

RESOLUTION NO. 2009- 37

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

Fox Hollow (The Landings LLC) 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 a petition signed by Rick Gunther, Owner/Manager, dated October 26, 2009, ("Fox Hollow (The Landings LLC) property").

(A copy of the petition with signatures thereon is attached hereto and incorporated herein by this referenced as Exhibit "A".)

(b) Fox Hollow (The Landings LLC) property proposed to be annexed into the District is described and depicted in the map and legal description 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 December 3, 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, 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.

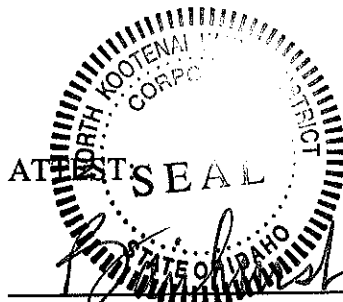
Section 5: Severability. If any section, paragraph, clause, or provision of this Resolution shall be held to be invalid or unenforceable for any reason, the invalidity or unenforceability of each section, paragraph, clause, or provision shall in no manner affect any remaining provision of this Resolution.

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

DATED this 5th day of November, 2009.

NORTH KOOTENAI WATER DISTRICT
Kootenai County, Idaho


Chairman, Board of Directors


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 November 5, 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

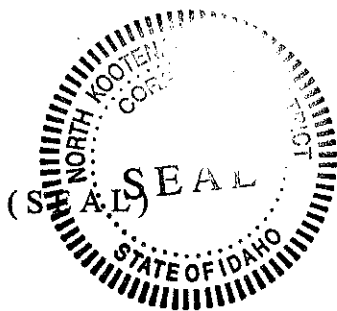
NAYS, Directors: 0

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 November 5, 2009.




District Secretary

NOTICE OF PUBLIC HEARING
OF ANNEXATION OF PROPERTY

NORTH KOOTENAI WATER DISTRICT
Kootenai County, Idaho

Fox Hollow (The Landings LLC) 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: December 3, 2009

Time: 12:30 p.m.

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

The annexation hearing is based upon petitions filed. The Board has received a petition signed by Rick Gunther, Owner/Manager, dated October 26, 2009, ("Fox Hollow (The Landings LLC) 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 5th day of November, 2009.

NORTH KOOTENAI WATER DISTRICT,
Kootenai County, Idaho

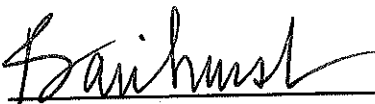
By: 
Its: Secretary

EXHIBIT "A"

**Petition for Annexation
Fox Hollow (The Landings LLC) Property**

PETITION FOR ANNEXATION
NORTH KOOTENAI WATER DISTRICT
KOOTENAI COUNTY, IDAHO

COMES NOW Petitioner(s):

The Landings, LLC

Print Name

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, particularly described in Exhibit "A", attached hereto, and incorporated herein by reference.

2. Petitioners are desirous that the above-described property be included in, made or part of, and be served with water system improvements in North Kootenai Water District, Kootenai County, Idaho.

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.

That Petitioners are aware that, as a condition of annexation, the District may require that the land described in this petition be subjected to the following requirements:

(a) The Petitioners shall pay for the actual costs incurred by the District for District administration, engineering, legal, inspection, and preparation of any necessary documents that are required by the District for annexation of the property. Such District costs shall include, but are not limited to, preparation of conditions of annexation, any needed water system master planning, design consultations, plan reviews, and final approval of the Petitioner's construction plans and specifications for water facilities.

(b) The Petitioner shall be responsible for all water facilities that will be necessary to serve the Petitioner's annexed property. These water facilities will include those required within the annexed property as well as all necessary water facilities needed to extend water service from the District's existing facilities to those proposed to serve the annexed property. The District shall have the right to dictate where and how the Petitioner's water

facilities that serve his annexed area may be connected to the District's water facilities. Upon completion of installation and approval by the District of all water facilities the Petitioner shall dedicate such facilities to the District.

(c) The District shall not be obligated to serve any property annexed within the District where the District has determined there is not sufficient water system capacity to adequately serve such property. There shall arise no right to service or obligation by the District for service upon annexation and as among other properties annexed to the District, and there shall be no priority for service until each water connection permit has been obtained. If construction is not completed within two (2) years from the date the water connection permit was issued, any priority for service shall become null and void. The District may extend the time for completion upon a request by the property owner and a showing of good cause why such extension should be granted.

(d) At the time each water connection permit is issued and prior to connection of the water system to each private facility, a service availability fee of no less than _____ Dollars (\$ _____) per lot or equivalent dwelling unit shall be paid to repay the District for the cost of developing the District's core water collector lines, and treatment facilities including the debt retirement of such facilities committed to prior to inclusion of the annexed property into the District. Such service availability fees may increase at such time as the District determines such fees are not adequate to reimburse the District for the cost incurred in developing the water system. The service availability fee shall be in addition to actual costs required for connecting to the actual main water line.

(e) And such other conditions as the District may prescribe.

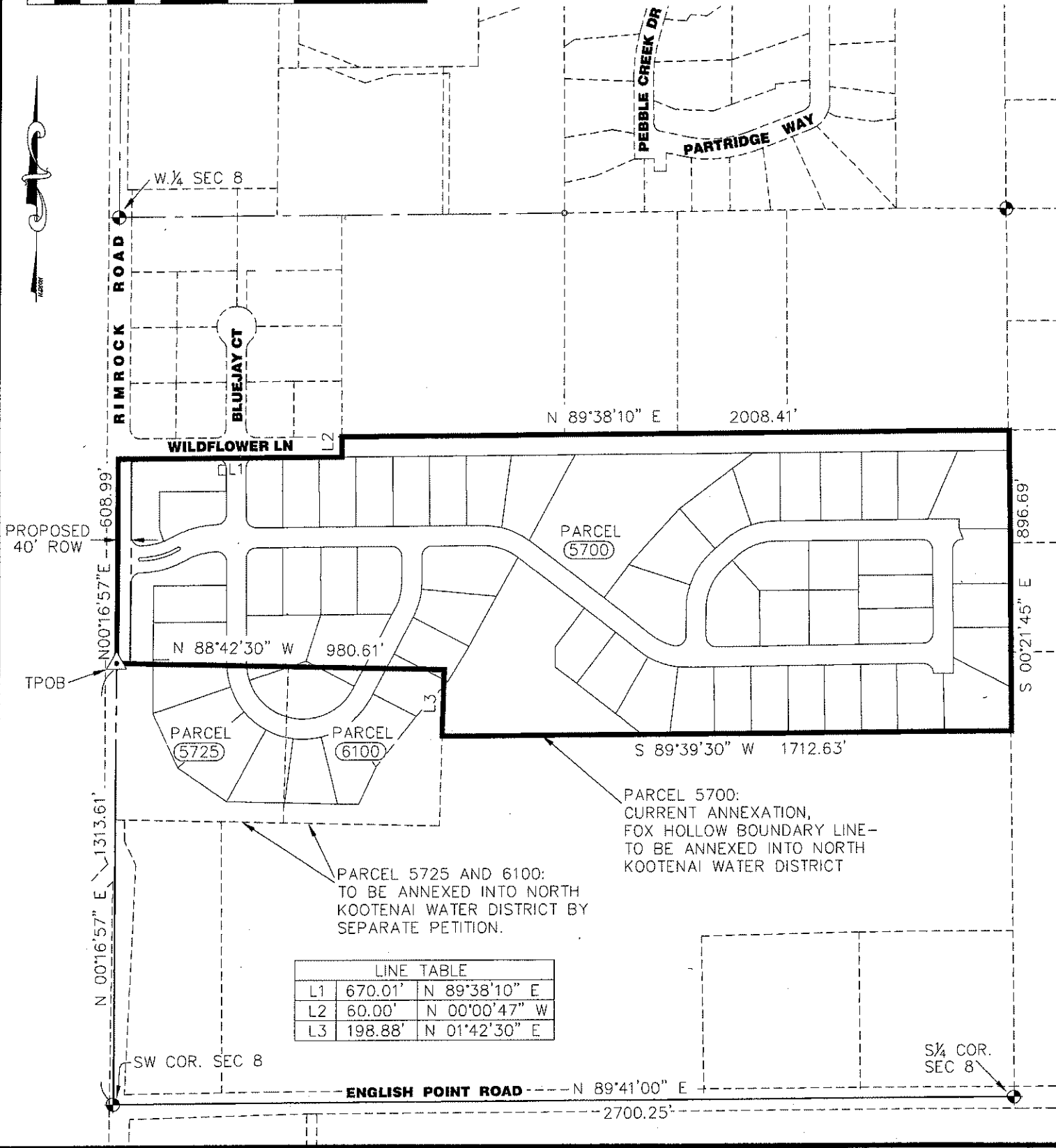
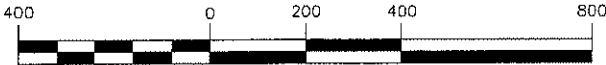
EXHIBIT "A"

Legal Description of Annexed Property

(see attached)

NORTH KOOTENAI WATER DISTRICT
 ANNEXATION BY DISTRICT
 COURT ORDER—CASE # _____
 EFFECTIVE DATE: _____

FOX HOLLOW
 PENDING RECORDING, RECORDS OF KOOTENAI COUNTY
 NORTH KOOTENAI WATER DISTRICT ANNEXATION EXHIBIT
 PORTION OF SECTION 8, T.51N., R.3W., B.M.,
 KOOTENAI COUNTY, IDAHO



LINE TABLE			
L1	670.01'	N 89°38'10" E	
L2	60.00'	N 00°00'47" W	
L3	198.88'	N 01°42'30" E	

TITLE: FOX HOLLOW, PARCEL 5700
 NORTH KOOTENAI WATER DISTRICT
 ANNEXATION EXHIBIT

SCALE: 1"=400'

DATE: 10/15/09

FILE: R245-100.dwg

FRAME & SMETANA, PA
 Consulting Engineers
 603 North 4th Street, Coeur d'Alene, Idaho, 83814
 Ph. (208)664-2121/Fax: 765-5502/ Email: smetana@adelphia.net

FS

SHEET
 1 OF 1

EXHIBIT "A"

**FOX HOLLOW
LEGAL DESCRIPTION OF PROPERTY
TO BE ANNEXED INTO NKWD**

A PARCEL OF LAND IN THE SOUTHWEST QUARTER OF SECTION 8, TOWNSHIP 51 NORTH, RANGE 3 WEST, B.M., KOOTENAI COUNTY, IDAHO, MORE PARTICULARLY DESCRIBED AS FOLLOWS (THE BASIS OF BEARING FOR THIS DESCRIPTION BEING RECORD OF SURVEY, BOOK 18, PAGE 108, RECORDS OF KOOTENAI COUNTY):

COMMENCING AT THE SOUTHWEST CORNER OF SAID SECTION 8;
THENCE ALONG THE WEST BOUNDARY LINE OF SAID SECTION 8, N 00°16'57" E, 1313.61 FEET TO THE TRUE POINT OF BEGINNING FOR THIS DESCRIPTION;
THENCE CONTINUING ALONG THE SAID WEST BOUNDARY LINE, N 00°16'57" E, 608.99 FEET TO THE SOUTH LINE OF WILDFLOWER LANE;
THENCE LEAVING THE SAID WEST BOUNDARY LINE, N 89°38'10" E, 670.01 FEET ALONG THE SOUTH LINE OF WILDFLOWER LANE;
THENCE LEAVING THE SOUTH LINE OF WILDFLOWER LANE, N 00°00'47" W, 60.00 FEET;
THENCE N 89°38'10" E, 2008.41 FEET TO THE NORTHEAST CORNER OF THE SOUTH HALF OF THE NORTHEAST QUARTER OF THE SAID SOUTHWEST QUARTER OF SECTION 8;
THENCE ALONG THE EAST BOUNDARY LINE OF THE SAID SOUTHWEST QUARTER OF SECTION 8, S 00°21'45" E, 896.69 FEET;
THENCE LEAVING THE SAID EAST BOUNDARY LINE OF THE SAID SOUTHWEST QUARTER OF SECTION 8, S 89°39'30" W, 1712.63 FEET;
THENCE N 01°42'30" E, 198.88 FEET;
THENCE N 88°42'30" W, 980.61 FEET TO THE TRUE POINT OF BEGINNING;
CONTAINING APPROXIMATELY 49.50 ACRES, MORE OR LESS.