

ORDINANCE NO. 208

An Ordinance creating Local Improvement District No. 1 of the City of Dalton Gardens, Kootenai County, Idaho; describing and setting forth the boundaries of said local improvement district; providing for the improvements to be made therein; authorizing the advertising for bids for construction of the improvements as provided by law; providing for the payment of costs and expenses of the improvements to be assessed against the property within the District benefited thereby and the method of assessment; providing for the issuance of local improvement district warrants; providing for the publication of a summary of this ordinance; and providing for other matters properly relating thereto.

CITY OF DALTON GARDENS  
Kootenai County, Idaho

LOCAL IMPROVEMENT DISTRICT NO. 1

Adopted: September 16, 2010

Prepared By:

K&L GATES LLP  
Coeur d'Alene, Idaho and Spokane, Washington

ORDINANCE NO. 208

An Ordinance creating Local Improvement District No. 1 of the City of Dalton Gardens, Kootenai County, Idaho; describing and setting forth the boundaries of said local improvement district; providing for the improvements to be made therein; authorizing the advertising for bids for construction of the improvements as provided by law; providing for the payment of costs and expenses of the improvements to be assessed against the property within the District benefited thereby and the method of assessment; providing for the issuance of local improvement district bonds and warrants; providing for the publication of a summary of this ordinance; and providing for other matters properly relating thereto.

CITY OF DALTON GARDENS  
Kootenai County, Idaho

LOCAL IMPROVEMENT DISTRICT NO. 1

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DALTON GARDENS, of Kootenai County, Idaho, as follows:

WHEREAS, the City of Dalton Gardens, of 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, and as such is authorized and empowered to create local improvement districts and to construct improvements pursuant to Idaho Code, Title 50, Chapter 17; and

WHEREAS, the City is authorized by Idaho Code, Title 50, Chapter 17, to create local improvement districts within the City for the purpose of acquiring, constructing and installing sewer lines, asphalt, curb and sidewalk improvements, easements and appurtenances, together with engineering, legal, accounting, costs of bond issuance, and other costs incidental thereto as authorized by law (the "Project"), and to finance said improvements by the issuance and sale of

local improvement district bonds or warrants, which bonds or warrants are payable solely from assessments upon the property benefited by said improvements; and

WHEREAS, the City Council, by Resolution No. 2010-06, adopted on July 14, 2010, declared its intention to form a local improvement district to be designated “City of Dalton Gardens Local Improvement District No. 1” (“LID No. 1”); described the boundaries of proposed LID No. 1 and the improvements to be constructed therein; set forth the total estimated cost and the method of assessment; fixed the time and date for a public hearing to create proposed LID No. 1 and determined that it is in the best interests of the residents of the City to undertake the Project and to form proposed LID No. 1 to finance costs of the Project; and

WHEREAS, the City Council, by Resolution No. 2010-05, also adopted on July 14, 2010, initiated the process of forming LID No. 1; and

WHEREAS, after proper publication and mailing of notice to the property owners of the City Council’s intention to create proposed LID No. 1, a public hearing was held by the City Council on August 12, 2010, at which hearing the residents and owners of property within the proposed LID No. 1 had the opportunity to appear and to protest, both in writing and verbally, or support the formation of the proposed LID No. 1; and

WHEREAS, upon consideration of the written protests filed with the City within the protest period, the Council has determined to reduce the boundaries of LID No. 1 to include only those parcels as shown in the attached Exhibit B and generally including parcels located on the east side of Government Way between Dalton Avenue and a point north of Hanley Avenue and contiguous parcels on the north side of Dalton Avenue and north and south sides of Hanley Avenue;

NOW, THEREFORE, IT IS HEREBY ORDAINED BY THE CITY COUNCIL OF THE CITY OF DALTON GARDENS, IDAHO, as follows:

Section 1: The City Council hereby finds and declares:

A. That the formation of LID No. 1 will be in the best interests of the property affected and of the City;

B. That there is a reasonable probability that the obligations of LID No. 1 will be paid;

C. That the value of the property subject to assessment within LID No. 1 (such value being determined by the current assessed valuation of such property for ad valorem tax purposes, as shown by the records of the Assessor of Kootenai County) exceeds the sum of the estimated costs to be assessed against the property included in LID No. 1; and

D. That the City Council has heard, considered, and passed upon all protests that were filed in writing in advance of the hearing, which protests are attached hereto and incorporated herein collectively as Exhibit "A." After consideration of all public testimony and comment, including written objections, if any, the City Council desires to move forward with the formation of LID No. 1 as set forth herein.

Section 2: There is hereby created and established a local improvement district within the City of Dalton Gardens, Kootenai County, Idaho, to be designated "City of Dalton Gardens Local Improvement District No. 1" ("LID No. 1"), the boundaries of which are set forth in Exhibit "B," which is annexed hereto and by reference made a part of this ordinance.

Section 3: Project. The improvements to be made within LID No. 1 are as follows:

- A. The acquisition, construction and installation of sewer service and collection lines and related appurtenances;
- B. The acquisition, construction and installation of asphalt, curb and sidewalk improvements;
- C. Acquisition of easements and/or rights-of-way, as necessary; and
- D. Engineering, legal, accounting, costs of bond issuance, costs of interim financing, costs of financial advice, 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 the improvements.

Section 4: The estimated total cost of the Project is \$750,000, of which \$650,000 shall be borne by and assessed against the properties specially benefited by such improvements. The remaining cost of the Project, if any, will be paid with funds from the City of Dalton Gardens. The Council understands that further development of plans for the Project is ongoing and therefore costs may change and the dollar amount for this Project to be paid by assessments may change. Additionally, individual assessments for property owners may be reduced by grant funds, if some can be obtained. The estimated sum of \$100,000 will come from the City of Coeur d'Alene.

Section 5: The Council hereby appoints its engineers, Welch-Comer, for the construction of the Project and further directs its engineers to complete the preparation of the necessary plans and specifications for the advertisement of bids for the construction of the Project.

Section 6: Costs and expenses as herein provided shall include the contract price of the improvements, engineering and clerical services, advertising, costs of inspection, costs of

collecting assessments, interest on any warrants issued to temporarily pay for the improvements, and for legal services for preparing the proceedings and in advising in regard thereto, and for the costs of acquiring land or other property interests, if necessary.

Section 7: The City Council hereby finds that such apportionment is equitable and is based upon the benefits derived by each parcel, all in accordance with Section 50-1707, Idaho Code.

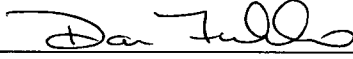
Section 8: The City hereby declares its intention to issue bonds in accordance with Title 50, Chapter 17 of the Idaho Code. For the purpose of making payments for said improvements as the same are installed, prior to the issuance or sale of bonds, the City may issue warrants against LID No. 1 special assessments, payable to the contractor or other persons upon the estimate of the engineer for the City, bearing interest at not in excess of allowable limitations as determined by the City Council, which warrants, together with interest thereon to the date of the issuance of the bonds, if issued, shall be redeemed and retired by the proceeds of special assessments paid in full and proceeds of the sale of said bonds.

Section 9: All matters and things done and performed in regard to the creation of LID No. 1, and each and all of the provisions thereof in regard to all of said matters concerning the creation of LID No. 1 and the doing of the improvements and payment thereof, are hereby expressly incorporated as part of this ordinance.

Section 10: This ordinance shall take effect and be in full force from and after its passage, approval, and publication of a summary hereof one time in the official newspaper of the City. A summary hereof is attached hereto as Exhibit "C" and incorporated herein by this reference.

PASSED at a special meeting of the City Council of the City of Dalton Gardens, held on the 16th day of September, 2010.

CITY OF DALTON GARDENS,  
Kootenai County, Idaho

  
\_\_\_\_\_  
Mayor

ATTEST:

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

(SEAL)

\*\*\*\*\*

I, the undersigned, City Clerk of the City Council of the City of Dalton Gardens, of Kootenai County, Idaho hereby certify that the foregoing Ordinance is a full, true, and correct copy of an Ordinance duly adopted at a special meeting of the City Council, duly and regularly held at the regular meeting place thereof on September 16, 2010, of which meeting all members of said City Council had due notice and at which a majority thereof were present; and that at said meeting said Ordinance was adopted by the following vote:

AYES, and in favor thereof, Councilmembers: *Four*

NAYS, Councilmembers: *None*

ABSENT, Councilmembers: *None*

ABSTAIN, Councilmembers: *None*

I further certify that I have carefully compared the same with the original Ordinance on file and of record in my office; that said Ordinance is a full, true, and correct copy of the original Ordinance adopted at said meeting; and that said Ordinance has not been amended, modified, or rescinded since the date of its adoption, and is now in full force and effect.

I have set my hand and affixed the official seal of the City on September 16, 2010.

  
City Clerk

(SEAL)



Exhibit "A"

Copies of Written Protests to Creation of LID No. 1

See Attached

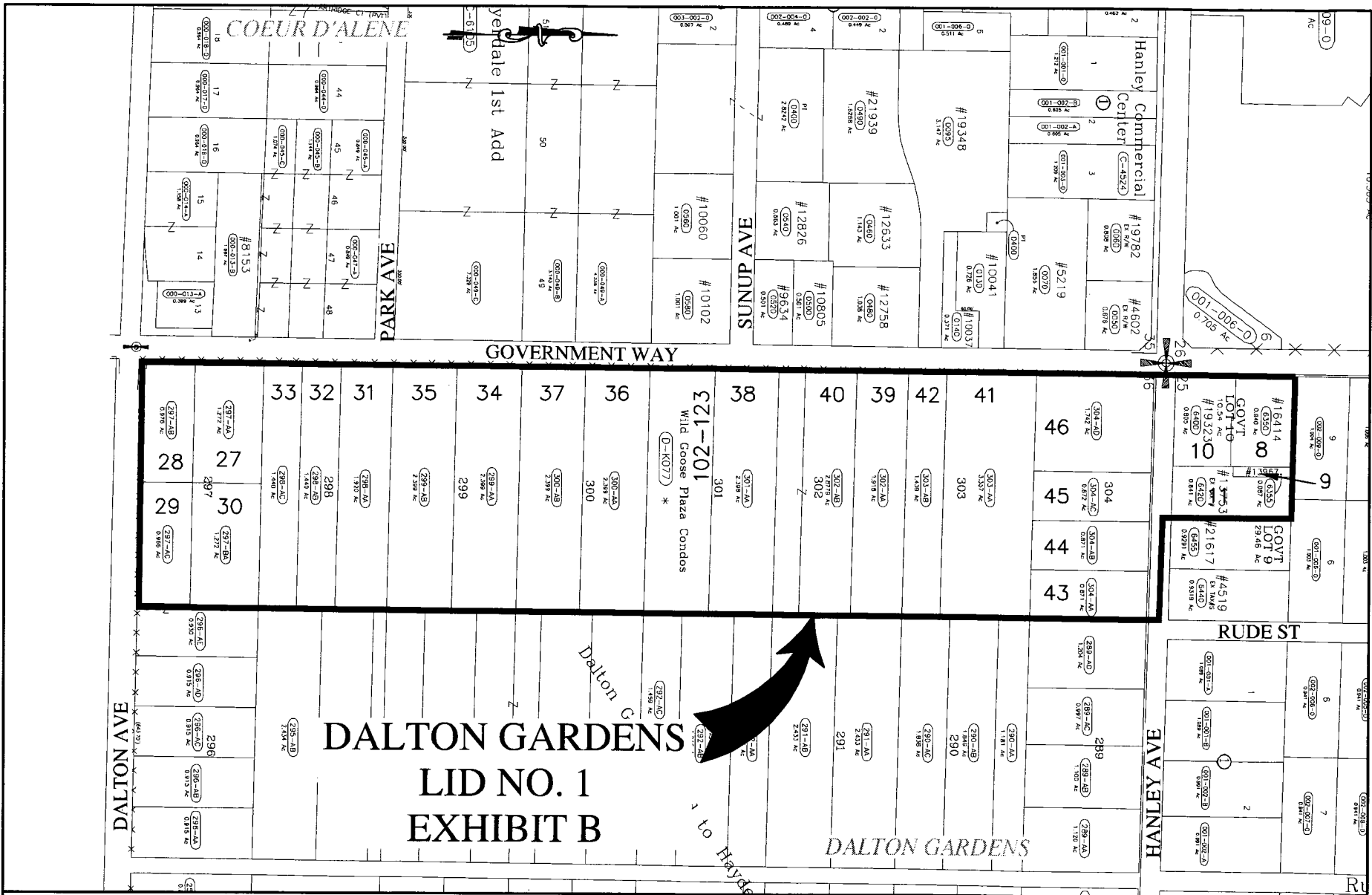
DALTON GARDENS SEWER LID CALCULATION OF PROTEST AREA

LID No	Assess No	Owner	Legal1	AC	Market Value	Total Front Footage	Square Foot	Total Assmt	Notes1	Notes2
4	D0000025575	THAGARD SHIRLEY S TRUSTEE	TX#10549 EX E2	1.008	\$627,403.00	277	43908	\$ 37,247.82	ALSO FRONTAGE ON WILBUR: 158 FF	
7	D00000255625	WILLIAMS PAUL ETUX	LT 6,8 EX PL PT & EX TAX #'S	1.008	\$654,996.00	138	43908	\$ 24,946.32		
8	D00000256350	KR PROPERTIES LLC	TAX#16414 (IN SW-SW)	0.84	\$877,169.00	152	36590	\$ 24,063.10		
9	D00000256355	C & R PLUMBING HEATING INC	TAX#13967 (IN SW-SW)	0.087	\$1,000.00	0	3790	\$ 1,099.10	SERVICE? LANDLOCKED	
14	D01000000030	SPENCER DENNIS	AQUA CENTER CONDO'S, UNIT 3 & 11% INT IN COMMON AREA.	0.095	\$87,338.00	36	4138	\$ 4,386.02		
17	D01000000060	SPENCER DENNIS ETUX	AQUA CENTER CONDO'S, UNIT 6 & 11% INT IN COMMON AREA.	0.095	\$87,338.00	36	4138	\$ 4,386.02		
22	D10000000040	SIMS FAMILY LLC	CONTRACTORS SQUARE CONDO, UNIT 4, GARAGE UNIT 4 & 12.5% INT IN LT 1 BLK 5 SCHLOSS ADD	0.109	\$192,377.00	25	4748	\$ 3,589.42	ALSO FRONTAGE ON AQUA CIRCLE: 24 FF	
23	D10000000050	SIMS FAMILY LLC	CONTRACTORS SQUARE CONDO, UNIT 5, GARAGE UNIT 5 & 12.5% INT IN LT 1 BLK 5 SCHLOSS ADD	0.109	\$192,377.00	25	4748	\$ 3,589.42	ALSO FRONTAGE ON AQUA CIRCLE: 24 FF	
25	D10000000070	SIMS FAMILY LLC	CONTRACTORS SQUARE CONDO, UNIT 7, GARAGE UNIT 7A, 7B, 7C & 12.5% INT IN LT 1 BLK 5 SCHLOSS ADD	0.109	\$192,377.00	25	4748	\$ 3,589.42	ALSO FRONTAGE ON AQUA CIRCLE: 24 FF	
26	D10000000080	SIMS FAMILY LLC	CONTRACTORS SQUARE CONDOMINIUM, UNIT 8, GARAGE UNITS 8A, 8B, 8C & 12.5% INT IN LT 1 BLK 5 SCHLOSS ADD	0.109	\$192,377.00	25	4748	\$ 3,589.42	ALSO FRONTAGE ON AQUA CIRCLE: 24 FF	
31	D140036298AA	HUS CORPORATION	DALTON GARDENS, N 2/5 OF TR 298	1.92	\$336,204.00	132	83635	\$ 35,936.15		
32	D140036298AB	HUS CORPORATION	DALTON GARDENS, N2-S 3/5 OF TR 298	1.44	\$264,320.00	100	62726	\$ 27,040.54		
33	D140036298AC	HUS CORP	DALTON GARDENS, S2 OF S 3/5 OF TR 298	1.44	\$654,603.00	100	62726	\$ 27,040.54		
34	D140036299AA	HUS CORPORATION	DALTON GARDENS, N2-TR 299	2.399	\$1,614,242.00	166	104500	\$ 44,996.00		
35	D140036299AB	HUS CORPORATION	DALTON GARDENS, S2-TR 299	2.399	\$1,154,160.00	166	104500	\$ 44,996.00		
36	D140036300AA	HUS CORPORATION	DALTON GARDENS, N2-TR 300	2.399	\$1,018,781.00	166	104500	\$ 44,996.00		
39	D140036302AA	BBG ENTERPRISES	DALTON GARDENS, N 2/5 OF TR 302	1.918	\$1,191,323.00	134	83548	\$ 36,087.92		
40	D140036302AB	ADAMS GERALD C ETUX	DALTON GARDENS, S 3/5 OF TR 302	2.8779	\$1,241,371.00	198	125361	\$ 53,877.69		
41	D140036303AA	NW ENTERPRISES LLC	DALTON GARDENS, TR 303 EX S 99'	3.357	\$1,194,403.00	330	146231	\$ 71,611.99		
42	D140036303AB	NW ENTERPRISES LLC	DALTON GARDENS, S 99'-TR 303	1.439	\$419,189.00	99	62683	\$ 26,939.57		
44	D140036304AB	ODENTHAL DAVID B	DALTON GARDENS, W2-E 2/5 OF TR 304	0.871	\$392,627.00	126	37941	\$ 22,153.89		
45	D140036304AC	SHADMAN NASSER	DALTON GARDENS, E 1/3 OF W 3/5 OF TR 304	0.872	\$479,303.00	124	37984	\$ 21,989.36		
53	D17000000010	BARRON DENNIS	GREENBRIAR CENTER CONDO, UNIT 1, 16.503% INT IN COMMON AREA	0.144	\$117,628.00	33	6273	\$ 4,739.67		
56	D17000000040	SPENCER DENNIS	GREENBRIAR CENTER CONDO, UNIT 4, 16.748% INT IN COMMON AREA	0.144	\$119,367.00	34	6273	\$ 4,828.17		
57	D17000000050	LYNDA & LARRY NEUMAN LLC	GREENBRIAR CENTER CONDO, UNIT 5, 16.748% INT IN COMMON AREA	0.144	\$119,367.00	34	6273	\$ 4,828.17		
63	D20000000050	CARLSON JERRY S	HERITAGE SQUARE CONDOS, COMMERCIAL UNIT 5 & 14.286% INT IN LT 3 BLK 5 SCHLOSS ADD	0.125	\$125,638.00	29	5445	\$ 4,145.55		
64	D20000000060	CARLSON JERRY S	HERITAGE SQUARE CONDOS, COMMERCIAL UNIT 6 & 14.286% INT IN LT 3 BLK 5 SCHLOSS ADD	0.125	\$125,638.00	29	5445	\$ 4,145.55		
65	D20000000070	CARLSON JERRY S	HERITAGE SQUARE CONDOS, COMMERCIAL UNIT 7 & 14.286% INT IN LT 3 BLK 5 SCHLOSS ADD	0.125	\$148,254.00	29	5445	\$ 4,145.55		
71	D56000020070	R R LEASING LLC	RUDE-2ND ADD, LT 7 BLK 2	1.005	\$895,634.00	139	43778	\$ 24,997.12		
72	D56000020080	R R LEASING LLC	RUDE-2ND ADD, LT 8 BLK 2	1.005	\$916,450.00	139	43778	\$ 24,997.12		
76	D84000010130	JANE BORIS TRUST	RUDE 4TH ADD, LT 13 BLK 1	1.007	\$618,284.00	139	43865	\$ 25,022.35		
78	D98000040080	FOREST GRANT J	SCHLOSS ADD, LT 8 BLK 4	0.899	\$705,764.00	177	39160	\$ 27,020.90		
79	D98000040090	FOREST GRANT J	SCHLOSS ADD, LT 9 BLK 4	1.161	\$819,810.00	111	50573	\$ 24,489.67		
80	D98000040100	FOREST GRANT J	SCHLOSS ADD, LT 10 BLK 4	0.936	\$694,861.00	140	40772	\$ 24,213.88		
81	D98000040110	FOREST GRANT J	SCHLOSS ADD, LT 11 BLK 4	0.871	\$673,860.00	210	37941	\$ 29,587.89	ALSO FRONTAGE ON GOVT WAY: 181 FF	
83	D98000040128	THOMAS G JONES & ALANA S JONES FAMILY TRUST	SCHLOSS ADD, TAX#16979 IN LT 12 BLK 4	0.896	\$666,622.00	150	39030	\$ 24,593.70		
85	D9800004012D	FITZGERALD MICHAEL P Sr	SCHLOSS ADD, TAX #12308	2.639	\$950,781.00	377	114955	\$ 66,701.45		
86	D9800004012E	FOREST GRANT	SCHLOSS ADD, N 112.26' LT 12, TX#13877, TX#14178, N2-TX#14177 (ALL IN LT 12 BLK 4 - NW4)	3.387	\$1,436,192.00	168	147538	\$ 57,654.02		
87	D98000050040	KAESTNER DANIEL W ETUX	SCHLOSS ADD, LT 4 BLK 5	0.872	\$511,753.00	200	37984	\$ 28,715.36		
89	D98000050060	KOSS LLOYD J ETUX	SCHLOSS ADD, LT 6 BLK 5	0.872	\$434,930.00	200	37984	\$ 28,715.36		
90	D98000050070	HALLMARK HOMES INC	SCHLOSS ADD, LT 7 BLK 5	0.872	\$1,205,893.00	200	37984	\$ 28,715.36		
91	D98000050080	DB&K LLC	SCHLOSS ADD, LT 8 BLK 5	0.872	\$816,988.00	200	37984	\$ 28,715.36		
92	D98000050100	KELLY N NELSON TRUST	SCHLOSS ADD, LT 10 BLK 5	0.872	\$690,767.00	200	37984	\$ 28,715.36		
93	D98000050110	MCKERMAN RICHARD V	SCHLOSS ADD, LT 11 BLK 5	0.872	\$794,343.00	200	37984	\$ 28,715.36	ALSO FRONTAGE ON AQUA CIRCLE: 190 FF	
94	D98000050110	MCKERMAN RICHARD V	SCHLOSS ADD, LT 12 BLK 5	0.868	\$207,938.00	330	37810	\$ 40,169.90		
102	DK0770001010	SPENCER DENNIS L	WILD GOOSE PLAZA CONDOS, UNIT 101 & UNDIV INT IN COMMON AREA 3651N04W	0.0856	\$135,466.00	8	3729	\$ 1,789.41		
103	DK0770001020	SPENCER DENNIS L	WILD GOOSE PLAZA CONDOS, UNIT 102 & UNDIV INT IN COMMON AREA 3651N04W	0.1582	\$174,118.00	8	6891	\$ 2,706.39		
111	DK0770003030	LAWHEAD CHARLES W	WILD GOOSE PLAZA CONDOS, UNIT 303 & UNDIV INT IN COMMON AREA 3651N04W	0.1001	\$119,762.00	8	4360	\$ 1,972.40		
112	DK0770003040	LAWHEAD CASEY W	WILD GOOSE PLAZA CONDOS, UNIT 304 & UNDIV INT IN COMMON AREA 3651N04W	0.0987	\$118,040.00	8	4299	\$ 1,954.71		
126	DB4000010100	WUEST GEORGE M ETUX	RUDE 4TH ADD, LT 10 BLK 1	0.958	\$493,427.00	158	41730	\$ 26,084.70	ADJUSTED FOR COMMERCIAL PROPERTY 147 D AREA=21738 SF	
127	D70000010010	POTRATZ G GARY	RUDE 3RD ADD, LT 1 BLK 1	1.003	\$346,975.00	168	43560	\$ 27,500.40	ADJUSTED FOR COMMERCIAL PROPERTY 147 D AREA=23127 SF	
TOTALS FOR ALL PROPERTY WITHIN LID					92.2012	\$ 57,448,301	12929	4,016,146	\$ 2,308,899	
TOTALS FOR PROPERTIES IN QUESTION					50.0175	\$ 28,464,059	6406	2,178,626	\$ 1,198,733	
										54% OF AREA

PROTEST PARCEL 9  
51 = 4116  
125

Exhibit "B"

Boundaries of LID No. 1



**DALTON GARDENS  
LID NO. 1  
EXHIBIT B**

**WELCH-COMER**  
ENGINEERS & SURVEYORS

www.welchcomer.com  
350 E. Kathleen Ave.  
Coeur d'Alene, ID 83815

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(toll free) 877-815-5672  
(fax) 208-664-5946

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& Associates, Inc.

**EXHIBIT B  
DALTON GARDENS LID NO. 1  
GOVERNMENT WAY  
DALTON AVE TO HANLEY AVE**

PROJECT NO.: 41008  
DESIGNED BY: MFG/PFB  
DRAWN BY: SDS  
DWG NAME: 41008DS06.DWG  
DATE: 09-15-10  
SHEET NO:

# AFFIDAVIT OF PUBLICATION

STATE OF IDAHO,  
County of Kootenai,

} SS.

Aylene Farmer being first duly sworn  
upon oath deposes and says:

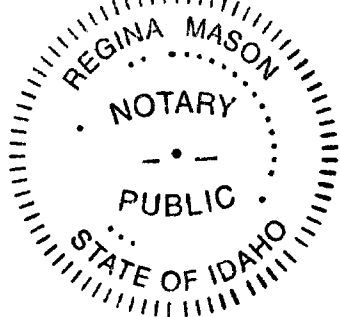
1. I am now and at all times hereinafter mentioned was a citizen of the United States, resident of the State of Idaho, over the age of twenty-one years and not a party of the above entitled action.

2. I am now and at all times hereinafter mentioned was the printer (principal clerk) of the "Coeur d'Alene Press," a newspaper printed and published daily except Sunday in Coeur d'Alene, Kootenai County, Idaho, and having a general circulation in said county.

3. The Legal Notice

of which the annexed is a printed copy, was published in the regular Wednesday issue of said newspaper for 1 consecutive day commencing on the 20 day of September, 2010, and ending on the 20 day of September, 2010, and such publication was made as often during said period as said daily newspaper was regularly issued.

4. That said newspaper has been continuously and uninterruptedly published in said Kootenai County, during a period of more than seventy-eight consecutive weeks immediately prior to the first publication of said notice. Aylene Farmer  
On this 20 day of September in the year of 2010, before me, a Notary Public, personally appeared Aylene Farmer, known or identified to me to be the person whose name subscribed to the within instrument, and being by me first duly sworn, declared that the statements therein are true, and acknowledged to me that he executed the same.



Regina Mason  
Notary Public for the State of Idaho,  
residing at Coeur d'Alene, Idaho.

**MY COMMISSION EXPIRES 6/18/15**

**SUMMARY OF ORDINANCE NO. 208**

An Ordinance creating Local Improvement District No. 1 of the City of Dalton Gardens, Kootenai County, Idaho; describing and setting forth the boundaries of said local improvement district; providing for the improvements to be made therein; authorizing the advertising for bids for construction of the improvements as provided by law; providing for the payment of costs and expenses of the improvements to be assessed; providing for the issuance of local improvement district warrants; providing for the publication of a summary of this ordinance; and providing for other matters properly relating thereto.

**CITY OF DALTON GARDENS**

Kootenai County, Idaho

**LOCAL IMPROVEMENT DISTRICT NO. 1**

A summary of the principal provisions of Ordinance No. 208 of the City of Dalton Gardens, of Kootenai County, Idaho, adopted on September 16, 2010, is as follows:

**Section 1:** Finds and declares that the formation of Local Improvement District No. 1 ("LID No. 1") will be in the best interests of the property affected and the City; that there is reasonable probability that the obligations of LID No. 1 will be paid; that the value of property subject to assessment within LID No. 1 exceeds the sum of the estimated costs to be assessed against the property; and that the City Council has heard, considered, and passed upon all protests (attached as Exhibit "A" to Ordinance No. 208) that were filed in writing.

**Section 2:** Creates the City of Dalton Gardens Local Improvement District No. 1, the boundaries of which are set forth in Exhibit "B", attached to Ordinance No. 208.

**Section 3:** Describes the improvements to be made within LID No. 1 as being the acquisition, construction and installation of sewer transmission lines to connect to the collection system of the City, the acquisition, construction and installation of asphalt, curb and sidewalk improvements to serve the area identified as LID No. 1, together with necessary easements and rights-of-way and engineering, legal and financing costs.

**Section 4:** States that the total estimated cost of the project is approximately \$750,000, of which approximately \$650,000 will be borne by and assessed against the properties specially benefited by such improvements. Any remaining costs of the project will be paid with funds from the City of Dalton Gardens and other legally available funds.

**Section 5:** Appoints the City engineer and directs the construction of the project.

**Section 6:** Determines that the apportionment is equitable and is based upon the benefits derived by each parcel from the project.

**Section 7:** Provides for the issuance of warrants, if necessary, for the immediate payment of the Project.

**Section 8:** Incorporates all matters and things done in regard to the creation of LID No. 1 as part of Ordinance No. 208.

**Section 9:** States that Ordinance No. 208 will take effect after its passage, approval, and publication of a summary thereof.

A full text of Ordinance No. 208 is available at the office of the City Clerk and will be provided to any citizen upon personal request during normal business hours.

DATED this 16th day of September, 2010.

CITY OF DALTON GARDENS,

Kootenai County, Idaho

/S/ Mayor

ATTEST:

/s/ City Clerk

**CERTIFICATION OF BOND COUNSEL**

I, the undersigned Bond Counsel for the City of Dalton Gardens, Kootenai County, Idaho, hereby certify that I have read the attached Summary of Ordinance No. 208 of said City and that the same is true and complete and provides adequate notice to the public of the contents of said Ordinance.

Dated this 16 day of September, 2010.

K&L Gates LLP

Bond Counsel

