

RESOLUTION NO. 08-13

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**

Dodd Road (Ela) 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 Kenneth Ela, dated March 31, 2008, ("the Dodd Road (Ela) property"). (A copy of the petition with signatures thereon is attached hereto and incorporated herein by this referenced as Exhibit "A".)

(b) The Dodd Road (Ela) 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 May 15, 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, 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 17th day of April, 2008.

NORTH KOOTENAI WATER DISTRICT,
Kootenai County, Idaho



Chairman, Board of Directors

ATTEST:



District Secretary

(SEAL)

K:\1738243\0000717040_MCO\17040P2GOZ

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 April 17, 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: *Four*

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 April 17, 2008.



District Secretary

(SEAL)

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

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

DODD ROAD (ELA) 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: May 15, 2008

Time: 12:30 p.m.

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

The annexation hearing is based upon petitions filed by Kenneth Ela (Dodd Road (Ela) property), dated March 31, 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 17th day of April, 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
(ELA / DODD Rd.)

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

THE SE 1/4 OF SECTION 31, T2N 52N., R. 3 W. B.M.
LESS THE N. 466.7 FEET OF E. 466.7 FEET

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 31 day of MARCH 2008

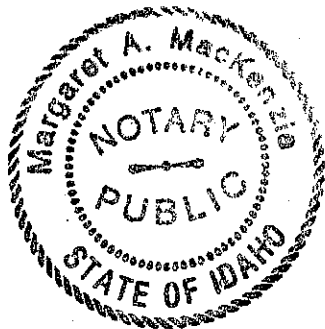
By: *Kenneth P. Ela*
Kenneth P. Ela, Property Owner
(Print Name)

STATE OF IDAHO)

)ss.

County of Kootenai)

On this 31 day of March 2008, before me, the undersigned, a Notary Public in and for the State of Idaho, duly commissioned and sworn, personally appeared KENNETH P. ELA, known or identified to me to be the person(s) whose name(s) are/ is subscribed to the within instrument, and acknowledge to me that they executed the same.



[Seal or Stamp]

Margaret A. Mackenzie
Notary Public
MARGARET A. MACKENZIE
[Printed Name]

My appointment expires: 5/20/08

The Southeast $\frac{1}{4}$ of Section 31, Township 52 North, Range 3 West, Boise Meridian Less the North 466.7 Feet of the East 466.7 Feet.

EXHIBIT B

Map

Dodd Road (Ela) Annexation

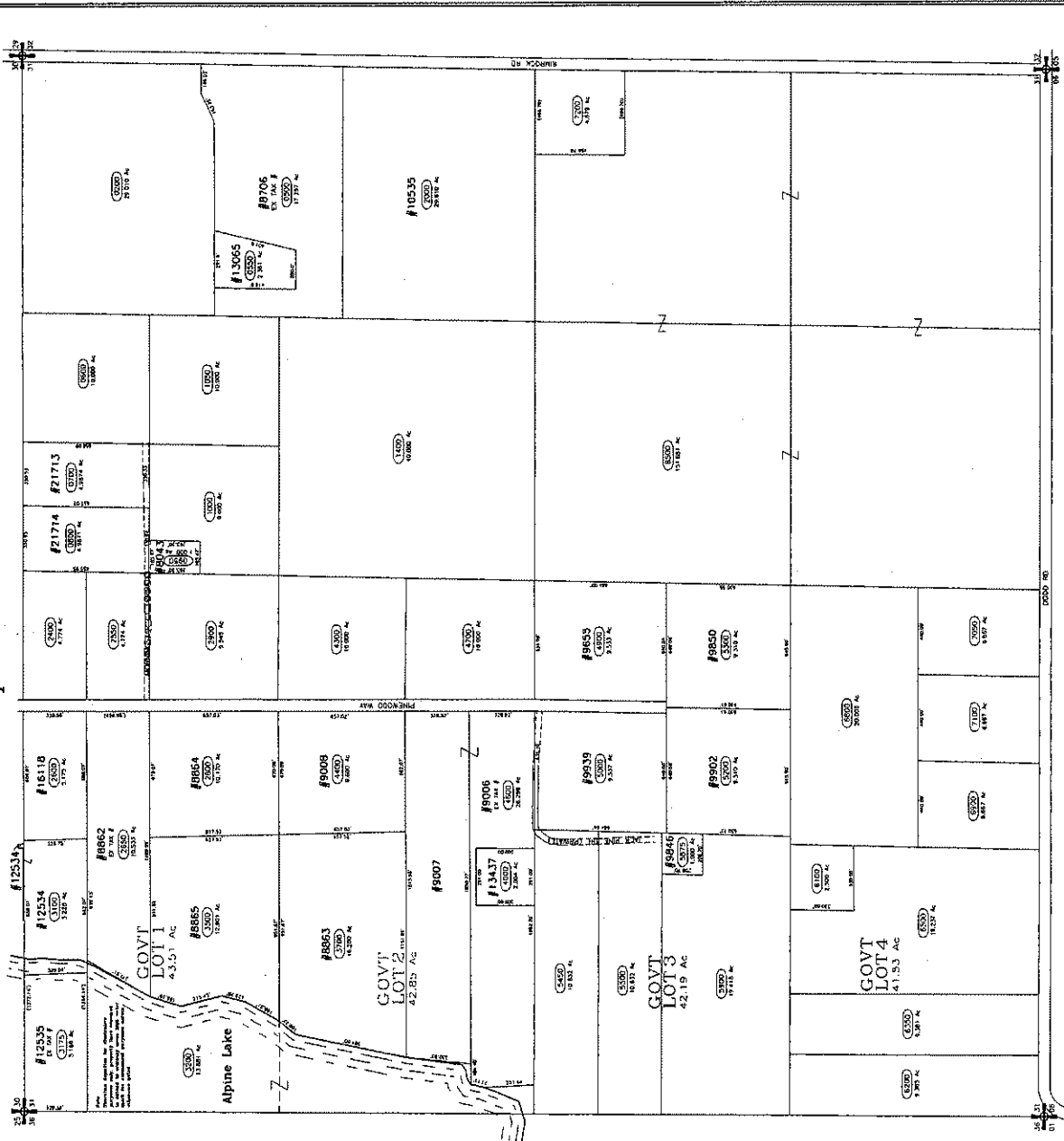
SECREGATION REVISIONS

The revision dates below represent the file date dates for the posting of the latest revisions. The archive dates for these revisions are posted within the archive including box at the drawing title block.

- 09/17/04 - SLW
Pin of 0-000-008-001-D (now -A) combined w/
52N03W-31-3100 (03)
- 06/17/05 - ET
52N03W-31-7200 out of 6500 (06)
- 11/23/07 - EH
Pin of 52N03W-31-0700 reclassified as Tax #21713 (08)
Pin of 52N03W-31-0700 combined w/ 0800 reclassified
as Tax #21714 (08)

Sec.31 Twp.52N. R.3 W.B.M.

52N03W-31



NO CHANGE IS TO BE USED FOR REVISIONS UNLESS SPECIFICALLY NOTED.

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
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ROOTENAI COUNTY
IDAHO

ARCHIVE REVISIONS		
DATE	ACTIVITY	BY
07/14/01	FILED	SLW
04/10/03	FILED	SLW

NOTES:
1. This plat is a reproduction of the original plat as shown on the original drawing. It is not a survey and should not be used for any purpose other than as a guide to the location of the original plat. All dimensions and bearings are as shown on the original plat. The original plat is on file in the office of the Register of Deeds, Boise, Idaho.

Records at Survey West.
DATE
REVISIONS