

COPY

183

2016-040912
RECORDED
10/04/2016 02:06 PM



**ORDER
OF
ANNEXATION**

CHRIS YAMAMOTO
CANYON COUNTY RECORDER
Pgs=16 BJBROWN NO FEE
MISC
CANYON COUNTY COMMISSIONERS

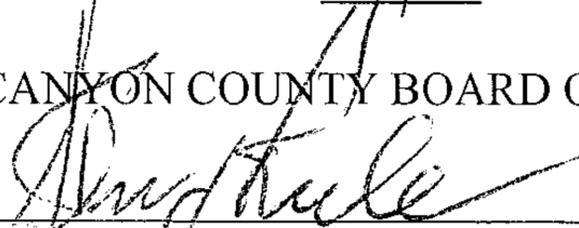
The Board of Commissioners of the **NAMPA FIRE PROTECTION DISTRICT** (hereinafter "**DISTRICT**"), having certified a copy of its ORDER, dated September 12, 2016, approving the petition to annex certain property, Parcel No. R31791012B1, more fully described below, to said **DISTRICT**, and it appearing such action is consistent with applicable law;

IT IS HEREBY ORDERED that the real property described in the **DISTRICT'S** ORDER, which is attached and incorporated herein, shall become a part of the **NAMPA FIRE PROTECTION DISTRICT**.

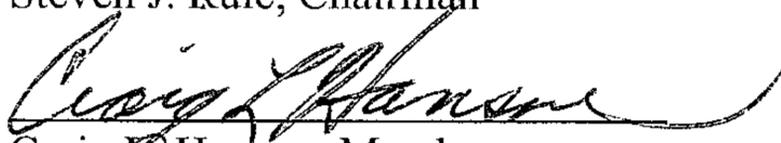
This **ORDER OF ANNEXATION** shall be recorded so as to include the annexed property on the tax rolls as provided by law.

ORDERED THIS 4th DAY OF OCTOBER, 2016.

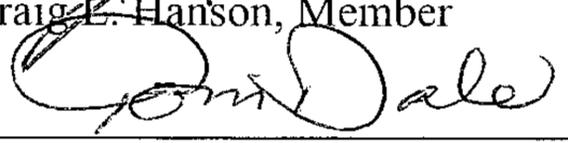
CANYON COUNTY BOARD OF COMMISSIONERS



Steven J. Rule, Chairman



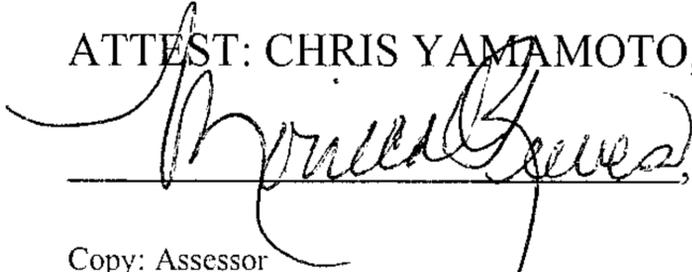
Craig E. Hanson, Member



Tom Dale, Member



ATTEST: CHRIS YAMAMOTO, CLERK



Chris Yamamoto, Deputy Clerk

Copy: Assessor
Treasurer
Clerk
Karl Malott, Nampa Fire Protection District
Idaho State Tax Commission, P.O. Box 36, Boise, ID 83722

REC'D OCT 7 2016

RECEIVED

SEP 16 2016

CANYON COUNTY
COMMISSIONERS

3:46pm JR

WHITE PETERSON

ATTORNEYS AT LAW

WM. F. GIGRAY, III
MATTHEW A. JOHNSON
JAY J. KIIHA **
WILLIAM F. NICHOLS *
BRIAN T. O'BANNON *

WHITE, PETERSON, GIGRAY & NICHOLS, P.A.
CANYON PARK AT THE IDAHO CENTER
5700 E. FRANKLIN RD., SUITE 200
NAMPA, IDAHO 83687-7901
TEL (208) 466-9272
FAX (208) 466-4405
EMAIL: wpunkoney@whitepeterson.com

PHILIP A. PETERSON
WILLIAM L. PUNKONEY

TERRENCE R. WHITE **
OF COUNSEL

* Also admitted in OR
** Also admitted in WA

September 16, 2016

Canyon County Board of Commissioners
1115 Albany Street, Rm 101
Caldwell, Idaho 83605

**RE: Order of Annexation Canyon County Parcel #R31791012B1 into Nampa Fire
Protection District**

Dear Commissioners:

I. Information:

Please find enclosed a certified copy of the Findings of Fact and Conclusions of Law and Order of Annexation entered by the Nampa Fire Protection District on September 12, 2016. Pursuant to Idaho Code 31-1411 the Nampa Fire Protection District Board of Commissioners published notice, held a public hearing, voted on and approved the petition for annexation of .15 acres of land in Canyon County (Parcel #R31791012B1) into the Nampa Fire Protection District. The complete legal description and a map of the parcel are included with the Fire District's Order.

According to Idaho Code 31-1411:

If the [fire district] board approves said petition it shall make an order to that effect and certify a copy of said order containing an accurate legal description of the annexed territory to the board of county commissioners of the county where said fire district is situated. Said board of county commissioners shall thereupon enter an order of annexation and cause the same to be recorded so as to include the annexed property on the tax rolls as in this chapter provided....

Furthermore, Idaho Code Section 63-215(1) provides:

Any taxing district which shall be formed or organized hereafter, or which shall change any existing boundaries hereafter, shall cause one (1) copy of the legal description and map prepared in a draftsmanlike manner which shall plainly and clearly designate the boundaries of such district or municipality as formed or organized, or as altered, to be recorded with the county recorder and filed with the county assessor in the counties within which the unit is located and with the state tax commission within thirty (30) days following the effective date of such formation, organization or alteration but no later than the tenth day of January of the year following such formation, organization or alteration. In the case of fire districts, the board of county commissioners approving the boundaries shall be responsible for delivering to the assessor and recorder the map and legal description of the amended district boundaries.

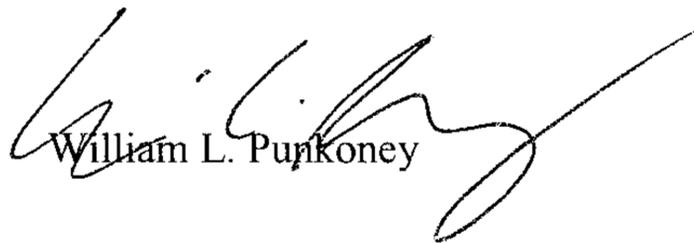
II. Request

1. According to Idaho Code 31-1411, please enter an order of annexation for the identified parcel, and cause the same to be recorded so as to include the annexed property on the tax rolls.
2. According to Idaho Code 63-215, please provide a copy of your order for annexation, a map and legal description for the parcel to be annexed to the Canyon County Assessor and the Canyon County Recorder.
3. Please provide a copy of your order to the State Tax Commission as well as the Nampa Fire Protection District.

If you have any questions, or if we can take any additional steps to bring this matter to an efficient conclusion, please do not hesitate to contact me.

Best regards,

White Peterson


William L. Punkoney

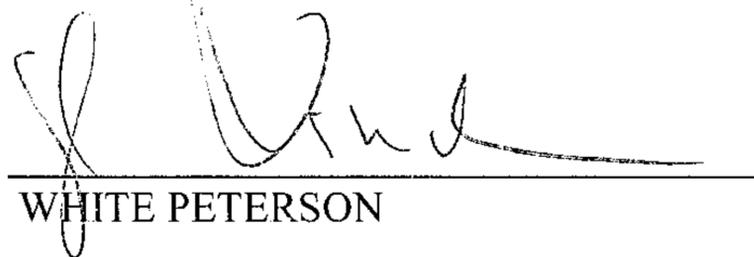
WLP;jlh

CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that on the 16th day of September, 2016, a true and correct copy of the above and foregoing instrument was served upon the following by the method indicated below:

Canyon County Board of
Commissioners
1115 Albany Street, Rm 101
Caldwell, Idaho 83605

- U.S. Mail
- Overnight Mail
- Hand Delivery
- Facsimile:



WHITE PETERSON

1.3 Witness Testimony

Those who testified at the September 12, 2016 hearing are as follows, to-wit:

1.3.1 Nampa Fire Protection District Staff: Fire Chief, Karl Malott

1.3.2 Owners: Donald Larson and Darla Larson

1.4 Judicial Notice

1.4.1 Judicial Notice was taken of the boundaries of the Nampa Fire Protection District and of the NFPD Policy Code.

**SECTION 2
FINDINGS OF FACT**

2.1 Findings: Notice has been given in accordance with the Law as herein specifically found:

2.1.1 NOTICE REQUIRED: Notice of Hearing was published in the *Idaho Press Tribune* the official newspaper of the Fire District as provided in § 1.3.1 NFPD Policy Code, prior to the date of the public hearing as required by I.C. § 31-1411.

2.1.2 Notice provided:

<i>Newspaper</i>	<i>Date Published</i>
<i>Idaho Press Tribune</i>	September 1 st , 2016

2.2 Findings regarding the Real Property and Petitioner’s interest in the Real Property

2.2.1 The Real Property which is the Subject of the above referenced Petition for annexation into the Nampa Fire Protection District is described as follows:

A parcel of land located in the NW ¼ of the NE ¼ of Section 25, T. 3 N., R. 2 W., B.M., Canyon County, Idaho, more particularly described as follows:

COMMENCING at a found brass cap marking the N ¼ corner of section 25:

Thence South 89° 33’ 17” East, coincident with the north line of the NW ¼ of the NE ¼ said Section 25, to the northwest corner of Mason Creek Estates, as shown on file in Book 30 of Plats, at Page 24, Canyon County Records, 908.08 feet;

Thence South 0°11'30" West, coincident with the west line of said Mason Creek Estates, 674.00 feet to the southwest corner of said Mason Creek Estates and the **POINT OF BEGINNING**;

Thence South 1°26'15" East, 674.00 feet;

Thence North 89°26'50" West, 19.00 feet;

Thence North 0°10'40" East, 673.60 feet to the **POINT OF BEGINNING**.

The above described parcel contains 0.15 acres more or less.

- 2.2.2 The Real Property is owned by Donald Larson and Darla Larson, husband and wife, who are the Petitioners for Annexation.
- 2.2.3 The Real Property is located within the County of Canyon, State of Idaho.
- 2.2.4 The Real Property is contiguous to the external boundaries of the Nampa Fire Protection District.
- 2.2.5 The Real Property consists of 0.15 contiguous acres.
- 2.2.6 No one appeared in objection and no one filed any written objection to the annexation of the Real Property.
- 2.2.7 The Real Property is not within an incorporated city nor is it within a Rural Fire District.
- 2.2.8 The Fire Chief offered testimony that the Real Property, which is the subject of this annexation, could be served by the Fire District personnel and equipment.
- 2.2.9 It is in the best interests of the Fire District and of the Real Property and its owners that the Real Property be annexed to the Fire District and included within its boundaries.
- 2.2.10 In conformity with Idaho Code 31-1411, the Petitioners agreed in writing that the hearing on their Petition could be held on September 12, 2016, which is more than 30 days from the date of their petition.

SECTION 3
CONCLUSIONS OF LAW

- 3.1** Idaho Code Section 31-1411 provides in the provisions therein relevant to this Petition as follows:

After the organization of a fire district, additional contiguous or noncontiguous territory lying within the same county may be added thereto and shall thereupon and thenceforth be included in such district. Noncontiguous territory annexed to an existing fire district shall consist of not less than forty (40) contiguous acres. At least seventy-five percent (75%) or more of the owners or contract purchasers of the land sought to be annexed shall petition the fire board and request annexation of the territory particularly described in said petition. Upon receipt of any such petition the fire board shall hold a hearing not less than ten (10) nor more than thirty (30) days thereafter, or upon the written consent of the petitioner within one hundred eighty (180) days, and said board shall cause notice of such hearing, designating the time and place, to be published in at least one (1) issue of a newspaper of general circulation within the district. Any person supporting or objecting to such petition shall be heard at such hearing, if in attendance, and at the close of such hearing said board shall approve or reject said petition. If the board approves said petition it shall make an order to that effect and certify a copy of said order containing an accurate legal description of the annexed territory to the board of county commissioners of the county where said fire district is situated. Said board of county commissioners shall thereupon enter an order of annexation and cause the same to be recorded so as to include the annexed property on the tax rolls as in this chapter provided....

- 3.2** Idaho Code Section 63-215 (1) provides as follows:

Any taxing district which shall be formed or organized hereafter, or which shall change any existing boundaries hereafter, shall cause one (1) copy of the legal description and map prepared in a draftsmanlike manner which shall plainly and clearly designate the boundaries of such district or municipality as formed or organized, or as altered, to be recorded with the county recorder and filed with the county assessor in the counties within which the unit is located and with the state tax commission within thirty (30) days following the effective date of such formation, organization or alteration but no later than the tenth day of January of the year following such formation, organization or alteration. In the case of fire districts, the board of county commissioners approving the boundaries shall be responsible for delivering to the assessor and recorder the map and legal description of the amended district boundaries.

SECTION 4
ORDER OF ANNEXATION OF REAL PROPERTY

Based upon the above and foregoing Findings of Fact and Conclusions of Law, and good cause appearing from the record, the Board of Commissioners of the Nampa Fire Protection District **DOES HEREBY ORDER AND THIS DOES ORDER THAT:**

- 4.1** The petition of petitioner is hereby granted; and
- 4.2** The following described Real Property be annexed and included within the boundaries of the Nampa Fire Protection District:

A parcel of land located in the NW ¼ of the NE ¼ of Section 25, T. 3 N., R. 2 W., B.M., Canyon County, Idaho, more particularly described as follows:

COMMENCING at a found brass cap marking the N ¼ corner of section 25:

Thence South 89° 33' 17" East, coincident with the north line of the NW ¼ of the NE ¼ said Section 25, to the northwest corner of Mason Creek Estates, as shown on file in Book 30 of Plats, at Page 24, Canyon County Records, 908.08 feet;

Thence South 0° 11' 30" West, coincident with the west line of said Mason Creek Estates, 674.00 feet to the southwest corner of said Mason Creek Estates and the **POINT OF BEGINNING**;

Thence South 1° 26' 15" East, 674.00 feet;

Thence North 89° 26' 50" West, 19.00 feet;

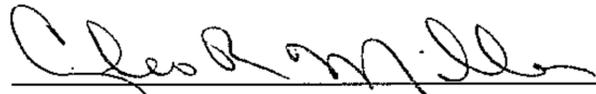
Thence North 0° 10' 40" East, 673.60 feet to the **POINT OF BEGINNING**.

The above described parcel contains 0.15 acres more or less.

- 4.3** The Secretary of this District certify a true and correct copy of this order and to then forthwith submit the same to the Board of County Commissioners of Canyon County; and
- 4.4** This Commission does hereby request that the Board of Canyon County Commissioners to enter an order of annexation of the said described real property into the Nampa Fire Protection District and cause said Order to be recorded so as to include said described annexed real property on the tax rolls as provided in Idaho Code §31-1411.

- 4.5 The Nampa Fire Protection District Secretary shall cause one copy of the legal description of the herein described real property and map be prepared in a draftsman like manner and which map shall plainly and clearly designate the boundaries of the Fire District as altered by this annexation and is to then forthwith submit the same to the Board of County Commissioners of Canyon County together with a certified copy of this Order; and
- 4.6 Upon the Board of County Commissioners having entered an order of annexation of the Real Property to this Fire District it is requested that the Board of Canyon County Commissioners then deliver said legal description and map to the Canyon County Assessor and Recorder and to the Idaho State Tax Commission within thirty (30) days of said Order in compliance with the provisions of I.C. § 63-215 (1).

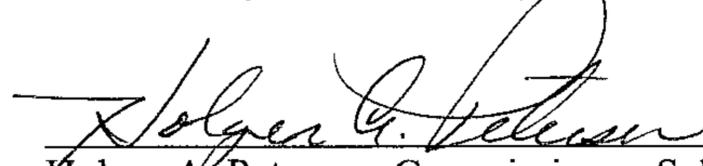
DATED this 12 day of September, 2016



 Cleo R. Miller, Chairman, Subdistrict No. 3



 Brent Allen, Commissioner, Subdistrict No. 2



 Holger A. Petersen, Commissioner, Subdistrict No. 1

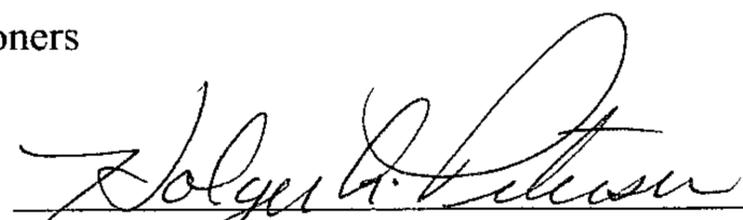
CERTIFICATE OF MAILING

I, the undersigned, hereby certify that a true and correct copy of the above and foregoing Order of Annexation was served by:

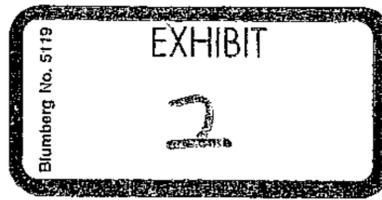
- United States mail, postage prepaid
- Facsimile transmission
- Hand delivery

this 12 day of September, 2016, to:

Canyon County Board of Commissioners
1115 Albany Street
Caldwell, Idaho 83605



 Holger A. Petersen, Secretary
 Nampa Fire Protection District



RECEIVED
7/11/16 Jm 210151

July 7, 2016

Dear Nampa Fire District Commissioners,

Request

My wife & I are asking that .15 acres (Parcel #R31791012B1) be placed back into the Nampa Fire District so that the .15 acres can be coded by the Property Tax Division of the Idaho State Tax Commission, the same as before the annexation, so that this small parcel can be added to our current property (Parcel #R31791012D).

History of This Request

Subsequent to the annexation of the 6+ acres owned by 208 Investments, they had a survey done of their land prior to listing it on the market. During that survey, we discovered that our existing fence, & part of the blacktop, encroached on their land by 19 feet on the south end. Ryan Martin (part of 208 Investments) was gracious enough to sell us a small sliver of land that would put our existing encroachments onto our property. By doing this, the majority of our property is on county land and this small pie-shaped piece was in the City. We asked the City to de-annex that pie shaped piece so that everything is in the county, and they did approve the de-annexation.

Please know that all of these encroachments existed prior to our purchasing this bank-owned property and we did not know about the problem until the survey was done. Subsequent to the 208 Investment survey, we had our property surveyed to see if there were any other problems that we didn't know about. We were relieved to know that there were no other problems.

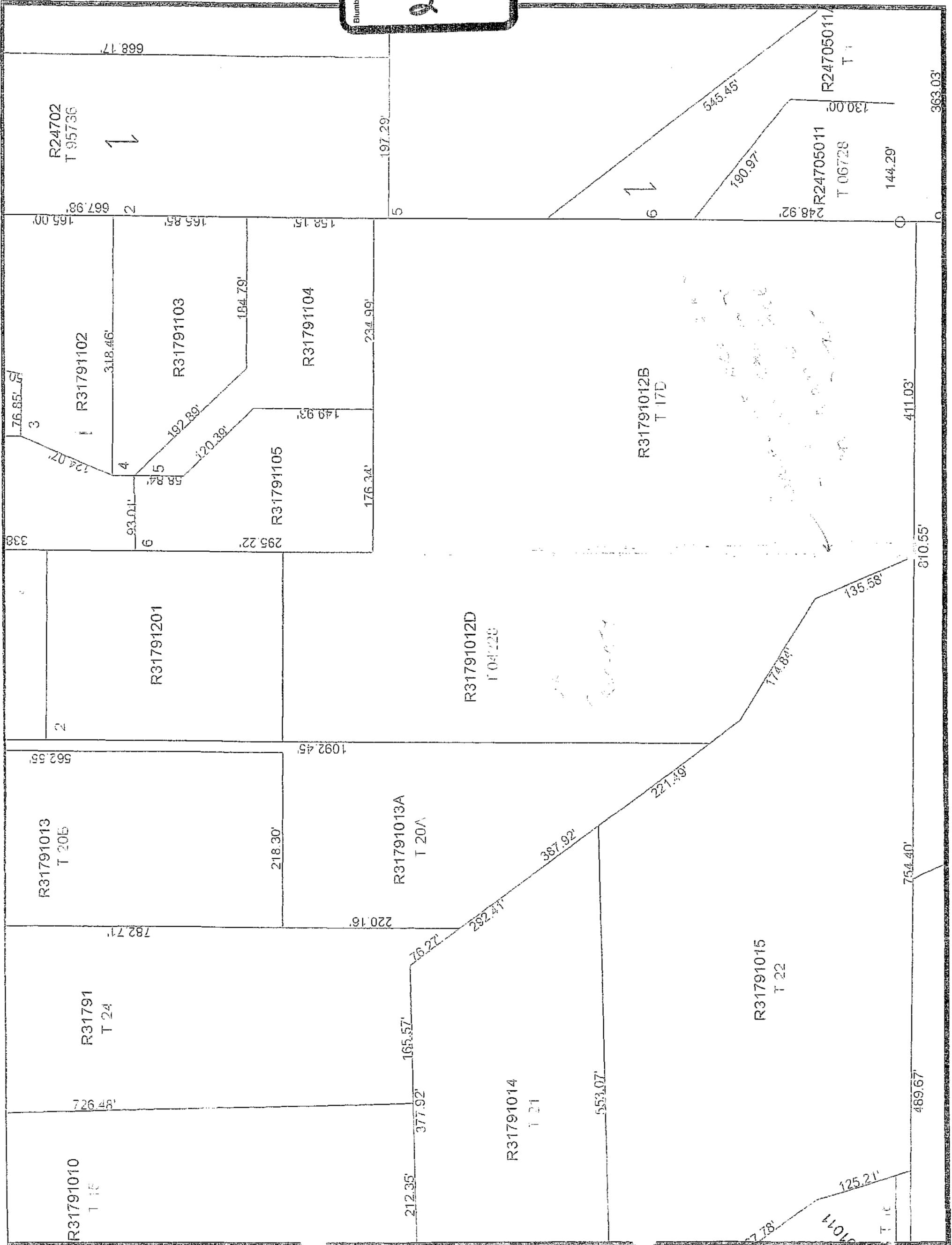
We are trying to Quit Deed this .15 onto our property, but the County can't do this because the State has coded the properties differently. The Tax Commission says that they need a copy of the approval resolution, from the Nampa Fire District, so that the coding can be changed. Without the property coding change, the .15 acres cannot be added to the existing property & would therefore always be a separate detached property.

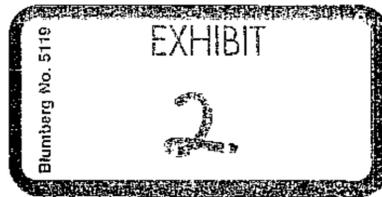
Please find attached a legal description of the property in addition to 2 maps.

If you have any questions or concerns, please feel free to contact me at 867-0818.

Thank you
Don & Darla Larson

Address: 24 S. Jarom Ln.
Nampa, ID 83687





William L. Punkoney

From: DARLA J LARSON FOR <dwdjlarson@msn.com>
Sent: Monday, July 11, 2016 7:42 PM
To: William L. Punkoney
Subject: Extension of Hearing - Larson

Don & Darla Larson grant the Nampa Rural Fire District a hearing extension for their request to be annexed into the fire district.

The hearing will be scheduled for September 12, 2016 which is outside the 30 day required by Idaho code. We agree to this date.

Sent from my Verizon 4G LTE smartphone



A parcel of land located in the NW1/4 of the NE1/4 of Section 25, T. 3 N., R. 2 W., B.M., Canyon County, Idaho, more particularly described as follows;

COMMENCING at a found brass cap marking the N1/4 corner of Section 25;

Thence South 89°33'17" East, coincident with the north line of the NW1/4 of the NE1/4 of said Section 25, to the northwest corner of Mason Creek Estates, as shown on file in Book 30 of Plats, at Page 24, Canyon County Records, 908.08 feet;

Thence South 0°11'30" West, coincident with the west line of said Mason Creek Estates, 674.00 feet to the southwest corner of said Mason Creek Estates and the **POINT OF BEGINNING**;

Thence South 1°26'15" East, 674.00 feet;

Thence North 89°26'50" West, 19.00 feet;

Thence North 0°10'40" East, 673.60 feet to the **POINT OF BEGINNING**.

The above described parcel contains 0.15 acres more or less.


12-14-15

