

RESOLUTION N~~2008~~-04

A Resolution of North Kootenai Water District, Kootenai County, Idaho, hearing, considering and disposing of protests regarding the Assessment Roll for Local Improvement District No. 1; and providing for other matters properly relating thereto.

NORTH KOOTENAI WATER DISTRICT  
Kootenai County, Idaho

LOCAL IMPROVEMENT DISTRICT NO. 1

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

WHEREAS, the Board of Directors (the "Board"), has heretofore duly created Local Improvement District No. 1 ("LID No. 1"), provided for certain improvements to be made therein, and provided that the cost and expense of said improvements be assessed against the property benefited thereby; and

WHEREAS, after proper publication and mailing of notice to the owners of property within LID No. 1, a hearing was held on February 21, 2008, at which time and place owners of property within LID No. 1 were heard concerning the amount or apportionment of the assessment affixed upon their property; and

WHEREAS, this hearing was continued to February 21, 2008, for consideration of information received prior to disposing of protests; and

WHEREAS, it appears to the Board that each lot, tract, parcel, and other property included within LID No. 1 will be specially benefited by the doing and making of the improvements within said LID No. 1 at least in an amount equal to, as to such lot, parcel of land and other property, the specific amount set opposite each such lot, parcel of land and other property upon the Assessment Roll heretofore filed; and

WHEREAS, each and all of said assessments are strictly in accordance with the benefits and are in amount and apportionment in accordance with Idaho Code 50-1712, and the ordinances and resolutions of the District, and said Assessment Roll and each and all of the assessments set forth therein are correct and proper in every respect; and

WHEREAS, the Board has also considered the Engineer's Report with respect to the apportionment and correctness of the assessments with respect to the amounts levied on any particular lot or parcel of land, including the benefits accruing thereon, and the proper apportionment of the total cost of the improvements to be borne thereby, and the inclusion of any lot or parcel of land in LID No. 1;

NOW, THEREFORE, IT IS HEREBY FURTHER RESOLVED as follows:

Section 1: PROTESTS TO ASSESSMENT ROLL

The protests to the Assessment Roll, as described in Exhibit "A" attached hereto and incorporated herein by this reference, were presented at the public hearing.

Section 2: DISPOSITION OF PROTESTS

Disposition is hereby made, as set forth in Exhibit "B" attached hereto and incorporated herein by this reference, concerning each of the protests set forth in Exhibit "A" attached hereto and referred to in Section 1 hereof.

Section 3: FINDING OF BENEFIT FROM IMPROVEMENTS

Each and all of said lots, parcels of land and other property within said LID No. 1, as the same are described in the Assessment Roll, will be specially benefited by the making and doing of said improvements in excess of the costs and expenses of said improvements.

Section 4: DETERMINATION OF AMOUNT OF BENEFIT

Each and every lot or parcel of land is benefited in the amount of the assessment now levied thereon.

Section 5: SUFFICIENCY OF ASSESSMENT ROLL

The Assessment Roll and the amount levied on each lot or parcel of land, including the benefits accruing thereon, and the proper proportionate share of the total cost of the improvements to be borne by each lot or parcel of land, are proper, regular, sufficient, and correct.

Section 6: LIMITATION ON INCREASE OF ASSESSMENTS

No single assessment has been increased in an amount greater than twenty percent (20%) of the amount of the assessment as set forth in the Notice of Hearing.

Section 7: 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,

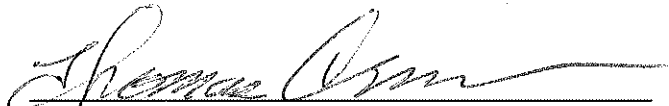
paragraph, clause, or provision shall in no manner affect any remaining provision of this Resolution.

Section 8: EFFECTIVE DATE OF RESOLUTION

This Resolution shall take effect and be in force and effect from and after its passage and approval.

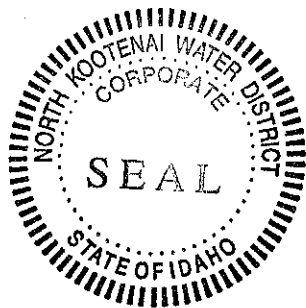
PASSED at a regular meeting of the Board of Directors of the North Kootenai Water District, held on the 21st day of February, 2008, upon which a roll call vote was duly taken and duly enacted.

NORTH KOOTENAI WATER DISTRICT

  
Chairman

ATTEST:

  
Secretary



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I, the undersigned, Secretary of the North Kootenai Water District, 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 Board of Directors, duly and regularly held at the regular meeting place thereof on February 21, 2008, of which meeting all members of said 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, Boardmembers:

NAYS, Boardmembers:

ABSENT, Boardmembers:

ABSTAIN, Boardmembers:

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 Board on February 21, 2008.

NORTH KOOTENAI WATER DISTRICT



Secretary

EXHIBIT "A"

NORTH KOOTENAI WATER DISTRICT  
Kootenai County, Idaho

LOCAL IMPROVEMENT DISTRICT NO. 1

The following protests to the Assessment Roll for Local Improvement District No. 1 were presented and considered, at the public hearing held on February 21, 2008:

Name of Protester	Address of Property	Reason for Protest
Pete Erickson Nancy Erickson (by Brent Heleker)	2532 E. Upper Hayden Lake Rd. Parcel No. 0-3520-000-129-B Parcel No. 0-3520-000-129C LID Assessment No.s 23 & 449	One of these parcels is too small to build on.
Dr. Randil Clark	LID Assessment No. 229	Does not want to commit to 5 LID assessments for single parcel without a District "buy-back" policy
Dr. Randil Clark	Lot 7, Blk 2 LID Assessment No. 274	Lot is being split with adjacent property owner and will be non-buildable
James Frame on behalf of Honeysuckle Hills Homeowners Association		The cost of meters should not have been included in the LID.
Ed Appleseth	4728 E. Hayden Lake Rd. Parcel No. 0-3520-0002-019-A	Objects to any additional assessment above the amount set forth in the Assessment Notice.
Sandra J. Kibby John W. Kibby	9398 N. Clarkview Pl. Parcel No. 0-3520-005-049-0	Objects to assessment for improvements that should have been made on an ongoing basis.
Tim Taruscio Lisa Taruscio	LID Assessment No. 230 Tax Parcel No. 14036	Parcel is not a viable, buildable parcel.
Jon Klein	LID Assessment No. 139 Parcel No. 51N03W-20-5160	This parcel is not buildable.

Mark Graham HLM, Inc.	LID Assessment No. 104, 110 & 116	Believes that two of the parcels are non-buildable and wants three assessments reduced to one.
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Written materials received are attached hereto and were considered.

EXHIBIT "B"

NORTH KOOTENAI WATER DISTRICT  
Kootenai County, Idaho

LOCAL IMPROVEMENT DISTRICT NO. 1

The following disposition is made concerning the protests to the Assessment Roll for Local Improvement District No. 1 which were presented at the public hearing held on February 21, 2008, and continued to and considered on February 21, 2008.

Name of Protester	Disposition of Protest
Pete Erickson Nancy Erickson (by Brent Heleker)	Granted
Dr. Randil Clark	Withdrawn
Dr. Randil Clark	Grant conditioned on lot consolidation or successful replat.
James Frame on behalf of Honeysuckle Hills Homeowners Association	Deny
Ed Appleseth	Deny
Sandra J. Kibby John W. Kibby	Deny
Tim Taruscio Lisa Taruscio	Grant conditioned on lot consolidation
Jon Klein	Grant conditioned on lot consolidation
Mark Graham HLM, Inc.	Grant because the two lots not buildable

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