

RESOLUTION NO. 03-1

**A RESOLUTION OF BAYVIEW WATER AND SEWER DISTRICT, OF KOOTENAI COUNTY, IDAHO, ACCEPTING THE PROPOSED ENGINEER'S REPORT RELATING TO THE ASSESSMENT ROLL FOR LOCAL IMPROVEMENT DISTRICT NO. 2 OF THE DISTRICT; SETTING THE TIME AND PLACE FOR THE HEARING ON SAID ASSESSMENT ROLL; PROVIDING FOR PUBLICATION OF NOTICE OF THE HEARING; AND PROVIDING FOR OTHER MATTERS PROPERLY RELATING THERETO**

**BAYVIEW WATER AND SEWER DISTRICT  
Kootenai County, Idaho**

**LOCAL IMPROVEMENT DISTRICT NO. 2**

BE IT RESOLVED BY THE BOARD OF DIRECTORS OF BAYVIEW WATER AND SEWER DISTRICT, of Kootenai County, Idaho as follows:

WHEREAS, Bayview Water and Sewer District, of Kootenai County Idaho, (the "District"), is a water and 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 and empowered 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. 98-1, adopted on July 21, 1998, created Local Improvement District No. 2 ("LID No. 2"), provided for certain improvements to be made therein, 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. 2 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. 98-1, as

recommended by the Engineer; and

WHEREAS, the Board desires to set a hearing in accordance with Section 50-1712, Idaho Code, where the Board will meet in open session to 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. 2;

NOW, THEREFORE, IT IS HEREBY FURTHER RESOLVED as follows:

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

The report of the Engineer, containing all costs for LID No. 2, as well as a clarification of the sources of grant funds and proposed assessment amounts, is hereby received and accepted.

**Section 2: ASSESSMENT ROLL ORDERED FILED**

The Engineer is hereby authorized and instructed to file said report with the District Secretary, where it shall be available for public inspection during regular office hours.

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

\_\_\_\_\_, \_\_\_\_\_, 2003, at \_\_\_\_:00 o'clock \_\_m, at the Bayview Community Center, 16304 Perimeter Road, Bayview, Idaho, is hereby fixed as the time and place when and where this hearing shall be held, at which time the Board will meet in open session and consider additional information and comments and pass on all objections to the assessment roll by the owners of property within LID No. 2.

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

The Secretary is hereby directed to give notice that said hearing will be held by publication in the official newspaper of the District not less than fifteen (15) days before the date fixed for hearing objections to said assessment roll. The published notice shall be in substantially the form set forth in Exhibit "A" attached hereto and made part hereof by this reference.

**Section 5: NOTICE OF HEARING: MAILING**

The Secretary is also directed to give notice of said hearing by mailing written notice to each owner or reputed owner of property within LID No. 2 before \_\_\_\_\_, 2003. Such mailed notice shall be in substantially the form set forth in Exhibit "B" attached hereto and made a part hereof by this reference.

**Section 6: EFFECTIVE DATE OF RESOLUTION**

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

PASSED at a regular meeting of the Board of Directors of Bayview Water and Sewer District on \_\_\_\_\_, 2003, upon which a roll call vote was duly taken and duly enacted.

BAYVIEW WATER AND SEWER DISTRICT  
Kootenai County, Idaho

\_\_\_\_\_  
Chairman, Board of Directors

ATTEST:

\_\_\_\_\_  
District Secretary

(S E A L)

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I, the undersigned, District Secretary of Bayview Water and Sewer District, of Kootenai County, Idaho, hereby certify that the forgoing Resolution is a full, true, and correct copy of the Resolution duly adopted at a regular meeting of the District Board, duly and regularly held at the regular meeting place thereof on \_\_\_\_\_, 2003, of which meeting all members of the Board of Directors of the District 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, Boardmembers:

NAYS, Boardmembers:

ABSENT, Boardmembers:

ABSTAIN, Boardmembers:

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 \_\_\_\_\_, 2003.

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District Secretary

(S E A L)

**BAYVIEW WATER AND SEWER DISTRICT  
Kootenai County, Idaho**

**NOTICE OF HEARING ON ASSESSMENT ROLL  
FOR LOCAL IMPROVEMENT DISTRICT NO. 2**

NOTICE IS HEREBY GIVEN that on Thursday, September 4, 2003, at 7:00 pm, the Board of Directors of Bayview Water and Sewer District (the "Board") will conduct a hearing at Bayview Community Center, 16304 Perimeter Road, Bayview, Idaho, for the purpose of hearing and considering public comment on the assessment roll for Local Improvement District No. 2.

The assessment roll and modifications and clarifications thereto are on file in the office of the District 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. 2 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 (20%) of the original amount thereof without giving further notice and holding a new hearing.

The owner or owners of any property assessed on the assessment roll, whether or not said owner is named on the assessment roll, may, on or before 5:00 pm on the date of said hearing, file with the Secretary, in writing, at the address below, objections to said assessment. Any objections not so filed, will be deemed waived.

DATED this 12th day of August, 2003.

BAYVIEW WATER AND SEWER DISTRICT

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

**Publish on three (3) consecutive days in daily newspaper,  
with first publication on or before August 21, 2003  
(Exhibit "A" - Notice to be published)**

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Kootenai County, Idaho**

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DATED this 12th day of August, 2003.

BAYVIEW WATER AND SEWER DISTRICT

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

Parcel Number: \_\_\_\_\_ Owner: \_\_\_\_\_  
Assessment Amount: \_\_\_\_\_  
(Exhibit "B" -Notice to be Mailed) \_\_\_\_\_