



RESOLUTION NO. 923

A RESOLUTION OF THE BAYVIEW WATER AND SEWER DISTRICT, KOOTENAI COUNTY, IDAHO, HEARING AND CONSIDERING PROTESTS REGARDING THE ASSESSMENT ROLL FOR LOCAL IMPROVEMENT DISTRICT NO. 1; CONSIDERING THE ENGINEER'S REPORT THEREFOR; MAKING AMENDMENTS AND FINAL DISPOSITION OF PROTESTS; 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, OF KOOTENAI COUNTY, IDAHO, AS FOLLOWS:

WHEREAS, the Bayview Water and Sewer District, of Kootenai County, Idaho (the "District"), 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 by Idaho Code, Title 50, Chapter 17, to create local improvement districts and to issue local improvement district bonds for the purpose of paying the cost of improvements and betterments within said local improvement districts; and

WHEREAS, the Board of Directors of the District (the "Board") has heretofore, by Ordinance No. 88-1 adopted on June 8, 1988, duly created Local Improvement District No. 1 ("LID No. 1") for the purpose of making certain sewer system improvements therein; and

WHEREAS, at the direction of the Board, Welch-Comer & Associates, Inc. (the "Engineer"), of Coeur d'Alene, Idaho, has created an assessment roll (the "Assessment Roll") apportioning the costs of said improvements among the lots, parcels, and other property located within LID No. 1; and

WHEREAS, after proper publication and mailing of notice to the owners of property within LID No. 1, a hearing was held on September 11, 1992, at which time and place owners of property within LID No. 1 were heard concerning the amount or apportionment of the assessment affixed upon their property, with said hearing continued to September 16, 1992 for the Board to make a final determination on the protests received; and

WHEREAS, the Board further considered the protests of the property owners and received additional information from the Engineer and disposed of the protests in Resolution No. 3 adopted on September 16, 1992; and

WHEREAS, it appears to the Board that each lot, tract, parcel, and other property included within LID No. 1 will be specially benefited by the doing and making of the improvements within said LID No. 1 at least in an amount equal to, as to such lot, parcel of land and other property, the specific amount set opposite each such lot, parcel of land and other property upon the Assessment Roll heretofore filed; and

WHEREAS, each and all of said assessments are strictly in accordance with the benefits and are in amount and apportionment in accordance with Idaho Code 50-1712, and the ordinances and resolutions of the District, and said Assessment Roll and each and all of the assessments set forth therein are correct and proper in every respect; and

WHEREAS, the Board has also considered the Engineer's Report with respect to the apportionment and correctness of the assessments with respect to the amounts levied on any particular lot or parcel of land, including the benefits accruing thereon, and the proper apportionment of the total cost of the improvements to be borne thereby, and the inclusion of any lot or parcel of land in LID No. 1;

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

**Section 1: PROTESTS TO ASSESSMENT ROLL**

The protests to the Assessment Roll, as described in Exhibit A attached hereto and incorporated herein by this reference, were presented, in writing or verbally, at or prior to the public hearing.

**Section 2: DISPOSITION OF PROTESTS**

Disposition is hereby made, as set forth in Exhibit B attached hereto and incorporated herein by this reference, concerning each of the protests set forth in Exhibit A attached hereto and referred to in Section 1 hereof.

**Section 3: FINDING OF BENEFIT FROM IMPROVEMENTS**

Each and all of said lots, parcels of land and other property within said LID No. 1, as the same are described in the Assessment Roll, will be especially benefited by the making and doing of said improvements in excess of the costs and expenses of said improvements.

**Section 4: DETERMINATION OF AMOUNT OF BENEFIT**

Each and every lot or parcel of land is benefited in the amount of the assessment now levied thereon.

**Section 5: SUFFICIENCY OF ASSESSMENT ROLL**

The Assessment Roll and the amount levied on each lot or parcel of land, including the benefits accruing thereon, and the proper proportionate share of the total cost of the improvements to be borne by each lot or parcel of land, are proper, regular, sufficient, and correct.

**Section 6: LIMITATION ON INCREASE OF ASSESSMENTS**

No single assessment has been increased in an amount greater than twenty percent (20%) of the amount of the assessment as set forth in the Notice of Hearing.

**Section 7: SEVERABILITY**

If any section, paragraph, clause, or provision of this Resolution shall be held to be invalid or unenforceable for any reason, the invalidity or unenforceability of each section, paragraph, clause, or provision shall in no manner affect any remaining provision of this Resolution.

**Section 8: 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 September 16, 1992.

BAYVIEW WATER AND SEWER DISTRICT  
Kootenai County, Idaho

  
Chairman

ATTEST:

  
Secretary

( S E A L )

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I, the undersigned Secretary of 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 said District, duly and held at the regular meeting place thereof held on September 16, 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, Directors: *Paul Plum, Barbara Malnerick, William Spaulding, Charles Walker, LeRoy Ellis*

NOES, Directors:  
*none*

ABSENT, Directors:  
*none*

ABSTAIN, Directors:  
*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 September 16, 1992.

*Debra Peck*  
Secretary

( S E A L )

## EXHIBIT A

BAYVIEW WATER AND SEWER DISTRICT  
Kootenai County, IdahoLOCAL IMPROVEMENT DISTRICT NO. 1

The following protests to the Assessment Roll for Local Improvement District No. 1 were presented, in writing or verbally, at or prior to the public hearing held on September 16, 1992:

<u>Name of Protester</u>	<u>Description of Parcel</u>	<u>Reason for Protest</u>
William and Mary Peters	LID #1-231	Assessment for non useable building (lack of benefit)
Bernice R. Chamberlain	LID #1-132	Complaint about clean-up and Assessment for non-buildable lot (lack of benefit)
Resident/Owner P.O. Box 65	LID #1-86	No building on lot;(lack of benefit)
Walt Johnson	LID #146	Consolidated lots, assessed for 2 lots and only one house;(lack of benefit)
Arthur Hoener For Hoener Trust	LID #1-260, 1-265	Single septic tank for 2 lots;(lack of benefit and/or assessment exceeds benefit)
Ronald Cook	LID #155, #156	Abandoned lot line,(lack of benefit for two assessments as can only build on one lot)
Rod Olson Vista Bay West, Inc.	LID #1-480	Use two existing septic tanks;(benefit less than assessment)
Lee and Lois West	LID #1-314	Lack of benefit (benefit less than of Assessment)
Gordon Weiss	LID #1-107	Used existing septic tank,(lack of benefit for assessment amount)
Jack Thompson	LID #1-403	One home and an assessment of 1.7, (benefit not equal to the assessment)
Jess Goetz	LID #1-287, 1-288	Failed to receive credit for septic tank, (lack of benefit) and complaints about clean-up
Lucille Standow	LID #1-80	Does not use the property or sewer, (lack of benefit)
Margaret Nelson	LID #1-281	Primarily concerns with cleanup and the way property was left

John Craig

LID #1-62

Assessed for septic tank and filter,  
but old tank was used, (assessment  
exceeds benefit)

EXHIBIT B

BAYVIEW WATER AND SEWER DISTRICT  
Kootenai County, Idaho

LOCAL IMPROVEMENT DISTRICT NO. 1

The following disposition is made concerning the protests to the Assessment Roll for Local Improvement District No. 1 which were presented, in writing or verbally, at or prior to the public hearing held on September 11, 1992 and disposed of on September 16, 1992:

<u>Name</u>	<u>Description of Parcel</u>	<u>Disposition</u>
William and Mary Peters	LID #1-231	granted
Bernice R. Chamberlain	LID #1-132	denied
Resident/Owner P.O. Box 65	LID #1-86	denied
Walt Johnson	LID #146	granted
Arthur Hoener For Hoener Trust	LID #1-260, #1-265	denied
Ronald Cook	LID #155, #156	denied
Rod Olson Vista Bay West, Inc.	LID #1-480	denied
Lee and Lois West	LID #1-314	denied
Gordon Weiss	LID #1-107	denied
Jack Thompson	LID #1-403	granted
Jess Goetz	LID #1-287, #1-288	denied
Lucille Standow	LID #1-80	denied
Margaret Nelson	LID #1-281	denied
John Craig	LID #1-62	granted