

RESOLUTION NO. 2011-11

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

Chilco 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 property owners meeting certain requirements;

WHEREAS, the following property owners have presented a appropriate petitions for annexation to the Board of Directors for consideration: Curt and Lana Carney (Parcel No. 52N03W-18-0100); Gary W. Creagle, Trustee (Parcel No. 0-7195-001-0; Parcel No. 0-7195-001-003-0; Parcel No. 0-7195-001-004-0); Ed D. Jameson, President of Jameson Mortgage Company (52N03W-07-9100); Pensco Trust Company, Custodian, FBO Ed. D. Jameson, IRA (52N03W-07-9200); Martin Unruh (Parcel No. 0-1300-000-003-0; 52N03W-07-9400); Randall L. Smith, on behalf of R&R Smith Properties L.L.C. (Parcel No. 0-7520-010-999-A); Randall L. Smith, on behalf of R&R Smith Family Trust (Parcel No. 0-7195-001-002-0); Judy and Walter Brooks (52N03W-18-3200); Tim Devine and Jon Cooke (52N03W-18-2800; 52N03W-18-2850); Idaho Forest Group, LLC (52N03W-07-6750; 52N03W-07-8600; 52N03W-07-7900; 52N03W-07-6500; 52N03W-07-5000; 52N03W-07-3600; 52N03W-07-7400).;

WHEREAS, the Board held a duly noticed public hearing on August 18, 2011 wherein the Board provided individuals the opportunity to show cause why the annexation of the properties 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 of the above named properties.

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 18th day of August, 2011.

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 August 18, 2011, 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 August 18, 2011.



District Secretary

(SEAL)



EXHIBIT "A"

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

CHILCO 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 owners 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 Petitions were executed by the property owner(s) 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 August 18, 2011, with notice of this hearing ("Notice") given by both publication and mailing. Notice was published in the *Coeur d'Alene Press* on August 6, 2011 and August 13, 2011. (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(s) agree to pay for their 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 petitioners property owners will complete and pay for certain improvements to the specifications and requirements of the District (at their 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 August 18, 2011.

NORTH KOOTENAI WATER DISTRICT

By: _____
Chairman, Board of Directors

ATTEST:

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