

RESOLUTION NO. 2011-17

A RESOLUTION of the North Kootenai Water District, Kootenai County, Idaho, amending Resolution No. 2011-12 to state the amended time and place when and where protests may be filed and when and where a public hearing will be held to consider any such protests; providing for the effective date of this resolution; and providing for other matters properly relating thereto

NORTH KOOTENAI WATER DISTRICT  
Kootenai County, Idaho

LOCAL IMPROVEMENT DISTRICT NO. 3 – CHILCO EAST

BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE NORTH KOOTENAI WATER DISTRICT, of Kootenai County, Idaho, as follows:

WHEREAS, the North Kootenai Water District, of Kootenai County, Idaho, (the “District”), is a political subdivision operating and existing under and pursuant to the provisions of the Constitution and laws of the State of Idaho, and as such is authorized and empowered to create local improvement districts and to construct improvements pursuant to Idaho Code, Title 50, Chapter 17; and

WHEREAS, on August 18, 2011 the Board adopted Resolution No. 2011-12, Resolution of Intention to Form Local Improvement District No. 3 – Chilco East, and set a public hearing for September 22, 2011;

WHEREAS, due to scheduling conflicts it is necessary to move the public hearing to October 6, 2011;

NOW, THEREFORE, BE IT FURTHER RESOLVED, DETERMINED AND ORDERED as follows:

Section 1: Amending Public Hearing Date and Related Deadlines. The Board hereby sets October 6, 2011, at 12:30 p.m. as the amended date of the public hearing for proposed Local Improvement District No. 3 – Chilco East (“LID No. 3) at which time the owners of property to be assessed within proposed LID No. 3 may appear before the Board of Directors and be heard as to the propriety and advisability of acquiring and constructing the Project and which is the time and place when and where the Board will consider the creation of proposed LID No. 3 and construction of the proposed improvements, and hear all complaints, protests, and objections that may be made in writing and filed with the Board on or before said time, by any owner of any parcel of land to be assessed. The hearing shall be held at the North Kootenai Water District office located at 1841 W. Hayden Ave., Hayden, ID, 83835. Notice of hearing shall be given as follows:

A. By publication of such notice substantially in the form attached hereto as Exhibit "A" and hereby made a part hereof, in the official newspaper of the District, which notice shall be published in three (3) consecutive issues thereof if a daily newspaper, or in two (2) consecutive issues if a weekly newspaper.

B. By mailing a copy of such notice substantially in the form attached hereto as Exhibit "B" and hereby made a part hereof, by the Clerk to each record owner of property, if known, or his agent if known, within the boundaries of the proposed LID No. 3, addressed to such person at his post office address, if known, or if unknown, to the post office in Hayden, Idaho. Ownership of property shall be determined as of the date of the adoption of this Resolution.

Said notice by publication and notice by mailing shall be given at least ten (10) days before the date of said hearing for protest of the creation of proposed LID No. 3. Proof of

publication shall be by affidavit of the publisher and proof of mailing shall be by affidavit of the Clerk.

Section 2: Effective Date. This Resolution shall take effect and be in full force from and after its passage and approval.

DATED this 1<sup>st</sup> day of September, 2011.

NORTH KOOTENAI WATER DISTRICT  
Kootenai County, Idaho

  
Chair, Board of Directors

ATTEST:

  
Secretary



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I, the undersigned, Secretary of the Board of Directors of the North Kootenai Water District of Kootenai County, Idaho, hereby certify that the foregoing Resolution is a full, true, and correct copy of a Resolution duly adopted at a special meeting of the Board of Directors, duly and regularly held at the regular meeting place thereof on September 1, 2011, of which meeting all members of said Board had due notice and at which a majority thereof were present; and that at said meeting said Resolution was adopted by the following vote:

AYES, and in favor thereof, Directors:

NAYS, Directors:

ABSENT, Directors:

ABSTAIN, Directors:

I further certify that I have carefully compared the same with the original Resolution on file and of record in my office; that said Resolution is a full, true, and correct copy of the original Resolution adopted at said meeting; and that said Resolution has not been amended, modified, or rescinded since the date of its adoption, and is now in full force and effect.

IN WITNESS WHEREOF, I have set my hand and affixed the official seal of the District on September 1, 2011.

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Secretary

( S E A L )

NOTICE OF HEARING ON  
CREATION OF LOCAL IMPROVEMENT DISTRICT

NORTH KOOTENAI WATER DISTRICT  
Kootenai County, Idaho

LOCAL IMPROVEMENT DISTRICT NO. 3 – CHILCO EAST

NOTICE IS HEREBY GIVEN that October 6, 2011, at 12:30 P.M., the North Kootenai Water District Office, 1841 W. Hayden Ave., Hayden Idaho 83835, has been fixed as the time and place for a public hearing at which time the owners of property to be assessed within proposed Local Improvement District No. 3 – Chilco East (“LID No. 3”) may appear before the Board of Directors (the “Board”) of the North Kootenai Water District, Idaho (the “District”), and be heard as to the propriety and advisability of creating LID No. 3 and acquiring and constructing the Project, as hereinafter described, and as the time and place when and where the Board will consider the creation of proposed LID No. 3 and the acquisition and construction of the proposed improvements, and hear all complaints, protests, and objections which may be made in writing and filed with the Secretary of the District on or before said time by any owner of any parcel of land to be assessed.

The boundaries of the proposed LID No. 3 are described in Exhibit “A” attached hereto and hereby made a part hereof.

A general description of the improvements to be constructed (the “Project”), as well as the estimated cost of such Project are as follows:

- A. Extension of a new water main from the District’s existing Chilco Water System an estimated 5,000 lineal feet south to Chilco Road.
- B. Construction of a new 8” water main including the pipe and incidentals as well as new water services to extend from the new main to the edge of the right-of-way line, inclusive of all related appurtenances and incidentals.
- C. Acquisition of related appurtenances necessary to operate the Chilco pump station.

The estimated total cost of the proposed Project is \$373,400, of which approximately \$373,400 of the cost of the Project shall be borne by and assessed against the properties specially benefited by such improvements. The remaining cost of the Project will be paid with funds from the District .

The estimated assessment for individual property owners is just that, an estimate. Actual assessments may be higher or lower, based upon the actual cost of the project, but in no event can they be higher than the benefit of the improvement to the property.

The costs and expenses of the Project to be paid from special assessments shall be assessed against the lots and parcels within the proposed LID No. 3 according to the benefits derived method of assessment.

Written protests and objections to the creation of LID No. 3 or to the manner of assessment or inclusion of property therein may be filed with the District Secretary at or before 12:30 P.M. on October 6, 2011, by mailing or delivery of the written protest to the District Secretary, North Kootenai Water District Office, 1841 W. Hayden Ave., Hayden Idaho 83835, by any owner of any parcel of land to be assessed.

DATED this 1<sup>st</sup> day of September, 2011.

NORTH KOOTENAI WATER DISTRICT  
Kootenai County, Idaho

COPY

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Chair, Board of Directors

ATTEST:

COPY

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Secretary

(SEAL)

Publish: Three consecutive issues of daily newspaper; or  
Two consecutive issues of weekly newspaper.

NOTICE OF HEARING ON  
CREATION OF LOCAL IMPROVEMENT DISTRICT

NORTH KOOTENAI WATER DISTRICT  
Kootenai County, Idaho

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DATED this 1<sup>st</sup> day of September, 2011.

NORTH KOOTENAI WATER DISTRICT  
Kootenai County, Idaho

**COPY**

\_\_\_\_\_  
Chair, Board of Directors

ATTEST:

**COPY**

\_\_\_\_\_  
Secretary

(SEAL)

Property Owner: \_\_\_\_\_

Parcel Number: \_\_\_\_\_

Estimated Assessment: \$ \_\_\_\_\_