

ORDINANCE NO. L.I.D. #1

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AN ORDINANCE CREATING LOCAL IMPROVEMENT DISTRICT NO. 1 FOR THE PURPOSE OF CONSTRUCTING LOCAL IMPROVEMENTS ALONG CERTAIN STREETS IN THE SUBDIVISION DESIGNATED AS LAWN DALE ESTATES WHICH WILL INCLUDE PAVING OF STREETS, CONSTRUCTION OF SEWERS FOR SANITARY PURPOSES, CONSTRUCTION OR RECONSTRUCTION OF CULINARY WATER LINES AND INSTALLATION OF NECESSARY FIRE HYDRANTS, AND CONSTRUCTION OF CURBS AND GUTTERS WITHIN SAID DISTRICT; PROVIDING FOR THE LEVY OF ASSESSMENTS; STATING THE BOUNDARIES OF SAID DISTRICT; PROVIDING FOR THE PREPARATION OF AN ASSESSMENT ROLL; AUTHORIZING NOTICE FOR CONSTRUCTION BIDS; AUTHORIZING THE ISSUANCE OF INTERIM WARRANTS; PROVIDING A METHOD OF VALUING THE REAL PROPERTY IN THE DISTRICT; REPEALING ORDINANCES OR PARTS THEREOF IN CONFLICT HEREWITH; AND DECLARING AN EMERGENCY.

BE IT ORDAINED BY THE CHAIRMAN AND THE BOARD OF COUNTY COMMISSIONERS OF BONNEVILLE COUNTY, IDAHO:

Section 1. There shall be and there hereby is created a local improvement district in Bonneville County, Idaho, to be known and designated as "Local Improvement District No. 1 for Bonneville County, Idaho," which shall include all of the lots, lands and parcels of real property within the boundaries of said District.

Section 2. Said District is within the County of Bonneville, Idaho, and the boundaries thereof are as follows:

LAWN DALE LID BOUNDARY

Beginning at a point which is south 14.31' and S 89° 23'30" W 205.01' from the East ¼ corner of Section 15, T 2 N, R 38 E.B.M.; thence running S 89° 23'30" W 1221.67'; thence running south 304.84'; thence running S 57° 00'00" W 309.49'; thence running S 33° 00'00" E. 396.51'; thence running S 30° 00'00" W 177.58'; thence running south 431.68'; thence running N 89° 23'30" E 1354.07'; thence running North 477.53'; thence running East 205.00'; thence running North 360'; thence running West 205.00'; thence running North 552.48' to point of beginning.

All the lots and blocks above described together with those lots and blocks not described which front on the streets indicated as shown on a map attached hereto are made a part hereof.

Section 3. The improvements to be constructed within said district are to grade, regrade, gravel, pave, repave, and otherwise improve certain streets in the subdivision known as Lawn Dale Estates within the County and the construction of sewers for sanitary purposes, construction or reconstruction of culinary water lines and installation of necessary fire hydrants, and construction of curbs and gutters, all within the same subdivision. The names of the streets, avenues and alleys or parts thereof, so to be improved and the improvements to be made thereon are as follows:

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All streets within Lawn Dale Estates Division No. 1, Bonneville County, Idaho, located in part of the Southeast Quarter, Range 38 E, Boise Base and Meridian, which streets are known as Bergeson Drive, Teeples Drive, Robins Avenue, Lawn Dale Drive, Clary Avenue and O'Bryant Street.

Section 4. The Board of County Commissioners has heard and considered each of all of the oral protests, there being no written protests to the creation of the District or the making of improvements therein, and has and does hereby find and determine that due notice of the time and place of the hearing of such protests has been given in the manner and for the time required by the laws of the State of Idaho and that the protests so filed represent protests from owners of less than two thirds of the abutting, adjoining, contiguous and adjacent lots and

lands within such proposed improvement district. The Board of County Commissioners hereby determines that the purposes for the creation of the district are proper and the creation of the district and the making of the improvements therein will be for the best interests of the property affected and of the municipality. The Board of County Commissioners further finds and determines that local improvement assessments against the property included in the district presently outstanding and unpaid total in the aggregate \$ none excluding penalties and interest and such outstanding and unpaid assessments when added to that portion of the estimated cost of the improvements to be made in the district which is to be assessed to the property in the district does not exceed sixty percent (60%) of the actual value of the real property, exclusive of such proposed improvements, which value is found and determined to be \$935,127. The actual value of real property in the District has been and shall be determined by multiplying the assessed valuation of said real property as fixed and determined by the County Assessor of Bonneville County by 16.50% the result of which is and shall be held to be the actual value of such real property for purposes of this ordinance and for all purposes in connection with said local improvement district.

Section 5. The estimated total cost of the proposed improvements (including the contract price of the improvements, engineering and clerical service, advertising, cost of inspection, cost of collecting assessments, interest upon interim warrants, if issued, and for legal and other services for preparing proceedings and advising in regards thereto) is \$236,148. Of the aforesaid total cost, approximately \$9,742 will be paid

by the County from the general funds of the County or from other funds legally available for such purpose. The remainder of the total cost amounting to approximately \$226,406 will be levied and assessed against the lots and lands in the District which will be benefitted by the proposed improvements and which are included in the District, all as prescribed in the Local Improvement District Code for Idaho. The cost and expenses of the improvements shall be taxed and assessed upon all property in the District, which cost and expenses shall be assessed in proportion to the number of square feet of such lands and lots abutting, adjoining, contiguous and adjacent thereto included in the District or in proportion to the benefits derived to such property by said improvements.

Section 6. The Committee on streets and the County Engineer are hereby directed to prepare an assessment roll according to the provisions of this Ordinance and the law under which said Improvement District is created after contracts for the construction of said improvements have been let; said assessment roll shall contain, among other things, the number of the assessment, the name of the owner, if known, or if not known, a statement to that effect, a description of each lot or tract assessed and the total amount of the assessment. Said assessment roll, upon its completion, shall be certified to the Board of County Commissioners by said County Engineer, whereupon the Board of County Commissioners will fix a time when objections thereto by the property owners in said District will be heard and will cause such assessment roll to be filed in the office of the County Clerk.

Section 7. The Chairman and County Clerk shall give public notice calling for bids for constructing said improvements in

three consecutive weekly issues of The Post Register, a newspaper published six days each week, Monday through Saturday, and of general circulation in the City of Idaho Falls, which notice shall state the time, place and hour when and where the County Clerk will receive sealed proposals for the construction of such improvements, and which notice shall contain a general description of the kind and amount of work to be done, the materials to be furnished, as nearly accurate as practicable, using such general terms as to admit of widest latitude for competition, and shall state that the plans and specifications for said improvements are on file in the offices of the County Engineer and the County Clerk, and may be examined or obtained at either office. The Notice shall also state the amount of the estimate of the cost of said improvements and that each bidder shall accompany his bid with a certified check in the amount of 5% of the bid and in case the contract is awarded to such bidder and he fails or refuses to enter into the contract and give the bond required, the proceeds of such check to be forfeited to the County as liquidated damages and placed in the Local Improvement Fund for said District. Said Notice shall reserve the right to reject any and all bids, to waive informalities or to accept the proposal of the lowest and best responsible bidder. Also said Notice shall state that no bidder may withdraw his bid after the hour set for opening bids. Award of the contract shall be made to the lowest and best responsible bidder fulfilling these requirements.

Section 8. That said improvements may be financed by means of interim warrants bearing interest at the rate of not more than 7% per annum, pending the issuance of Local Improvement Bonds

of said District, the actual amount to be determined by the Chairman and County Commissioners.

Section 9. All ordinances or parts thereof in conflict herewith are hereby repealed.

Section 10. This Ordinance shall be published in its entirety within one month of its passage in at least one issue of The Post Register, a newspaper published six days each week, Monday through Saturday, and of general circulation in the City of Idaho Falls, Idaho.

Section 11. By reason of the fact that the construction of said improvements is imperatively needed, it is hereby declared that an emergency exists, that this Ordinance is necessary to the immediate preservation of the public peace and safety, and that it shall be in full force and effect from and after its passage, approval and publication as provided by law.

PASSED AND APPROVED BY the Chairman and County Commissioners of the Board of County Commissioners, Bonneville County, Idaho, this 3rd day of May, 1974.

/s/ Orval Forbes
Chairman

ATTEST:

/s/ Keith Long
County Clerk