

RESOLUTION NO. 2007-18

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

NORTH KOOTENAI WATER DISTRICT

Kootenai County, Idaho

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

WHEREAS, the 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 conducting an election on the issue of 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 number of signatures to date on Petitions to date total \_\_\_\_, or 33 % of the property owners within the boundaries of the area proposed to be annexed into the District and the Board expects additional petitions to be signed in advance of the date set for the public hearing; and

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

NOW, THEREFORE, BE IT RESOLVED as follows:

Section 1: Incorporation of Recitals. The Recitals set forth above are incorporated as though fully set forth herein.

Section 2: 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 petitions signed by \_\_\_ individuals, which represents thirty three percent (33%) of the property owners in the area proposed to be annexed into the District has been presented to the Board requesting an election on 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 Board expects to receive additional petitions from property owners seeking annexation and it is expected that before the public hearing is actually held, that petitions representing at least twenty percent (20%) of the property proposed to be annexed into the District.

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

Section 3: Public Hearing. The Board hereby sets December 6, 2007, as the date of the public hearing on the issue of holding an election on annexing real property into the District. The hearing will be held at 12:30 p.m. 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 to hold an election on 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 4: 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 ten (10) days in advance of the public hearing and the second publication, one week later.

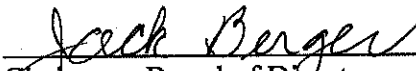
Section 5: Ratification. The Board hereby ratifies all acts taken by members of the Board and/or agents on behalf of the Board or District relative to this potential election on the question of annexation and the hearing process is hereby ratified and approved.

Section 6: 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.

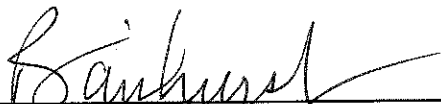
Section 7: Effective Date. This Resolution shall become and is effective as of the date of its adoption.

DATED this 15th day of November, 2007.

NORTH KOOTENAI WATER DISTRICT,  
Kootenai County, Idaho

  
\_\_\_\_\_  
Chairman, Board of Directors

ATTEST

  
\_\_\_\_\_  
District Secretary

(SEAL)

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 November 15, 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: *Three*

NAYS, Directors: *None*

ABSENT, Directors: *One*

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 November 15, 2007.



\_\_\_\_\_  
District Secretary

(SEAL)

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

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

**HAYDEN HAVEN/GEM SHORES ANNEXATION**

The Board of Directors (the "Board") of the North Kootenai Water District (the "District") will be holding a public hearing to consider conducting an election on the issue of annexation of property into the District upon the presentation of a petition of property owners meeting certain requirements. The public hearing will be held as follows:

Day: Thursday

Date: December 6, 2007

Time: 12:30 p.m.

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

The hearing is based upon petitions filed by certain property owners of Hayden Haven and Gem Shores. A copy of the Petitions 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 15th day of November, 2007.

NORTH KOOTENAI WATER DISTRICT, Kootenai County,  
Idaho

By:   
Its: Secretary