

RESOLUTION NO. 2007-09

A RESOLUTION OF THE NORTH KOOTENAI WATER 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 DISTRICT
Kootenai County, Idaho**

The Ponds Annexation

BE IT RESOLVED BY THE BOARD OF DIRECTORS OF NORTH KOOTENAI WATER DISTRICT, of 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 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 1) a petition signed by Robert Bonuccelli, General Partner, Boron Properties, a Washington General Partnership (the "Bonuccelli

Properties”); and 2) a petition signed by authorized representatives of Lakeland Joint School District No. 272 (the “Lakeland Property”), together the petitions represent all (100%) of the property owners in the area proposed to be annexed into the District, with the signatures properly acknowledged as required by Idaho Code. (Copies of the petitions with signature thereon are attached hereto and incorporated herein by this referenced as Exhibit “A”.)

(b) The Bonuccelli property proposed to be annexed into the District is described and depicted in map form as Exhibit “B”, hereto.

(c) The Lakeland property proposed to be annexed into the District is described and depicted in map form as Exhibit “C”, hereto,

(d) 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.

(e) 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 October 18, 2007 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 twelve (12) days in advance of the public hearing and the second publication, one week later.

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.

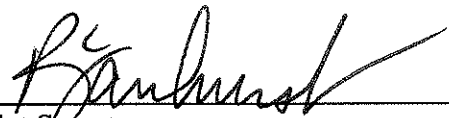
DATED this 20th day of September, 2007.

NORTH KOOTENAI WATER DISTRICT,
Kootenai County, Idaho



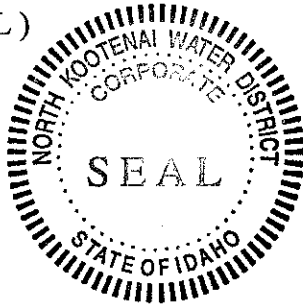
Chairman, Board of Directors

ATTEST:



District Secretary

(SEAL)



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I, the undersigned, Secretary of the Board of Directors of 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 regular meeting of the District, duly and regularly held at the regular meeting place thereof on September 20, 2007, 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: *Five*

NAYS, Directors: *None*

ABSENT, Directors: *None*

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 September 20, 2007.



District Secretary



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

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

THE PONDS ANNEXATION

The Board of Directors (the "Board") of the North Kootenai Water 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: October 18, 2007

Time: 12:30 p.m.

Location: 1841 W. Hayden Ave., Hayden, ID 83835

The annexation hearing is based upon petitions filed by Robert Bonuccelli, General Partner, Boron Properties, dated May 23, 2007, and Lakeland School District, dated May 12, 2006. 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 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 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 20th day of September, 2007.

NORTH KOOTENAI WATER DISTRICT, Kootenai County,
Idaho

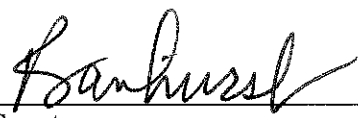
By: 
Its: Secretary

EXHIBIT A

Petitions for Annexation

Michael C Ormsby
Attorney at Law
Preston|Gates|Ellis LLP
601 West Riverside Avenue, Suite 1400
Spokane WA 99201-0628
Phone: (509) 624-2100
Fax: (509) 444-7868

Attorney for North Kootenai Water District

IN THE DISTRICT COURT OF THE FIRST JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND
FOR THE COUNTY OF KOOTENAI

In the Matter of:)
)
)
NORTH KOOTENAI WATER) PETITION FOR ANNEXATION
DISTRICT)
)
)
_____)

Come now the undersigned, being all of the owners of the parcel of real property in Kootenai
County, Idaho, described more particularly as: 52N04W-8-2200

who individually and collectively pray that such property be annexed and included in the North Kootenai
Water District upon adoption of a resolution to such effect by the Board of Directors of said District.

As specified by Idaho Code Section 42-3218, a filing fee in the amount of \$500.00 representing
the costs of filing, publication and processing of this petition accompanies the petitioners' submission of
this request to the District.

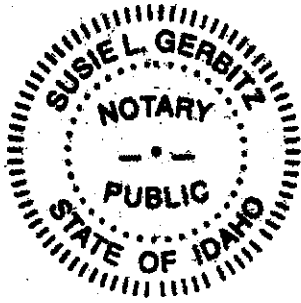
Dated this 23rd day of MAY, 2007

(Notarized Owner's Signatures)

 _____

STATE OF IDAHO)
County of Kootenai) ss.

On this 23rd day of May, 2007, before me, a Notary Public in and for the State of Idaho, personally appeared Robert Bonuccelli 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.



Susie L. Gerbitz
Notary Public for Idaho
Residing at Rathdrum
Commission Expires: 9-30-08

EXHIBIT A

A parcel of land located in the Northeast quarter, Section 8, Township 52 North, Range 4 West, Boise meridian, Kootenai County, Idaho, more particularly described as follows:

COMMENCING at the Southeast corner, Lot 15, Block 9, TWIN LAKES VILLAGE FIRST ADDITION, as shown on the plat thereof filed in Book F of Plats, at page 215, Kootenai County Records; thence

South 89°47'38" East along the North right of way line of Village Boulevard as shown on said Plat, a distance of 271.08 feet to the true POINT OF BEGINNING for this description; thence

North 00°12'22" East, leaving said right of way a distance of 86.20 feet; thence

North 89°47'38" West a distance of 70.00 feet; thence

North 33°02'51" West a distance of 249.88 feet; thence

North 48°23'12" West a distance of 135.47 feet; thence

North 31°54'26" West a distance of 186.35 feet; thence

North 40°39'48" West a distance of 214.81 feet; thence

North 25°54'51" East a distance of 59.85 feet; thence

North 70°17'22" East a distance of 93.38 feet; thence

North 89°41'32" East a distance of 95.19 feet; thence

North 81°40'15" East a distance of 112.87 feet; thence

South 77°36'37" East a distance of 50.37 feet; thence

South 56°10'25" East a distance of 210.24 feet; thence

South 41°55'44" East a distance of 133.96 feet; thence

South 18°36'23" East a distance of 151.72 feet; thence

South 02°47'38" West a distance of 153.75 feet; thence

South 31°52'34" West a distance of 82.76 feet; thence

South 19°34'01" West a distance of 135.82 feet; thence

South 00°12'22" West a distance of 86.20 feet to a point on the North right of way line, said Village Boulevard; thence

North 89°47'38" West along said right of way a distance of 40.00 feet to the true POINT OF BEGINNING.

Robert E. Covington
Attorney at Law
N. 8884 Government Way, Suite A
Hayden, Idaho 83835
Phone: (208) 762-4545
Fax: (208) 762-4546

Attorney for North Kootenai Water District

IN THE DISTRICT COURT OF THE FIRST JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF KOOTENAI

In the Matter of:

NORTH KOOTENAI WATER
DISTRICT

)
) CASE NO: 74989

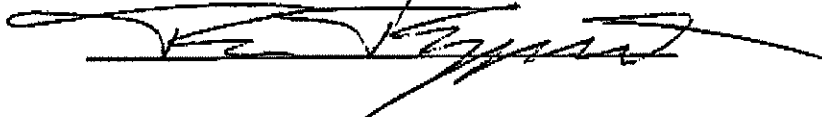
)
) PETITION FOR
) ANNEXATION
)
)
)
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Comes now the undersigned, being the owner of a two parcels of
real property in Section 17, Township 52 North, Range 4 West, Boise
Meridian, Kootenai County, Idaho, described more particularly on
Exhibit A-1 to this Petition, who prays that such property be annexed
into and included in the North Kootenai Water District upon adoption
of a resolution to such effect by the Board of Directors of said
District.

Dated this 12th day of May, 2006.

Lakeland Joint School District #272

By: Charles Kirby



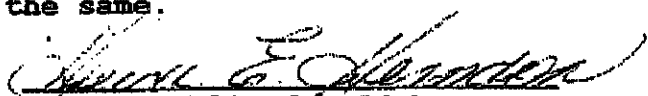
Attest:

EXHIBIT A TO ANNEXATION AGREEMENT
PETITION FOR ANNEXATION

STATE OF IDAHO)
)
) ss.
)
County of Kootenai)

On this 12th day of ^{May} ~~April~~, 2006, before me, a Notary Public in and for the State of Idaho, personally appeared

CHARLES KINSEY and TOM TAGGART, known or identified to me to be the persons that executed this instrument on behalf of Lakeland Joint School District #272 and acknowledged to me that said entity executed the same.


Notary Public for Idaho
Residing at POST FALLS
Commission Expires: 7/11/06

HEIDI E. HERNDON
NOTARY PUBLIC
STATE OF IDAHO

SCHOOL PARCEL
12-28-00

A PARCEL OF LAND IN A PORTION OF SECTION 17, TOWNSHIP 52 NORTH, RANGE 4 WEST, B.M., KOOTENAI COUNTY, IDAHO AS SHOWN ON RECORD OF SURVEY, BOOK 2, PAGE 203, RECORDS OF KOOTENAI COUNTY, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF GOVERNMENT LOT 1 AS SHOWN ON SAID RECORD OF SURVEY;
THENCE ALONG THE EAST LINE OF SAID GOVERNMENT LOT 1, S 0°04'43" W, 526.98 FEET TO THE TRUE POINT OF BEGINNING FOR THIS DESCRIPTION;
THENCE CONTINUING S 0°04'43" W, 546.20 FEET TO THE STATE OF IDAHO RIGHT-OF-WAY LINE AS RECORDED IN BOOK 288, PAGE 816, RECORDS OF KOOTENAI COUNTY;
THENCE LEAVING THE SAID EAST LINE OF GOVERNMENT LOT 1 ALONG THE SAID RIGHT-OF-WAY LINE, S 25°37'20" W, 277.81 FEET TO THE SOUTH LINE OF SAID GOVERNMENT LOT 1;
THENCE LEAVING THE SAID RIGHT-OF-WAY LINE ALONG THE SAID SOUTH LINE OF GOVERNMENT LOT 1, S 89°52'19" W, 823.95 FEET;
THENCE LEAVING THE SAID SOUTH LINE OF GOVERNMENT LOT 1, N 0°07'06" W, 1296.25 FEET TO THE SOUTH RIGHT-OF-WAY LINE OF RICE ROAD;
THENCE ALONG THE SAID SOUTHERLY RIGHT-OF-WAY LINE, S 87°56'39" E, 70.05 FEET TO THE NORTHWEST CORNER OF PARCEL NUMBER 0700;
THENCE LEAVING THE SAID SOUTHERLY RIGHT-OF-WAY LINE ALONG THE BOUNDARY LINE OF SAID PARCEL NUMBER 0700 THE FOLLOWING COURSES: S 0°07'06" E, 573.16 FEET;
THENCE N 89°53'00" E, 380.00 FEET;
THENCE N 0°07'06" W, 573.16 FEET TO THE SOUTHERLY RIGHT-OF-WAY LINE OF RICE ROAD;
THENCE LEAVING THE SAID BOUNDARY LINE OF PARCEL NUMBER 0700 ALONG THE SAID SOUTHERLY RIGHT-OF-WAY LINE, N 89°52'34" E, 60.00 FEET TO THE NORTHWEST CORNER OF PARCEL NUMBER 0650;
THENCE LEAVING THE SAID SOUTHERLY RIGHT-OF-WAY LINE ALONG THE BOUNDARY LINE OF SAID PARCEL NUMBER 0650 THE FOLLOWING COURSES: S 0°07'06" E, 497.00 FEET;
THENCE N 89°53'00" E, 436.48 FEET TO THE TRUE POINT OF BEGINNING; CONTAINING APPROXIMATELY 17.8 ACRES, MORE OR LESS.

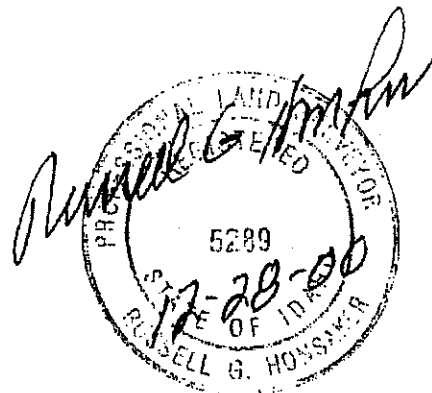
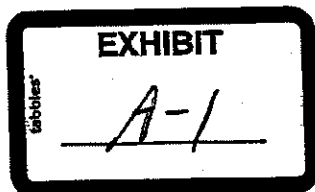
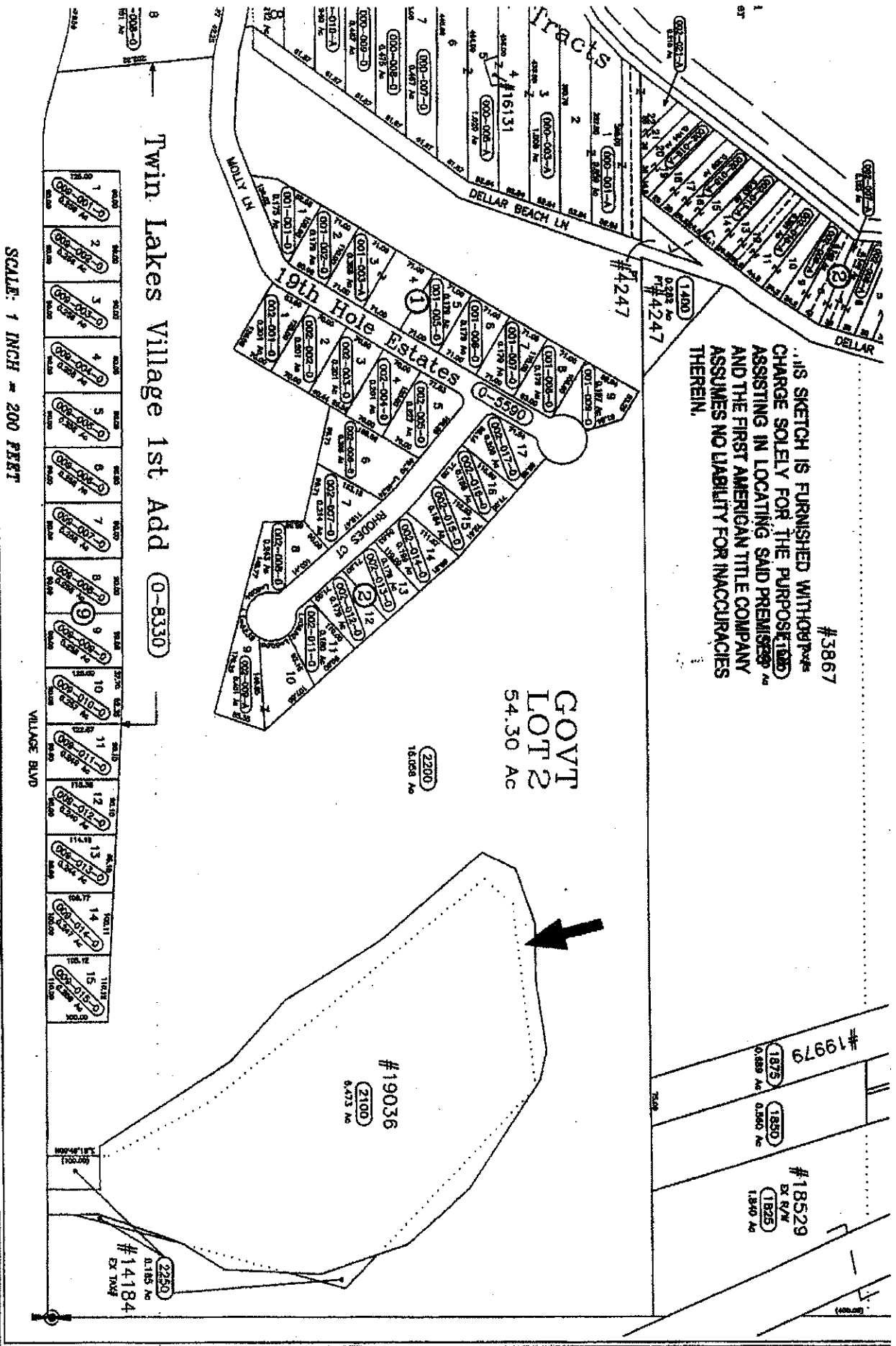


EXHIBIT B

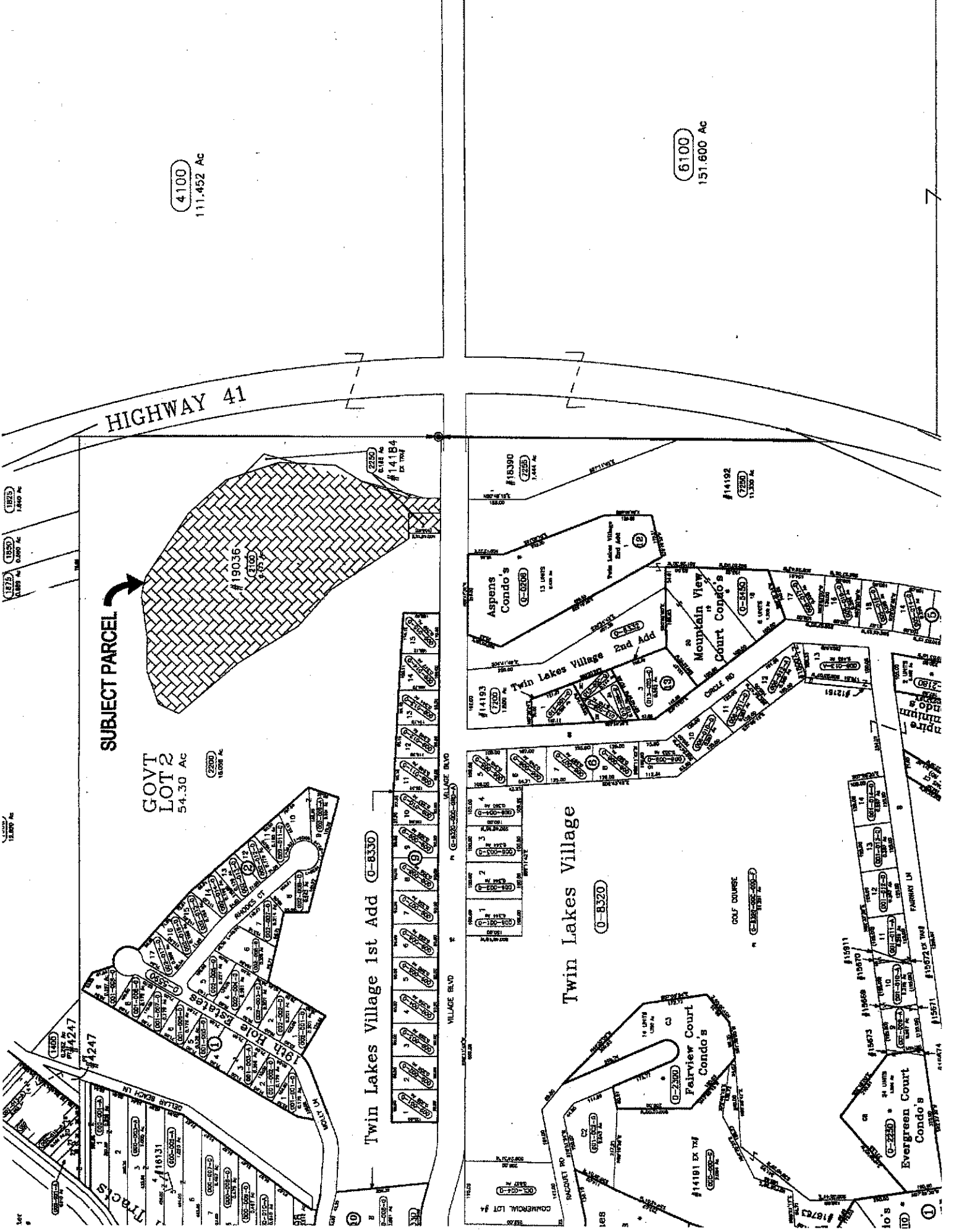
Map (Bonuccelli Property)

#3867
 THIS SKETCH IS FURNISHED WITHOUT
 CHARGE SOLELY FOR THE PURPOSES OF
 ASSISTING IN LOCATING SAID PREMISES
 AND THE FIRST AMERICAN TITLE COMPANY
 ASSUMES NO LIABILITY FOR INACCURACIES
 THEREIN.



SCALE: 1 INCH = 200 FEET

NE 1/4 Sec. 8 Twp. 52N. R. 4W. B.M.



HIGHWAY 41

SUBJECT PARCEL

GOVT LOT 2
54.30 AC

4.100
111.452 AC

6.100
151.600 AC

Twin Lakes Village 1st Add (O-8330)

Twin Lakes Village (O-8320)

Fairview Court Condo's (O-2300)

Evergreen Court Condo's (O-2250)

Aspens Condo's (O-0200)

Mountain View Court Condo's (O-2450)

Twin Lakes Village 2nd Add (O-8330)

#1247

#18131

#14184

#19036

#18390

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#15911

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EXHIBIT C

Map (Lakeland Jr. School High School Property)

1679620

p. 52 N. R. 4 W. B. M.

52N04W-17

