

RESOLUTION NO. 2006-09

A RESOLUTION OF THE NORTH KOOTENAI WATER & SEWER DISTRICT OF KOOTENAI COUNTY, IDAHO ACCEPTING A PETITION OF PROPERTY OWNERS FOR ANNEXATION; MAKING CERTAIN FINDINGS RELATIVE TO THE PETITION; SETTING A PUBLIC HEARING TO CONSIDER THE POSSIBLE ANNEXATION OF CERTAIN REAL PROPERTY INTO THE DISTRICT; DIRECTING THAT NOTICE OF SUCH PUBLIC HEARING BE PUBLISHED AND POSTED; AND OTHER MATTERS PROPERLY RELATING THERETO.

**NORTH KOOTENAI WATER & SEWER DISTRICT
Kootenai County, Idaho**

MORSE ANNEXATION

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

WHEREAS, the North Kootenai Water & Sewer District (the "District") is a duly and properly formed water and sewer 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 Section 42-3218 to consider annexation of property into the District upon the presentation of a petition of property owners meeting certain requirements;

WHEREAS, certain property owners have presented an appropriate petition to the Board of Directors for consideration;

WHEREAS, the Board wishes to make certain findings regarding this petition and also set a public hearing on the possible annexation of real property into the District.

NOW, THEREFORE, BE IT RESOLVED as follows:

Section 1: Findings of the Board Relative to the Petition for Annexation of Real Property. The Board hereby makes the following findings of fact relative to the petitions it has received from property owners:

(a) The Board has received a petition signed by Ed Morse, a married man and by Ed Morse, as manager of Morse Family LLC #1, who together represent one hundred percent (100%) of the property owners in the area proposed to be annexed into the District, and which have been presented to the Board requesting annexation, with the signatures properly

acknowledged as required by Idaho Code. (Copies of the petitions with signatures thereon are attached hereto and incorporated herein by this referenced as Exhibit "A".)

(b) The property proposed to be annexed into the District is described as Exhibit "B", hereto.

(c) The petitioners did pay a reasonable filing fee as determined by the Board, and have also provided security for other expenses that the Board and District may incur in the annexation process.

(d) The Board wishes to hold a public hearing on the annexation of the property to obtain further comments from those affected.

Section 2: Public Hearing. The Board hereby sets December 7, 2006 as the date of the public hearing on the Petition to Annex real property into the District. The hearing will be held at 12:30 p.m. in the offices of the Board, located at 1841 West Hayden Avenue, in Hayden, Idaho. The Board will consider written comments, public testimony and other information in making its determination as to whether this real property should be annexed into the District. The Board also reserves the right to continue this public hearing to such later date as it may deem advisable in order to make its final decision.

Section 3: Notice. Pursuant to Idaho Code Section 42-3218, the Secretary of the District shall publish notice of the public hearing in the official newspaper of the District, twice, with the first publication at least fifteen (15) days in advance of the public hearing and the second publication, one week later. In addition the Secretary shall mail notice to each property owner in the area proposed to be annexed into the District, as well as to each property within the current boundaries of the District.

Section 4: 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 5: Severability. If any section, paragraph, clause, or provision of this Resolution shall be held to be 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 6: Effective Date. This Resolution shall become and is effective as of the date of its adoption.

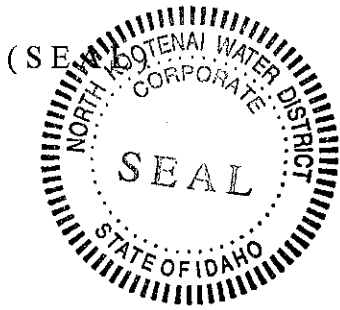
DATED this 16th day of November 2006.

NORTH KOOTENAI WATER AND SEWER
DISTRICT, Kootenai County, Idaho

Jack Berger vice president
Chairman, Board of Directors

ATTEST:

Bainhurst
District Secretary



I, the undersigned, Secretary of the Board of Directors of North Kootenai Water and Sewer 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 regular meeting of the District, duly and regularly held at the regular meeting place thereof on 11/16, 2006, 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: *Fairhurst, Moore, Berger*

NAYS, Directors: *none*

ABSENT, Directors: *Davis, Crimmins*

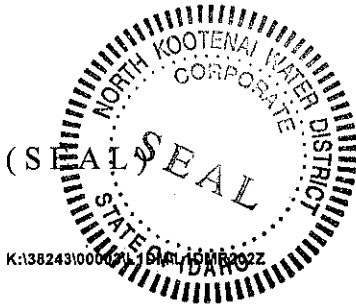
ABSTAIN, Directors: *none*

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 11/16, 2006.

Fairhurst

District Secretary



On this 3 day of November, 2006, before me, a Notary Public in and for the State of Idaho, personally appeared Ed Morse known or identified to me to be the persons whose names are subscribed to the within instrument, and acknowledged to me that they executed the same.



Gail Jorgensen
Notary Public for Idaho
Residing at Rathdrum ID
Commission Expires: 2-6-2010

State of Idaho)
County of ^{ss.} Kootenai)

On this 3 day of November, 2006, before me, the undersigned, a Notary Public in and for said State, personally appeared Ed Morse known or identified to me to be the manager or member of the limited liability company that executed the instrument, or the person who executed the instrument on behalf of said limited liability company and acknowledged to me that such limited liability company executed the same.

Gail Jorgensen
Notary Public for Idaho
Residing at: Rathdrum ID
Commission expires: 2-6-2010



HONEYSUCKLE PLAZA

A parcel of land being a portion of the Northeast $\frac{1}{4}$ of the Southeast $\frac{1}{4}$ of Section 23, Township 51 North, Range 4 West, Boise Meridian, City of Hayden, Kootenai County, Idaho and being described by metes and bounds as follows:

COMMENCING at a found iron rod and aluminum cap marking the East $\frac{1}{4}$ corner of Section 23;

THENCE, along the East-West centerline of Section 23, South $89^{\circ} 41' 21''$ West, a distance of 666.39 feet to the Northeast corner of the Northwest $\frac{1}{4}$ of the Northeast $\frac{1}{4}$ of the Southeast $\frac{1}{4}$;

THENCE, along the East line of said NW $\frac{1}{4}$ -NE $\frac{1}{4}$ -SE $\frac{1}{4}$, South $00^{\circ} 01' 16''$ West, a distance of 20.00 feet to the POINT OF BEGINNING;

THENCE, continuing along said East line, South $00^{\circ} 01' 16''$ West, a distance of 305.00 feet to a found iron rod and P.L.S. 4194 cap;

THENCE, South $89^{\circ} 41' 21''$ West, a distance of 373.74 feet to a found iron rod and P.L.S. 4194 cap on the East right-of-way line of U.S. Highway No. 95;

THENCE, along the arc of a curve left, concave to the West, having a radius of 28,757.90 feet, through a central angle of $00^{\circ} 34' 07''$, an arc distance of 285.42 feet, whose chord bears North $02^{\circ} 47' 52''$ East, 285.42 feet to a found iron rod and P.L.S. 4194 cap on the South right-of-way line of Honeysuckle Avenue as described in Instrument Number 1402553;

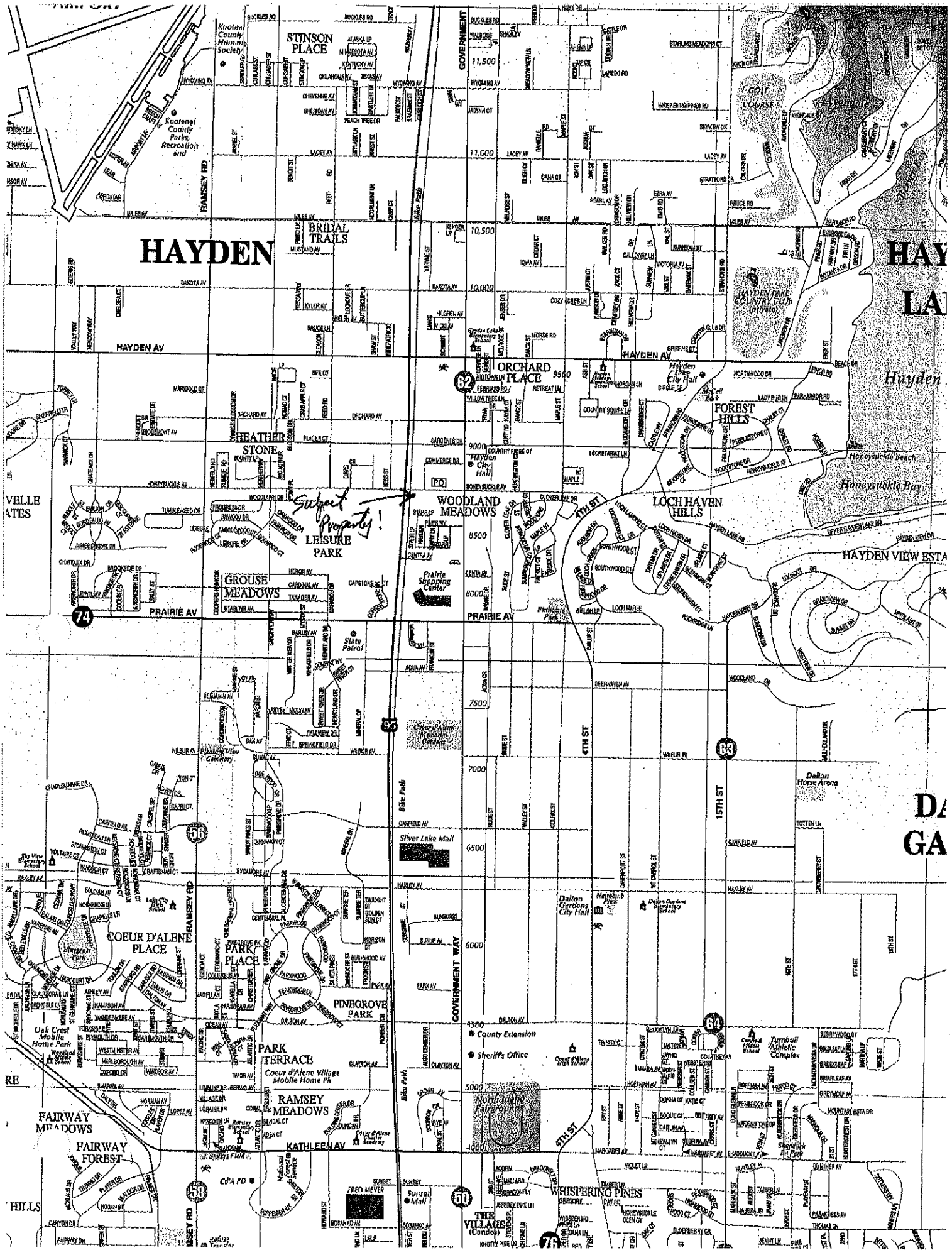
THENCE, along the South right-of-way line of Honeysuckle Avenue, North $89^{\circ} 41' 21''$ East, a distance of 314.12 feet to a set iron rod and P.L.S. 4194 cap;

THENCE, North $00^{\circ} 01' 16''$ East, a distance of 20.00 feet to a set iron rod and P.L.S. 4194 cap;

THENCE, North $89^{\circ} 41' 21''$ East, a distance of 45.80 feet to the POINT OF BEGINNING and containing 105,394 square feet or 2.4195 acres of land, more or less.

9/28/06
1608-4061.lgl





HAYDEN

HAY LA

Hayden

Honeyuckle Bay

HAYDEN VIEW ESTA

DA GA

STINSON PLACE

HAYDEN

BRIDAL TRAILS

ORCHARD PLACE

WOODLAND MEADOWS

LOCHHAVEN HILLS

HEATHER STONE

GROUSE MEADOWS

COEUR D'ALENE PLACE

PARK PLACE

PENNGROVE PARK

PARK TERRACE

RAMSEY MEADOWS

KATHLEEN AV

FAIRWAY MEADOWS

FAIRWAY FOREST

THE VILLAGE (Condo)

WHISPERING PINES

Subject Property!

Prairie Shopping Center

Silver Lake Mall

Dalton Horse Arena

County Extension

Sheriff's Office

Turbid Water Treatment Complex

TRED MEYER

SUNOL Mall

Kootenai County Parks, Recreation and

HAYDEN LAKE COUNTRY CLUB

FOREST HILLS

Honeyuckle Bay

HAYDEN VIEW ESTA

Dalton Horse Arena

Turbid Water Treatment Complex

FAIRWAY FOREST

WHISPERING PINES

THE VILLAGE (Condo)

VILLE ATES

HILLS

Hayden

Honeyuckle Bay

HAYDEN VIEW ESTA

Dalton Horse Arena

Turbid Water Treatment Complex

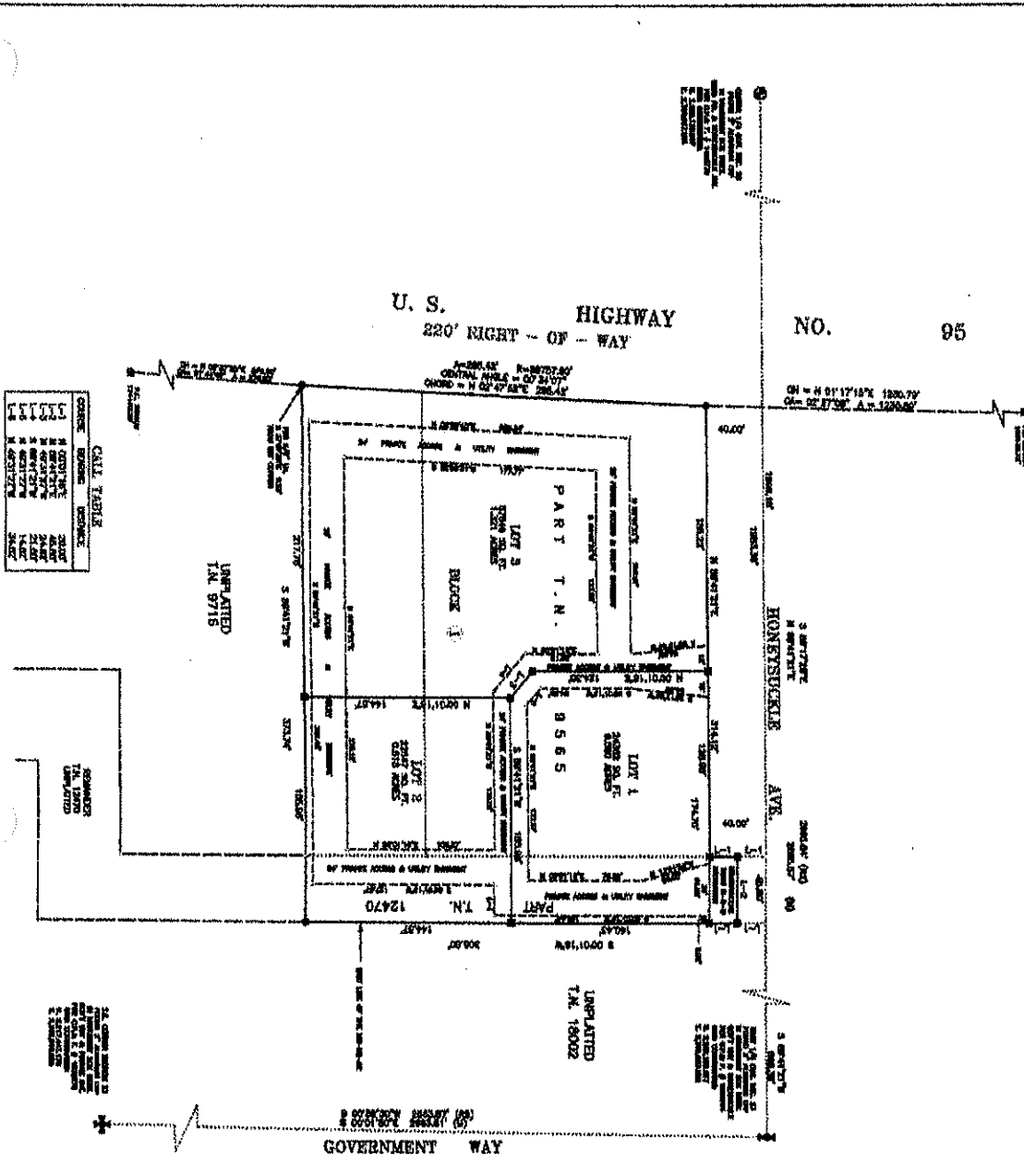
FAIRWAY FOREST

WHISPERING PINES

THE VILLAGE (Condo)

HONEYSUCKLE PLAZA
SUBDIVISION OF A PORTION OF THE N.E. 1/4 - S.E. 1/4
OF SECTION 23, TOWNSHIP 51 NORTH, RANGE 4 WEST,
BOISE MERIDIAN, CITY OF HAYDEN, KOOTENAI COUNTY, IDAHO

SHEET 1 OF 2



CALL TABLE

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- 3. RIGHT-OF-WAY LINE
- 4. EASEMENT
- 5. ENCUMBRANCE
- 6. UNPLATTED AREA
- 7. ADJACENT PLAT
- 8. ADJACENT SECTION
- 9. ADJACENT TOWNSHIP
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REFERENCE

- 1. CALL RECORD OF SURVEY RECORDED IN BOOK 4 OF PAGE 28
- 2. CALL RECORD OF SURVEY RECORDED IN BOOK 5 OF PAGE 10
- 3. CALL RECORD OF SURVEY RECORDED IN BOOK 21 OF PAGE 20
- 4. CALL RECORD OF SURVEY RECORDED IN BOOK 22 OF PAGE 10

BASIS OF BEARING

- 1. THE BEARING OF THE SURVEY IS THE TRUE BEARING AND THE
- 2. CORRECTION FOR THE CURVATURE OF THE EARTH IS



NOTES

- 1. THE BEARING AND DISTANCE OF EACH LINE IS AS SHOWN ON THIS PLAT.
- 2. THE BEARING AND DISTANCE OF EACH LINE IS AS SHOWN ON THIS PLAT.



SURVEYOR'S CERTIFICATE
 I, JOHN P. SIMPSON, REGISTERED PROFESSIONAL SURVEYOR, NO. 4194, STATE OF IDAHO, DO HEREBY CERTIFY THAT THIS MAP REPRESENTS A SURVEY PERFORMED BY ME OR UNDER MY DIRECT SUPERVISION IN ACCORDANCE WITH THE LAWS OF THE STATE OF IDAHO.

EMPIRE
 P.O. BOX 12
 HAYDEN LAKE, ID. 83425
SURVEYING &
CONSULTING, INC. EMAIL: ESCHERICH@EMPIRE.NET
 (208) 772-8901
 (208) 772-8902 FAX

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| DATE OF RECORDING | BY | SCALE | PLAT NO. |
| 10/1/2008 | J.P.S. | AS SHOWN | 1 |