

RESOLUTION NO. 2014-04

A Resolution of the North Kootenai Water District, Kootenai County, Idaho approving an Order Granting Petition for Annexation; and other matters properly relating thereto

NORTH KOOTENAI WATER DISTRICT
Kootenai County, Idaho

Daniels Annexation

BE IT RESOLVED BY THE BOARD OF DIRECTORS OF NORTH KOOTENAI WATER DISTRICT, Kootenai County, Idaho, as follows:

WHEREAS, North Kootenai Water District (the "District") is a duly and properly formed water district under and by virtue of the laws of the State of Idaho and is governed by a Board of Directors (the "Board");

WHEREAS, the Board has authority pursuant to Idaho Code §42-3218 to consider annexation of property into the District upon the presentation of a petition of a property owner meeting certain requirements;

WHEREAS, property owner has presented an appropriate petition for annexation to the Board of Directors for consideration;

WHEREAS, the Board held a duly noticed public hearing on July 17, 2014 wherein the Board provided individuals the opportunity to show cause why the annexation of the property described herein should be approved or denied;

WHEREAS, the Board desires to approve an Order Granting Petition for Annexation (a copy of which is hereby attached as Exhibit "A").

NOW, THEREFORE, BE IT RESOLVED as follows:

Section 1: Approval of Order. The Board hereby approves the Order Granting Petition for Annexation to North Kootenai Water District.

Section 2: Ratification. The Board hereby ratifies all acts taken by members of the Board and/or agents on behalf of the Board or District relative to this potential annexation and the hearing process is hereby ratified and approved.

Section 3: Severability. If any section, paragraph, clause, or provision of this Resolution shall be held invalid or unenforceable for any reason, the invalidity or unenforceability of each section, paragraph, clause, or provision shall in no manner affect any remaining provision of this Resolution.

Section 4: Effective Date. This Resolution shall be and is effective as of the date of its adoption.

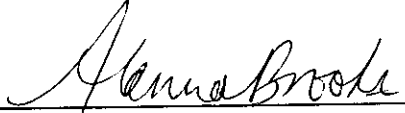
DATED this 17th day of July, 2014.

NORTH KOOTENAI WATER DISTRICT,
Kootenai County, Idaho



Chairman, Board of Directors

ATTEST:



District Secretary



I, the undersigned, Secretary of the Board of Directors of North Kootenai Water District, Kootenai County, Idaho, hereby certify that the foregoing Resolution is a full, true, and correct copy of a Resolution duly adopted at a regular meeting of the District, duly and regularly held at the regular meeting place thereof on July 17, 2014, of which meeting all members of the Board had due notice and at which a majority thereof were present; and that at said meeting said Resolution was adopted by the following vote:

AYES, and in favor thereof, Directors:

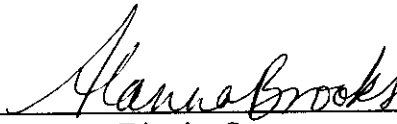
NAYS, Directors:

ABSENT, Directors:

ABSTAIN, Directors:

I further certify that I have carefully compared the same with the original Resolution on file and of record in my office; that said Resolution is a full, true, and correct copy of the original Resolution adopted at said meeting; and that said Resolution has not been amended, modified, or rescinded since the date of its adoption, and is now in full force and effect.

IN WITNESS WHEREOF, I have set my hand and affixed the official seal of the District on July 17, 2014.



District Secretary

(SEAL)



EXHIBIT "A"

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

DANIELS 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 July 17, 2014, with notice of this hearing ("Notice") given by both publication and mailing. Notice was published in the *Coeur d'Alene Press* on July 5, 2014 and July 12, 2014. (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 Section 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:

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.

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 meeting on July 17, 2014.

NORTH KOOTENAI WATER DISTRICT

By: Shannon Crum
Chairman, Board of Directors

ATTEST:

Alanna Brooks
Secretary

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

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

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(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).

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(11) Conditions: This annexation is conditioned upon completion of the following:

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.

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 meeting on July 17, 2014.

NORTH KOOTENAI WATER DISTRICT

By: Thomas C. [Signature]
Chairman, Board of Directors

ATTEST:

Alanna Brooks
Secretary

LIST OF EXHIBITS

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PETITION FOR ANNEXATION
NORTH KOOTENAI WATER DISTRICT
KOOTENAI COUNTY, IDAHO

DANIELS ANNEXATION
CLIFFORD T DANIELS
COMES NOW Petitioner(s) *DANIELS* 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: 5-29-14

Petitioner:

Clifford S. & Marilyn Daniels

Address:

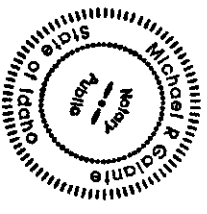
Box 1350
Rothsrum ID 83858

Signature:

Clifford S. Daniels
Marilyn Daniels

STATE OF IDAHO)
) ss.
COUNTY OF KOOTENAI)

I certify that I know or have satisfactory evidence that CLYDE J. THURS is the person who appeared before me, and said person acknowledged that he signed this instrument as the OWNER of CRS 470, and acknowledged it to be his/her free and voluntary act for the uses and purposes mentioned in the instrument.

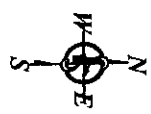


Michael P. Galante
NOTARY PUBLIC for the State of IDAHO
Michael P. Galante (Print name)
My appointment expires: 04/01/2015

List of properties owned by Clifford J and Marilyn Daniels to be included in the Petition for Annexation:

1. Parcel #03220003012A / Lot 12 Block 3 (Legal Description is attached)
Address: 20596 N Cross Creek Road, Rathdrum ID 83858
2. Parcel #MZ224W17212C / Lot 7 Block 2 (Legal Description is attached)
Address: 20562 N Altamont Road, Rathdrum ID 83858
3. Parcel #03220002007A / Lot 7 Block 2 (Legal Description is attached)
Address: 20562 N Altamont Road, Rathdrum ID 83858
4. Parcel #03220003011A / Lot 11 Block 3 (Legal Description is attached)
Address: 20633 N Altamont Road, Rathdrum ID 83858
5. Parcel #03220003010A / E2-Lot 10 Block 3 (Legal Description is attached)
Address: 20651 N Altamont Road, Rathdrum ID 83858

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



FOR REFERENCE PURPOSES ONLY. THE COUNTY IS NOT RESPONSIBLE FOR ACCURACIES CONTAINED HEREIN.

Notes:

001-A (both row -A) and of 001-A combined with 22191 (09)

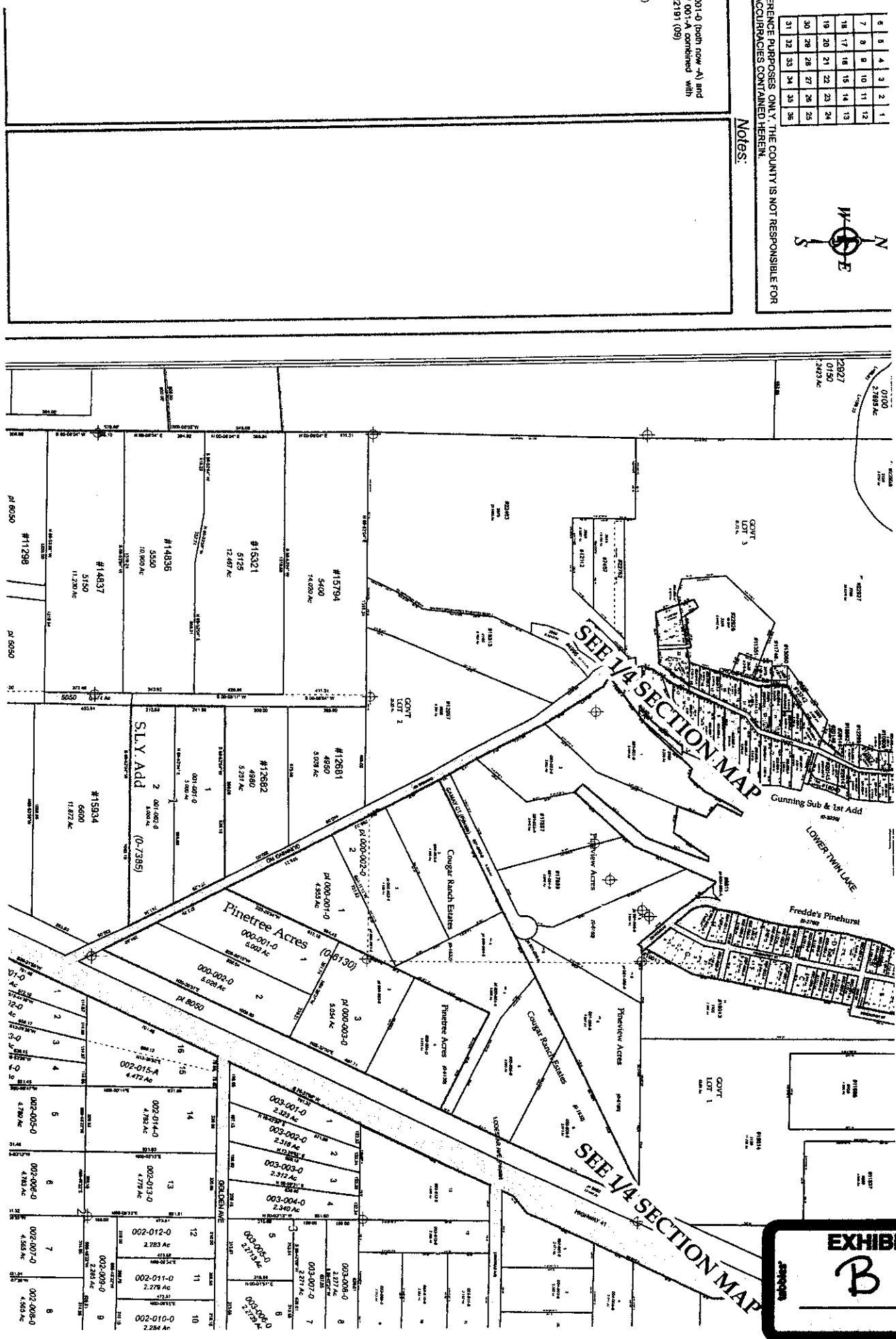


EXHIBIT
B

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

DANIELS ANNEXATION

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

Day: Thursday

Date: July 17, 2014

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: Clifford J. and Marilyn Daniels (Parcel Nos. 03220003012A, MZZ24W17212C, 03220002007A, 03220003011A, and 03220003010A). 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

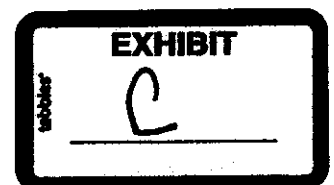
All persons interested in appearing at the time and place of the hearing may show cause in writing why any petition for annexation should not be granted. The Board shall consider, at the hearing, any objection presented in writing. The failure of any person to show cause in writing shall be deemed as 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 pre-paid, 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 5th day of June, 2014.



Parcel No. 0322003012A

Lot 12, Block 3, GUNNING SUBDIVISION, according to the plat recorded in the office of the County Recorder in Book "D" of Plats at Page 57, records of Kootenai County, Idaho

Parcel No. MZZ24W17212C

Lot 7, Block 2, GUNNING SUBDIVISION, Kootenai County, State of Idaho, according to the plat recorded in Book "D" of Plats, Page 57

Parcel No. 03220003007A

Lot 7, Block 2, Section 17 Township 50N Range 40W

Parcel No. 03220003011A

LOT 11, BLOCK 3, GUNNING SUBDIVISION, ACCORDING TO PLAT RECORDED IN THE OFFICE OF THE COUNTY RECORDER, IN BOOK "D" OF PLATS AT PAGE 57, RECORDS OF KOOTENAI COUNTY, IDAHO.

Parcel No. 03220003010A

The East Half of Lot 10, Book 3, GUNNING SUBDIVISION, Lower Twin Lakes, located in and being a part of Government Lot 3, Section 17, Township 52 North, Range 4 West, Boise Meridian, Kootenai County, Idaho, according to a plat of record in said Kootenai County, Idaho; including perpetual beach rights on the following described parcel:

A parcel of land being a portion of Lot 7, Block 1 GUNNING SUBDIVISION, according to the official plat on file in Book "D" at Page 57, in Government Lot 3, Section 17, Township 52 North, Range 4 West, Boise Meridian, Kootenai County, Idaho, and being more particularly described as follows:

COMMENCING at the Southwesterly corner of said Lot 7 which is monumented with Iron pipe, 3/4" diameter and from which the Southwesterly corner of said Lot 7 bears South 75°12'40" East, 164.32 feet; thence

Along the Southerly line of said Lot 7, South 75°12'40" East, 118.91 feet to an Iron rod, 30 inches long, 5/8" diameter, with a plastic cap marked PLS 6374, the POINT OF BEGINNING; thence

Along the arc of a non-tangent curve to the left which is concave to the Northwest having a radius of 62.37 feet, through a central angle of 31°36'59", an arc distance of 34.41 feet, and having a chord bearing and distance of North 55°21'27" East, 33.98 feet to an Iron rod, 30 inches long, 5/8 inch diameter, with a plastic cap marked PLS 6374; thence

North 19°44'40" East, 172.56 feet to an Iron rod, 30 inches long, 5/8 inch diameter, with a plastic cap marked PLS 6374 on the North line of said Lot 7; thence



Along the North line its Easterly extension of said Lot 7, North $89^{\circ}28'35''$ East, 54.25 feet to an Iron rod, 30 Inches, $\frac{5}{8}$ inch diameter, with a plastic cap marked PLS 6347 on the shore of Lower Twin Lake; thence

Along the shore of Lower Twin Lake, the following four (4) courses:

- 1) South $29^{\circ}52'17''$ West, 26.53 feet; thence
- 2) South $23^{\circ}48'26''$ West, 98.12 feet; thence
- 3) South $13^{\circ}38'53''$ West, 55.28 feet; thence
- 4) South $35^{\circ}26'18''$ West, 36.61 feet to an Iron rod, 30 inches long $\frac{5}{8}$ Inch diameter, with a plastic cap marked PLS 6374 on the Southeasterly extension of the Southerly line of said Lot 7; thence

Along the Southerly line and its Southeasterly extension, of said lot 7, North $75^{\circ}12'40''$ West, 55.24 feet to the POINT OF BEGINNING.