

**RESOLUTION NUMBER 777**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF KETCHUM, IDAHO, DECLARING THE INTENT OF THE CITY OF KETCHUM TO CREATE LOCAL IMPROVEMENT DISTRICT NUMBER 6D WITHIN THE CITY OF KETCHUM, IDAHO, FOR THE PURPOSE OF CONVERTING EXISTING OVERHEAD ELECTRIC AND COMMUNICATION FACILITIES TO UNDERGROUND LOCATIONS IN THE ALLEY BETWEEN WASHINGTON AVE. AND FIRST AVE. STARTING AT SECOND STREET AND ENDING NORTH OF FOURTH STREET.**

WHEREAS, the City Council of the City of Ketchum, Blaine County, Idaho, is pursuant to the provisions of Title 50, Chapter 25, of the Idaho Code, granted authority to declare the intent of the City of Ketchum to create local improvement districts for the conversion of existing overhead electrical and communication facilities to underground locations; and,

WHEREAS, Idaho Power Company, Qwest Communications and Cox Communications have each filed with the City of Ketchum a cost and feasibility report which sets forth an estimate of the total costs of the conversion of existing overhead electric and communications facilities to underground locations in the alley between Washington Ave. and First Ave. starting at Second Street and ending north of Fourth Street; and,

WHEREAS, it is hereby found and declared for the purposes of public health, safety and welfare that certain property described below will derive benefit from the conversion of existing overhead electric and communications facilities to underground locations in the alley between Washington Ave. and First Ave. starting at Second Street and ending north of Fourth Street; and,

WHEREAS, it is hereby found and declared for the purposes of public health, safety, and welfare that said local improvement district, as permitted by law, is to include the following described property within the City of Ketchum, Idaho:

Amended Lot 1, Block 39, Ketchum Townsite; and  
Unit 1 of Cinema Square Condominiums; and  
Unit 2 of Cinema Square Condominiums; and  
Lot 1, Block 38, Ketchum Townsite; and  
Lot 2, Block 38, Ketchum Townsite; and  
Lot 3, Block 38, Ketchum Townsite; and  
Lot 4, Block 38, Ketchum Townsite; and  
Lot 5, Block 38, Ketchum Townsite; and  
Lot 6, Block 38, Ketchum Townsite; and  
Lot 7, Block 38, Ketchum Townsite; and  
Lot 8, Block 38, Ketchum Townsite; and  
Lot 1, Block 37, Ketchum Townsite; and  
Unit 1 of McNees Condominiums; and  
Unit 2 of McNees Condominiums; and  
Unit 1 of Fisher Condominiums; and  
Unit 2 of Fisher Condominiums; and  
Lot 5, Block 37, Ketchum Townsite; and

Lot 6, Block 37, Ketchum Townsite; and  
Unit 1 of Friesen Condominiums; and  
Unit 2 of Friesen Condominiums; and  
Lot 8, Block 37, Ketchum Townsite; and  
Lot 4, Block 36, Ketchum Townsite; and  
Amended Lot 7A, Block 36, Ketchum Townsite.

WHEREAS, it is hereby found and declared that the entire cost and expenses of said improvements is estimated to be \$227,515.00, of which amount it is estimated that \$217,515.00 will be paid for by a local or special assessment to be levied upon each lot and parcel of property included in said proposed district being assessed equally; and,

WHEREAS, the Mayor and City Council of the City of Ketchum, Blaine County, Idaho, to make such improvement which will promote public convenience, necessity, and welfare by creating and establishing said local improvement district and to designate the same Local Improvement District Number 6D for the City of Ketchum, Idaho, and by affirmative vote a majority of all members of the Council and Mayor signify their intent to create said district as hereinbefore described.

NOW, THEREFORE, be it resolved by the Mayor and Council of the City of Ketchum, Idaho:

*SECTION 1.* That the Mayor and City Council of the City of Ketchum, Blaine County, Idaho, hereby declare its intention to create within the corporate limits of said City of Ketchum Local Improvement District Number 6D, more particularly described in Section 2 of this Resolution, for the purpose of converting existing electric and communication facilities to underground locations in the alley between Washington Ave. and First Ave. starting at Second Street and ending north of Fourth Street, the costs and expenses of which are to be levied and assessed upon the property of said district benefited by such improvements and further hereby declares its intention to make such improvements.

*SECTION 2.* That there is to be included within said district the following described property within the City of Ketchum:

Amended Lot 1, Block 39, Ketchum Townsite; and  
Unit 1 of Cinema Square Condominiums; and  
Unit 2 of Cinema Square Condominiums; and  
Lot 1, Block 38, Ketchum Townsite; and  
Lot 2, Block 38, Ketchum Townsite; and  
Lot 3, Block 38, Ketchum Townsite; and  
Lot 4, Block 38, Ketchum Townsite; and  
Lot 5, Block 38, Ketchum Townsite; and  
Lot 6, Block 38, Ketchum Townsite; and  
Lot 7, Block 38, Ketchum Townsite; and  
Lot 8, Block 38, Ketchum Townsite; and  
Lot 1, Block 37, Ketchum Townsite; and  
Unit 1 of McNees Condominiums; and  
Unit 2 of McNees Condominiums; and  
Unit 1 of Fisher Condominiums; and  
Unit 2 of Fisher Condominiums; and  
Lot 5, Block 37, Ketchum Townsite; and  
Lot 6, Block 37, Ketchum Townsite; and

Unit 1 of Friesen Condominiums; and  
Unit 2 of Friesen Condominiums; and  
Lot 8, Block 37, Ketchum Townsite; and  
Lot 4, Block 36, Ketchum Townsite; and  
Amended Lot 7A, Block 36, Ketchum Townsite.

*SECTION 3.* That the kind and character of the proposed improvements are in the nature of conversion of existing electric and communication facilities to underground locations to serve each individual lot or parcel of property, and the repair or resurfacing of asphalt paved surfaces located in the public right of way relating thereto.

*SECTION 4.* That the total cost and expense of said improvements is estimated to be \$227,515.00, of which amount it is estimated that \$217,515.00 will be assessed against the abutting, adjoining, contiguous and adjacent lots and parcels of property included in the improvement district on the street or streets along or upon which said improvements are to be made and benefited by said improvements and included in said district, each lot and parcel of property, as more particularly described in Section 2 of this Resolution, to be equally assessed.

*SECTION 5.* That to the extent of the estimates chargeable to the local improvement district hereinbefore set out, the cost and expense of the improvements, including the contract price of the improvements, engineering and clerical service, advertising, cost of inspection, cost of collecting assessments and interest upon warrants, if used, and for legal services for preparing proceedings and advising in regard thereto, will be apportioned and paid for in accordance with the provisions of Chapter 17 of Title 50, Idaho Code, as amended, in three (3) annual installments, together with interest thereon.

*SECTION 6.* That the 18<sup>th</sup> day of June 2001, at not later than 6:00 p.m. is a time not less than fifteen (15) days from this date and is hereby fixed as the time on or before which protests against the said proposed improvements or the creation of said district, or the benefit to be derived by the real property in the district, or requests to be included in said district shall be filed in the office of the City Clerk of the City of Ketchum, Blaine County, Idaho, **each of said protests or requests must be made in writing.**

*SECTION 7.* That the above mentioned 18<sup>th</sup> day of June 2001, at 6:00 o'clock p.m. of said day at the Chambers of the City Council in the City Hall of Ketchum, Idaho, is hereby designated and fixed as the time and place at and when said protests and requests shall be heard and considered by said Mayor and City Council.

*SECTION 8.* That the City Clerk shall give Notice of the passage of this Resolution declaring the City Council's intent to create Local Improvement District 6D by publishing the following Notice in two (2) weekly issues of the *Idaho Mountain Express*, the official newspaper of the City of Ketchum, and shall further mail a copy of said Notice to each owner of property if known, or his agent if known, within the limits of said proposed improvement district, addressed to such person at his post office address if known, or if unknown, to the post office in the City of Ketchum. That both the date of the last publication of said Notice and the date of mailing the same shall be not less than five (5) days before the date of the expiration of the filing of the aforementioned protests, which Notice to be so published and mailed shall be in substantially the following form:

#### NOTICE OF RESOLUTION OF INTENT TO CREATE LOCAL IMPROVEMENT

DISTRICT NUMBER 6D FOR THE CITY OF KETCHUM, IDAHO, AND FIXING A TIME FOR THE FILING AND HEARING OF PROTESTS AGAINST THE CREATION OF SAID DISTRICT OR REQUESTS TO BE INCLUDED IN SAID DISTRICT OR THE IMPROVEMENTS TO BE UNDERTAKEN THEREBY.

Pursuant to the laws of the State of Idaho and Resolution Number 777 of the City of Ketchum, Blaine County, Idaho, notice is hereby given that the Mayor and City Council of said City of Ketchum have expressed their intention to create Local Improvement District Number 6D for the City of Ketchum, Idaho, within said City for the purpose of making certain improvements therein. The area to be included within said proposed district and to be improved includes portions of the following described blocks, lots and parcels of property abutting, adjoining, contiguous and adjacent thereto, all within the City of Ketchum, Idaho:

Amended Lot 1, Block 39, Ketchum Townsite; and  
Unit 1 of Cinema Square Condominiums; and  
Unit 2 of Cinema Square Condominiums; and  
Lot 1, Block 38, Ketchum Townsite; and  
Lot 2, Block 38, Ketchum Townsite; and  
Lot 3, Block 38, Ketchum Townsite; and  
Lot 4, Block 38, Ketchum Townsite; and  
Lot 5, Block 38, Ketchum Townsite; and  
Lot 6, Block 38, Ketchum Townsite; and  
Lot 7, Block 38, Ketchum Townsite; and  
Lot 8, Block 38, Ketchum Townsite; and  
Lot 1, Block 37, Ketchum Townsite; and  
Unit 1 of McNeese Condominiums; and  
Unit 2 of McNeese Condominiums; and  
Unit 1 of Fisher Condominiums; and  
Unit 2 of Fisher Condominiums; and  
Lot 5, Block 37, Ketchum Townsite; and  
Lot 6, Block 37, Ketchum Townsite; and  
Unit 1 of Friesen Condominiums; and  
Unit 2 of Friesen Condominiums; and  
Lot 8, Block 37, Ketchum Townsite; and  
Lot 4, Block 36, Ketchum Townsite; and  
Amended Lot 7A, Block 36, Ketchum Townsite.

The improvements to be made are in the nature of conversion of existing overhead electric and communication facilities to underground locations in the alley between Washington Ave. and First Ave. starting at Second Street and ending north of Fourth Street to serve each individual lot or parcel of property, and repair or resurfacing of asphalt paved surfaces within the public right of way relating thereto all as set out in exhibits now on file and available for public inspection at City Hall, 480 East Avenue North, Ketchum, Idaho.

The total cost and expense of said improvements are estimated to be \$227,515.00, of which amount it is estimated that \$217,515.00 will be assessed against the abutting, adjoining, contiguous and adjacent lots and parcels of property

included in the improvement district on the street or streets along or upon which said improvements are to be made and benefited by said improvements and included in said district, each lot and parcel of property, more particularly described hereinabove, to be assessed equally.

To the extent of the estimates chargeable to the local improvement district hereinbefore set out, the cost and expense of the improvements, including the contract price of the improvements, engineering and clerical service, advertising, cost of inspection, cost of collecting assessments and interest upon warrants, if issued, and for legal services for preparing proceedings and advising in regard thereto, will be apportioned and paid for in accordance with the provisions of Chapter 17 of Title 50, Idaho Code, as amended, in three (3) annual installments, together with interest thereon.

**The 18<sup>th</sup> day of June 2001, at 6:00 p.m., at the Chambers of the City Council in the Ketchum City Hall, 480 East Avenue North, Ketchum, Idaho, has been designated and fixed as the time and place at and when protests against said improvements or the creation of said district shall be heard and considered by said Mayor and City Council of the City of Ketchum, and anyone wishing to present any such protests at said hearing must before said date and time file his protests, in writing, in the Office of the City Clerk of the City of Ketchum, Idaho.**

For further information with regard to said proposed Local Improvement District Number 6D for the City of Ketchum, Idaho, reference is hereby made to the above mentioned Resolution Number 777 on file in the office of the City Clerk of the City of Ketchum.

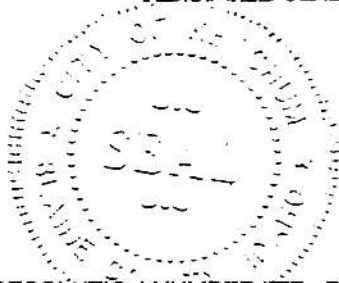
DATED at Ketchum, Idaho this \_\_\_ day of \_\_\_\_\_ 2001.


\_\_\_\_\_  
City Clerk

**SECTION 9.** Proof of publication shall be filed with the City Clerk and said City Clerk shall make and file in her office an affidavit showing the mailing of such Notice.

**SECTION 10.** That all Resolutions or parts thereof in conflict herewith are to the extent of such conflict hereby repealed, and that this Resolution shall take effect and be in full force immediately upon its adoption.

ADOPTED AND APPROVED this 21<sup>st</sup> day of May 2001.



  
GUY P. COLES  
Mayor

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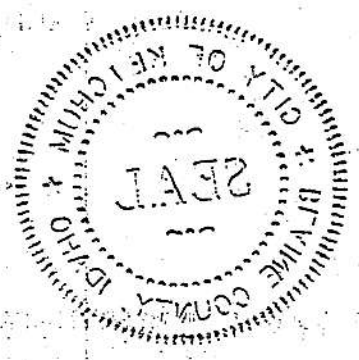
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ATTEST:

  
Sandra E. Cady, CMC  
City Treasurer/Clerk

