

RESOLUTION NO. 2016-05

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

ZASTROW 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, a 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 May 19, 2016, wherein the Board provided individuals the opportunity to show cause why the annexation of the property described herein should be approved or denied; and

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 19th day of May, 2016.

NORTH KOOTENAI WATER DISTRICT
Kootenai County, Idaho



Chairman, Board of Directors

ATTEST:



District Secretary

(S E A L)



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 May 19, 2016, 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: 4

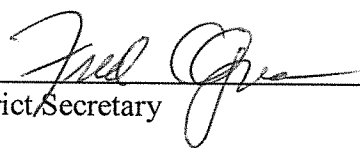
NAYS, Directors: 0

ABSENT, Directors: 0

ABSTAIN, Directors: 0

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 May 19, 2016.


District Secretary

(S E A L)

EXHIBIT "A"

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

ZASTROW 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 May 19, 2016, with notice of this hearing ("Notice") given per Idaho Code §42-3218. Notice was published in the *Coeur d'Alene Press* on April 21, 2016 and April 28, 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 meeting on May 19, 2016.

NORTH KOOTENAI WATER DISTRICT

By: _____
Chairman, Board of Directors

ATTEST:

District 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

EXHIBIT "A"

North Kootenai Water District

Preliminary Subdivision Application for Water Service

Subdivision Name: Rimrock Meadows Estates LT 5, B1KA
 Application for: Lot Split _____ Subdivision _____ # of Lots: 1
 Legal Description: Parcel # 0661000A0050 Sec _____ Twp _____ Rng _____
 Zoning District _____
 Directions to Site: North on Hwy 95, East on Lancaster Rd,
South on Meadow wood Lane.

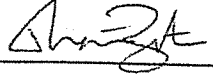
<u>Matt Zastrow</u>	<u>208-699-1449</u>	<u>matthewzastrow@yahoo.com</u>
<small>Applicant Name</small>	<small>Phone</small>	<small>E-mail</small>
<u>2557 Marcellie Ct.</u>	<u>Coeur d'Alene</u>	<u>Idaho</u>
<small>Applicant Address</small>	<small>City</small>	<small>State</small>
<u>Same as above</u>		<u>83815</u>
	<small>State</small>	<small>Zip</small>
<small>Property Owner(s) Name(s)</small>	<small>Phone</small>	<small>E-mail</small>
<small>Property Owner(s) Address</small>	<small>City</small>	<small>State</small> <small>Zip</small>
<u>Rich Boettcher</u>	<u>208-772-2799</u>	<u>rich@mbbuilders.com</u>
<small>Engineer</small>	<small>Phone</small>	<small>E-mail</small>
<u>MB Builders</u>	<u>2427 W. Hayden Ave</u>	<u>Idaho</u>
<small>Engineering Firm Name</small>	<small>Address</small>	<small>City</small> <small>State</small> <small>Zip</small>
		<u>83835</u>
		<small>State</small> <small>Zip</small>

Contact Person (select one): Owner Applicant Engineer

Application Requirements

Agency Letters:	<u>Req'd</u>	<u>Rev'd</u>	<u>Req'd</u>	<u>Rev'd</u>
Fire District (stating req'd fire flows)	<input type="checkbox"/>	<input type="checkbox"/>		
Other _____	<input type="checkbox"/>	<input type="checkbox"/>		
Other Items:				
Application Form ✓	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Title Report	<input checked="" type="checkbox"/> <input type="checkbox"/>
Initial Request Letter to Board	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Small Plat/Plan (max 11" x 17")	<input checked="" type="checkbox"/> <input type="checkbox"/>
Petition for Annexation	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Surrounding Area Map	<input checked="" type="checkbox"/> <input type="checkbox"/>

I hereby authorize North Kootenai Water District to enter onto and inspect the property that is the subject of this application.

Property Owner's Signatures:  Date: 14 Apr 2016
 _____ Date: _____

(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: 19 Apr 2016

Petitioner: Matthew Zastrow

Address: 2557 Marceille Ct. Coeur d'Alene, ID 83815

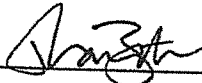
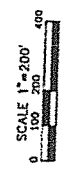
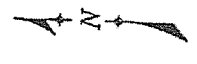
Signature: 

EXHIBIT "B"

G 43 RIMROCK MEADOWS ESTATES

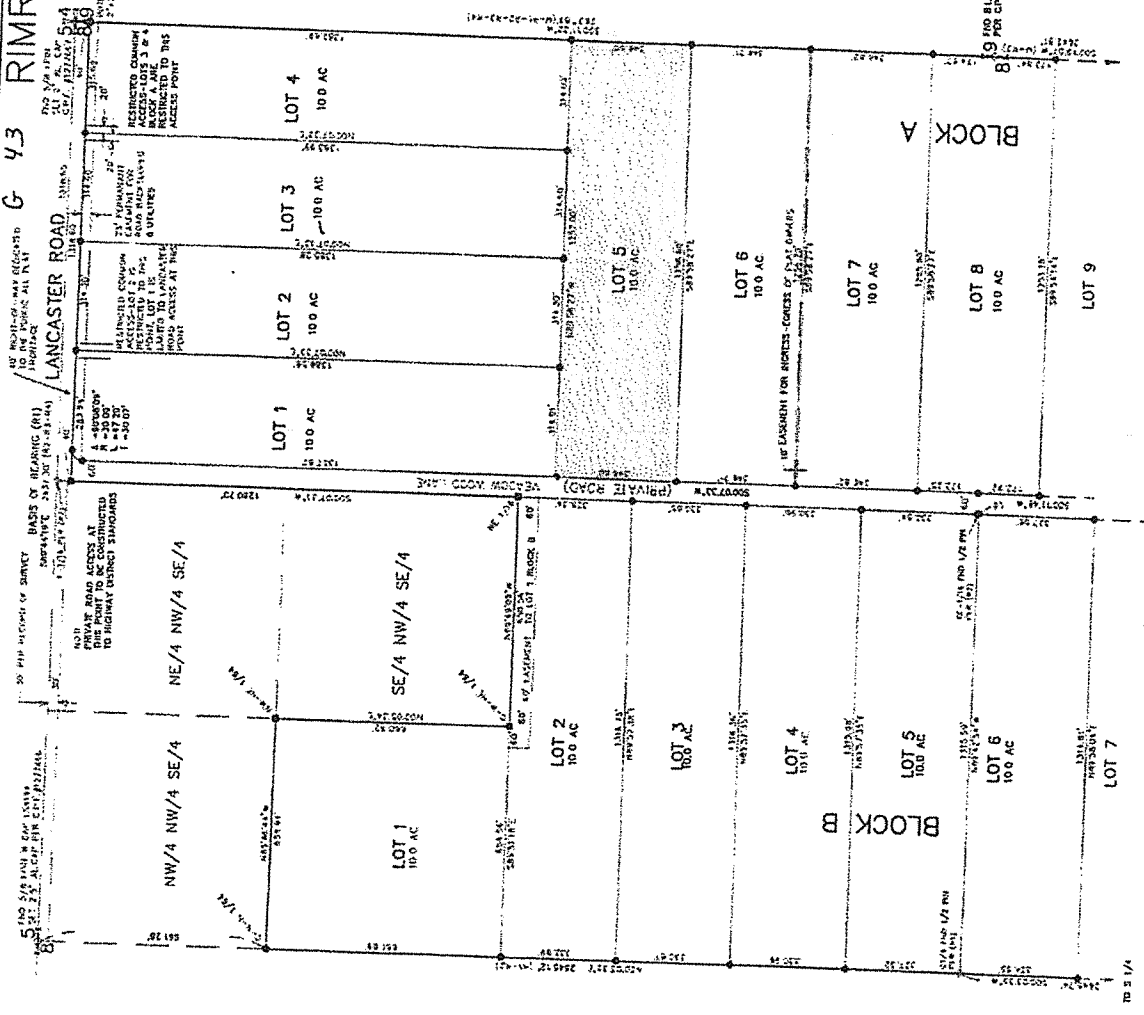
A PLAT OF A PORTION OF THE
EAST 1/2 OF SECTION 8,
T.51N., R.3W.,B.M.,
KOOTENAI COUNTY, IDAHO



LEGEND

- New lot to be created
- 5/8" x 30" 1/4" w/ Cop LS 2014
- 1/2" x 24" 1/4" w/ Cop LS 2014
- (01) Record of Survey Book 1 Pg 120
- (02) Record of Survey Book 4 Pg 105
- (03) Record of Survey Book 4 Pg 105
- (04) Record of Survey Book 3 Pg 209
- (05) Record of Survey Book 4 Pg 118
- (06) Record of Survey Book 3 Pg 171
- (07) Unrecorded

Books of Surveys from (01-10-14)



SHEET 1 OF 3 JOB #1008
LAND SURVEYING ASSOC., INC.
P.O. BOX 200
MADISON, IDAHO 83402
PHONE: 208-375-6551

1" = 200'
1" = 200'
1" = 200'

10 SE SEC 08H

EXHIBIT "C"

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO, } ss.
County of Kootenai,

Melinda Vansickie

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

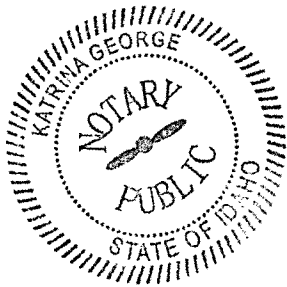
of which the annexed is a printed copy, was published in the regular Thursday issue of said newspaper for 2 consecutive weeks commencing on the 5 day of May, 2016, and ending on the 12 day of May, 2016, and such publication was made as often during said period as said Daily newspaper was regularly issued.

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 Melinda Vansickie

On this 12 day of May in the year of 2016, before me, a Notary Public, personally appeared Melinda Vansickie 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.



MY COMMISSION EXPIRES 8/29/17

NOTICE OF PUBLIC HEARING
OF ANNEXATION OF
PROPERTY INTO
NORTH KOOTENAI WATER
DISTRICT
Kootenai County, Idaho
ZASTROW 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: May 19, 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: Matthew Zastrow and Sarah Zastrow, husband and wife (Parcel No. 0661000A0050/AIN: 187601). 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 21st day of April, 2016.

NORTH KOOTENAI WATER DISTRICT Kootenai County, Idaho

LEGAL 5538
MAY 5, 12, 2016

EXHIBIT "D"

Property Description:

Lot 5, Block A, RIMROCK MEADOWS ESTATES, according to the plat recorded in the office of the County Recorder in Book G of Plats at Page 43, records of Kootenai County, Idaho.