

RESOLUTION NO. 2009-20

A RESOLUTION of intention of the North Kootenai Water District, Kootenai County, Idaho, to create Local Improvement District No. 2; describing the boundaries of the proposed district and the property proposed to be assessed; generally describing the improvements proposed to be constructed; stating the portion of the total cost which will be paid by the levy of assessments and that which will be paid from other sources; describing the method of assessment; stating the 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. 2

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

WHEREAS, North Kootenai Water District (the "District") is a duly and properly formed water district under and by virtue of the laws of the State of Idaho and is governed by a Board of Directors (the "Board"); and

WHEREAS, Idaho Code Section 50-1707 authorizes the Board of Directors (the "Board") to initiate the formation of a local improvement district by resolution; and

WHEREAS, the Board of Directors is of the opinion that it is in the best interest of the owners of property and of the inhabitants within the proposed Local Improvement District No. 2, and within the District, that the proposed Local Improvement District No. 2 be formed and the proposed improvements as hereinafter described be constructed;

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

Section 1:     Intention to Form LID No. 2. The District hereby determines and states that it is its intention to form a local improvement district to be designated “North Kootenai Water District Local Improvement District No. 2” (“LID No. 2”) to make the improvements as hereinafter set forth.

Section 2:     Boundaries of LID No. 2. The boundaries of proposed LID No. 2 and of the properties to be assessed are described in Exhibit “A” attached hereto and hereby made a part hereof. The Board is of the opinion that said description is sufficient to inform the owners of the subject property that is proposed to be assessed and the public improvements that are proposed to be constructed therein.

Section 3:     Project. A general description of the improvements to be constructed on Wilkinson Road (the “Project”) is as follows:

A.     Installation of approximately 12,000 lineal feet of 12” waterline from the end of the District Main Line on Dodd Road, east to the 4-S Ranch water system on Morgan Lane;

B.     Replacement of approximately 700 lineal feet of waterline within the 4-S Ranch system;

C.     New booster pumps and related appurtenances within the Springrock Booster Station to serve the 4-S Ranch development;

D.     Improvements to the existing 4-S Ranch system storage tank; and

E.     New booster station and high pressure main to serve the highest services and all appurtenances and facilities related to improvements;

together with engineering, legal, accounting, costs of bond issuance, costs of interim financing, costs of financial advice, and other costs incidental thereto. All work will be performed and all

materials supplied after the advertisement for bids therefore by giving notice calling for sealed bids for the construction of work.

Section 4: Costs of Project. The estimated total cost of the proposed Project is \$1,823,000 all of which 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 Board understands that further development of plans, and therefore cost figures, is ongoing and the dollar amount for this Project to be paid by assessments charged be reduced. Additionally, individual assessments for property owners may be reduced or eliminated by grant funds.

Section 5: Assessments. The costs and expenses of the Project to be paid from special assessments shall be assessed against the lots and parcels within proposed LID No. 2 according to a benefit derived method of assessment, all in accordance with Section 50-1707, Idaho Code.

Section 6: Objections to LID. All persons who may desire to object to the creation of proposed LID No. 2 are hereby notified to file in writing a protest to the creation of the proposed LID No. 2 with the District Secretary, prior to the date and time set for hearing such protests, August 20, 2009, at 12:30 P.M., at the North Kootenai Water District Office, 1841 W. Hayden Avenue, Hayden, Idaho 83835, is hereby fixed as the time and place for public hearing, at which time the owners of property to be assessed within proposed LID No. 2 may appear before the Board of Directors and be heard as to the propriety and advisability of acquiring and improving the Project and which is the time and place when and where the Board will consider the creation of proposed LID No. 2 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.

Section 7:     Notice of Hearing. Notice of hearing shall be given as follows:

A.     By publication of such notice substantially in the form attached hereto as Exhibit "B" 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 "C" 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. 2, 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. 2. Proof of publication shall be by affidavit of the publisher and proof of mailing shall be by affidavit of the Clerk.

Section 9:     Effective Date. This Resolution shall take effect and be in full force from and after its passage and approval.

DATED this 16th day of July, 2009.

NORTH KOOTENAI WATER DISTRICT  
Kootenai County, Idaho

  
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Chair, Board of Directors

  
\_\_\_\_\_  
Secretary

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I, the undersigned, Secretary of the Board of Directors of the North Kootenai Water District 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 July 16, 2009, 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: 5

NAYS, Directors: 0

ABSENT, Directors: 0

ABSTAIN, Directors: 0

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 July 16, 2009.

  
Secretary

(SEAL)

Exhibit "A"

Map

NOTICE OF HEARING ON  
CREATION OF LOCAL IMPROVEMENT DISTRICT

NORTH KOOTENAI WATER DISTRICT  
Kootenai County, Idaho

LOCAL IMPROVEMENT DISTRICT NO. 2

NOTICE IS HEREBY GIVEN that August 20, 2009, at 12:30 P.M., the North Kootenai Water District Office, 1841 W. Hayden Avenue, 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. 2 ("LID No. 2") 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. 2 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. 2 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. 2 are described in Exhibit "A" attached hereto and hereby made a part hereof.

A general description of the improvements to be constructed in the 4-S Ranch development (the "Project"), as well as the estimated cost of such Project are as follows:

- A. Installation of approximately 12,000 lineal feet of 12" waterline from the end of the District Main Line on Dodd Road, east to the 4-S Ranch water system on Morgan Lane;
- B. Replacement of approximately 700 lineal feet of waterline within the 4-S Ranch system;
- C. New booster pumps and related appurtenances within the Springrock Booster Station to serve the 4-S Ranch development;
- D. Improvements to the existing 4-S Ranch system storage tank; and
- E. New booster station and high pressure main to serve the highest services and all appurtenances and facilities related to improvements;

together with engineering, legal, accounting, costs of bond issuance, costs of interim financing, costs of financial advice, and other costs incidental thereto. All work will be performed and all



materials supplied after the advertisement for bids therefore by giving notice calling for sealed bids for the construction of work.

The estimated total cost of the proposed Project is \$1,823,000 all of which 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. 2 according to a benefit derived method of assessment.

Written protests and objections to the creation of LID No. 2 or to the manner of assessment or inclusion of property therein may be filed with the District Secretary at or before 12:00 P.M. on August 20, 2009, by mailing or delivery of the written protest to the District Secretary, North Kootenai Water District Office, 1841 W. Hayden Avenue, Hayden, Idaho 83835, or by mailing to the District Secretary at North Kootenai Water District, 1841 W. Hayden Avenue, Hayden, Idaho 83835, by any owner of any parcel of land to be assessed.

DATED this 16th day of July, 2009.

NORTH KOOTENAI WATER DISTRICT  
Kootenai County, Idaho

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Chair, Board of Directors

ATTEST:

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Secretary

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

LOCAL IMPROVEMENT DISTRICT NO. 2

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DATED this 16th day of July, 2009.

NORTH KOOTENAI WATER DISTRICT,  
Kootenai County, Idaho

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

ATTEST:

\_\_\_\_\_  
Secretary

( S E A L )

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

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

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