

Judy Estrom

INSTRU. NO. 279436
PAGES 1 OF 10

BEFORE THE BOARD OF COUNTY COMMISSIONERS

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GEM COUNTY, IDAHO

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IN RE THE PETITION OF GEM)
COUNTY FIRE PROTECTION)
DISTRICT NO. 1)
IN GEM COUNTY)
_____)

Order for
Annexation

Gem County Fire Protection District No. 1 ("GCFPD#1") is seeking annexation of a certain area in Gem County to be serviced by GCFPD#1. A description of the area to-be-annexed is described in Exhibit A to Appendix A, attached.

Idaho Code Section 31-1411 authorizes annexation of additional service territory in the same county. It states, "At least seventy-five percent (75%) or more of the owners or contract purchasers of the land sought to be annexed shall petition the fire protection board and request annexation of the territory particularly described in said petition." On July 8, 2010, GCFPD#1 issued an order that declared that this requirement had been met and that the district therefore was annexing a large portion of Gem County for service by the district. GCFPD#1 asked the Gem County Board of Commissioners to approve the district's action, to issue an Order of Annexation, and to cause the same to be recorded.

The commissioners approved the action. However, before an Order of Annexation was issued and recorded by the commissioners, a discrepancy regarding the territory to be annexed was brought to the attention of the commissioners. The discrepancy involved an apparent overlap in fire protection coverage between the GCFPD#1, based on its Order of Annexation for a certain portion of Gem County, and the Eagle Fire District, based on a previously issued Order of Annexation for what appeared to be the same portion of the county.

On August 12, 2010, GCFPD#1 took action to correct the discrepancy by issuing an Amended Order for Annexation. In the Amended Order, GCFPD#1 stated that, after initially approving the annexation, it discovered that a certain portion of the territory annexed had previously been annexed by another fire protection district. The Amended

RECEIVED

Order for Annexation

OCT 15 2010

TECHNICAL SUPPORT

1 Order approves territory in Gem County to be annexed that excludes the territory
2 previously annexed by the other fire district. It further includes an amended map and
3 legal description describing the territory to be annexed.

4 The Gem County Board of County Commissioners approved the Amended Order
5 for Annexation on August 16, 2010.

6 Based on the assertions and contents of the GCFPD#1 Amended Order for
7 Annexation, August 12, 2010, IT IS NOW HEREBY ORDERED THAT THE
8 PETITION FOR ANNEXATION IS GRANTED, with the boundaries of the annexed
9 territory to be established as is now described in Exhibit A to Appendix A, attached.
10 Under the direction of the Gem County Clerk, a map of the territory shall be prepared and
11 this Order of Annexation duly recorded so as to include the annexed territory on the tax
12 rolls as provided in Chapter 14, Title 31, Idaho Code.

13 DATED this 17th day of October, 2010.

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17 BOARD OF COUNTY COMMISSIONERS

18
19 Lan Smith
20 Lan Smith, Chair

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22 Sharon Pratt
23 Sharon Pratt, Commissioner

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25
26 Michele Sherrer, Commissioner

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29 Attest:
30 Jeannine Rountree
31 Chief Deputy Clerk
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CERTIFICATE OF MAILING

I HEREBY CERTIFY, that on this 14th day of October, 2010, I caused to be mailed a true and correct copy of the foregoing by U.S. Mail, postage prepaid, to the following.

Shelly Gannon, Chief Deputy
Shelly Gannon, Clerk

Gem County Fire Protection District No. 1
115 W. 3rd St.
Emmett, Idaho 83617

Eagle Fire District, c/o:
Gary Luke
Lerma Law Office
3045 E. Copper Point Dr.
Meridian, ID 83642

Craig Johnson
Idaho State Tax Commission
P.O. Box 36
Boise, ID 83720

BEFORE THE BOARD OF COMMISSIONERS OF
THE GEM COUNTY FIRE PROTECTION DISTRICT #1

In the matter of:)
)
 A Petition for Annexation) AMENDED
) ORDER FOR ANNEXATION
)
 of lands within Gem County to the)
 Gem County Fire Protection District #1)
 _____)

At least 75% of the owners or contract purchasers of lands within Gem County but outside the current borders of the Gem County Fire Protection District #1 (the "District"), which lands are identified in Exhibit A to this Order, having petitioned the District for annexation to the District, and, a hearing on said petition have been held by the District on July 8, 2010 having been held, and the Board of the District having approved said petition thereat, and it later being discovered that certain territory had previously been annexed by another fire protection district, it is hereby ordered as follows:

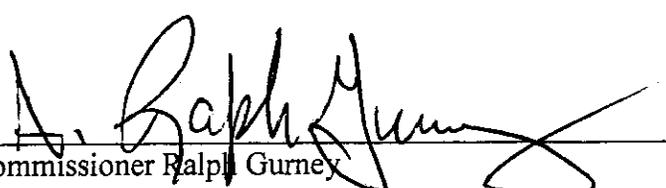
- (1) The petition for annexation of the lands described in A to this Order is approved, and shall be annexed to the District as of the date of this Order; and
- (2) a certified copy of this Order, along with its Exhibit A, shall be forwarded to the Board of County Commissioners for Gem County with direction to said board to enter an order for annexation and cause the same to be recorded so as to include the annexed territory on the tax rolls as provided in chapter 14, title 31, Idaho Code.

This Amended Order for Annexation supersedes the prior Order for Annexation.

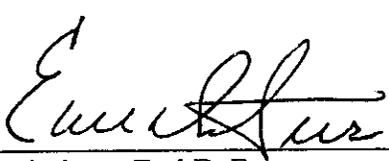
It is so ordered.

Date: 8 - 12 - 2010

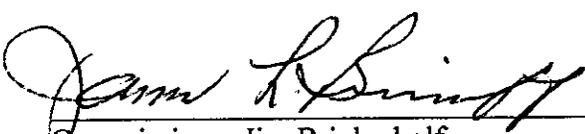
Appendix A



Commissioner Ralph Gurney
Chairman



Commissioner Earl DeFur



Commissioner Jim Brinkerhoff

EXHIBIT A

(This description is being re-recorded to correct the description recorded as Instr. No. 278190 on July 21, 2010, Records of Gem County, Idaho, to remove that portion recently approved for annexation into the Eagle Fire Protection District)

Property Description for Annexation

All that portion of Gem County, Idaho described as follows:

Township 6 North, Range 1 East, Boise Meridian:

All of Sections 7 through 36;

Township 6 North, Range 1 West, Boise Meridian:

South $\frac{1}{2}$ of the Northwest $\frac{1}{4}$, Southwest $\frac{1}{4}$ of the Northeast $\frac{1}{4}$, East $\frac{1}{2}$ of the Northeast $\frac{1}{4}$, Southwest $\frac{1}{4}$ and the Southeast $\frac{1}{4}$ of Section 2;

East $\frac{1}{2}$ of the Southeast $\frac{1}{4}$ of Section 3;

Northeast $\frac{1}{4}$, Southeast $\frac{1}{4}$ and the Southeast $\frac{1}{4}$ of the Southwest $\frac{1}{4}$ of Section 10;

All of Sections 11 through 14;

Northeast $\frac{1}{4}$, Southeast $\frac{1}{4}$, East $\frac{1}{2}$ of the Southwest $\frac{1}{4}$ and the East $\frac{1}{2}$ of the Northwest $\frac{1}{4}$ of Section 15;

West $\frac{1}{2}$ of the Northeast $\frac{1}{4}$ of Section 21

Northeast $\frac{1}{4}$, Southeast $\frac{1}{4}$, East $\frac{1}{2}$ of the Southwest $\frac{1}{4}$ and the East $\frac{1}{2}$ of the Northwest $\frac{1}{4}$ of Section 22;

All of Section 23 through 26;

Northeast $\frac{1}{4}$, Southeast $\frac{1}{4}$, East $\frac{1}{2}$ of the Southwest $\frac{1}{4}$ and the East $\frac{1}{2}$ of the Northwest $\frac{1}{4}$ of Section 27;

South $\frac{1}{2}$ of the Northeast $\frac{1}{4}$, Southeast $\frac{1}{4}$ and the Southwest $\frac{1}{4}$ of Section 30;

All of Section 31;

Northeast $\frac{1}{4}$, Southeast $\frac{1}{4}$, East $\frac{1}{2}$ of the Southwest $\frac{1}{4}$ and the East $\frac{1}{2}$ of the Northwest $\frac{1}{4}$ of Section 34;

All of Sections 35 and 36;

Township 6 North, Range 2 West, Boise Meridian:

Southwest $\frac{1}{4}$ of the Northeast $\frac{1}{4}$, Southeast $\frac{1}{4}$, Southwest $\frac{1}{4}$, South $\frac{1}{2}$ of the Northwest $\frac{1}{4}$ and the Northwest $\frac{1}{4}$ of the Northwest $\frac{1}{4}$ of Section 19;

Northwest $\frac{1}{4}$ of the Southeast $\frac{1}{4}$, South $\frac{1}{2}$ of the Southeast $\frac{1}{4}$, Southwest $\frac{1}{4}$ and the South $\frac{1}{2}$ of the Northwest $\frac{1}{4}$ of Section 20;

South $\frac{1}{2}$ of the Southeast $\frac{1}{4}$ and the South $\frac{1}{2}$ of the Southwest $\frac{1}{4}$ of Section 25;

South $\frac{1}{2}$ of the Southeast $\frac{1}{4}$ and the South $\frac{1}{2}$ of the Southwest $\frac{1}{4}$ of Section 26;

Southeast $\frac{1}{4}$ and the Southwest $\frac{1}{4}$ of Section 27;

South $\frac{1}{2}$ of the Northeast $\frac{1}{4}$, Southeast $\frac{1}{4}$, Southwest $\frac{1}{4}$ and the Northwest $\frac{1}{4}$ of Section 28;

All of Sections 29 through 36;

Township 6 North, Range 3 West, Boise Meridian;

Southeast $\frac{1}{4}$, Southwest $\frac{1}{4}$ and the Northwest $\frac{1}{4}$ of Section 9;

Southwest $\frac{1}{4}$ of the Southeast $\frac{1}{4}$, South $\frac{1}{2}$ of the Southwest $\frac{1}{4}$ and the Northwest $\frac{1}{4}$ of the Southwest $\frac{1}{4}$ of Section 10;

Southwest $\frac{1}{4}$ of the Southeast $\frac{1}{4}$, South $\frac{1}{2}$ of the Southwest $\frac{1}{4}$ and the Northwest $\frac{1}{4}$ of the Southwest $\frac{1}{4}$ of Section 13;

Southwest ¼ of the Northeast ¼, Southeast ¼, Southwest ¼, South ½ of the Northwest ¼ of Section 14;

All of Sections 23 through 26;

Township 7 North, Range 2 West, Boise Meridian:

Sections 4 through 9, Sections 16 and 17,

Northeast ¼ and the North ½ of the Northwest ¼ of Section 20,

North ½ of the Northeast ¼, Southwest ¼ of the Northeast ¼, North ½ of the Southwest ¼ and the Northwest ¼ of Section 21;

Township 7 North, Range 3 West, Boise Meridian:

All of Sections 1 through 4;

Northeast ¼, North ½ of the Southeast ¼, Southeast ¼ of the Southeast ¼, North ½ of the Southwest ¼ and the Northwest ¼ of Section 10;

Northeast ¼, West ½ of the Southeast ¼, Southwest ¼ and the Northwest ¼ of Section 11;

East ½ of the Northeast ¼, Southeast ¼, Southeast ¼ of the Southwest ¼ and the North ½ of the Northwest ¼ of Section 12;

Northeast ¼, North ½ of the Southeast ¼, Northeast ¼ of the Southwest ¼ and the East ½ of the Northwest ¼ of Section 13;

Township 7 North, Range 1 West, Boise Meridian:

Southeast ¼ of the Southeast ¼ and Government Lot 6 of Section 22;

Government Lots 3 and 4 and the Southwest ¼ of the Southwest ¼ of Section 23;

Government Lots 2 and 3, South ½ of the Northeast ¼, Southeast ¼ lying north of Shale Rock Road, North ½ of the Southwest ¼ and the Northwest ¼ of Section 26 and all of Section 35;

Township 9 North, Range 1 West, Boise Meridian:

All of Sections 1 through 3, 10 through 15, 22 through 27 and 34 through 36;

Township 9 North, Range 1 East, Boise Meridian:

All of Sections 6, 7, 18, 19, 30 and 31;

Township 8 North, Range 1 West, Boise Meridian:

All of Sections 1 through 12;

Township 8 North, Range 2 West, Boise Meridian:

All of Sections 1, 12, 13 and 24.

EXCEPT that portion of the following described property recently annexed into the Eagle Fire Protection District as described in Order Instr. No. 278223, recorded July 22, 2010, Records of Gem County, Idaho:

A tract of land located in Township 6 North, Range 1 East, Boise Meridian, Gem County, Idaho described as follows:

In Section 12: Lots 1, 2, 3, 4, 5 and 6, and;

In Section 13: Lots 1, 2, 3, 4, 5, 6, 7 and 8, the Southeast One Quarter, the East One Half of the Southwest One Quarter and the Southwest One Quarter of the Southwest One Quarter, and;

In Section 14: Lots 5 and 6, except any portion of the Independence and Santiago Mines, and;

In Section 22: The Southeast One Quarter, the North One Half of the Southwest One Quarter and the Southeast One Quarter of the Southwest One Quarter, and;
In Section 23: Lots 2, 3, 5 and 6, except any portion of the Independence and Santiago Mines, the Southeast One Quarter, the Southwest One Quarter, and the Southeast One Quarter of the Northwest One Quarter, and;
All portions of Sections 24, 25, and 26;
In Section 27: The East One Half, the East One Half of the West One Half and the Southwest One Quarter of the Southwest One Quarter, and;
In Section 28: The Southeast One Quarter and the Southeast One Quarter of the Northeast One Quarter, and;
In Section 33: The East One Half, and;
In Section 34: The Northeast One Quarter, the South One Half, the South One Half of the Northwest One Quarter and the Northeast One Quarter of the Northwest One Quarter, and;
In Section 35: The North One Half, and the Southwest One Quarter;
In Section 36: The South One Half of the Southeast One Quarter and the Northeast One Quarter of the Southeast One Quarter, and;

Not included in the exception, are portions lying within the following Three Legal Descriptions (Tracts):

Tract I - A tract of land situated in portions of Sections 13, 14, 23 and 24, Township 6 North, Range 1 East, Boise Meridian, Gem County, Idaho, described as follows: (Re: Amended Record of Survey filed as Instrument No. 170762, records of Gem County, Idaho)
Commencing at the section corner common to Sections 13, 14, 23 and 24, Township 6 North, Range 1 East, marked by a found 5/8" iron pin and aluminum cap monument stamped P.L.S. 4108;
Thence South 57°06' 16" West, a distance of 656.51 feet to the Northeast corner of the Santiago Claim of the Black Pearl Group marked by a found 5/8" iron pin P.L.S. 4108 and the real point of **BEGINNING**;
Thence along the Northeast boundary of the Santiago and the Easterly boundary of the Independence and the Deserter Claims of the Black Pearl Group the following courses and distances:
Thence North 79°40'40" West, a distance of 629.68 feet to a found 5/8" iron pin P.L.S. 4108;
Thence North 07°38'56" West, a distance of 598.85 feet to a found 5/8" iron pin P.L.S. 4108;
Thence North 21°58'55" West, a distance of 696.95 feet to the Northeast corner of the Deserter Claim of the Black Pearl Group marked by a found 5/8" iron pin P.L.S. 4108;
Thence leaving the Black Pearl Group, South 79° 44'14" East, a distance of 2273.98 feet to a set 5/8" iron pin P.L.S. 4108;
Thence South 19°13'10" West, a distance of 1806.00 feet to a set 5/8" iron pin P.L.S. 4108;
Thence North 78°09'12" West, a distance of 829.25 feet to the Southeast corner of the Santiago Claim of the Black Pearl Group;
Thence North 12°20'33" East, a distance of 601.51 feet, along the Easterly boundary line of the Santiago Claim, to the real point of **BEGINNING**.

AND

Tract II - The following described portion of Deserter, Independence and Santiago Mining Claims:

BEGINNING at the Southwest corner of the Southeast One Quarter of the Southeast One Quarter of Section 14, Township 6 North, Range 1 East, Boise Meridian, Gem County, Idaho; Thence South 00°00'00" West, a distance of 800.10 feet, Thence South 78°12'00" East, a distance of 227.30 feet, Thence South 85°57'00" East, a distance of 213.67 feet, Thence South 08°50'00" West, a distance of 28.85 feet, Thence South 78°12'00" East, a distance of 216.88 feet, Thence North 12°22'00" East, a distance of 600.00 feet, Thence North 79°49'00" West, a distance of 631.10 feet, Thence North 07°30'00" West, a distance of 600.00 feet, Thence North 21°52'00" West, a distance of 194.40 feet, Thence South 00°00'00" West a distance of 538.40 feet to the real point of **BEGINNING**.

AND

Tract III - That portion of the Southeast ¼ of Section 14, and the Northeast ¼ of Section 23, Township 6 North, Range 1 East, Boise Meridian, Gem County, Idaho, described as follows:

Commencing at the northeast corner of the Northeast ¼ of Section 23, Township 6 North, Range 1 East, Boise Meridian;

Thence North 89°59'59" West, 474.13 feet, along the north line of said Northeast ¼, to the point of **BEGINNING**;

Thence continuing North 89°59'59" West, 728.35 feet, along said north line, to a point on the west line of the Trade Dollar Lode (Mineral Survey No. 2800);

Thence North 07°15'09" West, 361.75 feet, along said west line, to the northwest corner of said Trade Dollar Lode;

Thence South 12°44'55" West, 1149.39 feet to a point on the south line of the Santiago Lode (Mineral Survey No. 2800);

Thence South 77°44'52" East, 405.29 feet, along said south line, to a point on the north line of the San Francisco Lode (Mineral Survey No. 2391);

Thence South 85°32'42" East, 212.34 feet, along said north line, to the northeast corner thereof;

Thence South 08°47'22" West, 28.86 feet, along the east line of said San Francisco Lode, to a point on the south line of said Santiago Lode;

Thence South 77°44'52" East, 216.75 feet, along said south line to the southeast corner of said Santiago Lode;

Thence North 12°44'55" East, 962.96 feet, along the east line of said Santiago Lode and the northerly prolongation thereof, to the point of **BEGINNING**.

Subject to all existing easements and rights-of-way, of record or in use.

The intent of this deed is to include all of Gem County into Gem County Fire Protection District #1, except those portions already in the Middleton Fire District, Gem County Fire Protection District No. 2, the Eagle Fire Protection District and the City of Emmett. (i.e. to annex Tax Code Areas: 3, 6, 8, 9, 11, & 18.)

GEM COUNTY
 FIRE PROTECTION DISTRICT #1
 PROPOSED ANNEXATION
 2011

-  AREA PROPOSED FOR ANNEXATION
-  EXISTING BOUNDARY FPD #1
-  GEM COUNTY FIRE PROTECTION DISTRICT No. 2
-  MIDDLETON FIRE DISTRICT
-  RECENT EAGLE FIRE DISTRICT ANNEXATION 8N
-  CITY OF EMMETT FIRE DISTRICT

PAYETTE COUNTY

BOISE COUNTY

COUNTY

ADA

COUNTY

CANYON

9N

8N

7N

6N

2E

1E

1W

2W

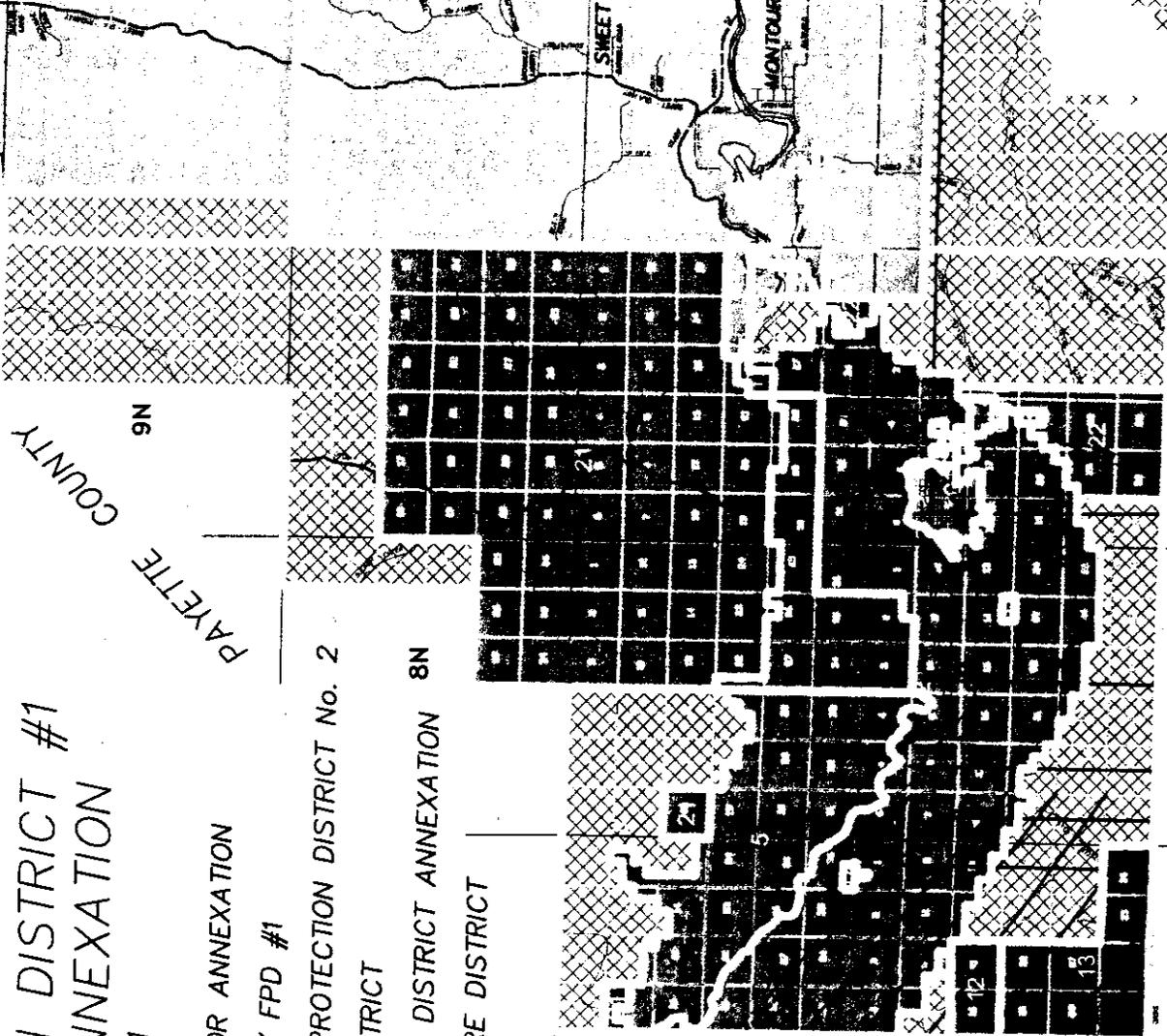
3W

COUNTY

PAYETTE

9N

7N



UNIVERSITY MICROFILMS INTERNATIONAL
 300 N ZEEB RD
 ANN ARBOR MI 48106