

Resolution 2013-63
Payment of Costs and Attorney's Fees
Coeur d' Alene Paving/Kaufman

WHEREAS, Coeur d' Alene Paving, Inc. aka Todd Kaufman, owns a piece of property located near the Idaho-Washington border in Kootenai County known as the "State Line site" and operates an asphalt batch on property located near Rathdrum, Idaho known as the Highway 53 site; and

WHEREAS, a special notice permit was applied for to operate a concrete and asphalt batch on the State Line site; and

WHEREAS, the Kootenai County Board of Commissioners held a public hearing, conducted a site visit and granted the special notice permit subject to nine conditions of approval; and

WHEREAS, a Petition for Judicial Review was filed with the Kootenai County District Court, Case #CV-12-8954 pertaining to condition 6.04; and

WHEREAS, a Memorandum Opinion and Judicial Review was completed by Judge John Patrick Luster on June 26, 2013; and

WHEREAS, it was the Court's decision to strike condition 6.04; and

WHEREAS, because the condition was based on a finding that was not supported by the record, the Court awards reasonable attorney fees to the petitioner under *Idaho Code* §12-117; and

WHEREAS, Attorney Mike Chapman has submitted a Memorandum of Costs and Attorney's Fees in the amount of \$9,952.75;

NOW THEREFORE, IT IS HEREBY RESOLVED, that Kootenai County will provide reimbursement to Mr. Chapman for attorney's fees in the matter of Coeur d' Alene Paving aka Todd Kaufman v. Board of Commissioners, Kootenai County, State of Idaho in the amount of \$9,952.75.

Upon a motion to adopt the text of the foregoing Resolution made by Commissioner Green, seconded by Commissioner Tondee, the following vote was recorded:

Commissioner Nelson:	Excused
Commissioner Green:	Aye
Chairman Tondee:	Aye

Upon said roll call, the text of the foregoing was duly enacted as a Resolution of the Board of Commissioners of Kootenai County, Idaho on the 6th day of August, 2013.

KOOTENAI COUNTY
BOARD OF COMMISSIONERS

W. Todd Tondee, Chairman

Daniel H. Green, Commissioner

Jai Nelson, Commissioner

ATTEST:
CLIFFORD T. HAYES, CLERK

By: _____
Deputy Clerk