

**ORDINANCE NO. 1254**  
**MISCELLANEOUS RIGHT OF WAY IMPROVEMENTS**

AN ORDINANCE OF THE CITY OF SANDPOINT, A MUNICIPAL CORPORATION OF THE STATE OF IDAHO, CREATING VOLUNTARY LOCAL IMPROVEMENT DISTRICTS FOR SANDPOINT, IDAHO, FOR THE CONSTRUCTION OF MISCELLANEOUS RIGHT OF WAY IMPROVEMENTS, I.E. CURBS, GUTTERS, DRIVE APPROACHES AND SIDEWALK IMPROVEMENTS; AND FOR SEWER LATERAL IMPROVEMENTS, ALL WITHIN THE PUBLIC RIGHT OF WAY; 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 THE DISTRICT; PROVIDING FOR MAKING THE ASSESSMENT ROLL, AUTHORIZING THE PUBLICATION OF A CALL FOR CONSTRUCTION BIDS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR PUBLICATION AND AN EFFECTIVE DATE.

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

**Section 1:** There is hereby created Voluntary Local Improvement Districts in the City of Sandpoint, Idaho, to be called Local Improvement District (L.I.D.) Nos. \_\_\_\_ and \_\_\_\_\_. One L.I.D. is to be for miscellaneous right of way construction improvements, i.e., curbs, gutters, drive approaches and sidewalk improvements, and another L.I.D. is for sewer lateral improvements, all within the public right-of-way, fronting L.I.D. participant's property, with the option of paying for the improvements over a period to be determined; 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 this open L.I.D. are the corporate city limits of the City of Sandpoint, Idaho.

A. Said improvements are not to be provided in connection with an existing or future building permit for new construction, special use permit, existing or future applications for planned unit developments, subdivisions, rezones or annexation, or property currently for sale.

B. The provisions of this section shall apply to commercial or residential property owners that are reconstructing or moving to or altering any building or constructing or reconstructing any parking lot on lots within the City limits of the City of Sandpoint, Idaho.

C. The provisions of this section shall apply to commercial or residential property owners who voluntarily wish to install, or repair existing, sidewalk improvements or repair sewer laterals within the right-of-way, fronting their property, with the exceptions listed above in Section 1.A.

D. Property owners wishing to be included in the voluntary L.I.D. may contact the Public Works Department at the City of Sandpoint. A written estimate will then be prepared by the Public Works Department. Estimated quantities may vary when compared to actual constructed totals.

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E. If the property owner elects to be included in the voluntary L.I.D., they will sign a "Request to be Included in the L.I.D. No. \_\_\_\_\_ " form.

F. The sign-up period is January 1 through December 31 of each year, with the L.I.D. proceeding the next year.

G. The L.I.D. must have a sufficient dollar amount in improvements by the end of the sign-up period for the L.I.D. to proceed. Should the L.I.D. not meet the minimum dollar amount requirement, the property owner will be included in the following year's sign-up period.

H. In the event the L.I.D. is delayed for a year, the City Engineer, at his discretion, may require any property owner to repair or remediate critically deficient sidewalk or sewer lateral conditions.

I. Said improvements are to be constructed at various locations throughout the City, as identified on the right of way improvement L.I.D. list, on file in the City of Sandpoint City Clerk's Office.

**Section 2:** The L.I.D. is in the best interests of both the property affected and the City of Sandpoint, and there is reasonable probability that the obligations of the district will be paid.

**Section 3:** The value of the property within the L.I.D., 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 \$ \_\_\_\_\_; 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 for the installation of ADA-compliant corner curb ramps and alley approaches where required.

**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 Bonner County Daily Bee, the official

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newspaper of the City of Sandpoint, 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 may be examined or obtained. Said notice shall provide that the City reserves the right to reject all bids, to waive as an informality any irregularities, 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.

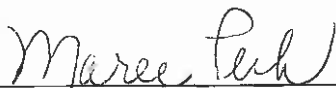
**Section 8:** Should the court having jurisdiction declare any part of this Ordinance invalid, unauthorized or unconstitutional or in conflict with any other part of this Ordinance, then such decision shall affect only the part declared to be unconstitutional, unauthorized or invalid, and shall not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

**Section 9:** This Ordinance shall be in full force and effect from and after its passage, approval, and publication according to law.

PASSED BY THE CITY COUNCIL as an ordinance of the City of Sandpoint on this 18<sup>th</sup> day of May, 2011.



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Gretchen A. Hellar, Mayor  
City of Sandpoint



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Maree Peck, City Clerk


**SUMMARY OF ORDINANCE NO. 1254**  
Miscellaneous Right of Way Improvements

AN ORDINANCE OF THE CITY OF SANDPOINT, A MUNICIPAL CORPORATION OF THE STATE OF IDAHO, CREATING VOLUNTARY LOCAL IMPROVEMENT DISTRICTS FOR SANDPOINT, IDAHO, FOR THE CONSTRUCTION OF MISCELLANEOUS RIGHT OF WAY IMPROVEMENTS, I.E. CURBS, GUTTERS, DRIVE APPROACHES AND SIDEWALK IMPROVEMENTS; AND FOR SEWER LATERAL IMPROVEMENTS, ALL WITHIN THE PUBLIC RIGHT OF WAY; 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 THE DISTRICT; PROVIDING FOR MAKING THE ASSESSMENT ROLL, AUTHORIZING THE PUBLICATION OF A CALL FOR CONSTRUCTION BIDS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR PUBLICATION AND AN EFFECTIVE DATE.

SECTIONS 1 through 8 create and provide for implementation of Voluntary Local Improvement Districts; and SECTION 9 provides for publication and an effective date.

The full Ordinance is on file with the Sandpoint City Clerk and will be promptly provided during regular business hours to any citizen on personal request.

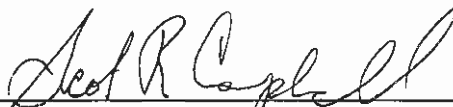
Dated this 18<sup>th</sup> day of May, 2011.

  
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Maree Peck, City Clerk

Published June 8, 2011.

**STATEMENT OF LEGAL ADVISER**

I, Scot R. Campbell, legal adviser for the City of Sandpoint, Idaho, have examined the foregoing summary of Sandpoint Ordinance No. 1254 and find it to be a true and complete summary of said ordinance that provides adequate notice to the public of the contents thereof.

  
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Scot R. Campbell, City Attorney