

BONNEVILLE COUNTY, IDAHO

ORDINANCE NO. 155-91

AN ORDINANCE DESCRIBING AND CREATING LOCAL IMPROVEMENT DISTRICT NO. 7, 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 NOT TO EXCEED THIRTY (30) 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. 7; PROVIDING FOR ENFORCEMENT THEREOF; AND PROVIDING FOR THE PUBLICATION AND EFFECTIVE DATE OF THIS ORDINANCE.

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF BONNEVILLE COUNTY, IDAHO, AS FOLLOWS:

Section 1. Determination. The Board hereby finds and determines that said Local Improvement District (designated Local Improvement District No. 7 of Bonneville County, Idaho) will be in the best interests of the property affected and of the County; that there is a reasonable probability that the obligation of the proposed District will be paid; that the value of the property within the proposed District is sufficient within the meaning of Idaho Code 50-1711. The Board previously heard, considered and passed upon all protests received and is still desirous of forming LID No. 7.

Section 2. Creation. 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. 7, Lincoln 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 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 3. Description of Property. 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, which are all located within the County of Bonneville, State of Idaho:

Beginning at the section corner common to Sections 10, 11, 14 and 15, Township 2 North, Range 38 East of the Boise Meridian, and running thence S.0°02'56"E. 221.63 feet along the section line; thence N.89°47'35"W. 1636.98 feet; thence S.0°15'18"W. 40.62 feet; thence N.85°13'42"W. 254.50 feet; thence N.83°43'26"W. 107.64 feet; thence N.89°52'18"W. 199.89 feet; thence N.0°07'42"E. 227.87 feet to the north line of said Section 15; thence N.89°52'18"W. 59.15 feet along the section line; thence S.0°07'42"W. 276.00 feet; thence N.89°52'18"W. 1141.71 feet; thence N.0°07'42"E. 9.00 feet; thence N.89°52'18"W. 1564.66 feet to the east line of the Lincoln Cemetery; thence N.0°06'55"W. 267.00 feet along said east line to the north line of said Section 15; thence S.89°52'18"E. 1304.85 feet along said section line; thence N.0°07'18"W. 244.00 feet; thence S.89°52'18"E. 1948.82 feet; thence N.17°10'42"E. 134.95 feet; thence N.28°50'42"E. 190.40 feet to the westerly line of the Henderson Subdivision, Division No. 1, Bonneville County, Idaho; thence along the boundary of said Subdivision the following four (4) courses; (1) N.51°32'32"E. 35.32 feet; thence (2) N.31°08'37"E. 840.00 feet; thence (3) S.60°25'43"E. 375.00 feet; thence (4) S.31°08'37"W.

600.00 feet to the southeasterly corner of Lot 3, Block 3 of said Subdivision; thence S.89°52'18"E. 153.45 feet; thence S.0°07'42"W. 261.38 feet; thence N.89°52'18"W. 36.29 feet; thence S.0°07'42"W. 82.00 feet; thence S.89°52'18"E. 984.44 feet to the east line of said Section 10; thence S.0°00'19"E. 240.00 feet along said east line to the point of beginning.

and including the construction and installation of said improvements on the following streets within the area described:

Lincoln Road from Ammon Lincoln Road west to the east line of the Lincoln Cemetery.

31st East from Lincoln Road to the north line of Henderson Subdivision.

Debora Drive from 31st East to the east line of Henderson Subdivision.

Section 4. Improvements. That 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. 7 are more specifically described in the plans and specifications prepared by Benton & Associates, Engineers, of Idaho Falls, Idaho, now on file with the County.

The total estimated cost is \$408,800.00, of which \$117,000.00 is to be received from grants from Farmers Home Administration and the balance from proceeds of bonds of LID No. 7.

Section 5. Assessments. That the improvements as provided herein described shall be made and the costs and expenses therefor 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: To be assessed upon the basis of 100% assessment on each building lot or living unit. (The estimated assessment based upon the engineer's cost estimate is \$3,100.00 per building lot or living unit.)

Beginning at the section corner common to Sections 10, 11, 14 and 15, Township 2 North, Range 38 East of the Boise Meridian, and running thence S.0°02'56"E. 221.63 feet along the section line; thence N.89°47'35"W. 1636.98 feet; thence S.0°15'18"W. 40.62 feet; thence N.85°13'42"W. 254.50 feet; thence N.83°43'26"W. 107.64 feet; thence N.89°52'18"W. 199.89 feet; thence N.0°07'42"E. 227.87 feet to the north line of said Section 15; thence N.89°52'18"W. 59.15 feet along the section line; thence S.0°07'42"W. 276.00 feet; thence N.89°52'18"W. 1141.71 feet; thence N.0°07'42"E. 9.00 feet; thence N.89°52'18"W. 1564.66 feet to the east line of the Lincoln Cemetery; thence N.0°06'55"W. 267.00 feet along said east line to the north line of said Section 15; thence S.89°52'18"E. 1304.85 feet along said section line; thence N.0°07'18"W. 244.00 feet; thence S.89°52'18"E. 1948.82 feet; thence N.17°10'42"E. 134.95 feet; thence N.28°50'42"E. 190.40 feet to the westerly line of the Henderson Subdivision, Division No. 1, Bonneville County, Idaho; thence along the boundary of said Subdivision the following four (4) courses; (1) N.51°32'32"E. 35.32 feet; thence (2) N.31°08'37"E. 840.00 feet; thence (3) S.60°25'43"E. 375.00 feet; thence (4) S.31°08'37"W. 600.00 feet to the southeasterly corner of Lot 3, Block 3 of said Subdivision; thence S.89°52'18"E. 153.45 feet; thence S.0°07'42"W. 261.38 feet; thence N.89°52'18"W. 36.29 feet; thence S.0°07'42"W. 82.00 feet; thence S.89°52'18"E. 984.44 feet to the east line of said Section 10; thence S.0°00'19"E. 240.00 feet along said east line to the point of beginning.

LESS AND EXCEPTING THEREFROM:

(1.38 A NE 1/4 NW 1/4, SEC 15, T 2 N, R. 38 E.B.M.)
more particularly described as follows:

East 70 X 235 feet tract 43 Section 15 T 2 N., R. 38 E.B.M. recorded as Deed Number 533190 and County Tax Number is 18459.

Tract 43 less E 70 feet X 235 feet NE 1/4 NW 1/4M Section 15 T 2 N., R. 38 E.B.M. Deed recorded as Instrument Number 533190 and County Tax Number is 18459.

Beginning at a point N. 89 Deg. 45' W., along the Section line, 3294.5 feet, and South 36 feet, from the Northeast corner of Section 15, T. 2 N., R. 38 E.B.M., thence South 240 feet; thence N. 89 Deg. 45' W. 103.9 feet; thence North 240 feet; thence S. 89 Deg. 45' E. 103.9 feet to the point of beginning.

Beginning at a point that is East 360 feet along the Section line from the South 1/4 corner of Section 10, T. 2 N., R. 38 E.B.M., and running thence North 500 feet; thence East 200 feet; thence South 500 feet; thence West 200 feet to the point of beginning.

Assessment Level 2: To be assessed at approximately 50% of the full assessment. (The estimated assessment based upon the engineer's cost estimate is \$1,550.00 per building lot or living unit.)

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thence South 500 feet; thence West 200 feet to the point of beginning.

Section 6. Installments. That said assessments shall be paid in not to exceed thirty (30) annual equal installments, if not otherwise paid, as provided by law and by this Ordinance.

Section 7. Bid. That 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 8. Bond Issue. 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. 7 for water improvements. Said bonds shall be in serial form and as nearly as may be with not to exceed thirty (30) 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 thirty (30) 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 9. Sale of Bonds. 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 10. Amount of Bonds. Said bonds shall not be issued in excess of the contract price, including engineering, 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 installation of said bonds next thereafter maturing together with the interest due at the maturity of the next installment.

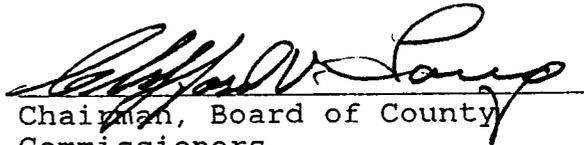
Section 11. Ratification. That all matters and things done and performed in regard to the creation of the said Local Improvement District, the mode and manner of payments thereof, and the mode, the issuance, and form of bonds of said District, and the mode and manner of making and collecting the assessments 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 12. Exclusiveness of Culinary Water Distribution. 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. 7 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 13. Effective Date. 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 August 19, 1991, at 9:00 o'clock a.m.

PASSED AND APPROVED this 19th day of August, 1991.


Chairman, Board of County
Commissioners

ATTEST:


Deputy, Clerk and Secretary
to the County Commission,
Bonneville County, Idaho

1357M/WJABC