

RESOLUTION NO. 2010-04

A Resolution of the North Kootenai Water District, 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 water district and sewer subdistrict; directing that notice of such public hearing be published and posted; and other matters properly relating thereto

NORTH KOOTENAI WATER DISTRICT
Kootenai County, Idaho

Discovery Squaw Bay Land LLC Annexation

BE IT RESOLVED BY THE BOARD OF DIRECTORS OF NORTH KOOTENAI WATER DISTRICT, 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 for annexation into the water district and sewer subdistrict;

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 Andrew D. Holloran, dated March 24, 2010, ("the Discovery Squaw Bay Land LLC properties"). (A copy of the petition with signatures thereon is attached hereto and incorporated herein by this referenced as Exhibit "A".)

(b) The Discovery Squaw Bay Land LLC properties 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.

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Section 2: Public Hearing. The Board hereby sets August 3, 2010, 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 District, 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 and sewer subdistrict. 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 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: This Resolution shall become and is effective as of the date of its adoption.

DATED this 1st day of July, 2010.

NORTH KOOTENAI WATER DISTRICT,
Kootenai County, Idaho


Chairman, Board of Directors

ATTEST:





District Secretary

I, the undersigned, Secretary of the Board of Directors of North Kootenai Water District, 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 July 1, 2010, 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*

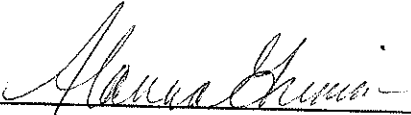
NAYS, Directors: *None*

ABSENT, Directors: *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 July 1, 2010.



District Secretary

(SEAL)



NOTICE OF PUBLIC HEARING
OF ANNEXATION OF PROPERTY INTO
NORTH KOOTENAI WATER DISTRICT
Kootenai County, Idaho

DISCOVERY SQUAW BAY LAND 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 and sewer subdistrict. The public hearing will be held as follows:

Day: Thursday

Date: August 19, 2010

Time: 12:30 p.m.

Location: 1841 West Hayden Avenue, Hayden, Idaho

The annexation hearing is based upon a petition filed by Andrew D. Holloran, property owner(s) of the Discovery Squaw Bay Land LLC properties. 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
1841 West Hayden Avenue
Hayden, Idaho 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
1841 West Hayden Avenue
Hayden, Idaho 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 1st day of July, 2010.

NORTH KOOTENAI WATER DISTRICT,
Kootenai County, Idaho

EXHIBIT A
Petitions for Annexation

PETITION FOR ANNEXATION
NORTH KOOTENAI WATER DISTRICT
KOOTENAI COUNTY, IDAHO

COMES NOW Petitioner, Discovery Square Bay Land LLC 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. Petitioners are also desirous that the above described property be included in, made a part of and be served with sewer system improvements in the sewer sub-district created within the District.

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 and/or system master planning, design consultations, plan reviews, and final approval of the Petitioner's construction plans and specifications for water and sewer 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 and sewer facilities needed to extend water and sewer 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 and sewer facilities that serve his annexed area may be connected to the District's water and sewer facilities. Upon completion of installation and approval

by the District of all water and sewer 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 and/or sewer 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 and/or sewer connection permit has been obtained. If construction is not completed within two (2) years from the date the water or 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 Forty Four 75/100 per month Dollars (\$44.75/month) 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. At the time each sewer connection permit is issued and prior to connection of the sewer system to each private facility, a service availability fee of no less than \$45.00/month per lot or equivalent dwelling unit shall be paid to repay the District for the development of the District's core sewer collector and transmission lines and treatment facilities including the debt retirement of such facilities committed prior to inclusion of the annexed property into the sewer sub-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.

WHEREFORE, Petitioners pray that this petition be set for hearing at the earliest practicable time, and that the Board grant the petition including the conditions as set forth in Paragraph IV above.

DATED: 3/24/10

Petitioner: Discovery Square Bay Land LLC

Address: 820 E. Sherman Ave. CDA, ID.

Signature: 

STATE OF IDAHO)
) ss.
County of Kootenai)

On this 24th day of Sept 2010, before me, a Notary Public in and for the State of Idaho, personally appeared Andrew Duane Belcher known to be the person or persons whose names are subscribed to the foregoing instrument, and acknowledged to be that they executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year first above written.



Dianne Mahan
Notary Public for Idaho
Print Name: Dianne Mahan
My commission expires: 6-3-14

EXHIBIT "A"

Legal Description of Annexed Property



Advanced Technology Surveying & Engineering

EXHIBIT A

FOR THE ADJUSTED BOUNDARY OF PARCEL A

A PARCEL OF LAND, being a portion of the West Half of Section 4 and the Southeast Quarter of Section 5, Township 49 North, Range 3 West, Boise Meridian, Kootenai County, Idaho, more particularly described as follows:

Commencing at the West Quarter Corner of said Section 4, monumented by a 2.5 inch diameter brass cap marked as noted in Corner Perpetuation and Filing Record (CP&F) instrument No. 1302003, Kootenai County Records, and being located North 17°38'05" West, 2788.21 feet, from the Southwest Corner of said Section 4, monumented by a 1.5 inch diameter iron pipe, as described in CP&F instrument No. 1318191, Kootenai County Records;

Thence, from said point of commencement, along the West line of the Southwest Quarter of said Section 4, South 17°38'05" East, 360.02 feet, to a 5/8 inch rebar with a plastic cap marked "ATS P.L.S. #8962", similar monuments hereinafter referred to as being an "ATS Monument", being the TRUE POINT OF BEGINNING for this description;

Thence, from said TRUE POINT OF BEGINNING, North 22°41'12" East, 128.39 feet, to a 1/2 inch rebar with a cap marked "Pfahl PLS 4458", similar monuments hereinafter referred to as being a "Pfahl Monument";

Thence, North 22°27'46" East, 198.46 feet, to a "Pfahl Monument";

Thence, North 08°32'42" East, 104.86 feet, to a "Pfahl Monument";

Thence, continuing North 08°32'42" East, 25.00 feet, to a point of intersection with the shoreline of Lake Coeur d'Alene;

Thence, along the shoreline of Lake Coeur d'Alene, the location of which is approximated by the following meander line:

South 57°20'51" East, 26.84 feet;

South 48°07'27" East, 42.44 feet;

South 13°40'43" East, 39.65 feet;

South 09°43'21" West, 43.06 feet;

South 27°59'41" East, 49.23 feet;

South 10°32'33" East, 31.24 feet;

South 02°52'00" East, 26.38 feet;

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June 13, 2008

South 12°43'04" East, 37.19 feet;

South 28°53'34" East, 52.09 feet;

South 49°45'03" East, 38.93 feet;

South 70°25'29" East, 41.96 feet;

South 88°04'20" East, 133.61 feet;

South 83°27'14" East, 30.25 feet;

South 67°36'41" East, 25.04 feet;

South 14°30'21" East, 30.24 feet;

South 44°28'59" East, 4.42 feet;

Thence, leaving said shoreline, South 14°10'29" West, 157.15 feet, to an "ATS Monument";

Thence, South 32°47'55" West, 88.95 feet, to an "ATS Monument";

Thence, South 30°54'55" West, 30.49 feet;

Thence, North 51°49'43" West, 100.00 feet;

Thence, South 70°00'00" West, 80.00 feet;

Thence, North 85°00'00" West, 151.31 feet;

Thence, North 63°43'51" West, 101.34 feet;

Thence, North 28°40'02" West, 101.34 feet;

Thence, North 22°33'03" East, 40.00 feet, to the TRUE POINT OF BEGINNING, all as shown on the attached Exhibit B.

Said described parcel contains 3.879 acres (168,957 square feet), more or less.

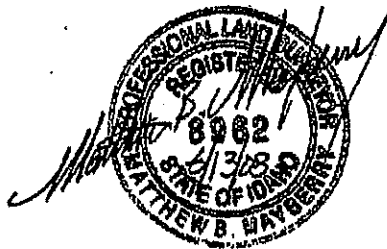


EXHIBIT B

SECTIONS 4 & 5, TOWNSHIP 49 NORTH, RANGE 3 WEST, B.M.,
KOOTENAI COUNTY, IDAHO

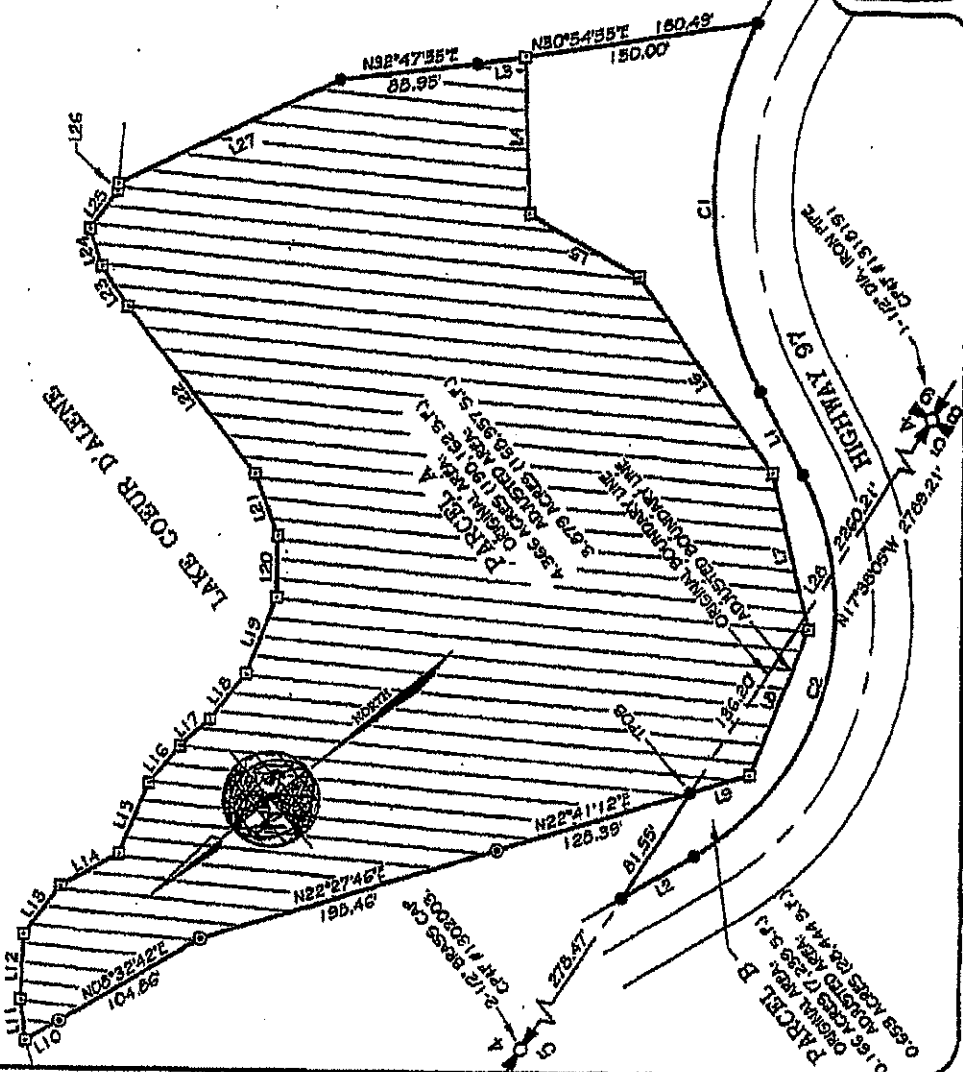
LINE	BEARING	LENGTH	LINE	BEARING	LENGTH
L1	N 78°06'03" W	59.48'	L15	S 27°58'41" E	49.23'
L2	N 08°52'35" E	54.27'	L16	S 10°32'35" E	31.24'
L3	S 30°54'55" W	30.45'	L17	S 02°53'00" E	26.39'
L4	N 51°48'43" W	100.00'	L18	S 12°43'04" E	37.19'
L5	N 70°00'00" W	80.00'	L19	S 28°53'34" E	52.08'
L6	N 65°00'00" W	151.51'	L20	S 48°43'03" E	38.33'
L7	N 63°43'51" W	101.34'	L21	S 70°25'29" E	41.96'
L8	N 25°40'02" W	101.34'	L22	S 88°04'20" E	133.51'
L9	N 22°33'05" E	40.00'	L23	S 85°27'14" E	30.25'
L10	N 08°32'42" E	25.00'	L24	S 67°36'41" E	25.04'
L11	S 57°20'31" E	26.84'	L25	S 14°30'21" E	30.24'
L12	S 48°07'27" E	42.44'	L26	S 44°28'53" E	4.42'
L13	S 13°40'43" E	39.65'	L27	S 14°10'29" W	157.15'
L14	S 05°43'21" W	43.06'	L28	N 17°35'05" W	32.78'

CURVE TABLE

CURVE	DELTA	RADIUS	LENGTH	BEARING	CHORD
C1	54°37'30"	255.00'	244.60'	N 50°27'18" W	1238.33'
C2	86°58'35"	165.00'	230.54'	N 34°36'45" W	1254.64'

LEGEND

- 50' REBAR WITH PLASTIC CAP
MARKED "RIS F.I.S. # 8962"
- ⊙ 1/2" REBAR 4 CAP.
"TAIL FIS 4458"
- ⊖ COMPUTED POINT
(NOTHING FOUND OR SET)
- ⊕ SECTION CORNER
- ⊙ QUARTER CORNER



ADVANCED TECHNOLOGY SURVEYING & ENGINEERING, INC.
 P.O. BOX 3-87, HAVERHILL, MASSACHUSETTS
 TEL: 978-325-2126 • FAX: 978-325-7251 •

SCALE: 1" = 100'
 CHECKED BY: WBA
 DATE: 05-11-2009
 DRAWN BY: CMC
 DATE: 05-11-2009
 DATE: 05-11-2009
 DATE: 05-11-2009



Advanced Technology Surveying & Engineering

EXHIBIT A

FOR THE ADJUSTED BOUNDARY OF PARCEL B

A PARCEL OF LAND, being a portion of the West Half of Section 4 and the Southeast Quarter of Section 5, Township 49 North, Range 3 West, Boise Meridian, Kootenai County, Idaho, more particularly described as follows:

Commencing at the West Quarter Corner of said Section 4, monumented by a 2.5 inch diameter brass cap marked as noted in Corner Perpetuation and Filing Record (CP&F) Instrument No. 1302003, Kootenai County Records, and being located North $17^{\circ}38'05''$ West, 2789.21 feet, from the Southwest Corner of said Section 4, monumented by a 1.5 inch diameter iron pipe, as described in CP&F Instrument No. 1318191, Kootenai County Records;

Thence, from said point of commencement, along the West line of the Southwest Quarter of said Section 4, South $17^{\circ}38'05''$ East, 360.02 feet, to a $5/8$ inch rebar with a plastic cap marked "ATS P.L.S. #8982", similar monuments hereinafter referred to as being an "ATS Monument", being the TRUE POINT OF BEGINNING for this description;

Thence, South $22^{\circ}33'03''$ West, 40.00 feet;

Thence, South $28^{\circ}40'02''$ East, 101.34 feet;

Thence, South $63^{\circ}43'51''$ East, 101.34 feet;

Thence, South $85^{\circ}00'00''$ East, 151.31 feet;

Thence, North $70^{\circ}00'00''$ East, 80.00 feet;

Thence, South $51^{\circ}49'43''$ East, 100.00 feet;

Thence, South $30^{\circ}54'55''$ West, 150.00 feet, to a point of intersection with the Northerly and Easterly line of the Right-of-Way for Highway No. 97, said point being a point of non-tangent curvature, and being monumented by an "ATS Monument";

Thence, along said Northerly and Easterly line of the Right-of-Way for Highway No. 97 as follows:

244.60 feet along the arc of a 255.00 foot radius curve concave to the Southwest having a central angle of $54^{\circ}57'30''$ and a long chord bearing North $50^{\circ}37'18''$ West, 235.33 feet, to a point of tangency monumented by an "ATS Monument";

North $78^{\circ}08'03''$ West, 59.43 feet, to a point of tangent curvature monumented by an "ATS Monument";

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June 13, 2008

280.84 feet along the arc of a 185.00 foot radius curve concave to the Northeast having a central angle of $86^{\circ}58'36''$ and a long chord bearing North $34^{\circ}36'45''$ West, 264.64 feet, to a point of tangency monumented by an "ATS Monument";

North $08^{\circ}52'33''$ East, 54.27 feet, to a point of intersection with said West line of the Southwest Quarter of said Section 4 monumented by an "ATS Monument";

Thence; leaving said Right-of-Way, along said West line of the Southwest Quarter of said Section 4, South $17^{\circ}38'05''$ East, 81.55 feet, to said TRUE POINT OF BEGINNING, all as shown on the attached Exhibit B.

Said described parcel contains 0.653 acres (28,444 square feet), more or less.



