

RESOLUTION NO. 2007-10

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

Boyer 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 Jamie A. Keesee (Boyer) and Joanne K. Keesee (the "Boyer Property"). (A copy of the petition with signatures thereon is attached hereto and incorporated herein by this referenced as Exhibit "A".)

(b) The Boyer property proposed to be annexed into the District is described and depicted in map form 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 November 1, 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 4th day of October, 2007.

NORTH KOOTENAI WATER DISTRICT,
Kootenai County, Idaho

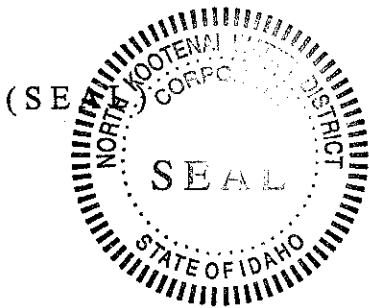


Chairman, Board of Directors

ATTEST:



District Secretary



K:\1738243\00007\17004_BSV\17004R2031

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 October 4, 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*

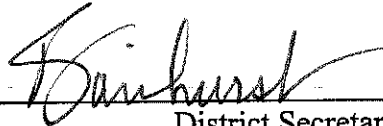
NAYS, Directors: *None*

ABSENT, Directors: *None*

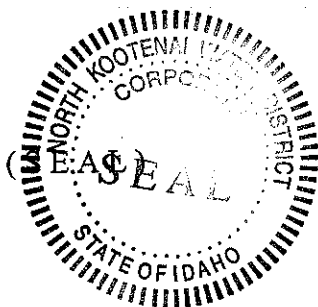
ABSTAIN, Directors: *None*

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 October 4, 2007.



District Secretary



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

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

BOYER 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: November 1, 2007

Time: 12:30 p.m.

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

The annexation hearing is based upon petitions filed by Jamie Keesee (Boyer) and Joanne Keesee, August 16, 2007. 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 4th day of October, 2007.

NORTH KOOTENAI WATER DISTRICT, Kootenai County,
Idaho

By: 
Its: Secretary

EXHIBIT A
Petition 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
DISTRICT

PETITION FOR ANNEXATION

Come now the undersigned, being all of the owners of the parcel of real property in Kootenai
County, Idaho, described more particularly as: (insert or attach legal description)

lot 4, block 1 of Orchard of Dreams County Estates.
3207 E Ohio Match Rd.
Twp: 52N Rng: 03W Sec: 18

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.

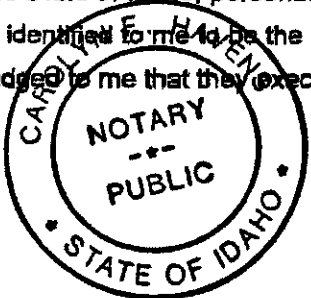
Dated this 16th day of August, 2007
(Notarized Owner's Signatures)

Jeanne Keese

Jamie Keese (Boyer)

STATE OF IDAHO)
County of Kootenai)
SS.

On this 16th day of August, 2007, before me, a Notary Public in
and for the State of Idaho, personally appeared Joanne Reese & Jamie Reese
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.



Carolyn Hayden
Notary Public for Idaho
Residing at Hayden
Commission Expires: 11-15-07

Chicago Title Insurance Company

SCHEDULE A

File Number: 65157
Amount of Insurance: \$ 174,000.00

Policy Number: 72106-1220857
Premium: \$ 827.00

Date of Policy: February 7, 2006 at 10:45 AM

1. Name of Insured:

JAMIE A. KEESEE and JOANNE K. KEESEE

2. The estate or interest in the land which is covered by this policy is:

Fee Simple

3. Title to the estate or interest in the land is vested in:

JAMIE A. KEESEE, an unmarried woman and JOANNE K. KEESEE, an unmarried woman

4. The land referred to in this policy is described as follows:

SEE SCHEDULE C ATTACHED HERETO

COPY
CHICAGO TITLE INSURANCE COMPANY

By: _____

KOOTENAI COUNTY TITLE COMPANY, INC.

SCHEDULE B

File Number: 65157

Policy Number: 72106-1220857

EXCEPTIONS FROM COVERAGE

This policy does not insure against loss or damage (and the Company will not pay costs, attorneys' fees or expenses) which arise by reason of:

General Exceptions:

1. Rights or Claims of parties in possession not shown by the public records.
2. Encroachments, overlaps, boundary line disputes, and any other matters which would be disclosed by an accurate survey or inspection of the premises including, but not limited to, insufficient or impaired access or matters contradictory to any survey plat shown by the public records.
3. Easements, or claims of easements, not shown by the public records.
4. Any lien, or right to a lien, for services, labor, or material heretofore or hereafter furnished, imposed by law and not shown by the public records.
 - (a) Unpatented mining claims; (b) reservations or exceptions in patents or in Acts authorizing the issuance thereof; (c) water rights, claims or title to water, whether or not the matters excepted under (a), (b) or (c) are shown by the public records.
6. Taxes or special assessments which are not shown as existing liens by the records of any taxing authority that levies taxes or assessments on real property or by the public records. Proceedings by a public agency which may result in taxes or assessments, or notices of such proceedings, whether or not shown by the records of such agency or by the public records.

Special Exceptions:

7. General taxes for the year 2006, which are a lien, are not yet due or payable.
8. Conditions and Dedications contained on Plat which recite as follows:
 - 1: Water service will be by individual wells
 - 2: Sewer service will be by individual sewer systems
 - 3: Any interest that we may have in the 30.00 foot strip of land shown hereon between the South line of Section 18 / Roadway centerline and the Southern Plat boundary, is hereby dedicated to the public in the name of Lakes Highway District
 - 4: The 10.00 foot strip of land within the plat which adjoins and parallels the South plat boundary is for Roadway Drainage and Utility Purposes and is hereby dedicated to the public in the name of Lakes Highway District

Chicago Title Insurance Company

Policy Number: 72106-1220857

SCHEDULE B

(Continued)

- 5: Noxious Weed control shall be the responsibility of the individual Lot Owners
- 6: No structures shall be constructed between the Roadway and the 75.00 foot setback lines as shown hereon
- 7: Lots 1 and 2 as shown hereon shall share a Common Driveway and Lots 3 and 4 as shown hereon shall share a Common Driveway
9. Covenants, conditions and restrictions as set forth in the document, but omitting any covenant or restriction based on race, color, religion, sex, sexual orientation, familial status, marital status, disability, handicap, national origin, ancestry, or source of income, as set forth in applicable state or federal laws, except to the extent that said covenant or restriction is permitted by applicable law.
Recorded: June 15, 2005
Instrument No.1957154, records of
Kootenai County, Idaho
10. Deed of Trust to secure an indebtedness in the amount shown below and any other obligations secured thereby
Amount: \$139,200.00
Dated: January 27, 2006
Recorded: February 7, 2006
Instrument No.:2012104, records of Kootenai County, Idaho
Grantor: Jamie A. Keesee, an unmarried woman and
Joanne K. Keesee, an unmarried woman
Trustee: Kootenai County Title Company, Inc.
Beneficiary: Idaho Independent Bank

-END OF SCHEDULE B-

Chicago Title Insurance Company

SCHEDULE C

PROPERTY DESCRIPTION

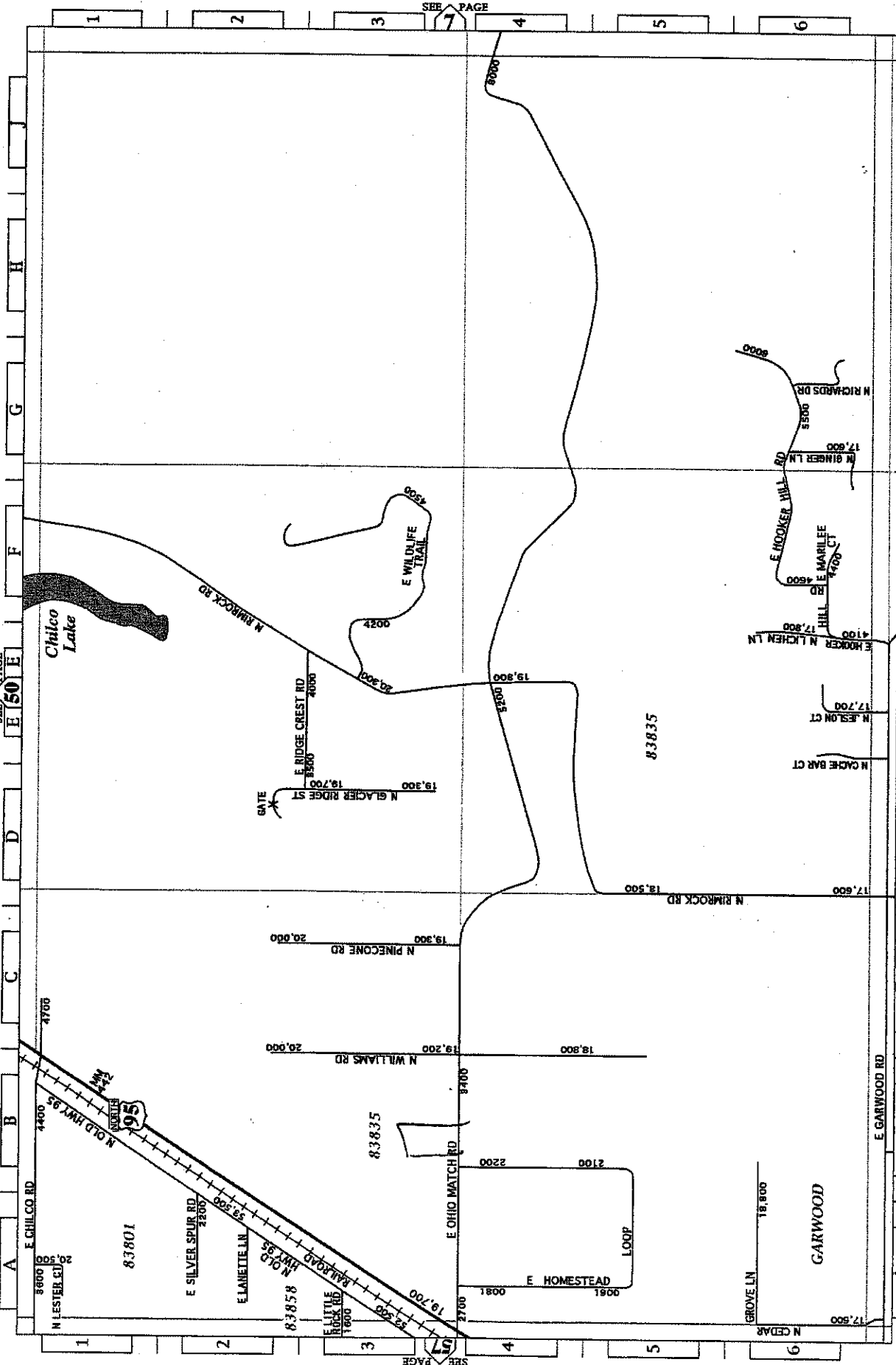
The land referred to in this Policy is described as follows:

Lot 4, Block 1, of ORCHARD OF DREAMS COUNTRY ESTATES, according to the plat recorded in the office of the County Recorder in Book J of Plats at page 32 and 32A, records of Kootenai County, Idaho.

EXHIBIT B

Map (Boyer Property)

58 (-61) ATHOL/HAYDEN/RATHDRUM



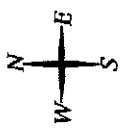
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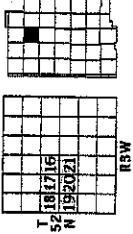
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SCALE 3" = 1 MILE

CITY ZIP CODE
ATHOL 83801
HAYDEN 83835
RATHDRUM 83858
CORRESPONDING
AREA MAP - PAGE 7



KOOTENAI COUNTY
TOWNSHIP
RANGE
SECTION



NSW