

RESOLUTION NO. 2006-10c

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**

CHICKEN HILL 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 Ross Welburn, a Trustee of the Welburn Family Trust dated March 31, 2000, who represents 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.

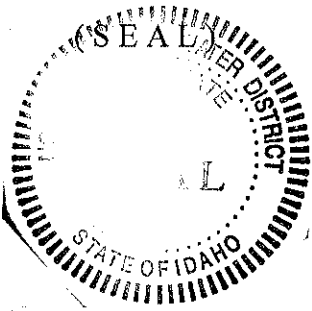
DATED this 16 day of November, 2006.

NORTH KOOTENAI WATER AND SEWER
DISTRICT, Kootenai County, Idaho

Jack Berger via President
Chairman, Board of Directors

ATTEST:

Sam Hunt
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: Berger, Fairhurst, Moore

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



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**NOTICE OF PUBLIC HEARING
OF ANNEXATION OF PROPERTY
INTO NORTH KOOTENAI WATER & SEWER DISTRICT**

**North Kootenai Water & Sewer District
Kootenai County, Idaho**

Chicken Hill Annexation

The Board of Directors (the "Board") of the North Kootenai Water & Sewer 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: December 7, 2006

Time: 12:30 P.M.

Location: 1841 West Hayden Avenue, Hayden, Idaho

The annexation hearing is based upon a petition filed by **Ross Welburn, a Trustee of the Welburn Family Trust dated March 31, 2000.** The property covered by the petition is generally a parcel of land located in the East Half of Section 12, Township 51 North, Range 4 West, Boise Meridian, adjoining the current boundaries of the District. A copy of the Petition and a description of the area covered by the Petition can be obtained from the District by sending a request to:

North Kootenai Water & Sewer District
P.O.Box 2290
Hayden, ID 83835

All persons interested in appearing at the time and place of the hearing may show cause in writing why the 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 & Sewer District
Attn: Secretary
P.O.Box 2290
Hayden, ID 83835

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 ____ day of November, 2006.

NORTH KOOTENAI WATER AND SEWER
DISTRICT, Kootenai County, Idaho

By: _____
Its: Secretary

K:1382431000031MCO1MCO_O3EV3

1329- Welburn

North Kootenai Water District

Preliminary Subdivision Application for Water Service

Subdivision Name: Chicken Hill Estates
 Application for: Lot Split _____ Subdivision # of Lots: 5
 Legal Description: Parcel # 51N04W-12-720 Sec 12 Twp 51N Rng 04W
 Zoning District Ag/Suburban
 Directions to Site: 95 N to W. Hayden Avenue, turn right on W. Hayden & continue to N. Strahorn Road; turn left.

Jamar Associates Inc. 208-762-3755 nph_jai@icehouse.net
 Applicant Name Phone E-mail
P.O. Box 352 Hayden Idaho 83835
 Applicant Address City State Zip
Welburn Family Trust - Ross Welburn 208-772-8271
 Property Owner(s) Name(s) Phone E-mail
12181 N. Strahorn Road Hayden ID 83835
 Property Owner(s) Address City State Zip
R. Scott Jamar, P.E. 208-762-3755 admin_jai@icehouse.net
 Engineer Phone E-mail
Jamar Associates, Inc. P.O. Box 352 Hayden, ID 83835
 Engineering Firm Name Address City State Zip

Contact Person (select one): Owner Applicant Engineer (Same)

Application Requirements

Agency Letters:	Req'd	Rec'd	Req'd	Rec'd
Fire District (stating req'd fire flows)	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Other _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Other Items:				
Application Form	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Initial Request Letter to Board	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Petition for Annexation	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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: Ross Welburn Date: 11-06-06
 _____ Date: _____

Chicken Hill Estates

Legal Description

A parcel of land located in the East ½ Section 12, T51N, R4W., B.M., Kootenai County, Idaho, further described as follows;

Commencing at the East ¼ corner of said Section 12; thence N89°45'58"W a distance of 30.00 feet to an I. Pin on the Westerly Right-of-Way of Strahorn Road and the Point of Beginning for this Description; thence N00°24'16"W along said Right-of-Way a distance of 58.72 feet; thence N89°45'58"W a distance of 1275.20 feet to a ½" I. Pin; thence S05°43'51"W a distance of 58.98 feet to an I. Pin at the NW corner of the Northeast ¼ Southeast ¼ of said Section 12; thence S00°25'44"W along the West line of said Northeast ¼ Southeast ¼ a distance of 604.79 feet to an I. Pin; thence S89°45'50"E a distance of 309.25 feet to a ½" I. Pin; thence N06°26'11"W a distance of 333.69 feet to an I. Pin; thence S89°45'50"E a distance of 713.89 feet to an I. Pin; thence S00°03'52"W a distance of 331.43 feet to an I. Pin; thence S89°45'50"E a distance of 300.00 feet to an I. Pin at the Westerly Right-of-Way of Strahorn Road; thence N00°03'58"E along said Right-of-Way a distance of 331.43 feet to an I. Pin; thence continuing along said Right-of-Way N00°03'45"E a distance of 273.41 feet to the Point of Beginning.

SUBJECT to a 40' wide Access and Utility Easement; the centerline of which begins at a point on the Westerly Right-of-Way of Strahorn Road which is 170.97 feet North of the SE corner of said Exhibit "H" and extends to a point on the East line of said Exhibit "J" which is 300.00' West and 164.37' North of said SE corner of Exhibit "H".

ALSO reserving rights to the 18' wide Access and Utility Easement as Described on Exhibit "J" Contains 14.255 acres more or less.