BEFORE THE BOARD OF DIRECTORS OF THE

NORTH LAKE RECREATIONAL SEWER AND WATER DISTRICT

VALLEY COUNTY, IDAHO

IN THE MATTER OF THE INCLUSION )

OF CERTAIN REAL PROPERTY IN THE ) PETITION FOR THE

NORTH LAKE RECREATIONAL SEWER ) INCLUSION OF CERTAIN

AND WATER DISTRICT BY: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_) REAL PROPERTY IN THE

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_) NORTH LAKE RECREATIONAL

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_) SEWER AND WATER DISTRICT

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_)

COMES NOW your Petitioner, \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_,

and petitions the Board of Directors of the North Lake Recreational Sewer and Water District as follows:

I.

Your Petitioners are the owners of the real property situated within the County of Valley, State of Idaho, particularly described in Exhibit “A”, attached hereto, and incorporated herein by reference.

II.

Your Petitioners are desirous that the above-described property be included in, made or part of, and be served with any sewage collection and/or drain facilities or potable water distribution constructed by the North Lake Recreational Sewer and Water District, Valley County, Idaho.

III.

Your 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 Valley 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 North Lake Recreational Sewer and Water District, the Board enter its order that the above-described property be included within the boundaries of the

said North Lake Recreational Sewer and Water District, and that such order be filed with the Clerk of the District Court, Valley County, Idaho.

IV.

That your 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:

1. 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 sewer and water system master planning, design consultations, plan reviews, and final approval of the Petitioner’s construction plans and specifications for sewer and/or water facilities.

1. The Petitioner shall be responsible for all sanitary sewer facilities and/or potable water facilities that will be necessary to serve the Petitioner’s annexed property. These sewer facilities and/or potable water facilities will include those required within the annexed property as well as all necessary sewer/water facilities needed to extend sewer/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 sewer/water facilities that serve his annexed area may be connected to the District’s sewer/water facilities. Upon completion of installation and approval by the District of all sewer/water facilities the Petitioner shall dedicate such facilities to the District.
2. The District shall not be obligated to serve any property annexed within the District where the District has determined there is not sufficient 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 sewer/water connection permit has been obtained. If construction is not completed within two (2) years from the date the sewer/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.
3. At the time each sewer connection permit is issued and prior to connection of the sewer system to each private facility, a sewer service availability fee of no less than Six Thousand Dollars ($6,000.00) per lot or equivalent dwelling unit and a sewer line capacity fee of no less than One Thousand Five Hundred Dollars ($1,500.00) shall be paid to repay the District for the cost of developing the District’s core sewer 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 sewer service availability fees or sewer line capacity fees may increase at such time as the District Board determines such fees are not adequate to reimburse the District for the cost incurred in developing the sewer system. The sewer service availability fee and sewer line capacity fees shall be in addition to actual costs required for connecting to the actual main sewer line.

5. At the time each water connection permit is issued and prior to connection of the water system to each private facility, a water service availability fee of no less than Six thousand dollars ($6,000.00) per lot or equivalent dwelling unit and a water line capacity fee of no less than One Thousand Five Hundred Dollars ($1,500.00) 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 water service availability fees or water line capacity fees may increase at such time as the District Board determines such fees are not adequate to reimburse the District for the cost incurred in developing the water system. The water service availability fee and water line capacity fees shall be in addition to actual costs required for connecting to the actual main water line.

1. And such other conditions as the District may prescribe.

WHEREFORE, your 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 VI above.

DATED this \_\_\_\_\_day of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, 20\_\_\_

Petitioner: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Address: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Petitioner: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Address: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

STATE OF IDAHO )

) ss.

County of \_\_\_\_\_\_\_\_ )

On this \_\_\_\_\_\_\_\_\_\_day of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, 20\_\_\_, before me, a Notary Public in and for the State of Idaho, personally appeared \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, known to be 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.

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Notary Public for Idaho

Residing in: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

My Commission Expires: \_\_\_\_\_\_\_\_\_\_\_\_

EXHIBIT "A”

Legal Description of Annexed Property