

BONNEVILLE COUNTY, IDAHO

ORDINANCE NO. 144-87

AN ORDINANCE DESCRIBING AND CREATING LOCAL IMPROVEMENT DISTRICT NO. 6 OF THE COUNTY OF BONNEVILLE, STATE OF IDAHO, AND ORDERING THE IMPROVEMENT OF CERTAIN PROPERTY THEREIN BY THE INSTALLATION, CONSTRUCTION, AND RECONSTRUCTION OF A WATER DISTRIBUTION SYSTEM, OR PORTION THEREOF; 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 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 TEN (10) 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. 6; 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. 6, Country Life Estates water improvement for improvement of properties by the installation, construction, and reconstruction of a 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, connections 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.

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 Country Life Estates Subdivision to the county of Bonneville, state of Idaho, as per the recorded plat thereof.

and including the construction and installation of said improvements on the following streets within such Country Life Estates Subdivision:

Everon, Dorian, Ucon Cemetery and Hitt Road within the boundaries of the Country Life Estates Subdivision.

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. 6, 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 \$88,000.00 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 ten (10) 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 for the said Local Improvement District No. 6 for water improvements. Said bonds shall mature serially, as nearly as may be, in ten (10) 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 ten (10) 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 \$1,000.00 each, except that only Bond Number 1 may be of a denomination other than a multiple of \$1,000.00. The bonds shall be registered as to both principal and interest and shall be numbered separately, and in the manner, and with any additional designation as the registrar deems necessary. The bonds shall be signed by the signature or the facsimile signature of the Chairman of the Board of County Commissioners, counter signed by the signature of the Treasurer or the facsimile of the signature of the Treasurer, and attested by the signature of the Clerk or the facsimile of the signature of the Clerk of said county, and shall have thereon the seal of the county affixed thereto and 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 engineering, legal and clerical services, advertising, cost of construction, and cost of collecting assessments and interest on warrants

issued as aforesaid; and the installments shall include the annual interest on the 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.

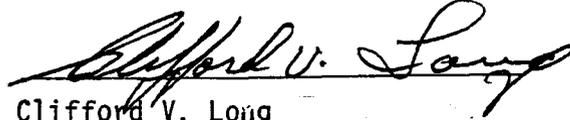
Section 9. That all matters and things done and performed in regard to the creation of the said Local Improvement District, the mode and manner of payments thereof, and the mode, the issuance, and form of bonds of said District, and the mode and manner of making and collecting the assessments shall be 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. 6 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 and Ordinance of the county of Bonneville, state of Idaho, at a regular meeting of the Board of County Commissioners held on April 22, 1987 at 4:00 o'clock p.m.

PASSED AND APPROVED this 22nd day of April, 1987.



Clifford V. Long
Acting-Chairman
Board of County Commissioners
Bonneville County

ATTEST:

RONALD LONGMORE

By: 

Leola M. Christensen
Deputy Clerk and Secretary
to the Bonneville County
Board of Commissioners

WJA/D42/jr

PUBLISH: May 22, 1987