

**AMENDED  
ORDINANCE NO. 162-93**

**ORDINANCE CREATING LOCAL IMPROVEMENT DISTRICT NO. 8 OF BONNEVILLE COUNTY, IDAHO; DESCRIBING AND SETTING FORTH THE BOUNDARIES OF SAID DISTRICT; PROVIDING FOR THE IMPROVEMENTS TO BE MADE THEREIN; APPOINTING AN ENGINEER TO PREPARE THE NECESSARY PLANS AND SPECIFICATIONS FOR THE WORK; AUTHORIZING THE ADVERTISING FOR BIDS FOR SAID WORK AS PROVIDED BY LAW; PROVIDING FOR THE PAYMENT OF COSTS AND EXPENSES OF SAID IMPROVEMENTS TO BE ASSESSED AGAINST THE PROPERTY WITHIN THE LOCAL IMPROVEMENT DISTRICT BENEFITTED THEREBY AND THE METHOD OF ASSESSMENT; PROVIDING FOR THE ISSUANCE OF LOCAL IMPROVEMENT DISTRICT BONDS AND WARRANTS; PROVIDING FOR THE PUBLICATION OF A SUMMARY OF THIS ORDINANCE; AND PROVIDING FOR OTHER MATTERS PROPERLY RELATING THERETO.**

**BONNEVILLE COUNTY, IDAHO**

**LOCAL IMPROVEMENT DISTRICT NO. 8**

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

WHEREAS, Bonneville County, Idaho (the "County"), is a municipal corporation operating and existing under and pursuant to the provisions of the Constitution and laws of the State of Idaho, and as such is authorized and empowered to create local improvement districts and to construct improvements pursuant to Idaho Code, Title 50, Chapter 17; and

WHEREAS, the County is authorized by Idaho Code, Title 50, Chapter 17, to create local improvement districts within the County for the purpose of acquiring, constructing and installing lighting improvements and appurtenances, together with engineering, legal, accounting, costs of bond issuance, and other costs incidental thereto as authorized by law (the "Project"), and to finance said improvements by the issuance and sale of local improvement district bonds or warrants, which bonds or warrants are payable solely from assessments upon the property benefitted by said improvements; and

WHEREAS, the Board of County Commissioners (the "Board") of the County has heretofore by Resolution, adopted on September 1, 1993, initiated the creation of a local

improvement district for the construction and installation of the said improvements to the lighting system within the boundaries of the Local Improvement District; and

WHEREAS, the Board, by Resolution, adopted on September 1, 1993, declared its intention to form a local improvement district to be designated "Bonneville County Local Improvement District No. 8" ("LID No. 8"); described the boundaries of proposed LID No. 8 and the improvements to be constructed therein; set forth the total estimated cost and the method of assessment; fixed the time and date for a public hearing to create proposed LID No. 8 and determined that it is in the best interests of the residents of the County to form proposed LID No. 8 and to acquire, construct and install such improvements; and

WHEREAS, after proper publication and mailing of notice to the property owners of the Board's intention to create proposed LID No. 8, a public hearing was held by the Board on September 15, 1993, at which hearing the residents and owners of property within the proposed LID No. 8 had the opportunity to appear and to protest, both in writing and verbally, or support the formation of the proposed LID No. 8;

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

Section 1. The Board hereby finds and declares:

(a) That the formation of LID No. 8 will be in the best interests of the property affected and of the County;

(b) That there is a reasonable probability that the obligations of LID No. 8 will be paid.

(c) That the value of the property subject to assessment within LID No. 8 (such value being determined by the current assessed valuation of such property for ad valorem tax purposes, as shown by the records of the Assessor of Bonneville County) exceeds the sum of the estimated costs to be assessed against the property included in LID No. 8; and

(d) That the Board has heard, considered, and passed upon all protests which were filed in writing in advance of the hearing, which protests were attached to the minutes of the meeting wherein protests were heard and are referred to herein. The board also heard public testimony on September 15, 1993, and has considered the same. After consideration of all public testimony and comment, the Board desires to move forward with the formation of the LID.

Section 2. There is hereby created and established a local improvement district within Bonneville County, to be designated "Bonneville County Local Improvement District No. 8" ("LID No. 8"), the boundaries of which local improvement district are: all the Cloverdale Addition to the County of Bonneville, Idaho.

Section 3. The improvements to be made within LID No. 8 are as follows:

The acquisition, construction and operation of a street lighting security system within the area of the Cloverdale Subdivision; to extend, maintain and repair electrical lines, conduits, poles, connections, globes, lights, and other fixtures and appurtenances necessary for the security street lighting system and such other improvements as are reasonable and necessary for the improvement and installation of a security street lighting system within the Cloverdale Subdivision;

together with engineering, legal, accounting, costs of bond issuance, costs of financial advice and other costs incidental thereto. All work will be performed and all materials supplied after the advertisement for bids therefor by giving notice calling for sealed bids for the construction work.

Section 4. The costs and expenses of the improvements shall be paid from special assessments against the lots and parcels within proposed LID No. 8 according to the assessment.

Section 5. The total estimated cost of the proposed Project is approximately \$75,500.00, of which one hundred percent (100%) shall be borne by and assessed against the properties specially benefitted by such improvements. The Board reserves the right to later determine to contribute County funds to pay for the cost of this Project.

Section 6. Costs and expenses as herein provided shall include the contract price of the improvements, engineering and clerical services, advertising, costs of inspection, costs of collecting assessments, interest on any warrants issued to temporarily pay for the improvements, and for legal services for preparing the proceedings and in advising in regard thereto, and for the costs of acquiring land, if necessary.

Section 7. The Board hereby finds that such apportionment is equitable and is based upon the special benefits each parcel will receive from the Project.

Section 8. William Manwill, County Engineer, of Idaho Falls, Idaho, is hereby appointed as engineer for the Project and shall prepare the necessary plans and specifications for the construction of the improvements.

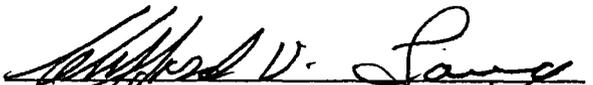
Section 9. To provide for the immediate payment of the improvements herein provided for, pending the payment of the installments on special assessments hereinabove provided for, the County shall issue bonds as provided in Idaho Code §§ 50-1715, 50-1722, and 50-1724. For the purpose of making payments for said improvements as the same are installed, prior to the issuance or sale of bonds, the County may issue warrants against LID No. 8 special assessments, payable to the contractor or other persons upon the estimate of the engineer for the County, bearing interest at 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 special assessments paid in full and proceeds of the sale of said bonds.

Section 10. All matters and things done and performed in regard to the creation of said LID No. 8, and each and all of the provisions thereof in regard to all of said matters concerning the creation of LID No. 8 and the doing of the improvements and payment thereof, are hereby expressly incorporated as part of this Ordinance.

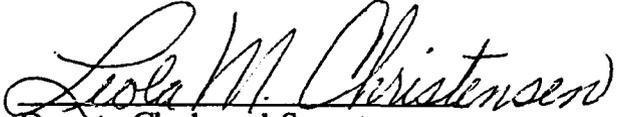
Section 11. This Ordinance shall take effect and be in full force from and after its passage, approval, and publication of a summary hereof one time in the official newspaper of the County.

DATED this 13th day of May, 1994.

BONNEVILLE COUNTY, IDAHO

  
Chairman, Board of County Commissioners

ATTEST:

  
Deputy Clerk and Secretary  
to the Board of County  
Commissioners

(SEAL)

**CORRECTED CERTIFICATE**

**To Amended Ordinance No. 162-93**

(Corrected to Show Commissioner Stanger Voting "Yes")

\* \* \* \* \*

I, the undersigned, the Clerk of the Board of Commissioners of Bonneville County, Idaho, hereby certify that the foregoing Ordinance is a full, true, and correct copy of an Ordinance duly adopted at a regular meeting of the Board of said County, duly and regularly held at the meeting of the Board of said County, duly and regularly held at the meeting place thereof held May 13, 1994, 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:

Long  
Stanger

NOES, Commissioners:

None

ABSENT, Commissioners:

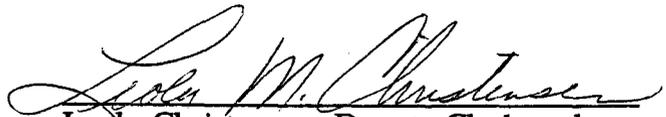
Staker

ABSTAIN, Commissioners:

None

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 the County on May 13, 1994.



Leola Christensen, Deputy Clerk and  
Secretary to the Board of County  
Commissioners

(SEAL)

L:\WJA\2214\ORDNANCE.001

RESOLUTION

A RESOLUTION OF BONNEVILLE COUNTY, IDAHO, APPROVING A  
SUMMARY OF ORDINANCE NO. 162-93 FOR PUBLICATION

BONNEVILLE COUNTY, IDAHO

LOCAL IMPROVEMENT DISTRICT NO. 8

BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF  
BONNEVILLE County, Idaho, as follows:

WHEREAS, Bonneville County, Idaho, is a duly created Local  
Improvement District No. 8 ("LID No. 8") and existing under and  
pursuant to the Constitution and laws of the State of Idaho; and

WHEREAS, on September 15, 1993, the Board of Directors (the  
"Board") of the District adopted Ordinance No. 162-93, creating  
Local Improvement District No. 8 of the District; and

WHEREAS, pursuant to Section 50-901A, Idaho Code, the District  
is authorized to publish, in lieu of the entire ordinance, a  
summary thereof;

NOW, THEREFORE, IT IS HEREBY FOUND, DETERMINED AND ORDERED as  
follows:

Section 1: The Board hereby approves the Summary of Ordinance  
No. 162-93, which Ordinance was adopted by the Board on  
September 15, 1993, a copy of which Summary is annexed hereto  
marked as Exhibit A and is incorporated herein by reference.

Section 2: This Resolution shall take effect and be in force  
from and after its passage and approval.

ADOPTED this 13 day of <sup>October</sup>~~September~~, 1993.

BONNEVILLE COUNTY, IDAHO

  
Chairman

ATTEST:

  
Clerk  
( S E A L )

\* \* \* \* \*

**CERTIFICATION**

I, the undersigned Clerk of the Board of County Commissioners of Bonneville County, Idaho, HEREBY CERTIFY that the foregoing Resolution is a full, true, and correct copy of a Resolution duly adopted at a regular meeting of the Board of said District, duly held at the regular meeting place thereof held on ~~September~~ <sup>October</sup> \_\_\_\_, 1993, 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 Resolution 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 Resolution on file and of record in my office; that said Resolution is a full, true, and correct copy of the original Resolution adopted at said meeting; and that said Resolution 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 District on ~~September~~ <sup>October</sup> \_\_\_\_, 1993.

\_\_\_\_\_  
Clerk

( S E A L )

SUMMARY OF  
ORDINANCE NO. 162-93

ORDINANCE CREATING LOCAL IMPROVEMENT DISTRICT No. 8 OF BONNEVILLE COUNTY, IDAHO; DESCRIBING AND SETTING FORTH THE BOUNDARIES OF SAID DISTRICT; PROVIDING FOR THE IMPROVEMENTS TO BE MADE THEREIN; APPOINTING AN ENGINEER TO PREPARE THE NECESSARY PLANS AND SPECIFICATIONS FOR THE WORK; AUTHORIZING THE ADVERTISING FOR BIDS FOR SAID WORK AS PROVIDED BY LAW; PROVIDING FOR THE PAYMENT OF COSTS AND EXPENSES OF SAID IMPROVEMENTS TO BE ASSESSED AGAINST THE PROPERTY WITHIN THE DISTRICT BENEFITTED THEREBY AND THE METHOD OF ASSESSMENT; PROVIDING FOR THE ISSUANCE OF LOCAL IMPROVEMENT DISTRICT BONDS AND WARRANTS; PROVIDING FOR THE PUBLICATION OF A SUMMARY OF THIS ORDINANCE; AND PROVIDING FOR OTHER MATTERS PROPERLY RELATING THERETO

Bonneville COUNTY

LOCAL IMPROVEMENT DISTRICT NO. 8

A summary of the principal provisions of Ordinance No. 162-93 of Bonneville County, Idaho, adopted on September 15, 1993, is as follows:

Section 1: The Board of Directors of the District (the "Board") finds and declares that the formation of Local Improvement District No. 8 ("LID No. 8") will be in the best interests of the property affected, that there is reasonable probability that the obligations of LID No. 8 will be paid, that the value of property subject to assessment within LID No. 8 exceeds the sum of the estimated costs to be assessed against the property, and that the Board has heard, considered, and passed upon all protests which were filed in writing or heard during public testimony and has considered the same.

Section 2: The Board creates Bonneville County Local Improvement District No. 8.

Section 3: States the improvements to be made within LID No. 8 as the acquisition, construction and installation of a street lighting security system within the area of the Cloverdale Subdivision.

Section 4: States the costs of the improvements will be paid from special assessments against property located in LID No. 8 calculated by the assessment.

Section 5: States the total estimated cost of the Project to be approximately \$75,500 of which one-hundred percent (100%) shall be borne by and assessed against the properties specially

benefitted by such improvements. The Board reserves the right to later determine to contribute County funds to pay for the cost of this Project.

**Section 6:** States what costs and expenses will be included in the price of the Project.

**Section 7:** The Board finds that such apportionment is equitable and is based upon the special benefits each parcel will receive from the Project.

**Section 8:** William Manwill, Engineer, of Idaho Falls, Idaho, is appointed as engineer for the Project.

**Section 9:** Provides for the issuance of warrants, if necessary, for the immediate payment of the Project and provides for the issuance of bonds.

**Section 10:** Incorporates all matters and things done in regard to the creation of LID No. 8 as part of Ordinance No. 162-93.

**Section 11:** States that Ordinance No. 162-93 shall take effect after its passage and approval, and publication of its summary.

A full text of Ordinance No. 162-93 is available at the office of the Clerk of the Board and will be provided to any citizen upon personal request during normal business hours.

DATED this 13<sup>th</sup> day of <sup>October</sup> ~~September~~, 1993.

BONNEVILLE COUNTY

  
Chairman, Board of County  
Commissioners

ATTEST:

  
Clerk

( S E A L )

CERTIFICATION OF BOND COUNSEL

I, the undersigned Bond Counsel for the Bonneville County, Idaho, hereby certify that I have read the attached Summary of Ordinance No. \_\_\_\_\_ of said District and that the same is true and complete and provides adequate notice to the public of the contents of said Ordinance.

Dated this \_\_\_ day of September, 1993.

PRESTON THORGRIMSON  
SHIDLER GATES & ELLIS

Michael C. Ormsby, Bond Counsel