

RESOLUTION NO. 2011-12

A RESOLUTION of intention of the North Kootenai Water District, Kootenai County, Idaho, to create Local Improvement District No. 3 – Chilco East; describing the boundaries of the proposed district and the property proposed to be assessed; generally describing the improvements proposed to be constructed; stating the portion of the total cost which will be paid by the levy of assessments and that which will be paid from other sources; describing the method of assessment; stating the time and place when and where protests may be filed and when and where a public hearing will be held to consider any such protests; providing for the effective date of this resolution; and providing for other matters properly relating thereto

NORTH KOOTENAI WATER DISTRICT  
Kootenai County, Idaho

LOCAL IMPROVEMENT DISTRICT NO. 3 – CHILCO EAST

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

WHEREAS, the North Kootenai Water District, of Kootenai County, Idaho, (the “District”), is a political subdivision operating and existing under and pursuant to the provisions of the Constitution and laws of the State of Idaho, and as such is authorized and empowered to create local improvement districts and to construct improvements pursuant to Idaho Code, Title 50, Chapter 17; and

WHEREAS, Idaho Code Section 50-1707 authorizes the Board of Directors (the “Board”) to initiate the formation of a local improvement district by resolution; and

WHEREAS, the Board of Directors is of the opinion that it is in the best interest of the owners of property and of the inhabitants within the proposed Local Improvement District No. 3 – Chilco East, and within the District, that the proposed Local Improvement District No. 3 be formed and the proposed improvements as hereinafter described be constructed;

NOW, THEREFORE, BE IT FURTHER RESOLVED, DETERMINED AND ORDERED as follows:

Section 1:     Intention to Form LID No. 3. The District hereby determines and states that it is its intention to form a local improvement district to be designated "North Kootenai Water District Local Improvement District No. 3 – Chilco East" ("LID No. 3") to make the improvements as hereinafter set forth.

Section 2:     Boundaries of LID No. 3. The boundaries of proposed LID No. 3 and of the properties to be assessed are described in Exhibit "A" attached hereto and hereby made a part hereof. The Board is of the opinion that said description is sufficient to inform the owners of the subject property that is proposed to be assessed and the public improvements that are proposed to be constructed therein.

Section 3:     Project. A general description of the improvements to be constructed within the boundaries of LID No. 3 - Chilco East (the "Project") is as follows:

A.     Extension of a new water main from the District's existing Chilco Water System south to Chilco Road.

B.     Construction of a new 8" water main including the pipe and incidentals as well as new water services to extend from the new main to the edge of the right-of-way line, inclusive of all related appurtenances and incidentals.

C.     Acquisition of related appurtenances necessary to operate the Chilco pump station.

Section 4:     Costs of Project. The estimated total cost of the proposed Project is \$373,400, of which approximately one hundred percent (100%) shall be borne by and assessed against the properties specially benefited by such improvements. The Board understands that

further development of plans, and therefore cost figures, is ongoing and the dollar amount for this Project to be paid by assessments changed be reduced. Additionally, individual assessments for property owners may be reduced or eliminated by grant funds.

Section 5: Assessments. The costs and expenses of the Project to be paid from special assessments shall be assessed against the lots and parcels within proposed LID No. 3 according to the benefits derived method of assessment, all in accordance with Section 50-1707, Idaho Code.

Section 6: Objections to LID. All persons who may desire to object to the creation of proposed LID No. 3 are hereby notified to file in writing a protest to the creation of the proposed LID No. 3 with the District Secretary, prior to the date and time set for hearing such protests, September 22, 2011, at 12:30 P.M., at the North Kootenai Water District Office, 1841 W. Hayden Ave., Hayden Idaho 83835, is hereby fixed as the time and place for public hearing, at which time the owners of property to be assessed within proposed LID No. 3 may appear before the Board of Directors and be heard as to the propriety and advisability of acquiring and constructing the Project and which is the time and place when and where the Board will consider the creation of proposed LID No. 3 and construction of the proposed improvements, and hear all complaints, protests, and objections that may be made in writing and filed with the Board on or before said time, by any owner of any parcel of land to be assessed.

Section 7: Notice of Hearing. Notice of hearing shall be given as follows:

A. By publication of such notice substantially in the form attached hereto as Exhibit "B" and hereby made a part hereof, in the official newspaper of the District, which notice shall be published in three (3) consecutive issues thereof if a daily newspaper, or in two (2) consecutive issues if a weekly newspaper.

B. By mailing a copy of such notice substantially in the form attached hereto as Exhibit "C" and hereby made a part hereof, by the Clerk to each record owner of property, if known, or his agent if known, within the boundaries of the proposed LID No. 3, addressed to such person at his post office address, if known, or if unknown, to the post office in Hayden, Idaho. Ownership of property shall be determined as of the date of the adoption of this Resolution.

Said notice by publication and notice by mailing shall be given at least ten (10) days before the date of said hearing for protest of the creation of proposed LID No. 3. Proof of publication shall be by affidavit of the publisher and proof of mailing shall be by affidavit of the Clerk.

Section 9: Effective Date. This Resolution shall take effect and be in full force from and after its passage and approval.

DATED this 18th day of August, 2011.

NORTH KOOTENAI WATER DISTRICT  
Kootenai County, Idaho

  
Chair, Board of Directors

ATTEST:

  
Secretary

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I, the undersigned, Secretary of the Board of Directors of the North Kootenai Water District of Kootenai County, Idaho, hereby certify that the foregoing Resolution is a full, true, and correct copy of a Resolution duly adopted at a special meeting of the Board of Directors, duly and regularly held at the regular meeting place thereof on August 18, 2011, of which meeting all members of said 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: 5

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 August 18, 2011.

  
Secretary



Exhibit "A"

Legal Description and Map of Proposed Boundaries of LID #3

Lots 1, 2, 3, and 4, Block 1 of the plat of Serendipity Falls as recorded in Book G of Plat, Pages 92 and 92A, records of Kootenai County, Idaho

**TOGETHER WITH**

That part of the Southwest Quarter of the Southwest Quarter formerly described as Block 10 and Lot A, Block 14 (also known as Lot A, Block 15) Spokane Valley Commercial Orchard Tracts, now vacated within Section 8, Township 52 North, Range 3 West, B.M., Kootenai County, Idaho

**TOGETHER WITH**

A portion of the Southeast quarter of Section 7, Township 52 North, Range 3 West, B.M., Kootenai County, Idaho lying Easterly on the East right of way line of U.S. Highway 95, further described as follows:

Commencing at the Southeast corner of said Section 7; thence, South 89°58'53" West along the South line of said Section 7, a distance of 661.06 feet to the Southeast corner of the Southwest quarter of the Southeast quarter of the Southeast quarter and the True Point of Beginning for this description; thence North 00°53'43" East, along the East line of said Southwest quarter of the Southeast quarter of the Southeast quarter, a distance of 282.89 feet to a point; thence South 89°58'53" West, a distance of 676.52 feet to a point on the Easterly right of way of U.S. Highway 95; thence South 34°04'39" West along said right of way, a distance of 341.57 feet to a point on the South line of said Section 7; thence North 89°58'53" East, a distance of 863.49 feet to the Place of Beginning:

**EXCEPT** any portion lying within those streets and roads dedicated by the plat of Spokane Valley Commercial Orchard Tracts, according to the plat recorded in the office of the County Recorder in Book "C" of Plats, at page 120, records of Kootenai County, Idaho

**EXCEPT** right of way deeded to State of Idaho under instrument numbers 2290876 and 2293943

**TOGETHER WITH**

The Northeast quarter of the Northeast quarter of the Northeast quarter of Section 18, Township 52 North, Range 3 West, Boise Meridian, Kootenai County, Idaho

**TOGETHER WITH**

The South half of the Northeast quarter of the Southeast quarter of the Southeast quarter of Section 7, Township 52 North, Range 3 West, Boise Meridian, Kootenai County, Idaho, less U.S. Highway 95. Formerly known as Block 11, Spokane Valley Commercial Orchard Tracts

**TOGETHER WITH**

The North half of the Northeast quarter of the Southeast quarter of the Southeast quarter of Section 7, Township 52 North, Range 3 West, Boise Meridian, Kootenai County, Idaho

**EXCEPT**

The following two parcels identified as Parcel 164 and Parcel 0043908

Idaho Transportation Department  
US-95, Garwood to Biglie - Chilco Segment  
Project No. A009(780)  
Key No. 09780

Connecting Idaho Partners  
July 27, 2010  
Assessor's Parcel No. S2N03W-07-0100  
4,294 Sq. Ft. (0.099 Acres)

**EXHIBIT A**

PARCEL 164  
ITD PID 0044003  
FEE ACQUISITION  
REVISED JULY 27, 2010

A tract of land located in the southeast quarter of the southeast quarter (SE4 SE4) of Section 7, Township 52 North, Range 3 West, Boise Meridian, Kootenai County, Idaho, more particularly described as follows:

COMMENCING at the south quarter corner of said Section 7, marked by a found 5/8-inch rebar with a 2 1/2-inch Aluminum Cap, as referenced by Corner Record Instrument No's. 1742797, 1285951, and 1893066; thence along the southerly line of said Section 7, North 89°42'22" East, a distance of 1119.25 feet to the southeasterly right-of-way line of existing U.S. Highway 95, said point being 46.09 feet right of Project Centerline Station 615+88.39; thence along said southeasterly right-of-way line, North 33°48'53" East, a distance of 1574.75 feet to the southerly right-of-way line of Fifth Avenue as shown on the plat of Spokane Valley Commercial Orchards, on record in the office of the Kootenai County Recorder in Book "C" of plats at Page 120, said point being 80.00 feet right of Project Centerline Station 631+67.31; thence leaving said southeasterly right-of-way line of existing U.S. Highway 95, North 89°44'36" East a distance of 15.07 feet to the northwest corner of that certain parcel of land described in Deed Instrument No. 1690820 of the Official records of Kootenai County, Idaho, said point being 92.49 feet right of Project Centerline Station 631+75.73; thence continuing along said southerly right-of-way line of Fifth Avenue, also the northerly boundary of said parcel, North 89°44'36" East a distance of 105.63 feet to a point 180.00 feet right of Project Centerline Station 632+34.94 and the TRUE POINT OF BEGINNING;

thence continuing along said northerly boundary, North 89°44'36" East a distance of 24.14 feet to a point 200.00 feet right of Project Centerline Station 632+48.47;  
thence leaving said northerly boundary parallel with said southeasterly right-of-way line, South 33°48'53" West a distance of 236.70 feet to the westerly boundary of said parcel; said point being 200.00 feet right of Project Centerline Station 630+11.76;  
thence along said westerly boundary, North 0°33'54" East a distance of 36.48 feet to a point 180.00 feet right of Project Centerline Station 630+42.27;  
thence leaving said westerly boundary parallel with said southeasterly right-of-way, North 33°48'53" East a distance of 192.67 feet to the POINT OF BEGINNING.

Said parcel contains 4,294 square feet or 0.099 acres, more or less.  
The above described parcels are located between Project Centerline Stations 630+11.76 and 632+48.47 Right. Together with and subject to covenants, encumbrances and restrictions of record.

Base of bearing is North 89°42'22" East, 2643.78 feet, between the found 5/8-inch rebar with a 2 1/2-inch Aluminum Cap, as referenced by Corner Record Instrument No's. 1742797, 1285951, and 1893066 marking the south quarter corner of Section 7, and the found 2-inch iron pipe with Brass Cap, as referenced by Corner Record Instrument No. 794770 marking the southeast corner of Section 7, both in Township 52 North, Range 3 West, Boise Meridian.

Prepared by CHAZM HILL, July 27, 2010  
End of Description



Mitchell D. Christian, P.L.S.

License No. 7043

# Exhibit A

Idaho Transportation Department  
US-95, Garwood to Sagle - Chlico Segment  
Project No. A009(780)  
Key No. 09780

Connecting Idaho Partners  
March 3, 2008  
Assessor's Parcel N<sup>o</sup> 52N03W-07-0100  
10,988 Sq. Ft (0.252 Acres)

## PARCEL 0043908 RIGHT OF WAY

A tract of land being a portion of the southeast quarter (SE4) of Section 7, Township 52 North, Range 3 West, Boise Meridian, Kootenai County, Idaho, more particularly described as follows:

COMMENCING at the South quarter corner of said Section 7, marked by a 2-1/2 inch Aluminum Cap monument, as referenced by Corner Record Instrument No. 1742797; thence along the southerly line of said Section 7, North 89° 42' 22" East, a distance of 2643.78 feet to the southeast corner of said Section 7, marked by a 2-inch diameter iron pipe, as referenced by Corner Record Instrument No. 794770;

thence along the easterly line of said Section 7, South 89° 42' 22" West a distance of 1524.53 feet to the southeasterly right of way line of US Highway 95;

thence along said right of way line of North 33° 48' 53" East a distance of 1574.87 feet; thence South 00° 33' 54" West a distance of 0.09 feet to the TRUE POINT OF BEGINNING, said point being 80.06 feet right of Project Centerline Station 631+67.35 and said point being the northwesterly corner of that certain Parcel of land described in Deed Instrument No. 1690820 of the Official records of Kootenai County, Idaho;

thence continuing along the northerly line of said Parcel, North 89° 44' 36" East a distance of 120.65 feet to a point being 180.00 feet right of Project Centerline Station 632+34.94;

thence leaving said northerly line and parallel with said right of way line, South 33° 48' 53" West a distance of 228.03 feet to a point being 180.00 feet right of Project Centerline Station 630+14.91 and on the Westerly line of said Parcel;

thence along the westerly line of said Parcel, North 00° 33' 54" East a distance of 182.27 feet to the POINT OF BEGINNING.

Said parcel contains 10,988 square feet or 0.252 acres, more or less.

Together with and subject to covenants, easements and restrictions of record.

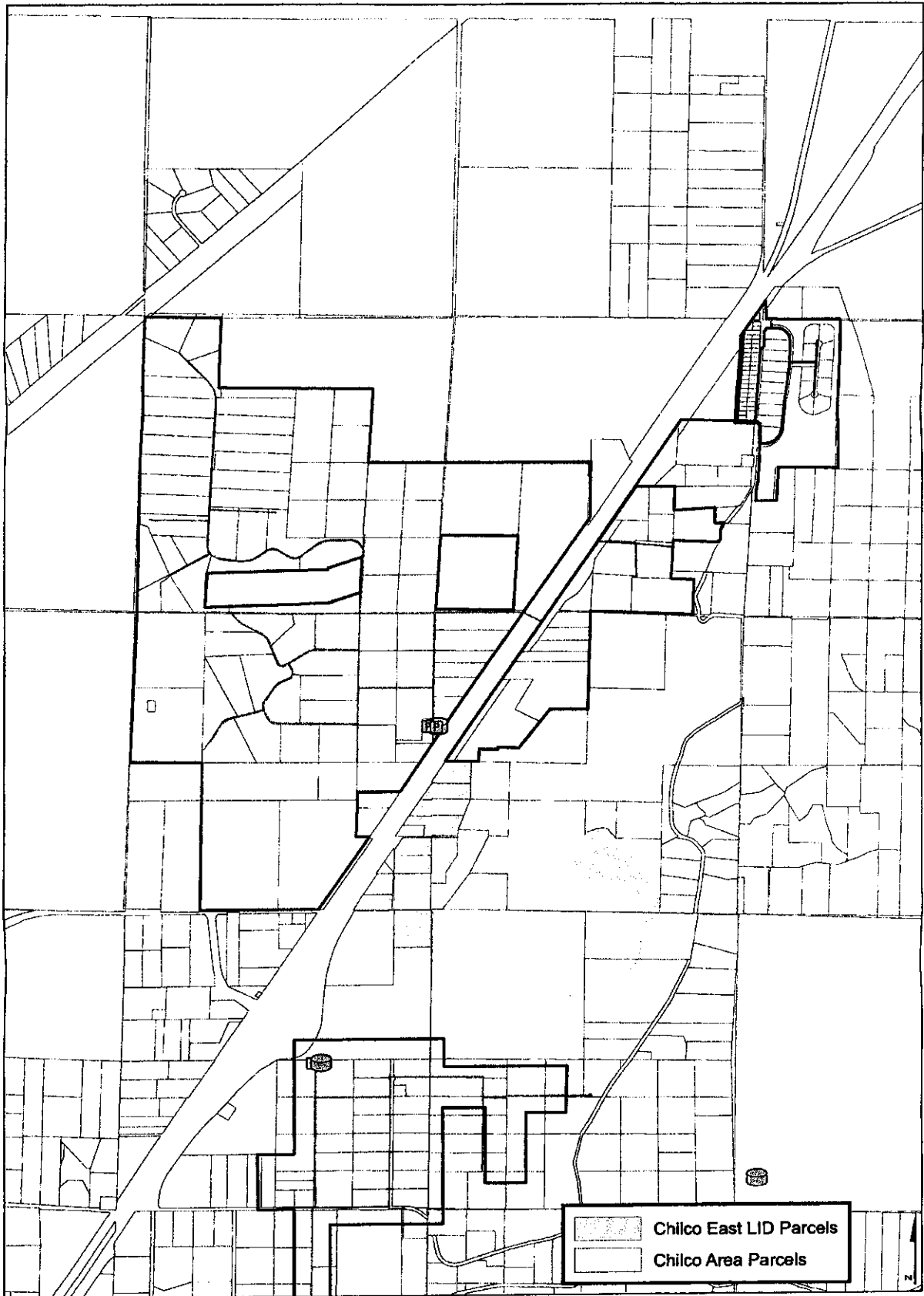
Bank of bearing is North 89° 42' 22" East, 2643.78 feet, between a found 2-1/2 inch Aluminum Cap monument marking the south quarter corner of Section 7 and 2-inch diameter iron pipe, Corner Record Instrument No. 794770, marking the southeast corner of Section 7, Township 52 North, Range 3 West, Boise Meridian, Kootenai County, Idaho

Prepared by CH2M HILL, March, 2008  
End of Description



Gordon N. Anderson, P.L.S. *GNA* 7 MAR 2008 License No. 7314





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(fax) 206-684-6948

**North Kootenai Water District**

2011 Chilco East LID

0 750 1,500 3,000  
Feet

Source:  
Kootenai County GIS Department  
Source: GIS, University of Idaho  
North Kootenai Water District  
Sara West Top Contributor  
10/14/2011

PROJECT NO. 1402  
SHEET NO. 17  
FILENAME 2011 Chilco East LID.mxd  
DATE 08/05/11

NOTICE OF HEARING ON  
CREATION OF LOCAL IMPROVEMENT DISTRICT

NORTH KOOTENAI WATER DISTRICT  
Kootenai County, Idaho

LOCAL IMPROVEMENT DISTRICT NO. 3

NOTICE IS HEREBY GIVEN that September 22, 2011, at 12:30 P.M., the North Kootenai Water District Office, 1841 W. Hayden Ave., Hayden Idaho 83835, has been fixed as the time and place for a public hearing at which time the owners of property to be assessed within proposed Local Improvement District No. 3 ("LID No. 3") may appear before the Board of Directors (the "Board") of the North Kootenai Water District, Idaho (the "District"), and be heard as to the propriety and advisability of creating LID No. 3 and acquiring and constructing the Project, as hereinafter described, and as the time and place when and where the Board will consider the creation of proposed LID No. 3 and the acquisition and construction of the proposed improvements, and hear all complaints, protests, and objections which may be made in writing and filed with the Secretary of the District on or before said time by any owner of any parcel of land to be assessed.

The boundaries of the proposed LID No. 3 are described in Exhibit "A" attached hereto and hereby made a part hereof.

A general description of the improvements to be constructed (the "Project"), as well as the estimated cost of such Project are as follows:

A. Extension of a new water main from the District's existing Chilco Water System. The extension will run on the east side of US95 from the existing Chilco Water System an estimated 5,000 lineal feet south to Chilco Road.

B. The Project also includes construction of a new 8" water main including the pipe and incidentals as well as new water services which will extend from the new main to the edge of the right-of-way line and includes meter box, incidentals and service stub.

C. The Project will also include the provisions for a new standby generator and related appurtenances to power the existing Chilco pump station.

The estimated total cost of the proposed Project is [\$373,400], of which approximately [\$373,400] of the cost of the Project shall be borne by and assessed against the properties specially benefited by such improvements. The remaining cost of the Project will be paid with funds from the District .

The estimated assessment for individual property owners is just that, an estimate. Actual assessments may be higher or lower, based upon the actual cost of the project, but in no event can they be higher than the benefit of the improvement to the property.

The costs and expenses of the Project to be paid from special assessments shall be assessed against the lots and parcels within the proposed LID No. 3 according to a square foot method (area of land) of assessment.

Written protests and objections to the creation of LID No. 3 or to the manner of assessment or inclusion of property therein may be filed with the District Secretary at or before 12:30 P.M. on September 15, 2011, by mailing or delivery of the written protest to the District Secretary, North Kootenai Water District Office, 1841 W. Hayden Ave., Hayden Idaho 83835, by any owner of any parcel of land to be assessed.

DATED this 18th day of August, 2011.

NORTH KOOTENAI WATER DISTRICT  
Kootenai County, Idaho

Chair, Board of Directors

ATTEST:

Secretary

(SEAL)



Publish: Three consecutive issues of daily newspaper; or  
Two consecutive issues of weekly newspaper.

NOTICE OF HEARING ON  
CREATION OF LOCAL IMPROVEMENT DISTRICT

NORTH KOOTENAI WATER DISTRICT  
Kootenai County, Idaho

LOCAL IMPROVEMENT DISTRICT NO. 3

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The boundaries of the proposed LID No. 3 are described in Exhibit "A" attached hereto and hereby made a part hereof.

A general description of the improvements to be constructed (the "Project"), as well as the estimated cost of such Project are as follows:

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B. The Project also includes construction of a new 8" water main including the pipe and incidentals as well as new water services which will extend from the new main to the edge of the right-of-way line and includes meter box, incidentals and service stub.

C. The Project will also include the provisions for a new standby generator and related appurtenances to power the existing Chilco pump station.

The estimated total cost of the proposed Project is [\$373,400], of which approximately [\$373,400] of the cost of the Project shall be borne by and assessed against the properties specially benefited by such improvements. The remaining cost of the Project will be paid with funds from the District .

The estimated assessment for individual property owners is just that, an estimate. Actual assessments may be higher or lower, based upon the actual cost of the project, but in no event can they be higher than the benefit of the improvement to the property.

The costs and expenses of the Project to be paid from special assessments shall be assessed against the lots and parcels within the proposed LID No. 3 according to a square foot method (area of land) of assessment.


Written protests and objections to the creation of LID No. 3 or to the manner of assessment or inclusion of property therein may be filed with the District Secretary at or before 12:30 P.M. on September 15, 2011, by mailing or delivery of the written protest to the District Secretary, North Kootenai Water District Office, 1841 W. Hayden Ave., Hayden Idaho 83835, by any owner of any parcel of land to be assessed.

DATED this 18th day of August, 2011.

NORTH KOOTENAI WATER DISTRICT  
Kootenai County, Idaho

  
Chair, Board of Directors

ATTEST:

  
Secretary

(SEAL)

Property Owner: \_\_\_\_\_

Parcel Number: \_\_\_\_\_

Estimated Assessment: \$ \_\_\_\_\_

