

ORIGINAL RECEIVED

038

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MAR 15 2016

ADA COUNTY CLERK

NO. _____ FILED 2:55
A.M. _____ P.M.

MAR 22 2016

CHRISTOPHER D. RICH, CLERK
By BETH MASTERS
DEPUTY

Attorneys for West Boise Sewer District

ADA COUNTY RECORDER Christopher D. Rich
BOISE IDAHO Pgs=14 VICTORIA BAILEY
WEST BOISE SEWER DISTRICT

2016-025143
03/28/2016 10:47 AM
NO FEE



IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF ADA

CASE NO. CV-OC-1975-55266

IN THE MATTER OF THE
EXCLUSION OF CERTAIN
REAL PROPERTY FROM THE
WEST BOISE SEWER
DISTRICT OWNED BY
FRANKLIN TOWNE PLAZA
LLC

ORDER OF EXCLUSION AND
CONFIRMATION OF ORDER OF
EXCLUSION OF THE BOARD OF
WEST BOISE SEWER DISTRICT,
ADA COUNTY, IDAHO

WHEREAS, a motion was filed on the 15th day of March, 2016, with this Court moving that certain real property hereinafter described be excluded from the West Boise Sewer District (the "District"); and

WHEREAS, it appearing that a Petition for the Exclusion of the hereinafter described real property in the District was filed with the Board of Directors of the District on or about February 18, 2016, which Petition was duly executed on behalf of Franklin Towne Plaza LLC, owner of said real property, by Robert L. Phillips, President of Hawkins-Smith Management, Inc., its Manager; and

WHEREAS, it appears that pursuant to Section 42-3219, Idaho Code, notice as directed by said section was properly given by publication in The Idaho Statesman, a newspaper of general circulation within the District on February 23, 2016 and March 1, 2016, as provided by law; and

WHEREAS, the said Board of Directors of the District by an order pursuant to Section 42-3219, Idaho Code, has excluded the said hereinafter described real property from the District

3

pursuant to the conditions set forth in the Order of Exclusion of the Board of the District, a copy of which is attached hereto and made a part hereof by reference; and

WHEREAS, it appears that everything has been done as required by law,

NOW, THEREFORE, IT IS ORDERED AND THIS DOES ORDER, that the real property described on Exhibit A, which is attached hereto and incorporated herein by reference, be and the same is hereby excluded from the West Boise Sewer District, Ada County, Idaho, and that the Order of Exclusion of the District is hereby approved and confirmed.

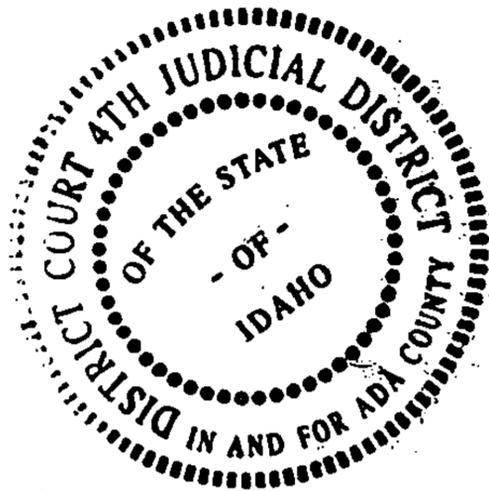
Said exclusion is SUBJECT TO THE FOLLOWING CONDITIONS:

1. The Owner of the land being excluded will be required to pay \$172.10 for costs of publication.
2. The Owner of the land being excluded will be responsible to pay to the Board the sum of \$600.00, which fees are for exclusion of the property from the West Boise Sewer District.

DATED this 22 day of March, 2016.



 DISTRICT JUDGE



STATE OF IDAHO }
 COUNTY OF ADA }
 I, CHRISTOPHER D. RICH, Clerk of the District Court of the Fourth Judicial District of the State of Idaho, in and for the County of Ada, do hereby certify that the foregoing is a true and correct copy of the original on file in this office. In witness whereof, I have hereunto set my hand and affixed my official seal this 25 day of March 2016.
 CHRISTOPHER D. RICH, CLERK
 By C. D. Rich Deputy

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

**IN THE MATTER OF CERTAIN
REAL PROPERTY OWNED BY
FRANKLIN TOWNE PLAZA LLC**

**ORDER GRANTING PETITION
FOR EXCLUSION**

THIS MATTER having come on regularly for hearing this 8th day of March, 2016, pursuant to a Petition for Exclusion filed with the Board of the West Boise Sewer District (the "District") on February 18, 2016, by Franklin Towne Plaza LLC, Petitioner and Owner, and pursuant to a notice by publication in the Idaho Statesman, a newspaper of general circulation within the District, on February 23, 2016 and March 1, 2016, which appears in the Affidavit of Publication attached hereto. There being no objection to the exclusion and deannexation of said property owned by Petitioner from the West Boise Sewer District, 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 excluded and deannexed from the West Boise Sewer District, to wit:

See Exhibit A attached herewith and incorporated herein by reference.

Petitioner shall be charged for cost of publication. Petitioner will also be required to pay the District a filing fee in the amount of \$600.00.

IT IS FURTHER ORDERED that the Petitioner/Owner of the property hereinbefore described evidence its approval of the foregoing conditions by executing the Consent set forth below.

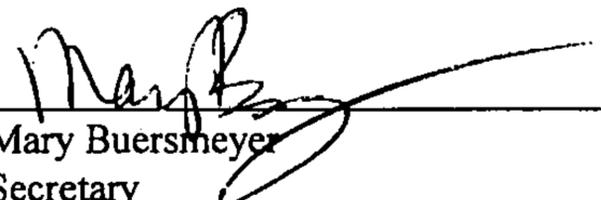
Dated this 10th day of March, 2016.



WEST BOISE SEWER DISTRICT

By: 
Roy R. Kay, Chair

Attest:


Mary Buersmeyer
Secretary

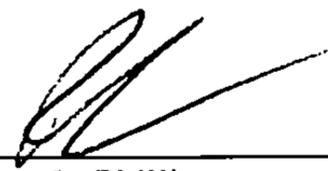
CONSENT

The undersigned hereby consents to the conditions contained in the Board's Order excluding and deannexing from the West Boise Sewer District, Ada County, Idaho, the following described property to:

See attached Exhibit A

Dated this 14th day of March, 2016.

FRANKLIN TOWNE PLAZA LLC

By 

Robert L. Phillips
President of Hawkins-Smith Management, Inc.,
Its: Manager

**EXHIBIT A
LEGAL DESCRIPTION**

FRANKLIN TOWNE PLAZA LLC EXCLUSION

A parcel of land being a portion of the vacated Randall Park Addition No. 1 (Book 14 of Plats at pages 946 and 947, records of Ada County, Idaho) situated in the Northeast 1/4 of the Northwest 1/4 of Section 13, Township 3 North, Range 1 East, Boise Meridian, City of Boise, Ada County, Idaho, and being more particularly described as follows:

Commencing at a found brass cap marking the North 1/4 corner of said Section 13, which bears N 88°55'51" E a distance of 2,642.89 feet from a found brass cap marking the Northwest corner of said Section 13, thence following the northerly line of the Northwest 1/4 of said Section 13, S 88°55'51" W a distance of 758.50 feet to a point; Thence leaving said northerly line, S 01°34'03" E a distance of 39.14 feet to a brass plug on the southerly right-of-way line of W. Franklin Road and being the **POINT OF BEGINNING**.

Thence following said southerly right-of-way line which is parallel to and 40-feet southerly of the W. Franklin Road centerline, N 89°50'05" E a distance of 214.24 feet to a 1/2-inch rebar; Thence leaving said southerly line, S 00°09'53" E a distance of 108.64 feet to a 1/2-inch rebar; Thence S 89°50'07" W a distance of 211.58 feet to a point; Thence N 01°34'03" W a distance of 108.67 feet to the **POINT OF BEGINNING**.

Said parcel contains 0.531 acres, more or less, and is subject to all existing easements and/or rights-of-way of record or implied.

LEGAL PROOF OF PUBLICATION

Account #	Ad Number	Identification	PO	Amount	Cols	Lines
264052	0002281102	LEGAL NOTICE NOTICE OF EXCLUSION	FranklinTownePlaza	\$172.10	2	52

Attention: JULIE HARRISON
EVANS KEANE ATTORNEYS AT LAW
PO BOX 959
BOISE, ID 837010959

**LEGAL NOTICE
 NOTICE OF EXCLUSION OF CERTAIN REAL PROPERTY
 FROM THE WEST BOISE SEWER DISTRICT,
 ADA COUNTY, IDAHO**

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

That on the 18th day of February, 2016, pursuant to Idaho Code Section 42-3219, there was filed in the Office of the West Boise Sewer District, Ada County, Idaho, a Petition for the Exclusion of Certain Real Property from the West Boise Sewer District, by Franklin Towne Plaza LLC (Petitioner), owner of said Real Property more particularly described as follows:

A parcel of land being a portion of the vacated Randall Park Addition No. 1 (Book 14 of Plats at pages 946 and 947, records of Ada County, Idaho) situated in the Northeast 1/4 of the Northwest 1/4 of Section 13, Township 3 North, Range 1 East, Boise Meridian, City of Boise, Ada County, Idaho, and being more particularly described as follows:

Commencing at a found brass cap marking the North 1/4 corner of said Section 13, which bears N 88°55'51" E a distance of 2,642.89 feet from a found brass cap marking the Northwest corner of said Section 13, thence following the northerly line of the Northwest 1/4 of said Section 13, S 88°55'51" W a distance of 758.50 feet to a point; Thence leaving said northerly line, S 01°34'03" E a distance of 39.14 feet to a brass plug on the southerly right-of-way line of W. Franklin Road and being the POINT OF BEGINNING.

Thence following said southerly right-of-way line which is parallel to and 40-feet southerly of the W. Franklin Road centerline, N 89°50'05" E a distance of 214.24 feet to a 1/2-inch rebar;

Thence leaving said southerly line, S 00°09'53" E a distance of 108.64 feet to a 1/2-inch rebar;

Thence S 89°50'07" W a distance of 211.58 feet to a point;

Thence N 01°34'03" W a distance of 108.67 feet to the POINT OF BEGINNING.

Said parcel contains 0.531 acres, more or less, and is subject to all existing easements and/or rights-of-way of record or implied.

Said Petitioner prays that the real property described herein be excluded from 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 said West Boise Sewer District on March 8, 2016, at the hour of 7:15 p.m. to consider exclusion of the subject real property from the West Boise Sewer District. All persons interested may appear at the hearing and show cause in writing, if any they have, why said Petition should not be granted.

DATED this 18th day of February, 2016.

WEST BOISE SEWER DISTRICT
 /s/ Mary Buersmeyer, Secretary

Pub. Feb. 23, Mar. 1, 2016

0002281102-01

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: 02/23/2016

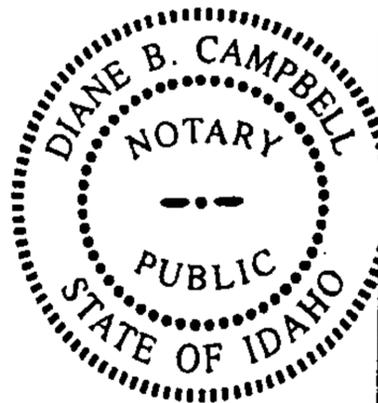
Ending issue of: 03/01/2016

Janice Hildreth
 (Legals Clerk)

STATE OF IDAHO)
 .SS

COUNTY OF ADA)

On this 3rd day of March 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.



Diane Campbell
 Notary Public FOR Idaho
 Residing at: Boise, Idaho

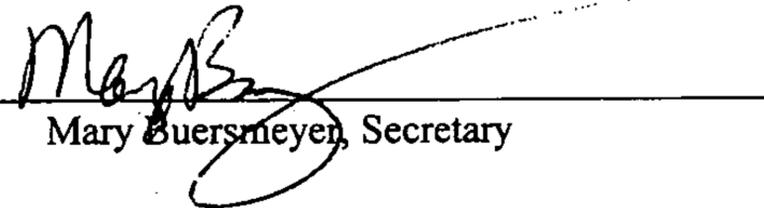
My Commission expires: 7/23/2021

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 Exclusion of Certain Real Property from the West Boise Sewer District, by Franklin Towne Plaza LLC;
2. Legal Proof of Publication with respect to the hearing on such inclusion; and
3. Board Order of Exclusion, together with Petitioner's Consent.

WEST BOISE SEWER DISTRICT

By  _____
Mary Buersmeyer, Secretary



9233 WEST STATE STREET | BOISE, ID 83714 | 208.639.6939 | FAX 208.639.6930

February 17, 2016
Project No.: 15-037
Property Owner: Franklin Towne Plaza LLC
West Boise Sewer De-annexation
Legal Description

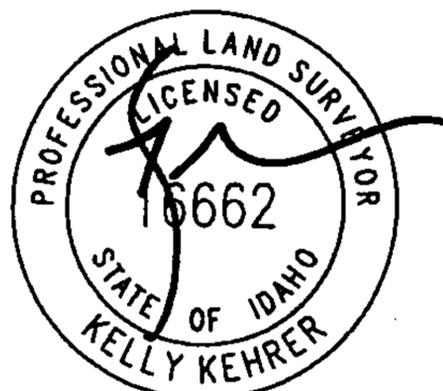
Exhibit A

A parcel of land being a portion of the vacated Randall Park Addition No. 1 (Book 14 of Plats at pages 946 and 947, records of Ada County, Idaho) situated in the Northeast 1/4 of the Northwest 1/4 of Section 13, Township 3 North, Range 1 East, Boise Meridian, City of Boise, Ada County, Idaho, and being more particularly described as follows:

Commencing at a found brass cap marking the North 1/4 corner of said Section 13, which bears N88°55'51"E a distance of 2,642.89 feet from a found brass cap marking the Northwest corner of said Section 13, thence following the northerly line of the Northwest 1/4 of said Section 13, S88°55'51"W a distance of 758.50 feet to a point; Thence leaving said northerly line, S01°34'03"E a distance of 39.14 feet to a brass plug on the southerly right-of-way line of W. Franklin Road and being the **POINT OF BEGINNING**.

Thence following said southerly right-of-way line which is parallel to and 40-feet southerly of the W. Franklin Road centerline, N89°50'05"E a distance of 214.24 feet to a 1/2-inch rebar;
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Thence S89°50'07"W a distance of 211.58 feet to a point;
Thence N01°34'03"W a distance of 108.67 feet to the **POINT OF BEGINNING**.

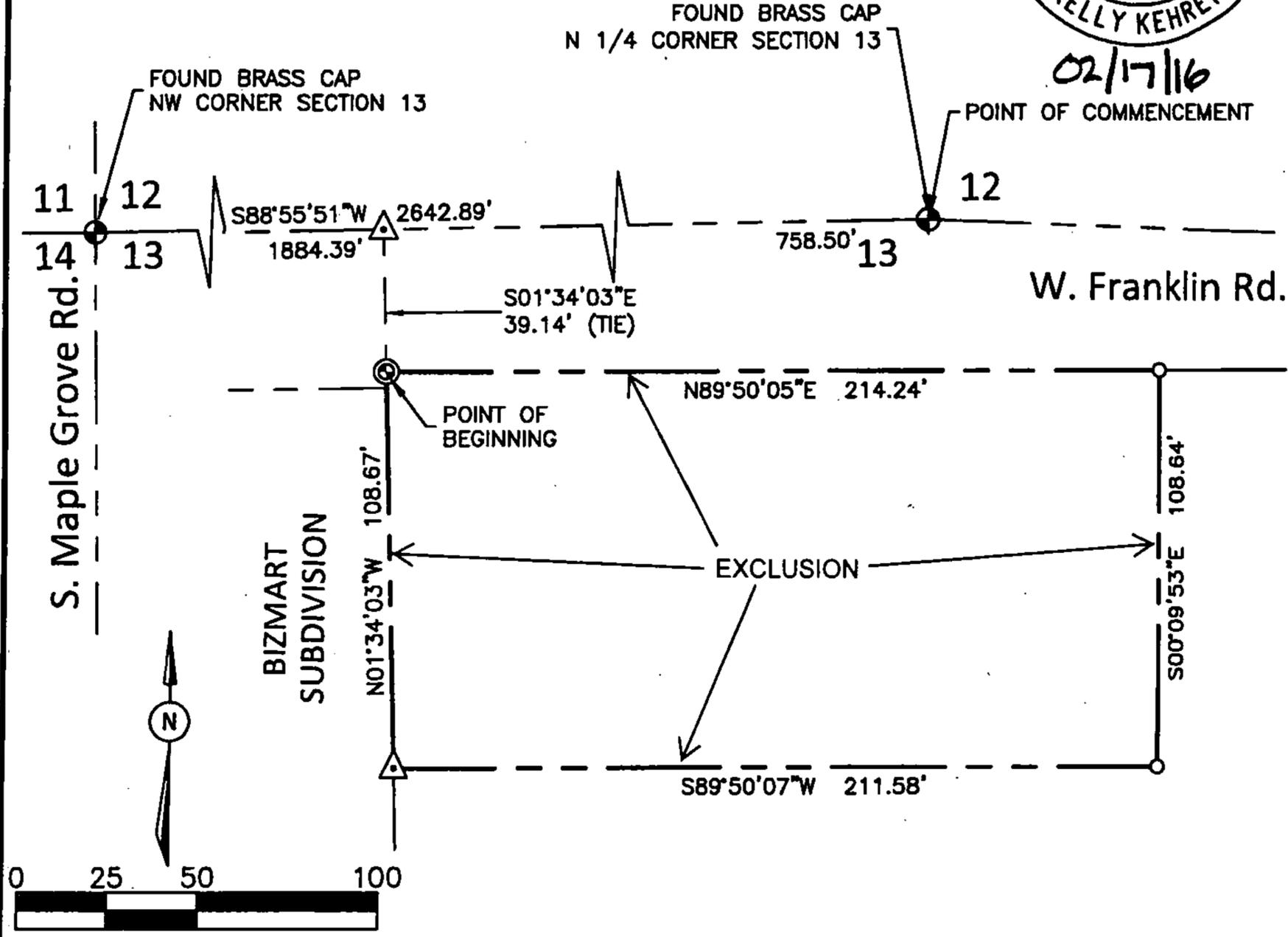
Said parcel contains 0.531 acres, more or less, and is subject to all existing easements and/or rights-of-way of record or implied.



02/17/16



02/17/16



OWNER
FRANKLIN TOWNE PLAZA LLC

LEGEND

	FOUND BRASS CAP		DE-ANNEXATION BOUNDARY
	CALCULATED POINT		EASEMENT
	FOUND 5/8" REBAR		LOT LINE
	FOUND BRASS PLUG		

km
ENGINEERING
ENGINEERS . SURVEYORS . PLANNERS
9233 WEST STATE STREET
BOISE, IDAHO 83714
PHONE (208) 639-6939
FAX (208) 639-6930

EXHIBIT B
WEST BOISE SEWER DE-ANNEXATION

DATE: 2/17/16
PROJECT: 15-037
SHEET: 1 OF 1

A PORTION OF NE1/4 OF NW 1/4 OF SECTION 13, TOWNSHIP 3 N.
RANGE 1 E. B.M. CITY OF BOISE, ADA COUNTY, IDAHO

P:\15-037\CAD\SURVEY\15-037 DEANNEXATION.DWG, KELLY KEHRER, 2/18/2016, KYOCERA TASKALFA 4550CI (K).PC3, ---

**BEFORE THE BOARD OF DIRECTORS OF
THE WEST BOISE SEWER DISTRICT**

**IN THE MATTER OF CERTAIN
REAL PROPERTY OWNED BY
FRANKLIN TOWNE PLAZA LLC**

PETITION FOR EXCLUSION

PETITIONERS, **FRANKLIN TOWNE PLAZA LLC** (the "Petitioners"), petition the Board of Directors (the "Board") of the West Boise Sewer District (the "District") as follows:

1. The Petitioners swear and affirm that they are the owners of the real property described in Exhibit A, attached and incorporated by reference. The real property described in Exhibit A (the "Property") lies within the boundaries of the District. Petitioners have authority to execute this Petition for Exclusion as the current owners and titleholders of the Property.

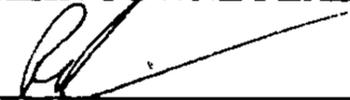
2. Petitioners submit this petition for exclusion of the Property from the West Boise Sewer District.

3. Petitioners request that, pursuant to Section 42-3219, Idaho Code, notice of the filing of this petition be published in Ada County, Idaho, giving all interested persons an opportunity to appear and show cause, if any, in writing why this petition should not be granted at the hearing, time and place to be set by the Board; that further, assuming that no valid objections are made to the exclusion of the above described Property from the boundaries of the West Boise Sewer District, the Board enter its order that the above described Property be excluded from the boundaries of the West Boise Sewer District, and that such order be filed with the Clerk of the District Court, Ada County, Idaho.

WHEREFORE, Petitioners respectfully request that the Board of Directors of West Boise Sewer District publish notice of this petition, set the matter for hearing and issue an order de-annexing and excluding from the boundaries of the West Boise Sewer District the Property described in Exhibit A.

DATED this 18th day of February, 2016.

FRANKLIN TOWNE PLAZA LLC



By: Robert L. Phillips
President of Hawkins-Smith Management Inc.
Its: Manager

Exhibit A
LEGAL DESCRIPTION

FRANKLIN TOWNE PLAZA LLC EXCLUSION

A parcel of land being a portion of the vacated Randall Park Addition No. 1 (Book 14 of Plats at pages 946 and 947, records of Ada County, Idaho) situated in the Northeast 1/4 of the Northwest 1/4 of Section 13, Township 3 North, Range 1 East, Boise Meridian, City of Boise, Ada County, Idaho, and being more particularly described as follows:

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Thence N 01°34'03" W a distance of 108.67 feet to the POINT OF BEGINNING.

Said parcel contains 0.531 acres, more or less, and is subject to all existing easements and/or rights-of-way of record or implied.



AMENDMENT TO CERTIFICATE OF ORGANIZATION LIMITED LIABILITY COMPANY

Title 30, Chapters 21 and 25, Idaho Code

Base Filing fee: \$30.00.

Complete and submit the application in duplicate.

The name of the limited liability company is:

Franklin Towne Plaza LLC

The date the certificate of organization was originally filed : 10 November 1998

The name of the limited liability company is amended to:

The complete street and mailing addresses of the principal office is amended to:

(Street Address)

(Mailing Address, if different)

The mailing address for future correspondence (annual reports) is amended to:

(Address)

The name and address of the managers/members shall be amended as follows:

Add: Delete: Jeffery L. Hess 855 W Broad St, Ste 300, Boise, ID 83702
(Name) (Address)

Add: Delete: Gary R. Hawkins 855 W Broad St, Ste 300, Boise, ID 83702
(Name) (Address)

Add: Delete: HAWKINS-SMITH MANAGEMENT, INC 855 W Broad St, Ste 300, Boise, ID 83702
(Name) (Address)

Signature of a manager, member, or authorized person.

Printed Name: Rob G. Dickinson

Signature: [Handwritten Signature]

Printed Name: _____

Signature: _____

Secretary of State use only



**EVANS
KEANE LLP**
Attorneys at Law

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1405 West Main Street
P.O. Box 959
Boise, Idaho 83701-0959

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www.evanskeane.com



Member, Meritas
With Independent Firms in
Principal Cities Worldwide

James D. Hovren
JHovren@evanskeane.com

March 28, 2016

Tax Commission

MAR 28 2016

Taxpayer Services

VIA HAND DELIVERY

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

RE: Franklin Towne Plaza LLC Exclusion from West Boise Sewer District
Case No. CV OC 1975-55266

To Whom It May Concern:

Pursuant to Idaho Code Sections 42-3219 and 63-215, I am enclosing a copy of the West Boise Sewer District's Order Granting Petition for Exclusion, ordering certain real property within Ada County be excluded and deannexed from the West Boise Sewer District. Attached to the Board Order, please find a map of the property.

I have included a second copy of this letter. **Please sign and date the second copy of the letter to acknowledge your receipt of same and return it to our runner.**

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: Rose Fleming

DATE: 3/28/16