

RESOLUTION NO. 2007-11

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 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

Hemlock Hills 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 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 petition it has received from property owners:

(a) The Board has received a petition signed by Christopher L. Cheeley, Managing Member, A Thousand Hills, LLC, an Idaho limited liability company (the "Cheeley Property"). The petition represents all (100%) of the property owners in the area proposed to be annexed into the District, with the signatures properly acknowledged as required by Idaho Code. A copy of the petition with signature thereon is attached hereto and incorporated herein by this referenced as Exhibit "A."

(b) The Cheeley Property proposed to be annexed into the District is described and depicted in map form attached hereto and incorporated herein by this reference as Exhibit "B."

(c) The petitioner did pay a reasonable filing fee as determined by the Board, and has 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 November 1, 2007, 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.

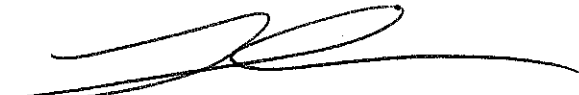
**Section 4:** Ratification. The Board hereby ratifies all acts taken by members of the Board and/or agents on behalf of the Board or District relative to this potential annexation, and the hearing process is hereby ratified and approved.

**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.

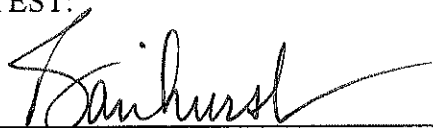
**Section 6:** Effective Date. This Resolution shall become and is effective as of the date of its adoption.

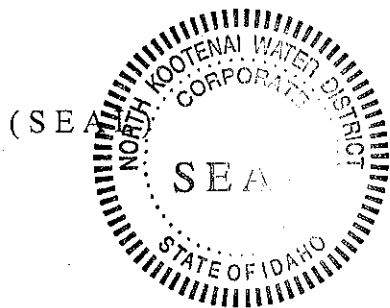
DATED this 4<sup>th</sup> day of October, 2007.

NORTH KOOTENAI WATER DISTRICT  
Kootenai County, Idaho

  
\_\_\_\_\_  
Chairman, Board of Directors

ATTEST:

  
\_\_\_\_\_  
District Secretary



K:1738243100007117040\_MCO17040R2G33

\*\*\*\*\*

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 October 4, 2007, 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: *Five*

NAYS, Directors: *None*

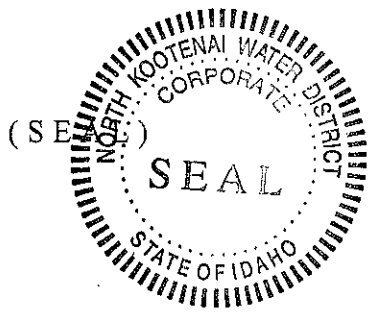
ABSENT, Directors: *None*

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 October 4, 2007.

  
\_\_\_\_\_  
District Secretary



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

**NORTH KOOTENAI WATER DISTRICT  
Kootenai County, Idaho**

**HEMLOCK HILLS 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: November 1, 2007

Time: 12:30 p.m.

Location: 1841 West Hayden Avenue, Hayden, ID 83835

The annexation hearing is based upon a petition filed by Christopher L. Cheeley, Managing Member, A Thousand Hills, LLC, dated September 27, 2007. 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 4<sup>th</sup> day of October, 2007.

NORTH KOOTENAI WATER DISTRICT  
Kootenai County, Idaho

By:   
Its: Secretary

**EXHIBIT "A"**

**Petition for Annexation**

Michael C Ormsby  
Attorney at Law  
Preston | Gates | Ellis LLP  
601 West Riverside Avenue, Suite 1400  
Spokane, WA 99201-0628  
Phone: (509) 624-2100  
Fax: (509) 444-7868

Attorney for North Kootenai Water District

IN THE DISTRICT COURT OF THE FIRST JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN  
AND FOR THE COUNTY OF KOOTENAI

In the Matter of: )  
 )  
NORTH KOOTENAI WATER ) PETITION FOR ANNEXATION  
DISTRICT )  
 )  
 )  
 )  
 )  
 )

Come now the undersigned, being all of the owners of the parcel of real property in  
Kootenai County, Idaho, described more particularly as:

*All that portion of the South half of the Southwest quarter of Section 21, Township 51 North,  
Range 3 West, Boise Meridian, Kootenai County, Idaho, described as follows:*

*Commencing at a found iron pipe and brass cap marking the Southwest corner of Section 21;*

*Thence along the West line of section 21, North 00 degrees 02'14" West, a distance of 851.12  
feet to the point of beginning;*

*Thence continuing along the West line of Section 21, North 00 degrees 02-14" West, a  
distance of 490.01 feet to the Northwest corner of the South half of the Southwest quarter of  
Section 21;*

*Thence along the North line of the South half of the Southwest quarter of Section 21, South 89  
degrees 40' 42" East, a distance of 1815.04 feet;*

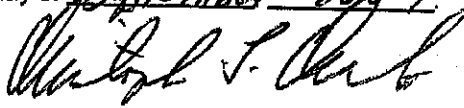
*Thence parallel with the West line of Section 21, South 00 degrees 02'14" East, a distance of  
490.01 feet;*

*Thence parallel with the North line of the South half of the Southwest quarter of Section 21,  
North 89 degrees 40' 42" West, a distance of 1815.04 feet to the point of beginning.*

*Less any portion within the road right of way.*

who individually and collectively pray that such property be annexed and included in the North  
Kootenai Water District upon adoption of a resolution to such effect by the Board of Directors of  
said District.

As specified by Idaho code Section 42-3218, a filing fee in the amount of \$500.00 representing the costs of filing, publication and processing of this petition accompanies the petitioners' submission of this request to the district.

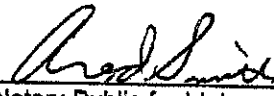
Date this 27<sup>th</sup> day of September 2007  
(Notarized Owner's Signatures) 

STATE OF IDAHO

)  
ss.  
)

County of Kootenai

On this 27<sup>th</sup> day of September, 2007, before me, a Notary Public in and for the State of Idaho, personal appeared Christopher L. Cheeley Known or identified to me to be the persons whose names are subscribed to the within instrument, and acknowledged to me that they executed the same.

  
Notary Public for Idaho  
Residing at 2726 E. Knapp Circle, Post Falls, ID  
Commission Expires: 11-3-2017  
83854

AREND SMITH  
NOTARY PUBLIC  
STATE OF IDAHO

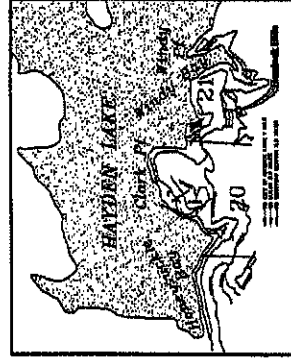
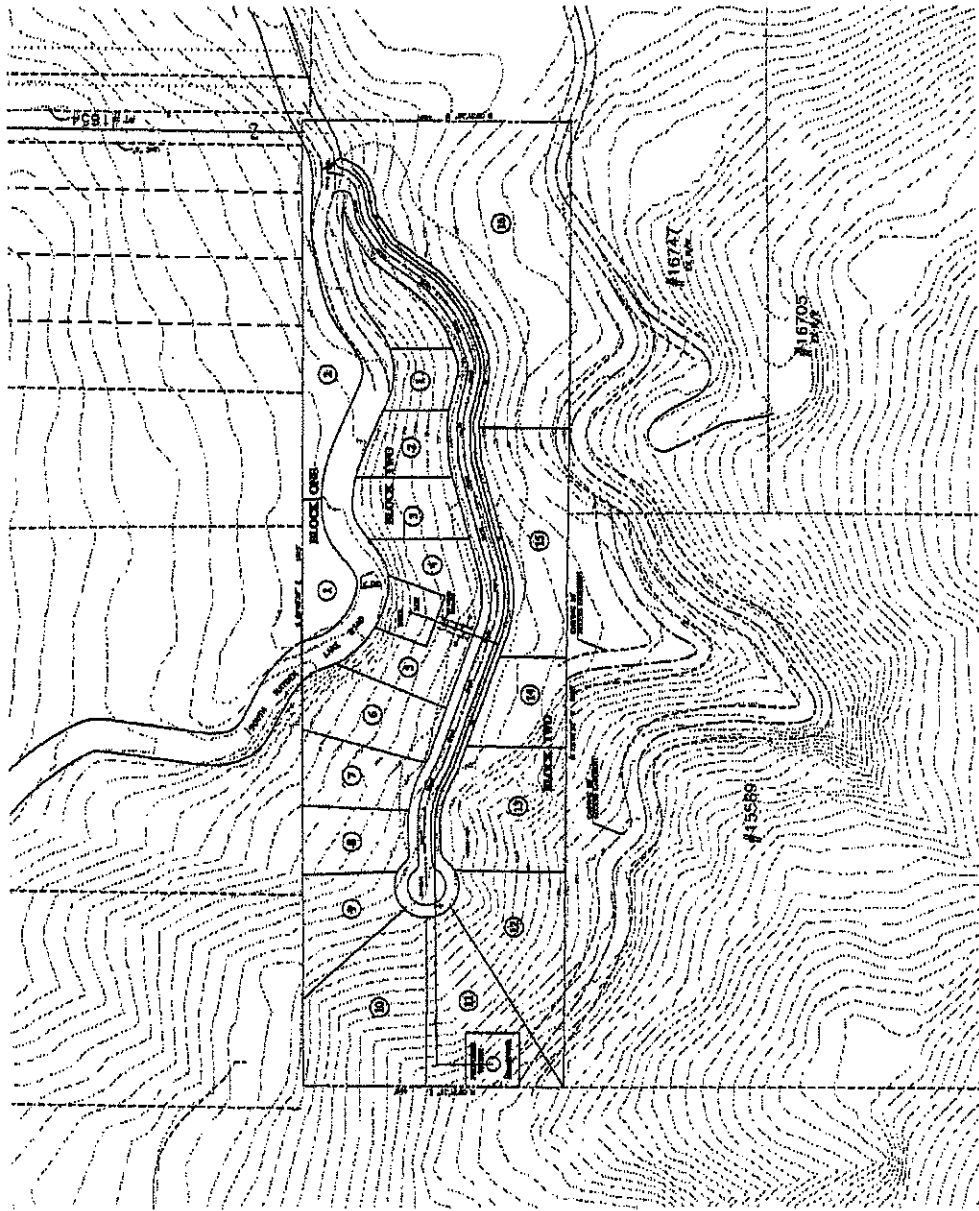


**EXHIBIT "B"**

**Map (Cheeley Property)**

# Preliminary Plat of Hemlock Hills

IN A PORTION OF SECTION 21, T. 51 N., R. 3 W., B.M.  
KOOTENAI COUNTY, IDAHO



Vicinity Map

<b>FRANK &amp; SARTANA, P.A.</b> Consulting Engineers 105 NORTH 6th STREET, BOISE, IDAHO 83725 PHONE 333-2171/2172/2173		PROJECT TITLE PRELIMINARY PLAT OF HEMLOCK HILLS IN A PORTION OF SECTION 21, T. 51 N., R. 3 W., B.M.	SHEET NO. 13
DATE 1954	DRAWN BY F.S.	CHECKED BY F.S.	SCALE 1" = 100 FT.

S2-SW Sec.21 Twp.51N. R.3 W.B.M.

51N03W-21

BEFORE THE STATE ENGINEER'S OFFICE  
FOR THE REGISTRATION OF PLATS

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
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REGISTERED COUNTY  
IDAHO

**ARCHIVE REVISIONS**

NO.	DATE	BY	REVISION

DATE OF THIS PLAT: \_\_\_\_\_

BY: \_\_\_\_\_

**NOTES:**

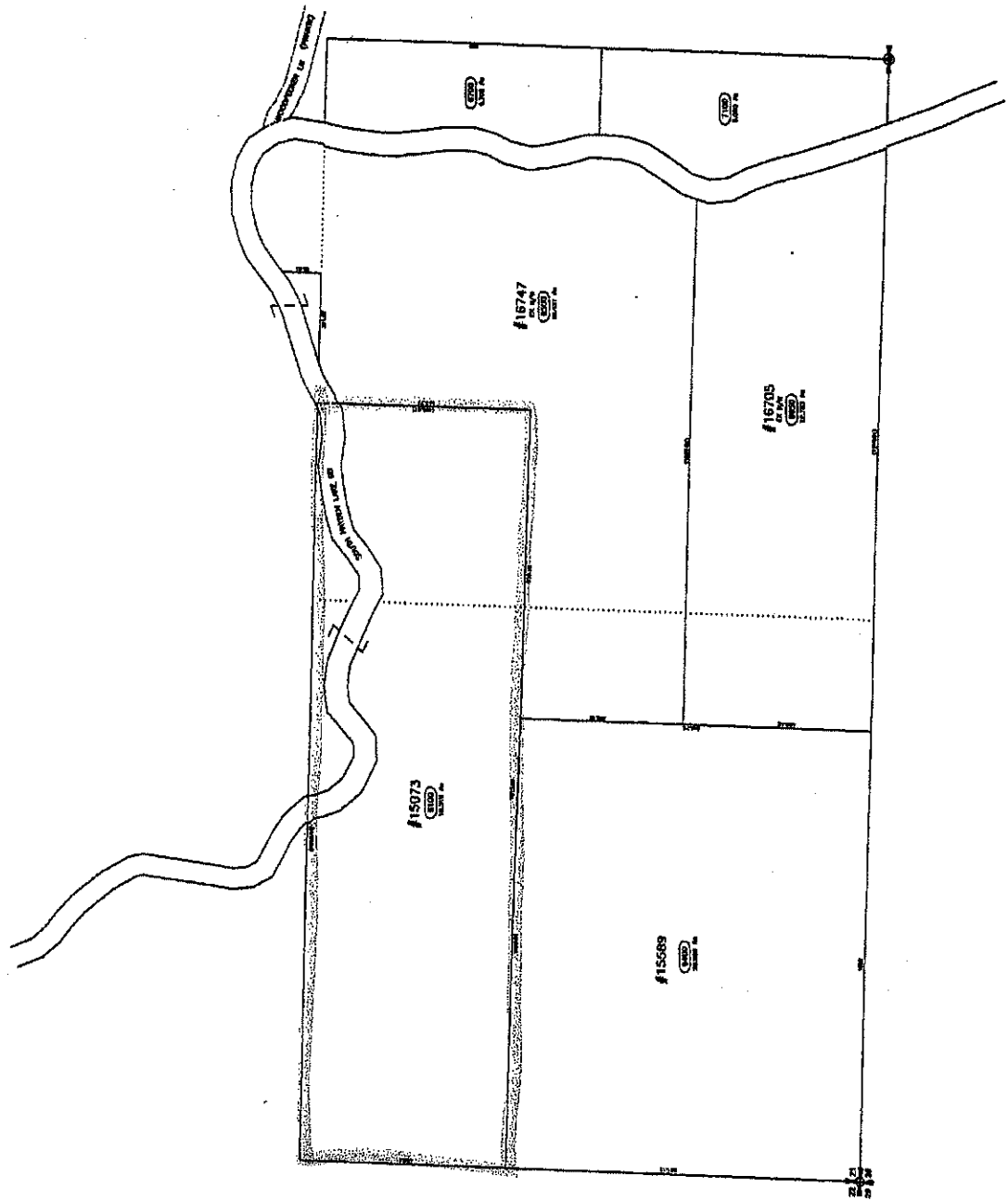
1. THIS PLAT IS SUBJECT TO ALL RIGHTS OF EGRESS AND AVAILABILITY OF WATER RIGHTS AS SHOWN ON THE PLAT.

2. THE PLAT IS SUBJECT TO ALL RIGHTS OF EGRESS AND AVAILABILITY OF WATER RIGHTS AS SHOWN ON THE PLAT.

3. THE PLAT IS SUBJECT TO ALL RIGHTS OF EGRESS AND AVAILABILITY OF WATER RIGHTS AS SHOWN ON THE PLAT.

4. THE PLAT IS SUBJECT TO ALL RIGHTS OF EGRESS AND AVAILABILITY OF WATER RIGHTS AS SHOWN ON THE PLAT.

5. THE PLAT IS SUBJECT TO ALL RIGHTS OF EGRESS AND AVAILABILITY OF WATER RIGHTS AS SHOWN ON THE PLAT.



SCALE: 1 INCH = 200 FEET

S2-SW Sec.21 Twp.51N. R.3W.B.M.