

ORDINANCE NO. 1

AN ORDINANCE OF THE COMMISSIONERS OF CANYON HIGHWAY DISTRICT NO. 4; MAKING CERTAIN FINDINGS; PROVIDING FOR A METHOD OF DETERMINING THE ACTUAL VALUE OF REAL PROPERTY INCLUDING IMPROVEMENTS THEREON FOR LOCAL IMPROVEMENT DISTRICT FORMATION PURPOSES; AND PROVIDING FOR THE PUBLICATION AND EFFECTIVE DATE OF THIS ORDINANCE.

NOW THEREFORE BE IT ORDAINED by the Commissioners of the Canyon Highway District No. 4, Canyon County, Idaho:

SECTION 1. The Commissioners hereby find and declare that:

- 1.1 The Board of Commissioners has authority to create Local Improvement Districts for construction, reconstruction and maintenance of highways and accompanying curbs, gutters, culverts, sidewalks, paved medians, bulkheads and retaining walls within the boundaries of this Highway District as provided in I.C. § 40-1322; and
- 1.2 The organization and operation of local improvement districts by this Board of Commissioners shall be as nearly as practicable as prescribed in chapter 17, title 50, Idaho Code; and
- 1.3 The local improvement district law in Chapter 17, title 50 Idaho Code, provides at I.C. § 50-1711 that the [council] Board of Commissioners shall provide, by ordinance, the method of determining the actual value of the real property including the improvements thereon in a proposed Local Improvement District; and
- 1.4 It is found for purposes of establishing value for local improvement district purposes that in most instances the most current assessed valuation established for property tax purposes by the Canyon County Assessor's Office is reliable unless the Highway District Engineer determines that there are circumstances that said valuation is not reliable in which case a real estate appraisal is needed.

SECTION 2. There is hereby established the following method of determining the actual value of real property including improvements thereon for purposes of the creation of local improvement districts:

- 2.1 Unless otherwise requested by the Highway District Engineer, the most current assessed valuation established for property tax purposes by the Canyon County Assessor's Office shall be used.

2.2 In the event the Highway District Engineer determines that there are circumstances that the current assessed valuation is not reliable for any parcel or parcels to be included within a proposed local improvement district, the following method and process shall be followed:

2.2.1 In the event the proposed local improvement district is initiated pursuant to petition of property owners, then the Board of Commissioners shall require the Petitioners to secure [at the Petitioners' expense] a real estate appraisal by a licensed real estate appraiser of the parcel or parcels which the Highway District Engineer has determined that the current assessed valuation is not reliable.

2.2.2 In the event the proposed local improvement district is initiated pursuant to action of the Board of Commissioners, then the Board of Commissioners shall secure [at Highway District expense] a real estate appraisal by a licensed real estate appraiser of the parcel or parcels which the Highway District Engineer has determined that the current assessed valuation is not reliable.

SECTION 3. This Ordinance shall take effect and be in full force upon its passage, approval, and publication.

PASSED BY THE COMMISSIONERS OF THE CANYON HIGHWAY DISTRICT
NO. 4 this 26 day of June, 2008.

COMMISSIONERS:

absent
Chairman, Darin J. Taylor

Jerome Scroggins
Commissioner, Jerome Scroggins

John McEvoy
Commissioner, John McEvoy

ATTEST:

I certify that the above ordinance was duly adopted by the Board of Commissioners of the Canyon Highway District No. 4 on June 26, 2008 by the following vote:

Ayes: 2
Noes: -
Absent: 1

By John McEvoy
John McEvoy, Secretary

SECRETARY'S ROUTING AND ACTION LEDGER [Not part of Ordinance]

Sponsored by: _____
First Readings: _____ [date]
Adopted after first reading by suspension of the Rule as allowed pursuant to Idaho Code 50-902:
YES _____ NO _____
Second Reading: _____ [date]
Third Reading: _____ [date]
Passed by Commissioners and duly signed: _____ [date]
Ordinance Published [or notice of published summary] _____ [date]
Copy provided to petitioners: _____ [date]
Original Ordinance filed in Ordinance Book: _____ [date]