



ORDINANCE NO. 206

AN ORDINANCE ESTABLISHING AND CREATING LOCAL IMPROVEMENT DISTRICT NUMER (9) NINE OF THE CITY OF REXBURG, MADISON COUNTY, IDAHO, FOR THE PURPOSE OF GRADING, PAVING, AND FOR THE CONSTRUCTION OF SIDEWALKS, CROSS WALKS, AND STREET CROSSINGS AND SURFACE DRAWING CERTAIN STREETS AND PARTS OF STREETS OF SAID CITY; ORDERING THE MAKING OF SAID IMPROVEMENTS, PROVIDING FOR THE PAYMENT OF THE COST THEREOF BY SPECIAL ASSESSMENTS TO BE LEVIED AGAINST THE PROPERTY WITHIN THE LOCAL IMPROVEMENT DISTRICT SO CREATED, EXCEPT THE EXPENSE FOR STREET CROSSINGS AND CROSS WALKS, WHICH SHALL BE PAID FOR BY THE CITY AT LARGE MAKING AN APROPRITION FOR THE PAYMENT OF THE PORTION OF THE COST OF SAID IMPROVEMENT TO BE CHARGED AGAINST THE CITY OF REXBURG AT LARGE AND DEFINING THE DUTIES AND POWERS OF THE CITY ENGINEER AND COMMITTEE ON STREETS IN CONNECTION THEREWITH.

BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF REXBURG, COUNTY OF MADISON, STATE OF IDAHO:

SECTION I: Whereas certain proceedings heretofore have been taken by the City Council of the City of Rexburg resulting in the passage of a Resolution of Intentions to create Local Improvement District Number (9) Nine in said City and whereas the City Council of said City has voted to proceed with the work of Improvement of College Avenue, Second South Street, First East Street and Fourth South Street and portions thereof as is hereinafter more specifically described and between the points named as follows, to-wit,

College Avenue,

From the South line of Main Street to the North line of Second South Street approximately (1419) fourteen hundred and nineteen feet long and (40) forty feet wide,

Second South Street,

From the East line of Central Avenue to the East line Third East Street, approximately (2277) twenty-two thousand and seventy-seven feet long and (40) forty feet wide,

Third East Street,

From the North line of Second South Street to a point approximately (20) twenty rods South of the South line of Main Street approximately (1089) one thousand and eighty-nine feet long and (40) forty feet wide,

And to grade, curb, sidewalk, construct street crossings and cross walks and surface drain the streets and parts of streets between the points named as follows, to-wit,

Third East Street,

From the South line of Second South Street to the North line of Third South Street,

Second East Street,

From the South line of First South Street to the North line of Second South Street,

Second East Street,

From the South line of Second South Street to the North line of Third South Street,

First East Street,
From the South line of Second South Street to the North line of Fourth South Street,

Fourth South Street,
On the North side of Fourth South Street from the West line of First East Street to the East line of Central Avenue,

The said improvements last herein described totaling approximately (4069) four thousand and sixty-nine feet in length being (40) feet in width from curb to curb with sidewalks (5) five feet wide,

SECTION II: That the said streets respectively, between the points named as aforesaid be improved as hereinbefore specified by grading to an established grade accomplished by excavation and filling in when necessary, paving with suitable material as hereinafter may be specified that the surface draining of said streets and parts of streets be accomplished by the installation and construction of such necessary devices as may be specified in the plans and specifications for said work, to be prepared as may be authorized by law; that concrete curb stones be erected therein and concrete sidewalks be constructed therein; that all of said work to be in accordance with plans and specifications therefor which shall be prepared by the City Engineer of said City.

SECTION III: The City Engineer is hereby directed to prepare necessary plans, specifications and detailed drawings of the work to be done under this ordinance and file a copy thereof with the City Clerk and supply copies thereof as convenient to prospective bidders on the said work or any portion thereof, said plans and specifications together with the detailed drawings are hereby referred to for greater certainty as to the various classes of construction to be undertaken by the terms of this ordinance.

SECTION IV: The width of said pavements in all cases shall be approximately (40) feet between curbs, and the aggregate length of all pavement to be laid is estimated to be approximately (4785) lineal feet.

SECTION V: All of such improvements shall be made under the supervision of the City Engineer and the City Council of the City of Rexburg, Idaho, and in accordance with the provisions of Resolution number -9- passed by the City Council on the 21st day of March 1917, and approved by the Mayor of said City on the same day, which resolution declared the intention of said City Council to create and establish said Local Improvement District No. 9.

SECTION VI: That said Local Improvement District No. 9 be and the same is hereby created, and the property to be included therein consists of all of the real estate and premises fronting or abutting on contiguous or tributary to the said College Avenue, Second South Street, Third East Street, Second East Street, First East Street and Fourth South Street between the points named as hereinbefore specifically described for the respective streets to the distance back from such streets where platted in blocks to the center of the lots, and if not platted to the distance of 125 feet.

SECTION VII: The cost and expense of making the said improvement, including engineering, and other clinical services, advertising cost of inspection, cost of collecting assessments and interest upon installment warrants to be issued as hereafter providing shall be taxed and assessed upon all property in such local improvement district, which cost shall be assessed in proportion to the number of feet of such lots and lands fronting thereon or abutting, contiguous or tributary thereto and included in said improvement district and in proportion to, the benefits derived by said improvement; provided that the expense of the construction of street crossings or crosswalks necessary at street intersections shall be paid by the City at large in accordance with the terms of said Resolution No. 9.

SECTION VIII: To pay for the portion of the expense of said work which will be properly chargeable against the City under the terms of this Ordinance there is hereby appropriated of money sufficient to pay the said share of said cost in accordance with the terms of this ordinance to be paid out of the General Fund of said City, provided that the council may in its discretion, hereafter raise said money so to be paid by said City by the issuance and sale of general obligation bonds of said City as said Council may be authorized by sale of the duly qualified election of said City.

SECTION IX: Upon the passage of this ordinance or at such later time as the Council may determine, the Committee on Streets, together with the City Engineer shall make out an assessment roll according to the same to the Council of said City, said assessment roll shall conform in all respects with the provisions of this Ordinance and of Chapter, V of Title 13 entitled "Powers of Cities and Villages" Volume -1- Revised Codes of Idaho and the amendments thereto relate in to the organization of local improvement districts and the assessments of cost of improvement as provided therein, in connection with the preparation of the said assessment roll the said Street Committee shall ascertain the total cost of making said proposed improvement and shall make an examination of all of the property within the said improvement district, said assessment roll shall ascertain, among other things, the names of the property owners affected by the proposed improvements where such names are known, and of not known the property may be assessed to an unknown owner, the description of each piece, lot or parcel of land and the amount assessed against the same.

Section X: Upon receiving the said assessment roll the City Clerk shall give notice thereof by three successive publications in the official newspaper of said city, in substance that such assessment roll is on file in his office, the date of filing the same and said notice shall state a time at which the council will hear and consider objections to said assessments by the parties aggrieved by such assessments, the owner or owners of any property which is assessed in such assessment roll, whether named or not in such roll, may within (10) ten days from the date of the last publication of said notice as provided in this section file with the City Clerk his objections in writing to said assessment.

Section XI: At the time appointed for hearing objections to such assessment the Council shall hear and determine all objections to the legality of the proceedings in making such assessments which have been filed by any party interested, objections may likewise be made to the correctness of such assessment or of the amount levied on any particular lot or parcel of land and the Council shall have the power to adjourn such hearings from time to time and shall have power in their discretion to revise, correct, confirm, or set aside such assessment and to order that such assessment be made de novo, when such assessment shall finally be approved such Council shall pass an order approving and confirming such assessment as corrected by them and the said as confirmed shall be incorporated in an ordinance to be denominated an assessing ordinance; the decision and order of the Council confirming the said assessment roll shall be a final determination of the legality, validity and correctness of said assessment to the amount thereof levied on each lot and parcel of land subject to the right of appeal as may be provided by law.

Section XII: All such assessments shall be known as special assessments for improvements and shall be levied and collected as a separate tax in addition to the taxes for general revenue purposes and shall be placed in the tax roll for collection subject to the same penalties and collected in the same manner as other city taxes.

Section XIII: The Mayor and Council of the City of Rexburg, may in their discretion, provide for the payment of the cost and expense of said improvements in installments, instead of levying the entire tax of special assessment for such cost and expense at one time; and for such installments there may be issued in the name of the City of Rexburg improvement bonds of said Local Improvement District which shall be payable in installments of equal amount each year with interest thereon as herein provided , which bonds by their terms shall be made payable on or before a date not to exceed ten years from and after the date of issue of such bonds and shall bear interest at a rate not exceeding seven per cent per annum, the number of years for said bonds to run and the rate of interest thereon within the limits provided by law in each instance shall be determined by the City Council, such bonds may be issued to the contractor constructing the improvements in payment thereof or the Mayor and Council or other authorized officers of said city, may sell the same at not less than their par value net and pay the proceeds thereof to said contractor.

Section XIV: If the Council shall determine to issue and sell said bonds for the purpose of meeting the expense of making said improvements as the same are installed prior to the sale of said bonds, they may issue warrants against the said Local Improvement District No. 9 payable to the contractor or other proper persons upon estimates of the City Engineer as may be provided by contract to be made for the said improvements, which said warrants shall bear interest at the rate of seven per cent per annum and said warrants, together with interest due thereon of the date of issuance of said bonds shall be redeemed and retired by the proceeds derived from the sale of the

said bonds, said bonds shall not be issued in excess of the contracted price and expense of such improvements, including engineering and other clerical services, advertising, cost of inspection, cost of collecting, assessments and interest upon warrants, if issued as aforesaid, and installment coupons to be attached to said bonds shall include interest on the installments thereof to the respective dates of maturity, the said bonds shall be of such denomination as the Council may deem proper.

Section XV: The owner of any price of property liable for any special assessments may redeem his property from such liability by paying the entire assessments which shall be against his property upon the City Clerk having published a printed notice in the official newspaper for three consecutive weekly issues thereof, which notice shall state the time for payment to begin and the time for payment to close the last day of said notice to be not less than thirty days before the issuance of the bonds or after the issuance of bonds by paying all installments of the assessments which have been levied, and also the amount of the unlevied installments with interest on the latter at the rate of not exceeding seven per cent per annum from the date of the issuance of the said bonds to the time of the maturity of the last installment.

Section XVI: Such bonds if issued shall be prepared under the provisions of the said chapter of the Political Code of Idaho aforesaid as amended.

Section XVII: Referring to the pavement or surface to be laid on said streets the same shall be one of the following types, to wit:

1, Bitulithic, 2, Sheet Asphalt, 3, Asphaltic Concrete, 4, Plain Concrete, and the bids for the construction of the said improvements which shall be called for as provided herein shall cover all of said types of pavement, the Council at the time of the opening of said bids or at such later time as may be deemed advisable, shall select the particular type of surface or pavement to be laid on said streets and award a contract or contracts for the said improvements.

Section XVIII: In the making of any contract for the proposed improvements it may be provided that a certain percentage of the contract price shall be paid from time to time as the work progresses on estimates to be made by the City Engineer and as such estimates are allowed by the City Council interest bearing warrants as hereinbefore provided drawn on a fund to be designated as Local Improvement District No. 9 Fund shall be issued to the contractor or contractors interested, which said warrants and the interest to accrue thereon to the date of the issuance of bonds shall be redeemed and retired by the proceeds of the sale of said bonds or said bonds may be exchanged for such warrants as may be held by such contractor.

Section XIX: On the passage of this ordinance and its approval by the Mayor, the City Clerk shall cause to be published a public notice in the official newspaper of the City for three consecutive weekly issues, which notice shall contain a general description of the kind and amount of work to be done, the material to be furnished as nearly accurate as practicable, and shall state that plans and specifications for said improvement work are on file in the office of the City Engineer and City Clerk and said notice shall call for bids for said work and shall set a time at which the said Council will open and consider bids, said Council may award a contract or contracts for any improvements authorized by this ordinance or any subdivision thereof, which said contract shall be in the name of the City upon such terms of payment as shall be fixed by the Council and shall be made with the lowest and best responsible bidder upon sealed proposals after notice as aforesaid. Each contractor shall be required to give a good and sufficient bond to the City in an amount equal to sixty per cent of the contract price, which bond shall be approved by the City Council and shall guarantee the faithful performance of the said contract.

PASSED BY THE CITY COUNCIL AND APPROVED BY THE MAYOR this 21st day of April, 1917.

F.S. Parkinson, Mayor

(SEAL)

ATTEST:

J.C. Anderson, City Clerk

STATE OF IDAHO)
)ss.
County of Madison)

I, J.C. ANDERSON, City Clerk of the city of Rexburg, Idaho, do hereby certify: That the above and foregoing is a full, true and correct copy of the Ordinance Entitled:

AN ORDINANCE ESTABLISHING AND CREATING LOCAL IMPROVEMENT DISTRICT NUMER (9) NINE OF THE CITY OF REXBURG, MADISON COUNTY, IDAHO, FOR THE PURPOSE OF GRADING, PAVING, AND FOR THE CONSTRUCTION OF SIDEWALKS, CROSS WALKS, AND STREET CROSSINGS AND SURFACE DRAWING CERTAIN STREETS AND PARTS OF STREETS OF SAID CITY; ORDERING THE MAKING OF SAID IMPROVEMENTS, PROVIDING FOR THE PAYMENT OF THE COST THEREOF BY SPECIAL ASSESSMENTS TO BE LEVIED AGAINST THE PROPERTY WITHIN THE LOCAL IMPROVEMENT DISTRICT SO CREATED, EXCEPT THE EXPENSE FOR STREET CROSSINGS AND CROSS WALKS, WHICH SHALL BE PAID FOR BY THE CITY AT LARGE MAKING AN APROPRITION FOR THE PAYMENT OF THE PORTION OF THE COST OF SAID IMPROVEMENT TO BE CHARGED AGAINST THE CITY OF REXBURG AT LARGE AND DEFINING THE DUTIES AND POWERS OF THE CITY ENGINEER AND COMMITTEE ON STREETS IN CONNECTION THEREWITH.

PASSED BY THE CITY COUNCIL AND APPROVED BY THE MAYOR this 21st day of April, 1917.

J.C. Anderson, City Clerk

(SEAL)