CANYON HIGHWAY DISTRICT No. 4

ORDINANCE NO. 2

AN ORDINANCE OF THE BOARD OF COMMISSIONERS OF CANYON HIGHWAY DISTRICT NO. 4; CREATING LOCAL IMPROVEMENT DISTRICT 08-1 FOR CANYON HIGHWAY DISTRICT NO. 4; MAKING CERTAIN FINDINGS; DESCRIBING AND SETTING FORTH THE BOUNDARIES OF SAID DISTRICT; PROVIDING FOR IMPROVEMENTS TO BE MADE THEREIN; APPOINTING AN ENGINEER; AUTHORIZING THE ADVERTISING FOR BIDS FOR SAID WORK; PROVIDING FOR THE METHOD OF VALUATION; PROVIDING FOR ASSESSMENT OF COSTS AND EXPENSES OF SAID IMPROVEMENTS AGAINST THE PROPERTIES WITHIN THE DISTRICT BENEFITED THEREBY; PROVIDING FOR THE APPLICATION OF DISTRICT FUNDS; PROVIDING FOR THE ISSUANCE OF WARRANTS; PROVIDING FOR THE PUBLICATION; AND SETTING AN EFFECTIVE DATE.

NOW THEREFORE BE IT ORDAINED by the Board of Commissioners of the Canyon Highway District No. 4, Canyon County, Idaho:

SECTION 1. FINDINGS

The Commissioners of the Canyon Highway District No. 4, Canyon County, State of Idaho, hereby find and declare that:

1.1 Local Improvement District 08-1 will be in the best interests of the property affected and of the Canyon Highway District No. 4;

1.2 There is a reasonable probability that the obligations of Local Improvement District No. 08-1 will be paid;

1.3 The value of the subject real property subject to assessment within Local Improvement District No. 08-1 (such value has been determined in accordance with Canyon Highway District No. 4 Ordinance No. 1, enacted as provided by Idaho Code § 50-1711, which ordinance provides that the method of determining the actual value of real property including the improvements thereon is by the current assessed valuation of the property for ad valorem tax purposes as shown by the records of the Assessor of Canyon County) exceeds the sum of the estimated costs to be assessed against the property included in Local Improvement District No. 08-1; and

1.4 No protests were filed in writing in advance of the hearing nor were any oral protests made at the hearing, as more fully set forth in the proceedings of said hearing.

SECTION 2. ESTABLISHMENT OF L.I.D. 08-1

2.1 There is hereby created and established a Local Improvement District within the County of Canyon, and within the bounds of the Canyon Highway District No. 4, to be designated "Local Improvement District No. 08-1 for Canyon Highway District No. 4," which boundaries include all of the real property:

As shown on **Exhibit A** and is inclusive of all of the parcels identified as Canyon County Assessor's Parcel Numbers R2080901000, R2080901100, R2081000000, R2081100000, R2081101000, R3801200000, R38011010A0, R3801100000, R2080201000, R3800701000, R3800700000, R3800600000, R3800601000

SECTION 3. STREET IMPROVEMENTS

3.1 It is the intention of the Commissioners of the Canyon Highway District No. 4 to construct street improvements in the following streets, in the County of Canyon, and within the Canyon Highway District No. 4:

Tracy Street from Galloway Road south to the Fred Lane public right-of-way on a portion of the Tracy Street right-of-way, a 30' wide parcel underlying the 10.2-1.3 C-East Irrigation Lateral, and right-of-way to be donated. The road would be located on or between Canyon County Parcel #s R38012, R38011010A, & R38011 on the east and Parcel #s R20811, R20810, R20809011 & R20809010 on the west.

3.2 The general character of the improvements shall be as follows:

3.2.1 Construction of a local road meeting the requirements of Canyon Highway District No. 4, less asphalt paving, and shall include, but is not limited to, excavation, embankment, grading, sub-base, and base.

3.2.2 The proposed improvements include the cost of materials to pipe the 10.2-1.3 C-East Irrigation Lateral, with equipment and labor for installation provided by Black Canyon Irrigation District at no cost to the property owners or Highway District as provided for in the letter dated March 11, 2008 from Black Canyon Irrigation District to Canyon Highway District No.4. Materials for piping the irrigation lateral are anticipated to include 10" diameter and 12" diameter PVC pipe, manholes, rings and covers, and Yakima box.

3.2.3 The existing private irrigation delivery pipe serving Canyon County Assessor's Parcel numbers R20809011, R20810, R20811010, and R20811 shall be relocated along Parcel #R20809010 to the extent necessary to accommodate the relocation and piping of the 10.2-1.3 C-East Irrigation Lateral at the expense of the user's of

said irrigation line and the cost shall not be included in the local improvement district.

SECTION 4. ASSESSMENT

4.1 Manner of Assessment: The aforementioned street improvements shall be made and the costs and expense thereof shall be assessed against the abutting, adjoining, and adjacent lots and lands and benefitted parcels in the following manner:

Constructions costs for building street and related improvements will be assessed using the per lot/parcel method, with consideration given to those parcels having frontage on an existing public highway right-of-way, proportional to the benefits derived to such lots/parcels by said improvements as a percentage of the total cost of improvements as set forth in the following table:

Canyon County Assessor's Parcel #	Percent of Total Cost of Improvements [1]
R2080901000	2.09%
R2080901100	8.78%
R2081000000	8.78%
R2081100000	8.78%
R2081101000	8.78%
R2080201000	8.78%
R3800701000	8.78%
R3800700000	8.78%
R3800600000	8.78%
R3800601000	8.78%
R3801200000	8.78%
R38011010A0	8.78%
R3801100000	1.28%

[1] The above stated percentages are rounded to the second decimal. In order to equal 100% an additional .05% will be proportionally applied to the above percentages.

4.2 Administrative Costs: The administration costs, including the engineering, inspection, legal publications, interim financing, and other non-construction costs are to be borne by Highway District.

4.3 Levy of Assessments: The total estimated cost and expense of said improvements is Sixty Thousand and No/100 Dollars ($60,000) for which the sum of Fifty Thousand and no/100 Dollars ($50,000.00) will be paid from a levy of assessments on the properties benefited and shall be paid from a levy of special assessments against the abutting, adjoining, contiguous, and adjacent lot and land benefited and included in Local Improvement District No. 08-1, each lot and parcel of land being separately assessed

from the cost thereof on the basis set forth in this Section. Said assessment may be paid in 15 equal annual installments of principal and interest as nearly as practicable, and will be presumed to be paid as such if not otherwise paid within 30 days of assessment as provided by Idaho Code § 50-1715 and the remaining cost and expense up to the sum of Ten Thousand and no/100 Dollars ($10,000.00) will be paid from the funds of Canyon Highway District No. 4.

4.4 Costs and expenses assessed as herein provided shall include the contract price of the improvements, interest on the Canyon Highway District No. 4 General Funds advanced, and for the costs of acquiring land if necessary.

4.5 **Equitable Apportionment:** The Commissioners hereby find that such apportionment is equitable and is based upon the special benefits each parcel will receive from the project.

SECTION 5. WARRANTS

5.1 To provide for the immediate payment of the improvements herein provided for, pending the payment of installments on the assessments described in Section 4, Canyon Highway District No. 4 shall issue warrants as provided in Idaho Code §§ 50-1715, 50-1722, and 50-1724.

5.2 For the purposes of making payments for said improvements as the same are installed, Canyon Highway District No. 4 may issue warrants payable against the Local Improvement District No. 08-1, assessments payable to Canyon Highway District No. 4 in a principal amount not to exceed Fifty Thousand and No/100 Dollars [$50,000.00] upon the estimate of the Engineer and based upon Section 4.1 of this Ordinance, bearing interest at a rate found to be reasonably acceptable by the Commissioners, which shall be included in the assessment as provided in this Section.

5.3 Canyon Highway District No. 4 shall establish a fund for the payment of warrants and a fund for payment of interest on the warrants from the proceeds of the Local Improvement District No. 08-1 assessments pursuant to Idaho Code § 50-1724. Once the warrants have been paid in full, any residual balance of these accounts may be deposited into the general fund of Canyon Highway District No. 4 pursuant to Idaho Code § 50-1753.

SECTION 6. CONSTRUCTION OF IMPROVEMENTS/ASSESSMENT ROLL

6.1 **Project Engineer:** Timothy Richard, P.E., the Highway District Engineer, is hereby appointed as Engineer for the project, and shall prepare the necessary plans and specifications for the construction and inspection and acceptance of improvements.

6.2 After the contract for the construction of improvements has been awarded, and at such time as the Commissioners shall determine, the Engineer shall prepare a duly certified assessment roll, according to the provisions of Idaho Code § 50-1712.

SECTION 7: DATE OF EFFECT

7.1 This Ordinance shall take effect and be in full force upon its passage, approval, and publication.

PASSED BY THE BOARD OF COMMISSIONERS of Canyon Highway District No. 4 this 10 day of July, 2008.

Chairman, Darin J. Taylor

Commissioner, Jerome Scroggins

Commissioner, John J. McEvoy

ATTEST:

I certify that the above ordinance was duly adopted by the Board of Commissioners of the Canyon Highway District No. 4 on July, 2008 by the following vote:

Ayes: 3
Noes: _____
Absent: _____

By _____
John J. McEvoy, Secretary

SECRETARY'S ROUTING AND ACTION LEDGER [Not part of Ordinance]

Sponsored by: _____
First Readings: _____ [date]
Adopted after first reading by suspension of the Rule as allowed pursuant to Idaho Code 50-902:
YES _____ NO _____
Second Reading: _____ [date]
Third Reading: _____ [date]
Passed by Commissioners and duly signed: _____ [date]
Ordinance Published [or notice of published summary] _____ [date]
Copy provided to petitioners: _____ [date]
Original Ordinance filed in Ordinance Book: _____ [date]

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Exhibit A
Tracy Street Local Improvement District
Boundary Description

A portion of the Northwest quarter of Section 25, Township 5 North, Range 3 West, Boise Meridian in Canyon County, Idaho and more particularly described as follows:

Commencing at the Northeast corner of said Northwest quarter, thence N 89° 56' 20" W along the north boundary of said Northwest quarter a distance of 56.00';

Thence S 0° 07' 25" E along a line parallel to and 56.00' from the east boundary of said Northwest quarter a distance of 40.00' to the POINT OF BEGINNING;

Thence continuing S 0° 07' 25" E along a line parallel to and 56.00' from the east line of said Northwest quarter a distance of 1277.18', to a point on the South right-of-way line of Fred Lane as shown on the plat of Christensen Homestead Manor Subdivision;

Thence S 89° 59' 34" E along the south right-of-way line of Fred Lane a distance of 56.00' to the Southeast corner of the Northeast quarter of said Northwest quarter;

Thence S 0° 04' 00" E along the East boundary of said Northwest quarter a distance of 628.74' to a point on the centerline of the East Hartley Gulch Drain;

Thence traversing said drain the following bearings and distances;

S 52° 57' 09" W along the centerline of said drain a distance of 372.81';

129.74' along an arc of a 325.30' radius curve left, said curve having a chord bearing S 41° 31' 37" W 128.88';

S 30° 10' 12" W a distance of 429.81' to a point on the South boundary of said Northwest quarter;

Thence along the South boundary of said Northwest quarter S 89° 58' 27" W a distance of 297.62' to the centerline of an irrigation lateral;

Thence continuing along the South boundary of said Northwest quarter S 89° 58' 27" W a distance of 423.23' to the Southwest corner of the Southeast quarter of said Northwest quarter;

Thence N 0° 03' 47" W along the West boundary of Southeast quarter of the Northwest quarter also being the East right-of-way line of Arlene Drive as shown on the plat of Christensen Homestead Manor Subdivision a distance of 101.45';

Thence S 89° 56' 30" W along a line parallel to the South boundary of said Northwest quarter a distance of 40.00' to the West right-of-way line of Arlene Drive, also being the center line of a drain;

Thence traversing said drain the following bearings and distances;

N 17° 46' 17" W a distance of 156.67';

N 3° 35' 44" E a distance of 450.28';

N 36° 43' 37" W a distance of 112.24';

N 6° 59' 43" W a distance of 148.91';

N 5° 21' 23" W a distance of 308.24;

N 17° 11' 29" W a distance of 37.23;

N 9° 59' 15" W a distance of 39.69 to a point on the South boundary of Lot 13 of Christensen Homestead Manor Subdivision;

Thence N 89° 59' 34" W along South boundary of said Lot 13 a distance of 29.11' to the Southwest corner of said Lot 13;

Thence N 07° 19' 44" W along the boundary of said Lot 13 a distance of 268.73';

Thence N 17° 50' 30" W along the boundary of said Lot 13 a distance of 195.65' to the Northwest corner of said Lot 13;

Thence N 17° 50' 30" W along the boundary of Lot 12 of Christensen Homestead Manor a distance of 135.00';

Thence N 05° 36' 30" W along the boundary of Lot 12 of Christensen Homestead Manor a distance of 100.00';

Thence N 13° 17' 50" E along the boundary of Lot 12 of Christensen Homestead Manor a distance of 168.6';

Thence N 35° 00' 50" E along the boundary of Lot 12 of Christensen Homestead Manor a distance of 30.0' to the Northwest corner of said Lot 12;

Thence N 89° 58' 47" E along the North boundary of said Lot 12 a distance of 671.46';

Thence N 0° 03' 38" E a distance of 200.12 feet;

Thence continuing N 0° 03' 38" E a distance of 208.23;

Thence S 89° 56' 20" E along the North boundary of Lot 11 of Christensen Homestead Manor Subdivision and parallel to and 40' from the North boundary of said Northwest quarter a distance of 613.78 feet to the Northeast corner of said Lot 11;

Thence continuing S 89° 56' 20" E along a line parallel to and 40' from the North boundary of said Northwest quarter a distance of 283.44 feet to the POINT OF BEGINNING.

AND

That portion of the Southwest Quarter of the Northeast Quarter lying westerly of the East Hartley Gulch Drain in Section 25, Township 5 North, Range 3 West, Boise Meridian, Canyon County, Idaho.