

ORDINANCE NO. 10-01

AN ORDINANCE OF THE COUNTY OF CARIBOU, IDAHO, CREATING LOCAL IMPROVEMENT DISTRICT NO. 2010-1; DESCRIBING AND SETTING FORTH THE BOUNDARIES OF THE LOCAL IMPROVEMENT DISTRICT; PROVIDING FOR THE PROJECT TO BE FINANCED THEREIN; APPOINTING AN ENGINEER TO PREPARE THE ENGINEER'S REPORT AND ASSESSMENT ROLL; PROVIDING FOR THE PAYMENT OF COSTS AND EXPENSES OF THE PROJECT TO BE ASSESSED AGAINST THE PROPERTY WITHIN THE LOCAL IMPROVEMENT DISTRICT 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 County of Caribou, Idaho (the "County"), is a political subdivision organized and operating under and pursuant to the laws of the State of Idaho and is authorized by Idaho Code Title 50, 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 thereby; and

WHEREAS, the Board of County Commissioners (the "Board") of the County has determined that it is in the best interests of the County and its residents, and of the property and residents within the proposed local improvement district, to create a local improvement district for the purpose of financing certain public improvements as follows: the installation of an underground irrigation system, and all appurtenances thereto so that they comply with the County standards, together with costs of engineering, legal services, publication, bond issuance costs and reserves, and other related expenses.

WHEREAS, by Petition of landowners of property within the proposed local improvement district, the landowners initiated the formation of a local improvement; and

WHEREAS, by adoption of Resolution No. 10-02 on March 22, 2010, the Board 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 Board on April 12, 2010, 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 BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF CARIBOU, IDAHO, as follows:

Section 1: The Board of County Commissioners hereby finds and declares:

(a) That Local Improvement District No. 2010-1 of the County of Caribou, Idaho, 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 Local Improvement District No. 2010-1 of the County of Caribou, Idaho, will be paid; and

(c) That the value of the property subject to assessment within Local Improvement District No. 2010-1 of the County of Caribou, Idaho, (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 Caribou County, Idaho) exceeds the sum of the estimated costs to be assessed against the property included in Local Improvement District No. 2010-1 of the County of Caribou, Idaho.

Section 2: There is hereby established and created a local improvement district within the County, to be known and designated as "Local Improvement District No. 2010-1 of the County of Caribou, Idaho", also known as "L.I.D. No.2010-1", the boundaries of which local improvement district shall be: Township-8-S Range-40-E Sec 21, 22, 23, 26, 27, 28, 29, 33, 34, 35, Township-9-S Range-40-E Sec 1, 2, 3, 9, 10, 11, 15m 16, 21, 22, 27, Township-9-S Range-41-E Sec 7. All property within the boundaries of L.I.D. No. 2010-1 (except property which is exempt from assessment because of government ownership) will be subject to assessment according to the method of assessment set forth in Section 5 of this Ordinance. All protests to the creation of L.I.D. No. 2010-1 are hereby overruled.

Section 3: A description of the project to be financed (the "Project") is as follows: construction and installation of a buried irrigation pipeline to replace open ditch, together with costs of engineering, legal services, publication, bond issuance costs and reserves, and other related expenses.

Section 4: The costs and expenses of the Project shall be assessed against the lots and lands included in L.I.D. No. 2010-1 according to the benefits derived method of assessment, as provided by Section 50-1707, Idaho Code.

Section 5: The estimated cost of the Project is \$1,200,000.30, of which \$600,000.00, plus any further costs of any necessary potential bond reserve fund will be paid from a levy of assessments on the property benefited by the Project within L.I.D. No. 2010-1. The assessments against lots and lands included in L.I.D. No. 2010-1 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 Board, if not otherwise paid as provided by law.

Section 6: In the event that the Board determines to issue interim warrants for the purpose of paying any contractor for the costs of the Improvements for L.I.D. No. 2010-1, or otherwise defraying the Costs of the Improvements as they become due, the Board of County Commissioners, the County Clerk, the County Treasurer are hereby authorized to cause to be issued, sold, and delivered, on behalf of L.I.D. No. 2010-1, interim warrants of L.I.D. No. 2010-1, which warrants shall be in such form and amounts (not exceeding, in the aggregate, \$100,000) as the Board 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 and the prepayment of assessments of L.I.D. No. 2010-1. The first proceeds of the prepayment of assessments and the sale of Local Improvement District No. 2010-1 bonds are hereby pledged for the payment and redemption of the principal and interest on each interim warrant issued pursuant hereto.

Section 7: Sunrise Engineering. is hereby appointed as the engineer for L.I.D. No. 2010-1 and shall prepare the engineer's report and preliminary assessment roll as provided by Section 50-1712, Idaho Code. County staff shall provide support and evaluation as needed.

Section 8: 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 12<sup>th</sup> day of April, 2010.

COUNTY OF CARIBOU, Idaho

By Lloyd M. Rasmussen  
Chairman

ATTEST:

Shelley Reeves - Deputy Clerk  
County Clerk

(SEAL)