

BONNEVILLE COUNTY, IDAHO

ORDINANCE NO. 137-85

AN ORDINANCE DESCRIBING AND CREATING LOCAL IMPROVEMENT DISTRICT NO. 5, OF THE COUNTY OF BONNEVILLE, STATE OF IDAHO, AND ORDERING THE IMPROVEMENT OF CERTAIN PROPERTY THEREIN BY THE INSTALLATION, CONSTRUCTION AND RECONSTRUCTION OF A COMPLETE NEW WATER DISTRIBUTION SYSTEM TO EXTEND, MAINTAIN, AND REPAIR WATER WORKS, PIPES, MAINS, HYDRANTS, AND OTHER WATER FACILITIES, FOR THE PURPOSE OF SUPPLYING WATER FOR DOMESTIC AND FIRE PROTECTION PURPOSES INCLUDING, BUT NOT LIMITED TO, INSTALLATION OF WATER MAINS, VALVES, FITTINGS, FIRE HYDRANTS, SERVICE LINES, SERVICE CONNECTIONS, CONNECTION TO HOUSES, WATER METERS, STREET REPAIR, AND SUCH OTHER IMPROVEMENTS AS ARE REASONABLE AND NECESSARY FOR THE IMPROVEMENT AND INSTALLATION OF A NEW WATER DISTRIBUTION SYSTEM TO CONFORM WITH THE GENERAL REGULATIONS OF THE IDAHO STATE DEPARTMENT OF HEALTH FOR CULINARY WATER SYSTEMS; PROVIDING FOR THE PAYMENT OF THE COSTS OF SAID IMPROVEMENTS BY ASSESSMENTS AGAINST THE PROPERTY WITHIN SAID DISTRICT BENEFITED THEREBY; PROVIDING THAT SAID ASSESSMENTS MAY BE MADE IN FIFTEEN (15) ANNUAL INSTALLMENTS; PROVIDING FOR THE ISSUANCE OF LOCAL IMPROVEMENT DISTRICT WARRANTS AND BONDS; PROVIDING THAT NO NEW CULINARY DOMESTIC WATER SYSTEM MAY BE DEVELOPED, INSTALLED, OR CONSTRUCTED WITHIN THE LIMITS OF LOCAL IMPROVEMENT DISTRICT NO. 5; PROVIDING FOR ENFORCEMENT THEREOF; AND PROVIDING FOR THE PUBLICATION AND EFFECTIVE DATE OF THIS ORDINANCE.

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 Local Improvement District No. 5, Lincoln Townsite Water Improvement for improvement of properties by the installation, construction, and reconstruction of a complete new water distribution system to extend, maintain, and repair water works, pipes, mains, hydrants, and other water facilities, for the purpose of supplying water for domestic and fire protection purposes including, but not limited to, installation of water mains, valves, fittings, fire hydrants, service lines, service connections, connection to houses, water meters, street repair, and such other improvement as are reasonable and necessary for the improvement and installation of a new water distribution system to conform with the general regulations of the Idaho State Department of Health for culinary water systems;

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:

All of the Lincoln Townsite located in Section 11, Township 2 North, Range 38 E.B.M., Bonneville County, Idaho.

and including the construction and installation of said improvements on the following streets within such Lincoln Townsite:

Washington Street, also known as 2030 North and 20th North.  
Montana Street, also known as 1920 North and 19th North.  
Idaho Street, also known as 1810 North and 18th North.  
Utah Lane, also known as 356 East and 36th East.  
Nevada, also known as Nevada Lane and also known as 37th East.  
Ammon-Lincoln Road, also known as Ammon Road, and as 3500 East.  
Lincoln Road, also known as 1700 North.

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. 5, which costs and expenses 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 \$150,000.00 which 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. 5 for water 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) upwards consecutively and shall bear interest at the rate not to exceed twelve percent (12%) per annum payable annually, which bonds shall be in the denominations of multiples of \$100.00 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 of 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 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 for 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 twelve percent (12%) 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 Water 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. That to assure the integrity of the water system, it is hereby provided that no new well and culinary water system shall be developed, installed, or constructed within the area of Local Improvement District No. 5 other than that as provided within this Ordinance, and other than any such well or culinary system which is in existence at the date of the passage of this Ordinance. That this provision may be enforced by injunctive procedures upon the violation thereof, and that such action would also constitute a misdemeanor punishable by the general misdemeanor laws and ordinances with each day that such offense continues to be a separate and distinct offense.

Section 11. 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 July 2, 1985, at 9 o'clock, a.m.

PASSED AND APPROVED this 2nd day of July, 1985.

ATTEST:

  
Chairman, Board of County  
Commissioners

  
County Clerk, Auditor and  
Recorder, Bonneville County