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BEFORE THE BOARD OF DIRECTORS  
OF THE  
BOISE WARM SPRINGS WATER DISTRICT  
OF ADA COUNTY, IDAHO

IN THE MATTER OF THE INCLUSION OF CERTAIN )  
PROPERTY IN THE BOISE WARM SPRINGS WATER )  
DISTRICT OF ADA COUNTY, IDAHO, owned by )  
TIMOTHY P. BARBER, )  
Organized under the laws of the State of Idaho )  
ORDER OF  
INCLUSION AND  
ANNEXATION

THIS MATTER came on regularly to be heard before the Board of Directors of the Boise Warm Springs Water District at a regularly called and convened meeting the 14<sup>th</sup> day of September, 2011, upon a Petition for Annexation (inclusion) of property to the Boise Warm Springs Water District filed and presented by Timothy P. Barber, organized under the laws of the State of Idaho, Petitioners and Owners of said property, a copy of which Petition marked Exhibit "A" is attached herein and made a part hereof by reference and attachment, and to a Notice of Hearing, said Petition for Annexation at this time and place published in The Idaho Statesman, a newspaper published in Boise, Idaho, and of general circulation in the District, on the dates of August 31, 2011, September 7, 2011 and September 14, 2011, the proof of which more fully appears in the Affidavit of Publication marked Exhibit "B" being attached hereto and incorporated herein and made a part hereof by incorporation and attachment. No person appeared to protest or object to the annexation (inclusion) of the property owned by the Petitioners.

Upon examining the Petition of Annexation (inclusion) of Property, hearing and examining the Petitioners and examining all proof (documentary and oral) submitted to the Board's consideration, the Board found and concluded that (i) the said Petition of Annexation (inclusion) of Property was in substantial compliance with law and executed by the Petitioners and acknowledged in the manner required by law; (ii) it would be in the best interest of the District and the Property affected to annex and include the property of the Petitioners, subject to all conditions enumerated in the said Petition and as hereinafter specified; (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.

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EXHIBIT "A"

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BEFORE  
THE  
BOARD OF DIRECTORS

OF THE

BOISE WARM SPRINGS WATER DISTRICT

IN THE MATTER OF THE ANNEXATION ) PETITION  
OF PROPERTY TO THE ) TO  
BOISE WARM SPRINGS WATER DISTRICT, ) ANNEX  
a political subdivision of the STATE OF IDAHO. ) No. 2009-02

THE UNDERSIGNED PROPERTY OWNERS:

TIMOTHY P. BARBER

Account No. 0915M

Tax Parcel No. S1014110090

Legal Description: See attached Legal Description.

Property Address: 1700 E. WARM SPRINGS AVENUE  
BOISE, IDAHO 83712

Do hereby petition the Board of Directors of the Boise Warm Springs Water District (hereinafter "District") to annex to, and include within, the boundaries of the District the following described real property, together with (1) all improvements and appurtenances appertaining thereto and (2) all public streets, roads and alleys, abutting, adjoining and touching the hereinafter described property:

per attached Legal Description.

In support of this Petition to Annex, the Petitioners covenant and agree as follows:

(1) That the undersigned are the lawful owners of record of the above described real property (or are the purchasers by an unrecorded contract of sale with the authority to petition for annexation).

(2) That the undersigned have paid, at the time of filing this petition with the District, the Annexation Fee of \$ (WAIVED) fixed and established by the pertinent Resolution of the District, the receipt of which is hereby acknowledged. It is further acknowledged that the undersigned will pay charges for legal advertising and legal services necessary to cover the costs incurred in the administrative process of annexing the above described property.

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(3) That the undersigned have contracted, at their cost and expense, a main line and a service line from a building or structure to the District's water line, together with all the necessary appurtenances and machinery, in a manner and at the place designated and directed by the District, and in accordance with the plans, specifications and drawings approved by the District, its officers, agents and employees.

(4) That the undersigned hereby assign, transfer and set over to the District all rights, title, and interest in and to that portion of the main line and service line extending from the Petitioner's property line to the District's water line together with all necessary appurtenances and machinery thereto.

(5) The above described property is improved. It is now being used as:

A SINGLE FAMILY RESIDENCE.

(6) It is understood by the undersigned that this petition is made pursuant to Section 42-3218, Idaho Code, as amended, and that the setting of a time and place for hearing of said petition and publication of notice of said hearing pursuant to law does not construe acceptance of said petition by the District. Pursuant to the aforesaid statute, the Board of Directors may impose such terms and conditions under which said property may be included within the District as the Board sees fit, said conditions, however, to be announced prior to the hearing. After said announcement, petitioners may have the right to withdraw said petition, but shall have the right to reimbursement of the annexation fee or additional charges as above set forth.

WHEREFORE, your petitioners pray that the said Board of Directors of the Boise Warm Springs Water District accept this Petition and set a time for the hearing and publish notice thereof in accordance with law, and upon hearing, order the inclusion of the above described property within the boundaries of the Boise Warm Springs Water District in accordance with the terms of this Petition.

Dated this 8th day of October, 2009.

HAIR

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# **ELS** ENGBRITSON LAND SURVEYS, INC.

---

2251 S. Sumac Street, Boise, Idaho 83706

Telephone (208) 859-6032 Fax (208) 383-0892

16 March 2009

Revised 10 April 2009

Project No. 2903006

Land Description

Contains 0.37 acres more or less

A tract of land situated within the Northeast  $\frac{1}{4}$  of Section 14, Township 3 North, Range 2 East, Boise Meridian, City of Boise, Ada County, Idaho described as follows:

Commencing at found brass cap monumenting the Northeast corner of said Section 14, thence southerly along the easterly line of said Section South  $00^{\circ}-03'-33''$  West a distance of 391.33 feet to a found aluminum cap on the northerly rights-of-way line of East Warm Springs Avenue; thence northwesterly along said northerly rights-of-way line North  $59^{\circ}-39'-25''$  West a distance of 325.72 feet to a found steel pin the POINT OF BEGINNING.

Thence continuing along said northerly rights-of-way line North  $59^{\circ}-36'-50''$  West a distance of 84.96 feet to a found steel pin;

Thence northerly along the easterly rights-of-way line of North Mobley Drive North  $30^{\circ}-22'-34''$  East a distance of 190.00 feet to a found steel pin;

Thence leaving said easterly rights-of-way line South  $59^{\circ}-36'-50''$  East a distance of 85.82 feet to a found steel pin;

Thence South  $30^{\circ}-38'-10''$  West a distance of 190.00 feet to the POINT OF BEGINNING.

The above-described tract of land contains 0.37 acres more or less, subject to all existing easements and rights-of-way.

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# RECORD OF SURVEY / PROPERTY LINE ADJUSTMENT

R.O.S. NO. 7009

## LEGEND

- BOUNDARY LINE
- - - PUBLIC RIGHT-OF-WAY OR SECTION LINE
- - - ORIGINAL DEED LINE
- - - CENTER LINE
- - - NEW PARCEL LINE
- - - EXISTING BRICK FENCE
- - - EXISTING WOOD FENCE
- FOUND BRASS CAP
- FOUND ALUMINUM CAP
- SET 1/2" x 24" STEEL PIN WITH CAP MRE PLS 8793
- FOUND 5/8" STEEL PIN
- FOUND 1/2" STEEL PIN

FOR **Silver Creek Homes, Inc.**  
 A PORTION OF THE NE 1/4 OF SECTION 14,  
 TOWNSHIP 3 NORTH, RANGE 2 EAST, BOISE MERIDIAN  
 CITY OF BOISE, ADA COUNTY, IDAHO  
 2005

COUNTY RECORDERS CERTIFICATE  
 STATE OF IDAHO) SS  
 ADA COUNTY)

INSTRUMENT NUMBER **UNPLATTED**

FILED FOR RECORD AT THE REQUEST OF **DEAN C. SORENSON**  
 AT **10:15** MINUTES PAST **10** O'CLOCK **P.M.** THIS **11**  
 DAY OF **AUGUST, 2005**

EX-OFFICIO RECORDER: **J. BRADY WILSON**

DEPUTY: **MISSISSIPPI**

FEE: \$5.00

## OWNER'S CERTIFICATE

THIS IS TO CERTIFY THAT DEAN C. SORENSON IS THE OWNER OF THE  
 TRACT OF LAND AS SHOWN HEREON AND THAT HE DOES HEREBY  
 CONSENT TO THE ADJUSTMENT OF THE PROPERTY LINES AS SHOWN.

**Dean C. Sorenson**  
 DEAN C. SORENSON

**August 10, 2005**  
 DATE

## NOTARY ACKNOWLEDGMENT

ON THIS 10 DAY OF AUGUST, 2005, BEFORE ME, THE  
 UNDERSIGNED, A NOTARY PUBLIC IN AND FOR SAID STATE, PERSONALLY APPEARED  
 DEAN C. SORENSON, KNOWN OR IDENTIFIED TO ME TO BE THE PRESIDENT OF THE  
 CORPORATION THAT EXECUTED THE INSTRUMENT FOR THE PERSON WHO EXECUTED  
 THE INSTRUMENT ON BEHALF OF SAID CORPORATION, AND ACKNOWLEDGED TO  
 ME THAT SAID CORPORATION EXECUTED THE SAME.

IN WITNESS WHEREOF, I HAVE HEREUNTO SET MY HAND AND AFFIRMED MY  
 OFFICIAL SEAL THE DAY AND YEAR IN THIS CERTIFICATE FIRST ABOVE WRITTEN.

**Maell R. Zylke**  
 Notary Public  
 Exp. 13 Dec. 2007  
 Boise, IDAHO



## SIGNATURE OF THE BOISE CITY PLANNING DIRECTOR

ACCEPTED AND APPROVED AS PROVIDED UNDER B.C.C. 9-20-04E.2  
 THIS DAY OF **August**, 2005, BY THE BOISE CITY  
 PLANNING DIRECTOR, ADA COUNTY, IDAHO.

**Hal Simmons**  
 HAL SIMMONS

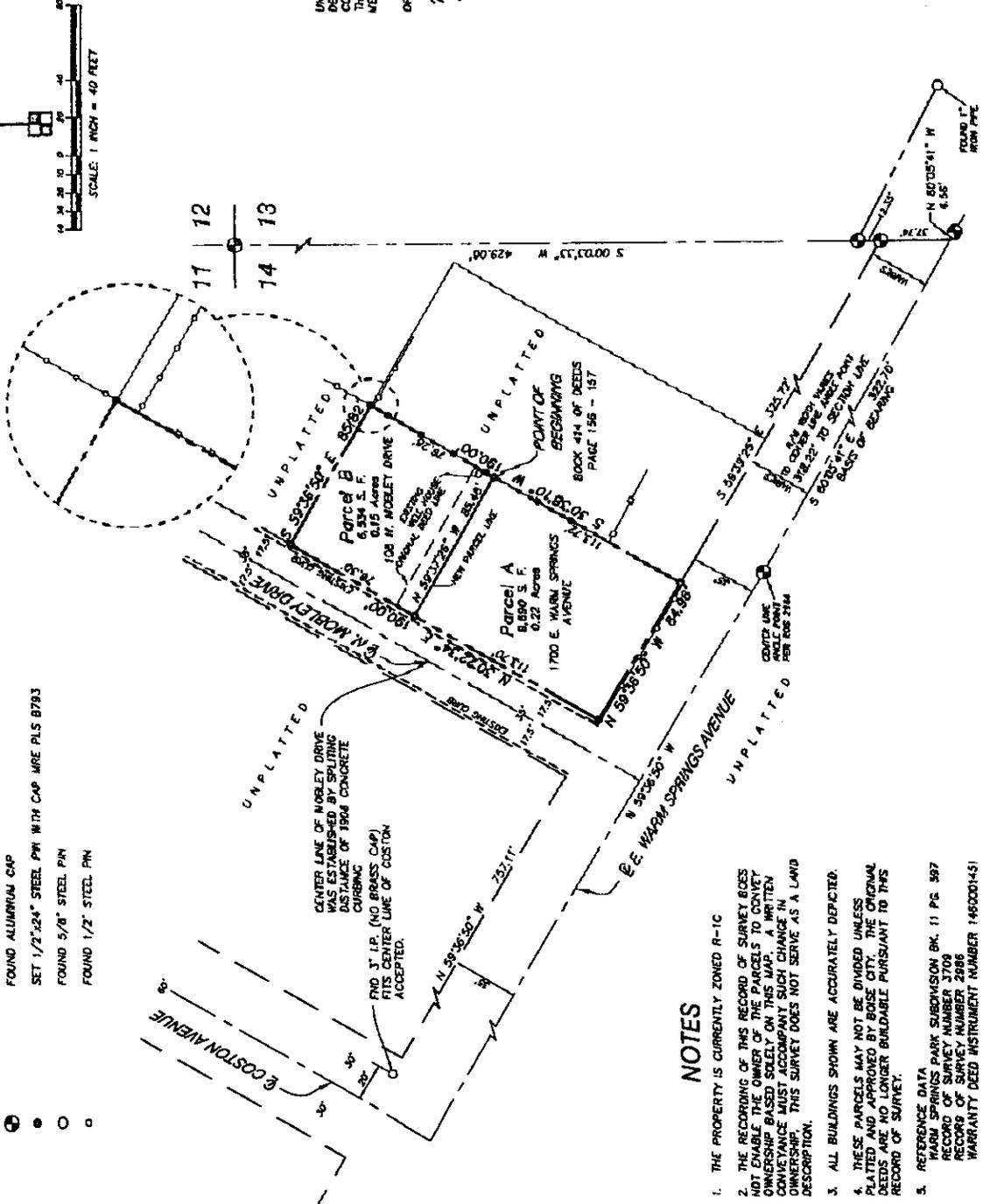
**8-11-05**  
 DATE



**Engerbritson Land Surveys, Inc.**  
 2281 S. SUMAC STREET  
 BOISE, IDAHO 83708  
 PHONE (208) 858-6032 FAX (208) 383-0892



LETTERS: \LANDPROJECTS\2505448\DWG\250548BROS.DWG  
 321-14 250548  
 SHEET 1 OF 1



## NOTES

1. THE PROPERTY IS CURRENTLY ZONED R-1C
2. THE RECORDING OF THIS RECORD OF SURVEY DOES NOT ENABLE THE OWNER OF THE PARCELS TO CONVEY OWNERSHIP BASED SOLELY ON THIS MAP. A WRITTEN CONVEYANCE MUST ACCOMPANY SUCH CHANGE IN OWNERSHIP. THIS SURVEY DOES NOT SERVE AS A LAND DESCRIPTION.
3. ALL BUILDINGS SHOWN ARE ACCURATELY DEPICTED.
4. THESE PARCELS MAY NOT BE DIVIDED UNLESS PLATTED AND APPROVED BY BOISE CITY. THE ORIGINAL DEEDS ARE NO LONGER BUILDABLE PURSUANT TO THIS RECORD OF SURVEY.
5. REFERENCE DATA  
 WARM SPRINGS PARK SUBDIVISION BK. 11 P. 897  
 RECORD OF SURVEY NUMBER 3709  
 RECORD OF SURVEY NUMBER 2898  
 WARRANTY DEED INSTRUMENT NUMBER 1450001451



Property Master				07/25/2011
Year 2011	Parcel # S1014110090	Status Active	Property Type Real	
Property Code Area 01-6		State Parcel # B3N2E0140090		

Contact Information	
Name	BARBER TIMOTHY P
Mailing Address	917 S LUSK ST # 369 BOISE ID 83706-0000

Physical Location	
Address	1700 E WARM SPRINGS AVE BOISE ID 83712-0000
Group Type	SECT
Group #	1014
Description	3N 2E 14
Zoning	R-1C
Township/Range/Section	3N 2E 14

Description

PAR #0090 NR NE COR NE4NE4  
SEC 14 3N 2E  
#110081-C #110101-C

Additional Contacts

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AFTER RECORDING MAIL TO:

Holland & Hart LLP  
Attn: Matthew M. Hicks  
P.O. Box 2527  
Boise, ID 83701-2527

Space Above This Line for Recorder's Use Only

**QUITCLAIM DEED**

FOR VALUE RECEIVED, **EILEEN L. BARBER**, an individual ("Grantor"), whose mailing address is 120 N. Mobley, Boise, Idaho 83712, does hereby release, remise, and forever quitclaim unto **TIMOTHY P. BARBER**, an individual ("Grantee"), whose mailing address is 120 N. Mobley, Boise, Idaho 83712, and to Grantee's heirs and assigns forever, all of Grantor's right, title, and interest in and to that certain real property located at 1700 E. Warm Springs Avenue, situate in the City of Boise, County of Ada, State of Idaho, more particularly described in **EXHIBIT A** attached hereto and incorporated herein by this reference.

TOGETHER with all and singular tenements, hereditaments, and appurtenances thereunto appertaining.

IN WITNESS WHEREOF, Grantor has executed this instrument the 9<sup>th</sup> day of May 2008.

E. L. Barber  
Eileen L. Barber

[Acknowledgement follows immediately]

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**EXHIBIT A**

A tract of land situated with in the Northeast quarter of Section 14, Township 3 North, Range 2 East, Boise Meridian, City of Boise, Ada County, Idaho, described as follows:

Commencing at found brass cap monumenting the Northeast corner of said Section 14;

Thence Southerly along the Easterly line of said section South  $00^{\circ}03'33''$  West, a distance of 441.41 feet to a found aluminum cap on the Northerly rights of way line of East Warm Springs Avenue;

Thence Northwesterly along said Northerly rights of way line North  $59^{\circ}39'25''$  West, a distance of 325.72 feet to a set steel pin;

Thence leaving said rights of way North  $30^{\circ}38'10''$  East, a distance of 113.72 feet to a set steel pin and the POINT OF BEGINNING;

Thence South  $30^{\circ}38'10''$  West, a distance of 113.72 feet to said pin on the Northerly rights of way line;

Thence Northwesterly along said Northerly rights of way line North  $59^{\circ}36'50''$  West, a distance of 84.96 feet to a set steel pin on the Easterly rights of way line of Mobley Drive;

Thence Northerly along said Easterly rights of way line North  $30^{\circ}22'34''$  East, a distance of 113.70 feet to a set steel pin;

Thence leaving said rights of way line South  $59^{\circ}37'26''$  East, a distance of 85.48 feet to the POINT OF BEGINNING.

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EXHIBIT "B"

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# Idaho Statesman

The Newspaper of the Treasure Valley  
IDAHOSTATESMAN.COM

PO Box 40, Boise, ID 83707-0040

## LEGAL PROOF OF PUBLICATION

Account #	Ad Number	Identification	PO	Amount	Cols	Lines
118884	0000565626	LEGAL NOTICE	Barber/MainesAnnex	\$163.40	1	67

Attention: Brenda Hines

BOISE WARM SPRINGS WATER DIST  
2440 OLD PENITENTIARY RD  
BOISE ID 83712

### LEGAL NOTICE NOTICE OF HEARING PETITION FOR ANNEXATION OF PROPERTY

NOTICE IS HEREBY GIVEN that the petition of the owners of the real property named and described below for annexation to and the inclusion of certain real property described below to and within the boundaries of the Boise Warm Springs Water District to conditions imposed for annexation and inclusion will be heard by the Board of Directors of the Boise Warm Springs Water District on the 14th day of September, 2011 at 7:00 P.M., Prevailing Time, at the office of said Water District, 2440 Old Penitentiary Road, Boise, Idaho 83712.

The name and address of the petitioners/property owners and the real property to be annexed and included are listed and described as follows:

**Timothy P. Barber**, 1700 E. Warm Springs Avenue, Boise, Idaho 83712, Annexation No. 2009-02, Tax parcel S1014110090.

**Justin E. Maines and Michele I. Maines**, 1011 E. State Street, Boise, Idaho 83712, Annexation No. 2011-01, Tax Parcel R2039251590.

NOTICE is further given that all improvements and appurtenances belonging to the real properties listed/described above, including all roads, streets, alleys and rights-of-way, of record or not of record, adjacent to the above listed or described real properties, are also petitioned to be annexed and included.

All persons interested in such matters and such petitions are hereby notified to appear at the office of the Board of Directors of the Boise Warm Springs Water District at the time and place herein described and scheduled above and at said hearing show cause, in writing, if any they have, why any one or more of said petitions should not be granted.

Dated this 17th day of August, 2011.

BOISE WARM SPRINGS WATER DISTRICT  
Brenda Hines, Secretary

Pub. Aug. 31, Sept. 7, 14, 2011  
0000565626-01

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:

3 Insertions

Beginning issue of: 08/31/2011

Ending issue of: 09/14/2011

*Janice Hildreth*  
(Legals Clerk)

STATE OF IDAHO )

.SS

COUNTY OF ADA )

On this 14 day of September in the year of 2011 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 first duly sworn, declared that the statements therein are true, and acknowledged to me that she executed the same.

*Cecily Bringham*

Notary Public for Idaho  
Residing at: Boise, Idaho

My Commission expires:

8-27-15

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