



**BEFORE THE BOARD OF DIRECTORS OF
NORTHWEST BOISE SEWER DISTRICT, ADA COUNTY, IDAHO**

060

**IN THE MATTER OF THE INCLUSION
OF CERTAIN REAL PROPERTY IN THE
NORTHWEST BOISE SEWER DISTRICT
OWNED BY THE KIMBALL CHILDREN'S
IRREVOCABLE TRUST**

ORDER OF INCLUSION

~~TAX COMMISSION~~

JUN 11 2013

~~NORTHWEST SEWER~~

THIS MATTER having come on regularly for hearing this 10th day of June, 2013, pursuant to a Petition filed with the Board of the Northwest Boise Sewer District (the "District") on May 16, 2013, by Elizabeth Gregg, Trustee for the **Kimball Children's Irrevocable Trust**, Petitioner and Owner, and pursuant to a notice by publication in the Idaho Statesman, a newspaper of general circulation within the District, on May 27, 2013 and June 3, 2013, the proof of which more fully appears in the Affidavit of Publication attached hereto. No person appeared to protest the inclusion of the real property owned by Petitioner; and

Since the property proposed to be annexed was not contained in the original boundaries of the District, the Board will require that the property be annexed subject to certain conditions hereafter set forth.

The Board has a contract with the City of Boise for the treatment of the effluent collected by the District. The Board is of the opinion that the territory should be annexed to the District, but when sewer service is requested, in addition to the District's tap-in charges, the following conditions are to be met:

1. The District will charge the then current Boise City treatment plant connection charge for any residential or residential equivalent unit and upon receipt of this connection charge disburse the amount to the City of Boise. The purpose of this requirement is to insure that all

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property within the District will pay a reasonable charge for use of the capacity in the Boise treatment plant.

2. Responsibility for construction, operation and maintenance of the building sewer line to its connection to the end of the service connection shall remain with the Owner of the annexed area.

There being no objection to the inclusion of said property owned by Petitioner, subject to said conditions, and the Board being fully advised,

NOW, THEREFORE, IT IS ORDERED, ADJUDGED AND DECREED that it is in the best interests of the Petitioner and the District that the subject parcel of property described on Exhibit A attached hereto be and the same is hereby included within the District.

When sewer service is requested, the District will require at the time of connection of any residential or residential equivalent unit in addition to all fees and charges of the District, the connection fee imposed by the City of Boise according to the current City ordinance at the time of connection to the Northwest Boise Sewer District.

Responsibility for construction, operation and maintenance of the building sewer line to its connection to the end of the service connection shall remain with the Owner of the annexed area.

IT IS FURTHER ORDERED that the Petitioner and Owner of the said property described in Exhibit A attached hereto gives evidence of approval of the foregoing conditions by execution of the Consent hereinafter set out. Upon receipt of an executed copy of the Order of Inclusion of the District and Consent by the District's attorneys, said attorneys are directed to record a copy of this Order, together with appropriate map(s), with the Ada County Recorder's Office, and to thereafter file copies of the recorded instrument with the Ada County Assessor, the State Tax Commission and the Ada County Auditor.

Dated this 10th day of June, 2013.

NORTHWEST BOISE SEWER DISTRICT

By: Lotwick I. Reese
Lotwick I. Reese, Chairman



Attest:

Joannette Cox
Joannette Cox, Secretary

C O N S E N T

The undersigned hereby consent to the conditions contained in the Board's Order annexing the subject parcels described on Exhibit A attached hereto.

Dated this 16TH day of MAY, 2013.

By: Elizabeth Long
Trustee

EXHIBIT "A"
DESCRIPTION OF LAND FOR ANNEXATION INTO
THE NORTHWEST BOISE SEWER DISTRICT

A parcel of land situated in the NW1/4 of the SW1/4 and the W1/2 of the NW1/4 of Section 26, Township 4 North, Range 2 East, Boise Meridian, Boise City, Ada County, Idaho, more particularly described as follows:

BEGINNING at the W1/4 corner of said Section 26; thence, along the westerly line of said NW1/4,

- 1) N.00°27'11"E., 2640.00 feet to the northwest corner of said Section 26; thence, along the northerly line of said NW1/4,
- 2) S.88°49'05"E., 606.02 feet to the centerline of North Bogus Basin Road; thence, along said centerline the following courses:
- 3) S.55°45'08"E., 238.24 feet to the beginning of a tangent curve; thence,
- 4) Southeasterly along said curve to the right having a radius of 330.00 feet, an arc length of 393.30 feet, through a central angle of 68°17'09", and a chord bearing and distance of S.21°36'33"E., 370.43 feet; thence, tangent from said curve,
- 5) S.12°32'02"W., 355.31 feet to the beginning of a tangent curve; thence,
- 6) Southwesterly along said curve to the left having a radius of 350.00 feet, an arc length of 92.42 feet, through a central angle of 15°07'45", and a chord bearing and distance of S.04°58'09"W., 92.15 feet; thence, tangent from said curve,
- 7) S.02°35'43"E., 98.50 feet to the beginning of a tangent curve; thence,
- 8) Southeasterly along said curve to the left having a radius of 1000.00 feet, an arc length of 122.27 feet, through a central angle of 07°00'20", and a chord bearing and distance of S.06°05'53"E., 122.20 feet to a parcel of land described in Right-of-Way Dedication Deed Instrument No. 101001817; thence, leaving said road centerline, non-tangent from said curve,
- 9) N.80°23'56"E., 33.00 feet to the beginning of a non-tangent curve on the easterly right-of-way line of said N. Bogus Basin Road; thence, along said easterly right-of-way line as described in said deed instrument, the following courses:
- 10) Southeasterly along said curve to the left having a radius of 967.00 feet, an arc length of 133.59 feet, through a central angle of 07°54'55", and a chord bearing and distance of S.13°33'31"E., 133.48 feet; thence, tangent from said curve,

- 11) S.17°30'59"E., 124.20 feet to the beginning of a tangent curve; thence,
- 12) Southeasterly along said curve to the right having a radius of 383.00 feet, an arc length of 36.69 feet, through a central angle of 05°29'17", and a chord bearing and distance of S.14°46'20"E., 36.67 feet; thence, tangent from said curve,
- 13) S.12°01'41"E., 88.81 feet to the beginning of a tangent curve; thence,
- 14) Southwesterly along said curve to the right having a radius of 1063.00 feet, an arc length of 546.36 feet, through a central angle of 29°26'55", and a chord bearing and distance of S.02°41'46"W., 540.36 feet; thence, tangent from said curve,
- 15) S.17°25'14"W., 730.64 feet to the beginning of a tangent curve; thence,
- 16) Southwesterly along said curve to the right having a radius of 900.00 feet, an arc length of 131.47 feet, through a central angle of 8°22'10", and a chord bearing and distance of S.21°36'19"W., 131.35 feet; thence, tangent from said curve,
- 17) S.25°47'24"W., 36.59 feet; thence,
- 18) Southwesterly along said curve to the right having a radius of 1178.92 feet, an arc length of 242.59 feet, through a central angle of 11°47'23", and a chord bearing and distance of S.31°41'05"W., 242.16 feet; thence, tangent from said curve,
- 19) S.37°34'47"W., 762.81 feet to the beginning of a tangent curve; thence,
- 20) Southwesterly along said curve to the right having a radius of 1465.40 feet, an arc length of 37.17 feet, through a central angle of 1°27'12", and a chord bearing and distance of S.38°18'23"W., 37.17 feet; thence, leaving said easterly right-of-way line, non-tangent from said curve,
- 21) N.50°58'01"W., 33.00 feet to centerline of Bogus Basin Road; thence, along said centerline,
- 22) Southwesterly along said curve to the right having a radius of 1432.40 feet, an arc length of 121.24 feet, through a central angle of 4°50'58", and a chord bearing and distance of S.41°27'28"W., 121.20 feet to the westerly line of said NW1/4 of the SW1/4; thence, leaving said centerline, along said westerly line,
- 23) N.00°24'02"E., 1176.42 feet to the **POINT OF BEGINNING**.

CONTAINING: 68.73 acres, more or less.

EXHIBIT "B"

LINE TABLE		
LINE	BEARING	DISTANCE
L1	S55°45'08"E	238.24'
L2	S12°32'02"W	355.31'
L3	S2°35'43"E	98.50'
L4	N80°23'56"E	33.00'
L5	S17°30'59"E	124.20'
L6	S12°01'41"E	88.81'
L7	S17°25'14"W	730.64'
L8	S25°47'24"W	38.59'
L9	S37°34'47"W	762.81'
L10	N50°58'01"W	33.00'

CURVE TABLE					
CURVE	LENGTH	RADIUS	DELTA	BEARING	CHORD
C1	393.30'	330.00'	68°17'09"	S21°36'33"E	370.43'
C2	92.42'	350.00'	15°07'45"	S4°58'09"W	92.15'
C3	122.27'	1000.00'	7°00'20"	S6°05'53"E	122.20'
C4	133.59'	967.00'	7°54'55"	S13°33'31"E	133.48'
C5	36.89'	383.00'	5°29'17"	S14°48'20"E	36.67'
C6	546.38'	1063.00'	29°26'55"	S2°41'46"W	540.36'
C7	131.47'	900.00'	8°22'10"	S21°38'19"W	131.35'
C8	242.59'	1178.92'	11°47'23"	S31°41'05"W	242.16'
C9	37.17'	1465.40'	1°27'12"	S38°18'23"W	37.17'
C10	121.24'	1432.40'	4°50'58"	S41°27'28"W	121.20'



STEVEN J. FRISBIE
IDAHO NO. 8961



T-O ENGINEERS

9777 CHINDEN BOULEVARD
BOISE, IDAHO 83714-2008

PHONE: (208) 323-2288

FAX: (208) 323-2399

E-FILE R:\120116-Y-XB-NW-BSD-ES.DWG DATE: MAY 2013 JOB: 120116

SHEET 2 OF 2

Idaho Statesman

The Newspaper of the Treasure Valley
IDAHOSTATESMAN.COM

PO Box 40, Boise, ID 83707-0040

LEGAL PROOF OF PUBLICATION

Account #	Ad Number	Identification	PO	Amount	Cols	Lines
31909	0000644189	LEGAL NOTICE	NWBoiseSewer/Kimball	\$453.97	3	88

Attention: Julie Harrison

EVANS KEANE ATTORNEYS AT LAW

PO BOX 959

BOISE ID 83701

LEGAL NOTICE NOTICE OF INCLUSION OF CERTAIN REAL PROPERTY IN THE NORTHWEST BOISE SEWER DISTRICT, ADA COUNTY, IDAHO

TO: ALL INTERESTED PERSONS, PUBLIC NOTICE IS HEREBY GIVEN:

That on the 16th day of May, 2013, pursuant to Idaho Code Section 42-3218, there was filed in the Office of the Board of Directors of the Northwest Boise Sewer District, Ada County, Idaho, a Petition for the Inclusion of Certain Real Property in the Northwest Boise Sewer District, by Elizabeth Gregg, Trustee for the Kimball Children's Irrevocable Trust, owner of certain real property located outside of said Northwest Boise Sewer District, situated in the County of Ada, State of Idaho, and more particularly described as follows:

See Exhibit A attached hereto.

The said Petitioner requests that the real property described above be included in the Northwest Boise Sewer District, Ada County, Idaho.

Petitioner states that she is aware that as a condition of annexation, the Petitioner will be required to install to the District's specifications any sewer lines necessary to connect Petitioner's service lines to the District's collection system, and that the District will require at the time of connection of any residential or residential equivalent unit, in addition to all fees and charges of the District, a connection fee in the amount of the current treatment plant connection fee made by the City of Boise according to the current City ordinance at the time of connection to the Northwest Boise Sewer District.

That a public hearing on said Petition will be held at 3600 Hill Road, Boise, Idaho, the office of the Northwest Boise Sewer District on the 10th day of June, 2013, at the hour of 7:15 p.m., where all persons interested may appear and show cause in writing, if any they have, why said Petition should not be granted.

DATED this 17th day of May, 2013.

NORTHWEST BOISE SEWER DISTRICT

ADA COUNTY, IDAHO

By: /s/ Lotwick L. Reese, Chairman

ATTEST: /s/ Joannette Cox, Secretary

EXHIBIT "A" DESCRIPTION OF LAND FOR ANNEXATION INTO THE NORTHWEST BOISE SEWER DISTRICT

A parcel of land situated in the NW1/4 of the SW1/4 and the W1/2 of the NW1/4 of Section 26, Township 4 North, Range 2 East, Boise Meridian, Boise City, Ada County, Idaho, more particularly described as follows:

BEGINNING at the W1/4 corner of said Section 26; thence, along the westerly line of said NW1/4,

11. N.D. 27°11'E., 2640.00 feet to the northwest corner of said Section 26; thence, along the northerly line of said NW1/4,

2) S.B. 49°05'E., 606.02 feet to the centerline of North Bogus Basin Road; thence, along said centerline the following courses:

3) S.55 45°08'E., 238.24 feet to the beginning of a tangent curve; thence,

4) Southeasterly along said curve to the right having a radius of 350.00 feet, an arc length of 393.30 feet, through a central angle of 68°17'09", and a chord bearing and distance of S.21°36'33"E., 370.43 feet; thence, tangent from said curve;

5) S.12°32'02"W., 356.31 feet to the beginning of a tangent curve; thence,

6) Southwesterly along said curve to the left having a radius of 350.00 feet, an arc length of 92.42 feet, through a central angle of 15°07'45", and a chord bearing and distance of S.04°58'09"W., 92.15 feet; thence, tangent from said curve;

7) S.02°35'43"E., 98.50 feet to the beginning of a tangent curve; thence,

8) Southeasterly along said curve to the left having a radius of 1000.00 feet, an arc length of 122.27 feet, through a central angle of 07°00'00", and a chord bearing and distance of S.06°05'53"E., 122.20 feet to a parcel of land described in Right-of-Way Dedication Deed Instrument No. 101001817; thence, leaving said road centerline, non-tangent from said curve,

9) N.B. 23°56'E., 33.00 feet to the beginning of a non-tangent curve on the easterly right-of-way line of said N. Bogus Basin Road; thence, along said easterly right-of-way line as described in said deed instrument, the following courses:

10) Southeasterly along said curve to the left having a radius of 967.00 feet, an arc length of 133.59 feet, through a central angle of 07°54'55", and a chord bearing and distance of S.13°33'31"E., 133.48 feet; thence, tangent from said curve;

11) S.17°30'59"E., 124.20 feet to the beginning of a tangent curve; thence,

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19) S.37°34'47"W., 762.81 feet to the beginning of a tangent curve; thence,

20) Southwesterly along said curve to the right having a radius of 1465.40 feet, an arc length of 37.17 feet, through a central angle of 1°27'12", and a chord bearing and distance of S.38°18'23"W., 37.17 feet; thence, leaving said easterly right-of-way line, non-tangent from said curve;

21) N.S. 0°58'01"W., 33.00 feet to centerline of Bogus Basin Road; thence, along said centerline,

22) Southwesterly along said curve to the right having a radius of 1432.40 feet, an arc length of 121.24 feet, through a central angle of 4°50'58", and a chord bearing and distance of S.41°27'28"W., 121.20 feet to the westerly line of said NW1/4 of the SW1/4; thence, leaving said centerline, along said westerly line,

23) N.D. 24°02'E., 1176.42 feet to the POINT OF BEGINNING.

CONTAINING: 68.73 acres, more or less.

Pub. May 27, June 3, 2013

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ALEXIS FOWLER, being duly sworn, deposes and says: That she is the Principal Clerk of The Idaho Statesman, a daily newspaper printed and published at Boise, Ada County, State of Idaho, and having a general circulation therein, and which said newspaper has been continuously and uninterruptedly published in said County during a period of twelve consecutive months prior to the first publication of the notice, a copy of which is attached hereto: that said notice was published in The Idaho Statesman, in conformity with Section 60-108, Idaho Code, as amended, for:

2 Insertions

Beginning issue of: 05/27/2013

Ending issue of: 06/03/2013

Alexis Fowler
(Legals Clerk)

STATE OF IDAHO)

SS

COUNTY OF ADA)

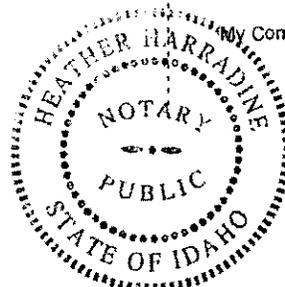
On this 3 day of June in the year of 2013 before me, a Notary Public, personally appeared before me Alexis Fowler known or identified to me to be the person whose name subscribed to the within instrument, and being by first duty sworn, declared that the statements therein are true, and acknowledged to me that she executed the same.

Heather Harradine

Notary Public for Idaho
Residing at: Boise, Idaho

My Commission expires:

2/08/2014

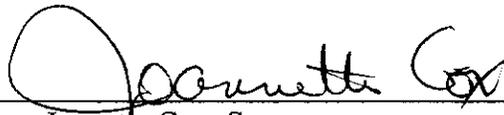


SECRETARY'S CERTIFICATE

I, Joannette Cox, Secretary of the Northwest Boise Sewer District, Ada County, Idaho, hereby certify that attached hereto are true and correct copies of the following documents:

1. Petition for the Inclusion of Certain Real Property in the Northwest Boise Sewer District, by Elizabeth Gregg, Trustee for the Kimball Children's Irrevocable Trust;
2. Certificate of Publication with respect to the hearing on such inclusion; and
3. Board Order of Inclusion, together with Petitioner's Consent.

NORTHWEST BOISE SEWER DISTRICT

By  _____
Joannette Cox, Secretary



**EVANS
KEANE** LLP
Attorneys at Law

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James D. Hovren
JHovren@evanskeane.com

June 11, 2013

TAX COMMISSION

VIA HAND DELIVERY

JUN 11 2013

IDAHO STATE TAX COMMISSION
800 Park Blvd.
Boise, ID 83722-0036

TAXPAYER SVGS

RE: Northwest Boise Sewer District
Property Owner: Kimball Children's Irrevocable Trust

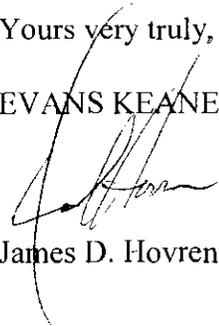
To Whom It May Concern:

Pursuant to Idaho Code Sections 42-3218 and 63-215, I am enclosing a copy of the Northwest Boise Sewer District's Board Order of Inclusion, ordering certain real property within Ada County be included within the boundaries of the Northwest Boise Sewer District. Attached to the Board Order, please find a map of the included property.

I have included a second copy of this letter. **Please sign and date this letter and return it to our runner to acknowledge your receipt of same.** If you have any questions, please do not hesitate to call me at this office.

Yours very truly,

EVANS KEANE LLP


James D. Hovren

JDH;jh
Enclosures

RECEIVED BY: _____
DATE: _____