

Article 1: Public Improvement and Assessment Proceedings**Division 10: Utility Improvement Districts — Formation**

*(“Utility Improvement Districts — Formation”
added 1–20–1970 by O–10214 N.S.)*

§61.1001 Resolution for Formation

Whenever the Council deems it necessary to form an improvement district within the City and to issue bonds which shall be special obligations of and be issued on behalf of such improvement district, for the acquisition, construction, completion, repair or financing of any or all works, improvements and facilities referred to in Division 9 of this ordinance, the Council shall by resolution declare its intention to form an improvement district and to issue such bonds.

(“Resolution for Formation” added 1–20–1970 by O–10214 N.S.)

§61.1002 Contents of Resolution: Intention to Form District

The resolution of intention shall state that the Council intends to form an improvement district of any portion of the City, which in the opinion of the Council will be benefited by the acquisition and construction of certain improvements and to incur bonded indebtedness by the issuance of bonds on behalf of such improvement district.

(“Contents of Resolution: Intention to Form District” added 1–20–1970 by O–10214 N.S.)

§61.1003 Resolution: Purpose of Debt: Amount: Property Taxable to Pay Debt

The resolution of intention shall also state:

- (a) The purposes for which the proposed bonds are to be issued which may include any or all of the purposes stated in Division 9 hereof.
- (b) The estimated cost of the accomplishment of such purposes and the amount of bonds to be issued therefor, which may include incidental expenses, including without limitation, engineering, appraisal, legal fees, land and rights-of-way acquisition, reserve funds and expenses of financing the district and expenses of all proceedings for the authorization, issuance and sale of the bonds.

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- (c) That the bonds shall not be general obligations of the City, nor shall the credit of the City or the property or revenue of any public utility owned by the City be pledged for the payment thereof; and that the bonds shall be special obligations of and be issued on behalf of the improvement district; and that taxes for the payment of the interest on the bonds and the principal thereof shall be levied exclusively upon the taxable land in the improvement district.
- (d) The maximum interest rate which the bonds may bear, payable semiannually, except that interest for the first year may be payable at the end of that year or at such time prior to the end of that year as may be determined in the resolution providing for the issuance of the bonds.

(“Resolution: Purpose of Debt: Amount: Property Taxable to Pay Debt” added 1–20–1970 by O–10214 N.S.)

§61.1004 Resolution: Description of Improvement: Map of District: Availability for Inspection

The resolution of intention shall also state that such resolution, together with a general description of the proposed improvement and a map showing the exterior boundaries of the proposed improvement district with relation to the territory immediately contiguous thereto and to the proposed improvement, is on file with the City Clerk and is available for inspection by any person or persons interested. This map shall govern for all details as to the extent of the proposed improvement district.
(“Resolution: Description of Improvement: Map of District: Availability for Inspection” added 1–20–1970 by O–10214 N.S.)

§61.1005 Resolution: Time and Place of Hearing: Who may be Heard

The resolution of intention shall also state:

- (a) The time and place for a hearing by the Council on the questions of the formation and extent of the proposed improvement district, the proposed improvement, the estimated cost and the amount of bonds to be issued.
- (b) That at the time and place specified in the resolution any person interested will be heard; and that any holder of title to taxable land within the proposed improvement district may file with the City Clerk at any time prior to the time set for the hearing thereon written protest to the formation of the proposed improvement district.

(“Resolution: Time and Place of Hearing: Who may be Heard” added 1–20–1970 by O–10214 N.S.)

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§61.1006 Notice of Hearing: Publication: Posting: Mailing

Notice of the hearing shall be given by publishing a copy of the resolution of intention once at least ten (10) days prior to the time fixed for the hearing in the City Official Newspaper. Such notice shall also be given by posting a copy of the resolution of intention in three (3) public places within the proposed improvement district at least fifteen (15) days before the time fixed for the hearing. Such notice shall also be given by mailing a copy of said resolution of intention at least fifteen (15) days before the time fixed for the hearing to each holder of title to taxable land within the proposed improvement district as such ownership is shown on the last equalized county assessment roll. The City Clerk shall cause all the above notices to be given.

(“Notice of Hearing: Publication: Posting: Mailing” added 1–20–1970 by O–10214 N.S.)

§61.1007 Time and Place: Who May Appear: Continuance

At the time and place fixed in the resolution of intention, the Council shall proceed with the hearing. At the hearing any person interested may appear and present any matters material to the questions set forth in the resolution of intention. The Council shall hear and pass upon all written protests filed by the holders of title to taxable land within the proposed improvement district. Such protests must be in writing, must contain a description of the property in which each signer thereof is interested, sufficient to identify the same and, if the signers are not shown on the last equalized assessment roll as the owners of such property, must contain or be accompanied by written evidence that such signers are the owner of such property. The hearing may be continued from time to time by the Council.

(“Time and Place: Who May Appear: Continuance” added 1–20–1970 by O–10214 N.S.)

§61.1008 Changes: Purpose of Debt: Amount: Boundaries

The Council may change the purposes for which the proposed bonds are to be issued, the estimated cost, or the amount of the bonds. The Council may also change the boundaries of the proposed improvement district, but not so as to include any territory which will not, in its judgment, be benefited by the proposed improvement.

(“Changes: Purpose of Debt: Amount: Boundaries” added 1–20–1970 by O–10214 N.S.)

§61.1009 Notice of Intention to Make Change: Publication: Posting: Contents

The purposes, estimated cost, or amount of bonds to be issued or the boundaries of the proposed improvement district shall not be changed by the Council except after adoption by the Council of a resolution declaring its intention to order changes and fixing a time and place for a hearing on said changes. The resolution shall be published, posted and mailed in the same manner as set forth in Section 61.1006 of this Division 10. The resolution shall state the purposes, estimated cost and debt as originally proposed, and as changed if such is the case, and that the exterior boundaries as originally proposed, and as changed if such is the case, are set forth on maps on file with the City Clerk and that the map showing the boundaries as changed, shall govern for all details as to the extent of the proposed improvement district. (*“Notice of Intention to Make Change: Publication: Posting: Contents” added 1-20-1970 by O-10214 N.S.*)

§61.1010 Hearing on Change: Who May Appear: Continuance

At the time and place fixed in the resolution of intention to make changes the Council shall proceed with the hearing. At the hearing any person interested may appear and present any matters material to the matters contained in the resolution. Written protests to the proposed changes may be filed with the City Clerk by the holder of title to taxable land within the proposed improvement district at any time up to the hour set for hearing on said proposed changes. The hearing may be continued from time to time by the Council. (*“Hearing on Change: Who May Appear: Continuance” added 1-20-1970 by O-10214 N.S.*)

§61.1011 Protests by Holders of Title to One-Half of Value of Taxable Land: Resolution of Necessity to Incur Debt: Contents

If written protests are filed by the holders of title to one-half of the value of the taxable land within the proposed improvement district, as shown by the last equalized assessment roll of the county, prior to the hearing on the resolution of intention or prior to the hearing on any proposed changes with respect thereto, and if there remain on file protests representing one-half of the value of such taxable land at the time the Council has concluded the hearing on said resolution of intention and any hearing on proposed changes with respect thereto, further proceedings shall not be taken and the Council shall declare the proceedings abandoned. If such protests do not remain on file at the conclusion of said hearing or hearings, the Council shall by resolution determine whether or not it is deemed necessary to form the improvement district and

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issue bonds which shall be special obligations of and be issued on behalf of the improvement district. If the Council determines that it is necessary to form the improvement district and issue bonds, the resolution shall also state, in accordance with the prior proceedings:

- (a) The purposes for which the proposed bonds are to be issued.
- (b) The estimated cost of the accomplishment of such purposes and the amount of the proposed bonds.
- (c) That the exterior boundaries of the portion of the City which will be benefited by the accomplishment of the purpose are set forth on a map on file with the City Clerk, which map shall govern for all details as to the extent of the improvement district.
- (d) That such portion of the City set forth on the map shall thereupon constitute and be known by the name designated in the resolution.

(“Protests by Holders of Title to One–Half of Value of Taxable Land: Resolution of Necessity to Incur Debt: Contents” added 1–20–1970 by O–10214 N.S.)

§61.1012 Disapproval of Formation Resolution for Determination of No Benefit

If the Council finds and determines that the area proposed to constitute the improvement district will not be benefited thereby and will be injured thereby, the Council shall by resolution disapprove the formation.

(“Disapproval of Formation Resolution for Determination of No Benefit” added 1–20–1970 by O–10214 N.S.)

§61.1013 Effective Date: Effect of Determinations in Resolution

From and after the date the City Council adopts the resolution forming the improvement district, the area named therein shall constitute the improvement district within the City bearing the name set forth in the resolution. The determinations made in the resolution forming the improvement district shall be final and conclusive.

(“Effective Date: Effect of Determinations in Resolution” added 1–20–1970 by O–10214 N.S.)

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§61.1014 Effect of Formation on Election Proceedings and Tax Levy

After the formation of the improvement district pursuant to this ordinance, the Council may, by resolution, at such time or times as it deems proper, issue bonds on behalf of the improvement district, and thereafter all proceedings shall be limited and shall apply only to the improvements district, and taxes for the payment of the bonds and the interest thereon shall be levied exclusively upon the taxable land in the improvement district.

(“Effect of Formation on Election Proceedings and Tax Levy” added 1-20-1970 by O-10214 N.S.)