

James D. Hovren, ISB No. 3383
EVANS, KEANE LLP
1101 W. River Street, Suite 200
P.O. Box 959
Boise, ID 83701
Phone (208) 384-1800
Facsimile (208) 345-3514

RECEIVED
APR 09 2010
Ada County Clerk

APR 13 2010 047
J. DAVID NAVARRO, Clerk
By J. WEATHERBY
DEPUTY

ADA COUNTY RECORDER J. DAVID NAVARRO AMOUNT .00 18
BOISE IDAHO 04/20/10 03:38 PM 11
DEPUTY Lisa Batt
RECORDED - REQUEST OF
West Boise Sewer
110036299

Attorneys for West Boise Sewer District

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF ADA

CASE NO. CV-OC-1975-55266

IN THE MATTER OF THE
EXCLUSION OF CERTAIN
REAL PROPERTY FROM THE
WEST BOISE SEWER
DISTRICT OWNED BY ADA
COUNTY EMERGENCY
MEDICAL SERVICES DISTRICT

ORDER OF EXCLUSION AND
CONFIRMATION OF ORDER OF
EXCLUSION OF THE BOARD OF
WEST BOISE SEWER DISTRICT,
ADA COUNTY, IDAHO

WHEREAS, a motion was filed on the 9th day of April, 2010, with this court moving that certain real property hereinafter described be excluded from the West Boise Sewer District (the "District"); and

WHEREAS, it appearing that a Petition for the Exclusion of the hereinafter described real property in the District was filed with the Board of Directors of the District on or about February 1, 2010, which Petition was duly executed by Fred Tilman, Chairman of the Board of the Ada County Emergency Medical Services District, owner of said real property; and

WHEREAS, it appears that pursuant to Section 42-3219, Idaho Code, notice as directed by said section was properly given by publication in The Idaho Statesman, a newspaper of general circulation within the District on February 23, 2010 and March 2, 2010, as provided by law; and

WHEREAS, the said Board of Directors of the District by an order pursuant to Section 42-3219, Idaho Code, has excluded the said hereinafter described real property from the District pursuant to the conditions set forth in the Order of Exclusion of the Board of the District, a copy of which is attached hereto and made a part hereof by reference; and

WHEREAS, it appears that everything has been done as required by law,

NOW, THEREFORE, IT IS ORDERED AND THIS DOES ORDER, that the real property described on Exhibit A, which is attached hereto and incorporated herein by reference, be and the same is hereby excluded from the West Boise Sewer District, Ada County, Idaho, and that the Order of Exclusion of the District is hereby approved and confirmed.

Said exclusion is SUBJECT TO THE FOLLOWING CONDITIONS:

1. The Owner of the land being excluded will be required to pay \$154.40 for costs of publication.
2. The Owner of the land being excluded will be responsible to pay to the Board the sum of \$300.00, which fees are for exclusion of the property from the West Boise Sewer District.

DATED this 12th day of April, 2010.

Alice Cassey
DISTRICT JUDGE

STATE OF IDAHO
COUNTY OF ADA
J. J. David, Clerk of the District Court of the Fourth
Judicial District of the State of Idaho, in and for the County
of Ada, do hereby certify that the foregoing is a true and
correct copy of one original as filed in his office. In witness
whereof, I have hereunto set my hand and affixed my offi-
cial seal, this 12th day
of April, 2010.
By J. J. David, Deputy

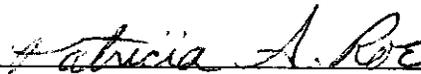
SECRETARY'S CERTIFICATE

I, Patricia A. Roe, Secretary of the West Boise Sewer District, Ada County, Idaho, hereby certify that attached hereto are true and correct copies of the following documents:

1. Petition for the Exclusion of Certain Real Property in the West Boise Sewer District, by Ada County Emergency Medical Services District;
2. Certificate of Publication with respect to the hearing on such exclusion; and
3. Board Order of Exclusion, together with Petitioner's Consent.

WEST BOISE SEWER DISTRICT

By


Patricia A. Roe, Secretary

**BEFORE THE BOARD OF DIRECTORS OF
THE WEST BOISE SEWER DISTRICT**

IN THE MATTER OF CERTAIN)	
REAL PROPERTY OWNED BY)	ORDER GRANTING PETITION
ADA COUNTY EMERGENCY)	FOR EXCLUSION
MEDICAL SERVICES DISTRICT)	
_____)	

THIS MATTER having come on regularly for hearing this 9th day of February, 2010, pursuant to a Petition for Exclusion filed with the Board of the West Boise Sewer District (the "District") on February 1, 2010, by Ada County Emergency Medical Services District, Petitioner and Owner, and pursuant to a notice by publication in the Idaho Statesman, a newspaper of general circulation within the District, on February 23, 2010 and March 2, 2010, which appears in the Affidavit of Publication attached hereto. There being no objection to the exclusion and deannexation of said property owned by Petitioner from the West Boise Sewer District, and the Board being fully advised,

NOW, THEREFORE, IT IS ORDERED that it is in the best interests of the Petitioner and the District that the following described property be and the same is hereby excluded and deannexed from the West Boise Sewer District, to wit:

A parcel of land being a portion of Lot 1 in Block 2 of Westpark Industrial Subdivision, as filed for record in the office of the Ada County Recorder, Boise, Idaho, in Book 41 of Plats at Pages 3375 and 3376, and being more particularly described as follows:

Beginning at a point marking the Northwest corner of the said Lot 1 of Block 2 of Westpark Industrial Subdivision, also said point being the Real Point of Beginning; thence

North 89°48'34" East 297.00 feet along the Northerly boundary of the said Lot 1 of Block 2 of Westpark Industrial Subdivision to a point; thence

South 00°24'09" West 220.00 feet along a line Easterly of and parallel to the said Westerly boundary line of said Lot 1 of Block 2 of Westpark Industrial Subdivision to a point; thence

South 89°48'34" West 297.00 feet along a line Southerly of and parallel to the said Northerly boundary of Lot 1 of Block 2 of Westpark Industrial Subdivision to a point

on the Westerly boundary of the said Lot 1 of Block 2 of Westpark Industrial Subdivision; thence North 00°24'09" East 220.00 feet along the said Westerly boundary of Lot 1 of Block 2 of Westpark Industrial Subdivision to the Point of Beginning. Amended by Affidavit recorded April 20, 1979, as Instrument No. 7921559, records of Ada County, Idaho.

1. Petitioner shall be charged for cost of publication and deannexation fees incurred by the District.

IT IS FURTHER ORDERED that the Petitioner/Owner of the property hereinbefore described evidence their approval of the foregoing conditions by executing the Consent set forth below.

Dated this 9th day of March, 2010.



WEST BOISE SEWER DISTRICT

By: Joy B. Buersmeyer
Joy B. Buersmeyer, Chair

Attest:

Patricia A. Roe
Patricia A. Roe, Secretary

CONSENT

The undersigned hereby consent to the conditions contained in the Board's Order excluding and deannexing from the West Boise Sewer District, Ada County, Idaho the following described property to:

A parcel of land being a portion of Lot 1 in Block 2 of Westpark Industrial Subdivision, as filed for record in the office of the Ada County Recorder, Boise, Idaho, in Book 41 of Plats at Pages 3375 and 3376, and being more particularly described as follows:

Beginning at a point marking the Northwest corner of the said Lot 1 of Block 2 of Westpark Industrial Subdivision, also said point being the Real Point of Beginning; thence

North 89°48'34" East 297.00 feet along the Northerly boundary of the said Lot 1 of Block 2 of Westpark Industrial Subdivision to a point; thence

South 00°24'09" West 220.00 feet along a line Easterly of and parallel to the said Westerly boundary line of said Lot 1 of Block 2 of Westpark Industrial Subdivision to a point; thence

South 89°48'34" West 297.00 feet along a line Southerly of and parallel to the said Northerly boundary of Lot 1 of Block 2 of Westpark Industrial Subdivision to a point on the Westerly boundary of the said Lot 1 of Block 2 of Westpark Industrial Subdivision; thence

North 00°24'09" East 220.00 feet along the said Westerly boundary of Lot 1 of Block 2 of Westpark Industrial Subdivision to the Point of Beginning. Amended by Affidavit recorded April 20, 1979, as Instrument No. 7921559, records of Ada County, Idaho.

Dated this 10th day of March, 2010.

ADA COUNTY EMERGENCY MEDICAL SERVICES DISTRICT,
Petitioner



By: Fred Tilman

Its: Chairman

**BEFORE THE BOARD OF DIRECTORS OF
THE WEST BOISE SEWER DISTRICT**

IN THE MATTER OF CERTAIN)	
REAL PROPERTY OWNED BY)	
ADA COUNTY EMERGENCY)	PETITION FOR
MEDICAL SERVICES DISTRICT)	EXCLUSION
)	

PETITIONER, the Ada County Medical Services District ("Petitioner"), petitions the Board of Directors ("Board") of the West Boise Sewer District ("District"), pursuant to Section 42-3210, Idaho Code, as follows:

1. Petitioner swears and affirms that it is the owner of the real property described in Exhibit A, attached hereto and incorporated by reference ("Property"). The Property lies within the boundaries of the District. Petitioner has the authority to execute this Petition for Exclusion as the current owner and titleholder of the Property.
2. Petitioner submits this Petition for exclusion of the Property from the West Boise Sewer District.
3. Petitioner requests that, pursuant to Section 42-3210, Idaho Code, notice of the filing of this Petition be published in Ada County, Idaho, giving all interested persons an opportunity to appear at a hearing, the time and place to be set by the Board, and show cause, in writing, if any they have, why this Petition should not be granted; and further, assuming that all valid objections are properly heard as to the exclusion of the Property from the boundaries of the District, the Board enter an Order that the Property be excluded from the boundaries of the West Boise Sewer District, and that such Order be filed with the Clerk of the District Court, Ada County, Idaho.

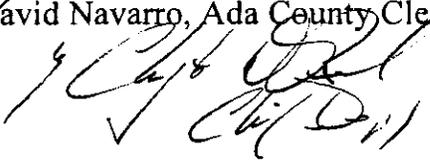
WHEREFORE, Petitioner respectfully requests that the Board of Directors of the West Boise Sewer District publish notice of this Petition, set them matter for hearing and issue an Order excluding from the boundaries of the West Boise Sewer District the Property described in Exhibit A.

DATED this 1 day of February, 2010.

**Board of the Ada County
Emergency Medical Services District,
Petitioner**

By: 
Fred Tilman
Its: Chairman

ATTEST


J. David Navarro, Ada County Clerk


STATE OF IDAHO)
) ss:
County of Ada)

On this 1 day of February, 2010, before me, the undersigned notary public for said state, personally appeared Fred Tilman and _____, known or identified to me (or proven on the basis of satisfactory evidence) to be the Chairman and _____ of Ada County Emergency Medical Services District, and acknowledged to me that Ada County Emergency Medical Services District executed the same.

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

Pamela Woodis

Notary Public

Residing at

Boise, Idaho

Comm. Expires

2/25/2010

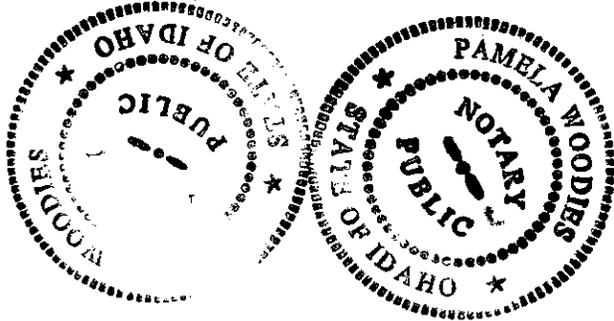


EXHIBIT "A"

PROPERTY DESCRIPTION

A parcel of land being a portion of Lot 1 in Block 2 of Westpark Industrial Subdivision, as filed for record in the office of the Ada County Recorder, Boise, Idaho, in Book 41 of Plats at Pages 3375 and 3376, and being more particularly described as follows:

Beginning at a point marking the Northwest corner of the said Lot 1 of Block 2 of Westpark Industrial Subdivision, also said point being the Real Point of Beginning; thence
North 89°48'34" East 297.00 feet along the Northerly boundary of the said Lot 1 of Block 2 of Westpark Industrial Subdivision to a point; thence
South 00°24'09" West 220.00 feet along a line Easterly of and parallel to the said Westerly boundary line of said Lot 1 of Block 2 of Westpark Industrial Subdivision to a point; thence
South 89°48'34" West 297.00 feet along a line Southerly of and parallel to the said Northerly boundary of Lot 1 of Block 2 of Westpark Industrial Subdivision to a point on the Westerly boundary of the said Lot 1 of Block 2 of Westpark Industrial Subdivision; thence
North 00°24'09" East 220.00 feet along the said Westerly boundary of Lot 1 of Block 2 of Westpark Industrial Subdivision to the Point of Beginning. Amended by Affidavit recorded April 20, 1979, as Instrument No. 7921559, records of Ada County, Idaho.

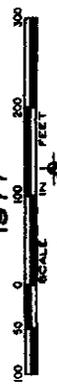
(End of Exhibit "A")

(A0985131.PFD/A0985131/31)

Exhibit "A"
Property Description

**PLAT SHOWING
WESTPARK INDUSTRIAL SUBDIVISION**
A PORTION OF THE SE 1/4 SW 1/4, SECTION 12
T.3N., R.1E., B.M.,
ADA COUNTY, IDAHO
1977

WEST BOISE SEWER DISTRICT
ADA COUNTY EXCLUSION

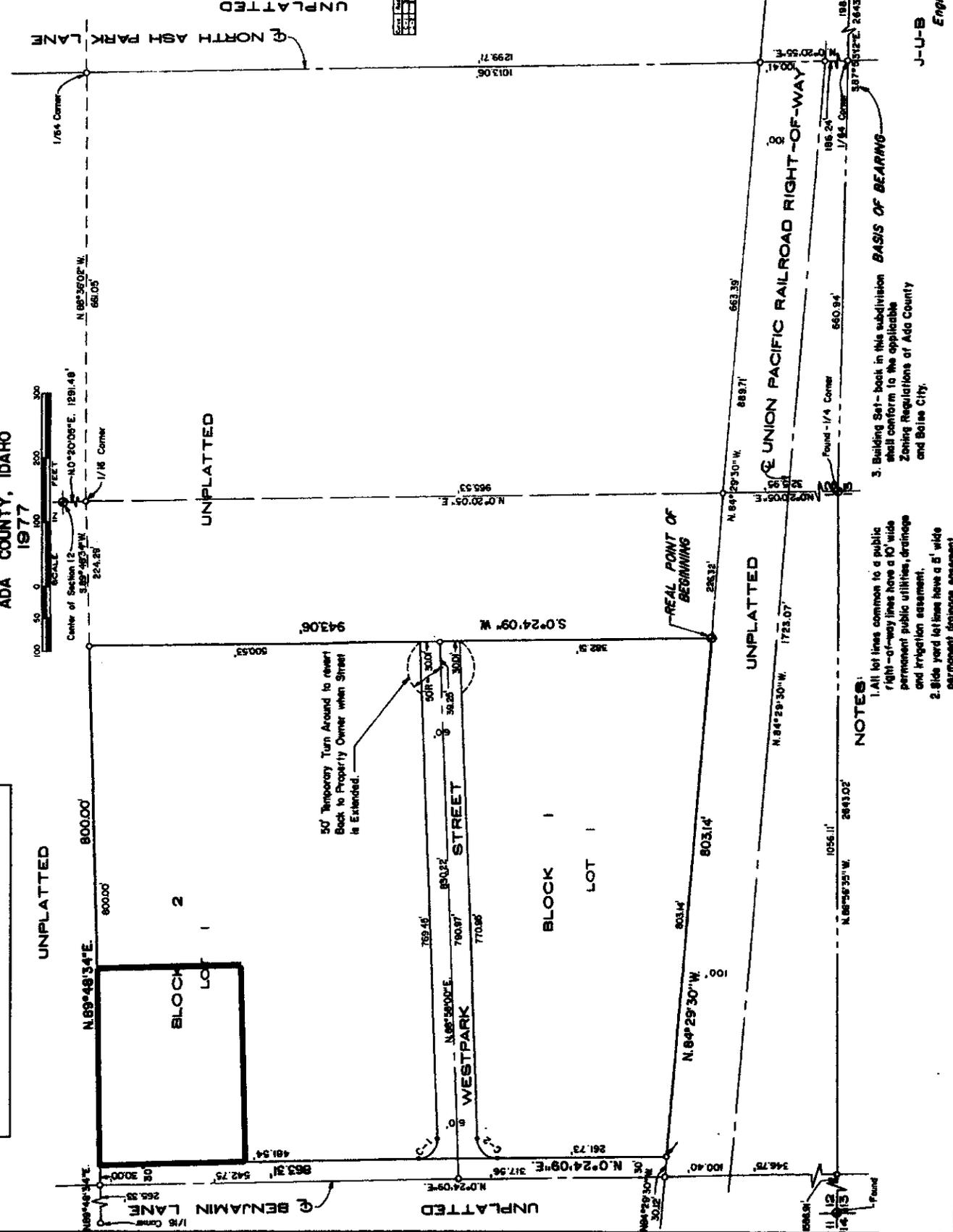


Center of Section 12
S. 89° 48' 34" E. 800.00'
S. 89° 48' 34" E. 800.00'
N. 89° 48' 34" E. 800.00'
N. 89° 48' 34" E. 800.00'

- LEGEND**
- Brass Cap
 - 5/8" x 30" Iron Pin
 - 1/2" x 24" Iron Pin

CURVE DATA

Curve No.	Station	Chord Length	Chord Bearing	Radius	Central Angle
1	11+12.13	100.40'	N. 0° 24' 09" E.	317.26'	317.26'
2	11+12.13	100.40'	N. 0° 24' 09" E.	317.26'	317.26'
3	11+12.13	100.40'	N. 0° 24' 09" E.	317.26'	317.26'
4	11+12.13	100.40'	N. 0° 24' 09" E.	317.26'	317.26'
5	11+12.13	100.40'	N. 0° 24' 09" E.	317.26'	317.26'
6	11+12.13	100.40'	N. 0° 24' 09" E.	317.26'	317.26'
7	11+12.13	100.40'	N. 0° 24' 09" E.	317.26'	317.26'
8	11+12.13	100.40'	N. 0° 24' 09" E.	317.26'	317.26'
9	11+12.13	100.40'	N. 0° 24' 09" E.	317.26'	317.26'
10	11+12.13	100.40'	N. 0° 24' 09" E.	317.26'	317.26'
11	11+12.13	100.40'	N. 0° 24' 09" E.	317.26'	317.26'
12	11+12.13	100.40'	N. 0° 24' 09" E.	317.26'	317.26'
13	11+12.13	100.40'	N. 0° 24' 09" E.	317.26'	317.26'
14	11+12.13	100.40'	N. 0° 24' 09" E.	317.26'	317.26'
15	11+12.13	100.40'	N. 0° 24' 09" E.	317.26'	317.26'
16	11+12.13	100.40'	N. 0° 24' 09" E.	317.26'	317.26'
17	11+12.13	100.40'	N. 0° 24' 09" E.	317.26'	317.26'
18	11+12.13	100.40'	N. 0° 24' 09" E.	317.26'	317.26'
19	11+12.13	100.40'	N. 0° 24' 09" E.	317.26'	317.26'
20	11+12.13	100.40'	N. 0° 24' 09" E.	317.26'	317.26'
21	11+12.13	100.40'	N. 0° 24' 09" E.	317.26'	317.26'
22	11+12.13	100.40'	N. 0° 24' 09" E.	317.26'	317.26'
23	11+12.13	100.40'	N. 0° 24' 09" E.	317.26'	317.26'
24	11+12.13	100.40'	N. 0° 24' 09" E.	317.26'	317.26'
25	11+12.13	100.40'	N. 0° 24' 09" E.	317.26'	317.26'
26	11+12.13	100.40'	N. 0° 24' 09" E.	317.26'	317.26'
27	11+12.13	100.40'	N. 0° 24' 09" E.	317.26'	317.26'
28	11+12.13	100.40'	N. 0° 24' 09" E.	317.26'	317.26'
29	11+12.13	100.40'	N. 0° 24' 09" E.	317.26'	317.26'
30	11+12.13	100.40'	N. 0° 24' 09" E.	317.26'	317.26'
31	11+12.13	100.40'	N. 0° 24' 09" E.	317.26'	317.26'
32	11+12.13	100.40'	N. 0° 24' 09" E.	317.26'	317.26'
33	11+12.13	100.40'	N. 0° 24' 09" E.	317.26'	317.26'
34	11+12.13	100.40'	N. 0° 24' 09" E.	317.26'	317.26'
35	11+12.13	100.40'	N. 0° 24' 09" E.	317.26'	317.26'
36	11+12.13	100.40'	N. 0° 24' 09" E.	317.26'	317.26'
37	11+12.13	100.40'	N. 0° 24' 09" E.	317.26'	317.26'
38	11+12.13	100.40'	N. 0° 24' 09" E.	317.26'	317.26'
39	11+12.13	100.40'	N. 0° 24' 09" E.	317.26'	317.26'
40	11+12.13	100.40'	N. 0° 24' 09" E.	317.26'	317.26'
41	11+12.13	100.40'	N. 0° 24' 09" E.	317.26'	317.26'
42	11+12.13	100.40'	N. 0° 24' 09" E.	317.26'	317.26'
43	11+12.13	100.40'	N. 0° 24' 09" E.	317.26'	317.26'
44	11+12.13	100.40'	N. 0° 24' 09" E.	317.26'	317.26'
45	11+12.13	100.40'	N. 0° 24' 09" E.	317.26'	317.26'
46	11+12.13	100.40'	N. 0° 24' 09" E.	317.26'	317.26'
47	11+12.13	100.40'	N. 0° 24' 09" E.	317.26'	317.26'
48	11+12.13	100.40'	N. 0° 24' 09" E.	317.26'	317.26'
49	11+12.13	100.40'	N. 0° 24' 09" E.	317.26'	317.26'
50	11+12.13	100.40'	N. 0° 24' 09" E.	317.26'	317.26'
51	11+12.13	100.40'	N. 0° 24' 09" E.	317.26'	317.26'
52	11+12.13	100.40'	N. 0° 24' 09" E.	317.26'	317.26'
53	11+12.13	100.40'	N. 0° 24' 09" E.	317.26'	317.26'
54	11+12.13	100.40'	N. 0° 24' 09" E.	317.26'	317.26'
55	11+12.13	100.40'	N. 0° 24' 09" E.	317.26'	317.26'
56	11+12.13	100.40'	N. 0° 24' 09" E.	317.26'	317.26'
57	11+12.13	100.40'	N. 0° 24' 09" E.	317.26'	317.26'
58	11+12.13	100.40'	N. 0° 24' 09" E.	317.26'	317.26'
59	11+12.13	100.40'	N. 0° 24' 09" E.	317.26'	317.26'
60	11+12.13	100.40'	N. 0° 24' 09" E.	317.26'	317.26'
61	11+12.13	100.40'	N. 0° 24' 09" E.	317.26'	317.26'
62	11+12.13	100.40'	N. 0° 24' 09" E.	317.26'	317.26'
63	11+12.13	100.40'	N. 0° 24' 09" E.	317.26'	317.26'
64	11+12.13	100.40'	N. 0° 24' 09" E.	317.26'	317.26'
65	11+12.13	100.40'	N. 0° 24' 09" E.	317.26'	317.26'
66	11+12.13	100.40'	N. 0° 24' 09" E.	317.26'	317.26'
67	11+12.13	100.40'	N. 0° 24' 09" E.	317.26'	317.26'
68	11+12.13	100.40'	N. 0° 24' 09" E.	317.26'	317.26'
69	11+12.13	100.40'	N. 0° 24' 09" E.	317.26'	317.26'
70	11+12.13	100.40'	N. 0° 24' 09" E.	317.26'	317.26'
71	11+12.13	100.40'	N. 0° 24' 09" E.	317.26'	317.26'
72	11+12.13	100.40'	N. 0° 24' 09" E.	317.26'	317.26'
73	11+12.13	100.40'	N. 0° 24' 09" E.	317.26'	317.26'
74	11+12.13	100.40'	N. 0° 24' 09" E.	317.26'	317.26'
75	11+12.13	100.40'	N. 0° 24' 09" E.	317.26'	317.26'
76	11+12.13	100.40'	N. 0° 24' 09" E.	317.26'	317.26'
77	11+12.13	100.40'	N. 0° 24' 09" E.	317.26'	317.26'
78	11+12.13	100.40'	N. 0° 24' 09" E.	317.26'	317.26'
79	11+12.13	100.40'	N. 0° 24' 09" E.	317.26'	317.26'
80	11+12.13	100.40'	N. 0° 24' 09" E.	317.26'	317.26'
81	11+12.13	100.40'	N. 0° 24' 09" E.	317.26'	317.26'
82	11+12.13	100.40'	N. 0° 24' 09" E.	317.26'	317.26'
83	11+12.13	100.40'	N. 0° 24' 09" E.	317.26'	317.26'
84	11+12.13	100.40'	N. 0° 24' 09" E.	317.26'	317.26'
85	11+12.13	100.40'	N. 0° 24' 09" E.	317.26'	317.26'
86	11+12.13	100.40'	N. 0° 24' 09" E.	317.26'	317.26'
87	11+12.13	100.40'	N. 0° 24' 09" E.	317.26'	317.26'
88	11+12.13	100.40'	N. 0° 24' 09" E.	317.26'	317.26'
89	11+12.13	100.40'	N. 0° 24' 09" E.	317.26'	317.26'
90	11+12.13	100.40'	N. 0° 24' 09" E.	317.26'	317.26'
91	11+12.13	100.40'	N. 0° 24' 09" E.	317.26'	317.26'
92	11+12.13	100.40'	N. 0° 24' 09" E.	317.26'	317.26'
93	11+12.13	100.40'	N. 0° 24' 09" E.	317.26'	317.26'
94	11+12.13	100.40'	N. 0° 24' 09" E.	317.26'	317.26'
95	11+12.13	100.40'	N. 0° 24' 09" E.	317.26'	317.26'
96	11+12.13	100.40'	N. 0° 24' 09" E.	317.26'	317.26'
97	11+12.13	100.40'	N. 0° 24' 09" E.	317.26'	317.26'
98	11+12.13	100.40'	N. 0° 24' 09" E.	317.26'	317.26'
99	11+12.13	100.40'	N. 0° 24' 09" E.	317.26'	317.26'
100	11+12.13	100.40'	N. 0° 24' 09" E.	317.26'	317.26'



- NOTES:**
1. All lot lines common to a public right-of-way line have a 10' wide permanent public utilities, drainage and irrigation easement.
 2. Side yard lot lines have a 5' wide permanent drainage easement.
 3. Building Set-back in this subdivision shall conform to the applicable Zoning Regulations of Ada County and Boise City.

J-U-B ENGINEERS INC.
Engineers Planners
Boise, Idaho



**EVANS
KEANE** LLP
Attorneys at Law

Boise Office
1405 West Main Street
P.O. Box 959
Boise, Idaho 83701-0959

Phone: 208-384-1800
Fax: 208-345-3514
firm@evanskeane.com
www.evanskeane.com



Member, Meritas
With Independent Firms in
Principal Cities Worldwide

James D. Hovren
JHovren@evanskeane.com

April 21, 2010

VIA HAND DELIVERY

IDAHO STATE TAX COMMISSION
800 Park Blvd.
Boise, ID 83722-0036

RE: Ada County Emergency Medical Services District
Exclusion from West Boise Sewer District

To Whom It May Concern:

Pursuant to Idaho Code Sections 42-3219 and 63-215, I am enclosing a copy of the Sewer District's Order Granting Petition for Exclusion, ordering certain real property within Ada County be excluded and deannexed from the West Boise Sewer District. Attached to the Board Order, please find a map of the property.

I have included a second copy of this letter. **Please sign and date the second copy of the letter to acknowledge your receipt of same and return it to our runner.**

If you have any questions, please do not hesitate to call me at this office.

Yours very truly,

EVANS, KEANE LLP

James D. Hovren

JDH:jh
Enclosures

RECEIVED BY: _____

DATE: _____

TAX COMMISSION

APR 21 2010

TAXPAYER SVCS