

RESOLUTION NO. 2008-11

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 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

Ami Jo Gibson 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) petitions signed by Ami Jo Gibson, property owner, dated April 1, 2009, and Thomas Crimmins, President, North Kootenai Water District, easement holder, dated April 2, 2009, of the Ami Jo Gibson property ("Ami Jo Gibson property"). (A copy of the petition with signatures thereon is attached hereto and incorporated herein by this referenced as Exhibit "A".)

(b) The Ami Jo Gibson 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 7, 2009, 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.

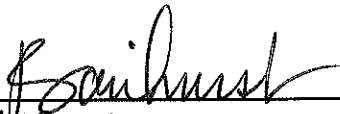
Section 6: Effective Date. This Resolution shall become and is effective as of the date of its adoption.

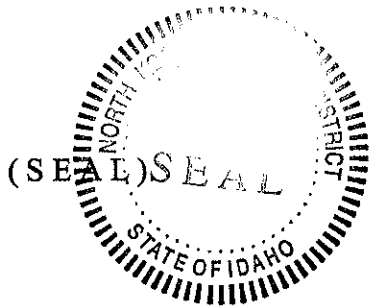
DATED this 16th day of April, 2009.

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 April 16, 2009, 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: 5

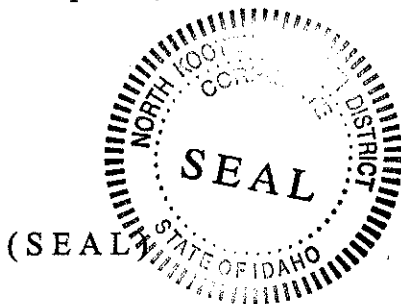
NAYS, Directors: 0

ABSENT, Directors: 0

ABSTAIN, Directors: 0

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 16, 2009.



Banburst  
District Secretary

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

NORTH KOOTENAI WATER DISTRICT  
Kootenai County, Idaho

Ami Jo Gibson 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 7, 2009

Time: 12:30 p.m.

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

The annexation hearing is based upon petitions filed by Ami Jo Gibson, property owner(s) of the Ami Jo Gibson property ( Ami Jo Gibson Annexation). 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 16th day of April, 2009.

NORTH KOOTENAI WATER DISTRICT,  
Kootenai County, Idaho

By:   
Its: Secretary

**EXHIBIT A**

**Petitions for Annexation**

NORTH KOOTENAI WATER DISTRICT

PETITION FOR ANNEXATION

COMES NOW Petitioner, Ami Jo Gibson and petitions the Board of Directors of North Kootenai Water District ("District") as follows:

1. Petitioners are the owners of the real property situated within the County of Kootenai, State of Idaho, located at the physical address of:

4801 W Charlies Place  
(Street Address)

2. Petitioners are desirous that the above-described property be included in, made a part of, and be served with water system improvements in North Kootenai Water District, Kootenai County, Idaho, in conjunction with the area-wide annexation of certain other real property collectively known as:

Ami Jo Gibson Trustee

3. Petitioners request that, in accordance with the provisions of Section 42-3218, Idaho Code, notice of the filing of this petition be given and published in the official newspaper of the District in Kootenai County, Idaho, said notice to give all persons interested an opportunity to appear and show cause in writing, if any they have, why this petition should not be granted at the hearing, time and place to be set by this Board; that further, assuming that no valid objections are made to the inclusion of the above-described property within the boundaries of the District, the Board enter its order that the above-described property be included within the boundaries of the District, and that such order be recorder and filed with Kootenai County, Idaho and filed with the State of Idaho Tax Commission.

4. In the event that less than sixty percent (60%) of the owners of the property in the area to be annexed authorize an area-wide annexation by petition, Petitioners pray for an election to determine if the property within the area shall be annexed into the District.

\_\_\_\_\_ If an election becomes necessary, the undersigned verifies that they are a registered voter living within the area proposed to be annexed by initialing this paragraph.

DATED: 4/1, 2009

Petitioner: Ami Jo Gibson  
(Print Name)

Signature: Ami Jo Gibson



Petitioner: \_\_\_\_\_  
(Print Name)

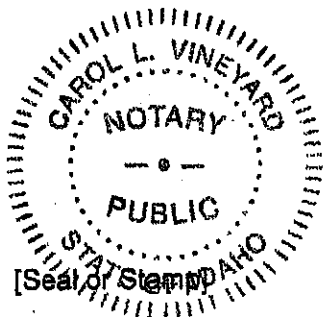
Signature: \_\_\_\_\_

**Parcel Identification:**

Parcel ID: 52N04W-09-2400  
Legal Description: W2-N2-NE-NW  
Annexation Area: Ami Jo Gibson Trustee  
Service Area: Twin Lakes

STATE OF IDAHO )  
COUNTY OF KOOTENAI ) ss.

On this 1<sup>st</sup> day of April, 2009 before me, the undersigned, a Notary Public in and for the State of Idaho, duly commissioned and sworn, personally appeared Ami Jo Gibson and \_\_\_\_\_ (strike out if not needed), 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.



Carol L. Vineyard  
Notary Public  
Carol L. Vineyard  
(Print Name)

My appointment expires: 7/23/2011

**NORTH KOOTENAI WATER DISTRICT  
PETITION FOR ANNEXATION**

COMES NOW Petitioner, Ami Jo Gibson and petitions the Board of Directors of North Kootenai Water District ("District") as follows:

1. Petitioners are the owners of the real property situated within the County of Kootenai, State of Idaho, located at the physical address of:

4801 W Charlies Place  
(Street Address)

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Ami Jo Gibson Trustee

3. Petitioners request that, in accordance with the provisions of Section 42-3218, Idaho Code, notice of the filing of this petition be given and published in the official newspaper of the District in Kootenai County, Idaho, said notice to give all persons interested an opportunity to appear and show cause in writing, if any they have, why this petition should not be granted at the hearing, time and place to be set by this Board; that further, assuming that no valid objections are made to the inclusion of the above-described property within the boundaries of the District, the Board enter its order that the above-described property be included within the boundaries of the District, and that such order be recorder and filed with Kootenai County, Idaho and filed with the State of Idaho Tax Commission.

4. In the event that less than sixty percent (60%) of the owners of the property in the area to be annexed authorize an area-wide annexation by petition, Petitioners pray for an election to determine if the property within the area shall be annexed into the District.

\_\_\_\_\_ If an election becomes necessary, the undersigned verifies that they are a registered voter living within the area proposed to be annexed by initialing this paragraph.

DATED: 4/1, 2009

Petitioner: Ami Jo Gibson  
(Print Name)

Signature: Ami Jo Gibson

Petitioner: \_\_\_\_\_  
(Print Name)

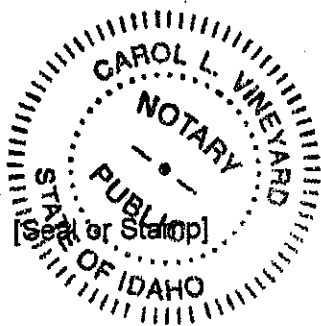
Signature: \_\_\_\_\_

**Parcel Identification:**

Parcel ID: 52N04W-09-2450  
Legal Description: E2-N2-NE-NW  
Annexation Area: Ami Jo Gibson Trustee  
Service Area: Twin Lakes

STATE OF IDAHO )  
COUNTY OF KOOTENAI ) ss.

On this 1<sup>st</sup> day of April, 2009 before me, the undersigned, a Notary Public in and for the State of Idaho, duly commissioned and sworn, personally appeared Ami Jo Gibson and ~~XXXXX~~ (strike out if not needed), 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.



Carol L. Vineyard  
Notary Public  
Carol L. Vineyard  
(Print Name)

My appointment expires: 7/23/2011

**NORTH KOOTENAI WATER DISTRICT  
PETITION FOR ANNEXATION**

COMES NOW Petitioner, Ami Jo Gibson and petitions the Board of Directors of North Kootenai Water District ("District") as follows:

1. Petitioners are the owners of the real property situated within the County of Kootenai, State of Idaho, located at the physical address of:

4801 W Charlies Place  
(Street Address)

2. Petitioners are desirous that the above-described property be included in, made a part of, and be served with water system improvements in North Kootenai Water District, Kootenai County, Idaho, in conjunction with the area-wide annexation of certain other real property collectively known as:

Ami Jo Gibson Trustee

3. Petitioners request that, in accordance with the provisions of Section 42-3218, Idaho Code, notice of the filing of this petition be given and published in the official newspaper of the District in Kootenai County, Idaho, said notice to give all persons interested an opportunity to appear and show cause in writing, if any they have, why this petition should not be granted at the hearing, time and place to be set by this Board; that further, assuming that no valid objections are made to the inclusion of the above-described property within the boundaries of the District, the Board enter its order that the above-described property be included within the boundaries of the District, and that such order be recorder and filed with Kootenai County, Idaho and filed with the State of Idaho Tax Commission.

4. In the event that less than sixty percent (60%) of the owners of the property in the area to be annexed authorize an area-wide annexation by petition, Petitioners pray for an election to determine if the property within the area shall be annexed into the District.

\_\_\_\_\_ If an election becomes necessary, the undersigned verifies that they are a registered voter living within the area proposed to be annexed by initialing this paragraph.

DATED: 4/1, 2009

Petitioner: Ami Jo Gibson  
(Print Name)

Signature: Ami Jo Gibson

Petitioner: \_\_\_\_\_  
(Print Name)

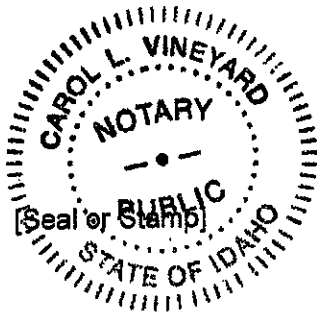
Signature: \_\_\_\_\_

**Parcel Identification:**

Parcel ID: 52N04W-09-2500  
Legal Description:  
Annexation Area: Ami Jo Gibson Trustee  
Service Area: Twin Lakes

STATE OF IDAHO )  
COUNTY OF KOOTENAI ) ss.

On this 1<sup>st</sup> day of April, 2009 before me, the undersigned, a Notary Public in and for the State of Idaho, duly commissioned and sworn, personally appeared Ami Jo Gibson and \_\_\_\_\_ (strike out if not needed), 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.



Carol L. Vineyard  
Notary Public  
Carol L. Vineyard  
(Print Name)

My appointment expires: 7/23/2011

NORTH KOOTENAI WATER DISTRICT

PETITION FOR ANNEXATION

COMES NOW Petitioner, North Kootenai Water Dist and petitions the Board of Directors of North Kootenai Water District ("District") as follows:

1. Petitioners are the owners of the real property situated within the County of Kootenai, State of Idaho, located at the physical address of:

\_\_\_\_\_  
(Street Address)

2. Petitioners are desirous that the above-described property be included in, made a part of, and be served with water system improvements in North Kootenai Water District, Kootenai County, Idaho, in conjunction with the area-wide annexation of certain other real property collectively known as:

\_\_\_\_\_  
Ami Jo Gibson Trustee

3. Petitioners request that, in accordance with the provisions of Section 42-3218, Idaho Code, notice of the filing of this petition be given and published in the official newspaper of the District in Kootenai County, Idaho, said notice to give all persons interested an opportunity to appear and show cause in writing, if any they have, why this petition should not be granted at the hearing, time and place to be set by this Board; that further, assuming that no valid objections are made to the inclusion of the above-described property within the boundaries of the District, the Board enter its order that the above-described property be included within the boundaries of the District, and that such order be recorder and filed with Kootenai County, Idaho and filed with the State of Idaho Tax Commission.

4. In the event that less than sixty percent (60%) of the owners of the property in the area to be annexed authorize an area-wide annexation by petition, Petitioners pray for an election to determine if the property within the area shall be annexed into the District.

\_\_\_\_\_ If an election becomes necessary, the undersigned verifies that they are a registered voter living within the area proposed to be annexed by initialing this paragraph.

DATED: April 2, 2009

Petitioner: Thomas Crammus, President  
(Print Name)

Signature: Thomas Crammus

Petitioner: \_\_\_\_\_  
(Print Name)

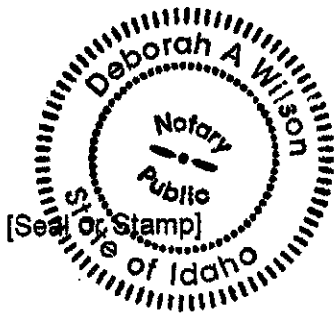
Signature: \_\_\_\_\_

**Parcel Identification:**

Parcel ID: 52N04W-09-2501  
Legal Description: PERSONAL PROPERTY ON REAL IN N2-N2-NW-NW - EXEMPT  
Annexation Area: Aml Jo Gibson Trustee  
Service Area: Twin Lakes

STATE OF IDAHO )  
 )ss.  
COUNTY OF KOOTENAI )

On this 2 day of April 2009 before me, the undersigned, a Notary Public in and for the State of Idaho, duly commissioned and sworn, personally appeared Thomas Grimms and \_\_\_\_\_ (strike out if not needed), 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.



Deborah A. Wilson  
Notary Public  
Deborah A. Wilson  
(Print Name)

My appointment expires: 03-13-15

**Legal Description of  
Parcels 52N04W-09-2500 & 2501  
52N04W-09-2450  
52N04W-09-2400**

Parcel 52N04W-09-2500 is described as;

West Half of the North Half of the Northeast Quarter of the Northwest Quarter of Section 9, Township 52 North, Range 4 West, Boise Meridian, Kootenai County, Idaho.

Parcel 52N04W-09-2450 is described as;

East Half of the North Half of the Northeast Quarter of the Northwest Quarter of Section 9, Township 52 North, Range 4 West, Boise Meridian, Kootenai County, Idaho.

Parcel 52N04W-09-2400 is described as;

North Half of the North Half of the Northwest Quarter of the Northwest Quarter of Section 9, Township 52 North, Range 4 West, Boise Meridian, Kootenai County, Idaho.



