is marked Exhibit "A" being attached hereto and incorporated herein by attachment and reference, be, and the same hereby is, approved and granted, and the property described in said petition be, and shall be annexed to and included within the boundaries of the North Lake Recreational Sewer and Water District, subject

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Instrument # 346064  
VALLEY COUNTY, CASCADE, IDAHO  
9-2-2009 02:20:19 No. of Pages: 8  
Recorded for : NORTH LAKE RECREATIONAL SEWER  
ARCHIE N. BANBURY Fee: 0.00  
Ex-Officio Recorder Deputy 

to all conditions enumerated and obligations imposed by the Conditions of Annexation and by Sections 42-3218 and 42-3220, Idaho Code.

Section 2. That the Chairman of the Board of Directors and the Secretary be, and that they hereby are, authorized to execute and attest this Resolution 09-03 and Order annexing the Northwind Subdivision property into the District.

Section 3. That this Resolution shall be in force and effect from and after its adoption and approval hereof.

THIS RESOLUTION AND ORDER was adopted by the Board of Directors of the North Lake Recreational Sewer and Water District of Valley County, Idaho, pursuant to a motion duly made, seconded and carried at a regular meeting held on the 14th day of August 2009.

EXECUTED:

By: Ronald V. Zarbrisky  
Ronald V. Zarbrisky, Chairperson

ATTEST:

James E. Bruce  
James E. Bruce, Secretary



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BEFORE THE BOARD OF DIRECTORS OF THE  
NORTH LAKE RECREATIONAL SEWER AND WATER DISTRICT  
VALLEY COUNTY, IDAHO

IN THE MATTER OF THE INCLUSION	)	
OF CERTAIN REAL PROPERTY IN THE	)	PETITION FOR THE
NORTH LAKE RECREATIONAL SEWER	)	INCLUSION OF CERTAIN
AND WATER DISTRICT BY:	)	REAL PROPERTY IN THE
<u>NORTHWIND SUBDIVISION</u>	)	NORTH LAKE RECREATIONAL
_____	)	SEWER AND WATER DISTRICT
_____	)	
_____	)	

COMES NOW your Petitioner, SANWAN, LLC, and petitions the Board of Directors of the North Lake Recreational Sewer and Water District as follows:

I.

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

II.

Your Petitioners are desirous that the above-described property be included in, made or part of, and be served with any sewage collection and/or drain facilities constructed by the North Lake Recreational Sewer and Water District, Valley County, Idaho.

III.

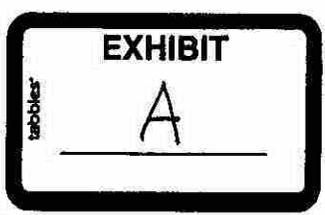
Your Petitioners request that, in accordance with the provisions of Section 42-3218, Idaho Code, notice of the filing of this petition be given and published in Valley County, Idaho, said notice to give all persons interested an opportunity to appear and show cause in writing, if any they have, why this 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 North Lake Recreational Sewer and Water District, the Board enter its order that the above-described property be included within the boundaries of the

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said North Lake Recreational Sewer and Water District, and that such order be filed with the Clerk of the District Court, Valley County, Idaho.

IV.

That your 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 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 sewer and water system master planning, design consultations, plan reviews, and final approval of the Petitioner's construction plans and specifications for sewer and/or water facilities.
2. The Petitioner shall be responsible for all sanitary sewer facilities that will be necessary to serve the Petitioner's annexed property. These sewer facilities will include those required within the annexed property as well as all necessary sewer facilities needed to extend sewer 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 sewer facilities that serve his annexed area may be connected to the District's sewer facilities. Upon completion of installation and approval by the District of all sewer 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 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 sewer connection permit has been obtained. If construction is not completed within two (2) years from the date the sewer 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

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property owner and a showing of good cause why such extension should be granted.

4. At the time each sewer connection permit is issued and prior to connection of the sewer system to each private facility, a service availability fee of no less than Five Thousand Dollars (\$4,400.00) per lot or equivalent dwelling unit and a sewer line capacity fee of no less than One Thousand Two Hundred and Fifty Dollars (\$1,000.00) per lot or equivalent dwelling unit shall be paid to repay the District for the cost of developing the District's core sewer 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 or sewer line capacity 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 sewer system. The service availability fee and sewer line capacity fees shall be in addition to actual costs required for connecting to the actual main sewer line.
5. And such other conditions as the District may prescribe.

WHEREFORE, your 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 17<sup>th</sup> day of April, 2009

Petitioner: SANWAN, LLC  
 Signed by: [Signature]  
 Address: 3652 S. Mc Cormick, Boise, ID 83729

Petitioner: \_\_\_\_\_

Address: \_\_\_\_\_

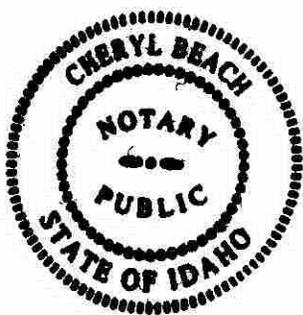
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STATE OF IDAHO )  
 ) ss.  
County of Valley )

On this 17<sup>th</sup> day of April, 2009, before me, a Notary Public in and for the State of Idaho, personally appeared Walt Warner, known to be 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.

Cheryl Beach  
Notary Public for Idaho  
Residing in: Donnelly, ID  
My Commission Expires: 5-27-2014



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EXHIBIT "A"  
Legal Description of Annexed Property

Located In The

SE 1/4 Section 27, TOWNSHIP 16 NORTH, RANGE 3 EAST, B.M.  
VALLEY County, IDAHO

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**NORTH LAKE RECREATIONAL SEWER & WATER DISTRICT**

**P.O. Box 729 • Donnelly, Idaho 83615  
Phone: (208) 325-8958 • Fax: (208) 325-5017**

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September 14, 2009

Idaho State Tax Commission  
Craig Johnson, Section Manager  
Technical Support Bureau  
P.O. Box 36  
Boise, ID 83722

RE: Annexations / North Lake Recreational Sewer & Water District

Northwind Subdivision

Dear Mr. Johnson:

Enclosed please find annexation information involving annexations of: Northwind Subdivision completed by the North Lake Recreational Sewer & Water District.

If you have any questions, please call me at the North Lake Recreational Sewer & Water District office 208-325-8958.

Thank you,

Bill Eddy, Administrator

Enclosures

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