

ORDINANCE NO. 780

AN ORDINANCE CREATING A LOCAL IMPROVEMENT DISTRICT NO. 1101 FOR ADA COUNTY, IDAHO, FOR THE PURPOSE OF CONSTRUCTING AND INSTALLING A WATER SYSTEM IN THE SAGE ACRES SUBDIVISION GENERALLY CONSISTING OF APPROXIMATELY 8600 LINEAR FEET OF WATER PIPE, AN 1815 GPM BOOSTER PUMPING STATION WITH STANDBY POWER, 53 SERVICE LINES, TOGETHER WITH THE COSTS OF ENGINEERING, LEGAL SERVICES, PUBLICATION, BOND ISSUANCE COSTS AND RESERVES, AND OTHER RELATED EXPENSES, ALL WITHIN THE COUNTY OF ADA, IDAHO; AND FUTHER PROVIDING FOR THE LEVYING OF ASSESSMENTS UPON THE PROPERTY BENEFITTED BY SUCH IMPROVEMENTS AND FOR THE BASIS OF MAKING SAID ASSESSMENTS, SETTING FORTH THE BOUNDARIES OF SAID DISTRICT: PROVIDING FOR THE MAKING OF AN ASSESSMENT ROLL; AUTHORIZING THE SELECTION OF A DESIGN PROFESSIONAL; AND AUTHORIZING THE SOLICITATION OF A CONSTRUCTION CONTRACT.

WHEREAS, the Board of County Commissioners of Ada County, Idaho on the 28th day of December, 2010 adopted a resolution officially accepting a petition of not less than 60% of the resident homeowners of the Sage Acres Subdivision requesting the creation of a local improvement district for the purpose of constructing and installing a water system and declaring its intention to create a Local Improvement District, to be known as "Local Improvement District No. 1101 for Ada County, Idaho" for water system improvements (domestic, irrigation, and fire) consisting generally of approximately 8,600 feet of new water pipe for connection to a public water system, including 2,044 feet of parallel pipe to serve the higher elevation parcels; an 1,815 gpm booster pumping station with standby power; 53 service lines; costs of engineering and design; and other related expenses for the estimated total cost of Five Hundred Ninety Five Thousand and no/100 Dollars (\$595,000.00). Additional costs may be incurred for legal services; costs of publication; bond issuance and reserve costs and clerical services, advertising, costs of inspection, costs of collecting assessments, interest upon any warrants issued, and for legal services for preparing proceedings in regard thereto; and

WHEREAS, said resolution states it to be the intention of the board of County Commissioners of Ada County, Idaho, to defray the whole cost of the expenses of said improvement by assessments against all the property in the district in the manner prescribed by the Idaho "Local Improvement District Code," and

WHEREAS, the Board of County Commissioners gave mailed and published notice of its intention to make such improvements and create such districts so that those desiring to do so might protest against the same; and

WHEREAS, a hearing of protests was held the 19th day of January, 2011, at 6:00 o'clock p.m., pursuant to said notice, continued from time to time thereafter until April 5th, and during which time, all protests were heard and passed upon by the Board of County Commissioners; and

WHEREAS, protests against the proposed work was not made by the owners of more than 2/3 of the abutting, adjoining, contiguous and adjacent lots and lands within such proposed improvement district; and

WHEREAS, at the time set for said adoption of this ordinance, the Board has again examined the aforesaid petition requesting the improvements, has again found and has hereby declared said petition to be adequate and sufficient pursuant to §50-1706 of the Idaho Code, said improvements to be original improvements, found said district to be for the best interests of the property affected and of the county, found that there were reasonable probabilities that such obligation of said district shall be paid; found all of the property in the district hereby created to be specially benefitted, it has reported, and hereby does report, such findings in its Minutes; and

WHEREAS, SPF Water Engineering, LLC has made and submitted to the board an estimate of the cost of all labor and materials which may be done or furnished by the contract with the county for said district, namely an amount of \$595,000.00 to be paid exclusively by the benefitted properties on a benefits derived basis; and

WHEREAS, the Board of County Commissioners has taken all action necessary to and preliminary to the creation of said Local Improvement District, and finds all such preliminary action to be in full compliance with Title 50, Chapter 17 of the Idaho Code, and all laws mandatory thereof, supplemental thereto, and now desires to create said district.

NOW, THEREFORE, BE IT ORDAINED AND ORDERED, AND IT IS HEREBY ORDERED by the Board of County Commissioners of Ada County, Idaho:

1. That said resolution of intention, without modification and all other action taken in connection with the aforesaid improvements of the district, is hereby ratified and approved, and there is hereby created a Local Improvement District in Ada County, Idaho, to be called and designated "Local Improvement District No. 1101 for Ada County, Idaho," which shall include all the property within the exterior boundaries of said Local Improvement District as hereinafter indicated. All protests to the creation of Local Improvement District No. 1101 are hereby overruled.

2. That Local Improvement District No. 1101 will be in the best interests of the property affected and of the County of Ada.

3. That the value of the property subject to assessment within Local Improvement District No. 1101 (such value being determined by the current assessed valuation of such property for ad valorem tax purposes as shown by the records of the Ada County Assessor) exceeds the sum of the estimated costs to be assessed against the property included in Local Improvement District No. 1101 and that there is a reasonable probability that the obligations of Local Improvement District No. 1101 will be repaid.

3. That the location of said improvements in said district within Ada County - including water system improvements (domestic, irrigation, and fire) consisting generally of approximately 8,600 feet of new water pipe for connection to a public water system, including 2,044 feet of parallel pipe to serve the higher elevation parcels; an 1,815 gpm booster pumping station with standby power; 53 service lines; costs of engineering and design; and other related expenses for the estimated total cost of Five Hundred Ninety Five Thousand and no/100 Dollars (\$595,000.00), and potential additional costs which may be incurred for legal services; costs of publication; bond issuance and reserve costs and clerical services, advertising, costs of inspection, costs of collecting assessments, interest upon any warrants issued, and for legal services for preparing proceedings in regard thereto - is as more fully described in Exhibit A attached hereto and made a part hereof by reference.

4. That the boundaries of said district situated in the County of Ada, Idaho, are hereby declared to be all the lots and lands included in Exhibit A to their full depth, abutting, adjoining, contiguous, and adjacent to said improvements which are to be constructed within the County of Ada.

5. That pursuant to §§50-1701, et seq., Idaho Code, and pursuant to notice duly published in conformity therewith and with the procurement code, there shall be made by the Board of County Commissioners, contracts for the construction of said improvement with the lowest and best responsible bidder; it has been estimated that the cost of said improvements will be \$595,000.00, and said amount is the estimate heretofore made and submitted to the Board of County Commissioners to be the cost of all labor and materials to be assessed against the property in the district and the benefits derived methodology. Having been recognized by the Petitioners that the actual cost of said improvements may vary from the above-estimated amount, any costs in excess of the above-estimated amount shall be assessed to each of the 53 included parcels of land on the basis of benefits derived.

6. That the Board of County Commissioners, in creating "Local Improvement District No. 1101 for Ada County, Idaho" is not creating an enlarged district.

7. That the costs and expense of said improvements, including the contract price of the improvements, engineering and clerical service, advertising, cost of

inspection, cost of collecting assessments, interest upon warrants, and legal services for the preparing of the proceedings and advising in regard thereto, shall be levied and assessed upon the property benefitted by such improvements. Each of the included 53 lots and parcels of land shall be separately assessed for said improvements or costs and expenses based on benefits derived which amounts shall be sufficient to cover all of the costs and expenses of the work to be so levied and assessed.

8. That an assessment roll according to the provisions of this ordinance, after the contract for the construction and acquisition of all improvements has been awarded, shall be made. Said assessment roll shall contain, among other things, the number of the assessment, the name of the owner, if known, or if not known, that the name is unknown, a description of each tract assessed and the total amount of assessment; which assessment roll, upon its completion shall be certified to the Board of County Commissioners, and the Board shall thereupon fix a time when objections thereto by the property owners in said district shall be heard and will cause such roll to be filed in the office of the Clerk of the Board of County Commissioners.

9. Said assessments may be paid in annual installments of principal and interest, over a period which may be less than but which shall not exceed twenty (20) years, as shall be determined by the Board of Ada County Commissioners, if not otherwise provided by law.

10. After the bonds of said Local Improvement District for Ada County, Idaho, have hereafter issued, this ordinance shall constitute a contract by the county and the holder or holders of said bonds and shall be and remain irrevocable until said bonds and the interest accruing thereon shall have been fully paid, satisfied and discharged.

11. That is any section, paragraph, clause or provision of this ordinance shall for any reason be held to be invalid or unenforceable, the invalidity or unenforceability of any such section, paragraph, clause or provision shall not affect any remaining provision of this ordinance.

APPROVED AND ADOPTED this 10 day of May, 2011.

Board of Ada County Commissioners

By: _____
Rick Yzaguirre, Chairman

By: _____
Sharon M. Ullman, Commissioner

By: _____
Vernon L. Bisterfeldt, Commissioner

ATTEST:

Christopher D. Rich, Ada County Clerk

PUBLISHED: _____