

BONNEVILLE COUNTY, IDAHO

ORDINANCE NO. 108-77

AN ORDINANCE DESCRIBING AND CREATING LOCAL IMPROVEMENT DISTRICT NO. 2 OF THE COUNTY OF BONNEVILLE, STATE OF IDAHO, AND ORDERING THE IMPROVEMENT OF CERTAIN PROPERTY THEREIN BY PURCHASING, BUILDING, INSTALLING OR CONSTRUCTING A SANITARY SEWAGE COLLECTION SYSTEM ALONG THE PUBLIC EASEMENTS OR STREETS ADJACENT TO SAID PROPERTIES WHICH SAID CONSTRUCTION SHALL INCLUDE EXCAVATING OF THE TRENCHES, LAYING THE SEWER PIPE, CONSTRUCTING MANHOLES, TESTING COMPLETED WORK, BACKFILLING THE TRENCH, RESTORING SURFACE FEATURES, INSTALLING AND CONSTRUCTION OF SERVICE LINE FACILITIES FROM SAID SEWER TO THE FRONT LINE ON PROPERTIES WITH EXISTING STRUCTURES AND TO MAKE SUCH CONNECTIONS AND CONSTRUCT SUCH SEWER COLLECTION SYSTEM AS DEEMED NECESSARY FOR THE SERVICE OF SAID PROPERTIES, FOR SEWAGE COLLECTION FACILITIES, FOR THE COMFORT, CONVENIENCE AND WELL BEING OF THE SAID BONNEVILLE COUNTY AND THE RESIDENTS THEREIN AND TO CONSTRUCT ALL SUCH SEWAGE COLLECTION FACILITIES AND COLLECTION LINES AND APPURTENANCES TO CONFORM WITH THE GENERAL REGULATIONS OF THE IDAHO STATE DEPARTMENT OF HEALTH FOR SANITARY SEWER FACILITIES; PROVIDING FOR THE PAYMENT OF THE COSTS OF SAID IMPROVEMENTS BY ASSESSMENTS AGAINST THE PROPERTY WITHIN SUCH DISTRICT BENEFITED THEREBY; PROVIDING THAT SAID ASSESSMENTS MAY BE MADE IN FIFTEEN (15) ANNUAL INSTALLMENTS; PROVIDING FOR THE ISSUANCE OF LOCAL IMPROVEMENT WARRANTS AND BONDS AND PROVIDING FOR THE PUBLICATION AND EFFECTIVE DATE OF THIS ORDINANCE.

BE IT ORDAINED BY THE COUNTY COMMISSIONERS OF THE COUNTY OF BONNEVILLE, STATE OF IDAHO:

Section 1. That there is hereby created and established a Local Improvement District in the County of Bonneville, State of Idaho, to be known as Bonneville County Woodruff-North Highway Sanitary Sewer "LOCAL IMPROVEMENT DISTRICT NO. 2" for the improvement of certain properties by purchasing, building, installing or constructing a sanitary sewage collection system along the public easements or streets adjacent to said properties which said construction shall include excavating of the trenches, laying the sewer pipe, constructing manholes, testing completed work, backfilling the trench, restoring surface features, installing and construction of service line facilities from said sewer to the front line on properties with existing structures and to make such connections and construct such sewer collection system as deemed necessary for the service of said properties, for sewage collection facilities, for the comfort, convenience and well being of the said Bonneville County and the residents therein and to construct all such sewage collection facilities and collection lines and appurtenances to conform with the general regulations of the Idaho State Department of Health for sanitary sewer facilities.

Section 2. That said Local Improvement District shall include all of the property within the following boundaries which are hereby established as the boundaries of said District: The following described properties which are all

located within the County of Bonneville, State of Idaho:

Section 16 T2N R38 EBM

UNPLATTED LANDS

Beginning at a point that is S89°39'08" E. along the section line 470.00 feet from the Northwest corner Section 16, Township 2 North, Range 38 east of the Boise Meridian and running thence S89°39'08" E. along the section line 615.00 feet; thence S0°28'45" W. 333.00 feet; thence N89°39'08"W. 615.00 feet; thence N0°28'45" E. 333.00 feet to the point of beginning; containing 4.7 acres more or less.

Section 17 T2N R38 EBM

UNPLATTED LANDS

That portion of the Northeast quarter of Section 17, Township 2 North, Range 38 East of the Boise Meridian lying East of the Idaho Canal and North of the Meppen Canal excepting therefrom the property contained within the Chaffin Addition and the Valley Bank Addition.

Section 8 T2N R38 EBM

UNPLATTED LANDS

Beginning at the Southeast corner of Section 8, Township 2 North, Range 38 East of the Boise Meridian and running thence N89°34'38" W. along the section line 1409.52 feet to the East boundary of the Idaho Canal; thence Northerly along said East boundary of the Idaho Canal to a point that is 1800 feet Northwesterly perpendicular from the centerline of the Yellowstone Highway; thence Northeasterly on a line parallel to and 1800 feet from the centerline of the Yellowstone Highway until said line intersects the Easterly boundary of Section 8; thence S0°15'42" W. along the section line to the point of beginning.

Section 9 T2N R38 EBM

UNPLATTED LANDS

Beginning at a point that is N0°15'42" E. along the section line 2330.77 feet from the Southeast corner of Section 9 Township 2 North, Range 38 East of the Boise Meridian, said point of beginning being on the Southeast right-of-way line of Yellowstone Highway; and running thence N0°15'42" E. along the section line 2100 feet more or less to a point of intersection that is 1800 feet perpendicular from the centerline of the Yellowstone Highway; thence Easterly to a point on the East line of the West half of Section 9 that is 400 feet North of the centerline of the Yellowstone Highway; thence S89°17'22" W. along the East-West centerline 2110 feet more or less to the Southeasterly right-of-way line of the Yellowstone Highway; thence Southwesterly along said right-of-way line 611.18 feet more or less to the point of beginning.

Beginning at the Southeast corner of Section 9, Township 2 North, Range 38 East of the Boise Meridian and run-

ning thence N0°15'42" E. along the section line 521.23 feet; thence S89°44'18" E. 175.00 feet; thence S0°15'42" W. 521.50 feet; thence N 89°39'08" W. along the section line 175.00 feet to the point of beginning.

Beginning at a point that is S89°39'08" E. along the section line 850.00 feet from the Southwest corner of Section 9, Township 2 North, Range 38 East of the Boise Meridian and running thence N0°15'42" W. 277.50 feet; thence N 89°39'08" W. along the section line 235.00 feet more or less to the point of beginning.

PLATTED LANDS

All of the Hodson Addition, Bonneville County, Idaho.

From Patricia C. Olsen as her sole and separate property.

Beginning at a point that is N.0°28'45"E. 661.03 feet along the Section line, and S.88°26'35"E. 1320.71 feet from the West 1/4 corner of Section 16, T. 2N., R. 38 E.B.M., and running thence S.88°26'35"E. 787.27 feet; thence S. 2°33'25" W. 529.83 feet; thence S.89° 52'45" W. 441.94 feet; thence S.0°13'34" W. 14.00 feet thence N.88°58'03" W. 286.06 feet, to the East Right-of-way line of Woodruff Avenue; thence N.0°27'21" E. 108.26 feet along said right-of-way line to a point of curve with a radius of 2585.86 feet; thence to the left along said curve 454.24 feet to the point of beginning, containing 9.360 acres.

Faye Chaffin Ward as her sole and separate property.

Beginning at a point that is N 0°28'45" E. 516.00 feet along the Section line from the West 1/4 Corner of Section 16, T. 2N., R. 38 E.B.M., and running thence N.0°28'45" E. 145.03 feet along said Section line; thence S.88°26'35" E. 1239.12 feet to a point on a curve on the West Right-of-way of Woodruff Avenue, said curve having a radius of 2505.86 feet and a chord that bears S.4°45'26" E. 455.36 feet; thence to the right along said curve 455.99 feet; thence S 0°27'21" W. 81.58 feet; thence N87°41'02" W. 593.96 feet; thence N.0°49'27" E. 381.32 feet; thence N.88°26'35" W. 689.25 feet to the point of beginning, containing 9.360 acres.

Section 3. That the improvements in Section 1 hereof shall be made and the costs and expenses thereof shall be taxed and assessed upon all of the property in such Local Improvement District No. 2 which costs and expense shall be assessed in proportion to the benefits derived to such property by said improvements. The total cost of the improvements is estimated to be \$748,000.00 of which the sum of \$110,000.00 shall be paid by the City of Idaho Falls and the sum of \$110,000.00 shall be paid by the County of Bonneville and the balance of \$528,000.00 shall be paid by assessments upon the property described in proportion to the benefits derived to such property by said improvements.

Section 4. That said assessments shall be paid in fifteen (15) equal, annual installments if not otherwise paid as provided by law and by this Ordinance.

Section 5. That the said work of making the said improvements as above described, shall be performed by contract, let to the lowest and best bidder after due notice as required by law.

Section 6. That to provide for the immediate payment of improvements herein provided for pending the payment of installments on assessments herein provided for, the County shall issue in the name of the County, improvement bonds of the said Local Improvement District No. 2 for sewer improvements. Said bonds shall be in serial form and as nearly as may be with fifteen (15) equal, annual maturities. The first installment to mature within one (1) year from the date thereof and the last installment to mature not more than fifteen (15) years from the date and numbered from one (1) upward consecutively and shall bear interest at the rate not to exceed seven per cent (7%) per annum, payable annually which bonds shall be in the denominations of \$500.00 each except that only bond number 1 may be of a denomination other than a multiple of \$100.00. Each bond and coupon shall be signed by the Chairman at the Board of County Commissioners, counter signed by the Treasurer and attested by the Clerk of said County, except coupons in lieu of having been signed, may have been printed thereon and the facsimile signatures of said officers and such bonds shall have the seal of the County affixed thereto and shall refer to the improvement district of the payment of which the same shall be issued and each bond shall provide that the principal sum therein named and the interest thereon shall be payable out of the local improvement fund created for the costs and expenses of such improvements and not otherwise.

Section 7. Such bonds may be issued to the contractor constructing the improvements in payment thereof or the Board of County Commissioners may proceed to sell the same in private or public sale at not less than their par value net and pay the proceeds thereof to the contractor. If the Board of County Commissioners shall determine to issue and sell said bonds they may, for the purpose of making said improvements as the same are installed prior to the sale of said bonds, issue warrants against the improvement district payable to the contractor or other person upon the estimates of the Engineer for the County bearing interest at not in excess of seven percent (7%) per annum, which warrants, together with interest thereon to the date of the issuance of such bonds shall be redeemed and retired by the proceeds of the sale of said bonds.

Section 8. Said bonds shall not be issued in excess of the contract price, including engineer, legal and clerical services, advertising, cost of construction, cost of collecting assessments and interest on warrants, issued as aforesaid, and the installments shall include the annual interest on installments to the maturity thereof and said assessments herein provided for against the lots, pieces and parcels of land included,

within said Local Improvement District for Sewer Improvement, shall be levied each year by the County sufficient to redeem the installment of said bonds next thereafter maturing, together with the interest due at the maturity of the next installment.

Section 9. That all matters and things done and performed in regard to the creation of the said Local Improvement District, the mode and manner of payments thereof, and the mode, the issuance and form of bonds of said District, and the mode and manner of making and collecting the assessments shall be governed by the provisions of the Local Improvement District Code, Chapter 17 of Title 50, Idaho Code. Each and all of the provisions thereof in regard to all of said matters and all matters concerning the creating of the improvement district and the doing of the improvements and the payments thereof are hereby expressly incorporated as part of this Ordinance.

Section 10. This Ordinance shall take effect and be in full force upon its passage, approval and publication in one issue of the Post-Register, a newspaper of general circulation in said City, published at Idaho Falls, Idaho, and being the official newspaper of said City.

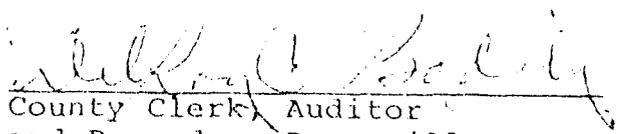
Passed under suspension of rules upon which a roll call vote was duly taken and duly enacted an Ordinance of the County of Bonneville, State of Idaho, at a regular meeting of the Board of County Commissioners held on October 12, 1977, at 10:00 o'clock a.m.

PASSED and APPROVED this 12th day of October, 1977.



Chairman, Board of County
Commissioners

ATTEST:



County Clerk, Auditor
and Recorder, Bonneville
County