

ORDER GRANTING PETITION FOR ANNEXATION  
TO NORTH KOOTENAI WATER DISTRICT

171

Kootenai County, Idaho

CLIFFORD T. HAYES 12P 2338719000  
KOOTENAI COUNTY RECORDER Page 1 of 12  
MKM Date 12/14/2011 Time 10:25:39  
REQ OF NORTH KOOTENAI WATER DISTRICT  
RECORDING FEE: \$0.00

MARPLES 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 December 1, 2011, with notice of this hearing ("Notice") given by both publication and mailing. Notice was published in the *Coeur d'Alene Press* on November 15, 2011 and November 22, 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 December 1, 2011.

NORTH KOOTENAI WATER DISTRICT

By: *Thomas Chen*  
Chairman, Board of Directors

ATTEST:

*Alanna 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  
MARPLES ANNEXATION

COMES NOW Petitioners, Harold and Sharron Marples and petition 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 Petitioners shall be responsible for all water facilities that will be necessary to serve the Petitioners 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: October 24, 2011

Petitioners: Harold and Sharron Marples

Address:

3762 Chilco Road

Athol ID 83801

Signature:

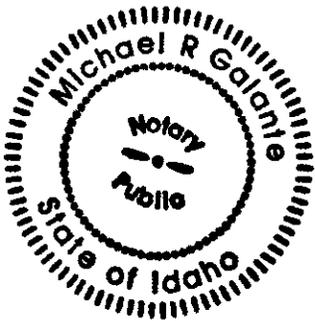
Harold Marples

Signature:

Sharon Marples

STATE OF IDAHO            )  
  ) ss.  
COUNTY OF KOOTENAI    )

I certify that I know or have satisfactory evidence that Harold and Sharron Marples are the persons who appeared before me, and said persons acknowledged that they signed this instrument and acknowledged it to be their free and voluntary act for the uses and purposes mentioned in the instrument.



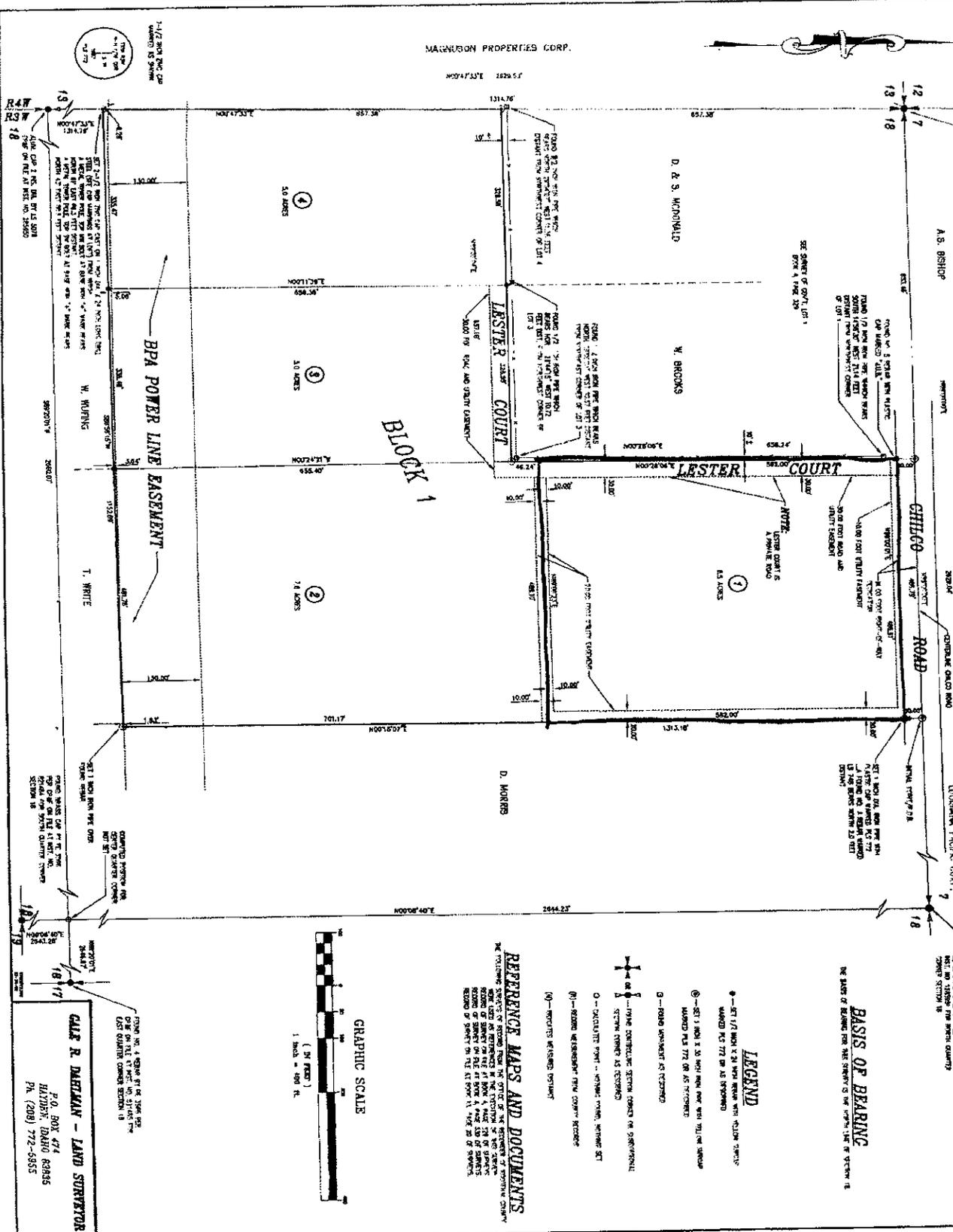
*Michael R Galante*  
NOTARY PUBLIC for the State of IDAHO  
MICHAEL R GALANTE  
[Print name]  
My appointment expires: 1 APRIL 2015

EXHIBIT "A"

Legal Description of Annexed Property

Lot 1, Block 1 of the plat of Chilco Pines as recorded in Book I of Plat, Pages 35 and 35A,  
records of Kootenai County, Idaho

**FINAL PLAT**  
**CHILCO PINES**  
 A PORTION OF GOVERNMENT LOT 1, SECTION 16, TOWNSHIP 32 NORTH, RANGE 3 WEST,  
 BOISE MERIDIAN, COCONINO COUNTY, ARIZONA



**BASIS OF BEARING**  
 THE BASIS OF BEARING FOR THIS SURVEY IS THE UPRIGHT LINE OF SECTION 16.

**LEGEND**

- ⊙ - SET 1/2" BENCH MARK WITH YELLOW CENTER MARKED N 5° 27' 20" W 100.00 FT.
- ⊙ - SET 1" BENCH MARK WITH YELLOW CENTER MARKED N 5° 27' 20" W 100.00 FT.
- ⊙ - ROAD UNMARKED AS RECEIVED
- ⊙ - DEDICATED POINT - ORIGINAL PLAIN, SURFACE SET
- ⊙ - DEDICATED POINT - ORIGINAL PLAIN, SURFACE SET
- ⊙ - DEDICATED POINT - ORIGINAL PLAIN, SURFACE SET
- ⊙ - DEDICATED POINT - ORIGINAL PLAIN, SURFACE SET
- ⊙ - DEDICATED POINT - ORIGINAL PLAIN, SURFACE SET

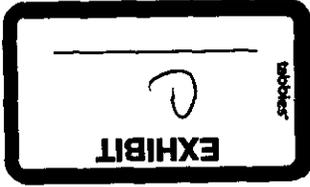
**REFERENCE MAPS AND DOCUMENTS**

THE FOLLOWING SURVEYS AND DOCUMENTS ARE REFERENCED IN THIS SURVEY:



**GALE R. DEWALAN - LAND SURVEYOR**  
 P.O. BOX 474  
 HAVEN, ARIZONA 86395  
 PA. (209) 772-5935





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

MARPLES 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: December 1, 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: Harold and Sharon Marples (Parcel No. 012980010010). 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 3<sup>rd</sup> day of November, 2011.

NORTH KOOTENAI WATER DISTRICT,  
Kootenai County, Idaho



Craig, Here is another annexation for the Chilco area.

By Mike Galante  
 North Kootenai Water District

- For Approval
- As Requested
- Permanent Records
- For Your Use
- Inspection/Repair
- Returned

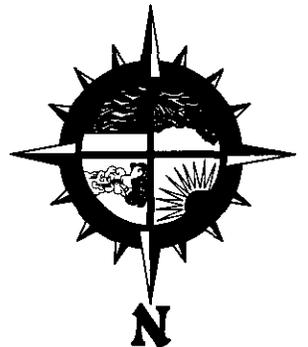
These are transmitted as checked below:

COPIES	DATED	DESCRIPTION
1	12.14.11	Original petition for annexation, Order, Affidavit

ITEMS TRANSMITTED  Mailed/UPS  Delivered  Picked-up

Attn:	Craig Johnson	Date:	12.14.11
Company:	Idaho State Tax Commission	Job:	Maples recorded document

Letter of Transmittal



**North Kootenai Water District**  
 P.O. Box 2290; 1841 W. Hayden Ave. • Hayden, Idaho 83835-2290  
 Phone: (208) 772-3619 • Fax: (208) 762-0355  
 Contact Us: [www.nkwsd.com](http://www.nkwsd.com)