

RESOLUTION NO. 2008-06

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 Pines at Haydenwood 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 Mitchell B. Wright, dated February 14, 2008, ("The Pines at Haydenwood property"). (A copy of the petition with

signatures thereon is attached hereto and incorporated herein by this referenced as Exhibit "A".)

(b) The Pines at Haydenwood property proposed to be annexed into the District is described and depicted in map form as Exhibit "A-1", 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 April 3, 2008, 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.

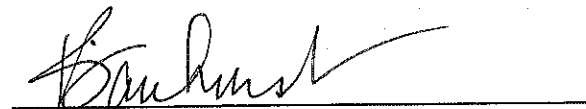
Section 6: Effective Date. This Resolution shall become and is effective as of the date of its adoption.

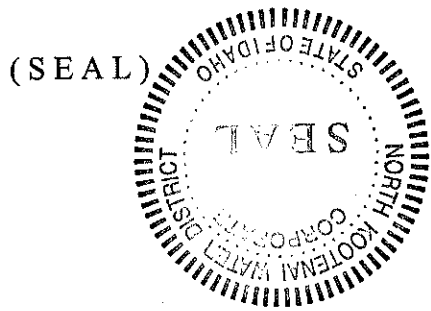
DATED this 6th day of March, 2008.

NORTH KOOTENAI WATER DISTRICT,
Kootenai County, Idaho


Chairman, Board of Directors

ATTEST:


District Secretary



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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 March 6, 2008, 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*

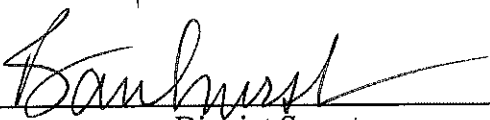
NAYS, Directors: *None*

ABSENT, Directors: *None*

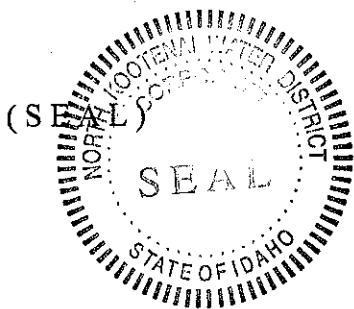
ABSTAIN, Directors: *None*

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 March 6, 2008.



District Secretary



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

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

THE PINES AT HAYDENWOOD 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: April 3, 2008

Time: 12:30 p.m.

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

The annexation hearing is based upon petitions filed by Mitchell B. Wright (The Pines at Haydenwood property), dated February 14, 2008. 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 6th day of March, 2008.

NORTH KOOTENAI WATER DISTRICT, Kootenai County,
Idaho

By: _____
Its: Secretary

EXHIBIT A

Petition for Annexation

Michael C. Ormsby, ISB #4013
KIRKPATRICK & LOCKHART PRESTON GATES ELLIS LLP
1200 W. Ironwood Dr., Suite 315
Coeur d'Alene, ID 83814
Telephone: (208) 667-1839
Facsimile: (208) 666-9868
Email: mike.ormsby@klgates.com

Attorney for North Kootenai Water District

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

In re the Matter of:

NORTH KOOTENAI WATER DISTRICT, PETITION FOR ANNEXATION

Come now the undersigned, being all the owners of the parcel of real property in
Kootenai County, Idaho, described particularly as:

Parcel 1: The East half of Government Lot 3; the South half of the Southwest quarter
of the Northwest quarter and the Southeast quarter of the Northwest quarter, Section
2, Township 51 North, Range 3 West, Boise Meridian, Kootenai County, Idaho.

Parcel 2: The South half of the Southeast quarter and the Southeast quarter of the
Southwest quarter of Section 35, Township 52 North, Range 3 WBM, Kootenai County,
State of Idaho, less and except any portion lying within road rights of way.

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 the petition accompanies the petitioners' submission of the request to the District.

Dated this 14th day of FEBRUARY 2008

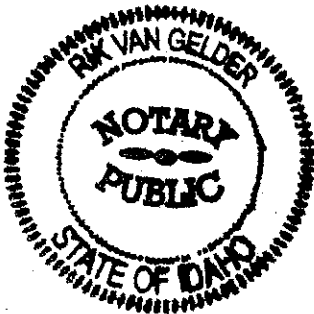
By: *Mitch Wright*
MITCH WRIGHT, Property Owner
(Print Name)

STATE OF IDAHO)

)ss.

County of Kootenai)

On this 14th day of FEBRUARY 2008, before me, the undersigned, a Notary Public in and for the State of Idaho, duly commissioned and sworn, personally appeared MITCH WRIGHT, known or identified to me to be the person(s) whose name(s) are subscribed to the within instrument, and acknowledge to me that they executed the same.



[Seal or Stamp]

Rik Van Gelder
Notary Public
RIK VAN GELDER
[Printed Name]

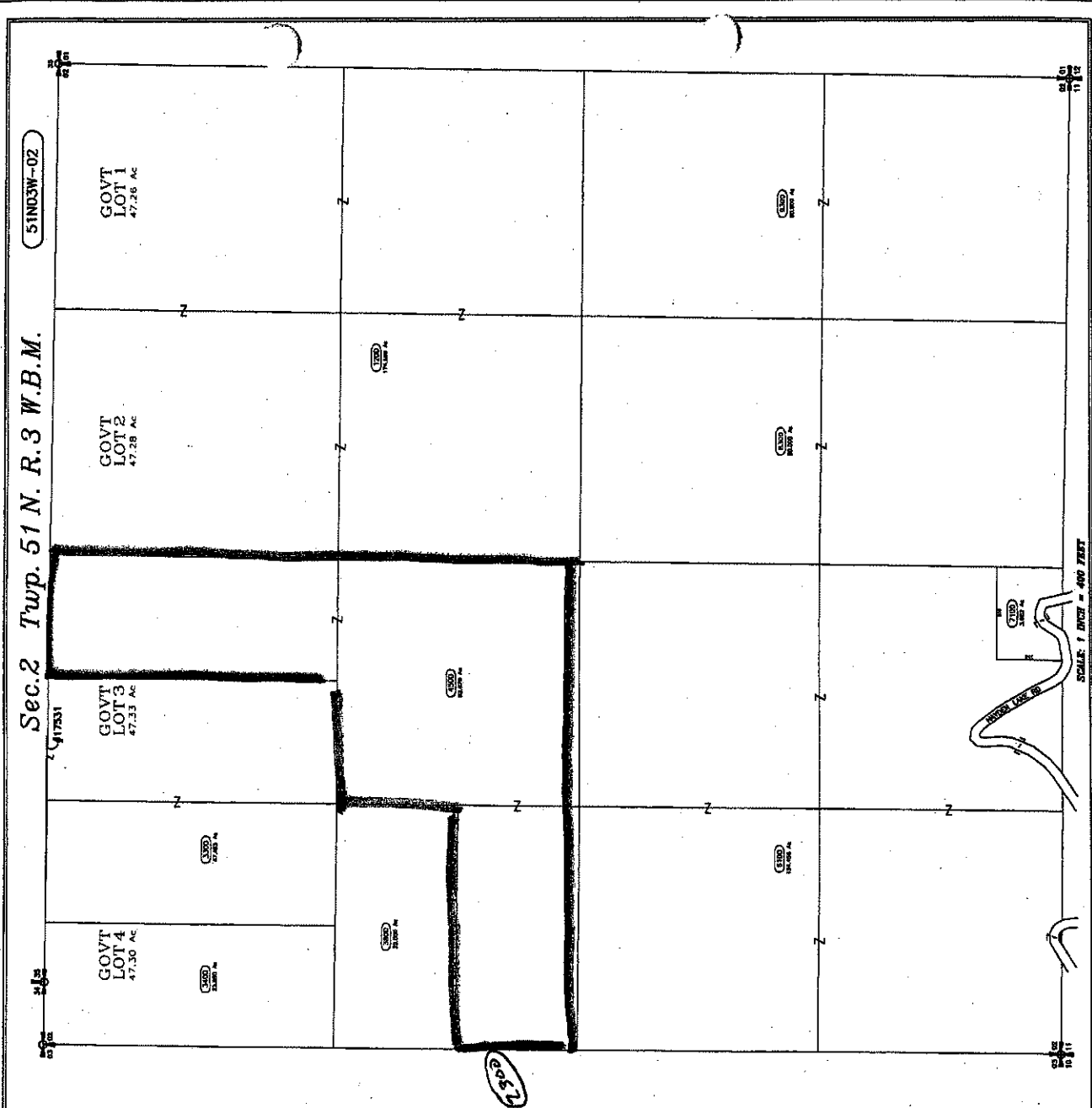
My appointment expires: 10/27/2012

EXHIBIT B

Map (The Pines at Haydenwood Property)

Sec. 2 Twp. 51 N. R. 3 W.B.M.

51N03W-02



Sec. 2 Twp. 51 N. R. 3 W.B.M.

SEGREGATION REVISIONS

The revision dates below represent the date of the revision for the plat of the land. The revision dates for these revisions are posted within the ARCHIVE REVISIONS box in the drawing file sheet.

- 10/27/99 - 40J
- 51N03W-02-360 out of 350 (79K)
- 12/21/01 - 5LW
- 51N03W-02-360 out of 350 (02)

ALL RIGHTS RESERVED BY THE ARCHITECT, ENGINEER, SURVEYOR, AND LAND SURVEYOR FOR THE STATE OF IDAHO.

1	2	3	4	5	6	7	8	9	10
11	12	13	14	15	16	17	18	19	20
21	22	23	24	25	26	27	28	29	30
31	32	33	34	35	36	37	38	39	40
41	42	43	44	45	46	47	48	49	50
51	52	53	54	55	56	57	58	59	60
61	62	63	64	65	66	67	68	69	70
71	72	73	74	75	76	77	78	79	80
81	82	83	84	85	86	87	88	89	90
91	92	93	94	95	96	97	98	99	100

ROOSELWAL COUNTY
IDAHO

ARCHIVE REVISIONS

REVISION	DATE	DESCRIPTION
1	10/27/99	40J
2	12/21/01	5LW

NOTES:
 1. ALL RIGHTS RESERVED BY THE ARCHITECT, ENGINEER, SURVEYOR, AND LAND SURVEYOR FOR THE STATE OF IDAHO.
 2. THIS PLAT IS A PART OF THE ARCHIVE REVISIONS FOR THE STATE OF IDAHO.
 3. THE ARCHITECT, ENGINEER, SURVEYOR, AND LAND SURVEYOR FOR THE STATE OF IDAHO IS NOT RESPONSIBLE FOR THE ACCURACY OF THE INFORMATION CONTAINED HEREIN.
 4. THE ARCHITECT, ENGINEER, SURVEYOR, AND LAND SURVEYOR FOR THE STATE OF IDAHO IS NOT RESPONSIBLE FOR THE ACCURACY OF THE INFORMATION CONTAINED HEREIN.

Number of Survey units: 1000000000
 DATE: 10/27/99

SEGREGATION REVISIONS

The revision dates below represent the date for the pending of the listed revisions. The actual date for these revisions are printed within the NOTICE REVISIONS box in the drawing title block.

- 07/06/89 - JCJ
S1103W-03-1820 out of 1800 on Tax #18234 (724)
- 07/18/03 - VAC
Ptn of 0-5620-000-010-A redimensioned on Tax #19708 (03)
- 05/23/04 - VAC
Ptn of 0-5620-000-011-B redimensioned on Tax #s 20035 and 20038 (05)
- 08/02/04 - SLW
0-5620-000-014-A out of 011-B (05)
- 01/25/05 - SLW
Ptn of S1103W-03-1275 redimensioned on Tax #20385 (05)
- 5/18/05 - VAC
S1103W-03-2000 (new 1300) and remainder of 1275 redimensioned on Tax #20386 (03)
- 0-5620-000-011-B and 014-A out of 000-A and 013-0 (new A) (05)
- 02/07/05 - ET
Ptn S1103W-03-1285 combined w/ 0-5620-000-011-B on Tax #20418 (05)
- 10/19/05 - VAC
McCauley's Bay Rd designated as private per Plat and now known as Cumberland Court (05)
- 01/26/08 - ET
Ptn S1103W-03-1275 redimensioned on Tax #20657
- 04/12/08 - ET
Remainder of Tax #20385 out to S1103W-03-1285 (04)
- S1103W-03-1285 combined w/ 1300 on Tax #21015 (05)

McCauley Tracts (0-5620)

SCALE: 1 INCH = 200 FEET

NE 1/4 Sec. 3 Twp. 51 N. R. 3 W. B.M.

S1103W-03

KOOTENAI COUNTY
IDAHO

REVISION	DATE	BY	REASON
ARCHIVE REVISIONS			

NOTES:

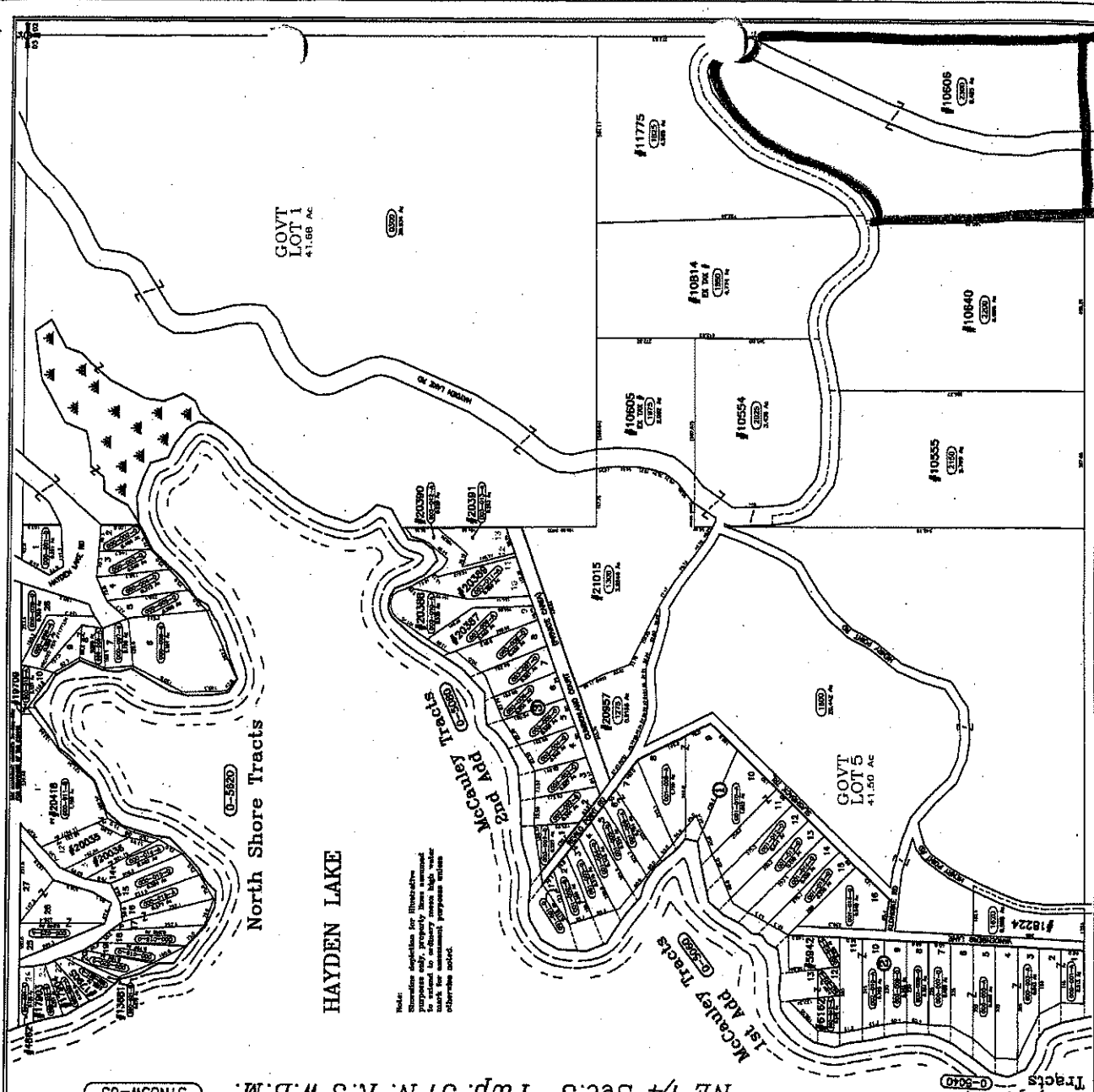
1. All lots shown with area and acreage are shown as of the date of this map. The area and acreage of any lot shown as of a date other than the date of this map is shown as of that date.

2. The area and acreage of any lot shown as of a date other than the date of this map is shown as of that date.

3. The area and acreage of any lot shown as of a date other than the date of this map is shown as of that date.

4. The area and acreage of any lot shown as of a date other than the date of this map is shown as of that date.

5. The area and acreage of any lot shown as of a date other than the date of this map is shown as of that date.



NE 1/4 Sec. 3 Twp. 51 N. R. 3 W. B.M.