

ORDINANCE NO. 124-81

AN ORDINANCE OF BONNEVILLE COUNTY; IDAHO, CREATING LOCAL IMPROVEMENT DISTRICT NO. 3; DESCRIBING AND SETTING FORTH THE BOUNDARIES OF SAID DISTRICT; PROVIDING FOR CERTAIN IMPROVEMENTS TO BE MADE THEREIN; PROVIDING FOR THE PAYMENT OF COSTS AND EXPENSES OF SAID IMPROVEMENTS TO BE ASSESSED AGAINST THE PROPERTY WITHIN SAID DISTRICT BENEFITED THEREBY; STATING THE METHOD OF ASSESSMENT; PROVIDING FOR THE ISSUANCE OF LOCAL IMPROVEMENT DISTRICT WARRANTS AND BONDS; APPOINTING AN ENGINEER TO PREPARE THE NECESSARY PLANS AND SPECIFICATIONS FOR THE PROJECT; AUTHORIZING THE ADVERTISING FOR BIDS FOR SAID WORK AS PROVIDED BY LAW; AND PROVIDING FOR THE PUBLICATION AND EFFECTIVE DATE OF THIS ORDINANCE.

BONNEVILLE COUNTY, IDAHO

LOCAL IMPROVEMENT DISTRICT NO. 3

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF BONNEVILLE COUNTY, IDAHO, as follows:

WHEREAS, the Board of County Commissioners (the "Board") of Bonneville County, Idaho, (the "County"), by Resolution of Intention, adopted on July 9, 1981, initiated the formation of Local Improvement District No. 3;

WHEREAS, the Board ruled on all protests to the formation of said District and approved said formation; and

NOW, THEREFORE, IT IS HEREBY FURTHER ORDAINED, as follows:

Section 1: DETERMINATION

The Board hereby finds and determines that said local improvement district (designated Local Improvement District No. 3) will be in the best interest of the property affected and the County; that there is a reasonable probability that the obligation of the proposed district will be paid; and that the value of the property within the proposed district is sufficient within the meaning of Idaho Code 50-1711;

Section 2: CREATION

There is hereby created and established an enlarged local improvement district within Bonneville County, to be designated "Local Improvement District No. 3". The boundaries of said local improvement district are as follows:

- [REDACTED]
- (1) First Amended Plat of Holiday Hills Subdivision, Division No. 1, Bonneville County, Idaho: Block 1, Lots 1 through 18; Block 2, Lots 2 through 8, and Lot 31; Block 3, Lots 1 through 4; Block 4, Lots 1 through 26; Block 5, Lots 1 through 9.
 - (2) Holiday Hills Subdivision, Division No. 2, Bonneville County, Idaho: Block 11, Lots 1 through 7; Block 12, Lots 1 through 7; Block 13, Lots 1 through 4; Block 14, Lots 1 through 4; Block 15, Lots 1 through 3.
 - (3) Holiday Hills Subdivision, Division No. 5, Bonneville County, Idaho: Block 1, Lots 19 and 20; Block 2, Lots 9 through 30 and Lots 32 and 33; Block 3, Lots 5 through 15; Block 5, Lots 10 through 13.
 - (4) Country Club Hills, Division No. 1, Bonneville County, Idaho: Block 1, Lots 1 through 7; Block 2, Lots 2 through 16; Block 3, Lots 1 through 8.
 - (5) Country Club Hills, Division No. 2, Bonneville County, Idaho: Block 7, Lot 1; Block 8, Lot 1.
 - (6) Holiday Hills, an Idaho Condominium Project, described as follows:

Beginning at a point that is East 3013.63 feet and South 2177.85 feet from the Northwest Corner of Section 28, T. 1N., R. 38 EBM. (said point of beginning being S. 89°11'10" E. 3013.93 feet along the Section line and South 2135.04 feet from the Northwest Corner of Section 28, T. 1N., R. 38 E.B.M.), and running thence S. 30°47'03" E. 132.44 feet; thence N. 59°12'57" E. 111.16 feet; thence S. 30°47'03" E. 191.50 feet; thence S. 59°12'57" W. 111.16 feet; thence N. 30°47'03" W. 36.33 feet; thence S. 59°12'57" W. 121.99 feet; thence N. 30°47'03" W. 208.26 feet to the Southeasterly Right-of-way line of Country Club Drive; thence N. 26°10'20" E. 145.53 feet along said Right-of-way line to the point of beginning, containing 1.18 acres.

- (7) The South Half of the Southeast Quarter and all of the part of the Southeast Quarter of the Southwest Quarter lying East of the right-of-way of the Taylor and Cedar Hollow Branch of the Idaho Irrigation Company Canal, in Section 21; the Southwest Quarter of the Northwest Quarter and the Northwest Quarter of the Southwest Quarter in Section 27; that part of the North Half of the Northwest Quarter lying East of the right-of-way of the Taylor and Cedar Hollow Branch of the Idaho Irrigation District, the Northeast Quarter and the Southeast Quarter and the Southeast Quarter of the Northwest Quarter, in Section 28, all in Township 1 North, Range 38, East of the Boise Meridian, Bonneville County, Idaho.

[REDACTED]

LESS AND EXCEPTING that property previously deeded to and presently owned by the Idaho Falls Country Club, Inc.; less and excepting further that portion of the Southeast Quarter of the Southwest Quarter of Section 21, Township 1 North, Range 38 E.B.M., lying North and West of Holiday Hills, Division No. 2.

The property herein described in this subparagraph includes the properties platted and described in the previous six subparagraphs.

Section 3: IMPROVEMENTS

The improvements to be made within Local Improvement District No. 3 are as follows:

Purchasing, building, installing or constructing a water storage tank and water pipes and mains, connecting the said storage system to the underground well source of the water supply and the distribution system of the water supply, within such described area, which said construction shall include the excavating of trenches for such connections of the water main and pipes, the laying of the water main and pipes, the connection therewith to the water storage tank, the erection, building, installing and constructing of a water storage tank, to connect to the source of water and to the distribution system of the culinary water supply within such area, for the comfort, safety, convenience and well-being of the County and the residents therein and to construct all such water storage facilities and water mains and lines and appurtenances to conform with the general regulations of the Idaho State Department of Health for culinary water systems.

The improvements shall be of such nature and character that the special benefits resulting therefrom shall extend beyond the boundaries of the property abutting the improvement and, therefore, such local improvement district shall be an enlarged local improvement district to include, as near as may be, all of the property especially benefited by such improvements to be made.

The improvements and betterments to be made within said Local Improvement District No. 3 are more specifically described in the plans and specifications prepared by Dave Benton & Associates, of Idaho Falls, Idaho, now on file with the County.

Section 4: ASSESSMENTS

The aforementioned improvements shall be made and the costs and expenses thereof shall be assessed upon the lots and parcels benefited thereby and included in the improvement district, in proportion to the benefits derived to such property, which proportion is as follows:

Assessment Level 1:

Platted and improved lots for single family dwellings for each building site or dwelling unit; duplex units on Lot 1, Block 8, Country Club Hills Division No. 2; and a portion of Lot 1, Block 8 and Lot 1, Block 7, Country Club Hills, Division No. 2, upon the basis of 12 available building sites; all to be assessed upon the basis of a 100% assessment on each building lot or living unit. (The estimated assessment based upon engineer's cost estimate is \$800.00 per building lot or living unit.)

Assessment Level 2:

Holiday Hills, Idaho Condominium Project, to be assessed at 75% assessment. (The estimated assessment based upon engineer's cost estimate is \$600.00 per living unit.)

Assessment Level 3:

Platted and unimproved lots to be assessed at 50% assessment. (The estimated assessment based upon engineer's cost estimate is \$400.00 per building site.)

Assessment Level 4:

Unimproved and unplatted acreage to be assessed at 1.5%. (Estimated assessment based on engineer's cost estimate is \$3,480.00.)

Section 5: COSTS

The total estimated cost of said improvements is approximately \$120,000.00. All of the total costs and expenses of the improvements will be paid from a levy of assessments on the property benefited in such area, and from sale of local improvement district bonds for those assessments not paid in full by the property assessed. None of such costs and expenses to be assessed will be paid from the general funds of Bonneville County or any other source. The aforementioned improvements shall be paid and the costs and expenses shall be assessed against the the lots and lands benefited and included in the Improvement District formed. Each lot and parcel of land is being separately assessed for the cost thereof on the basis set forth in Section 3 of this Ordinance.

Costs and expenses assessed as herein provided shall include the contract price of the improvements, engineering and clerical services, advertising, cost of inspection, costs of collecting assessments, interest on any warrants issued, and for legal services for preparing the proceedings and in advising in regard thereto, and for the costs of acquiring land, if necessary.

Section 6: ENGINEER

Dave Benton & Associates, of Idaho Falls, Idaho, is hereby appointed as Engineer for the Project, and shall prepare the necessary plans and specifications for construction of the improvements.

Section 7: BID ADVERTISEMENT

The work of making the improvements shall be performed by contract let to the lowest and best responsible bidder after publication of notice of advertisement of bids has been made as provided by law, which advertisement is hereby authorized and directed to be made by the County Clerk.

Section 8: BOND ISSUE

To provide for the immediate payment of the improvements herein provided for, pending the payment of the installments on assessments hereinabove provided for, the County shall issue bonds as provided in Idaho Code 50-1715, 50-1722 and 50-1724. For the purpose of making payments for said improvements as the same are installed, prior to the issuance or sale of bonds, the Board may issue warrants against Local Improvement District No. 3 payable to the contractor or other persons, or to a financial institution, upon the estimate of the project Engineer, bearing interest at a rate not in excess of allowable limitations as determined by the Board, which warrants, together with interest thereon to the date of the issuance of the bonds, if issued, shall be redeemed and retired by the proceeds of assessments paid in full and the proceeds of the sale of said bonds.

Section 9: BOND PAYMENT

The principal thereof and interest thereon of each bond issued shall be payable solely from the principal of an interest on the unpaid assessments levied in the district to pay the total cost and expenses of the project.

Section 10: DETERMINATION

That all matters and things done and performed in regard to the creation of said Local Improvement District No. 3, and each and all of the provisions thereof in regard to all of said matters concerning the creation of the District, and the doing of the improvement and payment thereof, are hereby expressly incorporated as a part of this Ordinance.

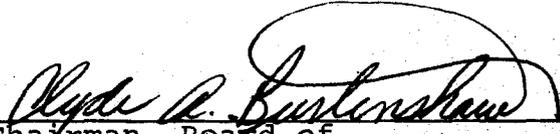
Section 11: PUBLICATION AND EFFECTIVE DATE,
CONCLUSIVENESS OF PROCEEDINGS

After its passage and approval, this Ordinance shall be published once in the Post-Register, a daily newspaper of

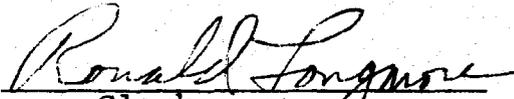
general circulation within the County, and upon such publication shall be in full force and effect.

For a Period of thirty (30) days after such publication, any interested person shall have the right to contest the legality of this Ordinance. No contest to question the validity of this Ordinance or the formation of Local Improvement District No. 3 shall be brought in any court by any person for a cause whatsoever after the expiration of thirty (30) days from the date of the publication of this Ordinance.

BONNEVILLE COUNTY, IDAHO


Chairman, Board of
County Commissioners

ATTEST:


Clerk

(S E A L)

I, the undersigned, the Clerk of the Board of County Commissioners of Bonneville County, Idaho, hereby certify that the foregoing ordinance is a full, true and correct copy of a ordinance duly adopted at a regular meeting of the County Commissioners of Bonneville County duly and regularly held at the regular meeting place thereof on August 18, 1981, of which meeting all members of said Board had due notice and at which a majority thereof were present; and that at said meeting said ordinance was adopted by the following vote:

AYES, and in favor thereof, Commissioners:

NOES, Commissioners:

ABSENT, Commissioners:

ABSTAIN, Commissioners:

I further certify that I have carefully compared the same with the original ordinance on file and of record in my office; that said ordinance is a full, true and correct copy of the original ordinance adopted at said meeting; and that said ordinance 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 said County on August 18, 1981.


Clerk

(S E A L)

Adopted August 18, 1981

Published August 23, 1981