

ORDINANCE NO. 1154

AN ORDINANCE OF THE CITY OF PAYETTE, IDAHO, CREATING LOCAL IMPROVEMENT DISTRICT NO. 98-1; DESCRIBING AND SETTING FORTH THE BOUNDARIES OF THE LOCAL IMPROVEMENT 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 THE WORK AS AUTHORIZED BY LAW; PROVIDING FOR THE PAYMENT OF COSTS AND EXPENSES OF THE IMPROVEMENTS TO BE ASSESSED AGAINST THE PROPERTY WITHIN THE DISTRICT BENEFITED THEREBY AND THE METHOD OF ASSESSMENT; PROVIDING FOR THE ISSUANCE OF LOCAL IMPROVEMENT DISTRICT BONDS AND WARRANTS; PROVIDING FOR RELATED MATTERS; AND PROVIDING AN EFFECTIVE DATE

WHEREAS, the City of Payette, Payette County, Idaho (the "City"), is a municipal corporation organized and operating under the laws of the State of Idaho and is authorized by Idaho Code Title 98-10, Chapter 17, to create local improvement districts for public improvements, 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 benefited by said improvements; and

WHEREAS, the City Council (the "Council") of the City has determined that it is in the best interests of the City and its residents, and of the property and residents within the proposed local improvement district, to create a local improvement district for the construction of certain water, sewer, and related street improvements, and other related expenses; and

WHEREAS, by adoption of Resolution No. 204, on December 15, 1997, the Council expressed its intention to create a local improvement district for the purpose of financing the costs of such improvements; and

WHEREAS, after proper publication and mailing of notice to the owners of property within the proposed improvement district of intention to create the proposed local improvement district, a public hearing was held by the Council on December 30, 1997, at which hearing the residents and owners of property within the proposed local improvement district had the opportunity to protest the formation of the local improvement district.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF PAYETTE, IDAHO, as follows:

Section 1: The Council hereby finds and declares:

(a) That Local Improvement District No. 98-1 will be in the best interests of the property affected and of the City;

(b) That there is a reasonable probability that the obligations of Local Improvement District No. 98-1 will be paid; and

(c) That the value of the property subject to assessment within Local Improvement District No. 98-1 (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 Payette County, Idaho) exceeds the sum of the estimated costs to be assessed against the property included in Local Improvement District No. 98-1.

Section 2: There is hereby established and created a local improvement district within the City, to be known and designated as "Local Improvement District No. 98-1" ("L.I.D. No. 98-1"), the boundaries of which local improvement district and the property included therein, described as follows: all real property subject to assessment located south of Sixth Avenue South, west of Highway Business 95, east of the Payette River and north of the south property line of the Idaho Power Service Center and a line running due west from the south side of Mountain View Drive to the Payette River. All protests to the creation of L.I.D. No. 98-1 are hereby overruled.

Section 3: A description of the improvements to be constructed (the "Improvements") is as follows: installation of municipal water and sewer lines, including service line stub-outs to adjacent lots and lands, and related street repairs, together with related improvements and costs of engineering, legal services, publication, interest on borrowed funds during construction, bond issuance costs and reserves, and other related expenses.

Section 4: The costs and expenses of the Improvements shall be assessed against the abutting, adjoining, and adjacent lots and lands and other properties benefited by the Improvements according to the square-foot method of assessment, as provided by Section 50-1707, Idaho Code.

Section 5: Said Improvements are additional improvements.

Section 6: The estimated cost of the Improvements is \$995,500, approximately 271,400 or 27.3% of which will be paid by a levy of assessments on the property benefited on the basis set forth in Section 4 of this Ordinance. 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 thirty (30) years, as shall be determined by the Council, if not otherwise paid as provided by law.

Section 7: Costs and expenses assessed 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, legal services for preparing the proceedings and in advising with regard thereto, services of financial advisors, necessary reserves, and costs of issuance of any bonds or warrants.

Section 8: Holladay Engineering Co., of Payette, Idaho, is hereby appointed as engineer for L.I.D. No. 98-1 and shall prepare the necessary plans, specifications, and advertisement for bids for the construction thereof. Advertisement for bids for such work shall be published and contracts awarded in accordance with Section 98-10-1710, Idaho Code.

Section 9: For the purpose of paying any contractor for the cost of the Improvements for L.I.D. No. 98-1, or otherwise defraying any of the costs of the Improvements as they become due, the Mayor, the City Treasurer, and the City Clerk are hereby authorized and directed to cause to be issued, sold, and delivered, on behalf of the City, interim warrants of L.I.D. No. 98-1, which warrants shall be in such form and amounts (not exceeding, in the aggregate, \$271,400) as the Council may hereafter provide by resolution, which warrants shall be redeemed and paid in full, together with any accrued and unpaid interest thereon, from the proceeds of the sale of the bonds or the prepayment of assessments of L.I.D. No. 98-1. The first proceeds of the prepayment of assessments and the sale of Local Improvement District No. 98-1 bonds are hereby pledged for the payment and redemption of the principal and interest on each interim warrant issued pursuant hereto.

Section 10: This Ordinance shall be published once in the official newspaper of the City and shall take effect and be in full force immediately upon its passage, approval, and publication.

DATED this 16th day of March, 1998.

CITY OF PAYETTE
Payette County, Idaho

By *Alan Brasby*
Mayor

ATTEST:

John P. Franks
City Clerk

(SEAL)