



**ORDINANCE NO. 244**

**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 SEWERAGE SYSTEM NOW BEING CONSTRUCTED IN LOCAL SEWERAGE IMPROVEMENT DISTRICT NO. 1 OF THE 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 THE 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 herein after described.

**AND WHEREAS;** 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 or 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 1:** 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 of land included within the boundary lines of said local sewerage improvement district as herein after designated by the City Council, other than that portion occupied by highways, streets and alleys.

**SECTION 2:** That it is the intention of the City Council to fix the following boundary lines for the said local sewerage improvement district, to-wit:

Commencing 100 feet East of the northwest corner of Block 7, of the Rigby Addition to the City of Rexburg, Madison County, Idaho; thence south 1419 feet along a line 100 feet east of the east side of Third East Street to the south boundary of Block 10 of the Rigby Addition; thence west 1518 feet to a point 100 feet east of the southwest corner of Block 4 of the Parker Addition; thence south 759 feet to 4<sup>th</sup> South Street; thence west 299 feet to a point 100 feet west of the southeast corner of Block 6 of the Parker Addition to the City of Rexburg; thence north 1089 feet to the north line of Lot 5, Block 3 of the Parker Addition; this being the boundary line of Local Sewerage Improvement District No. 1: thence following said boundary line as follows: 149 feet east; thence north 989 feet; thence east 379 ½ feet; thence south 330 feet to the southern boundary line of block 50; thence east 299 feet; thence north 66 roads to the southern boundary line of Lot 1, Block 1 of the Rigby Addition; thence east 395 feet; thence south 429 feet to the south edge of 1<sup>st</sup> South Street; thence leaving said boundary of Local Sewerage Improvement District No. 1, east 364 feet to the place of beginning, containing the following blocks, lots and parcels of land, to-wit:

<b>BLOCK</b>	<b>LOTS</b>	<b>DETAILED DESCRIPTION</b>
<b>Parker Addition</b>		
<b>1</b>	1 and 2	All of 2, west 230 feet of 1
<b>3</b>	5 and 8	East 100 feet of 5 East 100 feet of 8
<b>4</b>	1 and 8 (incl)	All
<b>5</b>	2, 3, 6 and 7	West 100 feet of 2 West 100 feet of 3 West 100 feet of 6 West 100 feet of 7
<b>6</b>	1, 4, 5 and 8	East 100 feet of 1 East 100 feet of 4 East 100 feet of 5 East 100 feet of 8
<b>Rigby Addition</b>		
<b>1</b>	6, 7, 8	All of 6 All of 7 East 165 feet of 8
<b>7</b>	1 to 6 (incl)	W 100 feet of 1 to 6 inclusive
<b>8</b>	1 to 10 (incl)	East 230 feet of lots 1 to 5 incl. All of lots 6 to 10 inclusive
<b>9</b>	All	All of Block 9
<b>10</b>	1 to 5 (incl)	West 100 feet of Lots 1 to 5 inclusive
<b>Rexburg</b>		
<b>50</b>	2, 3 and 4	South 230 feet of Lot 2 All of Lot 3 West 230 feet of Lot 4

Together with a certain portion of the City contiguous to Third West Street between 1<sup>st</sup> North and 1<sup>st</sup> South Streets, and described as follows, to-wit:

A tract of land commencing One hundred feet west of the southeast corner of Lot 1, Block 29, Rexburg, Madison County, Idaho, as per the recorded plat thereof, thence east 299 feet, thence north 330 feet through block 30, 100 feet east of the boundary line of said Block 30; thence west 299 feet; thence south 330 feet to place of beginning, containing the following blocks, lots and parts of lots, to-wit:

<b>BLOCK</b>	<b>LOT</b>	<b>DETAILED DESCRIPTION</b>
<b>39</b>	1	East 100 feet of Lot 1
<b>30</b>	2	West 100 feet of Lot 2

Also a tract of land in Blocks 41 and 42 described as follows, to –wit: Commencing at a point 100 feet east of the west boundary of Block 41 on the boundary line of Local Sewerage Improvement District No. 1 of Rexburg, Idaho; thence south to the O.S.L. Company’s right of way; thence along said right of way in a southwesterly direction to the south line of the intersection of the said right of way and the southern boundary of Block 42; thence west along said boundary to a point 100 feet west of the southeast corner of Block 42; thence north 560 feet to the boundary line of Local Sewerage improvement District No. 1 of said city; thence east 299 feet to the 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 sewage of the property of said district, including the cellars and basements 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 the sewerage system now being constructed in Local Sewerage Improvement District No. 1 of said City and to establish house connections; 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 fore more detailed information.

**SECTION IV:** That the costs of said improvements, if made in estimated at Sixty Thousand \$60,000.00 Dollars or approximately \$2.25 per front foot on all property where single line of sewer serves both sides of street or alley and \$4.25 per front foot where single line of sewer serves only one side of street or alley and is to be assessed against all of the property included in the said sewer district in proportion 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 contributory 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 and Fiero of Salt Lake City, Utah associated with C.A. Sunberg of Rexburg, Idaho, which plans and specifications remain on 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 City 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, publication or resolutions, ordinances and notices, clerical and legal services, shall be included in and charged as a part of the cost of said improvements.

**SECTION VIII:** That March 30<sup>th</sup> to April 8<sup>th</sup>, 1920, inclusive, at the hour of 8 o'clock PM in the City Hall of said City of Rexburg, Idaho, be, and the same is hereby fixed as the time and place at which protests against said proposal improvements may be filed in the office of the City Clerk of said City.

**SECTION VIII:** That on said 8<sup>th</sup> day of April, 1920, at said house of eight o'clock PM, the City Council of said City shall convene in special session for the purpose of hearing and considering any such protests as may be filed and take such action as may be deemed advisable relative to the creation of said improvement district.

**SECTION IX:** That the City Clerk be, and he 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 in file 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.

PASSED: This 17<sup>th</sup> day of March, A.D. 1920

APPROVED: This 17<sup>th</sup> day of March, A.D. 1920

ATTEST:

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John L. Ballif, Jr., Mayor

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Ray D. Garner, City Clerk