

ORDINANCE NO. 111-79
COUNTY OF BONNEVILLE
STATE OF IDAHO

AN ORDINANCE CONFIRMING THE ASSESSMENT ROLL AS CORRECTED BY THE COUNTY COMMISSIONERS OF THE COUNTY OF BONNEVILLE IN RELATION TO THE BENEFITS ACCRUING THEREON AS A RESULT OF THE IMPROVEMENTS BEING MADE FOR A LOCAL IMPROVEMENT DISTRICT NO. 2, WOODRUFF AVENUE - NORTH YELLOWSTONE SANITARY SEWAGE PROJECT OF THE COUNTY OF BONNEVILLE, STATE OF IDAHO; DETERMINING THE REGULARITY, VALIDITY AND CORRECTNESS OF THE ASSESSMENT ROLL OF EACH ASSESSMENT CONTAINED THEREIN AND OF THE AMOUNT THEREOF LEVIED ON EACH LOT OR PARCEL OF LAND; DETERMINING THAT EACH LOT OR PARCEL OF LAND IS BENEFITED TO THE AMOUNT OF THE ASSESSMENT LEVIED THEREON PROVIDING THAT THE ASSESSMENTS CONTAINED IN SAID ASSESSMENT ROLL SHALL BE DUE AND PAYABLE TO THE TREASURER OF THE COUNTY OF BONNEVILLE WITHIN THIRTY DAYS FROM THE DATE OF THE ADOPTION OF THE ORDINANCE; PROVIDING THAT SUCH ASSESSMENT ROLL SHALL BE A LIEN UPON THE PROPERTY ASSESSED FOLLOWING THE RECORDING OF NOTICE; DIRECTING THAT NOTICE CONTAINING THE DATE OF THE CONFIRMING ORDINANCE AND A DESCRIPTION OF THE AREA OR BOUNDARIES OF THE DISTRICT BE RECORDED WITH THE COUNTY RECORDER, BONNEVILLE COUNTY, IDAHO; PROVIDING THAT ANY ASSESSMENTS UNPAID AT THE END OF SAID THIRTY-DAY PERIOD SHALL BE PAYABLE IN INSTALLMENTS AND THE COMMISSIONERS SHALL ISSUE INSTALLMENT BONDS PAYABLE FROM SUCH UNPAID INSTALLMENTS; PROVIDING THAT ANY PROPERTY OWNER WHO HAS NOT PAID HIS ASSESSMENT IN FULL WITHIN SAID THIRTY-DAY PERIOD WILL BE CONCLUSIVELY PRESUMED TO HAVE CHOSEN TO PAY THE SAME IN INSTALLMENTS; PROVIDING THAT SAID INSTALLMENTS SHALL RUN FOR A PERIOD OF FIFTEEN YEARS; PROVIDING THAT SAID INSTALLMENTS SHALL BE DUE AND PAYABLE AS NEARLY AS MAY BE IN FIFTEEN EQUAL, ANNUAL AMORTIZED INSTALLMENTS OF PRINCIPAL AND INTEREST TO THE TREASURER OF THE COUNTY OF BONNEVILLE COMMENCING SEPTEMBER 1, 1979, AND UNPAID INSTALLMENTS TO BEAR INTEREST AT NOT TO EXCEED SEVEN PERCENT PER ANNUM FROM THE DATE OF THE ISSUANCE OF THE BONDS; PROVIDING THAT THE ASSESSMENTS MAY BE CARRIED ON THE ROLLS OF THE MUNICIPALITY AND COLLECTED BY THE COUNTY AND IF ANY INSTALLMENT IS NOT PAID WITHIN TWENTY DAYS FROM THE DATE IT IS DUE, THE SAME SHALL BECOME DELINQUENT AND THE TREASURER SHALL ADD A PENALTY OF TWO PERCENT THERE TO; PROVIDING THAT IN ADDITION TO ANY OTHER METHOD OF COLLECTION PROVIDED IN THE LAW THE COMMISSIONERS CERTIFY DELINQUENT INSTALLMENTS TO THE TAX COLLECTOR AND WHEN SO CERTIFIED THIS SHALL BE EXTENDED ON THE TAX ROLL AND COLLECTED AS ARE PROPERTY TAXES; PROVIDING THAT IN THE EVENT ANY PROPERTY OWNER SHOULD CHOOSE TO PAY HIS ASSESSMENT IN FULL AFTER SUCH TIME AS IT HAS BEEN CONCLUSIVELY PRESUMED THAT HE WILL PAY IN INSTALLMENT, SUCH PAYMENT IN FULL SHALL INCLUDE THE FULL AMOUNT OF THE UNPAID ASSESSMENT, PLUS PENALTIES AND ALL INTEREST PAYABLE ON THE SAME, PLUS ADDITIONAL INTEREST THEREON AT THE RATE PROVIDED IN THE BONDS FROM THE DATE OF THE LAST INSTALLMENT DUE TO ONE YEAR AFTER THE NEXT INTEREST DATE OF SAID BONDS; FINDING THAT THE PROPOSED DISTRICT IS NECESSARY AND DESIRABLE; PROVIDING FOR THE PUBLICATION AND AN EFFECTIVE DATE OF THE ORDINANCE.

WHEREAS, the Assessment Roll for Local Improvement District No. 2 was duly filed with the County Commissioners by the County Engineer; and

WHEREAS, due and proper Notice of a hearing upon the Assessment Roll was given by publication and mailing of Notice; and

WHEREAS, public hearing on the Assessment Roll was duly held by the County Commissioner of the County of Bonneville;

NOW, THEREFORE BE IT ORDAINED BY THE COUNTY COMMISSIONERS OF THE COUNTY OF BONNEVILLE AS FOLLOWS:

Section 1.

That each and all of said lots, pieces and parcels of land within said Local Improvement District No. 2, Woodruff Avenue - North Yellowstone Sanitary Sewer Project of the County of Bonneville are the same as described in the said Assessment Roll filed as modified, revised and corrected by the County Commissioners and will be especially benefited by the making and doing of said improvements to an amount in excess of the costs and expenses of said improvements.

Section 2.

That each and every piece of land and property has been, and will be benefited by the doing and making of said improvements at least in the respective amounts set opposite each such lot, tract, piece or parcel of land and other property above referred to.

Section 3.

That the said assessments against each of such lands and property in the Assessment Roll as corrected, revised and confirmed by the County Commissioners, are and have been apportioned in accordance with the special benefits received thereby.

Section 4.

That the said Assessment Roll and the assessments as corrected, revised and confirmed by the County Commissioners are proper, regular and sufficient and are determined to be regular and sufficient and are determined to be regular, valid and correct as to the Assessment Roll and as to each assessment contained therein and of the amount thereof levied on each lot or parcel of land and that said Assessment Roll and each and all of the assessments therein made as amended, revised, corrected and confirmed by the County Commissioners, shall be, and the same hereby are, approved and confirmed in each and every respect.

Section 5.

That the Clerk shall certify and file the confirmed Assessment Roll with the Treasurer of the County of Bonneville and the assessments therein made shall be due and payable to the Treasurer within thirty (30) days from the date of the adoption of this ordinance.

Section 6.

That the confirmed Assessment Roll and the assessments made by the confirmed Assessment Roll shall be a lien upon the property assessed from and after the date of recording of Notice as herein provided.

Section 7.

That the Clerk of the County shall record in the County Recorder's office, Bonneville County, a Notice which shall contain the date of this confirming Ordinance and a description of the area or boundaries of the district.

Section 8.

That any property owner who has not paid his assessment in full within the thirty-(30)-day period as provided will be conclusively presumed to have chosen to pay the same in installments.

Section 9.

That the due date of the first installment payment shall be September 1, 1979 and said installments shall be due and payable as nearly as may be in fifteen (15) equal annual amortized installments of principal and interest payable to the Treasurer of the County of Bonneville. The first or last installment, however, may be more or less than the remaining ones.

Section 10.

That the unpaid installments shall bear interest at the rate not to exceed 7% per annum. With said interest running from the date of passage of this assessment Ordinance.

Section 11.

The Local Improvement District No. 2, Woodruff Avenue - North Yellowstone Sanitary Sewer Project assessments may be carried on the rolls of the county and if any installment is not paid within twenty (20) days from the date it is due the same shall become delinquent and the Treasurer shall add a penalty of two (2) percent thereto.

Section 12.

In addition to any other method of collection provided by law, the council may certify delinquent installments to the tax collector and when so certified they shall be extended on the tax rolls and collected as are property taxes.

Section 13.

In the event any property owner shall choose to pay his assessment in full, after such time as has been conclusively presumed that he will pay it in installments, such payment in full shall include the full amount of the unpaid assessment plus penalties and all interest payable on the same, plus additional interest thereon at the rate provided in the bonds from the date of the last installment due to one year after the next interest date of said bonds.

Section 14.

That the Board of County Commissioners has made a finding that the creation of the District L.I.D. No. 2 was necessary and desirable, taking into consideration the following:

- (a) The health, safety and welfare of the residents of the proposed district, or of persons having the necessity to travel through the district; and
- (b) the financial impact of the creation and implementation of the objectives of the proposed district upon the property owners within the proposed district, especially in light of projects recently undertaken or contemplated for the near future within the district.


Clyde Burtenshaw, Chairman
County Commissioners
County of Bonneville

ATTEST:


DelRoy C. Bodily, Clerk,
Auditor and Recorder
County of Bonneville

1/8/79