

006

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

KOOTENAI PROPERTIES 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 January 5, 2012, with notice of this hearing ("Notice") given by both publication and mailing. Notice was published in the *Coeur d'Alene Press* on December 22, 2011 and December 29, 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) 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 January 5, 2012.

NORTH KOOTENAI WATER DISTRICT

By: *Sherman Cr...*  
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

KOOTENAI PROPERTIES ANNEXATION

COMES NOW Petitioner, Kootenai Properties, by and through <sup>Steve Godde</sup> ~~Wayne Earling~~ as the President of Kootenai Properties who is an authorized signatory on behalf of Kootenai Properties, and petitions the Board of Directors of North Kootenai Water District ("District") as follows:

1. Petitioner is the owner 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.

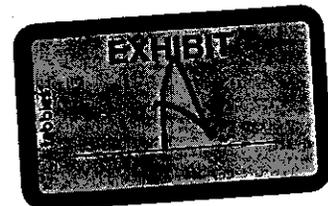
2. Petitioner is desirous that the above-described property be included in, made or part of, and be served with water system improvements in North Kootenai Water District, Kootenai County, Idaho.

3. Petitioner requests 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 Petitioner is 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 Petitioner 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, Petitioner prays 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: 11/29/11

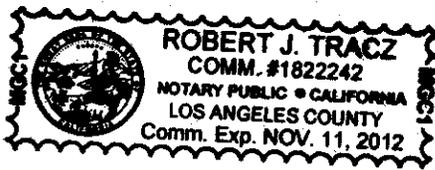
Petitioner: Kootenai Properties, Inc.

Address: PO Box 1152, Lancaster, CA 93584-1152

Signature: Steven J. Green President

CALIFORNIA  
STATE OF ~~IDAHO~~ )  
LOS ANGELES ) ss.  
COUNTY OF ~~KOOTENAI~~ )

I, Robert J. Tracz, a notary public, do hereby certify that on this 29<sup>th</sup> day of ~~October~~ November, 2011, personally appeared before me Steven F. Godde who, being by me first duly sworn, declared that he is the President of Kootenai Properties, that he signed the foregoing document as the President of the corporation, and that the statements therein contained are true.



Robert J. Tracz  
NOTARY PUBLIC for the State of California  
Robert J. Tracz  
[Print name]  
My appointment expires: 11/11/2012

EXHIBIT "A"

Legal Description of Annexed Property

EXHIBIT "A" — Legal Description of Annexed Property

Idaho Transportation Department  
US-95, Garwood to Sagle – Chilco Stage  
Project No. A009(780)  
Key No. 09780

Connecting Idaho Partners  
October 1, 2010  
Assessor's Parcel N<sup>o</sup> 52N03W-08-2600  
934,982 Sq. Ft (21.464 Acres)  
Page 1 of 2

**PARCEL 55.6**  
**ITD PID 0043914**  
**REMAINDER**  
**OCTOBER 1, 2010**

A tract of land being a portion of the northwest quarter of the northwest quarter (NW4, NW4) and the northeast quarter of the northwest quarter (NE4, NW4) and the southwest quarter of the northwest quarter (SW4, NW4) and the southeast quarter of the northwest quarter (SE4, NW4) of Section 8, Township 52 North, Range 3 West, Boise Meridian, Kootenai County, Idaho, more particularly described as follows:

**COMMENCING** at a 2-1/2 inch diameter Zinc Cap monument marking the west quarter corner of said Section 8, as referenced by Corner Record Instrument No. 2261871000 filed April 19, 2010, from which bears South 38°00'01" West a distance of 16.27 feet a 2-1/2-inch diameter Aluminum Cap monument, Corner Record 1285954, marking a previously used position of the west quarter corner of said Section 8; thence along the newly recovered latitudinal centerline of Section 8, South 88°37'00" East a distance of 216.22 feet to the southeasterly right-of-way line of existing U.S. Highway 95, said point being 80.00 feet right of Project Centerline Station 647+85.03; thence along said southeasterly right-of-way line, North 33°48'53" East a distance of 1723.94 feet to the northwest corner of that certain parcel of land described in Instrument No. 1439760 of the official records of Kootenai County, Idaho, said point being 80.00 feet right of Project Centerline Station 665+08.97; thence leaving said southeasterly right-of-way along the northerly boundary of said parcel, South 89°58'09" East a distance of 138.36 feet to a point 195.00 feet right of Project Centerline Station 665+85.91 and the **TRUE POINT OF BEGINNING**;

thence continuing along said northerly boundary, South 89°58'09" East a distance of 397.04 feet to the northeasterly corner of said parcel, said point being 525.00 feet right of Project Centerline Station 668+06.69;

thence along the easterly boundary of said parcel, South 30°41'43" West a distance of 613.85 feet to a point 558.40 feet right of Project Centerline Station 661+93.75;

thence continuing along said boundary, South 63°03'38" East a distance of 487.44 feet to a point 1042.34 feet right of Project Centerline Station 662+52.10;

thence continuing along said boundary, South 37°53'17" West a distance of 589.55 feet to a point 1000.46 feet right of Project Centerline Station 656+64.04;

thence continuing along said boundary, North 87°12'02" West a distance of 353.74 feet to a point 697.30 feet right of Project Centerline Station 654+81.77;

thence continuing along said boundary, South 3°58'25" West a distance of 42.41 feet to a point 718.41 feet right of Project Centerline Station 654+44.98;

thence continuing along said boundary, North 88°36'37" West a distance of 319.14 feet to a point 449.02 feet right of Project Centerline Station 652+73.86;

EXHIBIT "A" Cont.  
Idaho Transportation Department  
US-95, Garwood to Sagle – Chilco Stage  
Project No. A009(780)  
Key No. 09780

Connecting Idaho Partners  
October 1, 2010  
Assessor's Parcel No 52N03W-08-2600  
934,982 Sq. Ft (21.464 Acres)  
Page 2 of 2

thence continuing along said boundary, South 2°37'37" West a distance of 223.77 feet to the southerly boundary of said parcel, said point being 564.90 feet right of Project Centerline Station 650+82.43;

thence along said southerly boundary, North 88°54'45" West a distance of 439.70 feet to a point 195.00 feet right of Project Centerline Station 648+44.71;

thence North 33°48'53" East a distance of 1741.20 feet to the **POINT OF BEGINNING**.

Said parcel contains 934,982 square feet or 21.464 acres, more or less.

Located between Project Centerline Stations 648+44.71 and 668+06.69 Right.

Basis of bearing is South 88°37'00" East, 2634.68 feet, between a 2-1/2 inch diameter Zinc Cap monument, Corner Record Instrument No. 2261871000, marking a position for the west quarter corner of Section 8, Township 52 North, Range 3 West, and the found 1/2 inch diameter rebar with yellow plastic cap, Corner Record Instrument No. 1285955, marking the center quarter corner of Section 8, Township 52 North, Range 3 West, Boise Meridian, Kootenai County, Idaho.

Prepared by CH2M Hill, October 1, 2010  
End of Description



Mitchell D. Christian, P.L.S.

License No. 7043



# AFFIDAVIT OF PUBLICATION

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

*Jen 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 *Thursday* issue of said newspaper for *two* consecutive *weeks* commencing on the *27* day of *December* 20 *11*, and ending on the *29* day of *December* 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 *Jen Jeffers*

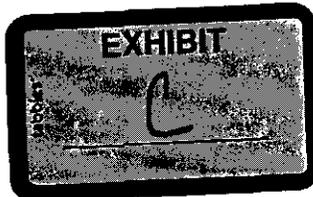
On this *29* day of *December* in the year of *2011*, before me, a Notary Public, personally appeared *Jen Jeffers*

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



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

KOOTENAI PROPERTIES  
ANNEXATION  
SONJIA MACDONALD  
ANNEXATION  
ROY W. AND LEOLA E. HALL  
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: January 5, 2012

Time: 12:30 p.m.

Location: 1841 West Hayden  
Avenue, Hayden, Idaho

The annexation hearing is based upon petitions filed by the following parties for the properties identified in such petition: Kootenai Properties (Parcel No. 52N03W-08-2600); Sonjia MacDonald (Parcel No. 52N03W-18-3250); and Roy W. and Leola E. Hall (Parcel No. 012980010040). 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  
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 of the 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 and 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 the 1st and 15th days of  
December, 2011.

NORTH KOOTENAI WATER  
DISTRICT, Kootenai County,  
Idaho

Legal 4405

TAX # 22889 PAGE 1 OF 2  
DOCUMENT TYPE WD  
INSTRUMENT # 2298746  
RECORDING DATE 01/12/11

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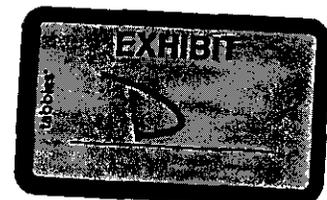
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THIS TAX # REPLACES #16989  
DEPUTY INITIALS JB DATE 03/28/11



TAX # 22889 PAGE 2 OF 2  
DOCUMENT TYPE WD  
INSTRUMENT # 2298746  
RECORDING DATE 01/12/11

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Prepared by CH2M Hill, October 1, 2010  
End of Description



Mitchell D. Christian, P.L.S.

License No. 7043

THIS TAX # REPLACES #16989  
DEPUTY INITIALS JB DATE 03/28/11