215

North Kootenai Water & Sewer District

13649 N. Meyer Rd. • Rathdrum, ID 83858
Phone: (208) 687-6593 • Fax: (208) 687-6597
www.nkwsd.com

~~REC'D NOV 22 2016~~ 22
REC'D NOV 28 2016

Letter of Transmittal

Attn:	Craig Johnson	**Date:**	11.23.16
Company:	Idaho Tax Commission	**Job:**	Eiter Annexation

[ITEMS TRANSMITTED [X] USPS [] Delivered [] Picked-up

COPIES	DATED	DESCRIPTION
1	11.23.16	Recorded Order of Annexation – Eiter

These are transmitted as checked below:

[] For Approval
[] As Requested
[] Inspection/Repair
[] Approved as submitted
[] Permanent Records
[] For Credit
[X] For Your Use
[] Returned

By _____ North Kootenai Water District
Mike Galante, District Manager

JIM BRANNON 17 P 2572878000
KOOTENAI COUNTY RECORDER
JAJ Date 11/23/2016 9:48 AM
REQ OF NORTH KOOTENAI WATER DISTRICT

RECORDING FEE: $0.00 XK

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

EITER 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 November 17, 2016, with notice of this hearing ("Notice") given per Idaho Code §42-3218. Notice was published in the *Coeur d'Alene Press* on November 3, 2016 and November 10, 2016 (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 §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 its 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:

(a) That the petitioner will complete and pay for certain improvements to the specifications and requirements of the District (at its sole discretion) in order to provide service to the property included in this annexation.

(b) 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 special meeting on November 17, 2016.

NORTH KOOTENAI WATER DISTRICT

By: _____
Chairman, Board of Directors

ATTEST:

_____
District Secretary

(SEAL)

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

EXHIBIT "A"

PETITION FOR ANNEXATION

NORTH KOOTENAI WATER DISTRICT
KOOTENAI COUNTY, IDAHO

EXHIBIT "A"

EITER ANNEXATION

COMES NOW Petitioner(s), BRIAN + NICKIE EITER and petitions the Board of Directors of North Kootenai Water District ("District") as follows:

1. Petitioner(s) are the owners 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(s) are 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. Petitioners request 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 recorder and filed with Kootenai County, Idaho and filed with the State of Idaho Tax Commission.

4. That Petitioners are 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 Petitioners 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, Petitioners pray 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: 10-12-16

Petitioner: Brian Eiter

Address: 2112 E. Dodd Rd Hayden ID 83835

Signature:

EXHIBIT "C"

NOTICE OF PUBLIC HEARING
OF ANNEXATION OF PROPERTY INTO
NORTH KOOTENAI WATER DISTRICT
Kootenai County, Idaho

EITER ANNEXATION

The Board of Directors (the "Board") of the North Kootenai Water District (the "District") will hold a public hearing on the annexation of property into the District. The public hearing will be held as follows:

Date: November 17, 2016

Time: 12:30 p.m.

Location: 13649 N. Meyer Rd.,
Rathdrum, ID 83858-4904

The annexation hearing is based upon a petition filed by the following party for the property identified in such petition: Brian and Nickole Eiter, husband and wife (Parcel No. 52N04W350575/AIN: 153091). A copy of the petition and additional description of the area covered by the petition can be obtained from the District by sending a request to:

North Kootenai Water District
13649 N. Meyer Rd.
Rathdrum, ID 83858-4904

All persons interested in appearing at the time and place of the hearing may show cause in writing why any petition 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, who is unable to attend the hearing, may provide them in advance of the hearing by sending them, first-class mail, postage prepaid, to:

North Kootenai Water District
13649 N. Meyer Rd.
Rathdrum, ID 83858-4904

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 this 20th day of October, 2016.

NORTH KOOTENAI WATER DISTRICT
Kootenai County, Idaho

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO,
County of Kootenai. } ss.

Holly Heckaman 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 Thurs issue of said newspaper for 2 consecutive weeks commencing on the 3 day of Nov 20 16, and ending on the 10 day of Nov 20 16, and such publication was made as often during said period as said weekly newspaper was regularly issued.

4. That said newspaper has been continuously and uninterruptedly published in said Kootenai County, during a period of more than seventy-eight consecutive weeks immediately prior to the first publication of said notice. Holly Heckaman

On this 10 day of Nov in the year of 2016, before me, a Notary Public, personally appeared Holly Heckaman, 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.

Katrina George
Notary Public for the State of Idaho,
residing at Coeur d'Alene, Idaho.

KATRINA GEORGE NOTARY PUBLIC STATE OF IDAHO

NOTICE OF PUBLIC HEARING OF ANNEXATION OF PROPERTY INTO NORTH KOOTENAI WATER DISTRICT
Kootenai County, Idaho

EITER ANNEXATION

The Board of Directors (the "Board") of the North Kootenai Water District (the "District") will hold a public hearing on the annexation of property into the District. The public hearing will be held as follows:

Date: November 17, 2016
Time: 12:30 p.m.
Location: 13649 N. Meyer Rd., Rathdrum, ID 83858-4904

The annexation hearing is based upon a petition filed by the following party for the property identified in such petition: Brian and Nickole Eiter, husband and wife (Parcel No. 52N04W350575/AIN: 153091). A copy of the petition and additional description of the area covered by the petition can be obtained from the District by sending a request to:

North Kootenai Water District
13649 N. Meyer Rd.
Rathdrum, ID 83858-4904

All persons interested in appearing at the time and place of the hearing may show cause in writing why any petition 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, who is unable to attend the hearing, may provide them in advance of the hearing by sending them, first-class mail, postage prepaid, to:

North Kootenai Water District
13649 N. Meyer Rd.
Rathdrum, ID 83858-4904

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 this 20th day of October, 2016.

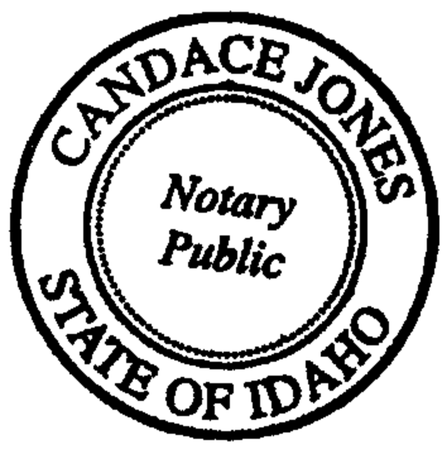
NORTH KOOTENAI WATER DISTRICT Kootenai County, Idaho

LEGAL 6550
NOVEMBER 3, 10, 2016

EXHIBIT "D"

STATE OF IDAHO)
) ss.
COUNTY OF KOOTENAI)

I certify that I know or have satisfactory evidence that Brian Eitel is the person who appeared before me, and said person acknowledged that he signed this instrument as the October 12 of 2016, and acknowledged it to be his/her free and voluntary act for the uses and purposes mentioned in the instrument.



NOTARY PUBLIC for the State of Idaho
Candace Jones
[Print name]
My appointment expires: January 20, 2022

Property: 15687 North Government Way, Hayden, Idaho 83835
Parcel: 52N04W350575

October 17, 2016

EXHIBIT
"A"

Board of Directors
North Kootenai Water District
13649 North Meyer Road
Rathdrum, Idaho 83858

RE: REQUEST FOR WATER SERVICE
15687 North Government Way, Hayden, Idaho 83835

Dear Ladies and Gentlemen:

This letter is a formal request for water service by Brian and Nickole Eiter for their property located on the West side of Government Way, North of Boekel Road, and South of Highway 53, being Kootenai County Parcel 52N04W350575, with legal description:

A portion of land in the Northeast Quarter of Section 35, Township 52 North, Range 4 West of the Boise Meridian, Kootenai County, State of Idaho, more specifically described as follows:

COMMENCING at the Northeast corner of Section 35; thence

South 16 degrees 33'21" West, 803.19 feet to the POINT OF BEGINNING, said point being on the Westerly right-of-way line of Old Highway 95; thence

South 15 degrees 31'40" East 682.87 feet along the Westerly right-of-way line of said Old Highway 95; thence

South 84 degrees 31'32" West, 200.84 feet to a point on the Easterly right-of-way fence of Highway 95; thence

North 00 degrees 41'32" East 674.60 feet along the Easterly right-of-way fence of Highway 95; thence

North 74 degrees 03'17" East, 9.32 feet to the POINT OF BEGINNING.

Enclosed are the following documents:

1. Letter from Northern Lakes Fire Protection District outlining fire flow requirements;
2. Petition for annexation into the North Kootenai Water District ($500 fee attached);
3. Copy of Title Commitment for the property in question;
4. Preliminary Exhibit illustrating the proposed water main extension and property; and,
5. Map of surrounding area.

I understand that by submitting this information, NKWD does not guarantee that water service is available to the subject property. I also understand that should service be available, the District may require an engineering study at my expense.

This is the initial step in requesting water service by NKWD. Should the District be unable to serve this project, the petition for annexation fee will be refunded.

I have read and understand the request for water service.

Submitted by: Scott McArthur

Signature: _____ Date: 10/17/16

PO Box 2916, Hayden, Idaho 83835 • Tel: 208.772.6600 • Fax: 208.772.6619 www.h2survey.com

LIMITED POWER OF ATTORNEY

Know all men by these presents that the undersigned does hereby appoint:

Scott L. McArthur, PE

as our representative who shall sign for, apply for, receive permits and information for all matters pertaining to, and relating to our development on the following property:

Kootenai County Parcel: 52N04W350575
&
AIN: 153091

This power attorney does not grant any authority to buy or sell the above mentioned property, and my representative shall not be personally liable for fees or recording costs.

Brian and Nickole Eiter
2112 East Dodd Road
Hayden, Idaho 83835
208.772.5583

SARA A. SABUS
Notary Public
STATE OF IDAHO

Subscribed to and sworn before me this 3 day of October, 2016.

Sara Sabus
Notary Public for State of IDAHO
My commission expires May 15, 2022.

EXHIBIT "B"

Kootenai County, Idaho

6	5	4	3	2	1
7	8	9	10	11	12
18	17	16	15	14	13
19	20	21	22	23	24
30	29	28	27	26	25
31	32	33	34	35	36

N
W E
S

THIS DRAWING IS TO BE USED FOR REFERENCE PURPOSES ONLY. THE COUNTY IS NOT RESPONSIBLE FOR ANY INACCURACIES CONTAINED HEREIN.

Map Revisions

12/11/09 - ET
Pin of 52N04W-35-3650 out to additional R/W (10)

04/28/10 - ET
Pin of 52N04W-35-9650 out to additional R/W (11)

12/29/10 - JB
Pins of 52N04W-35-0100 & 0450 & 0500 & 0550 out to R/W as Cat 19 (11)
52N04W-35-0150 out to R/W (11)

05/13/11 - JB
Pins of 52N04W-35-0100 & 0450 & 0500 & 0550 out to R/W for Warren St (12)

05/16/11 - JB
Pins of 52N04W-35-1500 & 5300 out to R/W for Warren St (12)

12/11/12 - ET
52N04W-35-9400 out of 5300 (13)
Pin of 5300 and 9400 out to Cat 19 R/W (13)

02/02/15 - OP
Pin R/W combined w/ 52N04W-35-5300; pin 9400 out to RAW (15)

09/15/16 - ET
52N04W-35-2300 all out to R/W (16)

Notes:

EXHIBIT
"B"
tabbies

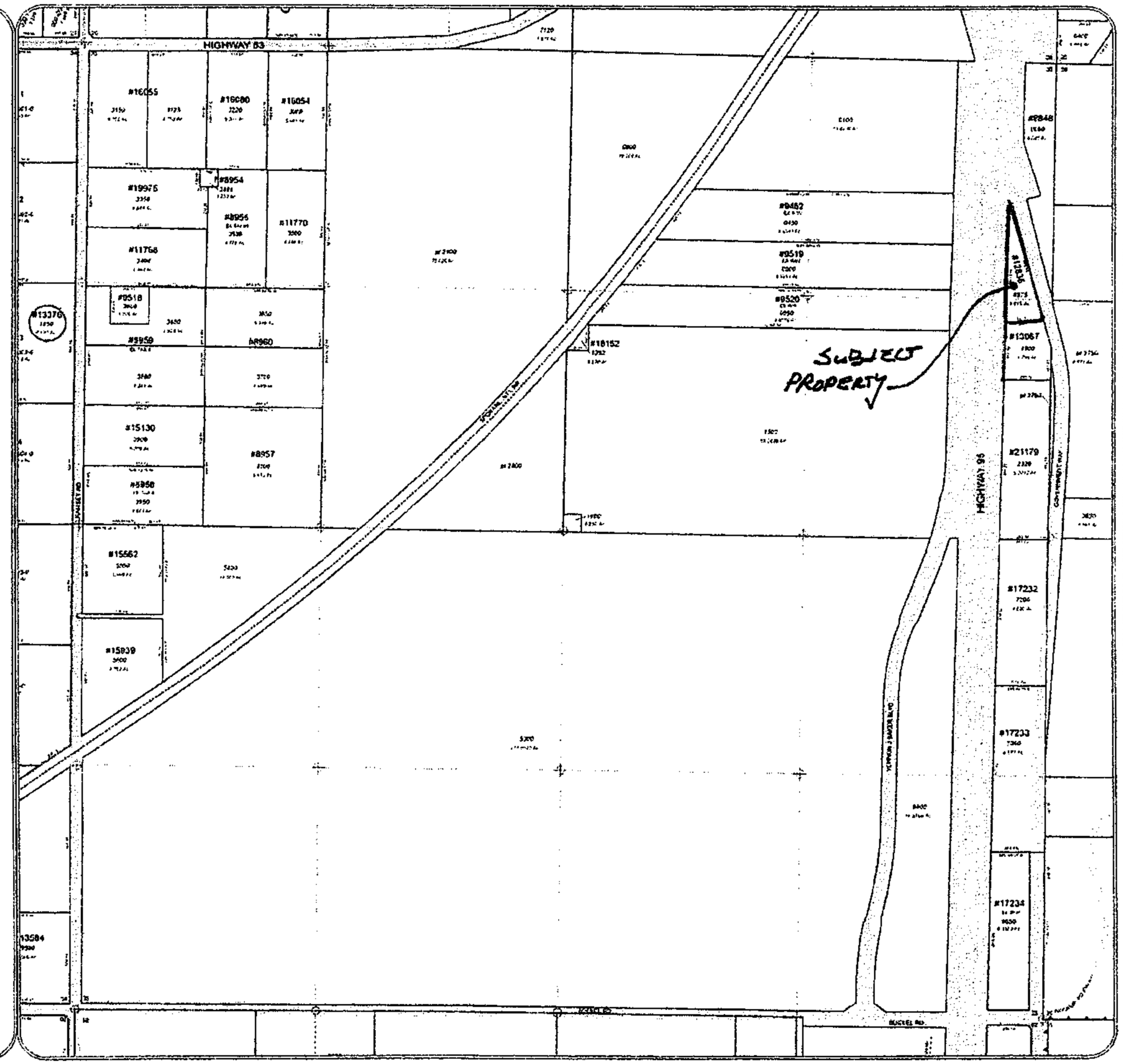
Parcel areas have been calculated by traverse closure when sufficient information has been available. Area shown is Net Assessible Area; Right-of-Way, where applicable, has been subtracted. Distances and curve lengths less than 50' may not be shown due to scale limitations. Dimensions in parenthesis denote record and/or platted lot dimensions.

LOCATION OF ROADS SHOWN ARE BASED ON ADDRESSABLE ROAD INFORMATION AND MAY OR MAY NOT BE PUBLIC.

Parcel Identification Number (PIN) are comprised as follows:
Platted: Sub-code and Parcel ID# ex. C-3510 and 021-990-C — Resulting PIN = C-3510-021-990-C or C3510021990C
Unplatted: Twp/Rng/Sec and Parcel ID# ex. 50N03W-16 and T950 — Resulting PIN = 50N03W-16-T950 or 50N03W16T950

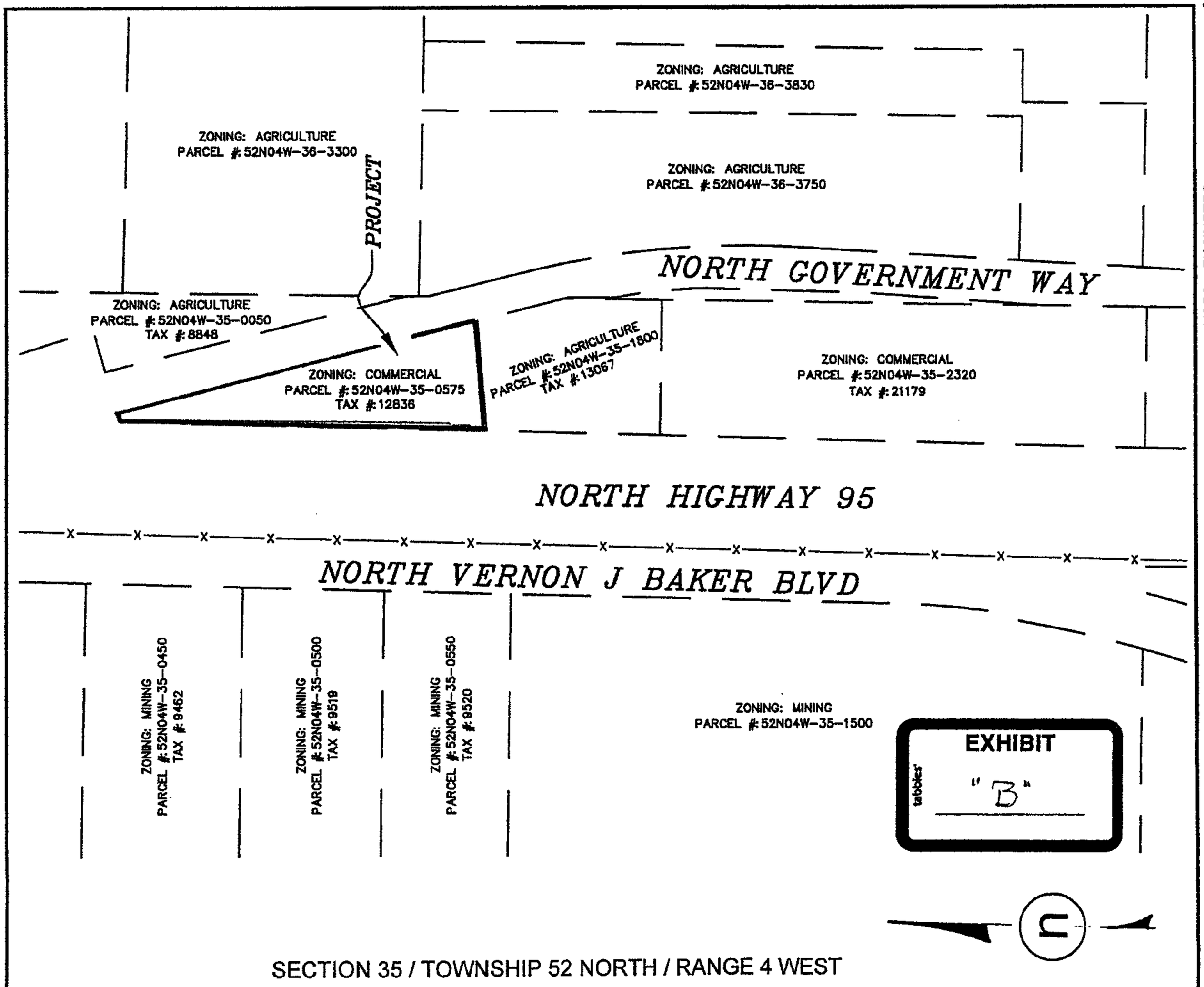
Legend

(C-5357) Sub-code	TaxParcels	Private Roads	City Limits
001-001-A Parcel ID# (PIN)	LegalAreas	Plat Boundaries	GCDB_Corners
	Road RW	Railroad	GCDB_Lines



Maptile: 52N04W35

Sec. 35 Twp 52 N. R. 4 W. B. M.



SECTION 35 / TOWNSHIP 52 NORTH / RANGE 4 WEST

SURVEYORS • ENGINEERS
Post Office Box 2916
Hayden, Idaho 83835
Phone: (208) 772-6600
Fax: (208) 772-6619
www.h2survey.com

SURVEYED h2
DESIGNED h2
DRAWN rmh
CHECKED slm

CDA STRUCTURES HEADQUARTERS
Parcel Map
15687 North Government Way, Hayden, Idaho 83835

SHEET #
PROJECT # 2016-002
DATE 11/8/16

EXHIBIT
"D"

The land referred to in this Commitment is described as follows:

A portion of land in the Northeast Quarter of Section 35, Township 52 North, Range 4 West of the Boise Meridian, Kootenai County, State of Idaho, more specifically described as follows:

COMMENCING at the Northeast corner of Section 35; thence

South 16 degrees 33'21" West, 803.19 feet to the POINT OF BEGINNING, said point being on the Westerly right-of-way line of Old Highway 95; thence

South 15 degrees 31'40" East 682.87 feet along the Westerly right-of-way line of said Old Highway 95; thence

South 84 degrees 31'32" West, 200.84 feet to a point on the Easterly right-of-way fence of Highway 95; thence

North 00 degrees 41'32" East 674.60 feet along the Easterly right-of-way fence of Highway 95; thence

North 74 degrees 03'17" East, 9.32 feet to the POINT OF BEGINNING.

Commonly known as: 15687 N. Government Way, Hayden, ID 83835