



ORDINANCE NO. 232

AN ORDINANCE DECLARING THE INTENTION OF THE CITY COUNCIL OF THE CITY OF REXBURG, MADISON COUNTY, IDAHO TO CREATE AND ESTABLISH A LOCAL SEWERAGE IMPROVEMENT DISTRICT TO CONSTRUCT A LATERAL SEWERAGE SYSTEM FOR SAID DISTRICT TO CONNECT WITH THE MAIN TRUNK LINE TO BE CONSTRUCTED BY SAID CITY, TO ASSESS THE COSTS AND EXPENSES OF SAID SEWERAGE IMPROVEMENTS UPON ALL THE PROPERTY INCLUDED WITHIN SAID SEWERAGE DISTRICT IN PROPORTION TO BENEFITS, TO FIX A TIME WHEN PROTESTS AGAINST SAID IMPROVEMENT MAY BE FILED WITH THE CITY CLERK; ORDERING THE PUBLICATION OF THIS ORDINANCE;

WHEREAS, It is deemed necessary for the comfort, convenience, health and wellbeing of the inhabitants of the City of Rexburg, Madison County, State of Idaho, for the city council of the said city to construct, build, keep, conduct and maintain a lateral sewerage system in a certain local sewerage improvement district hereinafter described.

AND WHEREAS, the costs of said sewerage improvements, if said district shall be hereafter created will be levied and assessed upon all the property benefited, to-wit:

Upon the lots and parcels of land fronting on any highway, street or alley that may be included within said district as well as on all the lots and parcels of land situated therein except as hereinafter provided.

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

SECTION I – That it is the intention of the City Council of the City of Rexburg, Idaho, to create and establish a local sewerage improvement district including all the property fronting on the highways, streets or alleys and all the lots and parcels for land included within the boundary lines of said local sewerage improvement district as hereinafter designated by the City Council, other than that portion occupied by highways, streets and alleys.

SECTION II – That it is the intention of the City Council to fix the following boundary lines for the said local sewerage improvement district, to-wit:

Beginning at a point on the range line between ranges 39 East and 40 East of BM 166 feet north of the southwest corner of the southwest quarter of Section 19, Tp, 6 N. Range 40 E. of B.M. in Madison County, State of Idaho, said point being in the center of 5th West Street, West of block 28 of said city as per the recorded plat thereof, running thence east 1335 ½ feet through block 28 and part of block 29 of said city on a line 100 feet north of the north side of main street to a point 100 feet west of the east boundary of block 29, thence north 230 feet to the south boundary of Lot 1, Block 29, thence east 92 rods thru center of part of block 29, all of block 30, and part of block 31, to a point 100 feet west of the east boundary line of block 31, thence north 529 feet to a point 100 feet north of the south boundary line of Lot 4, Block 22, thence north along said boundary 230 feet to the S.W. corner of Lot 1, Block 22, thence east 230 feet to a point 100 feet west of the east boundary line of block 22, thence north 379 ½ feet to the center of Second North Street, thence east 299 feet along the center of said street, thence south 379 ½ feet to the northern boundary line of Lot 3, Block 20, thence east 460 feet along said line to a point 100 feet west of the eastern boundary line of Block 20, thence north 330 feet to the north boundary line of Block 20, thence east 299 feet to a point 100 feet east of the N. W. corner of Lot 2, Block 19, thence south 2410 feet through Blocks 19 and 36 Rexburg, and Block 2 of Rigby Add. To a point 100 feet south of the

northern boundary line of line of Block 7 Rigby Add. And 100 feet east of western boundary line of said Block 7, thence west 364 feet thence north 529 feet to the S.E. corner of Lot 3, Block 1, Rigby Add. thence west 395 feet to a point 100 feet east of the west boundary of Block 1, Rigby Add. thence south 66 rods to the southern boundary of Block 8 Rigby Add. To a point 100 east from the western boundary of said block, thence west 299 feet, thence north 330 feet to the southern boundary line of lot 1, Block 50, Rexburg, thence west 230 feet to the southwest corner of lot 1, Block 50, Rexburg, thence north 230 feet to a point 100 feet south of the north boundary line of Block 50 thence west 319 ½ feet to the center of First East Street, thence south 989 feet along the center of said street, thence west 759 feet through center of Block 3, Parker Add. and Block 52, Rexburg, to the center of Central Ave. thence north 379 ½ feet along the center of said avenue to the center of Second South Street, thence west 149 ½ feet along the center of Second South Street, thence north 379 ½ feet to the south boundary line of Lot 1, Block 48, thence west 460 feet to a point 100 feet east of the western boundary of Block 48, thence west 299 feet along the center of said street, thence north 379 ½ feet to the south boundary line of Lot 1, Block 47, Rexburg, thence west 230 feet to the S.W. corner of Lot 1, Block 47, Rexburg, thence north 230 feet, thence west 529 feet to a point 100 feet west of the east boundary of Block 46, thence north 529 feet to the southern boundary line of Lot 1, Block 41, Rexburg, thence west 395 feet, thence north 230 feet to a point 100 feet south of the northern boundary of Block 41, thence west approximately 146 rods to the western limits of the City of Rexburg, along a line 100 feet south of the south side of Main Street, thence north 332 feet, thence east approximately 43 rods to the place of beginning containing the following blocks, lots and parcels of land platted and unplatted to-wit:

REXBURG PROPER

<u>BLOCK</u>	<u>LOT</u>	<u>DETAILED DESCRIPTION</u>
19	2 & 3	West 100 feet on Lot 2
20	1,2,3&4	East 100 feet on Lot 1 West 100 feet on Lot 2 All of Lots 3 & 4
21	1,2,3&4	East 100 feet of Lot 1 West 100 feet of Lot 2 All of Lots 3 & 4
22	1,3 & 4	East 100 feet of Lot 1 South 100 feet of Lot 3 All of Lot 4
23	3 & 4	South 100 feet of Lot 3 South 100 feet of Lot 4
24	4	Parcel of land 100 ft square in S.E. corner lot 4
28	3 & 4	South 100 feet of Lot 3 South 100 feet of Lot 4
29	3 & 4	South 200 feet of Lot 3 South 100 feet of Lot 4 and a Parcel of land in Lot 4 Described as follows; Beginning at a point 100 feet North of S.E. corner of Lot 4, Blk 29, thence north 230 feet, Thence west 100 feet, thence South 230 feet, thence east 100 feet, thence south 230 feet Thence east 100 feet to place Of beginning.
30	3 & 4	All
31	1, 3 & 4	East 100 feet of Lot 1 All of Lot 3

		All of Lot 4
32	1,2,3&4	All
33	1,2,3&4	All
34	1,2,3&4	All
35	1,2,3&4	All
36	2 & 3	West 100 feet of Lot 2 West 100 feet of Lot 3
37	1,2,3&4	All
38	1,2,3&4	All
39	1,2,3&4	All
40	1,2,3&4	All
41	1,2 & 4	All of Lot 1, East half & north 100 feet of the west ½ of lot 2 East 100 feet of Lot 4
42	1 & 2	North 100 feet of Lot 1 North 100 feet of Lot 2
43	1 & 2	North 100 feet of Lot 1 North 100 feet of Lot 2
46	1	Parcel of land 100 feet square In the N.E. corner of Lot 1, Blk 46
47	1,2, & 4	All of Lot 1 North 100 feet of Lot 2 East 100 feet of Lot 4
48	1,2,3&4	All of Lot 1 North 100 feet of Lot 2 East 100 feet of Lot 4
49	1,2,3&4	All
50	1,2, & 4	All of Lot 1 North 100 feet of Lot 2 East 100 feet of Lot 4
52	2	All

RIGBY ADDITION

2	1 & 10	West 100 feet of Lot 1 West 100 feet of Lot 10
1	1,2,3,4,5&8	West 100 feet of Lots 1,2,3,4,5 West 100 feet of Lot 8
7	1	Parcel 100 feet square in the N.W. corner of Lot 1
8	1,2,3,4,5,&10	West 100 fet of Lots 1,2,3,4,5 Parcel beginning with the N.E. Corner of Lot 10 thence west 165 feet, thence south 100 feet Thence east 165 feet, thence North 100 feet to place of Beginning

PARKER ADDITION

1	1	East 100 feet of Lot 1
2	1 & 2	All
3	1,2,3&4	All

UNPLOTTED LAND

Beginning at the N.E. corner of Section 25, Township 6 north of Range 39 east B.M. and running south 166 feet thence west approximately 40 rods to the western limits of the City of Rexburg, thence north 332 feet thence east approximately 40 rods, thence south 166 feet to place of beginning.

SECTION III – That it is the intention of the City Council of said city to construct in said district a gravity sewerage system that will efficiently sewer and drain the sewerage of the property of said district, including the cellars and basement on such property through conduits or pipes of cement or vitrified clay cemented together and laid in trenches beneath the earth's surface to and into a main trunk sewer line to be constructed by said city the estimate cost of which will more fully appear in the estimate now on file in the office of the City Clerk of the City of Rexburg together with the plans, outlines and specifications, which persons interested are referred to for more detailed information.

SECTION IV – That the costs of said improvements, if made, is estimated at One Hundred Thousand Dollars (100,000.00) or approximately two (\$2.00) dollars per front foot or linear on all property where single line of sewer serves both sides of street or alley four (\$4.00) per front foot or linear where single line of sewer serves only on one side of street or alley, and is to be assessed against all of the property included in the said sewer district in proposition to the benefits derived, provided however that all costs and expenses of the sewerage improvements made in the spaces formed by the conjunction or intersection of streets and avenues and in the spaces opposite alleys in the district ordered to be improved, shall be borne by the property abutting upon contiguous or contributing to said intersection, and shall be a lien upon said property the same as any other assessment against said property in said district.

SECTION V – That the said work, if the same shall be done, be in accordance with the plans and specifications prepared by Huddleson & Fiero of Salt Lake City, Utah which plans and specifications remain of file in the office of the City Clerk and are hereby referred to for greater certainty as to the particular method to be adopted for the improvement of said streets.

SECTION VI – That the intention of said City Council to create said district is hereby expressed and if the same shall hereafter be created and contracts let for the performance of the work, the said council may insert a clause in the Ordinance creating said district that such reasonable charge, as the said city shall designate as for overhead expense, including engineering services, the publication of resolutions, ordinances, and notices, clerical and legal services shall be included in and charged as a part of the costs of said improvements.

SECTION VII – That Sept 20 to the hour of 8 p.m. on Sept 26th in the City Hall of said City of Rexburg, Idaho, be, and the same is hereby fixed as the time and place at which protest against said proposal improvements may be filed in the office of the City Clerk of said City

SECTION VIII – That on said 26th day of Sept 1919 at said hour of eight o'clock p.m. the City Council of said City shall convene in special session for the purpose of hearing and considering any said protests as may be filed and take such action s may be deemed advisable relative to the creation of said improvement district.

SECTION IX - That the City Clerk, be, and is hereby ordered to cause publication of this ordinance to be made in the Rexburg Journal the official newspaper of said city, in at least two consecutive issues thereof before the time fixed in this ordinance for the filing of such protests and that the affidavit of such publication shall be filed on or before the time fixed for the filing of such protests.

SECTION X – That whereas an emergency is hereby and herewith declared to exist this ordinance shall therefore take effect and be in force from and after its passage approval and due publication.

PASSES AND APPROVED THIS 9TH DAY OF SEPTEMBER, A.D. 1919.

(SEAL)

Mayor

ATTEST: RAY D. GARNER

City Clerk

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO
COUNTY OF MADISON

I, Arthur Porter Jr. do solemnly swear that I am of lawful age and am the publisher of the Rexburg Journal, a weekly newspaper printed and published at Rexburg, Idaho and have personal knowledge of all advertisements published therein that the notice of which the annexed is a printed copy was published once a week in said newspaper as follows: Commencing with the issue of Friday the 12th day of September, 1919 and ending with the issue of Friday the 19th day of September, 1919 in the regular and entire issue of every number of said paper in said issues that the notice was published in the newspaper proper and not in a supplement.

ARTHUR PORTER JR.

Subscribed and sworn to before me a Notary Public in and for said county and state on the 26th day of September A.D. 1919.

L. TOM PERRY
Notary Public

My Commission Expires June 15th 1923.