

ADA COUNTY RECORDER  
J. DAVID NAVARRO  
CLERK OF DISTRICT COURT

RECORDED - REQUEST OF  
*J. Gwen Robertson*  
FEE 300 DEPUTY *Hooper*

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SEP 18 2001

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

In the matter of the Petition of )  
Peter J. Cintorino and )  
Eagle Landscape Contractors, Inc. )  
for the annexation of )  
Certain real property in Ada )  
County, Idaho, by the Eagle )  
Sewer District )

Case No. ~~CV 00 01058260~~

ORDER

IT APPEARING TO THE COURT that Peter J. Cintorino and Eagle Landscape Contractors, Inc., an Idaho corporation, the owners of certain real property in Ada County described more particularly hereinbelow, duly petitioned on May 14, 2001, for the annexation and inclusion of said real property within the boundaries of the Eagle Sewer District, and the Board of Directors of the Eagle Sewer District having published notice of hearing and subsequently held said public hearing as required by law, and having filed with this Court an Order of said Board of Directors granting said petition, and the Court being fully advised in the premises,

IT IS HEREBY ORDERED that the following described real property, be, and hereby is, included and annexed into the Eagle Sewer District:

Lots 1, 4 and 9, in Block 2, Flint Estates Subdivision, according to the Plat thereof filed in Book 45 of Plats at pages 3713-3714, records of Ada County, Idaho.

DATED this 12<sup>th</sup> day of September, 2001.

RECEIVED

MAY 25 2011

DEBORAH A. DAIL

DISTRICT JUDGE

jer/eagle/annex/cintorino order

ORDER - 1

STATE OF IDAHO }  
COUNTY OF ADA } SS.  
J. David Navarro, 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 the original on file in this office, in witness whereof, I have hereunto set my hand and affixed by official seal this 13<sup>th</sup> day of September, 2001.  
J. DAVID NAVARRO, Clerk  
By [Signature] Deputy

## **Exhibit "A"**

### **LEGAL DESCRIPTION OF PROPERTY TO BE ANNEXED**

Lot 1, 4 and 9 in Block 2 of the Flint Estates Subdivision, according to the Plat thereof filed in Book 45 of Plats at Pages 3713-3714, records of Ada County, Idaho.

1  
2 J. Evan Robertson  
3 ROSHOLT, ROBERTSON & TUCKER  
4 P.O. Box 1906  
5 Twin Falls, Idaho 83303-1906  
6 Telephone: (208) 734-0700  
7 Facsimile: (208) 736-0041  
8 ISB# 1801  
9 Jer\eagle\annex\cintorino application

For ESD

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

11 \* \* \* \* \*

12 In the matter of the Petition of )  
13 Peter J. Cintorino and )  
14 Eagle Landscape Contractors, Inc. )  
15 for the annexation of )  
16 certain real property in Ada )  
17 County, Idaho, by the Eagle )  
18 Sewer District )

Case No. CV GC 01-05826 D  
Fee: \$77.00 (G.2)

APPLICATION & MOTION FOR  
AN ORDER OF ANNEXATION

18 \* \* \* \* \*

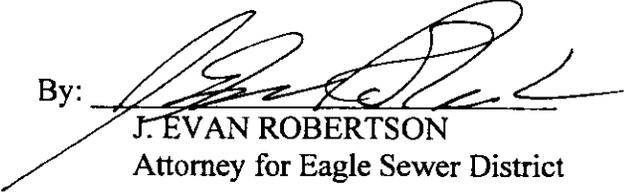
19 COMES NOW the Eagle Sewer District, Ada County, Idaho, by and through its attorney,  
20 J. Evan Robertson, of the firm Rosholt, Robertson & Tucker, and moves the court for entry of an  
21 order annexing and including into the boundaries of said sewer district certain real property  
22 situated in Ada County, Idaho, and owned by Peter J. Cintorino and Eagle Landscape Contractors,  
23 Inc., an Idaho corporation.

24 In compliance with the provisions of Title 42, Chapter 32 of the Idaho Code, the Eagle  
25 Sewer District herewith submits to the court for its consideration a certified copy of a Petition for  
26 Annexation, proof of publication of notice for a public hearing on said annexation, an order duly

1  
2 adopted by the Eagle Sewer District annexing the subject real property, and an affidavit of the  
3 secretary of said district concerning other pertinent information regarding the proposed  
4 annexation.

5 DATED this 31<sup>st</sup> day of August, 2001.

6  
7 ROSHOLT, ROBERTSON & TUCKER

8  
9 By: 

10 J. EVAN ROBERTSON

11 Attorney for Eagle Sewer District  
12  
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PETITION FOR ANNEXATION

COME NOW, PETER J. CINTORINO, the owners of certain parcels of real property situated within the boundaries of that tract described herein as Exhibit "A" attached hereto and incorporated herein by this reference, to petition that the aforementioned and described property (Exhibit "A") be annexed into and included in the Eagle Sewer District, Eagle, Ada County, Idaho, according to the provisions set forth in Section 42-3218 of the Idaho Code.

The undersigned are the record owners of the land herein proposed for annexation into the Eagle Sewer District, and do understand and agree that such annexation must meet the terms and conditions set forth in Exhibit "B" hereto, and such other and further conditions as may be imposed by the District's Board of Directors pursuant to the provisions of Section 42-3218(c) of the Idaho Code.

The tract of land described in Exhibit A hereto currently adjoins or is in close proximity to the present boundaries of the Eagle Sewer District, and being entirely situated within Ada County, Idaho, is in the same county as the Eagle Sewer District.

Dated this 14<sup>TH</sup> day of MAY, 2001.

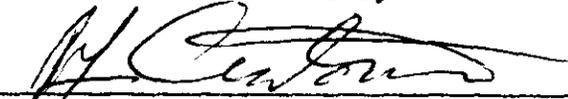
PETITIONER/OWNER(S):

NAME: PETER J. CINTORINO

ADDRESS: 3182 E. STATE ST.

EAGLE, IDAHO 83616-6232

PHONE: 208-939-8723

NAME: 

ADDRESS: \_\_\_\_\_

PHONE: \_\_\_\_\_

NAME: \_\_\_\_\_

ADDRESS: \_\_\_\_\_

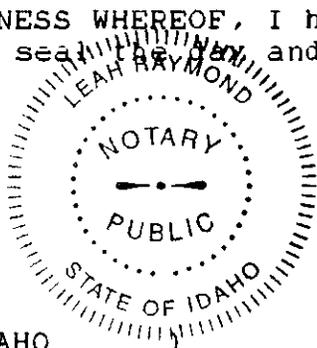
PHONE: \_\_\_\_\_

STATE OF IDAHO )  
County of Ada ) ss.

On this 25 day of May, 2001, before me, a Notary Public, in and for said County and State, personally appeared Peter Cantorino, known or identified to me to be the individual whose name is subscribed to the within instrument, and acknowledged to me that he/she 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.

seal



Leah Raymond  
NOTARY PUBLIC FOR IDAHO  
Residing at: KeyBank  
My commission expires: 2-20-07

STATE OF IDAHO )  
County of \_\_\_\_\_ ) ss.

On this \_\_\_ day of \_\_\_\_\_, 200, before me, a Notary Public, in and for said County and State, personally appeared \_\_\_\_\_, known or identified to me to be the individual whose name is subscribed to the within instrument, and acknowledged to me that he/she 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.

seal

\_\_\_\_\_  
NOTARY PUBLIC FOR IDAHO  
Residing at: \_\_\_\_\_  
My commission expires: \_\_\_\_\_

STATE OF IDAHO )  
County of \_\_\_\_\_ ) ss.

On this \_\_\_ day of \_\_\_\_\_, 200, before me, a Notary Public, in and for said County and State, personally appeared \_\_\_\_\_, known or identified to me to be the individual whose name is subscribed to the within instrument, and acknowledged to me that he/she 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.

seal

\_\_\_\_\_  
NOTARY PUBLIC FOR IDAHO  
Residing at: \_\_\_\_\_  
My commission expires: \_\_\_\_\_

# AMENDED PLAT OF FLINT ESTATES

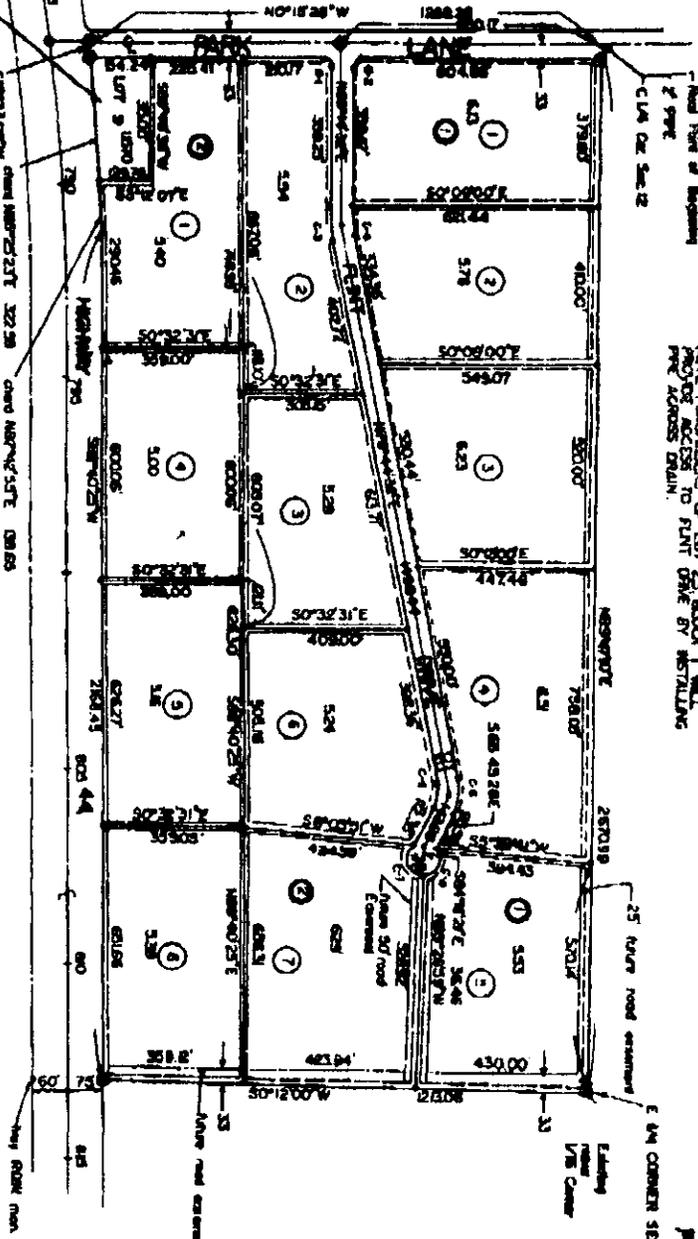
1978

1/2, SE 1/4, Section 12, T. 4 N., R. 10 W.  
Ada County, Idaho

NOTE: PURCHASERS OF LOT 2, BLOCK 1 WILL  
HAVE ACCESS TO FLINT DRIVE BY INSTALLING  
A CROSS DRAIN.

This sketch is for location purposes  
only. The Company assumes no  
liability for variations.  
PIONEER TILE COMPANY

**BOOK 45  
PAGE 373**



NOTE:  
LOT 9 & 8 A NON-CONFORMING  
77 TO SUBDIVISION

TABLE OF CURVE DATA

C	ANGLE	DELTA	TAN	LENGTH CHORD	POD AND
1	2000	1000	1.000	1.414	1.414
2	2000	1000	1.000	1.414	1.414
3	2000	1000	1.000	1.414	1.414
4	2000	1000	1.000	1.414	1.414
5	2000	1000	1.000	1.414	1.414
6	2000	1000	1.000	1.414	1.414
7	2000	1000	1.000	1.414	1.414
8	2000	1000	1.000	1.414	1.414
9	2000	1000	1.000	1.414	1.414

LEGEND

①	LOT NUMBERS
②	BLOCK NUMBERS
③	UTILITY EASEMENTS FOR PUBLIC UTILITIES, SEWERAGE AND DRAINAGE
④	SETBACK
⑤	SETBACK
⑥	SETBACK
⑦	SETBACK
⑧	SETBACK
⑨	SETBACK
⑩	SETBACK
⑪	SETBACK
⑫	SETBACK
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㊾	SETBACK
㊿	SETBACK

SCALE  
1"=300'



① Block 2, Lot 2  
OF AMENDED  
PLAT OF FLINT  
ESTATES.

② Block 2, Lot 9  
OF AMENDED  
PLAT OF FLINT  
ESTATES.

TRAVERS  
DAVE

Exhibit B of Petition for Annexation  
into Eagle Sewer District

The petitioners for annexation, hereinafter called the OWNER, do hereby petition for the annexation into the Eagle Sewer District of the real property described in Exhibit "A" hereto, and agree to the following terms and conditions for annexation as set forth by Eagle Sewer District, hereinafter called the DISTRICT;

1. OWNER will be responsible for all costs of publication, legal fees, engineering fees and other related costs incurred by the DISTRICT, in the preparation, publication, and hearings regarding annexation of the property. Such costs to be assessed and paid by OWNER prior to DISTRICT signing final annexation order;

2. OWNER understands and agrees that in the event annexation is approved, the DISTRICT shall include the annexed property in the DISTRICT'S tax rolls and such property shall thereafter be subject to tax assessments levied by the DISTRICT as provided by law;

3. OWNER understands and agrees that OWNER is and will be solely responsible for the connections, and all costs and expenses necessary to connect OWNER'S facilities to the DISTRICT'S lines and treatment facilities; including all fees incurred by DISTRICT for plan review and approval.

4. OWNER understands and agrees that annexation of property into Eagle Sewer District does not guarantee sewer services which may be limited by facility capacity. Authority for a new user to connect to the DISTRICT'S sewerage system is on a first come, first served, basis in compliance with the rules, regulations, and policies of the DISTRICT and all other regulatory agencies governing the operation and maintenance of central sewerage systems;

5. OWNER understands and agrees that any and all line extensions, additions and/or related equipment, appurtenances as well as the necessary easements and/or rights of way and the costs and expenses of installing, constructing, or obtaining the same which may be necessary to connect OWNER'S property to existing DISTRICT lines shall be the sole responsibility of OWNER, subject to the DISTRICT'S design review and approval and the necessary approval of any and all municipal, county or state or other agencies or departments whose review and approval may be necessary;

6. OWNER understand and agrees that it will transfer and convey to the DISTRICT by deed, bill of sale or any other appropriate means, as required by the DISTRICT, all right, title and interest to any and all sewer collection and transporting

facilities constructed by OWNER, including recorded instruments granting rights of way and/or easements where necessary for the construction, inspection and maintenance of such facilities, subject only to the completion of such facilities;

7. OWNER shall provide the DISTRICT with two (2) complete sets of reproducible "record" ("as built") drawings for the facilities constructed by OWNER within 30 days of the project or phase completion. Failure to provide record drawings will result in the withholding of connection permits.

8. OWNER shall warrant and guarantee that all lines and facilities constructed by OWNER are constructed according to the requirements of the DISTRICT, and in conformance with any and all applicable codes and standards governing such construction, and shall further warrant and guarantee that such facilities are free from construction defects and will remain within the allowable infiltration limits set by State and/or Federal authorities for at least one (1) year from the date of acceptance of such facilities by the DISTRICT, and that any repairs, major maintenance or connections of such facilities to obtain compliance with infiltration limits, within the one (1) year period shall be the obligation of OWNER and performed at the OWNER'S expense, whether or not actually performed by the OWNER, the DISTRICT or a contractor retained by the DISTRICT; and OWNER shall immediately pay such costs of repair, maintenance and/or connection;

9. DISTRICT shall be entitled to assess and collect from OWNER monthly service charges and/or user fees as are deemed necessary and appropriate in accordance with the DISTRICT'S Sewer Use Resolution as amended from time to time and/or other resolutions of the DISTRICT;

10. DISTRICT shall charge and collect from OWNER all applicable hookup, connection, or capital improvement fee(s) at the time of issuance of a building permit for any building or improvement on the property or any part thereof, or at such other time as the parties may agree, the specific amount thereof to be established in accordance with the schedules set forth in the DISTRICT'S Sewer Use Resolution, as amended from time to time;

11. OWNER understands and agrees that DISTRICT may impose other terms and conditions upon all proposed annexations pursuant to Idaho Code Section 42-3218(c);

12. OWNER understands and agrees that the DISTRICT'S Board of Directors shall have full discretion to determine if this petition shall be granted, pursuant to Idaho Code Section 42-3218(b);

13. Within ten (10) days of the announcement by the DISTRICT of all of the terms and conditions under which the petition for annexation will be considered for approval, the petition may be withdrawn upon the request of a majority of the petitioners.





BEFORE THE EAGLE SEWER DISTRICT  
BOARD OF COMMISSIONERS

In the matter of the Petition of )  
Peter J. Cintorino and )  
Eagle Landscape Contractors, Inc. )  
for the annexation of )  
Certain real property in Ada )  
County, Idaho, by the Eagle )  
Sewer District )  
\_\_\_\_\_ )

ORDER

Peter J. Cintorino and Eagle Landscape Contractors, Inc., hereinafter collectively referred to as Petitioners, the owners of certain real property situated in Ada County, State of Idaho, having petitioned the Eagle Sewer District for annexation of said real property, hereinafter more specifically described, a certified copy of which petition is attached hereto as Exhibit "A"; and the public hearing having been called for and held in the manner provided for in § 42-3218 of the Idaho Code on the 9<sup>th</sup> day of July, 2001, after due and proper notice published in the official newspaper of the District, *The Idaho Statesman*, published on June 25, 2001, and July 2, 2001, a certified copy of the proof of said publication being attached hereto as Exhibit "B"; and no person having appeared in writing, or at said meeting, to protest the granting of said petition, and the Board of Directors of the District having, by resolution, affirmatively granted the petition and annexed said real property into the District, and the Board of Directors of the Eagle Sewer District being fully informed concerning the proposed annexation;

IT IS HEREBY ORDERED, by the Board of Directors of the Eagle Sewer District, that the petition of the above-mentioned owners for inclusion of the real property described hereinbelow be, and the same hereby is, granted, subject to the following terms and conditions:

1. Sewer service to the annexed lands must meet all Sewer District resolutions, and must comply with the master plan of the Eagle Sewer District.
2. Sewer services must comply with the intent of the Environmental Protection Agency

Environmental Impact Statement prepared for Ada County and, in particular, the section thereof relating to the Eagle Sewer District.

3. Petitioners shall be responsible for all costs of publication, legal fees, engineering fees, and other related costs incurred by the District, in the preparation, publication, and public hearings regarding annexation of the property, such cost to be assessed and paid by the owner prior to the District signing a final annexation order.
4. The District shall include the annexed property in the District's tax rolls and such property thereafter shall be subject to tax assessments levied by the District as provided by law.
5. Petitioners will be solely responsible for all costs and expenses necessary to connect said property to the lines and treatment facilities of the Eagle Sewer District.
6. Annexation of the property into the Eagle Sewer District does not guarantee sewer service, which may be limited by sewer treatment facility capacity, which capacity shall be allocated on a first-come, first-served basis in compliance with rules, regulations and policies of the Eagle Sewer District, and all other regulatory agencies governing the operation and maintenance of central sewerage systems.
7. The costs of all line extensions, additions, related equipment, appurtenances, easements and rights-of-way, which may be necessary to connect the annexed property to the existing Eagle Sewer District sewer lines shall be the sole responsibility of the Petitioners, subject to the District's prior design review and approval, and the necessary approvals of all other governmental entities, agencies or departments whose review or approval may be required by law.
8. The Petitioners shall, upon request by the District, transfer and convey to the District, by deed, bill of sale, or other appropriate means, as required by the District, all right, title and interest to any and all sewer connection and transmission lines and facilities constructed by the Petitioners or their successors, including all rights-of-way and easements necessary for the construction, inspection and maintenance repair and replacement of such lines and facilities.
9. At the time ownership of any lines or facilities are transferred to the District pursuant to

the provisions of paragraph 8 immediately hereinabove, Petitioners shall provide the District with two (2) complete sets of reproducible "as built" drawings for said facilities or lines.

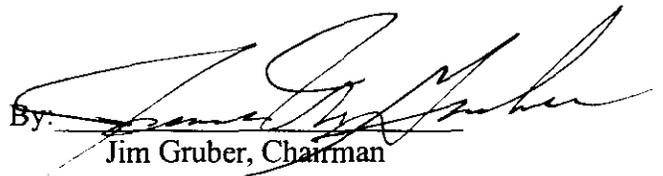
10. All stubouts for service connectors by the Petitioners shall be clearly marked with board and wire, and record drawings of all such stubouts shall be provided by the Petitioners to the Eagle Sewer District.
11. Petitioners warrant and guarantee that all lines and facilities constructed by them and transferred to the District shall be constructed according to the requirements of the District, and in conformance with any and all applicable codes, resolutions and standards governing such construction, and further warrant and guarantee that such lines and facilities shall be free from construction defects and will remain within the allowable infiltration limits set by State and/or Federal authorities for at least one year from the date of acceptance of such lines and facilities by the District, and that any repairs, alterations, or major maintenance work required to be done to such lines and facilities to obtain compliance with said one-year warranty period shall be the obligation of the Petitioners, and shall be performed at the Petitioners' expense, whether or not actually performed by the Petitioners, the District or a contractor retained by the District.
12. The Eagle Sewer District shall be entitled to assess and collect from the Petitioners and any subsequent owners of the annexed property, monthly service charges and user fees for all sewer collection and treatment services provided, in accordance with the District's Sewer Use Resolution, as amended from time to time, and any other applicable resolutions of the Eagle Sewer District.
13. The Eagle Sewer District shall be entitled to charge and collect from Petitioners and any subsequent owners of the annexed property all applicable hook-up, connection or capital improvement fees at the time of issuance of a building permit for any building or improvement on the property for which sewer services are to be provided, the specific amount thereof to be established in accordance with the schedule set forth in the District's Sewer Use Resolution, as amended from time to time.

14. All of the terms and conditions set forth in the petition for annexation into the Eagle Sewer District, including Exhibits "A" and "B" thereto, are hereby incorporated herein as conditions for annexation.

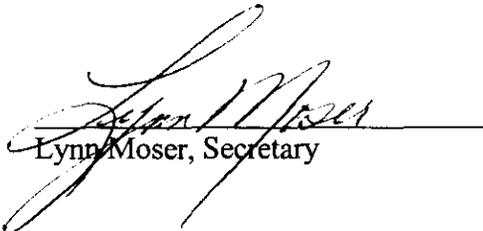
IT IS FURTHER ORDERED, that the real property described on Exhibit "C", attached hereto, be, and hereby is, included and annexed into the Eagle Sewer District subject to the above-specified terms and conditions.

DATED this 13 day of August, 2001.

EAGLE SEWER DISTRICT

By:   
Jim Gruber, Chairman

ATTEST:

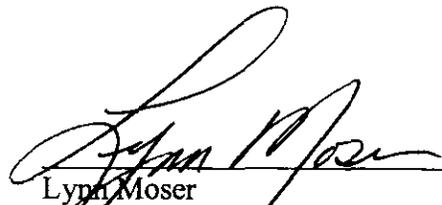
  
Lynn Moser, Secretary

Jer\eagle\annex\order directors cintorino



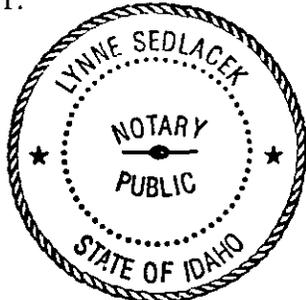
for Annexation on July 9, 2001, and no objections thereto being presented at the public hearing, the Petition was approved and the property annexed into the District by Resolution and Order of the Board of Directors of the District adopted August 13, 2001.

7. The real property in question is situated in Ada County, Idaho, and is contiguous, or in close proximity to the existing boundaries of the Eagle Sewer District, and is appropriate for annexation into the Eagle Sewer District pursuant to the laws of the State of Idaho.

  
Lynn Moser

2001.

SUBSCRIBED AND SWORN to before me this 16<sup>th</sup> day of August,



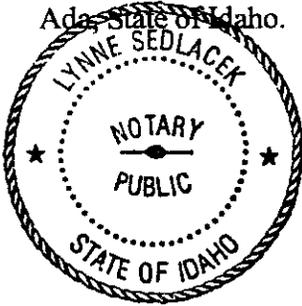
  
NOTARY PUBLIC for Idaho  
Residing at: Eagle  
Commission Expires: 9/6/2006

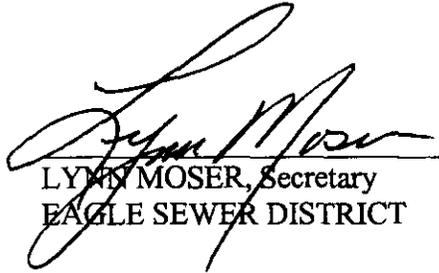
!rlw\jer\leagle\annex\cintorino affidavit

**CERTIFICATION**

The undersigned hereby avers and certifies as follows:

1. That he is the duly appointed and serving secretary of the Eagle Sewer District, Eagle, Idaho.
2. That the foregoing document is a true and correct copy of an Order duly adopted by the Board of Directors of the Eagle Sewer District on August 13, 2001.
3. That the Petition for Annexation attached to said Order as Exhibit "A" thereto is a true and correct copy of the original Petition which has been filed with the Eagle Sewer District.
4. That the Proof of Publication attached to said Order as Exhibit "B" is a true and correct copy of the Proof of Publication supplied to the Eagle Sewer District by the District's official newspaper, *The Idaho Statesman*, published in Boise, County of Ada, State of Idaho.



  
LYNN MOSER, Secretary  
EAGLE SEWER DISTRICT

STATE OF IDAHO                    )  
  )ss.  
County of Ada                    )

On the 16<sup>th</sup> day of August, 2001, before me, a Notary Public, in and for said County and State, personally appeared LYNN MOSER, known or identified to me to be the individual whose name is subscribed to the within instrument, and acknowledged to me that he 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.

  
NOTARY PUBLIC FOR IDAHO  
Residing at: Eagle  
My commission expires: 9/6/2001

RESOLUTION 01-08

RESOLUTION of the Board of Directors of the Eagle Sewer District.

WHEREAS, a petition for the inclusion of a certain parcel of real property in Ada County, Idaho, into the Eagle Sewer District has been received by said District, a copy of which petition is attached hereto, which petition was duly executed by the owner of said real property, Peter J. Cintonino; and

WHEREAS, the Board of Directors of the Eagle Sewer District proposes to consider granting or denying said petition for annexation pursuant to *Idaho Code* § 42-3218(a); and

WHEREAS, the Board of Directors of the Eagle Sewer District proposes to hold a public hearing on said petition and proposed terms and conditions attached thereto as Exhibit "B" at the next monthly Board of Directors meeting on July 9, 2001; and

WHEREAS, said District shall provide public notice of said public hearing; and

WHEREAS, upon conclusion of said public hearing the Board of Directors of the Eagle Sewer District shall deliberate on the matter of annexation and consider all appropriate evidence, testimony and comment submitted to it regarding the same, and shall determine whether said proposed annexation is in the best interest of the District; and

WHEREAS, the Board of Directors of the Eagle Sewer District shall vote on whether to grant or deny said petition with or without imposing additional applicable terms and conditions of annexation;

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of the Eagle Sewer District that it shall hold a public hearing and consider the matter of annexing the real property situated in Ada County and more particularly described in the Petition for Annexation attached hereto as Exhibit "A" subject to the terms and conditions set forth in Exhibit "B" attached hereto and any such terms and conditions it deems appropriate at the July 9, 2001 Board of Directors meeting.

ADOPTED by the Board of Directors of the Eagle Sewer District this 11 day of June, 2001.

EAGLE SEWER DISTRICT

By \_\_\_\_\_  
Jim Gruber

ATTEST:

Lynn Moser  
Lynn Moser, Secretary

**RESOLUTION NO. 01- 14**

RESOLUTION of the Board of Directors of the Eagle Sewer District.

WHEREAS, a Petition for the inclusion of a certain parcel of real property in Ada County, Idaho, into the Eagle Sewer District has been received by said District, a copy of which Petition is attached hereto as Exhibit "A", which Petition was duly executed by Peter J. Cintorino, individually and as president of Eagle Landscape Contractors, Inc., an Idaho corporation, the owners of said real property (hereinafter collectively referred to as "Petitioners"); and

WHEREAS, said Petition has been duly executed by the record owners of the real property described therein; and

WHEREAS, a public hearing on the proposed annexation, and the applicable terms and conditions imposed thereon, was held on the 9<sup>th</sup> day of July, 2001, pursuant to due and proper notice, the proof of publication for which is attached hereto as Exhibit "B"; and

WHEREAS, the Board of Directors of the Eagle Sewer District, having duly deliberated on the matter of annexation and considered all appropriate evidence, testimony and comment submitted to it regarding the same, and having determined it to be in the best interest of the District to effect the annexation as petitioned for; and

WHEREAS, the Board of Directors has placed the following conditions upon said annexation Petition; which shall apply to and be binding upon the Petitioners and all succeeding owners of the annexed property, or any portion thereof;

1. Sewer service to the annexed lands must meet all Sewer District resolutions, and must comply with the master plan of the Eagle Sewer District.
2. Sewer services must comply with the intent of the Environmental Protection Agency Environmental Impact Statement prepared for Ada County and, in particular, the section thereof relating to the Eagle Sewer District.
3. Petitioners shall be responsible for all costs of publication, legal fees, engineering fees, and other related costs incurred by the District, in the preparation, publication, and public hearings regarding annexation of the property, such cost to be assessed and paid by the owners prior to the District signing a final annexation order.
4. The District shall include the annexed property in the District's tax rolls and such property thereafter shall be subject to tax assessments levied by the District as provided by law.
5. Petitioners will be solely responsible for all costs and expenses necessary to connect said property to the lines and treatment facilities of the Eagle Sewer District.

6. Annexation of the property into the Eagle Sewer District does not guarantee sewer service which may be limited by sewer treatment facility capacity, which capacity shall be allocated on a first-come, first-served basis in compliance with rules, regulations and policies of the Eagle Sewer District, and all other regulatory agencies governing the operation and maintenance of central sewerage systems.

7. The costs of all line extensions, additions, related equipment, appurtenances, easements and rights-of-way, which may be necessary to connect the annexed property to the existing Eagle Sewer District sewer lines shall be the sole responsibility of the Petitioners, subject to the District's prior design review and approval, and the necessary approvals of all other governmental entities, agencies, or departments whose review or approval may be required by law.

8. The Petitioners shall, upon request by the District, transfer and convey to the District, by deed, bill of sale, or other appropriate means, as required by the District, all right, title and interest to any and all sewer connection and transmission lines and facilities constructed by the Petitioners or their successors, including all rights-of-way and easements necessary for the construction, inspection and maintenance of such lines and facilities.

9. At the time ownership of any lines or facilities are transferred to the District pursuant to the provisions of paragraph 8 immediately hereinabove, Petitioners shall provide the District with two (2) complete sets of reproducible "as built" drawings for said facilities or lines.

10. All stubouts for service connectors by the Petitioners shall be clearly marked with board and wire, and record drawings of all such stubouts shall be provided by the Petitioners to the Eagle Sewer District.

11. Petitioners warrant and guarantee that all lines and facilities constructed by them and transferred to the District shall be constructed according to the requirements of the District, and in conformance with any and all applicable codes, resolutions and standards governing such construction, and shall further warrant and guarantee that such lines and facilities shall be free from construction defects and will remain within the allowable infiltration limits set by state and/or Federal authorities for at least one (1) year from the date of acceptance of such lines and facilities by the District, and that any repairs, alterations, or major maintenance work required to be done to such lines and facilities to obtain compliance with said one-year warranty period shall be the obligation of the Petitioners, and shall be performed at the Petitioners' expense, whether or not actually performed by the Petitioners, the District or a contractor retained by the District.

12. The Eagle Sewer District shall be entitled to assess and collect from the Petitioners and any subsequent owners of the annexed property, monthly service charges and user fees for all sewer collection the treatment services provided, in accordance with the District's Sewer Use Resolution, as amended from time to time, and any other applicable resolutions of the Eagle Sewer District.



# The Idaho Statesman

P.O. Box 40, Boise, Idaho 83707-0040

## LEGAL ADVERTISING PROOF OF PUBLICATION

Account #	DTI#	Identification	Amount:
117181	473515	PETITION FOR ANNEXATION - CINTORINO	\$ 99.72
Ordered by:	P.O. #	Rate	Run Dates
LYNN		NT	JUNE 25, JULY 2, 2001
EAGLE SEWER DISTRICT 44 N. PALMETTO AVE. EAGLE, IDAHO 83616			Number of Lines 62
			Affidavit 1
			Legal # 10765

**LEGAL NOTICE  
NOTICE OF HEARING ON  
PETITION FOR THE  
ANNEXATION OF PROPERTY  
TO EAGLE SEWER DISTRICT**

NOTICE IS HEREBY GIVEN that the petition of the following listed property owners for the annexation of certain areas into the Eagle Sewer District, subject to conditions imposed by the District's Board of Directors, will be heard by the Board on the 9th day of July 2001, at 7:30 p.m. at the office of the Eagle Sewer District, 44 North Palmetto, Eagle, Idaho.

Any person, or persons, opposing this annexation shall show cause, in writing, if any they have, why the petition should not be granted. Written comments will be accepted during the regular working hours of Eagle Sewer District until 4:00 p.m. on July 9, 2001.

The failure of any person to show cause, in writing, shall be deemed as an assent to the annexation of such lands into the District as prayed in the petition. The Board shall have full discretion to determine if the petition shall be granted. The proposed annexation agreement is with:

Peter J. Cintorino  
3182 E. State St.  
Eagle, Idaho 83616

The real property that has been petitioned for inclusion and annexation into Eagle Sewer District, situated in Ada County, Idaho, is described more particularly as follows, to wit:

SEE ATTACHED "EXHIBIT A"

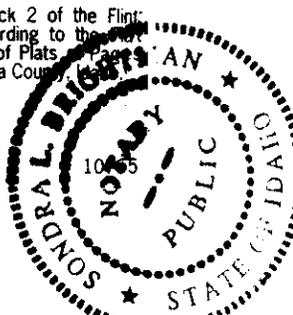
Exhibit "A" consists of 11 acres. The intended use for this property is a commercial nursery.

**Exhibit A  
LEGAL DESCRIPTION OF  
PROPERTY TO BE ANNEXED**

Lot 1, 4 and 9 in Block 2 of the Flint Estates Subdivision, according to the plat thereof filed in Book 45 of Plats, Pages 3713-3714, records of Ada County, Idaho.

Lynn Moser  
General Manager

Pub. Jun. 25, Jul. 2, 2001



JANICE HILDRETH, being duly sworn, deposes and says: That she is the Principal Clerk of *The Idaho Statesman*, a daily newspaper printed and published at Boise, Ada County, State of Idaho, and having a general circulation therein, and which said newspaper has been continuously and uninterruptedly published in said County during a period of twelve consecutive months prior to the first publication of the notice, a copy of which is attached hereto: that said notice was published in *The Idaho Statesman*, in conformity with Section 60-108, Idaho Code, as amended for: TWO

consecutive weekly       single  
 consecutive daily       odd skip  
insertion(s)

beginning with the issue of: JUNE 25, 2001  
and ending with the issue of: JULY 2, 2001

*Janice Hildreth*

STATE OF IDAHO      )  
                                  )ss  
COUNTY OF ADA

On this 5 day of JULY in the year of 2001 before me, a Notary Public, personally appeared before me Janice Hildreth 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 she executed the same.

*Sondra L. Brightman*

Notary Public for Idaho  
Residing at: Boise, Idaho  
My Commission expires: 6/20/04

**ROBERTSON, HEPWORTH, SLETTE,  
WORST & STOVER,  
P.L.L.C.  
ATTORNEYS AT LAW**

J. EVAN ROBERTSON  
JEFFREY J. HEPWORTH  
GARY D. SLETTE  
RICHARD J. "TUG" WORST  
TIMOTHY J. STOVER



142 3rd Ave. North  
P.O. BOX 1906  
TWIN FALLS, IDAHO 83303-1906  
TELEPHONE (208) 734-0700 or 736-8002  
FAX (208) 736-0041 or 736-8888

J. EVAN ROBERTSON

October 22, 2001

Mr. Lynn Moser  
General Manager  
Eagle Sewer District  
44 N. Palmetto Ave.  
Eagle, ID 83616-5149

Re: **Annexation of Cintorino and Eagle Landscape Contractors, Inc.  
(Flint Estates)**

Dear Lynn:

Enclosed for your files are the original documents of the Eagle Sewer District conducive to the annexation of the above-referenced property, together with the original recorded Order of the District Court. Copies of the final Order were forwarded to the Ada County Assessor and the State Tax Commission on this date.

Should you have any questions or comments regarding this letter or its enclosures, please don't hesitate to call.

Sincerely,

Robin L. Moore, PLS  
Legal Assistant to  
J. EVAN ROBERTSON

Encls.

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