

2019-019387

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CHRIS YAMAMOTO
CANYON COUNTY RECORDER
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ORDINANCE
CITY OF CALDWELL

**BILL NO. 18
ORDINANCE NO. 3210**

AN ORDINANCE OF THE CITY OF CALDWELL IDAHO, CREATING LOCAL IMPROVEMENT DISTRICT NO. 19-1 FOR CALDWELL IDAHO, FOR THE CONSTRUCTION OF CONCRETE CURB, GUTTER, DRIVEWAY APPROACHES, PEDESTRIAN RAMPS, AND SIDEWALKS IMPROVEMENTS; PROVIDING FOR THE LEVYING OF ASSESSMENTS UPON THE PROPERTY TO BE BENEFITTED BY SUCH IMPROVEMENTS AND FOR THE BASIS OF MAKING SAID ASSESSMENTS; SETTING FORTH THE PROPERTIES TO BE INCLUDED IN SAID DISTRICT; PROVIDING FOR MAKING THE ASSESSMENT ROLL, AUTHORIZING THE PUBLICATION OF A CALL FOR CONSTRUCTION BIDS.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF CALDWELL, IDAHO:

Section 1: There is hereby created, a local improvement district in the City of Caldwell, Idaho, to be called Local Improvement District No. 19-1, for curb and sidewalk improvements; the boundaries of the real property included herein are in accordance with the Resolution of Intention. Which was therefore and hereby is adopted, ratified and approved; and the boundaries of said district and real property included therein, all within the City of Caldwell , are described as follows: to wit:

At various locations lying within the boundaries of the City of Caldwell

Section 2: The district is in the best interests of both the property affected and the City of Caldwell and there is reasonable probability that the obligations of the district will be paid.

Section 3: The value of the property within the district, including the proposed improvements, is sufficient.

Section 4: The property shall be assessed for construction costs not paid by the City; said amount is estimated to be \$87,400.00 provided however, said costs shall not exceed the actual cost of constructing the right-of-way improvements together with expenses set forth in section 5. The City will pay 25% of each property owner's total construction costs.

Section 5: Each lot and parcel of land shall be separately assessed for said debt or cost and expense by a front foot and/or square foot method of measurement in proportion to the benefits derived to such property by said improvements or utility services which are optional with each land owner and shall be assessed in proportion to the cost of providing said improvements, sufficient to cover the total cost and expense of the work. The cost and expense to be assessed as

herein provided shall include the contract price of the improvements, engineering, legal fees and clerical services, advertising, cost of inspection, cost of collecting assessments, and interest upon warrants, if issued.

Section 6: The City Engineer is hereby directed to make an assessment roll according to the provisions of Idaho Code, Section 50-1712.

Section 7: Notice of advertisement for bids for construction of said improvements shall be published in two consecutive weekly issues of the Idaho Press Tribune, the official newspaper of said City, which notice shall state the time, place and hour where and until when the City Engineer will receive sealed proposals which will be opened and publicly read, shall contain a general description of the kind and amount of work to be done, the materials to be furnished, as nearly accurate as practicable, using such general terms as to admit of the wide latitude for competition, and shall state that the plans and specifications for said improvement work are on file in the office of the City Engineer where they be examined or obtained. The notice shall also state that the bidder shall accompany his bid with a certified check or bid bond in compliance with Idaho Code Section 50-341 in the amount of five percent (5%) of his bid and in the case the contract for such work is awarded to such bidder, and shall be forfeited to the City and shall be placed in the local improvement fund for such district, said notice shall provide that the City reserves the right to reject all bids, to waive informalities, or to accept the proposal of the lowest responsible bidder, and that no bidder may withdraw his bid after the time set for opening of bids.

Section 8: Should the court having jurisdiction declare any part of this Ordinance invalid, unauthorized or unconstitutional or in conflict with any other part of this Ordinance, then such decision shall affect only the part declared to be unconstitutional, unauthorized or invalid, and shall not affect any other part whatsoever of this Ordinance, and each part hereof, irrespective of parts declared invalid, unauthorized or unconstitutional.

PASSED BY THE COUNCIL of the City of Caldwell, Idaho, this 6th day of May, 2019.

PASSED BY THE MAYOR of the City of Caldwell, Idaho this 6th day of May, 2019.

APPROVED:

Garret Nancolas, Mayor

ATTEST:

BY:

Debbie Geyer, City Clerk



RESOLUTION NO. 102-19

RESOLUTION OF INTENTION TO FORM A VOLUNTARY LID 19-1 FOR CONSTRUCTION OF CONCRETE CURB, GUTTER, PEDESTRIAN RAMP, DRIVEWAY APPROACH, AND SIDEWALK IMPROVEMENTS

A RESOLUTION DECLARING THE INTENTION OF THE CITY COUNCIL OF THE CITY OF CALDWELL, IDAHO, TO CONSTRUCT CONCRETE CURB, GUTTER, DRIVEWAY APPROACH, PEDESTRIAN RAMP, AND SIDEWALK IMPROVEMENTS WITHIN SAID CITY; TO CREATE LOCAL IMPROVEMENT DISTRICT NO. 19-1 FOR CALDWELL, IDAHO, A VOLUNTARY LOCAL IMPROVEMENT DISTRICT, FOR THE PURPOSE OF MAKING SAID IMPROVEMENTS BY SPECIAL ASSESSMENTS TO BE LEVIED AND ASSESSED UPON THE PROPERTY BENEFITED BY SUCH IMPROVEMENTS; DECLARING SAID IMPROVEMENTS TO BE FURTHER AND ADDITIONAL IMPROVEMENTS; STATING THE ESTIMATED TOTAL COST OF SUCH IMPROVEMENTS AND THE KIND OF CHARACTER THEREOF; FIXING A TIME IN WHICH PROTESTS AGAINST THE PROPOSED IMPROVEMENTS OR THE CREATION OF SUCH DISTRICT MAY BE FILED IN THE OFFICE OF THE CITY CLERK; FIXING A TIME WHEN SUCH PROTESTS SHALL BE HEARD AND CONSIDERED BY THE COUNCIL; AND DIRECTING NOTICE THEREOF TO BE GIVEN.

WHEREAS, the City Council of the City of Caldwell, Idaho, deems it to be in the best interests of the City to create "Local Improvement District No. 19-1", for the purpose of constructing concrete curb, gutter, pedestrian ramp, driveway approach, and sidewalk improvements within the corporate limits of the City, and on and upon the streets and parts of streets and other areas hereinafter particularly described; and

WHEREAS, the estimated total cost of said improvements is the sum of approximately \$87,400.00.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF CALDWELL, IDAHO:

The City of Caldwell, does hereby declare its intention to construct concrete curbs, gutters, drive approaches and sidewalks in the City of Caldwell, to be known as "Local Improvement District No. 19-1 for curb, gutter, pedestrian ramp, driveway approach, and sidewalk improvements."

The City intends to construct concrete curbs, gutters, pedestrian ramps, drive approaches, and sidewalks at a total estimated cost of \$87,400.00. Property owners will be assessed the costs of curbs, gutters, drive approaches, and sidewalks. The cost and expense of the improvements will be assessed against the abutting land along which such improvements are to be made upon lands included in the district to be created according to a front foot and/or square foot method in proportion to the benefits

derived. Additional assessments for extra improvements, or utility services, which are optional with each land owner, shall be levied in proportion to the cost of providing said improvements. The City shall pay for constructing improvements within intersections and 25% of each property's final assessment.

Said improvements are to be constructed at various locations throughout the City as identified on the curb and sidewalk L.I.D. 19-1 List on file in the City of Caldwell Engineering Department. Said improvements are not to be provided in connection with existing or future applications for planned unit developments or subdivisions.

The boundaries of this district may be enlarged upon additional request by property owners within the corporate limits of the City of Caldwell for inclusion in the Local Improvement District.

Written protests against said proposed improvements or the creating of such district may be filed in the office of the City Clerk, on or before 4:00 p.m. Monday May 6, 2019. Verbal protests will be heard at 7:00 p.m. on said day in the Community Meeting Room at the Caldwell Police Department, 110 S.5th Avenue, Caldwell, Idaho. All such protests shall be heard and considered by the City Council.

The City Clerk is hereby directed to give notice of the passage of this Resolution, and of the time within which protests may be filed, and the date when such protests will be heard and considered by the Council, and the estimated total cost thereof, and shall therein refer to this Resolution on file in their office for further information in regard thereto. The Clerk shall cause the first publication to be made at least ten days before May 6, 2019, which is the date set for the expiration of filing of protests. City Clerk shall file in her office proof of publication of said notice.

PASSED BY THE CITY COUNCIL of the City of Caldwell, Idaho, this 15th day of April, 2019.

APPROVED BY THE MAYOR of the City of Caldwell, Idaho, this 15th day of April, 2019.



Mayor

ATTEST:

CITY CLERK

