

RESOLUTION NO. 2020-02

A RESOLUTION of the North Kootenai Water District, Kootenai County, Idaho, approving an Order Granting Petition for Annexation; and other matters properly relating thereto

NORTH KOOTENAI WATER DISTRICT
Kootenai County, Idaho

BUDVARSON 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 §42-3218 to consider annexation of property into the District upon the presentation of a petition of a property owner meeting certain requirements;

WHEREAS, a property owner has presented an appropriate petition for annexation to the Board of Directors for consideration;

WHEREAS, the Board held a duly noticed public hearing on October 3, 2019, wherein the Board provided individuals the opportunity to show cause why the annexation of the property described herein should be approved or denied; and

WHEREAS, the Board desires to approve an Order Granting Petition for Annexation (a copy of which is hereby attached as Exhibit "A").

NOW, THEREFORE, BE IT RESOLVED as follows:

Section 1: Approval of Order. The Board hereby approves the Order Granting Petition for Annexation to North Kootenai Water District.

Section 2: 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.

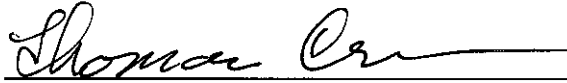
Section 3: Severability. If any section, paragraph, clause, or provision of this Resolution shall be held invalid or unenforceable for any reason, the invalidity or

unenforceability of each section, paragraph, clause, or provision shall in no manner affect any remaining provision of this Resolution.

Section 4: Effective Date. This Resolution shall be and is effective as of the date of its adoption.


DATED this 3 day of Oct 2019.

NORTH KOOTENAI WATER DISTRICT
Kootenai County, Idaho



Chairman, Board of Directors

ATTEST:


District Secretary

(S E A L)



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 Dec 3, 2019, 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:

NAYS, Directors:

ABSENT, Directors:

ABSTAIN, Directors:

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 Dec 3, 2019.



(SEAL)



District Secretary

EXHIBIT "A"

ORDER GRANTING PETITION FOR ANNEXATION
TO NORTH KOOTENAI WATER DISTRICT
Kootenai County, Idaho

BUDVARSON ANNEXATION

THE BOARD OF DIRECTORS (the "Board") of NORTH KOOTENAI WATER DISTRICT (the "District") makes the following findings relative to a Petition for Annexation presented to the Board:

(1) The District is a validly formed water district under and by virtues of the laws of the State of Idaho.

(2) The owner of certain real property located in Kootenai County, Idaho, generally adjacent to the boundaries of the District, filed a Petition for Annexation with the District which complied with the requirements of Idaho Code §42-3218(a) (a copy of the Petition and attachments thereto are attached hereto as Exhibit "A" as though fully set forth herein).

(3) After a thorough examination and review by the Board and its consultants, it was established that the Petition was executed by the property owner in the area covered by the annexation. (The area covered by the annexation is set forth in the map attached hereto and incorporated herein by this reference as Exhibit "B.")

(4) The Board set a public hearing on the Petition for Annexation.

(5) The public hearing was set for October 3, 2019, with notice of this hearing ("Notice") given per Idaho Code §42-3218. Notice was published in the *Coeur d'Alene Press* on September 19, 2019 and September 26, 2019 (a copy of the Notice and Affidavit of Publication are attached hereto and incorporated herein by this reference as Exhibit "C.") At this public hearing, the Board and its consultants were prepared to respond to any questions or issues raised.

(6) The Board has assumed, pursuant to the provisions of Idaho Code §42-3218(b) that the failure of any other individuals to show cause in writing as to the annexation of the property described in Exhibit "B," is deemed as their assent.

(7) The Board, after consideration of the records and files herein and the public health and safety of the current and future residents and businesses in the District and the area proposed for annexation, find it in the best interests of the District, its residents and those who are in the area to be annexed into the District, to annex the area covered by the Petition.

(8) Subject to the conditions placed on the annexation by the District, the real property described in the map attached hereto as Exhibit "B" and legally described in Exhibit "D" attached hereto is hereby incorporated into the District as of the date this Order is recorded with the County Recorder.

(9) The Secretary of the District is hereby directed to file this Order in the records of the District and transmit this Order and all the attachments thereto to the appropriate Kootenai County offices for filing pursuant to Idaho Code §42-3218(b).

(10) Petitioner agrees to pay for its share of a New Facility Plan or Facility Plan Amendment and Preliminary Engineering Report as required by the Idaho Department of Environmental Quality.

(11) Conditions: This annexation is conditioned upon completion of the following:

(a) That the petitioner will complete and pay for certain improvements to the specifications and requirements of the District (at its sole discretion) in order to provide service to the property included in this annexation.

(b) Should it be later determined that one or more of the above conditions has not been satisfactorily achieved, the Board shall have the right to remove or deannex this property from the boundaries of the District.

This Order is adopted by a majority vote of the Board of Directors at a meeting on Oct 3, 2019.

NORTH KOOTENAI WATER DISTRICT

By: Thomas Crum
Chairman, Board of Directors

ATTEST:

[Signature]
District Secretary

LIST OF EXHIBITS

- A. Petition requesting annexation
- B. Map of the area to be annexed
- C. Notice and Affidavit of Publication of Public Hearing
- D. Legal Description of real property annexed into District

Exhibit A

PETITION FOR ANNEXATION

NORTH KOOTENAI WATER DISTRICT
KOOTENAI COUNTY, IDAHO

Budvarson ANNEXATION

COMES NOW Petitioner(s), JACK A. BUDVARSON AND RHONDA A. BUDVARSON and petitions the Board of Directors of North Kootenai Water District ("District") as follows:

1. Petitioner(s) 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. Petitioner(s) 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. Petitioner(s) 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 recorded and filed with Kootenai County, Idaho and filed with the State of Idaho Tax Commission.

4. That Petitioner(s) 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 Petitioner(s) 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 facilities.

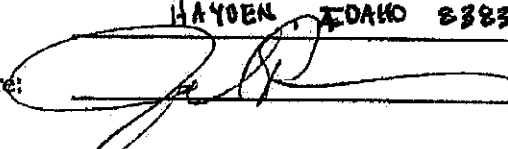
(b) The Petitioner(s) shall be responsible for all water facilities that will be necessary to serve the Petitioner's annexed property. These water facilities will include those required within the annexed property as well as all necessary water and sewer facilities needed to extend water and sewer service 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 the 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 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) And such other conditions as the District may prescribe.

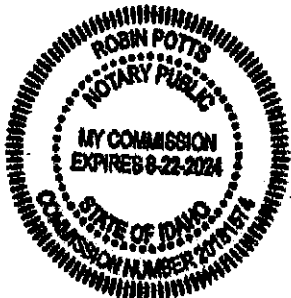
WHEREFORE, Petitioner(s) pray that this petition be set for hearing at the earliest practicable time, and that the Board grant the petition including the conditions as set forth in Paragraph 3 above.

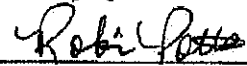
DATED: 9-5-2019

Petitioner: JACK A. BUDVARSON
 Address: 12439 N. STRANDEN RD.
HAYDEN, IDAHO 83835
 Signature: 

STATE OF IDAHO)
) ss.
 COUNTY OF KOOTENAI)

I certify that I know or have satisfactory evidence that JACK A. BUDVARSON is the person who appeared before me, and said person acknowledged that he signed this instrument as the OWNER of AIN 182878 and acknowledged it to be his/her free and voluntary act for the uses and purposes mentioned in the instrument.




 NOTARY PUBLIC for the State of Idaho
Robin Potts
 (Print Name)

My appointment expires: 8/22/24

DATED: 9-5-19

Petitioner: RHONDA A. BUDVAKSON

Address: 12439 N. STRAHORN ROAD

HAYDEN, IDAHO 83835

Signature: *Rhonda A. Budvakson*

STATE OF IDAHO)
) ss.
COUNTY OF KOOTENAI)

I certify that I know or have satisfactory evidence that RHONDA A. BUDVAKSON
is the person who appeared before me, and said person acknowledged that he signed this instrument
as the OWNER of AIN 182878 and acknowledged it
to be his/her free and voluntary act for the uses and purposed mentioned in the instrument.



Robin Potts
NOTARY PUBLIC for the State of Idaho

Robin Potts
(Print Name)

My appointment expires: 8/22/24

Exhibit B



Kootenai County, Idaho

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



This document is the best copy furnished by the County. It is not responsible for any inaccuracies or omissions.

Map Revisions

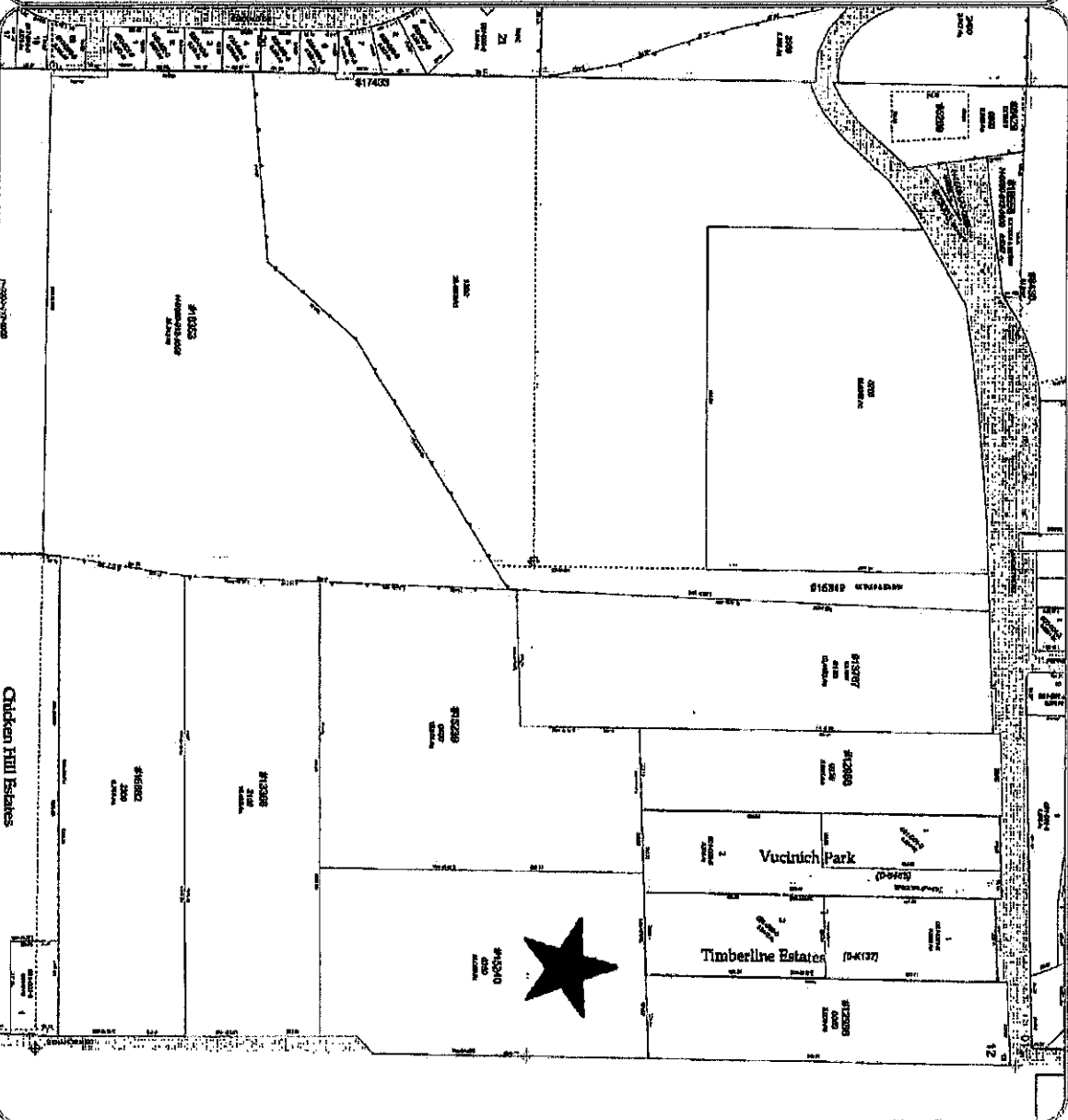
03/15/03 - ET
 Prepared by: [Name]
 Checked by: [Name]
 Date: [Date]

Notes

Legend

Part-Paved
 Full-Paved
 Legal Rights
 Past Boundaries
 City Limits
 Road RW
 HHHH Railroad
 CCDB Lines

Mapfile: 51NDQW12NE

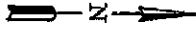


NE Sec 12 Twp 51 N. R. 4 W. B. M.

PLAT OF BUDVAPARSON ADDITION

SITUATED IN THE NE 1/4 SECTION 12, TOWNSHIP 51 N, RANGE 4 W, B.M.
KOOTENAI COUNTY, IDAHO

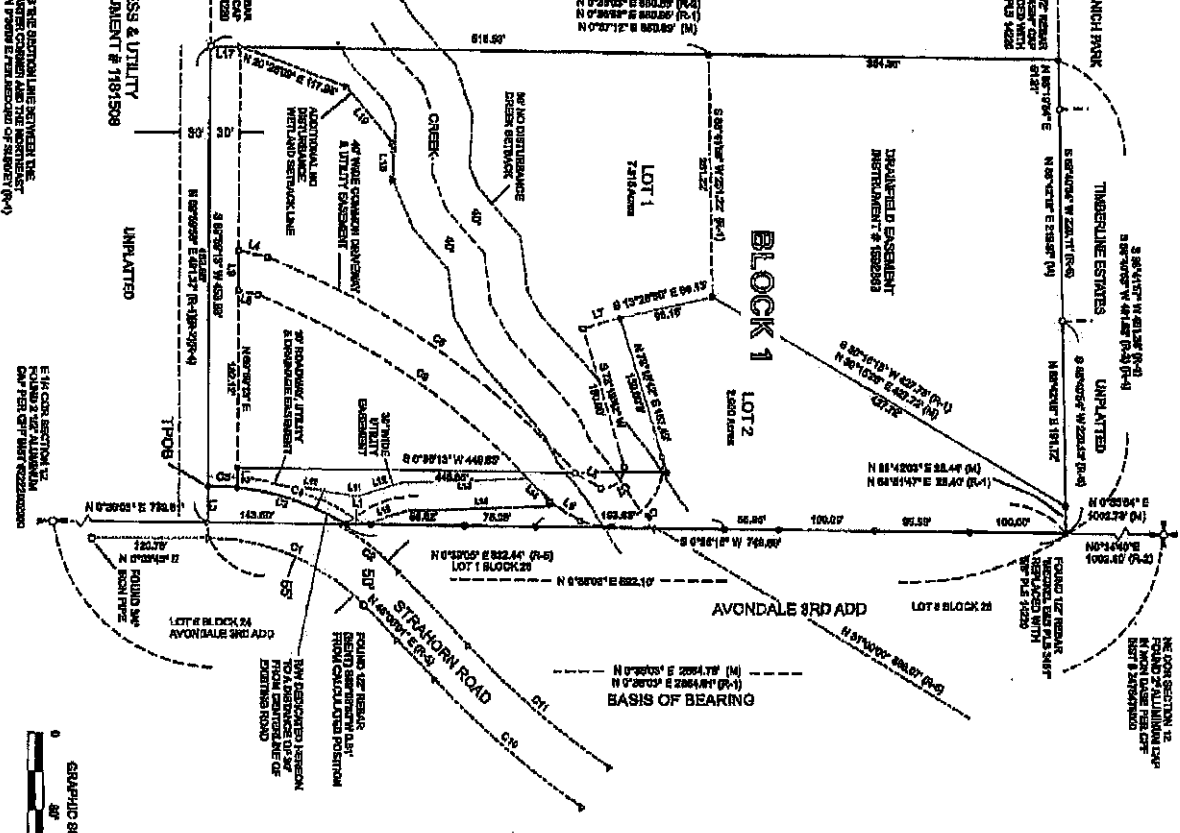
BOOK _____ PAGE _____
INSTRUMENT # _____



LINE	BEARING	HORIZ DIST
L1	N0°10'00"E	25.32'
L2	N69°55'15"E	22.71'
L3	N83°04'54"E	27.72'
L4	N18°17'44"E	31.12'
L5	N82°00'00"E	31.25'
L6	S82°00'00"E	36.32'
L7	N18°07'17"W	40.27'
L8	S13°17'44"W	21.34'
L9	S57°08'19"W	41.10'
L10	N0°28'04"E	41.10'
L11	N0°28'04"E	42.20'
L12	N1°21'14"W	42.20'
L13	N1°09'00"W	42.18'
L14	N43°48'08"E	44.87'
L15	S17°00'00"E	45.27'
L16	N0°07'00"E	30.18'
L17	N0°13'00"E	30.18'
L18	N0°13'00"E	75.50'

BASIS OF BEARING
THE BASIS OF BEARING OF THIS PLAT IS THE SECTION LINE BETWEEN THE FOUND QUARTER CORNER AND THE WESTWEST CORNER OF SECTION 12 SHOWN TO BE IN PROPER ALIGNMENT OF SURVEY (R-4)

60' INGRESS/EGRESS & UTILITY EASEMENT INSTRUMENT # 1191508



NORTH ENGINEERING & SURVEYING, P.L.L.C.
P.O. BOX 2408
BOISE, IDAHO 83726
1 OF 2

LEGEND	
○	FOUND 5/8" REBAR WITH QUARTER CORNER CAP EXCEPT AS NOTED
●	SET 5/8" X 24" REBAR WITH QUARTER CORNER CAP
+	SECTION CORNER
⊕	QUARTER CORNER
⊙	FOUND 1/2" REBAR WITH 1/4" CAP
⊙	FOUND 3/4" X 1/2" REBAR WITH 1/4" CAP
(M)	MEASURED VALUE
□	SET 1/2" X 24" REBAR WITH 1/4" CAP
TP08	TRUE POINT OF BEGINNING

- REFERENCES**
- (R-1) RECORD OF SURVEY BY PLUS 4887 RECORDED AT BOOK 22, PAGE 388
 - (R-2) RECORD OF SURVEY BY PLUS 4888 RECORDED AT BOOK 18, PAGE 40
 - (R-3) RECORD OF SURVEY BY PLUS 4891 RECORDED AT BOOK 1, PAGE 87
 - (R-4) RECORD OF SURVEY BY PLUS 4884 RECORDED AT BOOK 1, PAGE 316
 - (R-5) THIRD ADJUSTMENT TO ADJUDICATE ON WORK RECORDED AT BOOK 1 OF PLAT, PAGE 80
 - (R-6) THRESHOLD EASEMENT RECORDED AT BOOK K OF PLAT, PAGE 187
 - (R-7) VACATION PARK RECORDED AT BOOK K OF PLAT, PAGE 188
- NOTE**
ALL RECORDS KOOTENAI COUNTY, IDAHO

CURVE	BEARING	HORIZ DIST	RADIUS	ARC	DELTA
C1	71°52'	224.48'	170.89'	170.89'	49°29'18"
C2	82°07'	274.48'	82.07'	171°17'	87°52'22"
C3	148°01'	180.07'	270.48'	180.07'	28°06'51"
C4	270.48'	270.48'	270.48'	270.48'	90°00'00"
C5	270.48'	270.48'	270.48'	270.48'	90°00'00"
C6	270.48'	270.48'	270.48'	270.48'	90°00'00"
C7	270.48'	270.48'	270.48'	270.48'	90°00'00"
C8	270.48'	270.48'	270.48'	270.48'	90°00'00"
C9	270.48'	270.48'	270.48'	270.48'	90°00'00"
C10	270.48'	270.48'	270.48'	270.48'	90°00'00"
C11	180.07'	180.07'	180.07'	180.07'	180°00'00"

Exhibit C

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO)
County of Kootenai) ss.

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

MOUNTAIN RIDGE HOLDINGS, LLC and BUDVARSON ANNEXATIONS

Anthony Kincaid, being first duly sworn upon oath, deposes and states:

1. I am now and at all times hereinafter mentioned was a citizen of the United States, resident of the State of Idaho, over the age of twenty-one years and not a party of the above entitled action.

2. I am now and at all times hereinafter mentioned was the printer (principal clerk) of the "Coeur d'Alene Press", a newspaper printed and published daily in Coeur d'Alene, Kootenai County, Idaho, and having a general circulation in said county.

3. The Legal Notice of which the annexed is a printed copy, was published in the regular Thursday issue of said newspaper for 2 consecutive weeks commencing on the 19 day of September, 2019, and ending on the 26 day of September, 2019, and such publication was made as often during said period as said daily newspaper was regularly issued.

4. That said newspaper has been continuously and uninterruptedly published in said Kootenai County, during a period of more than seventy-eight consecutive weeks immediately prior to the first publication of said notice

On this 26 day of September in the year of 2019 before me, a Notary Public, personally appeared Anthony Kincaid, known or identified to me to be the person whose name subscribed to the within instrument, and being by me first duly sworn, declared that the statements therein are true, and acknowledged to me that he executed the same.

The Board of Directors (the "Board") of the North Kootenai Water District (the "District") will hold public hearings on the annexation of property into the District. The public hearings will be held as follows:

Date: October 3, 2019
Time: 12:30 p.m.
Location: 13649 N. Meyer Rd., Rathdrum, ID 83858-4904

The annexation hearings are based upon petitions filed by the following parties for the properties identified in such petitions:

- * Mountain Ridge Holdings LLC (Parcel No. 51N04W029550 / AIN 112533);
* Jack A. and Rhonda A. Budvarson (Parcel No. 51N04W120350 / AIN 182878).

Copies of the petitions and additional description of the areas covered by the petitions can be obtained from the District by sending a request to:

North Kootenai Water District
13649 N. Meyer Rd.
Rathdrum, ID 83858-4904

All persons interested in appearing at the time and place of the hearings may show cause in writing why any petition for annexation should not be granted. The Board shall consider, at the hearings, 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.

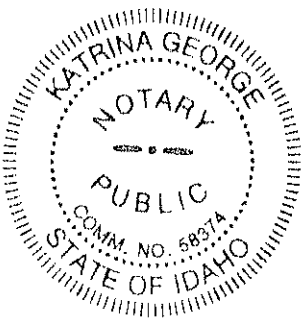
Anyone wishing to provide written comments, who is unable to attend the hearings, may provide them in advance of the hearing by sending them, first-class mail, postage prepaid, to:

North Kootenai Water District
13649 N. Meyer Rd.
Rathdrum, ID 83858-4904

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 September 2019.

NORTH KOOTENAI WATER DISTRICT Kootenai County, Idaho
CDA LEGAL 2454
AD# 327920
SEPTEMBER 19, 26, 2019



Katrina George
Notary Public for the State of Idaho
Residing in Coeur d'Alene, Idaho

My Commission Expires 8/29/23

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

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Rathdrum, ID 83858-4904

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DATED this 16th day of September 2019.

NORTH KOOTENAI WATER DISTRICT
Kootenai County, Idaho

Exhibit D

EXHIBIT A – PARCEL LEGAL DESCRIPTION

A PARCEL OF LAND SITUATED IN THE NORTHEAST QUARTER OF SECTION 12, TOWNSHIP 52 NORTH, RANGE 4 WEST, B.M.,, KOOTENAI COUNTY, IDAHO MORE PARTICULARLY DESCRIBED AS FOLLOWS;

BEGINNING AT THE EAST QUARTER CORNER OF SAID SECTION 12, TOWNSHIP 51 NORTH, RANGE 4 WEST, B.M., FROM WHICH THE NORTHEAST CORNER OF SAID SECTION 12 BEARS NORTH 0°36'03" EAST A DISTANCE OF 2664.78 FEET;

THENCE NORTH 00° 36' 03" EAST A DISTANCE OF 769.81 FEET;

THENCE SOUTH 89° 59' 13" WEST A DISTANCE OF 37.76 FEET TO A POINT ON THE WEST RIGHT OF WAY LINE OF STRAHORN ROAD, SAID POINT BEING THE TRUE POINT OF BEGINNING OF THE HEREIN DESCRIBED PARCEL OF LAND;

THENCE SOUTH 89° 59' 13" WEST A DISTANCE OF 453.68 FEET;

THENCE NORTH 00° 37' 12" EAST A DISTANCE OF 880.89 FEET;

THENCE NORTH 88° 19' 54" EAST A DISTANCE OF 51.31 FEET;

THENCE NORTH 88° 42' 18" EAST A DISTANCE OF 219.97 FEET;

THENCE NORTH 88° 42' 48" EAST A DISTANCE OF 191.72 FEET;

THENCE NORTH 88° 42' 03" EAST A DISTANCE OF 28.44 FEET;

THENCE SOUTH 00° 36' 15" WEST A DISTANCE OF 748.69 FEET TO A POINT ON THE WEST RIGHT OF WAY OF STRAHORN ROAD,

SAID POINT BEING THE BEGINNING OF A CURVE CONCAVE TO THE EAST HAVING A RADIUS OF 279.48 FEET AND A CENTRAL ANGLE OF 30° 52' 22" AND BEING SUBTENDED BY A CHORD WHICH BEARS SOUTH 15° 18' 16" WEST 148.78 FEET;

THENCE SOUTHWESTERLY ALONG SAID CURVE, A DISTANCE OF 150.59 FEET TO THE TRUE POINT OF BEGINNING OF THE HEREIN DESCRIBED PARCEL OF LAND, COMPRISING 9.915 ACRES, MORE OR LESS.