

RESOLUTION NO. 12

A RESOLUTION OF THE BOARD OF DIRECTORS OF THE BAYVIEW WATER AND SEWER DISTRICT, KOOTENAI COUNTY, IDAHO, ACCEPTING THE PROPOSED ASSESSMENT ROLL FOR LOCAL IMPROVEMENT DISTRICT NO. 1 OF THE DISTRICT; SETTING THE TIME AND PLACE FOR HEARING ON SAID ASSESSMENT ROLL; PROVIDING FOR PUBLICATION AND MAILING OF NOTICE OF HEARING; AND PROVIDING FOR OTHER MATTERS PROPERLY RELATING THERETO

BAYVIEW WATER AND SEWER DISTRICT  
Kootenai County, Idaho

LOCAL IMPROVEMENT DISTRICT NO. 1

BE IT RESOLVED by the Board of Directors of the Bayview Water and Sewer District, Kootenai County, Idaho, as follows:

WHEREAS, the Bayview Water and Sewer District (the "District"), of Kootenai County, Idaho, is a sewer district operating and existing under and pursuant to the provisions of the Constitution and laws of the State of Idaho, and as such, is authorized to create local improvement districts and to construct improvements, pursuant to Idaho Code Title 50, Chapter 17; and

WHEREAS, the Board of Directors of the District (the "Board"), by Ordinance No. 88-1, adopted on June 8, 1988, duly created Local Improvement District No. 1 ("LID No. 1"), provided for certain improvements to be made therein, appointed Welch, Comer and Associates, Inc., of Coeur d'Alene, Idaho, as engineer for the project (the "Engineer"), and provided that a portion of the cost and expense of said improvements be assessed against the property benefited thereby; and

WHEREAS, the improvements in LID No. 1, as provided for in said Ordinance No. 88-1, have been completed; and

WHEREAS, in accordance with Section 50-1712, Idaho Code, the Engineer has submitted a report showing in detail the total cost and expenses of the improvements, the dollar amount payable from assessments and from other sources, and a form of assessment roll numbering each assessment, giving the name, where known, of the owner of each lot or parcel of property assessed, and showing the amount chargeable to each lot or parcel of property, according to the method of assessment as described by Ordinance No. 88-1 as recommended by the Engineer; and

WHEREAS, the Board now desires to set a hearing in accordance with Section 50-1712, Idaho Code, where the Board will meet in open session and consider the report and the assessment roll and hear all objections to the assessment roll by the owners of property within LID No. 1; and

WHEREAS, such assessments appear to be reasonable and proper;

NOW, THEREFORE, IT IS HEREBY FOUND, DETERMINED AND ORDERED AS FOLLOWS:

**Section 1: ENGINEER'S REPORT ACCEPTED**

The report of the Engineer, containing a form of assessment roll for LID No. 1, is hereby accepted.

**Section 2: ASSESSMENT ROLL ORDERED FILED**

The Engineer is hereby authorized and instructed to file said assessment roll with the Secretary of the Board of Directors, where it shall be available for public inspection during regular office hours.

**Section 3: TIME, DATE AND PLACE OF HEARING**

Friday, September 11, 1992, at 7:00 p.m., at the Bayview Fire Hall, One Robin Road, Bayview, Kootenai County, Idaho, is hereby fixed as the time and place when and where the Board will meet in open session and consider the Engineer's report and the assessment roll, and hear all objections to the assessment roll by the owners of property within LID No. 1.

**Section 4: NOTICE OF HEARING; PUBLICATION AND MAILING**

The Secretary is hereby directed to give notice that said assessment roll is on file in his office, by publication in the official newspaper of the District in three (3) successive issues if published in a daily newspaper, or by publication in two (2) issues if published in a weekly newspaper, the first such publication being not less than fifteen (15) days before the date fixed for hearing objections to said assessment roll. Said notice shall state the date, time and place at which the Board will hear and consider objections to the assessment roll by the parties aggrieved by such assessments. The published notice shall be in substantially the form set forth in Exhibit A, attached hereto and made a part hereof by this reference.

The Secretary shall also, not less than fifteen (15) days before the date fixed for hearing objections to said assessment roll, mail a substantially similar notice to each owner of property if known, or his agent if known, within the limits of LID No. 1, addressed to such person at his post office address if known, or if unknown, to the post office at Coeur d'Alene, Idaho. The mailed notice shall be in substantially the form set forth in Exhibit B, attached hereto and made a part hereof by this reference.

The mailed notice shall also state the amount of the individual assessment and that at the specified time and place the Board will hold a hearing to hear and determine all objections to the regularity of the proceedings in making such assessment, the

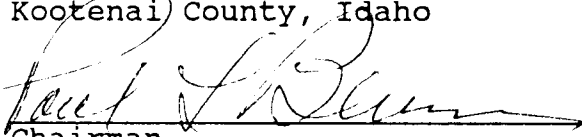
correctness of the assessment, and the amount levied on the particular lot or parcel in relation to the benefits accruing thereon and in relation to the proper proportionate share of the total cost of the improvements in LID No. 1. Said mailed notice shall further state that in revising the assessment roll at or after the hearing, the Board may increase any assessment or assessments up to twenty percent (20%) of the original amount thereof without giving further notice and holding a new hearing thereon, and that the owner or owners of any property which is assessed in such assessment roll, whether named or not in such roll, may, before the date and time fixed for the hearing, file with the Secretary his objections in writing to said assessment.

**Section 5: EFFECTIVE DATE OF RESOLUTION**

This Resolution shall take effect and be in force and effect from and after its passage and approval.

PASSED AND APPROVED by the Board of Directors of Bayview Water and Sewer District, of Kootenai County, Idaho, on August 19, 1992.

BAYVIEW WATER AND SEWER DISTRICT  
Kootenai County, Idaho

  
Chairman

ATTEST:

  
Secretary

( S E A L )

CERTIFICATION

I, the undersigned Secretary of the Board of Directors of the Bayview Water and Sewer 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 regular meeting of the Board of Directors of the District, duly and regularly held at the regular meeting place thereof on August 19, 1992, 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, Director: Paul Plum, Roy Ellis,  
Bill Spaulding, Chuck Waller, Barb Melnarick  
NOES, Director;

none

ABSENT, Director;

none

ABSTAIN, Director;

none

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 said District on August 19, 1992.

Debra Peck  
Secretary

( S E A L )

NOTICE OF HEARING ON ASSESSMENT ROLL

BAYVIEW WATER AND SEWER DISTRICT  
Kootenai County, Idaho

LOCAL IMPROVEMENT DISTRICT NO. 1

NOTICE IS HEREBY GIVEN that on Friday, September 11, 1992 at 7:00 p.m., the Board of Directors of Bayview Water and Sewer District will conduct a hearing at the Bayview Fire Hall, One Robin Road, Bayview, Kootenai County, Idaho, for the purpose of hearing and considering objections to the assessment roll for Local Improvement District No. 1.

The assessment roll is on file in the office of the Secretary, and is available for inspection by the public during regular office hours.

At the hearing, the Board will hear and determine all objections to the regularity of the proceedings in making assessments, the correctness of assessments, and the amount levied on particular lots or parcels in relation to the benefits accruing thereon and in relation to the proper proportionate share of the total cost of the improvements.

Each owner of property within Local Improvement District No. 1 is hereby further notified that in revising the assessment roll at or after the hearing, the Board may increase any assessment or assessments up to twenty percent (20%) of the original amount thereof without giving further notice and holding a new hearing.

The owner or owners of any property which is assessed in the assessment roll, whether or not named in the assessment roll, may, on or before 5:00 p.m., on Friday, September 11, 1992, file with the Secretary, in writing, at the address below, objections to said assessment.

DATED this 19 day of August, 1992.

BAYVIEW WATER AND SEWER DISTRICT  
Kootenai County, Idaho

By: Debra Peck  
Secretary  
P.O. Box 637  
Bayview, ID 83803

PUBLISH in 3 successive issues,  
with first publication no later  
than August 21, 1992.