

ORDER GRANTING PETITION FOR ANNEXATION
TO NORTH KOOTENAI WATER DISTRICT
Kootenai County, Idaho

081

CLIFFORD T. HAYES 9P 2371453000
KOOTENAI COUNTY RECORDER Page 1 of 9
TMD Date 08/21/2012 Time 10:06:03
REQ OF NORTH KOOTENAI WATER & SEWER
RECORDING FEES: \$0.00

2371453000 XK

CARLSON 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 owner 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 owner 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 August 2, 2012, with notice of this hearing ("Notice") given by both publication and mailing. Notice was published in the *Coeur d'Alene Press* on July 20, 2012 and July 27, 2012. (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) Petitioner agrees to pay for its 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 petitioner will complete and pay for certain improvements to the specifications and requirements of the District (at its 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 August 2, 2012.

NORTH KOOTENAI WATER DISTRICT

By:
Chairman, Board of Directors

ATTEST:

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

BEFORE THE BOARD OF DIRECTORS OF THE
NORTH KOOTENAI WATER DISTRICT
KOOTENAI COUNTY, IDAHO

IN THE MATTER OF THE INCLUSION OF
CERTAIN REAL PROPERTY IN NORTH
KOOTENAI WATER DISTRICT BY
ERIC A. CARLSON

PETITION FOR THE INCLUSION OF
CERTAIN REAL PROPERTY IN
NORTH KOOTENAI WATER DISTRICT

COMES NOW Petitioner, ERIC A. CARLSON and petitions the Board of
Directors of North Kootenai Water District ("District") as follows:

I.

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.

II.

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.

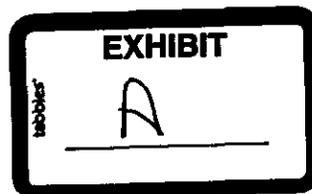
III.

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 filed with the Clerk of the District Court, Kootenai County, Idaho and also with the State of Idaho Tax Commission.

IV.

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:

1. 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 system master planning, design consultations, plan reviews, and final approval of the Petitioner's construction plans and specifications for water facilities.

2. 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 facilities needed to extend water 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 facilities that serve his annexed area may be connected to the District's water facilities. Upon completion of installation and approval by the District of all water facilities the Petitioner shall dedicate such facilities to the District.
3. The District shall not be obligated to serve any property annexed within the District where the District has determined there is not sufficient water 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 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.
4. At the time each water connection permit is issued and prior to connection of the water system to each private facility, a service availability fee of no less than _____ Dollars (\$ _____) per lot or equivalent dwelling unit shall be paid to repay the District for the cost of developing the District's core water collector lines, and treatment facilities including the debt retirement of such facilities committed to prior to inclusion of the annexed property into the District. Such service availability fees may increase at such time as the District determines such fees are not adequate to reimburse the District for the cost incurred in developing the water system. The service availability fee shall be in addition to actual costs required for connecting to the actual main water line.
5. 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 IV above.

DATED this 1st day of JUNE, 2012

AFFIDAVIT OF PUBLICATION

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

STATE OF IDAHO, }
County of Kootenai. } ss.

Amber Tice

being first duly sworn upon oath deposited 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.

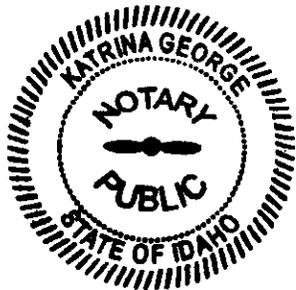
2. I am now and at all times hereinafter mentioned was the printer (principal clerk) of the "Coeur d'Alene Press," a newspaper printed and published daily except Sunday in Coeur d'Alene, Kootenai County, Idaho, and having a general circulation in said county.

3. The Legal Notice

of which the annexed is a printed copy, was published in the regular Friday issue of said newspaper for 2 consecutive Weeks commencing on the 20 day of July, 2012, and ending on the 27 day of July, 2012, 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 27 day of July in the year of 2012 before me, a Notary Public, personally appeared Amber Tice 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

CARLSON, NELSON AND
KLIKA ANNEXATIONS

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

Day: Thursday
Date: August 2, 2012
Time: 12:30 p.m.

Location: 13649 N. Meyer Rd.,
Rathdrum, ID 83858

The annexation hearing is based upon petitions filed by the following parties for the properties identified in such petition: Eric Carlson (Parcel No. 52N04W086500), Joe Nelson (Parcel No. 0J4450020040), and Mike and Linda Klika (Parcel No.s 0J4450010010, 0J4450020010, 0J4450020020, 0J4450020030 and 0J4450020050). A copy of the petitions and additional descriptions of the areas covered by the petitions can be obtained from the District by sending a request to:

North Kootenai Water District
13649 N. Meyer Rd.
Rathdrum, ID 83858

All persons interested in appearing at the time and place of the hearing may show cause in writing why any petitions 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
13649 N. Meyer Rd.
Rathdrum, ID 83858

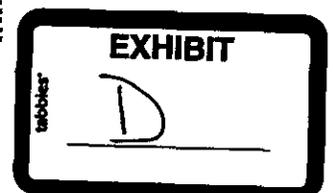
Failure to have your written comments to the Board in advance of the public hearing means they will not be considered by the Board at the public hearing.

DATED this 16th day of July, 2012.
NORTH KOOTENAI WATER DISTRICT, Kootenai County, Idaho
Legal 5798
July 20, 27, 2012

LOAN #: 40101287

A PART OF GOVERNMENT LOT 5 IN SECTION 8, TOWNSHIP 52 NORTH, RANGE 4 WEST, BOISE MERIDIAN, KOOTENAI COUNTY, STATE OF IDAHO, DESCRIBED AS FOLLOWS: BEGINNING ON THE WEST SHORE OF LOWER TWIN LAKES AT A POINT OF INTERSECTION OF SECTION LINE BETWEEN SECTIONS 8 AND 17, TOWNSHIP 52 NORTH, RANGE 4 WEST, BOISE MERIDIAN, RUNNING NORTH 30 DEGREES WEST, 260 FEET ALONG SHORE TO FOOT OF ROCKY LEDGE; THENCE SOUTH 26 DEGREES WEST, ALONG FOOT TO ROCKY LEDGE TO A POINT ON A SECTION LINE; THENCE EASTERLY 242 FEET, MORE OR LESS, ON SECTION LINE TO POINT OF BEGINNING.

GDEXA 0001





North Kootenai Water & Sewer District

13649 N. Meyer Rd. • Rathdrum, ID 83858
 Phone: (208) 687-6593 • Fax: (208) 687-6597
 Contact Us: www.nkwsd.com

Letter of Transmittal

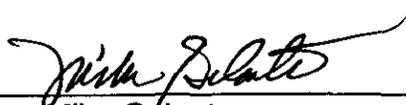
Attn:	Craig Johnson	Date:	08.21.12
Company:	Idaho Tax Commision	Job:	Carlson Annexation

ITEMS TRANSMITTED Mailed/UPS Delivered Picked-up

COPIES	DATED	DESCRIPTION
1	08.21.12	Recorded Order/Petition- Carlson Annexation

These are transmitted as checked below:

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

By  North Kootenai Water District
 Mike Galante