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REC'D DEC 22 2016

ADA COUNTY RECORDER Christopher D. Rich
BOISE IDAHO Pgs=12 BONNIE OBERBILLIG
BOISE SEWER DISTRICT

2016-123565
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NO FEE



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

**IN THE MATTER OF THE INCLUSION OF
CERTAIN REAL PROPERTY IN THE WEST
BOISE SEWER DISTRICT OWNED BY
FLEXX INVESTMENTS LLC.**

ORDER OF INCLUSION

THIS MATTER having come on regularly for hearing this 13th day of December, 2016, pursuant to a Petition filed with the Board of the West Boise Sewer District (the District) on November 18, 2016, by Marshall Weber, Manager of Flexx Investments LLC, Petitioner and Owner, and pursuant to a notice by publication in the Idaho Statesman, a newspaper of general circulation within the District, on November 29, 2016 and December 6, 2016, which appears in the Affidavit of Publication attached hereto. No person appeared to protest the inclusion of the real property owned by Petitioners; 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. Petitioner states that it is aware that it will be the expense of the landowner to provide for such installation of sewer lines necessary to connect to the lines of the District.

The Board will require as an additional condition that Petitioner be responsible for the costs of publication in the amount of \$369.58. Petitioner will also be responsible to pay the District a filing fee in the amount of \$600.00. The property being annexed is subject to the further condition that the Owner of the land being annexed to the District shall be responsible for the expenses for such installation of sewer lines necessary to connect to the lines of the District.

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 that it is in the best interests of the Petitioner and the District that the following described property be and the same is hereby included within the District, to wit:

Parcel I:

A portion of the Southwest 1/4 Southeast 1/4 Southwest 1/4 , Section 7, Township 3 North, Range 2 East, Boise Meridian, described as follows:

Beginning at a point 100.3 feet North of the Southwest corner of the Southeast Quarter of the Southwest Quarter of Section 7, Township 3 North, Range 2 East, Boise Meridian, the REAL POINT OF BEGINNING; thence North 549.8 feet to a point; thence South 89°00' East 125.4 feet to a point; thence South 37°45' East 103.6 feet to a point; thence South 82°22' East 91.1 feet to a point; thence South 75°42' East 112.9 feet to a point; thence South 48°10' East 61.4 feet to a point; thence South 16°57' West 181.5 feet to a point; thence South 35°40' East 184.1 feet to a point; thence South 66°00' East 198 feet to a point; thence South 33 feet to a point; thence North 85°37' West 673.2 feet to the REAL POINT OF BEGINNING.

Excepting any portion lying within a 50 foot wide strip of land centered on the North-South centerline of said Southeast 1/4 Southwest 1/4 , which now appears to be Allumbaugh Street, said 50 feet being first excepted from the property in Deed Instrument Number 32428 in Book 79 Deeds at Page 538.

Parcel II:

A strip of land being a portion of the Southwest Quarter of the Southeast Quarter of the Southwest Quarter of Section 7, Township 3 North, Range 2 East, Boise Meridian, Ada County, Idaho, and more particularly described as follows:

Commencing at a found 5/8" iron pin marking the Southeast corner of the Southwest Quarter of the Southeast Quarter of the Southwest Quarter of said Section 7, from said pin the Southwest corner of Section 7, bears North 88°05'11" West, 2102.30 feet; thence North 00°32'21" East, 34.54 feet along the Easterly boundary of the Southwest Quarter of the Southeast Quarter of the Southwest Quarter to a point on the Northerly right of way line of the Union Pacific Railroad; thence leaving said Easterly boundary, North 84°32'00" West, 30.11 feet along said right of way line to a

point on the Westerly right of way line of Allumbaugh Street, the REAL POINT OF BEGINNING; thence leaving said Westerly right of way line North 84°32'00" West, 661.05 feet along the said Northerly right of way line and a meandering fence line to a point on the Westerly boundary of the Southwest Quarter of the Southeast Quarter of the Southwest Quarter; thence leaving said right of way and fence lines, North 00°30'06" East, 22.91 feet along said Westerly boundary to a point, being the Southwest corner of that certain property described in Warranty Deed recorded as Instrument No. 747354; thence along the Southerly boundary of that certain property described in Warranty Deed recorded as Instrument No. 747354, South 85°01'24" East, 660.60 feet to a point on the Westerly right of way line of Allumbaugh Street; thence South 00°32'21" West, 28.58 feet along said right of way line to the REAL POINT OF BEGINNING.

1. Petitioner will be required to pay \$369.58 for costs of publication.
2. Petitioner has paid the District an annexation fee in the amount of \$600.00.
4. The Owner of the land being annexed to the District shall be responsible for the expenses for such installation of sewer lines necessary to connect to the lines of the District.

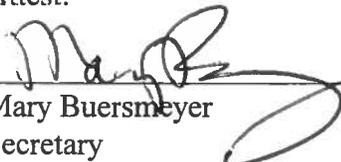
IT IS FURTHER ORDERED that the Petitioner/Owner of the property hereinbefore described evidences its approval of the foregoing conditions.

Dated this 13th day of December, 2016.

WEST BOISE SEWER DISTRICT

By: 
Roy R. Kay, Chair




Mary Buersmeyer
Secretary

C O N S E N T

The undersigned hereby consent to the conditions contained in the Board's Order annexing the following described property to the West Boise Sewer District, Ada County, Idaho:

Parcel I:

A portion of the Southwest 1/4 Southeast 1/4 Southwest 1/4 , Section 7, Township 3 North, Range 2 East, Boise Meridian, described as follows:

Beginning at a point 100.3 feet North of the Southwest corner of the Southeast Quarter of the Southwest Quarter of Section 7, Township 3 North, Range 2 East, Boise Meridian, the REAL POINT OF BEGINNING; thence

North 549.8 feet to a point; thence

South 89°00' East 125.4 feet to a point; thence

South 37°45' East 103.6 feet to a point; thence

South 82°22' East 91.1 feet to a point; thence

South 75°42' East 112.9 feet to a point; thence

South 48°10' East 61.4 feet to a point; thence

South 16°57' West 181.5 feet to a point; thence

South 35°40' East 184.1 feet to a point; thence

South 66°00' East 198 feet to a point; thence

South 33 feet to a point; thence

North 85°37' West 673.2 feet to the REAL POINT OF BEGINNING.

Excepting any portion lying within a 50 foot wide strip of land centered on the North-South centerline of said Southeast 1/4 Southwest 1/4 , which now appears to be Allumbaugh Street, said 50 feet being first excepted from the property in Deed Instrument Number 32428 in Book 79 Deeds at Page 538.

Parcel II:

A strip of land being a portion of the Southwest Quarter of the Southeast Quarter of the Southwest Quarter of Section 7, Township 3 North, Range 2 East, Boise Meridian, Ada County, Idaho, and more particularly described as follows:

Commencing at a found 5/8" iron pin marking the Southeast corner of the Southwest Quarter of the Southeast Quarter of the Southwest Quarter of said Section 7, from said pin the Southwest corner of Section 7, bears North 88°05'11" West, 2102.30 feet; thence North 00°32'21" East, 34.54 feet along the Easterly boundary of the Southwest Quarter of the Southeast Quarter of the Southwest Quarter to a point on the Northerly right of way line of the Union Pacific Railroad; thence leaving said Easterly boundary, North 84°32'00" West, 30.11 feet along said right of way line to a point on the Westerly right of way line of Allumbaugh Street, the REAL POINT OF BEGINNING; thence leaving said Westerly right of way line North 84°32'00" West, 661.05 feet along the said Northerly right of way line and a meandering fence line to a point on the Westerly boundary of the Southwest Quarter of the Southeast Quarter of the Southwest Quarter; thence leaving said right of way and fence lines, North 00°30'06" East, 22.91 feet along said Westerly boundary to a point, being the Southwest corner of that certain property described in Warranty Deed recorded as

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Instrument No. 747354; thence along the Southerly boundary of that certain property described in Warranty Deed recorded as Instrument No. 747354, South 85°01'24" East, 660.60 feet to a point on the Westerly right of way line of Allumbaugh Street; thence South 00°32'21" West, 28.58 feet along said right of way line to the REAL POINT OF BEGINNING.

Dated this 20 day of December, 2016.

FLEXX INVESTMENTS LLC



By: Marshall Weber
Its: Manager

BEFORE THE BOARD OF DIRECTORS OF THE WEST

BOISE SEWER DISTRICT, ADA COUNTY, IDAHO

IN THE MATTER OF THE INCLUSION OF
CERTAIN REAL PROPERTY IN THE WEST
BOISE SEWER DISTRICT OWNED BY:
FLEXX INVESTMENTS LLC

PETITION FOR THE INCLUSION OF
CERTAIN REAL PROPERTY IN THE
WEST BOISE SEWER DISTRICT

COMES NOW, Flexx Investments LLC, an Idaho limited liability company, (hereinafter the "petitioner"), by and through Marshall Weber, its Manager, and petitions the Board of Directors (the "Board") of the West Boise Sewer District (the "District") as follows:

I.

Your petitioner is the owner of the real property situated within the County of Ada, State of Idaho, more particularly described in Exhibit "A" attached hereto and incorporated herein by this reference thereto (the "Property").

II.

Your petitioner is desirous that the Property be included in, made or part of, and be served with any sewage collection and/or drain facilities constructed by the West Boise Sewer District, Ada County, Idaho.

III.

Your 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 Ada County, Idaho, said notice to give all persons interested an opportunity to appear at a public hearing, the time and place to be set by the Board, and show cause in writing, if any they have, why this petition should not be granted; that further, assuming that no valid objections are made to the inclusion of the Property within the boundaries of the West Boise Sewer District, the Board enter its order that the Property be included within the boundaries of the West Boise Sewer District, and that such order be filed with the appropriate governmental entities as required by applicable law.

IV.

That your petitioner is aware that as a condition of annexation, the District may require payment of a reasonable filing fee in an amount to be determined by the Board, and reimbursement of the publication fee charged to the District for legal publication of notice of annexation.

EXHIBIT A
DESCRIPTION OF THE PROPERTY

Parcel I:

A portion of the Southwest 1/4 Southeast 1/4 Southwest 1/4 , Section 7, Township 3 North, Range 2 East, Boise Meridian, described as follows:

Beginning at a point 100.3 feet North of the Southwest corner of the Southeast Quarter of the Southwest Quarter of Section 7, Township 3 North, Range 2 East, Boise Meridian, the REAL POINT OF BEGINNING; thence

North 549.8 feet to a point; thence

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Excepting any portion lying within a 50 foot wide strip of land centered on the North-South centerline of said Southeast 1/4 Southwest 1/4 , which now appears to be Allumbaugh Street, said 50 feet being first excepted from the property in Deed Instrument Number 32428 in Book 79 Deeds at Page 538.

Parcel II:

A strip of land being a portion of the Southwest Quarter of the Southeast Quarter of the Southwest Quarter of Section 7, Township 3 North, Range 2 East, Boise Meridian, Ada County, Idaho, and more particularly described as follows:

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Union Pacific Railroad; thence leaving said Easterly boundary,

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LEGAL PROOF OF PUBLICATION

Account #	Ad Number	Identification	PO	Amount	Cols	Lines
264052	0002796593	LEGAL NOTICE NOTICE OF INCLUSION OF CI	FLEXX Investments	\$369.58	3	79

Attention: JULIE HARRISON

**EVANS KEANE ATTORNEYS AT LAW
PO BOX 959
BOISE, ID 837010959**

LEGAL NOTICE

**NOTICE OF INCLUSION OF CERTAIN REAL PROPERTY
IN THE WEST BOISE SEWER DISTRICT,
ADA COUNTY, IDAHO**

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

That on the 18th day of November, 2016, pursuant to Idaho Code Section 42-3218, there was filed in the Office of the Board of Directors of the West Boise Sewer District, Ada County, Idaho, a Petition for the Inclusion of Certain Real Property in the West Boise Sewer District, by **Marshall Weber, Manager of FLEXX INVESTMENTS LLC**, owner of certain real property located outside of said West Boise Sewer District, situated in the County of Ada, State of Idaho, and more particularly described as follows:

Parcel I:

A portion of the Southwest 1/4 Southeast 1/4 Southwest 1/4, Section 7, Township 3 North, Range 2 East, Boise Meridian, described as follows:

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Petitioner states that it is aware that it will be the expense of the landowner to provide for such installations to connect to the lines of the District.

The District may require payment of a reasonable filing fee in an amount to be determined by the Board, and reimbursement of the publication fee charged to the District for legal publication of notice of annexation.

That the said Petitioner prays that the real property described herein be included in the West Boise Sewer District, Ada County, Idaho.

That a public hearing on said Petition will be held at 7608 Ustick Road, Boise, Idaho, the office of the West Boise Sewer District on the 13th day of December, 2016, 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 18th day of November, 2016.

WEST BOISE SEWER DISTRICT

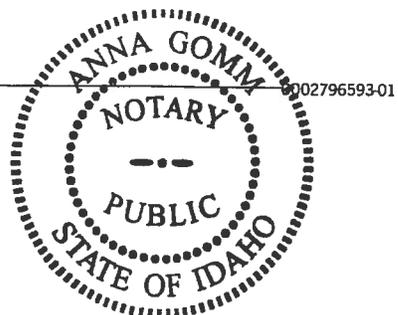
ADA COUNTY, IDAHO

By /s/ Roy R. Kay,

Chair of the Board of Directors

ATTEST: /s/ Mary Buersmeyer, Secretary

Pub. Nov. 29, Dec. 6, 2016



JANICE HILDRETH, 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: 11/29/2016

Ending issue of: 12/06/2016

Janice Hildreth
(Legals Clerk)

STATE OF IDAHO)

.SS

COUNTY OF ADA)

On this 8th day of December in the year of 2016 before me, a Notary Public, personally appeared before me Janice Hildreth known or identified to me to be the person whose name subscribed to the within instrument, and being by first duly sworn, declared that the statements therein are true, and acknowledged to me that she executed the same.

Anna Gomm

Notary Public FOR Idaho

Residing at: Boise, Idaho

My Commission expires: 08/17/2022

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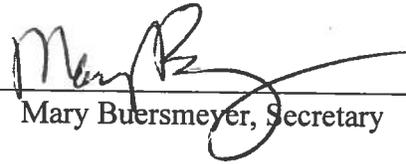
SECRETARY'S CERTIFICATE

I, Mary Buersmeyer, Secretary of the West 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 West Boise Sewer District, by Flexx Investments LLC;
2. Certificate of Publication with respect to the hearing on such inclusion; and
3. Board Order of Inclusion, together with Petitioner's Consent.

WEST BOISE SEWER DISTRICT

By



Mary Buersmeyer, Secretary