



NORTH LAKE RECREATIONAL SEWER & WATER DISTRICT

REC'D APR 28 2021

P.O. Box 729 • Donnelly, Idaho 83615
Phone: (208) 325-8958 • Fax: (208) 325-5017

April 13, 2021

Idaho State Tax Commission
Attn: GIS Department
PO Box 36
Boise, Idaho 83722

Re: Amended Wild Wings Subdivision

Dear GIS Department:

Enclosed please find a copy of the certified and recorded amended order of annexation/inclusion for Wild Wings Subdivision. I have sent Laurie Frederick, Valley County Cadastral Specialist, a copy as well for her review. Please send me verification once it is complete.

Thank you for your time and we look forward to hearing from you.

Respectfully,

JoAnn Fly
District Clerk

Enclosure

Filed: 03/19/2021 15:31:28
Fourth Judicial District, Valley County
Douglas A. Miller, Clerk of the Court
By: Deputy Clerk - Zwinkel, LeeAnne

NORTH LAKE RECREATIONAL
SEWER & WATER DISTRICT
PO BOX 729
DONNELLY, ID 83615
Telephone: (208) 325-8958

CERTIFIED COPY

Instrument # 438643
VALLEY COUNTY, CASCADE, IDAHO
3-25-2021 10:21:50 AM No. of Pages: 23
Recorded for : NORTH LAKE SEWER
DOUGLAS A. MILLER Fee: 0.00
Ex-Officio Recorder Deputy
Index to: COURT RECORD

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

IN THE MATTER OF PETITION OF
LOOMIS HOMES, INC. RODNEY A.
HIGGINS, PRESIDENT, for the Annexation
Of Certain Real Property in Valley County,
Idaho, by the NORTH LAKE RECREATIONAL
SEWER AND WATER DISTRICT, generally
Known as the WILD WINGS SUBDIVISION.

Case No. CV1997-32c
SECOND AMENDED ORDER OF
ANNEXATION/INCLUSION

WHEREAS, motion was filed with this Court on the 3rd day of April, 2006, moving that
certain real property hereinafter described be included within the North Lake Recreational
Sewer and Water District (the "District"); and

WHEREAS, a hearing was held on such motion on the 26th day of April, 2006, notice of
such hearing being properly given by publication in *The Star News* on April 6, 2006, as
evidenced by an Affidavit of Publication attached hereto and made part hereof by reference;
and

WHEREAS, it appearing the petition for inclusion within the District of the real property
hereinafter described was filed with the Board of Directors of the District on or about February
10, 2006, which petition was duly executed by owner of said real property; and

SECOND AMENDED ORDER OF ANNEXATION/INCLUSION

WHEREAS, it appears that, pursuant to Idaho Code Section 43-3218, notice of the hearing on annexation was properly given by publication in *The Star News*, a newspaper of general circulation within the District on January 26, 2006 and February 2, 2006, as provided by law; and

WHEREAS, pursuant to Idaho Code Section 42-3218, the Board of Directors of the District executed an Order of Inclusion (the "Order") on March 11, 2006, including the real property hereinafter described within the District pursuant to the conditions set forth in the Order, 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 following described real property be and the same is hereby included and made a part of the North Lake Recreational Sewer and Water District, Valley County, Idaho, and the Order of Inclusion of the District is hereby approved and confirmed:

WILD WINGS SUBDIVISION

A parcel of land located in a position in the Northeast One Quarter of Section 4, Township 15 North, Range 3 East, Boise Meridian, Boise County, Idaho, and more particularly described as follows:

Commencing at the east one corner common to Sections 3 and 4, Township 15 North, Range 3 East, Boise Meridian, said corner being the POINT OF BEGINNING:

Thence South 87°52'29" West along the south boundary of said Northeast quarter of said Section 4 a distance of 683.61 feet to a found 5/8" pin and the Southeast corner of the Day Star Property;

Thence North 00°33'24" East along the east boundary of said Day Star Property distance of 437.28 feet to a found 5/8" pin and the southeast corner of the Donald George Loomis Subdivision;

Thence North 00°33'24" East along the east boundary of said Donald George Loomis Subdivision a distance of 327.72 feet to a found 5/8" pin and the northeast corner of said subdivision;

Thence North 89°21'11" West along the north boundary of said Donald George Loomis Subdivision a distance of 463.26 feet to a found 5/8" pin and on a particular traverse line established by the Bureau of Reclamation;

Thence North 03°59'59" East along said line distance of 238.43 feet to a found 5/8" pin;

Thence North 14°53'09" West along said line distance of 112.71 feet to a found 1/2" pin on the southwest corner of Lot 40, Block 6, Mountain Shadows Subdivision No. 2, as shown on page 18, Book 3, of plats in the office of recorder of Valley County, Idaho;

Thence South 86°04'57" East along the south boundary of said Lot 40, distance of 136.48 feet to a found 1/2" pin on the southerly Right-of-Way line of Day Star place;

Thence South 86°11'06" East along said Right-of-Way a distance of 50.75 feet to a point;

Thence North 85°20'03" East along said Right-of-Way a distance of 469.69 feet to a found 5/8" pin on the southerly Right-of-Way of Day Star Lane;

Thence North 63°41'01" East along said Right-of-Way a distance of 557.64 feet to a point on the projected section line of said Section 4;

Thence South 00°08'53" West along the east boundary of said Section 4 a distance of 1364.34 feet to the POINT OF BEGINNING.

Jason D. Scott
DISTRICT JUDGE

3/19/2021 3:14:35 PM

AMENDED ORDER OF ANNEXATION/INCLUSION - 3

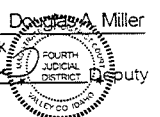
copy to counsel via email

State of Idaho }
County of Valley } ss.

I hereby certify that the foregoing is a true and correct copy of the original on file in this office.

Date 3/23/2021 3:01:59 PM Douglas A. Miller
Clerk

By Lf Zwick Deputy



Publisher's Affidavit of Publication

STATE OF IDAHO

County of Valley

ss

I, Carol J. Wright, being duly sworn and say, I am the proprietor of The Star-News, a weekly newspaper published at McCall, in the County of Valley, State of Idaho; that said newspaper is in general circulation in the county of adobe said and is a legal newspaper; that the PUBLIC NOTICE, a copy of which is enclosed hereto and is a part thereof, was published in said newspaper once a week for a period of one week in the regular and entire issue of every number three of during the period of three of publication, and was published in the newspaper proper and got in a supplement; and that publication of such notice began April 6, 2006 and ended April 6, 2006.

Carol J. Wright

Subscribed and sworn before me this 6th day of April, 2006.
STATE OF IDAHO

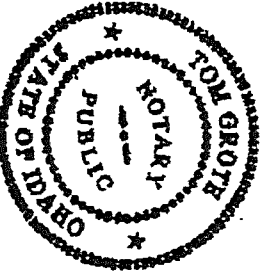
COUNTY OF VALLEY

}

On this 6th day of April, in the year of 2006, before me, a Notary Public, personally appeared Carol J. Wright, 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 she executed the same.

Tom Grothe

Tom Grothe
Notary Public for Idaho
Residing at McCall, Idaho
Commission Expires 2012



NOTARY PUBLIC FOR IDAHO
I, Carol J. Wright, being duly sworn and say, I am the proprietor of The Star-News, a weekly newspaper published at McCall, in the County of Valley, State of Idaho; that said newspaper is in general circulation in the county of adobe said and is a legal newspaper; that the PUBLIC NOTICE, a copy of which is enclosed hereto and is a part thereof, was published in said newspaper once a week for a period of one week in the regular and entire issue of every number three of during the period of three of publication, and was published in the newspaper proper and got in a supplement; and that publication of such notice began April 6, 2006 and ended April 6, 2006.

Subscribed and sworn before me this 6th day of April, 2006.
STATE OF IDAHO

COUNTY OF VALLEY

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On this 6th day of April, in the year of 2006, before me, a Notary Public, personally appeared Carol J. Wright, 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 she executed the same.

Tom Grothe

Tom Grothe
Notary Public for Idaho
Residing at McCall, Idaho
Commission Expires 2012

BEFORE THE BOARD OF DIRECTORS OF
NORTH LAKE RECREATIONAL SEWER AND WATER DISTRICT,
VALLEY COUNTY, IDAHO

IN THE MATTER OF THE INCLUSION)	ORDER OF
OF CERTAIN REAL PROPERTY WITHIN THE)	INCLUSION AND
NORTH LAKE RECREATIONAL SEWER AND)	ANNEXATION
WATER DISTRICT, GENERALLY KNOWN AS)	
A PIECE OF REAL PROPERTY OWNED BY)	
WILD WINGS SUBDIVISION/LOOMIS HOMES, INC.,)	
PETITIONER)	
_____)	

THIS MATTER having come on regularly for hearing on the 11th day of February, 2006, pursuant to a petition filed with the Board of the North Lake Recreational Sewer and Water District (the District) on or about February 8, 2006, filed and presented by Wild Wings Subdivision/Loomis Homes, Inc., petitioners and owners of the real property proposed for inclusion, and pursuant to a notice by publication in The Star News, a newspaper of general circulation within the District, on January 26, 2006 and February 2, 2006, the proof of which more fully appears in the Affidavit of Publication attached hereto as Exhibit "A". The Board has heard, considered, and passed upon any protests which were presented at or filed in writing in advance of the hearing held and conducted on February 11, 2006, as more fully set forth in the proceedings of said hearing, and all of such protests are hereby overruled. No Petitioner has withdrawn his or her petition subsequent to the announcement of the conditions set forth below. 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 the Conditions of Annexation attached hereto as Exhibit "B."

Upon examining the Petition for Annexation (inclusion) of Property, hearing and examining the Petitioners and examining all proof (documentary and oral) submitted for the Board's consideration, the Board found and concluded that (i) the said Petition for Annexation (inclusion) of Property was in substantial compliance with law and executed by the Petitioners and acknowledged in the manner required by law; (ii) it would be in the best interest of the District and the Property affected to annex and include the property of the Petitioners, subject to all conditions enumerated in the said Petition and as hereinafter specified; (iii) the Notice of hearing of said Petition was given in the manner required by law; and (iv) there is not good cause to deny the Petition for Annexation.

NOW, THEREFORE, IT IS ORDERED that it is in the best interests of the Petitioners and the District that the property (and as more specifically described in Exhibit "C" attached hereto) be and the same is hereby included within the District subject to all of the (i) limitations and obligations imposed by Sections 42-3218 and 42-3220, Idaho Code; (ii) all the conditions enumerated and specified in the Petition for Annexation; and (iii) subject to all conditions specified in the Conditions of Annexation as announced and passed at the Board meeting of February 11, 2006, pursuant to the above conditions.

IT IS FURTHER ORDERED that a certified copy of this Order together with copies of exhibits attached hereto and the Petition for Annexation be filed with the District Court of the Fourth Judicial District of the State of Idaho, in and for Valley County, to obtain the Court's approval of this annexation.

ADOPTED AND APPROVED by the Board of Directors of the North Lake
Recreational Sewer and Water District of Valley County, Idaho this 11th day of
March, 2006.

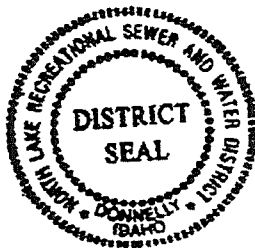
APPROVED:

Paul V. Zebinsky
Chairperson

ATTEST:

James E Bruce
Secretary

[SEAL]



Publisher's Affidavit of Publication

STATE OF IDAHO

County of Valley

ss

I, Carol J. Wright, being duly sworn and say, I am the receptionist of The Star-News, a weekly newspaper published at McCall, in the County of Valley, State of Idaho; that said newspaper is in general circulation in the county of above said and is a legal newspaper; that the PUBLIC NOTICE, a copy of which is enclosed hereto and is a part hereof, was published in said newspaper once a week for a period of two weeks in the regular and entire issue of every number thereof during the period of time of publication, and was published in the newspaper proper and got in a supplement; and that publication of such notice began January 28, 2006 and ended February 2, 2006.

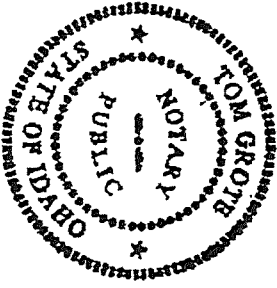
Carol J. Wright

Subscribed and sworn before me this the 2nd day of February, 2006.
STATE OF IDAHO

COUNTY OF VALLEY

}

On this 2nd day of February, in the year of 2006, before me, a Notary Public, personally appeared Carol J. Wright, known or identified to me to be the person whose name subscribed to the within instrument, and being by me that duly sworn, declared that the statements therein are true, and acknowledged to me that she executed the same.



Tom Grothe
Notary Public for Idaho
Residing at McCall, Idaho
Commission Expires 2/28/12

Tom Grothe

X = OK
TP = New paragraph
Let 40 words capitalized

NOTICE OF PENDING AND
HEARING OF EVIDENCE
FOR ANNUAL ZONING
PROPOSALS
NORTH LAKE RECREATIONAL
SERVICES AND WATER DISTRICT
Valley County, Idaho
Wild Wing, Idaho, Valley
County, Idaho
WHEREAS, the Board of Directors of the North Lake Recreational Services and Water District (the "District") has adopted the following resolution:

RESOLUTION NO. 1
WHEREAS, the Board of Directors of the District has adopted the following resolution:

RESOLUTION NO. 2
WHEREAS, the Board of Directors of the District has adopted the following resolution:

RESOLUTION NO. 3
WHEREAS, the Board of Directors of the District has adopted the following resolution:

RESOLUTION NO. 4
WHEREAS, the Board of Directors of the District has adopted the following resolution:

RESOLUTION NO. 5
WHEREAS, the Board of Directors of the District has adopted the following resolution:

RESOLUTION NO. 6
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RESOLUTION NO. 7
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RESOLUTION NO. 99
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RESOLUTION NO. 100
WHEREAS, the Board of Directors of the District has adopted the following resolution:

5/8" pin and the southeast corner of the Donald George Loomis Subdivision; Thence North 00°33'24" East along the east boundary of said Donald George Loomis Subdivision a distance of 371.72 feet to a found 5/8" pin and the northeast corner of said subdivision;

Thence North 89°21'11" West along the north boundary of said Donald George Loomis Subdivision a distance of 463.26 feet to a found 5/8" pin and on a particular traverse line established by the Bureau of Reclamation;

Thence North 03°19'59" East along said line a distance of 238.43 feet to a found 5/8" pin;

Thence North 14°53'09" West along said line a distance of 112.71 feet to a found 1/2" pin on the southwest corner of lot 40, Block 5, Mountain Shadows Subdivision No. 2, as shown on page 18, Book 3, of plat in the office of the recorder of Valley County Idaho;

Thence South 86°04'57" East along the south boundary of said lot 40, a distance of 136.48 feet to a found 1/2" pin on the southerly Ridge-of-Way line of Day Star place;

Thence South 86°11'06" East along said Ridge-of-Way a distance of 50.75 feet to a point;

Thence North 83°20'03" East along said Ridge-of-Way a distance of 469.68 feet to a found 5/8" pin on the southerly Ridge-of-Way of Day Star Lane;

Thence North 65°41'01" East along said Ridge-of-Way a distance of 557.64 feet to a point on the projected section line of said Section 4; Thence South 00°04'53" West along the east boundary of said Section 4 a distance of 1544.34 feet to the POINT OF BEGINNING. The above described parcel contains 22.04 acres more or less, subject to all existing easements and rights-of-way.

AT SUND READING, all persons liable in the books described above may appear before the Board of the District and show cause, in writing, as to why the said petition should not be granted.

DATED this 23rd day of January, 2006

North Lake Recreational
Services and Water District
Valley County, Idaho
Donald J. Mabo
Petitioner: Loomis Homes - Sierra
Loomis 26222

Exhibit "A"

Missing

**BEFORE THE BOARD OF DIRECTORS OF THE
NORTH LAKE RECREATIONAL SEWER AND WATER DISTRICT
VALLEY COUNTY, IDAHO**

IN THE MATTER OF THE PETITION OF)
)
)

FOR THE ANNEXATION AND INCLUSION)
INTO THE NORTH LAKE RECREATIONAL)
SEWER AND WATER DISTRICT CERTAIN)
REAL PROPERTY GENERALLY KNOWN)
AS THE WILD WINGS SUBDIVISION)
THAT IS MORE PARTICULARLY)
DESCRIBED IN ATTACHMENT A)
)

CONDITIONS OF
ANNEXATION

WHEREAS, Petitioner filed a Petition for the Annexation and Inclusion of Certain Real Property in the North Lake Recreational Sewer and Water District, Valley County, Idaho, on 2-10-06 ; and

WHEREAS, the North Lake Recreational Sewer and Water District ("District") opened said hearing on February 11, 2006 [and continued the same for a period of time to allow for development of the Conditions of Annexation pursuant to Idaho Code Section 42-3218 – optional; this won't always be the case]; and

WHEREAS, the Board of Directors ("Board") of the District has determined that it is in the best interest of the District to annex the petitioned property into the District subject to certain conditions.

NOW THEREFORE, THE NORTH LAKE RECREATIONAL SEWER AND WATER DISTRICT BOARD OF DIRECTORS HEREBY MAKES THE FOLLOWING CONDITIONS OF ANNEXATION:

1. The Petitioner shall be required to construct and pay for all 8-inch sewer lines, manholes, sewer service lines, all 6, and 8, -inch water lines, water service lines, water meter facilities, fire hydrants, valves, and all other water and sewer appurtenances including road repairs necessary to extend sewer collection lines and water lines from the District's existing sewer collection lines and water system to and throughout the Petitioner's property in accordance with the District's water and sewer standards and

specifications. If the District requires larger water and/or sewer pipelines to serve Petitioner's ultimate development, the Petitioner agrees to construct and pay for these larger pipelines and associated appurtenances in lieu of the smaller diameter pipelines and facilities described above. The Petitioner shall employ a qualified engineer, registered in the State of Idaho, who is not employed by the District, to design and supervise construction of Petitioner's water and sewer facilities in accordance with the Idaho State Department of Environmental Quality ("DEQ") and District standards. The Petitioner shall pay the District for all District inspection and for any District engineering oversight during construction activities. The Petitioner and Petitioner's engineer, however, shall be fully responsible for the quality of construction, shall coordinate inspection activities with the District inspector and shall certify to the District and DEQ by certification letter that the water and sewer facilities were installed and are operating in accordance with District and DEQ standards and specifications prior to the District accepting the work. The Petitioner also agrees to have his water and sewer plans and specifications reviewed and approved by the District Engineer prior to construction. The Petitioner shall be responsible to reimburse the District for District Engineer review and approval costs associated with Petitioner's development.

2. The District's Sewer Interceptor Line Master Plans call for the need to construct interceptor sewer lines through the Petitioner's property at various locations. The Petitioner shall, therefore, provide a platted road dedicated to the public or a dedicated utility easement through the Petitioner's property following a jointly agreed upon alignment at no cost to the District. All on-site or off-site easements or road right-of-ways required for sewer lines to serve Petitioner's development shall provide a sixty (60) foot temporary construction easement and a twenty (20) foot permanent utility easement. The Petitioner shall be responsible for the construction of the major interceptor lines, and shall do so under the following conditions. The Petitioner shall construct the major interceptor lines at the appropriate line and grade as called for on the District's Sewer Interceptor Line Master Plans, any amendments thereto, and as required by the District. The Petitioner shall be responsible to pay for all costs associated with design, construction, construction supervision, and inspection for all lines of 8-inch diameter or larger if required by the District.

3. The District Water System Master Plans calls for the need to construct major water transmission lines through the Petitioner's property at various locations. The Petitioner shall, therefore, provide a platted road dedicated to the public or a dedicated utility easement through Petitioner's property following a jointly agreed upon alignment at no cost to the District. All on-site or off-site utility easements or road right-of-ways required for water lines to serve Petitioner's development shall provide a fifty (50) foot temporary construction easement and a twenty (20) foot permanent utility easement. The Petitioner shall be responsible for the construction of these major transmission water lines and shall do so under the following conditions. The Petitioner shall construct these transmission lines at the appropriate line and grade as required by the District Water System Master Plans, any amendments thereto, and as provided by the District. The Petitioner shall be responsible to pay for all costs associated with design, construction, and construction supervision and inspection for all lines of 6-inch in diameter or larger if required by the District

4. The Petitioner shall be responsible to reimburse the District for all costs associated with legal, engineering, inspection and administrative fees associated with the annexation and the construction of new sewer and water facilities within the Petitioner's property. These development and annexation fees shall include time required for the District Engineer to review the water and sewer system plans and specifications and additional time necessary for the District Engineer and District Inspectors to assure that the Petitioner is providing adequate construction supervision and certification of the construction of all water and sewer facilities. The District shall bill Petitioner for all such fees and costs monthly and Petitioner shall reimburse the District for the same no later than thirty (30) days thereafter. A "will serve" letter will not be issued until all annexation and review costs have been paid in full. Also, final project acceptance will not be issued until all additional engineering, inspection, and legal fees incurred by the District since the "will serve" letter have been paid to the District.

5. The Petitioner shall have his engineer design all water and sewer facilities using the new USGS horizontal and control datum. The USGS datum points are based horizontally on the North American Datum of 1983 (NAD 83) and vertically on the North American Vertical Datum of 1988 (NAVD 88). The location and identification number of each control point is available through the USGS. The Petitioner shall be required to

verify the xyz coordinates of this point and submit to the District Engineer prior to commencing survey and control work for his development.

6. The Petitioner shall be required to submit to the District a set of as-built plans on mylar as well as on CD-ROM or disc in AutoCAD format. The CD-ROM shall contain all subdivision coordinates and shall also present, in separate overlays, all separate utilities such as sanitary sewer, storm sewer, water lines, irrigation lines, and all other utilities that are available to the Petitioner's engineer, such as gas lines, power lines, cable T.V. lines, etc. In the event the District adopts GIS Standards, the Petitioner agrees to provide record drawing information in accordance with these standards for all phases of the Petitioner's development that are developed after these standards are adopted. These record drawings shall also contain all xyz coordinates for all manholes, invert elevations for all manholes, gate valves, fire hydrants, water meters, water blowoff valves, and the end of each sanitary service line adjacent to the property lines. An xyz coordinate for each storm sewer, catch basin, and all storm sewer manholes shall also be provided on the as-built data. In summary these record drawings shall contain all subdivision information on separate overlays for property lines, street improvements, water lines, sewer lines, storm sewer lines, irrigation lines, sanitary sewer service lines, water service lines, other utility lines, sidewalks, and all other related facilities. This record drawing information shall be submitted within ninety (90) days of the completion of construction of each final platted phase of the Petitioner's development. The Petitioner agrees to pay the District for collecting this as-built information, if the Petitioner has not submitted the required record drawing information within ninety (90) days after the completion of construction of each final platted phase of this development.

7. The Petitioner shall, at its sole expense, have all sewer collection lines inspected by closed circuit television camera with video taping (T.V. inspection or equivalent) after construction of the sewer lines and sewer service lines and prior to the placement of any street pavement. The Petitioner agrees to retain Municipal Services, Co., of 407 East 37th Street, Garden City, Idaho, 83714, Phone (208) 562-2128, to complete all sewer collection closed circuit television camera inspection and sewer line cleaning. If any portion or segment of the sewer lines is found to be in noncompliance with the District standard specifications, the Petitioner shall be responsible to excavate and make necessary repairs to the sewer lines as directed by the District Engineer. The

Petitioner shall then be responsible to re-T.V. inspect these segments of line that have been repaired. Within twelve (12) months, and within the (one) 1 year warranty period, after final acceptance of the sewer lines by the District, and when the water table is high, the District will re-T.V. inspect the sewer lines at Petitioner's expense. During this re-T.V. inspection, the Petitioner shall have a representative present. Should there be evidence of continued or additional noncompliance which, in the opinion of the District Engineer, warrants replacement or repair, the Petitioner shall, upon order of the District Engineer, correct these defects as required under the contractor's one (1) year warranty guarantee (see Paragraph 11, below). The Petitioner shall then be responsible to re-T.V. inspect the areas that have been repaired to verify, through additional television inspection, that the sewer lines have been corrected.

8. *Treatment Plant Capacity:*

A. *Present Capacity Allocation:* All of the existing treatment plant capacity has been allocated for use by existing lots/equivalent dwelling units ("EDUs"), and previously approved developments.

B. *Phase 1 and 2 Plant Expansion:* The District has funded the Phase 1 plant expansion and is now in the process of implementing the Phase 1 plant expansion project with anticipated completion in late fall of 2005. This Phase 1 Expansion will not provide treatment capacity for Petitioner's development. The District is now planning a new Phase 2 parallel treatment plant expansion that will provide additional treatment capacity. Petitioner will have the opportunity to guarantee treatment capacity for Petitioner's development, or some portion thereof, by prepaying Sewer Service Availability Fees as provided in Paragraph 9 below. This Phase 2 parallel treatment plant has not yet been funded. The District will rely on prepaid Sewer Service Availability Fees from Petitioner's development, plus other developers and landowners to fund the new Phase 2 Parallel Plant Expansion. The District anticipates construction of the Phase 2 parallel treatment plant during the summer and winter of 2006 and early 2007, if adequate funding is generated before that time through developers and landowner prepayments.

C. *"Will Serve Letter" Status:* The District will request a Consent Order from DEQ that could allow the District to issue a conditional "will serve letter" for the Petitioner's development, while the new Phase 2 plant expansion is being constructed.

The intent of this conditional "will serve letter" would be to allow subdivision construction during the summer of 2006, parallel with the Phase 2 treatment plant construction. The condition imposed by this conditional "will serve letter" will be that EDU sewer permits can only be guaranteed when the new Phase 2 parallel plant is online. Since neither the DEQ Consent Order approval nor the Phase 2 Plant expansion construction has been completed, the District will be unable to issue unconditional "Will Serve" commitments for any portion of Petitioner's development until either the Consent Order has been approved by DEQ or the Phase 2 Plant Expansion has been constructed. The District will, however, proceed with annexation of Petitioner's property into the District boundaries.

9. Sewer System Additional Conditions:

A. Phase 2 Treatment Plant and Conveyance System Development Process: Petitioner agrees to prepay the Sewer Service Availability Fees and Sewer Line Capacity Fees as outlined below in Section 9.B. and 9.C. An amount equal to 10 percent of the committed fees as stated in Sections 9.B. and 9.C. below will be due and payable to a District escrow account at American Title Company [insert location _____] 30 days after the District Court issues an order annexing and including the Petitioner's property into the District. Also, within 30 days of the completed annexation process, the Petitioner shall submit a Bank Irrevocable Letter of Credit (ILOC) to the District for the remaining portion of the committed Sewer Service Availability and Sewer Line Capacity Fees that are committed in Sections 9.B. and 9.C.

These fees shall be used exclusively for engineering services, equipment purchase, and construction of the new Phase 2 wastewater treatment facilities, operations building, and sewer conveyance facilities.

It is anticipated that the Petitioners prepayment commitment, as outlined above, will be approximately _____ percent of the total funds needed for this Phase 2 treatment plant project and conveyance facilities. Therefore, as the District incurs project related expenses, and has expended the 10 percent prepaid funds that were prepaid 30 days after annexation by all Petitioners and land owners, the District will draw funds from the Bank ILOC provided by the Petitioner on the same percentage basis. This withdrawal process from the Petitioner's Bank ILOC will assure that all Petitioner's and land owners who annex property into the District will share project related expenses

proportionately and that the final portion of the Bank ILOC funds will not be drawn until the project's construction has been completed and unconditional sewer permits are then available.

Through this annexation and prepayment of fee process, the District must generate at least \$3,000,000 in prepaid Sewer Service Available Fees and \$1,000,000 in Sewer Line Capacity Fees. If the target dollar amount in Sewer Line Capacity Fees and Sewer Service Availability Fees are committed as stated above, the Petitioner shall receive a "will serve" commitment letter from the District which will be contingent only upon completion of the Phase 2 parallel treatment plant expansion. If the total targeted funds for Sewer Service Availability and Sewer Line Capacity Fees are not committed as defined above, all funds will be returned to the respective Petitioner within thirty (30) days. The Petitioner's property will remain annexed into the District, but no sewer service commitment will be issued until available funds have been generated for construction of the new Phase 2 parallel wastewater treatment plant.

B. Sewer Service Availability Fees: The Petitioner agrees to prepay in accordance with Paragraph 9.A above, Sewer Service Availability Fees for 45 EDUs to be located on Petitioner's property based on the District's present Sewer Service Availability Fee per EDU. The Petitioner, therefore, agrees to prepay \$153,000 dollars. The District will then credit the Petitioner's subdivisions with 45 prepaid EDU Sewer Service Availability Fees (sewer permits). Therefore, the Petitioner, lot owner and builder will not be assessed future Sewer Service Availability Fees for the number of prepaid lots or EDUs. The Petitioner also agrees that he will prepay Sewer Service Availability Fees for all subsequent lots or EDUs that have not already been credited through the prepayment process on or before final plat approval by Valley County.

C. Sewer Line Capacity Fees: The Petitioner agrees to prepay in accordance with Paragraph 9.A above, Sewer Line Capacity Fees for 45 EDUs to be located on Petitioner's property based on the District's present Sewer Line Capacity Fee per EDU. The Petitioner, therefore, agrees to prepay \$33,750 dollars. The District will then credit the Petitioner's subdivision with 45 prepaid EDU Sewer Line Capacity Fees. Therefore, the Petitioner, lot owner, and builder will not be assessed future Sewer Line Capacity Fees for the number of prepaid lots or EDUs. The Petitioner also agrees that he will prepay Sewer Line Capacity Fees for all subsequent lots or EDUs that have not

already been credited through the prepayment process on or before final plat approval by Valley County.

D. Will Serve Commitment: Once annexation of Petitioner's property has been completed, and prepayments have been made, the District will issue to Petitioner a "will serve" letter. This "will serve" letter will not guarantee sewer service until the new Phase 2 parallel wastewater treatment plant expansion project is online and operational. The present District schedule calls for the new Phase 2 plant to be online and operational in the summer of 2007, if the project is fully funded, so that construction can commence by June, 2006. As indicated in Section 8.C. above, a DEQ consent order approval possibly could allow the construction of Petitioner's development during the summer of 2006 and parallel with the construction of the new Phase 2 parallel wastewater treatment plant, however the District cannot guarantee any approval by DEQ. Once the Phase 2 wastewater treatment plant has been constructed, the District will have the core wastewater treatment plant in place, so that the Petitioner will be allowed to proceed to plat all additional EDUs. As the Petitioner plats additional phases of Petitioner's development, and pays corresponding Service Availability Fees, the District will provide treatment plant capacity to serve each subdivision phase as it is developed.

The Petitioner, therefore, agrees that the District will not be able to issue EDU sewer permits or unconditional "will serve" commitments to Petitioner's development until the Phase 2 wastewater treatment plant is online or DEQ has approved a consent order allowing for the issuance of unconditional "will serve" commitments and sewer permits. The Petitioner, therefore, agrees that annexation to the District does not guarantee sewer treatment capacity until a Phase 2 treatment plant is online and operational.

E. Sewer Operation and Maintenance Fees: In order to cover the initial operation and maintenance ("O&M") costs of the sewer facilities that will be assumed by the District, the Petitioner agrees to pay \$14 per month for sewer for 25 EDUs until there are 25 EDUs constructed and online using the new sewer facilities, thus providing the District sufficient monthly O & M fees to operate and maintain the facilities. As O & M fee revenues are collected from actual EDU users, this dollar amount collected will be credited to the Petitioner's next month's payment. Petitioner agrees that the monthly

sewer fees may be changed at the discretion of the District as allowed by law and not limited by these conditions.

F. Sewer Latecomer Fee Payments: Other developers have constructed sewer interceptor lines, pump stations, and pressure lines that will ultimately serve the Petitioner's Wild Wing Subdivision sewer facilities. Therefore, the District must collect Latecomer Fees for reimbursement to these previous developers. The Sewer Latecomer Fees are \$_____ plus \$_____ or a total Sewer Latecomer Fee of \$_____ per equivalent residential lot or proposed equivalent dwelling unit (EDU) to be located on Petitioner's property. The Petitioner agrees to pay these Sewer Latecomer Fees for all final platted lots or EDUs of Petitioner's development on or before final plat approval by Valley County. The District will then credit the Petitioner's subdivision with prepaid Sewer Latecomer Fees. Therefore, the Petitioner, lot owner, and builder will not be assessed future Sewer Latecomer Fees for the number of prepaid lots or prepaid EDUs.

G. Petitioner Sponsored Sewer Facilities: Where an existing District gravity sewer line can serve lots of Petitioner's subdivision, the Petitioner will extend service lines from the appropriate lots to the existing gravity collection system in accordance with District sewer standards and at Petitioner's expense. Where Petitioner's lots cannot be served by the existing gravity collection system, the Petitioner will be responsible to construct all needed gravity sewer lines to the main sewer interceptor lines that will be located in the Bella Vista Bay Subdivision. Therefore, Petitioner will be required to coordinate any offsite sewer construction with the Petitioner of the Bella Vista Bay Subdivision and assume all responsibility for constructing said facilities in accordance with District standards and at Petitioner's expense.

For those lots that will be served by an existing gravity sewer line, the Petitioner will be required to pay an additional fee per lot that is equivalent to one half of the cost of design and construction of a 8-inch gravity sewer line per linear foot that fronts lots tapping into the existing gravity sewer service. This sewer line collection cost will be paid to the District on or before final plat approval by Valley County.

10. Water System Additional Conditions:

A. Water Service Availability Fees: The Petitioner agrees to prepay Water Service Availability Fees for 45 EDUs to be located on Petitioner's property based

on the District's present Water Service Availability Fee per EDU. The Petitioner, therefore, agrees to prepay \$153,200 dollars. The District will then credit the Petitioner's subdivision with 45 prepaid EDU Water Service Availability Fees (water permits). Therefore, the Petitioner, lot owner, and builder will not be assessed future Water Service Availability Fees for the number of prepaid lots or EDUs. The Petitioner also agrees that he will prepay Water Service Availability Fees for all subsequent lots or EDUs that have not already been credited through the prepayment process on or before final plat approval by Valley County.

B. Water Operation and Maintenance Fees: When the District accepts the water facilities, and the operation and maintenance costs of the water facilities have been assumed by the District, the Petitioner agrees to pay \$14 a month for water for 25 EDUs until there are 25 EDUs constructed and online, thus providing the District sufficient monthly O & M fees to operate and maintain the facilities. As O & M fee revenues are collected from actual EDU users, this dollar amount collected will be credited to the Petitioner's next month's payment. Petitioner's agree that the monthly water fees may be changed at the discretion of the District as allowed by law and not limited by this agreement.

C. Water Meters: All water service lines shall be complete with water meter and meter box in accordance with District standards. The meter shall be a $\frac{1}{4}$ x $\frac{1}{4}$ inch Neptune T-10 with the R-900 RF pit meter interface unit. The meter box shall be installed in the road right-of-way with the centerline of the meter pit 3 feet from the property line. The meter box shall be a 15-inch by 60-inch Mueller/McCollough Thermal-Coil meter box or an 18-inch by 60-inch for a double meter box.

11. **Warranties:**

The Petitioner's contractor and Petitioner shall warrant the water and sewer facilities for a one year period after final construction acceptance and shall be responsible to correct any water and sewer system deficiencies or defects encountered during the one year warranty period at no cost to the District.

12. **Ownership:**

Petitioner shall dedicate or otherwise transfer all water and sewer facilities with appropriate easements to the District after final District acceptance of these facilities. Upon transfer to and acceptance by the District, the District shall assume operation and

maintenance responsibilities of the water and sewer facilities excluding service lines located on private property. This transfer and assumption of ownership shall not only include the constructed facilities, but shall also include land deeded for all water and sewer facilities and the transfer of all well water rights to the District.

13. If payment for Sewer Service Availability Fees, Sewer Line Capacity Fees; Water Service Availability Fees, and Water and Sewer Latecomer Fees, as outlined above, have not been paid to the District on or before the final plat approved by Valley County or as agreed above, the Petitioner agrees to pay to the District a monthly penalty equivalent to 1.5% of the amount due for each month that payment is overdue until all fees and penalties are fully paid.

If full payment has not been received within thirty (30) days after final plat approval, the District reserves the right to deny all sewer and water connection permits.

14. The Petitioner agrees to inform all buyers of the Petitioner's platted lots of the conditions of annexation requiring the payment of any fees prior to constructing any dwelling unit (including apartments, modular homes, mobile homes, trailers, campers, and motor homes).

15. That notice of these conditions shall be provided to each Petitioner and lot owner.

16. Within ten (10) days after the announcement of the terms and conditions under which the property may be annexed and included in the District, the majority of the Petitioners may withdraw their petitions and no further proceedings shall hereafter be had by the Board upon such Petition.

DATED this 11th day of March, 2006.

NORTH LAKE RECREATIONAL SEWER
AND WATER DISTRICT
Valley County, Idaho

Donald V. Zepherus
Chairman

ATTEST:

Dawn E. Brown
Secretary

I agree to these conditions of annexation

DATED this 10th day of February, 2006.

[PETITIONER]

Rodney A. Higgins
Name
Rodney A. Higgins
Signature

ATTEST:

E. F. Ruth Higgins
Name

E. F. Ruth Higgins
Signature

Title

**ATTACHMENT A
LEGAL DESCRIPTION**

Legal Description
_____ Acre Tract

*(FROM PETITIONER - LEGAL
DESCRIPTION AND MAP)*

EXHIBIT "A"
Legal Description of Annexed Property

A parcel of land located in a portion the Northeast One Quarter of Section 4, Township 15 North, Range 32 East, Boise Meridian, Boise County, Idaho, and more particularly described as follows:

Commencing at the east one quarter section corner common to Sections 3 and 4, Township 15 North, Range 3 East, Boise Meridian, said corner being the POINT OF BEGINNING:

Thence South $87^{\circ}52'29''$ West along the south boundary of said Northeast quarter of said Section 4 a distance of 683.61 feet to a found $5/8''$ pin and the Southeast corner of the Day Star Property;

Thence North $00^{\circ}33'24''$ East along the east boundary of said Day Star Property distance of 437.28 feet to a found $5/8''$ pin and the southeast corner of the Donald George Loomis Subdivision;

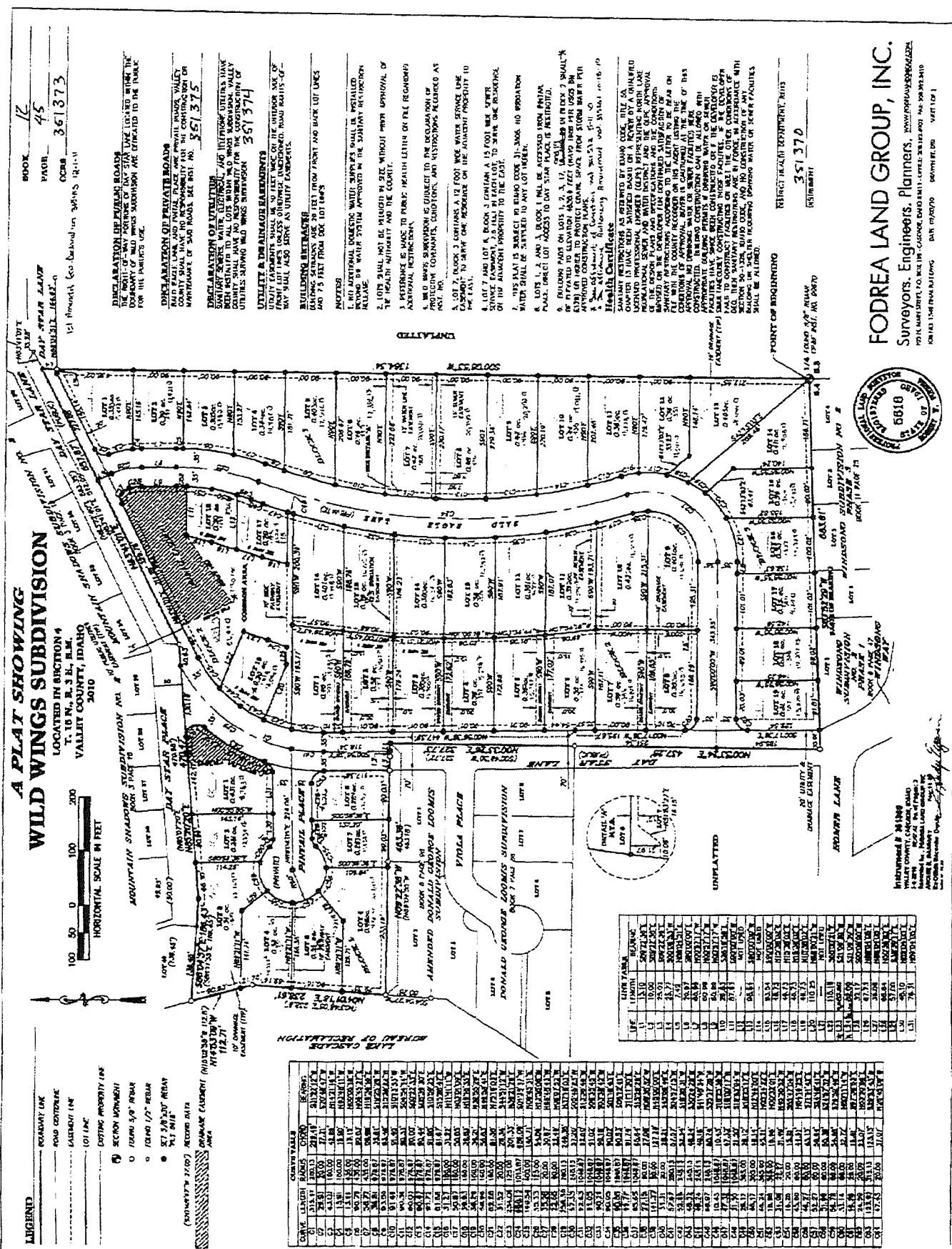
Thence North $00^{\circ}33'24''$ East along the east boundary of said Donald George Loomis Subdivision a distance of 327.72 feet to a found $5/8''$ pin and the northeast corner of said subdivision;

Thence North $89^{\circ}21'11''$ West along the north boundary of said Donald George Loomis Subdivision a distance of 463.26 feet to a found $5/8''$ pin and on a particular traverse line established by the Bureau of Reclamation;

Thence North $03^{\circ}59'59''$ East along said line distance of 238.43 feet to a found $5/8''$ pin;

Thence North $14^{\circ}53'09''$ West along said line distance of 112.71 feet to a found $1/2''$ pin on the southwest corner of lot 40, Block 6, Mountain Shadows Subdivision No. 2, as shown on page 18, Book 3, of plats in the office of the recorder of Valley County, Idaho;

Thence South $86^{\circ}04'57''$ East along the south boundary of said Lot 40, distance of 136.48 feet to a found $1/2''$ pin on the southerly Right-of-Way line of Day Star place;



A PLAT SHOWING WILD WINGS SUBDIVISION LOCATED IN SECTION 4 T. 15 N., R. 3 E., VALLEY COUNTY, IOWA 2010

HORIZONTAL SCALE IN FEET
100 50 0 100 200

- LEGEND**
- BOUNDARY LINE
 - ROAD CENTERLINE
 - EASEMENT LINE
 - LOT LINE
 - EXISTING PROPERTY LINE
 - SECTION MONUMENT
 - FOUND 5/8" REBAR
 - FOUND 1/2" REBAR
 - SET 5/8"-10" REBAR
 - 7x5 5610"
 - RECORD DATA
 - GRASSLAND EASEMENT
 - AREA

DECLARATION OF PUBLIC ROADS
THE PORTIONS OF DAY STAR LANE LOCATED WITHIN THE BOUNDARY OF WILD WINGS SUBDIVISION ARE DEDICATED TO THE PUBLIC FOR THE PUBLIC'S USE.

DECLARATION OF PRIVATE ROADS
BAUD LANE AND PRIVATE PLACE ARE PRIVATE ROADS. VALLEY COUNTY SHALL HAVE NO RESPONSIBILITY FOR THE CONSTRUCTION OR MAINTENANCE OF SAID ROADS. SEE INST. NO. 361375

DECLARATION OF UTILITIES
SANITARY SEWERS, WATER, ELECTRICAL, AND TELEPHONE UTILITIES HAVE BEEN LAYED OUT AND LOCATED WITHIN THE BOUNDARY OF WILD WINGS SUBDIVISION. VALLEY COUNTY SHALL HAVE NO RESPONSIBILITY FOR THE CONSTRUCTION OF UTILITIES SERVING WILD WINGS SUBDIVISION.

UTILITY & DRAINAGE EASEMENTS 351374
EASEMENTS SHALL BE 10 FEET WIDE ON THE INTERIOR SIDE OF FRONT LOT LINES AND 15 FEET WIDE ON THE EXTERIOR SIDE OF FRONT LOT LINES. ROAD RIGHTS-OF-WAY SHALL ALSO SERVE AS UTILITY EASEMENTS.

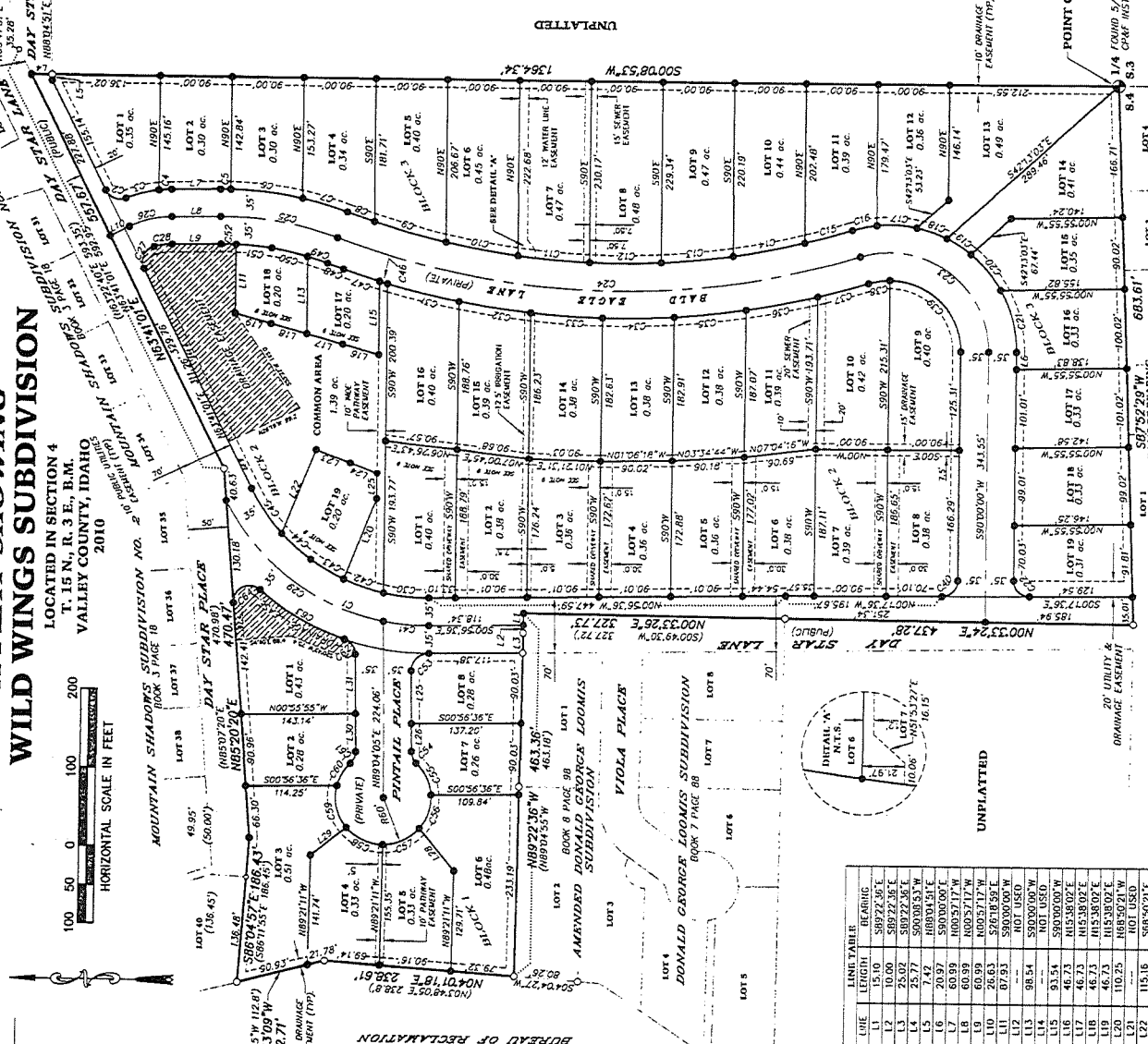
BUILDING SETBACKS
BUILDING SETBACKS ARE 20 FEET FROM FRONT AND BACK LOT LINES AND 7.5 FEET FROM SIDE LOT LINES.

NOTES

- NO ADDITIONAL DOMESTIC WATER SUPPLIES SHALL BE INSTALLED BEYOND THE WATER SYSTEM APPROVED IN THE SANITARY RESTRICTION RELEASE.
- LOTS SHALL NOT BE REDUCED IN SIZE WITHOUT PRIOR APPROVAL OF THE HEALTH AUTHORITY AND THE COUNTY.
- REFERENCE IS MADE TO PUBLIC HEALTH LETTER ON FILE RECORDING ADDITIONAL RESTRICTIONS.
- WILD WINGS SUBDIVISION IS SUBJECT TO THE DECLARATION OF PROTECTIVE COVENANTS, CONDITIONS, AND RESTRICTIONS RECORDED AS INST. NO. 351374.
- LOT 7, BLOCK 3 CONTAINS A 12 FOOT WIDE WATER SEWER EASEMENT TO SERVE ONE RESIDENCE ON THE ADJACENT PROPERTY TO THE EAST.
- LOT 7 AND LOT 8, BLOCK 3 CONTAIN A 15 FOOT WIDE SEWER SERVICE EASEMENT, 7.5 FEET IN EACH LOT, TO SERVE ONE RESIDENCE ON THE ADJACENT PROPERTY TO THE EAST.
- THIS PLAT IS SUBJECT TO IOWA CODE 31-3005. NO IRRIGATION WATER SHALL BE SUPPLIED TO ANY LOT HEREIN.
- LOTS 1, 2, AND 3, BLOCK 1 WILL BE ACCESSIBLE FROM PRIVATE PLACE. DIRECT LOT ACCESS TO DAY STAR PLACE IS RESTRICTED.
- BUILDING PADS ON LOTS 1, 2, 3, 17, 18, AND 20 IN BLOCK 2 SHALL BE ELEVATED TO ELEVATION 485.6 FEET (HAND 1988 FID USGS 1M E13) OR HIGHER TO PROTECT CRINAL SPACE FROM STORM WATER PER APPROVED CONSTRUCTION PLANS.

Health Certificate
SANITARY RESTRICTIONS AS REQUIRED BY IOWA CODE, TITLE 50, CHAPTER 13 HAVE BEEN SATISFIED BASED ON A REVIEW BY A QUALIFIED REGISTERED PROFESSIONAL ENGINEER (RPE) REPRESENTING NORTH LAKE RECORDING & CONSTRUCTION, INC. THE DESIGN AND CONSTRUCTION OF THE DESIGN PLANS AND SPECIFICATIONS AND THE CONDITIONS IMPOSED ON THE DEVELOPER FOR CONTINUED SATISFACTION OF THE HEALTH AUTHORITY AND THE COUNTY SHALL BE THE RESPONSIBILITY OF THE DEVELOPER. THE HEALTH AUTHORITY SHALL BE REQUIRED TO READ ON FILE WITH THE COUNTY RECORDER ON HIS AGENT'S USE TO BE READ ON CONDITIONS OF APPROVAL. BUYER IS CAUTIONED AT THE TIME OF THIS CONSTRUCTION THAT THE HEALTH AUTHORITY SHALL BE REQUIRED TO CONSTRUCT DRINKING WATER OR SEWER FACILITIES WITHIN THE BOUNDARY OF WILD WINGS SUBDIVISION. APPROPRIATE BUILDING PERMITS IF DRINKING WATER OR SEWER FACILITIES HAVE SINCE BEEN CONSTRUCTED OR IF THE DEVELOPER IS REQUIRED TO CONSTRUCT FACILITIES OR MEET THE OTHER IF THE DEVELOPER FAILS TO CONSTRUCT FACILITIES OR MEET THE OTHER IF THE DEVELOPER THEN SANITARY RESTRICTIONS ARE IN FORCE, IN ACCORDANCE WITH IOWA CODE 50-206 (IOWA CODE) AND NO CONSTRUCTION OF ANY BUILDINGS OR STRUCTURES INCLUDING DRINKING WATER OR SEWER FACILITIES SHALL BE ALLOWED.

Jeffrey D. L.
REGISTERED PROFESSIONAL ENGINEER, IOWA
351370
INSTRUMENT



LINE	LENGTH	BEARING
L1	15.10	S89°22'36"E
L2	10.00	S89°22'36"E
L3	29.93	S89°22'36"E
L4	25.77	S89°22'36"E
L5	2.42	N00°00'00"W
L6	20.97	S90°00'00"W
L7	60.99	N00°21'17"W
L8	60.99	N00°21'17"W
L9	60.99	N00°21'17"W
L10	60.99	N00°21'17"W
L11	60.99	N00°21'17"W
L12	60.99	N00°21'17"W
L13	98.54	S90°00'00"W
L14	98.54	S90°00'00"W
L15	98.54	S90°00'00"W
L16	46.73	N45°30'02"E
L17	46.73	N45°30'02"E
L18	46.73	N45°30'02"E
L19	46.73	N45°30'02"E
L20	110.25	N88°50'21"W
L21	115.16	S68°50'21"W
L22	82.00	S21°09'39"W
L23	82.00	S21°09'39"W
L24	82.00	S21°09'39"W
L25	82.00	S21°09'39"W
L26	67.73	S90°00'00"W
L27	35.06	N88°04'03"E
L28	68.84	N50°35'52"E
L29	68.84	N50°35'52"E
L30	48.10	S38°39'17"E
L31	76.31	N89°04'05"E



Instrument # 351369
Recorded at FODREA LAND GROUP, INC.
5-5-2010 9:41:47 No. of Pages: 2
Ex-Officio Recorder: *Jeffrey D. L.*
FODREA LAND GROUP, INC.
101 N. MAIN STREET, P.O. BOX 188 - CAHAGEN, IOWA 52521
JAN 10/2010 DRAWN BY: DDD SHEET 1 OF 2

FODREA LAND GROUP, INC.
Surveyors, Engineers, Planners. www.fodreagroup.com
101 N. MAIN STREET, P.O. BOX 188 - CAHAGEN, IOWA 52521
JAN 10/2010 DRAWN BY: DDD SHEET 1 OF 2

LOCATED IN SECTION 4
T. 15 N., R. 3 E., B.M.
VALLEY COUNTY, IDAHO
2010

OB NO 1548 FINAL PLAT DWG	DATE 02/07/10	DRAWN BY DTD	CHECK BY MZ
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