

RESOLUTION NO. 2008-07

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**

Corbin Hills Estates 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 Michael R. Garrett, dated February 15, 2008, Randall G. Cox, dated February 15, 2008, and Fred Sharp, dated February 19, 2008, (the "Corbin Hills Estates property"). (A copy of the petition with signatures thereon is attached hereto and incorporated herein by this referenced as Exhibit "A".)

(b) The Corbin Hills Estates property proposed to be annexed into the District is described and depicted in map form as Exhibit "A-1" to the petition, attached thereto.

(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

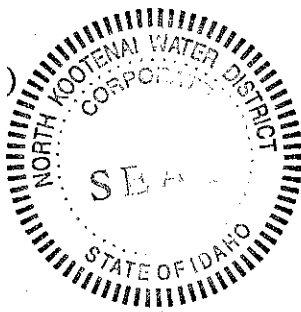
Chairman, Board of Directors

ATTEST:



District Secretary

(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 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*

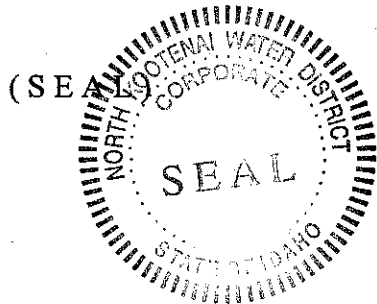
ABSTAIN, Directors: *None*

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**

CORBIN HILLS ESTATES 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 a petition filed by Michael R. Garrett, dated February 15, 2008, Randall G. Cox, dated February 15, 2008, and Fred Sharp, dated February 19, 2008, (Corbin Hills Estates property). 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 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:

Legal Description

A parcel of land being Government Lots 4 and 5 and a portion of the Southwest Quarter of Section 4, Township 52 North, Range 3 West, Boise Meridian, Kootenai County, Idaho, as shown on the Record of Survey, recorded in Book 14, Page 85, Records of Kootenai County, and being more particularly described as follows:

Beginning at the Northwest corner of Section 4, monumented by a 2 1/2in. brass cap, from which the West Quarter corner bears S01°53'52"W a distance of 2668.14 feet to a 1/2 in. rebar at the centerline of Corbin Hill Road;

Thence, along the North line of said Section 4, N89°41'26"E a distance of 1302.34 feet to a 5/8in. rebar marked RLS 4194;

Thence, leaving said North line, along the East lines of said Government Lots 4 and 5, S00°26'25"W a distance of 2684.63 feet, to a 5/8in. rebar marked RLS 4194, said point also being the Southeast corner of said Government Lot 5;

Thence, along the South line of said Government Lot 5, N89°33'37"W a distance of 1005.30 feet to a 5/8in. rebar marked NOBIS LS 687;

Thence, leaving said South line, S02°35'42"W a distance of 596.87 feet to a 5/8in. rebar marked NOBIS LS 687;

Thence, N89°54'33"W a distance of 364.25 feet to a 5/8in. rebar marked NOBIS LS 687, said point being on the West line of the Southwest Quarter;

Thence, along said West line, N02°31'50"W a distance of 600.00 feet to said West Quarter corner;

Thence, along said West Section line, N01°53'52"E a distance of 2668.14 to the True Point of Beginning.

Said parcel containing 86.90 acres of land, more or less.

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 15 day of February, 2008

By: *Michael R. Garrett*
Michael R. Garrett, Property Owner
(Print Name)

STATE OF IDAHO)

)ss.

County of Kootenai)

On this 15th day of February 2008, before me, the undersigned, a Notary Public in and for the State of Idaho, duly commissioned and sworn, personally appeared Michael Garrett, known or identified to be the person(s) whose name(s) is (are) subscribed to the within instrument, and acknowledge to me that they executed the same.



Danielle Touchton
Notary Public

Danielle Touchton
[Printed Name]

My appointment expires: 9/26/2011

[Seal or Stamp]

Dated this 15th day of February, 2008

By: *Randall G. Cox*

RANDALL G. COX, Property Owner
(Print Name)

STATE OF IDAHO)

)ss.

County of Kootenai)

On this 15th day of February 2008, before me, the undersigned, a Notary Public in and for the State of Idaho, duly commissioned and sworn, personally appeared Randall G. Cox, known or identified to be the person(s) whose name(s) is (are) subscribed to the within instrument, and acknowledge to me that they executed the same.



Danielle Touchton
Notary Public

Danielle Touchton
[Printed Name]

My appointment expires: 9/26/2011

[Seal or Stamp]

Dated this 19th day of Feb

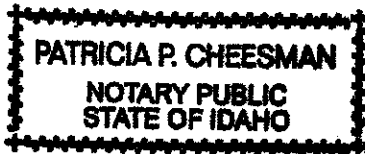
By: *Fred Sharp*
Fred Sharp, Property Owner
(Print Name)

STATE OF IDAHO)

)ss.

County of Kootenai)

On this 19th day of February, 2008, before me, the undersigned, a Notary Public in and for the State of Idaho, duly commissioned and sworn, personally appeared Fred Sharp, known or identified to be the person(s) whose name(s) is (are) subscribed to the within instrument, and acknowledge to me that they executed the same.



Patricia P. Cheesman
Notary Public
Patricia P. Cheesman
[Printed Name]

My appointment expires: 6/14/2013

[Seal or Stamp]

EXHIBIT A-1

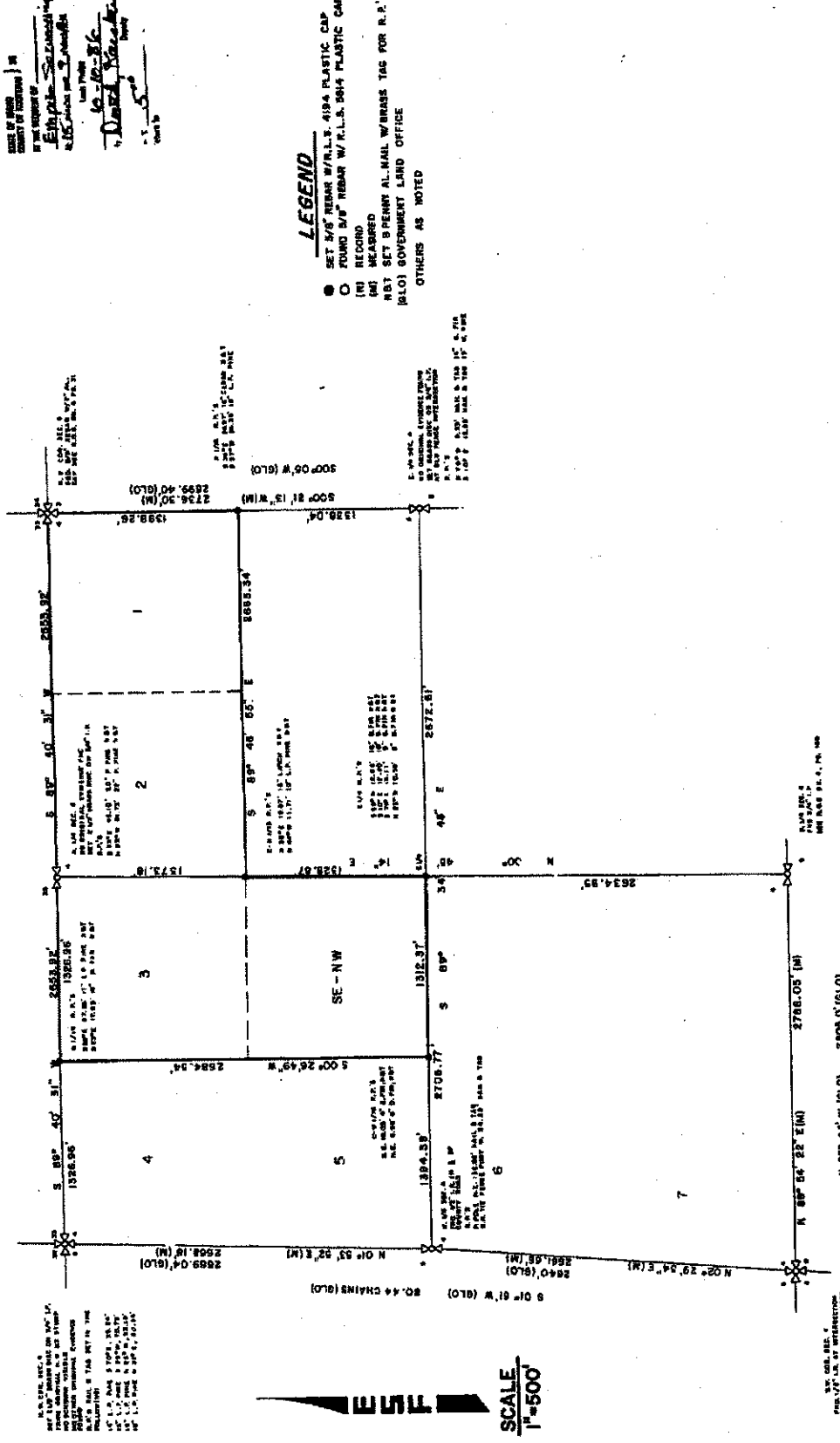
Map (Corbin Hills Estates Property)

RECORD OF SURVEY

Book 5 Page 9

1061508

GOVERNMENT LOTS 1, 2 & 3 AND THE SE 1/4 OF THE NW 1/4 OF SEC. 4, TWP 52N, R. 3 W., B.M. KOOTENAI COUNTY, IDAHO



STATE OF IDAHO
 COUNTY OF KOOTENAI
 I, J. J. [Name], County Clerk
 do hereby certify that the foregoing is a true and correct copy of the original record of the above described survey as the same appears in the office of the County Clerk of Kootenai County, Idaho.
 Witness my hand and the seal of said County at Pocatello, Idaho, this 10th day of [Month], 1986.

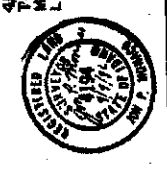
- LEGEND**
- SET 3/8" REBAR W/ALLS- 4194 PLASTIC CAP
 - FOUND 3/8" REBAR W/ALLS- 5014 PLASTIC CAP
 - (R) RECORDED
 - (M) MEASURED
 - (B) SET 3 PENNY AL. NAIL W/BUSSE TAG FOR R.P.'S
 - (GLO) GOVERNMENT LAND OFFICE
 - OTHERS AS NOTED

P.O. BOX 12
 HAYDEN LAKE, IDAHO
 83885
 (208) 772-7878

ESF
 SURVEYING &
 ORESTRY, INC.

FOR: ROB & IVEN RICKEL
 COASTWAY LOTS 1, 2, 3, 4 AND THE SE 1/4
 OF THE NW 1/4 OF SEC. 4, TWP 52N, R. 3
 W., B.M., KOOTENAI COUNTY, IDAHO
 208-8601 9-9-86

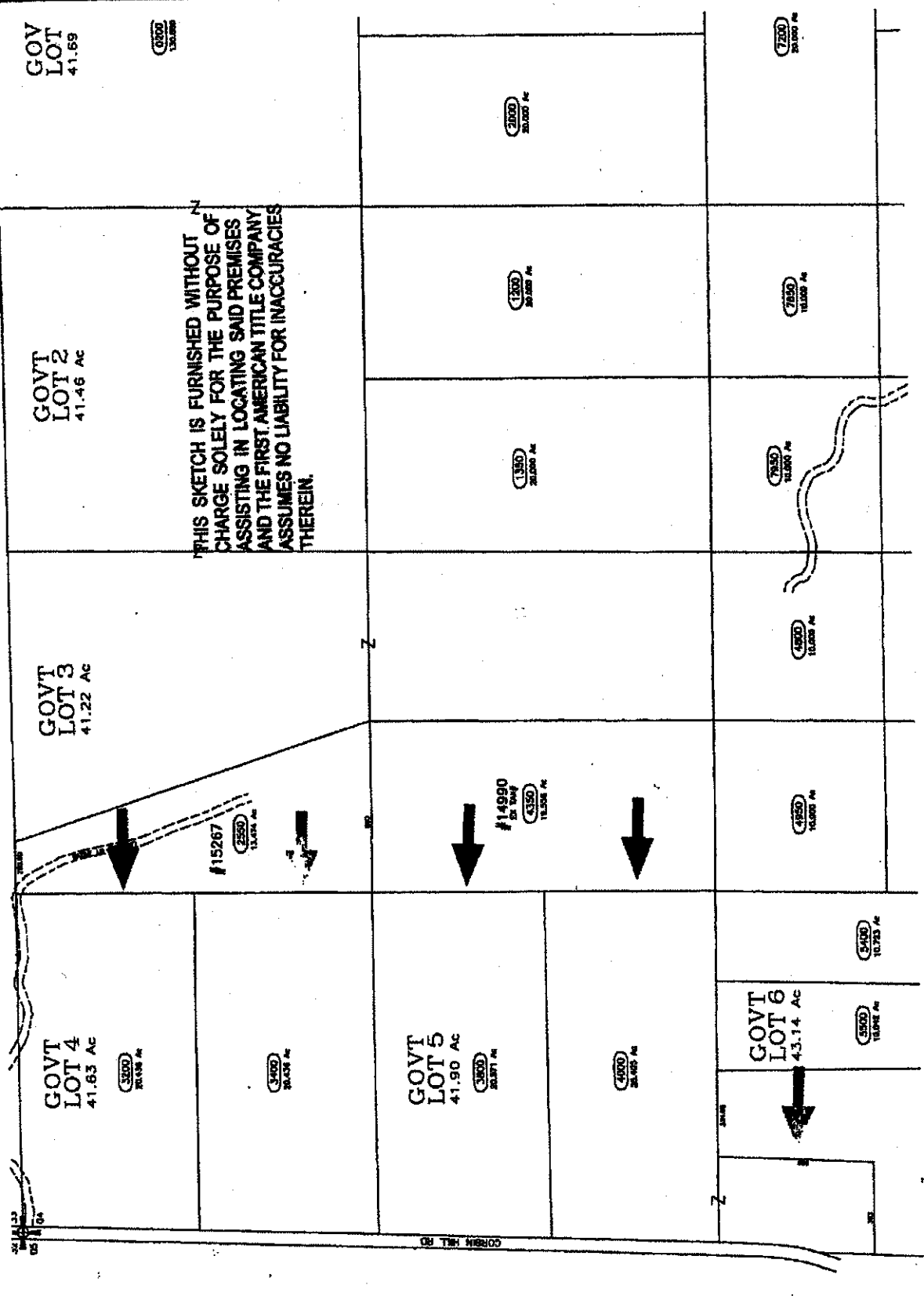
CERTIFICATE OF SURVEY
 I, JON P. MONACO, REGISTERED LAND SURVEYOR
 4194 STATE OF IDAHO DO HEREBY CERTIFY
 THAT THIS PLAT REPRESENTS A SURVEY
 MADE BY ME IN ACCORDANCE WITH THE
 LAWS OF THE STATE OF IDAHO.



REFERENCE
 WELSH N.D.
 S. & S. R.D.S.
 S.E.K.F. R.D.S.
 BOOK 3 PAGE 104
 BOOK 4 PAGE 24
 BOOK 4 PAGE 243

SCALE
 1"=500'

SEE ALSO SEE 4
 PLAT 1, 2, 3, 4, 5, 6, 7, 8, 9, 10
 IN THE SAME BOOK AS THIS PLAT



GOVT LOT 1
41.69

GOVT LOT 2
41.46 AC

GOVT LOT 3
41.22 AC

GOVT LOT 4
41.63 AC

GOVT LOT 5
41.90 AC

GOVT LOT 6
43.14 AC

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

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

COUNTY

VS

DATE
05-28-80
08-31-80

00-00-00

and all other maps and records on file in the office of the County Clerk, County of ...