

CITY OF FERNAN LAKE VILLAGE, KOOTENAI COUNTY

RESOLUTION NO. 2019-187

A RESOLUTION DECLARING THE INTENTION OF THE CITY OF FERNAN LAKE VILLAGE, KOOTENAI COUNTY, IDAHO, TO CREATE LOCAL IMPROVEMENT DISTRICT NO. 1; DESCRIBING THE BOUNDARIES OF THE PROPOSED CITY 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.

WHEREAS, the City of Fernan Lake Village, Kootenai County, Idaho (the "City"), is a municipal corporation operating and existing under and pursuant to the provisions of the Constitution and laws of the State of Idaho;

WHEREAS, the City desires to finance the design, acquisition, construction and installation of certain sewer service and collection system upgrades and related appurtenances as hereinafter described (collectively, the "Improvements");

WHEREAS, pursuant to Title 50, chapter 17, Idaho Code (the "Act"), the City is authorized and empowered to create local improvement districts and to construct improvements pursuant thereto,

WHEREAS, in accordance with the Section 50-1706, Idaho Code, the City previously adopted Resolution No. 2019-187 on November 4, 2019, initiating the creation of the local improvement district to finance the construction of the Improvements;

WHEREAS, the City Council of the City (the "Council") 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 that the proposed local improvement district be created for the purpose of financing the construction of the Improvements;

WHEREAS, Sections 50-1707 and 50-1708, Idaho Code, provide that the Council give notice of its intention to create the local improvement district to finance the Improvements, and to levy assessments to pay all or a part thereof.

THEREFORE, IT IS RESOLVED by the Council as follows:

Section 1. The Council hereby determines and states that it is the City's intention to form a local improvement district to be designated "Local Improvement District No. 1" ("LID No.1") to finance the cost of the Improvements.

Section 2. The boundaries of proposed LID No. 1 are described in Exhibit A, attached hereto and hereby made a part hereof. All property situate within the boundaries of proposed LID No. 1 and benefited by the Improvements will be assessed. The Council is of the opinion that said description is sufficient to inform the owners of (i) the property proposed to be assessed and (ii) the public improvements that are proposed to be constructed therein.

Section 3. General descriptions of the Improvements are as follows:

(i) The design, acquisition, construction and installation of replacement grinder lift pumps and pump basins, duplex solids handling pumps, pump controls, alarm controls and all related appurtenances;

(ii) Acquisition of easements and/or rights-of-way, as necessary; and

(iii) Costs of construction will include, but are not limited to, engineering, legal, accounting, costs of bond issuance, costs of interim financing, if any, costs of financial advice, the funding of a guarantee fund or reserve account to secure payment of financing, and other costs incidental thereto. All work will be performed and all materials supplied after the advertisement for bids therefor by giving notice calling for sealed bids for the construction of work.

Section 4. The estimated total cost and expenses of the proposed Improvements is approximately \$185,000, 100% of which shall be borne by and assessed against the properties specially benefited by such Improvements, based upon a benefits derived method of assessment as set forth in Section 50-1707, Idaho Code.

Section 5. Any written protest against said Improvements or against the creation of said LID No. 1 shall include the property owner's name and the address of the property within the LID No. 1 boundary, and sent to the City at City of Fernan Lake Village, P.O Box 1775, Coeur d'Alene, Idaho, on or before 3:00 p.m. on January 7, 2020, or in person at the City offices at 9177 N. Hess Street, Hayden, Idaho, or submitted during the hearing hereinafter described in this section; oral protests shall be heard and considered by the Council at a public hearing to be held at Coeur d'Alene Public Library, 702 E. Front Avenue, Jameson Room, Coeur d'Alene, Idaho, on January 7, 2020, at 4:30 p.m.

Section 6. That the City's Clerk is hereby directed to (1) give notice of the passage of this Resolution and the time within which protests will be heard and considered by the Council as herein provided, in the form attached hereto as Exhibit B, which describes the general character of the Improvements to be made and the estimated total cost thereof, and includes a reference to this Resolution on file in the City's office, located at 9177 North Hess Street, Hayden, Idaho 83835, to obtain further information in regard thereto, and (2) cause such notice to be published in the Coeur d'Alene Press, a daily newspaper of general circulation within the

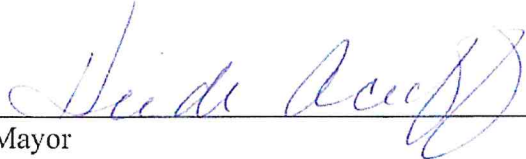
City and the official newspaper thereof, in three consecutive daily issues, and (3) cause a copy of such notice to be mailed to each owner of property in the proposed LID No. 1 if known, or his agent if known or, if not known, a post office in the City where the improvements are to be made. The first publication of such notice and the mailing of the same, whichever is later, shall be no later than ten days before the date of the expiration of the filing of protests and the public hearing.

Proof of publication shall be by affidavit of the publisher and proof of mailing shall be by affidavit of the City's Engineer.

Section 7. This Resolution shall take effect and be in full force from and after its passage.

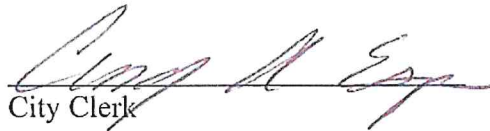
Adopted December 9, 2019.

CITY OF FERNAN LAKE VILLAGE,
KOOTENAI COUNTY, IDAHO



Mayor

ATTEST:



City Clerk

I, the undersigned, City Clerk of the City of Fernan Lake Village, 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 City Council of the City of Fernan Lake Village (the "City Council"); the meeting was duly and regularly held at the regular meeting place of the City Council on December 9, 2019; all members of the City Council had due notice thereof; and a majority of the members were present.

The following is the vote upon the Resolution:

Councilmembers voting Yes: *Marano, Hoffman, Buechs, Watkins*

Councilmembers voting No:

Councilmembers abstaining:

Councilmembers absent:

I further certify that the 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 City on December 9, 2019.

CITY OF FERNAN LAKE VILLAGE,
KOOTENAI COUNTY, IDAHO

By: *Cary A. Egan*
City Clerk

EXHIBIT A
DESCRIPTION OF BOUNDARIES OF LID NO. 1

(See attached.)



Advanced Technology Surveying & Engineering

EXHIBIT 1
CITY OF FERNAN
COMMERCIAL SEWER LID #1

A PARCEL OF LAND SITUATE IN A PORTION OF GOVERNMENT LOT 1, SECTION 19, TOWNSHIP 50 NORTH, RANGE 03 WEST OF THE BOISE MERIDIAN, CITY OF FERNAN, KOOTENAI COUNTY, IDAHO; AND DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTH QUARTER CORNER OF SAID SECTION 19, WITNESSED BY A 2.5 INCH DIAMETER ZINC CAP MONUMENT (PER CP&F INSTRUMENT #2032368000), FROM WHICH THE NORTHWEST CORNER OF SAID SECTION 19, WITNESSED BY A 2.5 INCH DIAMETER ALUMINUM CAP MONUMENT IN A CITY MONUMENT CASE (PER CP&F INSTRUMENT #2500247000) BEARS NORTH 89°41'32" WEST, 2646.05 FEET; THENCE SOUTH 89°47'00" EAST, 337.3 FEET MORE OR LESS A POINT ON THE EASTERLY RIGHT-OF-WAY LINE OF COEUR D'ALENE LAKE DRIVE (A.K.A. HIGHWAY 10); THENCE ALONG SAID RIGHT-OF-WAY LINE, SOUTH 09°42'41" EAST, 30.5 FEET TO THE POINT OF INTERSECTION WITH THE SOUTH RIGHT-OF-WAY LINE OF MULLAN AVENUE AND BEING THE TRUE *POINT-OF-BEGINNING* FOR THIS DESCRIBED PARCEL OF LAND;

THENCE ALONG SAID SOUTH RIGHT-OF-WAY LINE, SOUTH 89°47'00" EAST, 202.48 FEET TO A POINT ON THE WESTERLY RIGHT-OF-WAY LINE OF INTERSTATE 90;

THENCE ALONG SAID WESTERLY RIGHT-OF-WAY AS FOLLOWS;
SOUTH 09°45'55" EAST, 255.30 FEET;
SOUTH 06°35'05" EAST, 194.70 FEET;
SOUTH 12°48'12" WEST, 175.94 FEET;
SOUTH 00°53'05" WEST, 94.00 FEET TO THE NORTH SHORE OF FERNAN CREEK;

THENCE LEAVING SAID WESTERLY RIGHT-OF-WAY LINE AND TRAVERSING SAID NORTHERLY EDGE OF FERNAN CREEK AS FOLLOWS;
SOUTH 65°21'04" WEST, 17.51 FEET;
SOUTH 03°38'56" EAST, 12.02 FEET;
SOUTH 51°21'04" WEST, 14.00 FEET;
SOUTH 77°21'04" WEST, 33.00 FEET TO THE POINT OF INTERSECTION WITH THE EASTERLY RIGHT-OF-WAY LINE OF COEUR D'ALENE LAKE DRIVE (A.K.A. HIGHWAY 10);

THENCE LEAVING SAID NORTH EDGE OF FERNAN CREEK ALONG SAID EASTERLY RIGHT-OF-WAY LINE AS FOLLOWS;
NORTH 09°13'56" WEST, 47.00 FEET;
NORTH 31°50'56" WEST, 64.99 FEET;
NORTH 09°13'56" WEST, 221.01 FEET;
SOUTH 80°46'04" WEST, 20.00 FEET;
NORTH 09°13'56" WEST, 147.60 FEET;
NORTH 09°42'41" WEST, 288.52 FEET MORE OR LESS, RETURNING TO THE POINT-OF-BEGINNING.

DESCRIBED PARCEL CONTAINING 2.812 ACRES, MORE OR LESS.



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EXHIBIT B
NOTICE OF PUBLIC HEARING