RESOLUTION NUMBER 788

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 6E WITHIN THE CITY OF KETCHUM, IDAHO, FOR THE PURPOSE OF CONVERTING EXISTING OVERHEAD ELECTRIC AND COMMUNICATION FACILITIES TO UNDERGROUND LOCATIONS ALONG PORTIONS OF BROADWAY BOULEVARD AND SUNNYSIDE BOULEVARD.

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 along portions of Broadway Boulevard and Sunnyside Boulevard; 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 along portions of Broadway Boulevard and Sunnyside Boulevard; and,

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

Lot 21 of Block 3, Sun Valley Subdivision, First Addition Revised; and
Lot 22 of Block 3, Sun Valley Subdivision, First Addition Revised; and
Amended Lot 25 of Block 3, Sun Valley Subdivision, First Addition Revised; and
Lot 26 and North ½ of Lot 27 of Block 3, Sun Valley Subdivision, First Addition Revised; and
Lot 28 and South ½ of Lot 27 of Block 3, Sun Valley Subdivision, First Addition Revised; and
Lot 29 of Block 3, Sun Valley Subdivision, First Addition Revised; and
Lot 30 of Block 3, Sun Valley Subdivision, First Addition Revised; and
Lot 31 of Block 3, Sun Valley Subdivision, First Addition Revised; and
Lot 32 of Block 3, Sun Valley Subdivision, First Addition Revised; and
Lot 33 of Block 3, Sun Valley Subdivision, First Addition Revised; and
Lot 34 of Block 3, Sun Valley Subdivision, First Addition Revised; and
Lot 35 of Block 3, Sun Valley Subdivision, First Addition Revised; and
Lot 36 of Block 3, Sun Valley Subdivision, First Addition Revised; and
Lot 37 of Block 3, Sun Valley Subdivision, First Addition Revised; and
Lot 38 of Block 3, Sun Valley Subdivision, First Addition Revised; and
Lot 39 of Block 3, Sun Valley Subdivision, First Addition Revised; and
Lot 40 of Block 3, Sun Valley Subdivision, First Addition Revised; and
Lot 2 of Block 4, Sun Valley Subdivision, First Addition Revised; and
Lot 3 of Block 4, Sun Valley Subdivision, First Addition Revised; and

Lot 4 of Block 4, Sun Valley Subdivision, First Addition Revised; and
Lot 5 of Block 4, Sun Valley Subdivision, First Addition Revised; and
Amended Lot 17B of Block 5, Sun Valley Subdivision, First Addition Revised; and
Amended Lot 19A of Block 5, Sun Valley Subdivision, First Addition Revised; and
Lot 21 of Block 5, Sun Valley Subdivision, First Addition Revised; and
Lot 1 of McCollum's Retreat Subdivision; and
Lot 2 of McCollum's Retreat Subdivision; and
Tax Lot 7560; and
Tax Lot 3221; and
Lot 1 of the Kolouch Subdivision; and
Lot 2 of the Kolouch Subdivision; and
Lot 3 of the Kolouch Subdivision; and
Lot 4 of the Kolouch Subdivision; and
Lot 5 of the Kolouch Subdivision.

WHEREAS, it is hereby found and declared that the entire cost and expenses of said improvements is estimated to be $63,621.00, of which amount it is estimated that $56,521.00 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 6E 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 6E, more particularly described in Section 2 of this Resolution, for the purpose of converting existing electric and communication facilities to underground locations along portions of Broadway Boulevard and Sunnyside Boulevard, 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:

Lot 21 of Block 3, Sun Valley Subdivision, First Addition Revised; and
Lot 22 of Block 3, Sun Valley Subdivision, First Addition Revised; and
Amended Lot 25 of Block 3, Sun Valley Subdivision, First Addition Revised; and
Lot 26 and North ½ of Lot 27 of Block 3, Sun Valley Subdivision, First Addition Revised; and
Lot 28 and South ½ of Lot 27 of Block 3, Sun Valley Subdivision, First Addition Revised; and
Lot 29 of Block 3, Sun Valley Subdivision, First Addition Revised; and
Lot 30 of Block 3, Sun Valley Subdivision, First Addition Revised; and
Lot 31 of Block 3, Sun Valley Subdivision, First Addition Revised; and

Lot 32 of Block 3, Sun Valley Subdivision, First Addition Revised; and
Lot 33 of Block 3, Sun Valley Subdivision, First Addition Revised; and
Lot 34 of Block 3, Sun Valley Subdivision, First Addition Revised; and
Lot 35 of Block 3, Sun Valley Subdivision, First Addition Revised; and
Lot 36 of Block 3, Sun Valley Subdivision, First Addition Revised; and
Lot 37 of Block 3, Sun Valley Subdivision, First Addition Revised; and
Lot 38 of Block 3, Sun Valley Subdivision, First Addition Revised; and
Lot 39 of Block 3, Sun Valley Subdivision, First Addition Revised; and
Lot 40 of Block 3, Sun Valley Subdivision, First Addition Revised; and
Lot 2 of Block 4, Sun Valley Subdivision, First Addition Revised; and
Lot 3 of Block 4, Sun Valley Subdivision, First Addition Revised; and
Lot 4 of Block 4, Sun Valley Subdivision, First Addition Revised; and
Lot 5 of Block 4, Sun Valley Subdivision, First Addition Revised; and
Amended Lot 17B of Block 5, Sun Valley Subdivision, First Addition Revised; and
Amended Lot 19A of Block 5, Sun Valley Subdivision, First Addition Revised; and
Lot 21 of Block 5, Sun Valley Subdivision, First Addition Revised; and
Lot 1 of McCollum's Retreat Subdivision; and
Lot 2 of McCollum's Retreat Subdivision; and
Tax Lot 7560; and
Tax Lot 3221; and
Lot 1 of the Kolouch Subdivision; and
Lot 2 of the Kolouch Subdivision; and
Lot 3 of the Kolouch Subdivision; and
Lot 4 of the Kolouch Subdivision; and
Lot 5 of the Kolouch Subdivision.

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 $63,621.00, of which amount it is estimated that $56,521.00 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 4th day of September 2001, at not later than 5:30 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 4th day of September 2001, at 5:30 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 6E 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 6E 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 788 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 6E 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:

Lot 21 of Block 3, Sun Valley Subdivision, First Addition Revised; and
Lot 22 of Block 3, Sun Valley Subdivision, First Addition Revised; and
Amended Lot 25 of Block 3, Sun Valley Subdivision, First Addition Revised; and
Lot 26 and North ½ of Lot 27 of Block 3, Sun Valley Subdivision, First Addition Revised; and
Lot 28 and South ½ of Lot 27 of Block 3, Sun Valley Subdivision, First Addition Revised; and
Lot 29 of Block 3, Sun Valley Subdivision, First Addition Revised; and
Lot 30 of Block 3, Sun Valley Subdivision, First Addition Revised; and
Lot 31 of Block 3, Sun Valley Subdivision, First Addition Revised; and
Lot 32 of Block 3, Sun Valley Subdivision, First Addition Revised; and
Lot 33 of Block 3, Sun Valley Subdivision, First Addition Revised; and
Lot 34 of Block 3, Sun Valley Subdivision, First Addition Revised; and
Lot 35 of Block 3, Sun Valley Subdivision, First Addition Revised; and

Lot 36 of Block 3, Sun Valley Subdivision, First Addition Revised; and
Lot 37 of Block 3, Sun Valley Subdivision, First Addition Revised; and
Lot 38 of Block 3, Sun Valley Subdivision, First Addition Revised; and
Lot 39 of Block 3, Sun Valley Subdivision, First Addition Revised; and
Lot 40 of Block 3, Sun Valley Subdivision, First Addition Revised; and
Lot 2 of Block 4, Sun Valley Subdivision, First Addition Revised; and
Lot 3 of Block 4, Sun Valley Subdivision, First Addition Revised; and
Lot 4 of Block 4, Sun Valley Subdivision, First Addition Revised; and
Lot 5 of Block 4, Sun Valley Subdivision, First Addition Revised; and
Amended Lot 17B of Block 5, Sun Valley Subdivision, First Addition Revised; and
Amended Lot 19A of Block 5, Sun Valley Subdivision, First Addition Revised; and
Lot 21 of Block 5, Sun Valley Subdivision, First Addition Revised; and
Lot 1 of McCollum's Retreat Subdivision; and
Lot 2 of McCollum's Retreat Subdivision; and
Tax Lot 7560; and
Tax Lot 3221; and
Lot 1 of the Kolouch Subdivision; and
Lot 2 of the Kolouch Subdivision; and
Lot 3 of the Kolouch Subdivision; and
Lot 4 of the Kolouch Subdivision; and
Lot 5 of the Kolouch Subdivision.

The improvements to be made are in the nature of conversion of existing overhead electric and communication facilities to underground locations along portions of Broadway Boulevard and Sunnyside Boulevard 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 $63,621.00, of which amount it is estimated that $56,521.00 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 4th day of September 2001, at 5:30 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 6E for the City of Ketchum, Idaho, reference is hereby made to the above mentioned Resolution Number 788 on file in the office of the City Clerk of the City of Ketchum.

DATED at Ketchum, Idaho this ___ day of August 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 6th day of August 2001.

DAVE HUTCHINSON
FOR GUY P. COLES
MAYOR

ATTEST:

Sandra E. Cady, CMC
City Treasurer/Clerk