

RESOLUTION NO. 20-25

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

HIEBERT LIVING TRUST 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 November 5, 2020, 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 5<sup>th</sup> day of November 2020.

NORTH KOOTENAI WATER DISTRICT  
Kootenai County, Idaho

  
Chairman, Board of Directors

ATTEST:

  
District Secretary

(S E A L)



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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 Nov 5, 2020, 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 Nov 5, 2020.

  
District Secretary

(SEAL)



EXHIBIT "A"

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

HIEBERT LIVING TRUST 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 November 5, 2020, with notice of this hearing ("Notice") given per Idaho Code §42-3218. Notice was published in the *Coeur d'Alene Press* on October 22, 2020 and October 29, 2020 (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.

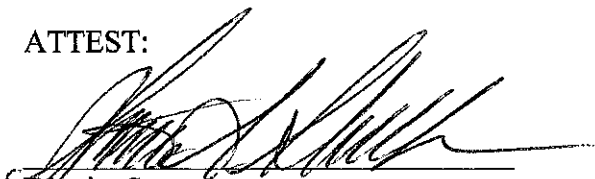
(b) Should it be later determined that one or more of the above conditions has not been satisfactorily achieved, the Board shall have the right to remove or deannex this property from the boundaries of the District.

Nov 5 This Order is adopted by a majority vote of the Board of Directors at a meeting on Nov 5, 2020.

NORTH KOOTENAI WATER DISTRICT

By:   
Chairman, Board of Directors

ATTEST:

  
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

HIEBERT LIVING TRUST  
DATED OCT 6, 2003 ANNEXATION

COMES NOW Petitioner(s), HIEBERT LIVING TRUST DATED OCT 6, 2003 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: 10.1.2020

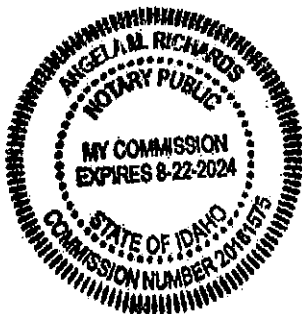
Petitioner: HIEBERT LIVING TRUST DATED OCT 6, 2003

Address: 1540 W. MARCY WAY  
COEUR D'ALENE, ID 83815

Signature: Arnold Hiebert, TRUSTEE

STATE OF IDAHO )  
 ) ss.  
COUNTY OF KOOTENAI )

I certify that I know or have satisfactory evidence that Arnold Hiebert is the person who appeared before me, and said person acknowledged that he signed this instrument as the 1st day of October 2020 and acknowledged it to be his/her free and voluntary act for the uses and purposed mentioned in the instrument.



Angela M. Richards  
NOTARY PUBLIC for the State of Idaho

Angela M. Richards  
(Print Name)

My appointment expires: 8.22.2024

DATED: 10.1 2020

Petitioner: HEBERT LIVING TRUST DATED OCT 6, 2003

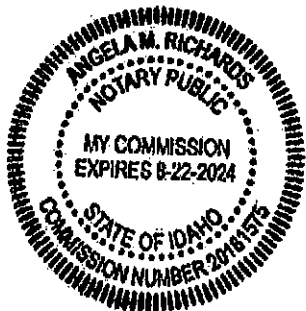
Address: 1540 W. MARCY WAY

COEUR D'ALENE, ID 83815

Signature: Kathleen Hebert, Trustee

STATE OF IDAHO )  
 ) ss.  
COUNTY OF KOOTENAI )

I certify that I know or have satisfactory evidence that Kathleen Hebert  
is the person who appeared before me, and said person acknowledged that he signed this instrument  
as the 1st. day of October 2020 and acknowledged it  
to be his/her free and voluntary act for the uses and purposed mentioned in the instrument.



Angela M. Richards  
NOTARY PUBLIC for the State of Idaho

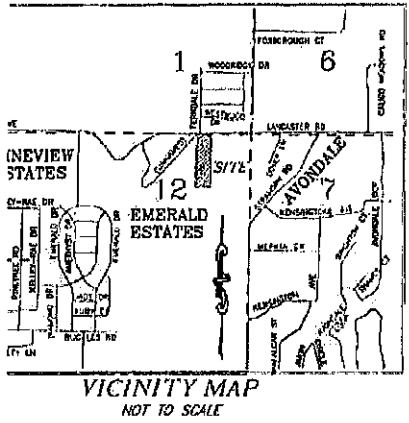
Angela M. Richards  
(Print Name)

My appointment expires: 8.22.2024

# **Exhibit B**

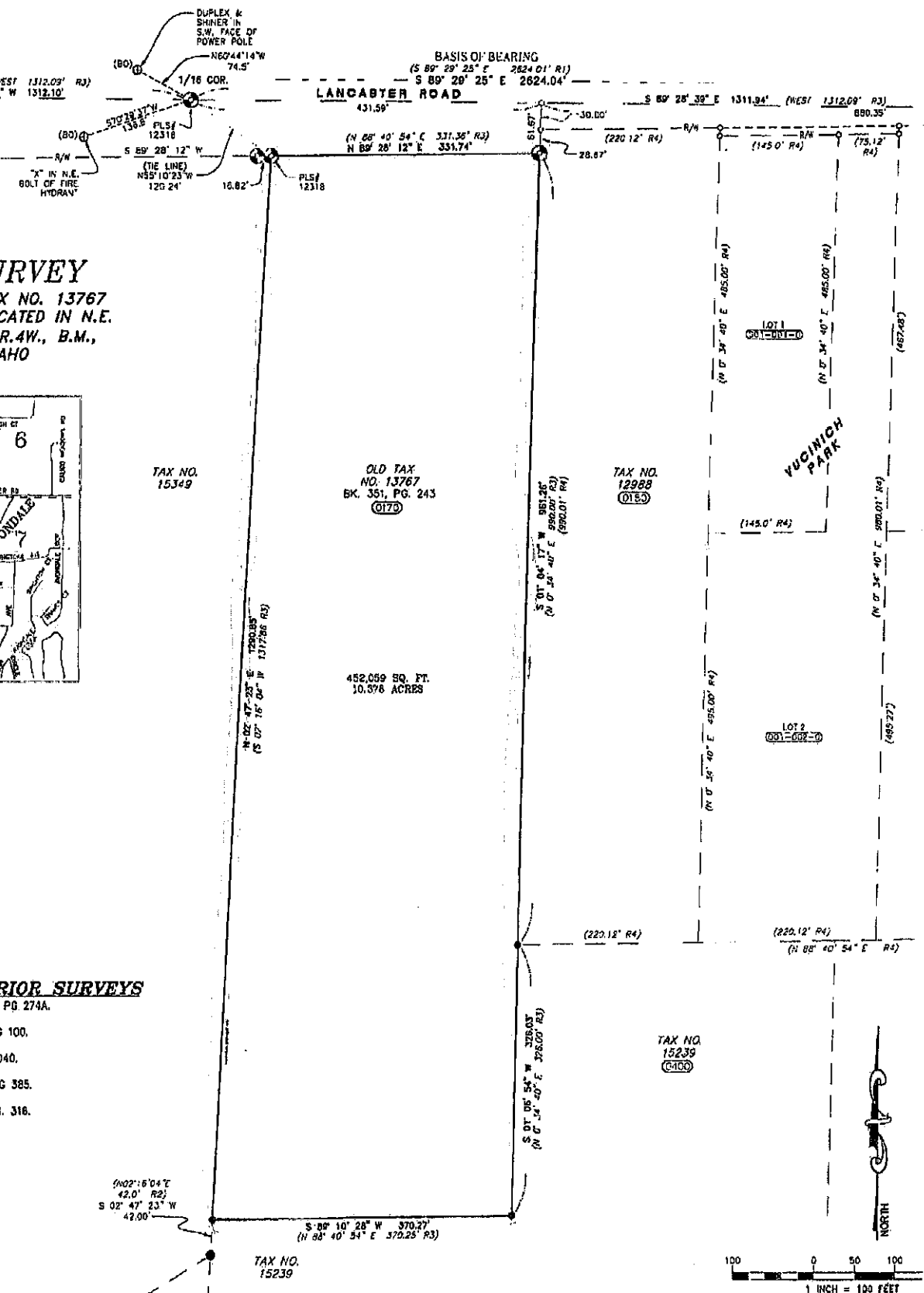
N. 1/4 Cor.  
 TO 5/8 N. DIA. IRON  
 DS WITH 2-1/2 IN. DIA.  
 LUM. CAP PLS# 5516 PER  
 IPAF HIST. NO. 1250675.

**RECORD OF SURVEY**  
 THE REMAINDER OF OLD TAX NO. 13767  
 & RIGHT OF WAY TAKE, LOCATED IN N.E.  
 OF SECTION 12, T.51N., R.4W., B.M.,  
 KOOTENAI COUNTY, IDAHO



- DEEDS OF RECORD & PRIOR SURVEYS**
- 14WAY PLS 12318 NOV. 2014 BK. 28, PG. 274A.
  - 15WAY PLS 957 OCT. 1989 BK. 20, PG. 100.
  - 16WAY PLS 832 MAY. 1994 BK. 15, PG. 040.
  - 17WAY PLS 5078 JULY 1992 BK. F, PG. 385.
  - 18WAY PLS 4564 APRIL 1986, BK. 4, PG. 316.

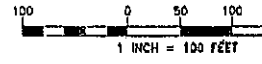
IF SURVEY DOES NOT ATTEMPT TO SHOW ALL  
 RIGHTS-OF-WAY OF RECORD, THE SIZE OR  
 DESCRIPTIVE EASEMENTS, FENCE LINES OR  
 BOUNDARIES OF THE PROPERTY, ITEMS SUCH AS  
 DOTS AND FENCES IF SHOWN, ARE FOR  
 PURPOSES ONLY.



SCALE: 1" = 100'	DRAWN: ASG	JOB NO: 20.071 DWG FILE: ME-20071ROS
DATE: AUG 10, 2020	CHECKED: SMR	CREW: TAB & DEG



**MECKEL ENGINEERING & SURVEYING**  
 7500 N. GOVERNMENT WAY, COEUR D'ALENE, IDAHO, 83815 (2





# **Exhibit C**

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

**HIEBERT LIVING TRUST and SELKIRK CONSTRUCTION ANNEXATIONS**

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

Date: November 5, 2020

Time: 12:30 p.m.

Location: 13649 N. Meyer Rd., Rathdrum, ID 83858-4904

The annexation hearing is based upon petitions filed by the following parties for the properties identified in such petition:

- The Hiebert Living Trust (Parcel No. 51N04W120170 / AIN 168108)
- Selkirk Construction LLC (Parcel No. 0661000B0020 / AIN 187608)

Copies of the petitions and additional descriptions 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 hearing may show cause in writing why any 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 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 19<sup>th</sup> day of October 2020.

NORTH KOOTENAI WATER DISTRICT  
Kootenai County, Idaho



**AFFIDAVIT OF PUBLICATION**

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

**HIEBERT LIVING TRUST and  
SELKIRK CONSTRUCTION  
ANNEXATIONS**

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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 19th day of October 2020.  
NORTH KOOTENAI WATER DISTRICT Kootenai County, Idaho  
CDA LEGAL 4406  
AD#413880  
OCTOBER 22, 29, 2020

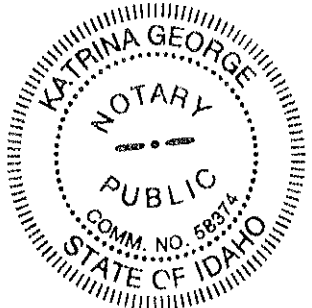
STATE OF IDAHO )  
 ) ss.  
County of Kootenai )

Mary Moore, 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 22 day of October, 2020, and ending on the 29 day of October, 2020, 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

Mary Moore

On this 29 day of October in the year of 2020 before me, a Notary Public, personally appeared Mary Moore, 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.



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

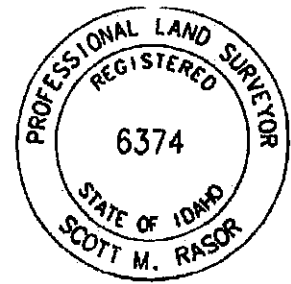
**My Commission Expires 8/29/23**

# **Exhibit D**



EXHIBIT "A"

MECKEL ENGINEERING & SURVEYING  
7600 N. Government Way, Suite 3  
Dalton Gardens, ID 83815  
Office 208-667-4638 • Fax 208-664-3347  
[www.meckel.com](http://www.meckel.com)



October 9, 2020

CORRECTED

Sec 12, T51N, R4W

**HIEBERT REMAINDER PARCEL  
AFTER RIGHT OF WAY TAKE  
LEGAL DESCRIPTION**

A parcel of land being that portion of Tax Number 13767, as described in Deed recorded in Book 351 at Page 243, remaining after right of way take for Lancaster Road, as described in Right of Way Deed recorded under Instrument Number 2313938000, situated in the East half of the Northeast Quarter of Section 12, Township 51 North, Range 4 West, Boise Meridian, Kootenai County, Idaho, more particularly described as follows:

Commencing at the Northeast corner of said Section 12, monumented with an iron rod, 5/8 inch diameter, with an aluminum cap, marked PLS 4565 according to Corner Perpetuation and Filing Record form recorded under Instrument Number 1768334, from which the North Quarter corner of said Section 12, monumented with an existing iron rod, 5/8 inch diameter, with aluminum cap marked PLS 5078, according to Corner Perpetuation and Filing Record form recorded under Instrument Number 1250675, bears, North 89°29'25" West, a distance of 2,624.04 feet;

thence along the North line of said Section 12, North 89°29'25" West, a distance of 880.35 feet;

thence leaving said Section line, South 01°04'17" West, a distance of 61.67 feet to an existing iron rod, 5/8 inch diameter with zinc cap marked PLS 4565, as shown on Record of Surveys recorded in Book 28 at Pages 117 and 274, on the South right of way line of Lancaster Road, on the East line of said Tax Number 13767, as described in Right of Way Deed recorded under Instrument Number 2313938000, the Point of Beginning;

thence along the East line of said Tax Number 13767, as shown on the Record of Survey recorded in Book 15 at Page 40, South 01°04'17" West, a distance of 961.26 feet to an existing iron rod, 1/2 inch diameter with a plastic cap marked PLS 4564, as shown on Record of Survey recorded in Book 4 at Page 316;

thence continuing along said East line, South 01°06'54" West, a distance of 326.03 feet to an existing iron rod, 1/2 inch diameter, with a plastic cap marked PLS 4564 at the Southeast corner of said Tax Number 13767;

thence along the South line of said Tax Number 13767, South 89°10'28" West, a

Hiebert Remainder Parcel  
After Right of Way Take  
Legal Description

distance of 370.27 feet to an existing iron rod, 1/2 inch diameter with a plastic cap marked PLS 4564 at the Southwest corner of said Tax Number 13767;

thence along the West line of said Tax Number 13767, North 02°47'23" East, a distance of 1290.85 feet to an existing iron rod, 5/8 inch diameter with a zinc cap marked PLS 12318 on the South right of way line of Lancaster Road;

thence along said South right of way line, North 89°28'12" East, a distance of 331.74 feet to the Point of Beginning, containing 10.378 Acres of land, more or less.

SUBJECT TO:

Any existing rights of way, easements, covenants, conditions, rights, reservations, restrictions, encumbrances or applicable subdivision, building and zoning ordinances and use regulations, of record or in view.