

RESOLUTION NO. 02-03
RESOLUTION OF CONFIRMATION
BONNEVILLE COUNTY LIGHTING DISTRICTS
NOS. 33-40 INCLUSIVE
BONNEVILLE COUNTY, IDAHO

BE IT HEREBY RESOLVED by the County Commissioners of the County of Bonneville, State of Idaho, that they have examined the proceedings heretofore had in connection with Bonneville County Lighting District No. 33 (Caribou Meadow Estates, Division No. 3), Bonneville County Lighting District No. 34 (Cottonwood Acres, Division No. 5), Bonneville County Lighting District No.35 (Hall Acres, Division No. 1), Bonneville County Lighting District No. 36 (Evolution Plaza, Division No. 1), Bonneville County Lighting District No. 37 (Crimson Valley, Division No. 1), Bonneville County Lighting District No. 38 (Warm Springs Meadow, Division No. 2), Bonneville County Lighting District No. 39 (Cross-Roads Subdivision), Bonneville County Lighting District No. 40 (River Acres Estates: 4th Amended Plat) (hereinafter the "Lighting Districts") for the collection of fees to pay the operation and maintenance costs under schedules adopted by the Idaho Public Utilities Commission for the furnishing of energy and power and maintenance to operate a residential security lighting system.;

THAT the Affidavit of Publication of the *Post Register*, the official newspaper of the County of Bonneville, has been made and placed in the files of the County Clerk;

THAT the Clerk of the County of Bonneville did cause a copy of the Resolution of Intention and Notice of Hearing of Protest to be mailed to each owner of property within the proposed Lighting Districts, and that the Commissioners have examined the Affidavits of Mailing, the Resolutions of Intention, and the Notices of Hearing of Intention to Create Bonneville County Lighting District Nos. 33-40, inclusive;

THAT the Commissioners have examined the Affidavits of Publication and of Mailing and have found the same in all respects sufficient, and that the said Resolutions of Intention passed by the Commissioners on the 3rd day of April, 2002, are hereby confirmed as herein stated.

THAT the Commissioners do hereby make the following findings of fact:

1. That there were no Protests to the creation of the Bonneville County Lighting District Nos. 33-40.
 - (a) That there was one protest made orally by a resident, Ms. Gay Gilbert, of 5910 North Leonard Ave., located in the River Acre Estates, in the proposed County Lighting District number 40, who orally objected to the light as not providing any safety features, as being unnecessary for directional purposes, as being offensive to the owners in close proximity through the light shining at night, that the light would not be effective and is not needed for directional purposes.

(b) The Commissioners reviewed the protest, and reviewed the petition by the homeowners in River Acres Estates, and found that a majority of the owners had favored the creation of the Lighting District and had petitioned the County to created the District and have the lights installed. That with the majority of owners favoring and requesting the District, the Commissioners overruled the objection and included the proposed Lighting District 40 of River Acre Estates to be within the proceedings creating the Lighting Districts.

2. That the majority of the residents within the Lighting Districts have approved the creation of the Lighting Districts.

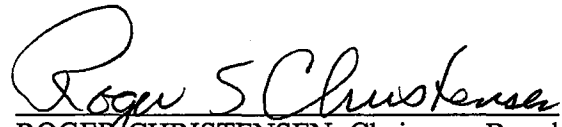
3. That the purpose of the creation of the Lighting Districts was for the collection of fees to pay the operation and maintenance costs of Utah Power and Light Company under schedules adopted by the Idaho Public Utilities Commission for the furnishing of energy and power to operate a residential security lighting system.

4. That the fees and charges to be collected by the Lighting Districts will be for the operation and maintenance on a continuing basis and will be imposed and collected for services provided by the County which would otherwise be funded by ad valorem tax revenues.

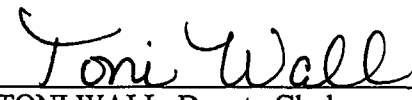
5. That the intent is to collect fees pursuant to the authority of the Idaho Statutes, which should be reasonably related to, but should not exceed, the actual cost of the services being rendered.

That Bonneville County Lighting Districts Nos. 33-40, inclusive, are hereby created and the Resolution of Intention is ratified and confirmed.

DATED this 23rd day of April, 2002.


ROGER CHRISTENSEN, Chairman, Board of
County Commissioners, Bonneville County,
Idaho

ATTEST:


TONI WALL, Deputy Clerk
and Secretary to the Board of County
Commissioners

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