

ORDER GRANTING PETITION FOR ANNEXATION
TO NORTH KOOTENAI WATER DISTRICT

Kootenai County, Idaho

CLIFFORD T. HAYES 14P 2336034000
KOOTENAI COUNTY RECORDER Page 1 of 14
MKM Date 11/23/2011 Time 11:28:58
REQ OF NORTH KOOTENAI WATER DISTRICT
RECORDING FEES: \$0.00

CARNEY ANNEXATION



THE BOARD OF DIRECTORS (the "Board") of NORTH KOOTENAI WATER DISTRICT (the "District") makes the following findings relative to a Petition for Annexation presented to the Board:

(1) The District is a validly formed water district under and by virtues of the laws of the State of Idaho.

(2) The owners of certain real property located in Kootenai County, Idaho, generally adjacent to the boundaries of the District, filed a Petition for Annexation with the District which complied with the requirements of Idaho Code §42-3218(a) (a copy of the Petition and attachments thereto are attached hereto as Exhibit "A" as though fully set forth herein).

(3) After a thorough examination and review by the Board and its consultants, it was established that the Petition was executed by the property owners in the area covered by the annexation. (The area covered by the annexation is set forth in the map attached hereto and incorporated herein by this reference as Exhibit "B".)

(4) The Board set a public hearing on the Petition for Annexation.

(5) The public hearing was set for November 17, 2011, with notice of this hearing ("Notice") given by both publication and mailing. Notice was published in the *Coeur d'Alene Press* on November 1, 2011 and November 8, 2011. (A copy of the Notice and Affidavit of Publication are attached hereto and incorporated herein by this reference as Exhibit "C".) At this public hearing the Board and its consultants were prepared to respond to any questions or issues raised.

(6) The Board has assumed, pursuant to the provisions of Idaho Code Section 42-3218(b) that the failure of any other individuals to show cause in writing as to the annexation of the property described in Exhibit "B", is deemed as their assent.

(7) The Board, after consideration of the records and files herein and the public health and safety of the current and future residents and businesses in the District and the area proposed for annexation, find it in the best interests of the District its residents and those who are in the area to be annexed into the District, to annex the area covered by the Petition.

(8) Subject to the conditions placed on the annexation by the District, the real property described in the map attached hereto as Exhibit "B" and legally described in Exhibit

“D” attached hereto is hereby incorporated into the District as of the date this Order is recorded with the County Recorder.

(9) The Secretary of the District is hereby directed to file this Order in the records of the District and transmit this Order and all the attachments thereto to the appropriate Kootenai County offices for filing pursuant to Idaho Code §42-3218(b).

(10) Petitioners agree to pay for their share of a New Facility Plan or Facility Plan Amendment and Preliminary Engineering Report as required by the Idaho Department of Environmental Quality.

(11) Conditions: This annexation is conditioned upon completion of the following:

That the petitioners property owners will complete and pay for certain improvements to the specifications and requirements of the District (at their sole discretion) in order to provide service to the property included in this annexation.

Should it be later determined that one or more of the above conditions has not been satisfactorily achieved, the Board shall have the right to remove or deannex this property from the boundaries of the District.

This Order is adopted by a majority vote of the Board of Directors at a meeting on November 17, 2011.

NORTH KOOTENAI WATER DISTRICT

By: Thomas Curran
Chairman, Board of Directors

ATTEST:

Anna Brooks
Secretary



LIST OF EXHIBITS

- A. Petition requesting annexation
- B. Map of the area to be annexed
- C. Notice and Affidavit of Publication of Public Hearing
- D. Legal Description of real property annexed into District

PETITION FOR ANNEXATION
NORTH KOOTENAI WATER DISTRICT
KOOTENAI COUNTY, IDAHO

RECORDED
NOV 2011
TECHNICAL SERVICES

CARNEY ANNEXATION

COMES NOW Petitioners, Curt and Lana Carney and petitions the Board of Directors of North Kootenai Water District ("District") as follows:

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

2. Petitioners are desirous that the above-described property be included in, made or part of, and be served with water system improvements in North Kootenai Water District, Kootenai County, Idaho.

3. Petitioners request that, in accordance with the provisions of Section 42-3218, Idaho Code, notice of the filing of this petition be given and published in the official newspaper of the District in Kootenai County, Idaho, said notice to give all persons interested an opportunity to appear and show cause in writing, if any they have, why this petition should not be granted at the hearing, time and place to be set by this Board; that further, assuming that no valid objections are made to the inclusion of the above-described property within the boundaries of the District, the Board enter its order that the above-described property be included within the boundaries of the District, and that such order be recorder and filed with Kootenai County, Idaho and filed with the State of Idaho Tax Commission.

4. That Petitioners are aware that, as a condition of annexation, the District may require that the land described in this petition be subjected to the following requirements:

(a) The Petitioners shall pay for the actual costs incurred by the District for District administration, engineering, legal, inspection, and preparation of any necessary documents that are required by the District for annexation of the property. Such District costs shall include, but are not limited to, preparation of conditions of annexation, any needed water and/or system master planning, design consultations, plan reviews, and final approval of the Petitioner's construction plans and specifications for water facilities.

(b) The Petitioner shall be responsible for all water facilities that will be necessary to serve the Petitioner's annexed property. These water facilities will include those required within the annexed property as well as all necessary water and sewer facilities needed to extend water and sewer service from the District's existing facilities to those proposed to serve the annexed property. The District shall have the right to dictate where and how the Petitioner's water and sewer facilities that serve the annexed area may be connected to the District's water and sewer facilities. Upon completion of installation and approval by the District of all water and sewer facilities the Petitioner shall dedicate such facilities to the District.



(c) The District shall not be obligated to serve any property annexed within the District where the District has determined there is not sufficient water and/or sewer system capacity to adequately serve such property. There shall arise no right to service or obligation by the District for service upon annexation and as among other properties annexed to the District, and there shall be no priority for service until each water and/or sewer connection permit has been obtained. If construction is not completed within two (2) years from the date the water connection permit was issued, any priority for service shall become null and void. The District may extend the time for completion upon a request by the property owner and a showing of good cause why such extension should be granted.

(d) And such other conditions as the District may prescribe.

WHEREFORE, Petitioners pray that this petition be set for hearing at the earliest practicable time, and that the Board grant the petition including the conditions as set forth in Paragraph 3 above.

DATED: 10/19/11

Petitioner: Curt and Lana Carney

Address: 4734 E Chilca Rd
Akool Id 83801

Signature: Curt Carney

Signature: Lana Carney

STATE OF IDAHO)
) ss.
COUNTY OF KOOTENAI)

I certify that I know or have satisfactory evidence that Curt and Lana Carney are the persons who appeared before me, and said persons acknowledged that they signed this instrument and acknowledged it to be his/her free and voluntary act for the uses and purposes mentioned in the instrument.



Michael R Galante
NOTARY PUBLIC for the State of IDAHO
MICHAEL R GALANTE
[Print name]
My appointment expires: 1 APRIL 2015

EXHIBIT "A"

Legal Description of Annexed Property

Parcel No. 52N03W-07-9500

The Southeast Quarter of the Southeast Quarter of the Southeast Quarter of Section 7, Township 52 North, Range 3 West Boise Meridian, Kootenai County, State of Idaho, formerly described as Block 14 of the Spokane Valley Commercial Orchard Tracts now vacated, and a portion of that certain Park, vacated on February 5, 1920 in Book 5, page 315.

The vacated tracts above described are shown on the plat of Spokane Valley Commercial Orchards, as recorded in Book C of Plats, at page 120.

Excepting any portion lying with the streets and roads as dedicated by the plat of Spokane Valley Commercial Orchard Tracts, according to the recorded plat of record.

Parcel No. 52N03W-18-0200

PARCEL I

The West half of the Northeast Quarter of the Northeast Quarter of Section 18, Township 52 North, Range 3 West, Boise Meridian, Kootenai County, Idaho, EXCEPT any portion lying within those streets and roads dedicated by the plat of SPOKANE VALLEY COMMERCIAL ORCHARD TRACTS, now vacated

AND

That portion of the East half of the Northwest Quarter of the Northeast Quarter of Section 18, Township 52, North, Range 3 West, Boise Meridian, Kootenai County, Idaho, lying southeasterly of Idaho State Highway No. 95. EXCEPT any portion lying within those streets and roads dedicated by the plat of SPOKANE VALLEY COMMERCIAL ORCHARD TRACTS, now vacated.

PARCEL II

A triangle parcel of land being on the Southeasterly side of the centerline of U.S. Highway No. 95, Project No. EAP-100-A(4) Highway Survey as shown on the plans thereof no on file in the office of the Idaho Transportation Department, and being a portion of the West half of the Northwest Quarter of the Northeast Quarter of Section 18, Township 52 North, Range 3 West, Boise Meridian, described all as that portion of Tract 21, Spokane Valley Commercial Orchard lying Southeasterly of the Southeasterly right of way line of U.S. Highway No. 95 as shown on the plan of said U.S. Highway No. 95, Project No. EAP-100-A(4) Highway Survey.

NOTICE OF PUBLIC HEARING
OF ANNEXATION OF PROPERTY INTO
NORTH KOOTENAI WATER DISTRICT
Kootenai County, Idaho

CARNEY ANNEXATION

The Board of Directors (the "Board") of the North Kootenai Water District (the "District") will be holding a public hearing on the annexation of property into the District. The public hearing will be held as follows:

Day: Thursday

Date: November 17, 2011

Time: 12:30 p.m.

Location: 1841 West Hayden Avenue, Hayden, Idaho

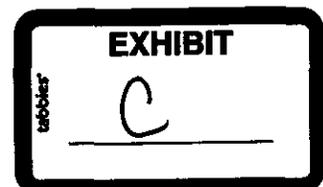
The annexation hearing is based upon a petition filed by the following parties for the properties identified in such petition: Curt and Lana Carney (Parcel Nos. 52N03W-07-9500 and 52N03W-18-0200). A copy of the petition and additional description of the area covered by the petition can be obtained from the District by sending a request to:

North Kootenai Water District
P.O. Box 2290
Hayden, Idaho 83835

All persons interested in appearing at the time and place of the hearing may show cause in writing why any petition for annexation should not be granted. The Board shall consider, at the hearing, any objection presented in writing. The failure of any person to show cause in writing shall be deemed as an assent to include their property within the boundaries of the District.

Anyone wishing to provide written comments, who is unable to attend the hearing, may provide them in advance of the hearing by sending them, first class mail, postage pre-paid, to:

North Kootenai Water District
P.O. Box 2290
Hayden, Idaho 83835



Failure to have your written comments to the Board in advance of the public hearing means they will not be considered by the Board at the public hearing.

DATED this 20th day of October, 2011.

NORTH KOOTENAI WATER DISTRICT,
Kootenai County, Idaho

AFFIDAVIT OF PUBLICATION

NOTICE OF PUBLIC HEARING
OF ANNEXATION OF
PROPERTY INTO NORTH
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STATE OF IDAHO, }
County of Kootenai, } ss.

Jan Jeffers

being first duly sworn

upon oath deposes and says:

1. I am now and at all times hereinafter mentioned was a citizen of the United States, resident of the State of Idaho, over the age of twenty-one years and not a party of the above entitled action.

2. I am now and at all times hereinafter mentioned was the printer (principal clerk) of the "Coeur d'Alene Press," a newspaper printed and published daily except Sunday in Coeur d'Alene, Kootenai County, Idaho, and having a general circulation in said county.

3. The Legal Notice

of which the annexed is a printed copy, was published in the regular Tuesday issue of said newspaper for two consecutive weeks commencing on the 1 day of November 20 11, and ending on the 8 day of November 20 11, and such publication was made as often during said period as said Daily newspaper was regularly issued.

4. That said newspaper has been continuously and uninterruptedly published in said Kootenai County, during a period of more than seventy-eight consecutive weeks immediately prior to the first publication of said notice.

On this 8 day of November in the year of 2011 before me, a Notary Public, personally appeared Jan Jeffers, 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 he executed the same.

Katrina George

Notary Public for the State of Idaho
residing at Coeur d'Alene, Idaho.



MY COMMISSION EXPIRES 8/29/17

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Receipt of New or Altered Taxing District/RAA Boundary Documentation

District Name: N. Kootenai Water District

Contact Person: _____ Phone: _____

District Mailing Address: _____

Other/Additional Info: _____

Items submitted:

- 1. City or District Annexation Document (ordinance or order), signed by proper authority, approving said annexation.
- 2. Legal Description and Map of City or Taxing District / RAA Boundary and Annexed Territory. (see guidelines / requirements below, legal description may be included in annexation document, or submitted separately)

Submittal Guidelines / Requirements:

1. Copy of the ordinance or order effecting the formation or alteration of the district, or Urban Renewal District Revenue Allocation Area, containing the legal description of the newly formed district boundaries or **subject annexed area** (standard description requirements):
 - A. Section/Township/Range,
 - B. True point of beginning defined by bearings and distances from an initial point being a government corner or subdivision plat corner,
 - C. Bearing and distance closure of at least 1:5,000,
 - D. Variations allow for calls along water boundaries, aliquot parts and subdivision plat references (copy of plat may be additionally required).
 - E. Match with existing district boundary where contiguous.
2. Map prepared in a Draftsman-like manner, matching the accompanying legal description and drafted to scale, including:
 - a. Section, township, range, and meridian identifications.
 - b. North arrow, bar scale, and title block.
 - c. District name and ordinance number or order date.
 - d. Bearing and distance annotation between boundary points.
 - e. Clearly defined boundary lines of the newly formed district or RAA, or the annexed area, together with reference to the existing boundary where contiguous.

Received by Assessor for review and filing: Tony Arabian 11-23-11
Assessor signature /date

ASSESSOR CHECK FOR COMPLIANT SUBMITTAL, PROVIDE SIGNED RECEIPT & RECORDER INSTRUCTION FORM TO DISTRICT FOR RECORDING.

Received by Auditor/Clerk/Recorder for recording / filing: Melissa Smith 11/23/11
Recorder signature / date

ORIGINAL RECEIPT TO DISTRICT FOR THEIR RECORDS, COPY TO ASSESSOR'S OFFICE.