

TITLE 70  
WATERCOURSES AND PORT DISTRICTS

CHAPTER 19  
INDUSTRIAL DEVELOPMENT DISTRICTS IN PORT DISTRICTS

70-1901. INDUSTRIAL DEVELOPMENT DISTRICTS AUTHORIZED -- NOTICE -- HEARING. A port commission may, after a public hearing thereon, notice of which shall be published in a daily newspaper of general circulation in the port district at least once a week for two (2) successive weeks, create industrial development districts within the port district and define the boundaries thereof, if it finds that the creation of such industrial development district is proper and desirable in furthering industrial development in such port district, and/or for urban renewal therein.

[70-1901, added 1969, ch. 55, sec. 109, p. 144.]

70-1902. TAX-TITLE LANDS CONVEYED TO PORT DISTRICT. Any lands in an industrial development district acquired by the county as a result of delinquent taxes may, at the request of the port commission, be conveyed by the county commissioners to the port district either gratuitously or for the amount of the delinquent taxes, penalties and interest accrued against said land, as the county commissioners shall determine. From and after such conveyance, title to said property shall repose in the port district, its successors or assigns. Nothing in this section shall prevent such county commissioners from granting or selling such lands to any other municipality or public body which may make application therefor.

[70-1902, added 1969, ch. 55, sec. 110, p. 144.]

70-1903. PRIVATE LANDS. Port districts may acquire privately owned property within such industrial development district and, if necessary, exercise the right of eminent domain in securing the same, in the same manner as in this act provided for the acquisition by port districts of other properties by eminent domain, provided, however, that such right of eminent domain for such industrial development district purposes shall not be exercised as to lands lying further than three-quarters (3/4) of one (1) mile from the water edge of the slack water pool within such port district, created by any downriver dam; provided, further, that notwithstanding any other provisions of the port district law, neither a port district nor an industrial development district shall have power to acquire by eminent domain any existing and operating railroad facilities, without first securing from the public utilities commission a certificate that such acquisition is necessary for the public convenience and necessity.

[70-1903, added 1969, ch. 55, sec. 111, p. 144; am. 1970, ch. 3, sec. 1, p. 4.]

70-1904. ADOPTION OF PLAN. No expenditure for acquisition or improvement of property in an industrial development district shall be made by a port district until a comprehensive plan for such industrial development shall have been adopted by the port commission in the same manner, and upon the same notice as provided in this act for the adoption of a comprehensive plan of harbor improvement and port development; provided that, moneys may be expended prior to the adoption of such plan for studies, preliminary engineering, and the planning of such industrial development district,

either separately, or in connection with other studies and engineering of the district, and either by the district alone or in connection with other federal or state agencies or instrumentalities.

Recognizing that it will be necessary that port districts engage in long-range planning, and that it will normally be necessary to alter such plan from time to time, such plan need only be in general terms.

[70-1904, added 1969, ch. 55, sec. 112, p. 144.]

70-1905. IMPROVEMENTS TO FOLLOW PLAN ADOPTED. When such general plan shall have been adopted as provided in section 70-1904, [Idaho Code,] improvements to by [be] made by such commission in such industrial development district shall be made substantially in accordance therewith unless and until such general plan shall have been officially amended, modified or changed by the port commission.

[70-1905, added 1969, ch. 55, sec. 113, p. 144.]

70-1906. AMENDMENT, MODIFICATION OR CHANGE OF PLAN. Such plan may be amended, modified or changed by the port commission at any time, after a public hearing thereon, notice of which shall be given in the same manner as is notice for the adoption of such plan, and such plan as amended, modified or changed shall be and remain the district's plan for such industrial development district, until the same shall again be amended, modified or changed by the port commission in the same manner.

[70-1906, added 1969, ch. 55, sec. 114, p. 144.]

70-1907. INDUSTRIAL DEVELOPMENT DISTRICTS -- POWERS. All port districts wherein industrial development districts have been established are authorized and empowered to acquire by purchase or condemnation or both, all lands, property and property rights necessary for the development and improvement of such industrial development district; to exercise the right of eminent domain, subject to the provisions of section 70-1903, [Idaho Code,] in the acquirement or damaging of all lands, property and property rights; to levy and collect assessments upon property and to expend its funds for the payment of all damages and compensation in acquiring such property and/or in carrying out the plan for which said industrial development district has been created; to develop and improve the lands within such industrial development district to make the same suitable and available for industrial uses and purposes; to dredge, bulkhead, fill, grade, and protect such property; to provide for water, light, power and fire protection facilities and services, streets, roads, bridges, highways, waterways, tracks and rail and water improvements; to execute leases of such land or property or any part thereof; and generally to exercise with respect to and within such industrial development districts all the power now or hereafter conferred by law upon port districts.

[70-1907, added 1969, ch. 55, sec. 115, p. 144.]

70-1908. INDUSTRIAL DEVELOPMENT DISTRICTS -- SALE OR EXCHANGE OF PROPERTY. When a port commission deems it for the best interests of the district and the people thereof and in furtherance of its general plan of harbor improvement and port development or its plan of industrial development, or both, it may, sell, convey or exchange with or without additional consideration, any property, or part thereof, owned by it within an industrial

development district. This section shall not be limited by any other or inconsistent provisions of this act.

[70-1908, added 1969, ch. 55, sec. 116, p. 144.]

70-1909. SALE -- NOTICE -- HEARING. Prior to any such sale, or to any such exchange, the port commission shall hold a hearing thereon, for the purpose of hearing any objections thereto, and shall give notice of such hearing by publication in a newspaper within the port district at least once a week for two (2) successive weeks prior to such hearing.

The notice shall describe the property to be sold or exchanged, and state generally the terms of sale or exchange, and shall state the time and place of hearing thereon.

[70-1909, added 1969, ch. 55, sec. 117, p. 144.]

70-1910. DETERMINATION CONCERNING SALE OR EXCHANGE. Within three (3) days after the hearing the commission shall make its findings and determination on the advisability of making the sale or exchange, and enter its determination in its records, which determination, in the absence of a showing of fraudulent, capricious or arbitrary action, or of bad faith on the part of the commission, shall be conclusive.

[70-1910, added 1969, ch. 55, sec. 118, p. 144.]

70-1911. SALE -- CONTRACT OR BID. Any such sale may be by private agreement between the port district and the prospective purchaser or upon bid upon such terms as the port commission may direct.

[70-1911, added 1969, ch. 55, sec. 119, p. 144.]

70-1912. SALE -- PLANS FOR DEVELOPMENT. Prior to the conveyance of such land, the port commission shall require the purchaser to file with the commission a plan, stating in detail the use such purchaser intends to make of such land. The commission may require such purchaser to file additional information as to such intended use and may require of him security as assurance that the property will be used for that purpose.

[70-1912, added 1969, ch. 55, sec. 120, p. 144.]

70-1913. COVENANTS AS TO USE -- FORFEITURE. The commission may, in securing any such bids, or in selling, exchanging or conveying any such property, specify conditions to be placed in the commission's instrument of conveyance of such property, and thereafter place such condition in such instrument, as covenants running with the land. Any violation of such covenants may result in a right by the port commission to cancel said conveyance and retake said property free and clear of any claim of the purchaser, when such instrument so provides.

[70-1913, added 1969, ch. 55, sec. 121, p. 144.]