

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

CLIFFORD T. HAYES 10P 2342158000
KOOTENAI COUNTY RECORDER Page 1 of 10
DLS Date 01/13/2012 Time 11:03:15
REQ OF NORTH KOOTENAI WATER DISTRICT
RECORDING FEES: \$0.00

2342158000 XK

MacDONALD 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 her share of a New Facility Plan or Facility Plan Amendment and Preliminary Engineering Report as required by the Idaho Department of Environmental Quality.

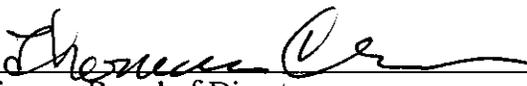
(11) Conditions: This annexation is conditioned upon completion of the following:

That the petitioner will complete and pay for certain improvements to the specifications and requirements of the District (at her 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: 
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

PETITION FOR ANNEXATION

NORTH KOOTENAI WATER DISTRICT
KOOTENAI COUNTY, IDAHO

MacDONALD ANNEXATION

COMES NOW Petitioner, Sonjia MacDonald 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.

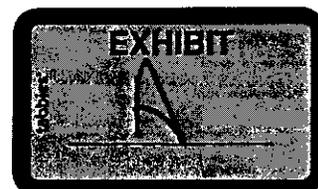
2. Petitioner is desirous that the above-described property be included in, made or part of, and be served with water system improvements in North Kootenai Water District, Kootenai County, Idaho.

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 recorded and filed with Kootenai County, Idaho and filed with the State of Idaho Tax Commission.

4. The 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: 11/17/11

Petitioner: Sonjia MacDonald

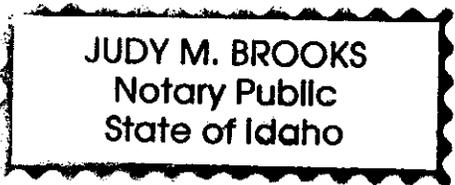
Address: 3530 E. Chilco Rd.

Athol, ID 83801

Signature: Sonjia MacDonald

STATE OF IDAHO)
) ss.
COUNTY OF KOOTENAI)

I certify that I know or have satisfactory evidence that Sonjia MacDonald is the person who appeared before me, and said person acknowledged that she signed this instrument and acknowledged it to be her free and voluntary act for the uses and purposes mentioned in the instrument.



Judy M Brooks
NOTARY PUBLIC for the State of Idaho
Judy Brooks
[Print name]
My appointment expires: 4/11/2014

EXHIBIT "A"

Legal Description of Annexed Property

The west half of the northwest quarter of Government Lot 1, Section 18, Township 52 North,
Range 3 West, Boise Meridian, Kootenai County, Idaho



Legal Description of Annexed Property
The west half of the northwest quarter of Government Lot 1, Section 18, Township 52 North,
Range 3 West, Boise Meridian, Kootenai County, Idaho

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO,
County of Kootenai,

SS

Ken 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

issue of said newspaper for

consecutive

_____ days of _____, 2011, and such

publication was made as often during said period as said

newspaper was regularly issued.

4. That said newspaper has been continuously and uninterrupted 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 _____ day of _____, in the year of 2011, before me,

a Notary Public, personally appeared _____

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.

Katuna George
Notary Public for the State of Idaho,

residing at Coeur d'Alene, Idaho.



MY COMMISSION EXPIRES 8/29/17

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



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); Sonia MacDonald (Parcel No. 52N03W-18-3250); and Roy W. 0129880010040). A copy of the descriptions of the areas covered and additional 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

NOTICE OF PUBLIC HEARING OF ANNEXATION OF PROPERTY INTO NORTH KOOTENAI WATER DISTRICT Kootenai County, Idaho
KOOTENAI PROPERTIES ANNEXATION
SONIA MACDONALD ANNEXATION
ROY W. AND LEOLA E. HALL ANNEXATION